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**THE CITY OF ROCHELLE**  
**Ogle County, Illinois**

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**ORDINANCE**  
**NO. \_\_\_\_\_**

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**AN ORDINANCE GRANTING VARIATIONS RELATED TO  
DRIVEWAYS, SETBACKS, AND SIGNAGE**

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**JOHN BEARROWS, Mayor**  
**SUE MESSER, City Clerk**

**TOM McDERMOTT**  
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**KATE SHAW-DICKEY**  
**DAN McDERMOTT**  
**JOHN GRUBEN**  
**City Council**

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Published in pamphlet form by authority of the Mayor and City Council of the City of Rochelle  
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**CITY OF ROCHELLE**  
**Ogle County, Illinois**

**ORDINANCE NO. \_\_\_\_\_**  
**Date Passed: June 24, 2019**

**AN ORDINANCE GRANTING VARIATIONS RELATED TO  
DRIVEWAYS, SETBACKS, AND SIGNAGE**

**WHEREAS**, Section 7 of Article VII of the 1970 Constitution of the State of Illinois provides that a municipality that is not a home rule unit shall only have the powers granted to them by law and as such the City of Rochelle, Ogle County, Illinois being a non-home rule unit pursuant to the provisions of said Section 7 of Article VII, and may exercise only the powers expressly granted by law; and

**WHEREAS**, the Illinois General Assembly granted non-home rule municipalities broad authority to “pass all ordinances and make all rules and regulations proper or necessary, to carry into effect the powers granted to municipalities.” 65 ILCS 5/1-2-1; and

**WHEREAS**, while “non-home rule municipalities have the authority to enact ordinances, such ordinances may in no event conflict with state law or prohibit what a state statute expressly permits . . . A local ordinance may impose more rigorous or definite regulations in addition to those enacted by the state legislature so long as they do not conflict with the statute.” (*Village of Wauconda v. Hutton*, 291 Ill. App. 3d 1058, 1060 (1997)); and

**WHEREAS**, on June 3, 2019, the Planning and Zoning Commission heard testimony on Petition #PZC-\_\_\_\_ submitted by Pilot Travel Centers LLC, a Delaware limited liability company (“Petitioner”), requesting a Variations from certain driveways, setbacks and signage requirements (“Variations”); and

**WHEREAS**, Petitioner desires to construct travel stop with a convenience store, a restaurant, passenger fueling facilities, semi-truck fueling, semi-truck parking, and a tire shop located at or around 17196-17498 Lincoln Highway, Route. 38, Dement Township, Ogle County, Illinois; and

**WHEREAS**, pursuant to Section 74-33, 74-34 and 110-101 of the City Code, the Planning and Zoning Commission has the authority to review and recommend a petition for Variations related to landscaping, setbacks, and signage to the Mayor and City Council; and

**WHEREAS**, on June 3, 2019, after hearing testimony on the petition, the Appeals Board unanimously voted in favor of recommending Petition #PZC-\_\_\_\_, that a variations from the requirements of 1) Section 110-632 Design Standards for parking facilities, 2) Section 110-531 Gasoline (Motor Fuel) Stations (2) that the total height of any overhead canopy or weather protection shall not exceed 20 feet, and 3) Section 110-531.13, Gasoline (motor fuel) stations, which all outside parking spaces shall be located to the side and/or rear of the principal structure,

and 4) Section 110-675 General Standards for Signs of the Rochelle City Code to the Mayor and City Council; and

**WHEREAS**, it has been determined by the Mayor and City Council of the City of Rochelle that it is in the best interest of the City and its residents to adopt the findings and recommendations of the Planning and Zoning Commission and to approve said Variations; and

**NOW THEREFORE BE IT ORDAINED** by the Mayor and City Council of the City of Rochelle, Ogle County, Illinois, as follows:

**SECTION ONE:** The foregoing recitals shall be, and are hereby, incorporated into and made a part of this Ordinance as if fully set forth in this Section One.

**SECTION TWO.** The Variations set forth herein below shall be applicable to the following described property:

See legal description attached hereto as Exhibit A.

(Located at or around 17196-17498 Lincoln Highway, Route. 38, Dement Township, Ogle County, Illinois)

(Hereafter referred to as the “Subject Property”)

**SECTION THREE.** That the Variations at the Subject Property be granted as follows:

1.) A variance granting relief from Section 110-632, which provides that no driveway or curb cuts in any district shall exceed 20 feet in width. The variance shall allow driveway widths on the Leased Premises up to the 35-foot maximum allowed by IDOT.

2.) A variance granting relief from the requirement in Section 110-531 Gasoline (Motor Fuel) Stations (2) that the total height of any overhead canopy or weather protection shall not exceed 20 feet. The variance shall allow Developer to construct its canopies on the Leased Premises at a height not to exceed 25 feet.

3.) A variance granting relief from Section 110-531.13 (requirement that parking spaces be located to the side and/or rear of the principal structure.

