



— PLANNING AND ZONING COMMISSION —

May 14, 2019
6:00 P.M.
City Council Chambers

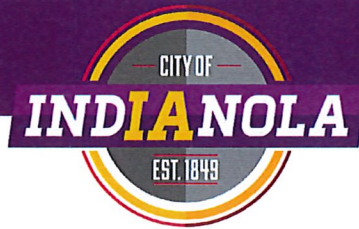
AGENDA

1. Call to Order
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes
 - A. March 12, 2019
5. Public Comments
6. Old Business
 - A. Review and approval of proposed Planning and Zoning Commission Rules and Regulations.
7. New Business
 - A. Consider request from Chad and Christine Keller for a vacation and conveyance of the east/west alley lying between 204 and 206 North Jefferson Way.
 - B. Consider request from Civil Engineering Consultants, Inc., on behalf of Doering Properties, LLC for Final Plat approval of the Quail Meadows Townhomes.
 - C. Consider amendment to Chapter 165 (Zoning Regulations), regarding notification procedures and timelines of items brought forward to the Planning and Zoning Commission, Board of Adjustment and City Council.
 - D. Consider amendment to Chapter 165 (Zoning Regulations), regarding Bed and Breakfasts.
8. Comments
 - A. Commission Members
 - B. Staff
9. Adjournment

Distribution:

Planning and Zoning Commission
Mayor/ City Council
City Manager
City Clerk
General Manager
City Attorney

Bulletin Board
KNIA/KRLS
Record Herald
Business Leader
Warren County Zoning



COMMUNITY DEVELOPMENT

AGENDA ITEM #4

Approval of Minutes





— PLANNING AND ZONING COMMISSION —

MINUTES OF REGULAR MEETING

March 12, 2019

6:00 P.M.

The meeting was called to order by Chairperson Josh Rabe and on roll call the following members were present:

Josh Rabe
Misty Soldwisch
Al Farris
Joe Butler
Erin Freeberg
Bob Ormsby
Sarah Ritchie
Ron Fridley
Becky Needles

Commission Members Absent: Jeromy Pribil

Staff Present: Charlie Dissell, Kristin Brekelmans

Public Present: Mark Putney

Chairperson Rabe requested approval of the minutes from the February 12th, 2019 meeting. The minutes were approved on a motion made by Commissioner Farris and seconded by Commissioner Needles. Question was called for and on voice vote, Chairperson Rabe declared the motion carried unanimously.

Review of approval of proposed Planning and Zoning Commission Rules and Regulations.

Charlie Dissell presented and reviewed a current draft to the Commission. Commissioners discussed the proposed rules and regulations regarding the number of Commission members going from 10 to either 9 or 11. Commissioner Farris shared concerns with Section 9: Ex-parte contacts. This section was further explained by Mr. Dissell. Commissioner Soldwisch and Chairperson Rabe shared their agreement with this section and the protections it provides the Commission, as well as providing all Commission members communications from the public rather than only a few. Commissioner Rabe asked for some rewording in sections brought up by Commissioners. Further discussion will be had at a future meeting. No call for vote or approval was made at this time.

Consider request from Mark Putney with Putney Auction Services for an amendment to Chapter 165 (Zoning Regulations), Section 09 to include "Auction Sales" in the M-2, General Industrial Zoning District as a permitted principal use.

Charlie Dissell presented this request to the Commission. Staff recommends approval of the amendment to both M-1 and M-2 zoning districts.

Motion was made by Commissioner Farris to amend Chapter 165 (Zoning Regulations), Section 09 to include "Auction Sales" in the M-2, General Industrial Zoning District as a permitted principal use. This motion was seconded by Vice Chair Soldwisch. Question was called for and on voice vote, Chairperson Rabe declared the motion carried unanimously 9-0.

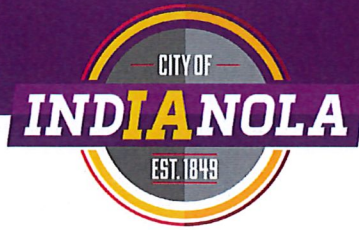
Other Business

Charlie Dissell provided updates to the Commission regarding current projects including: progress on subdivisions and preliminary plats. Kristin Brekelmans presented permit report updates for the month of February. Mr. Dissell reminded Commissioners of the "P&Z for Local Officials Workshop" training taking place at the Iowa State University Extension and Outreach in April.

Meeting adjourned on a motion by Commissioner Ritchie and seconded by Commissioner Ormsby.

Josh Rabe, Chairperson

Charlie Dissell, Director of Community Development



COMMUNITY DEVELOPMENT

AGENDA ITEM #6

Old Business





— PLANNING AND ZONING COMMISSION —

Rules and Regulations

Section 1: Creation. Pursuant to the provision of statutes 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 ten (10) members appointed by the City Council. All members of the Planning and Zoning Commission meeting shall serve without compensation.

Section 2: Membership and Terms of Office. All members shall be residents of the City of Indianola. The term of office shall be five (5) years. The expiration date for all terms of office shall be February 1. The five (5) year term of office shall be effective as of February 2. Vacancies shall be filled in the same manner as the original appointee for the unexpired term.

Section 3: Officers. 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.

Section 4: Quorum. 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.

Section 5: Meetings. The Planning and Zoning Commission shall meet monthly on the second 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.

Section 6: Meeting Cancellation

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.

