



AGENDA
LOVES PARK ZONING BOARD OF APPEALS
March 16, 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 **February 23, 2023** meeting
3. Report from the Zoning Office – None
4. Unfinished business – None
5. New business –
 - A. 207 Belteberg Road** – A Variance from a required six foot side yard setback to a requested three foot side yard setback for a carport in the R1 (Single Family Residential) Zoning District.
 - B. 6419 Material Avenue (12-05-102-026 & 12-05-102-044)** – A Special Use Permit for a dog daycare, boarding, and grooming establishment in the IL (Light Industrial) Zoning District.
 - C. 4502 McFarland Road (08-34-476-007, 08-34-476-013, and 08-34-476-012)** – A Zoning Map Amendment from IL_CR (Light Industrial_Commercial Retail) to the CO (Commercial Office) Zoning District.
 - D. 4502 McFarland Road (08-34-476-007, 08-34-476-013, and 08-34-476-012)** – A Variance from a maximum allowable height of thirty-five feet for a building to a requested forty-five feet in height for a section of the building in the CO (Commercial Office) Zoning District.
 - E. 7310 E. Riverside Boulevard** – A Special Use Permit for a drive-thru window in IL_CR (Light Industrial_Commercial Retail) and the E. Riverside/I90 Overlay District
 - F. Text Amendment (Add)** – Chapter 102, Zoning, Article I, In General, Section 102-9, Definitions, Medical Clinic.
 - G. Text Amendment (Amend)** – Chapter 102, Zoning, Article I, In General, Section 102-9, Definitions, Hotel, Motel, Inn or Auto Court.
 - H. Text Amendment (Amend)** – Chapter 102, Zoning, Article III, Division 3, Section 102-176, CO Commercial Office District, (b), (6).

**I. Text Amendment (Add) – Chapter 102, Zoning, Article III, Division 3, Section 102-176,
CO Commercial Office District, (c), special uses, (3)**

6. Public participation & comment
7. General discussion
8. Adjournment

Andrew Quintanilla
Zoning Officer



Minutes of the Loves Park Zoning Board of Appeals

Date: February 23, 2023 Time: 5:30 P.M.

1. Chairman: Benjamin Danielson call the meeting to order at: 5:30 PM

Members Present:	<u>Ben Danielson</u>	<u>Lyndi Toohill</u>
	<u>Cathy Nelson</u>	<u>Madeline Stucky</u>
	<u>Luke Carlson</u>	<u></u>
Members Absent:	<u>Jason Vandiver</u>	<u></u>
Others Present	<u>Andrew Quintanilla (Staff)</u>	<u></u>

2. Minutes

Mrs. Nelson moved to approved the minutes from the **January 19, 2022** meeting. Second by Mrs. Mr. Carlson. Motion carried by vote.

3. Zoning Office Report

No report. Introduction of the new Zoning Board member Don Daniels

4. Unfinished Business

None

5. New Business

- A. 4461-4463, 4465-4467, 4469-4471. and 4473-4475 Squaw Valley Drive - A Zoning Map Amendment from IL_CR (Light Industrial_Commercial Retail) to the R2 (Two-family Residential) Zoning District.**

Petitioner: Attorney Carol Lockwood with Hinshaw & Culbertson, representing the petition for the owner of the property.

Ms. Lockwood stated that over the years Chuck Thomas had subdivided 12 lots along Squaw Valley Road with 8 of the lots zoned R2 for duplex style dwellings. She stated that the City contacted their office about rezoning the remaining 4 lots consistent with what had been previous approved.

Ms. Nelson stated that the rezoning to R2 zoning was an extension of the zoning that had been approved in prior years.

Ms. Lockwood thanked the board for rescheduling the meeting so that the project could move forward.

Board Discussion:

Mrs. Nelson stated that this was an extension of what had been approved in prior years

and that she did not have any objection to the zoning request.

Mr. Daniels agreed that the zoning change is consistent with how the area has developed and that he did not have any reservations.

NO OBJECTORS PRESENT

Mrs. Nelson moved to approved a Zoning Map Amendment from IL_CR (Light Industrial Commercial Retail to R2 (Two-family Residential) Zoning District for 4461-4463, 4465-4467, 4469-4471, 4473-4475 Squaw Valley Drive.

Second by Mrs. Toohill.

MOTION APPROVED: 5-0

B. 4003 McFarland Road - A Special Use Permit for 100% office space in IL_CR (Light Industrial_Commercial Retail) and the E. Riverside/I90 Overlay District.

Mr. Danielson asked Mr. Quintanilla if there were issues that needed to be addressed before the petitioner presented the petition. Mr. Quintanilla stated that any issues can be discussed through board discussion as part of the approval.

Petitioner: Eric Gillam

Mr. Gillam thanked the board for rescheduling the meeting to allow the petition to move forward.

Mr. Gillam stated that he and his partners planned to purchase the vacant lot to establish an office building to run an aesthetics establishment, providing a salon and skin boutique called Faceplace. The business has been in existence since 2015 and operating with limited capacity. The business has grown and there was a need to expand to provide services and products.

Mrs. Nelson asked if the building was for a single business only, given the site plan provided. She stated that the site plan provided shows various offices or salon service stations.

Mr. Gillam stated that Faceplace will be the sole tenant. The additional rooms provided will be to accommodate future employees who will provide additional aesthetic services.

Mr. Quintanilla stated that the special use was an overlay to the existing zoning, so permitted uses in commercial retail would be allowed.

Mrs. Nelson indicated that the layout did not provide for additional businesses.

Mr. Daniels spoke to how the building may be utilized in the future. He stated if the business did not succeed, the layout, as presented, may work for other office related, with renting if need be.

Mrs. Nelson indicated that the owners will need to amend the special use permit if the property changes hands, as presented within the conditions for this approval. Mrs. Nelson addressed the petitioner to verify whether he was aware of the conditions.

Mr. Gillam stated that he was aware of the conditions for approval.

Mrs. Stucky commented to issues that were discussed in the Overlay Review Board meeting. She stated that the landscaping for the development did not account for irrigation.

Mr. Gillam stated that they will provide irrigation and the dumpster enclosure. His concern was that the business going to be established at this location will not generally require the volume of trash that would warrant the enclosure and the need for that service. He stated that if it is required the dumpster enclosure will be provided, as well as, the irrigation.

Mrs. Nelson asked if the irrigation and dumpster enclosure be included in the conditions as part of the approval.

Mr. Quintanilla indicated that they should be, as they were a recommendation from the Overlay Review Board.

Ms. Stucky raised the issue of cross access that was discussed in the Overlay Review Board meeting. She inquired as to whether that cross access easement needed to be vacated.

Mr. Quintanilla explained that he had been in touch with the firm that prepared the plat. He stated that the plat has a recorded access easement that would require the land owner to put in access that serves Taco Bell to the south and Dairy Queen to the east. He also stated that an issue of cross access would not normally be an issue, as it relates to zoning, however, since the cross access directly affected the landscaping the applicant is required to provide, that some discussion regarding the recorded access was necessary. Mr. Quintanilla stated that the engineering firm said access needed to be provided, as recorded, unless the applicant could obtain waivers from Taco Bell, and Dairy Queen that would not require the applicant to provide that access. Mr. Quintanilla stated that the Department of Community Development would request that a condition be added for the approval that stated, No permits be issued for the project until the cross access issue has been settled with all parties. Mr. Quintanilla also stated that this issue has been discussed with Mr. Gillam and that he was in agreement with this.

Carol Lockwood, representing Kings Acres Farm, the owners of the property, stated that they do support the application and will assist the applicant with obtaining the necessary waivers from the adjacent property owners.

NO OBJECTORS PRESENT

Mrs. Nelson moved to approve a Special Use Permit for 100% office space in IL_CR IL_CR (Light Industrial_Commercial Retail) and the E. Riverside/I90 Overlay District
Conditions approved by the Zoning Board of Appeals:

ZBA Recommendation: Approval with amendments

1. The Special Use Permit expires with the change of property ownership.
2. The dumpster enclosure shall be provided and meet the standards for commercial development in Section 102-132, and the E. Riverside/I90 Overlay.
3. The required landscape buffer shall meet the standards of Article V, Off-street Parking and Loading, and the E. Riverside/I90 Overlay.
4. The sign indicated on the landscape plan shall meet the requirements of Section 102-284 and Section 102-338 of the City's code of ordinances and the E. Riverside/I90 Overlay.
5. The landscaping is required to be a continuous berm that spans both frontages, but given the challenges overcoming the easements recorded on the property, the landscape provided will be sufficient, but shall include in ground irrigation.
6. The Special Use Permit shall be renewed 1 year from approval.
7. No permits to be issued until cross access waivers have been granted from adjacent property owners.

Second by Mrs. Toohill.

MOTION APPROVED 5-0

6. Public Participation and Comment

None

7. General Discussion

None

Mrs. Nelson moved that the meeting be adjourned. Second by Mrs. Toohill. Motion carried by vote. The meeting adjourned at 5:53 p.m.

