



AGENDA
LOVES PARK ZONING BOARD OF APPEALS
August 19, 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 **July 15, 2021** meeting
3. Report from the Zoning Office - None
4. Unfinished business –
5. New business –
 - A. **4802 ILLINOIS STREET** – A Variance to establish an auxiliary parking pat in front of and alongside of the existing driveway in the R1 (Single Family Residential) Zoning District.
 - B. **5872 E. RIVERSIDE BOULEVARD** – A Special Use Permit for an oil change service establishment in the CR (Commercial Retail) Zoning District.
6. Public participation & comment
7. General discussion
8. Adjournment

Andrew Quintanilla
Zoning Officer

MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS
THURSDAY, JULY 15, 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, LUKE CARLSON, LYNDI TOO HILL,
BEN DANIELSON, JASON VANDIVER, CATHY NELSON,
TINO RIVERA

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

2. MINUTES

Mrs. Nelson moved to approve the minutes from the meeting June 17, 2021. Second by Mrs. Toohill. Motion carried by voice vote.

3. ZONING OFFICE REPORT

None

4. UNFINISHED BUSINESS

- A. **5319 BENNETT STREET** – Variance to widen a portion of an existing gravel driveway in front of and alongside of the garage in the R1 Zoning District. Appropriate notice has been given.

George Harp, 5319 Bennett Street, Loves Park, IL was sworn in as Petitioner and stated that he is requesting a Variance to widen a portion of his driveway and added that he plans to pave the areas that are gravel.

No objectors present

Mrs. Nelson moved to approve a Variance to widen a portion of an existing driveway in front of and alongside of the garage in the R1 Zoning District for the property known as 5319 Bennett Street. Second by Mrs. Toohill. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

MOTION APPROVED 6-0

5. NEW BUSINESS

- A. **TEXT AMENDMENT** – Chapter 102, Article V, Off-Street Parking and Loading, Section 102-258.

Item withdrawn for further review.

Mrs. Nelson moved to withdraw the Text Amendment – Chapter 102, Article V, Off-Street Parking and Loading, Section 102-258 from the Agenda. Second by Mr. Danielson.

MOTION APPROVED 6-0

B. **TEXT AMENDMENT** – Chapter 102, Article I, In General, Definitions, Section 102-9.

No objectors present.

Mrs. Nelson moved to approve the Text Amendment – Chapter 102, Article I, In General, Definitions, Section 102-9 as presented with the exception of changing the date of May 13, 1974 to March 18, 1981. Second by Mrs. Toohill.

MOTION APPROVED 6-0

6. PUBLIC PARTICIPATION AND COMMENT

None

7. General Discussion

Mr. Quintanilla introduced new members of the Zoning Board of Appeals; Luke Carlson and Jason Vandiver.

Mrs. Toohill moved that the meeting be adjourned. Second by Mrs. Nelson. Motion carried by voice vote. The meeting adjourned at 5:44 p.m.

Sheila Mills, Secretary



ZONING BOARD OF APPEALS

Community Development Department

Date: August 11, 2021

SUBJECT: A Variance to establish an auxiliary parking pad in front of and alongside of the existing garage in the R1 (Single Family Residential) Zoning District.

LOCATION: 4802 Illinois Street

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

ZONING DISTRICT:

North	R1 - Single Family
South	R1 - Single Family
East	R1 - Single Family
West	R1 - Single Family

PROPERTY INFORMATION AND RELEVANT FACTS:

Single Family Requirements:

Required:

Lot size:	8,500 square feet
Lot width:	80 feet at the established building setback line

Provided:

Lot size:	7,507 square feet
Lot width:	50 feet at the established building setback line on Illinois Street Roughly 10 feet on the secondary frontage on Snow Avenue

Strict interpretation and enforcement of the regulations would result in unnecessary hardship. There are extraordinary circumstance applicable to the property. The lot is a corner lot with building setbacks on each frontage, which makes improving the property difficult. The lot does not meet current city standards for residential lots, so it would be an irregular lot, constrained by setback requirements and widths.

