



12 South Center Street
Bensenville, IL 60006

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September 17, 2019

Mr. Ramis Memishi
7242 West 58th Street
Summit, Illinois 60501

Re: September 16, 2019 FOIA Request

Dear Mr. Memishi:

I am pleased to help you with your September 16, 2019 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on September 16, 2019. You requested copies of the items indicated below:

"Any and all building permits issued for the property located at 213 N. Walnut St. Bensenville, IL since January 1, 2015. Also, records of any and all incentives and/or grants given by the Village of Bensenville in regards to the construction of a 29-unit apartment building."

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

- 1) Village of Bensenville Permits Issued to 213 North Walnut Street Since January 1, 2015. (1 pg.)
- 2) Village of Bensenville Ordinance No. 23-2015. (10 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

Location	Municipality	User Status	Application Recv'd	Project/Activity Desc Line 2
213 NORTH WALNUT STREET	BENSENVILLE	FINALED	07/06/2016	SPRINKLER SYSTEM
213 NORTH WALNUT STREET	BENSENVILLE	FINALED	03/08/2017	ELEVATOR
213 NORTH WALNUT STREET	BENSENVILLE	FINALED	03/16/2017	FIRE ALARM SYSTEM
213 NORTH WALNUT STREET	BENSENVILLE	FINALED	10/10/2017	SIGN
213 NORTH WALNUT STREET	BENSENVILLE	ACTIVE	06/11/2015	NEW CONSTRUCTION
213 NORTH WALNUT STREET	BENSENVILLE	STAFF REVIEW	10/09/2018	GROUND LEVEL APARTMENT

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

Ordinance No. 23-2015

**An Ordinance Granting Approval of a Planned Unit Development to Construct a Multiple
Family Apartment Complex for the Property Commonly Identified as
213 North Walnut Street, Bensenville, Illinois**

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 28th DAY OF APRIL, 2015**

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 March 2015

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. 23-2015 entitled an Ordinance Granting Approval of a Planned Unit Development to Construct a Multiple Family Apartment Complex for the Property Commonly Identified as 213 North Walnut Street, Bensenville, Illinois.

INWITNESS WHEREOF, I have hereunto affixed my official hand and seal on this
29th day of April, 2015.




Corey Williamsen
Deputy Village Clerk

ORDINANCE # 23-2015

**AN ORDINANCE GRANTING APPROVAL OF A PLANNED UNIT DEVELOPMENT TO
TO CONSTRUCT A MULTIPLE FAMILY APARTMENT COMPLEX FOR THE
PROPERTY COMMONLY IDENTIFIED AS 213 NORTH WALNUT STREET,
BENSENVILLE, ILLINOIS**

WHEREAS, A&E Luxury Homes, Inc. ("Contract Purchaser/Applicant") and, filed an application for a Planned Unit Development to allow for the construction of a Multiple Family Apartment Complex, Municipal Code Sections 10 – 6A – 4 and 10 – 10 of the Village of Bensenville Zoning Ordinance ("Zoning Ordinance") for the property located at 213 North 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 on file in the Community and Economic Development Department; and

WHEREAS, Notice of Public Hearing with respect to the Planned Unit Development sought by the Applicant was published in the Bensenville Independent on February 26, 2015 by the Village of Bensenville, and notice was also given via posting of a Public Hearing Sign on the Subject Property and via First Class mail to taxpayers of record within 250 feet of the Subject Property, 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 March 16, 2015 as required by the statutes of the State of Illinois and the ordinances of the Village; and

WHEREAS, after hearing the application, the Community Development Commission approved the findings of fact submitted by Village Staff recommending approval of the Planned Unit Development and, thereafter, voted unanimously (4-0) to recommend approval of the request for the Planned Unit Development, and forwarded its recommendations, including the Staff Report and findings to the Community and Economic Development Committee, which concurred in the recommendation made therein, as are attached hereto and incorporated herein by reference as Exhibit "B"; and

WHEREAS, on April 21, 2015 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; and

WHEREAS, the President and Board of Village Trustees have reviewed the matter herein and have determined that approval of the requested Planned Unit Development as recommended by the Community Development Commission is consistent with the Zoning Ordinance.

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 RM-1 Low Density Multiple Family, which zoning classification shall remain in effect subject to the amended Planned Unit Development granted herein.

SECTION THREE: That the Staff Report and Recommendation to approve the Planned Unit Development sought, as allowed by the Zoning Ordinance, Sections 10-6A - 4 and 10 - 10, as adopted by the Community Development Commission as shown in Exhibit "B" is hereby adopted by the President and Board of Trustees, the Board of Trustees finding that said Planned Unit Development are proper and necessary.

