



AGENDA
LOVES PARK ZONING BOARD OF APPEALS
April 15, 2021

CITY COUNCIL CHAMBERS
100 HEART BOULEVARD
5:30 P.M.

1. Roll call and declaration of a quorum
2. Reading and approval of the minutes from the **March 18, 2021** meeting
3. Report from the Zoning Office - None
4. Unfinished business –
 - A. **5400 & 5312 N. SECOND STREET** – A Special Use Permit for a commercial vehicle sales establishment on an open lot or within a building in the CR (Commercial Retail) and N. Second Street Overlay Districts.
5. New business –
 - A. **8185 COMMERCE DRIVE** – A Special Use Permit for an indoor baseball and softball academy with batting cages in the IL (Light Industrial) and E. Riverside / I90 Overlay Zoning Districts.
 - B. **5615 JENSEN DRIVE** - A Variance from a required 5 foot side yard setback to a requested 0 foot side yard setback for a new addition in the CG (Commercial General) Zoning District.
6. Public participation & comment –

Anyone who wishes to speak regarding a petition shall contact the Zoning Officer 24 hours preceding the scheduled meeting.
7. General discussion
8. Adjournment

Andrew Quintanilla
Zoning Officer

MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS
THURSDAY, MARCH 18, 2021
5:30 P.M.
COUNCIL CHAMBERS

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

MEMBERS PRESENT: ALISE HOWLETT, DENNIS HENDRICKS, LYNDI TOO HILL,
BEN DANIELSON, MIKE OWENS

MEMBERS ABSENT: SHAWN NOVAK, CATHY NELSON

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

2. MINUTES

Mr. Owens moved to approve the minutes from the meeting held February 18, 2020.
Second by Mr. Hendricks. Motion carried by voice vote.

3. ZONING OFFICE REPORT

None

4. UNFINISHED BUSINESS

- A. **5400 & 5312 N. SECOND STREET** – Special Use Permit for a commercial vehicle sales establishment in the Commercial Retail and N. Second Street Overlay District.

Mr. Owens moved to lay this petition over until next month. Second by Mrs. Toohill.

MOTION APPROVED 4-0

5. NEW BUSINESS

- A. **919 RIVER LANE** – Special Use Permit for a dog daycare, training, and grooming establishment in the IL Zoning District. Appropriate notice has been given.

David Schmidt, 919 River Lane, Loves Park, IL was sworn in as Petitioner and indicated that he is requesting a Special Use Permit so he can operate a dog daycare, training, and grooming business at this location and he agrees to the conditions that were recommended by staff.

No objectors present.

Mr. Hendricks moved to approve a Special Use Permit for a dog daycare, training, and grooming establishment in the IL Zoning District for the property known as 919 River Lane, with the following conditions:

1. Special Use Permit shall expire with the discontinuance of the use of the dog daycare, training, and grooming establishment.
2. The Special Use Permit shall be renewed 1 year from the date of approval.
3. Dog grooming shall not be permitted until the business owner or property owner has brought the building up to code for the use, and all inspections have been approved.
4. Three (3) planters filled with live plants shall be placed, and maintained, on the private sidewalk in front of the business. The front half of the building shall be painted.

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

MOTION APPROVED 4-0

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

- B. 6423 WINDSOR ROAD, 4557 MARSH HAWK DRIVE, 4503 MARSH HAWK DRIVE –**
Zoning Map Amendment from the CR Zoning District to the R2 Zoning District. Appropriate notice has been given.

Tim McDonnell, 1652 Lancaster Drive, Caledonia, IL and Nick Becker, R. K. Johnson, 1515 Windsor Road, Loves Park were sworn in as Petitioners.

Mr. McDonnell indicated that they are requesting a Zoning Map Amendment and Special Use Permit for three parcels so the property can be developed for residential dwellings. He added that the parcels are currently commercial retail, but have not been developed for this purpose since being annexed into the City of Loves Park.

Mr. Owens asked where the utility easements were located.

Mr. Becker indicated that the utility easements were along Perryville Road.

No objectors present.

Mr. Owens moved to approve a Zoning Map Amendment from the CR Zoning District to the R2 Zoning District for the properties known as 6423 Windsor Road, 4557 Marsh Hawk Drive, and 4503 March Hawk Drive. Second by Mr. Hendricks. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

MOTION APPROVED 4-0

- C. 6423 WINDSOR ROAD, 4557 MARSH HAWK DRIVE, 4503 MARSH HAWK DRIVE –**
Special Use Permit for a planned unit development containing nine (9) duplexes and four (4) single-family dwellings in the R2 Residential Zoning District. Appropriate notice has been given.

No objectors present.

Mr. Owens moved to approve a Special use permit for a planned unit development containing nine (9) duplexes and four (4) single-family dwellings in the R2 Residential Zoning District for the properties known as 6423 Windsor Road, 4557 Hawk Drive, and 4503 Marsh Hawk Drive, with the following conditions:

1. All dwellings shall be constructed using some combination of brick, stone masonry, and siding.
2. A monument subdivision sign shall be placed at the northeast corner of Marsh Hawk Drive and Perry Ridge Lane. A single subdivision monument sign, allowing vacancy

notification and contact number, shall be permitted along Perryville Road with the building setback. Neither sign shall include any LED, or other electronic capabilities. The subdivision signs shall include landscaping, and not be more than 5 feet in height. Signs shall be approved by city staff before installation.

3. The maintenance of the exterior of the dwellings, landscaping, and land for this planned unit development shall be the responsibility of the landowner.
4. Any changes to the site plan, as presented, shall not affect the character of the development. All changes shall require approval by the city's Zoning Officer as part of an administrative review.
5. The developer shall provide a concrete sidewalk connection along Windsor Road that connects to the existing crosswalk on Perryville Road, a sidewalk along the eastern side of Marsh Hawk Drive, and sidewalk across the Hilltop Drive frontage.
6. The 25-foot and 22-foot building setbacks, as presented, for the westerly portion of the development shall be acceptable.

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

MOTION APPROVED 4-0

6. PUBLIC PARTICIPATION AND COMMENT

None

7. General Discussion

None

Mr. Owens moved that the meeting be adjourned. Second by Mrs. Toohill. Motion carried by voice vote. The meeting adjourned at 5:55 p.m.

Sheila Mills, Secretary



Parcel(s) 11-12-226-083 & 11-12-226-054

Address: 5400 and 5312 N. Second Street

Petitioner: Mad II, LLC
4925 N. Second Street
Loves Park, Illinois 61111

Property Owner: Mad II, LLC
4925 N. Second Street
Loves Park, Illinois 61111



ZONING BOARD OF APPEALS

Community Development Department

Date: April 8, 2021

SUBJECT: A Special Use Permit to allow commercial automobile sales on an open lot or within a building in the CR (Commercial Retail) Zoning and N. Second Street Overlay Districts.

LOCATION: 5400 N. Second Street and 5312 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	R2 (Two-family Residential) and R3 (Multi-family Residential)

PROPERTY INFORMATION AND RELEVANT FACTS:

The applicant is applying for a Special Use Permit to establish an commercial automobile sales establishment on an open or within a building. The proposed development has a new office building and exterior improvements that will enhance the property and area.

The property owner plans to relocate his existing automobile sales business, KarKorner, to 5400 and 5312 N. Second Street. The owner will be making improvements to these properties in two phases. The first phase will include rebuilding the 1,600 square foot office space and indoor display area; resurfacing the parking lot and installing islands with landscaping; providing accessible restrooms; and delineating customer and employee parking areas. The owner will be utilizing the remaining 6,000 square feet of the building for washing and detailing. Staff is not aware of any request to perform automobile repairs, so automobile repair shall not be a part of the approval of the special use.

Landscape Required:

The applicant is required to provide a mounded landscape buffer across all frontages. The buffer is required to be 8 feet in depth, observing ingress/egress. The landscaping is required to be composed of a combination of trees (including evergreens), shrubs, ground cover, and some combination of live plants that should be salt tolerant. The applicant is also required to install a 3 foot high decorative wall within the landscaped area. The N. Second Street Overlay, requires a 3 foot high masonry wall incorporated into the landscape bed, in conjunction with Section 102-258 of the City's Zoning that regulates landscaping.

