



12 South Center Street
Bensenville, IL 60106

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

VILLAGE BOARD

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Board of Trustees

Rosa Carmona

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Marie T. Frey

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Village Clerk

Nancy Quinn

Village Manager

Evan K. Summers

October 3, 2024

Via electronic mail

Ms. Loretta Slowick

Mr. Peter Georgiades

310 South Walnut Street

Bensenville, Illinois 60106

Re: Freedom of Information Act request
Received September 6, 2024

Dear Ms. Slowick & Mr. Georgiades:

Thank you for writing to the Village of Bensenville ("Village") with your request for information pursuant to the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.* Your original FOIA request to the Village, which it received via email on September 6, 2024, provided as follows:

"Please send all documents, communications including digital referring to or related to any variance requests or development activity for 101 Main Street, Bensenville."

In September 13, 2024, correspondence to you, the Village asserted that your FOIA request as written was voluminous because the Village's response would have required the compilation of more than 500 letter or legal-sized pages of public records. 5 ILCS 140/2(h); 5 ILCS 140/3.6(a)(ii). The Village invited you to amend your FOIA request in such a way that the Village would no longer treat it as voluminous. You responded to the Village's correspondence on the same day with the following:

"#1-Village President Frank DeSimone said to me in his outburst at the Committee of the whole meeting on 9/17 that I should have bought the property, so that means that there was a sale for this property, so the village should be transparent and showing who purchased this property that is my question."

"#2-Kurtis Poszgay at the Committee of the whole meeting on 9/17 and the CDC meeting on 9/3 stated that these guys were capable of pulling this development of 50- units and 5- commercial spaces and he stated there were other developers that came through and could not achieve their plan so he is speaking about a certain people that are pulling this development off. my question is who are these developers and people? transparency was not executed for this development as there were no rendering, no engineered drawings or specifications as there was only a site drawing submitted with the application. this would not be sufficient information for a \$10 million dollar development."

"#3-how did Evan Summers and Kurtis Poszgay get this application through to get it approved and the application was not complete the application would have to be complete like any other applicant who would file with the village of bensenville. at the CDC meeting on 9/3, I introduced myself to the architect and I asked him who the developer was and he gave no answer."

Corey for that development \$10 million dollars is under value for that project. I have evaluated many projects and these budget projects are determined by square footage, what type of building, what type of structure and what type of exterior. regarding the parking how did this get approved and pushed through when you would require minimum 10 extra parking spots for visitors. So the downtown business district area is not required for any parking when there is a new development? there should be sufficient parking for the future and it is an opportunity to use this property to put additional parking to sustain for music in the park and different venues and for the 44,000 sq foot property next door to have a successful retail business as an anchor store."

Loretta and I had a meeting with Evan Summers previously and made our recommendations for developing this block and re gentrifying it and received no response. also we asked Evan Summers why the property at 14-22 n center is

being used as industrial warehousing and semis driving down main street and other streets downtown and received no response."

You further clarified in September 18, 2024, correspondence to the Village:

"As you know Loretta and I were at the village trustee meeting last night 9/17/2024 and at the CDC meeting on 9/3/2024 and after attending the two meetings, we clearly now know what information we are looking for in this FOIA request. We are inquiring for example for all the information of an evaluation and an appraisal for the four parcels.

another example we request Pozsgay last night referred to the developer, who is the developer? who is the General contractor? the application reads that the architect is the applicant and the application was not completed in that it does not show who is the developer, ownership, general contractor and no engineered drawings. again the application was not completed. So this project was approved with site drawings and no rendering or no engineer specifications.

Another example of information we request is according to Mr. DeSimone there was a sale on this property, that is the type of information that we are requesting as well. another example how much TIF money was retained for the project. In closing Corey, Village President DeSimone said to me in an outburst last night that I should have bought the 101 main str property if I wanted to have a say so. Corey how can I receive a recording of the village trustee meeting on Sept 17, 2024?"

Finally, you clarified in October 3, 2024, correspondence to the Village that you are seeking copies of "emails and correspondence regarding to the [101 Main Street] development and who purchased the land for development."

Please be advised that the land for the proposed 101 Main Street development ("Development") has not yet been purchased. The Development has had only its required public hearings before the Community Development Commission ("CDC"), Committee of the Whole ("COW") and Village Board – to receive zoning entitlements. The Village is releasing to you records reflecting the Development's application to the CDC ("Application") and the required public hearing as part of the Development Review process. The Village has no other existing public records responsive to your amended FOIA request or follow-up correspondences.

Signatures have been withheld as private information exempt from disclosure under Section 7(1)(b) of FOIA. 5 ILCS 140/7(1)(b). A draft version of the Application has been withheld as exempt from disclosure under Section 7(1)(f) of FOIA, which exempts from inspection and copying preliminary drafts in which policies or actions are formulated. 5 ILCS 140/7(1)(f). The draft Application has not been cited and identified by the Village President. Finally, architects' plans and other construction-related technical documents have been withheld as exempt from disclosure under Section 7(1)(k) of FOIA, which exempts from inspection and copying "[a]rchitects' plans, engineers' technical submissions, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds." 5 ILCS 140/7(1)(k).

You have the right to have the Village's partial denial of your FOIA request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You may file your Request for Review with the PAC by writing to:

Ms. Leah Bartelt
Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us

You also have the right to seek judicial review of the partial denial of your FOIA request by filing a lawsuit in the State circuit court. 5 ILCS 140/11.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Corey Williamsen', written over the printed name.

Corey Williamsen
Freedom of Information Officer
Village of Bensenville



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Bensenville, IL 60106

Office: 630.350.3404
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September 13, 2024

Ms. Loretta Slowick
Mr. Peter Georgiades
310 South Walnut Street
Bensenville, Illinois 60106

Re: Freedom of Information Act Request – Village of Bensenville
Received September 6, 2024

Dear Ms. Slowick & Mr. Georgiades:

Thank you for writing to the Village of Bensenville ("Village") with your request for information pursuant to the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.* You sent an September 6, 2014, FOIA request to the Village which was received via email on September 6, 2024 seeking copies of

"Please send all documents, communications including digital referring to or related to any variance requests or development activity for 101 Main Street, Bensenville."

This correspondence shall serve to notify you that the Village is treating your FOIA request as a voluminous request under Section 3.6 of FOIA. 5 ILCS 140/3.6(a)(i). Section 2(h) of FOIA defines a voluminous request as "a request that: (i) includes more than 5 individual requests for more than 5 different categories of records or a combination of individual requests that total requests for more than 5 different categories of records in a period of 20 business days; or (ii) requires the compilation of more than 500 letter or legal-sized pages of public records unless a single requested record exceeds 500 pages. "Single requested record" may include, but is not limited to, one report, form, e-mail, letter, memorandum, book, map, microfilm, tape, or recording." 5 ILCS 140/2(h).

The Village is treating your FOIA request as a voluminous request because the Village's response will require the compilation of more than 500 letter or legal-sized pages of public records. 5 ILCS 140/2(h); 5 ILCS 140/3.6(a)(ii).

You must respond to the Village within 10 business days after the date on which this correspondence was sent and specify whether you would like to amend your FOIA request in such a way that the Village will no longer treat your request as

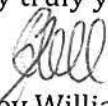
voluminous. 5 ILCS 140/3.6(a)(iii). If you do not respond within 10 business days, or if your FOIA request continues to be voluminous following your response to this correspondence, the Village will respond to your FOIA request and assess any fees charged pursuant to Section 6 of FOIA. 5 ILCS 140/3.6(a)(iv); 5 ILCS 140/6. The Village has five business days after receipt of your response to this correspondence or five business days from the last day for you to amend your FOIA request, whichever is sooner, to respond to your request. 5 ILCS 140/3.6(a)(v). The Village may request an additional 10 business days to comply with your FOIA request. 5 ILCS 140/3.6(a)(vi). If the Village provides responsive records to you and you fail to accept or collect the records, the Village will still charge you for its response pursuant to Section 6 of FOIA. 5 ILCS 140/3.6(a)(viii); 5 ILCS 140/6. Your failure to pay will be considered a debt due and owing to the Village and may be collected in accordance with applicable law. 5 ILCS 140/3.6(a)(viii).

You have the right to have the Village's determination that your FOIA request is voluminous reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/3.6(a)(vii).

