

**PLAN COMMISSION  
MINUTES**

Wednesday, August 12, 2020

**Present:** Bill Fitzsimmons, Victoria Graves, John Wetzel, Craig Mack, Cindy Wermuth, Mike Crotty, Dennis Kelly, Ashley Pankey

**Absent:** Peter McDermott, Jeff Nelson, Butch Trevor

**Staff:** Jeff Anderson, Chris Mathias

**Others:** None

**1. Call to Order**

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

**2. Approval of Minutes**

**Motion made by Commissioner Crotty; seconded by Commissioner Wetzel, to approve the minutes from July 22, 2020. Motion carried unanimously.**

**3. New Business**

- a. Public Hearing – PC 20-09 to consider a request from the City of Moline to amend Table 35-3201.3 and Sec. 35-5209 to restrict fence height to 6 feet.**

Mr. Mathias explained at the July 22<sup>nd</sup> meeting, Staff received clear direction from the Plan Commission on the following City Council directed Chapter 35 fence amendment topics:

1. Should fences in side yards and back yards be taller than six feet if they meet building setbacks? The consensus opinion from the Plan Commission was that they did not want fences taller than six feet on residential or commercial lots. There was concern from at least one commissioner about restricting businesses from putting up fences taller than six feet. The example below shows how the tables would be edited to limit fences to six feet in all districts other than Industrial. In the required front yard, fences would be limited to 42 inches just as they are now. In a front yard (outside of the required front setback), in a side yard or in a rear yard, fences would be allowed up to six feet but could not exceed, regardless of whether or not they meet building setbacks.

**Table 35-3201.3  
Residential and Resource Districts  
Minor Accessory Structures and Obstructions Permitted in Required Yard Setbacks**

	All Setbacks	Front Setbacks	Side Setbacks	Rear Setbacks	Limitations <sup>(1)</sup>
<b>Fences, walls &amp; hedges <sup>(2)</sup></b>					
Barbed Wire	√				Agricultural and Conservation Districts only, 5 feet from right-of-way.
Electric Fence	√				Agricultural District only for enclosure of livestock; charge should not be greater than 25 milliamperes nor a pulsating current larger than 1/10 second in a one second cycle; fence to carry the seal of an approved testing laboratory.
Fence Wall		√			Not more than 42 inches in height <b>and</b> not less than one foot from front property line <b>when constructed in the required front yard.</b>
Fence Wall			√	√	Not more than 6 feet in height <b>when constructed out of the required front yard.</b>
Hedge	√				Not more than 16 feet in height.
Retaining Wall	√				Not more than 6 feet in height, terraced slopes to have a minimum of 3 feet horizontal distance between walls.

**Table 35-3301.2**

	All Setbacks	Front Setbacks	Side Setbacks	Rear Setbacks	Limitations <sup>(1)</sup>
<b>Fences, walls &amp; hedges <sup>(2)</sup></b>					
Barbed Wire	√				Industrial Districts only, no less than 8 feet above grade and 5 feet from right-of-way. All other districts by special use permit only.
Fence Wall		√			Not more than 42 inches in height <b>and</b> not less than one foot from front property line <b>when constructed in the required front yard.</b>
Fence Wall			√	√	Not more than 6 feet in height <b>when constructed out of the required front yard. Fences in Industrial districts may exceed 6 feet if they meet building setbacks.</b>

2. “Grandfathered” Fences: Should the City pursue enforcement over time? The consensus of the Plan Commission was not to pursue enforcement of non-conforming fences, as reflected in the minutes. The Commission discussed the difficulty in inventorying all nonconforming fences within the City and the difficulty in implementation. They also discussed at what point a fence could be repaired versus complete removal or replacement.

3.Chain link fence exceptions for “public service and utility uses?” The consensus of the Plan Commission was to keep the exception for public service and utility uses in the Code. The Commission discussed areas where this new requirement could cause concern

The Commission discussed the changes reflected in the Chapter 35 tables presented, not pursuing enforcement of nonconforming fences to continue to be customer

friendly and keeping the exception for public service and utility uses in the fence code as there are instances beyond the City’s control, such as; national security reasons. Commissioner Wetzel thanked Mr. Mathias for his efforts on the PC 20-09 request even though it may seem like a small issue.

