

**AGENDA  
PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
February 27, 2017**

**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 January 23, 2017
3. Business
  - a. 1550 Hawkeye Dr.
    - # a.1. **Hearing-** Consider Resolution for recommendation to City Council to approve the Rezoning submitted by Charlie Vogl for 1550 Hawkeye Dr., Hiawatha, IA.
  - b. 1208 N Center Point Rd.
    - # b.1. **Hearing-** Consider Resolution for recommendation to City Council to approve the Rezoning submitted by Hawkeye Dental Studio for 1208 N Center Point Rd., Hiawatha, IA.
    - # b.2. Consider Resolution for recommendation to City Council to approve the Design Guidelines submitted by Hawkeye Dental Studio for 1208 N Center Point Rd., Hiawatha, IA.
  - c. Tower Commerce 12<sup>th</sup> Addition
    - # c.1. Consider Resolution for recommendation to City Council to approve the Final Plat submitted by Jon Dusek for Tower Commerce 12<sup>th</sup> Addition, Hiawatha, IA.
  - d. 2111 Robins Rd
    - # d.1. Consider Resolution for recommendation to City Council to approve the Preliminary Plat submitted by Charlotte Brown, Brown Inc. for 2111 Robins Rd., Hiawatha, IA.
    - # d.2. **Hearing-** Consider Resolution for recommendation to City Council to approve the Rezoning submitted by Charlotte Brown, Brown Inc. for 2111 Robins Rd., Hiawatha, IA.

e. Recommend Unified Development Code (UDC) Amendment

- # e.1. Consider Resolution for recommendation to City Council to Amend City Ordinance Chapter 165.50; Unified Development Code (UDC) of Hiawatha, Iowa to add reference to detention basins in 165.53 and delete entire 165.59.

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*

**City of Hiawatha**  
**Community Development Department**  
**Building, Zoning, Code Enforcement & Development**  
 101 Emmons St., Hiawatha Iowa, 52233-1697  
 PHONE (319) 294-2929 FAX (319) 393-1516

**Purpose:** Rezoning Request to C-4 **Date:** 2/15/2017  
**To:** Planning & Zoning Commission  
**Name of Plan:** Dancer's Edge Building Addition  
**Address:** 1540-1550 Hawkeye Drive **Zone:** I-2  
**Number of Lots:** 1  
**Reviewed by:** Patrick Parsley, Community Development Director

**Description:** This development encompasses one lot currently zoned for I-2 use. This is a vacant lot next to the present Dancer's Edge. The present Dancer's Edge lot is zoned C-4. There is additional C-4 zoning north of this property. The remaining adjacent lots are I-2 zoning.

**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 rezoning proposal allows for the required parking, landscaping, open space, and other accessory uses necessary for the proper functioning of the development to be accommodated on the property for which rezoning is requested. The proposed zone is C-4. Being nearly surrounded by I-2 zoning but adjacent to C-4 on the north, this change is a minor adjustment in the transition line between the I-2 zones and the C-4 zones which was previously established. C-4 zones generally allow more intense commercial uses which fits this location and the Comprehensive Plan.

**Alternatively:** I-2 zones and C-4 zones are fairly compatible; however the transition between these two zones is sometimes accomplished by the use of an I-1 zone. This provides a buffer and reserves lots for industrial uses. If this lot and the existing Dancer's Edge lot were to be zoned I-1, the dance school usage would then be allowed as a conditional use fully aware of the possible incompatibility. This route would require an extra development step; issuing a conditional use. Essentially this would only be necessary if the City needs to preserve industrial space or the owner would prefer this route. Neither is the case so this is not recommended.

**Reasonable Restrictions on Rezoning.** No restrictions are required on the property to be rezoned at this time since it is next to I-2 and C-4 zones.

**Recommendation:** Community Development supports a recommendation for approval of this rezoning request.

3a.1.2

**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:** February 16, 2017

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

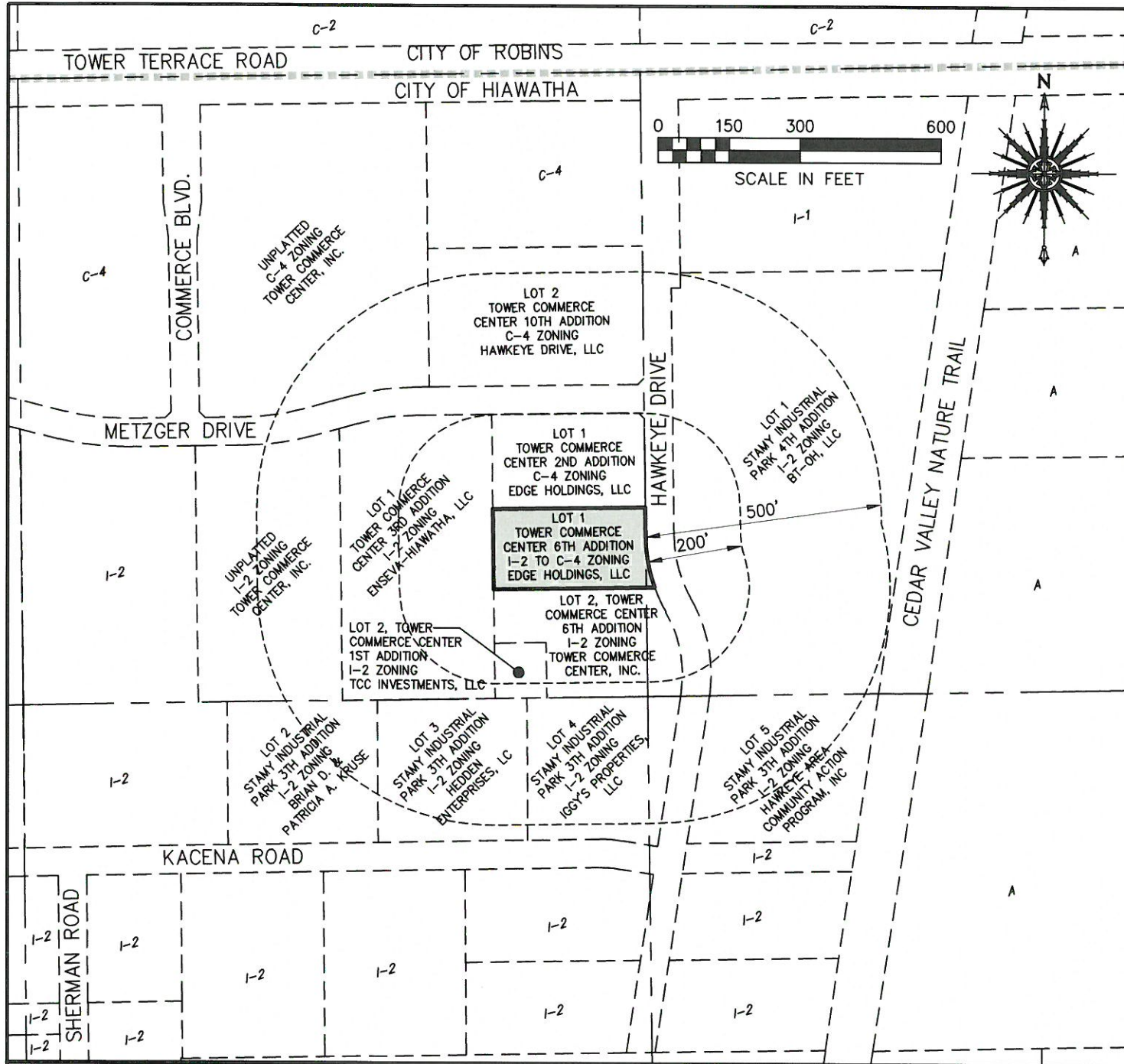
**Re:** Rezoning of 1550 Hawkeye Drive

**Description:** Rezoning from I-2 to C-4

**Report:** Engineering has reviewed the request for the rezoning of the property located at 1550 Hawkeye Drive from I-2 to C-4. This lot is adjacent to the existing Dancers Edge building currently zoned C-4 and will allow for the expansion of the building onto property with identical zoning classifications. We have previously approved POS 2128 combining the two lots into one parcel allowing for single ownership of both lots. This is an appropriate to provide a single zoning classification for the property. We are currently reviewing the site plan for the expansion of the building and parking lot.

Engineering recommends approval of this rezoning request.

3a.1.3



**OWNER/APPLICANT**

EDGE HOLDINGS, LLC  
 1550 HAWKEYE DRIVE  
 HIAWATHA, IA 52233  
 CONTACT: MR. CHARLIE VOGL  
 PHONE: 319-892-4340  
 E-MAIL: charlie@dancersedgeonline.com

**EXISTING ZONING**

ZONING: I-2

**PROPOSED ZONING**

ZONING: C-4

**LEGAL DESCRIPTION FOR I-2 TO C-4 REZONING AREA**

LOT 1, TOWER COMMERCE CENTER SIXTH ADDITION TO HIAWATHA, IOWA.

