



**AGENDA**  
**LOVES PARK ZONING BOARD OF APPEALS**  
**January 18, 2024**

**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 **December 21, 2023** meeting
3. Report from the Zoning Office – None
4. Unfinished business – None
5. New business –
  - A. 4851 N. Perryville Road (08-34-454-005 & 11-12-226-054)** – A Special Use Permit for an automobile sales establishment in IL\_CR (Light Industrial\_Commercial Retail)
  - B. 6480 E. Riverside Boulevard** – A Variance from a required 30 foot rear building setback to a requested 12 foot rear building setback in IL\_CR (Light Industrial\_Commercial Retail).
  - C. 6480 E. Riverside Boulevard** – A Variance from a required continuous 8 foot in depth landscape buffer on all frontages to a requested landscape island beds on E. Riverside Boulevard, no additional landscape buffer on Sebring Way in IL\_CR (Light Industrial\_Commercial Retail).
  - D. 5400 N. Second Street (11-12-226-083 & 11-12-226-054)** – A renewal of a Special Use Permit to allow overflow parking and staging of Fleet commercial vehicles (outside storage of vehicles) in the CR (Commercial Retail) and N. Seconds Street Overlay Districts
  - E. 1034 Windsor Road (08-31-454-010 & 08-31-454-011)** – A renewal of a special use Permit for a duplex in the CR (Commercial Retail) 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: December 21, 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>Mr. Carlson</u>
	<u>Mr. Daniels</u>	<u>Mr. Kutz</u>
	<u>Mrs. Nelson</u>	<u>Mr. Laudicina</u>
Members Absent:	<u>Mrs. Taylor</u>	
Others Present		

### 2. Minutes

Mrs. Nelson moved to approved the minutes from the **November 16, 2023** meeting. Mr. Daniels 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Petitioner: Item withdrawn by the Mr. Anthony Phelps

Mr. Quintanilla stated that the City has been trying to get compliance with the special use permit for Cimco for some time. He stated that there have been numerous complaints about the property from city officials, businesses and residents over the years. He stated that he issued the business a violation letter requesting that the terms of the special use be completed right away or face the possibility of the special use permit being revoked. He also stated that the company has been operating without regard to the limitations placed on the approval for the special use, and that he visited the site numerous times over the years with little, to no compliance.

Mr. Quintanilla stated that the attorney for Cimco reached out to him regarding the violation that was sent to Cimco. As a result of the numerous issues at this site, the attorney, Anthony Phelps, decided to with draw the request for the amendment at this time. Mr. Phelps stated that the owners of the company and the manager for the facility were going to seek compliance with the original special use permit.

Mrs. Nelson made a motion to remove 1616 Windsor Road from the agenda for consideration, as a withdraw at the request from the petitioner.

Mr. Kutz second the motion

Motion carried by vote. 5-0

## 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.

Petitioner: Harry Robertson and Andre Holliday

Mr. Holliday explained that they have been working on multi-family units for about a year, and had hope to be further along in the development, but had some setbacks with construction. He and the owner Mr. Robertson, were aware of a 1 year renewal, and were before the body this evening requesting the renewal.

Mrs. Nelson inquired whether or not the conditions have changed since the prior approval.

Mr. Quintanilla stated that the conditions remained the same, and since the project was still ongoing there was no need to change the conditions for this special use.

Mr. Quintanilla stated the the conditions reflected a 1 year renewal again. He stated that the renewal remained, to keep the project moving until it had been completed.

Mrs. Nelson asked the applicant if they were aware of the conditions placed on the use.

Mr. Holliday stated that they were.

Mr. Danielson asked the applicant is there was an estimated time for completion.

Mr. Holliday stated they had some contractor issues in the past year, but was now working with another local business to continue excavation to get the project moving along once more.

Mr. Danielson stated that the next meeting in the process will be on January 2, 2024 at 4:30 in Loves Park Council Chambers.

### Board Discussion

Mrs. Nelson stated the petition was pretty clear, she did not have any issues with moving forward with the approval

### No objectors present

### FINDINGS OF FACT HAVE BEEN MET

Mrs. Nelson made a motion to approve a renewal of a special use permit to allow the placement of 4 buildings on each lot in the in the R3 (Multi-family Residential) Zoning District for 43XX Kellee Lane & 4305 Kellee Lane (12-02-105-013 & 12-02-127-006) with the following conditions

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 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.

Mr. Kutz second the motion. Motion carried by vote 5-0

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

None

## **7. General Discussion**

None

Mrs. Nelson moved that the meeting be adjourned. Second by Mr. Kutz. Motion carried by vote.  
The meeting adjourned at 5:45 PM.

Secretary, Andrew Quintanilla



## ZONING BOARD OF APPEALS

### Community Development Department

Date: November 18, 2024

**SUBJECT:** A Special Use Permit for an automobile sales establishment in IL\_CR (Light Industrial\_ Commercial Retail)

**LOCATION:** 4851 N. Perryville Road (08-34-454-005 & 08-34-475-014)

**PROPERTY INFORMATION  
AND RELEVANT FACTS:**

**Requirements of CR:**

Front yard building setback:	30 feet no greater than 60 feet on Nimtz Road
Front yard building setback:	60 feet on Riverside
Side yard building setback:	5 feet for structures less than 25 feet
Rear yard building setback:	20 feet

**Provided:**

Front yard building setback:	Nimtz Road 30 feet
Front yard building setback:	Perryville Road 60 feet
Side yard building setback:	Greater than 10 feet
Rear yard building setback:	Greater than 20 feet

**Dumpster Enclosure  
Required:**

Provisions shall be made for the installation of refuse. A dumpster enclosure is required for the project.

**Provided:** A dumpster enclosure is on the site plan and is being provided.

**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 and mitigate artificial light created with the establishment of the use.

The parking lot is required to provide trees based on required parking for all customers, employees, and vehicle sales. The trees are required to be dispersed among the parking areas and around the edges of the parking areas.

**Provided:** The applicant has provided a landscape plan, however, it does not indicate all of the proper information. It does show that landscaping will be provided on Perryville and Nimtz Roads but, does not indicate the depth. The depth is required to be 8 feet deep. The vehicle sales area, out where the flagpole is intended, does not reflect any landscape islands containing trees, which is required. No request for a variance has been made.

**Signage:****Required:**

All freestanding signs shall not project higher than eight feet above grade level, or above the adjacent roadway as measured from the top of the curb nearest the freestanding sign location, whichever is taller. Commercial lots that have four or more businesses on the same lot, shall be permitted to have a single freestanding sign with a height not to exceed 15 feet. A freestanding sign or base shall be enclosed, and pole supports shall not be visible. The material for the sign base shall include a base constructed of brick, stone, or masonry materials, and be matched in type and color to these materials used on the buildings on the premises if such materials are present. The area of the sign base shall be no less than 50 percent of the width of the sign. All freestanding business signs shall provide landscaping, which shall include some combination of live planted shrubs and flowers. The landscaped area shall be mounded or elevated, and protected from automobile traffic by curbing or some other effective barrier to the passage of automobiles. The base for the landscaped area shall be masonry materials and/or be matched in type and color to the materials used on the buildings on the premises if such materials are present.

**Provided:**

The site plan shows the location of a proposed sign. No other information has been provided to our office. No request for a variance to the City's sign code has been made.

**Parking:****Required:**

The required parking for this establishment is roughly 85 stalls for all uses, of which, 4 shall be required to be accessible stalls.

**Provided:**

The project will provide roughly 154 parking stalls for all uses. The site plan indicates that there will be parking for roughly 332 parked vehicles. Staff is unaware how this number has been determined.

**Findings:**

- 1 The establishment, maintenance and operation of the special use should not be problematic for business, adjacent businesses, and residents. The use is for a car sales dealership. These types of branded dealerships do not generally adversely impact adjacent areas.
- 2 The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity. The establishment of the use will not diminish and impair land values. The property has been vacant for many years, with now the prospect for new development for this area. The area is a high traffic area. The use, intended to be established in the zoning district, is lower impact to the area, relative to uses that may be established in the zoning district. Other uses such as bars, restaurants, and multi-tenant retail spaces can generate more traffic, and possibly more noise, which would have a harsher impact to the area.
- 3 The establishment of the special use will not impede normal orderly development and improvements of the surrounding property. The applicant is starting out with a very sizeable two parcels. The applicant has the ability to meet all of the requirements for this special use. There would be no reason for exceptions, given that the property has not been developed.
- 4 Adequate utilities, access roads, and drainage have been or will be provided. These types of issues will be approved by the Winnebago County Highway Department, utility companies, and the City of Loves Park through the plan review process.

Adequate measures will be taken to provide ingress and egress to minimize congestion to the public street. The property will have access off of Perryville Road, Peak Drive, and access on Nimtz Road. This is more than enough access to mitigate issues with traffic congestion.

#### **Approval**

#### **RECOMMENDATION:**

A Special Use Permit for an automobile sales establishment in IL\_CR (Light Industrial\_ Commercial Retail).

#### **Conditions:**

1. The Special Use Permit expires with the discontinuance of the Kia dealership.
2. The landscape beds shall all be 8 feet in depth, and span the Perryville Road, and Nimtz Road frontages. There shall be 1 Autumn Gold Ginkgo tree placed in the interior landscape bed on Perryville Road. The landscape beds on Perryville Road and Nimtz Road shall be 8 feet in depth. All vehicle display areas shall be striped and maintained with striping. Landscape island beds shall be installed within the outer most vehicle sales area. The beds are required to contain 15 trees. The interior vehicle sales area, shall include 1 additional, as recommended by Staff. An updated plan shall be provided to Staff reflecting all changes withing 30 days of the approval.
3. 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 be maintained in a healthy growing condition, free from refuse, debris, and weeds at all times. Irrigation for all landscaping shall be provided.
4. The use of lifts or other such devices shall be prohibited. Vehicles shall only permitted pricing sheets for the rear vehicle window. No additional signage may be placed on the vehicles. All temporary signage shall only be allowed by permit, and in accordance with the City's sign code for temporary signs.
5. The Special Use Permit is only for the Kia dealership. Establishment of a future dealership is not covered with this Special Use Permit.
6. The freestanding sign shall be required to meet the standards set forth in Section 102-284.
7. The dumpster enclosure shall be poured concrete or some other form of masonry and match the materials used for the building
8. The Special Use Permit shall be renewed 1 year from the date of the approval.
9. No administrative approvals shall be allowed. All requests shall be made through the Zoning Board of Appeals and City Council.

