



**Zoning Board of Appeals Minutes
Tuesday, June 16, 2020
5:30 P.M. – City Council Chambers, 2nd floor, City Hall
Via video conference on Cisco Webex
425 East State Street
Rockford, IL 61104
779-348-7163**

Present:

ZBA Members:

Dan Roszkowski
Craig Sockwell
Jennifer Smith
Kim Johnsen
Maurice Redd
Tom Fabiano
Jennifer Spencer

Absent:

Staff:

Lafakeria Vaughn – Assistant City Attorney
Chad Baker – Assistant City Attorney
Leisha Kury- Administrative Assistant
Scott Capovilla – Planning and Zoning Manager
Jeremy Carter – Traffic Engineer
Glenn Trommels - Information Technology Director
Mike Rotolo- Fire Prevention Coordinator

Others:

Alderman Bill Rose
Alderman Joseph Chiarelli
Alderman Linda McNeely
Alderman Venita Hervey
Alderman Chad Tuneberg
Alderman Tony Gasparini
Alderman Tuffy Quinonez
Kathy Berg- Court Stenographer
Applicants and Interested Parties

Lafakeria Vaughn explained the format of the virtual meeting and the rules of procedure, as follows:

Due to the COVID-19 pandemic and social distancing restrictions, this public hearing for the Zoning Board of Appeals was held by video conference, using Cisco Webex. The audio was streamed at City Hall in Council Chambers and on the City's website.

As the host, she would be monitoring microphones and attendees during the meeting. Notices and agendas were posted and sent about this meeting which informed interested parties about the ways they could submit comments and questions regarding agenda items. This included: written public comments being submitted by 5:00 pm, on June 16th to Attorney Vaughn's email, or the City's payment drop box located at City Hall or coming to City Hall to listen to the meeting and present any comments in Council Chambers.

The agenda and staff recommendation packets were also posted on the City's website. All applicants on the conference had previously consented to proceeding with the virtual hearing. Some additional rules for the meeting:

- Please speak clearly and not too fast so the court stenographer can make an accurate record.
- Please be sure to identify yourself before speaking.
- Applicants and interested parties, after being sworn in by the Chair, please state and spell your name for the record.
- If you're not speaking and I fail to mute you, please mute yourself so that the meeting is not disrupted.
- No person will be allowed to speak unless they are first recognized by the Chair.
- All votes will be by roll-call.
- Since we're on video /audio, please refer to exhibits or page numbers, if applicable. All exhibits should have been provided prior to the meeting and within the recommendation packet. Due to this being a virtual hearing, applicants if you have any new exhibits that you want considered by the Board for your request, you may request a layover. Those exhibits will also need to be provided to Staff and the public as part of the complete packet.
- If you are having any technical issues, please use the chat box function and send a message directly to me "Lafakeria" or use the raise your hand function.
- Applicants, should you have technical issues or decide to lay your item over instead for whatever reason, please let the Board know when your item is called.
- LTAB applicants were given the option to be put "in the lobby" on the conference. This means that they would not be able hear or see anything during the ZBA meeting.

Lastly, the procedure would be as follows:

- The Chair will call the address of the application.
- The Applicant or representative will be unmuted and be sworn in.
- The Applicant or representative will present their request to the Board.
- The Board will ask any questions they may have regarding this application.
- The Chair will then ask if there are any Objectors or Interested Parties comments to be read into the record or anyone at City Hall. Individuals at City Hall will be given the opportunity to speak and they will be sworn in. Then, Legal will read any written comments into the record that were received in advance.
- The Objector or Interested Party will state their name and present all their concerns, objections and questions 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 raised.
- Interested party at City Hall will have another opportunity to provide any additional follow up based on the Applicant's responses.
- The Board will then deliberate and a roll call vote will be taken.

The ZBA meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the ZBA meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Codes & Regulations meeting will be Monday, June 22, 2020 at 5:30 PM in City Council

Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this process is the City Council. That vote is tentatively scheduled on Monday, July 6, 2020. If the item is laid over at the ZBA meeting, the next meeting is Tuesday July 21, 2020. If for any reason the item is laid over at the committee level or on the city council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 5:43 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the May 19, 2020 meeting minutes amending the heading to say "Minutes" instead of "Agenda." The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 with Jennifer Spencer abstaining and Maurice Redd being absent (he arrived after the vote).

