



12 South Center Street
Bensenville, IL 60106

Office: 630.350.3404
Fax: 630.350.3438
www.bensenville.il.us

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July 19, 2024

Ms. Phoebe Roth
2509 Scripture Street, Suite 200
Denton, Texas 76201

Re: July 17, 2024 Commercial FOIA Request

Dear Ms. Roth:


I am pleased to help you with your July 17, 2024 Commercial Freedom of Information Act ("FOIA"). The Village of Bensenville received your request on July 17, 2024. You requested copies of the items indicated below:

"Please see the attached complete list of records for property located at 811 E Grand Avenue (Holiday Inn Express)."

Enclosed are all the records found responsive to your request. No redactions 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
FREEDOM OF INFORMATION ACT
REQUEST FORM

TO: COREY WILLIAMSEN
Freedom of Information Officer
Village of Bensenville
12 S. Center Street
Bensenville, IL 60106

FROM:

Name Phoebe Roth
Address 2509 Scripture Street, Ste 200
Denton, TX 76201
Phone 817.886.8596 x113 or 405.876.6934
E-Mail _____

16273

TITLES OR DESCRIPTION OF RECORDS REQUESTED (Please Include Date of Birth and Case Number for Police Records):

Please see the attached complete list of records requested for property located at 811 E Grand Avenue (Holiday Inn Express)

☒ THIS REQUEST IS FOR A COMMERCIAL PURPOSE (You must state whether your request is for a commercial purpose. A request is for a "commercial purpose" if all or any part of the information will be used in any form for sale, resale, or solicitation or advertisement for sales or services. Failure to disclose whether a request is for a commercial purpose is a prosecutable violation of FOIA.)

Would like your request delivered via: ☒ E-Mail ☐ U.S. Mail ☐ Pick-Up*

*Pick-Up is available by appointment at Village Hall Monday thru Friday; between 8:00 a.m. – 5:00 p.m.

I understand that any payment need be received before any documents are copied and/or mailed.

07/17/2024

Date

Phoebe Roth

Signature

All FOIA responses are posted on the Village's website. Name and address of the requestor will be made public.

The first fifty (50) pages of the request are free. The fee charge is fifteen (15) cents after the first fifty (50) pages.

Unless otherwise notified, your request for public records will be compiled within five (5) working days.

Unless otherwise notified, any request for commercial purposes will be compiled within twenty-one (21) days working days.

COREY WILLIAMSEN, FREEDOM OF INFORMATION OFFICER

Telephone: (630) 350-3404 Facsimile: (630) 350-3438

E-mail Address: FOIArequest@bensenville.il.us

For Freedom of Information Officer Use Only

7/17/24
Date Request
Received

8/15/24
Date Response
Due

9/16/24
Date Extended
Response Due

\$0-
Total Charges

7/19/24
Date Documents
Copied or Inspected

Received by Employee: _____



2509 Scripture St.
Suite 200
Denton, TX. 76201
(817) 886-8596
zoning-info.com

07/17/2024

RE:
Holiday Inn Express & Suites Bensenville
811 East Grand Avenue
03-25-200-010 and 03-25-200-011

Please find this as a formal records request for the above listed property:

1. Provide copies of any open Building Code Violations
2. Provide copies of any open Zoning Code Violations
3. Provide copies of any open Fire Code Violations
4. Provide copies of any Approved Site Plans, Variances, Ordinances, Special Permits, Conditional/Special Use Permits, Zoning Cases and Resolutions associated with property
5. Provide copy of Certificate of Occupancy for property
6. Provide record of any Village-planned projects that would cause the described property to lose land area by means of eminent domain or purchase

Hard copies are not needed if you could please email information. If there is nothing responsive to a specific item, please just let me know.

Thank you,

Phoebe Roth

Research Analyst
Phone: 817-886-8596
phoebe.r@zoning-info.com

Our clients deadline for this information is 07/26/2024.

