

**PLAN COMMISSION  
MINUTES**

Wednesday, February 7, 2018

**Present:** Bill Fitzsimmons (Vice Chairman), Cindy Wermuth, John Wetzel, Craig Mack, Mike Crotty, Alan Hon, Peter McDermott

**Absent:** Butch Trevor (Chairman), Matt Puck, Dennis Kelly, Jeff Nelson

**Staff:** Shawn Christ, Ray Forsythe

**Others:** H. Werner Paulsen, Andrew Paulsen, Mike Wendt

1. **Call to Order.** Vice Chairman Fitzsimmons called the meeting to order at 4:00 pm.

2. **Reading and approval of Minutes – January 24, 2018.**

Commissioner Wetzel requested two amendments to the minutes. Page two, fourth paragraph, line 6 should be corrected as follows: *“may not be in compliance with ~~height~~ lighting standards for a state highway...”*. And page 3, paragraph 3, line 1 should be corrected as follows: *“Motion made by Commissioner Wetzel; seconded by Commissioner Fitzsimmons, to ~~approve~~ recommend approval to the City Council a request from Shawn Larson...”*.

**Motion by Wetzel; seconded by Crotty, to approve the minutes as amended for January 24, 2018. Motion carried unanimously.**

3. **Public hearing PC 17-13 – Public hearing and request from Andrew Werner Paulsen for approval of a rezoning from R-4 to B-3 on property located at 3760 [3720] 41<sup>st</sup> Street.**

Vice Chairman Fitzsimmons introduced the application for PC 17-13 and opened the public hearing. Land Development Manager Shawn Christ swore in those wishing to testify: applicant Andrew Paulsen and his grandfather H. Werner Paulsen.

Mr. Christ presented the staff report. He stated the address on the application form and county records is 3760 41<sup>st</sup> Street but is incorrect. 3720 41<sup>st</sup> Street appears to be the correct address for the subject property (tax parcel #0711383). Andrew Paulsen recently acquired the property from his grandfather, Werner Paulsen, and proposed a multi-story mix-use commercial/retail building on the property.

Mr. Christ displayed a zoning map and aerial image showing the site location, as well as multiple street views. There is residential zoning surrounding the site with a mix of single-family homes and multifamily apartments. There are businesses and B-3 zoning to the southwest closer to 38<sup>th</sup> Avenue. Mr. Christ pointed out the extent of the nearby B-3 zoning and O-1 office zoning. The site is vacant but wooded and steep. There is gully drainage way along the property’s frontage and a 40-foot rise in elevation from the gully to the rear property line.

Mr. Christ stated staff is obligated to analyze the rezoning criteria and adopted future land use plans for its recommendation. He reviewed the approval criteria at Sec. 35-2203(c). He stated the R-4 zoning

designation appears to be correct at the time of adoption. The North Rock River Corridor plan is Moline's commercial corridor plan for John Deere Road and the nearby intersections of 41<sup>st</sup> Street but the plan does not include this property. The 2001 Comprehensive Plan recommends medium density residential land use on the property. There have been no notable changes of character in the area and the proposed rezoning appears to be incompatible with the surrounding area. The site is located in front of Pine Ridge Apartments. The nearby businesses are not contiguous and there is no guidance in the city's plans to expand commercial zoning northward into the adjoining neighborhood. There is an adequate supply of commercially-zoned property in Moline. Singling out this parcel of land for a specific use which differs from the surrounding area and inconsistent with the comprehensive plan is a poor approach to zoning land, often considered spot zoning and subject to challenge in the courts.

The site is located in the Blackhawk Planning District as identified in the Comprehensive Plan. 41<sup>st</sup> Street is a minor arterial and the Plan states it is not recommended that new commercial or business areas in the district be established, but that existing business areas be supported and maintained. As some of the business sites become functionally obsolete, consideration should be given to higher density residential development. A strategy to address housing and neighborhood stabilization in the district is to encourage development of high-end higher density residential rentals and condominiums. A strategy to address the goal of business development and retention is to provide for high-quality design of office and residential uses for the corridor from 23<sup>rd</sup> Avenue (now Avenue of the Cities) to John Deere Road.

Due to staff's findings of inconsistency with applicable review criteria and the Comprehensive Plan, staff recommends denial of the request to rezone the subject property from R-4 to B-3.

A commissioner asked about site development constraints. Mr. Christ responded Moline has natural resource protection standards which would apply to the drainage way, steep slopes, and woodlands on the property. There will be limitations on the land area that can be disturbed by development.

