



CITY OF LOVES PARK

Department of Community Development

100 HEART BOULEVARD
LOVES PARK, ILLINOIS 61111
815- 654-5033 • Fax: 815-654-5004

Planning • Zoning • Building • Economic Development

AGENDA
LOVES PARK ZONING BOARD OF APPEALS
January 18, 2018
CITY COUNCIL CHAMBERS
5:30 P.M.
100 HEART BOULEVARD

1. Roll call and declaration of a quorum
2. Reading and approval of the minutes from the **December 21, 2017** meeting
3. Report from the Zoning Office - None
4. Unfinished business - None
5. New business –
 - A. **6601 N. SECOND STREET** – A Special Use Permit for an automobile sales lot in the CR (Commercial Retail) Zoning District.
6. Public participation & comment
7. General discussion
8. Adjournment

Andrew Quintanilla
Zoning Officer

MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS
THURSDAY, DECEMBER 21, 2017
5:30 P.M.
CITY COUNCIL CHAMBERS
LOVES PARK CITY HALL

1. CHAIRMAN ALISE HOWLETT CALLED THE MEETING TO ORDER AT 5:31 P.M.

MEMBERS PRESENT: DENNIS HENDRICKS, CATHY NELSON, BRIAN KERN,
SHAWN NOVAK, LINDY TOO HILL

ABSENT: ALISE HOWLETT, NICHOLAS BECKER

OTHERS PRESENT: ANDREW QUINTANILLA - ZONING OFFICER
ATTORNEY GINO GALLUZZO
COMMUNITY DEVELOPMENT DIRECTOR
– STEVE THOMPSON
SHEILA MILLS - SECRETARY

OTHERS ABSENT: NATE BRUCK – ECONOMIC DEVELOPMENT/PLANNING
DIRECTOR
ATTORNEY PHIL A. NICOLOSI

Chairman Novak announced that the next Community Development Committee meeting will be held January 3, 2018 at 5:30 p.m.

2. MINUTES

Mrs. Toohill moved to approve the minutes from the meeting held November 16, 2017.
Second by Mr. Hendricks. Motion carried by voice vote.

3. ZONING OFFICE REPORT

None

5. UNFINISHED BUSINESS

A. TENTATIVE PLAT OF SILO CROSSINGS. Appropriate notice has been given.

Nicholas Becker, R. K. Johnson & Associates Inc. 1515 Windsor Road, Loves Park, IL was sworn in as Petitioner. Mr. Becker presented the Tentative Plat of Silo Crossing Option A. and Option B. for a planned unit development, which is a mixed use of multifamily, duplexes, and single-family homes. He presented the same Tentative Plat (Option A) which was laid over from last month's Zoning Board of Appeals meeting as well as an alternative (Option B), which does not connect to Park Valley Road. Mr. Becker indicated that Option A is supported by city staff and it does not require a Variance from city code. He added that in regards to the full drainage design and engineering review will happen after the Tentative Plat has been approved by the city. Option B is a similar layout but Park Valley Road is not connected and would remain a stub and become a dead-end street, which is against city code and would require a Variance.

Mr. Thompson reiterated that Option B is not supported by city staff and it violates city code. He stated that the Park Valley Road stub street was intended to connect to future development and he added that staff recommends the approval of Option A.

Mike Maust, 5298 Sand Piper Place, Loves Park was sworn in as Petitioner. Mr. Maust stated that they are presenting an alternate Option B, however, he feels Option A is the best option.

Steve Hinck, 6914 John Deere Drive, Loves Park, was sworn in as Objector and he indicated that he is in favor of Option B.

Susan Marsh, 5128 Wil-Acre Drive, Loves Park was sworn in as Objector and she indicated that he is in favor of Option B.

John Mori, 5139 Wil-Acre Drive, Loves Park was sworn in as Objector and he indicated that he is in favor of Option B.

Monica Lynch, 5015 Wil-Acre Drive, Loves Park was sworn in as Objector and she indicated that she is in favor of Option B.

Attorney Galluzzo commented that the Petitioner is proposing two options. The Zoning Board of Appeals will recommend one Option, but both Options will be considered to the Community Development Committee meeting.

