



CITY OF PELLA

CITY COUNCIL OFFICIAL MINUTES

April 20, 2021

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 (614 Main Street) at 6:00 p.m., Mayor Don DeWaard presiding. Council members present were: Mark De Jong, Liz Sporrer, Lynn Branderhorst, Calvin Bandstra, Bruce Schiebout (arrived at 6:03 p.m.), Dave Hopkins. Absent: None. City Administrator Mike Nardini, City Attorney Kristine Stone, and City Clerk Mandy Smith were present. Four staff members and fourteen members of the general public signed the register. Due to heightened public health risks associated with the COVID-19 pandemic, this meeting was also broadcast via conference call. Two staff members and eight members of the general public attended the conference call.

B. MAYOR'S COMMENTS

1. Announce Policy and Planning meeting following the regular Council meeting to discuss:
 - a. Central Business District Parking during the Oost Poort Alley Project
 - b. Request from Bob Zylstra Regarding the Alleyway North of the 700 Block of Washington Street
 - c. Proposed Amendment to the City's Purchasing Policy
2. Approval of Tentative Agenda.
Item B-5/L-2 was pulled from the agenda.
De Jong moved to approve the tentative agenda as amended, seconded by Branderhorst.
On roll call the vote was: AYES: 5, NAYS: None. Motion carried.
3. Appointment of Jeff Bollard to the Airport Committee.
Bandstra moved to approve, seconded by Sporrer.
On roll call the vote was: AYES: 5, NAYS: None. Motion carried.
BACKGROUND: Mayor DeWaard would like to appoint Jeff Bollard to fill a vacancy on the Airport Committee. As a commercial rated pilot with instructor rating for both single and multi-engine airplanes, Jeff has experience giving flight lessons and conducting contract flying for two of the large companies in Pella. Jeff appreciates the services provided at the Pella Municipal Airport, including those provided by Classic Aviation. Jeff is the Vice President of Information Technology at Precision, Inc. He resides at 2924 Bos Landen Drive. If approved, Jeff's six-year term would expire on January 1, 2027.
ATTACHMENTS: None
REPORT PREPARED BY: Public Works Department
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve the appointment
4. Announce closed session pursuant to Iowa Code Chapter 21.5 1(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation.
5. Item pulled from the agenda.

Schiebout arrived at 6:03 p.m.

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

Comments were received and addressed.

C. APPROVAL OF CONSENT AGENDA

Branderhorst moved to approve the consent agenda, seconded by De Jong.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

The following items were approved:

1. Approval of Minutes
 - a. Official Council Minutes for April 6, 2021

2. Report of Committees

a. Policy and Planning Minutes for April 6, 2021

PRESENT: Mayor Don DeWaard, Mark De Jong, Liz Sporrer, Lynn Branderhorst, Calvin Bandstra, Bruce Schiebout, Dave Hopkins (attended via phone from 8:40 to 9:06 p.m.)

ABSENT: None

OTHERS: City staff and visitors

The Policy and Planning meeting began at 8:40 p.m. The first item on the agenda was a presentation from representatives of the Pella Area Community and Economic (PACE) Alliance. The presenters spoke on behalf of the Spirit of Pella, a group formed for the purpose of implementing enhancements to the Klokkenspel Plaza and Molengracht, creating a Kerstmarkt (Christmas market), adding murals within the community, and installing additional Christmas lighting in the downtown area.

The Spirit of Pella would like to apply for funding through the Iowa Economic Development Authority's Rural Innovation Grant Program. Grant applications are due by April 16, 2021. As the group is still in the process of becoming a 501(c)(3) entity, they are requesting that the grant is submitted by the City of Pella. At the end of the discussion, Council expressed their interest in proceeding with submission of the grant by the City of Pella. A maximum of \$20,000 is available through this grant, and disbursements are made on a reimbursement basis.

The next item on the agenda was a discussion regarding a request from the Pella Disc Golf Club to refund \$8,515 in scholarships/donations that were solicited based on construction of an 18-hole disc golf course within Big Rock Park. This request is being made due to the fact that it appears that construction of this course will not be proceeding in the near future. After discussion, Council directed staff to proceed with refunding the \$8,515 in donations as requested. Furthermore, a decision regarding the future use of the 18-disc golf baskets that are owned by the City will be made at a later date.

The last item on the agenda was a discussion regarding a request from the Friends of Big Rock Park for a letter in support of a grant application to the Marion County Community Foundation. The purpose of this grant application is to have Central College conduct a comprehensive environmental study of Big Rock Park. During their discussion, Council clarified that this study will not address or attempt to determine acceptable or potential uses within Big Rock Park. Results of the study will identify if endangered species exist in the park. If endangered species are discovered, the study will provide details on where their habitats are located. Determinations regarding acceptable or potential uses within Big Rock Park will be made by the City Council only, not through this study.

At the end of the discussion, staff was directed to draft a letter to the Marion County Community Foundation stating that if grant funding is awarded to the Friends of Big Rock Park organization, the Central College research team has permission from the City to access Big Rock Park for the purpose of conducting the environmental study as outlined on their proposal included in the Council packet.

The meeting adjourned at 9:45 p.m.

Respectfully submitted:

Mandy Smith

City Clerk

b. Historic Preservation Commission Minutes for March 8, 2021

Chairperson Kermode called the Historic Preservation Commission to order in the Public Safety Complex at 5:00 p.m. Members present were: Don André, Bruce Boertje, Rhonda Kermode, and Lila Turnbull. Staff present: Assistant City Administrator Corey Goodenow and the Deputy City Clerk. Due to heightened public health risks associated with the COVID-19 pandemic, accommodations were made to broadcast this meeting via conference call. No members of the public joined the conference call.

APPROVAL OF TENTATIVE AGENDA: Motion by André, second by Turnbull to approve the tentative agenda. Motion carried 4-0.

APPROVAL OF MINUTES: Motion by Boertje, second by André to approve the minutes from the February 8, 2021 meeting. Motion carried 4-0.

OTHER BUSINESS/WORK SESSION: Discussion of Historic District Signage

Assistant City Administrator Corey Goodenow presented a selection of historic district signage, including signage that is used in the Sherman Hill Historic District in Des Moines, Iowa. The Commission discussed the signage options and agreed that they liked the look of the Sherman Hill Historic District street signage. The signage would be purchased from Iowa Prison Industries.

