



**Zoning Board of Appeals Minutes  
Tuesday, May 19, 2020  
5:30 P.M. – City Council Chambers, 2<sup>nd</sup> 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

**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  
Karl Franzen- Community and Economic Development Director

**Others:**

Alderman Bill Rose  
Alderman Joseph Chiarelli  
Kathy Berg- Court Stenographer  
Applicants and Interested Parties

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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. Last month, all items were laid over and no presentations were given.

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 May 19th 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. Legal will read any written comments into the record that were received in advance. Then individuals at City Hall will be given the opportunity to speak. They will be sworn in.
- 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 Tuesday, May 26, 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, June 1, 2020. If the item is

laid over at the ZBA meeting, the next meeting is Tuesday, June 16, 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 5:36 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the April 21, 2020 meeting minutes with an amendment to amend the minutes to include "held via video conference on Cisco Webex." The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0 with Tom Fabiano abstaining.

**ZBA 003-20**

Applicant  
Ward 01

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

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

**Referred back to ZBA by Code & Regulation Committee  
Laid over from April**

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. Marvin Keys, the corporate counsel for the applicant was present. Attorney Keys stated he already presented his project to the board back in February's meeting. Attorney Keys stated his presentation today was to mainly focus on the modifications that were made from February's meeting. He wanted to concentrate on the modifications on pages 4 & 5, primarily page 5 to reference each building. Attorney Keys stated they increased the setbacks from the property line on Rote Road from 5 ft. to 10 ft. which is adjacent to the parking that faces Rote Road. Attorney Keys referred to page 4 where it shows us the 10 foot limit.

Attorney Keys further explained they went ahead and eliminated an entire row of parking on the western most parking tree adjacent to the future access road. The entire parking tree became landscaping and green space at the western most island. Attorney Keys stated that between buildings 5 & 6, there was a road on the original plan, but that entire road has been eliminated. That space between buildings 5 & 6 will be green space and on the end of that green space will have a bike rack added. Attorney Keys stated on the east side of buildings 5 & 6, they will be eliminating the two dumpsters that would be against McFarland Road. They also combined those dumpsters to become a dumpster enclosure and moved in between buildings 5 & 6. This will allow to have an expansion of the green space along McFarland Road behind building 6.

Attorney Keys stated they eliminated parking space on the north side of McFarland by building 4 to provide additional green space and interior landscaping along McFarland Road. Attorney Keys further explained that along the northern property line they reconfigured landscaping that is on west side of building 2, to add a set of bike racks. They were able to add green space along Rote road on the east side of building 1 from the original plan. Landscaping was also added on Perryville Road on the west side of the detention pond and on the north side of the property they added plantings along the north side of the property.

Attorney Keys stated that his presentation summarized the changes they discussed with staff to work through the project. Attorney Keys stated that he reviewed the conditions from the staff report and that

his only concern was condition 5 and the traffic projections. Attorney Keys stated he had some conversations with Todd and that he would discuss it further with staff as they move along with City Council.

Kim Johnsen asked if there were any objectors or interested parties to speak on behalf of the applicant.

Tom Fabiano stated that he was happy that the applicant got together with staff and worked this out. All board members agreed with Mr. Fabiano's comment.

Staff Recommendation is for Approval with two (7) conditions. Objectors or Interested Parties were present. An email was also read into the record.

Attorney Vaughn stated she had an objector via email. The objector Ronald Hedin stated the following "I am voicing my disapproval on giving zoning concessions for the property in front on Meijer on Perryville. I am a nearby resident and would like the landscape and look of the area to be preserved as much as possible".

Attorney Vaughn directed Glenn Trommels the Information Technology Director, to notify the board if there was anybody at city hall chambers to speak on behalf or against the applicant. Mr. Trommels stated Brenda Kickertz would like to speak against the applicant.

