

MINUTES OF THE
ROCK ISLAND CITY PLANNING COMMISSION
Regular Meeting April 6, 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	(x) Norm Moline	(x) Berlinda Tyler-Jamison
(x) David Levin	(x) Diane Oestreich	

Staff Present: Alan Carmen, Alan Fries and Doris Quigley

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

Procedural Explanation

Chairman Levin explained the procedures for conducting the public hearing.

Approval of Minutes: Approval of Minutes of the regular meeting of March 2, 2010.

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

Case 2010-02 – Request from Herman H. Segal Ltd. Pts. (Hy-Vee) for Final Site Plan and Rezoning from B-1 (neighborhood business) district to Planned Unit Development (PUD) for a Proposed Hy-Vee convenience store with six gas pumps under a canopy area at approximately 2810 18th Avenue.

There were two letters of opposition received. One from the Yeargles who run Rudy's Tacos and one from the Wolevers at 2720 20th Avenue.

Alan Carmen presented the staff report as Alan Fries has a conflict of interest in this case. Herman H. Segal Ltd. Pts., on behalf of Hy-Vee inc. has filed an application for a final site plan and rezoning from B-1 (neighborhood business) district to Planned Unit Development (PUD) at approximately 2810 18th Avenue. This is a revision to the site plan that was originally on the Planning Commission's March 2nd Agenda. Action was deferred at the applicant's request.

Hy-Vee Inc. proposes to demolish the existing building containing the CVS drug store and construct a proposed 2,832 square foot convenience store structure with a covered canopy gas island with six gas pumps on the development site. Hy-Vee Inc. has a signed option on the property that has several contingencies, including zoning approval. Since CVS has a valid lease that runs through 2017, the proposed Hy-Vee project will not move forward until either the lease expires or CVS finds an acceptable Rock Island location and builds a new store, whichever comes first.

The development site will be incorporated with the Hy-Vee supermarket site to the east (segments of the proposed development extend over to the existing easterly Hy-Vee site), which is already zoned PUD. To accommodate development of the new site, a vacation request of the eastern 86-foot long segment of a dead-end east/west alley east of 28th Street and directly south of the development site has also been requested. The City Council will separately consider this request at the same meeting as this rezoning recommendation is considered.

The new development site has a dimension of 206.25' x 130' (approximately 26,813 square feet). The existing Hy-Vee supermarket site has a total area of 315,748 square feet, or 7.24 acres.

The Future Land Use Map identifies community commercial land use for the site (similar land use designation for the existing Hy-Vee supermarket site to the east).

The site is currently occupied by the CVS drug store and parking lot. To the north are commercial uses, zoned B-1. To the east is Hy-Vee supermarket site, zoned PUD. To the south is a segment of Hy-Vee supermarket site, zoned PUD and a single-family residence, zoned R-2. To the west are restaurants, zoned B-1.

The site currently has an access point on 18th Avenue and access via 28th Street to the west. The 28th Street access point to the proposed convenience store will be eliminated. The existing 18th Avenue driveway will be widened from approximately 15 feet to 30 feet to accommodate one lane in and one lane out. The proposed development will also use the existing Hy-Vee supermarket access point to the east (at 29th Street), which already provides access to the supermarket. Hy-Vee has indicated that they will consider widening the existing 18th Avenue access point for the supermarket site to accommodate one lane into the site and two lanes out. They have asked the City to conduct a traffic study for a new traffic signal at this entrance as it would also intend to better line up with 29th Street on the north and eliminate the current offset intersection.

The existing barricade blocking southbound traffic on 28th Street from the subject development site will be maintained. There is also a barricade at the existing end of the dead end public right-of-way edge of the east/west alley to the south of the site. This barricade is expected to be relocated further to the west (at the new easterly edge of the alley right-of-way) if Council approves the proposed vacation of the easterly alley segment.

The site is generally flat and slightly above street level. The proposed PUD district applies the setbacks for the B-3 (community business) district for the proposed use since convenience store uses would normally be required to be located in a B-3 zoning district. The B-3 district requires a 20-foot front yard and 10 foot rear yard. The side yard setback is a "Type C Bufferyard" (using B-3 zoning adjacent to R-2 zoning), which is a 15-foot wide landscaped setback area.