Enforcement of the regulations would deprive the applicant of privileges enjoyed by the owners who do not bear these constraints. The variation does not provide special privileges to the owner of the property, but allows the owner the capacity to use the land with defined parameters approved by the ZBA and City Council. The variation will not be detrimental to the public health or welfare to residents in the area. The improvements the owners have already made to the property have enhanced the property and will likely increase value to the area.

The site plan provided does not sufficiently indicate the intent. The property line is not clearly identified on the site plan. It should be noted that the improvements do not

include right-of-way access. All right-of-way improvements shall be approved by the City's Department of Public Works.

RECOMMENDATION:

Approval - A Variance to establish an auxiliary parking pad in front and alongside of the existing garage in the R1 (Single Family Residential) Zoning District.

Condition:

The approval of the variation shall only permit improvements on private property. The auxiliary pad shall taper 5 feet from the property line to meet the existing driveway.

APPROVAL / DENIAL / TABLED

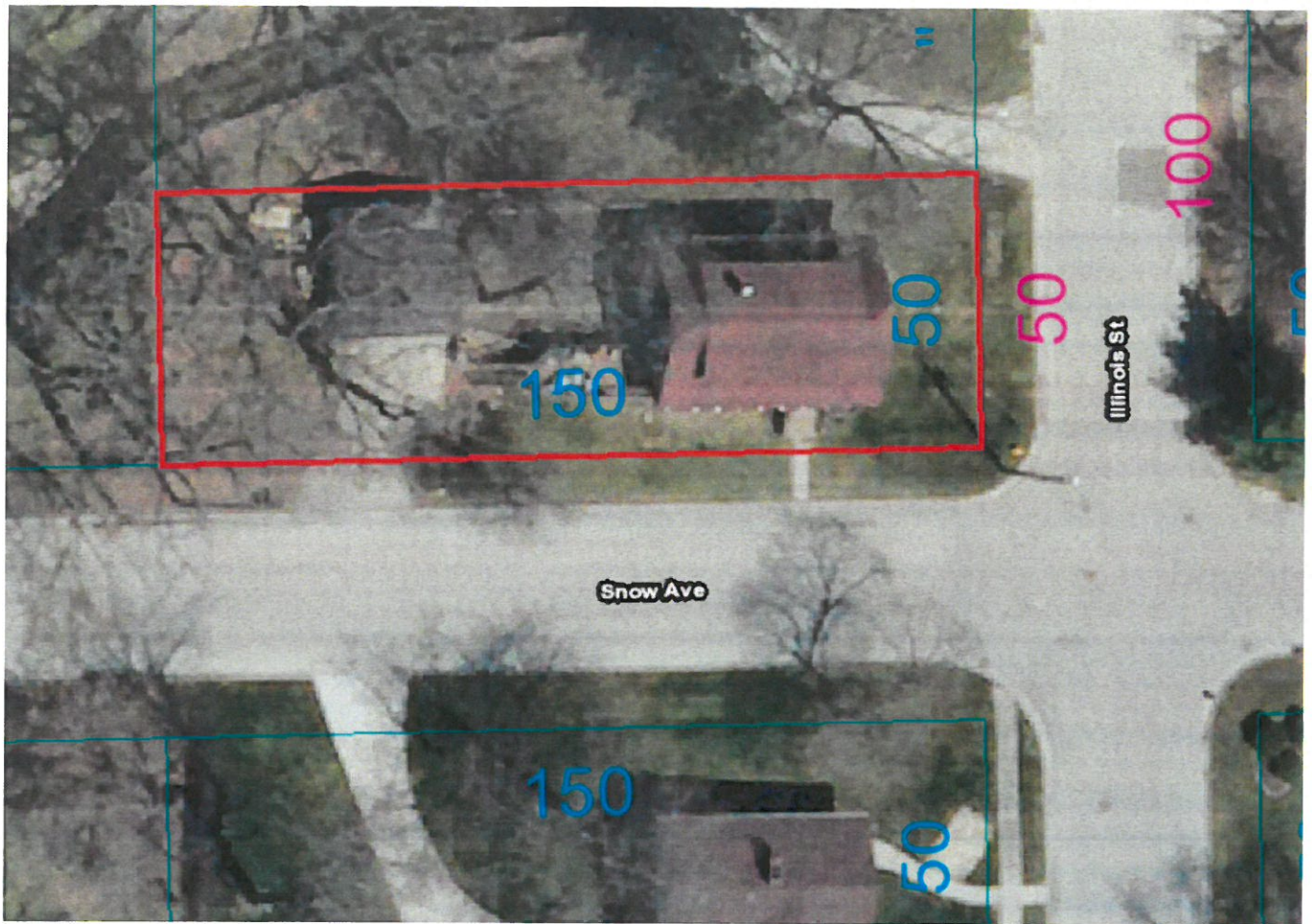
ATTACHMENTS:

