

HIAWATHA PLANNING AND ZONING COMMISSION
REGULAR MEETING
February 27, 2017

The Hiawatha Planning and Zoning Commission met in a meeting on February 27, 2017. Chairperson, Mark Powers called the meeting to order at 5:30 P.M. Members present: Kenny Jones, Mark Ross, Terry Trimpe and Darryl Cheney. Members Absent: Reta Saylor and Tom Wille. Staff present: Community Development Director, Pat Parsley, Assistant Building Official, Jim Fisher and City Administrator, Kim Downs. Guests in Attendance: Dave Brost Jr., Karen Sands, Denny & Sandra Ketelsen, Joel Ames, Sue Young, Steve Scott, Danny Roberts, Frank Bellon and Tred Schnoor.

Board Member, Kenny Jones moved to approve the Agenda. Second by Darryl Cheney. Motion carried.

Board Member, Mark Ross moved to approve the meeting minutes of January 23, 2017. Second by Kenny Jones. Motion carried.

Consider Resolution for recommendation to City Council to approve the Rezoning submitted by Charlie Vogl for 1550 Hawkeye Dr., Hiawatha, IA.

Mark Powers asked if there was anyone there to speak for the rezoning.

Trent Schnoor addressed the Board. He stated that he was there to answer any questions and explained that the adjoining property also owned by Charlie Vogl was previously zoned to C-4.

Mark Powers asked if there was anyone to speak against the rezoning. There were none.

There were no further questions.

Mark Ross moved to recommend to City Council to approve the Rezoning submitted by Charlie Vogl for 1550 Hawkeye Dr., Hiawatha, IA. Second by Terry Trimpe.

AYES: MARK ROSS, MARK POWERS, KENNY JONES, DARRYL CHENEY, TERRY TRIMPE.

NAYS: NONE

ABSENT: RETA SAYLOR, TOM WILLE.

Motion Carried

Resolution #17-003 Approved

Consider Resolution for recommendation to City Council to approve the Rezoning submitted by Hawkeye Dental Studio for 1208 N Center Point Rd., Hiawatha, IA.

Open: 5:30 pm

Mark Powers asked if there was anyone there to speak for the rezoning.

Dan Schmidt addressed the Board. He explained that it is a simple request to rezone to C-4 to allow a Dental Lab.

Mark Powers asked if there was anyone there to speak against the rezoning. There were none.

Closed: 5:37 pm

Mark Powers asked if the Board had any questions. There were none.

Kenny Jones moved to recommend to City Council to approve the Rezoning submitted by Hawkeye Dental Studio for 1208 N Center Point Rd., Hiawatha, IA. Second by Darryl Cheney.

AYES: DARRYL CHENEY, KENNY JONES, MARK ROSS, MARK POWERS, TERRY TRIMPE.

NAYS: NONE

ABSENT: RETA SAYLOR AND TOM WILLE.

Motion Carried

Resolution #17-004 Approved

Consider Resolution for recommendation to City Council to approve the Design Guidelines submitted by Hawkeye Dental Studio for 1208 N Center Point Rd., Hiawatha, IA.

Kenny Jones asked if the proposed steel roof met code. Pat Parsley stated that the building is similar to Al Fry's and the awning would be the only thing visible from the street. He went on to say that that it does comply but the department had a concern about the ends of the building.

Dan Roberts addressed the Board. He stated that the plans have actually changed. The roof would be changed to a four sided style and there would be stone all the way up on the front of the building with an awning. He added that the sides would be siding.

Pat Parsley suggested that they bring in the new plans for the Council meeting. Dan Roberts agreed to have the new proposal submitted in time for the Council meeting on March 15, 2017.

Sandy Olsen addressed the Board. She wanted to know if there would be a fence installed and what the set-backs are. Pat Parsley explained that there would be a fence as shown on the plan. He also explained that there were no set-backs and the fence would be installed on the property line.

Mark Powers asked if the Site Plan would come to the Planning and Zoning Board for approval. Pat Parsley explained that it would not and would be reviewed and approved by the department.

There were no further questions.

Mark Ross moved to recommend to City Council to approve the Design Guidelines submitted by Hawkeye Dental Studio for 1208 N Center Point Rd., Hiawatha, IA. with the following conditions:

- Resubmittal of building elevations as described by the dental lab owner
- Roof of copper-color steel
- Complete masonry front
- Adding a front dormer
- Submitting exterior material list

Second by Kenny Jones.

