

ZONING BOARD OF APPEALS

Tuesday, March 20, 2007
6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members: Tom Morgan, Chairman
Alice Howard
Fred Money
William Orr
David Peterson
Tom Przytulski, Jr.
Dan Roszkowski

Absent:

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

Others: Kathy Berg, Stenographer
Applicants and Interested Parties

The meeting started at 6:30 P.M. A **MOTION** was made by Alice Howard to **APPROVE** the minutes of the February 21, 2007 meeting as submitted. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 7-0.

009-07 **2500 North Main Street**
Applicant Steve Rosenquist
Ward 12 **Special Use Permit for a Performance Use** of outside storage of two trucks and one grader that cannot meet the minimum distance of 600 feet from a residential district in an I-1, Light Industrial Zoning District

This property is located 133 feet from the northwest corner of Willoughby Street and North Main Street and is currently a paved parking lot. Steve Rosenquist, Applicant, reviewed the request for Special Use Permit, stating the three subject vehicles have been parked on this lot for the past six to eight years. Mr. Rosenquist felt this was in compliance with the ordinance until the condominiums on Edson Street were built. Up until that time, there was no residential area within 600 feet of his property. Mr. Rosenquist stated these vehicles will not fit inside the building. He feels the area where the vehicles are parked are difficult to see from the residential area. He produced photos showing the two trucks and grader and the density of trees between the vehicles and residential. Mr. Rosenquist questioned the measurement by Staff regarding the NW corner of the property and to the residential property line. Mr. Rosenquist further explained that the bucket truck and grader were used occasionally as back-up vehicles for snow removal, and the other truck was used for moving tenants in and out of the building. He estimated these three vehicles were only used once a year or so.

Staff Recommendation was for Denial. No Objectors were present.

Mr. Cagnoni explained this use was established under the 1993 zoning ordinance. A Performance Use would have been required for outside storage of these three vehicles as well as landscaping and screening. The Performance Use was never applied for and, therefore, this use was not considered to be grandfathered in.

A **MOTION** was made by Tom Przytulski to **APPROVE** the Special Use Permit for a Performance Use of outside storage of two trucks and one grader that cannot meet the minimum distance of 600 feet from a residential district in an I-1, Light Industrial Zoning District at 2500 North Main Street. The Motion was **SECONDED** by Alice Howard and **CARRIED** by a vote of 5-2 with Fred Money and Dan Roszkowski voting Nay.

ZBA 009-07
Findings of Fact for a Special Use Permit For a Performance Use
of Outside Storage of Two Trucks and One Grader
that Cannot Meet the Minimum Distance of 600 Feet
From a Residential District
in an I-1, Light Industrial District at
2500 North Main 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, and will not 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 taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the I-1 Zoning District in which it is located.

010-07 Applicant Ward 13	<u>921 West State Street</u> Jacob Signs / Faith Center Variation to increase the height of a freestanding sign from the allowable eight feet to seventeen feet in a C-1, Commercial Limited Office Zoning District
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The subject property is located at the northwest corner of West State Street and Kilburn Avenue and is currently a religious center known as the Faith Center. Jeff Jacobs, representing the Applicant, reviewed the request for Variation. Mr. Jacobs explained that the Applicant's request for an increase in sign height was mainly due to problems with vandalism. The existing sign is a 6 x 9 foot sign, 54 square feet. The Center has had many problems in the past with vandalism to the sign due to its easy accessibility at the present height. Mr. Jacobs stated a taller sign would not only allow better visibility for motorists, and advertising their events, but would deter vandalism because it would be more difficult to reach. He explained that even a height of 6 feet would help deter vandalism. Mr. Jacobs explained that using a "vandal cover" did not deter spray paint graffiti. Because this facility is a not-for-profit, they do not have a lot of funds to rehab this sign each time it is vandalized. Mr. Jacobs stated the Applicants intend to repave, do more landscaping, and make upgrades to the building. They are committed to the area. He stated the adjacent properties on three sides are all owned by the City, with the fourth being owned by the Salvation Army.

Staff Recommendation was for Denial No Objectors were present.

