



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 Clerk

Susan Janowiak

Village Manager

Michael Cassady

Village of Bensenville, Illinois BOARD OF TRUSTEES MEETING AGENDA

6:30 P.M. Tuesday, August 7, 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
July 24, 2012 Board of Trustees
- VI. WARRANT – August 7, 2012 #12/14 \$727,494.77

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

1. *Resolution Authorizing United Water to Complete the WWTP Digester Cleaning Project in the Amount not to Exceed \$30,000.*
2. *Resolution Authorizing the Execution of a Contract to Superior Road Striping, Inc. for Pavement Striping Services in the Amount of \$32,358.65*
3. *Resolution Authorizing a Technical Correction to Resolution R-85-91 Relating to Participation by Elected Officials in the Illinois Municipal Retirement Fund*
4. *Ordinance Granting a Planned Unit Development to Allow for a Pole Sign at 125 West Grand Avenue, Grand Subaru*

VIII. REPORTS OF STANDING COMMITTEES

A. Community and Economic Development Committee

1. *Ordinance Granting Certain Variances to Allow for Construction of a Parking Pad at 349 South Walnut Avenue, James & Aretta Baker:*

- A. *Variance to Allow a Parking Pad in an Actual Corner Side Yard*

- B. Variance to Allow a Fence in the Actual Corner Side Yard*
 - C. Variance to Allow a Larger Parking Pad Size of 20 x 20*
 - 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. Motion to Appoint Christina LePage as the Community Representative to the Bensenville Community Youth Services Coalition*

B. VILLAGE MANAGER'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

July 24, 2012

CALL TO ORDER: 1. President Soto called the meeting to order at 6:35p.m.

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

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

Absent: Village Clerk, Susan Janowiak

A quorum was present.

PUBLIC COMMENT: Luigi Sardone – 1091 East Crest Street

Mr. Sardone addressed the Village Board in regards to fines he received from the Village.

**APPROVAL OF
MINUTES:**

3. The June 26, 2012 Village Board Meeting minutes were presented.

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

All were in favor. Motion carried.

**WARRANT NO.
12/13:**

4. President Soto presented Warrant No. 12/13 in the amount of \$2,235,426.78.

Trustee Peconio asked for a follow up email from Village Manager, Michael Cassady, regarding his previous question.

Motion: Trustee Bartlett 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.

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

Resolution No.

R-73-2012:

5. President Soto gave the summarization of the action contemplated in **Resolution No. R-73-2012** entitled **A Resolution Supporting the Granting of a Cook County Class 6(b) Real Estate Tax Incentive for Certain Property Commonly Known as 1100 East Green Street, M.B.S. Manufacturing.**

Motion:

Trustee Ridder made a motion to approve the resolution 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.

36-2012:

6. President Soto gave the summarization of the action contemplated in **Ordinance No. 36-2012** entitled **An Ordinance for Conditional Use Permit and Variances for 471 South Podlin Avenue, Benchmark Surfacetec, Inc.**

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.

Ordinance No.

37-2012:

7. President Soto gave the summarization of the action contemplated in **Ordinance No. 37-2012** entitled **An Ordinance Providing for the Submission to the Electors the Public Question Related to an Electric Aggregation Opt-Out Program.**

Motion:

Trustee Wesseler made a motion to adopt the ordinance as presented. Trustee O'Connell seconded the motion.

ROLL CALL:

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

NAYS: None

All were in favor. Motion carried.

Resolution No

R-74-2012:

8. President Soto gave the summarization of the action contemplated in **Resolution No. R- 74-2012** entitled **A Resolution Approving the First Amended Economic Incentive Agreement with BCR Automotive Group, LLC, D.B.A. Roesch Ford in Bensenville for the Redevelopment of Property and Certain Incentive Including Sharing of Retailer' Tax Revenues.**

Motion:

Trustee O'Connell made a motion to approve the resolution 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.

**PRESIDENTIAL
REMARKS:**

Representatives from the American Legions presented the Village of Bensenville with a commemorative plaque and a check for allowing the American Legions to participate in Liberty Fest 2012.

President Soto read a proclamation into the record in honor of retired Police Officer Bruce Nichols for his 27 years of service with the Bensenville Police Department.

President Soto read a proclamation into the record in honor of First United Methodist Church of Bensenville in celebration of their 175 year anniversary.

President Soto announced he will be forming Committees in the near future made of residents and commercial owners to help those facing foreclosures.

President Soto announced "Night Out" will be taking place on August 7, 2012 from 6:00p.m to 8:-00p.m. at the Edge Ice Arena and encourages all Residents to attend.

**MANAGERS
REPORT:**

**Resolution No
R-75-2012:**

9. Village Manager, Michael Cassady, gave the summarization of the action contemplated in **Resolution No. R- 75-2012** entitled **A Resolution Authorizing Payment to the Illinois Environmental Protection Agency for our Annual Wastewater Treatment Plant NPDES Operating Permit in the amount of \$17,500.**

Motion: Trustee Wesseler made a motion to approve the resolution 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.

Chairman Moruzzi and Commissioners James, Janowiak, Pisano, Rowe and Weldon of the Community Development Commission joined the Village Board for the AECOM Comprehensive Economic Development Strategy.

Chris Brewer of AECOM presented to the Village Board and members of the Community Development Commission a summary of the draft AECOM Comprehensive Economic Development Strategy.

**UNFINISHED
BUSINESS:**

There was no unfinished business.

NEW BUSINESS:

There was no new business.

**EXECUTIVE
SESSION:**

Village Attorney, Pat Bond, 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. No action will take place as a result of the discussions.

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ADJOURNMENT: Trustee O'Connell made a motion to adjourn the meeting and go into executive session. Trustee Ridder seconded the motion.

All were in favor. Motion carried.

President Soto adjourned the meeting at 7:50 p.m.

Susan Janowiak
Village Clerk

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

TYPE: Resolution **SUBMITTED BY:** Joe Caracci **DATE:** 07/31/2012

DESCRIPTION: Resolution authorizing United Water to enter into a contract with Stewart Spreading, Inc. for the WWTP Anaerobic Digester Cleaning Project in the amount of \$30,000 as part of the planned preventative maintenance program.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

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

ASSIGNED COMMITTEE: I&E (unanimous approval)

DATE: 07/24/2012

BACKGROUND: One of the key processes at the Wastewater Treatment is operation of the anaerobic digesters. This key process yields sludge byproduct that accumulates at the bottom of the circular structures. The digesters have not been cleaned in over ten years and the debris at the bottom of the digester has now affected efficiency and operation. Cleaning of the digesters is now required to continue its use. The cleaning of the digesters is being done as a planned preventive maintenance and as a long term facility upgrade improvement to reduce the current treatment processes. The benefits of the anaerobic digester cleaning are to reduce energy, maintenance and equipment replacement costs. The objective is to remove the primary and secondary anaerobic digester treatment process and pump directly to the aerobic digester.

United Water sought proposals to perform the work on behalf of the Village of Bensenville. Three contractors responded to the invitation; Biotech Agronomics, Inc.; United Water Mechanical Services; and Stewart Spreading Inc.

The scope of work entails that the contractor shall remove all liquid sludge, scum, grit, sand and other foreign materials deposited in the two anaerobic digesters. Such removed material will be properly transported and disposed of utilizing an on-site mechanical screening and dewatering by approved method. The work consists of providing all labor and confined space entry equipment necessary for the safe removal and disposal of all liquids and solids from two on site covered anaerobic digester. Scheduled work will be coordinated with the day to day operations of the wastewater treatment plant.

Stewart Spreading Inc. submitted a proposal to complete the cleaning of the primary and secondary anaerobic digester @ \$0.11 cents per gallon rate for processing an estimated 250,000 gallons. Total cost \$27,500. As this is an estimate at this point, staff seeks approval of a \$30,000 purchase order to account for any additional removal that may be unforeseen. If no additional or reduced quantities are experienced, the remaining funds would be returned to the account. The removal process has already begun as can be seen from the enclosed memorandum from United Water.

KEY ISSUES: As this work will be part of our existing contract with United Water, they must seek approval of the Village prior to completing the work. Since this expense exceeds staffs limitations for approval (\$10,000), this work must be approved by the Village Board. At this time we seek Village Board approval in order to complete the work

ALTERNATIVES: Discretion of the Village Board

RECOMMENDATION: Staff recommends approval of the Digester Cleaning Project with Stewart Spreading, Inc. in the amount of \$30,000.

BUDGET IMPACT: \$27,500-\$30,000 total. This item was budgeted as part of the planned preventative maintenance identified in the 2012 United Water Contract.

ACTION REQUIRED: Motion to approve a Resolution authorizing United Water to complete the WWTP Digester Cleaning Project in the amount not to exceed \$30,000.

RESOLUTION NO.

**AUTHORIZING UNITED WATER TO COMPLETE THE
WWTP DIGESTER CLEANING PROJECT
IN THE AMOUNT NOT TO EXCEED \$30,000.**

WHEREAS the Village of Bensenville, owns its own Wastewater Treatment Facility, and

WHEREAS the Village contracts out to United Water the Operation and Maintenance of the facility, and

WHEREAS as part of our annual preventative maintenance program, the cleaning of the two anaerobic digesters were identified and budgeted, and

WHEREAS United Water sought proposals for completing the necessary work to clean the digesters, and

WHEREAS the Village must approve any and all expenditures undertaken by United Water, and

WHEREAS any expenditure exceeding \$10,000 must be approved by the Village Board.

BE IT RESOLVED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois as follows:

THAT the Village Board authorizes United Water to proceed with the completion of the WWTP Digester Cleaning Project in the amount not to exceed \$30,000

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

APPROVED:

Frank Soto
Village President

ATTEST:

Susan Janowiak
Village Clerk

AYES: _____

NAYS: _____

ABSENT: _____

UNITED WATER

711 E. Jefferson Street
Bensenville, IL 60106
TEL 630-350-3486
MOBILE 847-376-0372
dan.hughes@unitedwater.com
WWW.UNITEDWATER.COM



Mr. Joe Caracci
Public Works Director
Village of Bensenville
Bensenville, IL 60106

July 18, 2012.

Subject: Anaerobic Digester Cleaning – Capital Expenditure Approval

United Water on behalf of the Village of Bensenville requested proposals from qualified firms to provide primary and secondary sludge digester cleaning services at the Village of Bensenville WWTP. The cleaning of the digesters is being done as a planned preventive maintenance and as a long term facility upgrade improvement to reduce the current treatment processes.

Three contractors responded to the invitation; Biotech Agronomics, Inc.; United Water Mechanical Services; and Stewart Spreading Inc.

Description of work: The Contractor shall remove all liquid sludge, scum, grit, sand and other foreign materials deposited in the two anaerobic digesters. Such removed material will be properly transported and disposed of utilizing an on-site mechanical screening and dewatering by approved method.

The work consists of providing all labor and confined space entry equipment necessary for the safe removal and disposal of all liquids and solids from two on site covered anaerobic digester. Scheduled work will be coordinated with the day to day operations of the wastewater treatment plant.



The benefits of the anaerobic digester cleaning is to reduce energy, maintenance and equipment replacement costs. The objective is to remove the primary and secondary anaerobic digester treatment process and pump directly to the aerobic digester. .



United Water recommends that the Village of Bensenville approve Stewart Spreading Inc. to complete the cleaning of the primary and secondary anaerobic digester @ \$0.11 cents per gallon rate for processing an estimated 250,000 gallons. Total cost \$27,500

Please contact me direct at 847-376-0372 if you have any questions.

Sincerely;

Daniel J. Hughes
Project Manager, United Water
630-350-3486(office)



CAPITAL EXPENDITURE AUTHORIZATION REQUEST

Village of Bensenville, IL

Equipment or Project Name: Anaerobic Digester Cleaning

Date: 07-12-12

Repair Replacement New

Description of Expenditure: Planned cleaning of Anaerobic Digesters, Drain both primary and secondary anaerobic digesters, hose interior, remove rags and grit, transport dewatered bio-solids to sludge drying beds.

Justification: As noted in the 2012 Capital Repair and Replacement Recommendations the Anaerobic Digesters were scheduled to be cleaned this year.

A 2 – “Capital Expenditure” – means any expenditure required to replace or perform a major repair on a capital asset which (1) increases the capacity or efficiency of the asset or (2) extends the useful life of the asset. All Capital Expenditures must be pre-approved by the OWNER if greater than \$5,000.

Quotation Received:

Company Name	City/State	Price
Stewart Spreading Inc.	Sheridan, IL.	\$27,500

Recommendation: United Water Recommends that the Village of Bensenville contract Stewart Spreading to complete the cleaning of the primary and secondary anaerobic digesters @ \$0.11 cents per gallon rate for processing an estimated at 250,000 gallons. See attached proposal;

Village of Bensenville Authorization Signature _____ Date _____



SPREADING

February 1, 2012

DAN HUGHES

United Water
711 E. Jefferson Street
Bensenville, Illinois
direct ph: 630-350-3486
e-mail: dan.hughes@unitedwater.com

Re: Bensenville, IL. Wastewater Treatment Plant Anaerobic Digester Cleaning

Dear Mr. Hughes,

Stewart Spreading, Inc. is pleased to provide a proposal for the above-referenced project. Stewart Spreading is a full service management company that has provided service to United Water Inc. for the past two years. We are committed to providing our clients with excellent service for all of their residuals needs. Current insurance certificates for commercial and environmental liability will be submitted upon request. Additional references and documentation regarding our equipment line and certifications from ICC, USDOT and Illinois EPA can also be provided upon request.

