



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
September 20, 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 **August 16, 2018** meeting
3. Report from the Zoning Office - None
4. Unfinished business – None
5. New business –
 - A. 6927 N. ALPINE ROAD:** A Special Use Permit for an indoor auto sales showroom in the CR (Commercial Retail) Zoning District.
 - B. 7102 N. ALPINE ROAD:** RENEWAL – A Special Use Permit for an auto repair service station in the CR (Commercial Retail) Zoning District.
 - C. 340 E. RIVERSIDE BOULEVARD:** RENEWAL – A Special Use Permit for a massage establishment in the CR (Commercial Retail) Zoning District.
 - D. 6152 E. RIVERSIDE BOULEVARD:** A Special Use Permit for a restaurant with a drive-thru window 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, AUGUST 16, 2018
5:30 P.M.
CITY COUNCIL CHAMBERS
LOVES PARK CITY HALL

1. CHAIRMAN ALISE HOWLETT CALLED THE MEETING TO ORDER AT 5:35 P.M.

MEMBERS PRESENT: ALISE HOWLETT, DENNIS HENDRICKS, CATHY NELSON,
SHAWN NOVAK

MEMBERS ABSENT: BRIAN KERN, NICOLAS BECKER, LINDY TOOILL,

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

Chairman Howlett announced that the next Community Development Committee meeting is scheduled for August 29, 2018 at 5:30 p.m.

2. MINUTES

Mrs. Nelson moved to approve the minutes from the meeting held July 19, 2018. Second by Mr. Hendricks. Motion carried by voice vote.

3. ZONING OFFICE REPORT

None

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

A. 5732 E. RIVERSIDE BOULEVARD – ZONING MAP AMENDMENT FROM THE CR ZONING DISTRICT TO THE CO ZONING DISTRICT. Appropriate notice has been given.

Petitioner not present.

No objectors present.

Mr. Quintanilla indicated that the applicant would like to utilize the property solely for office use, which would suit the property better than retail zoning. He added that retail businesses have not been successful at this location.

Mrs. Novak moved to approve a Zoning Map Amendment from the CR Zoning District to the CO Zoning District for the property commonly known as 5732 E. Riverside Blvd. Second by Mr. Hendricks. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

MOTION APPROVED 4-0 (Chairman Alise Howlett voted)

7. PUBLIC PARTICIPATION AND COMMENT

None

8. General Discussion

None

Mrs. Nelson that the meeting be adjourned. Second by Mrs. Novak. Motion carried by voice vote.
The meeting adjourned at 5:45 p.m.

Sheila Mills, Secretary



ZONING BOARD OF APPEALS

Community Development Department

Date: September 7, 2018

SUBJECT:	A Special Use Permit for an automobile sales and repair establishment with a indoor automobile sales area in the CR (Commercial Retail) Zoning District.
SYNOPSIS:	The owner of the property would like to lease space to business that will to do customized work on vehicles.
LOCATION:	6927 N. Alpine Road
COMPREHENSIVE PLAN:	The City's Comprehensive Plan identifies the property for commercial retail uses.
ZONING DISTRICT:	North CR (Commercial Retail) South CR (Commercial Retail) East CR (Commercial Retail) West IL (Light Industrial)
RELEVANT PROPERTY INFORMATION	<p>The property owner would like to lease space to a business who does customized work on vehicles, and sells them. Both uses, require a special use in the zoning district.</p> <p>The business owner takes cars, classic or otherwise, and modifies them for owners who wish to own high performance vehicles. The business offers a variety of vehicle customization for its patrons. The owner has a current location in the Chicago area, and is seeking to open up a second location in Loves Park. The business does not operate like a regular car sales lot, rather it's sales are solicited on line, and promoted through it's social media and events. Customers come to the business looking to purchase vehicles that have already been performance modified, or bring their vehicles to the business where the performance modifications will be done on site.</p> <p>The property owner is requesting to have an indoor auto showroom that will operate in conjunction with the customized auto repair performed at this location. The building is 24,500 square feet. The request is for a showroom area roughly 15,500 square feet. The owner has requested to have up to 30 vehicles available for sale. The area designated as the indoor showroom can adequately accommodate 30 vehicles for sale. The back half of the building, which is roughly 9,000 square feet, is where the auto work will be performed. It will be set up with several lifts. The building will be required to be brought up to code for the use.</p> <p>The required parking for this business is 22 stalls. The site plan shows that they will be providing 27 stalls, 2 of which will be accessible. The requirement for</p>

parking is satisfied.

The business would be required to provide landscaping, however, the green space in front of the business is all right-of-way, with drainage. The property owner shall not be required to provide landscaping out by the road. Staff sees that there is an existing planter bed outside the front of the building. The owner shall be required to maintain this area in lieu of not being able to meet the landscape requirement. The illustrations provided show arborvitae planted out front. This would be agreeable to Staff.

The installation of a dumpster enclosure for trash is required. The site plan shows that there will be one provided.

RECOMMENDATIONS: **Approval** - A Special Use Permit for an indoor automobile sales and repair establishment in the CR (Commercial Retail) Zoning District.

Conditions:

1. The Special Use Permit expires with the change in property ownership, change in business ownership, or discontinuance of the automobile sales business.
2. All vehicle sales shall be inside of the building. Vehicles for sale shall not be on display outside of the building at any time.
3. The property owner or business owner shall not be permitted to store their personal vehicles, rv's, boats, trailers, campers, or any other recreational vehicles at this location.
4. No inoperable vehicles shall be stored outside. All vehicles waiting to be repaired shall be stored inside of the building.
5. The green space in front of the building, on Alpine Road, is primarily all right-of-way, and drainage. Landscaping the right-of-way shall not be required. The existing planter bed shall remain and be planted with the arborvitae as shown.
6. No more than 30 vehicles shall be permitted for sale at any given time.
7. The parking lot shall be striped as shown on the site plan
8. Financing for vehicles shall be secured off-site through an independent third party lending institution.
9. No outside storage of any kind shall be permitted on either parcel.
10. The dumpster enclosure shall be completed on or before October 31, 2018
11. Vehicle performance testing shall not take place outside on either parcel.

