

Board of Adjustment

Regular Meeting

January 14, 2019

Hiawatha Council Chambers

(101 Emmons St. - Upper Floor 5:30pm)

1. Call to Order
 - a. Roll Call

2. Consider Approval of:
 - a. Agenda
 - b. Minutes

3. Business
 - a. Consider Resolution to approve the Conditional Use Request submitted by Nexus Entertainment Arts for the property located at 1145 Industrial Dr., Hiawatha, Iowa.
 - b. Discuss the possibility of Electronic Meeting Packets.

4. Adjourn

2B

**HIAWATHA BOARD OF ADJUSTMENT MINUTES
REGULAR SCHEDULED MEETING
December 10, 2018**

The Hiawatha Board of Adjustment met in regular session on December 10, 2018. Board Chair, Andrew Sweeney called the meeting to order at 5:30 p.m. Members present: David Matthews, Brian Vogel and Mike Freeman. Members Absent: Tom Day. Staff present: Assistant Building Official, Jim Fisher, City Engineer, John Bender. Guest in attendance: Mayor, Bill Bennett and City Administrator, Kim Downs, Jim Sauter and Susan Forinash.

Board Member Brian Vogel moved to approve the agenda, second by Dave Matthews. Motion carried.

Board Member Mike Freeman moved to approve the October 8th, 2018 minutes, second by Brian Vogel. Motion carried.

PUBLIC HEARING – to consider the Conditional Use request submitted by R&S Properties, LLC for the property located at 1415 Industrial Dr., Hiawatha, Iowa.

Public Hearing Opened At 5:31 p.m.

Andrew Sweeney asked if there was anyone present to speak in favor of the variance request. There were none.

Andrew Sweeney asked if there was anyone present to speak against the variance request. There were none.

Andrew Sweeney asked if there were any comments from the City. There were none.

Andrew Sweeney asked if the Board had any questions. There were none.

Public Hearing Closed At 5:31 p.m.

Board Member, David Matthews moved to approve the Conditional Use request submitted by R&S Properties, LLC for the property located at 1415 Industrial Dr., Hiawatha, Iowa. with the following conditions:

1. Maintain dust control in the crushing and hauling processes.
2. Limit the hours of operation for crushing to match the UDC noise ordinance.
3. Provide portable restroom facilities on the site during all crushing activities lasting more than one hour.
4. Provide screening along Industrial with plants and trees to 50% opaque; to be planted and maintained in place of a fence.

Second by Mike Freeman.

Roll call vote:

AYES: MIKE FREEMAN, DAVID MATTHEWS, ANDREW SWEENEY

NAYS: NONE

ABSENT: TOM DAY

APPROVED

- * Brian Vogel refrained from Voting due to conflict of interest.

Consider Resolution to approve the 2019 Board of Adjustment Calendar.

There were no questions or comments from the Board.

Board Member, David Matthews moved to approve the 2019 Board of Adjustment Calendar. Second By Mike Freeman

AYES: MIKE FREEMAN, DAVID MATTHEWS, ANDREW SWEENEY AND BRIAN VOGEL

NAYS: NONE

ABSENT: TOM DAY

APPROVED

There being no other business Brian Vogel moved to adjourn the meeting at 5:33 p.m. Second By Dave Matthews.

Andrew Sweeney, Chair

Date Signed

ATTEST:

Jennifer Goerg, Community Development Clerk

City of Hiawatha

Community Development Department

Purpose: Conditional Use Request **Date:** 01/06/2019
To: Planning and Zoning Commission
Plan Name: Nexus Entertainment Arts
Address: 1145 Industrial Avenue **Zone:** I-1
Lots: 1
Reviewer: Patrick Parsley, Community Development Director
Report: Each of the issues described in the UDC Section 165.83 #7 must be addressed in the consideration of a conditional use. Items A thru G are discussed herein.

7. *Description: Standards for Conditional Uses. Approval for any conditional use shall be granted only if evidence is presented which establishes:*

A. That the conditional use applied for is permitted in the district within which the property is located. The description of this use is "business professional use with limited on site client occupancy and adult classroom activities. It is not inclusive of any gathering type uses greater than 10 people.

