

PLANNING & ZONING COMMISSION
Monday, May 4, 2020
MINUTES

The Rochelle Planning and Zoning Commission met at 6:00 p.m. on Monday, May 4, 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, Snyder-Chura, Wolter, Chiavini and Colwill. Absent: None. There was a quorum of seven present. Non-voting members present were: Becker and Leisher. Absent: Huddleston. Also present were Michelle Pease, Michelle Knight, Geoff Starr, Dominic Lanzito, Jeff Fiegenschuh, Sam Tesreau and Mayor John Bearrows.

Minutes: Chiavini moved and seconded by Carson, **“I move the minutes of the March 2, 2020 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-02-20 Lighthouse Dispensing Company, LLC petition for a special use for an adult use cannabis craft grower and a variance for temporary growing containers. Pease stated that a notice of public hearing was published in the paper and mailed to property owners. Motion made by Carson, seconded by Chiavini, **“I move the Planning and Zoning Commission open the Public Hearing regarding the proposed Special Use for Lighthouse Dispensing Company, LLC for an Adult Use Cannabis Craft Growing Facility and a Variance for Temporary Growing Containers at 501 Timber Lane.”** A roll call vote was taken. Ayes: Snyder-Chura, Colwill, McNeilly, Wolter, Carson, Myers and Chiavini. Nays: none. Motion carried 7-0. The petitioner is seeking a special use permit for an adult use cannabis craft grower facility at 501 Timber Lane, zoned I-2 General Industry, along with a variance of the municipal code to allow temporary containers to be used as a grow facility until the permanent facility is constructed. Under the District Use Classification found in Section 110-291 of the Rochelle Municipal Code, for an adult use cannabis craft grower to be in an I-2 zoning district, a public hearing and a special use must be recommended by the Planning and Zoning Commission to the City Council. The requested variance is for temporary containers as a grow facility in order to meet the production timeline defined by the State, which is six months from the award of license to production. This does not allow enough time for their permanent facility to be built. The temporary grow facility being requested are three different types of containers by Flexmod Solutions to begin the grow/production cycle. The size and quantity of containers are as follows: 1 8x20; 1 8x40; and 4 12x40. Staff recommends consideration of the special use for an adult use cannabis craft grower facility as well as a variance for temporary containers to be used as a temporary grow facility at 501 Timber Lane providing the temporary growing containers be removed upon completion of the permanent structure. Temporary growing containers must be removed before a final certificate of occupancy will be issued. Mr. Tyree Crosby and Mr. Zach Addy with Lighthouse Dispensing Company were present to answer questions. Colwill asked about the surface that the temporary containers would be placed on, which will be a form of hard surface, such as gravel or asphalt. McNeilly inquired if the area where the containers will be placed is in a flood way and Tesreau responded that it is not.

Commissioners also asked whether the land has been purchased. Mr. Crosby stated that they are still in their due diligence period and it will take approximately six months to complete. Mr. Jeremy Unruh with Pharmacon joined the meeting remotely to speak on behalf of Lighthouse Dispensing Company as a craft grower and to express his companies support. Motion made by Chiavini, seconded by Carson, **“I move the Planning and Zoning Commission close the Public Hearing.”** Motion passed by voice vote without dissent.

Findings: (Special Use)

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

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 use detrimental or dangerous to public health?

Yes: No: Explanation: _____

3. Will the proposed use impair property value in the neighborhood?

Yes: No: Explanation: _____

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

Yes: No: 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: 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 special 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 Carson, seconded by Chiavini, **“I move the Planning and Zoning Commission recommend to the City Council that it approve the proposed Special Use for Lighthouse Dispensing Company, LLC for an Adult Use Cannabis Craft Growing facility located at 501 Timber Lane, based on the report of findings.”** A roll call vote was taken. Ayes: Carson, Colwill, Snyder-Chura, McNielly, Wolter, Myers and Chiavini. Nays: None. Motion passed 7-0.

