

ZONING BOARD OF APPEALS

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

Present:

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

Absent: Tom Morgan, Chairman
David Peterson

Staff: Todd Cagnoni – Manager of Current Planning
Sandra Hawthorne – Administrative Assistant
Kerry Partridge – City Attorney
Frank Schmitt – Chief, Fire Prevention Division
Reid Montgomery – Director, Community Development
Wayne Dust – Planning Coordinator

Others: Kathy Berg, Stenographer
Applicants and Interested Parties

Alderman Linda McNeely (left at 6:55 PM)
Alderman Carl Wasco (left at 6:55 PM)
Alderman Joe Sosnowski (left at 6:55 PM)
Alderman Frank Beach (left at 6:55 PM)
Alderman Dan Conness (left at 7:05 PM)
Alderman Nancy Johnson

The meeting started at 6:30 P.M. A **MOTION** was made by Fred Money to **APPROVE** the minutes of the October 16, 2007 meeting as submitted. The Motion was **SECONDED** by Tom Przytulski and **CARRIED** by a vote of 5-0 with Tom Morgan and David Peterson absent.

083-07 **25XX South Mulford Road**
Applicant Rockford Blacktop Construction / Attorney Timothy Jagielski
Ward 14 **Special Use Permit for a Performance Use** consisting of an
Asphalt Batch Plant that does not meet the performance criteria in an I-2 General
Industrial District
Laid Over from October meeting

The Applicant requested that this item be Laid Over in order to allow Objectors, Staff and themselves time to review and discuss additional information that was received prior to this date. Because of the anticipated time allowed for the Applicant, Objectors and interested parties to voice their opinion and concerns at the meeting, the Board agreed to a separate meeting for this item only. This meeting will be held on Wednesday, December 5th, at 5:30 PM in City Council Chambers.

086-07 **5801 Columbia Parkway**
Applicant Tim Hansen
Ward 14 **Special Use Permit for a Performance Use** of a drive through window for a fast food restaurant (Subway) in a C-3, Commercial General Zoning District
Laid Over from October meeting

Prior to the meeting, a written request was received from the Applicant for a Lay Over to the December meeting to allow them time to finalize negotiations with the potential tenant.

A **MOTION** was made by Dan Roszkowski to **LAY OVER** the Special Use Permit for a Performance Use of a drive through window for a fast food restaurant (Subway) in a C-3, Commercial General Zoning District at 5801 Columbia Parkway. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 5-0.

094-07 **3409 Colony Bay Drive**
Applicant Gabriel Yates
Ward 14 **Special Use Permit** for liquor sales by the drink in conjunction with a bar with only indoor seating in a C-2, Commercial Community Zoning District

The subject property is located in the northernmost tenant space in the proposed Colony Bay Center of Sandy Hollow Plaza. Gabriel Yates, Applicant, reviewed his request for Special Use Permit. The Applicant is proposing a 1,410 square feet full service bar and grill. Mr. Yates stated he owns the Latham Tap which has been in operation at 2402 Latham Street for 13 years and would like to open an additional business at the proposed location. He further explained that the Latham Tap is surrounded by neighborhoods and he has not had any problems coexisting with the residential area. He stated he does not plan to have any beer garden or drinks outside at the Colony Bay location.

Staff Recommendation was for Approval with 3 conditions. Objectors were present.

Alderman Conness stated he has spoken to the real estate agent and would like to Lay Over this item to have the opportunity to meet with the Applicant to go over their plans. He asked Staff if the proposed new liquor code would apply to this application. Mr. Cagnoni explained that it is not certain when the new liquor code would go into effect and during the transition period Staff is looking at liquor requests on a case-by-case basis. He explained how the new liquor code would operate. Alderman Conness stated if this item was not Laid Over he would be opposed.

