



## **PLANNING AND ZONING COMMISSION MEETING**

March 14, 2023

6:00 PM

City Council Chambers

Agenda

- 1. Call to Order**
- 2. Roll Call**
- 3. Agenda Approval**
  - A. Approval of the agenda for the meeting.
- 4. Minutes Approval**
  - A. Approval of the minutes from the February 28th meeting.
- 5. Public Comment**
- 6. New Business**
  - A. Consider waiving right to review of a Plat of Survey for Chad Daniels, for a property located within two miles of the City of Indianola
- 7. Comments**
  - A. Current Projects
- 8. Adjourn**



## **PLANNING AND ZONING COMMISSION MEETING**

February 28, 2023

6:00 PM

City Council Chambers

Minutes

### **1. Call to Order**

The meeting was called to order at 6:00 PM.

### **2. Roll Call**

Commission members present: Cortney Marmon, Sarah Ritchie, Misty Soldwisch, Carrie woerdeman, Lin Stecker, Bob Ormsby

Staff members present: Charlie Dissell, Emily Rizvic, Miranda Chadwick

### **3. Agenda Approval**

A. Approval of the agenda for the February 28th, 2023 meeting.

Sarah Ritchie made a motion to approve the agenda.

Bob Ormsby seconded the motion.

Motion passed.

### **4. Minutes Approval**

A. Approval of the minutes from the January 24th meeting minutes.

Misty Soldwisch made a motion to approve the meeting minutes.

Lin Stecker seconded the motion.

Motion was passed.

### **5. Public Comment**

### **6. Old Business**

### **7. New Business**

A. Consider waiving right to review of a Plat of Survey for Chad Daniels, for a property located within two miles of the City of Indianola

Bob Ormsby made a motion to waive the right to review.

Misty Soldwisch seconded the motion.

Motion Passed.

B. Consider waiving right to review of a Plat of Survey for Chad Daniels, for a property located within two miles of the City of Indianola

Lin Stecker made a motion to waive the right to review.

Carrie Woerdeman seconded the motion.

Motion Passed.

- C. Consider waiving right to review of a Plat of Survey for Chad Daniels, for a property located within two miles of the City of Indianola

Carrie Woerdeman made a motion to waive the right to review.

Bob Ormsby seconded the motion.

Motion Passed.

- D. Consider waiving right to review of a Plat of Survey for Chad Daniels, for a property located within two miles of the City of Indianola

Misty Soldwisch made a motion to waive the right to review.

Lin Stecker seconded the motion.

Motion Passed.

- E. Consider recommendation on request for approval of a Plat of Survey for Chad Daniels, on the behalf of TS Investments LLC, for property located within two miles of the City of Indianola

Misty Soldwisch recused herself.

Carrie Woerdeman made a motion to waive the right to review.

Bob Ormsby seconded the motion.

Motion Passed.

## **8. Comments**

- A. Building Permit Report

- B. Current Projects

## **9. Adjourn**

The meeting was adjourned at 6:23.



## MEMORANDUM

**To:** Planning and Zoning Commission

**From:**

**Date:** March 14, 2023

**Subject:** Consider waiving right to review of a Plat of Survey for Chad Daniels, for a property located within two miles of the City of Indianola

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**Recommendation:**

**Attachments:**

1. 1. Staff Report
2. 2. Application
3. 3. Plat of Survey



## COMMUNITY DEVELOPMENT

110 N. First Street, Indianola IA 50125-0299 • [www.indianolaiowa.gov](http://www.indianolaiowa.gov)  
(515) 961-9430 • [comdev@indianolaiowa.gov](mailto:comdev@indianolaiowa.gov)

# STAFF REPORT

## PLANNING AND ZONING COMMISSION

**Date of Meeting:** March 14, 2023

**Agenda Item:** 7.A Consider waiving right to review of a Plat of Survey for Chad Daniels, for a property located within two miles of the City of Indianola

**Application Type:** Plat of Survey

**Applicant:** Chad Daniels

**Property Owner:** Michael and Donna Westbrook

**Property Address/Parcel:** 12955 90<sup>th</sup> Avenue (Parcels #140/0033-0666, -0667, -0687)

**Current Zoning:** A-1 'Agricultural' Zoning District (Unincorporated – Warren County)

**Comprehensive Plan Designation:** No Designation

### Application Summary

Chad Daniels, on the behalf of Michael and Donna Westbrook, is requesting plat of survey approval for a property located outside of Indianola's corporate limits but within the two-mile jurisdictional boundary of Indianola.

## AERIAL MAP



## APPLICABLE CODE SECTIONS

The following code sections of the Code of Ordinances of Indianola, Iowa apply to this request:

### 170.06 FINAL PLATTING PROCEDURE

1. A final plat shall be submitted within six months of the approval of the preliminary plat, or such approval shall expire and the preliminary plat shall be resubmitted for approval prior to the preparation of a final plat.
2. Procedures for final plats shall be the same as set out for preliminary plats in Section 170.05 above.
3. Upon approval of the final plat, a certification of approval signed by the Mayor and attested by the Clerk shall be affixed to the original tracing of the final plat and copies of the same filed with the Clerk, County Auditor and County Recorder, along with such other certifications and instruments that may be required by law.