We appreciate the opportunity to submit our proposal for this project. If you would like to visit our shop or a job site to meet our staff and view our equipment first hand, please let me know. We would love to have you. Should you have any questions regarding our submittal, please contact me at (815) 695-5667 office or on my cell phone at 815-712-5657.

Sincerely,



Jason D. Hill
Operations Manager
Stewart Spreading, Inc.

A FULL SERVICE RESIDUALS MANAGEMENT COMPANY

3870 N. ROUTE 71 • SHERIDAN, IL 60551 • OFFICE 815-695-5667 • FAX 815-695-5770

Biosolids Management Program

Stewart Spreading, Inc. will provide all labor and equipment necessary for removal, handling, and land application of sludge, biosolids, and other materials and debris in the existing 60-foot primary anaerobic digester and the existing 35-foot secondary anaerobic digester Village of Bensenville Wastewater Treatment Facility. At the beginning of each service event each tank will be measured and volumes will be agreed upon before any work is performed. Stewart Spreading will provide digester volume contents sheet that will be signed by both parties. This will be provided to United Water, Inc. by Stewart Spreading for billing purposes.

Our price encompasses complete Biosolids Management services, including:

- Safety conscious confined space digester entry;
- Continuous ventilation and air monitoring;
- Pump biosolids to screener;
- Screening of biosolids through 3/8" bar screen for plastics, wood, rocks and rags;
- Washing interior walls, ceiling plate, outside of pipes and floor with 50 hp water booster pump;
- Dewater biosolids;
- Loading of biosolids into trailer;
- Transportation of biosolids to on site storage pad;
- Insurance in the following amounts, naming the Village of Bensenville as additional insured throughout the lifetime of the contract:
 - Commercial Liability \$2,000,000
 - Workmen's Compensation Statutory Limits
 - Automobile Liability \$2,000,000
 - Environmental Liability \$5,000,000
 - Excess Umbrella Coverage \$5,000,000

Resumes of key personnel, a full equipment listing and a copy of our safety policy are also available upon request.

Biosolids Management Experience/ References

Stewart Spreading, Inc. is a local residuals management firm with over sixteen years of experience servicing Illinois municipalities and farmers. Stewart Spreading is managed by a group with over 55 years of combined experience in the environmental and residuals management industry. Stewart Spreading, Inc. performs all transportation and land application in house with specialized equipment and our fully trained staff. This gives our clients the assurance that when contracting with Stewart Spreading; the job is not complete until our client is satisfied.

The City of Joliet, IL

The contract requires Stewart Spreading to transport and land apply approximately 28.5 million gallons per year. Dewatering is completed during inclement weather. Cleaning of four 80' digesters completed during a construction project spanning 2008 and 2009.

Harold Harty, Plant Operations Superintendent, 815-724-3675.

DeKalb Sanitary District

Loading, Transportation and Land Application of liquid Biosolids, Approximately 2 million gallons per year.

Fifth year of service, 55' Digester cleaning and screening of contents completed in 2006 and 2008. Cleaning and screening of two 55' digesters completed in Spring 2010.

Mike Zima, District Manager, 815-758-3513

Fox River Water Reclamation District - Elgin, IL

The contract requires Stewart Spreading to provide complete residuals management services for the transportation, and land application of 20,000 tons of Biosolids per year. 40' Digester cleaning completed under separate contract.

Five year contract. Doug Hacker, Plant Superintendent, 847-742-2068

Village of Fox Lake, IL

Emergency 60' digester cleaning next day mobilization. Additional 60' digester cleaning one month later 2007. Steve Vella, Superintendent, 847-587-3694

Deerfield Waste Water Reclamation Facility

Two 40' digester cleanings mobile belt pressed and land applied 2006 and 2008.
Frank Cisek, Plant Foreman, 847-317-7224

Parkersburg Utility Board Waste Water Division- Parkersburg, West Virginia

Cleaning, screening, transportation and land application of 65' digester 2007.
Wayne Boone, Operations Supervisor, 304-424-8538

Additional References Gladly Furnished Upon Request

United Water Inc. will be responsible for:

- Access to plant for loading of biosolids in watertight trailers;
- Access to digester and area around digester for cleaning operations;
- Provide clear trucking route to storage pad;
- Provide city water hydrant for cleaning operation;
- Provide 480 volt 3 phase 60 amp and 100 amp;
- Provide biosolids that meet EPA Regulation 503 and IEPA Part 391 standards for land application;
- Extended hours during hauling events;
- Payment of documented invoices within 30 days of each cleaning event.

Stewart Spreading, Inc. will be responsible for:

- Mobilization of personnel and equipment to and from Village site for safety conscious operations;
- Opening entry hatches and venting tanks;
- Provide confined space trained personnel;
- Provide confined space entry permits for United Water records;
- Provide watertight trailers and professionally trained personnel for transportation of biosolids to storage pad;
- Disposal of screenings from digester cleaning operations;
- Provide volume reports to United Water for billing and reporting.

Price Proposal for United Water, Inc.

PRICE BASED ON GALLONS IN PLACE

Digester cleaning with biosolids removal, screening, dewatering ,loading, transportation to storage pad.

\$.11

(ELEVEN CENTS PER GALLON IN PLACE)

MOBILIZATION / DEMOBILIZATION

\$3,000.00

(THREE THOUSAND DOLLARS EACH MOBILIZATION)

TYPE: Resolution **SUBMITTED BY:** Joe Caracci **DATE:** 7/31/2012

DESCRIPTION: Resolution authorizing the execution of a contract to Superior Road Striping, Inc. for the 2012 Pavement Striping Program, in the amount of \$32,358.65

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input checked="" 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>
<input checked="" type="checkbox"/>	<i>Safe and Beautiful Village</i>	<input type="checkbox"/>	<i>Vibrant Major Corridors</i>

ASSIGNED COMMITTEE: I & E (unanimous approval)

DATE: 7/24/2012

BACKGROUND: The 2012 Pavement Striping Program will be the first year of a multi-year project to extend the life of roadway markings that are fading or are no longer visible. Staff had inspected pavement markings throughout the Village and found that striping has been particularly neglected over the years and needed attention. While some areas of the Village had been restriped there was no program in place to ensure continual maintenance of these markings. Traditionally a majority of the striping in the Village was applied as paint which has a tendency to fade very quickly. However, more recently the Village has been using thermoplastic striping which is known to last longer than traditional painted markings. The first year of this program is focused on Area 2 which encompasses the residential areas north of Main St. in addition to this, areas of York Rd between Green St. and Grand Ave. will also be restriped as needed as some pavement markings especially the lane markers are no longer visible. The locations were chosen based on field assessment by staff. Please see the attached map for the outline of locations.

KEY ISSUES: Prices were obtained through the Suburban Purchasing Cooperative which had gone out to bid for thermoplastic striping and awarded the contract to Superior Road Striping, Inc. of Melrose Park, IL as the lowest responsible bidder. Staff felt it in the best interest of the Village to take advantage of the pricing offered through the Cooperative. This year's program will consist of 1,752 square feet of letters and symbols, 16,755 linear feet of 4" lines (cross walks), 6,148 linear feet of 6" lines (York and Grand), 1,537 linear feet of 24" lines (stop bars), and over 10,000 square feet of pavement marking removal. The total cost based on the SPC is listed below.

COMPANY	COOPERATIVE BID RESULTS
Superior Road Striping, Inc.– Melrose Park, IL	\$ 32,358.65

ALTERNATIVES: Discretion of the Village Board

RECOMMENDATION: Staff recommends approval of the pavement striping contract with Superior Road Striping, Inc. of Melrose Park, IL as the lowest responsible bidder.

BUDGET IMPACT: \$32,358.65 total. Funds have been allocated in FY12 (\$30,000.00) for pavement striping and the remaining balance (\$2,358.65) will be paid from the Pavement Maintenance Program line item.

ACTION REQUIRED: Motion to approve a Resolution authorizing the execution of a contract to Superior Road Striping, Inc. for the 2012 Pavement Striping Program in the amount of \$32,358.65.

RESOLUTION NO.

**AUTHORIZING THE EXECUTION OF A CONTRACT TO
SUPERIOR ROAD STRIPING, INC. FOR
PAVEMENT STRIPING SERVICES
IN THE AMOUNT OF \$32,358.65.**

WHEREAS the Village of Bensenville, in an effort to maintain safe and beautiful roadways for all those who pass through our Village performs routine maintenance to achieve these goals, and

WHEREAS Superior Road Striping, Inc. was awarded the Suburban Purchasing Cooperative contract as lowest responsible bidder, and

WHEREAS Superior Road Striping, Inc. provided a quotation for supplying and applying the material.

BE IT RESOLVED by the President and Board of Trustees of the Village of Bensenville, Counties of DuPage and Cook, Illinois as follows:

THAT the Village Board authorizes the Village Manager to execute a purchase order and other associated documents to Superior Road Striping, Inc. of Melrose Park, IL for pavement striping services in the amount of \$32,358.65 as part of our 2012 Pavement Maintenance Program.

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

APPROVED:

Frank Soto
Village President

ATTEST:

Susan Janowiak
Village Clerk

AYES: _____

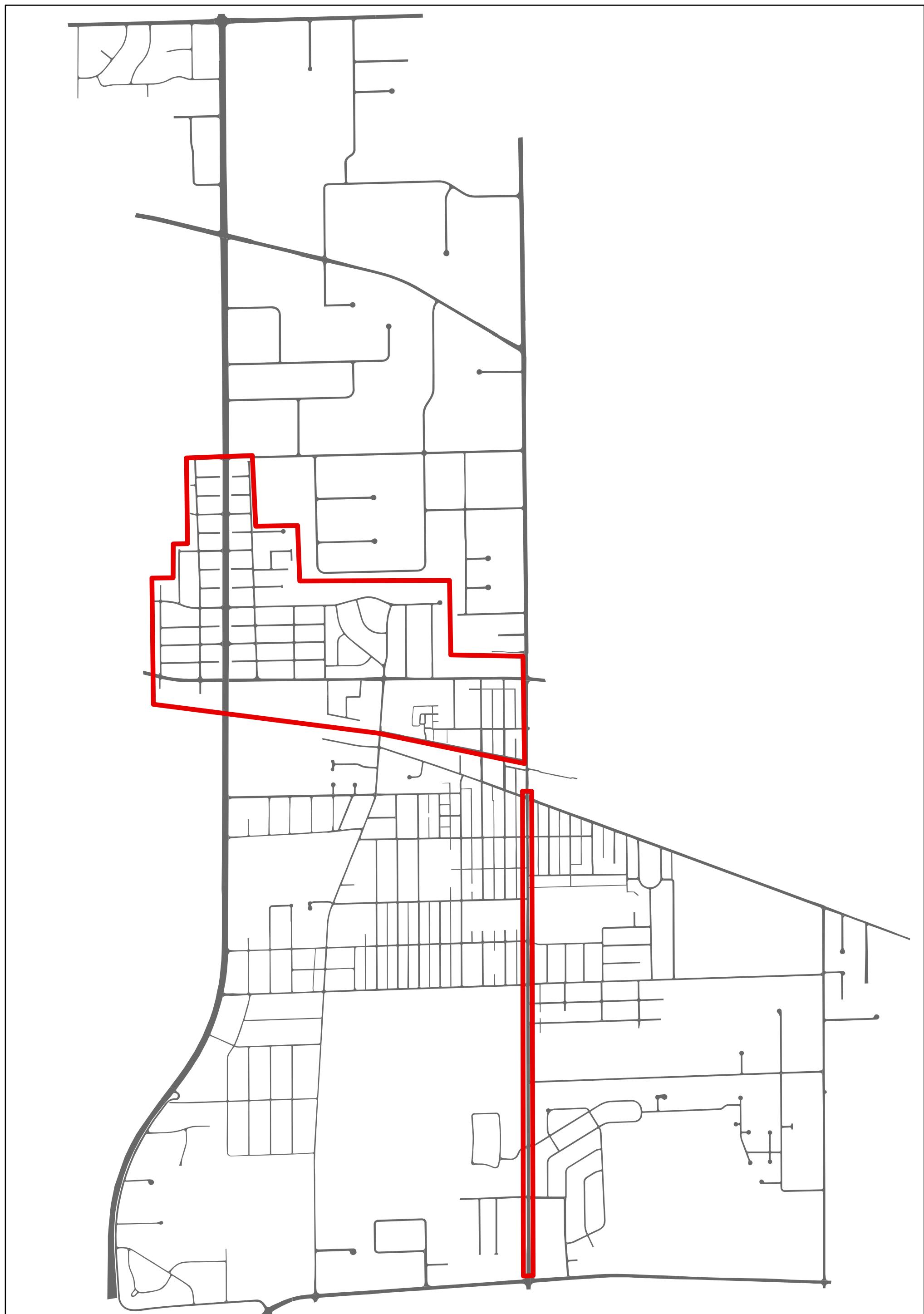
NAYS: _____

ABSENT: _____



Village of Bensenville

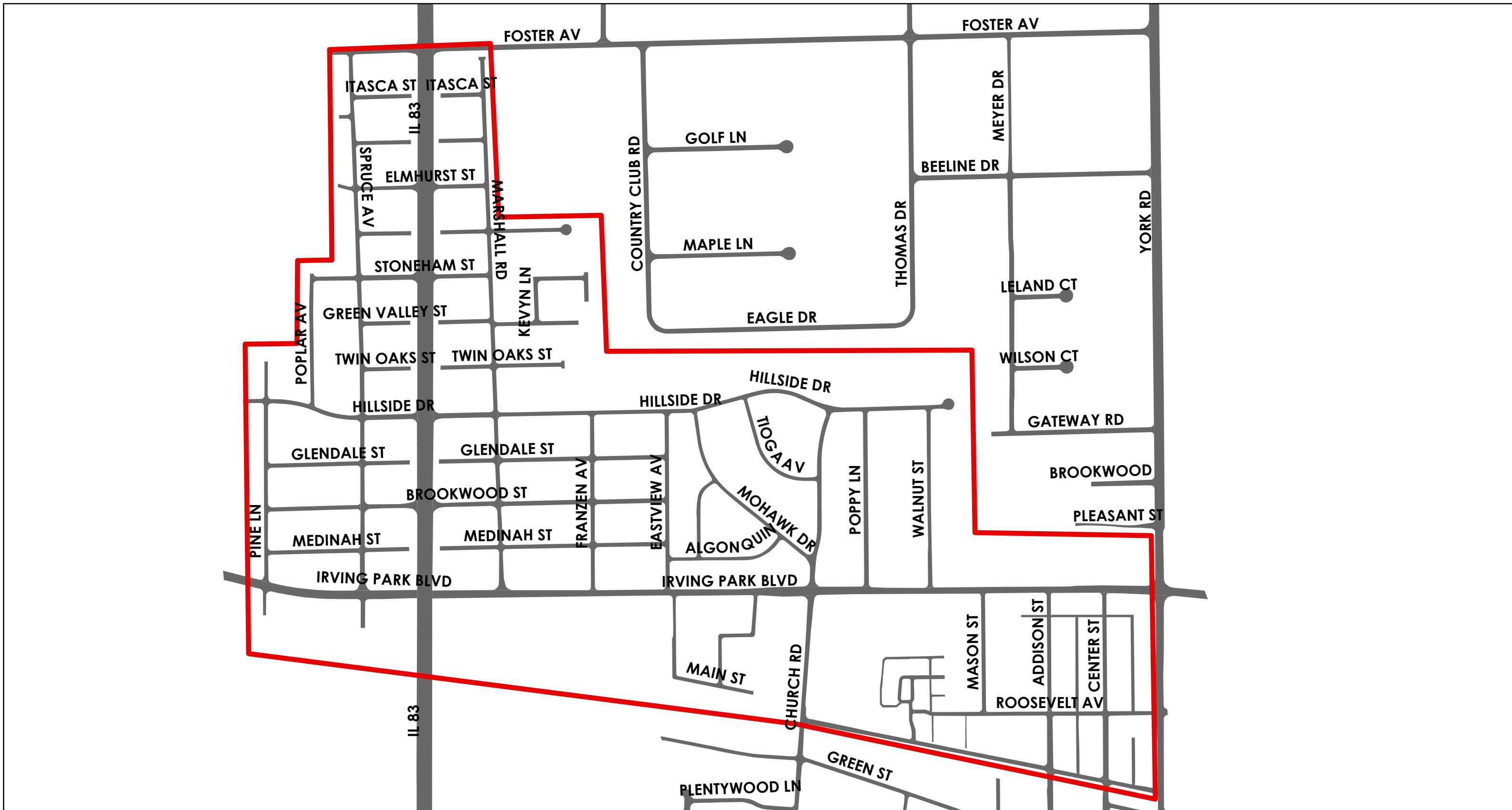
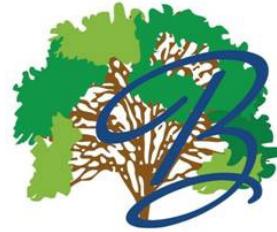
2012 Pavement Striping





Village of Bensenville

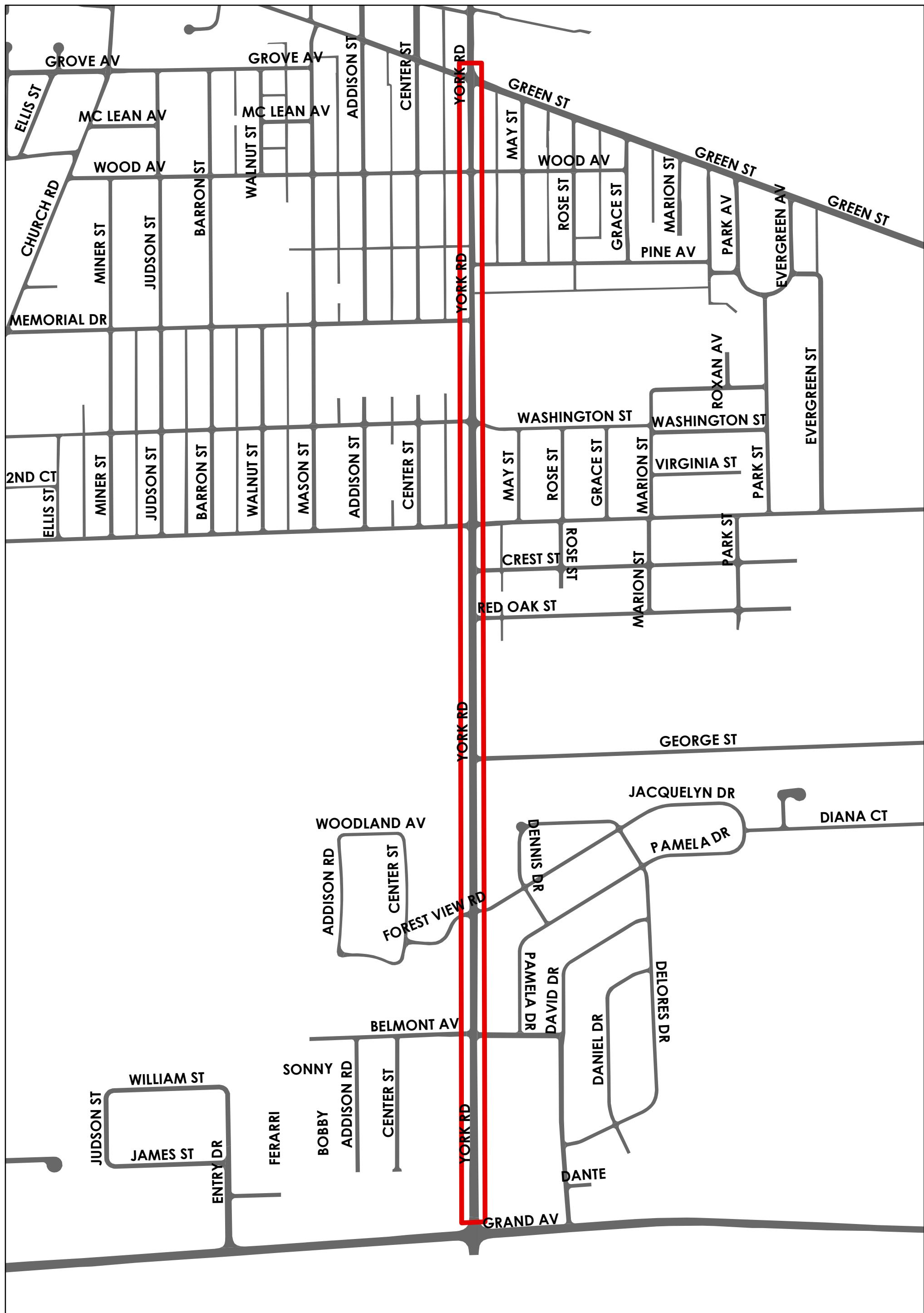
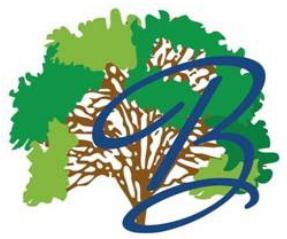
2012 Pavement Striping





Village of Bensenville

2012 Pavement Striping



SRS

SUPERIOR ROAD STRIPING, INC.
1967 CORNELL COURT MELROSE PARK, IL 60160

TELEPHONE 708-865-0718
FAX 708-865-0296

PROPOSAL

VILLAGE OF BENSENVILLE
700 W. IRVING PARK ROAD
BENSENVILLE, IL 60106
ATTN: KEN RUBACH

630-350-3432 / 630-594-1148

VARIOUS LOCATIONS - BENSENVILLE

THE UNDERSIGNED, PROPOSE TO FURNISH THERMOPLASTIC PAVEMENT MARKING
AND LABOR FOR JOB DESCRIBED BELOW.

DESCRIPTION	UNIT	APPROX QUANTITY	UNIT PRICE	AMOUNT
THPL PVT MK L & S	SF	1752.0	3.75	6570.00
THPL PVT MK LINE 4	LF	16755.0	0.50	8377.50
THPL PVT MK LINE 6	LF	6148.0	0.75	4611.00
THPL PVT MK LINE 12	LF	0.0	1.50	0.00
THPL PVT MK LINE 24	LF	1537.0	3.75	5763.75
THPL PVT MARKING REMOVAL	SF	10052.0	0.70	7036.40
			TOTAL	\$ 32,358.65

ACCEPTANCE: YOU ARE HEREBY AUTHORIZED TO FURNISH MATERIAL AND
LABOR NECESSARY TO COMPLETE JOB DESCRIBED.

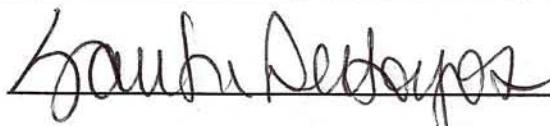
PLEASE SIGN AND RETURN FAX

SIGNATURE

DATE:

PRINT FIRST AND LAST NAME

RESPECTFULLY SUBMITTED,


SANDRA DEHOYOS

6-27-12

SUPERIOR ROAD STRIPING INC.

TYPE: Resolution **SUBMITTED BY:** Dan Di Santo **DATE:** July 27, 2012

DESCRIPTION: Pass the Resolution relating to participation by elected officials in the Illinois Municipal Retirement Fund.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

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

COMMITTEE ACTION: N/A – This is a clean-up Resolution

DATE: N/A

BACKGROUND:

The Illinois Municipal Retirement Fund (IMRF) provides employees of local governments in Illinois with a system for the payment of retirement, disability, and death benefits. The retirement plan offered by IMRF is a defined benefit pension plan where the amount of retirement benefit is based on a member's final salary and their service credit. IMRF is a local program; each employer builds up an account to provide future benefits for its own employees. Members enrolled in IMRF contribute to their benefits via payroll deduction.

KEY ISSUES:

The Village of Bensenville has been a member of IMRF since May 11, 1967. Elected officials may participate in IMRF if their positions normally require performance of duty for 1,000 hours or more per year. On August 6, 1991 the Village Board approved Resolution R-85-91, which found the elected position of "Village Trustee" to qualify for IMRF membership, retroactive to May 11, 1967. However, we have recently been informed that IMRF finds the language in Resolution R-85-91 too general, and therefore the positions of Village President and Village Clerk need to be specifically listed as qualifying elected officials. Therefore, the attached Resolution finds all three elected positions – Village Trustee, Village President, and Village Clerk – to qualify for IMRF membership in the Village of Bensenville. Essentially this is a clean-up of the 1991 Resolution, so staff is forwarding directly to the Village Board without Committee review.

ALTERNATIVES:

- Approve the Resolution
- Deny the Resolution
- Discretion of the Board

RECOMMENDATION:

Staff recommends approval of the Resolution.

BUDGET IMPACT:

N/A – employer contributions already budgeted.

ACTION REQUIRED:

Pass the Resolution relating to participation by elected officials in the Illinois Municipal Retirement Fund.

RESOLUTION NO. R-85-91

A RESOLUTION RELATING TO PARTICIPATION BY ELECTED OFFICIALS
IN THE ILLINOIS MUNICIPAL RETIREMENT FUND

WHEREAS, the Village of Bensenville became a participant in the Illinois Municipal Retirement Fund effective May 11, 1967, and

WHEREAS, elected officials may participate in the Illinois Municipal Retirement Fund if they are in positions normally requiring performance of duty for 1,000 hours or more per year; and

WHEREAS, this governing body can determine what the normal annual hourly requirements of its elected officials are, and should make such determination for the guidance and direction of the Board of Trustees of the Illinois Municipal Retirement Fund;

RESOLVED THAT the Village Board finds the following elected positions qualify for membership in IMRF.

<u>Title of Elected Position</u>	<u>Beginning Date Position Qualified</u>
Village Trustee	May 11, 1967

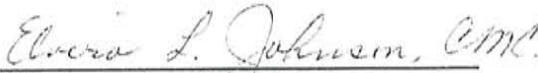
FURTHER RESOLVED that the authorized agent is hereby directed to file a certified copy of this resolution with the Illinois Municipal Retirement Fund and that this resolution and the finding made shall remain in full force.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, Illinois, August 6, 1991.

APPROVED:


John C. Geils
Village President

ATTEST:


Elvira L. Johnson
Village Clerk

AYES: Krass, Reimer, Strandt, Walberg, Wanzung

NAYS: None ABSTAIN: Weber

ABSENT: None



ILLINOIS MUNICIPAL RETIREMENT FUND

PAST SERVICE UNIT
Re: R. Weber
SSN: 351-20-4367

A RESOLUTION RELATING TO PARTICIPATION BY ELECTED OFFICIALS
IN THE ILLINOIS MUNICIPAL RETIREMENT FUND

RESOLUTION
Number

WHEREAS, the _____
Name of Governmental Unit
became a participant in the Illinois Municipal Retirement Fund effective January 1, _____; and

WHEREAS, elected officials may participate in the Illinois Municipal Retirement Fund if they are in positions normally requiring performance of duty for _____ hours or more per year; and

WHEREAS, this governing body can determine what the normal annual hourly requirements of its elected officials are, and should make such determination for the guidance and direction of the Board of Trustees of the Illinois Municipal Retirement Fund;

RESOLVED THAT _____

Board, Council, etc. finds the following elected positions qualify for membership in IMRF.