Jerry and Bonnie Peterson, 4308 Mayflower Avenue, stated there are at least 3 bars in the immediate area and they have had problems with people who patronize these bars. Mrs. Peterson said there are two houses with very small children within a block of the proposed location. She further stated the City recently had a huge drug bust in this area and would like to see the neighborhood cleaned up.

In response, Mr. Yates stated the other location is surrounded by neighborhoods and they have never had a problem. He welcomed anyone to do a background check on the Latham Street location to verify his statement. It was his choice not to Lay Over this item.

A **MOTION** was made by Dan Roszkowski to Deny the Special Use Permit for liquor sales by the drink in conjunction with a bar with only indoor seating in a C-2, Commercial Community Zoning District at 3409 Colony Bay Drive. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 4-1, with William Orr voting Nay.

ZBA 094-07
Findings of Fact for a Special Use Permit
For Liquor Sales by the Drink in Conjunction with a Bar
With Only Indoor Seating
In a C-2, Commercial Community Zoning District at
3409 Colony Bay Drive

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

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have 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-2 Zoning District in which it is located.

095-07 **6951 Olde Creek Road**
Applicant Dr. T. K. Nigam
Ward 1 **Special Use Permit** for an off-site business advertising freestanding sign
 Variation to increase the maximum height of a low-profile sign from 8 feet to 15 feet
 Variation to increase the maximum square footage of a low-profile sign from 64 to 89 in
 a C-1, Limited Office Zoning District

This property is located on the southwest corner of the intersection of Perryville Road and Olde Creek Road. The property is occupied by Members Alliance Credit Union. There is a 6 foot by 15 foot sign easement on the northwest corner of the lot. Attorney Amy Silvestri, representing the Applicant, reviewed the applications. She stated the Applicant wished to modify his application and withdraw the two Variations. They will comply with Ordinance as allowed. By doing this, Attorney Silvestri stated the original 4 conditions imposed by Staff would be removed. Mr. Cagnoni was in agreement with this statement. However, he wished to add one condition that the freestanding sign be in substantial conformance with the sign elevation submitted. He clarified that the sign would be one sided, and would face Perryville Road. The Board was in agreement.

Staff recommendation was for Approval of the Special Use Permit and Denial of both Variations, with 4 conditions. These four conditions were removed at this meeting in lieu of the Applicant withdrawing the requested Variations. No Objectors were present.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Amended application for a Special Use Permit for an off-site business advertising freestanding sign in a C-1, Limited Office Zoning District at 5951 Olde 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. The freestanding sign shall be in substantial conformance with the sign elevation submitted.

ZBA 095-07
Findings of Fact for a Special Use Permit
For an Off-Site Business Advertising Freestanding Sign
In a C-1, Limited Office District at
6951 Olde 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-1, Limited Office Zoning District in which it is located.

096-07	<u>6957 Olde Creek Road</u>
Applicant	Dr. T.K. Nigam
Ward 1	Variation to increase the maximum height of wall signs from 35 feet to a maximum of 56 feet (not to exceed the height of the building) in a C-1, Limited Office Zoning District

The subject property is A Perryville Place. Attorney Amy Silvestri, representing the Applicant, reviewed the applications. She explained the signage requested is to be located on the 4th floor of building #3. The sign will read: "Orthopedic Sports and Rehabilitation". Attorney Silvestri explained the sign would actually be 225 square feet to allow for the business logo on the left side of the wording. She felt this size was within the amount of signage allowed. She requested that Condition #1 be modified to allow for small, logo only, signage above the first floor on the north and south sign of the building. The Applicant is not asking for signage on the west side that faces residential. Mr. Cagnoni agreed to modify condition #2 to allow 225 square feet and stated Staff was willing to accept logo only signs on the north and south elevations.

