

REVISED Rock Island Planning Commission Agenda

Council Chambers (3rd Floor), City Hall

1528 3rd Avenue

April 5, 2023

5:30 PM



1. Call to Order and Roll Call
 - Mike Creger
 - Bruce Harding
 - Reshanda Johnson
 - Ted Johnson
 - Maureen Riggs
 - Sarah Wright
 - Paula Rummels
 - Norm Moline
 - David Parker
2. Public Comment
3. Opening Items
 - A. Approval of the Written Agenda for April 5, 2023
Recommended Motion: Move to approve the written agenda for April 5, 2023
 - B. Approval of the March 1, 2023 Meeting Minutes
Recommended Motion: Move to approve the meeting minutes for March 1, 2023.
4. Old Business
 - None*
5. New Business
 - A. Case 2023-4: Review of Final Plat for RILCO Subdivision
Recommended Motion: Move to recommend the approval of the final plat with minor technical corrections and subject to the variance request.
6. Other Business
7. Adjournment
 - Recommended Motion: Move to adjourn.*

Rock Island Planning Commission Minutes

Council Chambers (3rd Floor), City Hall

1528 3rd Avenue

March 1, 2023

5:30 PM



Voting Members Present

Mike Creger
Reshanda Johnson
Maureen Riggs
Norm Moline
David Parker
Sarah Wright
Paula Rummels

Voting Members Absent

Ted Johnson
Bruce Harding

Staff Present

Tanner Osing

Guests

Call to Order and Roll Call

Chair Creger called the meeting to order at 5:30 PM and read the roll call.

Public Comment

There were no members of the public who wished to comment.

Approval of the Agenda

Commissioner Parker moved to approve the agenda for March 1, 2023. Commissioner Wright seconded the motion. The motion carried unanimously on a vote of 7 to 0.

Approval of the Previous Meeting Minutes

Commissioner Wright moved to approve the minutes for November 2, 2022. Commissioner Parker seconded the motion. The motion carried unanimously on a vote of 7 to 0.

Old Business

None

New Business

2023-01 Public Hearing: Richard Nunez of Radicle Venture, LLC – Consider a Special Use Permit for operating a micro-brewery located at 1340 31st Street in a B-1 (neighborhood business) district.

Osing presented the staff report. He noted that Radicle Effect Brewerks is an existing business that does not currently have a Special Use Permit on file, which was a possible oversight when the business went through the development process. The Special Use Permit is needed because a micro-brewery use is not permitted in a B-1 (neighborhood business) district without a restaurant element. He explained that the applicant, Richard Nunez, is planning to continue current operations. He noted that staff is recommending that the Planning Commission pass a recommendation to the City Council that the request be approved with stipulations because the proposed use will not have a negative effect on the character of the

adjacent neighborhood. Approval should be subject to the following stipulation:

1. The use shall meet all other applicable codes and ordinances.

Commissioner Moline asked what was staff's rationale for the business having less parking than the minimum requirements. Osing noted that the business currently does not meet the minimum parking standards and had been a commercial use for many years prior to the existing business, so staff view the parking as an existing nonconformity.

Commissioner Riggs asked a follow-up question on if staff looked at on-site parking when evaluating a Special Use Permit. Osing responded affirmatively and noted that it would be considered more strictly if there was a new use proposed or a new development. Commissioner Riggs asked if on-street parking could be considered towards the off-street parking requirement. Osing responded that is not specifically stipulated in the Zoning Code, but is something that is considered when staff is evaluating parking for a specific use. Commissioner Wright additionally asked if staff knew when the oversight was made. Osing responded that he is not aware of when the oversight was made.

Chair Creger asked if the Commission was reviewing any other property improvements with the Special Use Permit. Osing noted that this request is only for the Special Use Permit.

Chair Creger called for the applicant. Mr. Nunez of of Radicle Venture, LLC provided background on his business and life in Rock Island. Chair Creger asked if the business name change was possibly the reason behind why staff could not find record of the Special Use Permit. Osing noted that the records are traditionally tied to the property address, and not the business name, so this would likely not be the case.

Chair Creger closed the public hearing and entertained a motion.

Recommendation for Case 2023-01

Commissioner Wright moved to recommend approval of the Special Use Permit with stipulations for operating a micro-brewery use at 1340 31st Street. Commissioner Rummels seconded the motion.

