

Ryan Waller

From: Ryan Waller
Sent: Friday, June 21, 2019 6:05 AM
To: Lindsey Offenburger
Cc: Charlie Dissell; John Parker; Shirley Clark; Greg Marchant
Subject: Re: Lincoln Ridge

Good morning, Lindsey.

Thank you for the email. The City understands and appreciates the concerns of the neighborhood regarding Kadeing Properties' purchase and possible development of the ground west of N 9th Street.

During the council meeting, we shared with those in attendance that staff are currently conducting a comprehensive review of the materials submitted to ensure compliance with all applicable code sections and guiding policies (ie Com Plan), including many you have listed below. Only after this review is completed will the petitioner be allowed to proceed with the review and consideration process spelled out by code (ie PZ > Council).

Also, please know that while there is a notification process spelled out in code, we have asked some of the neighbors in attendance to share emails so that we may relay timeframes on this proposal once the comprehensive review has been completed.

Lastly, regarding the rental housing comment, that review and possible adoption will likely take place once the census confirms the required population.

Thanks again for the comments. Staff will be in touch. It is great to hear from you!

Ryan



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On Jun 20, 2019 at 11:47 PM, <Lindsey.Offenburger@indianolaia.gov> wrote:

Ryan, John and Council Members:

As you are aware, Kading Properties is planning to build more units along the east and west sides of North 9th Street in the Lincoln Ridge area. I am aware that some homeowners were at the meeting on June 17th to express their concerns. I was unable to attend that meeting so would like you to consider my concerns.

I would like to start off by saying that I understand the land is zoned mixed residential which allows a mix of low, medium and high density residential uses. Therefore, I also understand that as long as their plans meet these zoning requirements and regulations, it will be hard to not allow this type of construction.

I do however, have some concerns with the zoning code, comprehensive plan and a rental housing code.

Chapter 165, Zoning Regulations states (in part) the purpose of the chapter is prevent and to lessen congestion in the streets and highways; to protect the public health and general welfare; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of schools, parks and other public requirements; to conserve the value of buildings and encourage the most appropriate use of land throughout the City, all in accordance with a comprehensive plan. I don't believe that adding more rental properties from Kading Properties meets this purpose in regards to congestion, public hearing and welfare, overcrowding of land and adequate provision of schools, parks and other public requirements. i.e. public safety.

Also in Chapter 165 are required front, side and rear yard set backs which are 25 feet for the front, 30 for the rear and 8 feet for the side for 1 and 2 family units. It is 10 feet for multi-family, 3-12 units (which I believe there are housing in the plan which would need to meet this requirement). When measuring the front, rear and side yard setbacks from Beacon, the current Kading Property setbacks do not meet these minimum requirements. It appears the side yards are about 6.5 ft, the front about 20 ft. and the rear about 15 ft. I would like to know why, and if this will be allowed in their new construction plans.

Section 165.11.5 states minimum yards and lot areas may not be reduced. No yard or lot existing at the time of passage of the Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the Zoning Ordinance shall meet at least the minimum requirements established by this chapter.

Section 165.12 Nonconforming Uses states within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before the Zoning Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendment. Subject to Section 165.09, it is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which active construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner.

Section 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 \$200.00 and

contain certain information. (It was my understanding from watching the 6/17 meeting that ONLY the property owner could request a rezoning, but this section does not state that).

Section 156.41 Residential Energy Code states that in accordance with Iowa law, the Indianola Building Code shall include the International Energy Conservation Code - Residential Provisions with amendments as set out in Iowa Administrative Code Section 661---303.2(103A). Will it be made sure of that this happens with their new construction?

The Comprehensive Plan adopted in 2011 also has some things in it that I have a concern with in regards to Kading Properties building again in Indianola. It states anticipation of growth to the north and northwest as larger homes and lots while anticipating growth to the south as more affordable housing. It states Indianola needs more buffering and more green space.

The Kading project does not match the land use goals in the comp plan which states: In the context of this comp plan, crafting a sustainable vision means the City is encouraged to manage the land in a cost-effective manner while protecting natural resources and the environment, in addition to maintaining and increasing land values. A Land Use Plan and Growth Management Plan that guides Indianola's future growth and development efficiently will continue to maintain and improve the quality of life for the residents of Indianola.

The comp plan also states that Indianola residents enjoy excellent access to a wide variety of parks and these parks are an important component of life in this community. In 2008, the City Council adopted a Trails Master Plan which includes a CIP for future trails and trail extensions as well as identifying general locations for future parks in growth areas. There is no park in the general vicinity to our homes. There was one in the Trails Master Plan that pointed out a park near Hillcrest Drive, but that has yet to happen. When considering adding many more families to the area, where does the city plan to have a park and/or green space? According to the comp plan, a major goal for Indianola's Parks and Trails System is: Create new neighborhood and community parks in growth areas. As Indianola continues to grow, it will be critically important to set aside quality park land during the early planning stages of new residential developments. Future parks should have safe, convenient, and desirable pedestrian access from neighborhoods to parks and should fit within the framework of the comp plan.

The last concern I have is the adoption of a rental housing code. Indianola's population appears to be 15,990 according to documents listed on the City's website as well as a quick google search. I understand the next census isn't until 2020 but even the 2010 census had Indianola's population at 14,782. Has a rental housing code been adopted? If not, I have a real concern with this. It only seems natural that as of almost 10 years ago, our population was only 218 people short of 15,000 (when the state requires a city to implement a housing code). I have to wonder if Kading Properties would not like to build in a city that has this code.

Please contact with if you have questions, and I look forward to hearing from you regarding my questions.

Thank you,

Lindsey Offenburger
1003 E Madison Ave.