



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
February 15, 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 **January 18, 2018** meeting
3. Report from the Zoning Office - None
4. Unfinished business - None
5. New business –
 - A. 1521 E. RIVERSIDE BOULEVARD** – A Special Use Permit for a lending establishment in the CR (Commercial Retail) Zoning District.
 - B. 6780 N. SECOND STREET** – A Special Use Permit for dance studio in the CR (Commercial Retail) Zoning District.
 - C. PARCEL 12-01-153-009, COMMONLY KNOWN AS 81XX STARWOOD DRIVE & PARCEL 12-02-153-010, COMMONLY KNOWN AS 82XX E. RIVERSIDE BOULEVARD** – A Special Use Permit for an automobile service station in the CR (Commercial Retail) Zoning District.
6. Public participation & comment
7. General discussion
8. Adjournment

Andrew Quintanilla
Zoning Officer

More information on these agenda items will be posted on the City's website for public download no later than 7 days prior to the scheduled date: <http://loves-park.il.us/page/82/zoning-board-of-appeals>

**MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS
THURSDAY, JANUARY 18, 2018
5:30 P.M.
CITY COUNCIL CHAMBERS
LOVES PARK CITY HALL**

1. VICE CHAIRMAN SHAWN NOVAK CALLED THE MEETING TO ORDER AT 5:35 P.M.

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

ABSENT: ALISE HOWLETT, NICHOLAS BECKER

OTHERS PRESENT: ANDREW QUINTANILLA - ZONING OFFICER
ATTORNEY PHIL NICOLOSI
NATE BRUCK - ECONOMIC DEVELOPMENT/PLANNING
DIRECTOR
SHEILA MILLS – SECRETARY

OTHERS ABSENT: COMMUNITY DEVELOPMENT DIRECTOR –
STEVE THOMPSON

Vice Chairman Novak announced that the next Community Development Committee meeting will be held January 31, 2018 at 5:30 p.m.

2. MINUTES

Mrs. Nelson moved to approve the minutes from the meeting held December 21, 2017.
Second by Mr. Hendricks. Motion carried by voice vote.

3. ZONING OFFICE REPORT

None

5. UNFINISHED BUSINESS

**A. 6601 NORTH SECOND STREET – SPECIAL USE PERMIT FOR AN AUTOMOBILE
SALES LOT IN THE CR ZONING DISTRICT.** Appropriate notice has been given.

Jim Michalsen, 9924 Shore Drive, Machesney Park, IL, was sworn in as Petitioner. Mr. Michalsen indicated that he recently moved his car lot from Machesney Park to this location and he is requesting a Special Use Permit. Mr. Michalsen is in agreement with all of the staff recommendations except for No. 11; he would like an amended to allow for the placement of price and year on the windshield of the vehicle for sale.

No objectors present.

Mrs. Nelson moved to approve a Special Use Permit for an automobile sales lot in the CR Zoning District for the property commonly known as 6601 North Second Street, with the following conditions:

1. All customer, employee, and vehicle sales area 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 mirror the existing planter bed on the North 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 vehicles 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 seals area, the 25' x 90' sales area indicated on the site plan, the owner shall be allowed up to 39 vehicles for sale at this location. Until the improvements have been made and approved by the City, the owner shall 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 North 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, rvs 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. Signage of year, model, price, shall be permitted on the front passenger windshield with the use of manufactured professional appearing letters and numbers for 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 bodywork shall not be permitted.
15. The business shall establish commercial trash removal, and obtain a 95-gallon trash tote that may be stored inside of the car wash service bay.

Second by Mrs. Toohill. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

MOTION APPROVED 4-0

6. NEW BUSINESS

None

7. PUBLIC PARTICIPATION AND COMMENT

None

8. General Discussion

None

Mr. Kern moved that the meeting be adjourned. Second by Mrs. Nelson. Motion carried by voice vote. The meeting adjourned at 6:00 p.m.

Sheila Mills, Secretary



ZONING BOARD OF APPEALS

Community Development Department

Date: February 1, 2018

SUBJECT: A Special Use Permit for a lending establishment in the CR (Commercial Retail) Zoning District.

SYNOPSIS: Applicant operates a lending establishment providing installment loans and tax preparation.

