
**VILLAGE OF SUGAR GROVE
BOARD REPORT**

TO: VILLAGE PRESIDENT & BOARD OF TRUSTEES
FROM: WALTER MAGDZIARZ, COMMUNITY DEVELOPMENT DIRECTOR
DANIELLE MARION, PLANNING & ZONING ADMINISTRATOR
SUBJECT: ORDINANCE: ZONING ORDINANCE AMENDMENT; SPECIAL USE PERMIT; ZONING VARIATIONS FOR 6 MAIN STREET
AGENDA: NOVEMBER 2, 2021 VILLAGE BOARD MEETING
DATE: OCTOBER 29, 2021

ISSUE

Shall the Village Board approve Ordinances for a Zoning Ordinance amendment, a Special Use Permit, and zoning variations for the property located at 6 Main Street.

DISCUSSION

The Village Board postponed action on the matter at its October 19, 2021 meeting. The Board last discussed these matters at its September 21, 2021 meeting at which the Village Board was generally supportive of the proposed text amendment and the Special Use Permit with some modifications of the Planning Commission's recommended conditions of approval. The conditions of approval for the Special Use Permit for the mobile storage rental business have been revised to reflect comments raised by the Village Board. Specifically, the limitation on the number of containers that can be stored on the premises has been removed, and clarifications pertaining to the height of the containers and the use of the containers (empty vs full) have been added to reflect the discussion.

Additionally, the Village Board also raised the question whether the co-applicants were authorized to make the application for the Special Use Permit and the zoning variations on the property they leased from IDOT. The co-applicants have made said request to IDOT. Village staff has discussed the authorization to make application with IDOT officials and while they have not indicated any objection to provide the written authorization, as of yet, we have not received the document. Village staff is recommending the Village Board approve the requested zoning actions subject to receiving written authorization for IDOT and subject to Attorney review.

COSTS

All costs associated with the requested applications are born by the applicant.

ATTACHMENTS

1. Fence location map
2. Ordinance Granting A Special Use Permit to Establish and Operate a storage container rental business
3. Ordinance Amending Title 11 (Zoning Ordinance) (outdoor storage requirements)
4. Ordinance Approving Certain Zoning Variations at 6 Main Street

RECOMMENDATION

That the Village Board approve (1) an Ordinance Granting A Special Use Permit to Establish and Operate a storage container rental business; (2) an Ordinance Amending Title 11 (Zoning Ordinance) (outdoor storage requirements); and, (3) Ordinance Approving Certain Zoning Variations at 6 Main Street, subject to receipt of written authorization to make application from IDOT, and subject to Attorney review.



**VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS**

ORDINANCE NO. 2021-1102A

**AN ORDINANCE GRANTING A SPECIAL USE TO
ESTABLISH AND OPERATE A STORAGE CONTAINER RENTAL BUSINESS
(MIDWEST MOBILE STORAGE, LLC)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 2nd day of November 2021

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove
this 2nd day of November 2021

ORDINANCE NO. 2021-1102A

**AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO
ESTABLISH AND OPERATE A STORAGE CONTAINER RENTAL BUSINESS
(MIDWEST MOBILE STORAGE, LLC)**

WHEREAS, the Village of Sugar Grove (the “Village”) is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, Scott Stoker, d/b/a Midwest Mobile Storage, LLC, the co-applicant (the “Applicant”), is duly authorized to make application for a Special Use Permit to establish and operate a mobile storage rental business on the subject property located at 6 Main Street consisting of two parcels legally described in **Exhibit A**, attached hereto and made a part hereof by this reference; and,

WHEREAS, the applicant is duly authorized to make application for the Special Use Permit; and,

WHEREAS, the Applicant proposes to store an inventory or mobile storage containers (shipping containers) on the premises in connection with the rental operation; and,

WHEREAS, after due notice the Planning Commission held a public hearing on September 15, 2021, and no objectors were present, and in their Recommendation PC21-012 recommended approval of the requested Special Use Permit and zoning variation subject to certain conditions; and,

WHEREAS, the Village Board reviewed the request and the Planning Commission’s findings and recommendation and deemed that approval of the Special Use Permit would be in compliance with the Village Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

SECTION ONE: SPECIAL USE

A Special Use Permit to establish and operate a mobile storage (shipping container) rental business on the subject property legally described in Exhibit A be and it is hereby granted subject to the following conditions:

1. All storage containers must be kept within a fenced area.
2. Storage containers shall be placed directly on the ground surface. Storage containers shall not be stacked on top of each other or upon any other object or structure, except that storage containers may be placed on trailers only for purposes of transporting to and from the premises and only for a duration of sixty (60) minutes.
3. Storage containers shall not exceed eight (8) feet in height.
4. Only empty storage containers may be stored on the premises.
5. The grade of the storage yard shall not be altered except with an approved grading permit from the Village Engineer.

