

1 ROCK ISLAND PLANNING COMMISSION

2 CITY OF ROCK ISLAND, ILLINOIS

3
4
5 IN THE MATTER OF)
6 PUBLIC HEARING 2013-05)
7 FAREWAY STORES, INC.)

8 City Council Chambers
9 1528 Third Avenue
10 Rock Island, Illinois

11
12 The hearing commenced at 5 PM,
13 June 4, 2013.

14
15 BEFORE: Planning Commission Members

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18 APPEARANCES: Theodore G. Kutsunis, City
19 Attorney, 1313 Fourth Avenue
20 Rock Island, Illinois

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22 REPORTER: Donna M. Kelly, CSR
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1 MR. LEVIN: Would the staff please
2 have a roll call.

3 MR. GRIFFITH: Michael Creger?

4 MR. CREGER: Here.

5 MR. GRIFFITH: Ed Hanna.

6 MR. HANNA: Here.

7 MR. GRIFFITH: Ted Johnson?

8 MR. JOHNSON: Here.

9 MR. GRIFFITH: David Levin?

10 MR. LEVIN: Here.

11 MR. GRIFFITH: Jason Lopez?

12 MR. LOPEZ: Here.

13 MR. GRIFFITH: Tim Meegan?

14 MR. MEEGAN: Here.

15 MR. GRIFFITH: Norman Moline?

16 MR. MOLINE: Here.

17 MR. GRIFFITH: Diane Oestreich?

18 MS. OESTREICH: Here.

19 MR. GRIFFITH: Bruce Peterson? Bruce
20 Peterson?

21 Lorian Swanson?

22 MS. SWANSON: Here.

23 MR. GRIFFITH: Berlinda Tyler-Jamison?

24 MS. TYLER-JAMISON: Here.

25 MR. LEVIN: At this time the

1 commission members, I am certain, have had a
2 chance to review the May 7th meeting minutes.

3 Could I please have a motion to
4 accept or review?

5 (The motion to accept the minutes was
6 made and seconded.)

7 MR. LEVIN: There was a motion and
8 seconded. All those in favor signify by saying
9 aye.

10 MEMBERS: Aye.

11 MR. LEVIN: All those opposed? Motion
12 carries.

13 You have before you the written agenda
14 for today's meeting.

15 Are there any changes to consider on
16 the agenda for tonight.

17 MR. JOHNSON: Mr. Chairman, I would
18 ask the Commission to consider reversing items
19 6 and 5 in the interest of time, realizing that
20 probably No. 5 is going to take a significant
21 amount of time and 6 should run short.

22 MR. LEVIN: We have a motion. Do we
23 have a second?

24 (Motion second.)

25 MR. LEVIN: We have a motion to

1 second.

2 All those in favor of changing the
3 agenda please signify by saying aye.

4 MEMBERS: Aye.

5 MR. LEVIN: All those opposed? Motion
6 carries.

7 MS. TYLER-JAMISON: I have a conflict
8 of interest with Item 6.

9 MR. LEVIN: We have a conflict of
10 interest on No. 6.

11 At this point I would just like to
12 go into a procedural explanation of how this
13 is going to go tonight.

14 No. 1 is the rezoning public hearing
15 on the agenda. The planning staff will provide
16 a brief explanation and introduction of the
17 request and answer questions from the
18 Commissioners.

19 The public hearing will then be
20 open. The applicant will step forward,
21 identify themselves, sign in, and provide their
22 presentation. They will also give their
23 address for the public record, please.

24 Members of the public will then be
25 asked to step forward, identify themselves,

1 sign in, and address the Commissioners.

2 Due to the large number of attendees
3 this evening and to be observant of the time,
4 members of the public will be asked to limit
5 their comments to five minutes each, and
6 subsequent speakers will be asked not to
7 repeat what has already been stated.

8 Interested parties will then be
9 allowed to ask questions and cross-examine
10 witnesses, and I would like to read you
11 something which we would like to be put into
12 the record.

13 The right to cross-examine at Planning
14 Commission Public Hearings:

15 No. 1, any Commissioner may ask
16 questions of any party offering testimony
17 or other evidence. Any individual deemed an
18 interested party shall be given the opportunity
19 to cross-examine any witness who offers
20 testimony adverse to the interest of the party
21 subject to reasonable limitations imposed by
22 the Chair. Such cross-examination will be
23 conducted by the interested party or by the
24 licensed attorney representing the interested
25 party.

1 No. 3: Limitations on the right of
2 cross-examination may include, but are not
3 limited to, the following: Requiring the
4 groups who are associated with the same
5 affected property or organization to select
6 one representative who alone shall be entitled
7 to cross-examine the adverse witness;

8 B, allowing only licensed attorneys
9 to act as agents of an interested party in the
10 exercise of the right of cross-examination;

11 C, restricting the class of those
12 who may be cross-examined to witnesses who
13 have offered testimony that includes factual
14 allegations relevant and material to deciding
15 the issues before the Commission;

16 D, the Chair may limit the repeating
17 of identical or factually similar questions
18 that have already been asked and answered by
19 the witness;

20 No. 4, an interested party shall mean
21 and include the following: A, the petitioner
22 seeking relief that is the subject of the
23 hearing;

24 B, any individual with an ownership
25 interest in the property that is the subject of

1 the hearing;

2 C, any individual or entity with an
3 ownership interest in real property any part
4 of which is located within the area extended
5 250 feet outward in all directions from the
6 perimeter of the property that is the subject
7 of the public hearing, excluding any distance
8 across any public right of way.

9 No. 5, Time Limitations:

10 Cross-examination shall be limited to ten
11 minutes per interested party, and, finally,
12 No. 6, any person who wishes to address the
13 Commission either in favor or against the issue
14 that is the subject of the public hearing may
15 do so. Each of the individual who so wishes
16 to address the Commission shall limit their
17 comments to five minutes.

18 With that, then, we will go on to
19 our first public hearing for the New Old
20 Chicago Redevelopment Second Addition Final
21 Plat, a three-lot subdivision with public alley
22 and variances at 608, 614 and 620 Tenth Street.

23 Now, staff, would you please give the
24 report to the Commissioners.

25 (The report was given and the hearing

1 on New Old Chicago Redevelopment Second
2 Addition Final Plat was held.)

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1 MR. LEVIN: At this time we are going
2 to call Public Hearing 2013-05 to order.

3 At this point I would like to
4 recuse myself of any duties under the Planning
5 Commission at this time. Therefore, I would
6 like to call on Vice-Chairman Diane Oestreich
7 to now lead the meeting.

8 MS. OESTREICH: Thank you.

9 MR. LOPEZ: And, Ms. Oestreich, at
10 this time I would also like to recuse myself.

11 MS. OESTREICH: There will be now
12 two people who will not be participating in the
13 discussion or questioning or anything.

14 As you heard, David has read some
15 new procedures that we are doing today that
16 actually allow things to be entered as evidence
17 and people to cross-examine those who are
18 entering things as evidence.

19 People will also be sworn in by the
20 court reporter, and because she is recording
21 the meeting, I would ask the Commissioners if
22 you are asking the question, identify your name
23 so that she will have it in her record because
24 she doesn't know us all.

25 I also warn everybody that these

1 microphones, the last time we found that you
2 have to be very close to them. If somebody
3 in the back finds you can't hear us, wave your
4 hands and then we will remind people to get
5 closer to the microphone. The same if you
6 are speaking, you might have to bring the
7 microphone up or down, because we want
8 everybody to hear everything.

9 So with that, we will open the Public
10 Hearing 2013-05 about the request from Fareway
11 Stores, and we will begin with a staff report
12 by Ben Griffith, and we will ask him to please
13 be sworn in.

14 (Whereupon, Ben Griffith was duly
15 sworn in.)

16 MR. GRIFFITH: Public Hearing 2013-05
17 is a request from Fareway Stores to change the
18 zoning from R-3 (one family and two family
19 residence district) to PUD (planned unit
20 development district) and approve a final site
21 plan for the property located at 2617 18th
22 Avenue.

23 The subject property is located at
24 2617 and 2711 18th Avenue. The property is
25 bounded by 26th Street to the west, 17th Avenue

1 to the north, and an alley behind the houses
2 facing 28th Street to the east.

3 Pages 1, 4 and 5 of the staff report
4 reference that the alley is behind or to the
5 east of the houses facing 27th Street, which
6 should be corrected to 28th Street.

7 The subject property is approximately
8 3.08 acres in size and includes the former
9 Audubon School, and a single-family residence
10 of wood-frame construction is located at the
11 southeastern corner of the site.

12 The applicant, Mr. Jeff Johnson of
13 Fareway Stores, Inc., is requesting to rezone
14 the subject properties from R-3 to PUD.
15 Fareway proposes to demolish the former school
16 and house and construct a 30,047-square-foot
17 building on the site.

18 The Comprehensive Plan Future Land
19 Use Map designates the subject property as
20 Public/Semi-Public. Adjacent designations
21 include Low Density Residential and General
22 Commercial. In 1998 the City Council adopted
23 Ordinance 98-28, which revised the 1986
24 proposed future land use map and established a
25 commercial development policy statement, which

1 reads as follows:

2 Reasonable expansion or additions of
3 commercial future land use map designations may
4 be considered by the City on a case by case
5 basis when the proposed rezoning and/or site
6 plan involves a development of significant
7 size, such as those taking up to a full
8 block, that is well designed with adequate
9 buffers from remaining residential areas. The
10 proposal shall be located in proximity to major
11 intersections and also be adjacent to existing
12 commercial uses and/or zoning.

13 Based on the size of the building
14 and the number of employees, the minimum
15 parking requirements would be 161 parking
16 spaces. The applicant is proposing 144,
17 requesting a variance of 17 spaces.

18 The applicant is proposing over-sized
19 parking spaces, 10 feet in width in lieu of
20 the 8 1/2 foot minimum, and wider access drive
21 aisles, 22 and 26 feet wide instead of the
22 18 1/2 foot minimum.

23 Fareway recognizes that their elderly
24 customers appreciate the ease of parking and
25 maneuvering through the parking lot. Fareway

1 is also providing six handicapped-accessible
2 parking spaces in lieu of the five required
3 and is also proposing a designated pedestrian
4 walkway from the sidewalk along 18th Avenue to
5 the entrance, which effectively removes three
6 parking spaces.

7 For these and other reasons the
8 applicant is requesting a parking variance.

9 The applicant is also proposing to
10 locate the loading dock area along the western
11 side of the building that includes a pit to
12 accommodate larger trucks, as well as a lower
13 height dock for deliveries by smaller trucks,
14 such as those used for bread, snacks and
15 drinks.

16 The enclosed dumpster area is located
17 in this loading dock area where a six-foot high
18 wooden fence is to be constructed to provide
19 screening from the neighbors along 26th Street.
20 The loading dock area would be located in the
21 west front yard building setback instead of the
22 rear yard area where required. A variance
23 allowing this loading dock area to be located
24 in the west front yard area will be required.

25 The northern side of the proposed

1 building presents challenges to install
2 landscape materials which will grow to provide
3 screening at the rear north of the building.
4 While often compared to the Hy-Vee to the east,
5 the Fareway is lower in height and has no
6 mechanical equipment located in the setback
7 yards. The retention area is proposed to be
8 dry, meaning that when water is not standing,
9 the grass can be mowed. No landscaping other
10 than grass sod has been proposed for the
11 detention area.

12 Several variances to bufferyard width
13 requirements are being requested, as well as
14 variances to landscape materials requirements.
15 They include the following: A parking lot
16 landscaping area of at least 10 feet in width
17 is required along the southern property line
18 along 18th Avenue. The site plan provides for
19 a width of 5 feet with no landscaping other
20 than sod provided, in lieu of the 10 feet
21 required. A variance of 5 feet and to the
22 landscaping materials for the bufferyard would
23 be required.

24 No. 2, a bufferyard setback of 15 feet
25 would be required along the eastern property

1 line, since it is adjacent to R-3 zoning
2 abutting the existing alley serving the
3 residences located on 28th Street. The site
4 plan identifies a 48.36-foot wide stormwater
5 detention area to be sodded, and no other
6 landscaping providing. A variance to the
7 landscaping materials for the required
8 bufferyard would be required.

9 No. 3, the parking lot landscaping
10 requires one canopy tree for every five parking
11 spaces. The site plan identifies 144 parking
12 spaces, which would require 29 canopy trees on
13 site, excluding trees located in the public
14 boulevard. A total of eight trees are
15 identified on the site plan, and a variance of
16 21 canopy trees will be required.

17 Seventy-one property owners of record
18 within 150 feet of the subject property were
19 notified by mail of the PUD request on May 20,
20 2013. A public hearing notice was published in
21 the newspaper on Saturday, May 18th, 2013. As
22 of this date, the Planning Office has received
23 numerous petitions, letters and e-mails from
24 the surrounding property owners in opposition
25 to the rezoning request.

1 Per the City's Zoning Ordinance, these
2 petitions and letters of objection are required
3 to be submitted via certified mail to both the
4 city clerk and to either the applicant or his
5 attorney of record. This information was
6 included in the notification letters, which
7 were mailed several days earlier than usual in
8 order to communicate this information to the
9 surrounding property owners.

10 Since protestors were given until
11 May 31, 2013, to submit certified petitions and
12 letters of protest, copies of the petitions and
13 letters of opposition not provided with this
14 staff report have been provided to the Planning
15 Commissioners this evening at their seats.
16 They will also be included in all materials
17 that are forwarded to the City Council for
18 their consideration.

19 Many statements have been made
20 comparing the proposed Fareway to the Hy-Vee
21 located further to the east on 18th Avenue.
22 Traffic concerns are among the chief complaints
23 of area neighbors. Fareway believes that most
24 of their customers will enter and exit the site
25 from 18th Avenue, especially using the traffic

1 signal which Hy-Vee does not have.

2 It is believed that not having a
3 signalized entrance at Hy-Vee causes traffic to
4 enter and exit the parking lot at various
5 locations, such as the rear of the site onto
6 20th Avenue and into the adjacent neighborhood.
7 The Hy-Vee site includes a portion of 29th
8 Street which was vacated for their expansion.
9 The vacated portion of 27th Street on the
10 subject property has never been utilized as a
11 roadway. The Hy-Vee building is also
12 significantly taller than the proposed
13 15-foot Fareway building.

14 The city engineer has indicated that
15 a traffic study will be conducted along
16 18th Avenue to assist in the resignalization of
17 the traffic signal located there.

18 The conversion of the former school
19 site into a neighborhood grocery store will
20 provide convenient shopping alternatives
21 to area neighbors, as well as provided
22 approximately 80 to 100 employees as young
23 as 14-year-olds their first job experience.

24 Fareway hires these younger teenagers
25 to sack groceries and carry them out to their

1 customers. There are two benefits to this, no
2 shopping carts in the parking lot and a
3 first-time job experience for young teenagers.

4 The proposed redevelopment of the
5 former Audubon School site makes for an
6 efficient use of the property and will provide
7 a much needed increase in the city's tax base.
8 Public utilities are already in place, and for
9 the first time stormwater runoff will be
10 treated and managed on the site.

11 Traffic impacts to the adjacent
12 neighborhood are expected to be minimal and
13 much less than when the former school was in
14 operation, chiefly due to the inclusion of a
15 traffic signal at the primary customer
16 entrance.

17 The proposed development meets
18 the intent of Ordinance No. 98-28 regarding
19 commercial future land use map designation of
20 properties in the 18th Avenue corridor. The
21 redevelopment of urban infill properties always
22 present a challenge and often make use of
23 variances to accommodate the proposed land use.
24 The proposed Fareway is a good example of an
25 infill project on a redeveloped, single-purpose

1 site.

2 So in conclusion, the Planning staff
3 recommends approval of the PUD (planned unit
4 development) rezoning request for the subject
5 property located at 2617 and 2711 18th Avenue,
6 and approval of the final site plan with
7 requested variances, based on using B-3
8 (community business district) requirements,
9 since B-3 zoning would be the corresponding
10 commercial zoning district allowing grocery
11 store use.

12 The variances requested are as
13 follows:

14 No. 1: A variance of 16.14 feet will
15 be required in lieu -- will be required for the
16 north front yard building setback, creating an
17 8.86 foot setback in lieu of the 25 feet
18 required. This is a correction. The staff
19 report had the 16 and 8 foot dimensions
20 reversed.

21 No. 2: A variance of 6.14 feet will
22 be required for the bufferyard setback along
23 the northern property line along 17th Avenue,
24 creating an 8.86 foot bufferyard in lieu of
25 the 15 feet required.

1 No. 3: A variance of 8.55 feet will
2 be required for the west front yard building
3 setback, creating a 16.45 foot setback in lieu
4 of the 25 feet required.

5 No. 4: A variance of 5 feet will
6 be required for the parking lot landscape
7 area along the southern property line along
8 18th Avenue, creating a 5-foot wide landscape
9 area in lieu of the 10-foot wide area required.

10 No. 5: A variance allowing only sod
11 in the southern and eastern bufferyards would
12 be required in lieu of the landscape materials
13 required.

14 No. 6: A variance of 21 canopy trees
15 will be required in lieu of the 29 required for
16 the site.

17 No. 7: A variance of 17 parking
18 spaces will be required in order to allow
19 the 144 spaces proposed in lieu of the 161
20 required.

21 And No. 8: A variance allowing the
22 loading dock to be located in the western
23 front yard area will be required.

24 This is an advertised public hearing,
25 so at this time I need to ask the Planning

1 Commissioners if any of them have been
2 contacted by anyone at any time regarding this
3 rezoning request.

4 At this time I will be happy to answer
5 any questions from the Planning Commissioners
6 regarding the staff report.

7 MR. PETERSON: I have two questions.
8 The first one is just to verify, I don't know
9 if you could put back up the site plan, but the
10 utility easement for water and sanitary sewer,
11 is that located where 27th Street would have
12 continued north and south?

13 MR. GRIFFITH: It was in the vacated
14 right of way. It would be under the parking
15 lot.

16 MR. PETERSON: And then the second
17 question I have is why this was submitted as
18 a Planned Unit Development as opposed to a B-3
19 zoning request.

20 MR. GRIFFITH: Well, the applicants
21 can probably answer better than I can, but
22 they could have -- if they had requested a B-3
23 zoning request, they would have also had to do
24 a second set of public hearings with the Board
25 of Zoning Appeals for the variances, so with

1 them requesting a PUD, since they have a single
2 building site and aren't going to have any
3 future development on the site, they can come
4 forward with a PUD with all the variances, and
5 this body can review those at one time, instead
6 of two separate hearings.

7 MS. TYLER-JAMISON: I'm Berlinda
8 Tyler-Jamison, and I guess I'm concerned
9 because in the staff report we noticed that
10 there was a reference to a minimal traffic
11 expectation and that there will be a traffic
12 study done.

13 I'm wondering if there have been any
14 preliminary traffic projections and also when
15 we might expect the city engineer to complete
16 the traffic study.

17 MR. GRIFFITH: The city engineer has
18 indicated that the traffic study will be done
19 in the coming months, depending on the results
20 of the Fareway rezoning request, primarily on
21 18th Avenue for the signalization.

