



## **Rock Island Planning Commission**

Council Chambers (third floor) City Hall

1528 – 3<sup>rd</sup> Avenue

Regular Meeting

September 7, 2016

5:30 PM

1. Call to Order and Roll Call
2. Approval of Minutes of the regular meeting of June 1, 2016
3. Procedural Explanation
4. Public Hearing #2016-04: Amendment to Article 5 of the Rock Island Zoning Ordinance (Board of Zoning Appeals) and Section 13 of the Rock Island Sign Ordinance (Administration and Appeals)
5. Other Business
6. Adjournment

**UNAPPROVED**

**MINUTES OF THE PLANNING COMMISSION  
WEDNESDAY, JUNE 1, 2016  
CITY OF ROCK ISLAND, ILLINOIS**

The Rock Island Planning Commission held its regularly scheduled meeting in the City Hall Council Chambers at 1528 – 3<sup>rd</sup> Avenue, Rock Island, Illinois. The meeting was called to order by Chairman David Levin at 5:30 PM. Present were Commissioners Mike Creger, Andrew Dasso, Ted Johnson, David Levin, Jason Lopez and Berlinda Tyler-Jamison. Commissioner Javier Perez arrived at 5:36 PM. Commissioners Bruce Harding, Norm Moline, Bruce Peterson and Lorian Swanson were absent. Also in attendance were Alan Fries and Ben Griffith.

**AN ORDER APPROVING THE MINUTES OF THE MARCH 2, 2016 MEETING**

The Commission considered the matter of approval of the minutes of the March 2, 2016 meeting. After a brief discussion, Commissioner Johnson made a motion to approve the minutes as presented. Commissioner Creger 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. He then recused himself from chairing the public hearing due to monetary interest in the subject property. Chairman Levin then handed the gavel to Vice-Chairman Creger and Commissioner Levin took a seat in the audience.

**PUBLIC HEARING #2016-03: REQUEST FROM JEFFREY DUNCAN FOR REZONING  
FROM I-1 (LIGHT INDUSTRIAL) DISTRICT TO B-3 (COMMUNITY BUSINESS) DISTRICT  
AT 2623 – 5<sup>TH</sup> AVENUE.**

Next there came before the Planning Commission Public Hearing #2016-03, a request from Jeffrey Duncan to rezone the former Seaford Building to renovate the structure for a church and a variety of other non-residential mixed uses. Vice-Chairman Creger asked Planning staff to present the request.

Mr. Fries presented the staff report, providing a review of the applicant's request, explaining the current site conditions, adjacent land uses and zonings, zoning history of the subject property, and provided a detailed site analysis of the proposed project.

Commissioner Tyler-Jamison asked about the mix of uses including a church and the impact of traffic on the vacated portion of 4<sup>th</sup> Avenue. Mr. Fries responded that the applicant could address the proposed uses and that that portion of 4<sup>th</sup> Avenue had been vacated in the early 1960s and that there should be

no impact since it was essentially an easement at the present time, providing access to the Quad Cities Expo Center to the north and the Seaford Building to the south.

Hearing no other questions from the Commissioners, Vice-Chairman Creger opened the public hearing and invited the applicant to come forward.

Mr. Jeffrey Duncan of 405 SE 2<sup>nd</sup> Avenue in Aledo, IL approached the podium and signed in. He responded to Commissioner Tyler-Jamison's question by stating the church was interested in locating at the subject property and that he was on the church board. Mr. Duncan stated the pastor of the church was interested in an industrial look for a non-traditional looking church for those who were looking for something different. He said the name of the church was "The House," that they had been meeting at Rock Island High School for 2½ years, and that the church was looking for a new location. Commissioner Perez asked how many were in the congregation and Mr. Duncan replied that there were 70-80 members.

Commissioner Tyler-Jamison asked about the other proposed uses for the building. Mr. Duncan answered that he was looking at several possibilities, including a low-cost food market, a coffee shop and other retail uses that would complement the church since the pastor was not particular about what else would be going into the building.