ATTACHMENTS:

**ZONING BOARD
RECOMMENDATIONS:**

Vote: _____

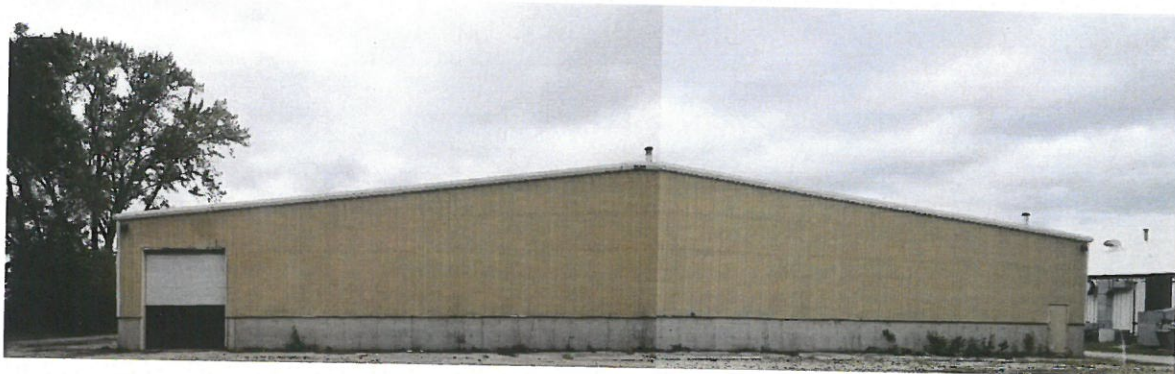
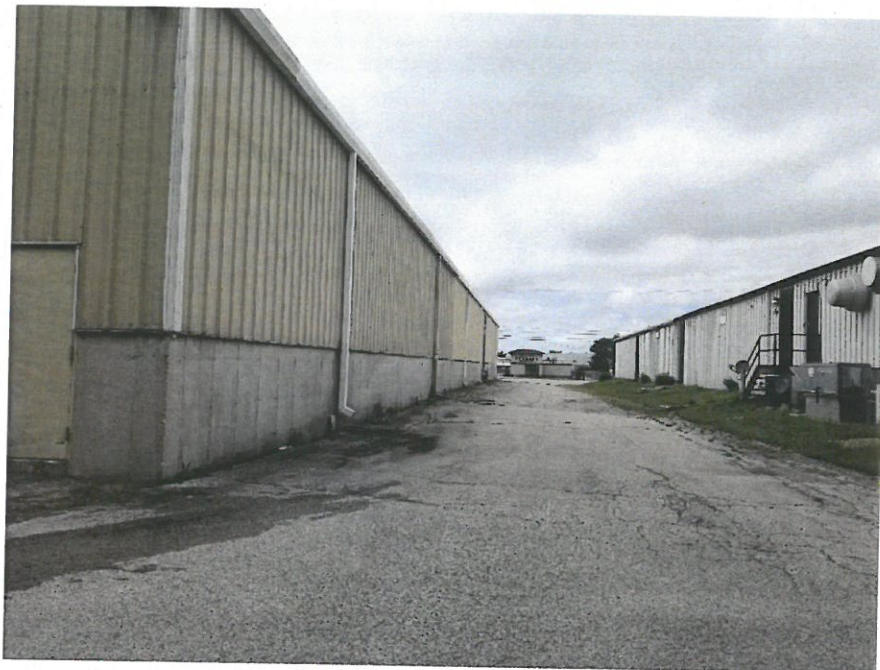
CONDITIONS:

**AUDIENCE
COMMENTS:**

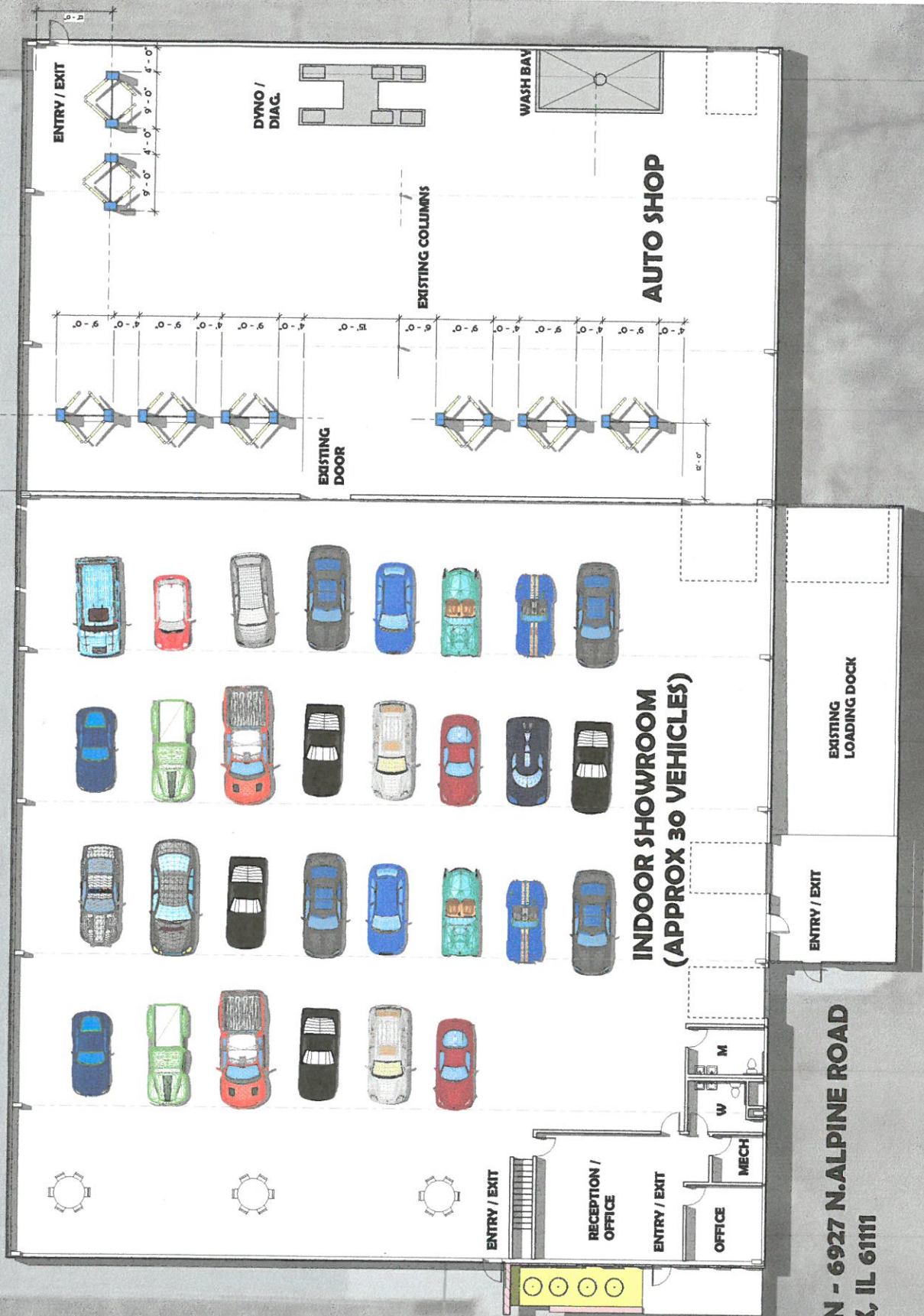


Parcel Number:	12-05-202-004 & 12-05-202-022
Property Address:	6927 N. Alpine Road
Petitioner:	Nick Shutkas 7010 N. Alpine Road Loves Park, Illinois 61111
Property Owner:	Rock River Distributors 6927 N. Alpine Road Loves Park, Illinois 61111

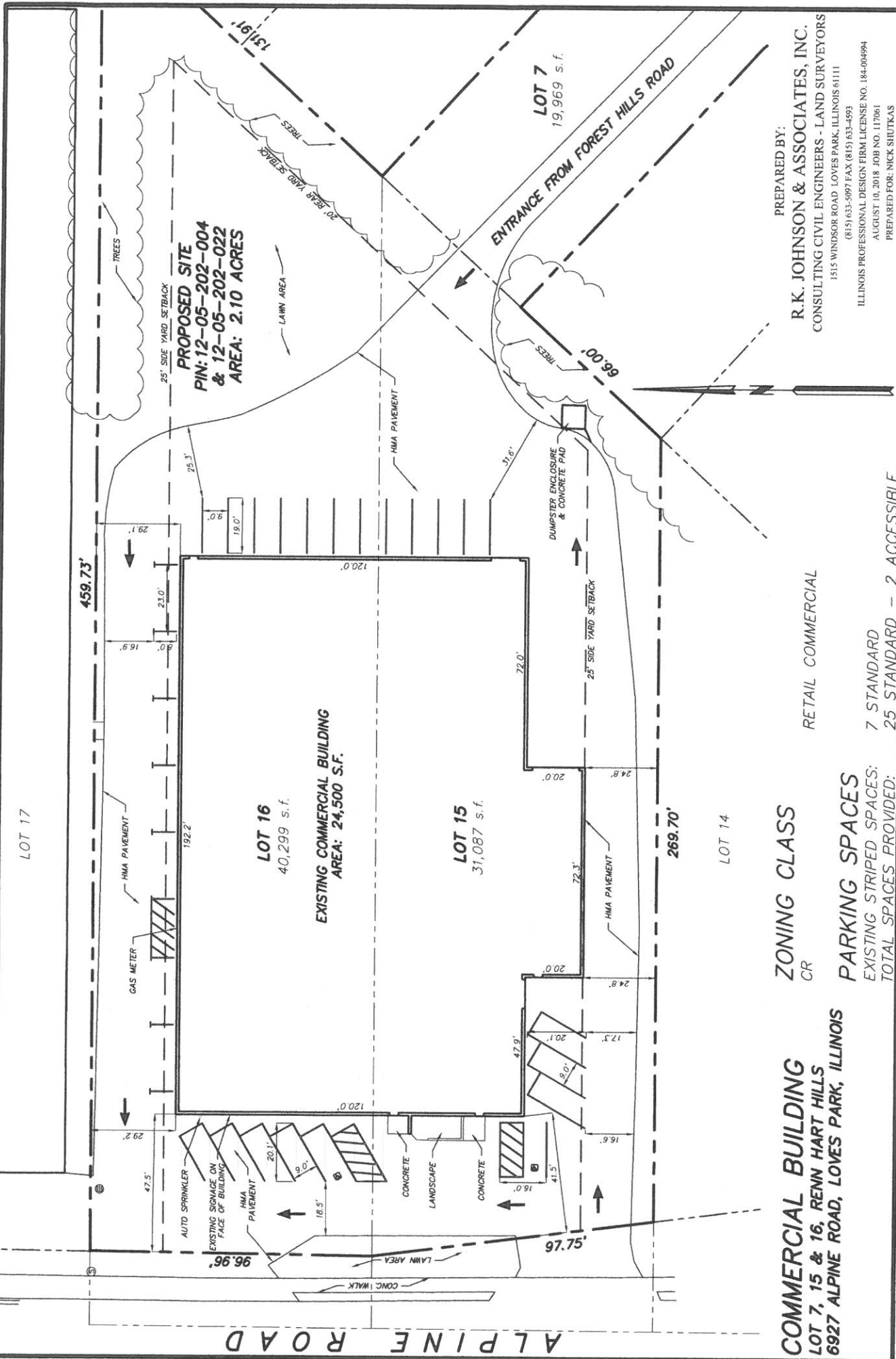




400.00



**FLOOR PLAN - 6927 N.ALPINE ROAD
LOVES PARK, IL 61111**



COMMERCIAL BUILDING
 LOT 7, 15 & 16, RENN HART HILLS
 6927 ALPINE ROAD, LOVES PARK, ILLINOIS

ZONING CLASS
 CR

PARKING SPACES
 EXISTING STRIPED SPACES: 7 STANDARD
 TOTAL SPACES PROVIDED: 25 STANDARD - 2 ACCESSIBLE

RETAIL COMMERCIAL

PREPARED BY:
 R.K. JOHNSON & ASSOCIATES, INC.
 CONSULTING CIVIL ENGINEERS - LAND SURVEYORS
 1515 WINDSOR ROAD LOVES PARK, ILLINOIS 61111
 (815) 633-5977 FAX (815) 633-4593
 ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184-004594
 AUGUST 10, 2018 JOB NO. 117061
 PREPARED FOR: NICK SHUTKAS



SIGN TBD



WIKIPEDIA

Nickey Chevrolet *Performance*

Nickey Chevrolet (also referred to as "**Nickey Chicago**") was a Chevrolet automobile dealership located in Chicago, Illinois, USA. Founded in 1925 and run for many years by brothers E.J. and Jack Stephani, Nickey Chevrolet became one of the largest factory dealerships, specializing in high performance muscle car sales and service.^[1] Nickey Chevrolet's Service Department performed numerous hot rod conversions, and their parts department functioned as a huge speed shop.