LOCATION: 1521 E. Riverside Boulevard

ZONING DISTRICT:

North	CG (Commercial General)
South	IL (Light Industrial)
East	Commercial - Rockford
West	IL (Light Industrial)

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 applicant, World Finance Corporation, would like to establish an office at this location. The use requires a Special Use Permit for this zoning district.

World Finance Corporation is a consumer lending establishment. The business offers mortgage and personal loans, as well as, tax filing services to its customers. The business would generally qualify as office space, which is allowed under the Special Use Permit granted for this development. However, after discussing with the applicant, the scope of services that will be performed at this location, Staff sees that the business functions more like a bank, offering consumer installment loans. Businesses of this type require a Special Use Permit in the commercial district. The business will also be offering tax preparation and filing, which is a secondary use.

The applicant has informed Staff that they do take collateral for installment loans. Collateral may consist of electronics, other suitable valuables, and vehicles. Staff does not see that vehicles used as collateral for loans would be suited to be stored on site. No vehicles used as collateral shall be permitted to be stored at this location. Any other type of collateral used to secure an installment loan shall be confined within the suite where the business is located.

The applicant will not be required to furnish any landscaping, or additional parking as the parking provided as part of the development meets City standards.

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

Conditions:

1. The Special Use Permit expires with the discontinuance of the lending and tax establishment, change in property ownership, or change in business ownership.
2. The Special Use Permit shall expire with verified complaints from adjacent businesses or property owners.
3. No outside outside displays, or storage of collateral used to secure the installment loans shall be permitted.

ATTACHMENTS:

VOTE:

CONDITIONS:

APPROVAL / DENIAL / TABLED

**AUDIENCE
COMMENTS:**



Parcel Number: 08-31-360-025

Zoning: CR (Commercial Retail) Zoning District

Property Address: 1521 E. Riverside Boulevard

Owner Address: Dyn Kishwaukee, LLC
6801 Spring Creek Road
Rockford, Illinois 61114

Petitioner: World Acceptance Corporation
108 Frederick Street
Greenville, South Carolina 29607



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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>		<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 establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare. All activities for this business will take place inside of the building. The use is a low impact use relative to existing surrounding uses in the area.</i></p> <p>Reason: _____</p> <p>_____</p> <p>_____</p>
2	<u>YES</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 use is not likely to adversely affect property values for this area. Office uses are permitted in the zoning district. This is an office use that requires a special use because of the nature of the business. It is good to have a mixed use of service retail and product retail in these types of developments.</i></p> <p>Reason: _____</p> <p>_____</p> <p>_____</p>
3	<u>YES</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>Mixed uses in multi use commercial retail districts is standard, and approved by the City's code. The applicant will be occupying a unit in a multi-tenant retail building with no impact on district development. It is a compatible use for the district.</i></p> <p>Reason: _____</p> <p>_____</p> <p>_____</p>
4	<u>N/A</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>Reason: _____</p> <p>_____</p> <p>_____</p>
5	<u>N/A</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>_____</p> <p>_____</p> <p>_____</p>

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: 1521 E. Riverside Boulevard
Consumer lending establishment

Chairman
Alise Howlett

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: January 11, 2018

SUBJECT: A Special Use Permit for a dance studio in the CR (Commercial Retail) Zoning District.

SYNOPSIS: The applicant teaches fitness dance classes, and would like to continue her business at this location.

LOCATION: 6780 N. Second Street

ZONING DISTRICT:

North	R1 (Single Family Residential) - Church
South	R1 (Single Family Residential)
East	Commercial - Machesney Park
West	R1 (Single Family Residential)

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

EXISTING CONDITIONS: None known

BACKGROUND INFORMATION: The property is zoned commercial retail. It was rezoned in 2017 from R1, to CR in 2017 by the current owner. The owner has rented the space to the applicant to allow her to use the property for dance instruction. The use, requires a special use.

The applicant will be making minor changes to the building. She will be installing appropriate flooring to teach classes, and painting where necessary. The upper level of the building, the main floor, is roughly 2,000 square feet. This area is where the dance instruction will take place. The applicant will hold all classes within the building. No classes shall be permitted outside of the building. The applicant will have a class at 9 a.m., and one at 6 p.m., daily, Monday through Saturday. Class runs about an hour or so. Each class is roughly 25 students, and will not be larger than this. It does not appear that the use shall have a significant impact to the area.

