



12 South Center Street  
Bensenville, IL 60106  
Office: 630.350.3404  
Fax: 630.350.3438  
[www.bensenville.il.us](http://www.bensenville.il.us)

VILLAGE BOARD

January 10, 2019

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Frank DeSimone

Board of Trustees  
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Village Clerk  
Nancy Quinn

Village Manager  
Evan K. Summers

Ms. Alexis Vadnais  
3555 NW 58<sup>th</sup> Street, Suite 400  
Oklahoma City, Oklahoma 73112

Re: January 9, 2019 FOIA Request

Dear Ms. Vadnais:

I am pleased to help you with your January 9, 2019 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on January 9, 2019. You requested copies of the items indicated below:

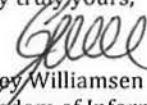
*"Please see attached 1160-1200 N. Ellis Street"*

After a search of Village files, the following information was found responsive to your request:

- 1) Village of Bensenville Salary Correction Notice Dated 1-28-2015. (1 pg.)
- 2) Village of Bensenville Correction Notice for Inspection No. 58520. (1 pg.)
- 3) Village of Bensenville Ordinance No. 54-2010. (5 pgs.)
- 4) Village of Bensenville Ordinance No. 74-2010. (6 pgs.)
- 5) Village of Bensenville Ordinance No. 23-2012. (6 pgs.)

These are all the records found responsive to your request.

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



12 South Center Street  
Bensenville, IL 60106  
Office: 630.350.3413  
Fax: 630.350.3449  
[www.bensenville.il.us](http://www.bensenville.il.us)

## VILLAGE BOARD

**President**  
Frank Soto

**Trustees**  
Morris Bartlett  
Susan V. Janowik  
Robert "Bob" Jarecki  
Martin O'Connell  
Joffen Rudder  
Henry Wesseler

**Village Clerk**  
Lisa Rivera-Trojillo

**Village Manager**  
Michael J. Cassidy

## CORRECTION NOTICE

1-28-2015

RE: 1160 N. Ellis Street

To whom it may concern,

On 1/27/15, The Village of Bensenville Inspectors were invited to do a verification inspection for the addition of a proposed fire pump to and existing fire sprinkler system. During the course of our inspection the following violations were noted:

1. Tires stored in building.
2. Rolls of print paper stored with tires.
3. Demising wall built without permit.
4. Interior office remodeled without a permit.

Please submit the following:

1. Commodity verses density study.
2. Architect's stamped and signed drawings of demising wall and interior office built without permits.

Items that need to be addressed now:

1. The village of Bensenville requires you to remove all tires from building until it is determined by the Commodity verses density study of the fire sprinkler systems capabilities.
2. Reduce height of print roll paper to two stacks high only.

When permits are applied for additions to sprinkler system; provide one additional door on north wall of pump room for firefighter access. The fire pump room needs to be a dedicated room for fire related equipment only. All cleaning supplies and slop sink need to be removed.

If you have any questions or need additional information, please call number below.

Sincerely,

  
Tony Bagnola  
Fire Inspector/ Plan reviewer  
630-594-1007



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

Type of Inspection: CORRECTION NOTICE

**CORRECTION NOTICE**

Address:	1200 ELLIS	Unit:	
Business name::	AMERIFREIGHT SYSTEMS LLC	Phone:	847-434-1122
Owner:	AMERIFREIGHT SYSTEMS LLC	Address:	1200 N ELLIS STREET BENSENVILLE, IL
Inspection Date:	04-04-18	Inspector:	RON HERFF
<u>Checklist #</u>	<u>Violation</u>	<u>Violation comment</u>	
020F	REMOVE ALL OUTDOOR STORAGE	Must remove all outdoor storage from the property. Specifically all batteries, all empty or full drums, all totes and all dumpsters that contain or may contain hazards to the storm water system.	
030C	REPAIR OR REPLACE SIDEWALK	Must clean the parking lot and driveway of all contaminants. Including all Oil, anti-freeze, window washing fluid, oil dry, ect... This must be done by a professional clean up company.	
		Must show proof of service.	

