



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

September 18, 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, Bruce Schiebout, Larry Peterson. Absent: None. City Administrator Mike Nardini, City Attorney Kristine Stone, and City Clerk Mandy Smith were present. Three staff members and seven members of the general public signed the register.

B. MAYOR'S COMMENTS

1. Announce no Policy and Planning meeting will follow the regular Council meeting.
2. Approval of Tentative Agenda.
Van Stryland moved to approve, seconded by Schiebout. On roll call the vote was:
AYES: Van Stryland, Schiebout, Peterson, De Jong, Bokhoven, Branderhorst.
NAYS: None.
Motion carried.
3. Announce closed session pursuant to Iowa Code Chapter 21.5 1(j) to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property.

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

No comments were received.

C. APPROVAL OF CONSENT AGENDA

De Jong moved to approve the consent agenda, seconded by Schiebout. On roll call the vote was:

AYES: De Jong, Schiebout, Peterson, Bokhoven, Branderhorst, Van Stryland.

NAYS: None.

Motion carried.

The following items were approved:

1. Approval of Minutes
 - a. Official Council Minutes for September 4, 2018
2. Report of Committees
 - a. Policy and Planning Minutes for September 4, 2018

PRESENT: Mayor Jim Mueller, Mark De Jong, Tony Bokhoven, Lynn Branderhorst, Harold Van Stryland, Larry Peterson

ABSENT: Bruce Schiebout

OTHERS: City staff and visitors

The Policy and Planning meeting began at 9:05 p.m. The only item on the agenda was a discussion about proposed parking changes within the Central Business District (CBD) for the purpose of creating opportunities for employee parking while also addressing convenient parking for retail customers.

The current CBD parking environment is one of competition for premium spaces. For the convenience of downtown workers, certain parking zones have been designated as either 48-hour parking or no parking from 2:00 to 6:00 a.m. The majority of downtown parking spaces have been designated as either 20-minute or 3-hour parking zones; intended for retail and business customers who visit the CBD for lesser periods of time. However, many individuals do not follow this parking plan, citing the lack of convenient extended time parking spaces as the reason that employees park in spaces intended for customers.

In consideration of the above reasons, the following changes to public parking in the CBD were discussed:

1. Conversion of all "no parking 2:00-6:00 a.m." to "no parking 1:00-5:00 a.m." as several businesses are either open for business or have employees who report for their work shifts prior to 6:00 a.m.
2. Conversion of the following spaces from 3-hour parking to "no parking 1:00-5:00 a.m."
 - 12 east most parking spaces along the north side of the 500 block of Franklin Street, across from the Historical Village.
 - 12 parking spaces along the west side of the 800 block of E. 1st Street, between Washington Street and the Oost Port alley, across from the Town Crier.
 - 8 parking spaces along the north side of the 800 block of Franklin Street, between Broadway Street and the alley, north of the Post Office.

During the meeting, staff also recommended adding one handicap parking space near the Molengracht. After discussion, the decision was made to address placement of the handicap parking space separately, as part of the Downtown Streetscape project, due to the fact that handicap ramp availability also needs to be a factor in the decision.

At the end of the discussion, staff was directed to proceed with the changes as proposed above.

The meeting adjourned at 9:27 p.m.

Respectfully submitted:

Mandy Smith

City Clerk

b. Historic Preservation Commission Minutes for August 13, 2018

Chairperson Mansueto called the Historic Preservation Commission to order in the City Hall Conference Room at 5:35 p.m. Members present were: Rhonda Kermode, Jim Mansueto, and Lila Turnbull. Absent: Kathy Bruxvoort and Kent Oppenhuizen. Staff present: Finance Director Corey Goodenow and Zoning Administrator Bryce Johnson. Others present: Bruce Boertje and Jennifer Van Kooten.

APPROVAL OF TENTATIVE AGENDA

Motion by Kermode, second by Turnbull to approve the tentative agenda. Motion carried 3-0.

APPROVAL OF MINUTES

Motion by Kermode, second by Mansueto, to approve the minutes from the July 9, 2018 meeting. Motion carried 3-0.

OTHER BUSINESS/WORK SESSION

Discussion of Recognition Event for the Collegiate Historic District

Kermode said discussion was had to recognize the Collegiate Historic District, including a walking tours of homes. She said it might be good to have Terry Philips, someone who is knowledgeable about window restoration, be present to educate attendees about the topic. She mentioned an architectural feature scavenger hunt, where participants seek out specific features in homes. She said would be a good way to help familiarize people with the different terms and their importance.

Mansueto asked if Historic Pella Trust (Trust) would be a part of the event. Kermode said yes, it is something they could work on together. She mentioned the possibility of having an ice cream social as part of the event as well. Mansueto asked when the event would take place. Kermode replied that she would like to see it happen sometime during the fall of 2018. Mansueto said there is a meeting of the Trust scheduled for 5:00 p.m. on August 14, 2018 and the Commissioners are invited to attend. Finance Director Corey Goodenow explained that the since the Commission is a public board they have to be careful about quorum, so if a quorum of Commissioners gathers and discusses business, then public notice must be given and minutes taken. He suggested two Commissioners attend the Trust's meeting and report back to the rest of the Commission.

Discussion of Local Survey for Future Planning

Mansueto explained that the Commission has talked about maintaining an inventory of all structures in Pella that are historic. Bruce Boertje said a study of local historic buildings was done in the 1980s, which the Pella Historical Society has a copy of, and would be a good place to start. Kermode said perhaps the Commission, Trust, and Pella Historical Society could gather volunteers to perform the survey. Goodenow said the City might have a color-coded map of homes by age throughout the community.

Synopsis of National Alliance for Preservation Commission Conference

Kermode said she should be able to download the PowerPoint presentations from the National Alliance for Preservation Commission Conference (Conference). She said she attended a session regarding design review and there are many resources for communities to receive help for that.

Kermode explained the City's Historic District Overlay Zone (Overlay Zone) and the Commission's concerns to new Commissioner Turnbull. Mansueto asked Goodenow how receptive the City Council might be to revisiting the Overlay Zone Ordinance. Goodenow said the City Council is currently busy reviewing multiple development projects and it is difficult to know when they might be able to take the Commissions concerns into consideration at a Council meeting.

Adjourned at 6:39 p.m.

c. Board of Adjustment Minutes for August 14, 2018

Chairperson Nossaman called the Board of Adjustment to order at 6:07 p.m. in Room 206 of the Community Center. Members present were: Jim Corbett, Vince Nossaman, Jane Smith, Lyle Vander Meiden, and Mike Vander Wert. Absent: Susan Reiter, Merlan Rolffs, and Glenn Van Wyk. Staff present: Finance Director Corey Goodenow, Zoning Administrator Bryce Johnson, Attorney Maria Brownell, and Deputy City Clerk Cynthia Vaske. Others present: Matt Larson, Garrett Beaird, Shelly Larson, Mark E. Larson, Victoria O'Neill.

CHAIRPERSON'S COMMENTS

Approval of the Tentative Agenda

Motion by Vander Meiden, second by Corbett to approve the tentative agenda. Motion carried 5-0.

APPROVAL OF MINUTES

Motion by Smith, second by Vander Wert, to approve the June 26, 2018 minutes. Motion carried 5-0.

