

ZONING BOARD OF APPEALS
Tuesday, July 17, 2007
6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members: Alice Howard
Fred Money
William Orr
Tom Przytulski
Dan Roszkowski

Absent: Tom Morgan, Chairman
Dave Peterson

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

Others: Alderman Doug Mark
Alderman Pat Curran
Alderman Nancy Johnson
Alderman Lenny Johnson (partial)
Alderman Linda McNeely (partial)
Kathy Berg, Stenographer
Applicants and Interested Parties

The meeting started at 6:40 P.M. A **MOTION** was made by Fred Money to **APPROVE** the minutes of the June 19, 2007 meeting as submitted. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 5-0 with Tom Morgan and Dave Peterson absent.

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
 Laid over from June 2007 meeting

Stephen Schupp representing the applicant, Reformer's Unanimous, reviewed the request for Special Use Permit. He stated the applicant acquired the property for use as a dormitory for women. This building is the former Lockwood Health Care Facility. The applicant plans to renovate the property at a cost of \$250,000 and anticipates six months for completion. The facility will start with approximately 25 women and could increase to a maximum of 56. He stated two staff members would live on site. Mr. Schupp explained the clients would not be allowed to own vehicles. All transportation to activities will be provided by Reformer's Unanimous. The program is a six month program, but an individual could attend multiple semesters up to a year. Mr. Schupp emphasized that applicants for the program will be screened, and sexual offenders will not be accepted. He stated he had spoken with Alderman Linda McNeely regarding the property at 610 Mulberry, which Reformer's Unanimous currently operates for men. He stated there was a lot of criminal activity prior to their acquisition of the 610 property, but no problems have occurred since the Applicant has started operation. He stated the subject property has a building which is vacant, unlikely to be developed, and is routinely being broken into. The windows have been boarded up to deter such activity. Mr. Schupp spoke with the director of operations of the public schools located nearby for their input on the program. The Director told Mr. Schupp he would take the

matter to the school's attorney's for discussion. At this time Mr. Schupp has not heard any response or opposition from the attorney. He stated he also spoke with neighbors and feels they are of the opinion that this use will be a benefit to stopping criminal activity.

Dan Roszkowski asked what the background of the clients would be. Mr. Schupp stated drugs and alcohol were the biggest issues, although involvement in bad relationships are also prevalent. Some women do have a criminal history, but they would be non-violent misdemeanors. He explained they work with churches around the U.S. and get clients from them as well. They also provide classes out of North Love Baptist church, with approximately 300 people in attendance. Mr. Schupp stated staff would consist of two people in the evening. Doors would be alarmed and he indicated perimeter alarming system could be considered if it is determined there is a need.

Staff Recommendation was for Denial. Objectors were present.

David Tassoni, 4217 Safford Road, not an adjacent property owner, stated he lives near the facility the applicant owns at 4149 Safford Road.. He stated at the Safford Road facility, Reformer's Unanimous has caused a change in the neighborhood for the worse. In response, Mr. Schupp stated they only have 45 men in the home at Safford and reiterated that men will not be involved in the program for the property under discussion.

Alderman McNeely was present. She stated after investigating further, she is not in support of this project because of its proximity to several schools as well as residential. She agreed that Reformers Unanimous is doing some great work and this vacant building does present a number of problems. She does not feel, however, that this location is appropriate for this program. Alderman McNeely related that she understands Mr. Schupp's statement of not intending to have sexual offenders, but without a very thorough background check there is no way of knowing entire backgrounds and such people do slip into the program.

Tom Przytulski stated he drives by the Safford property at least twice a day and he feels that what was presented to the City and was is actually occurring on the property is two different things.

In response, Mr. Schupp stated they would be willing to improve the screening process to whatever degree would be acceptable.

A **MOTION** was made by Fred Money to **DENY** 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 Tom Przytulski and **CARRIED** by a vote of 5-0.

ZBA 035-07
Findings of Fact for a Special Use Permit
For a Planned Mixed-Use Development
Consisting of a Group Home for Adjustment, Private Educational,
Counseling Facility, Worship Center and Dormitory
In a C-1, Limited Office District at
3520 School Street

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 location and volume of young children in the immediate vicinity poses a conflict of uses for a group home for adjustment in that location.
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.

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 C-1 Zoning District in which it is located.

039-07 **325 Heath Street**
 Applicant Pastor Barbara D. Heath
 Ward 5 **Special Use Permit for a Planned Mixed-Use Development**
 consisting of a church and an emergency 24 hour homeless shelter in an R-1, Single-family Residential District
 Laid Over from June 2007 meeting

This item was heard at the June Zoning Board of Appeals meeting and was Laid Over to allow the Applicant to work with Zoning staff, the Human Services Department as well as other departments to see if mutual requirements could be reached. Mr. Cagnoni stated there has been no contact with staff, and upon checking with Human Services they have not been contacted by the applicant. Neither Applicant nor representative were present.

Staff Recommendation was for Denial.

