**PLANNING AND ZONING COMMISSION MEETING**
January 14, 2025
6:00 PM
City Council Chambers
Agenda

1. **Call to Order**
2. **Roll Call**
3. **Agenda Approval**
   A. Approval of the January 14, 2025 agenda.
4. **Minutes Approval**
   A. Approval of the December 10, 2024 meeting minutes.
5. **Public Comment**
6. **New Business**
   A. Election of Officers for 2025.
   B. Review and Consideration of the Proposed Emerald Bay Urban Renewal Plan for its Conformance with the Elevate Indianola Comprehensive Plan.
   C. Review and Discussion of Rules and Regulations of City of Indianola Planning & Zoning Commission
7. **Comments**
   A. Building Permit Report
   B. Current Projects
8. **Adjourn**

**PLANNING AND ZONING COMMISSION MEETING**
December 10, 2024
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, Al Farris, Carrie Woerdeman, Misty Darling, Lin Stecker, Jake Vice, Justin Noethe, Rich Piper.
Staff members present: Ben Reeves, Bill Mettee, Tim Little, Tara Bosteder.

## 3. Agenda Approval
A. Approval of the December 10, 2024 agenda.

Vice made a motion to approve the agenda.
Farris seconded the motion.
Motion was passed.

## 4. Minutes Approval
A. Approval of the November 26, 2024 meeting minutes.

Woerdeman made a motion to approve the meeting minutes.
Stecker seconded the motion.
Motion was passed.

## 5. Public Comment
No public comments.

## 6. New Business
A. Consider Site Plan for Indianola Veterinary Clinic Parking Lot Improvements.

Planner Mettee presented the request and related staff report.

City Manager Reeves added that this project is working closely in partnership with the developers of Emerald Bay, the city, and the Iowa DOT because of the realignment of that intersection and the alignment of the veterinary clinic's driveway/parking lot access. This road will also tie into the Kwik Star development. While the planning and zoning process is happening, Reeves said he is also working on the development agreement. This development agreement will not only help with the realignment and Kwik Star, but will also work toward opening up Fair Acres. Fair Acres is a development that has been around since the 1950s. It was recorded, but the improvements never went in, resulting in landlocked parcels. He continued that he wanted to provide a bigger picture of everything that was going on and that the developers were present to answer any questions with regard to timing and why they are looking to move forward more quickly without having all the things in line. Mettee said staff is currently working on the first review, that the deadline is tomorrow morning, and that he planned to have comments to the applicant tomorrow.

Commissioner Farris asked for clarification on ownership and zoning of the parcels involved. Mettee answered that the parcels were all owned by the same party. He continued that the project expands into parcels with different zoning, of which does not permit veterinary clinics. This would be an issue that needed to be resolved. Farris asked if they are going to apply for rezoning of those parcels. Mettee answered it is going to be one of his review comments in their comment letter.

Commissioner Farris asked what the issue was with the storm water. Mettee answered that we just needed storm water calculations, that a storm water management plan should have been submitted with the application, but hasn't yet been received. He continued that we would need to make sure the intakes and pond design is sufficient. This is something our city engineer will review once the plan is submitted.

Commissioner Farris also asked for confirmation that there are no landscaping plans. Mettee answered no and that parking lot expansions do require a landscaping plan.

Commissioner Farris commented that the commission was being asked to make a recommendation with these loose ends. Commissioner Woerdeman also stated that this request felt incomplete for the commission's consideration. She continued that it would have been good to have the rezoning request and the site plan with the complete package to consider before this request.

Commissioner Marmon pointed out the commission's options could be to table it until all the information was provided or to approve it with contingencies including the storm water and landscaping plan requirements.

Commissioner Farris stated his concern about a precedent that this approval might set for future projects.

Wally Pelds, with Pelds Design Services, addressed the commission and stated this is not their preferred method either. They like to have complete sets. He said this site plan was started back in the summer; that it's been in negotiations with the vet clinic so the city wouldn't have to condemn their property. It's been slow negotiations, which also includes the Fair Acres development which has been landlocked since the 1950s. His client, Mr. Rognes has acquired that property, and they have been trying to include it in the Emerald Bay north portion in exchange for the vet clinic donating the right of way that's necessary to make it. Otherwise, it cannot be paved in that area. It's also planned to redo their entrance, which is not currently in compliance with the DOT. He said all of these things they have been negotiating have come to a head, and they are concerned that if they get deferred, the Kwik Star deal will potentially go away. He said they've done a ton of infrastructure as well as other things. He said he had previously negotiated with Charlie, and he knows there has been staff turnover, but is not blaming anyone; it's just that this is such a unique situation - the DOT is involved, the city staff is involved, a vet clinic is involved, and there are land sellers to the north. They are all tied and intermingled together. He stated it truly is a parking lot expansion. He assures that they will get the zoning changed; the ownership group has already agreed to complete that application, it just takes time to complete as there are multiple parties in the ownership group. He said if they are unable to get the right of way, it throws their timing off. It is part of the negotiations with the vet clinic, as the vet clinic is concerned with access for their trailer traffic and large animal business. He also assured that, from their end, the detention basin is sized properly. He said there was concern about keeping the treeline as much as possible and that's why a landscape plan hasn't been submitted, because they are still tweaking it to be able to do that as much as they can. He said there is also a septic system that needs to be abandoned and plumbed a different direction. He does not have all the details on that. He continued to reiterate that to obtain approval from the vet clinic, part of the Mr. Rognes's agreement is that this parking addition gets completed in exchange for the right of way to make it a public street. He also said they will submit a landscaping plan, but he still needs to get the signatures from Mr. Rognes as well as the vet clinic. He mentioned they have already made some minor changes. He continued that this is, again, a parking lot expansion. They are tearing out everything that is there to make the grades work. And it's certainly going to improve that intersection, because the entrance was within 50 feet of the intersection which would not be approved by the DOT. He added that everything out there that is currently gravel will be paved. Additionally, he said there is a paved rear turn around space for trailers that was added so that trailers could enter through the back and not have to wind around cars in the parking lot.

Reeves added that it was important to note that while the development agreement is not yet finalized, the language is being put together and will be going through final negotiations with the developer. It is anticipated in the terms that we're working towards that the developer is doing all the site work, site plan, putting all the improvements in, negotiating all the zoning changes, doing all the work, and the city will be rebating them with TIF dollars in the back end to pay for the improvements of the veterinary clinic as well as the intersection and all those improvements therein. So we do have the confidence it will be done.

Jesse Rognes spoke to the commission. He said Bill and Ben did a good job of explaining the project, but that this has been a process and with the turnover, to the commission it looks incomplete. But to him, it's been a 2 year process for him and he's at the point with Kwik Star where they're questioning whether they'll get this road or not, is he going to make a deal with the vet clinic or not, or do they need to go do something else. It's taken a lot to get to this point and at the end of the day, what we're asking the vet clinic to do, compromise with, and give up may seem like a little piece, but to them, it's a big piece. Because when that intersection was put in, in their mind, they were wronged. In their mind, it wasn't handled properly, the proper easements obviously were never gotten at that time, or we wouldn't be sitting here right now. So he said this has been a process for him to go through for the past year plus, just to navigate those waters and get that done. Initially, he said he was told this could be included as part of their project and added to their plans. That's why if anyone has looked at their Emerald Bay plans, this was included. It was going to be a simple exchange, then he said it was no, he has run through a full site plan. He said that's where some of the back and forth delays on their end have happened as well. He acknowledged it's not the preferred method for any of them, but if this project gets tabled, he said it doesn't put them in a very good spot to be able to move forward. He continued that at the end of the day, they're cleaning up a mess, not even mentioning the Fair Acres mess he's working on cleaning up, but that is not even their driveway but is that intersection. There is no way to put a street through there without completely cutting off the vet clinic's driveway. That's the point of the realignment and the new driveways, for them to have access and access for their customers. He also said that he'd argue that this is an established lot that already has a lot of existing landscaping. They are doing a simple parking lot improvement. Also, he said they will putting them on city sewer and water eventually. Right now another problem they have is a 1 or 2 inch water service that runs south along the ditchline all the way to the Hillcrest development. So if anything ever happens there, there's a lot of pipe. He said when they get the new main in, it's one of the parts of this, that they'll tie them in. He said they would abandon their septic as well and tie them into the new sewer system when that's installed. He said in regard to the properties being zoned differently, it just popped up this week that this was a problem. He said he's already talked with the vet owners and they're fine with combining them together. He said they don't understand why it matters, but their intention is to sell it to the current operators, to which they are currently renting to. They do not intend on ever parceling them off. So whether it takes a boundary retracement or a lot tie, there's ways to quickly get through that process as well.

