



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
November 15, 2018
CITY COUNCIL CHAMBERS
5:30 P.M.
100 HEART BOULEVARD

1. Roll call and declaration of a quorum
2. Reading and approval of the minutes from the **September 20, 2018** meeting
3. Report from the Zoning Office - None
4. Unfinished business – None
5. New business –

A. 6020 E. RIVERSIDE BOULEVARD – A Special Use Permit to allow a drive-thru window for a carryout fast food establishment.

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, SEPTEMBER 20, 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,
BRIAN KERN, NICOLAS BECKER, SHAWN NOVAK,
LINDY TOOHILL

MEMBERS ABSENT:

OTHERS PRESENT: ATTORNEY PHIL NICOLOSI
ANDREW QUINTANILLA – ZONING OFFICER
SHEILA MILLS – SECRETARY

OTHER ABSENT: NATE BRUCK - ECONOMIC DEVELOPMENT/PLANNING
DIRECTOR

Chairman Howlett announced that the next Community Development Committee meeting is scheduled for October 1, 2018 at 6:15 p.m.

2. MINUTES

Mrs. Novak moved to approve the minutes from the meeting held August 16, 2018.
Second by Mr. Hendricks. Motion carried by voice vote.

3. ZONING OFFICE REPORT

None

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

- A. 6927 N. Alpine Road – Special Use Permit for an indoor auto sales showroom in the CR Zoning District.** Appropriate notice has been given.

Nick Shutkas, 8563 Owen Center Road, Rockford IL 61101 was sworn in as Petitioner and indicated that he is requesting a Special Use Permit for an indoor auto sales showroom that will include auto repair.

No objectors present.

Mrs. Novak moved to approve a Special Use Permit for an indoor auto sales showroom in the CR Zoning District for the property commonly known as 6927 N. Alpine Road, with the following conditions:

1. The Special Use Permit shall expire 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 be 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.
- Second by Mr. Hendricks. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

MOTION APPROVED 5-0 (Mr. Becker abstained from voting)

B. 7102 N. Alpine Road – Renewal of a Special Use Permit for an auto repair service station in the CR Zoning District. Appropriate notice has been given.

Jesus Gonzalez, 3126 Nadine Avenue, Rockford IL 61114 was sworn in as Petitioner. Mr. Gonzalez indicated that he is requesting a renewal of the Special Use Permit he was issued a year ago.

Mr. Quintanilla indicated that the applicant has met all requirements of the Special Use Permit and there have been no complaints regarding his business.

No objectors present.

Mrs. Toohill moved to approve the renewal of a Special Use Permit for an auto repair service station in the CR Zoning District for the property commonly known as 7102 N. Alpine Road, with the following conditions:

1. The Special Use Permit shall expire with the change in property ownership, discontinuance of the business, or change in business ownership.
2. 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.
3. The Special Use Permit does not permit vehicle sales or rentals of any type.
4. The Special Use Permit shall be revoked with verified complaints from adjacent businesses or property owners.
5. There shall be no storage of vehicles or parking permitted on adjacent properties.
6. All vehicle repairs shall be performed within the building.
7. Two 24" height planters shall be placed in front of the business with live plants and maintained annually.

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

MOTION APPROVED 6-0

C. 340 E. Riverside Blvd. – Renewal of a Special Use Permit for a massage establishment in the CR Zoning District. Appropriate notice has been given.

Applicant not present.

Mr. Quintanilla indicated that the applicant has met all requirements of the Special Use Permit and there have been no complaints regarding his business.

No objectors present.

Mrs., Novak moved to approve the renewal of a Special Use Permit for a massage establishment in the CR Zoning District for the property commonly known as 340 E. Riverside Blvd. with the following conditions:

1. The Special Use Permit shall expire 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 contractor shall provide (2) two 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) three 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.
Second by Mr. Becker. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

MOTION APPROVED 6-0

D. 6152 E. Riverside Blvd. – Special Use Permit for a restaurant with a drive-thru window in the CR Zoning District. Appropriate notice has been given.