Brenda Kickertz was sworn in and voiced her objections against the McFarland and Perryville Project. She stated that she was not notified of this meeting and this is not the first time this has happened with this developer. She stated she moved into Red Oaks sub-division June of 1989 and she has seen the property developed when it was only a corn field. She expected for Perryville Road to grow as far as having businesses developed and that she is pro-development of the area. She stated she has always given her input over the years to the developers. She has had a problem with this specific developer along with everybody in the neighborhood. Likewise in 2003, the McDonalds project was trying to rail road through without having proper zoning and was very controversial and was a bad taste of the neighborhood. Ms. Kickertz stated that for this specific proposal, she did research on the zoning ordinance and what the zoning looks for when applicants are applying for projects. She stated the developer was given different options when developing this property but this current proposal was for a planned unit development. She further explained the purpose of the PUD is to find an alternate zoning procedure. Ms. Kickertz stated that she felt like the developers don't have to follow the zoning ordinances. The purpose of a planned unit development is to stimulate a creative approach to residential, commercial, industrial land, to find more efficient ways for features, provide open space, add recreational areas to add new approaches to a more compact use of a living environment and to unify structural designs. She stated she was confused on how this area or the project was to fit with the PUD requirements. She stated there was nothing creative on the plan that was presented.

Ms. Kickertz stated this project is just a strip mall and individual buildings that are set on a piece of land that is replicable like any other buildings that are in the city and country side. She stated the project is just rectangular boxes that has only a few parking spaces, no natural features that are being preserved, no open space or recreational areas, and it is not a mixed-use environment.

Ms. Kickertz expressed that the design was not appealing. The PUD on this property is 15 acres, and she stated it is only 7 acres. She wondered how that fits into the criteria for a PUD. She stated the requirements from this project does not follow the zoning ordinances and there are too many concessions.

Ms. Kickertz stated she had four questions for the developer. The questions were as follows:

1. What creative innovative ideas are being implemented for this project to qualify for a PUD that you couldn't do with the current zoning?
2. Why isn't the northeast corner of Rote and Perryville part of the proposal for the PUD?
3. Is the marijuana dispensary going to relocate to this property be part of your plan?
4. What is the plan for the northeast corner of Rote and Perryville?

She further stated this proposal does not meet the criteria for a PUD, and the businesses that will be developed can be duplicated anywhere around the City. Further, the plan doesn't bring anything to Rockford that couldn't be accomplished under the current zoning.

Attorney Keys responded to Ms. Kickertz objections. He stated that he understands that Ms. Kickertz is unhappy with the project, but that there is nothing specific that he can do to please her. He can address certain things from the project, but that she will still have her own opinions. They did the project on what they believe would be great for the community. He further explained that they are providing different type of green space and layout to what would be provided under the ordinances, and why this PUD was necessary like the detention pond. He stated that they meet most of the requirements and made modifications that were addressed at the previous hearing. For the north east corner of Rote road, the plan would be to have it included it in the PUD but they weren't quite sure what they would do because it has some restrictions because of the Meijer. Currently, they have no plan nor design for that particular area. It was previously zoned for a gas station. As far as the marijuana dispensary, he stated they have had zero discussions with anybody regarding changing the location nor entered into their conversations since they owned the property. It is not part of the plan nor was it being discussed. Lastly, they are moving forward now because they were in danger of losing a deal and due to the initial delay, they are no longer doing building 1.

Maurice Redd asked who they have planned to move into those units. Attorney Keys stated they do not have any signed deals as of yet. Currently, they have nobody to move into those buildings, but they are working on a deal for building number five but it has not been finalized.

A **MOTION** was made by Jennifer Smith to **APPROVE** 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 5-0 with Dan Roszkowski abstaining.

Approval is subject to the following conditions:

1. Must meet all applicable Building and Fire Codes.
2. Submittal of Building Elevations for Staff's review and approval for consistency with the development agreement for Perryville Promenade Development.
3. Submittal of a final landscaping plan for Staff's review and approval.
4. Only two shopping center style freestanding signs are permitted for the development in the locations as indicated along Perryville Road. No other freestanding signs shall be permitted.
5. Submittal of traffic projections, proposed turning movements and a striping plan for McFarland Road.
6. Submittal of revised detention plans and drainage calculations to compensate for the encroachment into the detention area.
7. All conditions must be met prior to construction and establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF 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 FREE-STANDING  
SIGNS WITH DEVIATIONS FROM THE REGULATIONS AND PERIMETER LANDSCAPING,  
FOUNDATION LANDSCAPING, INTERIOR LANDSCAPING AND OPEN GREEN SPACE  
REQUIREMENTS WITH DEVIATIONS  
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT  
LOCATED AT 18XX, 1850, 1972 MCFARLAND ROAD, 1965 NORTH PERRYVILLE ROAD**

**Approval** 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 not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will 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 not 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 does not conform to the applicable regulations of the C-2 District in which it is located.

