



THE
CITY of PELLA
STAFF MEMO TO COUNCIL

ITEM NO: D-1a & 1b

SUBJECT: Public Hearing and Resolution Approving an Amendment of the City of Pella's Comprehensive Plan Future Land Use from Low Density Residential to Mixed Use Commercial

DATE: May 17, 2016

This resolution approves an amendment to the Future Land Use Map of the City of Pella's Comprehensive Plan from low density residential to mixed use commercial. City staff is proposing Council consideration of the amendment to facilitate a development by Casey's Marketing Company located on 1.17 acres of vacant property located at 505-513 Main Street and 705 Union Street. According to Casey's representatives, the intention of the new store is to consolidate three of their existing stores into a new store which is capable of serving the community's needs. It is staff's understanding, the existing Casey's stores which would be closed are 640 Washington Street, 744 Washington Street and 414 Oskaloosa Street.

The proposed site for the new store is zoned Commercial Mixed Use Urban Corridor (CUC), and convenience stores are an allowable use in this zoning classification. However, it is important to note, the Pella City Code requires the development to conform to both the zoning ordinance and the City's comprehensive plan. In this particular case, staff was unable to clearly determine conformance with the City's comprehensive plan, and thus the reasons for the proposed amendment to the Comprehensive Plan. Listed below is background information on this issue.

Zoning Ordinance and the Comprehensive Plan

The City's zoning ordinance and comprehensive plan are intended to work together to establish orderly land use in our community. Listed below is Section 165.03 of the City's zoning code which is intended to address the purpose of the City's zoning ordinance:

165.03 Purpose

The purposes of the Zoning Ordinance of the City of Pella are to:

1. Serve the public health, safety and general welfare of the City and its jurisdiction.
2. Classify property in a manner that reflects its suitability for specific uses.
3. Provide for sound, attractive development within the City and its jurisdiction.
4. Encourage compatibility of adjacent land uses.
5. Protect environmentally sensitive areas.
6. Further the objectives of the Comprehensive Development Plan of the City of Pella.

Zoning Ordinance and the Comprehensive Plan (continued)

Furthermore, Section 165.04 of the City's zoning ordinance requires consistency with the comprehensive plan:

165.04 Consistency with the Comprehensive Plan

The City of Pella intends that this Zoning Ordinance and any amendments to it shall be consistent with the City's Comprehensive Plan. It is the City's intent to amend this chapter whenever such action is deemed necessary to keep regulatory provisions in conformance with the Comprehensive Plan.

Comprehensive Plan

The Iowa State Code requires zoning regulations to be made in accordance with a comprehensive plan. Staff believes the goal of the state's comprehensive plan requirements is to prevent piecemeal and haphazard development. In addition, staff also believes the intent of the state regulations is to encourage local jurisdictions to act rationally rather than arbitrarily in making zoning decisions.

Overall, the City's comprehensive plan is a policy document that is intended to guide city zoning and development decisions through the year 2035. The current plan was adopted in 2014.

Zoning Code

While the comprehensive plan is a policy document intended to guide zoning decisions, the zoning ordinance is the city's legal basis to enforce land use decisions. As a matter of principle, the city's zoning ordinance is intended to reflect the policies stated in the comprehensive plan. Therefore, the city's zoning ordinance is also the primary mechanism used to implement the comprehensive plan.

Differences in Land Uses between the City's Zoning Ordinance and the Comprehensive Plan

As stated earlier in this memo, the City's zoning ordinance and comprehensive plan are intended to work together to promote orderly development and avoid incompatible land uses. However, when land use differences arise between the zoning ordinance and our comprehensive plan, staff believes it is important to perform a thorough review of the reasons for the differences in land uses between the two documents. The reason for this approach is the differences could be an indication of incompatible land uses associated with the proposed development, which may necessitate additional zoning considerations by the Pella City Council. As a result, staff has tried to take a very conservative and systematic approach in addressing the root causes for the differences in land uses between the documents.

As stated earlier, the Pella City Code requires site plans for proposed developments to conform to both the zoning ordinance and comprehensive plan. In addition, before a site plan can be considered by the Planning and Zoning Commission, the site must be zoned for the intended use. Therefore, the key issue at hand is determining conformance with the City's comprehensive plan when the Future Land Use Map identifies a different use than the proposed development. Under this scenario, staff will likely recommend to the Planning and Zoning Commission the proposed development is in accordance with the City's Comprehensive plan if the following conditions are met:

- A. There does not appear to be any significant incompatible land uses associated with the proposed development.
- B. The proposed development does not appear to be contrary to any of the Comprehensive Plan's Priority Goals.

