



CITY OF LOVES PARK

Department of Community Development

100 HEART BOULEVARD
LOVES PARK, ILLINOIS 61111
815- 654-5033 • Fax: 815-654-5004

Planning • Zoning • Building • Economic Development

AGENDA

LOVES PARK ZONING BOARD OF APPEALS

April 18, 2019
CITY COUNCIL CHAMBERS
5:30 P.M.
100 HEART BOULEVARD

1. Roll call and declaration of a quorum
2. Reading and approval of the minutes from the **March 21, 2019** meeting
3. Report from the Zoning Office - None
4. Unfinished business
5. New business –
 - A. **6200 DAYTONA DRIVE** – A Special Use Permit for a fitness training establishment in the CR (Commercial Retail).
 - B. **5009 PARK VALLEY DRIVE** – A Variance from a required 40 foot building setback to a requested 20 foot building setback on the McFarland Road frontage in the R1 (Single Family Residential) Zoning District.
 - C. **5425 N. SECOND STREET** – A Special Use Permit for an automobile sales lot in the CR (Commercial Retail) Zoning District.
 - D. **TEXT AMENDMENT** – Chapter 102, Article III, Districts, 102-132 (e).
 - E. **11-01-405-007 & 11-01-405-008 E. RIVERSIDE BOULEVARD** – A Special Use Permit for a billboard sign over 600 square feet in the CR (Commercial Retail) Zoning District.
6. Public participation & comment
7. General discussion
8. Adjournment

Andrew Quintanilla
Zoning Officer

More information on these agenda items will be posted on the City's website for public download no later than 7 days prior to the scheduled date: <http://loves-park.il.us/page/82/zoning-board-of-appeals>

MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS
THURSDAY, MARCH 21, 2019
5:30 P.M.
CITY COUNCIL CHAMBERS
LOVES PARK CITY HALL

1. VICE CHAIRMAN SHAWN NOVAK CALLED THE MEETING TO ORDER AT 5:31 P.M.

MEMBERS PRESENT: DENNIS HENDRICKS, CATHY NELSON, BRIAN KERN,
NICOLAS BECKER, SHAWN NOVAK LINDY TOOHILL

MEMBERS ABSENT: ALISE HOWLETT

OTHERS PRESENT: NATE BRUCK – ECONOMIC DEVELOPMENT/PLANNING
DIRECTOR
ATTORNEY PHIL NICOLOSI
SHEILA MILLS – SECRETARY

OTHER ABSENT: ANDREW QUINTANILLA-ZONING OFFICER

Vice Chairman Novak announced that the next Community Development Committee meeting is scheduled for Monday, April 1, 2019 at 6:15 p.m.

2. MINUTES

Mrs. Nelson moved to approve the minutes from the meeting held February 21, 2019.
Second by Mr. Hendricks. Motion carried by voice vote.

3. ZONING OFFICE REPORT

None

5. UNFINISHED BUSINESS

- A. TEXT AMENDMENT – CHAPTER 102, ARTICLE VI, SIGNS.** Appropriate notice has been given.

The board reviewed the presented ordinance and after discussion the following amendments shall be made to the Text Amendment for Chapter 102, Article VI, Signs.

1. *Section c. Location and Separation Requirements.* (2). Change **one mile** to **½ mile**.
2. *Section d. Special Use.* (2) Change **(3) existing billboards** to **(2) existing billboards**.
3. *Section e. Nonconforming billboards.* (3) Change **illuminated** to **self-illuminated**.
4. *Section f. Removal of billboards.* (2) Change 1st and 3rd **Zoning officer** changed to **city**.

Mrs. Nelson moved to approve a Text Amendment for Chapter 102, Article VI, Signs, with the following amendments:

1. *Section c. Location and Separation Requirements.* (2). Change **one mile** to **½ mile**.
2. *Section d. Special Use.* (2) Change **(3) existing billboards** to **(2) existing billboards**.
3. *Section e. Nonconforming billboards.* (3) Change **illuminated** to **self-illuminated**.
4. *Section f. Removal of billboards.* (2) Change 1st and 3rd **Zoning officer** changed to **city**.

Second by Mr. Becker.

MOTION APPROVED 5-0

6. NEW BUSINESS

None

7. PUBLIC PARTICIPATION AND COMMENT

8. General Discussion

None

Mr. Kern that the meeting be adjourned. Second by Mr. Hendricks. Motion carried by voice vote. The meeting adjourned at 6:05 p.m.

Sheila Mills, Secretary



ZONING BOARD OF APPEALS

Community Development Department

Date: April 2, 2019

SUBJECT: Special Use Permit for a fitness training center in the CR (Commercial Retail) Zoning District.

SYNOPSIS: The applicant would like to use this location for the purpose of conducting a fitness training.

LOCATION: 6200 Daytona Drive

COMPREHENSIVE PLAN: The City of Loves Park Comprehensive Plan identifies the area for the use of commercial retail.

ZONING DISTRICT:

North	R1 (Single Family Residential)
South	CR (Commercial Retail)
East	R1 (Single Family Residential)
West	R1 (Single Family Residential)

PHYSICAL SURROUNDINGS: The area is made up of variety of mixed uses that include a food and service retail.

PROPERTY INFORMATION AND RELEVANT FACTS:

The owner of the business will be providing fitness training center. The use is not inherent in the zoning district, and requires a special use permit.

The owner will be offering training classes that will be on a 1 on 1 basis, and group training classes. Members will be allowed to pay as they go, or afforded the opportunity to prepay for services. It will also offer memberships to customers. The business will have hours from 5 am to 8 pm, Monday through Friday. Facilities of this type are permitted in the zoning district, but only by special use.

The City's code requires that there be 1 parking stall for each employee, as well as, 1 stall for each 3 students taking instruction at one given time. There will be no employees, workers will function as subcontractors, not employees. The owner has informed Staff that each class will have roughly 15/25 students. The business will be using about 2,000 square feet for instruction. The total required parking for this location is 12 parking stalls. The location provides 20 parking stalls, two of which are accessible stalls. The proposed site plan and parking provided satisfies the City's parking requirement.

The property has a dumpster on site. The previous occupant did not install the enclosure. Dumpster enclosures are required by code. The owner shall work with the owner to meet this requirement.

The facility has a southern property boundary, that runs parallel to the private drive that runs east and west. This private drive is the responsibility of all of the property owners in the area from Mulford Road, to the west, and Sinkiawic Parkway, to the east. The private drive does have a recorded access agreement that runs the span of Daytona Drive. From the areal it is difficult to determine how much of the parking directly in front of the building can be used for this business. The parking area measures roughly 8 feet in depth. The private drive that is utilized for this business and all of the businesses in the area, measures roughly 28 feet in depth. Because of the shared southern property boundary, and the potential for accidents by parking in front of the building, Staff does not see that parking in front of the business to be safe for customers visiting the facility. Two no-parking signs in front of the building will serve to keep the drive free from obstructions.

The Special Use Permit granted to the previous owner for a dance studio did come with some problems. The adjacent businesses owners to the south had called Staff, with numerous complaints. The complaints were about the loud music related to the dance instruction on-site. The business owner was performing classes with the doors open and the music was adversely affecting adjacent businesses. Another complaint was parking. The customers for the dance studio were parking on adjacent lots, which reduced the parking for adjacent business on different lots. In both cases, on several occasions, Staff reached out to the owner of the studio to correct the problem.

RECOMMENDATION:

Approval - A Special Use Permit for a fitness training center in the CR (Commercial Retail) Zoning District.

Conditions:

1. The Special Use Permit expires with the discontinuance of the business, change in business ownership, or change in property ownership.
2. The Special Use Permit shall be revoked with verified complaints from adjacent businesses or property owners.
3. Customer parking shall only be permitted in the parking lot for this facility, and parking directly in front of the building is not permitted. Two no parking signs shall placed in front of the building.
4. Customer parking shall not be permitted in adjacent parking lots, or other private property.
5. The business shall not open the doors during classes. Music or audio related to the business shall not project outside of the building onto adjacent properties.
6. The Special Use Permit shall have a 1 year renewal from the date of approval.
7. The dumpster enclosure shall be installed no later than May 31, 2019.

APPROVAL / DENIAL / TABLED

ATTACHMENTS:

See attachments

**ZONING BOARD
RECOMMENDATIONS:**

Vote: _____

CONDITIONS:

**AUDIENCE
COMMENTS:**



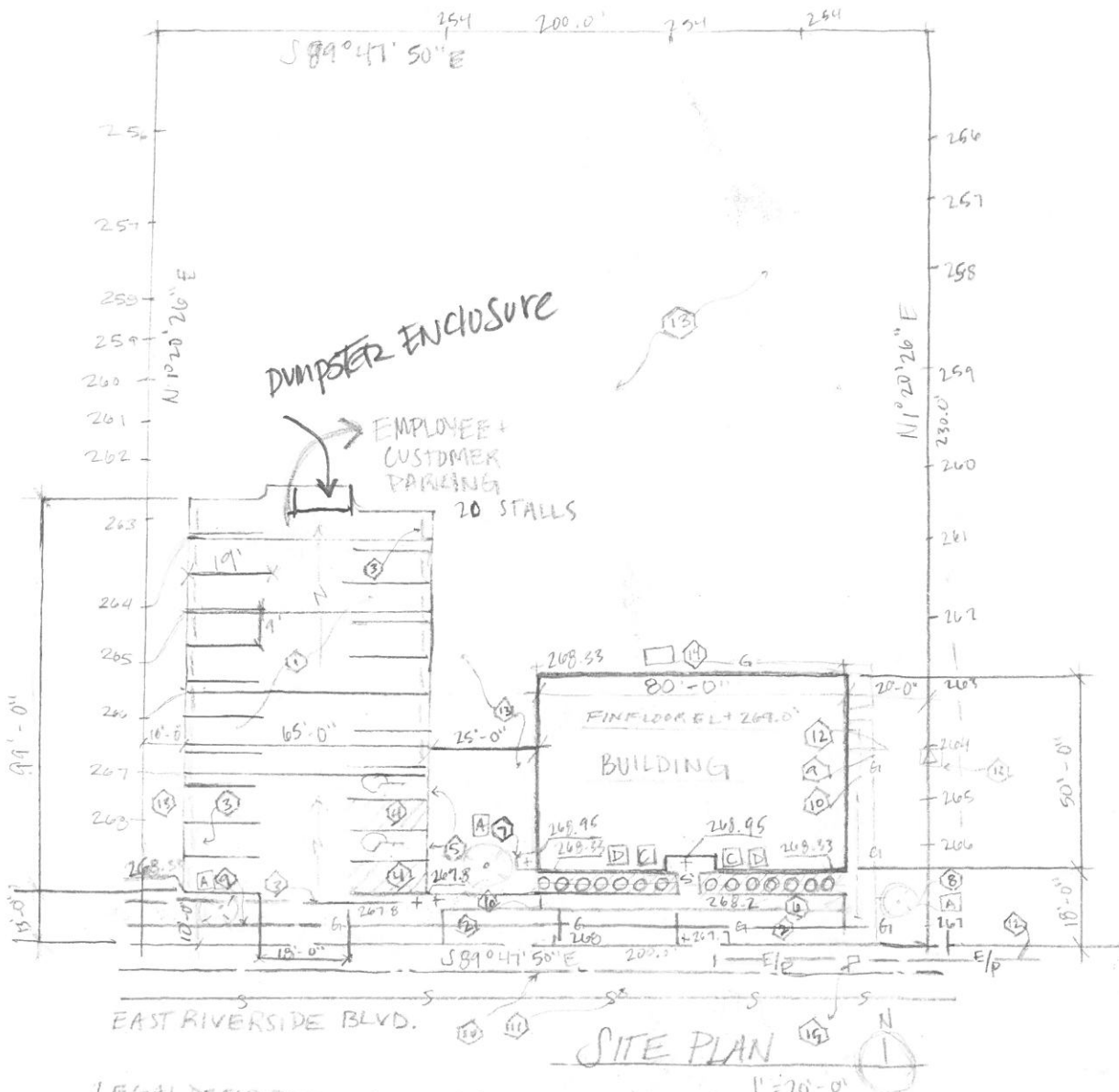
Parcel Number: 12-03-151-015

Zoning: CR (Commercial Retail)

Property Address: 6200 Dayton Drive

Owner Information: Joseph N. & Martina Viglietta
3511 Sage Drive
Rockford, Illinois 61114

Petitioner: Joseph N. & Martina Viglietta
3511 Sage Drive
Rockford, Illinois 61114



LEGAL DESCRIPTION: LOT 24 PLAT 6
 ROCK VALLEY BUSINESS PARK
 LOVES PARK, IL





Recommended Findings of Fact of City Staff based on the information provided by the applicant

Findings as Required by Loves Park Ordinance - Each enumerated finding must be considered before a petition for a special use may be approved.

Mark **"Yes"** if the findings have been considered and found to be relevant and true. Mark **"No"** if the findings have been considered and not found to be true. If you mark **"No,"** please explain why in the space provided below each finding. Mark **"N/A"** if the finding is not applicable to the situation.

Staff ZBA

- 1 YES The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare. The special use will likely generate traffic to the area, which will likely have a positive impact for businesses in the zoning district. It is unlikely that a fitness center will adversely affect adjacent properties or businesses in this zoning district.

Reason:

- 2 YES The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood.

The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood. The "use" is appropriate for this zoning district provided the business obtain a Special Use Permit. This use is a recreational use which will likely enhance activity in the vicinity. The use will provide increased short-term activity to the area throughout the day. Users of the facility will be utilizing a service for no more than a few hours at a time and likely leave the area once using the facility. Some users may stay and patronize other businesses in the area and zoning district.

Reason:

- 3 YES The establishment of the special use will not impede the normal orderly development and improvement of the surrounding property for "uses" permitted in the district.

The establishment of the special use will not impede the normal orderly development and improvement of the surrounding property for "uses" permitted in the district. The property will not undergo any significant changes as a result of the approval. The surrounding businesses will likely notice increased traffic to the area as a result of the approval because the business will be situated among other businesses, but located on a private drive that serves as a secondary access point for the businesses in the zoning district. It is unlikely that the excess traffic to the zoning district using the private drive will adversely affect the adjacent businesses.

Reason:

- 4 N/A Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.

Reason:

- 5 YES Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.

Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets. Access to the business will be from the east and west of the zoning via a private road that is owned and maintained by all of the adjacent property owners. Access on the private drive may be problematic is customers of this facility utilized parking directly in front of the building. If customers are only permitted to park in the parking lot for this facility, it is unlikely that access on the private drive will be an issue.

Reason:

- 6 YES The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located. The zoning officer shall forward the board of appeal's decision and records to the city council within ten days after action or within 45 days from the date of public hearing if no action has been taken by the board of appeals.

These findings are based on staff interpretation of the required findings necessary for approval of a Special Use Permit. The Zoning Board of Appeals must indicate whether or not all the findings have been met to substantiate the approval of a special use.

These findings have been adopted as the official Findings of Fact for the City of Loves Park, Zoning Board of Appeals agenda item:

6200 Daytona Drive

Fitness center

Chairman
Alise Howlett

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: April 5, 2019

SUBJECT:	A Variance from a required 40 foot building setback to a requested 20 foot building setback on the McFarland Road frontage in the R1 (Single Family Residential) Zoning District.
SYNOPSIS:	The applicant would like to install an above ground pool at his home, but is limited due to an existing sewer easement on his property.
LOCATION:	5009 Park Valley Drive
COMPREHENSIVE PLAN:	The City of Loves Park Comprehensive Plan identifies the area for the use of commercial retail.
ZONING DISTRICT:	North R1 (Single Family Residential) South R1 (Single Family Residential) East R1 (Single Family Residential) West R1 (Single Family Residential)
EXISTING CONDITIONS:	A recorded 40 foot sanitary sewer easement on the south half of the property.
PROPERTY INFORMATION AND RELEVANT FACTS:	<p>The property owner would like to place a pool in the secondary front yard setback. Accessory structures are not permitted in the required front yard setbacks. The owner is requesting a variance of 20 feet to install a pool at his home.</p> <p>The property has a 30 foot building setback on Park Valley Drive and a 40 foot setback on McFarland Road. The property also has a 40 foot sanitary sewer easement that runs the full width of the southern part of the parcel.</p> <p>The owner contacted Rock River Water Reclamation (RRWR) regarding the easement. The RRWR granted the owner permission to install his above ground pool in the easement. Staff has obtained a copy of the variance agreement entered into by the RRWR and the property owner allowing access.</p> <p>The property owner has some concern about using such a large area within the easement for the pool. While the above ground pool will be in some portion of the easement, the owner does not want to utilize the entire easement. The owner requests permission to install the above ground pool 20 feet into the secondary building setback along McFarland. City code does not permit this.</p> <p>The owner realizes that there may be some future date when the RRWR may need access the easement to perform maintenance, or do repairs to this part of the property.</p>

The owner does not want this situation to adversely affect the pool installation. While the owner was granted access to the easement, he would prefer to use some portion of the 40 foot building setback along McFarland Road in conjunction with some small portion of the easement.

The property has a unique set of circumstances. Dual setbacks and a recorded easement make it difficult for the homeowner to utilize his property. The homeowner has a hardship that is limiting the use of the property.

RECOMMENDATION: **Approval** - A Variance from a required 40 foot building setback to a requested 20 foot building setback on the McFarland Road frontage in the R1 (Single Family Residential) Zoning District.

