



ZONING BOARD OF APPEALS
Tuesday, March 19, 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
Alicia Neubauer
Maurice Redd

Absent:

Staff: Scott Capovilla – Zoning and Land Use Administrator
Jeremy Carter – Traffic Engineer
Lafakeria Vaughn – Assistant City Attorney
Samuel Bellone – Administrative Assistant
Zachary Wallace- City Administration Intern

Others: 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 Monday, March 25, 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 Kim Johnsen to **APPROVE** the minutes from the February 20, 2019 meeting as written. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 with Alicia Neubauer and Maurice Redd abstaining.

ZBA 007-19

Applicant
Ward 12

986 West Riverside Boulevard and 3627 North Main Street

Bruce Swartz

Special Use Permit for Sale of retail merchandise and short term loans (Pawn Shop) in a C-2, Limited Commercial Zoning District

The subject property is located on the southeast corner of Riverside Boulevard and North Main Street. The neighborhood is a mixture of residential and commercial uses. Attorney Brent Blair, representing applicant Bruce Swartz, was present. The Applicant was also present. Attorney Blair explained that the applicant would like to move to a larger space in the current mall. The applicant would be moving two (2) doors down into a larger space to operate his business, Pawn Daddy. Mr. Swartz stated that he has been at the same place for the past five (5) years and has twenty (20) years left on his current lease. He further stated his landlord will be willing to let him out of the lease if he is moving two shops down. The new location would be four times the size of the current location. The Applicant also has another business located in the mall. That business has been there for about forty-five years.

Alicia Neubauer asked the applicant the exact location of the new site based on exhibit D. Attorney Blair stated that the map shown is confusing. Mr. Swartz explained that the location would be two doors to the west. This is right next to the liquor store and hair cutting studio. The new location would be the second largest space in the mall.

Ms. Neubauer asked if the new location's windows would have 80% of the window open and not blocked out. Mr. Swartz had previously explained about the current location having a portion of its windows blocked out. Mr. Swartz responded that the windows will be open since there will not be any storage facing towards the storefront.

Dan Roszkowski asked if the applicant was fine with the nine (9) conditions of approval recommended by City staff. Attorney Blair said the conditions have been complied with in the past and will be complied with in the new location.

Staff Recommendation is for Approval with nine (9) conditions. No Objectors or Interested parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** a Special Use Permit for Sale of retail merchandise and short term loans (Pawn Shop) in a C-2, Limited Commercial Zoning District. 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 review and approval.
3. Submittal of a revised interior floor plan that indicates the interior sales area for Staff review and approval.
4. The hours of operation will be limited to 10:00 A.M. to 7:00 P.M. Monday through Sunday.
5. The operation of the sale of retail merchandise and short-term loans (pawn shop) is limited to the store front located 986 West Riverside Boulevard.
6. The existing operation of the sale of retail merchandise and short-term loans (pawn shop) at 912-914 W. Riverside Boulevard will cease operations once the move is completed to the location at 986 W. Riverside Boulevard.
7. That there shall be no sale, resale, or purchase of firearms.
8. Window display signage is limited to 20% of window surface area.
9. All conditions must be met prior to establishment of use.

ZBA 007-19
FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR THE SALE OF RETAIL MERCHANDISE AND SHORT-TERM LOANS (PAWN SHOP)
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 986 WEST RIVERSIDE BOULEVARD
AND 3627 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, 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-2 District in which it is located.

ZBA 008-19

Applicant
Ward 13

3226 West State Street

Attorney John Nelson / Daniel Ray Erb
Special Use Permit for general outdoor storage, auto and truck storage, towing, automotive and truck repair and automotive and truck recycling and storage in an I-1, Light Industrial Zoning District

Prior to the meeting, a request was received from the Applicant's attorney requesting that this item be Laid Over to the April 16th meeting.

A **MOTION** was made by Tom Fabiano to **LAY OVER** the Special Use Permit for general outdoor storage, auto and truck storage, towing, automotive and truck repair and automotive and truck recycling and storage in an I-1, Light Industrial Zoning District at 3226 West State Street. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 7-0.

