

Planning and Zoning Commission  
Regular Meeting  
February 22, 2016

- 1) The meeting was called to order at 7:00 p.m.
- 2) New Member Welcome: George Wesselhoft introduced Robin Pfalzgraf, new member to the Planning and Zoning Commission.
- 3) Roll Call.  
Present: Craig Agan, Jim Danks, Cathy Haustein, David Landon, Robin Pfalzgraf, Mike Vander Molen, Gary Van Vark, Ervin Van Wyk, Ann Visser, Teri Vos.  
Absent: Bob Smith.

Others Present: Michael Robinson, Cornie Brouwer, Jody Mansueto, Jim Mansueto, Jill Reams-Widder, Mike Vander Wert, Dennis Vander Beek, Joyce Vander Beek, Doug Van Zee, Gina Dux, Darin Dux, Doug Kraft, Larry Peterson, Harold Van Stryland, Brad Uitermarkt, Mary Van Wyk, Renee Bastas, Kosta Bastas, Joanne Dyer, Amy Costello, Le Anne Krell, Elmer Roorda, Keith Hoksbergen, Elsie Van Stryland, Kathy Boot, Randy Boot, Dell Collins, Julie Collins, Joan Haman, Ken Haman, Diane Fynaardt, Mary Ann Emerick, Harlan Van Vark, Bobbie Van Vark, Case Vander Ree, Helen Vander Ree, Jim Mueller, Wally Pelds, Jay Garner, Darrell Dobernecker, Tony Bokhoven, Ronda Kermodé, Dave Kermodé, Kathy Kooyman, Kevin Gibson, Kris Andre, Shelley Bradfield, Dan Andre, Clint Weinberg, Jerry Byers, Mike Nardini, George Wesselhoft.

- 4) Approval of Minutes. The minutes of the January 25, 2016 regular meeting were approved as submitted.
- 5) Public Hearing on Rezoning Application by Keith Hoksbergen/Harley Van Wyk Estate to Rezone Property (Legal Description: Lots 31 and 32 in Timber Ridge Subdivision, a Survey and Subdivision of the N ½ of Section 20, Township 76 North, Range 18 West of the 5<sup>th</sup> P.M. together with an undivided 2/33rds interest in and to Lot A Street in Timber Ridge Subdivision, together with all easements and servient estates appurtenant thereto) from R1 Low Density Single Family Residential District to M1 Limited/Light Industrial District.

Written comments were received from Mary Ann Emerick (117 Timber Ridge Drive) and Randy & Kathy Boot (1032 198<sup>th</sup> Place) both of which were not in favor of the rezoning request. The letters were read into the minutes of the meeting (See attached).

Cornie Brouwer stated he owns property in Timber Ridge and not knowing any more than he does, what is going to happen there, unless they get more information, he is against the rezoning and the property is as you come into Timber Ridge and you drive right past it.

Bob Zylstra stated he is also an adjacent property owner and it seems like an odd place to put an industrial building as it is right in the middle of long stretch of light residential houses on both sides of the street and so he is opposed to it.

Eric Van Dusseldorp mentioned he is a Timber Ridge resident as well and he has questions based on what the rezoning would allow folks to do with that property as he understands there is a building and all the trees, and so let's say the applicant decides in a couple years he does not want to own the property anymore it goes to someone else what are they going to do with the property. Until that is clarified he would be against it.

Darren Dux stated he also lives in Timber Ridge Drive and what he has heard is that the industrial zoning would allow any type of industrial structure other than outside storage of industrial items and so in the interest of their neighborhood and the residential area completely surrounding this property he would be against the rezoning away from residential.

Diane Fynhaardt commented she is also a resident of Timber Ridge and this property is right across the road from her house and that it is the corridor as you come into Timber Ridge and also her view of why she moved to Timber Ridge and she is opposed to it.

Keith Hoksbergen, applicant, mentioned what happened is that Harley Van Wyk passed away, they sold the house off and now they have an orphan piece of property and they are interested in leaving the property pretty much as is, they are not going industrial, and they would be okay with storage only. He added with the flood plain and where the trees are you would have to have an act of Congress to build there. It is an orphan and they have to call it something because it is no longer residence there, sold off. The kids are thinking of doing something with it as they are trying to settle the estate. There are concerns about industrial and noise and pollution and no they are not for that and they do not want site damage out there. He added that if he was one of the residents of Timber Ridge he agrees with what they are saying and the property is no longer residential and asking for leeway to do something with the property.

The public hearing was closed.

- 6) Rezoning Application by Keith Hoksbergen/Harley Van Wyk Estate to Rezone Property from R1 Low Density Single Family Residential District to M1 Limited/Light Industrial District.

Gary Van Vark stated the reason for the rezoning is because all storage according to the zoning regulations are required to be in the industrial zone and that is why the applicant is asking to go to industrial. So anytime there is storage they have no place other to rezone but industrial. He added that M1 industrial does even

allow outside storage. He stated the Commission has an issue too, a problem with that.

Ervin Van Wyk asked if there was a way they could make this M1 on the existing building with no further additions added on to it.

George Wesselhoft responded that one of the recommendations was to limit it to storage and that the Commission could limit it further to only the existing building.

David Landon questioned that any way you look at it this would be considered spot zoning would it not.

Mr. Wesselhoft responded that would be a concern.

Ervin Van Wyk questioned how is this building going to be zoned then with one lot with storage shed and asked if this was grandfathered in or how was it zoned to begin with.

Mr. Wesselhoft responded that the City zoning was established in 2003 as part of the extraterritorial zoning and staff checked with the County and in October of 1987 Mr. Van Wyk applied for a variance with Marion County for storage, boat repair and sales but it was denied and there is no record of either County or City permission to have the storage use there.

Teri Vos stated she has one question for clarity: this is storage for personal or commercial use.

Mr. Van Vark responded it could be anything, it is industrial; storage is storage.

Jim Danks mentioned the recommendations in the staff report including primary recommendation is to deny based on inconsistency with the Comprehensive Plan and based on spot zoning concern; alternative recommendation would be to recommend approval with direction to amend the Comprehensive Plan.

David Landon made a motion to deny the rezoning. Gary Van Vark seconded the motion. Upon vote, Landon, Van Vark, Agan, Danks, Haustein, Pfalzgraf, Vander Molen voted yes. Van Wyk, Visser, Vos voted no. Motion carried 7 to 3.

John Judisch, legal counsel for the City, clarified that his understanding is that if a no vote is passed in terms of not approving it then a reason would need to be given but the way the question was phrased it was a motion to deny so in this regard a yes vote is indicating that you do not want it to pass, so those voting yes would need to give a reason given the way the question was worded and approved. So he asked that those that voted yes they need to give their specific reason as to why they voted yes to deny the request.

