Flabc

City of Hiawatha
Community Development Department

Purpose: Rezoning Request: A to R-3 **Date: 7/24/2018**

To: Hiawatha City Council

Name of Plan: Todd Hills Addition to Hiawatha

Address: Todd Hills Road Property:

 # Lots: 50 Acres described as:

The West Fractional Half (W Frl. 1/2) of the Northwest Quarter (NW 1/4) of Section Nineteen (19), Township Eighty-four (84) North, Range Seven (7) West of the 5th P.M., except the South Thirty (30) acres thereof.

Reviewed by: Patrick Parsley, Community Development Director

Description: This development encompasses 50 acres currently zoned for Agricultural. The property is currently an agricultural use and contains one single a family dwelling. The property abuts land in Monroe Township on three sides and the Pines of Turtle Creek residential subdivision on the east. The adjacent Monroe Township zones are three acre residential use to the north and south and agricultural use to the west.

Report: *In determining zoning uses for a particular property, the City will take into account both the property's physical characteristics and the location of the property relative to available services and facilities such as roads, water, sewer, utility services, fire protection, the degree and intensity of development in the vicinity, the surrounding neighborhood character, and Comprehensive Plan policies regarding land use applicable to the property. It is the City's intent to obtain the best possible harmony between the physical characteristics of a site and the type and intensity of development proposed for the site. Land having development constraints due to topography and location within a flood plain shall be avoided or used for lower intensity development unless constraints are mitigated to the satisfaction of the City.*(Summary of Reclassification of Property: Unified Development Code Section 165.92)

Site Considerations: This site contains no topography requiring specific restraints for the development of residential uses except for a small portion of flood plain. The developer is aware of the flood plain restrictions and will comply with Chapter 161 for any construction in the flood plain. Complying with the SUDAS standards, storm water management standards and the Unified Development code will facilitate appropriate land and infrastructure development.

This site has access to city water and the sanitary sewer system. The water will be available from Hunt Road. The sanitary sewer will be available through the adjacent Pines of Turtle Creek development. A sewer lift station will be required for this development. This location is along the arterial road; Todd Hills Road, and there will be limited access to this street along with access through Reed Road.

Zoning Use Consideration: The area is projected to be low density residential use in the Comprehensive Plan. The site is adjacent to residential and agricultural zones. There are currently no plans for other uses in the area. Proposed commercial "centers" are remote. The proposed R-3 lot standards reflect a low density residential development envisioned for the area. Lot sizes will be a minimum of 7,500ft^2 with minimum 60' frontage. Only single family dwellings are permitted in R-3 zones.

The Planning and Zoning Commission expressed concern the lot size for R-3 may be too small in comparison to the Pines at Turtle Creek addition. It was noted that Pines is also an R-3. The applicant stated most of the lots will be at least ¼ acre which matches the Pines design.

Special Zoning Constraints: The developer is aware of the flood plain restrictions and intends to plat these areas as non-buildable or will comply with the design requirements of Chapter 161.

Recommendation: Community Development and the Planning and Zoning Commission support approval of this rezoning request from A to R-3.

