

**AGENDA
PLANNING AND ZONING COMMISSION
REGULAR MEETING
July 23, 2018**

**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 June 25, 2018
3. Business
 - # a. Consider Resolution for recommendation to City Council to consider the request from Loren Hartelt, to rezone the property from A (Agriculture District) to the requested zoning R-3 (Single Family Residence District).
 - # b. Consider Resolution for recommendation to City Council to vacate the ROW portion of POS 2262.
 - c. Consider a motion to elect Vice chair.

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*

2B

HIAWATHA PLANNING AND ZONING COMMISSION
REGULAR MEETING
June 25, 2018

The Hiawatha Planning and Zoning Commission met on June 25, 2018. Chairperson, Mark Powers called the meeting to order at 5:30 P.M. Members present: Terry Trimpe, Eric Hoover and Mark Ross. Members Absent: Kenny Jones, Reta Saylor and Darryl Cheney. Staff present: Building Official, Pat Parsley and City Engineer, John Bender. Guests in Attendance: Mayor, Bill Bennett, Joel Ames, Ruth Finney and Denny Norton.

Board Member, Terry Trimpe moved to approve the Agenda. Second by Eric Hoover. Motion carried.

Board Member, Mark Ross moved to approve the meeting minutes of May 21, 2018. Second by Terry Trimpe. Motion carried.

Consider Resolution for recommendation to City Council to approve the Rezoning request submitted by Sue Young, to rezone the property located 2112 Robins Rd. from A (Agriculture District) to C-4 (Central Service District).

Pat Parsley started the meeting by explaining the request and how it fits the City's Comprehensive Plan. He explained several different slides and how the City's landscape would look in the future. He stated that the rezoning would fit nicely.

Darryl Cheney arrived for the meeting at 5:32pm.

Terry Trimpe asked if the rezoning would affect the taxes. Pat Parsley explained that the taxes are handled by Linn County, however, the taxes are based on the current use, not the zoning.

Mark Ross moved to recommend to City Council to approve the Rezoning request submitted by Sue Young, to rezone the property located 2112 Robins Rd. from A (Agriculture District) to C-4 (Central Service District).

Second by Eric Hoover.

AYES: MARK POWERS, TERRY TRIMPE, DARRYL CHENEY, ERIC HOOVER AND MARK ROSS


NAYS: NONE

ABSENT: RETA SAYLOR AND KENNY JONES

Motion Carried

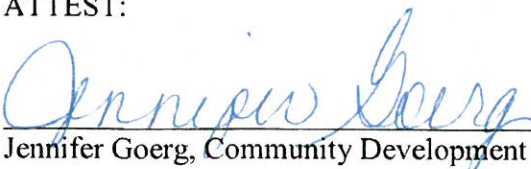
Resolution #18-008 Approved

Darryl Cheney moved to adjourn the meeting at 5:36 p.m. Second by Mark Powers.



Mark Powers, Chairperson

ATTEST:



Jennifer Goerg, Community Development Clerk

City of Hiawatha

Community Development Department

3a-1

Purpose: Rezoning Request: A to R-3

Date: 6/27/2018

To: Planning & Zoning Commission

Name of Plan: Todd Hills Addition to Hiawatha

Address: Todd Hills Road Property:

Lots: 50 Acres described as:

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

Reviewed by: Patrick Parsley, Community Development Director

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

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

(Summary of Reclassification of Property: Unified Development Code Section 165.92)

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

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

Zoning Use Consideration: The area is projected to be low density residential use in the Comprehensive Plan. The site is adjacent to residential and agricultural zones. There are currently no plans for other uses in the area. Proposed commercial "centers" are remote. The proposed R-3 lot standards reflect a low density residential development envisioned for the area. Lot sizes will be a minimum of 7,500ft² with 60' frontage. Only single family dwellings are permitted in R-3 zones.

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

Recommendation: Community Development supports a recommendation for approval of this rezoning request from A to R-3.

