



ZONING BOARD OF APPEALS
Tuesday, May 20, 2014
5:30 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

ZBA Members: Aaron Magdziarz
Alicia Neubauer
Dennis Olson
Dan Roszkowski
Scott Sanders
Craig Sockwell

Absent:

Staff: Todd Cagnoni – Director, Community & Economic Development Dept.
Scott Capovilla – Zoning and Land Use Administrator
Sandra Hawthorne - Administrative Assistant
Matt Knott – Chief, Fire Department
Marcy Leach – Public Works
Kerry Partridge – City Attorney
Lafakeria Vaughn - Assistant City Attorney

Others: Alderman Frank Beach
Alderman Thomas McNamara
Alderman Joseph Chiarelli
Alderman Linda McNeely (arrived at 5:55)
George Davis - Human Resources
Kathy Berg, Court Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.

- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Zoning Board of Appeals secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, June 2, 2014, at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 5:30 PM. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the April meeting. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

ZBA 045-13
Applicant
Ward 13

715 W. State Street; 120 N Rockton Avenue; 1XX & 129 N. Horsman Street
Rockford Rescue Mission / Sherry Pitney
Special Use Permit for a **Planned Unit Development** consisting of a Women's and Children's Center with a new addition and parking lot in a C-3, General Commercial Zoning District.
Laid Over from January, February, March, and April meetings

Included in the original application were requests for Variations to decrease the required front yard setback along West State Street, North Horsman Street and Mulberry Street to 0 feet for new canopy additions. These were determined to be not required and were amended from the Application.

The subject properties are located on the east and west sides of North Horsman Street between Mulberry Street and West State Street.

Attorney Jim Tuneberg, Sherry Pitney, Leah Shackelford, Renade Cossey, and Ron Billy, were present. Attorney Tuneberg introduced the Applicants. Sherry Pitney reviewed the request for Special Use Permit, stating that they are celebrating 50 years of service. She presented a background history of the mission since its conception. This expansion will allow the Mission to increase space for the clients they now are turning away due to lack of space.

Ron Billy with Tyson & Billy Architects, reviewed the building layout. The ground floor will be the crisis center, with child care center, including a play space for the children. There will be a recovery center apart from this, as well as a dining facility. The exterior of the building was show and Mr. Billy stated the design was chosen as one that would fit in with existing and future downtown development.

Leah Shackelford spoke as a client of the program. Ms. Shackelford stated she entered the Mission's program in 2011. They provided her with support, clothing, and shelter. She was able to obtain training

to gain her GED and since she has left the program she has been able to get her life back on track and was able to provide a safe environment for herself and her daughter. She praised the Mission for saving her life by providing services and shelter that she was not able to obtain otherwise. Ms. Shackelford was very emotional in her feelings of gratitude and praise for the assistance she received from the Rockford Rescue Mission. Attorney Tuneberg stated homeless people are invited to the Mission, but the core function is to provide services and shelter for people like Ms. Shackelford.

There is a former auto dealership that is a parcel involved with these properties. Mr. Billy stated there may be a potential for retail sales at this location in the future.

Staff Recommendation is for Approval with (8) conditions. Objectors or Interested Parties were present.

Alderman Linda McNeely spoke her concerns of the Rockford Rescue Mission at this location. She stated she has received objections from some businesses in this district; however, did not see any of them at this meeting. She expressed concern with the number of individuals who are hanging out within the 100 – 300 block of this area. She stated she is “on the fence” with her support of the Mission. She stated she “intends to hold Rockford Rescue Mission to task”.

Alderman Thomas McNamara spoke in support of this project. He stated he took a tour of the facility by Mrs. Pittney’s invitation and realized the Mission provided many other services than just “heads and beds”. They have had a long standing history at the current location and today they are asking for the same amount of beds as they did in 2007. They have the approach that people want to improve their own lives. He urged the Board to support this application.

Alderman Franklin Beach was present and spoke in support. He stated the Chief of Police has told him they have a very good working relationship between the Police Department and the Rockford Rescue Mission. He urged the Board to support this request, adding that they bring a great service to the community.

Mr. Sanders asked about including the renderings presented this evening as part of the conditions. Mr. Cagnoni stated he had no objection to including these.

