

**PLANNING & ZONING COMMISSION  
TUESDAY, SEPTEMBER 7, 2010  
MINUTES**

The Rochelle Planning and Zoning Commission met at 7:00 p.m. on September 7, 2010 in the Council Chambers of City Hall, 420 N. 6<sup>th</sup> Street, Rochelle, IL 61068.

Present on Roll Call were Board members: McNeilly, Rodriquez, Shaw-Dickey, Snyder-Chura, Colwill, Thiele, and Johns. Absent: Board member Huddleston and Chairman Prabhakar. Also present were Community Development Director Limas and City Clerk McKinney. There was a quorum.

Mrs. Snyder-Chura moved and seconded by Dr. McNeilly, **"I move the Planning and Zoning Commission appoint Joe Thiele as Chairman Pro-tem for tonight's meeting."** A roll call vote was taken. Ayes: McNeilly, Rodriquez, Shaw-Dickey, Snyder-Chura, Thiele, Colwill, and Johns. Nays: None. Motion passed 7-0.

*Minutes:* Mrs. Snyder-Chura moved and seconded by Mr. Colwill, **"I move the minutes of August 2 and August 30, 2010 Planning and Zoning Commission meeting be approved."** Motion passed by voice vote without dissent.

*Public Commentary:* None.

*Director's Report:*

- o Plans for Wal-Mart should have their permit issued this week.

*Business Items:*

1. Case PZC-8-10 Lot Coverage Variance for 1751 Knights Lane
2. Case PZC-9-10 Lot Coverage Variance for 1701 Knights Lane
3. Case PZC-10-10 Lot Coverage Variance for 1621 Knights Lane

Chairman Thiele stated that if there was no objection the Commission would handle all three Public Hearings for Lot Coverage as one since they are from the same applicant. Shaw-Dickey moved and seconded by McNeilly, **"I move the Planning and Zoning Commission recess into a Public Hearing for Case PZC-8-10, PZC-9-10, and PZC-10-10."** A roll call vote was taken. Ayes: McNeilly, Rodriquez, Shaw-Dickey, Snyder-Chura, Thiele, Colwill, and Johns. Nays: None. Motion passed 7-0. Director Limas stated: The following are the standards for granting variances as per the zoning ordinance. These conditions must be met in order for a variance to be granted. A variance should not be granted for personal gain, should be based on a unique situation of the property and not self imposed.

**Sec. 110-104. Standards for granting.**

The Planning and Zoning Commission may recommend a variance from the regulations of this chapter when supporting evidence in each specific case indicates that:

- (1) Because of the particular physical surroundings, shape or topographic conditions of the specific parcel of land involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;
- (2) The conditions upon which the petition for a variance is based are unique to the parcel of land for which the variance is sought and not applicable, generally, to other property with the same zoning classification;
- (3) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the parcel of land;

- (4) The alleged difficulty or hardship is caused by the provisions of this chapter, and has not been created by any person presently or formerly having an interest in the parcel of land;
- (5) The granting of the variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the parcel of land is located;
- (6) The proposed variance will not impair an adequate supply of light and air to adjacent property; substantially increase the congestion of the public streets; increase the danger of fire; or endanger the public safety; or substantially diminish or impair property values within the vicinity;
- (7) However, in an extraordinary situation in which the granting of a variance would benefit the city and the neighborhood in the present and foreseeable future, the applicant need only establish that the compliance is not practical as opposed to a hardship.

#### **Findings of Fact**

Upon review of the proposed variance, staff notes that the request is appropriate and the following findings are made for the proposed variance:

- 1) The proposed variance will not be detrimental to the public welfare or injurious to other land or improvements in the vicinity in which the parcel of land is located;
- 2) The proposed variance will not impair an adequate supply of light and air to adjacent property; substantially increase the congestion of the public streets; increase the danger of fire; or endanger the public safety; or substantially diminish or impair property values within the vicinity.
- 3) The proposed deck fits into the character of the neighborhood.

Those similar variances have been granted in the subdivision.

#### **Summary**

1. The applicant is requesting for 1751 Knights Lane a variance from Chapter 110, Article IV, Section 110-321 (9) which allows maximum lot coverage of 33% for a single family lot. The proposed variance would allow maximum lot coverage of 35.55 % in order to allow the construction of a deck in the rear yard of the site. The proposed deck would meet all other setback requirements for the lot. 2. The applicant is requesting for 1701 Knights Lane a variance from Chapter 110, Article IV, Section 110-321 (9) which allows maximum lot coverage of 33% for a single family lot. The proposed variance would allow maximum lot coverage of 33.8% in order to allow the construction of a deck in the rear yard of the site. The proposed deck would meet all other setback requirements for the lot. 3. The applicant is requesting for 1621 Knights Lane a variance from Chapter 110, Article IV, Section 110-321 (9) which allows maximum lot coverage of 33% for a single family lot. The proposed variance would allow maximum lot coverage of 38.78% in order to allow the construction of a deck in the rear yard of the site. The proposed deck would meet all other setback requirements for the lot.

