

PLAN COMMISSION MINUTES

Wednesday, January 28, 2014

Present: Cindy Wermuth (Chairman), Bill Fitzsimmons (Vice Chairman), Dennis Kelly, Pete McDermott, Mike Crotty, Mike Wendt, Jeff Nelson, John Wetzel

Absent: Dan McConaghy, Matt Puck, Butch Trevor

Staff: Shawn Christ, Alan Sabat, Anamaria Vera

Others: Kirk Bishop, Duncan Associates

Chairman Wermuth called the meeting to order at 4:05 pm in the Moline City Council Chamber and opened the Public Hearing for PC 15-01.

1. PC 15-01: Public Hearing to consider an amendment to the Moline Code of Ordinances which would include an update to the standards of Chapter 29, "Subdivisions" and merger into Chapter 35, "Zoning and Land Development Code".

Shawn Christ swore in those persons present who intended to provide testimony and presented an amendment to the Moline Code of Ordinances which would include an update to the standards of Chapter 29, "Subdivisions" and merger into Chapter 35, "Zoning and Land Development Code". Mr. Christ noted that the process to update the subdivision Code began last year. A Steering Committee was formed to add input and partner with Duncan & Associates on the project. Mr. Christ also noted that the public notice for PC 15-01 was published in the Dispatch on January 10, 2015 and requested the Secretary enter the Memo with all attachments into the record. Mr. Christ noted that reprints of the subdivision Code update attachment to the agenda were provided and the copy mailed along with the agenda was incorrect.

Kirk Bishop with Duncan & Associates addressed the Commissioner mentioning that the Planning & Zoning Headquarters for Duncan & Associates is in Austin, TX, however, he works out of the Chicago office. Mr. Bishop began by stating he would take the Plan Commission on a "guided tour" of the changes made throughout the subdivision Code pointing out what the changes are, brief backgrounds on the reason for the change, and a page by page walk through on the key changes that he hoped to be recommended by the Commission and the City Council.

Mr. Bishop noted that when the City put out the Request for Proposals the City had identified a number of concerns and Commissioner Fitzsimmons and Commissioner Wetzel were helpful in assisting with identifying those concerns. Mr. Bishop noted that it had been nearly 25 years since any updates had been made to the subdivision Code, noting that as a result, there were inconsistencies between the Comprehensive Plan and the Code. Mr. Bishop stated that the process used to update the subdivision Code was the collection of data, identifying issues, creating draft regulations #1, creating revised regulations #2 and a hearing and adoption #3. Mr. Bishop highlighted that there was a lot of back and forth discussion to reach a final draft stating initially changes were proposed within Chapter 29, but later it was decided to move those changes into Chapter 35 and completely remove Chapter 29. If approved, Chapter 29 will be integrated into Chapter 35. Mr. Bishop noted there may be more opportunities in the future to further incorporate Chapter 29. Currently, only one new paragraph was added, "Infrastructures and Improvement Standards."

Mr. Bishop stated that currently, the subdivision Code extends outside of the corporate limits; therefore, language was added to make that clarification. Commissioner Nelson inquired as to whether a certain definition adheres to ADA Regulations. Commissioner Wetzel, whom was a part of the Steering Committee, noted that the definitions were generalized descriptions, rather than detailed specifications. Mr. Bishop noted that it was not the intent to note specifications within the definitions; rather clarification was made within the applicable Code and regulations.

Mr. Bishop continued with his highlights of the changes noting a table in Article II had been updated with regard to administrative duties. Also updated in Article II, is the review procedure for minor subdivisions at the staff level which has now authorized the Zoning Administrator the ability to approve plats, however, at the discretion of the Zoning Administrator may still be forwarded to the Plan Commission for review. As a result, the Zoning Administrator would also provide an annual update to the Plan Commission. Commissioner Wendt asked if there was a specification for sidewalks added to the update for situations where neighbors have not built sidewalks and a homeowner is “stuck” having to make the expense to have connectivity. Commissioner Wetzel noted such a circumstance would require a variance request. Commissioner Wendt acknowledged Commissioner Wetzel’s comment stating that he specifically meant a situation where a variance is in place, yet the neighbors fail to install a sidewalk. Mr. Christ clarified that the approval of a variance is temporary in nature and Council has the ability to retroactively request that the sidewalk be installed.

