

ZONING BOARD OF APPEALS
Tuesday April 19, 2011
6:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members: Alicia Neubauer
Dennis Olson
Dan Roszkowski
Scott Sanders
Craig Sockwell
Julio Salgado

Absent: Aaron Magdziarz

Staff: Jennifer Cacciapaglia – City Attorney
Todd Cagnoni, Deputy Director - Construction Services Division
Marcy Leach – Public Works

Others: Kathy Berg, Stenographer
Applicants and Interested Parties

Jessica Roberts 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 representatives 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 supporters and then objectors. 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, May 2nd, 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 that 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 is listed on the agenda as well.

The meeting was called to order at 6:45 P.M. A **MOTION** was made by Scott Sanders to **APPROVE** the minutes of the March 15, 2011 meeting as submitted. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

ZBA 004-11
Applicant
Ward 01

2601 North Mulford Road

Ross Beyer Kroger Limited Partnership I

Special Use Permit for a fuel center within the Brynwood Square Shopping Center in a C-2, Limited Commercial District.

The applicant has a request to lay the item over to the next regularly scheduled Zoning Board of Appeals meeting.

A **MOTION** was made by Dennis Olson to **LAY OVER** the request for a Special Use Permit for a fuel center within the Brynwood Square Shopping Center. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 6-0.

ZBA 010-11
Applicant
Ward 01

7128 Spring Creek Road

Benny Salamone

A **Variation** to increase the allowed height from 8 feet to 16 feet as measured from adjacent street curb for a freestanding sign and a Variation to increase the allowed square footage from 64 to 88 square feet for a freestanding sign in a C-2, Limited Commercial District.

The applicant is requesting a Variation to increase the allowed height from 8 feet to 16 feet as proposed from adjacent street curb for a freestanding sign and a Variation to increase the allowed square footage from 64 to 88 square feet for a freestanding sign in a C-2, Limited Commercial District. The subject property is located on the northeast corner of Spring Creek Road and McFarland Road.

Derrick Ferlita and Michelle LaMay were present as the applicants for 7128 Spring Creek Road.

Michelle LaMay stated that they were approved for a 16 foot sign in 2008 that has since lapsed because they were unable to construct the sign. They are now asking for the same approval that was given before. Ms. LaMay presented the signage which was different than what was presented in the staff report and packet.

Todd Cagnoni stated that it was our understanding that the sign request was for the same sign as the previous approved sign. He stated that the sign they are referencing would be a significant compromise from the one made at City Council and the proposed sign is a pylon sign that the zoning ordinance doesn't allow.

Michelle LaMay stated that she believes Mr. Salamone would go for the sign that would be approved.

Scott Sanders stated that in the past the ZBA did not give a favorable recommendation for the signage.

Michelle LaMay stated that the biggest problem is that people are not able to find the restaurant.

Dennis Olson stated every time he is near the restaurant it is packed.

Staff recommendation was for approval. No objectors or interested parties.

Dennis Olson asked if ZBA was voting on what is in the packet with different logo.

Dan Roszkowski stated yes the motion would be made on the sign in the packet as the proposed pylon sign would not be approved.

A **MOTION** was made by Craig Sockwell to **APPROVE** the request for a Variation to increase the allowed height from 8 feet to 16 feet as proposed from adjacent street curb for a freestanding sign and a Variation to increase the allowed square footage from 64 to 88 square feet for a freestanding sign in a C-2, Limited Commercial District subject to the findings of fact. The Motion was **SECONDED** by Julio Salgado and **FAILED** to **CARRY** by a vote of 3-3 Neubauer, Sanders, and Roszkowski voted nay. Motion does not carry and will go forward with a recommendation for denial to the Codes and Regulations committee.

ZBA 011-11

Applicant
Ward 03

1354 North 2nd Street

Jason Ney

A **Variation** to increase the maximum square footage for a free-standing in a Residential District for a nonresidential use from 48 square feet to 105 square feet in an R-1, Single-family Residential Zoning District.