A **MOTION** was made by Dan Roszkowski to **DISMISS** the Special Use Permit for a Planned Mixed-Use Development consisting of a church and an emergency 24 hour homeless shelter in an R-1, Single-family Residential District at 325 Heath Street. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 5-0. No further action will be taken on this application.

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 2007 meeting

Prior to the meeting, a request was received to have this item Laid Over to the August 21st meeting.

A **MOTION** was made by William Orr to **LAY OVER** the Special Use Permit for a Planned Residential Development consisting of eight (8) homes in an R-1, Single-family Residential District at 52XX Newburg Road and 14XX Geneva Avenue. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

035-07 **3919 Sandy Hollow Road**
 Applicant Richard L. McQuality
 Ward 14 **Special Use Permit for a Performance Use** consisting of an auto repair facility, auto sales, auto rebuild/body shop that can not satisfy the performance criteria of 600 feet from the nearest residential district in an I-1, , Light Industrial District
 Laid Over and Revised from June 2007 meeting

The subject property is located on the southwest corner of Sandy Hollow Road and Merchandise Drive and is currently a vacant building, formerly Ziebart. Richard McQuality, Applicant, and Toni Vander Heyden, realtor, were present.

Mr. McQuality is selling the property, and the potential buyer is uncertain as to the specifics of auto related uses that he would be doing. Mr. McQuality stated Zebart had auto sales at this location in the past. In response, Mr. Cagnoni stated he was not aware of any vehicle sales at this location since its annexation, but there is a possibility this use could have been in existence sometime in the past while the property was under the jurisdiction of the county. Mr. McQuality and Ms. Vander Heyden stated the buyer is interested mainly in auto repair, but after consideration wanted to request all auto uses in the event he chose to expand the use.

Staff recommendation was for Approval of an auto repair facility and auto rebuild/body shop, and Denial of auto sales, subject to 6 conditions.

Mr. Cagnoni explained Staff's concern of over-development of this property and stated if the request was only for auto sales they would support it. However, with all the possible uses for auto requested, this would be more than the property could support. Mr. Cagnoni further explained it was difficult for Staff as well as the Board to evaluate all of these uses without a definite plan being presented. Mr. Cagnoni asked Mr. McQuality what the timing of the sales would be if this buyer terminated his offer and would it allow time for another buyer to make an offer to allow the applicant to withdraw auto sales and consider the other uses, or vice-versa. He explained the time frame of the application process and options available to the Applicant. Mr. Cagnoni further explained it was Staff's desire to accommodate the applicant in the sale of the property; however, the recommendation for all requested uses would remain at Denial. Ms. Vander Heyden stated the buyer originally requested auto repair and then added the additional requests to cover his options. Mr. Cagnoni explained if this application received a vote of Denial, it would then require a super majority vote at City Council to reverse. He further explained he could not specify what Staff would recommend for any adjustments to the application without knowing specifics of the use.

A **MOTION** was made by Dan Roszkowski to **DENY** the Special Use Permit for a Performance Use consisting of an auto repair facility, auto sales, auto rebuild/body shop that can not satisfy the performance criteria of 600 feet from the nearest residential district in an I-1, Light Industrial District and to **APPROVE** the Special Use Permit for a Performance Use consisting of an auto repair facility, auto rebuild/body shop that can not satisfy the performance criteria of 600 feet from the nearest residential district in an I-1, Light Industrial District at 3919 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. Meeting all applicable building and fire codes.
2. No overnight outside storage of vehicles waiting repair.
3. Submittal of a detailed landscaping plan for staff review and approval.
4. No Certificate of Occupancy may be issued until all required landscaping has been installed.
5. All vehicles waiting for repair shall be currently licensed and registered.
6. There shall be no outside storage of vehicle parts or tires.

ZBA 036-07
Findings of Fact for a Special Use Permit
For a Performance Use Consisting of Auto Sales
That Can Not Satisfy the Performance Criteria of 600 Feet from a Residential District
In an I-1, Light Industrial District at
3919 Sandy Hollow Road

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

1. The establishment, maintenance or operation of the Special Use Permit for auto sales will be detrimental to and 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, and will substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use for auto sales will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the I-1 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 I-1 Zoning District in which it is located because the auto sales would be over development of the site.

ZBA 036-07
Findings of Fact for a Special Use Permit
For a performance Use Consisting of an Auto Repair Facility
and Auto Rebuild/Body Shop that can not Satisfy the Performance Criteria
of 600 Feet from the Nearest Residential District in a
I-1, Light Industrial Zoning District at
3919 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 I-1 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.

045-07 **700 West Riverside Boulevard**
Applicant Michael G. Ellis
Ward 12 **Special Use Permit** for package liquor sales in conjunction with a restaurant, conference center and hotel in a C-2, Commercial Community District

The subject property is located west of the Rock River on the south side of West Riverside Boulevard, and is the Cliffbreakers Restaurant. Michael Ellis, Applicant, reviewed the request for Special Use Permit. He stated Cliff Breakers wishes to sell bottled wine from their wine list for patrons. He explained in addition to restaurant use, they hold wine tasting events and customers wish to purchase wines at the time of the event. Their intent is to limit sales to wine only. The quality and cost of the wine sold would not attract a lot of walk-in customers

The Board wished to add a condition to limit the sale of alcohol to beer and wine.