The building does have a full kitchen in the basement. The applicant did express using this portion of the building for events, and even holding events on the main floor. Staff has informed the applicant that it would not be permissible to do this. It would require significant renovations and a Special Use Permit for this activity. The applicant has been made aware of this and fully understands.

The required parking for this business is 40 stalls. The site plan shows the business owner will be providing 49 stalls, with up to 3 tandem parking stalls behind the building. The parking requirement is satisfied.

The applicant has been made aware of the dumpster enclosure that is required. Given

that this type of use would not generally generate much trash, it would be appropriate to allow the business owner to obtain a 95 gallon trash tote. However, if the use expands to include facility rentals, the applicant will be required to install the dumpster enclosure.

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

Conditions:

1. The Special Use Permit expires with the discontinuance of the dance studio establishment, or change in property ownership.
2. The Special Use Permit shall be revoked with verified complaints from adjacent businesses, or adjacent property owners.
3. The dumpster enclosure shall be installed on or before May 31, 2018.
4. All activities related to the dance studio shall only be permitted within the building.
5. No outside storage shall be permitted.
6. The property shall not be used for shows (bands), event or banquet activities.
7. Applicant shall be required to obtain a 95 gallon trash tote for trash disposal.

ATTACHMENTS:

VOTE:

CONDITIONS:

APPROVAL / DENIAL / TABLED

**AUDIENCE
COMMENTS:**



Parcel Number: 08-31-351-002

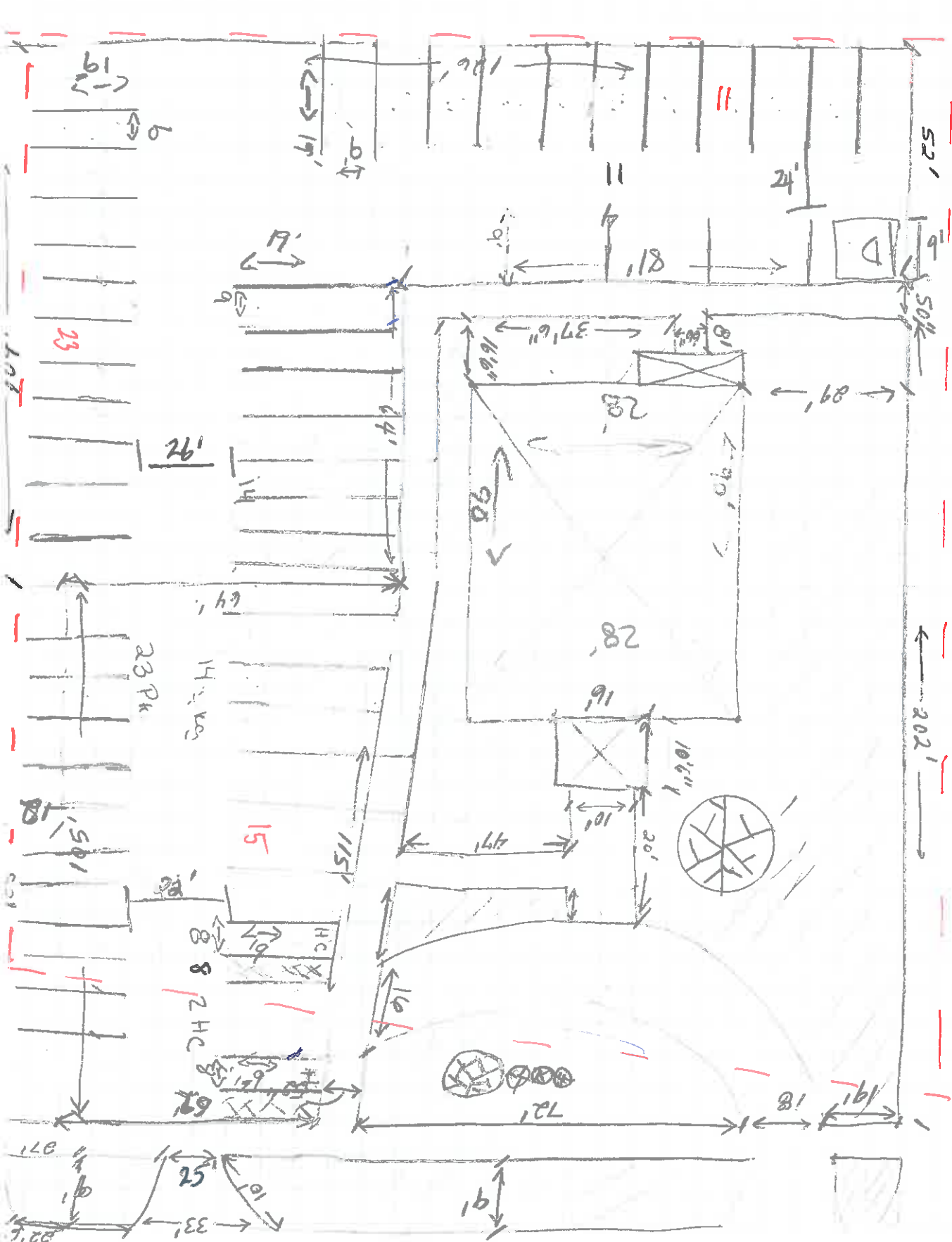
Zoning: CR (Commercial Retail) Zoning District