Alice Howard stated the work the Life Center is doing is very positive to the area and the messages and events put on these signs are beneficial to the community.

A **MOTION** was made by Alice Howard to **APPROVE** the Variation to increase the height of a freestanding sign from the allowable eight feet to seventeen feet in a C-1, Commercial Limited Office Zoning District at 921 West State Street. The Motion was **SECONDED** by Tom Przytulski and **CARRIED** by a vote of 7-0.

ZBA 010-07
Findings of Fact for a Variation
To Increase the Height of a Freestanding Sign
From the Allowable Eight Feet to Seventeen Feet
In a C-1, Commercial Limited District at
915 West 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.
5. The granting of the Variation will not be detrimental to the public welfare, nor injurious to other property nor 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, nor 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.

011-07 **2637, 2641, 2643 11th Street**

Applicant Don Sheppard

Ward 6

- (A) **Special Use Permit for a Performance Use** consisting of a fast-food restaurant with a drive-thru window that can not meet the required minimum distance of 600 feet from a residential district
- (B) **Variation** to reduce the perimeter landscape strip from the required 10 feet to 8.5 feet along Alton Avenue
- (C) **Variation** to reduce the perimeter landscape strip from the required 10 feet to 8 feet along 11th Street
- (D) **Variation** to eliminate the required open green space
- (E) **Variation** to eliminate the required landscape buffer along the alley in a C-3, Commercial General District

Prior to the meeting, the Applicant requested that this item be Laid Over to the April 17, 2007 Zoning Board of Appeals meeting.

A **MOTION** was made by William Orr to **LAY OVER** the (A) Special Use Permit for a Performance Use consisting of a fast-food restaurant with a drive-thru window that can not meet the required minimum distance of 600 feet from a residential district; the (B) Variation to reduce the perimeter landscape strip from the required 10 feet to 8.5 feet along Alton Avenue; the (C) Variation to reduce the perimeter landscape strip from the required 10 feet to 8 feet along 11th Street; the (D) Variation to eliminate the required open green space; and the (E) Variation to eliminate the required landscape buffer along the alley in a C-3, Commercial General District at 2637, 2641, 2643 11th Street. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 7-0.

012-07 8031 Rote Road / 1601 University Drive

Applicant
Ward 1

Atty. Sherry Harlan / Rosecrance, Inc.
Modification of Special Use Permit Ordinance #2001-42-0 for a Planned Mixed-Use Development consisting of an adolescent residential and outpatient addiction treatment center and school, with all associated activities, including (but not limited to) food service, schooling, recreation, job training, and occupational counseling approved on February 19, 2001 to allow for expansion of activities and services for a new building that will house 14 people and consist of a great room, dining room, kitchen, bedrooms, bathrooms, office, laundry and garage in an RE, Rural Estate District

Prior to discussion, Dan Roszkowski stated he would have to abstain from vote on this application due to a conflict of interest.

This property is located north of State Street and east of I-39/I-90 and is currently Rosecrance, Inc. Philip Eaton and Bradley Carlson with Rosecrance were present. Mr. Eaton reviewed the request for Modification of Special Use Permit. He explained their intent to relocate one of the Monarch homes from 6th Street. This program operates as a half-way house system, housing 12-14 girls. The home is for teenage girls, with the average resident being 17.5 years of age. All residents involved in this program will have completed an inpatient program. The intent of this project is to provide continued structure and housing. The proposed 5,000 square foot, two-story home is to be built in a 6 acre meadow to the south of the existing facility. It will be staffed, but is an independent setting from Rosecrance campus.

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

A **MOTION** was made by William Orr to **APPROVE** the Modification of Special Use Permit Ordinance #2001-42-0 for a Planned Mixed-Use Development consisting of an adolescent residential and outpatient addiction treatment center and school, with all associated activities, including (but not limited to) food service, schooling, recreation, job training, and occupational counseling approved on February 19, 2001 to allow for expansion of activities and services for a new building that will house 14 people and consist of a great room, dining room, kitchen, bedrooms, bathrooms, office, laundry and garage in an RE, Rural Estate District at 8031 Rote Road / 1601 University Drive. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 6-0, with Dan Roszkowski abstaining. Approval is subject to the following conditions:

1. Submittal of a site plan for Staff review and approval.
2. Submittal of a landscaping plan for staff review and approval.
3. Connecting to existing water and sewer lines.
4. Widening the proposed driveway to City standards.
5. Meeting all applicable building and fire codes.