### 170.10 FINAL PLAT REQUIREMENTS

The final plat shall meet the following specifications:

1. It may include all or only part of the preliminary plat.
2. The plat shall be drawn to the scale of 50 feet to one inch, provided that if the resulting drawing would be over 36 inches in its shortest dimension, a scale of 100 feet to one inch may be used. An electronic file is required to be filed prior to Planning and Zoning action with the Clerk.
3. The final plat shall contain the following:
  - A. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one foot in 3,000 feet.
  - B. Accurate references to known or permanent monuments, giving the bearing and distance from some corner of a congressional division of the county of which the subdivision is a part.
  - C. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
  - D. Accurate metes and bounds description of the boundary.

**Agenda Item: 7.A Consider waiving right to review of a Plat of Survey for Chad Daniels, for a property located within two miles of the City of Indianola**

- E. Street names.
  - F. Complete curve notes for all curves included in the plat.
  - G. Street right-of-way lines with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines.
  - H. Lot numbers and dimensions.
  - I. Accurate locations and descriptions of easements for utilities and any limitations on such easements.
  - J. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
  - K. Building lines and dimensions.
  - L. The location, type, material and size of all monuments and markers.
  - M. The name of the subdivision.
  - N. The name and address of the owner and the subdivider.
  - O. North point, scale, and date.
  - P. Certification by a registered land surveyor of the State of Iowa.
  - Q. Certification of dedication of streets, easements and other public property.
  - R. A resolution and certificate of approval by the Council for signatures of the Mayor and Clerk, stating that the plat, as described, has been acted upon and approved as required by Chapter 354, Code of Iowa, and that all dedications of streets easements and public lands have been accepted by the City.
  - S. Location and dimensions of sidewalks to be installed prior to the occupancy of a developed lot.
4. The final plat shall be accompanied by the following instruments:
- A. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council.
  - B. A statement by the Auditor approving the name or title on the subdivision plat.
  - C. Either (i) a certificate bearing the approval of the Council stating that all improvements and installations in the subdivision required by this chapter have been made or installed in accordance with the City specifications, or (ii) a certificate from the owner or developer stating that all improvements required by this chapter shall be made or installed in accordance with City specifications before an occupancy compliance certificate is issued under the Zoning Ordinance, except as otherwise provided for in this chapter.
  - D. A petition by the subdivider to the Council to provide the necessary improvements and to assess the costs thereof against the subdivided property in accordance with the requirements regarding special assessments, provided, however, that the subdivider or property owners shall furnish the necessary waivers to permit the assessment of the entire cost of the improvement plus the necessary and reasonable cost of the assessment proceedings against the platted property even though the total amount exceeds the statutory limitations. The final plat shall state that the subdivider, the grantees, assignees and successors in interest agree that public services including but not limited to street maintenance, snow removal, rubbish, refuse and garbage collection will not be extended to this subdivision until the improvements have been completed and accepted by the City.
  - E. Easement(s) for Overland Drainage and/or Public Storm Sewer is required by and shall be in a form approved by the City.
  - F. A letter from the owner's engineer designing the public improvement stating that all public improvements completed have been made or installed in accordance with City Specifications prior to acceptance of maintenance bonds for such improvements.
5. The final plat shall also be accompanied by the following at the time it is presented for filing at the Warren County Recorder's Office.

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- A. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the Code of Iowa may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.
- B. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.
- C. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.

The Council or Commission may request drafts or copies of any of the above instruments for examination at the time of processing the final plat if, in their opinion, the review of such instruments is deemed necessary to properly evaluate the proposed subdivision.

**170.11 DESIGN STANDARDS – STREETS**

1. General Considerations that must comply with the current Iowa Statewide Urban Design Standards for Public Improvements (“SUDAS”).

- A. The street and alley layout shall provide access to all lots and parcels of land within the subdivision.
- B. Street jogs of less than 150 feet shall be avoided.
- C. Cul-de-sacs shall not exceed 700 feet in length.
- D. New subdivisions shall make provisions for continuation and extension of thoroughfares and collector streets and roads.
- E. No dead-end streets will be permitted except at subdivision boundaries and in no event shall any dead-end street be in excess of 500 feet.
- F. Thoroughfare and collector streets in a subdivision shall extend through to the boundaries thereof, unless a terminal point within the subdivision is shown in the master street plan.
- G. Alleys shall be discouraged in residential areas but shall be provided in commercial and industrial areas unless other suitable public or private access to loading and service areas is provided.
- H. Intersection of road centerlines shall be between 80 degrees and 100 degrees.
- I. Intersection of more than two streets at a point shall not be permitted.
- J. Where parkways or special types of streets are proposed, the Commission may apply special standards for the design of such parkways or streets.
- K. Proposed streets that are extensions of or in alignment with existing streets shall bear the name of the existing street. Names of new streets shall avoid duplication of or similarity to existing names of streets, or public and semi-public buildings and areas.
- L. Streets, avenues, places, and courts shall be named in the following manner:

| General Direction | Long Streets | Short Streets |
|-------------------|--------------|---------------|
| North and South   | Streets      | Courts        |
| East and West     | Avenues      | Places        |
| Diagonal          | Roads        | Ways          |
| Curving           | Drives       | Lanes         |

