



AGENDA
LOVES PARK ZONING BOARD OF APPEALS
April 20, 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 **March 16, 2023** meeting
3. Report from the Zoning Office – None
4. Unfinished business – None
5. New business –

A. HJS Subdivision

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

Andrew Quintanilla
Zoning Officer



Minutes of the Loves Park Zoning Board of Appeals

Date: March 16, 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>Madeline Stucky</u> | <u>Don Daniels</u> |
| | <u>Jason Vandiver</u> | <u>Luke Carlson</u> |
| Members Absent: | <u>Cathy nelson</u> | <u></u> |
| Others Present | <u>Andrew Quintanilla (Staff)</u> | <u></u> |

2. Minutes

Mrs. Toohill moved to approved the minutes from the **February 23, 2023** meeting. Second by Mrs. Mr. Carlson. Motion carried by vote.

3. Zoning Office Report

No report. Mr. Quintanilla stated that a few of the applicants provided supplemental information for consideration. A request for time to review the supplemental information was requested from Mr. Quintanilla.

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.**

Petitioner: William Sabin (property owner)

The property owner stated that the garage opening for his garage was low and as a result he could not fit his vehicle in the garage. He stated that he would like to build a carport to cover the vehicle that he will be storing outside. He also stated that the carport location will aide with access to accommodate his elderly in-laws and mother.

The applicant stated that the structure will be constructed out of wood with a metal roof that will blend in with the roof of the home. He stated that the reason for the carport location close to the lot line is because his driveway is located close to the lot line. He also stated that the carport will have gutters, which should help to prevent water from spilling over onto the adjacent property.

Board discussion:

Mrs. Toohill asked if he had been in discussion with the owner on that side of the property.

The applicant did say that he had informed the neighbor. The neighbor gave his support through text messages both shared.

Mr. Quintanilla stated that the applicant did provide the text messages for the petition, however, given that the messages did not provide the neighbors name and address, they were not included as support for the petition.

Mr. Don Daniels asked if the design of the structure would blend in with the home.

The applicant indicated that the structure will provide gutters, soffits covered with aluminum siding and the posts wrapped in cedar.

NO OBJECTORS PRESENT

Mrs. Toohill made a motion to approve 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, at 207 Belteberg Road.

Second by Mr. Carlson.

MOTION APPROVED: 5-0

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.

Petitioner: William Caldwell

Mr. Caldwell gave some background information on his business for the past five years. He explained that his petition was necessary for the expansion of his business.

He explained that his company will continue offering mobile services to the area, but would like to establish his business in Loves Park, and continue those same services along with boarding and dog daycare. He stated that he would also like to open a dog bar at this location that would allow pet owners the option to have a beer, while the dogs interacted with other dogs in the dog park that he will be providing as part of the business.

Board discussion:

Mrs. Toohill asked if this was plan was discussed with Staff.

Mr. Caldwell stated that it was discussed with Staff, however, it was not included as part of the petition and will be service, the dog bar, will be something established at a later date.

Mr. Daniels asked the applicant if he was aware of the conditions.

Mr. Caldwell stated that he was.

NO OBJECTORS PRESENT

Mrs. Stucky made a motion for approval for a Special Use Permit for a dog daycare, boarding, and grooming establishment in the IL (Light Industrial) Zoning District at 6419 Material Avenue with conditions.

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 conditions, 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.

Second by Mrs. Toohill

MOTION APPROVED 5-0

- C. **4502 McFarland Road (08-34-476-007, 08-34-476-013 & 08-34-476-012) - A Zoning Map Amendment from IL_CR (Light Industrial Commercial Retail) to the CO (Commercial Office) Zoning District.**

Mr. Danielson stated that both agenda items C and D shall be discussed together, but voted on separately since it was the same applicant for both agenda items.

Petitioner: Joy Skidmore - Avenue Development

The petitioner provided background on her company and the services they provide for their customers. She indicated they work closely with senior living operators to develop sites where they desire to locate in a community.

The operator for this site is Encore Senior Living, which has communities in Indiana, Wisconsin and Minnesota, having 33 locations among these states.

