

ZONING BOARD OF APPEALS

Tuesday, August 21, 2007

6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members: Dan Roszkowski, Acting Chairman
Fred Money
William Orr
Tom Przytulski
David Peterson

Absent: Tom Morgan, Chairman
Alice Howard

Staff: Todd Cagnoni – Manager of Current Planning
Sandra Hawthorne – Administrative Assistant
Jon Hollander – City Engineer, Public Works
Kerry Partridge – City Attorney
Frank Schmitt - Fire Prevention Division

Alderman Frank Beach (left at 8:15)
Alderman Nancy Johnson (left at 8:30)
Alderman Doug Mark (left at 8:30)
Alderman Dan Conness (left at 7:25)
Alderman Bill Timm

Others: Kathy Berg, Stenographer
Applicants and Interested Parties

The meeting started at 6:30 P.M. A **MOTION** was made by Fred Money to **APPROVE** the minutes of the July 17, 2007 meeting as submitted. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 5-0 with Tom Morgan and Alice Howard absent.

043-07 **52XX Newburg Road & 14XX Geneva Avenue**
Applicant Sanotta General Contractors
Ward 14 **Special Use Permit for a Planned Residential Development**
 consisting of eight (8) homes in an R-1, Single-family Residential District
 Laid Over from June and July meeting

This property is located on the northwest corner of Newburg Road and Geneva Avenue. Virgilio DiBenedetto and Joseph Santucci were present. Mr. DiBenedetto reviewed his request. The original request was for eight homes, but was modified to seven after working with Staff. Five homes are planned with access by a private street. Two single-family homes would be located on Geneva Avenue. The homes would be of various designs with a mixture of brick and stone façade. An elevation plan was presented showing examples of styles and layout. This will be a condominium development.

Staff Recommendation was for Approval with 6 conditions. Objectors were present.

Objectors

Ray Deanda, 1415 Geneva Avenue., stated this area is an older neighborhood with a variety of styles and ages. He is concerned with flood plain and water retention and the effect drainage will have on neighboring properties.

Dan Genovese, 1409 Geneva Avenue, questioned whether this project would be affordable housing, to which the Applicant responded that it would not. He stated he is concerned with the type of people that would be purchasing the proposed homes. Mr. Genovese stated he does like the homes on Lakewood built by the Applicant. He was concerned that the homes built would not be actually as presented. He also felt that this development had too many houses for the area.

Joyce Keegin, 1315 Geneva Avenue, stated that most of the existing homes have large lots and this project would not fit in with the rest of the neighborhood. She expressed concern that it is difficult at this time to get out on Newburg and additional homes would add to the problem.

Laura Hanson, 1332 Geneva Avenue stated she moved into this neighborhood because of the country atmosphere. She stated currently there are no sidewalks or curbs, giving it a country feel. She does not want additional houses in the neighborhood, stating she likes it the way it is.

Lucy Huvey, 1322 Esmond Drive also expressed concerned with water run off. She questioned whether the condominiums would be taxed at the same rate as the existing homes.

In response, Mr. DiBenedetto stated proper retention area has been allowed for the requirements of this size lot. He stated that per City code, an additional house could be put on this lot, but they have chosen to allow more size to the lots. He explained that the subdivision will have its own detention area. Regarding Ms. Huvey's question regarding taxes, he stated if taxes go up, this is an indication that the value of neighboring homes has gone up. If taxes stay the same, it means the value of the home does not increase. Mr. DiBenedetto verified that construction of the proposed homes would be the same as those built on Clairmont and Lakewood. The Applicant is going to have a mix of brick and stone so homes have a variety of appearances. He further explained that there will be no outlet on Newburg Road – traffic will be directed to Geneva. He stated that left hand turns on Newburg Road are always difficult no matter how many homes are involved due to the traffic on Newburg. He pointed out that this development is only at the corner of the street, so it would not affect the style of the existing neighborhood.

Mr. Cagnoni verified that through a subdivision plat it could be possible to have more than 4 lots possibly 5 with a total of 1.72 acres. Per Zoning ordinance, 5.65 dwelling units per acre are allowed. He confirmed that this project does conform to the density requirements.

Dan asked if the project would still be feasible if one unit was eliminated along Geneva with access to the south. It was his feeling that a single home on that lot would be more in character with the existing neighborhood. Mr. DiBenedetto said it was possible and would do so if this was a condition of approval.

Alderman Dan Conness stated he was not going to ask the Zoning Board to support or deny. He stated he wants to be guaranteed that City staff makes certain drainage is not going to cause any problems for anyone else in the neighborhood and that landscaping is even more than code requires. Mr. Cagnoni verified this project will have to go through the City's subdivision process and a landscaping plan will need to be designed by a landscaping architect and approved by Staff. Alderman Conness again emphasized that he wants landscaping on this property to be above code. He requested this development have a condo association to assure landscaping is kept up. He also requested that Public Works do a traffic count.

