



ZONING BOARD OF APPEALS
Tuesday, September 19, 2017
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: Kim Johnsen
Dan Roszkowski
Craig Sockwell
Jennifer Smith

Absent: Alicia Neubauer
Tom Fabiano

Staff: Scott Capovilla – Zoning and Land Use Administrator
Lafakeria Vaughn - City Attorney
Matthew Flores, Assistant City Attorney
Tim Morris - Fire Department
Sandra Hawthorne - Administrative Assistant

Others: Alderman Tuffy Quinonez
Alderman Frank Beach
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 Monday, September 25, 2017, 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. The City's web site for minutes of this meeting are listed on the agenda as well. This information was also presented in written form attached to the agendas.

The meeting was called to order at 5:35 PM. Because there were only 3 voting members of the Board present, the minutes of the August meeting could not be voted on. They will be voted on at the October 17th meeting.

Chainman Roszkowski explained to the Applicants that because there were only 4 members of the Board present, any vote of Denial by one member would not move the item forward with a vote of approval. The Applicants were given the opportunity to request a Lay Over to the October meeting should they so chose.

ZBA 017-17

Applicant
Ward 01

11XX, 1201 North Bell School Road

Rockford Christian School / Randy Taylor

Special Use Permit to allow a dormitory in conjunction with a private school

Variation to increase the number of permitted wall signs from two (2) to (3)

Variation to increase the building height from the maximum of 35' to 40' in a C-1, Limited Office Zoning District

Laid Over from August meeting

Prior to the meeting, a request was received by the Applicant to Lay Over this item to the October 17, 2017 meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the requests for Special Use Permit to allow a dormitory in conjunction with a private school; Variation to increase the number of permitted wall signs from two (2) to (3); Variation to increase the building height from the maximum of 35' to 40' in a C-1, Limited Office Zoning District at 11XX, 1201 North Bell School Road. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 4-0.

ZBA 019-17

Applicant
Ward 06

3909 and 3911 Sandy Hollow Road

Mike Maust

Special Use Permit for a Planned Unit Development for the sale of passenger vehicles that includes a sales office and detail shop in an I-1, Light Industrial Zoning District

The subject property consists of three (3) lots totaling 1.73 acres and is located on the southwest corner of Sandy Hollow Road and 35th Street. They are surrounded by commercial industrial and some residential uses.

Mike Maust, Applicant, and Nicholas Becker, Civil Engineer, were present. Mr. Maust reviewed his request for vehicle sales and detail shop. He presented renderings of the building and parking lot. Mr. Becker stated the previous buildings were demolished with the slabs remaining. Mr. Maust explained that all existing slabs will be removed and new surfaces installed. Mr. Becker stated there would actually be less hard surface with the new development than what was there previously. The Applicant is asking for a reduction in landscape buffer along the east property line.

Staff Recommendation is for Approval subject to (16) conditions. No Objectors or Interested Parties were present.

Mr. Becker felt that Condition (12) requiring a Final Plat creating one lot was not necessary per the Rock River Reclamation District. Mr. Capovilla reiterated that this would be a requirement as a condition of approval per the zoning ordinance.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Special Use Permit for a Planned Unit Development for the sale of passenger vehicle that includes a sales office and detail shop in an I-1, Light Industrial Zoning District at 3909 and 3911 Sandy Hollow Road with an amendment to condition (4) to eliminate the Type A buffer along the east property line. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 4-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building Permits for Staff's review and approval.
3. Submittal of a revised site plan with increased setback for the parking lot (existing hard surface) along 35th Street, relocated display stalls, parking spaces, and landscape island along 35th Street and the dumpster enclosure location for Staff's review and approval.
4. Submittal of a revised landscape plan that includes a type A Buffer along the north, south and west perimeter of the property and a vinyl privacy fence 6 feet in height along the south and west property lines adjacent to the single-family residence with plant species, and additional landscape island to comply with the square footage and end cap requirements that includes plant species and size for Staff's review and approval.
5. That the property be developed as per revised site and landscaping plans and that no more than 50 vehicles shall be displayed for sale or stand outside.
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. Submittal of building elevations for Staff review and approval.
11. Must develop buildings in accordance with elevations approved by Staff.
12. That a Final Plat (replat) creating one lot shall be approved by City Council and recorded.

13. Submittal of a Final Agreement for Staff's review and approval that addresses the business operations and improvements to the site.
14. No outside storage of any auto parts, equipment, materials, or inoperable vehicles.
15. That the detail shop can only be used for passenger vehicles being sold on the car lot.
16. All conditions must be met prior to establishment of use.

**Findings of Fact for Approval of a Special Use Permit
For a Planned Unit Development
For the Outdoor Sale of Passenger Vehicles
That Includes a Sales Office and Detail Shop
In a I-1, Light Industrial Zoning District at
3909 and 3911 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 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 Light Industrial Zoning District in which it is located.