#### **RECOMMENDATIONS**

1. Based on the noted findings of fact, staff recommends approval of the proposed variance to allow maximum lot coverage of 35.55% to allow the construction of a deck in the rear yard for property located at 1751 Knights Lane. 2. Based on the noted findings of fact, staff recommends approval of the proposed variance to allow maximum lot coverage of 33.8% to allow the construction of a deck in the rear yard for property located at 1701 Knights Lane. 3. Based on the noted findings of fact, staff recommends approval of the proposed variance to allow maximum lot coverage of 38.78% to allow the construction of a deck in the rear yard for property located at 1621 Knights Lane.

John Knabe, Applicant with Country Homes was sworn in. He stated that three car garage homes were built on the lot because that is what people are wanting. The third garage is what puts the homes over the lot coverage limit. Mr. Knabe was asked if they knew the codes before building the homes and he stated yes. Mr. Colwill stated that the decks would enhance the backyards.

Colwill moved and seconded by McNeilly, **"I move the Planning and Zoning Commission return to Open Session."** Motion passed by voice vote without dissent.

Colwill moved and seconded by Shaw-Dickey, **"I move the Planning and Zoning Commission recommends to the Rochelle City Council to approve Petition Case PZC—8-10 lot coverage variance for 1751 Knights Lane, Lot 9."** A roll call vote was taken. Ayes: McNeilly, Rodriquez, Shaw-Dickey, Thiele, and Colwill. Nays: Snyder-Chura. Motion passed 5-1.

Colwill moved and seconded by Rodriquez, **"I move the Planning and Zoning Commission recommends to the Rochelle City Council to approve Petition Case PZC-9-10 lot coverage variance for 1701 Knights Lane, Lot 10."** A roll call vote was taken. Ayes: McNeilly, Rodriquez, Shaw-Dickey, Thiele, and Colwill. Nays: Snyder-Chura. Motion passed 5-1.

Colwill moved and seconded by Thiele, **"I move the Planning and Zoning Commission recommends to the Rochelle City Council to approve Petition Case PZC—10-10 lot coverage variance for 1621 Knights Lane, Lot 13."** A roll call vote was taken. Ayes: Thiele, and Colwill. Nays: McNeilly, Rodriquez, Shaw-Dickey and Snyder-Chura. Motion failed 2-4.

#### 4. Case PZC-11-10 Pre-Manufactured Vaulted Toilet Sewage System Variance.

McNeilly moved and seconded by Shaw-Dickey, **"I move the Planning and Zoning Commission recess into a Public Hearing for Case PZC-11-10."** A roll call vote was taken. Ayes: McNeilly, Rodriquez, Shaw-Dickey, Snyder-Chura, Thiele, Colwill, and Johns. Nays: None. Motion passed 7-0. Director Limas stated the applicant is requesting a variance from Chapter 98, Article IV, Section 98-152 (a) (6) which requires a toilet facility to connect to the City sewer system. Please note that this section of the City Code is not part of the Subdivision or Zoning Ordinance but is under Chapter 98, Utilities, of the Rochelle Municipal Code. If a variance from a City Ordinance that is development related is requested, then it sent to the Planning and Zoning Commission for a public hearing, and then a recommendation is sent to the City Council. The applicant is in the process of redeveloping Cooper Park and as part of the redevelopment they are requesting permission to install a Pre-Manufactured Vaulted Toilet System that will not be connected to the City sewer system. The applicant has indicated that the reasons for making this request are due to vandalism, to keep them open all year and to lower operational cost. Staff has reviewed this proposal and is recommending denial of the request for the following reasons:

- 1) The proposed toilet facility can be connected to the City sewer system which is in the vicinity.
- 2) The City does not make such exceptions to other non-residential property in the City.
- 3) The City has told residents who have requested a septic system that they cannot use this form of sewerage treatment and containment. The City should not be giving preferential treatment to someone else.
- 4) If this facility were constructed in Ogle County and a sewer system was accessible, they would be required to connect.
- 5) Vandalism is not a reason to grant a variance.
- 6) Days of use is not a reason to grant a variance.
- 7) To lower operational cost is not a reason to grant a variance.

**RECOMMENDATION** Based on the above noted reasons, staff is recommending **denying** the variance to allow the Flagg Rochelle Community Park District to install a pre-manufactured vaulted toilet system in Cooper Park that will not connect to the City sewer system.

