

PLANNING & ZONING COMMISSION
Monday, July 6, 2020
MINUTES

The Rochelle Planning and Zoning Commission met at 6:00 p.m. on Monday, July 6, 2020 in the Council Chambers of City Hall, 420 N. 6th Street, Rochelle, IL 61068. Present on Roll Call were Board members: McNeilly, Carson, Myers, Wolter (via call-in), Chiavini, and Colwill. Snyder-Chura joined the meeting at 6:22 p.m. Absent: None. A quorum of seven was established. Non-voting members present were: Becker and Leisher. Also present were Michelle Pease, Michelle Knight, Geoff Starr, Dominic Lanzito, Jeff Fiegenschuh, and Mayor John Bearrows.

Motion To Appoint Chairman Of The Planning and Zoning Commission: Chiavini moved and seconded by Myers, **“I move to appoint Ryan Carson as chairman of the Planning and Zoning Commission.”** A roll call vote was taken. Ayes: McNeilly, Carson, Myers, Wolter, Colwill and Chiavini. Nays: none. Motion carried 6-0.

Introduction of New Commissioner: Russell Crull had been appointed as a new non-voting member but due to a conflict of interest may have to decline the position.

Minutes: Colwill moved and seconded by McNeilly, **“I move the minutes of the May 4, 2020 Planning and Zoning Commission meeting as presented be approved.”** A roll call vote was taken. Ayes: McNeilly, Carson, Myers, Wolter, Colwill and Chiavini. Nays: none. Motion carried 6-0.

Public Commentary: None

Commissioner Comments: None

Business Items: PZC-04-20, The Burton Foundation, petition for a special use within a Planned Unit Development for mixed use residential/retail and a variance for residential within a PUD-C. Pease stated that a notice of public hearing was published in the paper and mailed to property owners. Motion made by Chiavini, seconded by Colwill, **“I move the Planning and Zoning Commission open the Public Hearing regarding the proposed Special Use for The Burton Foundation for a Mixed Use Residential/Retail and a Variance for Residential within a Planned Unit Development – Commercial Zoning District at Parcels 25-18-377-002 and 25-18-377-003.”** A roll call vote was taken. Ayes: McNeilly, Carson, Myers, Wolter, Colwill and Chiavini. Nays: none. Motion carried 6-0. The petitioner is seeking a special use permit to construct affordable residential/retail multi use in a Planned Unit Development – Commercial Zoning District (PUD-C). In addition to the special use, the petitioner is also requesting a variance for residential units to be allowed on the first floor within a PUD-C.

The subject property is Zoned PUD-C, Planned Unit Development, Commercial, is located on the South by Coronado Drive and the East by North Point, Parcel number 25-18-377-002 and 25-18-377-003. In addition to the PUD-C location, the proposed development is located within the Rochelle Lighthouse Pointe TIF District. Within the Rochelle Lighthouse Pointe TIF District Intergovernmental Agreement between the City of Rochelle, Rochelle Township School District No.

212 and Rochelle Community Consolidated School District No. 231, Ordinance 10-3491, Section G, Residential Development, “The City shall not permit residential development within the TIF District without first obtaining the written consent of the School Districts.” Therefore, discussions with both school districts will need to take place before this project can move forward. Within a PUD-C, Planned Unit Development – Commercial, such residential or mixed-use (residential and commercial) developments require a special use. Also, the proposed development does not have an entire first floor commercial use, as required by the City Code, therefore, the developer will need a variance allowing residential on the first floor for the development as proposed. The proposed development is not consistent with the City’s Comprehensive Plan, nor is it consistent with the commercial properties surrounding the parcel designated for this project.

The petitioner is proposing to construct the following:

One 2-story residential wing

One 3-story residential wing

One 2-story building with 1st floor retail space (approx. 8,500 sq. ft.) with the 2nd floor residential.

The retail space will not take the entire first floor of the development. Staff has requested that the entire first floor consist of retail space, but that request is not satisfied by the current proposal.

Additionally, the City wants a commitment that the retail space would serve the community as a whole, and not just the residents of this property.

Tracey Manning with The Burton Foundation spoke on behalf of the proposed development. She stated that any retail or services would be available for the entire community, not just residents of the development. Commissioners asked why the proposed development did not include retail on the entire first floor. Ms. Manning stated that they felt it is too difficult to fill that much retail space and they do not want to compete with Walmart. This is designed as a 40-unit green project with amenities for the residents. Randy Bees, Architect for the proposed development was asked about the layout of the buildings and signage for the retail spaces within a residential area. Mr. Bees stated that signage is typically on the building front. The signage will abide by code.

City Manager Jeff Fiegenschuh expressed his concerns regarding granting a variance when there is no hardship as well as altering the City’s Comprehensive Plan. Mr. Fiegenschuh also expressed the City’s support of the School District. Jason Harper, Superintendent of School Districts 212 and 231 spoke of concern regarding the impact to the school districts but stated that he had not spoken to the School Boards and cannot speak as to their thoughts on the proposed development.