Guy Spinello, 714 Brown Avenue was present in support. He stated he is a customer of Cliffbreakers and would like to have the ability to purchase the wines that they offer. He feels the quality of this establishment is a positive facility in the neighborhood. Alderman Thompson-Kelly also spoke in support.

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

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Special Use Permit for package liquor sales in conjunction with a restaurant, conference center and hotel in a C-2, Commercial Community District at 700 West Riverside Boulevard with an amendment to condition 2 to limit the sale to beer and wine. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting applicable liquor codes.
2. Package liquor sales shall be in conjunction with a restaurant and limited to beer and wine

ZBA 045-07
Findings of Fact for a Special Use Permit
For Package Liquor Sales in Conjunction with a Restaurant, Conference Center and Hotel
In a C-2, Commercial Community District at
700 West Riverside Boulevard

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-2 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-2 Zoning District in which it is located.

046-07 **4414 Charles Street**
Applicant Ron Ullrich
Ward 10 **Special Use Permit** for an expansion of outdoor liquor sales by the drink in the area to the west of building
Variation to allow a deck in the front yard as a permitted obstruction in a C-3, Commercial General District

This property is located on the north side of Charles Street, approximately 146 feet west of South Alpine Road. Ron Ullrich, applicant was present. He stated he is representing Brewskys Bar. The deck is already in existence. A building permit was not issued for the deck and the applicant was cited with a Stop Work Order. Because the deck was built within the front yard, the applicant was told he requires a Variation.

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

A **MOTION** was made by William Orr to **APPROVE** the Special Use Permit for an expansion of outdoor liquor sales by the drink in the area to the west of the building; and to **APPROVE** the Variation to allow a deck in the front yard as a permitted obstruction in a C-3, Commercial General District at 4414 Charles Street. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting applicable liquor codes.
2. Approval of a building permit prior to occupying the deck area.

ZBA 046-07
Findings of Fact for a Special Use Permit
For an Expansion of Outdoor Liquor Sales by the Drink
In the Area to the West of Building
In a C-3, Commercial General District at
4414 Charles 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 in which it is located as shown on Exhibit A.

ZBA 046-07
Findings of Fact for a Variation
To Allow a Deck in the Front Yard as a Permitted obstruction
in a C-3, Commercial General Zoning District at
4414 Charles 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.
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.

047-07 407 North Gardiner Avenue

Applicant John E. Halversen, Jr.
 Ward 2 **Special Use Permit** to allow a tree house as a permitted obstruction in rear yard
Variation to increase the maximum allowable height of an accessory building (tree house) from eighteen (18) feet to twenty (20) feet in an R-1, Single-family Zoning District

The subject property is located approximately 400 feet from the intersection of North Gardiner Avenue and Crosby Street. John Halversen, Jr., Applicant, reviewed the request. Mr. Halversen stated he wished to build a tree house for his children. The tree is approximately 65 feet tall and 2 feet in diameter in the rear of his property. Mr. Halversen stated the structure would not interfere with the growth of the tree. There are supports attached to the tree about 4 to 7 feet up from the ground, with support boards and brackets. The tree house itself will be 11' x 10' with a 14' by 12 foot platform, and 10 to 12 feet off the ground. Mr. Halversen confirmed there are no other accessory structures on the grounds. He stated he had spoken with neighbors and have not had any negative feedback.

Staff Recommendation was for Denial of both requests. No Objectors were present.

Mr. Cagnoni stated the Building Department will review the structure if it is approved by Council. Depending on the elaboration, such a structure could be construed more as an adult activity area.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Special Use Permit to allow a tree house as a permitted obstruction in the rear yard, and to **APPROVE** the Variation to increase the maximum allowable height of an accessory building (tree house) from eighteen (18) feet to twenty (20) feet in an R-1, Single-family Zoning District at 407 North Gardiner Avenue. The Motion was **SECONDED** by Tom Przytulski and **CARRIED** by a vote of 5-0.

ZBA 047-07
Findings of Fact for a Special Use Permit
To Allow a Tree House as a Permitted Obstruction in the Rear Yard
In an R-1, Single-Family Residential District at
407 North Gardiner 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, 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 R-1 Zoning District in which it is located.

ZBA 047-07
Findings of Fact for a Variation
to Increase the Maximum Allowable Height of an Accessory Building (Tree House)
From Eighteen (18) Feet to Twenty (20) Feet
In a R-1, Single-Family Residential District at
407 North Gardiner 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 this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of 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, 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.

048-07 **6860 Spring Creek Road**
Applicant Sunil Illinois, L.L.C.
Ward 1 **Special Use Permit** for the outside sale of liquor by the drink in conjunction with a sit down restaurant in a C-3, Commercial General Zoning District

This property is located east of Reid Farm and Spring Creek Roads and is currently a strip center. Marvin Keys and Cherri Rittenhouse were present, representing the applicant. Mr. Keys explained they wished to allow outside sales of liquor at the existing Joseph's space. There is an existing patio and this area will be fenced in.