Title of Elected Position

Beginning Date Position Qualified

FURTHER RESOLVED that the authorized agent is hereby directed to file a certified copy of this resolution with the Illinois Municipal Retirement Fund and that this resolution and the finding made shall remain in full force

CERTIFICATION

I, Elvira L. Johnson, the Village Clerk of the
Name Village of Bensenville, Clerk or Secretary DuPage
of the county of DuPage County

Governmental Unit _____ County _____
State of Illinois, do hereby certify that I am the keeper of the books and records of the aforesaid governmental
unit and that the foregoing is a true and correct copy of a resolution duly adopted by _____ Board _____
of said governmental unit at a meeting duly convened and held on the 6th day of August, 1991.
Board, Council, etc.

Elvira L. Johnson
Clerk or Secretary

SEAL

RESOLUTION NO. R-

**A RESOLUTION RELATING TO PARTICIPATION BY ELECTED OFFICIALS IN THE
ILLINOIS MUNICIPAL RETIREMENT FUND**

WHEREAS, the VILLAGE OF BENSENVILLE (hereinafter "VILLAGE") is a municipal corporation established and existing under the laws of the State of Illinois pursuant to the Illinois Municipal Code, 65 ILCS 5/1-1-1 *et seq.*; and

WHEREAS, the VILLAGE became a participant in the Illinois Municipal Retirement Fund effective May 11, 1967; and

WHEREAS, elected officials may participate in the Illinois Municipal Retirement Fund if they are in positions normally requiring performance of duty for 1,000 hours or more per year; and

WHEREAS, this governing body can determine what the normal annual hourly requirements of its elected officials are, and should make such determination for the guidance and direction of the Board of Trustees of the Illinois Municipal Retirement Fund; and

NOW, THEREFORE, BE IT RESOLVED by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, as follows:

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

SECTION TWO: The President and Board of Trustees of the Village of Bensenville finds the following elected positions qualify for membership in the Illinois Municipal Retirement Fund:

Title of Elected Position	Date Position Became Qualified
Village President	May 11, 1967
Board of Trustees	May 11, 1967
Village Clerk	May 11, 1967

SECTION TWO: This Resolution shall take effect immediately upon its passage and approval as provided by law.

SECTION THREE: The Village Clerk is hereby directed to certify the attached Illinois Municipal Retirement Fund resolution form.

SECTION FOUR: The authorized agent is hereby directed to file a certified copy of this Resolution, including attachment, with the Illinois Municipal Retirement Fund.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, Illinois, this 7th day of August, 2012.

APPROVED:

Frank Soto, Village President

ATTEST:

Susan Janowiak, Village Clerk

Ayes: _____

Nays: _____

Absent: _____



A RESOLUTION RELATING TO PARTICIPATION BY ELECTED OFFICIALS IN THE ILLINOIS MUNICIPAL RETIREMENT FUND

IMRF Form 6.64 (Rev. 03/12)

(Income tax information can be found on the reverse side of this resolution)

PLEASE ENTER Employer IMRF I.D. Number

RESOLUTION

Number _____

WHEREAS, the _____ EMPLOYER NAME

is a participant in the Illinois Municipal Retirement Fund; and

WHEREAS, elected officials may participate in the Illinois Municipal Retirement Fund if they are in positions normally requiring performance of duty for _____ hours or more per year; and
600 OR 1,000

WHEREAS, this governing body can determine what the normal annual hourly requirements of its elected officials are, and should make such determination for the guidance and direction of the Board of Trustees of the Illinois Municipal Retirement Fund:*

NOW THEREFORE BE IT RESOLVED that the _____ BOARD, COUNCIL, ETC.

finds the following elected positions qualify for membership in IMRF.

TITLE OF ELECTED POSITION

DATE POSITION BECAME QUALIFIED

_____	_____
_____	_____
_____	_____

CERTIFICATION

I, _____, the _____ CLERK OR SECRETARY OF THE BOARD
NAME

of the _____ of the County of _____, COUNTY
EMPLOYER NAME

State of Illinois, do hereby certify that I am keeper of its books and records and that the foregoing is a true and correct

copy of a resolution duly adopted by its _____ at a meeting duly
BOARD, COUNCIL, ETC.

convened and held on the _____ of _____ 20_____.
DAY MONTH YEAR

SIGNATURE CLERK OR SECRETARY OF THE BOARD

* Any person who knowingly makes any false statement or falsifies or permits to be falsified any record of the Illinois Municipal Retirement Fund in an attempt to defraud IMRF is guilty of a Class 3 felony (40 ILCS 5/1-135).

Illinois Municipal Retirement Fund
2211 York Road, Suite 500, Oak Brook, Illinois 60523-2337
Member Services Representatives 1-800-ASK-IMRF (1-800-275-4673)

**A RESOLUTION RELATING TO PARTICIPATION BY ELECTED OFFICIALS
IN THE ILLINOIS MUNICIPAL RETIREMENT FUND**

INCOME TAX INFORMATION

All elected officials eligible to participate in IMRF are considered active participants in an employer sponsored retirement plan under the Internal Revenue Code, **even if the official does not elect to participate in IMRF**, and are subject to the IRA deductibility limits imposed by law.

Rescission of this resolution is not definite evidence under IRS regulations that these elected positions are no longer covered by an employer sponsored pension plan.

DOCUMENTATION

If requested by IMRF, **the unit of government should be prepared to produce the documentation verifying that the hours required to perform the duties of the office meet or exceed the IMRF hourly standard**. This documentation would include, but not be limited to: office hours, number of meetings held annually, preparation time for meetings, conferences, and other corroboration of the time required to perform the duties of the office.

Time spent on-call or otherwise informally available to constituents does not count toward the IMRF hourly standard. Additionally, down-time spent travelling to meetings does not count toward the IMRF hourly standard.

Illinois Municipal Retirement Fund
2211 York Road, Suite 500, Oak Brook, Illinois 60523-2337
Member Services Representatives 1-800-ASK-IMRF (1-800-275-4673)

TYPE: Ordinance SUBMITTED BY: S. Viger DATE: 08.01.12

DESCRIPTION: Ordinance approving a Planned Unit Development (PUD) to allow one freestanding pole sign replacing an existing monument sign, to be 26' – 11" in height exceeding the maximum of eight feet, a square footage of 131.5 exceeding the maximum of 50 square feet for Grand Subaru at 125 W. Grand Avenue in an existing C – 2 Highway Commercial District.

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

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

COMMITTEE ACTION: Community & Economic Development
Committee unanimously recommend approval.

DATE: 08.07.12

BACKGROUND:

The subject property is located on the north side of Grand Avenue, west of York Road and improved with an automobile dealership, Grand Subaru. Several years ago, Grand Subaru applied for a variance to allow a pole sign which was denied; however, approval was granted to the applicant for an eight foot high monument sign, wall sign and some façade work. Subsequent to the PUD approval for the new Roesch Ford allowing three pole signs, Grand Subaru is resubmitting their request and seeking similar approval. The applicant is requesting the removal of the aforementioned monument sign and erection of a single pole sign 26' – 11" in height and 131.5 square feet in area exceeding the maximums allowed in the Village.

KEY ISSUES:

In the "auto – row" environment where the City of Elmhurst allows signs significantly taller and larger, our Bensenville dealers will be at a competitive disadvantage if the sign standards were strictly enforced along this corridor. In comparison to the height and area of the three pole signs erected at Roesch Ford, with the primary pole sign being 35' in height and 165 square feet in area, and the two secondary pole signs being 19' – 11.75" in height and 60 square feet in area each, Grand Subaru's request is less. Additionally, the strict application of the Zoning Ordinance creates a problem for the applicant and would create a barrier to the Village realizing its Strategic Plan Goals (Financially Sound Village, Major Business & Corporate Center & Vibrant Major Corridors).

ALTERNATIVES:

1. Committee discretion.
2. Deny the requested Planned Unit Development.
3. Remand the request back to the Community Development Commission for additional review.

RECOMMENDATION:

Staff respectfully recommends approval of the Planned Unit Development.

At their 07.09.12 Public Hearing the Community Development Commission voted 5 – 0 to recommend approval of the Planned Unit Development.

BUDGET IMPACT:

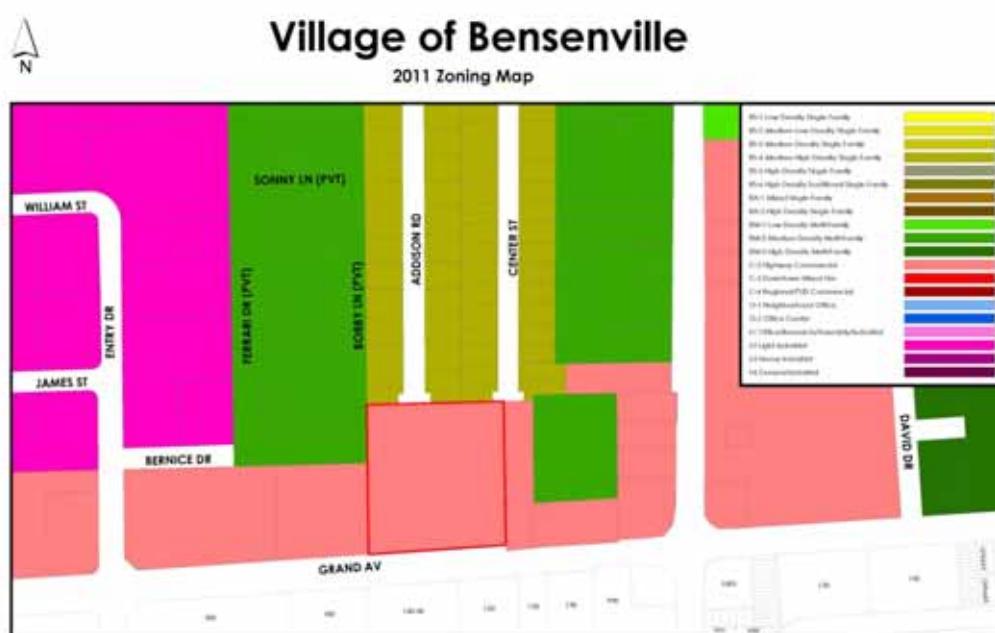
N/A

ACTION REQUIRED: Motion to approve the Planned Unit Development conditions as recommended by staff, the CDC and CEDC.

CDC#2012 – 15 125 W. Grand Avenue

Grand Subaru

Planned Unit Development; Pole Sign



ORDINANCE NO. _____

**AN ORDINANCE GRANTING APPROVAL OF A PLANNED UNIT DEVELOPMENT
FOR PROPERTY COMMONLY KNOWN AS 125 W. GRAND AVENUE,
BENSENVILLE, ILLINOIS**

WHEREAS, Heritage, Inc. (“Owner”) and Richard Drouin (“Applicant”) have filed an application (“Application”) seeking the approval of a Planned Unit Development (“PUD”) pursuant to Chapter 10 of *The Village of Bensenville Zoning Ordinance* (“Zoning Ordinance”) to allow the replacement of existing monument sign with a single pole sign, 26 feet, 11 inches tall at property occupied by Grand Subaru, LLC, located at 125 W. Grand Avenue, Bensenville, Illinois, and legally described in Exhibit "A," attached hereto and incorporated herein by reference (the “Subject Property”), a copy of said application being on file in the Community and Economic Development Department; and

WHEREAS, Notice of Public Hearing with respect to the PUD sought by Owner and Applicant was published in a newspaper of general circulation in the Village, posted and personal notice of the hearing provided 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 July 9, 2012, all as required by the statutes of the State of Illinois and the ordinances of the Village; and

WHEREAS, the Community Development Commission, pursuant to said Public Hearing, made Findings of Fact that the PUD sought by the Owner and Applicant meets the requirements and approval criteria under Chapter 10 of the Zoning Ordinance, as set out in the Staff Report, and voted 5 to 0 to approve the Application, subject to conditions as recommended by staff; and

WHEREAS, the Community Development Commission forwarded its recommendation, including its Findings of Fact, to the Village Board’s Community and Economic Development Committee, which voted 7 to 0 to concur in the recommendation made therein; and

WHEREAS, the Community and Economic Development Committee forwarded its recommendation, along with that of the Community Development Commission, to the President and Board of Trustees on August 7, 2012; and

WHEREAS, the President and Board of Village Trustees have considered the matter herein and have determined that the record established at the Public Hearing before the Community Development Commission supports the approval of the Application for Planned Unit Development.

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 application for a Planned Unit Development to allow replacement of an existing monument sign and establishment of a pole sign as applied for is hereby granted with the following conditions as recommended by staff and approved by the Community Development Commission: (1) the Subject Property shall be developed and utilized in substantial conformance to the plans submitted as part of this application, as prepared by Philadelphia Sign, dated 01.04.12, and (2) the base of the pole shall be landscaped.

SECTION THREE: That all requirements of the Zoning Ordinance shall be applicable to the Subject Property except as modified by the PUD.

SECTION FOUR: 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 FIVE: That 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 7th day of August, 2012.

