



# **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**

**August 16, 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 **July 19, 2018** meeting
3. Report from the Zoning Office - None
4. Unfinished business –
5. New business –

**A. 5732 E. RIVERSIDE BOULEVARD:** A Zoning Map Amendment from the CR (Commercial Retail) Zoning District to the CO (Commercial Office) 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, JULY 19, 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: ALISE HOWLETT, DENNIS HENDRICKS, CATHY NELSON,  
BRIAN KERN, NICOLAS BECKER, LINDY TOO HILL,  
SHAWN NOVAK

OTHERS PRESENT: ATTORNEY PHIL NICOLSI  
ANDREW QUINTANILLA – ZONING OFFICER  
SHEILA MILLS – SECRETARY  
STEVE THOMPSON – COMMUNITY DEVELOPMENT  
DIRECTOR

OTHERS ABSENT: NATE BRUCK - ECONOMIC DEVELOPMENT/PLANNING  
DIRECTOR

Chairman Howlett announced that the next Community Development Committee meeting is scheduled for August 1, 2018 at 5:30 p.m.

2. MINUTES

Mrs. Novak moved to approve the minutes from the meeting held June 21, 2018. Second by Mr. Becker. Motion carried by voice vote.

3. ZONING OFFICE REPORT

None

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

Mrs. Nelson moved that the board discuss Item B. before Item A. Second by Mrs. Toohill.

**MOTION APPROVED 6-0**

- A. 7155 WINDSOR LAKE PARKWAY – SPECIAL USE PERMIT TO ALLOW BANQUETS IN THE CR ZONING DISTRICT.** Appropriate notice has been given.

Laurie McGirk, Attorney, 2601 Reid Farm Road, Rockford, IL, Beth and Jeff Titus, 4901 Zenith Parkway, Machesney Park, IL were sworn in as Petitioners. Attorney McGirk indicated that they are requesting a Special Use Permit to allow a banquet facility at the location.

Mrs. Titus stated that the building is a one level commercial building that was in foreclosure and in poor condition when they purchased it four years ago. The front of the building is

office space which her husband's copier sales and repair business is located and the back portion was the former Windsor Athletic Club, which is the portion she plans to use as a banquet facility. They plan to provide a reasonably affordable venue to hold weddings, anniversary parties, and corporate luncheons and catering will come from an outside source. Operating hours would be Monday thru Thursday 9:00 a.m. to 9:00 p.m., Friday and Saturday 9:00 a.m. to 11:00 p.m. and Sunday 10:00 a.m. to 6:00 p.m. The applicants also own the private road leading to the property and they plan to install speed limit signs and speed bumps. Mrs. Titus indicated there is a deck leading to the lake, but will be used primarily for photographs. They will utilize off-duty police officers for security at events who will patrol inside and outside of the facility and will add 15 parking stalls by the exit of the existing parking lot. Landscaping will be added and they will remove dead and dying trees along the west fenced property line and will replace with arborvitae and will also plant pine trees along the south end of the property for screening and a noise buffer. Mrs. Titus commented that she is aware of concerns from the neighbors opposing the Special Use Permit. She stated the music will be allowed inside the facility only and access will be limited to the outside deck area and any traffic would be primarily on the weekend. She does not feel the lighting or the noise from their property would have an impact on residents on Alpine Road thinks that another type of business could come in and create even more traffic than a banquet facility.

Attorney McGirk requested that the word "shall" be changed to "may" in recommended condition No. 8.

Mrs. Howlett clarified that the venue will have a kitchen prep area only and no cooking of food will take place at that location.

Mrs. Novak asked how they will keep people from entering the outside deck area.

Mrs. Titus indicated that security will be available inside and outside to keep people from wandering into areas, especially for large events with over 100 people in attendance.

Mrs. Howlett commented that noise travels across water clearly should be a consideration in regards to the recommended condition No. 12 stating that ambient music would be allowed.

Tracy Sorensen, 7270 N. Alpine Road #5, Loves Park, IL was sworn in as objector. Mr. Sorensen expressed concerns regarding noise and lights coming from the proposed venue and security for people wandering to the dock. He feels the wording used in condition #8 should not be change from "shall" to "may".

