



12 South Center Street
Bensenville, IL 60106

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September 26, 2019

Ms. Michelle Chism
NV5 Transaction Services
1012 24th Avenue NW, Suite 100
Norman, Oklahoma 73069

Re: Undated FOIA Request

Dear Ms. Chism:

I am pleased to help you with your Undated Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on September 24, 2019. You requested copies of the items indicated below:

"220 North York Road."

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

- 1) Village of Bensenville Ordinance No. 67-2017. (13 pgs.)
- 2) Village of Bensenville Certificate of Compliance for Permit No. 7997. (1 pg.)

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

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

Ordinance No. 67-2017

**An Ordinance Granting Approval of a Rezoning from C-4 Regional PUD
Commercial District to I-22 Light Industrial District, Variance to Allow a Reduction
in Truck Loading Dock Width, Plat of Consolidation, and Site Plan at
220 North York Road, Bensenville, Illinois**

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 12th DAY OF DECEMBER 2017**

Published in pamphlet form by authority of the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois this 13th day of December, 2017

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. 67-2017 entitled an Ordinance Granting Approval of a Rezoning from C-4 Regional PUD Commercial District to I-2 Light Industrial District, Variance to Allow a Reduction in Truck Loading Dock Width, Plat of Consolidation, and Site Plan at 220 North York Road, Bensenville, Illinois.

INWITNESS WHEREOF, I have hereunto affixed my official hand and seal on this 13th day of December, 2017.





Corey Williamsen
Deputy Village Clerk

ORDINANCE # 67-2017

**AN ORDINANCE GRANTING APPROVAL OF A REZONING FROM
REZONING FROM C – 4 REGIONAL PUD COMMERCIAL DISTRICT TO I – 2 LIGHT
INDUSTRIAL DISTRICT, VARIANCE TO ALLOW A REDUCTION IN TRUCK
LOADING DOCK WIDTH, PLAT OF CONSOLIDATION, AND SITE PLAN
AT 220 NORTH YORK ROAD, BENSENVILLE, ILLINOIS**

WHEREAS, Distribution Realty Group (“Owner”) and ARCO/Murray (“Applicant”) filed an application for Rezoning from C – 4 Regional PUD Commercial District to I – 2 Light Industrial District, Municipal Code Sections 10 – 7D and 10 – 9B; and Variance, Truck Loading Dock Width, Municipal Code Section 10 – 11 – 12D – 1a of the Village of Bensenville Zoning Ordinance (“Zoning Ordinance”); and Plat of Consolidation; and Site Plan Review for the property located at 220 North York Road, 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 Rezoning, Variance, Plat of Consolidation and Site Plan sought by the Applicant was published in the Bensenville Independent on Thursday, November 16, 2017 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 December 5, 2017 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 Rezoning and, thereafter, voted unanimously (6 - 0) to recommend approval of the request, and forwarded its recommendations, including the Staff Report and findings relative to the Rezoning, Variance, Plat of Consolidation and Site Plan, to the Committee Of the Whole, which concurred in the recommendation made therein, as are attached hereto and incorporated herein by reference as Exhibit "B"; and

WHEREAS, on December 12, 2017 the Committee Of the Whole 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 Rezoning, Variance, Plat of Consolidation and Site Plan as recommended by the Community Development Commission to allow the Rezoning, Variance, Plat of Consolidation and Site Plan 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 Staff Report and Recommendation to approve the Rezoning, Variance, Plat of Consolidation and Site Plan sought, as allowed by the Zoning Ordinance, Sections 10 – 7D and 10 – 9B; and Section 10 – 11 – 12D – 1a, 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 Rezoning is proper and necessary.

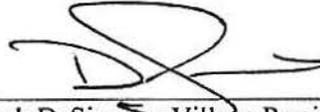
SECTION THREE: That the Rezoning from C – 4 Regional PUD Commercial District to I – 2 Light Industrial District, Variance to allow a reduction in Truck Loading Dock Width, Plat of Consolidation, and Site Plan as sought by the Applicant of the Subject Property is hereby granted.

SECTION FOUR: That all requirements of the Zoning Ordinance shall be applicable except as allowed by the rezoning granted herein.

SECTION FIVE: 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.

