

**VILLAGE OF GILBERTS**

**AN ORDINANCE APPROVING  
A SPECIAL USE PERMIT AND VARIATIONS TO THE GILBERTS UNIFIED  
DEVELOPMENT ORDINANCE FOR COMMUNITY SELF STORAGE**

*(95 West End Drive and 58 Center Drive)*

**WHEREAS**, Kyle and Jennifer Zange (“*Owners*”), the owners of the property located at 95 West End Drive, Gilberts, Illinois 60136, and the contract purchasers of the property located at 58 Center Drive, Gilberts, Illinois 60136, which properties are more specifically described on **Exhibit A** (collectively, the “*Property*”), desire to expand their existing mini-warehouse facility on the Property; and

**WHEREAS**, the Property is currently zoned in the I-1 General Industrial District, which allows for mini-warehouses as a special use; and

**WHEREAS**, the Owners currently rent outdoor parking spaces for vehicle and boat storage, and desire to expand the number of available parking spaces for outdoor storage use; and

**WHEREAS**, the outdoor storage of vehicles and boats is similar and compatible to other uses that are allowed as a special use in the I-1 General Industrial District, and is therefore permitted as a special use; and

**WHEREAS**, the Owners have filed an application for a special use permit to expand the existing mini-warehouse operation and to increase the number of spaces available for outdoor storage of vehicles and boats; and

**WHEREAS**, the Owners have also filed an application for variances from the following sections of the Gilberts Unified Development Ordinance (“*UDO*”): (1) a variance from Section 10-6-4(D)(1) of the UDO to allow metal exterior finish on the exterior walls of the mini-warehouse buildings facing Center Drive; (2) a variance from Section 10-6-4(D)(2) to allow for 100% of the square foot area of each non-road facing façade of the mini-warehouse buildings to be constructed of metal exterior finish; and (3) a variance from Section 10-9-2(M)(3)(b) to allow for a directory sign for a single occupant complex; and

**WHEREAS**, the Gilberts Plan Commission/Zoning Board of Appeals held a public hearing and reviewed the Owner’s request on August 14, 2019, and at the conclusion of the public hearing voted to recommend approval of the special use permit and variances to allow for the Owners to expand the existing mini-warehouse and outdoor storage operations on the Property, subject to certain conditions; and

**WHEREAS**, the Village Board makes the following findings of fact in reference to the application for approval of the special use permit to allow for the expansion of the mini-warehouse and outdoor storage operations on the Property:

1. The proposed special use complies with all provisions of the applicable district

regulations, excluding the requested variances.

2. The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or to the public welfare at large. The mini-warehouse and outdoor storage operation has existed on the Property for some time, and the Owners are just expanding the existing operations on to an adjacent parcel of vacant land that is wholly surrounded by other existing industrial uses. Further, the mini-warehouse and outdoor storage operations are set back from major thoroughfares in the Village and are not immediately visible from Route 72.
3. The location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. The mini-warehouse and outdoor storage operation have existed on the Property for some time, and the Owners are just expanding the existing operations on to an adjacent parcel of vacant land that is wholly surrounded by other industrial uses. As the mini-warehouse and outdoor storage operation already exist, the proposed special use will not dominate the immediate neighborhood. Additionally, the Owners will provide screening and landscaping for the mini-warehouse and outdoor storage operations to eliminate any adverse visual impact on the immediate neighborhood. Further, the adjoining properties are all zoned in the I-1 General Industrial District, so the expansion of the existing mini-warehouse and outdoor storage operation will not prevent development and use of neighboring property in accordance with the I-1 District's regulations.
4. Adequate utility, drainage, and other necessary facilities have been or will be provided. The existing mini-warehouse operation is already connected to the Village's water and sanitary sewer system. Further, the Owners will be required to provide necessary stormwater management facilities for the Property as determined by the Village's engineer.
5. The proposed special use, where such developments and uses are deemed consistent with good planning practice, can be operated in a manner that is not detrimental to the permitted developments and uses in the district, can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; shall conform to the applicable regulations of the district; and is deemed essential or desirable to preserve and promote the public health, safety, and general welfare of the Village. The mini-warehouse and outdoor storage operation have existed on the Property for some time, and the Owners are just expanding the existing operations on to an adjacent parcel of vacant land that is wholly surrounded by other industrial uses. The proposed special use is visually compatible with the permitted industrial uses that wholly surround the Property, and will be screened to eliminate any adverse visual impacts on the immediate neighborhood. The proposed special use will also conform to the applicable regulations of the I-1 District, excluding the Owner's requested variances. Further, the expansion of a long-standing business in the

Village is desirable for the promotion of public health, safety, and the general welfare of the Village, especially because the proposed mini-warehouse expansion will not front any major thoroughfare in the Village. Given that the Property is set back from Route 72, and wholly surrounded by other industrial uses, the expansion of the existing mini-warehouse and outdoor storage operation on the Property is consistent with good planning practice.

