



VILLAGE OF BENSENVILLE

Village Board
President
Frank Soto

Trustees
Morris Bartlett
Robert "Bob" Jarecki
Martin O'Connell III
Oronzo Peconio
JoEllen Ridder
Henry Wesseler

Village Manager
Michael Cassady

Village of Bensenville, Illinois BOARD OF TRUSTEES MEETING AGENDA

6:30 P.M. Tuesday, February 14, 2012

Bensenville Village Hall, 12 S. Center Street, Bensenville IL 60106

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PUBLIC COMMENT (3 minutes per person with a 30 minute meeting limitation)
- V. APPROVAL OF MINUTES
January 24, 2012 Board of Trustees
- VI. WARRANT – February 14, 2012 #12/ 03 - \$858,437.22

VII. **CONSENT AGENDA – CONSIDERATION OF AN “OMNIBUS VOTE”**

1. *Resolution Appointing Freedom of Information Act Officer in Accordance with Public Act 96-0542*

VIII. **REPORTS OF STANDING COMMITTEES**

- A. Community and Economic Development Committee
 1. *Ordinance Amending the Sign Code to Allow for Electronic Message Signs as a Conditional Use in the Village*
 2. *Ordinance Approving an Amendment to an Existing Conditional Use Permit for an Accessory Structure (Ordinance No. 30-2010) at 600 N. Thomas Drive, Bensenville, Illinois*
- B. Infrastructure and Environment Committee – No Report
- C. Administration, Finance and Legislation Committee – No Report
- D. Public Safety Committee – No Report
- E. Recreation and Community Building Committee – No Report
- F. Technology Committee – No Report

IX. INFORMATION ITEMS

A. PRESIDENT'S REMARKS

1. *Proclamation – In Honor of Richard Cuvala*

B. VILLAGE MANAGER'S REPORT

C. VILLAGE ATTORNEY'S REPORT

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

XII. EXECUTIVE SESSION

A. Review of Executive Session Minutes [5 ILCS 120/2 (C)(21)]

B. Personnel [5 ILCS 120/2(C)(1)]

C. Collective Bargaining [5 ILCS 120/2 (C)(2)]

D. Property Acquisition [5 ILCS 120/2(C)(5)]

E. Litigation [5 ILCS 120/2(C)(11)]

XIII. MATTERS REFERRED FROM EXECUTIVE SESSION

XIV. ADJOURNMENT

Village of Bensenville
Board Room
12 South Center Street
Bensenville, Illinois 60106
Counties of DuPage and Cook

MINUTES OF THE VILLAGE BOARD OF TRUSTEES MEETING
January 24, 2012

CALL TO ORDER: 1. President Soto called the meeting to order at 6:36 p.m.

ROLL CALL: 2. Upon roll call by Acting Village Clerk, Corey Williamsen, the following Board Members were present:

Bartlett, Jarecki, O'Connell, Peconio, Ridder, Wesseler

Absent: None

A quorum was present.

President Soto requested to move the Presidential Remarks to the beginning of the meeting. There were no objections from the Village Board.

**PRESIDENT'S
REMARKS:**

President Soto read a proclamation into the record in recognition of the Teamster Horsemen Motorcycle Association, Chapter 25.

PUBLIC COMMENT:

Jim Kissane – 4N340 Briar Lane

Mr. Kissane addressed the Village Board in regards to the proposed ordinance amending Police towing within the Village of Bensenville. Mr. Kissane also addressed the Village Board for his reasoning in moving his towing company out of Bensenville.

**APPROVAL OF
MINUTES:**

3. The January 10, 2012 minutes were presented.

Motion:

Trustee O'Connell made a motion to approve the minutes as presented. Trustee Jarecki seconded the motion.

All were in favor. Motion carried.

Minutes of the Village Board Meeting
January 24, 2012 Page 2

WARRANT NO.

12/02: 4. President Soto presented **Warrant No. 12/02** in the amount of \$1,166,963.19.

Motion: Trustee Peconio made a motion to approve the warrant as presented. Trustee Ridder seconded the motion.

ROLL CALL: AYES: Bartlett, Jarecki, O'Connell, Peconio, Ridder, Wesseler

NAYS: None

All were in favor. Motion carried.

Motion: 7. Trustee Peconio made a motion to table Consent Agenda Items 9 and 10 due to pending litigations. Trustee Ridder seconded the motion.

All were in favor. Motion carried.

Motion: 8. Trustee Wesseler made a motion to set the Consent Agenda as amended. Trustee O'Connell seconded the motion.

All were in favor. Motion carried.

**Ordinance No
1-2012:**

Ordinance Prohibiting the Use of Ground Water as a Potable Water Supply By the Installation of Use of Potable Water Supply Wells or By Any Other Method Within a 400 Foot Radius of 721 East Jefferson Street. (Consent Agenda)

**Resolution No
R-1-2012:**

Resolution of a Highway Authority Agreement for 721 East Jefferson Street. (Consent Agenda)

**Resolution No
R-2-2012:**

Resolution Authorizing the Purchase of a Biosolids Dewatering Building and Associated Equipment at the Wastewater Treatment Facility from Synagro Central LLC in the Amount of \$50,000. (Consent Agenda)

**Resolution No
R-3-2012:**

Resolution of a Purchase Order and a 12-Month Contract Extension for Dial-A-Bus Transportation Services from First Transit, Inc. in the Amount of \$292,866. (Consent Agenda)

Resolution No
R-4-2012:

Resolution Authorizing the Execution of an Agreement and Purchase Order with Arena Fence Company for a Chain Link Fence at Redmond Park. (Consent Agenda)

Resolution No
R-5-2012:

Resolution Authorizing the Execution of an Agreement and Purchase Order with Baum Sign, Inc. for a New Scoreboard at Redmond Park. (Consent Agenda)

Ordinance No
2-2012:

Ordinance Amending the Bensenville Village Code Title 3, Chapter 3, Liquor Regulation – Reducing the Number of Class A Liquor Licenses. (Consent Agenda)

Resolution No
R-6-2012:

Resolution Waiving Competitive Bidding and Authorizing the Execution of a Service Agreement to United Water Environmental Services for the operation, Maintenance, and Management Services of the Wastewater Treatment Facility for the Village of Bensenville. (Consent Agenda)

Motion:

Trustee Peconio made a motion to approve the Consent Agenda as presented. Trustee Bartlett seconded the motion.

ROLL CALL:

AYES: Bartlett, Jarecki, O'Connell, Peconio, Ridder, Wesseler

NAYS: None

All were in favor. Motion carried.

Resolution No
R-7-2012:

9. President Soto gave the summarization of the action contemplated in **Resolution No. R-7-2012 entitled A Resolution the Village Manager to Execute a Letter of Engagement for Consulting Services to Assist in the Village Neighborhood Stabilization and Foreclosure Advocacy Programs.**

Motion:

Trustee Wesseler made a motion to approve the resolution as presented. Trustee O'Connell seconded the motion.

Trustee Peconio requested Village Residents be offered to join the Committee.

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Trustee Wesseler raised concern with the cost of the contract and asked Mr. Wassinger for an explanation. Trustee Wesseler also asked Village Attorney, Pat Bond, if the Village was in violation for entering into the proposed agreement with Mr. Wassinger and not offering it to other Realtors in Bensenville. Mr. Wassinger stated there were additional resources and programs in the proposed agreement, causing the amount originally proposed to increase. Mr. Bond stated the Village complied with the agreement and no issues will arise.

ROLL CALL: AYES: Bartlett, Jarecki, O'Connell, Peconio, Ridder, Wesseler

NAYS: None

All were in favor. Motion carried.

**Ordinance No
3-2012:**

10. President Soto gave the summarization of the action contemplated in **Ordinance No. 3-2012** entitled **An Ordinance Amending and Relating Title 5, Chapter 7 of the Village Code for Motor Vehicle Towing.**

Motion: Trustee Wesseler made a motion to adopt the ordinance as presented. Trustee Ridder seconded the motion.

ROLL CALL: AYES: Bartlett, Jarecki, O'Connell, Peconio, Ridder, Wesseler

NAYS: None

All were in favor. Motion carried.

Trustee Jarecki asked for a six month review of the new process. There were no objections from the Village Board.

**MANAGERS
REPORT:**

Village Manager, Michael Cassady, presented to the Village Board the 2012 Strategic Plan.

Motion: Trustee Ridder made a motion to adopt the ordinance as presented. Trustee O'Connell seconded the motion.

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ROLL CALL: AYES: Bartlett, Jarecki, O'Connell, Peconio, Ridder, Wesseler

NAYS: None

All were in favor. Motion carried.

Mr. Cassady announced Village Staff will be participating the second annual Special Olympics Charity Basketball game being held on February 8, 2012 at Fenton High School.

**VILLAGE ATTORNEY'S
REPORT:**

Village Attorney, Pat Bond, had no report.

**UNFINISHED
BUSINESS:**

There was no unfinished business.

NEW BUSINESS:

Trustee Wesseler invited all Residents to the American Legions event being held on Saturday, January 28, 2012.

ADJOURNMENT:

Trustee Peconio made a motion to adjourn the meeting. Trustee Bartlett seconded the motion

All were in favor.

Motion carried.

President Soto adjourned the meeting at 7:53 p.m.

Corey Williamsen
Acting Village Clerk

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville this ____ day, February, 2012

TYPE: Resolution **SUBMITTED BY:** Corey Williamsen **DATE:** February 14, 2012

DESCRIPTION: Resolution Appointing Freedom of Information Act Officer in Accordance with Public Act 96-0542.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input checked="" type="checkbox"/>	Financially Sound Village	<input type="checkbox"/>	Enrich the lives of Residents
<input checked="" type="checkbox"/>	Quality Customer Oriented Services	<input type="checkbox"/>	Major Business/Corporate Center
	Safe and Beautiful Village	<input type="checkbox"/>	Vibrant Major Corridors

COMMITTEE ACTION: Due to timing and the ministerial nature of the action this matter was not presented to the Administration, Finance & legislation Committee for review and recommendation.

DATE: N/A

BACKGROUND:

Public Act 96-0542, which went into effect January 1, 2010, amended the Freedom of Information Act (FOIA) to require that a public body designate one or more officials or employees to act as the body's Freedom of Information officer. On January 12, 2010 the Village Board approved Resolution 1-2010 appointing Village Clerk, JoEllen Ridder, as FOIA Officer and Deputy Village Clerk, Corey Williamsen, as Deputy FOIA Officer.

KEY ISSUES:

Since the approval of the above referenced Resolution, JoEllen Ridder vacated her position as Village Clerk and took an Oath of Office to serve as Village Trustee on April 29, 2011. Since this time, Deputy Village Clerk, Corey Williamsen, has been serving as the Deputy FOIA Officer. It has been recommended by the Village Attorney to appoint a FOIA Officer to avoid any issue with having only a Deputy FOIA Officer, but no FOIA Officer.

ALTERNATIVES:

- Approve the Resolution
- Discretion of the Board

RECOMMENDATION:

Staff recommends approval of the Resolution appointing Corey Williamsen as FOIA Officer.

BUDGET IMPACT:

No impacts in that current officers/staff are being recommended for designation.

ACTION REQUIRED:

Board action on the resolution.

RESOLUTION NO. _____

**RESOLUTION APPOINTING FREEDOM OF INFORMATION ACT
OFFICER IN ACCORDANCE WITH PUBLIC ACT 96-0542**

WHEREAS, the Village of Bensenville (“Village”) is a body politic and corporate, organized and existing pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the Village is a “public body” pursuant to section 2 (a) of the Freedom of Information Act (“FOIA”), 5 ILCS 140/2 (a), and, accordingly subject to the provision of the Act; and

WHEREAS, on January 1, 2010, Section 10 of Public Act 96-0542 amended the FOIA to require that a public body designate one or more officials or employees to act as the body’s Freedom of Information officer; and

WHEREAS, on January 12, 2010, The Village Board designated Village Clerk, JoEllen Ridder as Freedom of Information Officer and designated Deputy Village Clerk, Corey Williamsen, as Deputy Freedom of Information Officer; and

WHEREAS, on April 29, 2011 JoEllen Ridder took an Oath of Office as Village Trustee, vacating her position as Village Clerk; and

WHEREAS, on June 14, 2011 Corey Williamsen was appointed as Acting Village Clerk; and

WHEREAS, Acting Village Clerk, Corey Williamsen, has heretofore administrated all FOIA requests and it is appropriate that he should continue to do so; and

WHEREAS, accordingly, it is proper that Corey Williamsen be designated respectfully as Freedom of Information Officer of the Village,

**NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD
OF TRUSTEES OF THE VILLAGE OF BENSENVILLE, DUPAGE AND COOL
COUNITES, ILLINOIS, AS FOLLOWS:**

SECTION 1. The recitals set above are incorporated herein and made a part hereof.

SECTION 2. The Acting Village Clerk is hereby designated and appointed Freedom of Information Officer for the Village to exercise all power and to carry out all duties of that office as now provided for or as may be hereafter provided for.

SECTION 3. This Resolution shall take effect immediately upon adoption.

SECTION 4. All Resolutions, or parts thereof, in conflict with the provisions of this Resolution are, to the extent of such conflict, hereby rejected.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, Illinois, this _____ day of February 2012.

APPROVED:

Frank Soto, Village President

ATTEST:

Corey Williamson, Acting Village Clerk

AYES:_____

NAYS:_____

ABSENT:_____

TYPE: Ordinance

SUBMITTED BY: S. Viger

DATE: 02.07.12

DESCRIPTION:

Consider an Ordinance approving a Text Amendment to regulate Electronic Message Center (EMC) signs as Conditional Uses in all nonresidential districts and in residential districts for institutional uses only.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/>	Financially Sound Village	<input type="checkbox"/>	Enrich the lives of Residents
<input type="checkbox"/>	Quality Customer Oriented Services	<input checked="" type="checkbox"/>	Major Business/Corporate Center
<input checked="" type="checkbox"/>	Safe and Beautiful Village	<input checked="" type="checkbox"/>	Vibrant Major Corridors

COMMITTEE ACTION: –CEDC (Unanimous Approval)

DATE: 01.17.12

BACKGROUND: An Electronic Message Center (EMC) Sign Text Amendment was identified as a High Priority in the Village's 2011 Policy Agenda. The Community Development Commission has spent a number of meetings reviewing the issue. The staff has drafted a Text Amendment to allow EMCs in all Zoning Districts after issuance of a Conditional Use Permit. At one time electronic message signs were allowed in the Village until they were prohibited by ordinance amendments a number of years ago. Currently there are two such signs in the Village, the first at Fenton High School (RS-4 & RS-5 Districts) and the second at O'Hare Auto Body on W. Irving Park Road (C-2 Highway Commercial District).

KEY ISSUES: Our goal is to provide the opportunity for local business and institutions to display up to date advertising while at the same time enhancing the aesthetic of the community and reducing the number of temporary signs that can cause visual blight. Care needs to be taken in analyzing potential impacts on residential areas, so the Conditional Use Permit requirement will allow the public adequate review and comment opportunities and the Village the ability to place restrictions on the EMCs.

The draft Ordinance allows EMCs as Conditional Uses in all Zoning Districts as monument signs meeting the various requirements of the Districts, up to 50% of the overall sign can be an EMC, other requirements include "Amber Alert" capabilities, static color display only (not full video), nighttime dimming, ten second "dwell time," and sequencing of messages is acceptable.

ALTERNATIVES:

1. Committee discretion.
2. Approve the text amendment
3. Deny the text amendment
4. Remand the request back to the Community Development Commission.

RECOMMENDATION: Staff respectfully recommends approval of the text amendment. At their 01.09.12 meeting the CDC unanimously recommended approval (6 – 0). On 01.17.12 the CEDC also unanimously approved the Text Amendment.

BUDGET IMPACT: N/A

ACTION REQUIRED: Approval of the attached Text Amendment Ordinance authorizing Electronic Message Center Signs.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE SIGN CODE
TO ALLOW FOR ELECTRONIC MESSAGE SIGNS
AS A CONDITIONAL USE IN THE VILLAGE**

WHEREAS, the Village of Bensenville (hereinafter the “Village”) is a duly organized and existing Illinois municipality pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, pursuant to powers granted under the Illinois Municipal Code, the Village has adopted provisions allowing for signage within the various zoning districts located within the Village, all of which are compiled and set forth in the *BENSENVILLE VILLAGE CODE* (hereinafter “Code”) at Title 10, Zoning Regulations, Chapter 18, Sign Regulations; and

WHEREAS, certain property owners in the Village have requested permits to allow electronic message signs for their properties; and

WHEREAS, to provide for discussion on the issue of electronic message center signage, Village staff filed an application on behalf of the Village to allow for a text amendment to the Zoning Regulations, and specifically to the Sign Regulations set forth in Chapter 18 to allow for electronic message center signs to be considered as a conditional use within the Village; and

WHEREAS, on November 14, 2011, the Community Development Commission held a public hearing on the proposed text amendment, following the necessary publication of said text amendment as required by law; and

WHEREAS, following said hearing, the Community Development Commission failed to approve the text amendment; and

WHEREAS, prior to issuing any recommendation on the text amendment to the Village Board, the Community Development Commission properly undertook reconsideration of the text amendment on January 9, 2012 to allow continued discussion of the proposed, modified amendments; and

WHEREAS, a result of the continued discussion of the amended text amendment, the Community Development Commission voted unanimously to approve the text amendment and to recommend to the Village Board of the Village approval of this text amendment under CDC Case No. 2011-09; and

WHEREAS, the Economic and Community Development Committee of the Village Board has reviewed the matter herein and has recommended approval hereof to the Village Board of the Village; and

WHEREAS, the Village Board of the Village has reviewed the matter herein and has determined that the same is in the best interests of the Village, and for this purpose adopts the findings of fact as set forth by the Community Development Commission, and adopted by the Economic and Community Development Committee upon approval to the corporate authorities of the Village, as such are attached hereto and incorporated herein as Exhibit "A."

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

SECTION ONE: The recitals set forth above are incorporated herein and made a part hereof.

SECTION TWO: That the Zoning Code as compiled as part of the Village Code, Title 10 Zoning Regulations, Chapter 18, Sign Regulations, be amended as set forth herein to allow for electronic message center signs as a conditional use in the Village, by amending the Sign Code as follows:

TITLE 10 ZONING REGULATIONS

Chapter 18 Sign Regulations

10-18-4: DEFINITIONS:

...

B. Definitions:

...

SIGN, ELECTRONIC MESSAGE CENTER: A sign with a fixed or changing message composed of a series of lights that may be changed through electronic means. Signs with alphabetic, pictographic, or symbolic information content can be changed or altered on a fixed display screen composed of electronically illuminated segments. Electronic messages must instantaneously change without transitions or off time at a frequency of no more than once every ten (10) seconds; such signs shall not be animated, flashing or scrolling or contain video copy.

...

10-18-5: PROHIBITED SIGNS:

A. It shall be unlawful to erect or maintain the following signs:

...

16. Except for signs defined herein as “signs, electronic message center,” signs that project video, move, or give the appearance of movement, including, but not limited to, signs that flutter, undulate, swing, rotate, oscillate, or otherwise move by natural or artificial means, and signs containing flashing or running lights giving the illusion of movement.

...

17. Signs that flash messages, project video images, including electronic reader boards and signs projected on a building wall or other surface.

10-18-7.1: ELECTRONIC MESSAGE CENTER SIGNS

All electronic message center signs must comply with general sign regulations as set forth herein, as well as with the following standards (in the event of conflict, the standards for electronic message center signs shall prevail for electronic message center signs):

A. Number permitted: One Electronic Message Center sign may be incorporated into any freestanding sign on a property, provided that such sign is otherwise allowed within the underlying Zoning District by application for a conditional use permit, and subject to the following conditions:

1. Electronic Message Center signs must be free-standing; wall mounted electronic message signs are prohibited.

2. No more than fifty percent (50%) of the sign area is allocated to the electronic message portion of the sign.

3. Level Of Illumination: In no event shall the illumination of any sign, exceed more than four foot-candle when measured at any property line abutting the subject property.

4. Signage may be full color.

5. Flashing messages are prohibited.

6. Displays shall be static – “not moving.”

7. The dwell time for each message must be a minimum of 10 seconds per IDOT standards.

8. Displays shall be electronically configured to allow for display of emergency over-ride messages.

9. Displays “go dark” upon malfunction.

B. Electronic Message Center Signs shall be considered a conditional use all Zoning Districts with the following conditions:

1. All Residential Districts, but only for governmental and/or institutional use as institutions are defined in this Title, Chapter 2, Section 10-2-3 Definitions. As a conditional use, the Electronic Message Center sign must conform to the following sections contained in this Title: Chapter 3, Administration and Enforcement, Section 10-3-4 Conditional Use; and Chapter 18, Sign Regulations, Section 10-18-9 Residential Zoning Districts.

2. C-1 Neighborhood Commercial and C-3 Downtown Commercial, C-2 Highway Commercial and C-4 Regional Designation PUD Commercial; O-1 Neighborhood Office, O-2 Office Center; I-1 Office/Research/Assembly Industrial; I-2 Light Industrial; I-3 Heavy Industrial, and I-4 General Industrial Zoning Districts. As a conditional use, the Electronic Message Center sign must conform to the following section as contained in this Title, Chapter 3, Administration and Enforcement, Section 10-3-4 Conditional Use; and Chapter 18, Sign Regulations, Sections (as applicable): 10-18-10 C-1 and C-3 Districts; 10-18-11 C-2 and C-4 Districts, and 10-18-12 O-1, O-2, I-1, I-2, I-3 and I-4 Zoning Districts.

C. Temporary Banner Signs shall be prohibited on properties that have secured a Conditional Use Permit for an Electronic Message Center Sign.

D. Electronic Message Center Signs shall require a Sign Permit, on terms as set forth in this Title and Chapter at Section 10-18-13.

10-18-7: GENERAL SIGN STANDARDS:

...

SECTION THREE: That all Ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, this 14th day of February, 2012.

APPROVED:

Frank Soto, Village President

ATTEST:

Corey Williamsen, Acting Village Clerk

AYES: _____

NAYES: _____

ABSENT _____

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COMMUNITY DEVELOPMENT COMMISSION

STAFF REPORT

HEARING DATE:

January 10, 2012

CDC CASE #:

2011 - 09

APPLICANT:

Village of Bensenville

DISCUSSION ITEM:

A text amendment to allow electronic message signs (EMCs) in all zoning districts a Conditional Use.

SUMMARY:

After a workshop discussion on the possibility of allowing Electronic Message Center Signs (EMCs) the staff has drafted a Text Amendment to allow EMCs in all Zoning Districts after the issuance of a Conditional Use Permit. The CDC conducted a Public Hearing on 11.14.11, a Motion to recommend approval of the text amendment failed to pass. Prior to the item being reviewed by the Village Board, the CDC passed a Motion to Reconsider at its 12.14.11 meeting. Staff has conducted additional research and has made several amendments to the proposal and respectfully resubmits the text amendment for public review, discussion and consideration.

Electronic message signs were allowed in the Village until they were prohibited by ordinance amendments a number of years ago.

Currently there are two such signs in the Village, the first at Fenton High School (RS-4 & RS-5 Districts) and the second at O'Hare Auto Body on W. Irving Park Road (C-2 Highway Commercial District).

PUBLIC NOTICE:

A Legal Notice was published in the Daily Herald on Saturday October 29, 2011. A Certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development department during regular business hours.

DISCUSSION:

The Village has received a request to install such a sign at Perk's Bar & Grill located at 801 N. Rte. 83 (I-2 Light Industrial District) and at least one other business along Irving Park Road (C-2 Highway Commercial District) has expressed an interest in obtaining an electronic message board sign.

Issues to be examined include:

1. Where should they be allowed?

Staff recommends EMCs as Conditional Uses in non-residential districts (Office, Commercial & Industrial) and in residential districts but only for "institutional" uses such as schools, libraries, parks and house of worship.

2. Should there be consideration to proximity to residential neighborhoods?

Such a requirement could significantly reduce the possible locations for such sign age as most of our commercial corridors have residential properties nearby. By requiring a Public Hearing trough the Conditional Use Permit process any potential adverse effects on residential properties can be reviewed. If approved for an institutional use in a residential district the separation criteria would be contradictory.

3. Should there be a "curfew" on EMC's illumination?

Some Ordinances require that EMCs go dark at a specific time of night for example 11:00PM or when the place of business is closed. Staff has not suggested such a universal "curfew" but rather suggests that the issue be discussed on an individual basis.