APPROVAL / DENIAL / TABLED

#### **ATTACHMENTS:**

See attachments

#### **ZONING BOARD RECOMMENDATIONS:**

Vote:

#### **AUDIENCE COMMENTS:**



ADDRESS(S): 4851 N. Perryville Road

PARCEL NUMBER: 08-34-454-005 & 08-34-476-014

PROPERTY OWNER: Anderson Rockford Properties, LLC  
PO Box 10289  
Loves Park, Illinois 61131

APPLICANT: Anderson Rockford Properties, LLC  
PO Box 10289  
Loves Park, Illinois 61131





**DESIGN**  
RESOURCES INC.

825 S. 23RD AVENUE  
LOVELL PARK, IL 61111  
VOICE 815 464-0288  
FAX 815 464-0203

[www.designresources.com](http://www.designresources.com)

1. Nothing or claims to  
(Not a survey)



SHEET 1 OF 1  
ARC 20069  
Rev: 06/12/2020

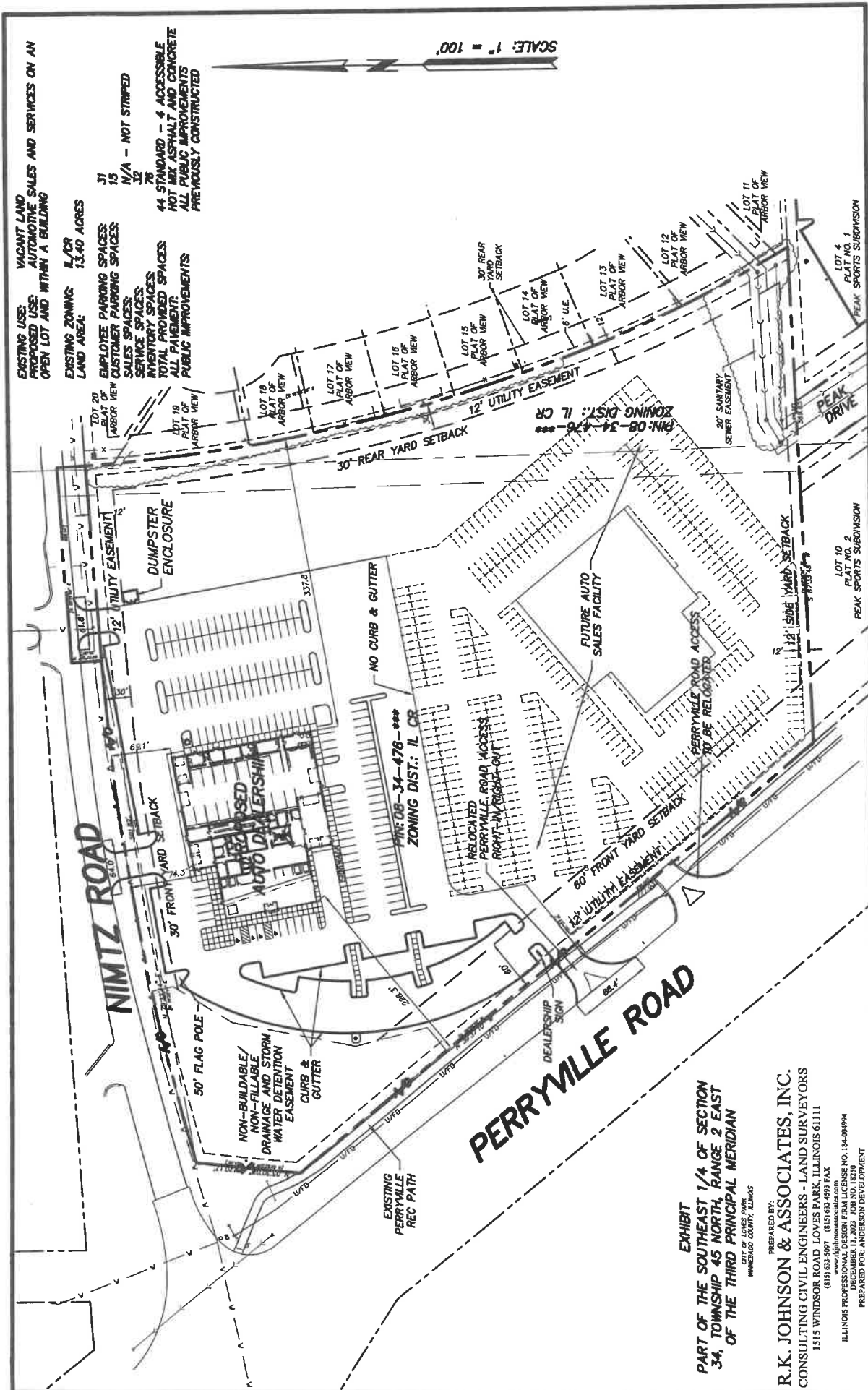
1. Answer is based on *Reddy* 97-1 USTC ¶9807, 65 AFTR2d 97-1021 (CA-5, 1997), in which the Tax Court held that the IRS's attempt to apply the "discovery" rule to the statute of limitations in *Reddy* was not binding on the Tax Court.
2. The Tax Court in *Reddy* stated that the IRS's attempt to apply the "discovery" rule to the statute of limitations in *Reddy* was not binding on the Tax Court.
3. The Tax Court in *Reddy* stated that the IRS's attempt to apply the "discovery" rule to the statute of limitations in *Reddy* was not binding on the Tax Court.
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10. The Tax Court in *Reddy* stated that the IRS's attempt to apply the "discovery" rule to the statute of limitations in *Reddy* was not binding on the Tax Court.

**SANFORD'S CERTIFICATION:**

I, **Sanford J. Liebowitz**, a duly licensed member of the New York State Bar, do hereby certify that the foregoing is a true and correct copy of the original document filed with the New York State Bar Association.

**Sanford J. Liebowitz**  
New York State Bar Association  
New York, New York

**SURVEYOR'S CERTIFICATION:**  
 I, Haroldson Title Agency, LLC Agent for Pottery National Title Insurance Company and 3 South 3 LLC, and Alaska Industrial Holdings company,  
 do hereby certify that this report and the survey on which it is based were made in accordance with the 2018 National Standard General Requirements for ALTA/ASPPS Land Title Surveys, jointly published and adopted by ALTA and ASPPS, and include items 1, 3, 5, 6, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822



SCALE: 1" = 100'

EXISTING USE: VACANT LAND  
 PROPOSED USE: AUTOMOTIVE SALES AND SERVICES ON AN OPEN LOT AND WITHIN A BUILDING

EXISTING ZONING: IL/CR  
 LAND AREA: 13.40 ACRES

LOT 20: 3.87 ACRES  
 LOT 19: 3.87 ACRES  
 LOT 18: 3.87 ACRES  
 LOT 17: 3.87 ACRES  
 LOT 16: 3.87 ACRES  
 LOT 15: 3.87 ACRES  
 LOT 14: 3.87 ACRES  
 LOT 13: 3.87 ACRES  
 LOT 12: 3.87 ACRES  
 LOT 11: 3.87 ACRES  
 LOT 10: 3.87 ACRES

EMPLOYEE PARKING SPACES: 31  
 CUSTOMER PARKING SPACES: 19  
 N/A - NOT STRIPPED  
 44 STANDARD - 4 ACCESSIBLE  
 HOT MIX ASPHALT AND CONCRETE  
 ALL PUBLIC IMPROVEMENTS  
 PREVIOUSLY CONSTRUCTED

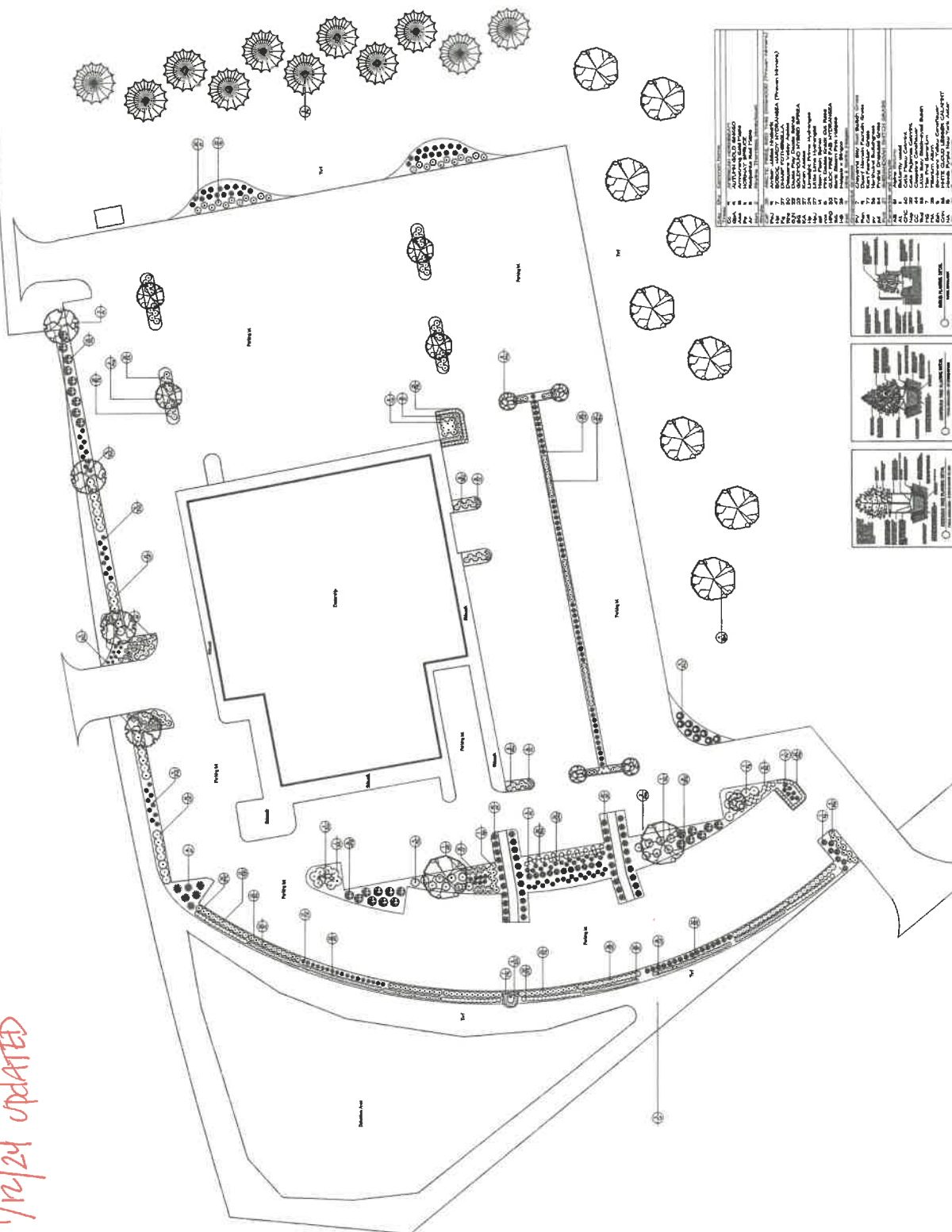
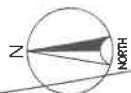
SALES SPACES: 31  
 SERVICE SPACES: 19  
 INVENTORY SPACES: 44  
 TOTAL PROPOSED SPACES: 94  
 ALL PAYMENTS  
 PUBLIC IMPROVEMENTS

