

**ZONING BOARD OF APPEALS**  
**Tuesday, December 20, 2011**  
**6:30 P.M. – City Council Chambers**  
**Rockford City Hall, 425 East State Street**

**Present:**

**ZBZ Members:** Aaron Magdziarz  
Dennis Olson  
Julio Salgado  
Scott Sanders  
Alicia Neubauer

**Absent:** Dan Roszkowski  
Craig Sockwell

**Staff:** Kerry Partridge –City Attorney  
Todd Cagnoni, Deputy Director - Construction Services Division  
Matt Knotts, Chief – Fire Department  
Marcy Leach – Public Works  
Darius Morrow – Land Use Planner

**Others:** Alderman Frank Beach  
Kathy Berg, Stenographer  
Applicants and Interested Parties

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Todd Cagnoni 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 Liquor 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, January 9, 2011, 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 6:58 PM. A **MOTION** was made by Craig Sockwell to **APPROVE** the minutes of the October meeting as submitted. The Motion was **SECONDED** by Julio Salgado and **CARRIED** by a vote of 4-0 with Alicia Neubauer abstaining and Dan Roszkowski and Craig Sockwell absent.

**ZBA 028-11**                      **308 North Mulford Road**  
Applicant                      First Rockford Group, Inc.  
Ward 10                              A Variation to increase the sign height from the maximum 8' to 20' and a Variation from a landmark style sign to a pole sign in a C-3, Commercial General District.

Prior to the meeting, a request was received from the Applicant to withdraw this item.

**ZBA 030-11**                      **4231 East State Street**  
Applicant                      Midwest Title Loan – Attorney John Nelson  
Ward 10                              An appeal of determination of use classification made by the Zoning Officer that Midwest Title Loan is a categorized as a "Pawn Broker" under the City of Rockford Zoning Ordinance.

Prior to the meeting, a request was received from the Applicant and Staff to jointly Lay Over this item.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the appeal of determination of use classification made by the Zoning Officer that Midwest Title Loan is a categorized as a "Pawn Broker" under the City of Rockford Zoning Ordinance at 4231 East State Street. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 5-0.

**ZBA 045-11**                      **2611 Broadway**  
Applicant                      Robia and Miquel Gongora  
Ward 8                              A Special Use Permit for a hand car wash and detail in a C-4, Urban Mixed-Use Zoning District

Prior to the meeting a request was made to Lay Over this item to the January meeting and .

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the Special Use Permit for a hand car wash and detail in a C-4, Urban Mixed-Use Zoning District at 2611 Broadway. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 5-0.

**ZBA 049-11**                      **613, 619, 623, 627 South 5th Street; 812, 818, 822 6th Avenue; 620, 622 4th Street; 813 5th Avenue; 612, 628 South 4th Street; 808 6th Avenue**

Applicant                      Scott Johnson-684 Redwing Lane-Belvidere, IL  
Jim Flodin-4926 Rolex Drive

Ward 11

A Modification of Special Use Permit #011-98 for expansion of a community center inclusive of charter school in an R-3, Multi-family Residential Zoning District.

The subject property is located on the south side of 5th Avenue, east of 4th Street, and west of 5th Street. The Applicant is requesting Modification of Special Use Permit #011-98 for expansion of a community center inclusive of a charter school.

Scott Johnson stated that he is a Board member with Patriots' Gateway Center and Jim Flodin is the Executive Director and President Patriots' Gateway Center. They are requesting a Special Use Permit for the expansion of Patriots' Gateway Community Center and currently have a Special Use Permit that was granted in 1998. Since then we have purchase many properties around Patriot's Center for the purpose of possible future growth. Within the last two years we have established a charter school at the Center so we need the additional space to house additional grade levels for the charter school. There is a site plan and our immediate needs and this has changed a little bit since we started down this process. We thought that we were going to have to install the modular buildings this next fall but it will not be until the following fall, so we made arrangements for the two class rooms in the fall of 2012. This request for the modular building will be in fall of 2013. We are looking at modular buildings for a couple of reasons. The charter schools the School District has a five year lease with the charter school and we as the landlord have a five year lease. Being that we are a new charter school we are little hesitant to go full force to put a permanent structure that will have a mortgage on for long term until we know that the school has been successful and we get a few more years under our belt. Also, we are a community center and dollars are always are tight and we can use this avenue which makes this a little more economical to establish those classrooms in the short term. I know that Staff has recommended three points on there and the one about 2018 and the only thing that I would like to add to that is the ability for us to come back at that point because I do not have a crystal ball as far as dollars to be able to make sure that we can expand with a permanent structure at that point but if there is some type of language they we can put in there so that we have the ability to come back to speak to the Zoning Board at that point if we have not already established that permanent structure.

