



12 South Center Street
Bensenville, IL 60106

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February 22, 2023

Mr. Vince English

181 South Center Street

Bensenville, Illinois 60106

Re: February 17, 2023 FOIA Request

Dear Mr. English:

I am pleased to help you with your February 17, 2023 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on February 17, 2023. You requested copies of the items indicated below:

"Copy of Planned Unit Development for Geils Funeral Home located at 180 South York Road."

Your FOIA Request is hereby granted in full with the enclosed records. No redaction have been made.

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 SOUTH CENTER STREET
BENSENVILLE, ILLINOIS 60106**

ORDINANCE NO. 7-2005

**AUTHORIZING GEILS PLANNED UNIT DEVELOPMENT
180 S. YORK ROAD, BENSENVILLE
CONDITIONAL USE - PLANNED UNIT DEVELOPMENT (PRELIMINARY/FINAL)
(CDC Case No. 011005-2)**

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 1st DAY OF MARCH, 2005**

**Published in pamphlet form by authority of the President and Board of Trustees
of the Village of Bensenville, DuPage and Cook Counties, Illinois this 2nd day of
March, 2005.**



VILLAGE OF BENSENVILLE

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

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

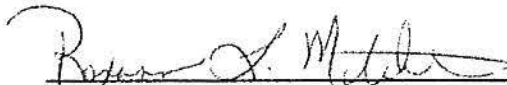
CERTIFICATE

I, Roxanne L. Mitchell, certify that I am the duly qualified Village Clerk of the Village of Bensenville, DuPage and Cook Counties, Illinois.


I further certify that on March 1, 2005 the Corporate Authorities of such municipality passed and approved **7-2005**, entitled **Authorizing Geils Planned Unit Development, 180 S. York Road, Bensenville, Conditional Use - Planned Unit Development (Preliminary/Final) (CDC Case No. 011005-2)**, which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 7-2005, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the Village Hall, commencing on March 2, 2005, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Municipal Clerk.

Dated at Bensenville, Illinois, this 2nd day of March, 2005.


Roxanne L. Mitchell
Village Clerk

By:


Lynn D. Dubman
Deputy Village Clerk

SEAL

ORDINANCE NO. 7-2005

**AUTHORIZING GEILS PLANNED UNIT DEVELOPMENT
180 S. YORK ROAD, BENSENVILLE
CONDITIONAL USE - PLANNED UNIT DEVELOPMENT (PRELIMINARY/FINAL)
(CDC CASE NO. 011005-2)**

WHEREAS any adverse impact of types or volumes of traffic flow not otherwise typical of permitted uses in the zoning district has been minimized. In that mortuaries can generate significant traffic, they are most appropriately located on major thoroughfares. The location of the mortuary on York Road, a major north-south arterial, is appropriate and desirable. The large parking lot also provides stacking space for vehicles participating in funeral processions from the site. Since the use is not proposed to be expanded, additional traffic should not be generated.

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. The existing mortuary use (which does not include a crematory) does not generate adverse environmental effects. The location and size of buildings on the site provide sufficient separation from adjoining residential uses such that they do not block light or air flow on surrounding properties. Waste disposal, if any, has not created problems for surrounding residential properties or the Village in the past. Waste disposal, if any, is handled on the site in accordance with all applicable laws and regulations for this type of use.

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. The 1930's Tudor-style architecture of the building makes it a distinctive and historically significant building in Bensenville. While a mortuary is a commercial use, the residential design and orientation of the principal building fronting on York Road is in scale and compatible with surrounding residential uses. An existing brick wall screens the parking lot from adjoining residential uses on the north and south, and an alley separates the site from the residential neighborhood to the west. Overall, the design and placement of the building and landscaping on the site enhances neighborhood character and the image of the Village as perceived by motorists traveling on York Road, a high-visibility corridor in Bensenville.

WHEREAS the proposed use will not require existing community facilities or services to a degree disproportionate to that normally expected of permitted uses in the district, nor generate disproportionate demand for new services or facilities in such a way as to place undue burdens upon existing development in the area. The mortuary use currently utilizes Village services. The existing operation has not placed a burden on the service needs of surrounding properties. Because no expansion is proposed, the mortuary should not generate greater demand for Village services, nor significantly exceed the demand of surrounding residential uses.

The subject property does not contain two (2) or more detached principal use buildings. The site has one principal building and an accessory garage. However, it is hereby found that the objectives of the Village Code provisions governing planned unit developments will be and are hereby declared to be served by suspending the general requirement that a planned unit development contain two (2) or more detached principal use buildings. The Village Code, Sec. 10-10-3 allows "flexibility to suspend requirements imposed by zoning and other regulations where the Village determines that the objectives of the PUD provisions will be served thereby."

The site also does not meet the zoning requirements for front and rear building setbacks, lot coverage, and garage height. However, the Village Code, Sec. 10-10-3 also states that "variations in a PUD from normally applicable requirements shall not be considered as variances and shall not be required to conform to approval criteria herein for variances."

Suspension of these requirements will accommodate the existing development that reflects quality design and appropriate location characteristics on a major arterial, and does not entail a request for additional exceptions or deviations. In addition, no new construction or improvements are proposed on the site as part of this request.

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 2004 Corridor Plan (which is an amendment to the General Development Plan) recommends mixed residential uses on York Road with limited office and commercial uses. The intent of the plan is to prevent new commercial and office uses from "sprawling" in an incongruous manner along the length of the corridor. However, the Village recognizes that there are some existing nonresidential uses located on York Road between Green Street and Belmont Avenue, and that maintenance of existing nonresidential uses that are compatible with surrounding residential uses is acceptable. In this way, the proposed PUD approval for the existing mortuary is generally consistent with the corridor plan.