B. That the proposed use and development will be in accordance with the intent and purpose of this Code and with the goals and objectives of the Land Use portion of the Comprehensive Site Plan. Allowing this conditional use as a business professional occupancy is in accordance with the land use purpose. This use will not affect the existing approved site plan or the available parking. The I-1 uses may not provide the best atmosphere; however the tenant is aware of the potential noise and truck traffic.

C. That the proposed use and development will not have a substantial adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare. This use will not create substantial adverse effects on the area. It will not create traffic or parking issues as long as the conditional use does not include gathering occupancies. There is a potential for some noise which shall be regulated in accordance with the nuisance ordinance.

D. That the proposed development or use will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property. The entirety of this occupancy will occur within the building. The facility will require upgrades which may include additional sanitation amenities and accessibility changes. The owner is proposing to make the necessary changes.

E. That adequate measures have been or will be taken to assure adequate access designed to minimize traffic congestion and to assure adequate service by essential

public services and facilities including utilities, storm water drainage, and similar facilities. The traffic and parking needs are very similar to the allowable uses for this zone; consequently no issues of congestion are anticipated.

F. That the proposed building, development, or use will comply with any additional standards imposed on it by provisions of this Code for the district in which the property is located. Generally this use will have minor restrictions within the building limited to sanitation and accessibility. The only other restriction is noting “no gathering occupancy”. This use is for the professional services of mentors with a ratio of 1 to 10 or less along with business and committee meetings. Adult classroom uses will also be allowed as part of the conditions. The uses will have limited client numbers.

G. Whether, and to what extent, all reasonable steps possible have been, or will be taken, to minimize any potential adverse effects on the surrounding property through building design, site design, landscaping, and screening. This will have no adverse affect on the surrounding property since the entire occupancy will be contained within a building, generates no emissions and does not increase traffic or parking above accepted standards for an I-1 use. Occasional noise will be regulated by the noise ordinance.

Recommendation: Community development and the Planning and Zoning Commission agree this use qualifies as a conditional use in an I-1 zone as long as the main use is specialized training and mentoring. The Planning and Zoning Commission expressed concerns regarding gathering occupancy use from the past, adequate parking and the necessary remodeling.

The applicant has been made aware that no “gathering” uses will be allowed except for training seminars. Also, the site has been reviewed for parking. It complies for the requested conditional uses. Finally the building remodeling requirements are minor since no “gathering” uses are allowed. Changes may include some accessibility issues and exit modifications. We would recommend adding these conditions:

1. There be no “gathering uses” which will create a gathering space or additional parking requirements.
2. The building will be remodeled to accommodate the change of use as required by the building and fire codes.

3A-1

RESOLUTION NO. 18-018
Planning & Zoning Commission

**RESOLUTION APPROVING THE CONDITIONAL USE
REQUEST TO THE BOARD OF ADJUSTMENT FOR
1145 INDUSTRIAL DR., HIAWATHA, IOWA.**

BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF HIAWATHA, IOWA, TO RECOMMEND TO THE BOARD OF ADJUSTMENT TO APPROVE THE CONDITIONAL USE REQUEST SUBMITTED BY NEXUS ENTERTAINMENT ARTS FOR THE PROPERTY LOCATED AT 1145 INDUSTRIAL DR., HIAWATHA, IOWA. WITH THE FOLLOWING CONDITIONS:

1. THERE BE NO "GATHERING USES" WHICH WILL CREATE A GATHERING SPACE OR ADDITIONAL PARKING REQUIREMENTS.
2. THE BUILDING WILL BE REMODELED TO ACCOMMODATE THE CHANGE OF USE AS REQUIRED BY THE BUILDING AND FIRE CODES.

Roll call vote:

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

NAYS: NONE

ABSENT: ERIC HOOVER

Motion Carried

APPROVED THIS 17TH DAY OF DECEMBER, 2018.