SECTION FOUR: That the Planned Unit Development to construct Multiple Family Apartment Complex sought by the Applicant of the Subject Property is hereby granted subject to the following conditions:

- (1) The Planned Unit Development be granted solely to A & E Luxury Homes, Inc. and shall be transferred only after a review by the Community Development Commission (CDC) and approval of the Village Board. In the event of change in tenancy of this property, the proprietors shall appear before a public meeting of the CDC. The CDC shall review the request and in its sole discretion, shall either; recommend that the Village Board approve of the transfer of the lease and / or ownership to the new proprietor without amendment to the Conditional Use Permit, or if the CDC deems that the new proprietor contemplates a change in use which is inconsistent with the Conditional Use Permit, the new proprietor shall be required to petition for a new public hearing before the CDC for a new Conditional Use Permit.

(2) The property be developed in substantial compliance with the plans prepared by Koziol Engineering Services dated 01.15.15 and Agama Designs Architecture dated 01.15.15.

(3) The property shall be developed with an exterior grease trap or other approved drain blockage mitigation efforts associated with grease to be approved by staff.

(4) The Plat of PUD be recorded at the DuPage County Recorder's Office.

SECTION FIVE: That all requirements of the Zoning Ordinance shall be applicable except as amended by the Planned Unit Development 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 28th day of April, 2015.



Frank Soto, Village President

ATTEST:


Ilsa Rivera-Trujillo, Village Clerk

AYES: O'Connell, Ridder, Wessler, President Soto

NAYES: None

ABSENT: Bartlett, Janowiak, Jarecki

Ordinance #23 - 2015
Exhibit "A"

The Legal Description of the property is as follows:

The legal Description is as follows:

PARCEL 1:

THE SOUTH 1/2 OF THE NORTH 1/2 OF LOT 12 IN IRVING HI-LANDS, BEING A SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 15, 1947 AS DOCUMENT 519121, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

THE SOUTH HALF OF THE NORTH HALF OF LOT 12 IN IRVING HI-LANDS, BEING A SUBDIVISION OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 15, 1947 AS DOCUMENT 519121, IN DUPAGE COUNTY, ILLINOIS.

The common address is 213 North Walnut Street.

Ordinance # 23 - 2015
Exhibit "B"
Findings of Fact

Motion: Commissioner Weldon made a motion to approve the findings of facts for the requested PUD 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. **A superior design is reflected throughout the PUD. From exterior building materials (stone, brick and stucco) to interior designs (large lobby, indoor garage, and spacious floor plans significantly above market standards), the PUD exemplifies its modern luxury appeal.**
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. **The PUD meets all the requirements and no variances or rezoning are required as well as meeting density requirements.**
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 PUD is an example of the execution of the Village Plan. The PUD location is on land zoned for multifamily use and is consistent with the Village Plan of revitalizing the Walnut Street corridor.**
4. **Public Welfare:** The PUD will not be detrimental to the public health, safety or general welfare. **The PUD will not be detrimental to public health, safety or general welfare in any way.**
5. **Compatible With Environs:** 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 PUD will not be injurious to properties in its vicinity and will likely increase property values as a result of its superior design and maintenance in revitalizing the Walnut Street corridor.**

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. **The PUD is consistent as practical with preservation of any natural features and is designed to reflect these needs as evidenced by engineering plans.**
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. **An efficient and effective circulation design serves as an asset to the PUD; its superior design is reflected by the significant parking locations available. Underground garages with two lanes for entry and exit, exterior parking spaces, sidewalk designs and walkways will ensure that circulation is effective and efficient.**
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. **As with the architectural design, and circulation plans, landscaping will be utilized to distinguish the PUD. The landscape design reflects significant utilization of plants, trees, and shrubbery throughout the property as a key distinguishing element. The common open spaces include amenities like an exterior patio on the eastern side of the proposed building.**
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. **The PUD will have a single owner.**
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. **The PUD is consistent with the anticipated ability of the Village, School system and other public bodies. A sidewalk is proposed to connect to the existing one along the western frontage of the property.**

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. **The PUD phasing is consistent with requirements and foregoing criteria.**

Commissioner Rowe seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Pisano, Rowe, Weldon

Nays: None

All were in favor. Motion carried.

CDC#2015 - 04

213 N Walnut Street
A & E Luxury Homes

Planned Unit Development to construct a 29 Unit Apartment Building