AYES: MARK ROSS, TERRY TRIMPE, KENNY JONES, DARRYL CHENEY, MARK POWERS

NAYS: NONE

ABSENT: RETA SAYLOR AND TOM WILLE.

Motion Carried

Resolution #17-005 Approved

Consider Resolution for recommendation to City Council to approve the Final Plat submitted by Jon Dusek for Tower Commerce 12th Addition, Hiawatha, IA.

Kenny Jones asked if this was a corner lot and asked if it is two acres. Pat Parsley stated that it is.

Darryl Cheney asked if there were any changes from the Preliminary Plat. Pat Parsley said no.

There were no further questions.

Terry Trimpe moved to recommend to City Council to approve the Final Plat submitted by Jon Dusek for Tower Commerce 12th Addition, Hiawatha, IA. Second by Darryl Cheney.

AYES: TERRY TRIMPE, KENNY JONES, MARK ROSS, MARK POWERS, DARRYL CHENEY

NAYS: NONE

ABSENT: RETA SAYLOR AND TOM WILLE.

Motion Carried

Resolution #17-006 Approved

Consider Resolution for recommendation to City Council to approve the Preliminary Plat submitted by Charlotte Brown, Brown Inc. for 2111 Robins Rd., Hiawatha, IA.

Kenny Jones verified the lot size as 18.9 acres and asked if any of it is flood plain. Pat Parsley referred him to the drawing and pointed out that it would be the shaded area. He also stated that he was unsure of the total flood plain acreage.

Kenny Jones then asked if the sewer would run along the back of the lot. Pat Parsley explained that the sewer line is already there and they are not sure which way they want to go with it. He also said that the City is on board with the project.

Kenny Jones then asked if they were requesting to rezone the whole property to C-4. Pat Parsley said they were.

Terry Trimpe asked if they were at all concerned with having the sewer line run through a flood plain. Pat Parsley stated that the City would like them to follow the natural slope of the land. Mark Ross then asked if the City would be in fact sharing in the cost. Pat Parsley stated they would.

Darryl Cheney asked if they could expand the mobile home park by rezoning to C-4. Pat Parsley stated that they could not, but could put in Multi-Family.

There were no further questions.

Mark Ross moved to recommend to City Council to approve the Preliminary Plat submitted by Charlotte Brown, Brown Inc. for 2111 Robins Rd., Hiawatha, IA. Second by Mark Powers.

AYES: DARRYL CHENEY, KENNY JONES, MARK ROSS, MARK POWERS, TERRY TRIMPE

NAYS: NONE

ABSENT: RETA SAYLOR AND TOM WILLE.

Motion Carried

Resolution #17-007 Approved

Consider Resolution for recommendation to City Council to approve the Rezoning submitted by Charlotte Brown, Brown Inc. for 2111 Robins Rd., Hiawatha, IA.

Open:6:04 pm

Mark Powers asked if there was anyone there to speak for the rezoning.

Frank Belin and Steve Scott addressed the Board. They stated they were there to answer any question the Board may have.

Mark Powers ask if the request would fall into the Comprehensive Plan. Pat Parsley stated that it did. He explained that Tower Terrace Rd. will be highly traveled in the future and believed that the area is better suited as commercial than industrial.

Karen Sands addressed the Board. She wanted to know what would be going there in the future. Pat Parsley explained that the City has not recieved any plans for the development of the property and will not know until then.

Mark Powers asked if there was anyone there to speak against the rezoning. There were none.

Closed: 6:13 pm

There were no further questions.

Mark Ross moved to recommend to City Council to approve the Rezoning submitted by Charlotte Brown, Brown Inc. for 2111 Robins Rd., Hiawatha, IA. Second by Kenny Jones.

AYES: TERRY TRIMPE, MARK ROSS, KENNY JONES, DARRYL CHENEY, MARK POWERS

NAYS: NONE

ABSENT: RETA SAYLOR AND TOM WILLE.

Motion Carried

Resolution #17-008 Approved

Consider Resolution for recommendation to City Council to Amend City Ordinance Chapter 165.50; Unified Development Code (UDC) of Hiawatha, Iowa to add reference to detention basins in 165.53 and delete entire 165.59.

Mark Ross asked if Pat could explain the reason for the change. Pat Parsley stated that they would just be removing language that was no longer being used or relevant.

Mark Powers asked if the Board had any questions. There were none.