Section 7: Procedure of Meetings. 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. 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. 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. 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 then 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:

Josh Rabe, Chairperson

Charlie Dissell,
Director of Community & Economic Development



COMMUNITY DEVELOPMENT

AGENDA ITEM #7

New Business





— PLANNING AND ZONING COMMISSION —

To: Planning and Zoning Commission
From: Charlie E. Dissell, AICP, Community and Economic Development Director
Subject: May 14, 2019 Meeting
Re: Item # 7.A: Consider request from Chad and Christine Keller for a vacation and conveyance of the east/west alley lying between 204 and 206 North Jefferson Way.

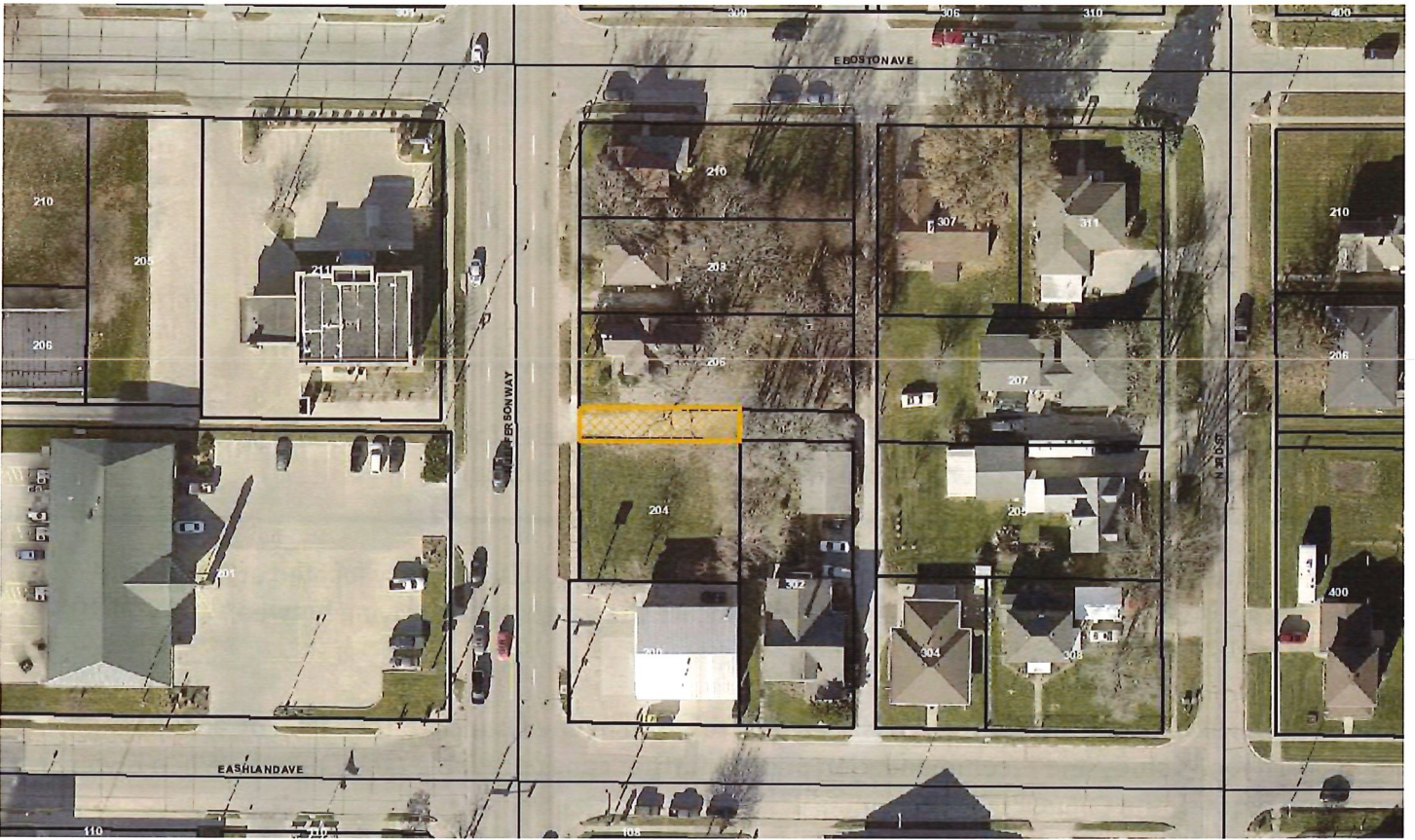
The City is in the process of selling the Dangerous and Dilapidated (D&D) property located at 204 North Jefferson Way. As part of the purchase, a request to vacate the east/west alley lying between 204 and 206 North Jefferson Way has been received.

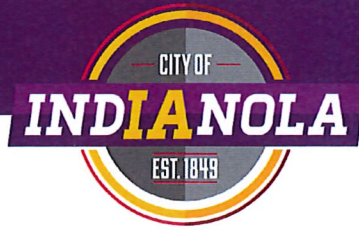
Prior to the vacation of an alley, the proposal shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. When reviewing a vacation request, the Council shall determine if:

1. The street, alley, portion thereof or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

The map on the next page shows the area of the alley proposed to be vacated (in orange). The alley proposed to be vacated is improved and provides access at an uncontrolled intersection along North Jefferson Way. The Keller's own the lot to the north which abuts this alley, which is 206 North Jefferson Way. On the south side, the City owns the D&D lot on the west side which abuts this alley for 84.5' (204 North Jefferson Way) and Larry Pierce owns the lot on the east side which abuts this alley for 60' (302 East Ashland Avenue). Staff attempted to get Mr. Pierce to agree to the full vacation of this alley, but he was not agreeable. As such, the subject request is to vacate the portion of the alley which is adjacent to the D&D lot. Mr. Pierce has voiced his opposition to any vacation of this alley as he uses it to access his garage, and the doors to his garage front the alley. No portion of the alley adjacent to Mr. Pierces lot is proposed to be vacated, and access will still be provided to the portion of the alley adjacent to Mr. Pierce's property through the north/south alley that intersects East Ashland and East Boston Avenues. Staff has requested an opinion from legal council on this matter, and so long as the City is not removing reasonable access to Mr. Pierce's garage, the vacation can be considered by the Council.

