

**APPROVED MINUTES OF THE
ROCK ISLAND BOARD OF ZONING APPEALS**

Regular Meeting

7:00 p.m.

April 13, 2016

ATTENDANCE:	(x) Present	() Absent
(x) Kevin Day		(x) Karen Williams
(x) Dave McAdam		() Larry Tschappat
(x) Gary Snyder		(x) Robert Wild
(x) Faye Jalloh		

City Council Members Present: Mayor Dennis Pauley, Alderman Virgil Mayberry, Alderman Stephen Tollenauer

Staff Present: Ben Griffith and Alan Fries.

Chairman Snyder called the meeting to order at 7:00 p.m.

Approval of Minutes – Mr. Wild made a motion to approve the Minutes of the March 9, 2016 meeting. Mr. Day seconded the motion, and it passed unanimously.

Procedural Explanation – Chairman Snyder explained the procedure to be followed for the public hearing.

Public Hearing #2016-05 - Request from Robert Gamrath (as attorney for Wal-Mart) has filed requests for the following for a proposed 189,541 square-foot Wal-Mart retail store and separate convenience store with gas pumps on the development site located in a B-4 (highway/intensive business) district at the site of the former Watch Tower Plaza, at approximately 3750 – 11th Street:

- A. A special exception to approve an authorized use (convenience store with gas pumps);**
- B. A variance to allow more than one principal structure on one lot;**
- C. A variance of 1.5 of the 5.0 parking spaces per 1,000 gross square feet of floor area and one space for every two employees on a maximum shift requirement;**
- D. A variance of 1 foot in length from the 19-foot long parking space requirement;**
- E. A variance of 17 feet of the 25-foot maximum height for freestanding light poles within 500 feet of a protected residential property;**
- F. A variance of 1,231 square feet of the 500 square-foot maximum total sign area allowed; and**
- G. A variance of 60 square feet of the 160 square-foot maximum area allowed for total freestanding signs.**

Mr. Fries presented the staff report. He explained that the zoning ordinance requires Board authorization for an authorized use (Section 28.4), a variance to allow two principal buildings on one lot (Section 8.17), five (5) off-street parking space per 1,000 square feet of gross floor area for a retail store (Section 8.14D [32]), a minimum parking space length of 19 feet (Section 8.14C

[2]), freestanding luminaries of 25 feet in maximum height if located within 500 feet of a protected residential property (Section 35.3A [2]), a total sign area of 500 square feet allowed per property and a maximum freestanding area of 160 square feet (Section 9 [f] of the Sign Ordinance) . The applicant proposes to construct an approximate 189,541 square-foot Walmart Supercenter store and a separate convenience store with gas pumps on the development site.

Analysis:

The site is an approximate 20 acre infill commercial property, which was the location of the former Watchtower Plaza retail development. The proposed variances include are from both the Zoning and Sign Ordinances.

Zoning Ordinance Variances:

The first Zoning Ordinance request is a special exception to approve an authorized use for a convenience store with gas pump use in the B-4 zoning districts. This use is identified as an authorized use in the B-1 (neighborhood business) district, but the ordinance language is not clear about whether this use is allowed as permitted principal of uses in the B-2, B-3 and B-4 districts. Staff has historically and consistently interpreted the general description of the three more intense business zoning districts to allow a convenience store with gas pumps without the need for zoning authorization, but the language in the ordinance is not specific (this and other ordinance language will be addressed in the comprehensive review and rewrite of the City's land development regulation ordinances currently underway). Through the years the City has allowed similar convenience store uses in the B-2, B-3 and B-4 zoning districts (e.g. Circle K and BP convenience stores with gas pumps on 11th Street), but the applicant requested to include the special exception request with the other variances proposed. Staff does not have an issue with including this request with the other variances.

The second zoning variance is to allow two principal buildings on one lot (superstore and convenience store/fuel center). Walmart officials express the need for both uses to be part of the same commercial development site to provide for the most efficient use of the parcel as a single zoning lot, instead of making the convenience store/fuel center a separate zoning lot subject to separate setback, bulk and density requirements. Also, since there will be one owner and developer of both Walmart facilities, it is reasonable to allow both structures to be on one parcel.