Property Address: 6780 N. Second Street

Owner Address: Vismare, LLC
2037 Clinton Street
Rockford, Illinois 61103

Petitioner: Elizabeth Muro
4575 Hilltop Drive
Loves Park, Illinois 61111

12-144



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.

Staff ZBA

- | | | |
|---|------------|---|
| 1 | <u>YES</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 establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare. All activities for this business will take place inside of the building. The use is a low impact use relative to existing surrounding uses in the area.</i></p> <p>Reason: _____</p> <p>_____</p> <p>_____</p> |
| 2 | <u>YES</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 use is not likely to adversely affect property values for this area. The applicant will not be making exterior building improvements that may have an affect to the area, so it should not impact uses permitted for this area. The area is already a high traffic area. Some traffic will be generated to this property, but should be in line with the high volume of traffic that occurs given its location.</i></p> <p>Reason: _____</p> <p>_____</p> <p>_____</p> |
| 3 | <u>YES</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 establishment of the special use will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district. The area has seen little development over the years. There are many mixed uses in this area. There is no defined, or set standard for development for this area. A portion of the area is in the neighboring municipality.</i></p> <p>Reason: _____</p> <p>_____</p> <p>_____</p> |
| 4 | <u>N/A</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>Reason: _____</p> <p>_____</p> <p>_____</p> |
| 5 | <u>N/A</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> |

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: 6780 N. Second Street
Dance studio

Chairman
Alise Howlett

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: February 2, 2018

SUBJECT:	A Special Use Permit for an automobile service station in the CR (Commercial Retail) Zoning District.
SYNOPSIS:	The applicant would like to develop the property for a gas station and convenience store.
LOCATION:	82XX E. Riverside Boulevard & 81XX Starwood Drive
ZONING DISTRICT:	North CR (Commercial Retail) & IL (Light Industrial) South Commercial - Rockford East CR (Commercial Retail) & IL (Light Industrial) West CR (Commercial Retail)
PHYSICAL SURROUNDINGS:	The area is host to a number of businesses that provide light industrial uses.
EXISTING CONDITIONS:	None known
BACKGROUND INFORMATION:	<p>The owner of the property would like to open a gas station at this location. The development will span two properties that are zoned commercial. A Special Use Permit is required.</p> <p>The owner will be, upon approval of the Special Use Permit, opening a Casey's gas station and convenience store. The development will not include an automated car wash. It will provide a service to this part of the City, given recent developments occurring in the area.</p> <p>The development is required to meet the City's requirements for landscaping. The landscaping will span across all frontages, and include a variety of low lying plants, shrubs and trees. The landscaping being provided, exceeds the City's requirements for this development.</p> <p>The development is required to provide 31 parking stalls. The site plan shows that there will be 31 stalls provided. Up to 3 stalls will be located directly in front of the dumpster. Staff was informed that this is a standard for Casey's. Staff was told that the store manager blocks off the parking stalls on days when trash pick up is expected, then opens them up to allow customers to use the parking stalls. Staff was also informed that Casey's likes to have the dumpster close to the building for employee safety. Staff does not see this as problematic, given that it's done for a short period of time weekly.</p> <p>The soil and water report indicates the potential for contaminant spills, both by vehicles and products being stored outside, that may wash off with rain and eventually make</p>

