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Bensenville, IL 60106

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VILLAGE BOARD

June 22, 2021

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Mr. Ross Kroll
EPS Environmental Services, Inc.
7237 West Devon Avenue
Chicago, Illinois 60631

Re: June 18, 2021 FOIA Request

Dear Mr. Kroll:

I am pleased to help you with your June 18, 2021 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on June 18, 2021. You requested copies of the items indicated below:

"Please see the attached request for the Property located at 5 West Irving Park Road."

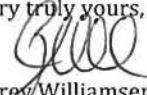
After a search of Village files, the following information was found responsive to your request:

- 1) Village of Bensenville Permits Issued to 5 West Irving Park Road Since January 1, 2010. (1 pg.)
- 2) Village of Bensenville Ordinance No. 22-2005. (6 pgs.)
- 3) Village of Bensenville Ordinance No. 53-2007. (2 pgs.)
- 4) Village of Bensenville Ordinance No. 61-2007. (2 pgs.)

These are all the records found responsive to your request.

In regards underground/aboveground storage tanks and hazardous materials; please check with the Illinois Fire Marshal's Office to conduct a search of their files.

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

According to the Freedom of Information Act, and as required by ASTM Standard Practice E 1527-13 for environmental site assessments, EPS Environmental Services, Inc. requests to obtain information from the following Village/Town/City department(s) in order to ascertain the *historical uses* and/or occupancy of the following property, to determine if any may have had an environmental impact:

5 West Irving Park Road in Bensenville

PIN: 03-14-209-044

From the Building Department (or similar) –

Any records reflecting the permission to construct, alter or demolish improvements on the Property, and which indicate the **Property's original development** and/or past usage history. Additionally, any records with **environmentally significant information**, such as the **installation or removal of underground storage tanks**, or records of complaints, inspections or permits reflecting air emissions, noise, asbestos or hazardous materials. Certificates of Occupancy.

From the Zoning Department –

The current zoning restrictions; and if available, the historical zoning restrictions on the Property, (i.e., the zoning designation(s) and brief definition(s) only, not the entire ordinance) to determine if the Property's use has changed significantly.

From the Fire Department (Fire Prevention Bureau) –

Any records or inspections on file reflecting the current or previous **storage or use** of hazardous substances or petroleum products, including the **current or historical presence of underground storage tanks** (e.g., **installation, inspection, or removal records**) on the Property, and additionally, any records with **environmentally significant information**, such as hazardous material incidents at or near the Property.

From the Water Department -

Records for any potable or groundwater-monitoring wells located on the Property.

From the Sewer Department -

Records of any septic systems located on the Property.

Please forward to the appropriate departments.

Your time and attention to this request are most appreciated.