See attachments

**ZONING BOARD
RECOMMENDATIONS:**

Vote:

**AUDIENCE
COMMENTS:**



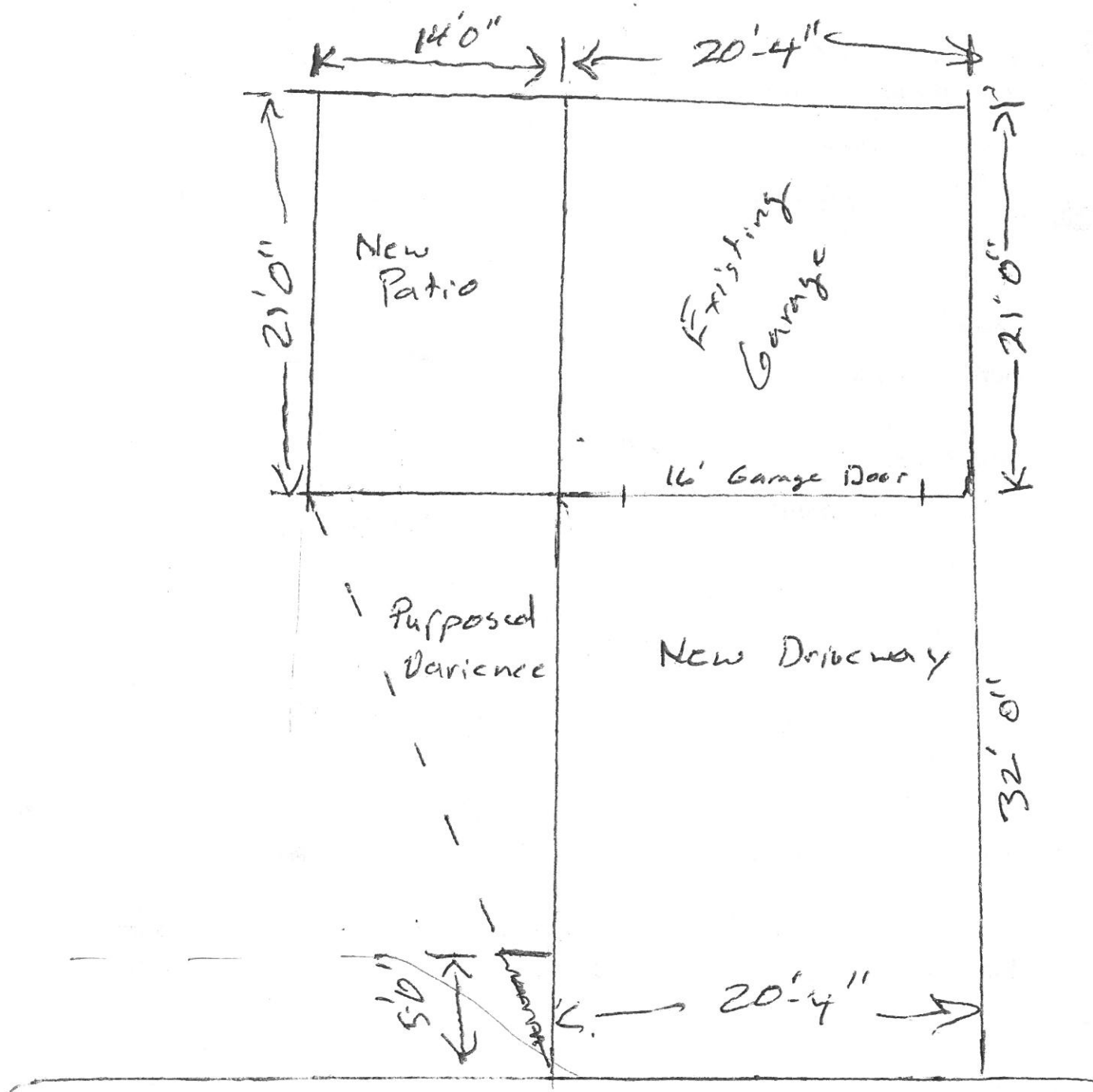
PARCEL NUMBER: 11-12-430-021

ADDRESS: 4802 ILLINOIS STREET

APPLICANT: SHANNON SCHROEDER
1814 KINGS HWY
ROCKFORD, ILLINOIS 61107

PROPERTY OWNER: JAMEA HERRERA
4802 ILLINOIS STREET
LOVES PARK, ILLINOIS 61111

4802 IL Street



Snow Street



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: 4802 Illinios Street

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: **4802 Illinois Street**
Variance to widen the driveway

Chairman
Michael Owens

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: August 6, 2021

SUBJECT: A Special Use Permit for an oil change service establishment in the CR (Commercial Retail) Zoning District.

LOCATION: 5870 E. Riverside Boulevard

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

ZONING DISTRICT:

North	R1 - Single Family
South	C2 - Commercial - Rockford
East	CR - Commercial Retail
West	CR - Commercial Retail

PROPERTY INFORMATION AND RELEVANT FACTS:

Dumpster Enclosure
Required:

Provisions shall be made for commercial establishments to provide refuse disposal and recyclable materials storage areas.

Provided:

A dumpster enclosure is being provided as indicated on the site plan.

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.

Provided:

The applicant provided a landscape plan that does not meet all of the requirements of Section 102-258, which governs landscaping for parking areas.

Signage
Required:

The sign is required to meet the established standards and requirements set forth in Article V, Section 102-284, which governs commercial signage.

Provided:

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

Parking
Required:

The required parking is 15 stalls, which includes 1 ADA accessible stall.

Provided:

The petition provides 9 stalls, one of which is an accessible stall. The applicant

indicated that the parking provided is for employees. No customer parking will be provided because customers will not exit their vehicles. Customers will remain in their vehicles while service is being provided.