Mr. Magdziarz asked for clarification on condition 4. Mr. Cagnoni explained the Homeless Management Identification System and stated the City would be willing to assist in costs that may present a level of comfort to move forward on these services.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for a Planned Unit Development consisting of a Women’s and Children’s Center with a new addition and parking lot in a C-3, General Commercial Zoning District at 715 West State Street; 120 North Rockton Avenue; 1XX & 129 North Horsman Street with revision to condition 2. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-1 with Aaron Magdziarz voting Nay.

Approval is subject to the following conditions:

1. Meet all applicable fire and building codes.
2. Must develop site and building addition in accordance with Exhibits D, E, and F and architectural renderings presented at the May 20th 2014 Zoning Board of Appeals meeting..
3. Must submit building elevations for staff review and approval.
4. That Rockford Rescue Missions fully participates in the local Homeless Management Identification System (HMIS). This can be done either by directly entering data or through a “data bridge” with MPOWER as long as all HUD mandated HMIS fields are included from all individual served in the shelter and recovery programs. The City to assist in costs and technical issues if these present barriers to full participation.
5. That Rockford Rescue Mission fully participates in the Continuum of Care process by submitting all plans for significant changes in shelter and recovery services for review and input by the Continuum to ensure consistency with the local Continuum of Care Five Year Plan and the City’s Consolidated Plan.

6. That Rockford Rescue Mission fully participates, as practical, in the Continuum of Care Coordinate Intake System as it is developed, including data sharing agreements.
7. That the building currently housing the existing women's and children center/shelter located on Cedar Street is permanently discontinued as a shelter or similar use(s) under the control of Rockford Rescue Mission.
8. That the number of women crisis beds shall not exceed 60 beds.

ZBA 045-13
Findings of Fact for Approval of a Special Use Permit
For a Planned Unit Development
Consisting of a Women's and Children's Center
With a New Addition and Parking Lot
In a C-3, General Commercial Zoning District at
715 West State Street, 120 North Rockton Avenue, 1XX and 129 North Horsman 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, nor substantially diminish and 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 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, in all other respects, conform to the applicable regulations of the C-3 Zoning District in which it is located.

ZBA 013-14
 Applicant
 Ward 03

303 North Main Street

Peter Provenzano

Variation to allow a roof sign in a C-4, Urban Mixed-Use Zoning District

The subject property is located on the north side of West Jefferson Street between North Main Street and North Wyman Street. Nancy Vaccaro, Applicant, reviewed her request for Variation. Because of the historical nature of the building they are required to move the sign to the roof in order to be compliant with Historical Tax Credits. She stated the sign would not change and that it is the same sign as currently on the building. Ms. Vaccaro also verified that the existing sign has been repaired prior to this meeting.

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

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the Variation to allow a roof sign in a C-4, Urban Mixed-Use Zoning District at 303 North Main Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must meet all Building and Fire Codes
2. Must obtain separate permits for signage and the roof sign must be in accordance with Exhibits D and E

ZBA 013-14
Findings of Fact for Approval of a Variation
To Allow A Roof Sign
In a C-4, Urban Mixed-Use Zoning District at
303 North Main 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 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 014-14

Applicant

Ward 11

1405 Kishwaukee Street

Harder Sign Co. Inc. / John Harder

Variation to allow a third wall sign in a C-2, Limited Commercial Zoning District

The subject property is located on the southwest corner of Kishwaukee Street and Buckbee and is the Dollar General Store. John Harder, Applicant, reviewed the request for signage. The Board had no questions of the Applicant.

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

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to allow a third wall sign in a C-2, Limited Commercial Zoning District at 1405 Kishwaukee Street. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Must obtain a sign permit
2. Maintenance of plantings must include adequate watering, pruning, mowing and removal of litter including the parkway, the area between the property line and the street curb or edge of pavement.

ZBA 014-14
Findings of Fact for Approval of a Variation
To Allow a Third Wall Sign
In a C-2, Limited Commercial Zoning District at
1405 Kishwaukee 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 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 015-14
Applicant
Ward 13

1712 West State Street
Quinton Roberson
Special Use Permit for a tattoo shop in a C-3, General Commercial Zoning District

The subject property is located on the south side of West State Street and on the west side of South Central Avenue. Mr. Roberson reviewed his request for a tattoo shop at this location. He felt his business is a way to spread a certain type of art for people who chose to have tattoos. This would be his

first business and he wants to comply with all requirements of the City. He stated he will not allow loitering at his location.