During discussion between the Board and Staff, it was decided to add conditions 7, 8, and 9 as part of approval. It was also decided that the request be for six (6) homes and not the (7) as requested.

A **MOTION** was made by Fred Money to **DENY** the Special Use Permit for a Planned Residential Development consisting of seven (7) homes, and to **APPROVE** the Special Use Permit for a Planned Residential Development consisting of six (6) homes in an R-1, Single-family Residential District at 52XX Newburg Road and 14XX Geneva Avenue with added conditions 7, 8, and 9. The Motion was **SECONDED** by Dave Peterson and **CARRIED** by a vote of 4-1, with Tom Przytulski voting Nay.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Building materials and architectural features for the proposed building shall be reviewed and approved by staff prior to the issuance of building permit.
3. As the site develops submittal of landscaping, signage, illumination, will be required for staff review and approval and meet all applicable codes and ordinances prior to the issuance of building permit.
4. Sidewalks will be required as the site develops prior to building permit.
5. Substantial conformance with the site layout submitted by the applicant July 10, 2007, identified as Exhibit D.
6. Substantial conformance with the building layout and elevations submitted by the applicant regarding the row houses dated July 9, 2007 identified as Exhibit E.
7. The proposed structure along Geneva Avenue face Geneva Avenue and access be on the private drive.
8. That the property is a condominium development and that Condominium Regulations be submitted for staff review and approval.
9. A final subdivision plat is submitted for City review and approval.

043-07
Findings of Fact for a Special Use Permit
for a Planned Residential Development
Consisting of Seven (7) Homes
In an R-1, Single-Family District at
52XX Newburg Road and 14XX Geneva Avenue

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

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will 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 not been provided.
5. Adequate measures have not 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 does not conform to the applicable regulations of the R-1, Single-family Zoning District in which it is located.

043-07
Findings of Fact for a Special Use Permit
for a Planned Residential Development
Consisting of Six (6) Homes in an
R-1, Single-Family District at
52XX Newburg Road and 14XX Geneva 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 R-1, Single-family Zoning District in which it is located.

058-07 **3185 Applewood Lane**
 Applicant Mosaic Nebraska Nonprofit Corp / Carla Saelens
 Ward 4 **Special Use Permit** for Community Based Housing that will have eight (8) residents in a single dwelling unit in a R-1, Single-family Zoning District

The subject property is located at the intersection of Applewood Lane and Applewood Close. Carla Saelens, Applicant, reviewed the request for Special Use Permit. She stated Mosaic currently operates a Community Based Housing at this location with six residents and wish to expand that to eight. The clients have developmental disabilities and type of clients will remain the same.

Staff Recommendation was for Approval with 1 condition. No Objectors were present.

A **MOTION** was made by William Orr to **APPROVE** the Special Use Permit for Community Based Housing that will have eight (8) residents in a single dwelling unit in an R-1, Single-family Zoning District at 3185 Applewood Lane. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. That the property and use shall comply with all Building and Fire Codes.

058-07
Findings of Fact for a Special Use Permit
For Community Based Housing
That will have Eight (8) Residents in a Single Dwelling Unit
In an R-1, Single-Family Residential Zoning District at
3185 Applewood Lane

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 R-1 Zoning District in which it is located.

059-07 **27XX Rockton Avenue**
 Applicant Alice A. Anderson
 Ward 9 **Special Use Permit for a Planned Mixed-Use Development**
 consisting of a video store in an R-1, Single-family Residential District

The subject property consists of five vacant lots east of Rockton Avenue between Sauber and Glenwood. Alice Anderson, Applicant, reviewed the request for Special Use Permit. She stated Family Video is interested in purchasing this property. She also stated North Main is a busy street and has businesses along it, and Rockton Avenue is also a busy street with businesses. She felt she has tried to sell this property in the past with no positive results because of the zoning and would like to be able to sell the property to Family Video.

Staff Recommendation was for Denial. Objectors were present, and a Petition of Objection with 56 names was submitted prior to the meeting.

Objectors

Karyn and Kurt Brokhausen, 2815 and 2821 N. Rockton. Mrs. Brokhausen stated this area has been residential for years. The homes are well kept up, and the residents are family oriented. She stated they are not against development on this parcel, but would prefer to see something with less impact such as medical office. She feels a video store would destroy the family and residential focus of the existing neighborhood. Mrs. Brokhausen stated she has never seen a For Sale sign on these properties to invite other investors. Mr. Brokhausen stated there is commercial to the north at the shopping center at Logli's and other businesses. These have increasingly become empty and the shopping center is going downhill. He recommended the video store go one block north, where it would be more appropriate and not have to change zoning.

