

# City of Moline

# **PLAN COMMISSION**

Wednesday, February 28, 2018  
4:00 p.m.  
Council Chambers, 619 16<sup>th</sup> Street

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## **AGENDA**

1. Call to order
2. Approval of minutes from February 7, 2018
3. PC 18-01 – Public hearing and request from the City of Moline to amend the Zoning and Land Development Code to allow limited sales and services as a permitted use in ORT, B-1, NC, B-2, B-3 and B-4 Districts and as a special use in O-1 District; to modify the Purpose and Intent and the Defining Characteristics of the O-1 District;; and to remove in-vehicle sales and service land uses as a special use in the O-1 District and add as a special use in the B-1 District.
4. Other business
5. Review upcoming meetings
6. Public comment
7. Adjournment

*Any person with disabilities who wishes to attend the meeting who requires a special accommodation or any other person requiring a special accommodation in attending the meeting should notify Anamaria Vera, Department of Planning & Development, 524-2030.*

**STAFF REPORT**  
**Department of Planning and Development**  
**PC 18-01**  
February 22, 2018

**GENERAL INFORMATION**

Applicant/origin: City-initiated amendment

Requested Action: Approval of an amendment to the Zoning & Land Development Code, Chapter 35, to allow retail sales in the O-1 Office District

**BACKGROUND**

This amendment follows a request from Teachers' Aid representatives in September 2017 to build a new retail store in the 2900 block of 41<sup>st</sup> Street, an O-1 Office District. The attached zoning administrator's interpretation and decision includes additional information on the request which was ultimately denied by the zoning administrator.

At their November 7<sup>th</sup> meeting, the City Council voted to direct staff to work with the Plan Commission to review the zoning code to find ways to make it more flexible, in particular, to look at options such as special use permits in O-1 Districts and the possibility of retail.

The directive was first presented and possible options reviewed at the December 13<sup>th</sup> Plan Commission meeting. The discussion continued at the January 10<sup>th</sup> meeting where the commissioners considered a number of options and concerns with the amendment. Following the discussion the Commission voted to proceed with the following code amendments:

- Creation and addition of standards for a new land use called "Sales and Service, Limited" which would be a special use in O-1.
- Removal of "Sales and Service, In-Vehicle" land uses as a special use in O-1.

In addition to the above, staff took this opportunity to review the stated Purpose and Intent and also the Defining Characteristics of the O-1 District and proposes additional modifications to these sections so that the proposed changes do not conflict with the District's guiding principles. A redlined draft of the proposed amendments is attached.

**ANALYSIS / REVIEW CRITERIA (SEC. 35-2203)**

Section 35-2203(c) lists the approval criteria for zoning code amendments. Most of these criteria are specific to rezoning requests, however, the following criteria may be evaluated for this proposed text amendment:

1. Whether the existing text was in error at the time of adoption. The existing text was likely not in error at the time of adoption but deserves a reconsideration considering it has been 11 years since adoption and the City Council desires a review.

4. Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents, and requirements of the Zoning Code and other City regulations and guidelines. Staff found no clear guidance in the 2001 Comprehensive Plan to introduce retail land uses to the O-1 Office District, however, Business Development and Retention was stated as a critical issue and the Plan included several goals and objectives to address the issue. The proposed amendments are generally consistent with the goals and objectives.
  
7. Whether there is a need in the community for the proposal. Restaurant/retail attraction is a top priority of the City Council. It will increase the community's amenities and also boost declining sales tax revenue which is the primary funding source for capital improvements and municipal operations. Commercially-zoned areas such as the John Deere Road corridor are nearing full buildout and development of commercial areas south of the airport will not likely commence until the Illinois residential construction market improves. Site demolitions and redevelopment seem to be increasing. Introducing retail to the O-1 District should be done carefully to avoid an unbalanced commercial mix, changing the character of residential areas, and not hasten redevelopment of older commercial areas such as Avenue of the Cities. This amendment has been drafted to narrowly define allowable retail services to limit adverse impacts.

#### **STAFF RECOMMENDATION**

Staff supports the proposed amendment in its current or similar form. Language may be further modified to better address specific concerns. The Plan Commission's vote on this case is advisory to the City Council.

**ATTACHMENTS** Redlined draft amendment; zoning interpretation and decision

## ZONING AND LAND DEVELOPMENT

### SEC. 35-3302. LAND USE REQUIREMENTS.

Land use regulations for all Non-Residential / Resource Districts are provided in Division 4 of this Article.

### SEC. 35-3303. OFFICE DISTRICTS.

The Office Districts (O-1 and ORT) are established to provide sufficient areas for office and/or research uses consistent with goals and objectives of the adopted Moline Comprehensive Plan.