2. Minimum rights-of-way shall be provided as follows:

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- A. Thoroughfares - 100 feet. In addition, access spacing on thoroughfares is as follows: (i) intersection spacing – 600 foot minimum; (ii) entrance spacing – 300 foot minimum; (iii) separation of entrance from intersection – 150 foot minimum.
- B. Residential collector streets - 70 feet.
- C. Commercial collector streets - 80 feet.
- D. Residential streets - 60 feet.
- E. Cul-de-sacs - 110 feet in diameter.
- F. Alleys - 20 feet.

3. The minimum width of surfacing to be provided shall be as follows:

- D. Residential Street – 25 feet or 31 feet within the discretion of the Council.
- E. Cul-de-sacs – 85 feet in diameter.
- F. Alleys – 20 feet.
- G. Sidewalks – 4 feet.

4. Grades. No street grade shall be less than one-half of one percent and shall not exceed the following limits:

- A. Thoroughfare streets – 4 percent.
- B. Collector streets – 6 percent.
- C. Residential streets – 8 percent.

**170.13 DESIGN STANDARDS – LOTS**

- 1. All lots shall abut on a street or place. Corner lots which abut on a thoroughfare or collector street shall have a minimum radius of 25 feet at the intersection.
- 2. Sidelines of lots shall approximate right angles to straight street lines and radial angles to curbed street lines except where a variation will provide better lot layout.
- 3. Lots with double frontage shall be avoided, except in specific locations where good planning indicates their use. In that event a planting screen shall be provided along the rear of the lot.
- 4. Corner lots shall not be less than 80 feet in width and interior lots shall not be less than 70 feet in width at the building line.
- 5. Lot depth shall not exceed two and one-half times the width.
- 6. No lot shall have less area than required by the Zoning Ordinance for the district in which it is located.

**170.14 EASEMENTS**

- 1. Easement not less than 15 feet in width shall be provided along each side of the front yard lot lines of all lots, and in the case of corner lots, the side street yard, and along such other lot liens as may be required by public and private utility companies.
- 2. Easements of greater width may be required for trunk lines, pressure lines, open drainage courses or high voltage lines and shall be provided as determined by the utility or Council.
- 3. Utility easements shall convey to the City, its successors and assigns, the perpetual right within the areas shown on the plat and described in the easement, to construct, reconstruct, operate and maintain electric lines consisting of poles, wires, cables, conduits, fixtures, anchors and other similar equipment, including the right to trim or remove trees within such areas where necessary to secure a clearance of four feet from the wires or poles, together with the right to extend to any telephone, telegraph, electric or power company, the right to use separately or jointly with the City, the areas included in the easement for the purposes above enumerated.

**170.15 PARKS, SCHOOL SITES AND PUBLIC AREAS.**

In subdividing property, consideration shall be given to suitable sites for schools, parks, playgrounds and other common areas for public use so as to conform to any recommendations of the most current Comprehensive Plan. Any provision for schools, parks and playgrounds should be indicated on the preliminary plan in order that it may be determined when and in what manner such areas will be provided or acquired by an appropriate taxing agency.

**170.16 NATURAL DRAINAGE COURSES**

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Whenever any stream or important surface drainage course is located in an area which is being subdivided, the subdivider shall provide an adequate easement along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream or drainage course.

**170.17 EROSION CONTROL (DESIGN STANDARDS)**

Methods for controlling soil erosion shall be in accordance with current Iowa Department of Natural Resources Standards and requirements of NPDES permit.

**170.19 SANITARY SEWERS**

The subdivider shall at the subdivider's expense provide the subdivision with a complete sanitary sewer system including all necessary pumping stations, force mains, pumping equipment and other appurtenances, which shall connect with a sanitary sewer outlet or treatment facility approved by the Council. The sewers shall extend to the subdivision boundaries as necessary to provide for the extension of the sewers by adjacent property. Where sewers in excess of 15 inches in diameter are required, the additional cost shall be borne by the City.

**170.20 PROHIBITED DISCHARGE**

No storm water, surface water, ground water, roof runoff, swimming pool, subsurface drainage, cooling water or unpolluted water shall be discharged into the City sanitary sewer system. Any such discharge into the City sanitary sewer system shall be deemed a public nuisance and a municipal infraction.