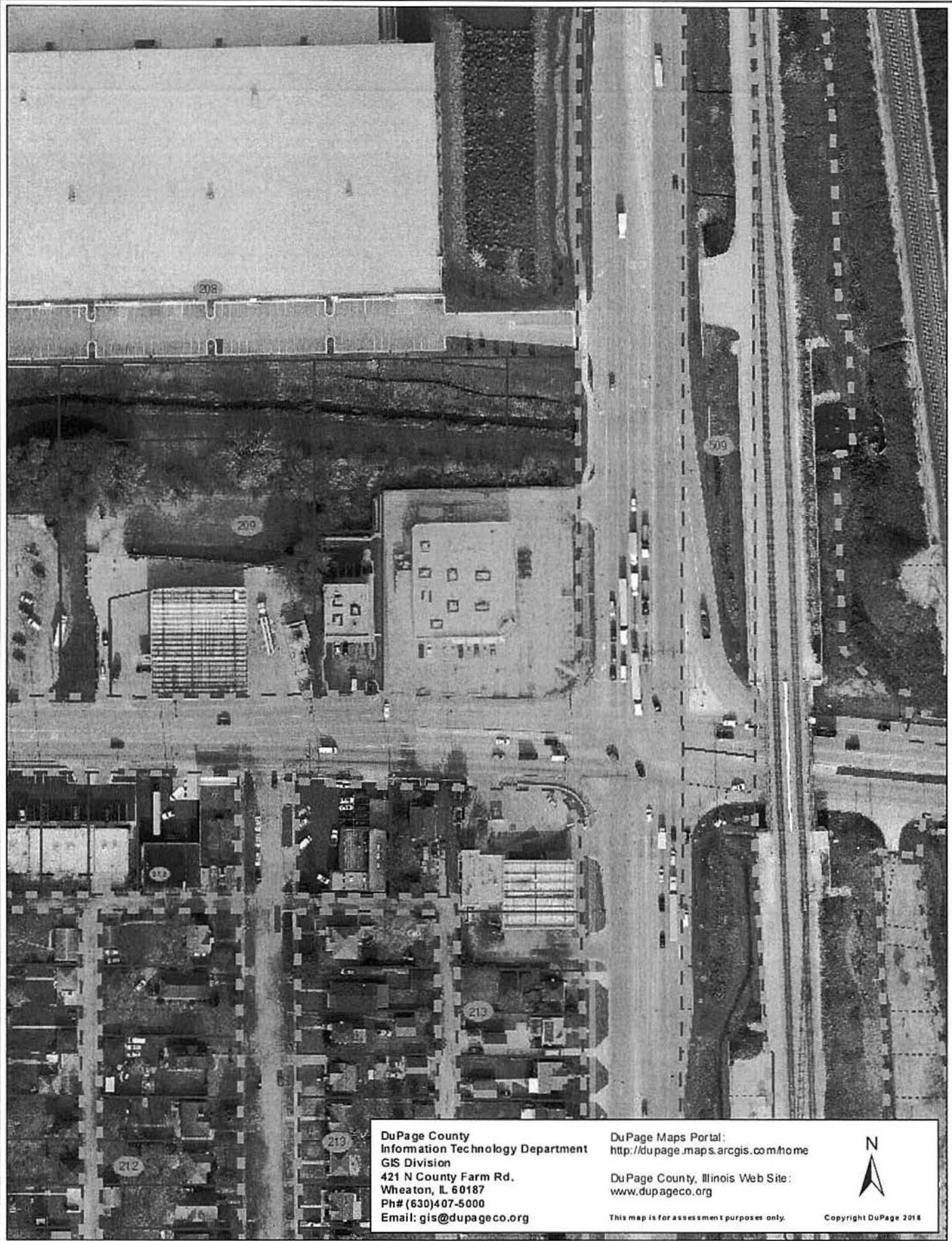
Thank you,



Ross Kroll
EPS Environmental Services, Inc.
7237 West Devon Avenue
Chicago, Illinois 60631
Fax #773.792.3091
Phone #773.792.3090

5 West Irving Park Road

DuPage Web Mapping Application - DuPage County, Illinois



DuPage County
Information Technology Department
GIS Division
421 N County Farm Rd.
Wheaton, IL 60187
Ph# (630)407-5000
Email: gis@dupageco.org

DuPage Maps Portal:
<http://dupage.maps.arcgis.com/home>

DuPage County, Illinois Web Site:
www.dupageco.org

This map is for assessment purposes only.



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Location	Owner	App Status	User Status	Application Recv'd	Project/Activity Desc Line 2
5 IRVING PARK	WALGREENS #09024	WITHDRAWN	CANCELLED	11/08/2010	ELECTRICAL BOX
5 IRVING PARK	WALGREENS #09024	EXPIRED	CLOSED BY INSPECTOR	03/09/2011	REDBOX

ORDINANCE NO. 22-2005

**AUTHORIZING WALGREENS
YORK AND IRVING PARK ROADS, BENSENVILLE
CONDITIONAL USE - PLANNED UNIT DEVELOPMENT (PRELIMINARY/FINAL)
SIGNAGE VARIANCES
(CDC CASE NO. 011005-3)**

WHEREAS, the subject property is zoned C-2, Highway Commercial.

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

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.

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.

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.

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.