Provided:

The landscape plan was requested, but the applicant has not provided one. The site plan identifies a landscape area with limestone boulders, but no further information about

Signage

Required:

the area is available.

The sign shall be required to meet the established standards and requirements set forth in Article V, Section 102-284, subject to the limitations outline in the North Second Street Overlay District.

Provided:

No information was provided about the sign was provided as part of the petition, other than its location identified on the site plan.

Parking

Required:

The required parking is 35 stalls, which includes 2 ADA accessible stalls.

Provided:

The petition provides all the required parking. The site plan delineates parking for vehicle sales areas and defined fire lane. The site plan also shows how vehicle circulation will occur on this property.

Dumpster

Required:

A dumpster enclosure is required for trash removal for the development.

Provided:

A dumpster enclosure is identified on the site plan and will be provided.

**N. Second Street
Overlay District**

The N. Second Street Overlay District was established to improve the aesthetic and visual character, as well as, promote orderly development and redevelopment within the boundaries of the overlay. The overlay district recognizes the importance of the commercial corridor to the City, and so it was designed to encourage appropriate renovations to existing structures, compatible new construction promoting the use of building forms, materials, and site design that will improve the architectural and visual character, and enhance functionality of this corridor.

The establishment of the special use may adversely impact adjacent businesses or the zoning district. Staff has reached out to the applicant for information regarding the petition since February of this year, with little success in obtaining all of the necessary materials for the petition. Staff is not fully aware of the intent of the applicant on how the property will be developed. The establishment of the special use may cause a diminished impact on property values, or permitted uses existing in the zoning district. The applicant has missing documentation. Staff has made several attempts to work with the applicant to understand the intent of the petition. It is likely, without a full understanding of how the property will be developed and the nature of the requests by the applicant, the approval could impede the orderly development within the zoning district. The petition lacks the proper documentation and review process to recommend approval for the special use.

RECOMMENDATION:

Denial - A Special Use Permit to allow commercial automobile sales on an open lot or within a building in the CR (Commercial Retail) Zoning and North Second Street Overlay Districts.

Conditions:

1. The Special Use Permit expires with the change in property ownership, change in business ownership, or discontinuance of the commercial automobile sales business.
2. Business signage shall meet the requirements of Article VI, Section 102-284, subject to the limitations in the N. Second Street Overlay District.

3. All areas utilized for driving or parking must be paved with a dust free hard impervious surface within 1 year of approval of the special use. Such material shall be approved by the City prior to installation. All customer, employee, and sales area shall be striped and outlined before the business opens to the public. Vehicles for sale shall be parked in the designated sales areas observing vehicle circulation on both parcels at all times. The sales areas shall be further defined with the appropriate striping around these areas, with no internal striping required within these defined sales areas.
4. Vehicles for sale shall only be permitted in the designated parking areas as identified on the site plan, while observing all of the required vehicle circulation at all times.
5. 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.
6. The business shall be limited to the sale of commercial motor vehicles only. No vehicles that require a Commercial Drivers License (CDL) to operate shall be permitted to be stored or for sale on either lot.
7. 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.
8. Loading and unloading of vehicles shall only be permitted in the rear of the building.
9. No vehicle repair shall be permitted. All vehicles shall be operable and maintained in a good state of repair.
10. The landscaping shall meet all of the requirements of Section 102-258, and the the N. Second Street Overlay District. No limestone stacked arrangement shall be permitted. The owner will be required to remove asphalt for the landscape buffer, curb all sides of the buffer and curb interior landscape areas. The owner shall be responsible for the maintenance, repair, and replacement of all landscaping materials. The plant materials and landscaped beds shall be tended and maintained in a healthy growing condition and free from refuse, debris and weeds at all times. All interior landscape islands shall include a tree, be mounded and curbed. No administrative reviews for landscaping shall be permitted.
11. Staff was made aware that the property owner has plans being reviewed by the site developer for a second phase of development. In the interest of ensuring that the development occurs in a timely manner, Staff recommends that the plans for phase 2 be submitted to the Department of Community Development within 1 year of approval of the special use.
12. The business shall not be "buy here, pay here" establishment. Financing shall be secured from an independent off-site third party.
13. The Special Use Permit shall expire after 1 year of approval. The owner shall be required to renew the Special Use Permit before its expiration.

APPROVAL / DENIAL / TABLED

See attachments

ATTACHMENTS:

ZONING BOARD
RECOMMENDATIONS:

Vote:

CONDITIONS:

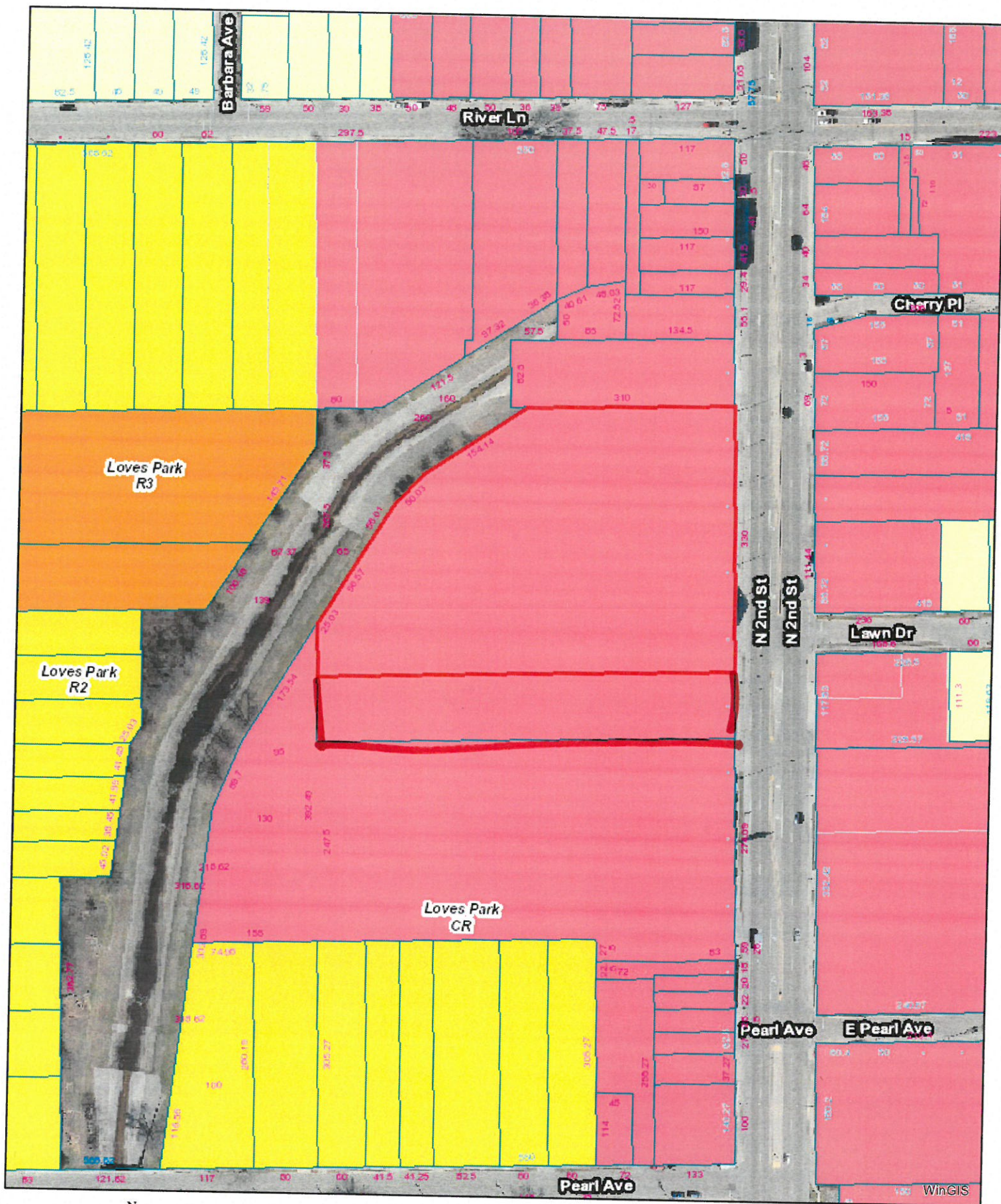
**AUDIENCE
COMMENTS:**



WinGIS cannot and does not warrant the accuracy of: property and boundary lines, dimensions of parcels and lots, location of structures or improvements, and topographic or geologic features on the land. Only on-site verification or field surveys by a licensed professional land surveyor can provide such accuracy.

