



**AGENDA**  
**LOVES PARK ZONING BOARD OF APPEALS**  
**November 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 **October 19, 2023** meeting
3. Report from the Zoning Office – None
4. Unfinished business –
  - A. **1616 Windsor Road (08-32-351-003 & 03-32-351-004)** – An amendment to a Special Use Permit for a dumpster, scrap material heights, landscaping, and maintenance requirements in the IL (Light Industrial) Zoning District.
5. New business –
  - A. **9572 Forest Hills Road (08-21-151-004)** – A Variance to allow an accessory structure in the 60 foot building setback on Forest Hills Road, Lot 7 of the HJS Subdivision Tentative Plat, in the CG (Commercial General) Zoning District
  - B. **6351 Harlem Road (08-34-127-004 & 08-34-127-005)** – A Variance to allow a 25-foot-high accessory structure, from peak to grade, from a permitted 15-foot-high accessory structure, from peak to grade, in the R1 (Single Family Residential) Zoning District
  - C. **5614 N. Second Street (11-01-477-009)** – A Special Use Permit for a HVAC warehouse/supply house in the CR (Commercial Retail) Zoning District.
  - D. **8173 Starwood Drive** – A Special Use Permit for a light industrial processing and testing establishment with outside storage in IL (Light Industrial) and E. Riverside/I90 Overlay Districts.
6. Public participation & comment
7. General discussion
8. Adjournment

Andrew Quintanilla  
Zoning Officer



## Minutes of the Loves Park Zoning Board of Appeals

Date: October 19, 2023 Time: 5:30 P.M.

**1. Chairman: Benjamin Danielson call the meeting to order at: 5:32 PM**

Members Present:	<u>Benjamin Danielson</u>	<u>Rhonda Taylor</u>
	<u>Luke Carlson</u>	<u>Nathan Kutz</u>
	<u>Cathy Nelson</u>	<u>Don Daniels</u>
		<u>Frank laudicina</u>

Members Absent: \_\_\_\_\_

Others Present Andrew Quintanilla (Staff) \_\_\_\_\_

Mr. Danielson informed petitioners of the second meeting (CDC) in the process to be held on **November 6, 2023** in Council Chambers here at Loves Park City Hall, at 4:30 PM.

### 2. Minutes

Mrs. Carlson moved to approved the minutes from the **September 21, 2023** meeting. Mr. Kutz second the motion. Motion carried by vote.

### 3. Zoning Office Report - None

### 4. Unfinished Business - None

### 5 New Business

**A. 6005 Forest Hills Court (08-33-127-029) - A Special Use Permit for off-site signage in the IL (Light Industrial) Zoning District.**

**Petitioner: Levi O'Conner**

**GENERAL DISCUSSION:**

The applicant stated that he purchased properties in Loves Park. He stated that he removed old signs and put up new signs for his company. He stated that he was asking for approval to do this, but was not away that there was approval through zoning that were necessary.

Mr. O'Conner also stated that he put up new signs on another parcel off of Forest Hills Court. And, was asking for approval of those signs as well.

Mr. Daniels asked this property on Forest Hills Court was his as well.

Mr. O'Conner stated that he did own the property.

Mr. Nelson stated that it appears that the signage is already up. She stated that it

appears that your asking for approval after the fact.

Mr. O'Conner stated that he was.

Mrs. Nelson asked the applicant if he had located the pins to determine if the signs were actually on his property.

The applicant stated that he did not. He also stated that ComEd has marked off utility easements on his property, and that he is required to observe those setbacks.

Mrs. Nelson stated she was aware that utility work was being done on Perryville Road.

Mrs. Nelson stated that it appeared the sign may be located in the right-of-way on Perryville Road. She also asked if the applicant was aware of the conditions placed on the special use for both properties.

Mr. O'Conner stated that Mr. Quintanilla reviewed the conditions with him for both requests and he was in agreement with them.

Mr. Daniels asked the applicant how he became aware that the signs were not legal.

Mr. O'Conner stated that city Staff informed him. He also stated that he removed the older signs that came with the property and installed new signs.

Mr. Daniels asked Staff what the nature of the complaint was.

Mr. Quintanilla stated that the nature of the complaint was that new larger signs were put up and they may have not taken out permits. Staff indicated that in previous years, there were not complaints about the illegal signage for these properties, and frankly they went unnoticed. It was only with the sizeable new signs that the issue came to light.

Mrs. Nelson stated the both signs appear like they could accommodate additional signage. She asked the applicant if he intended on putting signage on the signs to advertise for other businesses, or sell space.

The applicant stated that the signs will only be for his business, and that the way Mr. Quintanilla wrote the special use, he would not be permitted signage for any other business.

#### **NO OBJECTORS PRESENT**

#### **Board Discussion:**

Mr. Quintanilla stated that the ZBA has granted special use permits for off-site signage in the past. He also stated that the special use does prohibit signage for other business, and that the City has no objections toward the approval of both locations.

Mrs. Nelson does not object to the approval, but wanted to make sure that the signs at both locations were outside of the county right-of-way and not located in easements.

**FINDINGS OF FACT HAVE BEEN MET**

Mrs. Nelson moved to approve a special use permit for off-site signage in the IL (Light Industrial) Zoning District at 6005 Forest Hills Court (08-33-127-029) with the following conditions

1. The Special Use Permit expires with the change in property ownership, or change in business ownership.
2. The property owner shall take out a permit for the sign within 30 days of the approval of the special use. The sign shall be set back 10 feet from the property line. Maintenance shall be required.
3. The property owner or business owner shall be prohibited from adding additional signage to the structure. The photo(s) dated October 4, 2023 show what is being approved. The sign shall not exceed 4' x 16' or 64 square feet for the total square footage. The special use is only for O'Connor's Heating Cooling and Electrical.
4. If the property owner or business owner is required to remove signage due to utility repairs, the signs may be reestablished at the size approved with this special use permit.
5. When the applicant establishes a business at this location, the temporary signage shall be removed and the owner/applicant shall meet the city's guidelines for business signage.
6. The property owner/business owner shall be required to locate the property pins and meet the setbacks for the sign.

Mrs. Taylor second the motion.

**MOTION APPROVED: 6-0**

**B 5463 Harlem Road (08-33-126-013) - A Special use Permit for off-site signage in the CR (Commercial Retail) Zoning District.**

**Petitioner: Levi O'Conner**

**NO OBJECTORS PRESENT**

**FINDINGS OF FACT HAVE BEEN MET**

Mrs. Nelson moved to approve a special use permit for off-site signage in the CR (Commercial Retail) Zoning District at 5463 Harlem Road (08-33-126-013) with the following conditions

1. The Special Use Permit expires with the change in property ownership, or change in business ownership.
2. The property owner shall take out a permit for the sign within 30 days of the approval of the special use. The sign shall be set back 10 feet from the property line. Maintenance

shall be required.

3. The property owner or business owner shall be prohibited from adding additional signage to the structure identified in Exhibit 1, dated October 4, 2023. Each sign shall not exceed 4' x 16' or 64 square feet for the total square footage. The special use is only for O'Connor's Heating Cooling and Electrical.
4. If the property owner or business owner is required to remove signage due to utility repairs, the signs may be reestablished at the size approved with this special use permit.
5. When the applicant establishes a business at this location, the temporary signage shall be removed and the owner/applicant shall meet the city's guidelines for business signage.
6. The property owner/business owner shall be required to locate the property pins and meet the setbacks for the sign.

Mrs. Taylor second the motion.

**MOTION APPROVED: 6-0**

- C      6351 Harlem Road – A Variance from a maximum allowable 1,500 square feet for accessory space to a requested 4,000 square feet for accessory space for an accessory structure in the R1 (Single Family) Residential Zoning District.**

**Petitioner: Ed Nickels**

Mr. Nickels stated he was in process of buying 6351 Harlem Road, which was 8 acres of land. He stated that his petition was to request permission to construct a 4000 square foot accessory structure to house his personal recreational vehicles and hobby shop.

**BOARD DISCUSSION:**

Mr. Daniels asked if the applicant will be doing any demolition of any existing structures.

Mr. Nickels stated no.

Mr. Danielson asked if his decision to purchase the property hinge on being able to obtain the variance.

Mr. Nickels stated no.

Mr. Quintanilla stated that the zoning code does not adequately address lots of this size and acreage. The zoning code does in fact prevent the property owner from utilizing the property to it's fullest potential.

Mr. Daniels asked if there was precedence for an approval such as this.

Mr. Quintanilla stated that there is no precedence, simply because there is limited property of this size and under the same ownership in this area.

**OBJECTORS PRESENT:**

Bill Bellinger of the Sanctuary Condominiums. Mr. Bellinger asked for more information on the structure and whether or not the structure would impact water flow to the Sanctuary association. Mr. Bellinger was shown aerials and a site plan showing the location of the structure and was satisfied with the distance between where the garage will be built and the location of the Sanctuary Condos. He stated that there was significant distance and that drainage should not be a problem.

#### **FINDINGS OF FACT HAVE BEEN MET**

Mrs. Nelson move to approve a Variance from a maximum allowable 1,500 square feet for accessory space to a requested 4,000 square feet for accessory space for an accessory structure in the R1 (Single Family) Residential Zoning District.

Mr. Carlson second the motion.

#### **MOTION APPROVED: 6-0**

- D. 6005 Shale Drive** – A Special Use Permit for mini-warehouse storage units without outside storage in the CR (Commercial Retail) Zoning District.

