

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

Regular Meeting

7:00 p.m.

July 12, 2017

ATTENDANCE:	<input checked="" type="checkbox"/> Present	<input type="checkbox"/> Absent
(x) Kevin Day		(x) Karen Williams
(x) Dave McAdam		(x) Larry Tschappat
(x) Gary Snyder		<input type="checkbox"/> Robert Wild
<input type="checkbox"/> Faye Jalloh		

Staff Present: Ryan Berger, Alan Fries.

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

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

Public Hearing #2017-07: Request from Randy Dickson from U-Haul Company of Iowa and Illinois for a special exception for an authorized use (mini-warehousing use as defined in the Zoning Ordinance) in an B-4 (highway/intensive business) district at 3840 46th Avenue (Blackhawk Road).

Mr. Fries presented the staff report. He explained the Zoning Ordinance requires a special exception to authorize mini-warehousing uses in a B-4 zoning district (Section 28.4 of Zoning Ordinance). The applicant proposes to use the former retail structure as an interior self storage facility (identified as a mini-warehousing use in Zoning Ordinance).

Conditions for Authorized Use:

1. Reasonable Return: The proposed authorized use with its site improvements (landscaping, building painting signage and parking lot resurfacing and interior access to commercial property to east and out lot at the northwest corner) will improve the return on the property and the commercial corridor.
2. Unique Circumstances: The site is a corner lot with two front yards.
3. Character Alteration: The proposed use with the proposed commercial out lot will not alter the character of the neighborhood.

The former K-Mart building had been in retail commercial use for almost 40 years before its closing in recent months. The City has been involved in promoting the building for retail use since the announcement was made of its closing because of its importance as the largest commercial building and site along the Blackhawk Road corridor, which is an important commercial corridor for the City. The applicant has understood and responded to the City's interest in expanding commercial development along Blackhawk Road and has revised its signage and site plan to accommodate a new out lot for an additional commercial use along with the proposed interior self storage facility.

The applicant has removed its request for a variance that would allow construction of a second principal building on the site, which was proposed as an approximate 1,000 square foot outdoor access "mini-warehouse" storage structure at the northwest corner of the site. Instead, the applicant now proposes to create an approximate 31,525 square foot out lot that would be made available for other commercial uses allowed within the B-4 zoning district. This corner location at a major intersection would provide an opportunity to attract a retailer and/or restaurant to this busy intersection site making up for some of the

sales tax lost when K-mart closed.

The applicant has also revised its proposed freestanding sign to re-use the existing freestanding sign used by K-mart (see freestanding sign drawing). The proposed sign area will be a reduction from the previous U-Haul proposal (148 total square feet in proposed sign area to 6' 9" x 12' 5", or approximately 84 square feet). The proposed 84 square feet total would be the same sign area for the former K-mart freestanding sign as it will use the same "sign cabinet" space and support standards. The freestanding sign change, along with the proposed reduction of attached signage facing Blackhawk Road eliminates the need for a total sign area variance for the site. Proposed attached signs facing north have been reduced from 260 square foot total sign area to 210 square feet in sign area. Finally, attached signs are also proposed for the west façade in a proposed interior load/unload area for the inside climate controlled storage proposed for the authorized use. This attached sign area is allowed by the Sign Ordinance without a variance because it faces 38th Street, rather than Blackhawk Road. The applicant has also agreed to paint the building new colors to upgrade the site.

The applicant has also added a significant amount of landscaping to the perimeter and on "islands" within the existing parking lot on the site. Currently there are approximately 6 perimeter canopy trees along Blackhawk Road and 38th Street. The applicant proposes to have total of 16 canopy trees to this perimeter area. Currently there are 15 existing canopy trees allocated at various islands within the parking lot. The applicant proposed a total of 27 island trees. Finally, there are approximately 6 additional perimeter trees to the west of the structure adjacent to a private drive that extends south from 38th Street. The applicant proposes 11 additional canopy trees along with maintaining the 6 existing canopy trees. Landscaping along the south and east property lines adjacent to an existing parking lot between the site and Rock Valley Plaza will remain. This parking lot is not visible from Blackhawk Road and is unlikely to be used by U-Haul customers.

The applicant will resurface the existing parking lot to the north and west of the structure and maintain existing access points on Blackhawk Road and 38th Street. The applicant proposes a new interior access from the interior drive along the east side of the site that would provide better customer access for businesses located in the commercial structure located to the east at 3850 Blackhawk Road. Currently, customers for businesses in this building (identified as Leveraged Holdings Inc. on site plan) must access it via several turns from Rock Valley Plaza. This new more visible access should increase the vitality for this adjacent commercial building.

