F2abc

City of Hiawatha

Community Development Department

Building, Zoning, Code Enforcement & Development

101 Emmons St., Hiawatha Iowa, 52233-1697

Purpose:	Rezoning Request to C-3	**Date: 4/17/2017**
To:	Planning & Zoning Commission	
Name of Plan:	Part of lots 1 & 2 Hiawatha North 47th Addition	
Address:	1705 -1737 Boyson Road & 1625 Boyson Square	**Zone**: Modified C-3
Number of Lots:	2	
Reviewed by:	Patrick Parsley, Community Development Director	

Description: This development encompasses the north portion of two lots currently zoned C-3 with a restrictive "Memorandum of Agreement and Acceptance of Conditions". The current uses include all C-3 uses with the exception of those listed in the Memorandum. The focus of the restrictions appears to be uses which may present problems with outside storage, noise and traffic. Some uses currently not allowed include large commodity sales such as car dealers and mobile home sales, golf courses, skating rinks, theaters and some restaurants and bars. The bar and restaurant restrictions include a limit on alcohol % of sales and serving curfew.

The development is adjacent to commercial development on all four sides. There is C-4 to the north, C-3 to the east and C-ORS to the south and west. The developed C-ORS provides a buffer to the closest residential zones. This development is on a main arterial street and is buffered from one and two family residential zones. The Comprehensive Plan shows this area as a commercial area.

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.*

Site Considerations: The current uses include a variety of businesses, a coffee shop and a restaurant. Since 2005 the C-ORS area has been developed and the buildings create the intended buffer for the residential uses to the south. We have had no complaints regarding storage, noise or traffic issues for the uses in the Modified C-3 area since development. Issues of noise and storage are regulated by other sections of the Hiawatha Code of Ordinances and should provide assurance of being a "good neighbor"

The site development as a C-3 allows for access to necessary utilities, and has the adequate area for the required parking, landscaping, open space, and other accessory uses for the proper functioning of the development. C-3 zones are generally more intense commercial uses than C-2 and C-ORS but are not as industrial as C-4 uses. The location of this zone between C-ORS and C-4 is ideal.

The request for C-3 zoning aligns with the Comprehensive Plan for highway businesses in this area. The general commercial uses; permitted and conditional, in C-3 are the highest and best uses for this property inclusive of the uses not permitted in the memorandum.

Reasonable Restrictions on Rezoning: Restrictions are no longer required on the property to be rezoned because the development has been constructed as planned with the necessary street access, parking, and buffer uses in the C-ORS.

Recommendations: Community Development supports a recommendation for approval of this rezoning request from a Modified C-3 to a C-3 zone.

Conveyor Eng. & Mfg. Co
1345 76th Avenue SW
Cedar Rapids IA 52404

May 17, 2017

City of Hiawatha
Honorable Mayor and City Council
101 Emmons Street
Hiawatha IA 52233

REZONING PETITION

We, Conveyor Eng. & Mfg. Co, are proposing to construct an outdoor service and beer garden area for the Lucky Penny, located at 1705 Boyson Road we request that Ordinance No. 570, dated May 4th, 2005, be modified to allow for a beer garden to be an allowable use for this site.

The attached Exhibit A provides a legal description for the areas to be rezoned. Exhibit B provides a detailed location map depicting the proposed zoning area and adjoining properties.

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

- There is adequate sanitary sewer and water main facilities adjacent to the site to serve the proposed use.
- There are adequate street facilities adjacent to the site to support this use.
- The proposed C-3 zoning is compatible with the surrounding properties:
    - The land to the North is Boyson Road and is zoned C-4 (Central Service District)
    - The land to the South is zoned C-ORS (Office/Research/Services District)
    - The land to West is 18th Avenue and is zoned C-ORS (Office/Research/Service District) and R-7 (Multiple Family Residential)
    - The land to the East is zoned C-ORS (Office/Research/Service District) and C-3 (Highway Commercial District).
- The property is very suitable for commercial development. There are no steep grades, flood plains or less intense land uses adjacent to the property which would limit the use.

