

Planning and Zoning Commission
Regular Meeting
March 28, 2016

- 1) The meeting was called to order at 7:00 p.m.
- 2) Roll Call.
Present: Craig Agan, Jim Danks, Cathy Haustein, David Landon, Robin Pfalzgraf, Bob Smith, Mike Vander Molen, Gary Van Vark, Ann Visser, Teri Vos.
Absent: Ervin Van Wyk.

Others Present: Dan Vander Beek, Jerry Byers, Russ Van Wyk, Sandie Mc Daniel, Dennis Mc Daniel, Joel Templeman, Dan Manning, Doty Boat, Joyce Vander Beek, Dennis Vander Beek, Tony Bokhoven, Joan Haman, Ken Haman, Lynn Branderhorst, Merlin Van Dyk, Verna Van Dyk, Rick Heimstra, Jim Mansueto, Julie Mueller, Jim Mueller, Dave Kermode, Larry Peterson, Mike Nardini, George Wesselhoft.

- 3) Approval of Minutes. The minutes of the February 22, 2016 regular meeting and the March 14, 2016 special meeting were approved as submitted.
- 4) Public Hearing on Ordinance Amending Zoning Regulations Chapter 165 by Adding a New Section 165.13.5 Historic District Overlay Zone.

No written comments were received.

Jim Mansueto (1304 Main Street) stated he serves as Chair of the Historic Preservation Commission and feels they came up with a good ordinance that is a good starting point if they ever develop a historic district; they took a lot of learning from the cities of Des Moines, Iowa City and Dubuque but also looked at what the CDC went through and they are really starting at a very early stage where a lot of the ordinances are advisory and will serve as educational tools for people considering remodeling if their homes are ever in a historic district and feels it is a very good first step.

The public hearing was closed.

- 5) Ordinance Amending Zoning Regulations 165 by Adding a New Section 165.13.5 Historic Overlay Zone. George Wesselhoft reviewed the staff report:

The Historic Preservation Commission was appointed in May of 2015. One of their duties as delineated in City Code includes studies for the identification and designation of historic districts and landmarks meeting the definitions established by ordinance. At the present time, the only ordinance that exists pertaining to historic preservation is the ordinance which establishes the Historic Preservation Commission. In order to establish historic districts under City Code, the

regulatory framework ordinance setting forth the process would first need to be established. The Historic Preservation Commission over the span of over six months reviewed draft ordinance provisions for historic overlay zone. The City Council at the November 2, 2015 and February 2, 2016 Policy & Planning meetings reviewed overlay guidelines recommended by the Historic Preservation Commission. Direction was received at the February 2, 2016 Policy and Planning meeting to proceed with formal Historic Overlay Zone ordinance amendment.

The proposed ordinance would follow the approach similar to what is required to rezone property within the City limits as outlined in Chapter 165.38 of the City Code. In order for the historic district to proceed, the application would need to be approved by the Historic Preservation Commission, the Planning and Zoning Commission, and the Pella City Council similar to other zoning ordinance map amendment. It is important to note, that as contained in the current Chapter 165.38 of the City Code, if a petition is presented by the owners of twenty percent (20%) or more of the area included in the proposed historic district or by the owners of twenty percent (20%) or more of the property which is located within two hundred feet (200') of the exterior boundaries of the proposed historic district, then a super majority of City Council would be required for approval.

The historic overlay district would upon establishment of a district require a permit for new structures within a historic district and for additions to existing structures. In addition, historic review and associated permit would be required anytime a demolition permit is submitted. Further, the proposed ordinance is proposing for alterations which do not required a building or demolition permit, would be subject to voluntary historic review only with no certificate of appropriateness required.

All decisions of the Historic Preservation Commission, under the proposed ordinance similar to CDC can be appealed to the city Council.

Bob Smith asked the commission called for in the proposed ordinance is appointed by Council?

George Wesselhoft responded in the affirmative.