As this portion of alley is not needed for public use, and the only known use is to a single property owner, the maintenance of this portion of the alley at the publics expense is no longer justified. Additionally, vacating this alley will not deny any owners reasonable access to their property. As such, staff recommends approval of the alley vacation request.





COMMUNITY DEVELOPMENT

AGENDA ITEM #7 B





— PLANNING AND ZONING COMMISSION —

To: Planning and Zoning Commission
From: Charlie E. Dissell, AICP, Community and Economic Development Director
Subject: May 14, 2019 Meeting
Re: Item # 7.B. Consider request from Civil Engineering Consultants, Inc., on behalf of Doering Properties, LLC for Final Plat approval of the Quail Meadows Townhomes.

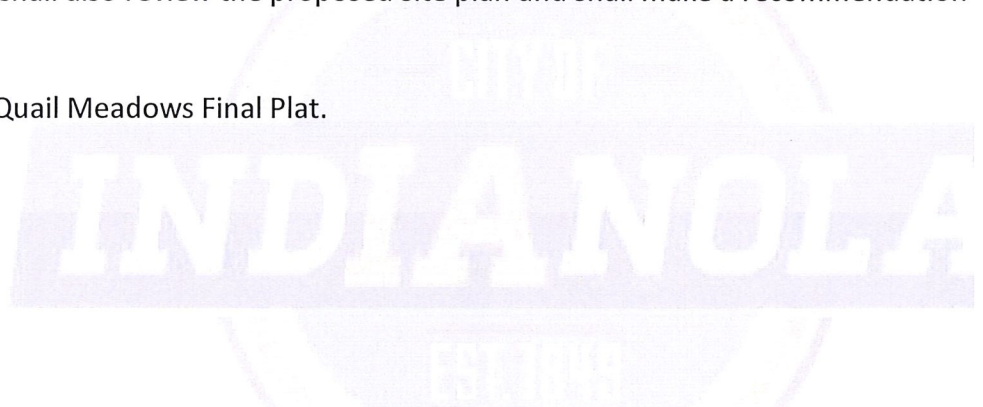
Civil Engineering Consultants, Inc., on behalf of Doering Properties, LLC, have requested approval of the Final Plat of the Quail Meadows Townhomes, located on the north side of East Hilcrest Avenue between North 9th Street and the Summerset Trail.

After review of the final plat, staff has concluded that all necessary requirements are included on the final plat, and that all items approved as part of the preliminary plat are shown on the final plat. As the Commission will recall, a waiver was approved as part of the preliminary plat to allow the lots to exceed the depth to width ratio of 2.5 to 1. Further, there is an existing buffer easement on Lot 21, which is the subject lot being divided, from the original plat of Quail Meadows. This buffer was placed on this lot as it used to be zoned M-1, Limited Industrial, and was surrounded by R-3, Mixed Residential. As this lot is now zoned R-3, the buffer is no longer need, and is not being carried over onto this plat.

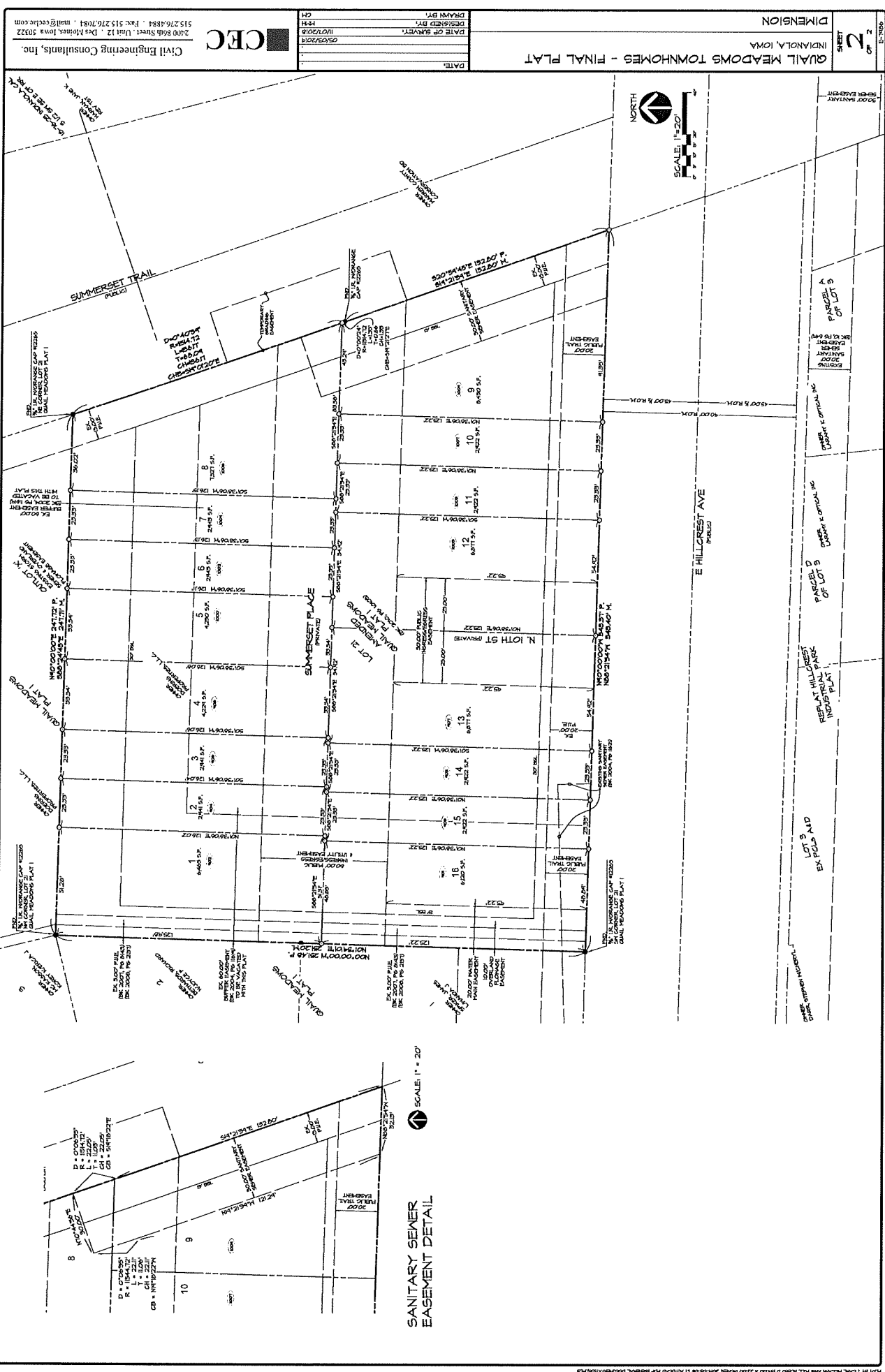
The subject lot is currently being developed and improvements are being installed. The road will be private, and not maintained by the City. No Certificate of Occupancy will be issued until all improvements have been completed.