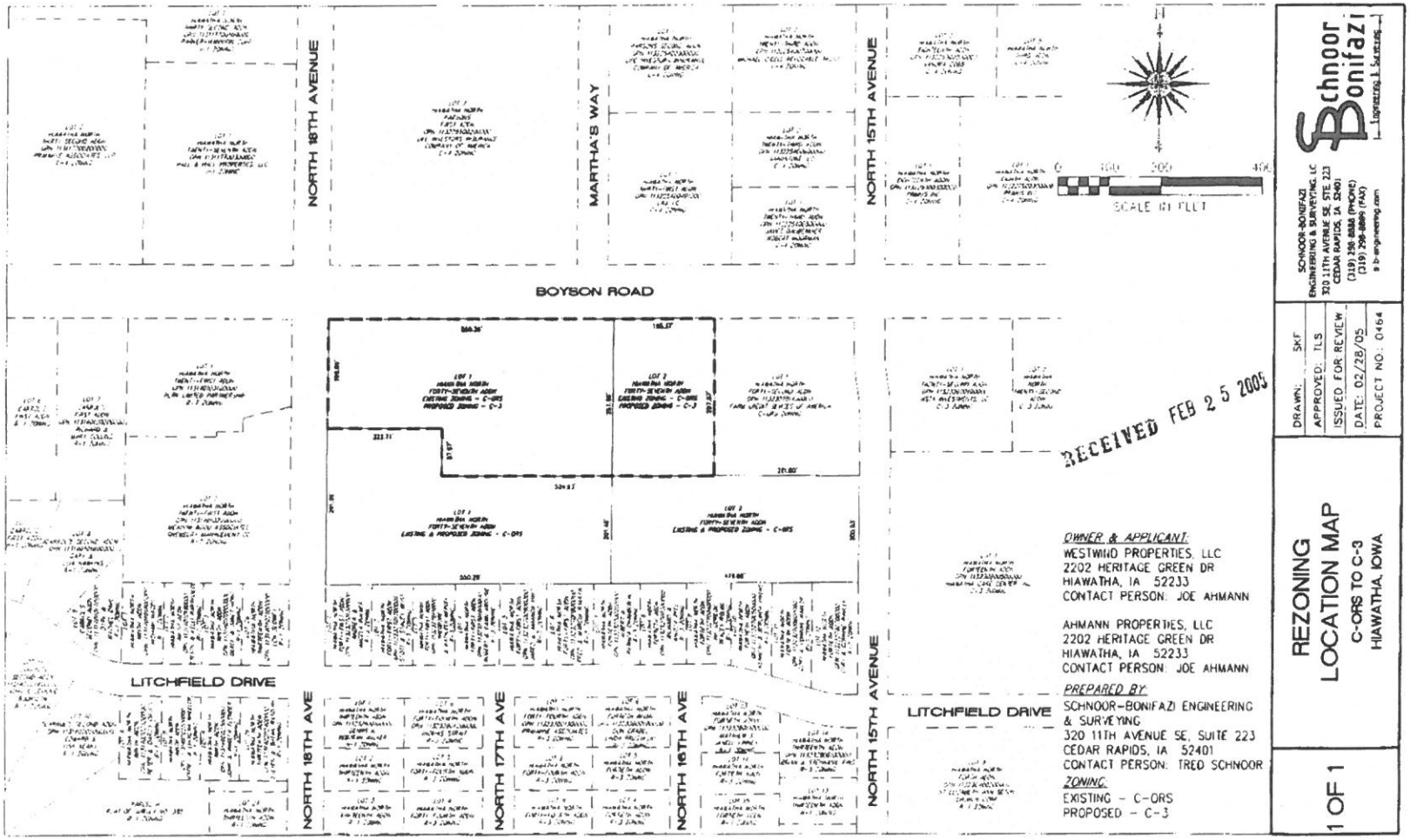
We trust you will find this request reasonable and acceptable. If you need any further information, please contact our Civil Engineer, Brian Vogel, P.E, at (319) 362-9548.

Respectfully Submitted,

Conveyor Eng & Mfg Co

Graig Cone

Exhibit B


NORTH 18TH AVENUE
MARTHA'S WAY
NORTH 15TH AVENUE
BOYSON ROAD
LITCHFIELD DRIVE
NORTH 18TH AVE
NORTH 17TH AVE
NORTH 16TH AVE
NORTH 15TH AVENUE
LITCHFIELD DRIVE
LOT 1
LOT 2
EXISTING ZONING - C-ORS
PROPOSED ZONING - C-3
EXISTING & PROPOSED ZONING - C-ORS
N
0 100 200 400
SCALE IN FEET
RECEIVED FEB 2 5 2005
OWNER & APPLICANT:
WESTWIND PROPERTIES, LLC
2202 HERITAGE GREEN DR
HIAWATHA, IA 52233
CONTACT PERSON: JOE AHMANN
AHMANN PROPERTIES, LLC
2202 HERITAGE GREEN DR
HIAWATHA, IA 52233
CONTACT PERSON: JOE AHMANN
PREPARED BY:
SCHNOOR-BONIFAZI ENGINEERING & SURVEYING
320 11TH AVENUE SE, SUITE 223
CEDAR RAPIDS, IA 52401
CONTACT PERSON: TRED SCHNOOR
ZONING:
EXISTING - C-ORS
PROPOSED - C-3
Schnoor Bonifazi
SCHNOOR-BONIFAZI ENGINEERING & SURVEYING, LC
320 11TH AVENUE SE, STE. 223
CEDAR RAPIDS, IA 52401
(319) 298-8888 (PHONE)
(319) 298-8889 (FAX)
s-b-engineering.com
DRAWN: SKF
APPROVED: TLS
ISSUED FOR REVIEW
DATE: 02/28/05
PROJECT NO.: 0464
REZONING
LOCATION MAP
C-ORS TO C-3
HIAWATHA, IOWA
1 OF 1

CITY OF HIAWATHA
81 Emmons Street
Hiawatha, Iowa 52233
$42.00 Cash mar

Doc ID: 007256910008 Type: GEN
Recorded: 05/06/2005 at 12:38:19 PM
Fee Amt: $42.00 Page 1 of 8
Revenue Tax: $0.00
Instr# 200500062226
Linn County Iowa
JOAN MCCALMANT RECORDER
BK 5981 PG 10-17

ORDINANCE NO. 570
City Council

APPROVE REZONING OF PROPERTY
PART OF LOT 1 AND LOT 2
HIAWATHA NORTH FORTY-SEVENTH ADDITION
Generally Located At
NORTH OF HIAWATHA NORTH FORTIETH AND FORTY-FIRST ADDITIONS,
SOUTH OF BOYSON ROAD, EAST OF NORTH 18TH AVENUE
AND WEST OF NORTH 15TH AVENUE

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA, to approve the rezoning from C-ORS (Office/Research/Service Zone District) to C-3 (Highway Commercial District) zoning, as requested by Westwind Properties, LLC and Ahmann Properties, LLC for the property legally described as follows:

That part of Lot 1 and Lot 2 Hiawatha North Forty-Seventh Addition to Hiawatha, Iowa described as follows:

Beginning at the Northwest corner of said Lot 1; thence South 89° 57' 08" East 745.73 feet along the North line of said Lot 1 and said Lot 2; thence South 0° 02' 52" West 287.86 feet along the East line of said Lot 2; thence North 89° 57' 08" West 524.93 feet; thence North 0° 19' 50" East 87.97 feet; thence North 89° 57' 08" West 222.71 feet to the West line of said Lot 1; thence North 0° 19' 50" East 199.89 feet along said West line to the point of beginning, containing 4.48 acres subject to easements and restrictions of record.

For the purpose of this description, the West line of Hiawatha North Forty-Seventh Addition is assumed to bear North 0° 19' 50" West.

SECTION 2. The rezoning is subject to the conditions set forth in the Memorandum of Agreement and Acceptance of Conditions attached hereto as Exhibit "A".