The convenience store structure location has been revised from the previous site plan. The store will be located on the west side of the development site, while the gas canopy will be located on the east side of the site. The proposed setbacks for the convenience store will be 25 feet from the north (front) property line and 15 feet from the west (second front property line). The structure will also have a 30-foot south (side) yard setback and 154-foot east (rear) yard setback. The west front yard setback should be 20 feet since this right-of-way to the west is a segment of 28th Street and is not an "alley" as identified on the site plan. This will require a five-foot variance from setback requirements as part of the PUD process. (**NOTE:** Subsequent to the Commission meeting it was determined that this section of 28th Street had been vacated in 1990, but the ordinance has not been recorded. Staff is rectifying this. The proposed setback variance is no longer needed.)

The gas canopy edge will be located 25 feet from the north property line, 120 feet from the west property line, 32 feet from the south property line (based on approval of the alley to be vacated) and 42 feet from the east property line. The canopy meets the building setback requirements for the B-3 zoning district.

The Zoning Ordinance requires two parking spaces per gas pump plus one per employee during a maximum shift. Based on six pumps and two employees on a maximum shift a total of 14 parking

spaces are required. The site plan identifies a total of ten spaces in front of the convenience store (there are actually nine) and 12 additional spaces are provided at the gas pumps for a total of 21 spaces provided on the site.

As previously indicated, the existing access point along 28th Street for the CVS drug store will be eliminated and the direct access point on 18th Avenue will be widened. The store will also utilize interior parking lot access from the existing Hy-Vee supermarket driveway on 18th Avenue. Hy-Vee will eliminate the existing 90-degree parking stalls adjacent to the convenience store site for direct passage from one site to the other.

The site plan identifies a five-foot wide landscaped area to the north of the gas canopy island with 37 Anthony Waterer Spiraea shrubs and one canopy tree (honey locust) located at the easterly entrance to the site. To the north of the structure is a landscaped area (15 to 25 feet wide) with 20 identical spiraea type shrubs running along the north property line and surrounding a proposed monument sign. There is one honey locust tree on the north side of the parking lot area. To the west, adjacent to commercial uses, is a 15-foot wide sod covered area located to the rear of the structure. To the south and adjacent to the structure is a 30-foot wide landscaped area with five evergreen trees (Hillspire Juniper). This landscape area then narrows down to five feet when located adjacent to the parking lot and gas canopy area with 28 Karl Foerster Feather Reed Grass and 12 Anthony Waterer Spiraea shrubs. Also included in the south side landscaped area are one Norway Spruce tree in the alley area proposed to be vacated and one honey locust canopy tree.

The Zoning Ordinance requires a ten-foot wide landscape edge in a front yard adjacent to a parking area. Although the gas canopy area is not technically a parking lot, vehicles will be parked when filling with gas. This area should be widened to meet Zoning Ordinance requirements by providing five additional feet of landscaping along the north yard since it does not create a circulation problem. All other proposed landscaping meets Zoning Ordinance requirements.

No landscaping, other than sod, is proposed on the west side of the building. Staff recommends that some canopy trees be planted (not less than two honey locusts) be planted in this open area to enhance this area.

The applicant has also indicated that lighting for the store and gas canopy will meet City requirements of one-foot candle of illumination at property lines.

The applicant proposes a monument sign to be located at the northwest corner of the site in a well-landscaped area. A representation of this sign is attached for the Planning Commission's consideration. It also seems reasonable that some types of attached signs be located on the canopy and structure. The Sign Ordinance will regulate sign location and total sign area allowances.

The existing dry detention area serving the supermarket's stormwater needs will now remain (previous site plan had the convenience store located in a part of this area). The applicant will be working with Engineering Division officials in having the proposed improvements meet City storm water requirements.

The grocery store is a 24-hour facility. The convenience store hours have yet to be determined. The proposed convenience store will have a 24-hour gas pump service (for credit card customers only after the convenience store closes). There is more than adequate parking for the proposed convenience store development. There is one variance required, a building setback variance – a five-foot variance of the required 20-foot west front yard setback requirement. (**NOTE:** No longer needed per vacation of 28th Street.)

Staff sees the need for additional landscaping to create a more attractive streetscape adjacent to both 18th Avenue and 28th Street, including a ten-foot wide area north of the gas canopy island parallel to 18th Avenue versus the five-foot that is shown and not less than two canopy trees on the west side of the convenience store adjacent to 28th Street.

