
**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 VARIATION & SPECIAL USE PERMIT, 600 HEARTLAND DRIVE
(SUNBELT RENTALS)
AGENDA: MAY 16, 2023 VILLAGE BOARD MEETING
DATE: MAY 11, 2023

ISSUE

Shall the Village Board approve an Ordinance (1) granting a zoning variation for a required fence for an outdoor storage area, and (2) granting a Special Use Permit for a rental and leasing business to be established at 600 Heartland Drive.

DISCUSSION

Sunbelt Rentals is a construction lift vehicle rental and leasing company that has been located at 689, 679 and 659 Heartland Drive since 1995. The primary activities and functions that occur on the multiple properties they occupy are maintenance, safety checks, repair of the equipment/machines, and, of course, storage of their machines. They now have expanded their operation to 600 Heartland Drive. The location at 600 Heartland Drive is used by Sunbelt as their central service call center and dispatch for their road mechanics; they park their trucks here overnight and use the outdoor storage area as an extension of their three other lots to store their aerial lifts.

The number of lifts stored on their properties ebbs and flows throughout the year with construction activity. The lifts are stored in an elevated position to reduce the footprint of each machine for storage purposes. While some lifts can be extended to more than 180-feet in height the lifts raised in their storage position are in the range of 35- to 45-feet in height.

A rental and leasing business is a Special Use in the M-1 District. The applicant is requesting a Special Use Permit to operate the business at the fourth location and come into compliance with the Village's Zoning Ordinance.

Additionally, the Zoning Ordinance has requirements for screening an outdoor storage area in the industrial districts which include fence height and location and the opacity of the fence material. Outdoor storage areas associated with manufacturing and other industrial uses is not an uncommon occurrence and the Zoning Ordinance anticipates this activity on lots used for industrial purposes.

The Village Code requires screening of outdoor storage areas with a fence equal to the height of the equipment or materials being stored. This is a case where the height of the machines exceeds the height of the fence and the fence cannot be reasonably constructed to a height that would screen the lifts from

public view. It bears noting that the current fence around the outdoor storage area is non-conforming as it is not sight-proof as required. In order to address this, a zoning variation is required to permit Sunbelt to store their lifts in the storage area on the premises.

The Zoning Board of Appeals recommended approval of the zoning variations, as requested, subject to certain conditions of approval. The applicant is aware of and accepts the conditions of approval. The Planning Commission recommended the Special Use Permit for a rental and leasing business be granted, subject to certain conditions. Both the variation and the Special Use Permit have sunset provisions.

ATTACHMENTS

- Recommendation ZBA23-007
- Recommendation PC23-006
- Ordinance Granting a Zoning Variation & Special Use Permit for a Rental and Leasing Business (Sunbelt Rentals, 600 Heartland Drive)

COSTS

All costs associated with the zoning variation request are borne by the Applicant.

RECOMMENDATION

The Village Board approve an Ordinance granting a zoning variation & granting a Special Use Permit for a rental and leasing business (Sunbelt Rentals, 600 Heartland Drive).

