

PLAN COMMISSION MINUTES

Wednesday, November 12, 2014

Present Dan McConaghy (Chairman), Cindy Wermuth (Vice Chairman) Butch Trevor, John Wetzel, Dennis Kelly, Bill Fitzsimmons, Pete McDermott, Mike Crotty, Jeff Nelson, Matt Puck

Absent: Mike Wendt

Staff: Shawn Christ, Alan Sabat, Anamaria Vera

Others: Vickie Sanders, Kyle Clausen, Rydur Newton, Robert W. Edward, Roberta Milas, others

Chairman McConaghy called the meeting to order at 4:02 pm in the Moline City Council Chamber and opened the Public Hearing for PC 14-05.

1. PC 14-05: Public Hearing to consider a request from Vickie Sanders for a Special Use Permit to establish an Animal Boarding Service at 4701 41st Street.

Mr. Christ swore in those persons present who intended to provide testimony and presented a request from Vickie Sanders for a Special Use Permit to establish an Animal Boarding Service in the I-1 Light Industrial District at 4701 41st Street. Mr. Christ noted the 7/10 of an acre lot is the last remaining vacant lot in that area and based on the site plan provided by the applicant, would be accessed by a shared driveway. The front door of the building is illustrated as facing South on the site plan with a play area facing North. Mr. Christ also noted that the public notice for PC 14-05 was published in the Dispatch on October 23, 2014 and requested the Secretary enter the Memo with all attachments into the record.

Mr. Christ continued his presentation by explaining Animal Aid currently operates as a no kill dog and cat shelter which has decided to expand. The site would be new construction, with business hours generally by appointment only and upon review of the submitted site plans, Mr. Christ confirmed all Code requirements are met. Mr. Christ also explained that Animal Aid is covered under Animal Boarding Services within the Code because it includes short and long term boarding of any kind. Each animal would also be housed in a contained unit and services would exclude larger animals such as horses. Mr. Christ stated it did not appear as though the adjoining properties would be affected by noise or the outdoor play area; nonetheless, he noted the site would also bear a six-foot fence all around.

Commissioner Wetzel inquired as to whether any written objections had been received with regard to the Special Use application. Mr. Christ confirmed that no written objections had been received. Commissioner Wetzel sought further clarification as to the type of six-foot fence required at the site, and whether the site would bear a chain-link fence or a solid fence. Mr. Christ explained there currently are no mandates with regard to fencing requirements, nor does staff recommend any type of fence over the other.

Commissioner Wermuth requested clarification with regard to the lack of sidewalk around the site, and asked whether Animal Aid would be required to build a sidewalk to connect to the sidewalk that currently exists along the Moline Monument Company. Mr. Christ confirmed a sidewalk would need to be built to connect to the existing sidewalk along Moline Monument Company.

Commissioner Fitzsimmons inquired if the animal pens would be covered or uncovered. Mr. Christ confirmed the pens would be covered. From the audience, the applicant, Vickie Sanders, further noted there would also be a fence in addition to the covered pens.

Commissioner Crotty directed Ms. Sanders and requested clarification with regard to the regulations that apply to their specific type of business. Ms. Sanders explained that they are not licensed to sit animals for the weekend so-to-speak; however, they are licensed to house their own animals for short or extended periods of time. Commissioner Crotty continued to direct Ms. Sanders and asked why a different location was not considered. Chairman McConaghy intercepted Ms. Sanders' response and requested that all Commissioners hold their questions for any audience member until after Mr. Christ had concluded his presentation and discussion.

Commissioner Nelson noted that the site plan shows 20 kennels, however, the plan states there will be 100 on site. Commissioner Nelson inquired whether there is an occupancy limit to regulate how many animals are housed or can be housed. Mr. Christ explained that within the Zoning Code, there are no regulations with regard to occupancy limits; however, he was unsure whether there were any current regulations within the Animal Code that is enforced by the Police Department on that aspect. From the audience, Ms. Sanders stated the only regulations she was aware of with regard to occupancy are enforced through their insurance agency and they have indicated Animal Aid is limited to 100 animals. Mr. Christ concluded his presentation and Ms. Sanders was invited to address the Plan Commission.

