

Planning and Zoning Commission
Regular Meeting
July 28, 2014

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

Others Present: Gary Lozano (RDG), Doug Van Zee, Jeane Nossaman, Ron Huisman, Glenn Matherly, Gene Kamerick, Brad Uitermarkt, Mike Nardini, George Wesselhoft.
- 3) Approval of Minutes. The minutes of the June 23, 2014 regular meeting were approved as submitted.
- 4) Public Hearing on Review and Recommendation on Comprehensive Plan Update. No written or oral comments were received.
- 5) Review and Recommendation on Comprehensive Plan Update. George Wesselhoft and Gary Lozano co-presented the summary on the proposed Comprehensive Plan.

George Wesselhoft reviewed the basis for the Plan noting it is a vision document for the community that serves as guide for decisions and tool for setting priorities and has basis in State Code. He mentioned that the planning team consisted of the consultant RDG along with the Steering Committee that included over 30 persons and general public with input from Planning and Zoning Commission and City Council. Mr. Wesselhoft reviewed the planning process and timeframe including all of the public meetings and online community forum input along with a housing survey from area employees.

Gary Lozano stated RDG would like to thank Pella for being able to work on the Plan as Pella is one of their favorite cities. He mentioned the big ideas that came out of all the public and committee input including housing, bicycle and pedestrian system, economic development and quality of life, development with land use plan, and maintaining quality streets and infrastructure. Mr. Lozano mentioned while Pella has excellent quality housing there are high housing costs and a lack of variety. Pella has good jobs but sometimes the housing is not what people need. The Plan recommends over time being open to shifting the mix in housing. He mentioned that they looked at the areas available and the Plan looks at the whole area seeing how it will be developed over time and that ideally an area will develop with a master plan. Mr. Lozano mentioned there are specific recommendations in the Plan related to housing. He referenced the bicycle and pedestrian network and new ideas for expanding the downtown, including the bicycle cultural trail idea. He noted other ideas for the downtown, including

looking at Central Park. Mr. Lozano reviewed the principles of land use and development, future land use maps and storm water management.

George Wessehoft concluded the presentation by mentioning implementation, that the Plan is used regularly by staff for new subdivision and rezoning proposals and that it should be evaluated annually for updating. He noted the set of priorities and funding sources contained in the implementation section.

Julio Chiarella noted there was a lot of participation from people during the process and was very harmonious and mentioned it was also a pleasure to see members of City Council and the Mayor involved.

Jim Danks added that he thinks it creates a wealth of information and ideas with priorities and funding capability and that the work done is spot on with many people involved.

Julio Chiarella made a motion to recommend approval of the Comprehensive Plan. David Landon seconded the motion. Upon vote, all voted yes. Motion carried 8 to 0.

- 6) Public Hearing on Zoning Ordinance Amendment Amending Sections 165.11 and 165.12-3 Allowing 0 Lot Line Interior Side Setbacks for Single-Family Residential (Attached) in the R2 District and Permitting the Subdivision of Existing R2 District Duplex Lots. A letter (attached) was received from Ivan Mulder (407 Union Street) in support of changing the zoning regulations to permit zero lot line, no setback rules for duplex owners in Pella. No oral comments.
- 7) Zoning Ordinance Amendment Amending Sections 165.11 and 165.12-3 Allowing 0 Lot Line Interior Side Setbacks for Single-Family Residential (Attached) in the R2 District and Permitting the Subdivision of Existing R2 District Duplex Lots. The R2 Two Family Residential Zoning District currently does not permit a 0 lot line interior side setback. The minimum interior setback for a duplex is 7 feet. If a division of a duplex is proposed under current Code the lot could not be split because it would not meet Code for this minimum setback requirement and depending on the case may not also meet lot size. Also of note is that the Code currently does not define or permit single-family residential (attached), sometimes referred to as “twin home”. In order to address the above issues and allow more housing type flexibility in the Code, an ordinance amendment is proposed. This proposal comes out of a request by Larry De Vries. The proposed ordinance would define single family residential (attached) and allow zero (0) lot interior side yard for the R2 District. This would include subdivision of legal conforming existing R2 duplex irrespective of lot area provided duplex is divided in the center facing the zoning front street and provided there are separate utilities for each unit. Finally, it should be noted that RDG in their review of the Zoning Code as part of the Comprehensive Plan recommended that single-family attached be added as an option.

Jim Danks asked about whether existing duplexes would be able to be divided under the proposal.

George Wesselhoft responded in the affirmative.

Jim Danks questioned the terminology and why it was not a row house.

Gary Lozano explained that usually row house is in reference to three or more units which is multiple family residential.

Mike Vander Molen made a motion to recommend approval of the ordinance amendment. Julio Chiarella seconded the motion. Upon vote, all voted yes. Motion carried 8 to 0.

- 8) Site Plan for Dutch Mill Supply. Dutch Mill Supply is proposing a 60 by 120 foot warehouse building which would be located in the rear of their property at 1713 Fifield Road.

Gary Van Vark made a motion to approve the site plan. Craig Agan seconded the motion. Upon vote, all voted yes. Motion carried 8 to 0.