1 OF 1

**EXHIBIT B  
 REZONING  
 LOCATION MAP  
 LOT 1, TOWER COMMERCE  
 CENTER SIXTH ADDITION**

DRAWN: TLS  
 APPROVED: TLS  
 ISSUED FOR: REVIEW  
 DATE: 01/17/2017  
 PROJECT NO.: 16164

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



3a.1.4

Edge Holdings, LLC  
1550 Hawkeye Drive  
Hiawatha, IA 5233

January 17, 2017

City of Hiawatha  
101 Emmons Street  
Hiawatha IA 52233

**REZONING PETITION**

Honorable Mayor and City Council  
Hiawatha, Iowa

We, Edge Holdings, LLC, are Owners of the two platted lots located immediately south of Metzger Drive and west of Hawkeye Drive. The north lot, which is legally described as Lot 1, Tower Commerce Center Second Addition to Hiawatha, Iowa, is currently completely developed as the Dancer's Edge building and parking. The north lot was rezoned to C-4 (Central Service District) in 2011 to accommodate this development.

The south lot, which is legally described as Lot 1, Tower Commerce Center Sixth Addition to Hiawatha, Iowa, is currently vacant ground. The south lot is currently zoned I-2 (General Industrial District).

We desire to construct an addition to the Dancer's Edge building and extend the parking lot onto the south lot to accommodate the continued growth of our business. Because the dance school is not a permitted use within the I-2 zoning district, we hereby petition the City of Hiawatha, Linn County, Iowa to rezone the site to C-4. The attached Exhibit A provides a legal description for the area being rezoned. Exhibit B provides a detailed location map depicting the proposed rezoning area and adjoining properties. We have also attached a copy of the proposed Site Plan showing the design of the new site improvements.

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.
2. There are adequate street facilities immediately adjacent to the site to support the proposed development. Tower Terrace Road is a major arterial, Metzger Drive is a local street and Hawkeye Drive is a local street.
3. The proposed C-4 zoning is compatible with the surrounding properties:
  - a. The land to the south, east and west is zoned I-2.
  - b. The land to the north is currently zoned C-4.

4. The property is very suitable for commercial development. There are no steep grades, flood plains or adjacent less intense land uses limiting use of the property.

We trust you will find this request reasonable and acceptable. If you need any further information please contact our civil engineer, Tred Schnoor, at 319-298-888. Thank you for your consideration.

Respectfully Submitted,

EDGE HOLDINGS, LLC

  
Charlie Vogl, Manager

Attachments: Exhibit A – Legal Description for 'I-2' to 'C-4' Rezoning Area  
Exhibit B – Rezoning Location Map  
Mailing Labels for Adjacent Property Owners within 500' of Rezoning Area  
Site Development Plan

36.1.1

**City of Hiawatha**  
**Community Development Department**  
**Building, Zoning, Code Enforcement & Development**  
101 Emmons St., Hiawatha Iowa, 52233-1697  
PHONE (319) 294-2929 FAX (319) 393-1516

**Purpose:** Rezoning Request to C-4 **Date:** 2/22/2017  
Site Plan approval for Design Guidelines  
**To:** Planning & Zoning Commission  
**Name of Plan:** Hawkeye Dental Studio  
**Address:** 1208 North Center Point Road **Zone:** A  
**Number of Lots:** 1  
**Reviewed by:** Patrick Parsley, Community Development Director

**Description:** This development encompasses one lot currently zoned for Agricultural use. The most recent use was for single a family dwelling which has been removed. There are three lots in this vicinity zoned Agricultural. However, these remaining lots are surrounded by commercial zones and the area is projected to be commercial use in the Comprehensive Plan.

**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 rezoning proposal allows for the required parking, landscaping, open space, and other accessory uses necessary for the proper functioning of the development to be accommodated on the property for which rezoning is requested. The proposed zone is C-4. Being nearly surrounded by this type of zone and being located along NCPR; an arterial street, it is an appropriate reclassification request. C-4 zones generally allow more intense commercial uses than C-3 which fits this location and the Comprehensive Plan.

Reasonable Restrictions on Rezoning. Restrictions are required on the property to be rezoned at this time since it is next to an A zone and it is located within the Design Guidelines overlay.

- To protect the adjacent property from adverse affects, screening will be required along the south lot line since it is a transitional yard.
- The property is in the Design Guidelines and issues regarding parking screening and building finishes must be addressed. These issues are being addressed with the site plan submittal and review.
- The property is on an arterial road and access must be limited for the amount of traffic. The site review is requiring the access to be moved to the north property line and designate an access easement for a shared future driveway.



**Recommendations:** Community Development supports a recommendation for approval of this rezoning request with the restriction of required screening along the south property line, compliance to the Design Guidelines and location of the driveway to the north side of the lot with a 15' common access easement for future development.

Community Development supports the recommendation for site plan approval specific to the Design Guidelines as the building elevations and the parking berm are in accordance with the code requirements. Approval should be contingent upon addressing site issues including:

1. Changed driveway access and recording 15' access easement.
2. Storm water detention calculations.
3. Submittal of additional trees for landscaping.
4. Submittal of exterior lighting plan and signage.

3b.1.2

**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: February 17, 2017**

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



**Re: Rezoning of 1208 North Center Point Road**

**Description: Rezoning from A to C-4**

**Report:** Engineering has reviewed the request for the rezoning of the property located at 1208 North Center Point Road from Agriculture to Central Service District. This rezoning seems compatible with the comprehensive plan and the uses proposed along this arterial street.

We are working with the developer and asking for several changes to the site plan before approval, but can recommend approval of the rezoning.

Engineering recommends approval.

3b.2.1

**City of Hiawatha**  
**Community Development Department**  
**Building, Zoning, Code Enforcement & Development**  
101 Emmons St., Hiawatha Iowa, 52233-1697  
PHONE (319) 294-2929 FAX (319) 393-1516

**Purpose:** Rezoning Request to C-4 **Date:** 2/22/2017  
Site Plan approval for Design Guidelines  
**To:** Planning & Zoning Commission  
**Name of Plan:** Hawkeye Dental Studio  
**Address:** 1208 North Center Point Road **Zone:** A  
**Number of Lots:** 1  
**Reviewed by:** Patrick Parsley, Community Development Director

**Description:** This development encompasses one lot currently zoned for Agricultural use. The most recent use was for single a family dwelling which has been removed. There are three lots in this vicinity zoned Agricultural. However, these remaining lots are surrounded by commercial zones and the area is projected to be commercial use in the Comprehensive Plan.

**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 rezoning proposal allows for the required parking, landscaping, open space, and other accessory uses necessary for the proper functioning of the development to be accommodated on the property for which rezoning is requested. The proposed zone is C-4. Being nearly surrounded by this type of zone and being located along NCPR; an arterial street, it is an appropriate reclassification request. C-4 zones generally allow more intense commercial uses than C-3 which fits this location and the Comprehensive Plan.

Reasonable Restrictions on Rezoning. Restrictions are required on the property to be rezoned at this time since it is next to an A zone and it is located within the Design Guidelines overlay.

- To protect the adjacent property from adverse affects, screening will be required along the south lot line since it is a transitional yard.
- The property is in the Design Guidelines and issues regarding parking screening and building finishes must be addressed. These issues are being addressed with the site plan submittal and review.
- The property is on an arterial road and access must be limited for the amount of traffic. The site review is requiring the access to be moved to the north property line and designate an access easement for a shared future driveway.

**Recommendations:** Community Development supports a recommendation for approval of this rezoning request with the restriction of required screening along the south property line, compliance to the Design Guidelines and location of the driveway to the north side of the lot with a 15' common access easement for future development.

Community Development supports the recommendation for site plan approval specific to the Design Guidelines as the building elevations and the parking berm are in accordance with the code requirements. Approval should be contingent upon addressing site issues including:

1. Changed driveway access and recording 15' access easement.
2. Storm water detention calculations.
3. Submittal of additional trees for landscaping.
4. Submittal of exterior lighting plan and signage.

