

## **Committee-of-the-Whole Agenda**

**6:30 p.m.**

**Tuesday, April 2, 2013**

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### **Proclamations**

- A Request from the Illinois Department of Human Rights to declare April 2013 as “National Fair Housing Month.”

### **Presentation**

Meritorious Achievement Award presented to Police Detective Michael Griffin in recognition of his extraordinary, tenacious and extensive analysis and investigation of a cold case murder that resulted in the development of a suspect and an ultimate confession to the crime.

Meritorious Achievement Awards presented to Police Sergeant Todd Noe, Detective Jon Genisio and Detective Chase Schwigen for their extraordinary leadership, tenacity and hard work throughout the investigation of an in-depth cannabis trafficking conspiracy case that resulted in the federal prosecution of the perpetrators and the seizure of an extensive amount of illegal drugs, currency and property.

### **Questions on the Agenda**

### **Agenda Items**

- 1. Preliminary Planned Unit Development (PUD) Plan and rezoning from B-3 to B-3 PUD - Valley View Village** (Shawn Christ, Land Development Manager)
- 2. Final Plat of Valley View Second Subdivision Phase III** (Shawn Christ, Land Development Manager)
- 3. A Landlord’s Estoppel Certificate between the City of Moline, Stoney Creek Inn and Galena State Bank & Trust Co.** (Maureen Riggs, City Attorney)
- 4. Authorization to Cede 2013 Home Rule Volume Cap** (Kathy Carr, Finance Director)
- 5. Other**

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# Explanation

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## 1. Preliminary Planned Unit Development (PUD) Plan and rezoning from B-3 to B-3 PUD - Valley View Village (Shawn Christ, Land Development Manager)

**Explanation:** Sam's Real Estate Business Trust. (Sam's Club) is the contract purchaser of two lots at Valley View Village, south side of John Deere Road between 60th and 70th Streets, to construct a new retail store and fuel station. They have proposed a new Preliminary PUD plan that would replace the Menards amended PUD approved in 2010. A major change is to eliminate the secondary east-west thoroughfare behind the anchor stores and also the street connection to Valley View apartments, and also construct a gas station adjacent to John Deere Road. Please refer to the attachments including staff report, PUD plans, and plat. The Plan Commission held a public hearing and discussed this proposal March 13. The Commission recommends approval (7-1) subject to 9 conditions which are detailed on the attached supplement sheet.

**Staff Recommendation:** Staff has concerns about the changes proposed by Sam's Club and does not concur with Plan Commission. Recommends approval subject to the following 10 conditions which were provided to the Plan Commission in the staff report:

1. The Preliminary PUD shall be amended to include a secondary east-west thoroughfare which connects 60<sup>th</sup> Street to 70<sup>th</sup> Street, and also connects to 65<sup>th</sup> Street. Phasing and extent of construction of this thoroughfare shall be determined later in conjunction with the Final PUD plans for Lot 4.
2. The Preliminary PUD shall show an "optional" (discretionary) street connection from the Valley View apartments to the southerly extension of 65<sup>th</sup> Street. The City will not require the street connection now, but reserves the right to require Sam's Club to build the street later if warranted.
3. A circulation plan identifying arterial streets, collector streets, internal circulation, service drives, and pedestrian and transit access throughout Valley View Village shall be provided.
4. The Preliminary PUD shall be amended to relocate the members-only fuel station away from John Deere to a location near the store on 44<sup>th</sup> Avenue.
5. The Preliminary PUD shall be further refined to correct roadway misalignments, dead-ends, and labeling errors.
6. The developer shall verify design and placement of the proposed transit route and stops with MetroLINK and make any corrections on the Preliminary PUD Plan.
7. The phasing schedule, design & architectural criteria, and sign criteria approved in 2010 shall be retained and remain valid unless new documents are submitted and reviewed by the Plan Commission.
8. The proposed single tenant monument sign "C" exceeds the maximum size of 50 square feet as approved with the 2010 Preliminary PUD and must comply when the Final PUD is submitted.
9. A development agreement or similar commitment to construct the extension of 70<sup>th</sup> Street and extension of the south sanitary sewer interceptor shall be provided prior to Final PUD approval of any site located east of the creek and south of 44<sup>th</sup> Avenue.
10. Compliance with specific building designs, site improvement and performance standards, group development standards, and similar zoning standards shall be determined with each Final PUD Plan approval. This includes utilization and preservation of the adjoining tree-lined creek area as an amenity and natural feature.

**Fiscal Impact:** Potential future increase in sales tax revenue due to commercial/retail development

**Public Notice/Recording:** None

**Goals Impacted:** Improved City Infrastructure & Facilities; A Great Place to Live; Financially Strong City

**2. Final Plat of Valley View Second Subdivision Phase III** (Shawn Christ, Land Development Manager)

**Explanation:** This subdivision plat will create two lots to be acquired and developed as a Sam's Club retail store (Lot 1) and fuel station (Lot 2).

**Staff Recommendation:** Plat is in order but prefers to see Lot 2 (fuel station lot) relocated away from John Deere Road to a location on 44<sup>th</sup> Avenue.

**Fiscal Impact:** Potential future increase in sales tax revenue due to commercial/retail development

**Public Notice/Recording:** None

**Goals Impacted:** Improved City Infrastructure & Facilities; A Great Place to Live; Financially Strong City

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**3. A Special Ordinance authorizing the Mayor and City Clerk to execute a Landlord's Estoppel Certificate between the City of Moline, SCI Moline, LLC and Galena State Bank & Trust Co.** (Maureen Riggs, City Attorney)

**Explanation:** In 2005, the City and Stoney Creek Investors of Moline, LLC ("Stoney Creek") entered into a Ground Lease Agreement to permit Stoney Creek to lease City-owned property at 101 18<sup>th</sup> Street, Moline, for the Stoney Creek project. In 2008, the City approved assignment of Stoney Creek's interest under the Ground Lease Agreement to SCI Moline, LLC ("SCI") and approved and executed a corresponding Estoppel Certificate. For purposes of refinancing, SCI has requested a loan from Galena State Bank & Trust ("Lender") whereby Lender will acquire a security interest or other lien on SCI's leasehold interest in the property. As inducement to extend the loan to SCI against such security interest, Lender has requested approval and execution of a Landlord's Estoppel Certificate acknowledging the statements contained therein and the terms of the lease. Additional documentation attached.

**Staff Recommendation:** Approval

**Fiscal Impact:** N/A

**Public Notice/Recording:** N/A

**Goals Impacted:** Financially Strong City, A Great Place to Live

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**4. Authorization to Cede 2013 Home Rule Volume Cap** (Kathy Carr, Finance Director)

**Explanation:** As a home rule municipality, the City of Moline has received a direct allocation in 2013 in an amount equal to \$95.00 multiplied by its population. The 2013 State of Illinois Allocation Guidelines identified Moline's population at 43,489 therefore the 2013 Volume Cap allocation is \$4,131,455.

By utilizing the authority, a manufacturer can obtain tax-exempt funds (lower interest rate and exempt from federal income taxation) for a new plant or plant expansion. Tax exempt private activity bonds may also be issued under certain conditions for residential rental property, first time home buyers programs, airports, docks, wharves, mass commuting facilities, high-speed intercity rail facilities, sewage, solid waste or hazardous waste disposal facilities, environmental enhancements of electric energy or gas, facilities for furnishing of water, or local district heating or cooling facilities.