Mr. Smith stated he is struggling with the word decision as doesn't the commission truly make recommendations to City Council?

Mr. Wesselhoft responded generally it would be similar to the Community Development Committee design review process where those are reviewed at the CDC level; generally speaking it would be similar to that process unless there would be an appeal triggered, then it could go to City Council.

Mr. Smith questioned under section 5a ii "materials changes to exterior features of landmarks..." where situations don't require a building permit are voluntary.

He asked whether to look at whether or not you mean to ensure as in cases when its voluntary they can only attempt to promote and be careful with that wording. Also he mentioned 3a) the very last sentence ends with a period but then has six things called out under it, assume you would want a colon. Also, number 6 the very last sentence it says the Commission may grant exception; if you believe it is appropriate for the Council to delegate that authority to the Commission but his personal opinion is it ought to be recommend.

Teri Vos mentioned wording issue on page 4 of the Architecture Handbook first edition draft with “historic review is also required on a voluntary basis...” which seemed a little contradictory to itself.

Mr. Wesselhoft explained that under a prior draft that was reviewed it was actually a requirement but Council identified a concern that was too steep of a requirement, so there may have been some wording that just did not get changed but staff could certainly change that.

Mike Vander Molen asked what other cities were reviewed?

Mr. Mansueto responded they looked at Iowa City, Dubuque, Mt. Vernon and Des Moines.

Gary Van Vark stated he has a little bit of heartburn about taking a specific area in town and requiring certain obligations for remodel and so forth but was any thought given to other houses or other structures that are historic in nature as well; could we have made this a voluntary situation anywhere in the community as opposed to requiring a specific area to jump through these hoops?

Mr. Mansueto responded they developed this thinking these ordinances would apply no matter what section of the City; North Main is an area that people think maybe that should be an area; of course you know about the University District where the Historic Pella Trust doing a study on those historic homes; with his job now he visits a lot of cities and Oak Park, Illinois just did an inventory of every historically significant home in their community.

Mr. Van Vark stated that would be more fair but he still has a problem with setting down an area so many blocks and doing the requirements.

Mr. Mansueto responded these guidelines are if some group of home owners get together and decide we would like to be a historic district.

There was further discussion about the proposed ordinance.

Mr. Smith mentioned that the opt-in piece would be much more palatable to him and he has troubles with it because it could be managed badly but could also be managed very well; if there is a city that ought to have a historic ordinance it

ought to be Pella. He added that it will not affect him personally but it is troubling to him.

Julie Mueller stated that she is a member of the Historic Preservation Commission and what they are trying to set up here is something that is advisory; they are not saying that this area has to be a historic area; they want to set up something that will advise people and explain why they are historic and if they want to change things then maybe have suggestions; they are not trying to make anybody do anything they do not want to do.

Cathy Haustein stated she is in favor of it as Pella needs to have a broad revenue base some of the revenue base is history and this is a step in protecting an important part of Pella and part of the revenue base.

Lynn Branderhost (227 Oskaloosa Street) stated she needs to speak to the depth of the establishment of this district and she is also the Executive Director of the Historic Pella Trust. In the Collegiate Historic District they are currently trying to establish, this is a very long, arduous task. They had to hire a private historian that had to establish that this area was worthy of the State deeming it historic area; every property in that district had to have a background search; in some cases where the houses were not historically significant they earmarked the garages where the original home was torn down but the garage was kept; to date they have spent \$30,000; the process is not meant to harm anyone; so is not anything that four or five homeowners can get together and can call it good as it is very long and very tedious. In their draft of the Collegiate Historic District every house is now being color coded as to what date it was built and its historical significance; that is the depth of a historic district.

Jim Danks stated he has some familiarity with historic preservation and there are only two or three people in Iowa who can make the decision you are talking about: Will Page and Molly Bauman in Ottumwa and he is not sure the other. In his block if there are five houses and he is one of them. If he wants to have his house on the National Register which is a long and costly process, does that process stop the neighbors from making any changes to their home? How do we protect those other four people that do not want to be part of a historic district?

