

Rock Island Planning Commission Agenda

Council Chambers (3rd Floor), City Hall

1528 3rd Avenue

March 1, 2023

5:30 PM



1. Call to Order and Roll Call
 - Mike Creger
 - Bruce Harding
 - Reshanda Johnson
 - Ted Johnson
 - Maureen Riggs
 - Sarah Wright
 - Paula Rummels
 - Norm Moline
 - David Parker
2. Public Comment
3. Opening Items
 - A. Approval of the Written Agenda for March 1, 2023
Recommended Motion: Move to approve the written agenda for March 1, 2023
 - B. Approval of the November 2, 2022 Meeting Minutes
Recommended Motion: Move to approve the meeting minutes for November 2, 2022.
4. Old Business
 - None*
5. New Business
 - A. 2023-1 Public Hearing: Richard Nunez of Radicle Venture, LLC – Consider a Special Use Permit for operating a micro-brewery located at 1340 31st Street in a B-1 (neighborhood business) district.
Recommended Motion: Move to recommend the approval of the Special Use Permit with a stipulation for operating a micro-brewery at 1340 31st Street.
 - B. 2023-2 Public Hearing: The City of Rock Island proposes amendments to the Zoning Ordinance that provide a definition for a Retail Tobacco Business and regulate the location of businesses that sale tobacco products, electronic cigarettes, and alternative nicotine products.
Recommended Motion: Move to recommend the approval of the amendments to the Zoning Code.
 - C. 2023-3 Public Hearing: The City of Rock Island requests a rezoning from R-1 (one unit residential) district to C-2 (nature conservation) district for 17 parcels near the City's Southwest Area that are proposed to be annexed into the City's jurisdiction.
Recommended Motion: Move to recommend the approval of the rezoning request.
6. Other Business
7. Adjournment
 - Recommended Motion: Move to adjourn.*

Rock Island Planning Commission Minutes

Council Chambers (3rd Floor), City Hall

1528 3rd Avenue

November 2, 2022

5:30 PM



Voting Members Present	Mike Creger Bruce Harding Reshanda Johnson Ted Johnson Maureen Riggs Norm Moline David Parker
Voting Members Absent	Sarah Wright Paula Rummels
Staff Present	Alan Fries, Tanner Osing

Guests

Call to Order and Roll Call

Chair Creger called the meeting to order at 5:30 PM and read the roll call.

Public Comment

There were no members of the public in attendance. Mr. Fries introduced the newly hired Planning & Zoning Manager, Tanner Osing.

Approval of the Agenda

Mr. Fries noted that the applicant for Case #2022-6 withdrew the rezoning request. Commissioner Riggs moved to approve the revised agenda removing Case #2022-6 for November 2, 2022. Commissioner Harding seconded the motion. The motion carried unanimously on a vote of 7 to 0.

Approval of the Previous Meeting Minutes

Commissioner Harding moved to approve the minutes for September 7, 2022. Commissioner Parker seconded the motion. The motion carried unanimously on a vote of 7 to 0.

Old Business

None

New Business

Proposed 2023 Planning Commission Public Meeting Schedule

Commissioner Harding moved to approve the 2023 Planning Commission Public Meeting Schedule. Commissioner Moline seconded the motion. The motion carried unanimously on a vote of 7 to 0.

Other Business

Commissioner Moline asked staff about the recent Riverstone Property acquisition and if there were any expected plans for the properties. Staff noted that the City is considering conservation and recreational uses for the properties. Staff also noted there is one property zoned B-4 (highway business) district that

was part of the acquisition. Commissioner Moline mentioned that he hopes input on plans for the area will come before the Planning Commission.

Adjournment

Chair Creger asked for a motion to adjourn. A motion was made to adjourn, seconded, and passed unanimously at 5:44 PM.

Minutes submitted by Tanner Osing.

Memorandum

Community and Economic Development Department

To: Rock Island Planning Commission
Subject: Special Use Permit for 1340 31st Street
Date: February 22, 2023



Mr. Richard Nunez of Radicle Venture, LLC has filed an application for a Special Use Permit to continue operating a micro-brewery at 1340 31st Street, zoned B-1 (neighborhood business) district. The Comprehensive Plan identifies “neighborhood business” land use for the site. The Zoning Ordinance does not allow a micro-brewery without a restaurant element as a permitted use in a B-1 district. There is no B-3 (community business) zoning nearby as existing bars or taverns (with the same zoning requirement as a micro-brewery) located in the Hilltop area were established prior to current zoning regulations or have also received a Special Use Permit.

