

PLAN COMMISSION MINUTES

Wednesday, April 8, 2015

Present: Cindy Wermuth (Chairman), Bill Fitzsimmons (Vice Chairman), Pete McDermott, Mike Crotty, Mike Wendt, John Wetzel, Dan McConaghy, Matt Puck

Absent: Butch Trevor, Jeff Nelson, Dennis Kelly

Staff: Shawn Christ, Jeff Anderson, Alan Sabat, Anamaria Vera

Others: Omar Bradley

Chairman Wermuth called the meeting to order at 4:05 pm in the Moline City Council Chamber and opened the Public Hearing for PC 15-03.

1. PC 15-03: Public Hearing to consider an application from Nordav Growth Partners, LLC to rezone Lots 10, 11, 12, and 13 of Southpark West from I-1 Light Industrial District to B-4 Highway/Intensive Business District.

Shawn Christ swore in those persons present who intended to provide testimony and presented an application from Nordav Growth Partners, LLC to rezone Lots 10, 11, 12 and 13 of Southpark West from I-1, Light Industrial District, to B-4, Highway/Intensive Business District. Mr. Christ also noted that the public notice for PC 15-03 was published in the Dispatch on March 24, 2015 and requested the Secretary enter the Memo with all attachments into the record. Mr. Christ displayed a zoning map highlighting the four properties in question, one of which is presently Town News. Mr. Christ indicated Town News is currently in the process of adding an addition to their building. Mr. Christ speculated the expansion of that business is what had triggered the application for the rezoning of that property along with its three adjacent Lots. Mr. Christ pointed out the neighboring businesses to the lots in question within the zoning map displayed during his presentation to show businesses inside and outside of the City limits.

Mr. Christ referenced the criteria to consider when taking into consideration a rezoning application. Mr. Christ indicated that he believed the area was assumed as a supported and planned industrial area but was unable to find any documentation to support that position, noting the area used to be zoned M-1 and at the time the zoning of M-1 carried into South Park Mall. Mr. Christ stated he believed I-1 may have carried over without review of a plan or without a specific plan for that area.

Commissioner Wendt inquired about the existing businesses and whether they were able to rebuild in case of a fire in the event of rezoning. Mr. Christ confirmed the existing businesses would in fact be able to rebuild. They would be grandfathered into the area as a non-conforming use. Mr. Christ noted the lots within the area are rather small and do not bear the capability of becoming a large scale industrial park. Mr. Christ indicated he believed the applicants request to rezone to B-4 is compatible with the surrounding area, noting he found no adverse affects if approved. Mr. Christ stated the lots are close to two arterial streets with all utilities available. Mr. Christ further stated he was unable to find the support he sought for an industrial park in the area within the 2001 Comprehensive Plan, or the 2004 North Rock River Corridor Plan.

Staff recommended approval.

Mr. Christ indicated that in addition to recommending approval of PC 15-03, staff also felt that an expansion of rezoning should take place in order to connect the lots up to the SouthPark Mall area.

Commissioner Wetzel clarified that the zoning of the area was not in error, stating the area was zoned I-1 prior to the 2001 Comprehensive Plan due to the City's partnership with a development group who stepped up to market the area with attempts to develop the area into an industrial park. After the 2001 Comprehensive Plan, it was acknowledged that the area was developing more commercially than industrially, therefore becoming a highly mixed use area. Commissioner Wetzel stated the Plan Commission at that time was aware the area would eventually develop mostly commercial.

Commissioner Fitzsimmons recalled being a part of the Plan Commission when the area was rezoned from M-1 to I-1. Commissioner Fitzsimmons asked how many businesses would convert to non-conforming use within the area in the event the rezoning was to be approved; noting offices are allowed within an I-1 district without going into any residential areas, with open access to I-280 which is a convenience to an I-1 zone. Commissioner Fitzsimmons asked whether anyone else recalled past discussions on the area. City Planner, Jeff Anderson recalled the area further west reflected a similar light industrial area that was envisioned for the area. Mr. Anderson recalled that a lot within the SouthPark Mall area was zoned industrial and liability became a concern which then opened up a lot of possibilities for the area. Commissioner Fitzsimmons commented that he hoped the area would not become a strand of storage units, but rather warehouses with attached offices that would create jobs. Commissioner Wetzel reiterated that the entire area was down-zoned; stating he wanted to ensure the Commission did what was most appropriate for the area if they moved forward with the present rezoning request. Commissioner Wetzel noted that the Commission was "setting a course and did not want to limit those who are there due to mass change."

Commissioner Wendt asked what the percentage of conforming and non-conforming businesses would be in the area if the rezoning was approved. Mr. Christ noted that all of the businesses would be allowed within the B-4 zoning district, stating that the businesses only beared closer setbacks than what is allowed within B-4. Mr. Christ stated that he has spent a lot of time reviewing the area noting there are larger buildings with large doors that give the area an industrial feel, however, going north, the area changes to smaller lots, with stores and changes to a commercial feel. Mr. Christ commented that the Commission did not "need to remove all of I-1, just yet."