Commissioner Lopez asked if there were any proposed exterior improvements and about the air conditioning units located to the south of the building. Mr. Duncan replied that they had been used to cool the building when it was a manufacturing site, generating a large amount of steam during the production of men's suits. He said he would like to relocate the units to the roof of the structure to allow for more parking and to remove the eyesore. Mr. Duncan stated there were no large exterior modifications or major alterations planned, referring to the renderings provided with the staff report, and that he had no plans to enlarge the building footprint.

Hearing no further questions from the Commissioners for the applicant, Vice-Chairman Creger asked if any others wished to come forward and speak.

Mr. David Levin of 3201 – 36<sup>th</sup> Avenue in Rock Island approached the podium and signed in. He provided a brief history of the property, stating that it had several owners over the years, had closed in 2009 and sat vacant ever since. Mr. Levin stated he and his co-broker, Alex Kelly, have had the property listed since 2013 and have shown it to over 50 people in that time, adding that the City building inspector had recently conducted a walk-through and that it was structurally sound, in fairly good shape and would need extensive interior renovations for the proposed uses. Mr. Levin pointed out that there was a parking easement agreement for the lot to the north with the Quad City Expo Center that could be vacated with a 30-day notice, even though the owners had a good relationship. He also noted that the small triangular parcel to the west of the building was never recorded with the rest of the property and since there had been a succession of owners, it had been overlooked, but that Mr. Duncan intends to clean up the title issue and incorporate the parcel with the rest of the site. Mr. Levin went on to say that the windows were installed shortly before the plant closed; that the air conditioner units on the roof were installed about the same time and still had blue plastic shipping wrap on them; and that there was a new membrane roof, so the building was in good condition – structurally.

Commissioner Johnson asked about parking conflicts on Sunday mornings when the church held services and the Expo Center had an event. Mr. Levin stated the new owner would give the Expo Center a 30-day notice to vacate the parking agreement.

Seeing that there were no other members of the public seeking to make comments or ask questions, Vice-Chairman Creger closed the public hearing and asked for a motion.

Commissioner Johnson made a motion to recommend approval of the rezoning request of B-3 (community business) district to City Council. The motion was duly seconded by Commissioner Tyler-Jamison. Hearing no further discussion, Vice-Chairman Creger called for a vote and the Planning Commission voted 6—0 to recommend approval of the rezoning request, with Mr. Levin recusing. Vice-Chairman Creger stated that the item would be placed on the June 13<sup>th</sup> City Council agenda for final review and approval.

#### **OTHER BUSINESS**

Mr. Griffith stated that no requests had been submitted for public hearing for the July 6<sup>th</sup> Planning Commission meeting and that the deadline for non-advertised items wasn't until the following week. He asked if anyone present thought they may not be in attendance for that meeting and there were no responses. Mr. Griffith reminded everyone about the Bi-State APA planning webinars and asked Mr. Fries to provide a brief review of the Zoning Ordinance Open House the previous week at the MLK Center. Mr. Fries reported that there were approximately 25-30 attendees and that a broad range of topics were discussed. He also reported that the consultants conducted individual and small group stakeholder interviews which were very informative. Mr. Levin stated he partook in one of these and was very complimentary. Vice-Chairman Creger asked if the Sign Ordinance was going to be changed and a lengthy discussion ensued. Mr. Griffith 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, Vice-Chairman Creger asked for a motion to adjourn. Commissioner Lopez made a motion to adjourn the meeting at approximately 6:03 PM, which was duly seconded by Commissioner Johnson. The next regularly scheduled meeting of the Planning Commission is Wednesday, July 6, 2016 at 5:30 PM in the City Council Chambers.

Respectfully submitted,



Ben Griffith, AICP, Secretary  
Rock Island Planning Commission

**Memorandum**  
**Community Economic Development Department**

**To:** Planning Commission  
**Subject:** BZA Procedural Changes  
**Date:** August 24, 2016



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CED staff has been directed by the City Council to prepare a draft amendment to the sections of the Code of Ordinances dealing with the review and approval process for cases that go before the Board of Zoning Appeals (zoning and sign variance requests). At the July 25 study session, the Assistant to the City Manager presented three options to establish a process where the Council could review certain BZA cases. The option favored by Council was one that would create an appeal process for applicants where the City Council would hear cases denied by the Board.