The subject site is located in an area of the city that the Zoning Ordinance identifies as the Riverfront Corridor Overlay District. This Overlay District evolved from the original Blackhawk Road Overlay District that was developed following the adoption of the Blackhawk Road Corridor Development Plan in December 1984. The Riverfront Corridor Overlay District was adopted in 1988 and it extends along the Mississippi River and Rock River (see attached map). Section 33.1 of the Ordinance identifies the intent of the Overlay District as the following:

- To recognize, preserve, maintain and promote economically viable uses that are a benefit to the City;
- To maximize public benefit for further development of the riverfront area;
- To provide for improved scenic and aesthetic controls;
- To recognize the riverfront area as a visual, environmental and recreational resource that affects and benefits the City as a whole;

- To protect adjacent properties from the negative effects of incompatible development;
- To establish a physically attractive pattern of development for the general welfare of the City.

Section 33.6 of the Zoning Ordinance identifies “Development Incentives” if the property owner provides public pedestrian/bike easements “running continuously through the property”. There are no current public easements for the site, or adjacent commercial sites, but the applicant has agreed to be “open to finding an agreeable location in the future”

Section 33.9 identifies “Performance Standards for Site Development”, which include the following:

- To screen incompatible land uses and protect residential area from negative effects such as noise, glare and litter;
- To provide a visually attractive site design;
- To encourage the creative use of landscaping to frame or enhance views and vistas and discourage the obstruction of existing views;
- To be sensitive to the environmental nature of the riverbank by limiting its alteration except as necessary.

Staff believes that the improved site plan and proposed use meet the intent and performance standards for the Riverfront Corridor Overlay District. The site plan identifies additional landscaping for the large parking lot that will be used for customer parking for U-Haul and the out lot proposed at the corner. Adding significant landscaping in and around the existing parking lot and resurfacing the parking lot will improve the appearance of the site. Also removing the proposed outdoor mini-warehouses at the northwest corner will improve the appearance and provide a space for a new commercial use at the intersection. Reducing the sign area and painting the building will also improve the appearance of the site.

He said there were three Interested Party forms submitted prior to the tabled request at the May 10, 2017 meeting and that the only Interested Party request for this meeting is from John Callas, 329 18th Street, Rock Island. He also said that a letter of objection had also been submitted prior to the tabled request at the May meeting from W. Gerald Huiskamp, Chairman of the Board of Blackhawk Band and Trust located at 38th Street and Blackhawk Road in Rock Island. He said a new letter of objection has been received from Anthony Hodge from Hodge Construction Company, and part owner of a three-part ownership of 3727 Blackhawk Road, objecting to the request because use is not in keeping with commercial/retail business uses in the area. Finally, a phone call of objection has been received from Susan Gannon, 1516 43rd Street objecting to the use not being similar and complementary to existing commercial retail uses in the B-4 zoning district.

Chandler Poole, Director of City of Rock Island Community and Economic Development Department, was sworn in. He said the representative from U-Haul has worked with the City to revise the site plan and provide a potential commercial retail out lot at the northwest corner of the site and improved the appearance of the site plan and signs.

Mr. McAdam asked what sales tax can be projected from the proposed use. Mr. Poole said those numbers are not available since the project has not gone forward yet. He said Kmart did generate a good amount of sales tax, but has closed here and announced other recent closings around the country. He noted there is

no tax allowed now for storage units, but then cited a new State Senate Bill that would allow communities to tax truck rental and storage units. The Bill has only been approved by the State Senate and is not yet law.

Chairman Snyder asked what benefit the proposed authorized use would have to Rock Island. Mr. Poole replied that it would locate a national business operator into a currently underused and mostly vacant structure. It would also as a result with negotiations with the applicant provide the City with an available out lot for commercial users and other improvements to the site. He added that there are not a lot of national retailers interested in an existing 80,000 square foot commercial building available for the City to continue to pursue.

Chairman Snyder then asked if the City has worked to get a new retailer to the site. Mr. Poole replied that the City has and even had a retail consultant search to get a new retail use for the site and there has been none interested in locating there.

Ms. Williams said in her reading that most retailers are downsizing and are not looking at adding new constructed store locations nationwide. Mr. Poole said many retailers are consolidating or reducing store locations nationwide. He added that the proposed use with a national chain that has agreed to provide an out lot and improve the site plan for the site will bring about a significant improvement to the site be an improvement for the City.

Chairman Snyder called for the applicant to speak.

