



ZONING BOARD OF APPEALS
Tuesday October 16, 2018
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members: Thomas Fabiano
Kim Johnsen
Alicia Neubauer
Dan Roszkowski
Craig Sockwell

Absent: Jennifer Smith
Maurice Redd

Staff: Scott Capovilla – Zoning and Land Use Administrator
Kelly Nokes - Public Works
Matthew Flores, Assistant City Attorney
Tim Morris - Fire Department
Lafakeria Vaughn - Assistant City Attorney

Others: Alderman Tuffy Quinonez
Alderman John Beck
Kathy Berg - Court Stenographer
Applicants and Interested Parties

Scott Capovilla 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 Monday, October 22, 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 5:39 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the minutes from the September 2018 meeting with Amendments to Page 9, Item 034-18 regarding the spelling of her name and to Page 12, with a meeting adjournment time of 7:15 p.m. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 4-0 with Tom Fabiano abstaining and Maurice Redd and Jennifer Smith absent.

ZBA 035-18

Applicant
Ward 12

821 Camlin Avenue

Tom Rotello

- (A) Variation** to allow chain-link fence material in the front yards along Camlin Avenue and Logan Street
- (B) Variation** to increase the maximum allowed fence height from 4 feet to 6 feet in the front yards along Camlin Avenue and Logan Street in an R-2, Two-family Zoning District

Laid Over from September meeting

The subject property is located on the northeast corner of the Logan Street and Camlin Avenue intersection. Tom Rotello, the Applicant, reviewed his request for two variations. Mr. Rotello said that he was willing to drop the fence height request from 6 feet to 4 feet along Camlin Street, but not Logan Street. At least the 4-foot chain-link fence would keep his property safe. He explained that he bought the subject property 3 years ago and has been fixing it up. He has spent over \$300,000 on the property, which includes about \$80,000-\$90,000 just for roof repairs. He planted 60 trees on the lot and had new windows and shades installed. He has twelve (12) cameras installed outside, all windows barred, but he still has major vandalism to the building. He also deals with dumping of chairs, sofas, bags of leaves and baby diapers on his property. The cameras have been unable to 'pick up' the license plate of the vehicle(s) doing the dumping. He has expressed his issues and concerns with Alderman John Beck and the police. People also try to break down the doors and steals items from his daughter's organic garden, which is on the property.

In the past, 'Humphrey Cadillacs' used the building to store their Cadillacs. Mr. Rotello currently uses the building for storage and for old cars. Mr. Rotello recommended that members of the Board drive by the property because it is a nice property.

Kim Johnsen asked Mr. Rotello if he has considered other types of fencing, instead of chain-link. Mr. Rotello explained that the property used to have railroad ties, but they rotted so he had them pulled up. The benefit to chain-link is the ability to see through it. Safety for his daughter is also a concern for because he fears something may happen, especially at night. Ms. Johnsen suggested a black rod iron fence. However, Mr. Rotello said the cheapest bid for rod iron fencing is \$17,000 and it would just be fake aluminum.

The Board discussed the cemetery, near the subject property, which has a 4-foot green chain-link fence. Tom Fabiano asked about the benefits of having a chain-link fence vs. wood. Mr. Rotello explained that chain-link looks more industrial. He also talked to three (3) other "fence people" and they all suggested chain-link. Craig Sockwell asked Mr. Rotello if he had to encompass that much of the property with the fence. Although he understands what Mr. Rotello is trying to accomplish, it looks like it goes way out to the property line. Dan Roszkowski also agreed that from the site plan, it looks like the fence goes beyond the property line. Mr. Rotello explained the site plan provided by DFC Fence, Inc. (Exhibit D) to the Board. He said that he could get a better drawing and send it.

Mr. Capovilla clarified to the Board that after speaking with Alderman Beck, the fence would not come out as far or large as depicted on the site plan. The fence will go straight over to Logan Street. Mr. Rotello stated that he wants enough space to get a lawn mower over there to cut the grass. He also explained that he allows the kids in the neighborhood to come in and play soccer.

Alderman Beck spoke in support of this application. He stated that Mr. Rotello is an asset to the 12th ward and to the neighborhood. The area has had many challenges, including a lot of rental properties and foot traffic. He understands that Mr. Rotello would like better control of the subject property. The neighbors also support it. He further stated that Mr. Rotello is an important investor of the neighborhood and when he does something, he does it right.

