

**MINUTES OF THE CITY OF PELLA
PLANNING AND ZONING COMMISSION MEETING
MARCH 28, 2022**

CALL TO ORDER BY THE CHAIRPERSON AND ROLL CALL

Chairperson Vos called the Planning and Zoning Commission to order at 7:00 p.m. in the Public Safety Complex. Members present were: Sarah Buchheit, Joe Canfield, Julio Chiarella, Cathy Haustein, Kisha Jahner, Tom Johnson, Ann Visser, and Teri Vos; absent: Mark Groenendyk and Robin Pfalzgraf. Staff present: Zoning Director Gerald Buydos, Zoning Analyst Jared Parker, and the Deputy City Clerk. Eight members of the public were present.

APPROVAL OF TENTATIVE AGENDA

Motion by Visser, second by Jahner to approve the tentative agenda. Motion carried 8-0.

APPROVAL OF MINUTES

Motion by Visser, second by Chiarella to approve the minutes of the February 28, 2022 meeting. Motion carried 8-0.

NEW BUSINESS PROPOSED

Consider a Preliminary Plat Preliminary Plat Application, Submitted by Dave Hopkins (RAVE Management), to Subdivide a Parcel on Bos Landen Drive into Seven Lots

Dave Hopkins (RAVE Property Management) submitted a preliminary plat for seven parcels along Bos Landen Drive. The 2.47-acre site is currently undeveloped and is conditionally zoned Multiple-Family Residential (R3).

The property is conditionally zoned R3. The district intended to provide locations primarily for multiple-family housing, with supporting and appropriate community facilities. It also permits some non-residential uses to permit the development of mixed-use neighborhoods.

The site would consist of seven residential lots. Stormwater, parking, loading, a mowed path, and other attendant facilities are also proposed for the site.

Chapter 170.06.2 tasks the Planning and Zoning Commission to review the proposed preliminary plat for conformance with the City's Comprehensive Plan. The Comprehensive Plan's Future Land Use Map identifies this site as Low-Density Residential. The proposed use complies with this designation. The Comprehensive Plan also calls for increased housing in the community, which this project helps satisfy.

The proposed preliminary plat satisfies pertinent City Code and is consistent with the Comprehensive Plan. Staff recommended approval of the preliminary plat as submitted.

The applicant, Dave Hopkins, was present to speak in favor of the preliminary plat and to answer questions from the Commission. Hopkins indicated that he intends to build single-family attached homes on the property. Planning and Zoning Director Gerald Buydos stated that additional lots will need to be created so that the properties can be sold as such. The applicant then decided to have his application tabled by the Commission for consideration at a future meeting.

Motion by Jahner, second by Canfield to table the preliminary plat. Motion carried 8-0.

Consider an Amended Site Plan Application, Submitted by Doug Attema, to Construct Two Warehouses With An Office, at 311 SE Ninth Street

Doug Attema submitted an amended site plan application to construct a warehouse with an office at 311 SE Ninth St. The previous site plan was approved on August 23, 2021. The proposed buildings will be approximately 7,680 square feet with approximately 15,00 square feet of paved parking.

The property is currently zoned Limited/Light Industrial (M1). The M1 district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.

According to the Zoning Ordinance, the proposed land use is classified as *Warehousing (Enclosed)*, which is defined as “uses including storage, distribution and handling of goods and materials within enclosed structures. Typical uses include wholesale distributors, storage warehouses and van and storage companies.” The proposed land use is permitted by right in the City’s M1 zoning district.

Chapter 165.36(F)(3) requires the proposed site plan to conform to the City’s Comprehensive Plan. The Future Land Use Map of the Comprehensive Plan identifies this site for “General Industrial” land uses. Staff believes the proposal meets the community’s goals listed in the Comprehensive Plan and complies with the Future Land Use Map.

Staff believes the proposed site plan amendment meets the requirements of the City’s zoning code and is consistent with the City’s Comprehensive Plan. Therefore, staff recommended the site plan amendment be approved as submitted.

Motion by Johnson, second by Jahner to approve the site plan as submitted. Motion carried 8-0.

Consider a Site Plan Application, Submitted by Pella Corporation, to Construct Paved Parking at 102 Main Street

Pella Corporation submitted a site plan application to construct paved parking as part of their campus at 102 Main Street. The proposed project will consist of approximately 15,000 square feet of paved parking.