Commissioner Moline commented that he appreciates the staff recommendation of a Special Use Permit rather than a rezoning.

Chair Creger called for a vote. The motion carried unanimously on a vote of 7 to 0.

2023-02 Public Hearing: The City of Rock Island proposes amendments to the Zoning Ordinance that provide a definition for a Retail Tobacco Business and regulate the location of businesses that sale tobacco products, electronic cigarettes, and alternative nicotine products.

Osing presented the staff report that covered a timeline of events and the proposed amendments to the zoning code. He noted that City Council passed a moratorium for all new businesses operating as "vape shops," and directed staff to develop updated ordinance language and regulations on nicotine products. He stated that staff is proposing a new definition for a *Retail Tobacco Business*. He also noted that staff is proposing that all businesses that sell tobacco products, electronic cigarettes and alternative nicotine products be limited to B-2, B-3, and B-4 zoning districts, and the businesses that meet the definition of a Retail Tobacco Business be prohibited within 100' of residentially zoned parcels. Osing stated that staff is recommending that the Planning Commission pass a recommendation that the City Council approve the

proposed amendments to the Zoning Code. He also presented a parcel map of where Retail Tobacco Business could locate based on the proposed amendments.

Creger called for members of the public that wished to speak.

Hammad Grewel addressed the Commission. He stated that he is the property owner at 3009 18th Avenue, and has space leased by Essentials. He said he received concern from the business owners on how the zoning amendments would affect their business, and also wondered if tobacco licenses for existing businesses would be affected if they are considered nonconforming uses.

Osing explained that the amendments would mainly affect new businesses and that nonconforming business uses could continue.

Hammad Grewel asked if the City wants to prohibit certain types of businesses, and asked if the City is trying to move away from vape shops. He also noted he thinks there are better ways to improve the look of certain businesses if that is a concern. He added that he has already improved his property, and noted that he wants to bring tax revenue back to the City. He stated that a better approach may be to work with existing property owners to clean up the image of certain stores. He also asked why the property at 3002 18th Avenue was identified as being properly zoned for Retail Tobacco Business when it is close to residential properties.

Osing stated that the property is buffered by other business zoning districts and falls outside the proposed 100 foot separation requirement. He also noted that some residential properties could be zoned for business.

Chair Creger provided comments that some businesses on 18th Avenue have flashing lights that are on the inside of the building and are not regulated by the zoning code. He also stated that vaping has become more prevalent, but the zoning amendments will address new businesses on a case-by-case basis. Osing added that there is the option for Special Use Permits and variance requests for locations that would not meet the location requirements under the proposed amendments.

Michael V. of Moline, Illinois addressed the Commission. He stated his support of existing businesses that sell vape products.

Connor R., a manager at Essentials at 3009 18th Avenue, discussed how the business maintains a professional image. He also noted that vapes are a good alternative to tobacco products.

Chair Creger closed the public hearing and called for a motion.

Recommendation for Case 2023-02

Commissioner Riggs made a motion to recommend approval of the amendments to the Zoning Code. Commissioner Wright seconded the motion. The motion carried unanimously on a vote of 7 to 0.

Public Hearing 2023-03: The City of Rock Island requests a rezoning from R-1 (one unit residential) district to C-2 (nature conservation) district for 17 parcels near the City's Southwest Area that are proposed to be annexed into the City's jurisdiction.

Osing presented the staff report for the rezoning. He noted that the properties proposed to be rezoned are part of a larger property purchase from the Riverstone Group. He stated that 17 parcels are currently outside the City's jurisdiction and are planned to be annexed into the City. The parcels will come into the City zoned R-1 (one unit residential) district as a matter of policy, but staff is proposing to rezone the parcels to C-2. Osing explained that the parcels proposed to be rezoned are predominantly covered by wetland area, although, the Comprehensive Plan identifies six (6) of the parcels as "Community Business." He stated that because of the wetland conditions staff view the C-2 (nature conservation) district as the most responsible zoning classification. Osing also noted that Commissioner Moline had information regarding FEMA's Community Rating System (CRS), and how the rezoning may benefit the rating.

