

Memorandum

Community and Economic Development Department

To: Rock Island City Council

Subject: Special Use Permit Request for 4401 7th Avenue

Date: September 14, 2022



The Planning Commission held a public hearing on September 7, 2022 and voted unanimously to recommend that the City Council approve several stipulation revisions to a previously approved Special Use Permit issued to Mr. Justin Farley (Skylark Investments LLC) for a public event facility at 4401 7th Avenue (see previously approved Special Use permit approved by Council on August 11, 2020). The property is currently zoned O-1 (small office) district, but the previously approved Special Use permit ordinance was when the property was zoned R-3 (one and two family residence) district under the previous Zoning Ordinance regulations. Action is required on the Special Use Permit since the first three stipulation time frame has expired. The applicant is also seeking another revision to one of the stipulations and adding another aspect of the business located at the property.

The first three expired stipulations relate to parking lot and dumpster screening requirements that needed to be completed two years after the initial approval in August 2020. The 2020 approved Ordinance also allowed a music studio, which is considered an allowable use since the property is now zoned O-1 as a result of a zoning change when the city adopted a new Zoning Ordinance and Zoning Map in December 2020.

Information Regarding Approved Use and Parking Stipulations:

The former church auditorium space (approximately 1,650 square feet in area) has been used as a community event space for events such as music concerts, quinceaneras and wedding receptions. The applicant expanded the stage/platform area and also removed the former church pews and has used portable chairs and tables for the events (see attached building plan). The event facility is allowed up to five employees and cannot have public events between 11:00 p.m. to 7:00 a.m. A 4' x 4' freestanding sign was also approved for the property.

The Zoning Ordinance requires a total of 22 off street parking spaces for a 1,650 square foot event space. Currently there are 10 parking spaces located in the existing concrete parking lot directly adjacent to the structure. The northerly adjacent lot has been surfaced with gravel within the past year and has been used for vehicle parking for events during that time. The spaces are not marked, but there is an attached parking lot plan for 18 improved spaces submitted with and approved with the initial 2020 Special Use Permit request. The applicant has also indicated that he has a verbal agreement from leadership of the adjacent Rock Island Lions Club to use available parking spaces on their property located to the southwest of the subject site.

Applicants Request for Revisions to Approved Stipulations.

The applicant indicates that the COVID pandemic has had negative impact on the startup of his public event business and requests to change the previously approved City stipulations to allow additional time to complete some of the required improvements and longer hours on the weekend for public events.

The applicant requests to revise the stipulations to allow an additional two years to improve the north gravel parking lot surface to asphalt or concrete (the applicant placed gravel on the north side of the property because neighborhood vehicles were parking there and tearing up the grass at that location). The applicant also requests to eliminate the parking lot landscaping requirement and to have an additional year to enclose the refuse dumpster with six-foot tall solid fence or wall on at least three sides surrounding the dumpster. The applicant also requests revised stipulations that would allow public events to extend to midnight on Friday and Saturday nights from the previous 11:00 p.m. time limit and to also allow food trucks to be located on the property during hours when public events are taking place.

Revised Stipulations Recommendations:

Staff recommends allowing the following revised stipulations from the previous approved ordinance that are identified in the attached Special Use Permit Ordinance:

Stipulation Number 1 (Lions Club Parking Arrangements). Staff recommends a one year additional time period (rather than two years) to provide proof that the applicant has established an arrangement with the Lions Club allowing Mr. Farley to use unused parking spaces in the Lions Club parking lot for his customers. Mr. Farley has indicated that an arrangement has been made, Staff would like to have a written record of that arrangement for the case file.

Stipulation Number 2 (Improve north parking lot to meet Zoning Ordinance requirements of asphalt or concrete surfacing and landscaping requirements). Staff recommends an additional year (rather than two years) to complete Zoning Ordinance required improvements to the gravel parking lot on the north part of the site. The applicant provided the attached parking lot plan with 18 marked spaces in the north yard of the site. Staff also recommends that landscape requirements be removed from the stipulations

Stipulation Number 3 (On-site dumpster enclosure). Staff recommends approval of a one year additional time frame to make the Zoning Ordinance required six foot tall solid screening enclosure for the dumpster.

