



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, March 13, 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
February 28, 2012 Board of Trustees
- VI. WARRANT – March 13, 2012 #12/ 05 - \$749,106.55
- VII. **CONSENT AGENDA – CONSIDERATION OF AN “OMNIBUS VOTE”**
 1. *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 Thomas Drive, Bensenville, Illinois*
- VIII. **REPORTS OF STANDING COMMITTEES**
 - A. Community and Economic Development Committee – No Report
 - 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. *Consideration of Resolution Granting the Advice and Consent to the President's Appointment of an Additional Member to the Community Development Commission to Fill a Vacancy*
2. *Consideration of Resolution Granting the Advice and Consent to the President's Appointment of a Village Clerk to Fill the Current Village Clerk Vacancy*

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
February 28, 2012

CALL TO ORDER: 1. President Soto called the meeting to order at 6:33 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, Wesseler

Absent: Ridder

A quorum was present.

Resolution No
R-9-2012:

3. President Soto gave the summarization of the action contemplated in **Resolution No. R-9-2012** entitled **A Resolution Adopting a Policy for Conduct of Meetings of the Board of Trustees of the Village of Bensenville Via Electronic Means.**

Motion: Trustee Peconio made a motion to approve the resolution as presented. Trustee O'Connell seconded the motion.

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

NAYS: None

All were in favor. Motion carried.

ROLL CALL: 4. 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.

Trustee Ridder attended the meeting via conference call.

PUBLIC COMMENT: Gene Evans – 225 Chandler Ave., Elmhurst, Illinois

Mr. Evans, President of the Elmhurst Heritage Foundation, presented to President Soto an honorary membership in the Elmhurst Heritage Foundation.

**APPROVAL OF
MINUTES:**

5. The February 14, 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.

**WARRANT NO.
12/04:**

6. President Soto presented Warrant No. 12/04 in the amount of \$1,570,453.40..

Motion:

Trustee Wesseler made a motion to approve the warrant as presented. Trustee Peconio seconded the motion.

Motion:

Trustee Jarecki made a motion to pull check no. 133796 in the amount of \$10,000 from the warrant and to approve the warrant in the new amount of \$1,560,453.40. Trustee Ridder seconded the motion.

ROLL CALL:

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

NAYS: None

All were in favor. Motion carried.

Motion:

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

All were in favor. Motion carried.

**Ordinance No
6-2012:**

Ordinance Approving a Conditional Use Permit for Motor Vehicle Repair at 211 Beeline Drive, Unit 11, Bensenville, Illinois. (Consent Agenda)

**Ordinance No
7-2012:**

Ordinance Allowing for Two Variances for Accessory Structures and One Variance for Parking Lot Design at 1033 Bryn Mawr, Bensenville, Illinois. (Consent Agenda)

**Ordinance No
8-2012:**

Ordinance Approving a Conditional Use Permit for Motor Vehicle Repair at 17 Gateway Road, Bensenville, Illinois. (Consent Agenda)

**Ordinance No
9-2012:**

Ordinance Approving the Grant of a Conditional Use Permit to Allow Outdoor Storage of Trucks and Trailers at 123 Sivert Court, Bensenville, Illinois. (Consent Agenda)

**Ordinance No
10-2012:**

Ordinance Granting a Variance to Screening Requirements at 123 Sivert Court, Bensenville, Illinois. (Consent Agenda)

**Ordinance No
11-2012:**

Ordinance Amending the Bensenville Village Code Title 3 – Chapter 3 – Liquor Regulations, Class E-2 Licenses from 1 to 2 (Retail Sale of Beer and Wine for Consumption on Premises Where Food is Offered). (Consent Agenda)

Motion:

Motion to Approve a Conditional Certificate of Registration to Allow Angelica Maria Arroyo of IGS Energy to Solicit in Bensenville for an Additional 90 Days in 2012. (Consent Agenda)

**Resolution No
R-10-2012:**

Resolution Authorizing the Execution of an Engineering Services Agreement with Engineering Enterprises, Inc. for the Volk Brothers Phase II CDBG Project in the Amount of \$85,047. (Consent Agenda)

**Resolution No
R-11-2012:**

Resolution Authorizing the Execution of an Engineering Services Agreement with Baxter & Woodman, Inc. for the Green Street and York Road Water Main Replacement and Green Street LAPP Projects in the Amount of \$78,000. (Consent Agenda)

**Resolution No
R-12-2012:**

Resolution Authorizing the Execution of an Engineering Services Agreement with Baxter & Woodman, Inc. for the Illinois 19 (Irving Park Road) and York Road Water Main Replacement and Lighting Improvements Project in the Amount of \$20,600. (Consent Agenda)

Resolution No
R-13-2012:

Resolution Authorizing the Execution of an Engineering Services Agreement with ESI Consultants, Ltd. for Federal Participation with the Illinois Department of Transportation for Grant Funding Associated with the Jefferson Street Sidewalk CMAQ Project. (Consent Agenda)