ZBA 004-20

Applicant
Ward 14

1760 Meadowlark Lane

Josh Watson of Wireless Group Consultants

Special Use Permit to construct an 80-foot high wireless communication facility in an R-1, Single Family Residential Zoning District

Laid over from April & May

The Applicant, Joshua Watson, representing US Cellular was present. Mr. Watson explained the proposed site is a 4.97 acre lot surrounded by trees. The subject property is located on the south side of Meadowlark Lane and north of Santa Monica Drive. The neighborhood is mainly residential uses. They chose this site to build an 80-foot communication cellular tower based on filling a service gap.

Kim Johnsen asked if Mr. Watson read the staff conditions. Mr. Watson responded that he agrees to the conditions, but had one question about condition #2 regarding paving. Scott Capovilla explained that the access drive would have to be paved with asphalt or concrete. Mr. Capovilla further stated he would be okay with decorative rocks inside the fence around the tower but no gravel. Mr. Watson agreed to the recommendations.

Craig Sockwell asked Mr. Watson what directed him to the Meadowlark Lane site. Mr. Watson shared a few maps showing a better understanding of why this site fits perfectly for their proposed tower and would fill the gaps in their coverage. Other locations were looked at but, they could not provide the setbacks needed for the installation of a tower. The site on Meadowlark Lane was part of a large parcel with proper setbacks and trees surrounding the site so they thought this location would be ideal for them.

Staff Recommendation is for Approval with three (3) conditions. Objectors or Interested parties were present. Emails were also read into the record.

Alderman Joseph Chiarelli was present. He spoke in opposition to the proposed tower. Alderman Chiarelli stated the neighbors are in opposition to this request and he stands with them. The neighbors would like to see the tower located in a more ideal location. Rather than next to this neighborhood. Mr. Watson responded that there are towers located in residential areas including one about a mile from this site. He reiterated that they chose this site because the tower has to work with the other tower locations in the general area. Alderman Chiarelli stated he understands the usage of towers, but also takes into consideration the location and how it can impact the residents and enjoyment of their neighborhood. Alderman Chiarelli further stated he is not against towers but rather this location not being appropriate in the neighborhood. It is an established neighborhood and he has received tons of calls on both sides of the site against the special use permit for the communication tower.

Lafakeria Vaughn stated she had several objectors via email. The objector Janice Bergstrom stated the following: "I live at 5821 Meadowlark Court in Rockford. My home is about 50 feet away from the pasture where the proposed cell tower will be built. I am very concerned because this zoning change

would bring down property values in our neighborhood. The tower will also diminish the beauty of the surrounding landscapes. The cell tower should not be built in a residential neighborhood.”

The full email will be attached to the Code and Regulation committee agenda packet. The objector Mitchell Luebke stated the following: “I am strongly opposed to the construction of an 80-foot high wireless communication facility at 1760 Meadowlark Lane for multiple reasons. First, the facility poses a significant and real risk of lowering my property value. Furthermore, I believe the construction of this communication facility will negatively impact the character and aesthetics of my neighborhood. The Maplewood subdivision is known for its beautiful trees and landscape, not its industrial towers. Finally, I would ask you to consider whether the proposed communication tower would be in conflict with the City of Rockford’s Zoning Ordinance under Article 40-002-J. Please also consider whether any existing wireless communication facilities are located within zoning lot 21. The Zoning Ordinance states there may be no more than one freestanding facility per zoning lot. Board Members, I respectfully ask that you deny the Special Use Permit to construct an 80-foot high wireless communication facility at 1760 Meadowlark Lane. Thank you for your time and consideration.”

The full email will be attached to the Code and Regulation committee agenda packet. In part, the objector Mike Schneider stated the following: “We would like to voice our objection. We are a community of condominiums with mostly retired individuals and we did not buy or build here so that we could later look at an 80-foot tower. It is our understanding that zoning laws were made to protect the very people who live here to keep things like this from happening. Please do not allow this tower to be constructed in the middle of our neighborhood.”

The full email will be attached to the Code and Regulation committee agenda packet. In part, the objector Ronald Swanstrom stated the following: “We chose to buy our property because of the stand-alone concept on a no-outlet lane/court. Not only would an 80 foot tower be an eyesore it would also definitely affect our property values here in Newberg Green. There are plenty of empty parcels of land in this general area that would be more appropriate for this tower.”

