

**MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS
THURSDAY, MARCH 20, 2014
6:00 P.M.
CITY COUNCIL CHAMBERS
LOVES PARK CITY HALL**

1. CHAIRMAN ROB WILHELMI CALLED THE MEETING TO ORDER AT 6:03 P.M.

MEMBERS PRESENT: CHAIRMAN ROB WILHELMI, ERIC STROMBERG,
BRIAN KERN, NICHOLAS BECKER, SHAWN NOVAK,
ALISE HOWLETT

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

OTHERS ABSENT: JAMES SYLVESTER
PLANNING OFFICER – NATE BRUCK

Chairman Wilhelmi announced that the next Community Development Committee meeting will be held Wednesday, April 2, 2014 at 6:00 p.m.

2. MINUTES:

Mrs. Howlett moved to approve the minutes from the meeting held January 16, 2014.
Second by Mr. Stromberg. Motion carried by voice vote.

3. ZONING OFFICE REPORT:

Mr. Quintanilla presented supplemental information pertaining to New Business Items B. & C.

4. COMMUNICATIONS:

None

5. OLD BUSINESS

None

6. NEW BUSINESS

- A. 5601 North Second Street – a Special Use Permit for automobile sales in conjunction with auto repair service in the CR Zoning district.** Appropriate notice has been given.

Larry Lathrop, 6827 Laurel Cherry Drive, Rockford, IL was sworn in as Petitioner. Mr. Lathrop indicated that he has purchased Crossroads Auto Sales and Service and is requesting a Special Use Permit for automobile sales in conjunction with auto repair. The placement of the cars will stay the same and he will maintain the landscaping as well.

No objectors present.

Mrs. Howlett moved to approve a Special Use Permit for automobile sales in conjunction with auto repair service in the CR Zoning District for the property commonly known as 5601 North Second Street, with the following conditions:

1. All off-site landscaping in the right-of-way on North Second Street and on Grand Avenue, in front of the business shall be maintained by the owner. Failure to maintain the right-of-way landscaping shall result in revocation of the Special Use Permit.
2. All parking areas shall be striped as shown in the approved site plan, no later than May of 2014.
3. No more than 20 vehicles for sale shall be allowed on the property at one time.
4. No additional signage shall be located on the vehicles for sale.
5. Special Use Permit shall expire with the change in property ownership, sale of the business or discontinuance of the business.

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

MOTION APPROVED UNANIMOUSLY 5-0

Items B & C were discussed together and voted on separately.

- B. 4301 McFarland Road & 4401 McFarland Road – A Special Use Permit for 6 mini warehouse storage buildings in the CR Zoning District and IL-CR Zoning District.** Appropriate notice has been given.

Matthew Logan, Attorney at Hinshaw & Culbertson, 100 Park Avenue, Rockford, IL was sworn in on behalf of Petitioner. He indicated that the Petitioner wants to expand with an additional 6 mini buildings to be used for storage. Attorney Logan indicated that they would prefer to not install a site obscuring fence siting maintenance issues with high winds. He feels the buildings are placed so they create an obscured view of the storage area.

Mr. Becker expressed concern with voting on items that are not included on the site plan and asked if the Special Use Permit is granted do city code requirements have to be followed.

Mr. Thompson commented that the Special Use Permit is tied to the site plan and when you vote for the Special Use Permit you are approving the Variance.

Mrs. Howlett expressed concerns that the proposed security fence and landscaping were not shown on the site plan.

Attorney Logan stated he could submit an amended site plan that shows where the regular fence will be placed.

Mrs. Howlett stated she can't get over the fact that the board would be approving a site plan that doesn't include what is in the Special Use Permit.

Mr. Thompson added that it is not a zoning code requirement to have a fence surrounding the entire property.

Mr. Becker stated that if for any Special Use Permit the landscaping is not detailed on the site plan, then the board would be approving something that is not up to city code.

Mr. Quintanilla commented that he spoke to the applicant and they planned to continue the fence at the same height as the existing fence around the perimeter for security reasons. They will also be paving between the buildings and he didn't plan on adding any landscaping, but if the board made additional landscaping a condition, he would comply. The photos that were submitted were of a neighboring business without a site obscuring fence.

Mr. Becker commented that since the site plan doesn't show landscaping or obscuring fence, is the city not requiring those items?

Mr. Thompson stated that by approving the Special Use Permit the Variance is granted, because it is not on the plan.

Mr. Becker asked where the gravel would be located.

Attorney Logan indicated that there would be pavement between the buildings and gravel for the outside storage, similar to the existing layout.

Mr. Stromberg commented that one of the conditions is about gravel for the outside storage area; it makes no mention of between the buildings, so that may need to be changed.

Mr. Thompson commented that it's not necessary to put a condition on the mini storage buildings that the Special Use Permit shall expire with the change of ownership, since the facility is adequate for storage use only.

No objectors present.

Mrs. Howlett moved to approve a Special Use Permit for 6 mini warehouse storage buildings in the CR Zoning District and IL-CR Zoning District for the property commonly known as 4301 McFarland Road & 4401 McFarland Road, with the following conditions:

1. The Special Use Permit shall be revoked with verified complaints from adjacent property owners.
2. All driving lanes and building access shall be paved.

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

C. 4301 McFarland Road – A Special Use Permit for outside storage in the CR Zoning District. Appropriate notice has been given.

No objectors present.

Mr. Kern moved to approve a Special Use Permit for outside storage in the CR Zoning District for the property commonly known as 4301 McFarland Road, with the following conditions:

1. Only the areas designated for outside storage according to the official site plan shall be used and no additional areas shall be created.
2. Only licensed operable vehicles shall be stored on the property and in the designated parking area for outside storage. Vehicles include passenger vehicles, commercial vehicles and equipment, and trailers.

3. No construction or bulk materials are permitted to be stored on the property.
4. Gravel is permitted for the outside storage area as submitted and outline from the official site plan.
5. The Special Use Permit shall be revoked with verified complaints from adjacent property owners.
6. All driving lanes shall be paved.

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

MOTION APPROVED UNANIMOUSLY 5-0

7. Public Participation and Comment

None

8. General Discussion

Mrs. Howlett moved that the meeting be adjourned. Second by Mr. Stromberg. Motion carried by voice vote. The meeting was adjourned at 7:05 p.m.

APPROVED:
Sheila Mills, Secretary