



ZONING BOARD OF APPEALS
Wednesday, January 22, 2020
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

ZBA Members:

Dan Roszkowski
Craig Sockwell
Jennifer Smith
Kim Johnsen

Absent:

Maurice Redd
Tom Fabiano
Alicia Neubauer

Staff:

Lafakeria Vaughn – Assistant City Attorney
Darius Morrow – Land Use Planner
Scott Capovilla – Zoning and Land Use Administrator
Jeremy Carter – Traffic Engineer
Tim Morris- Fire Prevention Coordinator

Others:

Kathy Berg - Court Stenographer
Chad Tuneberg – Third Ward Alderman
Tuffy Quinonez – Eleventh Ward Alderman
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, January 27, 2020, 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 December 17, 2019 meeting minutes with an amendment to amend the minutes under "present" that LTAB Members should be ZBA Members. The Motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 4-0 with Alicia Neubauer, Maurice Redd and Tom Fabiano absent.

ZBA 057-19

Applicant
Ward 1

455 Ware Avenue

Julie A. Shebek / First American Site Acquisition, Inc.
Special Use Permit to construct a 75-foot high telecommunication tower in a C-2, Limited Commercial Zoning District

A **MOTION** was made by Kim Johnsen to **LAY OVER** the Special Use Permit to construct a 75-foot high telecommunication tower in a C-2, Limited Commercial Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0.

ZBA 058-19

Applicant
Ward 1

551, 501, and 455 Ware Avenue

Jeffrey Linkenheld / ARC Design Resources, Inc.
Variation to reduce the required 20 feet front yard setback for a parking lot to 10 feet along Colosseum Drive, **a Variation** to reduce the required 20 feet front yard setback for a parking lot to 10.5 feet along Ware Avenue, **a Variation** to reduce the required 20 feet wide frontage landscaping to 10 feet wide along Colosseum Drive, **a Variation** to reduce the required 20 feet wide frontage landscaping to 10.5 feet wide along Ware Avenue, **a Variation** to reduce the required frontage landscaping units and shade trees, **a Variation** to reduce the required shade trees from thirty-one (31) to fourteen (14), and **a Variation** to reduce the required interior landscaping in a C-2, Limited Commercial Zoning District

The Applicant, Jeff Linkenheld was present with Jeff Bockhop of Stenstrom, an agent for Napleton. Mr. Linkenheld handed out a revised site and landscaping plan and explained that the subject property would be a remote parking facility for the temporary casino project housed at Giovanni's. The subject properties are vacant commercial lots located south of Colosseum Drive and on the east side of Ware Avenue. They are surrounded by commercial and residential properties. Mr. Linkenheld explained they are working for Mr. Napleton, who wants to develop the properties into temporary valet parking with a shuttle. However, his ultimate goal is to convert to supplemental use for car sales, remote sales facility, and extra car storage once the permanent casino is completed. He further explained the detention basin for this subdivision was undersized and there was a need for some supplemental detention on the property. Now the site design has 10 less parking spaces, 10,000 square feet less pavement, and more green space on the east side of the property. Mr. Linkenheld stated the variations are still intact with a slight change in reconfiguration for the better.

Kim Johnsen asked Mr. Linkenheld about the variations, specifically whether there is a difference in their request for variations since they are adding more green space. Mr. Linkenheld explained the perimeter landscaping will be 10 feet along Ware Ave and not the required 20 feet. Also, not 20 feet along Colosseum Drive because they wanted cross access between their facilities aligning the two driveways on Ware Avenue. This allows them to generate the detention in the back that is now 35 feet not 10 feet. They are requesting the same variances with the revised plans.