Secretary, Andrew Quintanilla



ZONING BOARD OF APPEALS

Community Development Department

Date: March 16, 2023

SUBJECT:	A Variance from a required six foot side yard setback to a requested three foot side yard setback for a carport in the R1 (Single Family Residential) Zoning District.		
LOCATION:	207 Belteberg Road		
ZONING DISTRICT:	North	R1 (Single Family Residential)	
	South	R1 (Single Family Residential)	
	East	R1 (Single Family Residential)	
	West	R1 (Single Family Residential)	
PROPERTY INFORMATION:			
Requirement for R1:	Front yard building setback :	25 feet	
	Side yard building setback:	6 feet	
	Rear yard building setback:	30 feet	
Provided:	Front yard building setback:	25 feet	
	Side yard building setback:	6 feet	
	Rear yard building setback:	30 feet	
Findings:	Strict interpretation and enforcement of the specified regulation would result in practical or unnecessary hardship against the property owner. The lot width for this property is irregular, as many of the lots in this zoning district are. The lot widths in the zoning district range from 43 feet to 70 feet in this residential district, which makes it difficult to make property improvements and meet the building setbacks. Strict enforcement of the regulation would deprive the applicant of privileges enjoyed by other property owners in the same zoning district. Granting the variation will not constitute a grant of special privilege due to the irregularity of the homeowners lot. The variation will not be detrimental to the public health, or adversely impact other properties. The variation will not negatively impact land values for adjacent residents or in the zoning district.		
RECOMMENDATION:	Approval - A Variance from a required six foot side yard setback to a requested three foot side yard setback for a carport in the R1 (Single Family Residential) Zoning District.		
ATTACHMENTS:	See attachments		
ZONING BOARD RECOMMENDATIONS:	APPROVAL / DENIAL / TABLED		Vote: _____
CONDITIONS:	AS PRESENTED / AMENDED / N/A		

AUDIENCE COMMENTS:



Parcel Number: 11-01-280-004

Address: 207 Belteberg Road

Zoning: R1 (Single Family Residential)

Applicant: William & Jennifer Sabin
207 Belteberg Road
Loves Park, Illinois 61111

Property Owner: William & Jennifer Sabin
207 Belteberg Road
Loves Park, Illinois 61111

Rally Appraisal, LLC
SKETCH ADDENDUM

File No. L20D4RA15

Borrower Sabin, Jennifer/William

Property Address 207 Betteberg Rd

City Loves Park

County

Winnebago

State

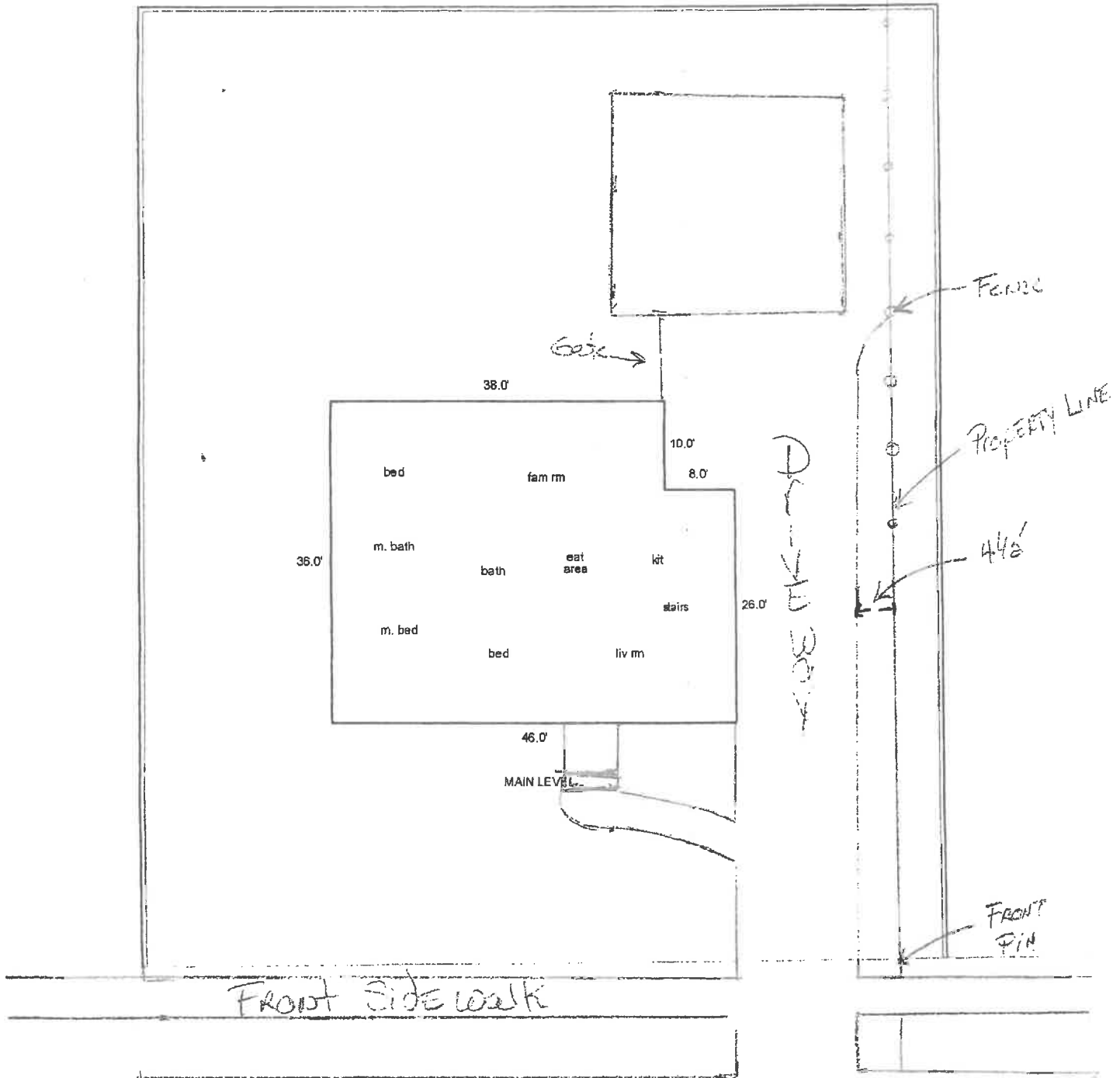
IL

Zip Code

61111

Lender/Client Members Alliance Credit Union

Address 6951 Olde Creek Rd, Rockford, IL 61114



House

Post Placement

Property Line

4" x 6" Post

4'

Driveway Edge

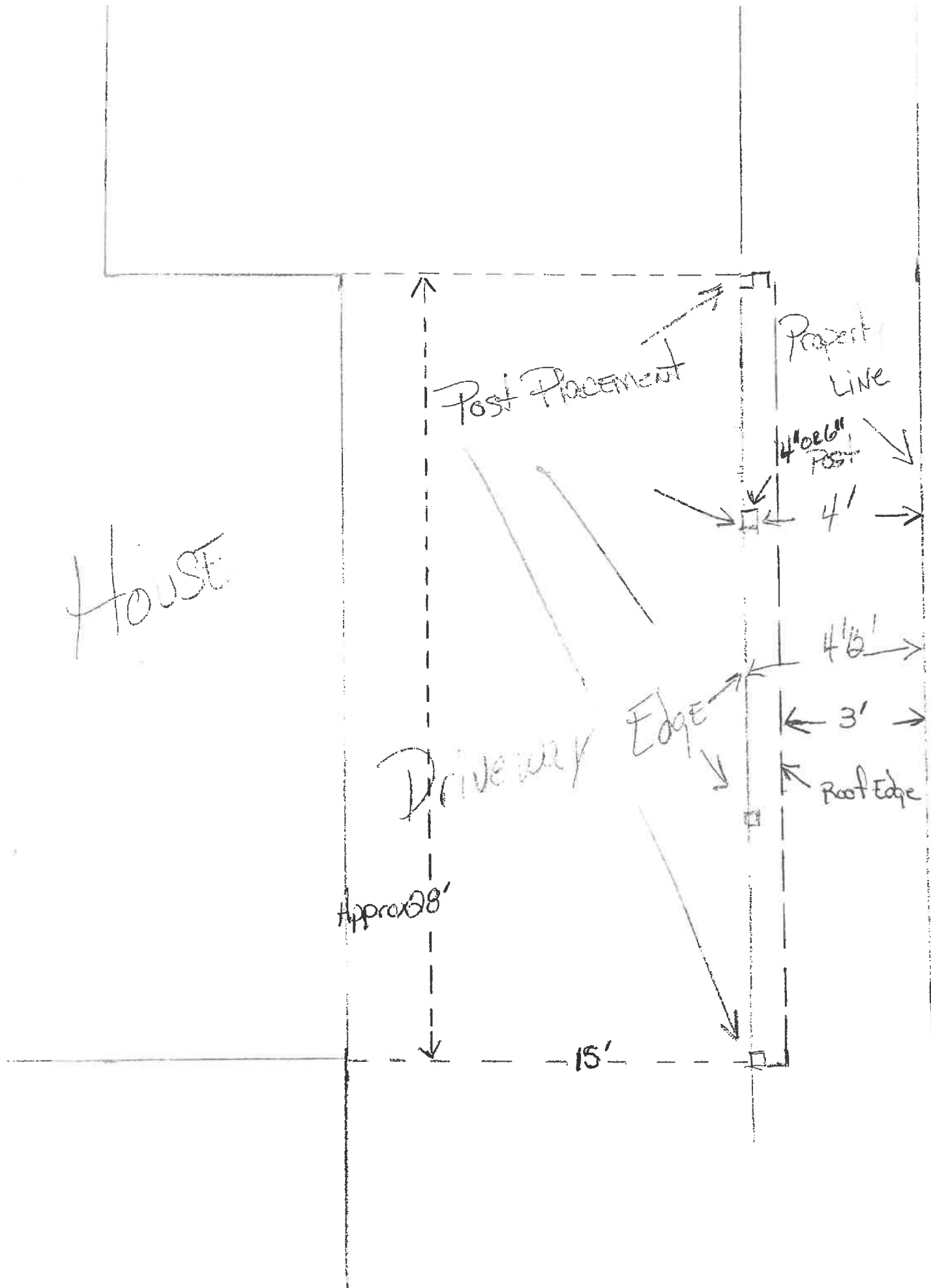
4' 6"