their way into the storm sewer drains and natural water sources. As a safeguard, to preserve the integrity of natural water sources, and to protect contaminants from making their way into storm sewer drains, Staff recommends that outside storage of merchandise not be permitted.

The applicant will be providing a walking path/bike path along the western and southern part of the properties, and installing a sidewalk along the northern property line, which will benefit the area as development increases in this area. The City is agreeable to this.

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

Conditions:

1. The Special Use Permit expires with the change in property ownership, or discontinuance of the Casey's establishment.
2. The implementation of the landscape plan shall be coordinated with City Staff during the development of the property.
3. The Special Use Permit does not include automobile car wash services.
4. Outdoor storage of merchandise shall not be permitted.

ATTACHMENTS:

VOTE:

CONDITIONS:

APPROVAL / DENIAL / TABLED

**AUDIENCE
COMMENTS:**



Parcel Number(s): 12-01-153-010 & 12-01-153-009

Zoning: CR (Commercial Retail) Zoning District

Property Address: 82XX E. Riverside Boulevard & 81XX Starwood Drive

Owner Address: Spring Creek Development Group
330 Spring Creek Road
Rockford, Illinois 61107

Petitioner: Arc Design Resources, on behalf of Casey's General Store
5291 Zenith Parkway
Loves Park, Illinois 61111





**WINNEBAGO COUNTY
SOIL AND WATER
CONSERVATION DISTRICT**

4833 OWEN CENTER ROAD • ROCKFORD, IL 61107-6007 • (815) 965-2392
www.winnebagoconservation.org

Report No. 18-27

January 12, 2018

Site: NE Corner of E. Riverside Blvd & Interstate Blvd., Loves Park, IL

PIN: 12-01-153-009 & 12-01-153-010

Total Acres: 2.7

Applicant/Petitioner:

Ryan C Swanson
5291 Zenith Parkway
Loves Park, IL 61111

Owner:

Spring Creek Development
330 Spring Creek Road
Rockford, IL 61107

Contact:

Ryan Swanson
815-484-4300
ryans@arcdesign.com

Currently Zoned: CR

Review pertaining to: Special Use Permit for fuel sales

According to the USDA Natural Resource Conservation Service Soil Survey of Winnebago County, the site consists of the following:

Map unit: 412B - Ogle silt loam, 2 to 5 percent slopes

The Ogle component makes up 85 percent of the map unit. Slopes are 2 to 5 percent. This component is on ground moraines. The parent material consists of loess over paleosol formed in till. Depth to a root restrictive layer is greater than 60 inches. The natural drainage class is well drained. Water movement in the most restrictive layer is moderately high. Available water to a depth of 60 inches is high. Shrink-swell potential is moderate. This soil is not flooded. It is not ponded. There is no zone of water saturation within a depth of 72 inches. Organic matter content in the surface horizon is about 4 percent. Nonirrigated land capability classification is 2e. This soil does not meet hydric criteria.

Soil Conditions and Degree of Limitations for Proposed Use:

Soil Map Unit	Soil Name and Slope	Small Commercial Buildings	Shallow Excavations	Hydric Soil	Erosion & Sediment Hazard
412B	Ogle 2+5% slopes	Moderate 7a	Slight	NO	Moderate 6,15

Limitations:**6) moderate or severe limitations due to steepness of slope**

Steepness of slope- Steepness, shape, and length of slope are important because they influence the rate at which water flows into or off the soil. If unprotected, soils on slopes may erode leaving a thinner surface layer. Eroded soils tend to be less fertile and have less available water than uneroded soils of the same series.

