



**AGENDA**  
**LOVES PARK ZONING BOARD OF APPEALS**  
**January 19, 2023**

**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 **November 17, 2022** meeting
3. Report from the Zoning Office – None
4. Unfinished business – None
5. New business –
  - A. Text Amendment – Chapter 102, Article III, Districts, Section 102-135, Accessory Structures, (j), (7)**
  - B. Text Amendment – Chapter 102, Article V, Off-street Parking and Loading, Section 102-258, Parking in Yards, (10), (a).**
6. Public participation & comment
7. General discussion
8. Adjournment

Andrew Quintanilla  
Zoning Officer

**MINUTES OF THE LOVES PARK ZONING BOARD OF APPEALS**  
**THURSDAY, NOVEMBER 17, 2022**  
**5:30 P.M.**  
**COUNCIL CHAMBERS**

**1. CHAIRMAN BEN DANIELSON CALLED THE MEETING TO ORDER AT 5:34 P.M.**

MEMBERS PRESENT: CHAIRMAN BEN DANIELSON, CATHY NELSON, LUKE CARLSON, LYNDI TOO HILL, MADELINE STUCKY, JASON VANDIVER

MEMBERS ABSENT: JOSEPH GIACONE

OTHERS PRESENT: ZONING OFFICER - ANDREW QUINTANILLA, NATE BRUCK, ATTORNEY PHIL NICOLOSI SHEILA MILLS, SECRETARY

Mr. Danielson announced that items considered for recommendation at this meeting will be forwarded to the Community Development Committee meeting which is scheduled for November 28, 2022, at 6:15 p.m.

**2. MINUTES**

Mrs. Stucky moved to approve the minutes from the meeting held on October 20, 2022. Second by Mr. Carlson. Motion carried by voice vote.

**3. ZONING OFFICE REPORT**

None

**4. UNFINISHED BUSINESS**

**5. NEW BUSINESS**

Mrs. Toohill moved to hear New Business, Item A after Item C. Second by Mr. Carlson.

**MOTION APPROVED 4-0**

Mrs. Nelson joined the meeting at 5:50 p.m.

- A. 5400/5312 N. SECOND STREET** – A Special Use Permit to allow overflow parking and staging of Fleet commercial vehicles (outside storage of vehicles) in the CR Zoning and N. Second Street Overlay Districts. Appropriate notice has been given.

R.C. Pottinger, Attorney, Barrick, Switzer Law Firm, 6835 Stalter Drive, Rockford, IL was sworn in on behalf of the owner, Mark Numbers, Mad II, LLC. Mr. Pottinger indicated that they are requesting renewal of a Special Use Permit and he added that Phase 1 of the project has been completed and the conditions that were placed on the Special Use have been met.

Chairman Danielson commented that he doesn't think Dodge Rams would be considered fleet transit cargo vans, as stated in the original conditions.

Attorney Pottinger stated their interpretations were they could have anything that wasn't a passenger vehicle or non-CDL vehicle.

Mrs. Nelson added that the conditions stated specifically fleet transit cargo vans.

Attorney Pottinger indicated that they didn't know they couldn't have the Dodge Rams and they will work with the city to clarify the language.

Chairman Danielson commented that the condition clearly states vans.

Mrs. Nelson she feels the definition was clear in the type of vehicle stated, if there was confusion it could have been questioned and clarified at the time it was approved. Once a Special Use Permit is issued any deviation from the conditions would have to come back to the board for approval.

She stated landscaping was put in late and will probably die and in Phase 2 she would like to see landscaping done at ground level instead of planters.

Mrs. Nelson asked Attorney Pottinger if he could explain why it took 11 months for the landscaping and blacktop conditions to be met.

Dave Sockness, Stenstrom Co., P.O. Box 125, Roscoe, IL was sworn in on behalf of Petitioner to speak to the conditions and the work schedule. He stated many conditions were completed throughout the year, and he described how and when work was completed. Mr. Sockness admitted they came right down to the wire on the deadline.

Mrs. Nelson stated she would like to see a deadline of July for Phase 2, and the landscaping could be done in season.

No objectors present.

Mrs. Nelson moved to approve a Special Use Permit to allow overflow parking and staging of Fleet Commercial vehicles (outside storage of vehicles) in the CR Zoning and N. Second Street Overlay Districts with the following conditions:

1. The Special Use Permit expires with any change in property ownership, change in business ownership, or discontinuance of the commercial automobile sales business.
2. No off-site business signage shall be permitted for parcels 11-12-226-083 and 11-12-226-054.
3. No commercial or passenger vehicle sales shall be permitted on 11-12-226-083 and 11-12-226-054. The commercial vehicles shall not display any options or pricing. All sales and vehicle information shall be provided when the vehicles are available for sale at 4925 N. Second Street, the existing Kar Korner sales lot.
4. All areas utilized for driving or parking must be paved with a dust-free hard impervious surface within 6 months of approval of the special use. Such material shall be approved by the City prior to installation. The vehicle storage areas shall be striped, observing the defined fire lane, as presented on the site plan. Storage of the vehicles shall only be permitted within the striped vehicle storage areas and not encroach into the landscape bed areas on both N. Second Street frontages.