Vice Chairman Fitzsimmons invited the petitioners to speak. H. Werner Paulsen, 1809 27<sup>th</sup> Avenue Place, stated he has been a building contractor since the 1960s and the property now belongs to his grandson Andrew. They are looking for light commercial on the property.

Andrew Paulsen (address not provided) said they will have approximately 12 commercial spaces around the first floor, and upper level apartments on the property. Mr. Paulsen stated there is B-3 zoning past 38<sup>th</sup> Avenue and kiddy-corner from the property. They would be nice apartments, 20 units up on top, and they will see how much space they have. Mr. Paulsen stated they can't see that this isn't a commercial area. Trinity clinic employees need living space, maybe a Barrel House [restaurant] there, the property is zoned for 14 units and they want to bring apartments and jobs to town.

H. Werner Paulsen stated the only entrance to Pine Ridge is to the north. Andrew Paulsen stated heir architect designed the Crescent Lofts and the money is there. It will be named H.W. Plaza.

Vice Chairman Fitzsimmons invited anyone else in the audience to speak. Mike Wendt, 3400 14<sup>th</sup> Street and Ward 3 Alderman, approached the podium. Mr. Fitzsimmons asked Mr. Christ to swear-in Mr. Wendt and the oath was performed. Mr. Wendt said he spoke with Mr. Christ and other aldermen regarding the application. As for the exact zoning or PUD he can't speak to that, but the makeup and character of 41<sup>st</sup> Street is changing, and on John Deere Road there is new development. This seems like a logical decision to increase the tax base. Alderman input is favorable. Mr. Wendt stated he wants developers to know we are looking for ways to say yes. We have to be flexible and evolve.

Commissioner Wermuth asked Mr. Wendt, as a resident of Moline, if he truly feels this will not increase congestion. Mr. Wendt responded the plan says 41<sup>st</sup> Street isn't a major arterial. The entry to the apartments and assisted living facility seems to be the buffer to the residential area. This is a right-in, right-out development. The adjoining single-family home is nonconforming and probably shouldn't be there. Mr. Wendt referred to the "we don't spot zone game" and stated we are looking at it backwards with a plan that is wrong. Traffic can be addressed through engineering design. Interest is to make 41<sup>st</sup> Street as much of an arterial as we can. Are first floor amenities bad? We should make it mixed use.

Commissioner Crotty stated the home has been there a long time. Commissioner McDermott asked about the development layout. Andrew Paulsen stated they are working on it. The building will be 3 stories tall with a nice modern look, hardi-board siding, mimicking examples in Nashville. There will be 20 loft units and 12 commercial units on the bottom depending on code allowance. Parking may be built into the hill with parking in back. This will bring jobs and they are passionate about the community. The street level will be level with the first floor. The 3 stories will include a rooftop lounge. They have a good shot at a Barrel House restaurant, maybe a Jimmy John's, anyone who will pay rent on time. Apartments will have granite countertops, stainless appliances, and upgraded trim.

Commissioner Wetzel asked about permitted commercial uses in B-3. Mr. Christ read through the list of land uses at Table 35-3401.1. Mr. McDermott said schematics would help, this seems dense. One of the commissioners stated this is different because this is not a planned unit development so plans were not provided.

With no further public comment the public hearing was closed.

Commissioner Mack stated he was having trouble with parking and drainage, there is no on-street parking. Mr. Wetzel stated commissioners should be careful to base the discussion on the request for B-3 zoning and not the individual project stated today. If approved the project will have to meet code standards and it may be worse than R-4 and the number of units presently allowed.

**Motion by McDermott, seconded by Hon, to recommend to the City Council approval of the request to rezone 3760 [3720] 41<sup>st</sup> Street (tax parcel #0711383) from R-4 to B-3. Motion carried 5-1 with Commissioner Wetzel voting nay.**

**4. Other Business.** There was no other business.

**5. Review of upcoming meetings**

Mr. Christ stated the February 14 meeting will be cancelled. The Commission will reconvene February 28 to consider a zoning code amendment for limited retail sales and service in the O-1 district. Mr. Fitzsimmons asked if this will be discussion or a public hearing. Mr. Christ responded it will be a hearing.

**6. Public Comment.** There was no other public comment.

**7. Adjournment.** There being no further business, the meeting adjourned at 5:04 p.m.

Respectfully submitted,  
Shawn Christ, Land Development Manager