

Council Agenda _____	2
Council Minutes _____	4
Proclamation - World polio _____	6
Police Report _____	7
Street Report _____	8
Water Report _____	9
Finance Committee Agenda & Minutes _____	10
Community Development Committee Agenda & Minutes _____	12
Public Works Committee Agenda & Minutes _____	28

LOVES PARK CITY COUNCIL AGENDA–OCTOBER 21, 2019- 6 P.M.
AT CITY HALL COUNCIL CHAMBERS, 100 HEART BLVD.,
LOVES PARK, 61111

- I. CALL TO ORDER**

- II. INVOCATION & PLEDGE OF ALLEGIANCE**
 - 1. Invocation given by Pastor Bart Bentley of Journey Church Ministries, followed by the Pledge of Allegiance.**

- III. ROLL CALL**

- IV. APPROVAL OF CITY COUNCIL MINUTES OF PREVIOUS MEETING**

- V. COMMUNICATIONS, MAYOR’S REPORT AND ANNOUNCEMENTS**
 - 1. Proclamation presented to Ciara Stanley of the Loves Park Rotary, Proclaiming Thursday, October 24, 2019 to be “World Polio Day”.**

- VI. APPROVE PAYMENT OF BILLS**

- VII. OFFICER’S REPORTS**
 - 1. Public Safety**
 - 2. Public Works**

- VIII. COMMITTEE REPORTS**
 - 1. Finance and Administration/Jacobson (Finance, Personnel, Buildings & Grounds, Purchasing, Recreation & Beautification)**
 - 2. Public Safety/Allton (Police, Fire, Public Safety & Health)**
 - 3. Public Works/Schlensker (Street, Water & Utilities)**
 - 4. Codes and Regulations/Peterson (Ordinances & Licenses)**
 - 5. Community Development/Frykman (Development, Planning, Zoning, Annexation, Building & Drainage)**

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

XI. RESOLUTIONS & MOTIONS

XII. ORDINANCES 2ND READING

XIII. ORDINANCES 1ST READING

XIV. PUBLIC COMMENT

XV. EXECUTIVE SESSION

XVI. GOOD OF THE ORDER

XVII. ADJOURNMENT



CITY COUNCIL, CITY OF LOVES PARK, ILLINOIS

Journal of Proceedings

Regular Meeting, Monday, October 14, 2019

Loves Park City Hall

Mayor Gregory Jury called the meeting to order at 6:00 p.m.

Alderman Mark Peterson opened the meeting with an invocation, followed by the Pledge of Allegiance.

Present: Mayor Gregory Jury

Aldermen John Jacobson, Jim Puckett, Clint Little, John Pruitt, Charles Frykman, Mark Peterson, A. Marie Holmes, Robert Schlensker

Absent: Aldermen Doug Allton, Nancy Warden

Also Present: City Clerk Bob Burden
City Attorney Gino Galluzzo

1. Approve Minutes 10/07/19 The Journal of Proceedings for the regular meeting of October 7, 2019, was approved as submitted by the city clerk on a motion by Alderman Little. Second by Alderman Schlensker. Motion carried. 8 Ayes (Aldermen Jacobson, Puckett, Little, Pruitt, Frykman, Peterson, Holmes, Schlensker) 2 Absent (Aldermen Allton, Warden)
2. IDOT/MFT For September 2019 Received a notice from the Illinois Department of Transportation of Motor Fuel Tax distributed to the City of Loves Park for the month of September 2019, in the amount of \$86,675.05. Placed on file.
3. Water Department Bills Alderman Jacobson presented the Water Department bills dated October 7, 2019 in the amount of \$44,064.12, and moved that they be paid. Second by Alderman Peterson. Motion carried. 8 Ayes (Aldermen Jacobson, Puckett, Little, Pruitt, Frykman, Peterson, Holmes, Schlensker) 2 Absent (Aldermen Allton, Warden)
4. General Fund Bills Alderman Jacobson presented the General Fund and all other bills dated October 7, 2019 in the amount of \$481,334.36, and moved that they be paid. Second by Alderman Peterson. Motion carried. 8 Ayes (Aldermen Jacobson, Puckett, Little, Pruitt, Frykman, Peterson, Holmes, Schlensker) 2 Absent (Aldermen Allton, Warden)
5. Public Safety Report Alderman Schlensker presented the Police Department Report dated October 14, 2019; to be placed on file.
6. Public Works Report Alderman Schlensker presented the Street Department Report dated October 14, 2019; presented the Water Department Report dated October 14, 2019, to be placed on file.
7. Finance & Administration Committee Alderman Jacobson of the Finance and Administration Committee presented General Fund and all other bills dated October 14, 2019 in the amount of \$251,312.75; for consideration at next week's city council meeting; presented the minutes from the committee meeting held October 7, 2019, to be placed on file.
8. Public Works Committee Alderman Schlensker of the Public Works Committee presented the Water Department list of bills dated October 14, 2019 in the amount of \$183,654.32, for consideration at next week's city council meeting.