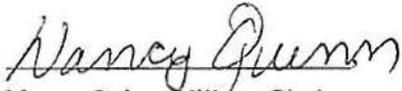
SECTION SIX: This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, this 12th day of December 2017.



Frank DeSimone, Village President

ATTEST:



Nancy Quinn, Village Clerk

AYES: Carmona, Franz, Jaworska, Lomax, Panicola, Perez

NAYES: None

ABSENT: None

Ordinance # 67- 2017
Exhibit "A"

The Legal Description is as follows:

LOT 1, (EXCEPT THE EAST 17 FEET THEREOF), LOTS 2 THRU 17, (INCLUSIVE), LOTS 18 AND 19 (EXCEPT THE EAST 17 FEET THEREOF), LOTS 20 THRU 27, (INCLUSIVE), IN BENSENVILLE GARDENS, BEING A RESUBDIVISION OF LOT 1 IN C.A. FRANZEN'S SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 10, 1924 AS DOCUMENT NUMBER 178806, IN DUPAGE COUNTY, ILLINOIS, TOGETHER WITH ALL OF THE 60 FEET ROADWAY KNOWN AS BROOKWOOD STREET, LYING WEST OF THE WEST LINE OF THE EAST 17 FEET OF THE SAID LOTS 1 AND 18 AND EAST OF THE WEST LINE OF SAID LOT 9 AS EXTENDED SOUTH;

ALSO, ALL OF THE 30 FEET ROADWAY RECORDED AS ADDISON STREET, LYING SOUTH OF THE NORTH LINE OF SAID LOT 10 AS EXTENDED WEST AND NORTH OF THE SOUTH LINE OF SAID LOT 27 AS EXTENDED WEST;

ALSO, ALL OF THE 30 FEET ROADWAY KNOWN AS PLEASANT STREET LYING WEST OF THE WEST LINE OF THE EAST 17 FEET OF LOT 19 AS EXTENDED SOUTH AND EAST OF THE WEST LINE OF BENSENVILLE GARDENS, BEING A RESUBDIVISION OF LOT 1 IN C.A. FRANZEN'S SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 10, 1924 AS DOCUMENT NUMBER 178806, IN DUPAGE COUNTY, ILLINOIS;

ALSO, ALL OF THE 33 FEET ROADWAY KNOWN AS PLEASANT STREET, LYING WEST OF THE WEST LINE OF THE EAST 17 FEET OF LOT 1, AS EXTENDED NORTH, AND EAST OF THE WEST LINE OF LOT 4, AS EXTENDED NORTH, IN LANDMEIR'S DIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 10, 1950 AS DOCUMENT NUMBER 600863, IN DUPAGE COUNTY, ILLINOIS;

ALSO, THE NORTH 33 FEET OF LOTS 3 AND 4 IN C.A. FRANZEN'S SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 11, 1919 AS DOCUMENT NUMBER 139197, ALL IN DUPAGE COUNTY, ILLINOIS

PROPERTY INDEX NUMBERS:

0314208004, 0314208019, 0314208007, 0314208008, 0314205067, 0314207020, 0314207013,
0314207014, 0314207015, 0314207011, 0314207012, 0314208010, 0314208001, 0314207009,
0314207010, 0314207008, 0314208017, 0314208018, 0314208009, 0314208015, 0314208016,
0314205032, 0314208006, 0314208003, 0314208002, 0314208011, 0314208012, 0314208013,
0314209006, AND 0314209033.

Commonly known as 220 North York Road, Bensenville, IL 60106.

Ordinance # 67 - 2017
Exhibit "B"
Findings of Fact

Mr. Pozsgay reviewed the approval criteria for rezoning consisting of:

1. Support for Classification

a. Compatible with Use or Zoning

The uses permitted under the proposed district are compatible with existing uses or existing Zoning of property in the environs.

b. Supported by the Trend of Development

The trend of development in the general area since the original zoning was established supports the proposed classification.

c. Consistent with Village Plans

The proposed classification is in harmony with objectives of the General Development Plan and other applicable Village plans as reviewed in light of any changed conditions since their adoption.

Response: The sites immediately to the north of the proposed development are zoned I-2, the same as the proposed classification of this site. The rezoning of this site would result in contiguous I-2 zoning through this site.