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its passage, approval, and posting as provided by law.

Introduced this 4th day of May, 2005 and approved this 4th day of May, 2005.

Thomas C. Patterson, Mayor

ATTEST:
Linda J. Bendixen, City Clerk

I certify that the preceding is a true and correct copy of the ordinance passed by the City Council of Hiawatha, Iowa, and was posted May 6, 2005, as required by law.

Linda J. Bendixen, City Clerk

ZNEdgewdAdd

received 5-4-05
7:14pm

EXHIBIT "A"

MEMORANDUM OF AGREEMENT AND ACCEPTANCE OF CONDITIONS

WHEREAS, Westwind Properties, L.L.C., and Ahmann Properties, L.L.C. (the "Owners"), respectfully request the rezoning of a section of our property from C- ORS to C-3; said property to be used for Commercial and lying North of Hiawatha North Fortieth and Forty-First Additions, South of Boyson Road, East of North 18th Avenue and West of North 15th Avenue and legally described as follows:

That part of Lot 1 and Lot 2 Hiawatha North Forty-Seventh Addition to Hiawatha, Iowa described as follows:

Beginning at the Northwest corner of said Lot 1;

thence South 89° 57' 08" East 745.73 feet along the North line of said Lot 1 and said Lot 2;

thence South 0° 02' 52" West 287.86 feet along the East line of said Lot 2;

thence North 89° 57' 08" West 524.93 feet;

thence North 0° 19' 50" East 87.97 feet;

thence North 89° 57' 08" West 222.71 feet to the West line of said Lot 1;

thence North 0° 19' 50" East 199.89 feet along said West line to the point of beginning, containing 4.48 acres subject to easements and restrictions of record.

For the purpose of this description, the West line of Hiawatha North Forty-Seventh Addition is assumed to bear North 0° 19' 50" West.

Hereinafter referred to as the "Property."

WHEREAS, the City of Hiawatha, Iowa (the "City"), by and through the City Council, finds that the rezoning is in the public interest so long as the Owners agree to the imposition of certain reasonable conditions which are imposed to satisfy public needs which are directly caused by the requested change; and

WHEREAS, the Owners acknowledge that the conditions are reasonable and imposed to satisfy public needs which are directly caused by the requested change, and agree to such conditions so long as the Property is rezoned from C-ORS to C-3; and

NOW THEREFORE, Owners agree for themselves, their successors and assigns, as a condition to and effective concurrently with the rezoning of the Property from C-ORS to C-3, as follows:

1. Use of the Property is subject to the conditions set forth hereinbelow:

   (a) Each of the following uses shall be strictly prohibited on the Property:

   Amusement Parks

   Auto Accessory Store

   Auto Car Wash

Auto Service Station
Bait Shop
Beer Gardens
Bowling Alleys
Fuel Sales
Garages for Motor Vehicle Storage, Repair and Service
Golf, Commercial Driving Ranges
Golf, Courses
Golf, Miniature
Golf, Pitch and Putt
Government Facilities, Other
Kennels
Laundries
Mini Warehouse Facilities
Mobile Home Sales and Rental
Modular Homes and Garage Displays
Motel
Motor Vehicle Sales – New
Motor Vehicle Sales – Used
Newspaper & Magazine Distribution Agencies
Pool Halls
Recycling Processing Facilities
Rehabilitation House
Residential, Primary Dwelling, Watchman's Quarters
Restaurants which feature Lewd Entertainment and/or Dancing
Shooting Gallery, Indoor
Skating Rink
Self-Service Storage Facility
Taverns and Cocktail Lounges
Theatre, drive in
Theatre, indoor

Trailer and Camper Trailer Sales and Rental

Utility

Warehouse, Wholesale and Distributor Establishments

(b) In connection with any of the following uses on the Property, there shall be no unenclosed (i.e., outdoor, in the open) storage of any material, machinery, or equipment, or vehicles with a net empty weight exceeding four tons:

Boat and Boating Equipment Sales

Building Materials Sale and Storage

Cartage and Express Facilities

Equipment Rental, Domestic and Light Construction

Heating, Air Conditioning and Sheet Metal Showrooms and Shops

Plumbing Showrooms and Shops

Rental Establishment, Domestic and General Equipment

Signs, Advertising

Signs, Roof

(c) Any "Massage Salons, Licensed" use on the Property shall be subject to the same restrictions for such use as set forth in the zoning requirements for C-ORS.

3. Restaurants which sell alcoholic beverages shall only be allowed on the Property when:

(a) At least sixty-five percent (65%) of the combined gross food and beverage sales of the Restaurant shall be from the sale of food and/or non-alcoholic beverages; and

(b) The sale of alcoholic beverages shall not be allowed after midnight (12:00 a.m.).

4. A Tobacco Store shall not be located on the property. A Tobacco Store shall be defined as one whose main revenue is derived from the sale of tobacco. However, an establishment whose sale of tobacco is incidental to its main use is permitted. This restriction is intended to prohibit the operation of a Tobacco Store on the Property but to allow the incidental sale of tobacco in an establishment whose use is otherwise permitted herein.

5. Dance Halls shall not be allowed to engage in the sale of alcoholic beverages.

STATE OF IOWA)
)SS
COUNTY OF LINN)

This instrument was acknowledged before me on 3rd of May, 2005, by Joseph G. Ahmann as President of Westwind Properties, LLC.

ABBIE L. THOMPSON
Commission Number 720897
MY COMMISSION EXPIRES
2-13-06

(NOTARIAL SEAL)

Notary Public in and for the State of Iowa

STATE OF IOWA)
)SS
COUNTY OF LINN)

This instrument was acknowledged before me on 3rd of May, 2005, by Donna L. Ahmann as Manager of Ahmann Properties, LLC.