The third and fourth zoning variances are connected with their relationship to off-street parking. The attached site plan identifies approximately 759 parking spaces. Ordinance parking ratio requirements are based on the gross square footage of the building(s) and number of employees on a maximum shift. Based on the proposed 189,541 gross square foot supercenter and estimated 100 employees on a maximum shift there should be 997 spaces provided for the site (convenience store/fuel center parking requirements are separate and meet Zoning Ordinance requirements).

Walmart officials indicate that this proposed superstore is the appropriate model size for the community and if not allowed would mean a reduction in the size of the supercenter and reduction of employment. The proposed total gross area for the supercenter is similar in size and scope to other Walmart supercenters in the Quad Cities. However, other comparable Walmart supercenters were developed more on the edge of its communities, where there was undeveloped

land to be obtained and developed.

As Walmart has moved into more urbanized areas over the years, they have found that overly large parking areas were not actually needed, due primarily to the proximity of residential areas and availability of multiple transportation options for both customers and employees. The Rock Island supercenter is an infill development on a former existing major commercial site in a totally developed urbanized area. The site is limited in total area due to the location of adjacent existing commercial and residential developments and by its location between two major public streets. The site is located along two MetroLink bus routes and within walking distance from several adjacent residential neighborhoods, which should reduce the need for the number of off-street parking spaces on the site.

The Walmart site will also include an approximate 1.5 acre storm water detention basin and significant perimeter and interior landscaping. These areas reduce the space available for off-street parking. Similar large scale Rock Island commercial development sites (Rock Valley Plaza, K-Mart and Hy-Vee) were either developed prior to storm water and/or landscape requirements, or received variances to these requirements.

Walmart proposes to increase the width of the parking spaces from the required 8.5 feet to 9 feet based on its experience developing, constructing and operating over 4,000 stores nationally. The increased width reduces the number of spaces, but improves parking maneuverability for customers. A variance is also being requested for 1 foot of the Ordinance required 19-foot parking space length. Staff believes that this variance will not be an issue since the aisle width will be 25 feet (24 feet width is standard aisle width for 90-degree parking lot configuration). Finally, the site will also have two “drive-up and drive-off” facilities (prescription and on-line sales located at the east side of the supercenter) that will also reduce the need for some off-street parking spaces on the site.

The fifth zoning variance requests to increase the height for freestanding light poles. The site plan identifies 16 freestanding light poles with three luminaires, 14 with double luminaires and 3 with single luminaires. The poles will be 42 feet in height from grade to top of pole. The luminaires will have a cutoff angle of 90 degrees to direct light mainly downward. The applicant submitted a lighting photometric plan that identifies that the site will meet Ordinance lighting requirements for foot-candle lighting levels at all property lines. The increased height is being requested to reduce the total number of light poles at the site to make more space available for parking spaces and landscaping.

Sign Ordinance Variances:

The first Sign Ordinance variance request is from the 500 square foot maximum total sign area requirement for a property in a B-4 zoning district. Walmart is proposing a total of 1,731 square feet of signs for the property. The second variance is to allow a total of 220 total square feet of freestanding signs as part of the 1,731 square-foot total of all signs on the site.

There will be a total of three freestanding signs for the site: one 64 square foot pylon sign off of 11th Street and a second pylon sign off of 9th Street. There will also be a smaller directional sign adjacent to the convenience store and gas pumps. There will also be approximately 12 attached

signs located on the supercenter and convenience store structures. The largest attached sign is a 554-square foot identification sign located on the south facade between the two entrances (see attached facade and pylon sign drawings). There are also smaller Walmart identification signs on the east and west facades of the supercenter building and also several attached signs on the east, west and south facades identifying several departments in the store (e.g. outdoor living center, auto center, pharmacy and on-line sales drive up).

The site has frontage on two main public streets, so staff believes that the two sign variances are reasonable and justifiable. Approval of all the proposed signs for this previously developed commercial site will not alter the character of the neighborhood.

Finally, the existing freestanding Blackhawk “statue” will remain at its current location. Its total area is not calculated in the total signage for the site as it does not advertise Walmart. It will remain as an enduring long-term identification of the site and Rock Island.