7a) moderate potential for shrinking and swelling of soil which may cause structural damage

Shrink-Swell Potential- Indicates volume changes to be expected for the specific soil material with changes in moisture content, and is related to the type and percentage of clay present. The expansion and contraction exerts stress on foundations, footings, and pave surfaces due to the changes in soil moisture conditions.

15) erodes easily**Soil Interpretations Explanation:**

These interpretative ratings help engineers, planners, and others to understand how soil properties influence behavior when used for nonagricultural uses such as building site development or construction materials. This report gives ratings for proposed uses in terms of limitations and restrictive features. Ratings come from the soils "natural" state, that is, no unusual modification of the site or soil material is made other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may be able to alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. Most of these practices, however, are costly.

The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance. Soil properties influence development of building sites, including the selection of the site, the design of the structure, construction, performance after construction, and maintenance. Soils are rated for the uses expected to be important or potentially important to users of soil survey information. The rating system of slight, moderate, severe, very severe, and restrictive, are given for the types of proposed improvements that are listed or inferred by the petitioner as entered on the report application and/or zoning petition. They are defined as follows:

Slight: This soil has favorable properties for the use. The degree of limitation is minor and can be overcome easily. Good performance and low maintenance can be expected

Moderate: This soil has moderately favorable properties for the use. Special planning, design, or maintenance can overcome this degree of limitation. During some part of the year, the expected performance is less desirable than for soils rated slight.

Severe: This soil has one or more properties that are unfavorable for the rated use. These may include the following: steep slopes, bedrock near the surface, flooding, high shrink-swell potential, a seasonal high water table, or low strength. This degree of limitation generally requires major soil reclamation, special design, or intensive maintenance, which in most situations is difficult and costly.

Land Use Explanations:

Small Commercial Buildings

Limitation ratings are given for undisturbed soil on which small commercial buildings of less than three stories without basements are built. The foundation is assumed to be spread footings of reinforced concrete at a depth of 2 feet or the depth of maximum frost penetration, whichever is deeper. The ratings are based on properties affecting soil strength and settlement under a load and those that affect excavation and construction costs. The properties affecting soil strength and settlement are the presence of a high water table, flooding, the shrink-swell behavior and compressibility of the soil. Compressibility is inferred from unified classification. Properties influencing the ease and amount of excavation are flooding, high water table, slope, depth to bedrock or cemented pan, and the amount of coarse fragments.

Shallow Excavations

Shallow excavations are trenches or holes dug to a maximum depth of 5 or 6 feet for graves, utility lines, open ditches, or other purposes. The ratings are based on the soil properties that influence the ease of digging and the resistance to sloughing. Depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, the amount of large stones, and dense layers influence the ease of digging, filling, and compacting. Depth to the seasonal high water table, flooding, and ponding may restrict the period when excavations can be made. Slope influences the ease of using machinery. Soil texture, depth to the water table, and linear extensibility (shrink-swell potential) influence the resistance to sloughing. Onsite investigation may be needed to validate these interpretations and to confirm the identity of the soil on a given site.

Erosion and Sediment Control

Based on the percent slope and the erodibility of the soil-mapping unit. Length of slope and vegetative cover are equally important in determining erosion losses and should be determined by on-site investigations. Under most conditions, establishment and maintenance of good vegetative cover is required to prevent excessive erosion and sedimentation.

Comments from SWCD:

Erosion Concerns

The proposed land use of this site is a gas station and convenience store. It is currently a vacant lot that is being cropped. Soil disturbance will occur as a result of developing the site, which is moderately sloping and susceptible to erosion. If the area of disturbance will be greater than one acre an IEPA NPDES permit will be required; as well as any City Permit requirements.

Soil disturbance can create soil erosion which must be properly managed to prevent adverse environmental impacts. Erosion from construction sites is a leading cause of water quality problems in Illinois. Problems caused by this sediment include:

- increased flooding – Sediment build-up lowers the flow capacity of channels causing more frequent flooding in areas that rarely or never flooded before
- Financial burden to taxpayers - Sediment that finds its way into streets, storm sewers, and ditches result in additional maintenance costs for local, state and federal governments
- Water quality impairment - Sediment laden runoff transfers nutrients and other pollutants to downstream lakes and rivers degrading aquatic habitats and increasing costs for water treatment.