You may file your Request for Review with the PAC by writing to:

Ms. Sarah Pratt
Public Access Counselor
Office of the Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: 217-782-1396
E-mail: publicaccess@atg.state.il.us

Very truly yours,


Corey Williamsen
Freedom of Information Officer
Village of Bensenville



BENSENVILLE
COMMUNITY & ECONOMIC
DEVELOPMENT

COMMUNITY DEVELOPMENT
COMMISSION

**DEVELOPMENT
REVIEW PROCESS**

01.14.2021

PROCESS SUMMARY AND TIMELINE

1. Application Submittal and Requirements

Prior to submitting an application, it is suggested that applicants meet with the Community and Economic Development Staff to review the application requirements and procedures. Incomplete applications cannot be accepted and/or processed. All questions regarding the request should be directed to the Community and Economic Development Department at (630) 350- 3413.

2. Village Staff Review & Recommendations

1. Village Staff will transmit the complete application to Village Departments for their review.
2. The Village Staff then prepares a Staff report that is sent to the applicant.
3. The applicant shall respond to the Staff report either by making requested/required revisions or stating why such revisions should not be made.
4. Upon resubmittal the applicant's responses will be reviewed by the Village Departments.
5. Final Staff report and recommendation is prepared.
6. Only after this final Staff report and recommendation are complete can a Public Hearing date be scheduled and the public review portion of the process begins.

3. Public Review & Decision

There are three distinct sections to the Public Review; the Public Hearing before the CDC, the Village Board Committee of the Whole (COW) meeting, and the full Village Board meeting. All fees and Village Staff services associated with the Public Review can be found on the attached fee schedule. Not less than 15 days nor longer than 30 days prior to the Public Hearing a three-pronged notice approach is required:

1. The Village publishes a Legal Notice of the Public Hearing in a local newspaper. The cost is deducted from the application fees.
2. The Village will provide written notice to owners of record within 250' (exclusive of Rights – Of – Way). These written notices are sent via first-class mail by Village Staff. Village Staff will then complete the Certificate of Mailing Affidavit for the application. The cost of the mailing will be deducted from the application fees.
3. The Village posts the notice of Public Hearing sign(s) on the property. A small fee to be deducted from the application fees.

A) CDC Public Hearing & Non-binding Recommendation

The CDC conducts the Public Hearing on the 1st Tuesday evening of the month at 6:30 PM. The applicant, municipal Staff and general public will make presentations, written comments are also accepted. At the close of the Public Hearing, the CDC discusses the request and then makes Findings of Fact and a non-binding recommendation to the Village President and Board of Trustees.

B) Village Board Committee Of the Whole

The Committee Of the Whole meets on the 3rd Tuesday evening of the month at 6:30 PM. The committee reviews the application, Staff report Findings of Fact and recommendation from the CDC. The applicant should be present at this meeting to answer any questions or make a brief presentation if necessary. The COW will vote on the application and forward the vote to the full Village Board or remand the request back to the CDC for additional discussion.

C) Village Board

The full Village Board has the final decision making authority on the application. Our Village Board meets the 2nd and 4th Tuesday evening of the month at 6:30 PM. A draft Ordinance is prepared by Staff for the Village Board's review and consideration. The Board will discuss the request and vote on the Ordinance. The Village Clerk will forward a copy of the approved Ordinance to you in the weeks following the Village Board meeting.

For Office Use Only

Date of Submission: _____ MUNIS Account #: _____ CDC Case #: _____

COMMUNITY DEVELOPMENT COMMISSION APPLICATION

Address: 101-03 MAIN ST.

Property Index Number(s) (PIN): _____

A. PROPERTY OWNER:

Name _____ Corporation (if applicable) _____
 Street _____
 City _____ State _____ Zip Code _____
 Contact Person _____ Telephone Number _____ Email Address _____

*If Owner is a Land Trust, attach a list of the names and addresses of the beneficiaries of the Trust.

B. APPLICANT: ☐ Check box if same as owner

ANTONIO FANIZZA
 Name _____ Corporation (if applicable) _____
2363 LECHNER LN D
 Street _____
DES PLAINES IL 60016
 City _____ State _____ Zip Code _____
ANTONIO FANIZZA 708.822.5680 ANTONIO.FANIZZA@COMNET.NET
 Contact Person _____ Telephone Number _____ Email Address _____

B. ACTION REQUESTED (Check applicable):

- ☐ Site Plan Review
- ☐ Special Use Permit
- ☐ Variation
- ☐ Administrative Adjustment
- ☐ Zoning Text or Map Amendment
- ☐ Zoning Appeal
- ☐ Plat of Subdivision
- ☐ Annexation
- ☐ Planned Unit Development*

*See Staff for additional information on PUD requests

SUBMITTAL REQUIREMENTS:

- ☐ Affidavit of Ownership** (signed/notarized)
- ☐ Application**
- ☐ Approval Standards**
- ☐ Plat of Survey/Legal Description
- ☐ Site Plan
- ☐ Building Plans & Elevations
- ☐ Engineering Plans
- ☐ Landscape Plan
- ☐ Tree Preservation and Removal Plan
- ☐ Application Fees
- ☐ Fees agreement**

**Item located within this application packet.

Brief Description of Request(s): (Submit separate sheet if necessary)

ZONING APPROVAL TO BUILD A SIX
STORE MIXED USE BUILDING w/ A RECREATION
AREA AT ROOF

C. PROJECT DATA:

1. General description of the site: EMPTY LOT
2. Acreage of the site: 32,737 SQ FT Building Size (if applicable): 75,247 SQ FT
3. Is this property within the Village limits? (Check applicable below)
 - ☒ Yes
 - ☐ No, requesting annexation
 - ☐ No, it is under review by another governmental agency and requires review due to 1.5 mile jurisdiction requirements.
4. List any controlling agreements (annexation agreements, Village Ordinances, site plans, etc.)

5. Character of the site and surrounding area:

	Zoning	Existing Land Use	Jurisdiction
Site:			
North:			
South:			
East:			
West:			

D. APPROVAL STANDARDS:

The applicant must compose a letter describing how the request(s) specifically meets the individual criteria from the appropriate Approval Standards, found in Village Code and on the following pages. The CDC will be unable to recommend approval of a request without a response to the pertinent "Approval Standards."

Approval Standards For Site Plan Review

1. 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.
2. The site plan for the proposed development will not adversely impact adjacent properties and other properties within the immediate vicinity of the proposed development.
3. 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.
4. The site plan for the proposed development is designed to preserve the environmental resources of the zoning lot.
5. 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.
6. 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.
7. The site plan for the proposed development includes architectural design that contributes positively to the Village's aesthetic appearance.
8. 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.

Approval Standards for Special Uses

1. The proposed special use will not endanger the health, safety, comfort, convenience and general welfare of the public.
2. The proposed special use is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed special use.
3. The proposed special use will not impede the normal and orderly development and improvement of adjacent properties and other property within the immediate vicinity of the proposed special use.
4. The proposed special use will not require utilities, access roads, drainage and/or other 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.
5. The proposed special use is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

X Approval Standards for Variations

1. The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.
2. The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.
3. The proposed variation alleviates an undue hardship created by the literal enforcement of this title.
4. The proposed variation is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.
5. The proposed variation represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.
6. The proposed variation is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

X Approval Standards for Administrative Adjustment

1. The proposed administrative adjustment will not endanger the health, safety, comfort, convenience, and general welfare of the public.
2. The proposed administrative adjustment is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed administrative adjustment.
3. The proposed administrative adjustment alleviates an undue hardship created by the literal enforcement of this title.
4. The proposed administrative adjustment is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.
5. The proposed administrative adjustment represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject adjustment.
6. The proposed administrative adjustment is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Approval Standards for Zoning Text or Map Amendments

1. Approval standards for text amendments:
 - a. The proposed amendment will not endanger the health, safety, comfort, convenience, and general welfare of the public.
 - b. The proposed amendment corrects an error, adds clarification, or reflects a change in policy.
 - c. The proposed amendment is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.
2. Approval standards for map amendments:
 - a. The proposed amendment will not endanger the health, safety, comfort, convenience, and general welfare of the public.
 - b. The proposed amendment is compatible with the existing uses, character, and zoning of adjacent properties and other property within the immediate vicinity of the proposed amendment.
 - c. The proposed amendment provides a relative gain to the public, as compared to any hardship imposed upon an individual property owner.
 - d. The proposed amendment addresses the community need for a specific use.
 - e. The proposed amendment corrects an error, adds clarification, or reflects a change in policy.
 - f. The proposed amendment is consistent with the intent of the Comprehensive Plan, this title, and the other land use policies of the Village.