Tom Baudhuin, 9816 Rivers Bend Road, Roscoe, IL was sworn in as Petitioner and property owner. Mr. Baudhuin indicated that they are requesting a Special Use Permit for a drive-thru window for a Dunkin Donuts. They would like to locate in a space that has an existing drive-thru window.

Greg Novak, 3332 Farm Gate Drive, Naperville, IL was sworn in as Petitioner and franchisee. Mr. Novak stated that they plan on opening a store at the proposed location.

Mrs. Howlett asked what their plan was for the stacking of vehicles in the drive-thru. She has concerns that the access to or from the private road or the parking lot may be blocked by the cars stacked in the drive thru lane.

Mr. Novak stated that he does not feel there will be a problem with the cars stacked in the drive-thru lane blocking traffic coming or going in the parking lot.

Mrs. Howlett stated that there should be signage indicating the flow of traffic for cars coming from the private road and the lane next to the drive-thru lane.

Mr. Quintanilla commented that a condition could be added that signage be installed indicating the direction of traffic in the lane next to the drive-thru lane.

No objectors present.

Mrs. Nelson moved to approve a Special Use Permit for a restaurant with a drive-thru window in the CR Zoning District for the property commonly known as 6152 E. Riverside Blvd. with the following conditions:

1. The Special Use Permit shall expire 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 work with city staff as part of the site plan review process to provide appropriate site signage for traffic control for exiting the north part of the property.

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

MOTION APPROVED 5-0(Mr. Becker abstained from voting)