#### **Petitioner: Thomas Fitzpatrick**

Mr. Fitzpatrick stated that Storage of America is looking to bring their 42nd location to this area. He indicated that the company with family owned and they were seeking to bring 389 storage units for this location. He stated that the site has limitations given the slope, and would like be investing in the property to overcome site restrictions. He also stated that they would be sharing access with the mobile home parking on Shale Drive. Mr. Fitzpatrick discussed improvements with landscaping, and site complications that he may have to work on with Staff to address site restrictions. He also discussed the decorative aluminum fencing that will be strategically place. He stated that everything was remote, and that access was with a key pad, with access starting at 6am through 11pm. He explained that the site is operated with a Kiosk that would walk customers through establishing an account and paying for the rental of a unit.

#### **BOARD DISCUSSION**

Mr. Carlson inquired if the back of the buildings will be facing the mobile homes. He also stated that he did not care for this type of development, and that didn't like that it will be situated so close to the residences. He noted that there were no residents or anyone for the mobile home park to voice concern.

Mr. Fitzpatrick stated that is correct, the back of the buildings will be facing the mobile home park.

Mr. Carlson inquired as to whether the landscape buffer will consist of a hill.

Mr. Fitzpatrick stated the buffer will contain trees and a mixed variety of plants, but the buildings will have a brick façade, decorative brick attached to the building.

Mr. Nelson asked the applicant if he was away that the special use will not include outside storage.

He stated that he understood this.

Mrs. Nelson clarified that the berm for this proposal was an eight foot deep berm filled with landscaping,

Mr. Fitzpatrick and the engineer that he has been working with understood the berm to be 8 feet in height. He remarked that they thought that was excessive. But now understands that the berm was depth, and would be capable of meeting that standard.

Mrs. Nelson asked if the brick façade facing the mobile homes was going to have the same brick veneer facing the residents. She stated that was a nicer option over having to see metal panels that can sometime appear unsightly.

Mr. Fitzpatrick stated that the brick veneer will be facing the residential to west as well, if it required, but that to do that would be costly.

#### **NO OBJECTORS PRESENT**

#### **FINDING OF FACT HAVE BEEN MET**

Mrs. Nelson move to approve a special use permit for mini-warehouse storage units without outside storage in the CR (Commercial Retail) Zoning District for 6005 Shale Drive with the following conditions

1. The Special Use Permit expires with the change in property ownership, or change in business ownership.
- 2 The mini-warehouse structures may be permitted to be built with metal siding and roofing for interior facing facades only. The metal siding and roofing shall be constructed using warm earth tones. All sides of structures facing Perryville Road shall be completely covered with masonry (warm earth tone infinity stone panels). This plan shall be acceptable given the types of materials used for constructing these types of structures is generally corrugated aluminum panels.
3. The monument sign on the site plan shall meet the City's requirements for monument signs in Section 102-284. No signage shall be placed on a Perryville facing structure, except for the Kiosk building and the monument sign.
4. The owner shall be required to install a poured concrete dumpster enclosure. The placement shall be coordinated with Staff.

5. If the applicant or property owner installs a fence around the property it shall mirror the back aluminum fence being installed shown in the supporting documentation. No barrier screening shall be permitted on any fence or gate.
6. The Special Use Permit shall be renewed 1 year from the date of approval.
7. The property owner or business owner shall provide irrigation for landscaping beds and areas around the property. The applicant or property owner shall be required to install a mounded continuous 8 foot deep landscape buffer across the entire Perryville frontage. The applicant shall provide 6 additional trees within the landscape buffer on Perryville. The 6 additional trees shall be some variety of pine that will grow to a height of 15 feet or taller at maturity. The landscape plan shall be approved by Staff.
8. The business owner or land owner shall be responsible for the maintenance, repair, and replacement of all landscaping and materials. Landscaping, in or out of landscape beds shall be maintained in a healthy growing condition free from disease , refuse, debris, and weeds at all times.
9. The business owner or property owner shall not be allowed any outside storage.

Mr. Carlson second the motion.

**MOTION APPROVED: 6-0**

- E. 6005 Shale Drive** – A Variance from the required commercial building materials, Section 102-174, (g), to utilizing none of the required commercial building materials, Section 102-174, (g), in the CR (Commercial Retail) Zoning District.

No action taken. (Covered in the SUP)

- F. 6245 N. Second Street (12-06-104-001 & 12-06-104-002)** - A Special Use Permit for a car wash establishment in the CR(Commercial Retail) Zoning District.

Petitioner: Dan Arends

The applicant stated that the site plan provided with the prior owner is very similar to the application up for consideration. He stated that the company tried their best to develop the site meeting setbacks and to show consideration for the resident to the east.

Mr. Danielson stated that there are new board members on the board since the prior approval. He also stated that this body approved a request and site development almost identical to what is being presented.

The applicant stated that the only difference with this development is that the carwash tunnel is shorter. He stated the carwash is using the quietest technology for the washers and dryers. He also stated that phot metrics have already been performed so there was little light leaving the site, and that there will be an 8ft cmu wall that will completely block off visibility to his property and provide sound reduction of the blowers to the property



adjacent.

The applicant also stated that he will be working to accommodate staffs request for the low impact, earth tone color scheme. He also indicated that he was aware of the noise concern by residents in the last petition. He said that the noise will be handled by the wall and that the doors for the carwash close after each vehicle. The hours will be limited, 8am to 7pm. Additionally, he stated that the facility is staffed at all times, with roughly 2 to 3 employees.

#### **BOARD DISCUSSION**

Mr. Daniels inquired if there was special consideration for drainage

The applicant said that they will provide infiltration basins for to keep water on site, and no water will the area. The applicant spoke to the water levels and analysis of the adjacent storm water intake, and the improvements that will occur to mitigate water migration.

Mr. Carlson inquired to the location of the wall being provided.

Staff directed Mr. Carlson to the site plan and explained that the prior applicant was going to install an 8ft wall to buffer noise and light pollution to the east. He stated that the site plan does show the wall and came about because of the previous applicants location in Elgin, Illinois where the car wash was next to a residence. A similar situation as this. The applicant did agree to the installation, and it was included as a requirement for the approval.

Mr. Daniels commented if the prior approval was for this location. He also inquired as to why the development didn't occur.

Mr. Quintanilla stated that we did reach out to the owner about the status of the project. Mr. Quintanilla stated that the applicant was going to move forward redeveloping the property. The applicant did obtain the demo permits for the project, so it was assumed that the carwash was moving forward. It wasn't until the representatives of Champion Carwash reached out to the city about developing the property did we learn that the property had been sold. During our discussions with the applicant, they learned that the project required zoning to move forward.

Mrs. Nelson stated that the first delay was due to coving, however the applicant did come back to renew the special use.

The applicant stated that the owners had no idea about the zoning. That the property was marketed for that purpose and ready to break ground. The applicant stated that they are eager to break ground and the completion for the carwash is about 9 months.

#### **OBJECTORS PRESENT**

Connie Rew, a local resident, expressed her concern about the traffic that the carwash will bring to the area. She stated that she didn't want the traffic to pile up in front of her home, or excessive traffic to cut through the neighborhood because the Theodore Street is already used as a cut-through.

The applicant stated that the light is long on Theodore Street and N. Second Street. Because of the length time for this light, there may be an issue where the carwash customers will be exiting into the neighborhood.

Mr. Daniels stated that he visited the area, and wondered where Theodore dead ended into.

Ms. Rew stated that the street is already busy, and will the lights be adjusted to accommodate the new traffic to the area.

Mr. Quintanilla did state that if traffic problems were created, the City would work with IDOT to reduce the time at the light, in the interest to keep traffic moving.

Mrs. Nelson did indicate that the car wash does have two lanes of service to prevent congestion to the street and neighborhood.

Mr. Quintanilla stated that the special use had a 1 year renewal. If there were problems, they could be addressed at that time. Mr. Quintanilla asked the applicant if there were issues that arose from the traffic, would putting a left turn only sign at the exit, exiting towards N. Second, be a problem.

The applicant stated no, that the sign would not be a problem.

## **BOARD DISCUSSION**

### **FINDING OF FACT HAVE BEEN MET**

Mrs. Nelson move to approve a special use permit for car wash establishment for 6245 N. Second Street (12-06-104-001 & 12-06-104-002) in the CR (Commercial Retail) Zoning District.

#### **Conditions:**

1. The Special Use Permit expires with the change of in property ownership, Change in business ownership, or the discontinuance of the car wash establishment.
2. A mixed masonry wall, up to a height of 8 feet, along the eastern property line shall be allowed for 519 Theodore Street, and mirror the wall established at the Elgin, Illinois Rainstorm car wash location. The 8 foot wall shall extend to the recorded 25 foot building setback line on Theodore, and drop down to 4 feet, to the property line. The mixed masonry wall shall be warm earth tone stone, and shall extend south on the easterly property line of 519 Theodore Street. The increased height of the wall shall aide in the reduction of noise and artificial light generated by the establishment of the use.
3. The Special Use Permit shall be renewed 1 year from the date of approval.
4. The applicant shall provide staff with an updated landscape plan within 30 days Of the approval of the special use. The plan shall mirror the landscaping plan

provided with the prior Extreme Clean approval in 2022. The business or land owner shall be responsible for the maintenance, repair, and replacement of all landscape plants and materials. The plants, materials, and landscape beds shall be tended to and maintained in a healthy growing condition, and free from refuse, debris, and weeds at all times. Irrigation for all landscape areas shall be provided.

5. The accessory structure in the required building setback, on the N. Second Street frontage, will be allowed due to the limitations in configuration for this development.

6. The trash enclosure shall be masonry and match in materials as the 8 foot wall On the eastern property line. The use of chain link shall not be allowed.

