



THE
CITY of PELLA
STAFF MEMO TO COUNCIL

ITEM NO: D-1a & 1b

SUBJECT: Ordinance Amending Zoning Regulations, Table 165.12-2 Permitted Uses by Zoning Districts by Adding Cocktail Lounge Use as Permitted by Special Use Permit in the Central Business District.

DATE: January 19, 2016

BACKGROUND:

The Cellar Peanut Pub would like to open an establishment at 629 Franklin Street, which is in the Central Business District (CBD). The business would serve specialty micro brews from across the country. It would not brew them at this location, only sell them. Also, since it would only serve peanuts, which is considered “Cocktail Lounge” under current City Code, it would not be a restaurant.

The current City Code does not permit Cocktail Lounge uses in the CBD, though they are permitted in the other commercial zoning districts. It is important to note the distinction in Code between Cocktail Lounge use which includes the retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges and similar uses other than a restaurant. A general restaurant is permitted in the CBD, and this may include the sale of alcoholic beverages which conducted as a secondary feature of the use, producing less than fifty percent (50%) of the establishment’s gross income.

After discussing this issue during multiple Policy and Planning meetings, Council directed staff to proceed with an ordinance change which would allow Cocktail Lounges in the CBD zoning district. However, this use type would be required to obtain a special use permit through the Board of Adjustment. In addition, the overall number of special use permits for Cocktail Lounge uses in the CBD would be two.

This proposed ordinance permits Cocktail Lounge uses in the CBD subject to obtaining a Special Use Permit through the Board of Adjustment. In addition, the ordinance also limits the number of special use permits in the CBD to 2 (two). It is also important to note that existing Cocktail Lounge uses in the CBD would be grandfathered in under this proposed ordinance and not subject to the special use permit requirements. The Planning and Zoning Commission at their January 11, 2016 special meeting approved this proposed ordinance on a 8 to 2 vote.

Betsy and Marty Duffy, owners of the Cellar Peanut Pub, have also requested that Council waive the second and third readings of the ordinance to allow them to move forward in a timely matter.

ATTACHMENTS: Ordinance, CBD Zoning Map, Special Use Permit Criteria, Request to Waive 2nd and 3rd Ordinance Readings, Emails

REPORT PREPARED BY: Planning and Zoning Director

REPORT REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK

RECOMMENDATION: Approve Ordinance

ORDINANCE NO. 905

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF PELLA BY AMENDING CHAPTER 165, ZONING ORDINANCE, 165.12 ZONING DISTRICT REGULATIONS BY AMENDING THE PROVISIONS PERTAINING TO COCKTAIL LOUNGE USES IN THE CENTRAL BUSINESS DISTRICT

Be it enacted by the City Council of the City of Pella, Iowa:

SECTION 1. TEXT AMENDMENTS. The City Code of the City of Pella is hereby amended by amending Chapter 165, Zoning Ordinance, 165.12 Zoning District Regulations as follows:

Amendment to Table 165.12-2 Permitted Uses by Zoning Districts by adding S for Special Use Permit requirement for Cocktail Lounge Use in the CBD Central Business District with notation that a maximum of two (2) special use permits for said use type shall be permitted in the CBD at any one time.

SECTION 2. NOTATION. The Zoning Administrator shall hereby record the ordinance number and date of passage of this Ordinance.

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. SEVERABILITY CLAUSE. If any section provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed and adopted this ____ day of _____, 2016.

James Mueller, Mayor

ATTEST: _____
Ronda Brown, City Clerk

COLUMBUS ST

WEST 2ND ST

WEST ST

BROADW

MAIN ST

EAST 1ST ST

EAST 2ND

WASHINGTON ST

FRANKLIN ST 800 BLOCK

700 BLOCK

600 BLOCK

500 BLOCK

700 BLOCK

LIBERTY ST

CBD DISTRICT BOUNDARY

UNTON ST

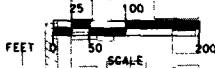


TABLE 165.36/37-1: Criteria For Site Plan Review And Special Use Permits

CRITERION	APPLICATION TO:	
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Land Use Compatibility	Site Plan Review	Special Use Permit
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Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		X
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Height and Scale

Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.		XX
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variation should be justified by site or operating characteristics.		XX
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.		XX

Site Development

Frontage	Project frontage along a street should be similar to lot width.		XX
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles. Structures must be accessible to public safety vehicles. Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.		XX XX XX
Landscaping	Landscaping should be integral to the development, providing street landscaping, breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site		XX

	with sensitive environmental features or natural drainageways should be preserved.		
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations		X

Operating Characteristics

Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	XX	
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	XX	
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	XX	
Outside Storage	Outside storage areas should be screened from surrounding streets and less intensive land uses.	XX	

TABLE 165.36/37-1: Criteria For Site Plan Review And Special Use Permits (continued)

CRITERION	APPLICATION TO:
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Public Facilities	Site Plan Review	Special Use Permit
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Sanitary Waste Disposal	Developments within 300 feet of a public sanitary sewer must connect to sewer system. Individual disposal systems, if permitted, shall not adversely affect public health, safety, or welfare. Sanitary sewer must have adequate capacity to serve development.	XX XX	
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system. Development should not inhibit development of other properties. Development should not increase probability of erosion, flooding, landslides, or other run-off	XX XX XX	

	related effects.		
Utilities	Project must be served by utilities. Rural estate subdivisions should be located in designated areas which can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.	XX	XX

Comprehensive Plan

Projects should be consistent with the City of Pella's Comprehensive Development Plan.	XX	
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**The Cellar Peanut Pub
629 Franklin St
Pella, IA 50219**

January 7, 2016

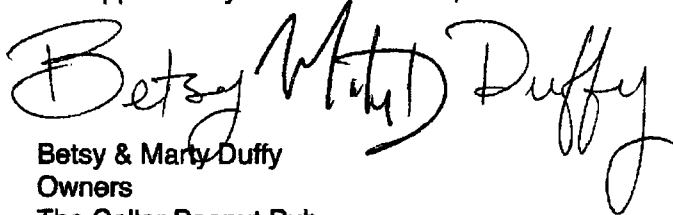
Mr. George Wesselhoft
Planning & Zoning Director
100 Truman Rd.
Pella, IA 50129

Mr. Wesselhoft,

As the tenants and future business owners at 629 Franklin St., we would like to request that the second and third public readings in regards to the matter of zoning for The Cellar Peanut Pub - Pella be waived.

There is almost universal support among the community for the rezoning amendment in the Central Business District. We have worked tirelessly to complete the renovations of the inside of the the property and waiving the second and third readings will allow us to move forward in a timely matter with the balance of licensing and inspections that are required for our business to open.

We appreciate your consideration,

A handwritten signature in black ink that reads "Betsy & Marty Duffy". The signature is written in a cursive, flowing style. The "B" is large and loops around the "etsy". The "Marty" is written in a similar cursive style, and "Duffy" follows. The signature is positioned above the typed name and address.

Betsy & Marty Duffy
Owners
The Cellar Peanut Pub
641-295-4418

Ronda Brown

From: Julie Richardson <jrichardson4211@aol.com>
Sent: Sunday, January 10, 2016 3:50 PM
To: George Wesselhoft
Subject: Cellar Peanut Pub

Mr Wesselhoft,

I would like to show my support for the Cellar Peanut Pub! Marty and Betsy Duffy are a wonderful family and are excited to bring this one of a kind business into Pella. I think in a very short time, you will see people driving into Pella to visit this establishment and hopefully expanding their sales to other businesses as well.

Sincerely,

Julie Visser
jrichardson4211@aol.com

Ronda Brown

From: Amy Riddle <amyriddle@live.com>
Sent: Sunday, January 10, 2016 10:40 PM
To: George Wesselhoft
Subject: Central Business District by use of a special use permit

Mr. Wesselhoft,

I fully support an amendment to rezone the Central Business District by use of a special use permit. The Cellar Peanut Pub will be a welcome addition to Pella.

Sincerely,
Amy Riddle
Pella, IA