- 6. That the fence and privacy material used to screen the storage yard shall be black in color, have a minimum wire gauge of 9, and shall be eight (8) feet in height.

SECTION TWO: GENERAL PROVISIONS

LAPSE OF APPROVAL: Should the Special Use not be established or a building permit to construct the facility for the Special Use be approved within twelve (12) months following this approval, the Special Use Permit herein granted shall lapse and be of no further effect, in accordance with Section 11-13-12-I-6 of the Village Zoning Ordinance.

REPEALER: That all ordinances or portions thereof in conflict herewith are hereby repealed to the extent of any such conflict.

SEVERABILITY: Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this ordinance.

EFFECTIVE DATE: This ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois this 2nd day of November 2021.

ATTEST:

Jennifer Konen,
President of the Board of Trustees

Alison Murphy,
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Matthew Bonnie	___	___	___	___
Trustee Sean Herron	___	___	___	___
Trustee Heidi Lendi	___	___	___	___
Trustee Michael Schomas	___	___	___	___
Trustee Ryan Walter	___	___	___	___
Trustee James White	___	___	___	___

Exhibit A

Legal Description

Property A:

PIN: 14-21-201-004

Property B:

PIN: 14-21-201-002



**VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS**

ORDINANCE NO. 2021-1102B

**AN ORDINANCE AMENDING THE VILLAGE CODE TITLE 11, ZONING REGULATIONS
(OUTDOOR STORAGE REQUIREMENTS)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 2nd day of November 2021

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove, Illinois
this 2nd day of November 2021

ORDINANCE NO. 2021-1102B

**AN ORDINANCE AMENDING THE VILLAGE CODE TITLE 11, ZONING REGULATIONS
(OUTDOOR STORAGE REQUIREMENTS)**

WHEREAS, the Village of Sugar Grove (the “Village”) is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, the Village currently maintains zoning regulations governing the use and improvement of land within the Village; and,

WHEREAS, the Village finds that such restrictions provide for the safety and well-being of Village inhabitants and benefit the public welfare, safety and morals; and,

WHEREAS, the Village seeks to continue to promote these interests, and seeks to amend the Village Code to more fully protect and preserve the safety and well-being of such inhabitants; and,

WHEREAS, from time to time, it is necessary and desirable to modify the zoning regulations in response to changes in community attitudes, technology, development and the law; and,

WHEREAS, after due notice the Planning Commission held a public hearing concerning the proposed amendments on September 15, 2021, and no objectors were present; and

WHEREAS, the Planning Commission recommended in their Recommendation PC21-013 that the Village Board approve the Zoning Ordinance amendment attached hereto as Exhibit A and made a part hereof by this reference.

WHEREAS, the Village Board concurs with the Planning Commission’s recommendation.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

SECTION ONE: Zoning Ordinance amendment

Title 11 (Zoning Ordinance) of the Village Code of Ordinances be amended as provided in Exhibit A, attached hereto and made a part hereof by this reference.

SECTION TWO: GENERAL PROVISIONS

REPEALER: All ordinances or portions thereof in conflict with this ordinance are hereby repealed.

SEVERABILITY: Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this Ordinance.

EFFECTIVE DATE: This Ordinance shall be in full force and effect on and after its approval, passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 2nd day of November 2021.

ATTEST:

Jennifer Konen,
President of the Board of Trustees

Alison Murphy,
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Matthew Bonnie	___	___	___	___
Trustee Sean Herron	___	___	___	___
Trustee Heidi Lendi	___	___	___	___
Trustee Michael Schomas	___	___	___	___
Trustee Ryan Walter	___	___	___	___
Trustee James White	___	___	___	___

EXHIBIT A

Amend the following Sections of Title 11 as follows:

Part 1. Section 11-4-7-F-4-b is hereby amended to be and to read as follows:

- b. The area devoted to commercial outdoor storage shall be enclosed by a solid fence at least six (6) feet in height, but no greater than eight (8) feet in height, as regulated by section 11-4-13 of this chapter. No chain link or mesh type fence with inserted screening slats or screening fabric shall be acceptable in complying with the screening standards. Where a commercial outdoor storage area shares a common lot line with a property zoned in a more restrictive zoning district, landscape screening of the solid fence shall be provided at the rate of three (3) shrubs per each twenty five (25) linear feet of fence. Shrubs shall be planted between the fence and the common lot line.

