



**ZONING BOARD OF APPEALS**  
**Tuesday, November 15, 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  
Tom Fabiano  
Scott Sanders  
Kimberly Wheeler-Johnsen  
Dan Roszkowski  
Craig Sockwell

**Absent:** Alicia DiBenedetto-Neubauer

**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, November 28, 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 October 2016 meeting as presented. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0 with Alicia Neubauer absent.

**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  
**Laid Over from September and October meetings**

The subject property is located 400 feet north of the North Main Street and Eddy Avenue intersection and consists of 15.02 acres. The parcel will be subdivided into six lots. Jeff Linkenheld, Arc Design Resources, Attorney James Rodriguez, Ron Billy from Tyson and Billy Architects, and William Marino, Property Owner were present,.

Attorney Rodriguez spoke on behalf of the Applicants. This is the old Essex wire property. Because of the intended uses for the development, a Planned Unit Development for a Mixed-Use is required to allow different classification of uses within this development. A layout plan was submitted to the Board showing the separate lots. The project will be divided into 8 separate lots, one of which will be open space and the other a detention area. The remaining 6 lots will be built upon. Lots 1 & 3 are anticipated to be fast food restaurants; Lot 2 is designated as light retail and commercial use; Lots 4,5,6, will be developed with (3) 80 unit apartment buildings. The Applicant is working with the College of Medicine to use some of these units as housing for their students because of the proximity to the Medical School. They are also looking at potential senior living in one building. The project will be done in 3 Phases - Phase 1 will be the first apartment building. Phase 2 will either be another apartment building, or commercial along North Main, depending on how fast the units in Phase 1 fill up. This will also depend on the road construction. Phase 3 will be designated as retail use. Attorney Rodriguez stated this development will provide green space, will meet PUD requirements, the physical design is an efficient use of the land, recreation space will be added for the tenants, and it is compatible with adjacent property uses. This development encompasses all that surrounds the proposed site. Traffic layout will provide adequate flow. The Applicant feels that all the criteria of the PUD are fulfilled. A cross easement parking agreement will allow lots to share parking. Commercial uses may use residential parking while residents are at work and vice versa in the evening. Attorney Rodriguez stated they do not have specifics on landscaping until the exact location of buildings are determined in order to allow for a solid landscaping plan. He stated the Applicant will remain committed to working with Staff until all the requirements are met. He further stated that Staff Conditions are appropriate for this project.

Scott Sanders asked if they had an approximate time frame for completion. Mr. Marino explained the latest market study they have shows the apartments should fill up rather quickly by targeting students of the Medical College. In the short term - with North Main road construction scheduled to start in 2017 - they expect to develop Phase 1 in 2017, however, total completion could take from 5 to 7 years based on completion of the North Main construction. The Applicant would like to put the senior housing development in with the younger residents so they could run together during development stage. In response to a question from Kim Johnsen regarding total parking spaces, Attorney Rodriguez stated 525 is what they have available and 559 is what is required. He reiterated the ability to have easements in place so that residents could share commercial spaces and vice-versa. Scott asked if there was sufficient parking for the residential if they are being considered in Phase 1. Attorney Rodriguez explained that they are short parking by 5 on Lot 4, 5 spaces short on Lot 5, and 7 spaces short on Lot 6.

Staff Recommendation is for Approval with (17) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the 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. The Motion was **SECONDED** by Melissa Beckford 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 revised building elevations for the fast food restaurants, light retail/commercial building, and three (3) eighty-unit, four story residential buildings for Staff review and approval.
4. Submittal of interior plans for the light retail/commercial building for Staff review and approval.
5. Submittal of a revised landscaping plan to include building foundation landscaping and recreational facilities within the proposed green space(s) for Staff review and approval.
6. Drainage calculations shall be submitted to determine if the proposed drainage plan will be sufficient or if additional storm water storage will be required for review and approval by the City Engineer.
7. Submittal of a revised civil plan to include dumpster enclosure areas and renderings.
8. Submittal of dumpster details and renderings for Staff's review and approval.
9. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval.
10. Must obtain separate permits for signage and signs must be constructed to match building design and in accordance with plans approved by Staff.
11. Must submit fence elevations and fence permits for Staff review and approval.
12. Must develop site in accordance with revised civil and landscaping plans approved by Staff.
13. A Final Plat and a Final PUD shall be approved by City Council and recorded prior to development of the site or issuance of a building permit.
14. Must develop buildings in accordance with elevations approved by Staff.
15. The Special Use Permit shall be in substantial conformance with the submitted site design, layout and access.
16. Must submit approval letter from IDOT regarding the new access onto North Main Street.
17. All conditions must be met prior to establishment of use.