3b.2.2



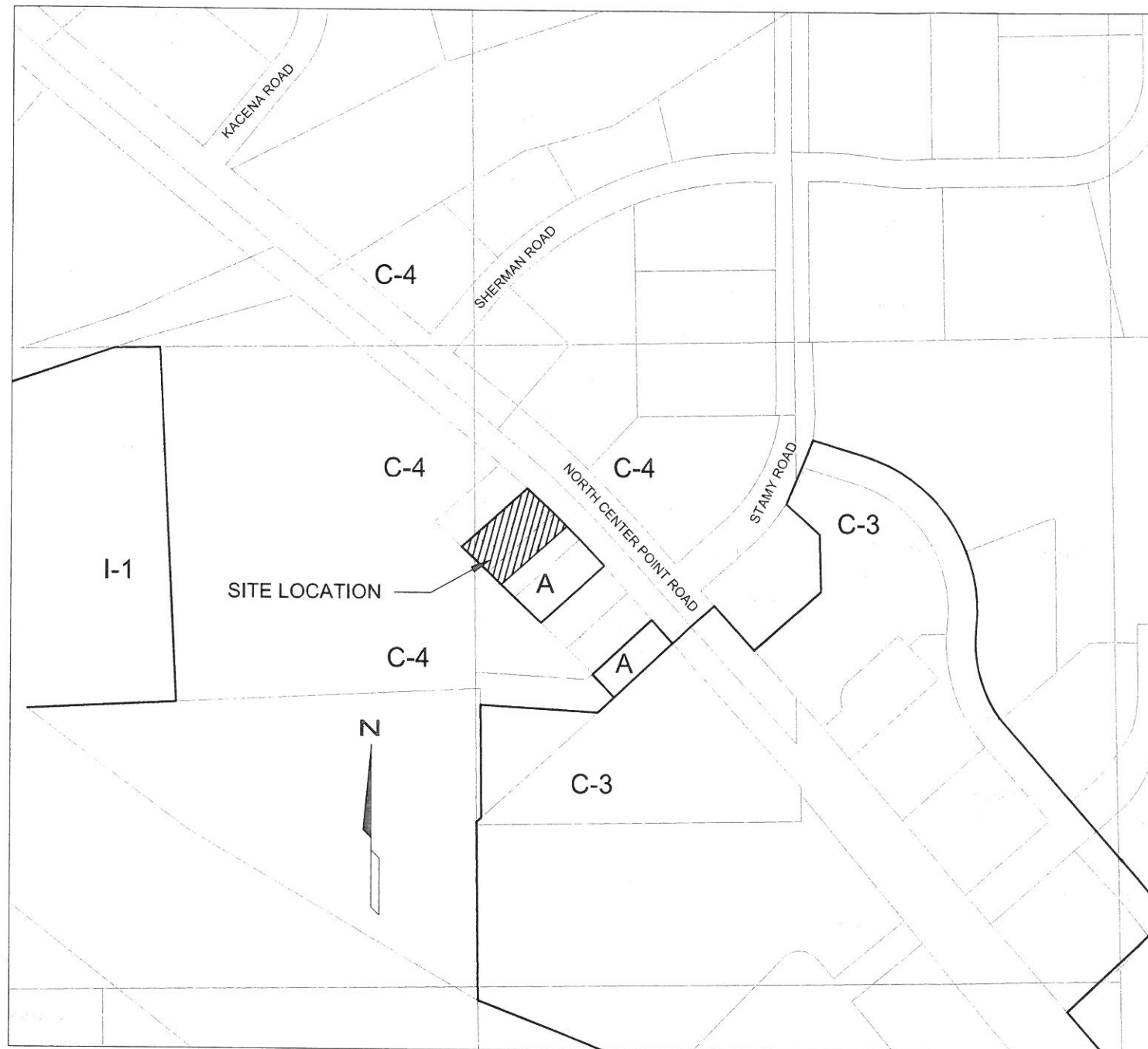
DRAWINGS PROVIDED BY:  
Eastern Iowa Building, Inc.  
104 Williams Blvd.  
Fairfax, IA 52228  
(319) 845-8000

PROJECT DESCRIPTION:  
Danny Roberts  
Hiawatha, IA

SHEET TITLE:  
Rendered Views

NO.	DESCRIPTION	BY	DATE

SCALE:	DATE:
NONE	1/27/17



**SITE LOCATION MAP**  
SCALE: 1" = 300'

**LEGAL DESCRIPTION**

LOT 7 AND THE NW-LY 1/2 OF LOT 8,  
AUDITOR'S PLAT NO. 367, LINN COUNTY, IOWA.

**OWNER/APPLICANT:**  
DANNY AND CHERYL ROBERTS  
907 MOOSE DRIVE NW  
CEDAR RAPIDS, IA 52405  
319-563-920-2273  
drobertshds@gmail.com

**ENGINEER:**  
BRAIN ENGINEERING, INC.  
C/O DANIEL L. SCHMIDT  
1540 MIDLAND COURT NE  
CEDAR RAPIDS, IOWA 52402  
PH: 294-9424  
FAX: 294-1056

SITE ADDRESS: 1208 N. CENTER POINT ROAD  
USE: DENTAL LABORATORY - 2 SEPARATE LABORATORIES  
TOTAL SITE AREA: 20,355 SQ. FT. = 0.47 ACRES  
EXISTING ZONING: A, AGRICULTURE DISTRICT  
PROPOSED ZONING: C-4, CENTRAL SERVICE DISTRICT

TOTAL SQ. FT. OF STRUCTURES:  
EXISTING: 2,199 SQ. FEET = 10.8%  
PROPOSED: 2,400 SQ. FEET = 11.8%

HARD SURFACE AREA OF LOT (INCLUDES BUILDING AND PAVING):  
EXISTING: 4,034 SQ. FEET = 19.8%  
PROPOSED: 9,994 SQ. FEET = 49.1%

OPEN AREA OF LOT:  
EXISTING: 16,321 SQ. FEET = 80.2%  
PROPOSED: 10,361 SQ. FEET = 50.9%

SETBACKS: C-4  
FRONT YARD: NONE  
INTERIOR SIDE YARD: NONE  
REAR YARD: NONE  
CORNER SIDE YARD: NONE

**PARKING:**  
DENTAL LABORATORY (CLASS No. 10 - 1 SPACE/EMPLOYEE)

4 REQUIRED SPACES (2 EMPLOYEES PER LAB)  
SPACES PROVIDED - 16  
NOTE: ADDITIONAL PARKING SPACES PROVIDED FOR FLEXIBILITY OF FUTURE BUILDING USAGE.

REQUIRED - 1 HANDICAP  
PROVIDED - 1 HANDICAP (VAN ACCESSIBLE)

**NOTES:**  
1. PARKING SPACES ARE 9'x19'.  
2. SITE LIGHTING TO BE PROVIDED BY DOWNWARD FACING SECURITY LIGHTING ATTACHED TO BUILDING ONLY.  
3. ALL DESIGN SHALL COMPLY TO METRO STANDARDS UNLESS SPECIFIC DESIGN EXCEPTIONS ARE AUTHORIZED BY THE THE CITY OF HIAWATHA, IN WRITING.

3.	2.	1.	No.	Date
Book:	Scale:	NA		
Drawn:	Checked:	Reviewed:		
DLS				
1/27/17				
<b>BRAIN ENGINEERING, INC.</b>				
SITE PLAN				
HAWKEYE DENTAL STUDIO				
File:	Page:			
	C1			
of				
Project No.				
434317-10				

I hereby certify that this engineering document was performed by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.

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

Daniel L. Schmidt, P.E.  
My License Renewal Date Is December 31, 2018  
License Number 13841  
Pages or sheets covered by this seal: 7

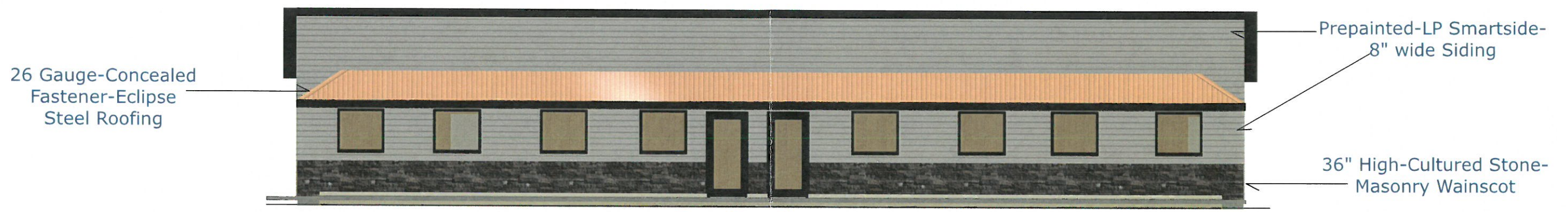


INDEX OF SHEETS	
NO.	DESCRIPTION
C1	TITLE SHEET
C2	GENERAL NOTES
C3	GENERAL NOTES AND LEGEND
C4	EXISTING CONDITIONS AND REMOVALS
C5	SITE LAYOUT PLAN
C6	PAVING PLAN
C7	GRADING AND EROSION CONTROL PLAN