APPROVAL / DENIAL / TABLED

ATTACHMENTS: See attachments

**ZONING BOARD
RECOMMENDATIONS:**

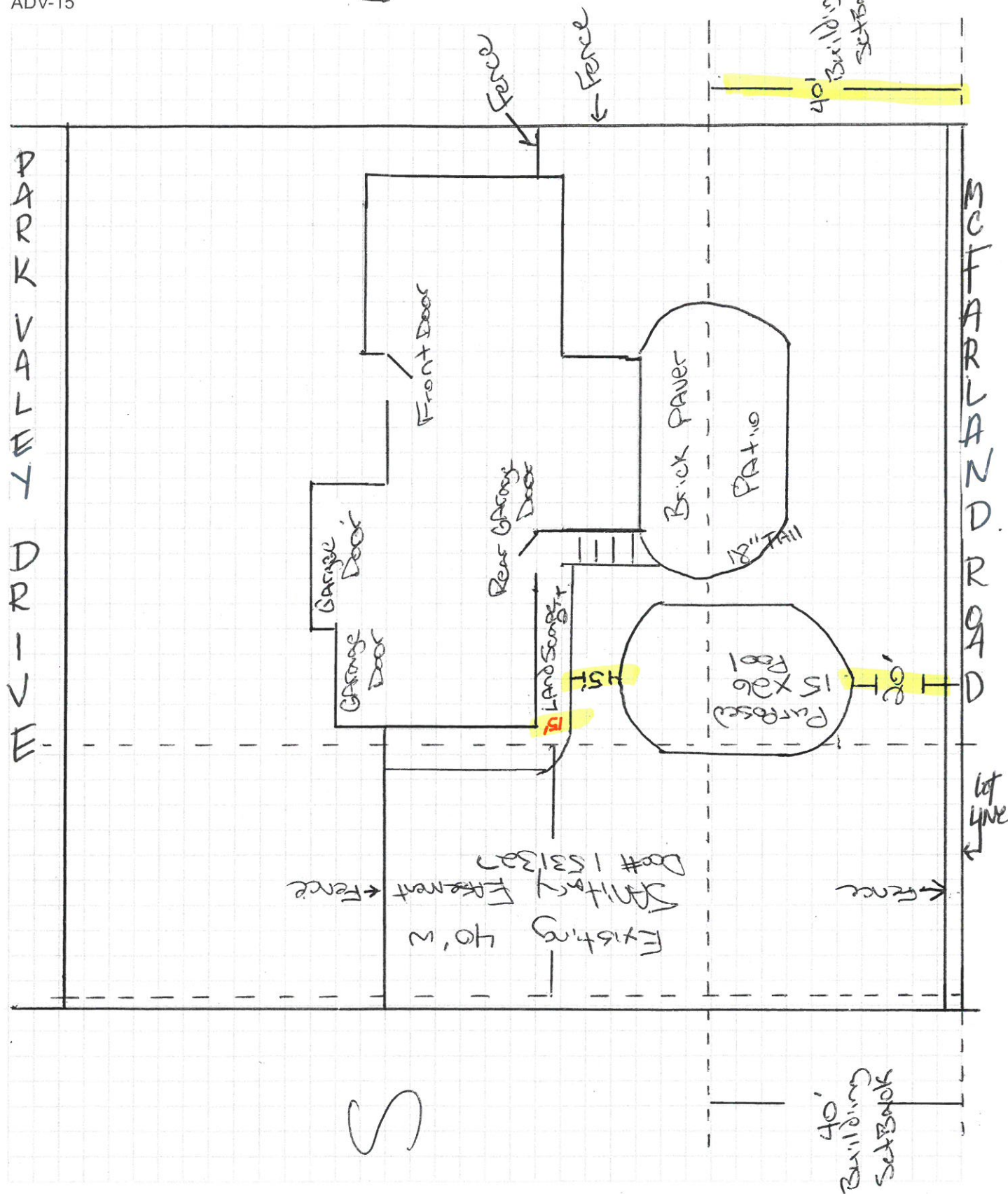
Vote: _____

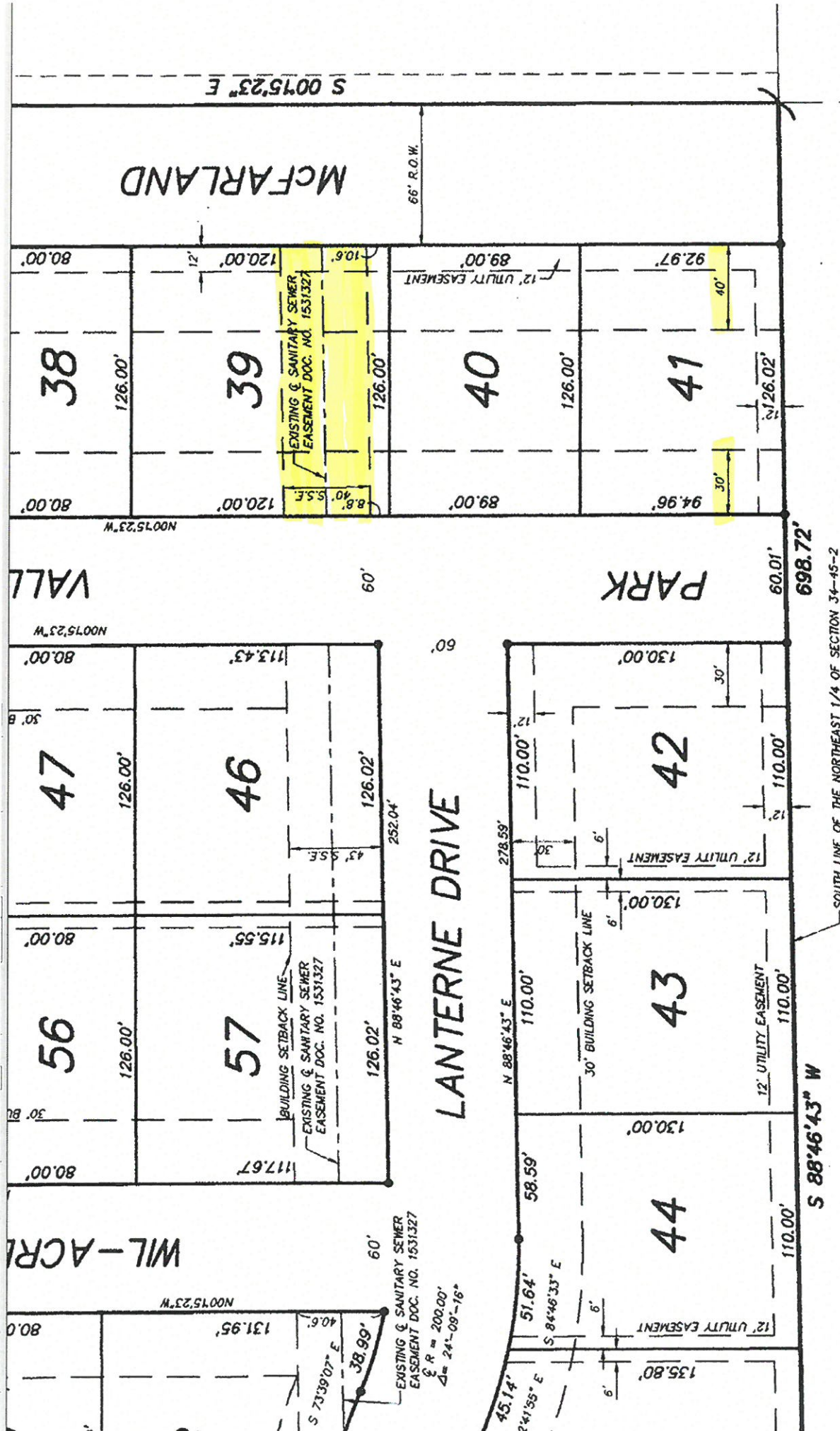
CONDITIONS:

**AUDIENCE
COMMENTS:**



PARCEL CODE:	08-34-282-006
ZONING:	SINGLE FAMILY RESIDENTIAL
PROPERTY OWNER:	SEAN D. & KRISTY J. LYONS 5009 PARK VALLEY DRIVE LOVES PARK, ILLINOIS 6111
APPLICANT:	SEAN D. & KRISTY J. LYONS 5009 PARK VALLEY DRIVE LOVES PARK, ILLINOIS 6111





SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 34-45-2

Recommended Findings of Fact of City Staff based on the information provided by the applicant

Findings as Required by Loves Park Ordinance - Each enumerated finding must be considered before a petition for a variation may be approved.

Mark **"Yes,"** if the findings have been considered and found to be relevant and true. Mark **"No,"** if the findings have been considered and found to be not true. If you mark **"No,"** please explain why in the space provided below each finding. Mark **"N/A,"** if the findings are not applicable to the situation.

Location: 5009 Park Valley Drive

Staff ZBA

- 1 YES _____ Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter.
Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter. The restrictions placed on the property do create an unnecessary burden on the property owner. The homeowner is not expecting to use the property for unreasonable uses that do not already exist in the district. The variance will allow him to use the property for reasonable residential uses that exist across all residential zoning districts.
Reason: _____

- 2 YES _____ There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties classified in the same zoning district.
There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties classified in the same zoning district. The property has a 30ft setback, and 40ft setback, and a sizeable easement across the property that severely limits the property owner from using his property. While there are other properties in the area that have dual setbacks, there are very few that a large sanitary sewer easement spanning the full width of the property.
Reason: _____

- 3 YES _____ Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district. The property has an existing single family dwelling, however, under normal circumstances the property could be utilized for a recreational pool. The owner was given permission to install a pool in the sanitary sewer easement but did not want to risk losing the pool at some future date as a result of repairs or maintenance. The homeowner will be using some portion of the easement but would prefer to use the secondary building setback to install the pool, where there is less risk to his investment.
Reason: _____

- 4 YES _____ The granting of the variation will not constitute a grant of special privilege inconsistent with the limitations on the other properties classified in the same zoning district.

The granting of the variation will not constitute a grant of special privilege inconsistent with the limitations on the other properties classified in the same zoning district. The property owner has a legitimate hardship derived from the property that place unreasonable restrictions on the land.

Reason:

- 5 YES _____ The granting of the variation will not be detrimental to the public health, safety, welfare or material injurious to properties or improvements in the vicinity.

The granting of the variation will not be detrimental to the public health, safety, welfare or material injurious to properties or improvements in the vicinity. The nature of the variance is for a recreational pool, that is unlikely to adversely impact the welfare of residents in the vicinity, or potential development in the zoning district.

Reason:

- 6 YES _____ The concurring vote of four members of the board shall be necessary to recommend the authorization of any variance in this chapter.

These findings are based on staff interpretation of the required findings necessary for approval of a variation. The Zoning Board of Appeals must indicate whether or not all the findings have been considered to substantiate the approval of a variation.

These findings have been adopted as the official Findings of Fact for the City of Loves Park, Zoning Board of Appeals agenda item:

5009 Park Valley Drive

Variance from a required 40 ft setback to a requested 20 ft building setback

Chairman

Alise Howlett

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: April 11, 2019

SUBJECT: A Special Use Permit for a automobile sales lot in the CR (Commercial Retail) Zoning District.

SYNOPSIS: The applicant would like to open a used car sales lot without auto repair.

LOCATION: 5425 N. Second Street

COMPREHENSIVE PLAN: The City of Loves Park Comprehensive Plan identifies the area for the use of commercial retail.

ZONING DISTRICT:

North	CR (Commercial Retail)
South	CR (Commercial Retail)
East	CR (Commercial Retail)
West	CR (Commercial Retail)

PHYSICAL SURROUNDINGS: The area is made up of variety of mixed uses that include a food and service retail.