Ms. Skidmore is requesting a ZMA and building height variance. She stated that the business her company is representing cannot locate at this location unless a zoning change to CO (Commercial Office) was approved. She stated that this district was the only district that currently allows for senior living.

Ms. Skidmore states that with consideration for the ZMA to commercial office, they are faced with the building height restriction. Presently there is no height restriction, but with the rezoning, a height restriction comes into play. She states that a portion of the building is three stories, and to keep the residential feel for the area, they would like to add a pitch roof. The pitched roof will take the height of a portion of the building up to forty-five feet, but no larger than a 3 story building.

Mr. Daniels asked if they saw future skilled nursing services being provided at this location.

Ms. Skidmore responded that there will not be any skilled nursing services provided at this location.

OBJECTORS PRESENT

Mr. Bill Czaja, 4667 Bedfordshire Drive. Stated that the development may have an impact on home values, and will definitely impact views for residents. He also stated concern for the increased traffic on McFarland Road. He stated that McFarland Road in its present condition is in disrepair, and didn't think the increased traffic would support the traffic both with construction and the establishment of the use.

Board discussion:

Ms. Toohill commented on the appropriateness of the placement of the facility, relative to the residential to the north and east of the location.

Mr. Daniels inquired about the zoning districts in the surrounding area. Discussion among members identified single family, R3 or four-family, and commercial uses.

Mr. Carlson stated that he knew people who were living around assisted living facilities, and that it didn't appear that there was an adverse impact on property values.

Mr. Daniels stated that the property could be used for other uses that may increase the traffic to the area, above and beyond, what would likely be generated by the assisted living facility. He stated that growth was inevitable. It would make sense to approve a use such as this, which would have less population density. Single family homes would generate much more traffic and noise to the area, much like a commercial use.

permitted at this location. He stated that he did have a background in healthcare, and that there is a demand for senior living, independent and assisted, and memory care.

Ms. Stucky stated that the use would be similar to living accommodations for four family dwellings where there may be a request for a variance for taller structures to accommodate a larger density of residents.

Ms. Toohill made a motion to approve a Zoning Map Amendment from IL_CR (Light Industrial Commercial Retail) to the CO (Commercial Office) Zoning District for 4502 McFarland Road (08-34-476-007, 08-34-476-013 & 08-34-476-012).

Second by Ms. Stucky

MOTION APPROVED: 5-0

- D. 4502 McFarland Road (08-34-476-007, 08-34-476-013 & 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.**

Ms. Stucky made a motion to approve 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, not to exceed three stories, in the CO (Commercial Office) Zoning District at 4502 McFarland Road (08-34-476-007, 08-34-476-013 & 08-34-476-012) .

Second by Mr. Carlson

MOTION APPROVED 5-0

- 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**

Petitioner: Tim Hague - Keystone Ventures, Keystone Planning and Design, Eric Pederson

The applicant stated that his company was the contract purchaser along with the Buona Restaurant Group. He stated that the plan is to establish a restaurant on the eastern portion of the parcel, in front of Farm and Fleet. He also stated that the plan was to subdivide the land into two parcels, with each parcel being approximately 1 1/2 acres.

Mr. Hague stated that the purpose for the meeting this evening was for the drive-thru that will serve both businesses, Buona Beef and Rainbow Cone restaurants.

Mr. Hague provided background information on Buona Beef and other exiting locations. He stated that some facilities provide localized catering, but almost all locations have

some involvement with local schools, charities, and youth programs. The Rainbow Cone part of the business, a partnership with another Chicago area family, will offer various varieties of ice cream available to the public. The applicant stated that the relationship has been a successful partnership.

Mr. Danielson asked if the restaurant will look aesthetically similar to the other restaurants in the Chicago area.

Mr. Hague indicated that it will be very similar.

NO OBJECTORS PRESENT

BOARD DISCUSSION - NONE

Ms. Toohill made a motion to approve a Special Use Permit for a drive-thru window in IL_CR (Light Industrial_Commercial Retail) and E. Riverside/I90 Overlay District for 7310 E. Riverside Boulevard with the following conditions

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.

