



PLANNING & ZONING REPORT

Zoning Board of Appeals Meeting of October 20, 2020

File # 024-20

APPLICANT: Steven Kolber for Patvak Investments

LOCATION: 3402 North Main Street

REQUESTED ACTION: A Special Use Permit for a drive-thru in conjunction with a restaurant in a C-2, Limited Commercial Zoning District.

EXISTING USE: Vacant bank building

PROPOSED USE: Restaurant with a drive-thru

DIMENSIONS: Irregular shape **SQUARE FOOTAGE:** 32,592 sq. ft.

ADJACENT ZONING AND LAND USES:

NORTH:	C-1	Limited Office Zoning District
EAST:	C-2	Limited Commercial Zoning Districts
SOUTH:	R-1 & C-1	Single-family Residential and Limited Office Zoning Districts
WEST:	R-1	Single-family Residential Zoning District

YEAR 2020 PLAN: CO Commercial Office

SOILS REPORT: 21-13: Storm water Runoff
Developments have both direct and indirect impacts on water bodies and other valuable natural features. These impacts occur both during construction and after the development is complete. Some impacts result from the direct modification or destruction of streams, lakes, and wetlands. Other impacts occur primarily offsite due to changes in the quality and quantity of runoff from the development. Storm water runoff is generated from impervious surfaces, particularly roadways and parking lots. Most modern developments route runoff from impervious surfaces directly into storm sewers or paved channels, which effectively convey the pollutants, without any opportunity for infiltration or filtering, into receiving water bodies. These pollutants include dirt, pesticides, fertilizers, road salt, oil, detergents and gasoline that can harm fish and wildlife populations, kill native vegetation, foul drinking water supplies, and make recreational areas unsafe and unpleasant. Storm water retention/detention should be required as part of the development of this parcel. Consider incorporating water quality BMP's in the landscape and design. These practices can also be accessed in the Illinois Urban Manual.

Best management practices should be implemented at the site during any periods of disturbance to prevent erosion and result in clean discharges from

the site. The Illinois Urban Manual is a resource of practices used throughout the State and can be accessed at <http://www.aiswcd.org/iium/>. The concept of these practices can be carried over to good housekeeping measures after development occurs and buildings are occupied to prevent storm water runoff from becoming contaminated.

Everyone receives storm water and how it is managed will leave a lasting impact on the quality of water resources. Managing storm water runoff is not just the responsibility of water agencies, municipalities and developers, but rather all of us. It is important that we understand how water quality is impacted by storm water runoff. Since everyone lives in a watershed, everyone has to take responsibility. Storm water is precipitation that, instead of becoming absorbed into soil, runs off impermeable surfaces, like parking lots, that do not allow rain and snowmelt to infiltrate. As areas are developed, fewer areas can soak up the rainwater, resulting in an increase in storm water runoff.

Storm water starts clean but may end up polluted by absorbing contaminants such as dirt, pesticides, fertilizers, road salt, oil, detergents and gasoline. As storm water flows across impervious surfaces, it picks up these pollutants from the surface. Most developed areas rely on storm drains or drainage ditches to carry large amounts of runoff from roofs and paved areas within the entire watershed to nearby waterways. These pollutants can harm fish and wildlife populations, kill native vegetation, foul drinking water supplies, and make recreational areas unsafe and unpleasant.

Road salt should be used on the parking lot during the winter months according to specifications, as the excess will be washed away. Use lawn and garden chemicals carefully and sparingly. Conduct a soil test of your lawn to know the right amounts of fertilizer to use. Choose appropriate types of turf grass and groundcovers for your site's soil, sunlight, and water conditions to minimize maintenance and fertilizer and pesticide use. Keep your mowing height high. Set your mower blade to 3 inches to provide a taller lawn that holds water better, request less irrigation, and helps shade out weeds.

Automotive considerations — use in general parking lots and/or gas stations

Due to the expected vehicle traffic on the site, it would be beneficial to keep absorbents readily on hand in the event of a spill or leak to promptly contain hazards that would otherwise be environmentally harmful. Periodically check for indications of leaks or stains in the parking lot. Contaminants on impermeable surfaces (concrete, asphalt, 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. Avoid washing impermeable surfaces off with a hose, but rather use a broom and properly dispose of waste.