Darryl Cheney moved to recommend to City Council to Amend City Ordinance Chapter 165.50; Unified Development Code (UDC) of Hiawatha, Iowa to add reference to detention basins in 165.53 and delete entire 165.59. Second by Mark Powers.

AYES: KENNY JONES, MARK POWERS, MARK ROSS, TERRY TRIMPE, DARRYL CHENEY

NAYS: NONE

ABSENT: RETA SAYLOR AND TOM WILLE.

Motion Carried

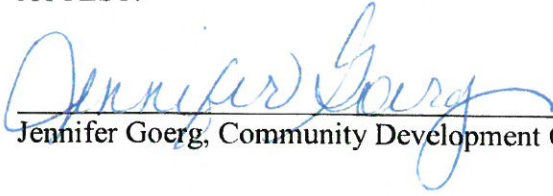
Resolution #17-009 Approved

Mark Ross motioned to adjourn the meeting at 6:20p.m. Second by Kenny Jones. Motion carried.



Mark Powers, Chairperson

ATTEST:



Jennifer Goerg, Community Development Clerk

3A

City of Hiawatha
Engineering Department
101 Emmons St., Hiawatha Iowa, 52233-1697
PHONE (319) 393-1515 ext. 511 FAX (319) 393-1516

To: Planning and Zoning Commission

Date: March 16, 2017

From: John Bender PE, City Engineer

Re: Tower Commerce Center 13th Addition

Description: Approval of Final Plat

Report:

Engineering has reviewed the final plat of Tower Commerce 13th Addition to the City of Hiawatha. All street and utility improvements are currently in place and accepted, so no other action is needed that would require a developer's agreement. We also find the final plat is substantial compliance with the approved preliminary plat. We will need sign-offs from the utility companies as to the location of all proposed utility easements.

Engineering recommends approval of this final plat.

If you have any questions please let me know.

3A-1

City of Hiawatha

Community Development Department

Purpose: Final Plat Approval **Date:** 03/13/2017

To: Planning and Zoning Commission

Name of Plan: Tower Commerce Center 13th Addition

Address: 950 Metzger **Zone:** C-4

Number of Lots: 1 lot

Reviewed by: Patrick Parsley, Community Development Director

Description: This is part of the Tower Commerce Center preliminary plat. The lot lines have been adjusted but no major changes are proposed differing from the preliminary plat. The lot size complies with the UDC. There is no request for a zoning change.

Report: This final plat matches the most recent preliminary plat. There is no required plan of improvements to be considered with this plat as sewer and water are already available on Metzger Drive. Final blue bound documents and utility sign-offs will be submitted before Council consideration.

Recommendation: Community Development supports the Planning and Zoning Commission recommendation for approval of this final plat.

Final Plat of Tower Commerce Center Thirteenth Addition.

Date: 3/13/2017

The Hiawatha Water Department has reviewed the Final Plat for Tower Commerce Thirteenth Addition.

This final plan lists 10 foot utility measurements for any easements, utility, etc.

The Water Department Approves of this final Plat.



Marty Recker

Water Superintendent

Hiawatha Water Department

FINAL PLAT TOWER COMMERCE CENTER THIRTEENTH ADDITION TO HIAWATHA, IOWA

INDEX LEGEND
 Location: NW 1/4 SE 1/4, Section 29, Township 84 North, Range 7 West
 Requestor: Tower Commerce Center, Inc.
 Proprietor: Tower Commerce Center, Inc.
 Surveyor: Leo P. Bonifazi
 Company: Schnoor-Bonifazi Engineering & Surveying, L.C.
 431 Fifth Avenue SW, Cedar Rapids, IA 52404
 PH. 319-298-8888
 Return To: L.Bonifazi@S-B-Engineering.com