85713



VILLAGE OF BENSENVILLE
INSPECTIONAL SERVICES
 12 South Center
 Bensenville, IL 60106
 630-350-3413 fax:630-350-3449

Type of Inspection: NON-RESIDENTIAL INSPECTION

CORRECTION NOTICE

Address: 811 GRAND

Unit:

Business name:: HOLIDAY INN EXPRESS & SUITES BEN Phone: 630-475-8181

Business Owner: HOLIDAY INN EXPRESS & SUITES BE Address: 811 E GRAND AVE BENSENVILLE, IL

Inspection Date: 6/27/23

Inspector: DANIEL DREISBACH

<u>Checklist #</u>	<u>Violation</u>	<u>Violation comment</u>
005A	ALLOWABLE USES	Unapproved closet in laundry room encloses open flame HVAC equipment which is an immediate fire hazard. This area needs to be reconfigured and a valid Village building permit must be in place to conduct work.
060	EXTERIOR DOOR	1st floor East stairwell door needs door clouser replaced.
090B	FREE AREA OF MOLD OR MILDEW	Pool mechanical room must be remidiated of mold and mildew.
100	INTERIOR DOOR	FIRE DOOR HAS BEEN REMOVED BETWEEN OFFICE AND LAUNDRY ROOM. THIS IS A VIOLATION OF FIRE CODE AND MUST BE REPLACED WITHOUT DELAY.
120	INTERIOR ELECTRIC	Replace panel cover 2nd floor housekeeping room, 1st floor West hallway has an exposed electrical wire, 3rd floor elevator lobby has a damaged burnt outlet that must be replaced.
120H	LABEL DOOR ELECTRICAL ROOM	All electrical rooms need to be marked.
120I	REMOVE ALL EXTENSION CORDS	Extension cord with timer in sprinkler room must be removed.
160E	EMERGENCY LIGHTING INOPERABLE	Multiple violations found with emergency lighting. Emergency lighting system as a whole needs to be serviced to ensure proper function.
160S	MSDS SHEETS NEED TO BE POSTED	MSDS sheets need to be posted in pool mechanical room.
170B	SPRINKLER HEADS BLOCKED	
170G	MISSING ESCUTCHEON RINGS	Bathroom 1st floor East needs ring added.
170L	LABEL EXTERIOR SPINKLER DOOR	Label exterior sprinkler room door - SPRINKLER ROOM
170Z	OTHER	Exterior doors to be marked as Stairwell #1 and Stairwell #2.
175	MEANS OF EGRESS & STORAGE	No storage is permitted in any stairwells.
175B	IMPROPER HOLD OPEN DEVICE	1st floor East dryer room needs door clouser added.
175E	KEEP STORAGE 24 IN. FROM CEILING	Storage in housekeeping rooms and storage rooms must be 12 inches from celing and must not block sprinkler heads.
180L	ELEVATOR INSP. BI - ANNUALLY	Need current elevator inspection. Elevator must be registered with the Office of the State Fire Marshal.
190K	NEED CORRECT KEYS IN KEY BOX	Add proper keys to knox box and elevator key box.
190L	KEY BOX NEEDED	Elevator key box was removed. This box is to be reinstalled.

Additional Remarks/Comments:

Created from inspection 102243 on 05/12/2023 by 6523ddre

3rd RE INSPECTION 7-1-23

THOSE ITEMS LISTED ABOVE ARE VIOLATIONS OF BENSENVILLE'S ADOPTED VILLAGE CODE AND/OR PROPERTY MAINTENANCE CODE. THIS IS YOUR WRITTEN "CORRECTION NOTICE". FAILURE TO CORRECT THE ABOVE LISTED VIOLATIONS WITHIN THE PRESCRIBED TIME CAN RESULT IN A FINE OF UP TO \$750 PER VIOLATION, PER DAY.



