

**PLAN COMMISSION
MINUTES**

Wednesday, April 25, 2018

Present: Butch Trevor (Chairman), Bill Fitzsimmons (Vice Chairman), John Wetzel, Dennis Kelly, Peter McDermott, Cindy Wermuth, Craig Mack, Matt Puck, Mike Crotty, Alan Hon

Absent: Jeff Nelson

Staff: Shawn Christ

Others: Mike Wendt

1. Call to Order

Chairman Trevor called the meeting to order at 4:00 pm.

2. Reading and approval of Minutes – April 11, 2018

Motion made by Commissioner Wetzel; seconded by Commissioner Wermuth, to approve the minutes for April 11, 2018. Motion carried unanimously.

3. Discussion Items: a. Peter McDermott – Concept plan for a yoga studio.

Shawn Christ, Land Development Manager, noted the only discussion item on the agenda is a concept plan for a yoga studio in the I-1 district along 41st Street brought forth by Commissioner McDermott. Mr. Christ noted that discussion of concept plans is allowed, however, any feedback provided during discussion is not binding. Mr. Christ further noted that a yoga studio is currently not allowed in the I-1 zoning district and displayed an aerial as well as plans for the building.

Commissioner McDermott stated he has owned the lot in question for 20 years, in addition to other adjacent lots, and it is the last remaining lot to be developed. Commissioner McDermott stated he has a tentative deal in place for a hot yoga studio, noting the interested parties have secured financing in place to purchase the lot and develop a 3,000 sq. ft. building with a tentative completion date of December 1, 2018.

Commissioner Fitzsimmons inquired as to reuses for the building. Commissioner McDermott noted the building will be a pre-engineered design with insulated frost footings that he believes can be repurposed and reused. Chairman Trevor asked how many parking spaces would be created. Commissioner McDermott estimated 40. Additional discussion took place regarding showers, changing rooms, mechanical storage, and options for allowing a yoga studio in an I-1 district. Mr. Christ stated the Commission's options are to rezone the property but noted that that option was not ideal or consistent with the Comprehensive Plan. The second option would be to do a zoning code amendment to add indoor recreation as a permitted use in the I-1 district, or a code amendment to allow a yoga studio in the I-1 district with a special use permit. Commissioner McDermott stated that a code amendment would be preferred. Additional discussion took place and Mr. Christ inquired as to whether the Commission had any direction for staff.

Motion made by Commissioner Wetzel; seconded by Commissioner Fitzsimmons, to direct staff to prepare a city initiated code amendment that would permit recreational uses in I-1 either through a special use permit or otherwise. Motion carried unanimously.

4. Public Comment

3rd Ward Alderman, Mike Wendt, addressed the Commission and thanked them for moving forward with its review of the zoning code. Alderman Wendt noted that in spite of the Commission's recommended denial for a proposed text amendment recently presented to City Council to the O-1 district, the Council voted to approve the amendment. Alderman Wendt explained that based on the amendment, a special use permit would still be required and trusted the Commission to review, approve or deny, and in some cases place restrictions upon projects in order for them to move forward, if necessary. Alderman Wendt further stated that the amendment is a good step to making the code more flexible, stating it is the goal of the super majority of the City Council.

Commissioner Wetzel stated that the Commission needs to be careful about being too flexible and provided feedback related to a negative experience he had had, wherein a murder took place at a business that was in close proximity to his residence at that time. Commissioner Wetzel noted that separation of districts in certain cases is ideal because of situations such as those that can occur. Alderman Wendt disagreed with Commissioner Wetzel classifying his example as the outcome of an improperly handled code nuisance and stated that Moline's current zoning code is outdated and identified it as Euclidean zoning. Alderman Wendt stated that he believes Euclidean zoning no longer works further stating the Code needs to be updated to be more flexible.

Commissioner Fitzsimmons pointed out that the Commission has made progress in adapting several updates to the Code such as wind energy and is continuously working on being more flexible and on a case by case basis has made recommendations to allow more businesses to move forward in Moline by either granting special use permits, rezoning, or updating the Code. Alderman Wendt disagreed and stated that he believed the Commission's approach is too conservative with many ideas for long term planning being outdated. Alderman Wendt stated that through the City's current Code there is no flexibility and it simply says "no" to many projects without other options to move forward. Alderman Wendt further stated that life has changed and the City's current Code is not designed for what millennials want and need, urging the Commission to adapt to future changes and update the Code.

Commissioner Crotty noted he also believed the Commission has shown flexibility and believes they are on the right page, stating it is the Commission's duty to "ask the hard questions" to insure buildings that are developed do not end up vacant years down the road and are unable to be repurposed and reused. Commissioner Fitzsimmons further noted the City is land locked and has very little land left for development, aside from south of the Airport. Commissioner Kelly inquired as to whether the current Code is in fact "cut and dry," asking at what point it turns "grey." Mr. Christ stated it depends on the route that is taken by the applicant, noting discussion of a concept plan is free, whereas a rezoning application has a \$650 non-refundable application fee. Alderman Wendt noted there are real costs attached to application fees, continuing to emphasize the Commission's need to make the Code more flexible. Alderman Wendt further stated he is of the belief there is a lot to of work to be done and stated he believed the Commission should be meeting more to discuss other possible changes, even when there are no pending applications to consider.

Commissioner Fitzsimmons stated that updates to the Comprehensive Plan need to be made in order for updates to the Code to align, but noted there currently is not any funding. Alderman Wendt disagreed, stating he believed staff and the Commission have the ability to make the Code more flexible without the need for funding to update the Comprehensive Plan. Commissioner Fitzsimmons made a comment that it would be interesting to see an accounting of the combined updates to the Comprehensive Plan since 2001. Alderman Wendt noted the majority of the updates that have been made to the Comprehensive Plan are related to transportation, stating that is what most of the grants have been related to. Additional discussion took place regarding the Comprehensive Plan as well as comparisons and differences between Moline and Bettendorf. Alderman Wendt then provided a complete history of the Supreme Court Case, *Village of Euclid, Ohio v Ambler Realty Co.* regarding zoning, noting the case is where the term Euclidean zoning originated from. Brief discussion continued related to the Code.

5. Other Business

Commissioner Crotty inquired as to whether a permit is needed or has been obtained for a continuous yard sale held by Deb Sanders. Mr. Christ stated he is familiar with the situation and stated since the area is zoned commercial and Ms. Sanders is currently compliant with the requirements of that zoning district to hold her yard sales.

Mr. Christ stated the next meeting is May 9, and stated the Commissioners should plan to meet on that date, as well as on May 23 to consider a text amendment application.

6. Adjournment

There being no further business, the meeting adjourned at 5:06 p.m.

Respectfully submitted,

Anamaria Vera, Administrative Secretary