**170.21 STORM DRAINS**

1. The subdivider shall, at the subdivider's expense, provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes and manholes to provide the collection and removal of all surface waters. These improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties. Where oversize storm sewers or drainage structures are required to serve other areas of the watershed, the additional cost shall be borne by the developer.

2. The subdivider shall, at the subdivider's expense, provide the subdivision with a storm sewer system to adequately handle a five-year rain storm. The system shall include culverts, ditches, intakes, manholes, or any structure deemed necessary. All such structures shall meet the City of Indianola Standard Specifications. In addition, the subdivider shall, at the subdivider's expense, provide the subdivision with overland drainage courses and easements to adequately handle storm water in excess of a five-year rain storm and up to a 100-year rain storm. For any subdivision containing new streets, the system shall be designed by a licensed engineer registered to practice in the State of Iowa.

- A. Each lot shall be provided with minimum six-inch diameter storm sewer service line that is a minimum of four feet below ground level, stubbed to the property line, unless the Director of Community Development determines that sump lines can be taken to an existing overland drainage area. The sump pump line shall be a minimum of one and one-half inches in diameter.
- B. The storm sewer system line shall be made of reinforced concrete pipe or polyvinyl chloride (PVC) pipe. The sump pump lines shall be made of PVC, PVC Truss, or PVC corrugated pipe. All structures shall be built in accordance with City of Indianola Standard Construction Specifications for Subdivisions.
- C. The storm sewer system shall be large enough to provide for anticipated extension of use to serve additional areas, as set out in Indianola Comprehensive Plan.
- D. Storm sewer service lines shall be connected to the City storm sewer system at intakes, manholes, or directly into the City storm sewer pipe. Tapping storm sewer service lines into the City storm sewers shall be by using approved methods.

Should it not be possible to install a storm sewer service, as described above, alternate plans may be submitted for review by the City's consulting engineer and City staff.

**170.22 WATER**

The subdivider shall at the subdivider's expense provide the subdivision with a complete water main supply system including hydrants, valves and other appurtenances which shall be extended into and through the subdivision to the boundary lines, and which shall provide a water connection for each lot, and shall be connected to the City water

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system. Fire hydrants shall be uniform throughout the subdivision and shall meet the standards and design approved by the Utilities Board of Trustees. Where water mains in excess of eight inches are required, the additional cost shall be borne by the City if the area is zoned R-2 or R-3. If at the time the main is to be installed the area in question is zoned R-4, any commercial or any industrial classification, the subdivider may be required to put in a water main in excess of eight inches at the subdivider's own expense. Whether the City shall pay a portion of the additional cost shall be discretionary with the Board of Trustees. Water mains shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.

#### **170.23 SIDEWALKS**

The subdivider, developer or owner of the lot shall at their expense provide a four-foot wide concrete sidewalk along each lot frontage prior to the occupancy of the structure on the lot except as otherwise provided herein. In commercial or industrial areas where it can be demonstrated that there will be limited or no need for sidewalks, the Council may waive or modify the requirement for the installation of sidewalks after review and report from the Commission. The Council may waive the sidewalk requirement on cul-de-sacs. Any such waiver shall not be acted upon until the Council has received the recommendation of the Commission.

#### **170.24 MARKERS**

The subdivider shall at the subdivider's expense place an iron rod not less than one-half inch in diameter and 24 inches in length as follows:

1. Set in concrete three feet deep at the intersection of all lines forming angles in the boundary of the subdivision, and at all street intersections.
2. At lot corners and changes in direction of block and lot boundaries.

#### **170.25 GRADING**

The subdivider shall at the subdivider's expense bring all streets and alleys with the platted area which are being dedicated for public use to the grade approved by the Council.

#### **170.26 CURB AND GUTTER**

The subdivider shall at the subdivider's expense install curb and gutter on all streets in the plat being dedicated for public use. Curb and gutter shall be constructed of Portland cement concrete in accordance with designs and specifications and at grades approved by the Council.

#### **170.27 EROSION CONTROL (REQUIRED IMPROVEMENTS)**

The subdivider shall be responsible for controlling soil erosion and surface water runoff within the subdivision during its construction and development and shall provide erosion and runoff control measures as work progresses on site grading, the installation of sewers or other improvements or phases of work. Insofar as practical, erosion control measures shall be undertaken prior to any other development within the subdivision which will contribute to runoff or erosion.

#### **170.28 SURFACING**

The subdivider shall at the subdivider's expense surface all streets being dedicated for public use from curb to curb. Surfacing shall consist of not less than six inches of Portland cement concrete over a prepared subgrade and shall be constructed in accordance with designs and specifications and at grades approved by the Council. Where a surface width in excess of 31 feet is required, the cost of the additional surface width, which shall be assumed to be the center portion of the roadway surface, shall be paid by the City. On collector and thoroughfare streets where a higher standard than is herein required or a thickness of greater than eight inches is deemed necessary by the Council, the additional cost shall be born by the City. Where unimproved street right-of-way exists the owner or developer at the owner's or developer's own expense shall improve such right-of-way as required by this section for the entire width of the lot or lots (or for the entire width and the length of the lot or lots in the case of lot or lots bordered by more than one street) prior to or contemporaneous with the development of the lot or lots. The owner or developer shall also improve all other portions of unimproved street right of way serving such areas.

