Planning and Zoning Commission
Special Meeting
March 14, 2016

1) The meeting was called to order at 7:00 a.m.

2) Roll Call.
Present: Jim Danks, Cathy Haustein, David Landon, Robin Pfalzgraf, Bob Smith, Gary Van Vark, Ervin Van Wyk, Ann Visser.
Absent: Craig Agan, Mike Vander Molen, Teri Vos.
Others Present: Bruce Niedermyer (RDG Planning & Design), Mike Lubberden, Mike Nardini, George Wesselhoft.

3) Site Plan for Central College. George Wesselhoft reviewed the staff report: Central College is proposing an addition to the south and west of the existing A. N. Kuyper Athletic Complex. The building will have a new south entrance extending toward Independence Street. The expansion to the west will take over an area currently used by a small pole structure used for hitting cages. This site is zoned INS Institutional. The site is targeted for Central College use in the Comprehensive Plan, Future Land Use map.

Bob Smith questioned in the write up staff included three pages of criteria for site plan review.

George Wesselhoft responded they were identified recently as something that the Commission should focus on more, historically the burden has been on staff and it has been the direction of the Commission to not bring anything forth unless it is 100% code compliant and they are now including this information as part of the Commission's review.

Mr. Smith stated the bulk of these things he has traditionally assumed that staff reviewed and they will have to see what staff is looking at.

Mr. Wesselhoft responded staff believes the site plan is in conformance with all these criteria and it is straightforward in that regard and is consistent with the Comprehensive Plan.

Mr. Smith added if the Commission has to make the findings, then they are committed to have deference and have the right to have a significant amount of trust in staff like he has for the last fifteen years he has served on the Commission; he added that some of these criteria are pretty subjective.

Mike Nardini responded that the criteria have traditionally been done by City staff however the City Code requires the Planning and Zoning Commission to consider these items in approving site plans. One of the criteria is that the site plans do conform to the City's Comprehensive Plan in addition there is the Table 165.36/37-1. From an administrative standpoint that review is done at the staff

level and if there are questions on the specific criteria in the table staff would be happy to answer them.

Cathy Haustein asked why in the Table sometimes there are one versus two "X" marks.

Mr. Wesselhoft responded that the Table includes both site plan and special use permit review and that is why there are two columns with "X" marks. There was discussion about the Table and how it is interpreted.

Mr. Smith questioned with respect to that we now need to find conformance to the Comprehensive Plan for a site plan.

Mr. Wesselhoft responded there is that language in the Code that requires consistency as far as zoning and the Comprehensive Plan and unless that section is changed by City Council that is something we have to do.

Mr. Nardini handed out the section of Code that pertains to site plans and this is what was reviewed and came up during the Casey's site plan development. These are the three findings; subparagraph three of 165.36 (3)(F) that the site plan conforms to both the Zoning Ordinance and the City's Comprehensive Plan. They have verified it with legal counsel and the City Attorney. From this point forward from a staff report they will see a recommendation from staff and we are trying to follow what the City Code spells out and this is not a new provision but when staff became aware of it they verified no conflict with State Code and it is somewhat of a new procedure.

Mr. Smith stated his recollection is that there are numerous inconsistencies between the current zoning map and the Comprehensive Plan; that would suggest they cannot approve a single site plan without resolving that inconsistency.

Mr. Nardini responded that the Comprehensive Plan needs to be discussed with approving site plans and where there are inconsistencies there needs to be action taken. For the special meeting later this month there will be a specific action item for amendment.

There was further discussion.

David Landon mentioned that one thing that the Comprehensive Plan does state is that on page 90 that the Plan is created through the public process therefore any official changes should be made through the public process. If we go back to the decision on Casey's, the decision was to approve contingent on change and to him that is getting the cart before the horse. He still thinks they are in the same situation; even though they have the meeting on the 30th unless the Comprehensive Plan goes through and the change is made they are getting the cart before the horse.

Mr. Smith stated that zoning ordinance has particular rules for notification to people within proximity.

Mr. Landon stated the whole City is invited and when this revision was done the people in this neighborhood participated in it and whereas he is not sure but his assumption would be that Casey's did not and the Comprehensive Plan did have the public influence reflected the desire of the neighborhood to have this area with future zoning use of residential and not commercial and it went through the due process of the development of the Comprehensive Plan; so it does go through that.

Mr. Smith mentioned that for every site plan that comes before them where there is an inconsistency between the zoning map and Comprehensive Plan that means they are going to have to tee up an entire City notification.

Ms. Haustein asked whether there is anything wrong with that as the people of Pella have said quite clearly they really favor keeping the historic character of the downtown. What does it matter if things take longer as long as the public is happy with the decisions we make.

Mr. Smith stated he is not adverse to that but you will have a process change that is substantial.

Mr. Nardini responded that some of this will have to be worked out. The point is that site plans approved under City Code they required conformance with the Comprehensive Plan and they followed up and spent a considerable amount of time with legal counsel in reviewing State Code and case history that would possibly nullify City Code and they have not been able to find any provision under State Code. So where there are inconsistencies the process could take longer. The meeting on the 30th if the Planning and Zoning Commission would recommend approval on the Comprehensive Plan amendment to the City Council then the site plan would be presented with conditional approval as one option.

Mr. Landon stated the hiccup he has is that it goes on the pre-supposition that the City Council is going to approve the resolution. He added that he feels it should be done in two steps. He stated that is his personal opinion.

Mr. Nardini responded that the reason they talked about having the conditional approval was to expedite the development process.

Mr. Landon mentioned that is where the second choice of tabling last time should have been looked at.

Jim Danks questioned in the last fifteen years plans submitted and then change in the Comprehensive Plan. Has the Council approved the alterations?

Mr. Nardini responded where they have approved rezonings they have recommendations to amend the Comprehensive Plan at both the Planning and Zoning Commission and City Council.

There was further discussion.

Bob Smith questioned for the Central College site plan is the zoning institutional and the Comprehensive Plan has it as?

Mr. Wesselhoft responded Central College is identified as a specific use in the Comprehensive Plan Future Land Use Map. He explained further that there is a table in the Comprehensive Plan that has some cross references between the Comprehensive Plan use categories and the zoning districts.

David Landon made a motion to approve the site plan. Ann Visser seconded the motion. Upon vote, Landon, Visser, Haustein, Pfalzgraf, Smith, Van Vark, Van Wyk voted yes with Danks abstaining. Motion carried 7 to 0 with 1 abstention.

4) Other Business. George Wesselhoft mentioned the minutes of the February 22 meeting were emailed out after the packet went out and there are hard copies out but they are a lengthy set of minutes and the Commission could wait to approve at the March 28 regular meeting agenda until they have more time to review. Also, he mentioned that on May 19 there will be planning and zoning training.

Bob Smith stated that perhaps they can be prepared for example the Code provision that requires consistency and whether it is required by State law as the biggest issue he has as people have the right to understand how they can use their land; he thought the Comprehensive Plan was aspirational and forward looking and so as a result there will be inconsistencies; how do people live with understanding what they can do with their property in that level of uncertainty.

Mike Nardini stated staff made the determination that if a site plan cannot clearly identify conformance with the comprehensive plan than it probably deserves consideration by the Planning and Zoning Commission and City Council. Mike Nardini also stated the Comprehensive Plan is intended to be a living breathing document, which can change as development occurs.
There was further discussion.

5) Adjourn. The meeting adjourned at 7:40 a.m.

Respectfully submitted,
George Wesselhoft
Planning and Zoning Director