



ZONING BOARD OF APPEALS
Tuesday, May 15, 2018
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members: Thomas Fabiano - Left at 6:05 PM
Kim Johnsen
Alicia Neubauer
Dan Roszkowski
Craig Sockwell
Jennifer Smith

Absent: Maurice Redd

Staff: Scott Capovilla – Zoning and Land Use Administrator
Jeremy Carter - Public Works
Sandra Hawthorne - Administrative Assistant
Tim Morris - Fire Department
Lafakeria Vaughn - Assistant City Attorney

Others: 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 will 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 to the Liquor & Tobacco 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 Tuesday, May 29, 2018, at 5:30 PM in City Council Chambers in 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. This information was also presented in written form attached to the agendas and letters to Adjacent Property owners.

The meeting was called to order at 5:30 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes from the April, 2018 meeting as written. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0 with Alicia Neubauer abstaining and Maurice Redd absent.

ZBA 003-18

Applicant
Ward 01

626 Shiloh Road

Terra Creek Townhomes LLC / Attorney Jeff Orduno

Modification of Special Use Permit #011-06 for a Planned Unit Development to add fifteen (15) duplexes (30 total units) in an R-3, Multi-family Residential Zoning District
Laid Over from February, March & April meetings

Prior to the meeting, the Applicant requested this item be Laid Over again to the June Meeting.

Some members of the Board felt this item has been Laid Over numerous times and questioned the reason why this application was not moving forward. Mr. Capovilla stated the Applicant has a meeting with the Home Owners Association the week of May 21st in an attempt to see if they can come to a better understanding or agreement. Whether they can resolve their differences at this meeting or not, they may proceed with this application next month.

A **MOTION** was made by Kim Johnsen to **LAY OVER** the Modification of Special Use Permit #011-06 for a Planned Unit Development to add fifteen (15) duplexes (30 total units) in an R-3, Multi-family Residential Zoning District at 626 Shiloh Road. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 6-0.

ZBA 010-18

Applicant
Ward 13

3108 Auburn St., 3110 Auburn St., and 13XX Russell Ave.

J. B. T. Properties, Inc.

A **Special Use Permit** for a **Planned Unit Development** consisting of light equipment sales and rental; heavy equipment sales and rental, outdoor storage of light and heavy equipment; a 60 feet x 50 feet storage building addition; a 7 feet fence with barbed wire in the front yard along Russell Avenue, and

Variations for building setback, fence height, and barbed wire in the front yard along Russell Avenue in a C-3, General Commercial Zoning District and an I-1, Light Industrial Zoning District.

The subject property is located on the southwest corner of Auburn Street and Russell Avenue and is (1) acre in size. The existing use is light equipment sales and rental, heavy equipment sales and rental and outdoor storage of light and heavy equipment. Attorney Bruce Ross-Shannon, representing the Applicant, and Bradley A. Thomas, Applicant and President of J. B. T. Properties, Inc. were present. Attorney Ross-Shannon explained the Applicant has one facility on Auburn Street and one on Riverside, (next item on the agenda). There is an alley between the properties that is used only by the Applicant and is vacated for all intents and purposes. If this application is approved for consolidation, they will bring a subdivision application to the City to combine both lots with the same zoning. They would like to put up a fence around the perimeter and are asking the City to work with them to allow a stronger fence other than vinyl for security purposes. They would like to have a portion of the fence along Russell Avenue have barb wire on top for security purposes as well. It is also their intent to pursue the purchase or lease of the area along the creek with the City since they are already encroaching on that area.

Tom Fabiano ask the identity of the existing business to the east, located on Russell Avenue (later identified as 919 Taylor Street). Attorney Ross Shannon stated this manufacturer supplies wood products for McDonalds and is owned by Duntai Matthews.

Staff Recommendation is for Approval with (12) conditions. No Objectors or Interested Parties were present.

