

PLANNING & ZONING COMMISSION
Monday, October 7, 2019
MINUTES

The Rochelle Planning and Zoning Commission met at 6:00 p.m. on Monday, October 7, 2019 in the Council Chambers of City Hall, 420 N. 6th Street, Rochelle, IL 61068. Present on Roll Call were Board members: McNeilly, Carson, Snyder-Chura, Wolter, Colwill, and Thiele. Absent: Myers. There was a quorum of six present. Non-voting members present were: Chiavini and Leisher. Absent: Huddleston. Also present were Michelle Pease, Michelle Knight, Jeff Fiegenschuh, Dominic Lanzito and Mayor John Bearrows.

Minutes: Colwill moved and seconded by McNeilly, **“I move the minutes of the September 16, 2019 Special Planning and Zoning Commission meeting as presented be approved.”**
Motion passed by voice vote without dissent.

Public Commentary: None

Commissioner Comments: None

Business Items: PZC-17-19 Rochelle Real Estate, LLC, 601 Flagg Road, Petition for Variance of Signs and Sign Setbacks. Pease stated that a notice of public hearing was published in the paper and mailed to property owners. Motion made by Snyder-Chura, seconded by Wolter, **“I move the Planning and Zoning Commission open the Public Hearing regarding the proposed sign variances for HP Rochelle Real Estate, LLC located at 601 Flagg Road.”** A roll call vote was taken. Ayes: Snyder-Chura, Colwill, McNeilly, Wolter, Carson and Thiele. Nays: none. Motion carried 6-0. Motion made by Snyder-Chura, seconded by Carson, **“I move to appoint Wendell Colwill to pro tem Chairman for this meeting.”** A roll call vote was taken. Ayes: Snyder-Chura, Colwill, McNeilly, Wolter, Carson and Thiele. Nays: none. Motion carried 6-0. HP Rochelle Real Estate, LLC is asking for a variance of the sign ordinance from the allowed 25’ off the right of way to allow their ground sign 5’ off the right of way, which will be 25’ behind the existing sidewalk. (Sec. 110-675 (1) Setback. Each sign shall be set back from the public right of way a distance of at least one-half the required minimum setback building line.) They are asking for this variance because they feel they are at a disadvantage because of the additional right of way IDOT purchased based on the Kyte Creek bridge being built for the possible expansion of IL Route 251 to five lanes. HP Rochelle Real Estate, LLC are prepared to physically move the ground sign and would be fully responsible for any and all costs involved in relocating the sign if the roadway expansion occurs. HP Rochelle Real Estate, LLC feels that a variance from the sign ordinance is necessary in order to obtain the most basic gas station imaging. A variance to increase the square footage of their ground sign is also being requested to meet the requirement of Mobil’s signage. Mr. Hayden was available for questions. Snyder-Chura asked when they anticipate opening. Mr. Hayden stated he hopes to open by December. HP Rochelle Real Estate, LLC requested the following sign variances:

1. **Variance of setbacks of ground sign to 5’ off the Right of Way**
2. **Ground Sign – 25’4” x 8’x 2 ¼” (139 sq. ft) x 2 sides = 278 sq. ft. total - illuminated**
 - a. Mobil 4’- 6 3/16” internally illuminated
 - b. Benny’s 1’- 11 5/8” internally illuminated
 - c. Synergy 1’- 11 5/8” internally illuminated

- d. Regular 3' – 11 ¼" 21" LED pricer
- e. Diesel 1' – 11 5/8" 14' LED pricer
- f. Tenant Space 1' – 11 5/8" internally illuminated

3. Building Signs

Front Elevation

- a. 6' x 19' (114 sq. ft.) internally illuminated Benny's corner market sign

Side Elevation

- a. 6' x 19' (114 sq. ft.) internally illuminated Benny's corner market sign
- b. 5' x 16' (80 sq. ft.) future tenant sign – Upper West above seating area

4. Fuel Canopy Signs

- a. 23" x 82" Illuminated Mobil letters, 13.1 sq. ft. South elevation gas canopy sign
- b. 23" x 82" Illuminated Mobil letters, 13.1 sq. ft. East elevation gas canopy sign
- c. 30" x 138" Diesel Letters, 28.75 sq. ft. South elevation diesel canopy sign
- d. 30" x 138" Diesel Letters, 28.75 sq. ft. East elevation diesel canopy sign

Staff has reviewed the building plans and referenced the standards for granting a variance found in Section 110-677. The distance from the highway due to the additional right of way, the amount of signage comparable to other gas stations and their canopy signs versus what the current sign ordinance allows, and the requirements placed on the petitioner by Mobil, may result in a hardship to the owner and the conditions upon which the petition for a variance is somewhat unique to the parcel of land for which the variance is sought. 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. Staff recommends that the Planning and Zoning Commission consider recommendation of approval of the requested variances of HP Rochelle Real Estate, LLC. Motion made by Wolter, seconded by McNeilly, **"I move the Planning and Zoning Commission close the Public Hearing."** Motion passed by voice vote without dissent.

Findings:

- 1. Is the proposed variance allowed in the proposed zoning district, but only with a variance?

