

AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
Monday, September 9, 2019

HIAWATHA COUNCIL CHAMBERS (101 Emmons Street Upper Floor) – 5:30 P.M.

- A. Call to Order – Roll
- B. Approval of Agenda
- C. Approval of January 14, 2019 Minutes
- D. Business
 - 1. PUBLIC HEARING - Consider approval for a Conditional Use Expansion submitted by R & S Properties LLC for the property located at 1405 Industrial Dr., Hiawatha, Iowa.
- E. Adjourn

**HIAWATHA BOARD OF ADJUSTMENT MINUTES
REGULAR SCHEDULED MEETING
January 14, 2019**

The Hiawatha Board of Adjustment met in regular session on January 14, 2019. Board Chair, Andrew Sweeney called the meeting to order at 5:30 p.m. Members present: David Matthews, Brian Vogel, Tom Day and Mike Freeman. Members Absent: None. Staff present: Community Development Director, Pat Parsley, Assistant Building Official, Jim Fisher. Guest in attendance: Jason Zbornik, Julie Zbornik, Jim Thatcher, Judy and Jessica Drees.

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

Board Member Brian Vogel moved to approve the December 10, 2018 minutes, second by Dave Matthews. Motion carried.

PUBLIC HEARING – Consider Resolution to approve the Conditional Use Request submitted by Nexus Entertainment Arts for the property located at 1145 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. Jason Zbornik addressed the Board. He explained the packet submission and asked if the Board had any questions.

Andy Sweeny asked if the fire department had been back through to inspect the upgrades. Jason said they hadn't but everything the fire department requested has been done. He added they would welcome another inspection.

Mike Freeman asked for occupancy clarification. Pat Parsley explained they have a limit of 10 children per class but could have more than 10 for adult classes and meetings. Jason pointed out the information in the packet and said he understood there would be no assembly allowed.

Tom Day asked when and if the City inspects the building. Pat Parsley explained that the city does not have a schedule for that at this time. He added the Fire Department is working on adding it. Currently inspections are complaint generated.

Tom Day then asked if it would be considered a school. Pat Parsley said it is not and explained a school requires a curriculum and includes k-12 aged children.

Andy Sweeny asked why the fire department inspected in the first place. Jason Zbornik explained they thought it would be ok to have an assembly function at the property and the Fire Department was called. They now understand that it is not okay and have made necessary upgrades and have followed protocol.

Pat Parsley added the building department still needs to inspect the upgrades.

Andy Sweeny asked if there would be any remodeling. Jason stated since there would not be assembly, no remodeling would be needed.

Tom Day asked if the building was sprinkled. Pat Parsley stated it isn't and that was another reason it would not accommodate assembly occupancy.

Andy Sweeny asked what square footage of space they are using. Jason Zbornik stated approximately 4800 sq.ft.

Andy Sweeny asked if there were any other questions. There were none.

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

Public Hearing Closed At 5:41 p.m.

Board Member, Brian Vogel moved 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 code.

Second by Tom Day.

Roll call vote: BRIAN VOGEL, TOM DAY, ANDREW SWEENEY, DAVID MATTHEWS, AND MIKE FREEMAN.

AYES: MIKE FREEMAN, DAVID MATTHEWS, ANDREW SWEENEY, BRIAN VOGEL, TOM DAY

NAYS: NONE

ABSENT: NONE

APPROVED

Discussion

Discuss the possibility of electronic meeting packets.

Board Member, David Matthews moved to receive monthly meeting packet through the web site. Second by Brian Vogel.

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

NAYS: NONE

ABSENT: NONE

APPROVED

There being no other business David Matthews moved to adjourn the meeting at 5:45 p.m. Second by Mike Freeman. Motion carried.

Andrew Sweeney, Chair

Date Signed

ATTEST:

Jennifer Goerg, Community Development Clerk

August 7, 2019

Pat Parsley, Community Development Director
City of Hiawatha
101 Emmons Street
Hiawatha IA 52233

RE: Conditional Expansion – 1405 Industrial Avenue

We, R & S Properties, LLC, owners of the above described property, respectfully request a conditional expansion for 1420 Industrial Avenue. The conditional expansion would be for the storage of precast concrete products and intermittent crushing of concrete materials.