Reasons lists for voting yes to deny:

Landon: inconsistent with the Comprehensive Plan and spot zoning

Van Vark: very same reasons

Agan: residential and spot zoning

Danks: same as above, residential and spot zoning, unclear application as to what the industrial would do

Haustein: inconsistent with Comprehensive Plan and citizens seems to not want it

Pfalzgraf: spot zoning concern, neighborhood concerns

Vander Molen: stated he is a little confused as he has never been asked to explain his vote so he does not know exactly what the reason is. He thinks the record adequately reflects yes on the motion to deny.

- 7) Site Plan for Vermeer Corporation (*Yellow Iron Academy Drive*). Vermeer Corporation is proposing 5,663 square feet of new hard surfacing improvements to the Yellow Iron Academy including a new second drive access. This site which is zoned CC Community Commercial is also targeted for Commercial use in the Comprehensive Plan, Future Land Use map. So the zoning and proposed site plan are consistent with the Plan.

Ann Visser made a motion to approve the site plan. Ervin Van Wyk seconded the motion. Upon vote, all voted yes. Motion carried 10 to 0.

- 8) Site Plan for Vermeer Corporation (*Plant 1 Parking*). Vermeer Corporation is proposing a new parking lot expansion area for Plant 1. The new parking area would be located to the north of the existing parking area and would include approximately 15,000 square feet. This site which is zoned M2 Heavy Industrial is also targeted for General Industrial use in the Comprehensive Plan, Future Land Use map. So there is consistency between the zoning and the site plan.

Ervin Van Wyk made a motion to approve the site plan. Cathy Haustein seconded the motion. Upon voted, all voted yes. Motion carried 10 to 0.

- 9) Site Plan for Casey's. George Wesselhoft reviewed the staff report: Casey's General Stores is proposing a 41' by 106' convenience store with gasoline sales on 1.17 acres of vacant property. The Zoning is CUC Mixed Use Urban Corridor with Design Review and Gateway Corridor Districts. As far as access, access points would include drive connections to Main Street and Union Street with sidewalk connection by way of Main Street sidewalk or trail. As far as parking, 35 parking spaces are proposed that include 23 spaces for the store and 12 unmarked spaces for the gas canopy area. As far as landscaping, there is a Type A solid screen consisting of fence that is proposed to the adjacent residential use. There is a Type C intermittent screen consistent of trees and tulip plantings proposed adjacent to the street right of ways. The Community Development Committee finalized the design permit approval at their February 17 meeting.

George Wesselhoft further added that as far as staff comments there was a traffic study done as part of this proposal and the City Engineer considered the traffic impacts: Key highlights from this traffic memo include:

- Traffic volume information was used from Iowa DOT 2014 counts as part of the estimated trip distribution.
- Based on the total number of drive-way trips during the most critical time periods (AM and PM hours), no improvements are recommended at either the Union Street or Main Street at the Casey's proposed accesses.
- The traffic study did take into account the closing of the three existing stores (two downtown stores and the Oskaloosa Street store).
- Casey's has revised their access location to meet the traffic engineer's recommendations concerning vehicle access.
- Traffic control will be installed per current Manual on Uniform Control Devices during construction including adjacent roadways and sidewalks/trails with note provided on the Site Plan.

## **Recommendation**

Chapter 165.36 (3) (F) requires the Planning and Zoning Commission to make the following findings before approval of the site plan:

1. The proposed development is in accordance with the criteria established in Table 165.36/37-1. For the Commission's review, Table 165.36/37-1 is included in the packet.
2. Any modifications to the site plan are reasonable and the minimum necessary to minimize potential unfavorable effects.
3. The site plan conforms to the Zoning Ordinance and the Comprehensive Plan.

Staff believes the proposed site plan meets the criteria identified in items 1 and 2. In addition, the proposed site plan conforms to the City's zoning ordinance. However, criteria 3 requires the site plan to conform to the City's comprehensive plan. In this particular case, the Comprehensive Plan, specifically the Future Land Use Map, targets this site for low density residential. Therefore, staff does not believe the proposed site plan conforms to the City's comprehensive plan. As a result, staff is recommending the following alternatives:

1. Conditional approval of the site plan. This option would involve approving the site plan with the requirement that the City's comprehensive plan be amended so the proposed development is consistent with the City's Comprehensive Plan. If the Commission chooses this option, City staff would

not issue a building permit for the project until the comprehensive plan was amended so the development is in conformance with the Plan.

2. Table the proposed site plan until the Planning and Zoning Commission and the Pella City Council address amending the Comprehensive Plan.

Mr. Wesselhoft added to point out for the record that although this is not a public hearing the same as a rezoning there were seven known letters submitted including:

- 1) Jim Mansueto
- 2) Kosta and Renee Bastas
- 3) Rhonda Kermode
- 4) Doty Boat
- 5) Michael Robinson
- 6) Don Andre
- 7) Adam and Jacqueline Hale

None of the letters are recommending support of the proposal.

Jim Danks asked staff to give staff more detail about number 1 conditional approval of the site plan so the Comprehensive Plan is amended and what is that process.

Mr. Wesselhoft responded that the process to amend the Comprehensive Plan would include public hearings at the Planning and Zoning Commission and City Council as well as resolution approval by the City Council.

Mr. Danks stated that he knows a number of those in attendance are interested and that he asked that only the people that are adjacent to the property speak and they be limited to three minutes.

Mr. Danks asked staff to read the letters received into the minutes.

Mr. Danks clarified that this is not a public hearing and the discussion has to be particular to the site plan.

It was asked by someone in attendance if they can address the two different ways of moving forward from staff.

Mr. Danks responded yes.

Rhonda Kermode asked if they can address the Comprehensive Plan.

Mr. Danks responded the Comprehensive Plan is a guideline not cast in stone and is reviewed every seven years and if you go back and study the history of the

Comprehensive Plan there have been suggestions in that Comprehensive Plan that have been there since the first one i.e. Elm Street going west, it is still is not done. The role of the Comprehensive Plan is to allow us to look forward with the aid of RDG.

David Kermode stated he lives right behind the proposed site, this is a very contentious issue in this community and there are 1100 people signed a petition not to do this. His recommendation would be why get involved with that, simply ask not vote on it and send it back to the City Council and have them vet this so they can change the Comprehensive Plan. He does not think you want to incur the displeasure of over 1100 people.

Mr. Danks mentioned the petition for 1100 people spoke to a different site plan.

Joan Haman (707 Union Street) stated that she went out and collected the signatures on that petition and those people that signed that petition, their comments to them were was this is not the proper place for Casey's to build. They were upset due to it did not fit with what Pella was meant to be, our historical aspects of it, it did not look right in that place. She asked the Commission as a committee that they are representing us as a community and you have heard these comments and you are here to support us as a community and is asking that the Commission not allow Casey's to put this plan in our back yards, it doesn't fit in within our neighborhood. It is going to create a lot of noise, site, lighting, traffic issues; all different kinds of things that are going to prohibit them from selling their property. Ms. Haman added that she went across the street to the bank and asked them if their house could be sold and they said they would not give anyone wanting to buy their house a thirty year loan. The only way they would loan someone money for her house would be an ARM loan and it would be locally owned. She is asking to not allow Casey's to build in their back yard.

