

**CITY OF PELLA, IOWA
BOARD OF ADJUSTMENT MINUTES
FEBRUARY 11, 2020**

CALL TO ORDER BY THE CHAIRPERSON AND ROLL CALL

Chairperson Vander Meiden called the Board of Adjustment to order at 6:00 p.m. in the City Hall Conference Room. Members present were: Jim Corbett, Vince Nossaman, Susan Reiter, Lyle Vander Meiden, and Mike Vander Wert. Absent: Merlan Rolffs and Corey Westra. Staff present: Finance Director Corey Goodenow, Zoning Administrator Bryce Johnson, and Deputy City Clerk Cynthia Vaske. Six members of the public were in attendance.

CHAIRPERSON'S COMMENTS

Approval of the Tentative Agenda

Motion by Reiter, second by Vander Wert to approve the tentative agenda. Motion carried 5-0.

APPROVAL OF MINUTES

Motion by Nossaman, second by Reiter to approve the January 28, 2020 minutes. Motion carried 5-0.

NEW BUSINESS/PUBLIC HEARINGS

Consider a Minor Modification Application to Reduce the Rear Yard Setback by No More Than Five Feet for the Property Located at 793 183rd Place

Russ Van Wyk has submitted a minor modification application to reduce the rear yard setback by five feet to facilitate the construction of a deck for the property located at 793 183rd Street. The subject property is within the Single-Family Residential (R1) zoning district. It is important to note that the zoning code currently requires properties in the R1 district to maintain 40-foot rear yard setback. If approved, the setback would be reduced to 35 feet.

Staff believes the requested minor modification will not have a negative impact to the subject property or neighboring properties and would not increase the amount of people or vehicles within the neighborhood. Staff also believes the proposal would maximize the owner's use of the property while still complying with City Code. For these reasons, staff believes the minor modification request should be granted and, therefore, is recommending approval of the proposal.

Convened **Public Hearing** on the minor modification request.

No written comments were received.

Russ Van Wyk, the applicant, spoke in favor of the minor modification and answered questions from the Board.

Ron Hoekstra expressed his support for the minor modification. He questioned whether Highway G 28 might one day have a turn lane added near the entrance to Hunter's Ridge, as the area has a lot of turning traffic from people entering the Hunter's Ridge development, as well as the area being used as a turnaround for those doing test drives with vehicles from Ulrich Ford Lincoln.

Motion by Vander Wert, second by Reiter to close the **Public Hearing** as no further comments were received. Motion carried 5-0.

Motion by Corbett, second by Reiter to approve the minor modification request as submitted. Motion carried 5-0.

Consider a Special Use Permit Application to Operate an Urban Garden at the Properties Located at 207 SE 14th Street and 300 SE 14th Street

Rebecca Helland, director of Sprigs 'n Sprouts, has submitted a Special Use Permit (SUP) application to operate an Urban Garden on the properties located at 207 SE 14th Street and 300 SE 14th Street. The adjoining properties are currently vacant and located in the Community Commercial (CC) and Limited/Light Industrial (M1) zoning districts.

It is important to note that the applicant is requesting a SUP to operate two urban gardens on adjoining properties. The garden located east of The Well is approximately 8,400-square feet while the other is approximately 25,200-square feet. Based on the business plan provided by the applicant, the gardens will be used for cultivation. As further background, Sprigs 'n Sprouts began in 2013 on an acreage southeast of Pella and is now looking to relocate in order to be more visible and accessible. Additionally, they partner with the Pella Food Shelf and would like to relocate near their location. The proposed hours of operation for the shareholders to pick up their produce are Thursday afternoons from 4:45 p.m. to 6:00 p.m.

Staff believes the proposed business will complement the general area and community by providing better access to fresh grown produce. That said, to ensure compatibility with the surrounding properties, staff recommends the Board of Adjustment use its authority to place the following conditions on approval of the special use permit:

1. Use of mechanical farm equipment is limited to walk-behind equipment or small garden tractors. Larger machinery intended for industrial agriculture shall not be used as part of Urban Garden land uses.
2. Pesticides, insecticides, fertilizers, and other chemical products used in Urban Gardens must be designed for household use. Chemical products designed for commercial agriculture shall not be used.

3. All seed, chemicals, tools, and equipment stored on-site must be kept in a permitted primary or accessory structure.
4. Urban Gardens must comply with the minimum setbacks of the M1 zoning district.
5. The gardens and associated equipment must be situated, operated, and maintained to minimize any impacts on the surrounding area, including odor control, debris control, and rodent and pest control.
6. The size and location of each garden be restricted as proposed and shown in the Special Use Permit application submitted by the applicant.
7. The produce grown on-site should be limited to that identified on the application (fruits, herbs, melons, and vegetables). If the applicant desires more of a variety of plantings, staff recommends the Board place a condition that the produce grown on-site be limited to that commonly found at grocery stores.

Convened **Public Hearing** on the SUP request.

No written comments were received. Rebecca Helland, the applicant, spoke in favor of the SUP request and answered questions from the Board.

Motion by Vander Wert, second by Reiter to close the **Public Hearing** as no further comments were received. Motion carried 5-0.

Motion by Reiter, second by Corbett to approve the SUP request with the following conditions:

1. Use of mechanical farm equipment is limited to walk-behind equipment or small garden tractors. Larger machinery intended for industrial agriculture shall not be used as part of Urban Garden land uses.
2. Pesticides, insecticides, fertilizers, and other chemical products used in Urban Gardens must be designed for household use. Chemical products designed for commercial agriculture shall not be used.
3. All seed, chemicals, tools, and equipment stored on-site must be kept in a permitted primary or accessory structure.
4. Urban Gardens must comply with the minimum setbacks of the M1 zoning district.
5. The gardens and associated equipment must be situated, operated, and maintained to minimize any impacts on the surrounding area, including odor control, debris control, and rodent and pest control.

6. The size and location of each garden be restricted as proposed and shown in the Special Use Permit application submitted by the applicant.
7. The produce grown on-site should be limited to that identified on the application (fruits, herbs, melons, and vegetables). If the applicant desires more of a variety of plantings, staff recommends the Board place a condition that the produce grown on-site be limited to that commonly found at grocery stores.

Motion carried 5-0.

NEW BUSINESS

None.

OTHER BUSINESS/PUBLIC FORUM

The next meeting is scheduled for March 16, 2020.

Adjourned at 6:50 p.m.