PROPERTY INFORMATION AND RELEVANT FACTS: The owner of the property had discontinued his automobile sales lot. The new business owner would like to continue auto sales at this location. The new business owner is required to obtain a Special Use Permit for automobile sales for his business.

The applicant will be continuing the use of automobile sales at this location. He is requesting up to 25 vehicles for sale at this location. The previous owner was allowed to sell 22 vehicles for sale, but was the subject of overcrowding complaints reported to the City. Staff has received numerous complaints from adjacent businesses, property owners, and the Loves Park Police Department regarding this applicant. The complaints include overcrowding of the lot with vehicles, car repairs that are not permitted in the zoning district, and parking in the right-of-way and on adjacent lots. To ensure that these complaints do not continue with the approval of the special use, Staff sees that they shall be incorporated in the conditions for approval. Staff does not see that the property can efficiently handle 25 vehicles for sale and observe the 24 foot vehicle circulation space needed for customers. Staff sees that a reduced number of about 17 vehicles for sale would be more appropriate given the size of the lot.

The property is in the N. Second Street Overlay District. Automobile sales is not a permitted use in the overlay district. Staff sees that it would be appropriate to allow the applicant to utilize the property for the continued use of automobile sale, however, if the applicant violates the terms of the special use, the City of Loves Park shall proceed forward with the revocation of the Special Use Permit, and the property will be subject to the terms of the N. Second Street Overlay District.

The applicant is required to provide landscaping for his new business. The landscaping is required to span all frontages, observing ingress/egress. The applicant has informed Staff that he did not want to provide landscaping on the frontages, but would put some low lying shrubs and two trees up around the office building. The proposed additions would enhance the property, but not meet the requirement. Staff sees that the request to not provide landscaping is not derived from an actual hardship.

The site plan for the original approval, in 1994, identifies a 3 foot grass area that spanned across the front of the lot on N. Second Street. Staff does not know if the terms of the special use required that the grass area be installed or if it was existing. Like many property owners on N. Second Street, the grass areas over the years were filled with asphalt or concrete. In either case, Staff sees that the frontage on N. Second Street can be restored to green space to meet to meet some part of the landscape requirement. The requirement is 3 trees with some combination of low lying shrubs and live plants. Staff sees that an 8 ft. buffer on N. Second Street, can be installed. The second frontage on Cherry Place is not highly traveled, serves more as a service road, and has above ground utilities and supports that would make landscaping difficult. Staff would be agreeable to a Variance for the landscaping on the Cherry Place frontage. However, the gravel areas created in front of the building shall be returned back to grass. At some point over the years, gravel was added, and used for parking. (see Staff proposal site plan for landscaping).

Over the years, new automobile sales lots have been required to meet the landscaping requirements. If the special use is approved, it should be approved with the landscaping on N. Second, and no landscaping on the Cherry Place frontage. If the special use is approved, the number of vehicles available for sale will be reduced. Staff sees that the removal of the 7 stalls will reduce the number vehicles for sale down to 18. Staff also sees that the business owner shall stripe the vehicle sales area. This is help reinforce what the land is capable of supporting.

The property does not have a site obscuring dumpster enclosure. The enclosure is required. The owner of the business has agreed to install the site obscuring enclosure with the approval of the special use.

The business is required to have 3 stalls, one of which shall be an accessible stall. The applicant will be provided the necessary parking for customers up in the front. Employee parking will be in the back.

RECOMMENDATION: **Approval** - A Special Use Permit for an automobile sales lot in the CR (Commercial Retail) Zoning District.

Conditions:

1. The Special Use Permit expires with the discontinuance of the business, change in business ownership, or change in property ownership.
2. The Special Use Permit shall be revoked with verified complaints from adjacent businesses, property owners, or authorities. Revocation of the special use will require that this property be subject to the provisions of the N. Second Street Overlay District.
3. The dumpster enclosure shall be installed on or before May 31, 2019.
4. A 8 foot deep curbed, landscape and mounded buffer with 3 trees shall be installed across the N. Second Street frontage. The 8 foot landscape buffer on Cherry

Place shall not be required, but the gravel areas in front of the building shall be restored back to grass.

5. No vehicle repair shall be permitted at this location. All vehicle repairs must be done off-site.
6. The establishment shall not be a "buy here pay here" establishment. All financing shall be through an off-site third party.
7. Only 17 vehicles for sale shall be allowed at any given time. The 24 ft. travel lane shall remain unobstructed from vehicles for sale.
8. No customer, employee, or vehicles for sale shall be parked on adjacent lots, or in the right-of-way.
9. The customer, employee, and vehicles sales areas shall be striped on or before on or before May 31, 2019. Vehicles for sale shall be parked in parking stalls and not across parking stall lines.
10. No lifts or platforms shall be permitted for vehicle displays.
11. There shall be no storage of the owner or employees personal or recreational vehicles, which includes campers, trailers, rv's, aquatic items, boats, or any other other items not associated with the business.
12. The business shall be limited to the sale of passenger motor vehicles only. Only passenger vehicles weighing 6,000 lbs. or less shall be permitted. Oversized commercial vehicles that are licensed and used for the transportation of goods or materials, rather than passengers, shall not be permitted.
13. Signage shall only be permitted to be placed on the inside of the rear passenger window on paper, indicating price, option, and other relevant information. Signage for the year, model, and price shall be permitted on the front passenger windshield with the use of manufactured professional appearing letters and numbers for any vehicle for sale.
14. Loading and unloading of vehicles shall not be permitted on N. Second Street.

APPROVAL / DENIAL / TABLED

ATTACHMENTS:

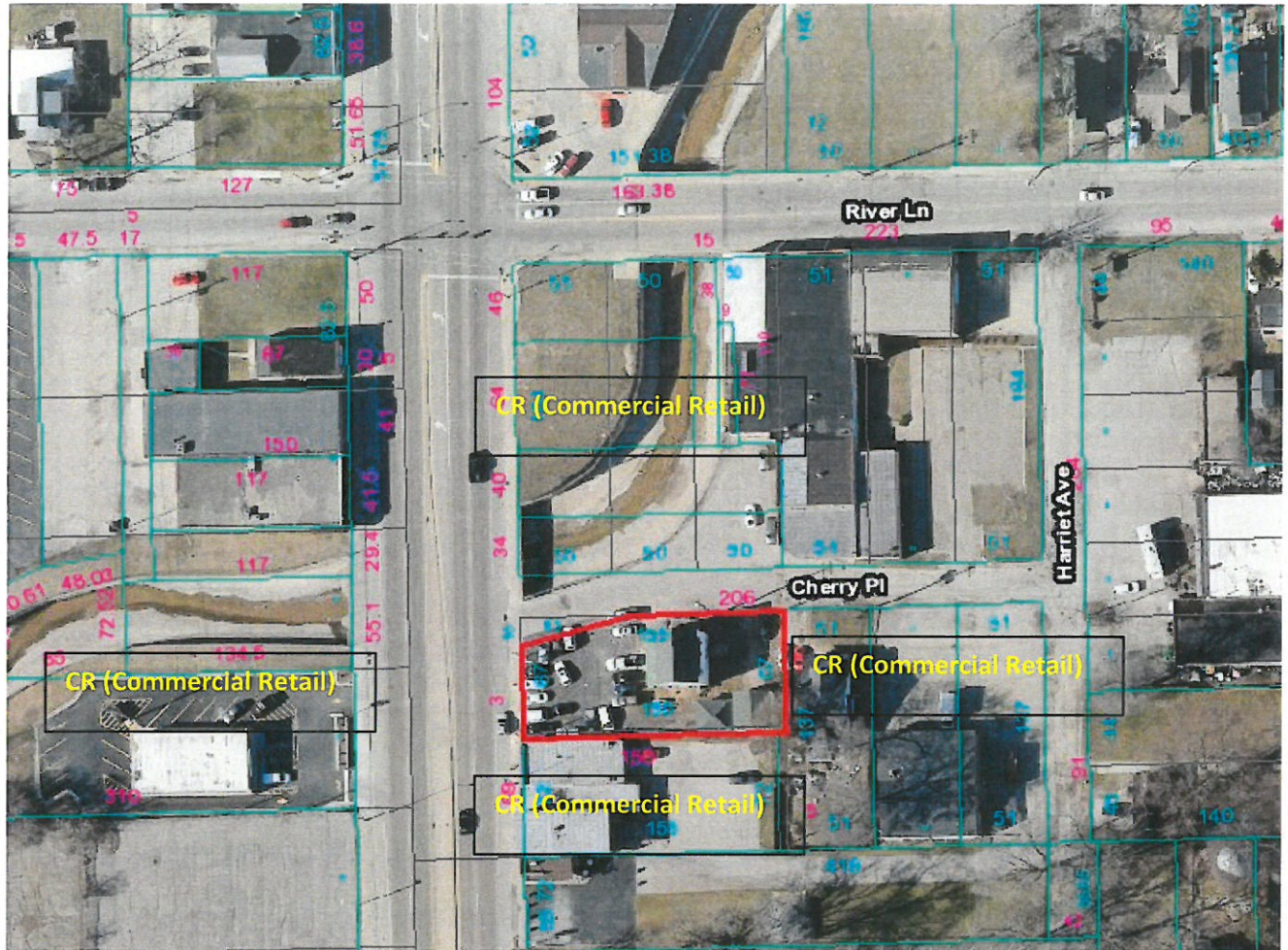
See attachments

**ZONING BOARD
RECOMMENDATIONS:**

Vote: _____

CONDITIONS:

**AUDIENCE
COMMENTS:**



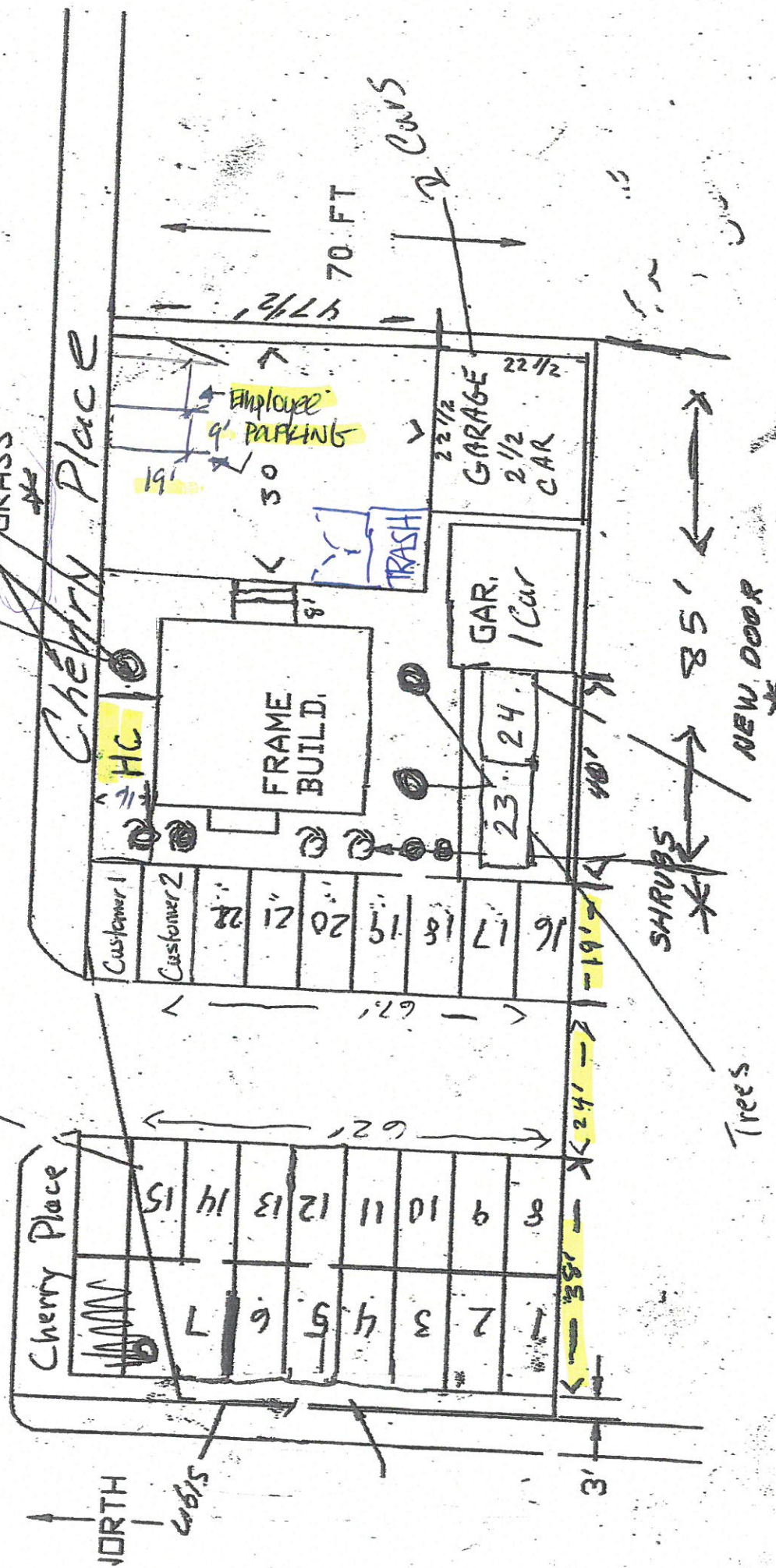
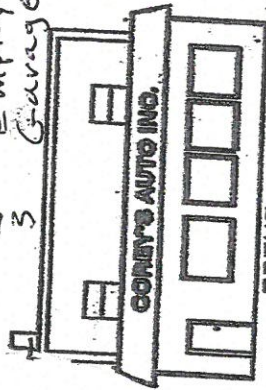
Parcel Number:	12-07-102-039
Zoning:	CR (Commercial Retail)
Property Address:	5425 N. Second Street
Property Owner:	Ronald Corey 1729 Saint Clair Ave E North Fort Meyers, Florida 33903
Applicant:	Christopher R. Plunkett 724 Reynolds Street Rockford, Illinois 61103

SITE PLAN 2019

8-29-94

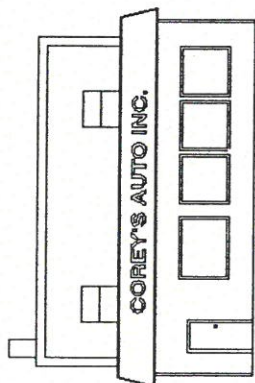
P, Z, A Com.

- 24 Lot Stalls
- 2 Customer Stalls
- 1 Handicap Stall
- 2 Employee Stalls
- 3 Garage Stalls

