



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

March 20, 2018

A. CALL TO ORDER BY MAYOR AND ROLL CALL

The City Council of the City of Pella, Iowa, met in regular session at the Public Safety Complex meeting room at 7:00 p.m., Mayor Jim Mueller presiding. Council members present were: Mark De Jong, Tony Bokhoven, Lynn Branderhorst, Harold Van Stryland. Absent: Bruce Schiebout, Larry Peterson. City Administrator Mike Nardini and City Clerk Mandy Smith were present. Six staff members and fifty members of the general public signed the register.

B. MAYOR'S COMMENTS

1. Announce Policy and Planning meeting following the regular Council meeting to discuss:
 - a. Microbrewery Request
2. Approval of tentative agenda. De Jong moved to approve the tentative agenda, seconded by Van Stryland. On roll call the vote was: AYES: De Jong, Van Stryland, Bokhoven, Branderhorst. NAYS: None. Motion carried.
3. Reappointment of Jason Larson to the Civil Service Commission. Branderhorst moved to approve, seconded by De Jong. On roll call the vote was: AYES: Branderhorst, De Jong, Bokhoven, Van Stryland. NAYS: None. Motion carried.

BACKGROUND: Mayor Mueller would like to reappoint Jason Larson, Pastor of the Pella United Methodist Church, to the Civil Service Commission. Jason has served as a member of the Civil Service Commission since April of 2014. Jason has a bachelor's degree from the University of South Dakota in Mass Communication and a Master of Divinity from North American Baptist Seminary. He and his wife Jessica have six children. They reside at 204 Independence Street in Pella. If approved, his new four-year term would expire April 1, 2022.

ATTACHMENTS: None
REPORT PREPARED BY: Police Department
REPORT REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve reappointment

4. Proclamation Declaring March 2018 as National Athletic Training Month.

***PUBLIC FORUM (for anyone wishing to address Council regarding agenda items)**

No comments were received.

C. APPROVAL OF CONSENT AGENDA

Van Stryland moved to approve the consent agenda, seconded by Bokhoven. On roll call the vote was: AYES: Van Stryland, Bokhoven, Branderhorst, De Jong. NAYS: None. Motion carried. The following items were approved:

1. Approval of Minutes
 - a. Official Council Minutes for March 12, 2018
2. Report of Committees
 - a. Planning and Zoning Minutes for February 5, 2018

Chairperson Landon called the Planning and Zoning Commission to order in the Public Safety Complex at 7:03 p.m. Members present were: Craig Agan (via telephone), Julio Chiarella, Dave Landon, Robin Pfalzgraf, Gary Van Vark, and Ann Visser (via telephone). Absent: Joe Canfield, Mark Groenendyk, Cathy Haustein, Ervin Van Wyk, and Teri Vos. Staff present: City Administrator Mike Nardini, Zoning Administrator Bryce Johnson, City Clerk Mandy Smith, and Deputy City Clerk Cynthia Vaske. Others present: Doug Van Zee, Larry DeVries, David Gift, and Dale and Gladly Bogaard.

Unless otherwise noted, all actions were taken unanimously.

APPROVAL OF TENTATIVE AGENDA

Motion by Pfalzgraf, second by Van Vark to approve the tentative agenda. Motion carried 6-0.

APPROVAL OF MINUTES

Motion by Van Vark, second by Pfalzgraf to approve the minutes of the January 22, 2018 meeting. Motion carried 6-0.

PUBLIC HEARINGS:

(Case PC18-04) Consider Rezoning the Properties Located at 402, 404, 406, 408, and 410 Franklin Street from Neotraditional Single-Family Residential (R1C) to Planned Unit Development (PUD) Which Shall Conform to the Requirements of Chapter 165.14

This proposed ordinance would change the base zoning classification for the properties located at 402, 404, 406, 408, and 410 Franklin Street from Neotraditional Single-Family Residential (R1C) to a Planned Unit Development (PUD) which utilizes the R3 multifamily zoning district as the base zoning district. As background, the developer is proposing to construct six new townhomes ranging from 2,700-square feet up to 3,049-square feet on this 1.03-acre site.