We believe that the request for a conditional expansion is a reasonable request because this would allow the relocation of our current storage yard located at 1450 Hawkeye Drive. Midland Concrete Products, which is located at 1400 Hawkeye Drive, is planning a building expansion onto a portion of 1450 Hawkeye Drive. We have previously obtained approval of a conditional expansion for 1405 Industrial Avenue and approval of a conditional expansion for 1415 Industrial Avenue would allow for the relocation of our storage yard and crushing operations.

The attached Exhibit A provides the legal description for this area and the attached Site Plan provides detail depicting the area as well as the adjoining properties.

Standards for Conditional Expansion:

- A. That the proposed expansion or enlargement will not have substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, parking utility and services facilities, and other factors affecting the public health, safety and welfare - ***This request is the expansion of an existing use and will have no adverse effect on traffic. At this time no buildings are being proposed for this site so additional utilities will not be required and no additional parking will be needed. R & S Properties, LLC/Hawkeye Ready Mix, Inc owns the properties to the west and south of this site. The property to the north is also zoned I-2 will be screened by existing mature trees.***

- B. That the proposed expansion or enlargement, 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 properties – ***The use is compatible with the neighborhood and will be an expansion of an existing use on the adjoining property R & S Properties, LLC/Hawkeye Ready Mix, Inc owns the properties to the west and south of this site. The property to the north is also zoned I-2 will be screened by existing mature trees.***

- C. 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, stormwater drainage and similar facilities – ***We are proposing an access from this lot onto Industrial Avenue as well as an access between this site and 1415 Industrial Avenue. At this time no buildings are being proposed for this site so no additional utilities will not be required. Storm water detention will be handled by the existing basins east and south of this site.***

- D. 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 – ***Per the attached site plan, this proposed use will comply with these standards.***

- E. Whether, and to what extent, all reasonable steps have been, or will be taken, to minimize any potential adverse effects on the surrounding property through building design, site design, landscaping, and screening – ***R & S Properties, LLC./Hawkeye Ready Mix own the properties to the west and south of this site. The property to the north is also zoned I-2 and will be screened by existing mature trees which will minimize any potential adverse effects on adjoining properties.***

We trust you will find this request reasonable and acceptable. If you need any additional information, please contact Susan Forinash at Hall & Hall Engineers, Inc. at (319) 362-9548.

Respectfully Submitted,

R & S Properties, LLC

James Sauter

A handwritten signature in black ink, appearing to read 'James Sauter', is written over the typed name. The signature is stylized with a large loop at the beginning and a long horizontal stroke extending to the right.

Exhibit A – Legal Description

Lot 2, R & S Properties First Addition in the City of Hiawatha, Linn County, Iowa