History & Nature of the Use:

The applicant/business owner has been operating a micro-brewery at the location for over 10 years. Staff was originally approached by Mr. Nunez regarding other property improvements, and subsequently discovered that the business did not have a Special Use Permit on file. The same zoning requirements were in effect regarding micro-brewery uses in a B-1 district at the time the business was established. Since Mr. Nunez went through other processes for a liquor license, building permits, and economic development assistance, staff reason to believe that the lack of formal approval for the use was possibly an oversight. Staff and Mr. Nunez agreed to move forward with a Special Use Permit to ensure the business has proper zoning approval. Staff view this request as a formality to confirm an existing use, and an opportunity to have a clean record on file. The applicant is also requesting a variance for the 100-foot separation requirement between a micro-brewery and residentially zoned property that will go before the Board of Zoning Appeals at its March 8th meeting.

The applicant plans to continue operating the current business. Radicle Effect Brewwerks serves a variety of craft beer and other beverages. Beer is brewed on-site and served at the establishment. The menu has a rotating selection of craft beer with beers brewed on-site available on tap along with other selections. The main entrance to the building faces the alleyway between 30th Street and 31st Street. The building is approximately 3,200 square feet and contains a bar area with table seating, an adjoining room with additional seating, a sectioned off brewing area, two bathrooms, and storage space. An outdoor seating area is also available on the west side of the building.

Parking:

The Zoning Ordinance requires one parking space for every 75 square feet of floor area or for every two persons allowed by fire code. The building has a maximum occupancy of 99 people so 50 parking spaces would normally be required. There is an existing improved parking area on both the east and west side of the building for a total of 8 parking spaces. There is on-street parking along 14th Avenue. The applicant also maintains good relationships with neighboring commercial property owners for additional parking arrangements.

Signs:

Signage for the business includes an awning with the business name and logo that overhangs the main entrance and part of the sidewalk on 14th Avenue, and one (1) freestanding sign at the corner of 31st Street and 14th Avenue. These signs meet the requirements of the Sign

Ordinance. Staff will use regulations in the Sign Ordinance to determine any proposals for future signage on the property.

Analysis:

Staff believe that the proposed use meets the seven conditions for approving a Special Use Permit identified in Section 6.5 (G) of the Zoning Ordinance. There are adequate utilities and other necessary public facilities, drainage and access for the site. The use will also not “impede the normal and orderly development and improvement of the surrounding property” as it has been its current use for over 10 years and a commercial space for many years prior to that.

Legal Description of Property:

Lot 10, Peter Hays Addition to the City of Rock Island, also known as 1340 31st Street, Rock Island, Illinois.

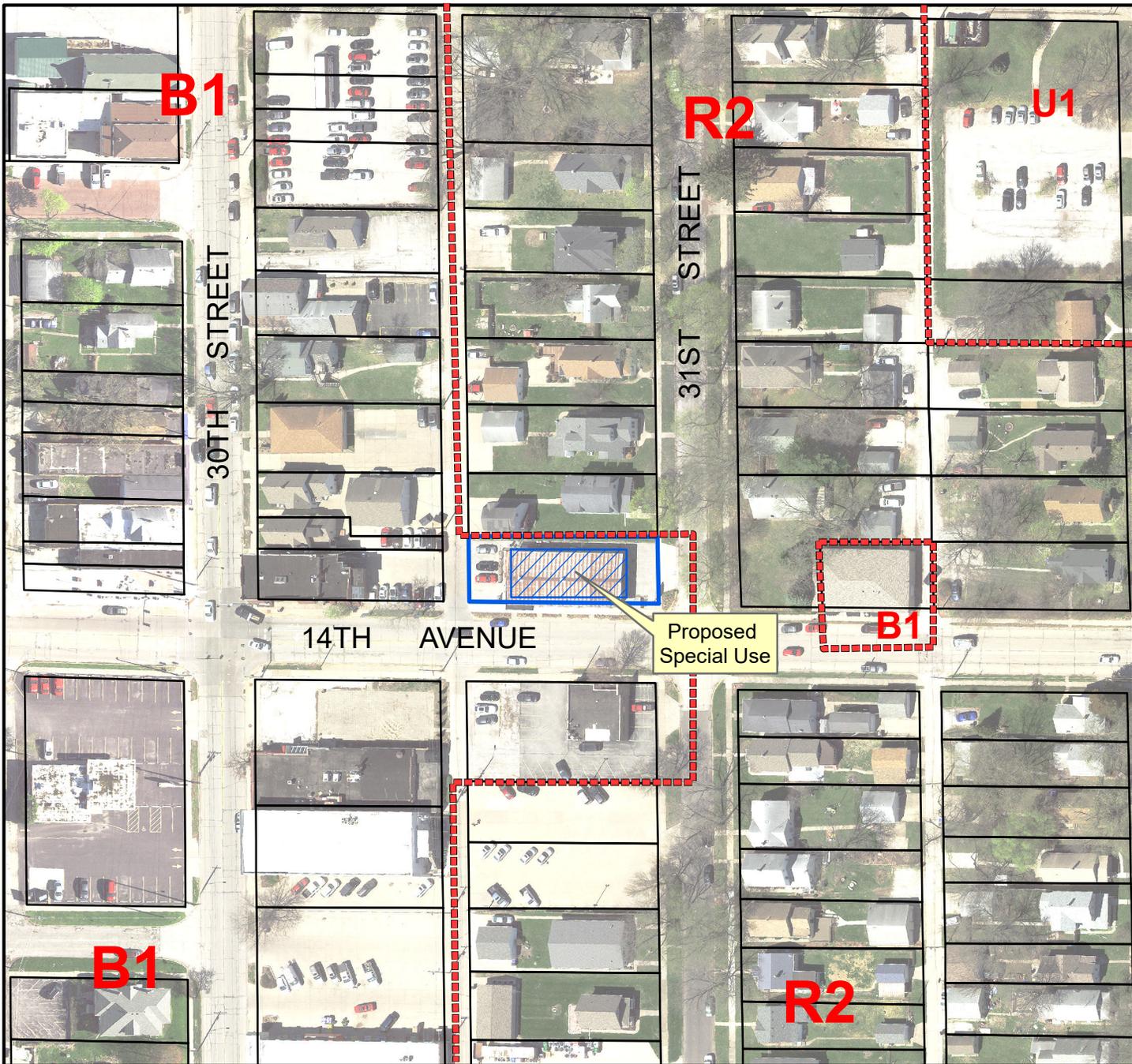
Recommendation:

The Community and Economic Development Department recommends that the Planning Commission pass a recommendation to the City Council that the request be approved with stipulations because the proposed use will not have a negative effect on the character of the adjacent neighborhood. Approval should be subject to the following stipulation:

1. The use shall meet all other applicable codes and ordinances.

Submitted by: Tanner Osing, Planning & Zoning Manager

PLANNING COMMISSION



PLANNING COMMISSION

2023-1 Aerial

-  Subject Property
-  Parcels
-  Zoning District Line



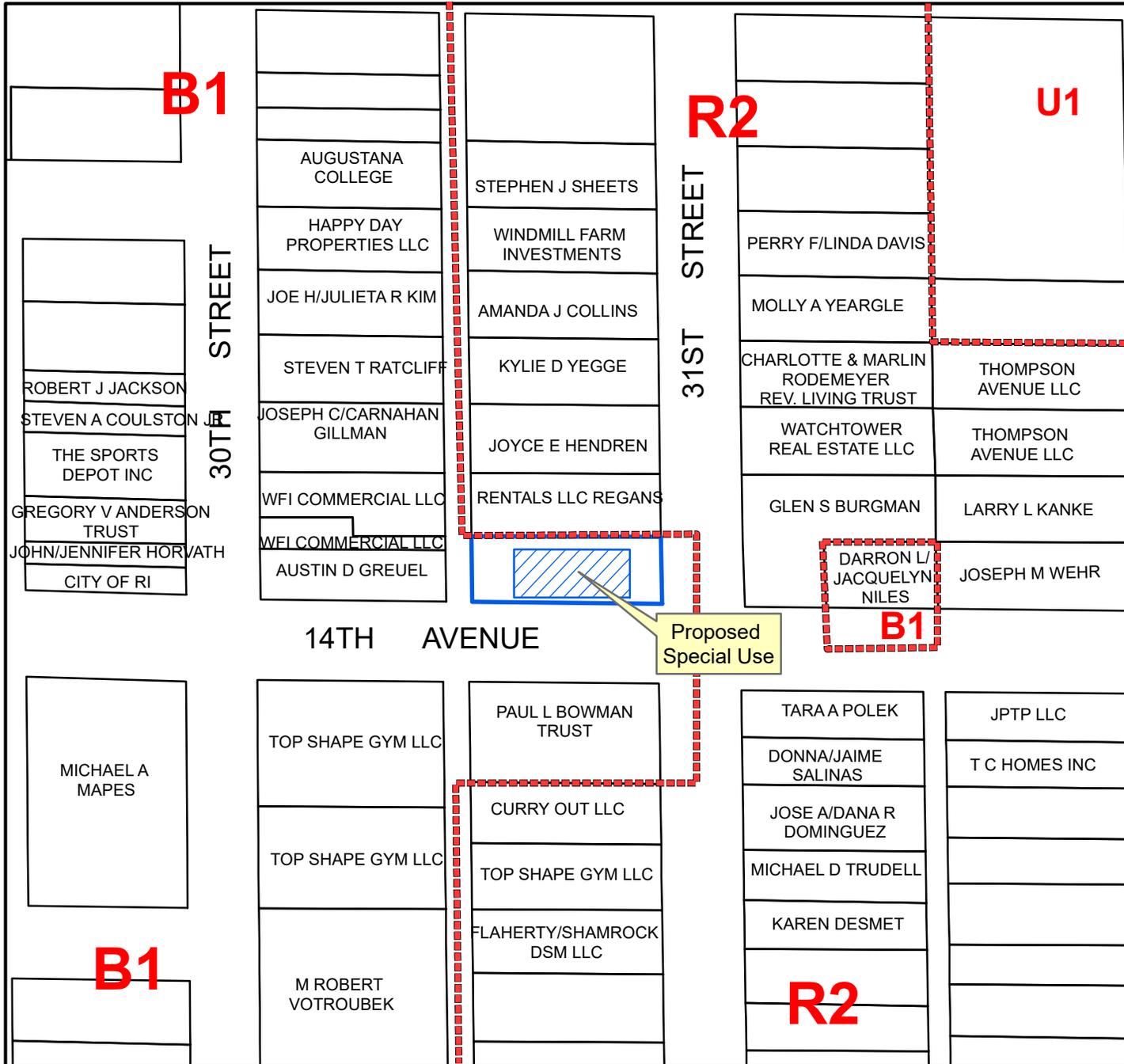
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City of Rock Island