In 1996 City Council adopted a policy with respect to how the City's authority should be utilized. A copy of this policy and the history of Moline's allocations are included in the packet. The only request received for 2013 is from the Quad Cities Regional Economic Development Authority.

If the City does not obligate this allocation by **May 1st**, it is automatically turned over to the State of Illinois for reallocation to other entities statewide. Additional documentation attached.

**Staff Recommendation:** In that encouraging economic development meets the City's goals as well as promotes a strong local economy, it is recommended that the City allocates to the Quad Cities Regional Economic Development Authority its private activity bond allocation for the calendar year 2013 in the amount of \$4,131,455 to be used for future projects.

**Fiscal Impact:** Increased property values

**Public Notice/Recording:** N/A

**Goals Impacted:** Financially Strong City; Strong Local Economy

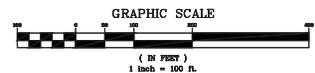
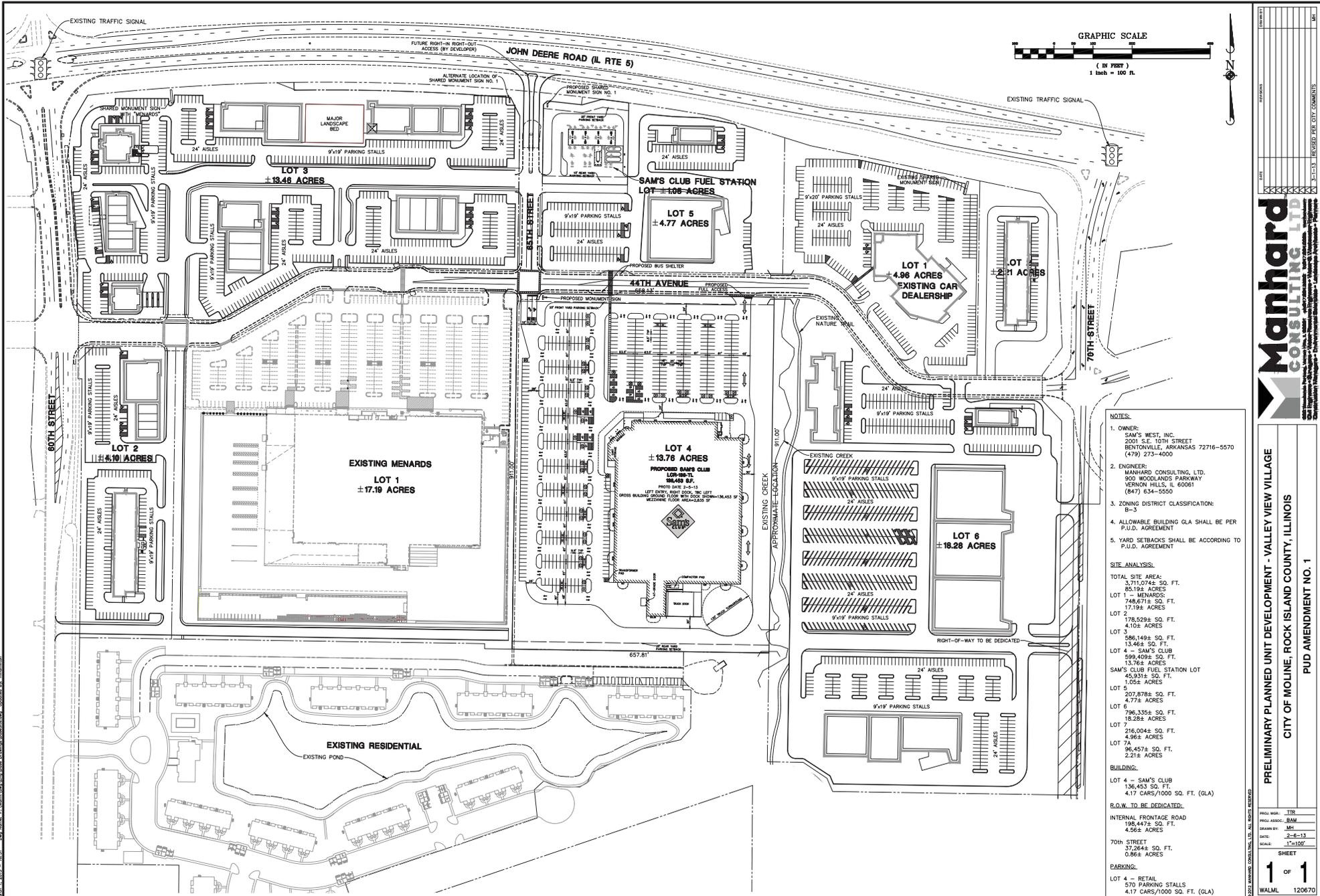
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Committee-of-the-Whole agenda supplement – 3/26/13

Conditions for approval of the Preliminary PUD Plan and rezoning from B-3 to B-3 PUD  
for Valley View Village (Sam's Club)

As modified by Plan Commission, PC 13-02 – March 13, 2013

1. The Preliminary PUD shall be amended to include a secondary east-west thoroughfare which connects 60<sup>th</sup> Street to 70<sup>th</sup> Street, and also connects to 65<sup>th</sup> Street. Phasing and extent of construction of this thoroughfare shall be determined later in conjunction with the Final PUD plans for Lot 4. The City will not require the street connection now, but reserves the right to require the roadway to be built at a later date (*note: last sentence added by Plan Commission*).
2. The Preliminary PUD shall show an “optional” (discretionary) street connection from the Valley View apartments to the southerly extension of 65<sup>th</sup> Street. The City will not require the street connection now, but reserves the right to require Sam's Club to build the street later if warranted.
3. A circulation plan identifying arterial streets, collector streets, internal circulation, service drives, and pedestrian and transit access throughout Valley View Village shall be provided.
4. ~~The Preliminary PUD shall be amended to relocate the members only fuel station away from John Deere to a location near the store on 44<sup>th</sup> Avenue.~~ (*note: eliminated by Plan Commission*).
5. The Preliminary PUD shall be further refined to correct roadway misalignments, dead-ends, and labeling errors.
6. The developer shall verify design and placement of the proposed transit route and stops with MetroLINK and make any corrections on the Preliminary PUD Plan.
7. The phasing schedule, design & architectural criteria, and sign criteria approved in 2010 shall be retained and remain valid unless new documents are submitted and reviewed by the Plan Commission.
8. The proposed single tenant monument sign “C” exceeds the maximum size of 50 square feet as approved with the 2010 Preliminary PUD and must comply when the Final PUD is submitted.
9. A development agreement or similar commitment to construct the extension of 70<sup>th</sup> Street and extension of the south sanitary sewer interceptor shall be provided prior to Final PUD approval of any site located east of the creek and south of 44<sup>th</sup> Avenue.
10. Compliance with specific building designs, site improvement and performance standards, group development standards, and similar zoning standards shall be determined with each Final PUD Plan approval. This includes utilization and preservation of the adjoining tree-lined creek area as an amenity and natural feature.