**Additional Remarks/Comments:**

Items must be completed Tuesday April 10, 2018

Reinspection 58525 created on 04/04/2018  
by 6523rher

**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 6 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.**

Copy of this report received by/mailed to: \_\_\_\_\_

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

ORDINANCE NO. 54-2010

**AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT AND VARIANCES  
FROM THE VILLAGE ZONING CODE TO AUTO TRUCK, INC./MOBILE EQUIPMENT  
WAREHOUSING CO. AT 1160 AND 1200 NORTH ELLIS STREET, BENSENVILLE,  
ILLINOIS**

**WHEREAS**, Auto Truck, Inc./Mobile Equipment Warehousing Co. (the "Applicant") has filed an application seeking a conditional use permit to allow for outdoor storage of trucks and trailers, pursuant to Section 10-9B-3 of *The Village of Bensenville Zoning Ordinance* ("Zoning Ordinance"), and for variances from the requirements of: 1) Section 10-11-2G2 of the Zoning Ordinance to allow outdoor storage on a non-approved surface; 2) Section 10-9B-3 of the Zoning Ordinance to allow outdoor storage that is non-screened; and 3) from Section 10-12-2 of the Zoning Ordinance to increase the area allowed for outdoor storage, at properties commonly known as 1160 and 1200 North Ellis Street, and legally described in Exhibit "A," attached hereto and incorporated herein by reference (the "Subject Properties"), a copy of said application being attached hereto as Exhibit "B" and incorporated herein by reference; and

**WHEREAS**, Notice of Public Hearing with respect to the conditional use and variances sought by Applicant was published on or about April 24, 2010, in the *Daily Herald*, being a newspaper having general circulation within the Village of Bensenville (the "Village"), all as required by the statutes of the State of Illinois and the ordinances of the Village; and

**WHEREAS**, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing on May 10, 2010, 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 as to the granting of the conditional use permit and the requested variances as set out in the Staff Report and adopted a recommendation that the conditional use permit and the requested variances be granted subject to the following conditions as recommended in the Staff Report:

- 1) With regard to the conditional use permit, that: a) the Subject Properties be utilized only in accordance with the site plan submitted as part of the application and prepared by WareMalcomb dated 05-06-2010, with the elimination of the four western-most truck/trailer parking spaces, one in each of the four east-west rows; b) that the

Applicant shall notify the Village in writing of the date on which the outdoor storage use is established; c) the outdoor storage condition use permit shall be in effect for only twenty four months following the date on which it is established; and d) by the date on which the outdoor storage use is established, stormwater inlet protection shall be installed, together with any other Best Management Practices identified by the Village's Director of Public Works, at all catch basin sites.

- 2) With regard to the variances, that the three variances requested and recommended to be granted shall be conditions of the conditional use permit granted herein and shall expire of their own accord with the expiration of the conditional use permit; and

**WHEREAS**, the Community Development Commission forwarded its recommendations, including its Findings of Fact, to the Village Board's Economic & Community Development Committee on May 18, 2010, which concurred in the recommendations made therein as are attached hereto as Exhibit "C" and incorporated herein by reference; and

**WHEREAS**, the Community & Economic Development Commission then forwarded its recommendation, along with that of the Community Development Commission, to the President and Board of Trustees on or about June 8, 2009; and

**WHEREAS**, the President and Board of Village Trustees have considered the matter herein and have determined that the granting of certain of the relief requested is consistent with the Zoning Ordinance and the orderly and harmonious development of the Village, subject to the recommended conditions to the conditional use permit and variances.

**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 Properties is currently zoned under the Zoning Ordinance as I-2 Light Industrial District, which zoning classification shall remain in effect subject to the conditional use permit and zoning variances granted herein.

**SECTION THREE:** That the Approval Criteria for a Conditional Use in the Staff Report, attached to the recommendations of the Community Development Commission in Exhibit "C" and adopted by the Community Development Commission as its Finding of Facts as to the Conditional

Use permit herein, are hereby adopted by the President and Board of Trustees as and for their findings of fact.

