

MINUTES OF THE  
ROCK ISLAND CITY PLANNING COMMISSION  
Regular Meeting March 2, 2010 5:15 P.M.

( x ) Mike Creger	( x ) Jason Lopez	( x ) Bruce Peterson
( x ) Elma "Mooch" Gay	( x ) Tim Meegan	( x ) Lorian Swanson
( x ) Ted Johnson	( ) Norm Moline	( ) Berlinda Tyler-Jamison
( x ) David Levin	( x ) Diane Oestreich	

Staff Present: Alan Carmen, Alan Fries, Tom Ayers and Doris Quigley

Chairman Levin called the meeting to order at 5:15 p.m.

**Approval of Minutes: Approval of Minutes of the regular meeting of July 7, 2009.**

Commissioner Meegan moved to approve the minutes as written. Commissioner Creger seconded the motion and it carried unanimously.

**Procedural Explanation**

Chairman Levin explained the procedures for conducting the public hearing.

Chairman Levin stated that Case 2010-02, the Hy-Vee convenience store, has been deferred at the request of the applicant until April 6 in order to make revisions to the site plan to address concerns of neighboring property owners.

Chairman Levin then recused himself from Case 2010-01 because of business activities with the applicant. Commissioner Gay took over as Acting-Chairman.

**Case 2010-01 – Review of Revision to Preliminary/Final Site Plan for Planned Unit Development at approximately 3200 Blackhawk Road.**

Alan Fries presented the staff report. There were several letters of opposition received. Mr. Fries identified the objectors on a map showing the proposed development and nearby properties.

Valdom Corporation (Robert Buker) has filed an application to revise an approved preliminary PUD site plan and approve a final site plan for a segment of an approximate 14-acre total development site. Previously the applicant has submitted two separate and different site plans (the first site plan was for five large commercial structures and the second site plan was for six 12-unit, three story condominium structures and five smaller commercial structures). Mr. Buker now submits a revised preliminary site plan for "Beaver Landing," which includes 90 condominium units grouped together in 21 two-story townhouse structures with either three, four, five or six units in each structure. On the revised preliminary site plan, three commercial lots are also identified along Blackhawk Road, while the proposed residential development is identified on the south half of the development site.

A final site plan and plat are also proposed for a segment of Lot 6 of Blackhawk Landing Second Addition. The final plan identifies four two-story condominium structures with four units each (16-condominium units). This final site plan area is located to the south of the east/west private road that bisects the site and is at the approximate center of the development.

The comprehensive plan identifies the northern segment as office/service land use and the southern segment as park and recreation land use.

The total site is approximately 14 acres. Proposed residential development area is 9.511-acre area of the total PUD development site. The total development site has 835 feet of frontage on Blackhawk Road and 210 feet of frontage on 30<sup>th</sup> Street.

The site is currently undeveloped. To the north is Memorial Park Cemetery, zoned R-2. To the east is single-family residential, zoned R-1. To the south are single-family residences and undeveloped property located in unincorporated Rock Island County, zoned R-1 and a single-family residence located within the city of Rock Island, zoned R-1. To the west is office use (Dr. Virdi's Eye Clinic), zoned B-4

The total site will have access via one access point to Blackhawk Road and one access point to 30<sup>th</sup> Street. The condominium units/lots will have access either via the existing east/west private road, or additional private roads identified on the site plan. No new access points onto public right-of-way are proposed.

The site has a gentle slope downward towards the Rock River. The developer has added fill dirt and graded the site so that the developed area of the site is generally level.

The Zoning Ordinance requires two parking spaces per dwelling unit for residences (90 dwelling units requires 180 off-street parking spaces). Each condominium unit will have an attached two-car garage off the rear of the dwelling and two additional spaces on the approach to the garage (four spaces total per dwelling). Two additional community-parking areas are proposed. The first area is a six-space parking lot adjacent to the private park located at the southeast corner of the development site, while the second is a six-space parking lot located adjacent to the proposed residential area at the northeast corner of the site. Total parking provided on the development site will be 372 parking spaces.

