

Planning and Zoning Commission  
Special Meeting  
January 11, 2016

- 1) The meeting was called to order at 7:00 a.m.
- 2) Roll Call.  
Present: Craig Agan, Jim Danks, David Landon, Mike Vander Molen, Bob Smith, Mike Vander Molen, Gary Van Vark, Ervin Van Wyk, Ann Visser, Teri Vos.  
Absent: None.  
  
Others Present: Dennis Vander Beek, Randy Bogaard, Dan Vander Beek, Jody Lautenbach, Julie Visser, Rod Visser, Betsy Duffy, Marty Duffy, Marcia Slycord, George Wesselhoft.
- 3) The Commission voted to elect Jim Danks as Chair and Bob Smith as Vice Chair for 2016.
- 4) Approval of Minutes. The minutes of the November 23, 2015 regular meeting were approved as submitted.
- 5) Public Hearing on Ordinance Amending Zoning Regulations, Table 165.12-2 Permitted Uses by Zoning Districts by Adding Cocktail Lounge Use as Permitted by Special Use Permit in the CBD Central Business District.

Written comments were received in the form of three emails (attached). All three comments were in support of the Cellar Peanut Pub and ordinance amendment.

No oral comments were received.

- 6) Ordinance Amending Zoning Regulations, Table 165.12-2 Permitted Use by Zoning Districts by Adding Cocktail Lounge Use as Permitted by Special Use Permit in the CBD Central Business District. The Cellar Peanut Pub would like to open an establishment at 629 Franklin Street, which is in the Central Business District (CBD). The business would serve specialty micro brews from across the country. It would not brew them at this location, only sell them. Also, since it would only serve peanuts, which is considered "Cocktail Lounge" under current City Code, it would not be a restaurant. The current City Code does not permit Cocktail Lounge uses in the CBD, though they are permitted in the other commercial zoning districts. It is important to note the distinction in Code between Cocktail Lounge use which includes the retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges and similar uses other than a restaurant. A general restaurant is permitted in the CBD, and this may include the sale of alcoholic beverages which conducted as a secondary feature of the use, producing less than fifty percent (50%) of the establishment's gross income.

The City Council at the December 1 and 15 Policy and Planning meetings discussed the request and reviewed Code information obtained by staff. Staff did not find any other city that differentiates between craft beer establishments and taverns. Based on research, it appears craft beer establishments are considered a tavern or bar from a use standpoint. Further, based on conversations with the Iowa State Planning and Zoning extension and City Attorney, staff believes it could be problematic if the City tried to define permissible zoning uses based on the product sold (i.e. draft beer versus Budweiser, etc.) rather than the allowable use. Staff also contacted Des Moines which classifies craft beer establishments as bar/tavern and requires a conditional use permit. The direction from City Council at the December 15 Policy & Planning meeting after consideration of the matter was to move forward with an ordinance that would permit Cocktail Lounge use in the CBD through Special Use Permit and limit the number of such permits issued to a maximum of two at any one time. The Board of Adjustment would review the Special Use Permit pursuant to their established criteria.

Bob Smith asked about the special use permit and whether there is discretion as to how it is issued.

George Wesselhoft responded that the Board of Adjustment would review per their criteria for special use permits and they would have to meet the criteria.

Ann Visser added that she was contacted regarding this issue more than any other issue during her time on the Commission and all comments were favorable.

There was discussion about the proposed ordinance.

Mr. Wesselhoft noted there is a separate process outside of zoning for liquor permits for the various establishments that serve alcohol.

Gary Van Vark mentioned that when the Zoning Ordinance was updated in 2001 these uses were excluded and now we are in the process of putting them back in, and we have to remember the days when they were downtown there were problems associated with them.

Jim Danks stated 2016 is a different time and problems may exist but Police seem to do a good job of managing concerns.

Ms. Visser mentioned that the people that contacted her were of a different group from what you might have otherwise.

Mr. Van Vark further mentioned parking as a concern.

Mr. Wesselhoft responded that parking is a criteria and all property owners within 200 feet would be notified of the Special Use Permit application.

David Landon suggested there could be a flip side where the clientele could actually be people that the retailers would enjoy having in their facilities.

Mike Vander Molen stated that if you have a downtown that is busy and lively that is a great asset for the community.

Ervin Van Wyk commented that he thinks this could open up a can and you just as well throw the whole thing out, where is it going to stop at.

There was further discussion about the proposed ordinance.

David Landon made a motion to recommend approval of the ordinance. Ann Visser seconded the motion. Upon vote, Landon, Visser, Agan, Danks, Haustein, Smith, Vander Molen, Vos voted yes. Van Vark, Van Wyk voted no. Motion carried 8 to 2.

- 7) A Resolution to Honor Nelson Bogaard. Vice Chair Bob Smith read the Resolution to Honor Nelson Bogaard for his 15 plus years of service to the Planning and Zoning Commission. Jim Danks added that the resolution says it all in few words as Nelson would do and they will miss him.
- 8) Other Business. George Wesselhoft mentioned the next meeting of the Commission is the regularly scheduled January 25 meeting.
- 9) The meeting was adjourned at 7:25 a.m.

Respectfully submitted,  
George Wesselhoft  
Planning and Zoning Director

From: Jody Brockway <jodybrock8@gmail.com>  
Sent: Saturday, January 09, 2016 3:36 PM  
To: George Wesselhoft  
Subject: Zoning

My husband and I just want to express our support to the Peanut Pub. I used to have them as an account when I was a wine distributor. Good people, good idea for Pella. We are not big drinkers, but would enjoy the chance to have a pleasant place to meet occasionally with friends or family.

Sincerely,  
Terry and Jody Brockway  
641.780.0995

From: Julie Richardson <jrichardson4211@aol.com>  
Sent: Sunday, January 10, 2016 3:50 PM  
To: George Wesselhoft  
Subject: Cellar Peanut Pub

Mr Wesselhoft,

I would like to show my support for the Cellar Peanut Pub! Marty and Betsy Duffy are a wonderful family and are excited to bring this one of a kind business into Pella. I think in a very short time, you will see people driving into Pella to visit this establishment and hopefully expanding their sales to other businesses as well.

Sincerely,  
Julie Visser  
jrichardson4211@aol.com

From: Amy Riddle <amyriddle@live.com>  
Sent: Sunday, January 10, 2016 10:40 PM  
To: George Wesselhoft  
Subject: Central Business District by use of a special use permit

Mr. Wesselhoft,

I fully support an amendment to rezone the Central Business District by use of a special use permit. The Cellar Peanut Pub will be a welcome addition to Pella.

Sincerely,  
Amy Riddle  
Pella, IA