SITE PLAN FOR CONDITIONAL EXPANSION FOR 1405 INDUSTRIAL DRIVE HIAWATHA, LINN COUNTY, IOWA

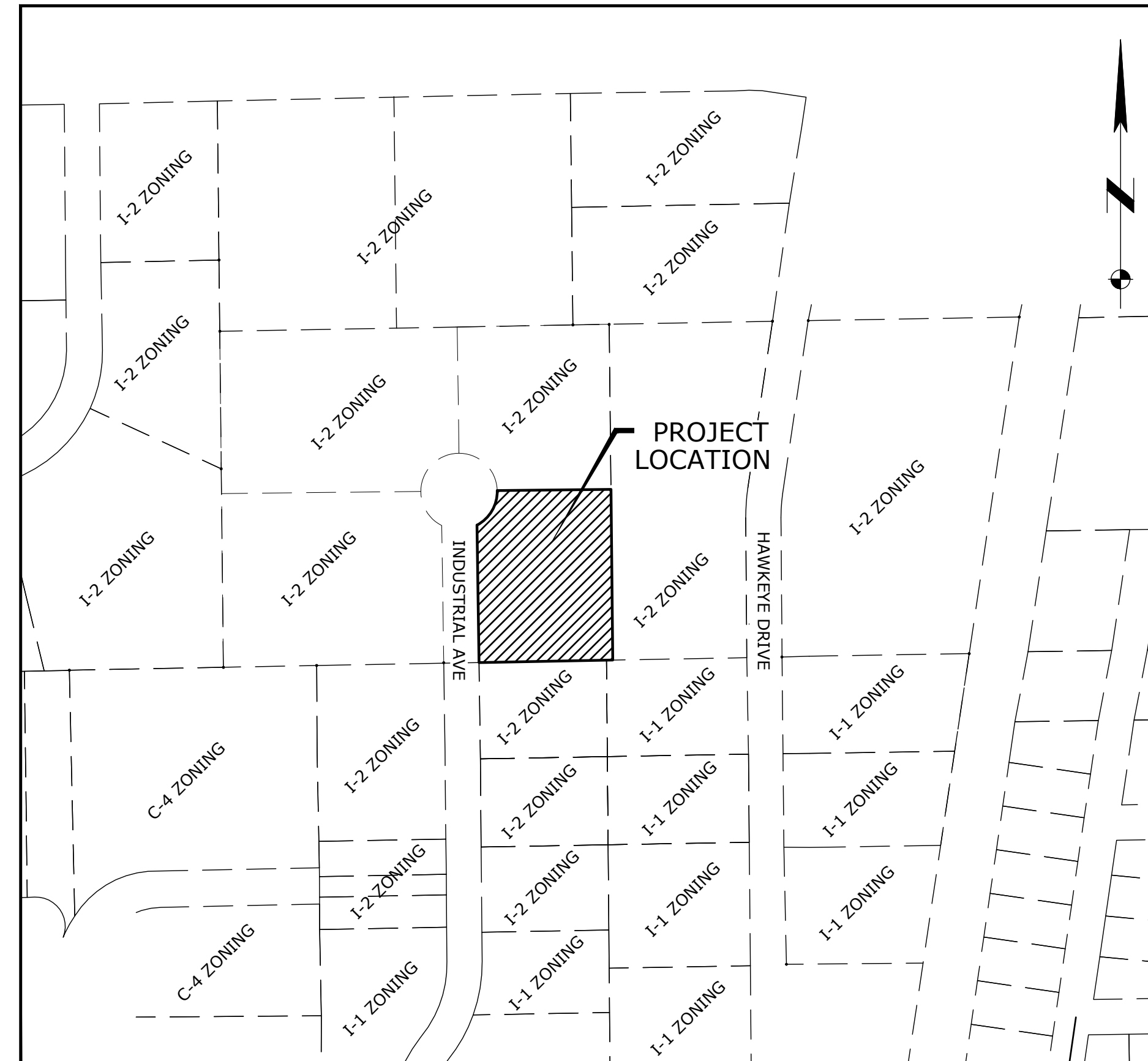
UTILITY AND EMERGENCY TELEPHONE NUMBERS

CITY OF HIAWATHA, IOWA

PUBLIC WORKS DEPARTMENT	(319)-393-1515
POLICE DEPARTMENT	(319)-393-1212
EMERGENCY	911
FIRE DEPARTMENT	(319)-393-4180
EMERGENCY	911
WATER DEPARTMENT	(319)-393-5556
SANITARY AND STORM SEWER DEPARTMENT	(319)-393-6601
TRANSIT DEPARTMENT	(319)-286-5573
PARKS AND RECREATION	(319)-393-1515
IOWA ONE CALL (UTILITIES)	(800)-292-8989
MID-AMERICAN ENERGY	(319)-298-5162
CENTURY LINK (TELEPHONE)	
ENGINEER, WEST SIDE	(319)-399-7600
ENGINEER, EAST SIDE	(319)-399-7487
ALLIANT/I.E.S. INDUSTRIES (ELECTRIC, STEAM)	
INFORMATION	(319)-786-1908
MEDIACOM (CABLE TV)	(319)-395-9699
BUSINESS LOCATIONS	EXT 354 (800)-292-8989
WINDSTREAM (TELEPHONE / CABLE TV)	
BUSINESS LOCATIONS	(319)-538-1985 (800)-292-8989
IMON (TELEPHONE / CABLE TV)	
BUSINESS LOCATIONS	(319) 298-6484 (800) 292-8989
SOUTHSLOPE (TELEPHONE / CABLE TV)	(319)-665-5312
IOWA NETWORK SERVICE	(319)-533-2319
ITC MIDWEST	(319)-297-6765
JOINT COMMUNICATIONS NETWORK	(319)-286-5491
LINN COUNTY REC	(319)-377-1587
CEDAR RAPIDS AND IOWA CITY RAILWAY COMPANY	(800)-283-1540
IOWA DEPARTMENT OF TRANSPORTATION	
DISTRICT ENGINEER	(319)-364-0235
MAINTENANCE GARAGES	(319)-364-8189
LINN COUNTY ENGINEER	(319)-892-6400
LINN COUNTY MAINTENANCE	(319)-892-6420

