

**CITY OF ROCHELLE
PLANNING & ZONING COMMISSION
REPORT OF FINDINGS**

Case No.: 03-16
Applicant: Living Water Community Church
Address: 405 N Main St., Rochelle, Illinois 61068

Narrative:

The applicant plans on leasing the property addressed 405 N Main, which is zoned B-1 Commercial Central Business. The property was originally developed as part of the Rochelle News leader, recently was a book store, and is currently vacant. The property fronts N Main St in Rochelle in the Downtown Business District. The petitioner is seeking a special use for a place of worship, a Variance of the Municipal Code for off street parking, ADA compliant bathrooms, and life safety issues contained within the building in its current condition.

The original use of the building, (printer publishing) is allowed in the B-1 Zoning District. Under the District Use Classification found in Section 110-291 of the Rochelle Municipal Code, but a place of worship requires a public hearing, and a special use recommended by the Planning and Zoning Commission to City Council.

Under Section 110-622 off street parking required: all new uses of main buildings or structures which are enlarged or increased in capacity, shall be provided with off street automobile parking facilities within an open area properly located and improved in accordance with the requirements of sections 110-623 through 110-635.

Under Section 110-623 the off street parking regulations set forth in section 110-622, this section and sections 110-624 through 110-635, may be exempted by the planning and zoning commission for new buildings or structures, or any existing principal building or structure which is enlarged or increased in capacity when located south of fifth avenue, and east of the alley between North Main St and North Third Street.

Under the existing Building Code Adopted by the City of Rochelle Chapter 2 defines a change of occupancy as a change in the purpose or level of activity within a building that involves a change in application requirements of this code. The proposed use of the building classification is changing from Business Group B store front to Assembly Group A-3 places of worship. Keep in mind that these requirements are the minimum code requirements set forth in the Existing Building Code, and below is a list of requirements found in the International Existing Building Code that shall be met, or a variance of the Municipal Code issued.

After a duly noticed public hearing, the City of Rochelle Planning & Zoning Commission will consider all the relevant evidence presented at said hearing on May 3, 2016.

Staff recommends consideration from the planning and zoning commission in regards to the increased parking requirements that are needed for this special use, and the loading and unloading requirements for ADA compliance.

Before a special use can be granted, the 11 requirements for life safety must be met since the use is changing from business to assembly, which categorizes the building into a level 3 for existing buildings, compared to a level 1 or 2 for existing buildings with the same group or use.

- 1.) The ceiling and walls that are covered in paneling be removed and a fire stop installed meeting the one hour fire rating for ceilings, and any openings to the adjacent building be separated with a one hour fire rating.
- 2.) The means of egress requirements shall be met with emergency battery backup lighting, battery backup exit lighting.
- 3.) The accessibility requirements shall be met by providing bathrooms that meet the Illinois plumbing code, and the Americans with Disabilities Act, loading and unloading requirements, and stalls provided for wheel chairs.
- 4.) The electrical service and any other requirements set forth in the NFPA 70 be met in regards to the kitchen, bathrooms, lighting, and outlets.
- 5.) The mechanical requirements for the kitchen, bathrooms, heating, cooling, and ventilation is met.

Staff recommends plans submitted for review, a building permit issued for the scope of work, and a certificate of occupancy be issued before the building is occupied.

Staff is reminding the owner that if the property is sold, the special use granted will be void.

Staff recommends

Staff feels that since the petitioner is requesting a variance of code in regards to the life safety requirements set forth in the attached memo, that the Planning and Zoning Commission should recommend by a vote of 6-0 that the Petitioner be denied a special use permit for the use of "Church" for the portion of the Property, the legal description of which is attached.

Findings:

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

Yes: No:

Explanation: Only with a Special Use Permit

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: Because granting a special use permit would be based on addressing the life safety issues

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

Yes: No:

Explanation: Because the special use could prevent development focused on the branding project, particularly alcohol based concepts within proximity of a place or worship. This use would contradict a plan already in place for the downtown.

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

Yes: No:

Explanation: Because the special use could prevent development focused on the branding project, particularly alcohol based concepts within proximity of a place or worship. This use would contradict a plan already in place for the downtown.

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: It is already developed so it will not affect those issues.

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, without conditions other than the other applicable requirements of the Rochelle Municipal Code.

_____ 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:

 X That the Petitioner be denied a special use permit for the proposed use at the Subject Property. If this is based on any reason other than a “Yes” response above, the Planning and Zoning Commission explains as follows:

Passed by the Planning & Zoning Commission: _____

Vote:

Ayes: 3 **Nays:** 2 **Abstain:**

CHAIRMAN

The criteria below is based on the existing building code and is referenced as part of the review of the building and listed above with 5 bullet points requested from staff in regards to bringing the building use or group up to code.

Chapter 4 of the existing Building Code under Section 406 change of occupancy shall comply with the provisions of Chapter 9.

Under Chapter 9

- 1.) Section 901.3 Change of occupancy classification. Where the occupancy classification of a building changes, the provisions of Sections 902 through 912 shall apply. This includes a change of occupancy from one group to a different group.
- 2.) Section 903 Building Elements and materials. Building elements and materials in portions of buildings undergoing a change in occupancy shall comply with Section 912.
- 3.) Section 904 Fire Protection. Fire protection requirements of section 912 shall apply.
- 4.) Section 905 Means of Egress. Means of egress portions of the building shall comply with section 912.
- 5.) Section 906 Accessibility. Accessibility shall comply with section 912.8.
- 6.) Section 908 Electrical. 908.1 Special occupancies. Where the occupancy of an existing building or part of an existing building is changed to one of the following special occupancies as described in NFPA 70(The National Electric Code), the electrical wiring and equipment of the building or portion thereof that contains the proposed occupancy shall comply with the applicable requirements

of NFPA 70 whether or not a change of occupancy group is involved: 8.) Places of Assembly.

- 7.) Section 908.3 Service upgrade. Where the occupancy of an existing building or part of an existing building is changed, electrical service shall be upgraded to meet the requirements of NFPA 70 for the new occupancy.
- 8.) Section 909 Mechanical. Where the occupancy of an existing building or part of an existing building is changed such that the new occupancy is subject to different kitchen exhaust requirements or to increased mechanical ventilation requirements in accordance with the International Mechanical Code, the new occupancy shall comply with the intent of the respective International Code provisions.
- 9.) Section 910 Plumbing. 910.1 Increased demand. Where the occupancy of an existing building or part of an existing building is changed such that the new occupancy is subject to increased or different plumbing requirements or to increase water supply requirements in accordance with the Illinois Plumbing Code, the new occupancy shall comply with the intent of the respective Illinois Plumbing Code. Under Section 890 Table B of the Illinois Plumbing Code, the minimum number of plumbing fixtures required for places of worship:
 - 1.) Males 1 water closet per 1 to 250 people, one urinal, and 1 lavatory per 125 people.
 - 2.) Women, 2 water closets per 250 people, and 1 lavatory per 125 people. One service sink provided, and one drinking fountain.
- 10.) The bathrooms will meet the requirements set forth in the American with Disabilities Act section 400.310 and 400.320 for the design of the rest rooms, wheel chair seating, off street parking, and unloading.
- 11.) Section 911 Light and Ventilation. Light and ventilation shall comply with the requirements of the International Building Code for the new occupancy.

Section 912.1.1 Compliance with Chapter 8 Level 3 alteration. The requirements of Chapter 8 shall be applicable throughout the building for the new occupancy classification based on the separation conditions set forth in Section 912.1.1 and 912.1.1.2. Fire and interior finish. The provisions of section 912.2 and 912.3 for fire protection and interior finishes shall apply