22 The city engineer also feels that the
23 traffic impact to the adjacent neighborhood for
24 the grocery store would not be any greater than
25 the impact that the former elementary school

1 had been.

2 MS. OESTREICH: Are there any other
3 questions?

4 MR. MOLINE: Yes, I have a question,
5 Norm Moline.

6 A question, when you're talking about
7 a much-needed increase in the city's tax base,
8 what are the categories of tax increase that
9 you're thinking about?

10 MR. GRIFFITH: Developed properties,
11 newly-developed properties, is what the intent
12 of the statement in the report is.

13 MR. MOLINE: Are you thinking property
14 tax or are you including sales tax?

15 MR. GRIFFITH: The report regarding
16 the land use was a property tax. Currently
17 the property is not taxable because it's owned
18 by the school district, so this will be a
19 significant increase for it to be placed onto
20 the tax rolls and as a commercial property.

21 MR. MOLINE: So sometimes people would
22 suggest an increase in the sales tax, and then
23 they would cite gross sales, but as we would
24 suspect, and maybe as I hope that you took
25 this into account, that some of that tax

1 increase would merely be taking the tax from
2 another store and simply switching the
3 location, which shouldn't go into an economic
4 analysis of a site.

5 MR. GRIFFITH: And that would be an
6 assumption, but the intent was that the
7 property tax of now placing it on the tax rolls
8 and it being used for commercial use instead of
9 residential use, which is generally higher.

10 MS. TYLER-JAMISON: One more time, I
11 note here that it says that if more than
12 20 percent of the property owners who live
13 within the notification area provide written
14 protests, that certain procedures go into place
15 as relates to the City Council's action.

16 As of today what percentage of the
17 property owners within that notification area
18 have submitted?

19 MR. GRIFFITH: It's over 20 percent,
20 yes, ma'am.

21 MS. OESTREICH: Are there other
22 questions?

23 Before we move on, two things. Ben,
24 your report needs to be submitted as evidence.

25 Secondly, I am getting -- since this

1 is a relatively new procedure, this permission
2 for cross-examination for those people
3 presenting evidence, the city attorney has
4 asked me to read that the rules may be
5 amended during the public hearing based on
6 circumstances, ruling by Chair, and which
7 ruling may be overruled by a majority of the
8 public body in attendance, and that's -- I
9 don't really understand exactly what it means,
10 but that explains somewhat our change in
11 procedure. It's why we are allowing the
12 cross-examination.

13 So does anyone who is an interested
14 party, as defined within 250 feet of all
15 borders of the school or their attorney or
16 representative, and if you have got more than
17 one person per household, only one should
18 speak.

19 Well, he started walking, so we will
20 let him come first. You are limited to ten
21 minutes, and we are starting the clock at 5:42.
22 You need to be sworn in.

23 MR. BENSON: Prior to that, before
24 we deal with that, I would like to ask a
25 question based on this statement.

1 MS. OESTREICH: Your name.

2 MR. BENSON: Thomas Benson, attorney
3 from Rock Island, and I am here representing
4 the property owner.

5 MS. OESTREICH: You need to be sworn
6 in.

7 MR. BENSON: At this point I am not
8 testifying. I am here asking questions. I
9 don't think you need to be sworn in to ask
10 questions.

11 MS. OESTREICH: Well, there is another
12 time for public comment. If you want to
13 cross-examine, you really should be doing
14 that.

15 MR. BENSON: Well, my question is,
16 based on his testimony, 71 property owners
17 within 150 feet were given notice, but yet
18 you have stated in your procedures today that
19 residents within 250 feet should have been
20 given notice and would be allowed to speak, but
21 yet those people were not given notice of
22 today's hearing.

23 Should this hearing not be
24 continued until proper notice is given to
25 all of the interested parties?

1 The second point I want to make is
2 you're adopting new procedures today that were
3 not publicized and not advertised in the letter
4 to the interested parties that went out. They
5 are not aware of those procedures.

6 In fact, in the letter you indicated
7 that if you have an objection, you have to file
8 it by certified mail by May 31st. I'm not sure
9 what statute or law or ordinance says that in
10 order to be an objector you have to file a
11 certified letter.

12 So even the letter that went out
13 to the people within 150 feet would not be
14 shared with those who were further around the
15 neighborhood to be aware of coming forward at
16 this hearing, that they would have the
17 opportunity to speak.

18 So based on those things, the
19 inadequate notice to the other property owners,
20 I would hope that the Chair or anybody on the
21 Commission would entertain a motion to continue
22 this hearing until such time that the property
23 notice can be given to all the interested
24 parties.

25 MS. OESTREICH: I think this is

1 something that we need to take under
2 advisement, and I would suggest that you
3 proceed with your cross-examination right
4 now. It is nothing that we would do at this
5 instant. We will still hold our public hearing
6 as scheduled, and that is something that we
7 will have to decide later.

8 MR. BENSON: So you are deciding that
9 you are not going to continue the hearing to
10 let the other residents be notified of the
11 proper --

12 MS. OESTREICH: We are not going to
13 make that decision at this instant.

14 MR. BENSON: No problem, then. I have
15 some questions for Mr. Griffith.

16 MS. OESTREICH: Now please state your
17 name and address and be sworn in before you
18 cross-examine.

19 MR. BENSON: Thomas Benson, 3412 14th
20 Street, but I am representing the Elizabeth
21 DeLong Trust, owner of a property within the
22 site.

23 MS. OESTREICH: And what is the
24 property that you are representing, just for
25 the record?

1 MR. BENSON: 1627 - 27th Street, Rock
2 Island. Thank you.

3 (Whereupon, Mr. Thomas Benson was duly
4 sworn in.)

5 MR. BENSON: Mr. Griffith, you'll
6 probably want to come up here if you're going
7 to answer.

8 What is your job title with the city?

9 MR. GRIFFITH: I'm the planning and
10 redevelopment administrator.

11 MR. BENSON: And you're obviously
12 familiar with the City of Rock Island Zoning
13 Ordinance, PUD, Planning and Development?

14 MR. GRIFFITH: Yes.

15 MR. BENSON: Does everybody on the
16 Commission have a copy of the ordinance?

17 If you guys don't have it available to
18 you, I would like to provide you with copies of
19 the ordinance. I just got the sections that
20 are the PUD.

21 I have a copy in front of us here,
22 Mr. Griffith. Section 32.2-B talks about
23 approval of the preliminary plan, so was there
24 a preliminary plan submitted in this case?

25 MR. GRIFFITH: There was not. It was

1 a final plan because they are only building one
2 building.

3 MR. BENSON: Okay. According to the
4 ordinance, it says, "Copies of the preliminary
5 plan should be submitted to the PLANNING
6 COMMISSION who will eventually hold a public,"
7 so where in the ordinance does it allow for,
8 basically, skipping the preliminary plan and
9 submitting a final plan?

10 MR. GRIFFITH: The final plan could be
11 considered both a preliminary and final plan.
12 It could be the same. They are not doing a
13 phase development. They are developing one
14 building on the site.

15 MR. BENSON: Okay. And so if you
16 are considering the preliminary plan for a
17 final plan, it says that when the plan is
18 submitted to you, that you are supposed to
19 certify to its conformity with these
20 regulations, recommendations, and make
21 suggestions regarding overall design, if any.

22 Did you certify this plan as being in
23 conformance with this ordinance?

24 MR. GRIFFITH: That's why the
25 variances are required. The PUD plan was

1 submitted and needs these variances in order
2 to comply with the PUD ordinance.

3 MR. BENSON: Now, my question is, this
4 ordinance requires that standards and
5 procedures and requirements, and the
6 application is supposed to be consistent with
7 this ordinance, so is your testimony that you
8 did not certify that the application meets the
9 standards of this ordinance?

10 MR. GRIFFITH: The PUD application and
11 the plan submitted along with it without any
12 variances would not comply. That's why the
13 variances were requested along with the
14 submittal.

15 MR. BENSON: I don't think you're
16 answering the question.

17 The ordinance has a procedure for
18 submitting a plan, and it says that before we
19 have a public hearing that you're supposed to
20 certify that everything about the application
21 meets the purpose of this ordinance, which is
22 in 32.1, which meets the procedure of the
23 application, which meets the requirements and
24 the specific content, so you are saying that
25 you did not certify that this plan meets all

1 the requirements of the ordinance.

2 MR. GRIFFITH: Again, it would require
3 the variances in order to comply with that.
4 They submitted it with the variances requested
5 to comply with the PUD ordinance.

6 MR. BENSON: Okay. Part of your
7 staff report should include whether this plan
8 is consistent with the stated purposes of the
9 PUD. Were there any findings of fact in your
10 staff report regarding the specific purposes of
11 the PUD contained in 32.1?

12 MR. GRIFFITH: The staff report
13 doesn't address each item individually. It
14 gives an overview of the plan that was
15 submitted and the general concepts of the plan.

16 MR. BENSON: If the panel would refer
17 to 32.1-B, one of the purposes of it is,
18 "Permanent preservation of common open spaces
19 and recreation areas and facilities."

20 Would you say that this plan as
21 submitted complies with that purpose of the
22 PUD?

23 MR. GRIFFITH: You mean in reference
24 to that one specific item?

25 MR. BENSON: Yes, that one specific

1 item, preservation of common open space.

2 MR. GRIFFITH: It's a commercial
3 development, so it doesn't have any recreation
4 areas, so that portion would not apply, and it
5 does have an open-space component. I believe
6 it's 16 percent, as referenced on the site plan
7 data.

8 MR. BENSON: I will refer to Section
9 32.4, which are the standards that this plan
10 and development must meet the following
11 standards, and this report is supposed to go
12 through these standards and certify that it's
13 meeting these following standards. These are
14 not in the application. These are not in the
15 staff report.

16 For example, "The physical design of
17 the proposed plan and the manner in which said
18 design makes adequate provision for public
19 services and provides adequate control over
20 vehicular traffic, provides for and protects
21 designated common open space and furthers the
22 amenities of light, air and recreation and
23 visual enjoyment."

24 I apologize, I referred you to the
25 wrong section. That's on page 64, Section

1 32.2.

2 MS. OESTREICH: The clock is running.
3 I urge you to complete.

4 MR. BENSON: Does this plan provide for
5 the flow of traffic since it doesn't have a common
6 open space?

7 MR. GRIFFITH: The internal traffic
8 circulation plan of the site plan was reviewed
9 by the city engineer, and he found no problems
10 with that.

11 As far as concerning open space, the
12 site, again, is a previously undeveloped --
13 previously developed site, has been developed
14 for a significant period of time, and it does
15 allow an amount of open space.

16 MR. BENSON: You referred that the
17 future land use, that the future use shall
18 be well designed with adequate buffers for
19 remaining residential areas.

20 Does deviating from all the
21 residential buffers provide adequate buffers,
22 in your opinion.

23 MR. GRIFFITH: That's part of the
24 reason for the variances request and what the
25 applicant is providing on the plan, yes.

1 MR. BENSON: Well, how do you confirm
2 that these buffers, which are less than
3 50 percent of what is required by B-3 zoning,
4 are adequate to protect the low-density
5 residential neighborhood that it's going next
6 to?

7 MR. GRIFFITH: That's a decision
8 for the PLANNING COMMISSION to make a
9 recommendation on to the City Council for
10 approval.

11 MR. BENSON: One thing I noticed in
12 the report that you didn't mention was talk of
13 adding a bus stop in front of the store in
14 construction of the building, which would then
15 reduce the number of parking places.

16 Was that something that was in your
17 report?

18 MS. OESTREICH: I think your ten
19 minutes are up. I gave you a little bit of
20 grace because of your -- answer the question,
21 and if you have a final sentence, then --

22 AUDIENCE: Isn't there a statement
23 about the public being able to expand those
24 rules? I apologize for interrupting.

25 MS. OESTREICH: We are not going to go

1 that far. Otherwise, we will be here all
2 night. I think we have gotten a lot, and other
3 people will speak, too.

4 MR. GRIFFITH: The staff report did
5 mention. I didn't go over it in the review,
6 but in the staff report it mentions that the
7 applicant has been in discussions with
8 Metrolink. They have discussed the possibility
9 of locating a transit shelter in front of the
10 building.

11 If that were to take place, they would
12 probably lose two parking spaces, so that would
13 be a further reduction. Since the report has
14 been completed, I don't know what the status of
15 that is. The applicant would be more likely
16 to address that when they present their
17 proposal.

18 MS. OESTREICH: How much more time do
19 you need? If we gave you two more minutes
20 could you wrap it up?

21 AUDIENCE: No, he can take all the
22 time that he needs. Do you want to have a
23 hearing, or do you just want to railroad this
24 through?

25 MS. OESTREICH: Go on with a few

1 more questions, okay. There will be other
2 opportunities to cross-examine Fareway and
3 other people, as well.

4 MR. BENSON: I will reserve any time
5 for future questions. I will ask to reserve
6 any time depending upon other questions that
7 are answered to further ask questions of
8 Mr. Griffith.

9 MS. OESTREICH: Are you finished then?

10 MR. BENSON: Yes.

11 MS. OESTREICH: Thank you. Does
12 anyone else, an interested party, wish to
13 cross-examine Mr. Griffith?

14 Please get up, state your name and
15 address, and if you are a resident, are you
16 within 250 feet of the proposed Fareway?

17 MS. GAETA: Yes, I am. My name is
18 Andrea Gaeta, and I live at 2630 16th Avenue.

19 MS. OESTREICH: You need to be sworn
20 in.

21 (Whereupon, Andrea Gaeta was duly
22 sworn in.)

23 MS. GAETA: This is just the
24 cross-examination part; right?

25 MS. OESTREICH: Yes.

1 MS. GAETA: My question is, for
2 the revision, the 1986 revision for the recent
3 expansion or future land use map, it does
4 state, "Adequate buffers for remaining
5 residential areas." I would like clarification
6 from the city attorney as to what adequate
7 buffers are.

8 MS. OESTREICH: We are really not
9 cross-examining the city attorney at this time,
10 but it would be Mr. Griffith; am I correct?

11 MR. GRIFFITH: The adequate buffers
12 are the buffers that have been established by
13 the city in the city's zoning ordinances, and
14 those buffers have all been called out in the
15 variances that have been requested by the
16 applicant, and they have been detailed in the
17 report.

18 MS. GAETA: So my understanding is the
19 buffers would be the variances that they are
20 asking us to follow?

21 MR. GRIFFITH: That's correct, and
22 what that does not include is the width of the
23 roadways, which provides addition length but
24 cannot be counted, so that's something to look
25 at a little bit differently as opposed to if it

1 was immediately adjacent.

2 So there is additional footage, and
3 because it's a right of way, they cannot be
4 counted.

5 MS. GAETA: I'm also wondering if
6 there is any talk of a garden center with this
7 Fareway.

8 MR. GRIFFITH: The applicants have not
9 proposed one.

10 MS. OESTREICH: Thank you. State your
11 name address and be sworn.

12 MR. PANEGOS: Victor Panegos,
13 1627 27th Street.

14 (Whereupon, Victor Panegos was sworn
15 in.)

16 MR. PANEGOS: Mr. Griffith, when
17 you were doing your Fareway review of the
18 preliminary or final Fareway application, are
19 you aware of what Fareway's minimum stated
20 requirements are for a property for a store of
21 30,000 square feet?

22 MR. GRIFFITH: I'm aware that Fareway
23 has some standards that they try to use and
24 adopt, but my understanding is that that's not
25 a hard-and-fast rule, that they look at every

1 site on a case-by-case basis.

2 MR. PANEGOS: Are zoning laws
3 hard-and-fast rules?

4 MR. GRIFFITH: The zoning laws have
5 been adopted by the City Council, and if there
6 are any variations to those, they are approved
7 by the City Council.

8 MR. PANEGOS: I would like to
9 submit to the Commissioners, do you know what
10 Fareway's minimum stated requirements are that
11 will --

12 MS. OESTREICH: I think that would
13 come later. That's not cross-examination. You
14 can do that later when Fareway is up here.
15 It's not cross-examining Mr. Griffith. He is
16 not expected to be --

17 MR. PANEGOS: Is it possible to bring
18 up the staff report on the screen?

19 MR. GRIFFITH: No.

20 MR. PANEGOS: Nothing further.

21 MR. GRIFFITH: Madam Chairman, the
22 visuals they have on display are the maps and
23 graphics. We did not include the staff report
24 nor the letters provided by individuals.

25 MR. PANEGOS: Would we be able to use

1 the audiovisual system to share some pictures?

2 MS. OESTREICH: I don't think I can
3 answer that. I think you would have -- if you
4 have a copy, you could pass it around the
5 table. We will be showing the pictures. I
6 don't know.

7 MR. KUTSUNIS: Sir, do you have copies
8 of photographs?

9 MR. PANEGOS: I believe we do have.

10 MR. KUTSUNIS: When you present your
11 evidence as a proponent, you can present that
12 and mark the photos as an exhibit to be put in
13 the record.

14 MR. PANEGOS: At that time we could
15 submit it?

16 MR. KUTSUNIS: That's correct.

17 MR. GRIFFITH: I just want to
18 clarify, the packets that went out to the
19 Commissioners included not only the letters
20 of objections and petitions that we received
21 certified, and I so labeled them in the report.
22 They were certified which were received after
23 the letters, the notification letters, went
24 out.

25 The Planning Division has been

1 receiving letters of opposition and petitions
2 since January or February of this year, and we
3 included everything that had been provided to
4 us, all the letters and petitions, and they
5 were included in the packets.

6 Those that were received before the
7 notification letters for the public hearing
8 went out were under a tab that were labeled
9 Precertified, and in the packet things that
10 were labeled Certified were what we received
11 after the notification letters went out.

12 Additional materials that were
13 received since the packets went out have
14 been provided tonight, so I believe that we
15 provided everything that the city staff has
16 been receiving for the last six or seven months
17 now regarding the rezoning request even before
18 we had a rezoning request.

19 MS. OESTREICH: Thank you. Is there
20 any more cross-examination for Mr. Griffith?

21 MR. MOLINE: I think that the point
22 that was raised is an interesting one and maybe
23 significant. We have not seen a preliminary
24 PUD. As long as I have been on this
25 Commission, virtually I can't recall a case

1 where there was a single presentation of a
2 PUD which simultaneously was the preliminary
3 and the final in one meeting. Could you
4 explain that more?

5 MR. GRIFFITH: Well, the applicant is
6 proposing a single building development on a
7 single lot, so the preliminary and final would
8 essentially be the same one, because they are
9 not proposing a phased development. It would
10 all be developed at a single time. It won't in
11 steps.

12 There won't be additional portions
13 of the site to be developed, so as a part of a
14 single development, you could call it a final
15 or you could call it a preliminary and a final
16 at the same time, because, again, one building,
17 one lot, one single development, not being
18 phased in in stages of development.

19 A comparison is what we had recently
20 with Black Hawk Commons, which had some of the
21 site was known what was going to be developed
22 and portions of the site were unknown, so they
23 submitted a preliminary with potential
24 development sites, and then they submitted a
25 final which had the known sites indicated as a

1 final.

2 They did the same thing with that.
3 They presented a preliminary for the entire
4 site, and then they presented a final of just
5 portions of the site.

