



AGENDA
LOVES PARK ZONING BOARD OF APPEALS
March 15, 2022

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 **February 17, 2022** meeting
3. Report from the Zoning Office - None
4. Unfinished business –
5. New business –
 - A. TEXT AMENDMENT** – Amend: Chapter 102, Article III, Districts, Division 3, Commercial, Section 102-174, (c), (21), (g) – distance between adult use cannabis dispensaries
 - B. TEXT AMENDMENT** – Add: Chapter 102, Article III, Districts, Division 3, Commercial, Section 102-174, (c), (21), (i), - limit number of adult use cannabis dispensaries
6. Public participation & comment
7. General discussion
8. Adjournment

Andrew Quintanilla
Zoning Officer

**MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS
THURSDAY, FEBRUARY 17, 2022
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, JOSEPH GIACONE, LUKE CARLSON,
LYNDI TOO HILL

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

Chairman Owens announced that items considered for recommendation at this meeting will be forwarded to the Community Development Committee meeting on February 28, 2022 at 6:15 p.m.

2. MINUTES

Mrs. Nelson moved to approve the minutes from the meeting January 20, 2022. Second by Mrs. Toohill. Motion carried by voice vote.

3. ZONING OFFICE REPORT

4. UNFINISHED BUSINESS

- A. **N. ALPINE ROAD (08-32-376-028)** – Special Use Permit to allow an automobile repair establishment, and to allow vehicle sales in conjunction with the automobile repair establishment in the CR Zoning District.

Petition withdrawn by applicant.

5. NEW BUSINESS

- A. **1812 E. RIVERSIDE BLVD.** – Special Use Permit for a drive-thru window in the CR Zoning District. Appropriate notice has been given.

Julian Gomez, 815 Field Road, Rockford, IL was sworn in as Petitioner and indicated that he is requesting a Special Use Permit to allow for a drive-thru window. He is planning to have a building constructed on the property for a carryout pizza business, with no inside dining.

No objector present.

Mrs. Nelson moved to approve a Special Use Permit a drive-thru window in the CR Zoning District for the property known as 1812 E. Riverside Blvd., with the following conditions:

1. The Property owner shall contact the Winnebago County Highway Department for guidance on how to improve the ingress/egress for this development.
2. The dumpster enclosure shall meet the requirements of Section 102-132, which outlines the guidelines for such structures.
3. The parking interior and exterior shall be repaired.

4. The business owner and property owner shall be responsible for the maintenance, repair, and replacement of all landscape plants and materials. The landscape beds shall be tended to and maintained in a healthy growing condition, free from refuse debris and leaves at all times. Landscaping shall be installed on or before May 30, 2022.

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

- B. **6489 N. SECOND STREET** – Special Use Permit for an event/banquet establishment in the CR Zoning District. Appropriate notice has been given.

Tavanna and Michael Branch, 6451 Old Hunters Run, Rockford, IL were sworn in as Petitioners and they indicated that they are requesting a Special Use Permit for an event/banquet establishment at the location. The hours of operation will be 12:00 noon to 12:00 midnight on the weekends and they will hold events such as, birthday parties, baby and wedding showers, and wedding receptions. Mr. Branch added that there will be no cooking onsite and all food will be supplied by the client or catered by an outside vendor, and they will be applying for a liquor license.

Mr. Quintanilla indicated that he received two letters opposing the proposed event/banquet establishment both expressing concerns regarding loud music and increased foot traffic.

Mr. Danielson moved to approve a Special Use Permit for an event/banquet establishment in the CR Zoning District for the property known as 6489 N. Second Street, with the following conditions:

1. The Special Use Permit shall expire with the discontinuance of the event/banquet establishment.
2. If music is provided for any event or banquet, the doors shall remain closed.
3. The Special Use Permit shall be revoked with substantiated complaints from other businesses or local authorities.

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

MOTION APPROVED 6-0

6. PUBLIC PARTICIPATION AND COMMENT

None

7. GENERAL DISCUSSION

Mr. Quintanilla indicated that next month's Zoning Board of Appeals meeting will be held on Tuesday, March 15, 2022 at 5:30 p.m.

Mrs. Nelson moved that the meeting be adjourned. Second by Mrs. Toohill. Motion carried by voice vote. The meeting adjourned at 5:50 p.m.