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

June 25, 2018

City of Hiawatha
101 Emmons Street
Hiawatha IA 52233

REZONING PETITION

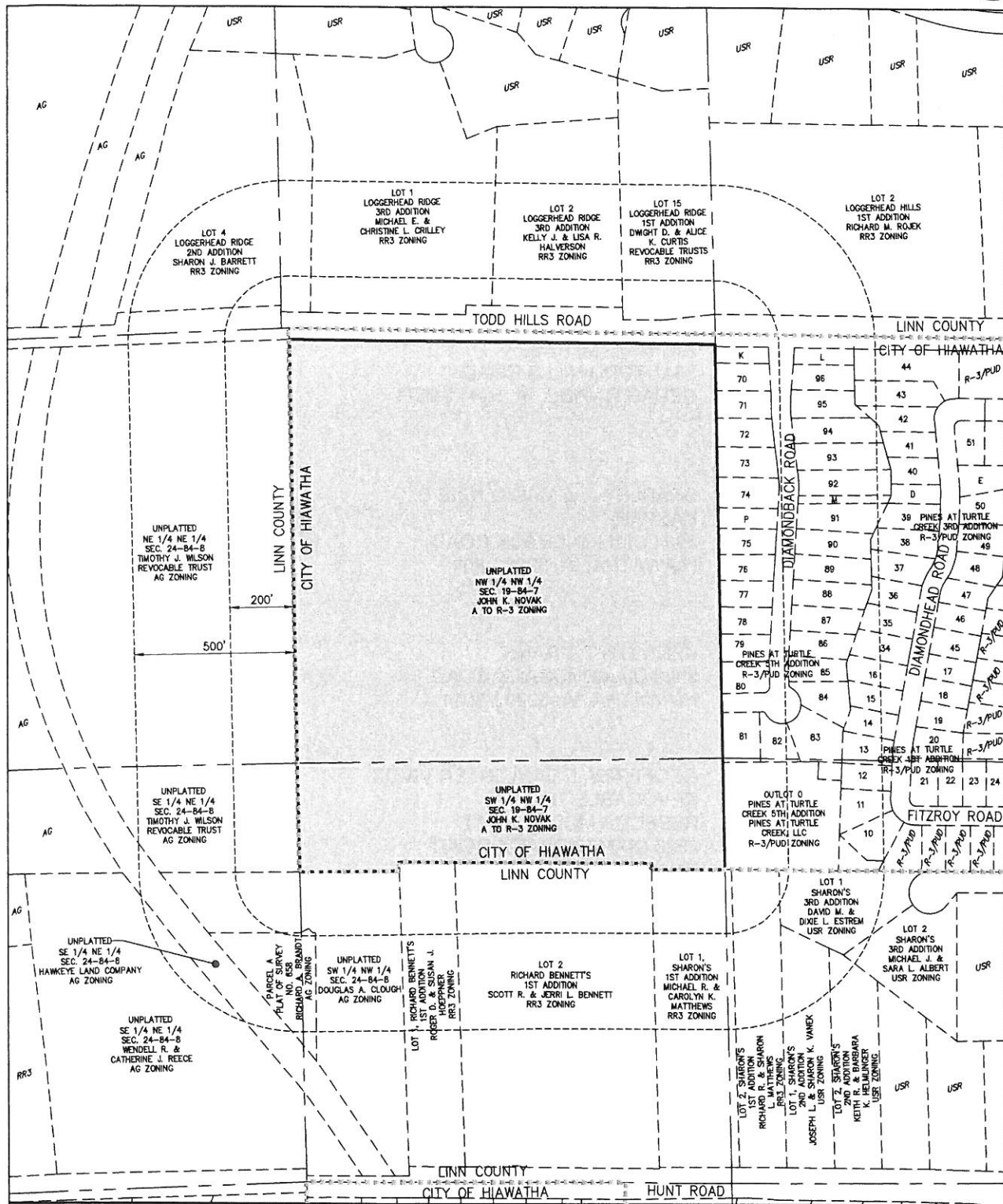
Honorable Mayor and City Council
Hiawatha, Iowa

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

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

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

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

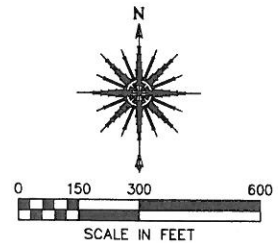


OWNER
 JOHN & LISA NOVAK
 3950 TODD HILLS ROAD
 HIAWATHA, IA 52233
 PHONE: 319-393-3084

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

EXISTING ZONING
 ZONING: A
PROPOSED ZONING
 ZONING: R-3

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



<p>1 OF 1</p> <p>EXHIBIT C</p> <p>REZONING LOCATION MAP</p> <p>9590 TODD HILLS ROAD</p> <p>HIAWATHA, IOWA 52233</p>	<p>DRAWN: ETHAN SMALL</p>	<p>SCHNOOR-BONIFAZI ENGINEERING & SURVEYING, LC</p> <p>431 FIFTH AVENUE SW CEDAR RAPIDS, IA 52404 (319) 298-8888 (PHONE)</p> <p>Schnoor Bonifazi Engineering & Surveying</p>
	<p>APPROVED: TRED SCHNOOR</p>	
	<p>ISSUED FOR: REVIEW</p>	
	<p>DATE: 06/25/2018</p>	
	<p>PROJECT NO.: 18034</p>	