Nickey Chevrolet

Industry	Automotive sales
Founded	1925
Founders	E.J. and Jack Stephani

Nickey Chevrolet was originally established in the 1920s at 4120 Irving Park Road (at the corner of Kedvale and Irving Park Road). When the Kennedy expressway was built in the 1950s, Nickey Chevrolet moved to 4501 W. Irving Park Road in Chicago. Ultimately, Nickey Chevrolet grew to a huge 200,000-square-foot (19,000 m²) facility. Nickey Chevrolet began its high performance parts business in 1957. Their "Purple People Eater" Corvettes became well-known, as did their logo with a backwards "K". Nickey Chevrolet became General Motors' largest volume selling dealership for both vehicles and parts, many of the high-performance variety.

The service department specialized in engine swaps, transplanting 427 cubic inch displacement (CID) "Big Block" Chevy engines into the very first 1967 Camaros,^[2] and soon there after into Novas, Chevelles, Impalas and even Corvettes. Nickey Chevrolet modified hundreds of cars to their customers' specifications. A customer could walk into the dealership, pick out a car, and then have it modified to their taste. Most of these domestic modified cars are maintained in museums or private collections and are rarely seen in public.

The dealership was sold in 1973, and became Keystone Chevrolet. The key players who built Nickey's performance cars and image moved to a new location on Milwaukee Avenue in Chicago. The New Speed Shop and Automobile Conversion Center was named "Nickey Chicago". They continued to build legendary Hi-Performance Chevys until 1977 when the speed/performance shop finally closed its doors.

In 2002 a muscle car collector and enthusiast, Stefano Bimbi, purchased the legal rights and trademarks for the Nickey brand. The new company, Nickey Performance, located in Saint Charles, Illinois, builds, sells and services vehicles branded as Nickey Super Cars, and has also taken steps to establish a registry for Nickey-modified cars.^[3]

References

- Mike Mueller (2017). *Camaro: Fifty Years of Chevy Performance* (<https://books.google.com/books?id=gtxiDQAAQBAJ&pg=PA104>). Motorbooks. pp. 104–105. ISBN 978-0-7603-5034-8.
- Arvid Svensen, "The Last Nickey Camaro" (<http://www.hotrod.com/articles/the-last-nickey-camaro/>), *Hot Rod*, February 21, 2014.
- Jim Mueller, "Provenance puzzle lacks only backward K: Owner of souped-up 1970s Nova traces its roots to learn whether it's the rarest Nickey machine" (http://articles.chicagotribune.com/2007-04-29/travel/0704260519_1_camaros-barry-volkert-car), *Chicago Tribune*, April 29, 2007.

Retrieved from "https://en.wikipedia.org/w/index.php?title=Nickey_Chevrolet&oldid=794763290"

This page was last edited on 9 August 2017, at 22:17 (UTC).

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.

Location: 6927 N. Alpine Road

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 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 historical use for the location has been for light industrial uses, for many years. The area is zoned commercial retail, which has a harsher effect to the area than most commercial retail uses. It is unlikely that the use will adversely affect the public, patrons, or existing uses already operating in the area.</i></p> <p>Reason:</p> |
| <hr/> | | |
| <hr/> | | |
| 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 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 will conduct all of its activity inside of the building. It should not adversely impact the surrounding area any more than the light industrial use that had been operating here for many years. The car sales and showroom will all be inside of the building, and only generate traffic limited to the small market of individuals who the sales would appeal too.</i></p> <p>Reason:</p> |
| <hr/> | | |
| <hr/> | | |
| 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 establishment of the special use is more closely aligned with permitted commercial uses in the zoning district. It is unlikely that the use will affect the development for the zoning district.</i></p> <p>Reason:</p> |
| <hr/> | | |
| <hr/> | | |
| 4 | N/A | <p>Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.</p> <p>Reason:</p> |
| <hr/> | | |
| <hr/> | | |
| 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>Existing ingress and egress off of Alpine Road and Forest Hills Road function adequately to</i></p> |

prevent unnecessary congestion.

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:

6927 N. Alpine Road

Indoor auto sales with repair services

Parcels: 12-05-202-004 and 12-05-202-022

Chairman

Alise Howlett

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: September 11, 2018

SUBJECT:	A Special Use for an auto repair service station in the CR (Commercial Retail) Zoning District
SYNOPSIS:	The applicant would like to open up an auto repair business at this location. The building has been used for this purpose in the past
LOCATION:	7102 N. Alpine Road
COMPREHENSIVE PLAN:	The City of Loves Park Comprehensive Plan identifies the area for the use of commercial retail
ZONING DISTRICT:	North CR (Commercial Retail) South CR (Commercial Retail) East CR (Commercial Retail) West IL (Light Industrial)
SOILS:	No comment
PHYSICAL SURROUNDINGS:	The area is a mixed use of auto sales, food service, and recreation. There are a few parcels that are presently zoned as light industrial
EXISTING CONDITIONS:	None known
RELEVANT PROPERTY INFORMATION:	<p>The business owner would like to establish an auto repair service station at this location, which requires a Special Use Permit.</p> <p>The applicant has a business on River Lane where he does auto repair services. He is seeking to open up a second business performing many of the same functions at this new location. The business will be open M-F from 8 to 6, and on Saturday from 8 to 2. The services will range from selling and replacing tires to engine and exhaust work.</p> <p>The new location, in previous years, has been used for automobile repair. The building is divided into two units. The south part of the building is retail, the Bubble Hive. The north part of the building will be used for the auto repair business. The applicants unit is roughly 3,750 square feet. There are 6 service available for use. The business owner has indicated that he will only be using 5 of the service bays. One service bay will remain closed and used for additional parking inside for vehicles waiting for repair. The business owner has requested</p>

that there be 6 parking stalls for vehicles waiting for repair on the exterior. The required parking for this establishment is 24 stalls. The site plan reflects the parking that will be put in place. Staff is agreeable with the parking that the applicant is providing. Staff does have some concern with overcrowding. The majority of the parking being provided does take up quite a bit of the property. Staff recommendation is that there be a 1 year expiration date on the special use to gauge the performance of the business at this location.

Staff made the owner of the business that a site obscuring dumpster enclosure was required. The business owner will be providing the enclosure as indicated on the site plan. Staff has also discussed the area for vehicles waiting for repair with the owner. The owner will be providing a 19 ft by 6 ft fence section to obscure this area from public view on Windsor Road. Staff is agreeable to this.