WHEREAS the subject property includes approximately 1.76 acres and, therefore, is in compliance with the minimum one acre size requirement generally applicable to a planned unit development ("PUD").

WHEREAS the subject property, as developed herein, shall contain two (2) detached principal use buildings, one such building shall contain approximately 14,820 square feet and the second such building shall contain approximately 3,000 square feet.

WHEREAS the subject property is under the same ownership or control.

WHEREAS 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. Through the flexibility provided by the PUD, the Petitioner has designed a more efficient redevelopment for commercial property which is currently under-utilized and providing marginal economical benefit to the Village. The construction of two commercial buildings with shared access and integrated engineering design will serve to promote the effective economic development of the subject property and enable the Petitioner to more effectively address the unique development constraints which currently affect the property in the form of special management areas.

WHEREAS the PUD meets the requirements for planned unit developments set forth in applicable codes and ordinances, and no modifications to the use and design standards otherwise applicable are allowed other than those permitted herein. Except as otherwise approved herein, the PUD will comply with applicable codes and ordinances of the Village.

WHEREAS 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 in compliance with and in furtherance of the Village's General Development Plan and will provide for the enhanced commercial development of the subject property as approved herein.

WHEREAS the PUD will not be detrimental to the public health, safety or general welfare. The PUD is designed and will be constructed in conformity with current building code requirements providing for a safe and inviting shopping experience. The shared access design will promote safe and efficient access on adjacent streets. The improved tax revenues which will be generated by the PUD will benefit the Village and its residents. As such, the PUD will not be detrimental to the health, safety or general welfare.

WHEREAS 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 surrounding neighborhood is zoned and utilized for commercial uses. The subject property has existing commercial structures located on it which do not provide the optimum benefit or impact on adjacent properties. The redevelopment of the subject property pursuant to the proposed PUD will improve the look and value of the subject property and provide a positive impact on adjacent properties.

WHEREAS 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, if any. The Petitioner has designed the PUD to address the impact of wetland and flood plain located on the northerly portion of the property in an effective manner which balances the objectives of enhanced economic development and the protection of special management areas.

WHEREAS streets, sidewalks, pedestrianways, bicycle paths and off-street parking and loading, if any, are provided as appropriate to planned land uses. They are adequate in location, size, capacity, efficiency, safety and design. The PUD has been designed to provide appropriate public walks, pedestrian access and safe ingress and egress on public streets. The onsite vehicle circulation plan complies with applicable ordinances of the Village.

WHEREAS the quality and quantity of common open spaces and landscaping provided are consistent with the higher standards of design and amenity required of a PUD, and the same are adequate and sufficient as approved herein. The PUD will enhance offsite open space located north of the subject property and provide onsite landscaping to enhance the aesthetic appearance of the development.

WHEREAS adequate provision has been made 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; and (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 be subjected to appropriate covenants and easements which will provide for shared access, care and maintenance of open spaces, drives, parking areas, and storm water management facilities. Exterior design of buildings will conform to the PUD plans and be subject to enforcement pursuant to covenants recorded against the land.

WHEREAS the land uses, intensities and phasing, if any, of the PUD are consistent with the anticipated ability of the Village and other public bodies to provide and economically support public safety, water supply, sewage disposal, schools and other public facilities and services without placing undue burden on existing residents and businesses. The Village currently provides public utilities to the subject property. There exists adequate line and service capacity to provide said utilities to the property when redeveloped pursuant to the PUD. The PUD will provide enhanced revenue to the Village and other taxing districts and will support police and fire protection and other public services.

WHEREAS each development phase of the PUD can, together with any phases that preceded it, if any, exist as an independent unit that meets all of the conditions required herein and all other applicable regulations even if no subsequent phase should ever be completed. The PUD is expected to be developed in a single phase, providing for all improvements to be constructed pursuant to the approved PUD plans.

WHEREAS, due to special conditions not shared by similar properties, the literal application of applicable provisions of the Village's Sign Ordinance would cause hardship or practical difficulties.

WHEREAS, literal conformance with applicable provisions of the Village's Sign Ordinance would be detrimental to the creation of sign display(s) of unusual and outstanding

design quality.

