



ZONING BOARD OF APPEALS
Tuesday, July 17, 2018
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members: Tom Fabiano
Kim Johnsen
Alicia Neubauer
Maurice Redd
Dan Roszkowski
Craig Sockwell
Jennifer Smith

Absent:

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

Others:

Alderman Joseph Chiarelli
Alderman Linda McNeely
Alderman Tuffy Quinonez
Alderman Frank Beach
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, July 23, 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 June, 2018 meeting. The Motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 6-0 with Tom Fabiano abstaining.

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 & June meetings

The subject property consists of 8.14 acres and is located on the west side of Shiloh Road, 534 feet north of the Trainer Road and Garrett Lane intersection.

Prior to the swearing in of the Applicant, Attorney Michael Iasparro, Hinshaw & Culberson, stated he was representing the Bello Reserve Home Owners Association and asked that this item be Laid Over to allow himself and his clients to review the revised site plan and updated Staff report. Alicia Neubauer stated she is not comfortable laying this item over for another month. Scott Capovilla clarified that the most recent June Lay Over came at Staff's request. New information had been received which ultimately altered Staff's recommendation from Denial to Approval. Attorney Jeff Orduno, representing the Applicant, stated they have had several meetings with home owners and the only change to the site plan was that they removed one of the duplexes. Attorney Jeff Orduno reviewed the revised request to build 13 duplexes. He further explained his clients met with the Design Committee for Bello Reserve last summer and it was his understanding that they had approved the submitted plan at that time. The request by the Applicant for Lay Overs was a result of meetings with the Home Owners Association to allow them time to work with their concerns. Attorney Orduno feels his clients have gone as far as they can reasonably go with working with the homeowners. The density they were proposing is less than those existing condos in Bello Reserve. This property backs up to single family homes with a tree line. As far as the neighboring lots in Bello Reserve that are actually touching the subject property, they are in support. Fundamentally this property is an R-3 use. Attorney Orduno felt that all discussion with the neighboring home owners was exhausted at this point.

Julie Tudor, also representing the Applicant, stated these units will rent between \$1400 and \$1700 per month. She stated their target market is for doctors, and lawyers and professionals. Tom Fabiano asked if they have had any potential rental interest as of yet. Ms. Tudor stated they have several doctors and lawyers in some of the existing units to the west of the site. All 24 existing units have been rented out.

Attorney Iasparro renewed his request to Lay Over to the August meeting. He explained that their Design Committee has been complete revamped since the last meeting. He asked for a continuance on this item if the Zoning Board wished to move forward with a vote of Approval.

Attorney Ian Linnabary, with Reno & Zahm, is representing C-BRO and theCastrogiavanni family, who own 43 lots in the community, 9 of which face this development. He stated his clients are in support of this project and submitted a petition of support. He further stated the Board needs to consider that the Applicant and City Staff are the essential parties, and the Board should consider the effects of allowing Objectors to request Lay Overs of an Applicant's request. He also stated the Applicants have made every effort to work with the Home Owners Association and adjoining properties.

Scott Capovilla stated the decision to Lay Over this item at this time is at the discretion of the Applicant or City Staff. Attorney Matthew Flores explained that a continuance may be granted at the discretion of the Board to allow additional evidence to be presented by another party. Attorney Iasparro responded that the intent does apply to the Home Owners Association, as they are the most interested parties.

Jennifer Smith felt there was merit to believe that the Applicant initiated the past requests for layovers in order to present information to the interested parties and Objectors, and that they have made reasonable efforts to work with those parties.

A **MOTION** was made by Kim Johnsen to **DENY** the request for Lay Over of 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 Shilo. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5 – 1 with Tom Fabiano voting Nay and Craig Sockwell abstaining.

Staff Recommendation is for Denial to add (15) duplexes and Approval to add (13) duplexes with (10) conditions. Objectors or Interested Parties were present.