Mr. Wesselhoft responded that if the Planning and Zoning Commission recommends denial or if the 20% objection, then that triggers the supermajority at Council. He added that Iowa City follows the same procedure, it is treated as rezoning.

Mr. Danks asked if the other four houses have any rights or responsibilities.

Mr. Mansueto responded if you do an addition and do it historically compatible to the Department of Interior Standards they you could get 45% tax credits.

David Landon stated he is a little confused because they talk about an overlay district in the ordinance but then we are talking about applying for a historic home which is way outside of what they are talking about here. He would like to keep focus on the overlay district. He asked if there is a minimum size for historic district.

Mr. Smith suggested under 3a on page 2 it says “to qualify for designation it has to be abutting pieces under diverse ownership”.

Mr. Landon stated back to Jim’s point if two or three people in that area are not supportive of this and it goes through and has the supermajority and gets approved then they are stuck with it versus being voluntary.

There was further discussion about establishment of a district versus single property designation in terms of City ordinance and other programs.

Ms. Mueller mentioned they want to start the process by designating historic overlays of homes that have a lot of historic value; they want to inform people and make advice; it could be just a door that is historic; all these different things make this historic; they want to make people aware of the value of the value of their home is much more than just monetary; they would like to preserve that and this is just the beginning; at this point they want to create an overlay of the neighborhood that has a lot of historic value.

Mr. Landon asked if they can take the step without the mandatory language.

Mr. Mansueto commented on the mandatory language, they have language for building and demolition permit.

Ms. Branderhorst added that this is really no different than a new neighborhood having covenants because instead of the houses being brand new and shiny the houses are 100 years old. Based on the fact that it is been there so long, it is no different than covenants and it is not that offensive when you spin it down that simplistically.

Mr. Danks asked if we have a duplication of roles and he is all for protecting the houses but he also wants to protect people that have property there. As he read this he does not think they are trying to read too much into it. If they are going to amend or add into the City Code it better be pretty specific.

Mr. Wesselhoft mentioned to address an earlier question that although the Commission focused more on the historic district there is language is in the ordinance for a historic landmark.

Jim Danks questioned how is the review process going to take place and who is going to manage and decides if it is historic? It makes it very difficult if you are

asking the Planning and Zoning Commission and City Council to approve it. He saw some house with a brand new porch, does that automatically knock out the district; he is concerned about voting up or down on this; there is value in where they are headed but he is not sure how they get to it where it becomes simpler and easily understood by the Commission and Council.

Gary Van Vark suggested tabling the ordinance.

There was further discussion.

Mike Nardini stated a public hearing would be required for an overlay district to be adopted and under that scenario if there were property owners where there was 80% objection the City Council would give that serious consideration.

Mike Vander Molen asked how many property owners could apply.

Mr. Wesselhoft responded under 3A it talks about the definition of historic district but is not aware of a specific number.

Mr. Smith asked the only one that can initiate a rezoning are the property owners themselves or the City and it looks like it would have to be abutting property owners.

Mr. Wesselhoft responded that you could have a third entity makes a petition but only the City Council could follow through on the overlay rezoning like 165.38 of the current Code for rezonings.

Mr. Vander Molen suggested taking the City out of it and leaving it voluntary.

Cathy Haustein asked if anyone has been to Iowa City and seen any of the historic districts such as Brown Street and the City took it upon themselves to make it into a historic district to help people renovate that street; it is beautiful now, it is filled with bed and breakfasts; it is not something that is a penalty for people, it is something can really save a part of a town.

Mr. Vander Molen mentioned if it such a great program he does not see a problem making it voluntary and allowing the homeowners to choose and he worries about it being forced on those that do want to be part of it.

Ken Haman (707 Union Street) mentioned it encourages people to buy in there because the neighborhood is going to be held that way which is very important if you are going to fork \$100,000 in an old home.