Second by Mr. Carlson

MOTION APPROVED 5-0

- F. Text Amendment (Add)** – Chapter 102, Zoning, Article I, In General, Section 102-9, Definitions, Medical Clinic.

Mr. Quintanilla stated that the City wanted to establish a definition for medical clinics in the City's Code of Ordinances. He stated that presently there was not a definition for this use.

NO OBJECTORS PRESENT

Mr. Carlson made a motion to approve a text amendment for Chapter 102, Zoning, Article I, In General, Section 102-9, Definitions, Medical Clinic.

Second by Ms. Stucky

MOTION APPROVED 5-0

- G. Text Amendment (Amend)** – Chapter 102, Zoning, Article I, In General, Section 102-9, Definitions, Hotel, Motel, Inn or Auto Court.

Mr. Quintanilla stated that the City wanted to amend the definition for Hotel, Motel, Inn, or Auto Court to include residential rentals and to include the requirement for certificate of registration as required by the State of Illinois.

NO OBJECTORS PRESENT

Ms. Stucky made a motion to approve a text amendment for Chapter 102, Zoning, Article I, In General, Section 102-9, Definitions, Hotel, Motel, Inn or Auto Court.

Second by Mr. Carlson

- H. Text Amendment (Amend)** – Chapter 102, Zoning, Article III, Division 3, Section 102-176, CO (Commercial Office) District, (b), (6).

Mr. Quintanilla stated that the amendment will not allow medical clinics within the commercial office district as a permitted use.

NO OBJECTORS PRESENT

Ms. Stucky made a motion to approve a text amendment for Chapter 102, Zoning, Article III, Division 3, Section 102-176, CO Commercial Office District, (b), (6).

Second by Mr. Carlson

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

Mr. Quintanilla stated that the amendment allows medical clinics in the commercial office section, but only as a special use.

NO OBJECTORS PRESENT

Ms. Toohill made a motion to approve a text amendment for Chapter 102, Zoning, Article III, Division 3, Section 102-176, CO (Commercial Office) Zoning District, (c), special uses, (3).

Second by Ms. Stucky

6. Public Participation and Comment

None

7. General Discussion

None

Ms. Stucky moved that the meeting be adjourned. Second by Mr. Carlson. Motion carried by vote.
The meeting adjourned at 6:30 p.m.

Secretary, Andrew Quintanilla

Zoning Board of Appeals Staff Report

April 20, 2023

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|---|--|
| SUBJECT: Tentative Plat of HJS Subdivision | |
| SYNOPSIS: | The owner, Deery Properties, LLC and Forest Hills Lodge, Inc. are requesting approval of the Tentative Plat of HJS Subdivision. The proposed subdivision includes 8 lots for commercial development. |
| LOCATION: | The proposed subdivision is in Winnebago County, Harlem Township. The subdivision is bound by; Kimber Drive to the West, Forest Hills Road to the East and Highway 173 to the North. |
| COMPREHENSIVE PLAN: | The City of Loves Park Comprehensive Plan identifies the future landuse for the area proposed as “General Commercial”. |
| ZONING DISTRICT: | <p>The zoning for the proposed subdivision is CG, General Commercial.</p> <p>CG (minimums) Lot area (square feet): No minimums Front Yard Setback (feet): ½ ROW, min 30 Side Yard Setback (feet): 5 Rear Yard Setback (feet): 20</p> <p>IL (minimums) Lot area (square feet): No minimums Front Yard Setback (feet): ½ ROW, min 30 Side Yard Setback (feet): 10 Rear Yard Setback (feet): 0, 30 if adjoining residential,</p> |
| RECOMMENDATIONS: | <p>Staff offers the following comments for recommendation:</p> <ul style="list-style-type: none">• The average lot size tabulation in the overall listing is not provided. Please provide.• The technical requirements indicate that there should be a minimum 5-foot-wide utility easement on each side of all rear lot lines and side lot lines. No utility easements appear to be shown on the lot lines.• Please indicate the zoning on the tentative plat, so that we can review that the setbacks and lot sizes are correct. It appears to be zoned CG and IL, which we assume will be rezoned to one zoning designation.• Please remove the note “Lot 8 is currently |