Renee Bastas mentioned she lives on Independence and they moved here 27 years ago because of the quaint, the character, the City of Pella and now she will have lights 24 hours 7 days a week, they will have noise and all the issues of safety and that plus if they depend on the College, they have students walking up and down and in the night their tear down their bricks and she has reported this to the Police. This is going to become worse because this is what's going to happen.

Ken Haman stated that one of the major deciders of this Comprehensive Plan was quality of life. With Casey's moving in the neighborhood that changes the quality of life and this is a big issue for the community it not only affects us as neighbors but it affects the whole town. We need to get as many eyes as possible on this and handle this so the decision is not just for one person but the majority of town.

Rhonda Kermode stated she lives behind the proposed Casey's property. She does not understand not looking to a recent Plan. One of the things she noticed in the City Code is about nuisances and the Casey's Store could very well be a

nuisance with the lights, noise and odor. Anything which makes it unpleasant or not good for you as a neighbor to live there which infringes on your rights to peacefully enjoy your property. Having invested in their property to make it a bed and breakfast, no matter how they dress up the outside it is still a gas station and she doesn't think this is a right place for it. Ms. Kermode added there are a lot of intelligent people in this room and surely we can sit down at the table and come up with a win-win for everyone rather than to instantly push this through and have something that you have to live with for the 20 years that it is there and then have to live with what we do with it after it is gone.

Lauri Nieboer (514 Broadway) stated that she agrees with everything that her neighbors have said. She stated she does not think the new site plan has really addressed the safety issues of children walking down to Union Street with the bus stop, library, pedestrian traffic on the bike path in front of where Casey's is going to be and on Main Street turning into Pizza Ranch. Aesthetically for the community and why people visit Pella is historically we have a beautiful community. One day she was working in the alley raking leaves and a couple came through from Ottumwa and they said they come here as often as they can they love the city it is so beautiful and asked what is going to happen with this property and she responded the proposal is a Casey's will be there and they responded why would they do that, that is going to ruin the look of your town.

Jim Danks responded that the City Engineers have studied both the foot traffic and automobile traffic, they have done projections and their recommendations are as George commented further. The things you bring up are very important as small kids crossing the street regardless of who is there is a danger and they understand that. The professionals have said as it's presented is adequate as it is.

Jim Mansueto stated he has done a lot of research looking at the Zoning Ordinance and wanted to point out areas where he feels this is in violation. Open paragraph 165.18 says the Gateway Corridor District is intended to provide special regulations to assure that new developments along the primary entry corridors into Pella, especially in and near the downtown, respect the existing community character and foster pedestrian-oriented design. He thinks it is a violation there. 165.18 (B) although it has been turned Casey's labels the front of the store as what faces Union Streets parking areas shall be located along the side or rear of buildings, although it has been turned all the parking is in front of the building. 165.24 1b 3, 4, 5 and 6 such use shall not unduly increase congestion in the streets or fire and safety. He referred to the Community Guide to Development Impact done by the University of Wisconsin and supported by the Institute of Transportation Engineers and they say a 1,300 square foot convenience store will add 845 average daily trips to a location so he questions the study.

Jim Danks asked if Mr. Mansueto is questioning the professional City Engineer.

Mr. Mansueto responded in the affirmative that he is and added this is considered a hyper or the largest size convenience store over 4,200 square feet. The last item he has is 165.24 supplemental use regulations number three shall not increase congestion or diminish or impair established property values for surrounding properties and such use shall be in accord with the intent use and spirit of this chapter and the Comprehensive City Plan. That coupled with 1,100 signatures should not only be enough for the Planning and Zoning Commission but also Casey's to pull this application.

Wally Pelds (Pelds Engineering Company) wanted to address any site plan questions and stated they have worked diligently with staff through numerous processes, including trying to get the Board of Adjustment to alter the orientation of their building and also have gone through CDC and addressed all their architectural characteristics and one member mentioned it looks like a small Pella castle, it is a unique one of kind store. They have a unique interest in being here, they have three stores that are extremely tired that need a new place to go and still serve the community on the square. They did a diligent search and have the real estate professional from Casey's in case there are questions about the site search, looking for zoning, going through the Comprehensive Plan. They also have numerous studies safety wise and other information. He would also ask the person that identified they could not get a loan get that in writing because he does not think that would be legal premise to deny a loan because you are next to a Casey's. They went through many iterations through the plan and have one point of contention where they are stating we are not in compliance with the Comprehensive Plan, that they do not meet the Future Land Use Plan. Mr. Pelds started to read from the Comprehensive Plan "where the Plan is designed to be a flexible document that can respond to conditions over the change of time" found on page 8. Then if you look on page 22 of the Comprehensive Plan in the middle paragraph it says "the future land use map should be interpreted generally and is not intended to provide specificity or rigidity of a zoning map or engineering document. The map should provide guidance for generalized land use locations and transitions. The boundary lines between land uses on the map are fuzzy lines meant to show approximate areas for transition rather than rigid boundaries. Minor variations in land use such as small civic uses on residential blocks are not reflected in the general map but may still be permitted per zoning regulations" so it defines itself as a general guide. If you look on the Future Land Use Map on page 24, this is the scale it prints at, and we are supposed to determine whether it is or isn't. It further goes on to identify that there is a little yellow spot in this block which shows future land use as low density residential which does not comply with the zoning that is in place on it. It also then goes on to show the lot they are working on as a multi-family which is not low density residential and further goes on to then describe a commercial corridor for growth for the City of Pella identified on page 49. If we are using that same metric letter D is the area which encompasses their property which is designated as commercial corridor identified for commercial development for the City of Pella. Typically and he has been doing this for many years, the Comprehensive Plan is used to help to decide

whether you are going to change the zoning, their zoning is in place and the site plan addresses everything to staff's and outside consultant's satisfaction to the traffic study, they have complied with all those items. He asked that a third option be added to either vote the site plan up or down and please clarify as to why you are voting up or down. That is it in a nutshell, if you would have any questions about the site plan or storm water.

Cathy Haustein asked if Mr. Pelds was one of the people at the Board of Adjustment meeting. She stated that the people were very clear that if they did not get their variance that they had no plan B and any plan they came forward with would be less safe and that came from their own people and so we need some type of assurance that this is a safe plan first of all. She added she is still not clear how this goes with the Comprehensive Plan. She would prefer low density residential as it says.

Mr. Pelds responded in the Plan itself it is just a future land use map and does not state this specific area.

Ms. Haustein mentioned it is nice dream to have low density residential in the Plan and would be better for her employer Central College.

The Plan also specifically identifies the Casey's on the square as being reused. That is what started this whole thing when they started looking at their locations on the square and closer to the university. The stores are tired, they looked at expanding but the space is not there. They looked at alternatives and this site has the zoning that is required.

Ms. Haustein commented that the zoning was residential before and it can be low density.

