



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
May 17, 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 **March 15, 2018** meeting
3. Report from the Zoning Office - None
4. Unfinished business - None
5. New business –
 - A. 5818 N. SECOND STREET:** A Special Use Permit for an automobile sales establishment in the CR (Commercial Retail) Zoning District.
 - B. TEXT AMENDMENT:** Article III, Districts, Division 2, Residential.
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, MARCH 15, 2018
5:30 P.M.
CITY COUNCIL CHAMBERS
LOVES PARK CITY HALL**

1. CHAIRMAN ALISE HOWLETT CALLED THE MEETING TO ORDER AT 5:30 P.M.

MEMBERS PRESENT: DENNIS HENDRICKS, BRIAN KERN, NICOLAS BECKER,
SHAWN NOVAK, LYNDI TOO HILL

MEMBERS ABSENT: CATHY NELSON

OTHERS PRESENT: ATTORNEY PHIL NICOLOSI
STEVE THOMPSON - COMMUNITY DEVELOPMENT
DIRECTOR
NATE BRUCK - ECONOMIC DEVELOPMENT/PLANNING
DIRECTOR
SHEILA MILLS – SECRETARY

OTHERS ABSENT: ANDREW QUINTANILLA – ZONING OFFICER

Chairman Howlett announced that the next Community Development Committee meeting will be held March 28, 2018 at 5:30 p.m.

2. MINUTES

Mrs. Novak moved to approve the minutes from the meeting held February 15, 2018.
Second by Mr. Hendricks. Motion carried by voice vote.

3. ZONING OFFICE REPORT

None

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

A. TEXT AMENDMENT – SEC. 102-338, EAST RIVERSIDE/I-90 OVERLAY DISTRICT.

Mr. Bruck stated that the city is proposing an overlay district for the E. Riverside Blvd. corridor by I-90 and he presented illustrations of the affected area. Some of the current uses for the area include a mega sports center, Mercy Hospital, a baseball stadium and hotels. There has been a lot of interest in this area for development and the city feels this area warrants a higher standard in building material and site design. Mr. Bruck added that an overlay review board (orb) will be established as part of the submittal and approval process.

Mr. Thompson explained that the overlay district will include a mix of uses, such as light industrial and commercial, but would limit high intensity industrial to protect the district and commercial retail that does not fit into the scheme of the development. He indicated that the city will be looking at building façade materials, signage, landscaping, and pedestrian connectivity. Mr. Thompson added that this will not affect the existing use or buildings until there is a change such as an addition, signage changes, use changes, which will fall under the use guidelines and restrictions, set forth in the overlay district. No one will be forced out of their property or change their uses as they exist.

Attorney Nerino Petro, 8186 Commerce Drive, Loves Park, was sworn in as objector and expressed concerns about making changes to an existing building and the materials utilized. Mr. Petro commented that he feels the city is not providing a grandfather provision for existing buildings and with the overlay district, he fears he would have to go thru a process to keep the existing look of his property. He added that it would also limit outdoor storage areas and he feels the city is sticking it to the local owners and taxpayers just to benefit visitors from out of town.

Gary Oehlberg, 8189 Starwood Drive, Loves Park, IL was sworn in and asked if he would have to go thru a process if he were to change tenants or signage.

Bill Johnson, 8185 Commerce Drive, Loves Park, IL was sworn in and expressed concerns with changing tenants in his multi-tenant building.

Mr. Bruck stated that the overlay district applies to the exterior of the building only and the signage would have to be in compliance with sign requirements.

Mr. Bruck stated that some examples of a non-permitted use are a wholesale/warehouse, sewer lift station, water filtration center, and gun shooting range.

Mrs. Howlett stated the overlay district is for exterior only the orb process only applies to brand new development and exterior site changes.

Mr. Becker stated that he felt the overlay district would benefit the whole city.

Mr. Thompson commented that overlay district will also protect the integrity of the existing properties.

Mrs. Howlett suggested that with the close proximity to Mercy Hospital that boarding and lodging houses; and medical clinics be permitted with a Special Use Permit.

Mr. Becker moved to approve a Text Amendment in Sec. 102-338, East Riverside/I-90 Overlay District, with the following conditions:

1. Boarding and lodging houses and medical clinics shall be moved from not permitted to permitted with a special use permit.
2. Language shall be revised in *Item E. Review Required*, to specify that reviews will be required only when exterior alterations and improvements are proposed.
3. Staff shall consider revising the language to allow building additions to match the character and material of the existing building. The consideration shall not be based solely on staff opinion, but rather a percentage of the proposed addition, in comparison to the existing lot and or existing building.