Speaking in Objection, Attorney Iasparro reviewed his client's concerns. With respect to lot 115, he stated in 2003 the plan was for a single building for senior living housing. This is what the homeowner's who purchased in Bello Reserve subdivision depended upon. He feels building an apartment complex at the south end of the existing subdivision will cheapen the high-end value homes and diminish property values. The residents who purchased lots since 2003 relied on Lot 115 being developed as a single building for senior housing. He further stated Apartment clientel is more transient, has more turnover, and more traffic that a single unit senior housing would have. There are a lot of remaining vacant lots to the north of the proposed development, and what is built on Lot 115 will have a definite influence on what those lots will become. Attorney Iasparro further stated that as of this date, the original request of 2003 for a single building for senior housing is still valid. He discussed fair market value and sales of some of the homes.

Kim Johnsen stated she did not see why the proposal would have a negative affect. The proposed units would bring in more financial resources than a Senior facility. It is felt that in comparison to a Senior facility, there would be less transients, less noise, more stable clients.

Attorney Linnabary stated the underlining zoning is R-3, and he agrees that the SUP for senior living is in place. He stated, however, that one can not rely on zoning of a property to remain the same in perpetuity. The proposed design comes out to 3.2 units per acre, which is not a dense development. He further stated this complies with the City's 2020 plan of Light Residential. The Developer came down

from 48 units to 23 units. The previously proposed senior facility was 64 units. The property has not had any interest shown on developing a senior facility; therefore, it is unreasonable to hold them to this use if it is no longer feasible. Attorney Linnabary expressed his dislike of the notion that renters are portrayed as a lower class of people. By their ability to pay rent in the amount of \$1400 to \$1700 a month, these tenants have the financial resources to purchase a home, but for reasons of their own, they chose not to. He does know that there is a demand for housing for physicians being recruited to this community. They want to have an opportunity to feel out the community before making a decision on where and if to purchase a home. Attorney Linnabary feels what the Applicants are proposing is a significant buffer to Bello Reserve. These homes will be approximately 2,200 square feet. His client tells him that 90% of the homes in the Bello Reserve Subdivision will not even see the new development from their location. He proceeded to review the Findings of Fact.

Attorney Orduno stated to deny the request for Special Use Permit, the Board would have to find something unique about the situation and that there would be a special exception use. He stated most of Attorney Isaparro's comments are speculative.

A **MOTION** was made by Kim Johnsen to **DENY** the Modification of Special Use Permit #011-16 for a Planned Unit Development to add fifteen (15) duplexes (30 total units) and to **APPROVE** the Modification of Special Use Permit #011-06 for a Planned Unit Development to add thirteen (13) duplexes (26 total units) in an R-3, Multi-family Residential Zoning District at 626 Shiloh Road. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 4-2 with Alicia Neubauer and Tom Fabiano voting NAY and Craig Sockwell abstaining.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of revised 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, landscaping, and access from Shiloh Road, as depicted in Exhibit H.
4. That the property be developed as per Exhibit H, the revised building and landscaping plans approved by Staff.
5. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval.
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.
8. That the stone free-standing sign be in accordance with Exhibit I, the elevation approved by Staff.
9. Must develop buildings in accordance with revised elevations approved by Staff.
10. All conditions must be met prior to establishment of use.

ZBA 003-18
FINDINGS OF FACT FOR DENIAL OF A MODIFICATION OF SPECIAL USE PERMIT
#011-06 FOR A PLANNED UNIT DEVELOPMENT TO ADD
FIFTEEN (15) DUPLEXES (30 TOTAL UNITS)
IN A R-3, MULTI-FAMILY RESIDENTIAL ZONING DISTRICT AT
626 SHILOH ROAD

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

1. The establishment, maintenance, or operation of the Special Use Permit will be detrimental to and endanger the public health, safety, morals, comfort, and general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will 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 not been provided.
5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the R-3, Multi-family Residential Zoning District in which it is located through the Planned Unit Development and Special Use processes.

ZBA 003-18
FINDINGS OF FACT FOR APPROVAL OF A MODIFICATION OF SPECIAL USE PERMIT
#011-06 FOR A PLANNED UNIT DEVELOPMENT TO ADD
THIRTEEN (13) DUPLEXES (26 TOTAL UNITS)
IN A R-3, MULTI-FAMILY RESIDENTIAL ZONING DISTRICT AT
626 SHILOH 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 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.
7. The special use shall conform to the applicable regulations of the R-3, Multi-family Residential Zoning District in which it is located through the Planned Unit Development and Special Use processes.