Kermode suggested that the Commission apply for a grant from the Marion County Community Foundation to purchase a placard for the Collegiate Neighborhood Historic District. Goodenow explained that street signage would be paid for out of the City's budget. He said he will research historic district signage options and pricing and report his findings back to the Commission.

Discussion of Future Potential Historic Overlay Zone Locations Within the City of Pella: Boertje distributed a map he created to identify high concentrations of historic homes located within the original plat of the City of Pella. The Commission discussed the area surrounding the Scholte House, between Main Street and Broadway Street, which would include 32 pre-1930 properties.

Boertje questioned whether the Commission wants to focus on areas that would be easy to form historic districts or focus on those areas that may have more at-risk properties. Turnbull suggested the Commission check with some individuals that live in some of the suggested historic district areas to gauge interest, including in the Scholte Garden area and the section of the map showing over 60 pre-1930 properties in the southeast corner of the original plat of Pella.

The Commission discussed approaching the Oskaloosa Herald or KNIA/KRLS about writing an article on the Collegiate Neighborhood Historic District in order to bring awareness about the district. André suggested including information in the Town Crier as well. Kermode recommended that the Commission work on ideas for an article and/or flyer and discuss them at the next meeting.

Discussion of the Pella Fire Station National Registry Nomination: Kermode reported that Jennifer Price is the individual who will visit the Pella Fire Station and evaluate it for historical significance. Kermode said she will complete a letter of agreement and send it to Price, who will then determine the dates that she is available to visit the Fire Station.

Discussion of Future Public Education/Engagement Activities: Kermode said she is hopeful that a panel discussion and/or other public education/engagement activities can occur later this year. She said having historic homes open for individuals to tour has proven a popular event in the past. Turnbull suggested partnering with the Historic Pella Trust for an event. Goodenow suggested speaking with the Pella Convention and Visitors Bureau about promoting potential events. Kermode said she will speak with Pella Convention and Visitors Bureau Director Jill Vande Voort.

Other: André said he spoke with Candace De Penning about serving on the Commission, but her schedule will not permit an appointment to the Commission at this time. He said he also spoke to Jessi Vos about potentially serving, but she may reside outside the City of Pella limits. Kermode stated that Jill Jansen is considering applying for appointment to the Commission. Kermode suggested Randy Wineland as a potential member.

Next Meeting Date: The next meeting is scheduled for April 12, 2021.

Adjourned at 6:12 p.m.

c. Planning and Zoning Minutes for March 22, 2021

Chairperson Canfield called the Planning and Zoning Commission to order at 7:00 p.m. in the Public Safety Complex. Members present were: Joe Canfield, Julio Chiarella (via phone), Cathy Hausteine (via phone), Julie Heerema Mueller (via phone), Kisha Jahner, Tom Johnson, Dave Landon (via phone), Robin Pfalzgraf (via phone), Ann Visser (via phone), and Teri Vos (via phone); absent: Mark Groenendyk. Staff present: City Administrator Mike Nardini, Code Enforcement Officer Jared Parker, and the Deputy City Clerk. Due to heightened public health risks associated with the COVID-19 pandemic, accommodations were made to broadcast this meeting via conference call. Twenty-two members of the public joined the conference call and one attended in person.

APPROVAL OF TENTATIVE AGENDA: Motion by Visser, second by Johnson to approve the tentative agenda. Motion carried 10-0.

APPROVAL OF MINUTES: Motion by Jahner, second by Chiarella to approve the minutes of the February 22, 2021 meeting. Motion carried 10-0.

PUBLIC HEARINGS: Consider a Proposed Planned Unit Development for the Pella Market. Due to technological issues, there were audio disruptions throughout this public hearing. This proposed ordinance would amend the zoning district of three vacant properties located at or near 503 Main Street to a Planned Unit Development (PUD). If approved, the base zoning district would remain Commercial – Mixed Use Urban Center (CUC). The developer for this site is proposing the Pella Market, which is intended to be similar to the Gateway Market in Des Moines, Iowa. According to the developer, the proposed Pella Market will offer the very best fresh food and exceptional service by providing produce essentials, freshly baked artisan breads, world-class grocery, a collection of the finest cheeses, unique wines, chef-crafted meals-to-go, and educational food and wine experiences for their customers. The Café will serve breakfast, lunch, and dinner offering catering and boxed lunches of the same great quality found in the market.

The existing zoning for the property is 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. The proposed Pella Market is an allowed use under the current zoning for the district.

The base zoning for the PUD will remain CUC. However, the location of this site is within the Webster School Urban Renewal Plan (URP). As background, the primary objectives of this URP were to provide opportunities and incentives that promote blight remediation. Furthermore, this area was previously declared as a 'blighted area' by the City Council. This is important as when redevelopment occurs in blighted areas, zoning requirements are often relaxed. In this case, the developer is proposing an enhanced building design in exchange for flexibility in minimum lot areas and setbacks.

Finally, it is important to note, the only use allowed on this site is the Pella Market as described on the previous page, which is also an allowable use under the City's zoning code.

Staff believes the proposed Pella Market aligns closely with a key strategic goal of the Comprehensive Plan, which is economic development. Specifically, the Comprehensive Plan noted a 'gap' exists for food and beverage establishments. Staff believes the proposed Pella Market will help address this shortage in the community and will be a nice compliment to the new South Main development. Furthermore, the Comprehensive Plan has identified this section of Main Street as a commercial corridor and economic development area for the City. Staff believes the proposed ordinance meets the requirements of the City's zoning code. In addition, staff believes the proposed ordinance is consistent and in conformance with the City's Comprehensive Plan, as detailed above. Therefore, staff recommends approval of the proposed ordinance.

Convened Public Hearing on the proposed ordinance.

One written comment was received from Jade Dix on behalf of the developer and read aloud. Motion by Johnson, second by Landon to enter the written comment into the public record. On roll call the vote was ayes: Johnson, Landon, Canfield, Chiarella, Hausteine, Jahner, Pfalzgraf, Visser, Vos; nays: none; no answer: Heerema Mueller. Motion carried 9-0.

Chiarella stated that he is in support of this project.

Jim Mueller stated that he thinks the Pella Market will be a good addition to the community. Though he is unhappy with the lack of parking on site, he said the parking agreement with First Baptist Church will help mitigate that concern. He expressed concern that the project is exempt from the City's design review process. He noted that other businesses in town must comply with the design standards, including Walmart, Casey's, Burger King, and Culver's. He requested that the proposed PUD be subject to these established design standards.

