



PLANNING & ZONING REPORT

Zoning Board of Appeals Meeting of October 20, 2020

File # 023-20

APPLICANT: John Powell

LOCATION: 2707 Kilburn Avenue

REQUESTED ACTION: A Modification of an existing Special Use Permit #029-90 to increase the number of passenger vehicles for sale from the maximum allowed eight (8) to sixteen (16) in a C-3, General Commercial Zoning District.

EXISTING USE: Passenger vehicle sales

PROPOSED USES: Passenger vehicle sales

DIMENSIONS: Irregular shape **SQUARE FOOTAGE:** 13,932 sq. ft.

ADJACENT ZONING AND LAND USES:

NORTH:	C-3	General Community Zoning District
EAST:	C-3	General Community Zoning District
SOUTH:	I-1	Light Industrial Zoning District
WEST:	R-1	Single-family Residential Zoning District

YEAR 2020 PLAN: RL Light Residential

SOILS REPORT: 21-12: By considering the current zoning, current land use, Geographical Information Systems maps, and requested variance, the Winnebago Soil and Water Conservation District has determined that the proposed increase in number of cars on the lot will have no significant impact on the natural resources on the property or surrounding area. Any supporting maps or information are available upon request at the SWCD office (additional fees may apply).

Automotive Lots

Due to having several vehicles stored on the site, it would be beneficial to keep absorbents readily on hand. Periodically check for indications of leaks or spills under or around vehicles. Contaminants on impermeable surfaces (concrete, asphalt, rooftops, etc.) will wash off with rain and will eventually make its way into storm sewer drains, some of which go directly to natural water sources without treatment. In the event of a spill or leak, promptly clean up and contain hazards that would otherwise be environmentally harmful, and fix issues to prevent further contamination. Prevent storm water (rain, snow, sleet, etc.) from washing contaminants off the site in the event of a storm. Avoid washing impermeable surfaces off with a hose, but rather use a broom and properly dispose of waste. Implement proper housekeeping measures that will minimize the potential for environmental hazards. Properly label, store and dispose of automotive fluids to avoid environmental contamination. Keep

storage containers off the ground to avoid storm water contamination

HISTORY:

File #021-17: A Modification of Special Use Permit #034-11 to increase the number of passenger vehicles for sale from the maximum allowed four (4) to ten (10) in a C-3, General Commercial Zoning District was granted November 8, 2017 for property located at 1339 Kilburn Avenue. This property is located 695 feet west of the subject property.

File #016-17: A Modification of Special Use Permit #040-06 to increase the number of passenger vehicles for sale from the maximum allowed twelve (12) to twenty-three (23) in a C-3, General Commercial Zoning District was granted September 7, 2017 for property located at 1326 Kilburn Avenue. This property is located 695 feet west of the subject property.

File #034-11: A Zoning Map Amendment from I-1, Light Industrial Zoning District to C-3, General Commercial Zoning District and a Special Use Permit for passenger vehicle sales in conjunction with an existing auto repair shop in a C-3, General Commercial Zoning District was granted October 27, 2011 for property located at 1339 Kilburn Avenue. This property is located 550 feet west of the subject property.

File #040-06: A Modification of Special Use Permit #118-05 (Ordinance 2006-43-0) to allow passenger vehicle sales, sale of wheels, and a car wash in a C-3, Commercial General Zoning District was granted July 31, 2006 for property located at 1326 Kilburn Avenue. This property is directly west of the subject property.

File #029-90: A Special Use Permit for auto sales and a Variation to Section 1302-F.3 to reduce the aisle width from the required twenty-four (24) feet to fifteen (15) feet for a driveway, based on the existing zoning and land use in the area in a CC, Commercial Community Zoning District were approved May 29, 1990 for the property located at 2707 Auburn Street. This is the subject property.

REVIEW COMMENTS: The Applicant is requesting a Modification of an existing Special Use Permit to increase the number of passenger vehicles for sale from the maximum allowed eight (8) to sixteen (16) in a C-3, General Commercial Zoning District. Exhibit A shows that the subject property is located on the northwest corner of Auburn Street and Evergreen Street intersection. The neighborhood is a mixture of commercial and residential uses (Exhibits B and C). There are similar and complimentary automotive uses in the area.

The Special Use Permit #029-90 was for auto sales in the area in a CC, Commercial Community Zoning District. The Applicant is requesting the Modification of the Special Use Permit for an expansion of vehicles for sale because the original Special Use Permit was limited to no more than eight (8) vehicles for sale at any one time.

