

City of Moline

PLAN COMMISSION

Wednesday, February 27, 2019
4:00 p.m.
Council Chambers, 619 16th Street

AGENDA

1. Call to order
2. Introduction of new Land Development Manager – Ryan Berger
3. Approval of minutes
4. New Business
 - a. Solar Panel code discussion
5. Old Business
 - a. Residential Accessory Building – Site & Coverage Limits
 - b. Landscape Dowry
 - c. Building Height
 - d. Fences
 - e. Nonconforming Uses
6. Public comment
7. Adjourn

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 Ryan Berger, Department of Planning & Development, 524-2030.

PLAN COMMISSION MINUTES

Wednesday, January 23, 2019

Present: Bill Fitzsimmons (Chairman), Mike Crotty, Alan Hon, Dennis Kelly, Craig Mack, Pete McDermott, Butch Trevor, Cindy Wermuth

Absent: Jeff Nelson (Vice Chairman), Matt Puck, John Wetzel

Staff: Chris Mathias, Jeff Anderson

Others: Dick Potter, Brett Fetter, Alex Elias

1. Call to Order

Chairman Fitzsimmons called the meeting to order at 4:00 p.m.

Those present with an expressed intent to testify as part of a public hearing were sworn in by Mr. Mathias.

2. Approval of the Minutes – December 12, 2018

Commissioner Trevor made a motion to approve the minutes for the December 12, 2018 meeting. Commissioner Mack seconded the motion and the minutes were unanimously approved.

3. New Business

- a. **PC 19-01 – Public Hearing and request from Adirondack RE, LLC for a variance to the Sign Code at Chapter 3, Sec.3-2105, Table 3-2105.2, to allow installation of a freestanding sign that is setback zero (0) feet from the front property line, five (5) feet closer than allowed at 4300 12th Avenue.**

Mr. Mathias stated that the public hearing notice had been published in the Dispatch and was included within the case file along with the agenda and staff report. Mr. Mathias referred the Plan Commission to the staff report and reviewed the applicant's specific request, Sign Code requirements, location, site characteristics, and zoning designation. Plan Commissioners had several questions pertaining to the location of the proposed sign and its relationship to the 12th Avenue right-of-way. Mr. Mathias referred the Commissioners to the site plans and sign graphics within the agenda packet. Mr. Brett Fetter spoke on behalf of the request and stated that the property's ownership entity is interested in enhancing the property's appearance, which includes the proposed new sign. Commissioner Crotty asked if the old sign would be removed. Mr. Fetter responded that the old sign would be removed.

Commissioner McDermott motioned to approve the requested variance for the proposed sign. The motion was seconded by Commissioner Wermuth and the motion was unanimously approved.

- b. PC 19-02 - Public hearing and request from Shawn Larson, Big Dog Construction Co. Inc. for approval of a Special Use Permit for an In-Vehicle/Drive-Thru Use (Drive-thru coffee/smoothie shop) at 1806 15th Street Place.**

Mr. Mathias stated that the public hearing notice had been published in the Dispatch and was included within the case file along with the agenda and staff report. Mr. Mathias referred the Plan Commission to the staff report for specific details related to the request. Mr. Mathias stated that staff is still working with the applicant to revise the site plan in order to comply with City development criteria.

Commissioner Trevor motioned to continue the public hearing to the Plan Commission's regularly scheduled meeting to be held February 13th, 2019 at 4:00 p.m. in the City Council Chamber at Moline City Hall. The motion was seconded by Commissioner McDermott and unanimously approved.

- c. PC 19-03 - Public hearing to consider a request to amend Section 35-3108 of the City of Moline Code of Ordinances to allow for exceptions to the required front yard setback.**

Mr. Mathias stated that the public hearing notice had been published in the Dispatch and was included within the case file along with the agenda and staff report. Mr. Mathias reviewed the proposed Zoning Code text amendment language as well as the Plan Commission's discussion on the proposal from their previous meeting. Mr. Mathias shared a PowerPoint slide titled: "Exceptions for Required Front Setback When Established Setbacks are Less," which contained the aforementioned text amendment language and is attached to these Plan Commission minutes. Commissioner Wermuth affirmed that the proposed text amendment language presented by Mr. Mathias met the Plan Commission's intent.

Commissioner Wermuth motioned to approve the text amendment language as presented by Mr. Mathias. The motion was seconded by Commissioner Trevor and unanimously approved.