Staff discussed these recommendations with Hy-Vee representatives, who agreed to these provisions.

The PUD zoning district identifies eight findings for determining appropriateness of approving a Planned Unit Development zoning district. These include consistency with the purpose of the PUD district and land development issues such as, but not limited to density, dimension, bulk, use, traffic, economic development, tax base, economic well being of the entire community, surrounding neighborhood and the Comprehensive Plan.

Staff believes that with adequate landscaping along the northern and western parking area and some additional canopy trees on the west of the convenience store that the expanded development meets the findings identified in the Zoning Ordinance, is consistent with the decisions made in 2004 and 2006 to approve sites plans to construct the Hy-Vee supermarket. The proposed use will provide a significant economic development benefit through Hy-Vee's investment to improve and expand its Rock Island store.

Staff recommends that the rezoning to PUD be approved, with the five-foot setback variance of the 20-foot front yard setback requirement adjacent to 28th Street, because it meets the Comprehensive Plan/Future Land Use Map designation.

Staff also recommends the site plan be approved, subject a ten-foot landscaped area to the north of the gas canopy island and two additional canopy trees on the west side of the convenience store, because it meets the intent and standards of the PUD zoning district.

Chairman Levin asked for questions from the Commissioners for Mr. Carmen.

Commissioner Tyler-Jamison asked where Rudy's was located in relationship to the proposed convenience store.

Mr. Carmen pointed it out on the map, to the west of the proposed store.

Commissioner Oestreich asked what was located opposite the proposed new entry; if there was to be a boulevard between the sidewalk and the street; if the barricade would remain as it presently is; if the landscaping would prevent pedestrian access from the south of the proposed convenience store; where the dumpster was located; and what the access would be to empty the dumpster.

Mr. Carmen said that there were business locations opposite the proposed new entry; that what appeared to be a boulevard on the plans was artistic license because there is no room for one along 18th Avenue; that the barricade would remain in place as it presently is; that there might be gaps in the landscaping large enough to allow pedestrians to access the store, but that it was planned to be a common access area for the store; the dumpster location is at the front of the store near the southern end, would be enclosed and that access to dump the trash would be from the main store entry pulling up along the southern edge of the gas canopy.

Commissioner Tyler-Jamison asked when the traffic study would be done.

Mr. Carmen replied that it would be started this June.

Commissioner Creger asked, since there is such a large time gap possible for this development, if the plans would come back to the Commission if the plans changed and if the traffic study would be used to address current issues as well as possible future ones.

Mr. Carmen said that minor changes would not need to return to the Commission, however major or significant changes would need to return to the Planning Commission and that the traffic study would be useful for both present traffic issues and potential future ones as well. He added that it was a surprise to Hy-Vee that the present entry was not three lanes wide.

As there were no questions for Mr. Carmen, Chairman Levin invited the applicant to come forward.

Mr. John Brehm and Mr. David Baillie representing Hy-Vee, 5820 Westtown Parkway, West Des Moines, addressed the Commission. Mr. Brehm stated that the convenience store was part of the original plans that were previously approved. He said that Hy-Vee had held a meeting on February 25th with the neighbors. He stated, as a result of that meeting, several deficiencies were to be addressed from the original expansion of the Hy-Vee such as adding some fencing along the west edge of the detention pond and the addition of light shields on parking lot lights. He said, in response to the neighbors' concerns, Hy-Vee scaled back their plans for the convenience store/gas station. The convenience store was moved from the edge of the detention pond, its location was turned 90 degrees to be perpendicular to 18th Avenue with the removal of access from 28th Street and the reduction of the number of gas pumps from ten to six. He said that fuel delivery trucks would enter from the main Hy-Vee entry and fill the underground storage tanks from the east side of the canopy. He also said that Hy-Vee uses brick façades for their stores.

Chairman Levin asked for questions from the Commissioners for the applicants.

Commissioner Oestreich commented on the glare of headlights in houses windows and acknowledged that Hy-Vee did add a berm to help alleviate this problem for the Huntleys.

Commissioner Moline asked what Hy-Vee's optimal timing would be for the development to take place.

Mr. Baillie replied that CVS has a lease through 2012 with a five-year extension available. CVS is looking for a location within Rock Island that will meet their needs. An ideal scenario would be that this development would be underway in less than seven years.