Staff would like to see some type of landscaping provided. The right of way comes up into the green space pretty close to the parking lot which makes landscaping difficult. The applicant has agreed to place planters in front of the business. Staff is agreeable to this.

RENEWAL UPDATE:

The business owner has been operating at this location for the last year no complaints related to the special use. The business owner has complied with all of the provisions set forth with the initial special use. Staff recommendation is for approval with conditions listed below.

RECOMMENDATIONS:

Approval - A Special Use Permit for an automobile service repair station in the CR (Commercial Retail) Zoning District.

Conditions:

1. The Special Use Permit expires with the change in property ownership, discontinuance of the business, or change in business ownership.
2. The site obscuring dumpster enclosure shall be installed on or before July 31, 2017.
3. The business shall be limited to the repair of passenger motor vehicles. Only passenger vehicles weighing 6,000 lbs or less shall be allowed. Oversized vehicles that are licensed to be used for the transportation of goods or materials rather than passengers shall not be permitted.
4. The Special Use Permit does not permit vehicle sales or rentals of any type.
5. The Special Use Permit shall be revoked with verified complaints from adjacent businesses or property owners.
6. There shall be no storage of vehicles or parking permitted on adjacent properties.
7. All vehicle repairs shall be performed within the building.
8. Two 24" in height planters shall be placed in front of the business with live plants and maintained annually.

ATTACHMENTS:

ZONING BOARD

RECOMMENDATIONS: APPROVAL / DENIAL / TABLED

Vote: _____

CONDITIONS:

**AUDIENCE
COMMENTS:**

A hand-drawn site plan of a property, likely a business or industrial site, with various areas and dimensions labeled. The plan is oriented with a dashed line at the bottom labeled "WINSON RD" and a curved line on the right labeled "ALPINE RD".

Property Line: The top boundary is labeled "233' PROPERTY LINE". The left boundary is labeled "9' x 19'". The bottom boundary is labeled "15 FT". The right boundary is labeled "8 FT".

Areas and Dimensions:

- Employee Parking:** Located on the left, containing 6 numbered spots (1-6).
- Customer Parking:** Located in the center-left, containing 15 numbered spots (1-15). A "TRASH SPOT" is indicated near spot 9.
- Service Bays:** Located in the center-right, containing 5 numbered bays (1-5).
- Waiting Room:** Located near the service bays, labeled "14' x 16'".
- Front Door:** Located near the waiting room, labeled "8'".
- Side Door:** Located near the customer parking, labeled "8'".
- Customer Parking:** Located on the right, containing 2 numbered spots (1-2).
- Entrance:** Located at the bottom center, labeled "ENTRANCE".
- Service Bay:** Located on the right, labeled "SERVICE BAY" and "CLOSED".
- Waiting Room:** Located near the service bays, labeled "14' x 16'".
- Front Door:** Located near the waiting room, labeled "8'".
- Side Door:** Located near the customer parking, labeled "8'".
- Customer Parking:** Located on the right, containing 2 numbered spots (1-2).

Other Labels:

- "VEHICLES WAITING FOR REPAIR & PICKUP" with an arrow pointing to the customer parking area.
- "ADJACENT BUSINESS" located between the customer parking and service bays.
- "PROPERTY LINE" labels on the top, bottom, and right boundaries.
- "ALPINE RD" on the right boundary.
- "WINSON RD" on the bottom boundary.

↑
N

ALPINE 22

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.

Location: 7102 N. Alpine Road

Staff ZBA

- 1 YES 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 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 building was built for the use of auto repair back in 1975. Staff is unaware of any issue during its use as an auto repair establishment. The use will not likely have a negative impact on the public.
Reason:
- 2 YES 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 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. Staff recommends approval with conditons, one of which being a 1 year expiration. The reason for that is to allow the City the opportunity to see what kind of impact re-establishing the use may have to the area, and to adjacent properties. If the business owner keeps the exterior property maintained, and is not in direct conflict with the conditions set forth, there is the likelihood that there will be little to no problem.
Reason:
- 3 YES 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 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 owner is re-establishing the use. The approval of the use does not appear likely to conflict with development for this area, or appear to be in direct conflict with existing cr uses.
Reason:
- 4 N/A Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.

Reason: _____

- 5 N/A _____ Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.

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: 7102 N. Alpine Road
Auto repair station

Chairman
Alise Howlett

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: September 11, 2018

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

SYNOPSIS: The owner of the property would like to lease space for a massage business

LOCATION: 340 E. Riverside Boulevard

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

ZONING DISTRICT:

North	R1 (Single Family Residential)
South	CR (Commercial Retail) - residential zoned commercial, used as residences
East	CR (Commercial Retail)
West	CR (Commercial Retail) - residential zoned commercial, used for residential and commercial purposes

EXISTING CONDITIONS: The main level of the building is currently being renovated. Staff is not aware of the anticipated completion date

RELEVANT PROPERTY INFORMATION: The owner has a multi-tenant commercial building with space available for lease. The owner would like to lease to a massage establishment, which requires a Special Use Permit in the zoning district

The owner of the business, Tranquility Massage, would like to establish an office at this location. The business specializes in equine, deep tissue, Swedish, and pregnancy massage. Staff is not aware of how many individuals will be working at this business. Staff has reached out to the business owner, but has not spoken with her. It is unclear how many people will be working at this business. Staff can assume, given the number of rooms available, that the business owner will be taking on additional staff as the business grows. The owner of the building did indicate that the owner of Tranquility Massage, works by appointment only at this point, with hours ranging from 11 am to roughly 7 pm. Staff has discussed the requirements for approval of the Special Use Permit with the owner of the property, and he is in agreement with the conditions. Tranquility Massage is currently operating at this location. Staff's recommendation is that the owner of the business, cease operations until the requirements for approval have been met.

The owner of the building plans to place planters out in front of the building, and will do so in the following year, following the completion of the renovations taking place on the main floor. Staff is agreeable with this.

The property has 28 parking stalls, which is more parking than is required for both businesses at street level. The required parking for both street level businesses is 6 stalls. There will be two accessible stalls placed in front of the building. The upstairs of the building is occupiable, however, as of the date of this report, there are no businesses using the space.

The dumpster enclosure will be located on the northeastern part of the building. There is work being done on the drycleaners unit, and will be installed once the work is completed on the unit.