4. Should full video be allowed or simply a changing message?

As we enter into a new phase of sign regulations, it may be most appropriate to move slowly and begin with electronic message center (EMC) signs while continuing to prohibit full video displays.

The Commission was supportive of the continued prohibition of video displays.

5. We need to determine the "dwell time" or the time an individual image remains on the screen.

Generally eight to ten seconds is the norm, although some codes require significantly longer periods (a full minute or even up to one message per day). The ten second dwell time was supported by CDC and is line with IDOT regulations.

A clarification to the proposal would allow for "sequencing" of messages while maintaining the ten second dwell time. Sequencing as the name implies allows for a longer message to be displayed over several continuous static messages. ("Congratulations"..."Bensenville Bandits"...Pop Warner Champions").

Among the prohibited signs in the current zoning ordinance are:

16. Signs that move, or give the appearance of movement, including, but not limited to, signs that flutter, undulate, swing, rotate, oscillate, or otherwise move by natural or artificial means, and signs containing flashing or running lights giving the illusion of movement.

17. Signs that flash messages, project video images, including electronic reader boards and signs projected on a building wall or other surface.

The text amendment proposes to combine these sections to carve out an exception for Electronic Message Center signs.

After review of various Ordinances staff has developed the draft text amendment that includes the following provisions:

1. EMCs shall be allowed as Conditional Uses in all non-residential Zoning Districts.
2. EMCs should be allowed as Conditional Uses in all single and multiple-family residential districts for Institutional Uses only. The Current Zoning Ordinance limits public signs in residential districts to 16 square feet. Staff anticipates amending this provision in the future, until that time staff believes that the sign of these signs can be determined through the Conditional Use Permit process.
3. EMCs shall only be considered for freestanding signs.
4. Wall mounted EMCs shall be prohibited. There was commentary regarding this point at the earlier Public Hearing. The staff has not amended its recommendation.
5. EMC shall be allowed to occupy 50% of the sign area.

6. Full color displays are allowable. Initially the staff recommendation was for white or amber images only, additional research and commentary from the public and CDC has resulted in staff amending its position,
7. Duration ("dwell time") shall be no less than 10 seconds.
8. Sequencing of messages is allowable.
9. No flashing.
10. EMC displays shall be static/nonmoving.
11. EMC illumination shall be 40 foot-candles
12. EMCs shall be configured with emergency override messages (Amber Alerts etc.). This assists in meeting the Strategic Goal of a Safe and Beautiful Village.
13. EMC shall "go dark" upon a malfunction.
14. EMCs shall meet the standards for the district in which it is located (height, setbacks etc.).
15. There shall be a prohibition of "temporary banner signs" for properties that have an EMC. One of the Village's Strategic Goals is for Vibrant Major Corridors; staff sees the proliferation of temporary signage as a hindrance to achieving this Strategic Goal. Allowing EMCs can assist us in achieving Vibrant Major Corridors.

RECOMMENDATION:

Staff respectfully recommends that the text amendment be approved.

Respectfully Submitted
Community & Economic
Development Department

Village of Bensenville
Board Room
12 South Center Street
DuPage and Cook Counties
Bensenville, IL, 60106

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

November 14, 2011

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 7:00 p.m.

ROLL CALL : Upon roll call, the following Commissioners were present:
Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon
Absent: None
A quorum was present.

Public Hearing: CDC Case Number 2011-09
Petitioner: Village of Bensenville
Request: Text Amendment to allow Electronic Message Center Signs as a Conditional Use.

The Public Hearing was opened at 7:57 p.m. Scott Viger was present and sworn in by Chairman Moruzzi. Director of Community and Economic Development, Scott Viger, stated the notice for this public hearing was published in the Daily Herald on October 29, 2011. A certified copy of the public hearing notice will be kept in the case file. A copy of the public notice is in the Staff report. Mr. Viger stated Village Staff is in favor of allowing electronic message center signs in town with conditions set forth in certain locations. Mr. Viger stated the proposed text amendment was compared to surrounding communities and their regulations.

Mr. Viger stated there has been a significant amount of interest from business in town in regards to obtaining an electronic message center sign. Mr. Viger stated initially the proposed draft would only allow electronic message center signs in the various non-residential districts. Mr. Viger stated after discussion with the Commission in a prior workshop meeting, it was determined to allow electronic message center signs in residential districts for “institutional” uses such as schools, libraries, parks and houses of worship. Mr. Viger stated if the proposed text amendment were to pass, Village Staff would recommend to prohibit full video displays. Mr. Viger stated Staff has proposed a dwell time of ten seconds between messages. Village Staff recommends approval of the text amendment with the following conditions:

- 1) Electronic Message Center Signs shall be allowed as conditional uses in all non-residential zoning districts.
- 2) Electronic Message Center Signs should be allowed as conditional uses in all single and multiple-family residential districts for institutional uses only.
- 3) Electronic Message Center Signs shall only be considered for freestanding signs.
- 4) Wall mounted Electronic Message Center Signs shall be prohibited.
- 5) Electronic Message Center Signs will be allowed to occupy 50% of the sign area.
- 6) Electronic Message Center Signs will be required to use white or amber LED or disks.
- 7) Electronic Message Center Signs will not be allowed to flash.
- 8) Electronic Message Center Sign displays shall be static/nonmoving.
- 9) Electronic Message Center Signs shall be configured with emergency override messages. (Amber alerts, etc.).
- 10) Electronic Message Center Signs shall “go dark” upon a malfunction.
- 11) Electronic Message Center Signs duration shall be no less than 10 seconds
- 12) Electronic Message Center Signs shall meet the standards for the district in which it is located.
- 13) There shall be a prohibition of temporary banner signs for properties that have an Electronic Message Center Sign.

Commissioner Janowiak asked Staff if the two existing electronic message center signs in town will have to abide by the proposed text amendment. Mr. Viger stated if work was to be done to either sign, yes. Since the signs are already in place, the text amendment would not affect the existing signs. Commissioner Pisano asked if there should be a “go dark time” inserted into the proposed text

amendment. Mr. Viger stated staff took the matter into consideration but did not feel it should be inserted into the text amendment due to the fact each proposed electronic message center sign will be required to obtain a conditional use permit and that issue can be attended to on a case by case matter.

Commissioner Weldon asked if staff has considered large existing signs, such as Perk's Bar and Grill that will have a large display surface. Mr. Viger had stated it was ultimately up to the Village Board to decide the regulations of the percentage allowed for electronic display. Chairman Moruzzi asked if there was any member of the Public that would like to give testimony.

Public Comment:

Trustee Jarecki:

Trustee Jarecki was present and sworn in by Chairman Moruzzi. Trustee Jarecki asked the Commissioners to consider allowing electronic message center signs for wall mounted establishments throughout town.

Harris Seltzer:

Mr. Seltzer was present and sworn in by Chairman Moruzzi. Mr. Seltzer asked if there were any plans to regulate the brightness of the messages and the display content of the messages. Mr. Viger stated that Village Staff had not regulated those issued into the text amendment due to the fact that each case will be handled through a conditional use permit and those regulations can be set forth at that time.

Jonathan Rowe:

Mr. Rowe was present and sworn in by Chairman Moruzzi. Mr. Rowe asked if a company is allowed to have an electronic message center sign, will they be allowed to have more than one. Mr. Rowe also asked what the maximum height allowance would be for the signs. Mr. Rowe also stated he supports Mr. Seltzer's concerns in regards to the display content.

Trustee Peconio:

Trustee Peconio was present and sworn in by Chairman Moruzzi. Trustee Peconio asked the Commissioner to fully consider all aspects of the text amendment. Trustee Peconio stated he was in support of the text amendment if all aspects have been taken into consideration.

Commissioner Ventura asked Mr. Seltzer to clarify the type of message he has seen that may be offensive. Mr. Seltzer stated it

was a sign he came across in the City of Chicago and not from the two current signs within Bensenville.

Motion: Commissioner Pisano made a motion to approve CDC Case #2011-09 with the provisions set forth by Staff and with the addition of a display content regulation. Commissioner Rowe seconded the motion.

Roll Call: Ayes: Rowe, Ventura

Nays: Moruzzi, Janowiak, Pisano, Ventura

Motion failed.

Mr. Viger asked for recommendations from the Commissioners that would help approve the text amendment. Chairman Moruzzi stated he would prefer Staff to review the issues raised by the Public and have a clean copy of the ordinance for the Village Board. Mr. Viger stated Staff will proceed in the process and bring forth to the Economic & Community Development Committee with a recommendation from the Commissioners. Commissioner Ventura stated he did not support the text amendment with the uncertainty of wall signage. Chairman Moruzzi closed the public hearing at 8:54 p.m.

Public Hearing:

CDC Case Number 2011-02

Petitioner:

K.B. Demarkis/Perk's Bar & Grill

Location:

801 N. Route 83

Request:

Conditional Use Permit to allow an Electronic Message Center Sign

The Public Hearing was opened at 8:56 p.m. Konstantinos Demakis was present and sworn in by Chairman Moruzzi. Director of Community and Economic Development, Scott Viger, stated the notice for this public hearing was published in the Daily Herald on October 29, 2011. A certified copy of the public hearing notice will be kept in the case file. A copy of the public notice is in the Staff report. Mr. Viger also stated a sign was posted outside the property on October 28, 2011 and the required mailing of the notice was sent to the surrounding tax payers of record on October 28, 2011. Mr. Demakis stated he has had three businesses in Bensenville over the past 25 ½ years. Mr. Demakis stated he had taken the current business over from a court order. Mr. Demakis stated his intentions of the sign in to grab the attention of passing vehicles on Route 83 to see the restaurant's offers and to come in

and eat or drink. Mr. Demakis stated the sign will be on during the hours of the business. Mr. Demakis stated that even though he has a liquor license that allows him to stay open until 2:00 a.m., his hours as of late have been 7:00 a.m. till 10:00 p.m. Mr. Demakis stated he has no other options to help promote his business. Mr. Demakis stated the sign will cost over \$30,000 and admits it is a gamble but feels it is his only option left. Mr. Demakis stated he has worked with staff on this issue and is willing to lower the sign base to four feet. Mr. Demakis asked the Commission to consider what surrounding Communities are offering their business.

Mr. Demakis stated he believes the text amendment previously discussed was to strict and would turn away the attention of larger corporations showing interest in moving into Bensenville. Mr. Viger stated that Public Works, Finance or the Police Department had no concerns with the proposed request. Mr. Viger stated Engineering stated the applicant should confirm that the proposed signage meets any IDOT requirements since Route 83 is an IDOT right-of-way. Mr. Viger stated is it recommended that the existing wall signs be removed or reduced as a condition of approval for any electronic message center sign. Commissioner Ventura asked if the proposed conditional use will be applied to the current applicant or to the property. Mr. Viger had stated the conditional use permit would apply to the applicant and if the establishment is sold, the new owner will need to apply for a conditional use to keep the sign. Chairman Moruzzi shared his opinion in his uncertainty with the direction the Village is heading with the potential results from the AECOM study. Chairman Moruzzi asked if there were any members of the public that would like to give testimony.

Public Comment:

Harvey Hoyer:

Mr. Hoyer was present and sworn in by Chairman Moruzzi. Mr. Hoyer expressed his support for Mr. Demakis. Mr. Hoyer stated he lives across the street from Perk's Bar and Grill and does not believe the proposed sign will cause any harm to his property or view. Mr. Hoyer asked the Commissioners to understand that the electronic message center signs are the wave of the future and all other communities allow them. Mr. Hoyer stated the sign will be used for good reasons and should help promote the business so they can stay open.

Jonathan Rowe:

Mr. Rowe was present and sworn in by Chairman Moruzzi. Mr. Rowe stated he lived directly across Route 83 from Perk's Bar and Grill. Mr. Rowe stated he and his wife entertain friends and family and their porch and kitchen are in direct view of the restaurant. Mr. Rowe stated he is concerned with the hours the sign will be on. Mr. Rowe stated he grew up and has lived in Bensenville for 24 years and purchased his first home in town. Mr. Rowe stated he is concerned with his property value if the sign is approved.

Vincenza Rowe:

Mrs. Rowe stated that Perk's Bar and Grill only has competition with the McDonald's along Route 83 and she does not believe the sign will help promote business over McDonald's.

Motion: Commissioner Ventura made a motion to continue CDC Case #2011-02 until the December 12, 2011 Community Development Commission Meeting. Commissioner Weldon seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

Mike Moruzzi, Chairman
Community Development Commission

Village of Bensenville
Board Room
12 South Center Street
DuPage and Cook Counties
Bensenville, IL, 60106

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

January 9, 2012

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 6:31 p.m.

ROLL CALL : Upon roll call at 6:31 p.m., the following Commissioners were present:
Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon
Absent: None
A quorum was present.

Public Hearing:

CDC Case Number 2011-09

Petitioner:

Village of Bensenville

Request:

Text Amendment to allow Electronic Message Center (EMC)

Signs as Conditional Uses in all Zoning Districts

The Public Hearing was opened at 7:05 p.m. Scott Viger, Director of Community and Economic Development, was present and sworn in by Chairman Moruzzi. Mr. Viger stated there has been 1 unofficial workshop and 1 official workshop for the CDC to discuss EMC's, as well as several conversations about 803 N. Route 83 and their request for an EMC. Mr. Viger went over the well documented history of motions and approvals by the CDC and how it is that this hearing has come to be. Mr. Viger listed his record of the points of agreement by the CDC to date:

1. EMC's will require a conditional use plan in all zoning districts
2. Only governmental and institutional occupancies will be allowed EMC's in residential zoning districts
3. No written regulation on proximity to residential districts, but it will be decided on a case by case basis
4. No written regulation on times of operation, but it will be decided on a case by case basis.
5. No live video, flashing, or moving text will be allowed on any EMC. Only static displays will be allowed
6. The dwell time for each message must be a minimum of 10 seconds per IDOT standards.
7. The height of the lettering will be left up to the business to determine
8. Full color displays are allowed

9. The EMC must "go dark" or be turned off when it is broken or requires maintenance
10. The sign must meet the size and square footage requirements of that particular zoning district
11. Illumination, while difficult to enforce, is limited to 40 Footcandles at 4'-0" away from the sign face
12. EMC's must be freestanding signs on the property. No wall mounted EMC's will be allowed
13. A maximum of 50% of a sign's area can be EMC.
14. If an EMC is approved for a property, no temporary signs will be allowed on that same property.
15. Each EMC will have an emergency override to display Amber Alerts as necessary
16. It was the consensus of the CDC to add a requirement that a sign's brightness should dim at night with an automatic sensor or timer setting

Discussion by the CDC was as follows:

Commissioner Rowe asked about the automatic dimmer.

Commissioner Pisano asked about the percentage of allowable signage versus allowable EMC sign area. Also he spoke in favor of no temporary signs if an EMC is approved.

Commissioner Janowiak stated there may be a need to work around industry standard sizes.

Commissioner Ventura only had no comments on the EMC's
Chairman Moruzzi asked about allowing larger signs that normal to churches and institutions.

Commissioner Pisano asked about implementation of Amber Alert messages. It was suggested Don Shultz of ESDA could handle the implementation and notification.

Chairman Moruzzi asked about repairs of buildings where signs have been removed.

Motion: At 7:36 p.m. Commissioner Pisano made a motion to approve the text amendment to allow EMC's by Conditional Use Plan. The motion was seconded by Commissioner Rowe.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

All were in favor at 7:37 p.m. Motion carried.

Mike Moruzzi, Chairman
Community Development Commission

TYPE: Ordinances

SUBMITTED BY: S. Viger

DATE: 02.07.12

DESCRIPTION: Consider an Ordinance approving an Amendment to a previously approved Conditional Use Permit and a setback variance for The PRI Group to allow an accessory structure (a "scale house") in the actual corner side yard on the I-2 Light Industrial Property located at 600 N. Thomas Drive.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input checked="" type="checkbox"/> Financially Sound Village	<input type="checkbox"/> Enrich the lives of Residents
<input type="checkbox"/> Quality Customer Oriented Services	<input checked="" type="checkbox"/> Major Business/Corporate Center
<input type="checkbox"/> Safe and Beautiful Village	<input type="checkbox"/> Vibrant Major Corridors

COMMITTEE ACTION: CEDC (Unanimous Approval)

DATE: 01.17.12

BACKGROUND: The applicant, The PRI Group relocated to the Village in late 2009 / early 2010. The property in question is home to an approximately 100,000 square foot industrial building upon 5.47 acres at the northwest corner of Foster Avenue & Thomas Drive. The Village approved a Conditional Use Permit to allow Outdoor Storage (Ord. # 30 – 2010) that approved a specific Site Plan. The PRI Group is desirous of installing a "scale house" adjacent to their truck weigh scale to speed up the weighing process and reduce the potential for traffic issues along Thomas Drive. There has been a somewhat ongoing issue with trucks staging on Thomas Drive awaiting access to the scale and site.

KEY ISSUES: To approve a Conditional Use Permit the Village shall find that the "Approval Criteria" found in the Zoning Ordinance are met. The Criteria include traffic, environmental nuisance, neighborhood character, use of public services and facilities, public necessity as well as other factors relating to the harmony of the use with other elements of compatibility. The staff believes the proposed use meets the criteria as the use will not increase local traffic and should in fact assist in improving the localized traffic situation, the use will not create extraordinary public service demands and it is in keeping with the types of businesses in the immediate industrial area.

ALTERNATIVES:

1. Committee discretion.
2. Deny the Conditional Use Permit request.
3. Remand the request back to the Community Development Commission.

RECOMMENDATION: Staff respectfully recommends approval of the requested Amended Conditional Use Permit and variance with several conditions as enumerated in the staff report. At the 12.12.11 Public Hearing there were no members of the public present and the Community Development Commission voted (6 - 0) to recommend approval of the amended Conditional Use Permit and variance with the six conditions recommended by the Village staff as found in the staff report:

1. The Conditional Use Permit shall only be applicable during the tenancy of The PRI Group LLC or any successor in interest it may have in assumption of the tenancy.
2. The site shall be developed in substantial compliance with the Plat of Survey prepared by Krisch Land Surveying, LLC Dated 11.02.11 and last revised 11.08.11 and as submitted as a part of the application.
3. The screening of the outdoor storage shall be completed prior to the placement/erection of the "Scale House".
4. A Landscape Plan shall be submitted, reviewed and approved by the Community & Economic Development Department as part of the Building Permit process.
5. A Building Permit is required for the "Scale House".
6. The PRI Group LLC shall implement a procedure to adequately "police" the property so as to remove any debris, paper and other litter.

On 01.17.12 the CEDC voted unanimously to approve the Conditional Use Permit and variance with the above conditions. There was concern expressed at the 01.17.12 CEDC meeting regarding the amount of paper & debris on the property. Staff has visited the property and the poor maintenance continues. Condition #7 found in Section Four of the Conditional Use Permit Ordinance requires the proper maintenance of the site. Staff will withhold issuance of the building permit and/or Certificate of Occupancy for the scale house until proper site cleanliness is realized and maintained. Additionally staff will conduct ongoing regular random inspections to ensure continued compliance. Staff contacted PRI about the site condition and they indicated it will be cleaned this week prior to the Board meeting.

BUDGET IMPACT: N/A

ACTION REQUIRED: Motion to approve the two Ordinances. The first Ordinance approves the Amended Conditional Use Permit for the change of the Site Plan. The second Ordinance approves the Variance for the Accessory Structure to be located in the actual corner side yard.

600 N. Thomas Drive

The PRI Group



Village of Bensenville

600 N. Thomas Drive



Village of Bensenville

600 N. Thomas- Zoning



Bensenville Zoning Map

Land Use

- C-2 Highway Commercial
- C-3, Downtown Mixed Use
- C-4 Regional PUD Commercial
- I-1, Office Research Assembly Industrial
- I-2 Light Industrial
- I-3, Heavy Industrial
- I-4, General Industrial
- O-1 Neighborhood Office
- O-2 Office Center
- RA-1, Mixed Single Family
- RA-5, High Density Single Family
- RIM-1 Low Density, Multi-family
- RIM-2 Medium Density, Multi-family
- RIM-3, High Density Multi-Family
- RS-1, Low Density Single Family
- RS-2, Medium Low Density Single Family
- RS-3, Medium Density Single Family
- RS-4 Medium High Density, Single Family
- RS-5 High Density, Single Family
- RS-6, High Density, Traditional

ORDINANCE NO. _____

**AN ORDINANCE APPROVING AN AMENDMENT TO AN EXISTING
CONDITIONAL USE PERMIT FOR AN ACCESSORY STRUCTURE
TO ALLOW AT 600 N. THOMAS DRIVE, BENSENVILLE, ILLINOIS**

WHEREAS, on November 18, 2011, Trust No. 4398/B8000439893 ("Owner") and PRI Group, LLC, tenant-applicant (hereinafter collectively "Applicant"), filed an application seeking an amendment to a conditional use permit granted by the Village Board under Ordinance 30-2010, which allowed outdoor storage for storage of trailers for the property commonly known as 600 N. Thomas Drive, Bensenville, and legally described in Exhibit "A," attached hereto and incorporated herein by reference (the "Subject Property"); and

WHEREAS, the Applicant seeks to amend the site plan approved in conjunction with approval granted in Ordinance No. 30-2010 to allow construction of a scale house adjacent to the truck weigh scale located at the Subject Property, all as set forth in the application being contained in the files for this property in the Community and Economic Development Department; and

WHEREAS, Notice of Public Hearing with respect to the requested amendment to the conditional use permit was published in the Daily Herald, a newspaper of general circulation in the Village of Bensenville (the "Village") on November 26, 2011, all as required by the statutes of the State of Illinois and the ordinances of the Village; and

WHEREAS, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing commencing on December 12, 2011, all as required by the statutes of the State of Illinois and the ordinances of the Village; and,

WHEREAS, the Community Development Commission considered this matter and a vote of its members resulted in a unanimous vote to approve the request, and forwarded its recommendations, including its findings of fact as adopted from the Staff Report regarding same, to the Community and Economic Development Committee of the Village Board, a copy of which is attached hereto as Exhibit "B" and incorporated herein by reference; and,

WHEREAS, the Community and Economic Development Committee did meet and consider the application and findings of fact as made by the Community Development Commission and determined that concurred with the Commission on its findings, and has forwarded its recommendation to approve said application to the President and Board of Trustees; and

WHEREAS, the President and Board of Village Trustees have reviewed the matter herein and based on the recommendation of its Community and Economic Development Committee have determined that the granting of the relief requested is consistent with the Zoning Ordinance and the orderly and harmonious development of the Village, subject to the conditions as recommended by the Commission.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

SECTION ONE: That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

SECTION TWO: That the Subject Property is currently zoned under the Zoning Ordinance as I-2 Light Industrial District.

SECTION THREE: That the Staff Report and Recommendation to approve the Conditional Use Permit sought in this application is attached to the recommendations of the Community Development Commission in Exhibit "B" and was adopted by the Community Development Commission as its finding of facts.

SECTION FOUR: That the amendment to the conditional use permit granted in Ordinance 30-2010 sought by the Applicant pursuant to Section 10-9-B-3 of the Zoning Code is hereby granted, amending the conditional use permit allowed for use of the property for outdoor storage, for storage of trailers, subject to (1) approval of the variance requested for required side yard setback, (2) that the site be developed in substantial compliance with the Plat of Survey prepared by Krisch Land Surveying, LLC dated 11-2-2011 and last revised 11-8-2011 and as submitted as part of the application; (3) that screening of the outdoor storage shall be completed prior to the placement/erection of the "Scale House;" (4) that a landscape plan shall be submitted, reviewed and approved by the Community and Economic Development Department as part of the Building Permit process; (5) that a building permit is required for purposes of construction of the "Scale House;" (6) that the Conditional Use Permit granted herein and under Ordinance No. 30-2010, shall only be applicable during the tenancy of the PRI Group, LLC or any successor in interest it may have in assumption of the tenancy; (7) that PRI Group, LLC shall implement a procedure to adequately police the property so as to remove any debris, paper and other litter on the Subject Property; (8) The PRI Group, LLC will submit a pavement striping plan for the scale to the

Community & Economic Development staff for review and approval; and (9) any conditions applicable under Ordinance 30-2010 not in conflict which those set forth herein.

SECTION FIVE: That the Village Clerk shall attach a copy of this Ordinance to Ordinance No. 30-2010, so both appear together in the official record for use of the Subject Property.

SECTION SIX: That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

SECTION SEVEN: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, this ___ day of February, 2012.