3a-2

John & Lois Novak
3950 Todd Hills Road
Hiawatha, IA 52233

June 25, 2018

City of Hiawatha
101 Emmons Street
Hiawatha IA 52233

REZONING PETITION

Honorable Mayor and City Council
Hiawatha, Iowa

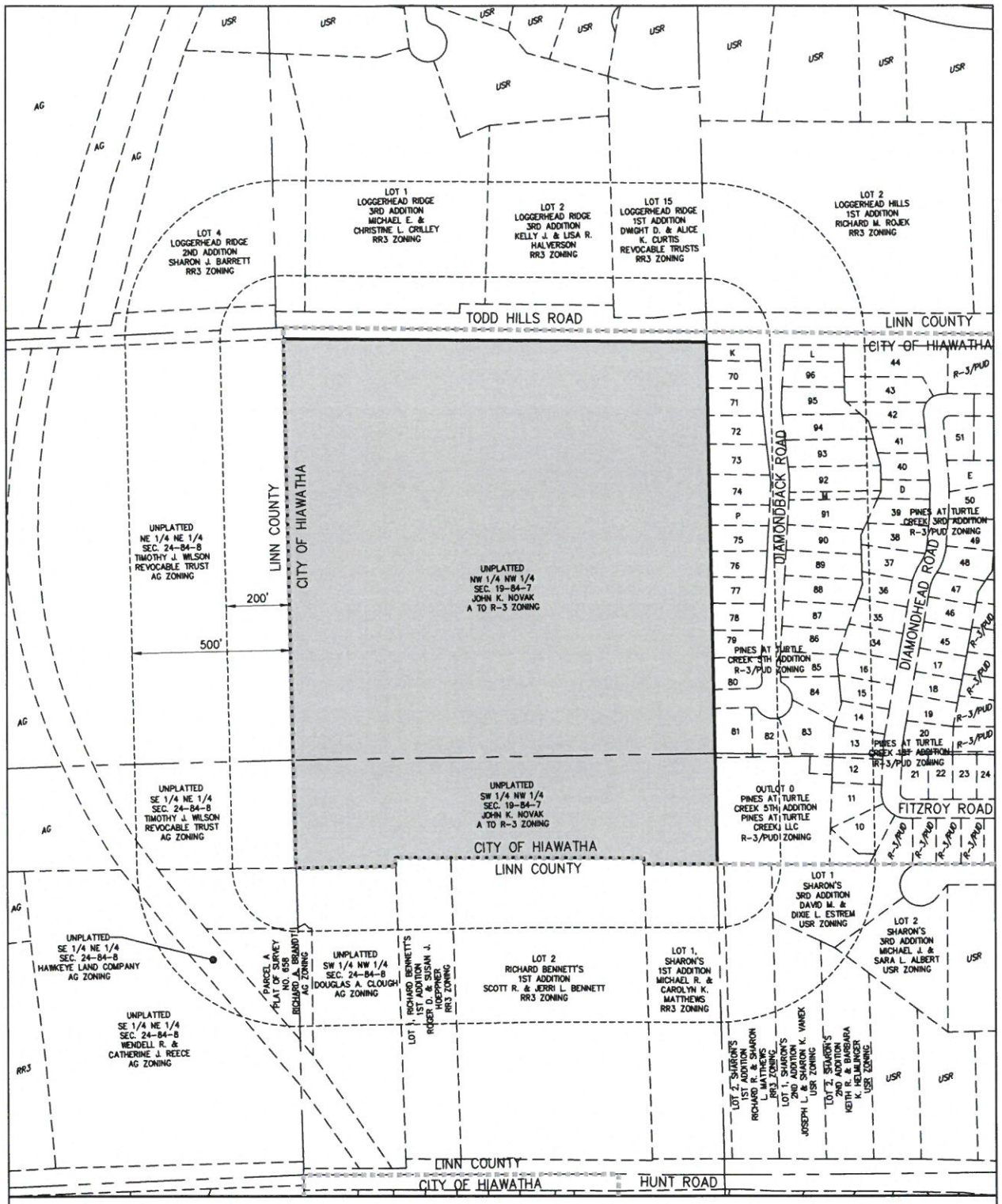
We own the unplatted property south of Todd Hills Road and west of Diamondback road. Our property is currently undeveloped farmland with a farmstead at the northwest corner. The property is currently zoned A (Agricultural).

We entered into an agreement to sell Todd Hills, LLC the majority of this property. They desire to develop the property into a single family residential subdivision. In order to do this the property needs to be rezoned to R-3 (Single Family Residence District). Therefore, we hereby petition to the City of Hiawatha, Linn County, Iowa to rezone the property from A to R-3. The attached Exhibit A provides a legal description of the area we petition to be rezoned. Exhibit B provides a location map showing the site relative to the adjacent area. Exhibit C provides a more detailed map showing the site and adjoining properties.

We believe that the proposed zone change is a reasonable request because:

1. There are adequate sanitary sewer and water main facilities immediately adjacent to the site to serve the proposed development. An 8" diameter public sewer main has been extended to the southeast corner of the property. A 12" diameter water main has been extended to the northeast corner of the property along Todd Hills Road. The developer is aware that they will need to install a sanitary lift station to pump sewage to the existing 8" public sewer main that has been extended to the southeast corner of the property.

2. There are adequate street facilities immediately adjacent to the site to support the proposed development, including Todd Hills Road and the recent extension of Reed Road to the southeast corner of the property.



OWNER
JOHN & LISA NOVAK
3950 TODD HILLS ROAD
HIAWATHA, IA 52233
PHONE: 319-393-3084

APPLICANT
TODD HILLS LLC
1710 HAWKEYE DRIVE
HIAWATHA, IA 52233
CONTACT: MR. LOREN HARTELT
PHONE: 319-929-7414
FAX: 319-845-3066
E-MAIL: l.hartelt@schradergrp.com

EXISTING ZONING
ZONING: A

PROPOSED ZONING
ZONING: R-3

LEGAL DESCRIPTION FOR A TO R-3 REZONING AREA
THE WEST FRACTIONAL HALF (W FRL. 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION NINETEEN (19), TOWNSHIP EIGHTY-FOUR (84) NORTH, RANGE SEVEN (7) WEST OF THE 5TH P.M., EXCEPT THE SOUTH THIRTY (30) ACRES THEREOF.