As part of a previously approved Development Agreement, the City has extended 30<sup>th</sup> Street to the south and constructed water and sewer services to the site. Since the site plan and plat have been changed, the development will be required to meet City stormwater retention requirements. The site plan identifies a water detention area in the approximate center of the residential site, identified as Outlot A in the preliminary site plan.

The only landscaping identified on the preliminary plan is located along the south property line adjacent to condominium lots 19 and 20 (center southern segment of plan). Since the property is a medium density, residential development (9.46 dwelling units per acre) as identified by standards in the Comprehensive Plan (medium density residential development is between 8.6 and 14.5 dwelling units per acre) a Type A Bufferyard should be located around the perimeter of the site. A Type A Bufferyard requires an eight-foot wide landscaped edge with one canopy tree, one understory tree, six shrubs and two evergreen/conifers for every 100 feet of perimeter area. A detailed landscape plan should be submitted and approved by staff.

The final site plan area does not have perimeter frontage, so there are no specific landscape requirements for this segment of the development.

The preliminary site plan identifies a concept of townhouse-type condominium development that

the applicant intends to construct (applicant owns and operates Beaver Builders) and market below \$150,000. The two-story dwellings would have a full basement, rear-attached two-car garages and approximately 1,420 square feet in living area. The second floor living space could be configured to have two or three bedrooms with either one and one-half or two bathrooms. There will also be a second-floor laundry area. First-floor space will have a breakfast/dining area adjacent to a kitchen and family room. Each condominium unit/lot will be 20 feet in width and approximately 46 feet in depth.

Mr. Buker indicates that this type of residential development has been successfully marketed to young families in both the Chicago and Des Moines areas. He indicates that currently there is not a similar type of residential development in the Quad Cities and believes that it will be an attractive development for young families either transitioning from leasing or to younger people moving into the area due to job transfers (e.g. military personnel coming to the Arsenal).

A previously mentioned private park is located in the southeast corner of the residential site. This .98-acre park is located in a State-identified restricted archeological area. The applicant intends to have playground equipment, but no structures. He believes that this amenity will also help attract young families with children to the development.

Staff believes that the preliminary and final site plans are appropriate for a PUD type development due to its unique location along Blackhawk Road and near the Rock River. The development meets the intent of the Riverfront Corridor Overlay District by “recognizing, preserving, maintaining and promoting economically viable uses that are a benefit to the city and is a physically attractive pattern of development for the general welfare of the city.” The final site plan meets Riverfront Corridor Overlay District site plan performance standards by providing adequate parking and access for the residential development and is a compatible development with adjacent land uses.

Staff recommends the Preliminary Site Plan for the Planned Unit Development be approved because it is a large and unique site along a major commercial corridor with close proximity to the Rock River.

Staff further recommends that the Final Site Plan for the four two-story condominium structures with four units each (16-condominium units) be approved because there is adequate parking and access and the proposed use is compatible with adjacent land use.

Acting-Chairman Gay asked for questions from the Commissioners for Mr. Fries.

Commissioner Oestreich asked if the site’s archeological survey showed more locations to be restricted than the one shown in the plans or if further review would be required.

Mr. Fries replied that the noted one was the only restricted location in the entire site. Mr. Carmen added that the State had determined that only the one location had archeological significance.

Commissioner Creger asked if the Stormwater Ordinance had been in place when the previous plans for this site had been approved and if the detention pond met those standards.

Mr. Fries replied that the plan that was approved in 2006 had met the stormwater requirements, but as the plan has changed, a new review and approval would be required.

Mr. Peterson asked if a landscape plan would be required prior to final approval.

Mr. Fries said that landscape plans would be required for each portion that had perimeter frontage and that landscape plans would have to be submitted as part of those final site plan reviews. He stated that the area presented on the first final site plan had no frontage that would trigger landscape requirements.

Commissioner Oestreich asked if there would be any access from the development to the private road to the south of the site and if there would be fencing or landscaping along the southern edge of the development.