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

MOTION APPROVED 5-0

7. PUBLIC PARTICIPATION AND COMMENT

None

8. General Discussion

None

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

Sheila Mills, Secretary



ZONING BOARD OF APPEALS

Community Development Department

Date: May 9, 2018

SUBJECT: A Special Use Permit for an Automobile Sales Lot in the CR (Commercial Retail) Zoning District.

SYNOPSIS: Applicant would like to open a car sales lot at this location. He will repair the vehicles that he is selling, but not offer repair services to the public.

LOCATION: 5818 N. Second Street

ZONING DISTRICT:

North	CR (Commercial Retail)
South	CR (Commercial Retail)
East	CR (Commercial Retail)
West	CR (Commercial Retail)

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 would like to open an automobile sales lot at this location. The use requires a Special Use Permit in the zoning district.

The applicant would like to open an automobile sales lot with the capacity to sell up to 25 vehicles. The lot can accommodate up to 25 vehicles for sale, but more than that would likely promote overcrowding, and cause problems with vehicle circulation. The building was previously used for auto repair. Auto repair and auto sales are only permitted by special use in the district. The applicant does not want to provide auto repair to the public, but has asked if he may be allowed to perform auto repair for the vehicles he will be selling on the lot. Staff does not see that as problematic given that the building is set up for this type of service. Staff does have some concern about vehicles that need repairs, being stored outside. The location is a very high traffic area in the heart of the City, so vehicle storage for inoperable vehicles is not a good idea. Staff sees that any storage of vehicles that need to be repaired, shall only be permitted within the building. Only operable vehicles shall be permitted outside in the designated auto sales area. The business will have 2 employees and operate M-F, 9am to 7pm, and on Saturday from 9am to 5pm. The use should be low impact to the area.

The parking for this business is based on the customer service area, which is small. Since the business owner will not be opening the business up for auto repair, Staff sees that basing the customer parking off of services bays was excessive. The lot will support a low number of vehicles, and the 4 customer parking stalls is adequate for this establishment.

Staff sees that the special use shall only be applicable for passenger automobiles only. The special use shall not extend to commercially used vehicles such as semis, tractor trailers, flatbeds, dump trucks, or vehicles used for commercial purposes. It shall also not include the sales of boats or other aquatic items, and trailers of any type. The lot is small, and these types of sales are not suitable at this location, and may adversely impact adjacent property values, and negatively affect adjacent business.

The applicant is required to provide landscaping. The landscape is required to include an 8 ft, in depth, continuous buffer between the property and public view. It is required to span all frontages, observing designated ingress/egress.

The applicant will be installing the 8 deep landscape buffer across both frontages. The landscaped area shall be curbed on all sides to define the area, and protect the required landscaping that the applicant will be installing. The landscape area is required to have 7 trees, which the applicant is providing. The site plan communicates the number and location of the trees, along with some new low lying shrubs. The property does have existing perennials planted in raised planter beds from the previous business owner. Staff sees that the existing perennials shall be salvaged and implemented into the landscaped area, otherwise, the planter beds will be rather sparse given the widths of the landscaped areas. Staff also sees that it would be appropriate to provide ground cover such as mulch, in and around the plants, to aid in the prevention of weeds and provide moisture for the plantings.

The perimeter of the property, along the fence lines, has become overgrown with weeds and tree saplings that have broken through the concrete. Staff sees that clearing the fence line, by removing all of the saplings, will enhance the look of the property. The removal should include cutting down all of the saplings and stump removal to prevent regrowth.

The property has two dated freestanding signs out along N. Second street. The signs do not meet the City's current sign requirements. Staff has discussed, with the applicant, removal of the signs. The applicant is agreeable to the removal of the signs. Staff noticed that there are old concrete light blocks, painted blue, that are around the frontages of each property. They no longer serve a purpose, and should be removed.

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

Conditions:

1. The Special Use Permit expires with the change in property ownership, business ownership, or discontinuance of the business.
2. The two freestanding signs and concrete light blocks shall be removed before the business opens to the public.
3. Asphalt shall be removed to install the 8 ft deep landscape buffer spanning across both frontages, and be curbed on all sides.
4. The business owner shall incorporate the existing perennials into the landscaping. All landscaping shall be installed and protected with dark landscape mulch before the business opens. At the time of installation, trees shall have a 4 inch diameter as measured 4 feet above the root system. Maintenance is required.
5. The brush and saplings that have grown up along all fence lines shall be removed, along with the stumps.
6. The vehicle sales area, handicap parking, and employee parking areas shall be

striped prior to opening.

