

MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS
THURSDAY, MARCH 17, 2016
5:30 P.M.
CITY COUNCIL CHAMBERS
LOVES PARK CITY HALL

1. CHAIRMAN HOWLETT CALLED THE MEETING TO ORDER AT 5:44 P.M.

MEMBERS PRESENT: THOMAS FREESMEIER, CATHY NELSON, BRIAN KERN,
NICHOLAS BECKER, SHAWN NOVAK, LYNDI TOOILL

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

Chairman Howlett announced that the next Community Development Committee meeting will be held Wednesday, March 30, 2016 at 5:30 p.m.

2. MINUTES

Mrs. Novak moved to approve the minutes from the meeting held December 17, 2015.
Second by Mrs. Nelson. Motion carried by voice vote.

3. ZONING OFFICE REPORT

None

4. COMMUNICATIONS

Mr. Quintanilla presented an updated site plan for Agenda Item B. Mr. Thompson reminded board members to file their economic interest statement with Winnebago County.

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

A. 513 BOYLSTON STREET & 517 BOYLSTON STREET – Zoning Map Amendment from the CG Zoning District to the R1 Zoning District. Appropriate notice has been given.

Todd Anderson, 513 Boylston Street, Loves Park, IL was sworn in as Petitioner. Mr. Anderson indicated that he is trying to sell the property at 517 Boylston and the Zoning Map Amendment will allow for easier financing for potential buyers.

No objectors present.

Mrs. Novak moved to approve a Zoning Map Amendment from the CG Zoning District to the R1 Zoning District for the properties commonly known as 513 Boylston Street and 517 Boylston Street. 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

B. 1515 EAST RIVERSIDE BOULEVARD – A Special Use Permit for a Planned Development in the CR Zoning District. Appropriate notice has been given.

Marvin Keys, First Midwest Group, 6801 Spring Creek Rd., Rockford IL 61114 was sworn in as Petitioner and is requesting a Special Use Permit for a Planned Development at the former K-Mart property. The project consists of making improvements to the existing former K-Mart building and creating 6 separate lots with a building on each lot as part of the development. Three outlots created on the Riverside frontage will have mixed uses for commercial/office space, and retail. The lot size may change to adapt to a building size that the applicant may increase by 10%, subject to administrative review. The applicant is also seeking flexibility with meeting building setbacks as they would like to develop up the property line. They are requesting a reduction in sign setback and to allow 2 shopping center signs one on E. Riverside Blvd. and on Forest Hills Road.

Mr. Keys stated that they have national tenants that are planning to go into at least 2 of the buildings, one on Forest Hills Road and one on E. Riverside Blvd. The largest lot being created as part of the development, Lot F will have a 102,000 sq.-ft. building on it which has the potential to be subdivided as a multi-tenant building with uses, such as; an indoor self-storage and an automotive business. He added that there is not a market for a business to fill the entire 102,000 sq.-ft. building.

Mr. Keys indicated they are requesting the ability to have a drive-thru on Lots A, B, and C, but until they have a tenant they are unsure exactly where the drive-thru will be placed on the building, subject to administrative review. He provided a landscape plan for the development and commented that the property currently doesn't have landscaping, except for the trees by and around the detention pond.

Mrs. Nelson commented that the landscape plan and the site plan do not match and asked if the board is to approve the site plan.

Mr. Keys indicated that site plan is the correct plan with regard to the layout.

Mrs. Novak asked where the access points would be for the large building and if the parking provided would be sufficient for the intended use.

Mr. Keys stated the entrance would be where the main parking bulk is in front of the large building and they feel there is sufficient parking for the development as a whole.

Mrs. Nelson asked that since the development has been subdivide into six different sections with parking how there could be flexibility in the building size on Lots A, B, and C if the board approves a maximum sq. ft. for the building. Mr. Thompson stated that lot lines do not exist yet as the property hasn't been subdivided.

Mr. Keys stated that there is a 10% variance built in to what was petitioned to allow for flexibility in the total square footage.

Mr. Thompson indicated that the board is not approving the subdivision of the development. The conceptual development should be looked at as a whole and not as individual lots.

Mrs. Howlett commented that 10% variance in the building size and lot lines will be considered by administrative review.

Mr. Keys indicated that the development will be replatted when they know the exact building sizes on each lot.

Mr. Becker was concerned if there would be adequate parking stalls if the building sizes were to change.

Mr. Thompson stated that the overall total number of parking stalls will not change if one building increases by 10% and the Variance will accommodate for the number of parking stalls.

Mrs. Novak asked about the signs for the development.