Under the City Code, the proposed development is identified as "Townhouse Residential". Townhouse Residential is not permitted in the existing R1C zoning district and thus the reason for this rezoning request. The proposed PUD ordinance permits Townhouse Residential uses; however, it also limits the allowable number of units to no more than six units which closely aligns with the existing neighborhood. Staff believes the proposed ordinance meets the requirements of the City's zoning code. In addition, staff also believes the proposed ordinance is consistent and in conformance with the City's Comprehensive Plan. Therefore, staff is recommending approval of the proposed ordinance which would formally establish a PUD with an R3 base zoning district.

Convened Public Hearing. Four written comments in favor of the ordinance were received. David Gift from Trinity Reformed Church asked where the driveways for the properties will be located. A slide showing the driveways would be located to the north of the properties was shown. Developer for the project, Larry DeVries, said there will be a few minor changes to the concept plan. City Administrator Mike Nardini said minor modifications are allowable. DeVries also clarified that the properties will be two floors. With no further comments being received, the public hearing was closed.

Van Vark asked if the zoning will remain R1C for the properties that abut those being considered for a PUD. Nardini said yes. Van Vark said he questions the necessity of the screening requirements. Nardini replied that it will be up to the Planning and Zoning Commission during the site plan process to determine the appropriate level of screening.

Motion by Chiarella, second by Van Vark to approve the proposed ordinance as submitted which would formally establish a PUD with an R3 base zoning district. Motion carried 6-0.

OTHER BUSINESS / PUBLIC FORUM

The next meeting of the Planning and Zoning Commission is scheduled for February 26, 2018. Nardini said the proposed site plan for Bank Iowa will be on that meeting's agenda as well as the proposed preliminary and final plat for the Bos Ridge subdivision housing project. Staff also plans to hold a work session at that meeting to address potential code updates.

Adjourned at 7:22 p.m.

b. Board of Adjustment Minutes for February 15, 2018

Chairperson Corbett called the Board of Adjustment to order at 6:00 p.m. in the Public Safety Complex. Members present were: Jim Corbett, Susan Reiter, Merlan Rolffs, Jane Smith, and Lyle Vander Meiden. Absent: Karissa Hastings, Vince Nossaman, Mike Vander Wert, and Glenn Van Wyk. Staff present: City Administrator Mike Nardini, Finance Director Corey Goodenow, Zoning Administrator Bryce Johnson, Acting City Attorney Kristine Stone, and City Clerk Mandy Smith. Others present: Doug Van Zee, Tom Cleff, Ray Lovell, Steve Stroud, Luke Posivio, Troy Dee, and Jacob Niedema.

CHAIRPERSON'S COMMENTS

Approval of the Tentative Agenda

Motion by Reiter, second by Vander Meiden, to approve the tentative agenda with a modification in the order of agenda items to hold the annual elections after the other new business items listed on the agenda. Motion carried 5-0.

APPROVAL OF MINUTES

Motion by Vander Meiden, second by Smith, to approve the October 24, 2017 minutes. Motion carried 5-0.

PUBLIC HEARING CONCERNING A ZONING USE CLASSIFICATION FOR THE LAMPOST LOUNGE, LOCATED AT 813 WASHINGTON STREET

The applicant is appealing a decision by City Administration and the Zoning Administrator to classify The Lamppost Lounge as a 'cocktail lounge' (zoning definition listed below) under the City's zoning ordinance. Cocktail lounges, bars, and taverns are not allowed to operate in the Central Business District (CBD) without an approved special use permit from the Board of Adjustment.

Cocktail Lounge - a use engaged in the preparation and retail sale of alcoholic beverages for the consumption on the premises, including taverns, bars, cocktail lounges, and similar use other than a restaurant as that term is defined herein.

In comparison, restaurant uses (zoning definition listed below) are allowed by right in the CBD.

Restaurant (General) - a use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than fifty percent (50%) of the establishment's gross income.

City Administration and the Zoning Administrator determined that The Lamppost Lounge was a 'cocktail lounge' use after the establishment declined to submit documentation proving that more than 50% of their gross income was attributed to the sale of food. This decision was verified when The Lamppost Lounge filed a special use permit application on September 18, 2017, to operate as a bar/tavern in the CBD.

