

Rock Island Planning Commission Agenda

Council Chambers (3rd Floor), City Hall

1528 3rd Avenue

September 6, 2023

5:30 PM



1. Call to Order and Roll Call
 - Mike Creger
 - Bruce Harding
 - Reshanda Johnson
 - Ted Johnson
 - Maureen Riggs
 - Sarah Wright
 - Norm Moline
 - David Parker
2. Public Comment
3. Opening Items
 - A. Approval of the Written Agenda for September 6, 2023
Recommended Motion: Move to approve the written agenda for September 6, 2023
 - B. Approval of the August 2, 2023 Meeting Minutes
Recommended Motion: Move to approve the meeting minutes for August 2, 2023.
4. Old Business
 - None*
5. New Business
 - A. 2023-08 Public Hearing: Eugene Gaylord – Consider a Special Use Permit to operate an auto repair business in the driveway on the property at 812 44th Street in an R-2 (one-to-two unit residential) district.
Recommended Motion: Move to recommend the denial of the Special Use Permit.
 - B. 2023-09 Public Hearing: Juan Salinas – Consider a Special Use Permit to operate a tire repair business from the property at 2626 7th Avenue in a B-1 (neighborhood business) district.
Recommended Motion: Move to recommend the approval of the Special Use Permit with stipulations
6. Other Business
 - A. Discussion on the consolidation of Planning Commission and Board of Zoning Appeals
7. Adjournment
 - Recommended Motion: Move to adjourn.*

Memorandum
Community and Economic Development Department

To: Rock Island Planning Commission
Subject: Special Use Permit for 812 44th Street
Date: September 1, 2023



Requested Action:

Eugene Gaylord has filed an application for a Special Use Permit (SUP) to continue operating an automobile repair business from a single family residence at 812 44th Street, zoned R-2 (one- and two-unit residential) district.

Legal Description of the property:

Lot 3 Block E Edgewood Park Addition in that part of the City of Rock Island situated in the County of Rock Island, State of Illinois, also known as 812 44th Street.

History & Nature of the Use:

Staff became aware of the automobile repair business from a complaint and subsequently cited the property owner for a use violation after investigation. At a Municipal Court hearing on August 7th, the Hearing Officer found that the property was being used in violation of the Zoning Code. Mr. Gaylord, desiring to continue the business, applied for a Special Use Permit (SUP) after consulting with the Hearing Officer and staff.

The subject property has long been a single family use with a two-story house and detached garage, and is surrounded by other residential properties zoned R-2. The Comprehensive Plan identifies "single family residential" for the site. Additionally, the Zoning Code does not allow automobile repair businesses (major or minor) in any residential districts. Minor automobile repair is allowed in business zoning districts with the exception of B-1, but must be authorized by the Board of Zoning Appeals if located in B-2 and B-3 districts. Major automobile repair is only allowed in B-4 districts. As such, rezoning to a business zoning district would not be appropriate for the property which is located in a residential neighborhood.

The applicant proposes to operate an automobile repair business that will involve general repair and tune-up service for passenger vehicles. Staff have also observed engines and other vehicles parts outside before, which indicate that major repair work has been previously done. The proposed hours and days of operation are from 9:00 a.m. to 5:00 p.m., Monday through Saturday, with the only employee being the property owner. The business is also planned to operate year round. The applicant proposes to have a maximum of two (2) vehicles being worked on at a time in the driveway south of the house. However, staff have noticed up to four (4) vehicles during previous inspections. Additional storage of tools and parts is proposed to be provided underneath a tent in the driveway as well. Mr. Gaylord has expressed a desire to place a gate at the end of the driveway to enclose the business space. He also notes that he tries to help out people with lesser means who cannot afford to use a regular repair garage.

Parking:

The Zoning Code requires three (3) off-street parking spaces for each automobile repair bay. A total of six (6) parking spaces would technically be required for the business if a maximum of two (2) vehicles will be actively worked on at a given time. The current layout of the property does not lend itself to meet this requirement as stacked parking would be necessary.

Signs: No signs are proposed for the business.

Standards for Approval & Analysis:

The Zoning Ordinance states that a Special Use Permit should only be recommended for approval if it meets all of the standards identified in Article 9, Section 7. The following table includes the standards for approval with the corresponding staff analysis and conclusion on if the standard is met.