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning and Redevelopment



PLANNING COMMISSION



PLANNING COMMISSION 2023-1

- Subject Property
- Parcels
- Zoning District Line



0 25 50 100 150 Feet

City of Rock Island

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning and Redevelopment



Memorandum

Community and Economic Development Department

To: Rock Island Planning Commission
Subject: Zoning Code Amendments for Tobacco Sales
Date: February 22, 2023



In June 2022, the City Council unanimously approved a moratorium for all new businesses that operate as “vape shops” for six (6) months. During the six (6) month moratorium period, the Mayor and City Council directed City staff to provide updated language and regulations on nicotine products, including vaping products to Article XVIII Sale/Possession of Tobacco Products of the City of Rock Island Code of Ordinances.

The City Clerk’s office, CED, and Legal Department worked on updates to Article XVIII, which included expanding definitions for new nicotine containing products like vapes in addition to tobacco products, providing two classes of business licenses for different retailers, and incorporating location requirements for tobacco sales in the Zoning Code. Staff presented these recommendations to the City Council at the December 12th Study Session. During the presentation, staff received favorable feedback from Council on including location requirements for tobacco sales in the Zoning Code rather than Article XVIII. Staff made this recommendation due to the existing framework already used for other types of businesses, such as bars, cannabis related uses, and adult regulated uses. Additionally, a location requirement in the Zoning Code is less arbitrary than a cap on a type of business and allows for due process through Special Use Permits, variances, etc. Based on Council’s feedback, staff moved forward with drafting the revisions to the Zoning Code and continued to revise Article XVIII. The City Council subsequently extended the moratorium until the end of March 2023 to provide staff the time to finish updating the ordinances. The moratorium is attached to this memo for reference.

Proposed Amendments:

For the Zoning Code, staff propose to include a new definition for a *Retail Tobacco Business*. This definition will align with the new definition for the same type of business in Article XVIII that includes expanded language regarding nicotine containing products. The difference between a Retail Tobacco Business and a store with incidental tobacco sales is the sales of said products being greater than 80% of gross revenue. This number is based on the “Smoke Free Illinois Act.” Additionally, staff recommend that both classes of business be limited to B-2, B-3, and B-4 zoning districts, and that Retail Tobacco Businesses be prohibited within one hundred feet (100’) of residentially zoned parcels. The proposed text amendments to the Zoning Code are attached to the memo along with a map of B-2, B-3, B-4 zoning districts that are outside of a 100-foot buffer from residential districts.

Recommendation:

The Community and Economic Development Department recommends that the Planning Commission pass a recommendation that the City Council approve the proposed amendments to the Zoning Code.

Submitted by: Tanner Osing, Planning & Zoning Manager

Overview of Proposed Zoning Code Amendments

In **Chapter 6: Definition** adding a new definition as follows:

Tobacco Business, Retail: Any premises where the sale of tobacco products, electronic cigarettes, or alternative nicotine products is the principal use, as defined by the sale of said products generating more than 80% of gross revenue for the premise.

In **Chapter 19: B-2 Central Business District** adding a new principal use to **Section 2. Permitted Principal Uses, line D. (in red)** as follows:

D. Bar, dance hall, cocktail lounge or nightclub, private clubs, lodges, union halls, tavern, **retail tobacco business**, on-site cannabis product dispensing and product consumption dispensing business, micro-brewery when enclosed and with building(s) and outside storage at least one hundred feet (100') from any residentially zoned private property

In **Chapter 19: B-2 Central Business District** adding a new accessory use to **Section 3. Permitted Accessory Uses (in red)** as follows:

3. Permitted Accessory Uses

A. Permitted accessory uses in a B-1 District

B. Assembly of small electrical appliances, instruments, small computers and other electronic devices.

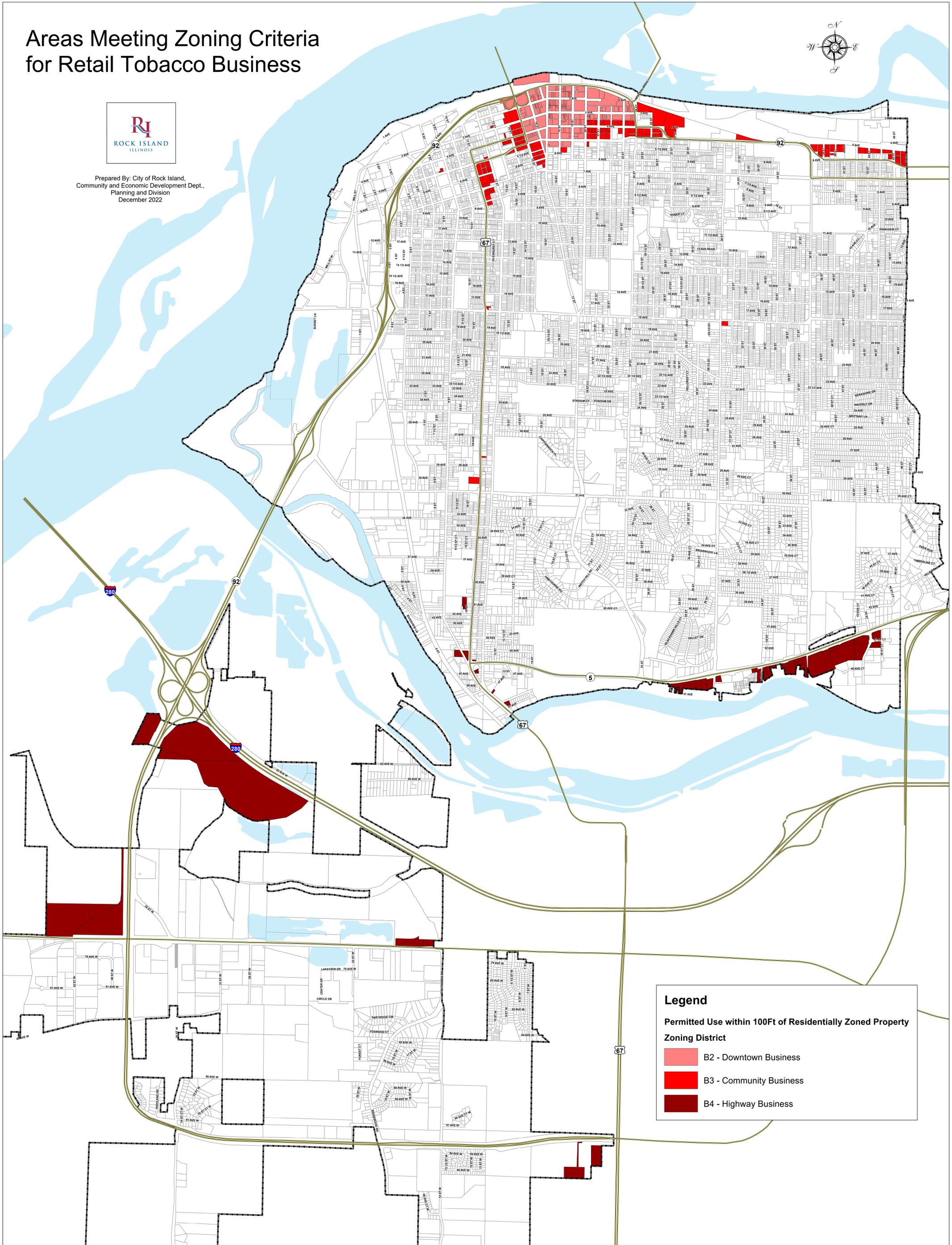
C. ~~Other uses incidental to a permitted use~~ **Sales of tobacco products, electronic cigarettes, or alternative nicotine products that do not meet the definition of a retail tobacco business.**

D. Other uses incidental to a permitted use

Areas Meeting Zoning Criteria for Retail Tobacco Business



Prepared By: City of Rock Island,
Community and Economic Development Dept.,
Planning and Division
December 2022



Legend

Permitted Use within 100Ft of Residentially Zoned Property

Zoning District

- B2 - Downtown Business
- B3 - Community Business
- B4 - Highway Business

RESOLUTION NO. 12-2022

MORATORIUM ON THE ISSUANCE OF VAPE SHOPS IN THE CITY OF ROCK ISLAND RESOLUTION

WHEREAS, the City of Rock Island is an Illinois municipal corporation organized and operating pursuant to authority granted by the Constitution and Laws of the State of Illinois;

WHEREAS, the City is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution;

WHEREAS, pursuant to its home rule power, the City may exercise any power and perform any function relating to its government and affairs;

WHEREAS the City Council has an interest in regulating matters concerning the health and welfare of its citizens and an interest in regulating the place and manner of sale of products and the nature location and number of businesses, business types and locations of businesses within the city limits; and

WHEREAS, the City Council has directed staff to investigate and report back to Council regarding its findings related to the number and location of vendors who offer vape products for sale;

Definitions. For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"Alternative nicotine product" means any product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means. The term "alternative nicotine product" excludes any product approved by the United States Food and Drug Administration as a non-tobacco product for sale as a tobacco use cessation product or for other medical purposes, and is being marketed and sold solely for that approved purpose.