SPACE RESERVED FOR RECORDING PURPOSES

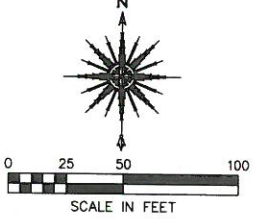
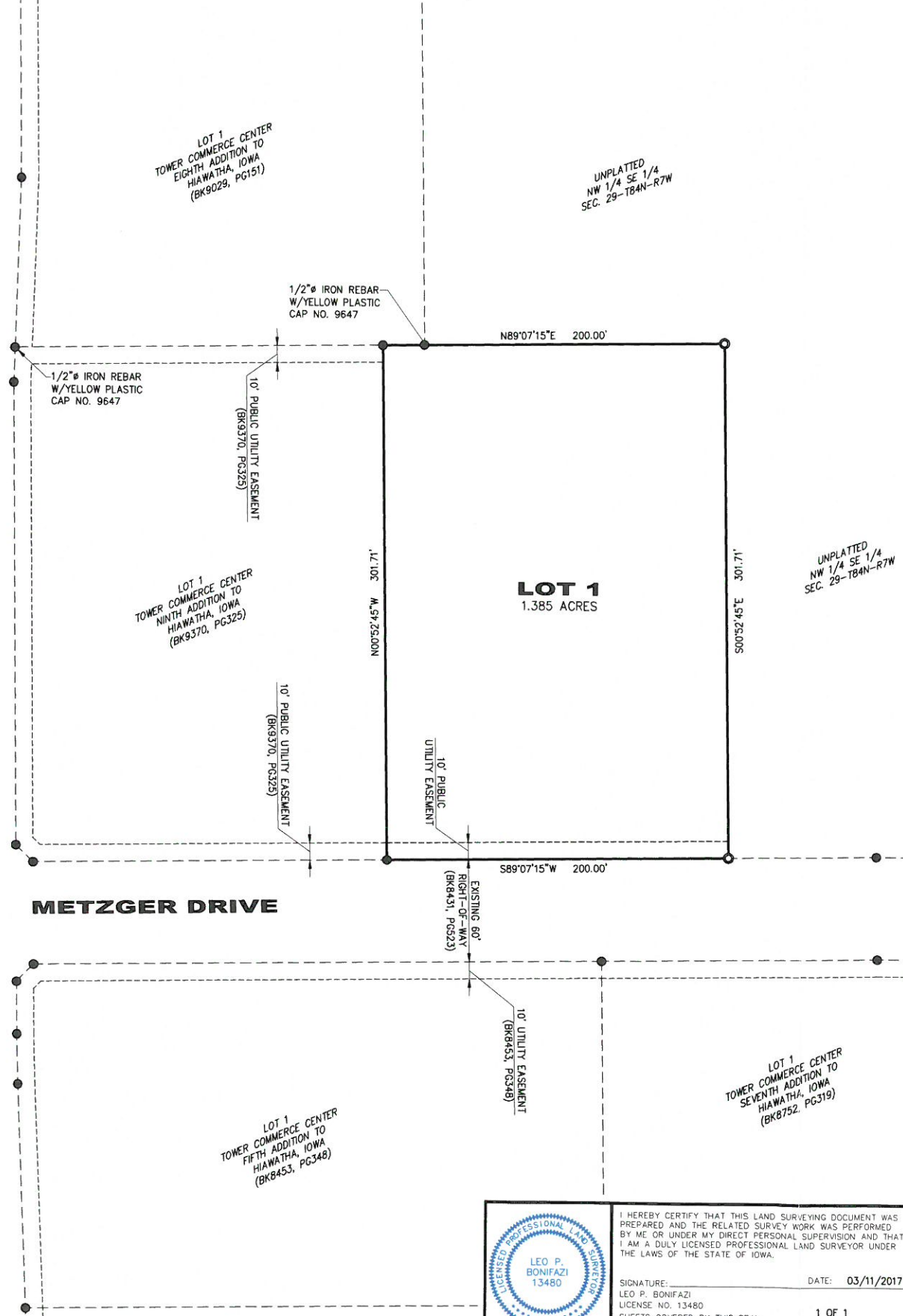


SCHNOOR-BONIFAZI
 ENGINEERING & SURVEYING, L.C.
 431 FIFTH AVENUE SW
 CEDAR RAPIDS, IA 52404
 (319) 298-8888 (PHONE)