Approval Standards for Planned Unit Developments

- A. The proposed planned unit development fulfills the objectives of the Comprehensive Plan, and other land use policies of the Village, through an innovative and creative approach to the development of land.
- B. The proposed planned unit development will provide walkways, driveways, streets, parking facilities, loading facilities, exterior lighting, and traffic control devices that adequately serve the uses within the development, promote improved access to public transportation, and provide for safe motor vehicle, bicycle, and pedestrian traffic to and from the site.
- C. The proposed planned unit development will provide landscaping and screening that enhances the Village's character and livability, improves air and water quality, reduces noise, provides buffers, and facilitates transitions between different types of uses.
- D. The proposed planned unit development will incorporate sustainable and low impact site design and development principles.
- E. The proposed planned unit development will protect the community's natural environment to the greatest extent practical, including existing natural features, water courses, trees, and native vegetation.
- F. The proposed planned unit development will be provided with underground installation of utilities when feasible, including electricity, cable, and telephone, as well as appropriate facilities for storm sewers, stormwater retention, and stormwater detention.

APPLICATION FEES

The fee schedule for items that require appearance before the Community Development Commission and/or Village Board as follows:

<u>ACTION REQUIRED</u>	<u>FEES</u>
Variation for Residential Use	\$100
Annexation Petition	\$250
Appeal of Director	\$500
Comprehensive Plan Map Amendment	\$500
Comprehensive Plan Text Amendment	\$500
Plat of Subdivision	\$500
Special Use Permit	\$500
Variation for Nonresidential Use	\$500
Zoning Map Amendment	\$500
Zoning Text Amendment	\$500
Planned Unit Development	\$750
PUD Amendment	\$500

Processing Fees: \$200

The Staff will provide, as a service to the applicant, the following as legally required:

- Publish the required legal notice in local publication
- Post a public hearing sign on the property visible from the public way
- Mail the legal notice to each property owner within 250 feet of the applicant property

Any required Recording of Documents will be the responsibility of the applicant with fees Assessed by the County.

****Application fees are non-refundable and payment does not constitute approval of project****

In cases where the developer is petitioning for more than one request, fees shall be collected for each request. An exception in instances where a planned unit development and subdivision plat are being requested simultaneously one fee is collected.

Reimbursement of Fees: In addition to the fixed fee(s) provided above, the petitioner/applicant shall enter into a reimbursement of fees agreement with the Village. The reimbursement of fees agreement shall encompass all applications or petitions pending with the Village, including any additional matters not set forth hereinabove. The reimbursement of fees agreement shall be in the following form:

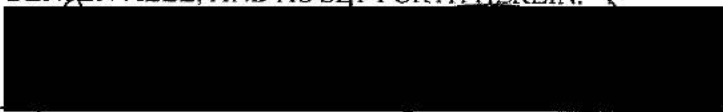
Should the Village, in its sole and exclusive discretion, determine that it is necessary or desirable for the Village to obtain professional services, including, but not limited to, attorneys, engineers, planners, architects, surveyors, court reporters, traffic, appraisers, environmental, drainage or other consultants, including full and/or part time site inspection services during the actual construction of any required improvements, and/or to incur costs related to any required notices or recordings, in connection with any Petition or Application filed by the Petitioner/Applicant, then the Petitioner/Applicant shall be liable for the payment of such professional fees and costs, as shall actually be incurred by the Village, plus an additional ten percent (10%) to cover the Village's administrative expenses.

Upon the failure of the Petitioner/Applicant to reimburse the Village in accordance with this Agreement, no further action shall be undertaken on any Petition or Application by the Village President and Board of Trustees, or by any other official or quasi-official individual or body thereunder, including the conduct of any hearings or deliberations, the granting of any relief or approvals, and the execution or recording of any documents, until all such outstanding fees are paid in full. Further, the Village may deny any application for a grading, building or other permit if such amounts have not been paid in full. Upon any failure to reimburse the Village in accordance with this Section, the Village may in its discretion, elect to place a lien against any real property associated with the Petitioner/Applicant's Petition or Application. In the event such amounts are not paid in full within sixty (60) days after the date when the statement of such amounts due is delivered or deposited in the U.S. mail by the Village, such amounts due shall be deemed delinquent and thereafter a delinquency charge of one percent (1%) per month, or portion thereof, with a minimum delinquency charge of \$5.00 per month, shall be added to the amount due until such amount, including all delinquency charges, is received by the Village. Said lien shall be in an amount equal to the outstanding amount owed to the Village.

The remedies available to the Village as set forth hereinabove are non-exclusive and nothing herein shall be deemed to limit or waive the Village's right to seek relief of such fees against any or all responsible parties in a court of competent jurisdiction.

BY SIGNING BELOW, THE PETITIONER/APPLICANT ACKNOWLEDGES THAT THEY HAVE READ THE FOREGOING PARAGRAPHS AND FULLY UNDERSTANDS AND AGREES TO COMPLY WITH THE TERMS SET FORTH HEREIN. FURTHER, BY SIGNING BELOW, THE SIGNATORY WARRANTS THAT THEY POSSESS FULL AUTHORITY TO SO SIGN.

THE PETITIONER/APPLICANT AGREES THAT THEY SHALL BE LIABLE FOR PAYMENT OF FEES REFERRED TO IN APPLICABLE SECTIONS OF THE ORDINANCES OF THE VILLAGE OF BENSENVILLE, AND AS SET FORTH HEREIN.



Petitioner/Applicant

Date

July 18. 2024

STATE OF ILLINOIS)
)SS.
COUNTY OF DUPAGE AND COOK)

AFFIDAVIT OF OWNERSHIP

I _____ the undersigned Affiant, being first duly sworn, on
oath states:

1. That Affiant has personal knowledge of the representations and statements made herein, and has examined all necessary documents, records of ownership and such other information as is required to confirm the statements and representations herein;
2. That the owner(s) and contract purchaser(s), if any, as set forth on the Petition attached hereto is (are) the owner(s) of record and contract purchasers of said property;
3. That all consents to the attached Petition required of lenders or of others holding an interest in the property have been obtained;
4. This Affidavit of Ownership is given to induce the Village of Bensenville, without further inquiry as to ownership or purchase interest, to rely on said statements and representations and to process and set for Public Hearing the Petition as attached hereto; and,
5. Affiant is aware of and has been advised that any false statement set forth in this Affidavit of Ownership may subject Affiant to criminal sanctions for perjury, punishable as provided by the statutes of the State of Illinois in relation to the crime of perjury.

IN WITNESS WHEREOF, the undersigned has executed this Affidavit of Ownership this

_____ day of, _____.

Signature

SUBSCRIBED and SWORN to

before me this _____ day of, _____.

Notary Public

ANTONIO FANIZZA ASSOC. LTD

ARCHITECTS

COMMISSION APPLICATION

August 2, 2024

Project Location: 101-103 Main Street
Bensenville, IL

Approval Standards for Variations

Yes: The proposed variation will not endanger the health, safety, comfort, convenience, and general welfare of the public.

Yes: The proposed variation is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.

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

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

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

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

For further comments please feel free to call.

Sincerely,

Antonio Fanizza
Architect



STAFF REPORT

HEARING DATE: September 3, 2024
CASE #: 2024 – 24
PROPERTY: 101 Main Street
PROPERTY OWNER: Village of Bensenville
APPLICANT: Antonia Fanizza
SITE SIZE: .75 acres
BUILDING SIZE: 75, 247 SF
PIN NUMBERS: 03-14-402-002, 03-14-215-015, 03-13-215-019, 03-14-215-014
ZONING: C-1 Downtown Mixed-Use District
REQUEST: Site Plan Review
Municipal Code Section 10 – 3 – 2
Variance, Maximum Front Setback
Municipal Code 10-6-17-1C
Variance, Maximum Corner Side Setback
Municipal Code 10-6-17-1D
Variance, Parking Location
Municipal Code 10-6-17-1H
Variance, Parking Facility Encroachment
Municipal Code 10-8-1C-4
Variance, Minimum Number of Long-Term Bicycle Parking Spaces Required
Municipal Code 10-8-5-1
Variance, Parking Design Standards
Municipal Code 10-8-6C-1
Variance, Street Tree Frequency
Municipal Code 10-9-4B-1
Variance, Tree Canopy Coverage
Municipal Code 10-9-5A
Variance, Minimum Parking Lot Perimeter Landscaping
Municipal Code 10-9-5B
Variance, Parking Lot Interior Landscape Islands
Municipal Code 10-9-5C

PUBLIC NOTICE:

1. A Legal Notice was published in the Bensenville Independent on Thursday, August 15, 2024. A Certified copy of the Legal Notice is maintained in the CDC file and is available for viewing and inspection at the Community & Economic Development Department during regular business hours.
2. Village personnel posted 1 Notice of Public Hearing sign on the property, visible from the public way on August 15, 2024.
3. On Wednesday, August 14, 2024, Village personnel mailed from the Bensenville Post Office via First Class Mail a Notice of Public Hearing to taxpayers of record within 300 feet of the property in question. An Affidavit of Mailing executed by C & ED personnel

and the list of recipients are maintained in the CDC file and are available for viewing and inspection at the Community & Economic Development department during regular business hours.