Frank Soto, Village President

ATTEST:

Susan Janowiak

Village Clerk

AYES:_____

NAYES:_____

ABSENT:_____

Ordinance #: _____

Exhibit "A"

Legal Description for 125 W. Grand Avenue

The legal Description is as follows:

THAT PART OF LOT 3 IN WHITE PINES CENTER FOR BUSINESS AND INDUSTRY SUBDIVISION, BEING A SUBDIVISION IN THAT PART OF THE NORTH HALF OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS ACCORDING TO A PLAT THEREOF RECORDED NOVEMBER 7, 1977 AS DOCUMENT NO. R77-102033, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE FOUND IRO PIPE MARKING THE SOUTHEAST CORNER OF SAID LOT 3, THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 3, SAID SOUTHERLY LINE ALSO BEING THE NORTHERLY LINE OF GRAND AVENUE AS DEDICATED BY SAID DOCUMENT NO. R77-102033, AN ASSUMED BEARING OF SOUTH 85 DEGREES 16 MINUTES 46 SECONDS WEST A DISTANCE OF 290.46 FEET TO A 5/8 INCH REBAR WITH A PLASTIC CAP MARKED "P.L.S. 3240" ON A LINE 290.0 FEET WEST OF AND PARALLEL TO THE EASTERLY LINE OF SAID LOT 3; THENCE NORTH 01 DEGREES 29 MINUTES 51 SECONDS WEST, 311.71 FEET ALONG SAID PARALLEL LINE TO A 5/8 INCH REBAR WITH A PLASTIC CAP MARKED "P.L.S. 3240" ON THE NORTHERLY LINE OF SAID LOT 3, THENCE NORTH 87 DEGREES 24 MINUTES 34 SECONDS EAST, 290.05 FEET ALONG SAID NORTHERLY LINE OF LOT 3 TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 01 DEGREES 29 MINUTES 51 SECONDS EAST, 300.91 FEET ALONG THE EASTERLY LINE OF SAID LOT 3 TO THE POINT OF BEGINNING.

The common address is 125 West Grand Avenue.

Ordinance #: ____

Exhibit "B"

Findings of Fact for 125 W. Grand Avenue

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

July 9, 2012

Motion:

Commissioner Weldon made a motion to approve the approval criteria for CDC Case No. 2012-15 consisting of:

- 1) *Superior Design: The PUD represents a more creative approach to the unified planning of development and incorporates a higher standard of integrated design and amenity than could be achieved under otherwise applicable regulations, and solely on this basis modifications to such regulations are warranted.*

The proposed PUD establishes a more unified planning of development in that the pole sign is harmonious with the "auto row" along Grand Avenue.

- 2) *Meet PUD Requirements: The PUD meets the requirements for planned unit developments set forth in this Title, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein.*

Staff believes this to be accurate.

- 3) *Consistent with Village Plan: The PUD is generally consistent with the objectives of the Village general development plan as viewed in light of any changed conditions since its adoption.*

The Comprehensive Plan indicates the location should remain a general commercial district, establishing a consistent land use.

- 4) *Public Welfare: The PUD will not be detrimental to the public health, safety or general welfare.*

Staff believes this to be accurate.

- 5) *Compatible With Enviros: Neither the PUD nor any portion thereof will be injurious to the use and enjoyment*

of other properties in its vicinity, seriously impair property values or environmental quality in the neighborhood, nor impede the orderly development of surrounding property.

The proposed PUD is consistent with the current development trends of the surrounding area in providing a highly visible pole sign.

- 6) *Natural Features: The design of the PUD is as consistent as practical with preservation of any natural features such as flood plains, wooded areas, natural drainageways or other areas of sensitive or valuable environmental character.*

There are no natural drainage ways or sensitive environmental areas on the subject property.

- 7) *Circulation: Streets, sidewalks, pedestrianways, bicycle paths and off-street parking and loading are provided as appropriate to planned land uses. They are adequate in location, size, capacity and design to ensure safe and efficient circulation of automobiles, trucks, bicycles, pedestrians, fire trucks, garbage trucks and snow plows, as appropriate, without blocking traffic, creating unnecessary pedestrian-vehicular conflict, creating unnecessary through traffic within the PUD or unduly interfering with the safety or capacity of adjacent streets.*

The PUD will not affect the circulation of the site any further than the current monument sign. It will be constructed in the same location.

- 8) *Open Spaces And Landscaping: The quality and quantity of common open spaces or landscaping provided are consistent with the higher standards of design and amenity required of a PUD.*

Staff recommends the landscaping of the base of the pole sign to meet the landscaping requirements.

9) *Covenants: Adequate provision has been made in the form of deed restrictions, homeowners or condominium associations or the like for:*

a) *The presentation and regular maintenance of any open spaces, thoroughfares, utilities, water retention or detention areas and other common elements not to be dedicated to the Village or to another public body.*

b) *Such control of the use and exterior design of individual structures, if any, as is necessary for continuing conformance to the PUD plan, such provision to be binding on all future ownerships.*

No covenants are necessary.

10) *Public Services: The land uses, intensities and phasing of the PUD are consistent with the anticipated ability of the Village, the school system and other public bodies to provide and economically support police and fire protection, water supply, sewage disposal, schools and other public facilities and services without placing undue burden on existing residents and businesses.*

There are adequate public services to service the property. The approval of the PUD will not increase the demand or stress the Village's public services.

11) *Phasing: Each development phase of the PUD can, together with any phases that preceded it, exist as an independent unit that meets all of the foregoing criteria and all other applicable regulations herein even if no subsequent phase should ever be completed.*

There is no phasing proposed.

Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

TYPE: Ordinance

SUBMITTED BY: S. Viger

DATE: 08.01.12

DESCRIPTION: Consider a request from James D. and Aretta J. Baker for three variances; to allow a fence in an actual corner side yard, to allow a "parking pad" in the actual corner side yard and to allow a 20' x 20' parking pad which is larger than the maximum allowed of 18' x 18', on their property located at 1349 S. Walnut Street in an existing RS - 5 High Density Single Family District.

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: Community & Economic Development provided a consensus to move item to the Village Board on the condition clear site plans be provided for the two scenarios.

DATE: 08.07.12

BACKGROUND: The applicants recently purchased the home which had a slab poured for a detached garage that was never erected. They obtained a building permit to erect the garage and also applied for the variances to allow additional parking area south of the new garage. The applicant had sought to bring the driveway directly to Washington Avenue but the existing slab was not constructed to allow that and staff was opposed to that configuration. The applicants are also seeking to enclose a portion of their property with a chain link fence that extends into the actual corner side yard which is prohibited.

KEY ISSUES: To approve a Variance the Village shall find that the "Approval Criteria" found in the Zoning Ordinance are met. The Criteria include Special Circumstances, Hardship Or Practical Difficulties, Circumstances Relate To Property, Not Resulting From Applicant Action, Preserve Rights Conferred By District, Necessary For Use Of Property, Not Alter Local Character, Consistent With Title And Plan, and Minimum Variance Needed.

The staff believes the proposed variances do satisfy all of these criteria.

Staff recommended that the parking pad be reduced to 9' x 18' so as to reduce the encroachment into the actual corner side yard and to align the proposed fence with the reduced parking pad. Additionally staff recommended that the fence be constructed of either wood or PVC as an aesthetic consideration. If the decision makers are uncomfortable requiring a wood or PVC fence staff suggested a black coated chain link as a compromise solution.

ALTERNATIVES:

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

RECOMMENDATION: Staff respectfully recommended approval of the Variances with several conditions:

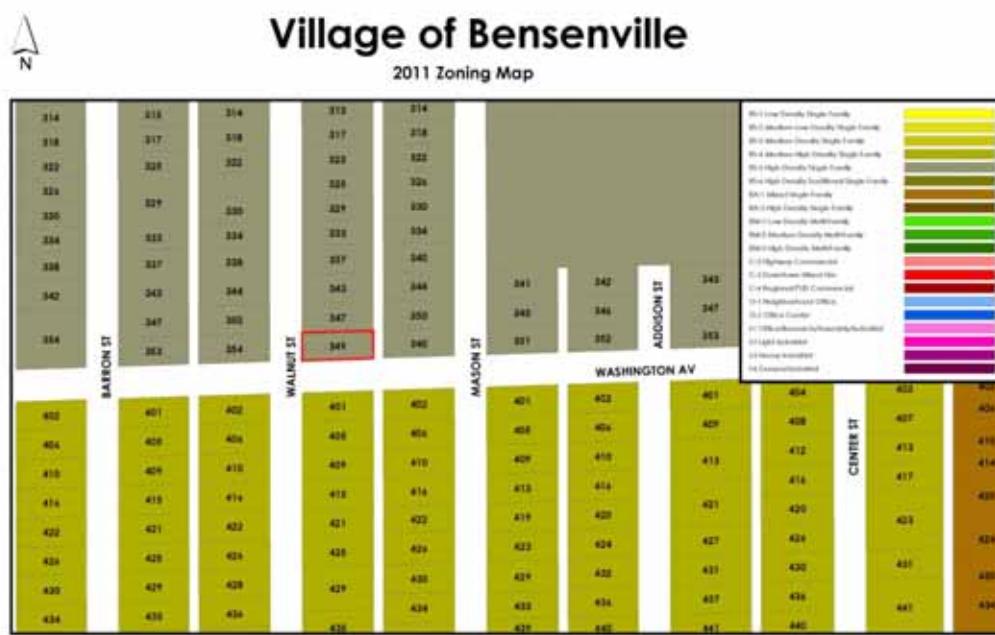
1. A single parking pad shall be permitted at 9' x 18' in size allowing only a 5' encroachment into the corner side yard, and
2. The fence only extends 5' into the corner side instead of the proposed 16'.
3. The fence installed not be chain link but composed of a material such as wood, pvc, etc. If a chain link fence is approved, it should be black and plant material shall be planted on the street side.
4. The fence and parking area be landscaped appropriately to mitigate the visual impact to the surrounding area.

At the 07.09.12 Public Hearing the Community Development Commission voted (5 - 0) to recommend approval of the variances with the conditions recommended by staff. There was public comment at the Hearing in support of the variances as requested.

BUDGET IMPACT: N/A

ACTION REQUIRED: Motion to approve the requested variances with the conditions recommended by the CDC.

CDC#2012 – 19 349 S. Walnut Street



ORDINANCE # _____

**AN ORDINANCE GRANTING CERTAIN VARIANCES
TO ALLOW FOR CONSTRUCTION OF A PARKING PAD
AT 349 S. WALNUT STREET, BENSENVILLE, ILLINOIS**

WHEREAS, James and Aretta Baker (“Owners/Applicant”), filed an application seeking certain variances to allow the construction of a parking pad in the RS-5 Single Family Residence District at property located at 349 S. Walnut Street, 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 variances was published in the Daily Herald on June 23, 2012, it being a newspaper of general circulation in the Village of Bensenville (the “Village”), by posting of the Subject Property and by personal notice as provided for 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 July 9, 2012, 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 variances, to allow a fence in the actual corner side yard, to locate the parking pad in the actual corner side yard and to allow a 9 foot by 18 foot parking pad in the corner side yard (a reduction in the size sought by Owner/Applicant); 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 variances, as modified following discussion of the Application, 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 RS-5 Single Family Residential, which zoning classification shall remain in effect subject to the variances granted herein.

SECTION THREE: That the Staff Report and Recommendation to approve the variances sought as modified, as allowed by the pertinent sections of the *Bensenville Zoning Ordinance*, 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 variances, as modified, are proper and necessary.

SECTION FOUR: That, the variance sought by the Owner/Applicant to construct a 20 foot by 20 foot parking pad is denied, however the following variances are hereby granted: to allow a fence in the actual corner side yard, to locate the parking pad in the actual corner side yard and to allow a 9 foot by 18 foot parking pad in the corner side yard subject to the following conditions: (1) the fence shall only extend 5 feet into the corner side yard (rather than the proposed 16 feet as applied for), the fence to be installed shall not be chain link but shall be composed of a material such as wood, pvc, etc., except that chain link may be used if it is black and plant material is planted on the street side; and (4) the fence and parking pad shall be landscaped appropriately to mitigate the visual impact to the surrounding area.

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

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 7th day of August, 2012.

Frank Soto, Village President

ATTEST:

Susan Janowiak, Village Clerk

AYES:_____

NAYES:_____

ABSENT:_____

Ordinance #: _____

Exhibit "A"

Legal Description for 349 S. Walnut Street

The Legal Description of the property is as follows:

LOT 132 IN VOLK BROS. EDGEWOOD, BEING A SUBDIVISION IN THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO A PLAT THEREOF RECORDED MAY 7, 1926 AS DOCUMENT 213084, IN DUPAGE COUNTY, ILLINOIS

Commonly known as 349 S. Walnut Street, Bensenville, IL 60106

Ordinance #: _____

Exhibit "B"

Findings of Fact for 349 S. Walnut Street Variances

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

July 9, 2012

Commissioner Pisano made a motion to approve the findings of facts for the variances for CDC Case Number 2012-19 consisting of:

- 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.

Fence: The extension of the fence into the actual corner side yard is a special circumstance due to the location of the garage and deck.

Parking Pad Location: The parking pad could not exist anywhere else on the property in question; however, the extent to which the parking pad exists in the corner side yard can be reduced.

Parking Pad Size: The enlargement of the allowable parking pad size from 18' x 18' to 20' x 20' is not a special circumstance.

- 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.

Fence: The hardship in fence location is due to the location of the existing 2 car-detached garage and deck limiting the grass area in the subject property's rear yard.

Parking Pad Location: Without the construction of the proposed parking pad, the applicant will be deprived of the opportunity to park outside of the garage commonly provided by a property's driveway. The hardship exists in that the garage pad was poured to face the alley preventing the applicant the ability to construct a "typical" driveway.

Parking Pad Size: Without the construction of a 9' X 18' parking pad, the applications of the provisions of the Title would result in unnecessary and undue hardship. The applicant would not have any parking available on the property in question outside of the parking garage.

- 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.

Fence, Parking Pad Location and Size: The subject property being a corner lot incurs certain construction difficulties in the accommodation of the corner side yard. It does not concern any financial circumstances with any party of interest with the property.

- 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.

Fence: The location of the detached garage and deck limit the grass in the property's rear yard area.