7. The colors used for the building shall be warm earth tone colors, and match or compliment the materials used for the dumpster enclosure and 8 foot fence.

8. The hours of operations shall be limited due to the vacuums and the location of The blowers. Hours shall be from 8am to 7pm.

Mr. Kutz second the motion

**MOTION APPROVED: 6-0**

- G.** The applicant for 1616 Windsor Road has requested to lay the petition over until the November Zoning Board of Appeals.

## **6. Public Participation and Comment**

None

## **7. General Discussion**

None

Mr. Carlson moved that the meeting be adjourned. Second by Mr. Kutz. Motion carried by vote. The meeting adjourned at 6: 50 p.m.

Secretary, Andrew Quintanilla



## ZONING BOARD OF APPEALS

### Community Development Department

Date: November 16, 2023

**SUBJECT:** An amendment to a Special Use Permit for a dumpster, scrap metal heights, landscaping and maintenance in the IL (Light Industrial) Zoning District.

**LOCATION:** 1616 Windsor Road (08-32-351-003 & 08-32-351-004)

**COMPREHENSIVE PLAN:** The City of Loves Park Comprehensive Plan identifies the area for the use of light industrial uses.

**PROPERTY INFORMATION  
AND RELEVANT FACTS:**

Requirements of IL:

Front yard building setback:	30 feet
Side yard building setback:	10 feet
Rear yard building setback:	0 feet

Provided:

Front yard building setback:	Greater than 30 feet
Side yard building setback:	Greater than 10 feet
Rear yard building setback:	0 feet

**Dumpster Enclosure**

**Required:** Provisions shall be made for light industrial uses for the temporary storage of refuse, and recyclable materials produced on site.

**Provided:** No dumpster, enclosure, or location have been identified on the aerial provided by the applicant.

**Landscaping**

**Required:** The applicant is required to provide a mounded landscape buffer across all frontages. The buffer is required to be 8 feet in depth, observing ingress/egress. The landscaping is required to be composed of a combination of trees (including evergreens), shrubs, ground cover, and some combination of live plants. The landscape requirement is intended to soften the aesthetics of the property from increased impervious surfaces such as parking lots. It is also intended to obscure outside storage from public view. The landscape requirement may be achieved with landscaping or a privacy fence.

The special use that was approved, Ordinance 4439-21, see attached, required the applicant to install an 8 foot deep, continuous, landscape buffer on the Windsor Road and Clinton Road frontages, observing ingress/egress. The landscape buffer that was approved, also required the owner to mound the buffer a minimum of 1 foot above the height of the adjacent parking area, but not to exceed a 3 to one slope. The buffer was required to be filled with a variety of trees that will be or grow to a height of 20 feet or higher at maturity. The berm was required to provide some combination of pine, Maple, Oak, Elm and Arborvitae. It was also

required to include shrubs, perennials, and dark mulch. Existing arborvitae on both frontages were required to be removed, because they were dead or dying. The owner was permitted to plant new trees of the same type, to replace what had died.

The applicant is also requesting that the business not be required to do any further landscaping, or be required to maintain landscaping.

Provided: The applicant has been working with a landscape company to provide the Zoning Board for consideration. Staff has not received a plan.

**Outdoor storage:**

Required: All outdoor storage should be screened by a site-obscuring fence or landscaped area. The special use that was approved, Ordinance 4439-21, see attached, required that the scrap piles be limited to a height of 15 feet at all times. The applicant was also required to provide poured, precast concrete containment bins, to control and prevent the migration or spread of the outside storage. The storage of semis, semi-trailers, trailers and metal shipping containers we allowed, but only behind the front plain of the building.

Provided: The owner has had piles of its outside storage that have consistently reached heights of 20 feet, with other metal scrap items reaching upwards of 25 to 30 feet. The scrap being stored outside is not contained within the containment bins that are required for this business.

The address for the business is 1616 Windsor Road. There are two parcels that are a part of the ownership for this business. Parcel 08-32-351-003, 1616 Windsor Road, and 08-32-351-004, which does not have an address assigned to it. According to the provisions of the current special use permit, Ordinance 4439-21, parcel 08-32-351-004 cannot be used for outside storage of recycling materials, for parking, parking semis, semi-trailers, or storage containers, but it currently is being used for all of these activities. The outdoor storage has spilled out in front of the building, across both lots, into the required parking for employees and customers, when it is not permitted. The special use prohibits outside storage out past the front plain of the building. Dumpsters, trailers, industrial trash containers, semi's, semi-tractor trailers, and other oversized dumpster containers. The applicant established a parking area without providing a drainage plan.

**Findings:**

- 1 The establishment, maintenance and operation of the special use has been problematic for the business, adjacent businesses, and residents. The special use was established in 2012. Since the approval, the operations for the business have not always been in compliance. City Staff has been to the site numerous times to follow up on complaints. There have been property maintenance issues issued against the business over the year for not complying with the special use that was granted for this business. Due to non-compliance of the special use it would not be prudent to lax performance requirements on the business at this time. It is only through compliance of the existing special use, that a request for an amendment be considered.
- 2 Since the establishment of the special use, numerous complaints from various sources, have shown to impact businesses and residents in the area. The complaints, all in concern of how the business is performing, have been troubling. The establishment of the special use has been injurious in it's performance in the immediate vicinity and may have impacted land values within the neighborhood. The conditions that are a part of the special use

that was approved in 2021 are intended to aid in the performance of the business, as well as, protect the property and other properties in the vicinity. Since 2021, there has been difficulty getting compliance with this business.

3

The establishment of the use should not impede the normal orderly development or improvements made to surrounding properties that are inherently permitted in the zoning district, but the condition of the property may give pause to future businesses who would seek to relocate or build in the area. The establishment of the special use has generated concern over daily operations of the business. The establishment has five other locations in Illinois. All of these locations are in smaller municipalities, and remotely located away from town centers. This location is situated on an arterial roadway, situated among many other business, and is in close proximity to residential living to the north and east. The use has produced enough concern from multiple sources, that amending the existing special use permit to give the applicant broader latitude to increase the outdoor storage footprint may adversely impact the area and future development. The applicant is not in compliance with the existing special use. If the conditions of the special use permit were being adhered too, it would be easier to justify a recommendation for an amendment. An amendment to Ordinance 4439-21, the existing special use permit, has not been warranted. The business should first demonstrate that they can comply with the all of the provisions in the original special use permit.

**RECOMMENDATION:**

**Denial** - An amendment to a Special Use Permit for a dumpster, scrap material heights, landscaping and maintenance requirements in the IL (Light Industrial) Zoning District.

If the amendment is denied, the existing special use permit remains in force. See attached.

APPROVAL / DENIAL / TABLED

**ATTACHMENTS:**

See attachments

**ZONING BOARD  
RECOMMENDATIONS:**

Vote:

**AUDIENCE COMMENTS:**



Parcel Number(s): 08-32-351-003 & 08-32-351-004

Address: 1616 Windsor Road

Zoning District: IL (Light Industrial)

Applicant: Cimco Resources, Inc  
1616 Windsor Road  
Loves Park, Illinois 61111

Property Owner: Loves Park Properties, LLC  
1616 Windsor Road  
Loves Park, Illinois 61111



Green → Truck & Trailer Parking  
Orange → Dumpster Staging





**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.*

**1616 Windsor Road (08-32-351-003 & 08-32-351-004)**

- 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:

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- 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.

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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: **1616 Windsor Road (08-32-351-003 & 08-32-351-004)**  
SUP Amendment dumpster, landscaping and maintenance, scrap material heights

**Chairman**  
Benjamin Danielson

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## ZONING BOARD OF APPEALS

### Community Development Department

Date: October 19, 2023

<b>SUBJECT:</b>	A Variance to allow an accessory structures in the 60 foot building setback on Forest Hills Road and Illinois Route 173, Lot 7 of the HJS Subdivision, in the CG (Commercial General) Zoning District.		
<b>LOCATION:</b>	9572 Forest Hills Road (08-21-151-004)		
<b>ZONING DISTRICT:</b>	North	CG (Commercial General) Machesney Park	
	South	IL (Light Industrial)	
	East	CR (Commercial Retail)	
	West	IG (Industrial General)	
<b>PROPERTY INFORMATION:</b>			
<b>CG Requirements</b>	Building setback - Front yard	60 feet	
	Building setback - Side yard	5 feet for building under 25 feet	
	Building setback - Rear yard	20 feet	
<b>Provided:</b>	Building setback - Front yard	60 feet	
	Building setback - Side yard	10 feet	
	Building setback - Rear yard	30 feet	
	No accessory structure shall be located in the required front yard, or building setback. The applicant is requesting to place a series of canopies within the building setbacks on the Forest Hills Road and Illinois Route 173 frontages.		
<b>Findings:</b>			
1	Strict interpretation of the regulation would not result in practical difficulty to the property or business owner. The business has several iterations of the design for development. It would be possible to install functional lighting within the building setback to achieve the same outcome, as it appears, the canopies function as lighting.		
2	The property owner does have conditions applicable to the property that do not apply to other properties in the area. The applicant does have two frontages, both with 60 foot setback. In other commercial areas, the setbacks are much smaller in the front yard. It most commercial areas the setbacks are 30 feet.		
3	Strict or literal interpretation would deprive the applicant of privileges enjoyed by other property owners in the area. The applicant does have a valid hardship that would prohibit the business owner from utilizing the property for the intended use. The large setbacks on both frontages limit how the property can be developed. There are other properties in the same zoning district that do not share the excessive setbacks.		
4	Granting the variance for the improvements does not constitute special privilege. When a property owner or business owner moves to develop a property, the development will come with challenges due to various other reasons, outside of the restrictions that the		

land imposes. Granting the variation will provide relief to the applicant for the purpose of making improvements to the property. A variation granted on the merits of land imposed restrictions shall not constitute special privilege afforded to the applicant.

