

# Council/Staff Planning Session

## 1. Meeting Date And Time

- 1.I. Meeting Date And Time – August 10, 2022 6:00 P.m., Council Chambers, 105 Milwaukee Mall Note: Mayor, Council And Staff Will Be Attending This Meeting In Person In The Council Chambers. Public Can Attend In Person Or They Can Attend The Meeting Via Zoom.com: Meeting ID 787 065 8066 Phone Number To Call To Participate Via Telephone: 312-626-6799

## 2. Call To Order

## 3. Mayor's Comments

## 4. Zoning Change Review Request For Hartwood Inn Property Located At 1312 Gilbert Street From Business To Residential

Documents:

[AIS AUGUST 2022 HARTWOOD INN REZONING PLANNING SESSION.PDF](#)

## 5. Discussion On Possible City Cost Share Of Public Restrooms At Train Depot Museum

## 6. Penalty For Non-Registering Food Vendors

Documents:

[AIS PENALTY FOR VENDOR.PDF](#)

## 7. North Main Street Adjacent To Pure Prairie Farms – Discuss Option To Sell Property Versus Leasing Property

Documents:

[AIS -7 MAIN STREET \(PACKET\) PPF SALE RATHER THAN LEASE.PDF](#)

## 8. City Administrator Report

## 9. Board, Commission Or Committee Reports

## 10. Adjourn

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## AGENDA ITEM SUMMARY

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**Subject: Discuss request by the Hartwood Inn for the City Council to initiate rezoning of the Hartwood Inn property**

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### **Background Summary:**

Per the City's zoning ordinance, there are two methods that are allowed to rezone property. The first method allows a property owner to submit a rezoning petition to the Planning and Zoning Commission (P & Z). The petition must be signed by at least 50% of the property owners surrounding the property. Without the required number of signatures, the petition is not considered valid and cannot be submitted for consideration.

The second method to rezone property is initiated by the City Council. The Council can direct the P & Z to study an area defined by the Council and make a recommendation to the City Council regarding if rezoning is warranted. The City Council initiated rezoning process does not require a petition that is signed by the surrounding property owners. This process is generally used for rezoning larger multiple parcel areas or to correct errors or inconsistencies in a zoning district.

Gilbert Stable with the Hartwood Inn has submitted a request for the City Council to initiate a rezoning request to rezone the Hartwood Inn property from B-3 (commercial) to R-3 (multi-family residential). Last fall the Hartwood Inn owners attempted to rezone the Hartwood Inn property through the rezoning petition process but failed to acquire the needed signatures. Mr. Starble did not pursue discussions with the City Council regarding the rezoning request at that time.

Recently, Hartwood Inn requested and was provided another rezoning petition for their property on Gilbert Street. Again, the required number of signatures were not obtained. Mr. Starble is requesting to discuss this rezoning proposal with the City Council at Wednesday's planning session for the Council to take action to initiate the rezoning and direct the P & Z to study this request and provide a recommendation. This rezoning does not conform to a typical Council initiated rezoning, and the Council is not required to refer this to the P & Z for consideration and recommendation.

The Staff has concerns regarding this proposed rezoning. Gilbert Street is an arterial and the City's Comprehensive Plan (Comp Plan) indicates the existing and proposed land use along Gilbert Street is commercial. The Comp Plan is a guide and used to assist with making decisions about zoning changes. It is our opinion that the highest and best use of property adjacent to one of our arterial streets is not residential and we should follow the future land use as advised in the Comp Plan.

(Continued on Page 2)

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Hartwood Inn Rezoning Agenda Item Summary – Page 2

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**Summary Continued:**

There are other issues with rezoning this property such as off-street parking. The Hartwood Inn has 34 units. If this area is rezoned and the building is converted to apartments, the change in use will require that multi-family off street parking requirements be met. The zoning code requires 1.5 parking stalls per dwelling unit, so 51 parking stalls will be needed to comply with the zoning ordinance. There are currently 45 parking stalls, thus additional parking will need to be constructed.

The Council had earlier requested information from the Police Department on police service calls and a comparison with other Charles City hotels. Chief Anderson prepared the following chart:

### Hotel/Motel Review

#### Call for Service January 2, 2021 to July 20, 2022

Establishment	Number of Rooms	Total Calls for Service	Call Service Mod. Factor
Super 8	41	12	0.29
Sleep Inn	60	22	0.37
Best Budget Inn	38	32	0.84
Hometown Inn	20	45	2.25
Hatwood Inn	34	124	3.65

Aa stated earlier, the Council does not have to forward this request to the Planning and Zoning Commission. Action to refer or not refer this item to the P & Z will need to be documented in the form of a resolution. We will use Wednesday's discussion to obtain Council feedback so we can prepare a resolution for Monday's Council meeting.

Lastly, Hartwood Inn is currently operating without a State Hotel/Motel License. Per a conversation with the State Department of Inspections and Appeals, it is our understanding that Hartwood Inn's license had expired and an application for a new license was withdrawn. DIA cannot seek an injunction on its own and seeks assistance with the local authority. Whether it is based on zoning or hotel operations, staff may need to work with Brad Slotter in resolving this situation if the current housing arrangement does not change.