The proposed changes are enclosed and depicted with redline and strike out. In addition to the BZA procedural change, staff adjusted the filing fee in Section 5.6 so that it is consistent with current practices and publication costs.

As required by Illinois Statute, a public hearing before the Planning Commission is required before the City Council can act on the proposed amendment. The Council will consider this item at a September meeting.

## Appendix A, Article V: Board of Zoning Appeals

5.0 *Creation, Membership And Procedure:* A board of appeals consisting of seven (7) members shall be appointed by the mayor and approved by city council in accordance with the provisions of the Illinois Compiled Statutes. The city council may remove any member of the board for cause and after a public hearing.

5.1 *Chairman Elected:* The board shall elect its own chairman and have the power to adopt rules and regulations for its own government, not inconsistent with law or with the provisions of this appendix or any other ordinance of the city of Rock Island. Meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the vice chairman, may administer oaths and compel attendance of the witnesses.

5.2 *Meetings:* Meetings of the board shall be open to the public, minutes shall be kept of proceedings, showing the action of the board and the vote of each member upon each question, or if absent, or failing to vote, indicating that fact and records shall be made of the board's examinations and other official actions, all of which shall be filed immediately in the office of the board.

5.3 *Quorum:* Four (4) members of the board shall constitute a quorum. The board shall act by resolution, and the concurring vote of four (4) members shall be necessary to reverse any order, requirement, decision or determination of the building official, or to decide in favor of an applicant any matter upon which it is required to pass under this appendix, or to effect any variation in the requirements of this appendix.

5.4 *Assistance To Board:* The board may call on the city departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the board as may reasonably be required.

5.5 *Applications And Appeals:* An application to the board, in cases in which it has original jurisdiction under the provisions of this appendix, may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau. Such application shall be filed with the planning and redevelopment administrator who transmits the same, together with all the plans, specifications and other papers pertaining to the application, to the board.

5.6 *Appeal:* An appeal to the board may be taken by any property owner, including a tenant, or by any governmental officer, department, board or bureau, affected by any ruling of the building official. Such an appeal shall be taken within a reasonable time, as prescribed by the rules of the board, by filing with the planning and redevelopment administrator a notice of appeal, specifying grounds thereof. The planning and redevelopment administrator shall forthwith transmit to the board such notice of appeal, together with all the plans and papers constituting the record upon which the action appealed from was taken. Said application shall be accompanied by a fee in the amount of one hundred ~~and fifty~~ and fifty dollars (~~\$400~~150.00) to ~~cover ward~~ the costs associated with of processing the application and legal notification. Should the application be withdrawn prior to publication of legal notice thereon, such fee will be returned upon the written request of the applicant.

5.7 *Hearing:* The board shall fix a reasonable time for the hearing on an application for appeal. It shall give at least fifteen (15) days' notice of the time and place of such hearing by insertion in a daily newspaper published in the city of Rock Island, and shall also give notice delivered personally or by mail at least five (5) days before the time fixed for such hearing to the applicant or appellant, and to the building official and to the respective owners of record of property adjoining or adjacent to the premises in question. Any party may appear at such hearing in person or by agent, or by attorney. The board shall decide the application or appeal within a reasonable time.

5.8 *Stay Of Proceedings*: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the building inspector certifies to the board that by reason of facts stated in the certificate, a stay would in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by an order which may on due cause shown, be granted by the board on an application, after notice to the building inspector or by a court of record.

5.9 *Powers Of The Board*: The board shall have jurisdiction in matters and shall have the specific and general powers provided by this appendix pertaining to:

- Administrative review.
- Certain industries in I-2 districts.
- Interpretation of maps.
- Nonconforming uses.
- Special exceptions.
- Temporary uses.
- Variances.

5.10 *Variances*: To authorize or appeal in specific cases, such variances from the terms of this appendix as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this appendix will result in unnecessary hardship and so that the spirit of this appendix shall be observed and substantial justice done, as follows: Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, at the time of enactment of this ordinance, or by reason of topographic conditions, or other extraordinary and exceptional situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the provisions of this appendix would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of such property, unnecessary to carry out the spirit and purpose of this appendix shall be observed and substantial justice done. In authorizing a variance, the board may attach thereto such reasonable conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in the interest of the furtherance of the purposes of this appendix.

