



AGENDA
LOVES PARK ZONING BOARD OF APPEALS
February 15, 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 **January 18, 2024** meeting
3. Report from the Zoning Office – None
4. Unfinished business – None
5. New business –
 - A. 5901 Material Avenue** – A Special Use Permit to allow a business sign to be used as a billboard for off-site advertising in the CG (Commercial General) Zoning District.
 - B. 234 E. Riverside Boulevard** – A Special Use Permit to allow 100% office space in the CR (Commercial Retail) Zoning District.
 - C. 5723 N. Second Street** – A Special Use Permit for an outdoor food market 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: January 18, 2024 Time: 5:30 P.M.

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

Members Present: Benjamin Danielson Mr. Carlson
Mr. Daniels Mr. Kutz
Mrs. Nelson Mrs. Taylor

Members Absent: Mr. Laudicina

Others Present

2. Minutes

Mr. Daniels moved to approved the minutes from the **December 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. **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)**

Petitioner: Joseph Anderson, Dave Kieffer and Kaleb Yanko (architect), Nick Becker

Mr. Quintanilla stated that the petitioner met with Staff earlier in the day and provided an update site plan for consideration.

Mr. Carlson asked what the difference was between the site plan provided in the packet vs what was provided this evening.

Mr. Quintanilla stated that the applicant agreed to stripe a designated area for the vehicle sales area leaving a travel lane open for customers and the fire department to maneuver throughout the property.

Mr. Yanko stated that he was the architect for Anderson Kia and that he and his client were seeking a special use for 4851 N. Perryville Road, for a new car dealership. He also stated that the applicant is not seeking any variances, and the approval came with conditions, and were willing to comply with the conditions listed for the approval.

Mr. Daniels asked there were any traffic studies that would impact traffic flow for this development.

Mr. Yanko stated no traffic studies have been done. And, they did not anticipate any problems with traffic flow.

Mr. Carlson asked in the plan was to relocate the Kia dealership from Rockford, or was this a second

location the applicant was going to establish.

Mr. Yanko state the dealership was moving. He also stated that the was a plan to have another branded dealership to relocate to this property.

Mr. Daniels asked what the time frame for completion would be.

Mr. Yanko stated that they wanted to start the project as soon as weather permits, with a 10 month construction time frame.

Mr. Danielson asked the applicant to discuss the change reflected with the supplemental information.

Mr. Yanko stated that a preliminary review of the Staff report required that the dealership stripe the vehicle display area. A compromise with Staff was discussed and agreed to that the vehicle sales areas would provide a boundary for vehicles that would allow them to orient the vehicles within these areas and at the same time keep a clear delineated drive way for customers and emergency services.

Mrs. Nelson asked for clarification of the site plan regarding ingress and egress on Perryville Road. She asked if they were going to use the existing access.

Mr. Becker stated that no traffic study was done because his firm met with the Winnebago County Highway Department regarding access. Access was already granted and that the business would be using the same right in right out access, but moving it more north because it meets the needs of the dealership better. No problems should be generated, as agreed with the WCHD.

NO PETITIONERS PRESENT

BOARD DISCUSSION

Mr. Quintanilla stated that it would be necessary to amend condition two based on discussion with Staff in an earlier meeting regarding the landscaping. Request to remove condition 6, given that there was no request for signage as part of the petition.

Mr. Carlson asked about the requirement for the large number of trees .

Mr. Quintanilla stated that the additional trees came about through discussions with Mr. Yanko. He indicated that the vehicles sales area could support a significant number of cars. The additional trees were added based on the volume of cars being parking in those sales areas. The applicant was already providing trees throughout the parking lot area, which meets the requirement. No additional trees will be necessary.

FINDINGS OF FACT HAVE BEEN MET

Mr. Carlson made a motion to approve a special use permit for an automobile sales establishment in IL_CR (Light Industrial_Commercial Retail) for 4851 N. Perryville Road (08-34-454-005 & 11-12-226-054) with the following conditions :

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.
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 dumpster enclosure shall be poured concrete or some other form of masonry and match the materials used for the building
7. The Special Use Permit shall be renewed 1 year from the date of the approval.
8. No administrative approvals shall be allowed. All requests shall be made through the Zoning Board of Appeals and City Council.