Kim Johnsen felt she would support the request if the Applicant would consider installing iron fencing along the front of the property on Auburn Street and work with Staff to find an agreeable material on the remaining fencing.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Special Use Permit for a Planned Unit Development consisting of light equipment sales and rental; heavy equipment sales and rental, outdoor storage of light and heavy equipment; a 60 feet x 50 feet storage building addition; a 7 feet fence with barbed wire in the front yard along Russell Avenue, and Variations for building setback, fence height, and barbed wire in the front yard along Russell Avenue in a C-3, General Commercial Zoning District and an I-1, Light Industrial Zoning District at 3108 Auburn Street, 3110 Auburn Street, and 13XX Russell Avenue with amended Condition (6). The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0.

Amend #6 to include: the applicant will work with Staff on the type of fencing that will be used.

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 site plan with the removal of gravel areas or hard surface for the outdoor storage areas and the fencing must be removed from the Right-of-way for Staff's review and approval.

4. Submittal of a full landscape plan that includes a Type A Buffer around the perimeter of the property, perimeter landscaping, interior landscaping, ornamental metal and vinyl privacy fencing and required shade trees that includes plant species and size for Staff's review and approval.
5. Submittal of building elevations of the proposed addition for Staff review and approval.
6. Submittal of fence elevations for 7 feet ornamental metal fencing along Auburn Street and the Applicant to work with Staff on the type of fencing material for the remaining fencing.
7. That the property be developed as per revised site and landscaping plans.
8. Must obtain separate permits for signage and any sign must be constructed to match building design and in accordance with plans approved by Staff.
9. That a Winnebago County Real Estate Combination Request Form be submitted to Staff for review and approval to create one lot after the alley vacation is completed and title is transferred.
10. That the Applicant proceed with an alley vacation process and the appropriate documentation be submitted to Staff for review and approval.
11. Submittal of a Final Agreement for Staff's review and approval that addresses the business operations and improvements to the site.
12. All conditions must be met prior to establishment of use.

ZBA 010-18
FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR A PLANNED UNIT DEVELOPMENT
CONSISTING OF LIGHT EQUIPMENT SALES AND RENTAL, HEAVY EQUIPMENT SALES AND
RENTAL, OUTDOOR STORAGE OF LIGHT AND HEAVY EQUIPMENT, A 60 FEET X 50 FEET
STORAGE BUILDING ADDITION, A 7 FEET FENCE WITH BARBED WIRE IN THE FRONT YARD
ALONG RUSSELL AVENUE, AND VARIATIONS FOR BUILDING SETBACK, FENCE HEIGHT, AND
BARBED WIRE IN THE FRONT YARD ALONG RUSSELL AVENUE
IN A C-3, GENERAL COMMERCIAL AND I-1, LIGHT INDUSTRIAL ZONING DISTRICTS AT
3108 AUBURN STREET, 3110 AUBURN STREET,
AND 13XX RUSSELL 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 district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be 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 conform to the applicable regulations of the C-3 and I-1 Districts in which it is located.

ZBA 011-18

Applicant
Ward 04

6625 East Riverside Boulevard

J. B. T. Properties, Inc.

A **Variation** to decrease the required front yard setback for a parking lot from 20 feet to 10 feet along North Trainer Road and Weaver Road; a **Variation** to decrease the required front yard setback for a parking lot from 20 feet to 2 feet along Weaver Road; a **Variation** to decrease the required front yard perimeter landscaping from 20 feet to 10 feet along North Trainer Road and Weaver Road; a **Variation** to decrease the required open green space along a portion of the east property line from 4 feet to 2 feet; and a **Variation** to increase the maximum allowed fence height in the front yard from 4 feet to 6 feet along North Trainer Road and Weaver Road in an C-3, General Commercial Zoning District

The subject property is located on the east side of North Trainer Road between East Riverside Boulevard and Weaver Road and is 1.19 acres. Attorney Bruce Ross-Shannon and Bradley A. Thomas, President of J. B. T. Properties, Inc. were present. Attorney Bruce Ross-Shannon reviewed the requested Variations. This application is similar to the previous application for 3108 Auburn Street.

