



# **PLANNING & ZONING COMMISSION SPECIAL MEETING**

**Monday, March 30, 2020 at 5:30 pm**

HIAWATHA COUNCIL CHAMBERS (101 Emmons Street Upper Floor)

- 1. Call to Order – Roll**
- 2. Approval of Agenda**
- 3. Approval of February 24, 2020 Regular Meeting Minutes**
- 4. Business**
  - a. Consider Resolution for recommendation to City Council to approve the Final Plat submitted by Hall & Hall Engineers known as American Legion Post 735 First Addition at 205 Robins Road, Hiawatha, Iowa.**
- 5. Adjourn**

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Contact: Tiffany Stinson (tstinson@hiawatha-iowa.com 3193931515) | Agenda published on  
03/20/2020 at 1:34 PM

**HIAWATHA PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
February 24, 2020**

The Hiawatha Planning and Zoning Commission met in regular session in the Hiawatha Council Chambers on February 24, 2020. Chairperson, Mark Powers called the meeting to order at 5:30 P.M. Board members present: Darryl Cheney, Kevin Neef, Kenny Jones, Vice Chairperson Mark Ross and Lisa Jepsen. Members absent Terry Trimpe. Staff present: Community Development Director Patrick Parsley, Assistant Building Official Jim Fisher and City Administrator Kim Downs.

Jones moved to approve the agenda. Seconded by Neef. Motion carried.

Cheney moved to approve the regular meeting minutes of January 27<sup>th</sup>, 2020. Seconded by Jones. Motion carried.

**Consider Resolution for recommendation to Board of Adjustment to approve the Conditional Use Request for the construction of the essential services building for the City of Hiawatha, Iowa at Lots 12, 13, 14, 15 and 25 Auditors Plat No. 281.**

A map was displayed on the screens for the board members.

Cheney clarified the site map showing the construction of the proposed building shows additional structure that are no longer there. The City owned lots between 3<sup>rd</sup> Avenue and 4<sup>th</sup> Avenue are vacant.

Director Parsley agreed, the City owned lots are vacant.

Administrator Downs stated there is one residence left on West Clark closest to 3<sup>rd</sup> Avenue.

Director Parsley added everything on the City owned lots have been demolished.

Jones asked if we were combining the lots together.

Director Parsley answered we are not doing a plat of survey to add the lots together, we are considering this one zoning lot. So, it can be built on as one lot. If you go to the bottom of the recommendations page there are conditions I would recommend for the Conditional Use. The main recommendation is making sure the lots stay compatible with the residential area.

Ross asked if the City has received any input from the surrounding citizens.

Clerk Stinson responded we did not receive any input.

Cheney asked if the chain link fence on the south side of the building was part of the proposed construction.

Administrator Downs answered the chain link and wood fences are already existing.

Director Parsley clarified the fences do already exist. He noted the recommendation in the conditions is to provide the new screening through landscaping instead.

Jones asked what the proposed building would be used for.

Director Parsley answered this is an essential service building so it will be for City use. Half will be used as a parking garage for Police and Community Development and the other half will be a classroom and exercise room for police training. They are intending to open this building up for regional police training.

Jones asked will there also be exercise equipment too.

Director Parsley answered there will be some exercise equipment which is being purchased as part of a recovery program specific to the police department.

Jones asked if the firefighters could use this as well.

Director Parsley answered they can't utilize the space due to this being funded by the recovery fund specifically for the police department.

Neef asked if the corner house on 3<sup>rd</sup> Avenue and Clark was going to be demolished.

Director Parsley clarified that we are not intending to demolish anymore homes at this point.

Administrator Downs added that this has been our intention all along when purchasing these properties was to build a public safety garage.

Ross asked about potential future building addition shown on the south end of the building. So, is the garage 120 feet long.

Director Parsley answered the original building will be built at 120 feet long which does not include the potential future building. The initial building will be 7,200 square feet which is 120 feet by 60 feet then there is potential to add on to that. Even with the addition we are maintaining the proper setbacks for the residential area.

Cheney moved recommendation to Board of Adjustment to approve the Conditional Use Request for the construction of the essential services building for the City of Hiawatha, Iowa at Lots 12, 13, 14, 15 and 25 Auditors Plat No. 281, with the following conditions:

1. The site plan is designed to the most restrictive applicable zoning requirements for the residential zone and the commercial use for allowable setbacks.
2. The site plan includes appropriate screening between this use and the adjacent residential uses.

Seconded by Neef.