Findings: (Variance)

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: 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, with the following conditions attached thereto, in addition to the requirements of the Rochelle Municipal Code: **The conditions are that the temporary growing containers must be removed before a final Certificate of Occupancy will be issued.**

Motion made by Carson, seconded by Chiavini, **“I move the Planning and Zoning Commission recommend to the City Council that it approve Lighthouse Dispensing Company, LLC’s proposed Variance for Temporary Growing Containers at 501 Timber Lane until the permanent structure has been constructed, based on the report of findings.”**

A roll call vote was taken. Ayes: Carson, Colwill, Snyder-Chura, McNielly, Wolter, Myers and Chiavini. Nays: None. Motion passed 7-0.

PZC-03-20 Kennay Farms Distilling, LLC, petition for special use permit to hold events inside the Rickhouse storage area. Pease stated that a notice of public hearing was published in the paper and mailed to property owners. Motion made by Chiavini, seconded by Wolter, **“I move the Planning and Zoning Commission open the Public Hearing regarding the proposed Special Use for Kennay Farms Distilling, LLC to hold events inside the Rickhouse storage area located at 417 N. 6th Street.”** A roll call vote was taken. Ayes: Snyder-Chura, Colwill, McNeilly, Wolter, Carson, Myers and Chiavini. Nays: none. Motion carried 7-0. The petitioner is seeking a special use permit to hold events inside the Rickhouse storage area at 417 N. 6th Street, zoned B1 Commercial Central Business. Although events are an allowable use in a B1 zoning district, the Rickhouse was constructed as a warehouse and not as an event venue. The number of exits, along with building square footage, allows for a max capacity of 722 people. The building has one men’s and one women’s ADA bathroom. The petitioner has committed to make certain concessions to meet code requirements for a place of gathering to obtain a special use permit. In order to meet the required number of bathrooms, an additional 2 men’s toilets and 3 urinals, 5 women’s toilets, 1 men’s and 1 women’s lavatory will have to be provided. This requirement will be met by bringing in portable bathroom facilities for event days only. A 6’8” wide x 8’4” deep and approximately 17’ ½” tall heat system which requires no more than a 10’ x 10’ concrete pad will be installed on the East side of the building. The petitioner intends to provide the required 110 parking spaces by shuttling to and from their facility to all available downtown parking lots. Staff recommends consideration of the special use to hold events inside the Rickhouse storage area at 417 N. 6th Street providing the following stipulations: (1) the appropriate number of bathrooms are brought in for the events with a time

restriction of 24 hours before and after an event. These portable bathrooms will not be left in place from one event to another. (2) The heating unit on the East side would be placed South of the existing stormwater inlet without obstructing the transformer or fire department connection. A site plan is required and must be approved before the project is allowed to move forward. A decorative screening, such as solid fencing, would be provided on the North side of the heating unit. (3) A permanent drainage easement shall be dedicated to the City of Rochelle, within the Northeast corner of Lot 1 of Kennay Farms Distilling LLC subdivision, approximately 15'x30', to allow connection to and drainage through an existing storm sewer at the intersection of 5th Avenue and a public alley. (4) Furthermore, a temporary construction easement shall be dedicated to the City of Rochelle, along the easterly 10 feet of Lot 1 of Kennay Farms Distilling LLC subdivision, to allow for reconstruction of the alley east of Lot 1. Doris Kennay joined the meeting remotely to answer questions. Snyder-Chura asked if the Rickhouse were rented for an event, would the renter be able to bring their own beverages and bartenders. Mrs. Kennay stated that only products from their facility would be allowed and they would provide the bartenders. Catering would be allowed. McNeilly had concerns regarding parking and Mrs. Kennay explained that a shuttle could be provided if necessary and most events would be held in the evening which would eliminate interference with downtown businesses hours of operation. McNeilly also asked about the portable bathrooms, which will be emptied off site. Snyder-Chura inquired if the Kennay's have considered the possibility of adding more bathrooms in the Rickhouse. Mrs. Kennay stated that the main purpose of the Rickhouse is for storage of product and they would not take away space for additional bathrooms. Mrs. Kennay also stated that it is intended to eventually fill the building up with product, but at this time using the space to hold events seemed like a fun way to utilize the space until it becomes occupied in a few years. Kennay's do not anticipate more than one to a half a dozen events a year. There are currently no events booked. Wolter asked about the screening of the heating system and the noise level. Mrs. Kennay explained that the system would not be ran more than a day or two prior to an event and the day of an event. It is not going to be used to heat the Rickhouse on a daily basis. Motion made by Chiavini, seconded by Carson, **"I move the Planning and Zoning Commission close the Public Hearing."** Motion passed by voice vote without dissent.

