

**PLANNING & ZONING COMMISSION
MONDAY, MARCH 7, 2016
MINUTES**

The Rochelle Planning and Zoning Commission met at 6:00 p.m. March 7, 2016 in the Council Chambers of City Hall, 420 N. 6th Street, Rochelle, IL 61068. Present on Roll Call were Board members: McNeilly, Shaw-Dickey, Snyder-Chura, Carson, Colwill, Johns, and Chairman Thiele. Absent: Huddleston. Also present were Kip Countryman, Michelle Pease, Michelle Knight, Sam Tesreau, and David Lyons. There was a quorum of seven present.

Minutes: Snyder-Chura moved and seconded by McNeilly, **“I move minutes of the January 4, 2016 Planning and Zoning meeting be approved.”** Motion passed by voice vote without dissent.

Public Commentary: None

Commissioner Comments: None

Business Items:

1. Case PZC 1-16, Special Use Permit and Variance of Setbacks for 194 N. 15th Street, Jack Pease. The applicant owns approximately 5.8 acres at the address above which is zoned I-2 General Industry. The property is developed with a former food processing operation, and is currently used for cold storage. The property fronts N 15th St. on the West side, BNSF Railroad on the North, UP Railroad on the East, and Illinois Route 38 on the South side. The petitioner is seeking a special use for outdoor storage, and a variance of setbacks.

By court order, the petitioner demolished the Eastern portion of the property leaving the North wall, and foundation. The petitioner plans on improving the existing building, using it for vehicle maintenance, utilizing the existing foundation on the East side for outside storage, leaving the North wall standing for screening, and proposing a perimeter fence on the south side. Currently, the foundation on the North and North East corner has a zero setback line which will require a variance of setbacks to remain. The petitioner has a report of findings from a structural engineer stating that the existing wall and foundation will support itself with no additional support. The property is currently zoned I-2, General Industry, and “Storage Outdoor” is a permitted use in this zoning district if a special use permit is issued.

Consideration of Factors

City Staff believes the following conditions as they relate to a special use permit to be true:

1. **Special Use Permit Required.** The proposed use of “Outdoor Storage” is a permitted use in the I-2 General Industry zoning district, but only when the City has issued a special use permit.
2. **Detrimental or Dangerous to Public Health.** The proposed use, utilizing a free-standing masonry wall, is potentially dangerous to public health because of the possibility of collapse. J. Pease, Inc. will present evidence from a structural engineer to the effect that the wall is structurally sound. The City has not had its engineer review the structural report and cannot comment on its validity.
3. **Impairment of Property Values in the Neighborhood.** The Property has been blight for the surrounding neighborhood for several years. The City has had to take the extreme step of seeking an order for demolition in order to get J. Pease, Inc., to make any improvements to the Property. Another concern is that this special use would be permitted despite the required setbacks and buffer yards typically required between I-2 General Industry zoning districts and Residential zoning districts. On the other hand, the proposed use is the kind that is typical of I-2 General Industry zoning district.

4. Impediment to Normal Development of Surrounding Property. The Proposed Use is not likely to be an impediment to normal development of the surrounding property in itself. However, the existence of a single masonry wall with no supporting walls may cause others concern about developing adjacent properties.
5. Proposed Use: Impairs Light and Air to Adjacent Property; Congests Public Streets; Increases the Risk of Fire; Substantially Diminishes Property Values within the Vicinity; or Endangers Public Health. The Proposed Use will not impair light and air to adjacent property. It may cause an increase in truck traffic, though no more so than the current appropriate use of the west portion of the building. As stated above, the existence of a partial structure may affect property values in the vicinity. Also, the existence of a free-standing masonry wall may endanger the public health due to the potential for collapse.

Additionally, Staff has some concerns that the City of Rochelle filed and received an order of demolition with the Ogle County Court due to the fact that the East portion of the building was in disrepair, and the owner failed to comply with previous orders of repair. Allowing the owner to leave the foundation and North wall would be detrimental to staff receiving the order of demolition.

Staff feels that if the property is sold in the future, allowing the existing wall would require the future purchaser to file a petition for a variance of setbacks.