Mrs. Taylor second the motion. Motion carried by vote 5-0

Mr. Danielson stated that this was the first meeting for the applicants petition, and that the second step in the process will be with an aldermatic committee on February 5, 2024 at 4:30 pm., in Council Chambers.

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).

Petitioner: Joe Anderson, and Vito Grisansio

Petitioners stated that they were seeking two variances for the site for the new Capri Restaurant that will be relocating to Loves Park.

Mr. Grisansio discussed the first request, which was for the rear yard setback on Sebring Way. He stated that the property has three front yards, which made developing the site difficult. He also stated that the request will all them to building a multi-retail facility on the north site of the parcel, and with the reduced setback, allow them to meet other requirements such as parking, drive circulation.

Mr. Grisansio also stated that they were seeking a variance on the landscape buffer on E. Riverside Boulevard. He stated that they were going to do bump out islands on private property, but that the county would not approve landscaping on the Riverside frontage. He stated that they would also be landscaping the islands throughout the parking lot and additional landscaping throughout the property.

Mrs. Nelson indicated that there were not conditions on the first request for the setback, but did ask the applicant if he was aware of the condition for the landscape bed variance. She read the condition to the applicant and stated that it would appear logical that they would be taking care of the property. The applicant stated the condition placed on the development for the landscaping was not a problem.

Mr. Quintanilla asked the applicant if they would be preserving the trees on the north frontage or removing them as part of the site development.

Mr. Grisano stated they he didn't see why they would have to be removed, but stated that they could

removed only if absolutely necessary.

The applicant stated that if the trees were removed for the second part of the development, they could be incorporated into the exterior outdoor patio seating area.

Mrs. Nelson stated that based on the site plan, it would make sense that that you would keep the environment as natural as possible or better.

Mr. Carlson asked if the area to the north was going to be retail.

The applicant stated yes, but the primary focus was getting the restaurant up and running first.

NO PETITIONERS PRESENT

BOARD DISCUSSION

Mrs. Nelson stated that the requests were logical based on the site.

FINDING OF FACTS HAVE BEEN MET

Mrs. Nelson made a motion to approve 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) for 6480 E. Riverside Boulevard.

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

- C. 6840 E. Riverside Boulevard - A Variance from a required continuous 8 foot in depth landscape buffer of all frontages to a requested landscape island beds on E. Riverside Boulevard, and no additional landscape buffer on Sebring Way in IL_CR (Light Industrial Commercial Retail).**

Petitioner: Joseph Anderson and Vito Grisanzio

FINDINGS OF FACT HAVE BEEN MET

Mrs. Nelson made a motion to approve a Variance from a continuous 8 foot in depth landscape buffer on all frontages to a requested landscape island beds on E. Riverside Boulevard, and no additional landscape buffer on Sebring Way in IL_CR (Light Industrial Commercial Retail) for 6480 E. Riverside Boulevard with the following condition:

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 health growing condition free from refuse, debris, and weeds at all times. Any deviations 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.

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

Mr. Danielson stated that this was the first meeting for the applicants petition, and that the second step in the process will be with an aldermanic committee on February 5, 2024 meeting.

- 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. Second Street Overlay Districts.

Petitioner: Dave Sockness

Mr. Sockness stated that he was in to renew the special use, and that all of the items outlined in the phases of development have been completed.

Mr. Quintanilla stated that Community Development had met with Mr. Sockness to discuss items that his client would need to complete. He stated that a three year plan was completed within the second year. Nothing further was required, but adherence to the remaining conditions.

Mr. Quintanilla stated that the plants that were required as part of the special use were all planted behind the wall and not out in front of the wall where they could be seen. He asked if some or all of the plants could be relocated out on the N. Second Street frontage.

Mr. Sockness stated that he would look into this.

Mrs. Nelson asked Mr. Quintanilla if the conditions on the renewal were the same as what have been of the approval for years passed.

Mr. Quintanilla stated that for the most part they were, but that some would stay with the special use to require the owner to adhere for other important aspects of the approval.

Mrs. Nelson asked Mr. Sockness if the owner could keep in compliance with the remaining conditions. Mr. Sockness stated that Mark could.

NO PETITIONERS PRESENT

BOARD DISCUSSION

Mr. Daniels stated that it's always nice to have a petitioner who is in full compliance.

Mr. Danielson stated that the property has improved over the two year period. He thanks the petitioner for making the improvements.