He added that there have been two responses from neighbors. The first was from Ms. Pearl Clay, 3607 9th Street. She expressed concerns over potential gas fumes from the fuel island and its impact on herself and other people with respiratory issues. She said there is an adjacent elderly multi-family structure to the north of the site. The second was Joe and Karna Demay, 3712 12th Street, who had questions on the potential of paving over the bricks on 12th Street and concerns over lighting glare from the taller lamp posts.

Chairman Snyder called for proponents.

Robert Gamrath, 300 N. LaSalle Street in Chicago and attorney for Walmart, was sworn in. He said the number of variances requested is typical for the size of development that is proposed for Rock Island. He said that the site is long, but has a narrower width as many other sites Walmart has dealt with in other urban areas. He reviewed the request for the special exception to authorize the convenience store use and variance for two principal structures on one lot. He said the requests were made out of an abundance of caution, even though the City has a history of allowing convenience stores in B-4 zoning districts as permitted uses by right.

Ryan Solum, 900 Woodland Parkway in Vernon Hills, Illinois and representing Manhard Consulting, was sworn in. He said they are now proposing that the parking space width be at 9½ feet, rather than the 9 feet in width as stated in the staff report. He said this 9½-foot width is standard for new Walmart developments. He said there would be a total of six access points for the site and that delivery trucks would enter and exit at the rear (north) side of the development site. He said the lighting would have LED luminaires, which would have a softer glow than other types of lighting. He concluded by saying they are working with the City and Illinois Department of Transportation regarding traffic improvements for the site.

Zak Klobucar, 11 East Madison Street, Suite 300 in Chicago, was sworn in. He reviewed the sign variance requests and said there would be 11 attached signs on the supercenter building. He added that the directional sign by the convenience store would be 12 square feet in area.

Mr. Gamrath returned to the podium to add that the reasoning for the variance to allow two structures on one site was to be able to design the development in a more efficient way since it was under one ownership. He added that the storm water detention area would be designed taking into account current best practices and also meeting City standards.

Chairman Snyder called for opponents.

Dean Croegaert, 2300 127th Avenue in Milan, Illinois, was sworn in. He said he was not sure he was in opposition, but since he operates Croegaerts Great Outdoors Store at 4002 11th Street he had a few questions. He first asked for more information about what type of storm water detention area it would be and how long water would be held in the area.

Mr. Griffith replied that since the site had been previously developed Walmart is not required to provide any additional water treatment, but they have chosen to do so.

Mr. Croegaert then asked how long the area would hold storm water.

Mr. Griffith explained that the City has not received any detailed plans for the storm water detention area.

Mr. Croegaert then asked how tall the directional would sign would be because he would not want it to block his freestanding sign and if there would be turn lanes identified on the site.

Mr. Solum replied that final plans have not yet been developed for the storm water detention area it will likely have a 4- to 5-foot depth and hold water for 48 hours or less. He said the area will also be landscaped and have a 6-foot chain link fence surrounding it for safety and security. He added that they are working with Illinois Department of Transportation for lane widening and potential turn lanes issues.

Terry Harper, 3516 10th Street Court, was sworn in. He said there have been several water main breaks on 11th Street over the past months and questioned if locating Walmart on 11th Street would increase the risk for more water main breaks. Mr. Griffith replied that many of the former businesses in the former Watchtower Plaza had their own water connections and during demolition of the area work was needed to be done to cut off the service lines. He added that the other utility work on 11th Street was done in anticipation of Walmart coming to the area.

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

Decision Case #2016-05 – Ms. Williams made a motion to approve the request because:

1. The proposed development will improve the return and condition of the property and will assist in the revitalization of the older commercial corridor.
2. The commercial site is an infill development of a former major commercial site that has frontage on two main public streets
3. The proposed development will not alter the character of the neighborhood.

Mr. Wild seconded the motion.

Ms. Williams said the information provided by the applicant was the best proposal the Board has ever seen in her time on the Board.

Chairman Snyder called for a vote on the motion to approve the request, and it passed unanimously.

Other Business:

Mr. Griffith said there are at least three cases for the May meeting agenda. He reminded Board members to be mindful of any *ex parte* communications and to contact the Planning Office with any questions.

Adjournment:

Chairman Snyder adjourned the meeting at 7:54 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Ben Griffith". The signature is written in a cursive, flowing style.

Ben Griffith, AICP, Secretary
Rock Island Board of Zoning Appeals