N

0 150 300 600
SCALE IN FEET

1 OF 1

EXHIBIT C
REZONING LOCATION MAP
9590 TODD HILLS ROAD
HIAWATHA, IOWA 52233

DRAWN:	ETHAN SMALL
APPROVED:	TRED SCHNOOR
ISSUED FOR:	REVIEW
DATE:	06/25/2018
PROJECT NO.:	18034

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

Schnoor Bonifazi
Engineering & Surveying

City of Hiawatha

3a-4

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:** **July 19, 2018**

From: John C Bender PE, City Engineer

Re: **Rezoning of the Novak Property**

Description: **Rezoning from A to R-3**

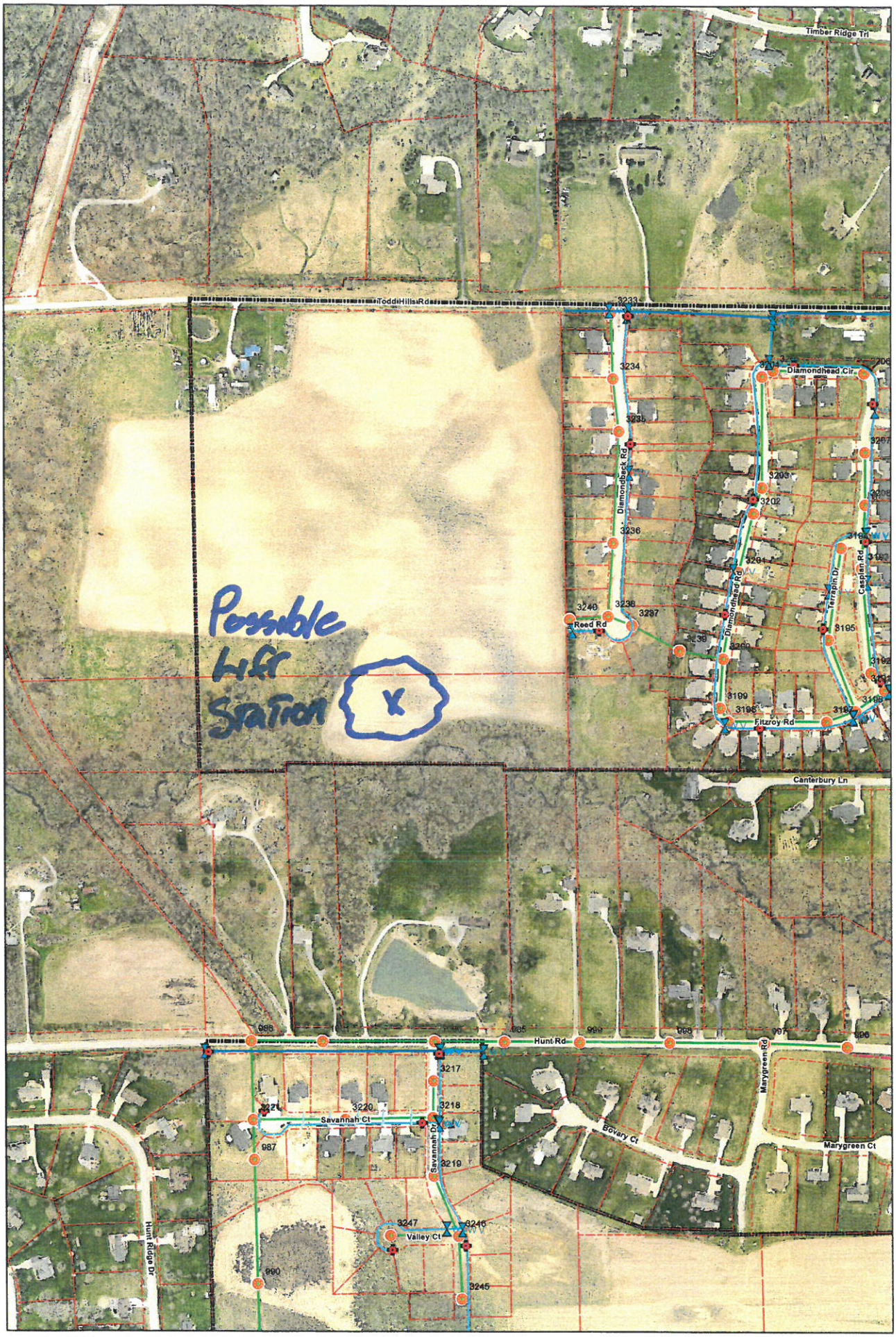
Report:

Engineering has reviewed the request for the rezoning of the property located west of Edgewood Road and south of Todd Hills Road. This is approximately 50 acres of agricultural property that was recently annexed into the city. The draft proposal shown for this property is approximately 90 new residential lots of about ¼ acre in size.