Mark Powers, Chairperson

ATTEST:

Jennifer Goerg, Community Development Clerk

165.83 CONDITIONAL USES Item 4. Application for a Conditional Use

4. A. PETITION FOR CONDITIONAL USE APPROVAL

11/18/2018

Prepared:

Conditional Use Requested: Business Professional Uses

1. Applicant Name: Nexus Entertainment Arts
319-329-5026

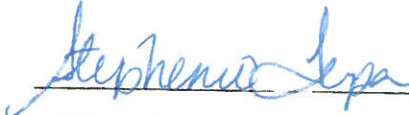
Phone: 319 /

Legal Interest: Nexus rents a portion of the building with a need for Conditional Use

approval in accordance with the Hiawatha Zoning Code: **Business Professional Uses**

2. Title Holder Name: 1145 Industrial Ave LLC Address: P.O. Box 25, Hiawatha IA 52233

Titleholder's Consent for filing:



3. Street Address: 1145 Industrial Ave Hiawatha IA 52233

Legal Description: BROWN & DYERS IND PK 2ND

4. Zoning District: I-1 Zoning Contractor Storage with Incidental Offices.
Page 120 See also a Building Permit dated 1992 – Office / Warehouse (see attached).
5. General Description: See Page 3 for a list of the proposed Conditional Use for Nexus.
6. Statements addressing each one of the standards as set forth in Section 165.83 (7).

7. A. From the Unified Development Code Chapter 165 of the Code of Ordinances of the City of Hiawatha Iowa. Pages 177-182. Information below taken from Page 179.

Business Professional Uses: characterized by offices and laboratories with limited on site client services including but not limited to business and professional offices, attorney offices, realtors, job services, radio/TV stations, medical offices, research and testing laboratories, and software developers and support.

7. B. C. D. On page 3 & 4 we attempt to provide some evidence we hope will help establish that the Conditional Use (Business Professional Uses) Nexus proposes is permitted in the I-1 Zoning District for 1145 Industrial Ave Hiawatha IA; that our proposed Use will be in accordance with the intent and purpose of the Zoning Code and the goals and objectives of the Land Use portion of the Comprehensive Site Plan.

Nexus proposed Conditional Use will not have an adverse effect on adjacent properties, or the character of the neighborhood, or traffic conditions, parking utility and service facilities, nor other factors affecting public health, safety, and welfare.

R-AC

Nexus proposed Conditional Use will be operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.

7. E. There will be normal and adequate access with no traffic congestion nor Public Service and Facility needs due to Nexus Conditional Use operations (if approved).

7. F. Nexus use will comply with any additional standards imposed upon it by the provisions of the Zoning Code for an I-1 Zoning District for 1145 Industrial Ave.

7. G. Nexus does not have any proposed Construction or Site Development changes for 1145 Industrial Ave.

Conditional Use proposed: Business Professional Uses

In an effort to provide evidence that the Conditional Use – **Business Professional Uses** – would apply to Nexus operations proposed for 1145 Industrial Ave, we've provided excerpts (as they would apply to this site) from our Handbook.

Adults and / or less than 10 school age children / youth are proposed for the following Business Professional Uses taken from examples from a Nexus list.

INCUBATOR COMPONENT

Rooms and Studios with locked entry (legal egress to get out of the rooms)

Youth Recording Studio

Artist Lockers

Shared Workspaces

Computer and Work Lab

Network Meetups

Flex Space for Projects and Workshops

Workshops

Entrepreneurial Development

Business Support (accounting, biz planning, development)

EDUCATION & WORKSHOPS

Individual Counseling and Guidance

New Entrepreneur Workshops

Parents Training & Support Workshops
Youth Music Mentorship
Explore Express Weekly Kids Art Sessions
Youth Leadership Training
Young Creatives Workshop
Music Arts Workshops
Youth Music Art Mentorship Program (AUDIO FLEX)
Youth Visual Arts Mentorship Program (ART FLEX)
Youth & Adult Art Workshops
Poetry and Writers Night

Nexus Mission: To educate, inspire and develop the creative process in people. We promote diversity, educate, build cultural awareness, and enhance the lives and organizations we support and partner with.

Nexus Vision: We envision a community filled with people who have been equipped for the future. This is accomplished through mentorship, support, and the power of quality programs which enrich and build the lives of artists and those we support.

Programming Philosophy: Nexus has developed a successful model for change that attracts and engages the people we work with. Two of our 3 E's will govern our programming at 1145 Industrial Avenue – **E**ducation and **E**ncouragement.

Innovation: Nexus is constantly evolving and revising its approach to connect people with the arts, inspire growth and change, and engage youth in culturally diverse programming. Cultural trends are always changing so we encourage innovation to remain relevant while pushing new ideas by listening to the community it serves.