Mrs. Taylor made a motion to approve a renewal of a Special Use Permit to allow overflow parking and staging of Fleet commercial vehicles (outside storage of vehicles) in CR (Commercial Retail) and the N. Second Street Overlay District for 5400 N. Second Street (11-12-226-083 and 11-12-226-054) with the following conditions:

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.

Mrs. Nelson second the motion. Motion carries by vote 5-0

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.

Petitioner: Steven Blake

The petitioner requested a renewal from the previous approval. He also asked if it was a renewal.

Mr. Quintanilla stated yes.

Mr. Blake stated that in 2001 he came to the City for approval for the duplexes, but due to budgetary issues, contractor issues, and coved, there was a delay in the renewal process.

Mrs. Nelson questioned whether or not this was an actual renewal since it was well past the 1 year renewal date.

Mr. Quintanilla stated that the applicant was in plan review, however, there were some delays that occurred with the plan review process and development. He stated that it was looked as a renew because while the applicant didn't break ground he was still moving forward in the plan review process.

Mr. Blake did cover the improvements for the development, touching on storage coolers, the addition for the pizza parlor and the need for additional parking.

NO OBJECTORS PRESENT

BOARD DISCUSSION

Mrs. Nelson stated that the special use should be approved as a new special use and not a renewal.

Mr. Carlson agreed.

FINDING OF FACT HAVE BEEN MET

Mr. Carlson made a motion to approve a Special Use Permit for a duplex in the CR (Commercial Retail) Zoning District for 1034 Windsor Road (08-31-454-010 and 11-31-454-011) with the following

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.

Mrs. Nelson second the motion. Motion carries by vote 5-0.

6. Public Participation and Comment

None

7. General Discussion

None

Mrs. Carlson moved that the meeting be adjourned. Second by Mr. Kutz. Motion carried by vote. The meeting adjourned at 6:30 PM.

Secretary, Andrew Quintanilla



ZONING BOARD OF APPEALS

Community Development Department

Date: February 15, 2024

SUBJECT: A Special Use Permit to allow a business sign to be used as a billboard in the CG (Commercial General) Zoning District.

LOCATION: 5901 Material Avenue

**PROPERTY INFORMATION
AND RELEVANT FACTS:**

Requirements of CG: Signage building setback on Riverside Blvd: 10 feet
Signage building setback on Material Avenue: 10 feet

Provided: Signage building setback on Riverside Blvd: 25 feet
Signage building setback on Material Avenue: 22 feet

Signage:

Required: Signage that is 382 square feet, or greater is classified as a billboard and requires a Special Use Permit.

Provided: The sign is 462 square feet. The owner, Benson Stone, would request to use the sign as a billboard.

Findings:

- 1 The establishment or operation of the special use will not be detrimental to the area or the public safety or general welfare of residents and business in the area. The sign has been operating at this location with little to no issues since
- 2 The special use should not be injurious to the use of the property or to other uses already permitted in the area. If the billboard falls into disrepair due to the lack of maintenance, the sign may adversely impact land values or have an overall adverse impact to the area. The owner shall be required to keep the sign in a good state of repair to prevent further deterioration to the area.
- 3 The special use shall not impede development or improvements of the surrounding area unless the sign goes without maintenance or falls into serious disrepair. The sign is on an arterial road that runs throughout the city, so it will be easy to keep an eye on any condition issues that may arise.

RECOMMENDATION: **Approval**
A Special Use Permit to allow a business sign to be used as a billboard in the CG (Commercial General) Zoning District.

Conditions:

1. The Special Use Permit expires with the change in ownership of the billboard.

2. The sign shall require regular and ongoing maintenance. If the City's Code Enforcement or Zoning Officer issues a notice of disrepair to the owner, and the billboard is not repaired within the specified time of the notice, the sign may be required to be removed and no new billboard sign may be erected as a replacement.
3. No additional square footage or height may be added to the sign as part of this petition.
4. A billboard license shall be obtained as required by Section 102-288 (g).