Staff Recommendation is for Approval of a Variation to decrease the required front yard setback for a parking lot from 20 feet to 10 feet along North Trainer Road and Weaver Road, Denial of a Variation to decrease the required front yard setback for a parking lot from 20 feet to 2 feet along Weaver Road, Approval of a Variation to decrease the required front yard perimeter landscaping from 20 feet to 10 feet along North Trainer Road and Weaver Road, Denial of a Variation to decrease the required open green space along a portion of the east property line from 4 feet to 2 feet, and Approval of a Variation to increase the maximum allowed fence height in the front yard from 4 feet to 6 feet along North Trainer Road with (7) conditions. No Objectors or Interested Parties were present.

The Applicant stated he is agreeable to Staff recommendations as written and will comply with conditions of approval. However, as with the previous application, he would like the opportunity to work with Staff on a fencing material that is more of a deterrent than vinyl. The Board was in agreement to amend condition (5) to accommodate his request.

A **MOTION** was made by Jennifer Smith to **APPROVE** the Variation to decrease the required front yard setback for a parking lot from 20 feet to 10 feet along North Trainer Road and Weaver Road; **DENY** the Variation to decrease the required front yard setback for a parking lot from 20 feet to 2 feet along Weaver Road; **APPROVE** a Variation to decrease the required front yard perimeter landscaping from 20 feet to 10 feet along North Trainer Road and Weaver Road; **DENY** a Variation to decrease the required open green space along a portion of the east property line from 4 feet to 2 feet, and **APPROVE** a Variation to increase the maximum allowed fence height in the front yard from 4 feet to 6 feet along North Trainer Road with amendment to condition (5). The Motion was **SECONDED** by Alicia Neubauer 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 Parking Lot Permit for Staff's review and approval.
3. Submittal of a revised site plan that includes the parking lot setback 10 feet from the property lines along North Trainer Road and Weaver Road and the 6 feet fence setback of 10 feet from property lines along North Trainer Road and Weaver Road for staff's review and approval.
4. Submittal of a revised landscape plan that includes a 10 feet perimeter landscaping along North Trainer Road and Weaver Road, 15 feet green space east of the building and along the east property line, six (6) upright arborvitae in the southwest corner of the property, three (3) shade trees along the east property line and south of the building, and the shade tree that was removed in the parking lot with plant species and size for staff's review and approval.

5. Applicant to work with Staff to find appropriate and acceptable fencing and to submit fence elevations and Fence Permit for Staff review and approval.
6. Must develop site in accordance with revised site and landscaping plans approved by Staff.
7. All conditions must be met prior to establishment of use.

ZBA 011-18
FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO DECREASE THE REQUIRED FRONT YARD SETBACK FOR A PARKING LOT
FROM 20 FEET TO 10 FEET ALONG NORTH TRAINER ROAD AND WEAVER ROAD
IN AN C-3, GENERAL COMMERCIAL ZONING DISTRICT AT
6625 EAST RIVERSIDE BOULEVARD

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 011-18
FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO DECREASE THE REQUIRED FRONT YARD SETBACK FOR
A PARKING LOT FROM 20 FEET TO 2 FEET ALONG WEAVER ROAD
IN AN C-3, GENERAL COMMERCIAL ZONING DISTRICT AT
6625 EAST RIVER SIDE BOULEVARD

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 is 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 011-18
FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO THE DECREASE THE REQUIRED FRONT YARD PERIMETER LANDSCAPING FROM 20 FEET
TO 10 FEET ALONG NORTH TRAINER ROAD AND WEAVER ROAD
IN AN C-3, GENERAL COMMERCIAL ZONING DISTRICT AT
6625 EAST RIVER SIDE BOULEVARD

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 011-18
FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO DECREASE THE REQUIRED OPEN GREEN SPACE ALONG A
PORTION OF THE EAST PROPERTY LINE FROM 4 FEET TO 2 FEET
IN AN C-3, GENERAL COMMERCIAL ZONING DISTRICT AT
6625 EAST RIVER SIDE BOULEVARD