LOCATION MAP

(NOT TO SCALE)



NOTE

THE PROPOSED IMPROVEMENTS INCLUDED IN THESE DRAWINGS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE STATEWIDE URBAN DESIGN AND SPECIFICATIONS MANUAL AS NOTED WITH SUPPLEMENTAL SPECIFICATIONS UNLESS OTHERWISE NOTED.

SHEET INDEX

NO.	DESCRIPTION
C.0.0	COVER
C.1.0	CONDITIONAL USE SITE PLAN

UTILITY LEGEND

EXISTING		PROPOSED
(SSB)	SANITARY SEWER W/SIZE	SS8
(ST15)	STORM SEWER W/SIZE	ST18
	SUBDRAIN	
(FM6)	FORCE MAIN W/SIZE	FM6
(WB)	WATER MAIN W/SIZE	W12
(G)	GAS	G
(S)	STEAM	S
(OHE)	ELECTRIC-OVERHEAD	OHE
(E)	ELECTRIC-UNDERGROUND	E
(C)	CABLE TV-UNDERGROUND	C
(OHC)	CABLE TV-OVERHEAD	OHC
(OHT)	TELEPHONE-OVERHEAD	OHT
(F)	FIBER OPTIC-UNDERGROUND	F
(OHF)	FIBER OPTIC-OVERHEAD	OHF
(T)	TELEPHONE-UNDERGROUND	T
	FENCE LINE	
(FP)	FLOODPLAIN LIMITS	FP
(FW)	FLOODWAY LIMITS	FW
(CORP)	CITY CORPORATION LIMITS	CORP
800	CONTOUR LINE	800
	LIGHT POLE W/O MAST	
	LIGHT POLE W/MAST	
	TELEPHONE POLE	
	POWER POLE	
	GUY ANCHOR	
	GUY POLE	
	TELEPHONE PEDESTAL	
	TELEPHONE MANHOLE	
	CABLE TV PEDESTAL	
	UTILITY/CONTROL CABINET	
	SANITARY MANHOLE	
	STORM MANHOLE	
	GRATE INTAKE	
	RA-3 INTAKE	
	RA-5 INTAKE	
	RA-6 INTAKE	
	RA-8 INTAKE	
	HORSESHOE CATCH BASIN W/O FLUME	
	HORSESHOE CATCH BASIN W/FLUME	
	GAS VALVE	
	FLARED END SECTION	
	CLEANOUT, STORM OR SANITARY	
	TRAFFIC SIGNAL W/MAST	

NOTE: THIS IS A STANDARD LEGEND. SOME ITEMS MAY NOT APPEAR ON DRAWINGS.