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

A **MOTION** was made by Tom Przytulski to **APPROVE** the Special Use Permit for the outside sale of liquor by the drink in conjunction with a sit down restaurant in a C-3, Commercial General Zoning District at 6860 Spring Creek Road. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Compliance with all City of Rockford Liquor Codes.
2. The sale of liquor by the drink is in conjunction with the restaurant.

ZBA 048-07
Findings of Fact for a Special Use Permit
For the Outside Sale of Liquor by the Drink
In Conjunction with a Sit-Down Restaurant
In a C-3, Commercial General Zoning District at
6860 Spring Creek 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 C-3, Commercial General Zoning District in which it is located.

049-07 **3307 Charles Street**
Applicant Abdullah Yassin
Ward 10 **Special Use Permit** for the sale of package liquor in conjunction with a convenience store and gas station
Modification of Special Use Permit #080-98 to extend business hours from 10:00 P.M. closing time to 12:00 A.M. in an R-1, Single-family Residential Zoning District

The subject property is located on the southeast corner of 29th Street and Charles Street. Abdullah Yassin, Applicant, reviewed the requests. Mr. Yassin stated this is a local community gas station and his customers have asked if they could purchase packaged beer and wine. He stated competition has gotten very high for his business. Mr. Yassin stated his research has shown that over 500 gas stations have gone out of business because of franchises. He wishes to maintain his business in this area and provide his customers with the same items they would have to go down the street for. He stated customers have come in for beer and have walked out and gone down the block to the B.P. gas station and purchased fuel, cigarettes and beer. Mr. Yassin felt he could increase business from 25 to 40 percent if he would be allowed packaged liquor sales. He stated he has been operating at a loss. Mr. Yassin stated he is willing to revise his application to reflect a closing time of 11:00 to accommodate the neighborhood area. Supporters were present.

Charles Davidson, 3311 Charles Street, spoke in support of the Applicant. He owns a small business next door to Mr. Yassin's business. He stated he has watched this business go through several owners, and most of them did not have the quality of business as Mr. Yassin. He felt the Applicant runs a clean business, has operated very responsibly in the past and believes he will continue to do so in the future.

Michele Corirossi, 5430 Roanoke Road also spoke in support and in behalf of the neighbors. He stated Mr. Yassin keeps the premises immaculate, and is a very good neighbor. Mr. Corirossi said small businesses are taken a hard hit and the Applicant will be driven out of business if he cannot compete. He added the vast majority of gas station/convenience stores do sell packaged liquor.

Mr. Cagnoni provided background on this property, stating this property was reestablished as a gas station in 1998. At that time there was a lot of debate regarding the hours of operation and concern for the sale of alcohol from the neighbors. He explained that the Special Use Permit runs with the property and not the owner and this property has changed hands since 1998. On occasions the Board has allowed a conditional Special Use Permit with a limitation date under unique circumstances. If the Applicant is not willing to agree to a conditional approval of two years, Staff would stand by their recommendation of Denial. If the Board wishes to approve this application, Staff would like to see a two year limitation date. The Special Use Permit would automatically expire at that time. This would give Staff and the community time to evaluate what the affect, if any, packaged liquor sales has on the surrounding area. Mr. Roszkowski further explained to the Applicant that the Board needs to consider the possibility this property could be sold in the future. Mr. Cagnoni stated as the Ordinance is restructured, the procedure for the sale of alcohol may go into the liquor license itself rather than as a Special Use Permit. Staff and the Board felt it would be reasonable for hours to be increased to 11:00 P.M., and the Special Use Permit for the sale of alcohol to expire in two years.

Staff Recommendation was for Denial of both requests. No Objectors were present.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Special Use Permit for the sale of package liquor in conjunction with a convenience store and gas station, and to **APPROVE** the Modification of Special Use Permit #080-98 to extend business hours from 10:00 P.M. closing time to 11:00 P.M. as modified in an R-1, Single-family Residential Zoning District at 3307 Charles Street. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 5-0.

1. The Special Use Permit for the sale of packaged liquor shall expire two years from date of approval by City Council.

ZBA 049-07
Findings of Fact for a Special Use Permit
For the Sale of Packaged Liquor in Conjunction with a Convenience Store and Gas Station
In An R-1, Single-Family Residential District at
3307 Charles Street

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

1. The establishment, maintenance or operation of the Special Use Permit for the sale of package liquor will not be detrimental to and 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 R-1 District such as single-family homes.

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 does conform to the applicable regulations of the R-1 Zoning District in which it is located.

ZBA 049-07
Findings of Fact for a Modification of Special Use Permit #080-98
To Extend Business Hours from 10:00 P.M. Closing Time to 11:00 A.M.
In an R-1, Single-Family Residential District at
3307 Charles Street

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

1. The establishment, maintenance or operation of the Modification of Special Use Permit #080-98 to extend business hours to 11:00 P.M. 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, or 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 R-1 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 does conform to the applicable regulations of the R-1 Zoning District in which it is located.