6 This would be a final with the
7 preliminary as part of that, because, again,
8 it's one site with one building in a single
9 stage of development.

10 MS. OESTREICH: For the record, also,
11 that is Norm Moline. Remember to state your
12 name. Bruce?

13 MR. PETERSON: Madam Chairman, if I
14 could address. This is Bruce Peterson.

15 In the ordinance that was passed out,
16 on page 64, 32.2-B-6, the second paragraph
17 says that the final plan may be considered as
18 a preliminary and final plan and may be
19 submitted for approval, so it's allowable
20 under the ordinance. It's just a question of
21 whether it defeats our purposes or not.

22 MS. OESTREICH: Thank you. Anything
23 else?

24 Is there another cross-examination
25 from the audience? Did somebody raise their

1 hand?

2 Then we are done. Thank you.

3 The next item on the agenda is the
4 Fareway presentation from Fareway, and please
5 get up, state your name and address, and be
6 sworn in.

7 Is there one speaker, or are there a
8 couple?

9 MR. PIKLAPP: I will take the easy
10 questions, and I will refer the hard questions
11 to the rest of the Fareway group.

12 MS. OESTREICH: So both of you are
13 proponents, then either or both of you can go
14 or if you prefer to go separately, that's fine,
15 too.

16 MR. PIKLAPP: I will start with just
17 me, and if you have a preference, Honorable
18 Chair, you let me know.

19 I am Garrett, G-A-R-R-E-T-T, Piklapp,
20 P-I-K-L-A-P-P, Fareway Stores, Inc.

21 (Whereupon, Garrett Piklapp was duly
22 sworn in.)

23 MR. PIKLAPP: Just to follow up on
24 a few things on what Mr. Griffith said, a
25 little bit about Fareway, because we are, I

1 will say, relatively new to the area.

2 We are a family-owned business. We
3 operate in five states with 105 stores. We
4 are closed on Sunday. As mentioned, we still
5 hire 14-, 15-year-olds which is unique to our
6 industry. We maintain general hours of the
7 operation from 7 AM to 9 PM, and we don't
8 operate on Sundays. Just recently we had what
9 we call a neighbor meeting. There are a few
10 points that I want to touch on following
11 Mr. Griffith's presentation. Not because we
12 had to, but because we wanted to, we sent out
13 notice to adjacent property owners.

14 It was our intent to send notice to
15 all property owners that would have received
16 this notice, so that was our intent. We got
17 about three dozen responses from adjacent
18 property owners who had questions about our
19 project.

20 We met with them last week for about
21 two hours, and the reason we wanted to limit it
22 to that group is because we wanted to answer
23 specific questions that adjacent property
24 owners had on our site plan and how it would
25 affect their adjacent properties.

1 We estimate, to the best of our
2 ability, that we answered over 100 questions
3 regarding access and use and site plan and
4 noise and hours of operation and lighting and
5 stormwater detention, and we found the meeting
6 to be informative. We didn't always agree, but
7 we found the meeting to be informative. We
8 hope the adjacent property owners at least had
9 more information than they had when they walked
10 in the door.

11 From that meeting we had a few points
12 that we wanted to bring up today. One of the
13 concerns we had was the landscaping, so what we
14 did was, if you can see on the projector, what
15 we did is went back and tried to find more
16 areas where we could put landscaping in.

17 And what we did at the request of
18 adjacent property owners was we added
19 approximately 29 -- and I'm going to butcher
20 this -- arborvitaes on the northeast corner and
21 on the east corner that will grow eventually
22 to 10 and 12 feet high.

23 That, of course, as is in the report,
24 is now buffered by about 48 feet of green space
25 on the west side of those arborvitaes. Now,

1 essentially, the intent is to shield this
2 property on the northeast corner all the way
3 down the east corner with landscaping and green
4 space.

5 What we also did, because of the
6 concern was in the dead of winter there won't
7 be any -- and I'm going to butcher this, too --
8 landscaping that maintains any kind of
9 appearance in the dead of winter.

10 So what we did was where you see in
11 the middle of the north side of the property
12 just to the right side of our store we
13 added two -- excuse me, we replaced these
14 intended trees with two I will call them
15 conifers, big pine trees -- blue spruces,
16 excuse me, and in the dead of winter those
17 should still generate height wise, I would
18 say, 10, 12, 15 feet.

19 The second thing that we brought
20 up, which hasn't been mentioned, and we are
21 disappointed, because our intent was in the
22 right place, was to build a monument sign for
23 the memory of the Audubon School.

24 What we did was we took the
25 architectural design from the west side

1 entrance and the east side entrance and put
2 it into a monument just to the north -- the
3 east side of our property, right to the left
4 side of those two pine trees.

5 Now, this was simply a concept. It
6 was a good-faith effort to memorialize the
7 memory of the school.

8 AUDIENCE: Kill it and then
9 memorialize it?

10 MS. OESTREICH: Please do not comment.

11 MR. PIKLAPP: Now, we have offered to
12 work with a local body if there are tweaks to
13 that memorial. Our heart is in the right
14 place, so if there are questions or concerns or
15 comments about that memorial, we will gladly
16 address them and take them and work with a
17 local representative to put in a memorial.

18 I think -- I know there are a host of
19 questions. I'm not exactly sure how much time
20 I have, so I would like to defer the rest of my
21 time to questions if the Commissioners have
22 them. If not, I will --

23 MS. OESTREICH: Are you the expert on
24 the site plan?

25 The landscaping and everything, is

1 that your forte, or is it the entire building?

2 MR. PIKLAPP: Both. If there are
3 specific questions, relative to the site plan
4 permits, I will gladly try and answer them.

5 MS. OESTREICH: Are there questions?
6 Norm?

7 MR. PETERSON: Bruce Peterson. I had
8 a question I asked Mr. Griffith in terms of
9 why this was submitted as a Planned Unit
10 Development as opposed to a more typical
11 rezoning request, and I don't know if you're
12 the right person to answer that or if someone
13 else on your team would be the right one to
14 answer that.

15 MR. PIKLAPP: Sure, I can do my best
16 to answer that. Our intent was to tackle all
17 the substantive issues in one hearing.

18 MS. TYLER-JAMISON: What happens to
19 the Fareway project if not all of the variances
20 are approved?

21 MR. PIKLAPP: I guess just to make
22 sure that I understand your question, all eight
23 variances are denied?

24 MS. TYLER-JAMISON: Then that kills
25 the project?

1 MR. PIKLAPP: At this point the
2 response would be, yes, this is no longer a
3 viable site.

4 MS. TYLER-JAMISON: Why is this site
5 so attractive as opposed to some other
6 locations within the City of Rock Island?

7 MR. PIKLAPP: Sure. Do you have
8 specific other locations?

9 MS. TYLER-JAMISON: Well, the one that
10 I was obviously thinking about and it has been
11 referenced here in some of the materials is the
12 old Rock Island Country Market site.

13 MR. PIKLAPP: That's kind of -- that
14 was addressed at our local neighborhood
15 meeting.

16 Here is what I can tell you. I can
17 tell you we have a confidentiality agreement
18 with the property owner; that we engaged the
19 property owner and did due diligence on that
20 property.

21 I can tell you because of other
22 public comments already made that there were
23 environmental issues on that site. As that
24 site sits today, it is not lawfully possible
25 that Fareway could operate a grocery store.

1 MS. TYLER-JAMISON: That's good to
2 know.

3 MS. OESTREICH: Thank you.
4 Ms. Swanson?

5 MS. SWANSON: I was just pondering
6 this. On the parking you said 144 spaces, and
7 then if you take 20 for employees, that's 124,
8 and tonight they said two for the bus stop, so
9 that's 122 customer parking spaces.

10 Do you feel that's adequate for a
11 business at high shopping times?

12 MR. PIKLAPP: Yes, our retail teams
13 are comfortable that the 124 spots would
14 suffice.

15 To kind of peel your question apart in
16 different layers, the bus stop is a concept
17 that we are willing to discuss with the city as
18 a service to the citizens of Rock Island. If
19 this Commission and the City Council and the
20 residents don't feel that that's an appropriate
21 service at that level or, excuse me, at that
22 property because of the two spots that we may
23 lose, then that's okay.

24 MS. SWANSON: Generally is that
25 enough, 122 places?

1 MR. PIKLAPP: Yes.

2 MS. SWANSON: Without filtering into the
3 neighborhood?

4 MR. PIKLAPP: Yes.

5 MS. OESTREICH: Your turn will come
6 later. Any other questions? Ted?

7 MR. JOHNSON: A series of questions
8 relative to your number of trucks anticipated
9 per day and the timing of those trucks.

10 MR. PIKLAPP: That's a good question,
11 and one that was raised by the adjacent
12 property owners.

13 We send a truck from Fareway every
14 other day, so this property, this store, will
15 receive a truck from Fareway three days a week.

16 Those deliveries may occur as late as
17 9 AM. We have an official no-idle policy with
18 one exception, which means that our truck will
19 shut off when it hits our dock. The only
20 exception is diesel fuel gels in temps below
21 zero degrees.

22 MR. JOHNSON: Did you provide the
23 neighbors with some assurances that because
24 it's tight relative to parking, that employees
25 would not be parking in the neighborhood and

1 would still be parked on site?

2 MR. PIKLAPP: The short answer is
3 that I don't know if we provided any
4 assurances. I'm certainly willing to do that
5 today. If the city and the PLANNING
6 COMMISSION, whatever local body is in charge,
7 wants to put no parking signs for Fareway
8 employees, we are comfortable with that.

9 MR. JOHNSON: A final question, at
10 least for right now.

11 During the course of your meeting
12 with the neighbors, did the question come up
13 relative to eliminating the 17th Avenue access?

14 MR. PIKLAPP: It did.

15 MR. JOHNSON: Is that at all possible
16 to eliminate the traffic coming through the
17 neighborhood into the site?

18 MR. PIKLAPP: And still will have a
19 Fareway store built there?

20 MR. JOHNSON: Yes.

21 MR. MOLINE: No.

22 MS. OESTREICH: Any other questions?

23 MS. TYLER-JAMISON: One more. I'm
24 interested to hear from you a recap kind of the
25 discussion that you had with the neighbors with

1 the concern about the noise. You referenced
2 that in your remarks. What happened there?

3 MR. PIKLAPP: To generalize, the
4 concern was that there would be trucks at all
5 hours operating at our dock, and just as a
6 point of clarification, our intent was to
7 minimize commercial traffic through the
8 neighborhood, which is why we put the dock on
9 the west side.

10 The dock on the back side would
11 increase traffic through a residential
12 neighborhood, so that's why we put it on the
13 west side.

14 Then what we did is we built a
15 six-foot fence that buffers our dock from the
16 adjacent property owners. We also have a
17 no-idle policy and are prepared to offer a
18 morning delivery truck as late as 9 AM.

19 So I think in a roundabout way,
20 generally, we are trying to offer assurances
21 that we are willing to be reasonable. I don't
22 know how they took it, frankly.

23 MR. CREGER: Mike Creger. Are you
24 saying that all deliveries will be taking place
25 at your store before 9 AM? This is all local

1 deliveries, or just your Fareway truck?

2 MR. PIKLAPP: Just our Fareway truck.
3 That's the 52- or 53-foot truck. We may have
4 delivery trucks, which is a bread truck or a
5 potato chip truck, which will come at different
6 hours throughout the day. Those are typically
7 shorter trucks and are there for what I will
8 call short periods of time.

9 MR. CREGER: And will these vehicles
10 be shut off? Will you require that they be
11 shut off when they hit your property and
12 unload, or will you encourage them to do that?

13 MR. PIKLAPP: We will absolutely
14 encourage them to do that. I would note that
15 the one exception is that diesel-operated
16 vehicles may gel when the weather temps fall
17 below zero.

18 MS. OESTREICH: Are there additional
19 questions?

20 MR. MOLINE: Just the question I asked
21 is why, and I would just like to hear from your
22 point of view, that this business is so
23 important that you're asking the city, the
24 PLANNING COMMISSION and the city, to
25 overturn -- you already were successful in

1 overturning an historic designation, which Rock
2 Island had took a long time to develop a good
3 ordinance, and now you're asking for the
4 variances on setbacks and rear yard, things
5 that are common to us and to many cities
6 with zoning ordinances, and the landscaping
7 requirements, which took a long time to
8 develop, that you're asking -- I just want to
9 hear in your words why this is so important.

10 You are asking some of us who really
11 struggle and believe in these other issues that
12 we should no longer consider those things.

13 MR. PIKLAPP: Yes, in my world we call
14 that a compound question, but the short answer
15 is that we don't think that Fareway is asking
16 you to do this.

17 We have an overwhelmingly positive
18 amount of e-mails and calls and phone calls and
19 messages and letters from Rock Island residents
20 who want a Fareway store, and our market
21 analysis shows that the demand is here by your
22 residents to have a Fareway store.

23 Now, what we have done is we have
24 done a market analysis within your city to
25 determine that this is the most viable site.

1 Now, some of the questions that you've
2 asked me are the questions that you're going to
3 have to face tonight, but we can tell you that
4 our inbox shows that there is demand by Rock
5 Island residents showing that they want a
6 Fareway store and they are supportive of a
7 Fareway store at this site.

8 MR. MOLINE: Is that analysis a
9 matter that can be shared with the public?

10 MR. PIKLAPP: Which analysis?

11 MR. MOLINE: Your market analysis.

12 MR. PIKLAPP: No, we deem that
13 proprietary.

14 MR. MOLINE: So you cannot provide
15 that?

16 MR. PIKLAPP: No.

17 MS. OESTREICH: Any other questions?

18 MS. SWANSON: I was wondering if at
19 Audubon, like other historic buildings, if
20 environmental issues come up after you've been
21 digging into it, who pays for that?

22 Is Fareway prepared to pay for that,
23 because that could be a cost, or does the city
24 do that?

25 MR. PIKLAPP: Our environmental report

1 shows that there is asbestos in the building.

2 MS. SWANSON: Is that the city's?

3 MR. PIKLAPP: Our environmental
4 report shows that there is asbestos within
5 the building. All of that asbestos will be
6 remediated prior to demolition. That concern
7 was raised at the local neighborhood meeting we
8 had.

9 MS. OESTREICH: Anyone else? I do
10 have one question, relatively minor, related to
11 the site plan.

12 If this is approved you're asking for
13 a burning bush, which is a definite no-no where
14 we have forests. It's an invasive plant. Take
15 that off. A burning bush should not be on your
16 site.

17 Secondly, though, the three trees that
18 you say that you are going to keep are actually
19 not yours to tear down. There are boulevard
20 trees, is that correct, as shown on the site
21 plan?

22 When I went by today they sure look
23 like they are on the boulevard, those three on
24 the north side, and there is another lovely
25 little sycamore on the west side that you

1 should give that I believe would escape your
2 driveway.

3 MR. PIKLAPP: Any trees that are in a
4 public right of way and can be maintained or
5 left, then we will certainly do so.

6 MS. OESTREICH: Well, you would need
7 permission to remove them, and I think that
8 those are the ones that you are saying that you
9 will not tear down, which was generous of you
10 since they were not your trees, but that's just
11 something that I noticed.

12 With that said, does anyone wish to
13 cross-examine Mr. Piklapp? And please state
14 your name, address and be sworn.

15 Again, this is based on the facts
16 that he has stated, that he has given evidence
17 on, questions related to what he has stated,
18 which is related to the site plan and the
19 proposal.

20 MR. PANEGOS: This is just a
21 statement, not related to his --

22 MS. OESTREICH: This should be
23 questions related to his statement.

24 MR. PANEGOS: Okay.

25 MS. OESTREICH: State your name and

1 address, please.

2 MR. PANEGOS: Victor Panegos,
3 1627 - 27th Street, Rock Island, Illinois.

4 (Whereupon, Victor Panegos was duly sworn
5 in.)

6 MR. PANEGOS: So at the meeting we
7 talked a little bit about the incentive plan
8 that Fareway is expecting from the city. The
9 city has already paid \$60,000 to Rock Island
10 Development Group, and you at one point talked
11 with our neighbors and said that Fareway would
12 like to recoup probably the cost of the
13 demolition and the preparation of the site to
14 provide some sort of incentive plan.

15 Can you give us some sense of what the
16 scope and size of that incentive plan is?

17 MS. OESTREICH: Please.

18 MR. PIKLAPP: I don't think that I
19 brought that up, but I will gladly answer it.
20 Always good to see you, Victor.

21 The short answer is we are currently
22 going through a development agreement with the
23 city, but what I can tell you is that there is
24 no financial package that has been in that
25 development agreement to tell what you the

1 numbers are.

2 What I can tell you is that there will
3 be a public document, subject to a public
4 reading, prior to approval.

5 MS. OESTREICH: Did you have
6 additional questions?

7 MR. PANEGOS: And I just wanted to
8 confirm from our conversation, from the plan
9 and from the staff report, that you're not
10 planning to make any infrastructure investments
11 on 17th Avenue, the sewer system, or on 27th
12 Street?

13 I think the mayor was there and
14 volunteered that the city would then pay to
15 rebuild 17th Avenue and 27th Street --
16 26th Street.

17 MR. PIKLAPP: Those public
18 improvements have not been discussed.
19 Certainly, if we can better the streets
20 neighboring our store, we will absolutely
21 entertain that discussion.

22 MS. OESTREICH: Anyone else? Please
23 come up, give your name and address.

24 MR. WAHLMANN: Michael Wahlmann,
25 1619 - 28th Street.

1 MS. OESTREICH: Are you within
2 250 feet?

3 MR. WAHLMANN: I received a letter.
4 (Whereupon, Michael Wahlmann was duly
5 sworn in.)

6 MR. WAHLMANN: My question is actually
7 going back to I'm just curious, who suggested,
8 or as you approached Rock Island with this
9 plan, who suggested that you do a PUD?

10 How did that decision come about
11 versus just having a straight B-1 or whatever,
12 B-3, designation?

13 MR. PIKLAPP: Frankly, we took the
14 Hy-Vee process.

15 MR. WAHLMANN: Actually, who suggested
16 it?

17 MR. PIKLAPP: I'm not sure.

18 MR. WAHLMANN: So it wasn't -- you
19 can't remember if it was the city staff who
20 suggested it or you had read the ordinances and
21 decided that you wanted to go this route rather
22 than the B-3 zoning?

23 MR. PIKLAPP: I'm not sure.

24 MS. OESTREICH: I think you're kind of
25 badgering him.

1 MR. WAHLMANN: Badgering him? Okay.

2 I'm just curious, because I think that's
3 important in this case, or should I save this
4 for comments later?

5 MS. OESTREICH: You may save it for
6 comments. You're not going to get a different
7 answer after you asked it two or three times.

8 MR. WAHLMANN: But I just find it
9 interesting in the discussion of the PUD
10 earlier and the talk about that, it seems
11 like going for a PUD in a situation like this
12 versus B-3 cuts out a chance at another public
13 discussion, so we are all wrapping this up and
14 it's so convenient for them.