APPROVAL / DENIAL / TABLED

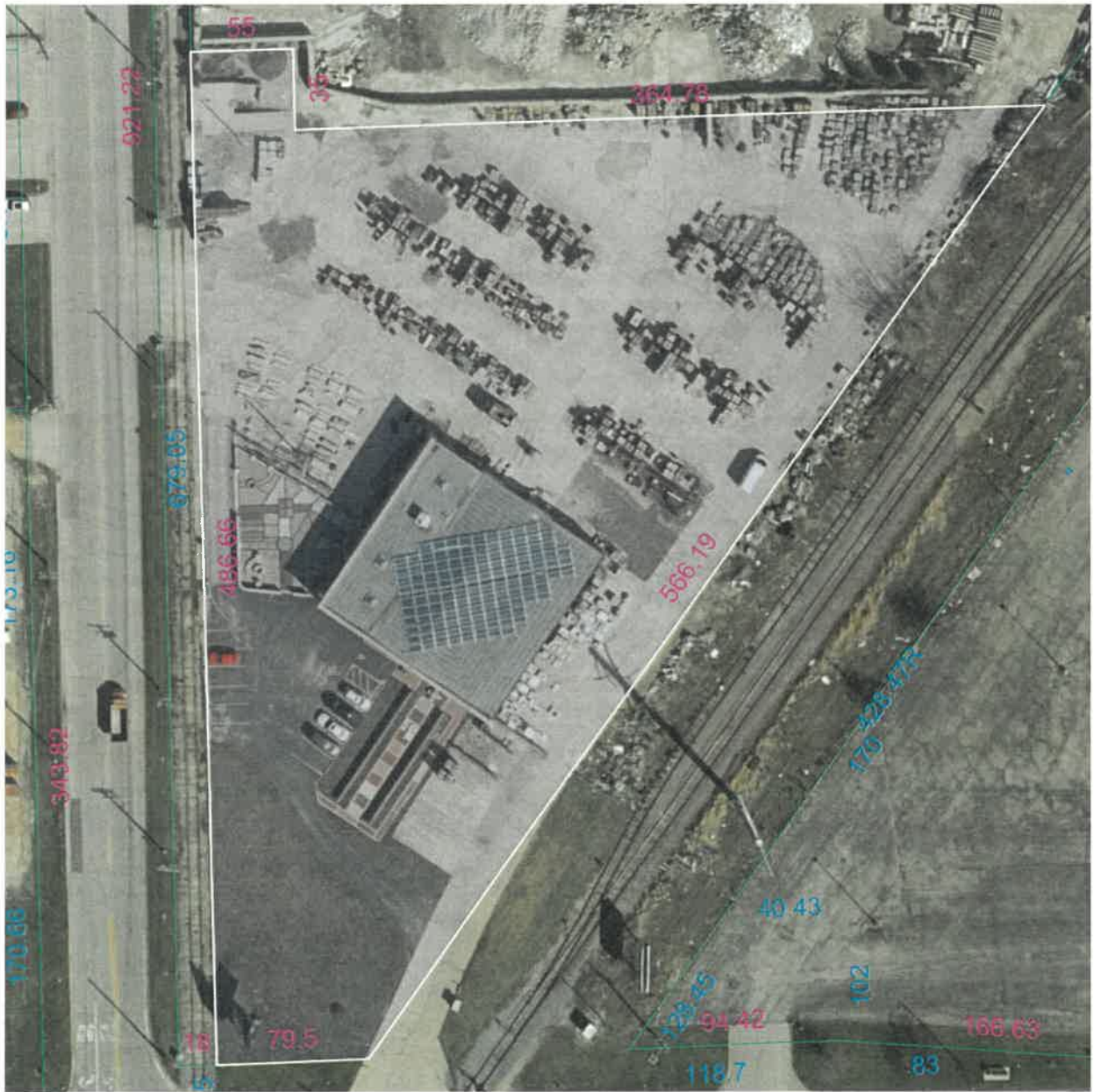
ATTACHMENTS:

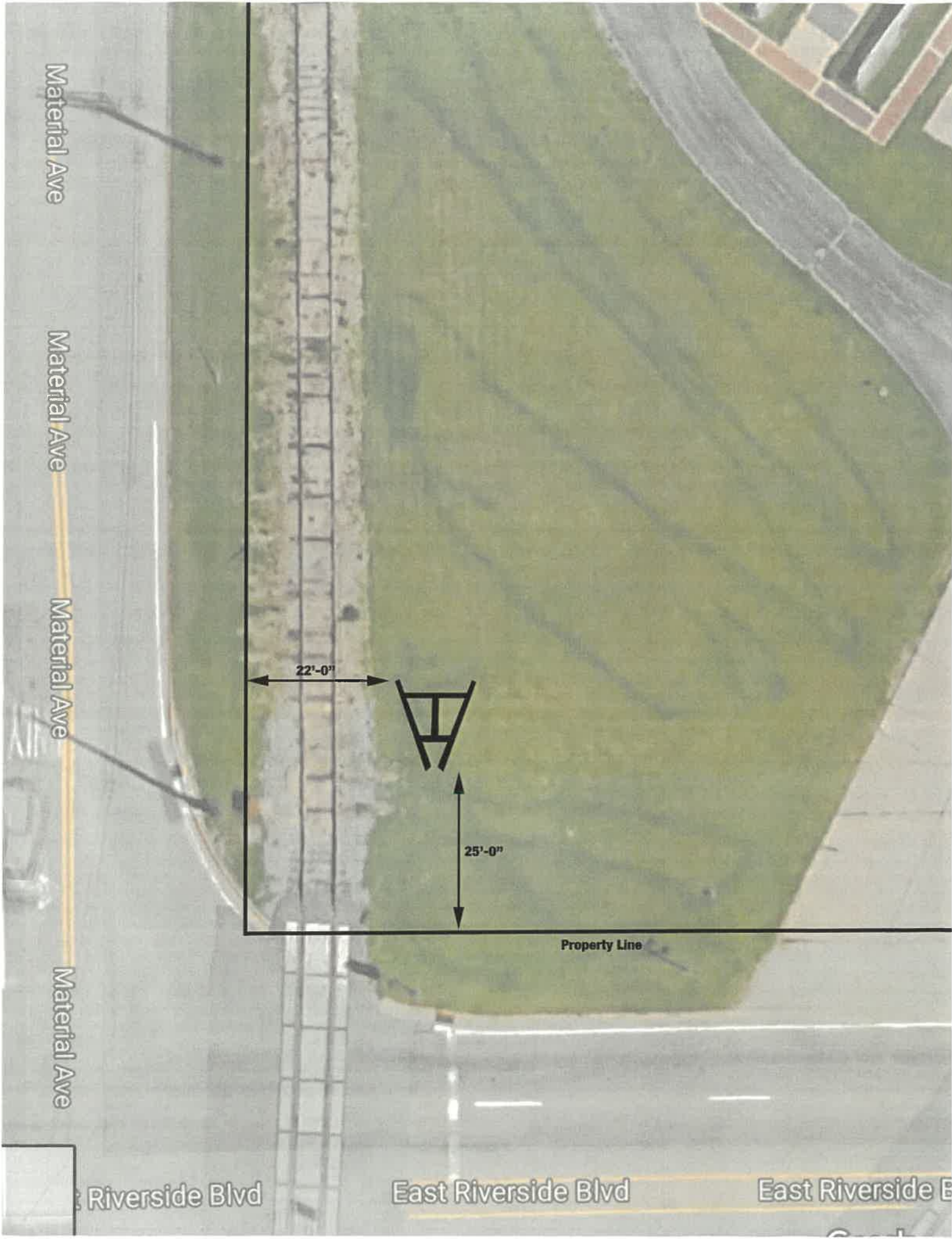
See attachments

**ZONING BOARD
RECOMMENDATIONS:**

Vote:

AUDIENCE COMMENTS:





Material Ave

Material Ave

Material Ave

Material Ave

Riverside Blvd

East Riverside Blvd

East Riverside B

22'-0"

25'-0"

Property Line

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.

5901 Material Avenue

ZBA

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

Reason:

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

Reason:

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

Reason:

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

Reason:

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

Reason:

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

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

These findings have been adopted as the official Findings of Fact for the City of Loves Park, Zoning Board of appeals agenda item: 5901 Material Avenue
SUP Billboard

Chairman
Benjamin Danielson

Signature

Date



ZONING BOARD OF APPEALS

Community Development Department

Date: February 15, 2024

SUBJECT: A Special Use Permit to allow 100% office space in the CR (Commercial Retail) Zoning District.

LOCATION: 234 E. Riverside Boulevard

**PROPERTY INFORMATION
AND RELEVANT FACTS:**

Commercial Retail:

Required: The commercial retail zoning district is a designated district for retail stores, limited office, amusement and wholesale establishments, offering commodities and services.