The establishment or operation of the special use will not be detrimental or endanger the general welfare of the businesses or the public health in this area. The use will not adversely impact or diminish property values with its establishment. The use will generate more traffic to the area, however, the zoning district is commercial with mixed uses already established. The use will compliment other uses for this zoning district. The establishment of the use is not likely to impact surrounding uses already inherently permitted in the zoning district. The required review process for this use will address issues of utilities, access, and drainage. Ingress and egress should not be problematic. The use will be established with a service drive frontage and multiple access points that will should address vehicle congestion that may arise as a result of the establishment of the use.

RECOMMENDATION: **Approval** - A Special Use Permit for an oil change service establishment in the CR (Commercial Retail) Zoning District.

Conditions:

1. The Special Use Permit expires with the change in business use.
2. The applicant shall extend the landscape berm to the west property line. The berm shall not be required to extend to the eastern property line. The small section can mirror the established curb installed by the carwash to the east.
Six additional trees that grow to height of 20 feet or more when matured shall also be installed. The trees shall be some combination of Maple, Oak, or Elm tree and be situated in proximity to the development. Additionally, the business or land owner shall be responsible for the maintenance, repair, and replacement of all landscaping materials. Plant materials in landscape bed areas shall be maintained in a healthy growing condition, free from refuge, debris, and weeds at all times.
3. The tree line along the western property line shall not be completely removed. A buffer shall remain between the residence and the business.
4. All business signage shall meet the requirements of Article VI, Section 102-284.
5. The dumpster enclosure shall be constructed of masonry on three sides, with a site obscuring gate. The use of chain link and vinyl slats shall not be permitted.