Commissioner Piper asked Mr. Rognes what type of time frame he has with his future customers on that property. Mr. Rognes asked which one. Piper clarified he meant any of them and continued that it sounded like he had his back against the wall with a couple of them. Mr. Rognes answered that Kwik Star wants to close and their due diligence is supposed to end December 20. They want to close following that and start building in March. They have an aggressive schedule that would have them open in June/July. He said he could share that schedule once they allow him to. He said without this piece and without the access, there's no way to make it happen. Piper pointed out that this commission is only the first step. This will have to next go to City Council. Mr. Rognes acknowledged and said he has already talked to a lot of the council members to try and get support. Piper reiterated that we could be setting a precedence here if they don't dot the i's and cross the t's. He doesn't believe there will be any pushback once everything is presented. Piper said in this format there seem to be some red flags, nothing against what has been done and the effort that has been in to this point, but he's not sure how this will be perceived even at the next level. Mr. Rognes responded that from his point of view and even speaking with some of the other developers leaving the council meeting last week, that he believes this will be a breath of fresh air. Piper acknowledged and believed that the positives were there, and Mr. Rognes continued that the perception will be that they're going in the right direction. He said that he develops around Des Moines, and he's not asking for anything that's so crazy out of line that another city wouldn't allow him to do it. Commissioner Woerdeman added that to Piper and Farris's point, while everything looks great and she's excited to see it come, she's brought site plans to cities and they will not put it on an agenda until a checklist of things have been completed. She just said she feels like the cart is a little ahead of the horse. Piper added that is why he asked about Mr. Rognes's perspective, with regard to the next planning and zoning meeting in conjunction with the following council meeting, is two more weeks too much ask for your customer. Mr. Rognes answered that yes it is, with the timeline, they are up against it. And then there's also the holidays that start to mess with the meetings. He continued that this is a simple site plan, just a parking lot expansion. He said he could point to projects he's done in other areas that he's had permits to build before the site plan was approved. So he said it comes down to the commission working with him. He said that is what he's asking for, some grace. Commissioner Vice added that with his experience and background, he's been in the same challenges before. He said he would like to see, if available, as Mr. Rognes mentioned that this was already in the PUD for the Emerald Bay development. Mr. Rognes confirmed they've always had it the plans that have been submitted to the city. He said it's been talked about since the beginning. This issue of access has been number one from the beginning because without that, nothing can go in there.

Reeves explained that where the confusion and the gap are is that there are two concurrent processes going on. You've been through a PUD, there's the development agreement, and all those processes that are going on. We're talking about negotiating and all that. But there is still the planning and zoning, City Council formal processes where you go through site plans, site plan reviews, all those types of things. To advance through each phase, you go through that standard process. It's very easy, especially with staff transitions as of late, for things to get confused; that advancing on one is not necessarily advancing on the other. Submissions coming in can create confusion and he can see that.

Mr. Rognes commented that there were times between transitions that several weeks went by where things weren't moving forward. And he doesn't know who you but that on, but he was in the middle of it.

Commission Woerdeman asked that if the commission were, theoretically, to recommend approval, what would go to City Council. Would they be considering it based on all these factors? She clarified her thought process is why bring it to planning and zoning for consideration if the approval is always given contingent that city staff says it meets everything. Mr. Reeves answered that we do need to have mature processes that do come through planning and zoning. He said Bill is doing a great job of bringing them through and now that staff is in place without interim staff, it will help to eliminate the confusion. He furthered that there are four choices. He said the commission could approve, but he does not think anyone is expecting approval as it is. The commission could approve conditionally and set those expectations of what it wants to include and require. Or the commission could table it, or deny it. He said to table it would hurt the developer the most because it requires that it comes back here to this level. Where if the commission denies it, it can still advance to City Council and these things can be gathered/put together before City Council. The only negative aspect is that it requires a super majority when it gets to City Council because it doesn't have the Planning Commission's approval. Mr. Rognes said to this point that of the four choices, he would rather the commission didn't even consider tabling it. He said with the delays that have already occurred, he's extended with Kwik Star as many times as they feel comfortable; he believes it's been 6 or 7 times. He asked if the commission would either approve with contingencies and he would work those diligently in the background to get it to Council, or to deny and he would try to get a super majority. He said that is his only chance at success with this development. He continued that he's put a lot of work into this project and the financial impact to him if this doesn't go through, he doesn't even know if it would be worth it to keep moving here.

Commissioner Farris asked that if the commission approved the site plan subject to remaining staff concerns and comments, how long would it take and would it meet the schedule to go to City Council. Mettee pointed out that he would be out of the country for the next week and wouldn't be able to put anything together for the next Council meeting, he didn't have a full application or fees paid, as well as items that had already been discussed. He would prefer to have those things before putting this on the Council agenda. That way these items don't have to be explained to the Council as they have been explained tonight. He continued that his job is to provide a complete package where staff has done our diligence and reviewed things thoroughly, leaving no unanswered questions. If this goes to the next Council meeting, he's concerned it will go the same as tonight. Commissioner Marmon clarified that if this were approved with contingencies, before it can go to Council, these contingencies would need to be met. Mettee confirmed that yes, that is his preference. Farris questioned the outcome if it were to go to Council without those contingencies being resolved. Mr. Rognes answered that the Council could still approve with contingencies that would need to be met prior to building. Mettee expressed concern that once Council approves things, we have the chance to lose our footing with a project because they've already gotten Council approval. Mr. Rognes commented that his footing is lost.

Commissioner Vice referred back to the Village. He remembered that one being approved with contingencies and questioned if that plan came back to the Planning and Zoning Commission before moving forward. Reeves answered that if it's approved with contingencies, typically two things happen. One, it doesn't come back to Planning and Zoning because it's approved, but those contingencies have to be met before it goes to council.

Commission Piper asked about the zoning precedent. He asked what the process was to get it rezoned and if there's a required public notice. Mettee answered that once he gets an application, newspaper and neighboring notices will have to go out and the timing of that will determine which meeting it is scheduled for. Mettee further commented that he's willing to do things a little bit out of order to help. He said his job is not to deny projects. It is to successfully get a project from submittal to approval and doing his part to ensure that everything is in order. He said as soon as he gets that application and the fees paid, he will start that process. Piper stated this would be something for consideration for approval to take this to the next step.

Reeves added that what we're trying to get is enough comfort to the veterinary clinic that in order to let go of their easement and to provide the easment, so the intersection can be realigned. We're going to go through the process to rezone, make it compliant, and do all the things we need to do to have this parking lot go in. And the city is concurrently working on the development agreement to help pay for that. That will give them the comfort to get the developer the easement they need. Once they have the easement they need, they can move forward and close on the property with Kwik Star because they now have the confidence they need that the road is actually going to go in.

Mr. Rognes confirmed that even after approval from Planning and Zoning as well as Council, he will still have to get a building permit before he starts building. He further explained he was under the understanding that none of the work would be taking place until all of those conditions have been met. He reiterated the aforementioned contingencies and said they weren't huge issues that they wouldn't be able to get taken care of. He said the biggest one would be the rezoning, and that is just more of a procedural time frame to get it done. The major thing they're trying to do is get that easement agreement so they can have the access to get a road in there. He noted that they wouldn't start on their site work until spring.

Commissioner Stecker commented that this project would be very beneficial for the vet clinic with more parking, better access, and the sewer/connection. Mr. Rognes followed up with a comment that the concern is also the disruption of business. He clarified that there is an owner and an operator involved. He said the operator likes it the way it is and mentioned they would probably rather be in the county. So he said there are these internal battles.

Commissioner Vice stated for confirmation that Mr. Rognes is looking for a motion that will move this project forward to give good will toward his tenant/possible tenant that this project is moving. And Vice furthered that this PUD is good for the city. It is really good for the safety of that intersection. Mr. Rognes added in that the intersection will include turn lanes and crossings for pedestrians. He said the other thing that will be in front of the commission sooner or later is that there's another big retailer that's interested in coming to that area. It's not currenly a business that's local to Iowa, so a good business to bring in. He said he received a LOI this week and they turned around with a PA today so they are serious. He continued that the schedule with Kwik Star is aggressive, that they want to start building March 17. He said they are managing this project internally and their schedule is set and they will not change, regardless of weather. He said if this project doesn't go through or move forward, he is not sure where it goes.