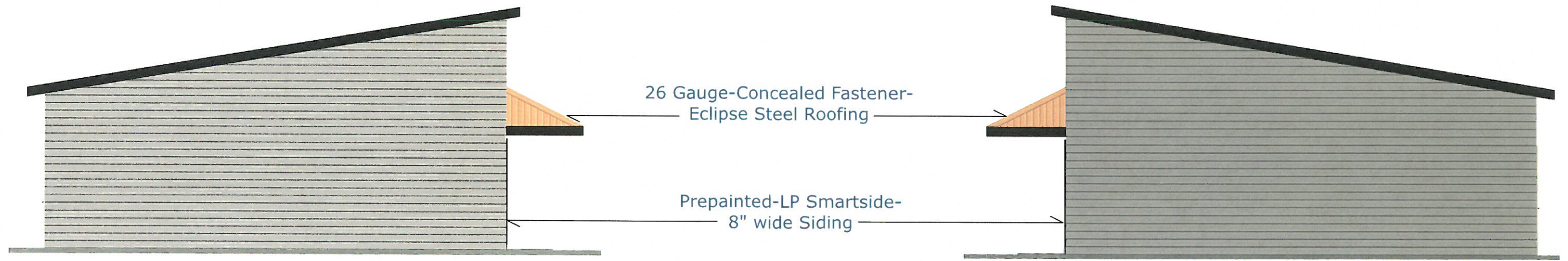
3b.2.3



Rear/West Elevation



Front/East Elevation



Side/South Elevation

Side/North Elevation



DRAWINGS PROVIDED BY:  
 Eastern Iowa Building, Inc.  
 104 Williams Blvd.  
 Fairfax, IA 52228  
 (319) 845-8000

PROJECT DESCRIPTION:  
 Danny Roberts  
 Hiawatha, IA

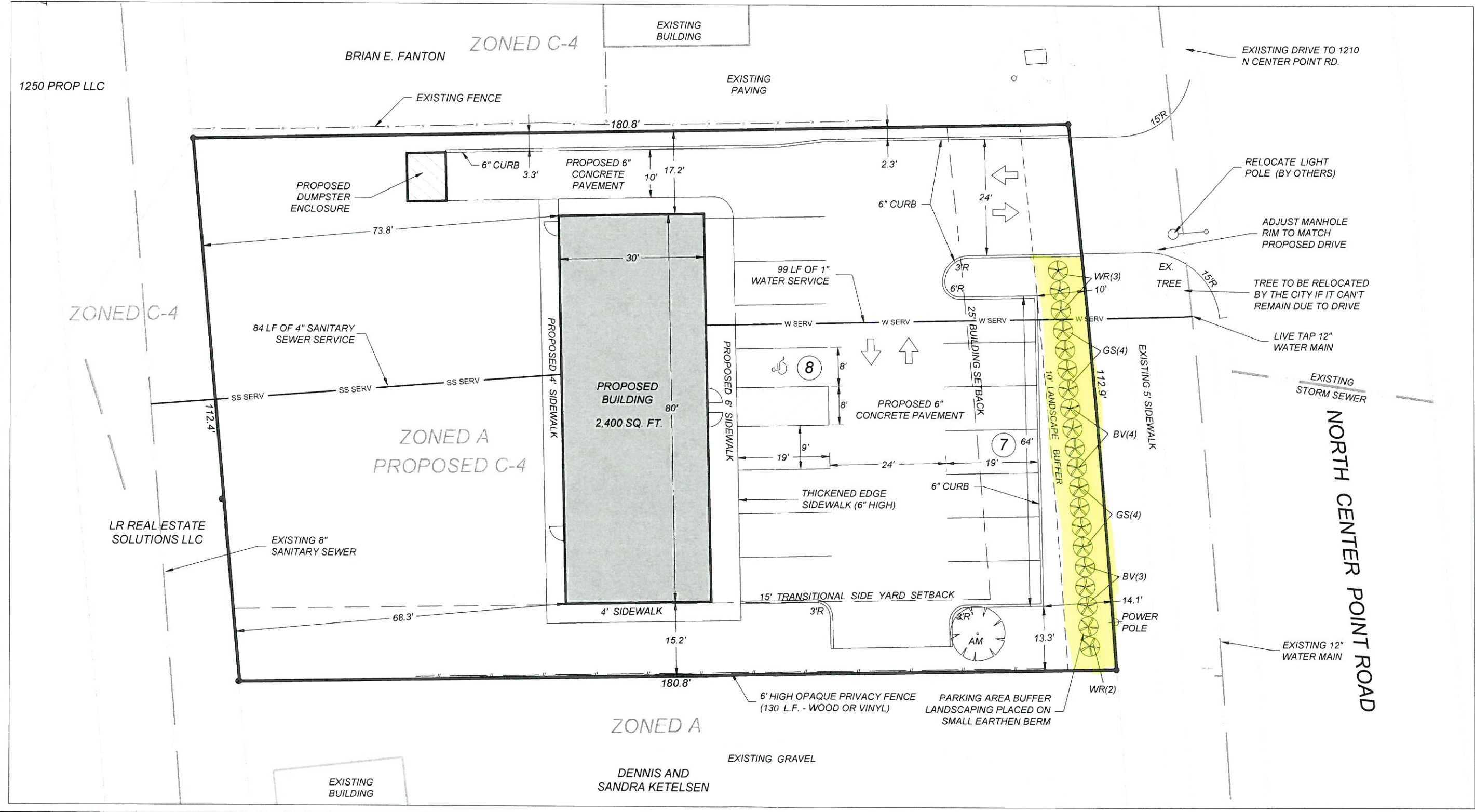
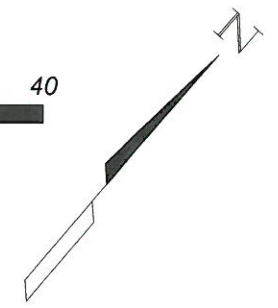
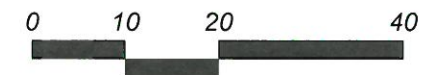
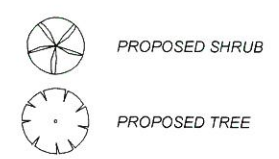
SHEET TITLE:  
 Elevations

NO.	DESCRIPTION	BY	DATE

SCALE:	DATE:
NONE	1/27/17

36.2.4

LANDSCAPE SCHEDULE					
QTY	ID	DESCRIPTION	MIN. SIZE	ROOT	NOTES
5	WR	WINE & ROSES WEIGELA	#3	CONTAINER	NURSERY MATCHED, QUALITY SPECIMEN
8	GS	GOLDFLAME SPIREA	#3	CONTAINER	NURSERY MATCHED, QUALITY SPECIMEN
7	BV	BLUE MUFFIN VIBURNUM	#3	CONTAINER	NURSERY MATCHED, QUALITY SPECIMEN
1	AM	AMUR MAPLE	1-1/2" dbh	BB	NURSERY MATCHED, QUALITY SPECIMEN



Date: \_\_\_\_\_  
 Revision: \_\_\_\_\_  
 No. 1, 2, 3  
 Scale: 1" = 20'  
 Block: 22317  
 DLS  
 Checked: \_\_\_\_\_  
 Reviewed: \_\_\_\_\_  
**BRAIN ENGINEERING, INC.**  
 SITE LAYOUT & UTILITY PLAN  
 HAWKEYE DENTAL STUDIO  
 Page C5  
 of \_\_\_\_\_  
 Project No. 434317-10



**City of Hiawatha**  
**Community Development Department**

3c.1.1

**Purpose:** Final Plat Approval **Date:** 02/15/2017

**To:** Planning and Zoning Commission

**Name of Plan:** Tower Commerce Center 12<sup>th</sup> Addition

**Address:** 1704 Commerce Boulevard **Zone:** C-4

**Number of Lots:** 1 lot

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

**Description:** This is part of a Sherman Square preliminary plat. The lot lines have been adjusted but no major changes are proposed differing from the preliminary plat.

**Report:** This final plat matches the most recent preliminary plat. There is no required plan of improvements to be considered with this plat. Final blue bound documents and utility sign-offs will be submitted before Council consideration.

**Recommendation:** Community Development supports the Planning and Zoning Commission recommendation for approval of this final plat.

3c.1.2

**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: February 17, 2017**

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

**Re: Tower Commerce Center 12<sup>th</sup> Addition**

**Description: Approval of Final Plat**

**Report:**

Engineering has reviewed the final plat of Tower Commerce 12<sup>th</sup> Addition. All street and utility improvements are currently in place and accepted, so no other action is needed that would require a developer's agreement. We also find the final plat is substantial compliance with the approved preliminary plat.

Engineering recommends approval of this final plat.

If you have any questions please let me know.

Pat Parsley

Community Development Director

Marty Recker

Water Superintendent

Date: 1/26/2017

Re: Final Plat Tower Commerce Center Twelfth Addition to Hiawatha

The Water Department has reviewed the Final Plan submitted by Schnoor Bonifazi Engineering for Tower Commerce Center Twelfth Addition to Hiawatha.

The Water Department recommends approval of this Final Plat.

