

Planning and Zoning Commission  
Regular Meeting Minutes  
September 24, 2012

- 1) The meeting was called to order at 7:00 p.m.
- 2) Roll Call.  
Present: Craig Agan, Nelson Bogaard, Julio Chiarella, Jim Danks, Andrew Green, Bob Smith, Gary Van Vark, Ervin Van Wyk, Teri Vos.

Absent: David Landon, Ken Rozenboom.

Others Present: Virgil E. Dykstra, Chad and Heather Malone, Paul Pfitzenmaier, Russ and Amy Van Wyk, Brad Uitermarkt, Lorence Van Dusseldorp, Tyler Vander Linden, Judy Van Dusseldorp, George Wesselhoft.

- 3) Approval of Minutes. The minutes of the August 27, 2012 regular meeting were approved as submitted.
- 4) Public Hearing on Rezoning Application by Tyler Vander Linden to Rezone Property(Legal Description: Lots 6 and 7, and Lot 5 except the North 38', all in Braam's Addition to the City of Pella, Iowa) from R1 Low Density Single Family Residential to R2 Two Family Residential.

Written comments were received from Jane Koogler (1208 West Third Street) which George Wesselhoft mentioned Ms. Koogler's concern about the R2 zoning and her request that the Commission consider denial of the rezoning for reasons she states in her letter that was included with the rezoning report (letter attached).

Virgil Dykstra asked how many buildings are proposed and where the parking would be located.

Tyler Vander Linden responded that there would be one structure on his lot and that there are two lots and that he does not know the plans of the owner Mr. Veenstra for the other lot and the parking would be garages.

Lorence Van Dusseldorp questioned whether his taxes would go up as a result of the proposal which he said if yes, then he would be opposed.

George Wesselhoft responded that taxes would be a question for the Marion County Assessor and is not a zoning question.

The public hearing was closed.

- 5) Rezoning Application by Tyler Vander Linden to Rezone Property from R1 Low Density Single Family Residential to R2 Two Family Residential. Tyler Vander Linden is requesting a rezoning from R1 Low Density Single Family Residential to R2 Two Family Residential for the vacant property located immediately south

of 1204 West 3<sup>rd</sup> Street. This includes Lots 5 (except North 38'), 6 and 7 of Braam's Addition subdivision. The proposed use is duplex. The Comprehensive Plan, Future Land Use Map targets the area proposed to be rezoned for Medium Density Residential. Since this category includes R2 as one of the typical zoning designations, the proposed rezoning is consistent with the Comprehensive Plan. Also, while this block of West 3<sup>rd</sup> Street is entirely zoned R1, there is adjacent R2 zoning to the east of the property in question.

Jim Danks mentioned the rezoning petition and made reference to the zoning and Comprehensive Plan maps for the area.

George Wesselhoft clarified that the neighbor petition is advisory only and that prior City Attorney opinion has held that failure to obtain any signatures would not stop or invalidate the rezoning process. It is really a good faith notice by the applicant before the neighbors would receive letters from the City.

Bob Smith mentioned that he feels there is a disconnect and that why would it be medium density for the area when low density is there right out of the box.

Julio Chiarella stated that it makes more sense if the zoning was through street and not the alley, if the line were moved to the street versus in the middle.

There was discussion about the requested rezoning.

Bob Smith stated that he has a hard time saying no to it even though it does not feel right given the adjacent R2 zoning and the medium density designation, so he has to say yes.

Jim Danks responded that he respectfully would disagree and that it is spot zoning and that the existing R2 zoning designation is 200 feet back from the street and that is unusual.

Nelson Bogaard made a motion to recommend approval of the rezoning. Bob Smith seconded the motion. Upon vote, Bogaard, Smith, Agan, Chiarella, Green, Van Vark, Van Wyk, Vos voted yes, Danks voted no. Motion carried 8 to 1.

- 6) Public Hearing on Rezoning Application by Heather Goemaat Malone to Rezone Property (Legal Description: Lot Six (6) in Block Twenty (20) in South East Pella, Iowa) from M2 Heavy Industrial to CC Community Commercial.

No written or oral comments were received.

The public hearing was closed.