Commissioner McConaghy asked what the story behind the single lot zoned O-1 to the west was. Mr. Anderson stated he believed the City accepted a gift for a potential right-of-way, however, after an environmental review of the lot, the City thought it best to retain the lot in the event of an expansion of the street. Commissioner Fitzsimmons stated he did not recall how the lot got to be zoned O-1. Mr. Anderson stated that the lot is essentially wetland and not developable, however, the City was concerned that with the neighboring salvage yard, the lot would be used in a manner not consistent with the City's plans and was therefore, zoned O-1 to "save" the lot for something else.

Commissioner Wetzel asked if the Hiland Toyota body shop would be allowed within B-4. Mr. Christ confirmed it would in fact be allowed. Commissioner McDermott asked whether there were any present business interests for the area. Mr. Christ was unaware of any current business interests but noted that at the time that the developers for a medical marijuana dispensary were looking for a location, the area had been considered. Commissioner Wetzel asked for clarification of the area's zoning prior to being zoned I-1. Mr. Christ stated that I-1 is actually much more restrictive and than the prior zoning of the area which was M-1, noting that M-1 allows for more businesses, including restaurants, whereas, with I-1, for example, restricts someone from going to the area to build a hair salon.

Commissioner Fitzsimmons asked what would happen to the area if the Commission agreed to extend the rezoning of the area outside of the present request, stating his recommendation would be for the

area along 46th to remain as-is. Chairman Wermuth stated the north side of 47th is also I-1. Mr. Christ stated he was reluctant to speak about the expansion of the rezoning during discussions about the present rezoning request.

Commissioner McConaghy asked whether the red line shown on a map during the presentation identified the corporate limits and asked what Mr. Christ's vision was for the area. Mr. Christ confirmed the red line was in fact the City's corporate limits and stated he believed the area to be consistent with the North Rock River Plan. Commissioner Wetzel provided Mr. Christ a copy of the North Rock River Plan for review. Upon review, Mr. Christ stated that the North Rock River Plan shows a commercial area along 52nd Avenue with a residential area northward toward John Deere Road. Commissioner McConaghy noted that if the area remained I-1 it would not create an issue by remaining as-is; however, B-4 was more consistent with SouthPark Mall and its surrounding area. Commissioner McConaghy asked if rezoned, "where would it leave I-1?" Commissioner Wetzel stated he acknowledged Mr. Christ's observations of the area noting he agreed B-4 was more compatible with the area.

Commissioner Wetzel stated that within the 2001 Comprehensive Plan, a drawing showed the area within a 100 year flood plain and asked how the new maps relate to that. Mr. Christ confirmed the area is still within a flood plain, stating the area is in the flood fringe which allows for development if the development is high enough, further explaining that east, the area is within a floodway, however, if the draft floodway maps are adopted, it widens the area and drops the flood heights.

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

2. Approval of Minutes – March 25, 2015

Motion made by Commissioner Fitzsimmons; seconded by Commissioner McConaghy, to approve the minutes for March 25, 2015 with an amendment. Motion carried unanimously.

3. Consideration

PC15-03

Motion made by Commissioner Wetzel, seconded by Commissioner McDermott, to recommend approval to rezone Lots 10, 11, 12, and 13 of Southpark West from I-1 Light Industrial District to B-4 Highway/Intensive Business District.

Motion carried unanimously.

4. Review upcoming meetings

The Commissioners wished to continue their discussion of the rezoning of the area prior to discussing the upcoming meetings.

5. Other Discussion

Commissioner Fitzsimmons stated he believed the Commission should explore staff's recommendation to expand the rezoning of the area, revisiting the discussion that related to the zoning of the O-1 lot. Commissioner Wendt stated it appeared as though "no one would consider developing on the lot" and believed a conservation zoning to be more fitting for the City's O-1 lot. Commissioner McConaghy stated

he believed the Commission should allow staff time to look into the lot to decipher what agreement, if any was made for use of that land.

Commissioner McDermott asked whether the existing businesses would be grandfathered into the rezoning. Mr. Christ confirmed the businesses would in fact be grandfathered in. Commissioner Wetzel stated that although he has concerns for the existing businesses, he recognized M-1 was more lenient when they first built which was followed by I-1 that is more limiting, yet he agreed that B-4 is more fitting.

Commissioner McConaghy stated he believed staff should do an analysis of the area to evaluate M-1, versus I-1, versus B-4, stating that the Commissioners may find that B-4 is in fact better for the area and also to the existing businesses. Commissioner McConaghy noted he believed the intent is to leave the area open for proper development to the west.

Commissioner Crotty noted that Sentry Pool does a lot of manufacturing and painting, indicating that the area where Sentry is located is more industrial than the rest of the area. Commissioner Fitzsimmons reiterated that industrial areas create more jobs and by rezoning, the Commission was limiting the amount of industrial areas within the City. Commissioner Wetzel restated that the 2001 Comprehensive Plan splits the area into mixed use while the 2004 North Rock River Plan keeps the residential area. Commissioner Fitzsimmons suggested that the Commission allow staff time to review the area and inform the Commission of their findings. Mr. Christ informed the Commission that since there is no business scheduled for the next upcoming meeting, he would continue his review of the area and plan to inform the Commission of his findings at the next scheduled meeting on April 22nd, stating that the area leading up to John Deere Road may also require a second look. Commissioner McDermott sought clarification as to whether the area Mr. Christ mentioned is the area known as Fruitland. Mr. Christ confirmed.

There being no further business, the meeting adjourned at 4:57 p.m.

Respectfully submitted,

Anamaria M. Vera, Administrative Secretary