Randy Dickson, 419 SW 60th Des Moines, Iowa, was sworn in. He said he has been with U-Haul for 30 years. He identified that U-Haul has improved the site plan to add landscaping, reduce total sign area, improve the parking lot and paint the structure. He added that U-Haul has agreed to create an out lot for additional commercial use as part of a development agreement with the City for the site. He said they would look to hire 6 to 10 full to part-time jobs when fully operational and will attempt to utilize local labor for improvements to the property.

Mr. Tschappat asked if they would do any vehicle maintenance on the site. Mr. Dickson replied they would not.

Chairman Snyder asked if any Interested Party had questions for the applicant. No one had questions.

Chairman Snyder called for opponents.

David Levin, 3201 36th Avenue, was sworn in. He identified himself as a commercial broker that has been trying to market the Quad City area for over 40 years. He said he disagrees with the staff recommendation and that if local brokers could market the property they would do a better job than commercial consultants out of New York City. He said having more trees on the site will take away of the visibility of the commercial building and that the front half could be used for retail and the back half for distribution.

Mr. McAdam asked what he would recommend as the best direction for the site. Mr. Levin said to put it back on the market with a local commercial broker.

Ms. Williams stated that the former Zayre Department Store building on 11th Street was vacant for a long

time and asked what kind of national retailers are going into existing large commercial buildings nationwide. Mr. Levin replied big box retailers are expanding and are going into larger buildings.

Bill Long, 4049 25th Avenue, was sworn in. He said the State and County are declining and there is a need for retail expansion in the city. He said Blackhawk Road is one of only four east/west corridors in the city that can accommodate retail expansion and that when John Deere Road's expansion is complete it will help Blackhawk Road to have increased traffic.

Missy Gasiorowski, 722 24th Avenue Court in Moline, was sworn in. She read a submitted letter of objection from her father/partner Anthony Hodge. She said they also own the commercial property located at northwest corner of 38th Street and Blackhawk Road and believe that the proposed use will have a negative effect on other commercial uses in the area and also criticized the developer for not reaching out to neighboring property owners.

Fred Lukasik, 8804 Highland Drive, was sworn in. He said he shares the same views as the three previous opponents to the authorized use request. He said he does not want Blackhawk Road to have a lot of storage uses instead of retail uses.

David Weiner, 3511 15th Street Court, was sworn in. He said was a former commercial realtor for over 40 years, but is speaking as a Rock Island citizen and that the city has lost a lot of retail sales tax due to closing of retail commercial stores and auto dealers in Rock Island.

Robert Votroubek, 26 College Hill Circle, was sworn in. He encouraged the owner to try to get commercial retail for the site because once it turns to storage use it will never return to retail. He said a former Kmart in Davenport was divided up for several retail uses and it can be done to this site also.

Wayne Close, 2934 27th Avenue, was sworn in. He said it is too early in the process to take the first deal and that the city needs a user that will pay more sales tax into the city.

Jackie Weiss, 708 east 6th Street in Coal Valley, Illinois, was sworn in. She said she owns Arthur's Garden Deli at 3727 Blackhawk Road and that the proposed storage use would not be a draw for new customers to come to her restaurant or Rock Island. She agreed that a lot of trees would be bad for visibility to be able to see a business on a property from the road and that it has hurt the development of Rock Valley Plaza adjacent to the subject site.

David Weiner, 3511 15th Street Court, already sworn in had an additional comment to make and said when Rock Valley Plaza was developed in the 1980's the developer put in a requirement to have many trees on the property.

Maynard Siegal, 3510 16th Street Court, was sworn in. He said that he is against the proposal not just because it will decrease from the sales tax the City was getting from retail uses, but that it is convenient to have a retail store in that part of the city.

Andrew Adams, 12726 Turkey Hollow Road in Taylor Ridge, Illinois, was sworn in. He said the Aaron's Furniture Store in Davenport is part of a large building that was divided up and said it could be done on the subject site too.

Chairman Snyder called for a rebuttal from the applicant.

Mr. Dickerson said there is a U-Haul in the former K-mart in Davenport that has worked well for the area for two and one-half years.

Ms. Williams asked if he would be willing to subdivide the structure to allow for other commercial retail spaces in the building. Mr. Dickerson said they would like to use the entire structure to meet their needs.

She then asked if they will purchase it or lease it. Mr. Dickerson said that they have a month to month lease until they decide to purchase it.

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

Decision Case #2017-07 – Mr. Tschappat made a motion to deny the request because:

1. The proposed authorized use will not enhance the property.
2. The proposed authorized use will alter the character of the neighborhood.

Mr. McAdam seconded the motion.

Chairman Snyder said he supports the motion. He indicated there have been a large number of citizens objecting to the request tonight and that he has also received more calls against the request prior to the meeting than he has for any other request. He said he also agrees with the statements of objection from people who spoke at the public hearing.

