

**PLANNING & ZONING COMMISSION**  
**Special Meeting**  
**Monday, September 10, 2018**  
**MINUTES**

The Rochelle Planning and Zoning Commission met at 5:30 p.m. on Monday, September 10, 2018 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, Wolter, Snyder-Chura, Carson, Thiele and Colwill. Absent: None. There was a quorum of six present. Also present were Michelle Pease, Michelle Knight, Kip Countryman and City Attorney Dominick Lanzito.

**Minutes:** Colwill moved and seconded by Wolter, **“I move the minutes of the August 6, 2018 Planning and Zoning meeting be approved.”** Motion passed by voice vote without dissent.

**Public Commentary:** None

**Commissioner Comments:** None

**Business Items:** The City of Rochelle City Council approved a development agreement and the sale of the historic downtown theater on June 13, 2016. Part of the agreement was for the purchaser of the building to use the building to manufacture liquor, a banquet hall, conduct tours, and hold events. The purchaser will manufacture liquor in the building and store the product elsewhere. The City of Rochelle passed a zoning ordinance in June of 2016 to allow this type business in the B-1 district. As part of the re-development of the property the petitioner has since purchased 4 lots behind the distillery and has designed a warehouse to bottle the product and barrel storage to age the product. The petitioner is proposing to subdivide 4 lots into one lot, request a conditional use for indoor storage in the B-1 Zoning District, a variance of setbacks for interior parkways and buffer yards for a new development in a commercial district. The petitioner has submitted a preliminary and final plat of subdivision, an engineered site plan with off street parking, storm water detention, building plans that meet the adopted building codes, and a guarantee of completion of public improvements per section 86-52 of the Municipal Code. City staff and the planning and zoning commission shall review the preliminary and final plat for conformance with the comprehensive plan, the provisions hereof, and all other applicable city ordinances. Pursuant to 65 ILCS 5/11-12-8, the planning and zoning commission shall disapprove or recommend approval of the preliminary and final plat within 90 days of the application. Per Section 86-32 of the Rochelle Municipal Code, the planning and zoning commission may recommend, and the city council may approve variations from the requirements of this chapter in specific cases, when the planning and zoning commission finds that there is compliance with the following standards: 1.) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property; 2.) because of the shape, topography, or other physical conditions of the proposed subdivision or its surroundings: a hardship or practical difficulty would be caused by strict compliance with these requirements. 3.) The conditions upon which the variation request is based are unique to the proposed subdivision and are not generally applicable to other property; 4.) The variation granted is the minimum adjustment necessary for the reasonable use of the land. B-1 Commercial District does not require a building setback which creates a direct conflict with the City Zoning Code regarding new development. The petitioner is asking for a variance of the interior parkway, buffer yard requirement, and foundation plantings to allow the proposed building to have a zero setback on the West and North end that will allow the maximum allowable space per code for barrel storage. Staff has reviewed the building and engineering plans and referenced the standards for granting a variance found in Section 110-104 and feels that because of the particular physical surroundings, shape or topographical 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. Staff feels the conditions upon which the petition for a variance is unique to the parcel of land for which the variance is sought and not applicable, generally, to other property with the same zoning classification. The proposed addition is not dangerous to public health, will not impair property values in the neighborhood, will not impede normal development of the surrounding properties, will not impair light to adjacent property, congest public streets, or increase the risk of fire. According to Section 110-291 of the District use classification list Warehousing in the B-1 Central Business is allowed with a conditional use. Barrel storage and bottling falls should be considered Warehousing. According to Division 2 Conditional Use Permits, the Planning and Zoning Commission shall hold a public hearing on the proposed conditional use. The commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, drainage, and the proposed operation for a recommendation for approval by the planning commission to the

