1. Call to Order and Roll Call

   Kevin Day, Dave McAdam, Donald Mewes, Nicole Finnie, Bill Sowards, Gary Snyder, Tanja Whitten

2. Public Comment

3. Opening Items

   A. Approval of the Written Agenda for February 12, 2020 Meeting
      
      Recommended Motion: Move to approve the written agenda for January 8, 2020.

   B. Approval of the January 8, 2020 Meeting Minutes
      
      Recommended Motion: Move to approve the meeting minutes for January 8, 2020.

4. Procedural Explanation

5. Old Business- None

6. New Business

   Public Hearing #2020-04: Electric Guard Dog, requests a variance to locate an electric fence in an I-2 (general industrial) district at 8401 51st Street West. 
   
   Recommended Motion: Move to approve variance.

   Public Hearing #2020-05: The American Doll and Toy Museum requests a special exception to substitute one nonconforming use for another nonconforming use in an R-2 (one family residence) district at 3059 30th Street. Recommended motion: Move to approve special exception.

7. Other Business

8. Adjournment

   Recommended Motion: Move to adjourn.
MINUTES OF THE
ROCK ISLAND BOARD OF ZONING APPEALS

Regular Meeting  5:30 p.m.  January 8, 2020

ATTENDANCE:  (x) Present  ( ) Absent
( ) Kevin Day  (x) Dave McAdam
(x) Donald Mewes  (x) Nicole Parker
(x) Gary Snyder  (x) Bill Sowards
( ) Jeffrey Wright

Staff Present:  Miles Brainard, Alan Fries.

City Council Member Present:  James Spurgetis

Chairman Snyder called the meeting to order at 5:30 p.m.

General Public Comments – There was no one present to make any general public comments. The meeting continued.

Approval of Written Agenda – Mr. Sowards made a motion to approve the written agenda for the meeting. Mr. Mewes seconded the motion, and it passed unanimously.

Approval of Minutes – Mr. Sowards made a motion to approve the Minutes of the November 13, 2019 regular meeting. Mr. Mewes seconded the motion, and it passed unanimously.

Procedural Explanation – Chairman Snyder explained the procedure to be followed for the public hearing. He said there has been one Interested Party form submitted for case #2020-01

Public Hearing #2019-19:  The applicant, Augustana College, has filed a request for a variance of 18 feet of the 25 foot front yard setback requirement and a variance of 11 feet of the 35 foot maximum building height in an U-1 (university and college) district at 3501 7th Avenue.

Mr. Fries presented the staff report. He said there has been one Interested Party form submitted for case #2020-01, but that the property owner had expressed concerns with making 35th Street a one-way street due to the proposed development. He said he had informed the property owner that the Board would not be considering that issue because it is an issue that the City Council will consider at an upcoming meeting.

He continued by saying the zoning ordinance requires a minimum of a 25 foot front yard setback and a 35 foot maximum height for buildings in a U-1 zoning district ding affiliated with an institution of higher education and a two family used lot (Section 21.6 and 21.7). The applicant proposes to construct an approximate 30,000 square foot Wellness Center with swimming pool structure on the site.

According to a February 2019 announcement from Augustana College the proposed 16 million college structure will be known as the Austin E. Knowlton Center for Innovation in Health, Wellness and Human Performance. The structure will be where the new kinesiology program will have faculty offices and
classrooms, but will also be the location of a college aquatic center. A new 25-yard pool and therapeutic pool will also be located in the building allowing the expansion of existing men’s and women’s swimming and diving teams and men’s club water polo. The College also anticipates adding a women’s varsity water polo team that will be utilizing the facilities.

The structure will be located at the northeast corner of 7th Avenue and 35th Street and will be situated to within seven (7) feet of the west property line. The building will meet the front yard setback in the south front yard of this corner lot along with other yard setbacks and building separation requirements. The building will be “stair-stepped” down the hill from 7th Avenue. The elevation for the three story structure at 7th Avenue will be 46 feet, while the elevation at the vacated 6th Avenue on the north will be 31’ 6” (see building elevations). There are three existing College facilities located in the close proximity to the site that are at least three stories in height.

Chairman Snyder called for proponents.

Robert Lanzerotti, 3579 53rd Avenue in Betterndorf, Iowa and representing Augustana College, was sworn in. He said he does not have anything to add, but will answer any questions.

There being no questions, and as no one else wished to speak, the public hearing was closed.

**Decision Case #2020-01** – Mr. McAdam made a motion to approve the request because:

1. Reasonable Return: The variances will expand the educational and athletic facilities of the college.
2. Unique Circumstances: None.
3. Character Alteration: The variances will not alter the character of the neighborhood as there are college structures of three stories or more in height in close proximity to the proposed structure.

