



AGENDA
LOVES PARK ZONING BOARD OF APPEALS
December 21, 2023

CITY COUNCIL CHAMBERS
100 HEART BOULEVARD
5:30 P.M.

1. Roll call and declaration of a quorum
2. Reading and approval of the minutes from the **November 16, 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. **43XX Kellee Lane & 4305 Kellee Lane (12-02-105-013 & 12-02-127-006)** A renewal of a Special Use Permit to allow the placement of 4 buildings on each lot in the R3 (Multi-family Residential) Zoning District.
6. Public participation & comment
7. General discussion
8. Adjournment

Andrew Quintanilla
Zoning Officer



Minutes of the Loves Park Zoning Board of Appeals

Date: November 16, 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>

Members Absent:	<u>Frank Laudicina</u>	
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Others Present	<u>Andrew Quintanilla (Staff)</u>	
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2. Minutes

Mrs. Nelson moved to approved the minutes from the **October 19, 2023** meeting. Mr. Kutz second the motion. Motion carried by vote.

3. Zoning Office Report - None

4. Unfinished Business - None

- 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.**

Petitioner: Anthony Phelps (attorney), Reno Zahm

Mr. Phelps contacted the City by email to request that the petition be laid over.

Mrs. Nelson made a motion to lay over 1616 Windsor Road (08-32-351-003 & 03-32-351-004) - An amendment to a Special use Permit for a dumpster, scrap materials heights, landscaping, and maintenance requirements in the IL (Light Industrial) Zoning District.

Mr. Kutz second the motion

Motion carried by vote. 5-0

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.**

Petitioner: Jeff Linkenheld, Arc Design

Mr. Linkenheld stated that they have a business that is seeking to locate in Loves Park on the corner of 173 and Forest Hills Road. He also stated that the property was unique due to the fact that it was bounded by 3 frontages. Two of the frontages were severely impacted with 60 foot front yard

setbacks. Mr. Linkenheld also stated that the nature of the request was to ask for a variance for encroachments that would be in the forest hills setback. He stated that the encroachments included canopies and possibly menu boards , and a pay station that will be there to aid patrons for purchasing a car wash.

Mrs. Nelson asked the petitioner if visibility will be hindered.

Mr. Linkenheld stated that it will not be.

Mr. Daniels asked if direct access was planned off of Forest Hills Road or 173 as part of the development.

Mr. Linkenheld indicated that there would not be direct access off of either road.

GENERAL DISCUSSION:

No objectors present

FINDINGS OF FACT HAVE BEEN MET

Mr. Carlson made a motion to approve 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.

Mr. Kutz second the motion.

Motion carried by vote. 5-0

- 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.

Petitioner: Edward Nickels

Discussion on the height and the purpose for the structure.

Mr. Carlson asked about the second accessory structure removal condition.

Mr. Daniels inquired as to whether the condition was an oversight.

GENERAL DISCUSSION:

No objectors present

FINDINGS OF FACT HAVE BEEN MET

Mr. Carlson made a motion to approve a variance for 6351 Harlem Road (08-34-127-004 & 08-34-127-005) 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.

Mrs. Nelson second the motion with no conditions.

Motion carried by vote. 5-0

- C. 5614 N. Second Street - A Special Use Permit for a HVAC warehouse/supply house in the CR

(Commercial Retail) Zoning District.

Petitioner: Juan Chavez

Mr. Chavez made a request for the special use and stated that there will be no changes to the building.

Mr. Daniels asked the applicant if there was going to be outside storage of materials used in the business.

Mr. Chavez stated that there will not be any outside storage.

Mr. Danielson confirmed with the applicant that there will be no modifications to the building.

Mr. Chavez stated that is correct. Mr. Chavez also stated that there will not be any vehicles that are not used in conjunction with the business stored on site.

Mr. Nelson clarified the conditions with the applicant.

GENERAL DISCUSSION

No objectors present.

FINDING OF FACT HAVE BEEN MET

Mrs. Nelson made a motion to approve a special use permit for a HVAC warehouse/supply house in the CR (Commercial Retail) Zoning District for 5614 N. Second Street (11-01-477-009) with the following 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.
4. The parking lot shall be striped according to the site plan provided for the petition.

Mrs. Taylor second the motion.

Motion carried by vote 5-0

- D. 8173 Starwood Drive - 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 Districts.

Petitioner: Chris Weber and Ray Melton (Attorney)

Mr. Weber explained the nature of the business.

Mr. Melton further explained the nature of the business, as indicated in the letter provided to the Zoning Board. He also explained the use of the trailers, as well as, the parts of the vehicles to run tests on. He explained that the request for the 8 foot fences was to conceal and protect items that will be stored outside.

Mr. Daniels asked if he would have a custom contractor building the fence to keep the vehicles concealed.

Mr. Weber stated that the fenced area is primarily used to secure the items.

Mr. Daniels asked if the fence was going to be tall enough to conceal everything?

Mr. Weber stated that it would be tall enough to cover everything, except for the tops of the trailers.

Mrs. Nelson inquired as to whether the dumpster was enclosed.

Mr. Weber stated that it was.

Mr. Melton stated that there is existing landscaping and no additional landscaping will be provided.

Board Discussion:

No objectors present

FINDINGS OF FACT HAVE BEEN MET

Mr. Carlson made a motion to approve a special use permit for a light industrial processing and testing establishment with outside storage in IL (Light Industrial) and E. Riverside I90 Overlay District for 8173 Starwood Drive with the following 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.
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. 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.
6. The approval does not cover future additions, parking areas, expansion of the outside storage area, where additional zoning may be necessary.
7. No chemical testing or use of chemicals shall occur outside of the building.

Mr. Kutz second the motion.

Motion carried by vote. 5-0

6. Public Participation and Comment

None

7. General Discussion

None

Mr. Daniels moved that the meeting be adjourned. Second by Mr. Kutz. Motion carried by vote.

The meeting adjourned at 6: 15 p.m.

Secretary, Andrew Quintanilla



ZONING BOARD OF APPEALS

Community Development Department

Date: December 21, 2023

SUBJECT: A renewal of a Special Use Permit to allow for the placement of 4 buildings on each lot in the R3 (Multi-family Residential) Zoning District.

LOCATION: 43XX Kellee Lane (12-02-105-013) and 4305 Kellee Lane (12-02-127-006)

COMPREHENSIVE PLAN: Multi-family (Planned Unit Development)

ZONING DISTRICT:

North	R3 (Multi-family)
South	CR (Commercial Retail)
East	R3 (Multi-family) and IL_CR (Light Industrial_ Commercial Retail)
West	R3 (Multi-family)

**PROPERTY INFORMATION
AND RELEVANT FACTS:**

**Building setbacks and
requirements:**

Required:

Front yard:	30 feet
Side yard:	6 feet
Rear setback:	20 feet
Lot size:	8,800 square feet
Lot size p/unit:	2,900 square feet

Provided: Lot 3

Front yard:	30 feet
Side yard:	greater than 6 feet
Rear setback:	greater than 20 feet
Lot size:	56,628 square feet
Lot size p/unit:	3,539 square feet

Provided: Lot 107

Front yard:	30 feet
Side yard:	greater than 6 feet
Rear setback:	greater than 20 feet
Lot size:	71,961 square feet
Lot size:	3,598 square feet

Dumpster enclosure:

Required:

Such storage shall be placed within a building or in an exterior obscured enclosure. For residential uses, such enclosures shall be screened by a solid (wood) fence or wall adequate to shield all containers within the enclosure. Material within the fenced enclosure shall not extend above the height of the fence or wall, be secured by a solid gate, and not exceed the height of six feet. Trash enclosures for multi-family shall be poured concrete or masonry to adequately shield the containers within the enclosure. Material within the enclosure shall not extend above the height of the enclosure, be

secured by a solid gate, and not exceed a height of six feet. The use of chain line fences and slats shall be prohibited in all districts.

Provided: A dumpster enclosure for either property is not indicated on the materials provided.

Landscaping:

Required: A landscape plan is required for review and approval. Landscaped lots shall be required to provide landscaping based on a point system. The point system shall be applied to each parcel and the landscaping shall be distributed equally between each dwelling. All maintenance shall be the responsibility of the property owner or association.

Lot 3: Two hundred and twenty-six (226) points are required

Lot 17: Two hundred and eighty-eight (288) points are required

Provided: The landscape plans for both parcels meet the points requirements established in the R3 zoning district.

Parking:

Required: Off-street parking facilities in any residential district shall be used solely for the parking of passenger automobiles owned by the occupants of the dwelling structures to which such facilities are accessory or by guests of the occupants.

Provided: The development will provide a garage for each unit, with adequate parking for all uses.