**PERRYVILLE ROAD**

**EXHIBIT**  
**PART OF THE SOUTHEAST 1/4 OF SECTION**  
**34, TOWNSHIP 45 NORTH, RANGE 2 EAST**  
**OF THE THIRD PRINCIPAL MERIDIAN**

PREPARED BY:  
**R.K. JOHNSON & ASSOCIATES, INC.**  
 CONSULTING CIVIL ENGINEERS - LAND SURVEYORS  
 1515 WINDSOR ROAD, LOVES PARK, ILLINOIS 61111  
 (815) 633-5897 (815) 633-4593 FAX  
 www.rkjohndsonassociates.com  
 ILLINOIS PROFESSIONAL ENGINEER LICENSE NO. 184-06994  
 ILLINOIS PROFESSIONAL LAND SURVEYOR LICENSE NO. 184-06994  
 DECEMBER 13, 2013 JOB NO. 18258  
 PREPARED FOR: ANDERSON DEVELOPMENT



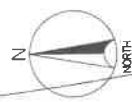
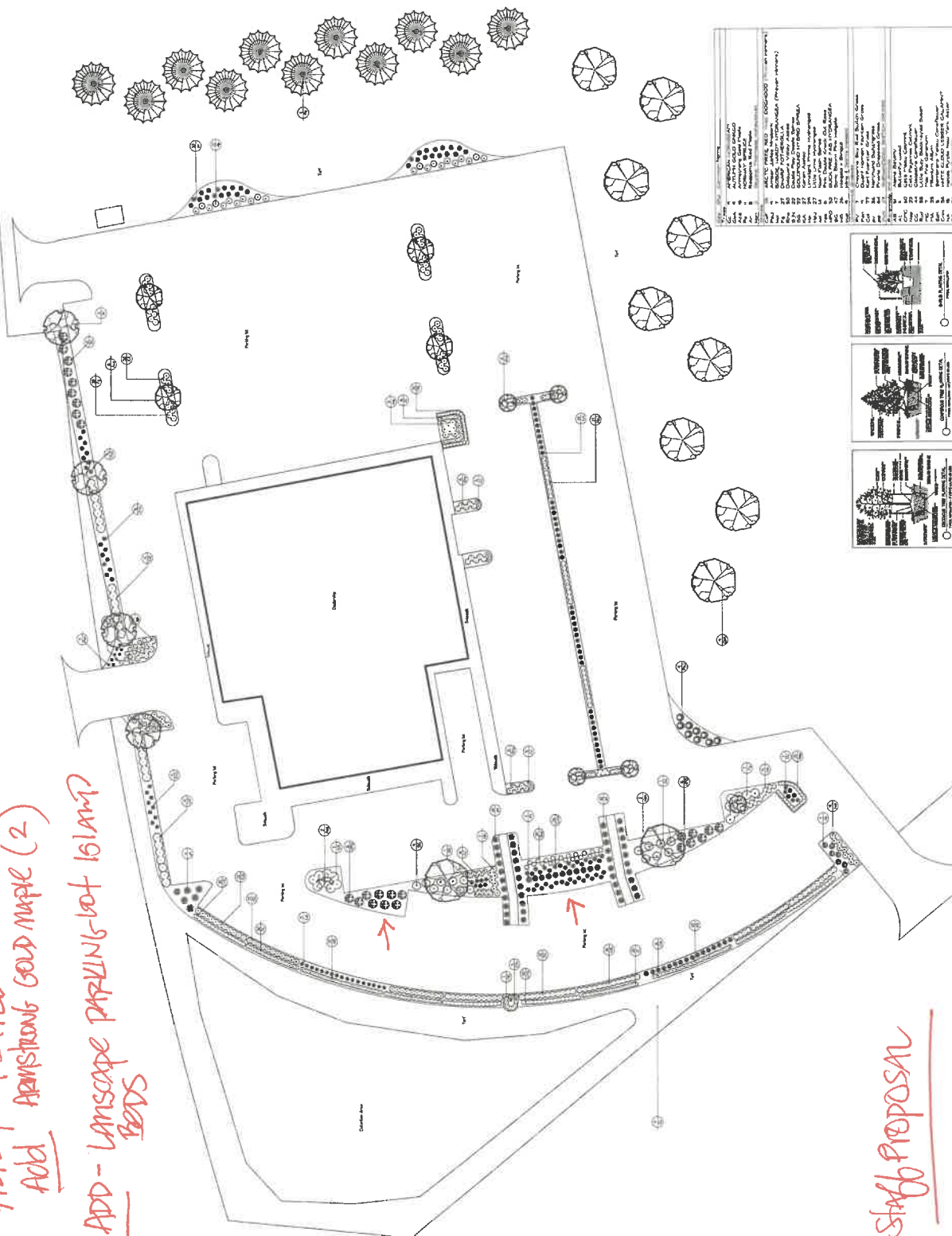


1/12/24 updated



Add 1/12/24 UPDATED  
ATANKS@GOLD MURKLE (2)

Staff Proposa



Anderson Kia  
Newryville Road at Main road Love Park, IL 62111  
Tel: 618-291-1234





## ZONING BOARD OF APPEALS

### Community Development Department

Date: January 18, 2024

<b>SUBJECT:</b>	A Variance from a required 30 foot building setback to a requested 12 foot building setback on Sebring Way in IL_CR (Light Industrial_Commercial Retail)
<b>LOCATION:</b>	6480 E. Riverside Boulevard
<b>ZONING DISTRICT:</b>	North IL_CR (Light Industrial_Commercial Retail) South IL_CR (Light Industrial_Commercial Retail) East IL_CR (Light Industrial_Commercial Retail) West IL_CR (Light Industrial_Commercial Retail)
<b>PROPERTY INFORMATION:</b>	
<b>IL_CR</b>	Building setback - Front yard - Riverside - 50 feet Building setback - Front yard - Carlson Pass - 30 feet Building setback - Front yard - Sebring Way - 30 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 - Riverside - Greater than 50 feet Building setback - Front yard - Carlson Pass - Greater than 30 feet Building setback - Front yard - Sebring Way - 12 feet Building setback - Side yard Greater than 5 feet Building setback - Rear yard 0 Feet  The property has three front yards, or three frontages. The frontage on Sebring Way will be the location for the new retail building that is planned for this location. The new retail building will not be able to meet the 30 foot building setback, due to the size and planned use for the property.
<b>Parking</b>	
<b>Required:</b>	The project is required to provide 61 parking stalls, of which 2 are required to be accessible parking stalls.
<b>Provided:</b>	The project is providing 66 parking stalls, with 3 being accessible parking stalls.
<b>Trash Enclosure</b>	
<b>Required:</b>	A dumpster enclosure is required for commercial retail uses, which includes restaurants.
<b>Provided</b>	A dumpster enclosure is being provided.
<b>Findings:</b>	
1	Strict interpretation of the regulation would result in practical difficulty to the property or business owner. The property has 3 front yard setbacks, which makes developing the site



extremely difficult.

- 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 3 frontages, which is unlike so many other commercial properties in the zoning district. The site has been vacant for many years, on and off. The setbacks for any development will continue to be obstacles for any landowner who wishes market the property.
- 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 property is commercial, and many commercial businesses may locate at this site. However, the property owner must overcome site restrictions which severely limit development.
- 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 commercial development. None of the commercial development, to date, in any of the commercial district has adversely impacted the public health or safety of other properties in the vicinity.