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

A **MOTION** was made by Jennifer Smith to **APPROVE** a Variation to reduce the required 20 feet front yard setback for a parking lot to 10 feet along Colosseum Drive, **APPROVE** a Variation to reduce the required 20 feet front yard setback for a parking lot to 10.5 feet along Ware Avenue, **APPROVE** a Variation to reduce the required 20 feet wide frontage landscaping to 10 feet wide along Colosseum Drive, **APPROVE** a Variation to reduce the required 20 feet wide frontage landscaping to 10.5 feet wide along Ware Avenue, **APPROVAL** a Variation to reduce the required frontage landscaping units and shade trees, **APPROVE** a Variation to reduce the required shade trees from thirty-one (31) to fourteen (14), and **APPROVE** a Variation to reduce the required interior landscaping in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Parking lot Permits for Staff's review and approval.
3. Must develop site in accordance with site and landscaping plans approved by Staff.
4. That interior landscaping be added adjacent to any future building such that at least 50% of the building base or foundation facing the parking area is planted with shrubs or trees.
5. Must submit fence elevations and Fence Permit for Staff 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 for staff review and approval.
8. Submittal of drainage calculations to Staff for review and approval to determine and confirm the adequacy of the existing detention.
9. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO REDUCE THE REQUIRED 20 FEET FRONT YARD SETBACK FOR A
PARKING LOT TO 10 FEET ALONG COLOSSEUM DRIVE
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 551, 501, AND 455 WARE AVENUE**

Approval 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 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 unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.

3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO REDUCE THE REQUIRED 20 FEET FRONT YARD SETBACK FOR A
PARKING LOT TO 10.5 FEET ALONG WARE AVENUE
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 551, 501, AND 455 WARE AVENUE**

Approval 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 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 unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO REDUCE THE REQUIRED 20 FEET WIDE FRONTAGE LANDSCAPING
TO 10 FEET WIDE ALONG COLOSSEUM DRIVE
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 551, 501, AND 455 WARE AVENUE**

Approval 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 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 unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO REDUCE THE REQUIRED 20 FEET WIDE FRONTAGE LANDSCAPING
TO 10.5 FEET WIDE ALONG WARE AVENUE
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 551, 501, AND 455 WARE AVENUE**

Approval 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 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 unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO REDUCE THE REQUIRED FRONTAGE LANDSCAPING UNITS AND SHADE TREES
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 551, 501, AND 455 WARE AVENUE**

Approval 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 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 unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO REDUCE THE REQUIRED SHADE TREES FROM
THIRTY-ONE (31) TO FOURTEEN (14)
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 551, 501, AND 455 WARE AVENUE**

Approval 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 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 unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION
TO REDUCE THE REQUIRED INTERIOR LANDSCAPING
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 551, 501, AND 455 WARE AVENUE**

Approval 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 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 unique to the property for which the Variation is sought and are not applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is not based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is caused by this Ordinance and has not 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 not 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 not 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 comply with the spirit and intent of restrictions imposed by this Ordinance.

Mr. Roszkowski explained to those in the audience that since there are only four (4) members here tonight they will need four (4) yes votes to pass. If you are concerned about your item, you may want to request a layover because one "no" vote would be a 3-1 vote in your favor but four votes are needed to pass.

ZBA 059-19

Applicant
Ward 5

349 Quaker Road

Danielle Schlichting / N-Trak Group, LLC

Modification of Special Use Permit #003-16 to allow for an asphalt/concrete batch plant in an I-2, General Industrial Zoning District

The Applicant, Danielle Schlichting, was present with her Attorney Aaron Szeto. Attorney Szeto explained the subject property is located on the south side of Quaker Road, west of Seminary Street and north of Harrison Avenue. The subject property is approximately 11 acres with an existing asphalt and concrete crushing facility owned by N-Trak. Attorney Szeto explained that a Special Use Permit was approved in 2016 for the existing facility with berms added. There have been no reported complaints or City Code violations and it is operating in conformance with all regulations. The modification is for one concrete or asphalt batch plant to be ready for the Governor's Plan to allocate 23 billion dollars to road and bridge work throughout Illinois and a significant portion of that 23 billion dollars is anticipated for Northern Illinois. A batch plant for N-Trak would make them competitive in the bidding process. Attorney Szeto further stated the plant will be heavily regulated by IPEA and INDR and there will be not any quarrying or blasting. There will be three (3) employees, which includes the manager. The hours of operation will be 5:00 AM to 10:00 PM, but the Applicant would like the ability to extend hours for major projects because they may include night work. The proposed use should not be detrimental to the area because the area is already industrial. The applicant has no issues with the conditions of approval proposed by City staff.