5                   The granting of the variation will not have an impact to the public health, safety, or welfare to other properties in the vicinity. The nature of the request is an accessory structure, specifically, lighting. The canopies provide lighting for customers and employees that will not be provided from any other immediate source.

**RECOMMENDATION:**                   **Approval**  
A Variance to allow an accessory structures in the 60 foot building setback on Forest Hills Road and Illinois Route 173, Lot 7 of the HJS Subdivision, in the CG (Commercial General) Zoning District.

**ATTACHMENTS:**                   See attachments

**ZONING BOARD  
RECOMMENDATIONS:**                   APPROVAL / DENIAL / TABLED                   Vote: \_\_\_\_\_

**CONDITIONS:**                   AS PRESENTED / AMENDED / N/A

**AUDIENCE COMMENTS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



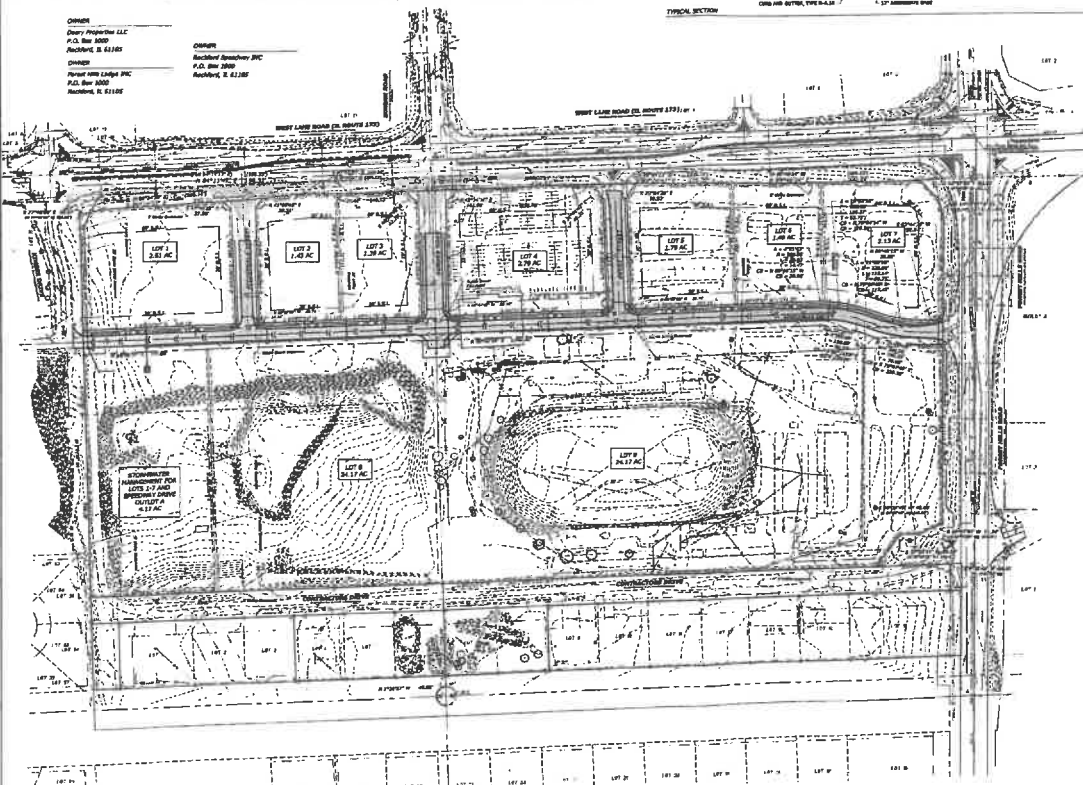
Parcel Number:	08-21-151-004
Address:	9572 Forest Hills Road
Zoning District:	Commercial General
Applicant:	HJS Development, LLC 860 N. Milwaukee Avenue Buffalo Grove, Illinois 60089
Property Owner:	HJS Development, LLC 860 N. Milwaukee Avenue Buffalo Grove, Illinois 60089

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

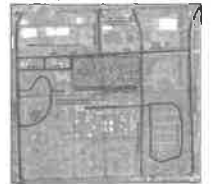
**OWNER**  
Deery Properties LLC  
P.O. Box 1000  
Rockford, IL 61103

**OWNER**  
Forest Hill Lodge INC.  
P.O. Box 1000

Rockford Speedway INC  
P.O. Box 2900  
Rockford, IL 61105



**LOCATION MAP**



STATE OF ILLINOIS            )  
CITY OF LOVES PARK        ) ss

Approved by \_\_\_\_\_ of Jury Score of Appeals this \_\_\_\_\_ day  
(Chairperson)  
of \_\_\_\_\_, 20\_\_\_\_

**NOTES**

1. Proposed sidewalk on the South side of Speedway drive is pending utility survey completion.
2. Topographic survey based upon R.P.S. observations and referenced to the Illinois State Plane Coordinate System - West Zone. All dimensions are NAD83 DB.
3. A. 173 Work is pending RCDT approval of traffic study
4. First Mile Lodge removal scheduled for June 2023.
5. Speedway to remain in operation for 2023 season.
6. Current Zoning - C1 Commercial

## LAND AREA TABULATION FOR SUBDIVISION

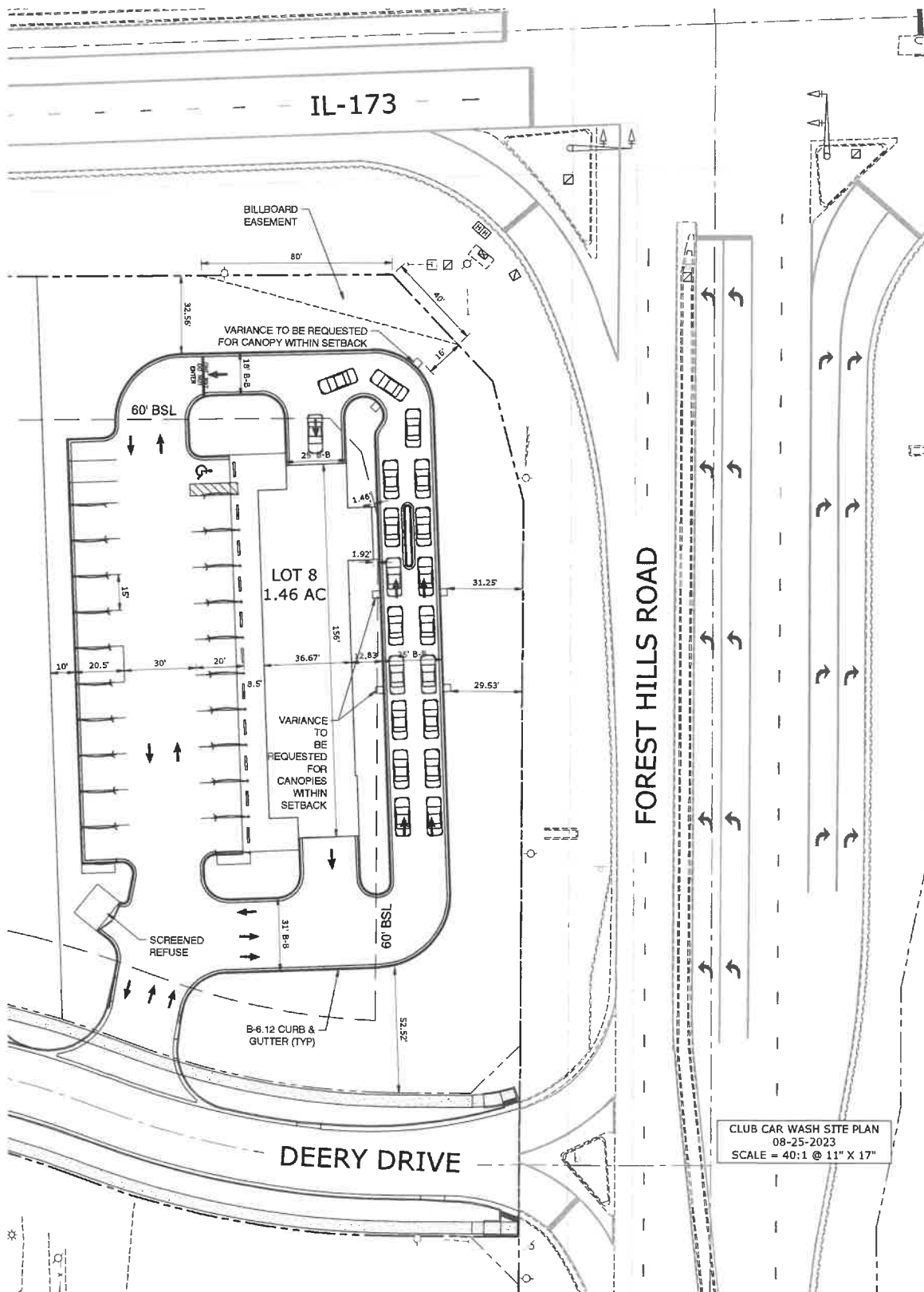
LAND AREA TABULATION FOR SUBDIVISION				
LOTS 1-7	385,988 S.F.	13.44	AC	
LOT 8	1,052,743 S.F.	34.16	AC	
OUTLOT A	181,819 S.F.	4.18	AC	
PUBLIC R.O.W. DEDICATION	186,514 S.F.	4.27	AC	
FOR SUBDIVISION	TOTAL	2,008,173 S.F.	46.14	AC

