

**JOINT PUBLIC HEARING OF THE
PLAN COMMISSION AND
ZONING BOARD OF APPEALS
June 27, 2001**

Zoning Board of Appeals Members Present: David Kauffman, David Nordentoft, Karen Wasser, Dan Kloczkowski, Stuart Vieth & Chairman Tom Hood

Zoning Board of Appeals Members Absent: Richard McFarlane

Plan Commission Members Present: Bryan Winter, Jim Sula, Steve Park, Kathryn McDermott & Chairman Lyle Foster

Plan Commission Members Absent: Cheryl Ross and Frank Papp

Other Officials Present: Tracy Velkover, Village Planner; Rudy Magna, Village Attorney; Kirk Skoog, Associate Planner; Mike Prusila, Planning Intern and Mandie Mallory, Consultant from Rolf C. Campbell and Associates

1. The meeting was called to order at 7:30 p.m.
2. Mr. Winter moved, seconded by Mr. Sula to approve the minutes of the June 6, 2001 Plan Commission meeting.

Roll Call Vote:

Ayes: Winter, Sula, Park, McDermott & Foster

Nays: None

Motion Carried: 5-0

3. Public Hearing: Proposed Text Amendment Regarding Equipment Rental and Leasing Service in the I-1, Restricted Industrial District

Ms. Velkover explained that about 8 months ago, staff discovered that Big Top Tent & Party Rentals, which is located at 3764 Blackstone Avenue (on the east side of Route 41 just north of Waveland Street), did not have an occupancy permit. The property is zoned I-1, General Industrial. This type of use most closely relates to "Equipment Rental and Leasing Service", which is not listed as either a permitted or a special use in the I-1 district. The owner of the business, Marlene Leonard, was notified of this problem.

There are probably just two methods of resolving this situation. The first would be for the business to move to a zoning district where the use is allowed and the second is to amend the text of the Zoning Ordinance to allow this use in the I-1 district. A text amendment would not only affect this property; it would affect all property in the district subject to the amendment.

Equipment rental and leasing services are listed as permitted uses in the C/B-2 and C/S-2 districts and as special uses in the C/S-3 district. This use may be a reasonable addition to the I-1 district because it can be more intense than typical commercial uses. The I-1 district has been set up to accommodate most manufacturing, wholesaling and warehousing activities while protecting neighboring properties from adverse effects. Some retail uses are permitted that service the industrial uses within the industrial area or that do not depend upon a large number of customer visits. Equipment rental and leasing services are a hybrid of traditional commercial and industrial uses. Adding this use to the text of the I-1 district would resolve this non-conforming situation in a relatively easy manner.

The Village could limit the impact of the operation of this type of business on neighboring properties by controlling the amount of outside activity that takes place on site and requiring appropriate screening methods. This could be accomplished by requiring a special use permit for any operation that has outside storage or display. If a business would not have outside storage or display, it could be a permitted use.

Ms. Leonard was present to explain how her business operates. She stated that her business has been in operation for 22 years, however, it has been in its current location since August, 1999. Before she moved to this location, she did not check with the Village to see if the business would be allowed. There were two other similar businesses in Gurnee so she assumed that it would be okay to locate here. The business rents tents, tables, chairs, dance floors, stages, lighting and moonwalks. Rather than having a showroom on site, when a telephone call is received from an interested party, Big Top employees visit the proposed site to get a first-hand view of the location and to see if there are any apparent obstacles. Their tent sizes range from 10 feet x 10 feet, which are the typical size tents set up for events at Viking Park, to 60 feet x 150 feet, which can accommodate 900 people.

When the tents are returned, they must be power washed and scrubbed and set up to dry. Because of the large size of many of their tents, they must be set up outside and it can take up to 3 days to dry thoroughly.

If it rains while the tents are set up, it prolongs the amount of time that it takes to dry. If the tents are put away prematurely, mold can form on them.

