



ZONING BOARD OF APPEALS
Tuesday, May 19, 2015
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: Alicia DiBenedetto-Neubauer
Thomas Fabiano
Melissa Luciani-Beckford
Craig Sockwell
Kimberly Wheeler-Johnsen

Absent: Dan Roszkowski
Scott Sanders

Staff: Scott Capovilla – Zoning and Land Use Administrator
Angela Hammer – Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Kelly Nokes – Engineering Operators Manager – Public Works
Matt Knott – Fire Department
Officer Chelsey Lochner – Police Department

Others: Alderman Franklin Beach
Alderman Joseph Chiarelli
Alderman Teena Newburg
Alderman Venita Hervey
Kathy Berg - Court Stenographer
Applicants and Interested Parties

|
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 will 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 Tuesday, May 26, 2015, at 5:30 PM in City Council Chambers 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 5:30 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the April 21st meeting as written. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a of 5-0 with Scott Sanders and Dan Roszkowski absent.

ZBA 034-14
Applicant
Ward 10

5410 and 5456 East State Street

Dale Nelson / Drinc, Inc.

Special Use Permit for a restaurant, bar and grill and nightclub in a C-3, General Commercial Zoning District

Laid Over from August 2014 – March 2015

This item is in conjunction with an item on the Liquor & Tobacco Advisory Board application that is currently on hold. Both items will be Laid Over to the June 16th meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the Special Use Permit for a restaurant, bar and grill and nightclub in a C-3, General Commercial Zoning District at 5410 and 5456 East State Street. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-0.

ZBA 044-14
Applicant
Ward 11

383 18th Avenue

Rust-oleum Corporation / Scott Anderson

Variation to decrease the required front yard setback for a parking lot from ten (10) feet to zero (0) feet along 18th Avenue

Variation to reduce the required ten (10) feet wide frontage landscaping to zero (0) feet along 18th Avenue in an I-2, General Industrial Zoning District

Laid Over from October 2014 – April 2015

The Applicant has requested that this item be Laid Over to the June 16th meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the Variation to decrease the required front yard setback for a parking lot from ten (10) feet to zero (0) feet along 18th Avenue and to **LAY OVER** the Variation to reduce the required ten (10) feet wide frontage landscaping to zero (0) feet along 18th Avenue in an I-2, General Industrial Zoning District at 383 18th Avenue. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-0.

ZBA 055-14
Applicant
Ward 1

626 Shiloh Road
James E. Stevens
Modification of Special Use Permit #011-06 for a Planned Unit Development
to add 46 town homes in an R-3, Multi-family Residential Zoning District
Laid Over from January – April 2015

This item has been Withdrawn by the Applicant. No further action will be taken on this application.

ZBA 004-15
Applicant
Ward 10

3915 East State Street
Amerco Real Estate Co. / Zulema Longoria Ward
Special Use Permit for a Planned Unit Development consisting of two (2) buildings; one for a climate controlled self-storage facility and one for a new residential self-storage warehouse that includes outdoor rental and outdoor storage of light equipment (trucks, vans, and trailers) in a C-2, Limited Commercial Zoning District.
Laid Over from March and April 2015

This item has been **WITHDRAWN** by the Applicant. No further action will be taken on this Application.

ZBA 010-15
Applicant
Ward 12

3231 North Main Street
Bill Keedi
(A) Variation to allow a reduction in landscape frontage from 10' in width to 4' 10 1/2" in width.
(B) Variation to reduce the sign setback from five (5) feet to zero (0) feet for a free-standing landmark-style sign
(C) Variation to reduce the required four (4) shade trees to two (2) shade trees in a C-2, Limited Commercial Zoning District.

Prior to the meeting, a request was received from the Applicant's attorney requesting this item be Laid Over to the June meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the **(A) Variation** to allow a reduction in landscape frontage from 10' in width to 4' 10 1/2" in width; to **LAY OVER** the **(B) Variation** to reduce the sign setback from five (5) feet to zero (0) feet for a free-standing landmark-style sign; and to **LAY OVER** the **(C) Variation** to reduce the required four (4) shade trees to two (2) shade trees in a C-2, Limited Commercial Zoning District at 3231 North Main Street to the June 16, 2015 meeting. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-0.