REVISIONS

DRAWN: TRED SCHNOOR
 APPROVED: LEO BONIFAZI
 ISSUED FOR: REVIEW
 DATE: 03/11/2017
 PROJECT NO.: 10045

STAMY ROAD

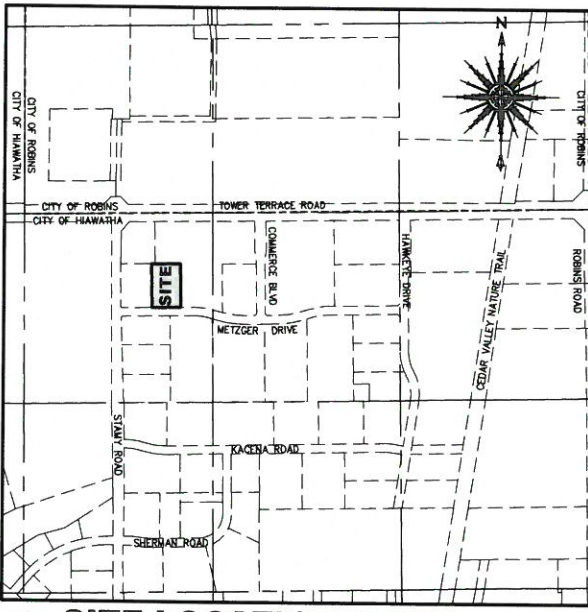


OWNER
 TOWER COMMERCE CENTER, INC.
 222 3RD AVENUE SE, SUITE 299
 CEDAR RAPIDS, IA 52401
 CONTACT PERSON: MR. JON DUSEK
 PHONE: (319) 364-6533
 FAX: (319) 369-0919

DATE OF SURVEY
 SEPTEMBER 7, 2015 & JANUARY 27, 2017

LEGEND

- SECTION LINE
- PROPERTY LINE
- ADJOINING LOT LINE
- ADJOINING EASEMENT LINE
- EASEMENT LINE
- FOUND 5/8" IRON REBAR W/ORANGE CAP NO. 13480 UNLESS OTHERWISE NOTED
- SET 5/8" IRON REBAR W/ORANGE CAP NO. 13480



LEGAL DESCRIPTION
 TOWER COMMERCE CENTER THIRTEENTH ADDITION to Hiawatha, Iowa is that part of the Northwest Quarter of the Southeast Quarter of Section 29, Township 84 North, Range 7 West, of the 5th P.M., Hiawatha, Linn County, Iowa, described as follows:

Beginning at the Southeast corner of Lot 1, Tower Commerce Center Ninth Addition to Hiawatha, Iowa;
 thence North 00° 52' 45" West 301.71 feet along the East line of said Lot 1, Tower Commerce Center Ninth Addition to Hiawatha, Iowa;
 thence North 89° 07' 15" East 200.00 feet along the South line of said Lot 1, Tower Commerce Center Eighth Addition and Easterly extension thereof;
 thence South 00° 52' 45" East 301.71 feet to a point on the North right-of-way line of Metzger Drive;
 thence South 89° 07' 15" West 200.00 feet along said North right-of-way line to the Point of Beginning, containing 1.385 acres, subject to covenants, easements and restrictions of record.

- NOTES**
- IT IS PROHIBITED TO PLACE ANY ABOVE GROUND UTILITY STRUCTURES WHERE UTILITY EASEMENTS CROSS STORM SEWER, DRAINAGE OR ACCESS EASEMENTS.
 - ALL PUBLIC UTILITY EASEMENTS ARE NOW BEING DEDICATED TO THE PUBLIC AS SHOWN ON THE FINAL PLAT.
 - TOWER COMMERCE CENTER FIFTH ADDITION TO HIAWATHA, IOWA WAS RECORDED IN BOOK 8453, PAGES 348-359 IN THE OFFICE OF THE LINN COUNTY RECORDER.
 - TOWER COMMERCE CENTER SEVENTH ADDITION TO HIAWATHA, IOWA WAS RECORDED IN BOOK 8752, PAGES 319-330 IN THE OFFICE OF THE LINN COUNTY RECORDER.
 - TOWER COMMERCE CENTER EIGHTH ADDITION TO HIAWATHA, IOWA WAS RECORDED IN BOOK 9029, PAGES 151-164 IN THE OFFICE OF THE LINN COUNTY RECORDER.
 - TOWER COMMERCE CENTER NINTH ADDITION TO HIAWATHA, IOWA WAS RECORDED IN BOOK 9370, PAGES 325-338 IN THE OFFICE OF THE LINN COUNTY RECORDER.
 - METZGER DRIVE RIGHT-OF-WAY WAS DEDICATED WITH RESOLUTION 12-214 RECORDED IN BOOK 8431, PAGES 523-530 IN THE OFFICE OF THE LINN COUNTY RECORDER.

**FINAL PLAT
 TOWER COMMERCE CENTER
 THIRTEENTH ADDITION TO
 HIAWATHA, IOWA**

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.