Findings:

- 1 The establishment of the special use will not be detrimental to or endanger the comforts or general welfare of the residents or business in the zoning district. The area has been developed with many multi-family dwellings over the years. There have been no complaints on the existing multi-family units that have been in this area, and it is not anticipated there will be any with this development.
- 2 The special use will not be injurious to the use and enjoyment of other property in the vicinity or diminish and impair land values within the neighborhood. This area has had multi-family residences for years. The development of these two properties will close up this type of development for the immediate area. The owner has agreed to bulk up privacy for this development by burning the perimeters and adding additional trees that grow 20 feet or taller, 15 to 20 feet in width. The Arborvitae and Cherry Trees the applicant is providing will sufficient as accent trees, but the landscaping for this PUD really should compliment what is existing to the north. A combination of Bur Oaks, White Spruce, and Red Maples are existing in this area. These trees, do more to provide the residents of the development increased privacy, noise reduction, dust control, and serve as a filter for the artificial light created by Farm and Fleet to the south.
- 3 The establishment of the special use will not have an adverse impact to normal orderly development for surrounding uses already permitted in the zoning district. The on the zoning district. The normal orderly development for this area has been for multi-family uses, so the establishment of the use, will be consistent with how the area has been cultivated.
- 4,5 Adequate utilities, access, and drainage will be provided. The development has been reviewed by Staff and will be evaluated by a licensed architect, civil engineer, and the building department to ensure that all aspects of this development will provide the necessary utilities, ingress/egress, and drainage, and so on.

RECOMMENDATION:

Approval - A Special Use Permit to allow for the placement of 4 buildings on each lot in the R3 (Multi-family Residential) Zoning District.

Conditions:

1. The Special Use Permit expires with the change in use or change in property ownership of either parcel.
2. The dumpster enclosures shall be provided for both parcels. The enclosures shall be poured concrete or masonry, or some combination of both. The owner shall provide City Staff with an updated site plan showing where these structures will be located. The structures may not be located in any front yard building setback on either parcel.
3. The owner shall use the landscaping provided for the petition as accents. The owner shall include landscape berms on each frontage, filled with accents, but also include Bur Oaks, White Spruce, and Red Maples.
4. The property owner shall be responsible for the maintenance, repair, and replacement of all landscape plants, trees, and materials. The landscaping shall be tended too, and maintained in a healthy growing condition, free from refuse, debris, and weeds at all times.
5. The Special Use Permit shall be renewed 1 year from the date of approval.
6. Changes to the special use can only be requested through the Zoning Board of Appeals. No administrative changes for this special use shall be permitted.

ATTACHMENTS:

See attachments

**ZONING BOARD
RECOMMENDATIONS:**

APPROVAL / DENIAL / TABLED

AUDIENCE COMMENTS:

STATE OF ILLINOIS)
(SS
COUNTY OF OGLE)

I, Dale E. Wallace, an Illinois Professional Land Surveyor, hereby certify that the following described property was surveyed by me or under my direct supervision. I further certify that this plat is a true and correct representation of said survey to the best of my knowledge and belief. Dimensions are given in feet and decimals of a foot thereof. Bearing shown hereon are in degrees, minutes and seconds. Bearings are for description purposes and relative only to each other.

OF PROPERTY DESCRIBED AS:

Parcel 1:

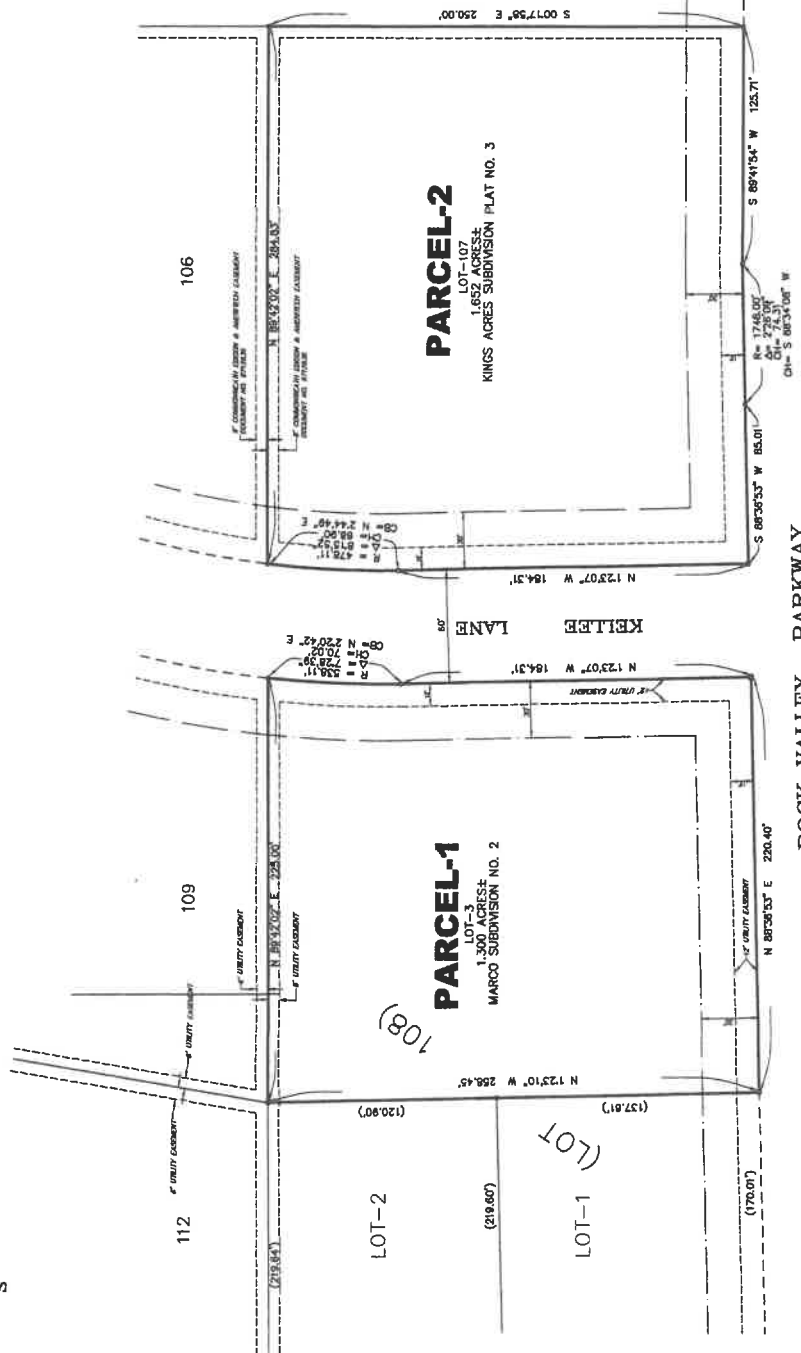
Lot Three (3) as designated upon Final Plat of Marco Subdivision No. 2, being a Subdivision of Lot One, Third Eight (108) of the "Kings Acres Subdivision Plat No. 3", being a part of the Northwest Quarter (1/4) of Section 2, Township 44 North, Range 2 East of the Third Principal Meridian, the Plat of which is recorded in Book 49 of Plats on Page 126A in the Recorder's Office of Winnebago County, Illinois; situated in the County of Winnebago and State of Illinois.

Parcel II:

Lot One Hundred Seven (107) as designated upon Kings Acres Subdivision Plat No. 3, being a Subdivision of part of the Northwest Quarter (1/4) of Section 2, Township 44 North, Range 2 East of the Third Principal Meridian, the Plat of which Subdivision is recorded in Book 41 of Plats on Page 16B in the Recorder's Office of Winnebago County, Illinois.

Dated this 21st day of January, 2022, A.D., at the office of
Survey-Test

Dale E. Wallace,
Land Surveyor



EXPIRES 11-30-2022

LEGEND

BOUNDARY OF SURVEY
INSTRUMENT FOUND
P.A. MAIL FOUND
IRON PIN SET
P.A. MAIL SET
CONCRETE MONUMENT
CENTERLINE
SECTION LINE
RIGHT-OF-WAY LINE
BUILDING SETBACK LINE
UTILITY EASEMENT LINE