9. 1st Reading
Appointing City
Attorney/ Special
Prosecutor Alderman Jacobson presented for first reading an ordinance appointing the City Attorney and reaffirming the Special Prosecutor, and moved to waive the reading of the ordinance as all aldermen have been provided copies. Second by Alderman Peterson. Motion carried. 8 Ayes (Aldermen Jacobson, Puckett, Little, Pruitt, Frykman, Peterson, Holmes, Schlensker) 2 Absent (Aldermen Allton, Warden) Laid over
10. Suspend Rules Alderman Jacobson moved to suspend any and all rules to bring the above ordinance in for second reading. Second by Alderman Peterson. Motion carried. 8 Ayes (Aldermen Jacobson, Puckett, Little, Pruitt, Frykman, Peterson, Holmes, Schlensker) 2 Absent (Aldermen Allton, Warden)
11. ORD 4294-19
Appointing City
Attorney/ Special
Prosecutor Alderman Jacobson presented for second reading an ordinance appointing the City Attorney and reaffirming the Special Prosecutor, and moved for passage of the ordinance. Second by Alderman Peterson. Motion carried. 8 Ayes (Aldermen Jacobson, Puckett, Little, Pruitt, Frykman, Peterson, Holmes, Schlensker) 2 Absent (Aldermen Allton, Warden)
ORDINANCE NO. 4294-19
12. Adjourn Alderman Jacobson moved that the meeting be adjourned. Second by Alderman Schlensker. Motion carried by voice vote. The meeting was adjourned at 6:07 p.m.

APPROVED:

Robert J. Burden, City Clerk

STANDING COMMITTEE MEETINGS:

Community Development:	Following Council Meeting 6:15 p.m.
Finance and Administration:	Prior to Council Meeting 5:40 p.m.
Public Works:	Prior to Council Meeting 5:15 p.m.
Zoning Board of Appeals:	3 rd Thursday of the Month 5:30 p.m.



CITY OF LOVES PARK

100 HEART BOULEVARD
LOVES PARK, ILLINOIS 61111
815-654-5030 • Fax: 815-633-2359

Gregory R. Jury, *Mayor* • Robert J. Burden, *City Clerk* • John C. Danielson, *City Treasurer*

PROCLAMATION

WHEREAS, the Rotary has five clubs throughout this community that sponsor projects to address such critical issues as poverty, disease, hunger, illiteracy and the environment, which make them part of over 1.2 million Rotary members globally, who provide humanitarian service, follow high ethical standards, and promote goodwill and peace in the world; and

WHEREAS, Rotary in 1985 launched PolioPlus, and in 1988 helped establish the Global Polio Eradication Initiative, which today includes the World Health Organization, U.S. Centers for Disease Control and Prevention, UNICEF, and the Bill & Melinda Gates Foundation, to immunize the children of the world against polio; and

WHEREAS, polio cases have dropped by 99.9 percent since 1988 and the world stands on the threshold of eradicating the disease; and

WHEREAS, to date, Rotary has contributed more than \$1.9 billion and countless volunteer hours to protecting more than 2.5 billion children in 122 countries, and has played a major role in decisions by donor governments to contribute more than \$8 billion to the effort; and

WHEREAS, Rotary is working to raise an additional \$50 million per year, which would be leveraged for maximum impact by an additional \$100 million annually from the Bill & Melinda Gates Foundation; and

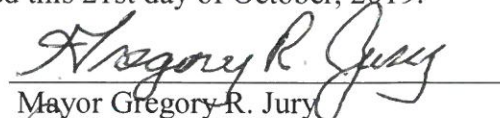
WHEREAS, these efforts are providing much-needed operational support, medical staff, laboratory equipment, and education materials for health workers and parents.