ZBA 020-17
Applicant
Ward 04

8201 East Riverside Boulevard
Randy Benish / Mercy Health Corporation

1. **Variation** to increase the sign height from 8' to 50' for a free-standing landmark style sign
2. **Variation** to increase the maximum square footage permitted for a landmark style sign from 64 square feet to 884.24 square feet
3. **Variation** to increase the sign height from 8' to 30' in height for a free-standing landmark style sign
4. **Variation** to increase the maximum square footage permitted for a landmark style sign from 64 square feet to 386.59 square feet

5. **Variation** to increase the height of three directional signs from 6' to 10' in height
6. **Variation** to increase the square footage of three directional signs from the maximum permitted 10 square feet to 46.35 square feet
7. **Variation** to increase the square footage of four directional signs from the maximum permitted 10 square feet to 27.78 square feet
8. **Variation** to increase the maximum permitted wall signs from 2 to 10 wall signs
9. **Variation** to increase the maximum permitted square footage per wall sign from 240 square feet to 482.87 square feet for three wall signs
10. **Variation** to increase the maximum permitted square footage per wall sign from 240 square feet to 651.46 square feet for three wall signs
11. **Variation** to increase the maximum permitted square footage per wall sign from 240 square feet to 1094 square feet
12. **Variation** to increase the maximum permitted square footage per wall sign from 240 square feet to 297.56 square feet in a C-3, General Commercial Zoning District

The subject property is located east of Interstate Boulevard and on the south side of East Riverside Boulevard. Randy Benish, Applicant, Jennifer Hall, representing the Applicant, and Jim Merriman from Jones Sign were present.

Staff Recommendation is for Lay Over to the October 17th Meeting; however, the Applicant wished to proceed with a presentation. The Applicant submitted a packet of information at the meeting for the Board to review. Jennifer Hall explained the requests for the (13) Variations. She stated the total acreage represents over 28 football fields. She feels the Applicant has a responsibility to make their signage as visible as possible for all patients. Ms. Hall further reviewed all signs proposed for the property.

There will be 10 wall signs in total, with 3 of the signs facing East Riverside, one of which is 952 sq. ft. The Board asked Ms. Hall what the total amount of square footage was for all three signs. No figure was presented at this time, however; the Board was referred to the depictions of signage in the handouts.

They are proposing a 50 foot sign on I-90, stating it is easier to see when looking for the hospital. Ms. Hall stated there is a medical facility in Lenox, Illinois that has signage 2 foot higher than what the Applicant is proposing for the subject location. She further discussed signage in the area of the subject property, stating signage in this neighborhood was much taller as shown in the handouts presented.

Jennifer Smith asked if all examples of tall signs presented in Section 5 of the Applicant's handout were located in Loves Park, to which Ms. Hall responded they were. Craig Sockwell asked when this project would be completed. Ms. Hall stated they are looking at January 2019. He asked when they planned to have the signs up. She responded a few months prior to opening.

For clarification to the Board, Mr. Capovilla stated Staff is recommending a Lay Over because they do not have enough information to make a decision that would be beneficial to both parties. Mr. Roszkowski stated he did not see the urgency to have this application approved within the next 30 days when there was there was almost a year and a half until completion of the project.

No Objectors or Interested Parties were present.

Craig Sockwell asked Mr. Capovilla if there was a lot of information or dimensions that were "out of whack" with the signage allowed by Ordinance. Mr. Capovilla responded that some of the information

presented this evening was inaccurate in regards to Ms. Hall presentation of the definition of the City's Ordinance for signage. Staff has not been able to sit down and look through all of the information handed out at the meeting at this point. Staff would like to have the opportunity to look at other medical facilities in regards to their request for signage such as downtown SwedishAmerican and the Cancer Center located on Bell School Road, which is in close proximity to the proposed facility. He discussed the possibility of allowing 4 wall signs per the Ordinance as the Woman's & Children's Clinic could be deemed a separate business. Kim Johnsen questioned the idea of approving with a condition that the Applicant work with Staff. Mr. Capovilla explained that this is not feasible as it is not a specific recommendation considering the number of signs and Variations involved. In regards to the SwedishAmerican Cancer Center, there is a 20' 8" sign along I-90 which went through the Variation process as well as the sign on Bell School Road.

Mr. Capovilla further explained to the Board that according to Illinois State law, the Applicant must prove a strong case of their hardship for each of the 12 Variations requested. He feels there is room for compromise on these signs but discussions between the Applicant and Staff should have occurred a couple of months ago. As such, Staff does not have enough information available to them in order to provide a recommendation of Denial or Approval on these requests at this time. He further stated there is a possibility of having a special meeting should Staff have an opportunity to meet and work with the Applicant. Dan Roszkowski stated, however, there was an unusually large amount of information for Staff to work through to provide a recommendation.

A **MOTION** was made by Craig Sockwell to Lay Over the (12) Variations to the October 17th meeting. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 4-0.

With no further business to come before the Board, the meeting was adjourned at 6:40 PM.

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