What he was pointing out was a specific plan done by RDG showed 48 apartment units on the location that is within the Comprehensive Plan. Again it is a guide. He stated he was not here at the Board of Adjustment but Leanne Krell was.

Ms. Haustein questioned the statement made at the Board of Adjustment meeting concerning that if they did not grant the first plan the alternative they did not have in place would be less safe.

Leanne Krell, Assistant General Counsel for Casey's, responded she did speak that, that when they presented the first plan that the first plan they believed to be the ideal plan, the plan that not only abut the neighbors better but also provided better traffic flow for them. At that point that was the only plan they had on the table. When they were denied by the Board of Adjustment, the Chairman several times said they could just turn it this way and be in conformity with the setbacks. They took that to heart, went back turned the building, looked at it, the Engineers looked at it, City Engineers looked at, they have no concerns with regard to

safety, they have done the traffic studies, they have done the studies with regard to pedestrian traffic and the professionals that is what they do tell us it is a safe plan. It was an accurate statement that it would have been then preference for the Board of Adjustment to give us the variances and for them to build the store as first presented. They went back to the drawing board and this is Plan B and based on those comments they adjusted.

Rhonda Kermode stated she wanted to clarify when he was speaking about page 43 of the Comprehensive Plan when he was talking about the larger residential area, she went to one of the planning meetings they had in this building and talked with one of the consultants. As a neighborhood they have been hearing rumors about Casey's for a long time and mentioned this and the consultant said oh no that would not be the appropriate place to put a gas station. So they specifically drew up the plan on page 43 as an example of what would be better for that location. On page 43 they also show transition how you would transition and specifically what should go there. That is something that should be kept in mind.

Michael Robinson mentioned it is important to understand the whole Comprehensive Plan is based on Pella citizens and not necessarily someone who wants to come in here and do business. The experts said it would take six years to fill up Lake Red Rock and it took six days.

Leanne Krell stated she did want to point out that as Wally has indicated that the Comprehensive Plan is a guideline. If you look at the Comp Plan in detail and look at all of its parts it basically says and he pointed out the pages that corridor is supposed to be for commercial growth. It is zoned properly for commercial growth for a Casey's Store at this point. They have done extreme work on all the recommendations that staff has given, that CDC has asked them to do; it is a unique store. They have done everything within their power to make this not only an attractive building but a beautiful building that reflects the intent of the Dutch architecture. The Comprehensive Plan is intended as a guideline, zoning is the law; even if you look at the Comp Plan she would say they are in compliance with the spirit of the Comp Plan as it is part of that commercial corridor.

A citizen (name?) asked what is going to happen with the other three Casey's, are they going to remove the gas tanks? What happens if they become empty spaces?

Ms. Krell responded there already have been discussions as to what happens with those sites that are on the square. They have been approached by various people that are wanting to repurpose those and those discussions are continuing. The tanks by regulation are required to be out of the ground within a year. Generally they remove those as quickly as they can afterwards. They have no intent to keep them in the ground, no desire, no purpose to keep them in the ground after they have closed the store. So the two stores on the square and the third one on Oskaloosa once the new store is built those three stores will be closed, the tanks will be removed and those stores will be repurposed as quickly as they can.

Don Andre stated he has two questions: 1) do you live next to a convenience store and 2) why are you trying to push this down our throats when most of the people don't want it.

Jim Danks responded that he does not think those questions are pertinent to the site plan discussion.

Jody Mansueto commented that she did speak with the DNR and she understands that the tanks will be have to be removed but the DNR also stated that because of the age of the existing Casey's that will be shut down there will be contamination in the ground and that anything that goes there will likely not be able to have a basement because of the contamination in the ground. She added that she does not think that will be an issue where those are because those probably will not be homes but a site like this but please look at the Comprehensive Plan, the Comprehensive Plan is an overall plan. It protects communities and neighborhoods from people and businesses with self-interest. So please look at the Plan. There is a high water level in that area. Anyone that lives over there knows there is a stream that is very close to the surface over there and the gentleman at the DNR said that would not be a recommended site for anything like a gas station where you are putting tanks underground. There is going to have to be additional work done to keep tanks underground, they will either have to put in concrete pillars; where they are wanting to put the Casey's it is an issue. She sees it has advantages for Casey's but the only advantages for them in the community is cigarettes, gasoline and beer; otherwise she can get everything they are offering at Dollar General, and for having them there she sees no advantage.

Mike Robinson asked why the City spent \$85,000 of taxpayer money to design a very good Comprehensive Plan; it was done correctly with community input. So if you are going to start granting variances, what happens to the next person the next time; so to him it is a good Plan, it is a Plan agreed upon by many people, so if you are start going to grant variances why have a Plan. He understands it is the future, this is the future. That land over there should not be the location of a convenience store. He added that he grew up in Knoxville and Marion County and those old homes were there for a long time and in 2001 he is a little bit confused, there were houses there so it should have been zoned residential.

Ann Visser asked about the change in 2001 and does anyone remember why that was, in 2001 there was a change in zoning.

George Wesselhoft responded that in 2001 there was a global zoning ordinance update that included both the zoning code and the map and the districts changed all over the jurisdiction both including the CUC District as well as other districts. For example, there was a new Institutional District created whereas before there was not and it was a global update that affected not just this property but City-wide.

David Landon mentioned that he has one comment as he looks at the package it looks to him like there are only two recommendations or two options that were given, any other site plan they are given they typically can approve it, approve it with changes or deny it. In the packet, it does not look like those same options are being given to them and he is curious as to why that is.

Mr. Wesselhoft responded in this case they were looking at that section that came up during the additional legal review that came up under 165.36 but if the question is could there be a motion to denial he would turn that over to legal counsel.

John Judisch, legal counsel for the City, stated the board could move to approve it, could move to approve it with conditions or could move deny it. All three of those are on the table for the board to decide.

Ms. Haustein questioned why they voted no for the rezoning request based on the Comprehensive Plan and now they might vote differently.

Mike Vander Molen stated to him do you comply with the current zoning the question there was a change for rezoning, this is not a change for zoning; the property owner submitted a site plan for a use that complies with the zoning ordinance. If the zoning ordinance and Comprehensive Plan contrast, the zoning ordinance has to govern otherwise the zoning ordinance is meaningless. He sees those as being very different situations.

Gary Van Vark made a motion for conditional approval of the site plan subject to the fact that the City staff would not be able to issue a building permit until the issues with the Comprehensive Plan are either resolved or amended.

Mike Vander Molen seconded the motion.

David Landon asked for clarification on the motion.

Mr. Van Vark responded that part of that comes up in regards to if is a valid point or not, let legal determine what they dug up is proper or not and enforced and then everything is set to go as is.