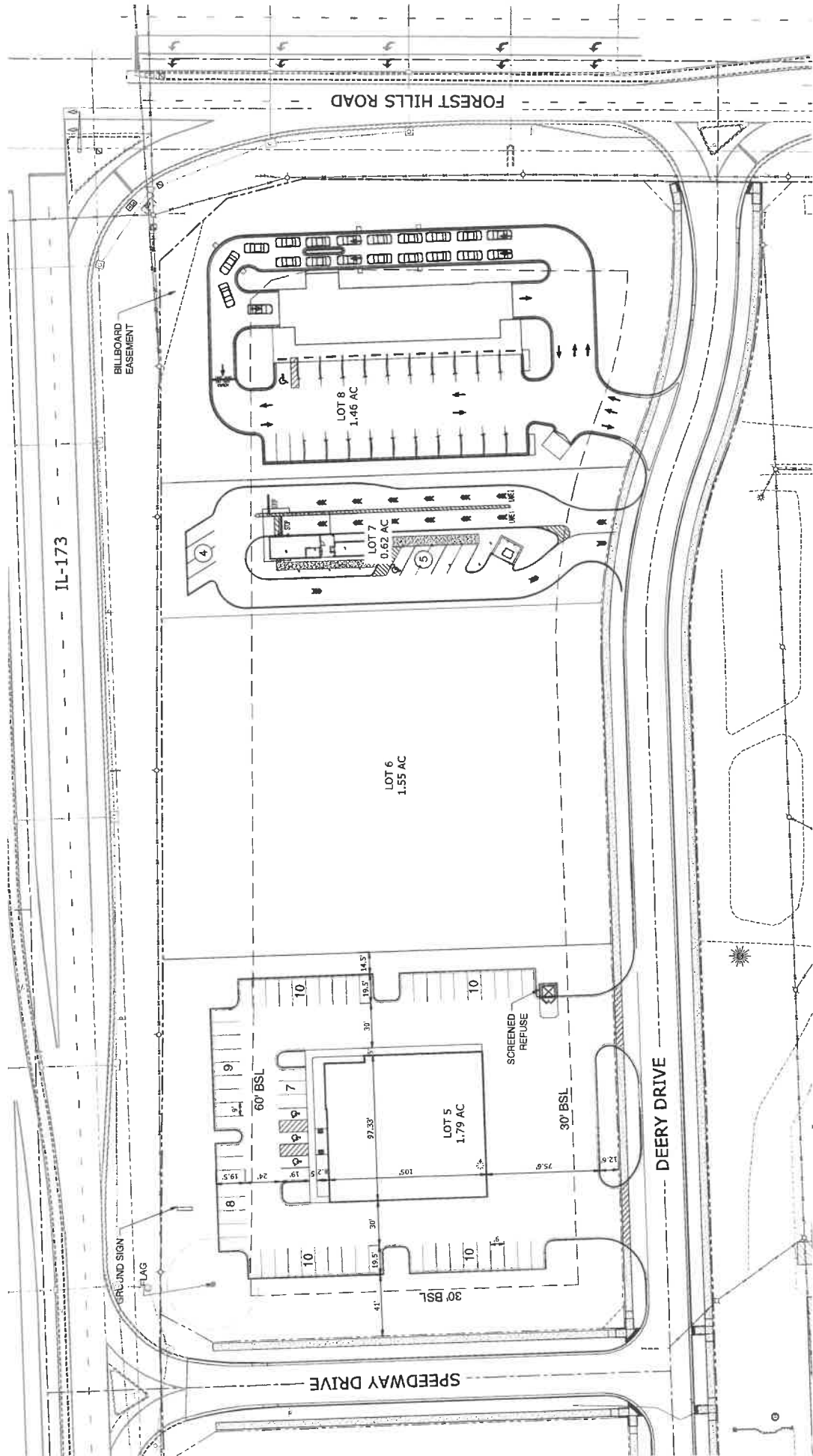
TOTAL LENGTH OF STREETS = 3,118 FT  
AVERAGE LOT SIZE, LOTS 1-7 = 62,644 S.F.

**LEGEND**

- [illegible]

SHEET 1 of 1  
ARC 21141  
Rev: 04/25/2023







WEST LANE ROAD

FOREST HILLS ROAD

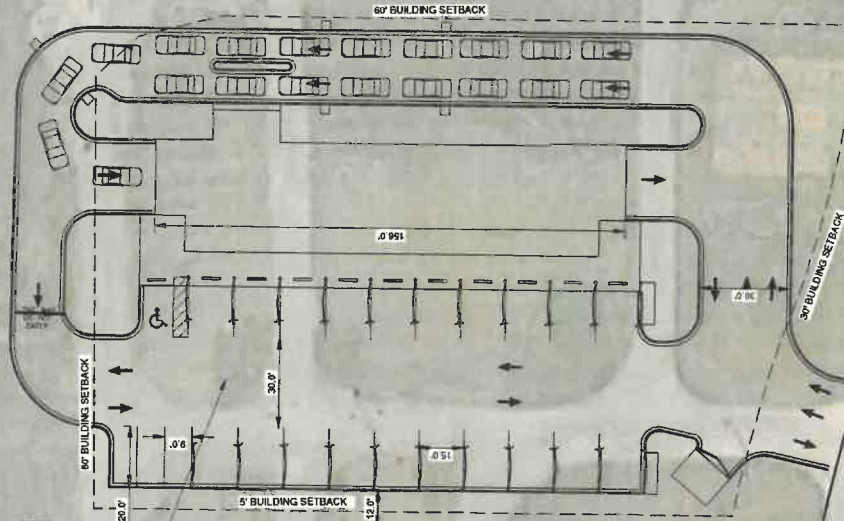
0.47 ACRES (BALANCE FROM ORIGINAL SITE)

OLD PROPERTY LINE

PROPOSED PROPERTY LINE

SITE INFORMATION

PARCEL: PM 082151004  
ADDRESS: 6072 FOREST HILLS ROAD  
LOVES PARK, IL 61111  
ZONING: GENERAL COMMERCIAL  
PERMITTED USE: YES  
TOTAL PARCEL AREA: 1.99 AC



PRELIMINARY  
Not for Construction

Robert E. Lee  
2500 Central Express Blvd | Hobart, IN 46340-1041 | rlee@reel.com

DATE: 10/26/2021  
FILE: 10-26-21-004

CONCEPT 1

ROCKFORD SPEEDWAY CONCEPT  
FOR CLUB CAR WASH  
CITY OF LOVES PARK  
WINNEBAGO COUNTY, ILLINOIS

DOWN  
CHECKED  
DESIGNED

REVISION

DATE

NO.

REVISION

DATE

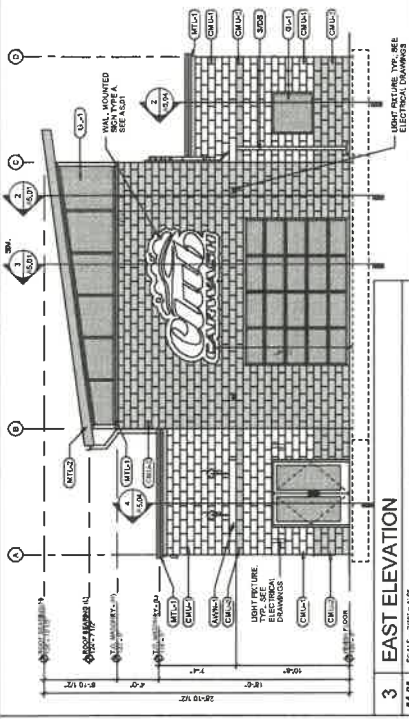
NO.

DATE

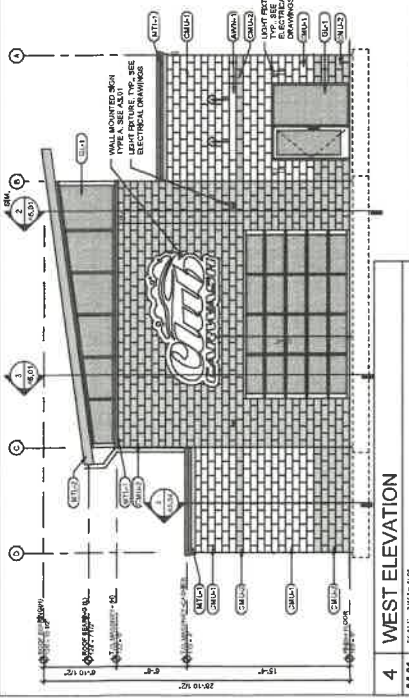




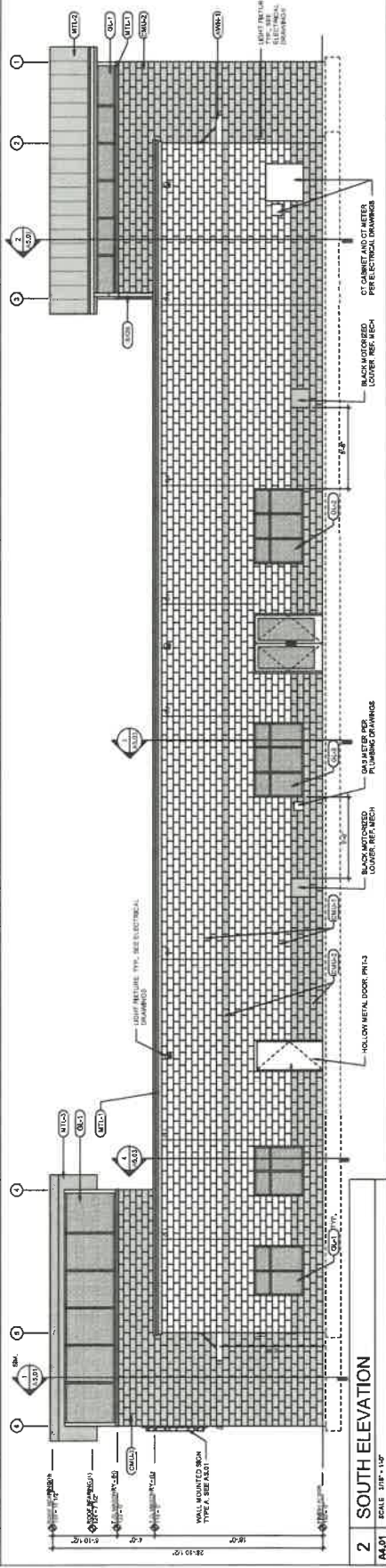
## EXTERIOR MATERIAL LEGEND

[illegible]

