



ZONING BOARD OF APPEALS
Tuesday, September 20, 2016
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

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

Present:

ZBA Members: Melissa Luciani-Beckford
Alicia DiBenedetto-Neubauer
Scott Sanders
Kimberly Wheeler-Johnsen
Dan Roszkowski
Craig Sockwell

Absent: Tom Fabiano

Staff: Scott Capovilla – Zoning and Land Use Administrator
Sandra Hawthorne - Administrative Assistant
Marcy Leach - Public Works
Angela Hammer - Assistant City Attorney
Lafakaria Vaughn - Assistant City Attorney
Tim Morris - Fire Department

Others: Kathy Berg - Court Stenographer
Applicants and Interested Parties

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

The Chairman will call the address of the application.

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

- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, September 26, 2016, at 5:30 PM in City Council Chambers of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:30 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the August 2016 meeting as presented. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Melissa Beckford abstaining and Tom Fabiano absent.

ZBA 021-16

Applicant
Ward 01

6000 East State Street

Dan Ericson for 6000 E State LLC

Variation to increase the maximum sign height from eight (8) feet to seventeen (17) and a **Variation** to increase the maximum square footage from 64 square feet to 154 square feet for a freestanding sign in an C-3, General Commercial Zoning District

Laid Over from August meeting

This item was **WITHDRAWN** by the Applicant prior to the meeting. No further action will be taken on this application.

ZBA 024-16

Applicant
Ward 07

3538 Montrose Street

Barbara Stange

Special Use Permit for auto rebuild, auto repair and used car sales and outside storage within fenced area in an C-3, General Commercial Zoning District

The subject property is located on the southeast corner of Montrose Avenue and North Central Avenue and is currently a vacant building. Barbara Stange, Applicant, and her husband Andrew Otto, were present. Mrs. Stange stated their intent to operate an auto rebuild, repair and used car sales with outside storage. The previous use of this property was an auto body shop. Mr. Capovilla verified that there was an auto body shop use at this location and the zoning at that time was I-1.

Scott Sanders asked the applicant if she was comfortable complying with Staff conditions of approval and Mrs. Stange responded she was. The only access to the property is north from Montrose Street. Scott Capovilla stated that possibly a tree or two along Central Avenue could be worked into the landscaping if Public Works would consider this allowable in the Right-Of-Way.

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

A **MOTION** was made by Kim Johnsen to **APPROVE** the Special Use Permit for auto rebuild, auto repair and used car sales and outside storage within fenced area in a C-3, General Commercial Zoning District at 3538 Montrose Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. The outdoor sale of passenger vehicles shall be limited to five (5) vehicles at one time.
3. No overnight storage of vehicles in display area that are being worked and/or repaired.
4. No overnight storage of auto parts.
5. All vehicles for sale that are not in the display area must be parked on cement or blacktop. Vehicle display is prohibited in the right of way.
6. Submittal of detailed site, landscaping, and parking plans for Staff's review and approval.
7. Fencing must be repaired and/or replaced.
8. Future signage must comply with current code.
9. All vehicles on premises shall be currently shall be currently licensed and registered.
10. All conditions must be met prior to the establishment of the use.

ZBA 024-16
Findings of Fact for Approval of a Special Use Permit
For Auto Repair and Used Car Sales and
Outside Storage Within Fenced Area
In a C-3, Commercial General Zoning District at
3538 Montrose Avenue

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

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

ZBA 025-16

Applicant
Ward 12

2816 North Main Street

Attorney James Rodriguez for AW Bennett Enterprises, Inc
Special Use Permit for a Planned Unit Development for a Mixed-Use Development consisting of two fast food restaurants with drive-throughs, one light retail/commercial building, and three (3) eighty-unit, four story residential buildings including site, parking, and landscaping plans with deviations from the regulations in a I-1, Light Industrial Zoning District

Prior to the meeting, the Attorney for the Applicant requested that this item be Laid Over to the October 18th meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the request for Special Use Permit for a Planned Unit Development for a Mixed-Use Development consisting of two fast food restaurants with drive-throughs, one light retail/commercial building, and three (3) eighty-unit, four story residential buildings including site, parking, and landscaping plans with deviations from the regulations in a I-1, Light Industrial Zoning District at 2816 North Main Street to the October 18, 2016 meeting. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 6-0.

ZBA 026-16

Applicant
Ward 05

1426 South Main Street

Alfredo Linares
Special Use Permit for an unattended gas station in a C-4, Urban Mixed Use Zoning District

The subject property is located on the northeast corner of South Main Street and Lane Street and is currently vacant. Alfredo Linares, Applicant, was present to review his request for Special Use Permit. Mr. Linares stated he also owns and operates the grocery store, La Chaquita, across from this lot as well. He would like to put an unattended gas station at the subject location. Mr. Linares stated he understood Staff Recommendations and conditions of approval. Scott Sanders asked if they could use any of the frontage from the adjacent lot to create more space for landscaping. Mr. Capovilla stated this is a separate lot and could not be considered part of this application.

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

A **MOTION** was made by Melissa Beckford to **APPROVE** the Special Use Permit for an unattended gas station in a C-4, Urban Mixed Use Zoning District at 1426 South Main Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building Permits for Staff's review and approval.
3. Submittal of a landscape plan that includes the perimeter and interior landscaping with plant species and size for Staff's review and approval.
4. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval if a dumpster is to be located on site.
5. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval.
6. Must obtain separate permits for signage and any sign must be constructed to match building design and in accordance with plans approved by Staff.
7. All signage must conform to Sign Regulations.
8. Must develop site in accordance with site and landscaping plan approved by Staff.
9. Must develop building in accordance with elevations approved by Staff.
10. All conditions must be met prior to establishment of use.

ZBA 026-16
Findings of Fact for Approval of a Special Use Permit
For an Unattended Gas Station
In a C-4, Urban Mixed-Use Zoning District at
1426 South 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, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-4 Urban Mixed-Use Zoning District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 5:52 PM

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