

MEETING MINUTES
VILLAGE OF ELBURN
PLANNING COMMISSION/ZONING BOARD OF APPEALS
JUNE 6, 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, Village Engineer Julie Morrison

Others Present: Bill McGhinnis, Robert McGhinnis (Open City Self Storage), Tom McGhinnis (Open City Self Storage), Chris Cannell (First Midwest Group), Joe Gorenz (Prestige Worldwide), Residents: Flornie Munson, Charles Munson, Karen Morrison, Mark McMahon, and Jim Brennan.

1. Call to Order: Chairman Mulvihill called the meeting to order at 7:00 PM
2. Pledge of Allegiance: Commissioner Mulvihill 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 May 2, 2023 Planning Commission minutes was made by Commissioner Dave Anderson and seconded by Commissioner Houtz. The motion was unanimously carried by voice vote.

6. Public Hearing – Special Use to Allow a Short-Term Rental at 309 Shannon Street:

Open Public Hearing: A motion to open the Public Hearing at 7:02 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.

Chairman Mulvihill performed the swearing of oath to all that were planning on speaking in the hearing. Resident Charles Munson has been a resident of Elburn for over 40 years. He asked why the AirBnB company chose Elburn. Mr. Gorenz of Prestige Worldwide answered that they thought it would be a great opportunity with all that is happening in Elburn. Mr. Munson also questioned if there are occupancy limits. Every tenant is vetted, and they must have good ratings. The occupancy limit for the Shannon home is 6 people, and the limit for the Babcock home is 8-10 people.

There was a concern about how these properties will affect the neighborhood as well as real estate values. Mr. Gorenz stated that they have construction come through from time to time for the upkeep of the property, which will help the whole neighborhood. If there are any complaints/problems, the police should be called. If the short-term rental becomes problematic, the special use permit can be revoked. It was clarified that the special use permit is only for the owner, not the property. The Commission suggested to Prestige Worldwide that they keep good faith with the neighbors.

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 7:17 PM. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

7. Discuss and Recommend to the Village Board to Allow a Special Use – Short-Term Rental at 309 Shannon Street:

It was noted that the commission wants to make Elburn a positive community to live in and visit.

Chairman Mulvihill read the Findings of Fact:

Standards:

- (1) The Planning Commission shall not recommend, nor the Village Board approve a special use, unless it shall find, based upon the evidence presented to the Planning Commission in each specific case, that the special use:
 - (a) Will be harmonious with and in accordance with the general objectives of the Comprehensive Land Use Plan and/or this Zoning Ordinance.
 - (b) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not alter the essential character of the same area.
 - (c) Will not be hazardous or disturbing to existing or future neighborhood uses.
 - (d) Will be adequately served by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water, sewers and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
 - (e) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the Village of Elburn.
 - (f) Will not involve uses, activities, processes, materials, equipment and/or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
 - (g) Will have vehicular approaches to the property which shall be so designed as to not create an undue interference with traffic on surrounding public streets or highways.
 - (h) Will not increase the potential for flood damage to adjacent property, or require additional public expense for flood protection, rescue or relief.
 - (i) Will not result in the destruction, loss or damage of natural, scenic or historic features of major importance to the Village of Elburn.

A motion to approve the Findings of Fact and recommend to the Village Board to approve a special use – Short-Term Rental at 309 Shannon Street was made by Commissioner Peters and seconded by Commissioner Ryan Anderson. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

8. Public Hearing – Special Use to Allow a Short-Term Rental at 113 Babcock Street:

Open Public Hearing: A motion to open the Public Hearing at 7:23 PM was made by Commissioner Peters and seconded by Commissioner Ryan Anderson. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

Resident Mark McMahon asked that if the short-term rentals have been going on for some time, then why a change of ordinance now. Village Administrator Nevenhoven explained the process that the Village Board and Planning Commission have been going through in reviewing and amending the current zoning ordinance. There was no grace period given. Once the Village was made aware of the

properties that were operating as short-term rentals, they were sent a cease-and-desist letter until the ordinance was approved.