Standards for Approval	Staff Analysis	Meets Standard (Yes/No)
A. That the granting of a Special Use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.	Staff believe the automobile repair business will be detrimental to the residential character of the neighborhood by producing noise, fumes, and odors that will be noticeable beyond the property line. There are concerns regarding use compatibility, public health, and site access as described in the following analysis.	No
B. That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, not substantially diminish and impair property values within the neighborhood.	The properties in the immediate vicinity are all residential properties zoned R-2. The R-2 zoning district is intended to provide for low to medium density housing opportunities with other low impact residential uses and some home occupations considered appropriate. Staff believe that the proposed business is not consistent with this description, especially considering the outdoor operations. The use of the property as a single family house will maintain property values.	No

<p>C. That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.</p>	<p>The Comprehensive Plan identifies “single family residential” for the site and surrounding properties. That use category includes residential and public uses as well as some small neighborhood businesses. Automobile repair is generally not considered a neighborhood business use as it has greater external impacts. Staff believe the outdoor operations of the proposed use will continue to have a negative visual impact on the neighborhood and will likely cause additional noise and odors from the repair work even if properly screened</p>	<p>No</p>
<p>D. That adequate utilities, access roads, drainage and/or other necessary facilities have been or are being provided.</p>	<p>Staff believe that business activity is likely to leak out to 44th Street given that access is provided via a one car driveway. There is also no on-street parking available in front of the house, which could lead to vehicles awaiting repair to be parked elsewhere in the neighborhood. Additionally, requirements in the plumbing code regarding drainage will not apply to the proposed use since the operations will take place outdoors. There are concerns that this will lead to contaminated runoff that would cause issues to the sewer and storm drain systems.</p>	<p>No</p>
<p>E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.</p>	<p>Staff believe the one car driveway is inadequate for the proposed use because it will cause a stacked parking scenario with vehicles having to back out onto 44th Street. This could lead to traffic issues and parking demand that the neighborhood would otherwise not experience.</p>	<p>No</p>
<p>F. Restrictions for the use should be consistent with the district in which the use would normally be located except as may be modified by the City Council.</p>	<p>Staff is recommending denial of the request. However, if the Planning Commission decides to recommend approval of the SUP, a draft ordinance that includes stipulations recommended by staff is provided.</p>	<p>n/a</p>

<p>G. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by City Council.</p>	<p>The special use proposal will be required to comply with all other applicable City Ordinances if approved.</p>	<p>n/a</p>
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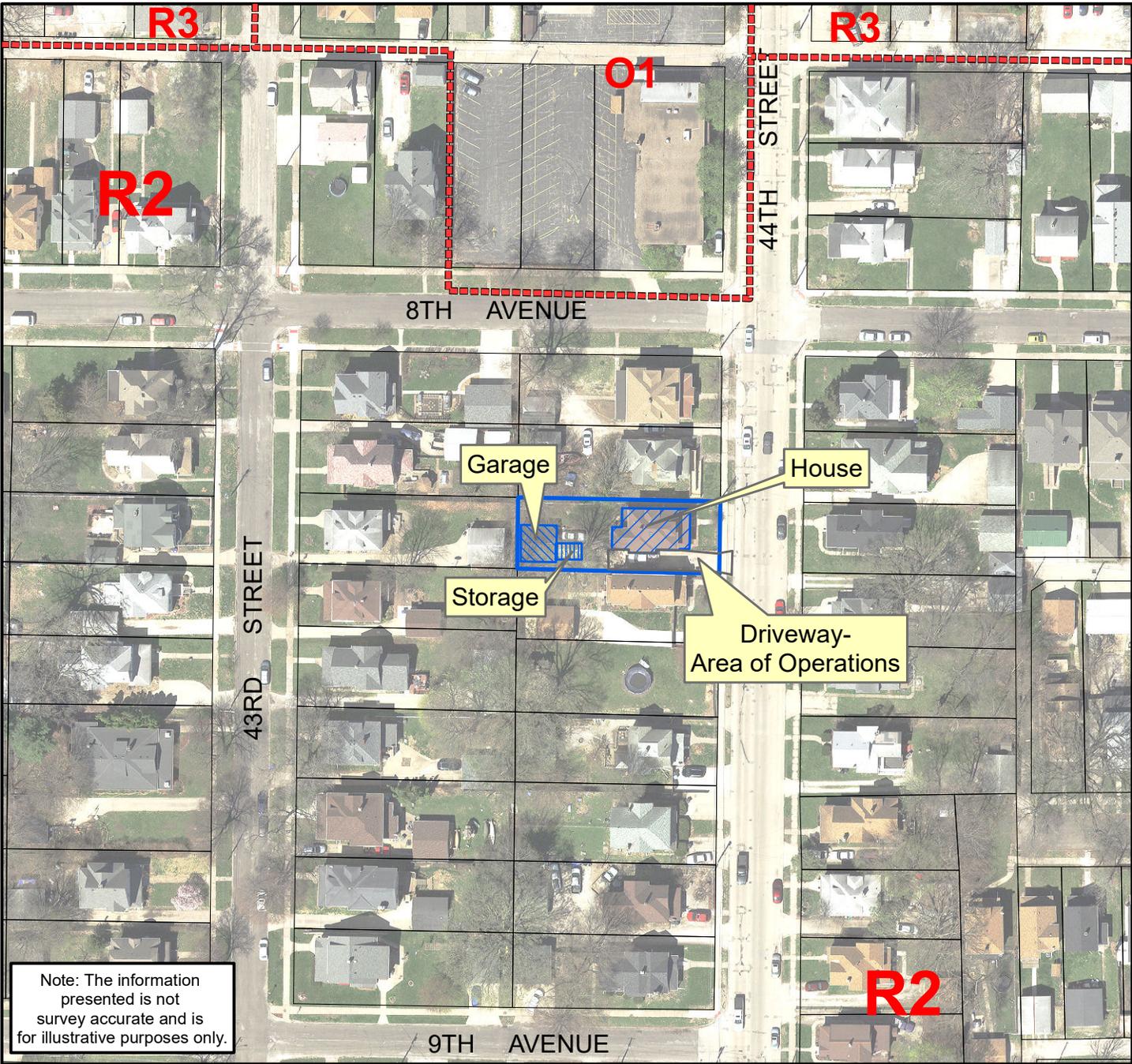
Based on the staff analysis, the SUP request does not meet the standards for approval. The subject property has long been a single family dwelling and is in the middle of residential neighborhood. Because of this, staff further believe that no unusual circumstances prevail that would necessitate approval of the request. The property being used a single family dwelling will provide the owner a reasonable return and also maintain compatibility with the surrounding properties.