VILLAGE PRESIDENT

Jennifer Konen

**VILLAGE
ADMINISTRATOR**

Brent M. Eichelberger

VILLAGE CLERK

Alison Murphy



VILLAGE TRUSTEES

Sean Herron

Heidi Lendi

Michael Schomas

Ryan Walter

James F. White

COMMUNITY DEVELOPMENT DEPARTMENT

R E C O M M E N D A T I O N

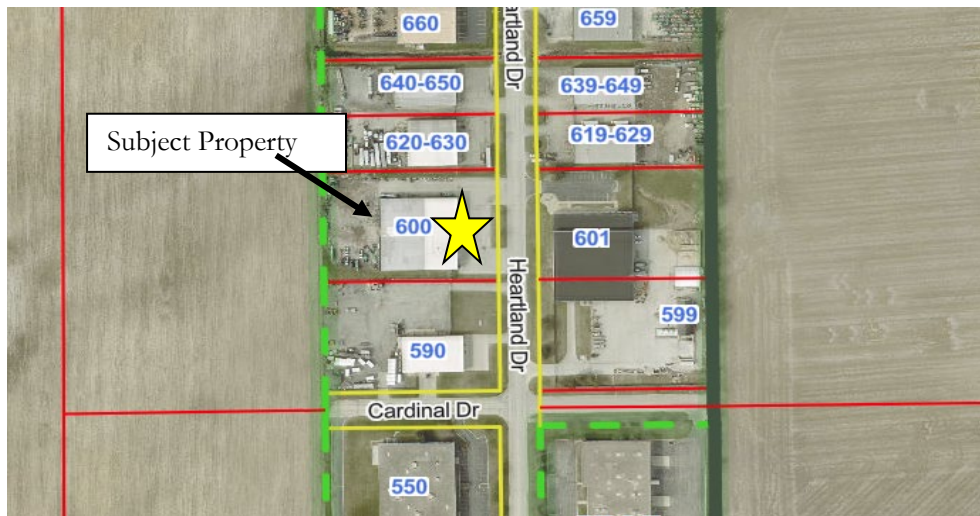
ZBA23-007

TO: Village President and Board of Trustees
FROM: Zoning Board of Appeals
DATE: Meeting of May 10, 2023
PETITION: 23-009 Zoning Variation: Fence Height Sunbelt Rentals

PROPOSAL

The applicant, Sunbelt Rentals, is requesting a variation to allow a fence height less than the material or equipment being stored outdoors on the premises.

LOCATION MAP



BACKGROUND & HISTORY

Sunbelt Rentals currently has a Special Use and occupies three other properties on Heartland Drive and have recently had to expand to the subject property as a fourth location. On all three current properties they store their lifts in a fenced outdoor storage area. They are currently doing the same with the subject property, 600 Heartland Drive. Sunbelt has occupied the building at 600 Heartland for quite some time and only recently began storing lifts on the premises. This caught the attention of the Zoning Administrator, hence the zoning variation request.

The current Special Use Permit was granted to the previous business owner that occupied the properties and from which Sunbelt purchased the business. The lifts exceed a height much greater than the height of the fence that is used for screening the outdoor storage areas. In order to address this, a zoning variation is required to permit Sunbelt to store their lifts in the storage areas due to the fact that the Village Code prohibits any equipment or materials to be stored in an outdoor storage area at a height greater than the fence used for screening.

It bears noting that the required fence around the outdoor storage area is provided as required. This is a case where the height of the machines exceeds the height of the fence, and the fence cannot be constructed to a height that would screen the lifts from public view.

Sunbelt is a tenant on the subject property and is duly authorized by the property owner to make application for the zoning variation.

CHARACTER OF AREA

The subject property is located on Heartland Drive in the Village's current industrial park. The property is zoned M1- Limited Manufacturing. The property contains one brick building with an outdoor storage yard enclosed by a fence. To the west is open farmland zoned for industrial uses; to the south, east, and north are other industrial buildings with similar uses and zoning classifications. The immediate area has many properties being used to store construction machinery and supplies out in the open.

PUBLIC RESPONSE

After due notice, the Planning Commission held a public hearing on May 10, 2023. No objectors were present.

EVALUATION

The Community Development Department has no issue with the variation request to allow Sunbelt to store their lifts at 600 Heartland Drive. These lifts are already being stored on several properties along Heartland Drive occupied by Sunbelt. While a curiosity, the lifts do not present any harm to the public or adjacent properties. There are no adjacent or nearby residences whose view of the horizon might be impaired by the stored lifts.

The reason the lifts are stored elevated in the air is to reduce the footprint of the lifts to allow for more to be stored on the property. For example, there is one style of their lifts that if the boom is stored completely folded down the area it occupies is 45 square feet, compared to when it is raised into the air, the total area it occupies is 12 square feet. There is no alternative way to store the lifts in such a way that reduces the footprint of the lift as does the storing of the lifts extended into the air. Village staff does

not recommend any restriction on the number of lifts that may be stored on the premises but they should be limited to the rear yard.

The Zoning Board of Appeals will also note that the storage yard surface is not paved, as required. Since the storage area is not being enlarged the Village cannot require paving of the yard, per the Zoning Ordinance, even as a condition of approval of the variation request.

Generally, this requested variation is required to conform to the Village of Sugar Grove variation standards. The following evaluation is based on the Variation Standards. For the purposes of this application, we are considering the variations as an integral group, not a la carte.