According to the proposal submitted to City staff on January 10, 2018, the owner of The Lamppost Lounge intends to purchase kitchen equipment and to offer a larger food menu at the location in an effort to meet the allowable restaurant use within the CBD. However, from staff's perspective, the standard for meeting the definition of a restaurant is having more than 50% of the business' income attributed to the sale of food; therefore, until The Lamppost Lounge can produce receipts proving they meet this standard, they will continue to be considered a 'cocktail lounge' use.

Convened Public Hearing on the Zoning Use Classification Appeal for The Lamppost Lounge.

The Lamppost Lounge's owner Troy Dee spoke regarding the appeal. Dee affirmed that he would like to put in kitchen equipment to transition his business to a restaurant; however, he stated it would take some time. Currently he is serving pulled pork, pizza, and Pella bologna. Smith asked how the establishment has been allowed to operate up until now. Nardini responded that staff asked for verification of the zoning use in July of 2017; staff became aware of the fact that The Lamppost Lounge was a 'cocktail lounge', not a restaurant, at that point. Rolffs asked what is defined as the Central Business District (CBD). Nardini explained the geographical area of the CBD. Kristine Stone, the acting City Attorney, stated that under Iowa law and City code, property owners are responsible for knowing and complying with the City's zoning ordinance.

Ray Lovell of Pella commented that he has been a patron of The Lamppost Lounge since it opened. Lovell spoke in support of the establishment. Steve Stroud of Bussey, an employee of The Lamppost Lounge for the past three years and a patron of the establishment for the past six years, spoke in support of the establishment.

Rolffs asked for clarification regarding why 'cocktail lounge' uses are prohibited in the CBD. Nardini explained that 'cocktail lounge' uses require a special use permit from the Board of Adjustment. City code limits the number of special use permits for this purpose to two, and both have already been issued.

Stone clarified that the board is an appellate body, and the decision before the board is whether to affirm or deny the decision of City Administration and the Zoning Administrator in the classification of the use for the property.

As no other comments were received, the public hearing was closed.

Motion by Reiter, second by Vander Meiden to affirm the decision of the Zoning Administrator and City Administration classifying the zoning use for The Lamppost Lounge as a 'cocktail lounge' use which is prohibited in the CBD. Motion carried 5-0.

ANNUAL ELECTIONS

Chairperson & Vice-Chairperson

Nossaman was elected Chairperson and Corbett was elected Vice-Chairperson.

OTHER BUSINESS/PUBLIC FORUM

Stone proposed the board discuss the possibility of implementing a policy to specify a deadline for matters that come to the board for appeal. Currently no formal appeal deadline is in place. This will be added as a work session agenda item during the next Board of Adjustment meeting which is scheduled for February 27, 2018.

Adjourned at 6:56 p.m.

c. Planning and Zoning Minutes for February 26, 2018

Chairperson Landon called the Planning and Zoning Commission to order at 7:00 p.m. in the Public Safety Complex. Members present were: Craig Agan, Julio Chiarella, Cathy Haustein, Dave Landon, Gary Van Vark, and Ann Visser. Absent: Joe Canfield, Mark Groenendyk, Robin Pfalzgraf, Ervin Van Wyk, and Teri Vos. Staff present: City Administrator Mike Nardini, Zoning Administrator Bryce Johnson, and City Clerk Mandy Smith. Others present: Erin Van Roekel, Eric Valder, Steve Leverington, James Feudner, Nick White, Janet Winn, Calvin Bandstra.

APPROVAL OF TENTATIVE AGENDA

Motion by Visser, second by Agan to approve the tentative agenda. Motion carried 6-0.

APPROVAL OF MINUTES

Motion by Van Vark, second by Chiarella to approve the minutes of the February 5, 2018 meeting. Motion carried 6-0.

NEW BUSINESS

(Case PC18-05) Consider a site plan to construct a new financial services building known as Bank Iowa at 640 Washington Street and 910 Main Street

As background, Bank Iowa has submitted a site plan to develop the properties located at 640 Washington Street and 910 Main Street. The applicant is proposing to construct a 3,522-square foot single-story building to be used for Financial Services. Staff believes the proposed site plan meets the requirements of the City's zoning code and is consistent with the City's Comprehensive Plan. Therefore, staff is recommending the site plan be approved as submitted.