VILLAGE OF BENSENVILLE
INSPECTIONAL SERVICES
12 South Center
Bensenville, IL 60106
630-350-3413 fax:630-350-3449

Type of Inspection: NON-RESIDENTIAL INSPECTION

CORRECTION NOTICE

Address: 811 GRAND

Unit:

Business name:: HOLIDAY INN EXPRESS & SUITES BEN Phone: 630-475-8181

Business Owner: HOLIDAY INN EXPRESS & SUITES BE Address: 811 E GRAND AVE BENSENVILLE, IL

Inspection Date: 6/27/23

Inspector: DANIEL DREISBACH

You are hereby notified to remedy the conditions as stated above with 15 days.

Neither this inspection nor any Certificate of Occupancy issued by the Village of Bensenville shall be considered a complete list of Code or Municipal Ordinances. Our inspection can be substantially limited by access available and stored items or furniture. Some occupancies may require inspections to be completed on individual systems such as heating appliances, roofing, structure or fire protection systems. If you have questions about this inspection, please call 630-350-3413.

DISCLAIMER: The Village of Bensenville does not warrant the condition of any property inspected and disclaims all liability for any claims arising out of the property or condition thereof.

gujanhiexpress@gmail.com

Copy of this report received by/mailed to:

Inspector: D. Dreisbach

Date: 6-27-23

Inspection Number 108265

**VILLAGE OF BENSENVILLE
INSPECTIONAL SERVICES**

12 South Center
Bensenville, IL 60106
630-350-3413 fax: 630-350-3449

Type of Inspection: CORRECTION NOTICE

CORRECTION NOTICE

Address: 811 EAST GRAND AVENUE

Unit:

Business Name:

Phone: 1-847-666-8177

Property Owner: SONNY SHAH

Address: 17 TUCSON COURT

Inspection Date: 01/02/2024

Inspector: RON HERFF

Violation

TYPE OF OUTDOOR STORAGE

Violation comment

Failure to remove the five shipping containers on the east lot

Per a verbal agreement the containers were to be removed by December 15, 2023.

There is also one additional trailer that was to be removed by 12-01-23.

Additional Remarks/Comments: If the containers and the trailer is not moved by 01-09-2024 a Violation notice will be issued.

Reinspection # 108266

THOSE ITEMS LISTED ABOVE ARE VIOLATIONS OF BENSENVILLE'S ADOPTED VILLAGE CODE AND/OR PROPERTY MAINTENANCE CODE. THIS IS YOUR WRITTEN "CORRECTION NOTICE". FAILURE TO CORRECT THE ABOVE LISTED VIOLATION WITHIN THE PRESCRIBED TIME CAN RESULT IN A FINE OF UP TO \$750 PER VIOLATION, PER DAY ASSIGNED BY A JUDICATOR.

You are hereby notified to remedy the conditions as stated above by .

Neither this inspection nor any Certificate of Occupancy issued by the Village of Bensenville shall be considered a complete list of Code or Municipal Ordinances. Our inspection can be substantially limited by access available and stored items or furniture. Some occupancies may require inspections to be completed on individual systems such as heating appliances, roofing, structure of fire protection systems. If you have questions about this inspection, please call 630-350-3413.

DISCLAIMER: The Village of Bensenville does not warrant the condition of any property inspected and disclaims all liability for any claims arising out of the property or condition thereof.

Copy of this report received by/mailed to: __Sent via email.

RON HERFF
Inspector

01/02/2024
Date

**VILLAGE OF BENSENVILLE
INSPECTIONAL SERVICES**

12 South Center
Bensenville, IL 60106
630-350-3413 fax: 630-350-3449

Type of Inspection: CORRECTION NOTICE

CORRECTION NOTICE

Address: 811 EAST GRAND AVENUE

Unit:

Business Name: Sonny Shah

Phone: 847-666-8177

Property Owner: KMS INVESTMENTS LLC

Address: 811 E GRAND AVE

Inspection Date: 05/14/2024

Inspector: RON HERFF

Violation

REMOVE ALL RUBBISH OR GARBAGE

Violation comment

Failure to remove the rubbish and garbage from the property. There is a couch in the retention pond. There are piles of debris next to 777 E Grand. There is a stack of old sinks tops behind the garbage enclosure. All need to be picked up and removed from the property.