Elizabeth VanDeventer, 7280 N. Alpine Road #5, Loves Park, IL was sworn in as objector. Ms. VanDeventer asked how the music and guests will be contained in the building.

Mike Chance, 7133 Windsor Lake Parkway, Loves Park, IL was sworn in as objector. Mr. Chance expressed concerns with noise, lights, guests wondering outside and security for the venue.

Diana Durkee, 1752 Windsor Road, Loves Park, IL was sworn in as objector. Ms. Durkee expressed concern about the private road, overflow parking, litter and how it will infringe on her properties.

Teresa Parlapiano, 6234 East Drive, Loves Park, IL was sworn in and spoke in favor of the Special Use Permit. She indicated that she has been to the location for a gathering with music playing inside and noted that they could not hear the music outside. Ms. Parlapiano added that this area is in need of a venue like this and it will benefit the area.

Bobbi Chance, 7133 Windsor Lake Parkway, Loves Park, IL was sworn in as objector. Ms. Chance expressed concerns regarding no fencing or barrier to keep people from parking or walking on the neighboring residential properties. She also expressed concerns regarding litter and traffic.

Frank Motisi, Senior Security Consultant, Illinois State Enforcement, 3455 Holiday Drive #4, Rockford, IL was sworn in and spoke in favor of the petition. Mr. Motisi indicated that his company will be providing security for the venue and the security personnel will keep people from wandering onto neighboring properties or other areas. He added that well trained off-duty police officers and security personnel will patrol on foot and in vehicles.

Attorney McGirk addressed issues that were expressed by objectors. She stated that they cannot lock the doors to keep people from wandering outside, and that security will be watching for people wandering, parking on neighboring properties and for music that is too loud. She added that if the fence is on the applicant's property they will repair or replace the fence. Attorney McGirk added that there needs to be parking lot lighting regardless of what kind of business is located there and that the litter picked up is not coming from the applicants business. The deck will be used but the event and music will all be held inside the building.

Mrs. Novak asked for clarification on the liquor license.

Mr. Thompson stated that for now, an outside caterer will have the liquor license, but the venue could have their own liquor license in the future.

Mr. Becker commented that he will abstain from voting, as he is part owner of the same engineering firm the applicant used.

Mrs. Toohill stated that she will abstain from voting, as she is employed by the Rockford Park District, which operates on the lake.

Mrs. Nelson recommended that conditions be considered such as, the applicant shall work with city staff for the construction of a garbage enclosure; add landscaping the south end of the property to create a buffer and screening between the applicants building and the residential area; and keep the word "shall" and not change to "may" in the conditions.

Attorney Nicolosi discouraged the board from changing the word "shall" with "may" in the conditions, as there is a due process mechanism in place.

Mrs. Howlett commented that without a Special Use Permit there are uses that would be legally allowed on the property that would have a higher impact neighbors.

Mr. Quintanilla indicated problems such as litter would be a code violation that would be addressed with code enforcement and noise complaints would be handled by the police department.

Mrs. Nelson moved to approve a Special Use Permit to allow banquets in the CR Zoning District for the property commonly known as 7155 Windsor Lake Parkway, with the following conditions:

1. The Special Use Permit shall expire with the change in property ownership, or the discontinuance of the event company operating at this location.
2. The Special Use Permit shall be revoked if the landscaping and parking lot improvements have not been met. The applicant shall be required to work with staff to ensure that exterior improvements have been satisfied.

3. Events that take place in the evening, Monday through Thursday, shall not go any later than 9:00 p.m. Events that take place on Friday and Saturday shall not go any later than 11:00 p.m. Events on Sundays shall not go any later than 6:00 p.m.
4. All events taking place from 4:00 p.m. through 11:00 p.m. shall require on-site security, procured by the owner, for the event and the parking area.
5. No event shall exceed 250 guests at any time.
6. All food shall be cooked off-site. Only light food preparation shall be permitted.
7. Four signs indicating a speed limit of 15 mph shall be installed. Speed bumps on the private road shall be required.
8. The Special Use Permit shall be revoked with verified complaints from adjacent property owners, businesses, or the local police department.
9. The remaining square footage of the building shall be permitted to be used for office space, as well as, for retail uses.
10. The banquet parking shall be limited to the parking being provided on the following parcels: 08-32-353-015, 08-32-353-017, and 08-32-352-010. No overflow of parking may be permitted on adjacent properties or outside of the parking stalls being provided as part of this special use.
11. The owner or tenants may not store their personal vehicles, recreational vehicles, including trailers, campers, rvs, and boats, on site at this location.
12. No bands or DJ music shall be played outside. Only soft ambient music shall be permitted. No music shall be played past 11:00 p.m.
13. The owner shall work with city staff to designate a garbage receptacle enclosure on the site plan.
14. The owner shall work with city staff to designate additional landscaping on southern part of property to act as a barrier to residential properties.