As there were no other questions for the applicants, Chairman Levin asked for proponents.

As there were no proponents, Chairman Levin asked for opponents.

Mr. Delbert Huntley, 2816 20th Avenue (across 20th Avenue from the south exit of the Hy-Vee store), thanked Hy-Vee for the addition of the berm and expressed his hope that the plantings on the berm will grow and further alleviate the glare of headlights into the windows of his home. He expressed that he does not like that he will be looking at the gas pump canopy and wondered if large trees could be planted to mask the view of the canopy. In addition, the stop sign at the south exit of the parking lot is not always acknowledged by traffic exiting the store, causing problems for residents.

Mr. Randall McMurray, 2528 30th Street (representing his mother-in-law, Romana Stone, 1821 28th Street) complained about the lack of follow-through on the fence that was promised previously along the detention pond, and stated that heavy rains cause flooding of 28th Street and 20th Avenue due to the

inability of the storm drains to accommodate the flow from the store development. He expressed concern that the dumpster will not be taken care of, citing Rudy's as an example of lack of maintenance around a dumpster. He stated that the storm drain for 20th Avenue is at the intersection with 28th Street.

Mrs. Jeanne Avena, 1817 28th Street (property adjacent to proposed alley vacation) expressed concern over not being able to back out of her driveway if the alley is vacated. She currently backs out into the alley to the east of her property – the segment to be vacated – and then drives forward out of the alley heading west. She is also concerned about the trash and stated that the Hy-Vee does not do a good job picking up the trash from their site. She said that the promised fence would help keep the trash away from her property. She said that several feet would be needed to allow her to back out of her driveway. Also, the barricade has been damaged during the snow season this year by a snowplow and needs to be repaired.

Mr. David Rice, 1836 28th Street stated that the original barricade at 28th Street was placed to divide the residential area from commercial traffic at the drug store. He stated that the noise from the rooftop cooling units is very loud and the headlights and parking lot lighting are also problems. The flooding of the 28th Street and 20th Avenue is bad when there is a heavy storm with the water rising over the curb and fills the entire intersection.

As there were no other opponents, Chairman Levin asked the applicant to address the comments.

Mr. Brehm stated that Mr. Huntley's concerns over the appearance of the canopy should be less with the new layout for the store and the new technology for the lighting of the canopy would keep light overflow to a minimum. He stated the run-off along the south and west sides of the store does drain into 20th Avenue as was approved by Public Works when the original expansion was approved and built. It would appear the storm drain catch basin is insufficient to handle major storms and needs to be replaced. The store director has been spoken to regarding the trash in the lot and this will be addressed more frequently. The trash is not just from Hy-Vee; Rudy's, CVS and other businesses are also contributors as are the citizens who throw their trash in the parking lot and along the street. The issue with the noise from the cooling unit was addressed previously by changing the pitch of the blades, which resulted in a decrease in the noise output. The fence to the south of the convenience store and to the west of the pond are on record at this meeting as items that shall be addressed.

Commissioner Tyler-Jamison asked why the previously made promises were not kept and how Hy-Vee intends to ensure that those promises are kept now.

Mr. Brehm stated that the fences and light shields are on the plans being approved at the meeting, which would make a binding commitment. He said that the previous promises were made at a neighbors meeting and were not recorded so they were simply overlooked.

Commissioner Gay asked if there were plans to modify the existing entryway before the proposed convenience store was built, as that would be many years in the future and the entryway is a problem now.

Mr. Brehm said the entryway would be revised when the traffic study was complete and the plans could be drawn up for the change.

Chairman Levin opened the floor for discussion by the Commissioners.

Commissioner Moline asked for additional information about the water run-off issues.

Mr. Carmen said that the original storm drain catch basin is probably undersized for the present conditions. He stated that the Storm Water Ordinance has been in effect for six to eight years and the Hy-Vee expansion was built under the ordinance regulations. He stated that detention areas were placed along the southern edge of the main store as well at the western edge of the parking lot in accordance with the Storm Water Ordinance and hold run-off as designed. It might be possible to have this area added to the Public Works work list to be evaluated and addressed for storm drain improvements. It would involve a much larger area than just that intersection. It is not a unique issue to this neighborhood.