Commissioner Woerdeman stated she is excited for this project and doesn't have any concerns with what they're visually seeing, but her concern falls back to - would the intent be to bring this to Council next week as is without the contingent pieces in place or would it be to bring it to Council after the first of the year when the contingencies have been resolved. Mr. Rognes answered that he would like to bring it right to Council and let them approve it with additional contingencies if they're not completed by then, such as the rezoning piece, with the understanding that he won't move forward on any improvement until those pieces are completed. Reeves added that maybe another way to answer that question is in relation to the other process, to maybe share the timeline. He said perhaps because what they're looking for is leverage or contingencies. Woerdeman said where she's coming from really is what is the point of bringing a site plan to Planning and Zoning or Council if we're just saying as long as staff approves all of these contingencies. Then there's no point of us wasting time here. It might as well be a by right development where staff reviews it, which she is fine with too. Mr. Rognes interjected that's what they thought it was going to be at some point, a staff level approval on that site portion to help get this easement. That's where this started way back in the beginning for them. So exactly what was just said is what we thought the process was going to be, so when they had to go back to the vet clinic to tell them that's not the deal, we then spent two months with attorneys and $50,000. And meanwhile, there was a staff change internally and I started over.

Reeves additionally said that going back to the development agreement, it requires several steps. One of those steps is that they have to set a public hearing. We have to get the language all agreed upon and there's a lot of work in setting up a URA and a development agreement as well as having it ready in time for the 19th. The 19th would set a public hearing. It has to be at least 28 days out from the next meeting. So the development agreement side is for sure going to be at least January 20 if all the stars align. Before it can come to them, it also has to go to the Planning Commission, and a meeting with the school district and the county, where they have the opportunity to share their concerns and thoughts. So there's a lot of steps involved on the development agreement side too and we're going to be working on those, just so you know that piece is going on. With regard to this though, if the Planning Commission is feeling concerned, maybe the appropriate action so that you don't set precedent would be to deny it. Because if you do deny it, that at least sets your precedent going forward when you don't have a complete package, but it doesn't necessarily preclude the developer from being able to go to the next steps. Mr. Rognes commented that in a perfect world, the commission would approve it with contingencies. This has not been a perfect process.

Commissioner Farris said he had two questions. First, he said Reeves mentioned a fiscal aspect to the city and asked him to repeat that aspect. Reeves said subject to many steps along the way, including the approval of the City Council, it is anticipated that the city would be working with the developer to have an urban renewal area (URA) created. This creates tax dollars generated from this area, so it's the increment generated specifically from this area, not anything coming in from any other source. And this increment would be used to reimburse the developer for the aspects we just talked about - putting in the infrastructure, the intersection, the vet clinic, the park, and those different improvements that would benefit the city. The developer would be fronting, taking care of, and putting in with a renumeration with tax rebate of their own dollars coming back to them to repay for those improvements that are going in. If the developer never performs, then those rebates never come. Farris continued with his second question. He asked if the Commission were to approve this in it's incomplete state, does that put the city in any jeopardy if someone were to challenge the process. Reeves answered that he is not an attorney so he can't answer that question directly, but he said that would probably be the case if it were the City Council taking that action as an approving authority. However, this commission is a recommending body so there is a difference. Woerdeman furthered the discussion and said she felt like what was being said is that if the Commission sent a recommendation to Council and they vote to approve with contingencies not resolved, they could be creating a liability. Reeves answered possibly, but he was not an attorney. Piper added that a building permit has not been issued yet so the developer still has to go through a process to get the permit to build. Building Official Little clarified that a building permit has not been issued, but they can't start building until there's road put in. There's got to be an entrance in there somehow. Piper continued that there's a lot of steps so the question becomes what can we do to catapult these steps so that Mr. Rognes doesn't lose any business. He acknowledged that Mr. Rognes is at risk already as he's put forth a lot of money to do this. He just wants to make sure we're dotting our I's and crossing our T's. Woerdeman stated that if helps to process, just discussing, she'd be willing to make it a motion to deny us recommending so that the commission isn't holding Mr. Rognes up from going to Council and asking for a super majority. She said she would also recommend in the interim that the city attorney is able to give some advisement; that's up to Council, but it seems like there's some questions that need to be answered as far as does this create a situation where we're circumventing a documented site plan approval process and does that open up some legal concerns.

Commissioner Vice stated he doesn't see the difference between approving this one with contingencies and others in the past they've approved with contingencies. Woerdeman stated her understanding is that in the past, when it's been approved with contingencies, those contingencies are resolved before going to Council and we're specifically saying here that these contingencies will not be resolved before going to Council. Mettee added that everything the Planning Commission should see should have a review or two that's been completed as well as resubmittals to provide information to the Commission and also that everything meets requirements. He was just asked on Wednesday to bring this to this commission tonight. He said he was uncomfortable doing so because it hasn't been through a full staff review yet and he has comments in a letter that they don't even have yet as staff isn't done reviewing it. Commissioner Marmon asked if other things have been sent to Council that haven't had all the contingencies met. Mettee answered that when he brings things to Council, those comments, if they're not all addressed, it's a couple of minor outliers such as a label is incorrect. Everything is already addressed prior to Council because they are the final approval; they are who signs the resolutions. He said everything he brings to this commission he likes to have pretty well tied up and what he brings to Council he likes to have really tied up.

Commissioner Darling asked a question in relation to the zoning issue. She asked that if the street going in and the DOT involvement wasn't an issue, could someone could have theoretically laid concrete on those lots and it not have been an issue? Reeves asked for her to clarify her question. He asked if she was referring to an expansion of the existing use or if someone could lay concrete in an ag zone. Darling clarified that it's not typical that they have to go through an approval process for a parking lot getting redone. She continued to ask for confirmation that it was only because of the street coming through and the right of way; Piper added the retention pond with the calculations. Mettee answered that what triggered the major site plan was an impervious surface increase of more than 2,000 square feet. The major site plan is what requires the landscaping plans, storm water requirements, and things like that. If it were a minor site plan, it would not be brought before the Commission. Mr. Rognes commented that's why they've been kicked back and forth whether it was going to be a major or minor. He continued that he could have looked at doing this project in phases to try and work around it with the existing concrete on site, but he is in the middle of trying to get an easement that wasn't already acquired and instead of having the city help them go through some kind of condemnation process to get access and this is the route in which they were guided.

Commissioner Marmon stated she could see both sides. She said she could see why they'd want to deny it, because it could open the city up for liability issues. But she said she could also see approving it with contingencies because you can't get a building permit until those contingencies are met. Piper asked if the commission wants to narrow down what the contingencies are and vote on them. Marmon followed up saying it would be a vote inclusive of all contingencies on that approval. Piper concurred and stated that he was hearing 4 - zoning, Stormwater management plan, landscape, and Mettee added the fourth which was that it would need final platted to bring all the lots together. Piper reiterated that the motion would include those 4 contingencies. Mr. Pelds addressed the Commission with a suggestion. He said he does a lot of presentations throughout Missouri, Nebraska, and Iowa. He said he's presented at P&Z meetings where certain city engineers don't even have their staff comments back to them, yet it's already been posted on their schedule, so it's subject to whatever their review comments are. He said he would want to make sure that they're addressing Bill's comments. He said he would like to see his comments, because right now he's just guessing what they are. But he said if the Commission trusts their staff, which he said has been diligent, his recommendation, which he experiences in many places, is approval subject to addressing staff comments. Whether it goes to Council or not has sometimes been deferred depending on the jurisdiction and what the staff is comfortable with at that point. Sometimes they've taken it where there are still contingencies of things that are beyond their control, such as gas main easements, other utilities or something they don't control. Again, he said he thinks that part of this issue is that it wasn't under their control and they were originally just going to redo their entrance and move their lot down. And then it grew and grew and grew what their requirement was to get that right of way. So he thinks that they all intended to get here much faster then they actually got here. He said his request would be that the Commission approve subject to staff comments. And then, City Council; Again until he's issued a building permit, he can't pull a grading permit to do it, they won't sign off on his storm water management plan or SW permit. Again, he said this will be constructed later. He said he doesn't think there's much risk to it. And from all the different P&Z's he's been to, he said this happens 50% of the time subject to comments being addresssed. Then the question becomes whether Council will approve it subject to comments. He said they will make their best efforts to address every comment he gets. Again, he said he has to get a lot of approvals from about four different entities to make sure everyone's ok with it. The landscaping plan shouldn't be an issue. Storm water calculations he said he has, but they are potentially changing the shape of the pond because of some of the treed areas and a possible conflict with the septic that they didn't know about yet. That would be his request. He does not think it sets a bad precedent in terms of they've done it in many communities from all the people they've represented in the past. He said that is his humble request and it could even be a contingency of the site plan that construction doesn't begin until zoning is approved and the building permit is issued. But he said it shows, again, that it gives comfort to the vet clinic because they feel they got burned by the DOT. He said they see the nice entrances downstream, how everybody else got some good stuff, and they ended up with something awkward. It ended up taking 220 feet of right of way in front of their business so it was a big deal to them. He said that is his request and thanked the Commission.