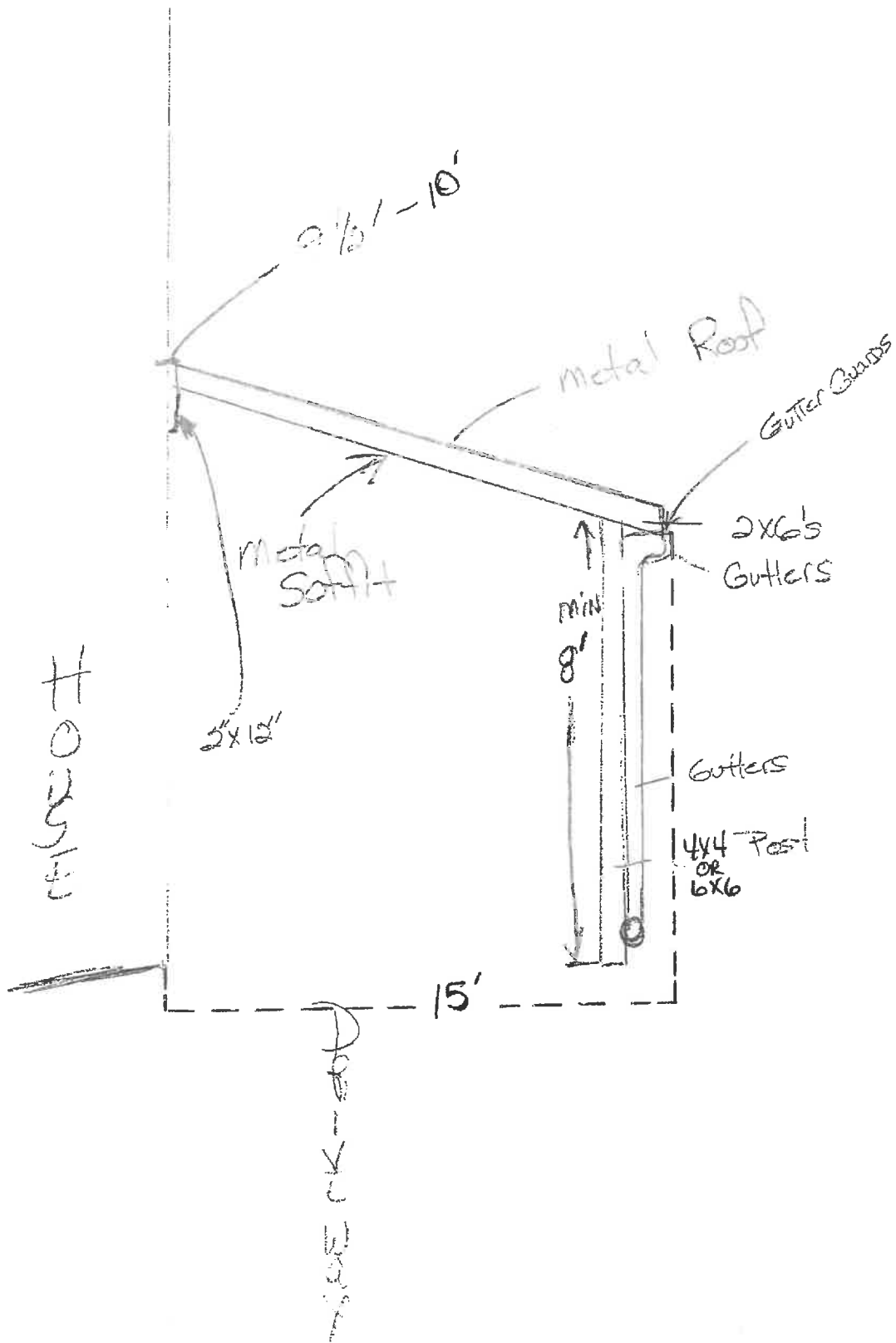
3'

Roof Edge

Approx 28'

15'





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.

207 Belteberg Road

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: **207 Belteberg Road**
6ft to 3ft

Chairman
Ben Danielson

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: March 16, 2023

SUBJECT:	A Special Use Permit for a dog daycare, boarding, and grooming establishment in the IL (Light Industrial) Zoning District.		
LOCATION:	6419 Material Avenue		
ZONING DISTRICT:	North	IL (Light Industrial)	
	South	IL (Light Industrial)	
	East	IL (Light Industrial)	
	West	IL (Light Industrial)	
PROPERTY INFORMATION:			
Building Requirements:			
Requirement for IL:	Front yard building setback:	30 feet	
	Side yard building setback:	10 feet	
	Rear yard building setback:	0 feet	
Provided:	Front yard building setback:	43 feet	
	Side yard building setback:	10 feet	
	Rear yard building setback:	0 feet	
Front Yard Setback:			
Required	The building setback in light industrial is 30 feet.		
Provided	The building is setback about 43 feet. The applicant is proposing 6 foot high cages in the front of the building as a pet relief area. The pet relief area will be chain link on three sides, with the side facing Material Avenue site obscured with a 6 foot high wooden fence. The proposed structures will extend into the building setback 3 feet.		
Landscaping:			
Required	The property has existing shrubs, up alongside of the building.		
Provided	The owner has agreed to additional landscaping to improve the aesthetics of the building as part of the approval. No plan for landscaping has been provided.		
Dumpster enclosure:			
Required	A dumpster enclosure is required for this location. Presently, there is a dumpster located at the facility.		
Provided	The site plan does not show that a dumpster enclosure will be provided.		

Parking:

Required

The required parking is 25 parking stalls, with 1 stall to be an ada compliant stall.

Provided

The applicant will provide 29 parking stalls with 1 stall being an ada compliant stall.

Findings:

The establishment or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare of the businesses in the area. The business is a pet related facility that will be for the benefit of animals. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted. The establishment of the use will not diminish or adversely impact land values. The building has been under utilized for many years. The applicant is investing significant resources into this property for the use. The use is a complimentary use to the existing pet training facility to the south. The establishment of the special use shall not impede the orderly development for this area. The applicant will not be making any significant changes to the exterior of the building that would change the character of the area. The majority of the investment will be on the interior of the building. The applicant is improving the facility for the business, which should only serve future occupants, should the owner of the business decide to relocate elsewhere. Adequate ingress and egress has been established. Nothing further shall be required.

RECOMMENDATION:

Approval - A Special Use Permit to allow a dog daycare, boarding, and grooming establishment in the IL (Light Industrial) Zoning District.

Conditions:

1. The Special Use Permit expires with the change in use, or discontinuance of the pet grooming, boarding, and daycare establishment.
2. The dumpster enclosure shall be provided and meet the standards for commercial development in Section 102-132.
3. The Special Use Permit shall be renewed 1 year from approval.
4. The business owner/property owner shall install landscaping in front of the building on Material Avenue. A 6 foot high fence shall be permitted and be completely obscured by a dense wall of landscaping to obscure the pet relief cage area from public view. The pet relief cage area shall be permitted to extend no more than 3 feet into the front building setback. The pet relief area shall be permitted within the building setback because the business has pet boarding located adjacent to this area.
5. The fence wall and cages shall be removed if the pet grooming, boarding and daycare establishment discontinues operations at this location. If there are verified complaints from business owners or adjacent property owners, the pet relief cages will have to be relocated and the fence wall will have to be removed.
6. The business owner/property owner shall be responsible for the maintenance, repair, and replacement of all landscape plants, trees, and materials. The landscape bed shall be tended too, and maintained in a healthy growing condition, free from refuse, debris, and weeds at all times. Four planters, filled with live plants, shall be located at the entrances of the establishment. The applicant/owner shall provide Staff with a landscape plan within 30 days of the approval.

ATTACHMENTS:

See attachments

ZONING BOARD**RECOMMENDATIONS:**

APPROVAL / DENIAL / TABLED

Vote: _____

CONDITIONS:

AS PRESENTED / AMENDED / N/A

AUDIENCE COMMENTS:



Parcel (s): 12-05-102-026 & 12-05-102-044

Address: 6419 Material Avenue

Zoning: IL (Light Industrial)

Applicant: William Caldwell
8698 Rote Road
Rockford, Illinois 61107

Property Owner: It's Partners, LLC
6419 Material Avenue
Loves Park, Illinois 61107

WINDSOR ROAD

MATERIAL AVENUE

PERMANENT EASEMENT
FOR PONDING AREA
DOC. NO. 0200285

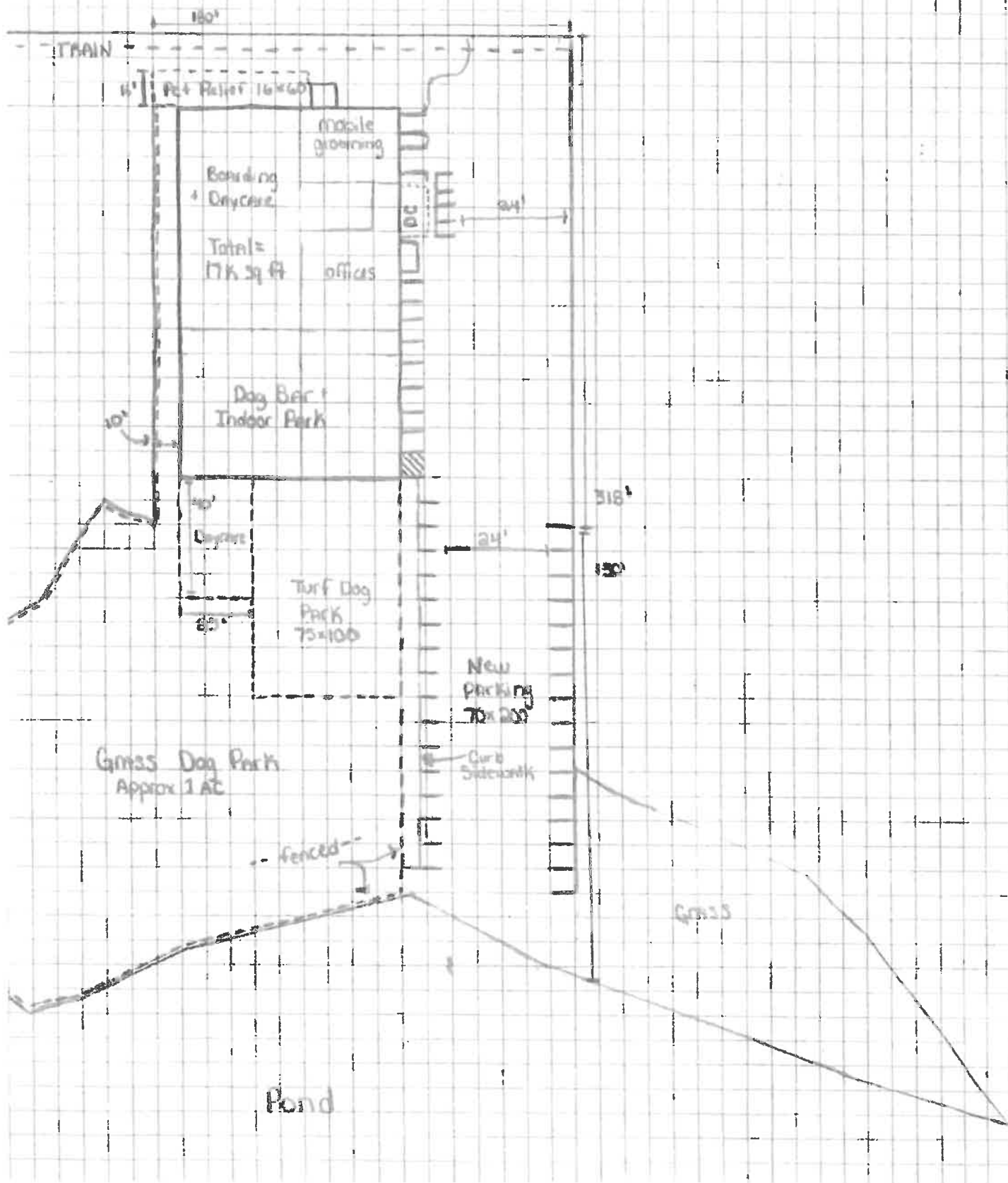
TOP OF BANK

4
83,287 s.f.
1.91 ac.