2. Furthers the Public Interest

The proposed zoning classification promotes the public interest. It does not solely further the interest of the applicant.

Response: The proposed zoning promotes public interest. The current state of the site is a conglomerate of run-down residential and commercial properties. The proposed development will have an aesthetically pleasing façade facing York Road to the east.

3. Public Services Available

Adequate public services – such as water supply, sewage disposal, fire protection, and street capacity are anticipated to be available to support the proposed classification by anticipated date of issuance of a Certificate of Occupancy.

Response: Per conversations with Village Engineering and Public Works, there are adequate utilities (sewer/water) available on the west side of York Road.

Mr. Pozsgay reviewed the approval criteria for the requested variances 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.

Response: Two (2) similar industrial buildings have recently been developed in Bensenville that were granted variances on the loading dock stall width. One building is the Geib Industries building at 901 E Jefferson Street, and the other is the Liberty building currently being developed at 350 N York Road. Both of these buildings are conventional warehouse/distribution centers, similar to our proposed building, with 12' wide truck dock stall widths.

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.

Response: A 14' wide truck loading stall is not practical for a couple of different reasons. First, the maximum width of a precast panel is 12'. If a panel is over 12' wide, the truck transporting that panel must apply for and receive special road permits to transport the panel to the site. If the loading stall width were to be 14', our precast panels along the dock side of the building would have to be 14' wide, and thus cause issues with permitting the panel transportation. Second, the Chicagoland industry standard truck stall width is 12'. This allows for the maximization of the number of dock positions that will fit along the length of the building, and provides the most flexibility for the tenant's dock position needs.

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.

Response: This variance relates directly to the dimensions of the truck stall width on the building.

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.

Response: The applicant has not yet taken any action as it relates to the matter at hand. Construction of the facility has not begun.

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.

Response: As stated above, the (2) other industrial developments above have 12' wide truck stalls. As such, the granting of this variance will not result in this property having a special privilege.

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.

Response: This variance is necessary because an industrial building containing truck dock stalls that are 14' wide is not marketable. All industrial facilities in the Chicagoland area have truck stall widths of 12'.

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.

Response: This variance has no impact on environmental quality, property values, public safety, or public welfare.

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.

Response: Granting this variance will not disrupt the intent of the Village Ordinance in any way, as no other section of the code relates to the truck stall width.

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.

Response: Since a 12' wide truck stall is industry standard, it is the minimum required variance in order to provide this property with relief from undue hardship and/or practical difficulties.

Mr. Pozsgay stated Staff recommends the approval of the findings of fact as they appear above and therefor recommend approval of the requests with the following conditions:

1. The site plan, floor plan and elevations be in substantial compliance of the plans dated 10.30.17 by GMA Architects; and
2. Final detention calculations shall be prepared as required by the DuPage County Stormwater and Floodplain Ordinance (DCSFO effective April 2013) and submitted to the Village for approval; and
3. Applicant to install a 10-foot wide ADA complaint HMA bike path along the York Rd frontage of this site as part of this development; and
4. Applicant to work with staff on the design of the York Road façade; and
5. The final signage plan shall be subject to staff review upon final permitting; and
6. The final landscape plan shall be subject to staff review upon final permitting.

There were no questions from the Commissioners.

Motion: Commissioner Moruzzi made a motion to close CDC Case No. 2017-29. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, Moruzzi, Marcotte, King

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed the Public Hearing at 6:46 p.m.

Motion: Commissioner King made a combined motion to approve the Findings of Fact for CDC Case no. 2017-29 as presented by Staff and to approve the

Rezoning from C – 4 Regional PUD Commercial District to I – 2 Light Industrial District, Municipal Code Sections 10 – 7D and 10 – 9B with Staff’s recommendations. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, Moruzzi, Marcotte, King

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case no. 2017-29 as presented by Staff and to approve the Variance, Truck Loading Dock Width, Municipal Code Section 10 – 11 – 12D – 1a with Staff’s recommendations. Commissioner Moruzzi seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, Moruzzi, Marcotte, King

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case no. 2017-29 as presented by Staff and to approve the Preliminary & Final Plat of Consolidation with Staff’s recommendations. Commissioner King seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, Moruzzi, Marcotte, King

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Marcotte made a combined motion to approve the Findings of Fact for CDC Case no. 2017-29 as presented by Staff and to approve the Site Plan Review with Staff’s recommendations. Commissioner Moruzzi seconded the motion.

