



ZONING BOARD OF APPEALS
Tuesday, December 17, 2013
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:

Dennis Olson
Alicia Neubauer
Scott Sanders
Craig Sockwell

Absent:

Aaron Magdziarz
Dan Roszkowski

Staff:

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

Others:

Alderman Teena Newburg
Alderman Joseph Chiarelli
Kathy Berg, Court Stenographer
Applicants and Interested Parties

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 Zoning Board of Appeals secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.

- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, January 6, 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 5:32 PM. A **MOTION** was made by Alicia Neubauer to **APPROVE** the minutes of the November meeting as submitted. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 3-0 with Dennis Olson abstaining and Dan Roszkowski and Aaron Magdziarz absent.

ZBA 040-13
Applicant
Ward 14

2500 and 2542 South Alpine Road
Starbucks Corporation

Variation to increase the maximum number of business identification wall signs from two (2) to three (3) in a C-3, General Commercial Zoning District

The subject property is located 300 feet north of the South Alpine Road and Harrison Avenue intersection and is a new Starbucks Coffee Shop. Theresa Mazuc, representing the applicant, reviewed the request. She explained the visibility of this building is not very clear from the Harrison direction and this is where they are requesting the additional wall sign. Currently there are wall signs facing Alpine, and one facing the parking lot. In addition there is an existing pylon sign; however this does not have a sign for the Applicant.

Staff Recommendation is for Approval with 2 conditions. No Objectors or Interested Parties were present.

Alicia Neubauer asked Staff if the adjacent tenant space would also be allowed 2 wall signs to which Mr. Cagnoni stated according to the Ordinance each tenant space is allowed two wall signs. The existing pylon sign is a legally non-conforming sign so the sign face could be changed without reconfiguration of the existing structure. With this information, it was determined that there could be a total of 5 wall signs. Craig Sockwell was concerned with the size of the requested signs.

A **MOTION** was made by Dennis Olson to **APPROVE** the Variation to increase the maximum number of business identification wall signs from two (2) to three (3) in a C-3, General Commercial Zoning District at 2500 and 2542 South Alpine Road. The Motion was **SECONDED** by Craig Sockwell and **FAILED TO CARRY** by a vote of 3-1 with Alicia Neubauer voting Nay. The motion will move forward with a request for Denial.

Recommended Conditions of Approval are:

1. Must meet all Building and Fire Codes
2. Must obtain separate permits for signage and the free-standing sign must be in accordance with Exhibit F.

ZBA 040-13
Findings of Fact for a Variation
To Increase the Maximum Number of Business Identification Wall Signs
From Two (2) to three (3)
In a C-3, General Commercial Zoning District at
2542 South Alpine Road

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 041-13

Applicant
Ward N/A

8101 Spring Creek Road

James Durkee & Bagher Modir

Preannexation Agreement and Zoning Map Amendment from County AG,
Agricultural to City R-3, Multi-family Residential Zoning District

The Applicant has requested that this item be Laid Over to the January 22, 2014 meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the Preannexation Agreement and Zoning Map Amendment from County AG, Agricultural to City R-3, Multi-family Residential Zoning District at 8101 Spring Creek Road. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 4-0.

ZBA 042-13
Applicant
Ward 14

5011 East State Street

Atty. Sherry Harlan / Remedies Renewing Lives

Special Use Permit for a **Planned Unit Development** consisting of a medical clinic with a methadone facility and a temporary crisis shelter for women and children in an R-4, Multi-family Residential Zoning District

The subject property is part of the original Off-Track Betting property currently being redeveloped. The most recent use is a pawn shop with potential future tenants. This application is for construction on the vacant parking lot south of the pawn shop. Attorney Sherry Harlan, Jeffrey Flemming, Architect, and Gary Halbach, Remedies, were present. Attorney Harlan reviewed the Applicant's request. Remedies is now operating at 516 Green Street in a building that was not designed to be a crisis shelter. In addition, this is a leased building with no stability for future use. Remedies has been looking for an alternative, more stable site for quite some time. The developer of the East State Street site approached the Applicant with a relocation possibility at the East State Street site. Alderman Joseph Chiarelli was also involved in the discussion. The entire parcel will be replatted with access off of Eastern Parkway with a cross easement to both parcels. The building will be used for counseling, a crisis shelter and methadone treatment. The hours for counseling and the clinic would be early morning and later in the afternoon to early evening to accommodate working hours of the clients. The crisis shelter for domestic use will be to the rear of the building and will be a 24 hour availability center. She further stated the Applicants accept all 5 condition and would like to add a condition that the development will be in substantial compliance with the site plan submitted at this meeting.

Gary Halbach explained their previous name was Phase/Wave so this is not a new concept. The number one referral source for the shelter is the Police Department. He briefly reviewed the operations of the program briefly and stated they have a 50 bed shelter. The average occupancy in the shelter is about 30 people. Mr. Halbach clarified that the substance abuse program is an oral administration and does not involve needles. These clients are on site only for a matter of minutes.

Jeff Flemming, Architect, reviewed the site plan. There will be a reduction in pavement, the addition of an outside, fenced in play area, and maintenance of a lot of the existing landscaping in the rear.

Alicia Neubauer asked about the property to the east. Javelin currently stops on both sides of the creek. There is no intent to develop this currently. Marcy Leach, P.W. concurred that there are no intentions to extend Javelin. Mr. Flemming also clarified that access required for delivery trucks would easily accommodate fire trucks as well. Ms. Leach also verified that the Applicant has proposed the addition of quite a bit of additional landscaping to that already existing.

Staff Recommendation is for Approval with (5) conditions. No Objectors were present. Interested Parties were Present.

Alderman Joseph Chiarelli stated he visited the existing shelter and witnessed how the programs were run and how the shelter operated. He further met with the neighbors in the area of the proposed site and met with no opposition. He stated full support.

Alderman Teena Newburg spoke in support, stating she has worked with domestic violence in Winnebago County. She expressed that Remedies is a terrific organization, the security is great, and the outside view of the existing site on Green Street gives no indication of the purpose of the program.

LoRayne Logan, 4701 East State Street, Work Place, was present as an supporter. She stated her feelings that this proposal will preserve and upgrade the area and that this program will be a strong asset to the community.

Ron Youman, 4874 Eastlawn Drive, stated he has been a resident at this location for over 40 years. He stated his neighborhood group of approximately 40 neighbors would like to express their support as well.

During discussion, Mr. Olson stated he is not comfortable with this location because it is a corridor to the city. Mr. Sanders explained this property drops significantly down in elevation into the woods and is virtually unnoticeable. Alicia Neubauer stated the street cannot be seen from the subject property. Mr. Olson stated he valued the opinion of those who spoke and actually viewed the property and would vote to approve.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a Planned Unit Development consisting of a medical clinic with a methadone facility and a temporary crisis shelter for women and children in an R-4, Multi-family Residential Zoning District at 5011 East State Street with the addition of condition 6. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Submittal of a final plat for staff's review and approval.
3. Submittal of a Preservation plan for the existing mature trees.
4. The applicant shall work with Public Works staff regarding the extension of Javelin Drive.
5. That the existing facility located at 516 Green Street is discontinued upon the establishment and occupancy of this facility.
6. That the property be developed in substantial compliance with the site plan submitted

ZBA 042-13
Findings of Fact for a Special Use Permit
For a Planned Unit Development Consisting of a
Medical Clinic with a Methadone Facility and a
Temporary Crisis Shelter for Women and Children
In an R-4, Multi-family Residential Zoning District at
5011 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 R-4 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-4 Zoning District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 6:15 PM

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