



**ZONING BOARD OF APPEALS**  
**Tuesday, June 17, 2014**  
**5:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Minutes on Website:** <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

**Present:**

**ZBA Members:** Aaron Magdziarz  
Alicia Neubauer  
Dan Roszkowski  
Craig Sockwell

**Absent:** Dennis Olson  
Scott Sanders

**Staff:** Todd Cagnoni – Director, Community & Economic Development Dept.  
Scott Capovilla – Zoning and Land Use Administrator  
Sandra Hawthorne - Administrative Assistant  
Mike Rotolo - Fire Department  
Marcy Leach – Public Works  
Lafakeria Vaughn - Assistant City Attorney

**Others:** Alderman Ann Thompson-Kelly  
Alderman Teena Newburg  
Kathy Berg, Court Stenographer  
Applicants and Interested Parties

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Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.

- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, July 30, 2014, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:40 PM. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the May meeting. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Dennis Olson and Scott Sanders absent.

<b>ZBA 020-14</b>	<b><u>3816 Broadway</u></b>
Applicant	SBA Communications / Mike Douchant
Ward 08	<b>Special Use Permit</b> to construct a 150' high cell tower in a C-2, Limited Commercial District

Prior to the meeting a letter was received from the Applicant requesting this item be Laid Over to the July 15<sup>th</sup> meeting.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the Special Use Permit to construct a 150' high cell tower in a C-2, Limited Commercial District at 3816 Broadway. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0.

<b>ZBA 021-14</b>	<b><u>50XX and 5051 East State Street</u></b>
Applicant	Jeffrey Linkenheld
Ward 14	<b>Special Use Permit</b> for an automated car wash <b>Variation</b> to reduce the required 20 feet wide frontage landscaping to 15 feet wide <b>Variation</b> to waive the required foundation landscaping in a C-2, Limited Commercial District

The subject property is located on the south side of East State Street, 410 feet east of Easton Parkway. Jeffrey Linkenheld from Arc Design and also the Applicant, Christian Kalischefski, Architect, and Dan Gunsteen and Mike Stanko were present. The property consists of two lots, approximately 2.53 acres in size combined and is the former Ryan's Steak House. The property will be replatted to create two lots and the car wash is proposed on the eastern portion, which is the existing parking lot. The car wash will be fully automated. The facility will also include a self-serve dog wash facility, and a vending room. Everything is contained within the building. Mr. Kalischefski explained the process of the car wash. The car wash consists of a 150' long tunnel. There is a separation between the wash area and the dry heat area. There are operational gates that open only when each stage of the wash is complete for safety. The building itself will be constructed of masonry, which Mr. Kalischefski stated shows a commitment to the

community in terms of longevity and appearance. There are windows on both sides of the building; however, they are only see through and functional on the wash base side. The other side is for consistency in appearance. There will only be equipment on that side of the building. Walls are masonry for additional soundproofing. The layout is counterclockwise, which allows the customers to always turn left, providing easy maneuvering through the site. In addition, there are 10 feet wide vacuum areas which allow a unit on both sides of the vehicle for ease in vacuuming. This layout prevents the customer from having to drag the vacuum hose from one side of the vehicle to another.

Generally they have 3 to 4 staffing at any given time, typically more on the weekends. Pricing starts at a basic wash of \$3, up to a \$15 wash. Monthly membership is also available. Mr. Kalischefski explained the water flow process of the procedure.

Mr. Roszkowski felt there was a lot of parking for this operation. It was explained that customers can use the vacuum facilities without getting a car wash and this would be at no cost to the customer. Some customers prefer to vacuum their vehicle prior to car wash and some prefer after. This spacing allows for both options without overcrowding. Mr. Sockwell asked about containing the dirt and sludge. The applicant responded that there is a 3 tank compartment system. When tanks become full, they hire a company to pump it out. The business will close for 2-3 hours while this pumping occurs.

Staff Recommendation is for Approval of all requests with (10) conditions. No Objectors or Interested Parties were present.