Projects: Nexus has stayed at the forefront of the arts in our area as well as youth culture while forging ahead by creating and supporting projects which powerfully support artists and the creative process.

Education: Whether training volunteers or assisting in the development of emerging talent, education is at the heart of everything Nexus does. We want to equip people for successful futures, and as strong individuals, who know how to build strong teams and function well in all aspects of their lives and careers. For over 10 years Nexus has thrived, grown, and developed through the dedication of hundreds of volunteers and staff. Volunteers learn many skills such as advanced communication, negotiating skills, leadership, business development, and event planning (Public events will not take place at 1145 Industrial Ave). In addition, they gain

technical skills such as accounting, event planning, community relations, interpersonal skills, sound engineering and marketing.

Core Activities for 1145 Industrial Avenue: The Activities we propose for 1145 Industrial Avenue typically would involve less than 10 students ages 17 years and younger and between 15-30 adults at any one time or session during business hours of 9:00am-6:00pm Monday-Friday.

4. B. Location Map

Conditional Use Requested: Business Professional Use

Prepared: 11/18/2018

Applicant Name: Nexus Entertainment Arts

Phone: 319 / 329-5026

Legal Description: BROWN & DYERS IND PK 2ND

Map Scale: 1 Inch = 300 feet

SATISFACTORY COMPLETION OF RECOMMENDATIONS REPORT

Prepared by Nexus Entertainment Arts
for 1165 Industrial Ave., Hiawatha, IA
January 7, 2019

OFFICIAL RECOMMENDATIONS

REPORT OVERVIEW: The following documents are presented as evidence of the necessary conditions being met.

Recommendation #1. No Assembly Use

Status: Agreed Compliance - No "public assembly" or "gatherings" (page 2)

Details: This document clearly outlines what our proposed activities will be at 1165 Industrial Avenue. This clarifies that there is to be no "assembly" occupancy and would not include any public gatherings such as art shows, concerts or film nights

Recommendation #2: Fire Safety Measures Finished

Status: All Items Completed (page 3-4)

Details: While all items may not have been required for our currently applied for "Business Professional" conditional use - All items which were recommended have been completed.

NON-RECOMMENDED ITEMS OF CONCERN

OVERVIEW OF ITEMS: These items were not mentioned in the recommendations. However we thought it important to include for clarity.

Parking Clarification: Adequate Parking.

Status: Satisfied - Necessary Parking Present. (page 5)

Details: This document is presented as evidence of the presence of necessary parking for the allowable conditional uses.

Noise & Safety: Adjacent Business

Status: Satisfied - (1) Additional "conditional use" businesses on street. (2) Concrete business entrance on Hawkeye Drive, not Industrial Ave.

Details: *Noise* - we foresee no concern with projected noise to our business. The concrete business is on the other side of the block. Only their parking is next to us. We foresee no problems with this and understand that being in an industrial area may at times bring with it noises that would not be found at a commercial area.

Safety - Other businesses in the area have been granted conditional use on Industrial Ave including fitness businesses and R.E.M., which is located directly across the street. The concrete business actually operates off of Hawkeye Drive as main entrance and activity area. Their lot on Industrial Ave. is for employee parking.

NEXUS ENTERTAINMENT ARTS
1165 Industrial Avenue
BUSINESS ACTIVITY OVERVIEW

3A-4

Mission: To be the hub of support, training and education with flex and office space.

Vision: To provide youth and emerging talent with a supportive community in which to learn and grow by participating with others in an engaging and relevant community.

Background:

Launch in May 2017.

This project emerged after 18 years of work within the community. That history has allowed for time to confirm real needs, benefits and sustainability potential of a new space. After an award winning run as "Shockwave", Nexus moved to include stronger support through more workshops, mentorship programs and flex and secured space.

Current goal is to find an appropriate space that will allow sustainability and long term growth. Spaces are crucial for communities trying to retain young and emerging talent. This next step needs to be in space that can be stable for years to come.

600+ youth and individuals served per month through all combined programming.

