



**VILLAGE OF ELBURN  
COMMITTEE OF THE WHOLE MEETING  
MONDAY, MAY 15, 2023  
IMMEDIATELY FOLLOWING THE VILLAGE BOARD MEETING  
ADJOURNMENT, OR 7:15 pm, WHICHEVER IS LATER**

1. Call to Order
2. Roll Call
3. Public Comment
4. Discuss:
  - a. Short-Term Rental Zoning Text Amendment
5. Other Business
6. Adjournment



## MEMO

To: Village Board  
From: John Nevenhoven, Village Administrator  
Subject: Short-Term Rentals – Text Amendment  
Date: April 24, 2023  
Strategic Action Plan: Routine

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A Public Hearing was held on May 2, 2023, to hear comments about a text amendment for short-term rentals in the Zoning Code.

Luke Goucher and Brandon Harris, owners of the two short-term rentals in Elburn, attended the meeting to provide information about their business.

The Planning Commission discussed and recommended adding “Short-Term Rentals” as a special use to all residential zoning districts. Other recommended text changes are highlighted below.

Draft minutes from the May 2, 2023, Planning Commission is attached.

### **Recommendation:**

Approve the text amendments (**highlighted**) as presented below in the memo to the Planning Commission.

### **Memo to Planning Commission (May 2, 2023):**

The Village Board is requesting the Planning Commission to make a recommendation for the zoning of short-term rentals (Airbnb, VRBO, etc.). Should short-term rentals be allowed by “special use” in all residential zoning districts?

The Planning Commission held a public hearing on November 1, 2022, and made recommendations to the Village Board. The recommendation included a “permitted use” if the property was adjacent to the B-1 Downtown Zoning District and a “special use” in other residential zones.

The Village Board approved Ordinance 2023-01 that only allowed, in part, short-term rentals adjacent to the B-1 zoning district. There was no provision for a “special use” in other zoning districts.

### **Recommendations:**

- Amend Article IV “General Provisions”:

- Section 4.16 B(3) “No more than twenty-five percent (25%) of the floor area of the residential dwelling unit or accessory building shall be devoted to any home occupation. This section shall not apply to “Short-Term Rentals”, as defined by Section 3.2 Definitions.
- Amend Section 4.16 C (12). “Permitted Home Occupations” to read “Short-Term Rentals, permitted only when located directly adjacent to the B-1 Central Business District or by Special Use in all Residential Districts if not adjacent to the B-1 Central Business District”,
- Amend Article VII Residential Districts “Special Uses” to read: “Short-Term Rentals, if not adjacent to the B-1 Central Business District”.
  - R-E Residential Estate - Add “Short-term Rental” to Section 7.2 D Special Uses
  - R-R Rural Residential Add “Short-term Rental” to 7.3 D Special Uses
  - R-1 Single Family Residential Add “Short-term Rental” to 7.4 D Special Uses
  - R-2 Double Family Residential Add “Short-term Rental” to 7.4 D Special Uses
  - R-3 Multiple family Residential Add “Short-term Rental” to 7.5 D Special Uses
  - R-4 High-Density Multiple Family Add “Short-term Rental” to 7.6 D Special Uses
- Amend Article VIII Business Districts
  - Add Section 8.4 C Special Uses (3) Residential (a) “Short-Term Rental”

MEETING MINUTES  
VILLAGE OF ELBURN  
PLANNING COMMISSION/ZONING BOARD OF APPEALS  
MAY 2, 2023  
AT ELBURN VILLAGE HALL

Members Present: Commissioners Dave Anderson, Ryan Anderson, Chet Cybulski, Rob Houtz, Chairman Chris Mulvihill, Drew Peters

Members Absent: Brian Techter

Staff Members Present: Village Administrator John Nevenhoven, Building Commissioner Tom Brennan, Village Engineer John Whitehouse

Others Present: Robert McGhinnis (Open City Self Storage), Tom McGhinnis (Open City Self Storage), Todd Wallace (First Midwest Group), Chris Cannell (First Midwest Group), Tim Hayden, Jake Seid, Bill McGhinnis, Luke Goucher, Brandon Harris, Residents: Karen Morrison, Paul Molitor

1. Call to Order: Chairman Mulvihill called the meeting to order at 7:00 PM
2. Pledge of Allegiance: Commissioner Rob Houtz led the assembly in the Pledge of Allegiance.
3. Roll Call: A roll call ensued.
4. Public Comment: None
5. Approve Minutes:

A motion to approve the April 4, 2023 Planning Commission and Tree Board minutes was made by Commissioner Dave Anderson and seconded by Commissioner Cybulski. The motion was unanimously carried by voice vote.

6. Public Hearing to Approve Final Engineering Plans for Lot 6 of the South Street Business Park – Open City Self-Storage, 700 W. South Street: Open Public Hearing: A motion to open the Public Hearing at 7:04 PM was made by Commissioner Dave Anderson and seconded by Commissioner Houtz. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

Whitehouse began by checking with the Petitioner that all requirements of a public hearing had been fulfilled. The petitioner has not yet submitted some information. The commission did not object to having the hearing provided the necessary documents are submitted. It was clarified that any actions or motions made tonight would be conditional. Those planning on speaking in the hearing were sworn in by Chairman Mulvihill. Whitehouse stated that the Petitioner has not yet submitted final plans for review and that any approvals made tonight would be subject to the engineer's review letter from January. The Petitioner understands that final plans need to be submitted; however, they were unaware it needed to be submitted prior to this hearing.