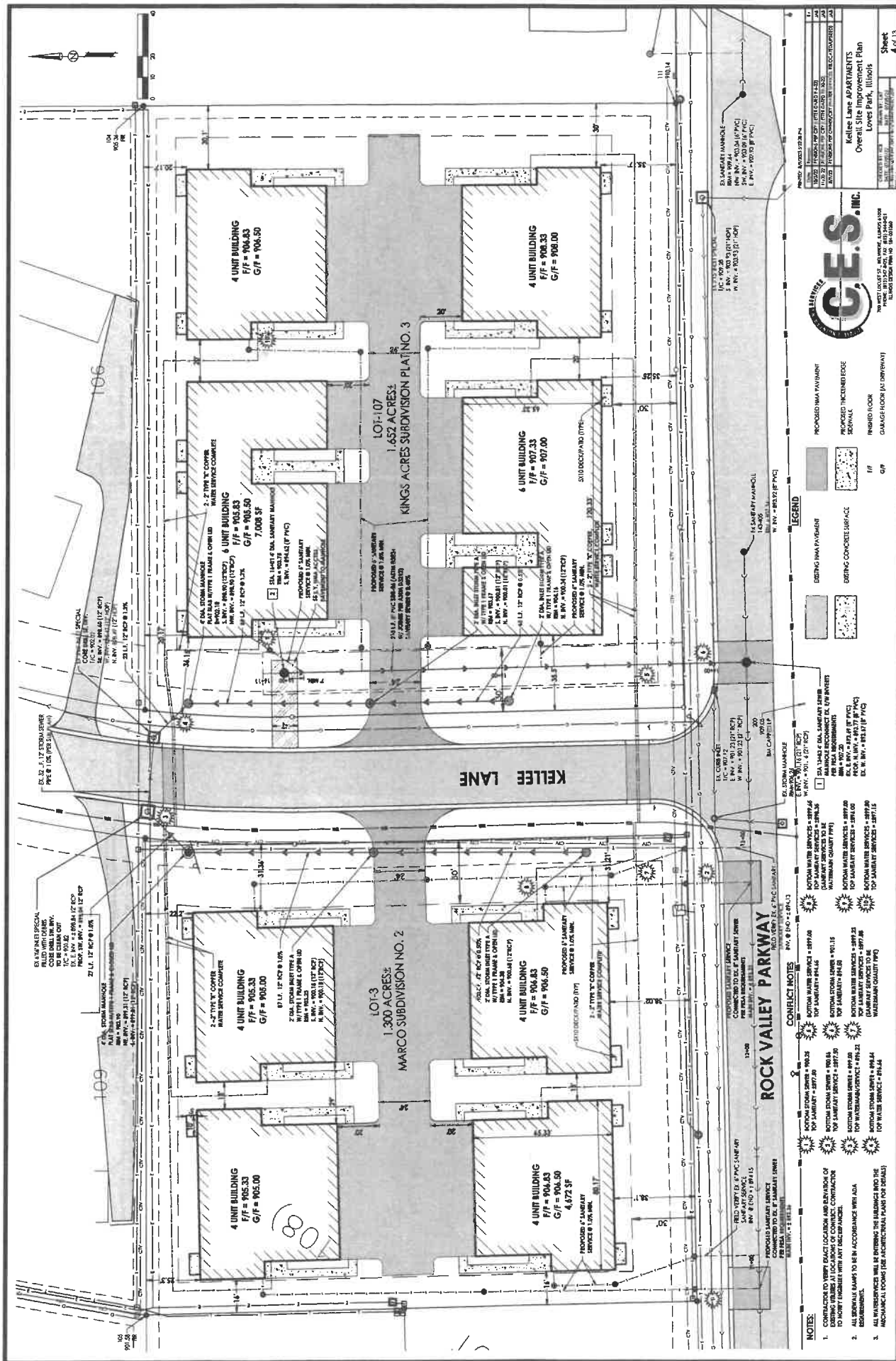
SURVEY-TECH

A DIVISION OF C.E.S. INC.
PROFESSIONAL DESIGN FIRM LICENSE NO. 184-DDI-280
1044 MAPLE COURT ROCHELLE, ILLINOIS 61068
(815)-562-6771 FAX: (815)-562-6566

DATE: 1-21-2022	SCALE: 1" = 30'
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HINSHAW & CULBERTSON LLP

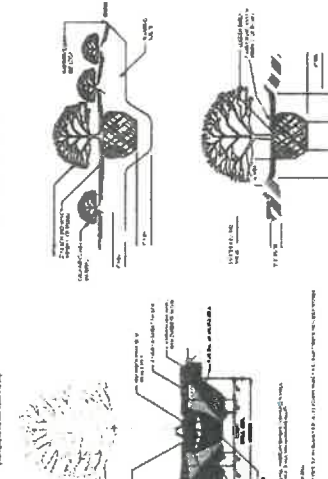
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WINNEBAGO COUNTY	
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WINNEBAGO COUNTY	