"Electronic cigarette" or "e-cigarette" means:

- i. Any device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation;

- ii. Any cartridge or container of a solution or substance intended to be used with or in the device or to refill the device; or
- iii. Any solution or substance, whether or not it contains nicotine intended for use in the device.
- iv. The term "**electronic cigarette**" or "**e-cigarette**" includes, without limitation, any electronic nicotine delivery system, vapes, vaporizers, vape pens, vapor cigarettes, alternative vapor transmission modalities, e-cigars, hookah pens, electronic hookahs, electronic pipes, electronic cigars, and electronic cigarillos and any similar product or device, and any components or parts that can be used to build the product or device.
- v. "**Tobacco products**" means any product containing or made from tobacco that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, snus, and any other smokeless tobacco product which contains tobacco that is finely cut, ground, powdered, or leaf and intended to be placed in the oral cavity. "Tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.
- vi. "**Vape Shop**" means an establishment engaged in the retail sale and display of Tobacco, Tobacco Products, Alternative nicotine products, Electronic cigarettes, Vape or Vaping products including, without limitation, vapes, vaporizers, vape pens, vapor cigarettes and alternative vapor transmission modalities and paraphernalia associated with any of the foregoing. The term "Vape Shop" shall also include smoking lounges, which are retail establishments dedicated in whole or in part to entertaining smokers and users of tobacco. The term "Tobacco Shop" does not include Cannabis Business Establishments.
- vii. "**Vape**" or "**Vaping**" means the use of an alternative nicotine product to inhale and/or exhale any smoke, vapor, or other substance other than those produced by unenhanced human exhalation.
- viii. "**Vapes,**" "**Vaporizers,**" "**Vape Pens,**" "**Vapor Cigarettes,**" and "**Alternative Vapor Transmission Modalities**" are electronically-

operated devices which contain a cartridge or open space filled with nicotine and/or other chemicals which are turned into vapor or steam that is inhaled and exhaled by the user.

WHEREAS, the City Council of the City of Rock Island directs that City staff provide updated language and regulations on nicotine products, including vaping products to Article XVIII Sale/Possession of Tobacco Products of the City of Rock Island Code of Ordinances.

BE IT RESOLVED, this 27th day of June, 2022, by the City Council of the City of Rock Island, Illinois, addressing the desire to limit the number of businesses that operate as “vape shops”, directs the City to order a moratorium on all new vape shops for a period of six (6) months, expiring December 31, 2022.


MAYOR OF THE CITY OF ROCK ISLAND

PASSED: June 27, 2022

AYES: Alderpersons

Hurt
Gilbert
Swanson
Poulos
Parker
Healy
Robinson

APPROVED: June 28, 2022

ATTEST:


CITY CLERK

NAYS: None

ABSENT: None



Memorandum

Community and Economic Development Department

To: Rock Island Planning Commission
Subject: Rezoning Request from R-1 to C-2 for Southwest Area parcels
Date: February 22, 2023



The City of Rock Island has submitted a rezoning request from R-1 (one unit residential) district to C-2 (nature conservation) district for seventeen (17) parcels near the City's Southwest Area that are expected to be annexed into the City's jurisdiction. Once annexed, the parcels will be zoned R-1 as a matter of policy. Fifteen parcels (15) are located southwest of the I-280 & Centennial Expressway interchange and two (2) parcels are located southeast of the interchange (see map). The area proposed to be rezoned to C-2 is approximately 410 acres.

On October 24, 2022, the City Council approved the acquisition of twenty-three (23) parcels from the Riverstone Group that included the 17 parcels subject to this rezoning request. The parcels are predominately covered by freshwater forested/shrub wetland. Current environmental conditions for the parcels have been investigated. IMEG completed a Phase I Environmental Site Assessment (ESA) of the twenty-three (23) parcels in September 2022. The ESA concludes that there is no evidence of major contamination or environmental issues. Additionally, a limited access road near the intersection of Centennial Expressway & Bally Boulevard provides access to the parcels west of the expressway.