ABBIE L. THOMPSON
Commission Number 720897
MY COMMISSION EXPIRES
2-13-06

(NOTARIAL SEAL)

Notary Public in and for the State of Iowa

6. Stores which have as their primary purpose the selling of alcoholic beverages shall be allowed when at least sixty-five percent (65%) of the combined gross food and beverage sales of such an establishment shall be from the sale of food, wine, beer and non-alcoholic beverages. No more than thirty-five percent (35%) of the combined gross food and beverage sales shall be from the sale of liquor-controlled beverages.

7. The sale and consumption of alcoholic beverages in an Amusement Store on the Property shall be allowed when at least eighty-five percent (85%) of the combined gross food and beverage sales of the Amusement Store shall be from the sale of food and/or non-alcoholic beverages.

8. Nothing in the Memorandum shall be deemed to make any Conditional Use a Permitted Use, or to otherwise make the requirements of any use less restrictive than as set forth in the City of Hiawatha Unified Development Code.

9.. This Memorandum and all the terms and conditions herein shall be recorded and run with the Property.

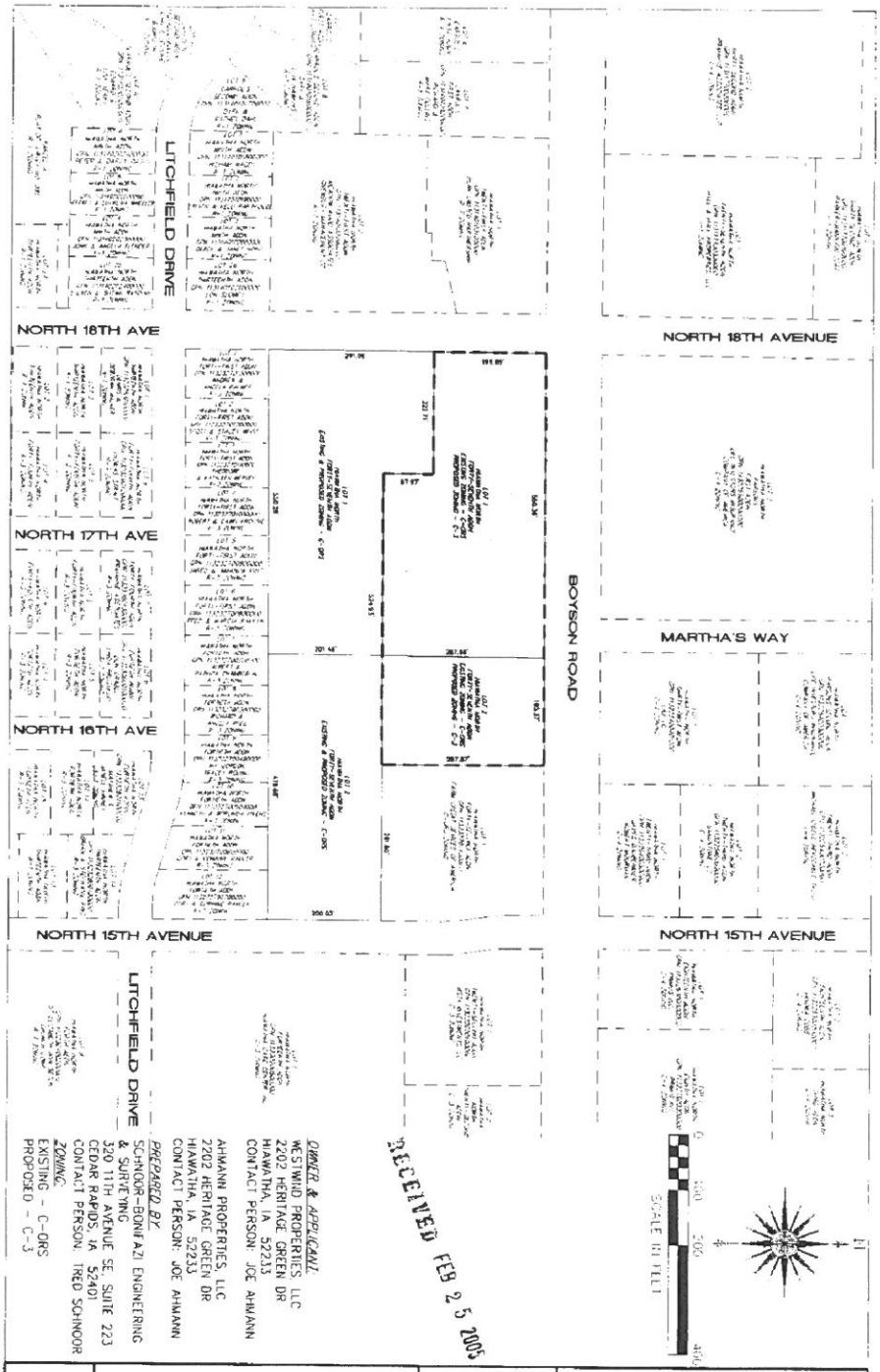
Westwind Properties, L.L.C.

Joseph G. Ahmann, President

Ahmann Properties, L.L.C.

Donna L. Ahmann, Manager

EXHIBIT "B"



1 OF 1	REZONING LOCATION MAP C-ORS TO C-3 HIAWATHA, IOWA	DRAWN: SKF APPROVED: TLS ISSUED FOR REVIEW DATE: 02/28/05 PROJECT NO: 0464	SCHNOOR-BONIFAZI ENGINEERING & SURVEYING, LC 320 11TH AVENUE SE, STE. 223 CEDAR RAPIDS, IA 52401 (319) 296-8888 (PHONE) (319) 296-8889 (FAX) s-b-engineering.com Schnoor Bonifazi Engineering & Surveying

EXHIBIT "B"

CERTIFICATE

STATE OF IOWA)
)SS
COUNTY OF LINN)

I, the undersigned City Clerk of Hiawatha, Iowa, do hereby certify that attached is a true and complete copy of Conditions For Rezoning agreed to by Joseph G. and Donna L. Ahmann dba Westwind Properties, L.L.C. and Ahmann Properties, L.L.C., attached to Ordinance No. 570 is Exhibit "A" Memorandum of Agreement and Acceptance of Conditions and Exhibit "B" showing property location. Ordinance No. 570 is approving the rezoned property and the exact legal description. All documents are a true and complete copy of the corporate records of said Municipality showing actions of the Council with respect to said matter at the meeting held on the dates indicated in the attachments, which actions remain in full force and effect, and have not been amended or rescinded in any way; that meetings and all actions thereat were duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in said actions, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this 5th day of May, 2005.