PERMANENT EASEMENT
FOR UNDERGROUND PIPE
DOC. NO. 0200303

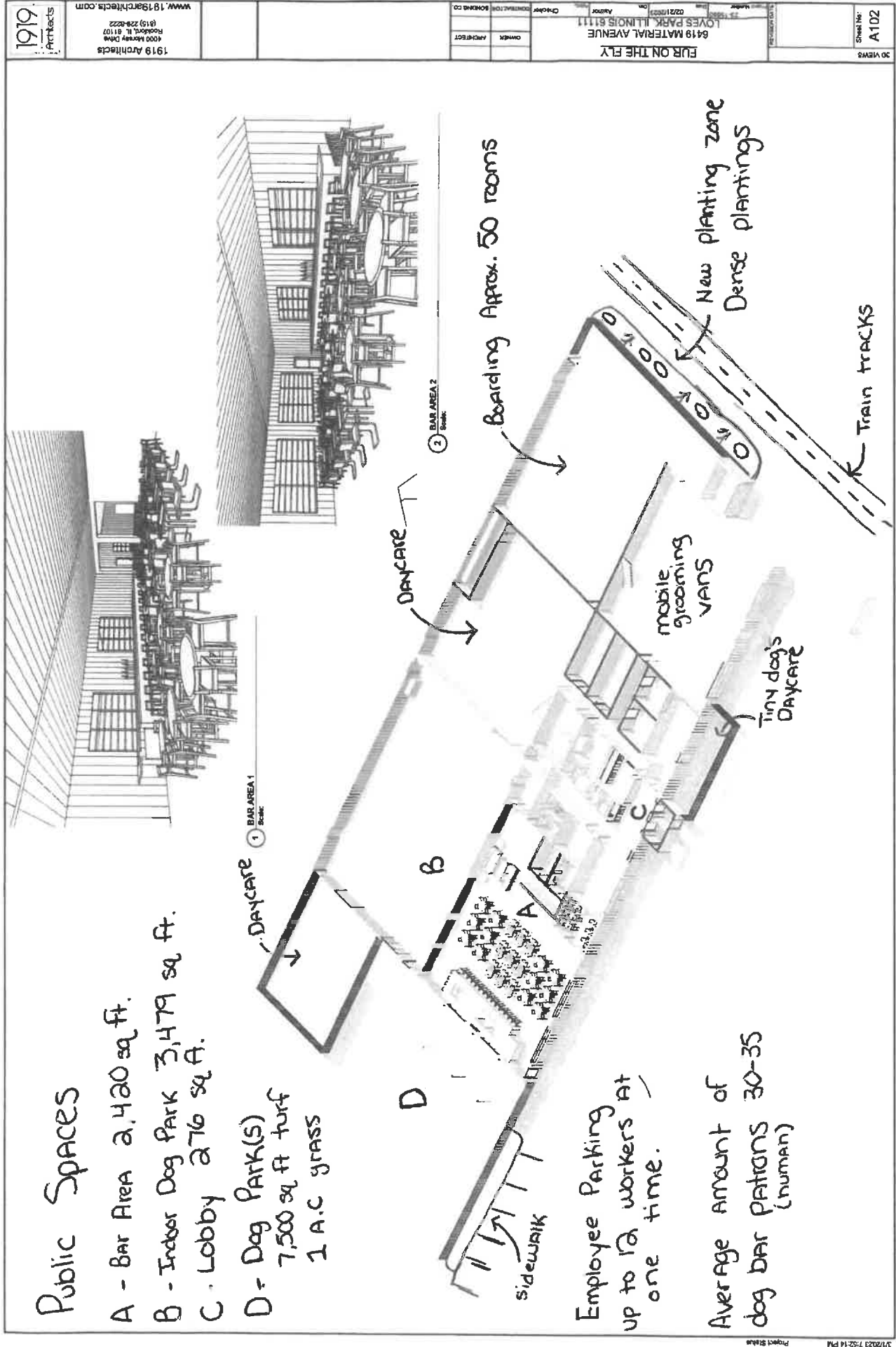
SCALE 1" = 100'
THIS IS NOT
A SURVEY

Material Ave N →



Public Spaces

- A - Bar Area 2,420 sq. ft.
- B - Indoor Dog Park 3,479 sq. ft.
- C - Lobby 276 sq. ft.
- D - Dog Park(s)
7,500 sq. ft. turf
1 A.C. grass



1919

Architects

1919 Architects
4000 Madison Avenue
Room 101, 61107
Chicago, IL 60630
www.1919architects.com

OWNER
ARCHITECT
CHECKED
DATE

PROJECT NO.
SHEET NO.

DATE
BY

PROJECT NO.
SHEET NO.

DATE
BY

PROJECT NO.
SHEET NO.

DATE
BY

PROJECT NO.
SHEET NO.

DATE
BY

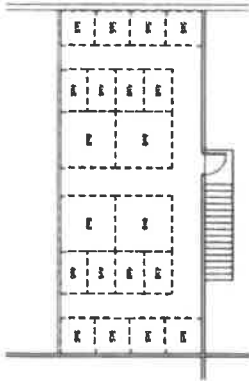
PROJECT NO.
SHEET NO.

DATE
BY

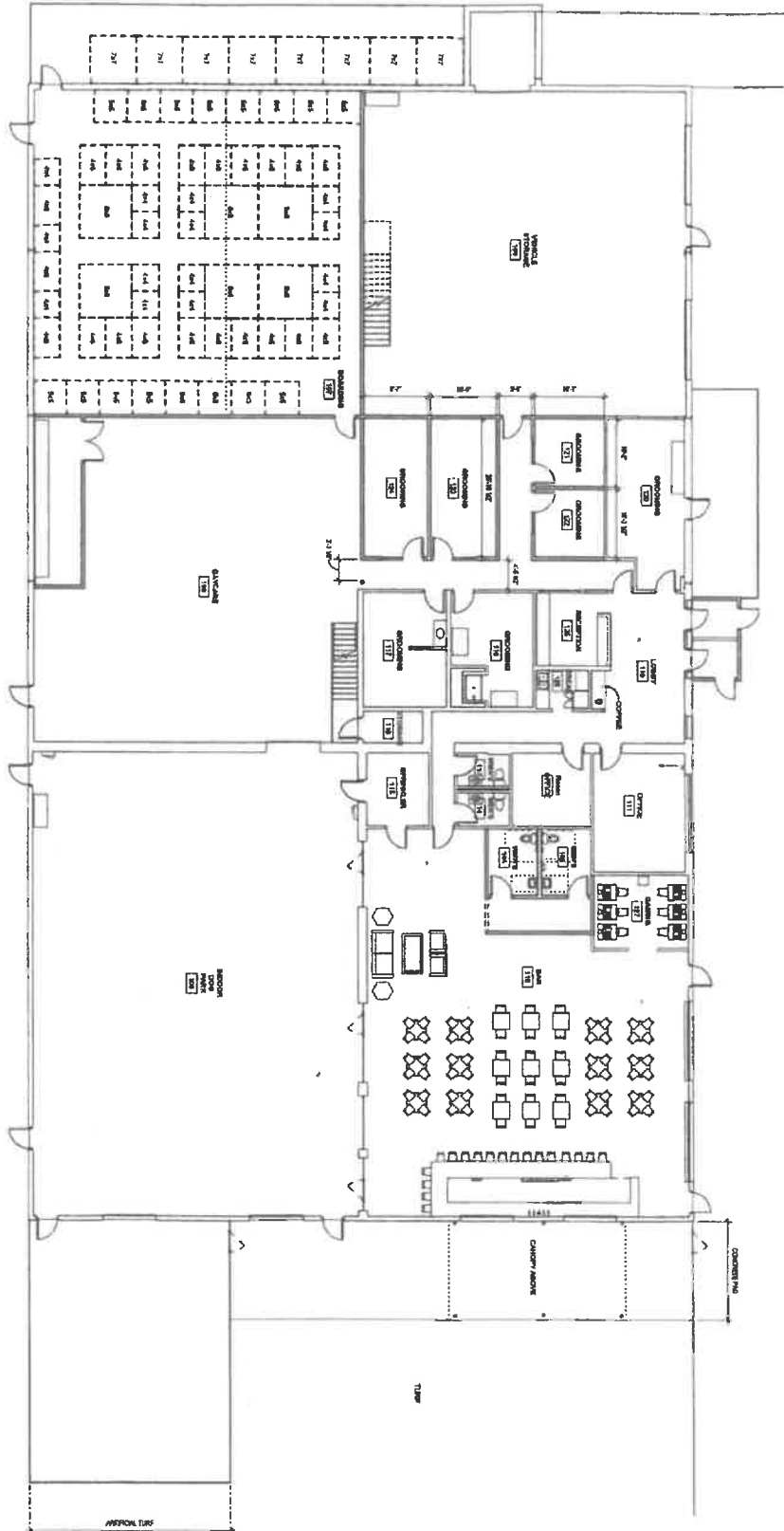
PROJECT NO.
SHEET NO.

