

PLAN COMMISSION

MINUTES

Wednesday, May 27, 2020

Present: Bill Fitzsimmons, Jeff Nelson, Victoria Graves, John Wetzel, Craig Mack, Cindy Wermuth, Mike Crotty, Peter McDermott, Dennis Kelly

Absent: Butch Trevor, Ashley Pankey

Staff: Jeff Anderson, Chris Mathias

Others: Andrew Dasso, Ryan Wade, Jon Lohman, John Pieritz, Blake Zimmer, Jody Zimmer, Andy Burnett

1. Call to Order

Chairman Fitzsimmons called the meeting to order at 4:00 p.m. He gave an overview of the rules and conduct of the meeting. Commission meeting attendance was taken.

2. Approval of Minutes

Motion made by Commissioner Graves; seconded by Commissioner Crotty, to approve the minutes from May 13, 2020. Motion carried unanimously.

3. New Business

Chairman Fitzsimmons opened the Public Hearings.

a. Public Hearing – PC 20-03 request to rezone one parcel at 1152 13th Avenue from R-2 (One Family Residence District) to R-4 (One to Six Family Dwelling District).

Mr. Mathias stated PC 20-03 is a request from Quad City Investment Property Group, LLC to rezone one parcel at 1152 13th Avenue from R-2 One Family Residence District to R-4 One to Six Family Dwelling District. The property was purchased with the intent to turn it from a vacant single family residence to a duplex, however, the applicant later discovered a duplex was not permitted per zoning. The applicant did identify several other multi-family dwellings in the same neighborhood but the current zoning is correct and does not differ within 1,000 feet of 1152 13th Avenue. Mr. Mathias pointed out that this request would call for spot zoning where there have been constitutional issues associated with singling out one lot without a unique reason. Also, this request is not consistent with the Comprehensive Plan which called out the existing multi-family uses identifying the need to protect single family residential uses by downzoning the area. Staff's recommendation is denial of the rezoning.

John Pieritz of Quad City Investment Property Group, LLC addressed the Commission explaining that he and his partner, Jon Lohman, purchased the property earlier in the year seeing that there were other multi-family dwellings on the block and in the neighborhood. In talking with the previous Land Development Manager, they were under the impression there would not be an issue with the rezoning based on all the other multi-family units in the area, the size of the property and parking located in the front and in the garage in the back of the property. He

explained that construction was stopped once they found out that the property needed to be rezoned when they applied for the permits.

Jon Lohman of Quad City Investment Property Group, LLC addressed the Commission and added that they were asked by the banker and bank that foreclosed on this property to rehabilitate it. They purchased another property across the street last summer where they invested \$25,000 to rehabilitate it. They are motivated to create good homes for good families as they grew up in the area and only want to improve it. They plan on doing curb scaping and painting and they use certified contractors to do the work. The COVID-19 Pandemic happened which lengthened the time that the public hearing could take place. Now they are facing financing issues and stress creating a significant hardship. He stated that it seems unfair to not allow this multi-family dwelling when another is just across the street.

Commissioner Crotty stated that being a former Alderman of the 6th Ward he has seen a lot of homes that have been rundown and refurbished. He believes that Moline should be supportive of refurbishing homes such as this one as it makes a livable facility for families. He would like the Commission to consider rezoning this property.

The Commissioners discussed other duplexes in the area, lot sizing, the current garage in disrepair and amount of parking on the property

Blake Zimmer of 1144 13th Avenue stated he grew up in the neighborhood and understands that there are other multi-family units in the area. He appreciates the work and investment on this run down house but is concerned with additional midblock multi-family homes. He is opposed as his wife runs a daycare and traffic and parking are already issues in the area.

Jody Zimmer of 1144 13th Avenue stated she lives next door to the property and runs a daycare. There are already two daycares in the area and parents are already concerned for the safety of their children due to traffic and parking issues. She is glad the home is being fixed up but would like it to remain a single family home.

Andy Burnett of 1140 13th Avenue stated he lives two houses away. His main concern is parking as it is already an issue. This property is the only property that has a driveway that is off the front of property. It is unwelcome as all the other homes park in the alley behind. The two car garage in the back is also in disrepair, there are currently weeds growing and tall grass has always been an issue on the property. So far he does not have the greatest confidence in construction crew. Mr. Burnett pointed out that there are several multifamily homes in the area but not exactly on 13th Avenue. He is glad the home is being fixed up but is opposed to it being rezoned to multi-family.

Mr. Mathias read the phone and letter public comments submitted.

Lisa Lomascolo of 1145 14th Avenue received the letter but was unable to attend hearing. She does not mind the home as a single family dwelling but is against a multi-family dwelling as the area is already busy. She did acknowledge the home is an eyesore.

Judy Westerdahl of 1125 13th Avenue stated she is opposed to the rezoning. The property has always been residential and she would like it to stay that way. There are some rentals in the area already but parking is an issue and this would only make it more of an issue.