DATE: 03/11/2017
 SIGNATURE: LEO P. BONIFAZI
 LICENSE NO. 13480
 SHEETS COVERED BY THIS SEAL: 1 OF 1
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2017

FINAL PLAT

1 OF 1

City of Hiawatha
Community Development Department
Building, Zoning, Code Enforcement & Development
101 Emmons St., Hiawatha Iowa, 52233-1697
PHONE (319) 393-1515 FAX (319) 393-1516

Purpose: Vacation of Public Property **Date:** 03/22/2017
To: Hiawatha Planning and Zoning Commission
Name of Plan: Kainz Park
Legal Description: A.P. #372 LOT 23 **Zone:** R-1
Reviewed by: Patrick Parsley, Community Development Director

Description: This vacation request is for the Kainz Park parcel owned by the City of Hiawatha. The City is proposing to sell this parcel in order to purchase property for a dog park. The sale would allow the vacated property to be used for other private development.

Potential interest in this property would likely be for commercial use. Though the lot is currently zoned as residential, the concepts in our UDC would recognize the park and the remaining residential lots on Kainz Drive as a future commercial zone.

The move to commercial use began with the demolition of dilapidated homes and the rezoning of those lots to CPR-3. The area for Dave Wright Auto was later rezoned to C-3 for construction of the auto dealership. Over time we would expect this area to become a C-3 or C-4 zone to match the surrounding area allowing the development of commercial businesses. The Kainz Park lot would require rezoning prior to any change in use.

Report: City Code Chapter 137 describes the process for vacation approval.

***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.*

1. **Public Use:** We have completed the research as required. A report from the Parks Department states this park is not utilized. There has been one rental per year for the last three years. The use is very limited because there are no restroom facilities or water available at this site. The shelter and site do require maintenance including lawn mowing, painting, and trash removal. Vacation will reduce City park maintenance expenses.

The Parks Department study also noted public interest in a dog park however Kainz Park is not big enough for this purpose. This vacation proposal may allow the City to purchase property which could be used as a dog park. This would allow the City to transfer the maintenance budget to a different park and provide a more useful amenity to the citizens of Hiawatha.

2. **Access:** No access to abutting properties will be affected by the vacation of this property.

Recommendation: Community Development supports the recommendation to City Council for vacation of the Kainz Park property.

Kainz Park Parcel



3B-1



City of Hiawatha
Community Development Department
Building, Zoning, Code Enforcement & Development
 101 Emmons St., Hiawatha Iowa, 52233-1697
 PHONE (319) 393-1515 FAX (319) 393-1516

Purpose: Vacation of Public Property **Date:** 03/22/2017
To: Hiawatha Planning and Zoning Commission
Name of Plan: Boyson Street Detention Basin
Legal Description: A.P. #372 LOTS 16 & 17 & LOT 18 -EX P.O.S. #1952 **Zone:** R-1

Reviewed by: Patrick Parsley, Community Development Director

Description: This vacation request is for three lots along Boyson Road on which a detention basin owned by the City of Hiawatha is located. The City is proposing to sell this parcel to eliminate the City responsibilities associated with ownership of a detention basin and allow a better use for this property.

Potential interest in this property is most likely for commercial use as it is intended to become a C-3 or C-4 zone. Though the lots are currently zoned as residential, the zoning concepts in the UDC recognize these lots and the remaining residential lots on Kainz Drive as preferred commercial area. The attached map shows the location of Kainz Drive in the middle of a heavily commercial district.

The move to commercial use began with the demolition of dilapidated homes and the rezoning of those lots to CPR-3. The area for Dave Wright Auto was later rezoned to C-3 for construction of the auto dealership. The detention basin lots would require rezoning prior to any change in use.

Report: City Code Chapter 137 describes the process for vacation approval.

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.*

1. Public Use: The detention basin property proposed for vacation is part of the City storm water system. The City; as the owner, is required to maintain the basin, basin inlets and outlets and recertify the basin every three years. If the property is vacated the new owner would be required to take on these responsibilities. The vacation of these lots will reduce City expenses because basin and lot maintenance and recertification will be the responsibility of the new owner.

Privatization: Privately owned detention basins are preferred as this arrangement reduces the need for additional city staff. This is similar to eighty (80) other detention basins in Hiawatha. The detention basin would become a permanent drainage easement since it includes receiving and discharging waters from off site. Any modifications to this basin would require City approval since it is part of our storm water sewer system.