Additional Remarks/Comments: re-inspection ID 111431

THOSE ITEMS LISTED ABOVE ARE VIOLATIONS OF BENSENVILLE'S ADOPTED VILLAGE CODE AND/OR PROPERTY MAINTENANCE CODE. THIS IS YOUR WRITTEN "CORRECTION NOTICE". FAILURE TO CORRECT THE ABOVE LISTED VIOLATION WITHIN THE PRESCRIBED TIME CAN RESULT IN A FINE OF UP TO \$750 PER VIOLATION, PER DAY ASSIGNED BY A JUDICATOR.

You are hereby notified to remedy the conditions as stated above by 05/29/2024.

Neither this inspection nor any Certificate of Occupancy issued by the Village of Bensenville shall be considered a complete list of Code or Municipal Ordinances. Our inspection can be substantially limited by access available and stored items or furniture. Some occupancies may require inspections to be completed on individual systems such as heating appliances, roofing, structure of fire protection systems. If you have questions about this inspection, please call 630-350-3413.

DISCLAIMER: The Village of Bensenville does not warrant the condition of any property inspected and disclaims all liability for any claims arising out of the property or condition thereof.

Copy of this report received by/mailed to: sent via email.

RON HERFF

Inspector

05/14/2024

Date

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

Ordinance No. 45-2015

An Ordinance Granting Approval of a Planned Unit Development Amendment to Ordinances #23-2001 and #34-2002 to Alter the Existing Site Plan for Development with Code Deviations and a Plat of Resubdivision to Construct a Hotel for the Property Commonly Identified as 777-811 East Grand Avenue, Bensenville, Illinois

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 27th DAY OF OCTOBER, 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 28th day of October 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. 45-2015 entitled an Ordinance Granting Approval of a Planned Unit Development Amendment to Ordinances #23-2001 and #34-2002 to Alter the Existing Site Plan for Development with Code Deviations and a Plat of Resubdivision to Construct a Hotel for the Property Commonly Identified as 777-811 East Grand Avenue, Bensenville, Illinois.

INWITNESS WHEREOF, I have hereunto affixed my official hand and seal on this
28th day of October, 2015.




Corey Williamsen
Deputy Village Clerk

ORDINANCE # 45-2015

**AN ORDINANCE GRANTING APPROVAL OF A PLANNED UNIT DEVELOPMENT
AMENDMENT TO ORDINANCES #23 – 2001 AND #34 – 2002 TO ALTER THE
EXISTING SITE PLAN FOR DEVELOPMENT WITH CODE DEVIATIONS AND A
PLAT OF RESUBDIVISION TO CONSTRUCT A HOTEL FOR THE PROPERTY
COMMONLY IDENTIFIED AS 777 – 811 EAST GRAND AVENUE,
BENSENVILLE, ILLINOIS**

WHEREAS, KMS Investment LLC. (“Applicant”), and Village of Bensenville (“Owner”) filed an application (CDC Case #2015 – 25) for a Planned Unit Development Amendment to Ordinances #23 – 2001 and #34 – 2002 to allow for the construction of a Hotel, Municipal Code Section 10 – 10 with code deviations including reducing the Front Yard Setback from 30 feet to 14 feet, Municipal Code Section 10 – 5A – 4, reducing the Landscape Foundation Strip from 6 to 0’ Municipal Code Section 10 – 12 – 2, reducing the Landscape Frontage Strip from 10’ to 0’, reducing the number of parking Lot Landscape Islands Municipal Code section 10 – 12 – 2C, increasing the curbcut width from 35’ to 41.2’, Municipal Code Section 10 – 11 – 8 – 2, increasing the Height of the Building from 32’ to approximately 46’ Municipal Code Section 10 – 5A – 4, increase the Monument Sign Height and Sign Area Municipal Code Section 10 – 18, and increase the number of Wall Signs from 0 to 5, Height and Sign Area Municipal Code Section 10 – 18, and a Plat of Resubdivision Municipal Code Section 11 – 3 for the property located at 777 – 811 East Grand Avenue, 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 Amendment and code deviations sought by the Applicant was published in the Bensenville Independent on September 24, 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 Special Public Hearing on October 12, 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 Amendment with code deviations and, thereafter, voted unanimously (6-0) to recommend approval of the request for the Planned Unit Development Amendment with code deviations, 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 October 20, 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 Amendment 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 RS – 1 Low Density Single Family District, which zoning classification shall remain in effect subject to the Planned Unit Development Amendment granted herein.

