

MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS
THURSDAY, MAY 21, 2015
6:00 P.M.
CITY COUNCIL CHAMBERS
LOVES PARK CITY HALL

1. VICE-CHAIRMAN HOWLETT CALLED THE MEETING TO ORDER AT 6:00 P.M.

MEMBERS PRESENT: ALISE HOWLETT, JAMES SYLVESTER, BRIAN KERN
NICHOLAS BECKER, SHAWN NOVAK, LYNDI TOO HILL

ABSENT: THOMAS FREESMEIER

OTHERS PRESENT: ZONING OFFICER – ANDREW QUINTANILLA,
DEPUTY COMMUNITY DEVELOPMENT DIRECTOR –
STEVE THOMPSON
PLANNING OFFICER – NATE BRUCK
ATTORNEY PHIL A. NICOLOSI
SECRETARY – SHEILA MILLS

Vice-Chairman Howlett announced that the next Community Development Committee meeting will be held Wednesday, June 3, 2015 at 6:00 p.m.

2. MINUTES

Mrs. Novak moved to approve the minutes from the meeting held April 16, 2015.
Second by Mr. Kern. Motion carried by voice vote.

3. ZONING OFFICE REPORT

Mr. Quintanilla presented an amended site plan for Item A. New Business.

Mr. Thompson introduced new Zoning Board of Appeals member Lyndi Toohill. Mrs. Toohill will replace Rob Wilhelmi, who resigned from the board to accept a job offer that would conflict with his position on the zoning board.

4. COMMUNICATIONS

None

5. Unfinished Business

- A. 5705 NORTH SECOND STREET – SPECIAL USE PERMIT FOR AUTOMOBILE SALES AND A VARIANCE FROM REQUIRED 8-FT. LANDSCAPE BUFFER WITH 4 TREES TO A REQUESTED 3-FT. BROKEN LANDSCAPE BUFFER WITH 0 TREES IN THE CR ZONING DISTRICT** Appropriate notice has been given.

Aaron Szeto, Attorney at Barrick Switzer Law Firm, 6833 Salter Drive, Rockford, IL was sworn in on behalf of Petitioner Mad II, LLC.

Mr. Szeto stated that the Petitioner would like to operate an automobile sales business on the property and they are requesting a Special Use Permit to allow the automobile sales and a Variance in the landscape buffer. They are proposing a 3-ft broken landscape buffer consisting of 3, 3-ft by 12-ft planter beds that will be 1-ft 6 inches in height.

Mr. Szeto indicated that they agree to all staff recommended conditions except for condition #4 which states “the Special Use Permit shall expire with the change in property ownership, discontinuance of the business, or change in business ownership”. The Petitioner would like to transfer the ownership of the business to a son or daughter in the future and would like the condition amended to reflect that option. Mr. Szeto commented that condition #9 which states, “vehicles for sale along the front of the business shall be set back 8-ft. from the property line”, would create a disadvantage, as they want the vehicles for sale to be as close to the street as possible. He requested that the condition be amended to allow for a 3-ft. setback from the property line. Mr. Szeto added that the Petitioner has also offered to repair the deteriorating sidewalk at his own expense.

Mr. Thompson commented that the site plan that the board members received in their packets is incorrect and Mr. Quintanilla distributed the correct site plan, with which the staff recommendations are based. Mr. Thompson indicated that the 3 planters have been shifted slightly away from the building on the north side and away from the existing landscaping on the south side.

Mr. Szeto stated that the planters will be made of rectangle stone masonry with a mixture of perennials and annuals.

Mr. Sylvester asked why the Petitioner wanted to reduce the number of planters.

Mr. Szeto indicated that the planters block the visibility of the vehicles for sale from the street.

Mr. Kern suggested that they might have more visibility if they were to cut into the concrete along the property and put landscaping in the ground the entire length instead of building raised landscaping planters.

Mr. Szeto stated that cost is a factor and he feels that planters are less intrusive.

Mrs. Novak added that the planters might be harder to maintain with watering in the summer than if in the ground.

Mrs. Toohill added that there might be issues with the planters in the winter as well.

Mr. Szeto commented that the plants would be replaced if they were to wither.

Mr. Becker stated that he would like to see 5 planters and a 3-ft. setback, which was required in a previous Special Use Permit for this property.

Mrs. Toohill commented that they would get better visibility with a continuous in-ground landscape buffer.

Mr. Sylvester recommended having a 5-ft. setback.

No objectors present.