Mrs. Toohill indicated that she can see the points on both sides.

Mr. Thompson stated that it is the goal of the city to create neighborhoods and not isolated subdivisions.

Mr. Kern stated that although he feels Option B. is more desirable, he does not approve of violating city ordinance. He will be supporting Option A.

Mrs. Nelson stated that she is concerned with setting a precedent with considering similar issues in the future.

Mrs. Nelson moved to approve Option A for the Tentative Plat of Silo Crossings, with the following conditions:

1. A 12-ft utility easement shall be identified on the south end of Lot 23 and Lot 26.
2. A 12-ft utility easement shall be identified on the East property line of Lot 26.
3. Add a 12-ft utility easement be identified on the North property line of Lot 22.
4. Rear setback lines shall be identified on Lots 1 and 2.
5. A utility easement shall be identified on Lot 23, between buildings number 13/14 and 15/16.
6. Change certificate to reflect what is required under Chapter 78, Article II, Section 78-31 (1).
7. A note shall be added stating that Lot 26 is for recreational purposes only and residential/commercial development is prohibited.
8. Preliminary storm water calculation shall be provided to ensure no major changes will be needed to the drainage and storm water detention easements depicted on the tentative plat.

9. Building setback distances shall be provided on the south setback lines for Lots 11 and 12.
10. Park Valley Road shall be changed to Park Valley Drive.

Second by Mr. Kern.

MOTION APPROVED 4-0

6. NEW BUSINESS

None

7. PUBLIC PARTICIPATION AND COMMENT

None

8. General Discussion

Discussion regarding possible solutions to similar issues in the future.

Mrs. Toohill moved that the meeting be adjourned. Second by Mr. Hendricks. Motion carried by voice vote. The meeting adjourned at 6:30 p.m.

Sheila Mills, Secretary



ZONING BOARD OF APPEALS

Community Development Department

Date: January 11, 2018

SUBJECT: A Special Use Permit for automobile sales in the CR (Commercial Retail) Zoning District.

SYNOPSIS: The new property would like to open up an automobile sales lot at this location. He needs a Special Use Permit and a Variance to the City's landscape requirement for this type of business.

LOCATION: 6601 N. Second Street

COMPREHENSIVE PLAN: The City of Loves Park Comprehensive Plan identifies the area for the use of general commercial business

ZONING DISTRICT:

| | |
|-------|---|
| North | CR (Commercial Retail) |
| South | CR (Commercial Retail) |
| East | CG (Commercial General) |
| West | CR (Commercial Retail) & CO (Commercial Office) |

PHYSICAL SURROUNDINGS: The area is host to a number of businesses that provide service retail, product retail, and food service retail.

EXISTING CONDITIONS: None known

BACKGROUND INFORMATION: The property has been and is currently being used as an automobile sales lot. The property changed hands to the new owner, JM Commercial Properties, LLC, in 2017. The new owner did not know that he was required to obtain a Special Use Permit. One of the conditions placed on the previous Special Use Permit was that if there was a change in property ownership, the Special Use Permit expires.

The new owner would like to have 39 vehicles available for sale at this location. In the present state of the property, the property would likely appear to be overcrowded. The owner has removed the office structure that was under the canopy, which has provided him additional space, however, the owner would also like to expand the vehicle sales area for his business. The owner has discussed the option of creating additional impervious surface to expand the sales area on the north part of the parcel. The additional space will allow for up to 8 or 9 additional vehicles. Staff is agreeable to this as long as the newly created area is striped and curbed, and consistent with the rest of the property. Additionally, the owner will creating an additional area for employee parking off of the alley. Staff sees that the employee area shall be striped and curbed like the new sales area that the owner will be creating.

If the proposed area for additional vehicle sales is created, the parcel will be able to accommodate up to 39 vehicles. If the proposed area is not created, 39 vehicles will promote overcrowding on the lot. If the proposed area is not created, the lot shall be limited to 30 vehicles, observing the 18 ft. and 24 ft. vehicle circulation that is required for this business. Staff sees that striping the automobile sales areas that are not under the canopy, will aide in keeping all required circulation spaces, and prevent overcrowding due to extended size passenger vehicles. The striping and circulation shall meet the City's zoning code, Section 102-258, for Off-street Parking and Loading.