**NOTES:**

- OWNER:  
SAM'S WEST, INC.  
2001 S.E. 10TH STREET  
BENTONVILLE, ARKANSAS 72716-5570  
(479) 273-4000
- ENGINEER:  
MANHARD CONSULTING, LTD.  
900 WOODLANDS PARKWAY  
VERNON HILLS, IL 60061  
(847) 634-5050
- ZONING DISTRICT CLASSIFICATION:  
B-3
- ALLOWABLE BUILDING GLA SHALL BE PER P.U.D. AGREEMENT
- YARD SETBACKS SHALL BE ACCORDING TO P.U.D. AGREEMENT

**SITE ANALYSIS:**

TOTAL SITE AREA:  
3,711,074± SQ. FT.  
85.19± ACRES

LOT 1 - MENARDS:  
748,671± SQ. FT.  
17.13± ACRES

LOT 2  
178,529± SQ. FT.  
4.10± ACRES

LOT 3  
586,149± SQ. FT.  
13.46± ACRES

LOT 4 - SAM'S CLUB  
999,409± SQ. FT.  
22.8± ACRES

SAM'S CLUB FUEL STATION LOT  
45,314± SQ. FT.  
1.03± ACRES

LOT 5  
207,878± SQ. FT.  
4.77± ACRES

LOT 6  
796,335± SQ. FT.  
18.28± ACRES

LOT 7  
216,004± SQ. FT.  
4.96± ACRES

LOT 8  
98,457± SQ. FT.  
2.21± ACRES

**BUILDING:**

LOT 4 - SAM'S CLUB  
136,453 SQ. FT.  
4.17 CARS/1000 SQ. FT. (GLA)

**R.O.W. TO BE DEDICATED:**

INTERNAL FRONTAGE ROAD  
198,472± SQ. FT.  
4.56± ACRES

70th STREET  
37,264± SQ. FT.  
0.86± ACRES

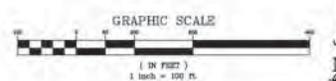
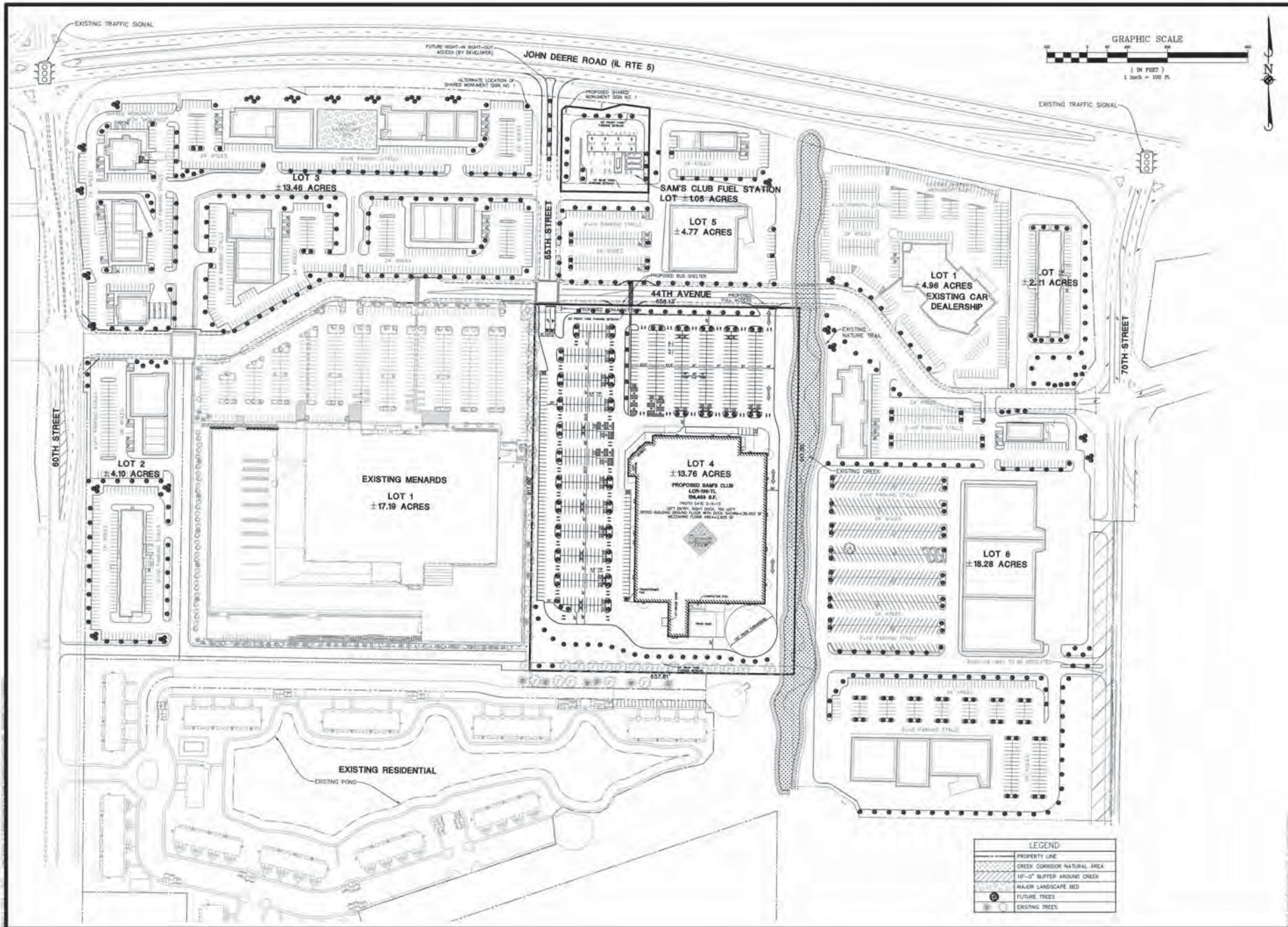
**PARKING:**

LOT 4 - RETAIL  
570 PARKING STALLS  
4.17 CARS/1000 SQ. FT. (GLA)

PRELIMINARY PLANNED UNIT DEVELOPMENT - VALLEY VIEW VILLAGE  
 CITY OF MOLINE, ROCK ISLAND COUNTY, ILLINOIS  
 PUD AMENDMENT NO. 1

**Manhard CONSULTING LTD.**  
 900 WOODLANDS PARKWAY  
 VERNON HILLS, ILLINOIS 60061  
 (847) 634-5050  
 www.manhardconsulting.com

SHEET  
**1** OF **1**  
 WALML 120670



LEGEND	
[Symbol]	PROPERTY LINE
[Symbol]	CREEK CORRIDOR NATURAL AREA
[Symbol]	10'-0" BUFFER AROUND CREEK
[Symbol]	MAJOR LANDSCAPE BED
[Symbol]	FUTURE TREES
[Symbol]	EXISTING TREES

PRELIMINARY PLANNED UNIT DEVELOPMENT - VALLEY VIEW VILLAGE  
 CITY OF MOLINE, ROCK ISLAND COUNTY, ILLINOIS  
 CONCEPTUAL LANDSCAPE PLAN

**Manhard CONSULTING LTD.**  
 Civil Engineers • Surveyors • Water Resources Engineers • Environmental Engineers • Landscape Architects

DATE: 11/13/13  
 SHEET: 1 OF 1  
 WALM: 120670

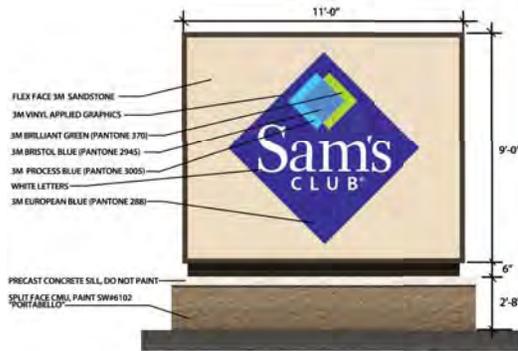
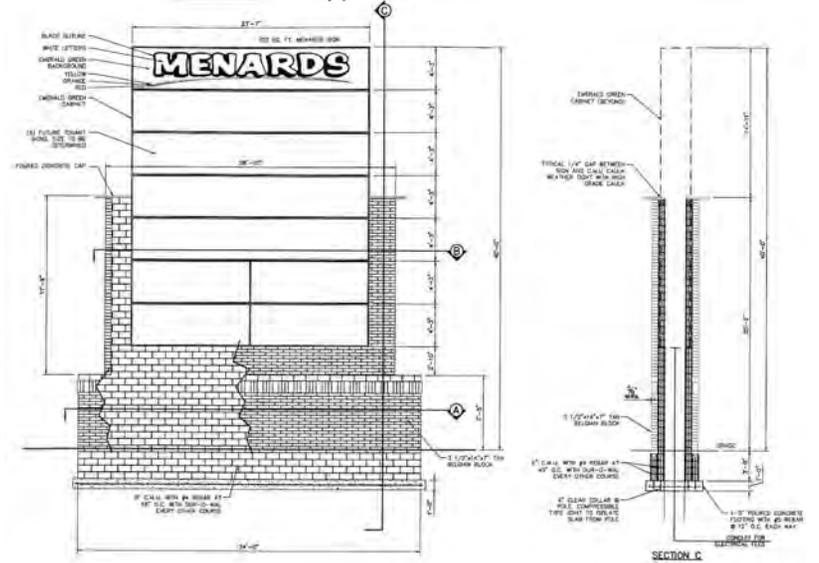


**Sign "A" (typ of 2)** Menards Panel 100 S.F.  
 Sam's Club Panel 100 S.F.  
 Existing Shared Multi-Tenant Monument

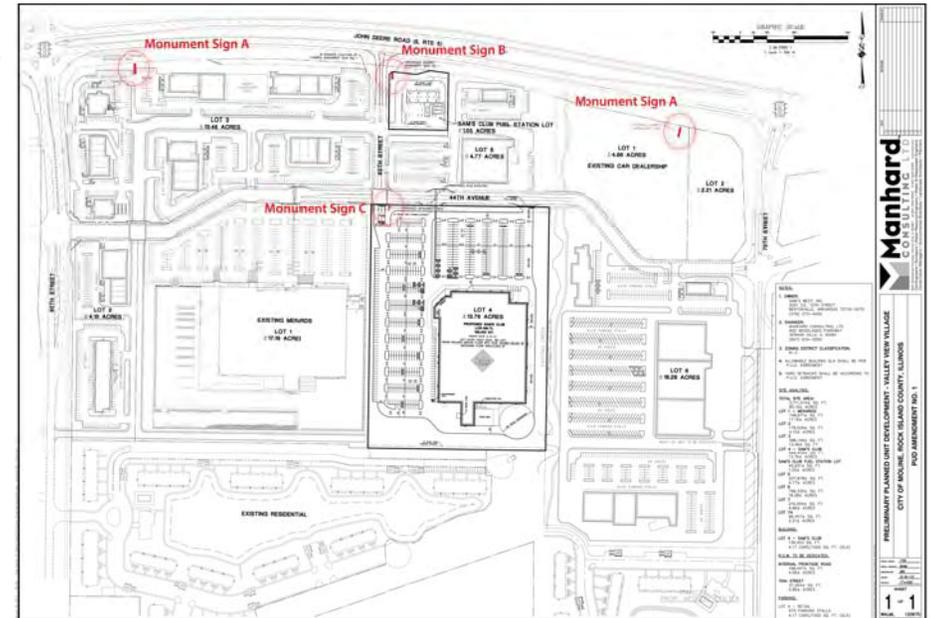


**Sign "B"** Sam's Club Panel 100 S.F.  
 Menards Panel 100 S.F.  
 Proposed Shared Multi-Tenant Monument

Construction Detail (Typ of all 3 shared tenant monuments)



**Sign "C"** Sam's Club Panel 90 S.F.  
 Proposed Single Tenant Monument



I MARCH 2013 Moline, IL #4061

Site Signage

FOR AHJ REVIEW - CLIENT APPROVED  
 Building images shown are an artistic representation of the design intent. Actual color or materials may vary from those shown due to final design detailing.  
 NOT FOR CONSTRUCTION

Shade Lawrence Quinn

**PROJECT NARRATIVE AND DESCRIPTION  
VALLEY VIEW PUD AMENDMENT NO. 1  
MOLINE, ILLINOIS  
MARCH 1, 2013**

Sam's Real Estate Business Trust (Sam's Club), as the contract purchaser, proposes to develop the property within Valley View Village, along the south side of John Deere Road between 60<sup>th</sup> and 70<sup>th</sup> streets. The subject property will be developed on the 13.75 acre site to the immediate east of the existing Menards, within the approximate 85 acre Planned Unit Development (PUD) site. The newly constructed roadway (44<sup>th</sup> Avenue) provides an east-west connection between 60<sup>th</sup> and 70<sup>th</sup> Streets. 65<sup>th</sup> street will provide a right in/right out access from the east-bound lanes of John Deere Road and will run north and south, ultimately connecting 44<sup>th</sup> Avenue and John Deer Road. A Sam's Club Fuel Station is proposed to be located at the southeast corner of John Deer Road and 65<sup>th</sup> Street. The current property is entirely vacant, with the exception of the creek along the east boundary of the Sam's Club parcel. The property is currently zoned B-3 and is subject to the previous preliminary PUD approval Ordinance No. 3033-2010.

The referenced site is bordered on the south by the Pcdor multi-family residential development, which serves as the residential component of the previous mixed-use PUD approval. Similar to the previous proposal, Sam's Club envisions a variety of uses for the PUD site including restaurant, specialty retail, large scale retail, hotel, bank, and office components. In combination with the residential development to the south, this commercial and office center will comply with the vision for the *Rock River Corridor Plan* for a mixed-use "village" for this area. As with the previous proposal for the site, Sam's Club also utilized the *Rock River Corridor Plan* as the basis for the overall theme and design framework for this development. The project concept plan proposes internally orientated buildings, an internal street network, pedestrian and bike friendly access points and routes, preservation of existing natural resources within the creek corridor, extensive additional landscaping and open spaces, and architectural design elements. The project also recognizes the neighboring land uses by proposing predominantly office, bank and hotel uses in the northeast portion of the site, closest to John Deere Corporate Headquarters and Black Hawk College, and proposing to utilize property adjacent to the Farm and Fleet development, to the west, mainly for retail development. The proposed bus stops on 44<sup>th</sup> Avenue will prove to be beneficial in the encouragement of public transportation use.

The project includes extensive infrastructure improvements and extensions that will benefit the City and adjacent property owners, ultimately providing water and sanitary sewer service east to 70<sup>th</sup> Street. Construction for commercial use is completed for the Menards, at the southwest corner of 65<sup>th</sup> Street and 44<sup>th</sup> Avenue, and for Green Hyundai, southwest of John Deere Road and 70<sup>th</sup> Street. An installment of residential housing has also already been constructed to the south of the Menards and Proposed Sam's Club, previously referenced as Pcdor multi-family residential development.

## Project Comments

**Project Name:** Sam's Club store and fuel station, Preliminary PUD and Final Plat

**Reviewing Department:** Planning & Development

**Name of Reviewer:** Shawn Christ

**Phone:** 309-524-2050

**E-Mail:** schrist@moline.il.us

**Return to:**

**By:**

Required, Suggested, or Information	Section of Code	Comments
Information		You have submitted a preliminary PUD and final plat for approval. Note that a Final PUD for the building sites must be submitted and approved by the Plan Commission prior to obtaining building permits. Staff will have comments specific to the Sam's Club building elevations and site but will withhold those comments until a Final PUD is submitted. If you wish to submit a Final PUD at this time, please refer to Sec. 35-3705(3) for submittal requirements.
Information, please respond		The Planning & Development Department hired Stanley Consultants, Inc. to prepare a traffic and access evaluation for Valley View Village. The report identified concerns with queuing, capacity, and access points on 44th Avenue and recommends construction of the east-west street and a north-south connection to the apartments. A copy is attached for your information.
Suggested		Staff wishes to reiterate its concerns about congestion on 44th Avenue which will likely result from elimination of the east-west drive behind the Sam's/Menards stores. Customers, employees, delivery trucks, pedestrians, cyclists, and bus transit vehicles will be sharing a single 2-lane thoroughfare for the entire 85-acre commercial development. The planned east-west drive would greatly ease that congestion. A north-south street connection to the apartment complex is less important but would benefit those residents.
Suggested		We also restate our opinion that the fuel station is for members-only and should not be separated from the store on John Deere Road. The fuel station should be relocated to a site adjoining the store on 44th Avenue.
Required	35-3705(2)	Please show a conceptual buildout on Lot 2, perhaps what was shown on the original preliminary PUD. Please also show the generalized site improvements which exist on the Green Hyundai site. I can provide the Final PUD for reference if needed.
Required	35-3705(2)	Please submit a new conceptual landscaping plan for Valley View Village or resubmit the previously approved plan if you wish to retain it as part of this amendment.
Required	35-3705(2)	Please submit a conceptual signage plan for Valley View Village which includes the changes proposed by Sam's Club.

Required	35-3705(2)	Please submit a traffic circulation plan for Valley View Village which includes the changes proposed by Sam's Club. This plan should respond to the findings of the City's traffic and access evaluation prepared by Stanley Consultants.
Required	35-3705(2)	Please provide a general written description of the proposed PUD which includes the items listed at Sec. 35-3705(2)(d)(4), as applicable.
Required	35-3705(2)	The tree-lined creek adjoining your east property line is a natural feature which should be preserved and highlighted as a feature/amenity within the development. A conservation (and perhaps drainage) easement should be added to the plat to help protect this area from clearcutting and encroachment. The walkway/nature trail shown on the PUD plan should be identified as such.
Required	35-3301.1	A 20-foot rear setback line should be shown on the PUD plan and plat (not 10 feet).
Suggested		It appears the PUD plan is missing a portion of the planned second phase of Valley View Apartments. Either show the entire future phase or eliminate what is shown east of the creek. The annotation regarding the proposed medical center can also be eliminated.
Suggested		The 30-foot rear access easement should be extended eastward through the site along the rear property line as was done on the Menards site.
Required	29-4122	If there will be any restrictive covenants for this subdivision they must be submitted at this time.
Required	29-4122	Will there be any public streets, alleys, open space, utilities, or other improvements constructed as part of this subdivision? If so, please submit the appropriate surety and offer of irrevocable dedication as prescribed in the Subdivision Code. If not, all references to the dedication of improvements may be removed from the plat.
Required	29-4122	Add a Plan Commission Certificate to the plat.

**Reviewing Department:** Engineering - Environmental

**Name of Reviewer:** Erica Williams, Environmental Manager

**Phone:** 524-2363

**E-Mail:** ewilliams@moline.il.us

**Return to:**

**By:**

Required, Suggested, or Information	Section of Code	Comments
		I have no issues with the intent of the project, but of course will need the typical stormwater information when they get to that point. They will be able to utilize the detention ponds currently on the Valley View Village property, since they were designed with a capacity to allow for the development north of the apartments to John Deere Road, and west of the creek.

**STAFF REPORT**  
**Department of Planning and Development**  
**PC 13-02**  
**March 13, 2013**

**GENERAL INFORMATION**

Owner/Applicant: Menard, Inc. (owner)  
Sam's Real Estate Business Trust (applicant & developer)

Requested Action: Approval of an amended Preliminary Planned Unit Development (PUD) Plan and rezoning from B-3 PUD to B-3 PUD for Valley View Village; and approval of the Final Plat of Valley View Second Subdivision Phase III.

Location: South of John Deere Road between 60th and 70th Streets, north of Valley View Apartments

Size of Tract: 85.17 acres

Existing Land Use: Vacant/agricultural

Existing Zoning: B-3 Planned Unit Development

Surrounding Land Use: Commercial, high-density residential, vacant

**BACKGROUND**

Sam's Club has contracted to purchase two lots at Valley View Village to construct a new Sam's Club store and a fuel station. The proposed retail store would be located on a 17-acre tract immediately east of the Menards store on 44<sup>th</sup> Avenue. The proposed fuel station would be located on a 1-acre tract at the southeast corner of John Deere Road and 65<sup>th</sup> Street. The applicant has proposed to eliminate a planned east-west thoroughfare and also a street connection to Valley View Apartments. With these proposed changes, Sam's Club has proposed an amended Preliminary Planned Unit Development (PUD) plan for Valley View Village. A conceptual plan showing this proposal was discussed at the January 9 Plan Commission meeting.

You will recall the original Preliminary PUD for Valley View Village was designed with the principles and goals stated in Moline's Comprehensive Plan and also the North Rock River Corridor Plan. The Corridor Plan recommends a mixed-use village or "corridor village" concept on this site to include residential, office, retail, entertainment, and institutional land uses. The plan discusses a "village" character with a variety of activities or a center that incorporates many destinations for a variety of purposes, and a place where people can live, work, and shop. The corridor village should also accommodate both automobiles and pedestrians by means of the design and development pattern. The plan called for primary entrances oriented toward internal

streets, a defined multimodal circulation system based upon a traditional street-grid format, and multiple small parking areas with landscaping and screening.

## **ANALYSIS**

Because this is an amendment to the 2010 Preliminary PUD submitted by Menards, a comprehensive review will not be provided with this report. Rather, the analysis will focus on the amendments proposed by Sam's Club. Note this Sam's Club application does not include final development plans for the building sites, only a final subdivision plat. Site-specific Final PUD plans will be submitted and reviewed at a later date.

Staff review comments and the applicant's responses are attached. Sam's Club wants to place their fuel station on John Deere Road, claiming many members frequent the fuel station without a trip to the Sam's Club store and visibility and access from the highway is important. Membership data specific to Moline and the Illinois Quad Cities, as compared to our total population and the anticipated fuel station usage, would be helpful. Until we have a better idea of membership demand for this prominent location, staff retains its opinion that the frontage lots should be reserved for restaurants, services, and retail stores without an exclusive customer base. We feel the fuel station can serve its members at a location near the store on 44<sup>th</sup> Avenue.