Haustein asked if a traffic study was conducted. Nardini responded that during the site planning process, the plan was reviewed by the City's engineer, Snyder & Associates. From a traffic standpoint, Snyder & Associates believes this use will be less intensive than the previous use as a gas station. Additionally, Nardini confirmed that the driveway entrances are consistent with statewide urban design and specifications standards (SUDAS).

Motion by Visser, second by Agan to approve the site plan as submitted. On roll call the vote was: YES: Visser, Agan, Chiarella, Landon, Van Vark. NO: None. ABSTAIN: Haustein. Motion carried.

(Case PC18-06) Consider a site plan to pave three existing gravel parking lots located on the Vermeer Corporation campus

Vermeer Corporation has submitted a site plan to pave three gravel lots that are currently being used for parking. Staff believes the proposed site plan meets the requirements of the City's zoning code and is consistent with the City's Comprehensive Plan. Therefore, staff is recommending the site plan be approved as submitted.

Motion by Van Vark, second by Visser to approve the site plan as submitted. Motion carried 6-0.

OTHER BUSINESS / PUBLIC FORUM

Nardini thanked the representatives with Bank Iowa and Vermeer Corporation for their investment in our community.

Work session to discuss text amendment to Chapter 165.38.2(F) of the zoning ordinance

Over the past several months, the Planning and Zoning Commission has considered several rezoning requests. As part of the rezoning process, City code states that the applicant is required to submit a petition with their rezoning application, for advisory purposes only. Understandably, this requirement has created some confusion regarding the importance and necessity of the petition, particularly focused on the fact that the petition is for "advisory purposes only" and "failure to obtain the required percentages" does not preclude the Commission from hearing the requests. While the petition is used to encourage discussion and awareness of surrounding property owners, the City currently undertakes other forms of communication, including:

1. Posted sign on or near the subject property, placed at least 10 days before public hearings.
2. Publication in the Pella Chronicle at least 10, not more than 20, days before public hearings.
3. Notification by mail to property owners within 300 feet of the subject site, sent at least 10 days before public hearings.

Staff asked the Commission for direction on whether the petition should remain in the City's zoning ordinance, or if it should be removed. Landon clarified that the individuals who sign the petition are expressing their support for, not against, the rezoning. Landon asked for additional details about the notifications that are distributed to surrounding property owners prior to a rezoning request public hearing. Johnson confirmed that the notifications include the following: overview of the rezoning request; aerial map; details on when and where the public hearing is scheduled; check boxes allowing the property owner to state if they are for, against, or do not have comments on the rezoning; and a solicitation for additional comments. Johnson confirmed that staff is receiving more responses using this notification as compared to petitions.

Landon stated that it is helpful when individuals attend public hearings to speak regarding proposed rezonings. Van Vark stated that in light of the other forms of communication involved with the current process, we should proceed with removing the petition from the zoning ordinance.

At the end of the discussion, the Commission recommended that staff proceed with drafting an ordinance removing the requirement to submit a petition with rezoning applications. The drafted ordinance will be presented for City Council consideration at a future meeting.

Future Planning and Zoning Commission Meetings

Nardini stated that staff would like to schedule a special Planning and Zoning Commission meeting on Monday, March 5, 2018 to consider the preliminary plat for the Bos Ridge residential subdivision.

In addition, three items are on the March 26, 2018 regular meeting agenda including:

1. Proposed site plan for a planned expansion to Geetings, located on Truman Road
2. Work session to discuss the Oskaloosa Street corridor
3. Work session to discuss a proposed zoning district to sell fireworks

Adjourned at 7:50 p.m.

d. Historic Preservation Commission Minutes for March 28, 2017

Chairperson Mansueto called the Historic Preservation Commission to order in the City Hall Conference Room at 6:00 p.m. Members present were: Kathy Bruxvoort, Julie Heerema-Mueller, Rhonda Kermode, and Jim Mansueto. Absent: Kent Oppenhuizen. Staff present: City Administrator Mike Nardini, Zoning Administrator Bryce Johnson, and Deputy City Clerk Cynthia Vaske.

Unless otherwise noted, all actions were taken unanimously.

WORK SESSION:

Discussion of Draft Historic Overlay District and Landmark Ordinance

The purpose of this work session is to discuss a proposed ordinance which would establish guidelines for creating a historic district overlay zone and designating historic landmarks within the City of Pella.