NEW BUSINESS/PUBLIC HEARINGS

Consider a Variance Application for the Property Located at 612 W. First Street to Allow a Patio Structure to Remain Within the Required Front Yard Setback

The applicant, Josh Visser, is the owner of 612 West First Street. A single-family detached residence is currently on this 3,277-square foot lot and is zoned R2, Two-Family Residential. This district is intended to provide locations for medium-density residential areas for single-family and two-family use with supporting and appropriate community facilities. The applicant is requesting a variance from Table 165.12-3 of the City's zoning ordinance to allow a patio structure to remain within the front yard setback. The zoning ordinance requires properties in the R2 zone to have a front yard setback of 25 feet. It should be noted that the deck in question was constructed within 18 inches of the front property line and without a building permit or proper inspection.

Staff believes the request does not meet the required criteria to receive approval of the variance. Staff believes the original concrete patio provided adequate ingress/egress to the front of the property without violating the City's zoning code. Additionally, the deck appears to be out of character for the neighborhood and was not constructed for access to the residence, but to increase the sale price of the residence which is currently listed for sale.

Convened Public Hearing on the variance request for 612 W. First Street. Two written comments were received and included with the meeting packet. Nossaman asked what the procedures are for handling a structure that is built without the required building permit. Finance Director Corey Goodenow replied that Visser was already cited and the City would require him to remove the existing structure and replace it with what was previously there. Vander Wert recalled a similar case that was reviewed by the Board years ago in which a variance request was denied. Maria Brownell, attorney representing the City from Ahlers & Cooney, said that is a very relevant thing to consider when deciding whether to grant a variance.

Motion by Vander Meiden, second by Corbett to close the public hearing as no further comments were received. Motion carried 5-0.
Motion by Vander Wert, second by Corbett to deny the variance as presented due to the requirements of Chapter 165 of the City Code not being met by the applicant Motion carried 5-0.
Consider an Appeal from Matt Larson Concerning the Zoning Administrator's Decision to Deny a Home Occupation Application at 1208 Hazel Street

On May 10, 2018, Matthew Larson, owner of the property at 1208 Hazel Street, submitted a home occupation application to operate an internet sale of firearms and perform custom rifle work business from his residence located within the City's Two-Family Residential (R2) zoning district. As further background, to operate such a business the applicant must obtain a Class 07 Federal Firearms License (FFL) through the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). The ATF identifies the Class 07 FFL for "manufacturers of firearms other than destructive devices." Under the City's zoning code, the custom manufacture of firearms/rifles and the sale of firearms/rifles is categorized as Custom Manufacturing.

The Board of Adjustment has the following options in this manner:

1. Uphold staff's decision that the proposed business is Custom Manufacturing which is a prohibited use in the R2 zoning district.
2. Reverse staff's decision, indicating the owner is a legal home occupation and may operate a Custom Manufacturing business in the R2 zoning district.

If the Board's decision is to reverse staff's decision, the Board will need to determine a use type permitted in the R2 zoning district.

Convened Public Hearing on the appeal from Matt Larson.

Motion by Corbett, second by Smith to enter five written comments into the public record. Motion carried 5-0.

Matt Larson explained his home occupation request. He said no firearm parts will be manufactured on-site, but rather purchased from a third-party vendor. Sales would take place via internet or at gun shows. He explained that the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) requires a physical address that is inspected. If a customer of his were to purchase a firearm online, it would ship to Matt Larson's home and the customer would then come to his home and fill out the required paperwork. His home would not be open to the public to browse a stock of goods. He further explained that if a firearm part is stamped with a serial number, it must be sold via someone with a federal firearms license.

Victoria O'Neill asked where Matt Larson will store the firearms. Matt Larson replied that they will be stored in a safe, which is reviewed as part of the ATF's inspection process. Nossaman asked how often the ATF does inspections. Matt Larson replied that the ATF does inspections at least once per year, but they can do them more often. O'Neill asked how well Matt Larson will know his potential customers. Matt Larson replied that his customers will have to undergo a background check prior to being able to purchase any firearms.

Mark Larson asked if Matt Larson will provide a service for people to purchase firearms out-of-state and have them shipped to Matt's home for pick up after completing the paperwork. Matt Larson said yes. Nossaman asked if Matt Larson plans to sell ammunition. Matt Larson said no, he does not plan to stock ammunition.

Nossaman asked if bracelet making would be categorized as Custom Manufacturing under the City Code. Zoning Administrator Bryce Johnson said he did not think it would be. Nossaman said he knows of people that make custom picture frames in their basement. Corbett said Matt Larson's home occupation would be classified as Custom Manufacturing because the ATF categorizes it as manufacturing and the City Code does not permit Custom Manufacturing in R2 zoning districts. Finance Director Corey Goodenow replied that there are very few commercial uses, such as daycares or group homes, allowed in R2 districts.

Corbett said, in his opinion, Matt Larson's proposed business sounds more like assembly than manufacturing. Goodenow said the Board would need to identify a use under the City Code that would pertain to the home occupation request. Corbett asked if there is a use that allows for assembly in an R2 district. Goodenow said no. Garrett Beaird asked about a home-based salon that is located near Matt Larson's home and how that is an allowable use. Goodenow said he is unfamiliar with the zoning of the salon.

In reference to a question by Nossaman, Brownell explained that an appeal of the Board's decision on this matter would go to District Court. She further explained that if the Board needs additional information to make their decision, the City Code requires that a decision be made within 30 days of this meeting, unless the public hearing were to be left open.

Vander Meiden explained that the City became more restrictive on allowable uses within residential zones due to an increase in businesses such as home-based salons. He noted that the Board does not discuss any agenda items amongst themselves prior to meetings.

Nossaman asked if internet sales are allowed in any residential zones. Johnson said internet sales is not defined as a use type.

Motion by Corbett, second by Smith to close the public hearing. Motion carried 5-0.

Vander Meiden asked if there is anything in the Code that would restrict Matt Larson from reapplying for the same home occupation in the future. Brownell said she does not see anything in the Code that would restrict Matt Larson's reapplication.

Motion by Vander Meiden, second by Corbett to uphold staff's decision that the proposed business is Custom Manufacturing, which is a prohibited use in the R2 zoning district. Motion carried 5-0.

OTHER BUSINESS/PUBLIC FORUM

Vander Meiden suggested that the Board make a recommendation to City Council about updating the City Code in regard to home occupations and online sales. Nossaman agreed. He said there are many home-based internet businesses operating in the community, such as Amway. Goodenow said they can certainly put that request in to the City Council, but cautioned that Code changes are typically a long process. Brownell suggested that members of the public that would like to see these changes made go before City Council during a public forum.

Goodenow said the next Board meeting is scheduled for August 28, 2018.

Adjourned at 7:24 p.m.

3. Petitions and Communications

a. Renewal of Class C Liquor License with Sunday Sales for Luchadores LLC (DBA El Charro)

BACKGROUND: Luchadores LLC, DBA El Charro at 514 Main St, has applied for renewal of their Class C Liquor License with Sunday Sales. The term of the new license is 12-months and would expire on October 7, 2019.

The application has been completed online with the state, and staff is recommending approval.

ATTACHMENTS: Application
REPORT PREPARED BY: City Clerk
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve renewal

b. **Renewal of Class C Liquor License with Sunday Sales for Apple Corps LP (DBA Applebee's Neighborhood Grill & Bar)**

BACKGROUND: Apple Corps LP, DBA Applebee's Neighborhood Grill & Bar at 1600 Washington Street, has applied for renewal of their Class C Liquor License with Sunday Sales. The term of the new license is 12-months and would expire on November 2, 2019.

The application has been completed online with the state, and staff is recommending approval.