Kristin Gonzalez, 2420 Sauber Avenue, stated her property backs up to the subject property. She stated her home is her investment. She is concerned with increased traffic and that the operational hours would cause increased exposure to crime or become a hangout area.

Tim Fletcher, 2411 Glenwood Avenue, is 2 lots east of the subject property. He stated he and his wife are planning to start a family in the near future and is very concerned with the traffic and lights late in the evening as well as the crime factor.

Elizabeth Roddy, 2419 Glenwood Avenue stated this area has been zoned residential for years and she does not want to see it change.

Diana Youngberg, 2706 North Rockton Avenue stated she has lived across the street from the subject property since 1981. She requests that the Board deny this application because the neighbors are working so hard to keep the integrity of neighborhood. A video store would have a big impact on the residential community. She also was concerned with noise, traffic, and risks of accidents. Late night activity has been a problem recently and she feels a business of this nature would cause an increase in crime.

Alderman Bill Timm spoke as an objector to this project. He stated this area is one of the best neighborhoods in the 9th Ward, with well maintained lawns and streets. He expressed his opinion that a video store at this location would be totally out of place and character.

In response, Ms. Anderson stated she feels the neighborhood is going backwards by opposing this development. She again stated Rockton Avenue is a busy street. She added that the Brokhausen's, who were present in Objection, were very happy to sell this land to her with the idea that this could be commercial. She feels Family Video is a well run company, already established in two places in Rockford. Their building is beautiful, with no bright lighting. She stated she had to give up some land to allow widening of the street and the land is almost worthless because of the amount she had given up. Ms. Anderson stated she is not being treated very fairly by the neighborhood. Businesses and houses live nicely with each other. She said she cannot sell this land, but has to pay taxes on it. She also stated Subway wanted to locate on this parcel but was turned down; however, she said she was not aware that they were interested.

A **MOTION** was made by Tom Przytulski to **DENY** the Special Use Permit for a Planned Mixed-Use Development consisting of a video store in an R-1, Single-family Residential District at 27XX Rockton Avenue. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

059-07
Findings of Fact for a Special Use Permit
for a Planned Mixed-Use Development Consisting of a Video Store
In an R-1, Single-Family Residential District at
27XX Rockton Avenue

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

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community. The City's 2020 Plan designates the subject property as residential medium density with an overlay of commercial office.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood. The subject property is surrounded by single-family homes on three sides.
3. The establishment of the special use will 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 not been provided.
5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the R-1, Single-Family Residential Zoning District in which it is located.

060-07 **905 18th Street**
Applicant Lisa Chatfield
Ward 2 **Special Use Permit for a Planned Residential Development**
 consisting of a two-family residence in an R-1, Single-family Zoning District

The subject property is located approximately 65 feet from the intersection of 8th Avenue and 18th Street. Lisa Chatfield, Applicant, explained that this is a two-family residence in an R-1 zoning area. Mortgage lenders consider her a high risk because the unit is non-conforming and cannot be rebuilt if destroyed by 50% or more. The approval of this Special Use Permit would bring this property into conformance. The current tenants have been in the building for a number of years and are interested in purchasing. Ms. Chatfield explained that she lives in Belvidere and does not want to be a landlord any longer.

Staff Recommendation was for Approval with no conditions. No Objectors were present.

A **MOTION** was made by Fred Money to **APPROVE** the Special Use Permit for a Planned Residential Development consisting of a two-family residence in an R-1, Single-family Zoning District at 905 18th Street. The Motion was **SECONDED** by Dave Peterson and **CARRIED** by a vote of 4-1, with William Orr voting Nay.

060-07
Findings of Fact for a Special Use Permit
For a Planned Residential Development
Consisting of a Two-Family Residence in an R-1, Single-Family Zoning District at
905 18th 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 R-1 Zoning District in which it is located.

061-07 **4760 E. State Street**
Applicant M & S Import Food & Deli / Sead Mesic
Ward 10 **Variation** from the required parking spaces to 47 parking spaces
 in a C-3, Commercial General District

This property is located on the northwest corner of East State Street and Flintridge Drive and is currently a shopping center with various uses. Sead Mesic, Applicant, reviewed the request for Variation. He wishes to operate a grocery store and deli in one of the two vacant spaces. He specified that he is not requesting the sale of alcohol now, and does not intend to do so in the future.

Staff Recommendation was for Approval with no conditions. No Objectors.

A **MOTION** was made by William Orr to **APPROVE** the Variation from the required parking spaces to 47 parking spaces in a C-3, Commercial General District at 4760 East State Street. The Motion was **SECONDED** by Tom Przytulski and **CARRIED** by a vote of 5-0.