The proposed improvements to the north part of the parcel will require the owner to remove three trees and potentially one light. The City's new code requires 1 tree for each five parking spaces placed on the perimeter of a lot. There will be 27 stalls created for sales area and employee parking, which would require 5 trees. The previous owner, under the old Special Use Permit provided 4 trees. However, with the removal of up to 3 mature trees, Staff sees that the trees shall be replaced. The three new trees shall be planted in the southern planter bed along Windsor Road, instead of being pushed back up against the northern property line. The previous owner planted non-fruit bearing Bradford Pear trees, which Staff would be agreeable with as suitable replacements as long as they were comparable in size to what is existing in the planter bed on N. Second Street.

Staff has discussed expanding the existing planter bed on N. Second Street with the owner, and he is agreeable to this. He would otherwise be required to apply for a Variance to meet the landscaping requirement, which is 8 feet deep, spanning the frontage. If the planter bed were continued to the edge of the north property line, along N. Second Street, it would be consistent to what was approved with the previous special use. Staff would be agreeable to this improvement. The newly created planter bed shall be consistent with the existing planter bed, which is curbed and filled with live plants. The owner shall be required to observe the 24 ft. ingress/egress on the N. Second Street frontage.

The property owner indicated to Staff there will be 3 employees working from this location, and that the owner will be stopping in throughout the day as needed. The required parking is 1 accessible stall, 1 customer stall, and 3 employee stalls. The site plan indicates 6 stalls, which meets the City's requirements.

City code requires a commercial dumpster and enclosure. The business does not generate the kind of trash that would require a regular dumpster and enclosure. Staff has discussed with the owner the option to obtain a 95 gallon trash tote that will be permitted to be stored inside of the building. He is agreeable to this.

RECOMMENDATION: **Approval with conditions** - Special Use Permit for automobile sales in the CR (Commercial Retail) Zoning District.

Conditions:

1. All customer, employee, and vehicle sales areas parking shall be striped as shown on the approved site plan by no later than May 31, 2018. The newly created sales area and employee parking area off of the alley shall be curbed.
2. A curbed planter bed shall be installed to the north property line, observing a 24 ft. ingress/egress for vehicle circulation. It shall be mirror the existing planter bed on the N. Second Street frontage. The planter bed installation shall coincide with the creation of the new sales area, or be fully installed on or before May 31, 2018.