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| | contemplated for 150 residential units. Development plan is not yet known.” |
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ATTACHED: TENTATIVE PLAT OF HJS SUBDIVISION

RECOMMENDATION: APPROVAL/DENIAL/TABLED VOTE: _____

CONDITIONS:

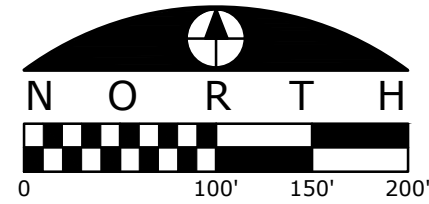
AUDIENCE COMMENTS:



TENTATIVE PLAT OF HJS SUBDIVISION

OF

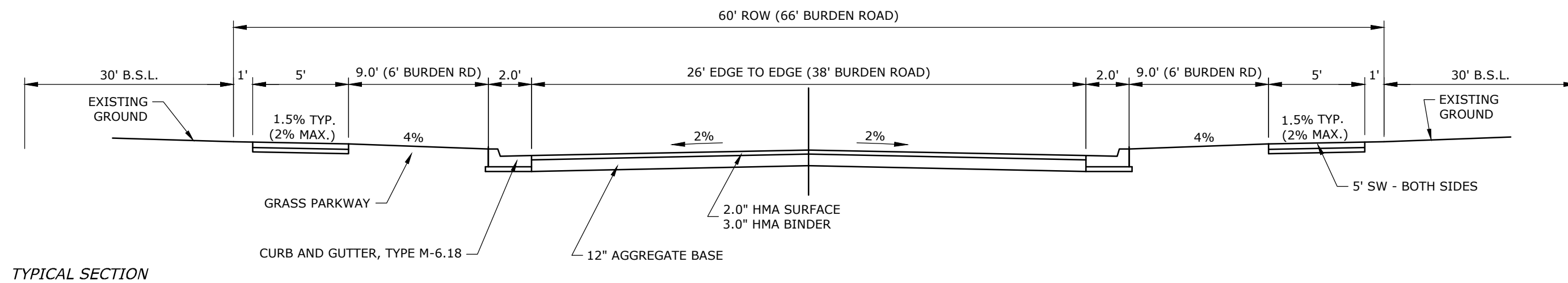
PART OF THE NORTHEAST QUARTER OF SECTION 20 AND PART OF THE
NORTHWEST QUARTER OF SECTION 21, ALL IN TOWNSHIP 45 NORTH, RANGE 2
EAST OF THE THIRD PRINCIPAL MERIDIAN, WINNEBAGO COUNTY, ILLINOIS