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

A **MOTION** was made by Fred Money to **APPROVE** the Variation to increase the maximum height of wall signs from 35 feet to a maximum of 56 feet (not to exceed the height of the building) in a C-1, Limited Office Zoning District at 6957 Olde Creek Road subject to conditions as modified. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Wall signs above the 1st floor shall only be located on the east elevation, with logo only signage on the north and south elevation.
2. The maximum square footage for each individual sign above the 1st floor shall be 150 square feet for buildings #1, 2 and 4, and 225 square feet for building #3.
3. The maximum number of wall signs above the 1st floor shall be one for buildings 2 and 3, and two for buildings 1 and 4.
4. The gross surface area in square feet of all business signs, inclusive of wall signs or freestanding signs, on the subject property shall not exceed three times the lineal feet of street frontage, which is 1,691.46 square feet.

097-07 **3840 Broadway, Unit B**
Applicant Patricia and Jose Arce
Ward 8 **Special Use Permit** for liquor sales by the drink in conjunction
 with a billiard hall with only indoor seating in a C-2, Commercial Community Zoning
 District

The subject property is located in Eastgate Shopping Center. Attorney Charlotte LeClercq and Patricia Arce were present. Attorney LeClercq reviewed the request for Special Use Permit. She explained that other uses in the shopping center are primarily retail and grocery store uses. The Planning and Zoning Report stated there were 207 parking spaces as per the site plan provided by the applicant. Attorney LeClercq stated that she counted 238 parking spaces on WinGIS and inspection of the property. Some uses in the shopping center close prior to the Applicant's business opening. The Applicant wishes to open at 5:00 PM to midnight Monday thru Thursday and to 2:00 AM Friday and Saturday. No food will be served. Attorney LeClercq stated there are 5 businesses within the area that serve alcohol. She also disagreed that there are mostly residential uses around the property, stating there is commercial use in this area.

Mr. Cagnoni stated Staff would need to verify the 238 parking spaces as counted by Attorney LeClercq.

Staff Recommendation was for Denial. No Objectors were present. Mr. Cagnoni again explained the licensing process and the revised liquor code. Dan Roszkowski was concerned with future owners under the current Special Use Permit. He would prefer to deny this application and let the Applicant go through the liquor license process. Mr. Cagnoni explained the process to Attorney LeClercq and the applicant. Attorney Partridge stated they anticipate being able to start taking applications for the new process within two weeks.

Mr. Cagnoni stated when looking through the applications for liquor licenses the Applicant's did not come up as being applied for.

A **MOTION** was made by William Orr to **DENY** the Special Use Permit for liquor sales by the drink in conjunction with a billiard hall with only indoor seating in a C-2, Commercial Community Zoning District at 3840 Broadway, Unit B. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 5-0.

Attorney Partridge explained to the Applicant that if this application is denied, it would not prevent her from applying for a liquor license/sales through the new process.

ZBA 097-07
Findings of Fact for a Special Use Permit
For Liquor Sales by the Drink
In Conjunction with a Billiard Hall with Only Indoor Seating
In a C-2, Commercial Community Zoning District at
3840 Broadway, Unit B

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

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.
5. Adequate measures have not been 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-2 Zoning District in which it is located.

098-07 **228 South Main Street**
Applicant Bridget French
Ward 3 **Special Use Permit** for the sale of alcohol by the glass (beer and wine) in conjunction with a restaurant with only indoor seating in a C-4, Commercial Old Town Zoning District

Prior to the meeting, a written request was received from the Applicant asking that this item be Laid Over to the December meeting.

A **MOTION** was made by Fred Money to **LAY OVER** the Special Use Permit for the sale of alcohol by the glass (beer and wine) in conjunction with a restaurant with only indoor seating in a C-4, Commercial Old Town Zoning District at 228 South Main Street. The Motion was **SECONDED** by Dan Roszkowski and **CARRIED** by a vote of 5-0.