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 is 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 011-18
FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO INCREASE THE MAXIMUM ALLOWED FENCE HEIGHT IN THE FRONT YARD
FROM 4 FEET TO 6 FEET ALONG NORTH TRAINER ROAD AND WEAVER ROAD
IN AN C-3, GENERAL COMMERCIAL ZONING DISTRICT AT
6625 EAST RIVER SIDE BOULEVARD

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 012-18

Applicant
Ward 03

782 North Madison Street

Ryan McCrea / The Verdi Club

Special Use Permit for a private club and a 7,000 square feet addition for private banquet, bar and events in a C-4, Urban Mixed-Use Zoning District

The subject property is located on the east side of Rock River, on the west side of North Madison Street and south of Marino Drive. Ryan McCrea, General Manager of the Verdi Club and Jacob Addis were present. The structure is 100 years old this year, and Mr. McCrea stated they are wanting to build a 7,000 square foot addition. This will then allow them to hold about 250 people, mostly private members.

Staff Recommendation is for Approval with (6) conditions. No Objectors or Interested Parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** the Special Use Permit for a private club and a 7,000 square feet addition for private banquet, bar and events in a C-4, Urban Mixed-Use Zoning District at 782 North Madison Street. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meeting all applicable building and fire codes.
2. Building addition must be in accordance to Exhibit F.
3. The dumpster enclosure must be constructed of material matching the building.
4. The parking lot improvements with landscaping must be completed in accordance with the submitted site plan (Exhibit D).
5. Compliance with the City of Rockford Noise Ordinance.
6. No live or amplified music on the patio after 10:00 p.m.

ZBA 012-18
FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR A PRIVATE CLUB AND A 7,000 SQUARE FEET ADDITION FOR A PRIVATE BANQUET, BAR
AND EVENTS IN A C-4, URBAN MIXED-USE DISTRICT AT
782 NORTH MADISON 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, 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 C-4 District.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been provided for 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 C-4 District in which it is located.

ZBA 013-18

Applicant
Ward 14

4777 East State Street

Ramesh B. Vemuri

Special Use Permit for a methadone clinic in a C-2, Limited Commercial Zoning District

This application has been **WITHDRAWN**. No further action will be taken on this item.

ZBA 014-18

Applicant
Ward TBD

6969 South Main Street and 6969 Main Road

Timothy Ford / Addie Ford

Preannexation Agreement, a Zoning Map Amendment from County AG to RE, Rural Estate Zoning District, and a **Special Use Permit for a Planned Unit Development** consisting of a single-family residence, a distillery, a tasting room and retail shop, a barrel aging house, a high tunnel building, event pavilion for special events, the facility tours, orchards, fruit vineyard, other accessory structures per the submitted plan and site, parking, and fencing plans with deviations from the regulations

Chairman Dan Roszkowski abstained from discussion and vote on this item. Kim Wheeler took over the meeting as Acting Chairman.

The subject property is 22.13 acres and located on the north side of South Main Street, 2,115 feet east of the South Main Street and Prairie Road intersection. Addie and Timothy Ford were present as Applicants. They are the owners of this property and are asking for a pre-annexation agreement in conjunction with a Zoning Map Amendment from AG to Rural Estate, as well as a Special Use Permit for a Planned Unit Development. They will be open only on Friday, Saturday and Sunday for tours and tastings, and possibly seasonable Thursday and for Special Events. Mrs. Ford stated it is important for them to be good stewards of the land by maintaining healthy water and soil not only for their crops, but for neighboring crops and properties as well. Thus far, they have planted over 80 fruit trees in preparation of this venture. Mr. Ford discussed the Agricultural portion of the plan. He stated they are not an ethanol plant nor will they become a bar. They are a craft distilleries, on a small scale, with a production much lower than allowed by the State of Illinois for a craft distillery. They want to bring the flavors of the land to what they are producing: walnut trees, brandy grapes and trees. There are surrounding farm lands producing corn and wheat and they will be purchasing from local growers as well to use their products. This project will be comprised of several stages, the first being a remodel of an existing 800 square foot building for temporary production where products will age while they are constructing the tasting room. Mr. Ford explained that a silo will be integrated into the tasting room to provide an agricultural ambiance. They are planning to have tours to show the process from the growing of the product, to the actual tasting facility, and an area for purchase. After the tasting room is built, they will construct a permanent distillation facility. Their plan at this time is to only run 1 cycle a day. Waste product is in a solid form and can be used for composting or fertilized crops.

