

PLANNING & ZONING COMMISSION
MONDAY, DECEMBER 2, 2013
MINUTES

The Rochelle Planning and Zoning Commission met at 7:00 p.m. December 2, 2013 in the Council Chambers of City Hall, 420 N. 6th Street, Rochelle, IL 61068.

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

Minutes: Snyder-Chura moved and seconded by Johns, **“I move minutes of the November 4, 2013 Planning and Zoning meetings be approved.”** Motion passed by voice vote without dissent.

Public Commentary: None.

Commissioner Comments: None.

Director’s Report: None.

Business Item:

Case PZC-11-13 Yoshino Japanese Restaurant Variance. Snyder-Chura moved and seconded by Johns, **“I move the Planning and Zoning Commission recess into a Public Hearing for Case PZC-11-13.”** A roll call vote was taken. Ayes: McNeilly, Shaw-Dickey Snyder-Chura, Johns, Colwill, and Chairman Thiele. Nays: None. Motion passed 6-0. On May 17, 2012 the Petitioner was issued a building permit to remodel the building for a future Japanese Restaurant. The property is located on North Seventh Street spot zoned Commercial which is surrounded by Residential properties in the R-1 Zoning District. Staff records indicate that in 1978 this property was converted from a gas station to an ice cream parlor known as Kelly's Korner. Since that time there has been 8 different Businesses registered at the property and all have been food related serving lunch and dinner. This conforms to the current B-2 Zoning District. In that time, there have not been any building permits issued to expand the foot print of the building other than remodeling the interior or exterior. The petitioner is requesting a 30 foot variance of the rear yard setback on the East side of the property and a 20 foot side yard variance of setback on the North side of the property to construct an addition to the existing building on the Northeast corner of the property. According to the site plan submitted, this addition would double in size the current foot print of the building. Under the current Zoning Code the minimum lot size in the B-2 Commercial Highway District is 15000 square feet with a 50 foot front yard setback, a 30 foot rear yard setback, and a 20 foot sideyard or corner setback. This makes this property legally nonconforming since it has a lot size of 7524 square feet which does not meet the minimum lot square footage of 15000 square feet, it has a front yard setback of 36 feet, a rear setback of zero, and a side setback of zero. In addition to the setback requirement and the minimum lot size requirement, the parking lot does not conform to the minimum requirements set forth in section 110-636 of the Rochelle Municipal Code in that the parking spaces provided do not meet 30 percent of the occupant load. Also, with a zero rear yard setback, and a zero side yard setback, there is no buffer between the commercial use and the residential use adjacent to the property.

RECOMMENDATION: Staff finds the requested variance for Mahubah Abdallah to not be a hardship in that the petitioner is requesting the variance to generate more revenue and to be open for lunch. That being said, staff finds there is no reason the current use prevents the petitioner from being open for lunch, there is nothing in the Zoning Code or the current footprint of the property which prevents the petitioner from being open for lunch and generating more revenue. But, the property is legally nonconforming which the Municipal Zoning Code addresses in Article 11 Nonconforming Lots, Structures, and Uses: Under the General Standards for a nonconforming lot or structure found in Section 110-583 (c): A nonconforming use of land or nonconforming structure or nonconforming use of a structure shall not be added to, enlarged or expanded in any manner that increases the degree on nonconformity. Under Additional Regulations, Standards and Criteria for nonconforming lots and structures found in Section 110-584 (2): Yard

requirements for nonconforming lots. Construction permitted by subsection (a) (1) of this section shall comply with all the regulations applicable in the zoning district in which the lot is located; provided, however, that the structure shall be placed on the lot so as to provide required yards, width, depth and open space that are within 75 percent of those required by the terms of this chapter. Therefore staff is recommending to not approve the petition because of the impact to allow an expansion of a nonconforming lot and structure will be harmful to the neighboring residences in that the proposed setbacks will not conform to the buffer yard requirements for a commercial business abutting a residential area, and increasing the building footprint will increase the parking requirements which cannot be provided under the current lot square footage.

Petitioner was not present to answer questions. Colwill moved and seconded by McNeilly, **“I move the planning and Zoning Commission return to Opens 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 City Council to reject Petition PZC-11-13 for a variance of Setbacks for property located at 1001 North Seventh Street because of the impact to allow an expansion of a nonconforming lot and structure will be harmful to the neighboring residences in that the proposed setbacks will not conform to the buffer yard requirements for a commercial business abutting a residential area, and increasing the building footprint will increase the parking requirements which cannot be provided under the current lot square footage. Under the General Standards for a nonconforming lot or structure found in Section 110-583 (c): A nonconforming use of land or nonconforming structure or nonconforming use of a structure shall not be added to, enlarged or expanded in any manner that increases the degree on nonconformity.”** A roll call vote was taken. Ayes: McNeilly, Shaw-Dickey Snyder-Chura, Johns, Colwill, and Chairman Thiele. Nays: None. Motion passed 6-0.

DISCUSSION ITEMS:

1. **Comprehensive Plan Workshop.** Director Pease reviewed the Schedule for 2014 meetings to discuss Comprehensive Plan. Will meet once a month. January’s meeting will discuss Chapter 5.
2. **105 Main St/300 W. 1st Avenue, Previously Quest property.** New owner and may not include Lot 1 in new petition.
3. **Semi’s in Residential areas.** Colwill showed pictures of semi-trucks parked in driveways. City will send out letters

The Planning and Zoning Commission adjourned at 7:43 p.m.

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