

PLANNING & ZONING COMMISSION
Tuesday, May 3, 2016
MINUTES

The Rochelle Planning and Zoning Commission met at 6:00 p.m. May 3, 2016 in the Council Chambers of City Hall, 420 N. 6th Street, Rochelle, IL 61068. Present on Roll Call were Board members: Shaw-Dickey, Snyder-Chura, Colwill, Johns, and Chairman Thiele. Absent: McNeilly, Carson, and Huddleston. Also present were Kip Countryman, Michelle Pease, Michelle Knight, and David Lyons. There was a quorum of five present.

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

Public Commentary: None

Commissioner Comments: Snyder-Chura thanked the building department for taking care of the property at S. 9th Street.

Business Items: Case PZC 3-16, Special Use Permit and Variance of Municipal Code for Living Water Community Church, 405 N. Main Street, Joe Meadows. Motion made by Colwill and seconded by Snyder-Chura, **“I move the planning and zoning commission recess into a public hearing for the proposed Special Use permit for Living Water Community Church, 405 N. Main Street, Case PZC 3-16.”** A roll call vote was taken. Ayes: Shaw Dickey, Snyder-Chura, Colwill, Johns, and Chairman Thiele. Nays: none. The applicant plans on leasing the property addressed 405 N. Main St., 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 Street 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.

Staff recommended 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 13 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. The following is a summary of required improvements:

- 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 feels that since the petitioner is requesting a variance of code in regards to the life safety requirements that the Planning and Zoning Commission should recommend by a vote of 5-0 that the Petitioner be denied a special use permit for the use of "Church" for the portion of the Property.

Snyder-Chura read the following statement by Commissioner McNeilly in her absence: *"I am opposed to this change to a church site unless all of what Kip has suggested is completed. I further share this observation: All of our more modern churches in the community have their own parking areas associated with the church – We ought to be consistent in requiring all assembly-use facilities to have their own parking."*

Petitioner Joe Meadows spoke of his intention for the use of the building. He stated it would be temporary, approximately 1-2 years. There would be about 60 people attending every other Sunday from 10:00am – 12:00pm. He asked for a variance on the ADA compliant bathrooms however that is a federal regulation and the Planning and Zoning Commission are not authorized to grant a variance for that.

Motion made by Snyder-Chura and seconded by Shaw-Dickey, "**I move the planning and zoning commission return to open session.**" Motion passed by voice vote without dissent. Discussion was had in regards to how a place of worship in the downtown would affect the proposed branding with a future plaza. The time line of the branding was compared to the amount of time the petitioner is asking for use of the building as a place of worship. Both of these timelines are unable to be known at this time.

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: 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: X No: Explanation: Because the special use could prevent development focused on the branding project, particularly alcohol based concepts within proximity of a place of 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: X No: Explanation: Because the special use could prevent development focused on the branding project, particularly alcohol based concepts within proximity of a place of 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 the Petitioner be denied a special use permit for the proposed use at 405 N. Main St.

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

Motion made by Snyder-Chura and seconded by Shaw-Dickey, **“I move the planning and zoning commission accept the report of findings and recommend to the City Council to Disapprove the Special Use Permit for Living Water Community Church for the property at 405 N. Main Street based on the report of findings, Case PZC 3-16.”** A roll call vote was taken. Ayes: Shaw Dickey, Snyder-Chura, and Chairman Thiele. Nays: Colwill and Johns. Motion passed 3-2.

Discussion Items:

1. Comprehensive Plan. Pease discussed that her goal is to have the comprehensive plan to the Planning and Zoning Commission by the August meeting.

Countryman gave an update stating that the City has begun citing properties that the Commission has previously asked about in order to get them cleaned up. There is a proposed redevelopment of the 7th Street McDonalds and a pet grooming shop is going in where Bella’s was previously located.

Adjournment: Motion made by Colwill and seconded by Snyder-Chura, **“I move the planning and zoning commission meeting be adjourned”**. The Planning and Zoning Commission adjourned at 7:17 p.m.

Michelle Knight
Administrative Assistant, City of Rochelle