HISTORY:

File #008-16: A Special Use Permit for a Planned Unit Development consisting of a gas station, convenience store and a car wash, a Variation to reduce the required 20 feet front yard setback for a convenience store to 16 feet along North Main Street, a Variation to reduce the required 20 feet front yard setback for a parking lot to 5 feet along North Main Street, a Variation to reduce the required 20 feet wide frontage landscaping to 5 feet wide for a

100 feet along North Main Street, a Variation to reduce the required 20 feet wide frontage landscaping to 10 feet wide for 31 feet along North Main Street, a Variation to reduce the required 20 feet wide frontage landscaping to 16 feet wide for 42 feet along North Main Street and a Variation to reduce the required 5 feet setback from the property line for a free-standing sign to one foot in a R-1, Single-family Residential Zoning District and C-1, Limited Office Zoning District. was approved on April 6, 2016 for the properties located at 3318, 33XX, and 3338 North Main Street. This property is directly south of the subject property.

File #146-01: A Special Use Permit for a Planned Mixed-Use Development consisting of a gas station and convenience store with packaged liquor sales in a C-1, Limited Office Zoning District was approved February 25, 2002 for the property located at 3338 North Main Street. This is property is directly south of the subject property.

File #080-99: A Special Use Permit for a Planned Mixed-Use Development for gas station and convenience store with the sale of packaged liquor and Variations for front and rear yard setbacks, to increase the number of permitted wall signs, to eliminate the perimeter landscape strip along North Main Street and to eliminate the interior landscape buffer in a C-3, Commercial General Zoning District were approved September 7, 1999 for the properties located at 3401, 3415, and 3429 North Main Street. This property is located directly east of the subject property.

File #148-94: A Special Use Permit for an addition to a bank with drive through in a C-1, Limited Office Zoning District was approved December 19, 1994 for the properties located at 3402 North Main Street. This is the subject property.

REVIEW COMMENTS: The Applicant is requesting a Special Use Permit for a drive-thru in conjunction with a restaurant in a C-2, Limited Commercial Zoning District. Exhibit A shows that the subject properties are located on the west side of North Main Street and north of Halsted Road. The subject properties are surrounded by commercial and residential uses (Exhibits B & C).

The Applicant, Steven Kolber, is requesting a Special Use Permit for a drive-thru in conjunction with a restaurant in a C-2 Limited Commercial Zoning District. Within the C-2 District, a drive-thru restaurant is a Special Use. The Zoning Ordinance states “certain land uses that generate significant traffic volumes, that have significant visual impacts due to the use’s outdoor operations, or those uses that have neighborhood impacts due to their size, scale, and hours of operation are subject to the performance standards.”

Exhibit D is ALTA/NSPS Land Title Survey submitted by the Applicant. Exhibit D shows that the subject property consists of three (3) parcels, which are a total of 0.75 acres. There is a fourth parcel that is owned by the City of Rockford and has an existing drive aisle installed over it. Staff has investigated this and believes it is a part of the east-west alley that was vacated decades ago. This residual 20’ by 20’ parcel was somehow never deeded to the bank but was obviously a part of their site. Staff will record a

water main easement over this parcel and recommends it be deeded to the owner of the site since it serves as a portion of the existing drive aisle.

Exhibit E is the proposed site plan submitted by the Applicant. The Applicant is proposing to divide the existing building into two (2) tenant spaces consisting of a future tenant space and drive-thru only restaurant and removal of the existing drive-thru canopy from the south side of the building (Exhibit E). Additionally, Exhibit E shows the new proposed layout of the subject property including an expanded parking lot for new parking spaces north of the building, along the north and south property lines, and two (2) drive-thru lanes. Furthermore, Exhibit E shows landscaped areas, dumpster enclosure area, and proposed free-standing signage.

Upon review of Exhibit D, the proposed site plan does meet the requirements of the Zoning Ordinance. Staff feels that the proposed parking lot setbacks are adequate being that there was IDOT Street widening along North Main Street and they applicant is working within the existing conditions.