061-07
Findings of Fact for a Variation
From the Required Parking Spaces to 47 Parking Spaces
In a C-2, Commercial Community District at
4760 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. There is no room on the subject property where additional parking spaces could be added.
2. The conditions upon which a petition for a Variation is 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. The shopping center uses and number of parking spaces are grandfathered.
3. The purpose of the 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 the 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. The subject property is adjacent to other commercial zoned property.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor 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.

062-07 **2910 East State Street**
Applicant Christianne Munn & Pamela Mott
Ward 10 **Variation** to reduce the required rear yard setback from 30 feet to
 12 feet in an R-1, Single-family Residential District

The subject property is located on the northwest corner of Oak Knolls and East State Street. Christianne Munn and Pamela Mott were present. Ms. Munn reviewed the request for Variation. After remeasuring, Ms. Munn explained the request for variation to setback is amended to a 14 foot setback rather than 12. She stated this property has a detached garage that is not in good condition. They wish to demolish this garage and build an attached one but cannot meet the 30 foot setback line. An elevation plan was provided to show that the design of the garage matches the design of the home. Staff condition #3 stated the existing access off of East State Street must be removed. The Applicants expressed they would like to continue to have this access off of E. State Street. She stated if this front driveway were removed, it would force guests to park on Oak Knolls and walk around to front. Mr. Roszkowski asked if the front walk could be redirected to Oak Knolls. Ms. Munn said they were giving consideration to having a turnaround between the house and East State Street. Mr. Roszkowski explained the City does not allow turnarounds in the front yard because people use them as parking areas. Ms. Munn explained that the State Street drive is used daily because it allows better visibility than Oak Knolls because of the hill.

Mr. Przytulski pointed out that the proposed structure is not just a garage, but also has a rec room and a bathroom. Ms. Mott explained the home only has two bedrooms and this would give them additional space.

Alderman Frank Beach spoke in favor of this application, stating the applicants have taken care of this home and have made it attractive. He feels what they are wanting to do will enhance this property and urged the Zoning Board to vote for approval.

Staff Recommendation was for Approval with 4 conditions. No Objectors were present.

During discussion, Mr. Money asked Staff if condition 3 were removed, would Staff's recommendation remain at Approval. Mr. Cagnoni stated the Board had the ability to make changes in the conditions and that Staff's recommendation would remain the same.

A **MOTION** was made by Tom Przytulski to **APPROVE** the Variation to reduce the required rear yard setback from 30 feet to 14 feet as amended, in an R-1, Single-family Residential District at 2910 East State Street with the removal of condition 3. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 4-1 with Tom Przytulski voting Nay.

Approval is subject to the following conditions:

1. The proposed addition must be in accordance with Exhibit D.
2. An elevation plan must be submitted that illustrates that the addition will match the existing home design for staff's review and approval.
3. Work within the right-of-way along East State Street may require a permit through IDOT.

062-07
Findings of Fact for a Variation
To Reduce the Required Rear Yard Setback
from 30 Feet to 14 Feet
In an R-1, Single-family Residential District at
2910 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 a Variation is 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 the 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 as shown on Exhibit D.
5. The granting of the 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, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor 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.

063-07 **7474 E. State Street**
 Applicant Joseph Castrogiovanni
 Ward 1 **Special Use Permit** for off-premise business sign in a C-3,
 Commercial General District

This property is located on the northwest corner of North Bell School Road and East State Street and is the former Country Kitchen. The restaurant was demolished earlier this year, and the Applicant’s intent is to put a small strip mall on the site. Joseph Castrogiovanni, Applicant, reviewed the request for Special Use Permit. Mr. Castrogiovanni owns this property as well as the property that Giovanni’s restaurant is on. The existing sign that is located on the corner of Argus and Bell School Road will be removed and a new one installed to advertise Giovanni’s as well as the planned tenants of the strip mall. The proposed sign meets ordinance requirements.

Mr. Orr asked if this sign would meet the proposed future sign ordinance. Mr. Cagnoni stated it would conform to proposed regulations in regards to size. Staff recommendation was based on the existing ordinance. Mr. Cagnoni explained that Staff did not feel it would be fair to base their recommendation on an ordinance that was not out to the public as yet. Future requests will have the proposed ordinance taken into consideration.

Staff Recommendation was for Approval with 4 conditions. No Objectors were present.

A **MOTION** was made by Tom Przytulski to **APPROVE** the Special Use Permit for off-premise business sign in a C-3, Commercial General District at 7474 East State Street. The Motion was **SECONDED** by Dave Peterson and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Placement of sign shall be in accordance with Exhibit D.
2. Construction of sign shall be in accordance with Exhibit E.
3. The proposed LED sign may not exceed 40 square feet as shown on Exhibit E.
4. Removal of the existing free-standing sign for Giovanni’s Restaurant must removed prior to installation of the new free-standing sign.

