



ZONING BOARD OF APPEALS
Wednesday, January 17, 2018
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members: Thomas Fabiano
Kim Johnsen
Dan Roszkowski
Craig Sockwell
Jennifer Smith

Absent: Alicia Neubauer
Maurice Redd

Staff: Scott Capovilla – Zoning and Land Use Administrator
Lafakeria Vaughn - City Attorney
Matthew Flores, Assistant City Attorney
Jeremy Carter - Public Works
Sandra Hawthorne - Administrative Assistant

Others: Alderman Natavias Ervins
Alderman Tuffy Quinonez
Kathy Berg - Court Stenographer
Applicants and Interested Parties

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

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

- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Tuesday, January 22, 2018, at 5:30 PM in City Council Chambers in this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. This information was also presented in written form attached to the agendas.

The meeting was called to order at 5:30 PM. A **MOTION** was made by Kim Johnson to **APPROVE** the minutes from the December, 2017 meeting as written. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0 with Alicia Neubauer and Maurice Redd absent.

ZBA 027-17

Applicant
Ward 01

6783 & 6819 Fincham Drive, and 886 White Chapel Lane

Charles Thompson / William Charles Real Estate Investment
Special Use Permit for a Planned Unit Development consisting of twenty (20) townhomes in accordance with the submitted site plan in a C-2 Limited Commercial Zoning District

The subject properties are located on the southwest and southeast corners of Fincham Road and Stonefield Lane intersection, and the northwest corner of Fincham Drive and White Chapel Lane intersection and consists of 2.05 acres of vacant land. Charles Thompson, representing William Charles Real Estate Investment, presented their request. He explained they have had this land in their portfolio for over 25 years. William Charles has been developing land in and around the subject property with duplexes and leasing them out over the last ten years and have had great success with short term leases. Mr. Thompson gave a description of interior layout choices and presented a rendering of the exterior as well. If this works well, they will develop the 10 acres on the north side of Fincham and the proposed development will have a clubhouse, exercise room, and other amenities. Their goal is to start work on this project in the Spring or early Summer.

Staff Recommendation is for Approval with (12) conditions. No Objectors or Interested Parties were present.

Dan Roszkowski expressed his opinion that this type of development was a better fit for the area rather than an office type development. There was also agreement from members of the Board.

A **MOTION** was made by Tom Fabiano to **APPROVE** the Special Use Permit for a Planned Unit Development consisting of twenty (20) townhomes in accordance with the submitted site plan in a C-2, Limited Commercial Zoning District at 6783 & 6819 Fincham Drive, and 886 White Chapel Lane. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of revised building elevations indicating specific building materials for Staff review and approval.

3. The Special Use Permit shall be in substantial conformance with the submitted site design, layout, and access from Stonefield Lane and White Chapel Lane as depicted in Exhibit D.
4. A landscaping plan for the Special Use Permit shall be submitted and shall be in accordance with the City of Rockford Ordinances as reviewed and approved by Staff. A Type "A" landscaping buffer is required throughout the development, a Type B landscaping buffer is required adjacent to the residential, and the landscaping plans shall reflect these requirements.
5. That the property be developed as per revised landscaping plan approved by Staff.
6. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval.
7. Must submit fence elevations and Fence Permit for Staff review and approval.
8. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval.
9. Must obtain separate permits for signage and any sign must be constructed to match building design and in accordance with plans approved by Staff.
10. Must develop buildings in accordance with elevations approved by Staff.
11. A final Plat shall be submitted prior to development of the site or building permit issuance.
12. All conditions must be met prior to establishment of use.

ZBA 027-17
Findings of Fact for Approval of a Special Use Permit
For a Planned Unit Development
Consisting of Twenty (20) Townhomes
In Accordance with the Submitted Site Plan
In a C-2, Limited Commercial Zoning District at
6782 and 6819 Fincham Drive, and 866 White Chapel Lane

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. The proposed development is consistent with the mix of uses in the area and does encourage the connectivity of the surrounding uses and future growth of the property.
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 future land use designation and the existing zoning district are considered Commercial. However, due to the mix of uses in the vicinity and adjacent multi-family and general and limited commercial in the area, the proposed development is in line with the intent of the existing zoning and the future land use designation through the Planned Unit Development Process.
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-2, Limited Commercial Zoning District in which it is located through the Planned Unit Development and Special Use processes.