Commissioner Moline explained the process of the Community Rating System. He added that the zoning of more conservation area is beneficial for the rating, and will ultimately help save households money on insurance.

Commissioner Wright asked if the Riverstone Group did any significant mining of the land. Osing responded that he was not aware of any significant mining, but the Phase 1 Environmental Site Assessment did not show any major issues or environmental contamination.

Commissioner Moline stated that bald eagles are prevalent in the area, specifically, in adjacent property that is associated with the Milan Bottoms. Commissioner Wright noted some potential environmental benefits of the rezoning. Osing added that staff is still considering potential conservation opportunities for land.

Chair Creger closed the public hearing and called for a motion.

Recommendation for Case 2023-03

Commissioner Moline moved to approve the rezoning request. Commissioner Wright seconded the motion. The motion carried unanimously on a vote of 7 to 0.

Other Business

Osing said that he expects there to be an April Planning Commission meeting.

Adjournment

Chair Creger asked for a motion to adjourn. Commissioner Parker made a motion to adjourn. Commissioner Wright seconded the motion. The motion carried unanimously, and the meeting adjourned.

Minutes submitted by Tanner Osing.

Memorandum

Community and Economic Development Department

To: Rock Island Planning Commission
Subject: Review of Final Plat for RILCO Subdivision
Date: April 3, 2023



The attached RILCO Final Subdivision Plat is a four lot major plat located at 80 13th Avenue (PIN 1603200002) and 1320 1st Avenue (PIN 1603200013), zoned I-1 (light industrial) district. The entire site is developed and used by RILCO, Inc. However, the owner intends to subdivide the parcel into four lots in order to sell the proposed Lot 4 and retain the parcel used for RILCO's tank farm on Lot 3. Additionally, the parcel addressed 1320 1st Street is separated by City right-of-way and includes area to the east and west of 1st Street.

Proposed Lot 1 will have an area of 34,727 square feet and Proposed Lot 2 will have an area of 47,165 square feet. Both lots are planned to continue to be used for RILCO's current operations. Proposed Lot 2 is currently combined with Proposed Lots 3 and 4. Proposed Lot 3 will have an area of 10,825 square feet. This area is currently used for RILCO's tank farm, which is planned to remain unchanged. Proposed Lot 4 will have 91,905 square feet, which the owner intends to sell. The subdivision will create a nonconformity with the existing building's side yard setback on Proposed Lot 4 due to a drive-through overhang near the southwest corner of the building that abuts the north lot line of proposed Lot 3. A variance will be needed to maintain the existing drive-through overhang since the Zoning Code requires a fifteen (15) foot side yard setback in an I-1 district (see attached photo of the overhang).

Additionally, twenty-five (25) foot building setback lines are included to east and west of 1st Street, south of 13th Avenue, and west of 2nd Street. Utility easements include 15 feet along 1st Street, 13th Avenue, and 2nd Street; 5 feet along the south lot lines of Lot 2, Lot 3, and Lot 4; and 10 feet along the lot line separating Lots 1 and 2. The subdivision is served by three (3) existing City Streets, 1st Street, 2nd Street, and 13th Avenue, with water, sewer, and stormwater utilities. No other public improvements are included with the proposed subdivision.

The City Engineer has no objections to the final plat.