Mr. Capovilla reminded the Board that before the meeting started, he handed out written comments from Jennifer Smith, who is a board member and a resident of the neighborhood. She supports the application, but she was unable to be present at the meeting. Alicia Neubauer stated that she sees this request as two frontages. She further stated that to be consistent, the Board has never supported a chain-link fence in the front yard. She understands that it is a significant building, but other fencing may be more appropriate. She does not support the application and is not going to relax the standards, even with the residence across the street with chain-link fencing. She also understands that he has done good things and is a good support for the neighborhood, but the Board has not approved chain-link in front yards in the past ten (10) years. Mr. Sockwell stated that chain-link is ideal, but it should not encompass that much of the property. The Board agreed that the Applicant could not go beyond the property lines.

Ms. Johnsen stated that maybe she would support chain-link along Logan Street, but a different material on Camlin Avenue. Therefore, she would move to approve the variation to allow chain-link fence material on Logan but deny the variation to allow chain-link on Camlin. Since the cemetery will not change in the near future, the chain-link on Logan Street will not be detrimental to the neighborhood. Mr. Capovilla also explained that the building is an established setback line. Mr. Rotello expressed to Mr. Capovilla that he would agree to drop the fence height to 4 feet on both sides, only if he was allowed to have chain-link along Logan Street and Camlin Avenue.

Ms. Johnsen proposed one condition of approval: (1) The Applicant provide the Staff with appropriate fencing material according to the zoning ordinance, for a decorative fence, along the front yard, which could be wood, masonry, wrought iron but not chain-link.

Staff Recommendation is for Denial. Interested parties were present.

A **MOTION** was made by Kim Johnsen to **Approve** the (A) Variation to allow chain-link fence material in the front yard along Logan Street and **Deny** the Variation to allow chain-link fence material in the front yard along Camlin Avenue and to **Deny** the (B) Variation to increase the maximum allowed fence height from 4 feet to 6 feet in the front yards along Camlin Avenue and Logan Street in an R-2, Two-family Zoning District at 821 Camlin Avenue, with conditions. The Motion was **SECONDED** by Alicia Neubauer and **FAILED TO CARRY** by a vote of 3-2, with Alicia Neubauer and Craig Sockwell voting Nay. This item will move forward to the Code & Regulation Committee as a **DENIAL**.

ZBA 035-18
Findings of Fact for Denial of a Variation
To Allow Chain-Link Fence Material in the Front Yards
Along Camlin Avenue and Logan Street
In an R-2, Two-Family Zoning District at
821 Camlin 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 are based are not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does not comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 035-18
Findings of Fact for Denial of a Variation
To Increase the Maximum Allowed Fence Height From
4 feet to 6 feet in the Front Yards along Camlin Avenue and Logan Street
In an R-2, Two-Family Zoning District at
821 Camlin 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 are based are not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does not comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 036-18

Applicant
Ward 11

1418, 1422 Broadway

Octavio Marquez

Special Use Permit for an auto repair shop and tire service with towing
in a C-4, Urban Mixed Use Zoning District

Laid Over from September meeting

Attorney Andrew Vella, representing the Applicant was present and requested that this item be Laid Over to the November 20th meeting.

A **MOTION** was made by Alicia Neubauer to **LAY OVER** the Special Use Permit for an auto repair shop and tire service with towing in a C-4, Urban Mixed-Use Zoning District at 1418, 1422 Broadway. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-0.

ZBA 037-18
Applicant
Ward 04

6677 E Riverside Blvd

Image Signs, Inc. / Bob Baker

- (A) **Variation** to eliminate the brick/stone base requirement for a free-standing sign
- (B) **Variation** to increase the height for the free-standing business sign from 8' to 21'7"
- (C) **Variation** to increase the maximum allowed square footage for a free-standing sign from 64 square feet to 155.97 square feet
- (D) **Variation** to increase the height for the directional sign from 6' to 7'2" for two (2) directional signs
- (E) **Variation** to increase the height for the directional sign from 6' to 6'10"
- (F) **Variation** to increase the maximum allowed square footage for three (3) directional signs from 10 square feet to 23.79 square feet in a C-3, Commercial General Zoning District