7. Only 25 vehicles shall be permitted for sale. Vehicles for sale shall only be permitted in the parking stalls. Parking vehicles across stiped parking stalls shall not be permitted. Vehicle display lifts or other vehicle platforms shall not be permitted.
8. Loading or unloading shall only be permitted in the rear of the business.
9. Vehicles that require repairs, before being sold, shall only be permitted to be stored inside of the building. No outside storage or displays of merchandise shall be allowed.
10. The business shall be limited to the sale of passenger motor vehicles only. Only 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. Boat and trailer sales shall not be permitted.
11. The automobile sales establishment shall not be a "buy her, pay here" business. All financing shall be done through an off-site third party.
12. The business shall not be permitted the storage of the business owner, employee, or property owners personal vehicles, trailers, cars, trucks, plows, tow trucks, campers, rv's, and aquatic items of any sort.
13. Vehicle signage shall only be permitted to be placed on the front passenger windshield. Signage shall be done with the use of professionally manufactured lettering, and only convey the year, and price. No other signage shall be permitted on the vehicles.
14. Auto repair work shall not be a permitted service offered to the general public. Only vehicles being sold on the lot shall be allowed to be repaired.
15. The site plan does not identify the location of the dumpster enclosure. The business owner shall work with Staff to ensure it is completed.
16. The Special Use Permit shall be revoked with verified complaints from the police department, adjacent businesses or land owners. And, may be revoked if the conditions for the use have not been met.

ATTACHMENTS:

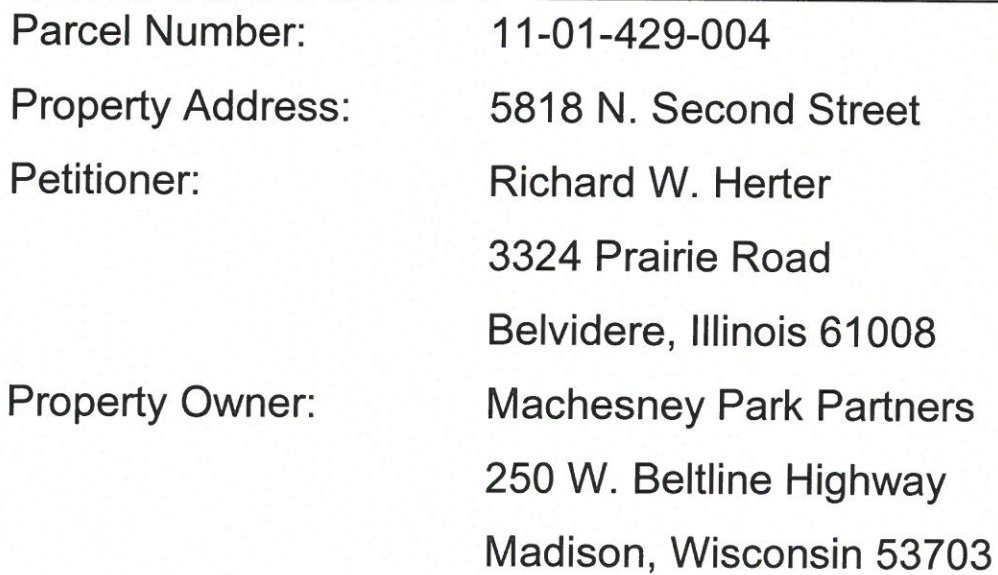
(See attachments)

VOTE:

APPROVAL / DENIAL / TABLED

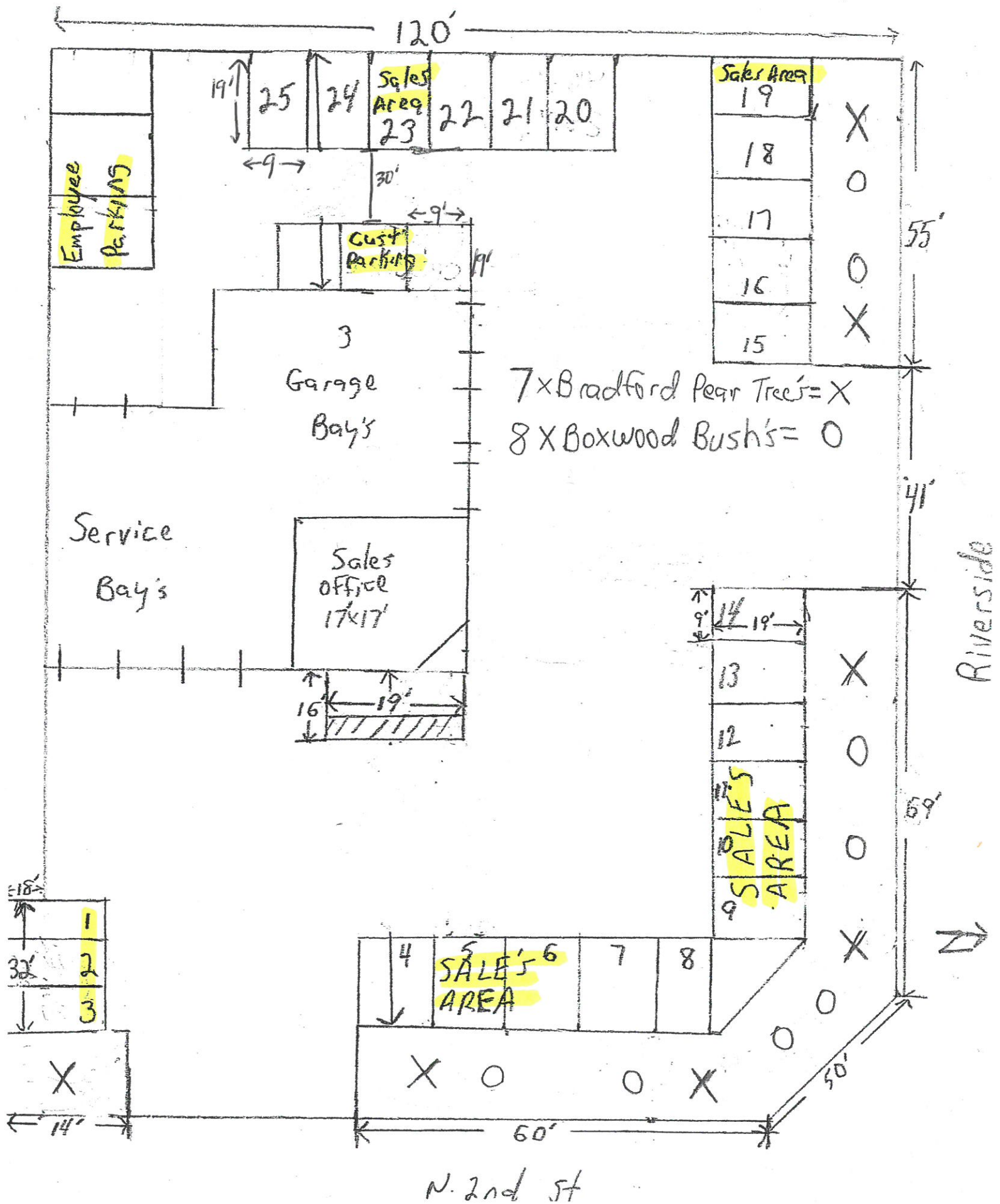
CONDITIONS:

**AUDIENCE
COMMENTS:**



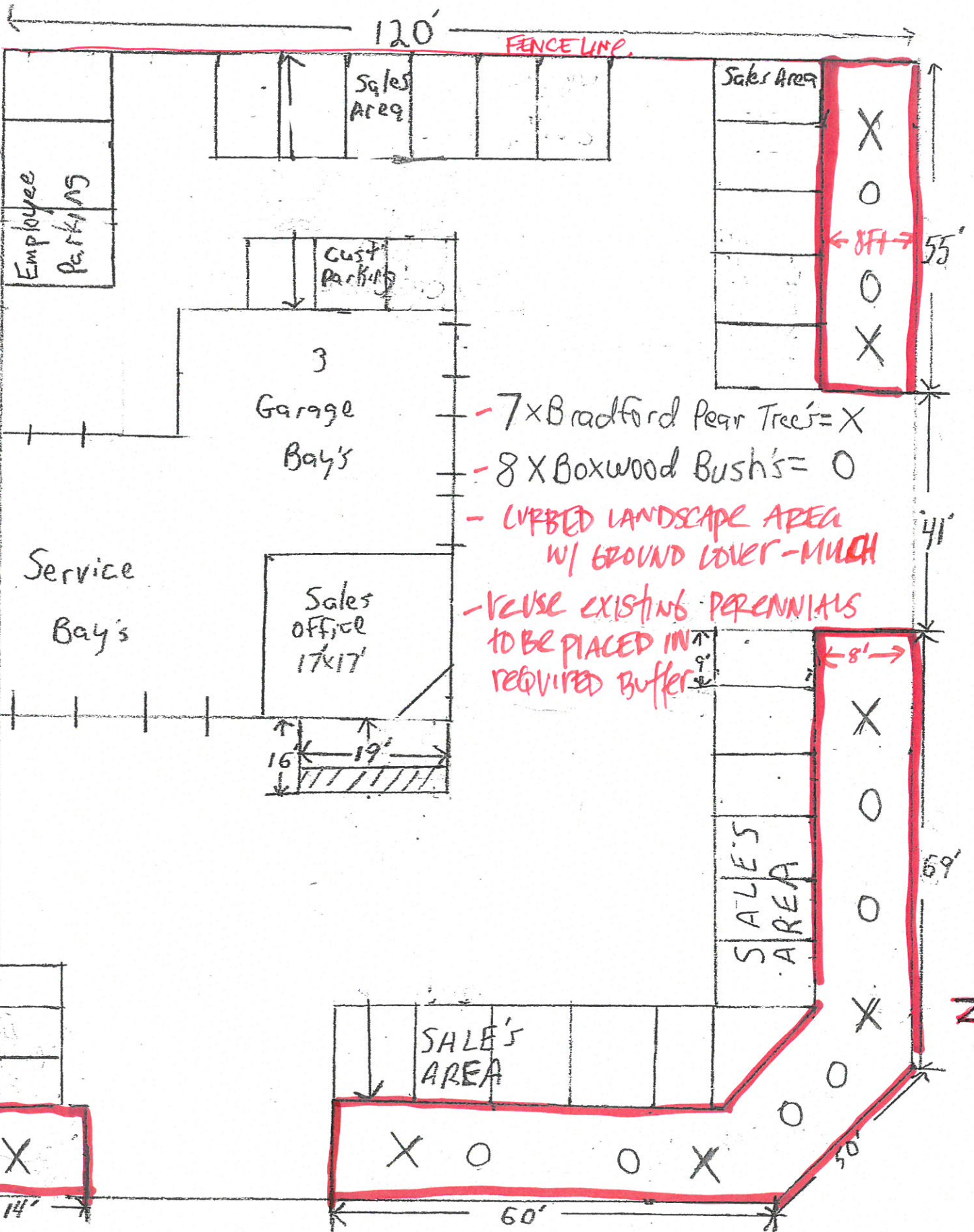
ALL Parking Spots are 9x19'

4/19/2018



ALL Parking Spots are 9'x19'