ATTACHMENTS: Application
REPORT PREPARED BY: City Clerk
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve renewal

D. *PUBLIC HEARINGS – None

E. PETITIONS & COMMUNICATIONS

1a. **Special Event Permit Request for the Fire Department Pancake Breakfast.**

Branderhorst moved to approve, seconded by Bokhoven. On roll call the vote was:

AYES: Branderhorst, Bokhoven, Van Stryland, Schiebout, Peterson, De Jong.

NAYS: None.

Motion carried.

BACKGROUND: The Pella Fire Department has requested a special event permit for their Pancake Breakfast scheduled on Saturday, October 6, 2018, from 6:00 to 10:00 a.m. Set-up is requested to begin at 4:30 a.m. with take down complete by 1:00 p.m.

As background, the Pella Fire Department is hosting this breakfast for the purpose of raising funds to purchase a utility task vehicle (UTV) for use when fighting grass fires and conducting rescues. During the breakfast, the Fire Department is requesting to have a bounce house available for kids to enjoy as well as host the Iowa Narcotics Officers Association (INOA) "What You Don't See" trailer. The trailer is designed to spread awareness about warning signs/indicators of drug use in teenagers with a simulation of a teenager's bedroom.

A resolution is included with this request to close the north/south alley behind the Public Safety Complex, between Liberty Street and Union Street, during the event. While the alley would be closed to through traffic due to the placement of the "What You Don't See" trailer, attendees of the breakfast would still be able to access all parking facilities surrounding the event.

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: Resolution, Application, Map, Department Comments
REPORT PREPARED BY: City Clerk
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve special event permit and resolution

1b. **Resolution No. 5900 entitled, "RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS THE FIRE DEPARTMENT PANCAKE BREAKFAST."**

Bokhoven moved to approve, seconded by Van Stryland. On roll call the vote was:

AYES: Bokhoven, Van Stryland, Schiebout, Peterson, De Jong, Branderhorst.

NAYS: None.

Motion carried.

2a. **Special Event Permit Request for the Collegiate Historic District Block Party.**

Branderhorst moved to approve, seconded by Schiebout. On roll call the vote was:

AYES: Branderhorst, Schiebout, Peterson, De Jong, Bokhoven, Van Stryland.

NAYS: None.

Motion carried.

BACKGROUND: The Historic Pella Trust has requested a special event permit for the Collegiate Historic District Block Party scheduled on Saturday, October 6, 2018, from 10:00 a.m. to 2:00 p.m. Set-up is requested to begin at 8:00 a.m. with take down complete by 4:00 p.m.

As background, the promoter is proposing this event to celebrate the Collegiate Historic District being placed on the National Register of Historic Places. Between 100 and 200 people are expected to attend this event which would feature an open house, displays showing projects in historic homes, as well as games to educate visitors about the history of the district and architecture of the homes. Catered food and beverages would be available for attendees to enjoy. The promoter is also requesting to have the Big Red Radio broadcasting on-site during the event.

A resolution is included with this request to close the following street segments and parking spaces from 8:00 a.m. to 4:00 p.m. on Saturday, October 6, 2018: 500 block of Broadway Street; 15 parking spaces on the south side of the Community Center, along Union Street; and 15 parking spaces on the west side of the Community Center, along Broadway Street.

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: Resolution, Application, Map, Department Comments
REPORT PREPARED BY: City Clerk
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve special event permit and resolution

- 2b. Resolution No. 5901 entitled, "RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS THE COLLEGIATE HISTORIC DISTRICT BLOCK PARTY."

Van Stryland moved to approve, seconded by Bokhoven. On roll call the vote was:
AYES: Van Stryland, Bokhoven, Branderhorst, Schiebout, Peterson, De Jong.
NAYS: None.
Motion carried.

- 3a. Special Event Permit Amendment Request for Central College Homecoming.

Schiebout moved to approve, seconded by De Jong. On roll call the vote was:
AYES: Schiebout, De Jong, Bokhoven, Branderhorst, Van Stryland, Peterson.
NAYS: None.
Motion carried.

BACKGROUND: Central College has requested to amend their previously approved special event permit for Homecoming. As background, Council approved this special event permit request on September 4, 2018. The promoter is now requesting to reschedule the first part of their event, hosting a Scratch Cupcakery truck for the purpose of selling specialty cupcakes, from the previously approved date of Friday, September 28, 2018 to Wednesday, September 26, 2018. It is important to note that the promoter is not requesting any additional changes, including the time frame or location of the Scratch Cupcakery truck, from the previously approved special event permit.

A resolution is included with this request to close the parking spaces on the west side of the 400 block of Broadway Street from 11:00 a.m. to 1:00 p.m. on September 26, 2018.

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: Resolution, Amended Application, Map, Department Comments
REPORT PREPARED BY: City Clerk
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve special event permit amendment and resolution

- 3b. Resolution No. 5902 entitled, "RESOLUTION TEMPORARILY CLOSING PUBLIC WAYS OR GROUNDS IN CONNECTION WITH A SPECIAL EVENT KNOWN AS CENTRAL COLLEGE HOMECOMING."

Peterson moved to approve, seconded by De Jong. On roll call the vote was:
AYES: Peterson, De Jong, Bokhoven, Branderhorst, Van Stryland, Schiebout.
NAYS: None.
Motion carried.

4. Temporary Special Class C Liquor License (Beer/Wine) with Outdoor Service for Otherside LLC.
Branderhorst moved to approve, seconded by Peterson. On roll call the vote was:

AYES: Branderhorst, Peterson, De Jong, Bokhoven, Van Stryland, Schiebout.
NAYS: None.
Motion carried.

BACKGROUND: The Otherside has applied for a Temporary Special Class C Liquor License (Beer/Wine) with Outdoor Service. As part of this request, the applicant is proposing to serve beer and wine on Saturday, October 6, 2018, from 5:00 to 10:00 p.m., for a private wedding within an enclosed and clearly marked location in the Historical Village at 507 Franklin Street.

The Temporary Special Class C Liquor License (Beer/Wine) allows commercial establishments to sell wine, beer, and wine coolers for on-premises consumption.

The application has been completed online with the state and is pending dram shop certification. Staff is recommending approval pending dram shop certification.

ATTACHMENTS: Application, Map
REPORT PREPARED BY: City Clerk
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve license pending dram shop certification

5. New Commercial Garbage Hauler License for Roll-Offs of Des Moines.

Peterson moved to approve, seconded by Van Stryland. On roll call the vote was:
AYES: Peterson, Van Stryland, Schiebout, De Jong, Bokhoven, Branderhorst.
NAYS: None.
Motion carried.

BACKGROUND: Roll-Offs of Des Moines, located at 20 E 18th Street in Des Moines, has applied for a new commercial garbage hauler license. As background, Roll-Offs of Des Moines previously held a garbage hauler license with the City of Pella which lapsed in 2014.

The company plans to haul waste related to new construction as well as roofing materials from construction sites. Under the 28E Agreement with the Marion County landfill, all garbage/waste collected in Pella must be disposed of at the Marion County landfill except for items declared recyclable.

The term of the new license is 12 months and would expire September 18, 2019.

The application, fee, and certificate of insurance have been received, and staff is recommending approval.

ATTACHMENTS: Application
 REPORT PREPARED BY: City Clerk
 REVIEWED BY: CITY ADMINISTRATOR
 CITY CLERK
 RECOMMENDATION: Approve license

F. PLANNING & ZONING ITEMS – None

G. ADMINISTRATION REPORTS – None

H. RESOLUTIONS

1. Resolution No. 5903 entitled, “RESOLUTION APPROVING THE STREET FINANCE REPORT FOR FISCAL YEAR ENDING JUNE 30, 2018.”

Schiebout moved to approve, seconded by De Jong. On roll call the vote was:

AYES: Schiebout, De Jong, Bokhoven, Branderhorst, Van Stryland, Peterson.

