



ZONING BOARD OF APPEALS
Tuesday, January 15, 2019
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members: Thomas Fabiano
Kim Johnsen
Dan Roszkowski
Jennifer Smith
Craig Sockwell
Maurice Redd

Absent: Alicia Neubauer

Staff: Scott Capovilla – Zoning and Land Use Administrator
Jeremy Carter – Traffic Engineer
Samuel Bellone – Administrative Assistant
Matthew Flores, Assistant City Attorney
Lafakeria Vaughn – Assistant City Attorney
Tim Morris - Fire Prevention Coordinator
Nicholas O. Meyer – Legal Director

Others: Alderman Linda McNeely
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 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 Tuesday, January 22, 2019, 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 5:37 PM. A **MOTION** was made by Jennifer Smith to **APPROVE** the minutes from the December 18, 2018 meeting as written. The Motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0 with Alicia Neubauer absent.

ZBA 044-18
Applicant
Ward 10

4608 Manheim Street

Kalidas & Harshad Patel

Special Use Permit to allow a single family detached house in a C-3, General Commercial Zoning District.

The subject property is located on the north side of Manheim Street. The Applicant, Kalidas Patel was present. Mr. Patel explained that he is the owner of the property located at 4608 Manheim Street. He applied for the Special Use Permit, for the ability to stay at the house. The subject property is located on Manheim with minimum exposure on East State Street. He stated the house had previously been used as a residential house and has been modified as a residential house by previous owners. He stated that he has complied with all of the City of Rockford codes and will continue to follow City of Rockford codes. He stated the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community. Also, he stated that 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. He explained that the house is in good shape by the last inspection of the City of Rockford.

Staff Recommendation is for Approval with three (3) conditions. No Objectors or Interested parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** Special Use Permit to allow a single family detached house in a C-3, General Commercial Zoning District. The Motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Sidewalk shall be installed the through the width of the lot and connect with existing sidewalk to the west.
3. The existing landscaping needs to be maintained and pruned as needed.

ZBA 044-018
FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT TO ALLOW A SINGLE FAMILY
DETACHED HOUSE IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT
LOCATED AT 4608 MANHEIM STREET

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

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the C-3 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-3 District in which it is located.

ZBA 045-18

Applicant
Ward 03

301 East State Street

Kaney Aviation Properties - Madison Street

Special Use Permit for a nightclub and banquet facility in a C-4, Urban Mixed-use Zoning District

The subject property is located on the southeast corner of East State Street and South Madison Street. The subject property is surrounded by commercial and residential uses. Attorney Jeff Orduno is representing the applicant was present. Attorney Orduno explained that Oak Street Health is on the ground floor of the property. The space is currently vacan but was office space previously. There have been a few private events there that prompted the application for a Special Use Permit. Some of these events have been smaller private parties, art showings, and a movie screening. The applicant and Attorney Orduno, have been in contact with City building and fire staff. Prior to each event, building and fire staff have walked through and inspected the space.

The applicant has applied for a nightclub and banquet use in a C-4 district. Attorney Orduno explained that there will not be a nightclub atmosphere. It is more of just accommodating the large dance floor. Scott Capovilla, had advised the applicant as what to apply for and what would be allowed under the Special Use Permit. There will be many different uses for the space, but mostly art type and private events.

Attorney Orduno stated after reading the Staff Report, parking is not normally required under a C-4 district. He made a map and distributed the map out to the board. Explaining the map, he stated some surrounding lots can be used to accommodate parking needed for the events. There are other owned by the Applicant, which are near the subject property, including a 32 space parking lot. Attorney Orduno also stated that anyone having thirty-two (32) parking spaces available at a property in downtown Rockford is hard to find. Attorney Orduno stated another concern of the Staff Report is the security plan. He stated that he recently spoke with Mr. Capovilla about different type of security needs. Attorney Orduno stated that Mr. Capovilla said the best way to handle the security plan is to have the applicant use their own discretion on hiring private security staff depending on the type of event. Also, all of the calls for service are related to Oak Street Health, which is located on the ground floor of the property. Attorney Orduno stated that he spoke to Alderman Tuneberg about the application for a Special Use Permit and he supports this application.

Jennifer Smith asked if the entrance was on the west side of the building, located on Madison Street. Attorney Orduno confirmed that the entrance is on the west side of the building. He also explained that there is a large lobby that can hold a number of people waiting to get into the event space. This will also keep people off busy East State Street.

Maurice Redd asked about the capacity of the banquet hall is. Attorney Orduno stated the capacity will be around two hundred (200). He has also spoke to Tim Morris and building department staff on what capacity would be allowed. He stated that with some changing factors, the capacity may go from one hundred and forty-nine (149) to one hundred and ninety-nine (199). Mr. Redd also asked is there will be enough parking. Attorney Orduno stated that there is a seventy-two (72) space lot southeast of the subject property. This lot is usually empty at night and would offer many spaces for people to park who will be attending the event.

