

**PLAN COMMISSION
MINUTES**

Wednesday, September 9, 2020

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

Absent: Dennis Kelly, Peter McDermott

Staff: Jeff Anderson, Chris Mathias, Derke Price

Others: None

1. Call to Order

Chairman Fitzsimmons called the meeting to order at 4:00 p.m. Commission meeting attendance was taken.

2. Approval of Minutes

Motion made by Commissioner Mack; seconded by Commissioner Graves, to approve the minutes from August 12, 2020. Motion carried unanimously.

3. New Business

a. Mural Law and the “Rainbow House” – (Derke Price, Corporate Counsel

The Plan Commission along with Mr. Mathias and Attorney Price, discussed the Mural Law and the “Rainbow House.” City Staff received a complaint about the brightly colored home over the summer of 2020. While the Neighborhood Improvement Officer pursued other clear violations on the property, the issue of the paint color was passed on to Planning Staff to review as a possible violation. Planning Staff had previously taken the approach that Sec 35-5501(4) “Building Color” applied when property owners painted their homes. This section of the Code reads as follows:

SEC. 35-5501. BUILDING DESIGN.

For development permitted by-right, a site plan review and approval shall be required that incorporates these design standards in addition to the review criteria contained in Sec. 35-2105. For development permitted as a special use, these design standards shall be in addition to the special use permit review criteria contained in Sec. 35-2206. Accordingly, applicants shall submit drawings, material samples and other information in sufficient detail as necessary for the appropriate review authority to determine compliance with these requirements.

(4) BUILDING COLOR.

- a. In general building colors shall be complimentary with other buildings on the block.
- b. Primary Colors:
 - Primary colors are prohibited for use as a wall color for all building façades in R-2, R-4, R-6, R-7, O-1 and ORT Districts.
 - Primary colors in off-white pastel shades are permitted as a wall color for all building façades except the front façade and at the main building entrance in B-1, NC, and B-2 Districts.
 - Primary colors used as an accent color are permitted for trim and door and window frames; and permitted for logos and signage attached to building walls.
 - Primary colors are prohibited for metal roofing of any type in R-2, R-4, R-6, R-7, O-1 and ORT Districts.

Attorney Price determined that Sec 35-5501 was enforced in error as painting a house does not meet the definition of “development” as stated in Sec. 35-1203 of Chapter 35. That definition is as follows:

(74) Development. The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Code.

The Commission discussed whether the Code should be updated and other ordinances in the City of Moline that regulate aesthetics.

b. Sign Code Review

Mr. Mathias explained that one of the City Council’s Goals for Plan Commission this year was to work with Staff to determine what updates are needed for the sign code. Staff asked Corporation Counsel to review the content neutrality of our Code and provide a detailed analysis which was included in the Plan Commission agenda packet. Based on the review done by David Silverman of Ancel Glink, it was concluded that the City’s sign code is content-neutral and consists entirely of rules that support the City’s sign code purposes, as well as, the safety of the general public. Ancel Glink is still examining content neutral strategies that the City can use to get a better handle on “flag signs” and “mobile signs” that are currently proliferating throughout the City. Once that review is completed, the next step is for Plan Commission to review those recommendations. The Plan Commission discussed the analysis done and was impressed that the City’s sign code was still in compliance after being around more than 15 years. The Plan Commission is

looking forward to Ancel Glink’s recommendations on temporary signage and signage in the City’s right-of-way.

4. Old Business

Mr. Mathias stated that the restriction of the six-foot fence height and personal storage items will be going to City Council. He is also working on a possible variance that may be coming. The Commission discussed Tiny Homes and Accessory Dwelling Units as the next items to address.

5. Public Comment

None

6. Adjourn

Commissioners agreed to cancel the next meeting and will meet again on Wednesday, October 14th at 4:00 p.m.

Motion made by Commissioner Wetzel; seconded by Commissioner Mack, to adjourn at 4:53 p.m. Motion carried unanimously.

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