AYES: Neef, Jones, Jepsen, Ross, Powers, Cheney

NAYS: None

ABSENT: Trimpe

**Motion Carried.**

**Resolution #20-003 Approved**

**Consider Resolution for recommendation to City Council for vacating the public property; west 150 Feet of Oak Street, Hiawatha, Iowa as requested by City Council on February 5, 2020.**

Jones asked why are we only going 150 feet.

Director Parsley answered the west side has already been vacated and we can't go any further east because of the apartment parking lot driveway.

A map was displayed on the screens for the board members.

Ross asked when you vacate property does that mean you tear out the street and seed it.

Director Parsley answered it can work that way but in this particular case we will do nothing to the vacated street. We are going to add it to the property we already own for sale for the development of our Midtown area.

Chairperson Powers asked if they will be putting sewer and water in.

Director Parsley clarified they will be putting in sewer and water along with some streets that will be private.

Chairperson Powers moved recommendation to City Council for vacating the public property; west 150 Feet of Oak Street, Hiawatha, Iowa as requested by City Council on February 5, 2020. Seconded by Jones.

AYES: Jones, Ross, Jepsen, Neef, Powers, Cheney

NAYS: None

ABSENT: Trimpe

**Motion Carried.**

**Resolution #20-004 Approved**

Ross moved to adjourn the meeting at 5:50 P.M. Seconded by Cheney. Motion Carried.

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Mark Powers, Chairperson

ATTEST:

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Tiffany Stinson, Permit Clerk

# City of Hiawatha

## Community Development Department

**Purpose:** Final Plat Approval **Date:** 3/23/2020

**To:** Planning and Zoning Commission

**Name of Plan:** American Legion Post 735 First Addition

**Address:** 205 Robins Road **Zone:** CPR-2

**Number of Lots:** Two parcels and one outlot which is dedicated to the City of Hiawatha for the Robins Road ROW

**Reviewed by:** Patrick Parsley, Community Development Director

### **Description:**

This is the final plat for the property at 205 Robins Road which includes the American Legion building, a residential home and a storage facility. The owner is platting the ROW for Robins Road, selling a portion of the lot for future development and retaining a portion for continued usage.

The front “outlot” defines the ROW for Robins Road. The width of the ROW is unaffected by this plat and the utility easement will remain. The right of way setback for the Legion building and the storage buildings along the south side is not complying. The code allows this to remain as an existing legal non-conforming setback.

Building setbacks along the proposed property split are in compliance with the UDC; however, the RV building is too close to the proposed property line in accordance with the building code. This building should be 10’ from a property line given its construction and usage. This can be addressed with an agreement not to build a building in this space.

The parcel with the residential home and storage facility will have frontage along the new street currently under construction as part of the Town Center project. However, the current access is through lot #1. A temporary access easement will allow these lots ROW access until the street is completed.

In addition, the current sanitary sewer and water services to the buildings on lot #2 are located in lot #1. A utility easement for shared utilities is detailed on the final plat. These will remain private utility lines.

Utility company sign offs are required with the final plat and there are no required improvements. The Blue Bounds and final documents will be completed for the Council approval.

**Report:**

1. The lots comply with the UDC for size and frontage.
2. The existing buildings are allowed to remain as legal nonconforming regardless of the setback in accordance with UDC 165.70. New buildings and building additions must comply with the required front setback of 25' and corner right of way setback of 15'
3. A temporary "no build yard" must be recorded with the final plat keeping structures 10' from the existing RV building.
4. A temporary access easement must be recorded with the Final Plat for access to lot #2 until such time as the new right of way is completed.
5. Sanitary sewer and water utilities to any new buildings on lot #2 will be connected to the mains in the new street. Existing sanitary sewer and water lines to the existing buildings on lot #2 will be abandoned and properly capped and removed in accordance with City of Hiawatha Standards.

**Recommendation:** Community Development supports the Planning and Zoning Commission recommendation for approval of this final plat contingent upon the recording of the associated easements.

**City of Hiawatha**  
**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:    March 25, 2020**

**From:    John C Bender PE, City Engineer**

**Re:    American Legion 1<sup>st</sup> Addition**

**Description:    Final Plat**

**Report:**

Engineering has reviewed the final plat for the property located on Robins Road at the current America Legion location. The intent is to sell the back approximately 1.5 acres to another owner for possible redevelopment. After a quick review, staff recommended this property transfer be accomplished with a final plat of the property, rather than a more common plat of survey.