Frank Soto, Village President

ATTEST:

Corey Williamson, Acting Village Clerk

AYES: _____

NAYES: _____

ABSENT: _____

Ordinance # Exhibit "A"
--

Legal Description

Lots 29 and 30 in Klefstad Bensenville Industrial Park, a subdivision in Section 2 and 11, Township 40 North, Range 11 east of the Third Principal Meridian, according to the Plat thereof recorded January 27, 1967 as Document No. R67-2063, in the Village of Bensenville, in Du Page County, Illinois

Commonly known as:
600 N. Thomas Drive
Bensenville, IL 60106



COMMUNITY DEVELOPMENT COMMISSION

STAFF REPORT

HEARING DATE: December 12, 2011
CASE #: 2011- 20
PROPERTY: 600 N. Thomas Drive
PROPERTY OWNER: Trust # 4398 / B8000439893
(Chuck Silverman)
APPLICANT: The PRI Group LLC
ACREAGE: 5.47 Acres
PIN NUMBERS: 03-11-200-029
REQUEST: Conditional Use Permit Amendment & Variance to amend the previously approved Site Plan to allow a "Scale House" adjacent to the exterior truck scale

SURROUNDING LAND USE:

	Zoning	Land Use	Jurisdiction
Site	I-2	Light Industrial	Village of Bensenville
North	I-2	Light Industrial	Village of Bensenville
South	I-2	Light Industrial	Village of Bensenville
East	I-2	Light Industrial	Village of Bensenville
West	I-2	Light Industrial	Village of Bensenville

SUMMARY:

The applicant The PRI Group relocated their facility to the Village in late 2009 / early 2010. They received a fence variance and a Conditional Use Permit (CUP) for Outdoor Storage in 2010 (Ordinances 29 – 2010 & 30 – 2010 attached). Inside the fenced area of the property in question is a truck scale, the applicant proposes to place a "scale house" to the east (street side) of the truck scale to facilitate the weighing operation. The placement of the scale house would necessitate an amendment to the approved Site Plan (CUP) and a variance from the accessory structure setback.

PUBLIC NOTICE:

1. A Legal Notice was published in the Daily Herald on Saturday November 26, 2011. A Certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development department during regular business hours.
2. Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on Wednesday November 23, 2011.
3. On Wednesday November 23, 2011 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. An Affidavit of Mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

DEPARTMENT COMMENTS:

Public Works:

No Public Works issues or concerns.

Engineering:

No Engineering issues or concerns.

Finance:

No concerns. Utility billing is current.

Police:

1. Prior issue with trucks staging on Thomas Drive, the situation has improved after The PRI Group working with the Village.
2. This is the only scale in the North Business Park. Is the scale to be used for The PRI Group LLC internal use or will it be available to other businesses? If so, it could re-ignite the staging issues along Thomas Drive.
3. Will the scale be used 24 hours a day?
4. It is our understanding that The PRI Group has offered the Police Department use of the scale, which we appreciate. This would save the Police Department time when we need to weigh vehicles.
5. We have a question as to the distance between the scale itself and the "scale house"; if there is an oversized load the "scale house" may be too close to the actual scale for the larger loads.

Community & Economic Development:

Economic Development

1. The PRI Group relocated to the Village in 2009 / 2010.
2. The rail access to the North Business Park was an important factor in The PRI Group choosing Bensenville and this property in particular.

Inspectional Services

1. One fire extinguisher needed.
2. Install smoke and carbon monoxide detectors that shall be tied into the main system.
3. Install a pull station /horn strobe
4. Ordinance #30-2010 required the fence to have screening slats installed. The applicant shall install the screening promptly.

Building

1. Scale House shall be permanently fastened to the ground due to the electrical supply. Foundations or slabs may be necessary.
2. Foundation details, electrical drawings and trailer / scale house specifications will be required at time of permit submittal.

Community Development

1. The "scale house" is proposed to be approximately 2.25' from the fence that was authorized by Ordinances 29 – 2010 & 30 - 2010. This puts the "scale house" approximately 1' from the scale itself.
2. We have interpreted that the "scale house" is an accessory structure and as such must meet the locational requirements found in our Zoning ordinance.
3. Accessory structures shall not be located in the "actual front or corner side yard", as this "scale house" is proposed.
4. As the Village looks to enhance the North Business Park through significant public investment and as Foster Avenue is currently the sole east – west through street in the North Business Park and Thomas Drive is the longest public street in the North Business Park, this is a visible and important property. Staff is concerned with the aesthetics of the proposed "scale house", the applicant has indicated that they propose to utilize a manufactured building or perhaps a trailer.
5. Paper and debris is a consistent issue on the site especially along the north property line. It is recommended that the applicant establish an ongoing inspection procedure to ensure that the site remain clear of such materials.
6. Staff recommends that bollards be installed at the northwest and southwest corners of the "Scale House" to protect the "Scale House" from damage from trucks.

7. Staff will require a Landscape Plan. The Landscape Plan shall be reviewed and approved by the Community & Economic Development staff.

The review and recommendation of the Conditional Use should be determined by the "Approval Criteria" found in the Village's Zoning Ordinance.

APPROVAL CRITERIA FOR CONDITIONAL USES:

The Community Development Commission shall not recommend approval of the Conditional Use Permit without determining that the request meets the following approval criteria and making certain findings of fact. Staff has reviewed the request and recommends the following Findings of Fact:

1. **Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized.

The applicant contends that the "scale house" will actually improve the traffic situation along Thomas Drive as trucks will be able to move through the weighing process more quickly, the drivers will not need to leave their vehicles and walk to the main facility to receive their weight information.

2. **Environmental Nuisance:** The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district.

The addition of the "scale house" should not have a negative effect on the through the creation of noise, glare, odor, dust, waste disposal or the blockage of light and air to a degree not characteristically found in the North Business Park.

3. **Neighborhood Character:** The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized.

The property in question is zoned I -2 Light Industrial in the heart of the North Business Park. The proposed use should be in harmony with the businesses in the area.

4. Use Of Public Services And Facilities: The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area.

No significant increase in the utilization of the public utility systems is anticipated.

5. Public Necessity: The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community.

Easing the truck weighing process

6. Other Factors: The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location.

The "scale house" use will be in harmony with the surrounding business and industrial uses.

APPROVAL CRITERIA FOR VARIANCES:

The Community Development Commission shall not recommend nor shall the Village Board grant a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

1. Special Circumstances: Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.

2. Hardship Or Practical Difficulties: For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.

The location of the "Scale House" in the actual corner side yard is a function of the original placement of the industrial building on the Site. The scale and therefore the "Scale House" must be located so as to allow the vehicles to drive through with the "Scale House" on the driver's side.

3. Circumstances Relate To Property: The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.

The variance request is a function of the original building placement on the Site which is specific to 600 N. Thomas Drive.

4. Not Resulting From Applicant Action: The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

The special circumstances and practical hardship are not a direct result of actions of the applicant.

5. Preserve Rights Conferred By District: A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.

Approval of the relief sought by the applicant would not confer any special privilege to this property that is ordinarily denied other properties in the I-2 Light Industrial District.

6. Necessary For Use Of Property: The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

The addition of the "scale house" is said to improve the efficiency of the business operation and could lead to reduced traffic impacts along North Thomas Drive.

7. Not Alter Local Character: The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.

Approval of the relief sought will not alter the essential character of the business and industrial neighborhood.

8. Consistent With Title And Plan: The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.

Granting of the requested variance will be in harmony with the general purpose and intent of the Village of Bensenville's plans.

9. Minimum Variance Needed: The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

The variance sought is the minimum required. The placement of the proposed "Scale House" allows for the scale operator to pass papers to the drivers without the drivers leaving their vehicles.

RECOMMENDATIONS:

Staff recommends the approval of the requested the above Findings of Fact for both the Conditional Use Permit and the Variance subject to the following conditions:

1. The Conditional Use Permit shall only be applicable during the tenancy of The PRI Group LLC or any successor in interest it may have in assumption of the tenancy.
2. The site shall be developed in substantial compliance with the Plat of Survey prepared by Krisch Land Surveying, LLC Dated 11.02.11 and last revised 11.08.11 and as submitted as a part of the application.

3. The screening of the outdoor storage shall be completed prior to the placement/erection of the "Scale House".
4. A Landscape Plan shall be submitted, reviewed and approved by the Community & Economic Development Department as part of the Building Permit process.
5. A Building Permit is required for the "Scale House".
6. The PRI Group LLC shall implement a procedure to adequately "police" the property so as to remove any debris, paper and other litter.

Respectfully Submitted,

Department of Community
& Economic Development

Village of Bensenville
Board Room
12 South Center Street
DuPage and Cook Counties
Bensenville, IL, 60106

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

December 12, 2011

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 7:00 p.m.

ROLL CALL : Upon roll call, the following Commissioners were present: Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon
Absent: None
A quorum was present.

Public Hearing: CDC Case Number 2011-20
Petitioner: The PRI Group, LLC
Location: 600 N. Thomas Drive
Request: Conditional Use Permit Amendment & Variance to Allow a “Scale House” Adjacent to the Existing Exterior Truck Scale.

The Public Hearing was opened at 7:12 p.m. Jeff Gosmire, CFO & VP of Administration and Tony Varchetto, President & CEO were present and sworn in by Chairman Moruzzi. Director of Community and Economic Development, Scott Viger, stated the notice for this public hearing was published in the Daily Herald on November 26, 2011. A certified copy of the public hearing notice will be kept in the case file. A copy of the public notice has been included in the Staff report. Mr. Viger also stated signs were posted outside the property on November 23, 2011 and the required mailing of the notice was sent to the surrounding tax payers of record on November 23, 2011. Mr. Viger stated the PRI Group received their original conditional use permit and variance in 2009. Mr. Gosmire stated to the Commission the proposed scale house will be a stationary structure. The PRI Group’s initial intentions were to request the scale house in their original conditional use permit and variance in 2009 but were not financially prepared at the time. Mr. Gosmire stated the scale house will allow truck to move in and out of the PRI Group at a quicker pace and allow for a smoother operation. The current operation has drivers walking into the main building looking for PRI Group staff to assist with the scale and necessary reports. Mr. Gosmire stated the scale house will be brand new and built on a concrete slab with a skirt around it. Initially, the PRI Group

submitted plans to the Village without landscaping around the building. Mr. Gosmire passed out a revised site plan that show small bushes placed halfway around the scale house that would partially block its view from Thomas Road. Mr. Gosmire stated the ideal space between the scale house window and the scale will be 18" to allow drivers and attendants to have a smooth transaction. Mr. Viger stated there were no concerns from Public Works Engineering or Finance. Mr. Viger stated the Police Departments questioned if the scale will be used 24 hours a day and if the scale will be a scale for hire. The Police Department also raised concern with the current traffic back-up on Thomas Drive. The Community & Economic Development Department recommends approval of the request with the following conditions:

- 1) The conditional use permit shall only be applicable during the tenancy of the PRI Group, LLC or an successor in interest it may have in assumption of the tenancy.
- 2) The site shall be developed in the substantial compliance with the plat of survey prepared by Krisch land Surveying, LLC dated November 2, 2011 and last revised November 8, 2011 and as submitted as part of the application.
- 3) The screening of the outdoor storage shall be completed prior to the placement/erection of the scale house.
- 4) A landscaping plan shall be submitted, reviewed and approved by the Community & Economic Development Department as part of the building permit process.
- 5) A building permit is required for the scale house.
- 6) The PRI Group, LLC shall implement a procedure to adequately "police" the property so as to remove any debris, paper and other litter.

Commissioner Pisano asked the PRI Group to clarify the Police Department's concerns. Mr. Varchetto stated the PRI Group currently allows the Bensenville Police Department to use the scale at no charge. Mr. Varchetto stated outside companies can use the scale, if available, for a fee of \$10. Mr. Gosmire stated the PRI Group has no intentions to promote the use of their scale but will allow outside companies to use the scale for a small fee. Commissioner Weldon asked if the scale house will be open 24 hours. Mr. Varchetto stated there would be someone operating the scale house between 6:00 a.m. and 6:00 p.m. and any drivers using

the scale house during the night hours will have to have assistance from someone inside the main building. Commissioner Weldon asked if oversized truck would be able to fit on the scale. Mr. Gosmire stated there should be no issues with oversized truck using the scale. Commissioner Weldon asked how tall the building would be. Mr. Varchetto stated he was not sure until the plans are drawn but has seen scale houses range from twelve to fourteen feet. Mr. Viger stated the allowed height will be twelve feet.

Commissioner Weldon asked Staff if there was any other structure in town that was built close to a right of way. Mr. Viger stated he was unsure and that the proposed scale house will be twenty five feet from the right of way. Chairman Moruzzi asked if the scale house would have an audio system accommodated with speakers. Mr. Gosmire stated it would not. Chairman Moruzzi asked if the PRI Group had intentions to stripe the scale area for a smoother transition from truck to truck. Mr. Gosmire stated the PRI Group had not thought of the idea but would look into the issue.

Chairman Moruzzi asked that the striping of the scale be added to the provisions for approval. There were no objections from the Commissioners. Commissioner Rowe and Commissioner Ventura had no questions. Chairman Moruzzi asked if there was any member of the Public that would like to give testimony. There were none. Chairman Moruzzi closed the public hearing at 7:35 p.m.

Motion:

Commissioner Rowe made a motion to approve the finding of facts for CDC Case #2011-20 consisting of:

- 1) Special circumstances exists that are particular to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to the title to cover them.
- 2) The literal application of the provisions of the title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience. The location of the scale house in the actual corner side yard I a function of the original placement of the industrial building on the site. The scale and therefor the scale house must be located as to allow vehicles to drive through with the scale house on the driver's side.

- 3) The special circumstances and hardship relate only to the physical character of the land or building, such as dimensions, topography or soil conditions. They do not concern and business or activity or present or prospective owner or occupant carries on, or seeks to carry on, therein, nor the personal, business or financial circumstances of any part within interest in the property. The variance request is a function of the original building placement on the site which is specific to 600 N. Thomas Drive.
- 4) The special circumstance and practical difficulties or hardship that are the basis for the variance are not resulted from any act, undertaken subsequent to the adoption of this title or any applicable amendment thereto, if the applicant or of any other party with a present interest on the property. Knowingly authorizing to proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be such in act. The special circumstances and practical hardship are not a direct result of actions of the applicant.
- 5) A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties. Approval of the relief sought by the applicant would not confer any special privilege to the property that is ordinarily denied other property in the I-2 Light Industrial District.
- 6) The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property. The addition of the scale house is said to improve the efficiency of the business operations and could lead to reduced traffic impacts along North Thomas Drive.
- 7) The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity. Approval of the relief sought will not alter the essential character of the business and industrial neighborhood.

- 8) The granting of a variance will be in harmony with the general purpose and intent of this title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof. Granting the requested variance will be in harmony with the general purpose and intent of the Village of Bensenville's plans.
- 9) The variance approved is the minimum required to provide the applicant with the relief from the undue hardship or practical difficulties and with reasonable use and enjoyment of the property. The variance sought is the minimum required. The placement of the proposed scale house allows for the scale operator to pass papers to the drivers without the drivers leaving their vehicles.

Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve CDC Case #2011-20 with the conditions set forth by Staff and adding a condition requiring the PRI Group, LLC to submit a pavement stripping plan for the scale to the Community & Economic Development Department for Staff's review and approval. Commissioner Ventura seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

Mike Moruzzi, Chairman
Community Development Commission

ORDINANCE # 29-2010

AN ORDINANCE GRANTING APPROVAL OF A VARIANCE
TO ALLOW A FENCE IN THE SIDE YARD OF THE PROPERTY COMMONLY
IDENTIFIED AS 600 THOMAS DRIVE, BENSENVILLE, ILLINOIS

WHEREAS, Trust No. 4398/B8000439893 ("owner") and PRI Group, LLC, tenant-applicant (hereinafter collectively "Applicant"), filed an application for approval of a variance to allow a fence in the side yard at the property located at 600 Thomas Drive, Bensenville, as legally described in Exhibit "A," attached hereto and incorporated herein by reference (the "Subject Property"), a copy of said application being contained in the files for this property in the Community and Economic Development Department; and

WHEREAS, Notice of Public Hearing with respect to the requested variance was published on December 25, 2009, in the *Bensenville Press*, being a newspaper having general circulation within the Village of Bensenville (the "Village"), all as required by the statutes of the State of Illinois and the ordinances of the Village; and

WHEREAS, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing on January 11, 2010 and February 8, 2010, all as required by the statutes of the State of Illinois and the ordinances of the Village; and,

WHEREAS, the Community Development Commission voted to approve the request for the fence variance, in conjunction with a request for a conditional use permit to allow outdoor storage of trailers in the corner side yard on the Subject Property, with a condition that the fencing be installed in compliance with the plans submitted to the Commission on February 8, 2010, and forwarded its recommendations, including Staff Report and findings relative to the variation to the Village Board's Community and Economic Development Committee, which concurred in the recommendation made therein, as are attached hereto as Exhibit "B" and incorporated herein by reference; and

WHEREAS, the President and Board of Village Trustees have reviewed the matter herein and have determined that approval of the requested variance to allow fencing in the corner lot, if the conditional use permit is granted for the Subject Property is consistent with the *Bensenville Village Code*.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

SECTION ONE: That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

SECTION TWO: That the Subject Property is currently zoned under the Zoning Ordinance as I-2 Industrial District, which zoning classification shall remain in effect subject to the variance granted herein.

SECTION THREE: That the Staff Report and Recommendation to approve the fence variance sought, as allowed by the *Bensenville Zoning Ordinance*, Code Section 10-14-11E, is attached to the recommendations of the Community Development Commission in Exhibit "B" and was adopted by the Community Development Commission as its finding of facts, and said findings are adopted by the President and Board of Trustees, the Board of Trustees finding that said variance is proper and necessary.

SECTION FOUR: That the variance sought by the Applicant to allow construction of a fence in the corner lot is hereby granted, subject to approval of the conditional use permit, and erection of the fence in compliance with the plan submitted to the Community Development Commission.

SECTION FIVE: That all requirements of the Zoning Ordinance shall be applicable except as varied by the variance granted herein.

SECTION SIX: The terms and conditions set forth in this Ordinance are deemed to be a fundamental element of the relief granted herein, and are intended by the Village and the Applicant to run with the Subject Property and be binding upon any and all successors in interest to the Applicant.

SECTION SEVEN: That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

SECTION EIGHT: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, this 23rd day of March 2010.


Frank Goto, Village President

ATTEST:


Joellen Ridder, Village Clerk

AYES: Adamowski, Bartlett, Johnson, O'Connell, Peconio, Wesseler

NAYES: None

ABSENT: None

The Legal Description is as follows:

Lots 29 and 30 in Kleistland Bensenville Industrial Park, a subdivision in Section 2 and 11,
Township 40 North, Range 11 east of the Third Principal Meridian, according to the Plat
thereof recorded January 27, 1967 as Document No. R67-2063, in the Village of
Bensenville, in Du Page County, Illinois

1000 ^{Drive}
Memorandum



COMMUNITY DEVELOPMENT
COMMISSION
STAFF REPORT

HEARING DATE: January 11, 2010
CDC CASE #: 2010 - 03
PROPERTY: 600 N. Thomas Drive
PROPERTY OWNER: Chuck Silverman
ACREAGE: 5.16 acres
PIN NUMBER: 03 - 11 - 200 - 029
APPLICANT: PRI Group, LLC
REQUEST: Conditional Use Permit to allow Outdoor Storage and a Variance to allow a fence in the corner side yard.

SURROUNDING LAND USE:

	Zoning	Land Use	Jurisdiction
Site	I-2	Industrial	Village of Bensenville
North	I-2	Industrial	Village of Bensenville
South	I-2	Industrial	Village of Bensenville
East	I-2	Industrial	Village of Bensenville
West	I-2	Industrial	Village of Bensenville

SUMMARY:

PRI Group is relocating to the Village and is leasing the property formerly occupied by R & M Trucking. They have a need to store trucks and trailers on their property and as such require a Conditional Use Permit. In keeping with the Code and to provide security for their vehicles, they are requesting a screening fence. The corner lot has a corner side yard that prohibits fencing, necessitating the variance request.

DEPARTMENT COMMENTS:

Public Works: No comments received to date.

Finance: No outstanding water bills to date.

Police: No Police issues / However some items to consider - beware of potential parking problems. The past tenant at this location had a major parking problem that caused them to use the public streets as their personal staging area. This overflow of

truck parking on the street created multiple complaints from nearby businesses in the area.

Inspectional Services:

Install two handicapped accessible parking spaces in compliance with Village Code & State Statute.

The landlord is planning to sealcoat & stripe the parking lot in the Spring (as weather permits). All truck and trailer parking spaces need to be striped.

Community Development:

The staff was supportive of PRI Group's relocation to the Village and has a working relationship with the company during the interior building alterations etc. The Conditional Use permit for outdoor storage is in this case primarily a size and proper maintenance exercise. The property has long been home to a trucking operation with considerable numbers of tractor trailers housed on the property. The Conditional use allows the Village the ability to limit the size and location of the parking/storage and to have the area fenced.

The total site is 5.16 acres that would allow up to 56,192 square feet for outdoor storage. The site plan submitted in support of the request identifies approximately 22,000 square feet of area defined as Outdoor Storage. The Village Code requires that outdoor storage areas be screened, (or fenced). The variance is requested as the fence is proposed to incorporate the loading docks on the eastern façade of the building, taking the fence into the actual corner side yard. The building is set back from the east property line over 100' well in excess of the minimum 25' required corner side yard.

APPROVAL CRITERIA FOR CONDITIONAL USE:

The Community Development Commission shall not recommend approval of the Conditional Use Permit without determining that the request meets the following approval criteria and making certain findings of fact. Staff has reviewed the request and recommends the following Findings of Fact:

Traffic – There will be no increase in traffic flow, other than that caused by the existing businesses.

Environmental Nuisance – The parking of trucks and trailers should not cause any additional environmental nuisance.

Neighborhood Character – The property is located in an industrial area, the establishment of truck and trailer storage area should not have a detrimental effect on the character of the neighborhood.

Use of Public Services & Facilities – There are adequate facilities to serve the entire property.

Public Necessity – The company receives and packages materials to be transported elsewhere for recycling. The benefits of a recycling society are many and the location of the property is well suited to the use.

APPROVAL CRITERIA FOR VARIANCES:

The Community Development Commission shall not recommend nor shall the Village Board grant a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

Special Circumstances -

The subject property is a corner lot with a corner side yard in excess of the minimum 25' required in the U-2 Light Industrial District.

Hardship or Practical Difficulties -

The site and building design along with the building's location create a hardship.

Circumstances Related to the Property -

The special circumstances and hardship of the subject property relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions.

Not Resulting from the Applicant's Action -

The special circumstances and practical difficulties or hardships that are the basis for the variance have not resulted from any act, of the applicant. The applicant is seeking to lease the existing facility to locate their business in Bensenville. The exterior of the building and physical nature of the property have not been significantly altered as it relates to this variance request.

Preserves the Rights Conferred by the District -

The variance as requested is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.

Necessary for the Use of the Property -

The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

Will not Alter the Local Character -

The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.

Consistent With Title And Plan -

The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.

Minimum Variance Needed -

The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

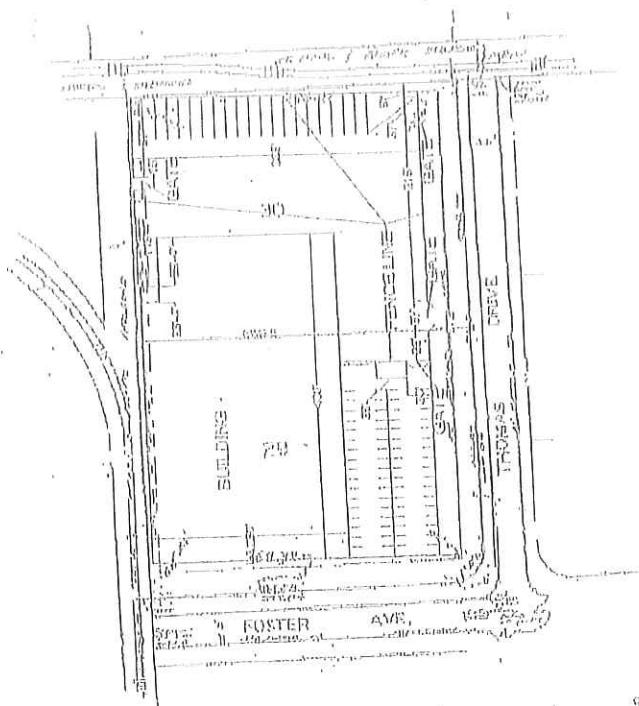
RECOMMENDATIONS:

Staff respectfully recommends approval of this Conditional Use Permit, variance and the above Findings of Fact, subject to the following conditions:

1. The site be developed in substantial compliance with the site plan submitted as part of the application.
2. The parking lot be seal coated and striped when weather permits.
3. No vehicles may be "staged" in the public rights of way.