**RECOMMENDATION:**

**Approval**

A Variance from a required 30 foot building setback to a requested 12 foot building setback on Sebring Way in IL\_CR (Light Industrial\_Commercial Retail)

**ATTACHMENTS:**

See attachments

**ZONING BOARD**

**RECOMMENDATIONS:**

APPROVAL / DENIAL / TABLED

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

**CONDITIONS:**

AS PRESENTED / AMENDED / N/A

**AUDIENCE COMMENTS:**

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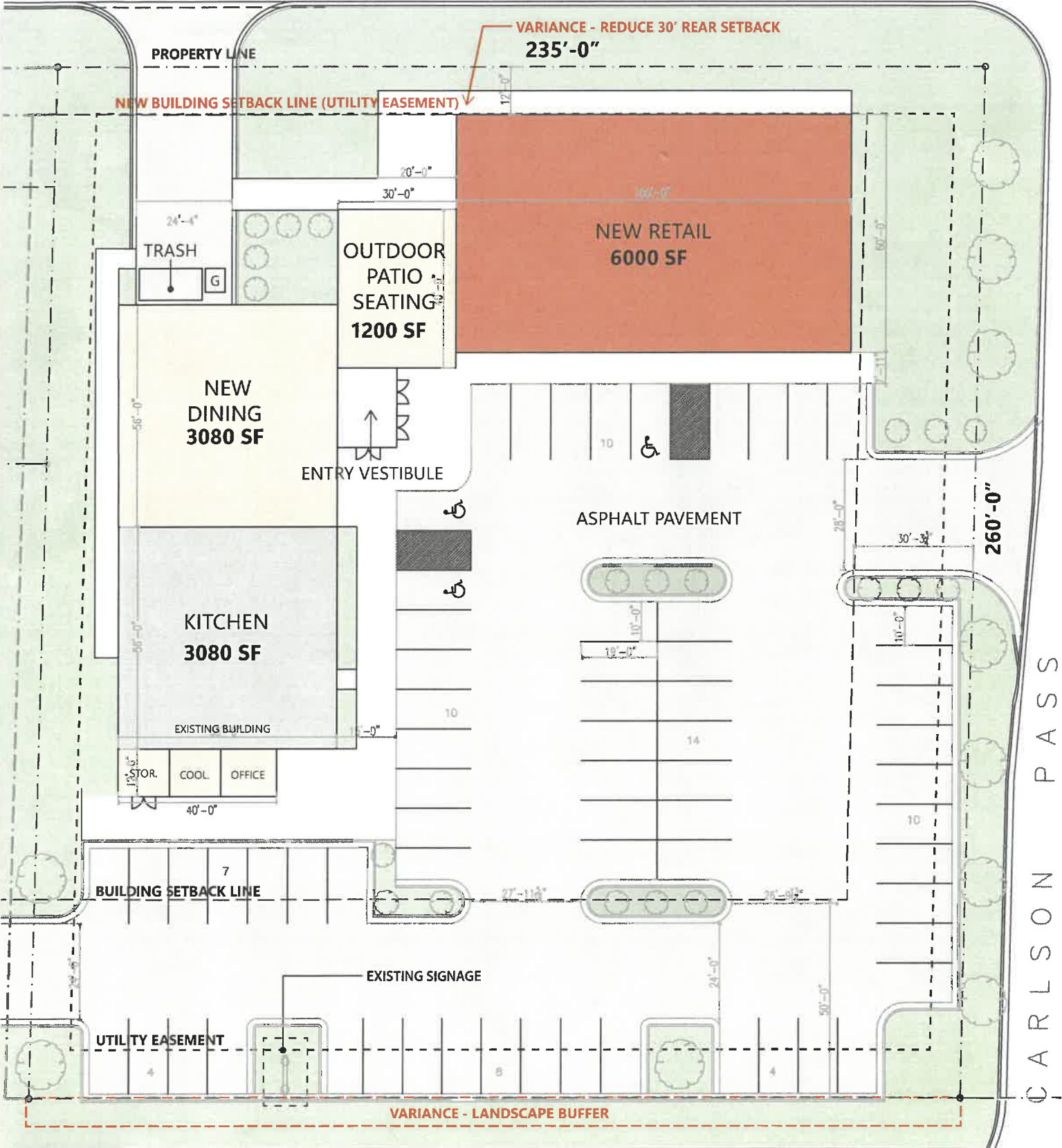
**ADDRESS(S):** 6480 E. Riverside Boulevard

**PARCEL NUMBER:** 12-03-177-012

**PROPERTY OWNER:** DJNK Holding, LLC  
PO Box 17069  
Rockford, Illinois 61110

**APPLICANT:** Place Foundry Design, PLLC  
c/o Joseph Anderson  
728 N. Prospect Street #101  
Rockford, Illinois 61107

SEBRING WAY



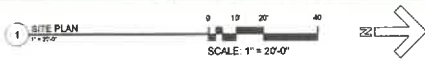
PLACE  
foundry  
DESIGN









**VARIANCE SITE PLAN**  
SCALE: 1/32" = 1'-0"

Total SF	Non-ADA Parking Spaces	ADA Parking Spaces	Total Parking
13280	63	3	66

RIVERSIDE BOULEVARD



	RED SUNBELT MAPLE
	SERVICEBERRY
	BOXWOOD SHRUB
	FEATHER REED GRASS
	KOREAN SPICE VIBURNUM
	ZAGLER COREOPSIS

SHEET NUMBER:  
**AC100**  
SHEET - OF -

**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.*

**6480 E. Riverside Boulevard**

**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: 6480 E. Riverside Boulevard  
30 foot to a 12 building setback

**Chairman**  
Ben Danielson

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date





## ZONING BOARD OF APPEALS

### Community Development Department

Date: January 18, 2024

<b>SUBJECT:</b>	A Variance from a required continuous 8 foot in depth landscape buffer on all frontages to to a requested landscape island beds on E. Riverside Boulevard, and no landscape buffer on Sebring Way in IL_CR (Light Industrial_Commercial Retail).
<b>LOCATION:</b>	6480 E. Riverside Boulevard
<b>ZONING DISTRICT:</b>	North IL_CR (Light Industrial_Commercial Retail) South IL_CR (Light Industrial_Commercial Retail) East IL_CR (Light Industrial_Commercial Retail) West IL_CR (Light Industrial_Commercial Retail)
<b>PROPERTY INFORMATION:</b>	
<b>IL_CR</b>	Building setback - Front yard - Riverside - 50 feet Building setback - Front yard - Carlson Pass - 30 feet Building setback - Front yard - Sebring Way - 30 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 - Riverside - Greater than 50 feet Building setback - Front yard - Carlson Pass - Greater than 30 feet Building setback - Front yard - Sebring Way - 12 feet Building setback - Side yard Greater than 5 feet Building setback - Rear yard 0 Feet  The property has three front yards, or three frontages. The frontage on Sebring Way will be the location for the new retail building that is planned for this location. The new retail building will not be able to meet the 30 foot building setback, due to the size and planned use for the property.
<b>Landscaping:</b>	
<b>Required:</b>	The business is required to put a continuous landscape berm across all frontages. The berm is required to be 8 feet in depth, and be filled with a variety trees, plants and flowers.
<b>Provided:</b>	The property owner will be providing landscaping for this project. The variety of plants are sufficient.  <i>E. Riverside Blvd frontage:</i> The right-of-way on Riverside belongs to Winnebago County. The County will not allow the owner to landscape the frontage of the property. The property owner has agreed to install and landscape bump outs on the Riverside frontage.  <i>Carlson Pass frontage :</i> The property owner has agreed to install a landscape berm on the Carlson Pass frontage.

*Sebring Way* frontage: The frontage on *Sebring Way* currently has numerous existing trees. The trees on *Sebring Way* are likely to be removed for this project.

The property owner will also be landscaping the medians on the inside of the parking lot and doing additional landscaping in front of the buildings.

**Findings:**

- 1 Strict interpretation of the regulation would result in practical difficulty to the property or business owner. The property has 3 front yard setbacks, which makes developing the site extremely difficult.
- 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 3 frontages, which is unlike so many other commercial properties in the zoning district. The site has been vacant for many years, on and off. The setbacks for any development will continue to be obstacles for any landowner who wishes market the property.
- 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 property is commercial, and many commercial businesses may locate at this site. However, the property owner must overcome site restrictions which severely limit development.
- 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 commercial development. None of the commercial development, to date, in any of the commercial district has adversely impacted the public health or safety of other properties in the vicinity.

**RECOMMENDATION:**

**Approval**

A Variance from a required continuous 8 foot in depth landscape buffer on all frontages to to a requested landscape island beds on E. Riverside Boulevard, and no landscape buffer on *Sebring Way* in IL\_CR (Light Industrial\_Commercial Retail).

**Condition:**

All landscaping, as presented on site plan, shall be installed. The property owner or business owner shall be responsible for the maintenance, repair, and replacement of all landscape plants, trees, and materials. The landscape areas shall be tended too, and be maintained in a healthy growing condition, free from refuse, debris, and weeds at all times. Any deviations or from what is approved by the Zoning Board of Appeals and City Council shall not be approved through an administrative review. Given the severity of the hardships located on this property, landscaping as presented shall be sufficient.

**ATTACHMENTS:**

See attachments



**ZONING BOARD  
RECOMMENDATIONS:**

APPROVAL / DENIAL / TABLED

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

**CONDITIONS:**

AS PRESENTED / AMENDED / N/A

**AUDIENCE COMMENTS:**

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**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.*

**6480 E. Riverside Boulevard**

**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: **6480 E. Riverside Boulevard**  
8 foot landscape buffer to landscape bump-outs on E. Riverside.

**Chairman**  
Ben Danielson

Signature

Date



## ZONING BOARD OF APPEALS

### Community Development Department

Date: January 18, 2024

<b>SUBJECT:</b>	A renewal of a Special Use Permit to allow overflow parking and staging of Fleet commercial vehicles (outside storage of vehicles) in the CR (Commercial Retail) Zoning and N. Second Street Overlay Districts.		
<b>LOCATION:</b>	5400 N. Second Street and 5312 N. Second Street		
<b>COMPREHENSIVE PLAN:</b>	The City of Loves Park Comprehensive Plan identifies the area for the use of commercial retail.		
<b>ZONING DISTRICT:</b>	North	CR (Commercial Retail) and N. Second Street Overlay	
	South	CR (Commercial Retail) and N. Second Street Overlay	
	East	CR (Commercial Retail) and N. Second Street Overlay	
	West	R2 (Two-family Residential) and R3 (Multi-family Residential)	
<b>PROPERTY INFORMATION AND RELEVANT FACTS:</b>			
<b>Required setbacks:</b>	Front yard building setback:	30 feet	
	Side yard building setback:	5 feet for buildings under 25 feet	
	Rear yard building setback:	20 feet	
<b>Provided:</b>	Front yard building setback:	roughly 10 feet (existing)	
	Side yard building setback:	greater than 5 feet	
	Rear yard building setback:	Greater than 20	
<b>Landscape Required:</b>	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 that should be salt tolerant. The applicant is also required to install a 3 foot high decorative wall within the landscaped area. The N. Second Street Overlay, requires a 3 foot high masonry wall incorporated into the landscape bed, in conjunction with Section 102-258 of the City's Zoning that regulates landscaping.		
<b>Provided:</b>	The applicant did not provide a landscape plan. The only thing provided is an illustration labeled "berm detail". The illustration does not sufficiently outline the types of plants, shrubs, etc., that will be provided, nor the quantity. The same illustration does show that the 3 ft decorative wall will be installed, as required by the N. Second Street Overlay.		
<b>Signage</b>			