**SECTION FOUR:** That, pursuant to Section 10-9C-3 of the Zoning Ordinance, a conditional use permit is granted to allow for outdoor storage of trucks and trailers on the Subject Properties on the conditions that: 1) the Subject Properties be utilized only in accordance with the site plan submitted as part of the application and prepared by WareMalcomb dated 05-06-2010, with the elimination of the four western-most truck/trailer parking spaces, one in each of the four east-west rows; 2) that the Applicant shall notify the Village in writing of the date on which the outdoor storage use is established; and 3) the outdoor storage conditional use permit shall be in effect for only twenty four months following the date on which it is established and shall expire of its own accord without notice or further action of any kind to effect such being required by the Village; 4) for the duration of the conditional use, the Subject Properties shall be and meet the requirements of a “zoning lot,” as defined in Section 10-2-3 of the *Bensenville Village Code*; and 5) by the date on which the outdoor storage use is established, stormwater inlet protection shall be installed, together with any other Best Management Practices identified by the Village’s Director of Public Works, at all catch basin sites on the Subject Properties.

**SECTION FIVE:** That the Approval Criteria for the variances requested in the Staff Report, attached to the recommendations of the Community Development Commission in Exhibit “C” and adopted by the Community Development Commission as its Findings of Fact as to the variances requested herein, are hereby adopted by the President and Board of Trustees as and for their Findings of Fact.

**SECTION SIX:** That, pursuant to Sections 10-3-3 and 10-16-4 of the Zoning Ordinance, variances are granted from the requirements of: 1) Section 10-11-2G2 of the Zoning Ordinance to allow outdoor storage on a non-approved surface; 2) Section 10-9B-3 of the Zoning Ordinance to allow outdoor storage that is non-screened; and 3) from Section 10-12-2 of the Zoning Ordinance to increase the area allowed for outdoor storage. These three variances are granted on the condition that they shall be conditions of the conditional use permit granted herein and shall expire of their own accord with the expiration of the conditional use permit without notice or further action of any kind to effect such being required by the Village.

**SECTION SEVEN:** That all requirements of the Zoning Ordinance shall be applicable except as allowed by the conditional use permit and variances granted under this Ordinance.

**SECTION EIGHT:** That the terms and conditions set forth herein are deemed to be a fundamental element of the relief granted under this ordinance, and are intended by the Village and the Applicant to run with the Subject Properties and be binding upon any and all successors in interest to the Applicant.

**SECTION NINE** 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 TEN:** 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 8<sup>th</sup> day of June 2010.

  
Frank Soto, Village President

ATTEST:

  
Jo Ellen Ridder, Village Clerk

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

NAYES: None

ABSENT: Bartlett

Exhibit "A"

LEGAL DESCRIPTION

CDC Case # 2010 - 12 1160 - 1200 N. Ellis Street.

The Legal Description is as follows:

PARCEL 1

LOT 1 IN AUTO TRUCK, INC. ASSESSMENT PLAT OF PART OF LOTS 6 AND 7 IN DEVON FIVE ACRE FARMS, BEING A SUBDIVISION OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER AND PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO A PLAT THEREOF RECORDED DOCUMENT NUMBER R92-240550 AND CORRECTED BY CERTIFICATE OF CORRECTION RECORDED AS DOCUMENT R93-027543, IN DU PAGE COUNTY, ILLINOIS.

PARCEL 2

LOTS 6 AND 7 IN DEVON FIVE ACRE FARMS, BEING A SUBDIVISION OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER AND PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT LOT 1 IN AUTO TRUCK, INC. ASSESSMENT PLAT OF PART OF LOTS 6 AND 7 IN DEVON FIVE ACRE FARMS, AFORESAID), IN DUPAGE COUNTY, ILLINOIS.

P.I.N. 03 - 02 - 102 - 031, -032, -033

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

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**Ordinance No. 74-2010**

**An Ordinance Approving the Grant of a Conditional Use Permit to Allow Motor Vehicle Repair (Major & Minor) at 1160 – 1200 N. Ellis Street, Bensenville, Illinois**

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**APPROVED BY THE  
VILLAGE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF BENSENVILLE**

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**THIS 28th DAY OF September 2010 Published in pamphlet form by authority of the President and Board of Trustees  
of the Village of Bensenville, DuPage and Cook Counties, Illinois this 29th day of September, 2010**

STATE OF ILLINOIS )