Mr. Sockwell asked what his experience was. Mr. Roberson stated at this time he had no experience in tattooing and does not have a license, but has studied the culture and plans to attend schooling to learn methods of tattooing. Mr. Sanders asked if he was operating at this time. Mr. Roberson stated the business had been in operation, but as soon as he was made aware he needed the Special Use Permit he closed down the shop. He has two employees who are licensed to do tattoos. Mr. Roberson stated he circulated a notice in the area to be certain the neighborhood was aware of his intentions and presented the signatures to the Board. His hours of operation will be from 12 noon to 10:00 P.M. Monday through Saturday. Mr. Roberson stated although he is not licensed to do tattoo, the business has meet all Department of Health requirements.

Staff Recommendation is for Denial. No Objectors were present.

Alderman Linda McNeely spoke in support of this application, stating the construction has cut a considerable amount of black businesses on West State Street and this strip has been vacant for years. She was not aware until this meeting that Mr. Roberson did not personally have a license to do tattooing, but as long as his employees doing the actual tattoo work license she is willing to support this business and give him the opportunity to prove himself. Regarding the City's concern of it being near two schools, Alderman McNeely asked that a condition be applied limiting the age of customers to 21 and up.

In response, Mr. Roberson stated although he is not licensed to do tattoo, the business has meet all Department of Health requirements.

Mr. Sanders asked if there was any restriction to proximity to schools. Mr. Cagnoni stated there is not a set distance requirement. Mr. Roszkowski asked if Staff knew how many tattoo shops were located on West State Street. Mr. Cagnoni stated he did not have a figure for all of West State Street, but did know that there were none in close proximity of this location. Mr. Olson stated he did not feel comfortable with supporting this application due to the proximity of the elementary school regardless of whether the age requirement be 18 or 21.

Mr. Sanders felt this business would be a "nice little fit" in the Shopstead Center.

Mr. Cagnoni provided the following conditions Staff would suggest should the Board chose to Approve.

1. Hours of operation shall be limited from Monday through Saturday from 12:00 noon to 10 PM.
2. Minimum age for tattoos be 21 years of age
3. The shop is in compliance with all Building, Fire, and Health Codes.
4. Permits for signage to be applied for and approved by Staff
5. All employees (tattoo artists) performing tattoos be licensed as required by the State of Illinois and that all licenses be displayed on site

A **MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a tattoo shop in a C-3, General Commercial Zoning District at 1712 West State Street. The Motion was **SECONDED** by Scott Sanders and **CARRIED** by a vote of 5-1 with Dennis Olson voting Nay.

Approval is subject to the following conditions:

1. Hours of operation shall be limited from Monday through Saturday from 12:00 noon to 10 PM.
2. Minimum age for tattoos be 21 years of age
3. The shop is in compliance with all Building, Fire, and Health Codes.
4. Permits for signage to be applied for and approved by Staff
5. All employees (tattoo artists) performing tattoos be licensed as required by the State of Illinois and that all licenses be displayed on site

ZBA 015-14
Findings of Fact for Approval of a Special Use Permit
For a Tattoo Shop
In a C-3, Limited Commercial Zoning District at
1712 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 and 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 have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the C-3 Zoning District in which it is located.

ZBA 016-14

Applicant
Ward 01

2551 North Perryville Road

John Kobayashi d/b/a JMK Nippon and Signs Now / Crystal Spencer
Variation to modify a nonconforming free-standing sign from 112 square feet to 97 square feet (for a new 27 square feet electronic message center) in a C-2, Limited Commercial Zoning District.

The subject property is located on the northeast corner of North Perryville Road and Spring Creek Road and is the JMK Nippon Restaurant. John Kobayashi, co-owner of JMK Nippon reviewed the request. He stated JMK Nippon has. He stated they currently have one sign that is a manual message board that is currently not working and they wish to replace that with an electronic message center. He explained that because of the location where his employees park, it appears that they have a lot of customers when they do not, and there is a concern that potential customers will not stop in. Having a message center at this location would allow advertisement to attract their customers. Mr. Kobayashi explained that JMK Nippon has been in business for 30 years.

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

Mr. Sanders stated he is consistent with bringing signs into conformance. Ms. Neubauer was in agreement. Mr. Cagnoni stated staff recommended Denial based on the existing sign regulations that require any expansions or additions to a non-conforming sign to come into conformance with the Ordinance. This sign is currently legally non-conforming. He stated although there is a benefit in this case because two reader boards would be combined into one, based on the Board's preference for signs being brought into conformance Staff recommended Denial.