David Kermod (510 Broadway Street) stated it is becoming evident they have not educated the Commission enough and suggested tabling to educate them more.

Teri Vos stated she totally agreed with what Mr. Kermode said and she is hearing what people are saying and could only imagine what they have here took a long time to put together and the Commission should give equal presence of mind to get their questions answered they give it a up or down vote. Because there was so much work that went into this and would love to give that opportunity to the group and then vote more confidently one way or the other.

Gary Van Vark asked if the Commission has given the people a direction as to what questions they want answered.

Teri Vos made a motion to table the ordinance with opportunity for a focus group to study the issue. Gary Van Vark seconded the motion.

The specific concerns of the Commission mentioned:

Bob Smith mentioned as concern burdens without specific benefit, that this could be foisted on somebody and if they did not voluntarily buy into that it ought to take $\frac{3}{4}$ of the City Council.

Jim Mansueto stated they were operating under the premise once a district was established these are the guidelines.

Mr. Smith stated that this is not a guideline, it is presented as an ordinance and the only thing missing is for the City to say and this is a district, they won't be guidelines, they will be rules.

Mike Vander Molen asked if they are charged with the Handbook review.

George Wesselhoft responded the handbook because it is referenced by the ordinance it is included as an information item but the Commission would not approve, it would go with recommendation from the Historic Preservation Commission to the City Council which they would approve through resolution.

David Landon added in the very beginning there were comments on specific wording in the ordinance, since this is being tabled let's get the specific wording addressed. He also mentioned he likes the idea of providing examples including a district is established it includes people that do not want their property included in the district are there limitations to what they can and cannot do with their property.

Upon vote, Vos, Van Vark, Agan, Danks, Landon, Pfalzgraf, Smith, Vander Molen, Visser voted yes. Hausteina abstained. Motion carried 9 to 0 with 1 abstention.

- 6) Public Hearing on Comprehensive Plan Amendments to the Future Land Use Map

Concerning Approved Rezoning Applications Since 2014 Pella Comprehensive Plan Update.

No written comments were received. David Kermode questioned the purpose of the amendments. Gary Van Vark responded it is clean up.

- 7) Comprehensive Plan Amendments to the Future Land Use Map Concerning Approved Rezoning Applications Since 2014 Pella Comprehensive Plan Update. George Wesselhoft reviewed the staff report: The City of Pella is proposing amendments to the Comprehensive Plan for rezonings which have been approved since the 2014 Comprehensive Plan update. This would be clean up as per direction from the prior rezoning approvals and include the following:

- a) Missouri River Energy Services for Rezoning to amend the Future Land Use Map from Preserve to Light Industrial (Ordinance 900, approved 8-8-15)
- b) Russ Van Wyk for Rezoning to amend the Future Land Use Map from Low Density Residential to Light Industrial (Ordinance 901, approved 9-15-15)
- c) Alan and Karla Morrison for Rezoning to amend the Future Land Use Map from Medical and Assisted Living to High Density Residential (Ordinance 902, approved 9-15-15)
- d) Marc Vande Noord for Rezoning to amend the Future Land Use Map from Low Density Residential to Light Industrial (Ordinance 903, approved 11-17-15)

Mr. Smith asked so this is to amend the Comprehensive Plan to whatever each of the four were rezoned to.

Mr. Wesselhoft responded yes so the zoning and Comprehensive Plan are consistent.

Mr. Vander Molen asked if there were any instances if they approved a site plan that complied with the zoning but not necessarily the Future Land Use Map.

Mr. Wesselhoft responded he is not aware but he would have to check and that these are specific for rezonings, not site plans.

Mike Vander Molen made a motion to recommend approval of the Comprehensive Plan amendments. Bob Smith seconded the motion. Upon vote, Vander Molen, Smith, Agan, Danks, Landon, Pfalzgraf, Van Vark, Visser, Vos voted yes. Hausteina abstained. Motion carried 9 to 0 with 1 abstention.