Motion by Heerema-Mueller, second by Bruxvoort to send a recommendation to the City Council to review the presentation on the Draft Historic Overlay District and Landmark Ordinance. Motion carried 4-0.

OTHER BUSINESS / PUBLIC FORUM

None.

Adjourned at 7:06 p.m.

3. Petitions and Communications

a. Special Event Permit Request for Gene Van Wyk Memorial Run

BACKGROUND: Pella Christian High School is requesting a special event permit for the annual Gene Van Wyk memorial run on Saturday, March 31, 2018, from 8:00 a.m. to noon. The proposed race route remains the same as last year's event; no road closures have been requested. All pertinent City departments have reviewed this application and comments are attached. The fee and insurance certificate have been received, and approval is recommended.

ATTACHMENTS: Application, Map, Department Comments

REPORT PREPARED BY: City Clerk

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve special event permit

b. Special Event Permit Request for Red Rock Threshers Tractor Pull

BACKGROUND: The Red Rock Threshers have requested a special event permit for their annual tractor pull. The event is scheduled to be held on Saturday, June 2, 2018, from 8:00 a.m. to 6:00 p.m., on City property located east of Geetings near the intersection of South Prairie Street and Truman Road.

All pertinent City departments have reviewed this application and comments are attached. The fee and insurance certificate have been received, and approval is recommended.

ATTACHMENTS: Application, Department Comments

REPORT PREPARED BY: City Clerk

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve special event permit

4. Administration Reports – None

D. *PUBLIC HEARINGS

1a. Public Hearing on Sunken Garden Windmill Renovation Project Bids. No written or oral comments were received. Bokhoven moved to close the public hearing, seconded by Branderhorst. On roll call the vote was: AYES: Bokhoven, Branderhorst, Van Stryland, De Jong. NAYS: None. Motion carried.

BACKGROUND: This resolution rejects the bids, plans, specifications, and form of contract for the Sunken Gardens Windmill Renovation Project. As background, the Sunken Gardens windmill was originally constructed in the 1930s and last renovated in 1987.

The project's scope of work included full restoration of the exterior and interior as outlined below:

- Complete renovation of the exterior of the structure to include brick foundation cleaning and repair, new siding, roof, deck, windows, and concrete walkway.
- Addition of a door to allow for public access to the outside deck.
- Complete renovation of the interior of the structure to include siding, access ladders and platforms, new and updated electric, cleaning and sealing block and concrete.

The project also included alternates, outlined below, intended to extend the effective life of the windmill.

- A. Upgrade of soffit and siding, estimated cost of \$5,000.
- B. Upgrade of deck and railing materials, estimated cost of \$3,500.
- C. Upgrade of hand and guard railing system, estimated cost of \$7,500.
- D. Upgrade of decking columns, estimated cost of \$18,000.

The engineer's estimated cost for the base bid was \$148,500 and \$34,000 for the four alternates. During the bid letting on March 8, 2018, only one bid was received, as summarized below.

Contractor	Base Bid	Alternate A	Alternate B	Alternate C	Alternate D
Hooyer Construction	\$197,000	\$8,000	\$2,500	\$3,500	\$12,000

The City's engineer, Klingner & Associates, recommends rejecting the sole bid received due to the bid well exceeding the 10% bidding threshold over the A/E opinion of constructions costs. In addition, the City's engineer is recommending rebidding the project after they have the opportunity to identify options to reduce construction costs.

ATTACHMENTS: Resolution, Standard Form of Contract, Bid Summary, Engineer's Recommendation

REPORT PREPARED BY: Community Services Department

REPORT REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDED ACTION: Approve resolution

1b. Resolution No. 5849 entitled, "RESOLUTION REJECTING BIDS, PLANS, SPECIFICATIONS, AND FORM OF CONTRACT FOR THE SUNKEN GARDENS WINDMILL RENOVATION PROJECT". De Jong moved to approve, seconded by Bokhoven. On roll call the vote was: AYES: De Jong, Bokhoven, Branderhorst, Van Stryland. NAYS: None. Motion carried.