**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**

A **MOTION** was made by Jennifer Smith to **LAY OVER** 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 6-0.

**ZBA 005-20**

Applicant  
Ward 10

**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

**Laid over from April**

A **MOTION** was made by Kim Johnsen to **LAY OVER** a 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. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0.

**ZBA 006-20**

Applicant  
Ward 12

**707 Fulton Avenue**

Ingersoll Machine Tool, Inc.

**Variation** to increase the maximum allowed height for the west building addition from 45 feet to 65 feet and a Variation to increase the maximum allowed height for the east building addition from 45 feet to 80 feet in an I-1, Light Industrial Zoning District

**Laid over from April**

The applicant, Christopher Anderson, was present along with the Ingersoll Project Manager David Zarembski and Paul Pippitone. The subject property is located east of Wallace Street between Willoughby Avenue and Fulton Avenue. The neighborhood is a mixture of residential and commercial uses.

Mr. Anderson stated he would like us to refer to page 7 on the staff report for exhibit A. Mr. Anderson stated it is adjacent to I-1 which is what their current property is to the west. He referred the staff and board to page 9 of the report to show the property, which is exhibit C. Mr. Anderson stated that the southwest corner currently has parking garages which will be removed and build two separate additions, south of the existing building. The first addition would be far west of the property, and the second addition would be further to the east. The additions are to get a variation of the building height requirement, which is a maximum of 45 feet in an I-1 district. The west addition they are looking to increase the height to 65 feet and the east addition to increase to 80 feet. Those height requirements are based on the size of the components that they are going to be manufacturing. Page 10 of the staff report (Exhibit D) shows the proposed additions in the blue area and identify the distance off of the property line by having the west addition 50 feet off the property line and the east addition being 60 feet off the property line. He stated that exhibits D and E, are the solar studies that they prepared which shows the shadowing of the summer and winter solstice when the sun is at its highest and lowest.

Project Manager, David Zarembski spoke on behalf of Ingersoll. He stated that he appreciated the opportunity to be able to expand and create jobs for the community. He thinks it's good that manufacturing has taken off, especially in times like this.

Jennifer Smith asked if the solar reports showed the shadows landing inside of their property but if any shadows would be landing outside of the property. Mr. Anderson stated the shadows do go beyond the property line but lightly onto the country club or the I-1 district. Ms. Smith stated her main concern would be the homes that are immediately across Fulton, near Wallace and Hancock. Mr. Anderson stated that some shadows in the evening will go beyond the property line.

Ms. Smith asked if there will be an increase of traffic into the facility either of workers or industrial traffic. Mr. Zarembski responded as far as cars, there won't be no significant amount of traffic, there will be an increase on work staff but not as far as this area where the building is going to be built. That area won't have parking for people to enter because of the work that they will be doing. Their idea is for the people to come in through the main entrance to be checked in. The parking will be on the east of the building and there will be truck traffic which is similar to what they have today. They plan to have a constant flow of product.

Ms. Smith further asked if there will be an increase in noise from the production. Mr. Zarembski stated there will be no increase of noise.

Staff Recommendation is for Approval with eleven (8) conditions. No Objectors or Interested parties were present. No emails were read into the record.

A **MOTION** was made by Craig Sockwell to **APPROVE** Variation to increase the maximum allowed height for the west building addition from 45 feet to 65 feet and a Variation to increase the maximum allowed

height for the east building addition from 45 feet to 80 feet in an I-1, Light Industrial Zoning District. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 5-0 with Dan Roszkowski abstaining.