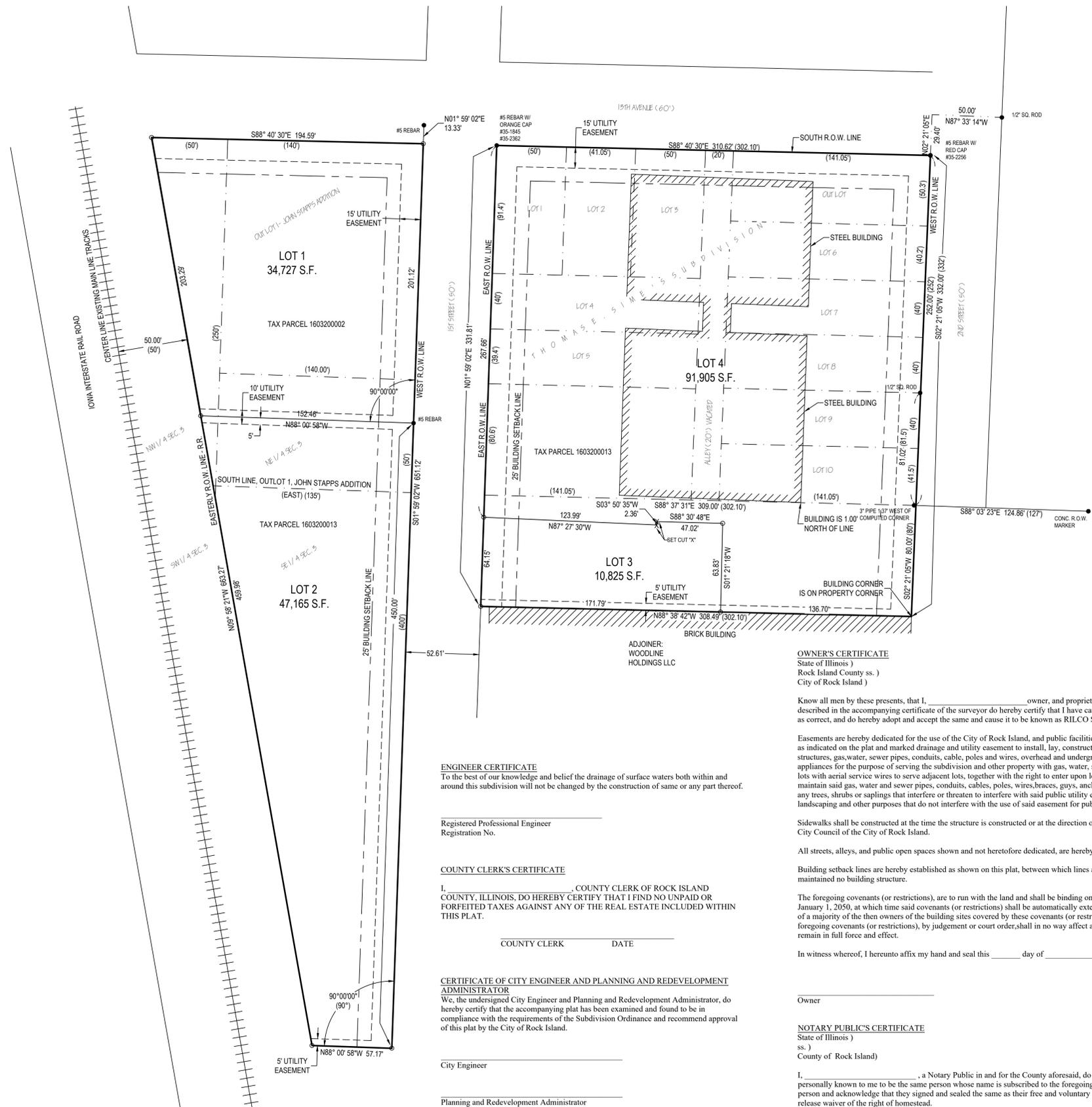
Recommendation:

The Community & Economic Development Department recommends that the Planning Commission pass a recommendation that the City Council approve the final plat with minor technical corrections and subject to the request of a side yard setback variance to maintain the drive-through overhang in the south yard of Lot 4 because it meets the standards of the Subdivision Ordinance and eliminates the irregularity of having a parcel separated by City right-of-way.

Submitted by: Tanner Osing, Planning & Zoning Manager

FINAL PLAT RILCO SUBDIVISION

BEING A REPLAT OF PART OF OUTLOT 1 OF JOHN STAPPS ADDITION, LOTS 1 THROUGH 10 AND OUT LOT OF THOMAS E. SIME'S SUBDIVISION AND PART OF SECTION 3, TOWNSHIP 17 NORTH, RANGE 2 WEST OF THE 4TH P.M., ROCK ISLAND COUNTY, CITY OF ROCK ISLAND, ILLINOIS.



