

AGENDA
PLANNING AND ZONING COMMISSION
REGULAR MEETING
May 23, 2016

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

1. Call to Order - Roll Call
2. Consider Approval of:
 - a. Agenda
 - b. Minutes of April 25, 2016

3. Business:

a. Consider Resolution for recommendation to City Council to approve the Vacation Request submitted by Brainiac Inc. for the property described as Langston Dr., Hiawatha North 15th, Hiawatha, IA.

Adjourn

Items that have to go on to City Council for final vote
• Items that Planning and Zoning Commission have final vote
* Items that have to go on to Board of Adjustment for final vote

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HIAWATHA PLANNING AND ZONING COMMISSION
REGULAR MEETING
April 25, 2016

The Hiawatha Planning and Zoning Commission met in a meeting on April 25, 2016. Chairman, Gilbert Lawrence called the meeting to order at 5:30 P.M. Members present: Mark Powers, Kenny Jones, Mark Ross, and Darryl Cheney. Members Absent: Reta Saylor and Tom Wille. Staff present: Community Development Director, Pat Parsley and Assistant Building Official, Jim Fisher and City Engineer, John Bender. Guests in Attendance: Council Member Dennis Norton, Mayor Bill Bennett, Brian Vogel, Kinch and Jamie Donithan.

Board Member, Kenny Jones moved to approve the agenda, second by Darryl Cheney. Motion carried.

Board Member, Mark Powers moved to approve the meeting minutes of March 28, 2016 second by Mark Ross. Motion carried.

Consider Resolution to approve the Site Plan submitted by Jim Sauter for Hawkeye Ready Mix located at 1450 Hawkeye Drive., Hiawatha, IA.

Brian Vogel approached the Board. He stated he was there to answer any questions they may have.

There were none.

Mark Ross moved to approve the site plan submitted by Jim Sauter for Hawkeye Ready Mix located at 1450 Hawkeye Dr., Hiawatha, Iowa. Second by Mark Powers.

AYES: MARK POWERS, DARRYL CHENEY, KENNY JONES, MARK ROSS AND GILBERT LAWRENCE.

NAYS: NONE

ABSENT: RETA SAYLOR, TOM WILLE

Motion Carried

Resolution #16-007 Approved

Consider Resolution for recommendation to City Council to approve the Final Plat submitted by Schnoor Bonifazi for Longfellow Square 10th Addition, Hiawatha, IA.

There was a conversation about a Developers Agreement that was submitted before the meeting. Pat Parsley explained that the City was still waiting on the storm water calculations.

Mark Powers asked what the agreement covered. John Bender explained what was included and that it would still have to go to Council.

Kenny Jones asked if the Agreement that was submitted looked in order. Pat Parsley stated that it is a draft and looked in order.

Darryl Cheney moved approval of a recommendation to City Council approving the Final Plat submitted by Schnoor Bonifazi for Longfellow Square 10th Addition, Hiawatha, IA. with the following condition:

1. The submittal of a revised storm water plan and a Developer's Agreement.
Second by Mark Powers.

AYES: DARRYL CHENEY, GILBERT LAWRENCE, MARK ROSS, KENNY JONES AND MARK POWERS

NAYS: NONE

ABSENT: RETA SAYLOR, TOM WILLE

Motion Carried

Resolution #16-008 Approved

Consider Resolution for recommendation to City Council to approve the Hiawatha Unified Development Code Chapter 166 section 166.10 of the Sign Code.

Public Hearing Open: 5:39pm

Chairman, Gilbert Lawrence asked if there was anyone who wanted to speak for the revision.

Kinch Donithan addressed the Board. He explained why he wants the signs and how he believes it would be a great thing for the new Hiawatha downtown area and City as a whole.

Chairman, Gilbert Lawrence asked if there was anyone who was against the revision. There was no response.

Public Hearing Closed: 5:41pm

Kenny Jones asked if this would open up opportunities for other businesses in the area and commented that churches are already posting signs. Pat Parsley stated that regardless, Council would have to approve the request. He also referred to his memo and the options he outlined and briefly described each one and added that churches are non-profit so they are already allowed.

Darryl Cheney asked for further explanation of the sign program. Pat Parsley briefly explained the Trail Blazer Program. He added that if the City didn't approve the Trail Blazer sign, then businesses not on Boyson Rd. could not advertise off I-380.

Mark Ross asked if Pat Parsley could explain options two and three in his memo. Pat Parsley explained in more detail what his outlined options meant and what the effects of each would be.

Mark Ross asked who would get the money. Pat Parsley stated that the Department of Transportation would collect the fees for the I-380 advertising but no fees are collected for Trailblazers Sign.

Kenny Jones asked if the maintenance would be paid for by the city or by the businesses that are on the sign. Pat Parsley said the cost would fall on the businesses.

Darryl Cheney commented on his concerns. He stated that he thinks there would be a management issue since there are only four signs. He also stated that he liked the idea of people being directed to the new downtown area. He suggested that he thought option two would be best.

Mark Powers agreed with Darryl Cheney.

Mark Ross also agreed saying he thought it would be good for the City.

Pat Parsley explained that churches are non-profit so they are already allowed.

Gilbert Lawrence asked if there were any more questions or comments. There were none.

Kenny Jones moved approval of a recommendation to City Council approving the code change to exempt one trailblazer sign on Boyson Rd. from the advertising sign prohibition in city code section 166.10 and change the right of way sign policy to allow a trailblazer sign at the intersection of Boyson Rd. and North Center Point Rd. Second by Mark Ross.