A **MOTION** was made by Scott Sanders to **DENY** the Variation to modify a nonconforming free-standing sign from 112 square feet to 97 square feet (for a new 27 square feet electronic message center) in a C-2, Limited Commercial Zoning District at 2551 North Perryville Road. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 5-1 with Craig Sockwell voting Nay.

ZBA 016-14
Findings of Fact for Denial of a Variation
To Modify a Nonconforming Free-Standing Sign from 112 Square Feet to 97 Square Feet
(For a New 27 Square Foot Electronic Message Center)
In a C-2, Limited Commercial Zoning District at
2551 North Perryville Road

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 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.

ZBA 017-14
Applicant
Ward 11

2233 Kishwaukee Street and 22XX Starr Street

Hekmat Abnshamat

Variation to reduce the required setback of a freestanding sign from five (5) feet to zero (0) feet in an I-1, Light Industrial Zoning District and I-2, General Industrial Zoning District.

The subject properties are located (1) block south of the Kishwaukee Street and Blackhawk Park intersection. Hekmat Abnshamat was present and reviewed his request for Variation. Mr. Abnshamat stated they have put a lot of effort into helping the area by providing convenience store services and a gas station and they need the sign for more exposure. The gas station sits further back and the buildings

both north and south shield the Applicant's property from view when driving down Kishwaukee. Potential customers cannot see the prices of the gas to give them an opportunity to access their business.

Mr. Sanders asked if he had considered putting the signs high up on the building, which would be allowed. Mr. Abnshamat stated even if on the building, with the structure to the north the sign cannot be seen until the potential customer has driven past the business.

Staff Recommendation is for Approval with (4) conditions. No Objectors or Interested Parties were present.

Rafat Shamat, Milwaukee, is the Applicant's brother and co-owner of the property. He stated they purchased this gas station to benefit the area, as well as themselves. He stated they would prefer a taller sign that would be more visible, but their proposal is more in context with City requirements. There is a lot of competition in the gas station business, and they require attention to their business in order to make a profit and stay in business. He stated this is the only gas station on Kishwaukee Street between the airport and downtown.

As an explanation to condition 4, Mr. Cagnoni stated with a sign being this close to the street, there is a possibility that a snow plow could damage the sign, which is why the City is requesting a hold harmless agreement be signed by the Applicant.

A **MOTION** was made by Craig Sockwell to **APPROVE** the Variation to reduce the required setback of a freestanding sign from five (5) feet to zero (0) feet in an I-1, Light Industrial Zoning District and I-2, General Industrial Zoning District at 2233 Kishwaukee Street and 22XX Starr Street. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Meet all applicable fire and building codes.
2. Must obtain separate permits for signage and the free-standing sign must be in accordance with Exhibits D and E.
3. That the face of the free-standing sign shall not project beyond the property line.
4. That the applicant provides a hold harmless agreement to the City (terms and conditions to be approved by the Legal Department).

ZBA 017-14
Findings of Fact for Approval of a Variation
To Reduce the Required Setback of a Free-Standing Sign
From Five (5) Feet to Zero (0) Feet
In An I-1, Light Industrial Zoning District and I-2 General Industrial Zoning District at
2233 Kishwaukee 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 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 018-14
Applicant
Ward 03

121, 127, 133 Hall Street; 1012 East Jefferson Street; 139 North 6th Street
Marshall T. Hall, Sr.
Special Use Permit for a U-Hall outdoor rental business consisting of moving trucks, pickup trucks, cargo vans, and trailers in a C-2, Limited Commercial Zoning District

The subject properties are located on the east side of Hall Street between East Jefferson Street and Spafford Avenue. Marshall Hall Sr. (Applicant) and Thomas Harker (property owner) were present. Mr. Hall stated he felt this proposal was a great opportunity to provide a service to the people of Rockford. He explained he had searched the City for a viable property to open this business and these parcels were the most desirable. Two buildings on the property have been removed. There is a large vacant parking lot on one side of Hall Street. Mr. Hall stated this parking lot is where he is proposing to store the majority of the vehicles and will also store some on the Jefferson Street lot. He discussed possible properties on Spafford that may be demolished in the future. He asked how many African Americans come before the Board asking to establish an auto sales business and felt there were not that many. He stated the City's 2020 Plan states that this is a retail office overlay and retail. Mr. Hall felt he does not understand why the City recommended Denial of his request, but that they did not "deny" taking his money for filing the application. He felt there were two different conflicts of what was permitted in the area based on the actual zoning of the property and the 2020 Plan. Mr. Hall felt there was limited access to U-Hall rentals in the City of Rockford. He explained U-Hall now also has rental cars available. He wished to point out that there are discrepancies between the zoning map and the 2020 Plan.

