

COMMUNITY DEVELOPMENT

CITY OF INDIANOLA
PLANNING AND ZONING COMMISSION
REGULAR MEETING
December 11, 2018
6:00 P.M.
CITY HALL COUNCIL CHAMBERS

1. Call to order
2. Roll call
3. Approval of November 13, 2018 minutes
4. Consider Request from Donald and Regina Bendon for a waiver to the sidewalk construction requirements at 1210 South R Street.
5. Other Business
6. Adjournment

Distribution:

Planning and Zoning Commission
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INDIANOLA PLANNING AND ZONING COMMISSION
REGULAR MEETING
November 13, 2018
6:00 P.M.

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

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

Also present: Jerry Felton Terrell, Brent Terrell, Sharon Crabb, Tim Davison, Terry Pauling, David Churchill, Jason Etnyre, Kristin Brekelmans.

Members of the Commission absent: Sarah Ritchie

The minutes of the October 9th, 2018 meeting were approved on a motion made by Al Farris and seconded by Becky Needles. Question was called for and on voice vote Chairperson Butler declared the motion carried unanimously.

Consider Request from Tim Davison for approval of the vacation and conveyance of the South 1/2 of the alley between E. 1st Street and E. Salem Avenue. (Legal description pending)

David Churchill spoke to the Commission regarding the application to vacate the alley.

Joe Butler asked if anyone had comments they would like to discuss, or if David has received any feedback regarding the alley being vacated. Hearing none, Joe requested a motion.

Motion was made by Josh Rabe to approve the vacation and conveyance of the South 1/2 alley between East 1st Street and East Salem Avenue, to Tim Davison. Seconded by Misty Soldwisch. All ayes, the motion to approve was unanimous, 9 ayes - 0 nays.

Consider Request from Tim Davison to rezone the property located at 308 E 1st Ave, from R-2 (Single and Two Family Residential) to C-2 (Highway Commercial).

David Churchill spoke to the commission regarding this application and reported this zoning change does fall within the Comprehensive Plan for future land use, and that staff recommended approval.

Sharon Crabb at 404 E Salem, stood to speak, asking the applicant, Tim Davison, what the intended future purpose of the lot would be used for, if it is approved for rezoning.

Tim Davison of 100 Orchard Circle, stood to reply, stating he would like to create more parking to his existing facility and add more shop space. Tim reported his intentions were to "bridge the gap" to allow more bay space, since current vehicles are being parked over the right-of-way. He added he would like to create green space in the front and corner of the lot of the existing neighboring property allowing the rezoned portion to be fenced in.

Jerry Ferrell at 310 E 1st Ave, stood to speak, stating that he purchased his home, not being aware that the homes around him were planned for future commercial use in the Comprehensive Plan. Jerry inquired about green space and buffering that was mentioned in conversations related to this. Joe Butler explained the terms to Jerry to his understanding. Jerry mentioned that he has a list of items he is concerned about that the buffering concept would be take care of.

Misty Soldwisch asked for a map showing the future zoning in the Comprehensive Plan. Al Farris gave history on his knowledge regarding the intentions of the commercial development along Hwy 65/69.

Sharon Crabb asked how the change in zoning would affect the taxable value of her home. She was directed by the Commission to contact the Warren Co Assessor office.

Jerry Ferrell spoke to the Commission about his experiences with noises from business' presently at 3:00 a.m.. Misty Soldwisch mentioned that there was an update on noise ordinances just this month. Discussions continued.

Motion was made by Becky Needles to approve the request to rezone the property located at 308 E 1st Ave, from R-2 (Single and Two Family Residential) to C-2 (Highway Commercial) made by Tim Davison. Seconded by Bob Ormsby. All ayes, the motion to approve was unanimous, 9 ayes - 0 nays.