Mr. Judisch added that Casey's made a request for the board to either just approve it or deny it and not approve it with condition. As he understands it there is a concern that you might have different people look at it and have a different interpretation and we have a little of that tonight with the Comprehensive Plan and whether it is a guide or vague or a stricter document. Unfortunately their firm holds the opinion that it is more of a plan more of a guide but the City also obtained a second legal opinion that indicates it is stricter, so the holdup then is we have a Comprehensive Plan that identifies this area differently than is what is

being requested so City staff is recommending approval if the Comprehensive Plan were changed. Casey's has presented their argument as to why it should not be a hindrance, so some difference of opinion. So the suggestion of City staff is approve with condition to see if the City Council would then vote to amend the Comprehensive Plan. Mr. Judisch asked Casey's legal counsel to confirm whether it is Casey's request for purely an up or down vote rather than a vote with condition.

Ms. Krell responded that it is their preference that the vote be a clear up or down vote and not an approval with condition simply because they have had several different legal opinions back and forth and believes the document speaks for itself, it says it is a guideline. It says several times in there it is a guideline. Although the City has obtained opinion that says it is guideline and one that says it is more stringent there is no opinion that says it should be viewed superior to an ordinance. They would ask that it is voted up or down so they know what to do at this point, so that there is not an anomaly in the future as they are under a limited time contract and there is no guarantee that the City will move forward with any amendments or changes and the reason they are asking for the up or down vote is because of the ambiguities they have been discussing and so let us make this clear and that would be their request.

Mr. Van Vark asked why should this condition consume much time.

Mike Nardini, City Administrator, responded that their recommendation came from the City Code, 165.36(3)(F) that requires site plans in conformance with the City's Comprehensive Plan and Zoning Ordinance and they thought this was the safest way to go under the City Code, address the Comprehensive Plan by both Planning and Zoning Commission and City Council. If that is the way the Commission votes tonight they would move expediently in this matter and as quickly as possible in addressing the City's Comprehensive Plan.

There was further discussion about the motion and options. George Wesselhoft clarified with the Commission that the motion is conditional approval of the site plan per no. 1 in the staff report to which the Chairman responded in the affirmative.

Upon vote, Van Vark, Vander Molen, Agan, Danks voted yes. Haustein, Landon, Pfalzgraf, Van Wyk, Visser and Vos voted no. Motion failed by vote of 4 to 6.

Reasons listed for voting no:

Haustein: No one wants it, does not understand why the zoning and Comprehensive Plan do not coordinate

Landon: Opposition, does not comply with the Comprehensive Plan

Pflazgraf: If the neighbors don't want it we should take strong consideration in that

Van Wyk: Because of the Comprehensive Plan

Visser: Because of obvious opposition, and somebody mentioned working together to come up with a solution

Vos: All the reasons listed above.

- 10) Other Business. George Wesselhoft mentioned some items including the recent bypass sign ordinance that was denied by the Planning and Zoning Commission, that ordinance was tabled at City Council in the interest to facilitate discussion with the CDC and P&Z because they had the unusual situation of a split vote where CDC unanimously approved it while P&Z unanimously denied it, which is a very rare situation. He stated there would be a joint meeting in the near future on that to discuss that further. Also he mentioned also there is an Ad Hoc Gateway Corridor Committee that is looking specifically at single and two family residential construction in the gateway corridors of Main Street and Washington Street with new representation including Ann Visser from the Commission. One of their recommendations could be code changes for construction that could come before the Commission as an amendment. Also, Mr. Wesselhoft added that at the March 28 meeting the Historic Preservation Commission recommended framework ordinance will be another upcoming item.

Teri Vos asked concerning item no. 5 if the members that voted no could say why they voted no to the motion.

John Judisch, legal counsel for the City, responded that the way the question was phrased a yes resulted in it not passing, in essence a yes was voting against.

Ann Visser mentioned they were not in favor of the entire expansion but the idea was presented that it could be done with the stipulation that it just be for the one building that is currently there.

Cathy Haustein stated she did not vote for it because she did not understand why it was not grandfathered in already.

Mike Vander Molen questioned on the last matter there was a motion that died why is there not more motions as at no point did they deny the site plan?

John Judisch responded at this point it didn't pass and the vote was taken.

Mr. Vander Molen stated they did not vote down the site plan. Does it have to be approved or denied?

Mr. Judisch responded that the motion was made to approve that failed, that in essence takes care of it; because you have a motion to approve that failed.

Mr. Landon stated they still have conflict between current zoning and the Comprehensive Plan and is there a mechanism to modify the current zoning to be in agreement with the Comprehensive Plan?

Mr. Vander Molen stated rezonings are usually voluntary by the parcel, that is how these things take years to change and when they get a rezoning request you look at the Comprehensive Plan, when you get a use that complies with the Zoning Ordinance rarely do you have to look at the Comprehensive Plan because you have everything you need. Zoning Ordinance tells you what is in effect today and the Comprehensive Plan tells you where you might want to go. This was a site plan that complied with the current ordinance, this was not a rezoning change. Is that right George, is that is how we have made those two jive?

George Wesselhoft responded that it is true there has been a greater emphasis with respect to rezonings as with the first case this evening but in light of the legal review it something that needs to be addressed in some fashion.

Mr. Vander Molen questioned are rezonings ever done without the request of the property owner.

Mr. Wesselhoft responded specifically for rezonings there are two options: City initiated rezoning or property owner themselves making the petition, there is not another option.

Mr. Judisch added that in this particular case you have Pella City Ordinance 165.04 and that is the concern that the site plan has to conformity to the Comprehensive Plan which in this case it does not. Now Casey's have a different perspective, and there is another perspective from another attorney that is more inclined that the Comprehensive Plan is more strict.

Mr. Landon stated his life with standards and codes is that you can have a guidelines but if that guideline is invoked by law then it becomes law.

Mr. Judisch responded he is not so sure he would agree, if you adopt codes such as building codes you then incorporate into the City ordinance. In this case, our view of the Comprehensive Plan is it is more a guide where things may or may not go in the future not set in stone but with your own City ordinance you have a Statute that states in order to approve the site plan it must be consistent with the Comprehensive Plan. Therefore it is their view in order to remedy that the City Council if they so choose would then have to modify the Comprehensive Plan to fit the site plan that was recommended by City staff.

Mr. Landon stated it could be the other way around, the City could modify the current zoning to agree with the Comprehensive Plan and that option really was not given in the options.

Mr. Judisch stated the purpose of tonight was to look at the site plan and see if the Board wanted to approve it and the site plan obviously was presented by Casey's because they are wanting it to go in, and that by changing the zoning to fit the Comprehensive Plan it would probably prevent Casey's from doing it, you are not going to be given another option that is the reverse when either voting yes or no would address the issue.

Mr. Wesselhoft further reviewed for the meeting on the 28<sup>th</sup> there will be the recommendation from the Historic Preservation Commission which will be a framework regulatory ordinance, also a site plan application from Marc Vande Noord for a multi-family development proposed at the intersection of E. 8<sup>th</sup> Street and Vermeer Road which is targeted for Preserve even though the zoning is R3 and has been for years. Also another Comprehensive Plan amendment as follow up to the Missouri River Energy Services. In both cases the properties are targeted for Preserve. There may be others as there is still time for applicants to submit applications.

