

PLAN COMMISSION

MINUTES

Wednesday, June 24, 2020

Present: Bill Fitzsimmons, Jeff Nelson, Victoria Graves, John Wetzel, Craig Mack, Cindy Wermuth, Mike Crotty, Butch Trevor, Ashley Pankey

Absent: Peter McDermott, Dennis Kelly

Staff: Jeff Anderson, Chris Mathias

Others: Rob Bermes, Ryan Wade

1. Call to Order

Chairman Fitzsimmons called the meeting to order at 4:03 p.m. Commission meeting attendance was taken. Chairman Fitzsimmons gave an overview of the rules and conduct of the meeting.

2. Approval of Minutes from May 27th, 2020

Motion made by Commissioner Wetzel; seconded by Commissioner Crotty, to approve the minutes from May 27th, 2020, with corrections of removing "Google Earth," from the third full paragraph on page two, changing "talk" to "tall" in the sixth paragraph on page two and removing "al" from the sixth paragraph on page two. Motion carried unanimously.

3. New Business

Chairman Fitzsimmons opened the Public Hearings.

a. Public Hearing – PC 20-06 request from Rob Bermes at 1806-1812 7th Street to amend the N-C District to allow "Multi Family Residential" as a permitted use.

Mr. Mathias explained that the N-C Neighborhood Center District is a mixed-use zoning district that is primarily located in Olde Town, Uptown and Avenue of the Cities from 27th Street to 34th Street. When you get into Olde Town, the commercial areas have a more urban feel. You will generally find commercial spaces on the ground level of the buildings with apartments above. Mr. Bermes owns 1806-1812 7th Street in Olde Town and is having difficulty filling the commercial spaces. In response, Mr. Bermes would like to keep the first level commercial space at 1812 as commercial and convert the remaining first floor commercial spaces to residential. However, the Comprehensive Plan does not support a text amendment to the N-C District to allow Multi Family Residential. While looking at the City Code, Mr. Mathias noticed that duplex and two flat are land uses that are permitted by right in the N-C District. A two flat is a single unit converted into two units. Staff interprets this definition as a structure that has two units attached either horizontally or vertically. This means that Mr. Bermes could take one of his buildings on his property and convert it to a building with side by side or up and down units and still be in compliance with City Code. Staff's Recommendation is to deny PC 20-06 request to amend the N-C District to allow "Multi Family Residential" as a permitted use. However, with the interpretation of a two flat, Staff recommends Mr. Bermes take the two story brick building North of 1812 and convert it into an up and down two flat to achieve his goal while still

remaining in compliance with City Code. That building, however, would be limited to only residential and only two dwelling units.

Mr. Mathias stated no public comment was made prior to the meeting and the only person at the meeting for this matter is the applicant, Mr. Bermes.

The applicant, Rob Bermes, explained that he bought the abandoned property next to him because it was causing issues being attached to his building and sharing an egress through the basement and through the top. Commercial properties are difficult to fill in this area as it took him a year to fill his commercial property. He is asking the City to allow him to have a residential duplex in the two story brick building next to the old Hammertime Bar instead of commercial. Mr. Bermes has already fixed the bad roofing and rafters that led to leaking in the building and is just waiting for Plan Commission's decision to finish the rest of the building.

The Commission and Mr. Bermes discussed the 1806-1812 7th Street properties to get better understanding of what Mr. Bermes' intent is for the properties and parking. The Commission agreed with Staff's interpretation of the code.

Motion made by Commissioner Nelson; seconded by Commissioner Wetzel, to recommend to City Council denial of PC 20-06 request from Rob Bermes at 1806-1812 7th Street to amend the N-C District to allow "Multi Family Residential" as a permitted use. Motion carried unanimously.

Chairman Fitzsimmons explained that a two thirds vote would be needed by City Council to overturn the denial of the request.

b. Public Hearing – PC 20-08 request from the City of Moline to amend Sec. 35-5209 of the Code of Ordinances to prohibit wire (chain link) fences in front yards in residential and commercially zoned areas.

Mr. Mathias explained that City Council had a goal list for Plan Commission for 2020 which included wire fences. The current code basically explains that chain link/wire fences are prohibited in the front yard already so the changes to the code include cleaning up that language and eliminating the qualifier for unacceptable materials. Staff's recommendation is to amend the code as shown in redline below:

SEC. 35-5209. FENCE AND WALL REQUIREMENTS.

The following requirements shall apply to all fences and walls erected after the adoption of this Code, whether or not the fence or wall is required to be installed as per the provisions of this Division or elsewhere in this Code:

(1) All walls and fences shall be durable, weather resistant, rust proof, and easily maintained. Acceptable materials include: wrought iron, plastic, wood, brick, stone, stucco, wire and other materials with a similar look. Unacceptable materials ~~that are visible from adjoining properties, streets or right of ways~~ include glass, tires, unfinished concrete blocks, recovered salvaged materials, or similar materials. Except for fences in Resource and Industrial Districts, ~~all~~ wire fences are prohibited ~~located~~ in front of the principal structure and in side and rear yards that are adjacent to public or private street right of way, not including alleys ~~shall be screened from view from adjoining properties, streets and right of ways with landscaping,~~ except those securing public service and utility uses.

Mr. Mathias clarified for the Commission that a property that is up against two public streets would be interpreted as having two front yards and existing wire fences would be grandfathered in.

Motion made by Commissioner Wetzel; seconded by Commissioner Graves, to recommend to City Council approval of PC 20-08 amendment to Sec. 35-5209 of the Code of Ordinances to prohibit wire (chain link) fences in front yards in residential and commercially zoned areas. Motion carried unanimously.

c. Preliminary Plat – South-View First Addition (4101 John Deere Road)

Mr. Mathias explained that Plan Commission recently considered a rezoning of O-1 to B-3 for the west lot of this two-lot subdivision at 4101 John Deere Road. Typically, a two-lot subdivision is considered a “minor subdivision” and Staff can approve the preliminary plat without coming to Plan Commission for approval. The South-View First Addition subdivision requires an access easement from Lot 1 to Lot 2 and must be reviewed as a “major subdivision.” Of the three components of a major subdivision; the preliminary plat is decided by the Plan Commission, the improvement plan is approved by Engineering Staff and the final plat is decided by City Council. The lots as proposed meet Chapter 35 code in terms of minimum lot size, lot width and all other bulk standards for B-3 and O-1 zoning districts respectfully. The attached improvement plan shows the location of a planned retaining wall to the north side of the building. This wall will be approximately four feet in height. Storm water was an issue in the rezoning and will be accommodated in a storm water retention area to be located south of the building. The Illinois Department of Transportation (IDOT) will not require sidewalks along John Deere Road or 41st Street frontages so the City will not make that a requirement either. However, a sidewalk is required along the 38th Avenue frontage. If there are topographic concerns with installing a sidewalk along that frontage, the applicant could apply for a variance to make a payment in-lieu-of installing the public sidewalk. The City Engineering Department has reviewed the subdivision for compliance and do not have concerns about the curb cut or stacking on to 38th Avenue due to this development. As detailed in the Staff Report, this request, like the rezoning request that accompanies it, is consistent with the Comprehensive Plan. Staff’s recommendation is approval of the Preliminary Plat for South-View First Addition.

The Commission and Mr. Mathias discussed sidewalk accessibility off of 38th Avenue to the building at the site location.

The Commission was also concerned with the comments given by the City Surveyor, Scott Taulbee, and Environmental Technician, Kurt Haiar, regarding the subdivision plat. They would like the developer to have recorded documents showing evidence of dual ownership regarding the maintenance of the retention pond and the access approach addressed in the final plat.

Developer, Ryan Wade, explained that he agrees with the Commission's concerns. The sidewalk was not thought about initially but makes sense to have accessibility off of the street if the frontage sidewalk is deemed necessary. As a developer, he wants access and public walkability to the site. For the plat, there will need to be an agreement between himself and the owner in regards to the water retention basin and he will have it recorded per Plan Commission’s request. The final plat will be recorded and will address the access approach.

Motion made by Commissioner Nelson; seconded by Commissioner Wetzel, to approve the Preliminary Plat of South-View First Addition at 4101 John Deere Road subject to the City Surveyor's and Environmental Technician's comments and recorded documentation of both the access approach in the final plat and dual ownership agreement of the water retention basin. Motion carried unanimously.

d. Personal Storage Code Discussion

Mr. Mathias stated the personal storage moratorium approved by Plan Commission last month was approved by City Council at the Committee of the Whole and would be moving to City Council. Mr. Mathias and the Plan Commission discussed amendments to the personal storage code they want to explore. This included design guidelines, permitted use only in industrial zones and outdoor storage versus structural storage. Mr. Mathias will begin his research of personal storage and will bring it back for review and a public hearing.

4. Old Business

a. Update on 2020 Council Goals for Plan Commission

Mr. Mathias updated the Plan Commission on the 2020 Council Goals. Fences were the top priority and Plan Commission has addressed removing chain link fences from the front yard. Mr. Mathias wanted the Commission to be aware that he noticed that the code allows a 12' tall fence 5' off the property line. He would like to bring this back to Plan Commission for discussion of a possible code amendment. Mr. Mathias completed his review of the noise ordinance. He believes there was just a misunderstanding of our ordinance which adopted state code. The City Attorney has the sign code and is working on a sizable amendment. Mr. Mathias would like to start research on code for mother in-law quarters, ADU's and tiny houses. Also, he wanted to clarify with the Commission that his understanding of Complete Streets is integrating trees. Commissioner Nelson stated he is not against Complete Streets but would like Mr. Mathias to keep in mind curb space management.

Chairman Fitzsimmons requested City Planner, Jeff Anderson, give an update on Form Based Code. Mr. Anderson stated as of today, the City has not heard back on the State Planning and Research Grant through IDOT for funding for Form Based Code. Announcement is expected early July.

b. May 27th, 2020 City Council meeting

The May 27th, 2020 City Council meeting was discussed earlier in the meeting.

5. Public Comment

Mr. Anderson wanted to thank Mr. Mathias and the Commission for creative thinking and application thereof related to the N-C District. As well as, being studious before going into the wholesale approach. The developer was encouraged and is looking into other projects downtown at a larger scale. This is an example of a win-win and shows we are open for business but still have standards.

Mr. Wetzel wanted to expand on Mr. Anderson's comments and would like the Plan Commission to continue to look for creative solutions.

6. Adjourn

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

Respectfully submitted,

Fawn Schultz, Community & Economic Development Administrative Assistant

Recording Secretary