APPROVAL / DENIAL / TABLED

ATTACHMENTS: See attachments

**ZONING BOARD
RECOMMENDATIONS:**

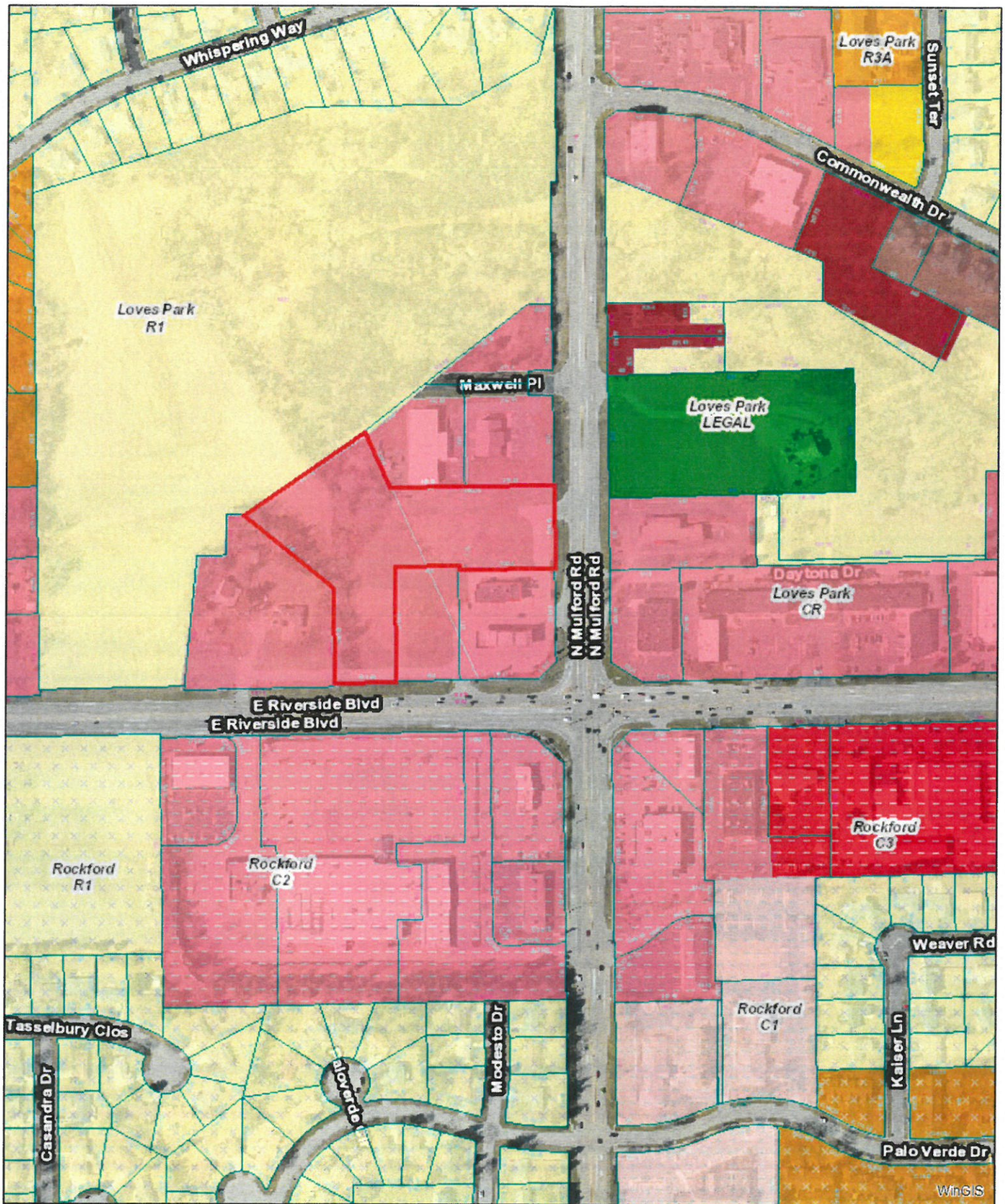
Vote: _____

**AUDIENCE
COMMENTS:**



Here is a brief introduction from Take 5:

The Take 5 Oil Change concept is simple—quick, friendly oil changes so that our customers can get back to their lives. This ethos is even more important today as daily life demands more and more of our time. Our customers love us because they can get an oil change for a fair price without ever having to leave their cars! Take 5 specializes in oil changes. Our team members can top off fluids and replace filters and wipers if asked, but our customers can be confident that they won't be upsold for pricy automotive repairs when they enter our garage.