The applicant is requesting a Variation to increase the maximum square footage for a free-standing in a Residential District for a nonresidential use from 48 square feet to 105 square feet in an R-1, Single-family Residential Zoning District. The subject property is located on North 2nd Street directly northwest of Ethel Avenue.

Jason Ney of 401 South Main Street Rockford Illinois presented on behalf of the application. He stated that they are asking for a variance to increase entrance sign to replace the existing sign. He added that the purpose is to identify more than the conservatory entrance but to also indicate the 1.5 mile riverfront property path, trolley, city forest queen. He stated that the sign request is also due to the visibility of the location resulting from the state highway and topography.

Dan Roszkowski asked whether he thought people would not see the building.

Mr. Ney stated that outside visitors may not recognize the building and other amenities.

No objector or interested parties.

Dennis Olson stated that the applicant's point is well taken. The speed limit is 45 but most people going 50 to 55 mph and may pass the entrance. This will give them ample time to see and move over to the correct lane and avoid collisions.

Dan Roszkowski stated that the sign is nicely designed and is monument and not pylon.

Staff recommendation was for approval with three conditions.

Alicia Neubauer stated that she understands the need for visibility but she is not sure that it needs to be quite as big.

A **MOTION** was made by Dennis Olson to **APPROVE** the request for a Variation to increase the maximum square footage for a free-standing in a Residential District subject to the following conditions and findings of fact. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-1 Neubauer voted nay and Sanders abstained.

1. Meet all Building and Fire Codes.
2. Submittal of Building Permit for Staff review and approval.
3. The sign and site plan must be in accordance with submitted plan Exhibit E.

ZBA 012-11

Applicant
Ward 03

502, 505, 515 Seminary Street and 326, 360 College Avenue

Gorman Company, Inc.

A **Special Use Permit for Planned Unit Development** for redevelopment in an R-4, Multi-family Residential District and C-2, Limited Commercial District.

The applicants are requesting a Special Use Permit for a Planned Unit Development for redevelopment in an R-4, Multi-family Residential District and C-2, Limited Commercial District. The subject property is located on the north and south sides of College Avenue, south of Division Avenue, west of 3rd Avenue, and west and east of Seminary Street.

Ben Marshall of Gorman Company 200 North Main Street Oregon Wisconsin, Ron Clewer of RHA 223 South Winnebago Street Rockford Illinois, and Tom Capp of Gorman Company, presented the application.

Ron Clewer, RHA, stated that the effort started in 2006-2007 with multiple meetings led by the City and RHA to come to a plan with College Avenue & Seminary Street. These meetings went on for two years. RHA held several public meetings with several years in the making. With the letting and an RFP they were looking for a developer that could pull the project off, one with experience and capacity to do development. He stated that they found that with Gorman Company.

Tom Capp stated that they have been involved in a larger plan than they had expected, working with RHA. In 2009, with public meetings, they have had a very good process that has led to the plans that have evolved thus far. A goal of the redevelopment is to de-concentrate the affordable housing that had occurred on that campus and change the focus on the residential mix served in the area. The campus had 502 affordable units. In 2005 during the planning process RHA family oriented development was taken down to 418 affordable units. They are taking the total number of affordable units from

418 to 248 units, with focus from eclectic to a focus on seniors and physically disabled. The first step was to create a state of the art development for the physically disabled, but since has grown to a much larger plan. The task given to us by RHA was to take development and leverage it in a high quality standard. Higher than what was in the surrounding neighbor along with the materials used and architecture. The aim of the design is to be a catalyst to the neighborhood. They have been successful with the first financing to leverage the first phase in a high quality way. As we went into discussions we determined that we wanted to set the standards high and look at it as it is a larger plan, and design the Jane Adams parcel, with architectural designs, traditional buildings. Instead of an institutional approach we are proposing these standards and materials that are being locked into a larger PUD.

Dan Roszkowski asked how many total units were on the first parcel.

Tom Capp stated 38 units.