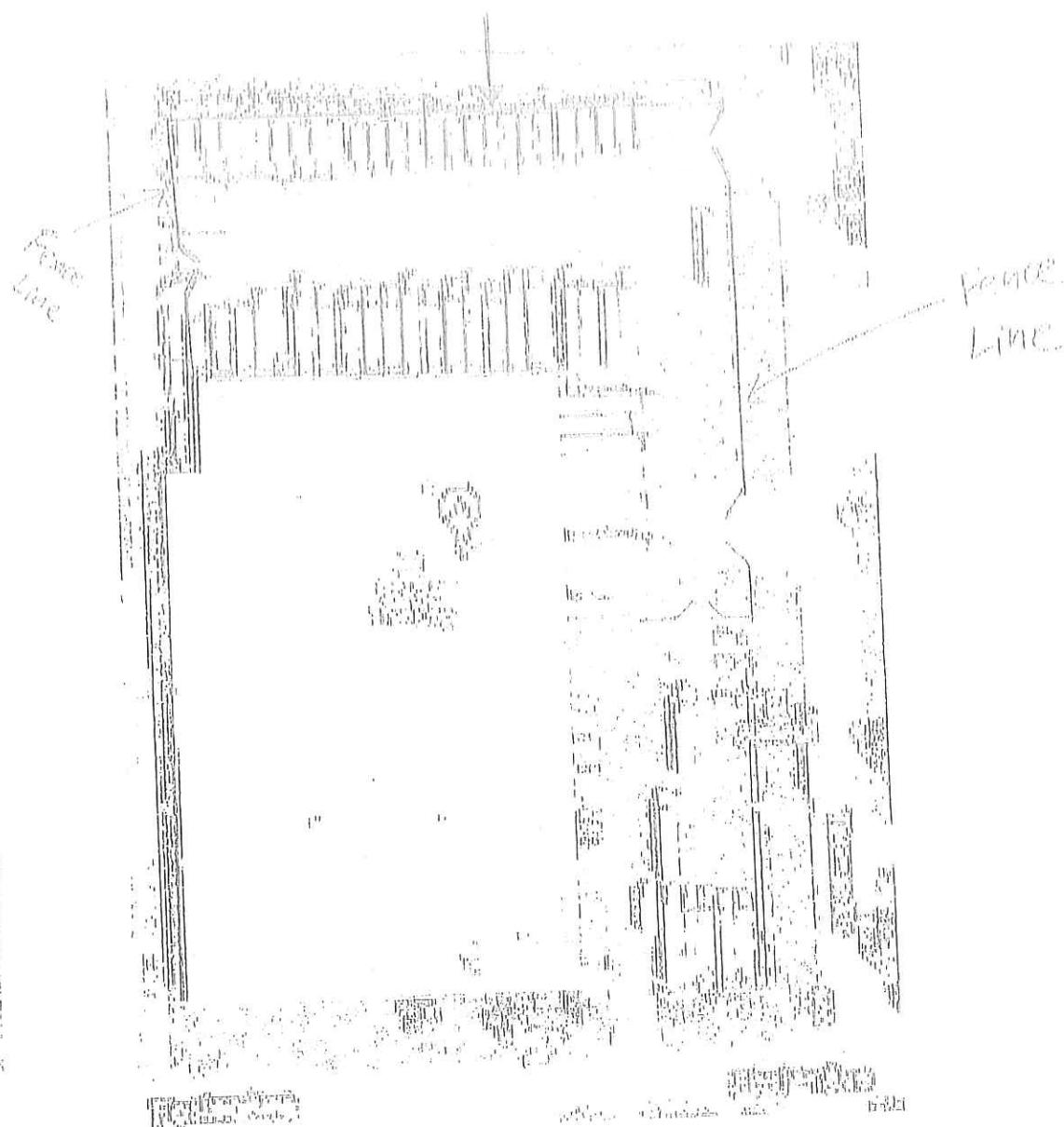
Respectfully Submitted
Community & Economic Development Department

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B. PROJECT DATA

1. Location: 640 Thomas Drivne, Bensenville, IL
2. Property Index Number(s) (PIN): 03-11-200-029
3. General description of the site: single unit industrial building
in industrial area
4. Existing zoning and land use of the site: I-2 - Industrial Land use
5. Acreage of the site: 5.16 acres
6. Character of surrounding area:

	Zoning	Existing Land Use	jurisdiction
North:	I-2	Industrial	Bensenville
East:	I-2	Industrial	Bensenville
South:	I-2	Industrial	Bensenville
West:	I-2	Industrial	Bensenville

7. List any controlling agreements (annexation agreements, Village Ordinances, site plans): none
8. Response Letter. On a separate sheet of paper state why your request should be approved based on the applicable "Approval Criteria" as set forth in the attached Section 10-3-5 (Approval Criteria for zoning Map Amendment), Section 10-3-3-B (Approval Criteria for Variances) or Section 10-3-4-C (Approval Criteria for Conditional Uses).

10-3-4.C Approval Criteria for Conditional Uses

1. Traffic

There will not be traffic flow outside the typical allowed use of this zoning district. In fact this storage and staging of trailers will lessen the traffic as our drivers will not have to double their efforts to drive back and forth to an off-site trailer parking facility.

2. Environmental Nuisance

The trailer storage will reduce the otherwise nuisance caused by our trucks going back and forth to a third-party storage facility. Additionally, added fuel and resources will not be required when the Conditional Use is granted.

3. Neighborhood Character

This will not adversely impact the character of the surrounding neighborhood as it is a industrial area with no residential. Many of the facilities in the business park have trailers and trailers in their parking lots.

4. Use of Public Services and Facilities

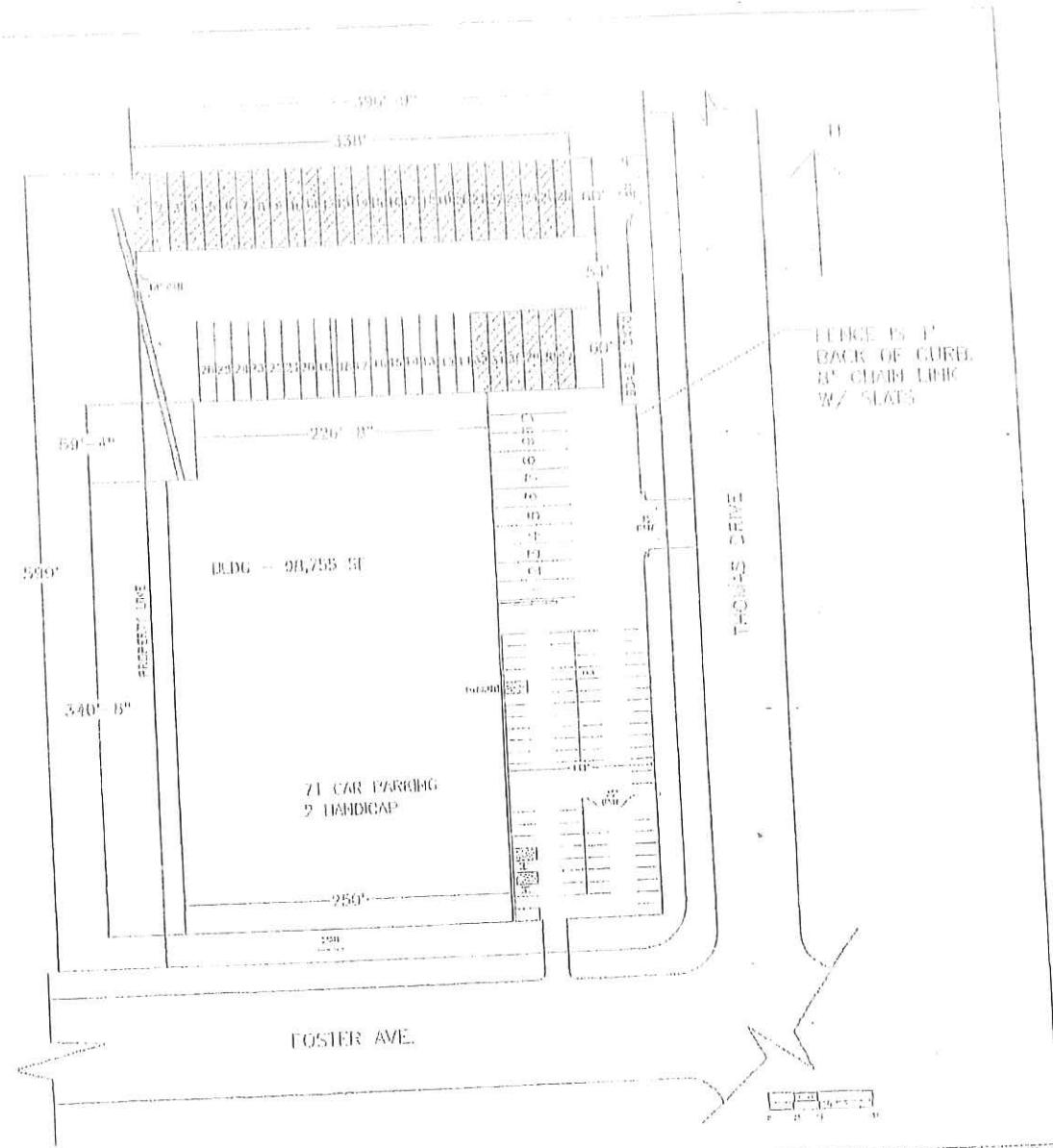
The proposed use will not require existing community facilities or services.

5. Public Necessity

This storage and staging of trailers will allow us to dramatically reduce road traffic as we will be able to deliver trailer loads directly from our accounts to the warehouse and not require the back and forth shipments of trailers to off-site storage facilities.

6. Other Factors

This is consistent with the use of adjacent property owners.



600 THOMAS DRIVE
THE PRI GROUP

SITE AREA = 237,653 SF

OUTDOOR STORAGE = 26,880 SF

TRUCK/STORAGE PARKING = 14'x60'

SCALE : 1 INCH

% STORAGE ON SITE = 11.3%

32 OUTDOOR STORAGE SPACES

ORDINANCE NO. 30-2010

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT
TO ALLOW OUTDOOR STORAGE FOR STORAGE OF TRAILERS AND TRUCKS
AT 600 THOMAS DRIVE, BENSENVILLE, ILLINOIS

WHEREAS, in or about December 2009, Trust No. 4398/B38000439893 ("owner") and PRI Group, LLC, tenant-applicant (hereinafter collectively "Applicant"), filed an application seeking a conditional use permit to allow outdoor storage for storage of trailers and trucks, pursuant to *The Village of Bensenville Zoning Ordinance* ("Zoning Ordinance") for the property commonly known as 600 Thomas Drive, Bensenville, and legally described in Exhibit "A," attached hereto and incorporated herein by reference (the "Subject Property"), a copy of said application being contained in the files for this property in the Community and Economic Development Department; and

WHEREAS, Notice of Public Hearing with respect to the requested conditional use permit was published on December 25, 2009, in the *Bensenville Press*, being a newspaper having general circulation within the Village of Bensenville (the "Village"), all as required by the statutes of the State of Illinois and the ordinances of the Village; and

WHEREAS, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing commencing on January 11, 2010, and continuing to February 8, 2010, all as required by the statutes of the State of Illinois and the ordinances of the Village; and,

WHEREAS, the Community Development Commission considered this matter and a vote of its members resulted in a unanimous vote to approve the request, and forwarded its recommendations, including its findings of fact as adopted from the Staff Report regarding same, to the Community and Economic Development Committee of the Village Board, a copy of which is attached hereto as Exhibit "B" and incorporated herein by reference; and,

WHEREAS, the Community and Economic Development Committee did meet and consider the application and findings of fact as made by the Community Development Commission and determined that it concurred with the Commission on its findings, and has forwarded its recommendation to approve said application to the President and Board of Trustees; and

WHEREAS, the President and Board of Village Trustees have reviewed the matter herein

and based on the recommendation of its Community and Economic Development Committee have determined that the granting of the relief requested is consistent with the Zoning Ordinance and the orderly and harmonious development of the Village, subject to the conditions as recommended by the Commission.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

SECTION ONE: That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

SECTION TWO: That the Subject Property is currently zoned under the Zoning Ordinance as I-2 Light Industrial District.

SECTION THREE: That the Staff Report and Recommendation to approve the Conditional Use Permit sought in this application is attached to the recommendations of the Community Development Commission in Exhibit "B" and was adopted by the Community Development Commission as its finding of facts.

SECTION FOUR: That, the conditional use permit sought by the applicant pursuant to Section 10-9-B-3 of the Zoning Code is hereby granted for use of the property for outdoor storage, for storage of trailers, subject to (1) approval of the variance requested for fencing, (2) that the site be developed in substantial compliance with the site plan submitted as part of the Application, (3) that the parking lot be seal coated and striped when weather permits, and (4) that no vehicles may be staged in the public rights of way.

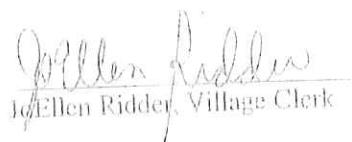
SECTION FIVE: That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, this 23rd day of March, 2010.


Frank Boto, Village President

ATTEST:


Ellen Ridder, Village Clerk

AYES: Adamowski, Bartlett, Johnson, O'Connell, Pecori, Weisseler

NAYES: None

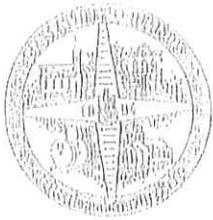
ABSENT: None

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The Legal Description is as follows:

Lots 29 and 30 in Kleistad Bensenville Industrial Park, a subdivision in Section 2 and 11,
Township 40 North, Range 11 east of the Third Principal Meridian, according to the Plat
thereof recorded January 27, 1967 as Document No. R67-2063, in the Village of
Bensenville, in Du Page County, Illinois

600 Meters Due



COMMUNITY DEVELOPMENT
COMMISSION
STAFF REPORT

HEARING DATE: January 11, 2010
CDC CASE #: 2010-05
PROPERTY: 600 N. Thomas Drive
PROPERTY OWNER: Chuck Silverman
ACREAGE: 5.16 acres
PIN NUMBER: 03-11-200-029
APPLICANT: PRI Group, LLC
REQUEST: Conditional Use Permit to allow Outdoor Storage and a Variance to allow a fence in the corner side yard.

SURROUNDING LAND USE:

	Zoning	Land Use	Jurisdiction
Site	I-2	Industrial	Village of Bensenville
North	I-2	Industrial	Village of Bensenville
South	I-2	Industrial	Village of Bensenville
East	I-2	Industrial	Village of Bensenville
West	I-2	Industrial	Village of Bensenville

SUMMARY:

PRI Group is relocating to the Village and is leasing the property formerly occupied by R & M Trucking. They have a need to store trucks and trailers on their property and as such require a Conditional Use Permit. In keeping with the Code and to provide security for their vehicles, they are requesting a screening fence. The corner lot has a corner side yard that prohibits fencing, necessitating the variance request.

DEPARTMENT COMMENTS:

Public Works: No comments received to date.

Finance: No outstanding water bills to date.

Police: No Police issues / However some items to consider - beware of potential parking problems. The past tenant at this location had a major parking problem that caused them to use the public streets as their personal staging area. This overflow of

truck parking on the street created multiple complaints from nearby businesses in the area.

Inspectional Services:

Install two handicapped accessible parking spaces in compliance with Village Code & State Statute.

The landlord is planning to sealcoat & stripe the parking lot in the Spring (as weather permits). All truck and trailer parking spaces need to be striped.

Community Development:

The staff was supportive of PRI Group's relocation to the Village and has a working relationship with the company during the interior building alterations etc. The Conditional Use permit for outdoor storage is in this case primarily a size and proper maintenance exercise. The property has long been home to a trucking operation with considerable numbers of tractor trailers based on the property. The Conditional use allows the Village the ability to limit the size and location of the parking/storage and to have the area fenced.

The total site is 5.16 acres that would allow up to 56,192 square feet for outdoor storage. The site plan submitted in support of the request identifies approximately 22,000 square feet of area defined as Outdoor Storage. The Village Code requires that outdoor storage areas be screened, (or fenced). The variance is requested as the fence is proposed to incorporate the loading docks on the eastern façade of the building, taking the fence into the actual corner side yard. The building is set back from the east property line over 100' well in excess of the minimum 25' required corner side yard.

APPROVAL CRITERIA FOR CONDITIONAL USE:

The Community Development Commission shall not recommend approval of the Conditional Use Permit without determining that the request meets the following approval criteria and making certain findings of fact. Staff has reviewed the request and recommends the following Findings of Fact:

Traffic - There will be no increase in traffic flow, other than that caused by the existing businesses.

Environmental Nuisance - The parking of trucks and trailers should not cause any additional environmental nuisance.

Neighborhood Character - The property is located in an industrial area, the establishment of truck and trailer storage area should not have a detrimental effect on the character of the neighborhood.

Use of Public Services & Facilities - There are adequate facilities to serve the entire property.

Public Necessity - The company receives and packages materials to be transported elsewhere for recycling. The benefits of a recycling society are many and the location of the property is well suited to the use.

APPROVAL CRITERIA FOR VARIANCES:

The Community Development Commission shall not recommend nor shall the Village Board grant a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

Special Circumstances -

The subject property is a corner lot with a corner side yard in excess of the minimum 25' required in the I-2 Light Industrial District.

Hardship or Practical Difficulties -

The site and building design along with the building's location create a hardship.

Circumstances Related to the Property -

The special circumstances and hardship of the subject property relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions.

Not Resulting from the Applicant's Action -

The special circumstances and practical difficulties or hardships that are the basis for the variance have not resulted from any act, of the applicant. The applicant is seeking to leave the existing facility to locate their business in Bengerville. The exterior of the building and physical nature of the property have not been significantly altered as it relates to this variance request.

Preserves the Rights Conferred by the District -

The variance as requested is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.

Necessary for the Use of the Property -

The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

Will not Alter the Local Character -

The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.

Consistent With Title And Plan -

The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.

Minimum Variance Needed -

The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

RECOMMENDATIONS:

Staff respectfully recommends approval of this Conditional Use Permit, variance and the above Findings of Fact, subject to the following conditions:

1. The site be developed in substantial compliance with the site plan submitted as part of the application.
2. The parking lot be seal coated and striped when weather permits.
3. No vehicles may be "staged" in the public rights of way.

Respectfully Submitted
Community & Economic Development Department

PLATE 10
SHEET 10
100' ELEVATION
100' DEPTH
100' THICKNESS
100' LENGTH
100' WIDTH

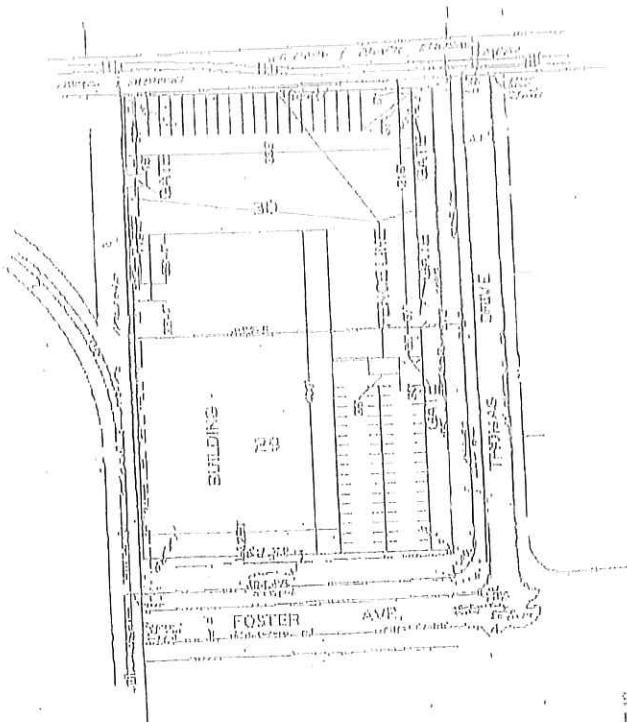
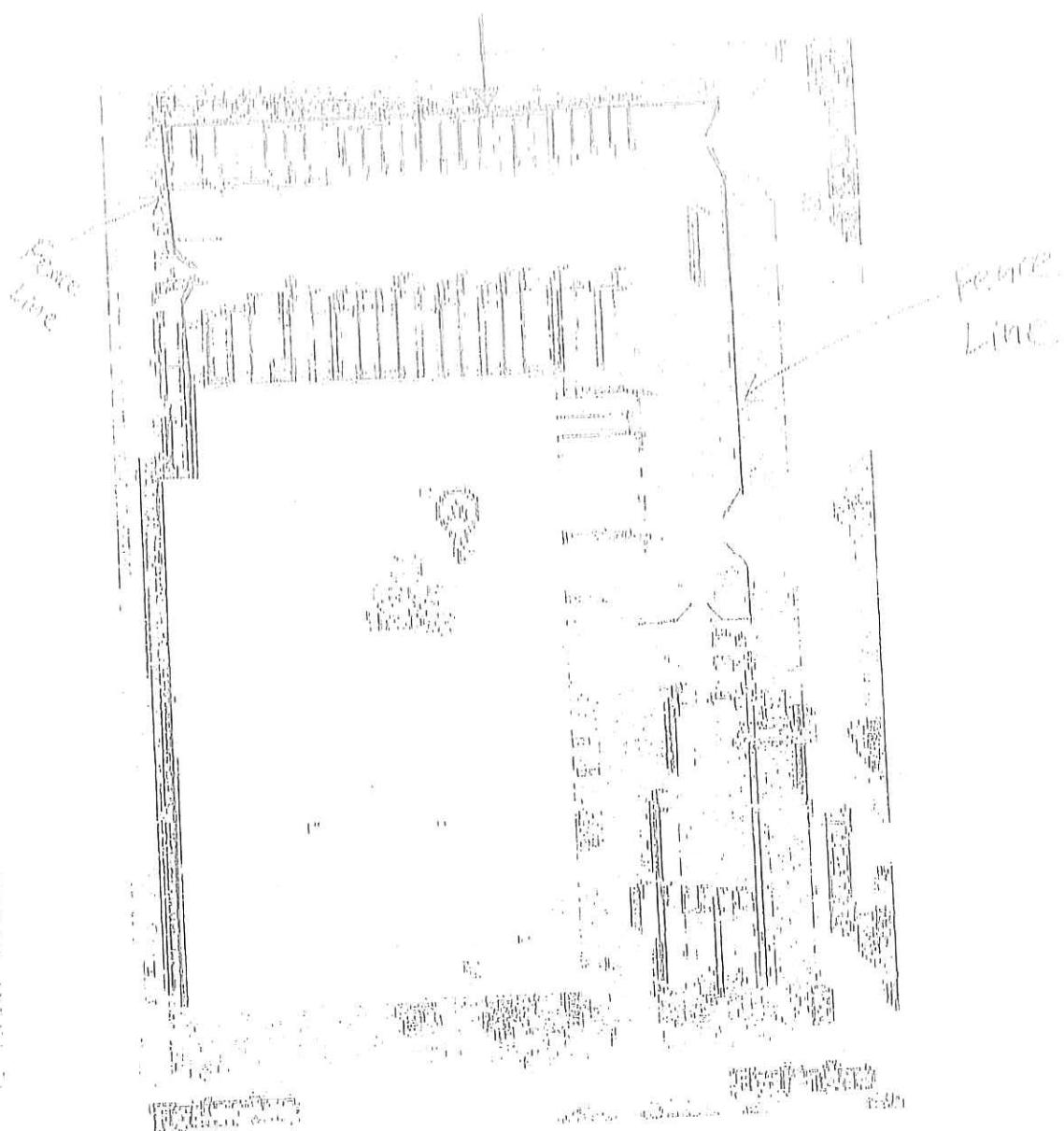


PLATE 10
SHEET 10
100' ELEVATION
100' DEPTH
100' THICKNESS
100' LENGTH
100' WIDTH

PLATE 10
SHEET 10
100' ELEVATION
100' DEPTH
100' THICKNESS
100' LENGTH
100' WIDTH

$$[CV](\mu) = \int \mu \, dV.$$



coming to the fore

$$f_2(O) = \{V \in \mathcal{O} \mid \forall v \in V \exists x \in$$

Библиография (1970-1980 гг.)

$$\begin{array}{c} N \\ \downarrow \\ A \\ \downarrow \\ \{b, d, d^2, \dots\} \end{array}$$

B. PROJECT DATA:

1. Location: 600 Thomas Drive, Benenville, IL

2. Property Index Number(s) (PIN): 03-11-200-029

3. General description of the site: single unit industrial building
in industrial area

4. Existing zoning and land use of the site: I-2 - Industrial Land use

5. Acreage of the site: 5.16 acres

6. Character of surrounding area:

	Zoning	Existing Land Use	Jurisdiction
North:	I-2	Industrial	Benenville
East:	I-2	Industrial	Benenville
South:	I-2	Industrial	Benenville
West:	I-2	Industrial	Benenville

7. List any controlling agreements (annexation agreements, Village Ordinances, site plans): none

8. Response Letter: On a separate sheet of paper state why your request should be approved based on the applicable "Approval Criteria" as set forth in the attached Section 10-3-5 - (Approval Criteria for zoning Map Amendment), Section 10-3-3-B (Approval Criteria for Variances) or Section 10-3-4-C (Approval Criteria for Conditional Uses).