Partnerships:

In 2018-2019 we will seek to expand our partnerships with other non-profit organizations and businesses to better serve the community and impact more lives. Some of our 2017 Partners Included:

- Waypoint Services of Iowa
- Orange Gate Transport
- Hope for the Day, Inc.
- Systems Unlimited, Inc.
- Tagg Studios & Galleries
- Yoimono
- Iowa Independent Comic Artists
- Create Exchange
- West Music
- Willis Dady Homeless Shelter

PROGRAMING POTENTIAL

INCUBATOR COMPONENT

- Rooms and Studios with locked entry (legal egress to get out of the rooms)
- Youth Recording Studio
- Artist Lockers
- Shared Workspaces
- Computer and Work Lab
- Network Meetups
- Flex Space for Projects and Workshops
- Workshops
- Entrepreneurial Development
- Business Support (accounting, biz planning, development)

EDUCATION & WORKSHOPS

- Individual Counseling and Guidance
- New Entrepreneur Workshops
- Parents Training & Support Workshops
- Youth Music Mentorship
- Explore Express Weekly Kids Art Sessions
- Youth Leadership Training
- Young Creatives Workshop
- Music Arts Workshops
- Youth Music Art Mentorship Program (AUDIO FELX)
- Youth Visual Arts Mentorship Program (ART FLEX)
- Youth & Adult Art Workshops
- Poetry and Writers Night

PROGRAMING LIMITATIONS

All activity at 1165 will be limited to Business Professional use and with no public assembly or gatherings permitted. This includes Art shows, teen trivia nights, themed events, concerts, public meetings or public film showings.

In the event a gathering space is needed for programming Nexus will utilize other facilities where gatherings and assemblies are permissible.



3A-5



Form: Inspection Form with signatures

Hiawatha Fire Department

Occupancy: The Hive Collective
Occupancy ID:
Address: 1165 Industrial AVE
Hiawatha IA 52233

Inspection Type: Special Hazard

Inspection Date: 10/4/2018

By: Powers, Matthew K (0012)

Time In: 10:35

Time Out: 10:35

Authorized Date: Not Author

By:

X
Indicates
Completed

Inspection Description:

General inspection form for occupancy/temp occupancy of structures.

Inspection Topics:

Emergency Lighting/ Exit Signs

If emergency lighting is provided, is it maintained in operable condition?

IFC 604.6- Emergency Lighting Equipment Emergency lighting shall be inspected and tested in accordance of sections IFC 604.6.1 and IFC 604.6.2.1

Status: FAIL

Notes: no emergency lighting in garage area

w/ power

Egress

Are the exitways and doors easily recognizable, unobstructed, and maintained functional?

IFC 1003.6 Means of Egress Continuity

Status: FAIL

Notes: Doors open hard, and no panic hardware on entry door of business side

Fire Extinguishers

Are all fire extinguishers visible and readily accessible?

IFC 906.5- Conspicuous Location Extinguishers shall be located in conspicuous locations, shall be along normal paths of travel.

Status: FAIL

Notes: Extinguishers not present

Alarm Systems

If the building is equipped with a fire alarm system, has the required annual service of the fire alarm system been performed by a qualified service company? Tagged appropriately.

This code shall adhere to NFPA 72: National Fire Alarm and Signaling Code

Status: FAIL

Notes: Appears to have a fire alarm or at least old detectors present in space. Either system needs updated and monitored or detectors need removed so it does not appear that a system is present

X
Indicates
Completed

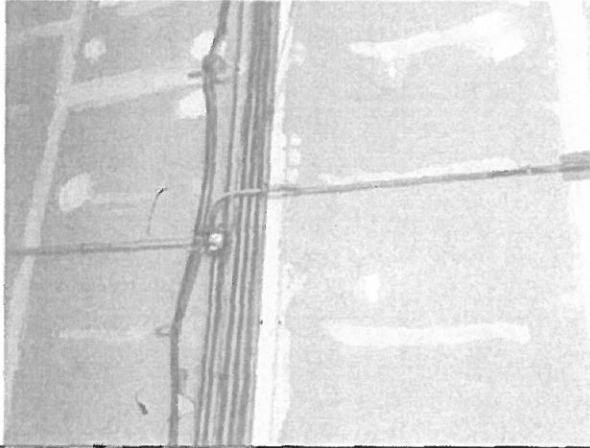
Electrical

Are all electrical outlets, switches, and junction boxes properly covered with cover plates?
IFC 605.6- Unapproved Conditions Open junction boxes and open-wiring splices shall be prohibited. Approved covers shall be provided for all switch and electrical outlet boxes.