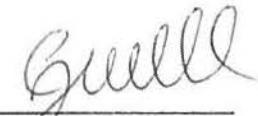
COUNTIES OF COOK ) SS

AND DUPAGE )

I, Corey Williamsen, do hereby certify that I am the duly appointed Deputy Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois, and as such officer, I am the keeper of the records and files of said Village;

I do further certify that the foregoing constitutes a full, true and correct copy of Ordinance No.74-2010 entitled An Ordinance Approving the Grant of a Conditional Use Permit to Allow Motor Vehicle Repair (Major & Minor) at 1160 – 1200 N. Ellis Street, Bensenville, Illinois.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and seal on this 29th day of September, 2010.



Corey Williamsen  
Deputy Village Clerk



ORDINANCE NO. 74-2010

AN ORDINANCE APPROVING THE GRANT OF A CONDITIONAL USE PERMIT  
TO ALLOW MOTOR VEHICLE REPAIR (MAJOR & MINOR) AT  
1160 -1200 N. ELLIS STREET, BENSENVILLE, ILLINOIS

WHEREAS, AutoTruck, Inc. and Mobile Equipment Warehousing Co. (the "Owner/Applicant") , filed an application seeking a conditional use permit to allow a proposed tenant APA73 to conduct motor vehicle repair (major & minor) pursuant to Section 10-3-4-C of *The Village of Bensenville Zoning Ordinance* ("Zoning Ordinance") at property commonly known as 1160 - 1200 N. Ellis Street, 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 conditional use permit sought by the Applicant was published in a newspaper of general circulation in the Village of Bensenville all as required by the statutes of the State of Illinois and the ordinances of the Village; and

WHEREAS, pursuant to said Notice, the Community Development Commission of the Village of Bensenville conducted a Public Hearing on July 12, 2010, as required by the statutes of the State of Illinois and the ordinances of the Village, and after hearing the application, made the findings of facts as set forth in Exhibit "B." attached hereto and incorporated herein by reference and

WHEREAS, upon said findings of facts, the Community Development Commission, voted to 6 - 0 to approve the application for conditional use permit to allow motor vehicle repair , major & minor at the Subject Property, subject to the conditions as previously set forth for use of the Subject Property in Ordinance No. 54-2010 adopted on June 8, 2010; and

WHEREAS, the Community Development Commission forwarded its recommendation to approve the application to the Village Board's Community and Economic Development Committee which concurred in the recommendation to approve the application; and

WHEREAS, the Community and Economic Development Committee then forwarded its recommendation, along with that of the Community Development Commission, to the President and Board of Trustees on September 28, 2010; and

WHEREAS, the President and Board of Village Trustees considered the matter and determined, based on its consideration, that the permit should be granted, allowing the relief

requested, finding that it is consistent with the Zoning Ordinance and the orderly and harmonious development of the Village.

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 conditional use permit to allow APA73 to conduct motor vehicle repair, major & minor at the Subject Property, in conjunction with its use of the Subject Property is hereby granted subject to the following conditions: (1) the conditional use permit shall only be applicable during the tenancy of APA73 or any successor in interest it may have in assumption of the tenancy, and (2) those conditions previously applied to the use of the Subject Property in Ordinance 54-2010, adopted by the Village Board on June 8, 2010.

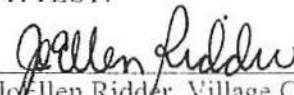
**SECTION THREE:** That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, this 28th day of September, 2010.



Frank Soto, Village President

ATTEST:



JoEllen Ridder, Village Clerk

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

NAYES: None

ABSENT: None

EXHIBIT "A"

LEGAL DESCRIPTION

CDC Case 2010 - 17 1160 - 1200 N. Ellis Street

The legal description is as follows:

PARCEL 1

LOT 1 IN AUTO TRUCK, INC. ASSESSMENT PLAT OF PART OF LOTS 6 AND 7 IN DEVON FIVE ACRE FARMS, BEING A SUBDIVISION OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER AND PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO A PLAT THEREOF RECORDED DOCUMENT NUMBER R92-240550 AND CORRECTED BY CERTIFICATE OF CORRECTION RECORDED AS DOCUMENT R93-027543, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2

LOTS 6 AND 7 IN DEVON FIVE ACRE FARMS, BEING A SUBDIVISION OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER AND PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT LOT 1 IN AUTO TRUCK, INC. ASSESSMENT PLAT OF PART OF LOTS 6 AND 7 IN DEVON FIVE ACRE FARMS, AFORESAID), IN DUPAGE COUNTY, ILLINOIS.