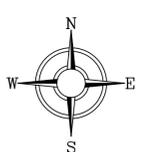
- NOTES:**
- MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
 - ALL PUBLIC UTILITIES SHALL BE LOCATED WITHIN EASEMENTS OR PUBLIC RIGHT-OF-WAY.
 - COMPARE THE DESCRIPTION OF THIS PLAT WITH THE DEED, ABSTRACT OR CERTIFICATE OF TITLE; ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND AT ONCE REPORT ANY DIFFERENCE.
 - THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S SIGNATURE AND SEAL.
 - NO DEVELOPMENT IS PROPOSED WITH THIS SUBDIVISION.
 - BLANKET EASEMENTS GRANTED FOR SEWER, WATER, GAS, ELECTRIC, TELEPHONE, AND CABLE T.V. SERVICES TO INDIVIDUAL STRUCTURES WITHIN THE LOT WHERE THE STRUCTURE IS LOCATED.
 - THE SUBJECT PROPERTY IS ZONED I-1, INDUSTRIAL DISTRICT.
 - THIS SUBDIVISION IS LOCATED WITHIN THE FEMA DETERMINED ZONE "X" (AREA WITH REDUCED FLOOD RISK DUE TO LEVEE) AS SHOWN ON FLOOD INSURANCE RATE MAPS #17161C0305F, EFFECTIVE DATE APRIL 5, 2010.

LOT AREA TABLE

LOT 1 = 34,727 S.F.
LOT 2 = 47,165 S.F.
LOT 3 = 10,825 S.F.
LOT 4 = 91,905 S.F.
LOT 5 = 14,129 S.F.

LEGEND:

- DEED DIMENSION = (0.00')
- FIELD DIMENSION = 0.00'
- MONUMENTS FOUND: AS NOTED = ●
- MONUMENTS SET: #5 REBAR W/ RED CAP #35-2256 = ○
- BOUNDARY LINE = ————
- FENCE LINE = - - - - -
- EASEMENT LINE = - · - · -
- SETBACK LINE = - · - · -
- PARCEL LINE = - · - · -



GRAPHIC SCALE

40 0 20 40

(IN FEET)

1" = 40' (24x36)

THE MEASURED BEARINGS SHOWN HEREON ARE BASED ON THE US STATE PLANE COORDINATE SYSTEM, ILLINOIS WEST ZONE.

OWNER'S CERTIFICATE
State of Illinois)
Rock Island County ss.)
City of Rock Island)

Know all men by these presents, that I, _____ owner, and proprietor of the land shown on the accompanying plat and described in the accompanying certificate of the surveyor do hereby certify that I have caused said survey to be made and acknowledge the said plat as correct, and do hereby adopt and accept the same and cause it to be known as RILCO SUBDIVISION.

Easements are hereby dedicated for the use of the City of Rock Island, and public facilities franchise to do business within the City of Rock Island, as indicated on the plat and marked drainage and utility easement to install, lay, construct, renew, operate and maintain drainage ways, drainage structures, gas, water, sewer pipes, conduits, cables, poles and wires, overhead and underground, with all necessary braces, guys, anchors and other appliances for the purpose of serving the subdivision and other property with gas, water, sewer, electric and telephone service and to overhang all lots with aerial service wires to serve adjacent lots, together with the right to enter upon lots at all times to install, lay, construct, renew, operate and maintain said gas, water and sewer pipes, conduits, cables, poles, wires, braces, guys, anchors and other appliances, and to trim and keep trimmed any trees, shrubs or saplings that interfere or threaten to interfere with said public utility equipment, but same may be used for gardens, shrubs, landscaping and other purposes that do not interfere with the use of said easement for public utility purposes.

Sidewalks shall be constructed at the time the structure is constructed or at the direction of the Board of Local Improvements recommended to the City Council of the City of Rock Island.

All streets, alleys, and public open spaces shown and not heretofore dedicated, are hereby dedicated to the public.

Building setback lines are hereby established as shown on this plat, between which lines and the property lines of the streets there shall be erected or maintained no building structure.

The foregoing covenants (or restrictions), are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2050, at which time said covenants (or restrictions) shall be automatically extended for successive periods of ten (10) years unless by vote of a majority of the then owners of the building sites covered by these covenants (or restrictions), in whole or in part. Invalidation of any one of the foregoing covenants (or restrictions), by judgment or court order, shall in no way affect any of the other covenants (or restrictions), which shall remain in full force and effect.

In witness whereof, I hereunto affix my hand and seal this _____ day of _____, A.D. 2023.