E. PETITIONS & COMMUNICATIONS – None

F. PLANNING & ZONING ITEMS – None

G. ADMINISTRATION REPORTS – None

H. RESOLUTIONS

1. Resolution No. 5850 entitled, “RESOLUTION APPROVING A LEASE AGREEMENT FOR THE RENTAL OF 400 SQUARE FEET OF THE MOLENGRACHT PLAZA FOR OUTDOOR DINING”. Van Stryland moved to approve, seconded by Bokhoven. On roll call the vote was: AYES: Van Stryland, Bokhoven, Branderhorst, De Jong. NAYS: None. Motion carried.

BACKGROUND: Staff has received a request from Kellie Phillips, owner of Monarchs Restaurant and Lounge located in the Molengracht Plaza, to renew a lease agreement for the use of 400 square feet outside of their establishment for an outdoor dining area. It is important to note, they have had a lease agreement with the City for the same area since 2011.

Below are highlights of the lease agreement with Monarchs:

- Monarchs will pay \$200 (\$0.50 per square foot for 400 square feet).
- The term of the lease is from April 1, 2018 to October 31, 2018.
- During the term of the lease, Monarchs will provide comprehensive general liability insurance coverage in the amount of \$1,000,000 naming the City as additional insured.
- Hours of operation are limited to between 6:00 a.m. and 12:00 midnight.
- Monarchs may play quiet music which does not disturb those utilizing adjoining publicly owned space. The purpose of playing the music is to add to the atmosphere, and the same music that is played inside the restaurant is played in the outdoor space. No complaints have been reported since this item was added in 2012.

It is also important to note, the City has the authority to utilize the space for special events or other City functions during the contract period.

ATTACHMENTS: Resolution, Lease Agreement, Map

REPORT PREPARED BY: Community Services Department

REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK

RECOMMENDATION: Approve resolution

2. Resolution No. 5851 entitled, “RESOLUTION APPROVING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR SINGLE OR TWO-FAMILY NEW CONSTRUCTION IN THE OSKALOOSA STREET CORRIDOR”. Branderhorst moved to approve, seconded by De Jong. On roll call the vote was: AYES: Branderhorst, De Jong, Bokhoven, Van Stryland. NAYS: None. Motion carried.

BACKGROUND: This resolution implements a moratorium on the issuance of building permits for new single-family and two-family homes (duplexes) in the Oskaloosa Street Corridor. As background, during the Policy and Planning meeting on January 23, 2018, Council discussed long-term development plans for the Oskaloosa Street Corridor. The geographical boundaries discussed extended from the intersection of Oskaloosa Street and Main Street to the intersection of Oskaloosa Street and East 16th Street. A significant portion of the discussion focused on the vacant properties located at the intersection of Oskaloosa Street and Clark Street. Specifically, concerns were expressed about the potential of single or two-family homes being constructed on these parcels which could prohibit future commercial development. At the conclusion of the meeting, Council authorized staff to seek proposals from consultants to assist in preparing a development plan for the Oskaloosa Street Corridor.

Since the City is still in the process of formulating economic development plans for the Oskaloosa Street Corridor, staff is requesting a moratorium for a portion of the corridor. Specifically, this resolution implements a moratorium on the issuance of building permits for new single-family and two-family homes (duplexes) in the Oskaloosa Street Corridor until November 1, 2018, or until the Council addresses an economic development plan for the corridor, whichever would occur first.

The geographical area covered by the moratorium is described below:

Oskaloosa Street Corridor: On Oskaloosa Street from the intersection of Main Street and Oskaloosa Street to the intersection of East 3rd Street and Oskaloosa Street.

Staff believes this proposed moratorium will provide the City Council with an adequate amount of time to formulate economic development plans for the Oskaloosa Street Corridor. In addition, due to the limited geographical scope of the moratorium, staff does not believe the moratorium will have a significant impact on development.

ATTACHMENTS: Resolution, Exhibit A

REPORT PREPARED BY: City Administration

REPORT REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK

RECOMMENDATION: Approve resolution

3. Resolution No. 5852 entitled, “RESOLUTION APPROVING A MORATORIUM ON FIREWORKS SALES WITHIN ALL ZONING DISTRICTS UNDER THE CITY OF PELLA’S JURISDICTION UNTIL REVISIONS TO THE ZONING ORDINANCE ARE COMPLETE”. Bokhoven moved to approve, seconded by Branderhorst. On roll call the vote was: AYES: Bokhoven, Branderhorst, Van Stryland, De Jong. NAYS: None. Motion carried.