The redevelopment of the site requires a re-evaluation of the required parking spaces for the new future tenant space and restaurant. Exhibit D shows that there are 24 parking spaces available for the future tenant space and restaurant. The restaurant requires 12 parking spaces (using the 13.3 spaces per 1,000 square feet for eating and drinking establishment). The drive-thru will require eight (8) stacking spaces while the future tenant space will require six (6) parking spaces (using the 4 spaces per 1,000 square feet of retail space). Exhibit E shows that there are eight (8) stacking spaces proposed. The proposed restaurant and future tenant space requires two (2) bicycle spaces (using the 1 bike space per 10 auto spaces). The Applicant did not propose a bicycle rack or any bicycle spaces. Upon review of Exhibit E, the site plan with the proposed off-street parking does not meet requirements of the Zoning Ordinance. Staff believes that the proposed parking spaces are reasonable; however, there appears to be enough space for the Applicant to provide a bicycle rack for required bicycle spaces.

The Applicant submitted Exhibit F, the landscaping plan. The redevelopment of the site requires an evaluation of the required landscaping. The number of parking spaces and the amount of paved area requires landscaping provisions to be met, which consists of Shade Trees, Perimeter Landscaping, and Interior Landscaping. The current site has 364 feet of street frontage along North Main Street and Halsted Road, which will require seven (7) shade trees (using the one shade tree per 50 lineal feet of frontage along a street right of way). Additionally, there will be two (2) more shade trees required (using one shade tree per ten (10) parking spaces). Exhibit F shows that there are six (6) new shade trees. Perimeter landscaping along North Main Street and Halsted Road will require 3,640 Landscape Units (using the 10 LU's per lineal foot of zoning district boundary line). Exhibit F shows 1,779 Landscape Units. Additionally, a Type A Buffer is required along the north property line adjacent to Limited Office District. A requirement of a minimum of ten (10) feet in width is designated as part of the Type A buffer along with additional landscaping unit requirements consisting of fifteen (15) landscape units per lineal foot of a zoning district boundary line. Exhibit F shows 1,560 Landscape Units when 1,755 Landscape Units are required. Finally, a Type B Buffer will be

required along the 226 feet portion of the west property line as the adjacent properties are existing residential uses. A buffer requirement of a minimum of 15 feet in width is designated as part of the Type B buffer along with additional landscaping unit requirements consisting of 20 landscape units per lineal foot of a zoning district boundary line. The Applicant chose to use one of the alternatives for the Type B Buffer, which consists of a ten (10) feet wide buffer with 50% of the required landscape units and a sight-obstructing fence. The perimeter landscaping along the west property line will require 2,182 Landscape Units. Exhibit F shows 1,856 Landscape Units, along with a wood privacy fence.

Interior landscaping will consist of 2,182 square feet (using 8% of the total paved area that exceeds 5,000 square feet but not more than 30,000 square feet). In addition, a portion of the interior landscaping must be used adjacent to the building such that at least 50% of the building base or foundation facing the parking area is planted with shrubs or trees. Exhibit F shows the new building site plan as proposed does have 50% building foundation landscaping.

Upon review of Exhibit F, the proposed landscaping plan does mainly meet the requirements of the Zoning Ordinance with the proposed and existing landscaping. However, Staff feels that the proposed twenty-four (24) deciduous shrubs shown as perimeter landscaping along North Main Street (east property line) should be substituted with ornamental grasses. A revised landscaping plan addressing these concerns needs to be submitted.

Exhibit G is some conceptual elevations for the re-developed vacant bank building.

Exhibit H shows that there has been one call for service for the Police Department in the past 24 months for 3402 North Main Street.

Although the site will have minimal deviations to the Ordinance, Staff is comfortable with supporting this request and believes that the subject property is an appropriate location for the development and would be consistent with the existing surrounding and past uses.

Staff feels that the applicant's proposed request is reasonable and recommends approval of the applicant's request subject to conditions.

RECOMMENDATION: Staff recommends Approval of a Special Use Permit for a drive-thru in conjunction with a restaurant in a C-2, Limited Commercial Zoning District based on the following conditions:

1. Meet all Building and Fire Codes.
2. Submittal of Building Permits for Staff's review and approval.
3. Submittal of a revised landscaping plan that includes ornamental grasses substituted for the twenty-four (24) deciduous shrubs shown as perimeter landscaping along North Main Street (east property line) for staff's review and approval.
4. That the property be developed as per site and revised landscaping plans.