Currently, the sewer and water utilities are already installed adjacent to the property from the east. Water service is more than adequate and can be looped throughout the addition. The sanitary sewer is installed to the property from the Pines at Turtle Creek addition. However, because of the elevation change, a small package sewer life station will be required to serve the entire property. The attached drawing shows the approximate location. The policy would be for the developer to install the pump station and the City would take over the maintenance as we do with all other developments.

All of these details can be worked out through the development and design process. The new proposal is in accordance with the newly adopted comprehensive plan. Engineering recommends approval.

Todd Hills Road
Edgewood Road
SITE
Google



Hiawatha!

1 inch = 300 feet

PLAT OF SURVEY No. 2272
PARCELS A AND B

Recorder's Stamp

LEGAL DESCRIPTION – PARCEL A

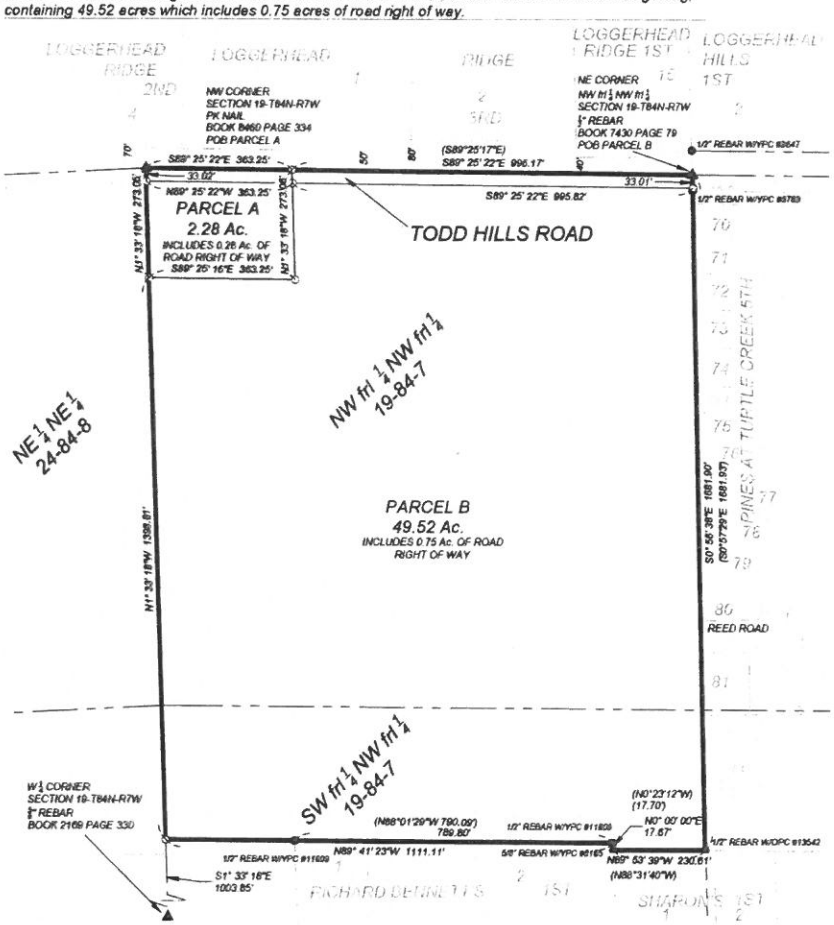
A part of the NW frl ¼ NW frl ¼ of Section 19, Township 84 North, Range 7 West of the 5th Principal Meridian, City of Hiawatha, Linn County, Iowa described as follows:
Beginning at NW corner of said Section 19;
thence S89°25'22"E along the north line of said NW frl ¼ NW frl ¼, 363.25 feet;
thence S01°33'18"E, 273.06 feet;
thence N89°25'16"W, 363.25 feet to the west line of said NW frl ¼ NW frl ¼;
thence N01°33'18"W along said west line, 273.05 feet to the Point of Beginning;
containing 2.28 acres which includes 0.28 acres of road right of way.