PINs 03 - 02 - 102 - 031, - 032, -033

## EXHIBIT "B"

**CDC # 2010 – 17**  
**1160 - 1200 N. Ellis Street**  
**"Auto Truck / Mobile Equipment Warehousing Co.**  
**Public Hearing: 07.12.10**

### **Findings of Fact** **Conditional Use Permit**

The Community Development Commission hearing the testimony at the Public Hearing for the CDC Case #2010 – 17 a Conditional Use Permit to allow Motor Vehicle Repair Minor & Major at 1160 - 1200 N. Ellis Street make the following Findings of Fact:

1. **Traffic:** The proposed use will not create any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized.
2. **Environmental Nuisance:** The proposed motor vehicle repair will not have negative effects of noise, glare, odor, dust, waste disposal, blockage of light or air or other adverse environmental effects of a type or degree not characteristic of permitted uses in the district have been minimized.
3. **Neighborhood Character:** The proposed use will fit harmoniously with the existing character of existing permitted uses in its environs. Any adverse effects on environmental quality, property values or neighborhood character beyond those normally associated with permitted uses in the district have been minimized.
4. **Use Of Public Services And Facilities:** The proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area.
5. **Public Necessity:** The proposed use at the particular location requested is necessary to provide a service or a facility which is in the interest of public convenience, and will contribute to the general welfare of the neighborhood or community.
6. **Other Factors:** The use is in harmony with any other elements of compatibility pertinent in the judgment of the commission to the conditional use in its proposed location.

**VILLAGE OF BENSENVILLE  
12 S. CENTER STREET  
BENSENVILLE, ILLINOIS 60106**

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**Ordinance No. 23-2012**

**An Ordinance Amending an Existing Conditional Use Permit to Allow a  
Motor Vehicle Wash at 1160-1200 North Ellis Street, Bensenville, Illinois**

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**ADOPTED BY THE  
VILLAGE BOARD OF TRUSTEES  
OF THE  
VILLAGE OF BENSENVILLE  
THIS 22nd DAY OF May, 2012**

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of Bensenville,  
DuPage and Cook Counties, Illinois this 23<sup>rd</sup> day of May 2012

STATE OF ILLINOIS )

COUNTIES OF COOK ) SS

AND DUPAGE )

I, Corey Williamsen, do hereby certify that I am the duly appointed Deputy Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois, and as such officer, I am the keeper of the records and files of said Village; I do further certify that the foregoing constitutes a full, true and correct copy of Ordinance No. 23-2012 entitled an ordinance amending an existing conditional use permit to allow a motor vehicle wash at 1160-1200 North Ellis Street, Bensenville, Illinois.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and seal on this 23rd day of May, 2012.



  
\_\_\_\_\_  
Corey Williamsen  
Deputy Village Clerk

ORDINANCE NO. 23-2012

**AN ORDINANCE AMENDING AN EXISTING CONDITIONAL USE PERMIT  
TO ALLOW A MOTOR VEHICLE WASH  
AT 1160 - 1200 NORTH ELLIS STREET, BENSENVILLE, ILLINOIS**

**WHEREAS**, in March 2011, the Village Board of the Village of Bensenville adopted Ordinance No. 24-2001, granting a conditional use permit to ATI Oldco, Inc. (f/k/a Auto Truck, Inc. and MEWC Oldco, Inc. (f/k/a Mobile (the "Owner") and then-applicant Amerifreight Systems, LLC approval for Amerifreight Systems, LLC to have outdoor storage of trucks and trailers, and for allowance to conduct motor vehicle repair (major and minor), pursuant to Section 10-9B-3 of *The Village of Bensenville Zoning Ordinance* ("Zoning Ordinance"), and for a variance from the requirements of Section 10-11-2G2 of the Zoning Ordinance to allow outdoor storage on a non-approved surface for a period through June 30, 2012 at properties commonly known as 1160 and 1200 North Ellis Street, and legally described in Exhibit "A," attached hereto and incorporated herein by reference (the "Subject Properties"); and