Marty Recker

Water Superintendent

Cc. Kelly Kornegor; City Clerk

# FINAL PLAT TOWER COMMERCE CENTER TWELFTH ADDITION TO HIAWATHA, IOWA

**INDEX LEGEND**  
 Location: NE 1/4 SE 1/4, Section 29, Township 84 North, Range 7 West  
 Requestor: Tower Commerce Center, Inc.  
 Proprietor: Tower Commerce Center, Inc.  
 Surveyor: Leo P. Bonifazi  
 Company: Schnoor-Bonifazi Engineering & Surveying, LC,  
 431 Fifth Avenue SW, Cedar Rapids, IA, 52404  
 PH. 319-298-8888  
 Return To: LBonifazi@S-B-Engineering.com

SPACE RESERVED FOR RECORDING PURPOSES

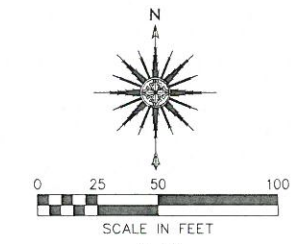
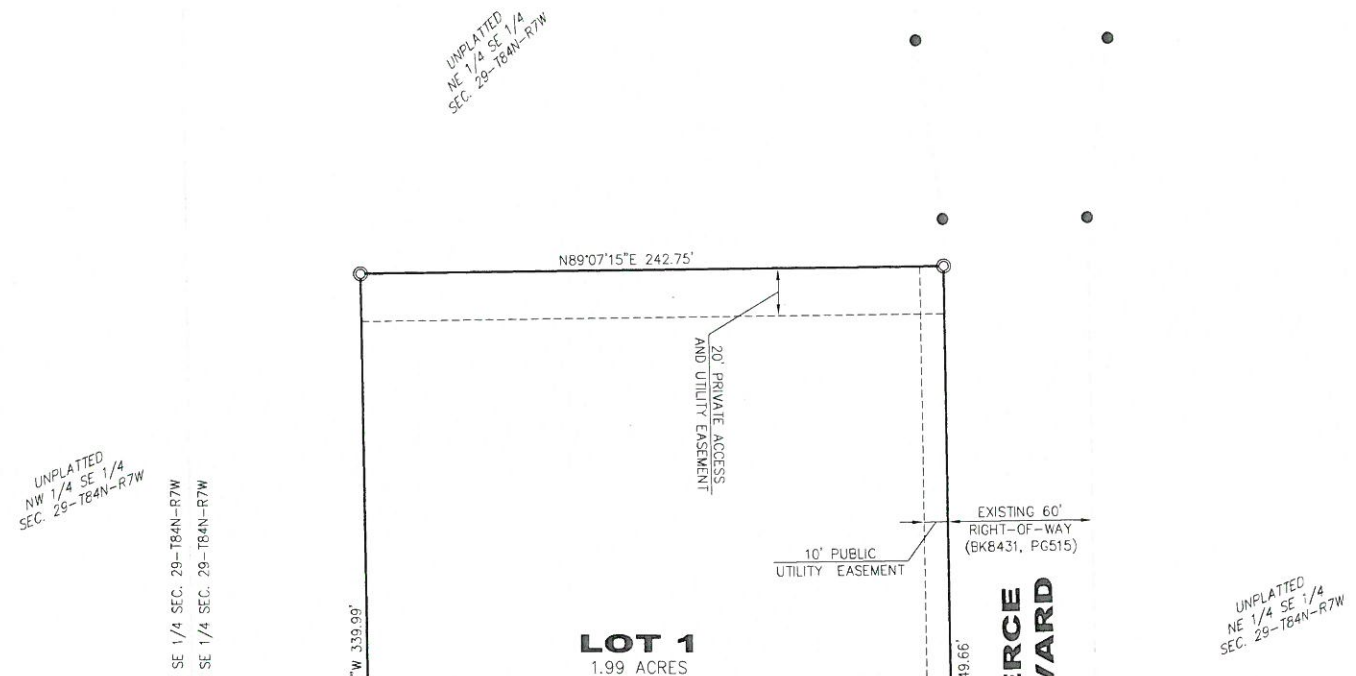


30.1.4

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

REVISIONS

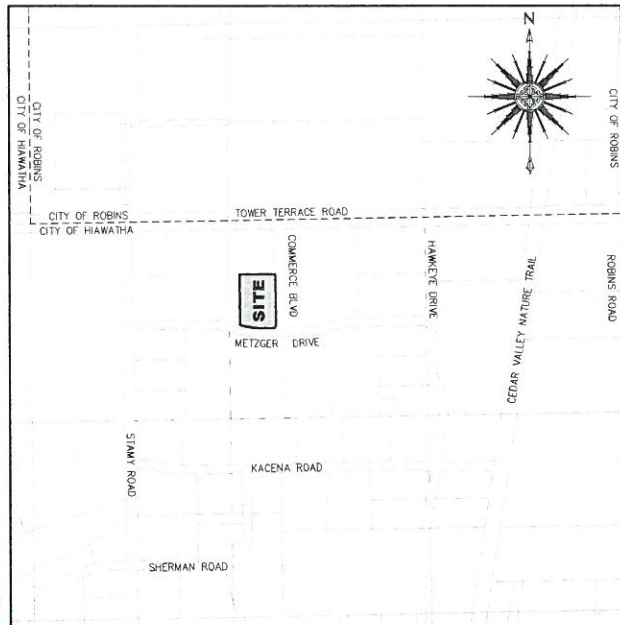
DRAWN: TRED SCHNOOR  
 APPROVED: LEO BONIFAZI  
 ISSUED FOR: APPROVAL  
 DATE: 02/21/2017  
 PROJECT NO.: 10045



**OWNER**  
 TOWER COMMERCE CENTER, INC.  
 222 3RD AVENUE SE, SUITE 299  
 CEDAR RAPIDS, IA 52401  
 CONTACT PERSON: MR. JON DUSEK  
 PHONE: (319) 364-6533  
 FAX: (319) 369-0919

**DATE OF SURVEY**  
 SEPTEMBER 7, 2015 & JANUARY 27, 2017

- LEGEND**
- SECTION LINE
  - PROPERTY LINE
  - ADJOINING LOT LINE
  - ADJOINING EASEMENT LINE
  - - - EASEMENT LINE
  - FOUND 5/8" IRON REBAR W/ORANGE CAP NO. 13480 UNLESS OTHERWISE NOTED
  - SET 5/8" IRON REBAR W/ORANGE CAP NO. 13480



**1 SITE LOCATION MAP**  
 NOT TO SCALE

**LEGAL DESCRIPTION**  
 TOWER COMMERCE CENTER TWELFTH ADDITION TO Hiawatha, Iowa is that part of the Northeast Quarter of the Southeast Quarter of Section 29, Township 84 North, Range 7 West, of the 5th P.M., Hiawatha, Linn County, Iowa, described as follows:  
 Commencing at the Northeast corner of Lot 1, Tower Commerce Center Fourth Addition to Hiawatha, Iowa;  
 thence South 89° 07' 15" West 150.00 feet along a North line of said Lot 1, also being a South right-of-way line of Metzger Drive;  
 thence North 0° 52' 45" West 60.00 feet to the Point of Beginning, also being a point on the North right-of-way line of Metzger Drive and also the beginning of a 470.00 foot radius curve concave Northeastly;  
 thence Northwestly along said North right-of-way line of Metzger Drive through a central angle of 15° 00' 00" an arc distance of 123.05 feet (chord bearing North 83° 22' 45" West 122.69 feet);  
 thence North 75° 52' 45" West 21.85 feet along said North right-of-way line of Metzger Drive;  
 thence North 0° 52' 45" West 339.99 feet;  
 thence North 89° 07' 15" East 242.75 feet to a point on the West right-of-way line of Commerce Boulevard;  
 thence South 0° 52' 45" East 349.66 feet along said West right-of-way line of Commerce Boulevard;  
 thence South 44° 07' 15" West 16.97 feet along said West right-of-way line of Commerce Boulevard to a point on the said North right-of-way line of Metzger Drive;  
 thence South 89° 07' 15" West 88.00 feet along said North right-of-way line of Metzger Drive to the Point of Beginning, containing 1.99 acres, subject to covenants, easements and restrictions of record.

- NOTES**
1. IT IS PROHIBITED TO PLACE ANY ABOVE GROUND UTILITY STRUCTURES WHERE UTILITY EASEMENTS CROSS STORM SEWER, DRAINAGE OR ACCESS EASEMENTS.
  2. ALL PUBLIC UTILITY EASEMENTS ARE NOW BEING DEDICATED TO THE PUBLIC AS SHOWN ON THE FINAL PLAT.
  3. TOWER COMMERCE CENTER FOURTH ADDITION TO HIAWATHA, IOWA WAS RECORDED IN BOOK 8453, PAGES 322-33 IN THE OFFICE OF THE LINN COUNTY RECORDER.
  4. TOWER COMMERCE CENTER SEVENTH ADDITION TO HIAWATHA, IOWA WAS RECORDED IN BOOK 8752, PAGES 319-330 IN THE OFFICE OF THE LINN COUNTY RECORDER.
  5. METZGER DRIVE RIGHT-OF-WAY WAS DEDICATED WITH RESOLUTION 12-214 RECORDED IN BOOK 8431, PAGES 523-530 IN THE OFFICE OF THE LINN COUNTY RECORDER.
  6. COMMERCE BOULEVARD RIGHT-OF-WAY WAS DEDICATED WITH RESOLUTION 12-215 RECORDED IN BOOK 8431, PAGES 515-522 IN THE OFFICE OF THE LINN COUNTY RECORDER.