Commissioner Vice had some comments for the Commission. He said he's personally seen in the past, not sure how many years, that the City of Indianola is not easy to work with. That the city has lost out on multiple development opportunities. He's personally got friends who has missed out on sales of lots because of the difficulty to work here. He said if we want to grow, he feels like we've got to be a little flexible. He said we have a big tenant coming and another one from out of state possibly coming. He said he knows there's a lot of pushback from Indianola as far as how it wants to grow and which direction, but he stated he almost moved his business out of here because of all the pushback he got from the county. He said just going through it himself, sometimes there's ways to expedite things, and that the Commission trusts Bill. He acknowledged that Bill doesn't want to push through things without having time to go through it. He said they are a recommendation board, it is a unique situation, and he believes time is of the essence.

Little added that he could speak to some of the landscaping as well. He said the vet is currently putting in a crematorium that does have a building permit where they are required to put in a landscaping screen. Mettee confirmed that is a comment he's got in his comment letter.

Commissioner Woerdeman asked Mr. Pelds if those items he just listed as almost ready would be submitted prior to Council. Mr. Pelds said yes but he would like to see the comment letter before committing to a time frame. He continued saying the staff has been great to work with through the multiple projects that they've been doing in town so that's not an issue. He said this project has just morphed into something they didn't expect. They expected it to be a minor site plan, not a lot of huge paving, just relocating that entrance and then it became when the entrance is relocated, some of those 40 foot cattle trailers can't snake through that parking lot and then all of a sudden a second entrance was needed. So it just morphed itself and that's how we ended up here; he said they were just asking for the Commission's assistance. Woerdeman confirmed that it wasn't that the project started with this much concrete that would trigger this process and it was just glossed over, it's that the amount of concrete has increased to trigger this process. Mr. Pelds concurred and commented that it triggered a complete review. He further commented that they're not currently in compliance storm water wise and everything else. He said it triggered it to make it compliant with the city code. So that's where we've ended up, but not intentionally. Vice commented that with this, not only does the vet clinic gain, but the City of Indianola gains by getting them into compliance. He said it sounds like Mr. Rognes initially just wanted to make a better entrance for them but now he's being forced to triple the parking lot. He said he feels like on good will, if they're willing to do all this stuff that was more than they planned to begin with, he thinks they are going to do their due diligence on some landscaping and SWMP plan. Piper commented that the question just becomes how does the Commission word it. He thinks there seems to be a positive vibe, they just have to word it properly. Vice said in his opinion, he like Mr. Pelds suggestion as far as putting it on staff comments. That way if one of the points is forgotten, it's covered in staff comments. Farris pointed out the Mettee has listed out four options for the Commission to choose from. Mettee mentioned that this is the first time he has not made a recommendation and has left it up to the Commission.

Commissioner Noethe stated that it seems like there's a lot more positives than negatives and concern for the Commission to be setting a precedent that will put us in a poor position in the future, which none of them wanted to continue to happen either. He said that it's the scarcity mentality to say that the future tenant is going to walk unless this happens right now, but there is a lot of time, money, energy, and effort invested to get them here to this point too. So he said he would like to see it move forward subject to the approval of staff comments.

Noethe made the motion to do that - approve the site plan subject to all remaining staff

comments.
Stecker seconded the motion.
Motion was passed with a unanimous vote.

B. Review and Consideration of the Proposed The Village Urban Renewal Plan for its Conformance with Elevate Indianola Comprehensive Plan.

City Manager Reeves presented the proposed plan.

There were no questions from the commission.

The commission unanimously concluded The Village Urban Renewal Plan is in conformance with the Elevate Indianola Comprehensive Plan.

**7. Comments**

A. Building Permit Report

No comments on the building permit report.

B. Current Projects

No comments on any current projects.

**8. Adjourn**

Darling made a motion to adjourn.
Vice seconded the motion.
The meeting was adjourned at 7:01 PM.

To: Planning and Zoning Commission

From: Bill Mettee, Senior Planner

Date: January 14, 2025

Re: Emerald Bay Urban Renewal Plan

**GENERAL INFORMATION**

The City of Indianola is proposing a new urban renewal area which is identified in the Emerald Bay Urban Renewal Plan. The proposed plan is before the Planning & Zoning Commission for a recommendation as to whether the Urban Renewal Plan is in conformity with City's Comprehensive Plan for development. The Future Land Use Map previously identified this area as low-density residential. In November 2023, the applicant submitted an application for a Future Land Use Amendment from Low-Density Residential to Regional Mixed-Use as well as a rezoning from C-2 and R-1 to PUD. Elevate Indianola does not have a classification for Planned Unit Development, however, the Zoning Ordinance outlines the Planned Unit Development as:

**The PUD District is intended to provide for the development or redevelopment of land under the control and in accordance with an approved Master Plan. The development guidelines and standards in which land uses, transportation facilities, building densities, arrangements, and types are set out in a unified Master Plan in order to provide greater flexibility of land use, development densities, and building locations than other zoning districts may allow.**

**The PUD District is intended to maximize benefits from the use of open spaces, preserve natural areas and existing tree cover, protect steep slopes, maximize aesthetics, encourage certain architectural standards for buildings, and permit mixed uses and diversity of bulk regulations without endangering the general health, safety, welfare, and land value of surrounding and internal properties. A PUD may consist of a single use or a mix of residential, commercial, and limited industrial uses, provided such PUD is compatible with the Future Land Use Map and Comprehensive Plan of the City. It is not the intent of the PUD district to be utilized to reduce or provide relief from an existing zoning regulation or requirement.**

**Elevate Indianola classifies Regional Mixed Use as:**

1. Multi-Family Residential up to 25-Dwelling Units / Acre (Special Exception Review)
2. Retail, Offices, Restaurants, Bars, Personal and Business Services and similar commercial uses, generally larger scale
3. Overnight Accommodations
4. Parks, Open Space and Trails
5. Automobile-Oriented Uses
6. Civic Uses and Places of Worship (Special Exception Review)

**PURPOSE**

The purpose of the proposed Emerald Bay Urban Renewal Plan is to stimulate, through public involvement and commitment, private investment in new commercial development and new low- and moderate-income affordable housing (LMI) within the Urban Renewal Area.

The URA is intended to promote new housing and residential development, which will attract new businesses and industry and help to retain existing businesses. The Plan also outlines the need for improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements. The Plan also intends to incentivize LMI development.

The Emerald Bay Master Plan identifies a mixed use plan that includes lots for multi-family residential development, townhome and duplex residential development, commercial uses and public parkland with a pond and trails.