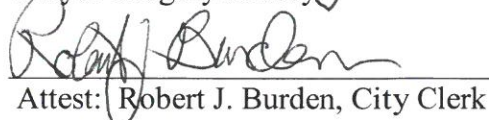
NOW, THEREFORE, I, Gregory R. Jury, as Mayor of the City of Loves Park, do hereby proclaim Thursday October 24, 2019 to be:

“WORLD POLIO DAY”

in the City of Loves Park, and encourage all citizens to join with Rotary International in the fight for a polio-free world.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of loves Park to be affixed this 21st day of October, 2019.


Mayor Gregory R. Jury


Attest: Robert J. Burden, City Clerk



“The City with a Heart”



LOVES PARK **POLICE**

540 Loves Park Drive, Loves Park, IL 61111
Phone 815/654-5015 Fax 815/633-0555

To: Alderman Doug Allton
From: Chief Charles Lynde
Date: 10/21/2019
Subject: Police Activity Report

Police activity report for the week of 10/6/2019 through 10/12/2019

Calls for Service	632
Total Number of Arrests	278
Accidents	11

MICHAEL MCCAMMOND
DEPUTY CHIEF OF POLICE

CHARLES LYNDE
CHIEF OF POLICE

SHANE LYNCH
DEPUTY CHIEF OF POLICE

**Department of Public Works
Street Department Weekly Activity Report**

Submitted by: Shannon Messinger
Street Department Manager

Week of October 14, 2019 thru October 21, 2019

Previous week's activity:

1. Continued mowing.
2. Finished pouring concrete repairs in Inverness and Central Park.
3. Finished asphalt patches for concrete repairs in Inverness and Central Park.
4. Started servicing and repairing trucks for this winter.
5. Started DOT truck inspections.
6. Saw cut the next batch of concrete repairs.

Proposed work:

1. Continue mowing.
2. Start ditch mowing.
3. Finish remaining dirt work for the Inverness and Central Park repairs.
4. Continue servicing and working on trucks for the winter.
5. Start final catch basin and concrete repairs downtown.

Loves Park Water Department

Weekly Activity Report

Submitted by: Craig McDonald
Department Manager

Date: **10/9/19-10/16/19**

Previous week's activity:

1. Routine work:
 - a. Install new meters
 - b. JULIE locates
 - c. Chemical tests
 - d. Back wash wells as needed
 - e. Read commercial and residential meters
2. Continued radio read meter installation
3. Continued flushing zone 2 of the city
4. Finished flushing zone 4 of the city
5. Repaired hydrant at the corner of Jackies Dr. and Jackies Ct.

Work anticipated for this week:

1. Continue radio read meter installation
2. Continue flushing zone 2 of the city
3. Pot hole utilities for water main replacement on Mulford Rd.

**CITY OF LOVES PARK
AGENDA
FINANCE & ADMINISTRATION COMMITTEE
OCTOBER 21, 2019 – 5:40 P.M.
CITY COUNCIL CHAMBERS**

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF MINUTES FROM THE COMMITTEE MEETING HELD OCTOBER 14, 2019**
4. **ITEMS FOR CONSIDERATION**
5. **LIST OF BILLS**
6. **GENERAL DISCUSSION/PUBLIC COMMENT**
7. **ADJOURN**

FINANCE AND ADMINISTRATION COMMITTEE
MEETING MINUTES

DATE OF MEETING: October 14, 2019

CALLED TO ORDER: 5:40 P.M.

MEMBERS PRESENT: Aldermen John Jacobson, Mark Peterson, Charles Frykman, John Pruitt

MEMBERS ABSENT:

ALSO PRESENT: Mayor Jury, Clerk Burden, Steve Thompson, Attorney Galluzzo, A. Marie Holmes, Robert Schlensker, Jim Puckett, Clint Little, Chief Wiltfang, Chief Lynde

MINUTES APPROVAL: October 7, 2019

Alderman Pruitt moved to approve minutes. Second by Alderman Peterson.
Motion carried. 4 Ayes – 0 Nays

ITEMS FOR CONSIDERATION

1. Ordinance appointing the City Attorney and reaffirming the Special Prosecutor.

Alderman Peterson moved to approve. Second by Alderman Frykman.
Motion carried. 4 Ayes – 0 Nays

2. List of Bills: No questions or concerns.

3. Adjournment.

Alderman Peterson moved for adjournment. Second by Alderman Pruitt.
Motion carried. 4 Ayes – 0 Nays

Adjournment: 5:51 P.M.