Within Section 63-015-F of the Zoning Ordinance, a Modification of Special Use Permit is needed if “the proposed addition, enlargement, or change will not result in a change in any previously imposed condition, nor will it result in an enlargement or increase of any previously approved variation”. The proposal will increase the number of vehicles for sale from eight (8) to sixteen (16).

Exhibit D is the proposed site and landscaping plan showing the building, car sales area, customer parking, and landscaping. The existing building is a two-story building that is 1,580 square feet. The building is used only as an office. The property is approximately 13,932 square feet. The proposed sales display area will consist of sixteen (16) cars and is approximately 3,200 square feet.

Additionally, the car sales area will require three (3) parking spaces (using the one space per 1,000 square feet of sales area excluding storage areas not open to the public required for vehicle sales use). The Applicant provided ten (10) parking spaces on Exhibit D. Additionally, the Applicant is proposing to use some of the parking spaces for repo stalls (Exhibit D). Staff feels the use of three (3) parking stalls for cars that have been taken back through the repossession process is reasonable, as long as the cars are operable.

Exhibit D is the proposed landscaping plan submit by the Applicant. Exhibit D shows three (3) areas of perimeter landscaping along Auburn Street and no perimeter landscaping along Evergreen Street. Additionally, Exhibit D shows a row of deciduous shrubs along the north property line. However, upon Staff's site visit there is minimal perimeter landscaping along Evergreen Street and no deciduous shrubs along the north property line. Furthermore, Staff observed a light pole with an attached sign in the southeast corner of the property in disrepair and the light pole structure including foundation will need to be removed. Staff is of the opinion that the perimeter landscaping needs to be improved to comply with the required perimeter landscaping and an island should be added north of the customer parking.

Upon review of Exhibit D, the proposed site and landscaping plan does meet the requirements of the Zoning Ordinance. Staff feels that the proposed parking lot setback should be eight (8) feet from the property line along Auburn Street and Evergreen Street. Additionally, there is an existing curb cut along Auburn Street west of Evergreen Street that will need to be removed and replaced with concrete curb and a grass terrace. Finally, Staff feels that the perimeter landscaping width along Auburn Street and Evergreen Street should be a minimum of eight (8) feet in width and with new plantings consisting of deciduous and evergreen shrubs, ornamental grasses, and an ornamental tree along Auburn Street.

Exhibit E shows that there have been six (6) calls for service for the Police Department in the past 24 months for 2707 Auburn Street.

Staff had concerns about overdevelopment of the site; however, Staff feels that the revised site and landscaping plans and limiting the sales to sixteen vehicles will bring an improved visual character and less congested look to the subject property. Staff feels that the Applicant's proposed request for a Modification of the existing Special Use Permit is reasonable and recommends approval of the Applicant's request subject to conditions.

RECOMMENDATION: Staff recommends Approval of a Modification of an existing Special Use Permit #029-90 to increase the number of passenger vehicles for sale from the maximum allowed eight (8) to sixteen (16) in a C-3, General Commercial Zoning District, subject to the following conditions:

1. Meet all Building and Fire Codes.

2. Submittal of a revised site plan that includes a parking lot setback of eight (8) feet from the property line along Auburn Street and Evergreen Street and curb cut removal along Auburn Street west of Evergreen Street with new concrete curb and grass terrace along Auburn Street for Staff's review and approval.
3. Submittal of a revised landscaping plan that includes perimeter landscaping eight (8) feet in width along Auburn Street and Evergreen Street and new plantings consisting of deciduous and evergreen shrubs, ornamental grasses, and an ornamental tree along Auburn Street with species and size of Staff's review and approval.
4. That the property be developed as per revised site and landscaping plans and that no more than sixteen (16) vehicles shall be displayed for sale and three (3) cars that have been repossessed.
5. Submittal of a Parking Lot Permit for site and landscaping work to be completed to Staff for review and approval
6. The light pole structure with an attached sign and foundation in the southeast corner of the property will need to be removed.
7. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval.
8. No outside storage of any auto parts, equipment, materials, or inoperable vehicles.
9. There shall be no auto repair allowed.
10. There shall be no vehicle storage and towing allowed.
11. Submittal of a Final Agreement for Staff's review and approval that addresses the business operations and improvements to the site.
12. All conditions must be met prior to establishment of use.

See attached findings of fact.