NAYS: None.

Motion carried.

BACKGROUND: This resolution approves the City’s street finance report for the fiscal year ending on June 30, 2018. In summary, FY 17/18 revenues total \$2,599,145 and expenditures total \$2,236,813.

As background, according to Iowa Code, cities are required to file an annual street finance report with the Iowa Department of Transportation in order to receive road use tax funds.

Listed below is a breakdown of the revenues and expenditures.

Revenues:		Expenditures:	
Road Use Tax	\$ 1,320,813	Roadway Maintenance	\$ 800,170
Tax Increment Financing	421,860	Snow and Ice Removal	43,384
Local Option Sales Tax	642,987	Engineering	52,288
Federal Highway Funds	200,027	Street Construction	1,223,188
Other	13,458	Equipment	117,783
Total Revenues	\$ 2,599,145	Total Expenditures	\$ 2,236,813

ATTACHMENTS: Resolution, Street Finance Report
 REPORT PREPARED BY: Finance Director
 REVIEWED BY: CITY ADMINISTRATOR
 CITY CLERK
 RECOMMENDATION: Approve resolution

2. Resolution No. 5904 entitled, “RESOLUTION APPROVING ORDERING THE PREPARATION OF PLANS AND SPECIFICATIONS, FORM OF CONTRACT, NOTICE OF HEARING AND NOTICE OF LETTING, SETTING DATE FOR PUBLIC HEARING, AUTHORIZING THE TAKING OF BIDS, AND AUTHORIZING BID OPENING FOR THE STREET & TRAIL REHABILITATION PROJECT 18/19.”

Van Stryland moved to approve, seconded by Schiebout. On roll call the vote was:

AYES: Van Stryland, Schiebout, Peterson, De Jong, Bokhoven, Branderhorst.

NAYS: None.

Motion carried.

BACKGROUND: This resolution establishes October 16, 2018, as the public hearing date and authorizes staff to seek bids for the Street & Trail Rehabilitation Project 18/19.

As background, the following asphalt overlay projects are proposed for this fiscal year:

Volksweg Trail: Extending along Idaho Drive from the stone house to the City’s corporate limits. In addition, there will be a portion of the trail outside of City limits which extends from the City’s corporate limits along Idaho Drive and 198th Place to the bottom of the hill at 216th Place. A proposed 28E Agreement with Marion County for reimbursement of this portion of the project will be presented to Council on October 16, 2018.

Arterial and Collector Streets:

- Clark Street/T17 from just south of Hwy 163 to corporate limits (1,200 linear feet)
- Broadway Street from Washington Street to Adams Street (2,955 linear feet)
- Washington Street from West 5th Street to west of West 6th Street (680 linear feet)

Local Streets:

- Country Club Drive from Elm Street to the northern dead end (1,255 linear feet)
- Jefferson Street from Main Street to E 2nd Street (800 linear feet)
- East 8th Street from Oskaloosa Street to University Street (645 linear feet)
- Bruce Lane from W 4th Street to the east cul-de-sac (365 linear feet)
- Edgewood Drive from Bruce Lane to the north (600 linear feet)

Alley: Alley behind City Hall from Washington Street to Franklin Street (435 linear feet)

The City’s engineer on this project, Garden & Associates, will handle the bid process and provide construction phase services for the project. It is important to note, the engineer’s opinion of probable costs for this project is \$1,086,226, of which the City’s portion is estimated to be \$900,228.

Critical dates have been identified as:

October 4, 2018 Bid Letting
October 16, 2018 Public Hearing to Receive Bids and Award of Contract
June 30, 2019 Work completed

Contract documents are on file in the Public Works office.

ATTACHMENTS: Resolution, Notice of Hearing, Notice to Bidders, Engineer's Opinion of Probable Costs
REPORT PREPARED BY: Public Works Department
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve resolution

3. Resolution No. 5905 entitled, "RESOLUTION ENTERING INTO A CONTRACT WITH THE GOVERNOR'S TRAFFIC SAFETY BUREAU FOR THE PURPOSE OF SPECIAL TRAFFIC ENFORCEMENT IN THE CITY OF PELLA."

Schiebout moved to approve, seconded by Bokhoven. On roll call the vote was:

AYES: Schiebout, Bokhoven, Branderhorst, Van Stryland, Peterson, De Jong.

NAYS: None.

Motion carried.

BACKGROUND: This resolution approves the Pella Police Department entering into a contract with the Governor's Traffic Safety Bureau for the period of time from October 1, 2018 through September 30, 2019.

As background, the purpose of this contract is to accomplish the provisions contained within the Fiscal Year 2019 Highway Safety Plan, Impaired Driving Countermeasures Grant 19-405d-M6OT, Task 33-00-00, an official program of the Governor's Traffic Safety Bureau. The Bureau is an agency within the Iowa Department of Public Safety that allocates funding from the National Highway Traffic Safety Administration.

If this contract is approved by Council, the Bureau would provide the Pella Police Department with \$10,340.00 in funds to accomplish the following:

- High visibility enforcement directed at impaired driving during high-risk times and locations.
- Educational and public informational presentations on improving driver safety behaviors and reducing impaired driving.
- The purchase of one in-car video camera.
- The purchase of one preliminary breath tester.

It is important to note that no matching funds are required. Participation in this contract is beneficial to the Pella Police Department as it provides equipment for the department that would otherwise need to be purchased.

ATTACHMENTS: Resolution, Contract
REPORT PREPARED BY: Robert A. Bokinsky, Chief of Police
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve resolution

4. Resolution No. 5906 entitled, "RESOLUTION DETERMINING THE NECESSITY AND SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON A PROPOSED WEBSTER PARK URBAN RENEWAL PLAN FOR A PROPOSED URBAN RENEWAL AREA IN THE CITY OF PELLA, STATE OF IOWA."

De Jong moved to approve, seconded by Schiebout. On roll call the vote was:

AYES: De Jong, Schiebout, Peterson, Bokhoven, Branderhorst, Van Stryland.

NAYS: None.

Motion carried.

BACKGROUND: This resolution establishes October 16, 2018 as the public hearing date for the proposed Webster Park Urban Renewal Plan. The proposed Webster Park Renewal Plan is intended to help facilitate additional housing in our community.

As background, the Marion County Housing Assessment identified an additional 966 new housing units are needed by the year 2025 to meet the demand for housing in Pella. Furthermore, the City's Comprehensive Plan also established goals and suggested strategies for new housing developments within our corporate limits. Included with these strategies was the use of Tax Increment Financing (TIF) to provide economic development incentives to developers for new housing. In order for the City of Pella to offer economic development incentives for new housing, the City must first approve an urban renewal plan.

The location of the proposed plan is outlined in Exhibit B of the attached Webster Park Urban Renewal Plan.

As additional background on this resolution, under Iowa Code the City is required to hold a consultation with all affected tax entities prior to adopting urban renewal areas. This resolution sets September 25, 2018 as the consultation date for all taxing entities and, furthermore, this resolution establishes October 16, 2018 as the public hearing date for the proposed Webster Park Renewal Plan.