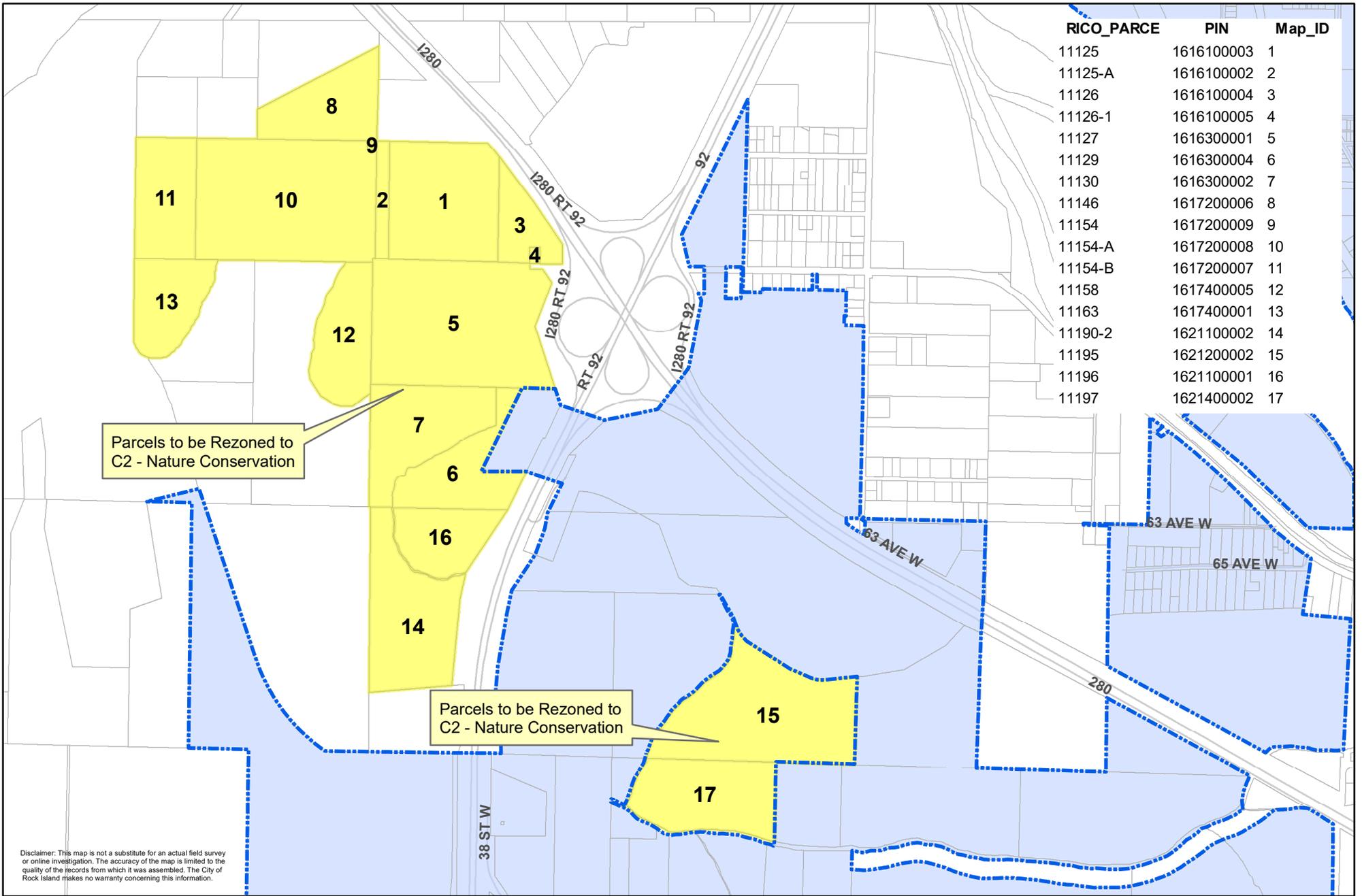
The Comprehensive Plan identifies "Community Business" land use for six (6) of the parcels. Four (4) of those parcels are just west and adjacent to the Centennial Expressway, while the other two (2) parcels are east of the expressway. The remaining parcels, all located southwest of the I-280 & Centennial Expressway interchange, are identified as "Conservation and Open Space" land use. The parcels identified as community business land use are predominately covered by wetland area and surrounded by parcels with similar conditions that are zoned C-2. Based on these conditions, staff view the C-2 (nature conservation) district as the most responsible zoning classification for the parcels rather than any business zoning district.

While no specific development is proposed for the area at this time, staff continue to explore the creation of some sort of wetland preserve that might offer eco-tourism opportunities. There is interest among other parties, including the Forest Preserve District and Nahant Marsh, in expanding the area held for conservation in the Southwest Area. It continues to be in the public interest that such lands be conserved. They offer critical habitat for wildlife, help with flood management, and offer recreational opportunities like hunting. Should the annexation and the rezoning request be approved, staff will look to develop a larger management plan. Staff will most likely seek out a consultant to do such work, and also rely on community partners like the Forest Preserve District which has already expressed interest.

Recommendation:

The Community and Economic Development Department recommends that the Planning Commission pass a recommendation that the City Council approve the rezoning request because it conforms to the Comprehensive Plan and also recognizes the existing environmental conditions of the subject properties.