Heerema Mueller said there was a local business that wanted to expand outdoor seating during Tulip Time, but the City denied the request because it would take away from the business' parking. She asked who makes those decisions to determine which businesses do and do not qualify to have relaxed parking requirements.

Jahner said she understands the site is in a blighted area, but the proposed Pella Market would be in close proximity to downtown. She stated she does not want to set a precedence by not requiring businesses to adhere to design standards. She said she loves the concept for Pella Market, but other businesses do have to comply with the City's design standards.

Canfield cited City Code Section 165.14.3(F), which states that "...a permit for any structure in a Design Review or Dutch Residential Overlay District shall not be issued until the Community Development Committee has approved the exterior design." He said he is also worried about setting a precedence in the future.

City Administrator Mike Nardini stated that PUDs are ultimately approved by the City Council. Through the PUD process, the City Council determines which projects are subject to design review requirements. The goal of the URP is blight elimination, which the City hopes to achieve through economic development.

Jahner asked how often the City Council follows the Commission's recommendations. Nardini explained that if the Commission recommends that the City Council not approve the PUD, it will require a supermajority of the Council to vote in favor of the PUD for it to be approved.

Heerema Mueller asked whether the Casey's located adjacent to the proposed Pella Market site was subject to design requirements. Nardini said yes. He explained that the Casey's property was not part of the area determined to be blighted, nor included in the URP.

In response to a question from Canfield, Nardini explained that the City Attorney is the party responsible for drafting the ordinance.

Vos asked whether the City's design standards were explained to the developer. Nardini said there were extensive conversations with the developer as part of the PUD's negotiated process. He said the developer has stated that they believe the building will fit in with the community. He further explained that the developer has indicated that the proposed design of Pella Market is important to the business' operational model.

Vos asked whether there is an opportunity for the Commission to get advisement from the Community Development Committee (CDC), which is the body charged with approving design permits for commercial buildings. Nardini said that may be a legal question to ask the City Attorney. He said the Commission is charged with determining whether the proposed rezoning is in alignment with the City's Comprehensive Plan.

Nardini explained that design permit applicants can appeal the CDC's decisions to the City Council. As he understands the process, Iowa District Court would be the final decision-making body, should the City Council's decisions on design permits be appealed.

Pfalzgraf stated via the chat function of the electronic meeting platform that she is looking at the proposed design as modern Dutch architecture. She asked whether the Commission only wants to have historical Dutch architecture portrayed within the City of Pella.

Motion by Jahner, second by Johnson to close the public hearing as no further comments were received. On roll call the vote was ayes: Jahner, Johnson, Canfield, Hausteine (via chat), Heerema Mueller, Landon, Pfalzgraf (via chat), Visser, Vos; nays: none; no answer: Chiarella. Motion carried 9-0.

Landon stated that he believes the CDC should be permitted to weigh in on the proposed design of Pella Market.

Johnson said the proposed Pella Market site met the requirements to be considered a blighted area and qualified to be included in the URP. The site has also met the requirements to be considered for a PUD. He said he has heard a lot of support in the community for projects such as this in Pella. If hurdles are placed in front of economic development opportunities, he said the City of Pella may not see those opportunities arise in the future. He said he objects to revisions to the proposed PUD.

Heerema Mueller stated that the City's design standards have not prevented businesses such as McDonald's and Applebee's from building in the community.

Nardini noted that a PUD is a negotiated process, so the developer would have to agree to any proposed changes or conditions to the ordinance to move forward with the project.

Hausteine stated via chat that the City has waived design requirements for medical facilities. Landon explained that institutional properties are exempt from design requirements, per City Code.

Vos asked what steps would be taken by the City going forward, should the Commission vote to approve the ordinance with the revision that design review standards for the PUD are not waived. Nardini replied that he would first check with the developer to see if they want to move forward with the project. If the developer found the proposed revision(s) acceptable, then the ordinance would be considered by the City Council for approval.

Jahner said this is a tough decision as she likes the proposed Pella Market design, but the City does have design standards in place, and has had them for many years. Johnson said the City has eliminated a significant area of blight in Pella with the redevelopment of the former Webster School site and the removal of the yellow house at 503 Main Street.

Nardini stated that he will have to receive guidance from the City Attorney on whether a majority or supermajority of the City Council would be needed to override the Commission's recommendation on the PUD.

Canfield stated that the design requirements that are in place have been codified for a reason and have served Pella well, especially with regards to tourism. He said he would be comfortable if CDC were given the opportunity to provide input on the design of Pella Market.

Motion by Landon, second by Vos to approve the ordinance with the revision that Section 3A of the proposed ordinance is removed, which will not permit design review standards contained in Pella City Code Sections 165.16, 165.17, and 165.18 to be waived. On roll call the vote was ayes: Landon, Vos, Canfield, Hausteine, Heerema Mueller, Jahner, Visser; nays: Johnson and Pfalzgraf; no answer: Chiarella. Motion carried 7-2.

NEW BUSINESS PROPOSED: Consider a Proposed Site Plan for Pella Market, Located at 503 Main Street

RDP Holdings, LLC has proposed building a structure on the property located at 503 Main Street. The main structure proposed shall be 6,640 square feet with a paved area of 11,100 square feet. The developer for this site is proposing the Pella Market.

Chapter 165.36(F)(3) requires the proposed site plan to conform to the City's Comprehensive Plan. Staff believes the proposed Pella Market aligns closely with a key strategic goal of the Comprehensive Plan, which is economic development. Specifically, the Comprehensive Plan noted a gap exists for food and beverage establishments. Staff believes the proposed Pella Market will help address this shortage in the community and will complement the new South Main development. Furthermore, the Comprehensive Plan has identified this section of Main Street as a commercial corridor and economic development area.

The proposed site plan meets the minimum zoning requirements when taking into account the proposed changes included in the PUD.

Additionally, staff believes the proposed site plan is consistent with the Comprehensive Plan by meeting the existing gap for food and beverage establishments. Staff recommends approval of the site plan as submitted, contingent upon the City Council approving a PUD for the site.

Motion by Johnson, second by Landon to conditionally approve the site plan as submitted, contingent upon the City Council approving a PUD for the site. On roll call the vote was ayes: Johnson, Landon, Canfield, Hausteine (via chat), Heerema Mueller, Jahner, Pfalzgraf, Visser, Vos; nays: none; no answer: Chiarella. Motion carried 9-0.