ATTACHMENTS: Resolution, Webster Park Urban Renewal Plan
REPORT PREPARED BY: City Administration
REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve resolution

I. ORDINANCES

1. Ordinance No. 945 entitled, "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA BY AMENDING TABLE 165.12-2, PERMITTED USES BY ZONING DISTRICTS, BY REQUIRING SPECIAL USE PERMITS FOR COCKTAIL LOUNGE USES IN THE CUC, COMMERCIAL – MIXED USE URBAN CENTER, CC, COMMUNITY COMMERCIAL DISTRICT, CPD, COMMERCIAL – PLANNED DEVELOPMENT DISTRICT, M1, LIMITED/LIGHT INDUSTRIAL DISTRICT, AND M2, HEAVY INDUSTRIAL DISTRICT." Peterson moved to place ordinance no. 945 on its third reading, seconded by De Jong.

On roll call the vote was:

AYES: Peterson, De Jong, Bokhoven, Branderhorst, Van Stryland, Schiebout.

NAYS: None.

Motion carried.

Schiebout moved that ordinance no. 945 be adopted, seconded by De Jong. On roll call the vote was:

AYES: Schiebout, De Jong, Bokhoven, Branderhorst, Van Stryland, Peterson.

NAYS: None.

Mayor Mueller declared the motion carried and the ordinance duly passed and adopted.

BACKGROUND: This proposed ordinance would require a special use permit for all new cocktail lounge uses (i.e. bars and taverns) under the City's zoning code. Currently, cocktail lounges are permitted by right in the following zoning districts: Mixed Use Urban Commercial Corridor (CUC), Community Commercial District (CC), Commercial Planned Development District (CPD), Limited/Light Industrial District (M1), and Heavy Industrial District (M2). Additionally, cocktail lounges are permitted in the Central Business District (CBD) by special use permit, with a maximum limit of two.

Special Use Permit Requirements

As Council is aware, special use permits require direct oversight by the Board of Adjustment and are intended for uses which have unusual site development or operating characteristics that could adversely affect surrounding properties. Essentially, the purpose for special use permits is to make sure slightly-out-of-character uses can be made to "fit" with the surrounding area. Staff believes cocktail lounges fit into this description, as they may have an adverse impact on surrounding property, particularly if they are adjacent to residential properties. Furthermore, the Board of Adjustment is required to conduct a public hearing and notify neighboring properties before a special use permit can be authorized. This helps ensure that neighboring property owners who have concerns with a proposed cocktail lounge use will have a forum to voice their concerns before the use is allowed. It is also important to note, the Board of Adjustment will review other items associated with special use permit applications, such as required infrastructure, parking, and public safety related issues. Staff would also like to mention that the Board of Adjustment has a table of criteria, included as an attachment to this memo, to consider when reviewing special use permit applications. For instance, the Board could restrict operating hours, impose operational limits, and other necessary items to help ensure land use compatibility with the surrounding area. Furthermore, the Board can also revoke special use permits, which will provide the City with additional enforcement options in dealing with problem cocktail lounge uses.

Existing Cocktail Lounges

There are currently three businesses that operate as a cocktail lounge under the City's zoning code definition. The Cellar Peanut Pub and The Wijn House operate in the CBD and were therefore required to obtain a special use permit based on existing zoning requirements. The Funk Lounge currently operates in the CC zoning district and would be grandfathered in.

Staff Recommendation

This proposed ordinance would require new cocktail lounges to apply for a special use permit in all eligible districts. In essence, the ordinance simply amends the City's zoning code by replacing "P" (Uses Permitted by Right) with "S" (Uses Permitted by Special Use Permit) for cocktail lounge land uses in the CUC, CC, CPD, M1, and M2 zoning districts. Staff believes this requirement would achieve the desired result of ensuring new cocktail lounge uses fit within the neighborhood and minimizes the impact on surrounding neighbors. Therefore, staff is recommending approval of the proposed ordinance which would formally require all future cocktail lounge uses to obtain a special use permit. Finally, it is important to note, the Planning and Zoning Commission unanimously approved this proposed ordinance at their meeting on August 13, 2018.

ATTACHMENTS: Ordinance, Zoning Map, BOA Criteria for Reviewing Special Use Permits

REPORT PREPARED BY: Planning & Zoning

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve ordinance

2. Ordinance No. 946 entitled, "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY CHANGING THE ZONING CLASSIFICATION OF THE PROPERTY LOCATED APPROXIMATELY 1,200-FEET SOUTH OF THE INTERSECTION OF BOS LANDEN DRIVE AND UTRECHT LANN, CITY OF PELLA, MARION COUNTY, IOWA."

Peterson moved to place ordinance no. 946 on its third reading, seconded by Schiebout.

On roll call the vote was:

AYES: Peterson, Schiebout, De Jong, Bokhoven, Branderhorst, Van Stryland.

NAYS: None.

Motion carried.

Schiebout moved that ordinance no. 946 be adopted, seconded by Van Stryland. On roll call the vote was:

AYES: Schiebout, Van Stryland, Peterson, De Jong, Bokhoven, Branderhorst.

NAYS: None.

Mayor Mueller declared the motion carried and the ordinance duly passed and adopted.

BACKGROUND: This proposed ordinance would change the base zoning classification for approximately 30 acres of property owned by Harvest Investments Vintage Cooperative from Agricultural (A1) to Planned Unit Development (PUD). This property is located approximately 1,200-feet south of the intersection of Bos Landen Drive and Utrecht Laan and abuts holes #1, #2, #17, and #18 (see enclosed map).

The proposed development includes a 41-unit housing cooperative, which will contain many amenities including high-end finishes in the individual housing units, heated underground parking, courtyard, club room, exercise facility, and pickle ball courts. This portion of the development is intended for persons 55 years of age or older who would like to 'right-size' their housing needs. The developer estimates the construction cost of the cooperative project to be approximately \$13.5 million.

In addition to the housing cooperative project, the developer is also proposing to construct 10 single-family homes which will be similar to the existing single-family homes in the Bos Landen Development. Finally, at full build out, the developer estimates the property taxes generated from this development will be approximately \$305,000 annually.

Housing Needs in the City of Pella: The City of Pella's Comprehensive Plan in 2014 identified the need for an additional 480 housing units to be constructed to meet population demands through the year 2035. Furthermore, a more recent and in-depth housing analysis conducted in 2015 identified the need for an additional 966 housing units through the year 2025 to meet our community's housing needs. All forms of housing were noted as a need in our community. It is important to note, 966 housing units equates to roughly a 15% increase in the number of housing units currently located within our community.

In addition, the Marion County Housing Assessment noted the need for an additional 309 senior housing units, with a majority of these attributed to active adult housing or housing intended for individuals 55 or older.

Comprehensive Plan: Additional housing is noted as a key priority goal in the City's Comprehensive Plan. In addition, the Comprehensive Plan also recommended to focus on areas within our community where infrastructure was already in place to serve additional housing. Furthermore, the Comprehensive Plan identified the need to provide diverse housing options within our community. From staff's perspective, the proposed development meets many of these targets as it is located in an existing housing development and is in close proximity to the City's sanitary sewer system.

The *Future Land Use Map* of the Comprehensive Plan targets the proposed site for Low-Density Residential housing. According to the City's Comprehensive Plan, densities for low-density residential can range from four to six units per acre. Based on this formula, the developer could construct 120 to 174 housing units on the 30-acre development and still be within the allowable density range as stated in the Comprehensive Plan. Based on the density restrictions as stated in this ordinance, staff believes the upper limit for the housing units will be in the range of 55, which is significantly below the 174 units allowed in the Comprehensive Plan.

