



12 South Center Street
Bensenville, IL 60106

Office: 630.350.3404
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October 30, 2018

Ms. Sara Whittaker

1300 South Meridian Avenue, Suite 400
Oklahoma City, Oklahoma 73108

Re: October 29, 2018 FOIA Request

Dear Ms. Whittaker:

I am pleased to help you with your October 29, 2018 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on October 29, 2018. You requested copies of the items indicated below:

"Please provide copies of open/unresolved zoning, building & fire code violations, certificated of occupancy, variances, special/conditional use permits, and final approved site plan for the property located at 951-961 West Thorndale Avenue."

After a search of Village files, the following documents are enclosed to fulfill your request:

- 1) Village of Bensenville Permits Correction Notice for Inspection No. 62921. (1 pg.)
- 2) Village of Bensenville Ordinance No. 3-1999. (9 pgs.)


These are all of the documents that can be discovered responsive to your request.

Section 7(1)(b) of FOIA provided that "private information" is exempt from disclosure. "Private information" is defined in FOIA as, "unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when complied without possibility of attribution to any person." 5ILCS 140/2(c-5). Consequently, certain unique identifiers have been redacted from the records being provided.

Pursuant to Section 9 of the FOIA, 5 ILCS 140/9, I am required to advise you that I, the undersigned Freedom of Information Officer, reviewed and made the foregoing determination to deny a portion of your FOIA Request as indicated. Should you believe that this Response constitutes an improper denial of your request, you may appeal such by filing a request for review within sixty (60) days of the date of this letter with the Public Access Counselor of the Illinois Attorney General's Office, Public Access Bureau, 500 South Second Street, Springfield, Illinois 62706; telephone 1-887-299-FOIA; e-mail: publicaccess@atg.state.il.us. You may also have a right of judicial review of the denial under Section 11 of FOIA, 5 ILCS 140/11.

Do not hesitate to contact me if you have any questions or concerns in connection with this response.

Very truly yours,


Corey Williamsen
Freedom of Information Officer
Village of Bensenville



VILLAGE OF BENSENVILLE
INSPECTIONAL SERVICES
12 South Center
Bensenville, IL 60106
630-350-3413 fax:630-350-3449

Type of Inspection: CORRECTION NOTICE

CORRECTION NOTICE

Address: 951 THORNDALE

Unit:

Business name:: PACTRANS GLOBAL

Phone: [REDACTED]

Business Owner: Kitty Pon

Address: 951 W. North Thorndale Ave., Bensenville, IL 60106

Inspection Date: 09/17/2018

Inspector: TOM KNIGHT

<u>Checklist #</u>	<u>Violation</u>	<u>Violation comment</u>
020B	WEED HEIGHT EXCEEDS 8 INCHES	Throughout the property.
020E	REMOVE ALL RUBBISH/TRASH	Remove the tires, pallets, crates, bags of pet food, and wind blown debris.
030L	FREE AREA OF INFESTATION	Eradicate the rodent infestation. Establish a rodent control maintenance program.

Additional Remarks/Comments:

Reinspection 62923 created on 09/24/2018
by 6523tkni

THOSE ITEMS LISTED ABOVE ARE VIOLATIONS OF BENSENVILLE'S ADOPTED VILLAGE CODE AND/OR PROPERTY MAINTENANCE CODE. THIS IS YOUR WRITTEN "CORRECTION NOTICE". FAILURE TO CORRECT THE ABOVE LISTED VIOLATIONS WITHIN THE PRESCRIBED TIME CAN RESULT IN A FINE OF UP TO \$750 PER VIOLATION, PER DAY.

You are hereby notified to remedy the conditions as stated above within 14 days.

Neither this inspection nor any Certificate of Occupancy issued by the Village of Bensenville shall be considered a complete list of Code or Municipal Ordinances.

Our inspection can be substantially limited by access available and stored items or furniture.

Some occupancies may require inspections to be completed on individual systems such as heating appliances, roofing, structure or fire protection systems.