- 7) Rezoning Application by Heather Goemaat Malone to Rezone Property from M2 Heavy Industrial District to CC Community Commercial. Heather Goemaat

Malone is requesting a rezoning from M2 Heavy Industrial to CC Community Commercial for her residential property at 113 Carson Street. The owner intent is to bring the residence into legal conforming status as far as use because residential use is not permitted under M2 zoning and if the house would be 60% or more destroyed it could not be rebuilt. CC zoning permits both commercial and residential uses. The Comprehensive Plan, Future Land Use Map targets the area proposed to be rezoned for medium density residential. Since this classification includes single-family detached housing, the proposed use is consistent with the Comprehensive Plan.

Jim Danks asked about ongoing cases in the area as far as rezoning.

George Wesselhoft responded yes that prior rezoning applications for the same reason, to bring residential use into conformance, have been approved including across the street from the current property at 112 Carson Street.

Bob Smith made a motion to recommend approval of the rezoning. Nelson Bogaard seconded the motion. Upon vote, all voted yes. Motion carried 9 to 0.

- 8) Site Plan for Pella Gateway Investments, LLC. Pella Gateway Investments, LLC is proposing a 4,500 square foot storage building at 212 South Street. The property was previously rezoned to M1 with storage as one of the identified use types as part of the rezoning approval.

Gary Van Vark made a motion to approve the site plan. Ervin Van Wyk seconded the motion. Upon vote, all voted yes. Motion carried 9 to 0.

- 9) Other Business. George Wesselhoft gave an update on the Strategic Planning Committee process and mentioned the Steering Committee's work which will be wrapping up on October 4. Mr. Wesselhoft mentioned the next meeting of the Planning and Zoning Commission is scheduled for October 22.
- 10) The meeting was adjourned at 7:33 p.m.

Respectfully submitted,  
George Wesselhoft  
Planning and Zoning Director

B. Jane Koogler  
1208 West 3<sup>rd</sup> Street  
Pella, IA 50219

September 17, 2012

Pella Planning and Zoning Commission

c/o George Wesselhoft  
City of Pella  
100 Truman Road  
Pella, IA 50219

Planning and Zoning Board Members,

I would like to be addressing you in person for your September 24<sup>th</sup> public hearing. However, a family trip, planned months ago, will keep me away. For this reason, I am submitting, in written form, my concern about the rezoning of the Braam's Addition lots on West 3<sup>rd</sup> Street from R-1 to R-2.

I have owned our home at 1208 West 3<sup>rd</sup> Street for 12 ½ years. One appeal, for my husband and myself, to this location was the R-1 zoning in place for the lots available on our street. We felt this zoning restriction would allow any new single-family homes built on the empty lots south of our house to compliment the existing single-family home dwellings on our street.

Our main concern with allowing a R-2 zoning and the subsequent building of a duplex for rental purposes would be the impact on the home values in the 1100 and 1200 blocks of West 3<sup>rd</sup> Street. Because of the nationwide economic environment, homeowners have already had to face the reality of diminished value of our homes. By allowing a R-2 zoning for Lots 6 and 7, and Lot 5 of the Braam's Addition, we would be forced, by your decision, to risk having our home values fall even further. Since homes usually represent a large portion of one's assets, this is a great concern for us, the homeowners.

I have reviewed the current city zoning maps available online. According to the online map, there are a large number of areas within the city limits zoned for R-2 building. Persons interested in building multi-family structures, for rental and investment purposes, should be encouraged to locate their building of these structures to areas already zoned R-2, rather than apply to Planning and Zoning to rezone and thereby alter the purpose and character of established neighborhoods. This way, existing property owners would forego the risk of values of existing homes being diminished because of the zoning change.

I respectfully ask the request to rezone Lots 6 and 7, and Lot 5 of the Braam's Addition be denied for these reasons:

- to preserve the character of the neighborhood;
- honor the city's commitment to existing homeowners, implied by the original R-1 zoning;
- to protect the existing homeowners from the potential of further diminishing property values;
- to grant existing homeowners peace of mind.

It is simply unfair to change the rules of the game, for existing homeowners, in the middle of the game. The City has an obligation to honor the existing zoning and the implied commitment that comes with it.

Thank you for your consideration.

*B. Jane Koogler*

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