- 9) Site Plan for Second Reformed Church. Second Reformed Church is proposed to construct an 18 by 26 foot deck on the south side of their existing building.

David Landon made a motion to approve the site plan. Julio Chiarella seconded the motion. Upon vote, all voted yes. Motion carried 8 to 0.

- 10) Site Plan for Bibles for Missions. Bibles for Missions is proposing a 2,512 square foot addition to the west side of their existing building at 2500 Fifield Road.

Mike Vander Molen made a motion to approve the site plan. Nelson Bogaard seconded the motion. Upon vote, all voted yes. Motion carried 8 to 0.

- 11) Site Plan for Vermeer Corporation. Vermeer Corporation is proposing three projects for July, 2014 site plan consideration including: 30 by 100 foot lean-to addition to existing lean-to (Parts Plant), 40 by 40 shed to be relocated from another site (interior campus), and 24 by 80 new shed for float storage (interior campus)

Gary Van Vark made a motion to approve the site plan. Julio Chiarella seconded the motion. Upon vote, Van Vark, Chiarella, Agan, Bogaard, Danks, Vander Molen voted yes, Landon, Vos abstained. Motion carried 6 to 0 with 2 abstentions.

- 12) Development Agreement Between City of Pella and the Doris V. Vroom Estate and the Clifford L. Vroom Trust, and Joy D. Eklofe. The Doris V. Vroom Estate and the Clifford L. Vroom Trust presently own a 13.54 acre parcel which is of irregular shape located in the Marion County extraterritorial zoning jurisdiction

immediately to the north of Liberty Evangelical Free Church. The owners of said property would like to divide said parcel into three parcels (Lots 1, 2 and 3). The owners would like to convey Lot 2 with the intent of combining it with the adjacent property to the west owned by Joy D. Eklofe. Since Lot 2 would only comprise 0.17 acres it would be of insufficient size to meet the minimum 3 acres required under the 28E Agreement between the City and Marion County. The proposed development agreement would assure that said Lot 2 is combined with the Eklofe property and therefore would otherwise comply in all respects with the Zoning Regulations so that the plat of survey for this division can be approved by the Zoning Administrator.

Julio Chiarella made a motion to recommend approval of the development agreement. Teri Vos seconded the motion. Upon vote, all voted yes. Motion carried 8 to 0.

- 13) Development Agreement Between City of Pella and the Doris V. Vroom Estate and the Clifford L. Vroom Trust. The Doris V. Vroom Estate and the Clifford L. Vroom Trust presently own a 13.54 acre parcel which is of irregular shape located in the Marion County extraterritorial zoning jurisdiction immediately to the north of Liberty Evangelical Free Church. The owners would like to convey Lot 3 with the intent of combining it with the adjacent property to the west owned by the same Vroom owner. Since Lot 3 would only comprise 1.95 acres it would be of insufficient size to meet the minimum 3 acres required under the 28E Agreement between the City and Marion County. The proposed development agreement would assure that said Lot 3 is combined with the other Vroom property and therefore would otherwise comply in all respects with the Zoning Regulations so that the plat of survey for this division can be approved by the Zoning Administrator.

Julio Chiarella made a motion to recommend approval of the development agreement. Nelson Bogaard seconded the motion. Upon vote, all voted yes. Motion carried 8 to 0.

- 14) Other Business. George Wesselhoft mentioned that two site plans have been submitted for the next meeting on August 25, including site plans for Vermeer Corporation for a parking lot addition and for the new Taco Bell restaurant which will be located next to Applebee's in front of the Super Wal-Mart.
- 15) The meeting was adjourned at 7:45 p.m.

Respectfully submitted,
George Wesselhoft
Planning and Zoning Director

July 21, 2014

James Danks, Chairman
Planning and Zoning Commission
Pella, Iowa 50219

Pella Planning and Zoning Commission Members,

My wife and I currently own one-half of a two-unit residential structure (duplex). We encountered several complications when a legal ownership agreement was first adopted with the owners of the other half of the duplex in 2005. The issues dealt with wanting separate property tax assessments, homestead exemptions, insurance coverage, and direct ownership of the living space as well as the portion of the lot upon which each half is constructed. We also wanted to avoid any condominium or association arrangements, and instead have direct involvement in the care and maintenance of our lawns, driveways and sidewalks.

We understand from other duplex owners with similar separate ownership agreements that there are complications when trying to sell and/or transfer property rights. For example, an appraiser refused to do an evaluation of a half-duplex since he considered the two-unit structure indivisible for appraisal purposes. Another party was denied a bank loan toward the purchase of a half-duplex for the same reason.

An attorney suggested that a change in zoning regulations could help resolve these issues, and allow private ownership of one-half of a two unit residential structure along with the lot/land upon which it is constructed. This letter is requesting the Planning and Zoning Commission to consider changing zoning regulations to permit zero lot line, no set back rules for duplex owners in Pella.

Note: A fire-wall was constructed between our two (405-407 Union Street) units, including the attic spaces.

Thank you for considering this request.

Respectfully submitted,

Ivan Mulder
407 Union Street
Pella, IA 50219