OWNER
Deery Properties LLC
P.O. Box 1000
Rockford, IL 61105

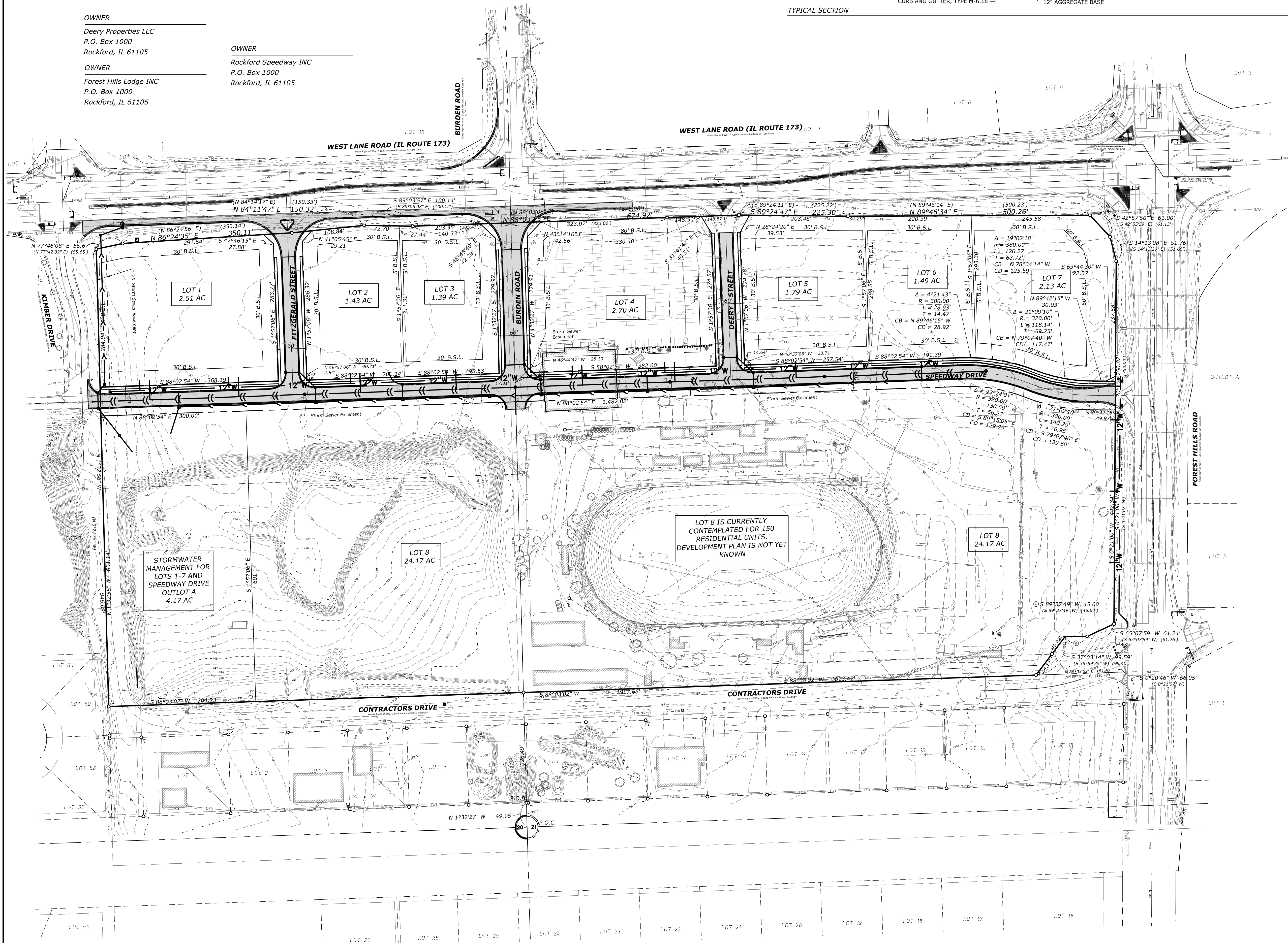
OWNER
Forest Hills Lodge INC
P.O. Box 1000
Rockford, IL 61105