1. Property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district – Without the variations the applicant would not be able to operate their business at 600 Heartland Drive. All of their lifts are much taller than any fence could be used for screening an outdoor storage area. Which would cause the applicant to vacate the premises, creating a hardship for the owner of the property.
2. Plight of the owner is due to unique circumstances – The applicant cannot comply with the required outdoor storage area requirements due to the height of their equipment.
3. Variations if granted, will not alter the essential character of the locality – The variation will not alter the essential character of the locality because the variation, if granted, applies only to the subject property, not globally across the community. These lifts are already being stored on multiple properties along Heartland Drive and have presented no problem for the public or adjacent property owners.

FINDINGS OF FACT

When considering Zoning Variation requests, the Zoning Ordinance provides certain standards to be considered. The Zoning Board of Appeals hereby finds that the proposed Variations:

- a. Property will not yield a reasonable return if developed under the requirements under the current zoning regulations.
The applicants would not be able to operate at 600 Heartland Drive due to the height of their equipment.
- b. There are unique circumstances causing the owner's plight.
The height of the lifts that Sunbelt rents are much taller than any fence could be to screen the outdoor storage area.
- c. This variation will not alter the essential character of the area.
This variation is will not alter the essential character of the area, there are already several locations that store these lifts in this area.

- d. There are particular physical surroundings, shape or topographical conditions of the property creating a true hardship.

The hardship is based on the type of equipment that is being stored on this property; it would be impossible to install a fence high enough to conceal these lifts.

- e. The conditions creating the hardship do not exist on properties throughout the area.

There are only a handful of properties along Heartland that store these lifts.

- f. The purpose of the variation is not exclusively based on the desire to make more money on developing the property.

The purpose of the variation is to allow the business owners to continue to operate their business at 600 Heartland Drive; without the variation they would not be permitted to store any lifts on the property.

- g. Granting this variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

This variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

- h. The requested variation is the minimum variation necessary to make the reasonable use of the land possible.

The variation requested is the minimum variation necessary for Sunbelt to store their lifts at 600 Heartland Drive.

- i. The variation will NOT:

- Impair an adequate supply of light and air to adjacent properties
- Substantially increase the hazard from fire or other dangers to this property as well as surrounding properties
- Impair the public health, safety, comfort, morals, or general welfare of the inhabitants of Sugar Grove
- Diminish or impair property values in the neighborhood
- Unduly increase traffic congestion in the public streets
- Create a nuisance
- Result in an increase in public expenditures

The variations requested is not anticipated to impair adequate supply of light and air to the adjacent properties. The variation will not create greater risk from fire hazard or other dangers to this and surrounding properties. The variation will benefit the public health, safety, comfort, morals, and general welfare of the inhabitants of Sugar Grove. The

variation would not diminish or impair property values. The variation will have no impact on traffic congestion; will not create a nuisance; and it will have no anticipated impact on public expenditures.

RECOMMENDATION

After carefully considering the facts and testimony, the Zoning Board of Appeals recommends the Village Board **approve** the requested zoning variation to allow for a fence height less than the materials or equipment that is being stored in the outdoor storage area at 600 Heartland Drive and incorporate the Findings of Fact, subject to the following conditions:

1. That the zoning variation applies only to storage of aerial lifts on the property.
2. That the zoning variation shall lapse and be of no effect if the Special Use Permit for a rental or leasing business is revoked or expires for any reason.
3. That aerial lifts may be stored in a raised position only in the rear yard.
4. That the current fence height of six (6) feet shall not be reduced as long as aerial lifts are stored on the premises.

AYES: Jones, Eckert, Guddendorf, Sabo, Wilson, Bieritz, Ochsenschlager

NAYES: None

ABSENT: None

Motion Passed

VILLAGE PRESIDENT

Jennifer Konen

**VILLAGE
ADMINISTRATOR**
Brent M. Eichelberger

VILLAGE CLERK
Alison Murphy



VILLAGE TRUSTEES

Sean Herron
Heidi Lendi
Michael Schomas
Ryan Walter
James F. White

COMMUNITY DEVELOPMENT DEPARTMENT

R E C O M M E N D A T I O N

PC23-006

TO: Village President and Board of Trustees
FROM: Planning Commission
DATE: Meeting of May 10, 2023
PETITION: 23-007 Sunbelt Rentals, Special Use Permit for a rental and leasing business

PROPOSAL

The applicant is requesting a Special Use permit to operate a rental and leasing business located at 600 Heartland Drive, pursuant to Section 11-4-22 of the Sugar Grove Zoning Ordinance.