Noah Carmichael, representing the petitioner, was sworn in. He stated reasons why the variation is needed: level of malignance, year round use, people clog toilets. He stated that it is a unique situation. Carmichael stated that several Park Districts in the area use this system. Kathy Cooper, Superintendent of Water, Water Reclamation was sworn in. Cooper stated that sewer and water is available in the area. Some other people who have asked for a variance have been forced

to connect to the sewer. They would need to put in an ejector pump instead of gravity feed. Some commissioners wanted more information on other park districts in the area that use this system. Snyder-Chura moved and seconded by Shaw-Dickey, **"I move the Planning and Zoning Commission Continue the Public Hearing until the October meeting."** Motion passed by voice vote without dissent.

#### **5. Case PZC-12-10 Interstate Transportation Center Preliminary Plat.**

McNeilly moved and seconded by Colwill, **"I move the Planning and Zoning Commission recess into a Public Hearing."** A roll call vote was taken. Ayes: McNeilly, Rodriguez, Shaw-Dickey, Snyder-Chura, Thiele, Colwill, and Johns. Nays: None. Motion passed 7-0. Director Limas reported the applicant is proposing a preliminary plat for a seven lot subdivision located on the north side of Illinois Route 38 west of the intersection of 15<sup>th</sup> Street. The property is zoned I-2 General Industrial and is bounded by the north by the Burlington Northern Santa Fe railroad and to the west by the Centerpoint development. The applicant is proposing this subdivision in order to subdivide property for the Project E-Rail project. The applicant is requesting two variances, one for a "flag lot" and one for the requirement of a right-of-way and street to not extend the required distance in front of a lot. The proposed subdivision and uses that would eventually occupy the lots are in conformance with the City's Comprehensive Plan.

#### **Lots**

As indicated the applicant is proposing a seven lot subdivision. Lot 4 will contain the detention for the subdivision by the construction of a channel and a detention pond. The channel will reroute the existing creek that runs north and south on the property. Lot 2 will contain the proposed site for Project E-Rail. The other lots are proposed to remain vacant until sold for future development. Lot 3 is what is termed a "flag lot" which is not allowed by code. After review of items such as proposed rail access, the location of the stormwater facilities and the location of an existing sanitary sewer, staff has no problems with this variance request.

#### **Streets**

The proposed subdivision has a 100 foot right-of-way dedicated for a north-south connection to Illinois Route 38 named ITC Parkway and a 66 foot east-west right-of-way dedication for NS Drive. NS drive extends partially in front of Lot 2 which is what one of the variance requests are for since it needs to extend in farther. Staff has no problems with this request because of the layout of the subdivision. NS Drive extends to the east end of the subdivision and is stubbed out for future connection to City streets.

#### **Rail**

The proposed subdivision indicates a dedication along the Burlington Northern Santa Fe railroad to allow for rail siding which is the construction of additional rail to serve the park.

#### **Utilities**

Utilities will serve the subdivision with water and sewer being constructed along NS Drive. Upon final engineering of all utilities, appropriate easements should be shown on the final plat after review of the final engineering.

#### **RECOMMENDATION**

Staff finds the Preliminary Plat and requested variances for the Interstate Transportation Center in general conformance with the Rochelle Municipal Code and recommends **Approval** subject to:

- 1) That the Final Plat reflects any changes to easements, lot configuration and right-of-way recommended by staff during the development of final engineering of the subdivision.
- 2) That final engineering reflect any recommendations of staff upon development and review.
- 3) That a final landscape plan be submitted for approval during the Final Plat process.
- 4) That any additional right-of-way be dedicated on the final plat along Illinois Route 38 as needed.
- 5) That the location of access of ITC Parkway may be adjusted on the Final Plat upon recommendation of staff due to the continuing development of plans for the Jack Dame Road overpass and upon final approval of IDOT.
- 6) That a stormwater management and special flood hazard plan be approved according to the Rochelle Municipal Code.

Jason Anderson and Dan Peterson were sworn in to answer questions. Mr. Peterson agreed to all staff recommendations. Brush Grove Drainage District has approved the project. Shaw-Dickey moved and seconded by Colwill, **"I move the Planning and Zoning Commission return to Open Session."** Motion passed by voice vote without dissent. Snyder-Chura moved and seconded by Rodriguez, **"I move the Planning and Zoning Commission recommends to the Rochelle City Council to approve Petition Case PZC-12-10 Interstate Transportation Center Preliminary Plat contingent upon all staff recommendations."** A roll call vote was taken. Ayes: McNeilly, Rodriguez, Shaw-Dickey, Snyder-Chura, Thiele, and Colwill. Nays: None. Motion passed 6-0.

*Discussion Item:*

1. **Economic Development Update.** Jason Anderson updated the Commission on Industrial Development on West 38 to Center Road, a second lead track on the west side of town, Prologis Park (Bay Valley Food looking to expand) and extending Dement Road to Wiscold Drive.

2.

The Planning and Zoning Commission adjourned at 7:48 p.m.

*Bruce W. McKinney*

Bruce W. McKinney, CMC  
City Clerk, City of Rochelle