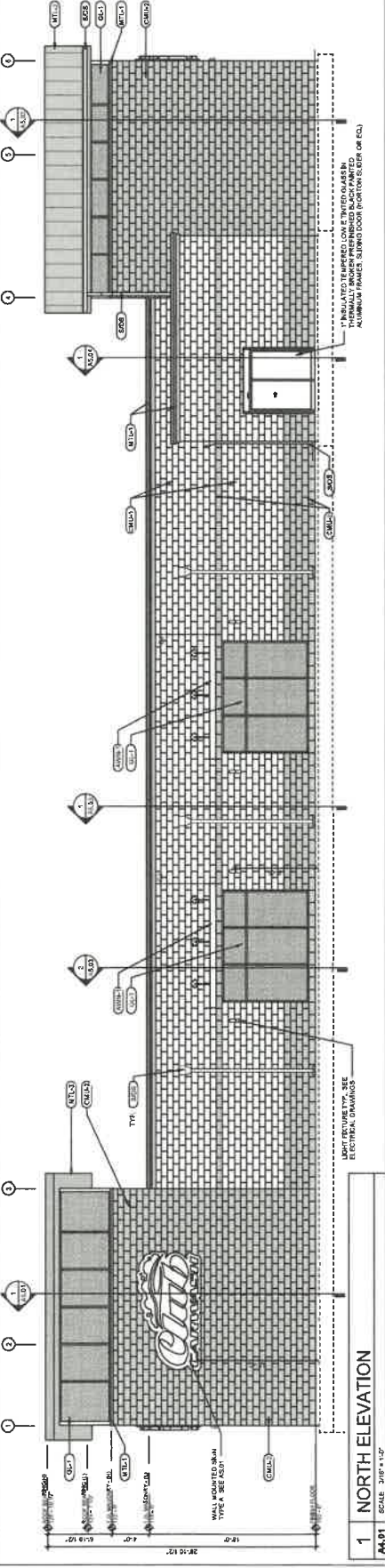
3	EAST ELEVATION
---	----------------



4	WEST ELEVATION
---	----------------



2	SOUTH ELEVATION
---	-----------------



1	NORTH ELEVATION
---	-----------------











**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.*

**9572 Forest Hills Road (08-21-151-004)**

**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.

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*Reason:*

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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: 9572 Forest Hills Road (08-21-151-004)

**Chairman**  
Ben Danielson

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Signature

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Date





## ZONING BOARD OF APPEALS

### Community Development Department

Date: November 16, 2023

<b>SUBJECT:</b>	A Variance to allow a 25-foot-high accessory structure, from peak to grade, from a permitted 15-foot-high accessory structure, from peak to grade, in the R1 (Single Family Residential) Zoning District.								
<b>LOCATION:</b>	6351 Harlem Road (08-34-127-004 and 08-34-127-005)								
<b>ZONING DISTRICT:</b>	<table> <tr> <td>North</td><td>Loves Park - State Park</td></tr> <tr> <td>South</td><td>R1 (Single Family Residential)</td></tr> <tr> <td>East</td><td>R1 (Single Family Residential)</td></tr> <tr> <td>West</td><td>R1 (Single Family Residential)</td></tr> </table>	North	Loves Park - State Park	South	R1 (Single Family Residential)	East	R1 (Single Family Residential)	West	R1 (Single Family Residential)
North	Loves Park - State Park								
South	R1 (Single Family Residential)								
East	R1 (Single Family Residential)								
West	R1 (Single Family Residential)								
<b>PROPERTY INFORMATION:</b>									
<b>R1 Requirements</b>	Maximum allowable height for a accessory structure, from peak to grade, is 15 feet.								
<b>Provided:</b>	The applicant is requesting to build an accessory structure that is 25 feet high, from peak to grade.								
<b>Findings:</b>	<ol style="list-style-type: none"> <li>1 Strict interpretation of the regulation would not result in practical difficulty to the property owner. The home presently has accessory space totaling 1,036 square feet. The adjacent property where the applicant intends to build the 4,000 square foot accessory structure does have a 26' x 25' (650 square feet) foot accessory structure. The combined square footage is roughly 1,686 square feet.</li> <li>2 The property owner does have conditions applicable to the property that do not apply to other properties in the area. The applicant does have almost 8 acres of residential property with the total combined lots. The zoning code is not reflective of residential properties of this size, but reflective of standard parcels much smaller than this.</li> <li>3 Strict or literal interpretation would not deprive the applicant of privileges enjoyed by other property owners in the area. The applicant is requesting a larger accessory space to provide for recreational vehicles, and a hobby shop. The property can be used for its intended purpose. The applicant could increase the residential footprint to allow for such accessory space, but livable space like this can be excessive and unnecessary.</li> <li>4 Granting the variance for the improvements does not constitute special privilege. Each applicant has the legal right to make such a request. The applicant will soon own parcels that will be roughly 8 acres. As mentioned earlier, the City's zoning code doesn't adequately address properties this size. Standard lot sizes range anywhere from a less than a 1/4 of an acre up to 3/4 of an acre, and not upwards of 8 acres for residential purposes.</li> <li>5 The granting of the variation will not have an impact to the public health, safety, or welfare to other properties in the vicinity. The nature of the request is accessory space. Accessory</li> </ol>								

space does not generally impact the public or adversely impact the safety and welfare of residential districts.

**RECOMMENDATION:**

**Approval**  
A Variance to allow a 25-foot-high accessory structure, from peak to grade, from a permitted 15-foot-high accessory structure, from peak to grade, in the R1 (Single Family Residential) Zoning District.

**Condition:**  
The owner shall be required to remove the existing accessory structure on parcel 08-34-127-005 before the new accessory structure may be built.

**ATTACHMENTS:**

See attachments

**ZONING BOARD  
RECOMMENDATIONS:**

APPROVAL / DENIAL / TABLED                      Vote: \_\_\_\_\_

**CONDITIONS:**

AS PRESENTED / AMENDED / N/A

**AUDIENCE COMMENTS:**



ADDRESS: 6351 HARLEM ROAD (08-34-127-004, 08-34-127-005,  
08-34-127-014 & 08-34-127-016)

ZONING DISTRICT: R1 (SINGLE FAMILY RESIDENTIAL)

APPLICANT: EDWARD NICKELS  
5793 TANEY PLACE  
MERRILLVILLE, INDIANA 46410

PROPERTY OWNER: ARNOLD AND KATHLEEN ROSEN  
6351 HARLEM ROAD  
LOVES PARK, ILLINOIS 61111

HARLEM ROAD



1165.16  
PIN: 08-34-127-004

1165.16  
PIN: 08-34-127-005

6405  
HARLEM

2.0 ACRES

533.6

EXISTING  
2-STORY  
RESIDENCE



PARCEL 1  
1.995 ACRES

GRAVEL  
STOCK



EXISTING  
24' GARAGE

26' x 25'

20'-ft

1165.16

PARCEL 3  
1.913 ACRES  
PIN: 08-34-127-0014

1165.16

PARCEL 2  
2.018 ACRES  
PIN: 08-34-127-0015

PROPOSED  
50' x 80' x 16' EAVE HEIGHT  
METAL BLD'G  
RECREATIONAL VEHICLE STORAGE

497.64'

525.64'

533.75'

162.87'

162.87'

# FBI Buildings



## Building Specs

Width: 48'

Length: 80'

Height: 16'

Roof Type: Gabled

Roof Pitch: 4.5":12"

Post Footing: Perma-Column

## Colors

Roof Color: Forest Green

Wall Color: Surrey Beige

Trim Color: Forest Green

Walk Doors: Light Stone

Large Doors: Regal White

Track: Forest Green

Wainscot Color: Forest Green

Interior Panels: Regal White

## Wainscot:

Front: Yes

Right: Yes

Back: Yes

Left: Yes

Wainscot Height: 3'

## Interior

Perimeter Walls: Wood

Ceiling: None

## Walls

F Wall: Enclosed

B Wall: Enclosed

L Wall: Enclosed

R Wall: Enclosed

## Roof Options

F Gable Extension: 1'

B Gable Extension: 1'

L Eave Extension: 1

R Eave Extension: 1

## Lean-tos

## Porches

R Porch

Width: 10, Height: 10', Porch

Depth: 8', Porch Overhang: 1'

## Windows & Doors

Slider Window Qty: 6

Overhead Ribbed Door Qty: 2

Item Sizes:

Walk Door Solid: w36' x h76'