Ben Marshall started by describing the Phase II portion of the development. He stated that they looked at the neighborhood as a whole PUD master plan. He added that the focus was on two arterials, future Madison Street extension and Seminary Street and College Avenue. He added that the biggest asset to the neighborhood is the river, introducing east west street ties the development to the river as well as with remaining neighborhood. He added that specific language was built in for the material for the buildings in PUD language. He stated that they then started to establish architectural controls to help insure that in the phases we have controls in materials and quality to keep that standard moving forward. Phase I the Jane Addams parcel was to create a feel in the neighborhood. Corner building is to have public uses on first floor residential on second. He added by describing the streetscape to make them look like single-family homes developed over time. Each having their own architectural style.

Dennis Olson stated that I see you have a roundabout.

Ben Marshall stated that they are part of the highway project and path project. The roundabout and College Avenue is the City's design.

Todd Cagnoni stated that the property you are referencing is owned by the City of Rockford.

Dan Roszkowski asked what are the light brown buildings representing.

Ben Marshall stated that they are proposing the market rate housing. They are to be town houses facing the street with garages.

Alicia Neubauer asked if Phase I includes the corner building, the open park, and the towers are to remain as is.

Mr. Marshall stated yes.

Tom Capp stated that the towers' design plan is to concentrate the towers in phases. He added that it is a 21 million dollar change for one tower. He added that the redesign would be the number of units reduced.

Todd Cagnoni stated for clarification, that the market rate townhomes, there are nine.

Tom Capp added that they have a time limitation to be back with a full phase by June 2012.

Todd Cagnoni added that they want to ensure that they are moving forward with the entire development.

Alicia Neubauer stated, in terms of connections to Haight Village, I think it is the corner of 2nd Street, 3rd Street is blocked off and she asked why Third Street isn't connected.

March Leach, Public Works, stated that the 3rd Street connection is due to the railroad tracks and the bridge. Madison is in lieu of the connections.

Ben Marshall stated that on a larger scale a little over 50 percent of the materials are brick for the development.

Tom Capp stated that they are really excited about the project with the standard of the housing development.

Craig Sockwell asked to point out Phase II.

Ben Marshall indicated Phase II but added that they are anticipating it happening in multiple phases.

Craig Sockwell asked where the commercial property is proposed.

Ben Marshall stated the existing commercial property will be torn down and redeveloped.

Tom Capp stated that they see the bridge improvements and road improvements as an opportunity to establish the commercial property and style to give the neighborhood a sense of place.

Dan Roszkowski looks to me like it is a pretty nice development and it is an improvement of what was there.

Alicia Neubauer stated that she hope it succeeds.

Staff recommendation was for approval of Phase I with seven conditions, and approval of Phase II with seven conditions. No objectors or interested parties were present.

A **MOTION** was made by Dennis Olson to **APPROVE** the Phase I request and Phase II request for a Special Use Permit for a Planned Unit Development for redevelopment in an R-4, Multi-family Residential District and C-2, Limited Commercial District subject to the following conditions and findings of fact. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-1 with Sanders abstained.

Phase I

1. Submittal of a final plat for staff's review and approval.
2. Construction of proposed residential buildings must be in conformance with submittal of Exhibit I and according to the site layout in Exhibit F.
3. Landscaping units shall be installed in accordance with Exhibits G & H including the northwest corner reserved for future market rate units as part of Phase II of the development.
4. Covenants and restrictions shall be submitted for staff review and approval and recorded on the property in perpetuity limiting the housing to disabled and senior facility.
5. The portion of Madison Street indicated in Phase II shall be dedicated as ROW or deeded to the City of Rockford for future roadway purpose prior to final occupancy for Phase I of the development.
6. The Final Plat work for the Planned Unit Development portion indicated as Phase II shall be completed by June 1, 2012.
7. The continuation and full development of the proposed Tentative Planned Unit Development.

Phase II

1. Submittal of a Final Planned Unit Development prior to development.
2. Submittal of a final plat for staff's review and approval.
3. Construction of proposed buildings must be in conformance with submittal of Exhibit I.
4. Site layout shall be in conformance with the submitted plans indicated as exhibit D.
5. The portion indicated as housing on the north side of Madison shall be removed and planned as future open space.
6. Detailed landscaping plans shall be submitted as part of the final planned unit development for Phase II of the project as well as tree preservation and removal plan.
7. Covenants and restrictions shall be submitted for staff review and approval limiting the housing to disabled and senior facility excepting that portion indicated as market rate housing.