Ms. Neubauer asked the Applicant if he was willing to work with Staff on returning the property along Jefferson Street to more green space and other improvements. He felt it was not fair to the property owner to ask him to turn his property into a "back yard or front yard". Mr. Hall did state he was willing to do what it takes. Mr. Olson asked if he had a U-Hall franchise now, to which the Applicant responded he did not. He stated in order to have a franchise agreement he would have a place to do business.

Mr. Harker, property owner, stated he would like to see "pro-business attitudes in Rockford". He purchased this business years ago to relocate his distribution business. The property came with a large parking lot. He stated there were a lot of vagrants and homeless people in the area. The property had used needles, debris from McDonalds, and vagrants that would hang around the area. He stated he has been calling the police to help with loitering issues and is trying to keep the neighborhood cleaned up. He removed all the trees in one area that provided a "camping area" for homeless people to deter them. He purchased 4 other properties around the main building to clean up the area and demolished the trailer a few weeks ago because homeless people were sleeping behind it. It is planned to put up better lighting, to monitor the area to improve the location and assist Mr. Hall in keeping the area more secure. His storage building is located at 121 Hall Street and will continue to be used as such.

Staff Recommendation is for Denial. Objectors or Interested Parties were present. One Letter of support was received from Brendan Blackler, adjacent property owner.

Noreen Marian, 1342 Cherry Valley Road, Kirkland was present as a Supporter. Ms. Marian does not own property near the Applicants proposed use, however she wished to lend her support to the Applicant's business, stating when her daughter moved it would have been helpful to have a U-Hall closer to assist them.

Darryl Johnson, 215 North 6th Street, (Sunburg Funeral Home) was present. Part of his property backs up with Spafford Avenue. Mr. Johnson stated he does not have any objections to the Applicant's proposal, but did wish to ask the Applicant where the main entrance / exit would be. The Applicant responded it would be on Hall Street.

Alderman McNeely asked the Board to support this Application.

In response, Mr. Hall stated it is his plan to make this community a better place for all.

Ms. Neubauer asked Staff if they would be willing to work with the Applicant. Mr. Cagnoni clarified that when this application was being submitted he met with the property owner and the Applicant. At that point Staff was not going to move forward with acceptance of the application without advising the Applicant of some of the information that is typically submitted as part of the Special Use Permit application. As part of the discussion with Mr. Hall and Mr. Harker, Mr. Cagnoni pointed out there were deficiencies in the submitted information application and these were explained. The larger parking lot has an existing landscaping area that could be taken into consideration. Staff talked about additional green space along Jefferson Street but not in great detail. Staff felt their preference was to make this all green space because there is no access to the parking lot from this location. Some of the investment of the property owner does indicate an effort to clean up the area. Staff was anticipating more information would be provided to Staff prior to this evening addressing some of these issues; however that did not occur. He stated that he felt the Applicant could work with Staff on some of these issues.

Mr. Sanders felt the frontage area really needed to be addressed. He stated this application was greatly insufficient in its submission. He noted that no site plan was submitted as required with the Application. He further stated it was his feeling that the frontage should not be used for vehicle storage. Access needs to be addressed for safety issues as well. Mr. Roszkowski was also in agreement that the application did not provide proper information that is required in all Special Use Permit applications. He stated he could support this application if more definition of the Jefferson Street area were supplied. Mr. Cagnoni further clarified that he believed it was the Applicant's plan to have this area more of a vehicle display area rather than pick up and drop off.

Mr. Sanders wished to Lay Over the application to allow the applicant more time to provide necessary information.

A **MOTION** was made by Scott Sanders to **LAY OVER** the Special Use Permit for a U-Hall outdoor rental business consisting of moving trucks, pickup trucks, cargo vans, and trailers in a C-2, Limited Commercial Zoning District at 121, 127, 133 Hall Street; 1012 East Jefferson Street; 139 North 6th Street. The Motion was **SECONDED** by Craig Sockwell.

Mr. Hall asked if he could come forward for further presentation to the Board. Mr. Roszkowski stated he could not. Mr. Cagnoni wished to clarify that it was at the discretion of the Board as to whether they wished to allow the Applicant to present further. He felt the Applicant's concern at this point was that this Application would be delayed a month. Mr. Cagnoni stated that although it was not his intention to influence the Board on whether or not they allowed the Applicant to speak further, Staff wanted to be certain that the hearing be conducted as fairly as possible in representing what Staff believed to be the Applicant's plan.

