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May 16, 2023

Mr. Peter Pazola

219 North Walnut Street #1
Bensenville, Illinois 60106

Re: May 15, 2023 FOIA Request

Dear Mr. Pazola:

I am pleased to help you with your May 15, 2023 Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on May 15, 2023. You requested copies of the items indicated below:

"Copy of Village Ordinance approving extension of the Warehouse located at 220 N York Rd, Bensenville, IL 60106."

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

- 1) Village of Bensenville Ordinance No. 29-2022. (14 pgs.)

These are all the records found responsive to your request.

Very truly yours,

Corey Williamsen
Freedom of Information Officer
Village of Bensenville

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

Ordinance No. 29-2022

**An Ordinance Granting Site Plan Review Approval and Variations to Construct an
Industrial Building Expansion at 220 N York Road, Bensenville, Illinois**

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 23rd DAY OF AUGUST 2022**

Published in pamphlet form by authority of the President and Board of Trustees of the Village of
Bensenville, DuPage and Cook Counties, Illinois this 24th day of August, 2022

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. 29-2022 entitled An Ordinance Granting Site Plan Review Approval and Variations to Construct an Industrial Building Expansion at 220 N York Road, Bensenville, Illinois.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and seal on this 24th day of August 2022.





Corey Williamsen
Deputy Village Clerk

ORDINANCE # 29-2022

**AN ORDINANCE GRANTING SITE PLAN REVIEW APPROVAL AND VARIATIONS
TO CONSTRUCT AN INDUSTRIAL BUILDING EXPANSION AT 220 N YORK ROAD,
BENSENVILLE, ILLINOIS**

WHEREAS, 110 Gateway LLC & Thompson Family Tr ("Owners") of 110 Gateway Road, Bensenville, IL 60106 and 215 W Irving Park Road, Bensenville, IL 60106, and Kevin Nowak (ARCO/Murray National Construction Co.) ("Applicant") of 113 N May Street, Second Floor, Chicago, IL 60607, filed an application for Site Plan Review, Municipal Code Section 10-3-2 of the Bensenville Village Zoning Ordinance ("Zoning Ordinance"), Variation, Maximum Number of Loading Spaces, Municipal Code Section 10-8-11B-2 of the Bensenville Village Zoning Ordinance ("Zoning Ordinance"), Variation, Tree Replacement Standards, Municipal Code Section 10-9-2B of the Bensenville Village Zoning Ordinance ("Zoning Ordinance"), Variation, Pedestrian Circulation Systems, Municipal Code Section 10-8-7 of the Bensenville Village Zoning Ordinance ("Zoning Ordinance"), for the property located at 220 N 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 Site Plan Review and Variations sought by the Applicant was published in the Daily Herald on Thursday, July 14, 2022 by the Village of Bensenville, and notice was also given via posting of a Public Hearing Sign on the Subject Property on Friday, July 15, 2022, and via First Class mail to taxpayers of record within 250 feet of the Subject Property on Thursday, July 14, 2022, 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 August 2, 2022, as required by the statutes of the State of Illinois and the ordinances of the Village; and

WHEREAS, on August 2, 2022, after hearing the application, the Community Development Commission agreed with the findings of fact submitted by the Applicant, and thereafter, voted unanimously (5-0) to recommend approval with conditions of Site Plan Review, Municipal Code Section 10-3-2, Variation, Maximum Number of Loading Spaces, Municipal Code Section 10-8-11B-2, Variation, Tree Replacement Standards, Municipal Code Section 10-9-2B, Variation, Pedestrian Circulation Systems, Municipal Code Section 10-8-7, and forwarded its recommendations, including the Staff Report and findings relative to the request, to the Village Board Committee of the Whole, which concurred with the recommendations made therein, as are attached hereto and incorporated herein by reference as Exhibit "B"; and

WHEREAS, On August 16, 2022, the Village Board 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, On August 16, 2022, the President and Board of Village Trustees have reviewed the matter herein and have determined that approval with conditions of the requested Site Plan Review, Municipal Code Section 10-3-2, Variation, Maximum Number of Loading Spaces, Municipal Code Section 10-8-11B-2, Variation, Tree Replacement Standards, Municipal Code Section 10-9-2B, Variation, Pedestrian Circulation Systems, Municipal Code Section 10-8-7, 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 1. That the forgoing recitals are hereby incorporated by reference as if fully set forth herein.

Section 2. That the Subject Property is currently zoned under the Zoning Ordinance as I-2 General Industrial District, which zoning classification shall remain in effect subject to the Site Plan Review and Variations approved herein.