WHEREAS the PUD will not be detrimental to the public health, safety or general welfare. The mortuary use has existed on this site for over 100 years, and throughout that time has adjoined residential uses. Historically, the use has not been detrimental to the public health, safety or welfare. Since no changes are proposed to the site, it is reasonable to conclude that the approval of the PUD as requested will not result in future detriment to the public health, safety or 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

location of the mortuary on York Road is appropriate because the roadway has the capacity to accommodate traffic generated by the use. Conversely, the residential character of this commercial building and its adherence to a traditional architectural style makes this use "fit in" with the surrounding residential uses. Residential uses have historically surrounded this property and the mortuary has not previously been injurious to their use or enjoyment. Therefore, it is reasonable to conclude that this mortuary can continue to co-exist with surrounding residential uses without impeding orderly redevelopment and/or continued use of these 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 site has no natural features and maintenance of the existing use will not impact any off-site natural features.

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 request does not entail any proposed changes with respect to parking, loading or access. The site meets the parking requirements for mortuaries and accessory residential uses. The traffic volume and function of York Road as a major road are suited to the mortuary use which can generate significant traffic during funeral processions. The large on-site parking lot also accommodates the stacking of vehicles during funeral processions, as well as the parking needs of this use. The two curb cuts on York Road are adequately spaced to minimize dangerous turn movements. The public sidewalk that runs along the York Road frontage provides pedestrian access to the site. The buildings and parking lot, as located, allow for adequate access for fire and garbage trucks and snow plowing equipment.

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 existing site does not include any common open space, however, it is not common for commercial uses of this size to provide usable common open space. However, the building placement on the site with the building located closer to the York Road frontage, permits the parking lots to the north and south and rear yard to provide adequate separation and buffering from adjoining residential uses. The landscaped areas in the front yard and around the building give the site an attractive appearance, as viewed from York Road. Since no new landscaping or other improvements are proposed, a landscape plan has not been submitted.

WHEREAS adequate provision has been made in the form of deed restrictions, covenants and a homeowners association 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; 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. Covenants are not necessary, as the property owner/operator of the mortuary maintains on-site improvements.

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. This use does not generate the need for Village police or fire protection in excess of surrounding residential uses. In addition, the mortuary use has no impact on the school system and the accessory dwelling unit could generate few, if any, students. The site is currently supplied with Village water and sewer service and has not placed undue burden on surrounding uses in the past. Since no change is proposed on the site, it is unlikely that there will be a need for additional 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. No additional development phases are proposed for the site. If major construction or additional development is proposed on this site in the future, the property owner would be required to request an amendment to the PUD.

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

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

Parcel 1: Lot Seven (7) in Schwardtfeger's Resubdivision of Block Twelve (12) in Brettman's Addition to Bensenville, being a Subdivision of part of the Southwest Quarter of Section Thirteen (13) and part of the Southeast Quarter of Section Fourteen (14), Township Forty North, Range Eleven, East of the Third Principal Meridian, according to the Plat of said Resubdivision, recorded January 8, 1906, in Book 6 of Plats, Page 18, as Document 86471, in DuPage County, Illinois.

Parcel 2: Lots 5 and 6 in Schwardtfeger's Resubdivision of Block Twelve (12) in Brettman's Addition to Bensenville, being a Subdivision of part of the Southwest Quarter of Section Thirteen (13) and part of the Southeast Quarter of Section Fourteen (14), Township Forty North, Range Eleven, East of the Third Principal Meridian, according to the Plat of said Resubdivision, recorded January 8, 1906, in Book 6 of Plats, Page 18, as Document 86471, in DuPage County, Illinois.

Parcel 3: Lot 4 in Schwardtfeger's Resubdivision of Block Twelve (12) in Brettman's Addition to Bensenville, being a Subdivision of part of the Southwest Quarter of Section Thirteen (13) and part of the Southeast Quarter of Section Fourteen (14), Township Forty North, Range Eleven, East of the Third Principal Meridian, according to the Plat of said Resubdivision, recorded January 8, 1906, in Book 6 of Plats, Page 18, as Document 86471, in DuPage County, Illinois.

Commonly known as 180 S. York Road, Bensenville, Illinois 60106

P.I.N.: 03-14-415-021 (Parcel 1)
03-14-415-020 (Parcels 2 and 3)

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 (allowing the continued use of the subject property as a mortuary (no crematory), accessory off-street parking, attached and detached garages, and accessory residences) is hereby approved. The Planned Unit Development Plat (Preliminary and Final) dated Nov. 4, 2004 for the subject property, attached hereto and made a part hereof, is hereby approved, and the Village President Pro Tem is authorized to execute and the Village Clerk to attest the same, which PUD Plat shall be recorded with the DuPage County Recorder.

SECTION FOUR: 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 1st day of March, 2005.

Marianne Tralewski
~~Ray Basso, Village President Pro Tem~~
Marianne Tralewski, President Pro-Tem

ATTEST:

Roxanne L. Mitchell
Roxanne L. Mitchell, Village Clerk

AYES: Adamowski, Basso, Cairra, Mandziara, Tralewski

NAYS: None

ABSTAIN: None

ABSENT: Geils, Walberg

RECUSED FROM ALL DISCUSSION AND VOTING: _____

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