Stipulation Number 6 (Public events time hours of operation). Staff recommends a revision to the public event end time on Friday and Saturday nights from 11:00 p.m. to 11:30 p.m. Staff does not recommend events on these evenings to extend to applicant requested midnight time because the building is close to residential uses to the north and east.

Proposed Stipulation to allow food truck to be located on the property during public events. Staff does not recommend approval of this stipulation as it would take up valuable off street parking space.

The Planning Commission recommends by a vote of six to zero to approve the Special Use Permit with the Staff recommended time revised frame stipulations related to parking and dumpster screening, along with extending the evening event times on Friday and Saturday nights. The Commission also voted to recommend adding a stipulation to allow one food truck on the subject property only during the same times that public events are allowed.

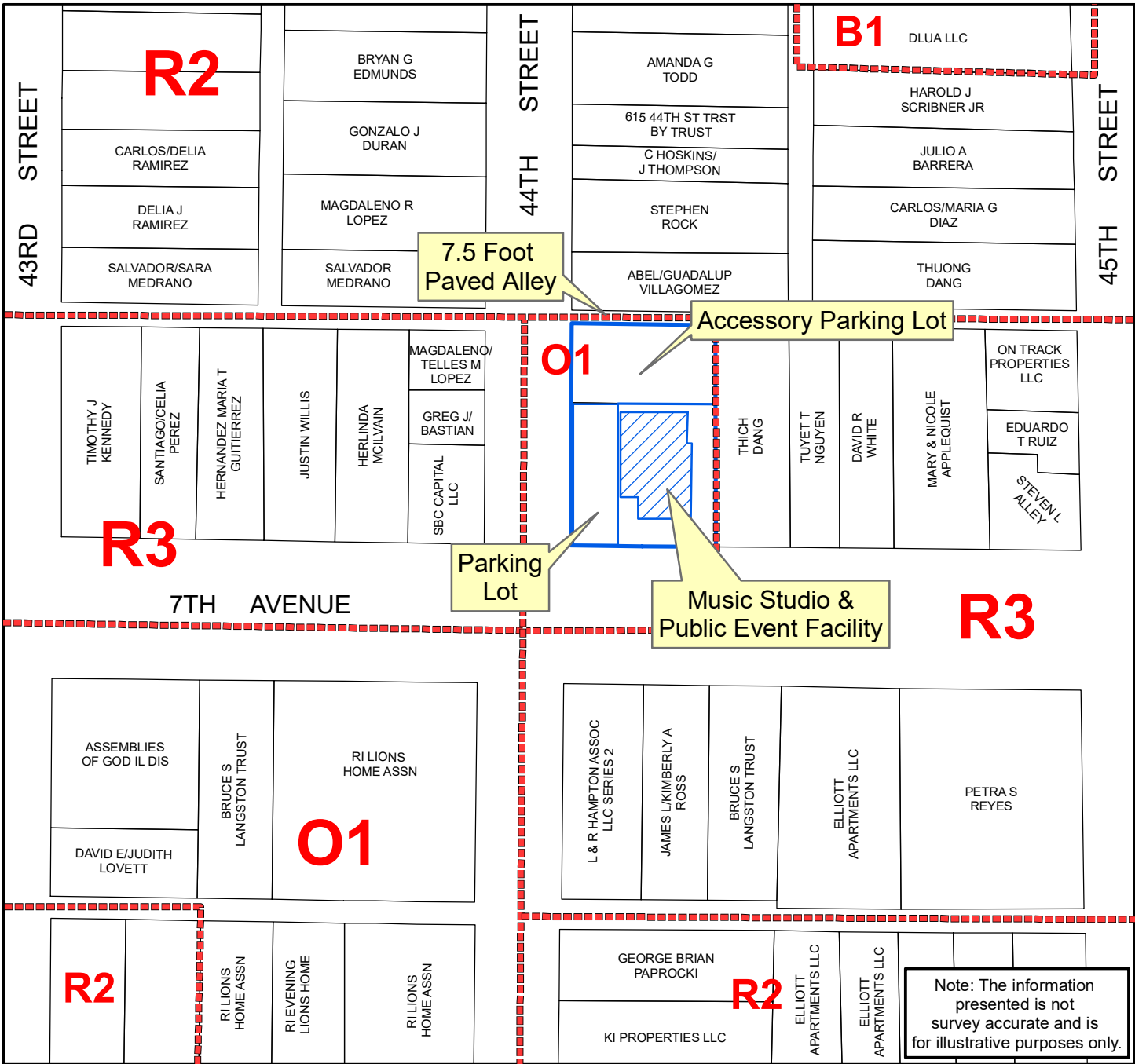
Recommendation:

The Community and Economic Development Department recommends that the City Council approve the Special Use Permit and consider the attached ordinance.