Status: FAIL

Notes: Cover missing on electrical box in performance area

X



Miscellaneous

Are voids covered and secured? (Ceiling tiles are in place/ no holes in the walls)
NFPA 101 8.5.6.2

Status: FAIL

Notes: Hole in ceiling in Relave Dance Studio

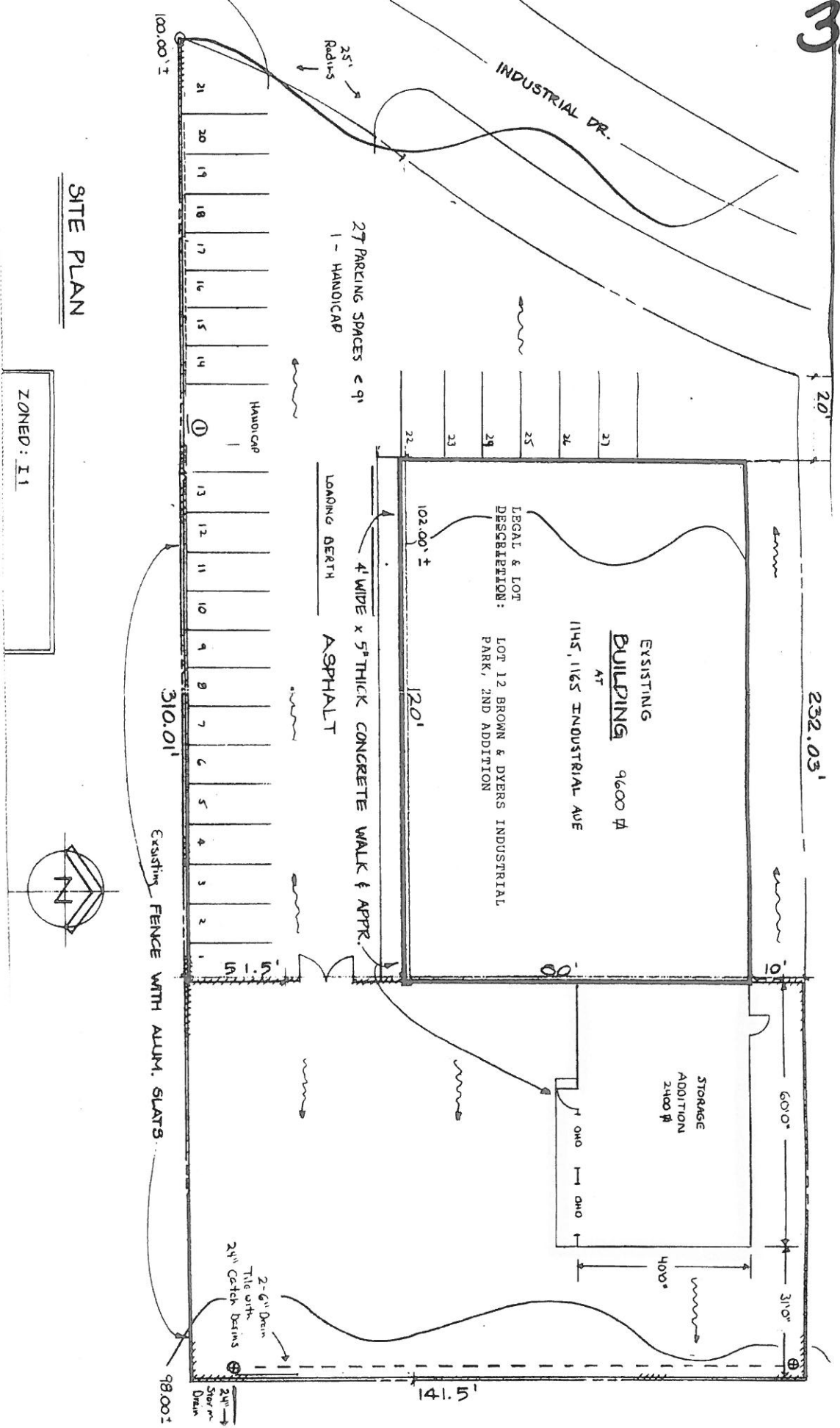
X



Additional Time Spent on Inspection:

Category	Start Date / Time	End Date / Time
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Notes: No Additional time recorded