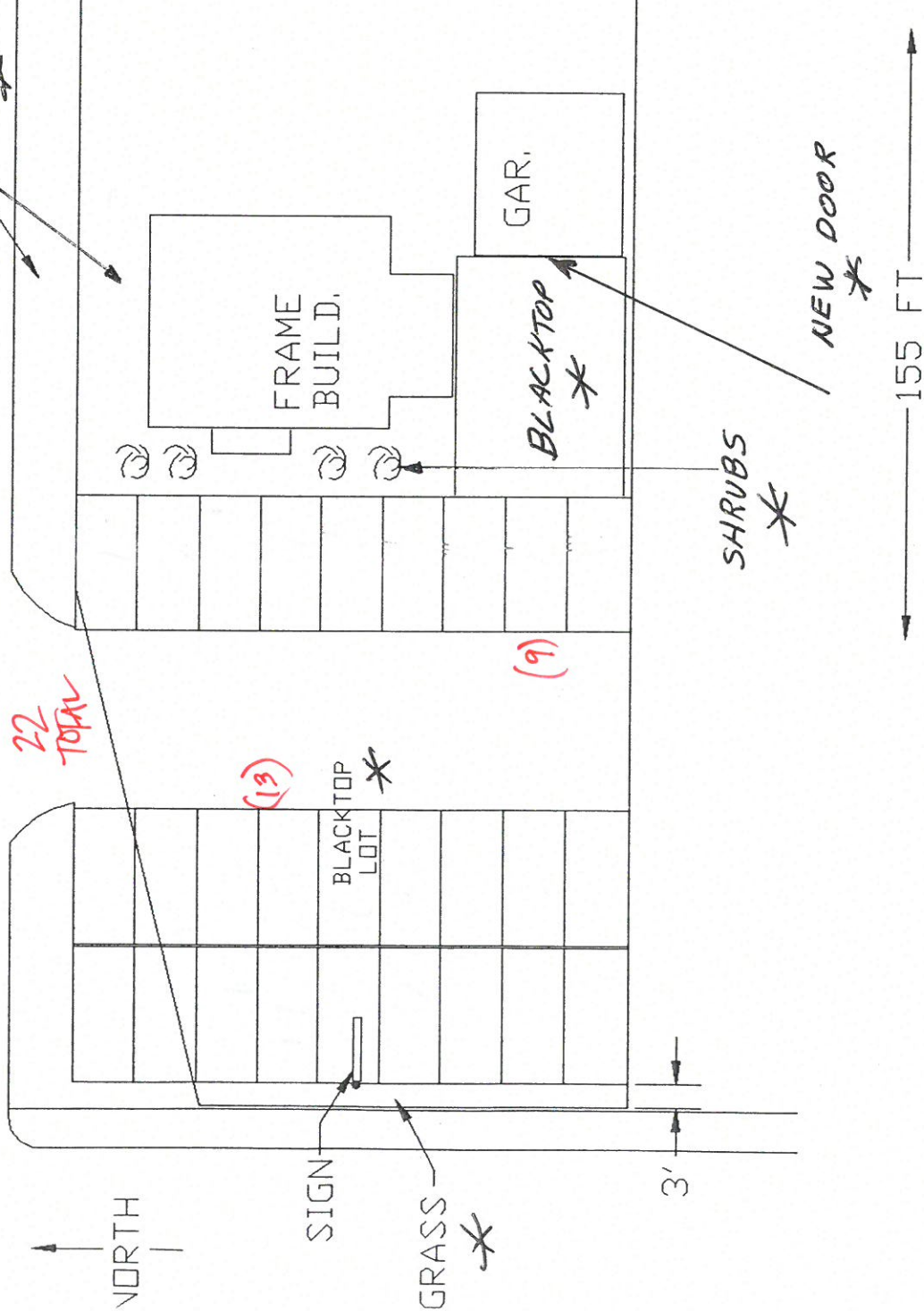


8-29-94

P, Z, A Commis



ORIGINAL SITE PLAN
1994

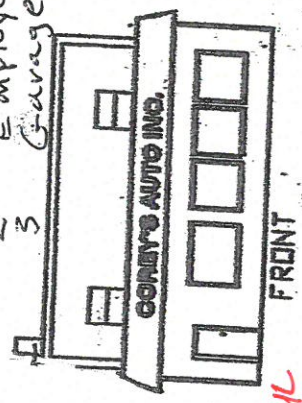


STAFF PROPOSAL

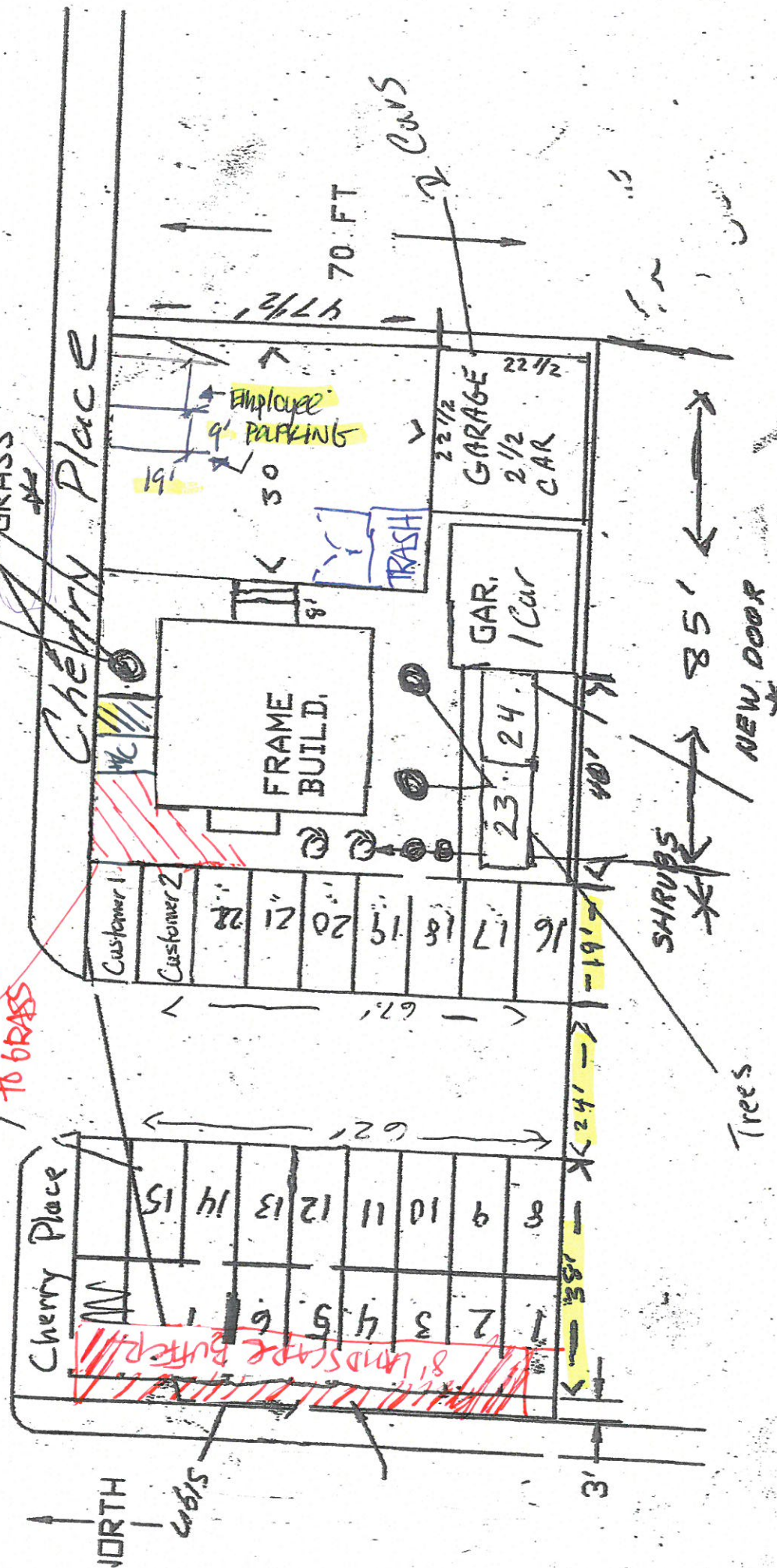
8-29-94
P, Z, A com.

- 24 Lot Stalls
- 2 Customer stalls
- 1 Handicap Stall
- 2 Employee Stalls
- 3 Garage Stalls

Dumpster



RESTORE AREA BACK
TO GRASS





Recommended Findings of Fact of City Staff based on the information provided by the applicant

Findings as Required by Loves Park Ordinance - Each enumerated finding must be met before a petition for a special use may be approved.

Mark "Yes," if the findings have been considered and found to be relevant and true. Mark "No," if the findings have been considered and found to be not true. If you mark "No," please explain why in the space provided below each finding. Mark "N/A," if the findings are not applicable to the situation.

Location: 5425 N. Second Street

Staff ZBA

- 1 YES The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
The establishment, maintenance, or operation of the special use not will be detrimental to or endanger the public health, safety, and general welfare of the surrounding uses. The use is a permitted use by special use. The special use allows the City to place performance standards in place to ensure that the use will compliment the existing uses. Staff has evaluated the unfavorable conditions that may arise as a result of the establishment of the special use, and placed necessary safeguards on the use to negate any unfavorable outcomes. This use should not adversely affect existing inherent uses, or be a detriment to the zoning district.
Reason: _____
- 2 YES The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood.
The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values. The use, as uses go, is a low impact use to the zoning district. The applicant will be required to provide landscaping that will span the frontage of the property on N. Second Street, which will likely improve the area, and likely positively impact the value of this property and adjacent properties.
Reason: _____
- 3 YES The establishment of the special use will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district.
The establishment of the special use will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district. The existing use was for automobile sales. The applicant is continuing the use under his business. The previous business owner had some issue with overcrowding on the lot, but the owner brought the lot into compliance with the special use. The new applicant will implement landscaping and have a reduced number of cars on the lot. The landscaping and clean up of the property should enhance growth prospects for the area.
Reason: _____
- 4 N/A Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.

Reason:

- 5 N/A Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.

Reason:

- 6 YES The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located. The zoning officer shall forward the board of appeal's decision and records to the city council within ten days after action or within 45 days from the date of the public hearing if no action has been taken by the board of appeals.

These findings are based on staff interpretation of the required findings necessary for approval of a Special Use Permit. The Zoning Board of Appeals must indicate whether or not all the findings have been considered to substantiate the approval of a special use.

These findings have been adopted as the official Findings of Fact for the City of Loves Park, Zoning Board of appeals agenda item: 5425 N. Second Street
SUP Automobile sales lot

Chairman
Alise Howlett

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: April 11, 2019

SUBJECT: Text Amendment: Chapter 102, Article III, Districts, Section 102-132 (e).

TEXT AMENDMENT INFORMATION

Staff is recommending a text amendment to the current fence requirements to prohibit fences in the drainage easements. Fences have the capacity to adversely impact the flow of water from the natural grade established for a parcel. The intent is to keep fences out of the drainage easement to prevent any adverse consequences that may arise as a result of the installation.

Amend Article III, Districts, Division 1, Generally, Section 102-132 (e) as follows:

Fencing regulations. All fences shall be installed with the finished site facing the adjacent property and fence posts facing the property on which the fence is placed. There shall be no height restrictions for open mesh type fenceing used to enclose publicly owned parks, recreation areas, or school sites. In all cases, barbed wire is not permitted. Fences shall not be permitted in recorded drainage easements.

RECOMMENDATIONS: **Approval** - Text Amendment: Chapter 102, Article III, Districts, Section 102-132 (e)

ATTACHMENTS: See Attachments

ZONING BOARD

RECOMMENDATIONS: APPROVAL / DENIAL / TABLED

Vote: _____

CONDITIONS:

**AUDIENCE
COMMENTS:**



ZONING BOARD OF APPEALS

Community Development Department

Date: April 11, 2019

SUBJECT: A Special Use Permit for a billboard sign over 600 square feet in the CR (Commercial Retail) Zoning District.

SYNOPSIS: The applicant would like to replace 4 non digital billboards with 2 electronic digital billboards.

LOCATION: On E. Riverside Boulevard between the bridge at Martin Park, and East Drive, on the south side of E. Riverside.

COMPREHENSIVE PLAN: Commercial retail and residential uses.

ZONING DISTRICT:

North	CR (Commercial Retail)
South	R1 (Single Family Residential)
East	CR (Commercial Retail) - Occupied residential dwelling
West	CR (Commercial Retail)

PHYSICAL SURROUNDINGS: Mixed commercial retail uses including office, automotive, and food service. Residential zoned properties, and commercially zoned residences being used for residential purposes.

EXISTING CONDITIONS: None

RELEVANT PROPERTY INFORMATION

The applicant is applying for a Special Use Permit for a digital electronic display billboard over 600 feet.

The applicant will be removing 4 billboards totaling 1,200 square feet, and replacing the billboards with 2 electronic digital billboards that total about 792 square feet.

The applicant will be installing a pedestrian sidewalk, that is existing, but has fallen in serious disrepair over the years. The applicant indicated that he would be making arrangements to do the installation, and should be tied to the approval.

Approval - A Special Use Permit for a billboard sign over 600 square feet for parcels 11-01-405-007 & 11-01-405-008 in the CR (Commercial Retail) Zoning District.

Conditions:

1. A pedestrian sidewalk shall be installed across the frontage of both properties, 11-01-405-007 and 11-01-405-008. Arrangements shall be

- coordinated with City Staff.
2. The combined square footage of both sign faces shall not exceed 792 square feet.
 3. The billboard must comply with all of IDOT standards and regulations, and subject to the permitting process with the City of Loves Park.