4/19/2018



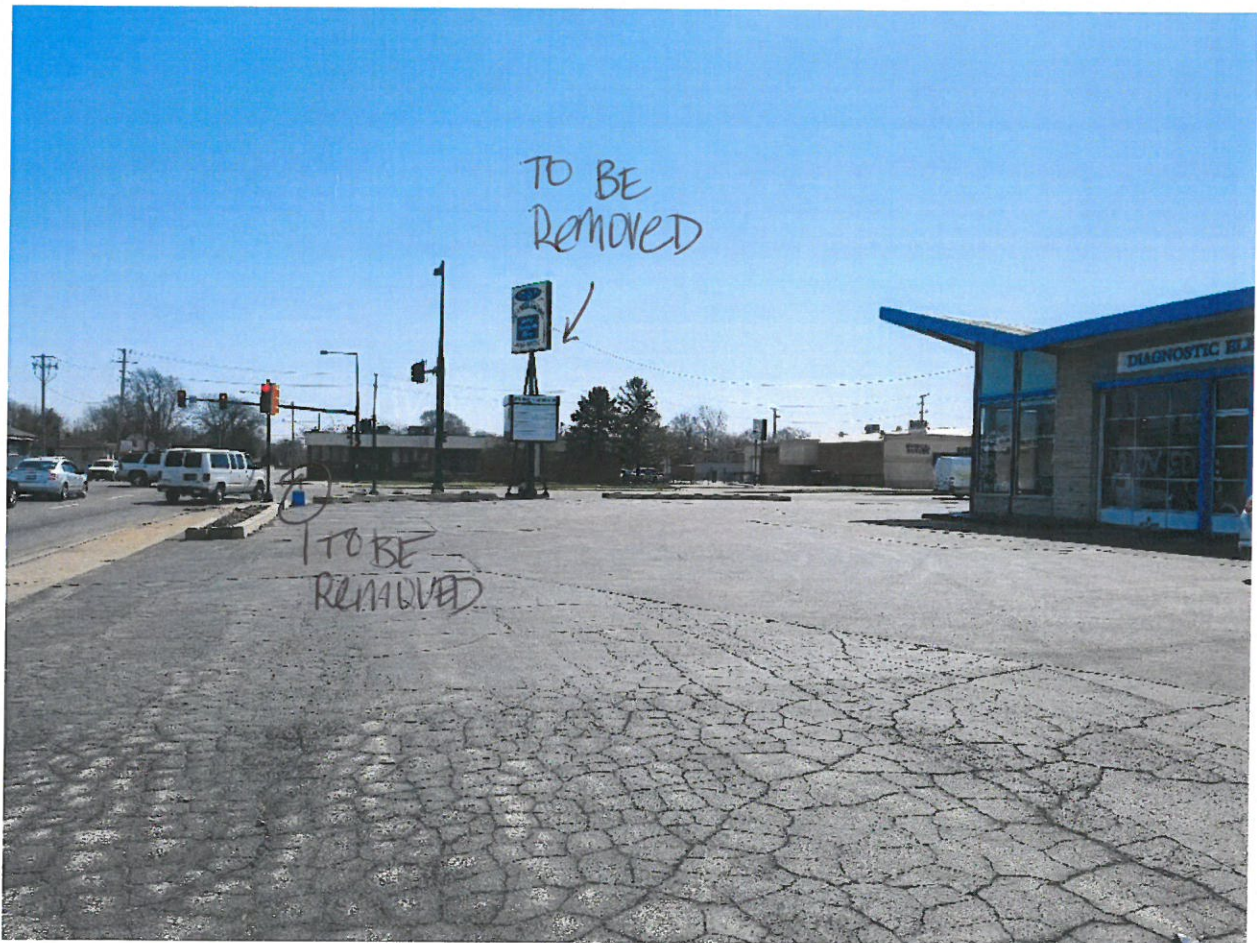
- 7x Bradford Pear Trees = X

- 8x Boxwood Bush's = O

- CURBED LANDSCAPE AREA
w/ GROUND COVER - MUCH

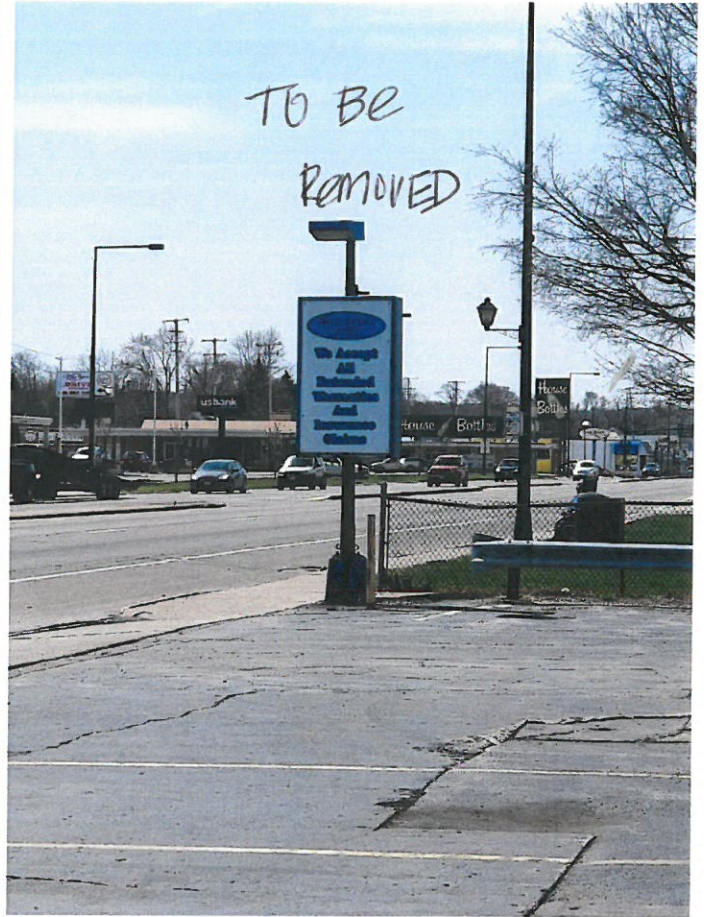
- REUSE EXISTING PERENNIALS
TO BE PLACED IN
REQUIRED BUFFER

N. 2nd St









TO BE REMOVED

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> | <div>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.</div> <div><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. The use, as uses go, is a low impact use to the area. There was already a special use granted for this location, and the use did not appear to have an adverse affect to the property or area.</i></div> <div>Reason: _____</div> <div>_____</div> <div>_____</div> |
| 2 | <u>YES</u> | <div>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.</div> <div><i>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. The business owner is making substantial improvements to the property. The improvements will increase the property's value, and will likely improve the overall aesthetic to this area.</i></div> <div>Reason: _____</div> <div>_____</div> <div>_____</div> |
| 3 | <u>YES</u> | <div>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.</div> <div><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. This is an older business district in the City. The use is not an inherent use, but there are similar uses currently operating in the vicinity, that have not been an impediment for the development of the district.</i></div> <div>Reason: _____</div> <div>_____</div> <div>_____</div> |
| 4 | <u>N/A</u> | <div>Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.</div> <div>_____</div> <div>_____</div> <div>Reason: _____</div> <div>_____</div> <div>_____</div> |
| 5 | <u>N/A</u> | <div>Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.</div> <div>_____</div> |

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: **5818 N. Seconds Street**
Automobile sales lot

Chairman
Alise Howlett

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: May 9, 2018

SUBJECT: Text Amendment: Article III, Districts, Division 2, Residential.

The City of Loves Park does not have landscaping requirements for residential developments. The proposed landscaping requirements will not affect single family residential developments, but will require landscaping for R2, R3, R3A, and R4 residential districts.

Staff sees that multi-family developments in the newer areas have little to no landscaping, which only enhances the subdivisions. These text amendments will start requiring landowners, and/or developers to include landscaping in their projects. The requirements for landscaping are based on a point system. Each parcel has points assigned to it based on the square feet of the parcel. Trees, shrubs, and bushes are worth some value in points, and the developer/landowner will now be required to provide landscaping based on the points.