Resolution No
R-14-2012:

Resolution for Change Order Number Three with the Joint Venture of A-Lamp Concrete Contractors / John Neri Construction Company for \$130,964 for the Northern Business District Reconstruction Project. (Consent Agenda)

Resolution No
R-15-2012:

Resolution to Obtain Permits to Perform Work on State Highways. (Consent Agenda)

Resolution No
R-16-2012:

Resolution Authorizing the Village Manager to Execute a Purchase Order with the Bensenville Lions Club/Recover Rick Account for a Custom Replica Train and Farmhouse along with Trailers in the Amount Not to Exceed \$6,000.00. (Consent Agenda)

Resolution No
R-17-2012:

Resolution Authorizing the Execution of an Agreement and Purchase Order with Diversified Audio Group, Inc. for Sound and Lighting Services at Music in the Park 2012 for \$17,875.00. (Consent Agenda)

Resolution No
R-18-2012:

Resolution Authorizing the Execution of an Agreement and Purchase Order with American Mobile Staging at Music in the Park 2012 for \$16,225.00. (Consent Agenda)

Resolution No
R-19-2012:

Resolution Authorizing the Execution of an Agreement and Purchase Order with Entertainment Management Group for the Music in the Park Series 2012 for \$30,100.00. (Consent Agenda)

Resolution No
R-20-2012:

Resolution Authorizing the Execution of an Agreement and Purchase Order with Melrose Pyrotechnics for the Libertyfest Fireworks Display for \$25,000.00. (Consent Agenda)

Resolution No
R-21-2012:

Resolution Authorizing the Execution of an Agreement and Purchase Order with American Mobile Staging for Staging, Sound and Lighting Services for Libertyfest 2012 for \$12,860.00. (Consent Agenda)

Resolution No
R-22-2012:

Resolution Authorizing an Agreement of Service to the Bensenville Chamber of Commerce for Services Relating to the 4th of July Parade for \$10,000.00. (Consent Agenda)

Resolution No
R-23-2012:

Resolution Authorizing a Contract with Wendy Nussbaum, LCPC – Bensenville Teen Center for \$80,000.00. (Consent Agenda)

Ordinance No
12-2012:

Ordinance Approving an Intergovernmental Agreement Between the Village of Bensenville and the Northern Illinois Police Alarm System Mutual Aid and Assistance and Training Concerning Special Operations Unit. (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.

Ordinance No
13-2012:

7. President Soto gave the summarization of the action contemplated in **Ordinance No. 13-2012** entitled **An Ordinance Approving a Conditional Use Permit for an Electronic Message Center Sign at 801 North Route 83, Bensenville, Illinois (Perk's)**.

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

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

NAYS: None

All were in favor. Motion carried.

**Ordinance No
14-2012:**

8. President Soto gave the summarization of the action contemplated in **Ordinance No.14-2012** entitled **An Ordinance Amending the Bensenville Village Code Title 3 – Chapter 3 – Liquor Regulations, Class B Licenses from 5 to 7 (Retail Sale of Liquor for Consumption Off Premise) and Class F Licenses from 6 to 5 (Retail Sale of Beer and Wine for Consumption Off Premises).**

Trustee Wesseler expressed his concerns with allowing two additional Class B liquor licenses in town.

Trustee Peconio expressed his support of allowing two additional Class B liquor licenses in town.

Motion: Trustee Peconio made a motion to adopt the ordinance as presented. Trustee Jarecki seconded the motion.

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

NAYS: Wesseler

Motion carried.

**PRESIDENT'S
REMARKS:**

President Soto announced a second Open House will take place at Village Hall on March 7, 2012 from 4:00 p.m. to 7:00 p.m. and expressed the importance of Residential participation in the plan.

**MANAGERS
REPORT:**

**Resolution No
R-24-2012:**

9. President Soto gave the summarization of the action contemplated in **Resolution No. R-24-2012** entitled **A Resolution Authorizing Payment to Patten Industries, Inc. of Chicago, Illinois for Necessary Repairs to Vehicle #728 (Vacuum Sweeper) in the Amount of \$12,248.55.**

Motion: Trustee Peconio made a motion to approve the resolution as presented. Trustee O'Connell seconded the motion.

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

NAYS: None

All were in favor. Motion carried.

**Ordinance No
15-2012:**

10. President Soto gave the summarization of the action contemplated in **Ordinance No. 15-2012** entitled **An Ordinance of the Village of Bensenville Ascertaining the Prevailing Rate of Wages for Laborers, Mechanics and Other Workers Employed in Public Works for the Village of Bensenville.**

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

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

NAYS: None

All were in favor. Motion carried.

**VILLAGE ATTORNEY'S
REPORT:**

Village Attorney, Mary Dickson, had no report.

**UNFINISHED
BUSINESS:**

There was no unfinished business.

