

**MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS**  
**THURSDAY, FEBRUARY 16, 2017**  
**5:36 P.M.**  
**CITY COUNCIL CHAMBERS**  
**LOVES PARK CITY HALL**

1. CHAIRMAN ALISE HOWLETT CALLED THE MEETING TO ORDER AT 5:36 P.M.

MEMBERS PRESENT: ALISE HOWLETT, CATHY NELSON, BRIAN KERN,  
NICHOLAS BECKER, SHAWN NOVAK, LINDY TOOILL

ABSENT: THOMAS FREESMEIER

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

OTHERS ABSENT: PLANNING OFFICER – NATE BRUCK

Chairman Howlett announced that the next Community Development Committee meeting will be held Wednesday, March 1, 2017, at 5:30 p.m.

Chairman Howlett announced that petitions for Items B & C have been withdrawn by the requester and removed from the Agenda.

2. MINUTES

Mrs. Novak moved to approve the minutes from the meeting held January 19, 2017.  
Second by Mrs. Nelson. Motion carried by voice vote.

3. ZONING OFFICE REPORT

None

4. COMMUNICATIONS

Mr. Quintanilla presented letters from applicants requesting their petitions be withdrawn for Items B & C. He also presented additional conditions to be considered for Item A.

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

**A. 208 E. RIVERSIDE BLVD. – SPECIAL USE PERMIT FOR A MASSAGE ESTABLISHMENT IN THE CR ZONING DISTRICT.** Appropriate notice has been given.

Zhenywan Li, 230 W. 26<sup>th</sup> Street, Chicago, IL was sworn in as Petitioner and she indicated that she is requesting a Special Use Permit for a massage therapy/acupressure business at this location.

Richard Meister, 1204 Colonial Drive, Machesney Park, IL 61115 was sworn in and spoke in opposition of the Special Use Permit. Mr. Meister stated that he owns residential property behind 208 E. Riverside Blvd. and he expressed concern about the value of his property decreasing if this type of business is allowed.

Christina Dawson, 6220 Park Ridge Road, Loves Park, IL was sworn in. Mrs. Dawson stated that she and her husband own the restaurant next door, Joe's Casa Di Amici, and they are not in favor of the Special Use Permit. She expressed concerns about parking, the hours of operation, and the value of her property with the proposed use.

Bjorn Hallberg, 120 E. Riverside Blvd., Loves Park, IL was sworn in and stated that he shared the same concerns that others have already voiced and not in favor of the proposed use.

Mr. Thompson stated the city and other surrounding communities that have had problems with these types of businesses and are working on drafting an ordinance with additional regulations, with the assistance of the City of Rockford. He read a list of additional regulations, other than the conditions stated in the packet the board has already been provided.

1. The business owner and operator of the business shall provide two (2) previous addresses immediately prior to the present address of the business owner and business operator.
2. The business owner and business operator shall provide written proof that the masseur or masseuse, and all employees are 18 years of age or older.
3. The business owner and business operator shall provide the business, occupation, or employment history for three (3) years immediately preceding the date of the application.
4. The massage or similar business license history of the business owner and business operator shall be provided; whether such person, has previously operated or is currently operating in this or another city or state under license, has had such license revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation.
5. All criminal convictions, 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 shall 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.
6. The business owner and business operator must provide a 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; provided, however, that if the business owner and business operator will have no physical contact with the customer 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.

(Continued)

7. No services of massages shall 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.
8. The business owner and business operator of the establishment shall 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.
9. The Special Use Permit shall expire within 1 year of approval. The business owner or business operator shall be required to renew the Special Use Permit before the expiration and meet all requirements.
10. The building or structure shall meet all of the current building code requirements for such use before the business may open to the public. An inspection shall be requested and all applicable codes for this use shall be met prior to opening.
11. The business license shall be approved by all required agencies prior to opening.

Mr. Thompson added that these regulations have been vetted by the City of Rockford's city attorney and the Illinois States Attorney's office and falls within our authority as a non-home rule city to enforce these regulations.

Mr. Quintanilla indicated that three letters were received in opposition of the Special Use Permit from Maxine Krienke, 341 E. Riverside Blvd., Mary Downing, 212 Sheridan Drive and an anonymous letter.

Mr. Becker stated that he feels the Special Use Permit is not appropriate for this property.

Mrs. Nelson stated that she feels it is in the best interest of the city that the ordinance be created before the board votes on the matter.

Mrs. Novak stated that the proposed use is not the best use for the property.

Mrs. Novak moved to deny a Special Use Permit for a massage establishment in the CR Zoning District for the property commonly known as 208 E. Riverside Blvd. Second by Mr. Becker.

Mrs. Novak withdrew her motion to deny the Special Use Permit for 208 E. Riverside Blvd.

Mr. Becker moved to approve a Special Use Permit for a massage establishment in the CR Zoning District for the property commonly known as 208 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 parking shall be striped no later than May 31, 2017.
4. The Special Use Permit does not permit an accessory residence.
5. The landscape area in front of the business shall include a mixture of hastas, mums, and roses and be completed by May 31, 2017.
6. All employees performing massages shall meet the State of Illinois licensing requirements for massage therapy.
7. The business owner and operator of the business shall provide two (2) previous addresses immediately prior to the present address of the business owner and

business operator.

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8. The business owner and business operator shall provide written proof that the masseur or masseuse, and all employees are 18 years of age or older.
9. The business owner and business operator shall provide the business, occupation, or employment history for three (3) years immediately preceding the date of the application.
10. The massage or similar business license history of the business owner and business operator shall be provided; whether such person, has previously operated or is currently operating in this or another city or state under license, has had such license revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation.
11. All criminal convictions, 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.
12. The business owner and business operator, must provide a 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; provided, however, that if the business owner and business operator will have no physical contact with the customer 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.
13. No services of massages shall 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.
14. The business owner and business operator of the establishment shall 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.
15. The Special Use Permit shall expire within 1 year of approval. The business owner or business operator shall be required to renew the Special Use Permit before the expiration and meet all requirements.
16. The building or structure shall meet all of the current building code requirements for such use before the business may open to the public. An inspection shall be requested and all applicable codes for this use must be met prior to opening.
17. The business license shall be approved by all required agencies prior to opening.

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

**MOTION DENIED 5-0**

- B. **5732 E. RIVERSIDE BLVD – ZONING MAP AMENDMENT FROM THE CO ZONING DISTRICT TO THE CR ZONING DISTRICT.** Appropriate notice has been given.

Petition withdrawn at the applicant's request.

- C. **6331 NORTH SECOND STREET – ZONING MAP AMENDMENT FROM THE R1 ZONING DISTRICT TO THE CR ZONING DISTRICT.** Appropriate notice has been given.

Petition withdrawn at the applicant's request.

**D. 6780 NORTH SECOND STREET – ZONING MAP AMENDMENT FROM THE R1 ZONING DISTRICT TO THE CR ZONING DISTRICT.** Appropriate notice has been given.

Applicant is not present.

Darlene Haymaker, 1070 Griggs Rd., Rockford, IL was sworn in and she stated that she owns property adjacent to 6780 North Second and she asked what type of business would be occupying the property.

Mr. Thompson indicated that the applicant plans to have coffee roasting/coffee shop at the location.

Mr. Thompson explained that the property was zoned residential several years ago and at that time a community /gathering type place was allowed in residential zoning, but now CR Zoning would be better suited for the property.

Mrs. Haymaker expressed concerns with parking and increased traffic in the neighboring residential area.

Mr. Becker feels that since the applicant is not here to answer questions the petition should be laid over to next month.

Mr. Thompson added that if a commercial district borders a residential district then a fence would be required as a buffer and the parking and landscaping would have to meet requirements.

Mrs. Toohill moved to approve a Zoning Map Amendment from the R1 Zoning District to the CR Zoning District for the property commonly known as 6780 North Second Street. 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**

**7. Public Participation and Comment**

None

**8. General Discussion**

Mrs. Novak moved that the meeting be adjourned. Second by Mrs. Nelson. Motion carried by voice vote. The meeting was adjourned at 6:32 p.m.

APPROVED:  
Sheila Mills, Secretary