5.10a No such variance in the provisions or requirements of this appendix shall be authorized by the board unless the board finds that all of the following conditions exist:

- (1) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone;
- (2) The plight of the owner is due to unique circumstances. There are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties or classes of uses in the same zoning district; and
- (3) The variation, if granted, will not alter the essential character of the locality. Such variance is necessary for the preservation and enjoyment of a substantial property right of way possessed by other properties in the same zoning district and in the vicinity.

5.10b No variance shall be authorized unless the board specifically finds that the condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation, under an amendment of this appendix, for such conditions or situations.

5.11 *Special Exceptions*: In addition to permitting the special exceptions heretofore specified in this appendix, the board shall have the authority to permit the following.

5.12 *Nonconforming Uses*: The substitution of a nonconforming use for another nonconforming use, if no structural alterations, except those required by law or ordinance are made; provided, however, that any use so substituted shall be of the same or a more restricted classification. The expansion of a nonconforming use through structural alterations, provided that said expansion shall not be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, as determined by the board. In all cases, the expansion shall be made to conform to the requirements of the zone in which said nonconforming use is located at the time of the appeal, unless a variance to said requirements is granted by the board.

5.13 *Temporary Uses And Permits*: The temporary use of a building or premises in any district for a purpose or use that does not conform to the regulations prescribed by this appendix, provided that such use be of a true temporary nature and does not involve the erection of substantial buildings. Such permit shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

5.14 *Certain Industries In I-2 Districts*: In authorizing certain industries under section 31.2 of this appendix, the board shall find due regard to the nature and condition of all adjacent uses and structures, and the consistency therewith of the proposed use and development. Before authorizing a use as a special exception, the board shall determine whether the proposed exception or use would be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage waste and pollution, transportation and traffic, aesthetic and psychological effects. The board may utilize and give recognition to those performance standards which are available in model codes or ordinances, or have been developed by planning, manufacturing, health, architectural and engineering research organizations, and can be applied to the proposed use, to assist it in reaching a fair and objective decision.

5.15 *Requirements And Conditions*: Upon authorizing a temporary use and/or special exception, the board may impose such reasonable requirements and conditions, in addition to those expressly stipulated in this appendix for the particular temporary use and/or special exception as the board may deem necessary for the protection of adjacent properties and the public interest.

5.16 *Interpretation Of Map*: Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines indicated on the zoning map, the board after notice to the owners of the property, and after a public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this appendix for the particular section or district in question.

5.17 *Action Of The Board*: In exercising its powers, the board may, in conformity with the provisions of the Illinois Compiled Statutes, and of this appendix, reverse, affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as, in the board's opinion ought to be made, and to that end, the board has all the powers of the officer from whom the appeal is taken.

5.18 *Appeal to City Council*: An appeal to the City Council of a board decision may be made by any applicant affected by any ruling of the board. Such an appeal shall be made within 10 days of the ruling of the board by filing with the planning and redevelopment administrator a notice of appeal, specifying grounds thereof. The planning and redevelopment administrator shall forthwith transmit to the City Council such notice of appeal, together with all the plans and papers constituting the record upon which the action appealed from was taken. Said application shall be accompanied by a fee in the amount of one hundred and fifty dollars (\$150.00) to cover costs associated with processing the application and legal notifications.

5.19 City Council Public Hearing: A public hearing before the City Council shall be conducted within a reasonable time not to exceed 45 days of receipt by the planning & zoning administration of a complete application for appeal, including all applicable fees. Notice of said hearing shall be published in a daily newspaper with circulation in the City of Rock Island at least fifteen (15) days prior to said public hearing. Said notice shall also be delivered personally or by mail at least five (5) days before the time fixed for such hearing to the applicant and to the respective owners of record of all property within 250 feet of the premises in question. Any party may appear at such hearing in person, by agent, or by attorney. City Council's review of any board decision shall be in accordance with the provisions outlined within this Article V. The City Council shall decide the application or appeal within a reasonable time.