SUMMARY:

The Petitioner, Antonio Fanizza, is seeking 10 variances to construct a six-story mixed-use development. The ground floor would contain retail, and the remaining 5 floors would hold 1- and 2-bedroom apartments, including ADA accessible living spaces. The development would have 53 parking spaces. These variances mainly pertain to the parking lot- in order to properly provide enough parking for the site, these variances are needed. They include allowing parking in the corner side yard, removing the need for landscape islands, decreasing the frequency of street trees, lowering the necessary amount of parking lot perimeter landscaping and the type of landscape elements. Variances also include increasing the setback requirements and adjusting the necessary number of long-term bicycle parking spots. The proposed development falls within a C-1 Downtown Mixed-Use District.

SURROUNDING LAND USES:

	Zoning	Land Use	Comprehensive Plan	Jurisdiction
Site	C-1	Vacant	Mixed Multi Use	Village of Bensenville
North	C-1	Commercial	Mixed Multi Use	Village of Bensenville
South	C-1	Parking	Mixed Multi Use	Village of Bensenville
East	C-1	Mixed Use	Mixed Multi Use	Village of Bensenville
West	C-1	Commercial	Mixed Multi Use	Village of Bensenville

DEPARTMENT COMMENTS:

SUPPORTS THE FOLLOWING APPLICABLE VILLAGE GOALS:

<input checked="" type="checkbox"/>	Financially Sound Village	<input checked="" type="checkbox"/>	Enrich the lives of Residents
<input type="checkbox"/>	Quality Customer Oriented Services	<input type="checkbox"/>	Major Business/Corporate Center
<input checked="" type="checkbox"/>	Safe and Beautiful Village	<input checked="" type="checkbox"/>	Vibrant Major Corridors

Finance:

- 1) Inactive account.

Police:

- 1) No comments.

Engineering and Public Works:

- 1) Stormwater Detention: Article 15-72.A.1 of the DuPage County Stormwater and Flood Plain Ordinance (DCSFPO) states that stormwater detention is required if the impervious area is being increased by at least 25,000 square feet since February 15, 1992. A comparison of the existing conditions as it existed on February 15, 1992 to the proposed conditions will be required. The total lot area per the proposed plan provided is 32,549 square feet. In accordance with DCSFPO, stormwater detention appears to be required for

this proposed development. Comparison of the impervious area must be documented in a tabular submittal stormwater report.

- 2) Best Management Practices: Section 15-63 of the DCSFPO states that on-site postconstruction best management practices (PCBMPs) and volume control best management practices (VCBMPs) are required to treat stormwater runoff for pollutants and reduce runoff volume for all developments with 2,500 square feet or more net new impervious area since April 23, 2013. Based upon a comparison of the existing conditions to the proposed conditions since 2013, the proposed development will result in a net impervious area increase of greater than 2,500 square feet. Comparison of the impervious area must be documented in a tabular submittal stormwater report.
- 3) Sediment & Erosion Control: The construction area (disturbed area) is the entire lot area of 32,549 square feet (0.747 acres) which is less than 1 acre. A National Pollutant Discharge Elimination System (NPDES) permit is not required for discharge of storm water. However, all erosion control measures must meet all of the requirements listed in Sections 15-58 through 15-60 of the DCSFPO.
- 4) Floodplain: The site includes no regulatory floodplain as shown on FEMA FIRM Map number 17043C0079J dated August 1, 2019. The nearest regulatory flood plain is the Zone AE floodplain of Silver Creek located approximately 1100 feet northwest of the site with an elevation of +/-664. Because the site is entirely outside the limits of the 100-year flood plain, compensatory storage will not be required for any proposed fill.
- 5) Wetlands and Buffers: It does not appear there are wetlands or wetland buffers on the site. However, it is the responsibility of the applicant to identify any existing special management areas on site and properly mitigate them.
- 6) Permits: The proposed improvement will require a Village of Bensenville Stormwater Permit since the area disturbed by construction is greater than 5,000 square feet. Since no impacts are proposed to Special Management Areas, the submittal does not require submittal to the DuPage County Stormwater for review and certification. An IEPA-Sanitary Permit will be required for the new building's sanitary service. Depending on the proposed water service, an IEPA-watermain permit may be required for any scope of work larger than a water service connection to the Village's watermain.
- 7) 12" Watermain is available for connection on Center Street and Main Street, however the desire for the water connection would be on the Center Street side of the building. The Village is completing a resurfacing project on Main Street this year and we prefer to not go into this roadway to make a water service/fire suppression connection.
- 8) 8" Sanitary sewer main is available for connection on Center Street and Main Street, however the desire for the sanitary sewer connection would be on the Center Street side of the building for the same reasons as above.
- 9) Storm sewer connections are available on Center Street. If requested the Village can provide their atlas information for developments that will be moving forward.
- 10) Provide AutoTurn for site circulation and ingress/egress at all driveways in addition to the provided turning templates showing the AASHTO design vehicle that will be utilizing the site (SU delivery truck, Passenger Cars, etc.) as it is unclear where deliveries would happen for the commercial and residential sides of the building, respectively.
- 11) Any sidewalk modifications along Center Street and Main Street must conform to the Village's downtown streetscape corridor stamped concrete standards.
- 12) These are general comments that we can ascertain based on the information provided as part of this CDC submittal. Further engineering review will be performed during the permit process, if approved. If I can be of further assistance, please contact me.

Community & Economic Development:

Economic Development:

- 1) The site had sat vacant for almost two years in disrepair.
- 2) The Village purchased the property parcels at various times over the past 30 years.
- 3) The final remaining structure was demolished in 2013.
- 4) The site will be sold at a discount to entice the development.
- 5) The property has been off the tax rolls since then.
- 6) Staff estimates the new development will be valued similar to the property on N Walnut St which is valued at \$213,103/unit.
- 7) The proposed building is 75,247 SF and 50 units
 - a. 40 two-bed apartments and 10 one-bed apartments.
 - b. 6,565 SF commercial space: 5 potential units.
 - c. 2,491 SF ground floor common space.
 - d. 8,762 SF rooftop recreational/shared amenity space.
- 8) Staff estimates the building to be valued at roughly a \$10.5 million sales price.
- 9) Staff estimates taxes to be between \$140,000-\$183,000 once completed.
- 10) This mixed-use project also includes commercial space, with the possibility of a retail sales establishment leasing the space in the future bringing in retail sales tax.

Fire Safety:

- 1) No comments at this time.

Building:

- 1) No comments.

Planning:

- 1) The 2015 Comprehensive Plan indicates “Mixed Multi Use” for this property.
- 2) The current zoning is C-1: Downtown Mixed-Use District.
- 3) The Petitioner is seeking approval of site plan review and variations from Village Code requirements in order to construct a new six-story mixed-use development. The structure is proposed to be roughly 75,300 square feet. The parking area within the property is located to the north of the proposed structure within the rear and corner side yards of the property. The ground floor will feature commercial units while the other floors are residential.
- 4) Per Village Code Section 10-3-2A, the purpose of Site Plan Review is as follows:
 - a. The purpose of this site plan review application is to ensure development and redevelopment that is harmonious with surrounding properties, and consistent with the intent of the Comprehensive Plan and this title.
- 5) Per Village Code 10-6-16, the following Design Requirements for Commercial Districts apply:
 - a. Design Requirements
 - i. Façade Design
 1. Defined Base, Middle, And Top: Buildings with multiple stories shall be designed with a distinct base (ground story), middle, and top. The base of the building shall be defined from the upper stories by a horizontal expression line, which is a decorative, three-dimensional linear element protruding or indented at least two inches (2") from a building facade. The top of the building shall be

crowned with a similar expression line no less than six inches (6") in width.