Consider a Rezoning Application for Land Along 218th Place to Change the Zoning from Agricultural (A1) and Community Commercial (CC) to Limited/Light Industrial (M1). This item was tabled at the February 22, 2021 Planning and Zoning Commission meeting and, due to a lack of motion, it remained tabled.

Consider a Site Plan for a Drive-Through Coffeehouse at 2010 Washington Street. This item was pulled from the agenda.

Consider a Site Plan for a Parking Lot Expansion at 414 Main Street. Marion County State Bank has proposed expanding their paved surface at 414 Main Street, which is currently used a bank with automated teller machine (ATM) and drive-through services on-site. The total area of paved surface will be 11,842 square feet and is intended to accommodate a small building addition, which is not subject to the site planning requirements, and improve traffic conditions on the site.

Chapter 165.36(F)(3) requires the proposed site plan to conform to the City's Comprehensive Plan. The Comprehensive Plan's Future Land Use Map identifies this site as Low Density Residential, bordered by Commercial to the north. The proposed use of the facility is considered a "Financial Office" which is described as a "provision of financial and banking services to consumers or clients." Therefore, staff believes the proposed use and site plan are in compliance with the City's Comprehensive Plan.

The proposed site plan satisfies pertinent City Code and is consistent with the Comprehensive Plan. Staff recommends approval of the site plan as submitted.

Code Enforcement Officer Jared Parker explained the scope of the project.

Motion by Jahner, second by Johnson to approve the site plan as submitted. On roll call the vote was ayes: Jahner, Johnson, Canfield, Hausteine (via chat), Heerema Mueller, Landon, Pfalzgraf, Visser, Vos; nays: none; no answer: Chiarella. Motion carried 9-0.

Next Meeting Date: The next regular Planning and Zoning Commission meeting is scheduled for April 26, 2021. Communication has been sent to the Commission regarding a proposed special meeting for either April 5, 2021 or April 12, 2021.

Adjourned at 8:41 p.m.

3. Petitions and Communications

a. Special Event Permit Request for the Tulip Time Flight Breakfast and Airport Open House

BACKGROUND: The Pella Airport Committee has requested a special event permit for their annual Tulip Time Flight Breakfast and Airport Open House on Saturday, May 8, 2021 from 7:00 a.m. to 2:00 p.m. If approved, the event would be held on the Pella Municipal Airport property. The promoter is requesting to begin set-up for the event on Friday, May 7th at 5:00 p.m. with take down completed by Saturday, May 8th at 5:00 p.m. Historically, 500 to 1,000 people have attended this annual event. As part of their application, the promoter has included details regarding COVID-19 precautions that will be in place for this year's event. All pertinent City departments have reviewed this application and comments are attached. Staff is recommending conditional approval of this event with the understanding that if the Centers for Disease Control, Iowa Department of Public Health, or Governor issues an order or guidelines prohibiting events like this due to the COVID-19 pandemic, this event will not be able to occur.

ATTACHMENTS: Application, Map, Department Comments

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator
RECOMMENDATION: Conditional approval of the special event permit as outlined

D. PUBLIC HEARINGS

1a. Public Hearing regarding an application to conditionally rezone 9.66 acres of land along 218th Place from A1 (Agricultural) and CC (Community Commercial) to M1 (Limited/Light Industrial).

No written or oral comments were received.

De Jong moved to close the public hearing, seconded by Branderhorst.

On roll call the vote was:

AYES: 5 (De Jong, Branderhorst, Bandstra, Hopkins, Sporrer)

NAYS: None

ABSTAIN due to a conflict of interest: 1 (Schiebout)

Motion carried.

BACKGROUND: Bruce Schiebout has submitted a conditional rezoning application for a 9.66-acre parcel along 218th Place to change the zoning from A1 (Agricultural) and CC (Community Commercial) to M1 (Limited/Light Industrial). The subject property is currently utilized for agricultural purposes.

CURRENT ZONING: The subject property is currently zoned A1 and CC. The A1 district provides for and preserves the agricultural and rural use of land, while accommodating very low density residential development generally associated with agricultural uses. In addition, land included in the Urban Reserve in the Comprehensive Plan should be retained in the A1 district to prevent premature or inappropriate development. CC districts accommodate a variety of commercial uses, some of which have significant traffic or visual effect. These districts may include commercial uses oriented to services, including automotive services, rather than retail activities. These uses may create land use conflicts when adjacent to residential areas, thus requiring the provision of adequate buffering. This district is most appropriately located along major arterial streets or in areas that can be adequately buffered from residential districts.

PROPOSED ZONING: The proposed zoning for this property is M1. This district is intended to reserve sites appropriate for the location of industrial uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities. Properties to the south on either side of 218th Place, as well as one on the southeast corner, are zoned CC. A1 zoning encompasses the subject site on the northwest, north, and east sides. While there are currently no properties zoned M1 that abut the property, there are a significant number of properties with an M1 designation in the vicinity.

In addition, to address land compatibility issues, the applicant has agreed to the following conditions:

1. Conditional Uses: The applicant proposes conditions on the M1 district for the site, removing several intensive uses that would otherwise be permitted in M1. These uses to be disallowed include: Clubs (Recreational), Clubs (Social), Day Care (Limited), Day Care (General), Postal Facilities, Food Sales (Convenience), Cocktail Lounge, Kennels, Restricted Business (Adult Entertainment), Recycling Collection, Recycling Processing, Recycling Processing Limited, and Tattoo Parlor.
2. The applicant has agreed to Type 'A' screening requirements for the development.
3. The applicant has agreed to design standards for any buildings constructed on-site, including gables and one minor design element as outlined in the City's Design Review District Design Manual. Additionally, the building elevations indicate a brick façade, which is one of the preferred major materials included in the manual. The elevations for Building 1 have been included as an attachment to this memo and meet the proposed design standards.
4. To maintain the zoning of M1, Building 1, which is an office building, must be built in 2021. In addition, Buildings 2 and 3, which will have trade services uses, must be completed within five years of a Certificate of Occupancy being issued for Building 1.

REZONING PETITION: City Code section 165.38.2(F) recommends that the applicant submit a rezoning petition "duly signed by the owners of 50 percent of the area of all real estate included within the boundaries of said tract as described in said petition and duly signed by the owners of 50 percent of the area of all real estate lying outside of said tract but within 300 feet of the boundaries of the said tract. Both of the foregoing percentage signature requirements are for advisory purposes only, and failure to obtain either or both of the required percentages shall not prevent continuance of the permit application." The applicant indicated that he contacted adjacent landowners; a rezoning petition was not received with this application.