099-07 **3101 11th Street**
Applicant PG Architecture Design
Ward 6 **Zoning Map Amendment** from R-1, Single-Family Residential District to C-3, Commercial General District for Tract I
Special Use Permit for a Performance Use consisting of a financial institution with a drive-up window that cannot satisfy the minimum distance to a residential district for Tract II
Variation to reduce the required Type C landscape buffer from 20 feet to 6 feet 2 inches (6'2") wide adjacent to the north entrance in a C-3, Commercial General District for Tract II

The subject property is located at the southwest corner of Barnum Road and 11th Street, with frontage along Lapay Street. Bo Scott from Blackhawk Bank, and Steven Howlett, PG Architecture Design were present. Mr. Howlett reviewed the application. They presented a site plan showing proposed landscaping. Mr. Scott explained the request for Variation to landscaping is only for the area in the northwest corner. A full buffer to the south and west as per ordinance will be provided.

Staff Recommendation was for Approval of all three items, with 5 conditions. No Objectors were present.

A **MOTION** was made by Dan Roszkowski to **APPROVE** the Zoning Map Amendment from R-1, Single Family Residential District to C-3, Commercial General District for Tract I; **APPROVE** the Special Use Permit for a Performance Use consisting of a financial institution with a drive-up window that cannot satisfy the minimum distance to a residential district for Tract II; and **APPROVE** the Variation to reduce the required Type C landscape buffer from 20 feet to 6 feet 2 inches (6'2") wide adjacent to the north entrance in a C-3, Commercial General District for Tract II at 3101 11th Street. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. The State will be responsible for granting access from 11th Street.
2. Compliance with all applicable building and fire codes.
3. Submittal of an illumination plan for staff review and approval.
4. Must combine lots into one zoning lot prior to issuance of a Building Permit.
5. Submittal of a site plan and a revised landscaping plan for staff review and approval.

ZBA 099-07
Findings of Fact for a Zoning Map Amendment
From R-1, Single-Family Residential District
To C-3, Commercial General Zoning District for Tract I at
3101 11th Street

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 the lots where the bank structure is to be located as C, Commercial Retail.

ZBA 099-07
Findings of Fact for a Special Use Permit For a Performance Use
Consisting of a Financial Institution with a Drive-Up Window
That Cannot Satisfy the Minimum Distance to a Residential District for Tract II
In a C-3, Commercial General District at
3101 11th 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, Commercial General Zoning District in which it is located.

ZBA 099-07
Findings of Fact for a Variation
To Increase the Required Type C Landscape Buffer
From 20 Feet to 6'-2" Wide Adjacent to the North Entrance
In a C-3, Commercial General Zoning District at
3101 11th 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.

100-07 39XX and 4227 Pelley Road
4507, 4521, 4701, 4707, and 47XX South Main Street
 Applicant Pastor Brad Hampton
 Ward w/b 5 **Zoning Map Amendment** from County Ag, Agriculture District, to C-3, Commercial
 General Zoning District for Parcels 1 and 2 and to I-1, Light Industrial District for Parcel 3

The subject property is located south of US Route 20, west of South Main Street and north of Pelley Road and is currently in Winnebago County. Ray Ferguson, representing the Applicant, reviewed the request for Zoning Map Amendment. He stated 75 of the 113.59 acres is being requested as a light industrial research park. The former Faith Center property will continued to be used for church purposes. 5 Acres of this land will be maintained for the church. Parcel 2 is proposed to be developed with commercial retail uses.

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

A **MOTION** was made by Tom Przytulski to **APPROVE** the Zoning Map Amendment from County Ag, Agriculture District, to C-3, Commercial General Zoning District for parcels 1 and 2, and to I-1, Light Industrial District for Parcel 3 at 39XX and 4277 Pelley Road and 4507, 4521, 4701, 4707 and 47XX South Main Street. The Motion was **SECONDED** by William Orr and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. The terms of the Annexation Agreement.
2. Submittal of a Tentative Plat and Final Plat for City review and approval.