SITE PLAN

S+5 INVESTMENTS — BUILDING ADDITION FOR MIDWEST PLUMBING

Parking Req. 12 spaces Front, 8 space Rear

Parking spaces 1-21 with Bumper guards

Erosion Control should not pertain

All Excess material hauled out at time of excavation 1" = 20' 0"

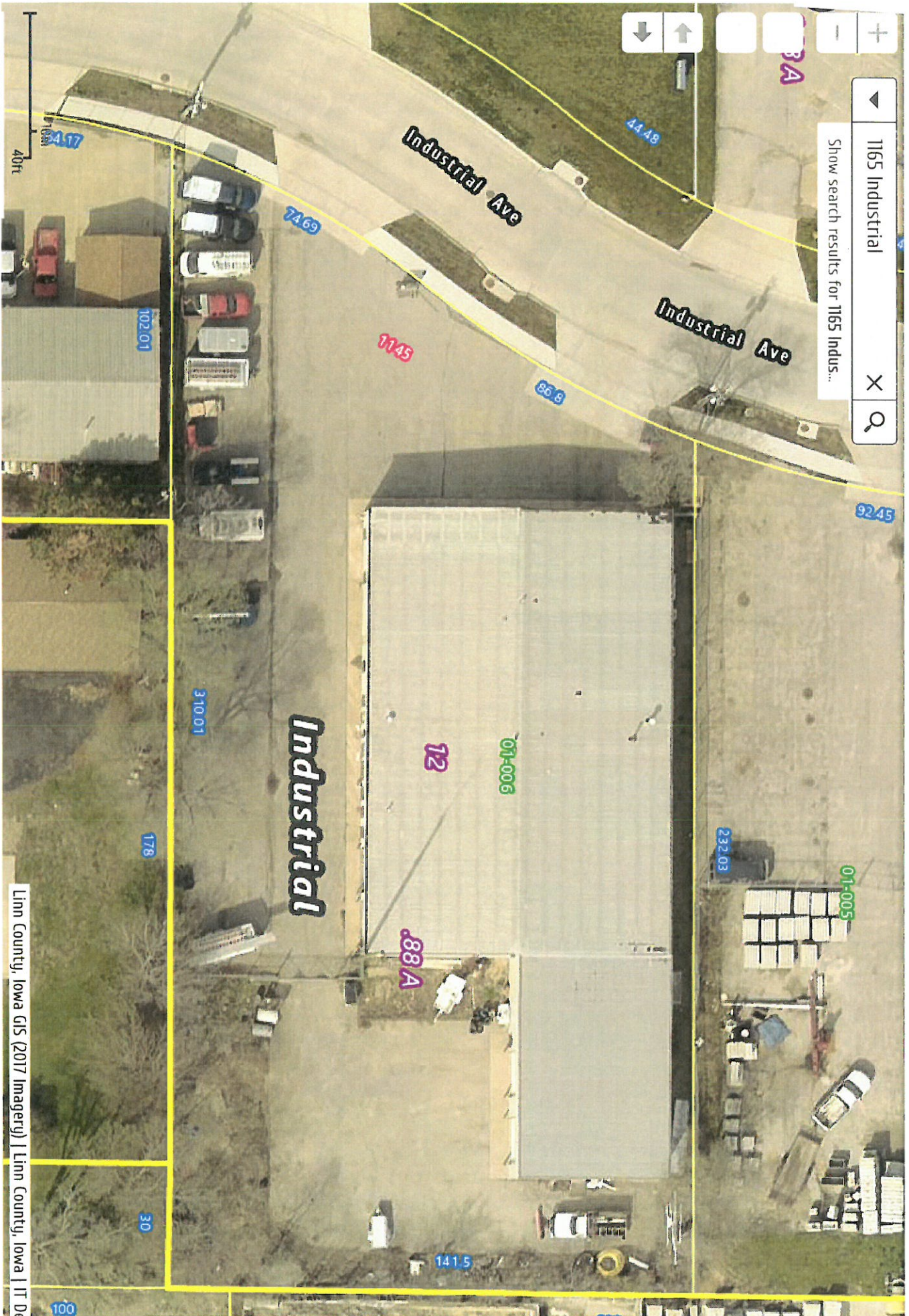
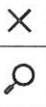
3A-7



Land Records

1165 Industrial

Show search results for 1165 Indus...



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