



APPROVED

**MINUTES OF THE PLANNING COMMISSION
WEDNESDAY, OCTOBER 1, 2014
CITY OF ROCK ISLAND, ILLINOIS**

The Rock Island Planning Commission held its regularly scheduled meeting in the City Hall Council Chambers at 1528 – 3rd Avenue, Rock Island, Illinois. The meeting was called to order by Chairman David Levin at 5:32 PM. Present were Commissioners Michael Creger, David Levin, Jason Lopez, Kevin Nolan, Bruce Peterson and Berlinda Tyler-Jamison. Commissioner Bruce Harding arrived at 5:53 PM. Commissioners Andrew Dasso, Ted Johnson, Norm Moline and Lorian Swanson were absent. Also in attendance were Alan Fries and Ben Griffith.

AN ORDER APPROVING THE MINUTES OF THE SEPTEMBER 3, 2014 MEETING

The Commission considered the matter of approval of the minutes of the September 3, 2014 meeting. After a brief discussion, Commissioner Creger made a motion to approve the minutes as presented. Commissioner Peterson seconded the motion and the Commissioners unanimously approved said minutes.

PROCEDURAL EXPLANATION

Chairman Levin provided a brief explanation of the public hearing procedures for the benefit of the Planning Commissioners and those in attendance.

**PUBLIC HEARING #2014-07: REQUEST FROM KEVIN MURPHY REQUESTING A REZONING
FROM R-2 (ONE FAMILY RESIDENCE) DISTRICT TO B-1 (NEIGHBORHOOD BUSINESS)
AT 1826 – 31ST STREET**

Next there came before the Planning Commission a public hearing: a request for a rezoning from R-2 to B-1 at 1826 – 31st Street. Chairman Levin asked Mr. Fries to present the request. Mr. Fries stated that he had received an interested party filing from Mr. Dale Handley from the City Clerk's Office, a letter from Beth Mahlo of 1825 – 30th Street, and several calls regarding the rezoning request. He then provided a brief overview of the request and staff report. Mr. Fries stated that the applicant intended to revise the landscape plan. Although he did not have it completed in time for the Planning Commission public hearing he would have it in time to be reviewed by the City Council. He also emphasized that there would be no signage at the site to indicate that it was an office or employee parking lot.

Chairman Levin then asked the applicant, Mr. Kevin Murphy, to step forward to speak and answer questions from the Planning Commissioners.

Commissioner Tyler-Jamison asked how many parking spaces were proposed for the private parking lot. Mr. Murphy answered that there would be 8 parking spaces and that many of his employees take public transportation.

Commissioner Peterson asked about the revised landscape plan and Mr. Murphy stated that it should be completed in time for the Council meeting.

Commissioner Creger asked where the employees park now and whether he encouraged them to park in the street. Mr. Murphy answered that they park in the McDonald's parking lot and that he did not encourage them to park in the street or on other private property.

Commissioner Lopez asked how the garage was to be used. Mr. Murphy answered that it would be chiefly used to store equipment and a snowplow and that the house would be used as an office by himself and the store manager.

Chairman Levin asked if the unit was to be remodeled. Mr. Murphy answered that it was scheduled for reconstruction by corporate in 2016 or 2017, adding that it would have a smaller footprint, be moved closer to 30th Street and have a true double drive-thru. Chairman Levin commented that he stopped at the McDonald's every morning at 5:30 AM and noticed that delivery trucks have trouble backing into the site from 31st Street. Mr. Murphy stated that the only option was to move the building forward.

Chairman Levin invited others to the podium to speak.

Mr. Pernon Tew of 1851 – 30th Street stepped forward to speak. He stated that he was a 23-year resident and was always picking up trash and did not want to see businesses grow into the neighborhood. He asked if this was the final time they would be at a public hearing or would there be more. Commissioner Peterson stated he understood their concern about business use encroaching into the neighborhood and stated that the proposed use was for an 8-space parking lot and to use the house as an office. Mr. Tew stated that the request was a good way to get the property rezoned and then do something else later, adding that he wanted to see businesses grow, but fast food businesses just meant more traffic and more trash.

Dale and Angela Handley of 1823 – 30th Street stepped forward to speak. Mrs. Handley stated that she had lived there for 44 years and could not enjoy her patio in her back yard because of the traffic and noise from the McDonald's. She began a long discussion of what she did not like about expansion of the business into the neighborhood and how the request was not consistent with the Comprehensive Plan and stated that she and the neighbors did not trust anything Mr. Murphy had to say and that he could make better improvements if he wanted to.

Mr. Handley reference an attempt several years ago to expand the McDonald's site southwards into the neighborhood and how it was stopped.