SECTION THREE: That the Staff Report and Recommendation to approve the Planned Unit Development Amendment Section 10 – 10 sought and Code Deviations, as allowed by the Zoning Ordinance, reducing the Front Yard Setback from 30 feet to 14 feet, Municipal Code Section 10 – 5A – 4, reducing the Landscape Foundation Strip from 6 to 0' Municipal Code Section 10 – 12– 2, increasing the curbcut width from 35' to 41.2', Municipal Code Section 10 – 11 – 8 – 2, increasing the Height of the Building from 32' to approximately 46' Municipal Code Section 10 – 5A – 4, increase the number of Wall Signs from 0 to 5, Height and Sign Area Municipal Code Section 10 - 18, and a Plat of Resubdivision 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 Amendment are proper and necessary.

SECTION FOUR: That the Planned Unit Development Amendment to Ordinances 23 – 2001 and #34 - 2002 to construct a Hotel with the code deviations sought by the Applicant of the Subject Property is hereby granted subject to the following conditions:

1. The property shall be developed in substantial compliance with the plans submitted with the application consisting of:
 - A. Preliminary Plat of Resubdivision prepared by DJA and Associates, Ltd. Dated 09.08.15;
 - B. Engineering Plans prepared by Dave Johnson and Associates dated 08.10.15
 - C. Site Plan prepared by Maust Architectural Services dated 09.25.15
 - D. Architectural Plans prepared by Maust Architectural Services dated 08.08.14 last revised 10.07.15
2. A final Landscape Plan shall be submitted to and approved by Village staff.
3. Landscaped islands shall be located every 15 parking stalls per Village Code in the new parking lots.
4. A photometric plan shall be submitted to and approved by the Village staff as part of the Building permit process.
5. Petitioner shall work with the Village staff to provide “special paving” at the parking lot entries and the new Public street.
6. The village shall have final authority for the naming of the new public street.
7. The Site and Landscape Plans shall be revised to include an enclosed trash enclosure.
8. The 15 parking spaces proposed on the east and west sides of the new public street shall be eliminated and the area returned to green space and landscaping.
9. The parking lot on Proposed Lot 2 can be extended to the east to accommodate additional spaces.
10. Staff and the applicant evaluate the potential redesigning the site to increase the front yard setback.

SECTION FIVE: That all requirements of the Zoning Ordinance shall be applicable except as amended by the Planned Unit Development Amendment 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 27th day of October, 2015.



Frank Soto, Village President

ATTEST:



Ilsa Rivera-Trujillo, Village Clerk

AYES: DeSimone, Jaworska, Wesseler, Janowiak, O'Connell

NAYES: None

ABSENT: Carmona

Ordinance # 45-2015
Exhibit "A"

The Legal Description is as follows:

THAT PART OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 25 TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING IN THE NORTH LINE OF SAID SECTION AT A POINT 1019.04 FEET EAST OF THE NORTHWEST CORNER OF SAID NORTHEAST $\frac{1}{4}$ AS A POINT OF BEGINNING; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF PROPERTY DESCRIBED IN DOCUMENT 388417. 1573.55 FEET TO THE CENTER LINE OF GRAND AVENUE; THENCE EASTERLY ON THE CENTER LINE OF GRAND AVENUE 1392.28 FEET TO THE EAST LINE OF SIDE NORTHEAST $\frac{1}{4}$; THENCE NORTHERLY ALONG THE EAST LINE OF SAID NORTHEAST $\frac{1}{4}$ 1641.55 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST $\frac{1}{4}$; THENCE WESTERLY ALONG THE NORTH LINE OF SAID NORTHEAST $\frac{1}{4}$ 1614.80 FEET TO THE POINT OF BEGINNING, (EXCEPT THAT PART OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 25, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTHLINE OF SAID NORTHEAST $\frac{1}{4}$ AND THE WESTERLY RIGHT OF WAY LINE OF 66 FOOT WIDE MT. PROSPECT ROAD.; THENCE SOUTH ALONG SAID WESTERLY RIGHT OF WAY, 10 FEET; THENCE NORTHWESTERLY TO A POINT OF SAID NORTH LINE, SAID POINT BEING 10 FEET WEST OF THE POINT OF BEGINNING; THENCE EAST ALONG SAID NORTH LINE TO THE POINT OF BEGINNING), IN DU PAGE COUNTY, ILLINOIS.

The common address being 777 and 811 East Grand Avenue, Bensenville, Illinois.

PINs: 03 – 25 – 200 -006 and 03 – 25 – 200 - 007

Ordinance #45 - 2015
Exhibit "B"
Findings of Fact

Motion: Commissioner Rowe made a motion to approve the findings of fact for the proposed PUD Amendment 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. **Bringing a cohesive "hospitality campus" with a singular vision and shared-access, parking, etc. to the Village rather than a series of uncoordinated separate uses exemplifies the creativity of this PUD application. Enhanced landscaping, parking setbacks and paving detailing will demonstrate the development and developers' commitment to Superior Design.**
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. **As designed and submitted, the proposed Planned Unit Development is compliant with the requirements found in the Zoning Ordinance.**
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 request is in compliance with the Village Comprehensive Plan as well as the Comprehensive Economic Development Strategy (CEDS) both of which indicate "Regional Commercial" uses for the property.**
4. **Public Welfare:** The PUD will not be detrimental to the public health, safety or general welfare. **The development as proposed would not be detrimental to the public health, safety or general welfare. The use as a hotel will not create any negative impacts.**

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 development of the property in question as a hotel is compatible with and complimentary to nearby and adjacent uses; cemetery, country club, golf course and planned mixed-use industrial.**
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 development will not adversely impact existing natural features. Care has been taken to avoid the wetlands, flood plain and floodway areas.**
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. **Access to the site is via the existing curbcut on Grand Avenue. In accordance with Village staff's request, the drive has been identified as a publicly dedicated Right Of Way of 60' in width. Likewise a sidewalk will be constructed along Grand Avenue. Internal vehicular movements have been designed to be efficient and to provide pedestrian routes from the parking areas to the hotels. At the time of application, the municipal staff has not recommended a bikeway be installed.**
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 a hospitality use, aesthetics are important and the site has been designed to be attractive to the users and passersby alike. The natural areas near the waterway along the eastern side of the site are preserved. Care has been taken to provide sufficient space between the existing and proposed hotel structures.**
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.

Appropriate Codes, Covenants & Restrictions will be prepared, reviewed and approved by the Village staff and attorneys prior to recordation.

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. **Preliminary discussions with the Village's Public Works team indicate that the existing public utilities can accommodate the proposed hotel. The site is currently served by the municipal water supply. The site has been designed to meet or exceed the requirements of the applicable stormwater management ordinances. The development team does not envision any burden on existing residents or businesses from bringing this new hotel use to the community.**
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. **This is the first of a multiple phase hospitality campus development that is planned to feature a total of three hotels; existing Country Inn & Suites, proposed Holiday Inn Express & Suites and future proposed third hotel and a freestanding full service restaurant. All phases will be stand alone in regards to the applicable approval criteria. A Redevelopment Agreement between the Village and the Development Team will memorialize all necessary commitments.**

Commissioner Pisano seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Janowiak, Pisano, Rodriguez, Rowe, Tellez

Nays: None

All were in favor. Motion carried.

