

PLANNING & ZONING COMMISSION
Monday, January 4, 2021
MINUTES

The Rochelle Planning and Zoning Commission met at 6:00 p.m. on Monday, January 4, 2021 in the Council Chambers of City Hall, 420 N. 6th Street, Rochelle, IL 61068. Present on Roll Call were Board members: McNeilly, Wolter, Chiavini, Carson and Snyder-Chura (via call-in). Absent: Myers and Colwill. There was a quorum of five present. Non-voting members present were: Leisher and Becker. Absent: None. Also present were Geoff Starr and Rose Hueramo, Oedae and Shadya Farraj with Rocky's Smoke Shop and Brady Haugh representing Kwik Trip via call-in.

Minutes: Wolter moved and seconded by Chiavini, **"I move the minutes of the December 7, 2020 Planning and Zoning Commission meeting as presented be approved."** A roll call vote was taken. Ayes: McNeilly, Wolter, Chiavini, Snyder-Chura and Carson. Nays: none. Motion carried 5-0.

Public Commentary: None

Commissioner Comments: Snyder-Chura thanked the Street Department for snow plowing. Carson asked about utilizing the old Caron building for seasonal sledding.

Business Items: PZC-1-21. Oedae Farraj (Rocky's Smoke Shop), special use for miscellaneous retail sales, 901 S. 7th Street. Starr stated that a notice was published in the paper and mailed to property owners. Motion made by Wolter, seconded by Chiavini, **"I move the Planning and Zoning Commission Open the Public Hearing regarding the proposed Special Use for Miscellaneous Retail Sales for Oedae Farraj (Rocky's Smoke Shop) for the property located at 901 S. 7th Street."** A roll call vote was taken. Ayes: McNeilly, Wolter, Chiavini, Snyder-Chura and Carson. Nays: none. Motion carried 5-0. The petitioner is seeking a special use permit for miscellaneous retail sales of tobacco products and accessories. These products include, but are not limited to items such as vape, CBD, loose tobacco and glass accessories, novelty items, incents, gifts and batteries. The subject property is zoned B2, Commercial Highway. Section 110-291 District Use Classification requires a special use in a B2 zoning district for miscellaneous retail. Motion made by Wolter, seconded by Snyder-Chura, **"I move the Planning and Zoning Commission close the Public Hearing."** A roll call vote was taken. Ayes: McNeilly, Wolter, Chiavini, Snyder-Chura and Carson. Nays: none. Motion carried 5-0.

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: _____ No: X Explanation: _____

3. Will the proposed use impair property value in the neighborhood?
Yes: _____ No: X Explanation: _____
4. Will the proposed use impede the normal development of the surrounding properties?
Yes: _____ No: X 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: 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 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 Chiavini, seconded by Wolter, **“I move the Planning and Zoning Commission recommend to the City Council that it approve the proposed Special Use for Miscellaneous Retail Sales for Oedae Farraj (Rocky’s Smoke Shop) for the property located at 901 S. 7th Street, based on the report of findings.”**

A roll call vote was taken. Ayes: McNeilly, Snyder-Chura, Wolter, Chiavini, and Carson. Nays: None. Motion passed 5-0.

PZC-02-21 Kwik Trip, variance of signs in order to construct an electronic message board, 1000 S. 7th Street. Starr stated that a notice 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 Variance of Signs for Kwik Trip for the property located at 1000 S. 7th Street.”** A roll call vote was taken. Ayes: McNeilly, Wolter, Chiavini, Snyder-Chura and Carson. Nays: none. Motion carried 5-0. The petitioner is requesting a variance of the ordinance in order to program an Electronic Message Board to display messages used for advertising and could be changed from the inside of the building. The size of the proposed electronic message board is 34.875” high x 60.625” wide. The subject property is zoned B-2, Commercial Highway. Per Section 110-674 Prohibited Signs (5) Any flashing sign, subject to the provisions relating to non-conforming signs. Per Section 110-661 Flashing sign means any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color by any means whatsoever. Motion made by Chiavini, seconded by Snyder-Chura, **“I move the Planning and Zoning Commission close the Public Hearing.”** A roll call vote was taken. Ayes: McNeilly, Wolter, Chiavini, Snyder-Chura and Carson. Nays: none. Motion carried 5-0.

Findings:

1. Is the proposed variance allowed in the proposed zoning district, but only with a variance?
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 variance detrimental or dangerous to public health?
Yes: No: Explanation: flashing
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 petitioner agrees to comply with the City of Rochelle's sign ordinance to be completed within six months.* Motion made by Wolter, seconded by Chiavini, **"I move the Planning and Zoning Commission recommend to the City Council that it Approve the proposed Variance of Signs for an Electronic Message Board for Kwik Trip for the property located at 1000 S. 7th Street, based on the report of findings."** A roll call vote was taken. Ayes: McNeilly, Wolter, Chiavini, and Carson. Nays: Snyder-Chura. Motion carried 4-1.

Discussion Items: None

Adjournment: Motion made by Chiavini, seconded by Wolter, **"I move to adjourn the regularly scheduled meeting of the Planning and Zoning Commission of January 4, 2021."** A roll call vote was taken. Ayes: McNeilly, Wolter, Snyder-Chura, Chiavini, and Carson. Nays: none. Motion carried 5-0.

The Planning and Zoning Commission adjourned at 6:44 p.m.

Michelle Knight & Rose Hueramo
City of Rochelle