Mr. Sowards seconded the motion, and it passed unanimously (Mewes, McAdam, Parker, Sowards and Snyder).

**Public Hearing #2020-02:** The applicant, Chris Salazar/Arsenal Properties LLC, has filed a request for a variance of 190 feet of the 300 foot separation requirement between an existing Unrelated Group Family Use and a proposed Unrelated Group Family Use in an R-3 (one and two family residence) district at 3215 7th Avenue.

Mr. Fries presented the staff report. He explained the zoning ordinance requires there be a 300 foot separation requirement between an existing and proposed Unrelated Group Family Use (Section 4.62C). The applicant proposes to maintain an existing unapproved Unrelated group Family Use for 5 individuals in the single family residence on the site.

The closest existing Unrelated Group Family Use is located to the southeast at 3336 7th Avenue. Other existing Unrelated Group Family Uses nearby are located at 3400 7th Avenue, 721 34th Street, 602 32nd Street, 3406 6th Avenue, 3412 6th Avenue and 3418 6th Avenue.

The City filed an ordinance complaint against the applicant with the Municipal Code Enforcement Service (MUNICES) and the case was heard on December 6, 2019 and the applicant was found in violation of
zoning regulations. The case was continued until January 17, 2020 pending the Board’s decision on the variance and work being done on the retaining wall off of 7th Avenue. The applicant and his attorney present at the MUNICES hearing indicated they would submit plans and complete the work on the retaining wall. City Inspections Division staff will work on reviewing plans and any permitting that will be required for the retaining wall.

Chairman Snyder called for proponents.

Chris Salazar, 465 Oak Park Drive in Chicago, Illinois, was sworn in. He said he does not have anything to add, but will answer any questions.

Mr. McAdam asked why there has been a delay on constructing the retaining wall. Mr. Salazar replied that he was ignorant that the work needed to be completed and did not have the finances on hand to complete the work last year, but now has an escrow account that can be used to complete the work when the weather allows it. He says he has accepted a bid from a contractor to do the work when he puts 50 per cent down to have the work begin.

As no one else wished to speak, the public hearing was closed.

**Decision Case #2020-02** – Mr. Mewes made a motion to approve the request because:

1. **Reasonable Return:** The variance will improve the return on the property.
2. **Unique Circumstances:** The equipment and vehicles that would be stored/parked in the parking/storage area would damage an asphalt or concrete parking surface.
3. **Character Alteration:** The variance will not alter the character of the neighborhood.

Ms. Parker seconded the motion, and it passed unanimously (Mewes, Parker, McAdam, Sowards and Snyder).

**Public Hearing #2020-03:** The applicant, Dubin Singer PC- Richard Dubin has filed a request for a variance of 15 feet of the 15 foot maximum height for a freestanding sign and a variance of 5 feet of the 10 foot setback requirement for a freestanding sign in a B-1 (neighborhood business) district at 2252 24th Street.

Mr. Fries presented the staff report. He explained that the sign ordinance requires a maximum height of 15 feet for a new freestanding sign on the site and a ten foot setback from all property lines (Section 9 {a} of Sign Ordinance). The applicant proposes to remove an existing sign cabinet on the approximate 20’ tall pylon support and place a new 10’ tall sign on top of the pylon (total sign height of 30 feet) and also to be located within 5 feet from all property lines.

The applicant indicates the existing freestanding sign is approximately 27 feet in height and an attached survey completed for the applicant indicates the edge of the proposed sign would be approximately five (5) feet from tall property lines. The existing sign, which was located on the site prior to current 15 foot height requirements in the B-1 zoning district, appears to be approximately 100 square feet in total area (sign permit records are no longer available for the existing sign). Since the existing sign cabinet will be removed and a new cabinet placed on the pylon the new sign and its support must meet the existing 15 foot
maximum height requirement. Drawings of the proposed freestanding sign cabinet at a 30 foot height and 15 foot height are attached.

Also attached are statements from the applicant explaining their reasoning for approving both variances. The applicant indicates the reason for the setback variance is because of their desire to maintain what basically been the sign situation (existing pylon and approximately the same size sign), which based on the proposed 10’ x 10’ sign cabinet that it’s edge will encroach into the 10 foot setback. Staff believes this is a reasonable variance to approve that will meet two of the three variance requirements.