- 8) Site Plan for RMJ Enterprises, LLC. George Wesselhoft reviewed the staff report: RMJ Enterprises, LLC is proposing the construction of a new concrete dock and associated hard surfacing of pre-existing gravel area. The new hard surfacing would consist of 5,280 square feet. While this site is zoned M2 Heavy Industrial, it is targeted for Mixed Use in the Comprehensive Plan, Future Land Use map. Otherwise the site plan meets the criteria of Chapter 165.36 (3) (F)

below which requires the Planning and Zoning Commission to make the following findings before approval of the site plan:

- A. 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.
- B. Any modifications to the site plan are reasonable and the minimum necessary to minimize potential unfavorable effects.
- C. The site plan conforms to the Zoning Ordinance and the Comprehensive Plan.

Mr. Wesselhoft stated the staff recommendation is to approve the site plan without an amendment to the Comprehensive Plan. The basis for this recommendation is that the proposed hard surfacing improvements do not constitute an expansion of the use but rather are improvements to pre-existing gravel area. If the Commission deems it necessary, the alternative would be to approve the site plan subject to Comprehensive Plan amendment possibly including review of the general vicinity.

Mr. Van Vark stated he thought you could lay concrete whenever you wanted to without having changes.

Mr. Wesselhoft responded that is a very good question and mentioned there is a 2000 square foot exemption which the applicant is aware of but in order to do it cleaner he is proposing the 5,280 square feet.

Ms. Haustein asked if there are any environmental or drainage concerns.

Mr. Wesselhoft responded those have been reviewed by the Public Works Director and in 2008 the same area was looked at and they just worked with the Public Works Director to finesse the storm water as part of this.

Mr. Smith asked because he chose to do more than 2000 square feet it triggers the site plan, the site plan is consistent with the zoning on the property, yet it is under the Comprehensive Plan the Future Land Use map has a different zoning and we believe we can make the recommendation to approve with no amendment to the Comprehensive Plan and asked staff to help him understand.

Mr. Wesselhoft responded in the affirmative, that the staff position is this does not constitute an expansion of the use, an expansion of the use would be a addition to the building or new building and they are just proposing to improve existing gravel area to hard surfacing.

Mr. Vander Molen stated he thinks the Comprehensive Plan should be amended to reflect the current use. When there is a conflict the Comprehensive Plan needs to give way.

Mike Nardini if there is a decision to amend the Comprehensive Plan staff is fine with that and they would also suggest a general review of the area to make sure we are consistent between zoning and the Comprehensive Plan.

There was further discussion about staff recommendation and action options.

Russ Van Wyk stated he is the R in RMJ and stated he thought he was doing the City a favor. Their original plan was 2000 square feet this year, 2000 square feet next year and fine tune it. American Wood Fibers wants to rent the whole thing. He stated we said we spend the \$2000 for the site plan and bite the bullet and get it all done up front; worst comes to worse they would come back and do 2000 square feet with gravel. Personally he would like concrete than gravel; they have to move forward.

Mike Vander Molen made the motion conditioned on the Comprehensive Plan amendment to bring the Plan in alignment with the zoning. Gary Van Vark seconded the motion.

Bob Smith questioned the designation for the land use.

Mr. Wesselhoft responded it would be general industrial.

Teri Vos questioned the motion is to change the Comprehensive Plan.

Mr. Vander Molen responded no, it is to approve the site plan conditioned upon the Comprehensive Plan amendment.

Mr. Landon stated they would have to have a hearing on the Comprehensive Plan amendment and the Council would have to approve it.

Russ Van Wyk asked he has to go another round with the City Council?

Mr. Danks stated the site plan is ok as it stands but they are trying to untangle their relationship with the Comprehensive Plan. He asked what the time frame would be for the applicant.

Mr. Wesselhoft responded it would be about six weeks because they have to have hearings at Planning and Zoning Commission and City Council.