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	123.05'	470.00'	15°00'00"	N 83°22'45" W	122.69'

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.

SIGNATURE: DATE: 02/21/2017  
 LEO P. BONIFAZI  
 LICENSE NO. 13480  
 SHEETS COVERED BY THIS SEAL: 1 OF 1  
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2017

FINAL PLAT  
 TOWER COMMERCE CENTER  
 TWELFTH ADDITION TO  
 HIAWATHA, IOWA

**FINAL PLAT**

1 OF 1

3d.1.1

**City of Hiawatha**  
**Community Development Department**  
**Building, Zoning, Code Enforcement & Development**  
101 Emmons St., Hiawatha Iowa, 52233-1697  
PHONE (319) 294-2929 FAX (319) 393-1516

**Purpose:** Preliminary Plat and Rezone **Date:** 02/21/2017  
**To:** Planning and Zoning Commission  
**Name of Plan:** Bali Hai Addition  
**Address:** 2111 Robins Road (tentative) **Zone:** A to C-4

**Number of Lots:** 1 (14 acres)  
**Reviewed by:** Patrick Parsley, Community Development Director

**Description:** This property is located on the east side of Robins Road and north of the Bali Hai Mobile Home Park. The applicant is proposing possible improvements to utilities to make sewer and water available. The preliminary plat is for the development of a single lot. Rezoning has been proposed for the entire lot.

**Report:** This area includes flood plain areas. The developer is proposing to maintain the flood way with unchanged elevations however there will be a sanitary sewer installed in the flood zone. The extent of the sanitary sewer is still being studied by the applicant. It may include a future public sewer or it may simply be a service to a building. The developer will submit a SWPPP and NPDES before being permitted to do excavating or filling on this lot.

The preliminary plat complies with city standards and no plan of improvements is required at this time since there is access to all utilities. Final platting may require a plan of improvements and a petition of waiver for the improvement of Robins Road.

Staff agrees this parcel should be zoned C-4 as it matches the Comprehensive Plan. Rezoning the entire fourteen (14) acres will prevent spot zoning in this area.

**Recommendation:** Community Development supports the recommendation to approve the Preliminary Plat.  
Community Development supports the recommendation to approve the rezoning request.

3d.1.2

**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: February 17, 2017**

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

**Re: Bali Hai**



**Description: Preliminary Plat Approval**

**Report:**

Engineering has reviewed the preliminary plat of Bali Hai Addition to the City of Hiawatha. This is a preliminary plat of the area just to the north of the existing Bali Hai mobile home park.

This preliminary plat is in conjunction of the rezoning request from existing A zoning to C-4 central service district. This will allow the owner to maintain one lot for construction of an equipment and maintenance building and provide another lot for future C-4 development.

The only requirements we are reviewing is the need for a drainage easement to accommodate the storm water flow from adjoining properties and a sanitary sewer easement for the extension of a public sanitary sewer from the existing Dry Creek interceptor to Robins Road for future sewer service. The City is considering participating in the sewer cost because of additional size and length of the line to serve properties on the west side of Robins Road.

This will plat will also allow for the dedication of the Robins Road ROW, currently under an old County roadway easement.

Engineering recommends approval of this preliminary plat.

3d.1.3

- RECOMMENDED CONDITIONS
1. AS PART OF FINAL PLAT SUBMITTAL TO CITY COUNCIL.
  2. AS PART OF FINAL PLAT SUBMITTAL TO CITY COUNCIL.
  3. PRIOR TO FINAL PLAT APPROVAL BY CITY COUNCIL.
  4. PRIOR TO THE ISSUANCE OF A FOUNDATION PERMIT OR BUILDING PERMIT
  5. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY.

PRELIMINARY PLAT  
BALI HAI  
ADDITION  
IN THE CITY OF HIAMATHA  
LINN COUNTY, IOWA



CERTIFICATE OF APPROVAL  
THIS PRELIMINARY PLAT HAS BEEN APPROVED  
BY THE CITY COUNCIL BY RESOLUTION  
NO. \_\_\_\_\_ ON \_\_\_\_\_  
DIRECTOR, COMMUNITY DEVELOPMENT \_\_\_\_\_

SHEET INDEX:  
PAGE 1 – COVER SHEET  
PAGE 2 – PRELIMINARY PLAT

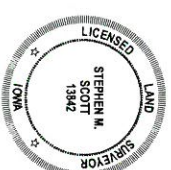
NOTE:  
THIS PLAN IS A CONCEPTUAL REPRESENTATION OF  
THE PROPOSED DEVELOPMENT. THE PROVISIONS OF  
AND RELATED IMPROVEMENTS REQUIRED BY THIS  
DEVELOPMENT SHALL MEET THE REQUIREMENTS OF  
THE DESIGN STANDARDS MANUAL.

Contact Person	Stephen Scott, L.S.
Telephone Number	319-540-5263
Fax Number	319-294-8694
E-Mail Address	email@scottsurvey.com
Mailing Address	P.O. Box 315, Center Point
Date Submitted	January 30, 2017
Date Revised	February 20, 2017

PROPERTY LOCATION:  
2100 BLOCK, ROBINS ROAD  
HIAMATHA, IA 52233

PROJECTOR:  
STEPHEN M. SCOTT  
3627 MIDWAY ROAD  
TODDVILLE, IA 52341

APPLICANT:  
FRANK BELLON  
5613 CARBIDE CT. NE  
CENTER POINT, IA 52502  
319-363-3444



I hereby certify that this land surveying document was prepared and  
checked by me or under my direct supervision and that I am a Licensed Land Surveyor  
under the laws of the State of Iowa.  
My license expires December 31, 2018  
Iowa Lic. No. 13942  
STEPHEN M. SCOTT, L.S.  
Email: email@scottsurvey.com  
Pages or sheets covered by this seal:  
THIS PAGE ONLY

PROJECT NO. 1761802

LEGAL DESCRIPTION  
(According to the Warrantly Deed found in book 1958, page 171, Office of the Recorder, Linn County, Iowa)  
S 1/2 NE 1/4 SW 1/4 IN SECTION 28-84--7, LINN COUNTY, IOWA  
SUBJECT TO THE PUBLIC HIGHWAY, EXCEPT RAILROAD RIGHT-OF-WAY

MISCELLANEOUS NOTES:  
1. The locations of all utilities shown on the survey are from Hiawatha provided maps.  
2. The parcel number for the property is 11235-01002-00003.

FLOOD ZONE:  
FLOODPLAIN LIMITS ARE APPROXIMATED BY GRAPHIC FLOODING FROM FLOOD  
INSURANCE RATE MAP, COMMUNITY NO. 190441, PANEL NO. 19113C0291D, WHICH  
BEARS AN EFFECTIVE DATE OF APRIL 5, 2010.