1. General notes: The landscape plan is based on the site plan and the landscape plan. The landscape plan is based on the site plan and the landscape plan. The landscape plan is based on the site plan and the landscape plan.
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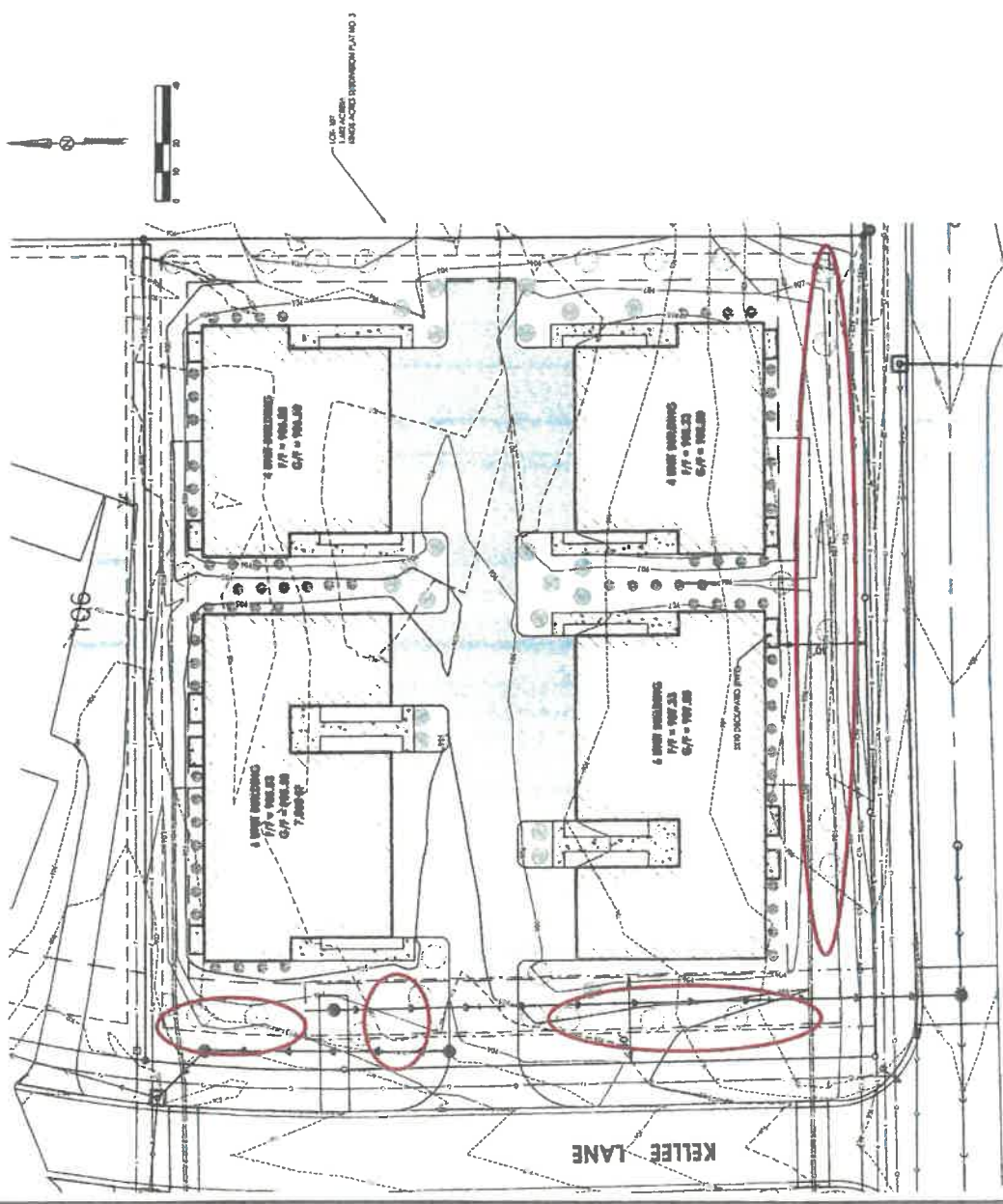
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THE LANDSCAPE DESIGN

C.E.S. INC.
Landscape Architecture
1000 N. Lincoln Ave., Suite 100
Chicago, IL 60610
Phone: (773) 344-1111
Fax: (773) 344-1112
Email: info@cesinc.com

Project: 1000 N. Lincoln Ave.
Client: CES Inc.
Date: 10/1/2011
Sheet: 9 of 13



LANDSCAPE REQUIREMENTS (EAST SIDE)			
TYPE OF LANDSCAPING	PLANT MATERIAL	QUANTITY	PRICE
ALL PLANT MATERIALS	CHERRY PLUM, FR. (10' x 12')	24	4'000.00
EVERGREEN PLANT MATERIALS	ARBOREALIS PYRAMIDALIS, NUTLEY (10' x 12')	24	4'000.00
PERENNIAL PLANT MATERIALS	ARBOREALIS PYRAMIDALIS, NUTLEY (10' x 12')	24	4'000.00
GRASS PLANT MATERIALS	ARBOREALIS PYRAMIDALIS, NUTLEY (10' x 12')	24	4'000.00
TOTAL PLANT MATERIALS		96	12'000.00
GRASS PLANT MATERIALS		96	12'000.00
GRASS PLANT MATERIALS		96	12'000.00