Mr. Starble will be present at Wednesday's planning session and is expected to discuss with the Council the Hartwood Inn's plans and the City's housing needs.

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## AGENDA ITEM SUMMARY

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**Subject: Adding penalties for non-registering food vendors/peddlers and increasing application fee**

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### **Background Summary:**

Chapter 122 of the city code addresses mobile food vendors, peddlers and solicitors. It outlines the requirements and fees for each type of vendor to secure a permit. We continually have issues with vendors, especially mobile food vendors, not coming in to get the required permit when they conduct their business in town. To help encourage these vendors to get the required permit, we would like to implement a penalty for anyone who does not register prior to engaging in business in town. We have included a \$75 penalty across the board for all of these types of permits. We would also recommend increasing the application fee from \$2 to \$5. This fee has been incorporated into the cost of each permit rather than be charged separately.

At the last regular meeting, we passed the first reading of this ordinance but there was much discussion on increasing the penalty amount. We have consulted with Brad and he said that there is no limit to the amount of penalty. He did advise that if we increase the penalty amount, that we start over with the first reading.

We spend a lot of time chasing down those who don't come in to get a permit so we are hoping this new ordinance will reduce the time spent on this.

On a side note, I did hear back from four other cities on what they charge for their peddler/food vendor fees and they are as follows: Fredricksburg - \$25/day, \$70/week, \$100/month, \$150/6mnths and \$250/year with \$5 app fee; Eldora - \$30/year (no other options); DeWitt \$200/year (no other options); Humboldt - \$50/day, \$500/6mnths, \$750/year with a \$10 app fee.

ORDINANCE NO. 1163

**AN ORDINANCE AMENDING THE CHARLES CITY CODE OF ORDINANCES SECTIONS 122.04 – APPLICATION FOR LICENSE AND 122.05 – LICENSE FEES, TO INCREASE THE LICENSE FEES FOR PEDDLERS, SOLICITORS, MERCHANTS, AND VENDORS AND TO ESTABLISH A LINCENSE FEE FOR FAILURE TO PAY THE REQUIRED LICENSE FEE BEFORE ENGAGING IN REGULATED ACTIVITY.**

**BE IT ENACTED** by the City Council of the City of Charles City, Iowa:

**SECTION 1. Amended Section. SECTION 122.04 – APPLICATION FOR LICENSE** is hereby amended to read as follows:

122.04 APPLICATION FOR LICENSE. An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant’s name, permanent and local address and business address if any. The application shall also set forth the applicant’s employer, if any, and the employer’s address, the nature of the applicant’s business, the last three places of such business and the length of time sought to be covered by the license.

**SECTION 2. Amended Section. SECTION 122.05 – LICENSE FEES** is hereby amended to read as follows:

122.05 LICENSE FEES. The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of ten dollars (\$10.00) per year.
2. Peddlers, Mobile Food Vendors, or Transient Merchants.
  - A. For one day.....\$ 30.00
  - B. For one week..... \$ 55.00
  - C. For one month..... \$ 105.00
  - D. For one year.....\$ 255.00
3. Increase in License Fee. In the event that a solicitor, peddler, merchant, and/or vendor fails to pay the required license fee prior to engaging in peddling, soliciting, mobile food vending, or in the business of a transient merchant in the City without first obtaining a license, the license fee shall be increased by \$75.00.

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

**SECTION 4. Severability.** 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 by the City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Dean Andrews, Mayor

ATTEST:

\_\_\_\_\_  
Trudy O'Donnell, City Clerk

As certified, the foregoing was published as Ordinance No. \_\_\_\_\_ on the \_\_\_\_ day of \_\_\_\_\_, 2022.

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City Clerk

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## AGENDA ITEM SUMMARY

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**Subject: North Main – Adjacent to Pure Prairie Farms- Consider sale of property rather than lease**

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**Background Summary:**

The discussions we've had to date with the section of Main Street adjacent to Pure Prairie Farms (PPF) has been with leasing the property to the company. The concept being that if the company isn't successful that we could then reutilize the area again as a street. As this project has evolved, we've established timelines and taken steps to re-align Main Street via Lane Street to connect to N. Grand and have even renamed that portion of Lane Street to Main Street to keep that continuity.

In speaking further with the PPF folks their distinct preference would be to purchase and own that section of Main Street. Lenders of PPF (or anyone for that matter) will want to know that the company has long term access to what will be the loading dock area. And whether it is PPF or any subsequent owner, they will need that street space for viability of the site. And once we've re-routed Main Street, would we ever want to re-route it back? Not likely.

So, with that being said I would like to start the discussion with the council about moving towards a sales agreement with PPF on the section of Main Street rather than a short or long-term lease agreement. We are coordinating with the appraiser to give us a sales price range of the property. Once we have that information we can follow up and discuss further. Since we have water and sewer infrastructure beneath the street, we will need to have easements and ability to access them as needed, so vertical infrastructure over those areas would not be allowed, but the plan is for that to all be parking and green space.

AERIAL PHOTO