Submitted by: Alan Fries, Urban Planner
Miles Brainard, Community & Economic Development Director

Approved by: Todd Thompson, City Manager

SPECIAL USE PROPOSAL




SPECIAL USE PROPOSAL

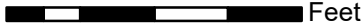
2022-5

Legend

- Subject Property
- Parcels
- Zoning District




0 20 40 80 120 160 Feet



City of Rock Island

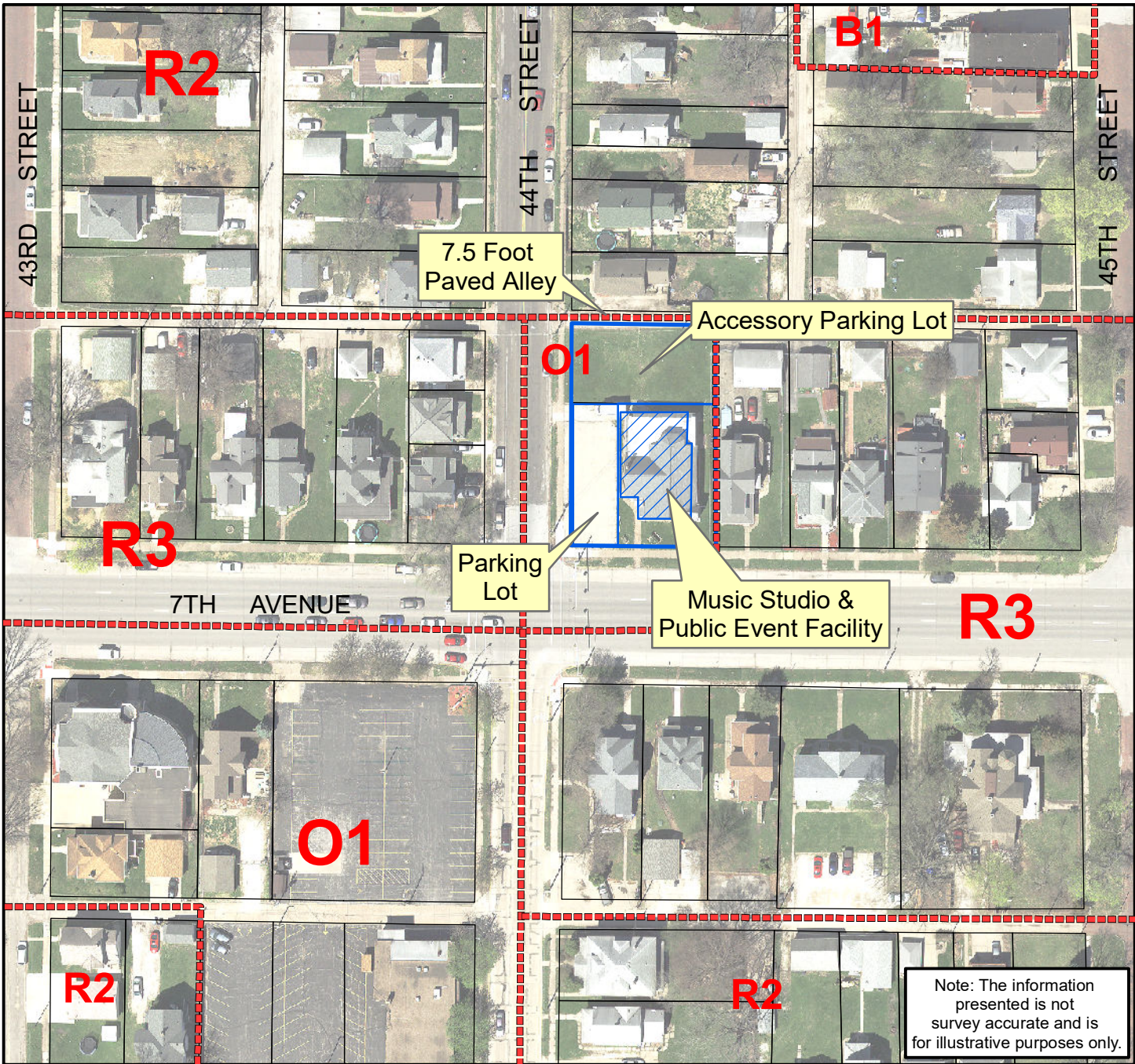
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning and Redevelopment



ROCK ISLAND
ILLINOIS

Note: The information presented is not survey accurate and is for illustrative purposes only.