Parking Pad Location: The proposed parking pad location is not due to the applicant actions, rather is due to the subject property's development.

Parking Pad Size: The request for the parking pad size is not resulting from applicant action. The applicant is merely seeking an alternative method to a traditional driveway suited to the subject property.

- 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.

Fence, Parking Pad Location and Size: A variance is necessary to enjoy substantial property right to allow a fence and parking pad in the corner side yard.

- 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.

Fence, Parking Pad Location and Size: Without the granting of a variance to construct a fence and parking pad in the corner side yard, the applicant will be deprived of reasonable use of the subject property.

- 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.

Fence, Parking Pad Location and Size: Granting the requested variances would alter the essential character of the locality due to an encroachment into the corner side yard of the Washington Street block on which the subject property resides.

- 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.

Fence: New fence construction in the corner side yard is not consistent with the general development plan.

Parking Pad Location and Size: The requested variances are not consistent with the general development plan.

- 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.

Fence: The minimum variance has not been requested by the applicant in terms of fence construction. The request has been to extend the fence 16' into the corner side yard. Staff believes the minimum fence variance would be 5' into the corner side yard.

Parking Pad Location and Size: The minimum variance has not been requested by the applicant in location nor size to provide adequate parking space. A single parking stall of 9' x 18' would be sufficient to allow reasonable use and enjoyment of the property.

Commissioner Janowiak seconded the motion.

Roll Call:

Ayes: Moruzzi, James, Janowiak, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

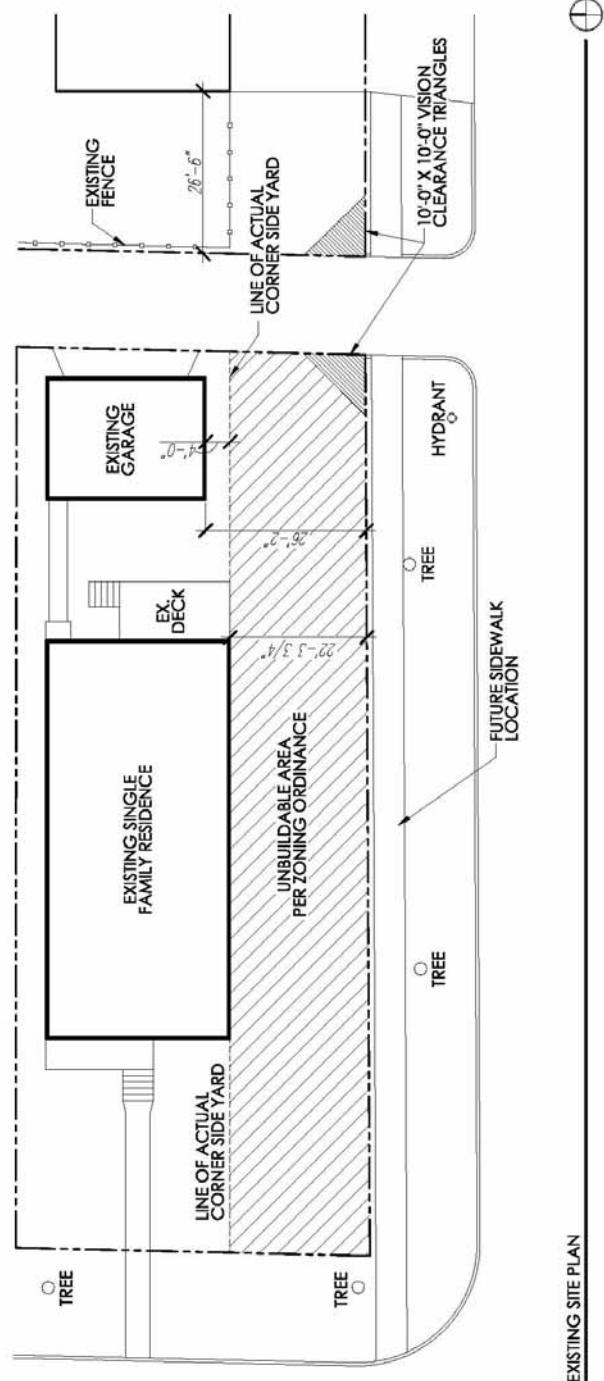
Bensenville Memo

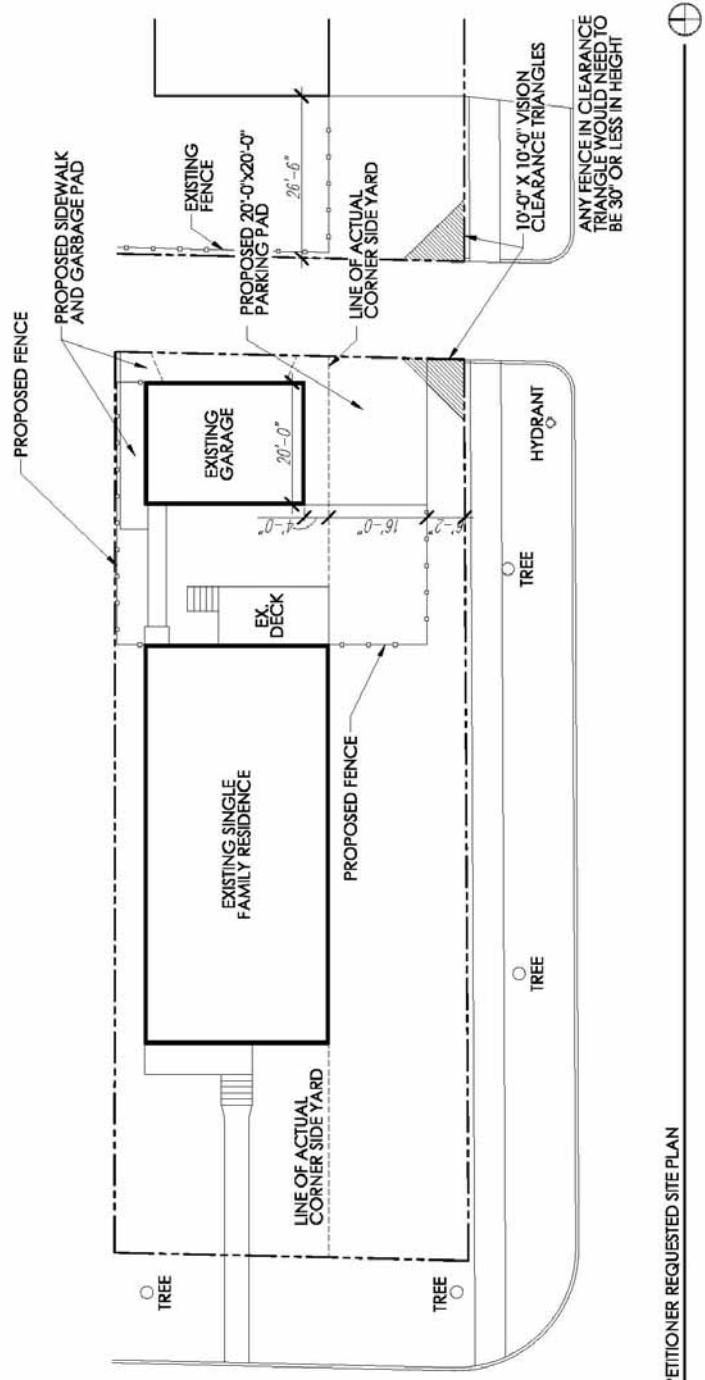
Date: July 27, 2012
To: M. Cassady
From: S. Viger
RE: CDC#2012 – 19 349 S. Walnut Variances

In light of the poor graphics submitted to the Village Board Community & Economic Development Committee earlier this week, staff has redrawn the applicant's submittal. The new plan is easier to read, to scale and should prove to be more descriptive and helpful to the decision makers.

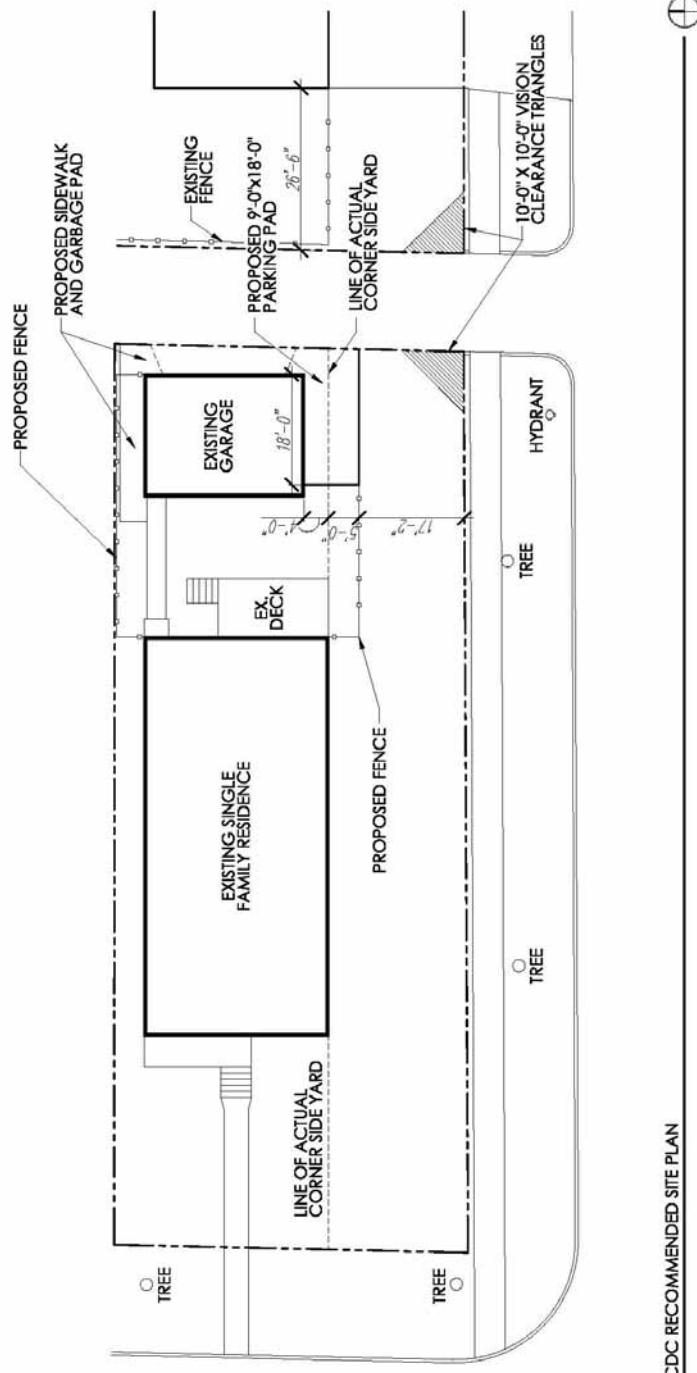
Below are the salient points:

1. Parking Pad Size
 - a. 20' x 20' Parking Pad Proposed
 - b. 18' x 18' Permitted by Code but in the Rear Yard only
 - c. 9' x 18' Recommended by Staff & CDC
2. Parking Pad encroachment into Actual Corner Sideyard
 - a. 16' Proposed
 - b. Not permitted by Code
 - c. 5' Recommended by Staff & CDC
3. Fence in encroachment into Actual Corner Sideyard
 - a. 16' proposed
 - b. Not permitted by Code
 - c. 5' Recommended by Staff and CDC
4. Fence type
 - a. Chain link proposed
 - b. Chain link is allowed by Code
 - c. Wood, PVC or clad chain link recommended by Staff & CDC





PETITIONER REQUESTED SITE PLAN



CDC RECOMMENDED SITE PLAN

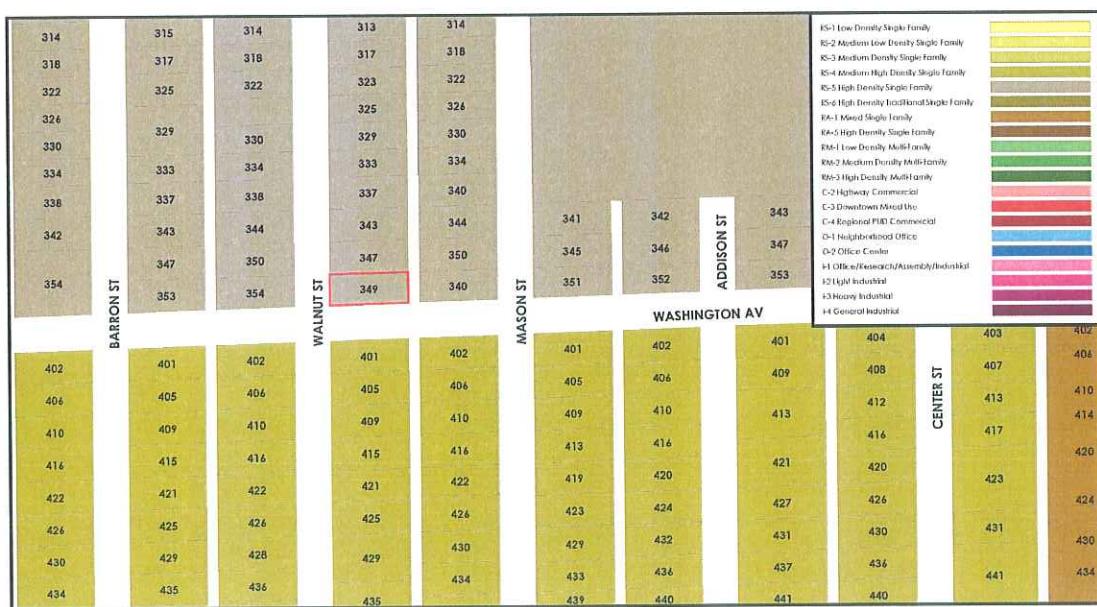
Village of Bensenville

349 S Walnut



Village of Bensenville

2011 Zoning Map



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

MINUTES OF THE COMMUNITY DEVELOPMENT COMMISSION

July 9, 2012

Public Hearing: CDC Case Number 2012-19
Petitioner: James Baker
Location: 349 S. Walnut Street
Request: 1) A Fence in the Actual Corner Side Yard
2) A Parking Pad in the Actual Corner Side Yard
3) A Parking Pad Larger than Allowed

Motion: Commissioner Weldon made a motion to open the Public Hearing for CDC Case Number 2012-19. Commissioner Janowiak seconded the motion.