2. Facade Articulation: For buildings with more than fifty feet (50') of building width or depth, vertical architectural or structural elements must be incorporated along all street-facing facades at regular intervals to divide large, flat wall planes. Examples of such elements include texture change, material change, color change, or wall articulation change, such as an offset, pilaster, column, reveal, or vertical expression line, of no less than six inches (6").
- ii. Building Façade Materials
 1. Allowed Materials: The following materials are allowed on any building facade: durable and natural materials, such as stone, brick, stucco, metal, concrete, burnished concrete masonry units, and non-reflective glass, unless otherwise limited by subsection B2b, "Limited Materials", of this section.
 2. Limited Materials: The following materials may only be utilized for trim or architectural details and shall not exceed twenty percent (20%) of the total area of any building facade: utility brick, vinyl or metal siding, metal wall panels, exposed aggregate (rough finish) concrete wall panels, non-burnished concrete masonry units, exterior insulation and finishing systems, fiberglass, plastic, untreated wood, and mirrored glass. The painting of brick, limestone, or other natural stone is prohibited so such materials retain their natural colors.
 3. Security shutters, gates, grills, or other similar security features, as deemed applicable by the Zoning Administrator, shall not be fully opaque and shall not be affixed to the exterior of any building façade.
- iii. Building Details: Pedestrian-scale elements, such as decorative lighting not more than nine feet (9') in height, planters, and awnings, shall be included on any building facade fronting a public right-of-way.
- iv. Roof Design: Green roof, white roof, and blue roof designs are encouraged.
- b. Explanation Of Table Requirements: The following information explains the commercial design requirements established in section 10-6-17, table 10-6-17-1, "C-1 District Requirements", and section 10-6-18, table 10-6-18-1, "C-2 District Requirements", of this chapter. Refer to figures 10-6-16-1, "Commercial Design Requirements: Front Elevation View", and 10-6-16-2, "Commercial Design Requirements: 3-D View" of this section.
 - i. Minimum Street Frontage: The minimum proportion of a principal building required to be located adjacent to a right-of-way expressed as a percentage of the total length of the lot line adjacent to the right-of-way.
 - ii. Parking Location: The yards in which an off-street parking lot is allowed.
 - iii. Minimum Transparency: The amount of highly transparent, non-reflective glass required as a percentage of the total area of the street-facing ground story facades between two feet (2') and eight feet (8') above grade. Tinting of glass in excess of twenty percent (20%) is prohibited. Buildings larger than thirty thousand (30,000) square feet shall be exempt from these standards.

- iv. Principal Entrance Location: The facade on which the principal building entrance must be located
- 6) Per Village Code 10-6-17-1, C-1 District Requirements, the following requirements apply:
- a. The maximum principal building height is 100 feet.
 - i. The proposed structure is 87'-8" tall.
 - b. The maximum front setback is 0 feet.
 - i. The petitioner is requesting a variance from this requirement.
 - ii. Staff is supportive of this request.
 - c. The maximum corner side setback is 0 feet.
 - i. The petitioner is requesting a variance from this requirement to increase the maximum corner side setback to 5 feet.
 - d. The minimum street frontage on a primary street is 95%.
 - i. Staff is supportive of this request.
 - e. The parking lot location shall be in the rear yard.
 - i. The petitioner is requesting a variance from this requirement to allow some parking in the corner side yard.
 - ii. Staff is supportive of this request.
- 7) Per Village Code 10-8-1C-4, Encroachment, the following requirements apply:
- a. Parking facilities are allowed to encroach into the required front yard, corner side yard, interior side yard, and/or rear yard, but shall be at least one foot (1') from any lot line, provided no parking lot perimeter landscape or buffer yard is required.
 - i. The petitioner is requesting a variance from this requirement to allow parking facilities to be directly adjacent to the western lot line.
 - ii. Staff is supportive of this request.
- 8) Per Village Code 10-8-2A-2b, Accessible Parking Applicability, the following requirements are met:
- a. Accessible parking shall be provided for all off-street parking lots that provide parking for employees and/or visitors with the exception of single-unit and two-unit dwellings.
- 9) Per Village Code 10-8-2-1, Off-Street Parking Requirements, the following requirements apply:
- a. Dwelling above the ground floor uses require 1 parking stall per dwelling unit.
 - i. The proposed development meets this standard.
- 10) Per Village Code 10-8-3A, C-1 District Exemption: The requirements of subsection 10-8-2C, table 10-8-2-1, "Off-Street Parking Requirements", of this chapter shall not apply to non-residential uses in the C-1 District.
- a. No parking is needed for the ground floor commercial units.
- 11) Per Village Code 10-8-5-1, Minimum Number of Short-Term Bicycle Parking Spaces Required, multiple-unit dwellings need 1 short-term bicycle parking space per 20 dwelling units.
- a. Staff feels that the current number of short-term bicycle parking spaces within the C-1 District are sufficient to meet this standard.
- 12) Per Village Code 10-8-5-1, Minimum Number of Long-Term Bicycle Parking Spaces Required, multiple-unit dwellings need 1 long-term bicycle parking space per unit.
- a. The petitioner is requesting a variance from this requirement.
 - b. Staff is supportive of this request.

- i. The total number of long-term bicycle parking spaces will be determined during the permitting process.
- 13) Per Village Code 10-8-5F, Long-Term Bicycle Parking, the following requirements apply:
 - a. Location: Long-term bicycle parking shall be located within an enclosed, limited-access area designed to protect bicycles from inclement weather, unauthorized use, and theft, and shall adhere to the following:
 - i. Long-term bicycle parking shall be provided within the building containing the use that it is intended to serve, or within a structure that has a principal entrance two hundred feet (200') or less from the principal entrance to such building.
 - ii. Long-term bicycle parking serving multiple uses or buildings may be combined into a single area, enclosure, or facility.
 - iii. Where long-term bicycle parking is located adjacent to vehicular parking or loading facilities, a physical barrier shall be provided to prevent damage to bicycles by motor vehicles.
 - b. Facilities: Long-term bicycle parking spaces may be provided within the following types of facilities:
 - i. Enclosed spaces within a building, such as bicycle rooms or garages.
 - ii. Bicycle sheds
 - iii. Bicycle lockers or fixed-in-place containers.
 - iv. Other enclosed spaces that are monitored by an attendant or other security system.
- 14) Per Village Code 10-8-6C-1, Parking Design Standards; Parking Lot Access, the following requirements apply:
 - a. Parking Lots shall be designed with adequate means of vehicular access from a driveway, street, or alley in a manner that minimizes interference with traffic movement. Parking facilities must be designed to allow the driver to proceed forward into traffic from an access point, rather than backing out. Parking facilities that serve single-unit, two-unit, and townhouse dwellings are exempt from this requirement.
 - b. The petitioner is requesting a variance from this requirement to allow parking facilities to be designed to allow the driver to back out from an access point.
 - i. Staff is supportive of this request, as it is not the entire parking lot but just the spaces coming off the alley.
- 15) Per Village Code 10-8-6K-4, Off-Site Snow Storage, the following requirements apply:
 - a. If snow storage cannot be accommodated on-site, the applicant shall make arrangements for off-site snow storage with approval from the Zoning Administrator.
 - i. The petitioner has indicated that their snow storage will be off-site.
- 16) Per Village Code 10-8-8D, Visibility, no building, structure, sign, or landscape element shall obstruct the area between 2.5 feet and eight feet (8') in height within the sight triangle area on each side of the driveway. Beginning at the intersection of the driveway with the lot line, the sight triangle shall be formed by measuring ten feet (10') along the lot line in the opposite direction of the driveway and ten feet (10') along the driveway in the opposite direction of the lot line, then connecting the endpoints of the lines across the subject property.