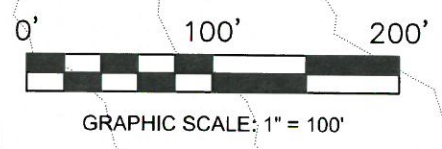
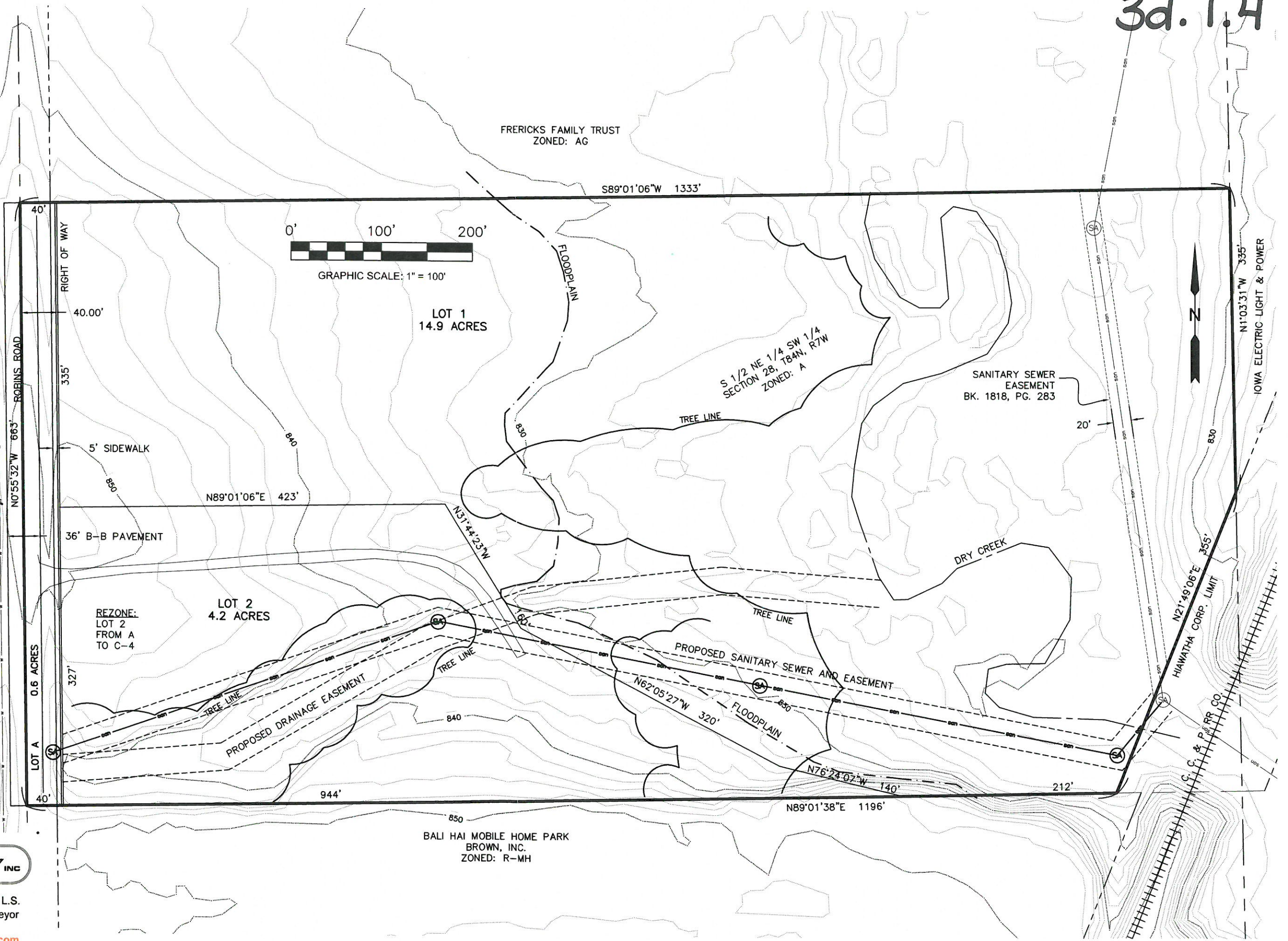
ZONING:  
 zoning required except for transitional  
Building Setback: More required  
Minimum Lot Size: 400 sq. ft. for each dwelling unit

3d.1.4

PRELIMINARY PLAT  
BALI HAI  
ADDITION  
IN THE CITY OF HIAWATHA  
LINN COUNTY, IOWA

**SYMBOL LEGEND**

	- Centerline
	- Place/Point of Beginning
	- Encroachment/Protrusion
	- Manhole
	- Storm Manhole
	- Curb Inlet Basin w/ Grate
	- Catch Basin
	- Cleanout
	- Sanitary Manhole
	- Fire Hydrant
	- Water Valve
	- Water Meter
	- Gas Meter
	- Gas Valve
	- Air Condition Unit
	- Utility Pedestal (As Noted)
	- Electric Meter
	- Electric Transformer
	- Electric Manhole
	- Telephone Manhole
	- Monitoring Well
	- Bollard Post
	- Handicap Space
	- Sign
	- Utility Pole
	- Light Pole
	- Guy Wire
	- Guardrail
	- Fence (As Noted)
	- Sanitary Sewer
	- Storm Sewer
	- Water Line
	- Gas
	- Underground Electric
	- Underground Lighting
	- Underground Telephone
	- Underground Cable T.V.
	- Underground Fiberoptics
	- Overhead Utilities
	- Cable Pedestal



**SCOTT SURVEY INC**

Stephen M. Scott, P.E. & L.S.  
Civil Engineer & Land Surveyor

319-540-5263      www.scottsurvey.com  
email@scottsurvey.com  
P.O. Box 315, Center Point, IA 52213-0315



3d. 2. 1

**City of Hiawatha**  
**Community Development Department**  
**Building, Zoning, Code Enforcement & Development**  
101 Emmons St., Hiawatha Iowa, 52233-1697  
PHONE (319) 294-2929 FAX (319) 393-1516

**Purpose:** Preliminary Plat and Rezone **Date:** 02/21/2017  
**To:** Planning and Zoning Commission  
**Name of Plan:** Bali Hai Addition  
**Address:** 2111 Robins Road (tentative) **Zone:** A to C-4

**Number of Lots:** 1 (14 acres)  
**Reviewed by:** Patrick Parsley, Community Development Director

**Description:** This property is located on the east side of Robins Road and north of the Bali Hai Mobile Home Park. The applicant is proposing possible improvements to utilities to make sewer and water available. The preliminary plat is for the development of a single lot. Rezoning has been proposed for the entire lot.

**Report:** This area includes flood plain areas. The developer is proposing to maintain the flood way with unchanged elevations however there will be a sanitary sewer installed in the flood zone. The extent of the sanitary sewer is still being studied by the applicant. It may include a future public sewer or it may simply be a service to a building. The developer will submit a SWPPP and NPDES before being permitted to do excavating or filling on this lot.

The preliminary plat complies with city standards and no plan of improvements is required at this time since there is access to all utilities. Final platting may require a plan of improvements and a petition of waiver for the improvement of Robins Road.

Staff agrees this parcel should be zoned C-4 as it matches the Comprehensive Plan. Rezoning the entire fourteen (14) acres will prevent spot zoning in this area.

**Recommendation:** Community Development supports the recommendation to approve the Preliminary Plat.  
Community Development supports the recommendation to approve the rezoning request.

3d.2.2

**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:** February 17, 2017

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

**Re:** Rezoning of 2111 Robins Road

**Description:** Rezoning from A to C-4

**Report:** Engineering has reviewed the request for the rezoning of the property located at 2111 Robins Road from Agriculture to Central Service District. This rezoning seems compatible with the comprehensive plan. We are reviewing the preliminary plat to address sanitary sewer and storm water drainage.

Engineering recommends approval.

•**Application for Amendment to the Zoning District Map**

Zoning classification requested and existing zoning.

Requested zoning: C-4      Existing zoning: A

Complete legal description of property.

S½ NE¼ SW¼ in Section 28-84-7, Linn County, Iowa. Subject to the public highway, except railroad right-of-way.

Street address if applicable.

2100 block, Robins Road

Statement describing the relationship of the request to the Land Use Plan and other elements of the Comprehensive Plan.

The Land Use Concept Plan shows the subject property as a planned high density residential area. The Bali Hai mobile home park is directly adjacent to the south. Across the street to the west is planned medium density residential (just to the west of that is commercial). The next parcel north is planned as commercial. Just north of that, then, is existing industrial.

Compatibility of the requested district to the adjoining neighborhood.

A maintenance building is planned for the parcel which will provide service for the adjacent mobile home park. Natural treeline screening is remain between the planned commercial property and the mobile home park.

Suitability of the property to uses permitted in the district requested.

Drainageway and floodplain are to the back side of the property; wide open, flat topography is suitable to commercial use along the road frontage.

Adequacy of street facilities, utilities, and other facilities in the area and the effect proposed development will have on them.

Robins Road provides access; the planned extension of Tower Terrace Road will increase traffic to this area. A Neighborhood Village Center is a part of the said Land Use Concept Plan at the future intersection to the north. The trunk sanitary sewer is to the back of the property. Water main is available along Robins Road.

Property owner's signature.

  
Charlotte Brown, Brown Inc.      Date 2-22-19

### REZONING REQUEST LOCATION MAP



**Stephen M. Scott, P.E. & L.S.**  
Civil Engineer & Land Surveyor

319-540-5263      [www.scottsurvey.com](http://www.scottsurvey.com)  
email@scottsurvey.com  
P.O. Box 315, Center Point, IA 52213-0315

**PROPERTY LOCATION:**  
2100 BLOCK, ROBINS ROAD  
HIAWATHA, IA 52233

**PROPRIETOR:**  
BROWN INC.  
3627 MIDWAY ROAD  
TODDVILLE, IA 52341

**APPLICANT:**  
FRANK BELLON  
3613 CARIBOU CT. NE  
CEDAR RAPIDS, IA 52402  
319-363-3444

**REZONE LEGAL DESCRIPTION:**  
S 1/2 NE 1/4 SW 1/4 IN SECTION 28-84-7, LINN COUNTY, IOWA  
SUBJECT TO THE PUBLIC HIGHWAY, EXCEPT RAILROAD RIGHT-OF-WAY

# Memorandum

**To:** Planning and Zoning Commission  
**From:** Patrick Parsley  
**Date:** January 20<sup>th</sup>, 2017  
**Re:** Amend City Ordinance Chapter 165; Unified Development Code (UDC)

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**Background:**

The storm water advisory committee is reviewing ordinances associated with storm water management, flood area regulations, erosion control and illicit discharges. In the process we discovered sections in the UDC 165 which reference subdivision development storm water standards and storm water management plans. Consequently the committee is recommending the insertion of language which clarifies the City Code section to be referenced and language to delineate the public portion of the storm sewer system.