Mr. Becker moved to approve a Variance from a required 8-ft. landscape buffer with 4 trees to a requested 3-ft. broken landscape buffer with 0 trees with the CR Zoning District for the property commonly known as 5705 North Second Street. Second by Mrs. Novak. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided. Second by Mrs. Novak.

MOTION UNANIMOUSLY APPROVED 5-0

Mr. Becker moved to approve the Special Use Permit for automobile sales in the CR Zoning District for the property commonly known as 5705 North Second Street, with the following conditions:

1. All customer and employee parking shall be striped as shown on the approved site plan, and within 30 days of the approval of the Special Use Permit.
2. The accessible parking stall shall be marked according to state statutes for accessibility.
3. No more than 45 vehicles shall be for sale at any given time.
4. The Special Use Permit for automobile sales shall expire with the change in property ownership, discontinuance of the business, or change in business ownership, with the exception the Special Use Permit shall not expire with a transfer of the business to a family member.
5. The Special Use Permit shall be revoked if the requirements for the landscaping have not been met in accordance with the approved site plan.
6. The landscape requirement shall be completed within 3 months of the approval of the Special Use Permit and in accordance with the approved site plan.
7. The owner shall not be permitted storage of personal vehicles, personal recreational vehicles, or vehicles that are not for sale in conjunction with the business.
8. Vehicle maintenance shall not be performed on site.
9. Vehicles for sale along the front of the business shall be set back 3-ft. from the property line.
10. The passenger cargo vans for sale on the property shall not hang over the property line of the adjacent property.
11. A 20-ft. aisle area from the primary access of the property to the required parking area shall be maintained unobstructed.
12. Site plan shall be amended to include 5 separate 3-ft by 12-ft planter beds.
13. The landscaping requirement shall be completed with 3 months of the approval of the Variance and in accordance with the approved site plan.
14. The landscape planters will consist of live plant materials with some combination of annuals and perennials in conjunction with the plants identified with the petition.

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

MOTION APPROVED 4-1, MR. KERN VOTED NO

6. NEW BUSINESS

A. 9599 ARAPAHO CIRCLE – VARIANCE TO WIDEN THE DRIVEWAY IN FRONT OF AND ALONGSIDE OF THE HOME IN THE R1 ZONING DISTRICT. Appropriate notice has been given.

Matt and Jackie Berger, 9599 Arapaho Circle, Loves Park, IL were sworn in as Petitioners. Mr. Berger indicated that they would like to expand their existing driveway to the east and north to provide additional parking and for the storage of vehicles. The proposed parking area will be situated on the east side of the garage with a drive leading to it. The concrete pad will be 17-ft. on the north end and 14-ft. on the south end and the length of the pad will be 27-ft.

Greg Jury, 1st Ward Alderman, 6607 Hayfield Lane, Loves Park was sworn in. Alderman Jury spoke in favor of the Variance and he stated that that having to store all of his vehicles in the driveway would be a hardship.

Anthony Dean, 9590 Arapaho Circle, Loves Park, IL was sworn in and spoke in favor of the Variance and indicated that he lives next door to the Petitioner and would be most affected.

Don Ward, 9595 Arapaho Circle, Loves Park, IL was sworn in and spoke in favor of the Variance and added it would be an improvement to the area.

Regina Hendricks, 9583 Arapaho Circle, Loves Park, IL was sworn in and spoke in favor of the Variance and added it would improve the area.

No objectors present.

Mr. Sylvester moved to approve a Variance to widen the driveway in front of and alongside of the home in the R1 Zoning District for the property commonly known as 9599 Arapaho Circle. Second by Mrs. Novak. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

MOTION APPROVED UNANIMOUSLY 5-0

B. 6390 E. RIVERSIDE BLVD – SPECIAL USE PERMIT FOR A DRIVE-THRU WINDOW FOR A RESTAURANT ESTABLISHMENT IN THE CR ZONING DISTRICT.
Appropriate notice has been given.

Alex Henigan, 1350 Ridge Drive, Sycamore, IL and Pete Spyrtatos, 126 Quinlan Avenue, DeKalb, IL were sworn in as Petitioners. They plan to open a restaurant called Eggspress and are requesting a Special Use Permit for the former Singapore Grill and would like to use the existing drive-thru window. They plan to modify the existing landscaping by removing 5 trees along the west side of the property and replace them with low-lying bushes.

Mr. Thompson recommended that the Petitioners be given 60 days instead of 30 days to complete the landscaping requirement.

No objectors present.