### SEC. 35-3304. “O-1” OFFICE DISTRICTS.

(a) **PURPOSE AND INTENT.** The O-1 District is intended to provide areas for office, institutional and residential uses consistent with the Mixed Use, Office, Commercial and Business Park Overlay Future Land Use Categories of the adopted Moline Comprehensive Plan. In special or unique circumstances the O-1 District may also accommodate personal or small business services where consistent with the defining characteristics of the District. The District standards have been crafted, and are intended to be implemented, so that redevelopment and new development projects preserve and enhance the defining characteristics of the District.

(b) **DEFINING CHARACTERISTICS.** The O-1 District in Moline is primarily characterized by professional office, institutional and residential uses housed in smaller buildings (20,000 square feet or less) with low building heights (30 feet or less) and low lot coverages (50% or less). The District may also include secondary business establishments with accessory or specialty retail sales on a limited basis where the development focus is more on design rather than use to ensure compatibility with the surrounding development. Some developments within the District have two or more buildings/lots arranged in a campus-type setting, while others entail single buildings on single lots lined up along prominent collector and minor arterial roads that bi-sect residential areas. Accordingly, the District can serve as a transition between residential development and higher traffic roadways or, in some instances, more intensive non-residential development. All parking needs are provided on-site. Off-site impacts from traffic generation, noise, odors lights and vibrations are minimal in this District. Site layouts and building orientations are designed to achieve compatibility with the adjoining residential districts, while also providing appropriate screening and buffering from the adjoining, more intensive non-residential development. Where areas in the District adjoin deep ravines or other natural features, lot sizes are larger than the minimums specified for the District as a whole or buildings and improvements clustered in order to protect these natural features and resources in accordance with Article IV of this Code. This District is mapped in areas that have adequate public facilities and services with capacity to serve the existing and projected impacts and needs of development of this magnitude.

(c) **BULK STANDARDS.** Tables 35-3301.1. and 35-3301.2. list bulk standards for principal and accessory structures.

(1) **Residential Uses.** For all principle residential uses, the R-6 District bulk standards shall apply (see Table 35-3201.1.).

(d) **LAND USE REGULATIONS.** Division 4 of this Article provides all land use regulations for this District.

(e) **SITE DEVELOPMENT STANDARDS.** Article IV of this Code provides site development standards applicable to development within this District.

(f) **SITE IMPROVEMENT AND PERFORMANCE STANDARDS.** Article V, Divisions 1 through 4, of this Code provides site improvement and performance standards applicable to development within this District. All land uses in this district, except one- and two-family dwellings shall, in addition to Division 1 through 4, comply with the quality building and site design and materials standards contained in Division 5 of Article V.

### SEC. 35-3305. “ORT” OFFICE/RESEARCH PARK AND TECHNOLOGY DISTRICT.

MOLINE CODE OF ORDINANCES

														Type of Land Use	
Conservation (C-2)	General Agricultural (AG-2)	One-Family Residential (R-2)	One-Six Family Residential (R-4)	Multi-Family Residential (R-6)	Office District (O-1)	Office/Research Park (ORT)	Neighborhood Business (B-1)	Neighborhood Center (NC)	Central Business (B-2)	Community Business (B-3)	Highway/Intensive Business (B-4)	Light Industrial (I-1)	General Industrial (I-2)		
															<b>Principal Commercial Land Uses (Sec. 35-3408)</b>
					P	P	P	P	P	P	P	P	P		(a) Office
					P	P	P	P	P	P	P				(b) Personal or Professional Service, Limited
						P	P	P	P	P	P				(c) Sales and Service, General
								S	P	P	P				(d) Sales and Service, Intensive
					S	S	S	S	S	P	P				(e) Sales and Service, In-Vehicle
										P	P				(f) Sales and Service, Outdoor Display
						S	P	P	P	P	P				(g) Restaurant
						P			P	P	P				(h) Lodging
								P	P	P	P				(i) Entertainment, Indoor
S											S	S	S		(j) Entertainment, Outdoor
												P	P		(k) Entertainment, Adult
								S	S	S	P	P	P		(l) Vehicle Repair and Maintenance, Minor
											P	P	P		(m) Vehicle Repair and Maintenance, Major
P	P									S	P	S	S		(n) Animal Boarding Services
											P				(o) Sales and Service, Cannabis Dispensing
					S	P	P	P	P	P	P				<b>(p) Sales and Service, Limited</b>
															<b>Principal Transportation &amp; Utility Land Uses (Sec. 35-3409)</b>
	S												S		(a) Airport/Heliport
S	S	S	S	S	S	S	S	S	P	P	P	P	P		(b) Parking, Offsite
											P	P	P		(c) Terminal, Freight
S	S	S	S	S	S	S	S	S	P	P	P	P	P		(d) Terminal, Passenger
P	P	P	P	P	P	P	P	P	P	P	P	P	P		(e) Public Services and Utilities, Distribution
P	P	S	S	S	S	S	S	S	S	S	S	S	P		(f) Public Services and Utilities, Transmission
P= Permitted Use                      S= Special Use                      I= Infill Residential Development (see Sec. 35-3211)															
For Group Developments, see Sec. 35.3419															

## MOLINE CODE OF ORDINANCES

- a. Auto repair, minor.