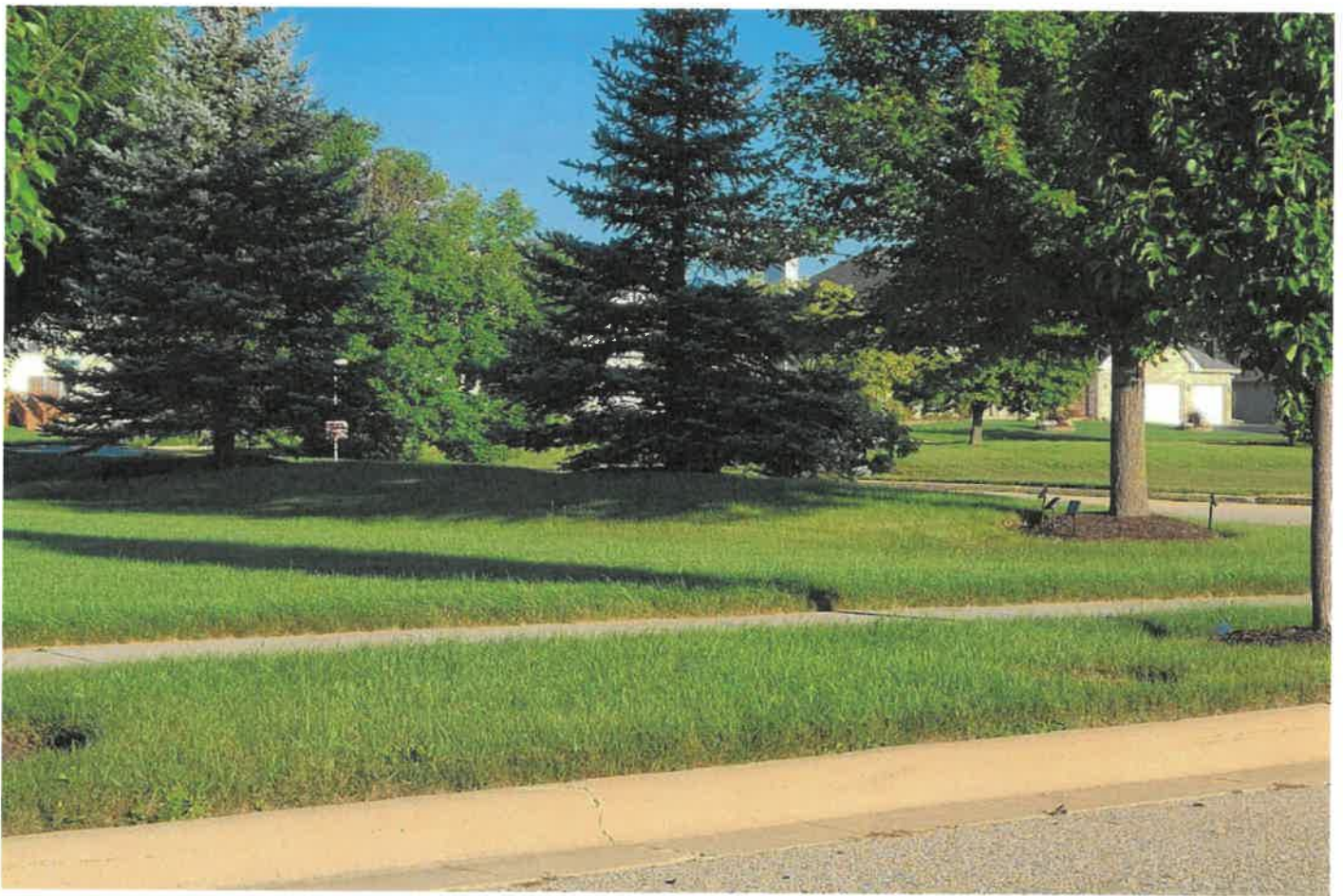
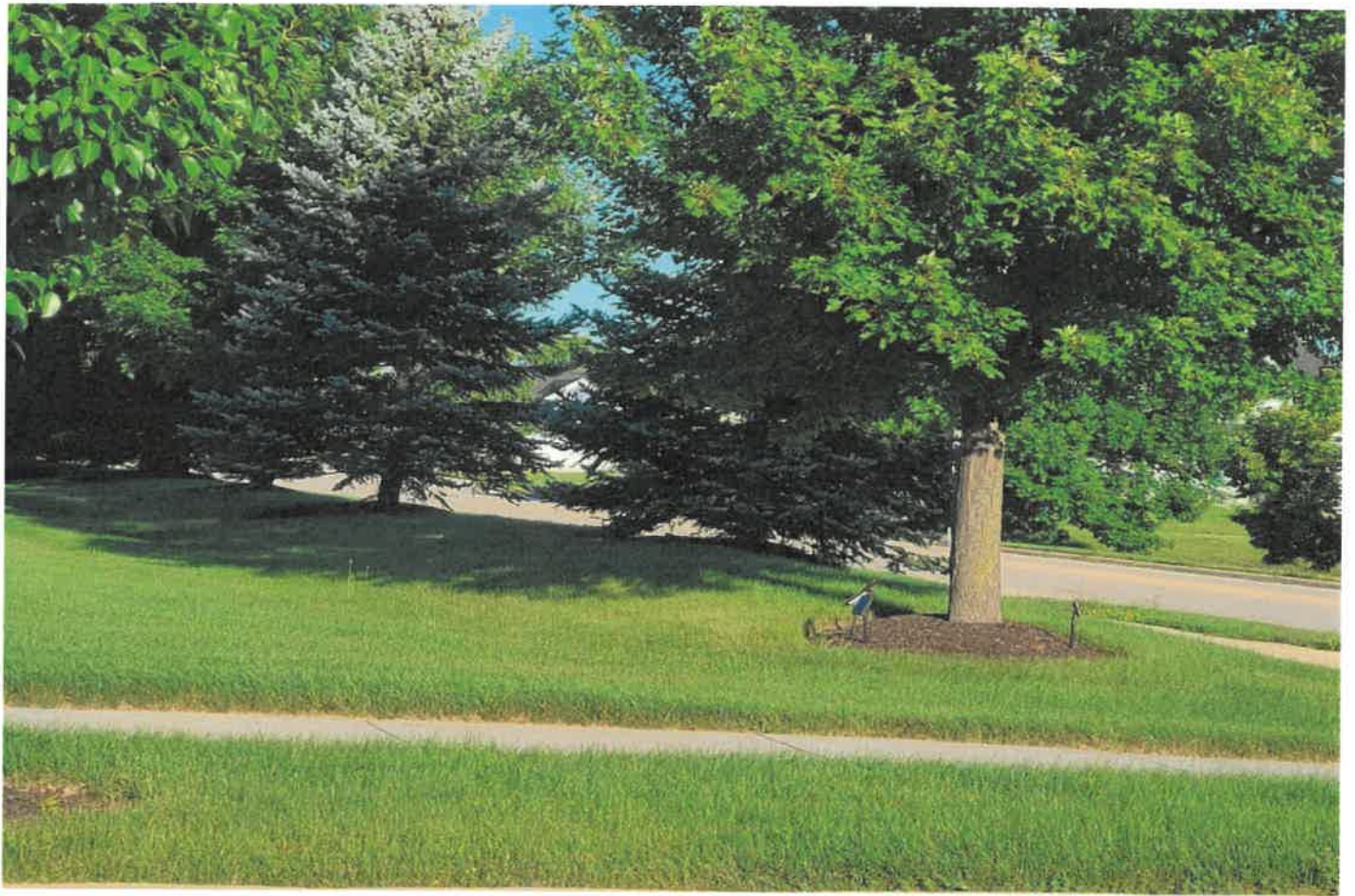
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THREE PLANTING DETAILS

[illegible][illegible]

Let's Live Apts.,
resurfacing Plaza West
10000 Park. ■■■■■





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.

43XX Kellee Lane (12-02-105-013) and 4305 Kellee Lane (12-02-127-006)

ZBA

- 1 _____ The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

Reason:

- 2 _____ The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood.

Reason:

- 3 _____ The establishment of the special use will not impede the normal orderly development and improvement of the surrounding property for uses permitted in the district.

Reason:

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

Reason:

- 5 _____ Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.

Reason:

- 6 _____ The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located. The zoning officer shall forward the board of appeal's decision and records to the city council within ten days after action or within 45 days from the date of the public hearing if no action has been taken by the board of appeals.

These findings are based on staff interpretation of the required findings necessary for approval of a Special Use Permit. The Zoning Board of Appeals must indicate whether or not all the findings have been considered to substantiate the approval of a special use.

These findings have been adopted as the official Findings of Fact for the City of Loves Park, Zoning Board of appeals agenda item: **43XX Kellee Lane (12-02-105-013) and 4305 Kellee Lane (12-02-127-006)**
SUP PUD Multiple buildings on each lot

Chairman
Benjamin Danielson

Signature

Date