- d. PC 19-04 - Public hearing to consider a request to amend Sections 35-3401, 35-3419, and 35-5100 of the City of Moline Code of Ordinances in order to require the approval of PC 19-04 a Special Use Permit for the development of new or improvement of existing off-street parking within the B-2 (Central Business District) Zoning District.**

Mr. Anderson stated that the public hearing notice had been published in the Dispatch and was included within the case file along with the agenda, which included a memo from staff that summarized the background of the proposed text amendment and the amendment itself. As part of the preceding statement, Mr. Anderson indicated that the proposed amendment originated with the City Council at their December 18th, 2018 meeting. Mr. Anderson explained that in light of the City Council's direction, staff elected to recommend that Sec. 35-3419 "GROUP DEVELOPMENTS," be amended to include the new language, whereby, new parking areas in the B-2 (Downtown) Business District would be considered a "Group Development" and require the approval of a Special Use Permit by the Plan Commission in order to authorize the parking area development activity. Mr. Anderson then reviewed the specific line by line changes to the Zoning Code. Mr. Anderson acknowledged that the City Council referred to the "Purpose and Intent" and "Defining Characteristics" sections of the B-2 Zoning District in regards to promoting the downtown as a high density, compact, pedestrian oriented area where most parking needs are met on-street or in public lots with some additional parking provided in the rear of the buildings or in structures.

Dick Potter addressed the Commission and spoke in favor of the proposed amendment citing the need to maintain an urban feel in the downtown. Mr. Potter added that it would be desirable to encourage shared parking when possible.

Alex Elias, Executive Director and CEO of Renew Moline, questioned several details of the proposed amendment and expressed concerns that the proposal may be at odds with the City's goal of being developer-friendly.

There was further discussion by the Commission in regards to what was the level of urgency for approval of the item and whether the proposal would benefit from further review and discussion. Commissioner Wermuth stated that she trusted staff's recommendation. Commissioner Crotty suggested that it may be a good idea to further consider the concerns noted by Ms. Elias of Renew Moline. Consequently, Commissioner Crotty questioned whether the item should be tabled to allow further analysis and refinement of the proposal. Ms. Elias stated that she would be available for any assistance that she and Renew Moline could provide.

Commissioner Crotty motioned to recommend approval of the proposed amendment to the City Council. The motion was seconded by Commissioner Kelly and unanimously approved.

4. Other Business

Zoning Code Update: Major Accessory Structure discussion

Mr. Mathias reviewed the information that staff had previously provided to the Commission on regulating the number and size of residential accessory structures. Mr. Mathias discussed staff's opinion that there should be a relationship between the size of the lot and the number and size of accessory structures allowed. Mr. Mathias referred the Commission to the Zoning Code Update PowerPoint presentation slide specific to the Major Accessory Structure item. Please see the attached PowerPoint presentation and the slides titled: "Residential Accessory Building – Existing Size Limitation." There was general discussion by the Commissioners on the topic, which concluded with a request for staff to move the item forward for a public hearing at a subsequent meeting of the Plan Commission.

5. Upcoming Business

Mr. Mathias stated that staff is still working with the applicant on his submittal for PC19-02 and will hopefully have a sufficiently finalized proposal to bring back for the Commission's next meeting. Mr. Mathias acknowledged that a proposed Zoning Code text amendment related to the regulation of residential accessory structures should be on the next meeting's agenda as well.

6. Public Comment

Commissioner Fitzsimmons stated that he would not be available for the next regularly scheduled meeting of the Plan Commission and that Vice Chairman Nelson should be contacted to determine his availability to Chair the meeting.

7. Adjourn

Being no further business the meeting was adjourned.

Respectfully submitted,

Jeff Anderson, AICP, City Planner
Recording Secretary Pro Tem

MEMORANDUM

TO: Plan Commission
FROM: Ryan Berger, AICP
SUBJECT: February 22, 2019 Plan Commission meeting
DATE: February 27, 2019

Previous Planning Commission Items in Process:

1. Special Use Permit for Parking Lots in B-2 First Reading at City Council meeting 2/26/19
2. Front Yard Setback Exception at the Committee of the Whole meeting 2/26/19.
3. Special Use Permit for an In-Vehicle / Drive-Thru Use at 1806 15th Street Place (waiting on final submissions)

The Plan Commission will meet February 27th for the following:

NEW BUSINESS:

Solar Panels:

Currently the code requires the screening of solar panels that face public ROW. Staff received two building permit applications from Moxiesolar. One located at 1409 6th Avenue. The current code requires a special use permit (\$650) for this because it's located in a historic district. The property is not a local landmark.

Another is located at 600 35th Avenue and is located within an office district. Past practice has required the property owner to change the color of their roof to black (significant added cost) and then place the solar panels on top of the black shingle in order to hide them.