Findings:

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

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 special use permit. 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 special use permit. Each question should state an answer and give an explanation. If the answers 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: No: Explanation: _____

3. Will the proposed use impair property value in the neighborhood?

Yes: No: Explanation: _____

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

Yes: No: 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: 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 special use permit for the proposed use at the Subject Property, with the following conditions attached thereto, in addition to the requirements of the Rochelle Municipal Code: **(1) the appropriate number of bathrooms are brought in for the events with a time restriction of 24 hours before and after an event. These portable bathrooms will not be left in place from one event to another. (2) The heating unit on the East side would be placed South of the existing stormwater inlet without obstructing the transformer or fire department connection. A site plan is required and must be approved before the project is allowed to move forward. A decorative screening, such as solid fencing, would be provided on the North side of the heating unit. (3) A permanent drainage easement shall be dedicated to the City of Rochelle, within the Northeast corner of Lot 1 of Kennay Farms Distilling LLC subdivision, approximately 15’x30’, to allow connection to and drainage through an existing storm sewer at the intersection of 5th Avenue and a public alley. (4) Furthermore, a temporary construction easement shall be dedicated to the City of Rochelle, along the easterly 10 feet of Lot 1 of Kennay Farms Distilling LLC subdivision, to allow for reconstruction of the alley east of Lot 1.**

Motion made by Chiavini, seconded by Myers, **“I move the Planning and Zoning Commission recommend to the City Council that it approve the proposed Special Use to hold events inside the Rickhouse storage area located at 417 N. 6th Street, based on the report of findings.”** A roll call vote was taken. Ayes: Carson, Colwill, Snyder-Chura, Wolter, Myers and Chiavini. Nays: McNeilly. Motion passed 6-1.

PZC-05-20 Sally Sawicki and Steve Strang, petition for a variance of lot coverage. Pease stated that a notice of public hearing was published in the paper and mailed to property owners.

Motion made by Carson, seconded by Chiavini, **“I move the Planning and Zoning Commission open the Public Hearing regarding the proposed Variance of Lot Coverage for Sally Sawicki and Steve Strang to put an addition on for an ADA bathroom at 1309 Brookside Drive.”** A roll call vote was taken. Ayes: Snyder-Chura, Colwill, McNeilly, Wolter, Carson, Myers and Chiavini. Nays: none. Motion carried 7-0. The petitioner is seeking a variance of lot coverage. Currently the petitioner is at 43% coverage, which is 10% over the code allowed amount of 33%. The petitioner is requesting to take up additional lot coverage in order to put an addition on their house for an ADA bathroom. The addition will be in the front of the house under a current overhang where a cement patio already exists. The area to be added is approximately 68 square feet. Staff recommends consideration of the variance of lot coverage. Motion made by Chiavini, seconded by Snyder-Chura, **“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: 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 Carson, **“I move the Planning and Zoning Commission recommend to the City Council that it approve the proposed Variance of Lot Coverage for Sally Sawicki and Steve Strang to put an addition on for an ADA bathroom at 1309 Brookside Drive, based on the report of findings.”** A roll call vote was taken. Ayes: Carson, Colwill, Snyder-Chura, McNielly, Wolter, Myers and Chiavini. Nays: None. Motion passed 7-0.

Discussion Items: Pease announced that Snyder-Chura will be resigning from the Planning & Zoning Commission and thanked her for her years of service. Upcoming terms expiring in July are Colwill, McNeilly, Wolter and Chiavini.

Adjournment: Motion made by Chiavini, seconded by Carson, **“I move to adjourn the regularly scheduled meeting of the Planning and Zoning Commission of May 4, 2020.”** Motion carried by voice vote. The Planning and Zoning Commission adjourned at 7:07 p.m.

Michelle Knight
City of Rochelle