Recommendations

- A. City Staff recommends against recommending that a Special Use Permit for the use of “Outdoor Storage” be issued to J. Pease, Inc., based upon consideration of the factors above.
- B. If the Planning and Zoning Commission is inclined to recommend granting the Special Use Permit, City Staff recommends the following conditions be attached to the Special Use Permit:
 - 1) Perimeter screening for the outdoor storage area that meets the requirements found in Section 110-347 of the Rochelle Municipal Code. Such storage shall be effectively screened from adjacent public streets by a solid fence, compact hedge or similar opaque landscaped element. Such screening shall be placed along property lines or, in the case of screening, along a street, at least 15 feet from the street right of way or adjacent property line. A louvered fence shall be considered solid if it blocks direct vision.
 - 2) The Special Use of Outdoor Storage be limited to a use that is accessory to the primary use of the property, maintenance of vehicles, and specifically not include storage of anything that is not accessory to that use, including the storage of used vehicle parts.

Motion made by Snyder-Chura and seconded by McNeilly, **“I move the planning and zoning commission recess into a public hearing for the proposed Special Use permit for the use of storage outdoor and a variance of setbacks at 194 N. 15th Street, Case PZC 1-16.”** A roll call vote was taken. Ayes: McNeilly, Shaw Dickey, Snyder-Chura, Carson, Colwill, Johns, and Chairman Thiele. Nays: none. Jack Pease spoke on his behalf and explained his intent of the use of the building and the possibility to acquire a tenant. He will have a truck shop with one mechanic working and use the currently paved area to store truck and trailers for his business. He stated that the existing concrete wall he would like to leave standing as it provides a sound barrier for current residents as well as provides a visual blockage to make the property more aesthetically appealing. A structural engineer has inspected the wall for structural security and it is safe to stand alone as is. Pease stated that his intent on leaving the wall standing is to be a good neighbor and is not an issue of money. The trucks that will be parked there are licensed and insured operating vehicles and will be parked on the unseen side of the wall. The building is approximately 80,000 sq. ft. and Pease would use a 10,000 sq. ft. area for his truck shop. The rest could remain cold storage, as well as acquire a tenant. He intends to paint, do masonry and roof repair on the remaining part of the building.

Countryman stated there is no water or sewer to the property and not enough electric for the proposed use of a truck shop. Tesreau spoke to inform the commission members and property owner that the City has a plan of a

new overpass, road widening, and a pedestrian path that would require a small land acquisition from the owner. Tesreau requested that if the commission decides to recommend approval of the proposed use to include this necessary easement for the City to the conditions of the special use. Motion made by Colwill and seconded by Snyder-Chura, "**I move the planning and zoning commission return to open session.**" Motion passed by voice vote without dissent.

Report of Findings:

1. Is the proposed use allowed in the proposed zoning district, but only with a special use permit?
Yes: X No: : Explanation: Only with a special use permit.
2. Is the proposed use detrimental or dangerous to public health?
Yes: No: X : Explanation: The wall was inspected by a structural engineer and deemed to be safe.
3. Will the proposed use impair property value in the neighborhood?
Yes: No: X
4. Will the proposed use impede the normal development of the surrounding properties?
Yes: No: X
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

Recommendation: Based on the findings above, the Planning and Zoning Commission hereby recommends to the Rochelle City Council that: 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. *Perimeter screening as indicated above.*
2. *Special use limitations as indicated above*
3. *Site development plan approval by City*
4. *Building permit approval by City*

Motion made by Colwill and seconded by Johns, "**I move the planning and zoning commission recommends to the city Council to Approve the Special Use Permit for storage outside and the variance of setbacks for the property at 194 N. 15th Street based on the report of findings, Case PZC 1-16.**" A roll call vote was taken. Ayes: McNeilly, Shaw Dickey, Snyder-Chura, Carson, Colwill, Johns, and Chairman Thiele. Nays: none. Motion passed 7-0.

Discussion Items:

1. **Light from Mighty Vine.** Nic Helderman from Mighty Vine explained how the lights and the curtains operate and the reasoning for them at the greenhouse.
2. **Color palette for the City.** Snyder-Chura stated that this discussion item could be put on hold as the branding could have an impact on this.

Adjournment: Motion made by Johns, seconded by Carson "**I move the planning and zoning commission meeting be adjourned**". The Planning and Zoning Commission adjourned at 7:22 p.m.

Michelle Knight
Administrative Assistant, City of Rochelle