(m) **VEHICLE REPAIR AND MAINTENANCE, MAJOR.** Description: Major vehicle repair and maintenance services include land uses which perform general repair, rebuilding or reconditioning of engines of any type for motor vehicles, trucks, buses, or trailers. Also includes collision service, including body work, frame or fender straightening or repair, overall painting of motor vehicles, trucks, or trailers, and painting booths.

(1) **Regulations:**

- a. Storage of abandoned vehicles is prohibited.  
b. Facility shall provide a Type D bufferyard along all property borders abutting residentially zoned property (Sec. 35-5207).

(2) **Uses similar from ILOCUZC:**

- a. Auto repair, major with outdoor storage.

(n) **ANIMAL BOARDING SERVICES.** Description: Commercial animal boarding facility land uses include land uses which provide short-term and/or long-term boarding for animals. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration.

(1) **Regulations:**

- a. Each animal shall be provided with an indoor containment area.  
b. The minimum permitted size of horse or similar animal stall shall be 100 square feet.  
c. Special events such as shows, exhibitions, and contests may be permitted as a temporary use as per Sec. 35-3418(f).

(2) **Uses similar from ILOCUZC:**

- a. Kennels.

(o) **SALES AND SERVICE, CANNABIS DISPENSING.** Description: In accordance with the Illinois Compassionate Use of Medical Cannabis Pilot Program Act of 410 ILCS 130/1, and subsequent amendments, a Sales and Service, Cannabis Dispensing land use is any state-registered dispensing organization which acquires medical cannabis from registered cultivation centers for the purpose of dispensing medical cannabis products to registered qualifying patients.

(1) Regulations:

- a. Must be in full compliance with all applicable state statutes and regulations.

**(p) SALES AND SERVICE, LIMITED.** Description: Limited sales and service land uses include boutiques and small business establishments providing finite retail services or specialty retailing which serve particular needs of the community as opposed to general needs of the region. Such uses may also offer training and repair, customization, or related services for products sold and generally serve professionals, hobbyists, specialists, and devotee clientele. Such uses are exclusively indoors and may not display products outside of an enclosed building. Impacts from such uses (noise, vibration, odors) shall not be detectable outside the building/tenant area in which they are located. In addition, such uses do not include those that offer entertainment services nor those that sell alcohol, tobacco, prescription drugs, firearms, hazardous materials, animals or pets, furniture, large appliances, hardware, power tools, building materials, contractor equipment, machinery, vehicles, or similar products. Examples of such land uses include

## ZONING AND LAND DEVELOPMENT

clothing or jewelry shops, card shops, comics or book stores, art or teaching supply stores, candy or coffee stores, small food markets or cafés, cooking or kitchen suppliers, beauty or grooming suppliers, and related land uses.

(1) Regulations:

- a. Indoor retail sales and product display shall not exceed 5,000 square feet in total floor area;
- b. Shall be located with primary vehicle access on a collector or arterial street;
- c. All structures shall be located a minimum of 50 feet from any residentially zoned property.
- d. Facility shall provide a Type C bufferyard along all borders of the property abutting residentially-zoned property.

(Ord. No. 3024-2014; Sec. 35-3408(o) enacted; 10/21/14)

### **SEC. 35-3409. PRINCIPAL TRANSPORTATION AND UTILITY LAND USES.**

(a) **AIRPORT/HELIPORT.** Description: Airports and heliports are transportation facilities providing takeoff, landing, servicing, storage and other services to any type of air transportation. The operation of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment, but excepting model aircraft) within the jurisdiction of this Code shall occur only in conjunction with an approved airport or heliport.

(1) **Regulations:**

- a. All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
- b. Facility shall provide a Type D bufferyard along all borders of the property not otherwise completely screened from activity areas by buildings or structures (see Sec. 35-5207).

(2) **Uses similar from ILQCUZC:**

- a. Aircraft hangers/tie-downs;
- b. Airstrips/runways and heliports;
- c. Aviation facilities (private and public).

(b) **PARKING, OFFSITE.** Description: Off-site parking lots are any areas used for the temporary parking of vehicles which are fully registered, licensed and operative. (See also Sec. 35-5100 for additional parking regulations.)

(1) **Regulations:**

- a. Access to an off-site parking lot shall only be permitted from a collector or arterial street.
- b. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

(2) **Uses similar from ILQCUZC:**

- a. Commercial parking lot;
- b. Garage (public);
- c. Parking lots (public and private).

(c) **TERMINAL, FREIGHT.** Description: Freight terminals are defined as land and buildings representing either end of one or more truck carrier line(s) which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses and always requiring trans-shipment. Also includes distribution centers, which are facilities oriented to the short-term indoor storage and possible repackaging and