Recommendation:

The Community and Economic Development Department recommends that the Planning Commission pass a recommendation to the City Council that the request for the Special Use Permit be denied since it does not meet the standards for approval.

Submitted by: Eunice Amissah-Mensah, Urban Planner
Tanner Osing, Planning & Zoning Manager

SPECIAL USE PROPOSAL



Note: The information presented is not survey accurate and is for illustrative purposes only.

SPECIAL USE PROPOSAL 2023-8 Aerial

Legend

-  Subject Property
-  Parcels
-  Zoning District



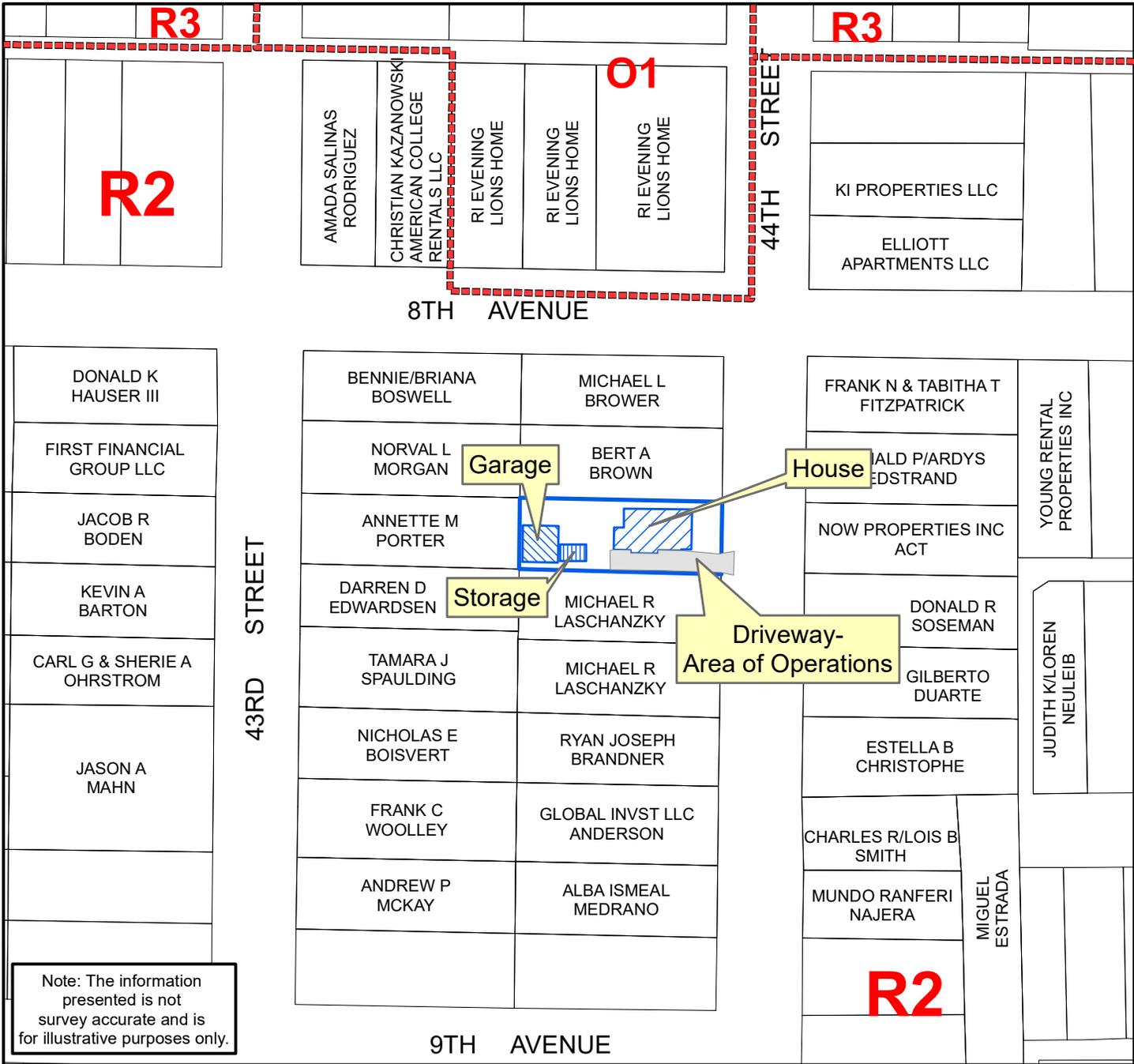
0 20 40 80 120 160 Feet

City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment



SPECIAL USE PROPOSAL



Note: The information presented is not survey accurate and is for illustrative purposes only.

SPECIAL USE PROPOSAL

2023-8

Legend

- Subject Property
- Parcels
- Zoning District



0 20 40 80 120 160 Feet



City of Rock Island

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning and Redevelopment



ROCK ISLAND ILLINOIS



Figure 1: Photo of the repair business in the driveway looking west.



Figure 2: Photo of repair business in driveway looking east.



Figure 3: Another photo of the business with fluid runoff observed.

**A SPECIAL ORDINANCE GRANTING A SPECIAL USE PERMIT
IN THE CITY OF ROCK ISLAND, ILLINOIS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCK ISLAND,
ILLINOIS:

Section One: This ordinance grants and serves as a special use permit to Eugene Gaylord to allow the operation of an outdoor automobile repair business on the property known as 812 44th Street, PIN 0831328012. The property is located in an R-2 (one- and two-unit residential) zoning district. The property is legally described as:

Lot 3 in Block E of the Edgewood Park Addition in that part of the City of Rock Island situated in the County of Rock Island, State of Illinois, also known as 812 44th Street