5.2018 *Judicial Review:* All final administrative decisions ~~of the board of appeals~~ under this Article shall be subject to judicial review, pursuant to the provisions of the "administrative review act", approved May 8, 1945, and all amendments and modifications thereof, and the rules adopted pursuant thereto.

5.2149 *Refiling Of Board Of Zoning Appeals Cases:* The refiling of denied requests or requests for removal of stipulations attached to approved cases by the board of zoning appeals, that are not substantially or materially different from the previously filed request, shall not be accepted from the same or different person for the following periods of time:

(1) For a six (6) month period from the date of the first decision by the board of zoning appeals on the request.

(2) For a one year period from the date of subsequent decisions by the board of zoning appeals on the request.

The city planning and redevelopment administrator shall determine whether a request is substantially or materially different and submittable, although the board of zoning appeals may, by majority vote, reverse a decision of the planning and redevelopment administrator to not accept a request following a denied request on the property or request for removal of stipulations attached to approved cases by the board of zoning appeals. (Ord. 98-2002, 11-25-2002; Ord. 33-2003, § 1, 4-21-2003; Ord. 008-2009, § 3, 2-2-2009)

## **Chapter 4, Article III Signs**

### **Sec. 4-63. Administration And Appeal:**

(a) *Administration* : This article shall be administered by the inspection division and the planning and redevelopment division, each according to its obvious responsibilities according to the meaning of the language contained herein. Upon presentation of proper credentials, these persons or their duly authorized representatives may enter at reasonable times any building, structure or premises in the city of Rock Island to perform any duty imposed upon them by this article.

(b) *Right Of Appeal* : Any person aggrieved by any ruling of any person charged with the administration of this article may take an appeal to the appropriate appeal board: building code board of appeals, electrical code board or the board of zoning appeals.

(c) *Jurisdiction* :

(1) Appeals taken from requests relating to construction shall be filed with the building official or the electrical inspector, as the case may be, shall be subject to the procedures established by those respective commissions, and are not subject to the provisions of this section.

(2) In addition to the jurisdiction authorized in section 5.9 of the Rock Island zoning ordinance, the board of zoning appeals, hereinafter referred to as "the board", is hereby vested with the following jurisdiction and authority:

a. To hear and decide appeals from and review any order, requirement, decision or determination made by any person charged with the administration of this article, except appeals relating to the construction as identified under subsection (c)(1) of this section. The board may reverse or affirm, wholly or in part, or may modify or amend the order, requirement, decision or determination appealed from to the extent and in the manner that the board may decide to be fitting and proper on the premises, and to that end, the board shall also have all the power of the officer from whom the appeals are taken.

b. To hear and decide all matters referred to it or upon which it is required to pass under this article.

c. To hear and pass upon applications for variances from a strict application of the terms of this article, in the manner and subject to the standards set out in subsection (f) of this section.

(d) *Provision Of Regulation* : The creation, membership and meeting rules, application process and fee, and stay of proceedings provisions for the board, as established under article V of the Rock Island zoning ordinance shall apply to all appeals and variances from this article.

(e) ~~Hearing Of Appeals Judicial Review:~~

(1) An appeal of a decision shall be taken within thirty five (35) days after such decision is made.

(2) All final administrative decisions of the board under this section shall be subject to judicial review pursuant to the provisions of the "administrative review act" of the state of Illinois, approved May 8, 1945, and all amendments and modifications thereto. The term "administrative decision" is defined as in the "administrative review act".

(f) *Variances* :

(1) The board may vary the application of this article in harmony with its general purpose and intent, in accordance with the procedure set forth herein, where there are practical hardships in the way of carrying out the strict letter of any provisions of this article. Any such variance shall be granted only after a public hearing before the board.

(2) A variance may be granted only when special circumstances involving size, shape, topography, location or surroundings affect the property referred to in the application, when denial of said application would cause unreasonable or unnecessary hardship, and when said sign will not cause substantial injury to the value of other property in the vicinity nor be detrimental to the public safety or welfare and the neighborhood in which it is located.

~~(g) *Decisions Of The Board* : All decisions and findings of the board, on appeal or upon application for a variance, after a hearing, shall in all instances be final administrative determinations and shall be subject to review by court as may be provided by law. (Ord. 115-2004, § 1, 12-6-2004)~~