The full email will be attached to the Code and Regulation committee agenda packet. In part, the objectors Mike and Nancy Parker stated the following: “We own a home at 5826 Meadowlark Court, which would locate the front door of our home approximately 300 feet from the base of the proposed cellular tower. Also, the view out of the front of our house would include direct view of the proposed cellular tower. 1. We have serious concerns regarding health issues affecting persons living within 500 meters (1640 feet) of a cellular tower. 2. We feel this site is inappropriate for a cellular tower due to its failure to comply with a rule in the City of Rockford Zoning Ordinance. 3. The proposed cellular tower site is entirely surrounded by residential neighborhood single-family housing areas. 4. We, of course, oppose the building of the proposed cellular tower on this site because we feel it would be unsightly and we would have to look at it from the front of our house every day as we come and go. In summation, we strongly oppose the granting of a special use permit on this property and the building of a cellular tower in this or any residential neighborhood due to the aforementioned reasons of health concerns, legal compliance with zoning rules, visual aesthetics, and neighborhood values.”

Mr. Capovilla stated he wanted to comment on some of the emails. Mr. Capovilla stated a couple of the emails have huge misstatements referencing the City’s Zoning ordinance. The City’s Zoning Ordinance does not have a section 16 and we don’t allow farm animals so those don’t apply to the ordinance. Mr. Watson was then allowed to address the emails. Mr. Watson explained there are towers around other areas, but they are unable to use those locations because they are already being used and don’t have the capacity for their tower requirements. Lastly, they don’t have the height requirements. The other locations cannot meet the coverage they are seeking. Mr. Watson stated that Staff recommended approval of the site for their specific communication tower. Mr. Watson further stated there was no complaints from residents on Forest View Ave, Dorchester Drive and South Mulford Drive.

Mr. Sockwell asked Mr. Watson if he showed the board why the cell tower to the south of this proposed location would not work. Mr. Watson responded there is a tower located to the south by the quarry, but it would not meet their requirements.

Tom Fabiano inquired if this was the only place that would meet their needs. Mr. Watson stated the map did show another area that could possibly work and he approached the property owners within that area, but all of the owners denied his request. The only applicant who was interested was Mrs. Webster. Mr. Fabiano inquired if their reason for the other property owners not being interested on having the communication tower was because they believed it wasn't a good idea or fit for the neighborhood. Mr. Watson stated he could not speak for the non-interested parties he approached.

A **MOTION** was made by Tom Fabiano for **DENIAL** a Special Use Permit to construct an 80-foot high wireless communication facility in an R-1, Single Family Residential Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-1 with Jennifer Smith voting Nay.

**FINDINGS OF FACT FOR DENIAL OF A SPECIAL USE PERMIT
TO CONSTRUCT AN 80-FOOT HIGH WIRELESS COMMUNICATION FACILITY
IN AN R-1, SINGLE FAMILY RESIDENTIAL ZONING DISTRICT
LOCATED AT 1760 MEADOWLARK LANE**

Denial of this Variation is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will 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 will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the R-1 District in which it is located.

ZBA 005-20

Applicant
Ward 1

3515 East State Street

Via Sofia's Italian Kitchen

Variation for deviations from the regulations for the site, parking, and Landscaping plans for construction of a new restaurant building in a C-3, General Commercial Zoning District

Prior to the meeting, the applicant had withdrawn its application.

ZBA 007-20

Applicant
Ward 7

1121 Kilburn Avenue

Attorney Christian Solares for Mayra Yesenia Perez and Gregoria Solis
A **Special Use Permit** for business use to allow tire shop, outside storage for incidental use and three (3), 8' by 40' storage containers in an I-1, Light Industrial Zoning District
Laid over from April & May

Attorney Christian Solares was present, along with his architect, Marco Sal Roman. Mr. Solares stated his client is requesting a special use permit for a tire shop located at 1121 Kilburn Ave. The subject property is located on the east side of Kilburn Avenue. It is a 1.5 acre site which will be family owned and operated. This would include placing three, 8' by 40' storage containers to store used tires. Mr. Solares stated he wanted to clarify they are requesting outside storage use for the vehicle bumpers as well.

Attorney Solares stated they are going to be offering tires around \$35-\$40 including installation. They will be disposing the tires by having a company take away the tires twice a month to a location in Aurora. Attorney Solares further explained they are willing to pave the front of the lot. Exhibit D shows They are proposing nine (9) paved parking spaces. They are also proposing to add some trees along the fence and help make it more appealing to customers. The storage area would be fenced and the trees would help the area look more appealing. Attorney Solares stated he read through the recommendation and agreed to the conditions but had a few comments. For condition #2, they would like an extension of one (1) year to pave the parking area. They would also like condition #4 removed, to pave or remove the gravel behind the fence since this is just the storage area for the bumpers. Clients and customers will not go past the fence area as that is the storage area for the bumpers.