050-07 **707, 709, 711, 713 North Alpine Road**
Applicant Attorney Nancy Hyzer
Ward 10 **Special Use Permit for a Planned Residential Development** consisting of one (1) Two-family residence on two zoning lots in an R-2, Two-family Zoning District

This property is located approximately 50 feet from the intersection of Rural Street and North Alpine Road. Attorney Nancy Hyzer, and Jennifer Atkinson were present. Attorney Hyzer reviewed the application. She explained the Applicant's plan to build 1 two-family dwelling on these two vacant lots. The lots were purchased by the applicant in May of this year. Ms. Atkinson is licensed by DCFS to provide child care in her home. This property was purchased because of its close proximity to her customers. The Applicant will have a circular drive to allow easy access from Alpine Road, and have agreed to a 50 foot setback to allow space for landscaping and the circular drive. The exposed lower level and play yard in the rear of the building will be for the day care. The adjacent property is a rental duplex. In 2002 a Special Use Permit for a Planned Mixed Use Development for a child care facility and school was approved at 705 North Alpine, just south of this property, but did not occur. Attorney Hyzer stated the Park District has plans to relocate access to Aldeen Park by extending Rural Street. This street will then become adjacent to the southern boundary of the applicant's property.

Ms. Atkinson reviewed the design of the home. She stated she had spoken with the neighbors and they felt at ease having the property occupied. Although she has ten children in her care, there are four sets of siblings so traffic to the home would be minimal.

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

A **MOTION** was made by Tom Przytulski to **APPROVE** the Special Use Permit for a Planned Residential Development consisting of one (1) Two-family residence on two zoning lots in an R-2, Two-family Zoning District at 707, 709, 711, 713 North Alpine Road. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting all applicable fire and building codes.
2. Legal documentation governing the parking, access, maintenance of the driveway, and maintenance of the roof.

ZBA 050-07
Findings of Fact for a Special Use Permit
For a Planned Residential Development Consisting of One (1) Two-Family Residence
On Two Zoning Lots in an R-2, Two-Family Zoning District at
707, 709, 711, and 713 North Alpine 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 R-2, Two-family Zoning District in which it is located.

051-07 **3115 Auburn Street**
Applicant Kathy Schmit / Rockford Towing
Ward 7 **Special Use Permit** for a limited repair shop and towing facility with outside storage that does not satisfy the Performance Criteria of 600 feet away from a residential district
Variation to allow parking on gravel
Variation to allow existing fence to replace required landscaping in an C-3, Commercial General Zoning District

The subject property is located 570 feet west of the Auburn Street and Kilburn Avenue intersection. Kathy and Tim Schmit, Applicants, were present. Ms. Schmit stated their former location was at 3600 Latham Road in the County, and they were advised by the City that they need to be in the City for towing of vehicles. She explained the need for a Special Use Permit because they are less than 600 feet from a

residential district. The Applicants previously operated at 3240 West State Street and that Special Use Permit had been revoked by the City due to numerous and continuous violations. Ms. Schmit stated this new application was for a different type of operation than what they wish to do now. Ms. Schmit verified she was the owner of the business at 3240 West State Street.

Staff recommendation was for Denial of all requests. One Objector was present.

Alderman Thompson-Kelly stated if there was ever a business that the City would not want or need, it would be one run by this Applicant. She stated in the past, these applicants were very uncooperative with the city. She stated they are already operating at the subject location in violation. The grass is not mowed, and they have been towing vehicles in and out without the proper permit.

In response, Mr. Schmit stated they have never been fined at West State, the City asked them to leave, and they never did anything wrong. Ms. Schmitt stated a lot of the problems at West State were caused by their misunderstanding of the law requiring licensing and tags. She stated there was never any fine for violations because they were corrected. Her opinion of the reason the Special Use Permit was revoked at West State Street was because the property behind this location had \$80,000 homes. She stated they voluntarily left the West State property.

Mr. Cagnoni verified there were a number of violations on the West State property. He further clarified that he and his staff visited the property numerous times and each time explained what needed to be done. The violations continued and were not corrected. After repeated failure to correct the violations at West State, Staff requested the Special Use Permit be revoked. He clarified that the closing of the West State property was not a voluntary move by the applicants, but rather was caused by the City revoking their Special Use Permit.

Alice Howard felt this business was not something that would improve the appearance of Auburn Street. The Board in general did not feel this was a positive business for the City of Rockford

A **MOTION** was made by Fred Money to **DENY** the Special Use Permit for a limited repair shop and towing facility with outside storage that does not satisfy the Performance Criteria of 600 feet away from a residential district; **DENY** the Variation to allow parking on gravel; and **DENY** the Variation to allow the existing fence to replace required landscaping in a C-3, Commercial General Zoning District at 3115 Auburn Street. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 5-0.