The subject property is located on the south side of East Riverside Boulevard. Bob Baker, the Applicant, and Geoff Feinblatt, General Manager of Napleton Auto Group were present. Mr. Feinblatt reviewed the six variations requested by the Applicant for the subject property. He explained that Napleton Auto Group is expanding their Jaguar facility. It will be a brand new business in town and they want to establish themselves on Riverside Boulevard. There was not an existing structure on the subject property. He stated that primary signage is very important for awareness and for drivers on the road. The main entrance to the property is not on Riverside Blvd. The entrance is actually behind the dealership on Weaver Road. In addition to the subject business, four other businesses have the same entrance.

Mr. Feinblatt further explained that the subject property is in a developed area and not an underdeveloped area. They desire to match the current landscape of the area. Jaguar also has a dealer franchise agreement that they must abide by, which includes signage. The benefits of the requested signage is to generate revenue, service more vehicles and sell more vehicle parts and vehicles. He also represented that he spoke to Alderman Kevin Frost, who stated that the City granted similar variances for two (2) other businesses with similar operations. One being JD Byrider off East State Street and two, Mercy Hospital.

Alicia Neubauer stated that JD Byrider was not approved by the Board, but maybe was approved by City Council. She explained that the Board has worked diligently on being strict with the sign ordinance. She further suggested that the Applicant could make the signage more appealing, but still meet the requirements of the City's ordinances. Dan Roszkowski agreed with Ms. Neubauer, especially since the proposal only shows two (2) wall signs.

Staff Recommendation is for Denial of all requests. No Objectors or Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **Deny** the (A) **Variation** to eliminate the brick/stone base requirement for a free-standing sign; to **Deny** the (B) **Variation** to increase the height for the free-standing business sign from 8' to 21'7"; to **Deny** the (C) **Variation** to increase the maximum allowed square footage for a free-standing sign from 64 square feet to 155.97 square feet; to **Deny** the (D) **Variation** to increase the height for the directional sign from 6' to 7'2" for two (2) directional signs; to **Deny** the (E) **Variation** to increase the height for the directional sign from 6' to 6'10"; and to **Deny** the (F) **Variation** to increase the maximum allowed square footage for three (3) directional signs from 10 square feet to 23.79 square feet in a C-3, Commercial General Zoning District at 6677 East Riverside Boulevard. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-0.

ZBA 037-18
Findings of Fact for Denial of a Variation
To Eliminate the Brick/Stone Base Requirement
For a Free-Standing Sign
In a C-3, General Commercial Zoning District at
6677 East Riverside 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 are based are not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does not comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 037-18
Findings of Fact for Denial of a Variation
To Increase the Height for a Free-Standing Business Sign
From 8 Feet to 21 Feet 7 Inches
In a C-3, General Commercial Zoning District at
6677 East Riverside 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 are based are not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.

3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does not comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 037-18
Findings of Fact for Denial of a Variation
To Increase the Maximum Allowed Square Footage for a Free-Standing Business Sign
From 64 Square Feet to 155.97 Square Feet
In a C-3, General Commercial Zoning District at
6677 East Riverside 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 are based are not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does not comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 037-18
Findings of Fact for Denial of a Variation
To Increase the Height for the Directional Sign from 6 feet to 7'2" for Two (2) Directional
Signs In a C-3, General Commercial Zoning District at
6677 East Riverside 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 are based are not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does not comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 037-18
Findings of Fact for Denial of a Variation
To Increase the Height for the Directional Sign
From 6 Feet to 6 Feet 10 Inches
In a C-3, General Commercial Zoning District at
6677 East Riverside 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 are based are not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.

3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does not comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 037-18
Findings of Fact for Denial of a Variation
To Increase the Maximum Allowed Square Footage
For 3 Directional Signs from 10 Square Feet to 23.79 Square Feet
In a C-3, General Commercial Zoning District at
6677 East Riverside 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 are based are not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
6. The proposed Variation will impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood.
7. The proposed Variation does not comply with the spirit and intent of restrictions imposed by this Ordinance.