DATE
BY

MEZZANINE NEW WORK PLAN
Scale: 1/8" = 1'-0"



NEW WORK PLAN
Scale: 1/8" = 1'-0"



MEZZANINE NEW WORK PLAN

Sheet No.
A100

FUR ON THE FLY

6419 MATERIAL AVENUE
LOVES PARK, ILLINOIS 61111

25 T5001 09/21/2023

Author

Checker

CONTRACTOR BONDING CO.

OWNER ARCHITECT

1919 Architects

4000 Memory Drive
Rockford, IL 61107
(815) 229-8222

www.1919architects.com



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.

Location: 6419 Material Avenue

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: **6419 Material Avenue**
SUP for dog daycare, boarding and grooming

Chairman
Benjamin Danielson

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: March 16, 2023

SUBJECT:	A Zoning Map Amendment from IL_CR (Light Industrial_Commercial Retail) to the CO (Commercial Office Zoning District).		
LOCATION:	4502 McFarland Road, Parcels (08-34-476-007, 08-34-476-013, 08-34-476-012)		
ZONING DISTRICT:	North	R1 (Single Family Residential)	
	South	IL_CR (Light Industrial_Commercial Retail)	
	East	R1 (Single Family Residential)	
	West	IL_CR (Light Industrial_Commercial Retail)	
PROPERTY INFORMATION:			
Requirement for CO:	Front yard building setback:	40 feet McFarland Road, 40 feet Broadcast Pkway	
	Side yard building setback:	5 feet	
	Rear yard building setback:	30 feet	
Provided:	Front yard building setback:	43.9 feet McFarland Road, 78.5 feet Broadcast Pkway	
	Side yard building setback:	12 feet	
	Rear yard building setback:	30 feet	
Findings:	The proposed amendment would not interfere with the policies and proposals of the city area comprehensive plan. The future land use for this property is for medium multi-family residential, which is consistent with the City's framework for future land uses. The applicant is requesting the zoning map amendment to establish an independent living, assisted living, and memory care facility, which is comparatively similar to medium density residential dwellings. The impact to the area will be similar to the activity in the neighboring single family to the north and east. The proposed amendment will not encourage building that is incompatible with the development established in the area. The amendment will provide for senior living and be designed in a manner compatible for that use. The parcels are vacant land. The structure and parking will utilize much of the land, leaving little to no room for additions or future alterations to the building. The use will not promote overcrowding of the land. The structure does meet all of the required setbacks for the development. The zoning map amendment will not adversely impact the public health, comfort, and peace of the people in the zoning district. There will be no risk of damage or other hazards that may occur to personal property. The amendment will allow a low impact residential use to the area, relative to other uses inherently permitted in light industrial and commercial retail, which may have a greater impact to the area.		
RECOMMENDATION:	Approval - A Zoning Map Amendment from IL_CR (Light Industrial_Commercial Retail) to the CO (Commercial Office) Zoning District.		
ATTACHMENTS:	See attachments		

**ZONING BOARD
RECOMMENDATIONS:**

APPROVAL / DENIAL / TABLED

Vote: _____

CONDITIONS:

AS PRESENTED / AMENDED / N/A

AUDIENCE COMMENTS:



Parcel (s): 08-34-476-007, 08-34-476-013 &
08-34-476-012

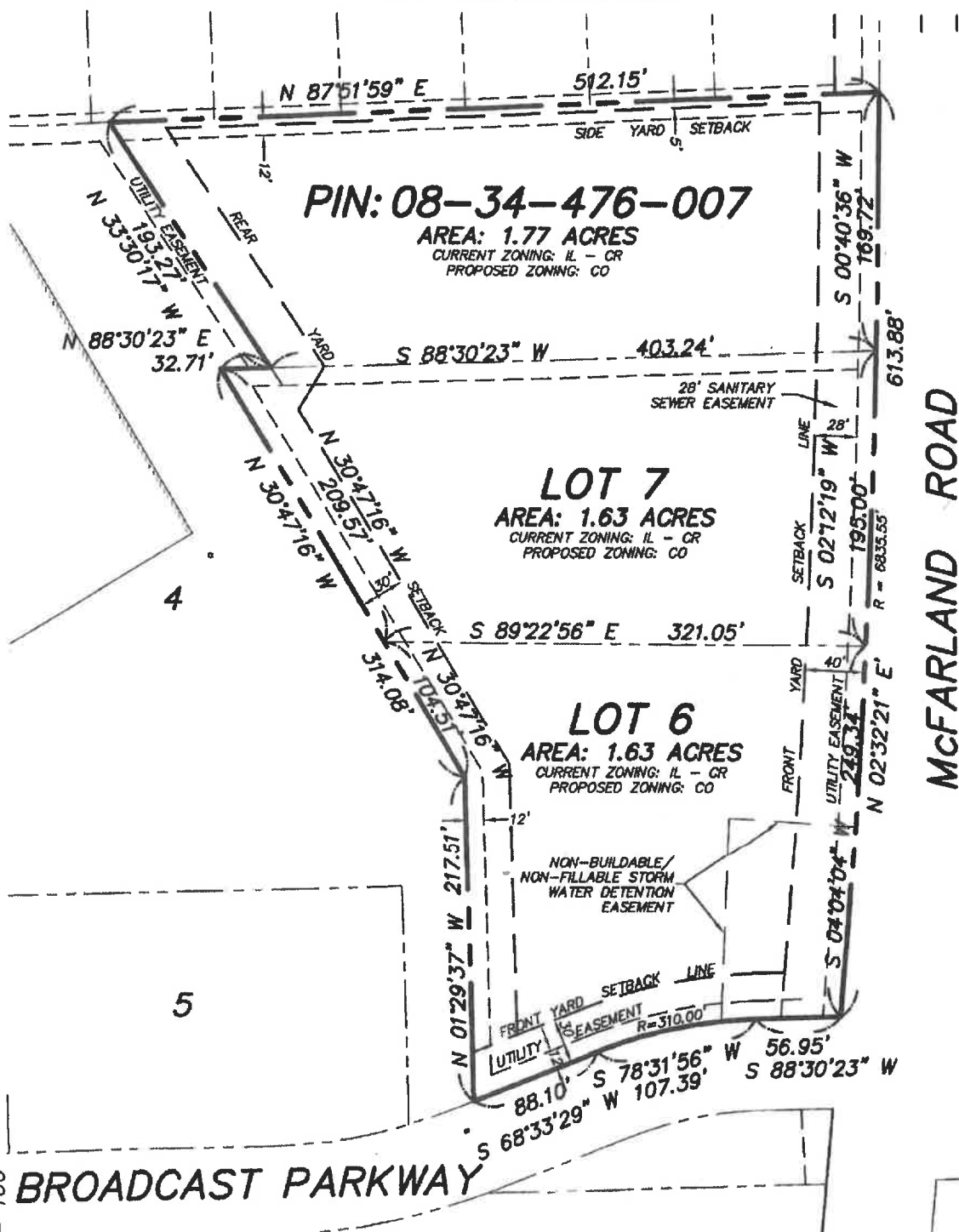
Address: 4502 McFarland Road

Zoning: IL_CR (Light Industrial_Commercial Retail)

Applicant: Rockford Real Estate Healthcare, LLC
8435 Keystone Crossing Blvd. Ste 140
Indianapolis, Indiana 46240

Property Owner: PFC Legacy Real Estate, LLC
3795 Hermitage Trail
Rockford, Illinois 61114

PLAY NO. 1
OF
PEAK SPORTS SUBDIVISION
LOTS 6 & 7
AND VACANT PARCEL



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 map amendment 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: 4502 McFarland Road

ZBA

- 1 _____ The proposed amendment would not interfere with the policies and proposals of the city area comprehensive plan adopted by the city council.

Reason:

- 2 _____ The proposed amendment would be consistent with the framework the city has cultivated to continue city development in a very orderly manner.

Reason:

- 3 _____ The proposed amendment would not permit uses, buildings, or structures incompatible with the character of development or intended uses within specified zoning districts.

Reason:

- 4 _____ Any additions, alterations, or remodeling of existing buildings or structures would not be modeled in such a way as to avoid the restrictions and limitations imposed on the ordinance.

Reason:

- 5 _____ The proposed amendment would not promote the overcrowding of land and undue construction of structure.

Reason: _____

- 6 _____ The public health, safety, morals, comfort, peace, and general welfare of the people would be promoted as a result of the proposed amendment.

Reason: _____

- 7 _____ The risk of bodily harm to a person or damage to personal property or chattels by fire, explosion, toxic fumes and other hazards would not become more likely as a result of the proposed amendment.

Reason: _____

- 8 _____ The proposed amendment would not encourage the prevention of incompatible uses or nuisances.

Reason: _____

These findings are based on staff interpretation of the required findings necessary for approval of a map amendment. The Zoning Board of Appeals must indicate whether or not all the findings have been considered to substantiate the approval of a zoning map amendment.

These findings have been adopted as the official Findings of Fact for the City of Loves Park, Zoning Board of Appeals agenda item: 4502 McFarland Road
ZMA from ILCR to CO

Chairman
Benjamin Danielson

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: March 16, 2023

SUBJECT:	A Variance from a maximum allowable 35 feet in height for a building to a requested 45 feet in height, for a section of a building not to exceed three stories, in the CO (Commercial Office) Zoning District.		
LOCATION:	4502 McFarland Road, Parcels (08-34-476-007, 08-34-476-013, 08-34-476-012)		
ZONING DISTRICT:	North	R1 (Single Family Residential)	
	South	IL_CR (Light Industrial_Commercial Retail)	
	East	R1 (Single Family Residential)	
	West	IL_CR (Light Industrial_Commercial Retail)	
PROPERTY INFORMATION:			
Requirement for CO:	Front yard building setback:	40 feet McFarland Road, 40 feet Broadcast Parkway	
	Side yard building setback:	5 feet	
	Rear yard building setback:	30 feet	
	Height:	35 feet	
Provided:	Front yard building setback:	43.9 feet McFarland Road, 78.5 feet Broadcast Pkway	
	Side yard building setback:	12 feet	
	Rear yard building setback:	30 feet	
	Height:	A section of the building, at the north part of the structure will be upwards of 45 feet, but no higher than three stories.	
Findings:	Strict interpretation and enforcement of the regulation would result in practical hardship. The structure is designed on a model to accommodate up to 115 residences. The applicant's request for the variation would allow for providing a third story for senior living. The properties do have larger than normal building setbacks recorded on them, as well as, sanitary sewer easements, and a portion of the land with storm water detention, which makes utilizing the properties to their full potential difficult. Strict interpretation and enforcement of the regulation would deprive the applicant of privileges for utilizing the properties. Easements and drainage on these parcels have made development difficult. Given these obstacles, it will not appear or be construed as the granting of special privilege that would be inconsistent with the objectives of the city. The variation will not have an adverse impact on adjacent properties, and not be detrimental to the public health, safety, or welfare of occupants in the zoning district.		
RECOMMENDATION:	Approval - A Variance from a maximum allowable 35 feet in height for a building to a requested 45 feet in height, for a section of a building not to exceed three stories, in the CO (Commercial Office) Zoning District.		