The landscaping will serve several purposes such as reducing noise levels, adding privacy between lots, filtering out artificial light sources, improving air quality, and softening the aesthetic of the area created by multi-family units and buildings.

RECOMMENDATION: Approval - Text amendments to Article III, Division 2, Residential

ATTACHMENTS: (See attachments)

VOTE: APPROVAL / DENIAL / TABLED

CONDITIONS:

**AUDIENCE
COMMENTS:**

Text Amendment of the Loves Park Zoning Ordinance as follows:

Add Article III, Districts, Division 2, Section 102-153, R2 Two-family residential district, (h), as follows:

Landscaping. A landscape plan is required for review and approval. Landscaped lots shall be required to provide landscaping based on a point system. The point system shall be applied to each parcel and the landscaping shall be distributed equally between each dwelling. The landscape requirement excludes detached single family residential dwellings. No landscaping, at maturity, may overhang into the public right-of-way. Landscaping on corner lots shall observe the vision triangle.

Add Article III, Districts, Division 2, Section 102-153, R2 Two-family residential district, (h), (1) – (6) as follows:

1. Points Per Parcel. The required number of points for each parcel shall be determined by dividing the square feet of the parcel by two hundred fifty (250). The formula can be expressed as follows: $POINTS = SQFT/250$.
2. Points for Shade Trees. Shade Tree value is five (5) points each. All shade trees shall be planted with a four (4) inch diameter. The diameter shall be taken at a four (4) foot height from the tree base, and grow to a minimum height of twenty-five 25 feet or higher after 5 years.
3. Points for Ornamental and Conifer Trees. Ornamental and Conifer Tree value is four (4) points each. All Ornamental and Conifer Trees shall be planted with a four (4) inch diameter. The diameter shall be taken at a four (4) foot height from the tree base, and grow to a maximum height of twenty-five (25) feet or smaller. Dwarf tree varieties are not permitted.
4. Points for Shrubs and Bushes. Shrub and Bush value is one (1) point each. Shrub and bushes shall be planted at a minimum height of one (1) foot.
5. Two (2) shade trees shall be placed in the required front yard.
6. A four (4) foot landscape area shall be span across the above ground living area of each dwelling on all sides. The landscaping shall consist of a combination of low lying shrubs, conifer or ornamental trees, and perennials. Trees shall be planted at a minimum height of five (5) feet. Ground cover such as mulch, river rock, or some other landscaping material shall be included.