The Well is located in the back side, and the septic field will be underneath the pollinators to the west. This will be at the northwest side of the parcel and will be far away from the residential areas. Half-hour tours will be limited to 20 people possibly 4 tours per day, estimating 100 cars per day for the 3 days they are offering tours. They also plan to construct a pavilion on the northwest area, with tables for customers to sit and enjoy the nature and wildlife that is still inhabiting the property. Mrs. Ford explained they would also be living on the property so it is important for them to have an area that is peaceful and quiet in the evenings as well. Scott Capovilla explained Rezoning only affects their parcel, and this is only a pre-annexation agreement should this parcel come into the City. Although they will be selling by the package, they anticipate most purchases will be a result of their tours and wine-tasting, as they will also be selling their products through distributors to local stores.

Staff Recommendation is for Approval of all items with (10) conditions. Objectors were present. Various photos were presented as well as a petition of Objection.

Paul Feery stated he has lived in the area for 40 years and asked why the County was not approached since this property is in the County. Mr. Capovilla explained that the Applicants did approach County staff and were told it was best they worked with the City because the City offers more flexibility with its zoning ordinance. Otherwise the County would have zoned the land as heavy industrial which is not compatible with what the Applicant's propose. Mr. Feery asked why the State was not informed of the increase of

traffic on Route 2. He also felt the well and septic system was not sufficient. He stated this business would increase traffic on Route 2, and the State should have been consulted. Mr. Feery expressed concerns with noise pollution and run off. He informed the Board that this location was a dump site in the 20's and 30's. He ended by stated there is Agricultural use all around the entire site and he is not in favor of giving up the freedom of a country lifestyle.

Barb Kinroth submitted a petition of objection, stating there were 125 names of surrounding land owners submitted. She stated although she is not an Engineer, she has been in the waste and water industry for over 40 years. Ms. Kinroth submitted a detailed report and photos addressing Aquifer depletion, sewage, waste discharge resulting in Ethanol fungus, fermentation issues creating odor in the neighborhood and noise concerns. A copy of this report as well as photos presented are available on file in the Zoning Office. Touching on some of the issues, she estimated water usage for toilets alone would be 74,412 gallons a year. This figure does not include any additional water usage. She was concerned with excess water uses due to private parties and corporate events. She stated distillery waste is one of the most critical environmental issues. She showed a photo with an example of black fungus around a fire hydrant that she states will effect trees and property in the area. Ms. Kinroth cited gases will be going into the environment and will produce an odor throughout the entire neighborhood. She had further concerns involving smoking and resultant fires that could easily occur in this wooded area. Ms. Kinroth informed the Board that there have been two murders in this area. It was her feeling that the amount of product produced indicated that there will be a bar use as part of this proposal as well. She also presented a report discussing contaminants from distillery operations, stating it was a potential for all of the wells and Rock River as well.

Sheri McCoy felt the Applicants minimized their traffic estimate. She stated Route 2 is currently not equipped to handle the amount of traffic they are proposing as a tourist attraction. She presented a photo of an area of Route 2 showing some degradation of the road. She stated there is limited visibility in both directions from the Applicant's driveway. Deer pass through the field all the time. She explained that there is a dangerous bend to the east and is concerned that with the added consumption of alcohol accidents will become more prevalent. She asked if IDOT has approved an access permit and has a traffic study been done. She does not want to move into the city, does not want her property value decreased or her taxes increased, which she feels will happen once the Applicant's property is annexed into the City. She is concerned with the loss of tranquility and the farmers. Asking how they will dispose of the byproducts from the production of alcohol, how farmers will get their work done. When the Applicants have parties and events any type of music will carry. She referenced Barnstormers located in Canada that is in located in a strip mall and open 7 days a week and asked if the Applicants will ship liquor or beer from Canada to their Rockford facility. There was also concern with hours of operation on Friday, Saturday and Sunday as Ms. McCoy expressed this is the only time for families to enjoy their private time.