Section Two: The property has a two-story dwelling with a detached garage. The use granted by the Special Use Permit shall only apply to the existing driveway south of the dwelling and shall exclude any other building space including but not limited to the dwelling on the property.

Section Three: This permit is subject to the following additional stipulations:

1. The business shall be allowed to operate from 10:00 a.m. to 2:00 p.m. on three (3) days of the week.
2. A maximum of one (1) resident employee shall be allowed.
3. A maximum of two (2) vehicles undergoing or awaiting repair work shall be allowed on the property.
4. No signs shall be allowed for business.
5. All vehicle parts, repair equipment, and tools shall be stored within an enclosed, permanent structure that shall correspond with the occupancy classification "Storage Group S-1" as identified in the building code.
6. A minimum of two (2) parking spaces for the residents of the dwelling shall be maintained.
7. Prior to the business commencing operations, a six (6) foot solid fence shall be installed on the north, south, and west sides of the property. A six (6) foot solid privacy gate shall also be installed going from the southeast building line in a straight line across the existing driveway and connecting to the south property line.
8. Prior to the business commencing operations, bufferyards consistent with type C as identified in the Zoning Ordinance shall be provided along all property lines adjoining residentially zoned property. The six (6) foot privacy fence shall satisfy part of this requirement. A site plan shall be submitted to the Planning & Zoning Division prior to work beginning to ensure conformance.
9. The use shall meet all other applicable codes and ordinances.