SC: DM 10/8/20

**FINDINGS OF FACT FOR APPROVAL OF A MODIFICATION OF SPECIAL USE PERMIT
029-90 TO INCREASE THE NUMBER OF PASSENGER VEHICLES FOR SALE FROM THE
MAXIMUM ALLOWED EIGHT (8) TO SIXTEEN (16)
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT
LOCATED AT 2707 AUBURN 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.

Exhibit A
2707 Auburn Street
MOD. SUP
#023-20

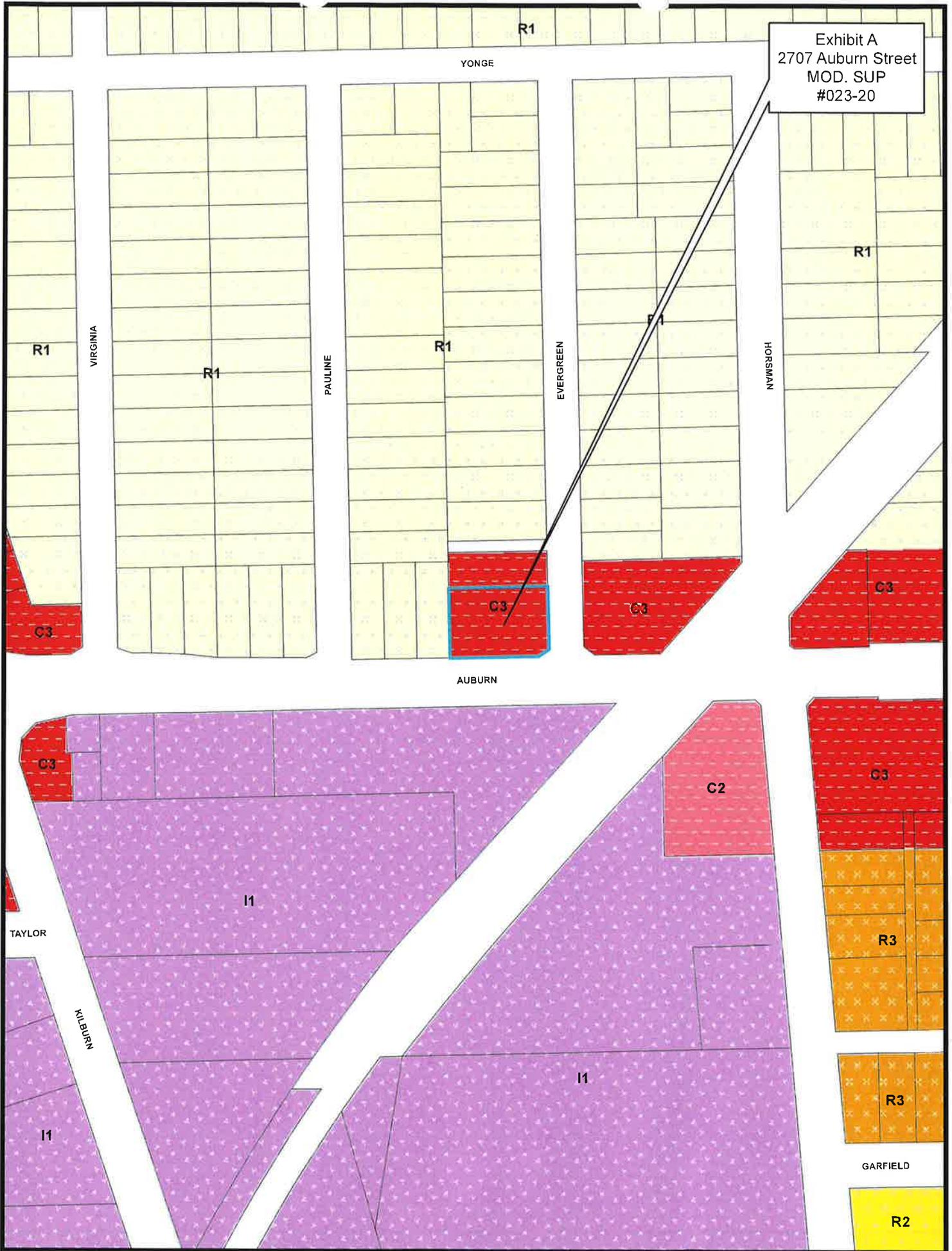


Exhibit B
2707 Auburn Street
MOD. SUP
#023-20

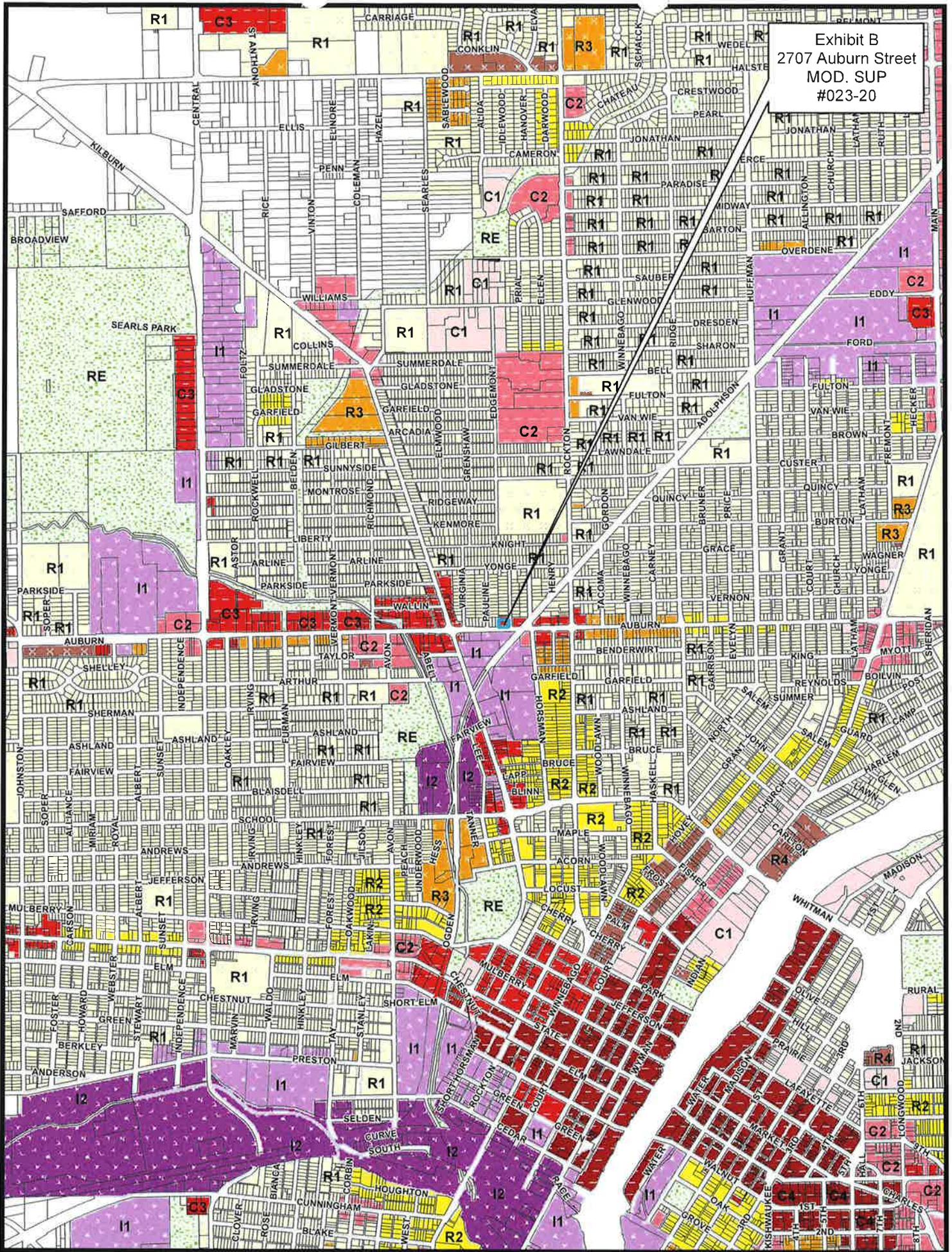
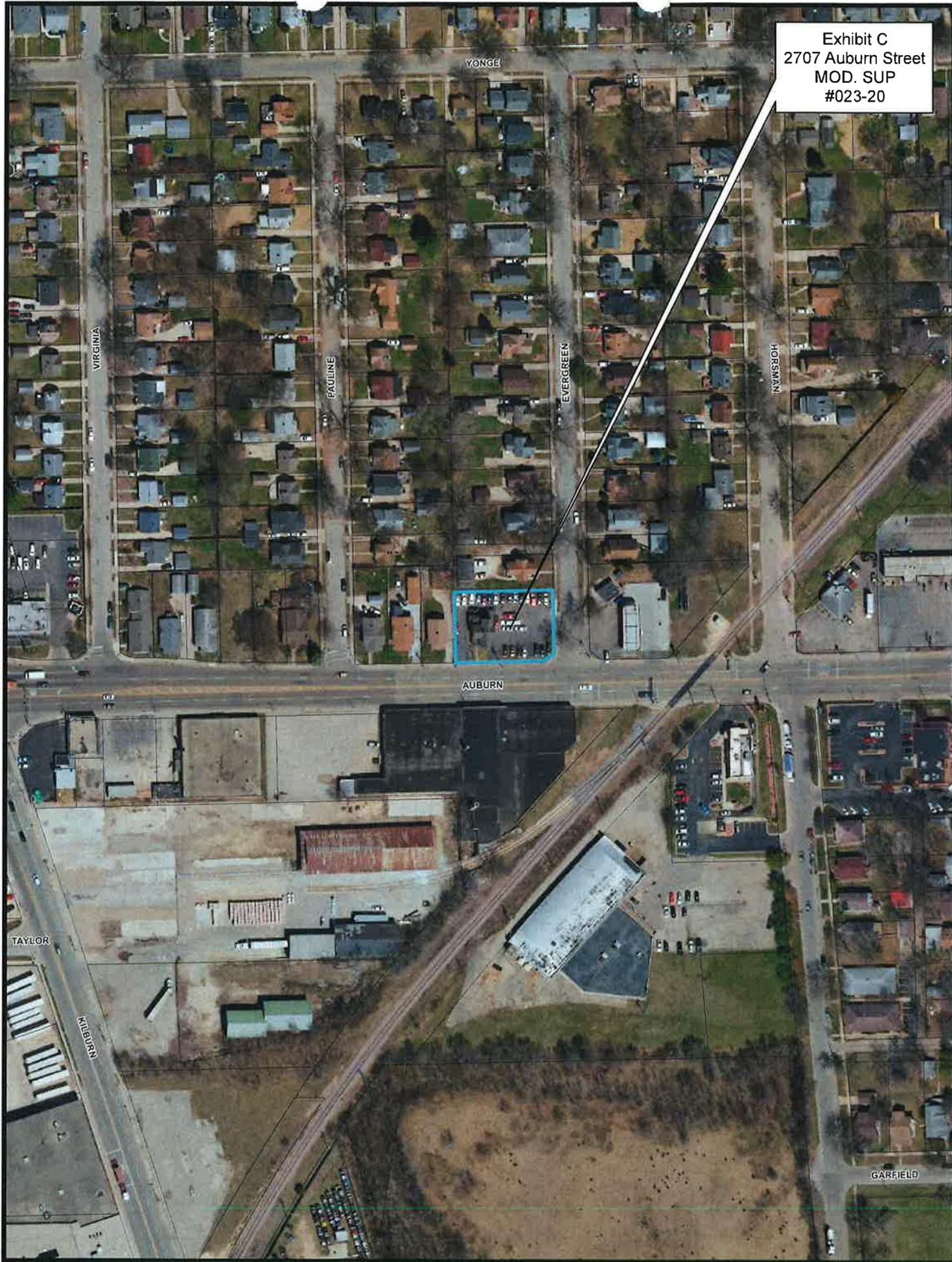