Craig Sockwell asked Scott Capovilla to clarify if the staff report suggested that the entrance be paved and should this be a condition of approval. Mr. Capovilla responded that in his conversations with the Applicant, they agreed to pave the entrance and this should be added to the list of conditions. Attorney Szeto stated that they had no problem meeting the paving requirement of the entrance.

Mr. Sockwell asked what the height of the batch plant would be because there is a lot of storm water runoff in the area. Ms. Schlichting stated the ground elevation would not be any higher. Attorney Szeto explained that the existing use does not add to the height because they haul off all the product currently and the same will be with the batch plant.

Jennifer Smith asked what increase in truck traffic they would anticipate. Ms. Schlichting stated that truck traffic will be no more than what they have now. In essence, they will just be hauling different material. Ms. Smith also asked if the hours of operation are the same. Ms. Schlichting stated she did not think there are any restricted hours. Mr. Capovilla stated there are no restrictions on the hours in the existing special use. Ms. Smith asked about the proposed lighting and noted that the lighting must be consistent with City ordinances. Ms. Schlichting stated they will have to do updates to the utilities and lighting.

Staff Recommendation is for Approval with six (6) conditions. Objectors or Interested parties were present.

Steve Schmeling of Schmeling Construction spoke against the application. Mr. Schmeling stated his property is kiddy corner to the subject property and he has no problem with the existing use as everything has been well maintained on the property. However, he wanted to know the specific type of batch plant, concrete or asphalt. Ms. Schlichting responded 'either or' as they do not have immediate plans now. Mr. Schmeling further stated there is a big difference between an asphalt plant and concrete plant. The asphalt plants put off emissions whether they are EPA approved or not and his facility is immediately northwest of the proposed plant. The asphalt plant will require material to be brought in and out so there will be an increase in traffic.

Attorney Szeto explained the area is already heavy industrial in nature and the concerns on odors and emissions will be regulated by the IPEA. N-Trak will comply with the regulations or they will be shut down. The area has industrial uses such as Gunitite, so it hard to say that emissions will get any worse but the goal is always to meet or exceed the regulations. The applicant requests that the plant be allowed to be either asphalt or concrete, as this will be driven by the market and project specifications.

Ms. Smith asked if they had any other plants. Ms. Schlichting responded that they have a plant in Belvidere. Ms. Smith further asked if they have had any issues. Attorney Szeto stated there have been no complaints or violations with that location. Ms. Smith asked if there are any other batch plants in the City of Rockford. Mr. Capovilla stated he did not believe there were any other batch plants currently in the City. There have been proposals for plants in the City in the past but because of lawsuits they did not come to fruition.

Dan Roszkowski asked what type of plant they had in Belvidere. Ms. Schlichting stated asphalt. Mr. Sockwell asked for the specific location of the plant in Belvidere. Attorney Szeto stated the plant is located at 1050 Ipsen Road.

Ms. Smith asked if there will be any other supplemental materials required for the asphalt. Ms. Schlichting stated oils are required for the whole mix and these are regulated. Attorney Szeto further stated they would use existing material but "virgin" material would be needed depending on the asphalt.

During the board discussion, they discussed adding a condition for the hours of operation. Mr. Capovilla stated there were no regulations on the hours with the existing special use permit. Mr. Capovilla stated a business of this nature could be asked to perform a job between the hours between 9:00 PM and 6:00 AM and we don't want to inhibit them from doing business as we would like to see them win contracts as a local contractor.

A **MOTION** was made by Kim Johnsen to **APPROVE** a Modification of Special Use Permit #003-16 to allow for an asphalt/concrete batch plant in an I-2, General Industrial Zoning District with an amendment to add a Condition #7 that should state, to pave the driveway as required by Ordinance with material approved by the City Engineer. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0.

Approval is subject to the following conditions:

1. Meet all Fire Codes.
2. That the property conforms within all City, State and Federal Regulations.
3. Submittal of detailed landscape plan to include the type of species to be planted for Staff's review and approval.
4. The outside storage will be limited to concrete, asphalt, or other aggregated material that will be crushed into IDOT approved recycled aggregate.
5. Must obtain separate permits for signage and signage must be in compliance with Zoning Ordinance and be approved by staff.
6. All conditions must be met prior to establishment of use.
7. Pave the driveway as required by Ordinance with material approved by the City Engineer.