11) The meeting was adjourned at 8:30 p.m.

Respectfully submitted,  
George Wesselhoft  
Planning and Zoning Director

**George Wesselhoft**

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**From:** Cathy Haustein <hausteinc@gmail.com>  
**Sent:** Monday, February 22, 2016 11:02 AM  
**To:** George Wesselhoft  
**Subject:** Fwd: P&Z: Zone change for property next to Timber Ridge

I am forwarding this message to you with the sender's permission. Cathy Haustein  
----- Forwarded message -----

**From:** Mary Ann Emerick <emerick45@gmail.com>  
**Date:** Mon, Feb 22, 2016 at 9:45 AM  
**Subject:** P&Z: Zone change for property next to Timber Ridge  
**To:** Cathy Haustein <hausteinc@gmail.com>

Cathy,

Just want to let you know that I am not in favor of the rezoning request for the property that is adjacent to Timber Ridge. The property was formerly owned by Harley VanWyk and was used as storage for his boats and materials as it related to the business he operated on Idaho Drive. It is my understanding that they (new owners or heirs) want do storage rentals.

When Mr. VanWyk originally purchased the property he requested to put his boat business at property adjacent to Timber Ridge. At that time the city declined his request because of the residents.

The property has residential homes in three directions and the fourth is Corps property. I worry about how the property could be expanded with additional buildings and what that means when it is sold to the next person.

The rezoning does not limit the owner to storage/rental sheds and would allow for other light manufacturing. I don't believe this change would be in the best interest of the residential property owners in our area.

Thanks,  
Mary Ann Emerick  
117 Timber Ridge Dr.  
Pella, IA

February 22, 2016

Re: Rezoning

Dear Planning and Zoning Commission:

This letter is in regards to the rezoning request by Keith Hoksbergen/Harley Van Wyk Estate.

While we are not opposed to this property/building being used as a storage unit, we are opposed to this rezoning to Limited/Light Industrial District. Harley used the building for storage and it wasn't a problem. Once it is rezoned it could change from storage to Industrial business and we do not care to have that across the road from our home. Keith already does noxious burnings, has things parked outside, we have the Steve Ross dump next door and don't want to see any more negative changes to our neighborhood.

Thank you for allowing us to have input into this change.

*Randy & Kathy Boot*

Randy and Kathy Boot  
1032 198<sup>th</sup> Place  
Pella, IA 50219

Dear Mayor, City Council Members, and City Staff,

I was astounded to hear that Casey's is moving forward with a plan to build a mega gas station in the 500 block of Main Street. Despite a petition signed by over 1100 Pella residents who oppose the development, city council members are saying there is *"nothing that can be done."* Is this the type of development we want in the center of Pella? This mega station will reside across from the Public Library, kitty corner from the Community Center, front the Volksweg bicycle/walking trail, and be within a few hundred feet of the restored fire station and fire and ambulance dispatch points.

I feel for the homeowners living near the proposed mega station. The resale value of their properties will definitely take a hit. Many of these homes are among the most historic in Pella. I assume in the future these homes will become rental properties affecting not only their values, but their appearance and eventually their existence.

I understand Casey's intends to close three stations currently operating in town after the mega station is open. In other communities, Casey's imposes a 15 year non-compete clause against the sale of food or gasoline from these former locations. In many instances, these locations sit idle and boarded up with tanks in the ground creating eyesores that also serve as barriers to competition. Currently, thirteen such parcels are listed for sale on Casey's website. Their proposed Pella project would add three more to the list.

The traffic from three Casey's locations will now funnel to a single site. Has a traffic study been conducted and published stating the effect of this development on public safety and our ambulance and fire protection services?

Two years ago, our City council spent thousands of dollars developing a comprehensive city plan executed by a well-respected Des Moines architectural firm. The plan calls for residential development in the area of the proposed Casey's site due to its pedestrian-friendly location. Despite the money spent on the comprehensive plan in 2014, Pella's zoning ordinances have not been changed since 2001. Why does this plan not serve as a blueprint for future development? Why doesn't our current zoning align with the plan to protect our unique community and its neighborhoods from misguided development?

Once built, the fabric of central Pella will be changed forever. I encourage city officials to table this current location and work with Casey's to find a more appropriate location for their new convenience store.

Sincerely,

Jim Mansueto

1304 Main Street

**George Wesselhoft**

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**From:** Renee <patragreek@yahoo.com>  
**Sent:** Saturday, February 20, 2016 3:46 PM  
**To:** George Wesselhoft  
**Subject:** Concerned neighbors

Hi Mr. George,

Our names are Kosta and Renee Bastas and we reside at 706 Independence St.

Our concerns about Casey's General store are many as voiced at previous meetings. But as I read through the purpose of the CDC it stated clearly "to preserve and promote the unique charm, atmosphere, quaint and Romantic character, natural beauty and historical aspects of Pella Business District."

How do the pumps add beauty or romantic character? The other Casey's were hidden among beauty, romantic character and historical buildings built by the founding Fathers and Mother's of Pella.

Also why will our properties go down in value on this end of town and not at the other end of town where the present Casey's are located?

Please direct our letter to the proper people. .

Very concerned and upset neighbors,

Kosta and Renee Bastas

Sent on the new Sprint Network from my Samsung Galaxy S®4

## George Wesselhoft and members of the Planning and Zoning Commission

After having gone door to door to collect signatures for the petition to deny the variances that Casey's was requesting, I can tell you that many of the people I talked to opposed the proposed site for Casey's for many reasons. Many of these reasons can be related to the Comprehensive Plan.