ATTACHMENTS:

See attachments

**ZONING BOARD
RECOMMENDATIONS:**

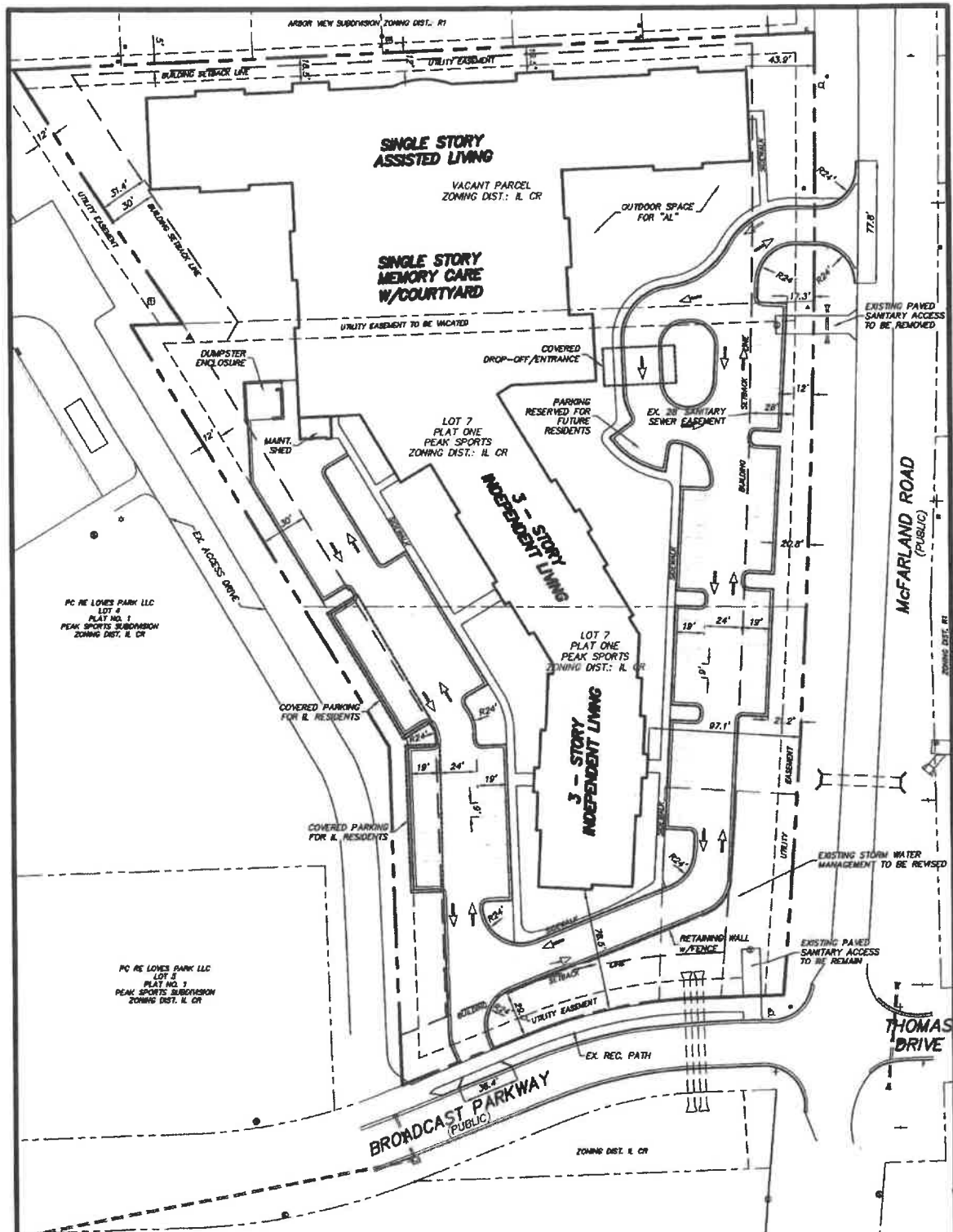
APPROVAL / DENIAL / TABLED

Vote: _____

CONDITIONS:

AS PRESENTED / AMENDED / N/A

AUDIENCE COMMENTS:



EXISTING USE:
EXISTING ZONING: IL/CR
AREA:
ASSISTED LIVING UNITS:
MEMORY CARE UNITS:
INDEPENDENT LIVING UNITS:
TOTAL UNITS:

VACANT LAND
PROPOSED ZONING: CO
5.03 ACRES
30
25
60
115

EMPLOYEE PARKING SPACES:
RESIDENT PARKING SPACES:
TOTAL REQUIRED SPACES:
TOTAL PROVIDED SPACES:
ALL PAVEMENT:
PUBLIC IMPROVEMENTS:

30
39
69
81 STANDARD - 8 ACCESSIBLE
HOT MIX ASPHALT
ALL PUBLIC IMPROVEMENTS
PREVIOUSLY CONSTRUCTED

EXHIBIT
LOTS 6 & 7, PLAT 1 OF PEAK
SPORTS AND VACANT PARCEL
BEING A REPLAT OF LOT 1 OF PLAT ONE OF
PERRYVILLE RIDGE, AND PART OF THE SOUTHWEST 1/4
OF SECTION 34, TOWNSHIP 45 NORTH, RANGE 2 EAST
AND PART OF THE NORTHEAST 1/4 OF SECTION 3,
TOWNSHIP 44 NORTH, RANGE 2 EAST OF THE THIRD
PRINCIPAL MERIDIAN
CITY OF LOWES PARK
HARRISBURG COUNTY, ILLINOIS

PREPARED BY:
R.K. JOHNSON & ASSOCIATES, INC.
CONSULTING CIVIL ENGINEERS - LAND SURVEYORS
1515 WINDSOR ROAD LOWES PARK, ILLINOIS 61111
(815) 633-5097 (815) 633-4593 FAX
WWW.RKJOHNSONANDASSOCIATES.COM
ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184-004994
FEBRUARY 20, 2023 JOB NO. 18060
PREPARED FOR: AVENUE DEVELOPMENT

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.

4502 McFarland Road

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: **4502 McFarland Road**
35 ft to 45 ft 3 story

Chairman
Ben Danielson

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: March 16, 2023

SUBJECT:	A Special Use Permit for a drive-thru window in IL_CR (Light Industrial_Commercial Retail) and the E. Riverside/I90 Overlay District.		
LOCATION:	7310 E. Riverside Boulevard		
ZONING DISTRICT:	North	IL_CR (Light Industrial_Commercial Retail)	
	South	Commercial (Rockford, Illinois)	
	East	IL_CR (Light Industrial_Commercial Retail)	
	West	IL_CR (Light Industrial_Commercial Retail)	
PROPERTY INFORMATION:			
Building Requirements:			
Requirement for CR:	Front yard building setback:	30 feet	
	Side yard building setback:	5 feet	
	Rear yard building setback:	20 feet	
Provided:	Front yard building setback:	83.5 feet and 105 feet	
	Side yard building setback:	19 feet	
	Rear yard building setback:	55 feet and greater	
Landscaping:			
Required	The required planting strip shall be a minimum of eight feet in depth and span the width of the each frontage, excepting areas required as ingress/egress. Parcels containing more than one frontage will be required to provide a continuous planting strip where possible, on all frontages. The mounded landscape buffer is required to provide a combination of trees (including evergreens), shrubs, ground cover and some combination of live plants that shall be salt tolerant. Ten trees are required to be distributed for the interior and exterior parking area.		
Provided	The landscape plan shows that a wide variety of trees and plants that will be provided.		
Dumpster enclosure:			
Required	A dumpster enclosure is required for commercial development. Dumpster enclosures are required to be poured concrete, or some form of masonry and appropriately located on the parcel for access.		
Provided	The site plan does show that a dumpster enclosure will be provided with appropriate screening.		
Parking:			
Required	The required parking is 35 parking stalls, with 1 to 2 ada compliant stalls. The drive-thru		

Provided

is required to provide stacking for 5 vehicles for each drive-up food service window.

Signage:

Required

The project will be providing 66 parking stalls, 3 of which will be ada compliant stalls. The site plan show stacking for up to 15 vehicles.

A monument sign, not to exceed 8 feet, shall only be permitted. Setbacks shall be 10 feet from the property line.

Provided

The monument sign identified on the site plan meets the required setbacks.

Findings:

The establishment of the special use will not be detrimental to or endanger the public health, safety or comfort or general welfare of the zoning district. The zoning district has development with other similar uses that have not had an adverse impact to the area. The special use will not be injurious and enjoyment of other proerty in the immediate vicinity for purposes already permitted and will not diminish or impair property values in this zoning district, due to established uses where drive-thru's have been approved. The establishment of the use will not impede the the normal orderly development and improvements of the surrounding properties already pemitted in the zoning district. The proposed development will provide adeaquate utilities, access, and drainage. The applicant has been working with an engineering firm to address these issues. Additionally, adequate measures have been taken in the planning process to address concerns regarding ingress/egress to minimize congestion that may arise, as a result, of the establishment of the use.