Ms. Neubauer pointed out that Staff felt landscaping issues still needed to be met but that Staff was willing to work with the Applicant. She wished to amend condition (7) to add "*in conjunction with and approval by*" Staff.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for an automated car wash; **APPROVE** the Variation to reduce the required 20 feet wide frontage landscaping to 15 feet wide and to **APPROVE** the Variation to waive the required foundation landscaping in a C-2, Limited Commercial District at 50XX and 5051 East State Street with amendment to condition (7). The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 4-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building Permits for Staff's review and approval.
3. Submittal of a dumpster detail and rendering for Staff's review and approval.
4. Must develop site and lighting in accordance with Exhibits G, the photometric plan approved by Staff.
5. Must develop building elevations in accordance with Exhibits I.
6. Must obtain separate permits for signage and sign must be constructed to match building design and in accordance with submitted sign elevations.
7. Must develop site in accordance with civil and landscaping plans in conjunction with and approval by Staff.
8. Must develop building elevations in accordance with Exhibits I and J.
9. The days and hours of operation are limited to Monday through Sunday from 7:00 A.M. to 9:00 P.M.
10. All conditions must be met prior to establishment of use.

**ZBA 021-14**  
**Findings of Fact for Approval of a Special Use Permit**  
**For an Automated Car Wash**  
**In a C-2, Limited Commercial Zoning District at**  
**50XX and 5051 East State Street**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
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.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-2 Limited Commercial Zoning District in which it is located.

**ZBA 021-14**  
**Findings of Fact for Approval of a Variation**  
**To Reduce the Required 20 Feet Wide Frontage Landscaping**  
**To 15 Feet Wide**  
**In a C-2, Limited Commercial Zoning District at**  
**50XX and 5051 East State Street**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.

5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 021-14**  
**Findings of Fact for Approval of a Variation**  
**To Waive the Required Foundation Landscaping**  
**In a C-2, Limited Commercial Zoning District at**  
**50XX and 5051 East State Street**

**Approval** of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will not be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

**ZBA 022-14**  
Applicant  
Ward 11

**1418 and 1422 Broadway**

Ricardo Chavez

**Special Use Permit** for an auto repair, tire store and towing facility  
**Variation** to allow parking and landscaping as per submitted site plan in a C-4,  
Urban Mixed Use District

Prior to the meeting, the Applicant requested that this item be Laid Over to the July 15<sup>th</sup> meeting.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the Special Use Permit for an auto repair, tire store and towing facility; and the Variation to allow parking and landscaping as per submitted site plan in a C-4, Urban Mixed Use District at 1418 and 1422 Broadway. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0.

**ZBA 023-14**  
Applicant  
Ward 08

**3816 Broadway**

Himanshi Modi / Nova Design Build

**Special Use Permit** for a drive-through in conjunction with a donut shop  
(restaurant) in a C-2, Limited Commercial District

The subject property is located east of Parkside Drive between Charles Street and Broadway. Greg Novak, representing Duncan Donuts, and Himanshi Modi, Architect, were present. Mr. Modi presented a Master site plan which also indicated a shared parking plan. This parcel is currently one large parcel of 5.09 acres. It will be subdivided to create two lots. The Applicant is proposing to construct his business on the northwest corner of the existing lot. Mr. Modi stated his client made a great deal of effort to meet the requirements of the ordinance when developing the layout. Attorney Hammer asked if the Applicant had an opportunity to review staff recommended conditions 1-12, specifically condition 6 regarding a parking agreement. Mr. Modi stated they have, and are agreeable.

Staff Recommendation is for Approval with (12) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Special Use Permit for a drive-through in conjunction with a donut shop (restaurant) in a C-2, Limited Commercial District at 3816 Broadway. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of Building permits for Staff's review and approval.
3. Submittal of a revised civil plan to include the new sidewalk (5) feet in width.
4. Submittal of a revised landscaping plan that includes plant species for Staff's review and approval.
5. Submittal of an explanation of the off-street parking calculations detailing the existing use of each tenant space (unit), the total amount of usable square footage of each tenant space (unit) and the required stalls for each tenant space (unit) pursuant to Article 50-003 for East Gate Shopping Center for Staff's review and approval.
6. Submittal of an executed parking agreement for Staff's review and approval.
7. Submittal of sign elevations and separate permits for signage for Staff's review and approval.
8. Must develop site in accordance with new civil and landscaping plans approved by Staff.
9. Submittal of a dumpster detail and rendering for Staff's review and approval.
10. Submittal of a photometric plan for Staff's review and approval.
11. Must develop building elevations in accordance with Exhibit H
12. All conditions must be met prior to establishment of use.

**ZBA 023-14**  
**Findings of Fact for Approval of a Special Use Permit**  
**For Drive-Through in Conjunction with a Donut Shop**  
**(Fast Food Restaurant)**  
**In a C-2, Limited Commercial Zoning District at**  
**3816 Broadway**

**Approval** of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
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.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

With no further business to report, the meeting was adjourned at 6:10 PM.

Respectfully submitted,  
Sandra A. Hawthorne, Administrative Assistant  
Zoning Board of Appeals