BACKGROUND: On March 6, 2018, the Pella City Council discussed a proposed zoning ordinance which would limit firework sales to industrial zoning districts. After discussing the proposed ordinance, Council directed this matter to the Planning and Zoning Commission. Therefore, this resolution establishes a moratorium on firework sales until the City Council can address the proposed fireworks zoning ordinance, or June 1, 2018, whichever occurs first. It is important to note that this moratorium applies to all zoning districts under the City’s jurisdiction, including the two-mile extraterritorial jurisdiction.

ATTACHMENTS: Resolution

REPORT PREPARED BY: City Administration

REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK

RECOMMENDATION: Approve resolution

I. ORDINANCES

1. Ordinance No. 930 entitled, "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY AMENDING THE BOUNDARIES OF THE INS DISTRICT TO INCLUDE THE PROPERTIES LEGALLY DESCRIBED IN "EXHIBIT A" AND DIRECTING THE ZONING ADMINISTRATOR TO NOTE THE ORDINANCE NUMBER AND DATE OF THIS CHANGE ON THE OFFICIAL ZONING MAP". Van Stryland moved to place ordinance no. 930 on its third reading, seconded by Bokhoven. On roll call the vote was: AYES: Van Stryland, Bokhoven, Branderhorst, De Jong. NAYS: None. Motion carried. De Jong moved that ordinance no. 930 be adopted, seconded by Van Stryland. On roll call the vote was: AYES: De Jong, Van Stryland, Bokhoven, Branderhorst. NAYS: None. Mayor Mueller declared the motion carried and the ordinance duly passed and adopted.

BACKGROUND: Central College has submitted a request to rezone one parcel totaling approximately 0.30 acres. The existing zoning is Two-Family Residential (R2) and the applicant is requesting the parcels be rezoned to Institutional (INS). The purpose of the rezoning request is to support the conversion of the existing home into a classroom to support the abutting garden. The Planning and Zoning Department sent notification letters to 31 property owners. Five written comments were received of which three were in favor and two had no comment.

Current Zoning

Existing zoning for the parcel is R2, Two-Family Residential. The R2 District is intended to provide locations for medium-density residential areas for single-family and two-family use with supporting and appropriate community facilities. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure.

Proposed Zoning

The requested zoning classification for this property is INS, Institutional, which accommodates a variety of institutional uses. This includes college campus environments, schools, churches, hospitals, medical campus and elder care facilities. The district is designed to provide appropriate space regulations and assure that facilities are served with adequate parking.

The INS zoning district permits Education (University) uses, which is defined as "educational institutions of higher learning which offer a course of study designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization." Please note, Education (University) land uses are only permitted in the institutional zoning district.

Rezoning Petition

Chapter 165.38 of the City Code requires 50% of property owners within 300 feet of the proposed rezoning to sign the rezoning petition for advisory purposes only. However, failure to obtain the threshold level shall not prevent continuance of the rezoning application. A rezoning petition was received with this application with owners of 25 properties in support of this rezoning request. It is important to note, Central College owns 16 of the 31 properties within 300 feet of the proposed rezoning.

Spot Zoning Concerns

Staff does not believe spot zoning concerns are associated with this request since these properties are adjacent and in close proximity to an existing institutional use.

Comprehensive Plan

Chapter 165.04 of the City Code requires the proposed rezoning to conform to the City's Comprehensive Plan. A component of the Comprehensive Plan is the Future Land Use Map. The Future Land Use Map identifies the parcels as "Central College" land uses. Furthermore, the Plan's Compatibility Matrix gives Civic/Public and Medium Density Residential land uses a rating of 4, which means basically compatible. Traffic from higher intensity uses should be directed away from lower intensity uses. Building elements and scale should be consistent with surrounding development.

Summary

Staff believes this rezoning request aligns with the City's Comprehensive Plan. In addition, staff believes the proposed land use is compatible with the neighboring properties, therefore staff is recommending approval of this request. Finally, it should be noted, the Planning and Zoning Commission unanimously approved this rezoning at the January 22, 2018 meeting.