Sheila Mills, Secretary



ZONING BOARD OF APPEALS

Community Development Department

Date: February 22, 2022

SUBJECT: **Text Amendment:**
Chapter 102, Article III, Districts, Division 3, Commercial, Section 102-174, (c), (21), (g)
distance between adult use cannabis dispensaries

**Adopted by City
Council 11/2020:**

(g) Facility may not be located within a distance of 1 mile (5,280 linear feet) of an existing Adult-Use Cannabis dispensing organization. Measurement shall be from building to building

Proposed:

(g) Facility may not be located within a distance of one and one-half miles (7,920 linear feet) of an existing Adult-Use Cannabis dispensing organization. Measurement shall be from building to building.

The Staff does not support an amendment to increase the existing spacing requirements between Adult Use Cannabis Dispensaries. In November of 2020, the City Council approved several locational restrictions for Adult Use Cannabis Dispensaries to protect sensitive uses, and to prevent the concentration of Adult Use Cannabis Dispensaries. This included a spacing requirement of 1 mile between dispensary locations. Since this ordinance has been in place, a single Cannabis Dispensary has located within the City, on Bell School Road. This location has not presented any concerns with traffic, parking, or negative effects to surrounding land uses. It seems premature to amend the spacing requirement, when there is no basis to do so. The Staff feels that the existing regulations were well thought out, and were approved unanimously by the Zoning Board of Appeals, and by a 7-3 vote of the City Council.

RECOMMENDATION:

Denial:

Amend: Chapter 102, Article III, Districts, Division 3, Commercial, Section 102-174, (c), (21), (g), as follows:

(g) Facility may not be located within a distance of one and one-half miles (7,920 linear feet) of an existing Adult-Use Cannabis dispensing organization. Measurement shall be from building to building.

ATTACHMENTS:

See attachments

**ZONING BOARD
RECOMMENDATIONS:**

VOTE:

APPROVAL / DENIAL / TABLED

**AUDIENCE
COMMENTS:**



ZONING BOARD OF APPEALS

Community Development Department

Date: February 22, 2022

SUBJECT:	Text Amendment: Chapter 102, Article III, Districts, Division 3, Commercial, Section 102-174, (c), (21), (i) - limiting number of adult use cannabis dispensaries.
Limit number of uses in a zoning district:	The City has not established a limit on the number of uses permitted in any zoning district.
Proposed (add):	<p>(i) The number of Adult-Use Cannabis dispensing organizations approved to operate in the City shall be limited to two (2).</p> <p>The Staff also does not support an amendment to the Zoning Ordinance, which limits the number of Adult Use Cannabis Dispensaries to a total of two citywide. Although the State of Illinois allows municipalities to do so through the use of zoning, it is not typically the function of zoning to limit a use by a specific number. Zoning usually uses locational restrictions, zoning districts, Special Use Permits, etc. to regulate where uses can be located. We have done this with other uses such as Sexually Oriented Business. Limiting the number of specific uses in the Zoning Ordinance sets a bad precedence that could allow petitioners to request a limiting number for other uses to eliminate competition. Since there is only one existing Adult Use Cannabis Dispensary in the City, which has presented no concerns, it would again be premature to amend the Zoning Ordinance to limit the number. The intent of this amendment is to limit a use which is legally permitted by the State of Illinois because of the perception that this use has a negative effect on the City, as a whole. Limiting the number of any type of legally established use could also have a negative effect on the finances of the City by forcing the uses to locate across the border to a neighboring community, thus losing the sales tax revenue that these uses would produce for the City. Requiring this use to obtain a Special Use Permit, as already specified in the Zoning Ordinance, it is the City's controlling mechanism for both number and spacing.</p>
RECOMMENDATION:	Denial: Add: Chapter 102, Article III, Districts, Division 3, Commercial, Section 102-174, (c), (21), (i), as follows: (i) The number of Adult-Use Cannabis dispensing organizations approved to operate in the City shall be limited to two (2).
ATTACHMENTS:	See attachments
ZONING BOARD RECOMMENDATIONS:	
VOTE:	APPROVAL / DENIAL / TABLED

**AUDIENCE
COMMENTS:**