RENEWAL UPDATE:

The business owner has been operating at this location for the last year with no complaints related to the special use. The business owner has complied with all of the provisions set forth with the initial special use. Staff recommendation is for approval with conditions listed below.

RECOMMENDATIONS:

Approval with conditions - A Special Use Permit for a massage establishment in the CR (Commercial Retail) Zoning District

Conditions:

1. The Special Use Permit expires with the change in property ownership, change in business ownership, or discontinuance of the business.
2. The Special Use Permit shall be revoked with verified reports from adjacent business owners, property owners, or the police department.
3. The Special Use Permit does not permit accessory residence.
4. All employees performing massages shall meet the State of Illinois licensing requirements for massage therapy.
5. The business owner, business operator, and contractors shall provide (2) previous addresses immediately prior to the present address of the business owner, business operator, and contractor.
6. The business owner, business operator, and contractor shall provide written proof that the masseur or masseuse, and all employees are 18 years of age or older.
7. The business owner, business operator, and contractor shall provide the business, occupation, or employment for the prior (3) years.
8. The massage or similar business license history of the business owner, business operator, and contractor; whether such person, has previously or currently operating in this or another city or state under license, has had such license revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation
9. All criminal convictions, of the business owner, business operator and contractor, except minor traffic violations, of any person mentioned as part of the approval of the Special Use Permit has been so convicted, a written statement must be provided giving the place and court in which such conviction was had, the specific charge under which the conviction was obtained, and the sentence imposed as a result of such conviction
10. The business owner, business operator, and contractor must furnish a certification of graduation from a recognized accredited school or other institution of learning wherein the method, profession and work of massage is taught; provided, however, that if the business owner and business operator and contractor will have no physical contact with the customers or clients he or she need not possess such diploma or certification of graduation

from a recognized accredited school, or other institution of learning wherein the method, profession and work of massage is taught. This requirement also applies to other massage professionals.

11. No services of massages may be carried on within any cubicle, room, booth or any area within a massage establishment, which is fitted with a door capable of being locked.
12. The business owner and business operator of the establishment must maintain a register of all persons employed as masseurs or masseuses and their permit numbers. Such register shall be available for inspection at all times during regular business hours.
13. The business license and all requirements for approval of the special use must be submitted and approved by all required agencies upon request.

ATTACHMENTS:

See Attachments

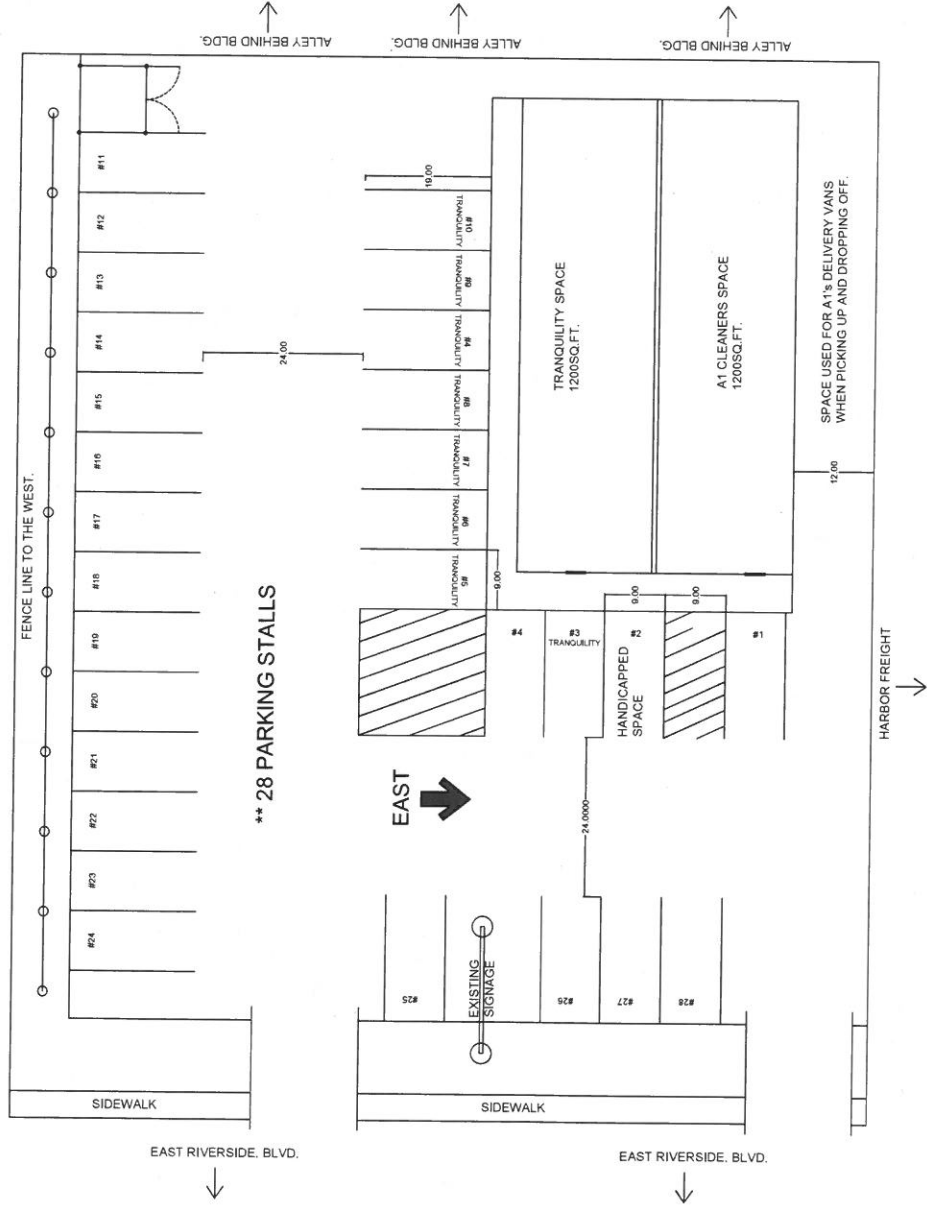
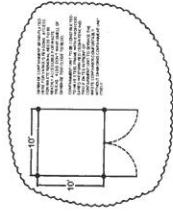
ZONING BOARD

RECOMMENDATIONS: APPROVAL / DENIAL / TABLED

Vote: _____

CONDITIONS:

**AUDIENCE
COMMENTS:**



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.