city council. Staff feels that the petition is consistent with comprehensive plan that meets all the standards provided in the Rochelle Municipal Code, staff has reviewed the preliminary and final plat, land improvements have been proposed, easements have been dedicated, a guarantee for completion of improvements has been met, and building plans that meet the adopted codes. The proposed development is not dangerous to public health, will not impair property values in the neighborhood, will not impede normal development of the surrounding properties, will not impair light to adjacent property, congest public streets, or increase the risk of fire. Staff recommends that the planning and zoning commission recommend approval of the preliminary and final plat of subdivision, recommend a variance from interior parkway, buffer yard, and foundation planting, and recommend the conditional use for warehousing to the City Council. Motion made by Carson, seconded by Snyder-Chura, **“I move the Planning and Zoning Commission recess into a Public Hearing regarding the proposed subdivision of four lots into one lot, a conditional use for warehousing in the B-1 zoning district, and a variance of setbacks for interior parkways and buffer yards for a new development in a B-1 zoning district.”** A roll call vote was taken. Ayes: McNeilly, Carson, Thiele, Wolter, Snyder-Chura, and Colwill. Nays: none. Motion carried 6-0. Doris Kennay spoke about the location of the Rickhouse and the tours they plan to give. A presentation and handouts were given. Commissioners asked about the location of the sidewalk and the electrical poles in the alley. Graphics on the building were discussed regarding the material used, permanency and whether it would meet code for signage allowance. Citizen Ed Ritter, owner of 422 Lincoln Highway spoke regarding his concern about parking for the residents who live in the downtown apartments. Commissioners asked the Kennay’s about the quantity of truck traffic and load capacities as well as where the deliveries will occur. Commissioner McNeilly expressed her concern that the building does not fit with the downtown historical buildings. Motion made by Snyder-Chura seconded by Colwill, **“I move the planning and zoning commission return to open session.”** A roll call vote was taken. Ayes: McNeilly, Carson, Thiele, Wolter, Snyder-Chura, and Colwill. Nays: none. Motion carried 6-0.

**Findings:**

1. Is the proposed development allowed in the proposed zoning district?  
Yes: \_\_\_\_\_ No:   X   Explanation:   Only with a Conditional Use
2. Is the proposed subdivision and conditional use detrimental or dangerous to public health?  
Yes: \_\_\_\_\_ No:   X   Explanation: \_\_\_\_\_
3. Will the proposed subdivision or conditional use impair property value in the neighborhood?  
Yes:   3   No:   3   Explanation:   Lack of retail
4. Will the proposed subdivision or conditional use impede the normal development of the surrounding properties?  
Yes:   3   No:   3   Explanation:   Retail development to downtown
5. Will the proposed subdivision or conditional use:
  - (a) impair light and air to adjacent property;
  - (b) congest public streets;
  - (c) increase the risk of fire;
  - (d) substantially diminish property values within the vicinity; or
  - (e) endanger the public health?
 Yes: \_\_\_\_\_ No:   X   Explanation: \_\_\_\_\_

**Recommendation:** Based on the findings above, the Planning and Zoning Commission hereby recommends to the Rochelle City Council that the petitioner be denied a subdivision and conditional use; for the proposed Subject Property. Motion made by Wolter, seconded by McNeilly, **“I move the Planning and Zoning Commission recommend to the City Council that it DISAPPROVE the proposed subdivision of four lots into one lot, a conditional use for warehousing in the B-1 zoning district, and a variance of setbacks for interior parkways and buffer yards for a new development in a B-1 zoning district based on the report of findings.”** A roll call vote was taken. Ayes: McNeilly, Wolter and Snyder-Chura. Nays: Carson, Colwill and Thiele. The motion was lost with a tie vote of 3-3.