15 MS. OESTREICH: Now you are giving
16 discussion which should be saved for later.

17 MR. PIKLAPP: Excuse me, Honorable
18 Chair, but could I respond, please.

19 I think the Commission should take
20 into consideration that if our intent was not
21 to take difficult questions or comments we
22 would not have held a meeting with adjacent
23 property owners.

24 We are here representing Fareway,
25 talking to a public body in a public forum. We

1 have made a good-faith effort to meet the
2 adjacent property owners. We are doing our
3 best to answer all the questions.

4 MS. OESTREICH: We have another.
5 State your name again, please.

6 MR. BENSON: Thomas Benson. Here,
7 have you read the city ordinance on planning
8 and developments?

9 MR. PIKLAPP: Some time ago.

10 MR. BENSON: And did you prepare the
11 application for Fareway for the planned unit
12 development?

13 MR. PIKLAPP: No.

14 MR. BENSON: Who prepared that
15 application?

16 MR. PIKLAPP: Is it signed? Mr. Jeff
17 Johnson did.

18 MR. BENSON: Is Mr. Jeff Johnson here
19 today?

20 MS. OESTREICH: Yes.

21 MR. BENSON: Is he intending to
22 testify at any time?

23 MR. PIKLAPP: I mean, depending on the
24 question I will do my best to answer it. If
25 there is something specific --

1 MR. BENSON: Did you review the
2 application before submitting it to the city?

3 MS. OESTREICH: Since you're a part of
4 the Fareway situation, please, Mr. Johnson,
5 would you please come up, give your name and
6 address, and be sworn in.

7 MR. JEFF JOHNSON: Jeff Johnson,
8 Fareway Stores, Inc. 715 Eighth Street, Boone,
9 Iowa.

10 (Whereupon, Mr. Jeff Johnson was duly
11 sworn in.)

12 MR. BENSON: Mr. Johnson, have you
13 reviewed the city ordinance relating to the
14 planned unit development?

15 MR. JEFF JOHNSON: I did look at it
16 some time ago.

17 MR. BENSON: And you filled out this
18 application for the zoning change to PUD?

19 MR. JEFF JOHNSON: That's correct.

20 MR. BENSON: And why did you choose
21 to use that particular zoning designation as
22 opposed to B-3?

23 MR. JEFF JOHNSON: I believe it was
24 an available zoning option for us to apply for.

25 MR. BENSON: Okay. So you didn't

1 review the details of your application to make
2 sure that it was in compliance with the
3 requirements of the ordinance?

4 MR. JEFF JOHNSON: Again, we reviewed
5 the ordinances some time ago. We applied for
6 the city application and submitted all of our
7 documents, and, ultimately, it was reviewed by
8 city staff.

9 MR. BENSON: Did you receive a
10 certification from city staff that your
11 application met all the requirements of the
12 ordinance?

13 MR. JEFF JOHNSON: At this point I
14 don't recall.

15 MR. BENSON: I would just like to
16 point -- take judicial notice, I guess, that
17 the point Mr. Peterson made regarding the
18 final plan being considered a final and a
19 preliminary, so all the requirements of the
20 ordinance that apply to preliminary plans
21 should apply to this if it's being considered
22 as a final plan, and I have no further
23 questions.

24 MS. OESTREICH: Thank you. Does
25 anyone else wish to cross-examine? You have

1 been sworn in, as well.

2 MS. GAETA: My name is Andrea Gaeta,
3 and I live at 2630 16th Avenue. I would like
4 to, again, ask about the garden center.

5 Are you guys planning on putting in a
6 garden center?

7 MR. PIKLAPP: Just so I'm clear --
8 that is Garrett Pıklapp, again -- a garden
9 center meaning an additional structure for
10 plants?

11 MS. GAETA: Yes.

12 MR. PIKLAPP: I just want to make
13 sure that I understand what a garden center is.
14 Sometimes we have seasonal outdoor sales areas.

15 A full-blown I will call it seasonal
16 outdoor structure is always subject to local
17 ordinances.

18 MS. GAETA: I would like to know how
19 many typical parking spaces you have on your
20 typical sites.

21 MR. PIKLAPP: That's difficult to
22 answer. We have store sizes, excuse me,
23 ranging from 8,700 square feet to 47,000 square
24 feet, so it's kind of hard to determine that
25 each site has X number of parking stalls per X

1 number of square feet.

2 Each local ordinance is different. We
3 usually work with the local city to determine
4 what a reasonable number of parking stalls is
5 and then just go from there.

6 MS. GAETA: Can you tell me, is there
7 a specification for each size of the building
8 that you typically shoot for?

9 MR. PIKLAPP: The short answer is no.

10 MS. GAETA: I believe you said that
11 you were looking at putting in a six-foot high
12 fence, and I believe you said that your truck
13 was maybe 14 feet high, so that fence will not
14 actually cover the size of the truck?

15 MR. PIKLAPP: I don't believe I
16 said the truck was 14-foot high. If I did, I
17 misspoke. I said there was a six-foot fence,
18 and we typically have a 52-foot or 53-foot
19 truck, and I'm talking length wise and not
20 height wise.

21 MS. GAETA: But you are looking at
22 doing a six-foot fence, then?

23 MR. PIKLAPP: Yes. I believe it's on
24 the site plan.

25 MS. GAETA: I would like to know what

1 time your first employee arrives.

2 MR. PIKLAPP: The short answer is it
3 depends on the local store manager.

4 MS. GAETA: I believe at the meeting,
5 at the neighborhood meeting, you said that the
6 deliveries would be between 5 AM and 7 AM, and
7 now you are saying 9 AM. Is there a guarantee
8 to that?

9 MR. PIKLAPP: I can tell you that on
10 the way over here, I think you're right. I
11 think the common time was, generally, between
12 5 and 7 AM. We have morning store deliveries
13 and night store deliveries, depending upon
14 store location.

15 I can tell you under oath that we will
16 absolutely work in good faith to make sure that
17 we are reasonable in our deliveries. They can
18 be as late as 9 AM. I'm not in charge of
19 distribution, so I would hate to make that
20 guarantee.

21 MS. GAETA: I don't believe there has
22 been any issue as to when the garbage would
23 come to be picked up.

24 MR. PIKLAPP: You guys would know your
25 local garbage providers better than I. I'm not

1 sure what time they pick up.

2 MS. GAETA: I believe it was
3 Ms. Swanson that asked if there was any sort
4 of incentive or who was going to pay for the
5 asbestos removal and abatement, and I don't
6 believe I caught the answer to that.

7 MR. PIKLAPP: My answer relative to
8 the whole development agreement package is that
9 it's simply not vetted yet; that there have
10 been preliminary discussions about what the
11 development agreement will look like.

12 Once that's finalized it will be a
13 public document subject to public notice and
14 public hearings.

15 MS. GAETA: You talked about
16 maintaining the three trees on the boulevard.
17 I believe that there are actually more trees
18 than just those three on the boulevard.

19 AUDIENCE: There's five.

20 MS. GAETA: They said there is five on
21 the boulevard. I wonder why you feel inclined
22 to tear down the rest of them, and then I also
23 would like to know what you are going to do to
24 prevent the death of those other trees.

25 MR. PIKLAPP: I guess I'm not sure

1 what two trees on the boulevard you're
2 referring to.

3 MS. GAETA: There should be two more
4 on 17th Avenue.

5 MR. JEFF JOHNSON: This is
6 Mr. Johnson.

7 Andrea, I'm not 100 percent certain
8 of the location of the other two trees that
9 everybody is talking about. I believe there is
10 one immediately west of the 17th Street access.

11 There are a couple of things going
12 on there regarding actually some stormwater
13 issues, and it was looked at. I think there is
14 also a fire hydrant that needed to be relocated
15 or adjusted to the west a little bit, and,
16 again, dealing with stormwater issues, there
17 was some regrading that went on at that access
18 point.

19 Those were discussions that were kind
20 of a preliminary plan review regarding how that
21 functions the best, and we are not allowing
22 stormwater to go out into 17th Avenue, so it
23 was really something that was generated for
24 some stormwater protection, as well as
25 maintaining some adequate grades.

1 MS. GAETA: Have we covered the
2 stormwater issue? Can I ask questions about
3 that, or should I wait?

4 MS. OESTREICH: You can ask.
5 Typically, that is dealt with by the city
6 engineer and not the PLANNING COMMISSION, but
7 there is the water retention area.

8 MS. GAETA: I would just like to
9 know how this water retention area is supposed
10 to work and what sort of liability or
11 responsibility if this does not ensue?

12 There seems to be some conflicting as
13 to who is supposed to be taking care of the
14 stormwater issue, and it was brought up at the
15 neighborhood meeting between the city and
16 Fareway.

17 MS. OESTREICH: We do not deal with
18 stormwater. Typically, if we approve a site
19 plan, it's contingent upon the city engineer,
20 and they are pretty stringent.

21 MS. GAETA: So is it my understanding
22 that Fareway would be responsible for the water
23 retention area and that the city would be
24 responsible for the stormwater drain that it
25 would hook into?

1 MS. OESTREICH: Fareway would be
2 responsible for meeting city requirements,
3 whatever public works is going to require,
4 not through us.

5 MS. GAETA: Thank you.

6 MR. GRIFFITH: We will meet those
7 requirements, just as a public comment.

8 MS. OESTREICH: Is there other
9 cross-examining?

10 Please stand up, state your name and
11 address and be sworn in.

12 MR. STANLEY: Julian Stanley, and my
13 address is 2605 - 17th Avenue, Rock Island.

14 (Whereupon, Julian Stanley was duly
15 sworn in.)

16 MR. STANLEY: I wanted to address the
17 neighborhood meeting with you. I asked several
18 questions --

19 MS. OESTREICH: You need to get closer
20 to the microphone.

21 MR. STANLEY: I asked several
22 questions and none of them were answered.

23 Specifically, the most important
24 was out of Article 32, which deals with the
25 purpose, procedures and items that deal with

1 public interest.

2 Paragraph 32-4 deals with the
3 standards, which says that a planned unit
4 development must meet the following standards
5 under compatibility. The Planned Unit
6 Development must be of a type and so located as
7 to exercise no undue detrimental influence upon
8 the surrounding properties.

9 I asked you that, and you just stared
10 at me. Do you have any comment?

11 MR. PIKLAPP: Thanks for your
12 question. I believe I do remember that
13 question, and my answer was it's not up
14 to Fareway and myself to interpret local
15 ordinances and planned developments and how
16 they affect local ordinances. Typically,
17 that's up to the Commission.

18 MS. OESTREICH: Thank you. Anyone
19 else wish to cross?

20 MR. MOLINE: Since you're in charge of
21 the site selection, when you identified the
22 primary customers or one of the arguments for
23 why we need this is that people want a Fareway.

24 If, generally, in an analysis like
25 that, if people have a particular target that

1 they want, exactly the location doesn't make
2 that much difference, and so I guess I'm
3 wondering if you wanted to be in Rock Island,
4 did you consider going to the place less than
5 about a half mile away, which is a vacant
6 grocery store, where people would like a
7 grocery store to be there?

8 Did you consider that location?

9 MR. PIKLAPP: The short answer is
10 yes. Ms. Tyler-Jamison brought that comment
11 up, and I believe what I said was we entered
12 into a confidentiality agreement with that
13 property owner to start the due diligence.

14 As a part of that due diligence there
15 were environmental concerns, so I can comment
16 to this extent, and that's it.

17 Because of the environmental concerns
18 on that site, lawfully it is not possible that
19 Fareway can operate a grocery store at that
20 site at this time, so we have explored that
21 site. We have done our due diligence, and
22 environmentally we cannot open a Fareway store
23 there.

24 The second part of your question is
25 location is very important within a community,

1 and our retail people take that very seriously
2 and our customers take it very seriously.

3 Within a city there are good locations
4 and better locations, and the site location
5 within that city is a very important.

6 MS. OESTREICH: Anything else?

7 MS. SWANSON: Lorian Swanson. I
8 would like to comment a little bit along Norm's
9 line.

10 I think of Fareway as a destination,
11 and I think if you put it somewhere far away in
12 the woods, people would come, because they come
13 for that meat, and I don't care where it is.

14 I have a lot of friends who are always
15 going to Moline, and so then I wonder, you talk
16 about, and I know you can't be specific, about
17 the environmental stuff on 24th Street, the
18 other site, but there are environmental things
19 going on at Audubon, too, that have to be
20 corrected, so why can't the ones over there on
21 24th Street be corrected?

22 I mean, the lot size seems to me that
23 would fit your building. I don't know. You
24 wouldn't have maybe as many restrictions and
25 setbacks. I don't understand why if there's

1 environmental at both sites, and one you can't
2 do and one you can do, and if cost wise by the
3 time you tear down this gorgeous Audubon
4 building and you have got to demolish it
5 and then get rid of the environmental stuff
6 besides, it seems the cost would be similar. I
7 don't know.

8 MR. PIKLAPP: The short answer is that
9 I guess -- thank you for your comments on the
10 destination.

11 I think you're right. I think
12 consumer trends suggest that maybe convenience,
13 location, the site, traffic patterns, are all
14 factors that determine where a customer will
15 shop, among many different additional factors,
16 so I think Fareway is a destination.

17 I am glad that you think Fareway is a
18 destination. I think some people may disagree
19 with you.

20 But relative to the environmental
21 concerns, your question doesn't fall on deaf
22 ears. You have one property that has X
23 environmental concerns, and you have one
24 property that has Y environmental concerns.

25 The problem is that I can't comment on

1 X. I can comment on Y, and I can comment that
2 we feel comfortable that we can remediate
3 those.

4 MS. SWANSON: Well, the Moline one is
5 certainly not sitting in a primo place. It is
6 sort of sitting all by itself.

7 MR. PIKLAPP: Yes, this gentleman over
8 here was responsible for that site.

9 MS. SWANSON: Yes, but people still do
10 go there.

11 MS. OESTREICH: Thank you. Anyone
12 else?

13 Then I think you may -- one more
14 cross-examination. Okay.

15 MS. DELONG: Elizabeth DeLong,
16 1627 - 27th Street.

17 I just have a question. You had
18 mentioned that the site would be -- you would
19 not build or be able to have the site if we
20 were to close off 17th Avenue, okay. Can you
21 explain why?

22 MR. PIKLAPP: Sure. I can try. In
23 Elizabeth's defense and the neighbor's defense,
24 this certainly was brought up at the adjacent
25 property owners meeting, and we told them that

1 we would go back and address their concerns
2 with the people ultimately who will make the
3 decision regarding operations.

4 Internally we have discussed closing
5 the 17th Avenue access and what that would do
6 to viability of the site, and we have
7 determined that that is no longer a viable site
8 is 17th is closed. I mean, that's the short
9 answer.

10 MS. DELONG: And it's not viable
11 because you need that access, or are you doing
12 a favor to the neighborhood, as stated in the
13 staff report?

14 MR. PIKLAPP: We think we need that
15 access. Does that answer your question?

16 MS. DELONG: No, it does not. It
17 doesn't answer the question that was brought up
18 earlier.

19 MR. PIKLAPP: Well, excuse me.
20 Internally we have discussed closing
21 17th Avenue. We have determined that if we
22 close 17th Avenue, that this is not a viable
23 site. I guess I'm not sure how much clearer I
24 can be.

25 MS. OESTREICH: One more? I think

1 you've been up here, Andrea, because really you
2 should take one time to do it.

3 MS. GAETA: At that neighborhood
4 meeting you talked like that entrance would not
5 be utilized very much. Now you are saying that
6 it's not a viable option if it's closed.

7 To me it sounds like you are
8 anticipating more than just a minimal amount
9 of traffic exiting through that 17th, and in
10 your plan on the internet, on the agenda, you
11 specified that most of the people would be
12 exiting and entering off of 18th Avenue.

13 To me, it sounds like you're
14 anticipating a lot more traffic off of
15 17th Avenue, and I also want to know was there
16 any sort of traffic study as to the impact of
17 that and how that would impact the safety of
18 the other residents, the kids walking to
19 school, those things?

20 MR. PIKLAPP: All right. I will try
21 to take those one at a time.

22 Internally, again, we did discuss that
23 access. That access is a convenience for our I
24 will call it northern shoppers, those accessing
25 the property from the north.

1 To Andrea's point, Fareway still
2 strongly believes that the bulk of the traffic
3 will come in off of 18th Avenue, and the bulk
4 of the commercial traffic is our intent to come
5 off of 18th. We still think that's a
6 convenience for our customers and Rock Island
7 residents. Was there more?

8 MS. GAETA: I just asked if there was
9 any sort of traffic study.

10 MR. PIKLAPP: It's my impression that
11 the city has commented that a traffic study is
12 now in place. I don't know if that traffic
13 study is 18th Avenue and 17th Avenue. That
14 would be a question for the city.

15 MS. OESTREICH: Anyone else? Okay.

16 MS. WASHABAUGH: I have a question.
17 My name is Susan Washabaugh, 1621 27th Street.

18 (Whereupon, Susan Washabaugh was duly
19 sworn in.)

20 MS. WASHABAUGH: My question, with
21 regards to the former Eagle's site, you stated
22 that because of an environmental situation that
23 Fareway can never build there.

24 MS. OESTREICH: We are dealing only
25 with the Audubon site plan, and we have allowed

1 a little bit of this cross-examination about
2 the Eagle's site, but this really isn't about
3 the Eagle's site.

4 We are asking is this site plan
5 suitable for this spot? So it's not our job
6 to propose the alternatives.

7 MS. WASHABAUGH: Can I get a
8 clarification on a statement that he made or
9 not?

10 MS. OESTREICH: What's the statement
11 he made?

12 MS. WASHABAUGH: He said that Fareway
13 can never build there or operate a grocery
14 store.

15 MS. OESTREICH: They couldn't operate
16 a grocery store, and he indicated that it was
17 due to environmental issues.

18 No, I don't think we need any more.
19 Also he indicated it was confidential, so I
20 think we are beyond that at this point.

21 This is not -- we are not saying do
22 this, go to this other place, so, no, you are
23 really out of order at this point. You can say
24 that later if you're giving your citizen
25 testimony.

1 MS. WASHABAUGH: I will wait for that,
2 then.

3 MS. OESTREICH: Anyone else? Okay.

4 At this point let's take a five-minute
5 recess. When we come back now we will hear any
6 of the people who are opposed to it who
7 actually have testimony to offer.

8 If that's the case, they will be
9 allowed to take ten minutes, and then after
10 that, then we will go to the just normal
11 routine that we used to have where people
12 can get up and say whether they are for it or
13 against it, and that's a shorter five-minute
14 presentation.

15 So it's 6:49, so we'll be back here at
16 6:55.

17 (A break was held from 6:49 PM to
18 7 PM.)

19 MS. OESTREICH: Please take your
20 seats.

21 We will continue the public hearing,
22 and make sure all your microphones are turned
23 on.

24 Now we will go to anyone who is
25 opposed to the project who wishes to present

1 evidence, actual evidence, and, therefore,
2 moving to -- as we heard before facts, not
3 opinions.

4 So if you would state your name and
5 address and then be sworn.

6 MS. MARTIN: My name is Ellen Martin,
7 and I live at 1626 - 27th Street.

8 (Whereupon, Ellen Martin was duly
9 sworn in.)