063-07
Findings of Fact for a Special Use Permit
For Off-Premise Business Sign
In a C-3, Commercial General District at
7474 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-3 Zoning District and conditions of approval.

064-07 **4007 E. State Street**
 Applicant D. Kevin Sommer
 Ward 10 **Special Use Permit for a Planned Mixed-Use Development**
 for auto or truck leasing including outside storage of vehicles in a C-2, Commercial
 Community District

The subject property is located on the south side of East State Street and south of Don Carter's building. Kevin Sommer, Applicant, reviewed the request for Special Use Permit. He stated this is a small track of land on the south edge of the parking lot currently being used to store rental units. This application is to bring the use into compliance.

Staff Recommendation was for Approval with 2 conditions. No Objectors were present.

Alderman Frank Beach stated his concern is not with the request and he is not in Objection. His concern was that this area has been designated as a TIF and a lot of discussion has been brought forth about new development in its place. He wished to suggest that if the Special Use Permit is approved, it be under the condition of a two year approval with a possible renewal to be certain that it does not stop future development that may occur prior to the expiration of the five year period. Mr. Sommer asked if the Special Use Permit could automatically renew in two years. Mr. Roszkowski explained that the applicant would need to reapply to avoid interfering with new development. Todd explained that the Board and Staff are bound by the ordinance and neither has legal authority to approve an Ordinance. This is only an authority granted to City Council. Alderman Beach asked if Staff could waive the filing fee and Todd explained that is also a Council decision.

A **MOTION** was made by William Orr to **APPROVE** the Special Use Permit for a Planned Mixed-Use Development for auto or truck leasing including outside storage of vehicles in a C-2, Commercial Community District at 4007 East State Street with amended condition 2 to state "in 5 years". The Motion was **SECONDED** by Tom Przytulski and **FAILED TO CARRY** by a vote of 3-2 with Fred Money and Dave Peterson voting Nay.

A second **MOTION** was made by Fred Money to **APPROVE** the Special Use Permit for a Planned Mixed-Use Development for auto or truck leasing including outside storage of vehicles in a C-2, Commercial Community District at 4007 East State Street with amended condition 2 to state "in 2 years". The Motion was **SECONDED** by Tom Przytulski and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. The Special Use Permit is limited to the area shown on Exhibit D.
2. The Special Use Permit shall expire in 2 years from date of Ordinance approval.

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 a Variation is 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 the 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 the 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, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor 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.

066-07 **2605 Pamela Avenue**
 Applicant Linda R. Holder
 Ward 8 **Special Use Permit for a Planned Mixed-Use Development**
 consisting of mini-storage units and a machine shop in a I-1, Light Industrial Zoning District

The subject property is located 220 feet east of the 22nd Street and Pamela Avenue intersection. Linda Holder, Applicant, reviewed the request for Special Use Permit. The property currently has an office/machine shop and mini-storage on it. Ms. Holder stated these units are full and additional storage is needed.

Alderman Nancy Johnson spoke in favor of the application, but wished to be certain the Applicant is aware of condition 5 that no outside storage is allowed. She added that the Applicant has a very nice facility.

Chief Schmitt wished to add a condition that a Knox Key be installed on the gate for emergency access for the Fire Department. The Applicant was in agreement.

Staff Recommendation was for Approval with 5 conditions. No Objectors were present.

A **MOTION** was made by Tom Przytulski to **APPROVE** the Special Use Permit for a Planned Mixed-Use Development consisting of mini-storage units and a machine shop in a I-1, Light Industrial Zoning District at 2605 Pamela Avenue with added condition 6. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. The lot must be paved with cement or blacktop.
2. That the property and use shall comply with all Building and Fire Codes.

3. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval.
4. Submittal of a parking lot plan for Staff's review and approval.
5. No outside storage of any auto parts, equipment, materials or inoperable vehicles.
6. A Knox Key shall be installed on the gate for emergency access, location to be approved by the Fire Department.

066-07
Findings of Fact for a Special Use Permit
For a Planned Mixed-Use Development
Consisting of Mini-Storage Units and a Machine Shop
In an I-1, Light Industrial Zoning District at
2605 Pamela 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 I-1 Zoning District in which it is located.