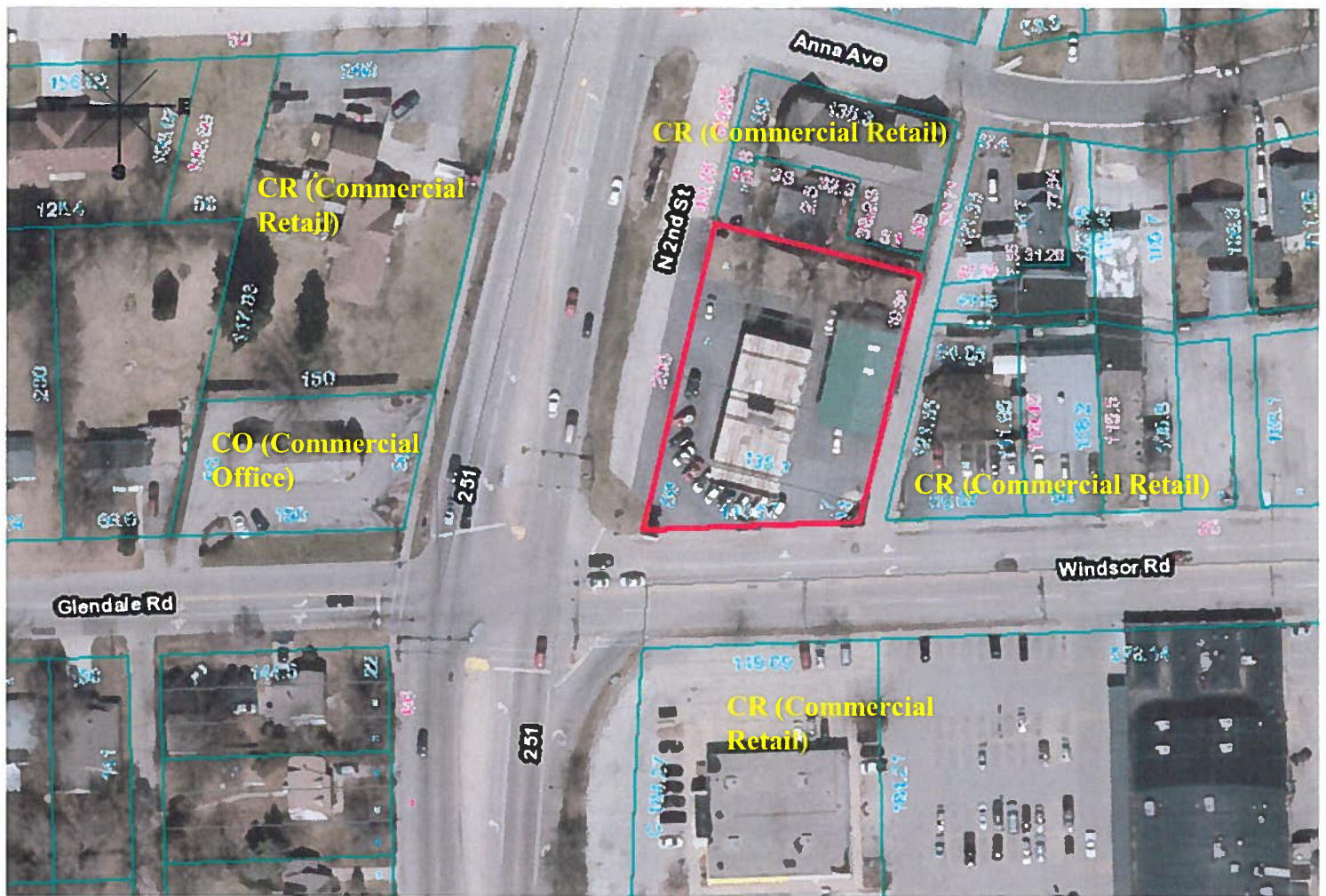
3. The Special Use Permit shall be revoked if the requirements for the landscaping are not met on or before May 31, 2018. All landscaping shall consist of live plants and be replaced if such plants or trees have succumbed to conditions relating to the weather. Additionally, 3 non-fruit bearing Bradford Pear Trees shall be planted in the southern planter bed on Windsor Road to replace the mature trees being removed for a new vehicle sales area.
4. The 24 ft. vehicle circulation and the 18 ft. vehicle circulation shall remain unobstructed at all times. Parking cars for sale in these areas shall not be permitted.
5. If the owner improves the property with the additional sales area, the 25' x 90' sales area indicated on the site plan, he shall be allowed up to 39 vehicles for sale at this location. Until the improvements have been made and approved by the City, he shall only be only be permitted 30 vehicles for sale at this location.
6. Vehicles for sale shall only be permitted in the parking stalls, and parking vehicles for sale across striped parking stalls shall not be permitted. Vehicle display lifts or other vehicle platforms shall not be permitted.
7. Loading or unloading shall only be permitted in the rear of the business in the alley. No vehicles for sale shall be permitted or employee parking shall be permitted on the service drive on N. Second Street.
8. The sales lot shall not be a "buy here, pay here" establishment. All financing shall be through an off-site third party.
9. The business shall be limited to the sale of passenger motor vehicles only. Only passenger vehicles weighing 6,000 lbs. or less shall be permitted. Oversized commercial vehicles that are to be licensed and used for the transportation of goods or materials, rather than passengers, shall not be permitted.
10. The business shall not be permitted the storage of the owner or employees personal vehicles, trailers, cars, trucks, plows, campers, rv's or boats.
11. Signage shall only be permitted to be placed on the inside of the rear passenger window on paper, indicating price, options, and other relevant information. There shall be no signage, wording, or prices attached to or applied to the exterior of any vehicle for sale.
12. The Special Use Permit expires with the change in property ownership, change in business ownership, or discontinuance of the business.
13. The Special Use Permit shall be revoked with verified complaints from adjacent businesses, or property owners.
14. Vehicle repair work, servicing, or auto body work shall not be permitted.
15. The business shall establish commercial trash removal, and obtain a 95 gallon trash tote that may be store inside of the car wash service bay.