ZBA 017-18

Applicant
Ward 02

230 North London Avenue

Brennan Hailey

Variation to increase the maximum allowed fence height in the front yard from (4) feet to (6) feet along Crosby Street in a R-1, Single-family Zoning District

The subject property is located on the southwest corner of the Crosby Street and North London Avenue intersection and is surrounded by residential uses. Brennan Hailey, Applicant, reviewed his request for a 6' fence in the front yard. He stated if he were restricted to a 6' high fence beginning at the corner of his house along Crosby, approximately 700 sq. feet of rear yard would be "lost" along that street. He feels his property is unique because his garage faces Crosby, and the house faces North London Avenue. He presented photo of 3 fences in his neighborhood who already have 6' fences, according to Mr. Hailey. They are 2124 Crosby, 2104 Crosby and 231 North Gardiner. He further explained that the fence would be constructed in the rear yard so will not obstruct traffic. There will be two gates on the fence for emergency exit. He read a statement of support by Alderman Logemann who was present at the start of the meeting, but had to leave due to another commitment. Alderman Logemann's statement gave his "strong support for Mr. Hailey's proposal" and urged the Board to support his request. Mr. Hailey also presented a petition of support signed by 9 area home owners. Mr. Hailey clarified that he prefers to have privacy because in his particular location, people can see over the fence. Mr. Capovilla explained that a 6' fence would be allowed if it began at the corner of the house on either street. Alicia Neubauer felt that a 6' fence constructed close to the sidewalk gives a "fortress" affect that interrupts the look of the neighborhood.

Staff Recommendation is for Denial. No Objectors or Interested Parties were present. Two letters of support were received in addition to the above mentioned documents.

A **MOTION** was made by Alicia Neubauer to **DENY** the Variation to increase the maximum allowed fence height in the front yard from (4) feet to (6) feet along Crosby Street in an R-1, Single-family Zoning District at 230 North London Avenue. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

**ZBA 017-18
FINDINGS OF FACT FOR DENIAL OF A VARIATION
TO THE MAXIMUM ALLOWED FENCE HEIGHT IN THE FRONT YARD FROM
FROM FOUR (4) FEET TO SIX (6) FEET ALONG 8TH STREET
IN AN R-1, SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT AT
230 NORTH LONDON AVENUE**

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 018-18

Applicant
Ward 03

3475 Westminster Drive

Jake & Alison Chance

Variation to remove access off of Westminster Drive and place access on Hickory Lane in an R-1, Single-family Zoning District

Prior to the meeting, a request was received from the Applicant’s architect to Lay Over this item to the August 21st Zoning Board of Appeals meeting.

A **MOTION** was made by Craig Sockwell to **LAY OVER** the Variation to remove access off of Westminster Drive and place access on Hickory Lane in an R-1, Single-family Zoning District at 3475 Westminster Drive. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 7-0.

ZBA 019-18

Applicant
Ward 12

4301 & 43XX North Main Street

Grace Funeral & Cremation Services

Special Use Permit for a Planned Unit Development consisting of a funeral home, crematory, and special event center with indoor and outdoor events in a C-1, Limited Office Zoning District

The subject properties consist of 6.98 acres located directly east of the North Main Street and Campus Hills Boulevard intersection. Kristan McNames, co-owner of Grace Funeral & Cremation Services was present. She stated they have outgrown their current 3,600 square foot building and the subject property – the former Moose Club – is perfect for their needs. They do not intend to make any changes to the exterior. This property would allow them to have special events; for example, some clients may wish to have a celebration of passing rather than the more prevalent style of visitation, or an area where they can rent out for social events such as weddings, as well as outdoor events. In addition, Ms. McNames would like to transform the garage into a pet crematory and preparation area for arrangements. Mr. Capovilla stated the existing landscaping is appropriate for the site.

Staff Recommendation is for Approval with (8) conditions. Objectors or Interested Parties were present.