#### **170.29 SPECIFICATIONS**

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The type of construction, the materials, the methods, the standards of subdivision improvements and the maintenance bonds shall be in accordance with the specifications found in a bound volume which is entitled Iowa Statewide Urban Design and Specification for Public Improvements which is on file in the Clerk's office. The Council may from time to time amend by resolution the standard construction specifications for subdivisions found in the volume. The Clerk shall keep a record of all amendments made to the specifications. Plans and specifications for subdivisions shall be submitted to the Community Development for approval prior to construction, accompanied by a fee as set by resolution of the City Council, and construction shall not be started until the plans and specifications have been approved.

#### **170.30 APPROVAL OF PLANS AND SPECIFICATIONS**

The approval of plans and specifications relative to improvements required by this chapter shall be effective for a period of two years after the approval. If the required improvements are not in place and accepted by the City within the times specified, the approval shall lapse and construction shall not be started and construction under way shall cease until resubmitted plans and specifications have been approved. The City shall have the right, at the time of the new request for approval, to require the subdivider to use the type of construction, the materials, the methods and standard of subdivision improvements equal to the specifications of the City for like work which are in effect at that time. The City may also require that the subdivider comply with any amended ordinance or ordinances relative to improvements under this chapter or any successor chapter relative to subdivision improvements which have been adopted between the time of initial approval and the renewed approval as herein required. The reapproval as required by this section specifically applies only to the plans and specifications relative to subdivision improvements and has no application as to lot sizes, set backs, lot boundaries, street location or other platting requirements which shall be final on Council approval unless changed by some other method permitted by law.

#### **170.31 INSPECTION**

The subdivider or developer shall cause the installation of all improvements to be inspected to ensure compliance with the requirements of this chapter. The cost of the inspection shall be borne by the subdivider or developer. All inspection reports and certificates of compliance shall be filed with the Clerk before any improvements are accepted by the Council. Before accepting any portion of paving, storm water improvement or sanitary sewer system and maintenance thereof which has been constructed under the provisions of Sections 170.19 and Section 170.29 above, the Council reserves the right to have all mains within the sewer system to be dedicated, televised in order to determine whether they have been properly constructed. The televising shall be at the expense of the subdivider or party making the dedication.

#### **170.32 ACCEPTANCE**

All of the improvements required in this chapter under **Sections 170.19 through 170.28** shall, upon their completion, inspection, approval and acceptance by the City of Indianola, become the property of the City.

#### **170.33 ELECTRICAL SERVICE**

The City, by and through Indianola Municipal Utilities, shall extend electric service to the subdivision and shall make electric service available to each lot in the subdivision that is within Indianola Municipal Utilities' assigned area of service pursuant to Code of Iowa Chapter 476. The City, by and through Indianola Municipal Utilities, shall install street lighting that is within Indianola Municipal Utilities' assigned area of service pursuant to Code of Iowa Chapter 476 to current Indianola Municipal Utilities' standards and specifications. In residential subdivisions, all electric lines, including individual house service lines installed by the owner or developer, shall be placed underground.

#### **170.34 CHARGE FOR INSTALLATION OF ELECTRICAL SERVICE**

The City, by and through Indianola Municipal Utilities, reserves the right to make a reasonable charge to be paid by the developer, builder or owner for any service extended as provided by Section 170.33 above. Said charges may be changed from time to time, but shall be in accordance with a schedule of charges set by the Indianola Municipal Utilities Board of Trustees.

#### **170.36 FEES**

Each plat of survey, preliminary plat and final plat submitted for approval shall be accompanied by a fee as set by Resolution of the City Council.

### **170.38 ENFORCEMENT**

In addition to other remedies and penalties as prescribed by law, the provisions of this chapter shall not be violated subject to the following:

1. No plat of survey or subdivision in the City of within two miles thereof shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat of subdivision have any validity until it complies with the provisions of this chapter and has been approved by the Council as prescribed herein.

## **ANALYSIS**

### **Subject Property**

Chad Daniels has submitted a plat of survey application, on the behalf of Michael and Donna Westbrook, for a property addressed as 12955 90<sup>th</sup> Avenue (Parcel ID #'s #140/0033-0666, -0667, and -0687). The subject property currently contains a single-family dwelling and appears to be in agricultural production.

The property maintains access off of 90<sup>th</sup> Avenue. According to the Iowa Department of Transportation (IDOT), this road has an Annual Average Daily Traffic (AADT) of 70 as of 2012. The road is a dead end to the south.