Ms. Williams said she will be voting against the motion because the proposed authorized use will be for a use inside the building so it will not affect the neighbors in a negative way and there is a unique circumstance because nationally retail commercial uses are reducing their physical store locations and the property will provide a reasonable return to the site.

Mr. McAdam said that it is a difficult decision before the Board with all the statements of objection from people speaking at the public hearing. He said he will have to consider that with the applicant's proposal of creating an out lot for commercial retail development and the ups and downs of sales tax figures for the city.

Ms. Williams said that when K-Mart was open at the site Rock Valley Plaza still had a high vacancy rate, so the loss of K-Mart is not the reason that Rock Valley Plaza still has vacancies.

Chairman Snyder said it is the most difficult decision he has ever had to make while on the Board. He added that he believes that the city should not give up trying to get retail commercial use for the site as many of the commercial realtors had testified tonight.

He called for a vote on the motion to deny the request and it passed on a 3 to 2 vote with Mr. McAdam, Mr. Tschappat and Chairman Snyder voting aye and Mr. Day and Ms. Williams voting nay.

Mr. Fries said that the Zoning Ordinance requires four affirmative votes to approve a variance and/or special exception from the Zoning Ordinance, but a motion to deny a request only requires a simple

majority vote of a quorum.

Public Hearing #2017-13: Request from Tia Edwards/Rock Island Academy for a variance to replace an existing lighted freestanding sign (4' x 6') with a LED lighted sign (3.5' x 6' and 6.5' in height) in an R-4 (one to six family residence) district at 930 14th Street.

Mr. Fries presented the staff report. He explained that the sign ordinance requires a variance to locate a lighted 6.5' freestanding sign for an institutional use in a residential zoning district (Section 6 {a} {6}). The applicant proposes to install the 21 square foot LED message board sign in the west front yard.

The proposed LED sign will be located at approximately the same location as the existing freestanding sign. The applicant now desires to change the existing sign cabinet for a LED lighted message board sign similar to other LED signs that have been approved for some churches and schools in the city. LED signs are more economical to light and messages can be quickly changed electronically inside the building rather than manually changing the lettering outside. The height is requested to protect the sign better from vandalism. Staff also recommends there be a stipulation to have the lighting of the sign set on a timer to turn off at 9:00 p.m.

Chairman Snyder called for proponents.

Romona Dixon, 6105 34th Avenue A Court in Moline, was sworn in. She said she is representing the Rock Island-Milan School District and they have received a State grant that can be used for signs to help in reaching out to families in the area around the school.

Ms. Williams asked if they could agree with the stipulation to turn off the lights for the sign at 9:00 p.m. Ms. Dixon replied they would.

Mr. Tschappat asked if there has been a vandalism problem with the existing sign. Ms. Dixon replied that they want the new sign to be vandalism proof to negate any possibility of vandalism in the future.

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

Decision Case #2017-13 – Ms. Williams made a motion to approve the request because:

1. The proposed variance will improve and enhance the school being able to provide information to parents and the community.
2. The proposed variance will not alter the character of the neighborhood.

She stipulated that lighting for the sign be set on a timer to turn it off at 9:00 p.m.

Mr. Tschappat seconded the motion, and it passed unanimously.

Public Hearing #2017-14: Request from Lance Clark/Frances Willard School for a variance to replace an existing lighted freestanding sign (4' x 8' in area and 7' 6" in height) with a LED lighted sign (3.5' x 6' in area and 11' 8" in height) in an R-3 (one and two family residence) district at 2503 9th Street.

Mr. Fries gave the staff report. He explained the sign ordinance requires a variance to locate a lighted sign for an institutional use in a residential zoning district (Section 6 {a} {6}). The applicant proposes to install the 21 square foot and 11' 8" LED message board sign in the west front yard.

The proposed LED sign will be located at approximately the same location as the existing freestanding. The applicant is asking for the increased height to minimize vandalism. The applicant now desires to change the existing sign cabinet for a LED lighted message board sign similar to other LED signs that have been approved for some churches and schools in the city. LED signs are more economical to light and messages can be quickly changed electronically inside the building rather than manually changing the lettering outside. Staff also recommends there be a stipulation to have the lighting of the sign set on a timer to turn off at 9:00 p.m.

Chairman Snyder called for proponents.

Romona Dixon, 6105 34th Avenue A Court in Moline and already sworn in from the previous hearing, identified the same State grant was being used to upgrade the sign at Francis Willard School.

Mr. Tschappat asked why the sign was proposed to be so high. Mr. Dixon said that the school has older students going there up to 6th grade.