ZBA 100-07
Findings of Fact for a Zoning Map Amendment
From County AG, Agriculture District
to C-3, Commercial General District for parcels 1 and 2
Located on the East Portion of the Property along South Main Street at
4507, 4521, 4701, 4707 and 47XX South Main Street

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 T, Tech Industry, I-1, Light Industrial, and PE, Public Facility

ZBA 100-07
Findings of Fact for a Zoning Map Amendment
From County AG to I-1, Light Industrial District for Parcel 3
Located on the West Portion of the Property South of Pelley Road at
39XX and 4227 Pelley Road

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

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

101-07 **5909 East State Street**
Applicant Q.T. Sign, Inc.
Ward 14 **Variation** to allow a third wall sign to identify brand name service in a C-3, Commercial General District

The subject property is located on the southwest corner of North Mulford Road and East State Street and is the Kmart Store. Robert Freedman and Kristopher Ambrosia were present. Mr. Ambrosia, representing Sears, reviewed the request. He explained that Kmart and Sears stores have merged and part of the remodeling includes updating signage to reflect both companies.

Mr. Cagnoni asked if there were any plans for exterior improvements to the building or plans for landscaping or parking lot improvements. Mr. Ambrosia stated this would depend on economics, but would be willing to discuss any expectations staff may have.

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

A **MOTION** was made by Fred Money to **APPROVE** the Variation to allow a third wall sign to identify brand name service in a C-3, Commercial General District at 5909 East State Street. The Motion was **SECONDED** by Tom Przytulski and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must be in accordance with Exhibits E and F.

ZBA 101-07
Findings of Fact for a Variation
To Allow a Third Wall Sign to Identify Brand Name Service
In A C-3, Commercial General District at
5909 East State Street

Approval of this Variation is based upon the following findings:

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

102-07 1502 Parkview Avenue

Applicant
Ward 3

Mark Carlson
Special Use Permit for a Planned Mixed-Use Development consisting of medical office buildings over 3,000 square feet, professional office building, and a Community Service Organization to include multiple uses for children and/or elderly care in an R-1, Single-family Residential District

The subject property is located on the west side of Parkview Avenue adjacent to Sinnissippi Golf Course. Mark Carlson, Applicant, reviewed the request. This is the site of the former Jewish Community Center. The applicant purchased this building three years ago and then leased it to a church. Mr. Carlson explained that the developer has already installed water retention for the entire site. This same application was approved two years ago, but the Special Use Permit has expired. The interested parties at the time of original approval did not follow through.

Staff Recommendation was for Approval with 7 conditions. No Objectors were present. One letter of Objection was received from Jeanette Haskell. In her letter, Ms. Haskell, who lives at 1023 North Prospect Street, stated she recently inherited the property at 1323 Parkview. She felt the developer could find other empty commercial plots which could be utilized for his purpose.

A **MOTION** was made by Tom Przytulski to **APPROVE** the Special Use Permit for a Planned Mixed-Use Development consisting of medical office buildings over 3,000 square feet, professional office building, and a Community Service Organization to include multiple uses for children and/or elderly care in an R-1, Single-family Residential District at 1502 Parkview Avenue. The Motion was **SECONDED** by Fred Money and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meeting all applicable Building and Fire Codes.
2. Medical office use is limited to one floor of the proposed building (8,000 total square footage) and no immediate medical care facility shall be provided at this site. Hours of operation for the proposed medical building are limited from 8:00 a.m. to 6:00 p.m. and hours of operation for the existing building are limited to 8:00 a.m. to 10:00 p.m.
3. Submittal of a landscaping plan and illumination plan for staff's review and approval prior to issuance of a building permit. Lighting shall comply with the Zoning Ordinance.
4. Submittal of a civil site plan including a detention area for staff's review and approval.
5. Submittal of a tree preservation plan for staff's review and approval.
6. The building height of the second proposed building at the highest point of the peak of the roof shall not exceed the building height of the existing building.
7. Any proposed uses would also need to be evaluated by staff prior to occupying the buildings to ensure compliance of parking and compatible to existing land uses.

