

MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS
THURSDAY, SEPTEMBER 16, 2021
5:30 P.M.
COUNCIL CHAMBERS

1. CHAIRMAN MIKE OWENS CALLED THE MEETING TO ORDER AT 5:30 P.M.

MEMBERS PRESENT: MIKE OWENS, BEN DANIELSON, JASON VANDIVER,
CATHY NELSON, TINO RIVERA, LUKE CARLSON

MEMBERS ABSENT: LYNDI TOO HILL

OTHERS PRESENT: NATHAN BRUCK, PLANNING MANAGER
ATTORNEY PHIL NICOLosi
SECRETARY - SHEILA MILLS

OTHERS ABSENT: ANDREW QUINTANILLA – ZONING OFFICER

Chairman Owens announced that items considered for recommendation at this meeting will be forwarded to the Community Development Committee meeting on September, 27, 2021 at 6:15 p.m.

2. MINUTES

Mrs. Nelson moved to approve the minutes from the meeting August 19, 2021. Second by Mr. Danielson. Motion carried by voice vote.

3. ZONING OFFICE REPORT

4. UNFINISHED BUSINESS

5. NEW BUSINESS

- A. **6312 SPRUCE STREET** – Variance to install an auxiliary parking pad in front of the existing garage and alongside of the existing driveway in the R1 Zoning District. Appropriate notice has been given.

Kevin Moore, 6312 Spruce Street, Loves Park, IL was sworn in as Petitioner and indicated that he is requesting a Variance to install a parking pad to use to park vehicles instead of parking in the street and he also submitted a site plan.

Martin Selover, 6414 Rendova Court, Roscoe IL was sworn in and asked where the parking pad was being placed.

Mr. Owens indicated that the parking pad will be in front of the existing garage.

No objectors present

Mr. Danielson moved to approve a Variance to install an auxiliary parking pad in front of the existing garage and alongside of the existing driveway in the R1 Zoning District for the property known as 6312 Spruce Street. Second by Mrs. Nelson. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

MOTION APPROVED 5-0

B. 5100 N. MULFORD ROAD – Special Use Permit to allow self-storage buildings in the CR Zoning District.

Mark Robinson, 6801 Spring Creek Road, Rockford, IL 61114 was sworn in as Petitioner and indicated that he is requesting a Special Use Permit to build self-storage units and he also submitted a site plan.

Mrs. Nelson asked what the hours of operation would be for the storage units and if he agreed with the conditions stated in the staff recommendations.

Mr. Robison indicated that the storage units would be accessible 24 hours a day with an access code to be used for entry and he agrees with the conditions stated by staff.

No objectors present.

Mrs. Nelson moved to approve a Special Use Permit to allow self-storage buildings in the CR Zoning District for the property known as 5100 N. Mulford Road, with the following conditions:

1. The mini-warehouse establishment shall not be permitted outside storage.
2. The use of chain link fence shall not be permitted. A decorative wrought iron fence shall surround the entire establishment. The fence shall not exceed 6 feet in height. No bar or razor wire shall be allowed.
3. The property owner shall provide 6 trees that may be a combination of conifer, Maple, Oak, or Elm integrated into the landscape beds and other green space provided on the N. Mulford Road frontage. The land or business owner shall be responsible for the maintenance, repair, and replacement of all landscape materials approved for this petition. The plans, trees, and landscape bed areas shall be maintained in a healthy growing condition, free from refuge, debris and weeds at all times.
4. Permanent and temporary signage shall adhere to the City's code, Article VI, Signs.
5. The development of this self-storage facility shall be substantially consistent with the site plan prepared by Heritage Engineering, dated July 7, 2021.
6. No business activity, other than the rental of storage units, shall be conducted on the premises. The storage of hazardous, toxic, or explosive substances, including but not limited to hazardous waste, industrial solid waste, medical waste, solid waste, sewage, or used oil is prohibited.
7. Security lighting shall be provided to safely illuminate all areas within the facility. Down-light wall packs shall project light downward and not be a nuisance to adjacent properties.
8. The building materials and colors should be neutral and blend in with the surrounding area. Approval may be obtained through an internal administrative review.
9. A 1-year renewal, from the date of approval, shall be required.

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

MOTION APPROVED 5-0

- C. **1616 WINDSOR ROAD (08-32-351-003 & 08-32-351-004)** Special Use Permit for outdoor storage in conjunction with a metal recycling business in the IL Zoning District.

Ian Linnabary, Attorney, 2902 McFarland Road, Rockford, IL and Matt McCarty, Cimco Facilities Manager, 1616 Windsor Road, Loves Park, IL were sworn in as Petitioners.

Attorney Linnabary indicated that they are requesting a Special Use Permit for outdoor storage at the metal recycling business.

Mrs. Nelson asked why the conditions that were placed on a previously approved Special Use Permit were not followed or met by the property owner.

Attorney Linnabary indicated a previous facility manager, who is no longer with the company, was to blame for not following the conditions.