Linda J. Bendixen, Hiawatha City Clerk

City of Hiawatha
Community Development Department
Building, Zoning, Code Enforcement & Development
101 Emmons St., Hiawatha Iowa, 52233-1697

Purpose: Conditional Use Request **Date:** May 29th, 2017

To: Planning and Zoning Commission

Name of Plan: Lucky Penny

Address: 1705 Boyson Road **Zone:** C-3

Number of Lots: 1

Reviewed by: Patrick Parsley, Community Development Director

Description: The applicant desires to establish an outdoor seating area as a beer garden. By definition a beer garden is any outdoor area in which alcohol is either sold or consumed or both.

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.
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.
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.
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.
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.
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.
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.

Report: We agree the standards have been met as described by the applicant. This site is remote from residential areas and is part of a "condo' type development of shared parking in which this occupancy is most heavily used during off hours to the business uses in the area. We will require any associated lighting to comply with the Hiawatha exterior lighting code and the applicant will be required to note the outdoor area in their State licensure.

Recommendation: Community Development supports the recommendation to approve this conditional use with these conditions. (*These conditions are only recommendations: The Board must approve each or all conditions)*

1. This property is rezoned to C-3 as requested.
2. The liquor license is updated to include the outdoor area.
3. The area of the conditional use is limited to the present patio area of 20' X 28'.
4. Any additional lighting will comply with Hiawatha exterior lighting ordinances.
5. The beer garden shall be open only during the restaurant hours and no later than 12 midnight.
6. No outdoor events which include music or entertainment or which overflow the area of the described patio are permitted without a special events permit.

Conveyor Eng. & Mfg. Co
1345 76th Avenue SW
Cedar Rapids IA 52404

May 17, 2017

City of Hiawatha
Honorable Mayor and City Council
101 Emmons Street
Hiawatha IA 52233

CONDITIONAL USE PETITION

Please accept this letter as our petition to move the conditional process forward for the proposed outdoor service and beer garden to be located at the Lucky Penny, 1705 Boyson Road.

Required Information:

Applicant's Name – Craig Cone
Conveyor Eng. & Mfg. Co
1345 76th Avenue SW
Cedar Rapids, Iowa

Titleholder's Name - Craig Cone
Conveyor Eng. & Mfg. Co
1345 76th Avenue SW
Cedar Rapids, Iowa

Law Building Co, LLC
2345 John F. Kennedy Road
Dubuque IA 52002

Joe Ahmann
Westwind Properties, LLC
1641 Boyson Square Drive, Suite 100
Hiawatha IA 52233

Zoning - Current Zoning is Modified C-3
Proposed Zoning is C-3
The site is currently developed as the Lucky Penny Bar and Restaurant within the Boyson Square Development

Conditional Use - We are proposing an outdoor service area and beer garden adjoining the Lucky Penny as shown on the attached site plan.

Section 165.83:7 -

A. ***That the conditional use applied for is permitted in the district within which the property is located.***
The conditional use as requested is permitted within the C-3 zoning district.

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.***
The conditional use request for an outdoor service area and beer garden has little potential to be disruptive to the adjoining neighborhood due to hours of operation or noise generated from the outdoor activities at the site.

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.***
The effects of the proposed conditional use are expected to be compatible with the existing conditions in the surrounding area.

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 proposed outdoor service area and beer garden will be compatible with the immediate commercial neighborhood.

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.***
There are no anticipated changes to traffic patterns or required public services and facilities necessary to serve the site.

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.***
The building and site are required to comply with all provisions of the Unified Development Code and the C-3 Zoning District, City Staff recommended conditions and all other applicable codes and regulations.