SPECIAL USE PROPOSAL



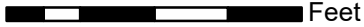
SPECIAL USE PROPOSAL
2022-5 Aerial

Legend

- Subject Property
- Parcels
- Zoning District




0 20 40 80 120 160 Feet



City of Rock Island

COMMUNITY AND ECONOMIC
DEVELOPMENT DEPARTMENT
Planning and Redevelopment

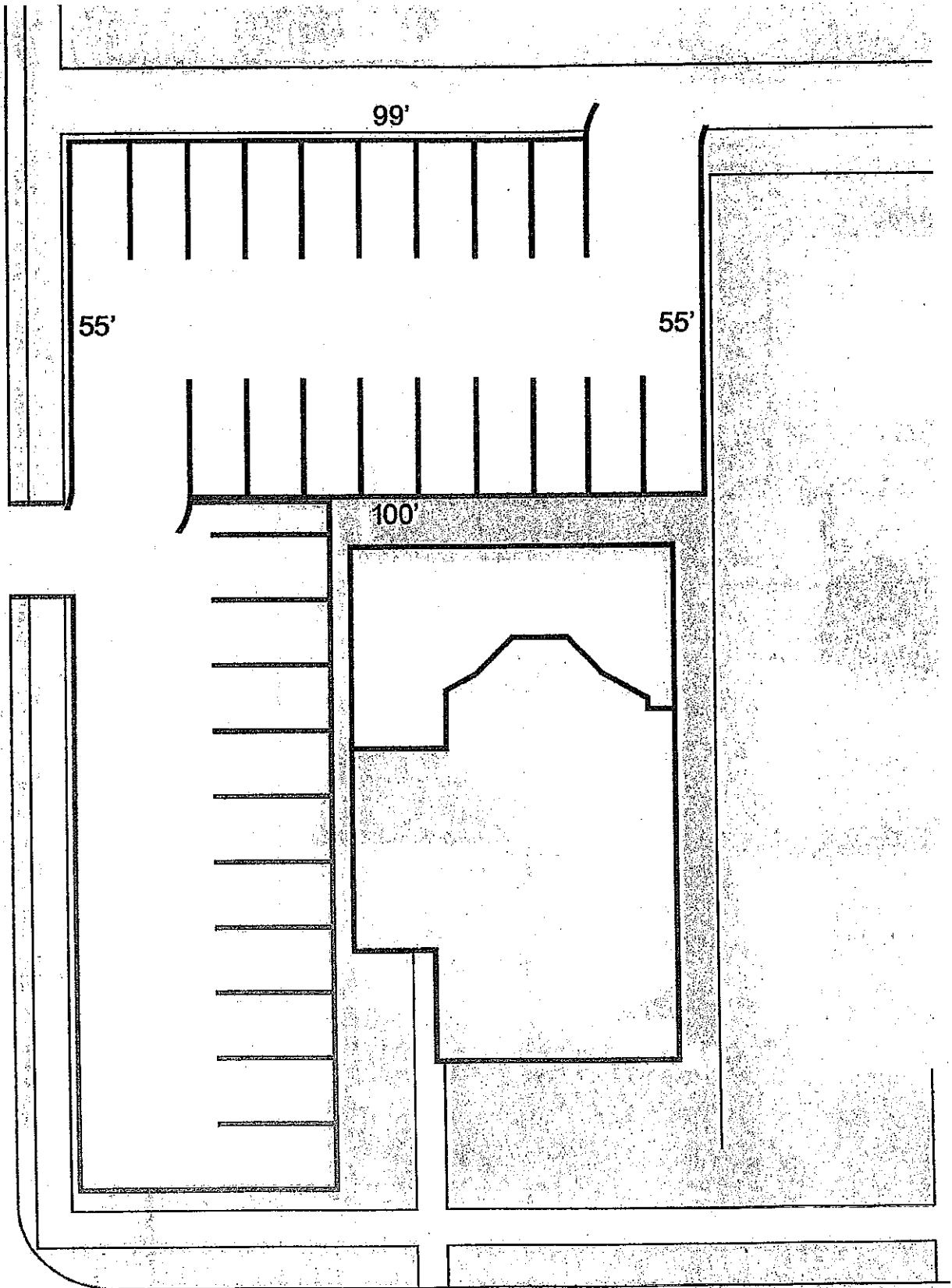


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ILLINOIS

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ew Parking Lot 1-27-20

44 ST



7TH AVE

Skylark

Justin Farley 563-505-0866
4401 7th ave Rock Island, IL

**A SPECIAL ORDINANCE GRANTING A SPECIAL USE PERMIT
IN THE CITY OF ROCK ISLAND, ILLINOIS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCK ISLAND, ILLINOIS:

Section One: This ordinance grants and serves as a special use permit to Justin Farley, operating as Skylark Investments LLC, for a former church building and adjacent vacant lot at the northeastern corner of the 7th Avenue and 44th Street intersection. For the purposes of this ordinance, the two properties shall be collectively referred to as the “subject property.” A map of the properties is attached as Exhibit A. The two properties are legally described as:

Lots 7 and 8 off 44th Street Addition to the City of Rock Island, also known as
44017th Avenue and 627 44th Street, Rock Island, Illinois

Section Two: The one-story former church building contains an assembly space in the south part of the building and office spaces in the north part of the building. The adjacent lot is vacant without any existing structures. The uses granted by this special use permit are identified by interior space.

1. North Rooms, First Floor: The rooms on the north side of the building shall serve as offices and a music recording studio. This use shall correspond with the occupancy classification “Business” as identified in the building code.
2. South Room, First Floor: The main assembly space shall serve as a public event space playing host to music concerts, weddings, parties, festivals, craft fairs, bake sales, church services, support groups, neighborhood meetings, and any other activities deemed consistent. This use shall correspond with the occupancy classification “Assembly Group A-2” as identified in the building code.
3. Basement: The entire basement level of the building shall be used as storage. Said storage shall be accessory to the uses on the first floor above. This use shall correspond with the occupancy classification “Low Hazard Storage S-2” as identified in the building code.