It was asked how staff discovered this situation and if there has been complaints from neighbors. Ms. Velkover stated that a staff member drove by the property and noticed a couple of violations. Ms. Leonard was notified of these violations and she promptly resolved them. Staff routinely checks the permit history in cases such as this; it was at this time that it was discovered that there was not an occupancy permit for the business. In regard to the second question, there have been no complaints from neighbors.

Mr. Winter asked if the phrase "outside storage and display" is sufficient to cover this use. Tent cleaning does not seem to fit with either of those terms. Ms. Velkover stated that there is not a definition for "outdoor storage" or "display" in the Zoning Ordinance.

Mr. Winter stated that another alternative could be to require a special use permit for the business regardless of whether it has indoor or outdoor storage or display. It seems as though this issue has come up before. Mr. Park stated that it has - this use has been proposed to be regulated in this manner for the East Grand district.

Mr. Winter stated that this type of business is something that he would expect to see in the I-1 district. He would support this amendment if staff is comfortable with it. Mr. Sula stated that he would also support the amendment, however, he would like to see the issue clarified a bit more. He stated that the cleaning of tents is more of an "activity" than "storage" or "display". He asked the Village Attorney if we should define these terms in the Ordinance.

Mr. Magna stated that "activity" is difficult to define. He stated that we could add "Tent Rentals" as a permitted use to the ordinance. A special use permit could be required for outdoor maintenance of stock. The Village would have mechanisms of control such as: limiting it to a seasonal operation, limiting it to the side or rear yard, etc.

Mr. Park stated that creating a separate use is a good idea because "Equipment Rental and Leasing Service" is a broad category. It could include things such as cranes, bulldozers or contractor's yards.

Ms. Velkover stated that if this use is added she has two questions: First, the public hearing was advertised to consider "Equipment Rental and Leasing Service" not "Tent Rentals". Will the public hearing be considered legal? Second, will this affect the existing businesses that are similar to Big Top Tent?

Mr. Magna stated that considering a new use for the Ordinance is within the scope of the advertisement. Once the discussion takes place, new ideas can emerge for addressing situations. The existing business can still be considered "Equipment Rental and Leasing Service". "Tent Rental" can be a subset of "Equipment Rental and Leasing Service".

Mr. Sula moved, seconded by Mr. Park to forward a favorable recommendation to the Village Board to amend the text of the Zoning Ordinance as follows:

Add to Article 6.1, I-1 Restricted Industrial District

6.1.2 PERMITTED USES

6.1.2.3 Service Uses v. Equipment Rental and Leasing Service without outside storage, display or maintenance of said equipment

6.1.3 SPECIAL USES

6.1.3.3 Service Uses d. Equipment Rental and Leasing Service with outside storage, display or maintenance of said equipment

Roll Call Vote:

Ayes: Winter, Sula, Park, McDermott & Foster

Nays: None

Motion Carried: 5-0

Mr. Vieth moved, seconded by Ms. Wasser to forward a favorable recommendation to the Village Board to amend the text of the Zoning Ordinance as follows:

Add to Article 6.1, I-1 Restricted Industrial District

6.1.2 PERMITTED USES

6.1.2.3 Service Uses v. Equipment Rental and Leasing Service without outside storage, display or maintenance of said equipment

6.1.3 SPECIAL USES

6.1.3.3 Service Uses d. Equipment Rental and Leasing Service with outside storage,

Roll Call Vote:

Ayes: Wasser, Kauffman, Nordentoft, Kloczkowski, Vieth & Hood

Nays: None

Motion Carried: 6-0

4. Public Hearing: Proposed Text Amendment Regarding Temporary Use and Structures

In the last several years, staff has been working with businesses to remove temporary storage containers from their properties. These types of units are not currently allowed by the Village's Zoning Ordinance. Most, if not all, of these units have now been removed. Recently, several retailers have expressed an interest in being allowed to utilize these trailers on a temporary basis, primarily during the holiday season when their inventory needs are greatest. If the Village decides to allow these containers for retail establishments, it may also want to allow them in its Industrial Districts (I-1, I-2 and I-3) which would allow for increased manufacturing activity near the holidays.