Todd Cagnoni stated that along those lines we understand the applicant's request and there is always the ability for them to come back and modify their conditions of approval but we do believe that it would be appropriate to recognize that within the conditions of approval and you could have condition #3 state that the modular class room shall be replaced with a permanent building by 2018 or a modification of special use permit be approved and modified in the time frame for the modular class room. We would find that acceptable.

Scott Sanders asked if there were any more questions.

Dennis Olson asked if we had received the letter.

Todd Cagnoni answered that we had just received the letter this evening. It came in after we had mailed our packets.

Dennis Olson stated that he wanted to mention a couple items that the resident has some concerns about.

Scott Sanders asked Scott Johnson if he had seen the letter.

Scott Johnson answered that he had not seen the letter and asked Jim Flodin if he had seen the letter.

Jim Flodin answered that he had just received the letter.

Wade Henderson answered from the audience that he was willing to answer any questions about the letter.

Dennis Olson asked Wade if he was willing to come up and answer any questions.

Scott Sanders asked if there were any more questions from the board.

Alicia Neubauer wanted to address one of the items that were in the packet mentioned using a used modular building class rooms.

Steve stated that this was for budget purposes and how he worked with educational clients, so we deal with modular buildings a lot. We would not be putting up modular buildings that look bad but would be within 5 years old. So we put restrictions on the age and condition of them. When they would be installed they would have to upgrade to almost new condition so they would have to meet all of the codes and the restrictions.

Alicia Neubauer stated that basically the modular building will come in on top of a foundation that is poured and is there a new roof.

Scott Johnson state that they will come out in 14 feet sections, if it used it is sitting somewhere and we will take it apart in 14 feet sections and bring it to the site and by that time they will have poured the foundation and they will set modular buildings on the foundation. Then they will tie them back down and piece them together or seam them together and then they re-strip the roof at the joints at the roof tops and some modular are different some have shingles and the ones that we are looking are big enough that there will be one slope to one side a rubber type roof.

Olson asked how many students they currently have.

Scott Johnson asked Jim how many students they currently have.

Jim Flodin answered that they currently have 350 students.

Scott Johnson states that they have 350 students which are K-5 and next year we will have K-6 with two class rooms and potentially go up to K-8 with two class rooms so that you have 18 class rooms with 27 students in each class room and that would be the maximum number of students.

Dennis Olson asked if the neighborhood could handle that much traffic flow with school buses.

Scott Johnson state that there are school buses.

Dennis Olson asked if there is a traffic problem to point out.

Scott Johnson answered that I don't know if we have problems but the charter school would probably handle that more than we would as the landlord.

Jim Flodin stated that we have not had any complaints except for Mr. Hendrix. No neighbors have contacted us negatively and this one paragraph is way off. We are not planning on making a parking lot west of the center.

Scott Sanders stated that we will get to that problem in a second. One comment that I want to make is you have the right to come back and modify but you understand the this is a temporary solution to a long term needs or we can play this out and find out that the charter school is not the way you want to go. I was hoping that we modify that further that if that it either be replaced by a permanent building by 2018 or be removed by 2018. There is no acknowledgement of removal should they not replace it with a permanent structure. Even those two alternatives coupled with or if finances get together and you needed to push that decision out farther. This is not an attractive long term need even though it serves a need these are architecturally pleasing building and I just want to protect this from becoming a leftover. I do not have a problem with you coming back and re-approach the deadline but I would like to put the alternative in that if it is not to be replaced that it must be removed.

Dennis Olson states that Rock Valley College had temporary buildings for 30 years.

Scott Sanders stated that they sure did but that is my opinion and the Board may have other opinions.

Dennis Olson asked if the buildings would be like those outside Harlem Middle School.

Steve Johnson stated I don't know if those are 6, 8, or 10 classrooms together or just two classrooms together a lot of times you will see just two classrooms together and they will look more like a trade mobile home and this more like a building because you piece 6, 8, or 10 classrooms together.

Alicia Neubauer stated I like the idea of a modular building but I was just hesitant about re-using.

Scott Sanders asked if there were any objectors or interest parties that would like to speak.