It is also important to note that the Bos Landen Golf Course serves as a natural barrier between the housing cooperative component of this development and any residential housing in the vicinity. Based on staff's analysis, it appears the nearest existing single-family home is approximately 850 feet away from the housing cooperative project. Even though there is a considerable distance between this development and the existing residential neighborhood in Bos Landen, it is important to note that the Land Use Compatibility Matrix within the Comprehensive Plan identifies the multi-family housing component of the development as compatible with single-family and low-density housing.

Based on our analysis, staff believes the proposed development is in accordance and aligns with the City's Comprehensive Plan.

Planned Unit Development: Planned Unit Developments (PUD) are designed to allow for comprehensively planned projects which provide for innovative and imaginative approaches to urban design and land development. A PUD is a negotiated contract for land development between the private developer and the public governmental entity. This differs from the traditional approach to land development wherein the developer develops land pursuant to minimum standards previously adopted by the government. A PUD permits flexible variation from established land regulations as contained in zoning districts and in platting and subdivision requirements. The developer, with City staff guidance, Planning and Zoning Commission review, and Council approval, may develop its own guidelines for the best development of the land in question. As a result, some requirements of the PUD will be greater than the City's zoning code. In addition, there will also be some variations from the zoning code to accommodate the development. The overall intent of the PUD is to enhance land use compatibility with the existing neighborhood.

A considerable amount of site planning work has taken place for this proposed PUD. The plan was reviewed by professional engineers and City staff. This review included public safety issues, traffic concerns, and an infrastructure analysis. Overall, the planning for the development was completed in a comprehensive manner and in accordance with City Code.

For this proposed ordinance, the base zoning district will be R-3, Multi-Family Residential. Listed below, and on the following page are key requirements of this proposed ordinance.

Key Requirements of the Proposed Ordinance

Exhibit A: The proposed development is required to be developed in accordance with Exhibit A. This preliminary site plan has been reviewed and approved by the City's engineer and staff. Staff believes this preliminary plan meets the City's site plan requirements and will undergo further review during the consideration of a formal site plan. It is important to note, Lot 1 will be dedicated to the multi-family housing development. Likewise, single-family housing will be the only use for Lots 2 through 11.

Exhibit B: The proposed development is required to be designed in accordance with the color renditions as indicated in Exhibit B. While the proposed development is not within the City's design review district, staff believes the proposed design complements the existing neighborhood. In addition, staff also believes the design elements incorporated are significantly above any requirements under the City Code.

Zoning District Modifications

The proposed ordinance requires the development to be in conformance with the applicable zoning district except for the following modifications:
Zoning Requirements Waived or Amended:

1. The requirements of Table 165.12-3, maximum height, shall be increased from 45 feet to 50 feet.
2. The requirements of Table 165.31-2 and Sections 165.31(5)(A) & 165.31(9)(A), screening requirements, are waived as to the opaque screening requirements between the multi-family and single-family proposed uses. However, a formal landscape plan shall be provided by the developer at the time of site plan approval.

Subdivision Requirements Waived or Amended:

1. The requirements of Section 170.11(3)(H), street connectivity, are waived. Streets shall not be required to extend to the property boundary to accommodate future development for Lot 1 as shown in Exhibit A-3.
2. The requirements of Section 170.11(3)(I), maximum cul-de-sac length, are waived. Cul-de-sacs with a length greater than 600 feet shall be allowed for this development.
3. The requirements of Section 170.13(4)(F), sanitary sewer extension, are waived. Sanitary sewer shall not be required to extend to the property boundary to accommodate future development for Lot 1 as shown in Exhibit A-3.
4. The requirements of Section 170.13(5), fire hydrants, are amended as follows: fire hydrants shall be installed at such locations as required by the Pella Fire Department.
5. The requirements of Section 170.13(6), sidewalks, are amended as follows: sidewalks shall only be required along one side of the streets in the development.

Use Restrictions:

1. Lot 1 shall be used for a multi-family housing cooperative with a maximum of 45 housing units.
2. Lots 2 through 11 shall be used for single-family detached residences, with a maximum of ten residential properties.

Staff Recommendation: 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. Finally, it is important to note, the Planning and Zoning Commission approved this proposed ordinance on a 6 to 1 vote at their meeting on August 13, 2018.

ATTACHMENTS: Ordinance with Exhibits, Aerial Site Map, Site Distance Map, Written Comments

REPORT PREPARED BY: Planning & Zoning

REPORT REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve ordinance

3. Ordinance No. 947 entitled, "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT 413 MAIN STREET, CITY OF PELLA, MARION COUNTY, IOWA."

De Jong moved to place ordinance no. 947 on its second reading, seconded by Peterson.

On roll call the vote was:

AYES: De Jong, Peterson, Bokhoven, Branderhorst, Van Stryland, Schiebout.

NAYS: None.

Motion carried.

It was moved by De Jong that the statutory rule requiring said ordinance to be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, seconded by Peterson. On roll call the vote was:

AYES: De Jong, Peterson, Bokhoven, Branderhorst, Van Stryland.

NAYS: Schiebout.

Motion carried.

De Jong moved that ordinance no. 947 be adopted, seconded by Peterson. On roll call the vote was:

AYES: De Jong, Peterson, Bokhoven, Branderhorst, Van Stryland, Schiebout.

NAYS: None.

Mayor Mueller declared the motion carried and the ordinance duly passed and adopted.

BACKGROUND: This proposed ordinance would change the base zoning classification for approximately 2.89-acres of properties owned by RDP Holdings, LLC. The properties are located at 403 Main Street, 413 Main Street, and 400 Broadway Street, which is the former Webster School site. This ordinance is being proposed by the City of Pella to satisfy the recommendations of the City's Comprehensive Plan and Zoning Ordinance. The proposed development is intended to be a signature mixed-use development for south central Iowa by providing a unique high-quality housing product. Overall, the development contains 41 housing units with price points allowing for a diverse buyer pool. In addition, the development will contain high-end housing finishes, a courtyard, extensive landscaping, and a community building. The community building is intended to provide meeting rooms and other recreational opportunities for the residents. In addition, the development could also feature small commercial operations such as a coffee shop or similar service related businesses. The overall estimated cost of the development is approximately \$17 million.

Housing Needs in the City of Pella: The City of Pella's Comprehensive Plan in 2014 identified the need for an additional 480 housing units to be constructed to meet population demands through the year 2035. Furthermore, a more recent and in-depth housing analysis conducted in 2015 identified the need for an additional 966 housing units through the year 2025 to meet our community's housing needs. All forms of housing were noted as a need in our community. It is important to note, 966 housing units equates to roughly a 15% increase in the number of housing units currently located within our community.

Current Zoning: The existing zoning for the property is institutional (INS) which is intended to accommodate a variety of institutional uses such as college campus environments, schools, churches, hospitals, medical campuses, and elder care facilities. The district is designed to provide appropriate space regulations and assure that facilities are served with adequate parking. The institutional zoning district is attributed to past usage by the Pella Community School District and Central College.

Proposed Zoning: The proposed zoning for this property is a Planned Unit Development (PUD) with a base district of Mixed Use Urban Commercial Corridor (CUC). The CUC zoning district recognizes the mixed-use character of urban entry corridors into Pella's downtown, including Washington Street and Main Street, which contain a combination of residential, commercial, and office uses. These entry corridors include special aesthetic and sign design standards, which will help enhance their status as principal entrances and arterials into Pella's downtown, and to maintain their character as urban streets.

It is important to note, CUC zoning is directly to the north, east, and south of this development. Based on the proximity of adjacent CUC zoning, staff believes the proposed zoning use is consistent with adjacent zoning districts. It should also be noted, multi-family residential is permitted by right in the CUC zoning district.