Anthony Ficarelli, an attorney representing Wal-Mart, described this retailer's use of storage containers. The gray colored containers are brought in on a flat bed truck. They do not take up parking spaces because they are located in the back and on the side of the store. The containers are arranged in a neat, orderly manner. They utilize 25 to 28 of these containers from October through December, which is the time period that 1/3 of Wal-Mart's yearly sales occur.

Randee Harris, Manager of the Gurnee Wal-Mart, stated that the containers are used because they need to get new items in the store quickly during the holiday season as a result of the large amount of sales. They would prefer not to use the containers because of the expense and because it is difficult to get them removed in a timely manner. The containers are usually empty a week before Christmas but it usually takes until sometime in January for them to be picked up.

Warren Wiedower, Manager of the Gurnee Kohl's, stated that their use of the containers is similar to that of Wal-Mart, except that they utilize trailers on wheels rather than the stationary type.

Mr. Sula stated that once these containers are on-site, they will be difficult to get rid of. The businesses will view this as an entitlement rather than a privilege. Truck terminals and regular storage facilities should be used in a more efficient manner by these businesses.

Mr. Park stated that he is concerned about the amount of time each year that these containers are needed. It seems like they will be used as a crutch throughout the year. The need for these containers suggests that the business is operating successfully and they need an expansion. Many of these sites may not have enough space to successfully accommodate these containers. They can take valuable space that trucks need to maneuver on site and could cause the need for more buffering from adjacent properties.

Ms. McDermott concurred with Mr. Park. She expressed concern with allowing temporary trailers.

Mr. Winter stated that businesses would benefit from the use of containers. The Village could approve their usage with specific instructions, such as locating them to the rear of the building and locating them in a way that will not take parking space. The Village relies on these businesses for its tax base. This situation can be worked out, the circumstances that they should be allowed in and the language of the ordinance just need to be determined.

Mr. Hood asked for more information about the past practices of the businesses regarding the use of the containers. Mr. Harris stated that they have used them in the past until it was brought to their attention by the Village that they are not allowed. In previous years, they used a maximum of 10 containers. But as sales have grown, they have increased the number used up to the current 25 to 28. The containers are stackable, but they do not stack them for safety reasons.

Mr. Nordentoft asked if the businesses could function without containers during January through September and Mr. Park asked if they can be located on site out of circulation aisles, parking areas and loading areas. The managers replied affirmatively to both questions.

Mr. Foster asked if the stores need to be expanded. Mr. Harris stated that they do not need to expand because this is a seasonal need. They do not need the containers 9 months of each year. Mr. Sula stated that these seem like individual hardships and he is not sure that a text amendment is the best way to address the situation. Ms. Velkover pointed out that the amount of space used by these two retailers in containers expressed as a percentage of the size of the principal building is 1% for Kohl's and 8% for Wal-Mart.

Mr. Sula stated that there could be a potential for 1,000 of these containers at Gurnee Mills if all the businesses there used them. Mr. Winter stated that that is a good point, however, there really are not areas for storage of containers at Gurnee Mills because there is no back to the building.

Mr. Winter stated that this issue will need more discussion before the group reaches a decision.

Mr. Winter moved, seconded by Mr. Park to continue the public hearing to Wednesday, August 8, 2001 at 7:30 p.m.

Roll Call Vote:

Ayes: Winter, Sula, Park, McDermott & Foster

Nays: None

Motion Carried: 5-0

Mr. Vieth moved, seconded by Ms. Wasser to continue the public hearing to Wednesday, August 8, 2001 at 7:30 p.m.

Roll Call Vote:

Ayes: Wasser, Kauffman, Nordentoft, Kloczkowski, Vieth & Hood

Nays: None

Motion Carried: 6-0

The meeting was adjourned at 8:55 p.m.

Submitted by,

Kirk Skoog
Associate Planner