**BACKGROUND INFORMATION**

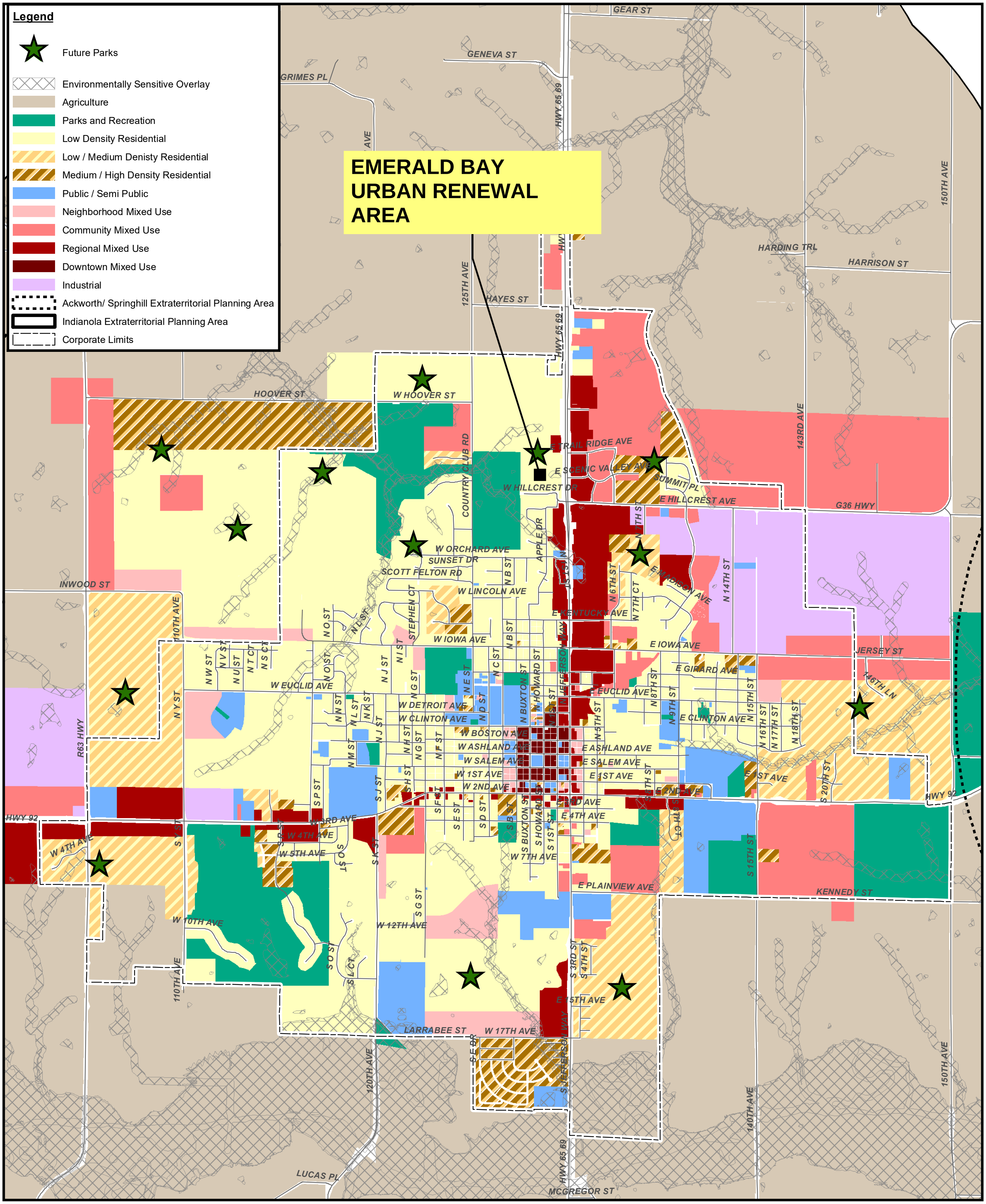
On May 18, 2020, the City of Indianola adopted its Comprehensive Plan, Elevate Indianola; a prerequisite for adopting urban renewal plans. After a comprehensive plan is adopted, the municipality may prepare, adopt, and implement an urban renewal plan for the purpose of rehabilitation, conservation, redevelopment, development, or combination thereof, of a designated urban renewal area to promote the public health, safety, or welfare of the residents of the municipality.

**STAFF RECOMMENDATION**

All goals and objectives of the Emerald Bay Urban Renewal Plan are in conformance with the City's Comprehensive Plan. Staff recommends the commission find the Urban Renewal Plan in conformance with the Elevate Indianola Comprehensive Plan.

FILE PATH: V:\Projects\2019\119.0217.01\GIS\mxd_2019-10-18_FLUP_CityZoom.mxd

SOURCES:






SNYDER & ASSOCIATES

CITY OF INDIANOLA EST. 1849

## Future Land Use Plan - City

# EMERALD BAY
# URBAN RENEWAL PLAN

## for

# EMERALD BAY
# URBAN RENEWAL AREA

## CITY OF INDIANOLA, IOWA

### January 2025

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**Emerald Bay Urban Renewal Plan**
**for**
**Emerald Bay Urban Renewal Area**

City of Indianola, Iowa

## A. INTRODUCTION

The Emerald Bay Urban Renewal Plan ("Plan" or "Urban Renewal Plan") for The Emerald Bay Urban Renewal Area ("Area" or "Urban Renewal Area") has been developed to help local officials promote economic development in the City of Indianola, Iowa ("City"). The primary goal of the Plan is to stimulate, through public involvement and commitment, private investment in new commercial development and new low and moderate income affordable housing development within the Urban Renewal Area.

In order to achieve this objective, the City intends to undertake urban renewal activities pursuant to the powers granted to it under Chapter 403 and Chapter 15A of the *Code of Iowa*, as amended.

## B. DESCRIPTION OF THE URBAN RENEWAL AREA

The Urban Renewal Area is described in Exhibit "A" and illustrated in Exhibit "B." The property included in the Urban Renewal Area has never previously been subject to the division of revenue under Iowa Code Section 403.19 as a residential project.

## C. AREA DESIGNATION

With the adoption of this Plan, the City designates this Urban Renewal Area as an area that is appropriate for the promotion of economic development (including commercial, industrial, and low and moderate income housing development).

## D. BASE VALUE

If the Urban Renewal Area is legally established, a Tax Increment Financing (TIF) ordinance is adopted to establish a TIF district in the Area, and debt related to the Area is certified prior to December 1, 2025, the taxable valuation as of January 1, 2024, will be considered the frozen "base valuation" for the portion of the Urban Renewal Area identified in the TIF ordinance. If a TIF ordinance is not adopted until a later date, or debt is not first certified prior to December 1, 2025, the frozen "base value" will be the assessed value of the taxable property within the area covered by the TIF ordinance as of January 1 of the calendar year preceding the calendar year in which the City first certifies the amount of any debt related to urban renewal projects in the Urban Renewal Area, in accordance with Iowa Code Section 403.19.

## E. DEVELOPMENT PLAN

The City has a general plan for the physical development of the City as a whole outlined in the Elevate Indianola Comprehensive Plan, adopted in May 2020. The goals and objectives of this

Urban Renewal Plan, including the urban renewal projects, are in conformity with the Elevate Indianola Comprehensive Plan.

The property in the Urban Renewal Area is currently zoned as PUD, Planned Unit Development; A-1, Agricultural; and C-2, Highway-Commercial. The property zoned as A-1 is anticipated to be rezoned as part of the PUD or as C-2. This Urban Renewal Plan does not in any way replace or modify the City's current land use planning or zoning regulation process.

The need for improved traffic, public transportation, public utilities, recreational and community facilities, or other public improvements within the Urban Renewal Area is set forth in this Plan. As the Area develops, the need for public infrastructure extensions and upgrades will be evaluated and planned for by the City.

## F. RESIDENTIAL DEVELOPMENT

One of the City's objectives for the Urban Renewal Area is to promote new housing and residential development. The City realizes that the availability of housing is an important component of attracting new business and industry, responding to new development, and retaining existing businesses.

In anticipation of expected economic development, the City has taken the position of supporting the creation of new housing opportunities, including increasing the number of lots available for the construction of new houses. Providing incentives to developers may ease the cost of extending necessary infrastructure and other factors that can make residential development more risky and less profitable.

Specially, in this Urban Renewal Area, the City intends to incentivize the development of housing for low and moderate income families, as defined in Iowa Code Section 403.17. For the purposes of Iowa Code Chapter 403, low and moderate income ("LMI") families are those households, including single person households, making no more than 80% of the median Warren County income.

## G. PLAN OBJECTIVES

Renewal activities are designed to provide opportunities, incentives, and sites to promote economic development (commercial, industrial, and LMI residential development). More specific objectives for the development, redevelopment, and rehabilitation within the Urban Renewal Area are as follows:

1. To increase the availability of housing opportunities, which may in turn attract and retain local industries and commercial enterprises that will strengthen and revitalize the economy of the State of Iowa and the City of Indianola.

2. To stimulate, through public action and commitment, private investment in new and existing commercial, industrial, and residential development.

3. To plan for and provide sufficient land for commercial, industrial, and residential development in a manner that is efficient from the standpoint of providing municipal services.

4. To help finance the cost of constructing street, water, sanitary sewer, storm water drainage, public utilities, street lighting, and other public improvements in support of new housing development.

5. To provide a more marketable and attractive investment climate through the use of various federal, state and local incentives.

6. To improve the conditions and opportunities for economic development (commercial, industrial, and residential uses).

7. To achieve a diversified, well-balanced economy providing a desirable standard of living, creating job opportunities, and strengthening the tax base.

8. To help develop a sound economic base that will serve as the foundation for future growth and development.

9. To enhance the City by fostering an entrepreneurial climate, diversifying the local economy, encouraging opportunities for new businesses, and supporting retention of existing businesses.