Mr. Fries said that there was no fence in the plans but that some landscaping in the form of a berm was already in place and more would be added.

As there were no additional questions for Mr. Fries, Acting-Chairman Gay invited the applicant to come forward.

Mr. Bob Buker, 3130 47<sup>th</sup> Avenue, thanked Mr. Fries for his report and said that he is looking for a final use for this property, which he has been trying to develop for some years. He said that three sites along Blackhawk Road were being reserved for potential commercial development and that the proposed townhouses would be energy-efficient and affordable housing with upscale interiors with granite countertops and all appliances provided and second-floor laundry facilities. He said that this development would also feature fire sprinkler systems in the residences. He stated that the development would be something different for the area.

Acting-Chairman Gay asked for questions from the Commissioners for the applicant.

Commissioner Oestreich asked if the development would be phased in or built all at once; whether the garages being built integral to the townhouses triggered additional building requirements; if there would be the possibility of adding a third story to the buildings; and if the development would be subsidized housing.

Mr. Buker responded that the development would be phased in, the first phase would be four buildings totaling 16 units; that the garages require sheetrock and would have a sprinkler system as would the housing units; that there was no provision to add a third story; and the units would be market rate, not subsidized housing.

Commissioner Swanson asked if there was a plan for fencing the southern edge of the development and what the building exteriors would be.

Mr. Buker replied that he did not have plans for a fence and that the exterior would be vinyl siding.

As there were no other questions for the applicant, Acting-Chairman Gay asked for proponents.

As there were no proponents, Acting-Chairman Gay asked for opponents.

Jessey Hullon, Viridi Eye Clinic, 4600 30<sup>th</sup> Street, expressed concern over the traffic flow at the cul-de-sac on 30<sup>th</sup> Street located at the exit of the development and the exit of the Eye Clinic.

Paul Holmquist, 3320 47<sup>th</sup> Avenue and manager of the Shell station on Blackhawk Road at 30<sup>th</sup> Street, read from a 1997 court document containing complaints against Mr. Buker's construction company, Beaver Builders. He suggested that a senior living center would be a better use for the property, that the property should be sold to other developers, or that the site be targeted for medical offices – built by another developer. He said that he did not believe that personnel from Rock Island Arsenal would want to live in townhouses, as they would be too much like barracks. He said that there were many vacant homes in Rock Island that would be better suited to house Arsenal employees. Mr. Holmquist said that the site would be better suited to senior citizens due to the proximity to both locations of Trinity Hospital and other medical providers. He stated that the townhouse prices were too high for younger buyers and they would not want townhouses anyway. Mr. Holmquist said that if this project were approved over their objections he wants the building process to be carefully scrutinized at all phases of development as he believes Mr. Buker would not build a quality development. He wants there to be a six-foot tall fence along the southern perimeter all the way around to the KinderCare, complete with landscaping maintained on both sides of the fence as a measure to prevent graffiti on the fence from individuals who frequent the private road.

Commissioner Oestreich stated that the City inspectors would carefully follow the project, pointing out that the Building Official Tom Ayers was present in the audience.

Jean Van Tine, representing her mother Dorothy Johnson, 4630 34<sup>th</sup> Street, expressed concerns over the issue of stormwater drainage from the site. She said that the targeted buyers were too young of an age for the area and that they would trespass on neighboring properties to walk to the local bar and to access the river. She questioned where the dirt excavated from the basements would end up.

Dennis Woodward, 3120 47<sup>th</sup> Avenue, said that he had sold an easement to Mr. Buker for the drainage area for the detention pond. He stated that he felt the drainage trench had not been taken proper care of and that the lack of proper maintenance exacerbated the drainage issues.

Commissioner Johnson asked how wide of an easement he was talking about.

Mr. Woodward replied that the easement was five feet wide.

Commissioner Creger asked how long ago Mr. Woodward had sold the easement and to whom it had been sold.