Commissioner Crotty stated he believed a more ideal location for Animal Aid would be by the Rock Island County Animal Shelter and inquired why Ms. Sanders had not looked into expanding close to that location. Ms. Sanders stated they only sought locations within the B-4 (highway/intensive business) and industrial zoning districts due to their desire to obtain a central location which would be easily accessible, further noting the Rock Island County Animal Shelter was advantageous because the land they are located on was donated to them. Commissioner Crotty requested further clarification as to why the current location of Animal Aid is not expanded instead. Ms. Sanders noted their business is no longer allowed to operate within a residential district. Commissioner Crotty emphasized that the new construction would appear to be relying solely on donations and inquired whether Ms. Sanders had prior knowledge with regard to running a capital campaign and whether or not she had determined if their campaign was valid or feasible, further explaining that she may wish to seek guidance from the Contributor's Council. Ms. Sanders acknowledged she did not have prior knowledge in that regard and was appreciative of Commissioner Crotty's recommendation.

Commissioner Wermuth requested clarification as to the daily routine for exercise and cleaning. Ms. Sanders stated that exercise during the day varied from 30 minutes to 45 minutes, with an average of 10 minutes of exercise at night and cleaning is performed at least once a day. Commissioner Wermuth asked if the fence would be solid. Ms. Sanders confirmed the fence at the perimeter would be solid with an additional chain-link fence within the inner perimeter as well.

Kyle Clausen, Manager at IWI Motor Parts, located at 4000 46th Avenue, addressed Ms. Sanders and sought clarification to the procedure for deceased animals, inquiring as to the possibility of Animal Aid implementing a cremation service. Ms. Sanders clarified that Animal Aid utilizes an outside service for deceased animals and bears no interest in implementing a cremation service. Mr. Clausen asked what plan Ms. Sanders has in place in the event the noise or the smell becomes intolerable. Ms. Sanders stated that at their current location they have not experienced problems; however, Ms. Sanders would be willing to work towards a resolution of any problem that may arise. Ms. Sanders further emphasized the need to obtain and maintain a central location is due to the fact that the business relies solely on volunteers

and their ability to easily access the facility would be a key factor in their continued support.

Rydur Newton of Moline Monument Company, located at 4038 46th Avenue, requested further clarification with regard to the cleaning practices for animal feces. Ms. Sanders clarified that all feces was removed and placed into buckets for disposal. Mr. Newton sought additional confirmation that noise issues would not be foreseen. Ms. Sanders confirmed she did not foresee any noise issues. Mr. Newton closed his inquires with a good-humored remark requesting that Ms. Sanders not send his wife home with 16 cats.

Commissioner Nelson noted that a boarding service is when you pay someone to watch an animal they do not own, requesting Mr. Christ further clarify why Animal Aid falls into an Animal Boarding Service when they do in fact own these animals. Mr. Christ agreed with the ambiguity of the Code, but noted the Code does not allow any alternative verbiage citing the short term/long term care as the only applicable language found within the Code. Commissioner Fitzsimmons sought further acknowledgement that no defining language exists within the Code. Mr. Christ confirmed.

There being no further comment, the public hearing was closed.

2. PC 14-06: Public Hearing to consider a request from RWE Management Company to amend the Zoning and Land Development Code by revising text at Chapter 35, Article III, Division 4, Table 35-3401.1, "Permitted Land Uses"; and Section 35-3408, "Principal Commercial Land Uses."

Mr. Christ presented a request from RWE Management Company and Roberta Milas to amend the Zoning and Land Development Code by revising the text at Chapter 35, Article III, Division 4, Table 35-3401.1, "Permitted Land Uses"; and Section 35-3408, "Principal Commercial Land Uses". Mr. Christ stated the request was fairly simple noting the sole revision would be within Table 35-3401.1 as it lists permitted zoning districts for each commercial land use. Mr. Christ also noted that the publication for Hearing Notice PC 14-05 was published in the Dispatch on October 23, 2014 and requested the Secretary enter the Memo with all attachments into the record. Mr. Christ demonstrated Table 35-3401.1 noting there are currently three zoning districts where Animal Boarding Services are a permitted use, and two zoning districts which allow for a Special Use, this request would allow Special Use within the B-3 Community Business Zoning District.