0 312.5 625 Feet

SCALE: 1:3,774





LANDSCAPE PLAN

LANDSCAPE NOTES

1. Contractor shall plant trees to all grass/hard areas on slopes and all other adjacent areas.
2. After a stand of grass is established and no more water and sediment is observed, contractor shall be allowed to plant.
3. The site work for this project shall meet or exceed industry standards and specifications for each improvement feature.
4. The Contractor shall provide a 10-year maintenance contract for all landscaping and the irrigation system.
5. The planter area shall have a weed barrier and be covered with landscape gravel of 2" maximum depth. A steel edging shall be used on all landscaped areas within grass areas.
6. A landscape architect shall be responsible for the selection of plants and trees to be planted in the landscape. The Contractor shall be responsible for the selection of plants and trees to be planted in the landscape. The Contractor shall be responsible for the selection of plants and trees to be planted in the landscape.
7. All landscaped areas are to include two inches of topsoil. Contractor to seed, mulch, fertilize, water, and maintain all areas outside of paved areas that were not previously landscaped with an acceptable stand of grass to be established. Contractor shall be responsible to take whatever measure necessary to establish permanent and additional.
8. Soil shall be well-aerated and be amended with fertilizer and lime to a pH of 6.5 to 7.0. Contractor shall be responsible to take whatever measure necessary to establish permanent and additional.
9. All plants must be healthy, vigorous, and free of pest and disease.
10. All plants must be planted in the ground and not in containers.
11. All trees must be planted in the ground and not in containers.
12. All plants are to be planted in the ground and not in containers.
13. Prior to construction, the Contractor shall be responsible for locating all underground utilities and shall mark design to all utilities during the process of the construction. The Contractor shall be responsible for marking any and all utilities in the landscape, including, but not limited to, water, gas, electric, and sewer.
14. Contractor is responsible for verifying all quantities shown on these plans before pricing the work.
15. All planter barrels and planter areas shall be located with a 24" VPI slope and marked to meet the existing specifications, unless otherwise indicated on these plans.
16. Landscaping materials shall be provided for a total quantity of trees from within a 100' radius of all.
17. Contractor to verify all quantities, verify B/E and Owner of any major changes.
18. Proposed plant shall be to be installed in the landscape and approved by the Contractor and approved by the Owner prior to construction.
19. Tree locations and planting shall be to be located by the Contractor and approved by the Owner prior to construction.
20. Planting shall be provided with all necessary materials.
21. Contractor shall coordinate with owner and City prior to construction to determine if a separate irrigation water meter is needed.
22. The Contractor shall provide a list of trees and quantities to be installed in the landscape and to be installed before the start of construction. The Contractor shall be responsible for the selection of plants and trees to be planted in the landscape.

LOVES PARK, ILLINOIS
PO BOX 100843
Fort Worth, TX 76185

REVISIONS

NO.	DATE	DESCRIPTION
1	08/10/21	ISSUED FOR PERMIT
2	08/10/21	ISSUED FOR PERMIT
3	08/10/21	ISSUED FOR PERMIT
4	08/10/21	ISSUED FOR PERMIT
5	08/10/21	ISSUED FOR PERMIT

DESIGNED BY	DATE	SCALE
08/10/21	08/10/21	1"=20'
CHECKED BY	DATE	SCALE
08/10/21	08/10/21	1"=20'
PROJECT NO.	DATE	SCALE
08/10/21	08/10/21	1"=20'