10.3.4.C Approval Criteria for Conditional Uses

1. Traffic

There will not be traffic flow outside the typical allowed use of this zoning district. In fact this storage and staging of trailers will lessen the traffic as our drivers will not have to double their efforts to drive back and forth to an off-site trailer parking facility.

2. Environmental Nuisance

The trailer storage will reduce the otherwise nuisance caused by our trucks going back and forth to a third-party storage facility. Additionally, added fuel and resources will not be required when the Conditional Use is granted.

3. Neighborhood Character

This will not adversely impact the character of the surrounding neighborhood as it is a industrial area with no residential. Many of the facilities in the business park have trailers and trailers in their parking lots.

4. Use of Public Services and Facilities

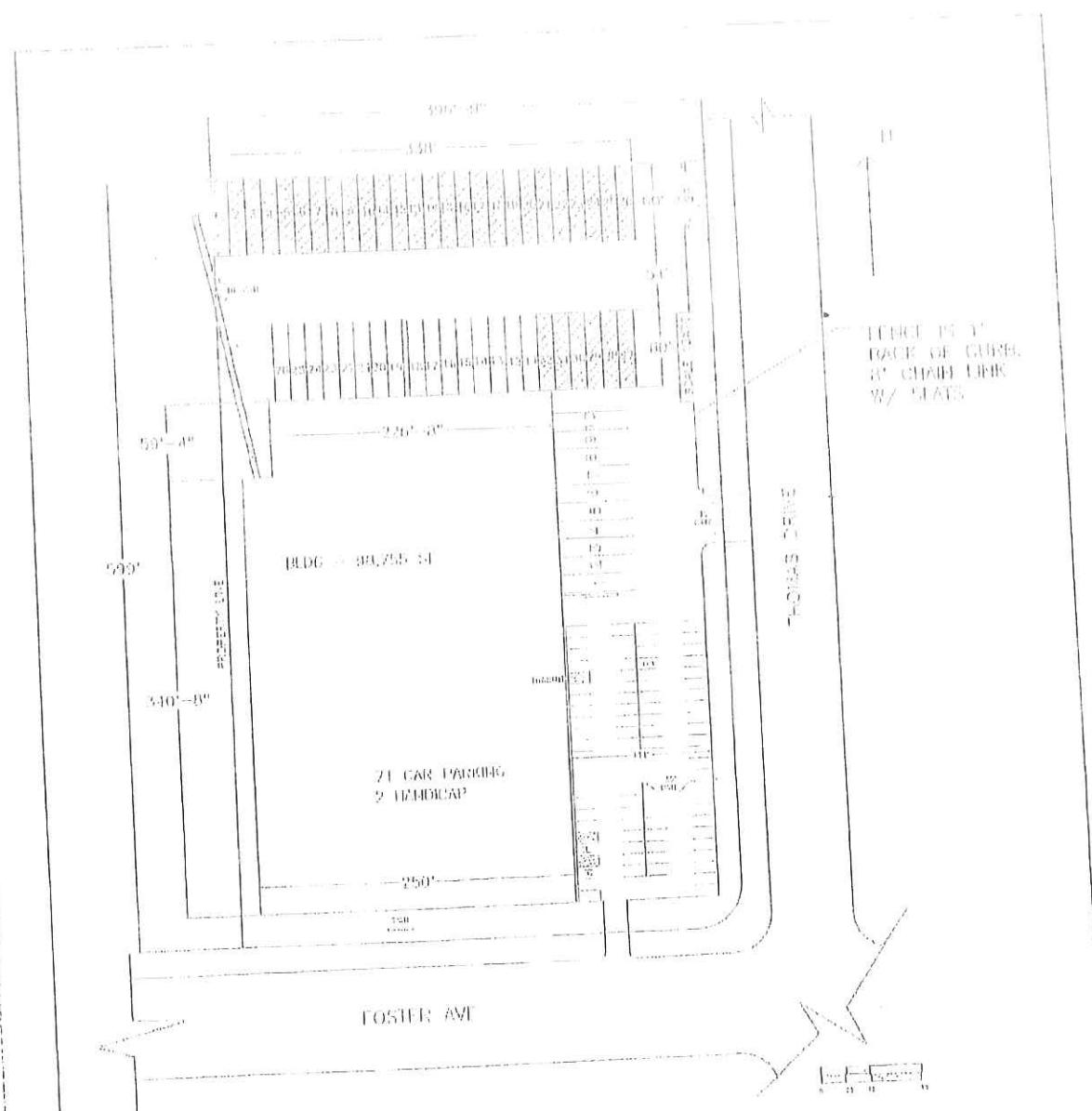
The proposed use will not require existing community facilities or services.

5. Public Necessity

This storage and staging of trailers will allow us to dramatically reduce road traffic as we will be able to deliver trailer loads directly from our accounts to the warehouse and not require the back and forth shipments of trailers to off-site storage facilities.

6. Other Factors

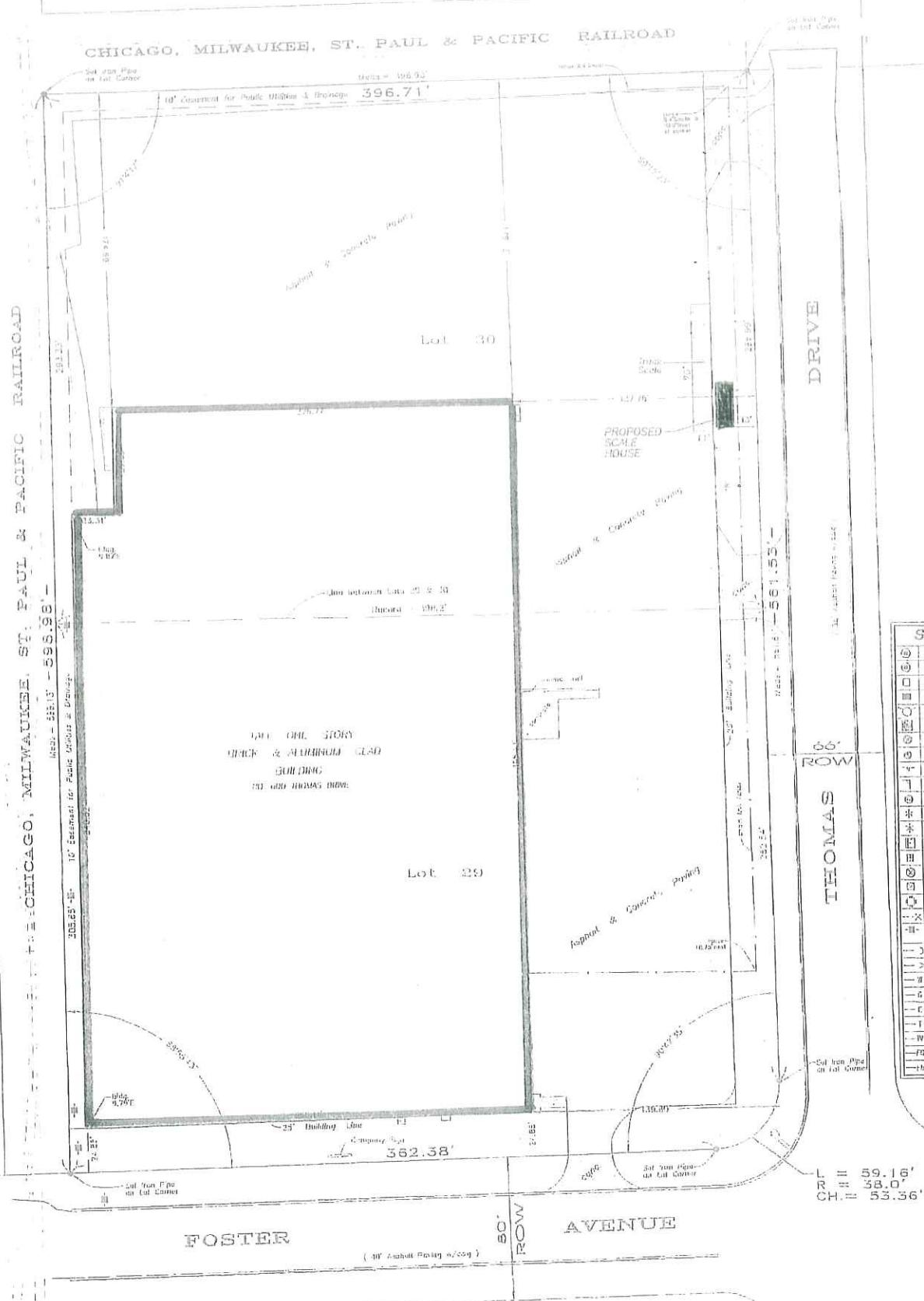
This is consistent with the use of adjacent property owners.



600 THOMAS DRIVE
THE PRI GROUP

SITE AREA	237,653 SF	SCALE	1/8"
OUTDOOR STORAGE	26,880 SF	% STORAGE ON SITE	11.3%
TRUCK/STORAGE PARKING	14' x 60'	32 OUTDOOR STORAGE SPACES	

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD



STATE OF ILLINOIS)
COUNTY OF DuPAGE) S.S.

THIS PROFESSIONAL SERVICE CONFORMS TO CURRENT MINIMUM STANDARDS FOR A BOUNDARY SURVEY THAT I,
MICHAEL L. KRISCH, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVE HAD SURVEYED UNDER MY SUPERVISION THE
PROPERTY DESCRIBED IN THE ABOVE CAPTION AS SHOWN BY THE ANEXED PLAT WHICH IS A REPRESENTATION OF
SAID SURVEY.

GIVEN UNDER MY HAND AND SEAL AT BOWERS GROVE, ILLINOIS, THIS 2nd DAY OF NOVEMBER A.D. 2001.



ILLINOIS PROFESSIONAL LAND SURVEYOR
NO. 156-7601 USES EXPRESS NOVEMBER 10, 2012

RETER TO OED OR GUARANTEED POLICY FOR BUILDING LINE RESTRICTIONS AND EASINGS NOT SHOWN ON THE PLAT OF SURVEY. COMPARE DESCRIPTION AND POINTS BEFORE BUILDING AND REPORT ANY APPARENT DIFFERENCE TO THE

Symbols Legend	
(@)	Sunday School Roomette
(@)	Team Color Handballs
(□)	Softball Barn
(■)	Soft Foot
(○)	Fire Hydrant
(■)	Solar Panels in Barn
(○)	Solar Panels
(#)	Play Bus
(#)	Spa
(T)	Steel Sign
(@)	Gas Valve
(*)	Landscaped Light / Post
(*)	Light Pole
(E)	Electric Transformer
(W)	Utility Pedestal
(X)	Telephone Pounds
(S)	Electric Handmills
(S)	Stuffed Animal
(P)	Pole Answer
(W)	Utility Pole w/ Treatment Arm Brackets
(S)	Storm Shelter
(S)	Sandbag Shelter
(A)	A - Atherton
(G)	G - Goshen
(E)	E - Underground Electric Unit
(I)	I - Underground Irrigation Unit
(W)	W - Underground Cable Reel
(D)	D - Underground Fiber Optic
(H)	H - House with Fence

GRAPHIC SCALE



KRISCH LAND SURVEYING, LLC

PROFESSIONAL DESIGN FIRM LICENSE No. 184-004233

P.O.Box 929 • Plainfield, IL 60544

Phone: 630.627.5555
Fax: 630.627.5550

PLR: 030.027.359

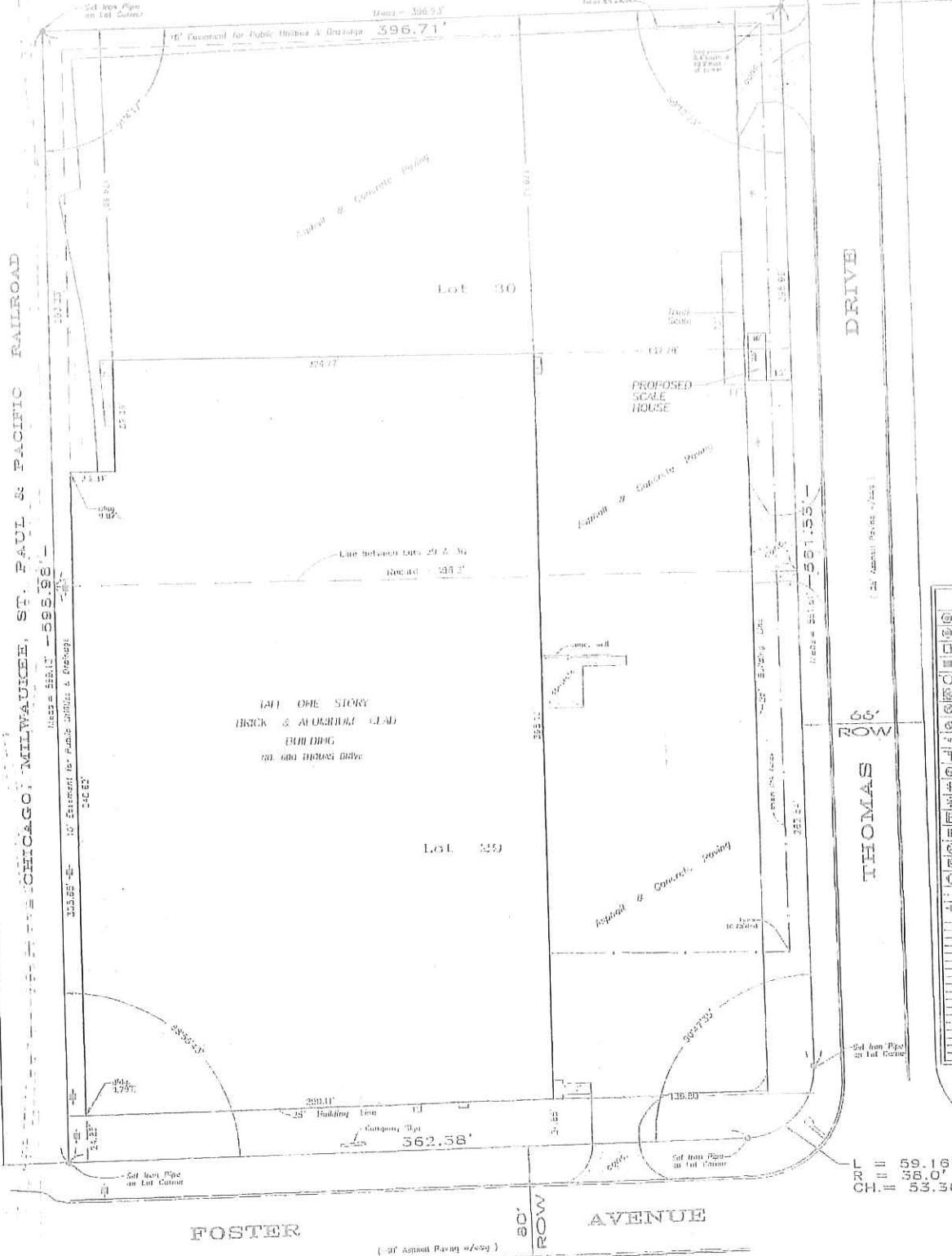
CHINESE LITERATURE

PLAT of SURVEY

1015, 24 AND 39 IN KLEFSTAD'S BENSONVILLE INDUSTRIAL PARK, BEING A SUBDIVISION IN SECTIONS 2 AND 11, TOWNSHIP 10 NORTH, RANGE 11 EAST, OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 30, 1967, AS DOCUMENT 867-2005, IN DUPAGE COUNTY, ILLINOIS.

PROPERTY DESCRIBED: CONTAINS 5.47 ACRES
PARCEL NO. 03-11-200-029
COMMON ADDRESS: 600 THOMAS DRIVE, BENSENVILLE, ILLINOIS

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD



Symbols Legend

①	Sanitary Sewer Drains
②	Storm Sewer Drains
③	Catch Basins
④	Drain Inlets
⑤	Fire Hydrant
⑥	Water Main Inlets
⑦	Water Valves
⑧	U-Bars
⑨	Sign
⑩	Street Signs
⑪	Gas Valves
⑫	Underground Utility / Pad
⑬	Light Poles
⑭	Electric Transformer
⑮	Utility Poles
⑯	Telephone Poles
⑰	Electric Meters
⑱	Traffic Signal Poles
⑲	Police Officer
⑳	Utility Pole or Telephone Pole Disposal
㉑	Storm Sewer
㉒	Ground Survey
㉓	W - W-Superior
㉔	G - G - Garvin
㉕	C - C - Underground Electric Boxes
㉖	T - T - Underground Telephone Line
㉗	W - W - Underground Cable Relays
㉘	FD - FD - Underground Fiber Optic Line
㉙	FH - FH - Fire Hydrant

$$\begin{array}{ll} \text{L} = 59.16' \\ \text{R} = 58.0' \\ \text{CH.} = 53.35' \end{array}$$

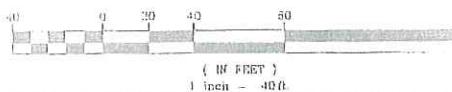
STATE OF ILLINOIS)
COURT OF APPEALS) S.S.

THIS PROFESSIONAL SERVICE CONFORMS TO CURRENT MINIMUM STANDARDS FOR A BOUNDARY SURVEY. THAT I, MICHAEL L. KRISCH, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HAVE HAD SURVEYED UNDER MY SUPERVISION THE PROPERTY DESCRIBED IN THE ABOVE CERTAIN AS SHOWN BY THE ATTACHED PLAT WHICH IS A REPRESENTATION OF SAID SURVEY.

Given under my hand and seal at ROMERS CHAPEL, ILLINOIS, this 2nd day of NOVEMBER A.D. 2013.



GRAPHIC SCALE



KRISCH LAND SURVEYING, LLC

PROFESSIONAL DESIGN FIRM LICENSE No. 184-00423

P.O. Box 2229

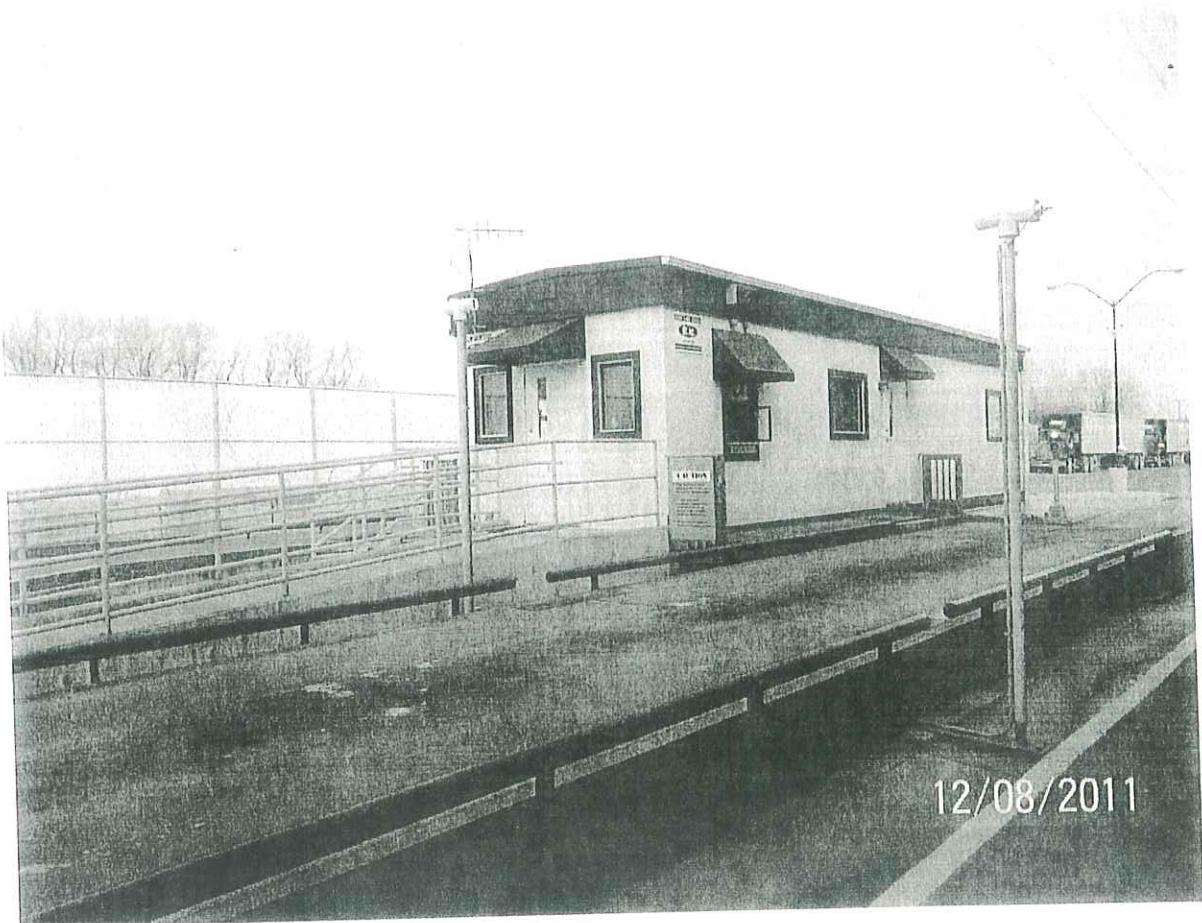
Phrasal verbs 277

CDC# 2011 - 22

The PRI Group

600 N. Thomas Drive

Image of "Scale House" Modular Office



Village of Bensenville
Board Room
12 South Center Street
DuPage and Cook Counties
Bensenville, IL, 60106

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

December 12, 2011

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 7:00 p.m.

ROLL CALL : Upon roll call, the following Commissioners were present:
Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon
Absent: None
A quorum was present.

Public Hearing:	CDC Case Number 2011-20
Petitioner:	The PRI Group, LLC
Location:	600 N. Thomas Drive
Request:	Conditional Use Permit Amendment & Variance to Allow a "Scale House" Adjacent to the Existing Exterior Truck Scale.

The Public Hearing was opened at 7:12 p.m. Jeff Gosmire, CFO & VP of Administration and Tony Varchetto, President & CEO were present and sworn in by Chairman Moruzzi. Director of Community and Economic Development, Scott Viger, stated the notice for this public hearing was published in the Daily Herald on November 26, 2011. A certified copy of the public hearing notice will be kept in the case file. A copy of the public notice has been included in the Staff report. Mr. Viger also stated signs were posted outside the property on November 23, 2011 and the required mailing of the notice was sent to the surrounding tax payers of record on November 23, 2011. Mr. Viger stated the PRI Group received their original conditional use permit and variance in 2009. Mr. Gosmire stated to the Commission the proposed scale house will be a stationary structure. The PRI Group's initial intentions were to request the scale house in their original conditional use permit and variance in 2009 but were not financially prepared at the time. Mr. Gosmire stated the scale house will allow truck to move in and out of the PRI Group at a quicker pace and allow for a smoother operation. The current operation has drivers walking into the main building looking for PRI Group staff to assist with the scale and necessary reports. Mr. Gosmire stated the scale house will be brand new and built on a concrete slab with a skirt around it. Initially, the PRI Group

submitted plans to the Village without landscaping around the building. Mr. Gosmire passed out a revised site plan that show small bushes placed halfway around the scale house that would partially block its view from Thomas Road. Mr. Gosmire stated the ideal space between the scale house window and the scale will be 18" to allow drivers and attendants to have a smooth transaction. Mr. Viger stated there were no concerns from Public Works Engineering or Finance. Mr. Viger stated the Police Departments questioned if the scale will be used 24 hours a day and if the scale will be a scale for hire. The Police Department also raised concern with the current traffic back-up on Thomas Drive. The Community & Economic Development Department recommends approval of the request with the following conditions:

- 1) The conditional use permit shall only be applicable during the tenancy of the PRI Group, LLC or an successor in interest it may have in assumption of the tenancy.
- 2) The site shall be developed in the substantial compliance with the plat of survey prepared by Krisch Land Surveying, LLC dated November 2, 2011 and last revised November 8, 2011 and as submitted as part of the application.
- 3) The screening of the outdoor storage shall be completed prior to the placement/erection of the scale house.
- 4) A landscaping plan shall be submitted, reviewed and approved by the Community & Economic Development Department as part of the building permit process.
- 5) A building permit is required for the scale house.
- 6) The PRI Group, LLC shall implement a procedure to adequately "police" the property so as to remove any debris, paper and other litter.