ATTACHMENTS:

Vote:

CONDITIONS:

APPROVAL / DENIAL / TABLED



Parcel Number: 08-31-360-025

Zoning: CR (Commercial Retail) Zoning District

Property Address: 6601 N. Second Street

Owner Address: JM Commercial Properties, LLC.
9924 Shore Drive
Machesney Park, Illinois 61115

Petitioner: Jim Michalsen
9924 Shore Drive
Machesney Park, Illinois 61115

1/4/18



160

140

200

1/4/18

NEW PLANTER
BED

New planter box with ferns
4x35

New Blacktop area for car display
25x80

Vehicle Spaces are all 9x

135

40 Cars on Display

24' Entrance

NEW AREA CREATED

Employee parking

NEW CURBED &
PAVED PARKING AREA

200

Bradford Pear Tree

Flag pole

Sign

Ferns

Ferns

18' Lane

24' lane

Handicap

Customer

Customer

50' Entrance

ALLEY

160

140

LOCATION TO PLANT (3) NEW TREES

50' Entrance

Ferns











Recommended Findings of Fact of City Staff based on the information provided by the applicant

Findings as Required by Loves Park Ordinance - Each enumerated finding must be met before a petition for a special use may be approved.

Mark **"Yes,"** if the findings have been considered and found to be relevant and true. Mark **"No,"** if the findings have been considered and found to be not true. If you mark **"No,"** please explain why in the space provided below each finding. Mark **"N/A,"** if the findings are not applicable to the situation.

- | | <u>Staff</u> | <u>ZBA</u> | |
|---|--------------|---------------|--|
| 1 | <u>YES</u> | <u> </u> | <p>The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.</p> <p><i>The property has been used as an automobile sales and service business in the past. It is unlikely that the approval of the special use would endanger or have an adverse affect on the public health. The previous owner operated at this location with no verifiable incidence affecting the general welfare of public</i></p> <p><u>Reason:</u></p> <p>_____</p> <p>_____</p> <p>_____</p> |
| 2 | <u>YES</u> | <u> </u> | <p>The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood.</p> <p><i>The approval of the special use does not appear likely to diminish property values in the vicinity. It does not appear likely that the establishment of the special use will be injurious to other businesses in the area. The use for this location is a continued use that has been consistent for many years. The property and business are suited for the special use.</i></p> <p><u>Reason:</u></p> <p>_____</p> <p>_____</p> <p>_____</p> |
| 3 | <u>YES</u> | <u> </u> | <p>The establishment of the special use will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district.</p> <p><i>The property is in the commercial zoning district, and is a permitted use by special use. The establishment of the special use does not appear likely to adversely affect the orderly development of the surrounding properties. The owner will be making improvements to the property by adding landscaping and creating a new curbed sales and parking areas for employees.</i></p> <p><u>Reason:</u></p> <p>_____</p> <p>_____</p> <p>_____</p> |
| 4 | <u>N/A</u> | <u> </u> | <p>Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p><u>Reason:</u></p> <p>_____</p> <p>_____</p> <p>_____</p> |
| 5 | <u>YES</u> | <u> </u> | <p>Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.</p> <p><i>There are 3 points of ingress/egress at this location. There is adequate ingress/egress off of the</i></p> <p>_____</p> |

service road and at the rear of the property. Traffic congestion generated by the type of business does not appear likely. The business is a destination business, and not a place generating higher than normal traffic for this type of business.

Reason:

- 6 YES _____ The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located. The zoning officer shall forward the board of appeal's decision and records to the city council within ten days after action or within 45 days from the date of the public hearing if no action has been taken by the board of appeals.

These findings are based on staff interpretation of the required findings necessary for approval of a Special Use Permit. The Zoning Board of Appeals must indicate whether or not all the findings have been considered to substantiate the approval of a special use.

These findings have been adopted as the official Findings of Fact for the City of Loves Park, Zoning Board of appeals agenda item: 6601 N. Second Street
Special Use Permit for automobile sales

Chairman
Alise Howlett

Signature

Date