



PLANNING AND ZONING COMMISSION

August 13, 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. July 9, 2019
5. Public Comments
6. Old Business
7. New Business
 - A. Consider request from Paul D/Rheanna M Edenburn, Timothy J/Shellie R Mc Connell, John R/Linda H Benoit and Michael/Natalie Smothers for a right-of-way vacation and conveyance of the north and south alley lying adjacent to Lots 1-4, in Block 20 of College Addition to the City of Indianola.
 - B. Consider request from Steger Construction Inc. to rezone property located in the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 18, Township 76 North, Range 23 West from R-3 (Mixed Residential) and C-2 (Highway Commercial) Zoning Districts to R-3 (Mixed Residential) Zoning District.
 - C. Consider request from Capone Property Management, LLC for approval of a Plat of Survey at 1109 South K Street.
 - D. Consider request from Civil Engineering Consultants, Inc., on behalf of Peoples Company, for preliminary plat approval of Heritage Hills Plat 10
 - E. Consider zoning regulation amendment to Chapter 165, regarding fence regulations.
 - F. Consider zoning regulation amendment to Chapter 165, regarding Bed and Breakfast and Boardinghouse regulations.
8. Comments
 - A. Commission Members
 - B. Staff
9. Adjournment



PLANNING AND ZONING COMMISSION

MINUTES OF REGULAR MEETING

July 9, 2019

6:00 P.M.

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

Josh Rabe
Misty Soldwisch
Joe Butler
Al Farris
Becky Needles
Bob Ormsby
Sarah Ritchie

Commission Members Absent: Erin Freeberg, Ron Fridley, Jeromy Pribil

Staff Present: Charlie Dissell, Kristin Brekelmans

Public Present: Nikki Syverson

3. Chairperson Rabe requested approval of the agenda for July 9, 2019. Motion to approve the July 9 agenda was made by Commissioner Farris and seconded by Commissioner Needles. Question was called for and on a voice vote, Chairperson Rabe declared the motion carried unanimously. 7-0

4. Chairperson Rabe requested approval of the minutes from the May 14, 2019 meeting. Motion to approve the May 14 minutes was made by Commissioner Needles and seconded by Commissioner Ritchie. Question was called for and on voice vote, Chairperson Rabe declared the motion carried unanimously. 7-0

5. Chairperson Rabe asked if there were any from the public that would like to speak on an item not listed on the agenda. Hearing none, Chairperson Rabe moved to the next item on the agenda.

6.A Review and request approval of proposed Planning and Zoning Commission Rules and Regulations.

Mr. Dissell explained the proposed Rules and Regulations that have been reviewed in previous meetings, explaining that the number of members on the board will be taken out and re visited at another time, such as when the next term is up, and that member decides not to continue the Commission. This will give an opportunity for the Commission to discuss and decide whether they want to continue with the number they would currently have at that time of 9 or if they are wanting to add two commissioners to the board to make 11.

Commissioner Farris asked if this would need to be approved by the City Council. Mr. Dissell responded, no.

Chairperson Rabe asked Commissioners if they had any additional items that they would like to have changed or had any comments they would like to make. Hearing none, Chairperson Rabe requested a motion to be made.

Motion was made to approve the Planning and Zoning Rules and Regulations by Commissioner Soldwisch and seconded by Commissioner Ritchie. Question was called for and on voice vote, Chairperson Rabe declared the motion carried unanimously. 6-0

7.A Consider request from Cooper Crawford & Associates, LLC., on behalf of Diligent Glynn, LLC for Preliminary Plat approval of the Prairie Glynn Plat 2.

Mr. Dissell presented the preliminary plat to the Commission. Staff recommends approval of the plat, with conditions.

Commissioner Farris questioned the maintenance of the detention basins. Mr. Dissell noted that it was assumed to be part of a homeowners association, but there was no documentation provided on such. Commissioner Soldwisch noted that there is no homeowners association associated with Prairie Glynn Plat 1. Mr. Dissell noted that Plat 1 had detention basins that were built and would verify how the maintenance of those basins is assumed. Commissioner Butler noted that the final plat will still need to be reviewed by the Commission, and at that time the clarification of maintenance can be confirmed.

Chairperson Rabe asked if there were any others from the public that would like to speak on this, hearing none, a call for motion was made.

Motion was made by Commissioner Butler to recommend approval of the Preliminary Plat of Prairie Glynn Plat 2 with conditions that the sidewalk along North 15th Street be installed as part of the improvements required for the subdivision and that clarification on the maintenance of the detention basins be provided before the final plat is approved. This motion was seconded by Commissioner Ormsby. Question was called for and on voice vote, Chairperson Rabe declared the motion carried unanimously 7-0.

7.B Consider request from Thomas Land Surveying, LLC for approval of a Plat of Survey for Robert M. Strovers at 410 East Clinton Avenue.

Mr. Dissell presented the Plat of Survey to the Commission.

Chairperson Rabe asked what was behind the property. Mr. Dissell responded that the McVey Trail and Warren County Oil property was behind this.

Commissioner Butler asked what the purpose of this split was. Mr. Dissell noted that the proprietor owned the ground and has proposed to build an accessory building on the property, and to do so, it needed to be combined with the property the house is on. Furthermore, a portion of the ground adjacent to the neighbor to the west will be sold to that neighbor.

Chairperson Rabe asked if there were any others from the public that would like to speak on this, hearing none, a call for motion was made.

Motion was made by Commissioner Farris to recommend approval of the Plat of Survey for Robert M. Strovers at 410 East Clinton Avenue. This motion was seconded by Commissioner Needles. Question was called for and on voice vote, Chairperson Rabe declared the motion carried unanimously 7-0.

7.C. Capital Crossroads Workforce Housing Study Data Presentation.

Nikki Syverson, Director of Capital Crossroads, which is an effort of the Greater Des Moines Partnership, the Community Foundation of Greater Des Moines, United Way of Central Iowa and the Des Moines Area MPO, presented the Commission with the results of the workforce housing study data. Information shared included the current state of regional housing and forecasts for the next 20 years. The Workforce Housing Study is the first step in creating a comprehensive housing strategy for the broader region of the Des Moines Metro area.

8. Other Business

Mr. Dissell provided updates to the Commission regarding current projects and gave the Commission a quick summary of the City's site planning regulations.

8. Adjournment

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

Josh Rabe, Chairperson

Charlie Dissell, Director of Community Development



Community Development

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

Staff Report

Planning and Zoning Commission

Date of Meeting: August 13, 2019

Agenda Item: 7.A. Consider request from Paul D/Rheanna M Edenburn, Timothy J/Shellie R Mc Connell, John R/Linda H Benoit and Michael/Natalie Smothers for a right-of-way vacation and conveyance of the north and south alley lying adjacent to Lots 1-4, in Block 20 of College Addition to the City of Indianola.

Application Type: Right-of-Way Vacation

Applicant: Timothy & Shellie McConnell (811 North B St)
Paul D & Rheanna Edenburn (810 North C St)
Michael and Natalie Smothers (807 North B St)
Linda H and John R Benoit (808 North C St)

Application Summary: Request for vacation and conveyance of the north half of the north and south unimproved alley lying adjacent to Lots 1-4, in Block 20 of College Addition to the City of Indianola

AERIAL MAP



APPLICABLE CODE SECTIONS

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

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

137.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.

137.03 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

137.04 FINDINGS REQUIRED. No street, alley, portion thereof or any public grounds shall be vacated unless the Council finds that:

1. Public Use. 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. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

137.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, Code of Iowa.

ANALYSIS

The proposed alley to be vacated is unimproved, is not needed for the use of the public, and its maintenance at the public's expense is no longer justified. However, there is a 6" sanitary sewer gravity main located in this alley. The property owners abutting this vacation are all applicants to the request, and their abutting halves of the alley will be transferred to them, if approved by Council.

ALTERNATIVES

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

- 1) The City of Indianola Planning and Zoning Commission recommends of the right-of-way vacation request be approved, as submitted.
- 2) The City of Indianola Planning and Zoning Commission recommends the right-of-way vacation request be approved, with conditions.
- 3) The City of Indianola Planning and Zoning Commission recommends the right-of-way vacation request be denied.
- 4) The City of Indianola Planning and Zoning Commission remands the right-of-way vacation request, back to the applicant and/or staff for further review and/or modifications and directs staff to place this item on a future Planning and Zoning agenda.

RECOMMENDATION

Staff recommends that the City of Indianola Planning and Zoning Commission move alternative 2, approving the right-of-way vacation request subject to the following condition:

1. A public utility easement for the sanitary sewer main be maintained and recorded with the proposed right-of-way vacation.



COMMUNITY DEVELOPMENT

Agreement to Purchase Alley

Paul D & Rheanna Edenburn requests to purchase the alley legally described as:

The West one-half (1/2) of the North/South alley situated adjacent to the North eighty (80) feet of the Northwest quarter (NW 1/4) of Block Twenty (20) in College Addition to the City of Indianola, Warren County, Iowa, also described as Lot Two (2) and the North Eight and one-half (8 1/2) Feet of Lot Three (3) in Block Twenty (20) in College Addition to the City of Indianola, Warren County, Iowa.
The undersigned owns the property adjacent to the alley legally described above and agrees to purchase the alley.

Name: Timothy & Shelli Mc Connell

Address: 811 N B Street

Signature: Timothy J Mc Connell

Date: 6/28/19

Signature: Shelli Mc Connell

Date: 6/28/19

Name: Paul D & Rheanna Edenburn

Address: 810 N C Street

Signature: Paul D Edenburn

Date: 6-28-19

Signature: Rheanna Edenburn

Date: June 28, 2019

\$200.00 Fee

Receipt No#: 17000305



COMMUNITY DEVELOPMENT

Agreement to Purchase Alley

Timothy & Shelli Mc Connell requests to purchase the alley legally described as:
*the East one HALF (1/2) of the North south Alley situated ADJACENT to Lot 1 in Block 20 in College
Addition to INDIANOLA, IOWA.*

The undersigned owns the property adjacent to the alley legally described above and agrees to purchase the alley.

Name: Paul D & Rheanna Edenburn

Address: 810 N C Street

Signature: *Paul D Edenburn*

Date: June 28, 2019

Signature: *Rheanna Edenburn*

Date: June 28, 2019

Name: Timothy & Shelli Mc Connell

Address: 811 N B Street

Signature: *Timothy J McConnell*

Date: 6/28/19

Signature: *Shelli McConnell*

Date: 6/28/19

\$200.00 Fee

Receipt No# 17.0003106



COMMUNITY DEVELOPMENT

Agreement to Purchase Alley

Linda H Benoit and John R Benoit requests to purchase the alley legally described as:

The West half of the North-South alley between Lots 3 and 4 in Block 20 of College Addition to the City of Indianola, Iowa

The undersigned owns the property adjacent to the alley legally described above and agrees to purchase the alley.

Name: Linda H and John R Benoit

Address: 808 N C Street

Signature: Linda H Benoit

Date: 6/29/19

Signature: John R Benoit

Date: 6/29/19

Name: Michael & Natalie Smothers

Address:

Signature: Michael Smothers

Date: 6-29-19

Signature: Natalie J Smothers

Date: 6/29/19

\$200.00 Fee

Receipt No#: 17000308



Community Development

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Staff Report

Planning and Zoning Commission

Date of Meeting: August 13, 2019

Agenda Item: 7.B. Consider request from Steger Construction Inc. to rezone property located in the Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 18, Township 76 North, Range 23 West from R-3 (Mixed Residential) and C-2 (Highway Commercial) Zoning Districts to R-3 (Mixed Residential) Zoning District.

Application Type: Rezoning

Applicant: Steger Construction Incorporated

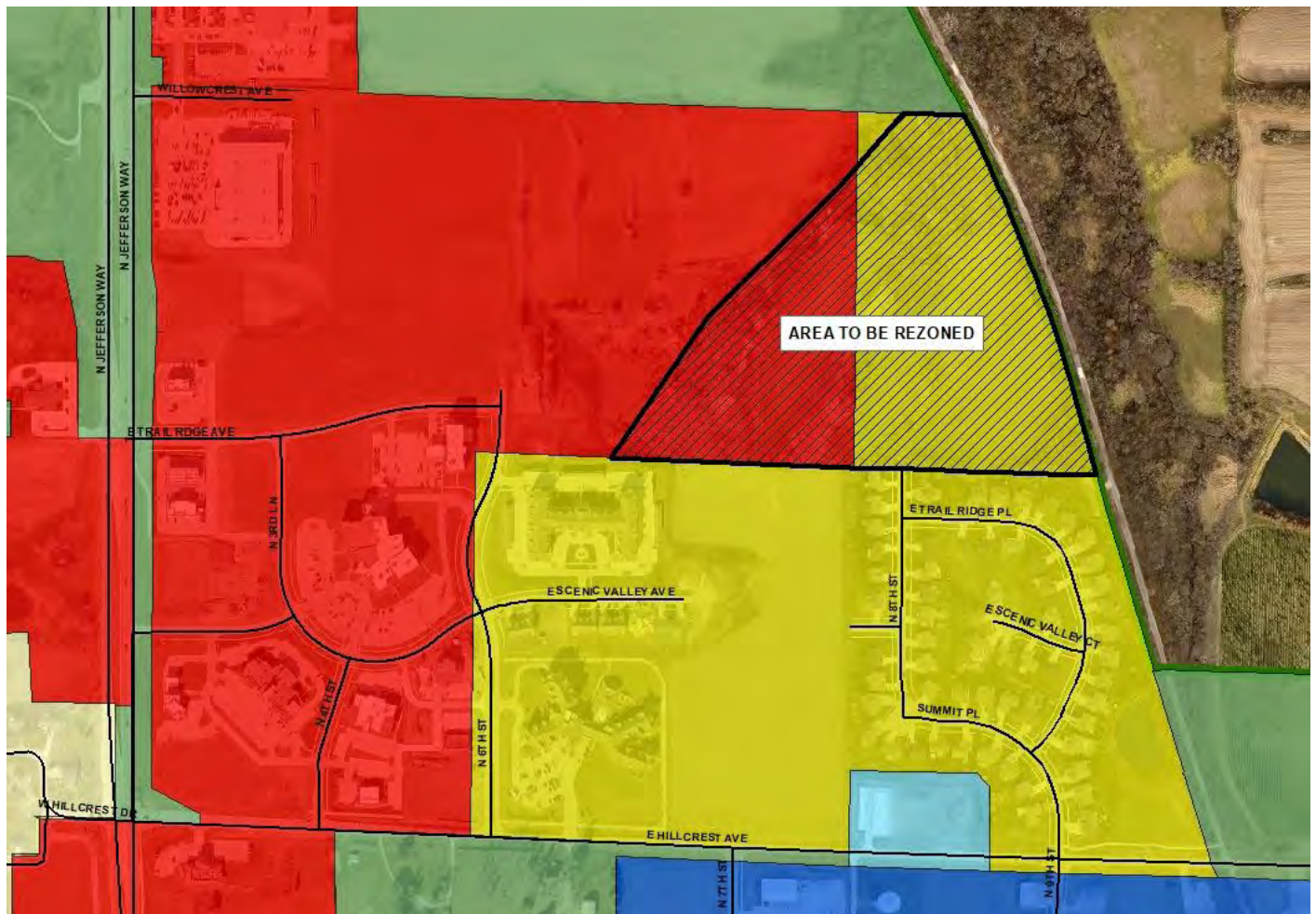
Property Owner: Kathleen Picken

Current Zoning: R-3, Mixed Residential and C-2 Highway Commercial

Comprehensive Plan Designation: Low Density Residential and Mixed Use

Application Summary: Request for to rezone 28.64 acres of land currently located part in the R-3, Mixed Residential (~17.40 acres) and part in the C-2 Highway Commercial (~11.24 acres) to all R-3, Mixed Residential.

AERIAL MAP



APPLICABLE CODE SECTIONS

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

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 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 18 inches by 24 inches indicating the amendment requested has been prepared and posted by the City in a visible location on the premises for a period of 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 amendment or, in the case of a protest filed with the Council against an amendment to district boundaries signed by the owners of 20 percent or more either of the area of the lots included in such proposed amendment or of those immediately adjacent thereto and within 200 feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of the Council.

165.39 APPLICATION FOR CHANGE OF ZONING DISTRICT BOUNDARIES. Any person may submit to the Council an application requesting a change in the zoning district boundaries as shown on the official zoning district map. Such application shall be filed with the Administrative Officer accompanied by a fee of two hundred dollars (\$200.00) and shall contain the following information:

1. The legal description and local address of the property.
2. The present zoning classification and the zoning classification requested for the property.
3. The existing use and proposed use of the property.
4. The names and addresses of the owners of all property within two hundred (200) feet of the property for which the change is requested.
5. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
6. A plat showing the locations, dimensions and use of the applicant's property and all property within two hundred (200) feet thereof, including streets, alleys, railroads, and other physical features.
7. If the requested zoning change is from A-1 (Agricultural) to any other classification, the application shall contain the number of acres in each soil type for which a rezoning change is requested and the crop suitability rating of each. The soil type and its crop suitability rating shall be determined by the latest cooperative soil survey and accompanying data.
8. Prior to rezoning any property, the Planning and Zoning Commission and the City Council shall consider the following relative to orderly regulated development: adequate size and location of public sanitary sewer, adequate size and location of public water and the presence of existing hard surfaced streets. Nothing in this chapter shall be construed to mean the City has any regulatory power for property used for agricultural purposes outside the City limits.

All fees shall be deposited to the General Revenue Fund of the City. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

ANALYSIS

The proposed rezoning is being requested to facilitate a future residential development. The current proposal calls for 57 lots, or a total gross density of about 1.99 units per acre. The preliminary plat of Summercrest Hills identifies the area proposed to be rezoned as residential lots.

Currently, there is not sanitary sewer capacity to serve this area, however, the City is in the process of relocating a lift station that is currently located to the south of this area to the north side of this area which will service not only this development, but the remaining portions of the Summercrest Hills development. This project is scheduled to be designed this fall, bid out next spring, and completed by the fall of 2020. There is sufficient water service in this area to serve this development.

North 8th Street is currently stubbed in to the south side of this area and would be extended to the north as part of this development. This development would further add a North 7th Street, which would be stubbed into the north, awaiting a future connection to Willowcrest Avenue, which would connect to North Jefferson Way. North 7th Street would also be stubbed into the south and awaiting future development of the land to the south, eventually connecting South 7th Street to Hillcrest Avenue.

A notification sign was placed on the current stub of North 8th Street on July 20, 2019, and notification letters were sent out to property owners within 200' on July 31, 2019.

If the rezoning were to be approved, the proposed development would be subject to all subdivision requirements of the City of Indianola.

ALTERNATIVES

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

- 1) The City of Indianola Planning and Zoning Commission recommends the rezoning request be approved, as submitted.
- 2) The City of Indianola Planning and Zoning Commission recommends the rezoning request be approved, with conditions.
- 3) The City of Indianola Planning and Zoning Commission recommends the rezoning request be denied.
- 4) The City of Indianola Planning and Zoning Commission remands the rezoning request, back to the applicant and/or staff for further review and/or modifications and directs staff to place this item on a future Planning and Zoning agenda.

RECOMMENDATION

Staff recommends that the City of Indianola Planning and Zoning Commission move alternative 1, approving the rezoning request as submitted.



COMMUNITY DEVELOPMENT

Rezoning Application

Local Address: _____

Legal Description: 18-76-23 Indianola CA NE SW Ex N 100' E Ex Summercrest Hills Plat 4 - 5 acres of current 36.25.

Present Zoning: C-2 Hwy Commercial

Zoning Requested: R-3

Existing Use: Agricultural

Proposed Use: Housing - Residential

* Please attach a list of the names and addresses of all property owners within 200 feet of the property for which the change is requested:

A statement of the reasons why the applicant feels the present zoning classification is no longer valid.

Intentions to develop the land

A plat showing the locations, dimensions and use of the applicant's property and all property within 200 feet thereof, including streets, alleys, railroads, and other physical features. Please attach plat.

If the requested zoning change is from A-1 (Agricultural) to any other classification, the application shall contain the **number of acres** in each **soil type** for which a rezoning change is requested and the **crop suitability rating** of each. The soil type and its crop suitability rating shall be determined by the latest cooperative soil survey and accompanying data.

Steger Const. Inc.
Signature of Applicant

\$200.00 Fee

Receipt No. 17.000309

SUMMERCREST HILLS

PRELIMINARY PLAT - 2015



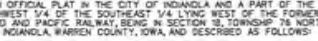
PLAT DESCRIPTION

OUTLOT "A" SUMMERCREST HILLS PLAT 1 AN OFFICIAL PLAT IN THE CITY OF INDIANOLA AND A PART OF THE SOUTHWEST 1/4 AND A PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 LYING WEST OF THE FORMER RIGHT-OF-WAY OF THE CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY, BEING IN SECTION 18, TOWNSHIP 76 NORTH, RANGE 23 WEST OF THE 5TH P.M. CITY OF INDIANOLA, WARREN COUNTY, IOWA, AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH 1/4 CORNER OF SAID SECTION 18 THENCE NORTH 87° 29' 27" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST 1/4 A DISTANCE OF 845.24 FEET TO THE SOUTHWEST CORNER OF SUMMERCREST HILLS PLAT 2 AN OFFICIAL PLAT IN THE CITY OF INDIANOLA THENCE NORTH 00° 05' 02" WEST ALONG THE EAST LINE OF SAID SUMMERCREST HILLS PLAT 2 A DISTANCE OF 851.40 FEET TO THE SOUTHWEST CORNER OF SAID SUMMERCREST HILLS PLAT 2 A DISTANCE OF 851.40 FEET TO THE SOUTHWEST CORNER OF SAID SUMMERCREST HILLS PLAT 2 AND THE EAST LINE OF SUMMERCREST HILLS PLAT 3 AN OFFICIAL PLAT IN THE CITY OF INDIANOLA THENCE NORTHWESTERLY ALONG SAID EAST LINE AND ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 430.00 FEET, WHOSE ARC LENGTH IS 181.02 FEET AND WHOSE CHORD BEARS NORTH 87° 29' 27" WEST, 177.78 FEET THENCE NORTHWESTERLY CONTINUING ALONG SAID EAST LINE AND ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 25.00 FEET, WHOSE ARC LENGTH IS 143.52 FEET AND WHOSE CHORD BEARS NORTH 09° 05' 07" WEST, 140.58 FEET THENCE NORTHWESTERLY CONTINUING ALONG SAID EAST LINE AND ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 482.50 FEET, WHOSE ARC LENGTH IS 153.59 FEET AND WHOSE CHORD BEARS NORTH 17° 37' 05" EAST, 152.94 FEET THENCE NORTH 20° 44' 14" EAST CONTINUING ALONG SAID EAST LINE, 7.93 FEET TO THE NORTHEAST CORNER OF SAID SUMMERCREST HILLS PLAT 3 THENCE NORTH 22° 40' WEST ALONG THE NORTHERLY LINE OF SAID SUMMERCREST HILLS PLAT 3 A DISTANCE OF 12.44 FEET THENCE NORTH 87° 29' 27" WEST CONTINUING ALONG SAID NORTHERLY LINE, 60.78 FEET THENCE SOUTH 00° 02' 47" WEST CONTINUING ALONG SAID NORTHERLY LINE, 137.73 FEET THENCE NORTH 89° 57' 37" WEST CONTINUING ALONG SAID NORTHERLY LINE, 465.00 FEET TO THE NORTHWEST CORNER OF SAID SUMMERCREST HILLS PLAT 3 AND THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 55/59 THENCE NORTH 00° 02' 47" EAST ALONG SAID EAST RIGHT-OF-WAY LINE, 555.28 FEET THENCE NORTH 02° 40' 14" EAST CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, 153.48 FEET TO THE SOUTHWEST CORNER OF SUMMERCREST HILLS PLAT 1AN OFFICIAL PLAT IN THE CITY OF INDIANOLA THENCE NORTHWESTERLY ALONG SAID EAST RIGHT-OF-WAY LINE, 45.48 FEET THENCE NORTH 03° 25' EAST CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, 100.00 FEET THENCE NORTH 10° 33' 44" WEST CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, 137.87 FEET THENCE NORTH 10° 33' 44" WEST CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE, 4.87 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID SUMMERCREST HILLS PLAT 1 THENCE SOUTH 82° 00' 00" EAST ALONG THE SOUTH LINE OF SAID LOT 1 A DISTANCE OF 433.34 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 THENCE NORTH 00° 02' 47" EAST ALONG THE EASTERLY LINE OF SAID LOT 1 A DISTANCE OF 550.53 FEET TO THE NORTHEAST CORNER OF SAID SUMMERCREST HILLS PLAT 1 AND TO THE SOUTH LINE OF THE NORTH 00° 02' 47" EAST OF SAID SOUTHWEST 1/4 THENCE CONTINUING SOUTH 87° 29' 27" EAST ALONG THE SOUTH LINE OF THE NORTH 00° 02' 47" EAST OF SAID SOUTHWEST 1/4 A DISTANCE OF 12.44 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID FORMER CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY THENCE SOUTHWESTERLY ALONG SAID WEST RIGHT-OF-WAY LINE AND ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 399.45 FEET, WHOSE ARC LENGTH IS 382.32 FEET AND WHOSE CHORD BEARS SOUTH 27° 19' 29" EAST, 379.85 FEET THENCE SOUTH 10° 33' 44" EAST, AN OFFICIAL PLAT IN THE CITY OF INDIANOLA THENCE NORTH 87° 29' 27" WEST ALONG THE NORTH LINE OF SAID QUAIL MEADOWS PLAT 2 AN OFFICIAL PLAT IN THE CITY OF INDIANOLA THENCE NORTH 87° 29' 27" WEST ALONG THE NORTH LINE OF SAID QUAIL MEADOWS, 850.31 FEET TO THE NORTHWEST CORNER OF SAID QUAIL MEADOWS PLAT 2 THENCE SOUTH 00° 13' 44" EAST ALONG THE WEST LINE OF SAID QUAIL MEADOWS PLAT 2 AND ALONG THE WEST LINE OF QUAIL MEADOWS PLAT 1AN OFFICIAL PLAT IN THE CITY OF INDIANOLA, 1341.57 FEET TO THE POINT OF BEGINNING AND CONTAINING 18.40 ACRES 15,070.85 S.F.

VICINITY MAP

INDIANOLA, IOWA



PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

OWNER
KATHLEEN C. PICKEN
808 E. TRAIL ROAD
INDIANOLA, IA 50125

SECTION AREAS
PT. 1N 1/4, SW 1/4 SEC. 18-76-23 = 22.63 AC.
PT. 1E 1/4, SW 1/4 SEC. 18-76-23 = 37.95 AC.
PT. 1E 1/4, SW 1/4 SEC. 18-76-23 = 37.95 AC.
PT. 1E 1/4, SW 1/4 SEC. 18-76-23 = 37.95 AC.
PT. 1N 1/4, SE 1/4 SEC. 18-76-23 = 18.58 AC.

DEVELOPER
SNYDER & ASSOCIATES, INC.
1101 WEST 25TH AVENUE, SUITE 101
WEST DES MOINES, IOWA 50325

ENGINEER/SURVEYOR
SNYDER & ASSOCIATES, INC.
CIVIL ENGINEERS & PLANNERS
2727 S.W. SNYDER BLVD.
INDIANOLA, IOWA 50125

ZONING
C-2 HIGHWAY COMMERCIAL
BULK REGULATIONS
MINIMUM LOT AREA = 2,000 SF
MINIMUM LOT WIDTH = 25'
FRONT YARD SETBACK = 25'
REAR YARD SETBACK = 30'
SIDE YARD SETBACK = 5'
ONE AND TWO FAMILY = 4
MULTI-FAMILY = 3-12 UNITS = 10'
MINIMUM LOT AREA = 2,000 SF
MINIMUM LOT WIDTH = 25'
FRONT YARD SETBACK = 25'
REAR YARD SETBACK = 30'
SIDE YARD SETBACK = 5'
ONE AND TWO FAMILY = 4
MULTI-FAMILY = 3-12 UNITS = 10'

LEGEND

Symbol	Found	Set
Section Corner	1/2" Rubber Cap # 19515	1/2" Rubber Cap # 19515
ROW Marker	1/2" Rubber Cap # 19515	1/2" Rubber Cap # 19515
Center Point	1/2" Rubber Cap # 19515	1/2" Rubber Cap # 19515
Bench Mark	1/2" Rubber Cap # 19515	1/2" Rubber Cap # 19515
Plat Boundary	1/2" Rubber Cap # 19515	1/2" Rubber Cap # 19515
Measured Bearing & Distance	1/2" Rubber Cap # 19515	1/2" Rubber Cap # 19515
Recorded As	1/2" Rubber Cap # 19515	1/2" Rubber Cap # 19515
Deed Distance	1/2" Rubber Cap # 19515	1/2" Rubber Cap # 19515
Calculated Distance	1/2" Rubber Cap # 19515	1/2" Rubber Cap # 19515
Minimum Protection Elevation	1/2" Rubber Cap # 19515	1/2" Rubber Cap # 19515
Centering	1/2" Rubber Cap # 19515	1/2" Rubber Cap # 19515
Section Line	1/2" Rubber Cap # 19515	1/2" Rubber Cap # 19515
1/4" Section Line	1/2" Rubber Cap # 19515	1/2" Rubber Cap # 19515
Easement Line	1/2" Rubber Cap # 19515	1/2" Rubber Cap # 19515

NOTES

- PROPER SOIL EROSION TECHNIQUES WILL BE COMPLETED DURING CONSTRUCTION.
- A 30' LANDSCAPE BUFFER IS REQUIRED BETWEEN RESIDENTIAL AND COMMERCIAL ZONING DISTRICTS.
- REZONING WILL BE REQUIRED PRIOR TO ANY FURTHER PLATING REQUEST AFTER PLAT 5.
- OUTLOT "A" SHALL BE USED FOR REGIONAL STORM WATER MANAGEMENT.

BENCHMARKS

- B61 ARROW ON CLOW HYDRANT AT WEST END SCENICVIEW DRIVE (PLAT LINE) ELEV. 953.51
- B62 ARROW ON CLOW HYDRANT AT SE CORNER EAST TRAIL ROAD AND N 8TH STREET ELEV. 940.03
- B63 BURY BOLT ON MATRONS HYDRANT AT SW CORNER EAST HILLSIDE AND N 7TH STREET ELEV. 960.30

CURVE TABLE

CURVE NO.	DELTA	RADIUS	ARC LENGTH	TANGENT	CHORD BEARING/DISTANCE
1	14° 05' 38" RT	3,893.45'	882.32'	493.85'	S 21° 19' 29" E 979.85'
2	15° 02' 21" LT	450.00'	181.02'	59.40'	N 7° 36' 14" W 177.78'
3	90° 45' 53" RT	25.00'	16.59'	15.33'	N 20° 14' 33" E 15.38'
4	1° 05' 02" LT	635.00'	12.01'	6.01'	S 75° 04' 07" W 12.01'
5	34° 48' 22" RT	25.00'	37.00'	22.83'	N 83° 04' 20" W 33.72'
6	23° 19' 04" RT	350.00'	141.52'	71.74'	N 9° 05' 07" W 140.58'
7	18° 14' 19" RT	482.50'	153.59'	77.45'	N 17° 37' 05" E 152.94'

INDIANOLA, IOWA

2727 S.W. SNYDER BLVD.
INDIANOLA, IOWA 50125
915-964-2527 | www.snyderandassociates.com

PROJECT LOCATION

SCALE 1"=2000'

1. AS PER CITY COMMENTS

2. EDC COMMENTS

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Project No: 1140830

Sheet 1 of 2

August 2, 2019

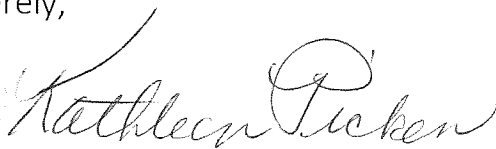
City of Indianola
Charlie Dissell
Director of Community & Economic Development
City of Indianola
110 North 1st Street
Indianola, Iowa 50125

RE: Steger Construction Request for Rezoning

Dear Mr. Dissell:

The intent of this letter to approve the request of Steger Construction to re-zone a portion of land described as; "Northeast Quarter of the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 18, Township 76 North, Range 23 West from R-3 (Mixed Residential) and C-2 (Highway Commercial) Zoning Districts to R-3 (Mixed Residential) Zoning District" and according to the enclosed boundary survey dated 7/24/2019 to residential zoning for the purposes of developing single family residential lots.

Sincerely,

A handwritten signature in cursive script that reads "Kathleen Picken". The signature is written in dark ink and is positioned below the word "Sincerely,".

Kathleen Picken

Enc.

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7/29/2019

C. GRIFFIN

Project No:	119.0666	Sheet 2 of 2
Technician:	JJB	Pgt:
Engineer:	Checked By:	Scale:
	EDG	1"=200'
	Date:	Field Bc
	07/24/19	
MARK	REVISION	DATE
BY		

PT NE1/4 SW1/4 & PT NW1/4 SE1/4 SEC. 18-76-23

PLAT OF SURVEY

INDIANOLA, IOWA

2727 S.W. SNYDER BLVD.
ANKENY, IOWA 50023
515-964-2020 | www.snyder-associates.com

SNYDER & ASSOCIATES, INC.



Project No: 119.0666

Sheet 2 of 2

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PLAT OF SURVEY

PARCEL "E" DESCRIPTION

A PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND A PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 76 NORTH, RANGE 23 WEST OF THE 5TH P.M., CITY OF INDIANOLA, WARREN COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE NORTH 87° 41' 06" WEST ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4, A DISTANCE OF 831.57 FEET; THENCE NORTH 34° 12' 57" EAST, 588.56 FEET; THENCE NORTH 45° 06' 07" EAST, 276.41 FEET; THENCE NORTH 45° 38' 10" EAST, 350.56 FEET; THENCE NORTH 41° 14' 19" EAST, 364.23 FEET; THENCE SOUTH 87° 52' 55" EAST, 207.65 FEET; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS RADIUS IS FEET, WHOSE ARC LENGTH IS 982.32 FEET AND WHOSE CHORD BEARS SOUTH 21° 19' 29" EAST, 979.85 FEET; THENCE SOUTH 16° 13' 54" EAST, 355.81 FEET TO THE NORTHEAST CORNER OF QUAIL MEADOWS PLAT 2, AN OFFICIAL PLAT; THENCE NORTH 88° 08' 07" WEST ALONG THE NORTH LINE OF SAID QUAIL MEADOWS PLAT 2, A DISTANCE OF 850.31 FEET TO THE POINT OF BEGINNING AND CONTAINING 28.64 ACRES (1,247,718 S.F.).

SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

INTENT OF SURVEY

TO CREATE A PARCEL FOR A SITE DEVELOPMENT

OWNER

KATHLEEN PICKEN
8954 125TH AVE
INDIANOLA, IA 50125-8955

DATE OF SURVEY

02-05-2019

BASIS OF BEARING

THE NORTH LINE OF THE SOUTHWEST 1/4 OF SECTION 18 IS ASSUMED TO BEAR SOUTH 87° 52' 55" EAST.

LEGEND

Survey	Found	Set
Section Corner	▲	△
1/2" Rebar, Yellow Plastic Cap #19710 (Unless Otherwise Noted)	●	○
ROW Rail	⚡	
Calculated Point	+	
Platted Distance	P	
Measured Bearing & Distance	M	
Recorded As	R	
Deed Distance	D	
Calculated Distance	C	
Centerline	-----	
Section Line	-----	
1/4 Section Line	-----	
1/4 1/4 Section Line	-----	
Easement Line	-----	



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.

Erin D. Griffin, PLS _____ Date _____

License Number 19710

My License Renewal Date is December 31, 2019

Pages or sheets covered by this seal:
Sheets 1 & 2 of 2.

PT NE1/4 SW1/4 & PT NW1/4 SE1/4 SEC. 18-76-23

PLAT OF SURVEY

INDIANOLA, IOWA

SNYDER & ASSOCIATES, INC. I

2727 S.W. SNYDER BLVD.
ANKENY, IOWA 50023
515-964-2020 | www.snyder-associates.com

Project No: 119.0666

Sheet 1 of 2

Project No: 119.0666

Sheet 1 of 2



Community Development

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

Staff Report

Planning and Zoning Commission

Date of Meeting: August 13, 2019

Agenda Item: 7.C Consider request from Capone Property Management, LLC for approval of a Plat of Survey at 1109 South K Street.

Application Type: Plat of Survey

Applicant: Capone Property Management, LLC

Property Address: 1109 South K Street

Zoning: R-1, Single Family Residential

Comprehensive Plan Designation: Low Density Residential

Application Summary: Request for plat of survey approval to split a currently vacant 14.53-acre parcel at 1109 South K Street into a 3.82-acre parcel (Parcel C) and a 10.71-acre parcel (Parcel D). There is currently a ~4,000 square foot home being built on Parcel C.

AERIAL MAP



APPLICABLE CODE SECTIONS

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

170.13 DESIGN STANDARDS — LOTS.

1. All lots shall abut on a street or place. Corner lots which abut on a thoroughfare or collector street shall have a minimum radius of 25 feet at the intersection.
2. Sidelines of lots shall approximate right angles to straight street lines and radial angles to curbed street lines except where a variation will provide better lot layout.
3. Lots with double frontage shall be avoided, except in specific locations where good planning indicates their use. In that event a planting screen shall be provided along the rear of the lot.
4. Corner lots shall not be less than 80 feet in width and interior lots shall not be less than 70 feet in width at the building line.
5. Lot depth shall not exceed 2½ times the width.
6. No lot shall have less area than required by the Zoning Ordinance for the district in which it is located.

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

1. No plat of survey, plat or subdivision in the City or within two (2) miles thereof shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this chapter and has been approved by the Council as prescribed herein.

ANALYSIS

As the proposed lot split is being done by a Plat of Survey, no public improvements are being made with this split. However, design standards for lots still apply. The proposed Plat of Survey does meet all the design standards for lots.

While no improvements are planned with the subdivision, it should be noted that the City has programed the paving of South K Street into the Capital Improvements Plan, and as such, will be looking to acquire the right-of-way that is currently held by easement is this corridor, which include the right-of-way in front of 1109 South K Street.

Letters were mailed to property owners within 200 feet of this property on July 31, 2019.

ALTERNATIVES

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

- 1) The City of Indianola Planning and Zoning Commission recommends the plat of survey request be approved, as submitted.
- 2) The City of Indianola Planning and Zoning Commission recommends the plat of survey request be approved, with conditions.
- 3) The City of Indianola Planning and Zoning Commission recommends the plat of survey request be denied.
- 4) The City of Indianola Planning and Zoning Commission remands the plat of survey request, back to the applicant and/or staff for further review and/or modifications and directs staff to place this item on a future Planning and Zoning agenda.

RECOMMENDATION

Staff recommends that the City of Indianola Planning and Zoning Commission move alternative 2, approving the plat of survey request subject to the following condition:

1. The right-of-way along South K Street be separated in another parcel and be deeded to the City.

INDEX LEGEND

LOCATION : N 1/2 NE 1/4 SEC. 35-76-24
REQUESTOR: CAPONE PROPERTY MANAGEMENT, LLC
PROPRIETOR: CAPONE PROPERTY MANAGEMENT, LLC
SURVEYOR: KEVEN J. CRAWFORD
SURVEYOR COMPANY: COOPER CRAWFORD & ASSOCIATES, LLC
475 S. 50th STREET, SUITE 800
WEST DES MOINES, IOWA 50265
RETURN TO: COOPER CRAWFORD & ASSOCIATES, LLC

PLAT OF SURVEY

PREPARED FOR
CAPONE PROPERTY MANAGEMENT, LLC
1820 N. 7th STREET
INDIANOLA, IOWA 50125

LEGAL DESCRIPTION - PARCEL 'C'

A part of the Northeast 1/4 of the Northeast 1/4 of Section 35, Township 76 North, Range 24 West of the 5th P.M., city of Indianola, Warren County, Iowa, that is more particularly described as follows:

Commencing at the Northeast corner of Deer Creek Plat 1, an official plat, city of Indianola, Warren County, Iowa, said point being on the East line of Section 35, Township 76 North, Range 24 West of the 5th P.M.; thence N00°14'40"E, 413.81 feet along said East line to the Point of Beginning; thence N89°23'36"W, 658.71 feet; thence N00°14'40"E, 252.32 feet to the North line of said Section 35; thence S89°23'36"E, 658.72 feet along said North line to the Northeast corner of said Section 35; thence S00°14'40"W, 252.32 feet along the East line of said Section 35, to the Point of Beginning.

Said tract of land contains 3.815 acres more or less.

Said tract of land being subject to any and all easements of record.

LEGAL DESCRIPTION - PARCEL 'D'

A part of the Northeast 1/4 of the Northeast 1/4 of Section 35, Township 76 North, Range 24 West of the 5th P.M., city of Indianola, Warren County, Iowa, that is more particularly described as follows:

Beginning at the Northeast corner of Deer Creek Plat 1, an official plat, city of Indianola, Warren County, Iowa, said point being on the East line of Section 35, Township 76 North, Range 24 West of the 5th P.M.; thence N89°22'43"W, 951.69 feet along the North line of said Deer Creek Plat 1; thence N00°31'44"E, 665.88 feet to the North line of said Section 35; thence S89°23'36"E, 289.67 feet along said North line; thence S00°14'40"W, 252.32 feet; thence S89°23'36"E, 658.71 feet to the East line of said Section 35; thence S00°14'40"W, 413.81 feet along said East line, to the Point of Beginning.

Said tract of land contains 10.710 acres more or less.

Said tract of land being subject to any and all easements of record.

NOTES

- 1. ALL LOT CORNERS SHALL BE SET WITHIN ONE YEAR OF RECORDING.
- 2. THIS PLAT BOUNDARY HAS AN ERROR OF CLOSURE OF LESS THAN 1 IN 10,000.
- 3. EACH LOT IN THIS PLAT HAS AN ERROR OF CLOSURE OF LESS THAN 1 IN 5,000.
- 4. BEARINGS BASED ON AN ASSUMED BEARING.

CERTIFICATION

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

KEVEN J. CRAWFORD
IOWA LICENSE NO. 13156
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2020

PAGES OR SHEETS COVERED BY THIS SEAL:
This sheet only

June 21, 2019

LEGEND

- PLAT BOUNDARY
- SECTION CORNER
- FOUND CORNER AS NOTED
- SET CORNER 5/8" IR W/ YELLOW CAP #13156
- IRON ROD
- G.P. GAS PIPE
- D. DEEDED DISTANCE
- M. MEASURED DISTANCE
- R. PREVIOUSLY RECORDED DISTANCE
- P.O.B. POINT OF BEGINNING
- P.U.E. PUBLIC UTILITY EASEMENT



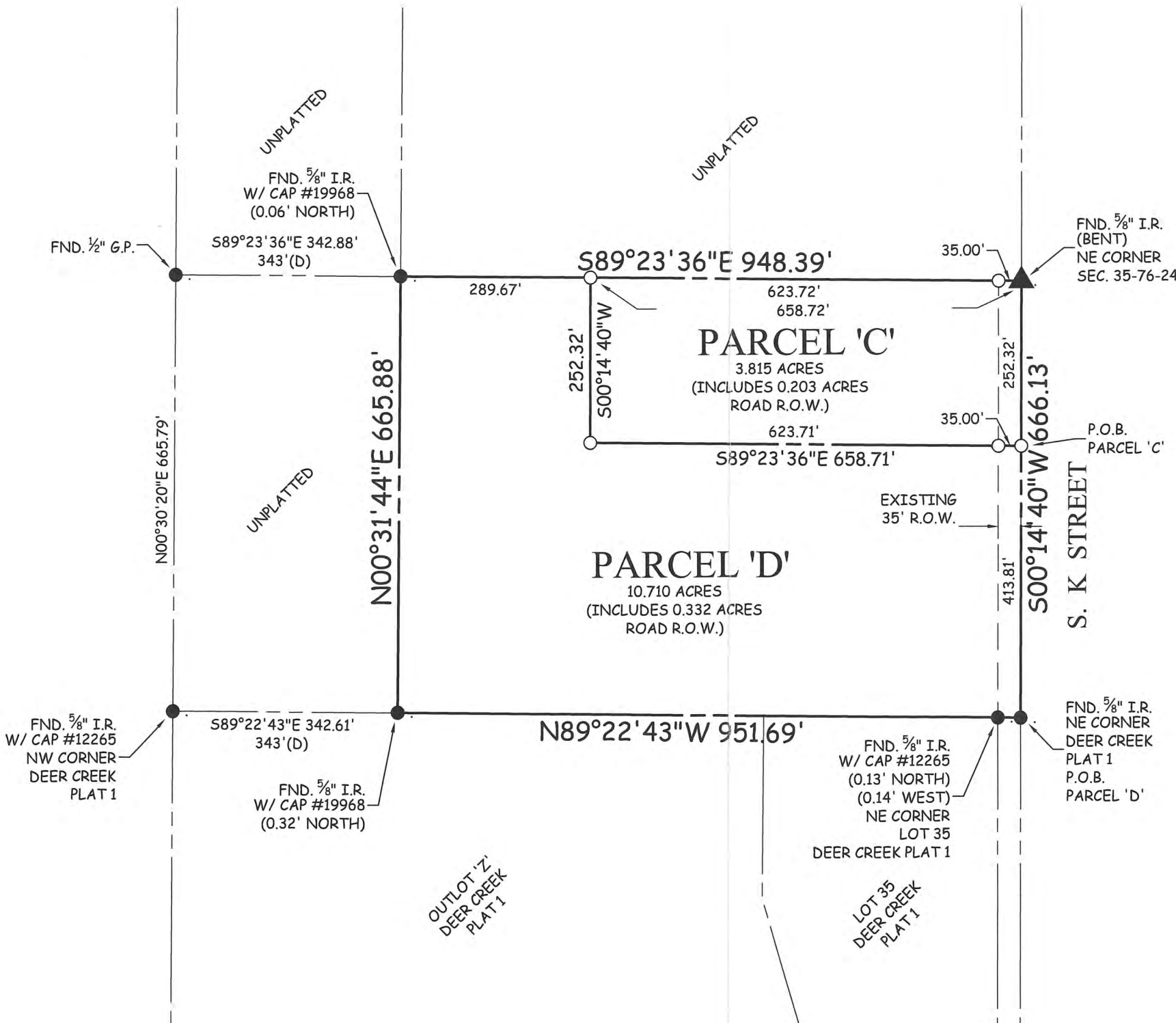
COOPER CRAWFORD
& ASSOCIATES, L.L.C.
CIVIL ENGINEERS
475 S. 50th Street, Suite 800, West Des Moines, IA 50265
Phone: (515) 224-1344 Fax: (515) 224-1345

0 100 200
SCALE: 1"=200'
DATE: 6-21-2019
JOB NUMBER
CC
2166

COMMUNITY DEVELOPMENT

JUL 01 2019

INDIANOLA, IOWA





Community Development

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

Staff Report

Planning and Zoning Commission

Date of Meeting: August 13, 2019

Agenda Item: 7. D. Consider request from Civil Engineering Consultants, Inc., on behalf of Peoples Company, for preliminary plat approval of Heritage Hills Plat 10

Application Type: Preliminary Plat

Applicant: Civil Engineering Consultants, Inc., on behalf of Peoples Company

Zoning: R-5, Planned Residential

Comprehensive Plan Designation: Mixed Residential

Application Summary: Request for preliminary plat approval of a 10-lot residential subdivision. The preliminary plat submitted shows the 10 residential lots having duplexes constructed on them.

AERIAL MAP



APPLICABLE CODE SECTIONS

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

170.05 PRELIMINARY PLATTING PROCEDURE.

1. The owner or developer of any tract of land to be subdivided shall cause a preliminary plat to be prepared, a plat of the subdivision containing the information specified herein and shall file twelve (12) copies and an electronic copy with the Clerk.
2. Preliminary plats shall be filed with the Clerk at least fifteen (15) days prior to scheduled Commission meetings. Adjoining property owners shall be notified of preliminary plats by first class mail at least ten (10) days prior to Commission meetings.
3. The Clerk shall immediately transmit three (3) copies of the preliminary plat to the Commission for study and recommendation.
4. The Commission shall examine the plat as to its compliance with this chapter, and the comprehensive plan of the City and shall have thirty (30) days to submit a recommendation to the Council provided that the owner or developer may agree to an extension of time not to exceed sixty (60) days. A copy of the recommendation shall be forwarded to the owner or developer.
5. The Council, upon receipt of the Commission's recommendation, or after thirty (30) days, or any extension thereof shall have passed, shall by resolution grant approval or reject the preliminary plat. If the preliminary plat

is rejected, the Council will advise the owner or developer of any changes which are desired or should have consideration before approval will be given. Upon making such changes, the developer may resubmit the preliminary plat for approval by the Commission and the Council. Approval of the preliminary plat by the Council shall constitute approval to proceed with the preparation of the final plat but shall not be deemed approval of the subdivision.

170.09 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat shall contain the following information:

1. A location map showing:
 - A. The subdivision name.
 - B. An outline of the area to be subdivided.
 - C. The existing streets and public or community utilities, if any, on adjoining property.
 - D. North point and scale.
2. A preliminary plat of the subdivision drawn to the scale of fifty (50) feet to one (1) inch, provided that if the resulting drawing would be over thirty-six (36) inches in its shortest dimension, a scale of one hundred (100) feet to one (1) inch may be used, said preliminary plat to show:
 - A. The legal description, acreage and the name of the proposed subdivision.
 - B. The name and address of the owner.
 - C. The name of the person who prepared the plat, and the date thereof.
 - D. The location of existing lot lines, streets, public utilities, water mains, sewers, drainpipes, culverts, watercourses, bridges, railroads and buildings in the proposed subdivision.
 - E. Contours at vertical intervals of not more than two (2) feet, based upon City datum, except that where the slope of the land exceeds twenty-five percent (25%), five (5) foot intervals shall be sufficient.
 - F. The location and widths, other dimensions and names of the proposed streets, utility easements and other open spaces or reserved areas.
 - G. A statement concerning the location and approximate size or capacity of utilities proposed to be installed.
 - H. Tract boundary lines showing dimensions, bearings, angles, and references to known lines or bench marks.
 - I. The names and addresses of adjacent property owners.
 - J. Proposed building lines.
 - K. Grades of proposed streets.
 - L. A cross-section of the proposed streets showing the roadway location, type and width of surfacing, the type drainage and other improvements to be installed.
 - M. The location of proposed wells and/or water mains and sewage disposal system if a public or community system is used.
 - N. The drainage of the land including proposed storm sewers, ditches, culverts, bridges and other structures.
 - O. North point and graphic scale.
 - P. The location and dimension of sidewalks to be installed.
 - Q. Indicate the current Iowa Department of Natural Resources requirement in a note placed on the plat, if applicable.
 - R. Indicate current flood zones as determined by FEMA with the platted area.

170.11 DESIGN STANDARDS — STREETS.

1. General Considerations that must comply with the current Iowa Statewide Urban Design Standards for Public Improvements ("SUDAS").
 - A. The street and alley layout shall provide access to all lots and parcels of land within the subdivision.
 - B. Street jogs of less than 150 feet shall be avoided.
 - C. Cul-de-sacs shall not exceed 700 feet in length.
 - D. New subdivisions shall make provisions for continuation and extension of thoroughfares and collector streets and roads.
 - E. No dead-end streets will be permitted except at subdivision boundaries and in no event shall any dead-end street be in excess of 500 feet.

- F. Thoroughfare and collector streets in a subdivision shall extend through to the boundaries thereof, unless a terminal point within the subdivision is shown in the master street plan.
- G. Alleys shall be discouraged in residential areas but shall be provided in commercial and industrial areas unless other suitable public or private access to loading and service areas is provided.
- H. Intersection of road centerlines shall be between 80 degrees and 100 degrees.
- I. Intersection of more than two (2) streets at a point shall not be permitted.
- J. Where parkways or special types of streets are proposed, the Commission may apply special standards for the design of such parkways or streets.
- K. Proposed streets that are extensions of or in alignment with existing streets shall bear the name of the existing street. Names of new streets shall avoid duplication of or similarity to existing names of streets, or public and semi-public buildings and areas.
- L. Streets, avenues, places and courts shall be named in the following manner:

<u>General direction</u>	<u>Long streets</u>	<u>Short streets</u>
North and south	Streets	Courts
East and west	Avenues	Places
Diagonal	Roads	Ways
Curving	Drives	Lanes

- 2. Minimum rights-of-way shall be provided as follows:
 - A. Thoroughfares — 100 feet. In addition, access spacing on thoroughfares is as follows: (i) Intersection spacing - 600' minimum; (ii) Entrance spacing - 300' minimum; (iii) Separation of Entrance from Intersection - 150' minimum. (Ord. 1499 – Aug. 12 Supp.)
 - B. Residential collector streets — 70 feet.
 - C. Commercial collector streets — 80 feet.
 - D. Residential streets — 60 feet.
 - E. Cul-de-sacs — 110 feet in diameter.
 - F. Alleys — 20 feet.
- 3. The minimum width of surfacing to be provided shall be as follows:
 - A. Reserved.
 - B. Reserved.
 - C. Commercial collector streets:
 - (1) Parallel parking — 49 feet.
 - (2) Angle parking — 61 feet.
 - D. Residential street — 25 feet or 31 feet within the discretion of the Council.
 - E. Cul-de-sacs — 85 feet in diameter.
 - F. Alleys — 20 feet.
 - G. Sidewalks — 4 feet.
- 4. Grades. No street grade shall be less than one-half of one percent and shall not exceed the following limits:
 - A. Thoroughfare streets — 4 percent.
 - B. Collector streets — 6 percent.
 - C. Residential streets — 8 percent.

170.12 DESIGN STANDARDS — BLOCKS.

- 1. The length of blocks shall be not less than 240 feet and not more than 1,250 feet in length.
- 2. Blocks shall be of sufficient width to permit two (2) tiers of lots of appropriate depth and in no case shall the width be less than 240 feet, except where a single tier of double frontage lots parallels a limited access highway, a thoroughfare, drainage course, railroad or other barrier, the width shall be not less than 50 feet.
- 3. Crosswalks may be required in blocks over 700 feet long or in areas where curbed streets require excessive out of the way travel. If required, they shall be constructed by the developer. Right-of-way for crosswalks shall not be less than 30 feet, nor more than 45 feet.

170.13 DESIGN STANDARDS — LOTS.

- 1. All lots shall abut on a street or place. Corner lots which abut on a thoroughfare or collector street shall have a minimum radius of 25 feet at the intersection.

2. Sidelines of lots shall approximate right angles to straight street lines and radial angles to curbed street lines except where a variation will provide better lot layout.
3. Lots with double frontage shall be avoided, except in specific locations where good planning indicates their use. In that event a planting screen shall be provided along the rear of the lot.
4. Corner lots shall not be less than 80 feet in width and interior lots shall not be less than 70 feet in width at the building line.
5. Lot depth shall not exceed 2½ times the width.
6. No lot shall have less area than required by the Zoning Ordinance for the district in which it is located.

170.14 EASEMENTS.

1. Easement not less than 15 feet in width shall be provided along each side of the front yard lot lines of all lots, and in the case of corner lots, the side street yard, and along such other lot liens as may be required by public and private utility companies.
2. Easements of greater width may be required for trunk lines, pressure lines, open drainage courses or high voltage lines and shall be provided as determined by the utility or Council.
3. Utility easements shall convey to the City, its successors and assigns, the perpetual right within the areas shown on the plat and described in the easement, to construct, reconstruct, operate and maintain electric lines consisting of poles, wires, cables, conduits, fixtures, anchors and other similar equipment, including the right to trim or remove trees within such areas where necessary to secure a clearance of 4 feet from the wires or poles, together with the right to extend to any telephone, telegraph, electric or power company, the right to use separately or jointly with the City, the areas included in the easement for the purposes above enumerated.

170.15 PARKS, SCHOOL SITES AND PUBLIC AREAS.

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

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

170.17 EROSION CONTROL (DESIGN STANDARDS). Methods for controlling soil erosion shall be in accordance with current Iowa Department of Natural Resources Standards and requirements of NPDES permit.

170.18 PLANNED DEVELOPMENTS.

1. Purpose. The purpose of this provision is to permit and encourage subdivider's to utilize imaginative and innovative concepts in the design, layout and development of subdivisions.
2. Intent. It is not the intent of this provision to lessen the number, size, extent, or type of improvements required by this chapter, but to permit the reasonable and necessary modification of the requirements in order to allow development of subdivisions which do not utilize a conventional layout for blocks, lots, streets and other features. It is the intent of this provision that any such modification or change in requirements be in harmony with the spirit of this chapter.
3. Procedure. The procedure for the submission and approval of plats for planned developments shall be the same as for other plats as set forth elsewhere in this chapter.

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

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

170.21 STORM DRAINS.

1. The subdivider shall, at the subdivider's expense, provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes and manholes to provide the collection and removal of all surface waters. These improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties. Where oversize storm sewers or drainage structures are required to serve other areas of the watershed, the additional cost shall be borne by the developer.
2. The subdivider shall, at the subdivider's expense, provide the subdivision with a storm sewer system to adequately handle a five (5) year rain storm. The system shall include culverts, ditches, intakes, manholes, or any structure deemed necessary. All such structures shall meet the City of Indianola Standard Specifications. In addition, the subdivider shall, at the subdivider's expense, provide the subdivision with overland drainage courses and easements to adequately handle storm water in excess of a five (5) year rain storm and up to a 100-year rain storm. For any subdivision containing new streets, the system shall be designed by a licensed engineer registered to practice in the State of Iowa.
 - A. Each lot shall be provided with minimum six (6) inch diameter storm sewer service line that is a minimum of four (4) feet below ground level, stubbed to the property line, unless the Director of Community Development determines that sump lines can be taken to an existing overland drainage area. The sump pump line shall be a minimum of one and a half (1½) inches in diameter.
 - B. The storm sewer system line shall be made of reinforced concrete pipe or polyvinyl chloride (PVC) pipe. The sump pump lines shall be made of PVC, PVC Truss, or PVC corrugated pipe. All structures shall be built in accordance with City of Indianola Standard Construction Specifications for Subdivisions.
 - C. The storm sewer system shall be large enough to provide for anticipated extension of use to serve additional areas, as set out in Indianola Comprehensive Plan.
 - D. Storm sewer service lines shall be connected to the City storm sewer system at intakes, manholes, or directly into the City storm sewer pipe. Tapping storm sewer service lines into the City storm sewers shall be by using approved methods.

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

170.22 WATER. The subdivider shall at the subdivider's expense provide the subdivision with a complete water main supply system including hydrants, valves and other appurtenances which shall be extended into and through the subdivision to the boundary lines, and which shall provide a water connection for each lot and shall be connected to the City water system. Fire hydrants shall be uniform throughout the subdivision and shall meet the standards and design approved by the Utilities Board of Trustees. Where water mains in excess of eight (8) inches are required, the additional cost shall be borne by the City if the area is zoned R-2 or R-3. If at the time the main is to be installed the area in question is zoned R-4, any commercial or any industrial classification, the subdivider may be required to put in a water main in excess of eight (8) inches at the subdivider's own expense. Whether the City shall pay a portion of the additional cost shall be discretionary with the Board of Trustees. Water mains shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.

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

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

1. Set in concrete three (3) feet deep at the intersection of all lines forming angles in the boundary of the subdivision, and at all street intersections.
2. At lot corners and changes in direction of block and lot boundaries.

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

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

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

170.28 SURFACING. The subdivider shall at the subdivider's expense surface all streets being dedicated for public use from curb to curb. Surfacing shall consist of not less than six (6) inches of Portland cement concrete over a prepared subgrade and shall be constructed in accordance with designs and specifications and at grades approved by the Council. Where a surface width in excess of thirty-one (31) feet is required, the cost of the additional surface width, which shall be assumed to be the center portion of the roadway surface, shall be paid by the City. On collector and thoroughfare streets where a higher standard than is herein required or a thickness of greater than eight (8) inches is deemed necessary by the Council, the additional cost shall be borne by the City. Where unimproved street right-of-way exists the owner or developer at the owner's or developer's own expense shall improve such right-of-way as required by this section for the entire width of the lot or lots (or for the entire width and the length of the lot or lots in the case of lot or lots bordered by more than one street) prior to or contemporaneous with the development of the lot or lots. The owner or developer shall also improve all other portions of unimproved street right of way serving such areas.

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

170.30 APPROVAL OF PLANS AND SPECIFICATIONS. The approval of plans and specifications relative to improvements required by this chapter shall be effective for a period of two (2) years after the approval. If the required improvements are not in place and accepted by the City within the times specified, the approval shall lapse, and construction shall not be started and construction under way shall cease until resubmitted plans and specifications have been approved. The City shall have the right, at the time of the new request for approval, to require the subdivider to use the type of construction, the materials, the methods and standard of subdivision improvements equal to the specifications of the City for like work which are in effect at that time. The City may also require that the subdivider comply with any amended ordinance or ordinances relative to improvements under this chapter or any successor chapter relative to subdivision improvements which have been adopted between the time of initial approval and the renewed approval as herein required. The reapproval as required by this section specifically applies only to the plans and specifications relative to subdivision improvements and has no application as to lot sizes, setbacks, lot boundaries, street location or other platting requirements which shall be final on Council approval unless changed by some other method permitted by law.

170.31 INSPECTION. The subdivider or developer shall cause the installation of all improvements to be inspected to ensure compliance with the requirements of this chapter. The cost of the inspection shall be borne by the subdivider or developer. All inspection reports and certificates of compliance shall be filed with the Clerk before any improvements are accepted by the Council. Before accepting any portion of paving, storm water improvement or

sanitary sewer system and maintenance thereof which has been constructed under the provisions of Sections 170.19 and Section 170.29 above, the Council reserves the right to have all mains within the sewer system to be dedicated, televised in order to determine whether they have been properly constructed. The televising shall be at the expense of the subdivider or party making the dedication.

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

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

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

170.37 VARIANCES. Where the strict application of standards or requirements established by this chapter would cause substantial hardship or impose unreasonable restrictions on the development of a tract of land because of natural or physical conditions or limitations not created by the owner or developer, the Commission may recommend and the Council may grant such variances from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this chapter.

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

1. No plat of survey, plat or subdivision in the City or within two (2) miles thereof shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this chapter and has been approved by the Council as prescribed herein.
2. No more than two (2) building permits for principal structures issued for each separate tract existing at the effective date of this chapter unless the tract shall have been platted in accordance with the provisions contained herein except planned multiple-family, commercial or industrial complexes under a common ownership and constructed in accordance with an overall site development plan.
3. No public improvements over which the Council has control shall be made with City funds, nor shall any City funds be expended for street maintenance, street improvements, or other services in any area that has been subdivided after the adoption of the regulations in this chapter unless such subdivision and streets have been approved in accordance with the provisions of this chapter and the street accepted by the Council as a public street.
4. Any persons who shall dispose of or offer for sale or lease any lots in the City, addition thereto, or within one mile thereof until the plat shall have been approved, acknowledged and recorded as provided by this chapter and Chapter 354, Code of Iowa, shall forfeit and pay fifty dollars (\$50.00) for each lot or part thereof sold, disposed of, leased, or offered for sale.
5. No occupancy compliance certificate required by the Zoning Ordinance shall be issued until and unless all improvements required by this chapter have been made in accordance with the City's plans and specifications and accepted by the Council or as may otherwise be provided for elsewhere in this chapter.

ANALYSIS

Request for preliminary plat approval of a 10-lot residential subdivision, that would include 1 outlot and 1 street lot. The preliminary plat submitted shows the 10 residential lots having duplexes constructed on them. The applicant has indicated that Outlot Z is to provide an area for the existing storm sewer overland flowage and detention easement and will be owned and maintained by a homeowner's association.

Staff has reviewed the plat as to its conformance to the regulations listed herein. The only issue noted was that Lots 2, 3 and 4 do not meet the maximum depth to width ratio of 2.5 to 1. In response, the applicant has requested a variance, per Section 170.37 to this requirement, because the plat was designed with consideration to topography on the site and to be copasetic with the approved master plan alignment of Trail Ridge Avenue.

Letters were mailed to property owners within 200 feet of this property on July 31, 2019.

ALTERNATIVES

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

- 1) The City of Indianola Planning and Zoning Commission recommends the preliminary plat be approved, as submitted.
- 2) The City of Indianola Planning and Zoning Commission recommends the preliminary plat be approved, with conditions.
- 3) The City of Indianola Planning and Zoning Commission recommends the preliminary plat be denied.
- 4) The City of Indianola Planning and Zoning Commission remands preliminary plat, back to the applicant and/or staff for further review and/or modifications and directs staff to place this item on a future Planning and Zoning agenda.

RECOMMENDATION

Staff recommends that the City of Indianola Planning and Zoning Commission move alternative 2, recommending the preliminary plat be approved, with the following condition:

1. A variance to the maximum depth to width ratio, listed in Section 170.13.5, be approved for Lots 2, 3 and 4.



Civil Engineering Consultants, Inc.

July 29, 2019

Attn: Charlie Dissell, AICP
Director of Community & Economic Development
City of Indianola
110 North 1st Street
Indianola, Iowa 50125

RE: Heritage Hills Plat 10 – Preliminary Plat

Dear Charlie:

Enclosed for your review are the following:

- Revised Heritage Hills Plat 10 Preliminary Plat
- Temporary Offsite Construction Easement Exhibit
- Temporary Turnaround Easement Exhibit
- Letter requesting a waiver of the maximum depth to width ratio
- This response letter to the City of Indianola Comments

The city's comments dated July 24, 2019 have been addressed as follows:

1. What is the plan to "Adjust Existing Sanitary Manhole Casting to Avoid Curb"? **There is an existing sanitary manhole within the proposed street. During construction the manhole casting will have to be adjusted to the finished grade of the street. The casting may also have to be adjusted so that the rim does not interfere with the curb of the proposed street. Now that the street has been widened to 26' b/b the interference is less of a concern.**
2. See updated Sanitary Sewer notes document (attached) that the developers will need to follow. **The provided sanitary sewer notes have been added to the cover sheet.**
3. It appears that the road is 25' in width IFC 2012 Section D103.1 states where a fire hydrant is located on a fire apparatus road, the minimum road shall be 26 feet, exclusive of shoulders. **The width of the street has been increased to 26' b/b.**
4. No turnaround is indicated on the plat. IFC 2012 Section D103.4 states that dead-end fire apparatus access roads in excess of 150 feet shall be provided with width and turnaround provisions in accordance with Table D103.4. (120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac) The turnaround area will also be subject to the construction requirements of D102.1 which states that facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds. **The hammerhead turnaround has been shown on the plans. A note has been added stating that the surface of the turnaround shall be compliant with IFC 2012 Section D102.1.**



Civil Engineering Consultants, Inc.

5. General Notes 3: All construction shall be in accordance with SUDAS. **General Note No. 3 has been revised.**
6. What is the purpose of Outlot Z? **The purpose of Outlot Z is to provide an area for the existing storm sewer overland flowage and detention easement and will be owned and maintained by the association.**
7. PUE's shall be 15'. **The PUE's have been updated.**
8. Lots 2, 3 and 4 exceed the maximum depth to width ratio. **Please find a letter requesting the waiver of the maximum depth to width ratio for this development.**

Please review this submittal at your earliest convenience. Please Contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads 'Paul Clausen'.

Paul Clausen, P.E.

Civil Engineering Consultants, Inc.

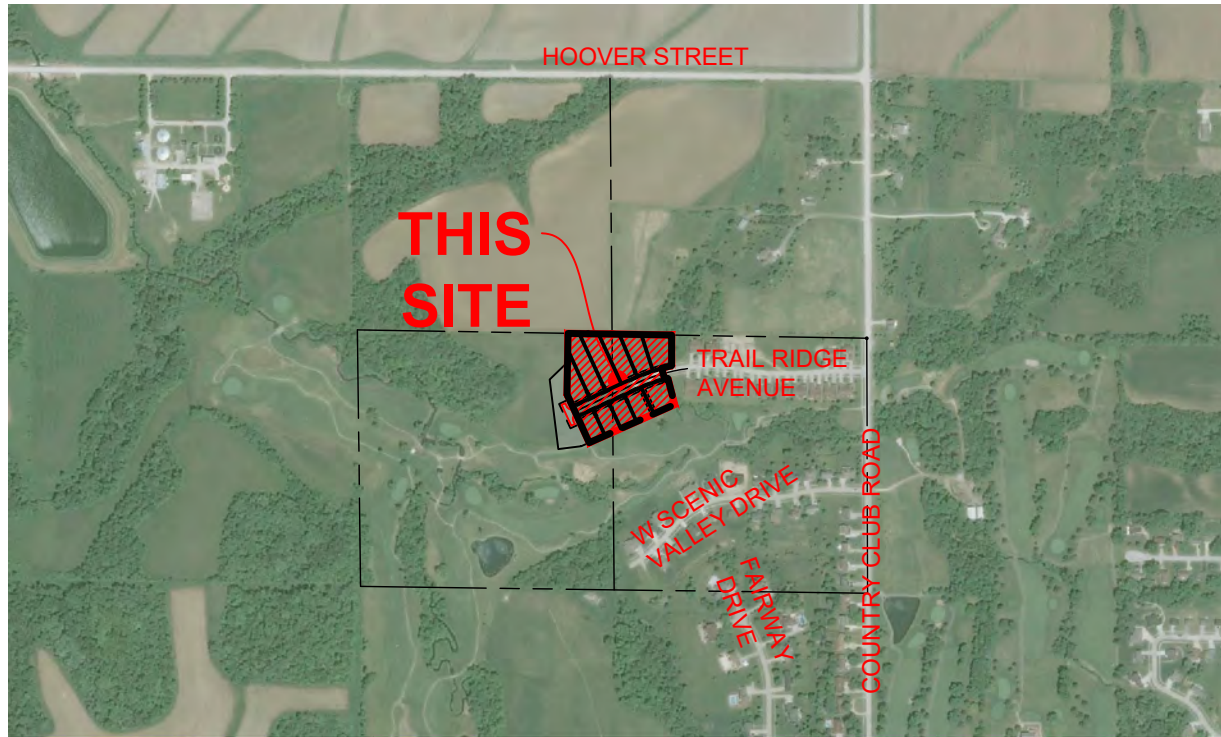
Cc: Kalen Ludwig, Mark Trost and Steve Bruere

PRELIMINARY PLAT

HERITAGE HILLS PLAT 10

INDIANOLA, IOWA

DOWNING FAMILY INVESTMENTS, INC. P.O. BOX 196, INDIANOLA, IOWA 50125



VICINITY SKETCH NORTH
NO SCALE

NPDES/SWPPP

- OWNER AND/OR CONTRACTOR ARE REQUIRED TO OBTAIN NPDES PERMIT AND FOLLOW REQUIREMENTS OF ASSOCIATED STORM WATER POLLUTION PREVENTION PLAN PRIOR TO COMMENCING CONSTRUCTION ACTIVITIES.

GRADING NOTES

- STRIP TOPSOIL FROM ALL AREAS WHICH ARE TO RECEIVE STRUCTURAL FILL.
- ALL AREAS TO RECEIVE FILL TO BE BENCHED.
- PREPARE BOTTOM OF BENCH FOR FILL BY DISCING TO A DEPTH OF 6-INCHES.
- ALL SITE GRADING FILL SHALL BE COMPACTED TO DENSITY THAT IS NOT LESS THAN 95% STANDARD PROCTOR. MOISTURE CONTENT OF FILL MATERIAL SHALL MATCH URBAN STANDARD.
- MAINTAIN ALL CUT AND FILL AREAS FOR SURFACE DRAINAGE AT ALL TIMES.
- FINAL GRADES WITHIN PAVED AREAS SHALL BE WITHIN 0.1' OF PLAN GRADE, ALL OTHER AREAS TO BE WITHIN 0.2' OF PLAN GRADE.
- STRIP BLACK DIRT AND RE-SPREAD, (8" MINIMUM)
- ADDITIONAL SILT FENCING MAY BE REQUIRED BY CITY AFTER FIELD INSPECTION.

SANITARY NOTES

- ONE WEEK PRIOR TO COMMENCING CONSTRUCTIN THE CONTRACTOR SHALL NOTIFY:
 - CITY OF INDIANOLA
 - ALL UTILITY COMPANIES
 - DILIGENT
 - CIVIL ENGINEERING CONSULTANTS
- ALL MATERIALS AND CONSTRUCTION ARE TO BE IN STRICT COMPLIANCE WITH THE INDIANOLA SPECIFICATIONS FOR SUBDIVISIONS INCLUDING THE LATEST REVISIONS.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE EXACT LOCATION AND ELEVATIONS OF ALL EXISTING UTILITIES AND STRUCTURES AND WHETHER ADDITIONAL UTILITIES OR STRUCTURES EXIST AND TO PROTECT ALL EXISTING UTILITIES AND STRUCTURES. ANY DAMAGE TO EXISTING UTILITIES AND STRUCTURES SHALL BE REPAIRED AT THE CONTRACTORS EXPENSE.
- THE CONTRACTOR SHALL EITHER RECONNECT OR CONNECT TO STORM SEWER, ANY FIELD TILE INTERCEPTED DURING CONSTRUCTION. THE CONTRACTOR SHALL PROMPTLY NOTIFY THE CITY OF INDIANOLA WHEN FIELD TILE IS ENCOUNTERED.
- THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ANY AND ALL REQUIRED PERMITS FOR PERFORMING THE WORK.
- ALL WORK SHALL BE IN STRICT ACCORDANCE WITH APPLICABLE O.S.H.A. CODES AND STANDARDS. NOTHING INDICATED ON THESE DRAWINGS SHALL RELIEVE THE CONTRACTOR FROM COMPLYING WITH THE APPLICABLE SAFETY REGULATIONS.
- THE CONTRACTOR SHALL FURNISH AND PLACE ALL NECESSARY SIGNS AND BARRICADES DURING CONSTRUCTION IN ACCORDANCE WITH THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR RECORDING @AS-BUILT@ INFORMATION FOR ALL NEW CONSTRUCTION. RECORD DRAWINGS SHALL BE MAINTAINED BY THE CONTRACTOR AND KEPT UP TO DATE AS THE WORK PROGRESSES. THE ORIGINAL RECORD DRAWINGS SHALL BE PROVIDED TO THE ENGINEER UPON COMPLETION OF CONSTRUCTION.
- ALL FILL AREAS, TRENCH BACKFILL AND PAVING SUBGRADE ARE TO BE COMPACTED TO A MINUM OF 95% STANDARD PROCTOR WITH A MOISTURE CONTENT BETWEEN OPTIMUM AND +4%.
- ALL DEBRIS SPILLED ON PUBLIC STREETS OR ADJACENT PROPERTY SHALL BE PROMPTLY REMOVED AND PROPERLY DISPOSED OF BY THE CONTRACTOR.
- IF THERE IS A DISCREPANCY BETWEEN THE QUANTITY ESTIMATE AND THE DETAILED PLANS, THE DETAILED PLANS SHALL GOVERN.
- ALL SANITARY SERVICES AND STUB OUTS FROM MANHOLES SHALL BE CAPPED
- ALL SANITARY SEWER MANHOLES SHALL HAVE TYPE @AA CASTINGS UNLESS OTHERWISE SPECIFIED
- PROVIDE SANITARY SEWER SERVICE RISER AS REQUIRED BY THE URBAN STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS.
- THE CONTRACTOR SHALL MARK SANITARY SEWER MANHOLES AND SANITARY SEWER SERVICES WITH STEEL FENCE POSTS. TOP ONE FOOT OF POSTS MARKING SERVICES IS TO BE PAINTED GREEN. POSTS MARKING SANITARY MANHOLES ARE TO BE PAINTED GREEN FROM TOP OF POST TO GRADE.
- SANITARY MANHOLES ARE TO BE FURNISHED WITHOUT STEPS.
- SANITARY MANHOLE TYPE @AA CASTINGS ARE TO BE BOLTED TO THE TOP OF THE MANHOLE USING A MINIMUM OF TWO (2) 1/2" STEEL ANCHOR RODS.
- CRETEX PRO-RINGS SHALL BE USED TO ADJUST THE MANHOLE CASTING TO GRADE, NO MORE THAN 12" OF RINGS TO BE USED.
- ALL SANITARY SEWERS SHALL BE CLEANED AND TELEVIEWED AT THE CONTRACTOR'S EXPENSE PRIOR TO FINAL APPROVAL.
- ALL SANITARY SEWERS SHALL BE MANDREL TESTED AT THE CONTRACTOR'S EXPENSE PRIOR TO FINAL APPROVAL.
- ALL SANITARY SEWER MANHOLES SHALL BE AIR TESTED AT CONTRACTOR'S EXPENSE PRIOR TO FINAL APPROVAL.
- A CITY REPRESENTATIVE SHALL BE ONSITE WHEN MANDREL AND AIR TESTING IS PERFORMED.
- CONTRACTOR SHALL MAINTAIN 1% SLOPES ON ALL SANITARY SERVICES TO PROVIDE MAXIMUM DEPTH AT SERVICE END.
- ALL MANHOLES SHALL CONTAIN A CONCRETE ADMIXTURE (CONMIC) SHIELD ANTI BACTERIAL ADMIXTURE AS MANUFACTURED BY CONSHIELD TECHNOLOGIES, INC., OR APPROVED EQUAL.
- TRACER WIRE SHALL BE INSTALLED FOR ALL SANITARY SEWER FORCE MAINS.

PROPERTY OWNER / APPLICANT:

DILIGENT
C/O PEOPLES CO
12114 STRATFORD DRIVE
SUITE B
CLIVE IA 50325

ZONING

RESTRICTED R-5 PLANNED RESIDENTIAL (JAN 29, 2002)

SETBACKS:

FRONT - 25'
SIDE - 8' MINIMUM
REAR - 30'

FLOOD ZONE

ZONE 'X'

FEMA FIRM FLOOD INSURANCE RATE MAP NUMBER

1918C0164F, REVISED 11-16-2018.

LEGAL DESCRIPTION

A PARCEL OF LAND IN THE SW1/4 SW1/4 AND THE SE1/4 SW1/4 OF SECTION 13, TOWNSHIP 76 NORTH, RANGE 24 WEST OF THE 5th P.M., CITY OF INDIANOLA, WARREN COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

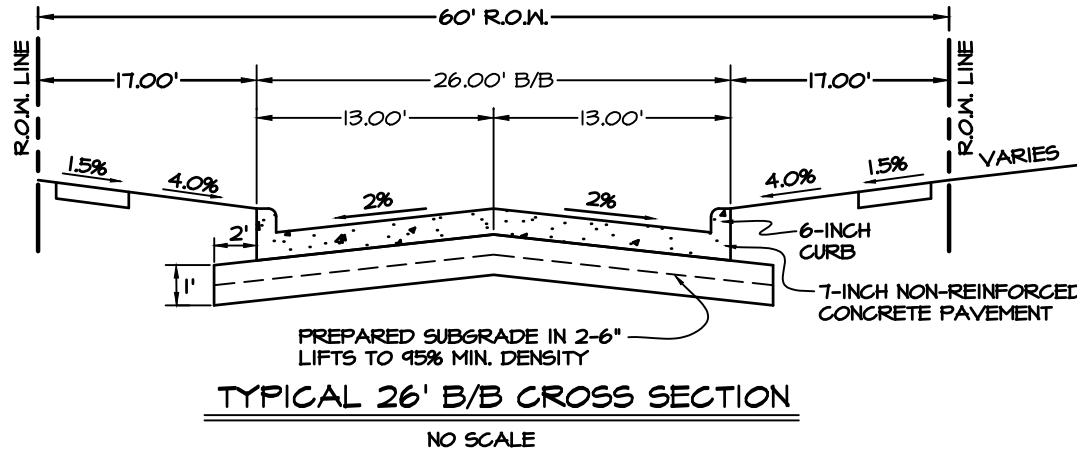
BEGINNING AT THE NW CORNER OF LOT 5, HERITAGE HILLS PLAT 7, AN OFFICIAL PLAT RECORDED IN BOOK 2005, PAGE 8080 AT WARREN COUNTY RECORDERS OFFICE, SAID NW CORNER ALSO BEING ON THE NORTH LINE OF SAID SE1/4 SW1/4; THENCE S00°04'30"W, 154.36 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE SE CORNER OF SAID LOT 5, SAID SE CORNER ALSO BEING ON THE NORTH LINE OF LOT 'A' OF SAID HERITAGE HILLS PLAT 7 AND THE NORTH RIGHT-OF-WAY LINE OF TRAIL RIDGE AVENUE AS IT IS PRESENTLY ESTABLISHED; THENCE SOUTHWESTERLY ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1030.00 FEET AND A CHORD BEARING S16°13'33"W, AN ARC LENGTH OF 53.51 FEET ALONG SAID NORTH LINE OF LOT 'A' AND SAID NORTH RIGHT-OF-WAY LINE TO THE NW CORNER OF SAID LOT 'A'; THENCE S15°11'58"W, 60.00 FEET ALONG THE WEST LINE OF SAID LOT 'A' TO THE SW CORNER OF SAID LOT 'A'; THENCE NORTHEASTERLY ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 910.00 FEET AND A CHORD BEARING N75°15'41"E, AN ARC LENGTH OF 17.12 FEET ALONG THE SOUTH LINE OF SAID LOT 'A' AND THE SOUTH RIGHT-OF-WAY LINE OF SAID TRAIL RIDGE AVENUE TO THE NW CORNER OF LOT 6 OF SAID HERITAGE HILLS PLAT 7; THENCE S14°20'54"E, 140.12 FEET ALONG THE WEST LINE OF SAID LOT 5 TO THE SW CORNER OF SAID LOT 5, SAID SW CORNER ALSO BEING ON THE NORTH LINE OF OUTLOT 'Z' OF HERITAGE HILLS PLAT 5, AN OFFICIAL PLAT RECORDED IN BOOK 2002, PAGE 13221; THENCE S65°56'21"W, 486.84 FEET ALONG SAID NORTH LINE OF OUTLOT 'Z' TO A POINT; THENCE N24°44'01"W, 271.00 FEET TO A POINT; THENCE N00°54'02"E, 317.61 FEET TO A POINT ON THE NORTH LINE OF SAID SW1/4 SW1/4; THENCE S84°03'20"E, 124.56 FEET ALONG SAID NORTH LINE TO THE NE CORNER OF SAID SW1/4 SW1/4, SAID NE CORNER ALSO BEING THE NW CORNER OF SAID SE1/4 SW1/4; THENCE S84°03'20"E, 310.34 FEET ALONG THE NORTH LINE OF SAID SE1/4 SW1/4 TO THE POINT OF BEGINNING AND CONTAINING 5.10 ACRES MORE OR LESS.

NOTES

- LOT 'A', IS TO BE DEDICATED TO CITY OF INDIANOLA.
- ALL UTILITIES INDICATED ON PLAT ARE PUBLIC UNLESS OTHERWISE NOTED.

GENERAL NOTES

- ONE WEEK PRIOR TO CONSTRUCTION, CONTRACTOR SHALL CONTACT:
 - CITY OF INDIANOLA (461-4410)
 - DILIGENT KALEN LUDWIG (515) 222-1347
 - CIVIL ENGINEERING CONSULTANTS INC. (216-4884)
 - IOWA ONE CALL
- LOCATION OF EXISTING FACILITIES AND APPURTENANCES SHOWN ON PLAN ARE BASED ON AVAILABLE INFORMATION WITHOUT UNCOVERING AND MEASURING TO DETERMINE EXACT FACILITIES LOCATIONS. CIVIL ENGINEERING CONSULTANTS, INC. DOES NOT GUARANTEE LOCATIONS OF EXISTING FACILITIES AS SHOWN, OR THAT ALL EXISTING FACILITIES ARE SHOWN. IT IS CONTRACTOR'S RESPONSIBILITY TO CONTACT ALL PUBLIC AND PRIVATE UTILITY PROVIDERS SERVING AREA, AND IOWA ONE CALL, TO DETERMINE EXTENT AND PRECISE LOCATION OF EXISTING FACILITIES BEFORE CONSTRUCTION BEGINS.
- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH 2019 URBAN STANDARD SPECIFICATIONS.
- CONTRACTOR SHALL VERIFY LOCATION AND PROTECT ALL UTILITIES AND STRUCTURES DURING CONSTRUCTION, AND STRUCTURES SHALL BE REPAIRED BY CONTRACTOR AT CONTRACTOR'S EXPENSE TO SATISFACTION OF OWNER.
- CONTRACTOR SHALL BE RESPONSIBLE FOR RECORDING AS-BUILT LOCATIONS OF UTILITY SERVICES.
- CONTRACTOR SHALL RECONNECT ALL FIELD TILE INTERCEPTED DURING CONSTRUCTION.
- ALL STATIONING IS BASED ON STREET CENTERLINE MEASUREMENT AND SPECIFICATIONS.



BENCHMARKS

BM #1 - ARROW ON HYDRANT ON EAST SIDE OF COUNTRY CLUB DRIVE ACROSS THE STREET FROM 600 SCENIC VALLEY DRIVE.
ELEVATION 860.910

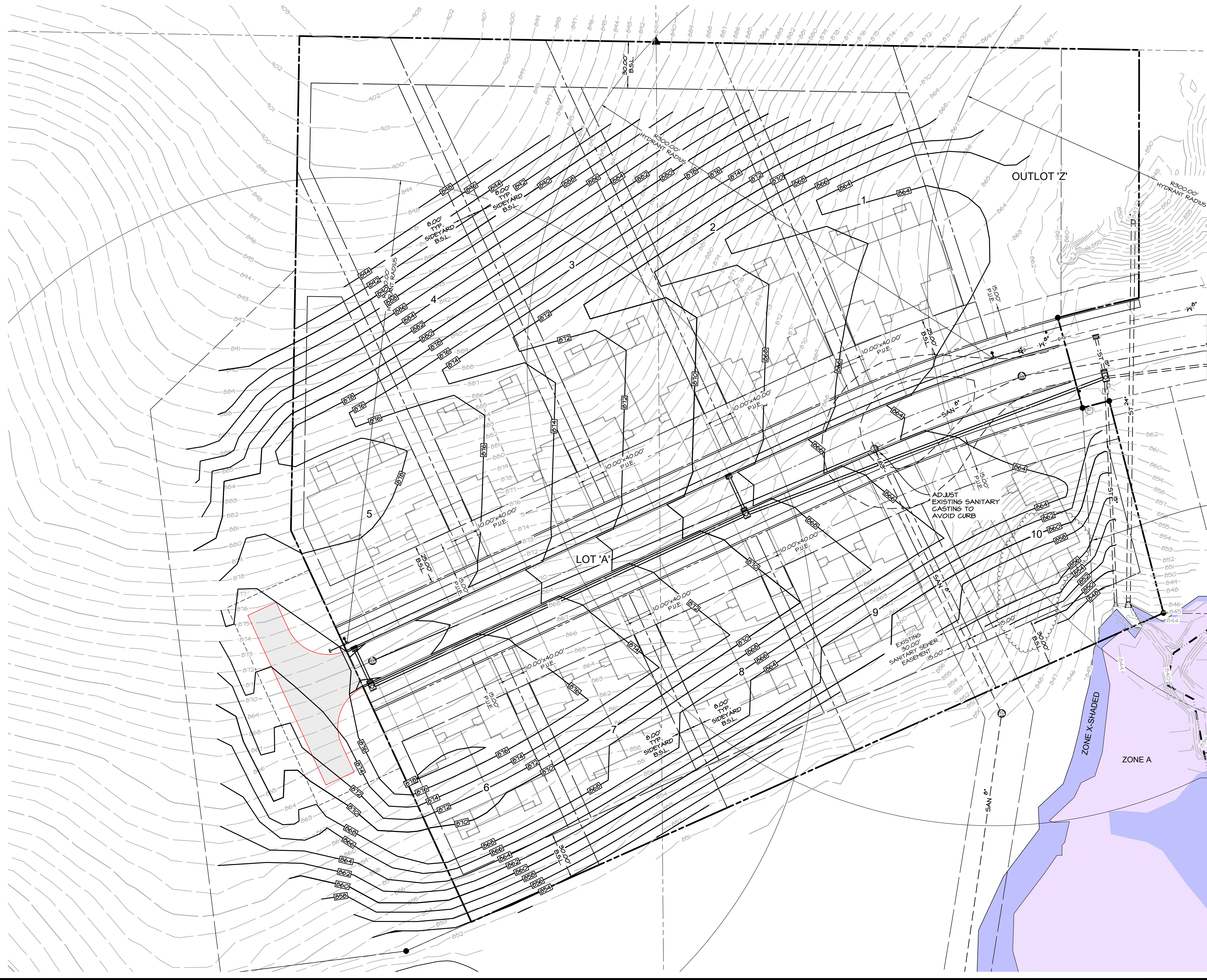
BM #2 - ARROW ON HYDRANT ON NORTH SIDE OF SCENIC VALLEY DRIVE BETWEEN LOT 6 & OUTLOT 'Y'.
ELEVATION 865.150

GENERAL LEGEND

- PROPOSED**
- PLAT BOUNDARY
 - SECTION LINE
 - LOT LINE
 - CENTERLINE
 - EASEMENT LINE
 - FLARED END SECTION
 - TYPE SW-501 STORM
 - TYPE SW-502 STORM
 - TYPE SW-503 STORM
 - TYPE SW-504 STORM
 - TYPE SW-505 STORM
 - TYPE SW-506 STORM
 - TYPE SW-511 STORM II
 - TYPE SW-512 STORM
 - TYPE SW-513 STORM
 - TYPE SW-401 STORM
 - TYPE SW-402 STORM
 - TYPE SW-403 STORM
 - TYPE SW-403 STORM
 - TYPE SW-301 SANITARY
 - TYPE SW-302 SANITARY
 - TYPE SW-304 SANITARY
 - STORM/SANITARY CULVERT
 - WATER VALVE
 - FIRE HYDRANT ASSET
 - BLOW-OFF HYDRANT
 - DETECTABLE WARNING
 - SANITARY SEWER MIT
 - SANITARY SERVICE
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Civil Engineering Consultants, Inc.

July 29, 2019

Charlie E. Dissell, AICP
Director of community and Economic Development
City of Indianola
110 North 1st Street
Indianola, IA 50125

Re: Heritage Hills Plat 10

Dear Mr. Dissell:

This letter is in response to the Staff review comments dated July 24th as it pertains to the comment number 8 regarding the depth to width ratio for lots. We request that the maximum depth to width ratio requirement be waived for the Heritage Hills Plat 10 development. This plat was designed with consideration to the topography of the site and to be copasetic with the approved Master Plan alignment of Trail Ridge Avenue.

Thank you,

A handwritten signature in blue ink, appearing to read 'Paul Clausen', written over a light blue horizontal line.

Paul J.D. Clausen, P.E.

Civil Engineering Consultants, Inc.

Cc: Kalen Ludwig, Mark Trost and Steve Bruere



Community Development

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

Staff Report

Planning and Zoning Commission

Date of Meeting: August 13, 2019

Agenda Item: 7.I. Consider zoning regulation amendment to Chapter 165, regarding fence regulations.

Application Type: Zoning Regulation Amendment

Applicant: City of Indianola

Application Summary: Staff is requesting an amendment to Chapter 165 (Zoning Regulations), regarding fences. After an inquiry was made regarding a fence on a commercially zoned property, it was realized that current regulations for fences do not address several points. While current regulations address fences on residential property and swimming pool enclosures adequately, several areas are not addressed, such as fences on commercial and industrial property, decorative features of fences, “best-side” requirements, acceptable fencing materials, fence maintenance requirements, fencing on storm water easements, fencing of vacant lots, and various exceptions that are appropriate to such fencing regulations.

APPLICABLE CODE SECTIONS

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

1.07 AMENDMENTS. All ordinances which amend, repeal or in any manner affect this Code of Ordinances shall include proper reference to chapter, section, subsection or paragraph to maintain an orderly codification of ordinances of the City.

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 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 18 inches by 24 inches indicating the amendment requested has been prepared and posted by the City in a visible location on the premises for a period of 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 amendment or, in the case of a protest filed with the Council against an amendment to district boundaries signed by the owners of 20 percent or more either of the area of the lots included in such proposed amendment or of those immediately adjacent thereto and within 200 feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of the Council.

ANALYSIS

The proposed changes do not make many changes to fences located in residential districts, only a few additions. Current regulations allow for a fence up to 4 feet in height in the front yard in a residential district and fences up to 6 feet in height in the side and rear yards. The proposed additions include clarification that 4-foot height limit applies to both sides of a corner lot in a residential district adjacent to a street and creates a requirement where such fences in the front yard shall contain at least 40% open space. Further, current regulations require fences to be built wholly on the owner's property unless it is otherwise agreed with the owner of the adjacent property. However, the current regulations provide no mechanism in which the adjacent property owner indicates their agreement. Staff recommends removing this exception, requiring that all fences be built wholly on the owners' property, with no exception. For industrial and commercial property, proposed regulations would allow for a fence not exceeding 8 feet in height in the side and rear yard. However, if a fence over that height, or a fence in the front yard was requested, it would take action by the Board of Adjustment to be approved. Furthermore, the proposed regulations clarify that, as part of a sidewalk use agreement in the Downtown Square, or any other outdoor patio, fences not exceeding four (4) feet in height are permitted, and shall be constructed of wrought iron, aluminum, wood, or polyvinyl chloride (PVC). The proposed regulations do make one change to the swimming pool fencing requirements. Currently, regulations require a fence within 5 feet of a pool. The proposed regulations would require a fence to be constructed adjacent to the hard-surfaced walk way surrounding the pool.

The proposed regulations would address that decorative features such as individual posts, brick or stone columns, and similar features constructed as part of a fence or wall be allowed to exceed the maximum fence height by no more than 12 inches. Additionally, the proposed regulations would require that the "best-side" of any fence be placed on the outside, and that the frame of a fence, including posts, rails, and supports be placed on the inside of the fence. The proposed regulations would regulate the type of fencing that is

allowed, and disallowed. Fences would be allowed to be chain link, wrought iron, aluminum, wood, polyvinyl chloride (PVC), or wood fences constructed of treated lumber, cedar, redwood, or similar types of wood that are resistant to decay. The use of materials such as corrugated or sheet metal, chicken wire, woven wire, temporary construction fencing, snow fencing, or a fence or wall designed to cause pain or injury to humans or animals, such as the use of spikes, broken glass, barbed wire, razor wire, nails, electrical charge would not be allowed. The proposed regulations would also set a standard for maintenance and upkeep of a fence and allows for enforcement against delapidated and unkept fences.

Where a fence or wall is required to serve as a screening wall, buffer wall or other separating or protective wall, as required in the site planning or subdivision regulations, the proposed regulations would yield to the requirements of such other specific provision. The proposed regulations allow for fences to encroach into a storm water easement providing measures are taken to make certain that the fence does not cause siltation buildup or restrict the water flow. Such measures include allowing materials such as chain link, wrought iron fencing, picket style fencing that is at least 30% open, or other fencing styles that are at least 30% open. All fencing shall be elevated a minimum of 3 inches through the swale part of the storm water easement to allow water flowage. The proposed regulations state that vacant lots shall not be fenced, however, does allow for the Board of Adjustment to approve the fencing of vacant lots through a special exception.

The following exceptions are proposed:

- In agriculture districts, barbed wire and woven wire fencing may be allowed, subject to a minimum setback of 10 feet, to contain livestock or to protect crops and plantings. Also, an electrified fence may be allowed subject to a minimum setback of 10 feet, for the purpose of containing livestock. In industrial districts, fences topped with barbed wire may be allowed by special exception of the Board of Adjustment, provided the barbed wire is not less than 6 feet above the ground. In all cases noted here, fencing shall comply with Chapter 41.07 which states that the Police Chief shall determine if an electric fence can be maintained without hazard to children or adults and that barbed wire fences may not enclose in whole or in part any park, terrace, lot or parcel of ground fronting on or adjacent to any sidewalk, street or alley.
- Fences associated with the uses of a sports or recreational facility or other similar area, shall not be subject to the height restrictions specified, provided that such fence is constructed to maintain a consistency of at least 75% open space for the full length of the fence and does not impede the required vision clearance.
- Temporary or seasonal fences are also exempt provided they are not more than 4 feet in height. Snow fences shall be allowed to be placed from the first day of November through the first day of April of the following year. Temporary construction fences, barricades, railings, or other similar fences installed to provide temporary site security and/or safety in conjunction with construction work may be allowed in any district during periods of construction.
- The repair of existing fences or walls shall not be subject to the setback or height regulations, if the repair or replacement coincides with the location and height of the existing fence or wall. Complete replacement (removal or replacement of 40% percent or more of the existing fence or wall) of an existing fence or wall requires compliance with the terms of this section.

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

ALTERNATIVES

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

- 1) The City of Indianola Planning and Zoning Commission recommends of the zoning regulation amendment request be approved, as submitted.
- 2) The City of Indianola Planning and Zoning Commission recommends the zoning regulation amendment request be approved, with changes.

- 3) The City of Indianola Planning and Zoning Commission recommends the zoning regulation amendment request be denied.
- 4) The City of Indianola Planning and Zoning Commission remands the zoning regulation amendment request, back to staff for further review and/or modifications and directs staff to place this item on a future Planning and Zoning agenda.

RECOMMENDATION

Staff recommends that the City of Indianola Planning and Zoning Commission move alternative 1, approving the zoning regulation amendment request as submitted.

9. Fences, Hedges and Walls.~~Fences.~~

- A. Residential Districts. Fences~~or~~, hedges or walls in residential districts shall not exceed four (4) feet in height in any required front yard and side yards adjacent to a street and ~~fences~~ shall not exceed six (6) feet in height in any required side or rear yard, subject to the further restriction of subsection 1 above. All fences located between the front property line and the front yard building setback, shall be designed with a minimum open space of forty percent (40%). Fences or walls shall be built wholly on the owner's property ~~unless it is otherwise agreed with the owner of the adjacent property~~, and hedges shall not be planted closer than two and one-half (2½) feet to any property line.
- B. Industrial and Commercial Districts. In industrial and commercial districts, fences, hedges or walls not exceeding eight (8) feet in height are permitted within the limits of the side and rear yard. As part of a sidewalk use agreement or any other outdoor seating area, fences not exceeding four (4) feet in height are permitted, and shall be constructed of wrought iron, aluminum, wood, or polyvinyl chloride (PVC). All other fences within the front yard of an industrial or commercial district or exceeding eight (8) feet in height in industrial or commercial districts, may be permitted by special exception of the Board of Adjustment.
- C. Swimming Pool Enclosures. All outdoor swimming pools shall be fenced to prevent unauthorized access by small children and to provide a degree of security. Such fence shall be an "unclimbable fence," which means a solid wall, chain-link fence, or other fence of sufficient strength and durability and design to render such pool inaccessible to children. In the case of in-ground pools, this shall be accomplished using a fence or wall not less than six (6) feet in height, located ~~not less than five (5) feet from each side of such pool~~ directly adjacent to the hard surfaced walkway surrounding the pool. In the case of above-ground pools, a combination of fence or wall and the water-enclosing wall of the swimming pool may be used, providing that the pool is reasonably secure and the effective enclosure height is not less than six (6) feet. For all swimming pools, any opening to the swimming pool shall be equipped with a self-closing and self-latching device with locking provisions for keeping the gate or door securely closed at all times when not in actual use. This section is applicable to pools in excess of five thousand (5,000) gallons.
- D. Fence Frames. The frame of a fence, including posts, rails, and supports shall be placed on the inside of the fence, facing the property on which the fence is located.
- E. Decorative Features. In all districts, decorative features such as individual posts, brick or stone columns, and similar features constructed as part of a fence or wall shall be allowed to exceed the maximum fence height by no more than twelve (12) inches.
- F. Materials and Maintenance.
- 1) Allowed Materials. Fences are to be constructed of customarily used materials such as chain link, wrought iron, aluminum, wood, polyvinyl chloride (PVC), and other similar materials, unless specified otherwise herein. Wood fences should be constructed of treated lumber, cedar, redwood, or similar types of wood that are resistant to decay.
 - 2) Prohibited Materials. The use of materials such as corrugated or sheet metal, chicken wire, woven wire, temporary construction fencing, snow fencing, or similar materials shall not be permitted for permanent fencing. A fence or wall may not be designed to cause pain or injury to humans or animals. Therefore, the use of spikes, broken glass, barbed wire, razor

wire, nails, electrical charge or other similar materials shall be prohibited. Chain link fences located in a residential front yard shall not be of a galvanized finish.

- 3) Construction and Maintenance. All fences or walls shall be constructed in a sound and sturdy manner and shall be maintained in a good state of repair, including the replacement of defective parts, painting, and other acts required for maintenance. The Building Official after ten (10) days' notice to the owner of the fence or wall, may order the removal of any fence or wall that is not maintained in accordance with the provisions of this Code, and the cost assessed against the property where said fence or wall is located. An extension of time may be granted, upon filing a verified statement that the delay is not a result of any act of the owner.

G. Retaining Walls. All retaining walls (8) eight feet high and above shall be designed by an Iowa licensed design professional.

H. Screening and Buffer Yards/Parks. In any zoning district where a fence or wall is required by the zoning, site plan or subdivision regulations or any other provisions of this Code of Ordinances, to serve as a screening wall, buffer wall or other separating or protective wall, the restrictions of Section 165.10.9 shall yield to the requirements of such other specific provision.

I. Storm Water Easements.

- 1) Fences may encroach into a storm water easement providing measures are taken to make certain that the fence does not cause siltation buildup or restrict the water flow.
- 2) Permitted fence material includes chain link, wrought iron fencing, picket style fencing that is at least thirty percent (30%) open, or other fencing styles that are at least thirty percent (30%) open.
- 3) All fencing shall be elevated a minimum of three (3) inches through the swale part of the storm water easement to allow water flowage.

J. Vacant Lots. Vacant lots shall not be fenced. The fencing of vacant lots may be permitted by special exception of the Board of Adjustment.

K. Exceptions to Fence Requirements.

1) Agricultural Purposes.

- i. In agriculture districts, barbed wire and woven wire fencing may be allowed, subject to a minimum setback of ten (10) feet, provided it is used to contain livestock or to protect crops and plantings. Such fencing shall comply with Chapter 41.07.
- ii. In agriculture districts, an electrified fence may be allowed subject to a minimum setback of ten (10) feet for the purpose of containing livestock. Such fencing shall comply with Chapter 41.07.

2) Industrial Districts. In industrial districts, fences topped with barbed wire may be allowed by special exception of the Board of Adjustment, provided the barbed wire is not less than six (6) feet above the ground. Such fencing shall comply with Chapter 41.07.

3) Recreational Purposes. Fences associated with the uses of a sports or recreational facility or other similar area, shall not be subject to the height restrictions specified elsewhere in this section, provided that such fence is constructed to maintain a consistency of at least seventy five percent (75%) open space for the full length of the fence and does not impede the required vision clearance. Any such fence is subject to design review and approval of the Building Official.

- 4) Temporary Fences. Temporary or seasonal fences, e.g. snow fence, garden fence, are exempt from the requirements herein providing they are not more than four (4) feet in height. Snow fences shall be allowed to be placed from the first day of November through the first day of April of the following year. Snow fences shall not be allowed at any other time of the year, unless it is being placed as safety or construction fencing in accordance with the temporary construction fence requirements of this chapter.
- 5) Temporary Construction Fence. Temporary construction fences, barricades, railings, or other similar fences installed to provide temporary site security and/or safety in conjunction with construction work may be allowed in any district during periods of construction. Any such temporary fences shall be removed upon completion of the construction work.
- ~~4~~6) Existing Fence or Wall. Repair of existing fences or walls shall not be subject to the setback or height regulations, if the repair or replacement coincides with the location and height of the existing fence or wall. Complete replacement of an existing fence or wall requires compliance with the terms of this section. Complete replacement shall be defined as the removal or replacement of forty (40) percent or more of the existing fence or wall.



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Staff Report

Planning and Zoning Commission

Date of Meeting: August 13, 2019

Agenda Item: 7.J. Consider zoning regulation amendment to Chapter 165, regarding Bed and Breakfast and Boardinghouse regulations

Application Type: Zoning Regulation Amendment

Applicant: City of Indianola

Application Summary: At its July 15 meeting, the Indianola City Council requested that staff and the Planning and Zoning Commission explore the possibility of separating the current boardinghouse/bed and breakfast definition and formulate recommendations to the Council.

APPLICABLE CODE SECTIONS

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

1.07 AMENDMENTS. All ordinances which amend, repeal or in any manner affect this Code of Ordinances shall include proper reference to chapter, section, subsection or paragraph to maintain an orderly codification of ordinances of the City.

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 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 18 inches by 24 inches indicating the amendment requested has been prepared and posted by the City in a visible location on the premises for a period of 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 amendment or, in the case of a protest filed with the Council against an amendment to district boundaries signed by the owners of 20 percent or more either of the area of the lots included in such proposed amendment or of those immediately adjacent thereto and within 200 feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of the Council.

ANALYSIS

As the Commission will recall, at its May meeting, several changes to the Bed and Breakfast regulations were brought forward to clean up some inconsistencies in the code. This action, which was recommended for approval by the Commission, was ultimately denied by the Council upon its second reading. Prior to the second reading of the Council, a neighborhood petition was submitted to the City requesting that the Council reject the proposed amendments recommended for approval by the Commission, to separately define the terms boarding house and bed and breakfast, to codify that only bed and breakfast are allowed in the R-1 zoning district, and to further strengthen the provisions for a special exception that allows bed and breakfast in the R-1 zoning district with requirements that would include short term stays only, retain current parking requirements, and add a requirements for an on-site resident owner/manager.

At its July 15 meeting, the Indianola City Council requested that staff and the Planning and Zoning Commission explore the possibility of separating the current boardinghouse/bed and breakfast definition and formulate recommendations to the Council. Staff is proposing changes to code that would separate these two terms in the definitions. Staff is also further providing analysis and considerations on the petition provided by the neighborhood.

The proposed separation of the two terms is done to limit the length of a stay at a Bed and Breakfast to a short term of no more than 31 days. Chapter 8 of City Code, relating to hotel-motel tax, states that the tax imposed does not apply to the gross receipts from the renting of a room, apartment or sleeping quarters while rented by the same person for a period of more than thirty-one (31) consecutive days. By limiting the length of stay to no more than 31 days for a bed and breakfast, this assures that the transient guests staying in a bed and breakfast would be required to pay a 7% tax, like what is required for a transient guest stay at a hotel or motel. A boardinghouse would have no limitations to the number of days and would be allowed for a longer period. However, a boardinghouse would require the length of stay be for a definitive period.

Staff has also reviewed the requests of the neighborhood petition, as well as the wishes of the property owner at 805 North B Street that was the subject of the proposed code changes reviewed by the Commission at its May meeting. It is of note that currently the R-1 district only allows for Bed and Breakfasts through the approval of a Special Exception by the Board of Adjustment. However, the current issue is that Bed and Breakfast and boarding houses share the same definition, making them interchangeable. By the proposal to separate them into their own definitions, this should satisfy the neighborhood petition to make sure only bed and breakfast are allowed in the R-1 zoning district. Furthermore, by the definition proposed for bed and breakfasts, the stays allowed would be limited to 31 days. As the petition has requested no changes be made to the current parking requirements that were installed into the Code in 2004, staff is proposing to keep the parking requirements for bed and breakfast in the R-1 the same.

Regarding the request to add a requirement that a bed and breakfast require an on-site resident owner/manager, staff is proposing to leave this decision up to the Board of Adjustment to review at its hearing on the special exception. As business model can vary from operation to operation, staff is more comfortable having this requirement reviewed on a case by case basis. The neighborhood also had requested at the July 1 Council meeting that the requirement limiting a bed and breakfast in the R-1 zoning district to property 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, be removed, and that bed and breakfasts be allowed in all R-1 Zoning districts. Staff agrees this limitation should be removed, and bed and breakfast be allowed to be reviewed by the Board of Adjustment on a case by case basis. Lastly, staff would propose again that the requirement limiting the occupancy in the R-1 zoning district for a bed and breakfast to four guest units be removed, and that the Board of Adjustment be allowed to review occupancy limitations on a case by case basis.

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

ALTERNATIVES

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

- 1) The City of Indianola Planning and Zoning Commission recommends of the zoning regulation amendment request be approved, as submitted.
- 2) The City of Indianola Planning and Zoning Commission recommends the zoning regulation amendment request be approved, with changes.
- 3) The City of Indianola Planning and Zoning Commission recommends the zoning regulation amendment request be denied.
- 4) The City of Indianola Planning and Zoning Commission remands the zoning regulation amendment request, back to staff for further review and/or modifications and directs staff to place this item on a future Planning and Zoning agenda.

RECOMMENDATION

Staff recommends that the City of Indianola Planning and Zoning Commission move alternative 1, approving the zoning regulation amendment request as submitted.

~~6. "Boardinghouse/bed and breakfast" means 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.~~

6. "Bed and Breakfast" means a transient lodging establishment, generally in a single-family dwelling or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals to overnight guests. For the purposes of this term, a guest is a person who rents a room in a bed and breakfast establishment for no more than 31 consecutive days.

7. "Boardinghouse" means a building other than a motel or hotel, and other than a building containing an apartment(s), where, for compensation and by prearrangement for definite periods, meals or lodging are provided to overnight guests.

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)~~shall be determined through the approval process of the special exception; (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; and (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.~~

**Petition to the Indianola City Council Regarding
Proposed Amendments to the Indianola *Code of Ordinances* with Respect to
the Definition and Regulation of "Boardinghouse/Bed and Breakfast"**

We, the undersigned, reside in the R-1 (Single Family Residential) neighborhood north of Buxton Park, bounded by Buxton, Girard, E, and Iowa streets. Whereas ours is the only R-1 neighborhood abutting Simpson College and is the only R-1 neighborhood in which a bed and breakfast is currently allowed in the City of Indianola, we fear that the neighborhood is uniquely vulnerable to degradation of property values due to loosening of zoning regulations. Thus ...

We are OPPOSED to any amendments to the city code that would permit the establishment of a multi-resident, extended-stay accommodation within our R-1 (Single Family Residential) neighborhood.

We are OPPOSED to any amendments that would liberalize existing regulations pertaining to on-street or off-street parking in our neighborhood.

We petition the city council to undertake the following actions:

- 1) To REJECT the current proposed amendments to the city code that would broaden the definition and regulation of "boardinghouse/bed and breakfast" in a manner that is more congenial to the establishment of extended-stay boarding houses.
- 2) To DEFINE SEPARATELY and in accordance with their common usage the terms *boarding house* (which implies low-amenity accommodation for extended-stay residents) and *bed and breakfast* (which implies a high-amenity accommodation for short-stay guests) and to develop appropriate zoning regulations for each.
- 3) Pursuant to the implementation of petition item number 2, to CODIFY that only bed and breakfast establishments, and not boarding houses, be permitted in our neighborhood.
- 4) To STRENGTHEN the provisions of the special exception that permits bed and breakfasts in the north campus Single Family Residential neighborhood with such requirements as: short-term stays only, to retain the current regulations for parking (two off street parking places for the owner and one off-street parking place per guest unit) and add the requirement for an on-site, resident owner/manager.

On the afternoon of June 29, 2019, approximately fifteen members of the north campus neighborhood met to draft the petition above. Later that day and on the following day, June 30, the petition was circulated around the neighborhood. It was signed by 90 residents, representing 50 addresses, who support the petition.

The following pages present the collected signatures. Hard copies of the petition, as well as the original copy, will be presented to the members of the City Council at the July 1 council meeting.

John Benoit
808 N C St