Mr. Tschappat then asked if a tree nearby would need to be taken down. Ms. Dixon replied that the money from the grant would not cover removing a tree, so she said it is unlikely it will be taken down related to the new sign request.

Chairman Snyder called for opponents.

Wayne Close, 2934 27th Avenue and already sworn in from a previous hearing, said he does not think the sign needs to be that high at this location and could interfere with the visibility of the traffic lights at the intersection.

Chairman Snyder called for a rebuttal.

Ms. Dixon said there have been no objections from nearby neighbors who received a notice and that she encourages the Board to follow the experience from the professionals in education from the School District and approve the request.

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

Decision Case #2017-14 – Mr. McAdam made a motion to approve the request to allow the sign to be between 6' and 11' 8" in height because:

1. The proposed variance will improve and enhance the school being able to provide information to parents and the community.
2. The proposed variance will not alter the character of the neighborhood.

He stipulated that lighting for the sign be set on a timer to turn it off at 9:00 p.m.

Mr. Day seconded the motion.

Mr. Tschappat said he does not like lower signs at intersections because it makes it more difficult to see from a vehicle around the corner.

Mr. McAdam agreed.

Chairman Snyder called for a vote on the motion to approve the sign with the stipulation, and it passed with Mr. McAdam, Mr. Day, Ms. Williams and Chairman Snyder voting aye and Mr. Tschappat voting nay.

Public Hearing #2017-15: Request from Hodge Construction (for Augustana College) for a variance of 18 feet of the 25 foot front yard setback requirement in a U-1 (university and college) district at approximately 3140 5th Avenue.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires a 25 foot front yard setback in a U-1 (university and college) district (Section 21.7). The applicant proposes to construct a press box and adjacent stairs for the softball facility behind the existing seating area (15' x 8' and 14' in height) located in the north front yard.

The proposed site is also the only feasible location for the press box due to underground utilities in the area and the close proximity to home plate.

Mr. Tschappat asked if trees will need to be removed in order to construct the press box. Mr. Fries replied that staff did not have that information and that the applicant's representative could answer that question.

Chairman Snyder called for proponents.

Andrew Adams, 12726 Turkey Hollow Road in Taylor Ridge, Illinois, was sworn in. He said one pine tree would need to be removed in order to construct the press box. He said the location was chosen because of the location of an underground storm sewer to the east of the proposed location.

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

Decision Case #2017-15 – Mr. McAdam made a motion to approve the request because:

1. The proposed softball facility expansion will provide a roof over area for press and other officials that will improve the softball diamond facility.
2. There are ball diamond and seating bleachers already located at the property that cannot be relocated
3. The proposed softball facility expansion variance will not alter the character of the neighborhood.

Mr. Tschappat seconded the motion and it passed unanimously.

Public Hearing #2017-16: Request from Elizabeth Behrens for a variance of six-inches of the 3.5 foot maximum height for a fence in a front yard in an R-2 (one family residence) district at 4403 40th Avenue Court.

Mr. Fries presented the staff report. He explained that the zoning ordinance requires a maximum fence height of 3.5 feet in a front yard (Section 8.5A). The applicant proposes to install a four foot tall ornamental fence in the west front yard.

Currently there is not a fence in the west yard. The front yard fence will be located to the east of the landscaping identified in the site photo. The location will be approximately 96 feet from the corner of the property, so there will not be any visibility obstruction. The proposed ornamental style fence will be an attractive addition to the property and is needed because the applicant has two large dogs.

Mr. Fries said that one Statement of Interested Party had been received from Nels and Jennifer Chelstrom, 4407 40th Avenue Court.

Chairman Snyder called for proponents.

Elizabeth Behrens, 4403 40th Avenue Court, was sworn in. She said the west yard is more like a side yard to her and that the fence will be located 98 feet from the south front yard intersection and 36 feet from the middle of 44th Street. She said the fence will be a see through fence and that she has two dogs that she wants to keep in the yard.

Nels Chelstrom, 4407 40th Avenue Court, was sworn in. He said that he has no questions or objections to the request.

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

Decision Case #2017-16 – Mr. Tschappat made a motion to approve the request because:

1. The proposed variance will improve the return on the property.
2. The property is a corner lot with two front yards.
3. The proposed variance will not alter the character of the neighborhood.

Ms. Williams seconded the motion and it passed unanimously.

Other Business:

Mr. Fries informed the Board there was one case for the regular August 9, 2017 meeting.

Adjournment:

Chairman Snyder adjourned the meeting at 8:47 p.m.

Respectfully submitted,

Ryan Berger
Planning and Redevelopment Administrator