Staff does not support the applicant’s reasoning to approve the sign height variance. The applicant indicates the existing 245 foot building setback from 24th Street along with adjacent landscaping and topography is one of the reasons for approving the variance. Staff believes that the open parking lot area, likely attached building signs similar to the Moline and East Moline locations and the primarily low density residential character surrounding the site will make a lower 15 foot sign and the commercial business location very visible to traffic on both public streets at this corner lot location. The single family dwellings to the north exceed the 25 foot front yard setback making traffic visibility of a lower sign easier. The commercial lot and sign area is also open without much vegetation (see attached photo looking south on 24th Street from 22 ½ Avenue). The area to the south is occupied by an open accessory parking lot and single family dwellings. There is a gentle one to two foot slope downward from the intersection of 23rd Avenue and 24th Street. Although vacant, the site has been a well-known business site for many years (Downing’s Dairy was located on the site prior to each of the two different grocery operating stores at the site). There are also no competing commercial freestanding signs to potentially distract customers from the businesses at the subject site.

The City hopes Family Dollar will not use the denial of the sign height variance as a reason to not locate at this desirable commercial site in the approximate center of the city. Businesses nationwide have understood and accommodated communities’ reasonable aesthetic regulations (e.g. smaller and lower signs, landscaping and other amenities) to make commercial areas more aesthetically compatible when they are located adjacent to residential areas. There are no known studies that indicate lower freestanding sign height have hurt businesses. This was one of the main reasons in 2004 the City approved lowering sign height requirements in all business zoning districts.

In March 2018 the City Council approved an amendment to the Zoning and Sign Ordinances to require that the Board hold public hearings and then make a recommendation to the City Council on Board variances and other Board considerations for business zoned properties on parcels of, or larger, than 20,000 square feet in total area. Since the subject property is larger than 20,000 square feet in area the Board’s action will be in the form of a recommendation to the City Council to be considered at an upcoming Council meeting.

Chairman Snyder called for proponents.

Richard Dubin, 332 Hedge Run in Highland Park, Illinois, was sworn in. He stated Dollar Tree has indicated that both freestanding sign variances are critical for its proposed business to locate at the site and that it would terminate the lease for locating its business there if both variances are not approved. He added that Dollar Tree also would not have pursued locating at the site if there was not a possibility to have a freestanding sign as tall as what is currently located on the property. He noted the current sign has co-
existed for many years and that there has not been, or currently is, any objection expressed from neighbors. He also said a 15 foot, or other lower height freestanding sign, would be disproportional in size to the existing total site area and that the proposed new sign cabinet (which will have space to identify all three tenants) will be an improvement to the old sign. He added that the proposed sign would be similar to freestanding signs at other locations where Dollar Tree has stores in the country.

Chairman Snyder asked if Dollar Tree would have located at the site if there was not an existing freestanding sign at the property. Mr. Dubin replied they likely would not have.

Mr. Mewes asked if the Board could approve a different sign height variance for the site. Mr. Fries replied the Board could, but not taller than the height variance requested by the applicant.

Mr. Mewes then asked how late the business would be open at night. Mr. Dubijn replied that it would be likely 9:00 or 10:00 p.m., which would be similar to other businesses in the community.

Mr. McAdam said that the city has let go of several businesses in his time with the Board and he does not want to see it happen again with this request.

As no none else wished to speak, the public hearing was closed.

**Decision Case #2020-02** – Mr. Sowards made a motion to approve the request because:

1. Reasonable Return: The variances will improve the return on the property.
2. Unique Circumstances: None.
3. Character Alteration: The variances will not alter the character of the neighborhood.

Mr. Mewes seconded the motion.

Ms. Parker said the existing pylon and sign cabinet have been there for a longtime.

Mr. Sowards said the proposed sign is an improvement to what currently is located on the property.

Mr. McAdam said there were no complaints from neighbors regarding the variance request, so he will be supporting approving both variances.

Chairman Snyder said that he supports the request for both variances. He then called for a vote on the motion to approve the request and it passed unanimously (Mewes, Sowards, Parker, McAdam and Snyder).

Following the vote and prior to adjournment Alderman Spurgetis came forward and told the Board that they had a thoughtful deliberation on the variance request and also thanked them for their service to the City.
Adjournment:
Chairman Snyder adjourned the meeting at 6:30 p.m.

Respectfully submitted,

Alan Fries
Acting Secretary, Rock Island Board of Zoning Appeals
REPORT

TO: Board of Zoning Appeals

FROM: Community and Economic Development Department
       Planning and Redevelopment Division

DATE: January 30, 2020

SUBJECT: Case #2020-04- Request for a variance to allow an electric fence in an I-2 (general industrial) district.

Applicant: The Electric Guard Dog (Donald McLellan)

Location:
8401 51st Street West

Request:
To allow a variance to locate an electric fence in an I-2 (general industrial) district.