- My neighbors and I opposed Casey's because it would devalue our properties. One of the homes in our neighborhood is on the Spieler wagon tours at Tulip Time. The Comprehensive Plan (page 43) shows the plan the consultants felt would be best for the empty lots on Main Street. I specifically discussed our neighborhood's concern with the possibility of a gas station on these lots. Their response was that this would be a poor choice for a gas station. They drew up a plan and showed it to Mr. Vander Beek as well. In the plan they note their recommendations and explain how their diagram demonstrates the important principles of infill development.
- A large number of people opposed the Casey's in this location because of its proximity to the library. They were concerned about the safety of their children and grandchildren as they walked or rode bike to the library. One woman was so concerned, she contacted me and asked for a petition to bring to a Mom's group of which she was a member. The Comprehensive Plan discusses a pedestrian and bicycle friendly downtown. It shows plans for bike trails and specifically shows a Bike Tourism trail (page 51) that goes around the block where a Casey's is being considered. This bike trail makes use of CURRENT bike trails (located right in front of the proposed Casey's) and suggests a combination of off street and on street paths to complete a tourism loop. This is being done in many other communities I have visited and is very popular. It would give tourists something else to do while they were in town and perhaps they would stay longer.
- Many people simply opposed another Casey's. When I explained that the other three Casey's would be closed, they still did not like the idea of another Casey's. They feel that Casey's is becoming a monopoly and they don't like that. This also brought concerns of what would go into the three Casey's that would be closed. Given the number of non-compete requirements that come with the purchase of an old Casey's store, I could not give them an answer of what might go into one of those locations. I noticed that the Comprehensive Plan suggested closing the gas station by the Scholte House but did not mention the need to close the gas station on the NE corner of the square.
- Many people are under the impression that Casey's would donate the gas station on the NW corner of the square to the Historic Society. When I spoke to Casey's attorney, she said there were people who were interested in those two stores but made no mention that they might donate the store.
- Some people are concerned about the "underground stream" in this location and the environmental problems that this may present. They are also concerned about rainwater run off from the amount of concrete that will be placed on this lot. Main Street already fills with water in this location during heavy rains. I realize they will need to have a retention system but during a heavy rain surely some of the water will run off into the street. In addition, there are residents who live by a creek further north who see the results of a sewer system that is inadequate already. During heavy rains the manhole covers are pushed up by water and tampons, condoms and toilet paper end up in their yard. They are concerned about continuing development without addressing this problem. I am sure this is no surprise as the Comprehensive Plan mentions that the city is aware that the sewer systems will be needing updating or repair in the future.
- Many residents are concerned about the ability of emergency services vehicles being able to be quickly dispatched due to increased traffic from Casey's.
- People are concerned about children walking to the bus stop by the community center.

- Many people believe that Casey's only wants to build here so that they are conveniently located for the college students to buy beer.
- There is concern with increased traffic and the lack of infrastructure to handle this traffic. There is really no room to widen Main Street in this location. Because of the bank, credit union, Pizza Ranch, and Mexican restaurant, one resident in our neighborhood has waited 12 minutes before she has been able to walk across the street. There is already a concern with traffic right now, imagine what that will look like after the addition of Casey's.
- I have heard from a city employee and a few councilmen that the stores on the square are dangerous because there is just too much traffic congestion. When we expressed concerns about the increased traffic by their proposed site on Main Street, both the city employee and the Casey's attorney felt we would not notice any difference in traffic at all. If putting a Casey's in somewhere does not change the traffic patterns then one would have to assume that taking one out on the square would not alleviate the congestion there either. Does this really make sense?
- I understand that the city does not want any gas stations in the Central Business District. I've also heard that we need to expand the "downtown" somewhere and if not here then where? I have no problem with Central Business District expanding down Main Street. However, if that is the direction you wish to expand and you have already decided you don't want gas stations in that district, why would that be the first thing you build?

We ask that you strongly consider the Comprehensive Plan when making your decision whether to allow Casey's to build on Main Street across from Pizza Ranch. The taxpayers spent \$85,000 on a plan that would help determine the future development of Pella. I realize that development means growth, but unplanned development equals chaos. Surely we can work together to find a better solution.

I know this was unbearably long, but I thank you for taking the time to read it.

Respectfully,

Rhonda Kermode

To the Planning & Zoning committee.

The city spent a lot of money on a plan for the corridors into Dilla of which Main Street is one. Why do a survey and then ignore their suggestions?

Now you are concerned about houses being built on the Washington corridor that don't fit the area. I think you should also be talking about Main Street and the location where Casey's wants to build. It does not fit the area.

There is already a lot of traffic there and a gas station will cause even more congestion. Quite frankly it is an accident waiting to happen with the bike path, fire department and ambulance services located in that area. The library is family friendly with bikes and strollers, and a lot of children.

With the large turnout and the petitions signed at the variance committee meeting it is obvious that the citizens of Dilla are not behind the Main St. location for Casey's.

I think one of the reasons Casey's wants that location is because they will be close to the college with all their food and mess. If so it is a bad one.

I think they should look at other locations, possibly on Osage Street.

Wendy Best

**From:** Michael [<mailto:michaelrobinson@iowatelecom.net>]  
**Sent:** Sunday, February 21, 2016 9:58 PM  
**To:** Michael <[michaelrobinson@iowatelecom.net](mailto:michaelrobinson@iowatelecom.net)>  
**Subject:** CASEY'S INTENT TO BUILD IN THE 500 BLOCK OF MAIN ST  
**Importance:** High

Dear Mayor, City Council Members, City Staff, & Commission Members

It appears that it is business as usual in Pella as Casey's is moving forward with a plan to build a new gas station in the 500 block of Main Street. This is occurring despite a petition signed by over 1,100 Pella residents who oppose the development, city council members are saying there is "*nothing that can be done.*" That is incorrect since the city council has had sufficient time to begin integrating the Pella Comprehensive Plan into city codes. In fact the council has had one year to get the ball rolling which would have resulted in the properties in the 500 block be rezoned to low density residential as the Comprehensive Plan recommends.

Two years ago, our City council spent \$85,000 developing a comprehensive city plan executed by the well-respected RDG Planning and Design, a Des Moines architectural firm. The plan calls for residential development in the area of the proposed Casey's site due to its pedestrian-friendly location. Despite the money spent on the comprehensive plan in 2014, Pella's zoning ordinances have not been changed since 2001. Why does this plan not serve as a blueprint for future development? Why doesn't our current zoning align with the plan to protect our unique community and its neighborhoods from misguided development?

Reality is that on the west side of Main Street in the 500 block should have never been rezoned in 2001 as mixed use. There were six houses located in that section of Main Street at that point in time. Those homes had been there for a long time. Reasonable people looking at the situation in 2001 could have expected the Planning and Zoning Commission to establish this section of land on Main Street as Low Density Residential. If that had occurred the controversy surrounding the possible relocation of Casey's to the 500 block of Main Street would not be occurring. Reality is the Planning and Zoning Commission dropped the ball in 2001. It appears the same commission is about to drop the ball soon since it appears at least some members of the Planning and Zoning Commission are unaware the Comprehensive Plan recommends that this land be rezoned to Low Density Residential. Furthermore it is interesting how quickly the Planning and Zoning Commission can move when it involves business and industry. During the Planning and Zoning Commission meeting on 22 February 2016, the commission will review two separate requests to rezone land from Low Density Single Family Residential to M1 Limited/Light Industrial.

If Casey's is allowed to construct a new facility in the 500 block of Main Street the following will become reality.

1. Casey's will reside across from the Public Library and be kitty corner from the Community Center.
2. Casey's will front the Volksweg bicycle/walking trail.

3. Casey's be within a few hundred feet of the restored fire station and fire and ambulance dispatch points.
4. Casey's will be adjacent to historical properties of which at least two are on the National Historical Register.

The relocation of Casey's to the 500 block of Main Street has the potential to provide a series of excellent examples of the law of unintended consequences that may occur including.