Section 3. That the Staff Report and Recommendations for the Site Plan and Variations sought by the Applicant, as allowed by the Zoning Ordinance, Sections 10-3-2, 10-8-11B-2, 10-9-2B, and 10-8-7, 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 Site Plan, Variation, Maximum Number of Loading Spaces, Variation, Tree Replacement Standards, and Variation, Pedestrian Circulation Systems, are proper and necessary.

Section 4. That the Site Plan, Municipal Code Section 10-3-2, as sought by the Applicant of the subject property, is hereby approved with the following conditions:

- 1) Site Plan Review approval shall be subject to the site plan in relation to the variations approved herein. All other elements of the site plan must adhere to Village Zoning Ordinance Requirements prior to issuance of final permit;
- 2) The rear (west) buffer yard fence must be 10' high opaque fencing;
- 3) DuPage County Stormwater Management Certification required;
- 4) Applicant must provide information regarding stormwater discharge to Silver Creek;
- 5) A Plat of Consolidation is required;

- 6) Applicant must coordinate with Fire Marshal regarding fire related concerns within the site prior to permit approval.

Section 5. That the Variation, Maximum Number of Loading Spaces, Municipal Code Section 10-8-1B-2, as sought by the Applicant of the Subject Property, is hereby approved.

Section 6. That the Variation, Tree Replacement Standards, Municipal Code Section 10-9-2B, as sought by the Applicant of the Subject Property, is hereby approved with the following conditions:

- 1) Tree replacement rates must be met. If tree replacement rates cannot be met then a fee-in-lieu will need to be provided to the Village of Bensenville.

Section 7. That the Variation, Pedestrian Circulation Systems, Municipal Code Section 10-8-7, as sought by the Applicant of the Subject Property, is hereby approved.

Section 8. That all requirements of the Zoning Ordinance shall be applicable except as allowed by the Site Plan and Variations approved herein.

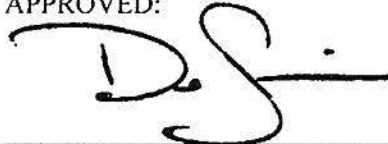
Section 9. All ordinances, resolutions, motions, or orders in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 10. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

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PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois, this 23rd day of August 2022, pursuant to a roll call vote, as follows:

APPROVED:



Frank DeSimone, Village President

ATTEST:



Nancy Quinn, Village Clerk

AYES: Carmona, Franz, Frey, Panicola, Perez

NAYES: None

ABSENT: Lomax

Ordinance # 29 - 2022
Exhibit "A"

The Legal Description is as follows:

Parcel 1: 03-14-205-032

THE NORTH 125.89 FEET OF LOT 5 IN C.A. FRANZENS SUBDIVISION OF PART OF THE NORTHEAST QUARTER 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, IN DUPAGE COUNTY, ILLINOIS.

Parcel 2: 03-14-205-067

LOT 5 (EXCEPT THAT PART LYING SOUTH OF THE NORTH 461.77 FEET THEREOF AND ALSO EXCEPT THE NORTH 125.89 FEET OF LOT 5 IN C.A. FRANZENS SUBDIVISION OF PART OF THE NORTHEAST QUARTER 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, IN DUPAGE COUNTY, ILLINOIS.

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

Ordinance # 29 - 2022
Exhibit "B"
Findings of Fact

Mr. Arquette reviewed the Findings of Fact for the proposed Site Plan request in the Staff Report consisting of:

- 1) **Surrounding Character:** The site plan for the proposed development is consistent with the existing character and zoning of adjacent properties and other property within the immediate vicinity of the proposed development.

Applicant's Response: The project will be an expansion of the existing industrial building at 220 N. York Rd. It will meet I-2 zoning standards and will be consistent with the existing building appearance and use.

- 2) **Neighborhood Impact:** The site plan for the proposed development will not adversely impact adjacent properties and other properties within the immediate vicinity of the proposed development.

Applicant's Response: The project will not negatively impact adjacent properties. We will abide by Village buffer and screening requirements adjacent to the residential property to the west. Use is consistent with existing building and is only a small expansion.

- 3) **Public Facilities:** The site plan for the proposed development will be provided with adequate utilities, access roads, parking, loading, drainage, stormwater flow paths, exterior lighting, and/or other necessary facilities.

Applicant's Response: The project will provide adequate utilities and necessary development to support the building expansion. We will adhere to stormwater ordinance for the expanded impervious area. Lighting will be per code and not be a disturbance to neighbors. Parking will meet minimum and maximums.

- 4) **Environmental Preservation:** The site plan for the proposed development is designed to preserve the environmental resources of the zoning lot.

Applicant's Response: The project will develop the existing agricultural land on the existing parcel. However, we will maintain mature trees along the west property line to the best of our ability. We are ensuring that we meet lot coverage standards.