ZBA 038-18

Applicant
TBD

5430 North Main Street

AES DevCo NC, LLC / Andrew Brentan

(A) Pre-annexation agreement and Zoning Map Amendment from County AG Zoning District to I-1, Light Industrial Zoning District

(B) Special Use Permit for a free-standing solar energy generating facility in an I-1, Light Industrial Zoning District

The subject property is located approximately 930 feet north of Elmwood, west of the intersection of North Main Street and Bauer Parkway. It is vacant land, 82.89 acres. Andrew Brentan, the Applicant, reviewed his request. Mr. Brentan is the business development manager of AES DevCo, NC, LLC. He explained that they would like to install and operate two (2) megawatt solar energy generating facilities on the subject property. If the Board should approve these requests, there are additional approvals required by the State. Mr. Brentan provided a brief background of the entity, AES DevCo NC, LLC. It is a company based out of Boulder, CO and they are exclusive for owning and operating solar projects. They currently have about 200 megawatt facilities under development and 50 or so already developed. The company owns and operates the solar projects for the life of the project, which is about 20 years.

Mr. Brentan explained that the subject property is zoned in Winnebago County and the landowner will enter into a pre-annexation agreement with the City of Rockford, upon approval of the two (2) proposed projects. The subject property is currently zoned AG, but under the pre-annexation agreement, it will be zoned I-1, Light Industrial. The ComEd grid will be off of North Main Street for the interconnect. He further explained that the solar panels will be remotely monitored from their office in Boulder, CO. If an issue should arise, they can dispatch a local operations team or crew to address any issues. The proposal also includes a 6-8 foot fence. The Applicant will maintain the access road. After construction, there will be no overflow traffic and they will reseed the property. Construction will take approximately 4-6 months and there will be an increase in traffic during this time. Also, there will be an increase in noise during construction.

Mr. Brentan stated that once the solar farm is in operation, no on-site person is required. As noted, the site will be monitored remotely with only 5-7 visits per year for vegetation maintenance and other needed maintenance. The request also includes a decommissioning plan, since it is about 20 years per project. The decommissioning plan is to ensure that the land goes back to its original state and the company be required to put up a bond or escrow to cover the costs of decommissioning. This plan will be negotiated with the landowner and the City. Some of the benefits of a solar farm are local tax revenue, decrease in electricity bills and hiring local workers, specialized in the trades [i.e. electrical, engineering], for the construction.

Alicia Neubauer expressed that she loves solar farms. However, she asked why the Applicant picked this specific farmland, as opposed to another location. Mr. Brentan explained that they just had a landowner that was interested. Also, the subject property is proximate to the interconnect with ComEd and connecting to the grid. They also did a search for sub-stations to determine if there was capacity for this site. Craig Sockwell asked if the solar panels moved. Mr. Brentan responded that the solar panels will be on a tracking system and they will follow the direction of the sun.

Laura Dillavou, presented as an adjacent property owner. Ms. Dillavou stated that she is not supporting or opposing the application at this time. She wanted more information about the project. She lives across the street from the subject property and she wanted to know if the solar panels would reflect on her property and if other energies are proposed at the site. She also wanted to know of any other existing properties the company owned and if they had any neighboring testimonials. Lastly, she asked if other properties might be annexed as well.

Mr. Brentan responded that he would give her his card to discuss the project further. He explained that visual pollution is subjective. The solar panels will not be very tall. Since they will be on a tracker, they will be flat and she will not be able to see them above the fence. At the beginning and end of the day, she may see the tip of the panels but the fence will shield any glare from the panels. He further explained that the panels absorb the sun, rather than reflect it so it should not affect her. There will be one pole installed to interconnect to ComEd's grid. The pole will be consistent with the existing poles near the property. No additional power lines or other energies will be installed. The Applicant does not have any interest in other energies. Mr. Brentan said he could not address the annexation inquiry but directed it to the Board and City staff.

Ms. Neubauer asked whether the fence would block the glare. Mr. Brentan responded no. Dan Roszkowski asked Mr. Capovilla to address the annexation question. Mr. Capovilla explained that the subject property is contiguous on two sides. If the solar farm is approved by the State, the City will annex the property, as provided for in the pre-annexation agreement. However, if it is not approved by the State, the subject property will remain in the County and they will reserve the Bauer Parkway-Elmwood Road right-of-way for the future road extension, which was filed about 20 years ago.

Staff Recommendation is for Approval of all requests, with (5) conditions. Interested Parties were present.