## H. TYPES OF RENEWAL ACTIVITIES

To meet the objectives of this Urban Renewal Plan and to encourage the development of the Area, the City intends to utilize the powers conferred under Chapter 403 and Chapter 15A, *Code of Iowa* including, but not limited to, tax increment financing. Activities may include:

1. To undertake and carry out urban renewal projects through the execution of contracts and other instruments.

2. To arrange for or cause to be provided the construction or repair of public infrastructure including but not limited to streets, curbs and gutters, water infrastructure, sanitary sewer infrastructure, public utilities, or other facilities in connection with urban renewal projects.

3. To make loans, forgivable loans, grants, tax rebate payments, or other types of economic development grants or incentives to private developers, local development organizations, or businesses to incentivize the economic development within the Area, on such terms as may be determined by the City Council.

4. To borrow money and to provide security therefor.

5. To acquire or dispose of property.

6. To provide for the construction of specific site improvements such as grading and site preparation activities, access roads and parking, fencing, utility connections, and related activities.

7. To acquire property through a variety of means (purchase, lease, option, etc.) and to hold, clear, or prepare the property for redevelopment.

8. To make or have made surveys and plans necessary for the implementation of the Urban Renewal Plan or specific urban renewal projects.

9. To use tax increment financing for a number of objectives, including, but not limited to, achieving a more marketable and competitive land offering price and providing for necessary physical improvements and infrastructure.

10. To use any or all other powers granted by the Urban Renewal Act to develop and provide for improved economic conditions for the City.

Nothing herein shall be construed as a limitation on the power of the City to exercise any lawful power granted to the City under Chapter 15, Chapter 15A, Chapter 403, Chapter 427B, or any other provision of the *Code of Iowa* in furtherance of the objectives of this Urban Renewal Plan.

## I. ELIGIBLE URBAN RENEWAL PROJECTS

Although certain project activities may occur over a period of years, the Eligible Urban Renewal Projects under this Urban Renewal Plan include:

**1. Development Agreement with Sunstone Investments, LLC:** The City expects to consider a development agreement with Sunstone Investments, LLC (or a related entity) ("the "Developer") for Developer's construction of public infrastructure improvements, LMI affordable housing units, and commercial improvements within the Urban Renewal Area. The Developer would construct and install the public infrastructure necessary to facilitate the development of the LMI housing units and commercial development, which infrastructure would be dedicated to the City following completion, at no cost to the City. In addition to the development of the housing units, the Developer is expected to bring in a Kwik Star gas station and would create additional commercial pad sites for future development. These commercial sites are expected to create new jobs within the Urban Renewal Area. The development agreement would provide detailed terms and conditions under which the City may make semi-annual Economic Development Grant payments to the Developer in the amount of up to 100% of the Tax Increment generated by development in the Urban Renewal Area. The Economic Development Grants would terminate upon the earliest of the following: (i) twenty (20) semi-annual grants have been paid to Developer; (ii) the City's ability to collect Tax Increment from the Urban Renewal Area has expired; (iii) the maximum aggregate amount of grants have been paid to Developer; or (iv) the Agreement has been terminated pursuant to its terms. The total amount of the Economic Development shall not exceed $3,883,219.

**2. Planning, engineering fees (for urban renewal plans), attorney fees, other related costs to support the urban renewal project and planning:**

| Project | Date | Estimated Cost |
|---|---|---|
| Fees and costs | Undetermined | Not to Exceed $50,000 |

## J. FINANCIAL DATA

| | | |
|---|---|---|
| 1. | Current Constitutional Debt Limit | $58,884,886 |
| 2. | Current outstanding general obligation debt | $32,375,000 |
| 3. | Proposed amount of indebtedness to be incurred: A specific amount of debt to be incurred for the Eligible Urban Renewal Projects has not yet been determined. This document is for planning purposes only. The estimated project costs in this Plan are estimates only and will be incurred and spent over a number of years. In no event will the City's constitutional debt limit be exceeded. The City Council will consider each project proposal on a case-by-case basis to determine if it is in the City's best interest to participate before approving an urban renewal project or expense. It is further expected that such indebtedness, including interest on the same, may be financed in whole or in part with tax increment revenues from the Urban Renewal Area. Subject to the foregoing, it is estimated that the cost of the Eligible Urban Renewal Projects as described above will be approximately as stated in the next column: | $3,933,219<br><br>(This amount does not include costs related to financing.) |

## K. URBAN RENEWAL FINANCING

The City intends to utilize various financing tools such as those described below to successfully undertake the proposed urban renewal actions. The City has the statutory authority to use a variety of tools to finance physical improvements within the Area. These include:

A. Tax Increment Financing.

Under Section 403.19 of the *Code of Iowa*, urban renewal areas may utilize the tax increment financing mechanism to finance the costs of public improvements, economic development incentives, or other urban renewal projects. Upon creation of a tax increment district within the Area, by ordinance, the assessment base is frozen and the amount of tax revenue available from taxes paid on the difference between the frozen base and the increased value, if any, is segregated into a separate fund for the use by the City to pay costs of the eligible urban renewal projects. Certain increased taxes generated by any new development, above the base value, are distributed to the taxing entities, if not requested by the City, and in any event upon the expiration of the tax increment district.

B. General Obligation Bonds.

Under Division III of Chapter 384 and Chapter 403 of the *Code of Iowa*, the City has the authority to issue and sell general obligation bonds for specified essential and general corporate purposes, including the acquisition and construction of certain public improvements within the Area and for other urban renewal projects or incentives for development consistent with this Plan. Such bonds are payable from the levy of unlimited ad valorem taxes on all the taxable property within the City. It may be, the City will elect to abate some or all of the debt service on these bonds with incremental taxes from this Area.

The City may also determine to use tax increment financing to provide incentives such as cash grants, loans, tax rebates, or other incentives to developers or private entities in connection with the urban renewal projects identified in this Plan. In addition, the City may determine to issue general obligation bonds, tax increment revenue bonds or such other obligations, or loan agreements for the purpose of making loans or grants of public funds to private businesses located in the Area for urban renewal projects. Alternatively, the City may determine to use available funds for making such loans or grants or other incentives related to urban renewal projects. In any event, the City may determine to use tax increment financing to reimburse the City for any obligations or advances.

Nothing herein shall be construed as a limitation on the power of the City to exercise any lawful power granted to the City under Chapter 15, Chapter 15A, Chapter 403, Chapter 427B, or any other provision of the *Code of Iowa* in furtherance of the objectives of this Urban Renewal Plan.

## L. AGRICULTURAL LAND

Because the Urban Renewal Area contains land that is defined as “agricultural land” by Iowa Code Section 403.17(3), the City must acquire consent from the owner(s) of the agricultural land prior to including such land in the Urban Renewal Area. The City has received consent from the owner of agricultural land proposed to be included in the Urban Renewal Area. A copy of the agricultural landowner agreement is attached hereto as Exhibit “C.” The original signed agreement will be placed on file in the City Clerk’s office.

## M. PROPERTY ACQUISITION/DISPOSITION

The City will follow any applicable requirements for the acquisition and disposition of property within the Urban Renewal Area.

## N. RELOCATION

The City does not expect there to be any relocation required as part of the eligible urban renewal projects; however, if any relocation is necessary, the City will follow all applicable relocation requirements.

## O. PROPERTY WITHIN URBAN REVITALIZATION AREA

The Urban Renewal Area is, or at some future date may be, located within an urban revitalization area. No tax abatement incentives in connection with the urban revitalization area will be allowed for development that occurs in the Urban Renewal Area unless expressly authorized by the City Council.

## P. STATE AND LOCAL REQUIREMENTS

All provisions necessary to conform to state and local laws will be complied with by the City and the developer in implementing this Urban Renewal Plan and its supporting documents.

## Q. URBAN RENEWAL PLAN AMENDMENTS

This Urban Renewal Plan may be amended from time to time for a variety of reasons, including but not limited to, a change in the Area, to add or change land use controls and regulations, to modify goals or types of renewal activities, to add or change urban renewal projects, or to amend property acquisition and disposition provisions. The City Council may amend this Plan in accordance with applicable state law.

## R. EFFECTIVE PERIOD

This Urban Renewal Plan will become effective upon its adoption by the City Council and will remain in effect as a Plan until it is repealed by the City Council.