Submitted by: Tanner Osing, Planning & Zoning Manager



Parcels to be Rezoned to C2 - Nature Conservation

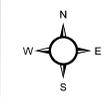
Parcels to be Rezoned to C2 - Nature Conservation

Disclaimer: This map is not a substitute for an actual field survey or online investigation. The accuracy of the map is limited to the quality of the records from which it was assembled. The City of Rock Island makes no warranty concerning this information.

Proposed Property Rezoning and Annexation



- Proposed Property Rezoning and Annexation
- City of Rock Island Parcels
- Municipal Boundary



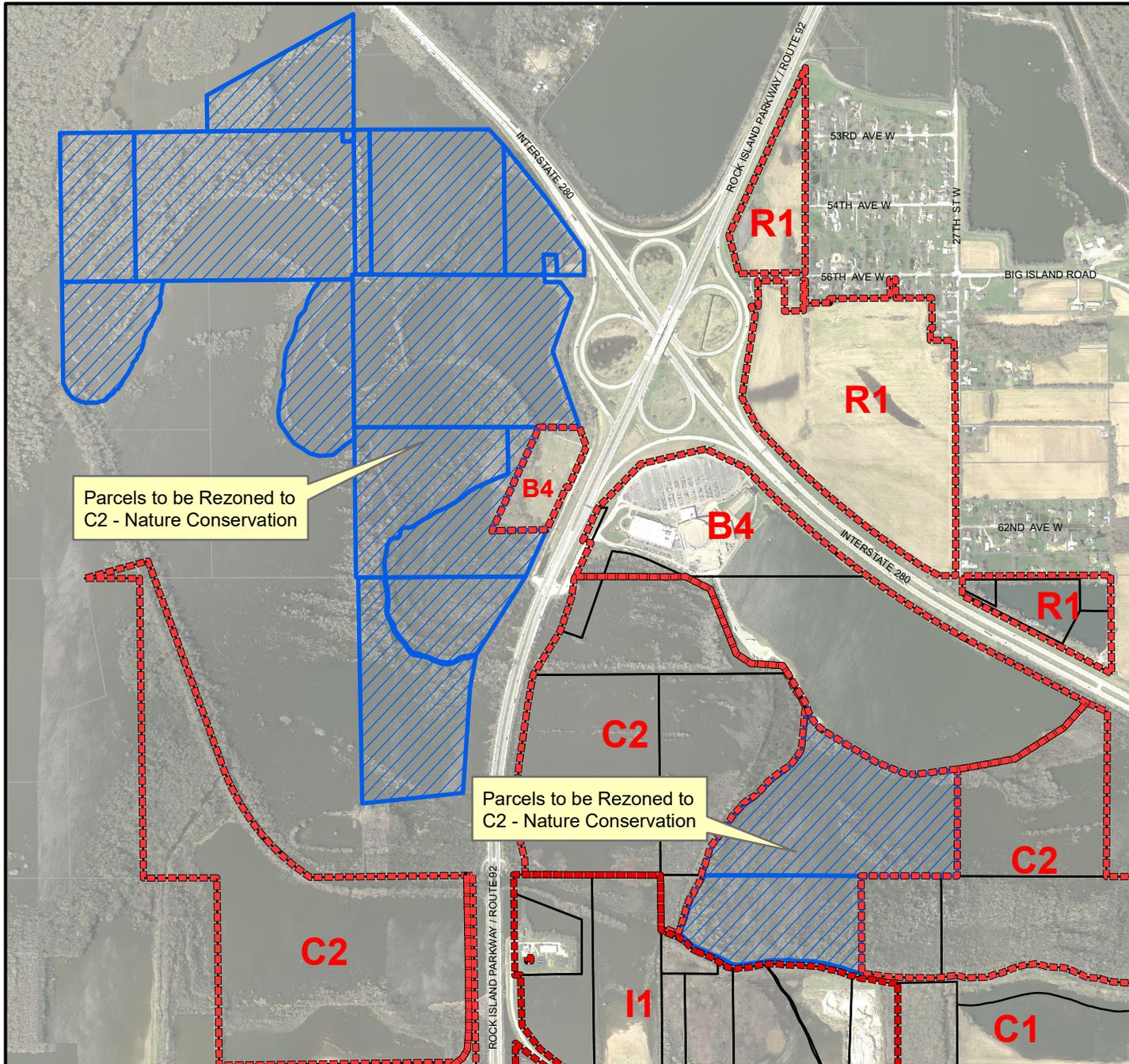
City of Rock Island,
Community and Economic Development Department

Drawn By: K. Douglass

Date Created: November 2022
Aerial Flown April 2019

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feet

PLANNING COMMISSION 2023-3



PLANNING COMMISSION 2023-3 Aerial

-  Subject Property
-  Parcels
-  Zoning District Line



0 250500 1,000 1,500 2,000 2,500 Feet

City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment



