

MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS
THURSDAY, AUGUST 17, 2017
5:30 P.M.
CITY COUNCIL CHAMBERS
LOVES PARK CITY HALL

1. CHAIRMAN ALISE HOWLETT CALLED THE MEETING TO ORDER AT 5:30 P.M.

MEMBERS PRESENT: ALISE HOWLETT, DENNIS HENDRICKS, CATHY NELSON,
BRIAN KERN, NICHOLAS BECKER, LINDY TOO HILL

ABSENT: SHAWN NOVAK

OTHERS PRESENT: ZONING OFFICER - ANDREW QUINTANILLA
ATTORNEY PHIL A. NICOLosi
SECRETARY - SHEILA MILLS

OTHERS ABSENT: COMMUNITY DEVELOPMENT DEPUTY DIRECTOR –
STEVE THOMPSON
PLANNING OFFICER - NATE BRUCK

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

2. MINUTES

Mrs. Nelson moved to approve the minutes from the meeting held July 20, 2017. Second by Mrs. Toohill. Motion carried by voice vote.

3. ZONING OFFICE REPORT

None

4. COMMUNICATIONS

Mr. Quintanilla presented an amended staff report pertaining to Item A.

5. UNFINISHED BUSINESS

None

6. NEW BUSINESS

A. 340 E. RIVERSIDE BLVD. – SPECIAL USE PERMIT FOR A MESSAGE ESTABLISHMENT IN THE CR ZONING DISTRICT. Appropriate notice has been given.

Chris Ainsworth, Capital Web Systems, 14874 Prairie Way, South Beloit, IL and Jamie Weisse, 340 E. Riverside Blvd. were sworn in as Petitioners.

Mr. Ainsworth stated that he has renovated the main level of the building and he plans to lease a portion of the main level to a massage establishment. He added that Tranquility Massage is already operating in the building.

Ms. Weisse, owner of Tranquility Massage commented that she has four treatment rooms on the main floor and her business specializes in Swedish massage, rehabilitation and facials.

Mr. Ainsworth asked about the condition recommended by staff that the striping of the parking lot be completed by September 30, 2017. He would like to request more time to stripe the parking lot because he also wants to reseal the parking lot before he restripes it but he does not think he could complete it by September 30, 2017. He is also requesting that the massage business is allowed to continue operating until final approval is made.

Chairman Howlett commented that the Zoning Board of Appeals does not have the authority to allow a petitioner to do something that is legally not permitted. She added that they will have to work with staff regarding that issue.

Mr. Ainsworth also requested that he have until next year to install a dumpster enclosure.

Mr. Quintanilla indicated that he is willing to work with the applicant in regards to the timeline for the installation of the dumpster enclosure.

Mr. Becker asked if the existing parking lot striping would be sufficient until next year.

Mr. Quintanilla stated that the applicant would need to install an additional handicap parking space in front of the building to be compliant with ADA.

No objectors present.

Mr. Kern moved to approve 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 parking lot shall be striped no later than May 30, 2018.
4. The Special Use Permit shall not permit an accessory residence.
5. All employees performing massages shall meet the State of Illinois licensing requirements for massage therapy.
6. The business owner and business operator shall provide two previous addresses immediately prior to the present address of the business owner and business operator.
7. 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.
8. The business owner and business operator shall provide the business, occupation, or employment for three years immediately preceding the date of the application.
9. The massage or similar business license history shall be provided, of the business owner and business operator as to any previously operated or currently operating business in this or another city or state under license, and if any such license has been revoked or suspended and the reason, and the business activity or occupation subsequent to such action of suspension or revocation.

10. All criminal convictions of the business owner and business operator shall be provided, 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.
 11. The business owner and business operator shall furnish 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, if the business owner and business operator has 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.
 12. No 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.
 13. 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.
 14. The Special Use Permit shall expire within 1 year of approval. The business owner and business operator shall be required to renew the Special Use Permit before the expiration.
 15. The completion of the dumpster enclosure shall be coordinated with staff and be completed sometime before 2018.
- Second by Mr. Becker. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

MOTION APPROVED 5-0

B. 1736 E. RIVERSIDE BLVD – SPECIAL USE PERMIT TO ALLOW 100% OFFICE SPACE FOR A MULTI-TENANT RETAIL BUILDING IN THE CR ZONING DISTRICT.
Appropriate notice has been given.

Mario Terara, 3600 E. State Street, Suite 315, Rockford, IL was sworn in on behalf of the Petitioner Joseph Montalvo. Mr. Terara indicated that the Petitioner purchased the building and they plan to move their current business Clean Choice to the property. The rear portion of the building will be used for office space for Clean Choice and they want to lease out the front portion of the building to an office type business. He is requesting a Special Use Permit to allow 100% office use of the building.

No objectors present.

Mrs. Toohill moved to approve a Special Use Permit to allow 100% office space for a multi-tenant retail building in the CR Zoning District for the property commonly known as 1736 E. Riverside Blvd., with the following conditions:

1. The Special Use Permit shall expire with the change in property ownership or sale of the property.
2. The landscape planter bed shall be filled with live plants and shrubs on or before September 30, 2017.
3. The dumpster enclosure shall be installed on or before September 30, 2017.
4. The parking lot shall be resurfaced, correcting the deterioration, and be striped on or before October 31, 2017.

5. The owner of the property or tenants shall not be permitted to store recreational vehicles or personal vehicles.

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

MOTION APPROVED 5-0

Items C and D were discussed together and voted on separately.

- C. 4531 SQUAW VALLEY DRIVE – ZONING MAP AMENDMENT FROM THE IL/CR ZONING DISTRICT TO THE R2 ZONING DISTRICT.** Appropriate notice has been given.

Devin Noble, Attorney, Hinshaw & Culbertson, 100 Park Avenue, Rockford, IL was sworn in on behalf of Petitioner Chuck Thomas. Mr. Noble indicated that they are requesting the Zoning Map Amendment so they can build duplex apartments on the property.

No objectors present.

Mr. Becker moved to approve a Zoning Map Amendment from the IL/CR Zoning District to the R2 Zoning District for a portion of 4531 Squaw Valley Drive, commonly known as Bell School Road (parcel 08-35-379-002) the total area to be rezoned shall be as shown on the potential replat drawing exhibit.

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

- D. 4483 SQUAW VALLEY DRIVE – ZONING MAP AMENDMENT FROM THE IL/CR ZONING DISTRICT TO THE R2 ZONING DISTRICT.** Appropriate notice has been given.

No objectors present.

Mr. Becker moved to approve a Zoning Map Amendment from the IL/CR Zoning District to the R2 Zoning District for a portion of 4483 Squaw Valley Drive, commonly known as 73XX Rock Valley Parkway (parcel 12-02-126-011) the total area to be rezoned shall be as shown on the potential replat drawing exhibit.

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

Mr. Quintanilla reported that the Zoning Board of Appeals meeting for next month has been cancelled due to lack of an Agenda.

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Mrs. Nelson moved that the meeting be adjourned. Second by Mrs. Toohill. Motion carried by voice vote. The meeting adjourned at 6:25 p.m.

Sheila Mills, Secretary