Craig Sockwell asked if they will only be doing tires and not auto repair. Attorney Solares stated the owners are mainly focusing on the tire portion and would not be doing any auto repair in the future. Mr. Sockwell asked if the customers would pay a fee if they needed to dispose of tires. Attorney Solares stated they would accept used tires if the customer meets the requirements and pay the fees.

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

A **MOTION** was made by Jennifer Smith **APPROVE** a Special Use Permit for business use to allow tire shop, outside storage for incidental use and three (3), 8' by 40' storage containers in an I-1, Light Industrial Zoning District subject to conditions 1-9, striking #4 and amending #2 to change the date to June 16, 2021. The motion was **SECONED** by Kim Johnsen and **CARRIED** by a vote of 7-0.

Approval is subject to the following conditions:

1. Must meet all applicable building and fire codes.
2. Submittal of a parking lot permit for parking lot improvements along Kilburn Avenue to be completed by June 16, 2021.
3. Removal of the existing free-standing sign and installation of a new landmark style sign to meet the required sign ordinance by May 1, 2021.
4. Other than the vehicle bumpers on the racks, outdoor storage of operable vehicles, inoperable vehicles, tires and auto parts is prohibited.
5. Tire storage must be within the containers and buildings only.
6. Submittal of a fence permit for staff's review and approval.
7. Proposed fence must be a minimum of eight (8) feet in height to properly screen the outside storage.
8. Submittal of a sign permit for staff's review and approval for the freestanding landmark style sign.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR BUSINESS USE TO ALLOW TIRE SHOP, OUTSIDE STORAGE
FOR INCIDENTAL USE AND THREE (3), 8' BY 40' STORAGE CONTAINERS
IN AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT
LOCATED AT 1121 KILBURN AVENUE**

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 will be 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 shall does conform to the applicable regulations of the I-1 District in which it is located.

ZBA 008-20

Applicant
Ward 1

8445 Chandan Drive

Dyn Commercial Holdings, LLC
A **Zoning Map Amendment** from C-2, Limited Commercial Zoning District
to an I-1, Light Industrial Zoning District
Laid over from April & May

Attorney Marvin Keys, the corporate counsel for the applicant was present. Attorney Keys stated the property is located a couple parcels over from the AMC movie theater. The subject property is located 430 feet south of the East State Street and South University Drive intersection. The subject property is surrounded by agricultural, commercial and residential uses. It was originally sold to Brunswick. They began construction and stopped about halfway through the project. The site has sat in disrepair for almost 10 years. It was re-acquired by Attorney Keys' firm and they have had trouble marketing it as a commercial site. They are requesting a change to light industrial zoning. Attorney Keys stated they have received potential interest for this as an industrial location for things like warehousing and rezoning could help bring future proposals.

Staff Recommendation is for Approval. No Objectors or Interested Parties were present.

A **MOTION** was made by Jennifer Smith to **APPROVE** a Zoning Map Amendment from C-2, Limited Commercial Zoning District to an I-1, Light Industrial Zoning District. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 7-0.

**FINDINGS OF FACT FOR APPROVAL OF A ZONING MAP AMENDMENT
FROM C-2, LIMITED COMMERCIAL ZONING DISTRICT TO
AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT
LOCATED AT 8445 CHANDAN DRIVE**

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 industrial district 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 I-1 zoning district.
- 2) The proposed Zoning Map Amendment is consistent with the approved general plan.

ZBA 009-20

Applicant
Ward 13

326 North Avon Street

Pastor William Turner / Victory Outreach Church

A **Zoning Map Amendment** from R-2, Two-family Residential Zoning District to R-3, Multi-family Residential Zoning District and a **Special Use Permit** for a group home for adjustment in an R-3, Multi-family Residential Zoning District

Laid over from April

Prior to the meeting, the applicant had withdrawn his application.

ZBA 012-20

Applicant

Text Amendment

City of Rockford

A **Zoning Text Amendment** to the City of Rockford Zoning Ordinance to amend Article 22-003, Article 22-004, Article 40-002-F, Article 40-002-M, Article 51-010, Article 71-003 and Appendix A.