7. PUBLIC PARTICIPATION AND COMMENT

None

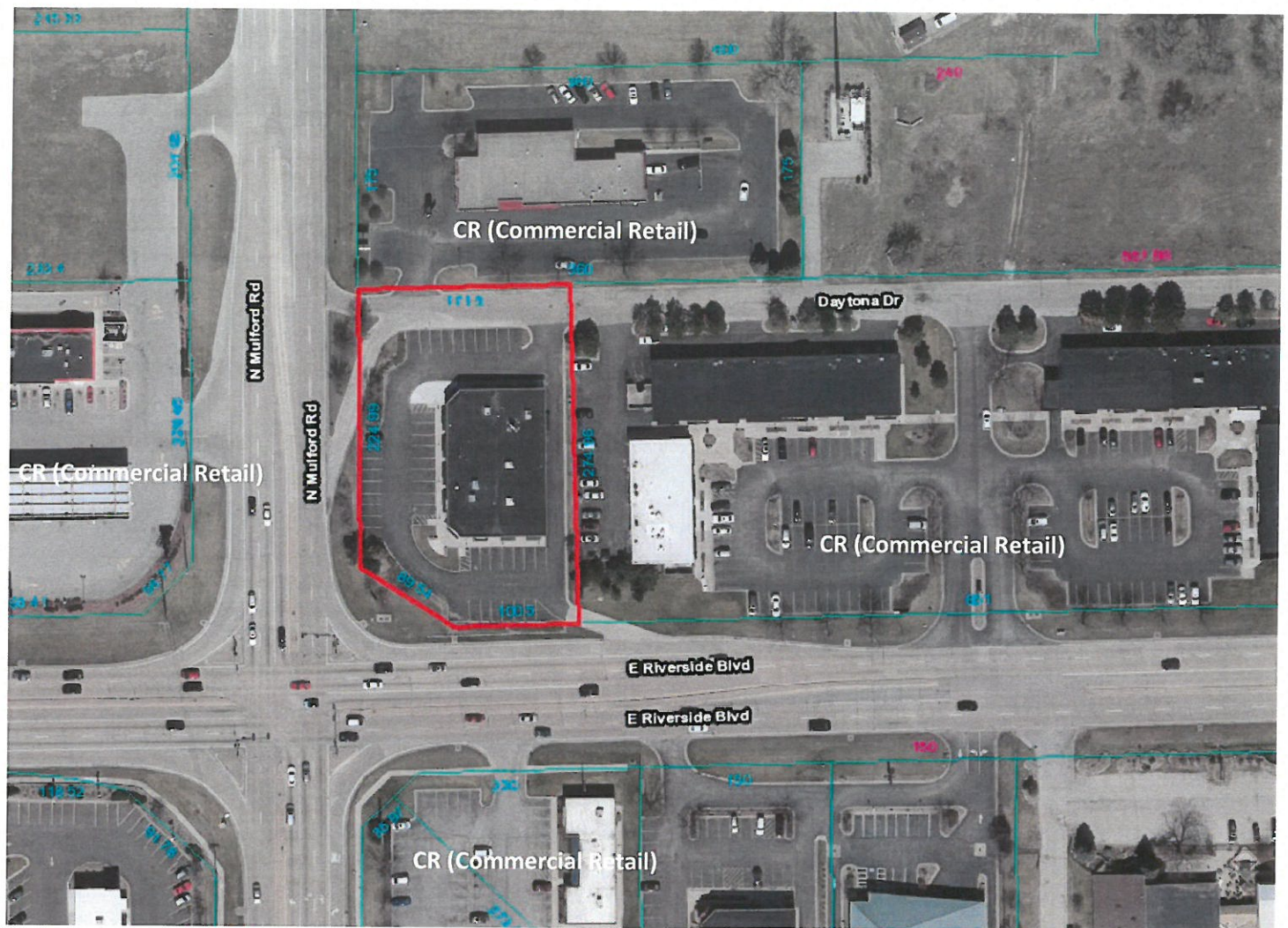
8. General Discussion

None

Zoning Board of Appeals – September 20, 2018

Mrs. Novak that the meeting be adjourned. Second by Mr. Hendricks. Motion carried by voice vote. The meeting adjourned at 6:36 p.m.

Sheila Mills, Secretary



Parcel Number:	12-03-151-004
Property Address:	6020 E. Riverside Boulevard
Petitioner:	Thomas Baudhuin 9816 River Bend Drive Roscoe, Illinois 61073
Property Owner:	Riverside Holdings, LLC 5137 Parliament Place Rockford, Illinois 61107



ZONING BOARD OF APPEALS

Community Development Department

Date: November 7, 2018

SUBJECT: Special Use Permit to allow a carryout fast food establishment with a drive-thru window in the CR (Commercial)

SYNOPSIS: The owner of the property would like to install a drive-thru window for pizza carryout.

LOCATION: 6020 E. Riverside Boulevard

COMPREHENSIVE PLAN: The City of Loves Park Comprehensive Plan identifies this area for the development of commercial retail uses.

ZONING DISTRICT:

North	CR (Commercial Retail)
South	CR (Commercial Retail) - Rockford, Illinois
East	CR (Commercial Retail)
West	CR (Commercial Retail)

RELEVANT PROPERTY INFORMATION:

The property owner would like to open a carry-out pizza establishment with a drive-thru window. The use requires a Special Use Permit for the drive-thru.

The property is zoned for commercial retail purposes. The building is being used primarily for 100% office. In 2016, the current owner, applied for, and was granted a SUP for 100% office. The underlying zoning, commercial retail, stayed in tact.

The owner of the property, who is also the owner of the business, plans to open a walk-in, carryout Papa Johns at this location. The owner currently has a similar store located in Rockford, functioning the same way. The store generally has about 4 people working each shift, two drivers, a cook, and store manager. The owner has informed Staff that his target hours for business are in the evenings. At his current location, business during the lunch hour is much slower than it is in the evenings. The bulk of the business that he does occurs late afternoon and evenings. This is how he anticipates this new location will perform.

The business is required to meet stacking requirements for the drive-thru, which is 5 vehicles. The business will only be able to provide stacking for 4 vehicles. The requirement would be met, however, the existing access onto the property off of E. Riverside Boulevard prevents this. Ingress/egress for this property is not ideal, and limits the owners capacity to meet code requirements for the drive-thru window. Staff sees that vehicle stacking for 4 vehicles shall be adequate.