ZBA 028-17

Applicant
Ward 11

424 7th Street

Children's Home & Aid

Special Use Permit for office space for agency personnel and housing for Motherhouse Crisis Nursery on the first floor in a C-4, Urban Mixed-Use Zoning District

The subject property is located on the northeast corner of 7th Street and 4th Avenue. Attorney Ian Linnabary, representing the Applicant, and Lisa Pieper from Children's Home & Aid were present. Attorney Linnabary reviewed the request for Special Use Permit. This building consists of 24,000 sq. ft. on three floors. He explained that if the proposed use were located on the second floor, it would be permitted without a Special Use Permit. However, because this would be a residential use on the first floor in a commercial building, a Special Use Permit is required. DCFS requires housing for the nursery to be on the first floor for safety purposes. The Crisis Care Nursery allows a maximum of 15 children, and no child may stay longer than 72 hours.

Lisa Pieper, representing Children's Home & Aid, explained they have been in Rockford over 75 years. They have been at their previous location for 20 years, but that space is smaller and no longer meets their needs nor those of the community. The subject building has been built out to meet their requirements and those of the community. Ms. Pieper explained their desire to expand to allow all services under one roof, creating a one-stop option. This location is also on the bus line, allowing easy access for their clients. She further stated they have 100/plus staff in the building on a daily basis.

Attorney Linnabary stated this application was before the Board previously and there was some opposition at that time. They have since met with those in opposition, as well as the Alderman of the Ward, and feel all concerns have been addressed. Children's Home & Aid have put 1.5 million dollars into improving this building. He feels this use will have a minimal impact, if any impact at all, on the surrounding community. The vast majority of the use is, and will remain, office related. Attorney Linnabary also went over the Findings of Fact for requirement of a Special Use Permit.

Joan Tunneil, Chairman of the Board of Children's Home & Aid submitted a letter to the Board as she was not able to attend the meeting. In her letter, she stated "The crisis nursey is 24 hour emergency child care for infants and children through six, with space for 12 to 15 children at a time. It's a very nurturing, safe environment with well-trained professional staff and 24 hour support for parents in crisis. Nearly 600 (unduplicated) children were served at Mother House last year in a different facility."

The Board had no questions of the Applicant.

Staff Recommendation is for Approval with (2) conditions. No Objectors were present. A letter of support was received from Bob Campbell with Zion Development Corporation. In his letter, Mr. Campbell stated: "We appreciate the services that are provided by the Children's Home & Aid Society and they have already proven to be good neighbors to our property across the street, which is occupied by Katie's Cup Coffee Shop. We believe that the granting of the special use permit will be beneficial to the larger community and will provide additional safety to the neighborhood by having more people on site during times when most businesses are closed."

Alderman Tuffy Quinonez stated he welcomes this type of agency in his Ward and is definitely in support of this project.

Bradley Roos was also present representing the Lantow Lofts Association. Mr. Roos expressed the Association is strongly in support of this project and this particular use. They feel the Applicant has done a "spectacular job" of renovating the building and that this service is needed in our community.

Bjorn Hulleberg, President of Midtown, was present and also expressed support for this project.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Special Use Permit for office space for agency personnel and housing for Motherhouse Crisis Nursery on the first floor in a C-4, Urban Mixed-Use Zoning District at 424 7th Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Motherhouse Crisis Nursery is limited to the area shown on Exhibit E.

ZBA 028-17
Findings of Fact for Approval of a Special Use Permit
For Office Space for Agency Personnel and Housing for Crisis Nursery
On the First Floor
In a C-4, Urban Mixed-Use District at
424 7th 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 C-4 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the C-4 Zoning District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 6:06 PM.

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