Mrs. Novak moved to approve a Special Use Permit for a drive-thru window for a restaurant establishment in the CR Zoning District for the property commonly known as 6390 E. Riverside Blvd., with the following conditions:

1. The landscape requirement shall be coordinated and approved by City Staff within 60 days of the approval of the Special Use Permit.
2. The parking area shall be striped according to the official site plan within 30 days of the approval of the Special Use Permit.
3. The Special Use Permit expires with the sale of the business, change in property ownership, or discontinuance of the business.

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

MOTION APPROVED UNANIMOUSLY 5-0

Items C and D will be discussed together and voted on separately.

C. 7159 WINDSOR LAKE PARKWAY – SPECIAL USE PERMIT FOR A BATTING CAGE PRACTICE AREA IN THE CR ZONING DISTRICT. Appropriate notice has been given.

Chad Encheff, C & E Group, 106 Sequoia, Poplar Grove, IL was sworn in as Petitioner. Mr. Encheff indicated that he is requesting a Variance for a building setback on the property they are developing. He indicated that the owner, Bison Sports, is developing the property that will provide multiple functions such as a batting cage area, sports retail, and a print shop. They are also requesting a Special Use Permit to allow for the batting cages.

Patricia Luedke, 7137-39 Windsor Lake Parkway, Loves Park, IL was sworn in. Ms. Luedke stated that she is not opposing the Variance or the Special Use Permit, but does have an issue with the additional traffic and the maintenance of Windsor Lake Parkway.

Mr. Encheff commented that Windsor Lake Parkway is a private road and would be a separate issue and would have to be addressed with Kurt Carlson, the owner of the private road.

Gary Bach, 7141 Windsor Lake Parkway, Loves Park, IL was sworn in and spoke about concerns of traffic and the condition of Windsor Lake Parkway and suggested that traffic for Bison Sports be rerouted.

Mr. Encheff indicated that it is not possible to reroute the traffic and also the facility is setup to allow only 8 individuals to train at one-time and will not create an enormous amount of traffic.

Mrs. Novak asked what the hours of operation would be.

Mrs. Howlett asked what the plan was for correcting the condition of the private road.

Mr. Quintanilla asked if the Bison Sports was concerned with the condition of the private road.

Mr. Encheff indicated that training practice would take place primarily in the evenings in the winter season and added that Bison Sports is not concerned with the condition of the private road and he felt the road was fine now, but will need maintenance in the future.

Mr. Becker indicated that he would abstain from voting on this Petition.

Mrs. Novak moved to approve a Special Use Permit for a batting cage practice area in the CR Zoning District for the property commonly known as 7159 Windsor Lake Parkway, with the following conditions:

1. The building shall not be used to provide banquets, ceremonious public or private dinners, or rented for public or private events. The building shall not be used for anything other than the intended use.
2. The Special Use Permit shall be revoked with verified complaints regarding activities performed at this location that are not permitted in the zoning district.
3. The parking area shall be striped in accordance with the official site plan, and accessible parking shall be striped according the Illinois Accessibility Code.

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

MOTION APPROVED 4-0, MR. BECKER ABSTAINED

D. 7159 WINDSOR LAKE PARKWAY – VARIANCE FROM THE REQUIRED 20-FT. REAR BUILDING SETBACK TO A REQUESTED 17-FT REAR BUILDING SETBACK IN THE CR ZONING DISTRICT. Appropriate notice has been given.

Mr. Becker indicated that he would abstain from voting on this Petition.

Mrs. Novak moved to approve a Variance from the required 20-ft. rear-building setback to a requested 17-ft. rear-building setback in the CR Zoning District for the property commonly known as 7159 Windsor Lake Parkway. Second by Mr. Kern. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

MOTION APPROVED 4-0, MR. BECKER ABSTAINED

7. Public Participation and Comment

None

8. General Discussion

Mr. Thompson commented that there is a vacancy on the board and asked if anyone was interested in filling the position of Chairman.

Mr. Thompson commented that Mr. Freesmeier expressed interested in the Chairman position if Mrs. Howlett declined the position.

Mrs. Howlett indicated that she would be interested in the Chairman position.

Mrs. Novak stated she would be interested in the Vice-Chairman position.

Mr. Thompson asked the board if they were interested in receiving their monthly meeting packet via electronically through the city's new website.

Everyone expressed interest in receiving their monthly meeting packet via electronically.

Mr. Thompson commented that for the first month members will receive a paper copy and an electronic copy and he asked for email addresses of board members.

Mrs. Novak moved that the meeting be adjourned. Second by Mr. Sylvester. Motion carried by voice vote. The meeting was adjourned at 7:50 p.m.

APPROVED:
Sheila Mills, Secretary