Wade Henderson of 615 South 4<sup>th</sup> Street stated he was long term resident and neighbor of Gateway and former employee as well I just wanted to let these guys know that no one has a problem with their goals and intentions of the school and that everyone is behind the charter school but the problem we have is the big traffic problem with the school and the expansion of the school. There was a Traffic Commission survey and you can get that from the Traffic Commission. Four out of five residents were opposed to the traffic situation there and bottom line is that the school is getting bigger. The neighborhood has stayed the same and I know that you said you purchasing property for future expansion and I am curious as to where that is property that you purchased. I have not seen any new places that were bought for parking. What are you going to do about parking and you going to increase the size of the school and right now there are times that we cannot get out of our driveways because it is blocked up. 4<sup>th</sup> Street is basically being used as a parking lot and what I saying is what are your intentions with parking, what are you going about that, why should your parking problems become are problems, you guys do not acknowledge us as neighbors, you don't mention what it is you are going to do. We have to find out through the Rockford Register Star and I'm saying that a simple courtesy to say hey we are going to build something what is your opinion. I am not saying that you have to do what we want but a simple courtesy to your neighbors other than just dumping this in our lap. How are you going to deal with parking and I'm seeing right here according to this plan are you reroute traffic out the back door in front of our houses.

Scott Sanders tells Wade that he cannot ask the applicants any questions and there is no back and forth.

Wade Henderson says I curious as to how you are going to do the traffic here and I have talked to the Traffic Commission and they are not sure what to do yet. I am just curious about the traffic according to this plan I don't see an exit door does that mean that you will not let people out the back door. Right now I dealing with the School Board right about buses idling on the street during school hours the street is packed and you cannot drive down it. I see that you are going to get rid of some of your parking and I just want to let you know that there is traffic problem. All the neighbors on the block have signed a statement with the Traffic Commission opposing it. Some of us work at night and trying to sleep during the day next to a school it is hard to sleep and our street is not a parking lot. We are zoned residential not commercial and other that we support the school and the neighbors don't care what you do there other than fact that you can deal with the traffic. I notice that you tore down a house on 5<sup>th</sup> Street and I was curious if that was going to made into a parking lot and basically I'm here to see what you are going to do with the traffic problems.

Steve Johnson state that there are basically two main questions and that out of the west side if we are directing traffic out that way and basically it will be teachers and students going from the main center outside to the those class rooms and it will not create any more traffic outside of that on the street . We had shown additional parking there and we had he one parking lot that is south and you did mention about across the street and that house was torn down and there are some parking spots that we could utilize across the way as well and currently that they do not need.

Scott Sander asked across the church where.

Steve Johnson stated across the street east on 5<sup>th</sup> Street the yellow house that was torn down and it used to be the Zion Lutheran Church Pantry building so that is no longer there so that parking is freed up for the center and parking actually stretches down along the park and we own some green space and there parking there so we did not feel that we needed to add any additional parking areas because we can use some of the parking across the street.

Jim Flodin stated that the one lot on the corner of 4<sup>th</sup> and 5<sup>th</sup> Ave.

Alicia Neubauer asked if the lot was on 4<sup>th</sup> Street or 4<sup>th</sup> Avenue.

Jim Flodin stated that the lot was on 4<sup>th</sup> Street and 5<sup>th</sup> Ave and that was the house that we bought and tore down and the lot will be used as a neighborhood park and they are working with the Park District to be better neighbors. We also own the park directly across the street from the center and if we needed parking we could park there. The buses in the morning are there from 8:00-8:30 and they come back around 3:00-3:30, so it is only about a half hour each day. Where Wade lives across the street they do not park in the street maybe one or two but if they pick up kids there they are only there for a short time. We have a parking place behind the center and so everybody that is employed there has to park in the parking lot right now but we can also move back. We have talked to Harris Bank and they will let us park in there parking lot across the street from Zion Church if it got over loaded.

Dennis Olson asked if there are a lot of parents that are lined up waiting for their kids.

Jim Flodin answered no.

Jim Flodin stated that we have some parents that will come after school that will come and out of the 350 kids that we serve we have an afternoon center program and about a hundred of those kids stay right at the center so it is not like we have 350 kids running out of the center. About one third stay right at the center and another 40 to 45 percent hop on the buses and go home.

Scott Sanders asked Marcy what Staff reviews for critical parking or have any particular thoughts on the parking.