Section Three: This permit is subject to the following additional stipulations:

1. The office and music recording uses are allowed by right in an O1 (Small Office) zoning district. No unique restrictions shall be in place for these uses while the property is zoned as such.
2. The hours of operation for the assembly space shall be 7:00 AM to 11:00 PM, Sunday thru Thursday and 7:00 a.m. to 11:30 p.m. on Friday and Saturday.
3. The subject property shall not be eligible for a liquor license. Patrons shall not be permitted to bring their own alcohol onto the subject property. Vendors catering events at the subject property may serve alcohol under their own liquor license as permitted by the liquor ordinance, however.

4. Outdoor gatherings, events and/or food trucks on the subject property are prohibited.
5. Existing signage at the southwestern corner of the site shall may be maintained. If existing signage is replaced, new signage shall be placed at the same location and shall not exceed four feet square (4' x 4').
6. Within one year of the adoption of this ordinance, a written agreement with a nearby property owner, or property owners, but specifically the Rock Island Lions Club, establishing a shared parking arrangement in which a minimum of 18 spaces for use by patrons of the subject property shall be executed. A copy of that agreement shall be made available to the City.
7. Within one year of the adoption of this ordinance, the parcel at 627 44th Street shall either be paved with a hard surface meeting Zoning Ordinance requirement to create additional parking spaces, or shall be cleared of any gravel and maintained as a lawn. No additional landscaping shall be required to this area of the property
8. Within one year of the adoption of this ordinance, a three-sided dumpster enclosure shall be constructed on the subject property.
9. The maximum occupancy of the building generally, except for those specific restrictions otherwise identified in this special use permit, shall be determined by the Fire Marshall.

Section Four: All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as they do so conflict.

Section Five: This ordinance shall be in full force and effect after its passage and approval, as required by law.

Mayor of the City of Rock Island

Passed: _____

Approved: _____

Attest: _____
City Clerk