The subject property does contain environmentally sensitive features including water courses and heavy woodlands. Wetlands may exist near the existing stream. This stream flows south to the South River.

### **Future Land Use**

The subject property for the plat of survey has not been assigned a future land use designation within the "Elevate Indianola" Comprehensive Plan. Additionally, the subject property is located outside of Indianola's Annexation Priority Area. Priority annexation areas are those areas that have been identified by the city for future growth, due to site suitability and proximity to services such as utilities and transportation.

The proposed plat of survey, if approved, would create the following parcels: Parcel 'H', a 12.70-acre lot. This lot contains and will continue to contain the existing single-family dwelling. Parcel 'J', a 7.24-acre lot, Parcel 'K', a 10.08-acre lot, and Parcel 'L', a 10.14-acre lot. The applicant has indicated that this split is proposed to create future dwellings.

## **COMMENTS FROM THE GENERAL PUBLIC**

Notification letters were mailed to surrounding property owners within 200 feet of the subject property regarding the request on February 28, 2022. No comments have been received by the general public at the time of writing this report.

## **ALTERNATIVES**

The City of Indianola Planning and Zoning Commission may consider the following alternatives:

- 1) The City of Indianola Planning and Zoning Commission recommends approving a resolution waiving the City's subdivision authority.**

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- 2) The City of Indianola Planning and Zoning Commission recommends declining to waive the City's subdivision authority.
- 3) The City of Indianola Planning and Zoning Commission remands the request, back to the applicant and/or staff for further review and/or modifications and directs staff to place this item on a future Planning and Zoning agenda.

## **RECOMMENDATION**

Staff recommends that the Indianola Planning and Zoning Commission move alternative 1, that the request be approved, as submitted.

# LAND DIVISION APPLICATION

## Community Development

110 North 1<sup>st</sup> Street, Indianola, Iowa 50125-0299  
(515) 961-9430 • [comdev@indianolaiowa.gov](mailto:comdev@indianolaiowa.gov)



### PROPERTY OWNER

(Last Name) Westbrook  
(First Name) Michael & Donna  
(Address) 12955 90th Ave  
(City) Indianola (State) IA (Zip) 50210  
(Phone) 5158155502 (Email) dusty.westbrook@proton.me

### APPLICANT (if not Property Owner)

(Last Name) Daniels  
(First Name) Chad  
(Address) 22470 18th Ln  
(City) New Virginia (State) IA (Zip) 50210  
(Phone) 515-577-2583 (Email) pls17532@gmail.com

### ☒ PLAT OF SURVEY

#### Submittal Requirements:

*All submittal requirements must be completed.  
Incomplete applications will not be considered*

- ☒ Completed Application
- ☒ Filing Fee: \$75 per request
- ☐ Proposed plat of survey (hard copy)
- ☒ Proposed plat of survey (electronic copy)
- ☒ Legal description (electronic in word format)
- ☐ Other Information as required by Director

### ☐ PRELIMINARY PLAT

#### Submittal Requirements:

*All submittal requirements must be completed.  
Incomplete applications will not be considered*

- ☐ Completed Application
- ☐ Filing Fee: \$250, plus \$10.00 for each lot in excess of 10 lots, land plus Outside Engineering Costs
- ☐ Proposed preliminary plat (hard copy)
- ☐ Proposed preliminary plat (electronic copy)
- ☐ Legal description (electronic in word format)
- ☐ All items as required by Section 170.09 of the Code of Ordinances of Indianola, Iowa
- ☐ Other Information as required by Director

### ☐ FINAL PLAT

#### Submittal Requirements:

*All submittal requirements must be completed.  
Incomplete applications will not be considered*

- ☐ Completed Application
- ☐ Filing Fee: \$150, plus \$10.00 for each lot in excess of 10 lots, land plus Outside Engineering Costs
- ☐ Proposed plat of survey (hard copy)
- ☐ Proposed plat of survey (electronic copy)
- ☐ Legal description (electronic in word format)
- ☐ All items as required by Section 170.10 of the Code of Ordinances of Indianola, Iowa
- ☐ Other Information as required by Director

I certify that the information and exhibits submitted are true and correct to the best of my knowledge and that in filing this application I am acting with the knowledge, consent and authority of the owner(s) of the property. Pursuant to said authority, I hereby permit City officials to enter upon the property for the purpose of inspection related to this application.

