

ZONING BOARD OF APPEALS
Tuesday, August 19, 2014
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: Aaron Magdziarz
Alicia Neubauer
Dennis Olson
Dan Roszkowski
Scott Sanders
Craig Sockwell

Absent:

Staff: Todd Cagnoni – Director, Community & Economic Development Dept.
Scott Capovilla – Zoning and Land Use Administrator
Angela Hammer – Assistant City Attorney
Sandra Hawthorne - Administrative Assistant
Tim Morris - Fire Department
Marcy Leach – Public Works
Lafakeria Vaughn - Assistant City Attorney
Officer Dan Scharlau – Police Department

Others: Alderman Joseph Chiarelli
Alderman Linda McNeely
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 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 Tuesday, September 2, 2014, 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 5:30 PM. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the July meeting. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 4-0 with Dennis Olson and Dan Roszkowski abstaining.

ZBA 028-14

Applicant

Ward 01

7340 East State Street

David Isreal

- (A) **Special Use Permit** for a drive-through in conjunction with a donut shop (fast food restaurant)
- (B) **Variation** to reduce the required parking from 101 parking spaces to 79 spaces
- (C) **Variation** to reduce the required 20 feet front yard setback for a parking lot to 15 feet along East State Street
- (D) **Variation** to reduce the required 20 feet wide frontage landscaping to 15 feet wide along East State Street
- (E) **Variation** to reduce the required 20 feet front yard setback for a parking lot to 5.3 feet along Sundae Drive
- (F) **Variation** to required 20 feet wide frontage landscaping to 5.3 feet wide along Sundae Drive in a C-2, Limited Commercial Zoning District

Laid Over from July meeting

Mr. Sanders will be abstaining from discussion and vote.

The subject property is located on the northwest corner of East State Street and Sundae Drive. Jason Stoll, Engineer, and Attorney James Stevens were present. Attorney Stevens reviewed the requests. Mr. Stoll stated the owner of the property is looking to subdivide the parcel into two lots. This will be a new commercial 5,000 sq. ft. building with mixed uses. Future tenants not known at this time; however Attorney Stevens said parking needs will be at different hours than the other businesses on the lot. He discussed the two variations to setbacks that Staff has recommended denial for the 5.3 feet width but approval of 11.3 feet in both cases. The Applicant is agreeable to Staff's recommendation. Additional landscaping can be used from reducing the width of the drive through aisle.

Staff Recommendation was for (A) Approval of a Special Use Permit for a drive-through in conjunction with a donut shop (fast food restaurant),(B) Approval of a Variation to reduce the required parking from 101 parking spaces to 79 spaces; (C) Approval of a Variation to reduce the required 20 feet front yard setback for a parking lot to 15 feet along East State Street; (D) Approval of a Variation to reduce the required 20 feet wide frontage landscaping to 15 feet wide along East State Street; (E1) Denial of a Variation to reduce the required 20 feet front yard setback for a parking lot to 5.3 feet along Sundae Drive; Approval of a Variation to reduce the required 20 feet front yard setback for a parking lot to 11.3 feet along Sundae Drive ;(F) Denial of a Variation to the required 20 feet wide frontage landscaping to 5.3 feet wide along Sundae Drive ; and Approval of a Variation to the required 20 feet wide frontage landscaping to 11.3 feet wide along Sundae Drive with (12) conditions.

No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to (A) **APPROVE** the Special Use Permit for a drive-through in conjunction with a donut shop (fast food restaurant); (B) **APPROVE** a Variation to reduce the required parking from 101 parking spaces to 79 spaces; (C) **APPROVE** of a Variation to reduce the required 20 feet front yard setback for a parking lot to 15 feet along East State Street; (D) **APPROVE** a Variation to reduce the required 20 feet wide frontage landscaping to 15 feet wide along East State Street; (E) **DENY** a Variation to reduce the required 20 feet front yard setback for a parking lot to 5.3 feet along Sundae Drive; **APPROVE** a Variation to reduce the required 20 feet front yard setback for a parking lot to 11.3 feet along Sundae Drive ; (F) **DENY** a Variation to the required 20 feet wide frontage landscaping to 5.3 feet wide along Sundae Drive ; **APPROVE** a Variation to the required 20 feet wide frontage landscaping to 11.3 feet wide along Sundae Drive in a C-2, Limited Commercial Zoning District at 7340 East State Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 with Scott Sanders abstaining.