UTILITY LEGEND (CONTINUED)

EXISTING		PROPOSED
	BOLLARD	
	BENCHMARK	
	STREET SIGN	
	WELL	
	SOIL BORING	
	FIRE HYDRANT	
	WATER VALVE	
	WATER SHUTOFF	
	WATER BLOWOFF	
	SURVEY CONTROL MONUMENT AS NOTED	

SURVEY LEGEND

○	SET 1/2" REBAR W/YELLOW CAP NO. 18769
□	SET PK NAIL
⊗	FOUND SURVEY MONUMENT AS NOTED
⊕	FOUND RIGHT OF WAY RAIL
⊗	SECTION CORNER SET AS NOTED
⊗	SECTION CORNER FOUND AS NOTED
⊗	CUT "X" IN CONCRETE
()	RECORDED AS
---	EASEMENT LINE
---	PLAT OR SURVEY BOUNDARY
---	PLAT LOT LINE
---	CENTERLINE
---	SECTION LINE
---	1/4 SECTION LINE
---	1/4-1/4 SECTION LINE
---	EXISTING LOT LINE
---	BUILDING SETBACK LINE

PLANT LEGEND

EXISTING		PROPOSED
	DECIDUOUS TREE	
	CONIFEROUS TREE	
	DECIDUOUS SHRUB	
	CONIFEROUS SHRUB	
	TREE STUMP	
	TREE LINE DRIP EDGE	

CONTACT PERSON:

SUSAN FORINASH
HALL & HALL ENGINEERS, INC.
1860 BOYSON ROAD HIAWATHA, IOWA 52233
PH: (319) 362-9548 | FAX: (319) 362-7595

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APPLICANT / OWNER

R & S PROPERTIES, LLC
JIM SAUTER
1340 HAWKEYE DRIVE
HIAWATHA, IA 52223
(319) 395-7029
jsauter@hawkeyereadymix.com

AREA CALCULATIONS

DUST FREE SURFACE	40,662 SQFT 0.93 AC (63%)
GREEN SPACE	24,311 SQFT 0.56 AC (37%)
TOTAL	64,973 SQFT 1.49 AC (100%)

LEGAL DESCRIPTION

LOT 2, R & S PROPERTIES 1ST ADDITION IN THE CITY OF HIAWATHA, LINN COUNTY, IOWA

ZONING AND USE

EXISTING ZONING: I-1
EXISTING USE: VACANT
PROPOSED USE: STORAGE OF PRECAST CONCRETE PRODUCT AND INTERMITTENT CRUSHING OF PRODUCT

DIMENSIONAL STANDARDS

FRONT YARD: 35'
INTERIOR SIDE: 15'
CORNER SIDE: 25'
REAR YARD: 25'

