



ZONING BOARD OF APPEALS
Tuesday, June 19, 2018
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members:

Kim Johnsen
Alicia Neubauer
Maurice Redd
Dan Roszkowski
Craig Sockwell
Jennifer Smith

Absent:

Tom Fabiano

Staff:

Scott Capovilla – Zoning and Land Use Administrator
Jeremy Carter - Public Works
Matthew Flores – Assistant City Attorney
Karl Franzen – Director of Community & Economic Development
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 Board’s 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 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, June 25, 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 also included with letters to Adjacent Property owners.

The meeting was called to order at 5:45 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes from the May, 2018 meeting as written. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-0 with Maurice Redd abstaining and Tom Fabiano 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 & May meetings

Staff is requesting that this Item be Laid Over to allow them to meet further with the Applicant. Mr. Capovilla stated they expect they will be receiving more detailed information by the next meeting in order to move forward.

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 Maurice Redd and **CARRIED** by a vote of 4-1 with Craig Sockwell abstaining, and Alicia Neubauer voting Nay.

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, the facility tours, orchards, fruit vineyard, other accessory structures per the submitted plan and site, parking, and fencing plans with deviations from the regulations
Laid Over from May meeting

Prior to presentation, Dan Roszkowski announced he would be abstaining from discussion and vote on this item. Kim Johnsen took over as Acting Chair. The subject property consists of 22.13 acres and is located on the north side of South Main Street, 2,115 feet east of the South Main Street and Prairie Road intersection. This item was on the May Zoning Board of Appeals agenda and both the Applicant and Objectors gave detailed presentations.

This item was Laid Over to allow the Applicants and the property neighbors time to meet to discuss the concerns that were presented at the May meeting. Mr. Ford explained that they had contacted those living within a half mile of the property from the list of objectors on the petition submitted at the May meeting inviting the landowners to meeting to discuss their concerns. They received an attendance of (3) three people for the first meeting, and (11) eleven in attendance at the second meeting. As a result of these meetings, the Applicants have agreed to remove the request for the pavilion due to concerns of the objectors. The Applicants also stated they had received (2) calls from people asking to be removed from the petition because they were no longer in opposition after attending the meetings held by the Fords.

Regarding packet of letters and concerns from objectors at last meeting, the Applicant's offered the following responses: The Fords had meet with IDOT regarding the concerns of Route 2 traffic. IDOT did an evaluation and they determined a worse case scenario of the entire amount of guests within the same (1) hour time frame during rush hour. IDOT's determination was that a turn lane was not required. The Fords will be required to provide them a site plans showing ingress / egress to the property. Regarding the concern of the proposed well, they will be drilling to 320 feet with a casing, which will mean they would not be touching or interfering with the neighbor's wells. Regarding the hand outs at the May 15th meeting with John Mercer listed on the front page, Mr. Ford stated he had also spoken with Mr. Mercer who is a consultant who helps brewers design systems to deal with solid waste. He stated Mr. Mercer was surprised that he was listed as providing the information presented by one Objector as this was not his forte. Mr. Ford went on to explain that there is an outfit out of Milwaukee that has a bio system that would make water "drinkable" for ground use, such as irrigation. The soils report does not indicate that anything was ever dumped on this location as stated by one of the Objectors at the May meeting. Approximately 500 holes were dug on the property and nothing indicated anything was dumped there. Regarding concerns of fire, their development will meet all fire codes as required by City standards. They are increasing the existing access to a commercial access for a fire truck. The Applicants stated their hours of operation are noon to 7:00 PM on Friday, Saturday and Sunday. They clarified that these hours are the only hours they intend to be open and again stated that it is not their intention to be bar.

Letters of support from Chris Ainsworth (A1 Dry Cleaners & Laundry); Mandy James from 97 ZOK; Chirag Patel, owner of Cork Keg & Spirits; Einar Forsman, Rockford Chamber of Commerce; John Groh, Present/CEO, Rockford Area Convention & Visitors Bureau were received prior to the meeting.

Staff Recommendation remains at Approval with (10) Conditions. Objectors, Supporters and Interested Parties were present.

Acting Chair Johnsen asked if there were Objectors, Supporters or Interested Parties who had any new information to present that was not presented at the May 15th meeting.

New letters of Support and Objection were received after the May 15th meeting. Those letters received prior to the preparation of Staff Report were included in the report, while the remaining letters of Support were presented at this meeting. In addition, additional signatures on the petition of Objection that was presented last month were provided at this meeting to add to the overall petition. All letters and the petitions are available on file.