Approval is subject to the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of a Building Permits for Staff review and approval.
3. Submittal of a detailed site plan for Staff's review and approval.
4. Submittal of a detailed landscape plan that includes plant species and size for Staff's review and approval.
5. The property be developed as per revised site and landscaping plans.
6. Submittal of building elevations for Staff's review and approval.
7. Must develop buildings in accordance with building elevations approved by Staff.
8. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A VARIATION TO  
INCREASE THE MAXIMUM ALLOWED HEIGHT FOR THE  
WEST BUILDING ADDITION FROM 45 FEET TO 65 FEET  
IN AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT  
LOCATED AT 707 FULTON 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.

**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**

A **MOTION** was made by Craig Sockwell to **LAY OVER** 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. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-0.

**ZBA 008-20**

Applicant  
Ward 1

**8445 Chandon 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**

A **MOTION** was made by Jennifer Smith to **LAY OVER** 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 6-0.

**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**

A **MOTION** was made by Kim Johnsen to **LAY OVER** 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. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0.

**ZBA 010-20**

Applicant  
Ward 5

**4277 Pelley Road, 39XX Pelley Road and 47XX South Main Street**

TJ Laz Farm, LLC

A **Zoning Map Amendment** from I-1, Light Industrial Zoning District to an I-3, Airport Industrial Zoning District

**Laid over from April**

**ZBA 011-20**

Applicant  
Ward 5

**4711 Pelley Road**

Ma Laz Farm III, LLC

A **Zoning Map Amendment** from Winnebago County AG, Agriculture to I-3, Airport Industrial Zoning District

**Laid over from May**

Attorney, Ian Linnabary was present on behalf of Mike Lazarus. The subject properties are located on the north side of Pelley Road, 932 feet west of the South Main Street and Pelley Road intersection. The subject properties are surrounded by agricultural, commercial and residential uses. Mr. Lazarus owns approximately 250 acres through two LLCs which are located on the southwest corner of Bypass 20 and South Main Street. The first application, ZBA 010-20, is a split zone property, part of the property is commercial and the other part is existing I-1. It is about 90 acres. That property was annexed into the City in approximately 2007. They are asking to rezone the property from I-1 to I-3. The goal is to change the zoning in order to bring the zoning in line with the next request. Mr. Lazarus is trying to create a single lot plat that will be zoned I-3. Re-zoning would allow them to re-market it as a prime real estate and shovel ready. Attorney Linnabary

stated it would be close to the airport and it would create jobs for the region. The development is consistent with the City of Rockford's Comprehensive plan and meets the findings of fact for zoning changes. They agree to the conclusion of the staff recommendation and are open to any questions.

Dan Roszkowski asked Attorney Linnabary if he would like to present both applications ZBA 010-20 & 011-20 at the same time. Mr. Roszkowski stated he could combine the presentation and the board would vote on each application separately.

Attorney Linnabary stated the application ZBA 011-20 would be the same requirements, but the only changes from the application ZBA 011-20 is the property has about 230 acres. These are all contiguous parcels. However, the property in ZBA 011-020 was not annexed into the City. So they have negotiated and have agreed to an annexation agreement. The request was to bring this lot into an I-3 zoning, pursuant to the annexation agreement. That would be the only differences from the application ZBA 011-20. Attorney Linnabary stated the main goal is to bring the two properties into a single lot plat.

Craig Sockwell asked if application ZBA 010-20, parcel 1 and 2 are going to stay commercial. Attorney Linnabary stated that it would stay commercial and they are not requesting for it to change. They intend to develop that frontage with commercial use.

Kim Johnsen asked if Attorney Linnabary could further explain exhibit A from the report. Attorney Linnabary stated the commercial parcel in red would stay as commercial. Ms. Johnsen stated that the parcel on 4711 Pelley Road has a small cut off that is not part of the property. Attorney Linnabary explained that he believes that piece of property belongs to someone that lives in Michigan.

Staff Recommendation is for Approval. Objectors or Interested parties were present. Emails were also read into the record.

Kevin Dyal stated the property that has a cut off from the main property is not owned by someone in Michigan. He stated that he is the owner of that small property. Mr. Dyal stated he lived there for more than 30 Years and does not have a problem with the development. The only concern that he has is to being close to the city. He has 2 pieces of property and stated he would have to rezone his property which would cost him money, but further stated that he doesn't have an objection to the project.

