



ZONING BOARD OF APPEALS
Tuesday, March 17, 2015
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

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

Present:

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

Absent: Scott Sanders

Staff: Scott Capovilla – Zoning and Land Use Administrator
Angela Hammer – Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Marcy Leach – Engineering Operators Manager – Public Works
Lafakeria Vaughn - Assistant City Attorney

Others: Alderman Franklin Beach
Alderman Joseph Chiarelli
Alderman Teena Newburg

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 and address to the Zoning Board of Appeals secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.

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

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, March 23, 2015, at 5:30 PM in City Council Chambers of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:35 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes of the February 18th meeting with the following changes: Page 3, paragraph 3, Ms. Petersen should read Ms. Johnsen. Page 7, Paragraph 2, Alicia Neubauer to be changed to Kim Johnsen. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote 4-0 with Tom Fabiano and Dan Roszkowski abstaining and Scott Sanders absent.

ZBA 034-14 **5410 and 5456 East State Street**
 Applicant Dale Nelson / Drinc, Inc.
 Ward 10 **Special Use Permit** for a restaurant, bar and grill and nightclub in a C-3,
 General Commercial Zoning District
 Laid Over from August 2014 – February 2015

This item will be Laid Over to the April 21st meeting.

A **MOTION** was made by Kim Johnsen to **LAY OVER** the Special Use Permit for a restaurant, bar and grill and nightclub in a C-3, General Commercial Zoning District at 5410 and 5456 East State Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

ZBA 044-14 **383 18th Avenue**
 Applicant Rust-oleum Corporation / Scott Anderson
 Ward 11 **Variation** to decrease the required front yard setback for a parking lot from ten
 (10) feet to zero (0) feet along 18th Avenue
 Variation to reduce the required ten (10) feet wide frontage landscaping to zero
 (0) feet along 18th Avenue in an I-2, General Industrial Zoning District
 Laid Over from October 2014 – February 2015

The Applicant requested this item be Laid Over to the April 21st meeting.

A **MOTION** was made by Kim Johnsen to **LAY OVER** the Variation to decrease the required front yard setback for a parking lot from ten (10) feet to zero (0) feet along 18th Avenue; and to **LAY OVER** the Variation to reduce the required ten (10) feet wide frontage landscaping to zero (0) feet along 18th Avenue in an I-2, General Industrial Zoning District at 383 18th Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

ZBA 055-14
Applicant
Ward 1

626 Shiloh Road
James E. Stevens
Modification of Special Use Permit #011-06 for a Planned Unit Development
to add 46 town homes in an R-3, Multi-family Residential Zoning District
Laid Over from January, February 2015

Prior to the meeting the Applicant requested this item be Laid Over to the April 21st meeting.

A **MOTION** was made by Kim Johnsen to **LAY OVER** the Modification of Special Use Permit #101-06 for a Planned Unit Development to add 46 town homes in an R-3, Multi-family Residential Zoning District at 626 Shiloh Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

ZBA 004-15
Applicant
Ward 10

3915 East State Street
Amerco Real Estate Co. / Zulema Longoria Ward
Special Use Permit for a Planned Unit Development consisting of two (2) buildings; one for a climate controlled self-storage facility and one for a new residential self-storage warehouse that includes outdoor rental and outdoor storage of light equipment (trucks, vans, and trailers) in a C-2, Limited Commercial Zoning District.

Prior to the meeting, the Applicant requested this item be Laid Over to the April 21st meeting.

A **MOTION** was made by Kim Johnsen to **LAY OVER** the **Special Use Permit for a Planned Unit Development** consisting of two (2) buildings; one for a climate controlled self-storage facility and one for a new residential self-storage warehouse that includes outdoor rental and outdoor storage of light equipment (trucks, vans, and trailers) in a C-2, Limited Commercial Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

ZBA 005-15
Applicant
Ward 13

413, 415 South Central Avenue
Derek McGrew / CelluSite, L.L.C.
Special Use Permit for a communication tower 100 feet in height in an I-1, Light Industrial Zoning District

The subject property is located on the northwest corner of South Central Avenue and Preston Street and is a Tire Shop business. Derek McGrew, representing CelluSite, L.L.C. reviewed their application. Mr. McGrew explained they have a signed lease to construct a cell tower on this location. He presented information showing T-Mobile cell tower locations around Rockford as well as photo simulations from 4 different views of what the tower will look like once constructed. He stated the tower will be located as far away from residential use as practical. Mr. McGrew also explained the existing tower on W. State Street, owned by U.S. Cellular would only allow them to go to a height of 48 feet if they were to co-locate. This height would not meet their needs.

When asked if there were any plans to come back with more requests for cell towers, Mr. McGrew stated he was not certain of any other locations in the works as that information is not available to him. He did feel that it is unlikely there will be any additional activity for a long time in this area. He stated he could not speak for other areas. He further explained that in some instances it is not always the geographic distance between towers, but rather the usage.

According to the report prepared by Staff, there were conditions of approval from a previous Special Use Permit that were never met. Ms. Neubauer asked Mr. McGrew if he was aware of them and the City's intent to resolve these issues. Mr. McGrew stated if they need to replace the fence they will do so. He

further stated the landlord did not feel the asphalt on the interior of the property did not have to be replaced – only that on the exterior. Mr. Capovilla clarified by explaining the Ordinance requires all gravel areas be paved if vehicle access will occur; otherwise the gravel would need to be removed and the area returned to topsoil. He further stated the existing landscaping needed maintenance and clean up, but not necessarily new landscaping in addition to what is existing. Mr. McGrew stated the Applicants are working with the landlord on these matters.

Mr. Capovilla asked Mr. McGrew if his client was aware of the new cell tower at North Main Street and Riverside Boulevard, behind the North Town Mall. Mr. McGrew stated they were, and they have already or will be co-locating on this tower.

Staff Recommendation is for Approval with (6) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for a communication tower 100 feet in height in an I-1, Light Industrial Zoning District at 4XX, 411, 413, 415 South Central Avenue; 17XX Green Street, and 26XX Preston Street. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Removal of all temporary signs located on the property.
3. Must pave gravel areas or replace these areas with topsoil and seed.
4. Replace entire fencing with a new vinyl fence that surrounds the entire property.
5. The overgrown landscaping projecting into the right of way must be maintained and cut down. It is the responsibility of the property owner to maintain landscaped areas in a neat, clean, and orderly manner and to keep plant materials in a healthy condition. Maintenance must include, among other things, adequate watering, pruning and mowing.
6. All conditions must be met prior to establishment of use.

ZBA 005-15
Findings of Fact for Approval of a Special Use Permit
For a Communication Tower 100 Feet in Height
In An I-1 Light Industrial Zoning District at
413, 415 South Central 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 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.

With no further business to report, the meeting was adjourned at 5:54 PM

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