Overhead Ribbed Door: w16' x h14'

Slider Window: w4' x h3'

Slider Window: w4' x h3'

Slider Window: w4' x h3'

Slider Window: w4' x h3'

Slider Window: w4' x h3'

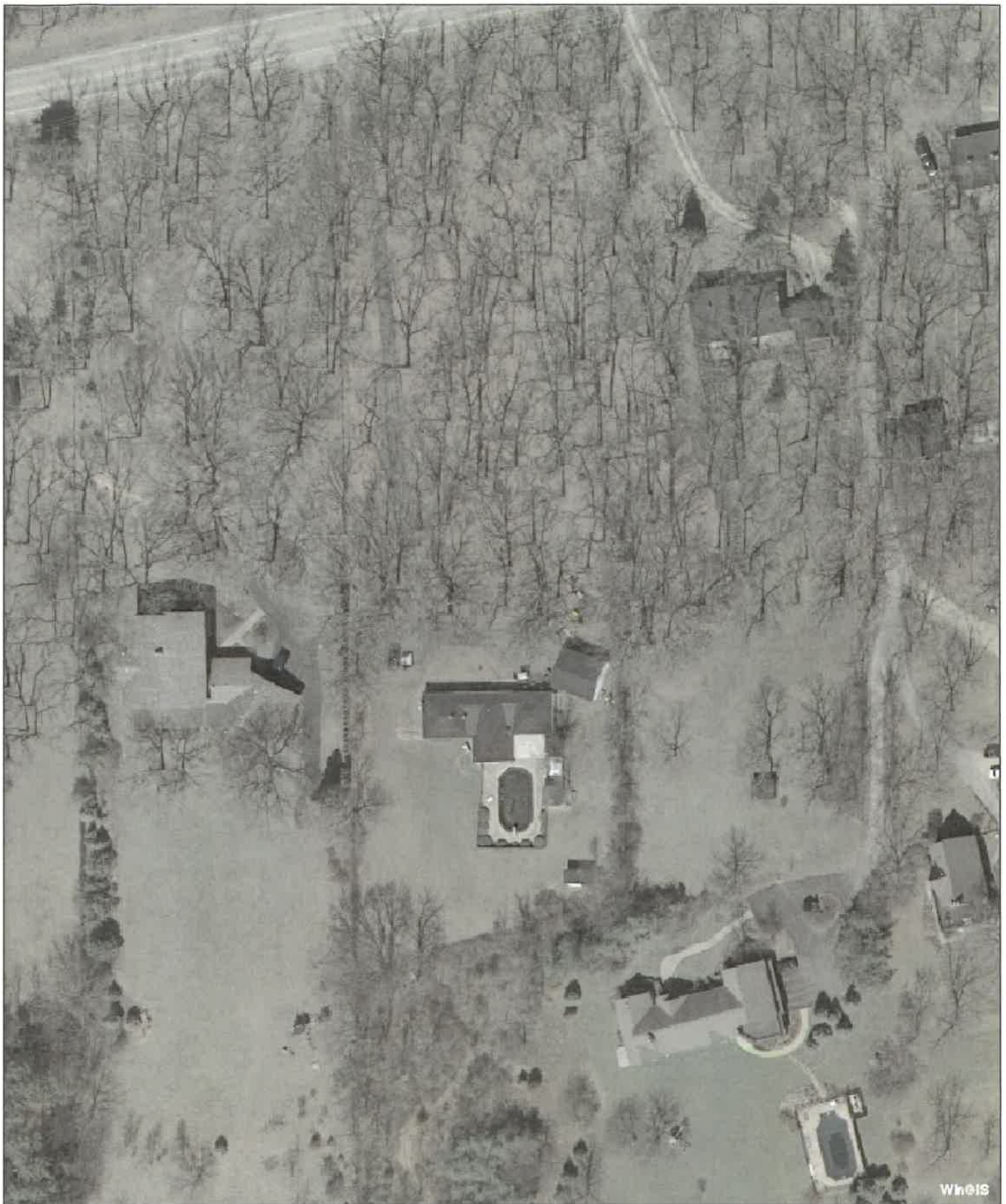
Slider Window: w4' x h3'

Overhead Ribbed Door: w16' x h14'

FBiBuildings.com

(800) 552-2981





2008 House Demo

0 75 150 Feet

SCALE: 1:943

**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.

**6351 Harlem 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: 6351 Harlem Road  
Variance 1500 to 4000 sf accessory structure

**Chairman**  
Ben Danielson

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date





## ZONING BOARD OF APPEALS

### Community Development Department

**Date:** November 16, 2023

<b>SUBJECT:</b>	A Special Use Permit for a HVAC warehouse/supply house in the CR (Commercial Retail) Zoning District.		
<b>LOCATION:</b>	5614 N. Second Street		
<b>ZONING DISTRICT:</b>	North	CR (Commercial Retail)	
	South	CR (Commercial Retail)	
	East	CR (Commercial Retail)	
	West	R1 (Single Family Residential)	
<b>PROPERTY INFORMATION:</b>			
<b>Building setbacks</b>			
Requirement for CR:	Front yard building setback:	30 feet	
	Side yard building setback:	5 feet for structures under 25 feet	
	Rear yard building setback:	20 feet	
Provided:	Front yard building setback:	0 feet	
	Side yard building setback:	5 feet	
	Rear yard building setback:	70 feet	
	The setbacks for this property are existing, and legal non-conforming.		
<b>Dumpster enclosure:</b>			
Required:	A dumpster enclosure for dumpsters is required in commercial retail.		
Provided:	A dumpster enclosure will not be provided. Trash will be stored inside of the building.		
<b>Findings:</b>			
1	The establishment or operation of the special use will not be detrimental to the public health, and safety. The use is low impact in the zoning district, relative to other uses that can be established at this location. The owner will be storing parts for furnaces and ductwork for heating and air conditioning units.		
2	The special use will not be injurious towards uses already permitted in the zoning district. The owner has indicated that people in the profession will likely be who will be frequent this location seeking parts. The public will have access to this location, but the majority of the people visiting this site will be contractors. It is not foreseeable that the use will negatively impact or diminish property values. The owner will not be storing things outside or have anything related to the business out in public view, where things could become unsightly.		
3	The special use will not impede the orderly development for the zoning district. The area is an older area of the city, which generally accommodates smaller commercial uses. The building is the former site of Blooms Garage. It has been used for various uses over the years.		

The special use will expire with the discontinuance of the business, so there should not be any concern with future development of the property for future permitted uses.

**RECOMMENDATION:**

**Approval**

A Special Use Permit for a HVAC warehouse/supply house in the CR (Commercial Retail) Zoning District.

**Conditions:**

1. The Special Use Permit expires with the change in property ownership, or change in business ownership or discontinuance of the HVAC warehouse supply business.
2. Outside storage shall not be permitted.
3. The business owner or property owner shall not store any of their personal belongings unrelated to the business operating at this location.

**ATTACHMENTS:**

See attachments

**ZONING BOARD**

**RECOMMENDATIONS:**

APPROVAL / DENIAL / TABLED

Vote: \_\_\_\_\_

**CONDITIONS:**

AS PRESENTED / AMENDED / N/A

**AUDIENCE COMMENTS:**

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**Parcel Number:** 11-01-477-009

**Zoning:** CR (Commercial Retail)

**Property Addresses:** 5614 N. Second Street

**Owner Address:** Abigail Zarate  
5614 N. Second Street  
Loves Park, Illinois 61111

**Petitioner:** Abigail Zarate  
5614 N. Second Street  
Loves Park, Illinois 61111

N 2nd

350  
sq ft

350  
sq ft

117 FT

16  
K/C

LOVELS CT

**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.*

**5614 N. Second Street**

**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.

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*Reason:*

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- 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.

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*Reason:*

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- 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.

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*Reason:*

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- 4 \_\_\_\_\_ Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.

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*Reason:*

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- 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.

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*Reason:*

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- 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: **5614 N. Second Street**  
SUP - warehouse / supply house HVAC

**Chairman**  
Benjamin Danielson

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## ZONING BOARD OF APPEALS

### Community Development Department

Date: November 16, 2023

<b>SUBJECT:</b>	A Special Use Permit for a light industrial processing and testing establishment with outside Storage in the IL (Light Industrial) and E. Riverside/I90 Overlay District.		
<b>LOCATION:</b>	8173 Starwood Drive		
<b>ZONING DISTRICT:</b>	North	IL (Light Industrial)	
	South	CR (Commercial Retail)	
	East	IL (Light Industrial)	
	West	CR (Commercial Retail)	
<b>PROPERTY INFORMATION:</b>			
<b>Building setbacks</b>			
Requirement for CR:	Front yard building setback:	30 feet	
	Side yard building setback:	10 feet	
	Rear yard building setback:	0 feet	
Provided:	Front yard building setback:	Greater than 80 feet	
	Side yard building setback:	Greater than 10 feet	
	Rear yard building setback:	Greater than 70 feet	
	All setbacks for structures and ingress/egress are existing.		
<b>Landscaping:</b>			
Required:	Some landscaping for the new business has been completed by the previous tenant.		
Provided:	Existing and proposed landscaping identified on the site plan are sufficient.		
<b>Outside storage:</b>			
Requirement of IL:	In the light industrial district, outdoor storage should be screen by a site-obscuring fence or landscaped hedge.		
Provided:	The applicant is requesting permission to install an 8 foot high fence The fence will cover an area that is 60'x52' or 3,100 square feet. No indication of the materials of the fence has been provided.		
<b>Dumpster enclosure:</b>			
Required:	A dumpster enclosure for dumpsters is required in light industrial.		
Provided:	A dumpster is present on the property, but there is no enclosure for the dumpster.		
<b>Parking:</b>			
Required:	The required parking for this business is 25 parking stalls. One of which shall be a handicap accessible stall.		

provided: The applicant is providing 32 parking stalls, of this total, 2 are handicap accessible stalls.