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

**MOTION APPROVED 4-0 (Mr. Becker and Mrs. Toohill abstained from voting)**

**B. 7900 E. RIVERSIDE BLVD. – SPECIAL USE PERMIT TO ALLOW A GAS STATION IN THE CR ZONING DISTRICT.** Appropriate notice has been given.

Ted Johnson, Costco Development Director for Midwest Projects, 2311 W. 22<sup>nd</sup> Street, Oak Brook, IL was sworn in as Petitioner. Mr. Johnson indicated that Costco is requesting a Special Use Permit to construct a freestanding member's only gas station with a member's only warehouse at the site east of I-90 on the north side of E. Riverside Blvd.

Mr. Becker asked if there has been discussion in regards to the Overlay District.

Mr. Thompson stated that the gas station would meet the requirements, as there will only be a canopy and gas pumps and no convenience store building. This Special Use Permit affects the gas station only and not the member's only warehouse.

Mrs. Toohill asked if there would be connecting sidewalks.

Mr. Thompson indicated there was a sidewalk on the east boundary of the property.

Mr. Johnson indicated there is a sidewalk south of the front entrance going towards E. Riverside Blvd.

No objectors present.

Mrs. Novak moved to approve a Special Use Permit to allow a gas station in the CR Zoning District for the property commonly known as 7900 E. Riverside Blvd. Second by Mrs. Toohill. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

**MOTION APPROVED 6-0**

**7. PUBLIC PARTICIPATION AND COMMENT**

Tracy Sorensen, 7270 N. Alpine Road #5, Loves Park, IL previously sworn in asked what the Special Use Permit was to be used for.

Mrs. Howlett stated applicant applied for a Special Use Permit for a banquet facility.

Mike Chance, 7133 Windsor Lake Parkway, Loves Park, IL previously sworn in asked about condition No. 12 with Item A as it contradicted statements made early in the meeting that no music would be outside.

**8. General Discussion**

Mr. Thompson stated that future Zoning Board of Appeals meetings will include a planning portion on the Agenda as needed.

Mrs. Toohill that the meeting be adjourned. Second by Mrs. Novak. Motion carried by voice vote. The meeting adjourned at 7:16 p.m.

Sheila Mills, Secretary





## ZONING BOARD OF APPEALS

### Community Development Department

Date: August 8, 2018

**SUBJECT:** Zoning Map Amendment from the CR (Single Family Residential) Zoning District to the CO (Commercial Office) Zoning District.

**SYNOPSIS:** The owner of the property would like to rezone the property to use it for commercial office.

**LOCATION:** 5732 E. Riverside Boulevard

**COMPREHENSIVE PLAN:** The City identifies the future land use for this property for commercial purposes.

**ZONING DISTRICT:**

North	CR (Commercial Retail)
South	R1 (Residential) Rockford, Illinois
East	R1 (Single Family Residential)
West	CR (Commercial Retail)

**EXISTING CONDITIONS:** None

**RELEVANT PROPERTY INFORMATION**

The applicant is applying for a Zoning Map Amendment to change the existing commercial retail zoning to commercial office.

The property was annexed into Loves Park as commercial office during the early 80's. It functioned for office uses up until the 90's, when the owner of the property requested to have the zoning changed for commercial retail uses. Since the 90's the location has been zoned for retail uses, with only one or two retail uses operating at this location. If the zoning is changed back to the original zoning, the applicant will be utilizing the building as law office space.

The property is located on an arterial road in the City of Loves Park. The property has ideal visibility for retail uses. It has adequate access and parking for smaller retail uses, however, retail over the years have not been sustainable at this location. The applicant would like to utilize the property solely for office uses, which seem to suit the building at this location better. The zoning change will provide additional commercial service uses to the surrounding area, and have minimal impact in the zoning district. The use will be compatible with existing surrounding uses.