Location: 340 E. Riverside Boulevard

Staff ZBA

- 1 YES _____ 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 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, provided all of the requirements for approval are met, should not be detrimental to the area, businesses, or residents. Staff is unfamiliar with the business, and it's operations. There is no history to gauge how it will perform at this location as a stand alone use, so Staff has placed conditions on the use to safeguard the integrity of the area for all persons.
Reason: _____

- 2 YES _____ 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 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 use is a low impact use for this area, and should not adversely affect permitted uses or impact property values. It is unlikely that the adjacent business owners and property owners will see any change negative changes to the area, provided the terms of the special use are met.
Reason: _____

- 3 YES _____ 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 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 business will be located in a newly renovated unit at this location. The use is a service use permitted by special use in the district. There are several service oriented uses located in this district and it is highly unlikely that the use will be a detriment to the development of current and future uses.
Reason: _____

- 4 N/A _____ Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.

Reason: _____

5 YES Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.

Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets. The property has two primary ingress/egress points. There are adequate measures in place where traffic congestion shall be an issue.

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: **340 E. Riverside Boulevard**
Massage establishment

Chairman
Alise Howlett

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: September 11, 2018

SUBJECT: Special Use Permit to permit the use of a drive-thru window for a fast food establishment in the CR (Commercial Retail) Zoning District

SYNOPSIS: The owner would like to use the drive-thru for a Dunkin Donuts

LOCATION: 6152 E. Riverside Boulevard

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

ZONING DISTRICT:

North	R1 (Single Family Residential) & CR (Commercial Retail)
South	Commercial (Commercial Retail) - Rockford
East	CR (Commercial Retail)
West	CR (Commercial Retail)

RELEVANT PROPERTY INFORMATION: The property owner is applying for a special use to permit the use of the drive-thru window that is existing at this property.

The property was annexed into the City in early 1988. With the annexation, there were uses that were permitted as part of the agreement. One of the uses was for a restaurant with a drive-thru window. The use was permitted without any additional zoning for a period of 10 years. The agreement has long since expired for all uses that would now require special zoning.

The present owner of the property would like to use the drive-thru window for a fast food establishment, Dunkin Donuts. The drive-thru window lane, as it exists, can accommodate 5 vehicles stacked with no problems. The reconfigured parking area will more than accommodate the vehicle stacking requirements. The owner will be providing additional parking, which includes includes 4 regular stalls, and an additional 2 accessible parking stalls. The required accessible stalls is 5 stall, 7 total will be provided. The property has sufficient parking for all uses.

The property is sufficiently landscaped, with trees planted on the exterior and interior. No further landscaping is required.

Staff sees that there may be an issue with circulation related to the drive-thru lane. It seems appropriate that the property owner mark the area as a one way going north, to prevent potential accidents related to circulation.

The building has one dumpster enclosure the primarily serves the restaurant at

this location. It should be adequate for all uses, as the other remaining uses would not likely generate as much trash.

RECOMMENDATIONS: **Approval with conditions** - A Special Use Permit to permit the use of a drive-thru window for a fast food establishment in the CR (Commercial Retail) Zoning District.

Conditions:

1. The Special Use Permit expires with the change in property ownership, or discontinuance of the business.
2. All parking shall be striped according to the site plan.
3. The property owner shall mark the area where the drive-thru lane starts with a one way sign exiting the northern portion of the property.

ATTACHMENTS: See Attachments

ZONING BOARD

RECOMMENDATIONS: APPROVAL / DENIAL / TABLED

Vote: _____

CONDITIONS:

**AUDIENCE
COMMENTS:**



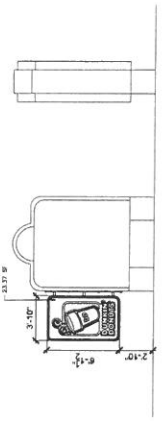
Parcel Number:	12-03-151-005
Property Address:	6152 E. Riverside Boulevard
Petitioner:	Riverside Holding, LLC 5028 N. Second Street Loves Park, Illinois 61111
Property Owner:	Tom Baudhuin 5028 N. Second Street Loves Park, Illinois 61111



DUMPSTER ENCLOSURE

FINISH MATERIAL SCHEDULE - Traffic Striping Paint			
CODE	MATERIAL	MANUFACTURER	DESCRIPTION / REMARKS
TF-01	PAINT	SHERWIN WILLIAMS	White - B77000251
TF-02	PAINT	SHERWIN WILLIAMS	White - B77000251
TF-03	PAINT	SHERWIN WILLIAMS	White - B77000251
TF-04	PAINT	SHERWIN WILLIAMS	White - B77000251
TF-05	PAINT	SHERWIN WILLIAMS	White - B77000251