Differences in Land Uses between the City's Zoning Ordinance and the Comprehensive Plan

Likewise, if staff believes there is a reasonable possibility the proposed development may cause a significant land use conflict with adjacent properties or if the proposed development appears to be contrary to any of the comprehensive plan's priority goals, then options ranging from a comprehensive plan amendment to zoning changes could be proposed. Generally, these options will be intended to facilitate public input and ultimate consideration by the Pella City Council. The reason for this approach is when there is a potential for a significant land use conflict associated with the proposed development, there could be competing interest between property owners. As a result, any decision made regarding the proposed development could have policy implications. Therefore, under this scenario, staff believes public input should be encouraged and the decision should ultimately be made by the Pella City Council.

Comprehensive Plan Priority Goals

In determining conformance with the City's Comprehensive Plan, it is very important to consider the Priority Goals as stated in the City's Comprehensive Plan. For the City Council's review, the Priority Goals are as follows:

Priority Goal 1: Economic Strength: Continue to foster an economic environment that supports and attracts quality business, industry and tourism.

Priority Goal 2: Biking and Walking: Embrace our community's Dutch heritage by being a premier city for bicycle and pedestrian transportation.

Priority Goal 3: Infrastructure: Maintain quality infrastructure for our community.

Priority Goal 4: Quality of Life: Continue to support a high quality of life for Pella's residents by investing in parks, recreation, and schools.

Priority Goal 5: Housing Options: Provide a range of housing types at a variety of prices, to accommodate workers and residents at all stages of life.

In reviewing the proposed Casey's development in the context of the priority goals, there was one inconsistency noted which related to Priority Goal 5: Housing Options. This core goal of the comprehensive plan was to provide a range of housing types at a variety of prices, to accommodate workers and residents at all stages of life. A key component of this goal was the utilization of infill housing or housing that is built on vacant or underused lots in existing neighborhoods. Infill lots are beneficial for several reasons because they often allow established neighborhoods to respond to market conditions by providing new housing types and features. In addition, infill housing is efficient because it utilizes existing infrastructure. Likewise, the comprehensive plan also states that it is important for any infill development to complement the existing neighborhood and provide appropriate transitions where needed. Finally, it is important to note, this proposed site is shown in the comprehensive plan as a concept for residential infill development (Figure 2.4 page 43).

Potential Land Use Compatibility Issues

The Land Use Compatibility Matrix (Table 1.5, page 31) in the comprehensive plan is a tool staff utilizes to identify land uses when located in close proximity to each other may cause conflicts. Based on staff's review, it appears the proposed development may cause a significant land use conflict with the adjacent residential property owners surrounding the development. In an effort to verify the results of the land use compatibility matrix, staff conducted a review of zoning ordinances of other communities as it pertains to permitting gas stations and convenience stores. For Council's review, we have enclosed a copy of the survey.

Differences in Land Uses between the City's Zoning Ordinance and the Comprehensive Plan

Potential Land Use Compatibility Issues (continued)

The intent of the zoning survey was to determine if other communities which are in close proximity to Pella or are similar to Pella have additional zoning regulations which are intended to reduce land use conflicts with neighboring properties. For the survey purposes we contacted Des Moines, West Des Moines, Urbandale, Knoxville, and Decorah. Listed below is a summary of the survey as it pertains to zoning uses:

Gas Stations/Convenience Stores Permitted by Right or Special Use Permit

The three Des Moines metro area communities require a special use permit to some degree for gas stations and convenience stores. The City of West Des Moines permits gas stations/convenience stores only by a special use permit and they must be located in a commercial zoning district. Urbandale permits gas stations/convenience stores by right in their Highway Commercial Zoning District. All other commercial zoning districts require a special use permit. The City of Des Moines permits gas stations/convenience stores by right only in commercial zoning districts. In addition, the City of Des Moines would require a special use permit for any alcohol sales by the gas station/convenience store. In comparison, the cities of Decorah and Knoxville permit gas station/convenience store by right in commercial zoning districts only.

Residential Use Permitted in Commercial Zoning Districts

It is important to note, the City's Mixed Use Urban Commercial Corridor zoning district permits both residential and commercial use types. Likewise, it appears most of the cities contacted in the survey tried to restrict residential use in commercial zoning districts. The only exception was the City of Des Moines which does allow residential use in commercial zoning districts. However, it is also important to note, the City of Des Moines also has additional requirements for permitting gas stations/convenience stores in close proximity to residential properties. It is staff's understanding, the goal of these requirements are to minimize land conflicts between the property owners.