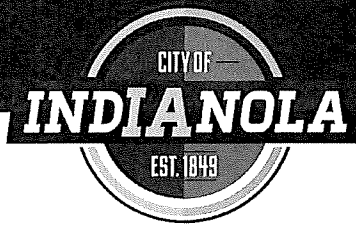
Other Items

Dave Churchill provided updates regarding building permits, site plans, and a follow up on previously approved items and any council responses regarding them.

Meeting adjourned on a motion by Al Farris and seconded by Becky Needles. 9 Ayes – 0 Nays. Unanimous.

Joe Butler, Chairperson

David Churchill



COMMUNITY DEVELOPMENT

To: Planning and Zoning Commission
From: Charlie E. Dissell, AICP, Community and Economic Development Director
Subject: December 11, 2018 Meeting

Item # 4: Consider request from Donald and Regina Bendon for a waiver to the sidewalk construction requirements at 1210 South R Street.

Donald and Regina Bendon have requested a waiver to eliminate the requirement for a sidewalk at their new residence located at 1210 South R Street. Section 136.06 of the Code of Ordinances of Indianola, Iowa, requires that before any new dwelling is occupied, a permanent sidewalk shall be built for the entire length of the lot along the sides which abut a street. The subject property is a corner lot located on the northeast corner of South R Street and West 13th Avenue, and the Bendon's are only asking for a waiver from the sidewalk requirement along West 13th Avenue.

Section 136.06.5 of the Code of Ordinances of Indianola, Iowa, allows Council, upon recommendation by the Planning and Zoning Commission, to grant a waiver from this requirement when strict application of the requirements would cause substantial hardship or impose unreasonable restrictions because of natural or physical conditions or limitations not created by the owner or developer. The Bendon's are asking for a waiver for three (3) reasons:

1. There is a primary transformer and other utilities located in the area where the sidewalk is required.
2. The adjacent property to the east for the Deer Run Golf Course, does not have a sidewalk.
3. A lot of dirt had to be removed from their property, and their property is now considerably lower than the adjacent property owned by the Deer Run Golf Course.

Further, Section 136.06.5 of the Code of Ordinances of Indianola, Iowa, states that at such time when conditions or limitations for granting a waiver are eliminated, the owner will be required to install such sidewalk within one-hundred twenty (120) days after notification by the City.

Staff agrees that the property adjacent to the east, and used for the Deer Run Golf Course, does not have a sidewalk and may create a physical limitation to the owner because the sidewalk will terminate at the end of their lot. However, staff disagrees that there is a primary transformer located where the sidewalk is required. The transformer box is located outside of the right-of-

way, where the sidewalk is required to be located one (1) foot inside the right-of-way. Also, a sidewalk located on top of other underground utilities is not unique. Lastly, staff disagrees that the dirt being removed from the Bendon's property is a valid reason for a waiver as it was a condition that was created by the owner.

The Planning and Zoning Commission shall recommend to the Council to either approve, approve subject to conditions, or disapprove this waiver request. Staff recommends approval of this waiver with the condition that at which time a sidewalk is placed on the adjacent property to the east, and used for the Deer Run Golf Course, the owner of the dwelling at 1210 South R Street install a sidewalk, at the owners expense, the entire length of their lot line along West 13th Avenue within one hundred twenty (120) days after notification by the City.

BENDON INDIANOLA MECHANICAL LLC
710 WEST THIRD AVENUE
INDIANOLA, IOWA 50125
515-961-7924

November 27, 2018

Building and Zoning
City Hall
110 North First
Indianola, Iowa 50125

Attn: Charles Dissell
Re: Sidewalk

Dear Charles:

We would like to submit an application for a "variance" to eliminate the sidewalk for West 13th Avenue, Indianola, Iowa.