Resident Karen Morrison lives directly across from the property. She wanted to see the landscaping and lighting plans. Rob McGhinnis will share the engineering landscaping plans. Whitehouse discussed the streetlights on South Street. No more streetlights are planned to be installed.

Resident Paul Molitor asked about the streetscape plan of South Street. Rob McGhinnis discussed the fence that would be installed; there will be a sidewalk as well. Final plans will be available at the next meeting. Mr. Molitor questioned if there would be outside storage at the property. McGhinnis

confirmed. Building Commissioner Tom Brennan reminded the commission that this property is zoned C-M, which permits open and contained storage. Mr. Molitor brought up stormwater management along South Street. He stated that the water volume in the basin needs to be addressed or the water needs to be treated.

Since the Petitioner has not submitted their final plan, no action on approving can happen at this time. A motion to continue the Public Hearing discussion until the next meeting on June 6, 2023 was made by Commissioner Ryan Anderson and seconded by Commissioner Houtz. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

Close Public Hearing: Being no further questions, comments, or testimony from the public, a motion was made by Commissioner Dave Anderson and seconded by Commissioner Peters to close the Public Hearing at 7:28 PM. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

7. Discuss and Approve Final Engineering for Boxed-Up Storage (Keslinger Rd.):

Whitehouse stated that the applicant had submitted their final plans for review. All comments and concerns from the public hearing were addressed. Discussion ensued regarding stormwater management. The engineers are awaiting some evaluations in order to issue final approval. Whitehouse said it would be proper to review this at the next meeting once they have more information.

Due to not having final documentation, a motion to table the discussion until the next meeting on June 6, 2023 was made by Commissioner Dave Anderson and seconded by Commissioner Peters. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

Commissioner Cybulski asked the applicant about the location of the fence on the property. Mr. Cannell stated that the property will be completely enclosed by either a fence or a building; the fence will be moved around the easement.

8. Public Hearing Regarding Short-Term Rentals:

Open Public Hearing: A motion to open the Public Hearing at 7:38 PM was made by Commissioner Cybulski and seconded by Commissioner Houtz. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

The public hearing began with Nevenhoven stating this topic was discussed by the Commission in November and subsequently approved by the Village Board (minus the "special use" recommendation). Since then, new information has been brought to the Village Board. The Village Board is requesting that the Planning Commission review and make a recommendation regarding "special use" short-term rentals in all residential zoning districts. A short-term rental is considered 30 days or less.

Those planning on speaking in the hearing were sworn in by Chairman Mulvihill. Luke Goucher (owner of 2 Airbnbs) stated that his properties have been functional since August 2022 and December 2022. They have been well received and have occupancy rates higher than 85%. Due to the vetting process of applicants, there have been no issues with the tenants. The tenants are encouraged to visit and utilize businesses in the area. Mr. Goucher has Airbnbs in nearby towns as well. Brandon Harris (Mr. Goucher's business partner) stated that they do have house rules which the tenants must agree to and abide by. Commissioner Dave Anderson believes it is necessary to have something like an Airbnb in Elburn and nearby towns. Mr. Goucher mentioned that there is an opportunity for the Village to charge a pillow tax. He has previously brought this up to the Mayor and Village Board as well.

Commissioner Peters stated that he has stayed in multiple Airbnbs. He asked Mr. Goucher and Mr. Harris if there were sound meters installed in the houses. They do not have sound meters, but there are designated quiet times to be respectful of the community. Tenants also need to disclose how many occupants there will be upon applying.

Close Public Hearing: Being no further questions, comments, or testimony from the public, a motion was made by Commissioner Dave Anderson and seconded by Commissioner Houtz to close the public hearing at 7:57 PM. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

The Commission then discussed the Village Board's recommendations (see page 36 of the Planning Commission Agenda Packet for May 2, 2023). By allowing a "special use" in all residential zones, the Village would be enabling any property owner to have a short-term rental. The Village Board originally rejected "special use" permits in areas other than those in a "permitted use" zone (B-1 or adjacent to B-1). Mr. Goucher spoke with the Board regarding the vetting process of applicants. Upon hearing from him, the Board referred short-term rentals and "special use" back to the Planning Commission to consider. Nevenhoven addressed the Village codes and amendments that would be needed if "special uses" was approved.

Discussion ensued on how to regulate short-term rentals and special use. A special use permit can always be revoked if there are violations. The consensus was that the Commission would stand by the decision they made in November. If someone would want to rent a home for a business purpose, then that would be a zoning issue. Mr. Goucher's properties do not currently qualify under the current zoning districts. He would need to apply for a "special use" permit once it is approved by the Village Board. The commission thanked Mr. Goucher for bringing his Airbnb properties to their attention.

A motion to approve the recommended changes to the zoning code as presented by the Village Board of Trustees to allow for "special use" permits in all Residential Districts was made by Commissioner Cybulski and seconded by Commissioner Peters. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

9. Discuss and Approve Zoning Map 2023:

Three properties on the map were incorrectly coded. The map now reflects the changes and correct color codes.

A motion to approve the 2023 Zoning Map to the Village of Elburn Board of Trustees was made by Commissioner Dave Anderson and seconded by Commissioner Peters. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

10. Other Business:

Commissioner Ryan Anderson would like to discuss making a moratorium for all storage units going forward in Elburn. This will be put on the June 6, 2023 agenda.

11. Adjourn: Commissioner Dave Anderson motioned to adjourn the meeting at 8:26 PM with Commissioner Houtz seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,



Katie Johnston  
Deputy Village Clerk