Add Article III, Districts, Division 2, Section 102-154, R3 Multiple-family residential district, (h), as follows:

Landscaping. A landscape plan is required for review and approval. Landscaped lots shall be required to provide landscaping based on a point system. The point system

shall be applied to each parcel and the landscaping shall be distributed equally between each dwelling. The landscape requirement excludes detached single family residential dwellings. No landscaping, at maturity, may overhang into the public right-of-way. Landscaping on corner lots shall observe the vision triangle.

Add Article III, Districts, Division 2, Section 102-154, R3 Multiple-family residential district, (h), (1) – (6) as follows:

1. Points Per Parcel. The required number of points for each parcel shall be determined by dividing the square feet of the parcel by two hundred fifty (250). The formula can be expressed as follows: $POINTS = SQFT/250$.
2. Points for Shade Trees. Shade Tree value is five (5) points each. All shade trees shall be planted with a four (4) inch diameter. The diameter shall be taken at a four (4) foot height from the tree base, and grow to a minimum height of twenty-five (25) feet or higher after 5 years.
3. Points for Ornamental and Conifer Trees. Ornamental and Conifer Tree value is four (4) points each. All Ornamental and Conifer Trees shall be planted with a four (4) inch diameter. The diameter shall be taken at a four (4) foot height from the tree base, and grow to a maximum height of twenty-five (25) feet or smaller. Dwarf tree varieties are not permitted.
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Add Article III, Districts, Division 2, Section 102-154, R3A Four-family residential district, (h), as follows:

Landscaping. A landscape plan is required for review and approval. Landscaped lots shall be required to provide landscaping based on a point system. The point system shall be applied to each parcel and the landscaping shall be distributed equally between each dwelling. The landscape requirement excludes detached single family residential dwellings. No landscaping, at maturity, may overhang into the public right-of-way. Landscaping on corner lots shall observe the vision triangle.

Add Article III, Districts, Division 2, Section 102-154, R3A Multiple-family residential district, (h), (1) – (6) as follows:

1. Points Per Parcel. The required number of points for each parcel shall be determined by dividing the square feet of the parcel by two hundred fifty (250). The formula can be expressed as follows: $POINTS = SQFT/250$.
2. Points for Shade Trees. Shade Tree value is five (5) points each. All shade trees shall be planted with a four (4) inch diameter. The diameter shall be taken at a four (4) foot height from the tree base, and grow to a minimum height of twenty-five (25) feet or higher after 5 years.
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6. A four (4) foot landscape area shall be span across the above ground living area of each dwelling on all sides. The landscaping shall consist of a combination of low lying shrubs, conifer or ornamental trees, and perennials. Trees shall be planted at a minimum height of five (5) feet. Ground cover such as mulch, river rock, or some other landscaping material shall be included.

Add Article III, Districts, Division 2, Section 102-154, R4 Four-family residential district, (h), as follows:

Landscaping. A landscape plan is required for review and approval. Landscaped lots shall be required to provide landscaping based on a point system. The point system shall be applied to each parcel and the landscaping shall be distributed equally between each dwelling. The landscape requirement excludes detached single family residential dwellings. No landscaping, at maturity, may overhang into the public right-of-way. Landscaping on corner lots shall observe the vision triangle.

Add Article III, Districts, Division 2, Section 102-154, R4 Multiple-family residential district, (h), (1) – (6) as follows:

1. Points Per Parcel. The required number of points for each parcel shall be determined by dividing the square feet of the parcel by two hundred fifty (250). The formula can be expressed as follows: $POINTS = SQFT/250$.

2. Points for Shade Trees. Shade Tree value is five (5) points each. All shade trees shall be planted with a four (4) inch diameter. The diameter shall be taken at a four (4) foot height from the tree base, and grow to a minimum height of twenty-five 25 feet or higher after 5 years.

3. Points for Ornamental and Conifer Trees. Ornamental and Conifer Tree value is four (4) points each. All Ornamental and Conifer Trees shall be planted with a four (4) inch diameter. The diameter shall be taken at a four (4) foot height from the tree base, and grow to a maximum height of twenty-five (25) feet or smaller. Dwarf tree varieties are not permitted.

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5. Two (2) shade trees shall be placed in the required front yard.

6. A four (4) foot landscape area shall be span across the above ground living area of each dwelling on all sides. The landscaping shall consist of a combination of low lying shrubs, conifer or ornamental trees, and perennials. Trees shall be planted at a minimum height of five (5) feet. Ground cover such as mulch, river rock, or some other landscaping material shall be included.