The property is currently zoned Heavy Industrial (M2). The M2 district per code "...is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility."

According to the Zoning Ordinance, the proposed land use is best defined as a parking lot and accessory to the industrial uses on the property.

Chapter 165.36(F)(3) requires the proposed site plan to conform to the City's Comprehensive Plan. The Future Land Use Map of the Comprehensive Plan identifies this site for "General Industrial" land uses. Staff believes the proposal meets the community's goals listed in the Comprehensive Plan and complies with the Future Land Use Map.

Staff believes the proposed site plan meets the requirements of the City's zoning code and is consistent with the City's Comprehensive Plan. Therefore, staff recommended the site plan be approved as submitted.

Motion by Jahner, second by Chiarella to approve the site plan as submitted. Motion carried 8-0.

OTHER BUSINESS / WORK SESSION

Work Session to Discuss Residential Parking Requirements in the Central Business District

At the City Council Policy and Planning meeting on September 7, 2021, City Council directed this item to be studied by the Planning and Zoning Commission for potential action.

The purpose of this discussion item is to review off-site parking requirements in the Central Business District (CBD) for residential uses. According to the City's zoning code, the following requirements are in place regarding residential parking in the CBD:

- Off-street parking shall be provided for any new building constructed, for new uses or conversions of existing buildings, or for enlargements of existing structures.
- Any use within the CBD, other than residential, is exempt from the requirement to provide off-street parking.
- Single-family residential units must provide two spaces per dwelling unit on site.
- Residential uses are not allowed in the basement or ground floor, only on the second level or above.

At the Planning and Zoning Commission meeting on October 25, 2021, the Commission suggested recommendations to modify the code. To date, City staff has been working with the City Attorney and City Administration to review the recommendations:

The Planning and Zoning Commission recommended the following modifications:

1. Downtown parking. Here are the recommendations for staff to bring back for a possible code change:
 - a. Research creating an “owner-occupied” waiver for parking downtown. This would be for an individual that lives and works in a building they own. They would not need to provide any onsite or off-site parking. Need to verify legality.
 - b. Change code to require only one onsite parking space per residential dwelling unit conversion in downtown. This is for pre-existing buildings only.
 - c. Allow residential conversion units to be able to lease one space off-site, if one cannot be provided on-site.
 - d. For new apartment/multifamily construction, rewrite the code to require one on-site parking space for studio/one-bedroom apartments and two on-site parking spaces for apartments with two or more bedrooms.

The City Attorney has reviewed these recommendations and suggested the following:

“With respect to the owner-occupied regulation, that type of parking regulation would not be recommended.”

“Zoning restrictions or conditions that limit the use of land based on the identity or status of the owner or occupant of the land generally are held invalid by the courts. Zoning regulation that limits the use of land based on race, economic status, age, blood relationship, or identity of the user or owner may be held invalid on either due process or equal protection grounds as an arbitrary restriction unrelated to any legitimate public purpose.” 5 Rathkopf’s The Law of Zoning and Planning § 81:4 (4th ed.)

“This type of prohibition would apply to regulations which treat owner-occupied housing differently from tenant-occupied housing. The proposed parking regulation should apply to single-family homes, regardless of whether they are owner-occupied or rental units.”

In summary, staff provided the Planning and Zoning Commission updated information regarding a recommendation that was put forward. No action was required.

Buydos explained that the owner-occupied waiver will be stricken from the recommendation that is given to the City Council, per the City Attorney’s opinion.

Work Session to Review Planning and Zoning Commission Procedural Rules

The City of Pella Planning and Zoning Commission Procedural Rules govern the conduct of the Commission. Staff asked the Commission to review them for familiarity and to determine whether any changes should be made. The rules may be amended through a resolution by a majority vote of the entire Commission.

Following review, the Commission decided that no changes to the Procedural Rules are necessary. The Procedural Rules will be reviewed by the Commission on an annual basis going forward.

Buydos asked the Commission to be careful when making motions, so that they are stated clearly and do not allow room for misinterpretation.

Next Meeting Date

The next regular Planning and Zoning Commission meeting is scheduled for April 25, 2022.

Other

Buydos reported that Chick-fil-A has applied for a building permit. Additionally, Smash Park is on pace to hopefully be open for Tulip Time.

Adjourned at 7:47 p.m.