With respect to the property included within the Urban Renewal Area, which is also included in a Tax Increment Financing (TIF) ordinance which designates that property as a tax increment area, the use of incremental property tax revenues or the "division of revenue," as those words are used in Iowa Code Chapter 403, is limited to twenty (20) fiscal years beginning with the first calendar year following the calendar year in which the City first certifies to the County Auditor the amount of any loans, advances, indebtedness, or bonds for urban renewal projects within the Urban Renewal Area which qualify for payment from the incremental property tax revenues of the TIF district of the Urban Renewal Area. The division of revenues shall continue on the Urban Renewal Area for the maximum period allowed by law.

At all times, the use of tax increment financing revenues (including the amount of loans, advances, indebtedness, or bonds which qualify for payment from the division of revenue provided in Section 403.19 of the *Code of Iowa*) by the City for activities carried out under the Urban Renewal Area shall be limited as deemed appropriate by the City Council and consistent with all applicable provisions of law.

## S. <u>SEVERABILITY CLAUSE</u>

If any part of the Plan is determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity of the Plan as a whole, or any part of the Plan not determined to be invalid or unconstitutional.

**EXHIBIT A**
**LEGAL DESCRIPTION OF**
**THE EMERALD BAY URBAN RENEWAL AREA**

Lots 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 in Block B; Fairacres Addition, now annexed to the City of Indianola, Warren County, Iowa;

AND

Lots 1, 2, 3 and 4 in Block C, Fairacres Addition, now annexed to the City of Indianola, Warren County, Iowa;

AND

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 in Block D, Fairacres Addition, now annexed to the City of Indianola, Warren County, Iowa;

AND

Lots 1, 2, 3, 4, 29, 30, 31 and 32 in Block E, Fairacres Addition, now annexed to the City of Indianola, Warren County, Iowa;

AND

Former 1st Avenue between Lots 9 and 10 in Block B and Lots 1 and 4 in Block C, continuing West and including the former 1st Avenue between Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 in Block D and Lots 1, 2, 3, 4 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 in Block E, Fairacres Addition, now annexed to the City of Indianola, Warren County, Iowa;

AND

Former South Bank Avenue between Lots 29, 30, 31, and 32 in Block E and Lots 1, 6 and 7 in Block F, all in Fairacres Addition, now annexed to the City of Indianola, Warren County, Iowa;

AND

Former 1st Street between Lots 3 and 4 in Block C and Lot 1 in Block D, and continuing North and including the former 1st Street between Lots 10, 11, 12, 13 and 14 in Block B and Lots 1 and 32 in Block E, and the former 1st Street adjacent to Lot 14, Block B, all in Fairacres Addition, now annexed to the City of Indianola, Warren County, Iowa;

AND

The SE 1/4 of the SE 1/4 EXCEPT the South 400 feet thereof in Section 13, Township 76 North, Range 24 West of the 5th P.M., City of Indianola, Warren County, Iowa;

AND

The full right of way of N Jefferson Way from 750 feet north of its intersection with Trail Ridge Avenue to 750 feet south of such intersection.

**EXHIBIT B**
**GENERAL DEPICTION OF THE EMERALD BAY URBAN RENEWAL AREA***
***Depiction does not include existing ROW included in Area**

**EXHIBIT C**
**AGREEMENT TO INCLUDE AGRICULTURAL LAND IN**
**THE EMERALD BAY URBAN RENEWAL AREA**

WHEREAS, the City of Indianola, Iowa, (the "City") has proposed to establish an Urban Renewal Plan ("Plan") for the Emerald Bay Urban Renewal Area (the "Urban Renewal Area"), pursuant to Chapter 403 of the Code of Iowa, in order to undertake activities authorized by that Chapter; and

WHEREAS, it has been proposed that the boundaries of land included in the Urban Renewal Area will contain certain property owned by the undersigned Agricultural Land Owner; and

WHEREAS, Section 403.17(10) of the Code of Iowa provides that no property meeting the definition in Section 403.17(3) of "agricultural land" may be included in an urban renewal area which meets the until the owners of such property agree to include such property in such urban renewal area; and

WHEREAS, it has been determined that a portion of the property located within the Urban Renewal Area and owned by the Agricultural Land Owner listed below meets the definition of "agricultural land" in Section 403.17(3) of the Code of Iowa.

NOW, THEREFORE, it is hereby certified and agreed by the Agricultural Land Owner as follows:

1. The Agricultural Land Owner hereby certifies that he/she is the owner of certain property within the proposed Urban Renewal Area and agrees that the City of Indianola, Iowa, may include such property within the Urban Renewal Area.

2. The Agricultural Land Owner further authorizes the governing body of the City of Indianola, Iowa, to pass any resolution or ordinance necessary to designate property as part of the Urban Renewal Area under Chapter 403 of the Code of Iowa, and to proceed with activities authorized under said Chapter.

DATED ______________________, 20_______

Agricultural Land Owner’s Name (print): _______________________________

Signature: _____________________________________

Print Name of Signatory:___________________________

# Rules and Regulations

**<u>Section 1: Creation.</u>** Pursuant to the provision of statues and regulations of the *Iowa Code*, Chapter 23 of the Code of Ordinances of Indianola, Iowa, and as hereinafter set forth, there is hereby created and established a Planning and Zoning Commission consisting of nine (9) members appointed by the City Council. All members of the Planning and Zoning Commission meeting shall serve without compensation.

**<u>Section 2: Membership and Terms of Office.</u>** All members shall be residents of the City of Indianola. The term of office of the members of the Commission shall commence on July 1 beginning with appointments made in 2020 and shall be five (5) years, or until a successor is appointed but in no event more than six (6) months following the end of the term. The terms of not more than one-third of the members will expire in any one year. Vacancies shall be filled in the same manner as the original appointee for the unexpired term.

**<u>Section 3: Officers.</u>** The Planning and Zoning Commission shall annually elect a Chairperson and a Vice-Chairperson from among its members at first calendar meeting of the year.

**<u>Section 4: Quorum.</u>** A majority of the current membership of the Planning and Zoning Commission shall constitute a quorum and a quorum shall be required to conduct the business of the Planning and Zoning Commission. Actions on items required to be reviewed by the Planning and Zoning Commission shall require a majority vote of the Planning and Zoning Commission membership present at the meeting. At the request of a member of the Planning and Zoning Commission and with approval of the Chairperson, the City may make provisions for members of the Planning and Zoning Commission to participate in a meeting via a conference call or other telecommunication device.

**<u>Section 5: Meetings.</u>** The Planning and Zoning Commission shall meet ~~bi-~~monthly on the second ~~and fourth~~ Tuesday of each month at 6:00 PM, or on call in the Indianola City Council Chambers. However, the Chairperson, as needed, may revise the time and/or place of meeting, or may call a special meeting, and such changes noted in accordance with the notification procedures contained herein. The Chairperson may request from the Mayor a meeting with the City Council to discuss the Planning and Zoning Commission's proceedings and activities, suggestions for policy and zoning ordinance revisions and other items relating to the Planning and Zoning Commission's duties.

**<u>Section 6: Meeting Cancelation</u>**
A Planning and Zoning Commission meeting may be canceled due to a lack of substantive agenda items to be addressed, meeting location scheduling conflicts, emergency conditions, inclement weather, or other acts of nature beyond the City's control. It is the responsibility and prerogative of the Chairperson of the Planning and Zoning Commission to cancel such meeting, and the Chairperson will notify the Community and Economic Development Director or his/her designee who will assume responsibility for notifying the media and persons affected by the cancellation, posting notice of the

cancellation as appropriate, and rescheduling the meeting as appropriate. If a scheduled meeting is canceled, the Chairperson may schedule a special meeting of the items scheduled to be conducted at the canceled meeting shall be deferred until such rescheduled meeting.

**<u>Section 7: Procedure of Meetings.</u>** The Planning and Zoning Commission shall follow the following procedure for each meeting.

1. **Call to Order**
   - **a.** The Chairperson calls the meeting to order.
2. **Roll Call**
   - **a.** The recording secretary states each member's name, who responds in turn with "present".
3. **Approval of Agenda**
   - **a.** The Chairperson determines if there are any changes or additions to the draft agenda. The Chairperson calls for a vote by roll call and the recording secretary calls each name, and the vote is recorded.
4. **Approval of minutes**
   - **a.** The Chairperson determines if there are any changes or additions to the draft minutes. The Chairperson calls for a vote by roll call and the recording secretary calls each name, and the vote is recorded.
5. **Public Comments**
   - **a.** This is time for members of the public present to address to Planning and Zoning Commission regarding matters not on the agenda. Also, correspondences received by staff regarding items not on the agenda are brought forth to the Planning and Zoning Commission at this time.