If you have questions about this inspection, please call 630-350-3448.

DISCLAIMER: The Village of Bensenville does not warrant the condition of any property inspected and disclaims all liability for any claims arising out of the property or condition thereof.

Kitty Pon via email at kittyp@pactrans.com

Dennis Lyp via email at dennis.lyp@plasticdevelopmentgroup.com

Copy of this report received by/mailed to:

Inspector: Tom Knight

Date: 9-24-2018

**VILLAGE OF BENSENVILLE
12 SOUTH CENTER STREET
BENSENVILLE, ILLINOIS 60106**

ORDINANCE NO. 3-2006

**Authorizing 651 Thorndale Avenue, Bensenville, Illinois 60106
Conditional Use - Storage of Tractors and Semi Trailers On-Site
Variance - Stall Width Spacing Requirement
Variance - Screen Height
Site Plan (Preliminary/Final)
(CDC Case No. 111405-2)**

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 17th DAY OF JANUARY, 2006**

**Published in pamphlet form by authority of the President and Board of Trustees
of the Village of Bensenville, DuPage and Cook Counties, Illinois this 18th of
January, 2006.**



VILLAGE OF BENSENVILLE

12 S. CENTER STREET
BENSENVILLE, ILLINOIS 60106
(630) 766-8200 Fax (630) 350-3449

STATE OF ILLINOIS)
COUNTIES OF COOK) ss
AND DUPAGE)

CERTIFICATE

I, Patricia A. Johnson, certify that I am the duly qualified Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois.

I further certify that on January 17, 2006, the Corporate Authorities of such municipality passed and approved **3-2006**, entitled **Authorizing 651 Thorndale Avenue, Bensenville, Illinois 60106, Conditional Use - Storage of Tractors and Semi Trailers On-Site, Variance - Stall Width Spacing Requirement, Variance - Screen Height, Site Plan (Preliminary/Final) (CDC Case No. 111405-2)**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 3-2006, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on January 18, 2006, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Bensenville, Illinois, this 18th of January, 2006.

Patricia A. Johnson
Village Clerk

By:

Lynn D. Dubman
Deputy Village Clerk

SEAL

ORDINANCE NO. 3-2006

**AUTHORIZING 651 THORNDALE AVENUE, BENSENVILLE, ILLINOIS 60106
CONDITIONAL USE - STORAGE OF TRACTORS AND SEMITRAILERS ON-SITE
VARIANCE - STALL WIDTH SPACING REQUIREMENT
VARIANCE - SCREEN HEIGHT
SITE PLAN (PRELIMINARY/FINAL)
(CDC CASE NO. 111405-2)**

WHEREAS any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized.

The Bensenville General Development Plan lists Thorndale Ave. as a Collector with the task of collecting traffic from Minor Streets and channeling it onto Arterials. The 2004 Corridor Plan Update to the General Development Plan more accurately identifies Thorndale Ave. as an Arterial carrying traffic from I-290 and the neighboring communities. The Corridor Plan also provides an Average Daily Traffic Count of 14,600 for Thorndale Ave. As described, Thorndale Ave. has the ability to accommodate additional truck traffic generated by the request without adversely affecting traffic patterns.

The site has 112 parking spaces (required 110 for a cartage and express firm per Section #10-11-11 of the Bensenville Zoning Ordinance ("BZO")). The site plan shows 18-spaces reserved for tractors flanking the office immediately inside the yard and another 43 spaces along the west lot line. The plan also illustrates spaces for 108 trailers with 63 of these west of the terminal and 45 to the east.

WHEREAS any effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of permitted uses in the district have been minimized.

Staff does not recognize the proposed use as a producer of significant environmental nuisances except for leakage or spillage of fluids especially as the petitioner intends to direct fuel stationary trucks from a tanker. The petitioner also intends to wash vehicles on the site in accordance with NPDES non-discharge permits issued by the Illinois EPA with wastewater collected and disposed offsite.