10 MS. MARTIN: I'm going to pass out
11 folders to the members of the PLANNING
12 COMMISSION for the articles that I'm going to
13 speak about.

14 MS. OESTREICH: Did you give a copy to
15 the court reporter? If not, we will make sure
16 that she gets one, because it is part of the
17 evidence.

18 MS. MARTIN: No, I did not.

19 On the first article, it's all about
20 zoning and crime, and I've highlighted under
21 some of the parts that I'm going to read.

22 This is an article done at a
23 university by a noteworthy candidate. As you
24 can see, there is a professor of medicine, a
25 researcher, a director of criminology, pretty

1 impressive.

2 They are doing studies like this one
3 on companies in Ohio, more and more studies,
4 about what happens when you mix commercial and
5 residential. As you can see in the middle
6 where I highlighted they found areas zoned for
7 mixed use had lower crime rates than just
8 commercial. Residential had the lowest crime
9 rates, and this was true of neighborhoods even
10 in areas of high crime.

11 So they are, basically, finding that
12 bringing commercial into residential areas does
13 increase crime in the residential areas, and
14 you can see by the articles underneath that --
15 and I'm not picking on Fareway here, because
16 every grocery store has robberies -- but I
17 pulled up some robberies in Fareways that
18 happened in 2012.

19 We had one in Des Moines where a
20 Fareway employee was robbed when he left the
21 store, and they ran around the neighborhood.
22 We have another one. That happened July 12,
23 2012.

24 We have another one September 24,
25 2012, where a woman with a knife was in a car

1 and robbing the store, threatening to cut the
2 Fareway manager with a knife.

3 We have another one that's in
4 Des Moines where two grocery store employees
5 were robbed at gunpoint, and the victim even
6 thought that it was even bigger than a
7 semiautomatic handgun that was used.

8 As any store has crime, has robberies,
9 we really don't want to bring this into our
10 residential neighborhood.

11 The next study is Where We Live
12 Matters For Our Health, and it says that it's
13 a major effect on our health when we are in
14 neighborhoods. It affects our mental health.
15 It has been linked with mortality, disability,
16 chronic conditions, and it talks about areas,
17 residential areas, that are healthier because
18 they have safe areas to exercise, and it makes
19 a healthier community that we live in.

20 So these are my articles by
21 professionals, and that one was by the largest
22 philanthropy group in the nation, so these are
23 what I'm stating as evidence that you shouldn't
24 bring a Fareway into a residential
25 neighborhood. Thank you.

1 MS. OESTREICH: Are there any
2 questions?

3 If anyone from Fareway wishes to
4 cross-examine?

5 MR. PIKLAPP: No, thank you.

6 MS. OESTREICH: Thank you very much.

7 Does anyone else wish to enter
8 evidence, factual evidence?

9 MR. ELIAS: I don't know if I have
10 enough for everyone.

11 My name is Harris Elias, and I live
12 at 480 Boston Drive, Bettendorf, Iowa, and the
13 last name is spelled E-L-I-A-S.

14 MS. OESTREICH: And you need to be
15 sworn in, as well.

16 (Whereupon, Harris Elias was duly
17 sworn in.)

18 MR. ELIAS: I apologize. Some of you
19 may have to share. I don't know that I have
20 enough.

21 My name is Harris Elias, as I said. I
22 stated my address earlier, and my family both
23 invests and owns property in Rock Island. I
24 believe this would negatively affect the
25 quality of our life and our investments.

1 I want to specifically address a
2 couple of the issues in some of these photos
3 that I have as far as what has been presented
4 thus far versus what reality is, and I'm
5 asking, basically, that we not trade what we
6 currently have for what's being offered on this
7 particular site.

8 I'm asking for the slides, please.

9 We have spoken and heard a lot about
10 the landscape buffers that we are talking about
11 here, and I will present to you what they
12 actually look at the Quad-City stores that
13 Fareway represents.

14 This picture right here is the
15 trash and debris that is accumulated behind the
16 Bettendorf store. I will tell you that I have
17 dozens of pictures like this, and in the
18 interest of time I knew this would be a long
19 meeting. We all have places to go. I've tried
20 to take a reasonable representation, but I can
21 assure you that I can show you 40 pictures that
22 are similar.

23 Quite simply, the next slide, please,
24 is probably one of the worst, and what I can't
25 represent here is the smell. What you see

1 there -- what you don't see in the landscape
2 buffers is this is right outside the loading
3 dock at the Davenport, Iowa, store. It's
4 loaded with mosquitos. It's loaded with
5 mosquito larvae, I'm sorry. It's loaded with
6 bacteria and anything else, and that's sitting
7 right outside their store. I certainly hope
8 they don't sell anything out of it.

9 Next slide, please. The arborvitaes
10 that were represented, there is one of them.
11 There is your buffer. It's dead. It's sitting
12 there. That's Fareway's representation. They
13 will go through this process, and this is the
14 cleaned-up look.

15 Next slide, please. More of their
16 required landscape buffers are cut down. I
17 can tell you that I took a lot more pictures
18 of removed landscape buffers. They are gone.
19 They cut them down. They leave them down.
20 They don't have the decency to remove the stump
21 and put grass, put sod back into place. That's
22 at the Bettendorf Fareway.

23 There has been a lot of talk
24 about garden centers and what they actually
25 look like. I can tell you from my

1 experience -- I grew up around here -- that
2 it's anywhere from 12 to 18 to 24 spaces of
3 parking are taken out of parking lots so
4 they can operate a garden center at all three
5 locations.

6 Their answer was very specifically
7 vague as whether they had any intentions to do
8 that. I can tell you that three out of three
9 stores in the Quad Cities have garden stores in
10 the parking lots, and they are big and they
11 take up a lot of space. They are not very
12 good for the neighborhood.

13 Next slide, please. Quite frankly,
14 it shows better in the packets, but there are
15 pallets and pallets and pallets of materials
16 that are in the parking lot that is mulch, the
17 stuff that we will all buy for our homes. It's
18 sitting in their store.

19 Is that an unpermitted warehouse or
20 a parking lot? And when you're asking already
21 for a reduction in parking from the amount
22 that's required by city code, is that
23 acceptable, and will that fit into the
24 methodology of what we are expecting here.

25 Next slide, please. As you can see

1 in this slide, the weeds are overgrown on this
2 property. Behind where that white car is
3 parked is one of the required entrances. I
4 don't understand why the City of Davenport
5 fire marshal hasn't been to this site, but I
6 can assure that you can't get a truck or a car
7 through that area.

8 The reason this is important is
9 because the City of Davenport approved a site
10 plan that included that driveway, and out of no
11 disrespect for whatever work we're doing or
12 whatever public hearing we're having today, I
13 can only tell you that things will only get
14 worse. They don't get better, so all of these
15 variances as they go forward are, quite
16 frankly, made worse from what you will see
17 on the site plan and what you see on the
18 presentation package.

19 Next slide, please. Again, we never
20 addressed stormwater, but I can guarantee that
21 the condensation from the air-conditioning
22 units that are coming out from the back of the
23 building aren't addressed in this stormwater
24 retention plan. It's not stormwater, and it's
25 also not sewer water.

1 The graffiti that's there, it hasn't
2 been maintained, and that's the maintenance
3 standard that Fareway has participated in on
4 their other sites.

5 Again, the next slide, please. This
6 is the fire hydrant that's in front of their
7 building, and again in Davenport I can show you
8 that I have a lot more pictures of landscape
9 that's required and been removed, and now we
10 are already cutting back to a standard that is
11 almost nonexistent. The maintenance that they
12 have is ridiculously light.

13 The next slide, please. Again,
14 another example of their garden center. These
15 are structures that are being built. They are
16 structures that are semi-permanent and they
17 take up a large amount of parking in the
18 busiest times of year.

19 Next slide, please. Again, this is
20 the Moline Fareway. Their dumpster isn't even
21 screened in Moline. They didn't have the
22 decency to afford the residents to screening
23 from their dumpster, from the smell from the
24 water that's accumulated around it, or the
25 garbage that's just being allowed to flow

1 around the site, and the weeds overgrowing
2 the property that are difficult or expensive to
3 mow.

4 Again, I'm asking you to simply look
5 at what is the reality of what these site plans
6 look like versus what the plan looks like, and,
7 you know, our ordinance Article 5 Section 10
8 pertains to the variances. The variances,
9 again, are asking you to set aside the very
10 laws that aren't being respected by Fareway by
11 cutting down landscaping, by not maintaining
12 the property.

13 And it clearly states that the
14 variances are only granted for the reasons of
15 topographic conditions or other extraordinary
16 and exceptional situations or conditions of
17 property such that the literal enforcement
18 of the provisions of the ordinance would result
19 in particular and exceptional practical
20 difficulties or exceptional and undue hardship.

21 These conditions do not apply for
22 the proposed use of the Audubon site for a
23 grocery store. The conditions are entirely
24 self-imposed by Fareway by building a store
25 that is far too big for the site.

1 Further, according to the ordinance,
2 you as a Commission cannot vote to recommend
3 granting a reasonable variance until you
4 determine all of the following findings can be
5 made. One, the property in question cannot
6 yield a reasonable return if permitted to be
7 used under the conditions allowed the
8 regulations -- by the regulations in that
9 zone.

10 No. 2, the plight of the owner is due
11 to unique circumstances that are exceptional
12 and extraordinary circumstances for conditions
13 applying to the property in question, as the
14 intended use of the property that do not apply
15 generally to other property or classes of use
16 in the same zoning district.

17 The variances, if granted, will
18 not alter the essential character of the
19 locality such as a variance which is necessary
20 for the preservation and enjoyment of a
21 substantial property right of way process by
22 other properties in the same zoning district in
23 the vicinity.

24 None of these three findings can
25 be made in the proposed development, and I will

1 remind you that the ordinance states that we
2 need to find all three.

3 One, the property in question could
4 yield a return if used under the regulation as
5 zoned. Even if rezoned, a return could be made
6 on a smaller commercial use but had fewer
7 impacts.

8 No. 2, the presumed plight of the
9 applicant has nothing to do with the site and
10 is entirely self-imposed by too large a
11 development on too small site. The variance
12 will absolutely and irrevocably alter the
13 character of the locality due to noise,
14 graffiti, trash, and other negative impacts as
15 you've seen in the photos.

16 The variance requests reduce the
17 buffer between Fareway and the adjacent
18 property, lower parking --

19 MS. OESTREICH: You need to wrap up.
20 Your time is up.

21 MR. ELIAS: When you vote I'm just
22 asking that you actually look at the reality of
23 those photos, what they look like versus what
24 that site plan looks like, and see what kind of
25 neighbor Fareway will be.

1 MS. OESTREICH: I have a question.
2 What regulations were you citing a few minutes
3 ago or a couple minutes ago?

4 MR. ELIAS: Article 5 Section 10.

5 MS. OESTREICH: Are there other
6 questions for him?

7 MR. CREGER: Sir, have you presented
8 any of these violations to the people at
9 Fareway and have they responded to them?

10 MR. ELIAS: No, I haven't.

11 MR. CREGER: Some of the -- well, I
12 mean quite possibly I would think that if these
13 gentlemen here knew that they had problems like
14 this, that they certainly would address it.
15 It's not fair if you haven't notified Fareway
16 of the --

17 MR. ELIAS: I would disagree,
18 respectfully. Whose responsibility is it to
19 the -- what the front of your house looks like?
20 This is relative specifically to the variances
21 that are requested.

22 What they are requesting specifically
23 is that you vary city code. You vary the law
24 that's written into the code that says
25 specifically the amount of buffer that will be

1 required, and the reason that it's so important
2 is because specifically when you lower those
3 buffers, when you lower those standards, you're
4 expecting corporate citizenship, and that's
5 what you're talking about, their corporate
6 citizenship.

7 That is a representation of what kind
8 of neighbors they are really are, and I would
9 ask you to look at that freezer full of
10 larvae-filled water, and I would ask you to
11 consider this in your neighborhood.

12 MR. CREGER: That was one of my
13 questions, that certainly that should be
14 brought to the attention of the manager of
15 the store, who, if he doesn't do anything, then
16 certainly you could go up the ladder until you
17 get results.

18 MR. ELIAS: At this committee, in
19 particular, when we are talking about the
20 variances that are required, is this the
21 corporate citizen who hires that manager,
22 who trains that manager, who oversees that
23 manager, is that the manager that you want to
24 be your neighbor? And that's the manager who
25 is asking you to vary city code and allow them

1 less buffer.

2 MR. CREGER: But we are not saying
3 here that you can have or that -- well, like,
4 as far as like if your tree is bad, one of the
5 trees, the arborvitaes or whatever it is, that
6 certainly it does take away from the character
7 of the company, but at the same time, you just
8 don't know if they are going to address this or
9 not.

10 MR. ELIAS: You saw how they addressed
11 it. They cut it down. I can show you.

12 MR. CREGER: They cut it down since
13 May 30th?

14 MR. ELIAS: No, the other trees you
15 saw in the presentation, those trees were
16 required by city code, the same as the code
17 they are asking you to vary.

18 The point that I'm bringing you back
19 to continually is that they are asking to vary
20 what's required. Those trees were required.
21 You're looking at a site plan and saying that
22 that arborvitae is actually required to buffer
23 your neighbor, and you see them cut them down,
24 you have seen them removed, and you haven't
25 even had the decency to have sod put in their

1 place or properly landscape them.

2 Now I'm asking you to take that
3 balance back and look at what Fareway is
4 asking you to do relative to the variances
5 around those very specific landscaping and
6 parking ordinances, and that's what I'm asking
7 you to look at.

8 MR. CREGER: So you are saying that
9 you are sure that this will happen in Rock
10 Island?

11 MR. ELIAS: There isn't a person alive
12 who could make that prediction, sir.

13 That is simply argumentative, and I'm
14 offended by it.

15 MS. OESTREICH: Anyone else have a
16 question?

17 MS. TYLER-JAMISON: I don't have a
18 question for this gentleman, but I'm certainly
19 interested in hearing the response from Fareway
20 on these pictures.

21 MS. OESTREICH: We can ask them later
22 or they can come and cross-examine him if they
23 choose. You have a right to cross-examination.

24 MR. PIKLAPP: I have a rebuttal. I
25 can do that during my closing. I don't have

1 any specific questions for Mr. Elias.

2 However, I do have a procedural
3 question for the Commission now, just so I'm
4 clear, nothing against Mr. Elias.

5 Do the rules allow for evidence to be
6 presented by somebody from Bettendorf, just so
7 I'm clear?

8 MS. OESTREICH: Yes, as long as he is
9 representing, and you should state who you are
10 representing. He has represented someone.

11 MR. ELIAS: 848 - 21st Street,
12 Alexandria Elias.

13 MR. PIKLAPP: I have no cross for him.

14 MS. OESTREICH: Actually, no, you're
15 right. You are not. You're not within
16 250 feet of the property, which doesn't mean
17 you still cannot submit this to us.
18 Unfortunately, that's done.

19 MR. PIKLAPP: Just as a point of
20 clarification, if the Commission finds it
21 relevant, I have no problem with what he
22 submitted.

23 MS. OESTREICH: He could submit it
24 later, not to speak for ten minutes, but later
25 during the public input section. I was wrong.

1 I should have corrected you on that. Thank
2 you.

3 MR. PETERSON: Diane, I have a
4 question here. So just to clarify, so I
5 understand and I think people remaining in the
6 audience, under our procedures that we are
7 following, there is a portion that's reserved
8 for the people who received notice and are the
9 interested parties, and then there is general
10 public discussion, and we are not to the
11 general public discussion.

12 MS. OESTREICH: There is a five-minute
13 limit on that, so this is really part of the
14 general public. It is my fault. It was my
15 fault not catching that.

16 Does anyone else want to give factual
17 evidence? State your name, again. You've
18 already been sworn.

19 MR. PANEGOS: Victor Panegos,
20 1627 - 27th Street, Rock Island.

21 First I would like to begin by
22 providing the Commission members with some
23 information. One of the -- we covered all
24 these variances that are being requested
25 because Fareway has chosen to submit an

1 application for a store that is too big for
2 the property.

3 What I would like to provide you
4 with is the Fareway self-stated requirements
5 for 30,000-square foot store.

6 MS. OESTREICH: You have a copy for
7 everyone?

8 MR. PANEGOS: I believe so.

9 MS. OESTREICH: This would be marked
10 as an exhibit, as well.

11 MR. PANEGOS: So I think the remedy
12 for the situation is simple, find another site.
13 There is another suitable for this development
14 somewhere.

15 Another piece of evidence is there was
16 some discussion on 17th Avenue where it talks
17 about no investment plan, no down the road
18 plan. These roads are going to have another
19 thousand cars, unlimited delivery trucks and
20 semis.

21 I just want to show the counsel, the
22 Commissioners, some pictures of what it looks
23 like, and I brought you a piece of 17th Avenue,
24 which I have to regularly rake pieces of
25 17th Avenue out of our lawn before I mow, and

1 now this proposal is to throw another thousand
2 cars, an unknown number of delivery trucks, on
3 our streets where our children play, ride their
4 bikes, walk to school.

5 And when I asked Mr. Piklapp if he
6 had done a traffic study, he said the city told
7 me I didn't need one. This project impacts so
8 many people. It impacts an historical piece of
9 property.

10 There are comparisons that are being
11 made that, well, this is the way that Hy-Vee
12 did it. Hy-Vee is not a model in this case.
13 Hy-Vee was already a grocery store. Hy-Vee
14 was already operating in a commercially zoned
15 district, and this whole PUD, they are doing a
16 PUD because Hy-Vee did a PUD.

17 Well, Hy-Vee owns a lot more property,
18 and in a few years we will have a Hy-Vee gas
19 station, we'll have a Hy-Vee convenience store
20 also on 18th Avenue.

21 Development in any community means
22 balance. You can't put everything in one area,
23 so I would submit these pictures.

24 MS. OESTREICH: Just put them down
25 there and we can pass them around. That will

1 save your time, too.

2 MR. PANEGOS: So 17th Avenue is
3 another part of the cost of this project that
4 is not being addressed anywhere.

5 Are we, the neighbors, going to be
6 assessed to rebuild the street? Like I said,
7 our neighbors, Mr. and Mrs. Charles Hawkins,
8 weren't able to be here. He has lung cancer,
9 but they provided a letter, which I can either
10 read or provide directly to the Commission.

11 MS. OESTREICH: If you would pass it
12 around, we can at least read it by the end of
13 the meeting, and that will be submitted as
14 evidence, too, as an exhibit.

15 MR. PANEGOS: So I think we have
16 already heard enough here that this project
17 doesn't really meet the requirements of a
18 PUD, and I'm going to save everyone's time
19 and not go through the code, but I would
20 like to address a couple points in the staff
21 report.

22 Under the Comprehensive Plan Design,
23 it's stated by Mr. Griffith that adequate
24 buffers -- it focuses on adequate buffers from
25 remaining residential areas.

1 I strongly take issue and disagree
2 with this. I don't know how it can be adequate
3 from our residential area when the variance
4 request is asking you to make it less than
5 adequate, okay.