Close Public Hearing: Being no further questions, comments, or testimony from the public, a motion was made by Commissioner Ryan Anderson and seconded by Commissioner Dave Anderson to close the public hearing at 7:27 PM. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

9. Discuss and Recommend to the Village Board to Allow a Special Use – Short-Term Rental at 113 Babcock Street:

A motion to approve the Findings of Fact (see above in #7) and recommend to the Village Board to approve a special use – Short-Term Rental at 113 Babcock Street was made by Commissioner Peters and seconded by Commissioner Cybulski. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

10. Public Hearing Continued from May 2, 2023 – Approve the 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 7:28 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.

Chairman Mulvihill performed the swearing of oath to all that were planning on speaking in the hearing. Whitehouse stated that the petitioner has now submitted all the required documentation for the public hearing to be held. The revised plans have been received and all comments from the engineers have been addressed. The landscaping plan comments still need to be addressed by the petitioner. McGhinnis (Open City Self Storage) said he had not yet received those comments. Any conditional recommendation from the Planning Commission would require a complete resolution prior to it appearing before the Village Board. Before a building permit is issued, a letter of credit would need to be posted as well as plans be reviewed by the Building Commissioner. All plans have been submitted to the Fire Department for review and have been approved.

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 7:36 PM. A roll call vote ensued. Ayes: Dave Anderson, Ryan Anderson, Houtz, Cybulski, Mulvihill, and Peters. Nays: None. Motion carried.

11. Discuss and Recommend to the Village Board Approval of the Final Engineering Plans for Lot 6 of the South Street Business Park – Open City Self Storage, 700 W. South Street:

A motion to approve and recommend to the Village Board the Final Engineering Plans for Lot 6 of the South Street Business Park conditional on the final landscaping plans being approved 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.

12. Discuss and Recommend Final Engineering for Boxed-Up Storage (Keslinger Road):

Whitehouse discussed the final engineering plans. They have been revised and engineers have reviewed them. The petitioner does not yet have an executed agreement with the St. Charles Sportsmen Club, the downstream property owner. The board of the Sportsmen Club has specific items that they would require to be in the agreement. If the developer agrees to all their terms, then there will be a written agreement. According to Cannell (developer), the requirements are reasonable. The site design will not change if the agreement is signed by both parties. Additionally, the backup stormwater SSA criteria will need to be reviewed. A Letter of Credit (LOC) also needs to be received by the Village of Elburn.

The initial fencing plan has been altered due to a water main easement and not being able to build on it.

Resident Jim Brennan asked about the interim upkeep of the property. Cannell said he would be glad to have it mowed and will get the name of a local company to mow it.

A motion to approve and recommend to the Village Board the Final Engineering Plans for Boxed-Up Storage (Keslinger Road) conditional on 1) the agreement occurring between the developer and St. Charles Sportsmen Club, 2) receiving the Letter of Credit, and 3) backup SSA plan review 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.

13. Discuss a Moratorium on Self-Storage Units:

Commissioner Ryan Anderson stated that the number of self-storage units in Elburn is getting excessive and would like the Village Board to make a moratorium on further storage units being built. Whitehouse reminded the Commission that storage units are a permitted use within the zoning district. The suggestion was made to have warehouses/self-storage units move from a permitted use to a special use. The other option suggested was to remove warehouses from the zoning ordinance altogether.

Later this month, the Village Board will be awarding a contract to a company for the rewriting of the Village's zoning code. There was discussion on the urgency of this self-storage change and if it can wait until the zoning code is rewritten and finished sometime next year. Nevenhoven said there are no other developers as of now wanting to build storage units in the Village.

The Commission agreed that the next step would be to discuss with the Village Attorney which option is best. This will then be a discussion point at the next Commission meeting.

14. Other Business: None

15. Adjourn: Commissioner Dave Anderson motioned to adjourn the meeting at 8:20 PM with Commissioner Peters seconding the motion. The motion passed by a unanimous voice vote.

Respectfully Submitted,



Katie Johnston
Deputy Village Clerk