Mr. Olson stated in the interest of fairness he would like to hear Mr. Hall if the Board discussion there were concerns raised that he could address briefly. In response, Mr. Roszkowski stated there are procedures and there are times for people to speak. Mr. Olson then stated he wanted it recorded in the minutes that he wanted to allow the Applicant time to speak and that the Chairman overruled him. The Applicant was allowed to represent.

Mr. Sanders **WITHDREW** his Motion.

Mr. Hall felt information was provided to Staff regarding drop off and pick up. He further stated Jefferson Street would only be for display vehicles. He stated he listed a maximum of ten vehicles although he was aware that 10 vehicles might not fit. He stated no pick up and drop off would be done at that area. Pick up and drop off would be off of Hall Street.

A **SECOND MOTION** was made by Aaron Magdziarz to **LAY OVER** the Special Use Permit for a U-Hall outdoor rental business consisting of moving trucks, pickup trucks, cargo vans, and trailers in a C-2, Limited Commercial Zoning District at 121, 127, 133 Hall Street; 1012 East Jefferson Street; 139 North 6th Street. The Motion was **SECONDED** by Craig Sockwell and **FAILED TO CARRY** by a vote of 3-3, with Dennis Olson, Alicia Neubauer and Dan Roszkowski voting Nay.

A **THIRD MOTION** was made by Alicia Neubauer to **APPROVE** the Special Use Permit for a U-Hall outdoor rental business consisting of moving trucks, pickup trucks, cargo vans, and trailers in a C-2, Limited Commercial Zoning District at 121, 127, 133 Hall Street; 1012 East Jefferson Street; 139 North 6th Street with added conditions. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. The Jefferson Street area be only used for display and green space. There will be no access for customer pick up or drop off from Jefferson.
2. The Applicant is to work with Staff and submit a landscaping and site plan for Staff review and approval.

ZBA 019-14
Findings of Fact for Approval of a Special Use Permit
For a U-Haul Outdoor Rental Business Consisting of
Moving Trucks, Pickup Trucks, Cargo Vans, and Trailers
In a C-2, Limited Commercial Zoning District at
121 Hall Street and 1012 East Jefferson 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, nor substantially diminish and 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 have been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does conform to the applicable regulations of the C-2 Zoning District in which it is located.

ZBA 019-14

Applicant
Ward 03

299 North Madison Street

City of Rockford /Todd Cagnoni, Director Community & Economic Development
Special Use Permit for murals in a C-4, Urban Mixed-Use Zoning District

The subject property is located at North Madison Street and East Jefferson and is mostly surrounded by commercial uses. Todd Cagnoni reviewed the request. He stated it was the City's intention to bring art influence into the downtown area in the forms of crosswalk art, and two murals. The auto museum on Walnut street has been previous approved by the Board for murals. The subject location is the bridge abutment for the Madison Street Bridge. A final design for the mural has not been completed but there is an exhibit was included in the staff report explaining the procedure that will be followed. The final design will be submitted to Staff / City Council for review and approval.

Mr. Sanders asked if there were provisions for maintenance or removal of the mural. Mr. Cagnoni responded there were no specific provisions at this time, but the site was chosen because of the protection from the weather. The Jefferson Street Bridge is proposed to be rebuilt in the next 10-20 years.

Staff Recommendation is for Approval with (2) conditions. No Objectors were present.

Alderman McNamara presented a letter to staff stating he is support for this project in his ward.

A **MOTION** was made by Scott Sanders to **APPROVE** the Special Use Permit for murals in a C-4, Urban Mixed-Use Zoning District at 299 North Madison Street. The Motion was **SECONDED** by Dennis Olson and **CARRIED** by a vote of 6-0.

Approval is subject to the following conditions:

1. Sign permits shall be required including an illustration of proposed paintings shall be submitted with the permit applications.
2. The mural panels may not consist of a vinyl banner material within a frame.

ZBA 019-14
Findings of Fact for Approval of a Special Use Permit
For Murals
In a C-4, Urban Mixed-Use Zoning District at
299 North Madison 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, nor substantially diminish and 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 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, in all other respects, conform to the applicable regulations of the Zoning District in which it is located.

With no further business to come before the Board, the meeting was adjourned at

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Zoning Board of Appeals