Required:	The properties, 11-12-226-083 and 11-12-226-054, are being used for the storage of commercial mini fleet transit cargo vans. No actual business will be operating at this location, therefore signage will not be necessary.
Provided:	The site plan does not indicate that any signage is a part of the request, nor did the applicant request a need for off-site signage to be included in the Special Use Permit.
<b>Parking</b>	
Required:	Outside storage is only permitted by special use in the CR (Commercial Retail) and N. Second Street Overlay District's. No business is operating at this location, but high volume mini fleet transit cargo vans will be stored on site. The applicant will maintain order of the vehicles by striping designated areas where the vehicles will be stored, as indicated on the site plan provided. The designated areas will allow for proper fire lane access, and prevent overcrowding of the outside storage area.
Provided:	The applicant will provide designated, and striped, areas where vehicles will be stored on site. The storage areas will be defined, and the fire lanes observed. The site plan shows how this will be observed.
<b>Dumpster</b>	
Required:	A dumpster enclosure is required for trash removal for the development. However, there will not be an active business operating from this location. An enclosure will be a requirement when the business opens to the public.
Provided:	A dumpster enclosure is identified on the site plan and will be provided.
<b>N. Second Street Overlay District</b>	
	The N. Second Street Overlay District was established to improve the aesthetic and visual character, as well as, promote orderly development and redevelopment within the boundaries of the overlay. The overlay district recognizes the importance of the commercial corridor to the City, and so it was designed to encourage appropriate renovations to existing structures, compatible new construction promoting the use of building forms, materials, and site design that will improve the architectural and visual character, and enhance functionality of this corridor.
Overlay Review Board:	The Overlay Review Board (ORB) has reviewed the applicants submission, and is not making an official recommendation for the approval. The ORB is comfortable with the petition as presented, with the understanding that all of the improvements are being made.
1	The establishment of the special use may adversely impact adjacent businesses or the zoning district. The property has been slated for development by the applicant for many years, with little to no improvements made on either parcel. The applicant has put forth a plan for approval by the zoning board that was approved in phases, which have now been completed.
2	The special use will not be injurious to the use and enjoyment of other properties in the immediate vicinity. The use of the parcels is for parking only. The property owner has made significant progress improving the properties. The improvements have enhanced the property and likely improved land values due to the improvements. The changes to these parcels is not likely to negatively impact land values for adjacent land owners.
3	The establishment of the special use should not impede the development of surrounding properties in the zoning district. Staff has been working with the owner to

mitigate any issues that may result with overcrowding of the lots. Staff has also worked with the owner to make site improvements which have had positive impacts to the property and surrounding area.

**UPDATE: 2024**

All items outlined in the project phase agenda provided by the applicant have been completed, as approved by the Zoning Board of Appeals in December of 2022.

**RECOMMENDATION:**

A renewal of Special Use Permit to allow overflow parking and staging of fleet commercial vehicles (outside storage of vehicles) in the CR (Commercial Retail) and N. Second Street Overlay Districts.

**Conditions:**

1. The Special Use Permit expires with any change in property ownership, change in business ownership, or discontinuance of the commercial automobile sales business.
2. No off-site business signage shall be permitted for parcels 11-12-226-083 and 11-12-226-054.
3. No commercial or passenger vehicle sales shall be permitted on 11-12-226-083 and 11-12-226-054. The commercial vehicles shall not display any options or pricing. All sales and vehicle information shall be provided when the vehicles is available for sale at 4925 N. Second Street, the existing Kar Korner sales lot.
4. All areas utilized for driving or parking must be paved with a dust free hard impervious surface. The vehicle storage areas shall be striped, and maintained, observing the defined fire lane, as presented on the site plan.  
Storage of the vehicles shall only be permitted within the striped vehicle storage areas and not encroach into the landscape bed areas on both N. Second Street frontages.
5. There shall be no storage of the owner or employees personal or recreational vehicles, which includes campers, trailers, rv's, aquatic items, boats, or any other other items not associated with the business located at 4925 N. Second Street.
6. The properties shall be limited to the storage of the mini fleet transit cargo vans only. No vehicles that require a Commercial Drivers License (CDL) or passenger vehicles shall be permitted on parcels 11-12-226-083 and 11-12-226-054.
7. Loading and unloading of vehicles shall only be permitted in the rear of the building.
8. No vehicle washing or repair shall be permitted, and all vehicles shall be operable and maintained in a good state of repair.
9. The property owner or business owner shall be responsible for the maintenance, repair, and replacement of all landscape plants, materials, and masonry walls. The landscape beds shall be tended too, and maintained in a healthy growing condition, free from refuse, debris, and weeds at all times.
10. No business will be conducted at this locations, as a result, a trash enclosure will not be required.
11. The Special Use Permit may be revoked with substantiated complaints by the local authorities or adjacent business owners.

**Approval/Denial/Tabled:**

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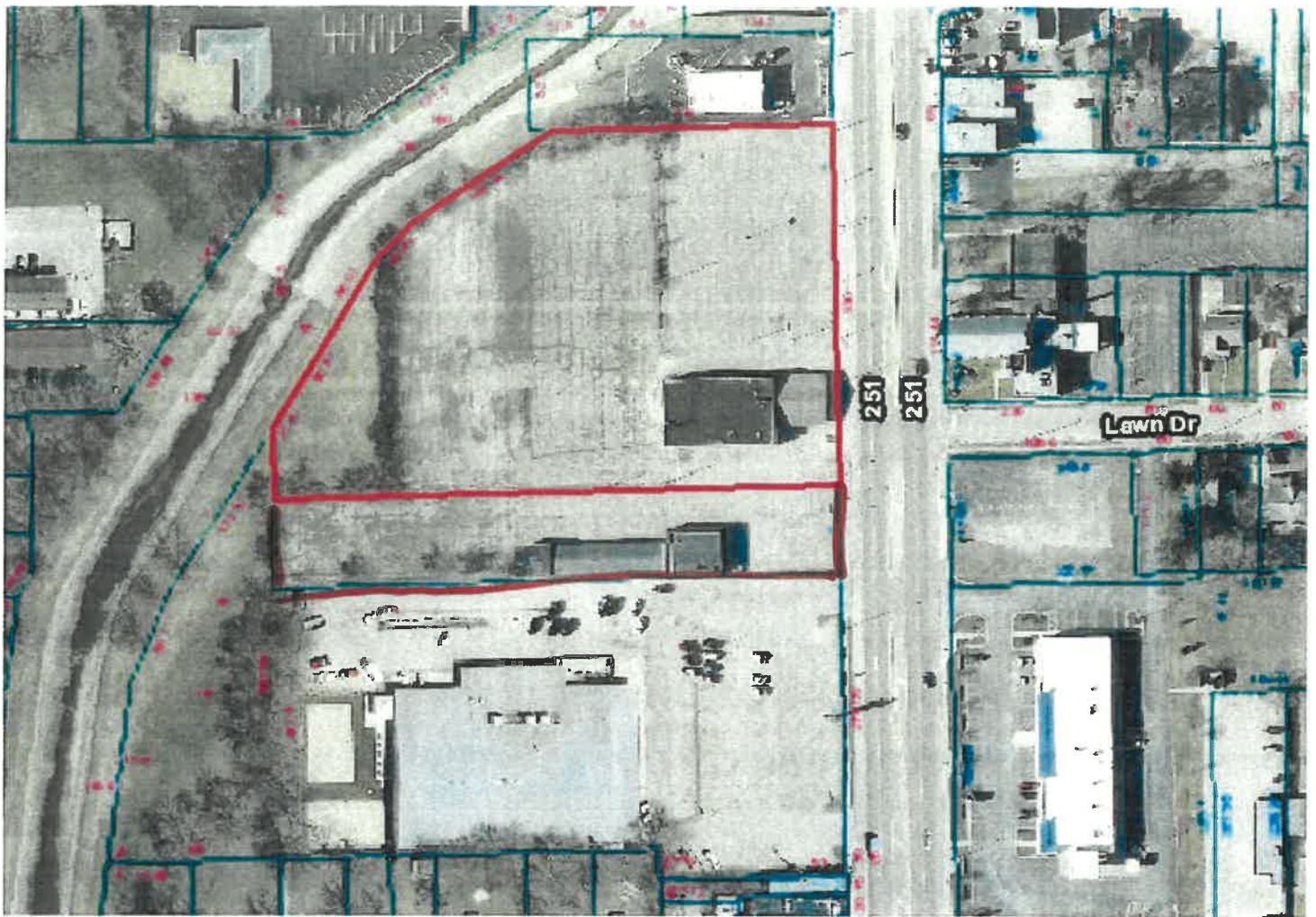
**Vote:**

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**ATTACHMENTS:**

See attachments

AUDIENCE  
COMMENTS:

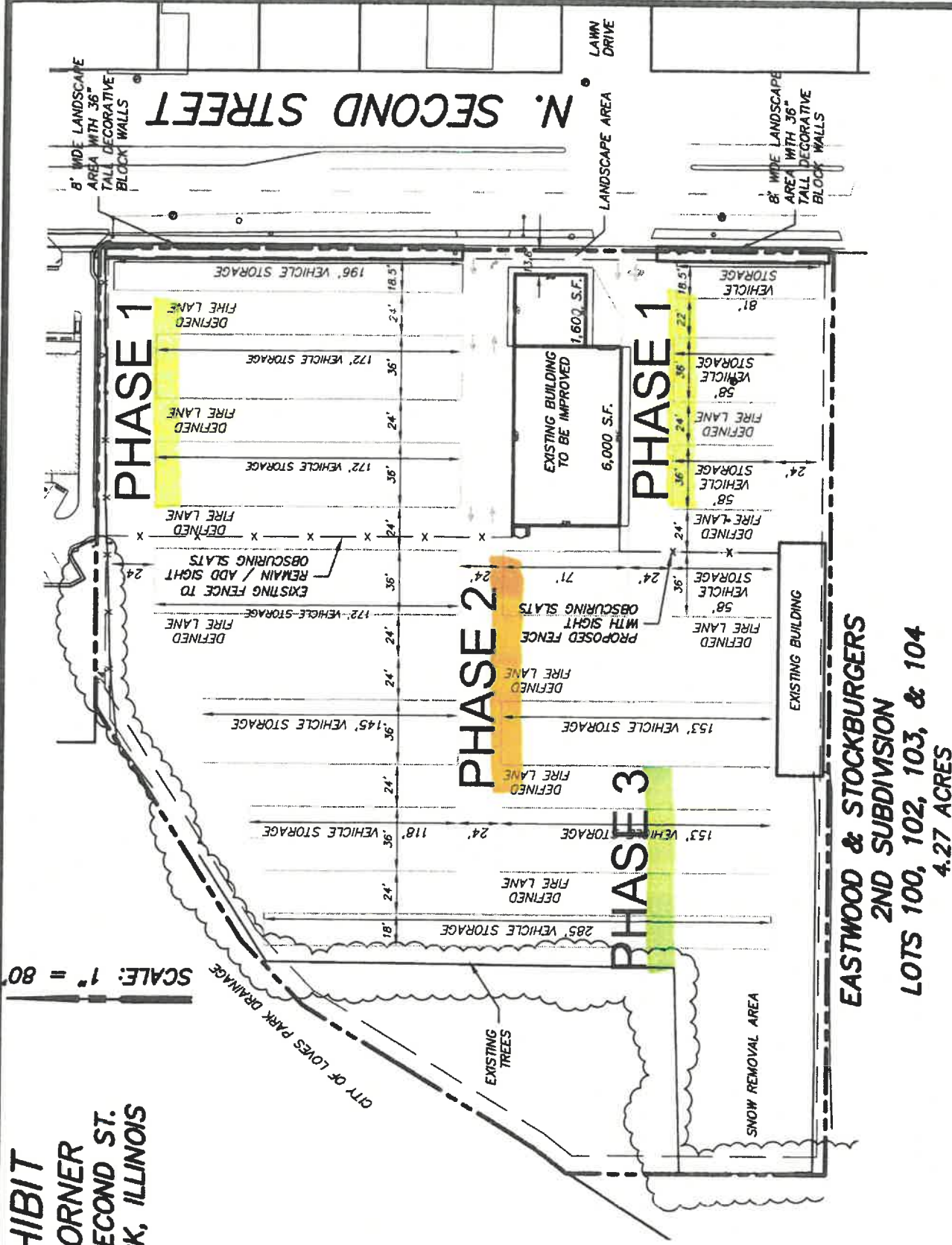



Parcel Number:	11-12-226-083 & 11-12-226-054
Zoning:	CR (Commercial Retail) & N. Second Street Overlay District.
Property Address:	5400 N. Second Street & 5312 N. Second Street
Property Owner:	Mad II, LLC 4925 N. Second Street Loves Park, Illinois 61111
Applicant:	Mad II, LLC 4925 N. Second Street Loves Park, Illinois 61111



# **EXHIBIT** **KAR KORNER** **5400 N. SECOND ST.** **LOVES PARK, ILLINOIS**

SCALE: 1" = 80'



**ZONING CLASS**  
 OR **RETAIL COMMERCIAL DISTRICT**  
 WITHIN NORTH SECOND STREET  
 OVERLAY DISTRICT  
**BUILDING SETBACKS**  
 FRONT SETBACK: MIN. 5' - MAX. 10'  
 REAR SETBACK: 10'  
 SIDE SETBACK: 5'

**EASTWOOD & STOCKBURGERS**  
**2ND SUBDIVISION**  
**LOTS 100, 102, 103, & 104**  
**4.27 ACRES**

**R.K. JOHNSON & ASSOCIATES, INC.**  
**CONSULTING CIVIL ENGINEERS - LAND SURVEYORS**  
 1515 WINDSOR ROAD LOVES PARK, ILLINOIS 61111

(815) 633-1097 FAX: (815) 633-4593  
 www.rkjohndsonassociates.com  
 ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184-004994  
 JULY 14, 2021 JOB NO.: 15066

## SCALE: 1" = 80'

CITY OF LONG BEACH DRAINAGE

4

EXISTING

2005

NOV REMOVAL AREA

\_\_\_\_\_

EAS

LO

**Abstract**

[illegible]

A site plan diagram showing a street labeled "N. SECOND STREET" running vertically. To the left of the street are two rectangular areas labeled "LANDSCAPE AREA w/ LIMESTONE BOULDERS". To the right of the street is a large rectangular area labeled "LAWN DRIVE". A small circle is located between the two landscape areas on the left side of the street. The drawing is oriented horizontally on the page.

**R.K. JOHNSON & ASSOCIATES, INC.**  
CONSULTING CIVIL ENGINEERS - LAND SURVEYORS  
1515 WINDSOR ROAD, LOUIS PARK, ILLINOIS 61111  
(312) 611-3011 FAX (312) 611-4911  
TELETYPE (312) 611-3011  
REGISTERED PROFESSIONAL ENGINEERS AND SURVEYORS  
STATE OF ILLINOIS LICENSE NO. 001-0000001

MEETING PROFESSIONAL DESIGN FIRM ESTABLISHED IN 1941  
JULY 14 2021 10:00 AM

**5400 N. SECOND ST.  
LOVES PARK, ILLINOIS**

REAR SETBACK: 10'  
SIDE SETBACK: 5'

JULY 14, 2021 JOB NO.: 15066



aligned both

## PROPERTIES

## VEHICLE DISPLAY AREA

36" DECORATIVE  
BLOCK WALL

GRASSES AND  
PLANTS

5' BUILDING SETBACK LINE

LANDSCAPE AREA

NORTH SECOND STREET RIGHT-OF-WAY

EXISTING  
STREET LIGHT

PUBLIC SIDEWALK

CONCRETE PAVEMENT

NORTH 2ND. STREET

### DETAIL

1 inch = 5 ft.

14'

5'

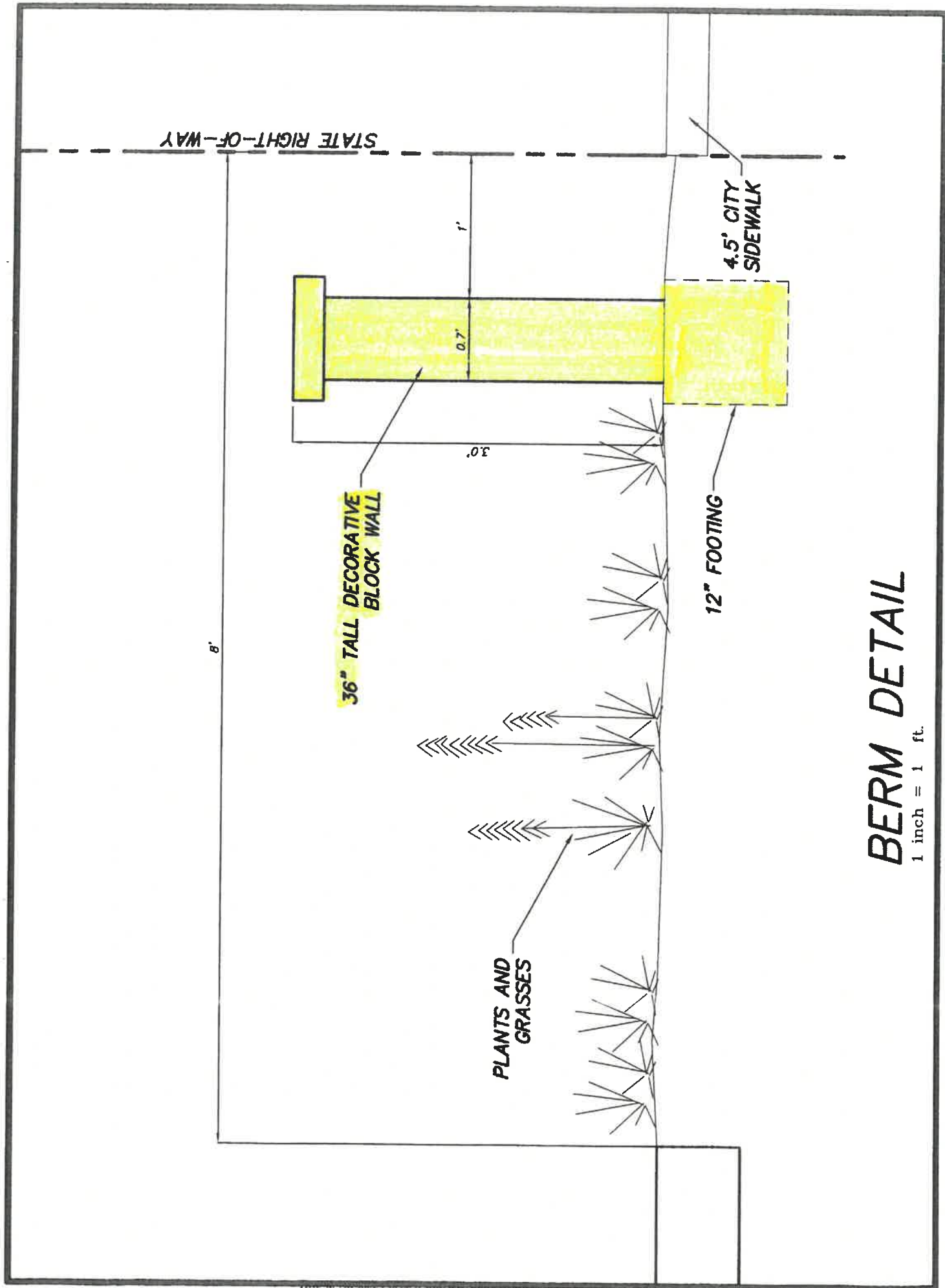
1'

