



ZONING BOARD OF APPEALS
Tuesday, November 21, 2017
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

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

Absent: Alicia Neubauer
Maurice Redd

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

Others: Alderman Frank Beach
Alderman Tuffy Quinonez
Alderman 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, December 11, 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. 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 Johnsen to **APPROVE** the minutes from the October, 2017 meeting with correction. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 with Alicia Neubauer and Maurice Redd absent.

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, September and October meetings

The subject property is located on the east side of the intersection of Guilford and North Bell School Road and is currently a private education facility. Randy K. Taylor, representing Rockford Christian School, Scott Mutton, Ringland Johnson +Design, and Jeff Linkenheld, ARC Design were present. Mr. Taylor presented the requests before the Board. He explained that Rockford Christian School is a faith based, private school. In addition to their U.S. students, they have approximately 74 International students. The International students are currently housed on a partnership agreement basis with other parents, who are paid a stipend. Scholarship programs are also available. Mr. Taylor stated it is their intent to expand their Christ centered quality education. The proposed plan is to incorporate a new fine arts center, athletic center and parking lot. Part of this proposal is for a dormitory, which is why the Special Use Permit is required.

Jeff Linkenheld from ARC Design presented an aerial view of the property. A Tentative Subdivision Plat has been submitted for review. He reviewed the buildings, soccer area and detention area. In terms of

the parking availability, Mr. Taylor advised that they currently do not allow International students to drive.

Scott Mutton reviewed the proposed signage for the campus as well as a rendering of the proposed 200 room dormitory. Main access to the residence hall would be by a private drive off of Goldenrod. This parking lot would be used by the residence hall kitchen staff, staff supervisors, and visiting parents. The amount of traffic generated is expected to be low. Mr. Taylor stated they are fairly adapt at recruiting students yearly and they have maintained a 6% variance most years.

Kim asked why three signs on the dormitory were necessary. The Applicant felt that anyone heading south on I-90 would not see two of the signs, and when heading towards the campus they would like the name of the building visible.

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

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit to allow a dormitory in conjunction with a private school; to **APPROVE** the Variation to increase the number of permitted wall signs from two (2) to (3); and to **APPROVE** the 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 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable Building and Fire Codes.
2. Submittal and approval of a revised site plan for the dormitory including a landscaping plan for Staff's review and approval.
3. Submittal and approval of an overall tentative plat for the entire school site including the vacant land to the south.
4. Submittal and approval of a final plat establishing the lot for the school prior to a certificate of occupancy for the dormitory.
5. The total number of beds in the dormitory shall be limited to 200 beds.
6. Submittal of sign permits for Staff review and approval.

ZBA 017-17
Findings of Fact for Approval of a Special Use Permit
To Allow a Dormitory in Conjunction with a Private School
In a C-1, Limited Office District at
11XX, 1021 North Bell School 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 C-1 Zoning 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 Zoning District in which it is located.

ZBA 017-17
Findings of Fact for Approval of a Variation
To Increase the Number of Permitted Wall Signs
From Two (2) to Three (3)
In a C-1, Limited Office District at
11XX, 1201 North Bell School Road

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 this Variation are 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 this 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, 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 017-17
Findings of Fact for Approval of a Variation
To Increase the Building Height from the Maximum of 35' to 40'
In a C-1, Limited Office District at
11XX, 1201 North Bell School Road

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 this Variation are 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 this 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, 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 024-17

Applicant
Ward 10

3311 Charles Street

Seventh Day Adventist Church

Special Use Permit for a church in an R-1, Single-family Residential Zoning District

The subject property is located on the southwest corner of Charles Street and 30th Street and is currently a vacant office building. Charles Davidson, property owner, stated the Applicant was unable to attend and he is acting in their behalf. This property has been vacant for over two years and they have had little interest. Mr. Davidson felt The Seventh Day Adventist Church was the best fit for this property. Currently, they are a small congregation of around 35 people.

Kim Johnsen asked what the potential plans for expansion were if any, and she also stated her opinion that the parking area was not large enough to handle 35 people. Mr. Davidson explained that normally the entire congregation is not present at one time, but there is also on-street parking available and there is a potential opportunity to purchase property located to the rear.

Staff Recommendation is for Approval with (4) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for a church in an R-1, Single-family Residential Zoning District at 3311 Charles Street. The Motion was **SECONDED** by Tom Fabiano 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. Signage must be up to date with the current sign ordinance.
3. Submittal of a landscaping plan including the removal of asphalt along Charles Street and replaced with a perimeter landscape strip with landscape units.
4. The building must be evaluated by a design professional prior to occupancy of the building.

ZBA 024-17
Findings of Fact for Approval of a Special Use Permit
For a Church in an R-1, Single-Family Residential Zoning District at
3311 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 R-1 Zoning 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-1 Zoning District in which it is located.

ZBA 025-17

Applicant
Ward 04

8526 Spring Brook Road

Rockford Memorial Hospital dba Mercyhealth
A **Zoning Map Amendment** from County AG to C-3, General Commercial Zoning District

The subject property is located approximately 1,770 feet south of East Riverside Boulevard and on the north side of Spring Brook Road and is in Unincorporated Winnebago County. Brian Myers, Senior

Director of Facilities for Mercyhealth, reviewed the request. This property is currently zoned AG and was recently acquired in May through a land exchange with the property owner. This transaction will allow the extension of Lyford Road as well.

Staff Recommendation is for Approval with (1) condition. Interested Parties were present.

Pauline Myers stated she is the owner of 8526 Spring Brook Road. Ms. Myers wanted to be certain that the rezoning is only for the subject property and will not affect their current AG uses. Mr. Capovilla explained that even though the parcel she received in kind is zoned C-3, she will be allowed to continue the use as AG and maintain her animals. The property her home is on will remain as AG.

Mr. Myers did not wish to rebut.

A **MOTION** was made by Jennifer Smith to **APPROVE** the Zoning Map Amendment from County AG to C-3, General Commercial Zoning District at 8526 Spring Brook Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must comply with the Annexation & Development Agreement in accordance with Ordinance No. 2016-050-0, approved March 24, 2016.

ZBA 025-17
Findings of Fact for Approval of a Zoning Map Amendment
From County AG to C-3, General Commercial Zoning District at
8526 Spring Brook 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 RM-CO, Medium Residential-Commercial Office.

With no further business to come before the Board, the meeting was adjourned at 6:30 PM.

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