**E. Riverside-I90  
Overlay District**

Any light industrial use providing production, processing, cleaning, servicing, testing, or storage of materials (including outdoor storage), and goods shall only be permitted by special use.

Applicants business The business will produce protective covers or molds that are designed for vehicles. The business is requesting outside storage to house automobile frames and not include any engines or vehicle components. The outside storage will also include semi trailers. Staff is unaware of what purpose the 52' trailers will provide for the business.

**Findings:**

- 1 The establishment or operation of the special use will not be detrimental to the public health, and safety. The use is a low impact use for the zoning district. The majority of the work will occur within the building. Some low noise performance testing will be performed outside within the fenced area behind the building. There should be no disruption to other businesses in the zoning district..
- 2 The special use will not be injurious towards uses already permitted in the zoning district. The types of light industrial products and testing occurring on site will be to gauge the performance of the products produced. The products are covers that cover the body or interior parts of vehicles. The type of use does fit with the types of uses permitted in light industrial.
- 3 The special use will not impede the orderly development for the zoning district. The area is mixed use light industrial and commercial retail uses. The use is permitted by special use. If, through the activities occurring on site, there is a need to revisit the activities occurring on site, city Staff can recommend to the applicant that there me some amendment to the special use for any issues that may arise.

**RECOMMENDATION:**

**Approval**

A Special Use Permit for a light industrial processing and testing establishment with outside storage in the IL (Light Industrial) and E. Riverside/I90 Overlay District.

**Conditions:**

1. The Special Use Permit expires with the change in property ownership, change in business ownership or discontinuance of the light industrial processing and testing business.
2. The applicant shall be permitted to install an 8 foot high site obscuring fence to secure the contents of this area, due to the nature of the materials. The fence shall be vinyl. It shall only be allowed for the 60'x52' area behind the building. No part of the fence shall be chain link, and no part of the fence shall be electrified. The fence shall be removed with the discontinuance of this business. The use of barb wire or razor wire is not permitted. A fence permit shall be approved before the work is started.
3. The business owner or property owner shall not store any of their personal belongings unrelated to the business operating at this location. This includes RV's, vehicles, aquatic items, and other personal items unrelated to the business.
4. The parking lot shall be sealed and striped according to the site plan, on or before May 31, 2024.
5. All existing landscaping and proposed landscaping is sufficient. The business/property owner shall be responsible for the maintenance, repair, and replacement of all landscape plantings and materials. The additional landscaping shall be completed on or before



May 31, 2023. All landscaping shall be tended too, and be maintained in a healthy growing condition, free from refuse, debris, and weeds at all times.

6. The business owner shall enclose the dumpster with a site obscured enclosure that shall not exceed 6 feet in height and match in materials as the enclosure for the outside storage area.
7. The approval does not cover future additions, parking areas, expansion of the outside storage area, where additional zoning may be necessary.
8. No chemical testing or use of chemicals shall occur outside of the building.

**ATTACHMENTS:**

See attachments

**ZONING BOARD**

**RECOMMENDATIONS:**

APPROVAL / DENIAL / TABLED

Vote: \_\_\_\_\_

**CONDITIONS:**

AS PRESENTED / AMENDED / N/A

**AUDIENCE COMMENTS:**

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<b>Parcel Number:</b>	12-01-153-014
<b>Zoning:</b>	IL (Light Industrial) & E. Riverside I90 Overlay
<b>Property Addresses:</b>	8173 Starwood Drive
<b>Owner Address:</b>	Gibson & Zhang LLC 8173 Starwood Drive Loves Park, Illinois 61111
<b>Petitioner:</b>	AGI Corporation 6075 Material Avenue #100 Loves Park, Illinois 61111



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Email: [rmelton@amundsendavislaw.com](mailto:rmelton@amundsendavislaw.com)

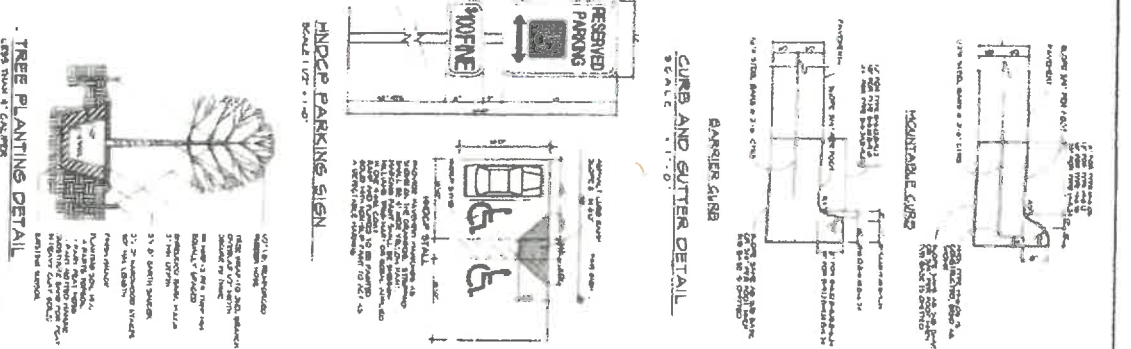
November 8, 2023

Community Development Department  
Attn: City of Loves Park Overlay Review Board  
100 Heart Boulevard  
Loves Park, IL 61111

Re: AGI Corporation, Inc

Dear Overlay Review Board:

AGI Corporation, Inc., an Illinois company ("AGI"), has agreed to purchase the existing industrial building located at 8173 Starwood Drive, Loves Park, Illinois 61111 ("Building") from its current owner being Gibson & Zhang, LLC, an Illinois limited liability company. In order to complete the purchase of the building AGI must obtain a special use permit from the City of Loves Park to conduct manufacturing activities within the building. AGI plans to make the building its world headquarters. AGI does not plan to perform any construction or remodeling with respect to the interior and/or the façade of the building. AGI will paint the exterior of the building, seal the parking lot, fill cracks and holes within the parking lot and restripe the parking lot. AGI intends to erect an 8 foot Cedar fence adjacent to the rear of the building which will encompass an area of approximately 60 ft. x 52 ft. (see photo of similar fencing in the materials exhibit). The fenced area will enclose a portion of the existing asphalt parking lot at the rear of the building. This fenced area will contain car bodies and a semi-trailer sized shipping container. The car bodies are shells of new vehicles which are not yet for sale, making them proprietary. Thus, the car bodies must be concealed by a fence. In light of the fact that the fenced area is in the rear of the building the shipping container and car bodies will not be visible from Starwood Drive. The fence will also obstruct the visibility of these items and provide security. AGI also plans to add a 40 foot flag pole with signage and landscaping around the flag pole per the site plan attached hereto. AGI does not plan to add any current landscaping as there is ample landscaping around the facility as shown on the attached site plan. AGI intends to utilize the grassy space next door for team events and picnic table lunches.

[illegible]



# Winnebago County Property Search

Winnebago County





## SHEET 1 OF 1

93,239 SQ. FT. =  
2140 ACRES MORE OR LESS

MY REGISTRATION EXPIRES ON NOVEMBER 30, 2020  
PROFESSIONAL DESIGNATION NUMBER 184-005886

DRAWN BY EZZ/EZ	DATE 10/16/2020	EZZ SURVEYING, INC. P.O. BOX 595 ROCKTON, IL 61072 (815) 519-7318 EMAIL: ERIC@EZZSURVEYING.COM WWW.EZZSURVEYING.COM 1111 JAMES BALLANCE, ROCKFORD, IL 61102
PROJECT NO. 2020293	SHEET 1 OF 1	

STORM GUTTER	①	DEPRESSED CURB	①
TRANSFORMER	②	FOUND IRON PIPE/ROD	②
UTILITY BOX	③	FOUND IRON PIPE	③
LIGHT POLE BASE	④	CONCRETE SURFACE	④
OVERHEAD FAN	⑤	RECORDED CALL	⑤
BOLLARD	⑥	SET 3/4" IRON PIPE	⑥
SIGN	⑦	SET IRON PIPE	⑦
STORM INLET	⑧	FOUND IRON ROD	⑧
MILDBOX	⑨	GAS VALVE	⑨
BUFFALO BOX	⑩	GAS WATER	⑩
MANHOLE	⑪	OVERHEAD LIGHT	⑪
WOOD POST	⑫	ELECTRIC METER	⑫
CONCRETE BUILDING	⑬		

PROPERTY LINE	PROPERTY LINE
CENTER LINE	CENTER LINE
ADJACENT PROPERTY LINE	ADJACENT PROPERTY LINE
OR RIGHT-OF-WAY LINE	OR RIGHT-OF-WAY LINE
FENCE LINE	FENCE LINE
EASEMENT	EASEMENT
BUILDING SETBACK LINE	BUILDING SETBACK LINE
"INTERIOR" LOT LINE	"INTERIOR" LOT LINE
UNDERGROUND ELECTRIC	UNDERGROUND ELECTRIC
UNDERGROUND GAS	UNDERGROUND GAS



**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.*

**8173 Starwood Drive**

**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.

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*Reason:*

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- 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.

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*Reason:*

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- 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.

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*Reason:*

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- 4 \_\_\_\_\_ Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.

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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: **8173 Starwood Drive**  
SUP testing and processing facility

**Chairman**  
Benjamin Danielson

Signature

Date