FINDINGS OF FACT FOR APPROVAL OF A MODIFICATION TO EXISTING SPECIAL USE PERMIT #003-16 TO ALLOW FOR AN ASPHALT/CONCRETE BATCH PLANT IN AN I-2, GENERAL INDUSTRIAL ZONING DISTRICT LOCATED AT 349 QUAKER 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-2 District in which it is located.

ZBA 060-19

615 and 625 Adams Street and 1347, 1357, and 13XX Rural Street

Applicant
Ward 3

John Guth / Ken Rock Community Center
Special Use Permit for a Planned Unit Development consisting of a community center and site, parking, and landscaping plans with deviations from the regulations in an R-1, Single-family Residential and R-2, Two-family Residential Zoning Districts

The Applicant, John Guth, was present with Matt Adas who is part of the Ken Rock Community Center and part of the design team. Mr. Guth explained that he is Executive Director of Ken Rock Community Center. Mr. Guth has 33 years with Ken Rock Community Center and has been part of Ken Rock Community Center since 1968. Ken Rock is a 90-year-old community landmark, Excelsior Award winner and this was not a planned move from 61109 but more of a force out. Their current landlord on 11th Street increased their rent by 275%. Mr. Guth explained 625 Adams Street checks all of the boxes. The new location has space, parking, gymnasium, playground, large community rooms, and a full size neighborhood behind it. In addition, they have a \$150,000 endowment that will allow them to move and complete the renovations. Further Mr. Guth stated they request the special use permit to continue to thrive and to regain their place in the community, provide positive opportunities in education, and recreation for years to come. He is happy to address all conditions of approval in the near future.

Matt Adas explains that the garage refuse request will be taken care of by putting the garbage refuse in the garage with a trash enclosure in the future as part of a capital improvement plan. Similarly, the repair of the timber wall will be taken care of, but they are requesting extra time. The photometric plan request will be taken care of with a submittal of a photometric plan. Mr. Adas further stated that the same sign structures will be used and they will meet sign requirements. The applicant has already contracted with the sign company, Signs Now.

Jennifer Smith asked the applicant if prior to contracting with Signs Now, he was sure about using the existing structures and not coming back to the Board in the future with sign variation requests. John Guth confirmed that he was sure. Mr. Adas also stated they will bring everything up to code.

Kim Johnsen asked about the program's constituents on 11th Street and how this move will impact them. Mr. Guth explained that he has been doing a survey of all participants on what zip code they come from and only 36% come from 61109 and he believes they will follow them 3 miles down the road.

Craig Sockwell asked the applicant if he was okay with all of the conditions except for the dumpster enclosure. Mr. Guth responded that they are okay with putting one in but this was just an alternative idea with the garage.

Dan Roszkowski asked how much time the applicant needs to get everything in place. Mr. Guth stated if everything goes well, 75 days.

Mr. Sockwell stated he was happy to see them move because he grew up when they were on Bildahl and that was a great location during that time. Mr. Groh stated that he agrees with Mr. Sockwell and also that the 11th Street location does not fit Ken Rock anymore. They are doing a 360 degree back to that same type of setting on Bildahl Street.

Ms. Smith asked what percentage of kids are being bussed to Ken Rock for after school programming. Mr. Guth explained that Rockford Public School has policies that will only send buses to certain locations and certain schools so they will have to redirect the after school program and focus on a new quadrant of neighborhood kids. Twenty-six (26) kids will be displaced next school year but they are starting to work in cooperation with each other so the students at Riverdahl will be able to go to the after school program at Froberg. The school district is willing to transport students from one school to another, so there are alternatives. Mr. Guth further stated that he is very excited and this move is for the betterment for long term survival because he does not see them surviving if they don't get off 11th Street. Ms. Smith stated the new location is a great location for the kids.

Staff Recommendation is for Approval with twelve (12) conditions. Objectors or Interested parties were present.

