

PLANNING & ZONING COMMISSION
MONDAY, MAY 2, 2011
MINUTES

The Rochelle Planning and Zoning Commission met at 7:00 p.m. on May 2, 2011 in the Council Chambers of City Hall, 420 N. 6th Street, Rochelle, IL 61068.

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

The Planning and Zoning Commission opened with a "rousing" song of *Happy Birthday* to Chris Limas.

Minutes: McNeilly moved and seconded by Shaw-Dickey, "**I move the minutes of March 7, 2011 Planning and Zoning Commission meeting be approved.**" Motion passed by voice vote without dissent.

Public Commentary: None.

Director's Report:

- o Wal-Mart work continues.
- o Nippon Sharryo will be coming in for a permit soon.
- o 2010 Census has been released.

Business Items:

Case PZC-6-11 Lot Coverage Variance. In 2009, a City inspector sent Mr. Lopez a citation for parking a trailer on the grass. Mr. Lopez was informed that he needed to apply for a variance since the trailer had to be parked on a hard surface which would exceed the maximum lot coverage allowed of 33%. In February of this year, Mr. Lopez was sited again for parking the trailer in the same location which was on the side of the house. It was noted that the trailer was now parked on a concrete pad for which no building permit or variance was obtained. Also there was no access to the street from the pad which is required since you are not allowed to drive over a non-hard surfaced area. Mr. Lopez's attorney was told that he needed to apply for a variance; Mr. Lopez thus applied for the variance for which this public hearing is being held for.

The following is a summary of the requested lot coverage:

Lot Size	8733.42 sf
Maximum Lot Coverage Allowed	2882.00 sf
Lot Coverage Currently Over	268.45 sf
Requested Additional Lot Coverage	<u>454.55 sf</u>
TOTAL Lot Coverage	3605.00
Lot Coverage Percentage	41.3%

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.

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;
- 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.

RECOMMENDATION Staff finds no hardship in this case. Mr. Lopez installed the concrete pad after he had been told he needed a variance and did so without a permit. Recently the Planning and Zoning Commission recommended denial of lot coverage variances for some decks indicating that the site should be developed as per code. Having to park a trailer on your property is not a reason for a hardship as well as the expense to relocate it. Staff recommends **Denial** of the variance.

Thiele moved and seconded by Rodriquez to go into a Public Hearing. Motion passed by roll call vote with everyone voting aye. Ramon Lopez of 221 Willis Avenue was sworn in. Mr. Lopez stated that he put in a brick pad to park his trailer. He thought he did not need a permit. Mr. Lopez was told that he could either park the trailer in garage or drive way. No one else came forward to testify. Thiele moved and seconded by Huddleston to return to Open Session. Motion passed by voice vote. Rodriquez moved and seconded by Shaw-Dickey, **"I move the Planning and Zoning Commission recommends to the City Council to deny the request of Ramon Lopez, Case PZC-6-11 for Lot Coverage Variance at 221 Willis Avenue."** A roll call vote was taken. Ayes: McNeilly, Rodriquez, Shaw-Dickey, Thiele and Chairman Prabhakar. Motion passed to deny Variation 5-0.

Discussion Items:

1. **Northwestern Illinois Center For Independent Living.** Barbara Hansen from the Northwestern Illinois Center for Independent Living (NICIL) informed the commission about the organization and how they can help the greater Rochelle Area. The NICIL is an advocacy group for persons with disabilities and offers many programs for them. They also provide technical assistance on ADA matters.

2. **Zoning Map Discussion.**

Zoning Map Purpose

After the adoption of a zoning ordinance, a municipality or county is required to identify what properties under their jurisdiction are zoned. Zoning district designations are typically residential, commercial and industrial and by a properties designation of them the supporting zoning ordinance indicates what uses are allowed on the property. A zoning map also may indicate other zoning classification such institutional, open space, planned unit development (PUD) and overlay

districts. It is up to the individual municipalities to determine what different zoning classification they want. An overlay district is a district that has an underlying zoning classification but contains special provisions in that district.

The development of zoning districts should be based on the future land use plan adopted as part of the Comprehensive Plan. The Comprehensive Plan should always be used as a guide when someone asks for a rezoning (map amendment) which would change the zoning classification of a property from one to another.

Rochelle's Zoning Map

Rochelle's zoning map contains 17 zoning districts and two overlay districts. Chapter 110 of the Rochelle municipal code (Zoning Ordinance) describes what the permitted and special uses are in each district in 110-291. Special uses are uses that may or may not be appropriate on the property based on surrounding uses indicated on the zoning map. Each district also has minimum lot requirements that are found in Section 110-320.

Rochelle has seven residential districts which are:

RD – Rural Development

R-1 - Single Family, Low Density

R-2 - Single Family, Medium Density

R-3 - Single Family, High Density

R-4 - Multifamily, Low Density

R-5 – Multifamily, High Density

RO - Residential Office which is a combination residential and limited office district.

For the residential districts, the higher the number more density is allowed for development.

Multi-family zoning should be used as a buffer between single family zoning and a more intense zoning such as commercial.

Rochelle has three commercial districts which are:

B-1 – Central Business District which consists of the zoning around the downtown.

B-2 - Highway Commercial which is the City's main commercial zoning district

B-3 - Neighborhood Commercial

If you look at the zoning map commercially zoned property is along the major roads and arterials of the City which provides good access to them.

Rochelle has three industrial districts which are:

I-1 - Light Industry

I-2 – General Industry for which the majority of the industrial areas in the City are zoned.

I-3 - Heavy Industry which is a district that was developed originally for the intermodal development when it came in.

Industrial zoning districts should be placed away from residential development and be developed in a way to limit the impact on residential zoned properties.

Rochelle has three Planned Unit Development Districts (PUD) which requires a master plan be developed for development in them. They are:

PUD-I Planned Unit Development – Industrial

PUD-C Planned Unit Development – Commercial

PUD-R Planned Unit Development – Residential

Rochelle has two overlay districts which places more control over what can be developed in them and the underlying zoning district and they are:

TTO – Transportation Tourism Overlay

TOD – Technology Overlay District

Rochelle also has a newly developed A- Airport district.

Each one of these districts is defined on the zoning map by a color and/or a hatched or symbol area.

Zoning and Rezoning

When a property is annexed into the City it is zoned and when a property is already in the City and the property owner or developer wants to be allowed to have a different use than is allowed the property is rezoned. When the Planning and Zoning Commission has a request for one of these they should consider what is indicated in the Comprehensive plan, what the existing property surrounding the requests is zoned and the land use in the area.

Non-Conforming Lots and Zoning

As the City has developed through time, areas that are zoned for one use and are designed under standards that do not meet its current zoning lot requirements, they are considered non-conforming. There are areas in the City for example that are like this such as areas that are zoned R-2 but are designed to the R-3 standards. These areas in reality should be rezoned to R-3 to make them conforming. One of the goals of the commission should be to review these area of the City and rezone the properties to make them conforming.

Spot Zoning

Spot zoning is a term that describes a property that is zoned in a way that it is surrounded by other zoning districts that do not complement its zoning. For example if a property is zoned B-2 Commercial but is surrounded by residentially zoned property, this is not good zoning and land use practice and should be avoided when considering a zoning request.

The Planning and Zoning Commission adjourned at 8:25 p.m.

Bruce W. McKinney

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