RESPECTFULLY SUBMITTED: CHAIRMAN JACOBSON OF THE FINANCE COMMITTEE



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

City of Loves Park
Community Development Committee Meeting
October 21, 2019
CITY COUNCIL CHAMBERS
6:15 P.M.
100 Heart Boulevard, Loves Park, Illinois 61111

1. Roll call and declaration of a quorum
2. Reading and approval of the minutes from the **September 23, 2019** meeting
3. Report from the Community Development Department – None
4. Unfinished business – None
5. New business –
 - A. **2416 DEVON AVENUE** – A Variance to place a parking pad alongside of the existing driveway in the R1 (Single Family Residential) Zoning District.
Staff Recommendation: Denial
ZBA Recommendation: Approval
 - B. **5205 PEBBLE CREEK TRAIL & 5219 PEBBLE CREEK TRAIL** – A Zoning Map Amendment for **each** parcel from the R2 (Two-family Residential) Zoning District to the R3A (Four-family Residential) Zoning District.
Staff Recommendation: Approval
ZBA Recommendation: Approval
 - C. **5205 PEBBLE CREEK TRAIL & 5219 PEBBLE CREEK TRAIL** – A Variance for **each** parcel from the required 14,600 square feet for a four-family dwelling to a requested 12,500 square feet for a four-family dwelling in the R3A (Four-family Residential) Zoning District.
Staff Recommendation: Approval w/ conditions
Conditions:
 1. The footprint for the structure shall not be increased larger than the existing 3,720 square feet, as recorded by the Rockford Township.
 2. A dumpster enclosure shall be required at the end of the driveway leading to

the parking area before the property transfers ownership.

ZBA Recommendation: Approval with no conditions

- D. **5111 N. SECOND STREET** – A Zoning Map Amendment from the CR (Commercial Retail) Zoning District to the R1 (Single Family Residential) Zoning District.

Staff Recommendation: Approval

ZBA Recommendation: Approval

- E. TEXT AMENDMENT – CHAPTER 102, SECTION 102-9, DEFINITIONS

Staff Recommendation: Approval

ZBA Recommendation: Approval

- F. TEXT AMENDMENT – CHAPTER 102, ARTICLE III, DISTRICTS, SECTION 102-135, ACCESSORY STRUCTURES

Staff Recommendation: Approval

ZBA Recommendation: Approval

- G. TEXT AMENDMENT – CHAPTER 102, ARTICLE V, OFF-STREET PARKING AND LOADING, SECTION 102-258, ADDITIONAL PARKING REGULATIONS; PARKING, (9), SIZE

Staff Recommendation: Approval

ZBA Recommendation: Approval

- H. TEXT AMENDMENT – CHAPTER 102, ARTICLE V, OFF-STREET PARKING AND LOADING, SECTION 102-258, ADDITIONAL PARKING REGULATIONS; PARKING, (11), DESIGN AND MAINTENANCE, (B), SURFACING

Staff Recommendation: Approval

ZBA Recommendation: Approval

6. Public participation & comment
7. General discussion
8. Adjournment

Community Development Committee Meeting Minutes

Date of Meeting: September 23, 2019 **Start Time:** 6:27 PM

Members Present:

Ald Frykman	<input checked="" type="checkbox"/>
Ald Holmes	<input checked="" type="checkbox"/>
Ald Warden	<input checked="" type="checkbox"/>
Ald Allton	<input checked="" type="checkbox"/>

Staff Present:

Andrew Quintanilla	<input checked="" type="checkbox"/>
Steve Thompson	<input type="checkbox"/>
Nathan Bruck	<input checked="" type="checkbox"/>

Others Present:

Mayor Jury	<input type="checkbox"/>
Ald Puckett	<input type="checkbox"/>
Ald Little	<input type="checkbox"/>
Ald Pruitt	<input type="checkbox"/>
Ald Schlensker	<input type="checkbox"/>
Ald Jacobson	<input type="checkbox"/>
Ald Peterson	<input type="checkbox"/>
Gino Galluzzo	<input type="checkbox"/>

Approval of Minutes : **Date:** August 12, 2019 Meeting

Motion: Ald. Warden Second: Ald. Allton Vote: 4-0

Old Business:

A. PART OF 7900 E. RIVERSIDE BOULEVARD - A Special Use Permit for a fast food restaurant with a drive-thru window in the CR (Commercial Retail) & E. Riverside / I90 Overlay Dist.