A **MOTION** was made by Alicia Neubauer to **Approve** the (A) Pre-annexation agreement and Zoning Map Amendment from County AG Zoning District to I-1, Light Industrial Zoning District; and to **Approve** the (B) Special Use Permit for a free-standing solar energy generating facility in an I-1, Light Industrial Zoning District at 5430 North Main Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all Building and Fire Codes.
2. Submittal of Building permits for Staff's review and approval.
3. Submittal of a detailed site plan for Staff's review and approval.
4. Gravel is prohibited on the site.
5. Submittal of a Decommissioning Agreement as indicated in Exhibit H for Staff's review and approval.

ZBA 038-18
Findings of Fact for Approval of a Zoning Map Amendment
From County AG, Agriculture Zoning District
To I-1, Light Industrial Zoning District at
5430 North Main Street

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 districts and 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.

ZBA 038-18
Findings of Fact for Approval of a Special Use Permit
For a Free-Standing Solar Energy Generating Facility
In An I-1, Light Industrial Zoning District at
5430 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.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the I-1 Zoning District in which it is located.

ZBA 039-18

Applicant
 Ward 13

2914 West State Street

Heythem Sahori / Citgo N Go, Inc

Modification of Special Use Permit #060-76-R for a 1,370 square feet addition to the east side of the convenience store in an I-1, Light Industrial Zoning District

The subject property is located on the southeast corner of the West State Street and Vista Terrace intersection. Attorney Chris Humphrey, representing the Applicant, was present. He reviewed the request for a modification to the existing special use permit for the subject property. Attorney Humphrey explained that the main reason for the expansion is the spiked demand for dry, frozen and refrigerated goods. Larson & Darby is supposed to provide landscaping plans to the City that conforms with the requirements. As far as security, the owner has hired Metro Enforcement on Fridays and Saturdays during peak hours. He further explained that they have 22 cameras on the premises. He represented that they have reached out to Police Chief Dan O'Shea about allowing the police to view the cameras for real-time access to the security footage. They are still working on this capability.

Attorney Humphrey requested that the Board defer any action on the required replacement of the existing freestanding sign with a landmark-style sign. He explained that the West State Street Project is still pending and there are plans to add a bicycle lane. In the interim, he stated that they would work with the Illinois Department of Transportation (IDOT). His client rather not install the sign for about \$20,000 and then have to remove it. Alicia Neubauer asked about the existing freestanding sign. Attorney Humphrey responded that it has been there for years and that it is not a hardship to replace, but more of a waste.

Tom Fabiano asked whether the Applicant would replace the existing freestanding sign with a landmark-style sign. Attorney Humphrey responded yes. Craig Sockwell asked Mr. Capovilla for additional information on the West State Street Project. Mr. Capovilla explained that the project should actually be in phase 3, but due to many delays, they are still in phase 2. Phase 3 will affect the subject property. However, phase 3 may not be completed until 10-15 years from now, which is why City staff included the sign as a condition. Given that this is a major expansion, Staff would like the sign to be brought into compliance sooner, rather than later. Mr. Sockwell asked what happens to similar properties within IDOT projects. Mr. Capovilla responded that the State sends property owners a 'cost to cure' letter and has to reimburse the property owner if they have to remove a sign, etc.

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

A **MOTION** was made by Tom Fabiano to **Approve** the Modification of Special Use Permit #060-76-R for a 1,370 square feet addition to the east side of the convenience store in an I-1, Light Industrial Zoning District at 2914 West State Street. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 4-0, with Dan Roszkowski abstaining.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Must develop site in accordance with revised site and landscaping plans approved by Staff.
3. Must develop building addition in accordance with Exhibit F, elevation approved by Staff.
4. That the freestanding sign shall be a landmark-style sign in accordance with the Sign Ordinance replacing the existing freestanding sign by May 31, 2019.
5. Must obtain sign permit for new landmark-style free-standing sign.

ZBA 039-18
Findings of Fact for Approval of a
Modification of Special Use Permit #060-76-R
For a 1,370 Square Feet Addition
To the East Side of the Convenience Store
In an I-1, Light Industrial Zoning District at
2914 West State Street

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

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 7:01 p.m.

Respectfully submitted,
Lafakeria S. Vaughn, Assistant City Attorney
Zoning Board of Appeals