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

Conditional Use - 651 Thorndale Avenue
CDC Case No. 111405-2

Along Thorndale Ave. is a mix of industrial uses including, light manufacturing, warehousing, cartage, and freight forwarding on relatively large properties. The presence of these uses is inline with the recommendations for the area contained in the General Development Plan and its 2004 Corridor Amendment as both documents promote light industrial activities and recognizes the considerable truck traffic associated with these uses.

The BZO defines the I-2 District as the district intended to provide for locations of industrial and related uses that produce moderately greater adverse environmental effects than uses allowed in the I-1 District. It is intended for areas where such uses presently exists or where heavier industrial uses allowed in the I-3 and I-4 Districts would be incompatible.

Section #10-9B-3 of the BZO only permits outdoor storage in the I-2 as an accessory use including the parking of tractors and semitrailers on a maximum of 25-percent of the lot area of the site.

The petitioner intends to install fabric screening to the existing six-foot high chain link fencing along the east, south, and west lot lines.

The request to store 61 tractors and 73 trailers on 14-percent of an existing transshipment facility in the I-2 District is consistent with the plans and the industrial character found along Thorndale Ave.

WHEREAS the proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area.

The request to operate a transshipment facility with the accessory parking of trucks places a lower demand on public services and facilities compared with permitted I-2 District manufacturing and assembly uses. The existing road network appears to have the capacity to accommodate the truck traffic generator by the facility.

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

Conditional Use - 651 Thorndale Avenue
CDC Case No. 111405-2

The use will serve the public interest by utilizing a vacant property and employ 110 workers. Financially, the use will begin to earn revenue for all responsible taxing entities. The petitioner also provides shipping services to numerous Village businesses and the surrounding communities.

WHEREAS special circumstances exist that are peculiar to the property and that do not apply generally to other properties in the same zoning district.

WHEREAS literal application of the zoning ordinance would result in unnecessary and undue hardship or practical difficulties for the applicant as distinguished from mere inconvenience.

WHEREAS 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 the 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.

WHEREAS the special circumstances and practical difficulties or hardship that are the basis for the variance have not resulted from any act of the applicant or of any other party with a present interest in the property.

WHEREAS 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.

WHEREAS 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.

WHEREAS 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.

WHEREAS the granting of a variance will be in harmony with the general purpose and intent of the zoning ordinance 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.

Conditional Use - 651 Thorndale Avenue
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WHEREAS 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.

WHEREAS the site plan's overall design integrates neighborhood and site characteristics into a compatible expression of building mass, scale, color and circulation.

WHEREAS the site plan's spatial designs minimize the impacts of traffic, noise, reflected light, debris and other undesirable effects of development upon abutting properties and the neighborhood as a whole.

WHEREAS the site plan, elevations and material lists provide an innovative design of structures which are compatible with the general character of the area.

WHEREAS the site plan's design of loading and refuse areas are sensitive to aesthetic concerns and provide for screening compatible with abutting properties.

WHEREAS the site plan's parking and drive areas are designed to safely and effectively circulate vehicles throughout the site.

WHEREAS the site plan's curb cuts, if any, are located to safely and efficiently allow vehicle ingress and egress to the site.

WHEREAS site and building design accommodate, if applicable, pedestrian circulation on-site from parking areas, open spaces and rights-of-way.

WHEREAS the site plan provides for a maximum use of open space.

WHEREAS storm water detention and retention issues have been addressed in accordance with applicable laws and ordinances.

WHEREAS the site plan's on-site lighting standards, if applicable, are compatible with architectural and spatial designs, and provide for safe illumination of the site for vehicles and pedestrians.

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

SECTION ONE: That the subject property is legally described as follows:

See Legal Description attached.

Conditional Use - 651 Thorndale Avenue
CDC Case No. 111405-2

Commonly known as 651 Thorndale Avenue, Bensenville, Illinois 60106.

P.I.N.: 03-02-400-029

SECTION TWO: That the foregoing recitals are hereby incorporated by reference and reaffirmed as if fully recited and reaffirmed herein.