WHEREAS the signage variances authorized are the minimum variances necessary to overcome the hardship or practical difficulties or to achieve outstanding design quality.

WHEREAS the signage as approved herein displays general conformance, to the extent practical and desirable, with applicable ordinance design guidelines.

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 (the "Property") is legally described as follows:

SEE LEGAL DESCRIPTION(S), COMMON STREET ADDRESSES AND P.I.N.'S ATTACHED HERETO

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

SECTION THREE: That a Conditional Use for Planned Unit Development is hereby approved for the Property, subject to those conditions as contained herein. Further, that the Planned Unit Development Plat (Preliminary and Final) dated *[December 15, 2004]* for the Property, attached hereto as Exhibit A and made a part hereof, is hereby approved, and the Village President is authorized to execute and the Village Clerk to attest the same, all subject to the following conditions, which conditions shall be included as part of the PUD Plat to be recorded and shall be binding upon the Petitioner(s), their heirs, successors and assigns, and shall run with the land:

1. No building permit or certificate of occupancy shall be issued for any structure within the PUD unless (a) the application therefor conforms to the final PUD plan approved herein, or (2) the application conforms to the otherwise applicable zoning, subdivision and sign regulations, if any, and is also consistent with the approved final PUD plan, or (3) an amendment to the approved final PUD plan conforming to the application is approved pursuant to applicable provisions of the Village of Bensenville Zoning Ordinance.
2. The developer shall obtain and comply with all required permit approvals for the subject development.
3. The Exterior Elevations, Details and Sign Data (Retail Outlot) (Drawing No. A2.1) prepared by Camburas & Theodore, Ltd. and bearing date 08/27/2004 (with most recent revision date of 12/16/04), attached hereto as Exhibit 1 and made

a part hereof, is hereby approved for this development and shall be developed as so approved.

4. The Exterior Elevations, Details and Sign Data (Walgreens) (Drawing No. A2.1) prepared by Camburas & Theodore, Ltd. and bearing date 08/03/2004 (with most recent revision date of 12/16/04), attached hereto as Exhibit 2 and made a part hereof, is hereby approved for this development and shall be developed as so approved *[monument sign must be revised down to 8']*.

5. The Site Plan (Drawing No. A.01) prepared by Camburas & Theodore, Ltd. and bearing date 08/03/2004, attached hereto as Exhibit 3 and made a part hereof, is hereby approved for this development and shall be developed as so approved.

6. The Site Photometric Plan (Drawing No. E0.1A) prepared by Camburas & Theodore, Ltd. and bearing date 08/03/2004, attached hereto as Exhibit 4 and made a part hereof, is hereby approved for this development and shall be developed as so approved.

7. The Landscape Plan (Project No. 04-030) prepared by Compass Consulting Group, Ltd. and bearing date Dec. 15, 2004, attached hereto as Exhibit 5 and made a part hereof, is hereby approved for this development and shall be developed as so approved.

8. The Petitioner shall complete the Village Engineer review process for drainage and/or stormwater management requirements and the accommodation of public utilities where applicable.

9. There shall be no additions, subtractions, deviations, amendments, substitutions or any other change(s) to any of the approved plans and specifications approved herein without the prior written consent/approval of the Village corporate authorities.

SECTION FOUR: That the following Variances as to signage are hereby approved and granted:

1. To allow monument signs with an unobstructed, clear zone between 2'6" and 6'9" above grade (same exceeding the otherwise 2'6" by 8' limitation).
2. To allow two monument signs on a single zoning lot (same exceeding the otherwise one monument sign per single zoning lot limitation).
3. To allow the total aggregate monument gross sign area of 86.25 square feet

(same exceeding the otherwise maximum 50 square feet).

4. To allow a maximum sign area for a changeable copy menu board of 42.5 square feet (same exceeding the otherwise maximum 16 square feet).
5. To allow a menu board to be located outside of a side or rear yard (same exceeding the otherwise applicable limitation that menu boards be placed either as a wall sign or as a freestanding sign in side or rear yards).
6. To allow a 175 square foot wall sign area on the eastern elevation of the Walgreens structure (same exceeding the otherwise applicable limitation of 1 1/2 square foot of sign area per one lineal foot of street frontage).