Petitioner: John Kayser, John Bieberitz, and Jason Daye

Objectors Present:

Yes	<input type="checkbox"/>
No	<input checked="" type="checkbox"/>

Motion to Approve/Deny/Lay Over: Approve Vote: 4-0

First: Ald. Warden

Second: Ald. Holmes

Conditions: Yes - 7 conditons

Notes/Petitioners:

Approved with 7 conditions. Amended #4 language from all activites to all merchandise.

New Business:

A. Sanctuary Plat Number 7

Petitioner: City of Loves Park - Staff

Objectors Present:

Yes

<input type="checkbox"/>
<input checked="" type="checkbox"/>

No

Motion to Approve/Deny/Lay Over:

Approve

Vote: 4-0

By:

Ald. Holmes

Second:

Ald. Warden

Conditions:

None

Notes/Petitioners:

Public Participation and Comment:

None

General Discussion:

None

Adjournment:

Motion by:

Ald. Warden

Second:

Ald. Allton

End Time:

6:46 PM

Respectfully submitted by Alderman Chuck Frykman, Chairman of the Community Development Committee

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: 2416 Devon Avenue

- | Staff | ZBA | |
|-------|-------------------|---|
| 1 | No 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.
<u>Strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship . The property was developed for a single family home with a single car garage and driveway. The property can be used for this purpose.</u>
Reason:
<hr/> <hr/> |
| 2 | No 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.
<u>There are no exceptional or extraordinary circumstances or conditions applicable to the property. The neighborhood has several homes with two car and single car garages that were developed that way. In both instances, the properties can be used for their intended purposes. There are some properties that are irregular, being located in cul-de-sacs, but this property doesn't seem to be imposing some exceptional circumstance that is preventing them from utilizing it for the purpose for which it was built.</u>
Reason:
<hr/> <hr/> |
| 3 | No 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.
<u>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. If the lot was an irregularly shaped lot, comparable to other lots in the zoning district, Staff would see that the petition merited approval. But, Staff does not see that the applicants personal situation, is satisfactory on its own to substantiate the zoning request.</u>
Reason:
<hr/> <hr/> |
| 4 | No 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.
<u>The granting of the variation will constitute a grant of special privilege inconsistent with the limitations on the other properties classified in the same zoning district. The property owners do not have a hardship derived from the property. Approval of the petition, may appear to adjacent owners, who have applied for a variance to do the same thing as unfair. Consistency for approval should be equally applied based on hardship emanating from the land.</u>
Reason:
<hr/> <hr/> |

5 N/A _____ 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.

Reason:

6 YES *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: 2416 Devon Avenue
Expand driveway for a parking pad

Chairman
Alise Howlett

Alise Howlett

Signature

10/8/19

Date

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 map amendment 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: 5205 Pebble Creek Trail

Staff ZBA

- 1 YES Yes The proposed amendment would not interfere with the policies and proposals of the city area comprehensive plan adopted by the city council.

The City's future land use for this property is dense residential development. The approval of the zoning change should not be problematic for how the area is going to develop. There are four family units just behind this property, as part of a PUD, that have complimented existing residential uses.

Reason:

- 2 YES Yes The proposed amendment would be consistent with the framework the city has cultivated to continue city development in a very orderly manner.

The proposed amendment would be consistent with the framework the city has cultivated to continue city development in a very orderly manner. The overall development for this area is residential. The zoning change is complimentary to existing uses already present. The change should not affect how the area is intended to develop.

Reason:

- 3 YES Yes The proposed amendment would not permit uses, buildings, or structures incompatible with the character of development or intended uses within specified zoning districts.

The proposed amendment would not prohibit uses, buildings, or structures incompatible with the character of development within specified zoning district. The area has a number of four-family residences that are compatible uses with the how this property and area have been developed.

Reason:

- 4 YES Yes Any additions, alterations, or remodeling of existing buildings or structures would not be modeled in such a way as to avoid the restrictions and limitations imposed under the ordinance.

Additions or alterations to the structure would not appear to be an issue, unless additional expansion of the footprint was done. The type of structure is not appropriate for the size of the land, and if the existing footprint for the structure increased it would promote unnecessary overcrowding.

Reason:

- 5 YES Yes The proposed amendment would not promote the overcrowding of land and undue construction of structure.