Commissioner Pisano asked the PRI Group to clarify the Police Department's concerns. Mr. Varchetto stated the PRI Group currently allows the Bensenville Police Department to use the scale at no charge. Mr. Varchetto stated outside companies can use the scale, if available, for a fee of \$10. Mr. Gosmire stated the PRI Group has no intentions to promote the use of their scale but will allow outside companies to use the scale for a small fee. Commissioner Weldon asked if the scale house will be open 24 hours. Mr. Varchetto stated there would be someone operating the scale house between 6:00 a.m. and 6:00 p.m. and any drivers using

the scale house during the night hours will have to have assistance from someone inside the main building. Commissioner Weldon asked if oversized truck would be able to fit on the scale. Mr. Gosmire stated there should be no issues with oversized truck using the scale. Commissioner Weldon asked how tall the building would be. Mr. Varchetto stated he was not sure until the plans are drawn but has seen scale houses range from twelve to fourteen feet. Mr. Viger stated the allowed height will be twelve feet.

Commissioner Weldon asked Staff if there was any other structure in town that was built close to a right of way. Mr. Viger stated he was unsure and that the proposed scale house will be twenty five feet from the right of way. Chairman Moruzzi asked if the scale house would have an audio system accommodated with speakers. Mr. Gosmire stated it would not. Chairman Moruzzi asked if the PRI Group had intentions to stripe the scale area for a smoother transition from truck to truck. Mr. Gosmire stated the PRI Group had not thought of the idea but would look into the issue.

Chairman Moruzzi asked that the striping of the scale be added to the provisions for approval. There were no objections from the Commissioners. Commissioner Rowe and Commissioner Ventura had no questions. Chairman Moruzzi asked if there was any member of the Public that would like to give testimony. There were none. Chairman Moruzzi closed the public hearing at 7:35 p.m.

Motion: Commissioner Rowe made a motion to approve the finding of facts for CDC Case #2011-20 consisting of:

- 1) Special circumstances exists that are particular to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to the title to cover them.
- 2) The literal application of the provisions of the title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience. The location of the scale house in the actual corner side yard is a function of the original placement of the industrial building on the site. The scale and therefore the scale house must be located as to allow vehicles to drive through with the scale house on the driver's side.

- 3) The special circumstances and hardship relate only to the physical character of the land or building, such as dimensions, topography or soil conditions. They do not concern and business or activity or present or prospective owner or occupant carries on, or seeks to carry on, therein, nor the personal, business or financial circumstances of any part within interest in the property. The variance request is a function of the original building placement on the site which is specific to 600 N. Thomas Drive.
- 4) The special circumstance and practical difficulties or hardship that are the basis for the variance are not resulted from any act, undertaken subsequent to the adoption of this title or any applicable amendment thereto, if the applicant or of any other party with a present interest on the property. Knowingly authorizing to proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be such in act. The special circumstances and practical hardship are not a direct result of actions of the applicant.
- 5) A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties. Approval of the relief sought by the applicant would not confer any special privilege to the property that is ordinarily denied other propertied in the I-2 Light Industrial District.
- 6) The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property. The addition of the scale house is said to improve the efficiency of the business operations and could lead to reduced traffic impacts along North Thomas Drive.
- 7) The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity. Approval of the relief sought will not alter the essential character of the business and industrial neighborhood.

- 8) The granting of a variance will be in harmony with the general purpose and intent of this title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof. Granting the requested variance will be in harmony with the general purpose and intent of the Village of Bensenville's plans.
- 9) The variance approved is the minimum required to provide the applicant with the relief from the undue hardship or practical difficulties and with reasonable use and enjoyment of the property. The variance sought is the minimum required. The placement of the proposed scale house allows for the scale operator to pass papers to the drivers without the drivers leaving their vehicles.

Commissioner Pisano seconded the motion.

Roll Call:

Ayes: Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Weldon made a motion to approve CDC Case #2011-20 with the conditions set forth by Staff and adding a condition requiring the PRI Group, LLC to submit a pavement stripping plan for the scale to the Community & Economic Development Department for Staff's review and approval. Commissioner Ventura seconded the motion.

Roll Call:

Ayes: Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

Mike Moruzzi, Chairman
Community Development Commission

ORDINANCE # _____

**AN ORDINANCE GRANTING A VARIANCE
TO CORNER SIDE YARD REQUIREMENTS TO ALLOW CONSTRUCTION OF A
SCALE HOUSE AS AN ACCESSORY STRUCTURE IN THE CORNER SIDE YARD
OF THE PROPERTY COMMONLY IDENTIFIED AS
600 N. THOMAS DRIVE, BENSENVILLE, ILLINOIS**

WHEREAS, Trust No. 4398/B8000439893 ("Owner") and PRI Group, LLC, tenant-applicant (hereinafter collectively "Applicant"), filed an application seeking a variance to the regulations regarding accessory structures in corner side yards to allow for construction of a scale house in the corner side yard at the property located at 600 N. Thomas Drive, Bensenville, as legally described in Exhibit "A," attached hereto and incorporated herein by reference (the "Subject Property"), a copy of said application being contained in the files for this property in the Community and Economic Development Department; and

WHEREAS, Notice of Public Hearing with respect to the requested variance was published in the Daily Herald on November 26, 2011, it being a newspaper of general circulation in the Village of Bensenville (the "Village"), all as required by the statutes of the State of Illinois and the ordinances of the Village; and

WHEREAS, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing on December 12, 2011, all as required by the statutes of the State of Illinois and the ordinances of the Village; and

WHEREAS, the Community Development Commission voted unanimously to approve the request for the variance to allow construction of the scale house in the corner side yard, in conjunction with a request for an amendment to an existing conditional use permit allowing for outdoor storage of trailers in the corner side yard on the Subject Property, with a condition that the scale house be constructed in compliance with the conditions recommended by the Commission; and forwarded its recommendations, including the Staff Report and findings relative to the variation to the Village Board's Community and Economic Development Committee, which concurred in the recommendation made therein, as are attached hereto as Exhibit "B" and incorporated herein by reference; and

WHEREAS, the President and Board of Village Trustees have reviewed the matter herein and have determined that approval of the requested variance to allow construction of the scale

house, as an accessory structure in the corner side yard, if the amended conditional use permit is granted for the Subject Property, is consistent with the *Bensenville Village Code*.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

SECTION ONE: That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

SECTION TWO: That the Subject Property is currently zoned under the Zoning Ordinance as I-2 Industrial District, which zoning classification shall remain in effect subject to the variance granted herein.

SECTION THREE: That the Staff Report and Recommendation to approve the variance sought, as allowed by the *Bensenville Zoning Ordinance*, Code Section 10-14-11E, in conjunction with the amendment to the existing conditional use permit on the Subject Property is attached to the recommendations of the Community Development Commission in Exhibit "B" and was adopted by the Community Development Commission as its finding of facts, and said findings are adopted by the President and Board of Trustees, the Board of Trustees finding that said variance is proper and necessary.

SECTION FOUR: That, the variance sought by the Applicant to allow construction of a scale house as an accessory structure in the corner side lot is hereby granted, subject to approval of the amended conditional use permit, and construction of the scale house in compliance with the conditions as set forth in the Ordinance approving the Amendment to the Conditional Use Permit.

SECTION FIVE: That all requirements of the Zoning Ordinance shall be applicable except as varied by the variance granted herein.

SECTION SIX: The terms and conditions set forth in this Ordinance are deemed to be a fundamental element of the relief granted herein, and are intended by the Village and the Applicant to run with the Subject Property and be binding upon any and all successors in interest to the Applicant.

SECTION SEVEN: That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

SECTION EIGHT: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, this day of February, 2012.

Frank Soto, Village President

ATTEST:

Corey Williamsen, Acting Village Clerk

AYES: _____

NAYES: _____

ABSENT: _____

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Ordinance #
Exhibit "A"

Legal Description

Lots 29 and 30 in Klefstad Bensenville Industrial Park, a subdivision in Section 2 and 11, Township 40 North, Range 11 east of the Third Principal Meridian, according to the Plat thereof recorded January 27, 1967 as Document No. R67-2063, in the Village of Bensenville, in Du Page County, Illinois

Commonly known as:
600 N. Thomas Drive
Bensenville, IL 60106



COMMUNITY DEVELOPMENT COMMISSION

STAFF REPORT

HEARING DATE: December 12, 2011
CASE #: 2011- 20
PROPERTY: 600 N. Thomas Drive
PROPERTY OWNER: Trust # 4398 / B8000439893
(Chuck Silverman)
APPLICANT: The PRI Group LLC
ACREAGE: 5.47 Acres
PIN NUMBERS: 03-11--200-029
REQUEST: Conditional Use Permit Amendment & Variance to amend the previously approved Site Plan to allow a "Scale House" adjacent to the exterior truck scale

SURROUNDING LAND USE:

	Zoning	Land Use	Jurisdiction
Site	I-2	Light Industrial	Village of Bensenville
North	I-2	Light Industrial	Village of Bensenville
South	I-2	Light Industrial	Village of Bensenville
East	I-2	Light Industrial	Village of Bensenville
West	I-2	Light Industrial	Village of Bensenville

SUMMARY:

The applicant The PRI Group relocated their facility to the Village in late 2009 / early 2010. They received a fence variance and a Conditional Use Permit (CUP) for Outdoor Storage in 2010 (Ordinances 29 – 2010 & 30 – 2010 attached). Inside the fenced area of the property in question is a truck scale, the applicant proposes to place a "scale house" to the east (street side) of the truck scale to facilitate the weighing operation. The placement of the scale house would necessitate an amendment to the approved Site Plan (CUP) and a variance from the accessory structure setback.

PUBLIC NOTICE:

1. A Legal Notice was published in the Daily Herald on Saturday November 26, 2011. A Certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development department during regular business hours.
2. Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way on Wednesday November 23, 2011.
3. On Wednesday November 23, 2011 Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 250' of the property in question. An Affidavit of Mailing executed by C & ED personnel and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

DEPARTMENT COMMENTS:

Public Works:

No Public Works issues or concerns.

Engineering:

No Engineering issues or concerns.

Finance:

No concerns. Utility billing is current.

Police:

1. Prior issue with trucks staging on Thomas Drive, the situation has improved after The PRI Group working with the Village.
2. This is the only scale in the North Business Park. Is the scale to be used for The PRI Group LLC internal use or will it be available to other businesses? If so, it could re-ignite the staging issues along Thomas Drive.
3. Will the scale be used 24 hours a day?
4. It is our understanding that The PRI Group has offered the Police Department use of the scale, which we appreciate. This would save the Police Department time when we need to weigh vehicles.
5. We have a question as to the distance between the scale itself and the "scale house"; if there is an oversized load the "scale house" may be too close to the actual scale for the larger loads.

Community & Economic Development:

Economic Development

1. The PRI Group relocated to the Village in 2009 / 2010.
2. The rail access to the North Business Park was an important factor in The PRI Group choosing Bensenville and this property in particular.

Inspectional Services

1. One fire extinguisher needed.
2. Install smoke and carbon monoxide detectors that shall be tied into the main system.
3. Install a pull station /horn strobe
4. Ordinance #30-2010 required the fence to have screening slats installed. The applicant shall install the screening promptly.

Building

1. Scale House shall be permanently fastened to the ground due to the electrical supply. Foundations or slabs may be necessary.
2. Foundation details, electrical drawings and trailer / scale house specifications will be required at time of permit submittal.

Community Development

1. The "scale house" is proposed to be approximately 2.25' from the fence that was authorized by Ordinances 29 – 2010 & 30 - 2010. This puts the "scale house" approximately 1' from the scale itself.
2. We have interpreted that the "scale house" is an accessory structure and as such must meet the locational requirements found in our Zoning ordinance.
3. Accessory structures shall not be located in the "actual front or corner side yard", as this "scale house" is proposed.
4. As the Village looks to enhance the North Business Park through significant public investment and as Foster Avenue is currently the sole east – west through street in the North Business Park and Thomas Drive is the longest public street in the North Business Park, this is a visible and important property. Staff is concerned with the aesthetics of the proposed "scale house", the applicant has indicated that they propose to utilize a manufactured building or perhaps a trailer.
5. Paper and debris is a consistent issue on the site especially along the north property line. It is recommended that the applicant establish an ongoing inspection procedure to ensure that the site remain clear of such materials.
6. Staff recommends that bollards be installed at the northwest and southwest corners of the "Scale House" to protect the "Scale House" from damage from trucks.

7. Staff will require a Landscape Plan. The Landscape Plan shall be reviewed and approved by the Community & Economic Development staff.

The review and recommendation of the Conditional Use should be determined by the "Approval Criteria" found in the Village's Zoning Ordinance.

APPROVAL CRITERIA FOR CONDITIONAL USES:

The Community Development Commission shall not recommend approval of the Conditional Use Permit without determining that the request meets the following approval criteria and making certain findings of fact. Staff has reviewed the request and recommends the following Findings of Fact:

1. **Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized.

The applicant contends that the "scale house" will actually improve the traffic situation along Thomas Drive as trucks will be able to move through the weighing process more quickly, the drivers will not need to leave their vehicles and walk to the main facility to receive their weight information.

2. **Environmental Nuisance:** The proposed use will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of the historic use of the property or permitted uses in the district.

The addition of the "scale house" should not have a negative effect on the through the creation of noise, glare, odor, dust, waste disposal or blockage of light and air to a degree not characteristically found in the North Business Park.

3. **Neighborhood Character:** The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized.

The property in question is zoned I -2 Light Industrial in the heart of the North Business Park. The proposed use should be in harmony with the businesses in the area.

4. Use Of Public Services And Facilities: The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area.

No significant increase in the utilization of the public utility systems is anticipated.

5. Public Necessity: The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community.

Easing the truck weighing process

6. Other Factors: The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location.

The "scale house" use will be in harmony with the surrounding business and industrial uses.

APPROVAL CRITERIA FOR VARIANCES:

The Community Development Commission shall not recommend nor shall the Village Board grant a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

1. Special Circumstances: Special circumstances exist that are peculiar to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to this Title to cover them.

2. Hardship Or Practical Difficulties: For reasons set forth in the findings, the literal application of the provisions of this Title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.

The location of the "Scale House" in the actual corner side yard is a function of the original placement of the industrial building on the Site. The scale and therefore the "Scale House" must be located so as to allow the vehicles to drive through with the "Scale House" "on the driver's side.

3. **Circumstances Relate To Property:** The special circumstances and hardship relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions. They do not concern any business or activity of present or prospective owner or occupant carries on, or seeks to carry on, therein, nor to the personal, business or financial circumstances of any party with interest in the property.

The variance request is a function of the original building placement on the Site which is specific to 600 N. Thomas Drive.

4. **Not Resulting From Applicant Action:** The special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act, undertaken subsequent to the adoption of this Title or any applicable amendment thereto, of the applicant or of any other party with a present interest in the property. Knowingly authorizing or proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be considered such an act.

The special circumstances and practical hardship are not a direct result of actions of the applicant.

5. **Preserve Rights Conferred By District:** A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.

Approval of the relief sought by the applicant would not confer any special privilege to this property that is ordinarily denied other properties in the I-2 Light Industrial District.

6. **Necessary For Use Of Property:** The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

The addition of the "scale house" is said to improve the efficiency of the business operation and could lead to reduced traffic impacts along North Thomas Drive.

7. Not Alter Local Character: The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.

Approval of the relief sought will not alter the essential character of the business and industrial neighborhood.

8. Consistent With Title And Plan: The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.

Granting of the requested variance will be in harmony with the general purpose and intent of the Village of Bensenville's plans.

9. Minimum Variance Needed: The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

The variance sought is the minimum required. The placement of the proposed "Scale House" allows for the scale operator to pass papers to the drivers without the drivers leaving their vehicles.

RECOMMENDATIONS:

Staff recommends the approval of the requested the above Findings of Fact for both the Conditional Use Permit and the Variance subject to the following conditions:

1. The Conditional Use Permit shall only be applicable during the tenancy of The PRI Group LLC or any successor in interest it may have in assumption of the tenancy.
2. The site shall be developed in substantial compliance with the Plat of Survey prepared by Krisch Land Surveying, LLC Dated 11.02.11 and last revised 11.08.11 and as submitted as a part of the application.

3. The screening of the outdoor storage shall be completed prior to the placement/erection of the "Scale House".
4. A Landscape Plan shall be submitted, reviewed and approved by the Community & Economic Development Department as part of the Building Permit process.
5. A Building Permit is required for the "Scale House".
6. The PRI Group LLC shall implement a procedure to adequately "police" the property so as to remove any debris, paper and other litter.

Respectfully Submitted,

Department of Community
& Economic Development

Village of Bensenville
Board Room
12 South Center Street
DuPage and Cook Counties
Bensenville, IL, 60106

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

December 12, 2011

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 7:00 p.m.

ROLL CALL : Upon roll call, the following Commissioners were present:
Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon
Absent: None
A quorum was present.

Public Hearing: CDC Case Number 2011-20
Petitioner: The PRI Group, LLC
Location: 600 N. Thomas Drive
Request: Conditional Use Permit Amendment & Variance to Allow a “Scale House” Adjacent to the Existing Exterior Truck Scale.

The Public Hearing was opened at 7:12 p.m. Jeff Gosmire, CFO & VP of Administration and Tony Varchetto, President & CEO were present and sworn in by Chairman Moruzzi. Director of Community and Economic Development, Scott Viger, stated the notice for this public hearing was published in the Daily Herald on November 26, 2011. A certified copy of the public hearing notice will be kept in the case file. A copy of the public notice has been included in the Staff report. Mr. Viger also stated signs were posted outside the property on November 23, 2011 and the required mailing of the notice was sent to the surrounding tax payers of record on November 23, 2011. Mr. Viger stated the PRI Group received their original conditional use permit and variance in 2009. Mr. Gosmire stated to the Commission the proposed scale house will be a stationary structure. The PRI Group’s initial intentions were to request the scale house in their original conditional use permit and variance in 2009 but were not financially prepared at the time. Mr. Gosmire stated the scale house will allow truck to move in and out of the PRI Group at a quicker pace and allow for a smoother operation. The current operation has drivers walking into the main building looking for PRI Group staff to assist with the scale and necessary reports. Mr. Gosmire stated the scale house will be brand new and built on a concrete slab with a skirt around it. Initially, the PRI Group

submitted plans to the Village without landscaping around the building. Mr. Gosmire passed out a revised site plan that show small bushes placed halfway around the scale house that would partially block its view from Thomas Road. Mr. Gosmire stated the ideal space between the scale house window and the scale will be 18" to allow drivers and attendants to have a smooth transaction. Mr. Viger stated there were no concerns from Public Works Engineering or Finance. Mr. Viger stated the Police Departments questioned if the scale will be used 24 hours a day and if the scale will be a scale for hire. The Police Department also raised concern with the current traffic back-up on Thomas Drive. The Community & Economic Development Department recommends approval of the request with the following conditions:

- 1) The conditional use permit shall only be applicable during the tenancy of the PRI Group, LLC or an successor in interest it may have in assumption of the tenancy.
- 2) The site shall be developed in the substantial compliance with the plat of survey prepared by Krisch land Surveying, LLC dated November 2, 2011 and last revised November 8, 2011 and as submitted as part of the application.
- 3) The screening of the outdoor storage shall be completed prior to the placement/erection of the scale house.
- 4) A landscaping plan shall be submitted, reviewed and approved by the Community & Economic Development Department as part of the building permit process.
- 5) A building permit is required for the scale house.
- 6) The PRI Group, LLC shall implement a procedure to adequately "police" the property so as to remove any debris, paper and other litter.

Commissioner Pisano asked the PRI Group to clarify the Police Department's concerns. Mr. Varchetto stated the PRI Group currently allows the Bensenville Police Department to use the scale at no charge. Mr. Varchetto stated outside companies can use the scale, if available, for a fee of \$10. Mr. Gosmire stated the PRI Group has no intentions to promote the use of their scale but will allow outside companies to use the scale for a small fee.

Commissioner Weldon asked if the scale house will be open 24 hours. Mr. Varchetto stated there would be someone operating the scale house between 6:00 a.m. and 6:00 p.m. and any drivers using

the scale house during the night hours will have to have assistance from someone inside the main building. Commissioner Weldon asked if oversized truck would be able to fit on the scale. Mr. Gosmire stated there should be no issues with oversized truck using the scale. Commissioner Weldon asked how tall the building would be. Mr. Varchetto stated he was not sure until the plans are drawn but has seen scale houses range from twelve to fourteen feet. Mr. Viger stated the allowed height will be twelve feet.

Commissioner Weldon asked Staff if there was any other structure in town that was built close to a right of way. Mr. Viger stated he was unsure and that the proposed scale house will be twenty five feet from the right of way. Chairman Moruzzi asked if the scale house would have an audio system accommodated with speakers. Mr. Gosmire stated it would not. Chairman Moruzzi asked if the PRI Group had intentions to stripe the scale area for a smoother transition from truck to truck. Mr. Gosmire stated the PRI Group had not thought of the idea but would look into the issue. Chairman Moruzzi asked that the striping of the scale be added to the provisions for approval. There were no objections from the Commissioners. Commissioner Rowe and Commissioner Ventura had no questions. Chairman Moruzzi asked if there was any member of the Public that would like to give testimony. There were none. Chairman Moruzzi closed the public hearing at 7:35 p.m.

Motion: Commissioner Rowe made a motion to approve the finding of facts for CDC Case #2011-20 consisting of:

- 1) Special circumstances exists that are particular to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to the title to cover them.
- 2) The literal application of the provisions of the title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience. The location of the scale house in the actual corner side yard is a function of the original placement of the industrial building on the site. The scale and therefore the scale house must be located as to allow vehicles to drive through with the scale house on the driver's side.

- 3) The special circumstances and hardship relate only to the physical character of the land or building, such as dimensions, topography or soil conditions. They do no concern and business or activity or present or prospective owner or occupant carries on, or seeks to carry on, therein, nor the personal, business or financial circumstances of any part within interest in the property. The variance request is a function of the original building placement on the site which is specific to 600 N. Thomas Drive.
- 4) The special circumstance and practical difficulties or hardship that are the basis for the variance are no resulted from any act, undertaken subsequent to the adoption of this title or any applicable amendment thereto, if the applicant or of any other party with a present interest on the property. Knowingly authorizing to proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be such in act. The special circumstances and practical hardship are not a direct result of actions of the applicant.
- 5) A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties. Approval of the relief sought by the applicant would not confer any special privilege to the property that is ordinarily denied other propertied in the I-2 Light Industrial District.
- 6) The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property. The addition of the scale house is said to improve the efficiency of the business operations and could lead to reduced traffic impacts along North Thomas Drive.
- 7) The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity. Approval of the relief sought will not alter the essential character of the business and industrial neighborhood.

- 8) The granting of a variance will be in harmony with the general purpose and intent of this title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof. Granting the requested variance will be in harmony with the general purpose and intent of the Village of Bensenville's plans.
- 9) The variance approved is the minimum required to provide the applicant with the relief from the undue hardship or practical difficulties and with reasonable use and enjoyment of the property. The variance sought is the minimum required. The placement of the proposed scale house allows for the scale operator to pass papers to the drivers without the drivers leaving their vehicles.

Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve CDC Case #2011-20 with the conditions set forth by Staff and adding a condition requiring the PRI Group, LLC to submit a pavement stripping plan for the scale to the Community & Economic Development Department for Staff's review and approval. Commissioner Ventura seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

Mike Moruzzi, Chairman
Community Development Commission

ORDINANCE # 29-2010

AN ORDINANCE GRANTING APPROVAL OF A VARIANCE
TO ALLOW A FENCE IN THE SIDE YARD OF THE PROPERTY COMMONLY
IDENTIFIED AS 600 THOMAS DRIVE, BENSENVILLE, ILLINOIS

WHEREAS, Trust No. 4398/B8000439893 ("owner") and PRI Group, LLC, tenant-applicant (hereinafter collectively "Applicant"), filed an application for approval of a variance to allow a fence in the side yard at the property located at 600 Thomas Drive, Bensenville, as legally described in Exhibit "A," attached hereto and incorporated herein by reference (the "Subject Property"), a copy of said application being contained in the files for this property in the Community and Economic Development Department; and

WHEREAS, Notice of Public Hearing with respect to the requested variance was published on December 25, 2009, in the *Bensenville Press*, being a newspaper having general circulation within the Village of Bensenville (the "Village"), all as required by the statutes of the State of Illinois and the ordinances of the Village; and

WHEREAS, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing on January 11, 2010 and February 8, 2010, all as required by the statutes of the State of Illinois and the ordinances of the Village; and,

WHEREAS, the Community Development Commission voted to approve the request for the fence variance, in conjunction with a request for a conditional use permit to allow outdoor storage of trailers in the corner side yard on the Subject Property, with a condition that the fencing be installed in compliance with the plans submitted to the Commission on February 8, 2010, and forwarded its recommendations, including Staff Report and findings relative to the variation to the Village Board's Community and Economic Development Committee, which concurred in the recommendation made therein, as are attached hereto as Exhibit "B" and incorporated herein by reference; and

WHEREAS, the President and Board of Village Trustees have reviewed the matter herein and have determined that approval of the requested variance to allow fencing in the corner lot, if the conditional use permit is granted for the Subject Property is consistent with the *Bensenville Village Code*.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

SECTION ONE: That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

SECTION TWO: That the Subject Property is currently zoned under the Zoning Ordinance as I-2 Industrial District, which zoning classification shall remain in effect subject to the variance granted herein.

SECTION THREE: That the Staff Report and Recommendation to approve the fence variance sought, as allowed by the *Bensenville Zoning Ordinance*, Code Section 10-14-11E, is attached to the recommendations of the Community Development Commission in Exhibit "B" and was adopted by the Community Development Commission as its finding of facts, and said findings are adopted by the President and Board of Trustees, the Board of Trustees finding that said variance is proper and necessary.

SECTION FOUR: That, the variance sought by the Applicant to allow construction of a fence in the corner lot is hereby granted, subject to approval of the conditional use permit, and erection of the fence in compliance with the plan submitted to the Community Development Commission.

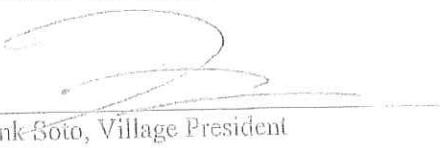
SECTION FIVE: That all requirements of the Zoning Ordinance shall be applicable except as varied by the variance granted herein.

SECTION SIX: The terms and conditions set forth in this Ordinance are deemed to be a fundamental element of the relief granted herein, and are intended by the Village and the Applicant to run with the Subject Property and be binding upon any and all successors in interest to the Applicant.

SECTION SEVEN: That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

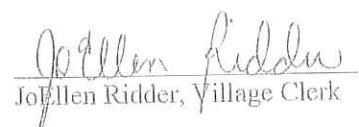
SECTION EIGHT: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, this 23rd day of March 2010.



Frank Soto, Village President

ATTEST:



JoEllen Ridder
JoEllen Ridder, Village Clerk

AYES: Adamowski, Bartlett, Johnson, O'Connell, Peconio, Wesseler

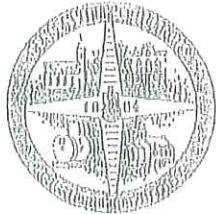
NAYES: None

ABSENT: None

The Legal Description is as follows:

Lots 29 and 30 in Kleinstad Bensenville Industrial Park, a subdivision in Section 2 and 11, Township 40 North, Range 11 east of the Third Principal Meridian, according to the Plat thereof recorded January 27, 1967 as Document No. R67-2063, in the Village of Bensenville, in Du Page County, Illinois

600 Thomas Drive



COMMUNITY DEVELOPMENT COMMISSION STAFF REPORT

HEARING DATE: January 11, 2010
CDC CASE #: 2010 - 05
PROPERTY: 600 N. Thomas Drive
PROPERTY OWNER: Chuck Silverman
ACREAGE: 5.16 acres
PIN NUMBER: 03 - 11 - 200 - 029
APPLICANT: PRI Group, LLC
REQUEST: Conditional Use Permit to allow Outdoor Storage and a Variance to allow a fence in the corner side yard.

SURROUNDING LAND USE:

	Zoning	Land Use	Jurisdiction
Site	I-2	Industrial	Village of Bensenville
North	I-2	Industrial	Village of Bensenville
South	I-2	Industrial	Village of Bensenville
East	I-2	Industrial	Village of Bensenville
West	I-2	Industrial	Village of Bensenville

SUMMARY:

PRI Group is relocating to the Village and is leasing the property formerly occupied by R & M Trucking. They have a need to store trucks and trailers on their property and as such require a Conditional Use Permit. In keeping with the Code and to provide security for their vehicles, they are requesting a screening fence. The corner lot has a corner side yard that prohibits fencing, necessitating the variance request.

DEPARTMENT COMMENTS:

Public Works: No comments received to date.

Finance: No outstanding water bills to date.

Police: No Police issues / However some items to consider - beware of potential parking problems. The past tenant at this location had a major parking problem that caused them to use the public streets as their personal staging area. This overflow of

truck parking on the street created multiple complaints from nearby businesses in the area.

Inspectional Services:

Install two handicapped accessible parking spaces in compliance with Village Code & State Statute.

The landlord is planning to sealcoat & stripe the parking lot in the Spring (as weather permits). All truck and trailer parking spaces need to be striped.

Community Development:

The staff was supportive of PRI Group's relocation to the Village and has a working relationship with the company during the interior building alterations etc. The Conditional Use permit for outdoor storage is in this case primarily a size and proper maintenance exercise. The property has long been home to a trucking operation with considerable numbers of tractor trailers housed on the property. The Conditional use allows the Village the ability to limit the size and location of the parking/storage and to have the area fenced.

The total site is 5.16 acres that would allow up to 56,192 square feet for outdoor storage. The site plan submitted in support of the request identifies approximately 22,000 square feet of area defined as Outdoor Storage. The Village Code requires that outdoor storage areas be screened, (or fenced). The variance is requested as the fence is proposed to incorporate the loading docks on the eastern façade of the building, taking the fence into the actual corner side yard. The building is set back from the east property line over 100' well in excess of the minimum 25' required corner side yard.

APPROVAL CRITERIA FOR CONDITIONAL USE:

The Community Development Commission shall not recommend approval of the Conditional Use Permit without determining that the request meets the following approval criteria and making certain findings of fact. Staff has reviewed the request and recommends the following Findings of Fact:

Traffic – There will be no increase in traffic flow, other than that caused by the existing businesses.

Environmental Nuisance – The parking of trucks and trailers should not cause any additional environmental nuisance.

Neighborhood Character – The property is located in an industrial area, the establishment of truck and trailer storage area should not have a detrimental effect on the character of the neighborhood.

Use of Public Services & Facilities – There are adequate facilities to serve the entire property.

Public Necessity – The company receives and packages materials to be transported elsewhere for recycling. The benefits of a recycling society are many and the location of the property is well suited to the use.

APPROVAL CRITERIA FOR VARIANCES:

The Community Development Commission shall not recommend nor shall the Village Board grant a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

Special Circumstances –

The subject property is a corner lot with a corner side yard in excess of the minimum 25' required in the I-2 Light Industrial District.

Hardship or Practical Difficulties –

The site and building design along with the building's location create a hardship.

Circumstances Related to the Property –

The special circumstances and hardship of the subject property relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions.

Not Resulting from the Applicant's Action –

The special circumstances and practical difficulties or hardships that are the basis for the variance have not resulted from any act, of the applicant. The applicant is seeking to lease the existing facility to locate their business in Bensenville. The exterior of the building and physical nature of the property have not been significantly altered as it relates to this variance request.

Preserves the Rights Conferred by the District –

The variance as requested is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.

Necessary for the Use of the Property –

The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

Will not Alter the Local Character –

The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.

Consistent With Title And Plan –

The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.

Minimum Variance Needed –

The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

RECOMMENDATIONS:

Staff respectfully recommends approval of this Conditional Use Permit, variance and the above Findings of Fact, subject to the following conditions:

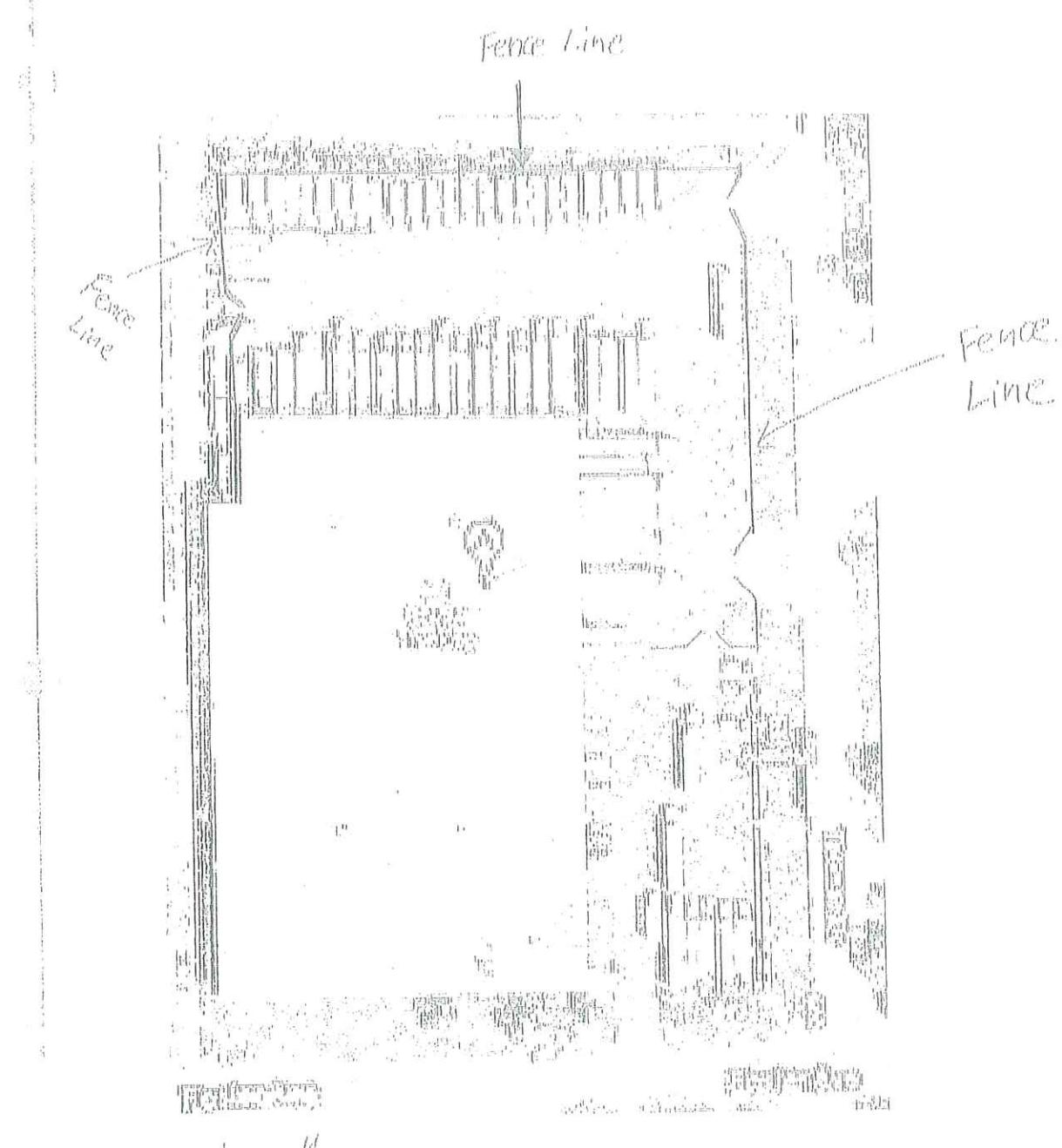
1. The site be developed in substantial compliance with the site plan submitted as part of the application.
2. The parking lot be seal coated and striped when weather permits.
3. No vehicles may be "staged" in the public rights of way.

Respectfully Submitted
Community & Economic Development Department

BUDDY OF

SURVEY FILE COPY
JON RO. *John*
OFFICE COPY *Office*

Губернаторъ Иванъ Григорьевъ
Санкт-Петербургъ 1820 г.
Губернаторъ Иванъ Григорьевъ
Санкт-Петербургъ 1820 г.



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600 "Thompson" Dr.

Bethanyville, IL 60106

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E. PROJECT DATA:

1. Location: 600 Thomas Drive, Bensenville, IL
2. Property Index Number(s) (PIN): 03-11-200-029
3. General description of the site: single unit industrial building
in industrial area
4. Existing zoning and land use of the site: I-2 - industrial land use
5. Acreage of the site: 5.16 acres
6. Character of surrounding area:

	Zoning	Existing Land Use	Jurisdiction
North:	I-2	Industrial	Bensenville
East:	I-2	Industrial	Bensenville
South:	I-2	Industrial	Bensenville
West:	I-2	Industrial	Bensenville

7. List any controlling agreements (annexation agreements, Village Ordinances, site plans): none

8. Response Letter. On a separate sheet of paper state why your request should be approved based on the applicable "Approval Criteria" as set forth in the attached Section 10-3-5 (Approval Criteria for zoning Map Amendment), Section 10-3-3-B (Approval Criteria for Variances) or Section 10-3-4-C (Approval Criteria for Conditional Uses).

10.3-4.C Approval Criteria for Conditional Uses

1. Traffic

There will not be traffic flow outside the typical allowed use of this zoning district. In fact this storage and staging of trailers will lessen the traffic as our drivers will not have to double their efforts to drive back and forth to an off-site trailer parking facility.

2. Environmental Nuisance

The trailer storage will reduce the otherwise nuisance caused by our trucks going back and forth to a third-party storage facility. Additionally, added fuel and resources will not be required when the Conditional Use is granted.

3. Neighborhood Character

This will not adversely impact the character of the surrounding neighborhood as it is a industrious area with no residential. Many of the facilities in the business park have tractors and trailers in their parking lots.

4. Use of Public Services and Facilities

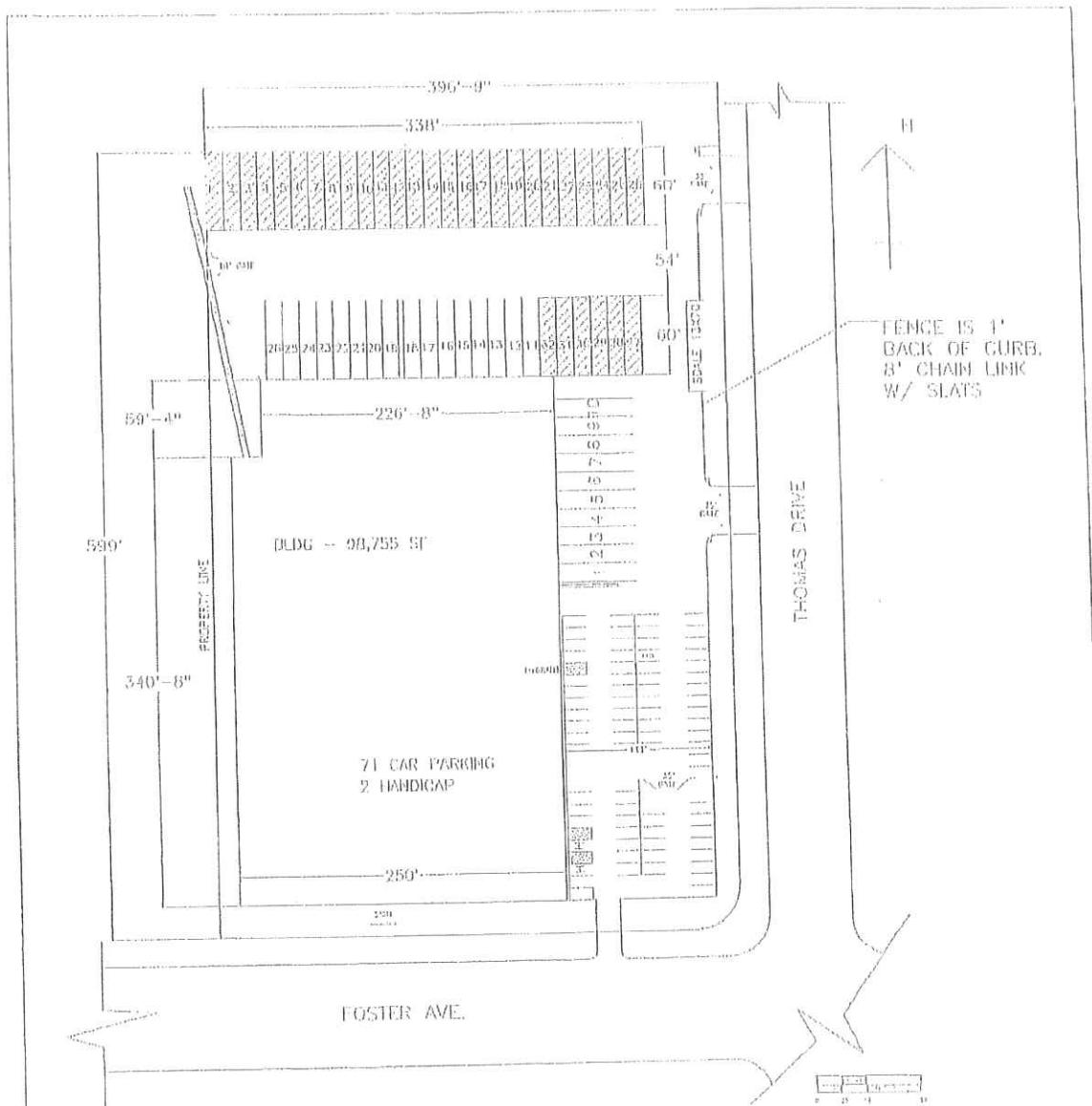
The proposed use will not require existing community facilities or services.

5. Public Necessity

This storage and staging of trailers will allow us to dramatically reduce road traffic as we will be able to deliver trailer loads directly from our accounts to the warehouse and not require the back and forth shipments of trailers to off-site storage facilities.

6. Other Factors

This is consistent with the use of adjacent property owners.



600 THOMAS DRIVE
THE PRI GROUP

SITE AREA = 237,653 SF	SCALE : NTS
OUTDOOR STORAGE = 26,880 SF	% STORAGE ON SITE = 11.3%
TRUCK/STORAGE PARKING = 14'X60'	32 OUTDOOR STORAGE SPACES

ORDINANCE NO. 30-2010

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT
TO ALLOW OUTDOOR STORAGE FOR STORAGE OF TRAILERS AND TRUCKS
AT 600 THOMAS DRIVE, BENSENVILLE, ILLINOIS

WHEREAS, in or about December 2009, Trust No. 4398/B8000439893 ("owner") and PRI Group, LLC, tenant-applicant (hereinafter collectively "Applicant"), filed an application seeking a conditional use permit to allow outdoor storage for storage of trailers and trucks, pursuant to *The Village of Bensenville Zoning Ordinance* ("Zoning Ordinance") for the property commonly known as 600 Thomas Drive, Bensenville, and legally described in Exhibit "A," attached hereto and incorporated herein by reference (the "Subject Property"), a copy of said application being contained in the files for this property in the Community and Economic Development Department; and

WHEREAS, Notice of Public Hearing with respect to the requested conditional use permit was published on December 25, 2009, in the *Bensenville Press*, being a newspaper having general circulation within the Village of Bensenville (the "Village"), all as required by the statutes of the State of Illinois and the ordinances of the Village; and

WHEREAS, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing commencing on January 11, 2010, and continuing to February 8, 2010, all as required by the statutes of the State of Illinois and the ordinances of the Village; and,

WHEREAS, the Community Development Commission considered this matter and a vote of its members resulted in a unanimous vote to approve the request, and forwarded its recommendations, including its findings of fact as adopted from the Staff Report regarding same, to the Community and Economic Development Committee of the Village Board, a copy of which is attached hereto as Exhibit "B" and incorporated herein by reference; and,

WHEREAS, the Community and Economic Development Committee did meet and consider the application and findings of fact as made by the Community Development Commission and determined that it concurred with the Commission on its findings, and has forwarded its recommendation to approve said application to the President and Board of Trustees; and

WHEREAS, the President and Board of Village Trustees have reviewed the matter herein

and based on the recommendation of its Community and Economic Development Committee have determined that the granting of the relief requested is consistent with the Zoning Ordinance and the orderly and harmonious development of the Village, subject to the conditions as recommended by the Commission.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois, duly assembled at a regular meeting, as follows:

SECTION ONE: That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

SECTION TWO: That the Subject Property is currently zoned under the Zoning Ordinance as I-2 Light Industrial District.

SECTION THREE: That the Staff Report and Recommendation to approve the Conditional Use Permit sought in this application is attached to the recommendations of the Community Development Commission in Exhibit "B" and was adopted by the Community Development Commission as its finding of facts.

SECTION FOUR: That, the conditional use permit sought by the applicant pursuant to Section 10-9-B-3 of the Zoning Code is hereby granted for use of the property for outdoor storage, for storage of trailers, subject to (1) approval of the variance requested for fencing, (2) that the site be developed in substantial compliance with the site plan submitted as part of the Application, (3) that the parking lot be seal coated and striped when weather permits, and (4) that no vehicles may be staged in the public rights of way.

SECTION FIVE: That all other ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are, to the extent of such conflict, expressly repealed.

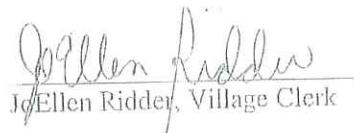
SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, this 23rd day of March, 2010.



Frank Soto, Village President

ATTEST:



JoEllen Ridder
JoEllen Ridder, Village Clerk

AYES: Adamowski, Bartlett, Johnson, O'Connell, Peconi, Wesseler

NAYES: None

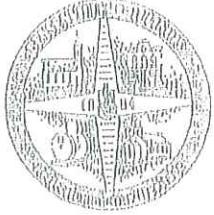
ABSENT: None

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The Legal Description is as follows:

Lots 29 and 30 in Klefsind Bensenville Industrial Park, a subdivision in Section 2 and 11, Township 40 North, Range 11 east of the Third Principal Meridian, according to the Plat thereof recorded January 27, 1967 as Document No. R67-2063, in the Village of Bensenville, in Du Page County, Illinois

600 Thomas Drive



COMMUNITY DEVELOPMENT COMMISSION STAFF REPORT

HEARING DATE:

January 11, 2010

CDC CASE #:

2010 - 05

PROPERTY:

600 N. Thomas Drive

PROPERTY OWNER:

Chuck Silverman

ACREAGE:

5.16 acres

PIN NUMBER:

03 - 11 - 200 - 029

APPLICANT:

PRI Group, LLC

REQUEST: Conditional Use Permit to allow Outdoor Storage and a Variance to allow a fence in the corner side yard.

SURROUNDING LAND USE:

	Zoning	Land Use	Jurisdiction
Site	I-2	Industrial	Village of Bensenville
North	I-2	Industrial	Village of Bensenville
South	I-2	Industrial	Village of Bensenville
East	I-2	Industrial	Village of Bensenville
West	I-2	Industrial	Village of Bensenville

SUMMARY:

PRI Group is relocating to the Village and is leasing the property formerly occupied by R & M Trucking. They have a need to store trucks and trailers on their property and as such require a Conditional Use Permit. In keeping with the Code and to provide security for their vehicles, they are requesting a screening fence. The corner lot has a corner side yard that prohibits fencing, necessitating the variance request.

DEPARTMENT COMMENTS:

Public Works: No comments received to date.

Finance: No outstanding water bills to date.