**Motion made by Commissioner Wetzel; seconded by Commissioner Wermuth, to recommend to City Council approval of PC 20-09 a request from the City of Moline to amend Table 35-3201.3 and Sec. 35-5209 to restrict fence height to six feet.**

- b. Public Hearing – PC 20-10 to consider a request from the City of Moline for an amendment to Table 35-3401.1 of Chapter 35 of the Moline Code of Ordinances, to change the “Personal Storage” land use to a prohibited land use in the “B-4” (highway Intensive Business District).**

Mr. Mathias explained that over the last month or two, City Staff have had numerous conversations with the Plan Commission regarding the “Personal Storage” land use. Recently, the moratorium on new personal storage land uses was approved by the City Council. Various empty commercial buildings have converted to personal storage in recent years. There is concern that personal storage is taking over already scarce commercially zoned land. At the July 22<sup>nd</sup> meeting, Plan Commission agreed to pursue an amendment of Chapter 35 to change the personal storage land use to a prohibited land use in the B-4 district. Staff believes this proposal is consistent with the review criteria in Sec 35-2203(c) and provided a detailed analysis of these criteria. The example below shows how Staff is proposing to amend Table 35-3401.1.

**Table 35-3401.1.  
Permitted Land Uses**

Conservation (C-2)	General Agricultural (AG-2)	One-Family Residential (R-2)	One-Six Family Residential (R-4)	Multi-Family Residential (R-6)	Office District (O-1)	Office/Research Park (ORT)	Neighborhood Business (B-1)	Neighborhood Center (NC)	Central Business (B-2)	Community Business (B-3)	Highway/Intensive Business (B-4)	Light Industrial (I-1)	General Industrial (I-2)	Type of Land Use
														<b>Principal Storage, Wholesaling &amp; Industrial Land Uses (Sec. 35-3410)</b>
											<b>P</b>	<b>P</b>	<b>P</b>	<b>(a) Storage, Personal</b>
											<b>P</b>	<b>P</b>	<b>P</b>	<b>(b) Storage and Wholesaling, Indoor</b>
											<b>P</b>	<b>P</b>	<b>P</b>	<b>(c) Storage and Wholesaling, Outdoor</b>

The Commission and Mr. Mathias discussed U-Haul’s prior application for personal storage at the old K-Mart building. They also discussed that personal storage would still be allowed in the I-1 and I-2 districts.

**Motion made by Commissioner Wermuth; seconded by Commissioner Pankey, to recommend to City Council approval of PC 20-10 to consider a request from the City of Moline for an amendment to Table 35-3401.1 of Chapter 35 of the Moline Code of Ordinances, to change the “Personal Storage” land use to a prohibited land use in the “B-4” (highway Intensive Business District).**

#### **4. Old Business**

Mr. Mathias explained that the final plat for the South-View First Addition went to City Council and passed with dedication of ten feet of right of way for a bike path and sidewalk on 41<sup>st</sup> Street giving the applicant the option to apply for a sidewalk variance.

Chairman Fitzsimmons requested an update on the City Attorney’s attendance at a future meeting to discuss the “Rainbow House,” aesthetic standards and progress on the sign ordinance. Mr. Mathias explained that the sign ordinance is ready to be discussed and will request that the City Attorney make a presentation. The Commission would like to have the next meeting on September 9<sup>th</sup> to give everyone ample time to prepare for the meeting. They would also like to receive meeting information a week prior to the September 9<sup>th</sup> meeting to give themselves time to review materials.

#### **5. Public Comment**

None.

#### **6. Adjourn**

The next meeting will be Tuesday, September 9<sup>th</sup> at 4:00 p.m. with commissioners attending remotely.

Chairman Fitzsimmons adjourned the meeting at 4:46 p.m.

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