There was discussion on the motion and what it meant in so far as the applicant.

Upon vote, motion failed 0 to 10.

Bob Smith moved to approve the site plan. Jim Danks supported the motion.

Mr. Smith commented that he thinks it is appropriate; he does not believe the Future Land Use map has any value until and unless it is reduced to a zoning ordinance, it has not been and has no bearing with respect to this. This is within the zoning of the existing property; it is by right and therefore he supports it.

Mr. Vander Molen stated he would like the future land use map taken for what it was and the zoning ordinance should govern and that land map should be given its due weight which is very little and he does not want to get in an instance where a site plan has to conform with that map and the zoning map because that is a difficult process and is unfair to property owners.

Mr. Smith further commented that it is in line with their charge; truly the Comprehensive Plan is not one page, it is not a single land use map; it is 136 pages and from that does not see any inconsistency with the charge given to the group with the motion in front of them.

Ms. Haustein stated she does not agree that the Comprehensive Plan and Future Land Use map are not worthy however she does not hear any outcry against this particular use which seems consistent with the way it is being presently used.

Upon vote, all voted yes. Motion carried 10 to 0.

- 9) Other Business. Mr. Danks asked if they as a Commission need to appoint as a group or meet going back to the ordinance. The Commission discussed it and also directing questions.

a) Mike Nardini gave an update on City projects: Mr. Nardini stated by mentioning the Oskaloosa Street reconstruction project. It is a fairly large project as it is proposed to extend from Prairie Street out to East 16th Street, about 7/8 of a mile, so it is a large project. It is roughly a \$3.2 million project; they will be using \$1.6 million federal funds for the project and the rest local; they also will be doing utility work including water and sanitary sewer; as far as the timeline they are actually fortunately to have started the week of March 21 on the east end. The project will be done in five phases and east segment would be reopened before Tulip Time and then the rest would be done after Tulip Time with the project completed by mid- October/mid-November. He added there will be an open house from the project on Thursday April 7.

Mr. Smith asked how the City is dealing with businesses.

Mr. Nardini responded they are trying to stay in close communications with the businesses and Public Works Department has been very busy on the project. He mentioned keep in mind the entire street will not be closed from Tulip Time through November; it will be done in five phases.

Mr. Nardini mentioned the Washington Street reconstruction project which extends from East 1st out to Hazel Street intersection and includes total street reconstruction as well as replacement of water main and sanitary sewer. The project would start shortly after Tulip Time and once again be completed at October timeline. This is something that will be decided by City Council. He mentioned there has been a significant amount of inflation in the construction industry. The engineer's estimate was \$900,000, they received two bids with the low bidder was at \$877,000. One of the questions is why they considered two street projects at the same time, looking at from the City staff standpoint and felt it was beneficial to do Washington Street this year.

Mr. Nardini mentioned the Pella Sports Park opened today. Overall it is a 105 acres sports park. Phase 1 is right around 65 acres, 5 baseball/softball fields and multipurpose fields; \$8 million project; \$2.7 million was the City's contribution. This process would not be possible without generous donations from the foundations of Pella Corporation and Vermeer Corporation and also a grant from Vision Iowa; the open house will be on Tuesday, May 3.

Teri Vos asked about the bike path.

Mike Nardini responded they are working on it.

Mike Vander Molen asked about the current parks.

Mr. Nardini responded that there would still be games on Caldwell Park and Peace/Independence Street fields and that Truman fields is yet to be determined.

Gary Van Vark asked if they are going to move soccer from the soccer complex out to the Sports Park.

Mr. Nardini responded that club soccer would be at the soccer complex with rec soccer out at the Sports Complex.

Jim Danks mentioned those are good projects and recognize the value. He asked please email him questions and Mr. Wesselhoft would be included and this would be for the historic overlay ordinance.

10) The meeting was adjourned at 8:29 p.m.

Respectfully submitted,
George Wesselhoft
Planning and Zoning Director