



ZONING BOARD OF APPEALS
Wednesday, February 19, 2020
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Present:

LTAB Members: Dan Roszkowski
Craig Sockwell
Kim Johnsen
Tom Fabiano
Maurice Redd

Absent: Alicia Neuberger
Jennifer Smith

Staff: Lafakeria Vaughn- Assistant City Attorney
Chad Baker – Assistant City Attorney
Leisha Kury – Administrative Assistant
Scott Capovilla – Planning & Zoning Manager
Jeremy Carter – Traffic Engineer
Tim Morris- Fire Prevention Coordinator
Karl Franzen – Community and Economic Development Director

Others: Kathy Berg - Court Stenographer
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, February 24, 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 represented in written form attached to the agendas and letters to adjacent property owners.

The meeting was called to order at 5:40 PM. A **MOTION** was made by Kim Johnsen to **LAY OVER** the January 22, 2020 meeting minutes. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 with Alicia Neubauer and Jennifer Smith being absent.

ZBA 057-19

Applicant
Ward 01

455 Ware Avenue

USCOC of Central Illinois, LLC

Special Use Permit to construct a 75-foot high telecommunication tower in a C-2, Limited Commercial Zoning District

Laid over from January Meeting

The applicant, Julie Shebek was present. Ms. Shebek explained she is requesting to construct a 75-Foot high telecommunication tower at 455 Ware Avenue. The subject property is located on the east side of Ware Avenue. The neighborhood is a mixture of commercial and residential uses. The purpose of the tower is to provide in-building coverage and offload the use of the "Rockford east tower". The area they are leasing will be 60 foot by 60 foot in size, and it has a 50' by 50' compound fence. Ms. Shebek further stated that they are requesting an access drive that will either be paved or made of concrete. They are currently working to obtain a storm water design. The storm water design will be in the final drawings once they obtain the building permit.

Dan Roszkowski asked if they will be taking down any existing towers. Ms. Shebek stated they will not be taking down any towers. She further explained that the closest tower is 4,000 feet north east and the second tower is 3,000 south west from the subject property. She also stated the new tower will be 75 feet in height, which they are in compliance with and also with the setbacks approved by zoning.

Kim Johnsen asked if the purpose of the new tower is to offset the existing towers. Ms. Shebek stated that people are using cellphones more than their landlines. The existing site, Rockford east tower, is bringing in a lot of traffic and the new tower will bring more in-building coverage for that area. Ultimately, this can help the traffic being taken off from the existing towers and not be overloaded.

Staff Recommendation is for Approval with two (2) conditions. No Objectors or Interested parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** a Special Use Permit to construct a 75-foot high telecommunication tower in a C-2, limited Commercial Zoning District. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Development according to the site and landscaping plans.

ZBA 001-20

Applicant
Ward 06

3909 and 3911 Sandy Hollow Road

Enterprise Rent-A-Car Company Midwest, LLC

Modification of Special Use Permit #019-17 for the rental, leasing, storage, parking and/or sale of commercial trucks in an I-1, Light Zoning District

The applicant Eric Schebler was present. Mr. Schebler stated he currently operates a small truck leasing company at the North Alpine location. They currently want to move to a new facility at the Sandy Hollow Road location and add signage. The subject properties are located on the southeast corner of Sandy Hollow Road and 35th Street. The subject property is surrounded by commercial, industrial and some residential uses. The subject property is currently a detail shop and they will not be making any modifications. Mr. Schebler further stated they will not be making any structural changes in the interior part of the building other than adding their furniture. Mr. Schebler further explained their plan to rent out cargo vans, small box trucks and concrete order pickup trucks. His overall goal is for the special use permit to be operated properly.

Craig Sockwell asked if it is currently an existing detail shop. Mr. Schebler stated confirmed that it was. The subject property also has a large garage area with a sales office of 800 square feet, which he plans to utilize.

Kim Johnsen asked if he was aware of the conditions that he will need to submit with revised site plan. Mr. Schebler replied saying he is aware of the new revised plan including a new fence elevation.

Maurice Redd asked if the applicant will be keeping the North Alpine location. Mr. Schebler responded that they will keep the other location just to rent out their cars. The Sandy Hollow location would be used more for their bigger vans and also accommodate their larger box trucks.

Staff Recommendation is for Approval with eight (8) conditions. No Objectors or Interested parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** a Modification of Special Use Permit #019-17 Enterprise Rent-A-Car Company Midwest, LLC, for the rental, leasing, storage, parking and/or sale of commercial trucks in an I-1, Light Zoning District, subject to conditions 1-8. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-0.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of a revised site plan with the locations of the rental, leasing, storage, parking and/or sale of commercial trucks for Staff's review and approval.
3. That the property be developed as per revised site approved by Staff.
4. Must submit fence elevations and Fence Permit for Staff review and approval.
5. Must obtain separate permits for signage and any sign must be constructed to match building design and in accordance with plans approved by Staff.
6. No outside storage of any auto parts, equipment, materials, or inoperable vehicles.
7. That the detail shop can only be used for rental, leasing, storage, parking and/or sale of commercial trucks being rented, leased, stored, parked and sold on the lot.