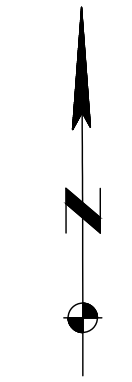
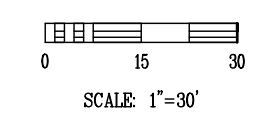
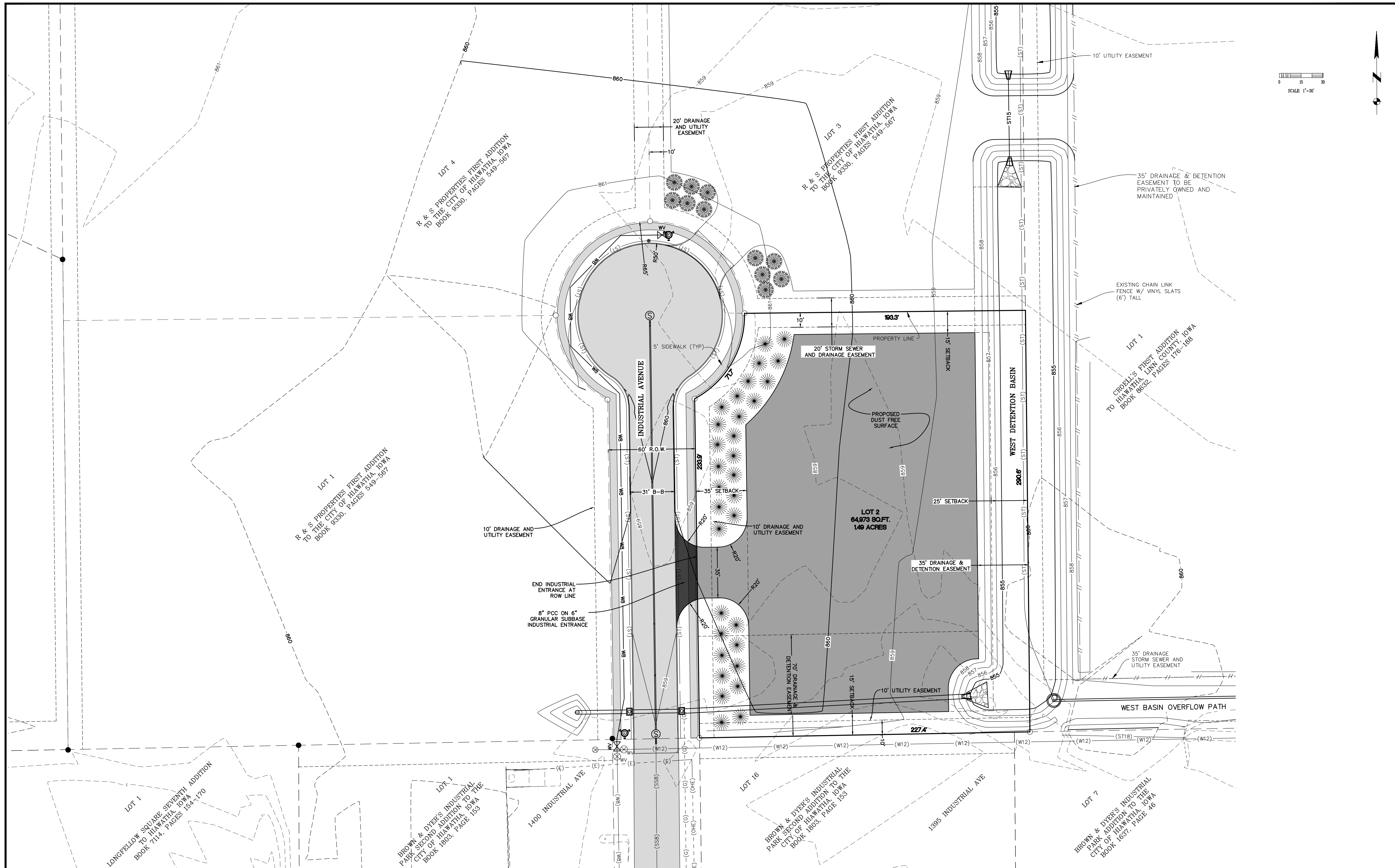
CONDITIONAL EXPANSION

WE ARE REQUESTING A CONDITIONAL EXPANSION FOR 1420 INDUSTRIAL DRIVE WHICH WOULD BE FOR THE STORAGE OF PRECAST CONCRETE PRODUCTS AND INTERMITTENT CRUSHING OF CONCRETE MATERIALS.

CRUSHING WILL BE PERFORMED BETWEEN NOVEMBER AND APRIL FOR APPROXIMATELY (10) TEN DAYS.

DUST WILL BE CONTROLLED WITH WATER. CRUSHERS ARE EQUIPPED WITH SPRAYER BARS.

Contact Person	SUSAN FORINASH
Telephone Number	(319) 362-9548
Fax Number	(319) 362-7595
E-Mail Address	susan@halleng.com
Mailing Address	1860 Boyson Rd Hiawatha, IA 52233
Date Submitted	08/06/19
Date Revised	08/08/19
Date Revised	



DRAWN BY: BDV			
CHECKED BY: SF			
APPROVED BY: SF			
DATE: 08/08/19			
FIELD BOOK:	NO.	REVISION DESCRIPTION	APPROVED DATE

Hiawatha!