LP-1

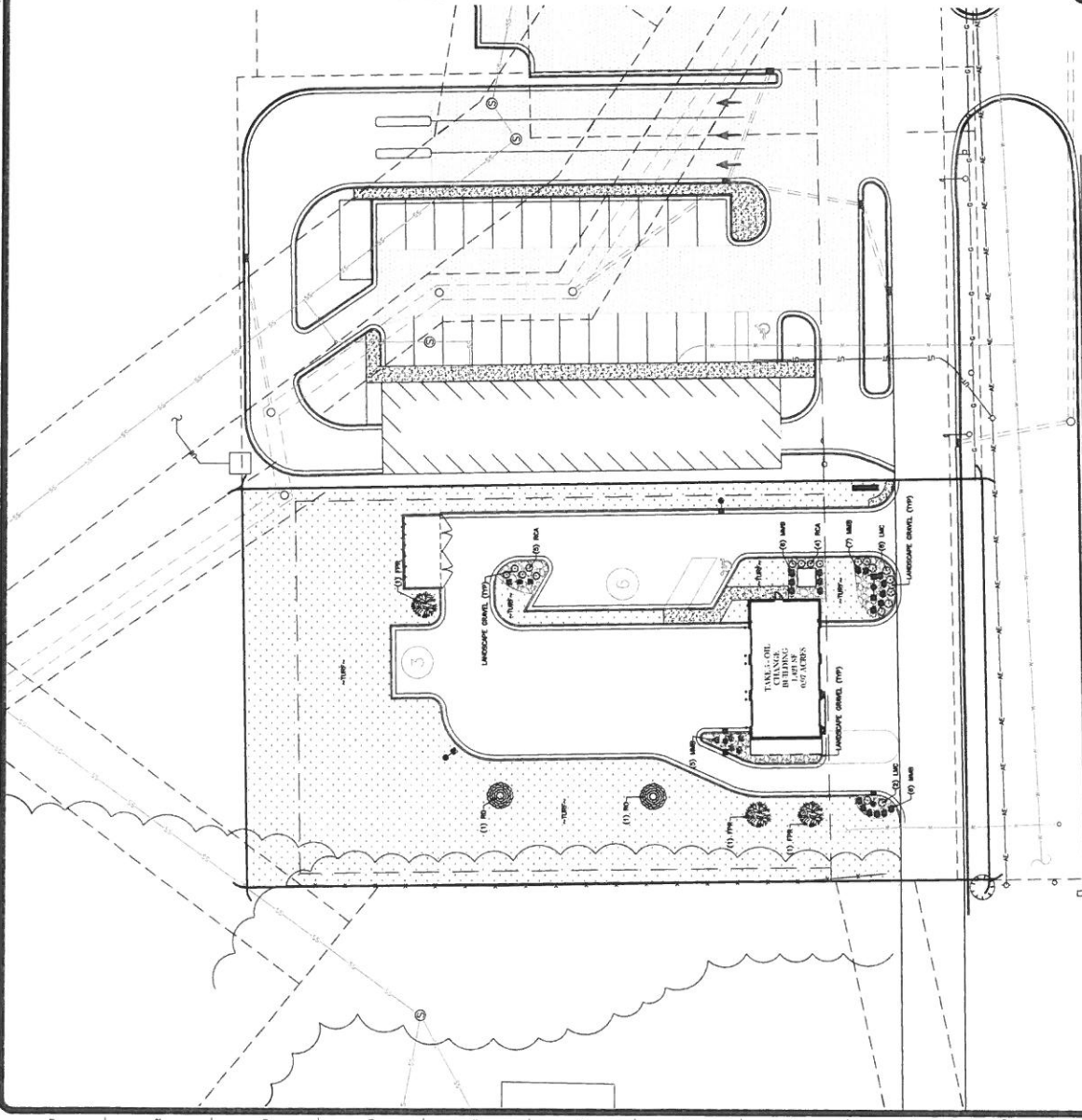
PRELIMINARY DRAWING

FOR REVIEW PURPOSES ONLY
NOT TO BE USED FOR CONSTRUCTION

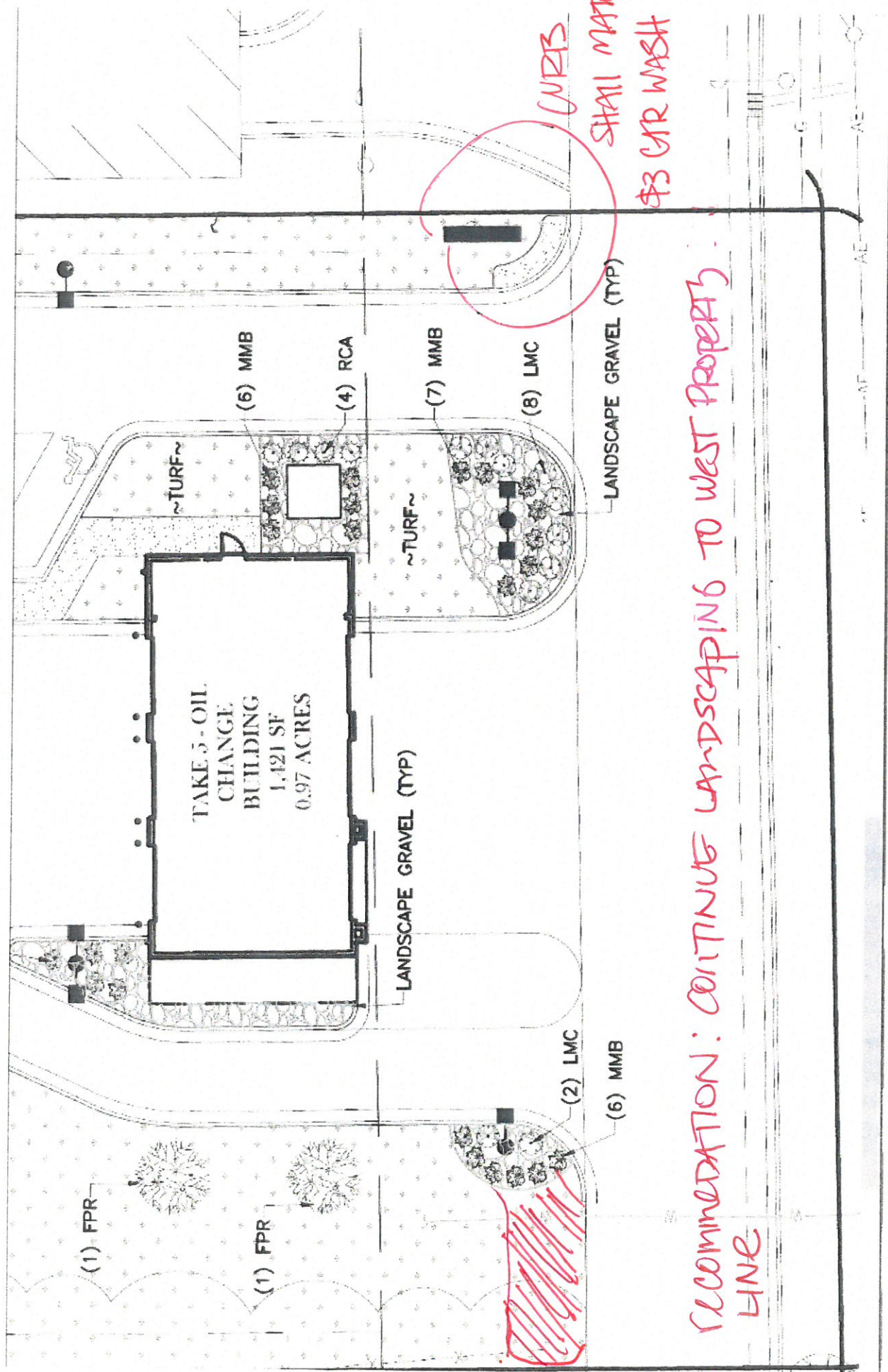
BFA
Engineering & Surveying

1030 ELM STREET
WICHITA, KANSAS 67202

TELEPHONE (316) 234-1771



The contractor shall verify and approve all quantities shown on these plans before pricing the work. The Contractor shall be responsible for the selection of plants and trees to be planted in the landscape. The Contractor shall be responsible for the selection of plants and trees to be planted in the landscape.



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.

|5870 E. RIVERSIDE BLVD

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: **5870 E. RIVERSIDE BLVD**
SUP for a oil change establishment

Chairman
Mike Owens

Signature

Date