8. All conditions must be met prior to establishment of use.

ZBA 002-20

Applicant
Ward 01

7145 Spring Creek Road

Animal Emergency Clinic of Rockford
Special Use Permit for a veterinary clinic in a C-1, Limited Office
Zoning District

The Applicant, Dr. Jim Buhl, was present with his architect David Hagau. Dr. Buhl is a veterinarian and President of the board for the animal clinic. Mr. Buhl stated that he wants to purchase the property on Spring Creek Road to build a new animal emergency clinic. The subject property is located on the south side of Spring Creek Road, 460 east of the Spring Creek Road and McFarland Road intersection. The subject property is surrounded by commercial and residential uses. Mr. Buhl is requesting a special use permit to put a clinic at the Spring Creek location because it is currently in a C-1 zoning district. The City's zoning staff gave him some recommendations or conditions and they are willing to fulfill those requests. The conditions include the following: providing six shade trees, 2,225 square foot landscapes units along Spring Creek, interior landscaping with minimum 50% building base, type A buffer units along east boundary, final submissions of landscaping, dumpsters, photometric and signage plans.

Tom Fabiano asked if they are currently open 24/7. Dr. Buhl stated they are open in the evening hours from 6:00 p.m. to 8:00 a.m. These are the typical hours when other clinics are not open. Mr. Fabiano further asked roughly how many clients show up during the evening hours. Dr. Buhl stated on average 10 during the shift time.

Staff Recommendation is for Approval with eleven (11) conditions. No Objectors or Interested parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** Special Use Permit for a veterinary clinic in a C-1, Limited Zoning District, subject to conditions 1-11. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 5-0.

Approval is based on the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building Permits for Staff's review and approval.
3. Submittal of building elevations and an interior floor plan for Staff's review and approval.
4. Submittal of a Full Landscaping Plan that includes Shade Trees, Perimeter Landscaping, and Interior Landscaping and Type A Buffer along the east property line that includes plant species and size for Staff's review and approval.
5. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval.
6. Must submit fence elevations and Fence Permit for Staff review and approval if a fence is to be installed as a part of the Type A Buffer.
7. Submittal of a photometric plan with fixture details and fixture specifications for Staff's review and approval.
8. All signage must comply with the Sign Regulations.
9. Must obtain separate permits for signage and any sign must be constructed to match building design and in accordance with plans approved by Staff.
10. The property must be developed as per the revised building, site and landscaping plans.
11. All conditions must be met prior to establishment of use.

ZBA 003-20

18XX, 1850, 1972 McFarland Road, 1965 North Perryville Road

Applicant
Ward 01

Sunil Puri, LLC and Perryville Development Corp.

Special Use Permit for a Planned Unit Development consisting of five (5) commercial/ retail use buildings, a quick lube oil change service building and a drive-through pick-up window for one of the commercial buildings including freestanding signs with deviations from the regulations, site plan with deviations from the regulations and perimeter landscaping, foundation landscaping, interior landscaping and open green space requirements with deviations from the regulations in a C-2, Limited Commercial Zoning District

Marvin Keys, the corporate counsel for the Applicant was present. Attorney Keys stated that he is requesting a special use permit for 5 commercial buildings as well as a quick service oil change along with a drive through at the north end of the property. The subject property is located on the east side of North Perryville Road, west of McFarland Road and north of Rote Road. The subject property is surrounded mostly by commercial uses. Attorney Keys stated has done a lot of PUD work in different cities and properties. This includes the Meijer store project that was also a PUD. In his opinion, the City's ordinances do not reflect business realities of the community and it is difficult to meet all of the ordinances. A PUD would address many concerns in an economic feasible way.

Attorney Keys stated one of the concerns the staff mentioned was the buffer along McFarland Road, he stated the project location has a front yard which is Perryville Road. Their objective is not to attract the traffic from McFarland Road. They want to attract the Perryville traffic because it's significantly higher. He is aware that they don't meet the 20 foot landscaping buffer but that they are accommodating his tenants with parking lot space. The north building is the drive thru, and they had minimal landscaping from the property. In the revised plan, they shrunk the sidewalk and reduced the drive thru. The applicant also met with Alderman Durkee about the proposed plans and subsequently made revisions to the site plan. They added green space to their landscaping plan, as requested by Alderman Durkee.