Motion:

Commissioner Rodriguez made a motion to approve the proposed Resubdivision with Staff's recommendations consisting of:

1. The property shall be developed in substantial compliance with the plans submitted with the application consisting of:
 - a. Preliminary Plat of Resubdivision prepared by DJA and Associates, Ltd. Dated 09.08.15;
 - b. Engineering Plans prepared by Dave Johnson and Associates dated 08.10.15
 - c. Site Plan prepared by Maust Architectural Services dated 09.25.15
 - d. Architectural Plans prepared by Maust Architectural Services dated 08.08.14 last revised 10.07.15
2. A final Landscape Plan shall be submitted to and approved by Village staff.
3. Landscaped islands shall be located every 15 parking stalls per Village Code in the new parking lots.
4. A photometric plan shall be submitted to and approved by the Village staff as part of the Building permit process.
5. Petitioner shall work with the Village staff to provide "special paving" at the parking lot entries and the new Public street.
6. The village shall have final authority for the naming of the new public street.
7. The Site and Landscape Plans shall be revised to include an enclosed trash enclosure.
8. The 15 parking spaces proposed on the east and west sides of the new public street shall be eliminated and the area returned to green space and landscaping.
9. The parking lot on Proposed Lot 2 can be extended to the east to accommodate additional spaces.

and the addition of:

10. Staff and the applicant evaluate the potential redesigning the site to increase the front yard setback.

Commissioner Rowe seconded the motion.

ROLL CALL: Ayes: Moruzzi, Janowiak, Pisano, Rodriguez, Rowe, Tellez

Nays: None

All were in favor. Motion carried.

Motion: Commissioner Janowiak made a motion to approve the proposed PUD Amendment with Staff's recommendations consisting of:

11. The property shall be developed in substantial compliance with the plans submitted with the application consisting of:

- E. Preliminary Plat of Resubdivision prepared by DJA and Associates, Ltd. Dated 09.08.15;
 - F. Engineering Plans prepared by Dave Johnson and Associates dated 08.10.15
 - G. Site Plan prepared by Maust Architectural Services dated 09.25.15
 - H. Architectural Plans prepared by Maust Architectural Services dated 08.08.14 last revised 10.07.15
- 12. A final Landscape Plan shall be submitted to and approved by Village staff.
 - 13. Landscaped islands shall be located every 15 parking stalls per Village Code in the new parking lots.
 - 14. A photometric plan shall be submitted to and approved by the Village staff as part of the Building permit process.
 - 15. Petitioner shall work with the Village staff to provide "special paving" at the parking lot entries and the new Public street.
 - 16. The village shall have final authority for the naming of the new public street.
 - 17. The Site and Landscape Plans shall be revised to include an enclosed trash enclosure.
 - 18. The 15 parking spaces proposed on the east and west sides of the new public street shall be eliminated and the area returned to green space and landscaping.
 - 19. The parking lot on Proposed Lot 2 can be extended to the east to accommodate additional spaces.

and the addition of:

- 20. Staff and the applicant evaluate the potential redesigning the site to increase the front yard setback.

Commissioner Rodriguez seconded the motion.

ROLL CALL:

Ayes: Moruzzi, Janowiak, Pisano, Rodriguez, Rowe, Tellez

Nays: None

All were in favor. Motion carried.

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

Ordinance No. 33-2019

Limited Area Groundwater 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 on a Designated Area Near 811 E. Grand Avenue (Commonly Known as the Old Legends Site) in the Village of Bensenville, Illinois

**ADOPTED BY THE
VILLAGE BOARD OF TRUSTEES
OF THE
VILLAGE OF BENSENVILLE
THIS 28th DAY OF MAY 2019**

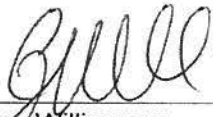
Published in pamphlet form by authority of the President and Board of Trustees of the Village of Bensenville, DuPage and Cook Counties, Illinois this 29th day of May, 2019

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. 33-2019 entitled Limited Area Groundwater 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 a Designated Area Near 811 E. grand Avenue (Commonly Known as the Old Legends Site) in the Village of Bensenville, Illinois.