Comprehensive Plan: Additional housing is noted as a key priority goal in the City's Comprehensive Plan. In addition, the Comprehensive Plan prefers infill development, or development that is built on vacant or under-utilized lots in existing neighborhoods. The reason for this recommendation includes making use of existing infrastructure as well as infill housing gaps by utilizing under used lots which detract from the neighborhood vitality. Furthermore, the Comprehensive Plan provided, as an example, an infill multi-family housing development within a block of this proposed site.

The *Future Land Use Map* of the Comprehensive Plan targets the proposed site for Commercial and Civic/Public use. This designation was attributed to the site formerly being used by Central College. In addition, the Land Use Compatibility Matrix of the Comprehensive Plan indicates the high density residential development is "basically compatible" with the adjacent commercial and nearby residential land uses.

In determining conformance with the Comprehensive Plan, it is important to review the document as a whole, including the text. Based on staff's analysis, we believe the proposed PUD is in conformance and aligns with the Comprehensive Plan.

Planned Unit Development: Planned Unit Developments (PUD) are designed to allow for comprehensively planned projects which provide for innovative and imaginative approaches to urban design and land development. A PUD is a negotiated contract for land development between the private developer and the public governmental entity. This differs from the traditional approach to land development wherein the developer develops land pursuant to minimum standards previously adopted by the government. A PUD permits flexible variation from established land regulations as contained in zoning districts and in platting and subdivision requirements. The developer, with City staff guidance, Planning and Zoning Commission review, and Council approval, may develop its own guidelines for the best development of the land in question. As a result, some requirements of the PUD will be greater than the City's Zoning Code. In addition, there will also be some variations from the Zoning Code to accommodate the development. The overall intent of the PUD is to enhance land use compatibility with the existing neighborhood.

A considerable amount of site planning work has taken place for this proposed PUD. The plan was reviewed by professional engineers and City staff. This review included public safety issues, traffic concerns, and an infrastructure analysis. Overall, the planning for the development was completed in a comprehensive manner and in accordance with City Code.

Key Requirements of the Proposed Ordinance

Exhibit A: The proposed development site is required to be developed in accordance with Exhibit A. This preliminary site plan has been reviewed and approved by the City's engineer and staff. Staff believes this preliminary plan meets the City's site plan requirements and will undergo further review during the consideration of a formal site plan. It is important to note, the development will also be required to submit a lighting plan as a part of the site planning process.

Exhibit B: The proposed development is required to be designed in accordance with the color renditions as identified in Exhibit B. It is important to note, this development is intended to be a signature development for the community, and as such, the design of the development incorporates extensive architectural design elements which is key to the marketability of the units. Staff also believes the design is significantly above any requirements under the City Code. Furthermore, staff believes the design will complement and enhance the Main Street Corridor.

Zoning District Modifications

The proposed ordinance requires the development to be in conformance with the base CUC zoning district except for the following modifications:
Zoning Requirements Waived or Amended:

1. The architectural design standards for the development's buildings and signage will be approved pursuant to the terms of a future Development Agreement between the City of Pella and the Developer. The design review standards contained in Pella City Code Sections 165.16, 165.17, and 165.18 are hereby waived. The intent of this waiver is to allow the development's design to meet its market niche. From staff's perspective, the proposed design of the building is significantly above City Code requirements.
2. Prior to receiving a building permit for the new buildings as identified in Exhibit A, the Developer will be required to submit a lighting plan to the Planning and Zoning Commission for approval. Building permits will not be issued until the plan is approved. The plan will be required to reduce lighting glare onto the adjacent and abutting properties.
3. The requirements of Table 165.12-3, Minimum Yards, shall be amended as follows:
 - a. Front Yard shall be reduced from 12.5 feet to 0 feet.
 - b. Street Side Yard shall be reduced from 10 feet to 0 feet.
 - c. Interior Side Yard shall be reduced to 0 feet for all stories listed.
 - d. Interior Side Yard shall be reduced from 12 feet to 10 feet for non-residential uses.
4. The requirements of Table 165.12-3, Maximum Height, shall be amended as follows: maximum height shall be established as 60 feet. It is important to note, the CUC zoning district does not have a maximum height restriction. While the proposed buildings are estimated to be approximately 45 to 50 feet in height, the limit of 60 feet is consistent with the nearby Central College buildings.
5. The requirements of Section 165.18, Gateway Corridor District, are waived for this development. These standards will be regulated pursuant to the terms of a future Development Agreement between the City of Pella and the Developer.
6. The requirements of Section 165.31, Landscaping and Screening Standards, are waived for this development. These standards will be regulated pursuant to the term of a future Development Agreement between the City of Pella and the Developer.
7. The requirements of Table 165.32-1, Minimum Off-Street Parking Requirements, are amended as follows: Developer shall provide a minimum of 85 parking spaces for the overall development. These spaces shall consist of underground parking, garages, parking lots, and driveways as shown on Exhibit A. All other requirements remain.
8. The requirements of Section 165.32(8)(B)(7), Entrance and Exits, are amended as follows: The residential driveways for Building B as identified on Exhibit A shall be allowed to back onto Peace Street in a non-forward position. All other requirements remain.

Use Restrictions:

1. Residential Uses: the requirements of Table 165.12-2, Permitted Uses by Zoning District, are amended to include Townhouse Residential as a permitted use.
2. The development shall be limited to 50 residential housing units, to be divided among townhouse, condominium, and multi-family housing. In addition, the residential housing units will be developed in accordance with Exhibit A.
3. Commercial Uses: commercial uses shall only be allowed in Building C as identified in Exhibit A. In addition, commercial uses shall be limited to those permitted in the CUC District.

Staff Recommendation: 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 change the zoning for this property to a PUD with a CUC base zoning district. Finally, it is important to note, the Planning and Zoning Commission unanimously approved this proposed ordinance at their meeting on August 27, 2018.

ATTACHMENTS: Ordinance with Exhibits A and B-1 through B-5, Location Map, Color Elevation Renderings, Written Comments
REPORT PREPARED BY: City Administration
REPORT REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK
RECOMMENDATION: Approve ordinance

4. Ordinance No. 948 entitled, “AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY AMENDING THE BOUNDARIES OF THE R2 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.”

Bokhoven moved to place ordinance no. 948 on its second reading, seconded by Van Stryland.

On roll call the vote was:

AYES: Bokhoven, Van Stryland, Schiebout, Peterson, De Jong, Branderhorst.

NAYS: None.

Motion carried.

It was moved by Bokhoven that the statutory rule requiring said ordinance to be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, seconded by Van Stryland. On roll call the vote was:

AYES: Bokhoven, Van Stryland, Schiebout, Peterson, De Jong, Branderhorst.

NAYS: None.

Motion carried.

Schiebout moved that ordinance no. 948 be adopted, seconded by Bokhoven. On roll call the vote was:

AYES: Schiebout, Bokhoven, Branderhorst, Van Stryland, Peterson, De Jong.

NAYS: None.

Mayor Mueller declared the motion carried and the ordinance duly passed and adopted.

BACKGROUND: Wendy Visser has submitted a request to rezone the property located at 503 W. Second Street. A single-family home currently sits on this 13,460-square foot parcel. The applicant is requesting the parcel be rezoned from Institutional (INS) to Two-Family Residential (R2). According to Marion County and City records, the home was constructed in 1941 as a single-family home. At that time, the home was zoned appropriately as R2. In December of 2002, Central College acquired the property and amended the zoning of the property to accommodate their use type of INS. In July of 2017, Central College sold the property for use as a single-family home, making the property a “legally non-conforming use,” given that Single-Family Residential (Detached) use types are not permitted in INS zoning districts. In order to appropriately zone the property for its current use, the owner is asking to rezone the property back to its original zoning designation of R2.