Attorney Keys stated that the site plan would not include bike racks on the property because there isn't a single tenant who rides bikes along Perryville Road. Clients don't come to shop into the community on their bikes and complain that they don't have bike racks. You would see more people riding bikes in a downtown urban area. Attorney Keys further stated that if clients or tenants started to request bike racks then they would comply with the request, but in their situation it does not apply to them.

Attorney Keys stated that 50% building foundation is not applicable to this project, because the tenants lease up to five years and every tenant might require having a bigger or smaller space. This means that the entrances and the amount of space they are leasing are set by each tenants, which for First Midwest Group is wasting money. It does not make sense for retail buildings to have landscaping that is being required in the ordinances.

Attorney Keys further explained that the tenants in the City of Rockford don't pay the same amount as Chicago or Schaumburg, but the cost of the construction is the same. He stated that removing parking spaces to add landscaping is not corresponding to the rent given by the tenants. This project will succeed just like any other projects they have done.

Lastly, Attorney Keys stated that the freestanding signage on the site plan is for two buildings which is taller than required if it was for a single unit. However, the two buildings will combine signage. A 20-foot tall sign is proposed for the two buildings combined in one.

Tom Fabiano asked about the economic reality that the applicant is not able to meet the staff requirements for the landscaping. Attorney Keys stated if they try to meet every code that the City of Rockford is requiring it would not meet the rent they are given by the tenants and they would need more space to rent. It cost too much for making extra landscaping space that can be used for the tenants

space rather than not. In his opinion, it is not economically feasible and it compromises economic viability to do it.

Mr. Fabiano asked about the costs involved in complying with the City's requirements and if Attorney Keys had any data or numbers to support it. Mr. Fabiano also asked how much they would be losing in rent. Attorney Keys responded that every number changes if the plans change and so does the proformas. He did not have the data available at the meeting.

Jeremy Carter, City Traffic Engineer asked about the five (5) access points on the site. It was his understanding that based on the existing plat, they are restricted to 3 access points. He asked why the additional access is needed if this is a retail location and not a clinic. Attorney Keys stated there is high traffic on Perryville and the traffic count on McFarland Road is not accurate. Attorney Keys further stated that he has the four (4) key access points along McFarland Road. Mr. Carter pointed out that there is another access point along the gas station. Attorney Keys stated to further answer that question he would need to speak to their engineer.

Kim Johnsen asked staff stating about the combined signage usage. She asked if this type of sign has been approved in the past. Scott Capovilla stated there has been situations where there was a PUD and instead of having individual signage for each building they would combine all of the buildings into one shopping center style sign but having to keep it within 240 square feet.

Craig Sockwell asked Mr. Capovilla his thoughts regarding the changes in the site plan. Mr. Capovilla stated there was minimal changes done to the site plan. Mr. Capovilla further stated that he would rather have more landscaping to make the corner lot more pleasing, especially on McFarland Road. The alderman requested that as well. The two combined freestanding signs was a good idea if they are able to accommodate the request.

Mr. Fabiano asked the applicant if he was open to meeting with City staff again to discuss all the changes and work it out. Attorney Keys stated that they have already met with Staff, Alderman Durkee and another alderman and they are in support of it. Mr. Sockwell suggested that the parties meet again as well and work out the outstanding issues. Ms. Johnsen agreed with the other board members for a layover.

Staff Recommendation is for Denial. No Objectors or Interested parties were present.

A **MOTION** was made by Kim Johnsen to **LAY OVER** a Special Use Permit for a Planned Unit Development consisting of five (5) commercial/ retail use buildings, a quick lube oil change service building and a drive-through pick-up window for one of the commercial buildings including freestanding signs with deviations from the regulations, site plan with deviations from the regulations and perimeter landscaping, foundation landscaping, interior landscaping and open green space requirements with deviations from the regulations in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Dan Roszkowski abstaining. The meeting was adjourned.

By the request of Attorney Keys and an agreement by the Board, the meeting was reconvened at 6:47 pm. A **MOTION** was made by Maurice Redd to **DENY** a Special Use Permit for a Planned Unit Development consisting of five (5) commercial/ retail use buildings, a quick lube oil change service building and a drive-through pick-up window for one of the commercial buildings including freestanding signs with deviations from the regulations, site plan with deviations from the regulations and perimeter landscaping, foundation landscaping, interior landscaping and open green space requirements with deviations from the regulations in a C-2, Limited Commercial Zoning District. The **MOTION** was **SECONDED** by Tom Fabiano and **FAILED TO CARRY** by a vote of 3-1, with Craig Sockwell voting Nay

and Dan Roszkowski abstaining. This item will move forward to the Code and Regulation Committee as a **DENIAL**.

With no further business to come before the Board, the meeting was adjourned at 6:51 PM.

Respectfully submitted,
Leisha Kury, Administrative Assistant
Zoning Board of Appeals