Staff is concerned with congestion that may occur with customers using the

right-in on E. Riverside. The owner will be removing one parking stall on the south end of the property to help with access, however, Staff sees that there is the potential of vehicle stacking to occur in the right of way on Riverside. If this were to occur, it could cause unnecessary congestion at the light on Mulford Road and E. Riverside. Staff sees that it would be appropriate to have the owner come back in to have the special use renewed after a year. If problems occur during the year, Staff can work with the owner to remedy issues that may arise.

The parking for this property is adequate for all uses. And, no additional landscaping shall be required.

The commercial building is required to have a dumpster enclosure on site. The owner was granted, with his prior special use for 100% office, the use of the dumpster enclosure on his adjacent property. The establishment of this special uses is going to generate more trash than basic office uses. Staff sees that there should be access to the adjacent property, to the east, to allow all employees safe access to the dumpster enclosure area. Staff has discussed this with the owner, and he is in agreement. He will provide a sidewalk between properties, along with additional lighting for security to address the lack of lighting in this area (see map)

RECOMMENDATIONS: **Approval** - A Special Use Permit to allow a drive-thru window for a carryout fast food 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 property owner shall be required to install a sidewalk between properties, and additional lighting for the dumpster area. The sidewalk shall be installed no later than May 31, 2019, and the additional security lighting shall be installed before the business opens to the public.
3. The Special Use Permit shall be renewed 1 year from the date of approval.