ZBA 102-07

**Findings of Fact for a Special Use permit for a Planned Mixed-Use Development
Consisting of Medical Office Buildings Over 3,000 Square Feet
Professional Office Building, and a Community Service Organization
To Include Multiple Uses for Children and/or Elderly Care
In an R-1, Single-Family Residential District at
1502 Parkview 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 R-1 District, if conditions of approval are met.
4. Adequate utilities, access roads, drainage and/or necessary facilities will be provided through plan review for a building permit.
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 through plan review for a building permit.
6. The special use shall, in all other respects, conform to the applicable regulations of the R-1 Zoning District and conditions of approval.

103-07 **3118 and 3212 South Main Street**
Applicant Atty. Mario Tarara
Ward 5 **Zoning Map Amendment** from County Ag, Agriculture District, to City C-2, Commercial
Community District for Parcel (A) and to R-4 Multi-family Residential District for Parcel (B)

The subject property is located south of Harrison Avenue, on the east side of South Main Street and is currently located within Winnebago County contiguous to the City. Attorney Mario Tarara and Vito Addotta were present. Attorney Tarara reviewed the application. The proposed development consists of 13 acres. The Applicant wishes to develop this property with affordable housing independent senior living a senior assisted living facility. The two independent senior housing centers would have 49 units in a three story building. The assisted living facility would contain 16, single story units. Two family structures would be developed along the River. In addition, retail uses, medical office uses and similar uses are anticipated. Mr. Addotta stated the development will allow the existing bike path to continue along the river. The Applicant is agreeable to staff conditions.

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

A **MOTION** was made by William Orr to **APPROVE** the Zoning Map Amendment from County Ag, Agriculture District, to City C-2, Commercial Community District for Parcel (A) and to R-4, Multi-family Residential District for Parcel (B) at 3118 and 3212 South Main Street. The Motion was **SECONDED** by Tom Przytulski and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. The terms of the Annexation Agreement.
2. Submittal of a Tentative Plat and Final Plat for City review and approval.

ZBA 103-07
Findings of Fact for A Zoning Map Amendment
From County RR to C02, Commercial Community District for Parcel A at
3118 and 3212 South Main Street

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 C, Retail and PA, Priority Park Acquisition.

ZBA 103-07
Findings of Fact for a Zoning Map Amendment
From County RR to R-4, Multi-Family Residential District for Parcel B at
3118 and 3212 South Main Street

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 C, Retail and PA, Priority Park Acquisition.

2008 Zoning Board of Appeals Schedule

Staff presented the scheduled filing meeting dates for 2008 Zoning Board of Appeals for approval.

A **MOTION** was made by Dan Roszkowski to **Approve** the 2008 meeting dates as submitted. The Motion was **SECONDED** by Tom Przytulski and **CARRIED** by a vote of 6-0. The 2008 schedule is as follows:

2008 SCHEDULE of PUBLIC HEARINGS

FILING DEADLINE: (Thursday, 5:00 P.M.)	ZBA MEETING DATE: (Third Tuesday of the Month)
December 13, 2007	January 15, 2008
January 17, 2008	February 20, 2008-Wed
February 14, 2008	March 18, 2008
March 13, 2008	April 15, 2008
April 17, 2008	May 20, 2008
May 15, 2008	June 17, 2008
June 12, 2008	July 15, 2008
July 17, 2008	August 19, 2008
August 14, 2008	September 16, 2008
September 18, 2008	October 21, 2008
October 16, 2008	November 18, 2008
November 13, 2008	December 16, 2008
December 18, 2008	January 22, 2009-Wed

With no further business to come before the Board, the meeting was adjourned at 8:05 PM.

Respectfully submitted,
 Sandra A. Hawthorne, Administrative Assistant
 Planning & Zoning Division
 Community Development Department