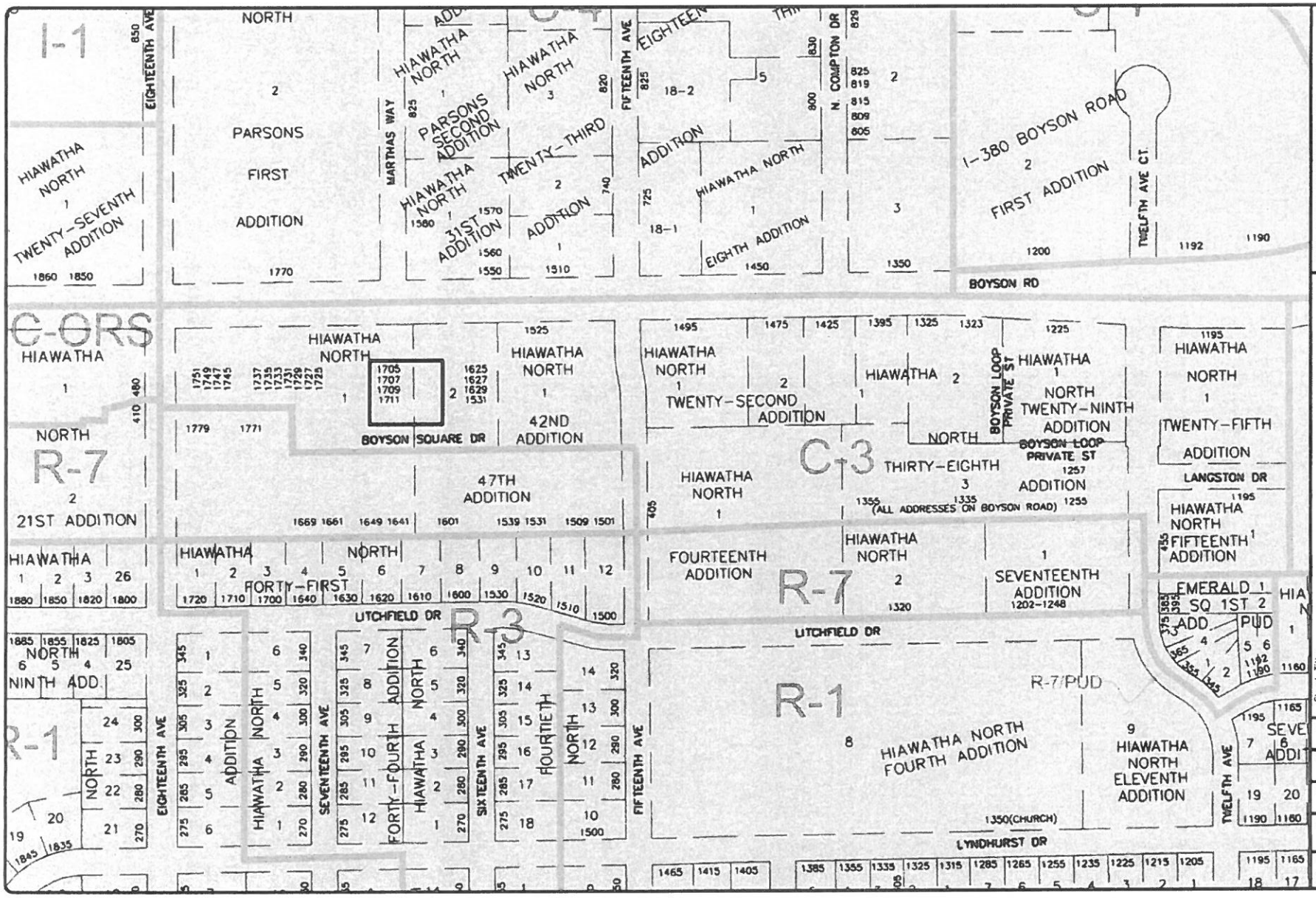
G. ***Whether, and to what extent, all reasonable steps possible have been, or will be taken, to minimize any potential adverse effects on the surrounding property through building design, site design, landscaping and screening.***
The outdoor service area and beer garden must comply with all applicable requirements of the City's for staffing and fencing.

Please let me know if you require any additional information about our proposed project. Thank you for your time and consideration.

Respectfully Submitted,

Conveyor Eng & Mfg Co

Graig Cone



HALL & HALL ENGINEERS INC

1165 BOYSON ROAD HIAWATHA, IOWA 52233
PHONE: (319) 393-1155 FAX: (319) 393-1157
CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE
LAND SURVEYING • LAND DEVELOPMENT PLANNING
www.hallerg.com

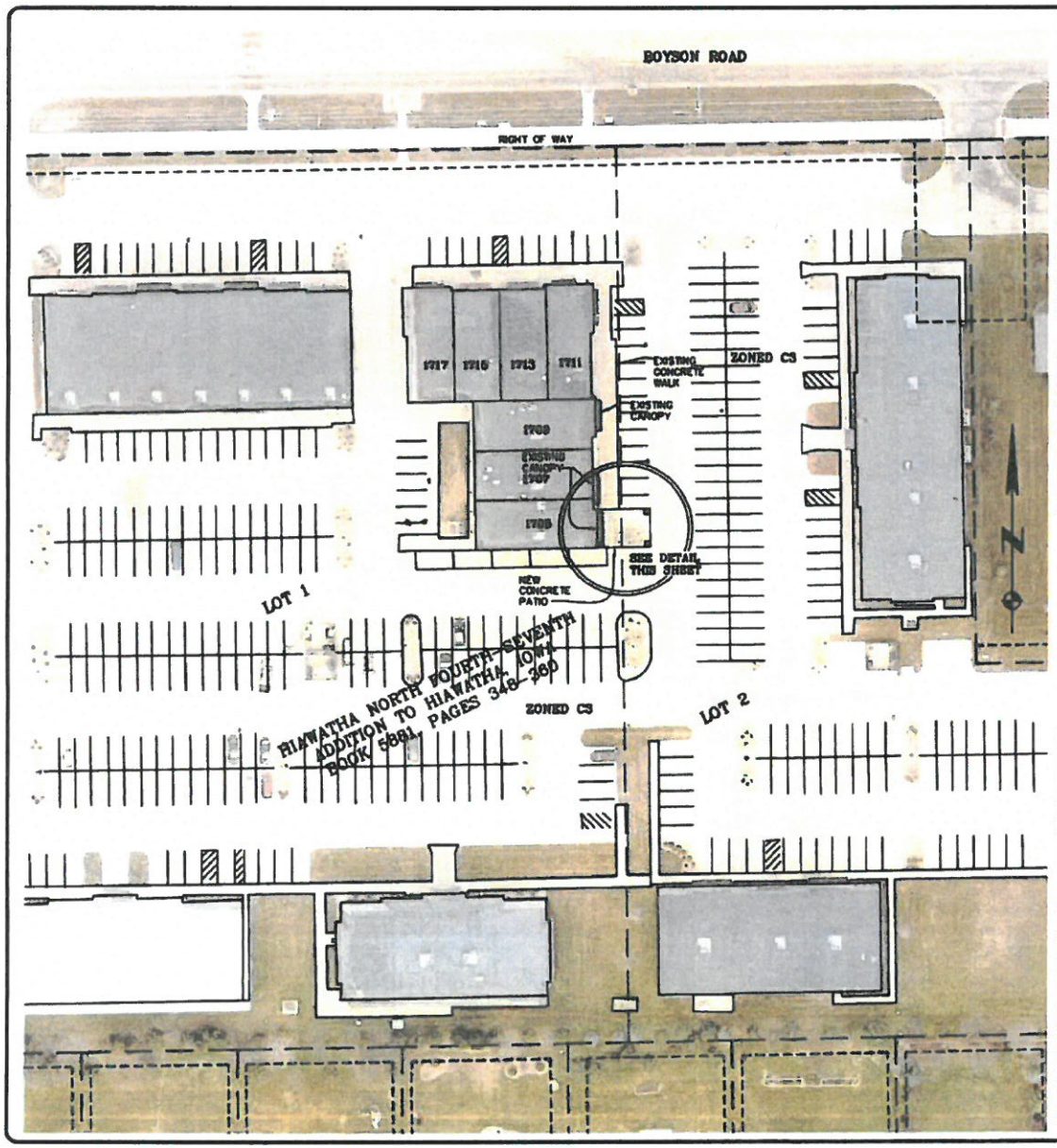
Designed by: | Drawn by: | Checked by:

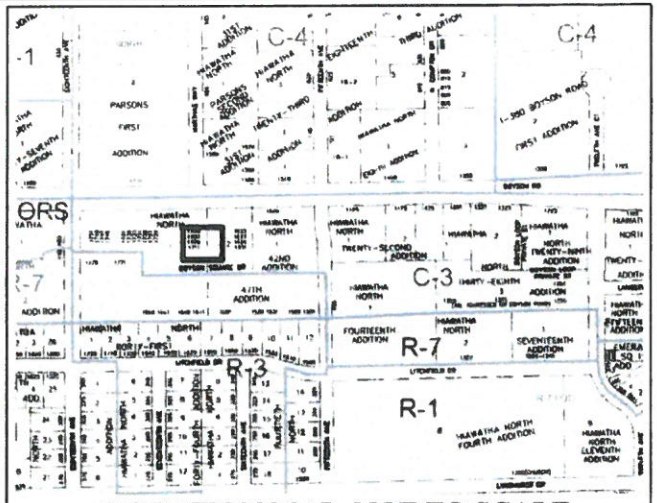
CONDITIONAL USE EXHIBIT
1705 BOYSON ROAD
PART OF LOT 1 AND PART OF LOT 2, HIAWATHA NORTH FOURTH SEVENTH ADDITION TO HIAWATHA, LINN COUNTY, IOWA

Sheet Title:

Date:	5/17/17
Field Book No:	FBK
Scale:	1"=20'
Sheet:	1 of 1
Project Number:	10293-17-9

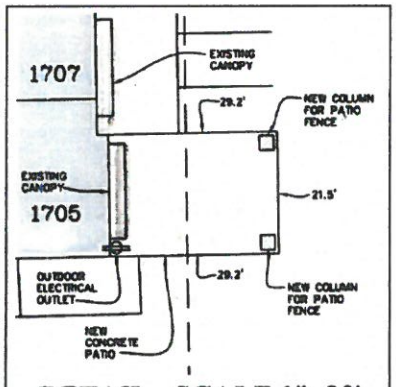
CAD File: I:\projects\10200\10293-17-Johnson\10293-17-9-Lucky Penny Rezoning\DWG\Plots\10293-17-9 Cond Use Exhibit.dwg Date Plotted: May 17, 2017 - 2:39pm Plotted By: SUSAN-FORNASH





LOCATION MAP- NOT TO SCALE

GRAPHIC SCALE IN FEET
SCALE: 1"=60'



DETAIL - SCALE 1"=20'

CONDITIONAL USE REQUEST:
APPLICANT IS PROPOSING AN OUTDOOR SERVICE AREA AND BEER GARDEN ADJOINING THE LUCKY PENNY RESTAURANT.

APPLICANT'S NAME:
CONVEYOR ENG. & MFG. CO
%GRAIG CONE
1645 76TH AVENUE SW
CEDAR RAPIDS IA 52404

TITLEHOLDER'S NAME:
CONVEYOR ENG. & MFG. CO
%GRAIG CONE
1645 76TH AVENUE SW
CEDAR RAPIDS IA 52404

LAW BUILDING CO, LLC
2345 JOHN F KENNEDY ROAD
DUBUQUE IA 52002

WESTWIND PROPERTIES, LLC
%JOE AHMANN
1641 BOYSON SQUARE DRIVE, SUITE 100
HIAWATHA IA 52233

CONTACT'S NAME:
HALL & HALL ENGINEERS, INC.
%SUSAN FORINASH
1860 BOYSON ROAD
HIAWATHA IA 52233
(319) 362-9548
SUSAN@HALLENG.COM