Exhibit C
2707 Auburn Street
MOD. SUP
#023-20



Please note that calls are subject to change as Calls for Service are submitted. Offenses represent the initial call: not the verified offense.

**City of Rockford Police Department
Calls for Service For
9/24/2018 to 9/24/2020**

Exhibit E
2707 Auburn Street
MOD. SUP
#023-20

CFS Number	CFSDate	Time	Reported Offense (Non-Verified)	Location
18-154459	12/13/2018	0:08	7364 Dispute (9-1-1 - Yelling in background)	2707 AUBURN ST
19-034016	03/26/2019	3:09	7332 Suspicious person	2707 AUBURN ST
19-068779	06/13/2019	18:24	7813 Warrant Service - Other Agency (List Type in Note Field)	2707 AUBURN ST
19-125082	10/16/2019	15:12	7829 Preliminary follow-up patrol	2707 AUBURN ST
19-132730	11/04/2019	11:57	7977 Central Reporting Unit - DPR	2707 AUBURN ST
19-029014	03/16/2020	0:16	7332 Suspicious person	2707 AUBURN ST
6				

Data obtained from NetRMS.
Produced: 9/29/2020 4:04:35PM

Please note that the Call for Service is specified for a property. Location is not specific to any person, place, or event. Call for service location is tied to the location to where the call was received.