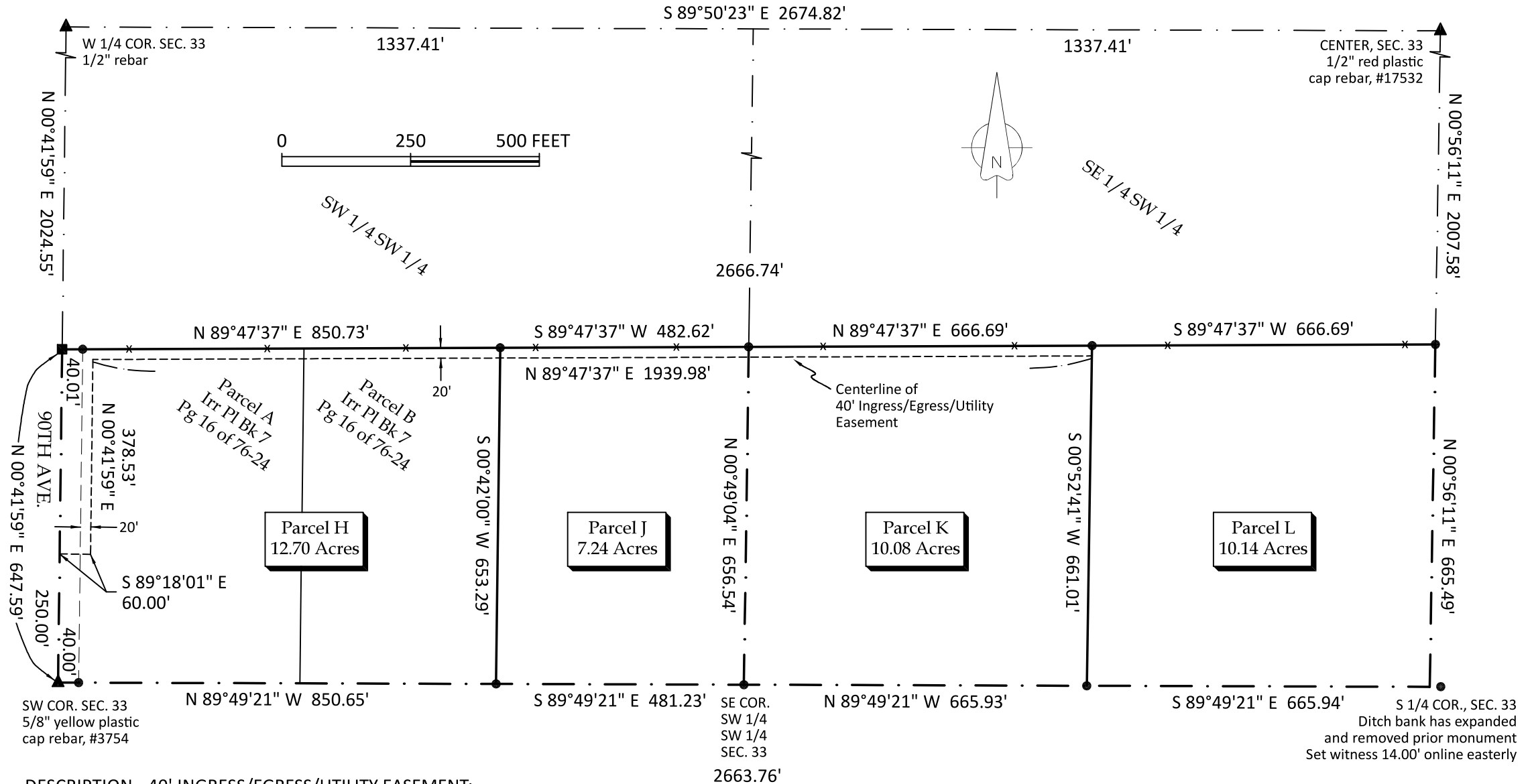
Signature Chad Daniels Digitally signed by Chad Daniels  
Date: 2023.02.21 15:38:08 -06'00'