Section Four: All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as they do so conflict.

Section Five: This ordinance shall be in full force and effect after its passage and approval, as required by law.

Mayor of the City of Rock Island

Passed: _____

Approved: _____

Attest: _____
City Clerk

DRAFT

Memorandum

Community and Economic Development Department

To: Planning Commission and Board of Zoning Appeals

Subject: Commission Consolidation

Date: July 28, 2023



The City of Rock Island has had a Planning Commission (PC) and Board of Zoning Appeals (BZA) for many years. Both bodies exercise authority over zoning and land development proposals in the City. The PC is responsible for holding public hearings and making recommendations to the City Council on rezoning & special use permit requests, text amendments to the Zoning Ordinance, subdivision plats, and updates to the City's Comprehensive Plan along with other planning documents. Similarly, the BZA holds public hearings but makes final decisions on variance requests from the Zoning & Sign Ordinance, temporary uses, and special exceptions for all properties unless they are business zoned parcels over 20,000 square feet. Overall, both bodies primarily deal with issues stemming from the City's Zoning & Sign Ordinances but have different practice areas without a clear reason for divide.

As many will remember, a consolidated commission was previously proposed by consultant, Ancel Glink, in 2017. This proposal involved other updates to the duties and authority of the commission in addition to consolidation. Staff has spent time reflecting on this proposal and agree that changes to the duties and authority of the BZA and PC is still not appropriate. However, staff does believe there is merit to a simple consolidation and is therefore proposing to consolidate the PC and BZA into one commission called the Planning & Zoning Commission (PZC).

In short, the PZC would be a nine (9) member body that would assume the responsibilities of both bodies functioning both in an advisory and quasi-adjudicative capacity. Staff reason that there are three (3) main benefits to consolidation that are outlined as follows.

- Consolidation would offer a more efficient process for applicants needing different zoning approvals, and help staff guide them through that process. For example, an applicant seeking a rezoning and variance would only need to attend one (1) commission meeting rather than two (2) meetings before going to the City Council. Reducing the time required for applicants will encourage development as longer processes often discourage investment through added complexity and confusion, whether real or perceived. A streamlined development process will also help staff provide better customer service to each applicant by reducing the time needed to create public notices, develop reports, and coordinate meeting schedules.
- Consolidation would simplify the public hearing process to the benefit of applicants, members of the public, commissioners, and staff. One (1) public hearing rather than two (2) would not only be more efficient, but also minimize confusion regarding different aspects of a project. For example, a development that needs a rezoning may also need other setback or parking variances. It can

become difficult for the public, commissioners, and staff to discern what facts are relevant to what approval as there are often overlapping concerns and intertwined issues. With consolidation, all parties will be able to understand and evaluate a project more holistically.

- Consolidation would ensure continued knowledge building and promote greater commission activity. The BZA typically has more regular business with frequent meetings during the spring and summer months whereas the PC often meets four (4) to five (5) times a year. A consolidated commission will result in more frequent meetings thus allowing for more learning opportunities and hopefully develop a community leadership pipeline for commissioners. Additionally, the Planning & Zoning Division is fully staffed for the first time in over four (4) years and consists of three (3) full-time staff members: Planning & Zoning Manager, Urban Planner, and GIS Specialist. Staff desire to get back to more frequent and proactive planning activities given this capacity, and believe that a consolidated commission will be a dynamic group for staff to work with as a partner.

Lastly, this memo along with a draft of the establishing ordinance will be presented to both the PC and BZA. Staff hope to have a discussion with both bodies regarding the proposal and to include any feedback in a memo that will go to the City Council. Staff is also proposing that the PZC go into effect after the first of the year in 2024. This will allow ample time to make new appointments and administratively prepare for the consolidation without delaying any development projects. The ordinance is expected to go before the City Council for consideration in September.

Submitted by: Tanner Osing, Planning & Zoning Manager

**AN ORDINANCE AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES OF
THE CITY OF ROCK ISLAND, ILLINOIS TO CONSOLIDATE THE PLANNING
COMMISSION AND BOARD OF ZONING APPEALS INTO THE PLANNING &
ZONING COMMISSION**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCK ISLAND,
ILLINOIS:

Section One: The City Council has determined that it is in the best interest of the community that the Planning Commission and the Board of Zoning Appeals be combined into a single public body. This new body shall adopt all of the functions and responsibilities of the two bodies functioning both in an advisory and quasi-adjudicative fashion.