5. There shall be no storage of the owner's or employees' personal or recreational vehicles, which includes campers, trailers, RV's, aquatic items, boats, or any other items not associated with the business located at 4925 N. Second Street.
6. The properties shall be limited to the storage of the fleet transit cargo vans, fleet pickups, and fleet box trucks less than 26,000 lbs. The fleet box trucks are to be stored behind the arborvitae. No vehicles that require a Commercial Driver's License (CDL) or passenger vehicles shall be permitted on parcels 11-12-226-083 and 11-12-226-054.
7. Loading and unloading of vehicles shall only be permitted in the rear of the building.
8. No vehicle washing or repair shall be permitted, and all vehicles shall be operable and maintained in a good state of repair.
9. Landscaping shall meet all of the requirements of Section 102-258, and the N. Second Street Overlay District. The owner shall be required to remove asphalt for the landscaping bed on both frontages and provide a protective curb on all sides. The buffer shall be 8-ft. deep. The owner shall also provide a landscape buffer on both parcels that will obscure vehicles behind the building. The buffer will require the removal of asphalt and provide a protective curb on all sides. The rear landscaped areas shall be lined with a row of arborvitae trees and perennials. The buffer will also include the installation of a black vinyl-coated chain link fence that shall not exceed 6-ft in height. No barbed or razor wire shall be allowed. Phase 2 shall follow Phase 1 landscaping layout for saw cutting.
10. The property owner or business 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 weeds at all times. The owner shall provide staff with a landscaping schedule outlining the various plants/trees that will be provided as part of the approval within 30 days of approval.
11. The Special Use Permit shall be renewed 1 year from the date of approval.
12. Phase 2 items as part of the original Special Use Permit are to be completed by July 1, 2023, with exception of planting
13. If the improvements identified in Phases 1 & 2 are not completed and conditions recommended with the approval have not been met, the landowner or business owner shall be required to remove any and all vehicles from parcels 11-12-226-083 and 11-12-226-054.
14. Any deviations from what is approved shall only be done through the Zoning Board of Appeals and City Council.

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

**MOTION APPROVED 4-0, Mr. Carlson abstained from voting.**

**B. SQUAW VALLEY ROAD (4XXX N. BELL SCHOOL ROAD AND 43XX SQUAW VALLEY DRIVE) – A Special Use Permit for a Planned Unit Development in the R3 and IL CR Zoning Districts. Appropriate notice has been given.**

Carol Lockwood, Attorney, Hinshaw & Culbertson, 100 Park Avenue, Rockford, IL was sworn in on behalf of Petitioners North Riverside Partners and East Riverside Farms Inc.

Attorney Lockwood indicated that they are requesting a Special Use Permit for a Planned Unit Development at the property known as 4XXX N. Bell School Road & 43XX Squaw Valley Drive.

Joe Contarino, 6551 E. Riverside Blvd., Rockford, IL was sworn in and spoke in favor of the Planned Unit Development.

No objectors present.

Mrs. Toohill moved to approve a Special Use Permit for a Planned Unit Development in the R3 and IL CR Zoning Districts for the property known as 4XXX N. Bell School Road and 43XX Squaw Valley Drive, with the following conditions:

1. The landowner shall be responsible for the maintenance, repair, and replacement of all landscaping materials. The plant materials and landscaped bed areas shall be tended and maintained in a healthy growing condition and free from refuse, debris, and weeds at all times.
2. The Special Use Permit shall be renewed 1 year from the date of approval.

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

**MOTION APPROVED 4-0**

**C. TEXT AMENDMENT – CHAPTER 102, ARTICLE III, DISTRICTS, DIVISION 3, COMMERCIAL, SECTION 102-174, (C), SPECIAL USES, (21), ADULT-USE CANNABIS DISPENSING ORGANIZATION, (A), (B), AND (H).** Appropriate notice has been given.

Nathan Bruck indicated that this amendment will change where cannabis dispensaries cannot be located in the City of Loves Park.

No objectors present.

Mrs. Nelson moved to approve a Text Amendment to Chapter 102, Article III, Districts, Division 3, Commercial, Section 102-174, (C), Special Uses, (21), Adult-Use Cannabis Dispensing Organization, (A), (B), and (H). Second by Mrs. Stucky. The findings of the facts have been met and discussed in accordance with the zoning recommendations provided.