0 155 310 Feet

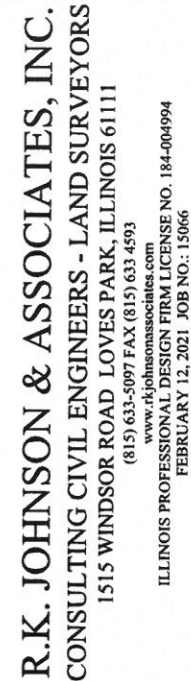
SCALE: 1:1,887



0 155 310 Feet

SCALE: 1:1,887

KAR KORNER
5400 N. SECOND ST.
LOVES PARK, ILLINOIS



ZONING CLASS
CR RETAIL COMMERCIAL DISTRICT
WITHIN NORTH SECOND STREET
OVERLAY DISTRICT

BUILDING SETBACKS
FRONT SETBACK: MIN. 5' - MAX. 10'
REAR SETBACK: 10'
SIDE SETBACK: 5'

TOTAL SPACES REQUIRED:	35	10 CUSTOMER STANDARD
TOTAL SPACES PROVIDED:		2 CUSTOMER ACCESSIBLE
		22 EMPLOYEE STANDARD
		1 EMPLOYEE ACCESSIBLE

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.

| 5400 N. Second Street an 5312 N. Second Street

ZBA

- 1 _____ 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.

Reason:

- 2 _____ 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.

Reason:

- 3 _____ 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.

Reason:

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

Reason: _____

- 5 _____ 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 _____ 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: **5400 N. Second Street an 5312 N. Second Street**
SUP for a commercial vehicle sales establishment open lot or within a building

Chairman
Alise Howlett

Signature

Date



Parcel(s)	12-011-52-008
Address:	8185 Commerce Drive
Petitioner:	Brent Ewing 9611 Brenda Drive Roscoe, Illinois 61073
Property Owner:	William L. Johnson Family Trust 8185 Commerce Drive Loves Park, Illinois 61111



ZONING BOARD OF APPEALS

Community Development Department

Date: April 1, 2021

SUBJECT:	A Special Use Permit for an indoor baseball/softball academy with batting cages in the IL (Light Industrial) and E. Riverside / I90 Overlay Districts.		
LOCATION:	8185 Commerce Drive		
ZONING DISTRICT:	North	IL (Light Industrial)	
	South	IL (Light Industrial)	
	East	IL (Light Industrial)	
	West	IL (Light Industrial)	
RELEVANT PROPERTY INFORMATION:	The applicant would like to establish an "open to the public" indoor baseball/softball academy with batting cages in a light industrial district and in the E. Riverside Overlay.		
Dumpster:			
Required:	A dumpster or trash enclosure is required. It shall also screen the dumpster containers from public view.		
Provided:	A dumpster is provided, but there is not an enclosure concealing the dumpsters from public view.		
Landscaping:			
Required:	Landscaping shall be made up of trees, shrubs, vines, and other live plants, and within an 8ft mounded landscape buffer on each frontage.		
Provided:	Landscaping for this development was established at the time of development, however, the applicant is agreeable to installing planters that will span across the front of the existing loading docks. The planters will be metal troughs filled with live plants, grasses, and smaller shrubs/trees. The planters will act as a buffer between the public and the docks to help mitigate any safety issues to children attending this facility. The installation of the planters can be coordinated with Staff (See attachments).		
Parking:			
Required by code:	Thirty parking stalls are required for employee and customer parking.		
Provided:	Thirty parking stalls provided. One additional accessible stall shall be required. It may be placed in the rear by the secondary entrance.		
	The establishment of the special use will not be detrimental to the public health or		

adversely impact the area or land values. The use intended for this location is a low impact use and should not negatively impact the surrounding properties and future development. The use will generate additional traffic to the area, however, the area is already a medium / high traffic area with the establishment of Costco and other retail uses in recent years. Growth in the district has created mixed use traffic. The traffic should not adversely impact existing surrounding uses in this zoning district. The establishment should maintain a low steady stream of traffic throughout the day and evenings, with increased use on weekends. The use should compliment uses that have been established in this area. It does not appear that the establishment of the use will adversely impact land values or be a detriment to inherent uses already permitted in the zoning district. Staff sees that establishing the use at this location does promote repurposing of existing structures for new uses, which can serve to facilitate area growth and improvements.

Recommendation:

Approval - A Special Use Permit for an indoor baseball and softball academy with indoor batting cages in the IL (Light Industrial) Zoning and E. Riverside / I90 Overlay Districts.

Conditions:

1. The Special Use Permit expires with the discontinuance of the use of the indoor batting cage establishment.
2. The Special Use Permit shall be renewed 1 year from the date of approval.
3. Planters shall be installed across the openings of both loading docks. The planters shall be filled with live plants, and be maintained by the business owner. The business owner shall work with Staff for the installation to be completed before the business opens to the public.
4. A dumpster enclosure shall be provided to conceal the dumpsters. The location shall be coordinated with Staff.
5. A second accessible stall shall be provided in the parking area behind the building.

ATTACHMENTS:

See attachments

**ZONING BOARD
RECOMMENDATIONS**

VOTE:

APPROVAL:

DENIAL:

TABLED:

CONDITIONS:

AUDIENCE

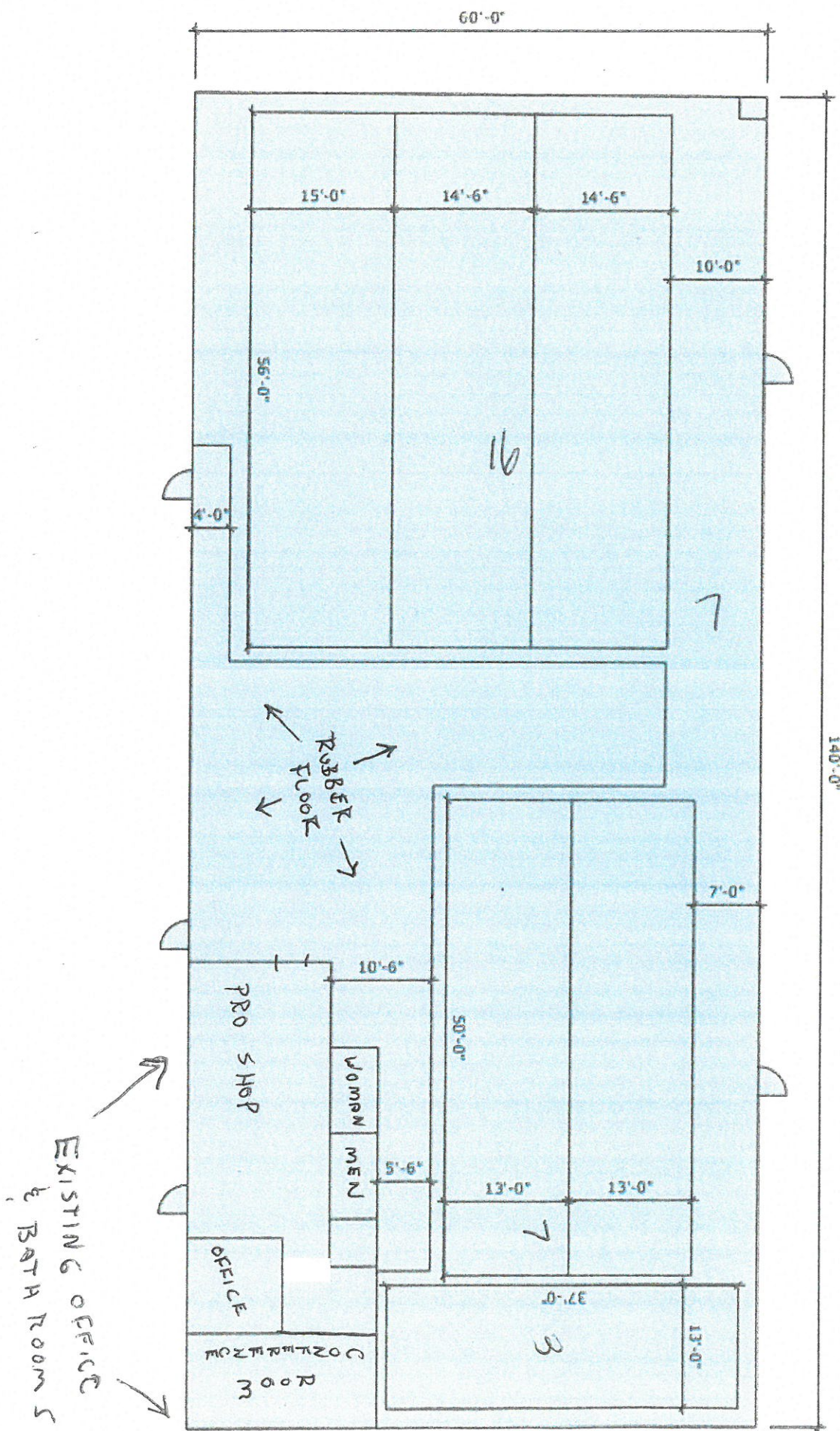
COMMENTS:

8/85

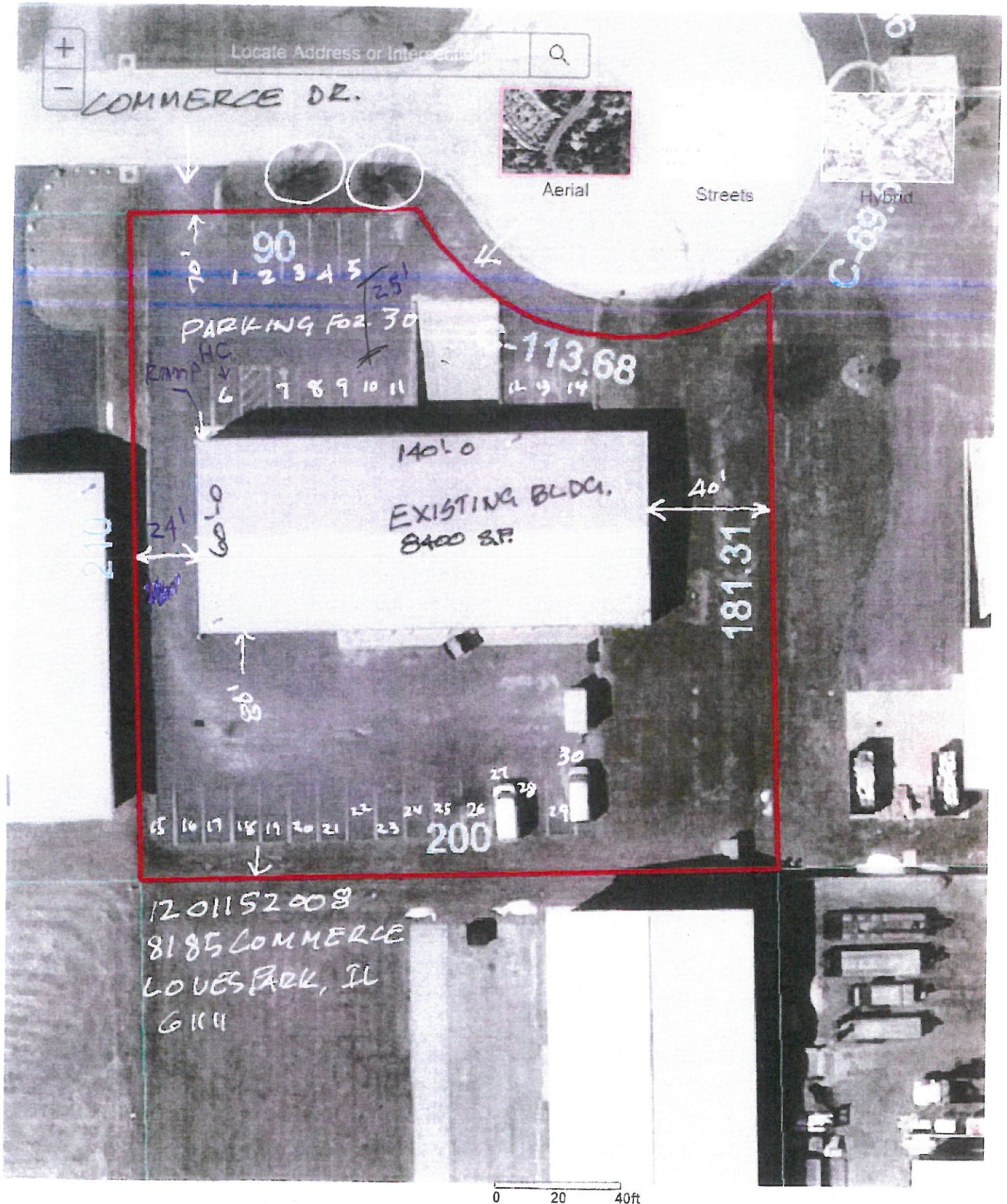
~~9011~~ Commerce Drive – Loves Park, IL 61111

Proposal = Indoor Baseball & Softball Academy

Brent Ewing - 616-550-3338 – brenttoewing@gmail.com



8185



D-BAT - Rockford

Developing Beliefs, Attitudes & Traditions

Baseball & Softball Academy - Business Proposal

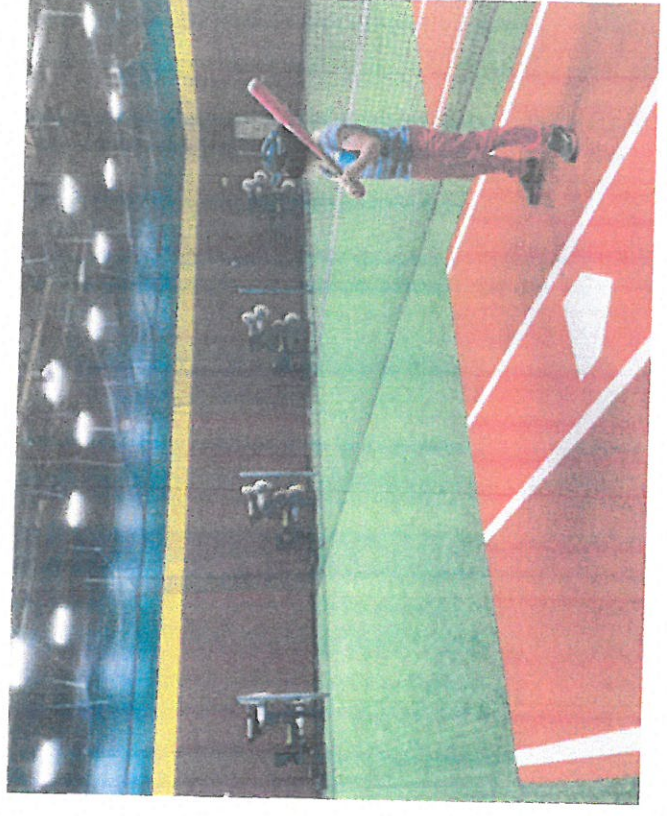


3/2021

Brent Ewing

616-550-3338

brenttoewing@gmail.com



Introduction – Brent Ewing



- **Experienced Business & Product Development Executive**
 - ▶ A practiced strategic executive leader with a successful track record for recruiting, building & leading top performing domestic and international teams that are focused on exceeding goals in the areas of product development, business development, customer service & marketing.
 - ▶ Experienced in the orchestration of multimillion-dollar business proposals and projects, financial business results, mergers & acquisitions, & international growth ventures through cultivating relationships with new partners & existing customers with a proven track record delivering predictable & consistent results.