Section Two: Chapter 11 “Planning and Development” is hereby retitled “Community & Economic Development.”

Section Three: Chapter 11, Article I “Planning Commission” is hereby removed and replaced in its entirety as follows.

Article 1: Planning & Zoning Commission

Sec. 11-1. Creation of Commission:

There is created a Planning & Zoning Commission to assist the City in the development and enforcement of land use regulations and the zoning code. The Commission shall consist of nine (9) members appointed by the Mayor with the consent of the City Council. Five (5) members of the Commission shall constitute a quorum. The Commission members shall be broadly representative of the community with knowledge of land use regulations, zoning law, real estate, land development, geography, and other expertise associated with urban planning.

Sec. 11-2. Duties of Commission:

The Planning & Zoning Commission shall possess advisory powers only except in regards to their role as a code appeals board. The Commission’s duties shall include:

- A. Soliciting community input on the adoption and development of codes;
- B. Advising the Mayor and City Council on land use regulation and matters to do with urban planning;
- C. Assisting in the preparation and recommending, including any changes, to City Council a Comprehensive Plan for future development of the City.
- D. Acting as a liaison between the City, agencies, associations, and residents relative to programs and activities;
- E. Making recommendations on the development of new programs and activities including those in pursuance of the Comprehensive Plan;
- F. Monitoring and evaluating programs and activities; and

- G. Acting as a quasi-adjudicative board of appeals as provided in the zoning code, sign ordinance, and other applicable City codes.

Sec. 11-3. Officers:

The Commission shall have a Chair and a Vice chair elected by the Commission who shall each serve a term of one (1) year and shall be eligible for reelection. The Chair shall preside over meetings. In the absence of the Chair, the Vice Chair shall perform the duties of the Chair. If both are absent, a temporary Chair shall be elected by those present. A staff liaison from the Community & Economic Development Department shall serve as Secretary to the Commission and be responsible for preparing and publishing agendas and meeting minutes.

Sec. 11-4. Meetings:

The Commission shall schedule regular meetings on a monthly basis. Meetings may be cancelled for lack of business. Additional meetings may be called when needed. All meetings shall be run in accordance with the most recent edition of Robert's Rules of Order as well as all applicable local, state, and Federal codes.

Sec. 11-5. Terms of Appointment:

- A. The Commission members shall be divided into three (3) groups and initially appointed for terms of one (1), two (2), and three (3) years respectively. Thereafter, members shall be eligible to serve three (3) year terms. Members may serve two (2) consecutive terms (including the initial appointment term) before being required to take at least one (1) year off of the Commission. They may thereafter serve again.
- B. During the interval between appointments, any vacancy occurring on the Commission shall be filled by the Mayor with the consent of the City Council. Each member chosen to fill a vacancy shall hold office for the remainder of the unexpired term being occupied.
- C. A member may be removed from the Commission, with or without cause, by a two-thirds (2/3^{rds}) majority vote of the Commission. Any member who does not attend at least two-thirds (2/3^{rds}) of the meetings in any twelve (12) month period (or, if not in office for the entire period, such portion of the period that the member was in office) shall be automatically deemed to have resigned from the Commission unless waived by the affirmative two-thirds (2/3^{rds}) majority vote of the Commission.

Secs. 11-6 through 11-15 reserved.

Section Four: Appendix A, Article VIII "Board of Zoning Appeals", Section 1 "Creation, Membership and Procedure" is hereby removed and replaced entirely as follows.

Sec. 8-1: Creation and Procedure

The Planning & Zoning Commission established in Chapter 11, Article 1 of the City Municipal Code shall act as a code appeals board and shall be responsible for any matters upon which it is required to do by this Article. The chair of the

commission, or in their absence, the vice chair or temporary chair, may administer oaths and compel attendance of witnesses. The Commission may call on the City's departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Commission as may reasonably be required.

Section Five: The membership of both the Planning Commission and Board of Zoning Appeals, now dissolved, is hereby invited to seek appointment to the Planning & Zoning Commission.

Section Six: All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as they do so conflict. All references to either the "Planning Commission" or the "Board of Zoning Appeals" is hereby replaced with "Planning & Zoning Commission" wheresoever such references appear in City codes, ordinances, and regulations.

Section Seven: This ordinance shall be in full force and effect beginning on January 1st 2024.

MAYOR OF THE CITY OF ROCK ISLAND

PASSED: _____

APPROVED: _____

ATTEST: _____

CITY CLERK