Commissioner Wetzel stated he understands the traffic concerns and the current duplexes facing 11th and 12th were built as duplexes. He remembers the Comprehensive Plan for that area had a lot of discussion on what to do in terms of current duplex uses and wanting to maintain single family properties. He reminded the Commission they need to remember they rezone for potential uses of property not to one specific use as that is spot zoning. They also need to remember by rezoning the property to R-4, it could be converted to a six family unit.

Motion made by Commissioner Wetzel; seconded by Commissioner Wermuth, to recommend to the City Council denial of PC 20-03 request to rezone one parcel at 1152 13th Avenue from R-2 (One Family Residence District) to R-4 (One to Six Family Dwelling District) due to spot zoning. Motion carried unanimously (6-0: ayes: Commissioners Crotty, Kelly, Graves, Nelson, Wermuth and Wetzel).

b. Public Hearing – PC 20-04 request to rezone the west 1.6 acres of 4101 John Deere Road from O-1 (Office District) to B-3 (Community Business District).

Mr. Mathias stated PC 20-04 is a request from Wade Investments LLC to rezone a portion of 4101 John Deere Road from O-1 Office District to B-3 Community Business District. That part of the site is 1.6 acres and will leave 3.2 acres as O-1 for the remaining corridor moving East. Currently, the surrounding land uses are a mix of big box commercial, neighborhood commercial and multi-family residential. The site fronts upon three public roads: 38th Avenue to the North, John Deere Road to the South and 41st Street to the West. An access agreement would be needed which would be processed as a "major subdivision." The Plan Commission will be presented the preliminary plat for approval if the rezoning request is approved. The final plat will be reviewed by the City Council. It is public information that Pancheros will be on the South side of the building and the North side will be another commercial tenant space that could be restaurant or retail. Mr. Mathias wanted to remind the Commission that the rezoning is what is being approved not the specific use stated. Anything that can occur in B-3 zoning can occur on this property. He also stated that O-1 was not a mistake and it was meant to be a buffer between John Deere Road and the residential neighborhood on the bluff. The approval criteria used for this request is based on the consistency with the Comprehensive Plan. Staff believes this lot would be similar to Panera across the street and there has been a change of character as current office spaces are not getting filled. The City engineers reviewed preliminary plans and did not find any concerns. There is a current need for more commercial and restaurants uses. Due to the fit of the approval criteria, Staff recommends approval of the rezoning request.

Andrew Dasso, Architect for Wade Investments' project stated the building is designed for Pancheros and the building will be an asset to the community.

Ryan Wade of Wade Investments wanted to share his excitement as this is his first property in Moline. This property is conducive to the market and only adds to that corner. He is confident they will meet City expectations.

The Commission discussed easement recording, location of easement, improvement plan for subdivision approval, existing entrances, traffic flow and City engineers' approval.

Motion made by Commissioner Wetzel; seconded by Commissioner Mack, to recommend approval to City Council of PC 20-04 request to rezone the west 1.6 acres of 4101 John Deere

Road from O-1 (Office District) to B-3 (Community Business District) based on thorough staff analysis and compliment to the location. Motion carried unanimously (8-0: ayes: Commissioners Crotty, Kelly, Graves, Mack, McDermott, Nelson, Wermuth and Wetzel).

c. Public Hearing – PC 20-05 Personal Storage Moratorium.

Mr. Mathias presented a PowerPoint on a Personal Storage Moratorium. Personal storage land use is more often known as mini storage or mini warehouses. It is currently permitted in B-4, I-1 and I-2 zoning districts. On March 17th, 2020, the City Council passed a motion asking staff to collaborate with the Plan Commission for a code amendment to tighten up Chapter 35 in regard to how it regulates storage units; including where they can and cannot be built, outdoor storage units, sheds and commercially stored areas. Mr. Mathias stated a shed for a business would be considered different than what this amendment is asking. The City Council is asking for a code moratorium until a code amendment can be made. Personal storage has brought up some questions on its proper zoning and lack of sales tax generation. The current code was not an error at the time as retail areas are now changing and storage is moving in. Staff recommends a six-month storage moratorium to begin as soon as possible. The six months gives staff time to research issues and come back to the Plan Commission with proposals to address mini storage in the future.

The Commissioners discussed the time period on moratorium, Corporate Counsels opinion, the lack of sales tax generation or any tax revenue, door tax and zoning.

Motion made by Commissioner Nelson; seconded by Commissioner Wetzel, to establish a temporary zoning moratorium for personal storage facilities for six months based on findings of fact presented in presentation effective upon City Council's approval. Motion carried unanimously (7-0: ayes: Commissioners Crotty, Kelly, Graves, Mack, Nelson, Wermuth and Wetzel).

4. Old Business

Mr. Mathias explained that there are two public hearings coming up for the 4th Wednesday in June due to current public notice requirements. Chairman Fitzsimmons would like the personal storage moratorium discussion on the July agenda to allow staff time to research.

5. Public Comment

Commissioner Wetzel wanted to thank Chairman Fitzsimmons for running the meeting and Mr. Mathias for his help and professional presentations under the current COVID meeting circumstances.

6. Adjourn

Chairman Fitzsimmons adjourned the meeting at 5:30 p.m.

Respectfully submitted,
Fawn Schultz, Community & Economic Development Administrative Assistant
Recording Secretary