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 civil plan to include 80 parking spaces and the reduced width of the parking lot (drive-through lane) along Sundae Drive to 12 feet.
4. Submittal of a revised landscape plan to include removal of landscaping within the right-of-way, additional landscaping added to the perimeter landscaping along East State Street and Sundae Drive, landscaping added to the proposed interior island south of the building and east of the drive-through, and plant species for Staff's review and approval.
5. Submittal of drainage calculations shall be submitted to determine if the existing detention pond has the adequate storm water storage or if additional storm water storage will be required for review and approval by the City Engineer.
6. Submittal of a dumpster detail and rendering for Staff's review and approval.
7. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval.
8. Submittal of building elevations for Staff review and approval.
9. Must obtain separate permits for signage and sign must be constructed to match building design and in accordance with plans approved by Staff.
10. Must develop site in accordance with new civil and landscaping plans approved by Staff.
11. Must develop building in accordance with elevations approved by Staff.
12. All conditions must be met prior to establishment of use.

ZBA 028-14
Findings of Fact for Approval of a Special Use Permit
For a Drive-Through in Conjunction with a Donut Shop (Fast Food Restaurant)
In a C-2, Limited Commercial Zoning District at
7340 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-2 Zoning District in which it is located.

ZBA 02814
Findings of Fact for Approval of a Variation
To Reduce the Required Parking
From 101 Parking Spaces to 79 Spaces
In a C-2, Limited Commercial Zoning District at
7340 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 028-14
Findings of Fact for Approval of a Variation
To Reduce the Required 20 Feet Front Yard Setback
For a Parking Lot to 15 Feet Along East State Street
In a C-2, Limited Commercial Zoning District at
7340 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 028-14
Findings of Fact for Approval of a Variation
To Reduce the Required 20 Feet Wide Frontage Landscaping
To 15 Feet Wide Along East State Street
In a C-2, Limited Commercial Zoning District at
7340 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 028-14
Findings of Fact for Denial of a Variation
To Reduce the Required 20 Feet Front Yard Setback for a Parking Lot
To 5.3 Feet Along Sundae Drive
In a C-2, Limited Commercial Zoning District at
7340 East State Street

Denial 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, no 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 not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has 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 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 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 not comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 028-14
Findings of Fact for Approval of a Variation
To Reduce the Required 20 Feet Front Yard Setback For a Parking Lot
To 11.3 Feet Along Sundae Drive
In a C-2, Limited Commercial Zoning District at
7340 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 028-14
Findings of Fact for Denial of a Variation
To Reduce the Required 20 Feet Wide Frontage Landscaping
To 5.3 Feet Wide Along Sundae Drive
In a C-2, Limited Commercial Zoning District at
7340 East State Street

Denial 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 not 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 not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.

4. The alleged difficulty or hardship is not caused by this Ordinance and has 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 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 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 not comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 028-14
Findings of Fact for Approval of a Variation
To Reduce the Required 20 Feet Wide Frontage Landscaping
To 11.3 Feet Wide Along Sundae Drive
In a C-2, Limited Commercial Zoning District at
7340 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 031-14
Applicant
Ward 01

6909 East State Street
Raymond Lualhati / Fast Cash & Pawn
Special Use Permit for a pay day loan store and pawn shop in a C-2, Limited Commercial Zoning District

The subject property is located on the southwest corner of the East State Street and Perryville Road intersection. Raymond Lualhati and Shane Meegan were present. Mr. Lualhati reviewed his request. Mr. Meegan feels they could bring a more upscale pawn shop to this area of Rockford. They have similar shops currently operating in Naperville, Warrenville, and Aurora. They are an upscale jewelry store and have not had any problems at their other three locations. The applicants feel they would be an asset to the Rockford area.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

Alicia Neubauer felt this was a great application in comparison to other pawn shops the Board has seen, but because of the closeness of a similar business she could not support it. Mr. Olson echoed her concerns.