SPOT ZONING CONCERNS: There are several properties south of Washington Street in close proximity to this site which are zoned M1. As a result, staff does not believe this request constitutes spot zoning. For Council's review, adjacent properties are zoned A1 and CC: North - A1, South - CC, East - AA and CC, West - A1

COMPREHENSIVE PLAN: City Code Section 165.04 notes that the City "intends [the] Zoning Ordinance and any amendments to it shall be consistent with the City's Comprehensive Plan." The Comprehensive Plan's Future Land Use Map identifies the subject site and the area surrounding it as High and Medium Density Residential. Surrounding the property on the Future Land Use Map is a combination of Commercial and Low Density Residential. Table 1.5 of the Comprehensive Plan, the Land Use Compatibility Matrix, assigns compatibility scores to different land use pairs. The matrix scores range from one (incompatible) to five (completely compatible). When considering the intended use and the surrounding uses of the properties, the proposed agricultural use will mirror much of the surrounding property and be, therefore, completely compatible. The proposed M1 use will abut a commercial use to the south, which is labeled as a four, or basically compatible. To the east, west, and north the proposed M1 district will abut existing agricultural uses, which is labeled as a three, or potential conflicts which can be resolved through project design, landscaping, buffering, and screening, which will be addressed through the site planning process. It should also be noted that staff believes the proposed rezoning aligns with a key strategic priority of the Comprehensive Plan, which is economic development.

STAFF RECOMMENDATION: Staff believes that the restriction on uses, as well as a timeline for building the structures to ensure the maintenance of the zoning, is reasonable and would prevent future non-conformance with the property, while simultaneously ensuring that the uses on the lot have a negligible, if at all, negative impact on neighboring properties. Therefore, staff is recommending this ordinance be approved as submitted. Finally, it is important to note that the Planning and Zoning Commission unanimously approved the ordinance at their meeting on April 5, 2021.

ATTACHMENTS: Ordinance with Exhibits, Aerial Map, Zoning Map, Future Land Use Map, Application, Building #1 Elevations

REPORT PREPARED BY: Planning and Zoning Department

REVIEWED BY: City Administration, City Clerk

RECOMMENDATION: Approve the ordinance

- 1b. Ordinance No. 991 entitled, "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY CONDITIONALLY AMENDING THE BOUNDARIES OF THE M1 DISTRICT TO INCLUDE THE PROPERTY LEGALLY DESCRIBED IN "EXHIBIT A" AND DIRECTING THE PLANNING AND ZONING DIRECTOR TO NOTE THE ORDINANCE NUMBER AND DATE OF THIS CHANGE ON THE OFFICIAL ZONING MAP."

Branderhorst moved to place ordinance no. 991 on its first reading, seconded by Hopkins.

On roll call the vote was:

AYES: 5 (Branderhorst, Hopkins, Sporrer, De Jong, Bandstra)

NAYS: None

ABSTAIN due to a conflict of interest: 1 (Schiebout)

Motion carried.

It was moved by Bandstra 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 Branderhorst.

Due to a request from the applicant, Bandstra withdrew the motion.

E. PETITIONS & COMMUNICATIONS

1. Temporary Outdoor Service Privileges on a Class C Liquor License for Dutch 200 Bowl & Grill.

Branderhorst moved to approve, seconded by Sporrer.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: Dutch 200 Bowl & Grill, located at 204 SE 9th Street, has applied for six temporary outdoor service privileges on their class C liquor license. The purpose of these requests is to host bike nights or car shows on the following dates: May 14, 2021; May 29, 2021; June 11, 2021; July 9, 2021; August 13, 2021; and September 10, 2021.

Outdoor Service Area: As background, the State of Iowa Alcoholic Beverages Division (ABD) requires that an outdoor service area must be a designated area adjacent to the licensed premises. The applicant is proposing the outdoor service area would extend from their building, encompassing their entire parking lot, as outlined on the attached map. This area would be enclosed with a temporary rope fence, which meets the Iowa ABD requirements. The outdoor service area is located completely on private property.

Off-Street Parking Requirement: According to City Code, this business is required to provide 56 paved off-street parking spaces on their property. The requested outdoor service area would not allow customer parking within the entire parking lot; therefore, the business is requesting to offer off-street parking on two adjacent grass lots. Written permission for their property to be utilized for this purpose has been provided by Brumark; this item is included as a memo attachment.

Due to the uniqueness of the request to provide customer parking on an adjacent grass lot, staff obtained guidance from the City Attorney. The City Attorney believes the Zoning Administrator has the authority to authorize temporary off-site grass parking; however, staff recommends this authorization is conditional upon Council approving the temporary outdoor service privileges for the requested dates. If Council approves the temporary outdoor service privileges for the six dates outlined above, the Zoning Administrator would temporarily allow parking of customer vehicles on the adjacent grass lots owned by Brumark, in accordance with City Code section 165.29.1(E).

Summary: In summary, the applications for temporary outdoor service privileges have been completed online with the state and, at the time of packet publication, are pending dram shop certification. Should Council wish to approve the temporary outdoor service privileges for the six dates outlined above, approval must be contingent upon receipt of dram shop certification and with the understanding that if the Centers for Disease Control, Iowa Department of Public Health, or Governor issues an order or guidelines prohibiting events like this due to the COVID-19 pandemic, these events will not be able to occur. Finally, the Zoning Administrator's authorization to allow temporary off-site grass parking for the dates of these events would be contingent upon Council's approval of the temporary outdoor service privileges for the same dates.

ATTACHMENTS: Applications, Map, Permission from Brumark

REPORT PREPARED BY: City Clerk

REVIEWED BY: City Administrator

RECOMMENDATION: Conditional approval as outlined above

2. Temporary Outdoor Service Extension on a Class C Liquor License for Nederlanders Tap & Golf.

Branderhorst moved to approve, seconded by Hopkins.

On roll call the vote was:

AYES: 5 (Branderhorst, Hopkins, Sporrer, De Jong, Schiebout)

NAYS: None

ABSTAIN due to a conflict of interest: 1 (Bandstra)

Motion carried.

BACKGROUND: Nederlanders Tap & Golf, located at 514 ½ Main Street, has applied for a temporary outdoor service extension on their class C liquor license starting May 5, 2021 through May 9, 2021. The purpose of this request is to allow more social distancing space to safely accommodate their customers during Tulip Time.