ZBA 013-11

Applicant
Ward 06

3114 11th Street

Harder Sign Contractor

A **Variation** to increase the maximum square footage for a drive-through directory (menu board) from 36 square feet to 54 square feet and a Variation to increase the maximum allowable height for a drive-through directory (menu board) from 6 feet to 8.7 feet in a C-2, Limited Commercial Zoning District.

The applicant is requesting a Variation to increase the maximum square footage for a drive-through directory (menu board) from 36 square feet to 54 square feet and a Variation to increase the maximum allowable height for a drive-through directory (menu board) from 6 feet to 8.7 feet in a C-2, Limited Commercial Zoning District. The property is located approximately 200 feet north of the subject property

Jon Harder of 4695 Stenstrom Drive Rockford and Bob Larson of 5561 Roanoke presented the two applications for variations.

Dan Roszkowski asked with the 11th Street drawing what the red marks indicated.

John Harder stated that they are the existing pylon signs, he added that the menu bars are in the back.

Bob Larson stated that the sign on East State Street is combo Taco Bell/ Pizza Hut and the 11th Street sign is a stand alone.

Alicia Neubauer asked if the sign were limited to a smaller sign would some of the advertising be omitted

Bob Larson stated that they are trying to have the menu boards all the same size. He added that if they were changed the scale of the lettering would be changed.

Todd Cagnoni stated that in our staff report our thought process was to make sure that they were not visible to a public street and signage was directed to those ordering. If they were directed to the ROW they we would have been a greater concern.

Alicia Neubauer asked if the applicant and board would consider that appendages would not be able to be added.

Bob Larson stated that he does not see a problem with that.

Staff recommendation was for approval with three conditions. No objectors or concerned parties.

A **MOTION** was made by Scott Sanders to **APPROVE** the Variation to increase the maximum square footage for a drive Through directory (menu board) from 36 square feet to 54 square feet and a Variation to increase the maximum allowable Height for a drive-through directory (menu board) from 6 feet to 8.7 feet in a C-2, Limited Commercial Zoning District subject to the following conditions and findings of fact. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

1. Meet all Building and Fire Codes.
2. Submittal of Building Permit for Staff review and approval.
3. That the drive-through directory (menu board) sign shall not be highly visible from the right-of-way.
4. No additional appendages shall be added to the proposed signage beyond what is represented as exhibit F.

ZBA 014-11

3805 East State Street

Applicant
Ward 10

Harder Sign Contractor

A **Variation** to increase the maximum square footage for a drive-through directory (menu board) from 36 square feet to 54 square feet and a Variation to increase the maximum allowable height for a drive-through directory (menu board) from 6 feet to 8.7 feet in a C-3, General Commercial Zoning District

The applicant is requesting a Variation to increase the maximum square footage for a drive-through directory (menu board) from 36 square feet to 54 square feet and a Variation to increase the maximum allowable height for a drive-through directory (menu board) from 6 feet to 8.7 feet in a C-2, Limited Commercial Zoning District. The property is located approximately 200 feet north of the subject property.

Staff recommendation was for approval with three conditions.

A **MOTION** was made by Scott Sanders to **APPROVE** the Variation to increase the maximum square footage for a drive Through directory (menu board) from 36 square feet to 54 square feet and a Variation to increase the maximum allowable Height for a drive-through directory (menu board) from 6 feet to 8.7 feet in a C-2, Limited Commercial Zoning District subject to the following conditions and findings of fact. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

1. Meet all Building and Fire Codes.
2. Submittal of Building Permit for Staff review and approval.
3. That the drive-through directory (menu board) sign shall not be highly visible from the right-of-way.
4. No additional appendages shall be added to the proposed signage beyond what is represented as exhibit F.

With no further business to come before the Board, A **MOTION** was made by Alicia Neubauer to adjourn the meeting. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0. The meeting was adjourned at 7:45 p.m.

Respectfully Submitted
Jessica Roberts, Planner II
Zoning Board of Appeals