**ZBA 025-16**  
**Findings of Fact for Approval of a 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 an I-1, Light Industrial Zoning District at**  
**2816 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, 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.

**ZBA 030-16**

Applicant  
Ward 12

**3211 North Main Street**

Attorney James Rodriguez for John Voulgaris

**Variation** to reduce the required 20 feet wide frontage landscaping to 10 feet wide in a C-2, Limited Commercial Zoning District

**Laid Over from October meeting**

Staff Recommendation is to Lay Over this item to the December 20<sup>th</sup> meeting due to lack of a detailed site plan and landscaping plan.

Scott Sanders was agreeable to another Lay Over but stated his opinion that if information is not received from the Applicant by the December meeting that this item be dismissed.

A **MOTION** was made by Scott Sanders to **LAY OVER** the Variation to reduce the required 20 feet wide frontage landscaping to 10 feet wide in a C-2, Limited Commercial Zoning District at 3211 North Main Street. The Motion was **SECONDED** by Melissa Beckford and **CARRIED** by a vote of 6-0.

**ZBA 031-16**  
Applicant  
Ward 01

**6998 Redansa Drive**

Brian Myers / Rockford Health Physicians

**Variation** to increase the maximum allowable square footage for a business identification landmark-style free-standing sign along South Perryville Road from sixty-four (64) square feet to one hundred four and four tenths (104.4) square feet

**Variation** to increase the maximum allowable height for a business identification landmark-style free-standing sign along South Perryville Road from eight (8) feet to sixteen (16) feet in a C-2, Limited Commercial Zoning District

The subject property is located on the east side of Redansa Drive and 314 feet northwest of the South Perryville Road and Newburg Road intersection. Jennifer Hall, V.P. Government Relations, and Randy Benish, Director of Construction were present. Ms. Hall reviewed the applications for sign Variations. She stated this sign is located on Perryville and she feels their patients would have an easier time finding the clinic with a taller sign.

Scott Sanders wished to verify the square footage of the sign. Mr. Capovilla stated the stone base is not included in the square footage of the sign itself, but it is included in the sign height. Tom Fabiano felt the signage should stay consistent with Ordinance requirements.

Staff Recommendation is for Denial of both Variations. No Objectors and Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **DENY** the **Variation** to increase the maximum allowable square footage for a business identification landmark-style free-standing sign along South Perryville Road from sixty-four (64) square feet to one hundred four and four tenths (104.4) square feet and to **DENY** the **Variation** to increase the maximum allowable height for a business identification landmark-style free-standing sign along South Perryville Road from eight (8) feet to sixteen (16) feet in a C-2, Limited Commercial Zoning District at 6998 Redansa Drive. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-0.

**ZBA 031-16**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Maximum Allowable Square Footage**  
**For a Business Identification Landmark-Style, Free-Standing Sign**  
**Along South Perryville Road**  
**From Sixty-Four (64) Square Feet to One Hundred-Four and Four-Tenths (104.4) Square Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**6998 Redansa Drive**

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

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

**ZBA 031-16**  
**Findings of Fact for Denial of a Variation**  
**To Increase the Maximum Allowable Height for a Business Identification**  
**Landmark-Style, Free-Standing Sign Along South Perryville Road**  
**From Eight (8) Feet to Sixteen (16) Feet**  
**In a C-2, Limited Commercial Zoning District at**  
**6998 Redansa Drive**

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

With no further business to come before the Board, the meeting was adjourned at 6:07.

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