A **MOTION** was made by Alicia Neubauer to **DENY** the Special Use Permit for a pay day loan store and pawn shop in a C-2, Limited Commercial Zoning District at 6909 East State Street. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

ZBA 031-14
Findings of Fact for Denial of a Special Use Permit
For a Pay Day Loan Store and Pawn Shop
In a C-2, Limited Commercial Zoning District at
6909 East State Street

Denial of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will 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 not been provided.
5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not, conform to the applicable regulations of the Zoning District in which it is located.

ZBA 032-14
Applicant
Ward 05

2019 and 2021 South Main Street

Carolyn Martinez

Variation in required landscaping per the submitted site plan

Variation in the required parking spaces per the submitted site plan in a C-3, General Commercial Zoning District

Mr. Capovilla reported that Alderman Hervey was unable to attend this meeting and had requested that this item be Laid Over. The Applicant, Carolyn Martinez, stated she did not want the item laid over and wished to move forward. Mr. Capovilla agreed with the Board that this Application, although for the same property, is a separate request than that for the sale of liquor that is on the LTAB agenda, also this date.

The subject property is located on the northwest corner of South Main Street and Marchesano Drive. This is the Mi Ranchito Restaurant and Store. The property will be reconfigured due to the land taking by IDOT for reconstruction and widening of South Main Street. Ms. Martinez stated their plans are to increase the dining area and include gaming.

Staff Recommendation is for Approval of both Variations, with (5) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Variation in required landscaping per the submitted site plan and to **APPROVE** the Variation in the required parking spaces per the submitted site plan in a C-3, General Commercial Zoning District at 2019 and 2021 South Main Street. The Motion was **SECONDED** by Dennis Olson 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 a dumpster detail and rendering for Staff's review and approval.
3. Must develop site in accordance with site and landscaping plans Exhibit D and Exhibit E as approved by Staff.
4. Must obtain separate permits for signage and sign must be in accordance with the Sign Ordinance.
5. All conditions must be met prior to establishment of use.

ZBA 032-14
Findings of Fact for Approval of a Variation
In the Required Landscaping Per the Submitted Site Plan
In a C-3, General Commercial Zoning District at
2019 and 2021 South Main 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 032-14
Findings of Fact for Approval of a Variation
In the Required Parking Spaces Per the Submitted Site Plan
In a C-3, General Commercial Zoning District at
2019 and 2021 South Main 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 033-14 **5208 Sherwood Forest Road**
Applicant SJEC, LLC / Scott Adkins
Ward w/b 14 **Zoning Map Amendment** from County AG to I-1, Light Industrial Zoning District

Prior to the meeting a request was received by the Applicant to Lay this item Over to the September 16th Zoning Board of Appeals meeting.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the Zoning Map Amendment from County AG to I-1, Light Industrial Zoning District. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

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

Attorney Jim Rodriguez was present representing the Applicant. He requested a Lay Over of this item to the September meeting.

A **MOTION** was made by Aaron Magdziarz 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 Scott Sanders and **CARRIED** by a vote of 6-0.

ZBA 035-14 **3844 Sandy Hollow Road**
Applicant Next Level Community Church
Ward **(A) Zoning Map Amendment** from County AG to R-1, Single-family Residential Zoning District
 (B) Special Use Permit for a church
 (C) Variation to waive the required landscaping
 (D) Variation to waive the required parking standards

The subject property is located directly north of the Sandy Hollow Road and 35th Street intersection in Winnebago County. Attorney Jim Rodriguez was present to review the Applicant's requests as well as the Applicants: Pastor Terry Holloway, Sr. and Carolyn Pitts. This request is in conjunction with an annexation as well as the Special Use request for a church. Mr. Rodriguez explained that the Applicant is currently under contract to purchase this property and discovered that a church would not be allowed under the present zoning without a Special Use Permit. They have about 80-90 members attending services each week. The church is currently operating out of a community center and are limited to hours of operation due to sharing the building. The site plan includes the existing recreational hall which will be remodeled to fit the needs of the church. The Applicant is asking for a reduction in the frontage landscaping units. Submitted site plan shows 600 landscaping units. The Applicants understand that they can maintain the use of the existing well until such time as they are required to hook up to City water. The Applicants are agreeable to Staff conditions.