The Planning and Zoning Commission shall examine the plat as to its compliance with this Code of Ordinances, and the Comprehensive Plan and within thirty (30) days, submit a recommendation to the Council. The Planning Commission shall also review the proposed site plan and shall make a recommendation to Council for action.

Staff recommends approval of the Quail Meadows Final Plat.



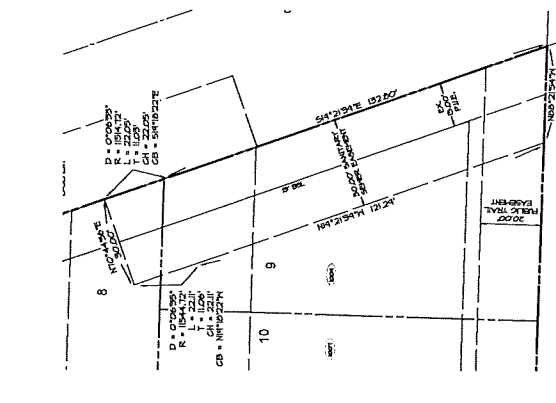
11/11/2019 11:11:11 AM



DATE: 10/27/2010
DRAWN BY: JH
DESIGNED BY: JH
CHECKED BY: JH
DATE OF REVIEW: 10/27/2010
CIVIL ENGINEERING CONSULTANTS, INC.
2400 84th Street, Unit 12, Des Moines, Iowa 50322
515.276.4884, Fax: 515.276.7084, mail@cecinc.com

INDIANOLA, IOWA
DIMENSION
SHEET 2
QUAIL MEADOWS TOWNHOMES - FINAL PLAT

SANITARY SEWER
EASEMENT DETAIL
SCALE: 1" = 20'





COMMUNITY DEVELOPMENT

AGENDA ITEM #7 C





— PLANNING AND ZONING COMMISSION —

To: Planning and Zoning Commission
From: Charlie E. Dissell, AICP, Community and Economic Development Director
Subject: May 14, 2019 Meeting
Re: Item # 7.C: Consider amendment to Chapter 165 (Zoning Regulations), regarding notification procedures and timelines of items brought forward to the Planning and Zoning Commission, Board of Adjustment and City Council.

Staff has requested an amendment to Chapter 165 (Zoning Regulations), regarding notification procedures and timelines of items brought forward to the Planning and Zoning Commission, Board of Adjustment and City Council.

Newspaper Publications

Currently, City Code requires at least 15 days' notice of a public hearing regarding changes to the regulations and zoning district boundaries of Chapter 165, and Board of Adjustment hearings to be published in a newspaper having general circulation in the City. However, Section 414.4 of the Iowa Code requires that at least 7 days', and no more than 20 days', notice of a public hearing regarding changes to the regulations and zoning district boundaries be given. Further, Iowa Code does not require notice of hearing be published for Board of Adjustment Hearings.

The City currently publishes notifications in the Indianola Record Herald, which publishes on Wednesday. Since the paper only publishes on Wednesday, in order for the City to meet the current 15-day requirement of City Code, we have to publish notice in the paper 20 days prior to a City Council Meeting and 15 days prior to a Board of Adjustment meeting (as the City Council holds the official public hearing on items brought forward by the Commission, no public hearing notice is required to be published in the paper for Planning and Zoning Commission Meetings). As the paper requires six-days' lead time to have a notice published in the paper, a minimum of 26 days prior to a City Council Meeting and 21 days prior to a Board of Adjustment meeting is needed.