LOCATION MAP



BACKGROUND & HISTORY

Sunbelt Rentals is a construction lift vehicle rental and leasing company that have been located on Heartland Drive since 1995. The business currently has a Special Use Permit that was issued in 1995 for aerial lift sales, rental, and service; this special use permit is specific to 689, 679, and 659 Heartland Drive. The primary activities and functions that occur on the multiple properties they occupy are maintenance, safety checks, and repair of the equipment/machines. The location at 600 Heartland Drive is used by Sunbelt as their central service call center and dispatch for their road mechanics; they park their trucks here overnight and use the outdoor storage area as an extension to their three other storage lots to store their aerial lifts.

It was brought to the attention of the Village that the current Special Use Permit for Sunbelt, did not include 600 Heartland Drive as a property in which they were permitted to operate on. For many years Sunbelt has operated on the three lots that were included in the original Special Use permit, but have since outgrown those three lots and needed to expand to a fourth location on Heartland Drive. A rental and leasing business is required to obtain a Special Use Permit in order to operate within the M1 District. The applicant is requesting a Special Use permit to operate the business at the fourth location and come into compliance with the Village's Zoning Ordinance.

Since a Special Use Permit is property-specific, the current Special Use Permit cannot be expanded to the subject property. In many respects, this Special Use Permit request is affirmation that the operation of the Special Use at the current location is acceptable and has been operated as expected and can be replicated on the subject property.

DISCUSSION

Commissioners discussed the proposal and had no concerns.

FINDINGS OF FACT

When considering special use requests, the Zoning Ordinance provides certain standards to be considered. The Planning Commission hereby finds that the proposed 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.

The proposed Special Use is a permitted as a Special Use within the M1 District and is consistent with the objectives of the Comprehensive Plan and the Zoning Ordinance. The proposed use could be considered compatible with planned uses for the area.

- 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.

The use would be operated and maintained to be harmonious with the area. The lifts will be stored within the outdoor storage area on the property, that is screened by a fence.

- c. Will not be hazardous or disturbing to existing or future neighborhood uses.

The proposed use will not be hazardous or disturbing to the existing or future neighborhood uses. The use has already been in operation at several locations along Heartland Drive with no impact on the use and enjoyment of other property in the vicinity.

- 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.

The proposed use will be adequately served by essential public facilities and 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.

The use is expected to contribute to the economic welfare of the Village.

- 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.

The proposed use will not produce excessive 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.

The subject property has adequate access to the property.

- h. Will not increase the potential for flood damage to adjacent property, or require additional public expense for flood protection, rescue or relief.

There are no proposed changes to the subject property, it will not increase in 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.

There will be no impacts to natural, scenic, or historic features surrounding the subject property.

EVALUATION

The Community Development Department is of the opinion that we have an existing, established business needing to expand its footprint in the Village and that is a good thing for the Village. In this instance, the Special Use is a known commodity and the Village has experience with the operation. Given that the Village has had no issues with the operation of the current use, and the business has a record of demonstrating its compliance with the Special Use Permit granted in a nearby location we can conclude the same business will continue to operate in the manner that we have come to expect.

The existing storage yard on the premises is unpaved, staff does not feel the need to make the owners of the property to bring this up to Code by paving the lot at this time as the Applicant Is not proposing enlarging the area of the storage yard on the premises. There are currently several lots operating on Heartland Drive with unpaved storage areas.

Generally, this use is required to conform to the Village of Sugar Grove Special Use Standards. The following evaluation is based on the Special Use Standards.

1. Land Use / General – The use remains consistent with the current use of the property--industrial with outdoor storage.
2. Existing Conditions – The existing use of the property is not changing in any way since the maintenance and storage of contractor and industrial equipment is established on adjacent and nearby properties.
3. Lots & Buildings – The existing building and lot will remain the same as they are now.
4. Parking- Parking on the subject property will remain the same and is unaffected by the proposed Special Use.

PUBLIC RESPONSE

After due notice, the Planning Commission held a public hearing on May 10, 2023. No objectors were present.

RECOMMENDATION

After carefully considering the facts, the Planning Commission recommends the Village Board **approve** the proposed Special Use for a rental and leasing business and incorporate the findings of facts, subject to the following conditions:

1. The Special Use is limited to aerial lift sales, rental, service and storage.
2. Only aerial lifts rented/leased by Sunbelt Rentals may be stored on the premises.
3. Outdoor storage of aerial lifts in the raised position shall be permitted only in the rear yard of the premises.
4. All aerial lifts must be stored inside the fenced outdoor storage area on the premises.