ATTACHMENTS:

See attachments

Vote:

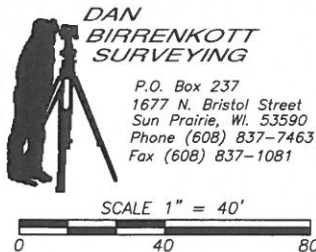
APPROVAL / DENIAL / TABLED

CONDITIONS:

None

AUDIENCE

COMMENTS:



SITE PLAN

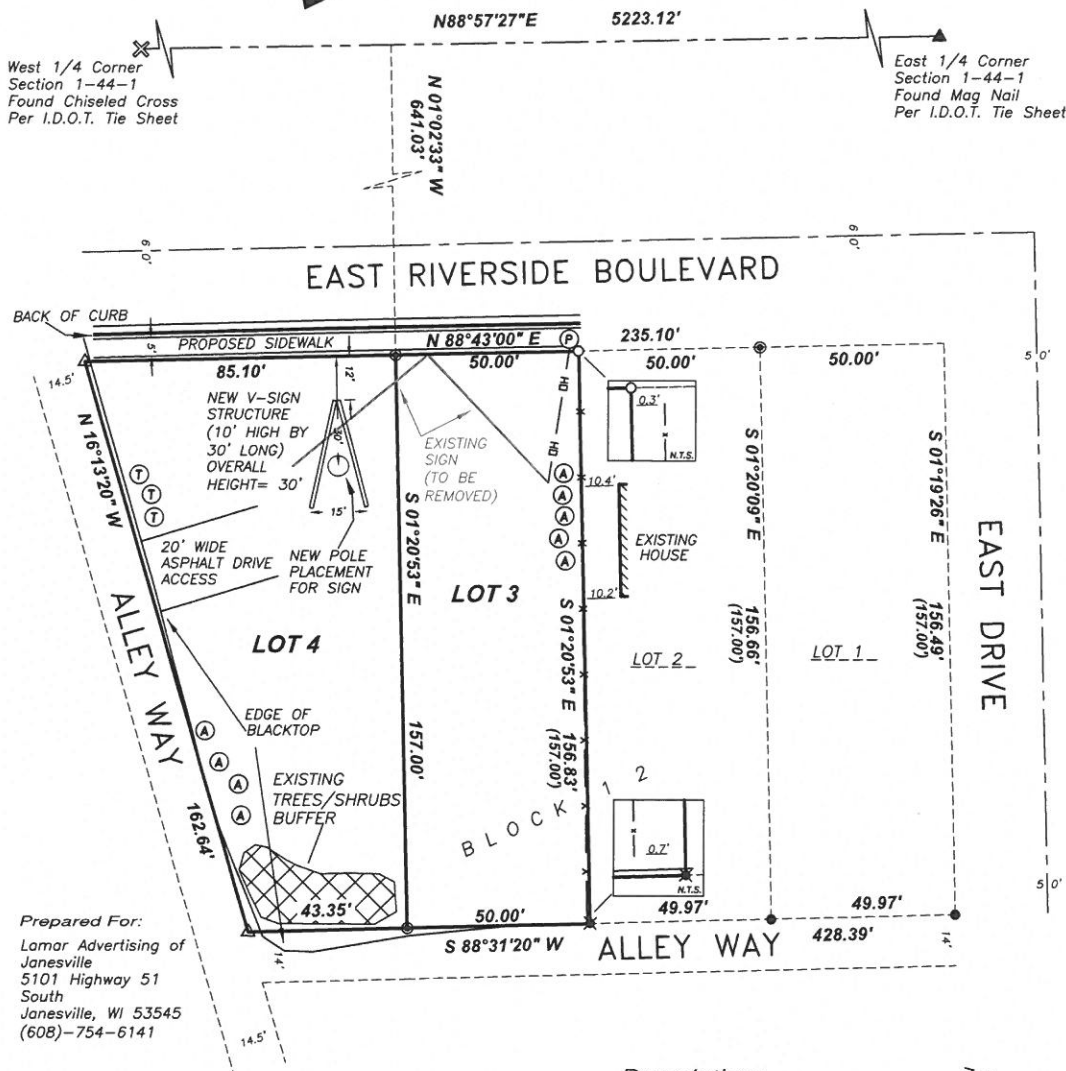
SURVEYOR'S CERTIFICATE:

I, Daniel V. Birrenkott, an Illinois Professional Land Surveyor, certify that I have surveyed and described property and that the map shown is a true and accurate representation thereof to the best of my knowledge and belief.

Dated this _____ day of _____, 2018.

Daniel V. Birrenkott, Professional Land Surveyor
No. 035-003537

DRAFT



Legend:

- = Found 1/4" Iron Bar
- ⊙ = Found 1 1/4" Iron Pipe
- ✕ = Found 1/2" Iron Pipe
- = Found 1/2" Iron Bar
- ✕ = Found Chiseled 'X' in concrete
- ▲ = Found Mag Nail
- △ = Set Mag Nail
- () = Recorded as data
- ⊙ = Power Pole
- = 3/4"x24" Iron Bar set
min.wt.=1.50#/ln.ft.
- x — = Chain Link Fence
- OH — = Overhead Utilities
- ⊙ = Existing Tree
- ⊙ = New Arbovitae Tree
(6' Tall)

Description:

Lot 3 and 4, Block Sixteen (16) as designated upon the Plat of Fred L. Burr's River Park Subdivision, being a Subdivision in the North Half (1/2) of the South Half (1/2) of Section 1, Township 44 North, Range 1 East of the Third Principal Meridian, the Plat of which Subdivision is recorded in Book 12 of Plats on page 32 in the Recorder's Office of Winnebago County, situated in the County of Winnebago and State of Illinois.

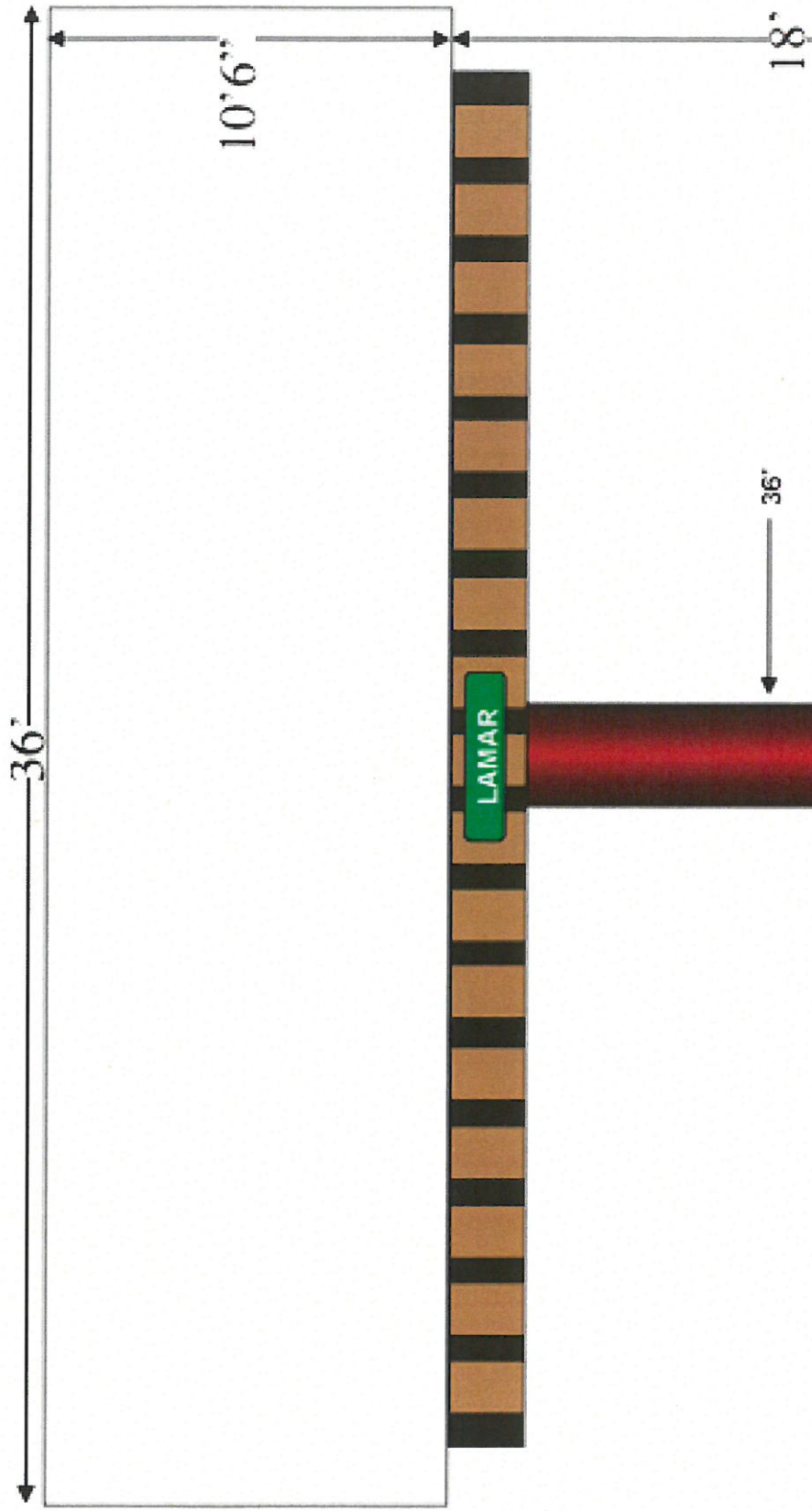
Bearings referenced to the North line of the Southwest 1/4 of Section 1, Township 44 North, Range 1 East of the Third Principal Meridian, bearing N88°57'27"E

Notes:

This survey is subject to any and all easements and agreements both recorded and unrecorded.

Wetlands, if present have not been delineated.

This survey shows the billboard only, other improvements exist but were not located. No guarantee is made for below-ground structures.



10'6" x 36'

ATTENTION LOVES PARK ZONING BOARD OF APPEALS

MY NAME IS Jim KIMBERLY, AND I LIVE AT 129 GRAND BLVD.

I WANT IT NOTED THAT I STRONGLY OPPOSE THE EMERGENCE
OF A BILLBOARD SIGN THAT IS 600 SQUARE FEET IN

DIAMETER WHICH WOULD BE LOCATED AT 11-01-405-007


AND 11-01-405-008 EAST RIVERSIDE BLVD, FOR I FEEL

IT WILL DIMINISH THE VALUE OF MY PROPERTY.

SINCERELY.