Staff Recommendation is for Approval of all 4 requests with (5) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the (A) Zoning Map Amendment from County AG to R-1, Single-family Residential Zoning District; to **APPROVE** the (B) Special Use Permit for a church; **APPROVE** the (C) Variation to waive the required landscaping; and to **APPROVE** the Variation to waive the required parking standards at 3844 Sandy Hollow Road. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Submittal of a building permit for Staff review and approval establishing the church.
3. A landscaping plan shall be submitted and shall be in accordance with the City of Rockford Ordinances as reviewed and approved by Staff for any parking lot reconstruction.
4. Submittal of a dumpster detail, rendering, and dumpster enclosure permit for Staff's review and approval.
5. Must obtain separate permits for signage and signage must be in accordance with the City of Rockford Ordinances as reviewed and approved by Staff.

ZBA 035-14
Findings of Fact for Approval of a Zoning Map Amendment
From County AG to City R-1, Single-Family Residential Zoning District at
3844 Sandy Hollow 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-Medium Residential.

ZBA 035-14
Findings of Fact for Approval of a Special Use Permit
For a Church in an R-1, Single-family Residential Zoning District at
3844 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 R-1 Zoning District in which it is located.

ZBA 035-14
Findings of Fact for Approval of a Variation
To Waive the Required Landscaping
In an R-1, Single-Family Residential Zoning District at
3844 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 Zoning District in which it is located.

ZBA 036-14
 Applicant
 Ward 14

2542 South Alpine Road
 Mark Daniel / TitleMax of Illinois Inc.
Special Use Permit for a title loan business in a C-3, General Commercial Zoning District

The subject property is located within the Alpine Village Shopping Center on the northeast corner of South Alpine Road and Harrison Avenue. Jim Bradley, Rich Heun, Jeff Cermak, Attorney Mark Daniel (Attorney for Applicant), and Attorney Tim Muldowney (Attorney for Landlord) were present. Mr. Bradley discussed the operation of the business, stating they only do one thing and that is to loan money using vehicles as collateral. He stated their rates are more affordable than that of other title loan businesses. They do get a lot of repeat customers. The Applicants feel the quality of their locations are a step up from

their competitors. It was further stated that the pay scale is better which allows them to hire more qualified employees.

Attorney Mark Daniel stated he is a real estate attorney and representing the Applicant. In the State of Illinois, the Applicant's business is only title loans. He reiterated that TitleMax lending rates are way below those of their competitors. There will be no direct access to Alpine Road. He stated there will be two employees on site. Mr. Daniel reviewed the businesses already existing in the area, which includes a cash store. They anticipate 16 customers per day on average. Attorney Daniel stated there is a easement for shared parking between the owners of the property and also an easement for the sign. He explained the Applicants will not have a sign on the north face of the building - only on east and west face of the building. Will take 1/2 of the space on the existing free-standing sign. 700-750 feet from the nearest residence. No change to site access. Feels there is adequate ingress/egress to this site. Plenty of parking on site, signage falls well within code. Attorney Daniel stated the point of saturation is when competition and the number of stores are out of balance. People who need to borrow money in the Rockford community are doing so at much higher rates than what TitleMax offers so this store is definitely a benefit to the community. Feels East State Street has two stores on East State Street. TitleMax is bring the availability of title loans to the residence of Rockford at a lower price.

Mr. Sanders asked for clarification of interest rates. Mr. Bradley stated 33% monthly is the State of Illinois allowance. The highest TitleMax charges is 13.99% and as low as 10.9% per month. Most of their customers do not request a loan for a full 12 months so they are relatively short term loans. Mr. Bradley explained the difference between them and a pawn shop is that the pawn shop physically takes possession of the property whereas TitleMax does not. All of their loans are backed by vehicle title.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present.

Mr. Olson stated he would not agree to put two loan facilities such as a pawn shop and TitleMax in the same shopping center. Mr. Sockwell asked if the community was in such bad shape that we really needed them. Mr. Sanders agreed with Dennis Olson.

A **MOTION** was made by Dennis Olson to **DENY** the Special Use Permit for a title loan business in a C-3, General Commercial Zoning District at 2542 South Alpine Road. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-1 with Dan Roszkowski voting Nay.