Tim McMeen explained he had made some changes on his property and had gone through the Winnebago Zoning Division. He stated he does not want any annexation of Rockford near his property. He also mentioned that a HUD house was put next to his property without his input when he lived in Rockford.

Jason Zipse was present and stated he is currently building a barn. Mr. Zipse explained that it took him 2 years to get approval to build a barn for agricultural use and had to spend \$20,000 in legal fees because he is in scenic route overlay district. Those laws are added on top of the existing zoning. He feels this hearing should have been held at the County level, stating it is redundant for the County to be speaking to the City on a County matter. He feels they cannot to go the people they have voted in office to complain, or to vote them out because they are not involved. He stated he has had accidents in his front yard where all people died. Mr. Zipse expressed his opinion that not all accidents or deaths are reported accurately. He stated in his property area alone there have been ten accidents.

Chad Kahle stated he moved to the county 15 years ago to enjoy the country life. His brother purchased 5 acres there and had to go to several county meetings just to build a small house. Winnebago County does not need more avenues to purchase alcohol. He stated he is asking from a parent's perspective that this just isn't right and feels nothing really good comes from alcohol.

Alan Smith stated he has read the proposal and stated his opinion is that what the Applicant has presented at this meeting does not exactly match the proposal in the Zoning report. He feels there is more input on the sale of alcohol than what was presented.

Ken Eakman presented a letter of objection from he and his wife Cathy. He spoke briefly, agreeing with the same concerns as previous Objectors, stating Route 2 is dangerous - there is no lighting, there have been several accidents, and he agrees with all the other objectors. His largest concern is the traffic count.

Gary Kennedy was present and stated he owns the farm directly to the north that has been in the family for 150 years. His son and daughter also live in the same area. The music venue will be built by his property, at an area where it meets the other neighboring farmer. He further stated that when out in the field, the wind carries sound and voices much farther and louder. They want to be able to relax at the end of the day without the sound of noise and music. He also has a great concern with the possibility of fire, stating there are dry fields, especially in October, and fire will spread very quickly in a dry year. He felt with all the parks and forest preserves, there are plenty of areas to enjoy without alcohol. He is also concerned that people will arrive after consuming alcohol elsewhere as well. Mr. Kennedy stated he received a call from the Applicant asking for a right of way on his farm to cut through to Prairie Road). He further stated one of his neighbors also received a call with this request after Mr. Kennedy said no, and his neighbor also would not allow a ROW. He expressed concern with safety on Route 2 as well, and stated alcohol and Route 2 make a very serious situation.

Jenny Gulke has lived and farmed in this area for 40 years. She states they can hear cattle and wildlife at night, and that this location is a community setting where they do not even have cable or internet. She asked the Board to consider the people who have lived there all these years, stating it is a different type of life and she would like the Board to consider their way of life and that of their children.

Marilyn Hollis stated her grandparents purchased over a hundred acres 70 years ago. She has also lived on Fitzgerald Road. She stated she owns 30 acres from the corner of Fitzgerald and Prairie all the way back to 60 acres of woods. She has a fear that the Applicant's pavilion will have loud people and music and lights interfering with the tranquility of their way of life. She is concerned with more accidents occurring on Fitzgerald Road because of the hills and bends. She stated this road is treacherous and added that South Main has many curves and no place to pull off because of the soft shoulders. There is no width available to expand the road. This distillery is, unfortunately, not in the right place. She believes the Applicants have the right idea, but in the wrong location.