Provided: Medical office space only.

Parking:

Required: The business is required to have 4 stalls, one of which shall be an ADA compliant parking stall

Provided: The applicant is providing 5 parking stalls

Findings:

- 1 The establishment or operation of the special use will not be detrimental to the area or the public safety or general welfare of residents and business in the area. The use is low impact for this area. The property is capable of supporting uses that could have a harsher impact to the area.
- 2 The special use should not be injurious to the use of the property or to other uses already permitted in the area. The request is for 100% office space. The business will operate during a regular business hours M-F, 8am to 5pm, and will only be for office uses.
- 3 The establishment of the special use will not impede normal orderly development of the surrounding area. The area has seen little to no growth over the years. This section of commercial retail consists of many single family homes that have been converted for commercial purposes. While the area is commercial, the area does lend itself better for commercial office uses in this zoning district.

RECOMMENDATION:

Approval

A Special Use Permit to 100% office space in the CR (Commercial Retail) Zoning District.

Conditions:

1. The Special Use Permit expires with the discontinuance or sale of the medical office billing establishment.
2. All signage shall comply with the City's code, Section 102-284, for commercial signage.
3. The parking area shall be repaved or resurfaced and striped. The parking area shall

provide for 1 ADA compliant parking stall.

APPROVAL / DENIAL / TABLED

ATTACHMENTS:

See attachments

**ZONING BOARD
RECOMMENDATIONS:**

Vote:

AUDIENCE COMMENTS:



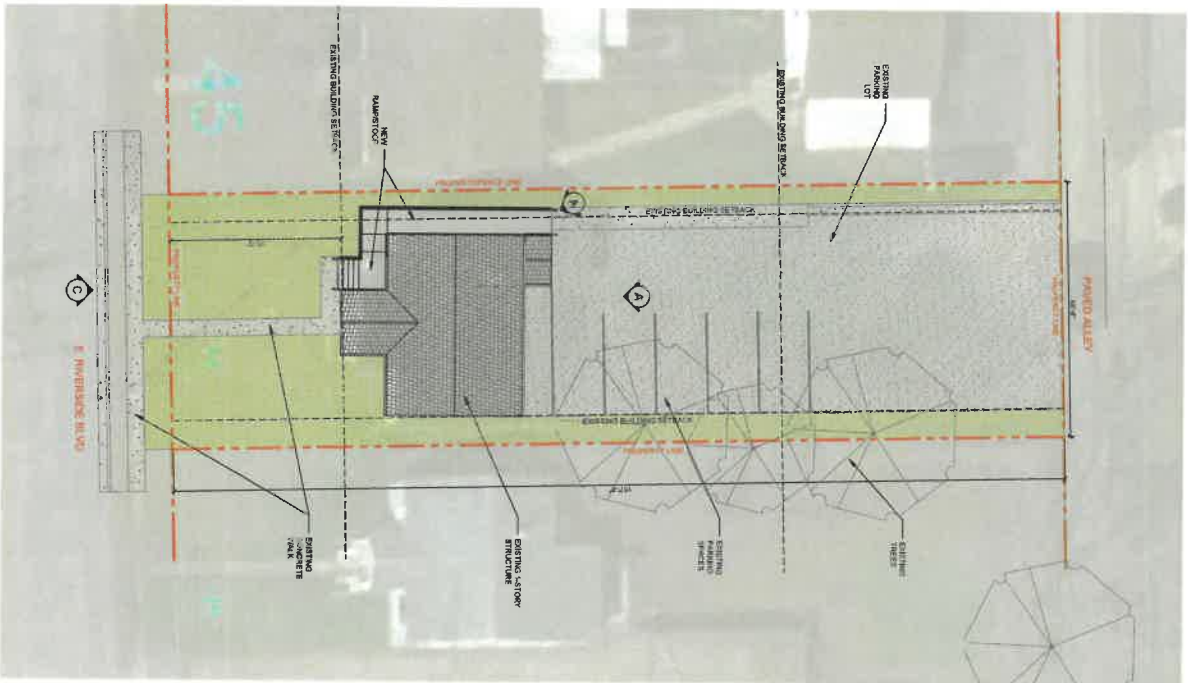
A REAR VIEW
1/2" = 1'-0"



B SIDE VIEW
1/2" = 1'-0"



C FRONT VIEW
1/2" = 1'-0"



1 ARCHITECTURAL SITE PLAN
1/2" = 1'-0"



NOTE:
THIS DRAWING IS A REPRESENTATION OF THE
EXISTING CONDITIONS AND IS NOT AN ENGINEERING SURVEY.