Mr. Woodward replied that he purchased the land about four years ago and, at that time, he had sold the easement to Mr. Buker.

Commissioner Oestreich asked what the source of the run-off was.

Commissioner Peterson asked if the detention pond worked properly.

Mr. Woodward responded that the water from Blackhawk Road and the subject site all drains into the detention pond which then drains through the pipe, under 34<sup>th</sup> Street, along his property. He stated that the run-off does not stay within the easement area. He said it appears to drain as fast as it fills.

Commissioner Swanson asked if increasing the diameter of the drainage pipe would help the problem.

Mr. Woodward said that the drainage trail from the pipe to the Rock River needs to be reworked to improve the problem.

Duane Lamere, 2421 38th Street, said that he had just completed a major upgrade to his home and that it was now his principal residence. He questioned the size of the site denoted as the restricted archeological site. He remembered it as being larger in the previous plans.

Katherine Cruz, 4629 34th Street, repeated concerns about people trespassing as they walked to the neighboring bar, adding that these people would pose a safety and security risk as well as trespassing. She was also concerned with the increased traffic that the area would have. She feels the developer needs to be required to erect a fence for the safety of the current neighbors.

Virgil Mayberry, 559 22<sup>nd</sup> Avenue, spoke as a person of Native American heritage, expressing concerns for the possibility of the development desecrating a burial ground. He wondered about the archeological impact on the area.

Shirley Mockmore, 3220 47th Avenue, expressed her deep concern that the parents moving into the townhomes would not watch their children and that the children would drown in the river. She believes that the river is too dangerous for there to be children living so close to it.

Teresa Temple, 3300 47th Avenue, expressed concern for the park being so close to the bedroom windows of the present residences. She stated that there is no demand in our area for housing in this price range. She stated that market research should be done before approving this development. She expressed that 90 units would result in too many people living in the area.

Acting-Chairman Gay asked the applicant if he wished to address the comments.

Mr. Buker declined the opportunity.

Acting-Chairman Gay opened the floor for discussion by the Commissioners.

Commissioner Oestreich asked Mr. Buker to return to the microphone to respond to questions from the commissioners.

Commissioner Oestreich asked Mr. Buker to address the question of the design and functionality of the detention pond and its drainage to the river. She also asked if the playground/park would be lighted.

Mr. Buker said that the detention pond had been designed to address the stormwater requirements for the entire 14-acre site as it had been previously laid out. He said that the entire site was graded to drain into the detention pond and that the pond drained to the river through the pipe in the easement. He said that the drainage area was almost at the same level as the normal level of the river so in periods of heavy rain, when the river rose a little water from the river flowed onto the riverside properties. He stated that there would be no lighting at the park area because it is a restricted area and light poles cannot be sunk in the area.

Commissioner Swanson asked if Native American organizations had been notified of the restricted archeological site and the proposed development. She mentioned a previous case at another location along the Rock River where work had to be halted due to Native American protests.

Mr. Buker said that he did not believe that any Native American organizations had been specifically informed about this site. He stated that he had hired an archeologist to conduct a Stage 2 study at the site several years ago and that is when the State designated one area as being a restricted site. There was no mention in the study of a burial ground.

Mr. Carmen stated that the other location had not undertaken an archeological study prior to the start of their project and that Mr. Buker had met all State requirements, with the study he had performed on his site. He had hired a consultant on the State's list of approved archeologists.

Commissioner Creger asked again if the detention pond was engineered to meet the requirements of the new site plan and why it appeared not to be working properly. He also asked if Mr. Buker would consider having the design looked at for improving the drainage.

Mr. Buker reiterated that the detention area had been designed for the previous site plan that contained more impervious surface area than the present plan. He said that the drain area was at a low level, close to the normal level of the river and that high river levels would make it appear the detention and drainage design were not working properly.

Commissioner Meegan asked if the design might be incorrect and need revision.

Commissioner Gay asked if the detention pond design met City standards and requirements.

Mr. Buker replied that the City engineering department had checked the design and construction of the detention area.