Letters of Support received since the May 15th, 2018 meeting: Chris Ainsworth (A1 Dry Cleaners & Laundry) - Mandy James from 97 ZOK - Chirag Patel, owner of Cork Keg & Spirits - Einar Forsman, Rockford Chamber of Commerce - and John Groh, Present/CEO, Rockford Area Convention & Visitors Bureau.

Letters of Objection received since the May 15th 2018 meeting: Pastors Jim and Miriam Williams – Lorena Merrick – Ron and Lori Thuestad - and Ken Eakman. Additional signatures to the Petition of Objection were presented to the Board from Barb Kinroth. Printouts from the NFPA Journal – Safe Distilling, March-April 2018 were presented to the Board.

9 Objectors were present. Several concerns of Objectors that were presented at the May meeting were again brought up at the current meeting:

- Concerns of traffic accidents on Route 2 and the entrance to the Distillery
- Concerns with the Aquifer / well system affecting irrigation and water run off for surrounding residents
- Fire hazards, both in the wooded area and buildings themselves
- Black fungus
- Decrease in property values
- Sale of alcohol on the property and customers being “over served”
- Not the property location for a business of this nature
- This development will affect the quality of life for the neighboring homes by disturbing their enjoyment of their outside property on the weekends.
- Concerns of a wedding venue even though the Applicants has informed them they would not be constructing a pavilion.
- Odors from mash and operation of the distillery

In addition to the above items , the following Objectors presented additional topics of Objection:

Opadel J. Webley

- There have been earthquakes in the area of the subject property and there is a concern that this development will bring on future earthquakes.

Tonia Riley

- Reference discussion by Jocelyn Hare regarding the Graham Ginestra House and other locations, (see Supporter Comments), Ms. Riley pointed out that the Graham Ginestra is on South Main, so not subject to the dangers of Route 2.

Angelia Williams

- Stated they have heard several comments about the dreams of the Ford’s, but asked about the dreams of the people who live in that area.
- They have experienced “black water” in the past

Barbara Kinroth – 7001 South Main

- 3 sides of her property is surrounded by the proposed distillery
- Actual objectors at the May meeting totaled (51) even though only 12 chose to speak their Objections
- Currently has run-off problems that have created a hole in her drive way down to the concrete.
- Barb wire fence on the Applicant's property is falling down and has not been repaired
- Concerned with high concentrations of grain dust

Ms. Kinroth began discussion regarding the personal financial and past employment information of the Fords and at this point Assistant City Attorney Matthew Flores stated this information is not pertinent to the application and advised the Board to ignore.

Sherri McCoy

- Presented a drawing showing a 2.5 mile area surrounding the subject property boarded by South Main, Beltline Road, Pelley Road, and Prairie Road, stating all property owners in that area signed their Petition of Objection.
- Requested the name of the person who did the IDOT traffic study
- Many farmers have guns and shooting near a distillery would be a great danger
- Home owner insurance premiums will go up
- She does not believe the Applicants are going to do what they say they will; that the days and hours will remain as stated, that what the Applicants stated they will do with the shed adjacent to her property is not true, with all concerns based on all of the "mistruths" from the Applicant.
- Existing trees are not a significant buffer

Nichole Bogda

- Concerned with hours of operation changing
- Concerned the Applicants still want to have wedding venues

The following (8) Supporters were present at the meeting:

Jocelyn Hare, Director of Graham Ginestra Heritage House and Ethnic Heritage Museum. Her points of support were:

- The partnership between Graham Ginestra and the Applicant will incorporate their historic original receipts
- An increase in tourism
- The Applicants will help increase the South Main Revitalization efforts

Katie & Andy Gustafson

- Fourth generation of farmers and recently expanded their farm by adding several varieties of grains.
- Have a farm less than 5 minutes away from the Applicant's property and no objections.
- Their family has experience working with a distillery on high volume specialty crops.
- Felt the Applicants will mimic the historic receipts from the 1950 brewing.
- Currently distributes grain to Blaum Brothers Distillery in Galena. Bus 20 is 45 MPH and the distillery is also around a big bend. Never had any incidents getting in and out.
- Grain is processed off site, so no grain dust is on the property of the distillery.

Andrew Benson

- Thanked the Fords for making this investment in the community.
- Feels they will build a very positive venue.