ZBA 036-14
Finding of Facts for Denial of a Special Use Permit
For a Title Loan Business
In a C-3, Commercial General Zoning District at
2542 South Alpine Road

Denial of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will 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 not been 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 037-14

**1710, 1719 West State Street; 117, 121, 123 North Independence Avenue
120, 124, 128 North Central Avenue**

Applicant
Ward 13

City of Rockford
Zoning Map Amendment from R-1, Single Family Residential and C-3, General Commercial District to C-2, Limited Commercial District
Special Use Permit for a Planned Unit Development consisting of a grocery store and off-premise monument sign on adjacent parcel in a C-2, Limited Commercial District

The subject property is located on the northwest corner of the West State Street and North Central Avenue intersection. It is currently a mixture of residential and vacant commercial land. David Kennedy Architect, and Richard Wallach, Developer were also present. Todd Cagnoni, Director of Community & Economic Development, representing the City of Rockford, reviewed the request for Zoning Map Amendment and Special Use Permit for PUD. Development plans are for a 15,000 square foot free-standing building for Sav-A-Lot grocery store. Mr. Wallach stated the building will have 4 street frontages. complete acquisition includes homes that need to be demolished. IDOT has shortened the size of the site due to West State Street improvements. The site has various elevations so there will be significant site work to level the site for preparation for building. There is a lease restriction in place that will not allow Sav-A-Lot to sell alcohol. This area has limited supermarket access and this business will be beneficial to the area by providing that.

David Kennedy, Architect for this project, reviewed the site plan. They do meet parking requirements. He explained Sav-A-Lot is a discount grocery store. Mr. Kennedy reviewed the building elevations and access. Mr. Wallach stated most of their items are provided by Sav-A-Lot so there will be very few delivery trucks going in and out. Ownership of the property will be IFF and Save-A-Lot will be the tenants. IFF is a community development financial institution, not for profit, for low and moderate income communities.

Mr. Cagnoni stated the west elevation has been modified to be consistent with all four sides of the building since the zoning packet was prepared. The city stated at the time the application was submitted, the property was not under ownership of the city, nor was it under IFF. Because of this, it required an approval by City Council to for annexation and this occurred a few weeks ago. Sav-A Lot is entering into a 10 years lease.

Staff Recommendation is for Approval with (7) conditions. One Objector was present.

Alderman McNeely, 13th Ward Alderman, stated she did not believe that this is what development looks like. She stated the City has been talking about development on West State Street for years. She further stated meetings were held for almost two years with residents to ask what they wanted for development for this area of West State Street. She explained this store will be less than a mile away from Aldi's at Auburn and Central. Less than a mile from Aldi's is a Walmart. Alderman McNeely stated she voted against the Meijer's store on Perryville because of the location. Sav-A Lot is no different than Aldi's or Walmart. Stated she has never been contacted regarding this project by the Applicant and only heard from Mr. Cagnoni just before it came before Council. She felt Sav-A-Lot is no different than what they already have on that corridor, stating "Development for development's sake does not help a community".

In response, Mr. Cagnoni stated the original plan for this Corridor was in 2001, and there were 200 underlying commercial uses. The planning process continued beyond the West State Corridor study with participation from the neighbors. A grocery store with fresh food was one of the important requirements from the citizens. This store is within walking distances of many residences.

Mr. Olson asked why the Alderman was not advised earlier on in the development. Mr. Cagnoni felt that Alderman McNeely was made aware months in advance, but at that time we were not knowledgeable that it would be a Sav-A-Lot store. This may be what she is referring to.

Mr. Sockwell stated when he heard about this development he was a little disappointed as well. He understands that something is better than nothing, but he was disappointed.

Alderman McNeely wished to speak again. Attorney Hammer stated it was at the discretion of the Board and the Board agreed to allow her to speak. She stated the number of individuals involved that were within the 13th Ward were nominal. There was really no representation. She felt saying they were agreeable to this project is misleading. She stated there are other locations on the West side that will accommodate a Meijer's or a Sam's store but no effort has been made by the City to pursue this. She stated there are plenty of farmers and people who come through the neighborhood to sell fresh food so people are getting those products, but they are not easily available in one location.

Staff and the applicant did not wish to respond.

Mr. Sockwell felt this store was too small for the area. Mr. Olson stated he felt it was an up-to-date neighborhood store. Ms. Neubauer asked why this area could not be used for a Schnucks or another larger grocery store that would bring more income in.