Chairman Owens indicated that the city received a letter in opposition of the Special Use Permit from Delores Garman, citing that her garage smells like smoke after a recent fire at Cimco.

Mrs. Nelson moved to approve a Special Use Permit for outdoor storage in conjunction with a metal recycling business in the IL Zoning District for the property known as 1616 Windsor Road (08-32-351-003 & 08-32-351-004), with the following conditions:

1. The Special Use Permit expires with the change in business ownership or discontinuance of the metal recycling business.
2. A dumpster enclosure shall be installed. The enclosure shall be construction of poured concrete or masonry to adequately shield the containers within the enclosure. Material within the enclosure shall not extend above the height of the enclosure, be secured by a solid gate, and not exceed a height of 6 feet. The use of wood, chain link and slats shall be prohibited.
3. Outside storage areas shall be contained and not exceed a height of 15 feet at all times. Poured, precast concrete containment bins, shall be installed to control and prevent the migration and spread of outside storage. The storage of semis, semi-trailers, trailers, and metal shipping containers shall only be permitted behind the front plain of the building. Temporary parking shall be permitted, but must be removed prior to the renewal of the Special Use Permit.
4. The applicant shall be required to install a continuous 8-foot deep landscape buffer on the Windsor Road and Clinton Road frontages, observing ingress/egress. The landscape buffer shall be mounded a minimum of one foot above the height of the adjacent parking area, but not to exceed a three to one slope. The buffer shall be filled with a variety of trees that will be or grow to a height of 20-feet or higher at maturity. The berm shall include some combination of conifer, Maple, Oak, or Elm, and Arborvitae. It shall also include planted shrubs, perennials, and dark mulch. All of the existing arborvitae on both frontages shall be removed, but new trees of the same type may be reinstalled in the new landscape buffer.
5. The business owner or land owner shall be responsible for the maintenance, repair, and replacement of all landscaping materials. Plant materials, in or out of, landscape beds shall be maintained in a healthy growing condition free from disease, refuge, debris, and weeds at all times.
6. Parcel 08-32-351-004 shall not be included for any outside storage as part of the approval for the recycling business. This includes, the storage of recycling materials, parking, parking of semis, semi-trailers, or storage containers.

7. A site plan that shows the required 62 parking stalls for customer and employee parking shall be submitted and approved by Staff within 30 days of approval. The customer and employee parking areas shall be striped.
8. The customer and employee parking shall not be used as a storage area. The area between the front plain of the building and the existing fence line on Windsor Road is required customer and employee parking. Deliveries of ferrous and nonferrous materials shall take place behind the front plain of the building.
9. The Special Use Permit shall be renewed before utilizing Parcel 08-32-351-004 in conjunction with the metal recycling business, and a 1-year renewal from the date of approval is required.
10. The Special Use Permit may be revoked with verified complaints from adjacent businesses, land owners, or local authorities.
11. The entrance on Windsor Road shall be monitored and maintained free of materials and soils that may migrate off of the property. The business owner shall also be responsible for the repair of the approach and curb, as repairs are deemed necessary by the City.
12. The storage of hazardous, toxic, or explosive substances, including but not limited to hazardous waste, industrial waste, or used oil brought to the site is prohibited. The use of IEPA containers shall be used for the disposal of materials used in the daily operations of the business.
13. A drainage study must be completed and provided prior to and as part of the Special Use Permit renewal and utilization of parcel 08-32-351-004.

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

MOTION APPROVED 5-0

- D. TEXT AMENDMENT** – Chapter 102, Article III, Districts, Section 102-132, Site Area and Dimensions; Requirements and exceptions, (G) Refuse and recyclable materials storage areas.

No objectors present.

Mrs. Nelson moved to approve the Text Amendment, Chapter 102, Article III, District, Section 102-132, Site Area and Dimensions; Requirements and exceptions, (G) Refuse and recyclable materials storage areas. Second by Mr. Danielson.

MOTION APPROVED 5-0

- E. TENTATIVE PLAT – KINGS ACRES/BRECKENRIDGE REMAINDER**

Jeff Linkenheld of Arc Design, 5291 Zenith Parkway, Loves Park, IL and Joe Conterino, 6151 E. Riverside Blvd. were sworn in as Petitioners.

Glenn Carguillo, 7090 Golden Eagle Drive, Loves Park, IL was sworn in and asked if there were plans for building a road behind the homes on Golden Eagle Drive.

Mr. Linkenheld indicated that there are no plans for building a road behind the homes on Golden Eagle Drive.

No Objectors present.

Mrs. Nelson moved to approve the Tentative Plat for Kings Acres and Breckenridge Remainder. Second by Mr. Rivera.

MOTION APPROVED 5-0

6. PUBLIC PARTICIPATION AND COMMENT

None

7. General Discussion

None

Mr. Danielson moved that the meeting be adjourned. Second by Mr. Vandiver. Motion carried by voice vote. The meeting adjourned at 6:40 p.m.

Sheila Mills, Secretary