Lee G. Johnson was present and stated he lives adjacent to the property. Mr. Johnson stated he was not opposed to this application, but did have some questions for the Applicant. He asked what the amount of smoke or pollution might be involved with the crematory and, regarding outdoor activities, how late at night would these activities run and what would the extent of noise levels be. Ms. McNames stated they would have to abide by the 10:00 PM noise ordinances. The events would not have any loud music. Regarding omissions, she explained that when the equipment is maintained properly, there should not be black smoke or omissions.

Ms. McNames stated they would love to have the ability to expand their business in Rockford and emphasized that this location will afford them the opportunity to do so.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a Planned Unit Development consisting of a funeral home, crematory, and special event center with indoor and outdoor events in a C-1, Limited Office Zoning District at 4301 and 43XX North Main Street. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 7-0.

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 final building elevations for the crematory indicating specific building materials for staff review and approval.
4. The Special Use Permit shall be in substantial conformance with the submitted site design, layout, and access from North Main Street as depicted in Exhibit E.
5. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval.
6. Must obtain separate permits for signage and any sign must be constructed to match building design and in accordance with the Sign Regulations.
7. Outdoor music would have to cease operations at 10:00 P.M. per the City's Noise Ordinance (Section 17-33).
8. All conditions must be met prior to establishment of use.

ZBA 019-18
FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT FOR
A PLANNED UNIT DEVELOPMENT CONSISTING OF A FUNERAL HOME, CREMATORY, AND
SPECIAL EVENT CENTER WITH INDOOR AND OUTDOOR EVENTS
IN A C-1, LIMITED OFFICE ZONING DISTRICT AT
4301 AND 43XX NORTH MAIN 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. 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. 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 C-1, Limited Office Zoning District in which it is located through the Planned Unit Development and Special Use processes.

ZBA 020-19

Applicant
Ward 10

5416 East State Street

Ramesh Vermuri, MD

Special Use Permit for a Methadone Clinic in a C-2, Limited Commercial Zoning District

The subject property is located 700 feet northeast of the East State Street and north New Towne Drive intersection. Dr. Robert L. Meyer, Clinical Psychologist for Mathers Clinic was present and reviewed the request. They are looking to expand their services and have additional office space at this location sometime in the future. Dr. Meyer stated John Hopkins did a survey to determine if a Methadone Clinic increased loitering and problems in an area and their study determined that it did not. He explained that their service is a medical operation. Their clients are mostly working individuals, 70% are white, middle aged clients. Hours of operation will be from 5:00 AM to 1:00 PM. Once established in this location, their target goal is 100 methadone patients. The Applicant feels there is a need for this service, as Remedies will have to turn people away or make them wait a long time if they are to capacity. They also have a methadone clinic at 81 East Grand, Fox Lake, Illinois. Linda Bostick, also representing Mathers Clinic, stated she works at the Fox Lake clinic. They also start at 5:00 AM and patients are normally done by 11:00 AM. She reported by the 9th month, only about 10% of their client population will test positive. It is her intent to increase the number of clients here in Rockford with a higher percentage of success. Mr. Meyer stated most of their clients come in from word of mouth, some are referrals. They are a psychological clinic and would like to add other support services. Tammy DeVries from McHenry County was present and stated their goal is to offer options.

Staff Recommendation is for Denial. Objectors or Interested Parties were present.

Attorney Marvin Keys, Corporate Council for Midwest Group, spoke in Objection. He stated this use is not allowed within this shopping center as stated in the covenant. A methadone clinic will affect the ability to obtain new tenants. He feels this is a very valuable service to the community, but needs to be at a different location. The center is already struggling for tenants. This shopping center is separated by walls, with 3 separate owners. His client owns the former Circuit City and Pep Boys.

Alderman Linda McNeely was present and spoke in Objection. She stated this development is not in her ward but she has received phone calls from her constituents who are concerned. She also agrees with Attorney Keys that if she were wanting to set up a retail shop or restaurant, she would be hesitant to rent at this location. She asked the Board to consider what is being proposed. Alderman McNeely further indicated that she needs more information on what it cost the client to use this service, what the profit margin is for the clinic, and pertinent other information.