As background, the State of Iowa Alcoholic Beverages Division (ABD) requires that an outdoor service area must be a designated area adjacent to the licensed premises. Nederlanders currently has an approved 31-foot by 16-foot outdoor service area that extends to the north of their property. The applicant is requesting to temporarily extend this outdoor service area to a 56-foot by 25-foot space, as shown on the attached map. If approved, this area would be enclosed with the same fence that is currently used in the applicant's approved outdoor service area, meeting the Iowa ABD requirements.

The application for the temporary outdoor service extension has been completed online with the state. Staff is recommending conditional approval of the application with the understanding that if the Centers for Disease Control, Iowa Department of Public Health, or Governor issues an order or guidelines prohibiting events like this due to the COVID-19 pandemic, this event will not be able to occur.

ATTACHMENTS: Application, Map of Current Outdoor Service Area, Map of Requested Extension
REPORT PREPARED BY: City Clerk
REVIEWED BY: City Administrator
RECOMMENDATION: Conditional approval as outlined above

3. **New Special Class C Liquor License (Beer/Wine) with Sunday Sales Privileges for Ironside Axe Club.**
Hopkins moved to approve, seconded by Sporrer.

On roll call the vote was: **AYES: 6, NAYS: None. Motion carried.**

BACKGROUND: Ironside Axe Club at 1518 Washington Street has applied for a new special class C liquor license (beer/wine) with Sunday sales privileges effective May 1, 2021. The term of the new license is 12 months and, if approved, would expire April 30, 2022. The application has been completed online with the state and, at the time of packet publication, is pending dram shop certification. Staff is recommending approval pending dram shop certification.

ATTACHMENTS: Application
REPORT PREPARED BY: City Clerk
REVIEWED BY: City Administrator
RECOMMENDATION: Approve license pending dram shop certification

F. PLANNING & ZONING ITEMS – None

G. ADMINISTRATION REPORTS

1. **Set May 18, 2021 as the Public Hearing Date for Amending the Fiscal Year 20-21 Budget**
Schiebout moved to approve, seconded by De Jong.

On roll call the vote was: **AYES: 6, NAYS: None. Motion carried.**

BACKGROUND: Staff requests permission to set May 18, 2021 as the public hearing date for amending the fiscal year 20-21 budget. The reason for the amendment is to adjust timing differences for capital improvement projects and to adjust accounts that may be over or underfunded. All adjustments will be covered by additional revenues or existing funds; therefore, there will not be an increase in taxes or fees as a result of the amendment.

ATTACHMENTS: None
REPORT PREPARED BY: Finance Director
REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Set May 18, 2021 as the Public Hearing Date for Amending the FY 20-21 Budget

H. RESOLUTIONS

1. **Resolution No. 6282 entitled, "RESOLUTION ENTERING INTO A 28E AGREEMENT BETWEEN INDIANOLA MUNICIPAL UTILITIES AND CITY OF PELLA TELECOMMUNICATIONS UTILITY PROVIDING FOR JOINT OWNERSHIP AND USE OF CERTAIN FACILITIES AND RELATED MATTERS."**

De Jong moved to approve, seconded by Schiebout.

On roll call the vote was: **AYES: 6, NAYS: None. Motion carried.**

BACKGROUND: This resolution approves a 28E joint ownership agreement with Indianola Municipal Utilities (IMU) for local television channel broadcast and equipment. As background, in 2018, the voters in Pella overwhelmingly approved the formation of a municipal telecommunications utility. The proposed services of the new utility include high speed internet, video, and voice services. In order to provide local channels over cable television services, the City of Pella must either construct or join an existing local channel antenna headend, which is a master facility for receiving local television signals for processing and distributing over a cable television system. This proposed agreement would allow the City of Pella to join an existing local channel antenna headend managed by IMU.

Listed below is background information on this agreement:

Proposed Agreement: The proposed agreement would allow the City of Pella to become a joint owner in an existing local channel antenna headend which is managed by IMU. Through this agreement, the City of Pella would be able to provide local channel cable television services.

Term of the Agreement: The initial term of this agreement is four years and continues for three-year periods unless the agreement is terminated.

Initial Capital Buy-in and Annual Operating Costs: The initial capital buy-in fee and annual operating costs are based on the total number of properties passed in our community; the cost allocated to the City of Pella is 40.66%. Under the terms of the agreement, the City's initial capital buy-in fee will be 40.66% of \$75,524.30, or \$30,708.18. Annual operating and maintenance costs are forecasted to be 40.66% of \$5,755.00, or \$2,339.98 per year.

In summary, staff is recommending approval of the proposed 28E agreement with IMU. Staff believes it is more economical for the City of Pella to join an existing local channel headend than to construct one to serve our customer base. Furthermore, IMU has the necessary staff and the proven track record of successfully operating a local channel antenna headend. Finally, the proposed agreement has been reviewed by the City Attorney.

ATTACHMENT: Resolution, 28E Agreement
REPORT PREPARED BY: Telecommunications Director
REPORT REVIEWED BY: City Administrator, City Clerk
RECOMMENDED ACTION: Approve resolution

2. Resolution No. 6283 entitled, “RESOLUTION APPOINTING UMB BANK, N.A. OF WEST DES MOINES, IOWA, TO SERVE AS PAYING AGENT, NOTE REGISTRAR, AND TRANSFER AGENT, APPROVING THE PAYING AGENT AND NOTE REGISTRAR AND TRANSFER AGENT AGREEMENT AND AUTHORIZING THE EXECUTION OF THE AGREEMENT.”

Bandstra moved to approve, seconded by De Jong.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: These resolutions are in support of the loan agreement for \$2,025,000 of General Obligation Urban Renewal Capital Loan Notes, Series 2021A. These notes will be utilized to cover the capital costs associated with constructing the necessary infrastructure to support the Lely North American Headquarters development including improvements to 250th Avenue, water main improvements, and construction of a lift station and force main.