Attorney Ray Ferguson spoke on behalf of the property owner immediately south of the proposed Ken Rock site. Attorney Ferguson stated he is not objecting to the activities that Ken Rock does as far as the children and he thinks they have done a great service for the community. However, the problem he has is the weddings with alcohol on the premises as this is a residential area. Another objection he has is parking because they only have 60 parking spots and they probably have 2-3 times that at the current location. The access along Adams will create a major parking hazard around the area and the facility. Further, Attorney Ferguson stated the issue is the weddings in which they advertise for 100 people and with the noise the bounce house would create if it is located outside. There are no limits on the hours of operation, all the traffic re-routing buses to the site and everything else could be a major deterioration of a quiet residential neighborhood area. His client is Richard Schrom. Mr. Schrom's great grandfather moved into the house in the area which is now the baseball diamond of Beattie Park. They built the existing house in 1929 and the house has been in the family since and this is primarily a residential area. Attorney Ferguson reiterated that his client does not have a problem with Ken Rock just the disturbance of the neighborhood.

Alderman Chad Tuneberg spoke in favor of the application. Alderman Tuneberg stated that moving from 11th Street is going to be tough but he welcomes them to the 3rd Ward. Alderman Tuneberg stated about fifteen (15) letters were sent out to adjacent property owners but he only was contacted by one neighboring property owner. Alderman Tuneberg further explained there are issues with parking but he contacted City Traffic Engineer Jeremy Carter and talked to Attorney Ferguson's client about proposing one (1) hour parking or establishing a parking permit requirement. Alderman Tuneberg further stated that he will work on parking with Staff, Mr. Guth and Attorney Ferguson's client. It has been a tough go for the neighborhood with the high amount of rentals. The City conducted sweeps, cited properties, and now there will be a Rock House on Revell and Ken Rock can help the neighborhood.

Mr. Guth stated there are special events that stretch into the night but he can put a curfew to limit the hours. Also, parking could be an issue but events happen throughout the day and night with 3-4 events at the center. However, that does not mean that there will not be many small events.

Mr. Sockwell asked about the number of entrances. Mr. Guth and Mr. Adas explained there is an entrance off Rural and two (2) off Adams. One of the entrances off Adams was a truck dock so it is not really used, but the parking will be in the back and off Rural Street unless someone is there to pick up a child.

Jennifer Smith asked if they have a liquor license. Mr. Guth responded no. Attorney Lafakeria Vaughn stated if alcohol is served, a licensed caterer will be required or they would need a Special Event Permit.

During the board discussion, they discussed amending the dumpster enclosure condition to add a time frame to build the dumpster enclosure. Mr. Capovilla clarified that the dumpster enclosure is only needed if containers are outside but if they are in the garage it is okay.

A **MOTION** was made by Jennifer Smith to **APPROVE** a Special Use Permit for a Planned Unit Development consisting of a community center and site, parking, and landscaping plans with deviations from the regulations in an R-1, Single-family Residential and an R-2, Two-family Residential Zoning Districts. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Submittal of Building Permits for Staff's review and approval.
3. Submittal of a revised site plan with the removal of the timber wall and proposed wall replacement with alternative permitted material and dumpster enclosure location for Staff's review and approval.
4. That the property be developed as per revised site plan approved by Staff
5. That the property be developed as per Exhibit D the approved landscaping plan.
6. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval.
7. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval.
8. Must obtain separate permits for signage and any sign must be constructed to match building design and in accordance with plans approved by Staff.
9. Submittal of a Winnebago County Real Estate Combination Request Form for Staff review and approval to create one lot.
10. Submittal of a Final Agreement for Staff's review and approval that addresses the business operations and improvements to the site.
11. No outside storage of any kind shall be permitted.
12. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT FOR A
PLANNED UNIT DEVELOPMENT CONSISTING OF A COMMUNITY CENTER
AND SITE, PARKING, AND LANDSCAPING PLANS WITH
DEVIATIONS FROM THE REGULATIONS
IN A R-1, SINGLE-FAMILY RESIDENTIAL AND
R-2, TWO-FAMILY RESIDENTIAL ZONING DISTRICTS
LOCATED AT 615 AND 625 ADAMS STREET AND 1347, 1357, AND 13XX RURAL 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 R-1 and R-2 Districts in which it is located.

With no further business to come before the Board, the meeting was adjourned at 6:44 PM.

Respectfully submitted,
Darius Morrow, Land Use Planner
Zoning Board of Appeals