One of the primary reasons for a final plat is we discovered that the current Robins Road right-of-way has never been platted and officially dedicated to the City as roadway. This is common in older areas of the city. The best way to accomplish the legal transfer is a final plat. This right-of-way is shown as lot 1 and will be transferred as roadway

The other reason for a plat is the rear lot, lot 2, currently does not have public access. The lot will have access to the south when we complete the Midtown Utility and Roadway project currently under construction. This is not scheduled until June of this year. For that reason we asked for an access easement to be platted that can be removed at some point in the future. This will provide legal access to lot 2 until the Midtown project is completed.

The Midtown project will also provide new sewer and water service to Lot 2. Currently, the sewer and water utilities are already installed across the Legion building site. Again we are asking for a utility easement across Lot 1 to provide maintenance of the current utilities if any repairs might be needed. This easement can also be abandon once utilities have been reconnected to the Midtown project.

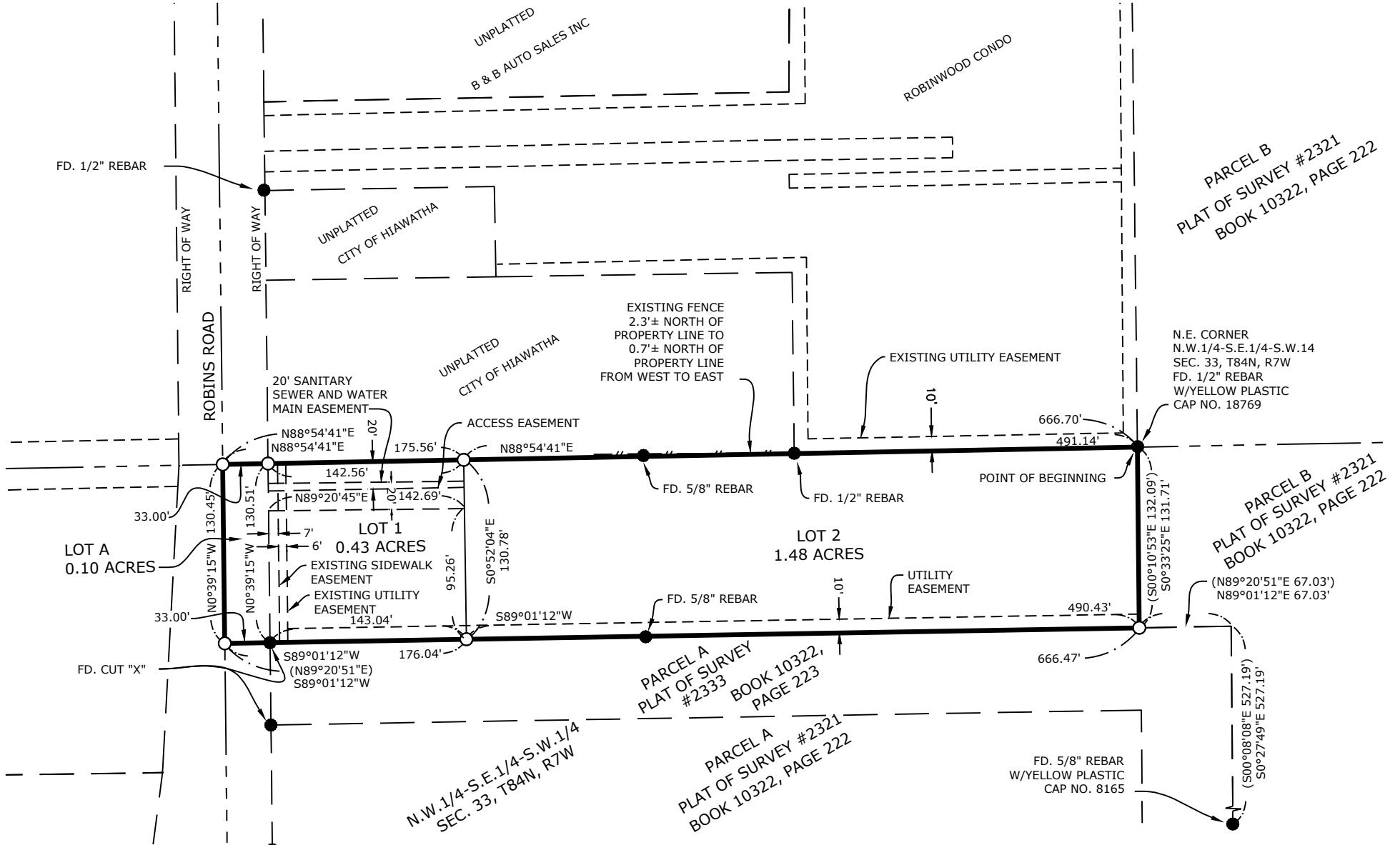
Engineering has reviewed the final plat of American Legion 1<sup>st</sup> Addition and find the revisions requested have been completed. We still need the final plat documents, but Engineering recommends approval and submitting this plat to the City Council for consideration.

