

ZONING BOARD OF APPEALS
Tuesday, April 17, 2012
6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LAB Members: Aaron Magdziarz
Dennis Olson
Dan Roszkowski
Julio Salgado
Craig Sockwell

Absent: Scott Sanders

Staff: Jennifer Cacciapaglia – City Attorney
Todd Cagnoni, Deputy Director - Construction Services Division
Mark Marinaro, – Fire Department
Marcy Leach – Public Works
Sandra Hawthorne - Administrative Assistant

Others: Alderman Frank Beach
Kathy Berg, 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 are to 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, April 30, 2012, at 4:45 PM in Conference Room A 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 6:45 PM. A **MOTION** was made by Magdziarz to **APPROVE** the minutes of the March meeting as submitted. The Motion was **SECONDED** by Olson and **CARRIED** by a vote of 6-0 with Scott Sanders absent.

ZBA 007-12

Applicant
Ward 1

4623 East State Street LAID OVER TO MAY MEETING

Stantec Architecture, Robert Picard

(A) Variation to increase maximum square footage for a drive-through directory (menu board) from 36 square feet to 43.6 square feet

(B) Variation to increase maximum allowable height for a drive-through directory (menu board) from 6 feet to 6.75 feet

(C) Variation to reduce parking from 46 to 36 parking spaces in a C-3, Commercial General District.

This item has requested a Lay Over to the May 15th meeting.

A **MOTION** was made by Olsen to **LAY OVER** Variations (A), (B) and (C) at 4623 East State Street. The Motion was **SECONDED** by Magdziarz and **CARRIED** by a vote of 6-0 with Sanders absent.

ZBA 011-12

Applicant
Ward 1

7510 East State Street

Chad Ahrens, Courtyard by Marriott

A Special Use Permit for off-premise sign in a C-3, Commercial General District.

The subject property is located on the NE corner of North Bell School Road and East State Street. It is a portion of a parking lot that is part of Burger King Restaurant. Burger King currently has a sign on the primary lot on the corner of East State Street and North Bell School Road. The Applicant is proposing a landmark style sign located north of the landscaping strip along North Bell School Road. This sign would be advertising another business and for this reason a Special Use Permit is required.

Chad Ahrens, Terrence J. Doyle, from Doyle Signs and Sam Furman from The Ground Up were present. Mr. Furman stated the applicant's came to him with the intent of putting up a sign for Courtyard by Marriott. Discussions were held with Thunder Bay and (motel) to see if they wished to be listed on this off-premise sign and they chose not to. It is his understanding that Motel Six had a sign at this location at one time. Ms. Neubauer asked where the Courtyard signs were presently. Mr. Ahrens was not certain how large their existing sign was but it could be seen from I-90. The problem develops when customers get on State Street heading towards Bell School Road and they are confused as to which entrance they would need. Mr. Ahrens stated the motel has been at this location for 28 years. Mr. Olson asked what had changed now that would cause people to not know the location to the Courtyard. Mr. Doyle explained there has been substantial growth in this area with various motels and restaurants which causes confusion for their customers.

Staff Recommendation is for Approval with 3 conditions. Objectors or Interested Parties were present.

Kelly Hintzsche , Norm Weitzel, Dan Weitzel and Kirk Weitzel were present as Objectors. Attorney Hintzsche . Also 643 North Bell School Road is owned by the Weitzels. Attorney Hintzsche stated the owner of the property in discussion had not submitted letter of approval. She felt a sign at the location would decrease the value of the Objector's property. They do not want another motel being advertised directly in front of the Holiday Inn. This would adversely affect the adjacent property. She feels this

placement is specific to put their advertisement directly in front of a competitive motel. With GPS devices, maps available on the internet, people are more in tune with being able to pinpoint their destinations. Mr. Norm Weitzel stated in 1973 they paid a premium price for this land because of its location and access from the highway. He stated with a sign the size proposed blocking their sign it is not fair at all for the competition. He stated they pay a large amount of taxes for this site. Dan Weitzel asked that the applicant look into other locations for the sign because it puts their property at a competitive disadvantage. Attorney stated this sign is not going to lessen the congestion that is on Bell School and East State Street.

Dennis Olson asked the size of the Holiday Inn sign. Norm Weitzel stated the proposed sign was estimated at 6 x 7 and would obliterate their sign.

Robert J. Prosser, owner of Hoffman House and it has been at this location for 58 years. At one time Hoffman House had a sign on State Street that has since had to be removed. He lost another sign near Argus and Potawami / Bell School due to plans for a future Stop Light being installed so has lost two signs in the last 4 years. He stated he also does not have enough signage either. He stated the first sign noticeable from I-90 is the Courtyard. He is concerned this would also cover his sign.

Mr. Olson stated most people already have reservations prior to arriving at a motel. Attorney stated there are also a percentage of organizations looking for places to hold events and this is also something to consider.

In response, the applicant stated they see about 2 or 3 walkins per night and this is rare. He stated this is not a marketing technique but only a way to simplify allowing their customers to locate the entrance to their motel. Mr. Furman stated the intent is not to block the Holiday Inn Sign. He wished to clarify the height of the proposed sign is not going to be any taller than the Holiday Inn sign that is existing. He further stated the owner of the property did sign the application. Mr. Ahrens further emphasized the intent is simply a directional sign and not intended to block the Holiday Inn's business.

During Board discussion, Ms. Neubauer suggested if the sign was in a different location with directions would that be more feasible. Mr. Roszkowski stated this was not for discussion on the agenda, but rather the location of the sign. Mr. Sockwell stated he felt the proposed sign was larger than required for a directional sign. Mr. Sockwell felt he could support a smaller sign. Mr. Olson felt this was not a competition issue and stated his feelings again.