ZBA 011-15
Applicant
Ward 11

920 1st Avenue
Morgan Smith for Rockford Area Arts Council
Special Use Permit for a mural in a C-4, Urban Mixed-Use Zoning District

The subject property is located on the north side of 1st Avenue, 90 feet west of the 1st Avenue and South Street intersection. Morgan Smith, Applicant was present. Ms. Smith works for Rock Valley College in Immigrant and Refugee Services and is Student Liaison for refugees in District 205. She stated she is looking to create a mural with students of the high school. She believes this mural will bring a new draw to the area and create an awareness of refugees that that have a great presence in this part of town as well as be a visual presentation of the diversity represented in Rockford. Ms. Morgan stated at this time

they do not have a final image of what the mural will look like. The drawing submitted with the application and included in the packet is just a general concept of what they are looking to do. They are looking for input from the students as well prior to making a decision on design. Mr. Capovilla stated they are expecting to have a drawing prepared in time to present to the Codes & Regs Committee on May 26th.

Staff Recommendation is for Approval with (2) conditions. No Objectors were present. There was one Supporter present.

Anne O'Keefe, Rockford Area Arts Council, is Executive Director and Chairperson for Rockford's Public Art Committee. She stated the Arts Council is excited to work with Ms. Morgan and her students on this project. She is confident they can come together with a design that will represent the population and put the community into a positive light.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for a mural in a C-4, Urban Mixed-Use Zoning District at 920 1st Avenue. The Motion was **SECONDED** by Kim Petersen and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Sign permit shall be required including an illustration of proposed paintings shall be submitted with the permit applications.
2. The mural panels may not consist of a vinyl banner material within a frame.

ZBA 011-15
Findings of Fact for Approval of a Special Use Permit
For a Mural
In a C-4, Urban Mixed-Use Zoning District at
920 1st Avenue

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-4 Zoning District in which it is located.

ZBA 012-15

Applicant
Ward 05

**916, 920, 926, 930, 934 Harding Street
9XX, 907, 913, 919 Hopkins Court & 1515 Clifton Avenue**

McClure Engineering Associates for Israel of God's Church

Modification of Special Use Permit #012-13 to allow a religious assembly with Parsonage

Variation to reduce the front yard setback from 20' to 10' along Hopkins Court in an R-1, Single Family Residential Zoning District

The subject property is located on the south side of Harding and approximately 130' west of Clifton Avenue, north of Hopkins. Walter Koch, Engineer for this project, reviewed the request. There is currently a church and a parsonage on site. The Applicant has acquired two additional lots since the Special Use Permit was granted in 2013. The church wishes to demolish the existing church and parsonage and build a new church approximately 9,400 square feet in size, as well as a new parsonage 3,387 square feet in size. The Variation is requested to allow for the required storm water detention. He stated the Applicant is agreeable to the addition of landscaping,

Staff Recommendation is for Approval with (3) conditions. Objectors or Interested Parties were present.

Alderman Venita Hervey stated she owns several properties in that area. She asked Mr. Koch which direction the parsonage would face and if it was a one or two story structure. Mr. Koch did not know. She also questioned what street the front of the church would be facing - Hopkins or Harding and Mr. Koch did not know. Mr. Koch did not know the size of the existing parsonage. Ms. Hervey stated she is very much in support of this project. She believes her initial concerns regard water runoff have been addressed through coordinating efforts between Public Works and the applicant. Mr. Koch stated since the original submittal two years ago, the detention area has been increased in size. There are 58 parking spaces shown. Ms. Hervey would prefer to see parking only on one side of the street on Hopkins and Harding due to these streets being quite narrow. She also indicated she does not want the back end of the church to face Hopkins.