SECTION THREE:

That a Variance for relief as to 14' parking stall width spacing requirements, from 14'0" to 12'0", is hereby approved.

That a Variance for relief as to eight foot minimum height screening requirements, from 8' to 6' high screening along the north, east and west lot lines, is hereby approved. Screening along the south lot line shall be at 8'.

That a Conditional Use for the accessory outdoor storage of tractors and semi-trailers, which accessory outdoor storage shall not exceed 14% of lot area, all as depicted in the site plan approved herein, at 651 Thorndale, Bensenville, DuPage County, Illinois, is hereby approved, subject to the following conditions, which conditions shall be binding upon the Petitioner, its successors and assigns, and shall run with the land:

1. No building permit or certificate of occupancy, if applicable, shall be issued for the facility to be constructed herein, or any future modifications and/or additions to said facility to be constructed herein, unless (a) the application therefor conforms to the conditional use plan approved herein; or (b) the application conforms to the otherwise applicable zoning, building, subdivision and sign regulations, if any, and is also consistent with the conditional use plan approved herein; or (c) an amendment to the conditional use plan approved herein conforming to the application is approved pursuant to applicable provisions of the Village of Bensenville Zoning Ordinance.
2. The South Elevation Plan, bearing a most recent date of November 14, 2005 and prepared by Line Work Studio Inc., attached hereto and made a part hereof, is hereby approved and shall be developed as approved herein.
3. The Site Plan ("Overall Plan") dated November 14, 2005 and prepared by Line Work Studio Inc., attached hereto and made a part hereof, is hereby approved and shall be developed as approved herein.

Conditional Use - 651 Thorndale Avenue
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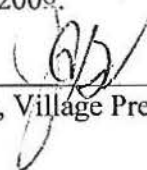
4. There shall be no storage of materials within any tractor trailers stored on the property.
5. There shall be no leasing, sub-leasing or assigning of parking or storage stalls on the property to parties not utilizing the freight forwarding facility on the subject property.
6. No areas on the property shall be used for outdoor storage other than those areas specifically identified as "tractor storage" and "trailer storage" on the site plan approved herein (which identified areas cover no more than 14%, i.e., 60,302 square feet of the 445,641 total square footage of the subject property). At no time shall the total of all such accessory outdoor storage exceed the said 14% of the property's lot area without an approved amendment to the conditional use approved herein.
7. Except for those variances as granted herein, all required screening on the subject property shall at all times comply with all applicable codes and ordinances.
8. Any and all signage on the property shall be designed, installed and maintained in compliance with applicable sign codes and ordinances.
9. There shall be no additions, subtractions, deviations, amendments, substitutions or any other change to the site plan, elevations and/or material list, if any, approved herein without the prior written consent/approval of the Village corporate authorities.
10. The Petitioner shall comply with and obtain all required site plan and permit approvals for the subject development.
11. The Petitioner shall complete the Village Engineer review process for drainage and the accommodation of public utilities where applicable.

SECTION FOUR: All ordinances in conflict herewith are repealed to the extent of said conflict.

Conditional Use - 651 Thorndale Avenue
CDC Case No. 111405-2

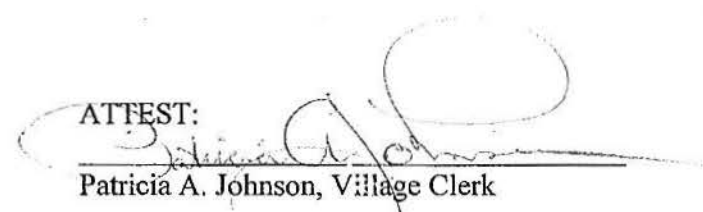
This Ordinance is in full force and effect from and after passage and publication according to law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, this 17th day of January, 2006.



John C. Geils, Village President

ATTEST:



Patricia A. Johnson, Village Clerk

AYES: Adamowski, Basso, Mandziara, Tralewski, Walberg

NAYS: None

ABSTAIN: None

ABSENT: Williams

Published in Pamphlet Form