ATTACHMENTS: See Attachments

ZONING BOARD

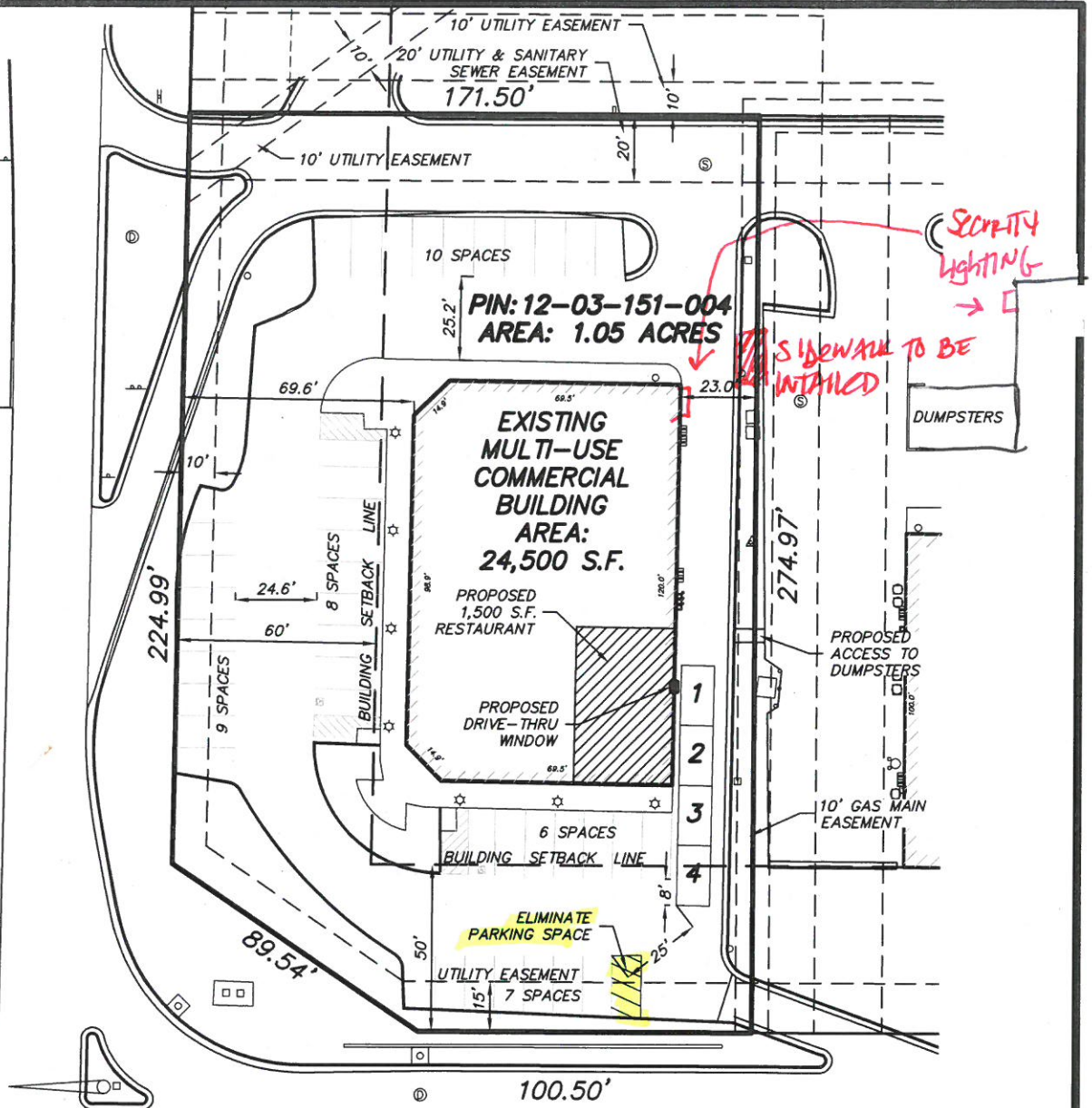
RECOMMENDATIONS: APPROVAL / DENIAL / TABLED

Vote: _____

CONDITIONS:

**AUDIENCE
COMMENTS:**

MULFORD ROAD
COUNTY HIGHWAY NO. 60



EAST RIVERSIDE BOULEVARD

COUNTY HIGHWAY NO. 55

**PROPOSED RESTAURANT
DRIVE-THRU LANE FOR
EXISTING COMMERCIAL BUILDING**

LOT 20, PLAT NO. 5
ROCK VALLEY BUSINESS PARK
6020 E. RIVERSIDE BOULEVARD
LOVES PARK, ILLINOIS

ZONING CLASS

CR RETAIL COMMERCIAL

PARKING SPACES

EXISTING STRIPED SPACES: 41 STANDARD - 2 ACCESSIBLE
TOTAL SPACES PROVIDED: 40 STANDARD - 2 ACCESSIBLE

PREPARED BY:
R.K. JOHNSON & ASSOCIATES, INC.
CONSULTING CIVIL ENGINEERS - LAND SURVEYORS
1515 WINDSOR ROAD LOVES PARK, ILLINOIS 61111
(815) 633-5097 FAX (815) 633-4593
ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184-004994
OCTOBER 10, 2018 JOB NO. 15390
PREPARED FOR: RIVERSIDE BUSINESS CENTRE, INC.









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: 6020 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 property is zoned for commercial retail uses. Food service retail is inherently permitted in the zoning district. The establishment of the special use for the drive-thru window should not adversely impact the safety and welfare of the area.
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. A drive-thru window for a carryout facility will facilitate quicker service and ease for patrons. The owners current business has very little carry out during the day. The bulk of the business occurs in the evening, which is how expects his business to perform at this location. Other businesses at this location close around 5 pm or sooner. The use will bring steady traffic to the area and to the property.
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. Food service on its own is permitted. Food service uses, even with drive-thru's, compliment other permitted uses on this parcel, and in the area. This use will provide an additional retail component to the area that will likely spur future development to a parcel that has in the past had difficulty attracting viable tenants.
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.

Ingress/egress will be monitored for the use, as there will be a 1 year renewal required for this use. Because of the potential congestion that may occur with access on E. Riverside Boulevard, Staff has recommended approval, but with the opportunity to see how the special use will perform at this location.

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: **6020 E. Riverside Boulevard**
Drive-thru window, fast food carryout establishment

Chairman
Alise Howlett

Signature

Date