Mr. Carmen said that the City engineering department would need to approve the design again based on the new site plans. He stated that the Stormwater Ordinance contains provisions for monitoring the performance of detention areas. He further stated that Mr. Buker would be responsible for the maintenance of the detention area until he turned ownership of the area over to a condominium association, which would then become the responsible party.

Commissioner Oestreich asked what size of pipes were in the detention area and if the pond filled or overflowed during heavy rains. She also asked what areas would fall under the control of the condominium association.

Mr. Buker stated that the detention pond had a 60-inch diameter inflow pipe and an 18-inch diameter outflow pipe. This is to get the run-off water into the pond quickly and to slow down the water on the way out of the detention area. He said that the condominium association would become responsible for each area as it was developed and sold.

Commissioner Lopez asked if Mr. Buker would entertain the idea of fencing around the development.

Commissioner Gay asked if landscaping or fencing would be used to retain the children within the development.

Mr. Buker replied to both that he would prefer to use landscaping.

Acting-Chairman Gay thanked Mr. Buker and asked the commission for a motion.

Commissioner Lopez moved that the requests be approved as recommended by staff.  
Commissioner Johnson seconded the motion.

Commissioner Peterson asked staff if the archeological restriction was because of a burial ground.

Mr. Carmen replied that he did not recall the details of the restriction, just that it was a restricted site.

Commissioner Johnson asked what portion of the site was above the flood plain.

Mr. Carmen replied that the entire site was above the flood plain.

Commissioner Johnson asked if City engineers would have to approve the stormwater control system again.

Mr. Carmen stated that the stormwater requirements would have to be met before any building permits would be issued.

Mr. Ayers also stated that no permits could be issued until the stormwater plan was approved by engineering.

Commissioner Johnson asked if the area was served by catch basins or just the detention pond, and what materials were recommended or required for construction of the detention area.

Mr. Ayers replied that the area has no catch basins and that the requirements for construction required the use of "best practices" for materials and construction.

Commissioner Swanson said that she did not know the applicant or any of the opponents to the project and that she felt a cloud of distrust from the opponents toward the applicant.

Commissioner Johnson said that most of the opponents lived in the county, not the city.

Commissioner Swanson wondered if the county followed up on residential complaints regarding drainage problems.

Commissioner Lopez said he does like the idea of fencing for security and safety.

Commissioner Peterson requested that the water run-off concerns be fully noted in the minutes for review by the City Council.

Commissioner Johnson stated that properly designed and built detention ponds do work as they are designed to; they fill with water, and then drain the water off at a slower rate.

Acting-Chairman Gay called for a roll call vote. The motion passed on a vote of five in favor, three opposed and one abstention. Aye votes were cast by Commissioners Creger, Johnson, Lopez, Oestreich and Peterson. Nay votes were cast by Commissioners Gay, Meegan and Swanson. Commissioner Levin abstained from the vote due to a conflict of interest.

The recommendation will be presented to City Council on Monday, March 8, 2010 at 6:45 p.m.

Chairman Levin resumed control of the meeting.

### **Case 2010-03 – Review of Revisions to the Ordinance regulating Development in Special Flood Hazard Areas**

Alan Fries presented the staff report. New countywide floodplain maps have been produced for communities within Rock Island County. The new maps will become effective on April 5, 2010. In order to remain a participating community in the National Flood Insurance Program (NFIP), these new maps need to be adopted in the City's Floodplain Ordinance. If the City does not amend its ordinance and adopt the new maps, it would be subject to suspension of the NFIP.

The NFIP has two components. The first is to provide federally subsidized insurance to compensate for flood damages. The second is to work with local governments to guide future development away from areas subject to flooding. The City of Rock Island has participated in the program since 1971.

In 1979, the City passed a Flood Ordinance in conformance with requirements from the NFIP. The Flood Plain Ordinance regulates development in areas designated by the Federal Emergency Management Agency (FEMA) as being subject to flooding. The Ordinance requires that all development in the designated areas must be reviewed by the Chief Building Official and that a permit must be issued. This goes beyond the building permit system in that such activities as road construction, grading and filling are also regulated.