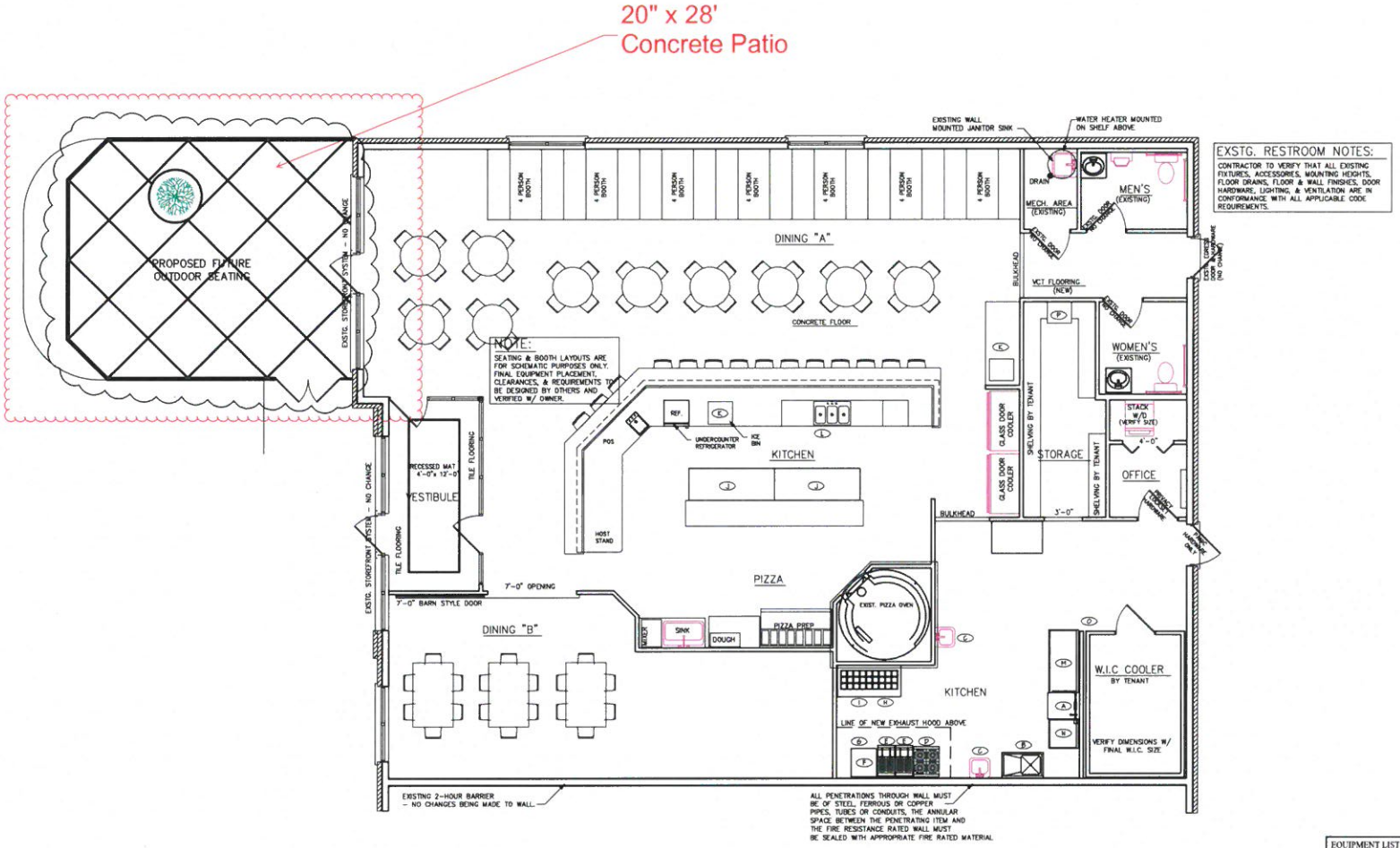
HALL & HALL ENGINEERS, INC.
1860 BOYSON ROAD, HIAWATHA, IOWA 52233
PHONE: (319) 362-9548 FAX: (319) 362-7995
CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE
LAND SURVEYING • LAND DEVELOPMENT PLANNING
www.halleng.com

Sheet Title:
CONDITIONAL USE SITE PLAN
1705 BOYSON ROAD
PART OF LOT 1 AND PART OF LOT 2, HIAWATHA NORTH FOURTH SEVENTH ADDITION TO HIAWATHA, LINN COUNTY, IOWA

Date:	5/17/17
Field Book No:	FBK
Scale:	1"=60'
Sheet:	1 of 1
Project Number:	10293-17-9

Designed by: Drawn by: Checked by:

CAD File: I:\projects\10200\10293-17-Ahmann\10293-17-9-Lucky Penny Rezoning\DWG\Plots\10293-17-9 OUTDOOR PATIO.dwg Date Plotted : May 17, 2017 - 3:17pm Plotted By : DLK



EXSTG. RESTROOM NOTES:

CONTRACTOR TO VERIFY THAT ALL EXISTING FIXTURES, ACCESSORIES, MOUNTING HEIGHTS, FLOOR DRAINS, FLOOR & WALL FINISHES, DOOR HARDWARE, LIGHTING, & VENTILATION ARE IN CONFORMANCE WITH ALL APPLICABLE CODE REQUIREMENTS.

EQUIPMENT LIST:

A. ECOLAB DISH MACHINE
B. PREP SINK
C. STANDARD HAND SINK
D. 4 BURNER RANGE
E. FRYER
F. GRIDDLE/FLAT TOP
G. LOW BOY COOLER
H. SALAD PREP LOW BOY
I. SMALL FREEZER
J. TAP BOXES
K. ICE BINS/SODA GUNS
L. BAR SINK
M. SOILED DISH TABLE
N. CLEAN DISH TABLE
O. DISH RACKS
P. ICE BIN & ICE MAKER

FLOOR PLAN

SCALE: 1/4" = 1'-0"

REVISION DATES
DATE OF ISSUE
3.4.2016

THE LUCKY PENNY
Hillsdale, Iowa

DESIGN DYNAMICS, INC.
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SHEET TITLE
MAIN FLOOR PLAN

A.1

PROJECT NUMBER
01-15

DRAFT

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 PROPERTIES
LOCATED AT 1705 – 1737 BOYSON ROAD AND 1625 BOYSON SQUARE
HIAWATHA, IOWA

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HIAWATHA, IOWA, to approve the rezoning request from Graig Cone and Joe Ahmann, requesting a change in zoning from C-3 with attached restrictive Memorandum of Agreement (Highway Commercial District) and C-3 (Highway Commercial District) for the properties located at 1705 – 1737 Boyson Road and 1625 Boyson Square and legally described as follows:

That part of Lot 1 and Lot 2 Hiawatha North Forty-Seventy Addition to Hiawatha, Iowa described as follows:

Beginning at the Northwest corner of said Lot 1; thence South 89° 57' 08" East 745.73 feet along the North line of said Lot 1 and said Lot 2; thence South 0° 02' 52" West 287.86 feet along the East line of said Lot 2; thence North 89° 57' 08" West 222.71 feet to the West line of said Lot 1; thence North 0° 19' 50" East 199.89 feet along said West line to the point of beginning, containing 4.48 acres subject to easements and restrictions of record.

For the purpose of this description, the West line of Hiawatha North Forty-Seventh Addition is assumed to bear North 0°

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 7th day of June, 2017.

_____
Marty Bruns, Mayor Pro-Tem

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 7th day of June, 2017, and was posted as Ordinance No._____ on the ____ day of _____, 2017.

_____
Kelly Kornegor, City Clerk