Laid over from April

Scott Capovilla, Planning & Zoning Manager, presented on behalf of the City of Rockford. He stated that changes needed to be made to the floor area ratio and density sections of the C-4 District to reflect conformity of existing buildings and encourage future development. In addition, a change is necessary to help with vehicle parking enforcement in the residential areas related to trucks. Changes are also being suggested to help encourage solar development within residential areas as well as industrial areas. This includes a decommissioning section for solar. An amendment to encourage more art in commercial areas by allowing murals by Special Use Permit in C-2 and C-3 zoning districts is also proposed. The board strongly encouraged a lower filing fee for the not-for-profit groups when they apply to install a mural. A change to the violation penalties would remove the fee portion and reference the municipal code. Finally, Staff recommended removing Ash Trees from the Recommended Plant Species list as Ash Trees are no longer permitted to be planted due to the Emerald Ash Borer. The specific sections are as follows:

22-003 FLOOR AREA RATIO

22-004 DENSITY

40-002-F OUTSIDE PARKING OF VEHICLES IN RESIDENTIAL DISTRICTS

40-002-M SOLAR COLLECTORS

51-010 MURALS
71-003 VIOLATION PENALTIES
APPENDIX A: RECOMMENDED PLANT SPECIES LIST

Staff Recommendation is for Approval. No Objectors or Interested Parties were present.

A **MOTION** was made by Kim Johnsen to **Approve** a Zoning Text Amendment to the City of Rockford Zoning Ordinance to amend Article 22-003, Article 22-004, Article 40-002-F, Article 40-002-M, Article 51-010, and Article 71-003 and Appendix A. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 7-0.

ZBA 013-20
Applicant
Ward 13

4321 West State Street
Rockford DG, LLC – Mark Bush
A **Zoning Map Amendment** from R-3, Multi-family Residential Zoning District to C-2, Limited Commercial Zoning District

The Project Engineer, Travis Munn was present, along with the applicant Mark Bush and Attorney Jim Rodriguez, who represents the seller. The applicant is requesting to rezone approximately 2.5 acres from an R-3, Multi-family Residential to C-2, Limited Commercial. The property is currently a vacant parcel with an abandoned building to the north which is not a part of this request. The subject property is part of a 15-acre parcel bounded by School Street on the north and West State Street on the south. The neighborhood is a mixture of residential uses, commercial and industrial uses and a public golf course (Ingersoll). The re-zoning would bring in a new commercial development in the area.

Dan Roszkowski asked if the back part of the lot along School Street will remain vacant. Attorney Rodriguez confirmed it would remain vacant. Craig Sockwell inquired if the back vacant lot would remain R-3 as well. Attorney Rodriguez stated, yes, it would remain R-3 and they are only asking for the front portion along West State Street to be rezoned.

Staff Recommendation is for Approval. Objectors or Interested parties were present.

Alderman Linda McNeely asked what kind of proposed business would be located at this site. Mark Bush stated they would use it for a Dollar General store. Alderman McNeely stated she would not support this application because there is already another dollar store close to the subject property.

Alderman Hervey stated she is not against the rezoning because it can help the neighborhood with commercial development, but she is against what will be built in that location. She would not support the development if it would be another Dollar General. Alderman Hervey expressed displeasure with the building material and elevations of their stores.

Mr. Bush responded it would be a retail store, and it will provide more than just one-dollar products. They will be selling drinks, milk, assorted food items, etc. He stated it would serve the immediate community rather than having to go to Walmart. It would be considered a small supermarket. Tom Fabiano said it would be great if they rezone that area but they can't limit the applicants on what they can do on the property. Scott Capovilla stated he was correct. If it is zoned C-2, then retail sales are permitted. Mr. Capovilla further stated they cannot control the architecture of the site but they can control the site development. If there are concerns with the building elevations, then it is up to the developer to provide an attractive building plan that meets the standards of the community.

A **MOTION** was made by Jennifer Smith to **APPROVE** from R-3, Multi-family Residential Zoning District to a C-2, Limited Commercial Zoning District .The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-1 with Craig Sockwell voting Nay.

**FINDINGS OF FACT FOR APPROVAL OF A ZONING MAP AMENDMENT
FROM R-3, MULTI-FAMILY RESIDENTIAL ZONING DISTRICT
TO C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 4321 WEST STATE STREET**

Approval of this Zoning Map Amendment is based upon the following findings:

- 1) The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
 - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
 - b. This proposal protects the character, scale and stability of the commercial district 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 C-2 zoning district.
- 2) The proposed Zoning Map Amendment is consistent with the approved general plan.