Current Zoning: Existing zoning for the parcel is INS. The INS District accommodates a variety of institutional uses including college campus environments, schools, churches, hospitals, medical campuses, and elder care facilities. The district is designed to provide appropriate space regulations and assure that facilities are served with adequate parking. Please note, Single-Family Residential (Detached) land uses are not permitted in the INS zoning district. This said, the property is classified as a “legally non-conforming use.”

Proposed Zoning: The proposed zoning for the property is R2. 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. The R2 zoning district permits Single-Family Residential (Detached) land uses, which is defined as “[a] residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit.” Please note, Single-Family Residential (Detached) land uses are permitted by right in the R2 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 11 of the 18 surrounding properties, or 61%, in support of this request.

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 R2 zoning district to the north of this property.

Adjacent Base Zoning Districts			
North	South	East	West
Two-Family Residential (R2)	Institutional (INS)	Institutional (INS)	Institutional (INS)

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*, which identifies the subject property as “Civic and Public” land uses.

In evaluating conformance with the Comprehensive Plan, it is important to consider the entire document and not just the *Future Land Use Map*. In this particular case, the property is being used for single-family use and has for many years. Furthermore, the designation of Civic and Public land use of the *Future Land Use Map* was based on the properties being owned by Central College, which is no longer the case. Additionally, the Comprehensive Plan’s Compatibility Matrix states that Civic/Public and Low Density Residential land uses are compatible.

From staff’s perspective, we believe this rezoning request simply aligns the property with how it has been traditionally used. In addition, according to the Comprehensive Plan, low density residential uses are compatible with institutional uses. Therefore, we believe this request aligns and is in conformance with the Comprehensive Plan.

Staff Recommendation: 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 is important to note, the Planning and Zoning Commission unanimously approved this proposed ordinance at their meeting on August 27, 2018.

ATTACHMENTS: Ordinance, Aerial Map, Zoning Map, Application, Petition, Written Comments

REPORT PREPARED BY: Planning & Zoning Department

REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK

RECOMMENDATION: Approve ordinance

5. Ordinance No. 949 entitled, “AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY AMENDING THE BOUNDARIES OF THE R2 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. 949 on its second reading, seconded by De Jong.

On roll call the vote was:

AYES: Van Stryland, De Jong, Bokhoven, Branderhorst, Schiebout, Peterson.

NAYS: None.

Motion carried.

It was moved by De Jong that the statutory rule requiring said ordinance to be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, seconded by Van Stryland. On roll call the vote was:

AYES: De Jong, Van Stryland, Schiebout, Peterson, Bokhoven, Branderhorst.

NAYS: None.

Motion carried.

Schiebout moved that ordinance no. 949 be adopted, seconded by Bokhoven. On roll call the vote was:

AYES: Schiebout, Bokhoven, Branderhorst, Van Stryland, Peterson, De Jong.

NAYS: None.

Mayor Mueller declared the motion carried and the ordinance duly passed and adopted.

BACKGROUND: Josh and Lisa Roose have submitted a request to rezone the property located at 505 W. Second Street. A single-family home currently sits on this 8,353-square foot parcel. The applicant is requesting the parcel be rezoned from Institutional (INS) to Two-Family Residential (R2). According to Marion County and City records, the home was constructed in 1941 as a single-family home. At that time the home was zoned appropriately as Two-Family Residential (R2). In December of 1988, Central College acquired the property and amended the zoning of the property to accommodate their use type of Institutional (INS). In July of 2017, Central College sold the property for use as a single-family home, making the property a “legally non-conforming use”, given that Single-Family Residential (Detached) use types are not permitted in Institutional (INS) zoning districts. In order to appropriately zone the property for its current use, the owner is asking the rezone the property back to its original zoning designation of Two-Family Residential (R2).

Current Zoning: Existing zoning for the parcel is INS. The INS District accommodates a variety of institutional uses including college campus environments, schools, churches, hospitals, medical campuses, and elder care facilities. The district is designed to provide appropriate space regulations and assure that facilities are served with adequate parking. Please note, Single-Family Residential (Detached) land uses are not permitted in the INS zoning district. This said, the property is classified as a “legally non-conforming use.”

Proposed Zoning: The proposed zoning for the property is R2. 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. The R2 zoning district permits Single-Family Residential (Detached) land uses, which is defined as “[a] residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit.” Please note, Single-Family Residential (Detached) land uses are permitted by right in the R2 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 11 of the 18 surrounding properties, or 61%, in support of this rezoning request.

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 R2 zoning district to the north of this property.

Adjacent Base Zoning Districts			
North	South	East	West
Two-Family Residential (R2)	Institutional (INS)	Institutional (INS)	Institutional (INS)

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*, which identifies the subject property as “Civic and Public” land uses.

In evaluating conformance with the Comprehensive Plan, it is important to consider the entire document and not just the *Future Land Use Map*. In this particular case, the property is being used for single-family use and has for many years. Furthermore, the designation of Civic and Public land use of the *Future Land Use Map* was based on the properties being owned by Central College, which is no longer the case. Additionally, the Comprehensive Plan’s Compatibility Matrix states that Civic/Public and Low Density Residential land uses are compatible.

From staff’s perspective, we believe this rezoning request simply aligns the property with how it has been traditionally used. In addition, according to the Comprehensive Plan, low density residential uses are compatible with institutional uses. Therefore, we believe this request aligns and is in conformance with the Comprehensive Plan.

Staff Recommendation: 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 is important to note, the Planning and Zoning Commission unanimously approved this proposed ordinance at their meeting on August 27, 2018.

ATTACHMENTS: Ordinance, Aerial Map, Zoning Map, Application, Petition, Written Comments

REPORT PREPARED BY: Planning & Zoning Department

REVIEWED BY: CITY ADMINISTRATOR

CITY CLERK

RECOMMENDATION: Approve ordinance

I. CLAIMS

1. Abstract of Bills No. 2015.

Schiebout moved to approve, seconded by De Jong. On roll call the vote was:

AYES: Schiebout, De Jong, Bokhoven, Branderhorst, Van Stryland, Peterson.

NAYS: None.

Motion carried.

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

Comments were received and addressed.

L. CLOSED SESSION

1. At 8:01 p.m., Schiebout moved to enter into closed session pursuant to Iowa Code Chapter 21.5 1(j) to discuss the purchase or sale of particular real estate only where premature disclosure could be reasonably expected to increase the price the governmental body would have to pay for that property or reduce the price the governmental body would receive for that property, seconded by Peterson.

On roll call the vote was:

AYES: Schiebout, Peterson, De Jong, Bokhoven, Branderhorst, Van Stryland.

NAYS: None.

Motion carried.

At 8:36 p.m., De Jong moved to reconvene to regular session, seconded by Schiebout.

On roll call the vote was:

AYES: De Jong, Schiebout, Peterson, Bokhoven, Branderhorst, Van Stryland.

NAYS: None.

Motion carried.

No action was taken regarding this closed session.

M. ADJOURNMENT

There being no further business claiming their attention, Van Stryland moved to adjourn, seconded by De Jong.

On roll call the vote was:

AYES: Van Stryland, De Jong, Bokhoven, Branderhorst, Schiebout, Peterson.

NAYS: None.

Motion carried.

Meeting adjourned at 8:39 p.m.