Mr. Christ explained that the B-3 zoning district is community based and encompasses many services to meet large populations, noting that allowing for a Special Use application would not grant automatic access. Mr. Christ confirmed the text amendment is consistent with the Comprehensive Plan and would serve a significant segment of the population. Mr. Christ noted it also seems feasible to fit an animal hospital within Animal Boarding Services.

Staff Recommendation: Mr. Christ confirmed staff is comfortable with the text amendment and recommends approval.

Commissioner Nelson maintained his prior concern that he did not feel comfortable without any occupancy limits in place to prevent overcrowding or adequate housing of animals. Stating he was uncertain how a facility would prepare to house an unknown number of animals next to a restaurant or an office, further stating he had previously observed a 2x2 square stacked with 30 dogs which he deemed less than ideal. Mr. Christ stated additional research could be performed on this aspect. Commissioner Nelson expressed his concern about having a similar facility located on Avenue of the Cities. Mr. Christ concluded his presentation and Robert Edwards was invited to address the Plan Commission.

Robert Edwards of RWE Management Company, briefed the Commissioners with his experience, stating he has performed extensive work and developed over 90 animal care facilities throughout various locations. Mr. Edwards acknowledged he was speaking in support of Dr. Roberta Milas.

Mr. Edwards explained that the entire animal care industry has transformed over the years noting that what Commissioner Nelson described is known as high density boarding which is no longer being used because clients want their animals to stay in a resort and they expect to be able to view their pet at this resort. Mr. Edwards continued, stating the client expects their pet to receive the same or better treatment they are receiving at home with the security of knowing their pet is under veterinarian care. Mr. Edwards further explained that the new age concept is to offer clients a one-stop-shop concept where you take your pet in for care, but also have them groomed, with boarding services, while taking care of additional needs. Mr. Edwards also stated that in the event of death to an animal, only short term freezer storage is available on site and an outside cremation service is utilized to handle the remains of the deceased animal. Mr. Edwards also acknowledged the importance of being a "good neighbor" stating his company addresses every detail to prevent noise transfer, as well as smell.

Commissioner Kelly expressed his concern with regard to subsequent Special Use applications, stating that not all applicants will uphold the same standards Mr. Edwards expressed. Mr. Edwards stated the text amendment did not enforce permission to all future applicants, moreover, it allowed for consideration on a case by case basis. Mr. Edwards also noted that in preparation for their subsequent Special Use application, Dr. Milas had already obtained approval from the adjourning condo's Condominium Board.

Commissioner Wetzel asked Mr. Edwards if throughout his experience he had noted specific standards in place or suggestions he could share with the Commission for their application against future Special Use permits. Mr. Edwards stated that in South Elgin, Elgin, and Geneva, an inspection was required and performed of the site prior to the acceptance of the Special Use, noting that the "proof was in the pudding".

Commissioner Fitzsimmons inquired if Mr. Edwards was familiar with the Buffalo Grove and Aurora Animal Care facilities, and asked whether his facility designs were similar in nature. Mr. Edwards stated he did not design the facilities mentioned by Commissioner Fitzsimmons, however, he had performed updates to the facilities and was familiar with those locations noting they contain specialty centers to a much greater extent than the proposed facility for Dr. Milas. The projected facility for Dr. Milas would be more simplified. Mr. Edwards stated the Chicago area facilities he designed were the most specialized facilities his company has built, stating those facilities contain areas for MRI's, internal medicine, dental, and surgical, amongst other things. Mr. Edwards clarified that although Dr. Mila's anticipates opening an animal hospital, it would not be as specialized, nor a 24-hr operation.

