

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.