A **MOTION** was made by Aaron Magdziarz to DENY the Special Use Permit for off-premise sign in a C-3, Commercial General District at 7510 East State Street. The Motion was **SECONDED** by Alicia Neubauer and **FAILED** by a vote of 3-3 with Olson, Salgado, Sockwell voting nay.

Mr. Olson wanted to ask the Applicant if he would agree to a smaller sign. Mr. Cagnoni stated the Board could choose to do so, but if they also wished to make sign size conditions they would be able to do so.

A second **MOTION** was made by Sockwell to APPROVE the Special Use Permit for off-premise sign in a C-3, Commercial General District at 7510 East State Street. The Motion was **SECONDED** by Salgado and **FAILED** by a vote of 3-3 with Roszkowski, Neubauer and Magdziarz voting nay.

A third **MOTION** was made by Neubauer to Approve the Special Use Permit for off-premise sign in a C-3, Commercial General District at 7510 East State Street with a condition limiting the sign to 4 square feet in size as per a directional sign. Craig second. The Motion was **SECONDED** by Salgado and **PASSED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Placement of sign shall be within the property and be setback a minimum of 5' along North Bell School Road.
2. Submittal of a sign permit for Staff's review and approval.
3. The lots shall be combined into one zoning lot.
4. That the sign not exceed four square feet in size.

ZBA 011-12
Findings of Fact for a Special Use Permit
For an Off-Premise Sign
In a C-3, Commercial General Zoning District at
7510 East State 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 Zoning District in which it is located.

ZBA 012-12

Applicant
Ward 3

203-207 West State Street

Downtown Rockford Restaurant, LLC
A Special Use Permit for a restaurant and nightclub in a C-4, Urban Mixed-Use Zoning District.

The subject property is located 50 feet west of the Wyman Street and West State Street intersection. This item was previously discussed for purposes of obtaining a liquor license at the Liquor Advisory Board on this date and that discussion is applicable to this application as well. Patricia Gibbs, First Rockford; Denny Trakas Applicant and Andy Roiniotis were present. Ms. Gibbs, representing First Rockford Group as owners of the property, reviewed the application.

Staff Recommendation is for Approval with 7 conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to APPROVE the Special Use Permit for a restaurant and nightclub in a C-4, Urban Mixed-Use Zoning District at 203-207 West State Street. With revised condition 7. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Compliance with all City of Rockford Liquor codes
3. The interior layout of the business shall be consistent with the submitted interior floor plan Exhibit D.
4. Submittal of a detailed site plan for the outdoor seating area for Staff approval and permit.
5. That the facility shall include a full service restaurant.
6. The hours of operation shall be in accordance with the Liquor Code
7. The business shall operate according to the submitted business and security plans including security being provided at a minimum of 1 per 60 patrons while operating as a nightclub.

ZBA 012-12
Findings of Fact for a Special Use Permit
For a Restaurant and Nightclub
In a C-4, Commercial Old Town Zoning District at
203-207 West State 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 Zoning District in which it is located.

ZBA 013-12
Applicant
Ward 1

6270 East State Street
Innovative Signs, Inc.
A Variation to increase the number of allowable wall signage from two (2) to three (3) in a C-3, Commercial General District.

The subject property is located 160 feet east of the Bienterra Trail and East State Street intersection, consisting of 6 tenant spaces. A new tenant, Mattress Firm, will be moving into two of the spaces and

wish to install an additional wall sign on the east elevation. Chad Schultz reviewed the application. There will have signs on the North, East and South facades. The tenant spaces are 6500 square feet and 1500 square feet.

Ms Neubauer asked for clarification on signage per tenant. Mr. Cagnoni clarified each tenant would be allowed to have two signs, even though in this case one tenant is taking two spaces. Mr. Sockwell asked about entrance to the spaces as to both doors being used. Ben Bernsten from First Rockford Group, Landlord, stated this building was changed to a multi-tenant building. There had been signage on the east and west elevation then. There are new storefront doors that have been put in both tenant spaces but whether both of these doors will be used is unknown at this time. Both of these doors are on the north side and face the parking lot. He clarified there is no existing signage on the east elevation. This will be the only sign on the east elevation.

Staff Recommendation is for Approval with 3 conditions. No Objectors or Interested were present

A **MOTION** was made by Craig Sockwell to APPROVE the Variation to increase the number of allowable wall signage from two (2) to three (3) in a C-3, Commercial General Zoning District at 6270 East State Street. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building Permit for Staff review and approval.
3. The wall sign must be on the east elevation and must be in accordance with Exhibits E and F.

ZBA 013-12
Findings of Fact for a Variation
To Increase the Number of Allowable Wall Signage
From Two (2) to Three (3)
In a C-3, General Commercial Zoning District at
6270 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 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 014-12

Applicant
Ward 12

3315 North Main Street

John Poon / Happy Wok
A Special Use Permit for a Drive through Restaurant and a Variation to allow reduction to 773 square feet of interior landscaping as shown on submitted site plan in a C-2, Limited Commercial District.

Neither applicant nor representative.

A **MOTION** was made by Alicia Neubauer to LAYOVER the Special Use Permit for a Drive Through Restaurant and Variation to allow reduction to 773 square feet of interior landscaping as shown on submitted site plan in a C-2, Limited Commercial District at 3315 North Main Street. The Motion was **SECONDED** by Dennis Olsen and **CARRIED** by a vote of 6-0.

With no further business to come before the Board, the meeting was adjourned at 7:40 PM.

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Todd Cagnoni, Deputy Director
Zoning Board of Appeals