Kimberly Johnsen asked is there is an elevator located at the property and if they will apply for a liquor license. Attorney Orduno responded that there is an elevator on the property. He also stated that in the future, the applicant may apply for a liquor license. However, that is depending on the process and if it would ultimately be needed.

Staff Recommendation is for Approval with three (3) conditions. No Objectors or Interested parties were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** Special Use Permit for a nightclub and banquet facility in a C-4, Urban Mixed-use Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 with Dan Roszkowski abstaining.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Compliance with submitted Zoning Narrative approved as Exhibit E.
3. Submittal of a security plan for Staff's review and approval.

ZBA 045-018
FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR A SPECIAL USE PERMIT FOR A NIGHTCLUB AND BANQUET FACILITY
IN A C-4, URBAN MIXED-USE ZONING DISTRICT
LOCATED AT 301 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 provided.
5. Adequate measures have been provided for ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the C-4 District in which it is located.

ZBA 046-18

Applicant
Ward 05

4628 South Main Street

Roserock Holdings, LLC

Modification of Special Use Permit #009-18 for a Planned Unit Development of the installation of a solar farm (free-standing solar panel racks and solar panels) at a travel plaza with restaurant and gas station in a C-3, General Commercial Zoning District

Chad Brunner is representing Loves Travel Stops and Roserock Holdings was present. The applicant is asking for a modification to a Special Use Permit for a Planned Unit Development to install a solar farm. The subject property is located on the east side of South Main Street and south of Bypass 20. The applicant passed out a picture of a similar project to the board. Mr. Brunner explained that there are three (3) options in the application for this project. Staff recommends exhibit "F", where the proposed area is on the east side of the lot. This area is adjacent to the area tentatively designated as detention basin easement. The area is 67' by 1,161' in size. There would be 53 rows of panels. The main purpose of this solar farm is to offset the cost and use of the facility.

Kimberly Johnsen asked if the applicant is okay with the staff recommendation of using exhibit "F". Mr. Brunner stated that exhibit "G" is the most efficient for the project. Exhibit "G" has less copper coming from the facility to the solar array. However, exhibit "F" is fine if the City of Rockford would like that option.

Maurice Redd asked if the project would help reduce energy costs of the truck stop. Mr. Brunner explained that the state does offer some tax credits that would help reduce cost. He also explained that it makes sense if there is extra land not being used for farming.

Jennifer Smith asked if the decommissioning plan would include the truck stop. Mr. Brunner stated that they have never shut down one of their truck stops. However, if the truck stop would be purchased by another company, the truck stop would remain open. Ms. Smith also asked Mr. Capovilla why staff did not want exhibit "E" or "G". Mr. Capovilla stated that option "F" was chosen for better visibility of the building from South Main the looks of the truck stop. Having the solar panels at the back of the building will be better for the aesthetics of the site.

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

A **MOTION** was made by Tom Fabiano to **APPROVE** the Modification of Special Use Permit #009-18 for a Planned Unit Development of the installation of a solar farm (free-standing solar panel racks and solar panels) at a travel plaza with restaurant and gas station in a C-3, General Commercial Zoning District. The Motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Proposed location of solar farm must be in accordance with Exhibit F.
3. Submittal of a revised Decommissioning plan to include an escrow amount for Staff's review and approval.
4. All previously approved conditions from Special Use Permit #009-18 remain applicable.
5. All conditions must be met prior to establishment of use

ZBA 046-018
FINDINGS OF FACT FOR APPROVAL OF A MODIFICATION OF SPECIAL USE PERMIT
#009-18 FOR A PLANNED UNIT DEVELOPMENT FOR THE INSTALLATION OF A SOLAR FARM
(FREE-STANDING SOLAR PANEL RACKS AND SOLAR PANELS) AT A TRAVEL PLAZA WITH A
RESTAURANT AND GAS STATION
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT AND
I-1, LIGHT INDUSTRIAL ZONING DISTRICT
LOCATED AT 4628 SOUTH MAIN STREET

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

1. The establishment, maintenance or operation of the Modification of Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Modification of 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 Modification of special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the C-3, I-1 District in which it is located.

ZBA 047-18

Applicant
Ward 13

57XX Cunningham Road

DG Illinois Solar, LLC

Zoning Map Amendment from County AG to I-1, Light Industrial Zoning District and a **Special Use Permit** for the installation of a solar farm (free-standing solar panel racks and solar panels) in an I-1, Light Industrial Zoning District

Attorney Ian Linnabary, Kelton Kelly, Michael Altman, and Scott Cooper were present. Attorney Linnabary opened the presentation by stating the request is for a solar farm and an annexation from County AG to I-1. The applicants are asking for a Special Use Permit to allow the free-standing solar farm. He stated, the project would be permitted in an I-1 zoning district; however, with the application being free-standing, it requires a Special Use Permit. Attorney Linnabary, let Michael Altman make his presentation. Mr. Altman stated that he is working for DG Illinois Solar. He started his presentation with a brief background and the purpose of the company. He stated that the project will be a community solar type system. This being a two (2) megawatt system sitting on fifteen acres (15) of land. The company would own and operate the site with no intention to sell the site to another company. This project is also an opportunity for residential property owners to subscribe and receive solar credits that can go towards their ComEd electric bill. He stated the solar panels are free standing and rotate on an axis. The axis tracks the sun and rotates with the sun throughout the day. This project would be monitored by DG Illinois Solar. There will also be a visual buffer on the site by leaving trees and brush. Mr. Altman turned the presentation to Kelton Kelly

Mr. Kelly explained storm water management with the solar panels. He stated the panels sit parallel to each other. When a water droplet hits the panel, the water drips down to the base of the free-standing axis pole. He explained that there is an area where a large pond can be made on the southeast side of the property. Mr. Kelly stated that he will work closely with the City of Rockford to meet all storm water requirements.