If you have any questions please let me know.

**INDEX LEGEND**

LOCATION: S.E.1/4-S.W.1/4, SEC. 33, T84N, R7W  
 REQUESTOR: HIAWATHA AMERICAN LEGION POST 735  
 PROPRIETOR: FARMERS STATE BANK  
 CONTRACT: HIAWATHA AMERICAN LEGION POST 735  
 SURVEYOR: RYAN R. REMLING, P.L.S.  
 COMPANY: HALL & HALL ENGINEERS, INC.  
 1860 BOYSON ROAD  
 HIAWATHA, IOWA 52233  
 1-319-362-9548  
 RETURN TO: RYAN@HALLENG.COM

**SPACE RESERVED FOR RECORDING PURPOSES**



**LEGAL DESCRIPTION:**

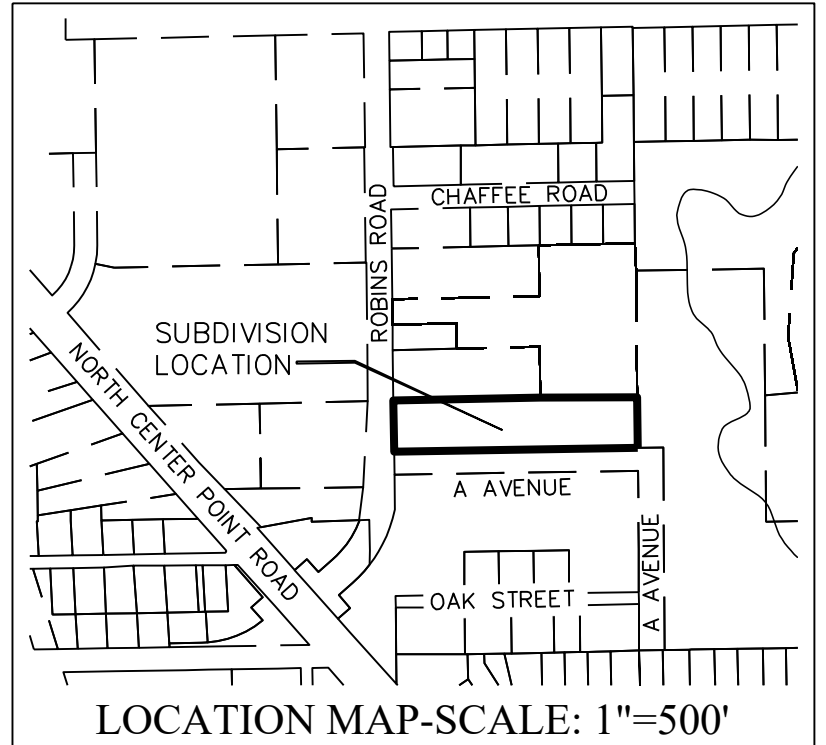
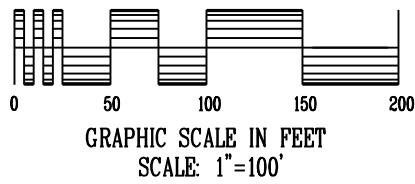
THE NORTH 8 RODS OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 84 NORTH, RANGE 7 WEST OF THE 5TH PRINCIPAL MERIDIAN, HIAWATHA, LINN COUNTY, IOWA DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE S0°33'25"E 131.71 FEET ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER TO THE SOUTH LINE OF THE NORTH 8 RODS OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE NORTH LINE OF PARCEL A, PLAT OF SURVEY #2333 AS RECORDED IN BOOK 10322, PAGE 223 IN THE OFFICE OF THE LINN COUNTY, IOWA RECORDER; THENCE S89°01'12"W 666.47 FEET ALONG SAID NORTH AND SOUTH LINE TO THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE N0°39'15"W 130.45 FEET ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE N88°54'41"E 666.70 FEET ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2.01 ACRES, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

**NOTE:**

LOT A TO BE DEDICATED TO THE CITY OF HIAWATHA, IOWA AS PUBLIC STREET RIGHT OF WAY.