Scott Capovilla confirmed that during the pre-application meeting with Public Works, it was determined that what was submitted for the detention area appears to be adequate to handle run-off. He explained to Alderman Hervey that parking concerns would have to be taken up with the traffic commission.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Modification of Special Use Permit #012-13 to allow a religious assembly with Parsonage; and to **APPROVE** the Variation to reduce the front yard setback from 20' to 10' along Hopkins Court in an R-1, Single Family Residential Zoning District at 916, 920, 926, 930, 934 Harding Street and 9XX, 907, 913, 919 Hopkins Court and 1515 Clifton Avenue. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Submittal of a revised landscape plan for Staff's review and approval.
3. Property must be developed in accordance to site plan Exhibit D

ZBA 012-15
Findings of Fact for Modification of Special Use Permit #012-13
To Allow a Religious Assembly with Parsonage
In an R-1, Single-Family Residential Zoning District at
916 Harding 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 Zoning District in which it is located.

ZBA 012-15
Findings of Fact for Approval of a Variation
To Reduce the Front Yard Setback from Twenty (20) Feet to Ten (10) Feet
Along Hopkins Court
In an R-1, Single-Family Residential District at
916 Harding 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 013-15

Applicant
Ward 11

811 Broadway

Ericka Sanchez

Special Use Permit for a grocery store that includes outdoor rental and outdoor storage of light equipment (trucks, vans, and trailers) in a C-2, Limited Commercial Zoning District

The subject property is located on the southwest corner of 4th Street and Broadway and is currently a grocery store. Amy Nunez, co-owner and sister of the Applicant reviewed the application. She stated this business has been family owned and run since 2003. The Applicant is asking to have a U-Haul business at this location in addition to the grocery store.

In Staff's report, condition (9) is that the storage of rental vehicles shall be to the south of the building, which is the rear of the building. Staff is requesting that there be no storage of vehicles in the North (front) parking area. Ms. Nunez asked that they be allowed to keep one vehicle in the front parking area for advertising and ease of helping their customers find the location when they come to pick up the rentals. Mr. Capovilla stated the decision to allow a vehicle in the north area is up to the Board. Tom Fabiano asked if a limit could be put on how often a vehicle would be allowed there.

Staff Recommendation is for Approval with (10) conditions. No Objectors were present. One Supporter was in attendance.

Karen Elyea, Alderman for this Ward, stated she is in support of this request. She stated she rents u-hauls at this location for her business use frequently. She does not feel it is a problem to allow one vehicle in the north area of the lot. Her feeling is that this service is an asset to the area.

Mr. Capovilla clarified condition (8) for the Applicant. He further indicated condition (4), hours of operation, should be changed to opening at 8:30 AM and condition (5) should be changed to opening at 11:00 AM. The Board wished to change condition (9) to allow one U-Haul Van in the north parking lot.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Special Use Permit for a grocery store that includes outdoor rental and outdoor storage of light equipment (trucks, vans, and trailers) in a C-2, Limited Commercial Zoning District at 811 Broadway. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all Building and Fire Codes.
2. Submittal of a civil plan to include improvements to the parking lot and asphalt area south of the building.
3. Submittal of a revised landscape plan to include additional plant species in the perimeter landscaping along 4th Street and Broadway with concrete curbing around the perimeter landscaping and a Type B Buffer along the south property line with a ten feet wide buffer with 50% of the required landscape units and a vinyl sight-obstructing fence (6) feet in height.
4. The hours of operation and days will be 8:30 AM to 8:00 PM Monday through Saturday.
5. The hours of operation and days will be 11:00 AM to 8:00 PM on Sunday.
6. That the freestanding sign shall be a landmark-style sign in accordance with the Sign Ordinance replacing the existing freestanding sign.

7. Must obtain sign permit for new landmark-style freestanding sign.
8. The existing poles in the parking lot and landscaped areas shall be removed.
9. The outdoor rental and outdoor storage must be located in the area south of the building within the fencing and shall be limited to seven (7) trucks and vans and five (5) trailers and only one rental van can be parked in the north parking lot.
10. All conditions must be met prior to establishment of use.

ZBA 013-15
Findings of Fact for Approval of a Special Use Permit
For a Grocery Store that Includes Outdoor Rental and Outdoor Storage
Of Light Equipment (Trucks, Vans, and Trailers)
In a C-4, Urban Mixed-Use Zoning District at
811 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 C-4 Zoning District in which it is located.

With no further business to report, the meeting was adjourned at 6:15 PM
Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Zoning Board of Appeals