Reference to Chapter 162 will be found in section 165.53 as our storm water runoff standard. Rather than restating the standards or including separate standards, a reference is used. This eliminates duplication in our code and the possibility of conflicts within the code.

We also recommend language to clarify the difference between the “storm water system” and on site “detention” systems. This is necessary to delineate because the City takes ownership of the storm water system but private entities retain ownership of the detention systems. The committee recommends keeping all detention basins private to eliminate the added cost to the city budget. If the City took over detention basin maintenance it would include the maintenance of over 80 detention basins.

Because section 165.5 of the code is being considered for amendment; city staff is recommending it be further amended to delete section 165.59 in its entirety. This section describes land-set-aside requirements for developments for parks and public uses. This process is no longer used in Iowa communities and is unnecessary language in the UDC.

**Recommendation: Community Development supports the recommendation to City Council for approval to Amend UDC section 165.53 to reference the storm water ordinance 162 and further delineate the public portion of the storm water system as follows.**

3. Storm Sewer System. The subdivider of land being platted shall install and construct a storm sewer system adequate to serve the area, including anticipated extension of use to serve additional areas. ~~In~~ The storm sewer design ~~phase consideration~~ shall comply with the

provisions of a storm water management plan ~~which if such plan~~ has been adopted by the City in Chapter 162 of the Hiawatha Code of Ordinances. The storm sewer system shall be constructed in accordance with the City Standards. Such sewers shall, upon inspection, approval and acceptance by the City, become the property of the City.

EXCEPTION: Detention basins and associated inlets and outlets as part of the runoff control required by Chapter 162 shall not become the property of the City unless the Council accepts these portions of the system by resolution.

**Recommendation: Community Development supports the recommendation to City Council for the approval of the deletion of Section 165.59 in its entirety.**

~~165.59 PUBLIC SERVICE AREAS, PARKS AND OPEN SPACES. All developments should be designed so that adequate open spaces and sites for public uses may be properly located and preserved as the community develops. In order that the cost of providing parks, playgrounds and recreational facilities and sites necessary to serve the additional families brought into the community by the subdivision development may be most equitably apportioned on the basis of the additional need created by the individual subdivision development, the following provisions shall apply to all future developments, Planned Unit Developments and subdivisions greater than one-half (1/2) acre in size within the City.~~

~~1. Public Areas Dedicated. Where it is determined pursuant to this section by the Council that public service areas, open space and recreational areas are necessary and required, the subdivider or developer shall be required to dedicate or reserve such an area without cost to the City.~~

~~2. Recreational Areas and Open Space. Within the corporate limits of the City where it is determined by the Council that open space and recreational areas are necessary and required, and where feasible and compatible with the Comprehensive Plan for development of the community, the subdivider or developer shall provide and dedicate to the public adequate land to provide for said public service areas, open space and recreational needs of the subdivision or development. Provided, however, said open space and recreational facilities may be reserved and held by private persons or home owners' associations or like entities under a Planned Unit Development (PUD) if same satisfies the requirements of this chapter.~~

~~3. Open Space Reserved. Where land or property is to be reserved and ownership of same retained or held in the name of a private person or association, same shall be permanently reserved for public use, as directed by the Council, and held for the purpose of open space and recreational facilities and its purpose shall not be altered.~~

~~4. Area Required. The amount of land shall be determined by first calculating the entire size of the land area of the proposed development as shown on the preliminary plat or site plan and then dedicating or reserving five percent (5%) of said land area.~~

~~5. Use and Location. Such fee shall be used exclusively for immediate or future site acquisition and development and shall be used only for the purpose of providing public service areas, open space lands and other recreational facilities to serve the subdivision or development for which received. The ability of future inhabitants of the subdivision or development to use the dedicated open space lands and other recreation facilities shall have a bearing on the location of the land received.~~

6. ~~Fee Determined.~~ In all cases where the Council, upon recommendation by the Commission, shall direct and determine that cash is to be deposited, dedicated or reserved for public service areas, park, playground or recreational purposes or a combination of uses, the cash value shall be determined in the following manner:

A. ~~Area Determined.~~ The Council shall first determine the size of the land area which it would have required to set aside for such purposes, which shall be five percent (5%) of the total land area of the proposed subdivision or development.

B. ~~Cash Value Determined.~~ The Council has established land value to be \$4,000 per acre. The subdivider or developer shall be charged an amount equal to five percent (5%) of the total land based on said established value.

7. ~~Fund Established.~~ All funds so levied, assessed, and collected by the City shall be deposited in a special fund to be known and designated as "Special Fund for the Acquisition and Development of Public Service Areas, Open Space and Recreational Facilities" (Special Fund). Said funds so levied and collected shall be used for such purposes at such places and in a manner consistent with this chapter and the authorization for creation of said fund as approved, ordered and directed by the Parks and Recreation Commission. Any and all interest accumulated upon such funds shall be added to the Special Fund and be used only for acquisition and development of open space and recreational facilities.

8. ~~Procedure.~~ The procedure for determining whether the subdivider or developer is to dedicate or reserve land, pay a fee, or both, shall be as follows:

A. ~~Subdivider Developer.~~ At the time of filing a preliminary plat or site plan with the Commission, the owner or developer of the property shall, as part of such filing, indicate whether he or she desires to dedicate or reserve property for public service areas, open space and recreational purposes, or to pay a fee in lieu thereof.

B. ~~Cooperation with Parks and Recreation Commission.~~ When the preliminary plat or site plan is received for study, the Chairperson of the Commission shall cause to be forwarded to the Parks and Recreation Commission a complete copy of said preliminary plat or site plan, and any and all attachments, and shall request that said Parks and Recreation Commission review same and make recommendations and suggestions thereon with regard to the placement, size, design, and location of said proposed public service areas, open space or recreational area, cash in lieu of dedication or reservation of land, or a combination of both, within the terms and tenor of this chapter. Within thirty (30) days after receipt of a copy of said preliminary plat or site plan, the Parks and Recreation Commission shall make said recommendations and suggestions and same shall be forwarded to the Council with a copy to the Planning and Zoning Commission. Failure of the Parks and Recreation Commission to make recommendations and suggestions within the thirty (30) days aforementioned shall in no way serve to delay, postpone, or reject the preliminary plat or site plan. The requirement that the Parks and Recreation Commission make recommendations and suggestions shall be waived.

9. ~~Action of City.~~ At the time the preliminary plat or site plan is approved by the Council, the Council shall determine, as part of such approval, whether to require a dedication or reservation of land within the subdivision or development, payment of a fee in lieu thereof, or a combination of both provided however, that the City shall determine which land shall apply to the dedication or reservation and the requirements contained herein.



10. ~~Prerequisites for Approval of Final Plat or Site Plan. Where a dedication is required, it shall be accomplished by providing the City with a properly executed warranty deed dedicating the required land to the City without cost to the City. Where fees in lieu of dedication are required, the same shall be deposited with the Clerk prior to the approval of the final plat or site plan.~~

11. ~~Determination. The Council shall determine whether dedication, reservation or cash in lieu thereof or a combination of cash, dedication and reservation shall be required. In making said decision, the Council shall consider the following:~~

~~A. Relation to Comprehensive Plan. Recreational element of the City's Comprehensive Plan.~~

~~B. Suitability of Topography and Geologic Conditions. Topographic and geologic conditions and access and location of land in subdivision or development available for dedication.~~

~~C. Suitability of Land. Size and shape of the subdivision or development and land available for dedication.~~

~~D. Relation of Subdivision to Proposed Public Areas. The relation of the subdivision or development to the Comprehensive Plan Map, particularly as such plan map may show proposed public service areas, open space and recreational areas.~~

~~E. Neighborhood Needs. The character and recreational needs of the neighborhood in which the subdivision or development is located.~~

~~F. Unsuitability of Land for Dedication. The unsuitability in the subdivision or development for open space and recreational purposes by reason of location, access, greater cost of development and maintenance.~~

~~G. Evaluation of Adjacent Land. The possibility that land immediately adjoining the subdivision or development will serve in whole or in part the public service areas, open space and recreational needs of such subdivision or development.~~

~~H. Parks and Recreation Commission Recommendation. Recommendations and suggestions of the Parks and Recreation Commission.~~

~~I. Other. Any and all other information relevant to a proper determination.~~

~~The determination of the Council as to whether land shall be dedicated or reserved or a fee shall be charged, or a combination thereof shall be final and conclusive.~~

12. ~~Development of Dedicated Area. It shall be the duty of the Parks and Recreation Commission of the City to develop properly and to maintain the dedicated area for open space and recreational facilities. The owner who dedicated said land shall in no way be responsible for its development, maintenance, or liability thereon, except that said owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use or value of the dedicated property. Where the owner is allowed to retain the land required for open space and recreational purposes and facilities in private ownership, it shall be the owner's responsibility to properly develop and maintain such area.~~