Staff is requesting that City Code be amended to match the requirement of Iowa Code, as it pertains to notices published in the newspaper, to require that at least 7 days', and no more than 20 days', notice of a public hearing regarding changes to the regulations and zoning district boundaries be given, and that there be no requirement to publish hearing in the newspaper for Board of Adjustment Hearings. This change will decrease the lead time needed for Board of Adjustment Meetings by one week, allowing faster timelines for applicants who need an approval from the Board of Adjustment. While the proposed change would not change time frame for Council meetings, it does update City Code to match the requirements of Iowa Code, and would allow more flexibility with notification procedures if ever needed.

First Class Mail Notifications

Depending on application types, the number of days notices shall be mailed prior to a meeting type is either 10 or 15 days. City Council policy requires notice of the Commission meeting shall be sent by first class mail 10 days prior to the meeting to all property owners within 200 feet of a proposed amendment to the zoning district boundaries. For residential development on lots exceeding one acre, and for off-street parking as a permitted accessory use or structure, a notification of 15 days is required. Staff is proposing the make this requirement more consistent across the board with a 10-day requirement for all mailed notices, which would match the amount of time the City Council has set in their policy for a rezoning. Additionally, staff is proposing a change to the period for which signs shall be posted on site for a rezoning from 15 days to 10 days prior to the Commission meeting. Lastly, where the requirement for notices published in the newspaper for Board of Adjustment hearings is being requested to be removed, staff proposes to add a requirement for mailed notices being sent to property owners within 200 feet of a proposed variance or special exception. This will provide a better notice to those property owners who may not see a notice published in the newspaper.

The proposed changes are attached, with insertions shown in red and underlined, and deletions shown in red a struck-out.

165.38 CHANGES AND AMENDMENTS. The regulations and restrictions imposed in the districts, and the boundaries of the districts created by this chapter may be amended from time to time by the Council, but no such amendment shall be made without public hearing before the Council and after a report has been made upon the amendment by the Commission. Not less than seven nor more than 20 At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper having general circulation in the City. The Commission shall not make any recommendation to the Council on an amendment to the zoning district boundaries until a sign ~~eighteen (18)~~ inches by ~~twenty-four (24)~~ inches indicating the zoning change amendment requested has been prepared and posted by the City in a visible location on the premises for a period of ~~fifteen (15)~~ 10 days. Notice of the Commission meeting shall be mailed by first class mail 10 days prior to the meeting to all property owners within 200 feet of a proposed amendment to the zoning district boundaries. In case the Commission does not approve the change amendment or, in the case of a protest filed with the Council against a change in an amendment to district boundaries signed by the owners of ~~twenty (20)~~ 20 percent ~~(20%)~~ or more either of the area of the lots included in such proposed change amendment or of those immediately adjacent thereto and within ~~two hundred (200)~~ feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths ~~(3/4)~~ of all the members of the Council.

165.35 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT. The Board of Adjustment has the following powers and duties:

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this chapter.
2. Special Exceptions;. Conditions Governing Applications; Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specially authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions with such conditions and safeguards as are appropriate under this chapter and to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board of Adjustment unless and until:
 - A. A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.
 - B. Notice of the hearing shall be mailed by first class mail 10 days prior to the hearing to all property owners within 200 feet of a proposed special exception.~~Notice shall be given at least fifteen (15) days in advance of the public hearing by publication in a newspaper of general circulation in the City.~~
 - C. The ~~public~~ hearing shall be held. Any party may appear in person, or by agent or attorney.
 - D. The Board of Adjustment shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest. In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter and punishable under Section 165.23 of this chapter. The Board of Adjustment shall prescribe a time limit within

which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

3. Variances: Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

A. A written application for a variance is submitted demonstrating:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- (2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
- (3) That the special conditions and circumstances do not result from the actions of the applicant;
- (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

B. **Notice of the hearing shall be mailed by first class mail ten 10 days prior to the hearing to all property owners within 200 feet of a proposed special exception.**~~Notice of public hearing shall be given as in subsection 2(B) above.~~

C. The ~~public~~ hearing shall be held. Any party may appear in person, or by agent or by attorney.

D. The Board of Adjustment shall make findings that the requirements of paragraph A of this subsection have been met by the applicant for a variance.

E. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

F. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under Section 165.23 of this chapter. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

A-1, R-1, R-2, R-3, R-4 Table:

SPECIAL REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT ON LOT EXCEEDING ONE (1) ACRE

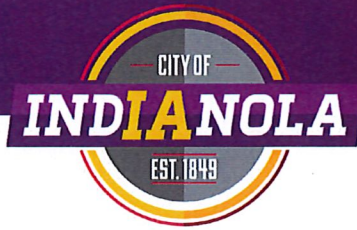
1. All proposals for residential development shall be submitted to the Planning and Zoning Commission for review.
2. Notice of the proposed site plan for residential development shall be mailed to all property owners of record located within 200 feet of the proposed site for development ~~15~~**10** days prior to the next Planning and Zoning Commission meeting.
3. Planning and Zoning shall make a recommendation to Council for action.
4. The following applicants shall be excluded from the forgoing special requirements: Agriculture, horticulture, dairy, livestock, and poultry and general farming; single-family dwellings; parks, playgrounds, or play fields, cemetery or mausoleum; golf courses and country clubs except miniature course or driving ranges operated for a profit; railroads, public utilities and communication towers; bed and breakfast; additions and general improvements to the above existing permitted principal uses and structures prior to the effective date of Ordinance No. 1431.