A circulation plan was requested but not provided. The site plan does show streets but does not adequately highlight the circulation patterns for a thorough review. Planning staff remains concerned about Sam's proposal to eliminate the planned secondary east-west street thoroughfare located behind the anchor stores along the south edge of the development. In January, the Planning Department hired Stanley Consultants to review the plans and prepare an independent traffic analysis of the proposed development. Stanley analyzed the proposed roadway network and compared this site to similar development sites around the region. The study found that all comparison sites contained two or more thoroughfares with multiple access points, and all sites also had an access road behind the larger stores to allow delivery trucks to bypass primary development traffic. Stanley's report concludes, at full buildout conditions, that 44<sup>th</sup> Avenue will be inefficient and provide a poor level of service. The following are some deficiencies identified by the report:

- There are too many access points on 44<sup>th</sup> Avenue. This street will operate at maximum capacity for a two-lane road without this high concentration of access points.
- The Menards northeast access drive is too close to 65<sup>th</sup> Street. This is the Menards truck route which will cause operational and safety problems. The 65<sup>th</sup> Street intersection will be inefficient and unsafe.
- Vehicle queuing on 44<sup>th</sup> Avenue is a concern and will affect not only this development but also operations on John Deere Road. Westbound vehicles are anticipated to backup 800 feet at 60<sup>th</sup> Street, but only 200 feet is provided. At 70<sup>th</sup> Street, southbound right turn vehicles will back up into the John Deere Road intersection, and southbound left turn vehicles will back up into the through lane. Longer queues are anticipated on 44<sup>th</sup> Avenue which will block driveways and result in poor traffic operations.

Staff agrees with Stanley's recommendation to not concentrate all operations on a single roadway serving 85-acres of commercial development which will include a heavy mix of autos, trucks, transit, and pedestrians. A copy of Stanley's report is attached, and also a copy of the applicant's response to Stanley's report. The applicant has stated that neither Sam's nor Menards intend to utilize this south roadway. Conditions on 44<sup>th</sup> Avenue seem acceptable now, but only 25% of Valley View Village is developed and future traffic conditions will decline. A rear road will enable Menards to reconfigure their site in the future if warranted. Stanley's findings show that 44<sup>th</sup> Avenue will be too congested and a secondary route will be necessary when the area is fully developed. Unlike internal drives at other commercial developments, 44<sup>th</sup> Avenue is a public street and must provide an acceptable level of service. Furthermore, Valley View Village is Moline's largest cohesive development; it must be well-planned and function more efficiently than its predecessors.

Staff feels the north-south connection to Valley View apartments is not critical and could be eliminated. Still, this connection would offer two benefits. First, the street connection would provide a more convenient access to businesses and restaurants by car. Second, it would lessen apartment traffic congestion on 60<sup>th</sup> Street and also the future extension of 70<sup>th</sup> Street. The apartment owner, Pedcor, does not object to the street connection but does not feel it is necessary for its residents. Pedcor has stated it will support the City's decision if it determines that a connection must be provided.

### **STAFF RECOMMENDATION**

Given the above, *staff recommends that Plan Commission recommend approval of the amended Preliminary Development Plan and rezoning from B-3 to B-3 PUD for Valley View Village based on the conditions listed below.* The Plan Commission's vote should be in the form of a recommendation to be forwarded to the City Council for final consideration.

#### **Proposed conditions for approval of the Preliminary PUD and rezoning, and Final Plat:**

1. The Preliminary PUD shall be amended to include a secondary east-west thoroughfare which connects 60<sup>th</sup> Street to 70<sup>th</sup> Street, and also connects to 65<sup>th</sup> Street. Phasing and extent of construction of this thoroughfare shall be determined later in conjunction with the Final PUD plans for Lot 4.
2. The Preliminary PUD shall show an "optional" (discretionary) street connection from the Valley View apartments to the southerly extension of 65<sup>th</sup> Street. The City will not require the street connection now, but reserves the right to require Sam's Club to build the street later if warranted.
3. A circulation plan identifying arterial streets, collector streets, internal circulation, service drives, and pedestrian and transit access throughout Valley View Village shall be provided.
4. The Preliminary PUD shall be amended to relocate the members-only fuel station away from John Deere to a location near the store on 44<sup>th</sup> Avenue.
5. The Preliminary PUD shall be further refined to correct roadway misalignments, dead-ends, and labeling errors.

6. The developer shall verify design and placement of the proposed transit route and stops with MetroLINK and make any corrections on the Preliminary PUD Plan.
7. The phasing schedule, design & architectural criteria, and sign criteria approved in 2010 shall be retained and remain valid unless new documents are submitted and reviewed by the Plan Commission.
8. The proposed single tenant monument sign “C” exceeds the maximum size of 50 square feet as approved with the 2010 Preliminary PUD and must comply when the Final PUD is submitted.
9. A development agreement or similar commitment to construct the extension of 70<sup>th</sup> Street and extension of the south sanitary sewer interceptor shall be provided prior to Final PUD approval of any site located east of the creek and south of 44<sup>th</sup> Avenue.
10. Compliance with specific building designs, site improvement and performance standards, group development standards, and similar zoning standards shall be determined with each Final PUD Plan approval. This includes utilization and preservation of the adjoining tree-lined creek area as an amenity and natural feature.

## **ATTACHMENTS**

2010 Preliminary PUD

Application materials

Applicant/owner disclosures

Developer’s project narrative

Site plans

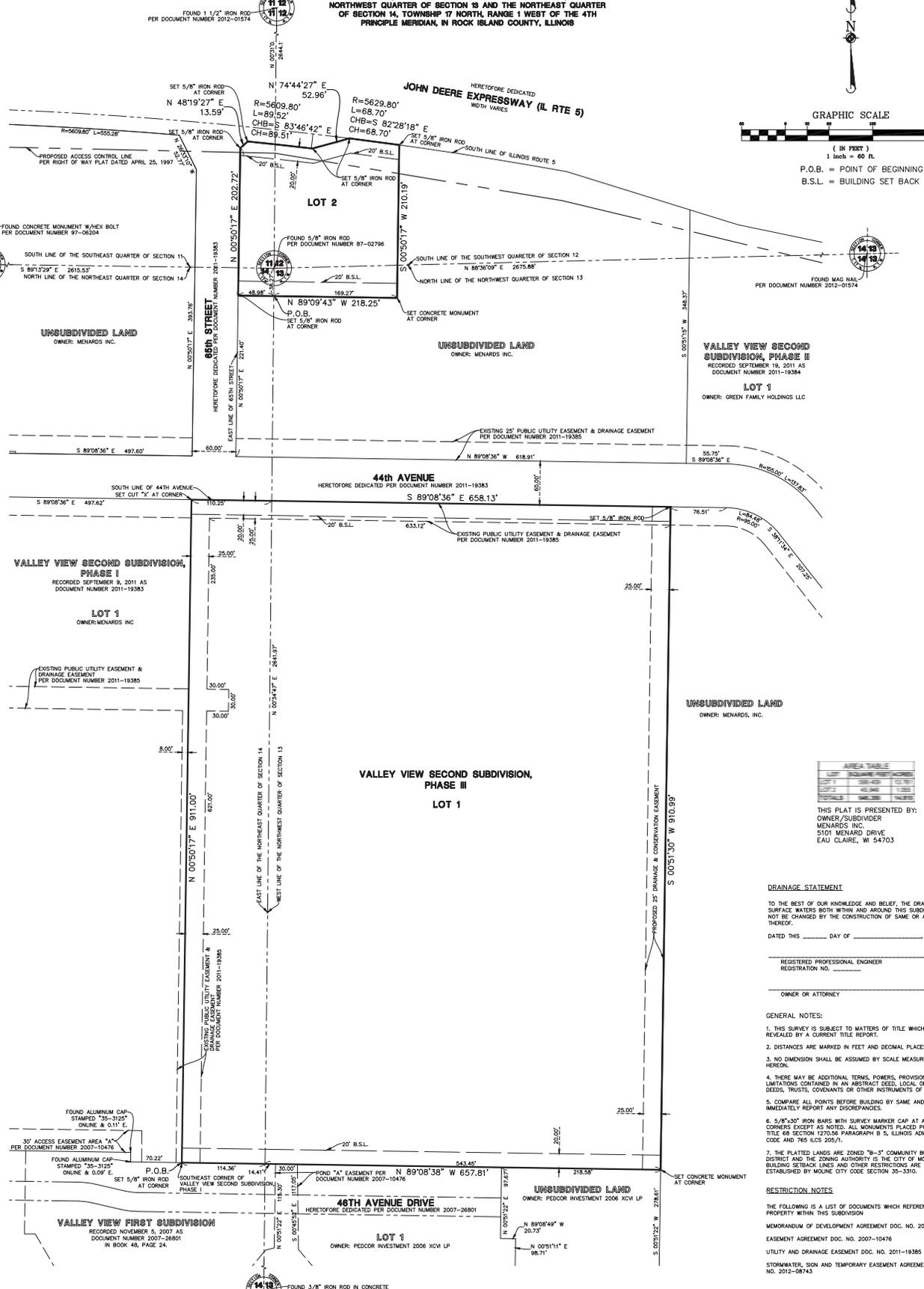
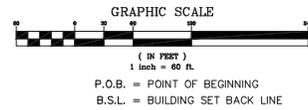
Review comments w/ applicant responses