ROLL CALL: Ayes: Rowe, Ciula, Czarnecki, Moruzzi, Marcotte, King

Nays: None

All were in favor. Motion carried.

Ronald Rowe, Chairman
Community Development Commission

CDC#2017 - 29 220 N York Rd
Village of Bensenville
Rezoning, Site Plan Review, Plat of Consolidation,
and Variance, Truck dock Width from 14' to 12'

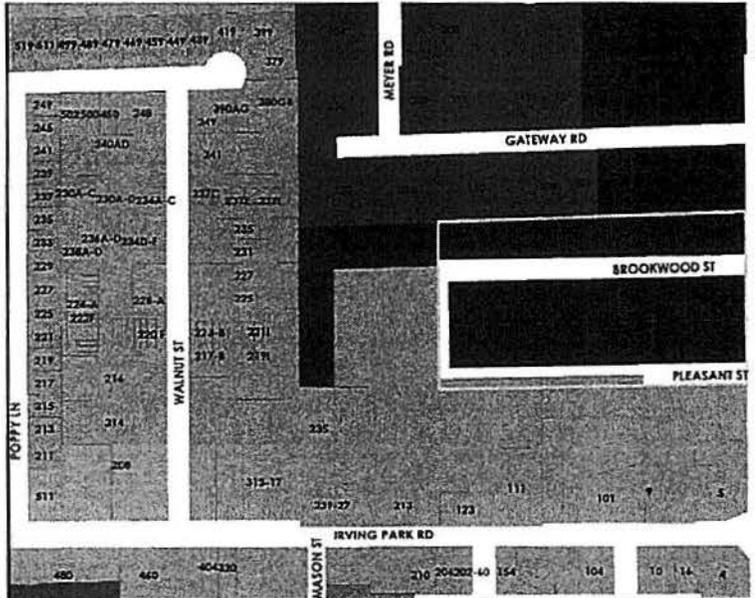


Village of Bensenville

220 N York



Date: 11/14/2017



Bensenville Zoning	
[Symbol]	RS-1 Low Density Single Family
[Symbol]	RS-2 Medium Low Density Single Family
[Symbol]	RS-3 Medium High Density Single Family
[Symbol]	RS-4 Medium High Density Single Family
[Symbol]	RS-5 High Density Single Family
[Symbol]	RS-6 High Density Traditional Single Family
[Symbol]	RA-1 Mixed Single Family
[Symbol]	RA-2 High Density Single Family
[Symbol]	RM-1 Low Density Multi-Family
[Symbol]	RM-2 Medium Density Multi-Family
[Symbol]	RM-3 High Density Multi-Family
[Symbol]	C-1 Neighbored Commercial
[Symbol]	C-2 Neighbored Mixed Use
[Symbol]	C-3 Planned P.U.C. Commercial
[Symbol]	D-1 Neighbored Office
[Symbol]	O-2 Office Center
[Symbol]	I-1 Office/Professional/Institutional
[Symbol]	L-1 Light Industrial
[Symbol]	L-2 Heavy Industrial
[Symbol]	A-1 General Industrial

Village of Bensenville
Department of Community and Economic Development
12 S. Center Street, Bensenville, IL 60106
Phone: 630.350.3413 Fax: 630.350.3449

CERTIFICATE OF COMPLETION

**NON-RESIDENTIAL
NEW WAREHOUSE CONSTRUCTION**

Permit Number: 7997

DATE: 3-20-2019

This certifies that the permit issued by the Village of Bensenville to

ARCO MURRAY

220 N. York Road

Bensenville, IL 60106

has been completed satisfactorily.

BENSENVILLE
COMMUNITY & ECONOMIC
DEVELOPMENT

Scott R. Viger, AICP

Director, Community and Economic Development

Authorized Signature and Date

KEEP THIS CERTIFICATE WITH YOUR DEED AND OTHER VALUABLE DOCUMENTS