In response to those speaking, Mr. Ford stated one of the misconceptions is that, although their facility is called Barnstormer Distilleries, they are not associated in any way with the Barnstormer company in Canada. Regarding claims of black fungus found around distilleries – there is fungus that is a "whisky fungus" that is a naturally occurring fungus. While it is black in color, it is not black mold and is a harmless fungus. The occurrence of this fungus is also found in commercial bakeries as a result of yeast rising, and found near gas stations due to the ethanol found in E-85 gas as well. Mr. Ford stated there have been lawsuits filed against this fungus situation and virtually all of them have been dismissed with no claims having been awarded. Jim Beem distills 10,000 barrels per week. At their best, they would do 4 barrels a week. They will have to work with IDOT to construct a turn lane on their property with specifications and control. They agree the current access is not adequate, but it will be improved. Mr. Ford explained that a distillery and a brewery are vastly different operating parameters.

Waste products – anticipated system is the output from the distillery will go into a holding tank, be PH adjusted, and then be released into a septic system designed by engineers. Bar – not serving food and no intention of serving food. Not encouraging people to hang out there for hours. (3) ¼ oz. samplings only and they do not want people hanging out for 3 hours. They do not want noise after 7:00 at night as well, as they will be living on the property. No intention of having a band or any type of acoustic. Propose to have minimum entertainment, not the grand scale of the parks that can handle that type of entertainment. They have the same concerns as the neighborhood. Hours of noon to 7:00 speak for themselves. Not talking about building a big venue, maybe something like a small wedding, small corporate events. Soil report was completed and nothing of a derogatory nature was reported. This facility will be a non-smoking venue. Will be working with City zoning so will have the same issues as anybody else had. Feel gravel road is part of the ambiance, but if staff requires them to pave they will. The road will be widened and lengthened.

Scott: 5th or 6th time where county deferred to the city to handle pre-annexation case. Similar situations in 1980s and 1990s when the city was moving east. Have heard these type of comments previously. This is not a case of the city growing – it is a situation where the applicants could not reach an agreement with the County on the zoning for their particular use of the land. This is where it is difficult to determine what the zoning nature of this business is. It most definitely is an ag issue. This is not a land grab, eminent domain, or anything like it. The city has no interest in obtaining other land. He does not see anything else coming up that would be annexed in the future. This is strictly a situation where the county could not reach an agreement for the zoning of the land with the use of the Applicant's proposal so they turned to the City with the County's approval. Growth in this area is not something the City is looking at. The city has enough land that needs to be redeveloped so definitely is not looking for more land especially this far south, with the possible exception of the area near the airport.

Mr. Capovilla stated Winnebago county handles septic systems for the entire Winnebago County, environmental division of the health department. The City would have to approve the architecture of the building, and the City is striving to maintain the ag appearance of the rural character of this site. Signs fall under City Ordinance – 1 sign on south main side. Limited to 6 feet in height and 54 sq. feet, smaller than county ordinance. P.W. traffic flow – agree route 2 is a dangerous road IDOT is aware of the number, does not feel 100 cars a day is going to make any significant impact. Entrance/exit to the site would be something worked through with IDOT. Does not feel this will increase the issues of people speeding on the road, drunk driving, or distracted driving that is already occurring.

During discussion, Several of the Board members stated they were not comfortable at this time and would like to see the applicants work more with the neighbors. Kim Johnsen would like to see if the Applicant can get approval through IDOT before proceeding with a vote.

Scott Capovilla encouraged the Applicants to have a meeting with the neighbors, share the pre-annexation agreement with them, and go into more details during their discussion with them. If IDOT denies the access permit, they cannot move forward. This Lay Over may also give the Applicants an opportunity to reach out to IDOT. He encouraged the Fords to speak with concerned parties in the lobby following this meeting to schedule a location, time and date for both parties to meet.

A MOTION was made by Jennifer Smith to **LAY OVER** the request for Preannexation Agreement, a Zoning Map Amendment from County AG to RE, Rural Estate Zoning District, and a Special Use Permit for a Planned Unit Development consisting of a single-family residence, a distillery, a tasting room and retail shop, a barrel aging house, a high tunnel building, event pavilion for special events, the facility tours, orchards, fruit vineyard, other accessory structures per the submitted plan and site, parking, and fencing plans with deviations from the regulations at **6969 South Main Street and 6969 Main Road**. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Dan Roszkowski abstaining.