Marcy Leach stated that we do not have anything in particular for parking we have looked at this in the past and we have gone out there on several occasions and they have purposely shut down 5<sup>th</sup> Street to make it safe for the kids to be able to cross but we have not noticed parking issues necessarily during the when school lets or complaints that I am aware of.

Scott asked Marcy if she was familiar with the survey that was referenced.

Marcy Leach answered no I am not and or Traffic engineer probably is.

Scott Sanders asked if this was done in conjunction with this application or is that a general survey that are issued city wide.

Marcy Leach stated if a survey was related to parking then somebody requested either no parking on the streets so that when it goes to Traffic Commission so we have to do surveys in relation to that.

Scott Sanders asked if there were any more questions from Staff. Gentlemen thank you very much.

Scott Sanders wanted some clarifications on whether a motion is needed to add the language about revisiting or does Staff go back and ask for a modification.

Todd Cagnoni stated it is standard but the applicant's request as I understand it is to include that language and Staff would support that we don't have a problem to reiterate what's allowed under the ordinance. I do believe that your comment in regards to the modular classroom be removed was the

intent of condition of 3 and if you believe that it should be clarified then you can say that modular classroom be removed and replaced with a permanent building by 2018 or a modification of the Special Use Permit approved modifying the time frame for the modular classroom.

Scott Sanders states I think that it would be removed if they were moving forward with the permanent building but I was just guarding against this becoming a permanent relic for whatever reason should their enrollment drop or their needs for the space not be there in 2018 and they realize that the entirety of a new permanent structure and I am just guarding against this becoming a permanent structure.

Todd Cagnoni stated on a Staff level we would concur and we have been communicating to the community center that we are supportive of working with them working through this transition and that a lack of a condition of removing it at a certain point would imply that this is permanent and we did not want to imply that at a Staff level. We also recognize that as this moves forward that there needs to be some flexibility and we were willing to discuss that and we certainly believe that the community should be a part of that discussion as well.

Alicia Neubauer states the site plan has about 40 parking spaces and I don't have the zoning code in front of me and I don't recall exactly how many spaces need to be for school but it seems to be about adequate and the 40 off-street parking and additional parking. It seems like the parking issues seem to be more to the parents than a community issue rather than necessarily directly related to modular classroom the issue at hand expanding the community center and I just wanted to point that out.

Todd Cagnoni stated that Staff would concur with your comments and we recognize that this is an expansion of the existing facility and it will bring additional teachers and students. As this charter school grows those issues will continue to grow we do believe that there is adequate parking within the area and this will likely require some negotiations with some of the other property owners. In large part we do believe that Harris Bank which is soon to be Rockford School District would be an opportunity for additional parking and I believe it is likely as their student population grows we will need to have discussions with them as how they are controlling traffic and how they are trying to mitigate that within the neighborhood. This is just like any public school if you go by any public school within the community there is going to be times in the day that there is more traffic than not and we're recognizing that and I want to make sure this Board recognizes that Staff understands that this is what it is and there is a number of parking and traffic concerns that come with a request like this and we feel comfortable that we can mitigate and work with the applicant as this continues to unfold.

Board talks about clarifying issues.

A **MOTION** was made by Aaron Magdziarz **APPROVE** the Modification of Special Use Permit #011-98 for expansion of a community center inclusive of charter school in an R-3, Multi-family Residential Zoning District at 613, 619, 623, 627 South 5th Street; 812, 818, 822 6th Avenue; 620, 622 4th Street; 813 5th Avenue; 612, 628 South 4th Street; and 808 6th Avenue. The Motion was **SECONDED** by Julio Salgado 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. Construction in accordance with Exhibit D including landscaping.
3. That the modular classroom shall be removed and replaced with a permanent building by 2018 or a modification of the Special Use Permit be approved modifying the time frame for the modular classroom.

**ZBA 049-11**  
**Finding of Fact for a Modification of Special Use Permit #011-98 for**  
**Expansion of a Community Center Inclusive of a Charter School**  
**In an R-3, Multi-family Residential District**  
**Located at 613, 619, 623, 627 South 5th Street; 812, 818, 822 6th Avenue;**  
**620, 622 4th Street; 813 5th Avenue; 612, 628 South 4th Street; 808 6th Avenue**

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

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or 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-3 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities will be provided.
5. Adequate measures will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the R-3 District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:19 PM

Respectfully submitted,  
Darius Morrow, Land Use Planner  
Zoning Board of Appeals