4) Section 110-675 General Standards for Signs – Petitioner is granted a variation from the requirements of this section and can construct the following signs:

**(a) Hi-Rise Signs**

- a. One 9’2” x 24’ internally illuminated Pilot cabinet
- b. One 7’3” x 20’ internally illuminated PJ Fresh Marketplace cabinet
- c. One 6’5” x 21’ Sunshine LED pricer

- d. Each Hi-Rise Sign may be built with an overall height up to 80' with a total square feet of 560.7.

**(b) Street Sign**

- a. One 9'5" x 27' internally illuminated Pilot/PJ Fresh/Sunshine digital pricer goalpost sign

**(c) DEF Canopy Pricer**

- a. One 6'5" x 6'5" DEF LED Sunshine pricer to be mounted on diesel canopy of truck approach

**(d) Directional Signs**

- a. Five 5' x 3'2" internally illuminated directional signs

**(e) Building signs**

***Front Elevation***

- a. One 10'6" x 4' internally illuminated Pilot wall sign
- b. One 9'2" x 3' internally illuminated PJ Fresh Marketplace sign
- c. One 15' x 10' food graphic sign
- d. One 8'6" x 1' Welcome channel letters

***Rear Elevation***

- a. One 10' x 10' food graphic sign
- b. One 16' x 1' Welcome Drivers channel letters

**(f) Cat Scale Signs**

- a. One 5' 4½" x 20' internally illuminated Cat Scale sign
- b. One 2' X 3' internally illuminated Cat Scale sign

**SECTION FOUR:** The City Clerk shall be and is hereby authorized and directed to cause a certified copy of this Ordinance with the attached Exhibit A, to be recorded in the Office of the Ogle County Recorder.

**SECTION FIVE:** If any provision of this Ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

**SECTION SIX:** Where the conditions imposed by any provisions of this Ordinance are more restrictive than comparable provisions imposed Ordinance in any other local law, ordinance, resolution, rule or regulation, the regulations of this Ordinance will govern.

**SECTION SEVEN:** The City Clerk shall publish this Ordinance in pamphlet form.

SECTION EIGHT: This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

PASSED THIS 24<sup>th</sup> day of June, 2019.

AYES:

NAYS:

ABSENT:

APPROVED THIS 24<sup>th</sup> day of June, 2019.

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MAYOR

ATTEST:

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CITY CLERK

**EXHIBIT A**

PILOT ANNEXATION EAST LEGAL DESCRIPTION

PART OF THE SOUTHWEST QUARTER OF SECTION 16 AND PART OF THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 2 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE SOUTH 89 DEGREES 35 MINUTES 22 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 567.62 FEET; THENCE NORTH 00 DEGREES 32 MINUTES 14 SECONDS WEST, A DISTANCE OF 64.56 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF A PUBLIC ROAD DESIGNATED ILLINOIS ROUTE 38; THENCE NORTH 80 DEGREES 42 MINUTES 13 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 76.12 FEET; THENCE NORTH 86 DEGREES 49 MINUTES 33 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 926.94 FEET; THENCE SOUTH 89 DEGREES 27 MINUTES 21 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 184.17 FEET TO THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL OF LAND: THENCE NORTH 00 DEGREES 08 MINUTES 53 SECONDS WEST, A DISTANCE OF 2362.93 FEET; THENCE NORTH 45 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 209.50 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 16; THENCE SOUTH 89 DEGREES 31 MINUTES 13 SECONDS WEST ALONG SAID NORTH LINE, A DISTANCE OF 988.18 FEET; THENCE SOUTH 44 DEGREES 41 MINUTES 10 SECONDS WEST, A DISTANCE OF 44.23 FEET; THENCE SOUTH 00 DEGREES 08 MINUTES 53 SECONDS EAST, PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 2469.39 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID ILLINOIS ROUTE 38; THENCE SOUTH 87 DEGREES 41 MINUTES 08 SECONDS EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 205.18 FEET; THENCE NORTH 89 DEGREES 27 MINUTES 21 SECONDS EAST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 665.85 FEET TO THE POINT OF BEGINNING, ALL SITUATED IN THE TOWNSHIP OF DEMENT, THE COUNTY OF OGLE AND THE STATE OF ILLINOIS.

TOGETHER WITH THAT PART OF ILLINOIS ROUTE 38 LYING SOUTHERLY AND ADJOINING THE ABOVE DESCRIBED PROPERTY.

CONTAINING 2,366,540 SQUARE FEET OR 54.328 ACRES MORE OR LESS

P.I.N.: 25-16-300-003

STATE OF ILLINOIS        )  
                                      )  
COUNTY OF OGLE         )        SS.

CERTIFICATE

I, \_\_\_\_\_, City Clerk of the City of Rochelle, County of Ogle and State of Illinois, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. \_\_\_\_\_, “AN ORDINANCE GRANTING VARIATIONS RELATED TO DRIVEWAYS, SETBACKS, AND SIGNAGE” which was adopted by the Mayor and City Council of the City of Rochelle on June 24, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Rochelle this 24<sup>th</sup> day of June, 2019.

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CITY CLERK