ZBA 009-19

Applicant
Ward 03

203 North Church Street

Scott Capovilla / City of Rockford

Special Use Permit for a building mural in a C-4, Urban Mixed-Use Zoning District

The subject property is located 66 feet north of Mulberry Street and west of the alley. The subject property is mostly surrounded by commercial uses. The applicant, Scott Capovilla and Jennifer Kuroda were present. Mr. Capovilla explained that the City of Rockford in conjunction with the Sinnissippi Audubon Society and the Audubon Mural Project is asking for a special use permit to allow a mural. The proposed location is a building side that is looking "shabby". Ms. Kuroda stated that the Audubon mural project originated in New York. She would also like to see more similar projects. This project is to bring awareness of climate change and its potential impact to 314 species of birds.

Alicia Neubauer asked if Ms. Kuroda was the artist. Mr. Kuroda responded that she is not the artist, but would like to use a local artist. The first mural was done at 317 Market Street. Ms. Neubauer asked if there was currently a mural on the proposed wall. Mr. Capovilla stated that there is a sign in violation located on the wall. This mural would get rid of the sign that has been in violation for years.

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

A **MOTION** was made by Kim Johnsen to **APPROVE** a Special Use Permit for a building mural in a C-4, Urban Mixed-Use Zoning District. The Motion was **SECONDED** by Maurice Redd 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.
3. The mural must be maintained to meet code.

ZBA 009-19
FINDINGS OF FACT FOR APPROVAL OF A
SPECIAL USE PERMIT FOR A BUILDING MURAL
IN A C-4, URBAN MIXED-USE ZONING DISTRICT
LOCATED AT 203 NORTH CHURCH 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.

ZBA 0010-19

Applicant
Ward 06

3220 Kishwaukee Street

Raymond Cooks dba Nile Auto Sales

Special Use Permit for an auto dealership and site, parking and landscaping plans with deviations from the regulations in a C-3, General Commercial Zoning District

The subject property is located on the northeast corner of Kishwaukee Street and Kennon Road. Mostly commercial and residential uses surround the subject property. The applicant, Raymond Cooks, was present. He is seeking a special use permit to use the property as a used car dealership. Mr. Cooks stated the holdup is that zoning is requiring him to have the Kishwaukee entrance to be blocked and a shrubbery boundary. Mr. Cooks has gotten the landscaping plan from the contractors, however, he is unable to do the landscaping until the weather permits. Mr. Cooks is asking to open the dealership in lieu of the landscaping plan.

Staff Recommendation is for Approval with ten (10) conditions. No Objectors or Interested parties were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** the Special Use Permit for an auto dealership and site, parking, and landscaping plans with deviations from the regulations in a C-3, General Commercial Zoning District. 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 a revised site plan and landscaping plan that includes the additional perimeter landscaping along Kennon Road, two (2) shade trees each along Kishwaukee Street and Kennon Road in the perimeter landscaping with plant species and size for staff's review and approval.
4. That the property be developed as per revised site and landscaping plans and that no more than 28 vehicles shall be displayed for sale or stand outside.
5. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval.
6. Must obtain separate permits for signage and sign must be constructed to match building design and in accordance with plans approved by staff.
7. No outside storage of any auto parts, equipment, materials, or inoperable vehicles.
8. There shall be no auto repair allowed.
9. Submittal of a Final Agreement for Staff's review and approval that addresses the business operations and improvements to the site.
10. All conditions must be met prior to establishment of use.

ZBA 010-19
FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR AN AUTO DEALERSHIP AND SITE, PARKING, AND LANDSCAPING PLANS
WITH DEVIATIONS FROM THE REGULATIONS
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT
LOCATED AT 3220 KISHWAUKEE 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-3 District in which it is located.

Discussion on Article 40-002-M Solar Collectors and review of regulations from SolSmart

Scott Capovilla, introduced Zack Wallace. Mr. Wallace is an intern with the City of Rockford. He has been leading the charge on SolSmart designation. SolSmart is a national program that is coordinated through the Solar Foundation, the International Department of City Administration, and the Department of Energy. More than 200 municipalities have received a designation.

SolSmart has recently reviewed the City's planning and zoning regulations for solar farms and solar energy. SolSmart gave a review of the City's zoning regulations on solar energy. The board discussed that the less restrictive the better in terms of solar energy. Possible text amendments may be allowing freestanding solar panels based on lot size and allowing panels to exceed the height limits on roof tops of residential homes to allow solar panels. The Board requested that City staff prepare some recommendations on possible text amendments and present them at a later meeting.

With no further business to come before the Board, the meeting was adjourned at 6:22 PM.

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