**WHEREAS**, based on the findings of fact detailed above, the Village Board has determined that the Owner's request meets the standards of both state statute and the UDO for approval of the special use permit for the Property, subject to the conditions set forth in this Ordinance; and

**WHEREAS**, the Village Board makes the following findings of fact in reference to the Owner's application for approval of the Variances for the Property:

- a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that district;
- b. The extraordinary or exceptional conditions of the property requiring the request for the Variances were not caused by the Owners;
- c. The proposed Variances will alleviate a peculiar, exceptional or undue hardship, as distinguished from a mere inconvenience or pecuniary hardship, as the Variances will allow the Owners to construct the new min-warehouse buildings with an exterior finish that is consistent with the Owner's existing mini-warehouses on the Property;
- d. The denial of the proposed Variances will deprive the Owners of the use permitted to be made by the owners of property in the immediate area;
- e. The proposed Variances will result in structures that are appropriate to and compatible with the character and scale of structures in the area in which the Variances are being requested, as the proposed mini-warehouse buildings are set back from any major thoroughfare and will be effectively screened from other adjoining properties, and the Variances will allow for the expanded mini-warehouse buildings to have an exterior finish consistent with the existing mini-warehouse buildings on the Property; and
- f. There is no other means other than the requested Variations by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES** of the Village of Gilberts, Kane County, Illinois as follows:

**Section 1.**     **Recitals.** The recitals are incorporated into this Section 1 as if fully set forth.

**Section 2.**     **Special Use Permit.** Subject to the conditions set forth in Section 4 of this Ordinance, the Village Board of Trustees hereby approves a special use permit pursuant to

Section 10-6-3 of the UDO to allow for the Owners to expand the existing mini-warehouse operation and increase the number of spaces for outdoor storage of vehicles and boats on the Property.

**Section 2. Variations.** Subject to the conditions set forth in Section 4 of this Ordinance, the Village Board of Trustees hereby approves the following variances for the Property:

- (1) A variance from Section 10-6-4(D)(1) of the UDO to allow metal exterior finish on the exterior walls of the mini-warehouse buildings facing Center Drive;
- (2) A variance from Section 10-6-4(D)(2) to allow for 100% of the square foot area of each non-road facing façade of the mini-warehouse buildings to be constructed of metal exterior finish; and
- (3) A variance from Section 10-9-2(M)(3)(b) to allow for a directory sign for a single occupant complex.

**Section 4. Conditions.** The approvals granted pursuant to Section 2 and 3 of this Ordinance are conditioned upon and limited by the following conditions, the violation of any of which shall, in the discretion of the President and Board of Trustees, be grounds for the repeal and revocation of the approvals granted by this Ordinance in accordance with applicable law. In addition, any violation of this Ordinance will be deemed a violation of the UDO and subject the Owners to enforcement proceedings accordingly.

- A. **No Authorization of Work; Final Engineering Plans.** This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind may be commenced on the Property pursuant to the approvals granted in this Ordinance unless and until all conditions of this Ordinance precedent to that work have been fulfilled and after all permits, approvals, and other authorizations for the work have been properly applied for, paid for, and granted in accordance with applicable law, including, without limitation, approval of final engineering plans and issuance of required permits.
- B. **Compliance with Laws.** The UDO, the Building Code, and all other applicable Village ordinances and regulations shall continue to apply to the Property, and the development and use of the Property must comply with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.

**Section 5. Severability.** In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this ordinance and the application thereof to the greatest extent permitted by law.

**Exhibit A**

*Description of the Property*

*Common Address:* 58 Center Drive, Gilberts, IL 60136  
95 West End Drive, Gilberts, IL 60136

*PINs:* 02-24-300-043  
02-24-300-095  
02-24-300-096

**Section 6. Repeal and Saving Clause.** All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or cause of action which shall have accrued to the Village of Gilberts prior to the effective date of this Ordinance.

**Section 7. Effective Date.** Upon its passage and approval according to law, this Ordinance shall, by authority of the Board of Trustees, be published in pamphlet form.

ADOPTED THIS 3 DAY OF September, 2019, pursuant to roll call vote as follows:

	Ayes	Nays	Absent	Abstain
Trustee Dan Corbett	<input checked="" type="checkbox"/>	_____	_____	_____
Trustee Elissa Kojzarek	<input checked="" type="checkbox"/>	_____	_____	_____
Trustee Nancy Farrell	_____	_____	<input checked="" type="checkbox"/>	_____
Trustee Jeanne Allen	<input checked="" type="checkbox"/>	_____	_____	_____
Trustee Lou Hacker	_____	_____	<input checked="" type="checkbox"/>	_____
Trustee Guy Zambetti	<input checked="" type="checkbox"/>	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS 3 DAY OF September 2019

\_\_\_\_\_  
Village President, Rick Zirk



\_\_\_\_\_  
Village Clerk, Courtney Baker

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