6 Access, there seems to be a
7 discrepancy in the report between the language
8 and the picture. Is the street, 27th Street,
9 going to be opened up because in the drawing I
10 can't decide -- it's tough to decide if all the
11 traffic from Fareway is going to be coming
12 right into our driveway, so we have to wait for
13 all the traffic to clear before we exit our
14 driveway, or if it's shifted a couple feet
15 over so all the headlights from Fareway are
16 going into our daughter's bedroom?

17 It seems like if there is a difference
18 in the plan between what you're reading and
19 what you're seeing in the picture, it makes me
20 wonder what kind of vetting or due diligence is
21 taking place. This is going to have a huge
22 impact on all of the people here whose homes
23 are the largest asset that they own, so I'm
24 wondering why is this being pushed at breakneck
25 speed?

1 I mean, shouldn't we take a minute and
2 do a traffic study, do an environmental impact
3 report? I mean, I was just here a few weeks
4 ago when the property was given landmark status
5 unanimously by the Preservation Commission, and
6 it was overturned.

7 What do we -- what are we gaining by
8 pushing this through as opposed to taking a
9 moment and looking at all these things and
10 bringing some transparency to this process?

11 On the coverage of setbacks, we could
12 go through them one by one, but I think you can
13 all see what why they are being requested and
14 what the intent is, and I don't want to -- the
15 property isn't there, so it's going to be
16 shoehorned in at the expense of the adjacent
17 property owners, and I don't think that's a
18 correct application of our code.

19 I thank you all for your time. I
20 don't envy your position, but I think if you
21 look at this, it doesn't qualify as a PUD,
22 first and foremost, and the variances are
23 completely unacceptable.

24 If you look at the staff report it
25 says the access onto 17th Avenue is being

1 provided for the convenience of the shoppers.
2 Well, what is being provided for, the red light
3 that they say is going to manage all the
4 traffic, do you think anybody in the parking
5 lot is going to look up at the red light, and
6 they are going to see six cars waiting there,
7 and you don't think that they are going to
8 scoot out the back?

9 I think that the light will actually
10 encourage more traffic into the neighborhood,
11 and, again, this is a residential neighborhood
12 where children play, and it is highly
13 unacceptable to even consider approving
14 something like this without more study.

15 I just want to make a quick comment
16 about the Eagle's location. A grocery store
17 operated there for a very long time. I believe
18 there is a store operating there now. Should
19 we send someone there to arrest them for
20 operating a store?

21 MS. OESTREICH: This is something that
22 we have kind of hashed over. It really isn't
23 within our scope, so I think you should drop
24 it.

25 MR. PANEGOS: I could go on and on,

1 but I think --

2 MS. OESTREICH: You have one minute.

3 MR. PANEGOS: No, I think you can see
4 just by the evidence that's been presented so
5 far that this request should be denied or at
6 least be tabled for some more consideration on
7 some of these key factors. Thank you.

8 MS. OESTREICH: Wait. There may be
9 questions. Anyone have questions? Is there
10 anyone who wishes to cross-examine?

11 MR. PIKLAPP: One thing -- no, never
12 mind.

13 MS. OESTREICH: Thank you. Anyone
14 else who wishes to actually present evidence?

15 Hearing none, we are going to go back
16 to the way we used to run the more generic
17 public hearings, and anyone now who wishes to
18 speak in favor of the proposal has five
19 minutes.

20 You don't have to be sworn in. If
21 anyone wishes to speak in opposition to the
22 proposal, please get up and give your name and
23 address.

24 MR. PIKLAPP: Excuse me, I would like
25 to speak in favor.

1 MS. OESTREICH: Well, I think you're
2 the proponent. You have already given your
3 opinion, and you will have a chance for a
4 rebuttal, too. When you do that we are not
5 exactly counting.

6 Please state your name and address
7 and, hopefully, don't repeat a lot of what's
8 been said or you may just choose to say I agree
9 with certain things.

10 MR. MARTIN: David Martin, 1627
11 27th Street. I live just across the street
12 from -- across 17th Avenue in the middle part
13 of their proposed site for Fareway.

14 Basically, just what I wanted to say
15 was we are zoned residential. Presently the
16 school's zoned residential, which is obviously
17 why we are here, and the city has a future use
18 map out for that area, and that shows public
19 and semi-public use for that, is what the city
20 had wanted.

21 That's what they want for future use
22 for this site, which obviously them coming in
23 with big commercial buildings does not give
24 us. Our zoning is to protect our property.
25 That's why we have zoning in the city, is to

1 protect our residential property, so we can
2 have a small residential street in front of
3 our house.

4 17th Avenue is not a thoroughfare
5 street, and what I'm asking you, I guess, is
6 to say no to this rezoning, to protect our
7 residential zoning. That's the whole purpose
8 of having zoning in a city, is to protect
9 people and to protect the neighborhoods and the
10 businesses, so that they don't have this clash
11 where you have a major shopping center right
12 next to residential area property.

13 That's the reason -- well, we have
14 been discussing a lot about the variances that
15 they are asking for, but really this does not
16 seem to me to be a proper place to put a large
17 commercial business. If you want to put a
18 business in that area, then that's what B-1
19 is for, and not some large business, so I'm
20 just asking you not to grant the variances.

21 MS. OESTREICH: Stay here in case
22 there are any questions. Go ahead.

23 Does someone else wish to speak in
24 favor of the proposal? You can get up and give
25 your name and address -- excuse me, in

1 opposition, yes. I'm not trying to trick you.

2 MR. LEMON: Joe Lemon. Do I need to
3 be sworn in?

4 MS. OESTREICH: This is not the actual
5 testimony. This is just opinion, and you have
6 five minutes.

7 MR. LEMON: Thank you, Joe Lemon, Jr.
8 Together with my father, Joe Lemon, Sr., we
9 are the owners and operators of Abbey Station.
10 It was an historic structure that together in
11 kind of a corporate -- or private/public
12 partnership we worked with the city to restore
13 that and to put it to public use.

14 MS. OESTREICH: Your address?

15 MR. LEMON: 3031 Fifth Avenue. So
16 we think that that has been an example of how
17 a city and a community can work with private
18 individuals to help restore and save our
19 historic landmarks.

20 I think it's really unfortunate that
21 we have come here to this meeting tonight
22 because it has given an impression, which I
23 think is a wrong impression, that Fareway is
24 not desired in our community in Rock Island. I
25 believe that's actually not the case.

1 I think that we would like to have
2 fareway here, and what we are learning from
3 this is that by truncating this process, by
4 accelerating this process, we have highlighted
5 some of the problems with the individual site
6 here.

7 If we were to allowed to expand to
8 the consideration of different alternatives,
9 for example, we, my family, have had a
10 history of restoring historic properties. This
11 opportunity was not presented to us previously.
12 We would welcome the opportunity to work with
13 the community in some way that would preserve
14 that for the benefit of the whole community,
15 and we are fortunate that Rock Island has a lot
16 of examples to draw on in this regard,
17 particularly in the downtown area.

18 MS. OESTREICH: I have to caution
19 you, we are not dealing with the historic
20 school. We are dealing with this as a site
21 plan within a certain area, and so what you say
22 is not really relevant to what we are dealing
23 with today.

24 MR. LEMON: Do you think what I have
25 said is not relevant?

1 (Applause).

2 MR. LEMON: I'm trying to be
3 conciliatory here and offer up opportunities
4 beneficial to the community.

5 MS. OESTREICH: We are dealing with a
6 legal thing and if --

7 MR. LEMON: You have got a freezer
8 full of mosquito larvae, and we are told
9 somehow the community is supposed to be the
10 stewards of the stores and report this up the
11 chain of command, all the way up to Boone,
12 Iowa, I guess is the take-away.

13 I'm trying to be as cooperative as
14 possible, but that's my observation of the
15 process thus far.

16 MS. OESTREICH: Does anyone else wish
17 to speak? Please come up.

18 State your name and address.

19 MR. KINZER: My name is John Kinzer,
20 and I live at 1712 - 24 1/2 Street in Rock
21 Island. I will make this very brief.

22 These ordinances were put in effect
23 for a reason, and that's to protect the people
24 who live in that neighborhood. That area has
25 been zoned residential for years. The roads

1 are not equipped, the sewers, just about
2 everything is not equipped for a commercial-
3 type structure.

4 My suggestion to Fareway, a
5 family-owned organization, a good company, is
6 if you want to instead of doing it as a zoned
7 variance is to go in and buy up those
8 properties, give those people in that area, in
9 that neighborhood, a fair market price for
10 their properties and have it zoned commercially
11 and move along, but thank you.

12 MS. OESTREICH: Questions? Anyone
13 else wishing to speak? State your name and
14 address.

15 MR. MILANI: My name is Italo Milani.
16 I'm an architect in Rock Island, and I live at
17 2801 - 12th Avenue.

18 I have seen the application, and I do
19 not feel that it meets any of the criteria that
20 were intended for the Planned Unit Development
21 section of the ordinance. They have got a long
22 way to go, and I implore you to not pass this
23 application. Have them redo it. Thank you.

24 MS. OESTREICH: Andrea? We are
25 getting to know you on a first-name basis.

1 MS. GAETA: Andrea Gaeta,
2 2630 16th Avenue.

3 I know we have kind of heard issues
4 with the buffers. Everybody has covered that.
5 I'm not going to cover that.

6 I would just like to say that
7 surrounding this property is 75 percent
8 residential. There is about 25 percent of
9 small business, and per the residential
10 district code, the residential zoning is
11 established in order to protect public health,
12 promote public safety, convenience, comfort,
13 morale, prosperity and so on.

14 I feel that by allowing variances you
15 are essentially jeopardizing these aspects of
16 the residential zoning code. Placing a
17 commercial grocery store there that directly
18 differs with the current establishment creates
19 many of the elements that are supposed to be
20 protected through the zoning.

21 Trucks will increase the traffic. We
22 have established that they are talking about
23 the 17th Avenue exit, which sounds like it is
24 meant to increase the traffic on 17th Avenue.
25 We have talked about the dumpsters, the air

1 quality. That is something that per
2 residential zoning you are supposed to protect
3 us against odor, glare and other objectionable
4 factors.

5 By adding dumpsters and trucks you're
6 asking noise. By adding traffic, you're adding
7 noise. The dumpsters and the exhaust could
8 potentially impact the air quality. Again, we
9 haven't seen any environmental studies as to
10 how this is going to impact.

11 We talked about the loading and
12 unloading potentially between five and seven or
13 maybe nine. We don't have a set standard on
14 that yet. I asked how many of you would like
15 to live across from an area that is unloading
16 trucks between 5 and 7 AM. Imagine the noise
17 of that. Now we find out that it's not just
18 one Fareway truck, but potentially multiple
19 trucks coming in and out during the day.

20 The glare, removing all those mature
21 oak trees and placing crab apple trees and some
22 conifers, that doesn't do justice to protect us
23 against the glare of the lights on 18th Avenue,
24 potentially the lights on their building. I'm
25 not sure how that's going to be addressed,

1 their store sign, which they will have on 18th
2 Avenue, the parking lot, the headlights coming
3 in and out.

4 I mean, that all plays a part in our
5 residential zoning, and they are asking for all
6 these variances, obviously, so that they can
7 fit the store in there. I'm asking you to
8 please protect the residential zoning. That is
9 what it was made for, and just putting us on
10 the back burner would be very disappointing.

11 We live here. It's residential. In
12 our mind it has never been an issue that it
13 would be a commercial building. It has never
14 been future landmarked as a commercial -- for
15 us to have to deal with that, that was never
16 even a thought. I ask all of you to think
17 about that when you're voting. Think about
18 what you would like across from your home that
19 has always been residential. Thank you.

20 MS. OESTREICH: Thank you. State your
21 name for the record.

22 MR. BENSON: Tom Benson,
23 3412 14th Street in Rock Island.

24 The point I brought up earlier about
25 the fact that homeowners, adjacent property

1 owners, over 150 feet and less than 250 feet
2 who are required by law, by Supreme Court
3 decision in the State of Illinois, were denied
4 their Constitutional rights to be notified of
5 this hearing, were not given -- and none of
6 them -- anybody who was notified of the
7 procedures that were being placed for this
8 hearing today to be prepared for this hearing,
9 to be able to ask the good questions or to even
10 know prior to this hearing that they may be
11 able to cross-examine witnesses, to bring their
12 own witnesses.

13 The hearing procedures should have
14 been open and public. This Commission should
15 have adopted appropriate hearing procedures
16 many years ago, not before this meeting, before
17 this hearing, or before the second hearing
18 today.

19 The second point I would like to
20 make is this ordinance that I passed you a
21 copy of that Fareway stated that they read some
22 time ago, that the city planner said that he
23 read some time ago, that, you know, has very
24 specific requirements as to what this
25 application is supposed to have and contain.

1 This application has none of it, and
2 this plan was not certified by the planner, as
3 is required by the ordinance, so this question,
4 No. 1, is not even properly before this
5 Commission to answer.

6 You know, I would just like to take
7 judicial notice of the City of Champaign, which
8 has a very similar ordinance. I don't have ten
9 copies, but I would like to show you, this is
10 what a preliminary application looks like for a
11 planned development in the City of Champaign.

12 It answers all the specific questions
13 as to why, you know -- the benefits of the
14 project, why it should be a planned unit
15 development, the parking guidelines, the
16 landscaping guidelines, why they should have
17 variances to the rules.

18 This application submitted by Fareway
19 has some pictures and some drawings, none of
20 which were provided to the homeowners prior to
21 being able to have an objection. They didn't
22 know what the plans were. They were told we
23 are going to build a store there, and then you
24 file an objection by May 31.

25 I don't know what statute is referred

1 to that they should have to file a written
2 objection by certified mail by May 31. That
3 notification should not have been sent out --
4 was not sent out to not enough homeowners.

5 I also have an example for the
6 Commission of what the bylaws of the
7 Commission, the PLANNING COMMISSION, of
8 Champaign are and how they conduct their
9 public hearings, which would be a little bit
10 different, plus their notifications to the
11 homeowners up to 250 feet away. I would like
12 to provide that just as --

13 MS. OESTREICH: Well, pass it around,
14 and we will mark that as an exhibit for the
15 record.

16 MR. BENSON: This is what it is in
17 Champaign. But the point is that the PLANNING
18 COMMISSION of Champaign has taken into account
19 changes in the law, and they have incorporated
20 it into their ordinance. They have the planned
21 development procedures, and they meet the
22 following standards.

23 The procedures and those things simply
24 just have not happened in Rock Island, and
25 you're being asked to compare this request to

1 previous requests, and for whatever reason I'm
2 the first one to say, maybe we haven't been
3 doing it the right way, and, you know, having
4 worked in government in the past, I asked why
5 do we do it that way, and the answer is,
6 Because that's the way we have always done it,
7 and that's not a good answer.

8 Maybe this is the first time we're not
9 going to do it the way we've always done it,
10 and we're going to seriously sit down and look
11 at the ordinance. You're advising the Council
12 on whether or not this plan adheres to the
13 ordinance, and, unfortunately, you relied on a
14 report by our city planner that does not give
15 you the information that you need to make that
16 decision.

17 So the only other point I want to make
18 is that this Commission does have the power to
19 order a traffic study or other variances to
20 this application, and I think that at the very
21 least there has been enough evidence submitted
22 to this Commission today that a traffic study
23 is necessary to determine what really are the
24 impacts to the neighborhood on 17th Avenue, the
25 condition of 17th Avenue, what this light

1 that's coming out of the parking lot is going
2 to do, the fact that the roadway is already
3 divided into a turn lane, and it's partially
4 blocked off in front of that entrance.

5 We don't even have a plan as to what
6 the intersection is going to look like. I
7 don't think you can approve the plan without
8 knowing what it all entails, so I'm just asking
9 you to send this back for a redo.

10 Thank you.

11 MS. OESTREICH: Any questions for him?
12 I guess not. Thank you.

13 Anyone else wish to speak? Please
14 state your name and address.

15 MS. ANDERSON: Linda Anderson,
16 and I live at 1718 21st Street in Rock Island,
17 and I'm coming from a very different approach
18 here.

19 MS. OESTREICH: Pull the microphone
20 down.

21 MS. ANDERSON: Much of what I have
22 developed in my notes has been talked about a
23 lot, but there were two kind of items that I
24 would like to bring to your attention.

25 Kind of before I do that, I want to

1 suggest that I am coming at this as a citizen
2 of Rock Island who doesn't live in the
3 neighborhood, but I seriously take our zoning
4 ordinance, I take it seriously, and I wanted to
5 express that to you today.

6 When I was reading on page 2 of the
7 staff report, as has been pointed out many
8 times, there is that policy statement that
9 talks about the adequate buffers, but it also
10 says that the proposal should be located in
11 proximity to the major intersections, and
12 that's when we are spreading out a large
13 commercial development.

14 I do not think that this Planned Unit
15 Development meets that standard, as well as not
16 meeting the standards for buffering. The list
17 for variance requests, they're long and they're
18 large, and I think that they have, as other
19 people have said, showed this site is too small
20 for a development.

21 I think I would like to talk a little
22 bit about the idea of low impact business along
23 18th Avenue. I think it was my understanding
24 when we looked at 18th Avenue in the past when
25 we developed this plan and talked about where

1 we wanted to put our commercial development, we
2 talked about putting it at the major commercial
3 intersections, which would be 30th Street,
4 38th Street, 11th Street.

5 That's where we were going to put our
6 big developments, and the areas between those
7 that were going towards residential areas would
8 be small, low-impact businesses, and I think it
9 is very difficult to agree that this grocery
10 store is a small impact business. It would not
11 be if it was in my neighborhood.

12 So I would encourage you to deny
13 the zoning change request before you, and, in
14 addition, I have two other comments.

15 I would hope that someone on the
16 PLANNING COMMISSION would ask Fareway the
17 question about their development agreement,
18 which is underway. If not passing that
19 development agreement, if they don't come to
20 the agreement with the city on a financial
21 package, does that stop the project?

22 If so, I think that's an important
23 element that doesn't concern you, but concerns
24 me as a citizen, that we don't want to move too
25 far down that process and then have everybody

1 say, We tore the school down, so we have to pay
2 for these other parts that are part of the
3 economic development package.

4 That may be a message that I need to
5 share with my alderman more than with you, but
6 I think it's an important point, and I would
7 ask the Fareway representatives that question.

8 I would also encourage you to not
9 approve this, but I would also like you to
10 ask our planning and economic development
11 department to make extraordinary efforts to
12 work with Fareway to find a more appropriate
13 site here in Rock Island.

14 I certainly am not saying that we
15 don't want economic development. I'm not
16 saying that we don't want new business coming
17 to the community. I think it's imperative that
18 we have smart growth, and that we pick the
19 appropriate site for this as we go forward.
20 Thank you.

21 (Applause)

22 MS. OESTREICH: Again, we will give
23 you time to applaud. Any questions?

24 Does anyone else wish to address the
25 Commission in opposition?

1 MR. BATH: Good afternoon. My name is
2 Michael Bath. I live at 1625 21st Street in
3 Rock Island. I'm the president of the Highland
4 Park Historical Neighborhood Association,
5 although I am here on my own behalf.