CORE COMPETENCIES

- ★ Life-Long Learner
- ★ Employee Development - Effectively manage and develop others.
- ★ Teamwork – Actively assists to move the team toward the completion of goals.
- ★ Communication Skills – Effectively listens, expresses ideas/thoughts verbally/written form.
- ★ Collaboration - Establishes collaborative relationships to achieve objectives.
- ★ Drive for Results- Develop strategies, action plans, and metrics to monitor results.
- ★ Customer Focus – Solicits and uses feedback for continuous improvement.
- ★ Fiscal P&L, Budgets, RFPs, SOW, & SOP

- ▶ Vice President, Product Development & Strategic Partnerships at Siffiron / Southern Imperial for 10 years.

▶ Family Focused

- Husband of 21 years and 3 children in the Roscoe & Rockton school program
- Enjoys outdoor events and coaching kids activities

About D-BAT

What does D-BAT stand for

Developing Beliefs, Attitudes, and Traditions

How Old is D-BAT

1st location in 1998 // 1st Franchise 2009

How many D-BAT locations are there

100+ today with 50 territories already sold

How long does it take to open a D-BAT

100-150 days after lease has been signed pending no issues with permits

Has a D-BAT ever closed

No, and very proud of this and commitment to this never happening

D-BAT average size

There are 3 footprints ranging from 7500 sq. ft. up to 25,000 sq. ft. depending on location

Open for public use

Is D-BAT franchise model recognized?

2021 = #74 out of 500 top ranked franchise models in the US

D-BATS has been ranked in the top 500 for 4 years running



Rockford Area

Rockford Buxton Score = 70

Model works = Buxton score 70-77
~\$5k in lease payment monthly

Rockford Area Population

Rockford City = 153k
Rockford region = 350k

Rockford Area Demographics

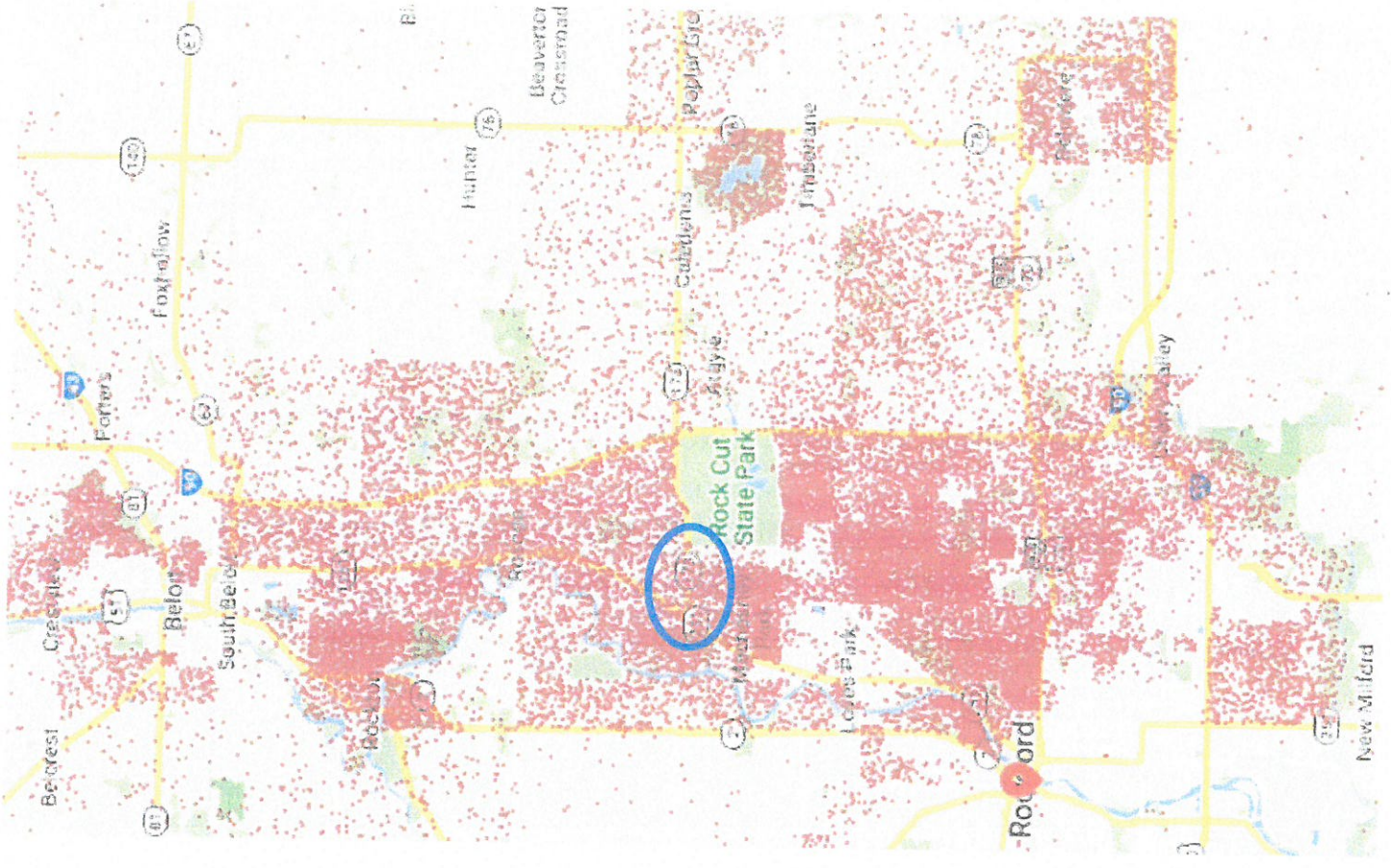
Median household Income \$48k
Median income family = \$56k

Rockford Post Secondary

Rockford University – 2k
Rock Valley CC – 10k
Beloit College - 1500

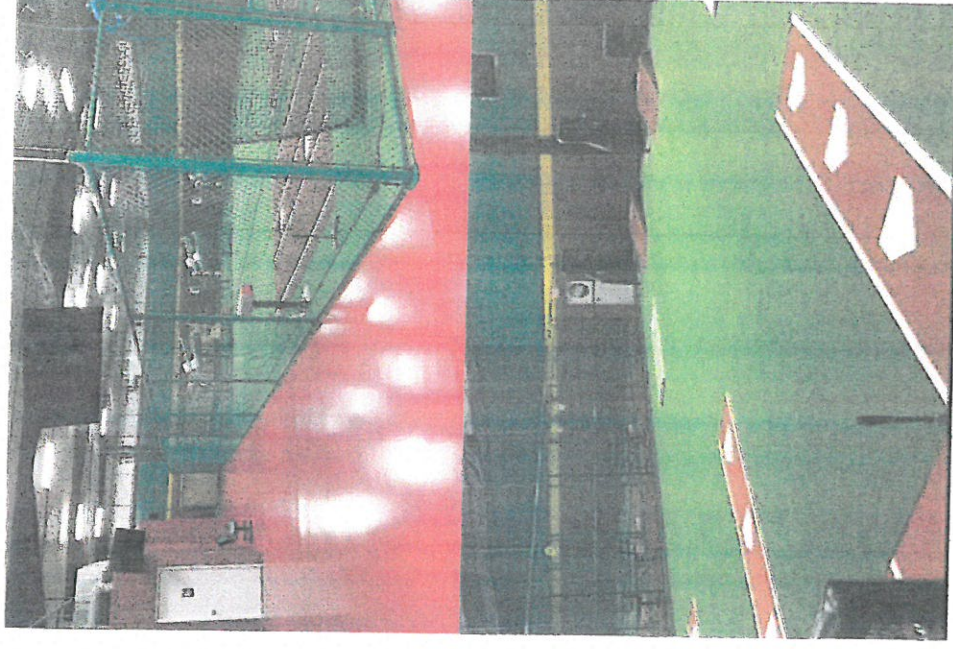
Rockford Area Schools

D205 = 27k students / 4 HS / 6 MS / 29 EM
Belvidere CS = 7800 students
Beloit CS = 7100 students