ZBA 051-07
Findings of Fact for A Special Use Permit
For a Limited Repair Shop and Towing Facility With Outside Storage
That Does Not Satisfy the Performance Criteria of 600 Feet Away from a Residential District
In a C-3, Commercial General Zoning District at
3115 Auburn Street

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, and will 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 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 C-3 Zoning District in which it is located.

ZBA 051-07
Findings of Fact for a Variation
To Allow Parking on Gravel
In a C-3, Commercial General Zoning District at
3115 Auburn Street

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 a Variation is 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 the 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 the 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.

052-07 **631 Highgrove Place**
Applicant Fiesta Lancon Authentic Mexican Restaurant
Ward 1 **Special Use Permit** for the sale of liquor by the drink (indoors) in conjunction with a sit-down restaurant in a C-2, Commercial Community District

This property is located on the northwest corner of Highgrove Place and Fincham Drive. Marvin Keys, representing the Applicant, reviewed the application for Special Use Permit. He explained this is a franchise restaurant, with operations in Freeport, Loves Park, Monroe, and Platville. This parcel is located in Perryville Crossings shopping center. This Mexican style restaurant will consist of 3500 square feet with seating for 120. There will be seating for 4 in the bar for patrons waiting for restaurant use, but the bar will not be restricted to restaurant patrons. Mr. Keys stated the subject location will be more upscale than the one in Loves Park.

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

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Special Use Permit for the sale of liquor by the drink (indoors) in conjunction with a sit-down restaurant in a C-2, Commercial Community Zoning

ZBA 053-07
Findings of Fact for a Special Use Permit
For Off-Site Business Advertising Sign
In a C-3, Commercial General Zoning District at
4XX North Mulford 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. The site currently has off-site advertising.
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 prior to installation of sign.
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 during review for the sign permit.
6. The special use shall, in all other respects, conform to the applicable signage and landscaping regulations of the C-3 Zoning District and Zoning Ordinance.

054-07 **1710 Rural Street**
Applicant Richard Hynes
Ward 3 **Variation** from the required 65 parking spaces to 52 parking spaces in a C-2,
Commercial Community District

Richard Hynes, Architect, and Attorney Michael Scheurich were present. Mr. Hynes reviewed the application for Variation. The subject property is a shopping center located northeast of the central business district. The Applicant proposes to leave the vacant Morrison Travel space to a Dollar and More store. There are seven active tenant spaces currently in this shopping center: Lydia's Café, Java & Cream, Primos Pizza, Rural Tobacco Shop, Delilah Hair Studio and Guilford Barber & Styling Shop. Mr. Hynes stated the leases on Lydia's Café and Primos Pizza are close to expiration. He stated hours of operation could be incorporated in to their new leases in order to allow coexisting parking with the proposed Dollar and More store. He stated parking has never been a problem at this location.

Staff recommendation was for Denial. Objectors were present.

Michael Hallstrom, 1710 Rural Street, #3, representing Lydia's café stated they have been tenants for 8 ½ years. He said their busiest hours are on the weekends. Mr. Hallstrom stated Lydia's is a popular neighborhood restaurant. He stated a lot of their Sunday customers are elderly and they need to park close to the restaurant. Mr. Hallstrom emphasized the parking lot is full all the time on the weekends due to the volume of business the café's brings in. Mr. Hallstrom further stated customers have had to park in the Hilander lot at times. He also stated the parking lot is in very poor condition.

Dave Johnson, 802 Paris Avenue, stated he is a long time resident of the neighborhood and customer of the businesses at this shopping center. He verified that Lydia's Café is extremely busy on the weekends. During the week parking is not much of a problem. Mr. Johnson expressed the neighborhood is comfortable with the success of the existing businesses.

Alderman Doug Mark stated he was in agreement with the Objector's concerns and does not support his project.

Alderman Curran stated he represented this area in excess of 20 years until it became the 3rd Ward under Alderman Mark. He asked that the Board consider very strongly Staff's recommendation of denial. He is not in favor of this application.

In response, Attorney Scheurich stated that Lydia's Cafe does not have a written lease and has not agreed to sign one. He stated the dollar store will come in and if Lydia's is not in agreement than their lease will be terminated. Mr. Money expressed his disapproval of this statement by Attorney Scheurich, stating it was an outright attempt at blackmail.

In explanation to the subject of nonconformance, Mr. Cagnoni explained when a change of use occurs in a legal non-conforming situation, parking requirements must be met. At some point this parking lot will need repair and at that time it will need to be brought in to conformance with landscaping requirements. These requirements would not be feasible with the proposed retail use. For this reason, Staff has recommended denial. He verified the zoning is appropriate for a dollar store type of business.

A **MOTION** was made by Dan Roszkowski to **DENY** the Variation from the required 65 parking spaces to 52 parking spaces in a C-2, Commercial Community Zoning District at 1710 Rural Street. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

ZBA 054-07
Findings of Fact for a Variation
From the Required 65 Parking Spaces to 52 Parking Spaces
In a C-2, Commercial Community Zoning District at
1710 Rural Street

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 a Variation is 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 the 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 the 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.