SECTION FIVE: That the request for a variance to allow a maximum height for monument signs of 16' above grade is hereby denied.

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

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 19th day of April, 2005.



John C. Geils, Village President

ATTEST:



Roxanne L. Mitchell

AYES: Adamowski, Caira, Tralewski, Walberg
NAYS: None
ABSTAIN: Basso
ABSENT: Mandziara
Published in Pamphlet Form

ORDINANCE NUMBER 53-2007

AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A
POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF
POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD
WITHIN THE BOUNDARIES OF 5 W. IRVING PARK ROAD.

WHEREAS, certain properties in the Village of Bensenville, Illinois ("Village") have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the Village may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the Village desires to facilitate the redevelopment and productive use of properties that are the source of said chemical constituents while limiting potential threats to human health from groundwater contamination;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BENENVILLE, COOK AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION 1: Use of groundwater as a potable water supply prohibited.

Except for such uses or methods in existence before the effective date of this ordinance, the use or attempt to use as a potable water supply groundwater in the area within the boundaries of Bensenville Commons Subdivision as depicted in Exhibit "A" attached hereto and made a part hereof by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition applies to governmental bodies, including the Village of Bensenville.

SECTION 2: Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$750.00 for each violation.

SECTION 3: Definitions.

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

"Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

SECTION 4: Repealer.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed insofar as they are in conflict with this Ordinance.

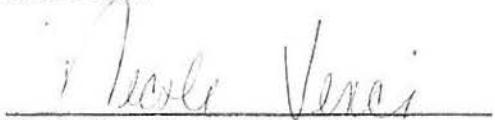
SECTION 5: Severability.

If any provision of this Ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the Ordinance as a whole or of any portion not adjudged invalid.

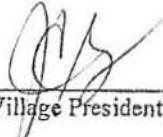
SECTION 6: Effective Date.

That this Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

ADOPTED:


Nicole Vinci, Deputy Village Clerk

APPROVED:


John C. Geils, Village President

Officially published this 22 day of October, 2007.

AYES: ADAMOWSKI, JOHNSON, MANDZIARA, WILLIAMS

NAYS: NONE

ABSENT: TRALEWSKI

ORDINANCE NUMBER 61-2007

AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A
POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF
POTABLE WATER SUPPLY WELLS OR BY ANY OTHER METHOD
IN AND AROUND THE AREA OF 5 W. IRVING PARK ROAD.

WHEREAS, certain properties in the Village of Bensenville, Illinois ("Village") have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the Village may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 residential remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the Village desires to facilitate the redevelopment and productive use of properties that are the source of said chemical constituents while limiting potential threats to human health from groundwater contamination;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF BENSENVILLE, COOK AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION 1: Use of groundwater as a potable water supply prohibited.

Except for such uses or methods in existence before the effective date of this ordinance, the use or attempt to use as a potable water supply groundwater in and around the area of 5 West Irving Park Road as depicted in Exhibit "A" attached hereto and made a part hereof by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition applies to governmental bodies, including the Village of Bensenville.

SECTION 2: Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of up to \$750.00 for each violation.

SECTION 3: Definitions.

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

"Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

SECTION 4: Repealer.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed insofar as they are in conflict with this Ordinance. This ordinance repeals ordinance No. 53-2007.

SECTION 5: Severability.

If any provision of this Ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the Ordinance as a whole or of any portion not adjudged invalid.

SECTION 6: Effective Date.

That this Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

ADOPTED: November 20, 2007

APPROVED: November 20, 2007

Nicole Vinci, Deputy Village Clerk

John C. Geils, Village President

Officially published this 21st day of November , 2007.

AYES: ADAMOWSKI, JOHNSON, MANDZIARA, TRALEWSKI, WILLIAMS

NAYS: NONE

PRESENT NONE

ABSENT: _____