LEGAL DESCRIPTION – PARCEL B

A part of the NW frl ¼ NW frl ¼ and SW frl ¼ NW frl ¼, all in Section 19, Township 84 North, Range 7 West of the 5th Principal Meridian, City of Hiawatha, Linn County, Iowa described as follows:
Beginning at the NE corner of said NW frl ¼ NW frl ¼;
thence S00°56'38"E along the east line of said NW frl ¼ NW frl ¼ and along the east line of said SW frl ¼ NW frl ¼, 1681.90 feet to the north line of Sharon's First Addition to said County;
thence N89°53'39"W along said north line, 230.61 feet to the east line of Richard Bennett's First Addition to said County;
thence N00°00'00"E along the east line of said Richard Bennett's First Addition, 17.67 feet to the NE corner of said Richard Bennett's First Addition;
thence N89°41'23"W along the north line of said of Richard Bennett's First Addition and its westerly extension, 1111.11 feet to the west line of said SW frl ¼ NW frl ¼;
thence N01°33'18"W along said west line and along the west line of said NW frl ¼ NW frl ¼, 1398.81 feet;
thence S89°25'16"E, 363.25 feet;
thence N01°33'18"W, 273.06 feet to the north line of said NW frl ¼ NW frl ¼;
thence S89°25'22"E along the north line of said NW frl ¼ NW frl ¼, 996.17 feet to the Point of Beginning,
containing 49.52 acres which includes 0.75 acres of road right of way.

Index Legend

Location Description:	NW frl 1/4 NW frl 1/4 and SW frl 1/4 NW frl 1/4 Section 19-T84N-R7W
Requestor:	Lois Novak
Proprietor:	John K. Novak
Surveyor:	Stephen M. Brain, P.E. LS
Surveyor Company:	Brain Engineering, Inc.
Return to:	SM Brain, 1540 Midland Ct NE Cedar Rapids, IA 52402 or mikeb@brain-eng.com (319) 294-9424



NOTE: ALL MEASUREMENTS IN FEET AND DECIMALS THEREOF.
AREA IN THE SW frl ¼ NW frl ¼ IS 10.38 Ac.

LICENSED LAND SURVEYOR
STEPHEN MICHAEL BRAIN
9647
IOWA

I hereby certify that this land surveying document and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.
Signed Date

Stephen Michael Brain, L.S.
My License Renewal Date Is December 31, 2018
License Number 9647
Pages or sheets covered by this seal: THIS PAGE

▲	FOUND SECTION CORNER
●	FOUND 5/8" REBAR OR AS LABELED
⊠	FOUND CHISELLED X
△	SET SECTION CORNER
○	SET 1/2" REBAR W/YPC #9647
×	SET CHISELLED X
POB	POINT OF BEGINNING
()	RECORDED AS
SCM	4"x 4" CONCRETE POST w/DISK
UE	UTILITY EASEMENT
CE	ROAD CONSTRUCTION EASEMENT
YPC	YELLOW PLASTIC CAP
RPC	RED PLASTIC CAP
OPC	ORANGE PLASTIC CAP

0 150 300 600

DATE OF SURVEY: 5/22/2018

Project No:	Title:		Drawn:	Book:
533318-10	PLAT OF SURVEY No. 2272	BRAIN ENGINEERING, INC.	SMB 5/23/18	365
	PARCELS A AND B		Checked:	Scale: 1"=300'

K:\Proj\533318-10 Novak\533318-10 Novak Plat of Survey.dwg, 5/23/2018 2:40:29 PM

Prepared/Return to the City of Hiawatha, Kelly Kornegor, 101 Emmons St. Hiawatha, Iowa 52233, 319-393-1515

ORDINANCE NO. _____
City Council

APPROVE REZONING OF PROPERTY
LOCATED SOUTH OF TODD HILLS ROAD AND WEST OF DIAMONDBACK ROAD
HIAWATHA, IOWA

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA, to approve the rezoning request from John and Lois Novak, requesting a change from A (Agriculture Zone District) to R-3(Single Family Residence District) for unplatted property located south of Todd Hills Road and west of Diamondback Road and legally described as follows:

The West Fractional Half (W Frl. 1/2) of the Northwest Quarter (NW 1/4) of Section Nineteen (19), Township Eighty-four (84) North, Range Seven (7) West of the 5th P.M., except the South Thirty (30) acres thereof.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

PASSED AND APPROVED this 1st day of August, 2018.

_____
Bill Bennett, Mayor

ATTEST:

_____
Kelly Kornegor, City Clerk

I, Kelly Kornegor, City Clerk of the City of Hiawatha, Iowa, do hereby certify that the foregoing ORDINANCE was PASSED and APPROVED by the City Council of the City of Hiawatha, Iowa, on the 1st day of August, 2018, and was posted as Ordinance No. _____ on the _____ day of August, 2018.

_____
Kelly Kornegor, City Clerk