- Should solar panels be permitted by right in all districts with no screening required like Davenport's new zoning code?*
- Should screening requirements be removed for non-residential districts?*
- Should special use requirements in the downtown historic district be removed?*
- Should special use requirements for only historic landmarked properties be retained?*

Staff recommendation: The Planning Commission should explore new solutions to how solar panels are regulated to encourage this type of development.

OLD BUSINESS:

Residential Accessory Building – Site & Coverage Limits:

Previous Planning Commission Memo:

At the December Plan Commission meeting, Staff presented many different options on how to limit Accessory Building Size and yard coverage and Staff has continued to research the issue since. At that meeting the Plan Commission identified that:

- 1) A special use process could be created to deal with unique residential lots
- 2) There could be a sliding scale in place for larger lots (lot size vs. lot coverage %)

Staff's recommendation is as follows:

- 1) Major accessory structure coverage should remain limited by size of the principal structure and 30% of the rear yard, whichever is less.
- 2) The number of major accessory structures on a lot should be limited to two.
- 3) Exceptions to 1 and 2 could be allowed with a special use, on unique lots where large lot size and small principal structure coverage are considered.
- 4) Additional Staff recommendation: Connecting the principal structure and accessory structure with a breezeway should not allow an exception from bulk standards. The garage would have to be an addition to the principal structure (as defined by the Building Code) to be considered part of the principal structure and be regulated under principal structure bulk standards.

Does the Planning Commission want the staff recommendations to move forward with a Public Hearing at the March 27th Planning Commission meeting?

Landscape Dowry:

Previous Planning Commission Memo:

Step 1. Staff and the applicant would meet to discuss the requirements of the Code. If the discussion results in an impasse, then move to step 2;

Step 2. The City would have a plan with a list of potential landscaping projects that could be considered as alternatives. Staff would review the plan and list for a suitable location and project;

Step 3. The applicant would provide a dowry payment and the City would direct payment to one of the bonafide projects listed within the plan.

When can the zoning committee meet for discussion?

Has there been issues with developers not meeting the landscaping code?

Could issues be solved by applying other parts of the code?

Variances are always an option.

Building Height:

Previous Planning Commission Memo:

All three Codes use similar upper reference points on the roof to determine building height. For a flat roof, this is the tallest point of the roof. Moline and Bettendorf measure to the highest point of the coping or parapet wall while Davenport measures just to the flat roof itself. In all three Codes, a mansard roof is measured to the deck line and a gable roof is measured to the average height of the highest gable. The Moline ordinance has a different lower reference point that is more complicated to calculate and involves checking the elevation within a five-foot horizontal distance from the exterior wall. Davenport and Bettendorf simply use the grade at the exterior wall or the grade at the front lot line for a lower reference point. The Davenport ordinance includes many illustrations throughout the Code that help to explain requirements such as this. From a Staff standpoint, Building height has not been an issue. It's easily understood by residents and contractors and our height limitation has not prevented large garages from being constructed.

Does the Planning Commission want to just use the grade at the exterior wall or the grade at the front lot line for a lower reference point and add illustrations to the zoning code?

Fences:

Previous Planning Commission Memo:

All three Cities allow front yard fences in some form. For the City of Moline, fences in the front 25 feet (required front setback) are limited to a height of 42 inches. In residential areas, chain link (wire fences) fences in the front yard must be screened from view from adjoining properties, streets, and right-of-ways with landscaping. Davenport allows solid front yard fences to 48 inches and open front yard fences to 72 inches. Bettendorf limits all front yard fences to 48 inches and has similar requirements to the other two communities for fences located outside of the front yard, however Bettendorf does have additional requirements for fences located in the rear yard of a through-lot that is adjacent to a major thoroughfare. In these cases, the fence is limited to four feet in height within the ten feet adjacent to that rear property line and one evergreen tree shall be planted for every 25 linear feet of fence located within 15 feet of the right of way. *Please see attachment ex. "2" for the Davenport Code illustrations on this issue.*

Does the Planning Commission want to keep the regulations related to fences the same but add illustrations?

Nonconforming Uses:

Previous Planning Commission Memo:

While the City of Moline currently has a provision for residential non-conforming uses to be rebuilt if damaged by more than 50% of the fair market value, there is no provision for a non-residential non-conforming use to do the same. In fact, there is no variance or appeal for this type of non-conforming use either. Davenport has the following provision for all non-conforming uses: "In the event that any structure that is devoted in whole or in part to a nonconforming use is structurally damaged or destroyed through no fault of the property owner or tenant, the nonconforming use may be re-established provided that no new nonconformities are created and the degree of the previous nonconformity is not increased.

Update: Currently working with the law department