Simple but effective controls include preserving existing trees and grass where possible, using silt fence to trap sediment on the down slope sides of the area of disturbance, using a gravel drive used by all vehicles to limit tracking of mud onto streets, cleaning up sediment carried off-site by vehicles or storms, installing curb inlet controls, using downspout extenders to prevent roof runoff from eroding exposed soil, locating soil piles away from any roads or waterways, and reseeding or sodding the site as soon as possible. The materials (silt fence, stakes, gravel entrance, inlet controls, and grass seed) are easy to find and relatively inexpensive.

The Illinois Urban Manual is a resource of practices used throughout the State and can be accessed at <http://www.aiswcd.org/ium/>. The concept of these practices can be carried over to good housekeeping measures after development occurs and buildings are occupied to prevent stormwater runoff from becoming contaminated.

Stormwater Runoff

Developments have both direct and indirect impacts on water bodies and other valuable natural features. These impacts occur both during construction and after the development is complete. Some impacts result from the direct modification or destruction of streams, lakes, and wetlands. Other impacts occur primarily offsite due to changes in the quality and quantity of runoff from the development.

Stormwater runoff is generated from impervious surfaces, particularly roadways and parking lots. Most modern developments route runoff from impervious surfaces directly into storm sewers or paved channels which effectively convey the pollutants, without any opportunity for infiltration or filtering, into receiving water bodies. These pollutants include dirt, pesticides, fertilizers, road salt, oil, detergents and gasoline that can harm fish and wildlife populations, kill native vegetation, foul drinking water supplies, and make recreational areas unsafe and unpleasant.

Stormwater retention/detention should be required as part of the development of the is parcel. Consider incorporating water quality BMP's in the landscape and design. These practices can also be accessed in the Illinois Urban Manual.

Automotive considerations

Due to the expected vehicle traffic on the site, it would be beneficial to keep absorbents readily on hand in the event of a spill or leak to promptly contain hazards that would otherwise be environmentally harmful. Periodically check for indications of leaks or stains in the parking lot. Contaminants on impermeable surfaces (concrete, asphalt, etc) will wash off with rain and will eventually make its way into storm sewer drains, some of which go directly to natural water sources without treatment. Avoid washing impermeable surfaces off with a hose but rather use a broom, and dispose of waste versus having contaminants wash off the site.

Any retail products (such as ice melt, antifreeze, etc) sold at the site should be stored in areas to avoid environmental contamination. Implement proper housekeeping measures that will minimize the potential for environmental hazards.

Thank you for taking the SWCD's advisement under consideration. If you have any questions or comments about this report or the findings, please contact the Winnebago County Soil and Water Conservation District at (815) 965-2392 ext. 3.

cc: City of Loves Park; Ryan Swanson (applicant), on file at the Winnebago SWCD

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.

Staff ZBA

- | | | |
|---|-----|--|
| 1 | YES | <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 use is not likely to be detrimental to the overall safety of the district. As uses go, it will likely be a high impact use generating significant traffic to the property, but part of the property is located on an arterial road that already generates a significant amount of traffic.</i></p> <p>Reason:</p> |
| 2 | YES | <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 development will provide services to an area of the City where this service doesn't exist. The development of the site will be extensive and require considerable financial resources to meet the City's expectations for overall development in the zoning district. It is unlikely that the development will diminish or impair property values to the area.</i></p> <p>Reason:</p> |
| 3 | YES | <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 area has had little development during past years. With the recent development occurring in the area, the use will compliment developing uses, and future uses slated for development. It shall not impede or negatively impact development for the permitted uses in this zoning district.</i></p> <p>Reason:</p> |
| 4 | YES | <p>Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.</p> <p><i>The development will require appropriate ingress/egress, engineered drainage plans, and appropriate access roads, where necessary. The City's expectations for site development will be addressed or have been addressed for this location.</i></p> <p>Reason:</p> |
| 5 | YES | <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>Ingress and egress issues have been properly addressed with the applicant. Access onto and off of the property does not appear likely to create or generate issues with traffic congestion.</i></p> <p>Reason:</p> |

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: **82XX E. Riverside Boulevard & 81XX Starwood Drive**
Casey's gas and convenience store

Chairman
Alise Howlett

Signature

Date