~~6. Old Business~~
   - ~~a. This includes review of motions and business not settled at the last meeting when it was adjourned.~~
   - ~~b. If there is old business, each item is acted upon individually.~~

~~7.~~6. **New Business**
   - **a.** At this point, the Planning and Zoning Commission is considering new business. Each item listed on the agenda is addressed separately.
     - **i.** The Chairperson first directs staff to present the case.
     - **ii.** Once staff is finished, the Chairperson asks the Planning and Zoning Commission members if there are any questions for staff.
     - **iii.** Once all questions have been reviewed, the Chairperson then allows the applicant to present.
     - **iv.** Once applicant is finished, the Chairperson asks the Planning and Zoning Commission members if there are any questions for the applicant.
     - **v.** Once all questions have been reviewed, the Chairperson asks whether any members of the public wish to address the Planning and Zoning Commission regarding this application. The Chairperson may rule repetitious comments out of order and may limit the amount of time each member of the public has to speak.
     - **vi.** Once all public members have been given the opportunity to speak, the Chairperson asks the Planning and Zoning Commission if there are any additional questions of staff or the applicant.

vii. After all questions are answered, the Chairperson will ask for a motion. Once a motion has been stated, the Chairperson asks for a second to the motion. After motion has been made and seconded, the Chairperson restates the motion for the record.

viii. The motion may be changed through an amendment. If no amendments are proposed, and the discussion has ended, the Chairperson calls for a vote by roll call and the recording secretary calls each name, and the vote is recorded.

ix. Once the recording secretary has completed roll call vote, the Chairperson announces the results.

x. The Chairperson may address the applicant with an overview of the result of all motion (i.e., "the Planning and Zoning Commission has approved/recommended for approval your application to the City Council. Please coordinate the next steps with the staff.)

**b.** The same procedure is used for the next new business item.

~~8.~~7. **Comments**

**a.** This item on the agenda allows the planning and zoning Planning and Zoning Commission members to note any announcements or offer comments regarding items not on the agenda.

**b.** This item on the agenda allows the staff to note any announcements or offer comments regarding items not on the agenda.

~~9.~~8. **Adjournment**

**a.** The Chairperson asks if there is any further business, and if not, the Chairperson may adjourn the meeting. If the Planning and Zoning Commission wishes to adjourn the meeting before all business is completed, the meeting must be adjourned by motion, and a second is required.

**Section 8: Amending Motions.** Motions can be amended only by the following:

**1)** Inserting or adding a word, phrase, or sentence.

**2)** Striking out a word, phrase, or sentence.

**3)** Striking out and inserting (substituting) words, phrases, sentences, or paragraphs.

After a main motion has been made and seconded, any member can propose an amendment, after being recognized by the Chairperson, by stating, "I move to amend the motion by…". Each proposed amendment must be seconded by another member to proceed. If there is a statement, the Chairperson states the main motion and the amendment, so members will understand how the proposed amendment will change the main motion. The Chairperson than ask for Planning and Zoning Commission discussion on the proposed amendment. After the discussion has ended, a vote on the proposed amendment is taken. A roll call vote is then taken, and the Chairperson announces the outcome of the vote.

**Section 9: Ex-parte Contacts.** Any contact though e-mail, phone, in-person, or in such similar fashion that a Planning and Zoning Commission member may have with a party involved, or potentially involved, in a matter before the Planning and Zoning Commission and outside of the meeting is known as an "ex-parte" contact. Any substantive information or facts that a Planning and Zoning Commission member may receive during those contacts that relates to the matter at hand shall be made a part of the public record so that it can be available for consideration or challenge by all interested parties. This shall be done by way of a public statement by the Planning and Zoning Commission member prior to the presentation of the matter under consideration at the Planning and Zoning Commissions meeting.

**Section 10: Conflict of Interest.** A Planning and Zoning Commission member shall abstain if the member believes there is a conflict of interest, particularly if the conflict is of a financial nature or otherwise. A member who elects to abstain from voting shall discuss the reason for the abstention with the Planning and Zoning Commission prior to the presentation of the matter under consideration. During the presentation and discussion of the matter under consideration, a member who plans to abstain from voting should remove him/herself from the proceedings and from taking any action on the issue or attempting to persuade any other member of the Planning and Zoning Commission to act in any specific direction. Planning and Zoning Commission members may not receive any type of gift for their own personal use or enjoyment related to transaction of their official Planning and Zoning Commission duties.

**Section 11: Continuances.** The Planning and Zoning Commission may continue a case until the next scheduled meeting to enable additional testimony to be heard, a site visit, or for other good cause by an affirmative vote of a majority of the members present and voting.

**Section 12: Removal of Planning and Zoning Commission Members.** Planning and Zoning Commission members are appointed by the City Council and may be removed at any time in accordance to Section 5.09 of the Code of Ordinances of Indianola, Iowa. The Chairperson may recommend to the City Council that a Planning and Zoning Commission member be removed for failure, (1) to attend three consecutive meetings or (2) to attend at least 1/2 of the meetings within any 12-month period.

**Section 13: Notification Procedures.** Notice of the time and place of the meetings shall be posted in the display case at the north entrance of City Hall and shall also be posted on the City's website. Notice shall be posted no later than twenty-four hours before the scheduled meeting, but every effort shall be made to post the agenda once it has been finalized by staff and meeting packets have been dispersed to the Commission. If a member of the news media has filed a request for notice with the City, they should also be notified in the same manner as outlined in this section.

ADOPTED: May 14, 2019
REVISED: March 10, 2020
~~December 13, 2022~~
January 14, 2025

________________________________ ________________________________

~~Josh Rabe~~~~Misty Soldwisch~~, Cortney Marmon,
Chairperson

~~Charlie Dissell~~, Wade Wagoner,
~~Director of Community & Economic Development~~
Chief of Development & Operations

## Community Development

110 N. First St., Indianola, IA 50125-0299 • www.indianolaiowa.gov
515-961-9430 • comdev@indianolaiowa.gov

December 2024

| Code | Type | Permits Issued | # of Units | Amount | Average |
|---|---|---|---|---|---|
| 101 | Single Family Home | 1 | 1 | $359,990.00 | $359,990.00 |
| 102 | Single Family Attach | 0 | | $0.00 | |
| 103 | Two Family | 0 | | $0.00 | |
| 104 | Three or More Families | 0 | | $0.00 | |
| | Mobile Homes | 0 | | $0.00 | |
| 322 | Service Stations | 0 | | $0.00 | |
| 324 | Office | 0 | | $0.00 | |
| 328 | Non-resident buildings | 0 | | $0.00 | |
| 329 | Pool | 0 | | $0.00 | |
| 434 | Residential Add/Alt | 3 | | $145,000.00 | |
| 437 | Non-residential add/alt | 0 | | $0.00 | $0.00 |
| 438 | Res garage/carports | 0 | | $0.00 | |
| 645 | Demo - residential | 0 | | $0.00 | |
| 649 | Demo - commercial | 0 | | $0.00 | |
| | **December Total** | **4** | | **$504,990.00** | |

| Residential Value | Commercial Value |
|---|---|
| **100.0%** | **0.0%** |

### YEAR TO DATE TOTAL

| Code | Type | Permits Issued | # of Units | Amount | Average |
|---|---|---|---|---|---|
| 101 | Single Family Home | 34 | 34 | $11,283,150.00 | $331,857.35 |
| 102 | Single Family Attach | 2 | 4 | $750,000.00 | |
| 103 | Two Family | 0 | | $0.00 | |
| 104 | Three or More Families | 0 | | $0.00 | |
| | Mobile Homes | 0 | | $0.00 | |
| 322 | Service Stations | 0 | | $0.00 | |
| 324 | Office | 0 | | $0.00 | |
| 328 | Non-resident buildings | 3 | | $5,728,875.00 | |
| 329 | Pool | 7 | | $277,741.00 | |
| 434 | Residential add/alt | 82 | | $2,139,471.36 | |
| 437 | Non-residential add/alt | 16 | | $69,126,350.00 | |
| 438 | Res garage/carports | 6 | | $144,100.00 | |
| 645 | Demo - sfd | 3 | | $0.00 | |
| 649 | Demo - commercial | 0 | | $0.00 | |
| | **YTD TOTAL** | **153** | **38** | **$89,449,687.36** | |

| Residential Value | Commercial Value | |
|---|---|---|
| **13.9%** | **83.7%** | 0.0% |