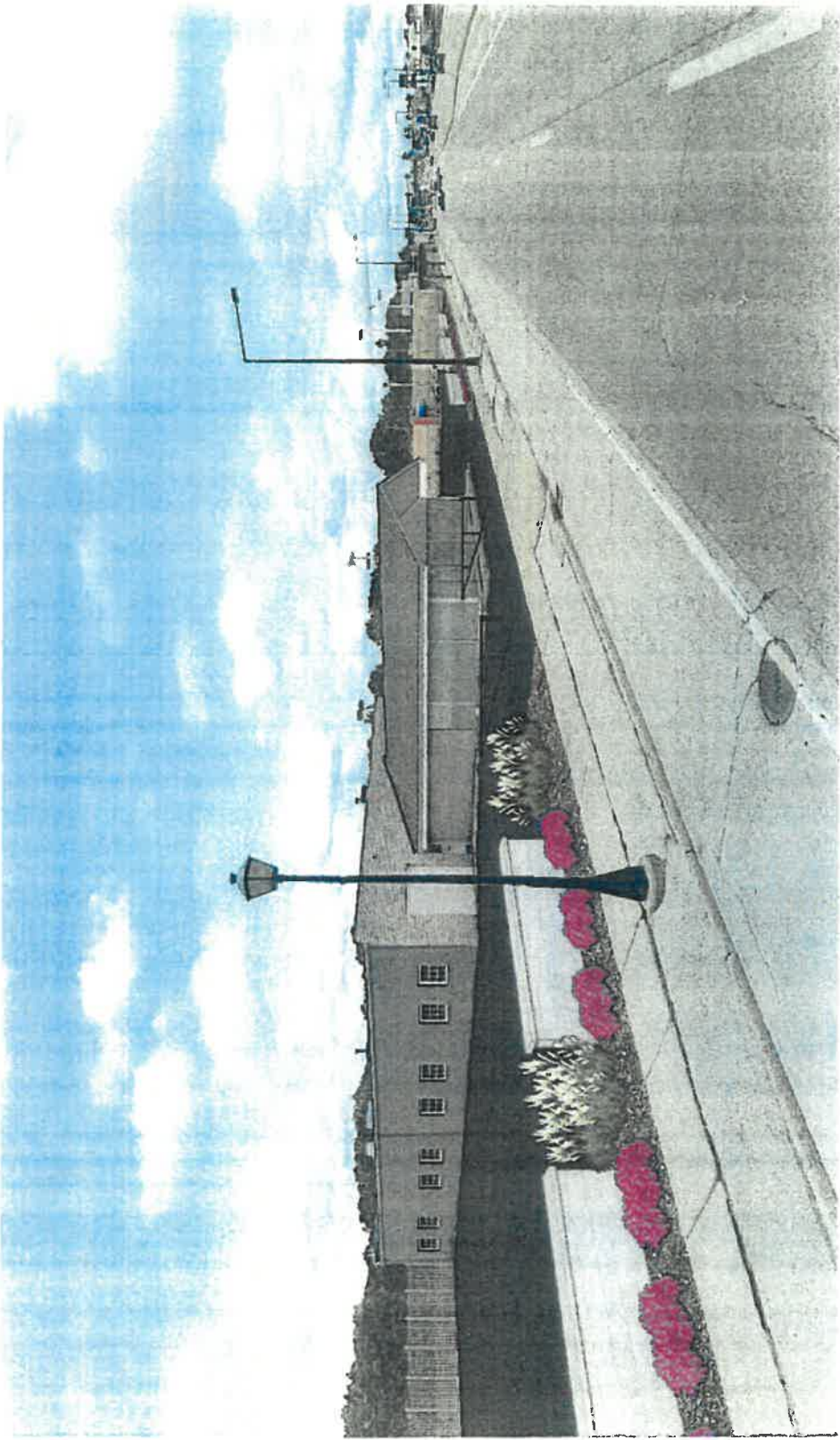
8'

14'

14'













## Applications for Special Use Permit & Overlay Review Board

9/2/2021

Kar Korner Improvements – 5400 N. Second Street – Scope of Project

### 2021(Phase I) Commitment to Site & Building Improvements

1. Install 8' wide landscape area along N. Second Street to include 14' long segments of 3' tall decorative block walls and concrete footings. **Note: Plantings to meet current landscape guidelines as specified by the City of Loves Park.**
2. Patch and sealcoat existing blacktop surfaces from sidewalk along N. Second Street to existing fence.
3. Paint existing 6,000 sf masonry building.
4. Replace exterior broken glass panels in 1,600 sf store-front section of the building along N. Second Street.
5. Install new entrance gates.

*Completed w/ 2022 renewal*

### 2022 (Phase II) Tentative Plan upon Annual Review


1. Demolish existing wood framed garages along south side of property.
2. Provide retaining wall along south property line where building is demolished.
3. Plant arborvitaes along east side of existing fence.
4. Sawcut, remove, & patch blacktop surfaces as needed.
5. Continue with more sealcoating west of existing fence.
6. Install new concrete bases with poles and LED light fixtures along N. Second Street.

### 2023 (Phase III) Tentative Plan upon Annual Review

1. Sawcut, remove, & patch existing blacktop surfaces as needed.
2. Continue with more sealcoating west of Phase II.
3. Add more concrete bases with new poles and LED light fixtures.
4. Remove existing over growth of trees, shrubs, vegetation, & debris along west fence line.

*Completed Phase 2*

Respectfully submitted,

  
Dave Sockness





01/10/2024

City of Loves Park  
100 Heart Boulevard  
Loves Park, IL 61111  
Attn: Andrew Quintamilla

RE: Ordinance providing for a special use permit for property commonly known as 5400 North Second Street Loves Park, Illinois.

Dear Andrew,

In reference to recent improvements at 5400 North 2<sup>nd</sup> Street, we wanted to inform your office that all items scheduled to be completed in Phase II (Calendar Year 2023) were done by November 12, 2023. These items were:

- 1.) Demolish existing wood framed garages along South side of property
- 2.) Provide retaining wall along South property line where building was demolished
- 3.) Plant arborvitaes along East side of existing fence & install concrete parking chocks at East border
- 4.) Sawcut, remove, and patch blacktop surfaces as needed
- 5.) Continue with more sealcoating West of existing fence
- 6.) Install new concrete bases with poles & LED light fixtures along N. 2<sup>nd</sup> Street

Additional items completed in 2023:

- 1.) 3 light bases with new poles & LED fixtures scheduled for 2024
- 2.) 6' barrier fence installed on top of South retaining wall for public safety & security reasons.

We trust that all items requested for 2023 improvements have been completed. NOTE: Reference attached Exhibit to clarify areas within Phase II.

Respectfully submitted,

A handwritten signature in blue ink that reads "Dave Sockness".

Dave Sockness, Vice Chair Stenstrom Co. & COO

**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.*

**5400 N. Second Street (11-12-226-083 & 11-12-226-054)**

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.

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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: 5400 N. Second Street  
Outside storage

**Chairman**  
Benjamin Danielson

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## ZONING BOARD OF APPEALS

### Community Development Department

Date: November 5, 2021

**SUBJECT:** A Special Use Permit for a duplex in the CR (Commercial Retail) Zoning District.

<b>LOCATION:</b>	1034 Windsor Road (08-31-454-011 & 08-31-454-010)
<b>COMPREHENSIVE PLAN:</b>	General commercial development
<b>ZONING DISTRICT:</b>	North R1 (Single Family) Machesney Park South R1 (Single Family) Windsor Elementary School East CN (Commercial Neighborhood) West R1 (Single Family)
<b>PROPERTY INFORMATION:</b>	
<b>Requirement:</b>	
Requirement for R2:	Lot size: 8,800 sqft Lot area p/unit: 4,400 sqft Front yard: 30 ft. min. Side yard: 6 feet Rear yard: 30 ft. min.
Provided:	Lot size: 15,609 sqft Lot area p/unit: 7,805 sqft Front yard: greater than 30 feet Side yard: 5 feet Rear yard: 17ft. 4"
<b>Off-Street Parking:</b>	
Commercial requirements:	Parking Lots: curbed Interior landscaped islands 8 ft. deep landscape buffer spanning frontage with plants, shrubs and trees. 2 Trees, 1 interior and 1 exterior Vehicle circulation 24ft, parking stalls 19 deep and 9ft wide Location of lot within 150 feet of the principal use
Commercial provided:	Non curbed parking lot 3 trees, 1 interior and 2 exterior 4 foot deep landscape buffer spanning frontage with plants and shrubs Vehicle circulation 24ft, parking stalls 19 deep and 9ft wide Adjacent to principal use 17 parking stalls, which exceeds what is required for the restaurant

**Landscaping:**

Requirement for R2:

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. The requirement for this residential development is 31 points. The 31 points shall be allocated for vegetation of trees, shrubs and plants.

Provided for R2:

Two varieties of shrubs, that do not meet the point system for the establishment of this development. A new 6 foot high fence will be installed across the northern property line.

Requirement for CR:

Landscape lots shall provide 1 tree for every 5 stalls placed on the perimeter, and 1 stall for every 10 parking stalls placed on the interior. The landscaping shall include some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. The landscaped strip shall be mounded a minimum of one foot above the height of the adjacent parking spaces but not exceeding a three to one slope and shall be protected from automobile traffic by curbing or some other effective barrier to the passage of automobiles. Where public or private parking containing more than 5 spaces exists, there shall be a screened landscape area on the sides used for residential purposes and on all side abutting a public right-of-way.

Provided for CR:

The applicant is providing 2 four feet deep buffers. Both buffers will run parallel with Windsor Road, the other buffer will be on the north end of the parking lot. Both landscape areas will be filled with shrubs.

**Findings:**

The establishment of the special use will not be detrimental to the public or general welfare of the existing residents and businesses in the zoning district. The use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted and not diminish or impair property values in the zoning district. The area to the north has single family residences that are a good compliment to the two family residence that is being established. The home to the west was recently rezoned to single family residence from a commercial property. The area as a whole supports single family uses both with residential dwellings and the public schools, which compliment the area. The area has seen some development over the years, however, the establishment of this use would be the most significant development to the area in years. The use is not likely to impact orderly development to surrounding properties for uses permitted in the district. Adequate access, drainage, and utilities will be provided as part of the development of the site. Planning for this site has undergone a review of access. The development will be providing adequate ingress/egress for residents and patrons of the restaurant.