**SURVEY LEGEND**

- SET 1/2" REBAR W/YELLOW PLASTIC CAP NO. 18769
- FOUND SURVEY MONUMENT AS NOTED
- ( ) RECORDED AS
- EASEMENT LINE
- PLAT OR SURVEY BOUNDARY
- PLAT LOT LINE
- 1/4-1/4 SECTION LINE
- EXISTING LOT LINE



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

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

RYAN R. REMLING, P.L.S. 18769  
 My license renewal date is December 31, \_\_\_\_\_

Pages or sheets covered by this seal: \_\_\_\_\_



Project Number: <b>10709</b>	Sheet: 1 of 1	Scale: 1"=100'	Field Book No.: 251	Date: 3/23/20	Sheet Title: <b>FINAL PLAT AMERICAN LEGION POST 735 FIRST ADDITION PART OF THE N.W. 1/4-S.E.1/4-S.W.1/4, SECTION 33, T84N, R7W HIAWATHA, LINN COUNTY, IOWA</b>
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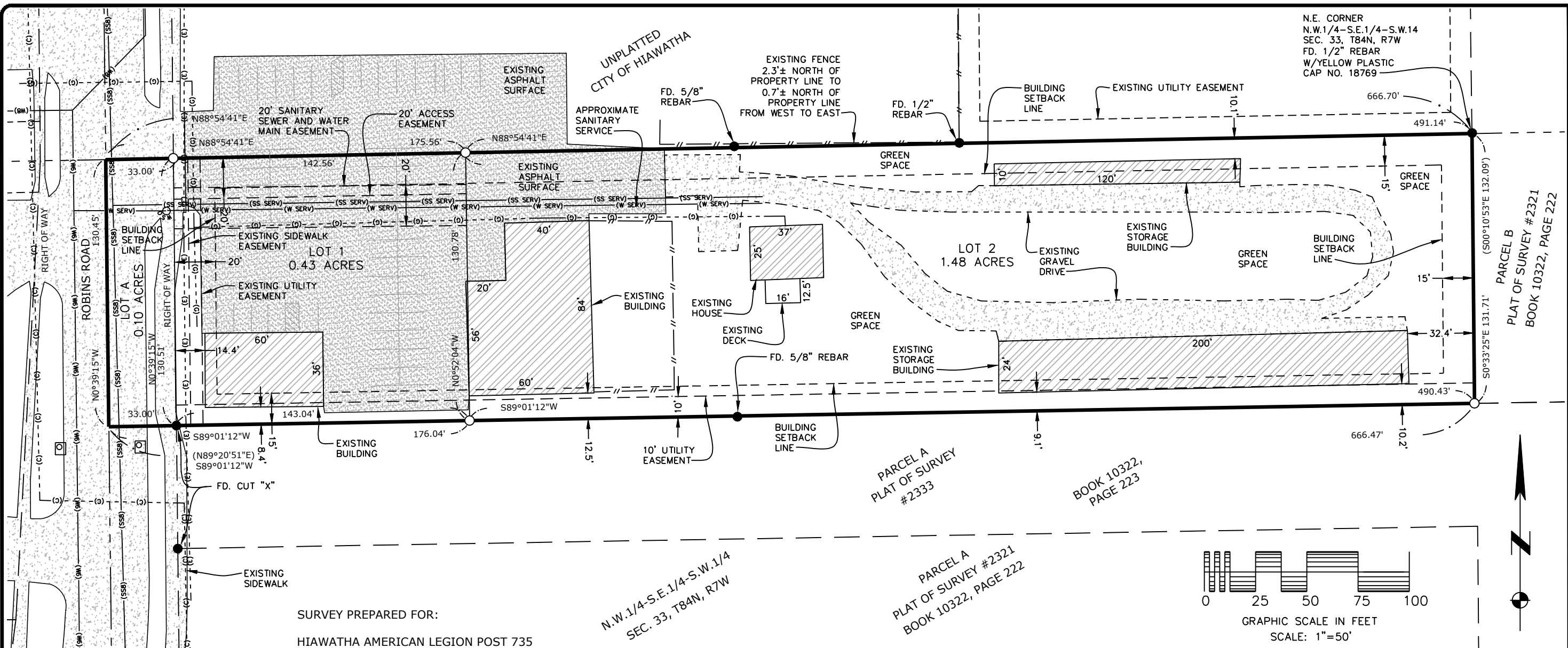
**HALL & HALL ENGINEERS, INC.**  
*Leaders in Land Development Since 1953*