Tracey Manning returned to the podium to point out that other communities have rewritten affordable housing into their Comprehensive Plans after The Burton Foundation has developed in their communities. She also stated that their properties are not rent free, but affordable. Motion made by Chiavini, seconded by Myers, “**I move the Planning and Zoning Commission close the Public Hearing.**” A roll call vote was taken. Ayes: McNeilly, Carson, Myers, Snyder-Chura, Wolter, Colwill and Chiavini. Nays: none. Motion carried 7-0.

Findings: (Special Use)

1. Is the proposed use allowed in the proposed zoning district, but only with a special use permit?

Yes: X 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 use detrimental or dangerous to public health?
Yes: 1 No: 6 Explanation: _____
3. Will the proposed use impair property value in the neighborhood?
Yes: 6 No: 1 Explanation: _____
4. Will the proposed use impede the normal development of the surrounding properties?
Yes: 5 No: 2 Explanation: _____
5. Will the proposed 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: 7 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 special use permit for the proposed use at the Subject Property. Motion made by Chiavini, seconded by Myers, **"I move the Planning and Zoning Commission recommend to the City Council that it Disapprove the proposed Special Use for The Burton Foundation for Mixed Use Residential/Retail within a Planned Unit Development – Commercial located at Parcels 25-18-377-002 and 25-18-377-003, based on the report of findings."** A roll call vote was taken. Ayes: McNeilly, Carson, Myers, Snyder-Chura, Colwill and Chiavini. Nays: Wolter. Motion carried 6-1.

Findings: (Variance)

1. Is the proposed variance allowed in the proposed zoning district, but only with a variance?
Yes: 7 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: 7 Explanation: _____
3. Will the proposed variance impair property value in the neighborhood?
Yes: 2 No: 5 Explanation: _____
4. Will the proposed variance impede the normal development of the surrounding properties?
Yes: 5 No: 2 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: 7 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 Variance for the proposed use at the Subject Property. Motion made by Chiavini, seconded by Myers, **“I move the Planning and Zoning Commission recommend to the City Council that it Disapprove The Burton Foundation’s proposed Variance for Residential within a Planned Unit Development – Commercial Zoning District located at Parcels 25-18-377-002 and 25-18-377-003, based on the report of findings.”** A roll call vote was taken. Ayes: McNeilly, Carson, Myers, Snyder-Chura, Colwill and Chiavini. Nays: Wolter. Motion carried 6-1.

PZC-06-20 John and Dina Bearrows, petition for a variance of setbacks/lot coverage for a garden shed. Pease stated that a notice of public hearing was published in the paper and mailed to property owners. Motion made by Colwill, seconded by Myers, **“I move the Planning and Zoning Commission open the Public Hearing regarding the proposed Variance of Setbacks and Lot Coverage for John and Dina Bearrows for a garden shed located at 201 School Avenue.”** A roll call vote was taken. Ayes: McNeilly, Carson, Myers, Snyder-Chura, Wolter, Colwill and Chiavini. Nays: none. Motion carried 7-0. The petitioner is seeking a variance of setbacks and lot coverage in order to place a proposed 12’ x 14’ portable garden shed behind the existing single car garage for storage located at 201 School Ave, which is zoned R1. There is approximately 18’ between the existing garage and the lot line. Due to the size of the proposed shed and the setback requirements, a variance is required. Currently the petitioner is at the maximum lot coverage and is asking for a variance for an additional 168 square feet for the proposed shed. McNeilly and Colwill both commented that they drove by the property at 201 School Avenue and agreed that a variance would be justifiable. Motion made by Colwill, seconded by Snyder-Chura, **“I move the Planning and Zoning Commission close the Public Hearing.”** A roll call vote was taken. Ayes: McNeilly, Carson, Myers, Snyder-Chura, Wolter, Colwill and Chiavini. Nays: none. Motion carried 7-0.

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 variance for the proposed use at the subject property, without conditions, other than the applicable requirements of the Rochelle Municipal Code. Motion made by Chiavini, seconded by Snyder-Chura, **“I move the Planning and Zoning Commission recommend to the City Council that it approve the proposed Variance of Setbacks and Lot Coverage for John and Dina Bearrows for a garden shed located at 201 School Avenue, based on the report of findings.”** A roll call vote was taken. Ayes: McNeilly, Carson, Myers, Snyder-Chura, Wolter, Colwill and Chiavini. Nays: none. Motion carried 7-0.

Discussion Items: Pete Iosue with Teska presented the draft updates of the Landscape, Parking and Sign chapters of the code.

Adjournment: Wolter left the meeting at approximately 7:35 p.m. Motion made by Colwill, seconded by Myers, **“I move to adjourn the regularly scheduled meeting of the Planning and Zoning Commission of July 6, 2020.”** A roll call vote was taken. Ayes: McNeilly, Carson, Myers, Snyder-Chura, Colwill and Chiavini. Nays: none. Motion carried 6-0. The Planning and Zoning Commission adjourned at 7:45 p.m.

Michelle Knight
City of Rochelle