Seeing no others wishing to speak, Chairman Levin asked Mr. Murphy to address the previous speakers' comments. Mr. Murphy repeated his long-range plans to demolish the existing building, construct a new one on a smaller footprint and move it forward to accommodate a true double drive-thru, adding that he did not need any additional property in order to accomplish this.

Mr. Murphy fielded more questions from the Commissioners and repeated his intent to encourage employees to park on the small parking lot next door to free up parking spaces on the site for customers to park, keeping them out of the street and off of neighbors' property.

Mrs. Handley stated that some neighborhood residents park in the McDonald's parking lot and asked why Mr. Murphy needed an employee parking lot. Mr. Murphy acknowledged that parking by some neighbors was a problem, which is why he had posted signs in the parking lot, repeating that parking was for customers only and that moving employees to the small parking lot would free up on-site parking for customers.

Commissioner Peterson stated that he would like to see a stipulation to revise the landscape plan to add a landscape buffer along the northern property line and Mr. Murphy stated that it would be 6 feet in width.

Mr. Handley stated that if Mr. Murphy installed a fence 5 feet from back, it would be in the middle of the door of the garage. Mr. Murphy stated that it would not be a problem because they did not use that door anyway.

Commissioner Nolan stated that he used to live in the neighborhood for almost 10 years and that it appeared to him that there seemed to be an issue of trust between the neighbors and Mr. Murphy. He reminded everyone that Mr. Murphy was the current owner of the McDonald's franchise which was previously owned by Mr. Fryberg and there were many problems. He explained some of the specific problems and pointed out that since taking over, it seemed that Mr. Murphy had been taking much better care of the property and seemed willing to work with the neighbors to reach a reasonable solution. He then asked Mr. Fries what other options Mr. Murphy had in order to accomplish what he wanted on the site.

Mr. Fries proceeded to explain the differences between B-1 and O-1 zoning and also utilizing a Special Use Permit. Several "what if" scenarios were discussed at length, and after much discussion amongst the Commissioners, the residents and the applicant, it was suggested that a Special Use Permit would perhaps be the most appropriate way to go in order to accommodate all parties. After further questions, Mr. Fries suggested that it would probably be best for the Planning Commission to recommend denial of the B-1 rezoning request and to recommend that the City Council authorize Mr. Murphy to apply for a Special Use Permit.

Hearing no further discussion, Chairman Levin closed the public hearing and asked for a motion.

Commissioner Lopez made a motion to rezone the property to O-1 and Commissioner Tyler-Jamison seconded. Commissioner Peterson suggested that the motion be revised to include the proposed revised landscape plan. Commissioner Lopez restated that motion to include the provision of a revised landscape plan and Commissioner Tyler-Jamison seconded. Commissioner Nolan questioned whether the motion was acceptable for what was being proposed by the applicant and suggested that there be a motion to deny the original B-1 rezoning and allow submittal of a Special Use Permit. Commissioner Tyler-Jamison stated that there was a motion on the floor and that it should be voted on. Chairman Levin asked all those in favor to raise their hands and Commissioners Lopez and Tyler-Jamison voted in favor. Chairman Levin then asked all those opposed to raise their hands. Commissioners Creger, Harding, Levin, Nolan and Peterson voted against. The motion failed.

Chairman Levin asked for another motion and Commissioner Nolan made a motion to deny the B-1 zoning request and that the applicant be allowed to apply for a Special Use Permit, including the submittal of a revised landscape plan which included additional fencing and landscaping as proposed during earlier discussion. Commissioner Peterson seconded the motion. Chairman Levin asked all those in favor to raise their hands. Commissioners Creger, Harding, Levin, Nolan and Peterson voted in favor. Chairman Levin then asked all those opposed to raise their hands and Commissioners Lopez and Tyler-Jamison voted against. The motion carried.

OTHER BUSINESS

Mr. Griffith stated that the Planning Office had received two public hearing requests for the November meeting, adding that the deadline for non-advertised items was not until the following week. He concluded by asking the Commissioners to be mindful of any *ex parte* communications and to contact the Planning Office with any questions regarding any items on upcoming agendas.

ADJOURNMENT

Hearing no other business, Chairman Levin asked for a motion to adjourn. Commissioner Lopez made a motion to adjourn the meeting at approximately 6:21 PM. Commissioner Creger seconded the motion. The next regularly scheduled meeting of the Planning Commission is Wednesday, November 5, 2014 at 5:30 PM.

Respectfully submitted,

A handwritten signature in black ink that reads "Ben Griffith". The signature is written in a cursive, slightly slanted style.

Ben Griffith, AICP