1860 BOYSON ROAD, HIAWATHA, IOWA 52233  
 PHONE: (319) 362-9548 FAX: (319) 362-7595

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Designed by:RRR    Drawn by:RRR    Checked by: \_\_\_\_\_



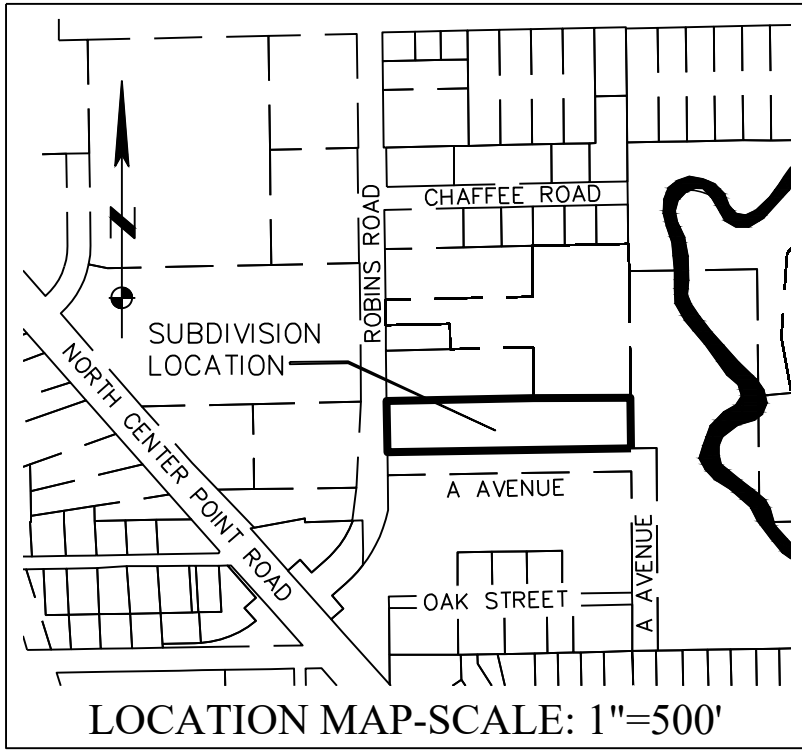


N.E. CORNER  
N.W.1/4-S.E.1/4-S.W.14  
SEC. 33, T84N, R7W  
FD. 1/2" REBAR  
W/YELLOW PLASTIC  
CAP NO. 18769

EXISTING ZONE CPR-2  
SETBACK REQUIREMENTS:  
Front yard setback - 20 feet  
Corner side yard - 15 feet  
Rear yard - 15 feet  
Interior side yard - Commercial - 0 feet  
Transitional yards - 0 feet  
Height requirements - 45 feet

SURVEY PREPARED FOR:  
HIAWATHA AMERICAN LEGION POST 735

OWNER:  
FARMERS STATE BANK AND  
HIAWATHA AMERICAN LEGION  
POST 735  
SURVEYOR:  
RYAN R. REMLING L.S.  
HALL & HALL ENGINEERS INC.  
1860 BOYSON ROAD  
HIAWATHA, IOWA 52233  
319-362-9548



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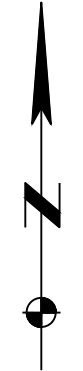
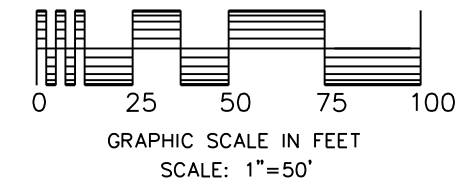
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---	1/4-1/4 SECTION LINE
- - -	EXISTING LOT LINE
---	BUILDING SETBACK
---	LOT LINE



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Checked by: DLK  
 Drawn by: DLK  
 Designed by: DLK

**SITE PLAN**  
**AMERICAN LEGION POST 735 FIRST ADDITION**  
 IN THE CITY OF HIAWATHA  
 LINN COUNTY, IOWA

Parcel A  
PLAT OF SURVEY #2333  
BOOK 10322, PAGE 223

Parcel B  
PLAT OF SURVEY #2321  
BOOK 10322, PAGE 222

CAD File: I:\Projects\10700\10709 American Legion Post\10709\10709.dwg Date Plotted: Mar 25, 2020 - 10:06am Plotted By: DLK

Sheet Title:	AMERICAN LEGION POST 735 FIRST ADDITION
Date:	3/23/20
Field Book No.:	FBK
Scale:	1"=50'
Sheet:	1 of 1
Project Number:	10709