**MOTION APPROVED 5-0,**

**6. PUBLIC PARTICIPATION AND COMMENT**

None

**7. GENERAL DISCUSSION**

Mrs. Nelson moved that the meeting be adjourned. Second by Mrs. Toohill. Motion carried by voice vote. The meeting adjourned at 6:51 p.m.

Sheila Mills, Secretary



## ZONING BOARD OF APPEALS

### Community Development Department

Date: November 17, 2022

**SUBJECT:** Text Amendment: Chapter 102, Article III, Districts, Section 102-135, Accessory Structures.

**Existing:**

- (j) [Shipping containers, pods, and other storage containers.] Modified or unmodified shipping containers and pods, or other storage container shall not be permitted in any zoning district, unless otherwise permitted by subsection (j)(1)—(6) of this section.
1. Modified or unmodified shipping containers or pods, temporary, transportable, movable, un-stationary, portable, or other transferable containers shall only be permitted in residential districts for a period not to exceed 30 days.
  2. A no fee permit shall be obtained 14 days prior to the placement, location, or parking of any modified or unmodified shipping containers or pods, temporary, transportable, movable, un-stationary, portable, or transferable container may be placed on any residential property. The 30-day permit must be utilized during a six-month period following issuance of the permit.
  3. Modified or unmodified shipping containers or pods, temporary, transportable, movable, un-stationary, portable, or transferable containers shall only be permitted to be placed on the driveway or designated driveway. Storage containers covered under this chapter shall not be placed on any public right-of-way or easement.
  4. Modified or unmodified shipping containers or pods, temporary, transportable, movable, un-stationary, portable, or transferable containers shall only be used to store the personal property belonging to the property owner. No construction equipment, building materials, hazardous or flammable substances may be stored inside any container covered by this chapter, nor may any container covered by this chapter be used for occupancy, sleeping, housing of animals, storage of firearms, or storage of materials, which are otherwise unlawful to possess. Structures used in conjunction with commercial development, and a valid building permit posted on site shall be allowed only for the duration of the development.
  5. Only a single storage container, not to exceed 20'L × 8'H × 10'W, covered under this chapter, shall be allowed on the property. Such container shall be maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, or other defects at all times, and must be equipped with a functional locking device. Storage containers covered under this chapter shall be set back at least five feet from any public right-of-way or easement.
  6. Any person or business violating this chapter shall be subject to a fine of not less than \$75.00 per day, and each day of violation shall constitute a separate offence.

**Proposed:**

**(ADD) (j) (7) :**

(j) 7. Modified shipping containers, temporary transportable or transferable structures may be occupied to conduct business on a lot zoned commercial retail when it is part of a Precise Plan Development, and has received approvals through permitting from the building department. The approval shall also be contingent upon approval of the local health department, and if warranted, the local fire department, the International Building Code (IBC), National Electric Code (NEC), Illinois Plumbing Code (IPC), and International Mechanical Code (IMC), unless otherwise permitted by subsection (j) (1)-(7) of this section.

**RECOMMENDATION:**

**Approval:**

Text Amendment: Chapter 102, Article III, Districts, Section 102-135, Accessory Structures, (j), (7).

**ATTACHMENTS:**

See attachments

**ZONING BOARD  
RECOMMENDATIONS:**

Vote:

APPROVAL / DENIAL / TABLED

**AUDIENCE  
COMMENTS:**

--



## ZONING BOARD OF APPEALS

### Community Development Department

Date: November 17, 2022

<b>SUBJECT:</b>	Text Amendment: Chapter 102, Article V, Off-street Parking and Loading, Section 102-258, Parking in Yards.
<b>Existing:</b>	<b>(10)</b> Parking in yards. Parking may be allowed in the required yards with the exception of the following:  a. No parking shall be allowed in the required front and side setbacks adjacent to a right-of-way in all residential and CN commercial neighborhood districts, except on a private driveway improved with a hard-surface which is dustfree and provides for water runoff, except when snow removal or other emergency parking regulations are in effect.  b. No parking shall be allowed within the first 25 feet of the right-of-way corner in the commercial and industrial districts.
<b>Proposed:</b> <b>(Amend) (10), (a)</b>	Parking in yards. Parking may be allowed in the required yards with the exception of the following:  10. a. No parking <b>or driving</b> shall be allowed in the required front and side setbacks adjacent to a right-of-way in all residential and CN commercial neighborhood districts, except on a private driveway improved with a hard-surface which is dustfree and provides for water runoff, except when snow removal or other emergency parking regulations are in effect.
<b>RECOMMENDATION:</b>	<b>Approval:</b> Text Amendment: Chapter 102, Article V, Off-street Parking and Loading, Section 102-258, (10), (a), Parking in Yards.
<b>ATTACHMENTS:</b>	See attachments
<b>ZONING BOARD RECOMMENDATIONS:</b>	
Vote:	APPROVAL / DENIAL / TABLED
<b>AUDIENCE COMMENTS:</b>	