Owner

NOTARY PUBLIC'S CERTIFICATE
State of Illinois)
ss.)
County of Rock Island)

I, _____ a Notary Public in and for the County aforesaid, do hereby certify that _____ is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and that they appear before me this day in person and acknowledge that they signed and sealed the same as their free and voluntary act for the uses and purposes therein set forth, including the release waiver of the right of homestead.

Given under my hand and Notarial Seal this _____ day of _____, 2023, A.D.

Notary Public

SURVEYOR'S CERTIFICATE
State of Illinois)
ss.)
Rock Island County)

I, Jerry D. Rogers, an Illinois Registered Land Surveyor, hereby certify that the annexed plat is a true and correct representation of a survey made by me or under my direction according to the surveying laws of the State of Illinois and the Subdivision Ordinance, of the following described property to wit:

TRACT 1
PART OF OUTLOT 1 OF JOHN STAPPS ADDITION AND PART OF SECTION 3, TOWNSHIP 17 NORTH, RANGE 2 WEST OF THE 4TH P.M., ROCK ISLAND COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF IOWA INTERSTATE RAILROAD AND THE SOUTH RIGHT OF WAY LINE OF 13TH AVENUE; THENCE SOUTH 88° 40' 30" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 194.59 FEET TO THE WEST RIGHT OF WAY LINE OF 1ST STREET; THENCE SOUTH 01° 59' 02" WEST ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 651.10 FEET; THENCE NORTH 88° 00' 58" WEST, A DISTANCE OF 57.17 FEET TO THE EASTERLY RIGHT OF WAY LINE OF IOWA INTERSTATE RAILROAD; THENCE NORTH 09° 58' 21" WEST ALONG SAID EASTERLY RIGHT OF WAY, A DISTANCE OF 663.27 FEET TO THE POINT OF BEGINNING, CONTAINING 1.880 ACRES OR 81,892 SQUARE FEET, MORE OR LESS AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

TRACT 2
LOTS 1 THROUGH 10 AND OUT LOT OF THOMAS E. SIME'S SUBDIVISION AND PART OF SECTION 3, TOWNSHIP 17 NORTH, RANGE 2 WEST OF THE 4TH P.M., ROCK ISLAND COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF THOMAS E. SIME'S SUBDIVISION; THENCE SOUTH 88° 40' 30" EAST ALONG THE SOUTH LINE OF 13TH AVENUE, A DISTANCE OF 310.62 FEET TO THE WEST RIGHT OF WAY LINE OF 2ND STREET; THENCE SOUTH 02° 21' 05" WEST ALONG SAID WEST LINE, A DISTANCE OF 332.00 FEET; THENCE NORTH 88° 38' 42" WEST, A DISTANCE OF 308.49 FEET TO THE EAST RIGHT OF WAY LINE OF 1ST STREET; THENCE NORTH 01° 59' 02" EAST ALONG SAID EAST LINE, A DISTANCE OF 331.81 FEET TO THE POINT OF BEGINNING, CONTAINING 2.358 ACRES, OR 102,731 SQUARE FEET, MORE OR LESS AND SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

Monuments as shown on the plat are set or will be set within 30 days after the completion of the required improvements and their acceptance by the City, and such monuments are or will be sufficient to enable the survey to be retraced and will occupy the positions shown thereon.

The property covered by this plat of subdivision is located within a Zone "X" as identified by the Federal Emergency Management Agency.

I HEREBY CERTIFY THAT THIS SURVEY DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT IT CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

JERRY D. ROGERS DATE: _____
ILLINOIS PROF. L.S. NO. 35-2256
PAGES COVERED BY THIS SEAL: 1
MY LICENCE EXPIRATION DATE: NOV. 30, 2024

DATE: 2-16-2023

563 386.4236 office 386.4231 fax
2224 East 12th Street, Davenport, IA 52803

DRAWN BY: KLC
CHECKED BY: JDR
CHECKED BY: S:\RILCO

NO.	REVISIONS: DESCRIPTION	DATE

PROJECT
FINAL PLAT
RILCO SUBDIVISION
ROCK ISLAND, ILLINOIS

OWNER
RILCO, c/o DREW LAWRENCE
1320 1ST STREET
ROCK ISLAND, ILLINOIS

SHEET NO.
1 OF 1



Figure 1: Drive-through overhang needing side yard setback variance on Proposed Lot 4.