Chairman McConaghy asked whether Mr. Edwards had any additional information to present to the Commission. Mr. Edwards stated he would close with stating "fear of the unknown is our greatest enemy" noting that with regard to pets, society has moved from outdoor, to indoor, to indoor in a cage, to indoor on our beds. Mr. Edwards stated that these changes within society acknowledge a strong demand for the proposed facility, reminding the Commission that their request, if granted, would still allow the Commission the ability to reject any future Special Use requests.

Chairman McConaghy asked Mr. Edwards for his feedback on the criteria the Commission should use to reject a future request. Mr. Edwards noted that all locations vary depending on the

plans, explaining he was able to develop a facility next to a restaurant without outdoor dining and passed. Mr. Edwards stated this particular facility bears an 8 foot PVC fence with an indoor play area to remove loud pets.

There being no further comment, the public hearing was closed.

3. Approval of Minutes - September 17, 2014

Motion made by Commissioner Fitzsimmons; seconded by Commissioner Wetzel, to approve the minutes for September 17, 2014. Motion carried unanimously.

4. Consideration

PC14-05

Motion made by Commissioner Wetzel, seconded by Commissioner Wermuth, to recommend approval for a Special Use Permit to establish an Animal Boarding Service at 4701 41st Street with conditions.

Commissioner Crotty expressed his concern with regard to the financial undertaking Ms. Sanders will encounter to develop the facility. Ms. Sanders stated she expects more volunteers to assist. Commissioner Kelly then requested clarification as to the number of dogs per kennel. Ms. Sanders stated usually only one dog is housed per kennel, however, on occasion, multiple dogs are housed together. Commissioner Wermuth asked Ms. Sanders how many volunteers currently assist Animal Aid for the 100 animals they house. Ms. Sanders stated 20-30 volunteers, however, if needed; they also adopt animals to other facilities. Commissioner Wermuth then asked Ms. Sanders if the shelter ever had only one volunteer at any given time. Ms. Sanders stated no. Commissioner Crotty requested clarification and expressed his concern with regard to boarding animals. Ms. Sanders clarified they are not licensed to board animals; they are only able to house their own animals.

Motion carried 8-1 with Commissioner McDermott abstaining due to ownership of the property.

PC 14-06

Motion made by Commissioner Fitzsimmons, seconded by Commissioner McDermott, to amend the Zoning and Land Development Code by revising text at Chapter 35, Article III, Division 4, Table 35-3401.1, "Permitted Land Uses"; and Section 35-3408, "Principal Commercial Land Uses."

Commissioner Fitzsimmons expressed his concern to "open the door" to conflicts with residential neighborhoods, stating that by allowing Special Use in the B-3 Zoning District the Plan Commission would be subjected with the possibility of encountering a complex task in the future, should they wish to reject an application stating that by citing within the Code that there is a possibility for success of a certain type of use in the B-3 District would then need to be proved otherwise in court if they would reject an application in the future. Commissioner Fitzsimmons continued that this was the basis for which it was originally not recommended to allow Special Use, from a technical standpoint and a legal standpoint, with regard to the initial logic on the issue. Commissioner Wetzel stated it may be helpful to research how Geneva handled their requirements. Commissioner Fitzsimmons stated it may be, however, their standards may also be lower.

Chairman McConaghy asked the whether the Commission wished to postpone the item or reject. Mr. Christ noted the deficiencies identified throughout the public hearings and recommended to that the Commission direct staff to research those deficiencies and propose a

recommendation for the future should they wish to allow B-3 as a Special Use. Discussion ensued amongst the Commissioners with regard to the information they would need or wish to obtain to move forward with voting. A general consensus was reached identifying general standards are in place within the Code that would provide the Commission a basis to reject inadequate applications in the future.

Motion carried unanimously.

5. Review upcoming meetings

The next regularly scheduled meeting will be on December 10th.

6. Other Discussion

Commissioner Wetzel stated he would not be present at the December 10 meeting, due to a hip replacement. There being no further business, the meeting adjourned at 5:42p.m.

Respectfully submitted,

Anamaria M. Vera, Administrative Secretary