Mr. Bishop followed his presentation with major subdivisions, noting the changes within the Code would allow preliminary plats to be reviewed and recommended by staff and approved by Plan Commission, however, in the event the applicant requested a waiver or modification or submitted a preliminary plat that was inconsistent with the Comprehensive Plan, Plan Commission could move the request to Council. Improvement plans would require the applicant to work with the City on their plans with the final decision to be made by the City Engineer. Final subdivision plats in rare cases can be approved administratively where there are no dedications. Commissioner Kelly stated that the revised document given at the start of the meeting did not contain the same diagrams as in the version sent via mail. Mr. Bishop clarified that it was decided they did not belong in the Code and did not make it to the final draft presented at the start of the meeting. Mr. Bishop continued, noting that the process would be streamlined for subdivision plats.

Mr. Bishop stated that there were portions of the Code that failed to contain specific requirements for new developments; however, the updates now have included clarifications. Mr. Bishop noted there was also a provision added to prevent the City from being in a position where property owners “bail out” of unmaintained property. Commissioner Fitzsimmons added the prevention methods will extend to streets to ensure they are maintained. Mr. Bishop continued through several sections within the Code, pointing out the updates as highlighted in the final draft presented at the start of the meeting.

The Plan Commission discussed several concerns including collector streets, responsibility to provide access to homes built in areas without streets, expressed authority to require the installation of street lights, regulations for the vacation of a lot and what items a lot owner is allowed to tear up without being required to reinstall (e.g., can the City prevent sidewalk removal), among other topics related to the subdivision Code updates.

Commissioner Fitzsimmons noted that staff would also create a “How to Guide” in order to facilitate the process after the proposed updates have been incorporated. Mr. Christ acknowledged staff would in fact prepare the guide.

Further discussion ensued with regard to various topics of the subdivision Code update. Commissioner Wetzel noted that the procedure to update the subdivision Code was very much a team effort, noting that there were a lot of discussions and suggestions. Commissioner Fitzsimmons emphasized that the goal was to make it much easier to develop within the City and the only increased cost was within the changes in width of sidewalks from 4ft to 5ft. Commissioner Crotty stated that he recalled the struggles to initiate the updates dating back to his tenure on the City Council. Brief discussion continued and Mr. Bishop wrapped up his presentation. Mr. Christ stated that a final grammatical “clean-up” would take place prior to approval by Council if the Plan Commission recommended approval.

Staff recommended approval without any conditions.

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

2. Approval of Minutes – December 17, 2014

Commissioner Wetzel highlighted an error within the December 17, 2014 minutes, noting he was shown as having made a motion, however, he was absent from the meeting. It was determined the motion was in fact made by Commissioner McDermott.

Motion made by Commissioner Wendt; seconded by Commissioner Kelly, to approve the minutes for December 17, 2014 as amended. Motion carried unanimously.

3. Consideration

PC15-01

Motion made by Commissioner Wetzel, seconded by Commissioner Nelson, to recommend approval of an amendment to the Moline Code of Ordinances which would include an update to the standards of Chapter 29, “Subdivisions” and merger into Chapter 35, “Zoning and Land Development Code.

Motion carried unanimously.

4. Other Discussion

Mr. Christ noted an agenda item was not shown for the upcoming meetings, acknowledging there were no items for the February 11th and recommended the meeting be cancelled. Mr. Christ further noted that no applications had been received to date for the February 25th meeting either and the meeting may also need to be cancelled as the applications would not meet the four week deadline. Commissioner Wetzel thanked the Plan Commission for the get well card.

There being no further business, the meeting adjourned at 5:23p.m.

Respectfully submitted,

Anamaria M. Vera, Administrative Secretary