Michael Altman spoke again, he stated that there are many concerns that come with a large solar facility. He explained that the noise of the facility will not be loud. It will be comparable to a laundry machine running in a separate room. Another concern he stated people may have is about safety. He stated that the panels are made out of glass and copper. There will not be any emission of toxic materials and the panels will not hurt the environment. He also stated that the panels are made to absorb the sun, so glare will not be an issue. He also stated the solar farm will not be unsightly to residents close to the site. He explained the panels only reach a maximum height of eight (8) feet. There is also a buffer of trees and brush to hide the solar farm from nearby residents.

Attorney Linnabary took the podium, he stated that the applicant looked over the staff recommendation. He also stated that the use is compatible with long range planning. The applicant also agrees to all conditions presented by staff.

Kimberly Johnsen asked the applicant as to why this site was chosen. Mr. Altman stated that the location was best fit for a solar farm. Finding land owners to lease land and to have the property sit unused for a long period of time is at times difficult. He stated the, the owner Mr. Scott Hill, was interested in hosting and having the lease option of the property, making this a great site to develop on in the future. Ms. Johnsen also asked if there was a tree survey done and is concerned about the removal of trees on twenty (20) acres of land. Mr. Cooper stated that the wood that was harvestable, has already been harvested. Mr. Kelly stated that the farmland being removed will be replaced with native grass, making it a great habitat for bees. Attorney Linnabary stated that the project is to make a positive impact on the environment. If the trees were removed to develop a non-renewable energy facility, then it would be a waste of trees.

Maurice Redd asked Mr. Altman how solar farms are capable of being flipped. Mr. Altman stated that some companies develop the land and then sell the facility to another company. DG Illinois Solar will be the owner and operator of the facility. They are not planning on selling the facility to any other company.

Staff Recommendation is for Approval with Seven (7) conditions. Alderman Linda McNeely was present and spoke in support of the application.

Alderman Linda McNeely spoke in support of the applicant. She stated that these type of facilities and projects are becoming more and more common. The City of Rockford should welcome the development of solar farms. Great value can come from solar projects similar to this one. She addressed the concern about the Earth and removal of trees for this project. She compared it to a tree farm and said once the solar farm is decommissioned, the trees could grow back.

During board discussion, Ms. Johnsen stated she would not be in support of the application. Tom Fabiano asked if it was because of the tree issues. Ms. Johnsen stated that she cannot support the removal of trees due to this project. Mr. Fabiano stated that the board cannot choose what type of projects come in to take over this land. A solar farm is more beneficial than anything else that can be located at this site. Scott Capovilla stated that the City of Rockford has determined the site to not be inhabited by endangered species or hardwood trees and the State IDNR report confirmed this concern. Ms. Johnsen explained that with the removal of trees, the wildlife inhabiting that land will be harmed and will be harder to live on that site.

A **MOTION** was made by Craig Sockewell to **APPROVE** Zoning Map Amendment from County AG to I-1, Light Industrial Zoning District and a Special Use Permit for the installation of a solar farm (free-standing solar panel racks and solar panels) in an I-1, Light Industrial Zoning District. The Motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-1 (Johnsen voting Nay).

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building Permits for Staff review and approval.
3. Submittal of a detailed site plan for staff's review and approval.
4. Submittal of Fence Permit for Staff review and approval.
5. Gravel is prohibited on the site.
6. Decommission of the solar farm shall comply with Exhibit M, the Solar Facility Decommissioning Plan approved by Staff, which shall include an escrow account for the decommissioning of the project.
7. The "Warning Signage" on the perimeter security fencing shall have all lettering be indelible and at least 1" high.

ZBA 047-018
FINDINGS OF FACT FOR APPROVAL OF A ZONING MAP AMENDMENT
FROM COUNTY AG TO I-1, LIGHT INDUSTRIAL ZONING DISTRICT
LOCATED AT 57XX CUNNINGHAM 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 RM, Medium Residential.

ZBA 047-018
FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR INSTALLATION OF A SOLAR FARM (FREE-STANDING
SOLAR PANEL RACKS AND SOLAR PANELS)
IN AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT
LOCATED AT 57XX CUNNINGHAM 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.
6. The special use shall conform to the applicable regulations of the I-1 District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 6:48 PM.

Respectfully submitted,
Samuel Bellone, Administrative Assistant
Zoning Board of Appeals