Staff sent a copy of the City's current Flood Ordinance to the State Department of Natural Resources for review and comment. The Department provides assistance to Illinois communities in enacting and administering flood plain regulations in the NFIP. Along with adopting the new floodplain maps, Department officials made other suggestions to bring the current Ordinance in conformance with other technical changes and definitions required by FEMA and other helpful administrative tools.

The Chief Building Official has also been in contact with Director of the Rock Island County Department of Zoning and Building Safety to discuss proposed changes identified by the State. The changes identified on the attached ordinance are consistent with changes identified in the County's proposed Flood Ordinance revisions (Rock Island County will be holding a public hearing on its Ordinance revisions on Wednesday March 3, 2010). Staff has consistently worked with other County and Quad City municipal officials to have Illinois Quad City area wide ordinances be similar in its regulations (e.g. Unified Zoning and Subdivision ordinances).

No significant changes have been made to the flood hazard data on the City floodplain maps. The only significant change in the proposed ordinance is changing the definition of "Flood Protection Elevation" from an elevation of the base flood plus "two feet of freeboard at any given location in the floodplain" rather than the current regulation of only one-foot elevation required. Both County and City officials believe this change is necessary. The Chief Building Official was

at the Planning Commission public hearing to answer any technical questions on the proposed revisions and administration of the Flood Ordinance.

Staff recommends the proposed revisions to the Flood Ordinance be approved.

Chairman Levin asked for questions from the Commissioners for staff.

Commissioner Levin asked if there were copies of the flood plain maps available for inspection by citizens. He stated that, as a realtor, he receives many questions about property locations in relation to the flood plain.

Mr. Ayers stated that two copies of the maps are available in the Community and Economic Development offices at City Hall. He also said that the maps are available electronically in conjunction with the GIS system of mapping, but that this system is not readily available to citizens electronically.

Mr. Fries said that citizens often ask for copies of the section of the maps that show their properties and staff makes copies as requested.

Commissioner Oestreich asked how the ordinance was changed.

Mr. Ayers stated that it was simply updated to meet new federal standards.

Commissioner Johnson asked if, in relationship to the 100-year flood plain, the City of Rock Island was the best protected in the area.

Mr. Ayers said that the correct nomenclature is the "1% annual chance of flood" plain and that the City of Rock Island is the best protected of the local cities.

Mr. Carmen stated that the levee system protects the City well.

Mr. Ayers said that the levees were re-certified by the Army Corps of Engineers about every five years and that the Public Works department maintains the levees on a very regular basis.

Commissioner Peterson asked about the new requirement for a two-foot elevation above the "1% annual chance of flood" protection for existing buildings and new construction.

Mr. Ayers explained that the Federal requirement is one-foot, but that Rock Island County recommends the increase to better protect mechanical equipment and living areas. New construction would need to meet the two-foot requirement and existing buildings would have to meet it if they undertake a major expansion.

Commissioner Gay asked how the City ordinance definitions were decided on.

Mr. Ayers explained that the inspections departments within the county have been meeting to unify Fire / Health / and Building Codes, similar to the Unified Zoning Ordinance. Definitions were based on Federal requirements, state requirements, county requirements and recommendations.

As there were no additional questions for staff, Chairman Levin opened the floor for discussion by the Commissioners.

Commissioner Gay moved that the request be approved as recommended by staff. Commissioner Lopez seconded the motion.

Chairman Levin called for the motion and it passed on a unanimous vote.

The recommendation will be presented to City Council on Monday, March 8, 2010 at 6:45 p.m.

There was no other business.

**Adjournment:**

Commissioner Peterson made a motion to adjourn. Commissioner Oestreich seconded the motion and it carried unanimously.

The meeting adjourned at 7:05 p.m.

Respectfully submitted,

Alan M. Carmen, Secretary  
Rock Island Planning Commission