**WHEREAS**, Amerifreight Systems, LLC is now the Owner of the Subject Property and it has now applied for a conditional use permit to allow a motor vehicle wash at the Subject Properties, which are located in the I-2 Light Industrial District, pursuant to Section 10-9B-3 of the Zoning Ordinance, a copy of the application being on file in the Community and Economic Development Department; and

**WHEREAS**, Notice of Public Hearing with respect to the permit sought by Amerifreight Systems, LLC was published in the Daily Herald, a newspaper of general circulation in the Village, and provided in all manners 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 at a Special Meeting held on April 23, 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 as to the granting of the conditional use permit as set out in the Staff Report, and voted 7-0 to adopt the staff recommendation that the conditional use permit be granted subject to conditions as recommended by staff as are attached hereto as Exhibit "B" and

incorporated herein by reference, with the additional condition that the Village Engineering Department inspect the water meter serving the Subject Properties for proper function; 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 to concur in the recommendation made therein; and

**WHEREAS**, the Community and Economic Development Committee has forwarded its recommendation, along with that of the Community Development Commission, to the President and Board of Trustees on May 22, 2012; and

**WHEREAS**, the President and Board of Village Trustees have considered the matter herein and have determined that the granting of the relief requested is consistent with the Zoning Ordinance and the orderly and harmonious development of the Village, subject to the recommended conditions to the amendment to the existing conditional use permit.

**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 Properties are currently zoned under the Zoning Ordinance as I-2 Light Industrial District, which zoning classification shall remain in effect subject to the original conditional use permit and zoning variances granted by adoption of Ordinance No. 24-2011, and the conditional use permit as granted herein.

**SECTION THREE:** That the findings of fact for approval of a conditional use permit having been made and adopted by the Community Development Commission, they are now hereby adopted by the President and Board of Trustees for approval of the conditional use permit referenced herein.

**SECTION FOUR:** That, pursuant to Section 10-9C-3 of the Zoning Ordinance, an amendment to the existing conditional use permit is hereby granted to allow for a vehicle wash facility on the Subject Properties to be used to wash only the applicant's vehicles, subject to the following conditions: (1) That the conditional use permit amending the original conditional use permit shall be granted solely to Amerifreight Systems LLC and shall be transferred only after a review by the Community Development Commission and approval of the Village Board; in the

event of the sale or lease of the Subject Properties, the new lessee/owner shall appear before a public meeting of the Community Development Commission, and the Community and Economic Development Department staff shall review the request and in its sole discretion shall either (a) recommend that the Village Board approve the transfer of the conditional use permit to the new lessee/owner, or (b) if determination is made that the new lessee/owner contemplates a change in use which is inconsistent with the conditional use permit, the new lessee/owner shall be required to petition for a public hearing before the Community Development Commission for a new conditional use permit; (2) that the Subject Properties shall be developed and utilized in substantial conformance to the plans submitted as part of the application, prepared by Level Enterprises LLC, and dated January 10, 2011, last revised February 23, 2012; (3) that all required building permits shall be sought and issued prior to the start of any work commencing at the Subject Properties; (4) that the on-site vehicle movements and turning radii shall be approved by the Village Engineering and Community and Economic Development Department; and (5) that the Village's Engineering Department inspect the water meter on the Subject Properties for proper function.

**SECTION FIVE:** That all requirements of the Zoning Ordinance shall be applicable except as allowed by the original conditional use permit and the permit granted under this Ordinance.

**SECTION SIX:** That the terms and conditions set forth herein are deemed a fundamental element of the relief granted under this Ordinance.

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

**SECTION EIGHT:** 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 22nd day of May, 2012.



Frank Soto, Village President

ATTEST:



Susan Janowiak  
Susan Janowiak, Village Clerk

AYES: BARTLETT, JARECKI, O'CONNELL, PECONIO, RIDDER, WESSELER

NAYES: NONE

ABSENT: NONE

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