ZBA 015-18

Applicant
Ward 09

3445 Elmwood Road

Our Lady of the Sacred Heart Basic Studies
Special Use Permit for a private religious school with school related uses in an
RE, Rural Estate Zoning District

Attorney Trent Ferguson, Retired Attorney and acting CEO Chris Kane, and Louis Bageanis were present. Mr. Kane stated this is the only liberal arts school with a catholic philosophy in Illinois. The current building they are leasing is 100 years old with no room for athletic teams. They have dual credits with Rock Valley College. They are not run by the Diocese; however they do have signed a note of allegiance to the Magisterium.

They currently have 32 students with a projection of 75 next year. Hours of operation are 8:00 AM to 3:00 PM.

The Applicant's wish to add girls volley ball and basketball and soccer for both genders. Currently they do not have hot lunches but plan to expand on that as well. Mr. Kane stated they will be an asset to the community and intent to inform the community about their schools.

Attorney Ferguson He stated he lives a mile away and his immediate family lives within the area. He provided more details on the 65,000 sq. foot building, including a gymnasium, on a 7 acre parcel. The Applicant will be hiring a full time maintenance person, as well as a landscaper. To the north, east and south is vacant farm land, while to the west is a 130 home subdivision. Only 14 of these homes are adjacent to the proposed site, with the closest home being over 900 feet away from the buildings. There are two long driveways to the properties and 148 parking spaces. They are asking to house foreign exchange students, although they have no immediate plans at this time. They hope to be able to do so in a year or two. Attorney Ferguson explained the property has been used for this in the past (1990) to allow for the construction of dormitories. The dormitories planned are on the second story. There will be a staff member staying there as well. The current baseball diamond on the 20 acres of portion of the southern parcel which will be used for a baseball and a football field. The school is not planning night games at this time, but future lighting will be shielded. Attorney Ferguson stated he is a township assessor as well, and it is known that houses near schools have a higher value.

Staff Recommendation was for Approval with (5) conditions. Objectors or Interested Parties were present.

George Lamb was present. He stated he was not in protest, but wanted to know if there was going to be a privacy fence between the Applicant's property and the residences. The response was that the northern 9 acres, which is agricultural would not be fenced, but the existing cyclone fence will be repaired and plantings will be installed.

Becky Spataro stated she has been a volunteer at the school for about ten years and hosted a foreign exchange student from China about 5 years ago. She stated it was awesome to see this young man evolve while attending this school. She stated it was advantageous for both the students and the exchange student.

A letter was received from David Smith. He had concerns with an increase in traffic flow, the existing broken fence on the northwest side of the property, and the lack of trees acting as a buffer.

In response, the applicant stated the intersection at the area of Wesley Willows and Marshall School is only a North / South stop. He stated there might be 4 or 5 cars backed up at the stop sign when school gets out, but other than that there is not a lot of traffic at this location and their school will be located on the south east side of the property.

A **MOTION** was made by Jennifer Smith to **APPROVE** the Special Use Permit for a private religious school with school related uses in an RE, Rural Estate Zoning District at 3445 Elmwood Road. The Motion was **SECONDED** by Alicia Neubauer 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. Signage must meet the current sign ordinance and all new signage must be reviewed and approved by staff.
3. This approval is for a private religious school with school related activities and does not permit the reuse of the former school dormitories.
4. Any expansion into the agricultural area for future athletic fields must meet all current zoning codes including, but not limited to, landscaping, buffering and lighting.
5. Any future lighting must be shielded from any adjacent residential uses or residentially zoning land.

ZBA 015-18
FINDINGS OF FACT FOR APPROVAL OF
A SPECIAL USE PERMIT FOR A PRIVATE RELIGIOUS
SCHOOL WITH SCHOOL RELATED USES
IN AN RE, RURAL ESTATE ZONING DISTRICT AT
3445 ELMWOOD 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, 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 RE Districts.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the RE District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 8:30

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