Use of Funds: If approved, the funds will be used to construct the necessary infrastructure in support of a new Headquarters for Lely North America. The following is an itemized list of the proposed uses:

Lift station	\$ 819,310
Water main	774,148
Street improvements	420,000
Engineering	181,500
Issuance costs	110,313
DOT Rise Grant	<u>(244,600)</u>
Total	<u>\$ 2,060,671</u>

Key Terms: At the April 6, 2021 meeting, Council accepted the financial proposal which was the framework for the associated proceedings. As discussed at that meeting, the City has worked with its financial advisor to proceed through the rating process, including working with Moody's rating service to validate our Aa3 rating for the City's general obligation bonds. The following are the final results and key terms of the agreement:

Total amount:	\$2,025,000
Bond premium:	\$35,671.20
Interest rate:	True interest cost of 1.655956%
Closing date:	May 6, 2021
Maturity date:	June 1, 2040

Annual Payments: The annual debt service payments for this bond issuance will be made through tax increment financing resulting from the Lely North American Headquarters development; therefore, staff does not believe there will be an impact to the City's property tax rate due to the bond issuance. However, because the proposed bond is a general obligation bond, Council could utilize the City's debt service levy for debt service payments if desired in the future.

The following items are listed on the agenda for consideration related to this item:

1. Agenda item H-2: Resolution No. 6283: This resolution appoints and approves the agreement with the paying agent, note registrar, and transfer agent, and authorizes the execution of the agreement.
2. Agenda item H-3: Resolution No. 6284: This resolution approves and authorizes the form of Loan Agreement, provides for the issuance and levying of tax to pay the Notes, approves the tax exemption certificate, and approves the continuing disclosure certificate.

In summary, staff is recommending approval of these resolutions in support of the proposed bond issuance to provide funding for infrastructure improvements to a new industrial development near the east interchange of Highway 163, which will be home to the Lely North American Headquarters.

ATTACHMENTS:	Resolution No. 6283, Resolution No. 6284
REPORT PREPARED BY:	Finance Director
REPORT REVIEWED BY:	City Administrator, City Clerk
RECOMMENDATION:	Approve resolutions

3. Resolution No. 6284 entitled, “RESOLUTION APPROVING AND AUTHORIZING A FORM OF LOAN AGREEMENT AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$2,025,000 GENERAL OBLIGATION URBAN RENEWAL CAPITAL LOAN NOTES, SERIES 2021A, AND LEVYING A TAX TO PAY SAID NOTES; APPROVAL OF THE TAX EXEMPTION CERTIFICATE AND CONTINUING DISCLOSURE CERTIFICATE.”

Bandstra moved to approve, seconded by Hopkins.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

4. Resolution No. 6285 entitled, “RESOLUTION APPOINTING UMB BANK, N.A. OF WEST DES MOINES, IOWA, TO SERVE AS PAYING AGENT, NOTE REGISTRAR, AND TRANSFER AGENT, APPROVING THE PAYING AGENT AND NOTE REGISTRAR AND TRANSFER AGENT AGREEMENT AND AUTHORIZING THE EXECUTION OF THE AGREEMENT.”

Branderhorst moved to approve, seconded by De Jong.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: These resolutions are in support of the loan agreement for \$1,885,000 of General Obligation Capital Loan Notes, Series 2021B. These notes will be utilized for the purpose of making improvements to 218th Avenue/Neil Drive and reimbursement of borrowed funds utilized to construct the wildlife fence at the Pella Municipal Airport.

Use of Funds: If approved, the funds will be used for the improvements identified above. The following is an itemized list of the proposed uses:

218th Avenue/Neil Drive	\$ 1,462,721
Airport wildlife fence	422,000
Issuance costs	<u>63,219</u>
Total	<u>\$ 1,947,940</u>

Key Terms: At the April 6, 2021 meeting, Council accepted the financial proposal which was the framework for the associated proceedings. As discussed at that meeting, the City has worked with its financial advisor to proceed through the rating process, including working with Moody's rating service to validate our Aa3 rating for the City's general obligation bonds. The following are the final results and key terms of the agreement:

Total amount:	\$1,885,000
Bond premium:	\$62,940
Interest rate:	True interest cost of 1.638303%
Closing date:	May 6, 2021
Maturity date:	June 1, 2040

Annual Payments: The annual debt service payments for this bond issuance were incorporated into the City's fiscal year 21-22 budget and financial models; therefore, staff does not believe there will be an impact to the City's property tax rate due to the bond issuance. However, because the proposed bond is a general obligation bond, the City Council could issue a debt service levy for the debt service payments if desired in the future. The following items are listed on the agenda for consideration related to this item:

1. Agenda item H-4: Resolution No. 6285: This resolution appoints and approves the agreement with the paying agent, note registrar, and transfer agent, and authorizes the execution of the agreement.
2. Agenda item H-5: Resolution No. 6286: This resolution amends a previously approved resolution, authorizes the form of Loan Agreement, provides for the issuance and levying of tax to pay the Notes, approves the tax exemption certificate, and approves the continuing disclosure certificate.

In summary, staff is recommending approval of these resolutions in support of the proposed bond issuance to provide funding for the construction of the wildlife fence at the Pella Municipal Airport and the road improvements to 218th Avenue and Neil Drive.

ATTACHMENTS: Resolution No. 6285, Resolution No. 6286
REPORT PREPARED BY: Finance Director
REPORT REVIEWED BY: City Administrator, City Clerk
RECOMMENDATION: Approve resolutions

5. Resolution No. 6286 entitled, "RESOLUTION AMENDING RESOLUTION APPROVING AND AUTHORIZING A FORM OF LOAN AGREEMENT AND AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$1,885,000 GENERAL OBLIGATION CAPITAL LOAN NOTES, SERIES 2021B, AND LEVYING A TAX TO PAY SAID NOTES; APPROVAL OF THE TAX EXEMPTION CERTIFICATE AND CONTINUING DISCLOSURE CERTIFICATE."
Hopkins moved to approve, seconded by Sporrer.
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

I. ORDINANCES

1. Ordinance No. 990 entitled, "AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PELLA, IOWA, BY CHANGING THE ZONING CLASSIFICATION OF PROPERTY GENERALLY LOCATED AT 503 MAIN STREET, CITY OF PELLA, MARION COUNTY, IOWA."
Hopkins moved to place ordinance no. 990 on its second reading, seconded by Sporrer.
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

BACKGROUND: This proposed ordinance would amend the zoning district of three vacant properties located at or near 503 Main Street to a Planned Unit Development (PUD). If approved, the base zoning district would remain Commercial – Mixed Use Urban Center (CUC). The developer for this site is proposing the Pella Market, which is intended to be similar to the Gateway Market in Des Moines. According to the developer, the proposed Pella Market will offer the very best fresh food and exceptional service by providing produce essentials, freshly baked artisan breads, world-class grocery, a collection of the finest cheeses, unique wines, chef-crafted meals-to-go, and educational food and wine experiences for their customers. The Café will serve breakfast, lunch, and dinner offering catering and boxed lunches of the same great quality found in the market.