R-1, R-2, R-3, R-4 Table:

SPECIAL REQUIREMENTS FOR OFF-STREET PARKING AS A PERMITTED ACCESSORY USE OR STRUCTURE

1. Before any improvements are made a building permit is required and all improvements shall comply with Chapter 166, Site Plan Review, of this Code of Ordinances.
2. All off-street parking must lie adjacent to a C-2 (Highway Commercial) zoning classification and be located within 300 feet of the right-of-way lines of U.S. Highways 65-69 (Jefferson Street) or Iowa Highway 92 (Second Avenue).
3. A public sidewalk shall be installed along the entire side or sides of the property that abut all public streets or highways.
4. A six foot high double-face opaque wooden fence or a six foot high masonry wall with face brick, stucco or a similar finished surface shall be constructed toward the remaining R-1, R-2 or R-3 zoning classifications.
5. All vehicle traffic shall enter and exit the off-street parking directly onto U.S. Highways 65-69 (Jefferson Street) and Iowa Highway 92 (Second Avenue).
6. Procedure:
 - A. Twelve (12) copies of the site plan must be submitted at least twenty (20) days prior to the next regularly scheduled Planning and Zoning Commission meeting.
 - B. Names and addresses of property owners within two hundred (200) feet of the site plan must be shown on the site plan.
 - C. Letters of notification must be sent to property owners within two hundred (200) feet of the site plan at least ~~15~~**10** days prior to the next regularly scheduled Planning and Zoning meeting.
 - D. All required information as listed under Section 166.06 of this Code of Ordinances must be shown on the site plan.
 - E. Within forty-five (45) days after receiving the application for site plan review, the Commission shall recommend to the Council to either approve, approve subject to conditions, or disapprove the site plan.

F. Within thirty (30) days after receiving the recommendation from the Commission, the Council shall hold a public hearing and first consideration of the proposed site plan. The proposed site plan must be considered and voted on for passage at two (2) Council meetings prior to the meeting at which it is to be finally passed, unless this requirement is suspended by a recorded vote of not less than three-fourths of the Council members. If the proposed site plan fails to receive sufficient votes for passage at any consideration, the proposed site plan shall be considered defeated.



COMMUNITY DEVELOPMENT

AGENDA ITEM #7 D





— PLANNING AND ZONING COMMISSION —

To: Planning and Zoning Commission
From: Charlie E. Dissell, AICP, Community and Economic Development Director
Subject: May 14, 2019 Meeting
Re: Item # 7.D: Consider amendment to Chapter 165 (Zoning Regulations), regarding Bed and Breakfasts.

Staff has requested an amendment to Chapter 165 (Zoning Regulations), regarding Bed and Breakfasts.

After an inquiry was made regarding a possible Bed and Breakfast at 805 North B Street, which is the former Simpson College Alpha Chi Omega home, staff identified several discrepancies in bed and breakfast regulations in the zoning regulations of Chapter 165.

Currently, the definition for “Boardinghouse/bed and breakfast” is a building other than a hotel where, for compensation and by arrangement, meals and lodging are provided for two (2) or fewer family(ies) that are overnight guests and where no food is served to the general public.

Bed and Breakfast are allowed by right in the A-1, Agricultural District, R-3 Mixed Residential District and R-4 Multiple Family District. In those districts, the parking requirement for bed and breakfast is 1 space for every 2 beds with all spaces on site or on a lot adjacent to the site or directly across the street or alley from the site.

The use is allowed by special exception in the R-1 Single-Family Residential District, provided that

- a) if the use ceases for more than six months the use shall revert back to a permitted principal use;
- b) occupancy is limited to four guests units (e.g. families, couples or individuals);
- c) required off-street parking shall be one space for each guest unit and two spaces for the resident;
- d) signage is limited to a maximum of three square feet mounted flush to the building;
- e) require 10 day written notification to property owners within 200’ of the proposed location before Board of Adjustment hearing;
- f) no meals served to people other than overnight guests; and
- g) the entire property is either located within 600 feet of the Simpson College Campus bounded by Clinton Avenue, E Street, Girard Avenue and Buxton Street, or the lot size is 3 acres or more.

Special exceptions are reviewed and approved by the Board of Adjustment and are not allowed by right.

After review, staff has the following comments:

1. The definition would require that meals be provided with lodging. While most bed and breakfast type establishments do provide meals, does the City want to require that meals be provided for these establishments? Staff recommends removing this as a requirement and making it an option to provide meals.
2. The definition states that lodging is only provided for two or fewer families. However, in the R-1 zoning district language, it states that occupancy is limited to four guest units. The definition needs to match the special exception requirements in the R-1 district. When it comes to the R-1 zoning district, those are reviewed on a case by case basis by the Board of Adjustment. For example, the subject home at 805 North B Street provides a unique opportunity for the community. This home is not a viable single-family dwelling based off its size and number of rooms. If the property owner can meet parking requirements, and a public hearing is held with neighbors being notified, should the Board of Adjustment be limited to approve a request to an arbitrary number of guests? In researching other metro communities, while some have restrictions on the number of rooms/occupants that can stay at a Bed and Breakfast, most do not. Of those that do not, most require a special exception, or similar process, that is approved by the Board of Adjustment. Staff recommends removing restrictions on the number of guests or families and letting these be decided on a case by case basis.
3. Parking requirements differ between the R-1 zoning district, and the A-1, R-3 and R-4 districts. This should be consistent. Staff recommends using the parking requirement for the A-1, R-3 and R-4 districts in the R-1 District.

The proposed changes are attached, with insertions shown in red and underlined, and deletions shown in red a struck-out.