6 I don't even speak for my wife, since
7 she didn't even take my name, but I appreciate
8 the chance to make some remarks, especially as
9 I'm avoiding washing my kids in the bath right
10 now.

11 But I have lived in Rock Island for
12 six years, and that's the entire time that I've
13 lived in the Quad Cities. It pleases me a
14 great deal to be able to participate in civic
15 exercises like this. I think they are very
16 important. I moved here from Washington, DC,
17 and these kinds of opportunities don't really
18 present themselves.

19 I also count myself as a Fareway
20 customer, and I certainly don't like driving
21 all the way to Moline for my meat, but I have
22 no ill-will towards Fareway, but I am, indeed,
23 here in opposition to this particular plan for
24 a number of reasons that I don't think
25 duplicate what have been said thus far.

1 It's, for me, a bit about precedent,
2 and it's also a bit about what it does to the
3 neighborhood just beyond me, possibly my
4 property values, and what it might mean for
5 future development further along 18th Street --
6 18th Avenue.

7 But really the three points I would
8 like to make are, first, that what gets planned
9 isn't what gets built. Second, that what gets
10 built isn't what remains, or that what goes in
11 isn't what stays, and, lastly, that good-faith
12 assurances, while I do not question good faith,
13 aren't really worth much if they are not put to
14 law. They are worth the paper that they are
15 not written on, I guess.

16 The point about what gets planned
17 isn't what gets built, there are two examples
18 that come to me in just my short time here.

19 Just before I moved here, my
20 understanding -- the first place that we rented
21 before we bought was on 38th Street near where
22 the True Value went in, and my understanding of
23 that zoning change was that it was going to be
24 a Panera and a True Value.

25 My guess is that the Panera is what

1 led a lot of residents to say, This is great,
2 and we would love a Panera in our neighborhood.
3 Well, guess what? A Panera wasn't built there,
4 but a large hardware store was, so what got
5 approved through the planning process wasn't
6 what got built.

7 Then, of course, the hardware store
8 went out of business. A lot of people said,
9 Why do we need two hardware stores? There is
10 one nearby, just as a number of people are
11 saying here today, Why do we need a Fareway?
12 There is a Hy-Vee right across the street.

13 It's a similar situation. They went
14 out of business. They stayed empty until Aldi
15 moved from across the street, so that
16 neighborhood traded a Panera for what is now a
17 Family Dollar.

18 In my own neighborhood, we have the
19 Center for Math and Science, a school that
20 doesn't look at all like what was planned, and
21 they have been a good neighbor to us, and I'm
22 not here to complain, but the point being that
23 what was originally supposed to be a structure
24 in line with the historic neighborhood became a
25 nice but fairly generic school. The wrought

1 iron fences that were supposed to surround the
2 property are the same old rusted chain link
3 fences that were there when it was the
4 burned-down Villa.

5 They have been a very good neighbor,
6 and I'm not here to complain about them, but
7 the point is what gets promised and what gets
8 planned isn't what things ultimately look like,
9 and so when neighbors are concerns about
10 variances and we are talking about putting in
11 buffers and trees and so forth, it's very hard
12 to take that stuff -- I don't think that stuff
13 should be taken very highly into consideration
14 when you're doing something as serious as
15 changing local ordinances.

16 I think we also in the building of
17 that school went through a number of steps
18 where people said, Well, we are going to do the
19 traffic plan later. We are not going to have
20 cars going through the neighborhood.

21 Well, we have cars going through the
22 neighbor. All that changed. We have cars in
23 the alley. We have all these things. Again,
24 I'm not here to complain about that, but my
25 point is what things looked like at the

1 beginning of the process are not what they
2 looked like at the end of the process, and I
3 think --

4 MS. OESTREICH: You have one minute.

5 MR. BATH: That's fine, and similar to
6 the photos that were shown today, I think that
7 a lot of that speaks to some of those concerns
8 that what looks good on paper isn't always what
9 arrives to the naked eye.

10 Thank you for your time. Thank you
11 for showing up today.

12 MS. OESTREICH: Let the record show
13 that it wasn't a True Value that went in and
14 closed. It was an Ace.

15 MR. BATH: Sure.

16 MS. OESTREICH: The people that are
17 local friendly to the True Value might take
18 offense.

19 MR. BATH: Well, you're right. The
20 True Value is where I do my shopping, and I
21 shouldn't have besmirched their good name.

22 MS. OESTREICH: Would anyone else like
23 to speak in opposition?

24 MR. ELIAS: My name is Harris Elias,
25 and I would just like to state that I'm in the

1 commercial construction business, just like
2 these gentlemen here. I make my living doing
3 development, and one thing I'm truly afraid of
4 is a precedent that gets set.

5 When you get a bad precedent, make
6 no mistake, this comes back to every other
7 developer, and there's a piece of paper that
8 said you did it for Fareway so you have got to
9 do it for me.

10 That cannot be understated. That
11 precedent that we set by removing buffers
12 affects the entire city. This is not a single
13 site. It is not a single PUD. It is a
14 precedent. Thank you.

15 MS. OESTREICH: Again, state your
16 name.

17 MR. STANLEY: Stanley Stanley,
18 2605 17th Avenue.

19 I just -- I'm close to this, but I
20 keep going back to this Article 32 that spells
21 out the purpose, procedures and items that deal
22 with public interest.

23 Paragraph 32.4 deals with the
24 standards. A planned unit development
25 must meet the following standards. The

1 compatibility, the uses permitted in a planned
2 unit development must be of a type and so
3 located so as to exercise no undue detrimental
4 influence on surrounding properties. This
5 nearly destroys it. Property values will drop
6 30 or 40 percent.

7 The property that I'm involved in, the
8 front door will be probably 30 or 40 feet from
9 the back of this building, and then, I mean,
10 all the buffers, variances and setbacks have to
11 have -- have just been ignored, so I hope that
12 this body refuses to pass this.

13 MS. OESTREICH: Thank you. Are there
14 any more comments?

15 MS. MARTIN: Ellen Martin,
16 1626 - 27th Street. I know when we went around
17 to try to get Katie Hotle elected, there was a
18 young couple that lived at 17th Avenue and
19 26th Street, and they had children, and they
20 were going to purchase the house.

21 Then when this happened, they said, no
22 way, and they moved away, and that house still
23 sits empty right now, and I don't know the size
24 of this room, but I do know that our windows in
25 our house are fairly close to the street, and

1 at sixty some feet away from our windows will
2 be a Fareway, not our property, but our
3 windows, and would you really want to live that
4 close or have your mother live that close to a
5 major shopping store? Thank you.

6 MS. OESTREICH: Anybody else? If no
7 one else wishes to speak, then we have time
8 that there is a rebuttal from Fareway, and if
9 there have been questions raised, you will
10 clarify them.

11 MR. PIKLAPP: Garrett Piklapp, Fareway
12 Stores. I will do my best to address all the
13 concerns, both relevant to this hearing and not
14 relevant.

15 It's kind of hard to determine where
16 to start, and you as a Commission have to try
17 and eat the elephant one bite at a time, and I
18 think we can boil this down to use, and I think
19 we can boil this down to variances. Let's
20 first look at the use.

21 Looking at the staff report, the
22 current use north of our proposed property is
23 single-family residential. The current use to
24 the east is single-family residential and
25 neighborhood commercial. The current use to

1 the south is single-family residential and
2 general commercial, and the use to the west
3 is single-family residential and neighborhood
4 commercial.

5 Three sides of this property abut to
6 neighborhood commercial areas already. Now,
7 taking, I guess, the comments I just heard from
8 the back, your job is to interpret that current
9 use and the future planned use to determine the
10 comprehensive long-term plan of the city, and
11 the city's report shows that the long-term --
12 the current use of the -- the long-term plan
13 use is commercial use.

14 The second part of this is the
15 variances, and let's tackle these variances in
16 a practical nature, and these variances are as
17 follows.

18 The first variance says that the
19 north front yard building setback must be
20 25 feet from the north side property line. It
21 is the property line. We are asking for a
22 16-foot variance setback, 16 feet, so we will
23 be 8.86 feet from the north front yard property
24 line, plus 25 feet. Given the current width of
25 the street, we will be almost 34 feet from that

1 property line.

2 A variance on the northern -- excuse
3 me, for the bufferyard setback along the
4 northern property line we are requesting a
5 six-foot variance. We are requesting a
6 six-foot variance on the north side, plus the
7 width of the street.

8 Now, per local rule you can't
9 determine or use the width of the street, but
10 as a practical matter you can consider that we
11 are asking for a 16-foot variance and a 6-foot
12 variance, and I think generally the comment has
13 been, well, you're requesting 50 percent less
14 or 60 percent less.

15 We are requesting 16 feet on one side
16 and 6 feet on another side.

17 Let's go to the east side property
18 line. We have almost 49 feet of green space,
19 plus given our neighborhood meeting, we are
20 putting in a row of arborvitaes.

21 We have determined that we will plant
22 another 29 plants along the other side plus an
23 additional 50 feet of green space. I think
24 generally the comments have been that we are
25 somehow trying to shoehorn the Fareway store

1 into this site.

2 When you boil down the variances and
3 you look at each variances, we are not asking
4 for 50 feet, 60 feet, 70 feet. It's your job
5 to determine whether 6 feet closer to the
6 property line is reasonable.

7 Now, I will address just, I guess in
8 summary, the comments about safety and the
9 comments about trash, and I can tell you that
10 relative to safety, I guess, we hire 14- and
11 15-year-olds, and we take their safety very,
12 very seriously. We take their safety just as
13 seriously as we take Mr. Hagan's safety, my
14 safety, our customers' safety.

15 To stand in front of you and suggest
16 that we are going to offer a shopping
17 environment that's not safe or any environment
18 that's not safe is, frankly, just not true.

19 To stand in front of you and tell you
20 that we keep a dirty store based on a few
21 pictures, I can show you a 104 store locations
22 that don't look like that, and I can cite line
23 and verse sanitation requirements, USDA
24 requirements, FDA requirements, OSHA
25 requirements, that say that we are in

1 compliance.

2 And, finally, and most importantly,
3 we can talk use and we can variances, and
4 that's why we are here, but one comment struck
5 me very, very seriously, and it was the comment
6 just made about good-faith comments don't mean
7 anything; promises don't mean anything.

8 Fareway has 75 years of doing business
9 that states that that is not true. That is not
10 how we do business. That is not the shopping
11 experience that we offer our customers. That's
12 not the working environment that we offer our
13 employees, and we don't go into local
14 businesses and make false good-faith efforts
15 and false promises and don't keep up our end of
16 the bargain.

17 In 75 years we have closed one
18 store -- two stores in one environment to
19 relocate to a bigger store. What you see is
20 what you get. We're here showing you that we
21 are making a good-faith effort to meet with the
22 property owners. We are making a good-faith
23 effort to abut a neighborhood, and the history
24 shows that we can do it and we do it well.

25 I would ask you to look at the

1 proposed use with Fareway's model. I would
2 ask that you look at the proposed variances one
3 by one, 6 feet, 8 feet, 5 feet, and determine
4 whether those variances are reasonable in
5 light of our proposed use. Thank you for your
6 time.

7 MS. OESTREICH: Are there any final
8 questions for him?

9 MR. MOLINE: One, I guess, and just
10 a correction, when you say three sides, if you
11 look at the map, there really is only one
12 property on the west side, on 26th Street,
13 which is commercial and one property on
14 28th Street, so when you say it's surrounded on
15 three sides by commercial, that's just not
16 correct.

17 There happens to be one thing there.
18 We can debate that later, but it's a stretch to
19 say three sides.

20 The other point, and that is when
21 you raise the point about it being too small,
22 I'm wondering if you could respond where in the
23 document that the gentleman provided from
24 Fareway, where it says, "The following is the
25 appropriate minimum acreage for the following

1 prototypes," and for the smallest of your
2 stores it says that you need 3.5 acres, and
3 this has 3.08.

4 So how do you mesh the statement
5 objecting to the comment that some say that
6 this is shoehorning it in when, in fact,
7 according to your own document it is smaller
8 than what you suggest is the appropriate
9 minimum acreage?

10 MR. PIKLAPP: The first question was
11 or, excuse me, the first statement was I think
12 you respectfully disagreed with me regarding
13 the commercial use on three sides, and if I
14 said that there was solely commercial use on
15 three sides, that was not my intent.

16 My intent was to show that the current
17 land use is that it's mixed use on three sides,
18 a residential neighborhood and a neighborhood
19 commercial.

20 Now, whether that's one property or
21 three properties or a 50,000 square foot store
22 or a 4,000 square foot store, the intent behind
23 my statement was not to tell you that the --

24 MR. MOLINE: I'm just saying all you
25 have to do is look at the zoning map, and I'm

1 just suggesting it is a stretch to say that
2 it's three sides. That's a fact, not an
3 opinion. Go ahead.

4 MR. PIKLAPP: Back to my comment, I
5 was quoting the staff report that says there is
6 mixed use on three sides. That was the intent
7 behind my comment. If it was taken anything
8 more than that or if I suggested it was full
9 commercial on three sides, that was not my
10 intent.

11 The second comment is relative to the
12 guidelines that we have online. They are
13 simply guidelines. You can appreciate this.
14 Every project that stands in front of you is
15 fact specific. It's proposed use specific.
16 It's proposed development specific.

17 Every project on our website, every
18 market analysis that we do is very fact
19 specific. Those on the website are simply
20 guidelines.

21 MS. OESTREICH: Any other questions?

22 MR. JOHNSON: Ted Johnson. What is
23 the size of the Moline store? Is that a
24 30,000-square foot store? I'm trying to put
25 it in perspective.

1 MR. PIKLAPP: That's another good
2 question. From memory I would guess between
3 twenty-two and twenty-four. I'm getting the
4 nod of approval from these gentlemen, so I
5 think that's in the ballpark.

6 MR. JOHNSON: Thank you.

7 MS. OESTREICH: Another question,
8 the Davenport -- I'm familiar with the Moline
9 store, less so the Davenport and Bettendorf
10 ones, which are in the pictures.

11 Are they newer stores? I think the
12 Moline store is a relatively older one.

13 MR. PIKLAPP: That's right. Just
14 taking them one by one, Davenport was
15 approximately 1995, Moline was approximately
16 1999, Bettendorf was approximately 2004.

17 MS. OESTREICH: So Davenport is
18 actually older than the Moline store?

19 MR. PIKLAPP: That's correct.

20 MS. OESTREICH: In some of those
21 pictures that we see were taken. Thank you.
22 Anyone else?

23 MR. PETERSON: Bruce Peterson, just
24 following up on your statement about good faith
25 and the type of neighbor and corporate citizen

1 Fareway has been and the fact that you have
2 long-term commitments to property.

3 We have heard a lot of very good
4 issues raised by interested property owners
5 and by the community, in general. You held a
6 neighborhood meeting that went for a couple of
7 hours and listened to concerns.

8 In your opinion, can Fareway address
9 the concerns in a manner that would lead to a
10 good, long-term tenancy of this property?

11 MR. PIKLAPP: That's a good question.
12 I don't want to summarize our two-hour
13 discussion with the adjacent property owners in
14 a matter of a few seconds, but I'm going to
15 try.

16 And their concern was -- their
17 concerns, generally, were commercial use of the
18 property, which is, frankly, up to the city,
19 and then there was talk about trucking and
20 access, and then there was talk about noise,
21 talk about green space, and talk about --
22 there is one more I'm missing -- traffic,
23 thank you.

24 And I think we have done the best
25 we can. Whether it's good enough, some may

1 disagree, but I think we have done the best
2 we can to maintain this as a viable site in
3 addressing those concerns, and we have
4 addressed those concerns with adding additional
5 landscape.

6 We have addressed those concerns
7 about the trucking and transportation coming as
8 late as 9 AM and having no idle time, with one
9 exception, and that's with weather.

10 We have discussed lighting, and in the
11 city staff report we have photometric lighting
12 that registers at zero in some parts of the
13 property. That indicates that there will be no
14 spillover. Hours of operation are 7 AM to
15 9 PM.

16 We have talked about traffic and
17 traffic studies coming. I think we have
18 addressed most of them. Now, whether we
19 have addressed them sufficiently is still
20 debatable.

21 MR. PETERSON: Thank you.

22 MR. PIKLAPP: Does that answer your
23 question?

24 MR. PETERSON: Yes, I think so. I
25 mean, you're committing corporate resources

1 into this site for a long-term purpose, and I
2 guess what I'm really trying to hear is having
3 what we listened to tonight in the neighborhood
4 meeting that you still feel that you can
5 address this in a fashion that will allow that
6 to remain there in a compatible existence that
7 goes together satisfactorily.

8 MR. PIKLAPP: Yes. Candidly, those --
9 a good corporate citizen will come in and work
10 reasonably with the city and the adjacent
11 property owners to do the best it can to
12 maintain their customary business model, and
13 we think that we have started that process and
14 we are committed to that process long term with
15 the citizens of Rock Island and the adjacent
16 property owners.

17 MR. PETERSON: Thank you.

18 MS. OESTREICH: Anyone else?

19 MR. JOHNSON: Ted Johnson. No matter
20 what transpires tonight -- and I don't know
21 what will transpire tonight -- I think that --
22 I hope that Fareway got the message that the
23 residents and the community is anxious for
24 Fareway to become a member of our community.

25 How that occurs, I don't know, but I

1 think that -- I hope that you did get that
2 message, that we do want you as a part of our
3 community and somehow hopefully it can come to
4 that.

5 MR. PIKLAPP: I appreciate that.

6 MS. OESTREICH: Okay. Thank you very
7 much.

8 MR. PIKLAPP: Thank you.

9 (A discussion was held off the
10 record.)

11 MS. OESTREICH: Now, before we close
12 the public hearing, there has been an issue
13 raised that perhaps things have not been done
14 properly, and people have asked that this be
15 continued because not enough people were
16 notified.

17 They were only notified
18 within 125 feet instead of the 250 feet
19 required by law, and also that they were not --
20 people were not aware that they could
21 cross-examine, although they did it very well
22 on the spur of the moment, I must say, so on
23 this request for continuance, I guess I would
24 defer to our city attorney.

25 Is this something that we should do

1 because of the legal issues that have been
2 brought up? Ted?

3 (A discussion was held off the
4 record.)

5 MS. OESTREICH: His advice is that
6 substantial due process has been done. There
7 have been public notices in the newspapers as
8 required. There have been deliveries of
9 information, so that we do not have to
10 continue. We do not have to worry if we do not
11 give a continuance. That still could be an
12 issue, and if somebody wants to make that
13 motion, that would be made now. Otherwise, I
14 will close the public hearing.

15 Hearing none, we will close the
16 public hearing and bring it back to the
17 Commission for a motion, and I would assume
18 we could move to approve the site plan, deny
19 the site plan, or ask for changes.

20 MR. MOLINE: I move that it be denied
21 for reasons which I will cite.

22 MS. OESTREICH: And we need a motion
23 on the floor to proceed to discussion, so the
24 motion can be overturned, it can go anywhere,
25 but we need a second to the motion to begin

1 the discussion.