**RECOMMENDATION:**

**Approval** - A renewal of a Special Use Permit for a duplex in the CR (Commercial Retail) Zoning District.

**Conditions:**

1. The Special Use Permit expires with the discontinuance of Windsor Pizza Parlor, or sale of the properties 08-31-454-011 or 08-31-454-010.
2. The entire parking lot shall be curbed.
3. The 2 (4ft in depth) landscape berms are sufficient to meet the requirement. The landscaping shall include replacement of all Gold Coast Juniper bushes with Karl Forester Grasses. Landscaping shall also include replacement of all Dwarf Lilac shrubs with ornamental Bradford Pear Trees. And, replacement of the Dwarf Crabapple Tree with a Shademaster Honey Locust Tree. The landscape hedge,

on the western property line for parcel 08-31-454-010, shall continue southward to the 30 foot setback for the property. Islands in and around the parking lot shall contain some combination of perennials and may be coordinated with Staff. If staff recommendations for this condition are met, the landscaping for both uses shall be sufficient for this development. An updated landscape plan shall be provided within 30 days of approval of the special use.

4. Eighteen feet deep stalls will be adequate for meeting the stall requirement in order to observe vehicle circulation.
5. Restaurant parking shall only be allowed in the newly created parking lot designated for its customers. A private parking sign shall be installed to accommodate the residents living in the duplexes.

**ATTACHMENTS:**

See attachments

**ZONING BOARD  
RECOMMENDATIONS:**

APPROVAL / DENIAL / TABLED

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

**CONDITIONS:**

AS PRESENTED / AMENDED / N/A

**AUDIENCE COMMENTS:**

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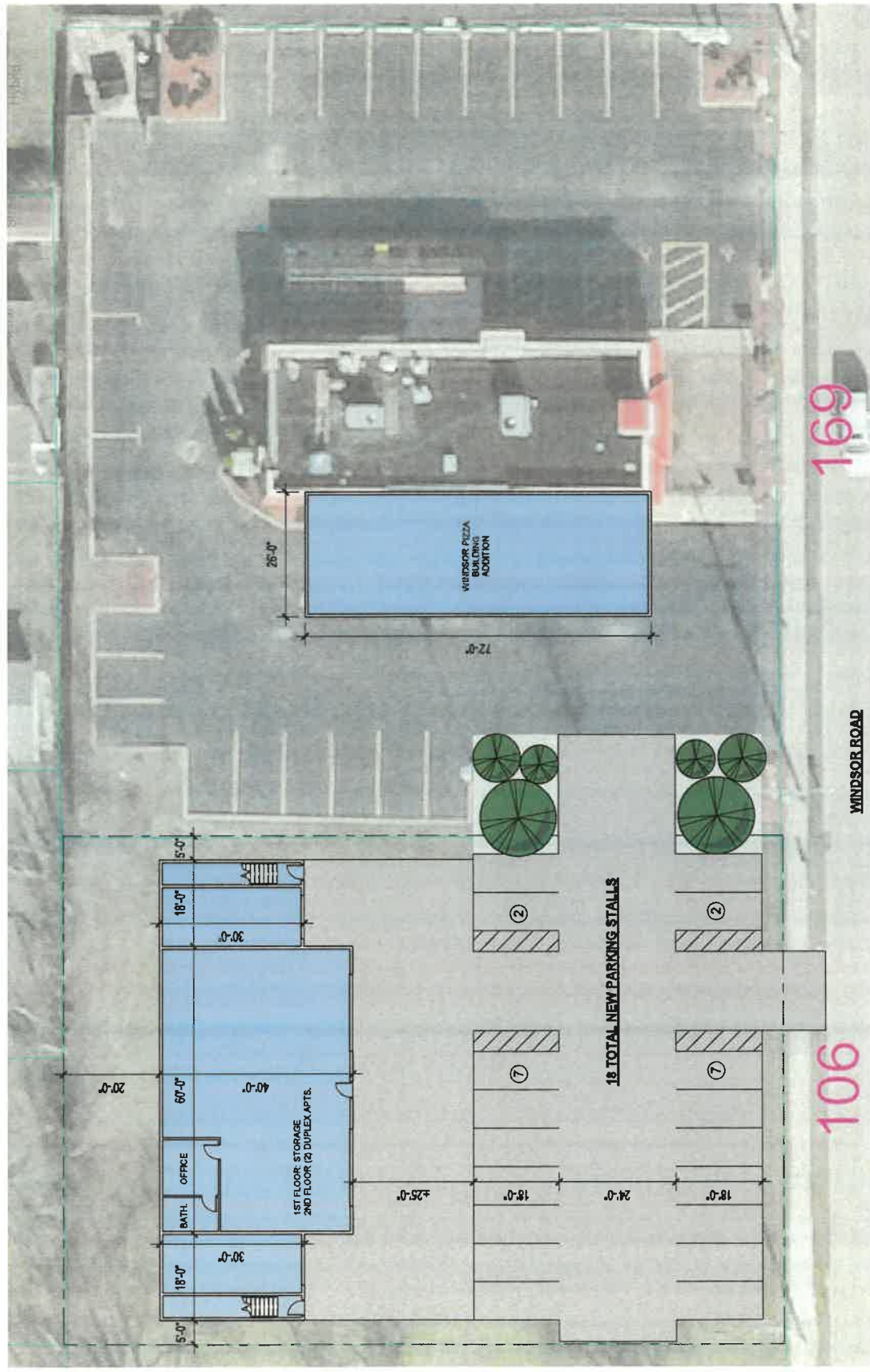
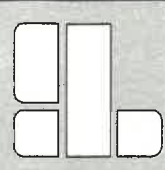
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Sheet No:	A100
Proj. No.	
Owner	
Architect	ZEE
Contractor	RGB
Check By	RGB
Date	04-19-2021

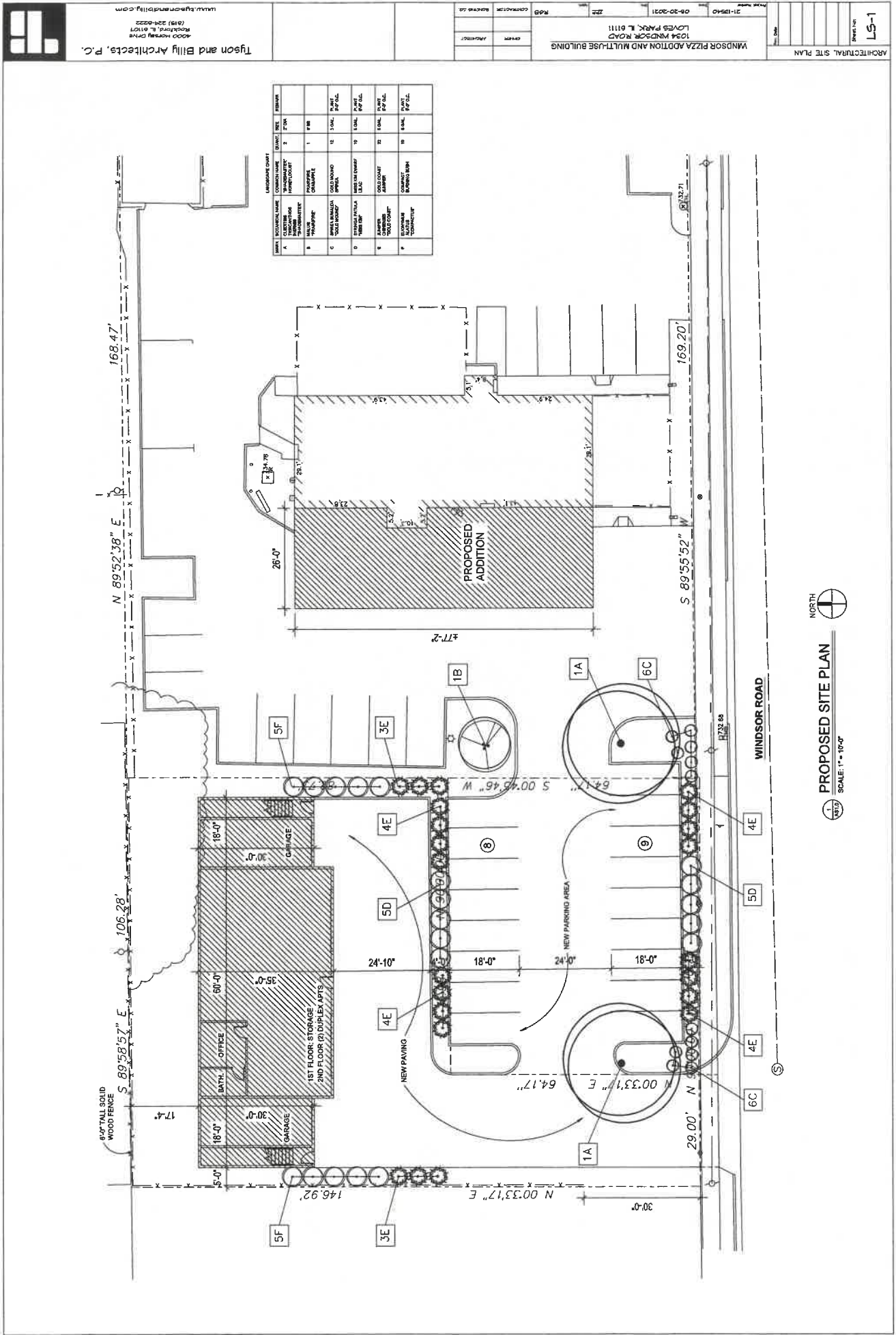
**PROPOSED STORAGE & DUPLEX**  
**LOVES PARK, IL**  
**Tyson and Billy Architects, P.C.**  
4000 Moray Drive, Rockford, IL 61107 ph (815)229-8222  
fax (815)229-8218  
www.tysonandbilly.com



**1 Site Plan**  
Scale: 1" = 20'-0"



11/12/2021 12pm



NORTH  
PROPOSED SITE PLAN  
SCALE: 1" = 10'-0"

**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 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.*

**1034 Windsor Road (08-31-454-011 & 08-31-454-010)**

**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: **1034 Windsor Road (08-31-454-011 & 08-31-454-010)**  
SUP Duplexes

**Chairman**  
Ben Danielson

Signature

Date