055-07 **1815, 1819 & 1827 E. Riverside Boulevard & 6970 Hiatt Drive**
Applicant Arc Design Resources
Ward 4 **Zoning Map Amendment** from R-1, Single-family and R-3, Multi-family Districts to R-2,
Two-family Residential Zoning District
Special Use Permit for a Planned Residential Development consisting of twenty-
three, two-family residences in an R-2, Two-family Residential Zoning District

Jeff Linkenheld, representing the Applicant, reviewed the requests. The Applicant wishes to put 46 units on approximately twelve acres within three subdivided lots. He stated there are 23 buildings in this project consisting of duplex range condos. He submitted a revised plat incorporating the decks. Mr. Linkenheld explained there will be a 15 foot perimeter buffer all around the development in addition to the utility easement, creating a 30 foot building setback line going around the perimeter of the site. The cul-de-sac for Charing Court is 600 feet from intersection to center. Because of this overlength cul-de-sac, the City is asking for fire suppression for these buildings. Mr. Linkenheld asked where in the ordinance fire suppression was necessary because of this overlength cul-de-sac. Mr. Cagnoni stated it is not specifically listed, but that the cul-de-sac limitation is 500 feet. The Fire Department has agreed to allow the proposed 600 foot length if fire suppression was incorporated. Mark Marinaro from the Fire Department stated he would provide Mr. Linkenheld with figures on the cost of fire suppression. Mr. Linkenheld asked if additional fire hydrants would be considered instead of suppression. Mr. Cagnoni stated the Fire Department preferred suppression.

Dan Roszkowski asked the applicant to consider enhancing the architecture by varying the layout of the buildings by a few feet to eliminate the "army barrack" look of having all the decks lined up in a row. Mr. Linkenheld stated there would be some character to this development because of the terrain. He stated he does not have the authority to agree to any changes in design, but would certainly bring this idea back to the developer. Mr. Cagnoni asked Mr. Linkenheld if he would like the option of laying this item over to work with the developer and Staff. Mr. Linkenheld stated this is not feasible due to the construction time frame.

Staff recommendation was for Approval with 8 conditions. No Objectors were present.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Zoning Map Amendment from R-1, Single-family and R-3, Multi-family Districts to R-2, Two-family Residential Zoning District; and to **APPROVE** the Special Use Permit for a Planned Residential Development consisting of twenty-three, two-family residences in an R-2, Two-family Residential Zoning Districts at 1815, 1819, and 1827 E. Riverside Boulevard, and 6970 Hiatt Drive. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. The most northerly two-family buildings that exceed the 500 foot requirement shall have a fire suppression system installed as they are effected by the over length cul-de-sac.
3. Substantial conformance with the two-family building elevations identified as Exhibit D, dated June 14, 2007.
4. Substantial conformance with the two-family layout identified as Exhibit E, dated June 14, 2007 as revised July 17, 2007.
5. Substantial conformance with landscaping plans for the site development identified as Exhibit F, dated June 14, 2007, as revised July 17, 2007. Additional foundation landscaping for each building shall be reviewed and approved by staff prior to building permitting.
6. Substantial conformance with the tentative plat submitted by the applicant identified as Exhibit G, by Arc Design, dated July 17, 2007.
7. For buildings ten, eleven, and twelve, as indicated on the landscaping plan identified as Exhibit F, a minimum of ten feet between the two-family residences and any stormwater detention easements must be maintained to allow for a minimum of a ten foot deck or patio to be placed at the rear of the residential units.

8. That a Tentative Plat and Final Plat is approved for the property in accordance with the City's Subdivision regulation inclusive of required public improvements prior to issuance of building permit and development of site.

ZBA 055-07
Findings of Fact for a Zoning Map Amendment
From R-1, Single-Family and R-3 Multi-Family Districts
to R-2, Two-Family District at
1815, 1819, 1827 East Riverside Boulevard and 6970 Hiatt Drive

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 Medium Residential and Commercial/Office.

ZBA 055-07
Findings of Fact for a Special Use Permit
For a Planned Residential Development
For Twenty-Three, Two-Family Residences in an R-2, Two-Family Residential Zoning District at
1815, 1819, 1827 East Riverside Boulevard and 6970 Hiatt 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 R-2, Two-family Residential Zoning District in which it is located.