- 17) Per Village Code 10-8-8E, Turning Radii: Multiple-Unit Dwellings and Commercial Uses, entrances to multiple-unit dwellings and commercial uses shall have a minimum turning radii of fifteen feet (15') and a maximum turning radii of thirty-five feet (35').
- a. Engineering has requested turning exhibits.
- 18) Per Village Code 10-8-11-1, Loading Requirements, multiple-unit residential uses require one off-street loading space if the square footage exceeds 20,000 square feet.
- a. According to Village Code 10-8-11D-1, Side Or Rear Yard, loading facilities shall be located on the side and/or rear yard of the lot. A designated loading area may be located within a drive aisle with prior written approval from the Zoning Administrator.
 - b. Staff anticipates that the loading facilities will be placed in a drive aisle.
- 19) Per Village Code 10-9-2-1, Tree Replacement Rates, if a tree with a caliper of 30 inches or greater is removed, 6 replacement trees are required.
- a. The proposed landscape plan meets this requirement.
- 20) Per 10 – 9 – 3 Design, Installation, and Maintenance, the following requirements apply:
- a. Design And Installation:
 - i. National Standards: All landscape elements shall be installed in accordance with the practices and procedures established by AmericanHort. Landscape elements shall be healthy and hardy upon installation and shall be planted with appropriate space and soils to ensure sustained growth.
 - ii. Soil Requirements: Soil type, volume, width, and depth requirements shall be used as required by this chapter to ensure tree survival and growth. A minimum soil depth of thirty-six inches (36") and minimum planting bed width of six feet (6') is required for all tree planting areas. Refer to figures 10-9-3-1, "Minimum Soil Depth", and 10-9-3-2, "Planting Bed Width", of this subsection. In order to accommodate subsurface root expansion, a minimum volume of one thousand (1,000) cubic feet of structural soil is required per large shade tree or evergreen tree, and a minimum volume of seven hundred fifty (750) cubic feet of structural soil is required per medium shade tree. Whenever possible, tree plantings should be located to connect subsurface root spaces.
 - iii. Plant Size Requirements: Landscape elements shall be installed in accordance with table 10-9-3-1, "Required Landscape Size At Installation", of this subsection, unless otherwise noted in this title.
 - iv. Species Diversity: Tree and plant species that are native or naturalized to northeastern Illinois, as well as drought- and salt-tolerant plant materials, shall be used as required by this chapter, except for single-unit and two-unit dwellings. Refer to the most recent Morton Arboretum *Northern Illinois Tree Species List* for preferred plant species and table 10-9-3-2, "Species Diversity Requirements", of this subsection, for specifications.
 - v. Runoff Infiltration: All required parking lot perimeter landscape, buffer yards, and landscape islands shall be designed to accept and facilitate stormwater runoff infiltration through curb design, adequate soil depth, appropriate plant selection, and site grading to convey stormwater to the landscaped areas. Where practical, all landscaped areas shall create bioretention and infiltration areas to assist in water quality protection and facilitate groundwater recharge.

- vi. Irrigation: Permanent irrigation systems are not required but may be installed as recommended by a landscape architect or the Zoning Administrator. All irrigation systems that are installed shall be designed to minimize the use of water and require certification that the system is water efficient (e.g., EPA WaterSense certified). Irrigation systems are not allowed in the right-of-way.
 - b. Planting Location and Visibility: All landscape elements shall be located in compliance with the visibility standards of subsections 10-6-6C, "Visibility Obstruction", and 10-8-8D, "Visibility", of this title.
 - c. Maintenance: All landscape elements shall be maintained in good condition at all times to ensure healthy vegetation and an orderly appearance.
 - i. Maintenance Responsibility: Landscape elements, such as vegetation and trees, irrigation systems, fences, and walls, shall be maintained. The property owner shall be responsible for the maintenance, repair, and replacement of landscape elements to keep them in good condition for the lifespan of the development and/or parking lot.
 - ii. Surety: A letter of credit, escrow, performance bond, or other surety as approved by the Zoning Administrator, equal to one hundred twenty five percent (125%) of the value of the landscaping shall remain in place for two (2) years after installation to ensure proper maintenance in accordance with this chapter.
 - iii. Establishment Of Landscape Elements: All installed landscape elements shall be watered, fertilized, and replaced as needed until fully established.
 - iv. Ongoing Maintenance: All landscape elements shall be maintained in good condition in perpetuity and shall have a healthy, neat, and orderly appearance. Any landscape element that is removed due to disease, damage, death, or any other reason shall be replaced within thirty (30) days after the beginning of the growing season, in accordance with the requirements of this chapter and the approved landscape plan. (Ord. 67-2018, 12-18-2018)
- 21) Per Village Code 10-9-4B-1, Street Tree Frequency, the following requirements apply:
- a. Street trees shall be installed at a minimum rate of one large shade tree per forty (40) linear feet. Trees shall be spaced on center, or at a rate that matches the existing tree spacing pattern on adjacent parkways, whichever results in a greater density of tree plantings. Spacing may be adjusted to ensure adequate room for streetlights and utilities, with prior written Zoning Administrator approval.
 - i. The petitioner is requesting a variance from this requirement in order to only have two street trees along Center Street.
 - ii. Staff is supportive of this request
- 22) Per Village Code 10-9-5A, Tree Canopy Coverage, the following requirements apply:
- a. Tree canopy coverage requirements shall be met through tree plantings located within perimeter yards and interior landscape islands such that shade canopy is provided for a minimum of forty percent (40%) of the parking area hardscape, including all parking spaces, travel lanes, and other impervious areas not exempted by this section.
 - i. The petitioner is requesting a variance from this requirement to eliminate the tree canopy coverage requirements.
 - ii. Staff is supportive of this request.
- 23) Per Village Code 10-9-5B, the following Parking Lot Landscape requirements apply:

- a. Location: Parking lot perimeter landscape shall apply to properties in all zoning districts in which parking facilities are located adjacent to the front or corner side lot line. The parking lot perimeter landscape shall be located directly adjacent to the front or corner side lot line.
 - b. Minimum Parking Lot Perimeter Landscape: A parking lot perimeter landscape with a minimum depth of eight feet (8') is required along the length of the parking lot that abuts the front or corner side lot line, excluding any driveways.
 - c. Landscape Elements: The parking lot perimeter landscape shall meet all of the standards of section 10-9-3, "Design, Installation, And Maintenance", of this chapter and include the following:
 - i. A continuous hedge comprised of individual small shrubs of an appropriate species that are adaptable to being grown as a hedge, with a minimum width of twenty-four inches (24"), spaced thirty six inches (36") on center, and a maximum height at maturity of thirty inches (30") to forty two inches (42").
 - ii. One large shade tree per thirty (30) linear feet of perimeter area, or one medium shade tree per twenty-five (25) linear feet of perimeter area, or any combination thereof. Trees may be spaced evenly or grouped.
 - iii. Any portion of the parking lot perimeter landscape not covered by hedges and trees shall be planted with turf, clump or no-mow grasses, other perennial groundcover, or mulch.
 - d. The petitioner is unable to meet the minimum parking lot perimeter landscape or landscape element requirements and is requesting a variance for this section.
 - i. The petitioner would like to reduce the necessary amount of parking lot perimeter landscape to 5 feet.
 - ii. The petitioner would like to eliminate the shade tree requirement.
 - iii. Staff is supportive of both these requests.
- 24) Per Village Code 10-9-5C, Parking Lot Interior Landscape Islands, the following requirements apply:
- a. Spacing: One landscape island shall be provided for every ten (10) contiguous parking spaces. All rows of parking shall be terminated by a landscape island or landscape area.
 - b. Size: For a single parking row, the landscape island shall have a minimum length equal to the length of the adjacent parking space and a minimum area of one hundred (100) square feet. When double rows of parking are provided, the required landscape islands shall have a minimum length equal to the total length of the adjacent parking spaces and a minimum area of two hundred (200) square feet.
 - c. Alternate Configuration: In conjunction with landscape plan approval (see subsection [10-9-1D](#), "Landscape Plan", of this chapter), the Zoning Administrator may permit a different configuration of landscape islands to allow for more efficient site design or to permit larger landscape areas. Regardless, the overall area and number of plantings required for landscape islands pursuant to this section shall be met.
 - d. Trees: A minimum of one shade tree shall be provided per landscape island. Landscape islands provided for double rows of parking shall include a minimum of two (2) shade trees.