ZBA 012-07
Findings of Fact for a Modification of Special Use Permit
Ordinance #2001-42-0 for a Planned Mixed-Use Development
Consisting of an Adolescent Residential and Outpatient Addiction Treatment Center and School,
with all Associated Activities, Including (but no limited to)
Food Service, Schooling, Recreation, Job Training, and Occupational Counseling
Approved on February 19, 2001 to Allow for Expansion of Activities and Services
For a New Building that will House Fourteen People and Consist of
A Great Room, Dining Room, Kitchen, Bedrooms, Bathrooms, Office Laundry and Garage
In an RE, Rural Estate District Located at
8031 Rote Road / 1601 University Drive

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 RE Rural Estate Zoning District in which it is located.

013-07	<u>711 North Main Street</u>
Applicant	Riverfront Museum Park
Ward 3	<p>(A) Variation to increase the maximum height for a freestanding sign from eight feet to eleven feet</p> <p>(B) Variation to increase the maximum square footage for a freestanding sign from sixty four (64) square feet to one hundred forty-one (141) square feet in a C-1, Limited Office Zoning District</p>

This property is located north of the central business district downtown and south of the Burpee Museum and is the Rockford Museum Park. Maggie Allen, Gary Anderson, Architect, and Attorney Russ Anderson were present. Attorney Anderson reviewed the requests. He explained the original sign was hit by lightning and burned to the ground. That sign was legal non-conforming. The Applicant is seeking additional space on the new sign to allow for informational messages for the museum. Attorney Anderson stated the proposed sign is not rectangular and will not be flashing. The larger letters will allow for ease in reading. Gary Anderson feels this sign would fit in with the City's intent in the rewriting of the Ordinance code pertaining to signage.

Staff Recommendation was for Approval of both items, with 1 condition. No Objectors were present.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the (A) Variation to increase the maximum height for a freestanding sign from eight feet to eleven feet; and to **APPROVE** the (B) Variation to increase the maximum square footage for a freestanding sign from sixty four (64) square feet to one hundred forty-one (141) square feet in a C-1, Limited Office Zoning District at 711 North Main Street. The

Motion was **SECONDED** by Alice Howard and **CARRIED** by a vote of 7-0. Approval is subject to the following conditions:

1. Reduction of the electronic message board

ZBA 013-07
Findings of Fact for a Variation
To Increase the Maximum Height for a Freestanding Sign
From Eight to Eleven Feet in a C-1, Limited Office District at
711 North Main 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. The proposed freestanding sign will have the same width and height as the previous freestanding sign and will be located in the same location.
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 C-2, Commercial Community District and C-4, Commercial Oldtown District, which have less restrictive sign regulations.
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.

ZBA 013-07
Findings of Fact for a Variation
To Increase the Maximum Square Footage for a Freestanding Sign
From Sixty-Four to One Hundred Forty-One
In a C-1, Limited Office District at
711 North Main 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.
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 C-2, Commercial Community District and C-4, Commercial Oldtown District, which have less restrictive sign regulations.
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.
8. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

014-07 206 North Church Street

Applicant City of Rockford / Community Development

Ward 3 **(A) Variation** to eliminate the required perimeter landscape strip along the alley

(B) Variation to eliminate the four foot open green space on the north and south sides in a C-4, Commercial Oldtown Zoning District