RECOMMENDATION:

Approval - A Special Use Permit for a drive-thru window in IL_CR (Light Industrial Commercial Retail) and the E. Riverside/I90 Overlay District.

1. The Special Use Permit expires with the change in use.
2. The dumpster enclosure shall be provided and meet the standards for commercial development in Section 102-132, and the E. Riverside/I90 Overlay.
3. The sign indicated on the landscape plan shall meet the requirements of Section 102-284 and Section 102-338 of the City's code of ordinances and the E. Riverside/I90 Overlay.
4. The Special Use Permit shall be renewed 1 year from approval.
5. The business owner/property owner shall be responsible for the maintenance, repair, and replacement of all landscape plants, trees, and materials. The landscape beds shall be tended too, and maintained in a healthy growing condition, free from refuse, debris, and weeds at all times. In ground irrigation shall be required for all landscape bed areas.
6. The establishment shall meet the building material requirements of section 102-174 of the City's code of ordinances, and the E. Riverside/I90 Overlay, Section 102-338.

ATTACHMENTS:

See attachments

ZONING BOARD

RECOMMENDATIONS:

APPROVAL / DENIAL / TABLED

Vote: _____

CONDITIONS:

AS PRESENTED / AMENDED / N/A

AUDIENCE COMMENTS:



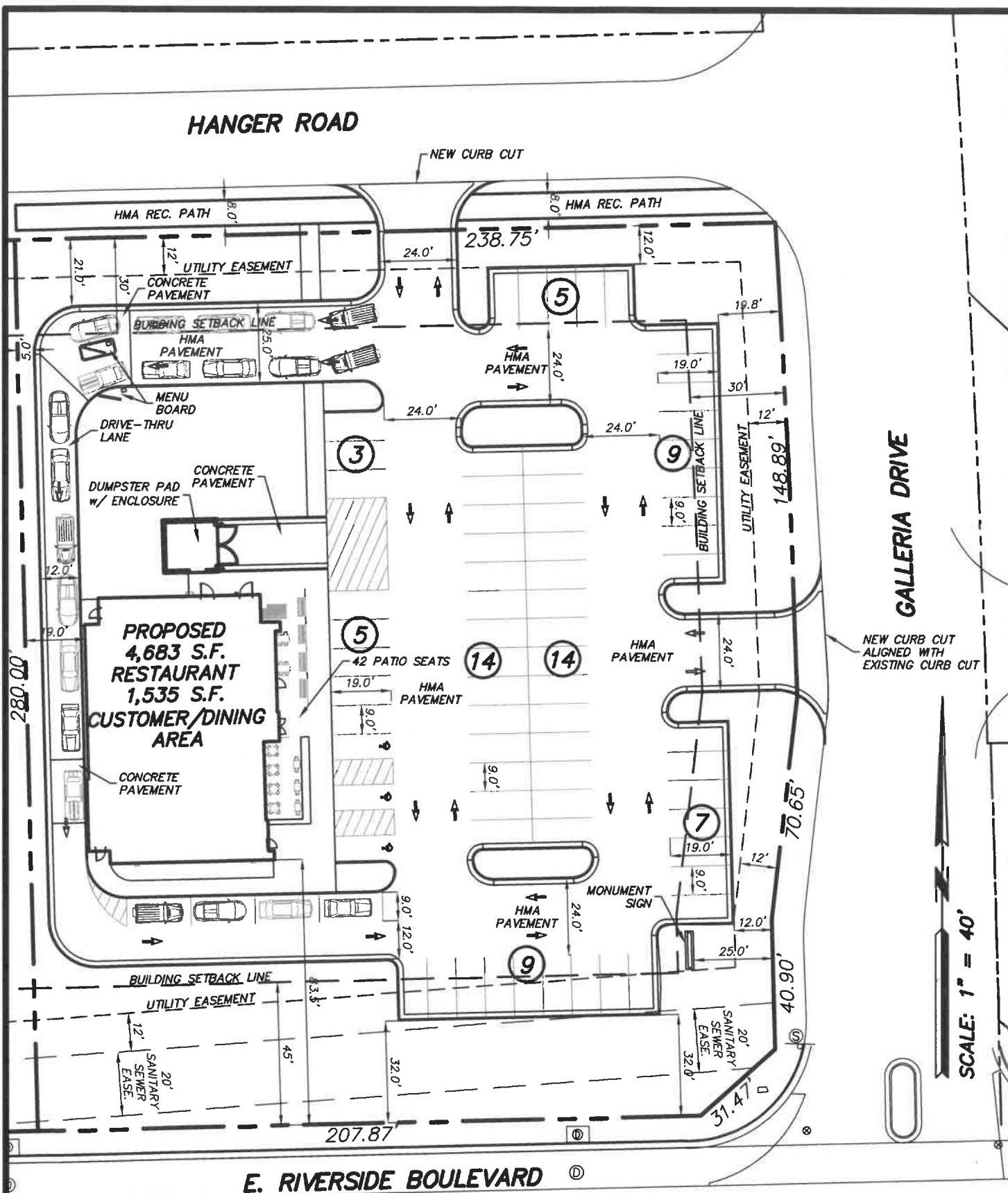
Parcel Number: 12-02-177-003

Address: 7310 E. Riverside Boulevard

Zoning: IL_CR (Light Industrial_Commercial Retail) & E. Riverside/I90 Overlay District.

Applicant: Eric Pedersen
418 Clinton Place
River Forest, Illinois 60305

Property owner: Sara Iverson Smith
3507 E. Racine Street
Janesville, Wisconsin 53546



ZONING CLASS IL/CR: LIGHT INDUSTRIAL/RETAIL COMMERCIAL - FAST FOOD RESTAURANT

PARKING SPACES REQUIRED

36 STANDARD / 2 ACCESSIBLE - STACKING FOR DRIVE-UP: 5
 1535 S.F. DINING AREA - (1 PER 100 S.F. CUSTOMER/DINING AREA = 16)
 (1 PER 4 OUTSIDE SEATS = 11) (1 PER TOTAL EMPLOYEES = 9)

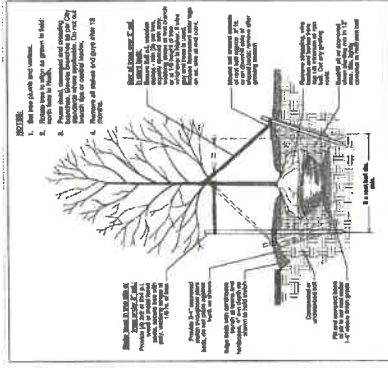
TOTAL SPACES PROVIDED: 66 STANDARD / 3 ACCESSIBLE / 16 STACKING / 4 FOOD CUE

**PART OF LOT 7
 ROCK CUT BUSINESS
 PARK NO. 3**

**AREA:
 66,336 S.F./1.52 ACRES**

PLANTING AND GENERAL NOTES:

- Plant stock shall conform to all state requirements as approved by the most recent edition of the Illinois Department of Agriculture (IDR 250.1).
- Plant materials shall be installed in accordance with the specifications of the Illinois Landscape Contractors Association.
- The contractor is responsible for verifying all existing conditions prior to installation.
- The contractor is responsible for providing adequate site drainage around the building.
- Apply 3" of double processed brown mulch to all planting areas. All trees should receive a mulch ring.
- Apply a 2" layer of compost to entire planting area.
- Apply a starter fertilizer as according to on-site soil conditions. Make additional adjustments in soil to create ideal growing conditions per plant specifications.
- Any design and plant list discrepancy's all quantities shall govern the plan.
- Contractor is responsible for a 12 month guarantee and replacement of all plant material. All dead plant materials shall be replaced within sixty (60) days. The owner of the premises shall assume all responsibility after one year of planting.
- Contractor shall ensure positive drainage throughout the entire project.
- All ground level areas shall be seeded in a bluegrass/rye fescue mix with a Penn mulch seed.
- All needed lawn areas shall be fertilized at installation with a D-35-25 analysis at a rate of 6 lbs per 1,000 sq ft. A second application of 15-40-5 to be applied at the rate of 6 lbs per 1,000 sq ft after the first cutting.
- Site Trees as per diagram as needed.
- Contractor is responsible for contacting J.U.L.I.E. (800-892-0123) prior to any digging.