Listed below is background information on the proposed PUD ordinance:

Planned Unit Developments: Planned Unit Developments 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 (P&Z) 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 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.

Current Zoning: The existing zoning for the property is 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. The proposed Pella Market is an allowed use under the current zoning for the district.

Proposed Zoning: The base zoning for the PUD will remain CUC. However, as Council may be aware, the location of this site is within the Webster Park Urban Renewal Plan (URP). As background, the primary objectives of this URP were to provide opportunities and incentives that promote blight remediation. Furthermore, this area was previously declared as a 'blighted area' by the City Council. This is important as when redevelopment occurs in blighted areas, zoning requirements are often relaxed. In this case, the developer is proposing an enhanced building design in exchange for flexibility in minimum lot areas and setbacks. Finally, it is important to note, the only use allowed on this site is the Pella Market as described on the previous page, which is also an allowable use under the City's zoning code.

Traffic and Parking Review: In addition to the item noted above, the proposed PUD ordinance allows the developer to satisfy their 38 on-site parking space requirements with the off-site parking lot directly south of Independence Street. Through an agreement, the Pella Market will have access to non-exclusive parking spaces which are currently owned by South Main and the First Baptist Church (see Ordinance Exhibit E – Parking Agreement). It is important to note that this parking proposal was reviewed by our engineer, Veenstra & Kimm (V&K), in terms of capacity and pedestrian safety/access to the site. According to V&K, several recent studies that evaluated parking in 'downtown' areas have concluded that

actual parking utilization is less than traditional standards. Overall, V&K concluded that for most periods of the day, the 14 on-site parking spaces would be adequate for the Pella Market. In addition, V&K reviewed and determined this proposal satisfactory as it applies to pedestrian traffic. As outlined in the attached letter, V&K recommends that the City monitors the amount of pedestrian traffic from the non-exclusive parking spaces after the Pella Market opens. A future determination regarding the need for a potential mid-block pedestrian crossing would be made based on the amount of actual traffic.

Comprehensive Plan: Staff believes the proposed Pella Market aligns closely with a key strategic goal of the Comprehensive Plan, which is economic development. Specifically, the Comprehensive Plan noted a 'gap' exists for food and beverage establishments. Staff believes the proposed Pella Market will help address this shortage in the community and will be a nice compliment to the new South Main development. Furthermore, the Comprehensive Plan has identified this section of Main Street as a commercial corridor and economic development area for the City.

Planning and Zoning Commission Review: At their meeting on March 22, 2021, the P&Z Commission stated the proposed PUD was in alignment with the City's Comprehensive Plan; however, the Commission recommended, on a 7-2 vote, to strike section 3(A) of the ordinance, design review standards, meaning the developer would be required to comply with design review standards in Pella City Code Section 165.16, 165.17, and 165.18. These code sections require review and issuance of a design permit by the Community Development Committee. The reason for the amendment was the Commission was concerned about the precedence of waiving design standards. It is important to note that the waiver of design review standards, as written in this proposed ordinance, is consistent with the Webster Park PUD ordinance. The Webster Park PUD ordinance, for the South Main development, was considered and approved by the P&Z Commission and City Council in 2018. The South Main development is located directly south of the properties under consideration for this proposed Pella Market PUD ordinance. Specifically, the Webster Park PUD ordinance waived design standards for the residential uses in the development. In addition, commercial uses are allowed in building 4 of the development, and those standards were also waived in the Webster Park PUD ordinance. While staff recognizes the importance of the design review process noted by the P&Z Commission, the developer has indicated they have spent a significant amount of funds on the design of the building and they would like to proceed with the construction phase of the development. As a result, they have requested to proceed with the proposed PUD ordinance, including section 3(A) waiving design review standards for the development. In addition, it is important to keep in mind that through the City's design review process, applicants can appeal Community Development Committee decisions to the City Council; therefore, this matter could still be presented to the City Council even if the proposed building was subject to design review standards. Listed below is the applicable section of City Code: Pella City Code Section 165.16(5) states that "Any person denied a building/design permit by the Building Official pursuant to the recommendations of the Committee (CDC) may appeal the denial within thirty (30) days after notification of the denial to the City Council."

Taking into consideration the appeal process for design permits, the City's zoning code ultimately defers matters of design consideration to the City Council for the final decision, which staff believes is accomplished through the inclusion of Exhibit B-1 through Exhibit B-8 of the proposed ordinance. Staff Recommendation: According to the City Attorney, the P&Z Commission must make one of the following recommendations to the City Council on Planned Unit Developments: Pella City Code Section 165.14(3)(d) states that "The Commission shall recommend either: approval as filed; approval subject to specific conditions as listed; or denial." In addition, the City Attorney stated that the City Code provides final authority regarding Planned Unit Developments to the City Council. Furthermore, since the P&Z Commission did not deny the proposed ordinance, the City Attorney does not believe a super majority of Council is required to pass the ordinance with section 3(A) included.

In summary, since it appears questionable if the development will proceed if there are significant changes proposed to the design of the building, staff is recommending proceeding with the ordinance which includes section 3(A). Staff believes the proposed ordinance meets the requirements of the City's zoning code. In addition, staff believes the proposed ordinance is consistent and in conformance with the City's Comprehensive Plan, as detailed above. Therefore, staff recommends approval of the proposed ordinance.

ATTACHMENTS:	Ordinance with Exhibits, Engineer's Letter, Aerial Map, Written Comment
REPORT PREPARED BY:	City Administration
REVIEWED BY:	City Clerk
RECOMMENDATION:	Approve ordinance as submitted

I. CLAIMS

1. Abstract of Bills No. 2077.
Branderhorst moved to approve, seconded by De Jong.
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

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

No comments were received.

L. CLOSED SESSION

1. At 7:39 p.m., De Jong moved to enter into closed session pursuant to Iowa Code Chapter 21.5 1(c) to discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation, seconded by Hopkins.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

At 8:46 p.m., De Jong moved to reconvene to regular session, seconded by Sporrer.

On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

No action was taken regarding this closed session.

2. Item pulled from the agenda.

M. ADJOURNMENT

There being no further business claiming their attention, De Jong moved to adjourn, seconded by Hopkins.
On roll call the vote was: AYES: 6, NAYS: None. Motion carried.

Meeting adjourned at 8:49 p.m.