OWNER
Rockford Speedway INC
P.O. Box 1000
Rockford, IL 61105



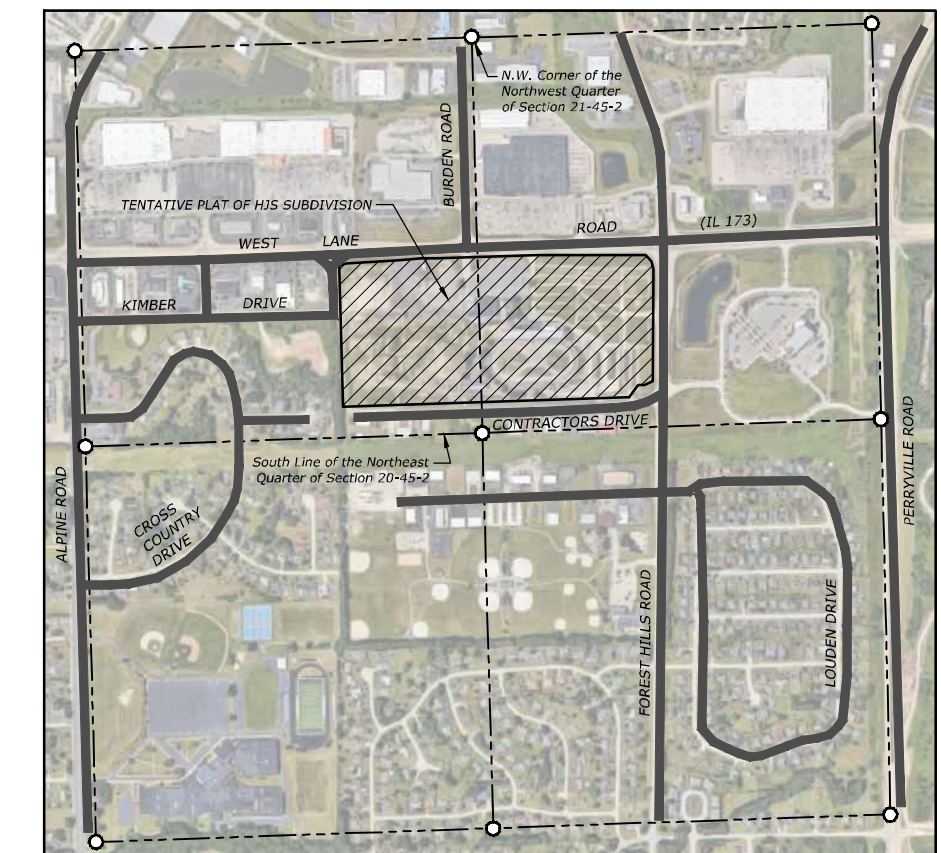
ARC DESIGN
RESOURCES INC.

5291 ZENITH PARKWAY
LOVES PARK, IL 61111
VOICE: (815) 484-4300
FAX: (815) 484-4303
www.arcdesign.com
Design Firm License No. 184-001334



LOCATION MAP

PART OF THE NORTHEAST QUARTER OF SECTION 20 AND PART OF THE NORTHWEST QUARTER OF SECTION 21,
ALL IN TOWNSHIP 45 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, WINNEBAGO COUNTY, ILLINOIS



STATE OF ILLINOIS)
CITY OF LOVES PARK) ss

Approved by _____ of Zoning Board of Appeals this _____ day
(Chairperson)
of _____, 20____

NOTES

- Proposed Sidewalk on the South side of Speedway drive is pending until future development.
- Topographic survey based upon G.P.S observations and referenced to the Illinois State Plane Coordinate System - West Zone. Elevations are NAVD 88.
- IL 173 Work is pending IDOT approval of traffic study.
- Forest Hills Lodge removal scheduled for June 2023.
- Speedway to remain in operation for 2023 season.

LAND AREA TABULATION HJS SUBDIVISION

| | | |
|--------------------------|----------------|------------|
| LOTS 1-7 | 585,508 S.F. | 13.441 AC. |
| LOT 8 | 1,052,743 S.F. | 24.168 AC. |
| OUTLOT A | 181,610 S.F. | 4.169 AC. |
| PUBLIC R.O.W. DEDICATION | 185,718 S.F. | 4.264 AC. |

HJS SUBDIVISION TOTAL 2,005,579 S.F. 46.042 AC.

TOTAL LENGTH OF STREETS = 3,119 FT

LEGEND

| | |
|----------------------------------|-----------------------------|
| --- | EXISTING LOT LINE |
| --- | BOUNDARY LINE |
| N 20°37'40" W (N 22°30'57" W) | MEASURED DIRECTION/DISTANCE |
| --- | RECORD DIRECTION/DISTANCE |
| --- | SECTION LINE |
| --- | CENTER LINE |
| ○ | SURVEY MONUMENT FOUND |
| ⊙ | SURVEY MONUMENT SET |
| ⊗ | RIGHT-OF-WAY MARKER |
| --- | SETBACK LINE |
| --- | EASEMENT LINE |
| ⊕ | SECTION CORNER |