Size of Property:
The property measures 957’ x 1269’ x 912’ x 1,241’ (approximately 1,011,027 square feet, or 23.21 acres).

Zoning History:
Planning Commission Case #92-14- Request to annex property and rezone from R-1 to I-2 was approved.

Existing Land Use and Zoning:
The site is occupied by a trucking facility. The neighborhood in Rock Island is industrial, zoned I-2.

Topography:
The site slopes down from 85th Avenue West, but the developed area of the site is generally flat and at street level of 51st Street West.

Affected Requirements:
The zoning ordinance requires that electric fences are only allowed in Agricultural or Suburban Estates zoning districts (Section 8.12J). The applicant proposes to locate a 10-foot-tall electric fence inside an existing six-foot-tall chain link fence that has a row of barb wire on top.

Conditions to Authorize Variance:
1. Reasonable Return: The proposed fence will improve the return on the property by providing better security.
2. Unique Circumstances: Site has valuable products stored overnight and is located in a
sparsely populated area.

3. Character Alteration: The proposed variance will not alter the character of the neighborhood.

Comments:
The site is the new location of the Old Dominion Truck Lines, which is a national truck line that has been installing electric fences throughout its facilities nationwide to provide for better security. Old Dominion has relocated to the site from its former location at 320 31st Avenue. The Board approved a variance in 2011 to locate a ten-foot-tall electric fence inside an existing six-foot-tall chain link fence with barb wire at that former location.

A local representative will be at the meeting presenting the need for the electric fence based on types of problems that have occurred nationally at similar trucking facilities. The proposed electric fence will be located approximately one to two feet inside the existing chain link fence surrounding the truck parking area and loading docks. The two western gates will remain and be secured.

As it was done at the 31st Avenue facility, signs will remain posted every 40 feet in English and Spanish identifying that there is an electric fence surrounding the site. Several other vehicle storage and towing businesses in the Quad City area have erected similar electronic fences at their businesses (Quad City Towing was approved in 2006 for an electric fence at 2550 5th Street).

The “voltage” of the fence will be powered by a 12-volt battery making it less than the maximum allowed in the Zoning Ordinance (ordinance requirements are to not exceed 25 milliamperes nor a pulsating current lower than one-tenth second in a one-second cycle). These voltage levels are set for agricultural uses. The voltage for the proposed fence will be set much lower (since it will be set to deter, not injure, humans).

Recommendation:
That the variance be approved because it will improve the return on the property by adding better security and will not alter the character of the neighborhood.
REPORT

TO:                   Board of Zoning Appeals
FROM:                Community and Economic Development Department
                               Planning and Redevelopment Division
DATE:                January 30, 2020
SUBJECT:             Case #2020-05- Request for a special exception to substitute one nonconforming use for another nonconforming use in an R-2 (one family residence) district.

Applicant:           The American Doll and Toy Museum

Location:            3059 30th Street

Request:             To allow a special exception to substitute one nonconforming use for another nonconforming use in an R-2 (one family residence) district.

Size of Property:    The property measures 130’ x 254’ (33,020 square feet).

Zoning History:      Board of Zoning Appeals Case #98-50- Request to expand parking lot and approve freestanding monument sign was approved.

Existing Land Use and Zoning:  
The site is occupied by the vacant former 30/31 public library branch. To the north is a ten unit condominium and single family residences, zoned R-2. To the east and south are single family residences, zoned R-2. To the west is a church, zoned R-2.

Topography:          The site is flat and slightly above street level.

Affected Requirements: 
The zoning ordinance requires Board authorization to substitute one nonconforming use for another nonconforming use (Section 5.12). The applicant proposes to substitute the American Doll and Toy Museum for the former 30/31 branch public library in the existing one story structure.

Conditions to Authorize Variance:  
1. Reasonable Return: The proposed use will improve the return on the property.
2. Unique Circumstances: None.
3. Character Alteration: The proposed variance will not alter the character of the neighborhood.

Comments:
The applicant has been operating the museum out of a storefront at 1303 30th Street, which is a small space so they cannot display much of their collection. The former library building is much larger and also has the adjacent parking lot with approximately 18 off-street spaces. The applicant would also reuse the existing 4’ x 6’ monument freestanding sign located at the southeast corner of the site.

The museum will be open Monday thru Saturday from approximately 9:00 a.m. to 5:00 p.m. The museum will employ one to two employees at one time. The museum operators may also use part of the building as a meeting room for groups to lease. The proposed hours, number of employees and use of the facility by outside groups are similar in scale to the former library practices. The proposed use will likely generate less traffic than the library and will not alter the character of the neighborhood.

Recommendation:
That the special exception be approved because it will improve the return on the property and will not alter the character of the neighborhood.