Staff sees that it will be necessary for the applicant to work with Staff to ensure that there is adequate parking, a required dumpster enclosure and landscaping for this property. The applicant has been made aware of this and will be

coordinating with Staff.

**RECOMMENDATIONS:** **Approval** - A Zoning Map Amendment from the CR (Commercial Retail) Zoning District to the CO (Commercial Office) Zoning District.

**ATTACHMENTS:**

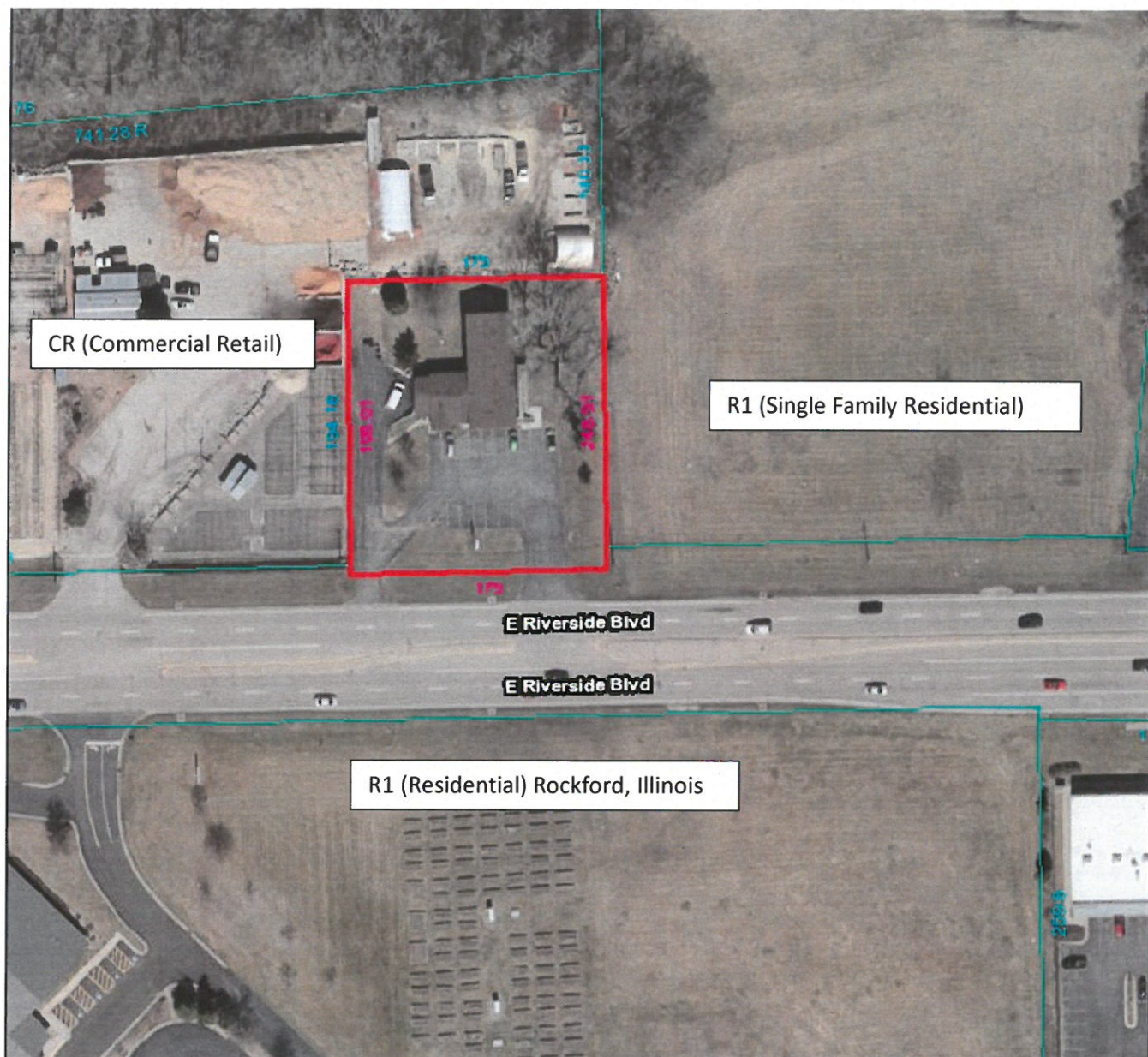
**ZONING BOARD  
RECOMMENDATIONS:**

Vote: \_\_\_\_\_

**CONDITIONS:**

**AUDIENCE  
COMMENTS:**





Parcel Number:	12-04-253-026
Property Address:	5732 E. Riverside Boulevard
Petitioner:	Amanda J. Martinez
	800 N. Church Street
	Rockford, Illinois 61103
Property Owner:	Philip & Beverly Robinson
	3241 Brook Harbour Drive
	Rockford, Illinois 61114







**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 considered before a petition for a map amendment 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.

**Location: 5732 E. Riverside Boulevard**

Staff ZBA

- 1 YES \_\_\_\_\_ The proposed amendment would not interfere with the policies and proposals of the city area comprehensive plan adopted by the city council.  
*The property is zoned for commercial purposes. The property will still maintain its commercial status. It will provide commercial service uses for the area, which still is in line with the City's comprehensive plan adopted by the city council.*  
Reason:  
\_\_\_\_\_  
\_\_\_\_\_
- 2 YES \_\_\_\_\_ The proposed amendment would be consistent with the framework the city has cultivated to continue city development in a very orderly manner.  
*The proposed amendment would be consistent with the framework the city has cultivated to continue city development in a very orderly manner. The area has begun to show growth in recent years. Commercial service and commercial product retail work together to provide retail services for the area well. It seems likely the zoning change will spur needed development and*  
Reason:  
\_\_\_\_\_  
\_\_\_\_\_
- 3 YES \_\_\_\_\_ The proposed amendment would not permit uses, buildings, or structures incompatible with the character of development or intended uses within specified zoning districts.  