067-07 **3012 Wallin Avenue**
Applicant Oscar M. Ortiz
Ward 7 **Special Use Permit for a Planned Mixed-Use Development**
 consisting of a chroming and plating shop with installation of decorative chrome on
 vehicles in a C-3, Commercial General District

The subject property is located on the south side of Wallin Avenue and is 150 feet west of Kilburn Avenue. This property has been used for auto repair and other auto uses over the years. Juan Ortiz, representing the Applicant, reviewed the Special Use Permit. He explained that he currently works in

Chicago doing this same business and would like to relocate to Rockford and start his own business. Stated he spoke with Alderman Thompson-Kelly and gave her a tour of the facility and she was in agreement. He is in agreement with Staff conditions.

Staff Recommendation was for Approval with 5 conditions. No Objectors were present.

During discussion, Mr. Cagnoni stated a condition could be added that Certificate of Occupancy would not be issued until compliance with Illinois EPA and City of Rockford regulations were met. The Board was in agreement.

A **MOTION** was made by William Orr to **APPROVE** the Special Use Permit for a Planned Mixed-Use Development consisting of a chroming and plating shop with installation of decorative chrome on vehicles in a C-3, Commercial General District at 3012 Wallin Avenue with added condition 6. The Motion was **SECONDED** by Dave Peterson and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting all applicable Building and Fire codes.
2. No overnight outside storage of vehicles.
3. No Certificate of Occupancy may be issued until all required pavement and landscaping have been completed.
4. All vehicles waiting for installation of decorative chrome shall be currently licensed and registered.
5. There shall be no outside storage of vehicle chrome parts.
6. A Certificate of Occupancy shall not be issued until the property is in compliance with Illinois EPA and the City of Rockford regulations.

067-07
Findings of Fact for a Special Use Permit
For a Planned Mixed Use Development
Consisting of a Chroming and Plating Shop with Installation of Decorative Chrome
on Vehicles in a C-3, Commercial General District at
3012 Wallin 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 C-3 District and recently approved by City Council for auto-related uses along Auburn Street.
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-3 Zoning District and conditions of approval.

068-07 **17XX Harlem Boulevard**
Applicant Brad & Dina Lauman
Ward 3 **Variation** to reduce the front yard setback along Logan Street from the required thirty (30) feet to ten (10) feet in a R-1, Single-family Residential District

The subject property is located on the corner of Logan Street and Harlem Boulevard. Brad and Dina Lauman, Attorney Amanda Adams, and Architect Dan Saavedra were present. Mr. Lauman explained there was a similar Variation approved in 2002, but was not acted upon. He stated their intention is to build a two-story home that fits in with the architectural style of the neighborhood.

Staff Recommendation was for Approval with 3 conditions. Mr. Cagnoni wished to reword condition 1 for clarification. Objectors were present.

Objectors

Henry Gaston, 6568 Chartwell Drive stated this home is a very nice home. However, most of homes in this area are 100 years old or older and feels this home would stand out because it is too big for the lot. He expressed concern with water flow due to the indent of the land.

Jill Beeman, 1708 Harlem Boulevard lives next to this lot. She stated she has been there ten years with no water problems in her basement. She is also concerned that the construction of this building will cause water problems.

Supporters were also present. Anne and David Marth, 17XX Harlem Boulevard are the current owners of this lot, selling it to the Applicants. They stated the size of this lot is equivalent to others in the neighborhood. Mrs. Marth went on to say she has not seen any water gathering on this lot in the two years she owned it.

Alderman Doug Mark reiterated that in 2002 a variation for the same request was supported. He is in agreement that this home does fit in with the neighborhood, but also believes considerations need to be given to neighbors regarding drainage.

In response, Mr. Lauman stated they will take neighborhood concerns into consideration as the project progresses. Mr. Saavedra explained City code prevents drainage of water to a neighboring property. He pointed out that setback along the north side is not requesting to be reduced. He further explained that it is possible to build houses that look 100 years old and of good quality. Attorney Adams wished to add that the request for reduced setback is on the opposite side of the neighboring properties. This is the exact variation that was approved in 2002 and is consistent with 2020 Plan, per Attorney Adams. Some properties in the area have much smaller yards. The Applicant has agreed to be cognizant of water issues as building takes place.

A **MOTION** was made by William Orr to **APPROVE** the Variation to reduce the front yard setback along Logan Street from the required thirty (30) feet to ten (10) feet in a R-1, Single-family Residential District at 17XX Harlem Boulevard. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Submittal of plans showing the architectural features of the structure that will be constructed for Staff review and approval.
2. Submittal of a site plan showing setbacks and location of the house, garage and garage access from the alley for Staff review and approval.
3. Compliance with all Building codes.

068-07
Findings of Fact for a Variation
To Reduce Front Yard Setback Along Logan Street
From the Required 30' to 10 Feet in an R-1, Single Family Residential District at
17XX Harlem Boulevard

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. The lot is not buildable without the Variation.