Name (printed) Chad Daniels Date 21 February 2023

**FOR OFFICE USE ONLY:** Code to 45685 (prelim & final)  
Code to 45686 (plat of survey)

Date Received: \_\_\_\_\_  
Receipt No: \_\_\_\_\_  
Receipt Amount: \_\_\_\_\_

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <div>PLAT OF SURVEY</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  | <div>SURVEY LEGEND</div> <div>( ) - Recorded Distance/Bearing</div> <div>— — — — 40' Road Easement</div> <div>— · — · — Section line</div> <div>— x — x — Fence line</div> <div>Monuments</div> <div>▲ - Found section corner</div> <div>● - Set 1/2" red plastic capped rebar, #17532</div> <div>○ - Set 12" spike w/ brass washer, #17532</div> <div>■ - Found 1/2" rebar</div> <div>BASIS OF BEARINGS IS IA RCS ZONE 8</div>                                                                                                                            |
| <div>INDEX LEGEND</div> <div>LOCATION: S 1/2 OF SW 1/4 OF SECTION 33<br/>T 76N, R 24W, WARREN COUNTY, IOWA</div> <div>OWNER: MICHAEL &amp; DONNA WESTBROOK<br/>12955 90TH AVE., INDIANOLA IA 50125</div> <div>SURVEY FOR: (OWNER)</div> <div>PREPARED BY CHAD A. DANIELS<br/>DANIELS LAND SURVEYING, 22470 18TH LN, NEW VIRGINIA IA 50210</div> <div>RETURN TO: 515-577-2583</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <div>DESCRIPTION - PARCEL H:</div> <div>All that part Parcel A and that part of Parcel B, both recorded in Irregular Plat Book 7 Page 16 of 76-24 of the South Half of the Southwest Quarter of Section 33, Township 76 North, Range 24 West of the 5th P.M., Warren County, Iowa, described as follows; Beginning at the Southwest corner of said Parcel A; thence North 00 degrees 41 minutes 59 seconds East, 647.59 feet to the Northwest corner of said Parcel A; thence North 89 degrees 47 minutes 37 seconds East, 850.73 feet along the North lines of Parcel A and Parcel B; thence South 00 degrees 42 minutes 00 seconds West, 653.29 feet to the South lines of Parcel A and Parcel B; thence North 89 degrees 49 minutes 21 seconds West, 850.65 feet to the Point of Beginning, having an area of 12.70 Acres including 0.59 Acres of Road Easement.</div> <div>DESCRIPTION - PARCEL J:</div> <div>That part of Parcel B, recorded in Irregular Plat Book 7 Page 16 of 76-24, of the Southwest Quarter of the Southwest Quarter of Section 33, Township 76 North, Range 24 West of the 5th P.M., Warren County, Iowa, described as follows; Beginning at the Southeast corner of said Southwest Quarter of the Southwest Quarter with said point being on the South line of said Parcel B; thence North 00 degrees 49 minutes 04 seconds East, 656.54 feet to the North line of said Parcel B; thence South 89 degrees 47 minutes 37 seconds West, 482.62 feet along said North line; thence South 00 degrees 42 minutes 00 seconds West, 653.29 feet to said South line; thence South 89 degrees 49 minutes 21 seconds East, 481.23 feet to the Point of Beginning, having an area of 7.24 Acres.</div> <div>DESCRIPTION - PARCEL K:</div> <div>That part of Parcel B, recorded in Irregular Plat Book 7 Page 16 of 76-24, of the Southeast Quarter of the Southwest Quarter of Section 33, Township 76 North, Range 24 West of the 5th P.M., Warren County, Iowa, described as follows; Beginning at the Southwest corner of said Southeast Quarter of the Southwest Quarter with said point being on the South line of said Parcel B; thence North 00 degrees 49 minutes 04 seconds East, 656.54 feet to the North line of said Parcel B; thence North 89 degrees 47 minutes 37 seconds East, 666.69 feet along said North line; thence South 00 degrees 52 minutes 41 seconds West, 661.01 feet to said South line; thence North 89 degrees 49 minutes 21 seconds West, 665.93 feet to the Point of Beginning, having an area of 10.08 Acres.</div> <div>DESCRIPTION - PARCEL L:</div> <div>That part of Parcel B, recorded in Irregular Plat Book 7 Page 16 of 76-24, of the Southeast Quarter of the Southwest Quarter of Section 33, Township 76 North, Range 24 West of the 5th P.M., Warren County, Iowa, described as follows; Beginning at the Southeast corner of said Parcel B; thence North 00 degrees 56 minutes 11 seconds East, 665.49 feet to the North line of said Parcel B; thence South 89 degrees 47 minutes 37 seconds West, 666.69 feet along said North line; thence South 00 degrees 52 minutes 41 seconds West, 661.01 feet to the South line of said Parcel B; thence South 89 degrees 49 minutes 21 seconds East, 665.94 feet to the Point of Beginning, having an area of 10.14 Acres.</div> |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <div><div><div>LICENSED LAND SURVEYOR</div><div>CHAD A. DANIELS</div><div>17532</div><div>IOWA</div></div></div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  | <div>I hereby certify that this surveying document was prepared by me and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.</div> <div>Signed  21 FEB 23</div> <div>Chad A. Daniels Date</div> <div>Iowa License No. 17532</div> <div>My license renewal date is 12-31-2024</div> <div>Page No.'s covered by this seal: 1 and 2</div> |
| PROJ. NO. 2002                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  | DATE OF SURVEY: 21 FEB 2023                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | PAGE 1 of 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |



DESCRIPTION - 40' INGRESS/EGRESS/UTILITY EASEMENT:

A 40 feet wide Ingress/Egress/Utility Easement across that part of Parcel A and Parcel B, both recorded in Irregular Plat Book 7 Page 16 of 76-24 of the South Half of the Southwest Quarter of Section 33, Township 76 North, Range 24 West of the 5th P.M., Warren County, Iowa, the centerline is described as follows;  
Commencing at the Southwest corner of said Section 33; thence North 00 degrees 41 minutes 59 seconds East, 250.00 feet along the West line of said Section 33 to the Point of Beginning; thence South 89 degrees 18 minutes 01 seconds East, 60.00 feet; thence North 00 degrees 41 minutes 59 seconds East, 378.53 feet; thence North 89 degrees 47 minutes 37 seconds East, 1939.98 feet to the West line of Parcel L and the terminus of said Easement.