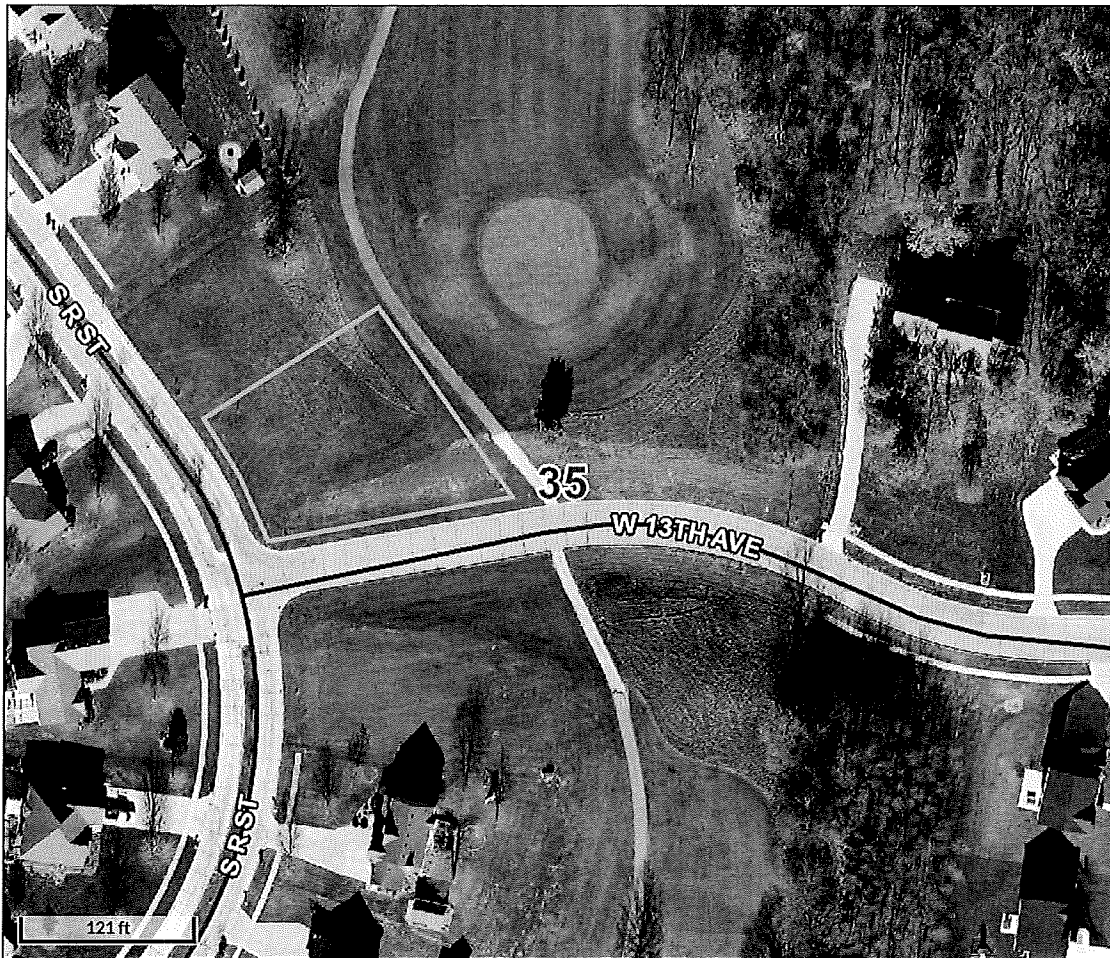
We have three reasons for asking for this variance.

1. IMU primary transformer is located there as well as the utilities.
2. The adjacent property is Deer Run Golf Course and therefore there is not a sidewalk to connect to.
3. Due to the fact that we had to remove a lot of dirt our property is now considerably lower than the adjacent property of Deer Run Golf Course.

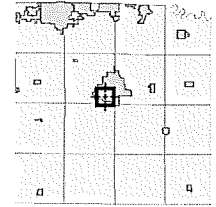
Thank you for your consideration on this matter and if we need to submit anything else, please let us know.

Sincerely,


Donald Bendon & Regina Bendon



Overview



Legend

Roads

- <all other values>
- Interstate
- Highway
- Ramp
- County Gravel
- County Level B
- County Level C
- City Gravel
- City Street
- Private Street

- Corporate Limits
- Political Township
- Sections

Major Roads

- County Hwy
- State Hwy
- US Hwy
- Interstate
- Water

Parcel ID 48195000042
Sec/Twp/Rng n/a
Property Address 1210 S R ST
INDIANOLA

Alternate ID 48195000040
Class R
Acreage n/a

Owner Address BENDON, DONALD/REGINA
710 W 3RD AVE
INDIANOLA IA 50125

District 48300
Brief Tax Description 35-76-24 DEER RUN PCL E LOT 4
(Note: Not to be used on legal documents)

Date created: 11/30/2018
Last Data Uploaded: 11/30/2018 7:55:28 AM

Developed by  **Schneider**
GEOSPATIAL

**CITY OF INDIANOLA
BUILDING PERMITS**

Copy to: Mayor,
Council,
Trustees, CM,

November-18

<u>Code</u>	<u>Type</u>	<u>Permits Issued</u>	<u>Amount</u>	<u>Average</u>	<u>Non-Taxable</u>
101	Single Family Home	1	\$432,640		\$0
102	Single Family Attach	0	\$0		\$0
103	Two Family	0	\$0		\$0
104	Three or More Families	0	\$0		\$0
322	Service Stations	0	\$0		\$0
324	Office	0	\$0		\$0
328	Non-resident buildings	1	\$0		\$95,355
329	Pool	0	\$0		\$0
434	Residential Add/Alt	1	\$3,000		\$0
437	Non-residential add/alt	0	\$0		\$0
438	Res garage/carports	1	\$12,500		\$0
645	Demo - sfd	0	\$0		\$0
649	Demo - commercial	0	\$0		\$0
September Total		4	\$448,140		\$95,355
<u>Residential Value</u>		<u>Commercial Value</u>		<u>All Non-Taxable</u>	
100.0%		-21.3%		21.3%	

YEAR TO DATE TOTAL

<u>Code</u>	<u>Type</u>	<u>Permits Issued</u>	<u>Amount</u>	<u>Average</u>	<u>Non-Taxable</u>
101	Single Family Home	29	\$5,627,406	\$194,048	
102	Single Family Attach	0	\$0		
103	Two Family	5	\$1,335,000	\$267,000	
104	Three or More Families	0	\$0		
322	Service Stations	0	\$0		
324	Office	2	\$1,544,000	\$772,000	\$1,668,900
328	Non-resident buildings	8	\$1,713,976	\$214,247	\$280,355
329	Pool	7	\$111,700	\$15,957	
434	Residential add/alt	41	\$539,820	\$13,166	
437	Non-residential add/alt	21	\$6,049,708	\$288,081	\$5,326,830
438	Res garage/carports	19	\$259,020	\$13,633	
645	Demo - sfd	9	\$0	\$0	
649	Demo - commercial	0	\$0		
YTD TOTAL		141	\$17,180,630		\$7,276,085
<u>Residential Value</u>		<u>Commercial Value</u>		<u>All Non-Taxable</u>	
45.8%		11.8%		42.4%	

BUILDING & ZONING
Building Permit Detail

November 2018

142	IMU - Admin Building Remodel Office - Government IMU 210 W 2nd Ave 25-76-24 Indianola OTP Lots 12-13-14-15-16-17 Block 23	\$95355	11/2/2018
434	143 Brad & Jennifer Aust Basement Finish 1206 S 3rd Street Lot 49 Milbrook Plat 2	\$3000	11/6/2018
101	144 David Borner Single Family Dwelling 1010 E Plainview Ave 30-76-23 Indianola CAL S 15A E 1/2 SW SE	\$432640	11/9/2018
438	145 Lori Ferris Garage 106 E Kentucky Ave 24-76-24 Berry's OUT LOTS W 17' 5150; Lot 5 and Lot 6 EX PCL J and EX N 114.7	\$12500	11/9/2018