- 5) **On-Site Pedestrian Circulation System:** The site plan shall accommodate on-site pedestrian circulation from parking areas, plazas,

open space, and public rights-of-way. Pedestrian and vehicular circulation shall be separated to the greatest extent possible.

Applicant's Response: The project will accommodate circulation via sidewalks and looped access road for vehicles.

- 6) **Vehicle Ingress and Egress:** The site plan shall locate curb cuts for safe and efficient ingress and egress of vehicles. The use of shared curb cuts and cross-access easements shall be provided when appropriate.

Applicant's Response: The project will utilize existing curb cuts on York Rd. The building will be under sole ownership by MetLife.

- 7) **Architectural Design:** The site plan for the proposed development includes architectural design that contributes positively to the Village's aesthetic appearance.

Applicant's Response: The site plan will be drawn to Village code. The expansion will also maintain consistent appearance with the building that was developed in 2019.

- 8) **Consistent with Title and Plan:** The site plan for the proposed development is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Applicant's Response: The site plan is consistent with the intended use of I-2 industrial. Since it is a building expansion, the intent of the whole site will remain the same.

Mr. Arquette reviewed the Findings of Fact for the proposed Variance requests in the Staff Report consisting of:

1. **Public Welfare:** The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.

Applicant's Response: The proposed variation will not endanger the general welfare of the public. The project is a building expansion and will allow for additional truck docks. All approvals will be obtained to ensure any additional truck traffic is accounted for. Additionally, we will abide by the landscaping and buffer requirements adjacent to the residential development.

2. **Compatible with Surrounding Character:** The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.

Applicant's Response: The variation is compatible with the character of the adjacent properties. This is an industrial building expansion which is in line with the surrounding buildings and approved use.

3. Undue Hardship: The proposed variation alleviates an undue hardship created by the literal enforcement of this title.

Applicant's Response: Per code, the building expansion will only allow for 4 additional truck docks. This is an extremely low number of docks for a near 100,000sf building expansion. Only permitting four additional truck docks would not warrant a development of this size.

4. Unique Physical Attributes: The proposed variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

Applicant's Response: N/A – the property does not create a limit of truck docks.

5. Minimum Deviation Needed: The proposed variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.

Applicant's Response: The site plan is only proposing docks on one side of the building. We are not proposing a cross dock building which would double the amount of truck docks.

6. Consistent with Ordinance and Plan: The proposed variation is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Applicant's Response: The site plan is consistent with the intended use of I-2 Industrial. Since it is a building expansion, the intent of the whole site will remain the same.

Mr. Arquette stated:

1. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Site Plan Review at 220 N York Road with the following conditions:
 - a. Site Plan Review approval shall be subject to the site plan in relation to the variations approved herein. All other elements of the site plan must adhere to Village Zoning Ordinance Requirements prior to issuance of final permit.

- b. The rear (west) buffer yard fence must be 10' high opaque fencing.
 - c. DuPage County Stormwater Management Certification required.
 - d. Applicant must provide information regarding stormwater discharge to Silver Creek.
 - e. A plat of consolidation is required.
 - f. Applicant must coordinate with Fire Marshal regarding fire related concerns within the site prior to permit approval.
2. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation to allow for a deviation from the maximum number of loading spaces.
 3. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Tree Replacement Standards with the following conditions:
 - a. Tree replacement rates must be met. If tree replacement rates cannot be met then a fee-in-lieu will need to be provided to the Village of Bensenville.
 4. Staff recommends the Approval of the Findings of Fact and therefore the Approval of the Variation for Pedestrian Circulation Systems.

There were no questions from the Commission.

Motion: Commissioner Wasowicz made a motion to close CDC Case No. 2022-21. Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, King, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

Chairman Rowe closed CDC Case No. 2022-21 at 7:27 p.m.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Site Plan Review, Municipal Code Section 10-3-2 with Staff's Recommendations. Chairman Rowe seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, King, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Wasowicz made a combined motion to approve the Findings of Fact and Variation, Maximum Numbers of Loading Spaces,

Municipal Code Section 10-8-11B-2 with Staff's Recommendations.
Commissioner Marcotte seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, King, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Chambers made a combined motion to approve the Findings of Fact and Variation, Tree Replacement Standards, Municipal Code Section 10-9-2B with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, King, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Chambers made a combined motion to approve the Findings of Fact and Variation, Pedestrian Circulation Systems, Municipal Code Section 10-8-7 with Staff's Recommendations. Commissioner Wasowicz seconded the motion.

ROLL CALL: Ayes: Rowe, Chambers, King, Marcotte, Wasowicz

Nays: None

All were in favor. Motion carried.

Ronald Rowe, Chairman
Community Development Commission