AYES: DARRYL CHENEY, MARK POWERS, GILBERT LAWRENCE, MARK ROSS AND KENNY JONES.

NAYS: NONE

ABSENT: RETA SAYLOR, TOM WILLE

Motion Carried

Resolution #16-009 Approved

Mark Powers motioned to adjourn the meeting at 6:41 p.m., Second by Kenny Jones. Motion carried.


Gilbert Lawrence, Chairman

ATTEST:


Jennifer Goerg, Community Development Clerk

City of Hiawatha
Community Development Department

3A-1

Purpose: Vacation of Public Property **Date:** 05/11/16
To: Hiawatha Planning and Zoning Commission
Address: Langston Drive **Zone:** C-3
Number of Lots: 1
Reviewed by: Patrick Parsley, Community Development Director
Description: The owner of 1195 Boyson Road would like to purchase the City owned ROW designated as Langston Drive. The ROW was planned as an access to this property, the lot south of Langston and the adjacent properties east of 1195 Boyson. The ROW also contains utilities.

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.*

The City of Hiawatha currently has no need to maintain Langston Drive as a ROW however it could serve as a permanent utility easement and as an access easement to adjacent undeveloped property. The requester owns the only developed property served by this road. It also serves as one of three potential accesses to adjacent undeveloped property to the east. If Langston is vacated the two remaining access points to the undeveloped land; located on Boyson Road and 10th Street respectively, should be adequate for the development of the adjacent property according to the City Engineer.

The only other public purpose within Langston Drive is the location of utilities. The utilities could be maintained in their present location as long as the vacated ROW is designated as an access and utility easement.

If Langston Drive is vacated, sold and designated as an access easement the maintenance of the property would become the responsibility of the new owner. The owner would be allowed to develop parking upon the easement but could never build a structure on the easement.

The requester is the owner of 1195 Boyson and the owner of the lot south of Langston Drive. These are the only two developed lots served by Langston Drive. He is requesting the vacation in order to create a safer crossing from the parking lot to the medical facility at 1195 Boyson. The vacation would assure additional safety for pedestrians crossing Langston as it would not be used for through traffic.

Recommendation: We have completed the research as indicated and find that this land is not needed for City of Hiawatha ROW however it should continue to serve as an access and utility easement. Community Development supports the recommendation to vacate Langston Drive as long as it is designated as a permanent access easement and utility easement. After agreeing to vacate Langston Drive the City will require the purchaser to complete a plat-of-survey and deed for recording the property change of ownership and for recording it as an easement.

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

3A-2

To: Planning and Zoning Commission

Date: May 18, 2016

From: John Bender PE, City Engineer

Re: Brainiac Langston Drive ROW Vacation

Description: Request to vacate Langston Drive ROW

Report:

Engineering has reviewed the request by Brainiac Inc. to vacate the existing right-of-way of Langston Drive, currently 60 feet wide, east of 12th Avenue. At the current time, this approximately 300 foot length of street has not been used or extended since it was constructed over 20 years ago. The street was intended to provide access to adjoining properties and provide space for utility extensions. There is currently a water main in this right-of way, but other utility companies should be contacted with respect to the location of their facilities.

Engineering can recommend that this request be approved, provided there is a "public access and utility easement" maintained. This is similar to many other locations in the City that access is provided with a private street. The City would not have any liability or maintenance responsibility for use of the street.

If you need any further information, please let me know.

311-3

Hiawatha Water Department

Re: Vacation and sale of Langtons Dr,

Date: May 5 2016

To: Pat Parsley Community Development Director

The water department would not be opposed to the vacation and sale of the road right-of-way known as Langston Drive, however the water department dose request that a permanent utility easement be established to replace the ROW do to the fact that we have and 8 inch water main on the south side of this street that services the property to the East. We are requesting that minimum easement of 20 feet wide centered on the water main replace the ROW and that no building and limited paving be constructed over the water main .

Thank you, Carl Ransford Water Superintendent

Cc. John Bender City Engineer

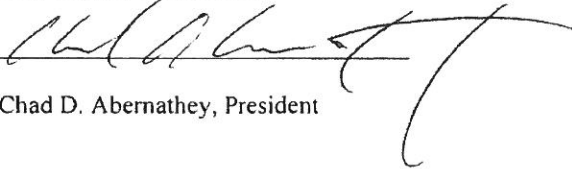
Marty Recker Asst. Water Superintendent

3A-4

STREET VACATION REQUEST

APPLICANT/PROPERTY OWNER : Brainiac Incorporated

ADDRESS : 357 Woodland Drive S.E.
Cedar Rapids, Iowa, 52403

SIGNATURE 

Chad D. Abernathy, President

DESCRIPTION OF VACATION : Langston Drive
33-NE SW 32-84-7
Hiawatha North 15th

PURPOSE OF VACATION :

- 1) improve the medical development plans of the adjacent properties
- 2) allow increased parking options for new medical development
- 3) create a safer environment for medical employees and patients
- 4) improve options to shield and protect the interests of neighboring properties
- 5) improve traffic flow in and around the project
- 6) optimize water detention
- 7) increase green space options
- 8) optimize light pollution and nuisance sound solutions
- 9) remove Hiawatha City responsibility for maintenance

PERTINENT POINTS :

- 1) Brainiac Incorporated is the only property owner on both sides of Langston Drive
- 2) Brainiac Incorporated is the only beneficiary of Langston Drive
- 3) Brainiac Incorporated will provide permanent utility easement to the city
- 4) vacation of Langston Drive will not limit access to adjacent agricultural land
- 5) aerial view is attached