This property is located west of North Church Street, 66 feet north of Mulberry Street and is currently a vacant lot, where the former Lincoln Hotel was. The applicant is the City of Rockford Community Development Department, represented by Todd Cagnoni, Manager of Current Planning. Mr. Cagnoni reviewed the Variations requested. He explained the City had acquired the Lincoln Hotel and due to the amount and seriousness of building and safety violations, the building was demolished. The choices for use of the property after demolition were to topseed and soil, or to use it as a parking lot on a temporary basis. Until future redevelopment takes place on this site, the City feels that the construction of a parking lot as a temporary use would best serve the downtown area. Mr. Cagnoni explained in this situation the perimeter landscaping along the alley is suburban standard and would be difficult to provide. There will be no access on to the public street. The City is proposing planters along North Church to provide a suburban type landscaping. Mr. Cagnoni explained the need for 60 foot for a row of parking, which will only leave 3 feet on either side. Staff feels landscaping of that size would not have any impact.

Staff Recommendation was for Approval with no conditions. One letter of objection was received from Reverent Keith Kelsey Powell, representing the Court Street United Methodist Church. No Objectors were present.

Chairman Morgan expressed his opposition to this Application. He feels patrons will be leaving the bar and exiting through the alley, causing a hardship to Court Street United Methodist Church. He stated his concern that surrounding the church with parking lots is not beneficial to them.

A **MOTION** was made by Alice Howard to **DENY** the (A) Variation to eliminate the required perimeter landscape strip along the alley, and to **DENY** the (B) Variation to eliminate the four foot open green space on the north and south sides in a C-4, Commercial Oldtown Zoning District at 206 North Church Street. The Motion was **SECONDED** by Fred Money. Prior to vote, Mr. Money asked what effect the denial would have on the parking lot. Mr. Cagnoni explained the application before the Board was only for the

Variations to landscaping, and denial would not determine whether or not the parking lot is constructed. The Applicant would have to come up with greenspace, but a decision of denial would not affect moving forward with the parking lot. Dan Roszkowski felt the City should set an example for others, and not pave wall-to-wall. He stated the City needs to be held to a higher standard and should try to get as much green space downtown as possible. Todd stated the ordinance does not require landscaping on the north and south line, and the City is planning to do urban landscaping along North Church. Mr. Roszkowski suggested green space on one side wider than three feet and none on the other side. Mr. Cagnoni explained that the overall City plan is not for this to be a permanent parking lot. This is a temporary use until there is a market to construct a building. Greenspace is not the highest and best use for this property. Tom Morgan stated the traffic exiting out of the parking area through the alley is dangerous. Mr. Cagnoni stated when the building was demolished originally, Court Street United Methodist Church initiated conversation with the City regarding the church's request that this property be made into a parking lot for their use. Jon Hollander from Public Works verified this request. This was approximately five years ago. He reiterated that the City is looking for a reasonable and temporary land use for this property and the existing gravel is not an acceptable use.

Based on discussion, Alice Howard **WITHDREW** her Motion for Denial and Fred Money **WITHDREW** his Second to the Motion.

A **MOTION** was made by Tom Przytulski to **APPROVE** the (A) Variation to eliminate the required perimeter landscape strip along the alley, and to **APPROVE** the (B) Variation to eliminate the four foot open green space on the north and south sides in a C-4, Commercial Oldtown Zoning District at 206 North Church Street. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-1, with William Orr voting Nay and Tom Morgan abstaining.

ZBA 014-07
Findings of Fact for a Variation
To Eliminate the Required Perimeter Landscape Strip Along the Alley
In a C-4, Commercial Oldtown District Located at
206 North Church 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. Because of site constraints it is impossible to maximize the use and comply with minimum standards for parking and landscaping.
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. Adequate measures will be taken when reviewed for a parking lot.

7. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 014-07
Findings of Fact for a Variation
To Eliminate the Open Green Space
From the Required Four Feet on the North and South Sides
In a C-4, Commercial Oldtown District at
206 North Church 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. Because of site constraints it is impossible to maximize the use and comply with minimum standards for parking and landscaping.
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. Adequate measures will be taken when reviewed for a parking lot. The proposed Variation does comply with the spirit and intent of restrictions imposed by this Ordinance.

With no further business to report, the meeting was adjourned at 7:30.

Respectfully submitted,

Sandra A. Hawthorne
Administrative Assistant
Planning/Zoning Division