2. The conditions upon which a petition for a Variation is 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. The subject property's corner location and substandard size makes the variation necessary to develop the property.
3. The purpose of the 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 the 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. Other properties in the neighborhood have structures with similar setbacks; however, the architectural styles and heritage of the neighborhood are unique, and new construction that requires zoning action shall be stylistically compatible with surrounding properties.
6. The proposed Variation will not impair an adequate supply of light and air to adjacent property, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor 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.

069-07

3021 Rockton Avenue

Applicant

David Jenkins & Associates

Ward 9

- (A) **Variation** to reduce the front yard setback along Barton Boulevard Street from the required 30' to 24';
- (B) **Variation** to reduce the front yard setback along Rockton Avenue from the required 30' to 12';
- (C) **Variation** to reduce the side yard setback along the North property line from the required 6' to 3';
- (D) **Variation** to reduce the parking spaces from the required 17 to 13;
- (E) **Variation** to allow terrace parking
- (F) **Variation** to allow a dumpster enclosure as a permitted obstruction in the front yard along Barton Boulevard
- (G) **Variation** from the required landscaping to allow landscaping as proposed in a C-2, Commercial Community District

The subject property is located on the northeast corner of North Rockton Avenue and Barton Boulevard. Brandon Wilhelm, representing the Applicant, reviewed the Variations. He explained the existing Subway would like to relocate to this property, demolish the existing building, and construct new.

Staff Recommendation was for Approval with 3 conditions. One Objector was present.

Lynn Berglund, 1202 Park Terrace, stated she owns the property directly East. She is concerned with traffic and the size of building. She stated the Variations are on all aspects of the lot. There is an alley between this building and her property which is already used quite a bit and she is concerned with additional traffic that will be generated. This is a quiet and stable neighborhood and she is concerned with what affect this will have on the area. Mr. Cagnoni showed her the site plan submitted, and explained that the proposed building is quite a bit smaller than the existing dry cleaning building.

In response, Mr. Wilhelm explained there will be a couple of stalls in the back of the building for employee parking. He feels they are doing the neighborhood a bit of a favor by demolishing an eyesore of a building that is not being kept up, with landscaping that is not up to code. He explained that access will be coming off of the Subway lot, and the alley will not be used.

Mr. Hollander pointed out to the Applicant that a portion of the proposed parking area is too close to the street. There is a possibility that two parking spots may need to be removed. This is the reason for condition 2 for a revised site plan.

A **MOTION** was made by Fred Money to **APPROVE** the (A) Variation to reduce the front yard setback along Barton Boulevard Street from the required 30' to 24'; **APPROVE** the (B) Variation to reduce the front yard setback along Rockton Avenue from the required 30' to 12'; **APPROVE** the (C) Variation to reduce the side yard setback along the North property line from the required 6' to 3'; **APPROVE** the (D) Variation to reduce the parking spaces from the required 17 to 13; **APPROVE** the (E) Variation to allow terrace parking; **APPROVE** the (F) Variation to allow a dumpster enclosure as a permitted obstruction in the front yard along Barton Boulevard; and **APPROVE** the (G) Variation from the required landscaping to allow landscaping as proposed in a C-2, Commercial Community District at 3021 Rockton Avenue. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 4-1 with Dan Roszkowski voting Nay.

Approval is subject to the following conditions:

1. Meeting all applicable Building and Fire codes.
2. Submittal of a revised site plan for Staff review and approval.
3. Submittal of a revised landscaping plan for Staff review and approval.

069-07
Findings of Fact for a Variation
To Reduce the Front Yard Setback Along Barton Boulevard
From the Required 30 Feet to 24 Feet
In a C-2, Commercial Community District at
3021 Rockton Avenue

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 a Variation is 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 the 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 the 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, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor 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.

069-07
Findings of Fact for a Variation
To reduce the Front Yard Setback Along Rockton Avenue
From the Required 30 Feet to 12 Feet
In a C-2, Commercial Community District at
3021 Rockton Avenue

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 a Variation is 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 the 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 the 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, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor 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.

069-07
Findings of Fact for a Variation
To Reduce the Side Yard Setback Along the North Property Line
From the Required Six Feet to Three Feet
In a C-2, Commercial Community District at
3-21 Rockton Avenue

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 a Variation is 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 the 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 the 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, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor 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.

069-07
Findings of Fact for a Variation
To Reduce Parking Spaces from the Required Seventeen to Thirteen
In a C-2, Commercial Community District at
3021 Rockton Avenue

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 a Variation is 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 the 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 the 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, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor 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.

069-07
Findings of Fact for a Variation
to Allow Terrace Parking in a C-2, Commercial Community District at
3021 Rockton Avenue

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 a Variation is 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 the 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 the 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, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor 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.