Overcrowding may be possible if the footprint of the building is expanded. The rear of the property does not have a back yard as required by the building setback. The structure should not be allowed additional square footage beyond what is existing at the time of the petition.

Reason:

- 6 N/A Yes The public health, safety, morals, comfort, peace, and general welfare of the people would be promoted as a result of the proposed amendment.

Reason:

Yes, the property has been in use with no issues to-date.

- 7 NO Yes The risk of bodily harm to a person or damage to personal property or chattels by fire, explosion, toxic fumes and other hazards would not become more likely as a result of the proposed amendment.

Any damage that happens to any of the surrounding properties could occur without the approval of the zoning change.

Reason:

Hazard is not increased.

- 8 YES Yes The proposed amendment would not encourage the prevention of incompatible uses or nuisances.

The proposed amendment would not encourage the prevention of incompatible uses or nuisances.

The remaining properties are mixed single family, duplex, or four-family dwelling units. The City, sees this area to develop for mixed use residential. The zoning district shall continue to develop with complimentary uses approved by the City. Any incompatible uses shall be reviewed by the City. If determined, by the City, that a use is not compatible, proper steps to remediate such use will be taken.

Reason:

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 the map amendment.

These findings have been adopted as the official Findings of Fact for the City of Loves Park, Zoning Board of Appeals agenda item: **5205 Pebble Creek Trail**
Zoning Map Amendment from R2 to R3A

Chairman
Alise Howlett

Signature

Alise Howlett

Date

10/18/19

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: 5205 Pebble Creek Trail

- | Staff | ZBA | |
|-------|-----|---|
| 1 | NO | <p><u>NO</u> 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.</p> <p><i>Strict or literal interpretation and enforcement of the specified regulation would not result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter. As duplexes the properties could have been reasonable used adhering to the City's codes and regulations for the type of structure. The structure is a complimentary use to the surrounding development, but it is too big for the lot. The current owners did inherit this problem, and should have exercised due diligence to determine whether the structures were conforming, but it would unfair to expect the owners to bear the hardship of the illegal conversion. There are four-family residences located just behind this property as part of a PUD.</i></p> <p>Reason:</p> <hr/> <hr/> <hr/> |
| 2 | YES | <p><u>Yes</u> 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.</p> <p><i>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 original owners illegally converted the duplexes into four family residences without the City's knowledge. The current owners purchased the property without knowing that the structures were converted illegally. The current owners inherited this problem and are now petitioning the City for the proper zoning. The knowledge about the illegal conversion may have been withheld from the current owners, which Staff sees is an extraordinary circumstance applicable to the property</i></p> <p>Reason:</p> <hr/> <hr/> <hr/> |
| 3 | YES | <p><u>Yes</u> 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.</p> <p><i>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. While the property is not currently zoned for this type of residential development, there are many types of these structures on adjacent properties. This property was converted illegally, but it is complimentary to uses in the vicinity. The only real issue is overcrowding, due to the type of structure.</i></p> <p>Reason:</p> <hr/> <hr/> <hr/> |

4 YES *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 area is host to a Planned Unit Development for four-family structures. Approving this zoning to an area where these these types of structures already exist, does not create the appearance of special privilege.
Reason:

5 N/A *NA* 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.

Reason:

6 YES *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: 5205 Pebble Creek Trail
Required 14,600 square foot lot to a requested 12,005 square foot lot

Chairman
Alise Howlett
Alise Howlett

Signature

10/8/19

Date

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: 5219 Pebble Creek Trail

- | Staff | ZBA | |
|-------|------------|--|
| 1 | <u>NO</u> | <u>No</u> 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.
<i>Strict or literal interpretation and enforcement of the specified regulation would not result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this chapter. As duplexes the properties could have been reasonable used adhering to the City's codes and regulations for the type of structure. The structure is a complimentary use to the surrounding development, but it is too big for the lot. The current owners did inherit this problem, and should have exercised due diligence to determine whether the structures were conforming, but it would unfair to expect the owners to bear the hardship of the illegal conversion. There are four-family residences located just behind this property as part of a PUD.</i>
Reason:

 |
| 2 | <u>YES</u> | <u>Yes</u> 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.
<i>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 original owners illegally converted the duplexes into four family residences without the City's knowledge. The current owners purchased the property without knowing that the structures were converted illegally. The current owners inherited this problem and are now petitioning the City for the proper zoning. The knowledge about the illegal conversion may have been withheld from the current owners, which Staff sees is an extraordinary circumstance applicable to the property</i>
Reason:

 |
| 3 | <u>YES</u> | <u>Yes</u> 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.
<i>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. While the property is not currently zoned for this type of residential development, there are many types of these structures on adjacent properties. This property was converted illegally, but it is complimentary to uses in the vicinity. The only real issue is overcrowding, due to the type of structure.</i>
Reason:

 |

4 YES *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 area is host to a Planned Unit Development for four-family structures. Approving this zoning to an area where these these types of structures already exist, does not create the appearance of special privilege.
Reason:

5 N/A *N/A* 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.

Reason:

6 YES *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: 5219 Pebble Creek Trail
Required 14,600 square foot lot to a requested 12,005 square foot lot

Chairman
Alise Howlett
Alise Howlett

Signature

10/8/19

Date

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 map amendment 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: 5219 Pebble Creek Trail

Staff ZBA

- 1 YES Yes The proposed amendment would not interfere with the policies and proposals of the city area comprehensive plan adopted by the city council.

The City's future land use for this property is dense residential development. The approval of the zoning change should not be problematic for how the area is going to develop. There are four family units just behind this property, as part of a PUD, that have complimented existing residential uses.

Reason:

- 2 YES Yes The proposed amendment would be consistent with the framework the city has cultivated to continue city development in a very orderly manner.

The proposed amendment would be consistent with the framework the city has cultivated to continue city development in a very orderly manner. The overall development for this area is residential. The zoning change is complimentary to existing uses already present. The change should not affect how the area is intended to develop.

Reason:

- 3 YES Yes The proposed amendment would not permit uses, buildings, or structures incompatible with the character of development or intended uses within specified zoning districts.

The proposed amendment would not prohibit uses, buildings, or structures incompatible with the character of development within specified zoning district. The area has a number of four-family residences that are compatible uses with the how this property and area have been developed.

Reason:

- 4 YES Yes Any additions, alterations, or remodeling of existing buildings or structures would not be modeled in such a way as to avoid the restrictions and limitations imposed under the ordinance.

Additions or alterations to the structure would not appear to be an issue, unless additional expansion of the footprint was done. The type of structure is not appropriate for the size of the land, and if the existing footprint for the structure increased it would promote unnecessary overcrowding.

Reason:

- 5 YES Yes The proposed amendment would not promote the overcrowding of land and undue construction of structure.

Overcrowding may be possible if the footprint of the building is expanded. The rear of the property does not have a back yard as required by the building setback. The structure should not be allowed additional square footage beyond what is existing at the time of the petition.

Reason:

6 ~~N/A~~ *Yes* The public health, safety, morals, comfort, peace, and general welfare of the people would be promoted as a result of the proposed amendment.

Reason:

7 ~~NO~~ *Yes* The risk of bodily harm to a person or damage to personal property or chattels by fire, explosion, toxic fumes and other hazards would not become more likely as a result of the proposed amendment.

Any damage that happens to any of the surrounding properties could occur without the approval of the zoning change.

Reason:

8 YES *Yes* The proposed amendment would not encourage the prevention of incompatible uses or nuisances.

The proposed amendment would not encourage the prevention of incompatible uses or nuisances. The remaining properties are mixed single family, duplex, or four-family dwelling units. The City, sees this area to develop for mixed use residential. The zoning district shall continue to develop with complimentary uses approved by the City. Any incompatible uses shall be reviewed by the City. If determined, by the City, that a use is not compatible, proper steps to remediate such use will be taken.

Reason:

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 the map amendment.

These findings have been adopted as the official Findings of Fact for the City of Loves Park, Zoning Board of Appeals agenda item: **5219 Pebble Creek Trail**

Zoning Map Amendment from R2 to R3A

Chairman
Alise Howlett

Signature

Alise Howlett

Date

10/8/19

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 map amendment 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: 5111 N. Second Street

Staff ZBA

- 1 ~~NO~~ No The proposed amendment would not interfere with the policies and proposals of the city area comprehensive plan adopted by the city council.

The City's future land use for this property is for commercial development. The approval of the zoning change is in direct conflict with how the City envisioned this property and area to develop.

Reason:

- 2 ~~NO~~ Yes The proposed amendment would be consistent with the framework the city has cultivated to continue city development in a very orderly manner.