5. All Public Work's issues including those related to the water main location are required to be reviewed and approved by the City Engineer and Water Superintendent.
6. Submittal of a Parking Lot Permit for site and landscaping work to be completed to Staff for review and approval
7. Submittal of a Dumpster Enclosure Permit with a dumpster detail and rendering for Staff's review and approval.
8. Must obtain separate permits for signage and signs must be constructed to match building design and in accordance with plans approved by staff.
9. Submittal of a photometric plan with fixture details and fixture specifications for staff's review and approval.
10. Must develop building in accordance with elevations approved by staff.
11. All conditions must be met prior to establishment of use.

See attached findings of fact.

SC: DM 10/13/20

FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR AN DRIVE-THRU
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 3402 NORTH MAIN 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-2 District in which it is located.

Exhibit A
3402 North Main Street
SUP
#024-20



Exhibit B
3402 North Main Street
SUP
#024-20

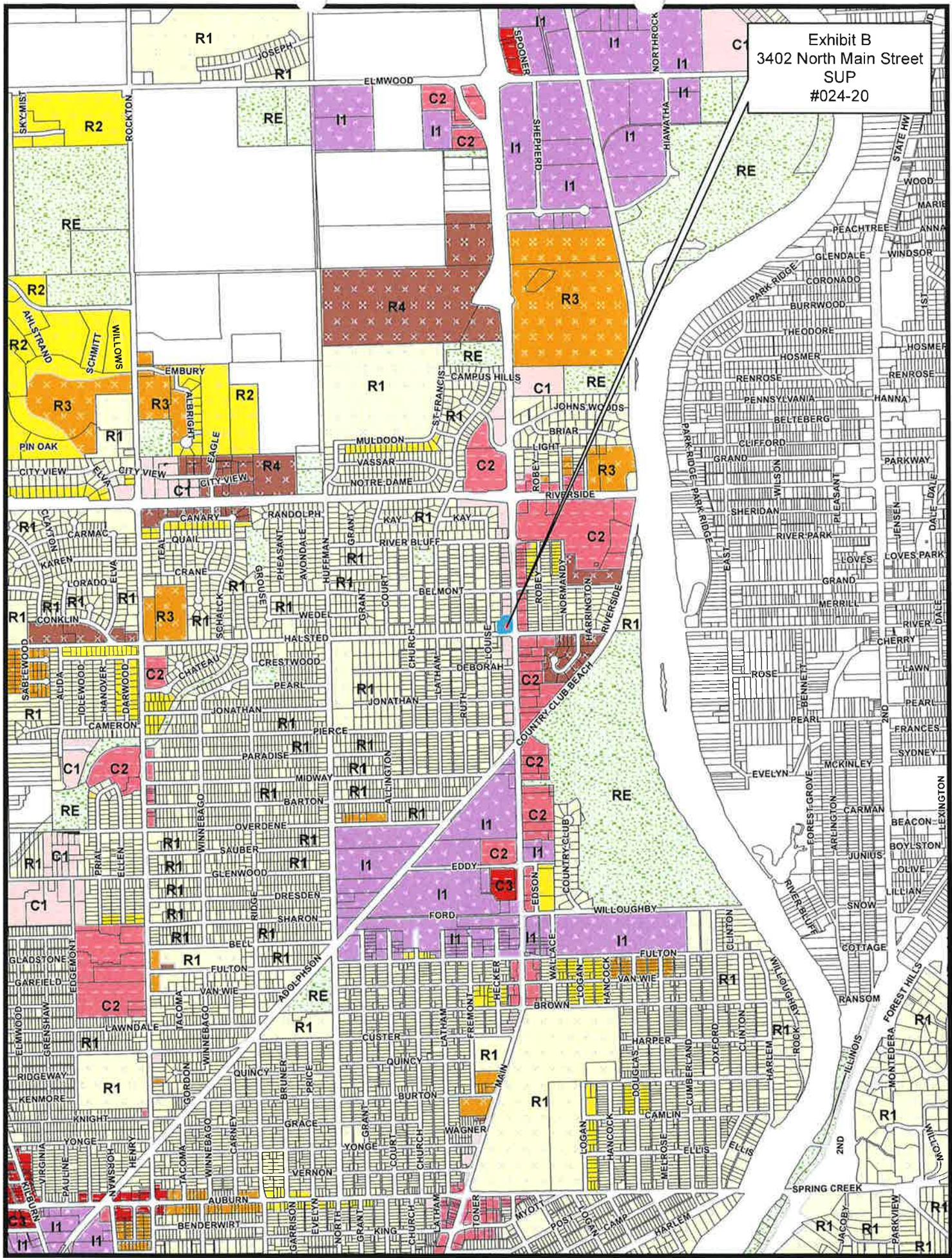
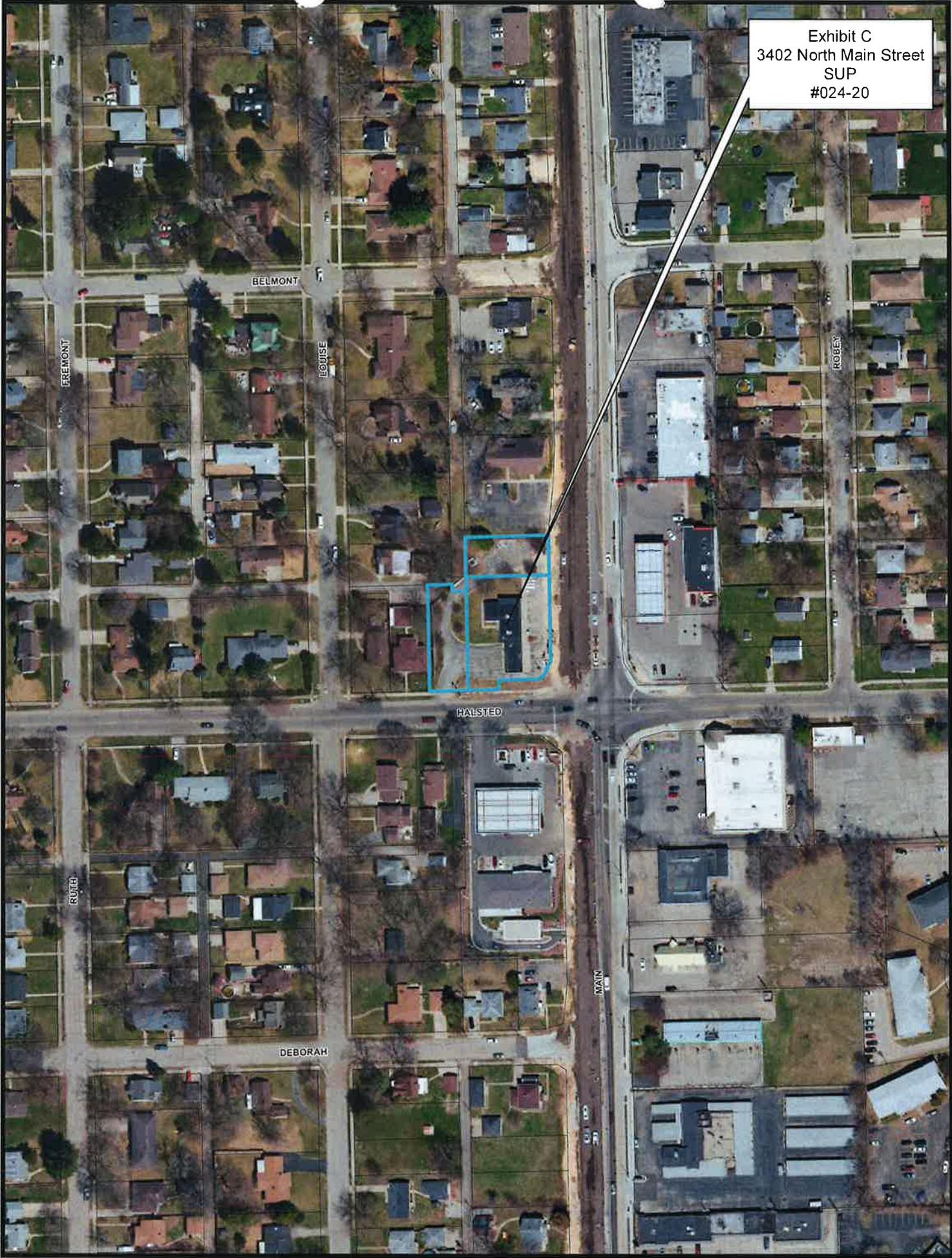
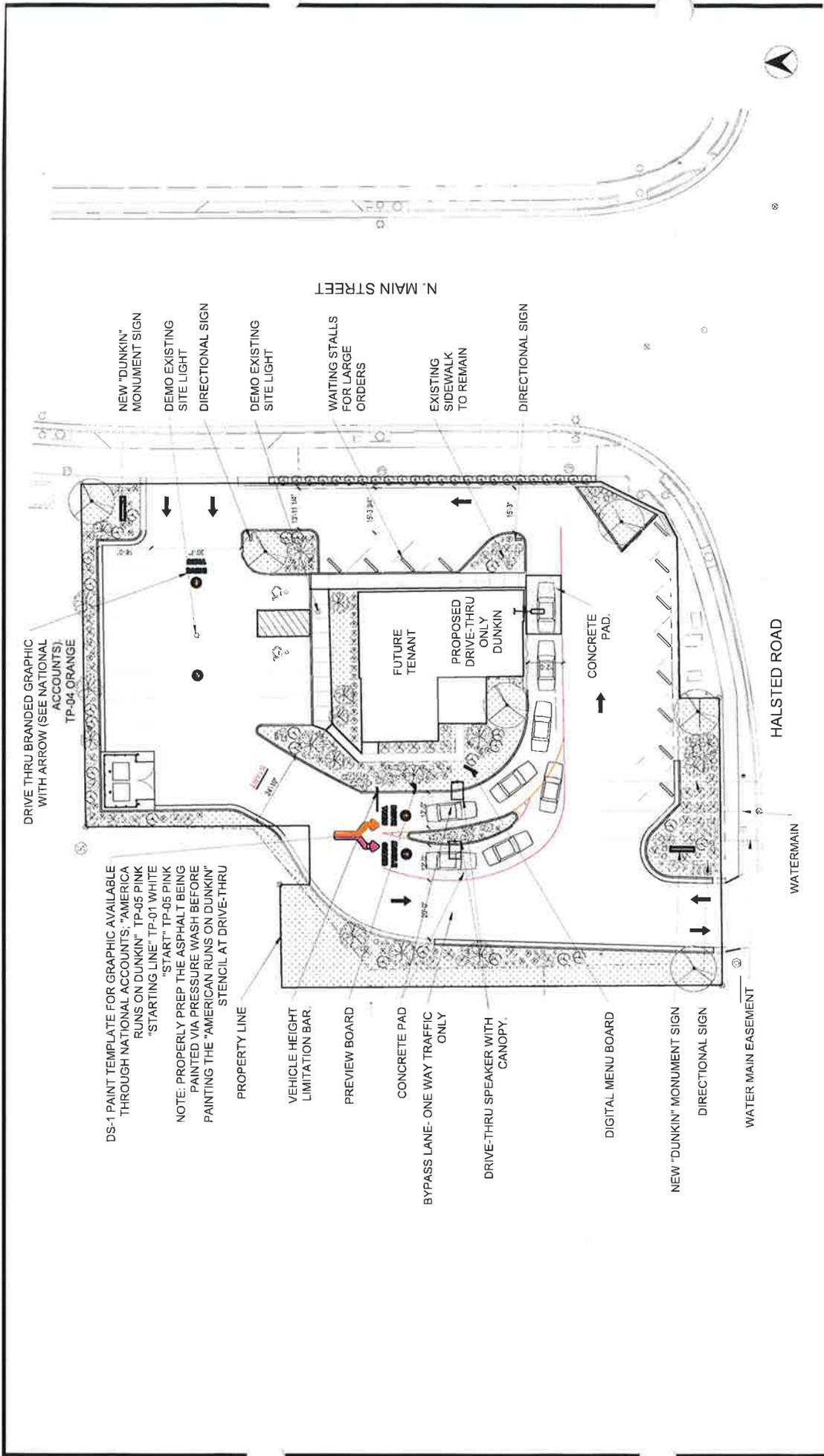
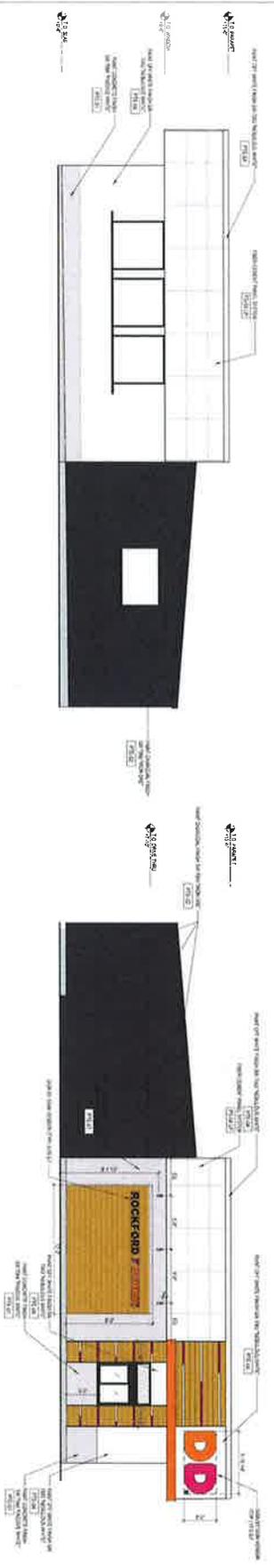