Stanley Consultants traffic access study for Valley View Village

KLOA response comments to Stanley traffic study

# FINAL PLAT OF VALLEY VIEW SECOND SUBDIVISION, PHASE III

BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 11, THE SOUTHWEST QUARTER OF SECTION 12, THE NORTHWEST QUARTER OF SECTION 13 AND THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 1 WEST OF THE 4TH PRINCIPLE MERIDIAN, IN ROCK ISLAND COUNTY, ILLINOIS



AREA	ACRES
LOT 1	1.11
LOT 2	1.12
LOT 3	1.13
TOTAL	3.36

THIS PLAT IS PRESENTED BY:  
OWNER/SUBDIVIDER  
MENARDS INC.  
3101 MENARD DRIVE  
EAU CLAIRE, WI 54703

**DRAINAGE STATEMENT**

TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS BOTH WITHIN AND AROUND THIS SUBDIVISION WILL NOT BE CHANGED BY THE CONSTRUCTION OF SAME OR ANY PART THEREOF.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., 20\_\_\_\_

REGISTERED PROFESSIONAL ENGINEER  
REGISTRATION NO. \_\_\_\_\_

OWNER OR ATTORNEY

**GENERAL NOTES:**

- THIS SURVEY IS SUBJECT TO MATTERS OF TITLE WHICH MAY BE REVEALED BY A CURRENT TITLE REPORT.
- DISTANCES ARE MARKED IN FEET AND DECIMAL PLACES THEREOF.
- NO DIMENSION SHALL BE ASSUMED BY SCALE MEASUREMENT HEREON.
- THERE MAY BE ADDITIONAL TERMS, POWERS, PROVISIONS AND LIMITATIONS CONTAINED IN AN ABSTRACT DEED, LOCAL ORDINANCES, DEEDS, TRUSTS, COVENANTS OR OTHER INSTRUMENTS OF RECORD.
- COMPARE ALL POINTS BEFORE BUILDING BY SAME AND IMMEDIATELY REPORT ANY DISCREPANCIES.
- 5/8" X 30" IRON BARS WITH SURVEY MARKER CAP AT ALL LOT CORNERS EXCEPT AS NOTED. ALL MONUMENTS PLACED PURSUANT TO TITLE 68 SECTION 1270.58 PARAGRAPH B 5, ILLINOIS ADMINISTRATIVE CODE AND 765 ILCS 205/1.
- THE PLATTED LOTS ARE ZONED "R-3" COMMUNITY BUSINESS DISTRICT AND THE ZONING AUTHORITY IS THE CITY OF MOLINE. BUILDING SETBACK LINES AND OTHER RESTRICTIONS ARE ESTABLISHED BY MOLINE CITY CODE SECTION 35-3310.

**RESTRICTION NOTES**

THE FOLLOWING IS A LIST OF DOCUMENTS WHICH REFERENCE THE PROPERTY WITHIN THIS SUBDIVISION  
MEMORANDUM OF DEVELOPMENT AGREEMENT DOC. NO. 2007-10477  
EASEMENT AGREEMENT DOC. NO. 2007-10476  
UTILITY AND DRAINAGE EASEMENT DOC. NO. 2011-19385  
STORMWATER, SIGN AND TEMPORARY EASEMENT AGREEMENT DOC. NO. 2012-08743

DATE	REVISIONS	DRAWN BY
02/20/13	REVISED PER PLANNING & DEVELOPMENT COMMENTS	EAH
02/25/13	REVISED FOR PROPOSED E.O.M. PLAT	JDT

**VALLEY VIEW SECOND SUBDIVISION PHASE III**  
MOLINE, ILLINOIS  
PLAT OF SUBDIVISION

2012 Professional Engineer  
2012 Professional Surveyor  
2012 Professional Land Surveyor  
2012 Professional Engineer - Water & Wastewater Engineering  
2012 Professional Engineer - Environmental Engineering  
2012 Professional Engineer - Transportation Engineering



RECODATION REQUESTED BY:

Galena State Bank & Trust Co.  
Main Bank Galena  
971 Gear St  
P.O. Box 317  
Galena, IL 61036-0317

WHEN RECORDED MAIL TO:

Galena State Bank & Trust Co.  
Main Bank Galena  
971 Gear St  
P.O. Box 317  
Galena, IL 61036-0317

For Recorder's Use Only

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This Landlord's Estoppel Certificate prepared by:

Annie Silaggi  
Galena State Bank & Trust Co.  
971 Gear St  
Galena, IL 61036-0317

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**LANDLORD'S ESTOPPEL CERTIFICATE**

THIS LANDLORD'S ESTOPPEL CERTIFICATE dated March 29, 2013, is made and executed among SCI Moline, L.L.C., whose address is 10 N. WASHINGTON 301, MASON CITY, IA 50401; AN IOWA LIMITED LIABILITY COMPANY ("Grantor"); GALENA STATE BANK & TRUST CO., MAIN BANK GALENA, 971 GEAR STREET, P.O. BOX 317, GALENA, IL 61036-0317 ("Lender"); and THE CITY OF MOLINE, 619 16<sup>TH</sup> STREET, MOLINE, IL 61265 ("Landlord").

Grantor and Lender have entered into, or are about to enter into, a financial transaction whereby Lender has acquired or will acquire a security interest or other lien on Grantor's leasehold interest in the Property described below.

To induce Lender to extend one or more loans or other financial accommodations to Borrower against such security interest in the Property and for other valuable consideration, with knowledge that Lender is relying thereon, Landlord and Grantor hereby agree with Lender as follows:

**THE LEASE.** Landlord has leased the Property to Grantor pursuant to a lease (the "Lease") dated January 7, 2005, which was recorded as follows: JANUARY 11, 2005 IN ROCK ISLAND COUNTY AS DOCUMENT #2005-00845, and any amendments thereto. The following information is a summary of the basic terms and conditions of the Lease: GROUND LEASE AGREEMENT.