The proposed amendment would not be consistent with how the area should be developed, according to the land use plan adopted by the City. The zoning change could be reversed at some future date. It is unlikely there would be a change back to commercial retail. The zoning change could even spur interest by other property owners to have their properties rezoned for residential uses. Unless the City changes how it sees the area developing, future changes to this area for residential uses will all be inconsistent with how the area is to be developed.

Reason:

- 3 ~~NO~~ Yes The proposed amendment would not permit uses, buildings, or structures incompatible with the character of development or intended uses within specified zoning districts.

The proposed amendment could prohibit uses, buildings, or structures incompatible with the character of development within specified zoning district. There is little expansion potential for development of commercial uses in the area given the lots are small. Any remaining commercial uses would be limited to the existing structure, unless all structures on this block were demo'd and developed as commercial establishments. Having the single residential use established on this street could prevent "special uses" from locating in this district. It is more likely that lot size will be more problematic to how this area will develop.

Reason:

- 4 YES Yes Any additions, alterations, or remodeling of existing buildings or structures would not be modeled in such a way as to avoid the restrictions and limitations imposed under the ordinance.

Additions or alterations to the structure would not appear to be an issue, unless additional zoning was requested. Staff would not support overcrowding of the lot for exterior improvements

Reason:

5 YES Yes The proposed amendment would not promote the overcrowding of land and undue construction of structure.
On it's own, the land was developed under City standards at the time. The property is currently in compliance with all of the City's codes, and zoning regulations.
Reason:

6 N/A N/A The public health, safety, morals, comfort, peace, and general welfare of the people would be promoted as a result of the proposed amendment.
Reason:

7 YES Yes The risk of bodily harm to a person or damage to personal property or chattels by fire, explosion, toxic fumes and other hazards would not become more likely as a result of the proposed amendment.
Reason:

8 YES Yes The proposed amendment would not encourage the prevention of incompatible uses or nuisances.
The proposed amendment would not encourage the prevention of incompatible uses or nuisances. The remaining properties are commercial retail and may be used for those purposes, in spite, of the proposed zoning change. The property shall be subject to approved uses for this district. Any uses deemed incompatible with permitted uses, may require additional zoning.
Reason:

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: 5111 N. Second Street
Zoning Map Amendment from CR to R1

Chairman
Alise Howlett

Signature Alise Howlett

Date 10/8/19

**CITY OF LOVES PARK
AGENDA
PUBLIC WORKS COMMITTEE
October 21, 2019
5:15 P.M.
City Council Chambers**

- I. Approval of Minutes
 - a. Approval of Minutes from the September 16, 2019 meeting.
- II. Resolutions & Ordinances
 - a. None
- III. Project Updates/Directors Report:
 - a. Discussion & Presentation of plans for 2020 River Lane reconstruction project – Staff & ArcDesign Resources.
 - b. Update on 2019 road resurfacing (Street Department Manager)
 - c. Update on 2019 curb and sidewalk program (Street Department Manager)
 - d. Update on 2019 Bell School Road reconstruction project (Street Department Manager)
- IV. General Discussion/Public Comment
- V. Adjourn

Public Works Committee Meeting

Date of Meeting: September 16, 2019

Called to Order At: 5:15 P.M.

Members Present: Ald. Holmes, Ald. Pruitt and Ald. Schlensker

Members Absent: Ald. Jacobson

Others Present: Mayor Jury, Steve Thompson, Ald. Pucket, Ald. Allton, Ald. Warden,
Ald. Peterson and Attorney Galluzzo

APPROVAL OF MINUTES: July 26, 2019

Ald. Holmes moved to approve said minutes. Ald. Pruitt seconded said motion
Motion carried 3 ayes– 0 nays

Matters Proposed, Discussed or Decided and Record of Votes Taken

1. A resolution was decided authorizing the Mayor to enter into a lease agreement with Rock River Disposal Services.
Ald. Pruitt moved to approve said motion. Ald. Holmes seconded said motion.
Motion carried 3 ayes – 0 nays
2. Steve Thompson gave an update on Bell School Road and N. Second Street.
Also a discussion was had on River Lane.

Alderman Jacobson moves for adjournment at 5:26p.m. Seconded by Alderman Holmes
The motion to adjourn was approved by a vote of 3 ayes – 0 nays

RESPECTFULLY SUBMITTED BY, ROBERT SCHLENSKER CHAIRMAN OF THE PUBLIC WORKS COMMITTEE