Yes: No: Explanation: _____

If the answer to any of the following questions is "Yes", then the Commission should recommend that the City Council deny the petition for a variance. If the answer to all of the following questions is "No", then the Commission may recommend that the City Council approve or deny the petition for a variance. Each question should state an answer and give an explanation. If the answer to all of the questions is "No", but the Commission votes to recommend denying the petition, the Commission should provide an explanation as to why.

- 2. Is the proposed variance detrimental or dangerous to public health?

Yes: No: Explanation: _____

- 3. Will the proposed variance impair property value in the neighborhood?

Yes: No: Explanation: _____

- 4. Will the proposed variance impede the normal development of the surrounding properties?

Yes: No: Explanation: _____

- 5. Will the proposed variance:

- (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 granted a Conditional Use permit for the proposed use at the Subject Property, without conditions, other than the applicable requirements of the Rochelle Municipal Code. Motion made by Wolter, seconded by Carson, **“I move the Planning and Zoning Commission recommend to the City Council that it approve the proposed sign variances for HP Rochelle Real Estate, LLC located at 601 Flagg Road, based on the report of findings.”** A roll call vote was taken. Ayes: Carson, Colwill, Snyder-Chura, McNielly, Wolter and Thiele. Nays: None. Motion passed 6-0.

PZC-18-19 City of Rochelle, Zoning for potential adult use cannabis business operations as defined in the Cannabis Regulation and Tax Act. Pease stated that a notice of public hearing was published in the paper. Motion made by Carson, seconded by Wolter, **“I move the Planning and Zoning Commission open the Public Hearing regarding the proposed Zoning for potential adult use cannabis business operations as defined in the Cannabis Regulation and Tax Act.”** A roll call vote was taken. Ayes: Carson, Thiele, Snyder-Chura, McNielly, Wolter and Colwill. Nays: None. Motion passed 6-0. The State of Illinois has made the recreational use of cannabis legal, beginning January 1, 2020. Currently within the City of Rochelle’s zoning code there is no location identified for an allowable use, or with a conditional use, for adult use cannabis businesses, as allowed by the Illinois Cannabis Regulation and Tax Act. The Planning and Zoning Commission can recommend to the City Council to allow (1) adult use cannabis craft growers (2) adult use cannabis cultivation centers (3) adult use cannabis infuser organizations and (4) adult use cannabis processing organizations within an I1 Light Industry, I2 General Industry and I3 Heavy Industry zoning district with a conditional use. Cannabis transportation will also be identified in the code. Conditions can be set forth on all of the cultivation centers and organizations that the facilities may not be located within a set amount of feet, which the Planning & Zoning Commission will recommend to City Council, of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Facilities may not be located within said amount of feet of the property line of a pre-existing property zoned or used for residential purposes. The Planning and Zoning Commission can recommend to the City Council to allow adult use cannabis dispensing organizations within a B2 Commercial Highway zoning district with a conditional use. Conditions can be set forth on dispensaries that the facilities may not be located within a set amount of feet, which the Planning & Zoning Commission will recommend to City Council, of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Facilities may not be located within said amount of feet of the property line of a pre-existing property zoned or used for residential purposes.

Staff feels that it is appropriate to locate (1) adult use cannabis craft growers (2) adult use cannabis cultivation centers (3) adult use cannabis infuser organizations and (4) adult use cannabis processing organizations in (I1, I2, and I3) as these growing facilities are similar to a greenhouse and other businesses, which are currently located in the Industrial zoned areas.

- (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: 1 No: 5

Motion made by Carson, seconded by McNeilly, **“I move the Planning and Zoning Commission recommend to the City Council that it Approve the proposed zoning to allow (1) adult use cannabis craft growers (2) adult use cannabis cultivation centers (3) adult use cannabis infuser organizations and (4) adult use cannabis processing organizations within an I1 Light Industry, I2 General Industry and I3 Heavy Industry zoning district with a conditional use and not located within 200 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Facilities may not be located within 200 feet of the property line of a pre-existing property zoned or used for residential purposes.”** A roll call vote was taken. Ayes: Carson, Colwill, Snyder-Chura, McNielly, Wolter and Thiele. Nays: None. Motion passed 6-0. Motion made by Snyder-Chura, seconded by Wolter, **“I move the Planning and Zoning Commission recommend to the City Council that it Approve the proposed zoning to allow adult use cannabis dispensing organizations within a B2 Commercial Highway zoning district with a conditional use and not located within 200 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Facilities may not be located within 200 feet of the property line of a pre-existing property zoned or used for residential purposes.”** A roll call vote was taken. Ayes: Carson, Colwill, Snyder-Chura, McNielly, Wolter and Thiele. Nays: None. Motion passed 6-0.

Discussion Items: None

Adjournment: Motion made by Carson, seconded by Snyder-Chura, **“I move to adjourn the regularly scheduled meeting of the Planning and Zoning Commission of October 7, 2019.”** Motion carried by voice vote. The Planning and Zoning Commission adjourned at 7:36 p.m.

Michelle Knight
City of Rochelle