2 MR. MEEGAN: I will second that
3 motion.

4 MS. OESTREICH: We have a motion on
5 the floor to deny the site plan, and, Norm, if
6 you want to proceed.

7 MR. MOLINE: There are a lot of
8 reasons in this case. I am worried about
9 the precedent, that this is a long-term point.

10 Once we start allowing certain changes
11 in variances here or doing away with this
12 there, I know this from land use law that
13 once you grant that, then it becomes more
14 difficult in subsequent cases to say that we
15 said yes to them, but we say no to you.

16 Then you're subject to that arbitrary
17 and capricious clause, which your city attorney
18 could speak to. So I think that while we are
19 talking about it is only one case, the
20 precedent is there.

21 Also, I disagreed a little bit with
22 Diane with the comments that we shouldn't be
23 considering other sites. The job of the
24 Planning Commission on every vote that we
25 take, we are considering the future of the

1 city, and, therefore, every vote that we take
2 is done in a manner of context, and, therefore,
3 it seems when there are other properties around
4 the city or if there are other people who are
5 maybe willing to step forward and do some work
6 with an historic structure, even though it
7 isn't literally dealing with the issue at hand,
8 it is part of our job as the Commission.

9 Every vote we take, as I said, needs
10 to look at something in context, and so that is
11 important.

12 Now, we took time at this city and
13 this Commission and the City Council has
14 taken a long time to develop these set-back
15 requirements, the landscaping requirements,
16 what goes into signage, what goes into historic
17 preservation, and we could go on down the line.

18 In this case I was disappointed that
19 the City Council so rather causally dropped the
20 historic preservation ordinance. I serve on
21 the Illinois Historic State Sites Advisory
22 Group, and what we have in this case clearly
23 is an historic structure, but that was cast
24 aside relatively quickly.

25 And then in this case, now they

1 are asking us not only to do that, but let's
2 cast aside the requirements that we specified
3 time and time again, set-backs, side yard,
4 landscaping requirements.

5 When these variance requests have come
6 up on other issues before, we have one variance
7 or two variances. I can't recall a situation
8 where we have had a proponent ask for eight
9 variances to set something aside.

10 It just doesn't seem to make any
11 sense for this, and even by their own document,
12 as I inferred in the question, they suggest
13 that they need an area bigger than this for its
14 minimum store. It is, despite denials, this is
15 trying to shoehorn something into a place that
16 it really doesn't fit.

17 I would echo, before I would make
18 just a couple more comments, what Ted Johnson
19 said. I'm not at all against growth, and to
20 have a store like that, like Fareway, in town
21 would be fine. Now, it's just the property
22 that is involved.

23 I would cite also that it is true,
24 as one person pointed out tonight, and we
25 know in the long-term land use plan that this

1 site was designated for public and semi-public
2 use.

3 Once that plan passed, which passed
4 unanimously and even later was revised and
5 no one changed that, that that's been in
6 place. The people, these homeowners in that
7 area, they made investments in their properties
8 on the assumption that while other sites along
9 18th Avenue might go commercial, that was not
10 in the long-term land use plan. They made
11 good-faith investments, trusting that the city
12 would, basically, follow its long-term land use
13 plan.

14 Now, also from the stuff that I teach,
15 usually the use of PUD is not for something
16 like this. It struck me as suspicious as soon
17 as I saw that. This, basically, is a request
18 to change from residential to business, and to
19 sort of call this a PUD, that's not, if you
20 read urban planning texts, that is not the kind
21 of examples that are given for a PUD.

22 It is surrounded by 75 percent
23 residential. These are good citizens, and
24 for all the other reasons I've given, why do
25 we want to have something that would do that

1 and irritate that group?

2 I would think even the company would
3 say we want to be in Rock Island, and there
4 are a number of sites that could be available.
5 Let's find one that all of us will applaud and
6 not offend a whole neighborhood and people who
7 are beyond 250 feet who don't particularly like
8 this decision when we have such a good
9 structure involved.

10 MS. OESTREICH: Does someone else want
11 to add something?

12 MR. MEEGAN: Well, I would want to
13 add maybe a little bit more of a personal
14 note to this, and that is that a young family
15 with a few children, which move into a
16 neighborhood where there is a well-established
17 school that, unfortunately, had to close, they
18 didn't expect that moving into the neighborhood
19 with a schoolyard was going to turn into moving
20 into a commercial neighborhood.

21 When you would expect to raise your
22 family, let them play in the schoolyard, have a
23 short trip to and from a school, that brought a
24 specific value to that property that will
25 forever be changed by the decision that's made.

1 I think there are many other sensitive
2 decisions that we can make that don't have as
3 deep an impact on those people who invested in
4 our community and wanted to raise their
5 children there.

6 I think that this is a wonderful
7 idea to have another grocery store in town,
8 but I think it's a slap in the face to the
9 individuals to say these people who bought
10 the charm of this neighborhood, this older
11 building, this schoolyard for their kids to
12 play in, now have a completely different
13 landscape in their face, and they have lost
14 value in their homes, and the likelihood to
15 sell to more families that want to raise their
16 kids in this neighborhood has just been
17 diminished by changing one piece of property.

18 MS. OESTREICH: Does anyone else wish
19 to speak? Lorian?

20 MS. SWANSON: Well, Norm has silenced
21 me. He has said everything that I was going to
22 say, but there are two issues that maybe
23 I could speak to.

24 No. 1 is the workmanship in that
25 building. I'm talking from a different

1 standpoint, because he has covered all the
2 commercial part. I have never seen any
3 workmanship like that. You can't find any of
4 the tuckpointing between any of those bricks
5 falling out or anything, and yet that's that
6 era. That master craftsmanship is gone.
7 That's a perfect example. That's one reason
8 that I would like to see it saved.

9 And I also worry about how much
10 genuine active marketing went on to do
11 something with that property that might fit in
12 there better, because I have never seen a sign
13 there, and I have never read anything in the
14 Argus or anything about it being marketed, but
15 maybe it goes into a journal or something. I'm
16 not aware of that.

17 But I would think that somebody could
18 think of something. It seemed like one person
19 here was going to come up with something
20 tonight, but, yeah, anyway, I say yes to what
21 Norm says.

22 MS. OESTREICH: Are there any other
23 comments?

24 MR. JOHNSON: Obviously, I can't go
25 without saying something.

1 Relative to the land use map, you and
2 I, and there are a couple more, but there are
3 probably only a couple of us left that were
4 involved in this.

5 If I'm not mistaken, probably every
6 one of the school properties at the time the
7 laying this map was done for future land use
8 showed them as public uses, because we were not
9 presumptuous enough to presume that they would
10 be anything but a school, so that's not really
11 valid.

12 I think that probably the more
13 valid point would be the fact that we
14 recognized that with land use expansion,
15 the chances of property along 18th Avenue
16 eventually becoming commercial were probably
17 relatively high. That's a major artery, and
18 so that's the point that I'm not sure that I
19 concur with.

20 Relative to the buffers and things
21 like this, I'm not sure where I sit there
22 except for the fact that I would be more
23 concerned if there wasn't the street separating
24 the properties from the residential. If it was
25 up immediately next to the residential, yes,

1 then I would have a greater concern. The
2 street, in part, serves as a buffer.

3 The condition of 17th Avenue, yeah,
4 I'm sure that at some point the city will have
5 to address that, but that does not fall within
6 our responsibilities.

7 Relative to other sites, Fareway has
8 to determine their best site. They selected
9 this site. It is now our decision relative to
10 whether it's an appropriate site, relative from
11 the standpoint of recommending, as we are only
12 the recommending body.

13 MR. PETERSON: I have a question of
14 staff.

15 Would this be an allowable use in
16 the B-1 business zoning there?

17 MR. GRIFFITH: Given the size of
18 the store, it would not be allowed. B-1 allows
19 a smaller size, and I would have to look that
20 up. I don't know what it is off the top of my
21 head. I can look it up, but this is a store
22 over 30,000 square feet, and B-1 allows
23 commercial uses but on a smaller scale.

24 MR. PETERSON: So the adjacent
25 businesses are B-1 where it's commercial, and

1 regardless of how many sites, we have B-1, but
2 to me the question presented to the Commission
3 here is really if we are allowing commercial
4 zoning along 18th Avenue as a B-1 zoning, or
5 is B-3 appropriate, so we should approach it
6 from that fashion, in my opinion.

7 I agree with Norm's comment that
8 this didn't look like a PUD application to me,
9 and I think we are missing at least one piece,
10 if not more, from the package, and that perhaps
11 could be addressed by submitting a revised
12 plan, but we are not showing the municipal
13 sewer.

14 It says all utilities need to be shown
15 on the plan, and we are missing the municipal
16 water and sewer lines. We have a verbal that
17 it's in the parking lot area. We would have a
18 lot more concern if that was under the
19 building, and that's the purpose for showing
20 that in the plan.

21 And with respect to buffers where we
22 have a lot of variances, one of things that we
23 did do in PUD's was to get a plan that showed
24 something that we as a Commission agreed to be
25 an adequate buffer.

1 If we didn't have the space, we
2 required berms, we required a certain type of
3 fencing material, we required landscaping of
4 certain levels of density foliage to deal with
5 those issues.

6 And that's up to this Commission if
7 we were going to recommend a plan to say, Is
8 what we are seeing here adequate, or do they
9 need to approve this with stipulations that
10 there be revisions to those buffers.

11 So I guess I just wanted to add
12 those comments for everybody's consideration as
13 we move forward on this.

14 Is it appropriate to rezone this site,
15 whether it's called a PUD or not, for this use,
16 and are we satisfied if we improve this with
17 the right buffers and then whatever corrections
18 the applicant needs to make when we refer that
19 on?

20 MS. OESTREICH: Bruce, you may
21 remember, some of you do, that when part of the
22 future land use plan was quoted in the staff
23 report, there was also -- and I agreed with
24 Ted's comment. It was a school, we thought
25 it would always be a school, and that's why

1 it's listed as a public use.

2 But there was a City Council that
3 directed the Planning Commission that they
4 wanted commercial on 18th Avenue of one sort
5 or another, so we finally said, Okay, in the
6 future land use map, away from these
7 intersections, 30th and 38th, we should only
8 go two lots deep to allow a low intensity, and
9 that would be the B-1.

10 And the City Council came back and
11 said, no, we want three lots deep, and I think
12 that's what is in the future land use.

13 When I try to approach this, because
14 many of you know that I like an historical
15 building, and I try to say what if we are
16 looking at a place that already has maybe some
17 business on 18th Avenue? Does this use, does
18 this site plan, fit the site, and I have to
19 agree that it doesn't.

20 Even with berms, this is such
21 an intrusion into a very stable, nice
22 neighborhood that I think it would be
23 absolutely devastating, and so I have to
24 support the motion on the floor.

25 MR. CREGER: One of the things

1 that kind of bothers me is that people have
2 said, Why don't they go to the former Country
3 Market site, and it hasn't been considered?

4 But, evidently, Fareway has gone to
5 the Country Market site, and we all know that
6 the land is contaminated, but my thought is can
7 the city, if at all possible, can the city help
8 with the remediation of the contaminated soil
9 at the Eagle's site?

10 And my thought is on this is that I
11 think the contamination is underneath the
12 building at the Eagle's site, and if Fareway
13 were to come in to that particular area, I'm
14 sure that they probably would demolish the
15 building, and could the city help in that part
16 and in the remediation, and then Fareway could
17 build their building wherever they wanted to.

18 MS. OESTREICH: So you would recommend
19 that the city do something, whether for Fareway
20 or anybody?

21 MR. CREGER: In helping to -- I
22 don't know why Country Market closed. All I
23 know is that I think the city learned a couple
24 of lessons from the Ace Hardware property
25 development and the company that never showed

1 up, and I was unable to speak at that meeting,
2 you know.

3 But I think that Country Market is a
4 suitable place for them to go, but only if the
5 city would help in that respect. There is
6 development below the hill where the city is
7 investing a lot of money, and it seems to me
8 that it could be just a little bit more money
9 and they could help Fareway move into a more
10 appropriate place.

11 MS. OESTREICH: So maybe even
12 ignoring Fareway, maybe that would be some
13 recommendation that the Planning Commission
14 could make to the city to do something to
15 get that Country Market property to a
16 high-value piece of real estate, but
17 that's -- whether it's related to Fareway or
18 not, it's still something that they --

19 MR. CREGER: The other thing that I
20 know that I just don't want is another Lincoln
21 School.

22 The building was for sale, whether
23 it was publicly noted or not, but anybody
24 that goes into that building is going to have
25 to -- the paper said the other day that there

1 was lead paint in the school. I'm sure there
2 is. That would have to be abated.

3 There is asbestos in the school, and I
4 don't know if all of this has to be done before
5 anybody can move in there, but my thought is
6 what are we going to do with this building that
7 the school system says that they're paying
8 \$36,000 to \$50,000 a year just to heat the
9 building, and there's nobody there?

10 It's a burden. It's also not --
11 it's a burden on the school district, and we
12 all pay taxes, so it's kind of a burden on us,
13 too. So I don't know which way I'm going to
14 vote.

15 MS. OESTREICH: As Lorian pointed out,
16 I don't think people knew Audubon was for sale.
17 At one time there was supposedly an auction,
18 and nobody bid on it, and I recall that the
19 building itself was auctioned.

20 MS. SWANSON: It seemed like something
21 could go in there.

22 MS. OESTREICH: I don't know that it
23 was actively marketed. Again, is that
24 relevant?

25 Norm, you said, well, it's not

1 our -- that it is our business to provide
2 alternates, but I remember when Ace Hardware
3 went in, I remember thinking -- I remember that
4 most of us sitting here said, Oh, it's going to
5 flop.

6 There are two hardware stores not
7 too far away, and we don't like to be right in
8 saying it's going to flop, because there is
9 only a limited amount of hardware stores that
10 you can support, but it did, but that was not
11 considered something that we were supposed to
12 deal ourselves with, with the corporations who
13 made the decision.

14 That's arguable. I don't know. I
15 don't know what's right or what's wrong, but I
16 can certainly understand saying, Oh, you don't
17 want to move there, because there is an
18 established business there.

19 MR. MOLINE: I remember that situation
20 well, and I was going to comment about it here,
21 but I thought, no, Fareway's a good store and
22 it would be good to have them here.

23 But I think I probably made the speech
24 when the Ace thing came up. John Gardner, who
25 was director here at the Quad-City Development

1 Group, who spoke often to my planning class and
2 to others, he said that the first thing you
3 have to do in your community is to make sure
4 that the businesses that you have are well
5 taken care of and satisfied.

6 And so if we would apply that
7 right now, it would seem that our first
8 priority in Rock Island is to make sure that
9 Hy-Vee continues to be a good place, that
10 Aldi's continues to be a good place, that
11 Wal-Mart, which is now just coming in which
12 will offer groceries, will continue to be a
13 good place, and that Save-A-Lot down the way
14 will also be here. That has to be the top
15 priority.

16 Now, if somebody can make a convincing
17 argument that when Fareway would come in -- and
18 we didn't push this, but I wanted to -- but can
19 Fareway truly say that the people that are
20 going to come to Fareway are really going
21 to be new customers, people who don't go to
22 Aldi's, Fareway, and the other ones that I
23 mentioned, that these are all going to be new
24 customers?

25 I'm not sure that they could do that,

1 because we already have the Fareway just across
2 the border in Moline. We have the others, and
3 I think the prime market for a Fareway in Rock
4 Island is going to be Rock Island customers,
5 and that's going to be fewer customer going to
6 the other places that I mentioned.

7 And that's why I voted against the
8 Ace Hardware at that point, because I thought
9 we already have a good hardware store. Why do
10 we want to take business away from them?

11 People said, well, it's a new choice.
12 That's what someone said. We owe our people a
13 choice. That's fine. That's a good argument,
14 but then you can't say that this is going to
15 bring in greater new tax revenue to the city,
16 so that's --

17 MR. JOHNSON: Yes, but then as a Rock
18 Island resident, I would no longer have to go
19 to Moline to get my meat.

20 MR. MOLINE: Well, that's what I'm
21 wondering, how many of those there are. I wish
22 we could have a breakdown of that. They can't
23 release that.

24 Ted, that's exactly what I said I wish
25 I knew. Of their market analysis, which they

1 couldn't share, of that market analysis, how
2 many of those people truly are going to be
3 people who now shop in another community as
4 opposed to people who are going to switch from
5 Hy-Vee and go across the street?

6 MR. PETERSON: If I could bring it
7 back to the issues, what we need to concentrate
8 on are land use issues. There are a lot of
9 these related factors. They're all very good
10 and important, and I think the idea of making
11 suggestions for City Council's consideration is
12 within our purview, but this is a specific
13 piece of property.

14 We have a proposal in front of us. I
15 said, in my opinion, we should be looking at
16 this as should we rezone that property as B-3,
17 but it's coming in as a PUD application, and
18 that's really what the staff recommendation
19 said, too, is that they were applying for B-3
20 and calling it site review.

21 In terms of the historic structure,
22 I fully appreciate and support a lot of those
23 comments, but the school district, if they
24 decide to, they can tear that building down
25 rather than heat it.

1 Then you have three acres of vacant
2 land, and that will come back to the Commission
3 at some point with the question of what's the
4 appropriate zoning for that? Is it R-1? B-1?
5 B-3?

6 I would recommend to try to sort this
7 out and come to a decision that we focus on
8 that land use and its compatibility with the
9 neighborhood and if it is allowed, what buffers
10 would be required.

11 MS. OESTREICH: Does anybody else have
12 anything to add, or are we ready to vote?

13 It will take five votes to pass,
14 and we have two abstentions, who count for a
15 forum.

16 Now, are we ready to take a vote at
17 this point?

18 MR. GRIFFITH: Mr. Creger?

19 MR. CREGER: No.

20 MR. GRIFFITH: Mr. Hanna?

21 MR. HANNA: Aye.

22 MR. GRIFFITH: Mr. Johnson?

23 MR. JOHNSON: No.

24 MR. GRIFFITH: Mr. Meegan?

25 MR. MEEGAN: Aye.

1 MR. GRIFFITH: Dr. Moline?

2 MR. MOLINE: Yes.

3 MS. SWANSON: Is a yes --

4 MS. OESTREICH: Yes is to deny, to
5 approve the motion to deny.

6 Does anyone want to change? Is
7 everything okay?

8 MR. GRIFFITH: Mr. Peterson?

9 MR. PETERSON: Yes.

10 MR. GRIFFITH: Ms. Swanson?

11 MS. SWANSON: Yes.

12 MR. GRIFFITH: Ms. Tyler-Jamison?

13 MS. TYLER-JAMISON: No.

14 MR. GRIFFITH: And Ms. Oestreich?

15 MS. OESTREICH: Yes.

16 MR. GRIFFITH: Six in favor and three
17 opposed.

18 MS. OESTREICH: Thank you. So this
19 will go to City Council. We have a lot of
20 writing to do.

21 MR. KUTSUNIS: This is a motion to
22 deny.

23 MS. OESTREICH: We will have to --
24 staff will let you know what the next step is.
25 This is over.

1 We did have another item on the
2 agenda.

3 (The hearing concluded at 9:15 PM,
4 June 4, 2013.)

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