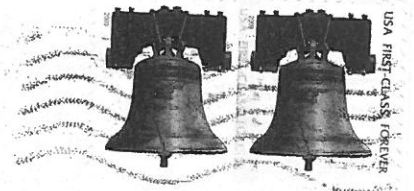
Jim C KIMBERLY



 Jim C. Kimberly
129 Grand Blvd
Loves Park, IL 61111

CAROL STREAM IL 6001

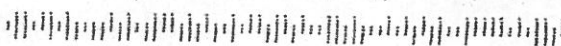
ON APR 23 1993 PM 3:11

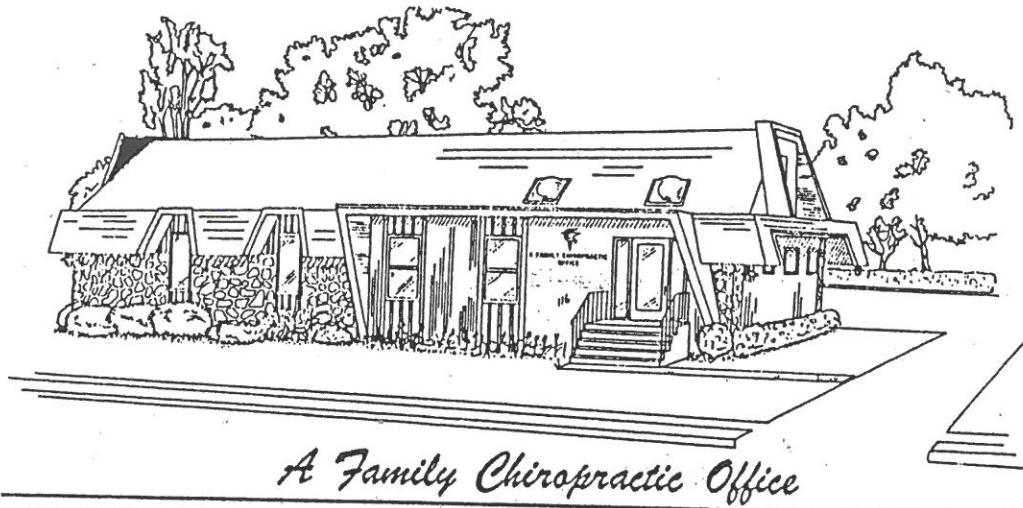


LOVES PARK ZONING BOARD OF APPEALS
100 HEART BLVD.

LOVES PARK, IL 61111

61111-479799





815/633-7000

• 116-118 RIVERSIDE BLVD. •

LOVES PARK, IL 61111-4599

October 16, 2018

Attn: Loves Park Zoning Board of Appeals

Dear Mr. Quintanilla,

I am writing this letter in response to the letter that my office received in September 2018. This is in reference to the Special Use permit to allow off-site signage for 2 electronic digital signs.

I am very much against this new ordinance. Riverside Boulevard is a very busy road. I feel that the digital signs would distract drivers going east and west of the bridge. It would cause accidents and cause our patients and future patients from noticing our building.

Our patients always comment on the 3 billboard sign that sits across from our office and how tacky this looks. Just think how it would look to have a digital sign with movement.

As a local business owner, please consider my request to deny the addition of the digital signage.

Sincerely,

Dr. Joseph L. DiGirolamo, D.C.

A Family Chiropractic Office

October 8, 2018

To: Loves Park Zoning Board of Appeals:

RE: Special Use Permit – Electronic Digital Signs on East Riverside Blvd.

The purpose of this communication is to share our concern regarding the 2 electronic digital signs that are seeking permission on East Riverside Blvd. Parcels 11-01-405-007 and 11-01-405-008. We own Joe's Casa Di Amici located on the corner of East Riverside Blvd. and East Drive. In our opinion there is a lot of signage between our restaurant and the river already. We are not in favor of the digital signs for the following reasons:

1. The proposed sign is very large. We believe traffic will be distracted on East Riverside Blvd. in both directions which will adversely affect the impact of our Joe's Casa Di Amici signage in front of our restaurant – and potential customer transactions.
2. The brightness of the digital signs will negatively impact the ambiance of light in and around our restaurant – possibly to our customers dining inside.
3. The intersection is very busy and we fear drivers will be distracted which will lead to potential accidents on East Riverside Blvd or East Drive – which again would negatively impact our business.

For these reasons, we are not in favor of the Special Use Permit. Thanks for our consideration.

Kevin Gross and Maria Cason

Owners, Joe's Casa Di Amici

10/3/2018

To whom this may concern;

I own property at 133 Sheridan Loves Park, IL 61111. I am totally against putting up digital signs at parcel numbers 11-01-405-007 and 11-01-405-008-A.

Donna Powers, Powers Properties

6607 Sutter DR.

Roscoe, IL 61073

Please contact me at 815-543-3772 if you have any questions.

A handwritten signature in cursive script that reads "Donna J. Powers". The signature is written in dark ink and is positioned below the typed text.

March 11, 2019

Dear City of Loves Park Zoning Board of Appeals,

Re: variance for 11-01-405-007 & 11-01-405-008

My name is Walter D. Reed. I own Casey Auto Center, located at 110 E. Riverside Blvd. and the property at 104 E. Riverside Blvd. I am vehemently opposed to the variance requested for the above listed parcels.

My first reason for being opposed to this variance is pure and simple safety. The proposed signage would be dangerous and a major distraction possibly leading to horrific accidents in the much traveled and constantly being driven way too fast area between the Riverside Blvd. bridge over the Rock River and the traffic control lights at East Dr. The bridge comes down hill rather steeply with a posted speed limit of 30 MPH. As any Police Officer could testify, most vehicles are going upwards of 40-45 miles per hour on any given day. A major distraction focusing driver's attention even for a few seconds in this area could be catastrophic.

The second reason I am opposed to the variance is the nuisance the lighting, constantly changing would have on the adjacent occupied homes at night.

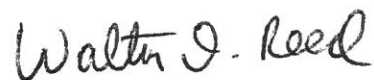
The third reason I am opposed to the variance, is that the several other locally owned businesses, such as mine, would be unfairly affected by this sign as it would take passing motorists eyes off our signs which we count on to help bring in more customers so we can survive as our lives are invested in our businesses here, plus potentially affect our property values in a negative way.

My final reason is that The Lamar Company, which controls the signs, has been a unthoughtful and bad neighbor. At one point last summer the weeds and grass in the proposed variance property was over knee high. The property regularly looks shabby as it is not mowed enough. Lamar's other huge billboard off of Park Ridge Rd. and Riverside Blvd. looks horrible from the East looking toward the West as there is not enough façade to cover the backs of the west facing signs. I will attach a picture to this letter.

I have asked many adjacent neighbors and fellow business owners their feelings about this proposed variance and I could not find one person that supported it.

Please deny this requested variance to protect our safety, our livelihoods, and stop the nighttime light nuisance for our area of Loves Park.

Yours respectfully,

A handwritten signature in black ink that reads "Walter D. Reed". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Walter D. Reed

HELP SHELTER PETS
FIND THEIR WAY
HOME



Seared to
perfection
Culver's



RIGHT ON N. MAIN

10442

10442



Recommended Findings of Fact of City Staff based on the information provided by the applicant

Findings as Required by Loves Park Ordinance - Each enumerated finding must be met before a petition for a special use may be approved.

Mark **"Yes,"** if the findings have been considered and found to be relevant and true. Mark **"No,"** if the findings have been considered and found to be not true. If you mark **"No,"** please explain why in the space provided below each finding. Mark **"N/A,"** if the findings are not applicable to the situation.

Location: 11-01-405-007 & 11-01-405-008 E. Riverside Boulevard parcels

Staff ZBA

- | | | |
|---|-----|---|
| 1 | NO | <p>The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.</p> <p><i>The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, and general welfare of the surrounding uses. The sign will generate a volume of artificial light that will not have any means of filtering the light because the applicant does not want to provide landscaping. Additional landscaping may help the artificial light from projecting onto adjacent properties, and residences. Light may also be cast across the street, onto the residences on Grand Boulevard, as the sign will be about 30 feet in height. Staff sees that there may be an adverse impact on traffic in the area. The sign will be close to the are roadway, and project light onto moving traffic on Riverside.</i></p> <p>Reason:</p> |
| 2 | NO | <p>The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood.</p> <p><i>The special use will may be injurious to the use and enjoyment of other property in the immediate vicinity. It may negatively impact property values, both residential and commercial within the neighborhood. The proposed sign will be 30 feet high. The sign has two digital faces that will project a high volume of artificial light onto properties in the zoning district. There are several residential properties and residences in this zoning district. The approval of the special use could adversely impact property values. The proposed sign could impact development for this area. Having such a large sign in close proximity to existing and future development may discourage development and may increase the undesirability of the surrounding land.</i></p> <p>Reason:</p> |
| 3 | NO | <p>The establishment of the special use will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district.</p> <p><i>The establishment of the special use may impede the normal orderly development and improvement of the surrounding property for uses permitted in the district. It is a real possibility that the sign being proposed may have adverse consequences for permitted existing uses, and may drive existing and new business from the area. The request is not only for a 600 + square foot double sided 30 ft high sign, it's also for increased artificial light projected onto residences and businesses that does not already exist.</i></p> <p>Reason:</p> |
| 4 | N/A | <p>Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will</p> |

be provided.

Reason:

- 5 N/A Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.

Reason:

- 6 YES The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located. The zoning officer shall forward the board of appeal's decision and records to the city council within ten days after action or within 45 days from the date of the public hearing if no action has been taken by the board of appeals.

These findings are based on staff interpretation of the required findings necessary for approval of a Special Use Permit. The Zoning Board of Appeals must indicate whether or not all the findings have been considered to substantiate the approval of a special use.

These findings have been adopted as the official Findings of Fact for the City of Loves Park, Zoning Board of appeals agenda item: **11-01-405-007 & 11-01-405-008**

Billboard greater than 600 square feet sign

Chairman

Alise Howlett

Signature

Date