RFMS Inc. has petitioned the City of Rochelle to amend the current Planned Unit Development of Kings Crossing and to subdivide 2 lots to include the former San Gabriel facility into Manor Court. The purpose of subdividing the lots from 2 to 1 allows the petitioner to develop the property for a future nursing home that will include the existing facility. The City improvements and easements were provided in the original Planned Unit Development, but a minor subdivision is required along with a conditional use in a Planned Unit Development. RFMS. Inc. along with City staff developed a preliminary and final plat of subdivision, civil engineering, building plans, increased storm water detention and on-site improvements for the nursing home facility. City staff and the planning and zoning commission shall review the preliminary and final plat for conformance with the comprehensive plan, the provisions hereof, and all other applicable city ordinances. Pursuant to 65 ILCS 5/11-12-8, the planning and zoning

commission shall disapprove or recommend approval of the preliminary and final plat within 90 days of the application. Staff feels that the petition is consistent with comprehensive plan that meets all the standards provided in the Rochelle Municipal Code, staff has reviewed the preliminary and final plat, land improvements have been proposed, easements have been dedicated, a guarantee for completion of improvements has been met and this development is consistent with the current facility in Kings Crossing. The proposed development is not dangerous to public health, will not impair property values in the neighborhood, will not impede normal development of the surrounding properties, will not impair light to adjacent property, congest public streets, or increase the risk of fire. Staff recommends that the planning and zoning commission recommend approval of the preliminary and final plat of subdivision to the City Council. Motion made by Carson, seconded by McNeilly, **“I move the Planning and Zoning Commission recess into a Public Hearing regarding the proposed amendment to the current Planned Unit Development of Kings Crossing and to subdivide two lots to include the former San Gabriel facility into Manor Court.”** A roll call vote was taken. Ayes: McNeilly, Wolter, Snyder-Chura, Carson, Colwill and Thiele. Nays: none. Motion carried 6-0. Ken Phillips, general contractor with RFMS was present to explain the concept of connecting the proposed nursing home to the presently known San Gabriel building with a hallway. The intent is to allow residents to be able to pass between two buildings. Carson asked about storm water detention and the current detention pond will be enlarged. The bike path will not be affected and there will be two entrances off 20<sup>th</sup> Street. Motion made by Colwill, seconded by Snyder-Chura, **“I move the planning and zoning commission return to open session.”** Motion passed by voice vote without dissent.

**Findings:**

1. Is the proposed development allowed in the proposed zoning district?  
Yes:  No:  Explanation: \_\_\_\_\_
2. Is the proposed subdivision detrimental or dangerous to public health?  
Yes:  No:  Explanation: \_\_\_\_\_
3. Will the proposed subdivision impair property value in the neighborhood?  
Yes:  No:  Explanation: \_\_\_\_\_
4. Will the proposed subdivision impede the normal development of the surrounding properties?  
Yes:  No:  Explanation: \_\_\_\_\_
5. Will the proposed re zoning:
  - (a) impair light and air to adjacent property;
  - (b) congest public streets;
  - (c) increase the risk of fire;
  - (d) substantially diminish property values within the vicinity; or
  - (e) endanger the public health?
 Yes:  No:  Explanation: \_\_\_\_\_

**Recommendation:**

Based on the findings above, the Planning and Zoning Commission hereby recommends to the Rochelle City Council that the Petitioner be granted a subdivision for the proposed Subject Property, without conditions other than the other applicable requirements of the Rochelle Municipal Code. Motion made by Colwill, seconded by McNeilly, **“I move the Planning and Zoning Commission recommend to the City Council that it approve the proposed amendment to the current Planned Unit Development of Kings Crossing and to subdivide two lots to include the former San Gabriel facility into Manor Court based on the report of findings.”** A roll call vote was taken. Ayes: McNeilly, Wolter, Snyder-Chura, Colwill, Carson and Thiele. Nays: None. Motion passed 6-0.

**Discussion Items:** Snyder-Chura expressed her concern over being given a restricted amount of time for the meeting. She also expressed concern over not following the Roger Brooks plan for growing retail downtown by approving warehousing in the downtown district.

**Adjournment:** Motion made by Colwill, seconded by Wolter, **“I move the planning and zoning commission meeting be adjourned.”** Motion carried by voice vote. The Planning and Zoning Commission adjourned at 6:50 p.m.

Michelle Knight  
Community Development, City of Rochelle