- e. Groundcover: A minimum of eighty percent (80%) of each landscape island shall be planted with turf or other live groundcover, perennials, or ornamental or native grasses. Shrubs shall not be permitted in landscape islands.
 - f. Curbing: Landscape islands shall be protected with concrete curbing and have a minimum height of six inches (6") as measured from the parking lot surface. Curbing may contain inlets to accept drainage, unless it is determined by the Zoning Administrator that inlets would result in greater runoff volume inflow than could be supported by the landscape island. Refer to figure 10-9-5-5, "Curb Inlet Design", of this subsection. Wheel stops and other alternate landscape protections may be approved by the Zoning Administrator to facilitate certain stormwater management facilities.
 - g. The petitioner is unable to meet several of these requirements, and as such is requesting a variance from this section of code.
 - i. Staff is supportive of this request.
- 25) Per 10 – 9 – 7 Screening Requirements, the following requirements apply:
- a. Applicability: The requirements of this section apply to refuse areas, ground-mounted mechanical equipment, ground-mounted utilities, outdoor storage areas, and off-street loading areas to screen them from view of the street and adjacent properties.
 - b. Refuse Area, Ground-Mounted Mechanical Equipment, Ground- Mounted Utility, And Outdoor Storage Area Screening Requirements: Refer to figure 10-9-7-1, "Refuse Area, Ground-Mounted Mechanical Equipment, Ground-Mounted Utility, And Outdoor Storage Area Screening", of this section.
 - i. Location: Refuse areas shall be located in the interior side yard or rear yard. Refer to subsections 10-7-3W, "Outdoor Storage Area", and 10-7-4C13, "Mechanical Equipment", of this title for location requirements for outdoor storage and ground-mounted mechanical equipment standards.
 - ii. Opaque Fence Or Wall: The refuse area or outdoor storage area shall be completely screened by an opaque masonry wall or fence on three (3) sides, and an opaque gate on the fourth side. The wall of a principal structure may serve as a screening wall.
 - 1. Height: The fence or wall shall not exceed eight feet (8') in height.
 - 2. Complementary Design: Screening elements should complement the architectural style of the primary building on-site and use building materials similar to those used for the primary building.
 - 3. Gate: The enclosure of the refuse area or outdoor storage area shall be gated and remain locked except during times of refuse deposit or collection.
 - iii. Landscape Elements: Landscape shrubs or native grasses may be installed on three (3) sides of the area, with plantings located between the fencing and back of curb and screening the full length of each side. Installed shrubs shall form a continuous hedge comprised of individual small shrubs of an appropriate species that are adaptable to being grown as a hedge, with a minimum width of twenty-four inches (24"), spaced thirty six inches (36") on center.
 - c. Off-Street Loading Area Screening Requirements: The area adjacent to any off-street loading areas, shall be treated with landscaping and buffering per the requirements of subsection 10-9-5B, "Parking Lot Perimeter Landscape", of this chapter.

26) Per 10 – 9 – 8 Outdoor Lighting, the following requirements apply:

- a. Applicability: Outdoor lighting standards prevent light trespass, promote energy efficiency, and minimize light pollution. The requirements of this section apply to all new or replacement outdoor lighting, with the exception of unshielded lighting for holiday decorations or permitted temporary uses as established in section 10-7-5, "Temporary Structures And Uses", of this title. The Zoning Administrator may impose reasonable restrictions on the use of such lighting for temporary uses as necessary to protect the health, safety, and welfare of the public.
- b. General Requirements
 - i. Photometric Plan: A photometric plan prepared by a professional shall be approved by the Zoning Administrator prior to installation of outdoor light fixtures for non-residential uses.
 - ii. Prohibited Lighting: Any outdoor lighting that may be confused with a traffic control device shall be prohibited except as authorized by Federal, State, County, or local government. Flashing lights, strobe lights, and laser lights are prohibited.
 - iii. Design That Prevents Glare: All lighting shall be designed to prevent glare and interference with residential property, and motor vehicle, bicycle, and pedestrian traffic.
 - iv. Fixtures: All new and replacement outdoor lighting shall employ full cut-off or fully shielded fixtures.
 - v. Facade Illumination: Building facade illumination shall be limited to fully shielded fixtures directed towards the facade. All light from such fixtures shall be concentrated on the exterior wall surface of the building being illuminated.
 - vi. Automatic Lighting Controls: All outdoor lighting on non- residential properties shall be controlled by a photo sensor, occupancy sensor, or timer to automatically reduce outdoor lighting when sufficient daylight is available, and to automatically extinguish lights no more than one hour following the close of business, excluding security lighting.
 - vii. Energy-Efficient Technology: The use of light emitting diodes (LED) or similar technology is encouraged.
- c. Illumination Standards:
 - i. Illumination:
 - 1. Non-Residential Uses: Outdoor lighting shall not exceed one foot-candle at any point on a lot line for a lot containing a non-residential use, unless otherwise specified in this title.
 - ii. Height: The maximum height of light poles and building-mounted lighting is established in this section unless otherwise required by title 9, "Building Regulations", of this Code.

27) Non-Residential Uses: Light poles and building-mounted fixtures shall not exceed twenty-four feet (24') in height for non-residential uses. Light poles for educational facilities or outdoor recreational facilities shall not exceed sixty feet (60') in height. Outdoor lighting for all outdoor recreation areas is subject to review of building permit and photometric plan.

Applicant Response: No comments.

APPROVAL STANDARDS FOR VARIATIONS:

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 (Primavera School) will not endanger the health, safety, comfort, convenience, and general welfare of the public.

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 proposed variation (Primavera School) is compatible with the character of adjacent properties and other property within the immediate vicinity of the proposed variation.

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

Applicant's Response: The proposed variation (Primavera School) alleviates an undue hardship created by the literal enforcement of this title.

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: The proposed variation (Primavera School) is necessary due to the unique physical attributes of the subject property, which were not deliberately created by the applicant.

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 proposed variation (Primavera School) represents the minimum deviation from the regulations of this title necessary to accomplish the desired improvement of the subject property.

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

Maximum Front Setback	Meets Standard	
Approval Standards for Variations	<i>Yes</i>	<i>No</i>
Public Welfare	X	
Compatible with Surrounding Character	X	
Undue Hardship	X	
Unique Physical Attributes	X	
Minimum Deviation Needed	X	

Maximum Corner Side Setback	Meets Standard	
Approval Standards for Variations	<i>Yes</i>	<i>No</i>
Public Welfare	X	
Compatible with Surrounding Character	X	
Undue Hardship	X	
Unique Physical Attributes	X	
Minimum Deviation Needed	X	

Parking Location	Meets Standard	
Approval Standards for Variations	<i>Yes</i>	<i>No</i>
Public Welfare	X	
Compatible with Surrounding Character	X	
Undue Hardship	X	
Unique Physical Attributes	X	
Minimum Deviation Needed	X	

Parking Facility Encroachment	Meets Standard	
Approval Standards for Variations	<i>Yes</i>	<i>No</i>
Public Welfare	X	
Compatible with Surrounding Character	X	
Undue Hardship	X	
Unique Physical Attributes	X	
Minimum Deviation Needed	X	

Parking Design Standards	Meets Standard	
Approval Standards for Variations	<i>Yes</i>	<i>No</i>
Public Welfare	X	
Compatible with Surrounding Character	X	
Undue Hardship	X	
Unique Physical Attributes	X	
Minimum Deviation Needed	X	

Minimum Number of Long-Term Bicycle Parking Spaces Required	Meets Standard	
Approval Standards for Variations	<i>Yes</i>	<i>No</i>
Public Welfare	X	
Compatible with Surrounding Character	X	
Undue Hardship	X	
Unique Physical Attributes	X	
Minimum Deviation Needed	X	

Street Tree Frequency	Meets Standard	
Approval Standards for Variations	<i>Yes</i>	<i>No</i>
Public Welfare	X	
Compatible with Surrounding Character	X	
Undue Hardship	X	
Unique Physical Attributes	X	
Minimum Deviation Needed	X	

Tree Canopy Coverage	Meets Standard	
Approval Standards for Variations	<i>Yes</i>	<i>No</i>
Public Welfare	X	
Compatible with Surrounding Character	X	
Undue Hardship	X	
Unique Physical Attributes	X	
Minimum Deviation Needed	X	

Minimum Parking Lot Perimeter Landscaping	Meets Standard	
Approval Standards for Variations	<i>Yes</i>	<i>No</i>
Public Welfare	X	
Compatible with Surrounding Character	X	
Undue Hardship	X	
Unique Physical Attributes	X	
Minimum Deviation Needed	X	

Parking Lot Interior Landscape Islands	Meets Standard	
Approval Standards for Variations	<i>Yes</i>	<i>No</i>
Public Welfare	X	
Compatible with Surrounding Character	X	
Undue Hardship	X	
Unique Physical Attributes	X	
Minimum Deviation Needed	X	

RECOMMENDATIONS:

1. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Maximum Front Setback at 101 Main Street with the following conditions:
 - a. The space within the front setback shall be landscaped in accordance with plans submitted by A. Fanizza on 8.9.24.
2. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Maximum Corner Side Setback at 101 Main Street with the following conditions:
 - a. The space within the corner side setback shall be landscaped in accordance with plans submitted by A. Fanizza on 8.9.24.
3. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Parking Location at 101 Main Street.
4. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Parking Facility Encroachment at 101 Main Street.
5. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Parking Design Standards at 101 Main Street.
6. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Minimum Number of Long-Term Bicycle Parking Spaces Required at 101 Main Street with the following conditions:
 - a. The final number of long-term bicycle parking spaces shall be determined during the permitting process.
7. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Street Tree Frequency at 101 Main Street with the following conditions:
 - a. The area on the eastern side of the property between the two street trees must be landscaped in accordance with plans submitted by A. Fanizza on 8.9.24.
8. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Tree Canopy Coverage at 101 Main Street.
9. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Minimum Parking Lot Perimeter Landscaping at 101 Main Street with the following conditions:
 - a. No parking lot perimeter landscaping shall encroach upon the sight vision triangle.
10. Staff recommends the Approval of the Findings of Fact and therefore the approval of the Variation, Parking Lot Interior Landscape Islands at 101 Main Street.