A **MOTION** was made by Scott Sanders to **APPROVE** the Zoning Map Amendment from R-1, Single Family Residential and C-3, General Commercial District to C-2, Limited Commercial District; **APPROVE** the Special Use Permit for a Planned Unit Development consisting of a grocery store and off-premise monument sign on adjacent parcel in a C-2, Limited Commercial District at 1701 West State Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 5-1 with Craig Sockwell voting Nay.

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 dumpster detail and rendering for Staff's review and approval.
4. Must develop site in accordance with Exhibit E, the site and landscaping plan approved by Staff.
5. Must develop building elevations in accordance with Exhibits E.
6. Must obtain separate permits for signage and sign must be constructed with the submitted sign elevations and accordance with the Sign Ordinance.
7. All conditions must be met prior to establishment of use.

ZBA 037-14
Findings of Fact for Approval of a Zoning Map Amendment
From R-1, Sigel-family Residential Zoning District and
C-3, General Commercial Zoning District
To C-2, Limited Commercial Zoning District at
1701 West State Street

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 RL and C, Light Residential and Retail.

ZBA 037-14
Findings of Fact for Approval of a Special Use Permit
For a Planned Unit Development Consisting of
Grocery Store and Off-Premise Sign on An Adjacent Parcel
In a C-2, Limited Commercial Zoning District at
1701 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-2 Zoning District in which it is located.

ZBA 020-14
Applicant
Ward 08

3816 Broadway
SBA Communications / Mike Douchant
Special Use Permit to construct a 150' high cell tower in a C-2, Limited Commercial District
Referred back to ZBA

This Application was heard at the July Zoning Board of Appeals meeting and the Board recommended Denial. The Codes & Regulations Committee has referred this item as well as the next two items back to the Zoning Board of Appeals per the Applicant's request. All 3 applications are for new cell towers and information was presented for the 3 applications under this presentation.

The subject property is located on the northeast corner of Broadway and Parkside, south of Charles Street. This is the East Gate shopping center.

Mike Douchant V.P. of Site Acquisition and Attorney Richard Riley were present. Attorney Riley presented his personal background and the business of SBA Communications for Verizon Wireless. He presented a booklet of information on the types and uses of cellular devices.

Mr. Roszkowski explained to Attorney Riley that he wished to have information presented that would refer to the reason the Applicant wished to construct a cell tower at these particular locations. Attorney Riley presented an Arial showing existing cell towers. The Applicant feels they have followed the rules of the City Ordinance. Every tower that they build becomes a collocation site for another carrier. The restricted height of 120' would discourage other users from collocating. He stated Rockford is fortunate to have an abundance of Commercial areas in the vicinity of residential neighborhoods to satisfy their customer's needs. He presented a map showing the proposed three sites within the City.

Ms. Neubauer asked if they had given consideration to or why they felt they were unable to co-locating on existing towers in the same area for all three of their proposed sites. Attorney Riley stated he and his client were surprised that the zoning ordinance states cell towers are allowed in commercial areas but all three of their proposed sites were denied even though they were in commercial areas. Attorney Riley felt he could not depend on the Rockford Ordinance. Mr. Sanders stated the ordinance is a guide to development but each development proposal needs to be evaluated on how it affects that specific area.

Mr. Olson stated the testimony of Attorney Riley was that he felt the 120' height could cause consequences in the future, but wondered if the Applicant was agreeable to 120'. Attorney Riley stated they were.

Staff Recommendation was for Denial of the Special Use Permit to construct a 150' high cell tower and Approval of a Special Use Permit to construct a 120' high cell tower. This recommendation of Approval is with (3) conditions:

1. Must meet all applicable building and fire codes.
2. The fencing material must be vinyl.
3. No more parking spaces may be eliminated and the lease area will be restricted to the area shown on the site plan.

No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **DENY** the Special Use Permit to construct a 150' high cell tower in a and **APPROVAL** of a 120' C-2, Limited Commercial District at 3816 Broadway. The Motion was **SECONDED** by Dennis Olson and **FAILED TO CARRY** by a vote of 3-3 with Aaron Magdziarz, Alicia Neubauer and Dan Roszkowski voting Nay. This item will move forward as a recommendation for **DENIAL**.

ZBA 020-14
Findings of Fact for Denial of a Special Use Permit
To Construct a 150' High Cell Tower
In a C-2, Limited Commercial Zoning District at
3816 Broadway

Denial of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will 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 not been provided.
5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-2 Zoning District in which it is located.