PLANT LIST

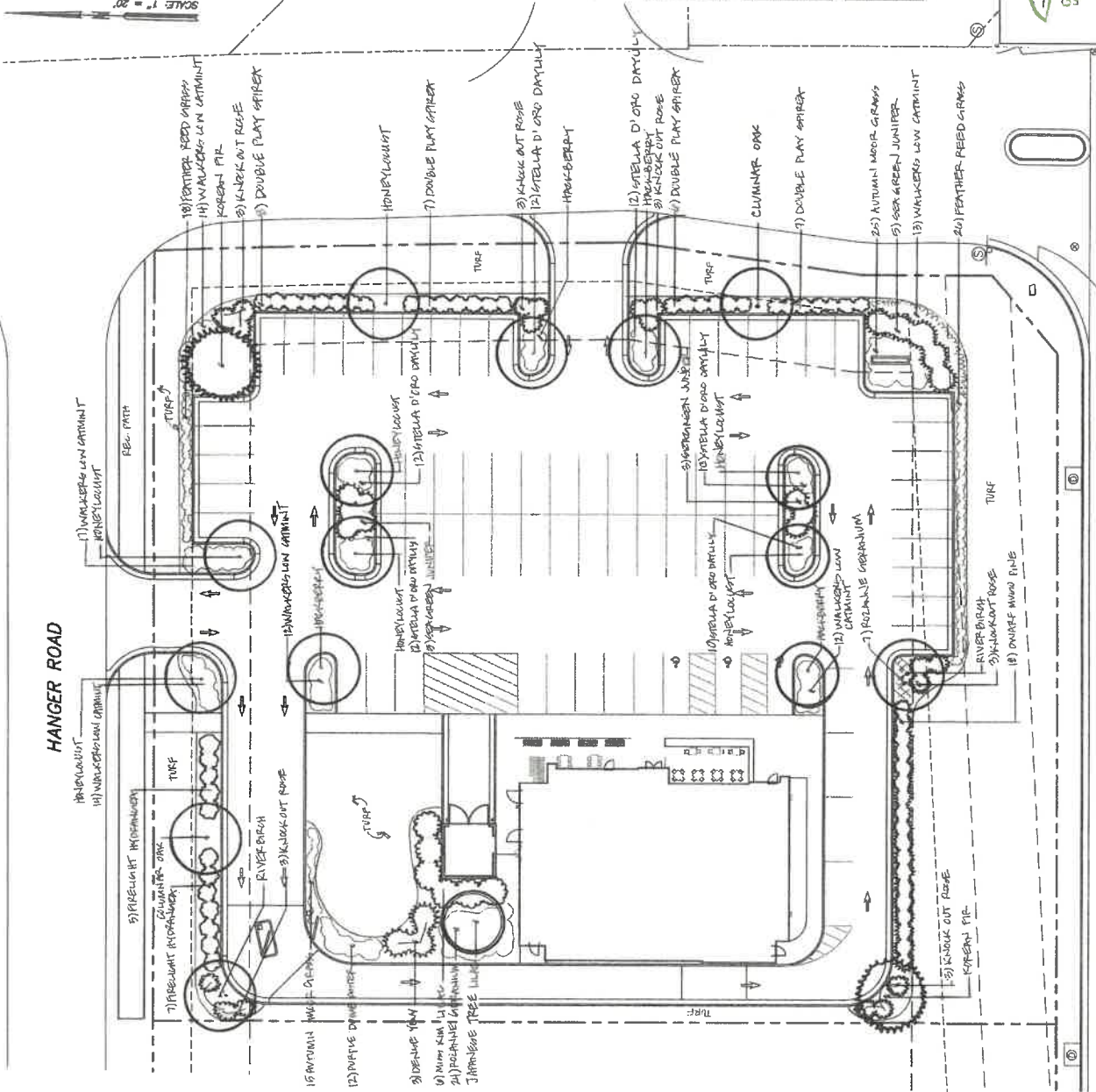
QTY	Common Name	Botanical Name	Size	Notes
7	Honey Locust	Gleditsia tinctoria	2"	
2	Cornus Oak	Quercus robur fastigata	2"	
2	River Birch	Betula nigra	6-7"	Multi
1	Japanese Tree Lilac	Syringa reticulata	2"	Single
2	Korean Fir	Abies koreana	6"	
2	Redcedar	Juniperus horizontalis	2"	
5	Fraser Fir	Abies balsamea	5 gal	
18	Knock Out Rose	Rosa radraz	3 gal	18AB
3	Dwarf Elm	Ulmus parviflorus	22"	
6	Miss Kim Lilac	Syringa patula	5 gal	
18	Dwarf Mugo Spruce	Pinus mugo	3 gal	
13	Sea Green Juniper	Juniperus pfitzeriana	5 gal	
28	Double Day Spirea	Spiraea japonica	5 gal	
82	Walden Low Catmint	Nepeta x faenell	1 gal	
15	Autumn Moor Grass	Scilla autumnalis	1 gal	
12	Purple Dome Aster	Aster novae angliae	1 gal	
31	Roseum Canadensis	Rosa rugosa	1 gal	
68	Spice D. Oro Daylily	Daylily	1 gal	

Material list:
Chocolate double processed bark mulch
Organic Compost
Dyds
Dyds



Buona Beef Landscape plans
East Riverside and Galleria Dr.
Loves Park, IL
Scale: 1"=20'-0" Date: 2/2023 ACR

9005 Auburn Rd. Waukegan, IL 61398-1184
greenkeylandscape@gmail.com



E. RIVERSIDE BOULEVARD

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.

Location: 7310 E. Riverside Boulevard

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: **7310 E. Riverside Boulevard**
SUP drive-thru window

Chairman
Benjamin Danielson

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: March 16, 2023

SUBJECT:	Text Amendment, Chapter 102, Zoning, Article I, In General, Section 102-9, Definitions, Medical Clinic.
	Establishing a definition for a Medical Clinic in the City's Code of ordinances.
Text Amendment: (ADD)	Medical Clinic shall mean any facility providing medical care of any nature or sort outside of a licensed hospital setting to persons unrelated to the provider thereof, or to the facility owner whether diagnostic, therapeutic or operative; rehabilitative services; counselling services; or substance abuse treatment, counselling, or recovery support; in either an office or residential program. Such a medical clinic is hereby classified as a commercial use whether or not there is a charge for such services. In-home care to the resident or occupant of a residence by a professional visiting the residence to provide medical services shall not deem the residence a medical clinic.
RECOMMENDATION:	Approval - Chapter 102, Zoning, Article I, In General, Section 102-9, Definitions, Medical Clinic.
ATTACHMENTS:	See attachments
ZONING BOARD RECOMMENDATIONS:	APPROVAL / DENIAL / TABLED Vote: _____
CONDITIONS:	AS PRESENTED / AMENDED / N/A
AUDIENCE COMMENTS:	_____ _____ _____



ZONING BOARD OF APPEALS

Community Development Department

Date: March 16, 2023

SUBJECT:	Text Amendment, Chapter 102, Zoning, Article I, In General, Section 102-9, Definitions, Hotels, Motel, Inn or auto Court	
Text Amendment:	Amending the definition for Hotel, Motel, Inn or Auto Court, to include home rentals and a requirement for certificate of registration.	
Existing	Hotel, motel, inn, or auto court means an establishment containing lodging accommodations designed for use by transients, or travelers of temporary guests, with no provision in such accommodations for cooking in any individual room or suite. Facilities provided may include mail service, laundering of linen used on the premises, telephone and secretarial or desk service.	
Proposed (Amend)	<p>Hotel, motel, inn, or auto court means an establishment containing lodging accommodations designed for use by transients, or travelers or temporary guests, with or without provision in such accommodations for cooking in any individual room or suite. Facilities provided may include mail service, laundering of linen used on the premises, telephone and secretarial or desk service. Hotel shall also mean any residential dwelling, or part thereof, leased for occupancy by a person unrelated to the owner thereof for a period of less than one month, which shall include but not be limited to vacation rental or bed and breakfast.</p> <p>Persons operating a Hotel, motel, inn or auto court, as defined here in, must hold a certificate of registration as set forth in 35 ILCS 145/5 as the same may be amended from time-to-time.</p>	
RECOMMENDATION:	Approval - Chapter 102, Zoning, Article I, In General, Section 102-9, Definitions, Hotels, Motel, Inn or auto Court	
ATTACHMENTS:	See attachments	
ZONING BOARD RECOMMENDATIONS:	APPROVAL / DENIAL / TABLED	Vote: _____
CONDITIONS:	AS PRESENTED / AMENDED / N/A	
AUDIENCE COMMENTS:	<hr/> <hr/> <hr/>	



ZONING BOARD OF APPEALS

Community Development Department

Date: March 16, 2023

SUBJECT:	Text Amendment, Chapter 102, Zoning, Article III, Division 3, Section 102-176, CO (Commercial Office District), (b), Permitted Uses, (6)
Text Amendment: Existing	<p>The amendment will require medical clinics within the commercial office district permitted only by special use.</p> <p>(b) Permitted uses. Unless otherwise provided in this chapter, no building or land may be used, and no building may be erected, enlarged or structurally altered, in the CO district except for one or more of the following uses:</p> <ol style="list-style-type: none"> 1. Churches, rectories, seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for their operation. 2. Clubs and lodges. 3. Fraternal and philanthropic uses or institutions. 4. Funeral homes. 5. Institutions for the aged or for children. 6. Offices, business and professional, including medical clinics. 7. Radio and television broadcasting studios. 8. Rest homes, nursing homes, hospitals and sanitariums, for human beings only. 9. Schools, day or nursery, public or private.
Proposed (Amend)	<p>(b) Permitted uses. Unless otherwise provided in this chapter, no building or land may be used, and no building may be erected, enlarged or structurally altered, in the CO district except for one or more of the following uses:</p> <ol style="list-style-type: none"> 1. Churches, rectories, seminaries, convents, monasteries, and similar religious institutions, including dormitories and other accessory uses required for their operation. 2. Clubs and lodges. 3. Fraternal and philanthropic uses or institutions. 4. Funeral homes. 5. Institutions for the aged or for children. 6. Offices, business and professional, not including medical clinics. 7. Radio and television broadcasting studios. 8. Rest homes, nursing homes, hospitals and sanitariums, for human beings only. 9. Schools, day or nursery, public or private.

RECOMMENDATION:

Approval - Text Amendment, Chapter 102, Zoning, Article III, Division 3, Section 102-176, CO
(Commercial Office District), (b), Permitted Uses, (6)

ATTACHMENTS:

**ZONING BOARD
RECOMMENDATIONS:**

Vote: _____

CONDITIONS:

AUDIENCE COMMENTS:



ZONING BOARD OF APPEALS

Community Development Department

Date: March 16, 2023

SUBJECT:	Text Amendment, Chapter 102, Zoning, Article III, Division 3, Section 102-176, CO (Commercial Office District), (c), Special Uses, (3)
Text Amendment:	Medical Clinics as a special use in commercial Office
Existing	<p>c. Special uses. The following uses in the CO district may be allowed by special use permit in accordance with the provisions of articles I and VIII of this chapter:</p> <ol style="list-style-type: none">1. Any permitted use in the CR district excepting those involved in food processing or preparation; goods or food distribution or warehousing.2. Dwelling units above the first floor.
Proposed (ADD)	<p>c. Special uses. The following uses in the CO district may be allowed by special use permit in accordance with the provisions of articles I and VIII of this chapter:</p> <ol style="list-style-type: none">1. Any permitted use in the CR district excepting those involved in food processing or preparation; goods or food distribution or warehousing.2. Dwelling units above the first floor. <p>3. Medical Clinics</p>
RECOMMENDATION:	Approval - Text Amendment, Chapter 102, Zoning, Article III, Division 3, Section 102-176, CO (Commercial Office District), (c), Special Uses, (3)
ATTACHMENTS:	
ZONING BOARD RECOMMENDATIONS:	Vote: _____
CONDITIONS:	
AUDIENCE COMMENTS:	