LANDLORD'S ESTOPPEL CERTIFICATE  
(Continued)

Loan No: 6730701335

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**REAL PROPERTY DESCRIPTION.** The Lease covers the following described real property, together with all improvements thereon (the "Real Property") located in ROCK ISLAND County, State of Illinois:

See Exhibit "A", which is attached to this Certificate and made a part of this Certificate as if fully set forth herein.

The Real Property or its address is commonly known as 101 18th Street, Moline, IL 61265. The Real Property tax identification number is MO-9409-L.

**ESTOPPEL.** Landlord and Grantor hereby jointly and severally represent and warrant to Lender that:

**Lease in Effect.** The Lease (i) has been duly executed and accepted by Landlord and Grantor, (ii) is in full force and effect, and (iii) has not been modified or changed, either in writing or orally, except as reflected in the copy of the Lease provided to Lender.

**No Default.** As of the date of this Certificate, (i) all conditions and obligations to be performed by either Landlord or Grantor under the Lease, to the date hereof, have been satisfied; (ii) there exists no breach, default, or event or condition which, the giving of notice or the passage of time, or both, would constitute such a breach or default under the Lease; and (iii) there are no existing claims, defenses or offsets against obligations of either Landlord or Grantor under the Lease including any against rents due or to become due under the terms of the Lease.

**Entire Agreement.** The Lease constitutes the entire agreement between Landlord and Grantor with respect to the Lease of the Property.

**No Prepaid Rent.** No deposits or prepayment of rent have been made in connection with the Lease, except as may be described above in the summary description of the Lease.

**AGREEMENTS.** Landlord and Grantor hereby jointly and severally agree with Lender that, during all such times as Lender is the beneficiary of the security interest in the Property described above:

**Modification, Termination and Cancellation.** Grantor will not consent to any modification, termination or cancellation of the Lease unless Lender first consents thereto in writing.

**Notice of Default.** Landlord will notify Lender in writing concurrently with any notice given to Grantor of any breach or default on the part of Grantor under the Lease, and Landlord agrees that Lender shall have the right (but not the obligation) to cure any breach or default specified in such notice within the time period set forth in the Lease and Landlord will not declare a default of the Lease, if Lender cures such default within the time period provided in the Lease for the cure thereof by Grantor.

**MISCELLANEOUS PROVISIONS.** This Certificate shall extend to and bind the respective heirs, personal representatives, successors and assigns of the parties to this Certificate. This Certificate shall be governed by and construed in accordance with the laws of the State of Illinois. If Landlord is other than an individual, any agent or other person executing this Certificate on behalf of Landlord represents and warrants to Lender that he or she has full power and authority to execute this Certificate on Landlord's behalf. Lender shall not be deemed to have waived any rights under this Certificate unless such waiver is in writing and signed by Lender. No delay or omission on the part of Lender in exercising any right shall operate as a waiver of such right or any other right. A waiver by Lender of a provision of this Certificate shall not constitute a waiver of or prejudice Lender's right otherwise to demand strict compliance with that provision or any other provision.

LANDLORD'S ESTOPPEL CERTIFICATE  
(Continued)

Loan No: 6730701335

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GRANTOR AND LANDLORD EACH ACKNOWLEDGE HAVING READ ALL THE PROVISIONS OF THIS LANDLORD'S ESTOPPEL CERTIFICATE, AND EACH AGREES TO ITS TERMS. THIS CERTIFICATE IS DATED MARCH 29, 2013.

GRANTOR:

SCI MOLINE, L.L.C.

By: \_\_\_\_\_  
JAMES H. THOMPSON, Manager of SCI Moline, L.L.C.      Date \_\_\_\_\_

LANDLORD:

THE CITY OF MOLINE

By: \_\_\_\_\_  
DONALD WALVAERT, Mayor      Date \_\_\_\_\_

Attest: \_\_\_\_\_  
Tracy Koranda, City Clerk

Approved as to Form:

\_\_\_\_\_  
Maureen E. Riggs, City Attorney

LENDER:

GALENA STATE BANK & TRUST CO.

X: \_\_\_\_\_  
Authorized Officer      Date \_\_\_\_\_







**CITY OF MOLINE  
PRIVATE ACTIVITY BOND AUTHORITY HISTORY**

1989	Single Family Mortgage Program
1990	Ceded back to the State
1991	Ceded back to the State
1992	Ceded back to the State
1993	Single Family Mortgage Program
1994	City of East Moline (Water Service Extension Project)
1995	QCREDA
1996	QCREDA (Plastic Products Company)
1997	QCREDA
1998	QCREDA
2000	Single Family Mortgage Program
2001	QCREDA and Illinois Housing Development Authority (50/50)
2002	QCREDA (Heritage Woods Housing Project) and Illinois Housing Development Authority (50/50)
2003	QCREDA (Pheasant Ridge Housing Project)
2004	QCREDA (One Moline Place) and Illinois Housing Development Authority (48/52)
2005	QCREDA and Illinois Housing Development Authority (50/50)
2006	QCREDA and Illinois Housing Development Authority (33/67)
2007	QCREDA and Illinois Housing Development Authority (30/70)
2008	QCREDA (\$1.5M) IHDA (\$2,147,860)
2009	QCREDA (\$2,871,440) IHDA (\$1,000,000)
2010	QCREDA
2011	QCREDA
2012	QCREDA

# CITY OF MOLINE

## POLICY ON CEDING OF HOME RULE VOLUME CAP

- 1. Home Rule Volume cap will first be used to support any eligible economic development project within the City of Moline.** Private activity bonds allow a business to access below market rate financing for an eligible activity. Current IRS rules restrict the types of uses for private activity bonds to manufacturing projects. These bonds may be issued under certain conditions for residential rental property, airports, docks, wharves, mass communing facilities, high-speed rail facilities, sewage, solid waste or hazardous waste disposal facilities, environmental enhancements of hydroelectric generating facilities, facilities for the local furnishing of electric energy or gas, facilities for the furnishing of water, or local district heating or cooling facilities. As there is a value to the City to be able of offer this type of financing for appropriate projects, it therefore shall be retained as long as possible prior to the May 1st deadline for ceding of authority.
- 2. If no economic development projects are identified prior, the City of Moline will consider ceding its authority to another area community for a pending economic development project.** A neighboring Illinois community may request volume cap to undertake an economic development project. It would be possible that the project could have some benefit to Moline residents (i.e. job creation). Therefore, if the City has no use for its authority and a neighboring community does, the cap would be ceded to the neighboring community.
- 3. If volume cap is not used to support an economic development project within the City of Moline or is not ceded to another area community for a pending economic development project, the City's volume cap will be ceded to the Quad City Regional Economic Development Authority.** Ceding the authority to QCREDA has several advantages. First, it allows the City to control its use until September of each year thereby extending the opportunity to use the volume cap as an economic development tool. Second, it avoids the volume cap allocation reverting to the State and its use completely out of the City's control. Finally, if the volume cap is not used by the City and can be used by QCREDA, it ensures that the project will be used within QCREDA's area of coverage (Rock Island, Henry, and Mercer Counties) with the potential to provide some area-wide or indirect benefit to the City of Moline.