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**LOT 2 - R & S FIRST ADDITION
 IN THE CITY OF HIAWATHA, LINN COUNTY, IOWA**

SITE PLAN FOR CONDITIONAL EXPANSION
 1405 INDUSTRIAL DRIVE, HIAWATHA, IOWA

PROJECT: 10214-04

SHEET
C1.0

CAD File: H:\10200\10214 R and S Addition Hiawatha\DWG\Site Plans\10214-S01-LOT 2.dwg Date Plotted: Aug 08, 2019 - 11:07am Plotted By: BDV

City of Hiawatha

Community Development Department

Purpose: Conditional Use Expansion Request **Date:** 08/27/2019
To: Board of Adjustment
Plan Name: R & S Properties LLC
Address: 1405 Industrial Avenue **Zone:** I-2
Lots: Two lots total for Crushing use-1405-1415 Industrial
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 expansion. Items A thru G are discussed herein.

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 storing and “crushing” recycled concrete. This process is similar to quarry processes which are classified as a conditional use for I-2 zoning districts and is exactly the same as the present conditional use for 1415 Industrial.
- 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.* This use, allowed as conditional is appropriate in this I-2 zone. This area is set aside for heavy industrial activity which can produce noise and significant 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 has not created substantial adverse effects on the area. The conditions are meant to control any adverse dust and storage which may be visible from the right-of-way and visible to off-site property. All adjacent properties are classified as I-2 not requiring screening.
- 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.* A site plan has been submitted for review and it includes the necessary elements;
1. Screening installed where required along Hawkeye and Industrial. The proposal includes trees in place of a fence on Industrial.
 2. Landscaping with green space and trees as specified in the UDC. This will include planting trees along both street fronts.
 3. Installation of a dust free driving surface to be approved by the city engineer.
 4. The storm water management design has been certified to compliance.
 5. The sidewalk along Industrial will be installed with the PCC approach.

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. The road, approaches and the driveway are constructed to support the anticipated truck weights and counts. There are no other utilities being installed at this time since no building is included in the project.

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. There is no building development at this time except for the site development for a dust free surface, storm water management, screening and a public sidewalk. All have been reviewed for compliance on the proposed site plan.

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. Issues specific to this use which will require special conditions and monitoring include:

1. Dust control in the crushing process.
2. The noise which may be produced in the crushing operation.
3. Access to restroom facilities on the site during all crushing activities.

Presently: We have received no complaints regarding the existing conditional use. The P&Z Commission has registered a concern regarding the time frames for completion of the sidewalk, approach and landscaping. A permit for the installation of sidewalk and approach at the existing conditional use area has been issued and the installation has been completed; however, the landscaping has not been installed as of 8/28/19. The applicant has informed the City the landscaping installation is scheduled for this September.

Recommendation: Community development views this use as a qualifying conditional use in an I-2 zone. CD and the Planning and Zoning Commission recommend maintaining these conditions for the expanded conditional use:

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.

Optional Condition: Because of the concern registered by P&Z, the Board of Adjustment may consider an additional condition for the approval:

5. *Completion of the approved site improvements including sidewalk, approach and landscaping shall be completed prior to any further crushing operations.*

NOTE: If any of these conditions are violated, the conditional use may be terminated.

RESOLUTION NO. 19-009
Planning & Zoning Commission

**RESOLUTION FOR RECOMMENDATION TO BOARD OF ADJUSTMENT TO
APPROVE THE CONDITIONAL USE EXPANSION REQUEST FOR 1405 INDUSTRIAL
DR., HIAWATHA, IOWA.**

BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF HIAWATHA, IOWA, to recommend the Board of Adjustment to approve the Conditional Use Expansion request submitted by R & S Properties LLC for the property located at 1405 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.

AYES: Lisa Jepsen, Mark Powers, Kenny Jones, Mark Ross, Kevin Neef, Terry Trimpe

NAYS: None

ABSENT: Darryl Cheney

PASSED AND APPROVED this 26th day of August, 2019.


Mark Powers, Chairperson

ATTEST:


Tiffany Stinson, Permit Clerk