Exhibit C
3402 North Main Street
SUP
#024-20



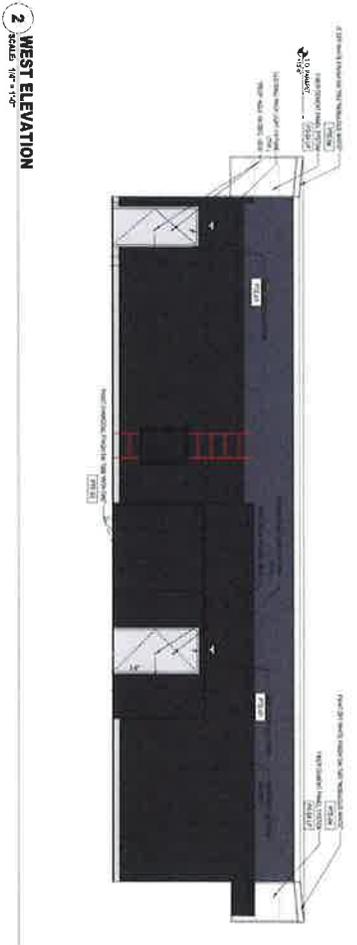


kolbrook design 828 DAVIS STREET SUITE 300 PLAINFIELD, IL 62551 PH: 618.234.1000 WWW.KOLBROOKDESIGN.COM	PROJECT: DUNKIN - ROCKFORD, IL 3402 N. Main St. Rockford, IL 61103	Job No. 1520.012
	Scale: 30'-0" = 1'	Issue Date 09/17/2020
ARCHITECTURAL SITE PLAN		Project Area

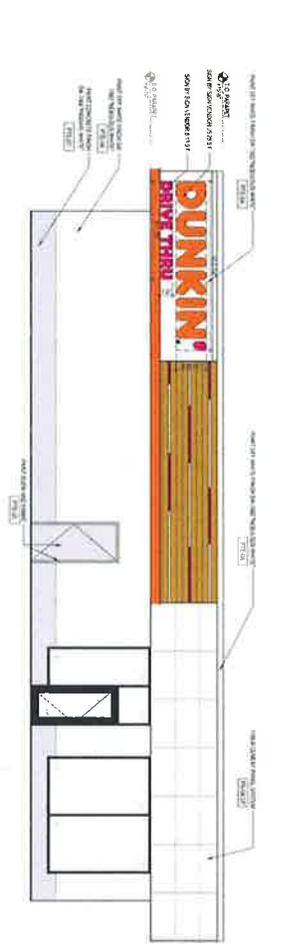


4 NORTH ELEVATION
 SCALE: 1/8" = 1'-0"

3 SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



2 WEST ELEVATION
 SCALE: 1/8" = 1'-0"



1 EAST ELEVATION
 SCALE: 1/8" = 1'-0"

			
PROJECT DD ROCKFORD, IL		3404 N MAIN ST ROCKFORD, IL 61101 P.C.# 253759	
ARCHITECT R.K. D'AMICO & ASSOCIATES		DATE OF SHEET 12/15/19	
DRAWN BY J. BROWN		CHECKED BY R.K. D'AMICO	
SCALE 1/8" = 1'-0"		SHEET NO. A5.0	

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

Exhibit H
3402 North Main Street
SUP

**Calls for Service For
9/24/2018 to 9/24/2020**

#024-20
✓

CFS Number	CFSDate	Time	Reported Offense (Non-Verified)	Location
20-064557	06/18/2020	15:03	7817 Dept Service- Assist ambulance	3402 N MAIN ST

Data obtained from NetRMS.
Produced: 9/29/2020 4:05:00PM

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.