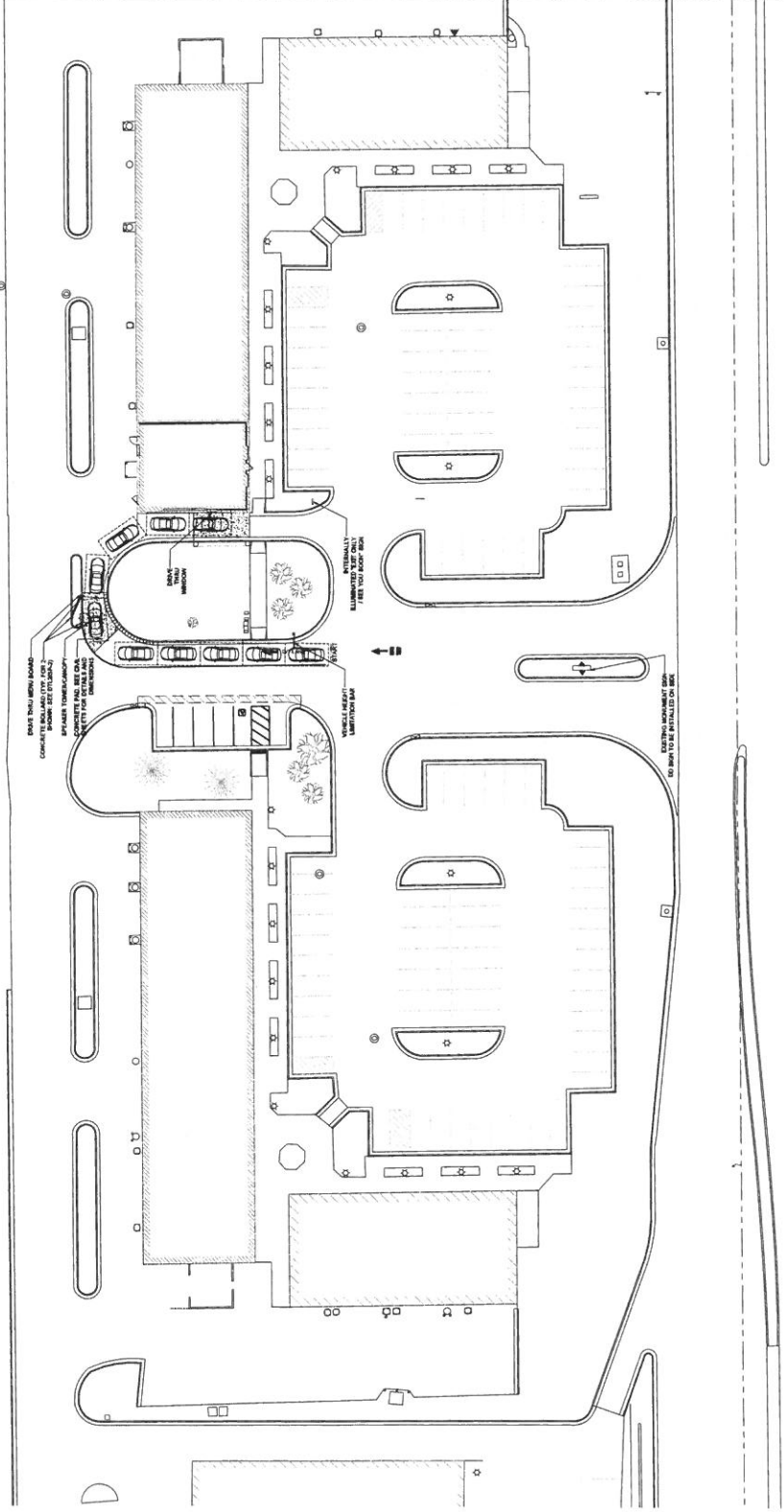
2 PROPOSED SIGN ELEVATION
SCALE: 1/8" = 1'-0"



START

DO NOT PAINT THE SIGN FACE. THE SIGN FACE IS TO BE PAINTED BY THE SIGN MANUFACTURER. THE SIGN MANUFACTURER IS TO BE RESPONSIBLE FOR THE SIGN FACE. THE SIGN MANUFACTURER IS TO BE RESPONSIBLE FOR THE SIGN FACE. THE SIGN MANUFACTURER IS TO BE RESPONSIBLE FOR THE SIGN FACE.

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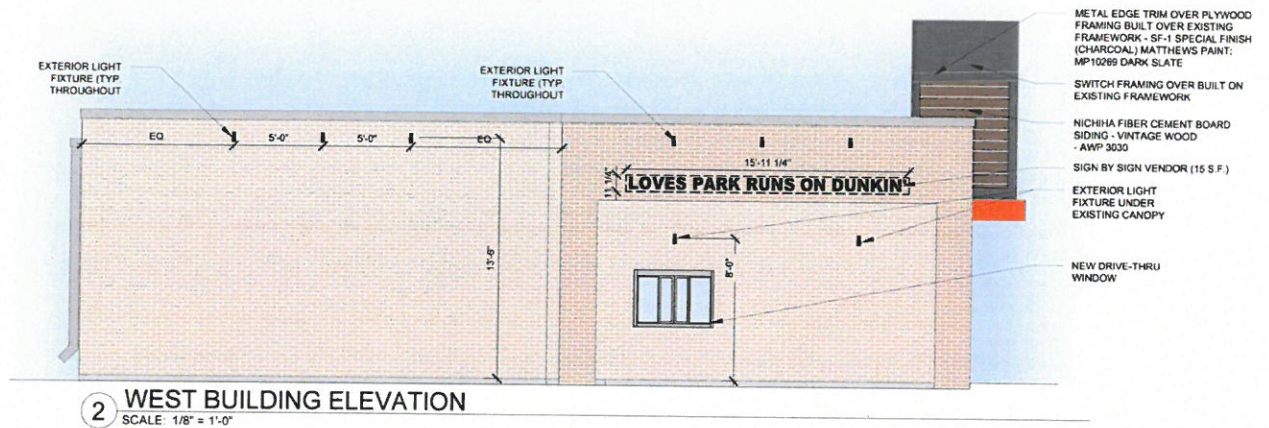
1 SCHEMATIC SITE PLAN
SCALE: 1/8" = 1'-0"











ARCHITECT:

kolbrook design

828 DAVIS STREET
SUITE 300
EVANSTON, IL 60201
Ph 847.492.1992

PROJECT:

DUNKIN' DONUTS - LOVES PARK, IL
6152 E. Riverside Blvd.
Loves Park, IL 61111

Job No.

1520 002

Issue Date

08/21/2018

Project Area

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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.

Location: 6152 E. Riverside Boulevard

Staff ZBA

- 1 YES 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 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 is not likely to have an adverse affect on the public. The unit was used in the past utilizing the drive-thru, which did not impact the existing businesses at that time. The drive-thru is existing, and will likely promote traffic to the area. The increased traffic to the area would bring much needed exposure to the existing businesses, that have struggled with visibility issues over the years, as the property is set back a fair distance from the main road. Staff sees that this use may spur interest to the property and attract other compatible uses.

Reason:

- 2 YES 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 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 unit has been vacant for some time. There have been several vacancies at this location for some time. Businesses occupying units, providing a presence to the area will likely improve safety concerns for other existing businesses. It's likely, that successful businesses operating at this location, stand to improve property values, and even positivity impact the various other businesses through increased sales.

Reason:

- 3 YES 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 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 owner of the property will be improving the parking area to facilitate better traffic flow, and eliminate possible congestion. The property my be used "as is", however, it may be that the tenant has requested the improvements. In either case, the exterior improvements will not have any impact on how things develop in this area.

Reason:

- 4 YES Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.

Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided. The improvements that will be taking place to the parking area will meet all City standards for those types of improvements.

Reason:

- 5 YES Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.

Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets. There are no issues of access related to ingress/ egress. The property provides sufficient access. It is not likely the use will increase congestion to the public roadways. The traffic in this area is managed sufficiently with a light at the adjacent intersection.

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: **6152 E. Riverside Boulevard**
Drive-thru window, Dunkin Donuts

Chairman
Alise Howlett

Signature

Date