Police: No Police issues / However some items to consider - beware of potential parking problems. The past tenant at this location had a major parking problem that caused them to use the public streets as their personal staging area. This overflow of

truck parking on the street created multiple complaints from nearby businesses in the area.

Inspectional Services:

Install two handicapped accessible parking spaces in compliance with Village Code & State Statute.

The landlord is planning to sealcoat & stripe the parking lot in the Spring (as weather permits). All truck and trailer parking spaces need to be striped.

Community Development:

The staff was supportive of PRI Group's relocation to the Village and has a working relationship with the company during the interior building alterations etc. The Conditional Use permit for outdoor storage is in this case primarily a size and proper maintenance exercise. The property has long been home to a trucking operation with considerable numbers of tractor trailers housed on the property. The Conditional use allows the Village the ability to limit the size and location of the parking/storage and to have the area fenced.

The total site is 5.16 acres that would allow up to 56,192 square feet for outdoor storage. The site plan submitted in support of the request identifies approximately 22,000 square feet of area defined as Outdoor Storage. The Village Code requires that outdoor storage areas be screened, (or fenced). The variance is requested as the fence is proposed to incorporate the loading docks on the eastern façade of the building, taking the fence into the actual corner side yard. The building is set back from the east property line over 100' well in excess of the minimum 25' required corner side yard.

APPROVAL CRITERIA FOR CONDITIONAL USE:

The Community Development Commission shall not recommend approval of the Conditional Use Permit without determining that the request meets the following approval criteria and making certain findings of fact. Staff has reviewed the request and recommends the following Findings of Fact:

Traffic – There will be no increase in traffic flow, other than that caused by the existing businesses.

Environmental Nuisance – The parking of trucks and trailers should not cause any additional environmental nuisance.

Neighborhood Character – The property is located in an industrial area, the establishment of truck and trailer storage area should not have a detrimental effect on the character of the neighborhood.

Use of Public Services & Facilities – There are adequate facilities to serve the entire property.

Public Necessity – The company receives and packages materials to be transported elsewhere for recycling. The benefits of a recycling society are many and the location of the property is well suited to the use.

APPROVAL CRITERIA FOR VARIANCES:

The Community Development Commission shall not recommend nor shall the Village Board grant a variance unless it shall make findings based upon the evidence presented to it in each specific case that:

Special Circumstances—

The subject property is a corner lot with a corner side yard in excess of the minimum 25' required in the I-2 Light Industrial District.

Hardship or Practical Difficulties—

The site and building design along with the building's location create a hardship.

Circumstances Related to the Property—

The special circumstances and hardship of the subject property relate only to the physical character of the land or buildings, such as dimensions, topography or soil conditions.

Not Resulting from the Applicant's Action—

The special circumstances and practical difficulties or hardships that are the basis for the variance have not resulted from any act, of the applicant. The applicant is seeking to lease the existing facility to locate their business in Bensenville. The exterior of the building and physical nature of the property have not been significantly altered as it relates to this variance request.

Preserves the Rights Conferred by the District—

The variance as requested is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties.

Necessary for the Use of the Property—

The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property.

Will not Alter the Local Character—

The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity.

Consistent With Title And Plan—

The granting of a variance will be in harmony with the general purpose and intent of this Title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify any part thereof.

Minimum Variance Needed—

The variance approved is the minimum required to provide the applicant with relief from undue hardship or practical difficulties and with reasonable use and enjoyment of the property.

RECOMMENDATIONS:

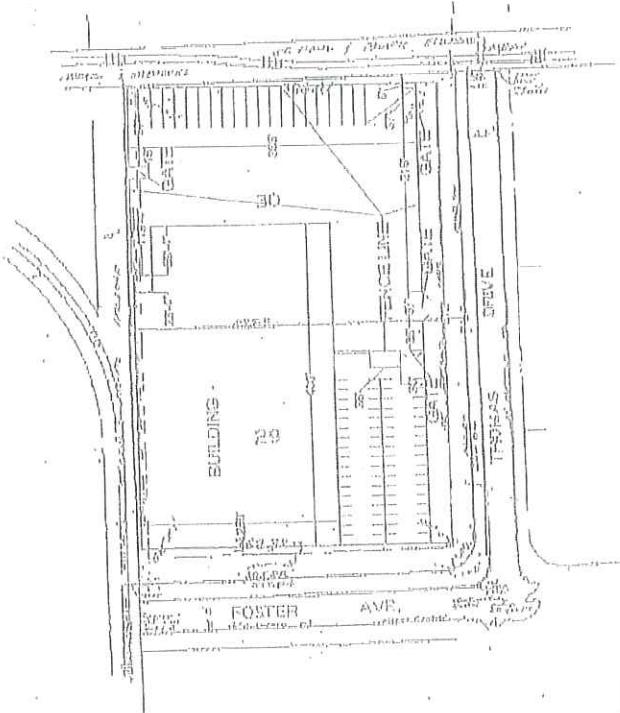
Staff respectfully recommends approval of this Conditional Use Permit, variance and the above Findings of Fact, subject to the following conditions:

1. The site be developed in substantial compliance with the site plan submitted as part of the application.
2. The parking lot be seal coated and striped when weather permits.
3. No vehicles may be "staged" in the public rights of way.

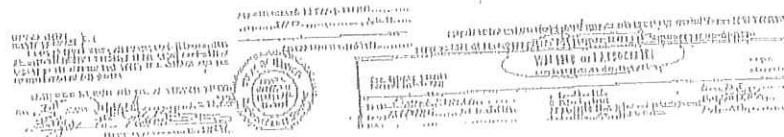
Respectfully Submitted
Community & Economic Development Department

ANSWER

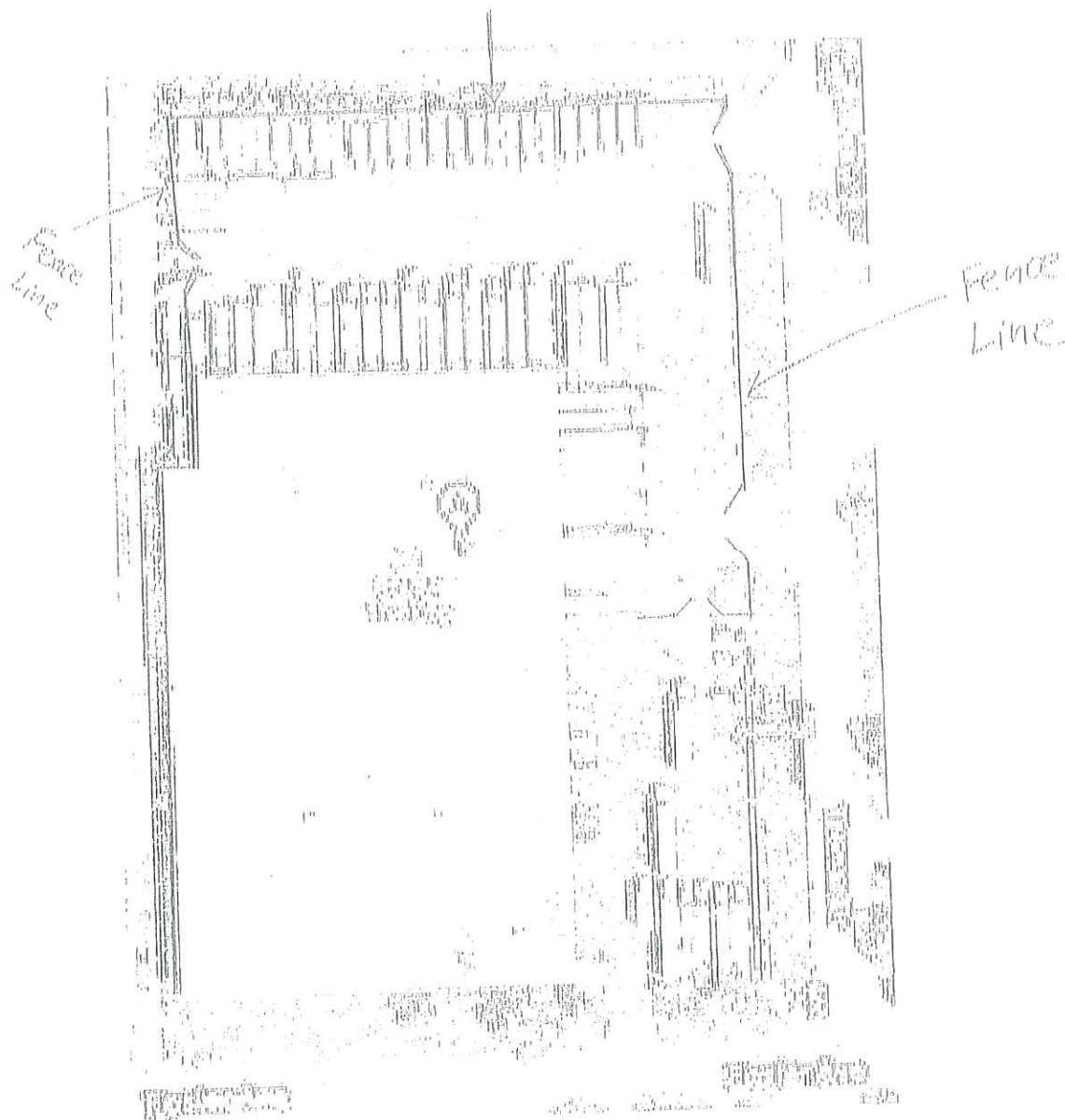
1944-1945. It is estimated that the total cost of the project will be approximately \$1,000,000. The project is expected to be completed by the end of 1945.



SURVEY FILE COPY
JOB NO. 601
DEFINITE COPY



Fence Line



going to eat it

600' [borders] 0'

Scoville, I.L. 6010k

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E. PROJECT DATA:

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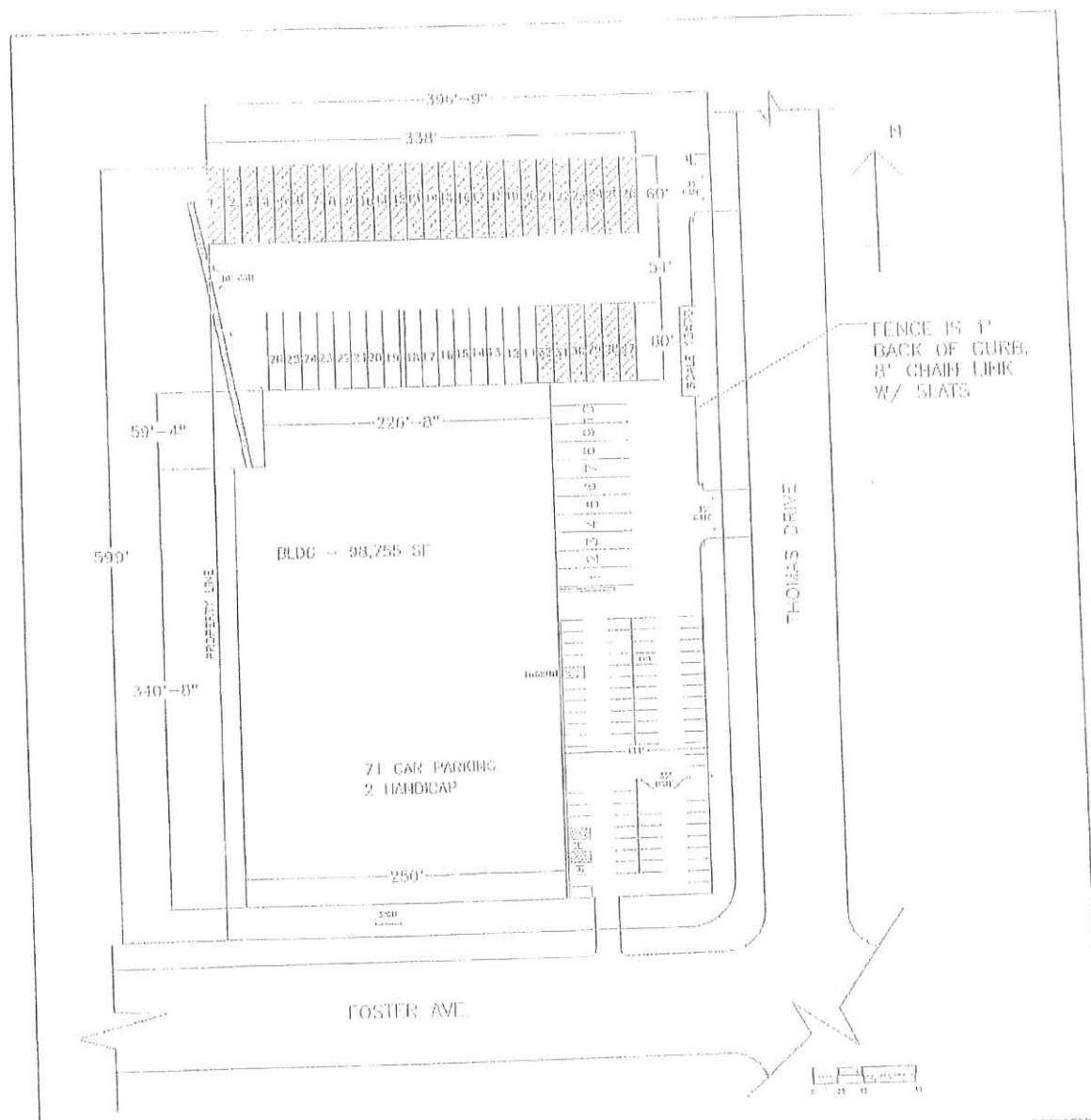
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600 THOMAS DRIVE THE PRI GROUP		PERMITTING
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OUTDOOR STORAGE = 26,880 SF	% STORAGE ON SITE = 11.3%	
TRUCK/STORAGE PARKING = 14' x 60'	32 OUTDOOR STORAGE SPACES	

CDC# 2011 – 22

The PRI Group

600 N. Thomas Drive

Image of "Scale House" Modular Office



Village of Bensenville
Board Room
12 South Center Street
DuPage and Cook Counties
Bensenville, IL, 60106

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

December 12, 2011

CALL TO ORDER: The meeting was called to order by Chairman Moruzzi at 7:00 p.m.

ROLL CALL : Upon roll call, the following Commissioners were present:
Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon
Absent: None
A quorum was present.

Public Hearing: CDC Case Number 2011-20
Petitioner: The PRI Group, LLC
Location: 600 N. Thomas Drive
Request: Conditional Use Permit Amendment & Variance to Allow a "Scale House" Adjacent to the Existing Exterior Truck Scale.

The Public Hearing was opened at 7:12 p.m. Jeff Gosmire, CFO & VP of Administration and Tony Varchetto, President & CEO were present and sworn in by Chairman Moruzzi. Director of Community and Economic Development, Scott Viger, stated the notice for this public hearing was published in the Daily Herald on November 26, 2011. A certified copy of the public hearing notice will be kept in the case file. A copy of the public notice has been included in the Staff report. Mr. Viger also stated signs were posted outside the property on November 23, 2011 and the required mailing of the notice was sent to the surrounding tax payers of record on November 23, 2011. Mr. Viger stated the PRI Group received their original conditional use permit and variance in 2009. Mr. Gosmire stated to the Commission the proposed scale house will be a stationary structure. The PRI Group's initial intentions were to request the scale house in their original conditional use permit and variance in 2009 but were not financially prepared at the time. Mr. Gosmire stated the scale house will allow truck to move in and out of the PRI Group at a quicker pace and allow for a smoother operation. The current operation has drivers walking into the main building looking for PRI Group staff to assist with the scale and necessary reports. Mr. Gosmire stated the scale house will be brand new and built on a concrete slab with a skirt around it. Initially, the PRI Group

submitted plans to the Village without landscaping around the building. Mr. Gosmire passed out a revised site plan that show small bushes placed halfway around the scale house that would partially block its view from Thomas Road. Mr. Gosmire stated the ideal space between the scale house window and the scale will be 18" to allow drivers and attendants to have a smooth transaction. Mr. Viger stated there were no concerns from Public Works Engineering or Finance. Mr. Viger stated the Police Departments questioned if the scale will be used 24 hours a day and if the scale will be a scale for hire. The Police Department also raised concern with the current traffic back-up on Thomas Drive. The Community & Economic Development Department recommends approval of the request with the following conditions:

- 1) The conditional use permit shall only be applicable during the tenancy of the PRI Group, LLC or an successor in interest it may have in assumption of the tenancy.
- 2) The site shall be developed in the substantial compliance with the plat of survey prepared by Krisch land Surveying, LLC dated November 2, 2011 and last revised November 8, 2011 and as submitted as part of the application.
- 3) The screening of the outdoor storage shall be completed prior to the placement/erection of the scale house.
- 4) A landscaping plan shall be submitted, reviewed and approved by the Community & Economic Development Department as part of the building permit process.
- 5) A building permit is required for the scale house.
- 6) The PRI Group, LLC shall implement a procedure to adequately "police" the property so as to remove any debris, paper and other litter.

Commissioner Pisano asked the PRI Group to clarify the Police Department's concerns. Mr. Varchetto stated the PRI Group currently allows the Bensenville Police Department to use the scale at no charge. Mr. Varchetto stated outside companies can use the scale, if available, for a fee of \$10. Mr. Gosmire stated the PRI Group has no intentions to promote the use of their scale but will allow outside companies to use the scale for a small fee. Commissioner Weldon asked if the scale house will be open 24 hours. Mr. Varchetto stated there would be someone operating the scale house between 6:00 a.m. and 6:00 p.m. and any drivers using

the scale house during the night hours will have to have assistance from someone inside the main building. Commissioner Weldon asked if oversized truck would be able to fit on the scale. Mr. Goshmire stated there should be no issues with oversized truck using the scale. Commissioner Weldon asked how tall the building would be. Mr. Varchetto stated he was not sure until the plans are drawn but has seen scale houses range from twelve to fourteen feet. Mr. Viger stated the allowed height will be twelve feet.

Commissioner Weldon asked Staff if there was any other structure in town that was built close to a right of way. Mr. Viger stated he was unsure and that the proposed scale house will be twenty five feet from the right of way. Chairman Moruzzi asked if the scale house would have an audio system accommodated with speakers. Mr. Goshmire stated it would not. Chairman Moruzzi asked if the PRI Group had intentions to stripe the scale area for a smoother transition from truck to truck. Mr. Goshmire stated the PRI Group had not thought of the idea but would look into the issue. Chairman Moruzzi asked that the striping of the scale be added to the provisions for approval. There were no objections from the Commissioners. Commissioner Rowe and Commissioner Ventura had no questions. Chairman Moruzzi asked if there was any member of the Public that would like to give testimony. There were none. Chairman Moruzzi closed the public hearing at 7:35 p.m.

Motion: Commissioner Rowe made a motion to approve the finding of facts for CDC Case #2011-20 consisting of:

- 1) Special circumstances exists that are particular to the property for which the variances are sought and that do not apply generally to other properties in the same zoning district. Also, these circumstances are not of so general or recurrent a nature as to make it reasonable and practical to provide a general amendment to the title to cover them.
- 2) The literal application of the provisions of the title would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience. The location of the scale house in the actual corner side yard is a function of the original placement of the industrial building on the site. The scale and therefore the scale house must be located as to allow vehicles to drive through with the scale house on the driver's side.

- 3) The special circumstances and hardship relate only to the physical character of the land or building, such as dimensions, topography or soil conditions. They do no concern and business or activity or present or prospective owner or occupant carries on, or seeks to carry on, therein, nor the personal, business or financial circumstances of any part within interest in the property. The variance request is a function of the original building placement on the site which is specific to 600 N. Thomas Drive.
- 4) The special circumstance and practical difficulties or hardship that are the basis for the variance are no resulted from any act, undertaken subsequent to the adoption of this title or any applicable amendment thereto, if the applicant or of any other party with a present interest on the property. Knowingly authorizing to proceeding with construction, or development requiring any variance, permit, certificate, or approval hereunder prior to its approval shall be such in act. The special circumstances and practical hardship are not a direct result of actions of the applicant.
- 5) A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to such other properties. Approval of the relief sought by the applicant would not confer any special privilege to the property that is ordinarily denied other property in the I-2 Light Industrial District.
- 6) The grant of a variance is necessary not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of reasonable use or enjoyment of, or reasonable economic return from, the property. The addition of the scale house is said to improve the efficiency of the business operations and could lead to reduced traffic impacts along North Thomas Drive.
- 7) The granting of the variance will not alter the essential character of the locality nor substantially impair environmental quality, property values or public safety or welfare in the vicinity. Approval of the relief sought will not alter the essential character of the business and industrial neighborhood.

- 8) The granting of a variance will be in harmony with the general purpose and intent of this title and of the general development plan and other applicable adopted plans of the Village, as viewed in light of any changed conditions since their adoption, and will not serve in effect to substantially invalidate or nullify and part thereof. Granting the requested variance will be in harmony with the general purpose and intent of the Village of Bensenville's plans.
- 9) The variance approved is the minimum required to provide the applicant with the relief from the undue hardship or practical difficulties and with reasonable use and enjoyment of the property. The variance sought is the minimum required. The placement of the proposed scale house allows for the scale operator to pass papers to the drivers without the drivers leaving their vehicles.

Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve CDC Case #2011-20 with the conditions set forth by Staff and adding a condition requiring the PRI Group, LLC to submit a pavement stripping plan for the scale to the Community & Economic Development Department for Staff's review and approval. Commissioner Ventura seconded the motion.

Roll Call: Ayes: Moruzzi, Janowiak, Pisano, Rowe, Ventura, Weldon

Nays: None

All were in favor. Motion carried.

Mike Moruzzi, Chairman
Community Development Commission

TYPE: Proclamation **SUBMITTED BY:** President Soto **DATE:** February 14, 2012

DESCRIPTION: Proclamation in honor of Richard Cuvala.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input type="checkbox"/>	Financially Sound Village	<input checked="" type="checkbox"/>	Enrich the lives of Residents
<input type="checkbox"/>	Quality Customer Oriented Services	<input type="checkbox"/>	Major Business/Corporate Center
<input type="checkbox"/>	Safe and Beautiful Village	<input type="checkbox"/>	Vibrant Major Corridors

BACKGROUND:

President Soto and the Board of Trustees would like to recognize and honor Mr. Richard Cuvala. He had been a Bensenville resident for 35 years. During that time he was a businessman, volunteer, and friend to the community.

There will be a memorial benefit for Rick on February 17th from 5:00PM - 10:00PM at Bella Vista Banquets.

ALTERNATIVES:

1. Approve the Proclamation.
2. Discretion of the Board..

RECOMMENDATION:

Staff recommends approval.

BUDGET IMPACT: N/A

ACTION REQUIRED:

Motion to approve the Proclamation.

PROCLAMATION
In Honor of Richard Cuvala

WHEREAS, a community is only as strong as the character of its citizens; and,

WHEREAS, Rick Cuvala, a 35 year Bensenville resident, demonstrated character in every activity and endeavor he undertook; and,

WHEREAS, Rick Cuvala was a successful business man operating Trix Manufacturing for over 25 years; and,

WHEREAS, Rick Cuvala gave his time, energy and devotion to our community including his selfless service with the Bensenville Lions Club, his Directorship with the Chamber of Commerce, his work with the American Legion; and,

WHEREAS, Rick Cuvala used his talent and innovative genius to create The Santa Claus House for Holiday Magic, delighting children from around the region; and,

WHEREAS, Rick Cuvala used his engineering knowledge and creative energies to develop floats and reproductions of historic buildings for the annual Fourth of July Parade; and,

WHEREAS, Rick Cuvala was omnipresent at Music in the Park, making it a community centric event, coordinating civic group raffles and mentoring new volunteers; and,

WHEREAS, Rick Cuvala never said no, but always generously volunteered; and,

WHEREAS, Rick Cuvala saw opportunity where others saw challenge and light where others saw darkness; and,

WHEREAS, Rick Cuvala was the heart of our community embodying the best of what a community should be, supporting, encouraging and inspiring others at all time; and,

WHEREAS, Rick Cuvala was the first recipient of the Annual Jim Breiter Award for Volunteerism; and,

WHEREAS, we will forever mourn the loss of our dear friend, neighbor, colleague and mentor; now,

NOW, BE IT THEREFORE PROCLAIMED, that we honor his illustrious life and ask all Bensenville citizens to remember and emulate his generosity of spirit, his passion for his fellow man and his fervent desire for unity in our Village and to continue to challenge ourselves to summon the better angels of our nature.

Proclaimed this day, February 14, 2012

Corey Williamsen
Acting Village Clerk

Frank Soto
Village President