ROLL CALL : Upon roll call the following Commissioners were present:
Moruzzi, James, Janowiak, Pisano, Weldon
Absent: Rowe, Ventura,
A quorum was present.

Chairman Moruzzi opened the Public Hearing for CDC Case Number 2012-19 at 8:19 p.m.

Director of Community & Economic Development, Scott Viger, stated a legal notice was published in the Daily Herald on June 23, 2012 and that a certified copy of the legal notice is maintained in the CDC file and available for viewing. Mr. Viger also stated that Village Staff posted a notice of the Public Hearing sign on the property on June 21, 2012. Mr. Viger stated on June 22, 2012 Village Staff mailed first class notice of the public hearing to taxpayers of record within 250 feet of the property in question.

James Baker, property owner of 349 S. Walnut Street was present and sworn in by Chairman Moruzzi. Mr. Baker stated the process began in March 2012 with the Village. Mr. Baker stated his initial plans had the garage door facing Washington Street but was told he would have to cut off two feet of the current concrete in order to do so. Mr. Baker stated it would have been too much work for a minor issue.

Mr. Baker stated he met with Village Staff several times and shared the most logical suggestions and was always denied. Mr.

Baker stated if he was allowed to build the garage as he had originally proposed; there would be no need for the public hearing.

There were no questions from the Commissioners.

Public Comment:

Karen Skwierczynski – 344 S. Walnut Street

Ms. Skwierczynski was present and sworn in by Chairman Moruzzi. Ms. Skwierczynski stated she was in favor of the proposed design set forth by the Bakers and shared her frustration with the properties surrounding the area and asked that they be looked at for code issues.

Ken Skwierczynski – 344 S. Walnut Street

Mr. Skwierczynski was present and sworn in by Chairman Moruzzi. Mr. Skwierczynski stated he supported Ms. Skwierczynski's comments.

Commissioner James asked for clarification of the petitioners plans based off the picture provided to the Commission. Mr. Baker provided a brief description of the proposed plans.

Commissioner Pisano asked what type of fence Mr. Baker plans to install if approved. Mr. Baker stated he plans to install a four foot chain link fence.

Director of Community & Economic Development, Scott Viger, reviewed the Village Staff Report and stated Village Staff recommends approval base on the criteria set forth in the Village Staff report. Mr. Viger stated the Bakers purchased the property with the concrete slab already in place from the previous owner. Mr. Viger stated Village Staff has recommended a black coded chain link fence to the Bakers however, per the Village Code; the Bakers are not required to install the recommended fence if they do not wish to.

Commissioner Janowiak asked if the fire hydrant will be affected by the proposed plans. Mr. Viger stated it could be.

Commissioner Weldon asked for clarification of the process of the garage build out. Assistant Director of Community & Economic Development, Mark Rysavy, was present and sworn in by

Chairman Moruzzi. Mr. Rysavy provided testimony of the process that had taken place. Mr. Baker stated he disagreed with Mr. Rysavy's explanation.

Motion: Commissioner Pisano made a motion to close the Public Hearing for CDC Case Number 2012-19. Chairman Moruzzi seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Chairman Moruzzi closed the Public Hearing for CDC Case Number 2012-19 at 7:51 p.m.

Motion: Commissioner Pisano made a motion to approve the findings of facts for the variances for CDC Case Number 2012-19 consisting of:

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.

Fence: The extension of the fence into the actual corner side yard is a special circumstance due to the location of the garage and deck.

Parking Pad Location: The parking pad could not exist anywhere else on the property in question; however, the extent to which the parking pad exists in the corner side yard can be reduced.

Parking Pad Size: The enlargement of the allowable parking pad size from 18' x 18' to 20' x 20' is not a special circumstance.

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.

Fence: The hardship in fence location is due to the location of the existing 2 car-detached garage and deck limiting the grass area in the subject property's rear yard.

Parking Pad Location: Without the construction of the proposed parking pad, the applicant will be deprived of the opportunity to park outside of the garage commonly provided by a property's driveway. The hardship exists in that the garage pad was poured to face the alley preventing the applicant the ability to construct a "typical" driveway.

Parking Pad Size: Without the construction of a 9' X 18' parking pad, the applications of the provisions of the Title would result in unnecessary and undue hardship. The applicant would not have any parking available on the property in question outside of the parking garage.

- 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.

Fence, Parking Pad Location and Size: The subject property being a corner lot incurs certain construction difficulties in the accommodation of the corner side yard. It does not concern any financial circumstances with any party of interest with the property.

- 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.

Fence: The location of the detached garage and deck limit the grass in the property's rear yard area.

Parking Pad Location: The proposed parking pad location is not due to the applicant actions, rather is due to the subject property's development.

Parking Pad Size: The request for the parking pad size is not resulting from applicant action. The applicant is merely seeking an alternative method to a traditional driveway suited to the subject property.

- 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.

Fence, Parking Pad Location and Size: A variance is necessary to enjoy substantial property right to allow a fence and parking pad in the corner side yard.

- 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.

Fence, Parking Pad Location and Size: Without the granting of a variance to construct a fence and parking pad in the corner side yard, the applicant will be deprived of reasonable use of the subject property.

- 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.

Fence, Parking Pad Location and Size: Granting the requested variances would alter the essential character of the locality due to an encroachment into the corner side yard of the Washington Street block on which the subject property resides.

- 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.

Fence: New fence construction in the corner side yard is not consistent with the general development plan.

Parking Pad Location and Size: The requested variances are not consistent with the general development plan.

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.

Fence: The minimum variance has not been requested by the applicant in terms of fence construction. The request has been to extend the fence 16' into the corner side yard. Staff believes the minimum fence variance would be 5' into the corner side yard.

Parking Pad Location and Size: The minimum variance has not been requested by the applicant in location nor size to provide adequate parking space. A single parking stall of 9' x 18' would be sufficient to allow reasonable use and enjoyment of the property.

Commissioner Janowiak seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Weldon made a motion to approve the variances requested for CDC Case No. 2012-19 set forth by Staff. Commissioner Pisano seconded the motion.

Roll Call: Ayes: Moruzzi, James, Janowiak, Pisano, Weldon

Nays: None

All were in favor. Motion carried.

**COMMUNITY AND ECONOMIC DEVELOPMENT COMMISSION
APPLICATION**

Date of Submission: 5-21-12 CDC# 2012-19
(MUNIS#2547)

Development Name: _____

1. Location: 349 S. WALNUT ST

2. Property Index Number(s) (PIN): 03-23-203-027

A. OWNER:

Name <u>JAMES D BAKER & ARETTA J BAKER</u>	Corporation (if applicable)	
Street <u>349 S. WALNUT ST</u>		
City <u>BENSENVILLE</u>	State <u>IL</u>	Zip Code <u>60106</u>
Contact Person <u>JAMES D BAKER</u>	Telephone Number <u>630-422-1271</u>	

If Owner is a Land Trust, list the names and addresses of the beneficiaries of the Trust.

B. APPLICANT:

Name <u>JAMES D BAKER</u>	Corporation (if applicable)	
Street <u>349 S. WALNUT ST</u>		
City <u>BENSENVILLE</u>	State <u>IL</u>	Zip Code <u>60106</u>
Contact Person <u>JAMES D BAKER</u>	Telephone Number <u>630-422-1271</u>	

Relationship of Applicant to subject property

C. ACTION REQUESTED (Check applicable):

- Annexation
- Variance
- Site Plan
- Master Sign Plan
- Preliminary Planned Unit Development*
- Final Planned Unit Development*
- Preliminary Plat of Subdivision
- Final Plat of Subdivision
- Conditional Use Permit
- Rezoning (Map Amendment)

*See staff for additional information on PUD requests

SUBMITTAL REQUIREMENTS:

- Affidavit of Ownership (original, signed)
- Application (10 initial copies)
- Approval Criteria (10 initial copies)
- Review Fee
- Escrow agreement and deposit
- Legal Description
- Plat of Survey (10 initial copies)
- Site Plan (10 initial copies)
- Building Plans & Elevations (10 initial copies)
- Landscape Plan (10 initial copies)
- Digital Submission of all application materials (CD)

Brief Description of Request(s): 20x20 PARKING PAD, SOUTH SIDE, END,

FENCE IN WITH 4' CHAIN LINK C.S.Y. AS PER DRAWING

D. DEVELOPER'S STAFF:

ARCHITECT

Name:

Telephone:

Email:

ENGINEER:

Name:

Telephone:

Email:

ATTORNEY

Name:

Telephone:

Email:

LANDSCAPE ARCHITECT

Name:

Telephone:

Email:

DEVELOPER

Name:

Telephone:

Email:

OTHER

Name:

Telephone:

Email:

E. PROJECT DATA:

1. General description of the site: CORNWELL ROAD SOUTHERN PROJECT RACING EAST

2. Acreage of the site: LESS THAN 1 ACRE APX

3. Is this property within the Village limits? (Check applicable below)

Yes

No, requesting annexation

No, it is under review by another governmental agency and requires review due to 1.5 mile jurisdiction requirements.

4. List any controlling agreements (annexation agreements, Village Ordinances, site plans)

NONE

5. Character of the site and surrounding area:

Zoning

Existing Land Use

Jurisdiction

Site: ✓ CORNWELL LOT.

North: _____

East: _____

South: _____

West: _____

F. APPROVAL CRITERIA:

1. Select the "Approval Criteria" list(s) pertaining to the applicant's request(s).
2. The applicant must compose a letter describing the specific request(s) and how the request(s) specifically meets the individual criteria from the list. The CDC will be unable to approve a request without a comprehensive response for the "Approval Criteria."

July 6, 2012

Village of Bensenville
Community & Economic Development
12 S. Center Street
Bensenville, IL 60106

Re: Case #2012-19
James D. Baker: 349 S. Walnut St., Bensenville

In response to staff report and recommendations:

I am James D. Baker. I have read and reread the document from Community and Economic Development.

I am the owner of said property. In March 2012, I came to the Village Hall at 12 S. Center requesting information on building and or finishing garage at 349 S. Walnut St. I spoke with Liberty; she told me I could not have a 2' foot addition to the existing concrete pad of 20' to 22'. I wanted to go to Washington St with the driveway. Then the driveway would be on right angle of approx. 18 to 20 degree angle, completely away from the fire hydrant; eliminating danger to south east corner 3'10" off Washington, 10' off the alley.

Liberty informed me I could have additional 2' if I cut 2' off the other side, which in my opinion did not make any sense. I could also go to Washington St. after completion of the garage.

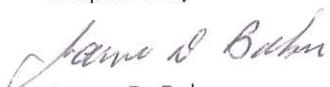
I was called to the Village and informed 18'X18' pad only; this coming from Liberty. While there Mr. Viger looked at documents, I was told I could not even have an 18'X18' pad, this is where variance came to life.

The 18' to 20' looks so much better; as keeping with aesthetic for Village and neighbors. The fence is a small area with two gates, one to the pad and the other by the home. We have already done quite a lot of work to our property; in accordance with keeping with aesthetic of improving the area. I am well aware that said property is a corner lot. As for additional parking, I am requesting parking for two additional cars, not four or five.

As for the Black chain link fence; this is very ugly, in my humble opinion. There was a white fence around the property at one time that the Village had the former owners remove after the completion of new home, did not come up to correct standards. I am not trying in any way to encroach on the Village right of way! Future construction of sidewalks; I think sidewalks would be of great benefit to the Village.

I am requesting a variance to build a 20' X20' pad and a 20 'by 48" chain link fence. If the 20' pad is not possible, I would request the Board to consider the 18'X18' pad and 18' by 48" chain link fence.

Respectfully



James D. Baker

NEIGHBORHOOD PHOTOGRAPHS SUBMITTED AT CDC 07.09.12 BY JAMES D. BAKER



FUTURE AREA OF PARKING PAD AND FENCE



GARAGE AT HOME TO NORTH

NEIGHBORHOOD PHOTOGRAPHS SUBMITTED AT CDC 07.09.12 BY JAMES D. BAKER



HOME TO THE SOUTH



HOME TO THE EAST

NEIGHBORHOOD PHOTOGRAPHS SUBMITTED AT CDC 07.09.12 BY JAMES D. BAKER



SOUTHWEST OF SITE



HOME TO WEST



COMMUNITY DEVELOPMENT COMMISSION

STAFF REPORT

HEARING DATE:	July 9, 2012
CASE #:	2012- 19
PROPERTY:	349 S. Walnut Street
PROPERTY OWNER &	
APPLICANT:	James D. and Aretta J. Baker
ACREAGE:	8,430 Square Feet (approx. 0.19 Acres)
PIN NUMBERS:	03 - 23 - 203 - 027
REQUEST:	Variances to: <ol style="list-style-type: none">1. Municipal Code Section 10 – 14 – 11 Fences to allow a fence in the actual corner side yard, and2. Municipal Code Section 10 – 11 – 7 to locate the "parking pad" in the actual corner side yard, and3. Municipal Code Section 10 – 11 – 7 – 2 Parking in Residential Districts to allow a 20' x 20' "parking pad" rather than 18' x 18'

SUMMARY:

The property in question is located at the northeast corner of Washington Avenue and Walnut Street. The property is improved with a single family detached residence with a newly constructed detached two car garage. The garage faces east and opens onto an alley. The applicants are seeking variances to allow the construction of a chain link fence and a "parking pad" in the actual corner side yard. The proposed parking pad is abutting their garage to provide additional parking.