John Groh, President of Rockford Area Convention and Visitors Bureau

- Indian Hill Manor and Farm are close by.
- Cobblestone Inn and Rural Farms have a winery on site in an agricultural area, proving that several winery and distillery sites have fit into the AG neighborhood successfully.
- Industry is well regulated and growing. Protocols are in place for safety and are stringently regulated.
- One of the fastest growing industries in the AG/Tourist Industry.

Garrett Cain

- He is aware that the Rockford area would like to bring in more business.
- Compared the amount of milk one cow produces over time in comparison to the amount of amount of barrels produced at the Applicant's Distillery, stating Dairies utilize much more land and more equipment per cow in comparison to the needs of the proposed distillery.

Ian Linnabary

- Need to consider the 2020 Plan that fits with this proposal.
- Very few applicants have taken the time into, and the planning of, their proposal as the Fords have done.
- It is common to have trepidation when a new business or proposal is coming to an area, but once up and running, most people discovered that their concerns were unfounded.

Dannett Morman

- Accidents happen everywhere, on any road. Even if an accident happened outside their property, it does not mean it is a result of the distillery.
- She walked the entire property of the Applicants and did not see an adjacent home.
- There were (2) mowers running at the same time and she barely heard them.
- She was outside the entire time and did not get one mosquito bite.
- Impressed with the Applicant's thoroughness, stating they have gone above and beyond.

Chris Ainsworth – Business Owner

- The Applicants have researched this venture thoroughly and their drive to accomplish their dreams of operating this venture remains strong.
- Applicants have aligned themselves with the best in the industry to insure success and their dedication will insure their success.
- Every distillery he has visited involves a tasting.
- Has been to several distilleries and has never seen anyone remotely overserved.
- This venture offers another draw to Rockford. Feels it may encourage other entrepreneurs to come to Rockford.

The following (2) Interested Parties were present:

Andrew Macklin, Architect

- Plans show about 200 – 300 barrels on site, but a true amount has not been determined at this time.
- Buildings will be designed per City of Rockford Fire and Building Codes to eliminate fire hazards.
- Issues of water run-off are issues happening right now and are not associated with the Applicants property.
- Number of buildings will be minimal compared to the acreage of the site.
- The petition that he saw being passed around was totally inaccurate, portraying this development as a bar, a tavern, and/or a liquor store.

Christine & Brittany Bahnick

- Regarding traffic accidents, the human factor has not been considered. No one present at the meeting or elsewhere can predict what a driver is going to do.
- Blackhawk is a volunteer Fire Department and will take time to get to the site.

In response to the Objector's concerns, the Fords provided the following:

- Without the pavilion, there is no place for them to have a wedding so this aspect of the business is taken off the table
- Any water that comes from their property will be routed properly and will not go near any residential driveways
- Grain dust will not be combined with the alcohol – providers will mill off site
- The name of the person from IDOT the Ford's met with is Jason Stringer. Mike Cain is a geometric engineer from IDOT and was also involved in this meeting. It was Mike's recommendation that all that was required was a commercial entrance.
- Per Architect Andrew Macklin's comment, the Applicant also repeated that problems with water run-off are issues that are happening right now, have been in existence for years and are not caused by the Applicant's property.

Attorney Flores explained that in addition to representatives from Fire, Public Works, and Zoning in attendance at this meeting, Nelson Sjostrom, Building Code Official was also present. Nelson Sjostrom explained not only does Building go over the plans, but Public Works and Fire does as well. The Building Department is pro-active and will be scrutinizing the plans to make certain that the facility and the public at large are protected.

Scott Capovilla, Planning & Zoning Administrator, stated the Fords did a very good job of addressing the concerns of the Objectors. Jeremy Carter, representing Public Works, referenced the traffic counts at different locations throughout the City, as compared to this portion of South Main.

During discussion, Alicia Neubauer felt that every point brought up by the Objectors has been addressed by the Applicant. Using grey water that comes out of the distillery for irrigation will be a benefit to the neighborhood. Maurice Redd and Jennifer Smith also stated that a lot of information was provided.

A **MOTION** was made by Alicia Neubauer to **APPROVE** 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, 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 Jennifer Smith and **CARRIED** by a vote of 5-0 with Dan Roszkowski abstaining.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of final building elevations indicating specific building materials for staff review and approval.
3. The Special Use Permit shall be in substantial conformance with the submitted site design, layout, and access from South Main Street as depicted in Exhibit D.
4. Submittal of Access Permit to the Illinois Department of Transportation for the South Main Street access point will be required and any additional requirements must be satisfied
5. Must submit fence elevations and Fence Permit for Staff review and approval per the Preannexation Agreement.

6. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval.
7. Must obtain separate permits for signage and any sign must be constructed to match building design and in accordance with plans approved by Staff per the Preannexation Agreement.
8. Must develop buildings in accordance with elevations approved by Staff per the Preannexation Agreement.
9. Must conform to all terms and conditions of the Preannexation Agreement.
10. All conditions must be met prior to establishment of use.

ZBA 014-18
FINDINGS OF FACT FOR APPROVAL OF A ZONING MAP AMENDMENT
FROM COUNTY AG TO RE, RURAL ESTATE ZONING DISTRICT AT
6969 SOUTH MAIN STREET AND 6969 MAIN ROAD

Approval of this Zoning Map Amendment is based upon the following findings:

- 1). The proposed Zoning Map change is consistent with Article II, Intent, and Purpose, of the Rockford Zoning Ordinance for the following reasons:
 - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
 - b. This proposal protects the character, scale and stability of the adjacent residential and commercial because the proposed development will meet all development requirements of this site; and
 - c. The proposed map amendment would allow for a reasonable development to take place consistent with the surrounding neighborhood.
- 2). The proposed Zoning Map Amendment is consistent with the approved general plan, the Year 2020 Plan, for the area. The 2020 Plan designates this property as PA, Priority Park Acquisition.

ZBA 014-18
**FINDINGS OF FACT FOR APPROVAL OF 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, FACILITY TOURS, ORCHARDS, FRUIT VINEYARD, OTHER ACCESSORY
STRUCTURES PER THE SUBMITTED PLAN AND SITE, PARKING, AND FENCING PLANS WITH
DEVIATIONS FROM THE REGULATIONS
IN A RE, RURAL ESTATE ZONING DISTRICT AT
6969 SOUTH MAIN STREET AND 6969 MAIN 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. The proposed development is consistent with the mix of uses in the area and does encourage the connectivity of the surrounding uses and future growth of the property.
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. The future land use designation and the existing zoning district are considered a mix of agriculture and residential uses. However, the proposed development is in line with the intent of the existing zoning and the future land use designation through the Planned Unit Development Process.
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 are being 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, Rural Estate Zoning District in which it is located through the Planned Unit Development and Special Use processes.

ZBA 016-18

Applicant
Ward 04

3711 Thyme Drive

M. Shawn Way for Milestone, Inc.

Special Use Permit for community-based housing consisting of seven (7) residents in an R-1, Single-family Zoning District

The subject property is located northeast of the Crested Butte Trail and Thyme Drive intersection. Shawn Way, CO of Milestone, was present and reviewed their request for Special Use Permit. Mr. Way stated Milestone serves 300 developmentally disabled adults and 30 children in group home settings at their different locations. These individuals are with them 24-7. This location currently has 5 Bedrooms on the main floor and they have a shortage of staff. Their plan is to finish the lower level, build a kitchen and a restroom to increase the occupancy of the building from 5 to 7. They will be moving two individuals into this home from another location. They do plan to close one facility in the future, site unknown at this time.

Staff Recommendation is for Approval with (1) condition. No Objectors or Interested Parties were present. One letter of objection was received regarding noise and music coming from the facility from . Mr. Way stated he will address these concerns with Staff meetings. Residents do not drive.

Fire stated because of the way these homes are built, there has been very little impact in the few cases where they have responded to a fire, not caused by staff but from situations such as an electrical cause.

Nelson stated there are very strict regulations for safety in sleeping area which would include egress windows and exits.

A **MOTION** was made by Jennifer Smith to APPROVE the Special Use Permit for a community-based housing consisting of seven (7) residents in an R-1, Single-family Zoning District at 3711 Thyme Drive. The Motion was **SECONDED** by Alicia and **CARRIED** by a vote of 6-0.

Approval is subject to the following condition:

1. That the property and use shall comply with all Building and Fire Codes.

ZBA 016-18
FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT FOR
COMMUNITY-BASED HOUSING CONSISTING OF SEVEN (7) RESIDENTS
IN AN R-1, SINGLE-FAMILY ZONING DISTRICT AT
3711 THYME DRIVE

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 R-1 District in which it is located.

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

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