ATTACHMENTS: Ordinance, Existing Zoning Map, Application, Written Comments
REPORT PREPARED BY: Planning and Zoning Department
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve ordinance

2. Ordinance No. 931 entitled, "AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF PELLA BY AMENDING THE ZONING ORDINANCE, 165.11 CLASSIFICATION OF USES AND TABLE 165.12-2 PERMITTED USES BY ZONING DISTRICTS BY ADDING PROVISIONS DEFINING BREWPUB AS A USE AND PERMITTING BREWPUBS IN THE CBD CENTRAL BUSINESS DISTRICT AND CC COMMUNITY COMMERCIAL ZONING DISTRICTS". This ordinance was tabled at the February 6, 2018 Council meeting, and due to a lack of motion, it remained tabled.

BACKGROUND: This proposed ordinance was tabled at the February 6, 2018 Council meeting. The proposed ordinance is intended to amend the City's zoning code by creating a definition for Brewpub as a use type under the City's zoning code. In addition, the proposed ordinance would permit Brewpubs to operate in the Central Business District (CBD) and Community Commercial (CC) zoning districts by obtaining a special use permit.

Listed below is the zoning definition of Brewpub.

Brewpub: A restaurant which includes the brewing of beer as an accessory use. The brewing operation processes water, malt, hops, and yeast into beer or ale. By definition, said establishments produce no more than ten thousand (10,000) barrels of beer or ale annually. The area, by definition, used for brewing, including bottling and kegging, shall not exceed twenty-five percent (25%) of the total floor area of the commercial space.

As background on this request, at the October 17, 2017, Policy and Planning session, the City Council heard a request from the Pella Area Community & Economic (PACE) Alliance regarding a desire to allow permitting of brewpubs under the City's zoning code. Following the discussion, Council directed the Planning and Zoning Commission to review allowing brewpubs in the CC and CBD zoning districts subject to obtaining a special use permit from the Board of Adjustment. Please note, the Planning and Zoning Commission held a work session on this item at their December 18, 2017 meeting.

Special Use Permit

If the proposed text amendment is approved, brewpubs would be able to operate in the CC and CBD zoning districts subject to obtaining a special use permit. The special use permit would allow the Board of Adjustment to evaluate the request for public safety concerns including dust/pest control, odor, traffic impact, and necessary infrastructure. In addition, all buildings in our community are regulated under the State Fire Code which permits the City to perform fire inspections to ensure compliance with the State of Iowa Fire Code for flammable liquids, ventilation, and spill control.

As mentioned above, the Board of Adjustment has the authority to approve special use permits. Prior to approval, the Board of Adjustment is required to hold a public hearing and notify neighboring property owners of the application. This process provides a forum for any adjacent property owners who may have concerns with the proposed business. Furthermore, the Board of Adjustment has wide authority in granting special use permits including, but not limited to, any use or operating hour restrictions.

Recommendation

On February 5, 2018, members from the PACE Alliance provided a request to Council to modify this ordinance with regards to the 'restaurant' requirements. Staff is recommending this ordinance continue to be tabled until Council can address the PACE Alliance request. Finally, the Planning and Zoning Commission approved this ordinance on an 8 to 1 vote at their meeting on January 22, 2018.

ATTACHMENTS:	Ordinance, Written Comment
REPORT PREPARED BY:	Planning and Zoning Department
REVIEWED BY:	CITY ADMINISTRATOR CITY CLERK
RECOMMENDATION:	Continue to table ordinance

I. CLAIMS

1. Abstract of bills No. 2003. Bokhoven moved to approve, seconded by Van Stryland. On roll call the vote was: AYES: Bokhoven, Van Stryland, De Jong, Branderhorst. NAYS: None. Motion carried.

K. OTHER BUSINESS / *PUBLIC FORUM (any additional comments from the public)

No comments were received.

L. CLOSED SESSION - None

M. ADJOURNMENT

There being no further business claiming their attention, Bokhoven moved to adjourn, seconded by Branderhorst. On roll call the vote was: AYES: Bokhoven, Branderhorst, Van Stryland, De Jong. NAYS: None. Motion carried. Meeting adjourned at 7:23 p.m.