Tim Gowan stated he has concerns about being annexed into the city and if he needed to plan to move out. Mr. Gowan stated he understands about the growth of the development but he needs to plan for his future. Attorney Linnabary responded that he understands Mr. Gowan's concerns but he does not have any control over the city annexing properties. Attorney Linnabary thanked Mr. Gowan for sharing his concerns.

Matt Idzikowski spoke against the request for Pelley Road. He spoke to represent his parents that live across the street on 4712 Pelley Road. He stated that his family and neighbors are against this project because of the noise, & chemical pollution that would be caused. He stated that most of those people that live around the area are in their later years of life and can't attend the meeting in person due to the COVID-19. He stated that he would like the committee to lay this over until the neighbors are allowed to attend and comment about the proposal. Attorney Linnabary responded he has not received any emails or calls regarding concerns about the project. Attorney Linnabary stated the property has been slated for this development for some time, specifically for a higher and better use. He further state there is no better parcel than this large spot which is prime real estate and it will be good for the city. Mr. Idzikowski said Attorney Linnabary has not been contacted because they could not find contact information.

Attorney Vaughn read a comment that was received via email by Kevin Dyal who did speak. The email Stated "Will the scheduled public hearing on Tuesday, April 21, 2020 at 5:30 PM take place with the Ongoing Corona virus epidemic? This is in regards to the Zoning Application for the Zoning Map

Amendment: File #011-20. One of the comments that I have is about the property we own that is surrounded by the property seeking a zoning change. We own ten acres. I have five acres that is zoned rural residential. The other five acres is zoned AG1 (our house is on this property). If this zoning passes I believe it will lower our property value. I may need to change the zoning of the rural residential from rural residential to AG1 to lower our property tax burden. This would make our entire ten acres zoned AG1. Feel free to call me if you have further questions about my comment”.

Attorney Vaughn read a second comment that was received via email by Roxana and Stan Idzikowski. The email stated “To: Winnebago County Board Members. Please be advised that we are against this proposed change for several reasons. Our road has always been agricultural and residential. We bought our property over 30 years ago because it was a quiet, scenic, country setting. We would like it to remain so. We believe this change will cause noise & air pollution, will damage wildlife and its habitation, and will lower our property value. We also have grave concerns about pollution of the natural run off streams that flow off this area to the west and then south and eventually often flow through our property. This entire area in question, which includes 4711 and 4722 Pelley, is surrounded by many residential areas which will also be impacted negatively and know nothing of the proposed change because only adjacent property owners were sent letters and the notification letter states that " failure to receive notice does not invalidate a hearing." Furthermore, we do not understand why this meeting has not been pushed back due to the COVID closure in our community by the State of Illinois. We are part of the many "at-risk population" residents on this road and feel that it is wrong for us to have to come down to City Hall when even the board members themselves will not be at the meeting. Therefore, we will be unable to hear firsthand what is really being proposed, ask questions, and to able to make any further comments. This seems wrong and an inexcusable push to get things done quickly without public notice or comment. Thank you for considering our concerns and we ask you to vote "no" on the request for a zoning change to said property”.

Jennifer Smith asked about the timeframe of this project and when things might start happening. Attorney Linnabary responded they don’t have a timeframe but there is an interested party that will most likely sign a contract and are trying to negotiate at the moment.

During deliberation, Maurice Redd said the Board should keep in mind the issue of having the public come down to speak about the items. Mr. Fabiano and Ms. Smith agreed with Mr. Redd. They believe the community and neighbors should have the opportunity to speak and express their opinions and there has to be a balance. They stated there should be a more effective way to be able to give them that opportunity.

Ms. Johnsen asked if there will be other developers that would be a part of this project. Attorney Linnabary stated Mr. Lazarus is a business owner and has demonstrated himself to be very cautious and is confident he would hire professional people to undertake the work. He further explained that they will meet all the statutory and ordinance requirements. Attorney Linnabary also commented on the public comment concerns raised by the Board. He stated that their application was filed in March and we are dealing with unprecedented times. However, there were reasonable precautions taken by the City and reasonable measures put in place to ensure interested parties could come in and raise their concerns. Scott Capovilla confirmed that notices were sent out in April and supplemental notices were sent out regarding this meeting and the methods interested parties could provide comments.