*The proposed amendment would not permit uses, buildings, or structures incompatible with the character of development or intended uses within specified zoning districts. The zoning change is compatible with the surrounding uses. The majority of Riverside Boulevard is zoned for commercial purposes, both, service and product retail. The establishment of the zoning change will not likely affect existing uses given that office uses are already permissible in commercial districts. The zoning change will have little impact to the area than other existing commercial zoning classifications that generate heavier occupancy of this area of in the City.*  
Reason:  
\_\_\_\_\_  
\_\_\_\_\_
- 4 YES \_\_\_\_\_ Any additions, alterations, or remodeling of existing buildings or structures would not be modeled in such a way as to avoid the restrictions and limitations imposed under the ordinance.  
*Any additions, alterations, or remodeling of existing buildings or structures would not be modeled in such a way as to avoid the restrictions and limitations imposed under the ordinance. All alterations shall conform to the existing zoning rules and regulations for that zoning district.*  
Reason:  
\_\_\_\_\_  
\_\_\_\_\_
- 5 YES \_\_\_\_\_ The proposed amendment would not promote the overcrowding of land and undue construction of structures.

*The proposed amendment would not promote the overcrowding of land and undue construction of structures. The applicant plans to utilize the building footprint, and does not plan on expanding it. The use may require internal changes to the property, but nothing beyond a reconfiguration of existing spaces with all applicable zoning and building department approvals. Any development will be subject to current zoning restrictions for that zoning district.*

Reason:

- 6 YES \_\_\_\_\_ The public health, safety, morals, comfort, peace, and general welfare of the people would be promoted as a result of the proposed amendment.

*The establishment of the zoning change is unlikely to have an adverse affect on the adjacent properties and businesses. The zoning request to commercial office, it one of the least impactful zoning change requests.*

Reason:

- 7 N/A \_\_\_\_\_ The risk of bodily harm to a person or damage to personal property or chattels by fire, explosion, toxic fumes and other hazards would not become more likely as a result of the proposed amendment.

Reason:

- 8 N/A \_\_\_\_\_ The proposed amendment would not encourage the prevention of incompatible uses or nuisances.

Reason:

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

These findings have been adopted as the official Findings of Fact for the City of Loves Park, Zoning Board of Appeals agenda item:

**5732 E. Riverside Boulevard**  
**CR TO CO**

**Chairman**  
Alise Howlett

Signature

Date