PLACE
foundry
DESIGN

PLACE FOUNDRY DESIGN, LLC
ARCHITECTURE & ENGINEERING
728 N PROSPECT ST., STE 101
ROCKFORD, IL 61107
WWW.THEPLACEFOUNDRY.COM

OWNER: MIDLER

PROJECT:

RENOVATION
FOR
MIDLER MBO
MEDICAL BUILDING OFFICE

ARCHITECT: JANE REISSER BAW

DATE: MARCH 2011

REVISION:

DATE: 03/23/2011

BY: JRB

DATE: 03/23/2011

BY: JRB

DATE: 03/23/2011

BY: JRB

DATE: 03/23/2011

BY: JRB

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BY: JRB

DATE: 03/23/2011

PROJECT NUMBER:
23-0158

SHEET TITLE:
ARCHITECTURAL
SITE PLAN

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 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.

234 E. Riverside Boulevard

ZBA

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

Reason:

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

Reason:

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

Reason:

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

Reason:

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

Reason:

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

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

These findings have been adopted as the official Findings of Fact for the City of Loves Park, Zoning Board of appeals agenda item: 234 E. Riverside Blvd
100% Office space

Chairman
Benjamin Danielson

Signature

Date



ZONING BOARD OF APPEALS

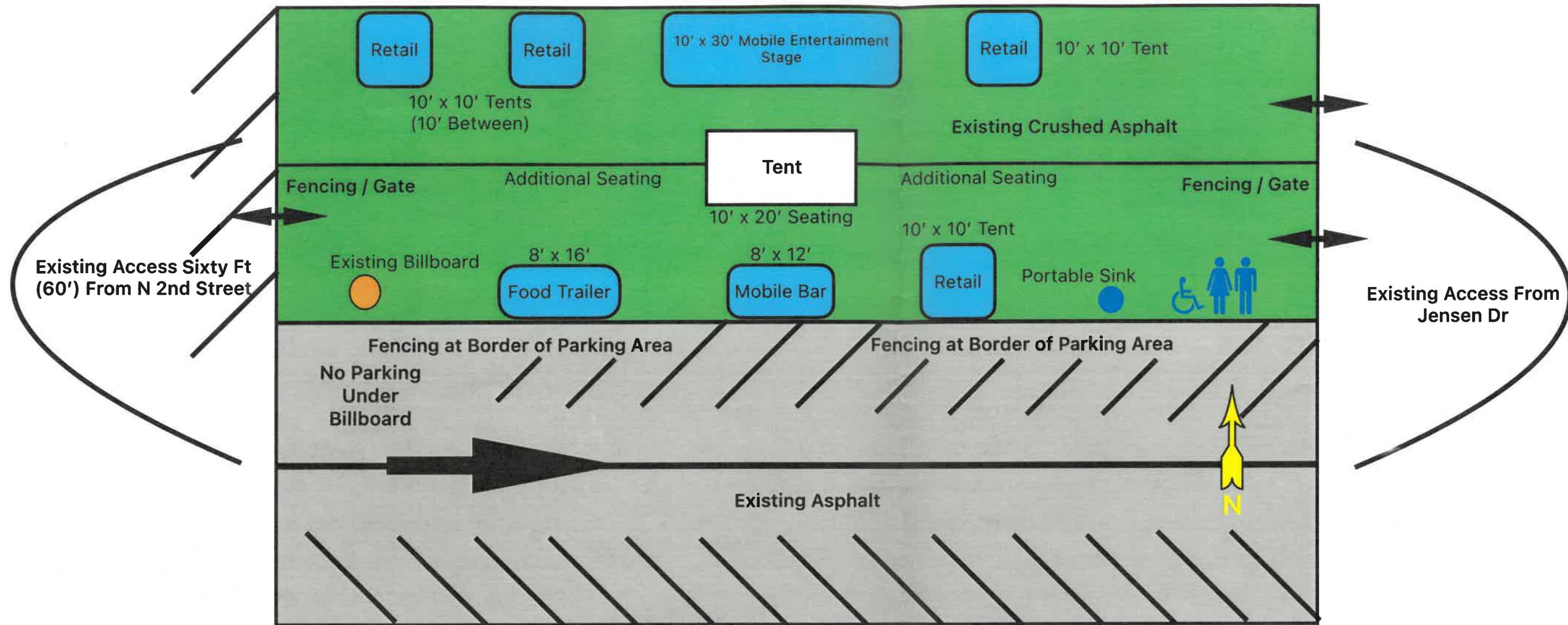
Community Development Department

Date: February 15, 2024

SUBJECT:	A Special Use Permit for an outdoor food market (12-06-304-005, 12-06-304-006, 12-06-304-007, and 12-06-304-008) in the CR (Commercial Retail) Zoning District.
LOCATION:	5723 N. Second Street
PROPERTY INFORMATION AND RELEVANT FACTS:	
Building Setback: Required:	No development planned
Provided:	No permanent structures will be erected. The land will remain undeveloped.
Parking: Required:	The parking provided is 24 parking stalls. One of the 24 stalls should be an ADA compliant stall.
Provided:	The applicant will be providing a fence around the property to deter theft of the items being stored outside.
Fencing: Required:	Outside storage would require landscaping or fencing to obscure items being stored outside.
Provided:	The site plan shows that some type of fencing will be provided, however, there is no clear indication of the type of fence.
Signage: Required:	The business owner is not required to have signage for the business.
Provided:	The applicant has expressed the need for signage, however, no clear indication has been provided on the type of signage.
Findings:	
1	The establishment of the special use will not be detrimental to the public health or negatively impact the general welfare of the public in this area. The use is for a small outdoor market with some retail, music, and food. This type of use will be better suited in a high traffic area where the public will have visibility to the activities for this business.