INWITNESS WHEREOF, I have hereunto affixed my official hand and seal on this
29th day of May, 2019.




Corey Williamsen
Deputy Village Clerk

ORDINANCE NUMBER 33-2019

**LIMITED AREA GROUNDWATER 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 A DESIGNATED AREA NEAR 811 E. GRAND AVENUE
(COMMONLY KNOWN AS THE OLD LEGENDS SITE) IN THE VILLAGE OF
BENSENVILLE, ILLINOIS**

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 of Bensenville may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier I remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the Village of Bensenville desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents on land within the area depicted in Exhibit A attached hereto and made a part hereof which is adjacent to certain property near 811 E. Grand Avenue (commonly known as the Old Legends site) in the Village of Bensenville; and

WHEREAS, the land which comprise the area which is depicted on Exhibit A is described on Exhibit B attached hereto and made a part hereof,

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: The recitals set forth above are incorporated herein and made a part hereof.

SECTION TWO: The Village regulates the use of groundwater as a potable water supply as follows:

1. Use of Groundwater as a Potable Water Supply Prohibited. Except for such uses or methods in existence prior to the effective date of this Ordinance, the use or attempt to use as a potable water supply groundwater inside the designated area within the corporate limits of the Village of Bensenville depicted on Exhibit A and legally described in Exhibit B, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly includes the Village of Bensenville.
2. Penalties. Any person violating the provisions of this ordinance shall be subject to a fine of up to Seven Hundred Fifty 00/100 Dollars (\$750.00) for each violation.
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.
4. 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 adjudicated invalid.


SECTION THREE: That the Village Clerk of the Village be and is directed hereby to publish this Ordinance in pamphlet form, pursuant to the statutes of the State of

Illinois.

SECTION FOUR: That this Ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Bensenville, this 28th day of May, 2019.

APPROVED:



Frank DeSimone, Village President

ATTEST:



Nancy Quinn, Village Clerk

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

NAYES: None

ABSENT: None

EXHIBIT B

LEGAL DESCRIPTION OF AREA SUBJECT TO RESTRICTION

Those properties which are within an area described as follows:

THAT PART OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 25, TOWNSHIP 40 NORTH, RANGE II, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING IN THE NORTH LINE OF SAID SECTION AT A POINT 1019.04 FEET EAST OF THE NORTHWEST CORNER OF SAID NORTHEAST $\frac{1}{4}$ AS A POINT OF BEGINNING, THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF PROPERTY DESCRIBED IN DOCUMENT NUMBER 338417, 1573.55 FEET TO THE CENTER LINE OF GRAND AVENUE; THENCE EASTERLY ON THE CENTER LINE OF GRAND AVENUE 1392.28 FEET TO THE EAST LINE OF SAID NORTHEAST $\frac{1}{4}$; THENCE NORTHERLY ALONG THE EAST LINE OF SAID NORTHEAST $\frac{1}{4}$ 1641.55 FEET TO THE NORTHEAST CORNER OF SAID NORTHEAST $\frac{1}{4}$; THENCE WESTERLY ALONG THE NORTH LINE OF SAID NORTHEAST $\frac{1}{4}$ 1614.80 FEET TO THE POINT OF BEGINNING (EXCEPT THAT PART OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 25, TOWNSHIP 40 NORTH, RANGE II, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF SAID NORTHEAST $\frac{1}{4}$ AND THE WESTERLY RIGHT OF WAY LINE OF 66-FOOT WIDE MT. PROSPECT ROAD, THENCE SOUTH ALONG SAID WESTERLY RIGHT OF WAY LINE 10.0 FEET; THENCE NORTHWESTERLY TO A POINT OF SAID NORTH LINE, SAID POINT BEING 10.0 FEET WEST OF THE POINT OF BEGINNING, THENCE EAST ALONG SAID NORTH LINE TO THE POINT OF BEGINNING). IN DUPAGE COUNTY, ILLINOIS.