Commissioner Levin stated that there were previous drainage issues reaching to 30th Street, before the Hy-Vee expansion.

Mr. Carmen said there have been such issues and those are related to the design standards of the drainage systems and storms may exceed the capacity of the present drains causing many problems. The original storm drains in this area are between 60 and 80 years old.

Commissioner Oestreich stated that the design of the new convenience store would appear to lessen the hard surface of the area.

Mr. Carmen stated that the new design would have about 15% pervious area compared to the 100% impervious area that presently exists.

Commissioner Johnson asked whom the responsible party is to fix or replace the damaged barricade.

Mr. Carmen responded that Public Works is the responsible group and that they would be notified of the damaged barricade.

Commissioner Creger asked if the barricade was in place because the northern section of 28th Street had been vacated.

Mr. Carmen replied that it was not a vacated street segment, and the barricade is only there to define and separate the business area and residential area. (**NOTE:** Found to be incorrect.)

Commissioner Tyler-Jamison asked what part the City took in enforcing the promises made by Hy-Vee.

Mr. Carmen responded that the City Council would approve the plans, resulting in the submission of construction drawings when permits were applied for. The inspectors would inspect the project to the submitted plans and deficiencies would be noted and corrected during the construction. After construction, the Public Works Engineering Department would be the responsible parties to take action regarding deviations from the approved stormwater plans.

Commissioner Swanson stated that she did not believe this was the best use of the lot as there are several convenience stores and gas stations already in the area.

Commissioner Lopez moved to recommend to City Council that the request be approved to change the zoning to PUD, with the five-foot setback variance (**NOTE:** no longer needed), and that the site plan be approved as presented by staff. Commissioner Johnson seconded the motion.

It was noted that the landscaping suggestions had been accepted by Hy-Vee and did not require notation in the motion.

Chairman Levin called for the motion and it passed on a 10 – 0 vote with Commissioner Peterson abstaining as he did not arrive until after 6:00 p.m. when most of the hearing and discussion had taken place.

The recommendation will be presented to City Council on Monday, April 12, 2010 at 6:45 p.m.

Case 2010-04 – Review of Amendment to Future Land Use Map.

Alan Fries presented the staff report. The City of Rock Island has submitted an application to amend the Future Land Use Map related to two downtown riverfront properties. The existing Future Land Use Map was developed for the entire city in 1986. Since that time it has been amended several times to incorporate policies developed in Neighborhood Plans (KeyStone, New Old Chicago, Columbia Park and Southwest Area plans). Since the approval and construction of Schwiebert Riverfront Park City, staff reviewed the map and discovered that it does not reflect the changes in City policy for both the new riverfront park and the bike path that extends along the riverfront. Staff proposes the following changes to the map:

1. Changing the future land use designation for Schwiebert Riverfront Park at approximately 1801 First Avenue and the levee and water pumping station at approximately 200 24th Street from industrial land use to parks and recreation land use.
2. Changing the future land use designation between 15th and 17th Streets north of First Avenue along the bicycle path adjacent to the railroad tracks from office service land use to parks and recreation land use.

Staff recommends the above-mentioned changes to the Future Land Use Map be approved.

Chairman Levin asked for questions from the Commissioners for staff.

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

Commissioner Johnson moved that the request be approved as recommended by staff. Commissioner Tyler-Jamison 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, April 12, 2010 at 6:45 p.m.

Other Business:

Mr. Carmen presented a memo regarding a revision to the Buker PUD Preliminary/Final Site Plan at approximately 3200 Blackhawk Road, changing the design from all two-story condominiums in a unit to central two-story condominiums with one-story, single-garage, single-bedroom condominiums on each end.

Mr. Carmen invited the commissioners to attend Red, White and Boom on Saturday, July 3rd as well as the grand opening of Schwiebert Riverfront Park tentatively scheduled for the same evening.

Commissioner Gay announced that this was her last meeting as a Commissioner as she and her husband have purchased a new home in Andover and will be relocating there.

Commissioner Peterson moved to thank Commissioner Gay for her service to the Planning Commission. Commissioner Oestreich seconded the motion and the commissioners gave a round of applause to Commissioner Gay.

Adjournment:

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

The meeting adjourned at 6:30 p.m.

Respectfully submitted,

Alan M. Carmen, Secretary
Rock Island Planning Commission