ZBA 020-14
Findings of Fact for Denial of a Special Use Permit
To Construct a 120' High Cell Tower
In a C-2, Limited Commercial Zoning District at
3816 Broadway

Denial of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will 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 not been provided.
5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-2 Zoning District in which it is located.

ZBA 025-14

Applicant
Ward 07

3017 Wallin Avenue

CST Holdings, LLC / Dolan Realty Advisors LLC
Special Use Permit for a 130' monopole cellular tower in a C-3, General Commercial Zoning District
Referred back to ZBA

This Application was heard at the July Zoning Board of Appeals meeting and the Board recommended Denial. The Codes & Regulations Committee has referred this item back to the Zoning Board of Appeals per the request of the Applicant. Presentation was given under item ZBA 020-14.

The subject property is located on the north side of Wallin, approximately 150 feet west of Kilburn Avenue.

Staff Recommendation was for Approval with (2) conditions:

1. Must meet all applicable building and fire codes.
2. Submittal of a revised site plan showing tower 30' setback from the front property line

No Objectors or Interested Parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Special Use Permit for a 130' monopole cellular tower in a C-3, General Commercial Zoning District at 3017 Wallin Avenue. The Motion was **SECONDED** by Dennis Olson and **FAILED TO CARRY** by a vote of 2-4 with Aaron Magdziarz, Scott Sanders, Alicia Neubauer, and Dan Roszkowski voting Nay. This item will move forward with a recommendation of **DENIAL**.

ZBA 025-14
Findings of Fact for Denial of a Special Use Permit
To Construct a 130' High Cell Tower
In a C-3, Commercial General Zoning District at
3017 Wallin Avenue

Denial of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will 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 not been provided.
5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-3 Zoning District in which it is located.

ZBA 026-14
Applicant
Ward 11

1507 Kishwaukee Street
CST II, LLC / Dolan Realty Advisors LLC
Special Use Permit for a 150' monopole cellular tower in an I-1, Light Industrial Zoning District
Referred back to ZBA

This Application was heard at the July Zoning Board of Appeals meeting and the Board was unable to reach a majority vote and the item moved forward as a Denial. The Codes & Regulations Committee has referred this item back to the Zoning Board of Appeals per the request of the Applicant.

The subject property is located on the west side of Kishwaukee, 120 feet north of 15th Avenue.

Staff Recommendation is for Approval subject to (3) conditions:

1. Submittal of a revised site plan to include a 100' setback from the right of way along the south alley, fencing to be changed from chain link to vinyl and for the landscaping to be incorporated along both alleys.
2. Must meet all applicable building and fire codes.
3. Must submit documentation of approval through FAA

No Objectors or Interested Parties were present.

One letter of Objection was received from Tim Alfredson, 634 15th Avenue. Mr. Alfredson was present at the July meeting; however he stated in his letter that he is hearing impaired and did not realize that the Board combined this item with another when the Applicant gave his presentation. He was not aware that when the request for Objection was announced that it applied for this item. In his letter, Mr. Alfredson stated he owns his home and all the other residences in the area are rental units. He expressed concern with the health risks of having a cell tower so close to his residence. He also was concerned that his property values will be lowered by having a cell tower in close proximity of his home. In his letter he stated "Research shows that many participants receive forgiveness of property taxes (up to 30 years) as well as compensation ranging from \$800 to \$1,800 per month". He also had concerns on what if any effect the tower would have on other utilities such as phone, radio and satellite reception. A copy of Mr. Alfredson's letter was included in the staff report sent to the Applicant.

A **MOTION** was made by Alicia Neubauer to **DENY** the Special Use Permit for a 150' monopole. The Motion was **SECONDED** by Scott Sanders and **FAILED TO CARRY** by a vote of 3-3 with Craig Sockwell, Dennis Olson, and Dan Roszkowski voting Nay. This item will move forward with a recommendation of **DENIAL**.

ZBA 026-14
Findings of Fact for Denial of a Special Use Permit
To Construct a 150' High Cell Tower
In an I-1, Light Industrial Zoning District at
1507 Kishwaukee Street

Denial of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will 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 not been provided.
5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-2 Zoning District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 8:12 PM.

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