8185 Commerce LP – 8,400 sq ft



Hours of Operation

Approx. 11-8pm

Employees

- 1 full time General Manager / possibility of 1 full time Assistant GM
- ~5-6 part time employees
- 1-2 people per shift depending on season and customer activity

Customers ~20-25 at busiest time

Office and bathrooms are complete and existing

Restrooms = 2 ADA compliant

Parking - existing

30 parking spaces / 1 handicap properly marked with a ramp

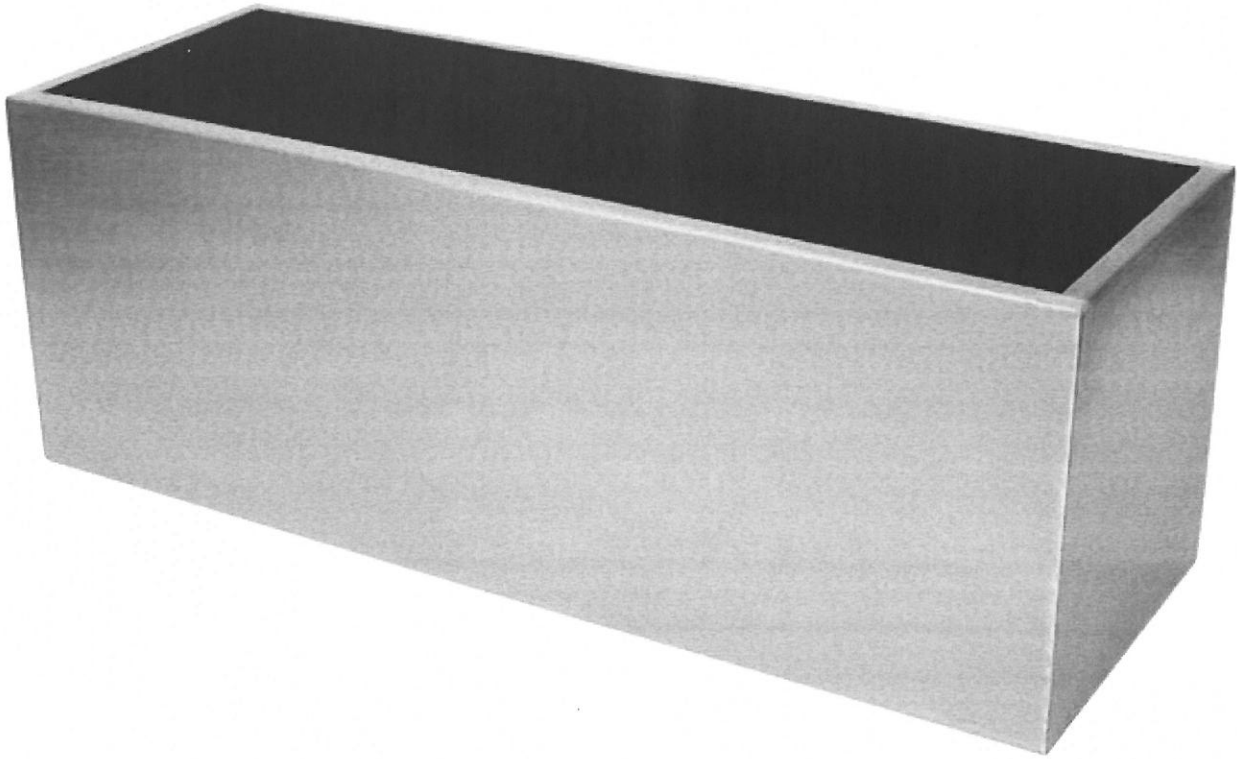
8185 Commerce LP – Area Map

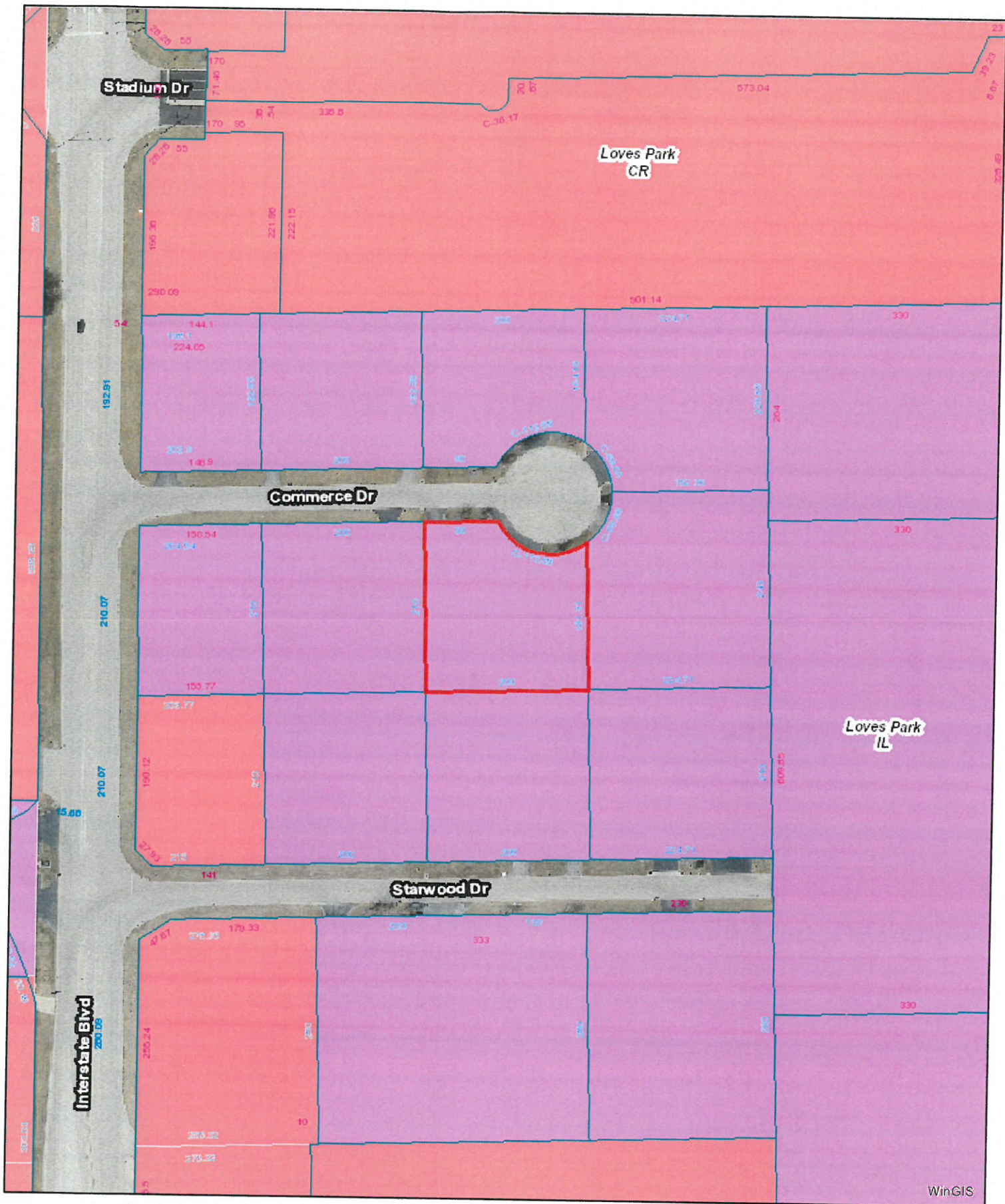


Thank you









0 155 310 Feet

SCALE: 1:1,887

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0 62.5 125 Feet

SCALE: 1:755

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.

| 8185 Commerce Drive

ZBA

- 1 ☐ 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.