069-07
Findings of Fact for a Variation
To Allow a Dumpster Enclosure as a Permitted Obstruction
in the Front Yard Along Barton Boulevard
In a C-2, Commercial Community District at
3021 Rockton Avenue

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 a Variation is 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 the 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 the 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, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor 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.

069-07
Findings of Fact for a Variation
From the Required Landscaping to Allow Landscaping as Proposed
In a C-2, Commercial Community District at
3021 Rockton Avenue

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 a Variation is 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 the 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 the 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, nor substantially increase the congestion of the public streets, nor increase the danger of fire, or endanger the public safety, nor 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.

070-07 **3291 South Alpine Road**
Applicant Frank Bridges & Tammy Brynson
Ward 14 **Modification of Special Use Permit #022-98** for an additional
 outdoor flea market area to be located along the east property line, for 3 special events
 each year, in an C-3, Commercial General Zoning District

Tammy Brynson, co-applicant, reviewed the request for modification of Special Use Permit. The existing outdoor flea market is located behind the Taco Johns fast food restaurant. Mr. Cagnoni pointed out to Ms. Brynson that Staff had sent a letter to their representative, Frank Macias, on June 22, 2007, in which they requested a site plan and no response was received. A copy of this letter was included with the Planning and Zoning Report sent to the Applicants on August 15.

Staff Recommendation was for Denial. No Objectors were present.

Mr. Cagnoni stated that in theory Staff would not be opposed to an outdoor flea market. He explained Staff was willing to review this proposal, but as their letter of June 22 stated, they would need a site plan drawn to scale to show the exact location of the booths and aisle width. The aisle width discussed with their representative, Frank Macias, did not indicate enough room for vehicles to use the aisle width without endangering patrons.

A **MOTION** was made by Tom Przytulski to **LAY OVER** the Modification of Special Use Permit #022-98 for an additional outdoor flea market area to be located along the east property line, for 3 special events each year, in a C-3, Commercial General Zoning District at 3291 South Alpine Road. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

071-07 **5902 Sandy Hollow Road**
Applicant Mark Pchiodini
Ward 14 **Zoning Map Amendment** from the R-1, Single-family District to the I-1, Light Industrial District
 Special Use Permit for an Auto Body Collision Center with Outside Storage

The subject property is located north of Sandy Hollow Road and west of Mulford Road. Mark Pchiodini, Applicant, reviewed the requests before the Board. Mr. Cagnoni explained this parcel was forcibly annexed last month. The applicant is allowed to file the zoning map amendment free of charge as part of the annexation process. Staff Recommendation was for Approval of both requests with 1 condition. No Objectors were present.

A **MOTION** was made by Tom Przytulski to **APPROVE** the Zoning Map Amendment from R-1, Single-family District to I-1, Light Industrial District, and to **APPROVE** the Special Use Permit for an Auto Body Collision Center with Outside Storage at 5902 Sandy Hollow Road. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. That future development of the property shall conform to City of Rockford codes and ordinances.

071-07
Findings of Fact for a Zoning Map Amendment
From R-1, Single-Family Zoning District to I-1, Light Industrial Zoning District at
5902 Sandy Hollow Road

Approval of this Zoning Map Amendment is based upon the following findings:

1. The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
 - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
 - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and
 - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood
2. The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as IG, General Industrial.

071-07
Findings of Fact for a Special Use Permit
For an Auto Body Collision Center with Outside Storage
In an I-1, Light Industrial District at
5902 Sandy Hollow Road

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 I-1 Zoning District in which it is located.

035-07 **3520 School Street**
 Applicant Steven Curington
 Ward 13 **Special Use Permit for a Planned Mixed Use Development**
 consisting of a group home for adjustment, private education, counseling facility, worship
 center, and dormitory in a C-1, Limited Office District
 This Item was Referred back to the Zoning Board by
 City Council Codes & Regulations Committee

Prior to the meeting, a written request was received by the Applicant to Lay Over this item to the September 18, 2007 meeting.

A **MOTION** was made by Dave Peterson to **LAY OVER** the Special Use Permit for a Planned Mixed Use Development consisting of a group home for adjustment, private education, counseling facility, worship center, and dormitory in a C-1, Limited Office District at 3520 School Street. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

Other Business

Mr. Cagnoni stated the revised Sign Ordinance will be presented at the September 18th Zoning Board of Appeals meeting. He explained that public meetings have been held and there will be a number of meetings with City personnel prior to this item being finalized and presented to the Board for vote.

With no further business to report, the meeting was adjourned at 9:20 P.M.
 Respectfully submitted,
 Sandra A. Hawthorne, Administrative Assistant
 Planning and Zoning Division / Community Development Dept.