These lots are in a prime commercial zone along Boyson Road which is a major arterial street in Hiawatha. It is possible to modify the basin and make use of this property as part of a commercial development. Private commercial development along Boyson would be a more productive use for these lots. The privatization of the basin lots may shorten the commercial zoning transition time line for the Kainz Drive area.

2. Abutting Access: No access to abutting properties will be affected by the vacation of these properties.

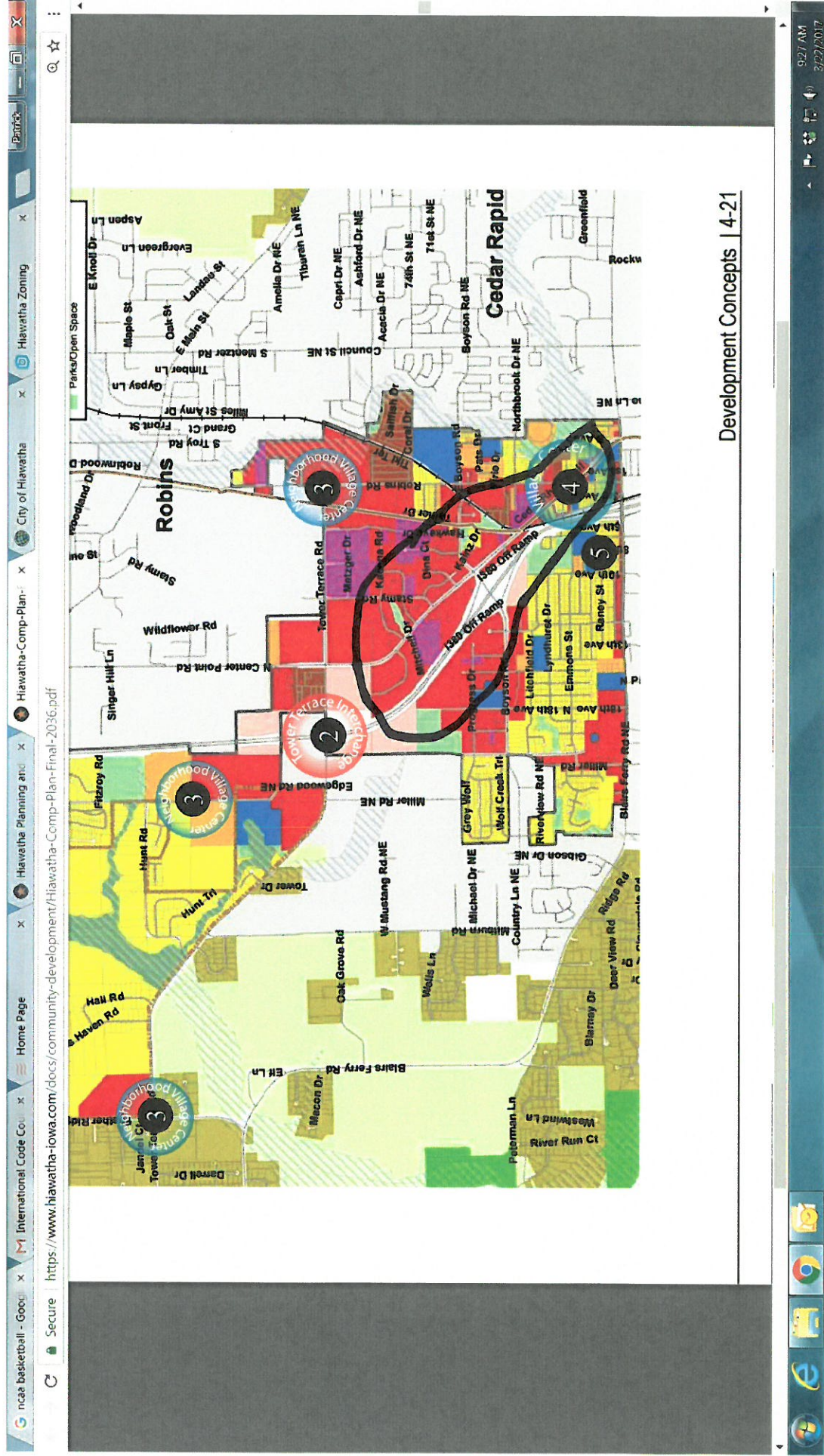
Recommendation: Community Development supports the recommendation to City Council for vacation of the three lots described above contingent upon designating the detention basin as a permanent drainage easement.

Detention Basin Parcels



3C-1

Land Use Concept



3C-1