6. "Boardinghouse/bed and breakfast" means a building other than a hotel, where, for compensation and by arrangement, ~~meals and~~ lodging ~~are is~~ provided for ~~two (2) or fewer family(ies) that are~~ overnight guests. Meals may be provided to guests, however, and where no food is meals shall be served to the general public. For the purposes of this term, a guest is a person who rents a room for no more than 30 consecutive days

SPECIAL EXCEPTION USES AND STRUCTURES (R-1, SINGLE-FAMILY RESIDENTIAL)

4. Bed and Breakfast, provided that (a) if the use ceases for more than six months the use shall revert back to a permitted principal use; (b) ~~occupancy is limited to four guests units (e.g. families, couples or individuals); (c)~~ required off-street parking shall be 1 space for every 2 beds with all spaces on site or on a lot adjacent to the site or directly across the street or alley from the site one space for each guest unit and two spaces for the resident; (d) signage is limited to a maximum of three square feet mounted flush to the building; (e) require 10 day written notification to property owners within 200' of the proposed location before Board of Adjustment hearing; (f) no meals served to people other than overnight guests; and (g) the entire property is either located within 600 feet of the Simpson College Campus bounded by Clinton Avenue, E Street, Girard Avenue and Buxton Street, or the lot size is 3 acres or more.

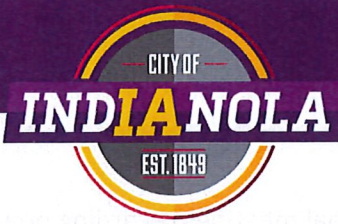


COMMUNITY DEVELOPMENT

AGENDA ITEM # 8

Community Development Permit & Project Updates





COMMUNITY DEVELOPMENT

To: Ryan J. Waller, City Manager
From: Charlie E. Dissell, AICP, Community and Economic Development Director
Subject: Current Projects Update-May 3, 2019

The purpose of this memorandum is to provide a brief synopsis of different projects that may be of interest to the Council.

- McConnell Subdivision Preliminary Plat
 - City Council approved on January 22, 2019
- Quail Meadows Townhomes Preliminary Plat
 - City Council approved on January 22, 2019
 - Developer met with Warren County Conservation on February 13 regarding easements for sanitary sewer crossing along Summerset Trail.
 - Site work has begun, and the sanitary sewer extension has been completed.
 - The Final Plat has been submitted and will be reviewed by the Planning and Zoning Commission on May 14.
- Prairie Glynn Plat 2
 - Construction plans have been submitted and will be approved once changes are made.
- Autumn Ridge Subdivision
 - City Council has authorized staff to work with the developer on a possible development agreement for Autumn Ridge Plat 3.
- West Hills Brewery (219 West Salem Avenue)
 - City staff held a pre-application meeting with business owners on January 25
 - Plans submitted for a new brewery on January 30.
 - City staff held follow-up meeting with applicant on February 21 on plan review comments regarding the need for a fire sprinkler system.
 - Chief Chia has approved a variance to the automatic sprinkler requirement due to an undersized water main along West Salem Avenue. A Condition of this variance calls for the installation of a fire alarm/smoke detection system and the applicant signing a hold harmless agreement.
 - Council approved the hold harmless agreement on April 15.

- Missouri Valley JATC Training Facility
 - Site Plan for this project was submitted on April 3 to the City and is being reviewed by Staff and City Engineer.
 - City Staff has also held internal meetings regarding new road alignment within the industrial park expansion.
 - City staff meet with the Missouri Valley on May 1 to discuss access to this site and possible road upgrades/funding.
- Gritt Performance (983 East Hillcrest Avenue)
 - Site Plan for this project has been submitted to the City and is being reviewed by Staff and City Engineer.
 - Plan review comments returned to applicant on February 20.
 - Updated site plans were resubmitted on March 4.
 - Updated comments returned on March 18.
 - Updated site plans were resubmitted on March 26.
 - Site Plan was approved on April 8.
 - Staff met with the property owner on April 10 to discuss preliminary building plans.
- Ace Hardware (506 North Jefferson Way)
 - City staff held a pre-development meeting on this project on February 22.
 - The project would include the demolition of the existing car wash, and a new building.
 - The existing Mudslingers Coffee Shop would remain.
- 204 North Jefferson Way
 - D&D property
 - City Council directed staff to move forward on an offer on this lot.
 - Staff is working to schedule the alley vacation and draft a development agreement.
- New Heights Church (309 East Hillcrest Avenue)
 - Project engineer contacted the City on February 7 to clarify plan review comments.
 - Updated Site Plan was received on March 7.
 - Updated comments returned to applicant on March 20.
- Chumbley's Auto Care (110 South Jefferson Way)
 - Staff meet with the business owner on March 15 to discuss plans for future building.
 - Staff has submitted preliminary comments on the site plan to the business owner.
- Warren County Courthouse (115 North Howard Street)
 - Staff has continued to meet with the General Contractor on this project to discuss site layout, utilities, closures, haul routes, etc.
 - Staff compiled a comment and questions to the County's contractor and design team on March 27. Staff received a response to this letter on April 12.
 - Staff is working with the County on scheduling a presentation update at a future Council Meeting.

- Hillcrest TIF Update

- Staff submitted all preliminary information to Attorneys to begin to TIF Update process on March 11.
- The consultation meeting with affected taxing entities (Warren County and Indianola School District) took place on April 24.
- The public Hearing for the first amendment is tentatively scheduled for May 20.

**CITY OF INDIANOLA
BUILDING PERMITS**

Mayor,
Council,

April-19

<u>Code</u>	<u>Type</u>	<u>Permits Issued</u>	<u>Amount</u>	<u>Average</u>	<u>Non-Taxable</u>
101	Single Family Home	5	\$1,566,000	\$313,200.00	\$0
102	Single Family Attach	0	\$0		\$0
103	Two Family	0	\$0		\$0
104	Three or More Families	0	\$0		\$0
322	Service Stations	0	\$0		\$0
324	Office	0	\$0		\$0
328	Non-resident buildings	0	\$0		\$0
329	Pool	0	\$0		\$0
434	Residential Add/Alt	7	\$314,375	\$44,910.71	\$0
437	Non-residential add/alt	1	\$38,966	\$38,966.00	\$0
438	Res garage/carports	3	\$33,300	\$11,100.00	\$0
645	Demo - sfd	3	\$0		\$0
649	Demo - commercial	1	\$0		\$0
April Total		20	\$1,952,641		\$0
<u>Residential Value</u>		<u>Commercial Value</u>		<u>All Non-Taxable</u>	
98.0%		2.0%		0.0%	

YEAR TO DATE TOTAL

<u>Code</u>	<u>Type</u>	<u>Permits Issued</u>	<u>Amount</u>	<u>Average</u>	<u>Non-Taxable</u>
101	Single Family Home	22	\$3,071,877	\$139,631	
102	Single Family Attach	0	\$0		
103	Two Family	0	\$0		
104	Three or More Families	0	\$0		
322	Service Stations	0	\$0		
324	Office	0	\$0		
328	Non-resident buildings	1	\$150,000	\$150,000	
329	Pool	0	\$0		
434	Residential add/alt	19	\$528,699	\$27,826	
437	Non-residential add/alt	3	\$84,260	\$28,087	
438	Res garage/carports	5	\$54,300	\$10,860	
645	Demo - sfd	4	\$0		
649	Demo - commercial	1	\$0		
YTD TOTAL		55	\$3,889,136	\$70,712	
<u>Residential Value</u>		<u>Commercial Value</u>		<u>All Non-Taxable</u>	
94.0%		6.0%		0.0%	

BUILDING & ZONING
Building Permit Detail

April 2019

645	36	Larry Champlin <u>Demolition - Garage</u> 209 South G Street Fairview Lots 10 & 11 Blk 4	\$0	4/1/2019
101	37	Sun Dance Homes <u>Duplex</u> 908 & 910 South Y Street Deer Run Plat 6 Lot 18-19	\$492000	4/1/2019
437	38	Tom Gorgas - State of Iowa <u>Commercial Alteration</u> 1812 N 7th Street Hillcrest Industiral Park Plat 2 Lot 3	\$38966	4/1/2019
434	39	Horton Robinson Construction <u>Basement Finish</u> 1220 Wesley Lane IND Land IN SEC UNIT 1220 Lot 1 Pcl P S 1/2 NW & NE SW	\$29700	4/2/2019
101	40	Sage Homes/ Eric & Diane Lane <u>Single Family Dwelling</u> 640 N N Street Cavitt Crek Estates Plat1, Lot 24	\$274000	4/8/2019
101	41	Ground Breaker Homes <u>Single Family Dwelling</u> 1308 S L Court Deer Creek Plat 2 Lot 1	\$200000	4/8/2019
438	42	Rasko Construction LLC <u>Garage Addtiion</u> 901 E Franklin Williams Sub Div 06107 Lot 9 Blk 2	\$18000	4/10/2019

BUILDING & ZONING
Building Permit Detail

April 2019

434	43	Blackstone Exteriors, LLC <u>Fire Repair</u> 1514 W Euclid Ave Western Heights Add Plat 2 Lot 5	\$120000	4/11/2019
434	44	Charles Burgin <u>Deck Repair/Replacement</u> 1207 South R Street Lot 13 Deer Run	\$500	4/12/2019
434	45	Kenneth Doss <u>Addition</u> 226 W Salem Ashton Park Plat 6 Lot 4	\$76000	4/12/2019
649	46	G & G Lanwcare & Landscaping <u>Demo - Commercial</u> 506 N Jefferson Way Auditors Out Lots OL 99 EX W 5.5' & EX N 77' & OL 101 EX N 243.42'	\$0	4/18/2019
645	47	G & G Lanwcare & Landscaping <u>Demo - SFD</u> 400 E 1st Ave East Indianola Lot 7 & W 15' Lot 8 Blk 11	\$0	4/18/2019
434	48	Peggy R Cutts <u>Basement Finish</u> 400 S 8th Court, Unit 9 The Meadows Plat 1 Phase III Lot 3 Unit 9	\$7600	4/19/2019
101	49	Orton Homes <u>Single Family Dwelling</u> 1310 S 9th Street Lincoln ridge Plat 4 Lot 5	\$300000	4/19/2019

BUILDING & ZONING
Building Permit Detail

April 2019

101	50	Orton Homes <u>Single Family Dwelling</u> 1009 E Madison Ave Lincoln Ridge Plat 4 Lot 21	\$300000	4/22/2019
434	51	Jerry's Homes <u>Basement Finish</u> 1703 E Clinton Ave Ashton Park Plat 6 Lot 4	\$15000	4/21/2019
438	52	Valerie Burton <u>Garage</u> 1610 W Detroit Ave Western Heights Add Lot 31	\$15000	4/23/2019
438	53	Robert Cooper <u>Carport</u> 406 E Ashland Ave East Indianola Lot 10 & W 10' Lot 11 Blk 5	\$300	4/23/2019
645	54	Carol Hartgrave <u>Demolition - Attached Porch</u> 209 S G Street Fairview Lots 10 & 11 Blk 4	\$0	4/24/2019
434	55	Jason Martin <u>Home Restoration</u> 104 S Kenwood Blvd Kenwood Place Lot 43 & Lot 44	\$65575	4/24/2019