Respectfully Submitted,
Department of Community & Economic Development



Village of Bensenville



LEGAL NOTICE/PUBLIC NOTICE
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Meeting of the Community Development Commission of the Village of Bensenville, DuPage and Cook Counties, will be held on Tuesday, September 3, 2024, at 6:30 P.M, at which a Public Hearing will be held to review case No. 2024 – 24 to consider a request for:

Variance, Maximum Front Setback
Municipal Code 10-6-17-1C

Variance, Maximum Corner Side Setback
Municipal Code 10-6-17-1D

Variance, Parking Location
Municipal Code 10-6-17-1H

Variance, Parking Facility Encroachment
Municipal Code 10-8-1C-4

Variance, Parking Design Standards
Municipal Code 10-8-6C-1

Variance, Minimum Number of Long-Term Bicycle Parking Spaces Required
Municipal Code 10-8-5-1

Variance, Street Tree Frequency
Municipal Code 10-9-4B-1

Variance, Tree Canopy Coverage
Municipal Code 10-9-5A

Variance, Minimum Parking Lot Perimeter Landscaping
Municipal Code 10-9-5B

Variance, Parking Lot Interior Landscape Islands
Municipal Code 10-9-5C

At 101 Main Street is an existing C-1 Downtown Mixed-Use District. The Public Hearing will be held in the Village Board Room at Village Hall, 12. S. Center Street, Bensenville.

The Legal Description is as follows:

Parcel 1: LOT 7 (EXCEPT THE WEST 40 FEET AND EXCEPT THE NORTH 0.5 FEET THEREOF) AND LOT 8 (EXCEPT THE WEST 40 FEET THEREOF) IN BLOCK 2 IN TIOGA, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE

NORTHEAST QUARTER AND PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF OF THE RECORDED OCTOBER 24, 1873 AS DOCUMENT 17017, IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 101-103 W. Main Street, Bensenville, Illinois

PARCEL 2: LOT 6 (EXCEPT THE WEST 59.60 FEET) AND THE NORTH 6 INCHES OF LOT 7 (EXCEPT THE WEST 40 FEET THEREOF) IN BLOCK 2 IN TIOGA, BEING A SUBDIVISION OF PART OF THE SOUTHEAST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF PART OF THE NORTHEAST $\frac{1}{4}$ OF THE SOUTHEAST $\frac{1}{4}$ OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 24, 1873 AS DOCUMENT 17017 IN DUPAGE COUNTY, ILLINOIS

COMMONLY KNOWN AS: 6 N. Center Street, Bensenville, Illinois

PARCEL 3:

THE WEST 59.6 FEET OF LOT 6, THE WEST 40 FEET OF LOT 7, AND THE WEST 40 FEET OF LOT 8 IN BLOCK 2 IN TIOGA, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 24, 1873 AS DOCUMENT 17017 IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: No address noted in deed.

PARCEL 4:

LOT 5 IN BLOCK 2 IN TIOGA, A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN IN DUPAGE COUNTY, ILLINOIS.

COMMONLY KNOWN AS: 10 N. Center Street, Bensenville, Illinois

The Village of Bensenville, 12 N. Center Street, Bensenville, Illinois 60106 is the owner of the subject property and Antonio Fanizza of 2363 Lechner Lane, Des Plaines, Illinois 60016 is the applicant for the subject property.

Any individual with a disability requiring a reasonable accommodation in order to participate in any public meeting held under the authority of the Village of Bensenville should contact the Village Clerk, Village of Bensenville, 12 S. Center St., Bensenville, IL 60106, (630) 766-8200, at least three (3) days in advance of the meeting.

Applicant's application and supporting documentation may be examined by any interested parties in the office of the Community and Economic Development Department, Monday through Friday, in the Village Hall, 12 South Center Street, Bensenville, IL 60106. All interested parties may attend the Public Hearing and be heard. A link for electronic viewing will be posted on the Village website at least 48 hours prior to the meeting date. Written comments mailed to the Village Hall, and online comments submitted on the Village website, will be accepted by the Community and Economic Development Department through September 3, 2024 until 5:00 PM.

Office of the Village Clerk
Village of Bensenville

**TO BE PUBLISHED IN THE BENSENVILLE INDEPENDENT
AUGUST 15, 2024**

VILLAGE BOARD

President
Frank DeSimone

Board of Trustees
Rosa Carmona
Ann Franz
Marie T. Frey
McLane Lomax
Nicholas Panicola Jr.
Armando Perez

Village Clerk
Nancy Quinn

Village Manager
Evan K. Summers

VILLAGE OF BENSENVILLE
Community and Economic Development Department

REVIEW DATE: 8/8/2024
SITE LOCATION: 101 Main
DESCRIPTION OF WORK: Site Plan Review

ZONING PLAN REVIEW COMMENTS

After reviewing the site plan proposal for the proposed development at 101 Main, Village Staff has the following comments:

1. Please submit a photometric plan so it can be reviewed.
2. Please include the apron width on plans.
3. Please include the driveway width on plans.
4. According to our code, nothing can be in the site vision triangle taller than 2.5'. The landscape plan indicates that the average height of the shrubs you have indicated there is 3' - 4'. Please switch to shorter shrubs or remove all landscaping from the site vision triangle.
5. What is your plan for snow storage? Will you be hauling it off-site, or do you plan to store it on-site? If you plan on storing snow on-site, please indicate a snow storage location on the plans.
6. What are your plans for long-term bicycle storage? For multiple-unit dwellings, the code requires 1 per dwelling unit. Staff feels that 50 long-term bicycle storage spots may be too high for this property, but that some storage spots are still necessary.
7. As the plans are currently proposed, the following CDC actions will be requested:

Site Plan Review
Municipal Code 10-3-2

Variance, Maximum Front Setback
Municipal Code 10-6-17-1C

Variance, Maximum Corner Side Setback
Municipal Code 10-6-17-1D

Variance, Parking Location
Municipal Code 10-6-17-1H

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Nancy Quinn

Village Manager
Evan K. Summers

Variance, Parking Facility Encroachment
Municipal Code 10-8-1C-4

Variance, Minimum Number of Short-Term Bicycle Parking Spaces Required
Municipal Code 10-8-5-1

Variance, Minimum Number of Long-Term Bicycle Parking Spaces Required
Municipal Code 10-8-5-1

Variance, Tree Replacement Rate
Municipal Code 10-9-2-1

Variance, Street Tree Frequency
Municipal Code 10-9-4B-1

Variance, Tree Canopy Coverage
Municipal Code 10-9-5A

Variance, Minimum Parking Lot Perimeter Landscaping
Municipal Code 10-9-5B-1b

Variance, Parking Lot Perimeter Landscape Elements
Municipal Code 10-9-5B-1c

Variance, Parking Lot Interior Landscape Islands
Municipal Code 10-9-5C-1

Variance, Parking Lot Interior Landscape Islands Trees
Municipal Code 10-9-5C-4

8. Variances for snow storage location, driveway width, apron width, and outdoor lighting standards may be needed depending on the information provided.

Please do not hesitate to reach out if you have any questions.

REVIEWED BY: Kevin Quinn
Please contact me with any questions.
(630) 594-1005
kquinn@bensenville.il.us