NEW BUSINESS:

There was no new business.

**EXECUTIVE
SESSION:**

Village Attorney, Mary Dickson, called for an Executive Session for the purpose of discussing pending, probable, or imminent litigation, acquisition of real estate property, personnel, and collective negotiating matters. Action will take place as a result of the discussions.

Motion: Trustee Peconio made a motion to recess the meeting and go into Executive Session. Trustee Bartlett seconded the motion.

All were in favor. Motion carried.

President Soto recessed the meeting at 7:07 p.m.

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February 28, 2012 Page 8

CALL TO ORDER: 11. President Soto called the meeting back to order at 8:18 p.m.

ROLL CALL: 12. Upon roll call by Acting Village Clerk, Corey Williamsen, the following Board Members were present:

Bartlett, Jarecki, O'Connell, Peconio, Wesseler

Absent: Ridder

A quorum was present.

**Resolution No
R-25-2012:**

13. President Soto gave the summarization of the action contemplated in **Resolution No. R-25-2012 entitled A Resolution Authorizing the Execution of a Settlement Agreement with Thom J. Freedman, III.**

Motion: Trustee Bartlett made a motion to approve the resolution as presented. Trustee Jarecki seconded the motion.

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

NAYS: None

All were in favor. Motion carried.

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 8:21 p.m.

Corey Williamsen
Acting Village Clerk

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

TYPE: Ordinance

SUBMITTED BY: S. Viger

DATE: 03.07.12

DESCRIPTION: Ordinance approving 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: On February 14, 2012 the Village Board considered the request from the PRI Group to allow a scale house at their property located at 600 N. Thomas Drive. The request included two Ordinances: (1) amending the original Conditional Use Permit for outdoor storage and (2) approving a variance to allow a scale house in the actual corner side yard. While both Ordinances were included in the Board packet for that evening, only the first Ordinance was listed on the agenda. As such, we are returning the second Ordinance, approving a setback variance, to the Village Board for formal approval.

The request for variance remains unchanged from the February 14 meeting, and the original Green Sheet is attached for your reference.

KEY ISSUES: To approve a Variance the Village shall find that the "Approval Criteria" found in the Zoning Ordinance are met. The staff believes the proposed use meets the criteria as the reduced corner sideway setback is necessary due to special circumstances to this property, that there exists a practical difficulty in adhering to the strict interpretation of the Code, the special circumstances of the Site Plan relate specifically to this property, the practical difficulty does not arise from actions of the applicant, but rather from the original Site Plan, the reduction does allow the applicant to enjoy the use of their property without conferring any special privilege to the applicant, the reduced corner sideway setback is necessary for the use of the property, if granted the variance will not alter the character of the neighborhood, it is consistent with the Village's Plan and the applicant is seeking the minimum variance needed.

ALTERNATIVES:

1. Committee discretion.
2. Deny the Variance request.
3. Remand the request back to the Community Development Commission.

RECOMMENDATION: Staff respectfully recommends approval of the requested variance with a condition as enumerated below. 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 variance with the following condition recommended by the Village staff:

- The "scale house" shall be constructed in substantial compliance with the plans approved by the Conditional Use Permit Ordinance #5 – 2012.

On 01.17.12 the CEDC voted unanimously to approve the variance with the above conditions.

On 02.14.12 the Village President and Board of Trustees approved Ordinance #5 – 2012 approving the Amendment to the original Conditional Use Permit allowing the "Scale House".

BUDGET IMPACT: N/A

ACTION REQUIRED: Motion to approve the Ordinance for the Variance and conditions as recommended by staff and the CDC.

600 N. Thomas Drive

The PRI Group



Village of Bensenville

600 N. Thomas Drive



Village of Bensenville

600 N. Thomas- Zoning





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. 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 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

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.

ORDINANCE # _____

**AN ORDINANCE GRANTING A VARIANCE
TO CORNER SIDE YARD REQUIREMENTS TO ALLOW CONSTRUCTION OF A
SCALE HOUSE AS AN ACCCESSORY STRUCTURE IN THE CORNER 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 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 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 March, 2012.

Frank Soto, Village President

ATTEST:

Corey Williamsen, Acting Village Clerk

AYES:_____

NAYES:_____

ABSENT:_____

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Ordinance # _____

Exhibit "A"

600 N. Thomas Drive

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

Ordinance # _____

Exhibit "B"

600 N. Thomas Drive

Staff Report, Findings of Fact & Recommendation

TYPE: Resolution **SUBMITTED BY:** Village President **DATE:** 03/13/12

DESCRIPTION: Consider a Resolution appointing a Village Clerk and a member of the Community Development Commission.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

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

COMMITTEE ACTION: N/A

DATE: N/A

Village President Soto plans to make appointments to the office of Village Clerk and a member of the Community Development Commission at the March 13, 2012 Village Board Meeting. A Resolution naming the two appointees will be provided as soon as possible prior to the Board meeting.