PUBLIC NOTICE:

1. A Legal Notice was published in the Daily Herald on Saturday, June 23, 2012. 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. On Thursday, June 21, 2012 Village personnel posted a Notice of Public Hearing sign on the property, visible from the public way.
3. On Friday, June 22, 2012 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:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

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

SURROUNDING LAND USE:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	RS – 5 Single Family Residential	Single Family Residential	Single Family Residential	Village of Bensenville
North	RS – 5 Single Family Residential	Single Family Residential	Single Family Residential	Village of Bensenville
South	RS – 5 Single Family Residential	Single Family Residential	Single Family Residential	Village of Bensenville
East	RS – 5 Single Family Residential	Single Family Residential	Single Family Residential	Village of Bensenville
West	RS – 5 Single Family Residential	Single Family Residential	Single Family Residential	Village of Bensenville

Finance: No issues.

Police:

1. After reviewing the Petition for a variance at 349 S. Walnut for a fence and a parking pad. If the overhead door to the garage faced Washington Street, it appears that the parking pad would be the same as a driveway to the garage. Therefore, I do not note any vision or other traffic or Police related issues involved with the parking pad.
2. Since the fence will be a chain fence, I again do not note any vision or other traffic or Police related issues with the fence.

Engineering:

3. Any storm water runoff must be toward the public right of way and not drain toward any neighboring property.

Public Works: See engineering comments above.

Community & Economic Development:

Economic Development

1. No issues or comments.

Inspectional Services

2. No fire safety issues.

Building

3. Lot coverage would be 40%, well below the 50% threshold.
4. Allowable pad size per car is 9' x 18'. We do not include the apron in that 18' dimension. The pad will begin 3' from the rear property line.
5. Why is the additional 2 feet in each direction necessary for the size of the parking pad? The request lists other people having parking pads as a reason to approve this pad request. Other pads were required to meet the size requirement of 9' x 18' per stall.
6. As the diagram on the Plat of Subdivision is not drawn to scale, it is important to note that the parking pad would extend 16' into the corner side yard. Not only would a request for a single 9' x 18' parking pad require a variance as it would extend past the house into the actual corner side yard, but the entire second stall of the parking pad is completely in the actual corner side yard.
7. New fences are not allowed in the corner side yard. As this is not an existing fence, it should be required to meet the Code, which is to align with the house and not be located in the corner side

yard. It is important to note that most Municipalities prohibit fences in corner side yards the way Bensenville Code does.

8. If the proposed parking pad is approved, it should meet the 9' x 18' size restrictions for each stall. If a 20' x 20' pad is approved, it will only be 6 feet off of the property line along Washington Avenue, where the house is 22 feet off the property line.
 - i. **See image below.** The stake indicates the 20' width of the proposed parking pad from the garage, leaving only 6' from the property line indicated by the curb in the lower left hand corner.



White stake indicates width of proposed parking pad 20' from garage.

Community Development

9. The property in question is located on the northeast corner of the intersection of Washington Avenue and Walnut Street.
10. The property in question backs up to an approximately 16' alley. The recently constructed two-car garage (26' x 19.94' in dimension) opens onto this alley.
11. As the subject property is a corner lot, the chain link fence would be fully visible by traffic along Washington Avenue. A chain link fence is not a desirable front or corner side yard aesthetic for the Village.
12. The applicants are requesting the parking pad as a substitute a typical driveway allowing them to park cars outside of their garage.
13. A fire hydrant exists on the southeast corner of the subject property, making a driveway from the garage to Washington Street impractical.



Fire hydrant location along Washington Avenue.

14. Other Village properties along alleyways have been granted parking pads where applicable by right.
15. Staff recommends that a single parking stall be permitted at 9' x 18' allowing only a 5' encroachment into the corner side yard. Consequently, staff also recommends the fence only extend 5' (to the edge of the parking pad) into the corner side instead of the proposed 16'.
16. Staff recommends the fence installed not be chain link but composed of a higher quality material i.e. wood, pvc, etc.
17. Staff recommends the fence and parking area be landscaped appropriately to mitigate the visual impact to the surrounding area.
18. Should the Village opt to construct sidewalks along Washington Avenue in the future, it would be beneficial to keep the encroachment of the parking pad and fence into the corner side yard to a minimum.

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

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.

Fence: The extension of the fence into the actual corner side yard is a special circumstance due to the location of the garage and deck.

Parking Pad Location: The parking pad could not exist anywhere else on the property in question; however, the extent to which the parking pad exists in the corner side yard can be reduced.

Parking Pad Size: The enlargement of the allowable parking pad size from 18' x 18' to 20' x 20' is not a special circumstance.

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.

Fence: The hardship in fence location is due to the location of the existing 2 car-detached garage and deck limiting the grass area in the subject property's rear yard.

Parking Pad Location: Without the construction of the proposed parking pad, the applicant will be deprived of the opportunity to park outside of the garage commonly provided by a property's driveway. The hardship exists in that the garage pad was poured to face the alley preventing the applicant the ability to construct a "typical" driveway.

Parking Pad Size: Without the construction of a 9' X 18' parking pad, the applications of the provisions of the Title would result in unnecessary and

undue hardship. The applicant would not have any parking available on the property in question outside of the parking garage.

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.

Fence, Parking Pad Location and Size: The subject property being a corner lot incurs certain construction difficulties in the accommodation of the corner side yard. It does not concern any financial circumstances with any party of interest with the property.

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.

Fence: The location of the detached garage and deck limit the grass in the property's rear yard area.

Parking Pad Location: The proposed parking pad location is not due to applicant action, rather is due to the subject property's development.

Parking Pad Size: The request for the parking pad size is not resulting from applicant action. The applicant is merely seeking an alternative method to a traditional driveway suited to the subject property.

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.

Fence, Parking Pad Location and Size: A variance is necessary to enjoy substantial property right to allow a fence and parking pad in the corner side yard.

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.

Fence, Parking Pad Location and Size: Without the granting of a variance to construct a fence and parking pad in the corner side yard, the applicant will be deprived of reasonable use of the subject property.

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.

Fence, Parking Pad Location and Size: Granting the requested variances would alter the essential character of the locality due to an encroachment into the corner side yard of the Washington Street block on which the subject property resides.

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.

Fence: New fence construction in the corner side yard is not consistent with the general development plan.

Parking Pad Location and Size: The requested variances are not consistent with the general development plan.

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.

Fence: The minimum variance has not been requested by the applicant in terms of fence construction. The request has been to extend the fence 16' into the corner side yard. Staff believes the minimum fence variance would be 5' into the corner side yard.

Parking Pad Location and Size: The minimum variance has not been requested by the applicant in location nor size to provide adequate

parking space. A single parking stall of 9' x 18' would be sufficient to allow reasonable use and enjoyment of the property.

RECOMMENDATIONS:

Staff recommends the approval of the requested the above Findings of Fact and for the approval of the following Variances to allow a fence and parking pad in the actual corner side yard subject to the following conditions:

1. A single parking pad stall be permitted at 9' x 18' in size allowing only a 5' encroachment into the corner side yard, and
2. The fence only extends 5' into the corner side instead of the proposed 16'.
3. The fence installed not be chain link but composed of a material such as wood, pvc, etc. If a chain link fence is approved, it should be black and plant material shall be planted on the street side.
4. The fence and parking area be landscaped appropriately to mitigate the visual impact to the surrounding area.

Staff recommends denial of the Variance to allow a 20' x 20' parking pad.

Respectfully Submitted,

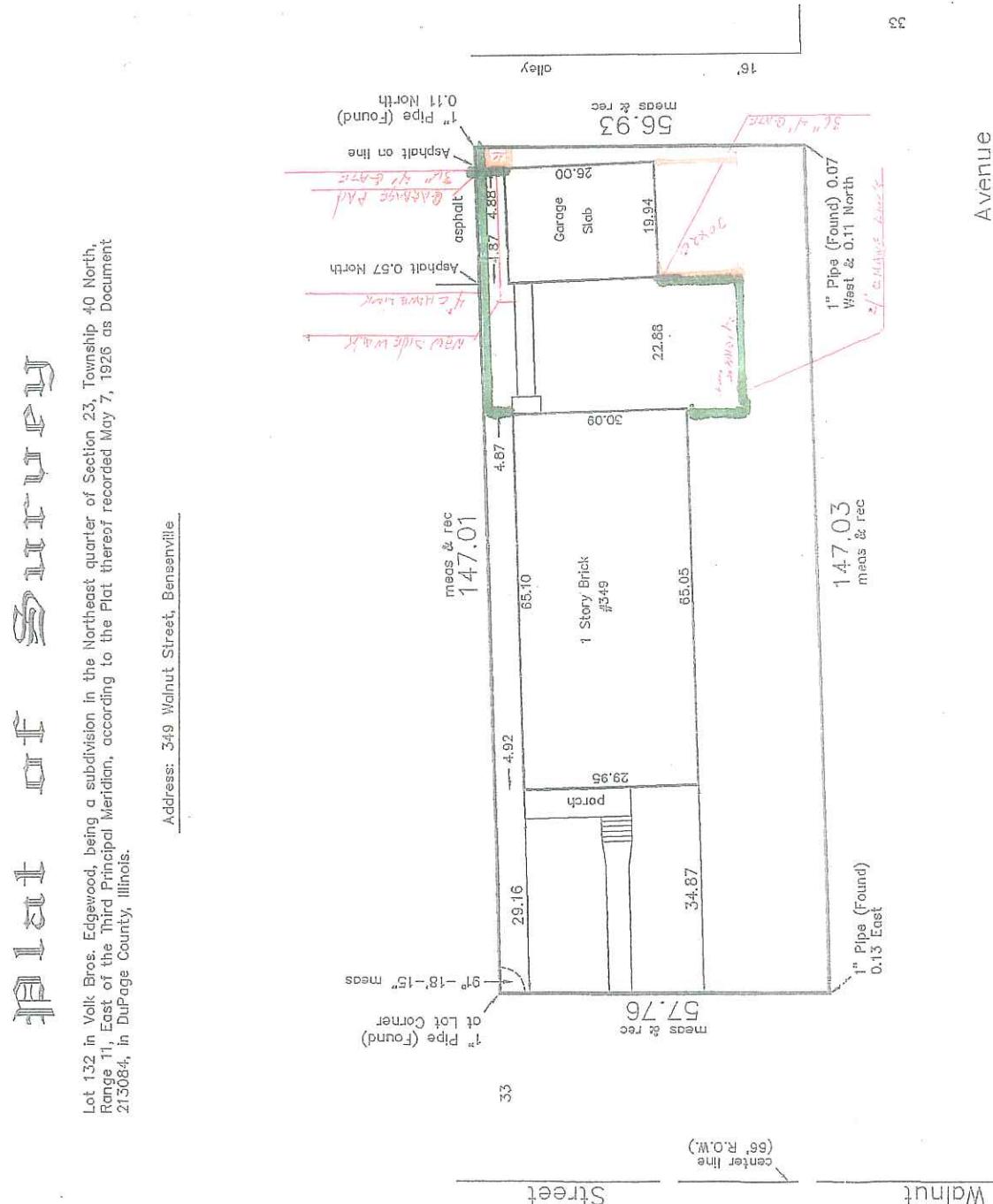
Department of Community
& Economic Development

KABAL SURVEYING COMPANY

2411 Hawthorne Avenue
Westchester, Illinois 60154
(708) 562-2652
Fax (708) 562-7314
Registration No. 184-003061

Lot 132 in Volk Bros. Edgewood, being a subdivision in the Northeast quarter of Section 23, Township 40 North, Range 11, East of the Third Principal Meridian, according to the Plat thereof recorded May 7, 1926 as Document 213064, in DuPage County, Illinois.

Address: 349 Walnut Street, Bensenville



TYPE: Motion

SUBMITTED BY: Village President

DATE: July 25, 2012

DESCRIPTION: Appointment of Christina LePage as the Community Representative to the Bensenville Community Youth Services Coalition

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

COMMITTEE ACTION: N/A

DATE: N/A

The new bylaws of the Bensenville Community Youth Services Coalition require that a Community Representative be appointed by the Village President. I recommend appointment of Christina LePage as the Community Representative to the Coalition.

Christina LePage earned her Bachelor's Degree in psychology and sociology/anthropology from Gustavus Adolphus College in Southern Minnesota. In addition, she obtained a Master's Degree from the University of Chicago, School of Social Service Administration. Christina has been the Population Health Manager at the DuPage County Health Department since 2010. Christina is a Licensed Clinical Social Worker with professional experience in the following areas: strategic planning, community collaborations, domestic violence counseling, early childhood programs, teen parent services and older adult services. Christina has experience working with Spanish speaking communities through a previous position as a Bilingual Children's Counselor at a domestic violence shelter. Since 2009, Christina has served on the Board of Directors for a small non-profit organization, Positive Parenting DuPage.

Christina and her husband, Tony, have lived in Bensenville since 2008 and have a 17 month old daughter, Elodie. Christina and Tony have been members of the Bensenville Fitness Center for the past three years. In addition, they love taking their daughter, Elodie, for walks to the parks in Bensenville. Christina enjoys being a member of the Bensenville community and is eager to become more involved in local initiatives, especially those serving Bensenville youth.