AYES: Eckert, Jones, Guddendorf, Wilson, Bieritz, Sabo, Ochsenschlager

NAYES: None

ABSENT: None

Motion Passed



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

ORDINANCE NO. 2023-0516D

**An Ordinance Granting a Zoning Variation and a
Special Use Permit for a Rental and Leasing Business
(Sunbelt Rentals, 600 Heartland Drive)**

Adopted by the Board of Trustees and President of the Village of Sugar Grove
this 16th day of May 2023

Published in pamphlet form by authority of the Board of Trustees of the Village of Sugar Grove, Illinois
this 16th day of May 2023

ORDINANCE NO. 2023-0516D

AN ORDINANCE GRANTING A ZONING VARIATION AND A SPECIAL USE PERMIT FOR A RENTAL AND LEASING BUSINESS (SUNBELT RENTALS, 600 HEARTLAND DRIVE)

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, Sunbelt Rentals, the applicant, and duly authorized by the owner of the property described in **Exhibit A**, has petitioned for a zoning variation to allow a fence around an outdoor storage area to be less than the height of the materials or equipment stored outdoors pursuant to Sections 11-4-13 and 11-4-7-F-4-b of the Village Zoning Ordinance; and, petitioned for a Special Use Permit to establish and operate a rental and leasing business on the same premises; and

WHEREAS, after due notice, the Zoning Board of Appeals held a public hearing on May 10, 2023 to consider the zoning variation request and no objectors were present.

WHEREAS, after due notice, the Planning Commission held a public hearing on May 10, 2023 to consider the Special Use Permit request and no objectors were present.

WHEREAS, the Zoning Board of Appeals did find and recommended in their Recommendation ZBA23-007 that the Village Board grant the variations subject to certain conditions; and,

WHEREAS, the Planning Commission did find and recommended in their Recommendation PC23-006 that the Village Board grant the Special Use Permit for a rental and leasing business; and,

WHEREAS, the Village Board generally concurs with the recommendations of the Zoning Board of Appeals and the Planning Commission.

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 VARIATIONS GRANTED

The subject property described in **Exhibit A** is hereby granted a zoning variation from Section 11-4-7-F-4-b of the Village Zoning Ordinance to allow an outdoor storage yard fence to have a height less than the equipment stored behind the fence, subject to the following conditions and requirements:

1. That the zoning variation applies only to storage of aerial lifts on the premises.
2. That the zoning variation shall lapse and be of no effect if the Special Use Permit for a (aerial lift) rental or leasing business is revoked or expires for any reason.
3. That aerial lifts may be stored in a raised position only in the rear yard.
4. That the current fence height of six (6) feet shall not be reduced as long as aerial lifts are stored on the premises.

SECTION TWO: SPECIAL USE PERMIT GRANTED

That a Special Use Permit for rental and leasing business be, and it is, hereby granted on the property legally described in **Exhibit A**, attached hereto and made a part hereof by this reference, subject to the following:

1. The Special Use is limited to aerial lift sales, rental, service and storage.
2. Only aerial lifts rented/leased by Sunbelt Rentals may be stored on the premises.
3. Outdoor storage of aerial lifts in the raised position shall be permitted only in the rear yard of the premises.
4. All aerial lifts must be stored inside the fenced outdoor storage area on the premises.

SECTION THREE: GENERAL PROVISIONS

LAPSE OF APPROVAL:

1. Should the zoning variation(s) not be established within twelve (12) months following this approval, the zoning variations herein granted shall lapse and be of no further effect, in accordance with Section 11-13-12-I-6 of the Village Zoning Ordinance.

2. Should the Special Use Permit herein granted not be established 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-H-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 16th day of May 2023.

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 Sean Michels	_____	_____	_____	_____
Trustee Michael Schomas	_____	_____	_____	_____
Trustee James White	_____	_____	_____	_____

EXHIBIT A

Legal Description

LOT 24 IN SUGAR GROVE RESEARCH PARK, ACCORDING TO THE PLAT THEREOF RECORDED ON MARCH 21, 1990 AS DOCUMENT NO. 90K14321, IN THE VILLAGE OF SUGAR GROVE, KANE COUNTY, ILLINOIS.

PIN: 14-08-401-004