2	The special use will not be injurious to other properties in the immediate area. The use will have specific weekday hours, and weekend hours. The use has a limited time frame each year. The request will be from March to December, weather permitted. The outdoor market should compliment other existing food service establishments in the area, as well as, provide live music.

3	<p>The establishment of the use will not impede normal orderly development. If the food service market takes off, the applicant would like to develop the property to allow the use to grow in offerings, whether it be through food or vendors. Since the use is only permitted by special use, if there were any problems or issues that arise, the special use may be revoked by the Zoning Board and City Council. There have been a few outdoor vendors approved for the same or similar types of uses and no problems have been reported from those vendor markets.</p>
4,5	<p>Adequate measures for access and facilities will be provided. The properties are sandwiched between N. Second Street and Jensen drive, where there is additional off-street parking to accommodate patron overflow.</p>
RECOMMENDATION:	<p>Approval A Special Use Permit for an outdoor food market in the CR (Commercial Retail) Zoning District.</p> <p>Conditions:</p> <ol style="list-style-type: none"> 1. The Special Use Permit expires with the discontinuance of the outdoor food mart granted to Mr. Carlos Rosario. 2. The fence indicated on the site plan shall be an open decorative black aluminum fence. No temporary signage may be placed on the fence at any time. 3. The 24 parking stalls shown on the site plan shall be sufficient to accommodate customer parking. Of the 24 parking stalls provided, one shall be an ADA compliant stall. 4. A business license shall be obtained from the City Clerks office for this business within 30 days of the approval of the special use. 5. The parking area shall be resurfaced, and striped according to the site plan. 6. The special use shall be limited to the months of March through December, weather permitting. 7. Weekend hours shall be limited from 11AM to 12AM, and weekday hours from 11AM to 9PM. <p>APPROVAL / DENIAL / TABLED</p>
ATTACHMENTS:	<p>See attachments</p>
ZONING BOARD RECOMMENDATIONS:	
Vote:	
AUDIENCE COMMENTS:	

Existing Slot Business



**Plan For Proposed Use of Vacant Lot and Parking at 5723
N. 2nd Street, Loves Park IL 61111**

**The Four (4) Existing Section Border Dimensions Are
Approximately 140' x 25'
Twenty-Four (24) 9'x19' Parking Spaces Are On The South
Side Of Property, With An 18' Aisle Between Rows, Plus
Four (4) On The West Side**

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.

5723 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.

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: 5723 N. Second Street
Outdoor market

Chairman
Benjamin Danielson

Signature

Date