Alderman Franklin Beach spoke in Objection, stating he called Remedies and asked if they were full or turning patients away and they stated they were not. He stated he does not support bringing this clinic into this center.

Joe Perales, District Manager of GPM Investments LLC , also an Objector, was concerned with security measures. GPM Investments owns Fas Fuel and is located within walking distance from the proposed clinic and he is concerned with how loitering and security would be handled.

Susan Kalbantner was present in Support of this application. She stated she is a nurse and an attorney and is speaking on behalf of the clinic. She stated each client must sign a contract that they will make a commitment to also use the additional services of counseling. If they do not consent to the social services aspect of the Clinic and to maintain their agreement, they will not be treated.

Gary Halbach was present representing Remedies. He stated some of their patients are from Elgin and other locations who may not wish to come to a clinic in their town. He also verified that Remedies does not have a waiting list. Patients usually get in within 48 hours. They have people who are gainfully employed who come for treatment. He explained that the percentage of men to women is about 50-50 and the average age is around 30.

Attorney Ian Linnabary representing Ortho Illinois which is located adjacent to the subject property spoke in Objection. There is a concern about security. He is also concerned with the track record of this Applicant applying for, and being denied, other locations in the City of Rockford. He is concerned that additional information is required, particularly security. He also expressed concern with the affect this will have on the orderly development.

Jose Montes stated he is psychiatrist who provides Suboxone to some of his patients. He expressed that society has placed an unfair stigma associated with people who have addictions.

Marco Russo spoke in Support of this application. He stated he is a drug addiction counselor with Mather's Clinic, and was previously with PHASE (now Remedies). Mr. Russo explained it is not about another clinic doing the same thing, it is about doing what they can to help the community. He feels this clinic has a variety of skills to help people. He further stated that everyone needs options and choices, comparing it to choosing a medical doctor that you find is compatible with what works for you.

Mr. Meyer clarified the cost to each client is \$77 per week.

Some members of the Board felt that other centers did not have security concerns. They would like to see some collaboration with other agencies in the community so that they are working together to address all issues.

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a Methadone Clinic in a C-2, Limited Commercial Zoning District at 5416 East State Street with added conditions. The Motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 4-3 Craig Sockwell, Tom Fabiano, and Dan Roszkowski voting Nay.

Approval is subject to the following conditions:

1. Meeting all Building and Fire Codes
2. Submittal of Building permits for Staff's review and approval.
3. Must obtain separate permits for signage and sign must be constructed to match building design and in accordance with sign regulations.
4. Repair of parking lot, submittal of landscape plan for staff approval, and installation of landscape units.
5. Patient operation for dispensing of methadone is limited to the hours of 5:00 AM to 10:00 AM.

6. Submittal of a detailed security plan to City Staff.
7. All conditions must be met prior to establishment of use.

ZBA 020-18
FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR A METHADONE CLINIC
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT AT
5416 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 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-2 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 C-2 Districts in which it is located.

ZBA 021-19

Applicant
 Ward 03

96 East State Street, 124 North Water Street

City of Rockford / Scott Capovilla
Special Use Permit for a mural on bridge in a C-4, Urban Mixed Use Zoning District

The subject property is located 148 feet west of the East State Street and North Water Street intersection, directly under the State Street Bridge. Scott Capovilla, Planning & Zoning Administrator, reviewed the request. Libbie Frost is the artist that will be doing the mural, a rendering of which is included in the distributed Staff report. Mr. Capovilla explained that Staff feels this will clean up the bridge abutment and that it will be a nice attraction on the north side of the river.

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

A **MOTION** was made by Jennifer Smith to **APPROVE** the Special Use Permit for a mural on a bridge in a C-4, Urban Mixed Use Zoning District at 96 East State Street, 124 North Water Street. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. A sign permit shall be required including an illustration of the proposed art work shall be submitted with the permit application.
2. The mural panels may not consist of a vinyl banner material within a frame.

ZBA 021-18
FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR A MURAL ON A BRIDGE
IN A C-4, URBAN MIXED-USE ZONING DISTRICT AT
96 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, 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-4 District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 9:47 PM

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