Design Permit Required

In minimizing potential land use conflicts, aesthetics are an important consideration. Of the cities surveyed, only the City of Pella has a required design permit for commercial buildings. All of the other cities indicated an informal or negotiated process to address the aesthetics of the commercial buildings.

After considering the results of the survey and the land use characteristics of our community, staff does not believe any additional zoning adjustments are required as it pertains to use types. However, we do believe the survey results do indicate there may be a significant land use conflict associated with the proposed development and the adjacent property owners. Therefore, we believe special consideration should be given during the site plan process to minimize any potential conflicts with the neighboring properties of the proposed development.

Issues to Consider in Evaluating the Proposed Amendment

As stated earlier, the intent of the comprehensive plan is to serve as a long-term planning document. Likewise, it is also important to note, the comprehensive plan can change when development priorities and conditions change. In addition, it is not uncommon to amend a comprehensive plan to account for a new development that was not foreseen when the document was originally constructed. However, careful consideration should be given before making any changes to the plan to avoid haphazard development. Listed on the following page are items to consider when evaluating this proposed comprehensive plan amendment.

Reasons for Approving the Comprehensive Plan Amendment

Based on staff's review, listed below are potential reasons to approve this amendment to the City's comprehensive plan.

The property is zoned for the intended use - As stated earlier, convenience stores and gas stations are a permitted use in the CUC zoning classification. In addition, by aligning the comprehensive plan with the City's zoning ordinance, it may assist in reducing uncertainty in evaluating future developments for conformity with the City's comprehensive plan.

Commercial uses identified in proximity to the proposed site - Existing commercial uses are located directly east of the proposed development site. In addition, these existing uses are identified in the Future Land Use Map of the City's comprehensive plan.

Commercial Corridor - The Main Street corridor area south of the downtown is identified in the comprehensive plan as a commercial corridor.

Reasons for Denying the Comprehensive Plan Amendment

Based on staff's review, listed below are potential reasons to deny this amendment to the City's comprehensive plan.

Allowing the existing future use designation of the property to remain unchanged: The comprehensive plan took a considerable amount of time and effort to develop. The proposed site in the comprehensive plan is identified specifically in multiple sections of the plan for residential use, which is different than the proposed Casey's development.

Infill Housing Goal: A key component of the Comprehensive Plan's Housing Goal was infill housing. Overall, the community derives benefits from infill housing, and this location may be more beneficial for the community for infill housing rather than a commercial development.

Summary

Amending the City's Comprehensive Plan is a Council policy decision. Careful consideration should be given before making a decision on this matter.

Finally, it is important to note, the Planning and Zoning Commission denied the proposed amendment on a six to four vote at their March 30, 2016 meeting.

ATTACHMENTS: Resolution, Zoning Map, Comprehensive Plan Map, Zoning Survey, Citizen's Letters

REPORT PREPARED BY: City Administration

REPORT REVIEWED BY: CITY ADMINISTRATOR
CITY CLERK

RECOMMENDED ACTION: Council Policy Decision.

RESOLUTION NO. 5689

RESOLUTION APPROVING COMPREHENSIVE PLAN AMENDMENT FOR
CASEY'S SITE PLAN TO AMEND THE FUTURE LAND USE MAP FROM LOW
DENSITY RESIDENTIAL TO MIXED USE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PELLA, IOWA:

WHEREAS, Chapter 414.3 of the Iowa Code which establishes City zoning has as its foundation a Comprehensive Plan; and,

WHEREAS, the City updates its Comprehensive Plan on periodic basis to account for growth and development in the City planning and zoning jurisdiction and last updated its Plan in 2014; and,

WHEREAS, Casey's Marketing Company has submitted a site plan for a Casey's convenience store for the property legally described as:

Legal Description: Lot 1, except the West 70.00 feet thereof, and all of Lots 4 and 5 in Block 61, Original Pella, in the City of Pella, Marion County, Iowa

WHEREAS, the property in question for the Casey's is presently zoned CUC Commercial Mixed Use Urban Corridor; and,

WHEREAS, the property in question for Casey's is currently designated as Low Density Residential in the Comprehensive Plan Future Land Use Map; and,

WHEREAS, in order to assure consistency between the Zoning Ordinance and Comprehensive Plan respective of the site plan, it is proposed to amend the property to Mixed Use designation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pella, Iowa, that the Comprehensive Plan Amendment for Casey's Site Plan be adopted.

PASSED and ADOPTED this 17th of May, 2016.

James Mueller, Mayor

ATTEST:

Ronda Brown, City Clerk