ZBA 014-20

Applicant
Ward 10

2622 Charles Street

McDonald's USA, LLC

A **Variation** to increase the maximum permitted business identification wall signs from two (2) to six (6) business identification wall signs in a C-2, Limited Commercial Zoning District
Laid Over From May

Christopher Stepp, Construction manager, was present on behalf of McDonald's along with the operating manager Dale Tyler. The subject property is located east of Hunter Avenue, north of Charles Street and south of the Schnuck's grocery store. Mr. Stepp stated they are seeking a variation to increase the number of permitted wall signs from two (2) to six (6). Mr. Stepp stated with this signage that they will attract 70% of customers by identifying their location is McDonald's as their customers are impulse buyers. They wanted to make this new McDonald's building different from their traditional ones. Mr. Stepp further stated it is modern with natural tones that fit into the community. The previous McDonald's had signage on all four sides but they are proposing six signs: three (3) arches and three (3) with the word "McDonald's". Mr. Stepp stated what makes this location unique is they have frontage on all four sides.

Jennifer Smith asked when was the original McDonald's built in that location Mr. Stepp responded they opened in 1999. Dan Roszkowski asked if they were getting rid of the gas station. Mr. Stepp confirmed that they were and rebuilding the McDonald's.

Staff Recommendation is for Denial. Objectors or Interested parties were present.

Alderman Bill Rose asked what staff's perspective was on the proposed signage. Scott Capovilla stated they are separating the McDonald's arch and McDonald's name and pulling them apart and putting them one side of the building and the other side. They would like to do this on three (3) different sides. Alderman Rose stated the purpose of six signs is ridiculous in his opinion and especially for a restaurant. Typically, more signage is for safety such as for hospitals. He stated he does not believe Rockford City Council would approve their proposal.

Mr. Stepp stated if they have multiple signs, arch and word marks then they will be limited by the

signage they currently have. If they could have the consideration for a third sign, they would have another arch added to the east elevation so they have coverage from travels going east and west on Charles Street. This would make their request 3 signs instead of 6 signs.

Ms. Spencer asked Mr. Capovilla if they would typically see this signage on other McDonald's restaurants. Mr. Capovilla stated he believes there was another McDonald's that was granted a third wall sign in another location in the City, but wasn't positive on it. In the past, the board has been strict on the signage requirements, but have come across situations where it makes sense to grant the third wall sign.

Alderman Venita Hervey asked if there really are six (6) signs or are they just separated from the arches from the words. Mr. Capovilla stated they are separated on opposite sides of each wall. Ms. Smith asked if they also removed the buried gas tanks. Mr. Stepp said that Amoco did remove them and they did soil testing to ensure all contaminants were removed prior to construction.

Maurice Redd asked why there has been a lot of service calls in that area. Dale Tyler stated he has been operating the business for over five (5) years. He stated the dinner room would be open as late as 11pm and on the weekends until 12am. They are also a 24-hour location with drive-through service. Mr. Capovilla stated the service calls could be a little higher because there was a convenient store/gas station attached to the McDonald's once in that location and it could have increased the call volume.

A **MOTION** was made by Kim Johnsen to **APPROVE** a Variation to increase the maximum permitted business identification wall signs from two (2) to three (3) business identification wall signs in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 7-0.

**FINDINGS OF FACT FOR DENIAL OF A
TO INCREASE THE MAXIMUM PERMITTED BUSINESS IDENTIFICATION
WALL SIGNS FROM TWO (2) TO SIX (6) BUSINESS IDENTIFICATION WALL SIGNS
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 2622 CHARLES STREET**

Denial of this Variation is based upon the following findings:

1. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would not result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for this Variation are based are not unique to the property for which the Variation is sought and are applicable, generally, to other property within the same zoning classification.
3. The purpose of this Variation is based exclusively upon a desire to increase the value or income potential of the property.
4. The alleged difficulty or hardship is not caused by this Ordinance and has been created by any persons presently having an interest in the property or by any predecessor in title.
5. The granting of this Variation will be detrimental to the public welfare, or injurious to other property or improvements in the neighborhood in which the property is located.

6. The proposed Variation will 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 not comply with the spirit and intent of restrictions imposed by this Ordinance.

**FINDINGS OF FACT FOR APPROVAL OF A
TO INCREASE THE MAXIMUM PERMITTED BUSINESS IDENTIFICATION
WALL SIGNS FROM TWO (2) TO THREE (3) BUSINESS IDENTIFICATION WALL SIGNS
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 2622 CHARLES STREET**

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 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.

With no further business to come before the Board, the meeting was adjourned at 8:06 PM.

Respectfully submitted,
Leisha Kury, Administrative Assistant
Lafakeria Vaughn, Assistant City Attorney
Zoning Board of Appeals