Chain link fences with privacy slats or mesh fabric screening are permitted on lots zoned B3, located between Main Street and Route 47, from Route 30 to Cross Street.

Part 2. Section 11-4-13-B-1 is hereby amended by adding the following:

1. Fences shall be constructed and maintained in the required front yard or corner side yard with a maximum height of three (3) feet. Chain link fences shall be prohibited in these yards, except, chain link fences shall be permitted in these yards for properties zoned B-3 located between Main Street and Route 47, from Route 30 to Cross Street.



**VILLAGE OF SUGAR GROVE
KANE COUNTY, ILLINOIS**

ORDINANCE NO. 2021-1102C

**An Ordinance Granting Various Zoning Variations
(6 Main Street)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 2nd day of November 2021

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove, Illinois
this 2nd day of November 2021

ORDINANCE NO. 2021-1102C

**AN ORDINANCE GRANTING VARIOUS ZONING VARIATIONS
(6 MAIN STREET)**

WHEREAS, the Village of Sugar Grove (“Village”) is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution and, pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

WHEREAS, the co-applicant, Charles Crisci, the owner of the Property A and lessee of the Property B described in **Exhibit A**, has petitioned for a zoning variation (1) to allow a maximum fence height of eight feet, instead of the maximum six feet, pursuant to section 11-4-13-B-2 of the Sugar Grove Zoning Ordinance; (2) from section 11-4-13-B-2 to allow a maximum fence height of eight feet instead of the maximum three feet; and, (3) from section 11-4-7-F-4-b to reduce the required landscape screening from three shrubs per every twenty-five linear feet to zero shrubs on the subject property; and,

WHEREAS, the applicant is duly authorized to make application for the zoning variations; and,

WHEREAS, after due notice, the Zoning Board of Appeals held a public hearing on September 15, 2021 and no objectors were present; and,

WHEREAS, the Zoning Board of Appeals did find and recommended in their Recommendation ZBA21-014 that the Village Board grant the variation subject to certain conditions; and,

WHEREAS, the Village Board has reviewed this request and has deemed that the approval of the zoning variation would be in compliance with the Comprehensive Plan and all Ordinances of the Village.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, as follows:

SECTION ONE: VARIATION GRANTED

The subject property described in **Exhibit A** is hereby granted a zoning variation from (1) Section 11-4-13-B-2 of the Sugar Grove Zoning Ordinance to increase the maximum height of a fence to eight (8) feet; (2) Section 11-4-13-B-2 to allow a maximum fence height of eight (8) feet instead of the maximum three (3) feet; and, (3) Section 11-4-7-F-4-b to reduce the required landscape screening from three shrubs per every twenty-five linear feet to zero shrubs on the property, all subject to the following conditions:

1. That the fences shall be located on the premises as shown in Exhibit B.
2. That the fences erected on Property B shall be removed if the applicant is no longer the lessor of Property B.
3. That if privacy inserts or fabric mesh material is used on the fences erected on Property A and Property B the material shall be of a uniform color (black).

SECTION TWO: REPEALER

That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION THREE: SEVERABILITY

Should any provision of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions will remain in full force and effect the same as if the invalid provision had not been a part of this ordinance.

SECTION FOUR: EFFECTIVE DATE

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

PASSED AND APPROVED by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois this 2nd day of November 2021.

ATTEST:

Jennifer Konen,
President of the Board of Trustees

Alison Murphy,
Village Clerk

	Aye	Nay	Absent	Abstain
Trustee Matthew Bonnie	___	___	___	___
Trustee Sean Herron	___	___	___	___
Trustee Heidi Lendi	___	___	___	___
Trustee Michael Schomas	___	___	___	___
Trustee Ryan Walter	___	___	___	___
Trustee James White	___	___	___	___

EXHIBIT A

Legal Description

Property A:

PIN: 14-21-201-004

Property B:

PIN: 14-21-201-002

EXHIBIT B

Fence Location Map