Mr. Keys indicated that there are 2 shopping center signs and a monument sign for each building. Any business to occupy the large building in the back would have their sign on the shopping center sign for better visibility. Some businesses may have a monument sign in front of the building and also a sign on the shopping center sign. If there are more than one business in a building, then they would share a monument sign.

Mr. Thompson asked the board to consider staff's recommendation of the requirement of 55 trees.

Mr. Keys stated that there are already over 100 trees on the property by the detention pond and he feels that should be sufficient. It is not economically feasible to tear up the parking lot to put in planters throughout the development. He is requesting flexibility in regards to landscaping.

Mrs. Novak asked for clarification in regards to staff recommendations in landscaping requirements.

Mr. Quintanilla commented that the board is approving a conceptual plan, as well as the landscaping plan. In review, he feels it is possible to place additional landscaping in development in order to meet the city's requirement, but that may impact visibility. The total requirement for the development is 55 trees.

Mr. Keys stated he feels the board isn't giving any consideration for the trees that are already planted on the site.

Mr. Freesmeier suggested that the board place a newly planted tree number as a condition to avoid confusion with the existing tree number.

Mrs. Howlett commented that there are 29 new trees shown on the concept plan, not counting the existing trees. If the board feels that is not adequate then a condition for more trees should be recommended.

Mr. Becker expressed concern that the city is allowing a lot of freedom with the development, which may have an impact in the future.

No objectors present.

Mrs. Nelson left the meeting at 6:45 p.m.

Mrs. Novak moved to approve a Special Use Permit for a Planned Development in the CR Zoning District for the property commonly known as 1515 E. Riverside Blvd., with the following conditions.

1. Any Variance or Special Use request as part of the Planned Development shall be approved by the Zoning Officer as part of an internal Administrative review process.
2. No more than 25 percent of the total combined square footage for the 3 buildings constructed on Riverside Boulevard, identified on the site plan as buildings on Lots A, B, and C, will be permitted to be used as commercial office space. The office space shall be determined by the total gross floor space for each unit. An increase to exceed 25 percent for the 3 buildings shall not be a part of the Administrative Review process, and require the applicant to amend the Special Use Permit.
3. Drive-thru establishments shall be permitted on Lots A, B, and C, and shall be required to meet the City's requirements for those types of establishments.
4. All dumpsters shall be fully enclosed and be constructed of like materials used in the Planned Development.
5. The dilapidated freestanding sign located on Lot D, as identified on the site plan, shall be removed.
6. There shall be no outside storage or product displays for any of the retail establishments as part of this development. There shall also be no outside storage permitted associated with an indoor self-storage business.
7. All commercial building sizes increased by 10%, shall be approved by the Zoning Officer as part of an Administrative Review.
8. Buildings being constructed with 0 setbacks may only be approved as part of the Administrative Review process.
9. All of the landscaping as presented conceptually on the site plan including 31 new trees shall be planted.
10. All shopping center signs and monument signs shall be landscaped, and contain some combination of low-lying shrubs, perennials, annuals, and ground cover.
11. All monument signs shall not exceed 8-ft. in height, and be constructed of like or similar materials as used to build the Planned Development. Shopping center signs shall also be constructed of like or similar materials as used to build the Planned Development and shall not exceed 25-ft. in height.
12. Support structures for monument signs and shopping center signs shall be fully enclosed.
13. All loading and unloading related to an indoor storage facility shall take place at the rear of the building.
14. Only 1 monument sign per structure or building shall be allowed on a lot or parcel.
15. The parking stalls shall be permitted to be 18-ft. in length by 9-ft. in width.

Second by Mr. Kern.

Mrs. Novak moved to amend her motion by amending Condition No. 1, by adding "**as such does not impact the intent of the overall development.**" to the end of the original motion.

Condition No. 1. Shall be

1. Any Variance or Special Use request as part of the Planned Development shall be approved by the Zoning Officer as part of an internal Administrative review process, **as such does not impact the intent of the overall development.**

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

Conditions No. 2-15 shall remain the same as above.

MOTION APPROVED 5-0

7. Public Participation and Comment

Todd Anderson commented that he is a resident of Loves Park and he is excited to see something happening to the former K-Mart property.

8. General Discussion

Mr. Becker commented that other Zoning Map Amendment requests similar to Boylston Street have come before the board in the past and he asked if there was a way for the city to change the zoning all at once for areas like this, instead of amending the zoning on a case-by-case basis.

Mr. Thompson stated that he believes the state law does not allow for city initiated zoning changes and Attorney Nicolosi agreed.

Mrs. Novak moved that the meeting be adjourned. Second by Mrs. Toohill. Motion carried by voice vote. The meeting was adjourned at 7:00 p.m.

APPROVED:
Sheila Mills, Secretary