- 1) Increases in vehicular traffic on Main Street due to the closing of three other Casey's stores in Pella.
- 2) The traffic from three Casey's locations will now funnel to a single site. Has a traffic study been conducted and published stating the effect of this development on public safety and our ambulance and fire protection services?
- 3) Increases in vehicular traffic on streets in close proximity to Main Street. Study after study across the country show that when traffic increases and becomes congested on one highway or street, the result is that drivers find alternative routes in order to avoid the heavy traffic and traffic congestion.
- 4) Increase in the propensity for accidents involving pedestrians, bicyclists, and other vehicles to occur due to the increase in vehicular traffic on Main Street.
- 5) With increases in vehicular traffic at this location more than likely the Pella taxpayers will have to cover the cost of stop lights at Union and Main Streets.
- 6) Environmental degradation of the surrounding neighborhoods which includes bright lights at the proposed Casey's location that can result in an increase in sleep related disorders. There is no way of escaping the fact there will be an increase in noise pollution.
- 7) Increased water runoff from the potential Casey's site in the 500 block of Main St. Impervious surfaces and urbanization affect water runoff characteristics. Runoff from an acre of pavement is about 10–20 times greater than the runoff from an acre of grass. Water running off these impervious surfaces tends to pick up [gasoline](#), [motor oil](#), [heavy metals](#), [trash](#) and other pollutants from roadways and parking lots, as well as [fertilizers](#) and [pesticides](#) from lawns.
- 8) Resale value of residential properties located in close proximity will more than likely become a reality. A member of the Pella Board of Adjustment stated during the meeting in December 2015, lower property values probably will be a result.
- 9) Lower residential property values in the neighborhoods located in close proximity to the proposed Casey's in the 500 block of Main Street will result in a reduction of property tax revenue to the city and school district.

Casey's intends to close three stations currently operating in town after the mega station is open. In other communities, Casey's imposes a 15 year non-compete clause against the sale of food or gasoline from these former locations. In many instances, these locations sit idle and boarded up with tanks in the ground creating eyesores that also serve as barriers to competition. Currently, thirteen such parcels are listed for sale on Casey's website. Their proposed Pella project would add three more to the list.

The Casey's properties in Pella that will be closed have gasoline underground storage tanks (UST). There is no federal or state of Iowa law requiring the seller of such property to remove underground storage tanks unless they are on a site that is on the Iowa Hazardous Waste Registry. There is no State of Iowa law or prohibition against the sale of property that is contaminated from USTs unless the site is on the Iowa Hazardous Waste Registry.

Based on realities noted above another set of unintended consequences has the potential to develop.

- 1) Will Casey's pay for the removal of USTs at the three locations they intend to shutter in Pella? No one can sell gasoline if properties are purchased from Casey's, so why would anyone purchase the properties with USTs existing?
- 2) What happens if the existing USTs have been leaking and there is ground contamination on the sites or neighboring properties?
- 3) Will Casey's also remove the existing canopies and pump islands once the properties in question have been vacated?

The Pella City Council can take action and impose a moratorium on all commercial and residential construction in the Gateway Corridor to insure that new construction is in compliance with the Pella Comprehensive Plan that has cost the Pella taxpayers \$85,000. Currently the city council has implemented a moratorium on residential construction in the Gateway Corridor. This will give time for a committee to recommend possible design standards for residential properties. If a moratorium were enacted regarding commercial construction in the Gateway Corridor, then the Planning and Zoning Commission would have time to change the zoning of the property in the 500 block of Main Street so it aligns with the Comprehensive plan.

In closing the Pella City Council can take action regarding the potential construction of a Casey's convenience store in the 500 block of Main Street. This should be done in light of the fact the Board of Adjustment received a petition signed by 1,100 Pella Citizens stating they were opposed to the location of a Casey's in the aforementioned location. Furthermore it is prudent to consider the long term impact that a new Casey's will have on not only the neighborhoods located in close proximity to the site, but all of Pella.

Regards,

Michael Robinson  
USAF Veteran  
513 Broadway  
Pella, Iowa 50219

Dear Mayor, Council Members, and City Staff

My name is Don Andre, my wife and I live on the corner of West 1<sup>st</sup> and Union. We have lived on the same block since 1976. I grew up in New Jersey in the 50s & 60's, the town was much like Pella then, however, over the last 40-50 years unregulated growth led to a myriad of problems and diminished the quality of life due to poor planning. My concern is that those mistakes are not repeated here in Pella.

Our concerns are as follows:

- Environmental Impact
- Noise pollution
- Light pollution
- Air pollution
- Storm water run off
- Quality of life for area residents
- Property value of adjacent home owners
- Increase traffic problems on corner of Main and Union
- Slow destruction of the character of neighborhood
- No plan presented for the stores which could be abandoned, which could lead to vacant, boarded up buildings. Ex: Monroe, Prairie City, Pleasantville, Colo.

Is this the best use of this site? As written in December 3<sup>rd</sup>, 2015, The Chronicle, The Historic Trust of Pella wrote, "People tend to live, work, shop and visit areas that invoke pleasant memories." They do not visit truck stop size convenience stores. Over the years, Pella has worked very hard to maintain certain qualities and standards for buildings and development. These maintain and augment our historic fabric and uphold standards that maintain a high design aesthetic. These standards and guidelines make for a livable and enjoyable community that is rich and family-friendly-it also helps to make it a place people want to visit and move to. Having such a large convenience store, in a residential neighbor runs counter to all the past hard work and goals of our community. Additionally, such a building will cause undue hardship to adjacent homeowners and create traffic flow problems and safety concerns with the Volksweg path on the entrance of Main Street. This folly will start the slow destruction of the character of our neighborhood.

Sincerely,



Don Andre

To Whom it May Concern:

We are writing you today in regards to the proposed Casey's location on Main Street. We have already written one letter fully explaining the details of why we are against this action. The purpose of our letter today is to summarize and reinforce what we have already stated.

We feel that adding this location does not line up with Pella's Comprehensive Plan (specifically pages 24, 29-30, and 43).

It is our observation that buildings like the ones that would be consolidated into this location often sit empty for several years due to non-compete clauses. This would be an eyesore for our community and also does not comply with Pella's Comprehensive Plan (Best Use of Properties, p. 56). While we recognize the Comprehensive Plan has a suggested use for one location, that still leaves two open locations (not to mention the cost of having the fuel tanks removed at the site of the proposed welcome center).

Putting a Casey's this size in this location would increase the traffic level in an already busy area. This will have a dangerous effect not only on vehicular traffic, but also to foot and bicycle traffic as this location is a part of Pella's wonderful bike trail. It also seems that extra traffic in this area could have an adverse effect on the response times for our fire department and ambulance teams.

In addition to increased traffic levels, the amount of light, noise, pollution, and unwanted smells will also increase. All of these increases will happen in an area of town that some are working to make a historic neighborhood.

While there will be many negatives increasing, one of our main concerns relates to a positive that will be decreasing. Those who own property adjacent to the proposed new Casey's location will undoubtedly be facing a decline in the value of their property.

Please do whatever you can to help prevent this build from happening. Additionally, please let us know anything we can do.

Thank you for taking the time to read this letter,  
Adam and Jacqueline Hale