056-07 **1510 9th Street**
Applicant Ryan Ludwig / Victor Yeveerino
Ward 11 **Special Use Permit for a Planned Mixed-Use Development**
 consisting of a teen club / banquet hall (night club) in a C-4,
 Commercial Oldtown District

The subject property is located south of the intersection of Broadway and 9th Street. Ryan Ludwig and Victor Yeveerino, Applicants, were present. Mr. Ludwig explained the request of they wish to open a non-alcoholic club for teens ages 16 to 20. They anticipate being open from 8:00 P.M. to 1:00 A.M. Friday and Saturday nights. Mr. Ludwig explained they will have pool tables, chips, soda, and candy. The building has a capacity of 279 people. He stated the Fire department has approved their site plans. Mr. Ludwig agreed to remove all liquor signs and re-stripe the parking lot. Five security guards will be on the premises. Mr. Yeveerino spoke as a disc jockey for this club. He stated he is looking for a safe environment to work in, and emphasized that he only plays positive music. Juan Reyes, head of the security firm the Applicant would hire, also spoke. He stated he does have a little concern for the area, but would like to try it out. He suggested the applicant could consider being open only having during the summer to see how it works out. Mr. Reyes explained that all officers will be full uniformed. Clothing rules will be enforced – no gang colors, no hats. There will be a cover charge. Mr. Reyes stated he will ask the police to drive by occasionally.

Mr. Ludwig stated parking is available at Crusader Clinic, some of the clients will be driven by parents, and they may give consideration to valet parking. Regarding curfew restrictions, Mr. Yeveerino stated they could use wrist bands to identify patrons of curfew ages and they would have to leave by a certain time.

Supporters were present.

Jordan Sward, 8970 North Barker Road, Byron, stated there is not a lot for teenagers to do on a Friday and Saturday evening and felt this club would be a positive thing. Tyler Smith, 5621 East Woodbin Road, Byron also spoke in support. He stated this club would give teens a safe place to go, something to do, and a way to stay out of trouble. He stated the group he spoke for likes the idea of driving to nearby Rockford rather than areas farther away.

Staff Recommendation was for Denial. Three letters of Objection were received – two from the Baltic Lodge and one from Rockford LLL Society. Objectors were also present.

O'laria Murphy stated he objects "vehemently" to this proposal. He stated parking is not available. He said this area has gone to a high crime area and feels that bringing more kids into this area would make it work as well as creating more gang activity.

Eldon Leuellen, representing the Baltic Lodge located across the street from the subject property, stated he is not opposed to what the applicant is trying to do, but rather is opposed to the location. He pointed out that there are three bars and a liquor in the immediate area.

Alderman Lenny Jacobson stated he was representing Rockford LLL club as well as an alderman. He also feels this is not the location for this project. He stated this is a one way arterial street and is not viable for this type of use. Parking is not available in this area to support the Applicant's proposal. Alderman Jacobson pointed out that this area has a lot of prostitution, and an abundance of police calls. He stated he has spoken with Alderman Holt, who is the Alderman of this ward, and Alderman Holt has asked him to express his opposition as well.

In response, Mr. Yeveerino stated this location was chosen as a starting point with the intent to move on in less than a year. He asked for an opportunity to show the community how positive this club will be. Mr. Ludwig stated other areas of town were very costly to lease or purchase. He stated he has been by the Rockford LLL and Baltic Lodge several times and does not see much traffic. Mr. Murphy stated the Baltic Club is open 7 days a week. He stated it is their plan to revitalize their parking lot and expressed a desire to limit the parking for their own facility.

During discussion, Board members felt this project was a good idea, but the location was not feasible. Dan Roszkowski pointed out that this area was not a safe one for young adults and teenagers to be in at 1:00 in the morning. He stated allowing this proposal would be putting them at risk.

A **MOTION** was made by Tom Przytulski to **DENY** the Special Use Permit for a Planned Mixed-Use Development consisting of a teen club / banquet hall (night club) in a C-4, Commercial Oldtown District at 1510 9th Street. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 5-0.

ZBA 056-07
Findings of Fact for a Special Use Permit
For a Planned Mixed-Use Development
Consisting of a Teen Club / Banquet Hall (Night Club)
In a C-4, Commercial Oldtown Zoning District at
1510 9th Street

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 and 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, and will 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 C-4 Zoning District in which it is located.

057-07 **2332 South 6th Street and 1002 23rd Avenue**
Applicant J. L. Clark, Inc.
Ward 11 **Special Use Permit for a Planned Mixed-Use Development**
 consisting of a parking lot in an R-2, Two-family Residential Zoning District

These properties are located on the northeast corner of 6th and 23rd Avenue across from J. L. Clark Incorporation. Mike Willard and Rich Amundson were present. The subject properties are vacant lots owned by the Applicant. They wish to construct a 14 stall parking area for their use. The Applicant will meet landscaping and illumination requirements.

Staff Recommendation was for Approval with 3 conditions.

A **MOTION** was made by Fred Money to **APPROVE** the Special Use Permit for a Planned Mixed-Use Development consisting of a parking lot in an R-2, Two-family Residential Zoning District at 2332 South 6th Street and 1002 23rd Avenue. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 5-0.

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. Submittal of an illumination plan for staff review and approval.

ZBA 057-07
Findings of Fact for A Special Use Permit
For a Planned Mixed-Use Development
consisting of Parking Lot in an R-2, Two-Family Residential District at
2332 South 6th Street and 1002 23rd 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-2, Two-Family Residential Zoning District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 10:15 P.M.

Respectfully submitted,

Sandra A. Hawthorne
Administrative Assistant
Planning / Zoning Division