Reason:

- 2 ☐ 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.

Reason:

- 3 ☐ 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.

Reason:

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

Reason: _____

- 5 _____ 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 _____ 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.

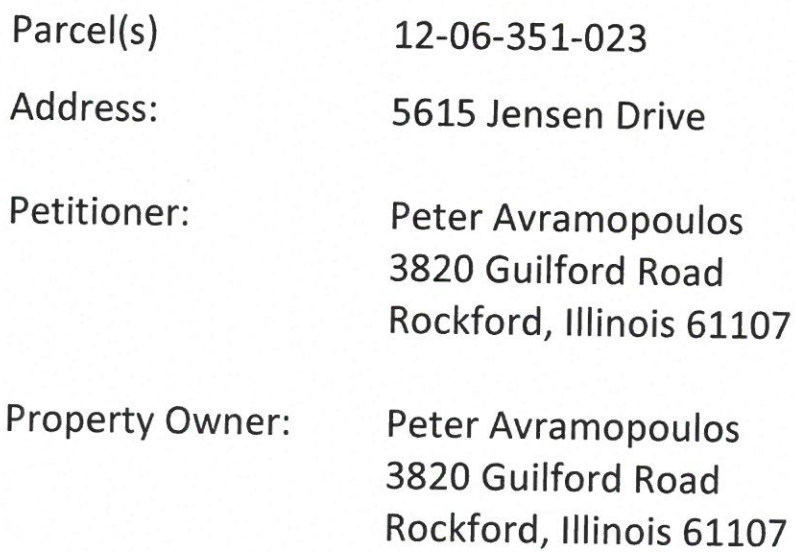
These findings are based on staff interpretation of the required findings necessary for approval of a Special Use Permit. The Zoning Board of Appeals must indicate whether or not all the findings have been considered to substantiate the approval of a special use.

These findings have been adopted as the official Findings of Fact for the City of Loves Park, Zoning Board of appeals agenda item: **8185 Commerce Drive**
SUP indoor baseball/softball academy with batting cages

Chairman
Alise Howlett

Signature

Date





ZONING BOARD OF APPEALS

Community Development Department

Date: April 5, 2021

SUBJECT: A Variance from a required 5 foot side building setback to a requested 0 foot side yard building setback in the CG (Commercial General) Zoning District.

LOCATION: 5615 Jensen Drive
Parcel(s): 12-06-351-023

ZONING DISTRICT: North CG (Commercial General)
South CG (Commercial General)
East CG (Commercial General)
West CR (Commercial Retail)

RELEVANT PROPERTY INFORMATION: Property owner is requesting a zero setback to add on to an existing structure.

Required: Side yard setback - buildings under 25 feet tall shall have a 5 foot side yard setback.

Provided: Side yard setback - existing 5' 1/4", but is requesting a 0 foot side yard setback.

Strict or literal enforcement of the regulation would result in practical difficulty to the property owner. The side yard setback for the improvements would require the property owner to extend the building 5 feet towards the southern property line, where there is roughly 13 feet. This would make the only access to the property very tight. The property does have extraordinary circumstances that prevent the owner from building southward, as it would only provide the owner access of 8 feet from the addition to the rear of the property. The southern property line has above ground utilities that span the full length of the southern property line. Strict enforcement of the regulation would deprive the owner of utilizing the property the way other land owners enjoy the use of their properties. The landowner is seeking to improve the property, which will enhance the property. Granting the variation should not be deemed special privilege. The owner is looking to make improvements to the property the same way other businesses in the district have made in their improvements. The variation will not adversely impact the public, or safety of the general public, and shall not negatively impact property values in the vicinity.

Recommendation: **Approval** - A Variance from a required 5 foot side building setback to a requested 0 foot side yard building setback in the CG (Commercial General) Zoning District.

ATTACHMENTS:

See attachments

**ZONING BOARD
RECOMMENDATIONS**

VOTE:

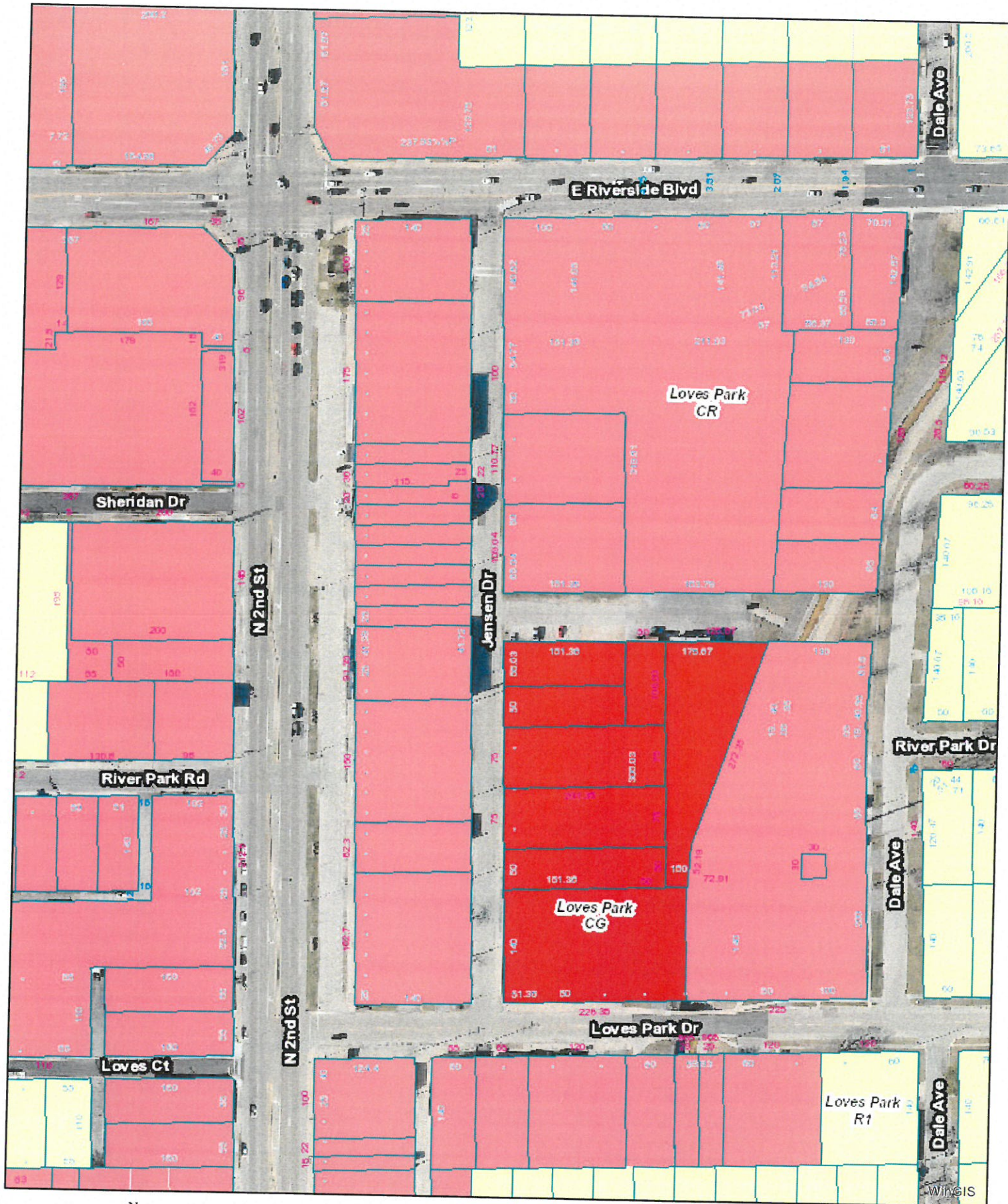
APPROVAL:

DENIAL:

TABLED:

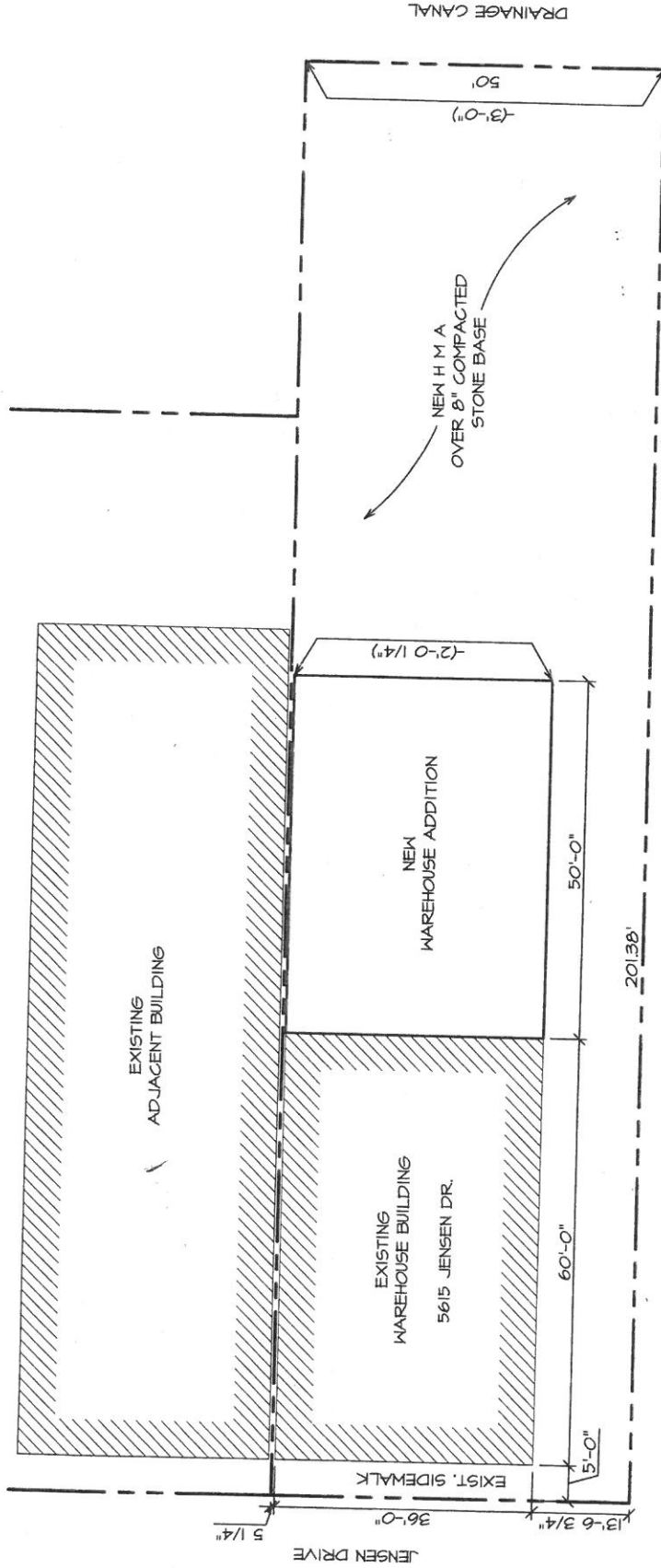
CONDITIONS:

**AUDIENCE
COMMENTS:**



0 155 310 Feet

SCALE: 1:1,887

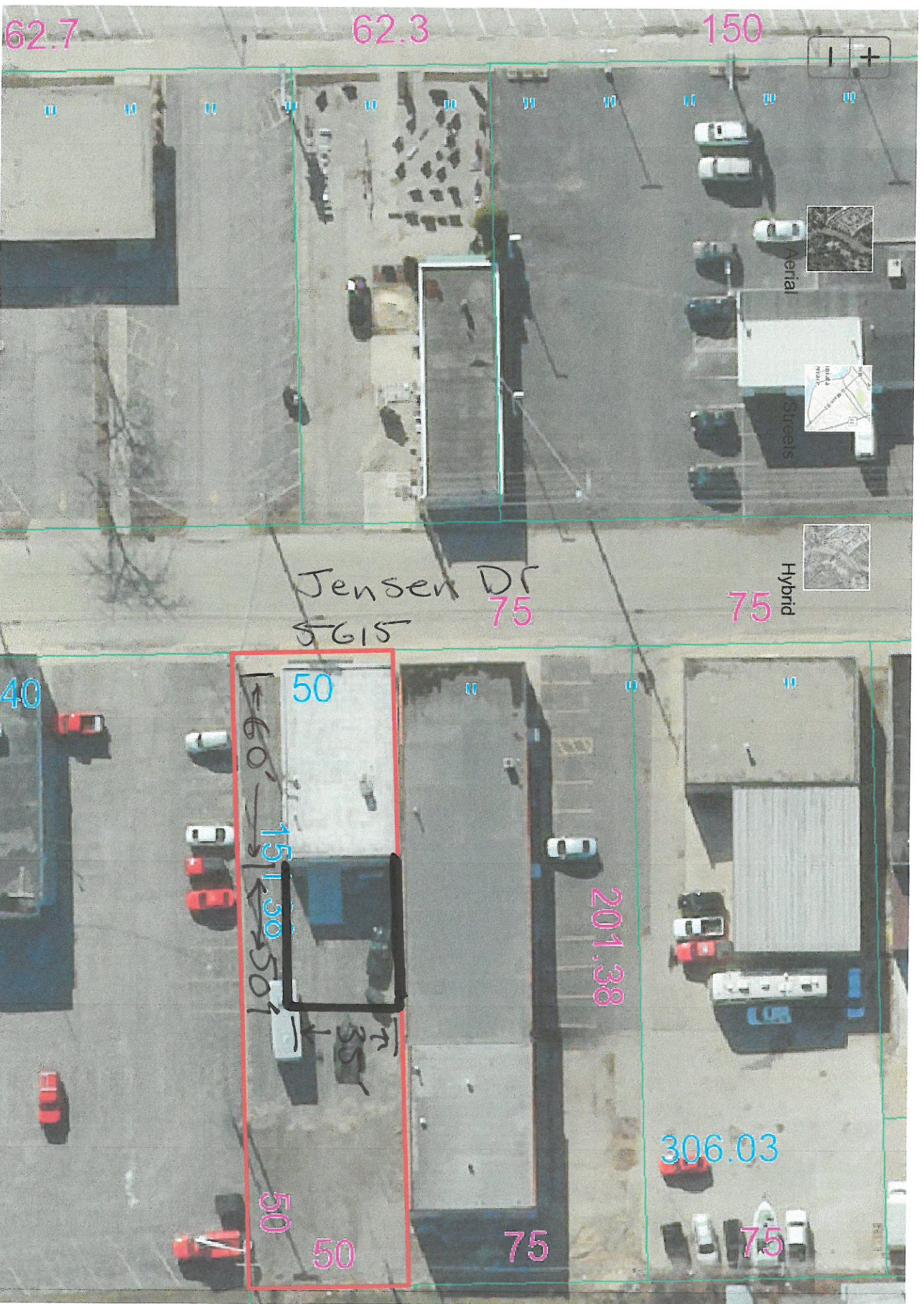


SITE PLAN

SCALE: 1/16" = 1'-0"

LL	100 PSF
Pg	30 psf
Pf	7 (Ce) (Cl) 1 Pg
DL	7 (1.0) (1.1) 80 psf = 23 psf
COL	5 psf
TL	35 PSF

BASIC WIND SPEED CAT. 1105 MPH



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: 5615 Jensen Drive

ZBA

- 1 - _____ 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.

Reason:

- 2 - _____ 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.

Reason:

- 3 - _____ 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.

Reason:

- 4 - _____ 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.

Reason:

- 5 - _____ 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. _____ 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: **5615 Jensen Drive**
Variance from a required 5 ft side yard building setback to a 0 ft side yard setback

Chairman
Alise Howlett

Signature

Date