The Board further discussed with Attorney Linnabary about proceeding with one application and laying the other one over.

A **MOTION** was made by Jennifer Smith to **APPROVE** a Zoning Map Amendment from I-1, Light Industrial Zoning District to an I-3, Airport Industrial Zoning District. The motion was **SECONDED** by Kim Johnsen and **CARRIED** by a vote of 6-0.

**FINDINGS OF FACT FOR APPROVAL OF A ZONING MAP AMENDMENT  
FROM I-1, LIGHT INDUSTRIAL ZONING DISTRICT TO  
AN I-3, AIRPORT INDUSTRIAL ZONING DISTRICT  
LOCATED AT 4227, 39XX PELLEY ROAD AND 47XX SOUTH MAIN 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 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-3 zoning district.
- 2). The proposed Zoning Map Amendment is consistent with the approved general plan.

A **MOTION** was made by Kim Johnsen to **APPROVE** a Zoning Map Amendment from Winnebago County AG, Agriculture to I-3, Airport Industrial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

**FINDINGS OF FACT FOR APPROVAL OF A ZONING MAP AMENDMENT  
FROM WINNEBAGO COUNTY AG, AGRICULTURE  
TO I-3, AIRPORT INDUSTRIAL ZONING DISTRICT  
LOCATED AT 4711 PELLEY ROAD**

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

- 1) The proposed Zoning Map change is consistent with Article II, Intent and Purpose, of the Rockford Zoning Ordinance for the following reasons:
  - a. This proposal promotes the health, safety, comfort, convenience, morals and general welfare for the citizens of Rockford because it is consistent with the comprehensive plan and surrounding uses;
  - b. This proposal protects the character, scale and stability of the 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-3 zoning district.
- 2) The proposed Zoning Map Amendment is consistent with the approved general plan.

**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 50-010, Article 71-003 and Appendix A.

**Laid over from April**

A **MOTION** was made by Craig Sockwell to **LAY OVER** 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 50-010, and Article 71-003 and Appendix A. The motion was **SECONDED** by Tom Fabiano and **CARRIED** by a vote of 6-0.

**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 a C-2, Limited Commercial Zoning District

A **MOTION** was made by Kim Johnsen to **LAY OVER** from R-3, Multi-family Residential Zoning District to a C-2, Limited Commercial Zoning District The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 6-0.

**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

A **MOTION** was made by Tom Fabiano to **LAY OVER** 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. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0.

**ZBA 015-20**

Applicant  
Ward 13

**603 West State Street**

City of Rockford / Rockford Area Arts Council

A **Special Use Permit** for a mural on a building in a C-3, General Commercial Zoning District

The applicant, Scott Capovilla, was present on behalf of the City of Rockford. The subject property is located at the northwest corner of West State Street and North Winnebago Street. The subject property is mostly surrounded by commercial and institutional uses. Mr. Capovilla stated that the City of Rockford has partnered with the Rockford Area Arts Council and the request is to put a mural on the east side of the building, facing Rockford Mass Transit District. The theme is “together.” Kim Johnsen asked who would be the group of artists working on the mural. Mr. Capovilla stated that he thinks it would be a collaboration from a group of people but did not have further information.

Dan Roszkowski asked if it would be on the east side of the corner. Mr. Capovilla stated it would be located there on the orange looking building.

Ms. Johnsen asked if they were confident that that is what the mural would look like. Mr. Capovilla stated he is 99% sure that that is what it will look like.

Jennifer Smith commented that the work looks familiar and if it would be local artists. Mr. Capovilla stated it would be local artists doing the work.

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

A **MOTION** was made by Maurice Redd to **APPROVE** a Special Use Permit for a mural on a building in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 6-0.

Approval is based on the following conditions:

1. Submittal of a sign permit for staff's review and approval prior to installation of the mural.
2. The mural panels may not consist of a vinyl banner material within a frame.
3. The mural must be maintained to meet code.

**FINDINGS OF FACT FOR APPROVAL OF A  
SPECIAL USE PERMIT FOR A MURAL ON A BUILDING  
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT  
LOCATED AT 603 WEST STATE STREET**

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

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

With no further business to come before the Board, the meeting was adjourned at 7:35 PM.

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