3a-4

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: July 19, 2018

From: John C Bender PE, City Engineer

Re: Rezoning of the Novak Property

Description: Rezoning from A to R-3

Report:

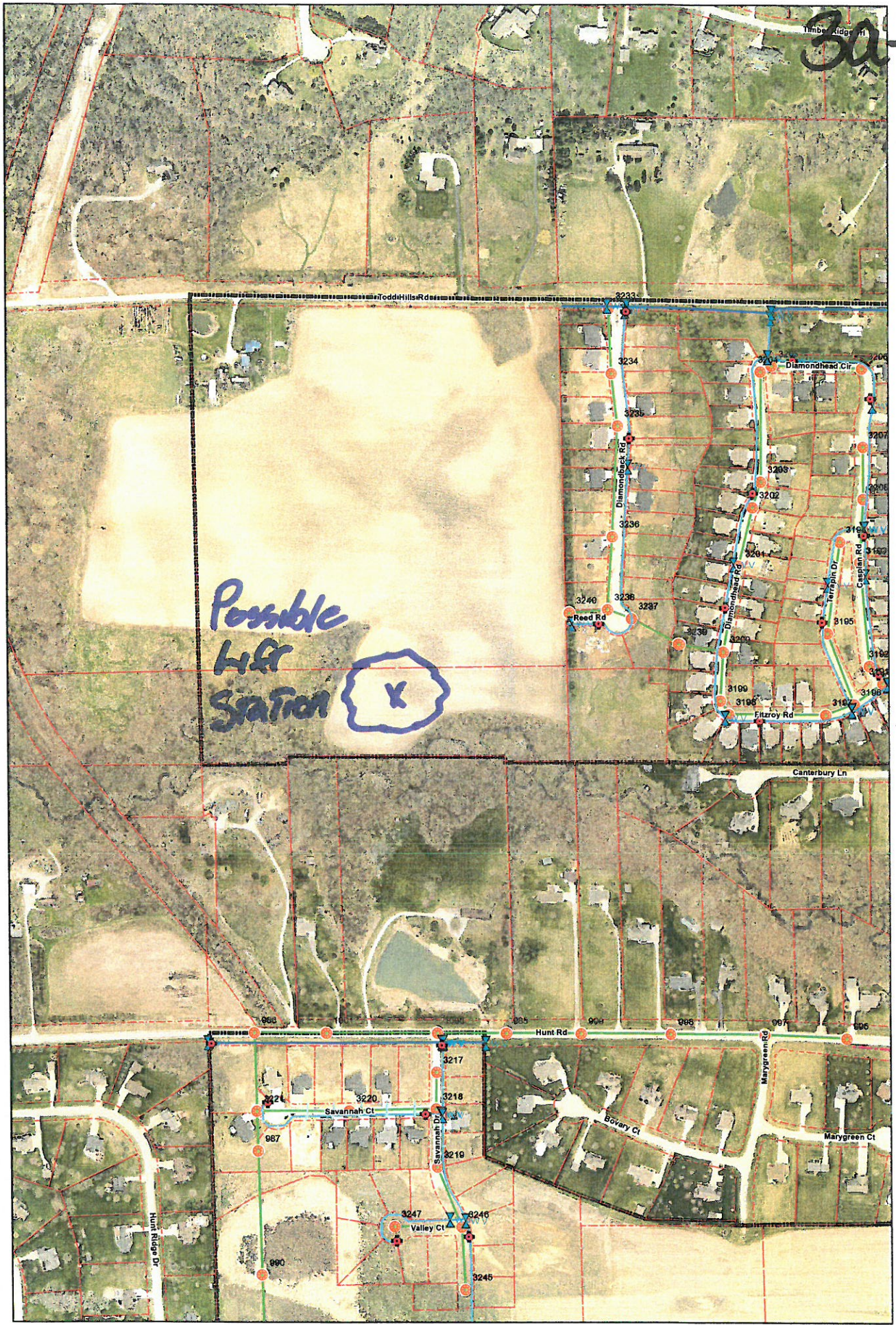
Engineering has reviewed the request for the rezoning of the property located west of Edgewood Road and south of Todd Hills Road. This is approximately 50 acres of agricultural property that was recently annexed into the city. The draft proposal shown for this property is approximately 90 new residential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

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

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



3a-b



3a-7

PLAT OF SURVEY No. 2272 PARCELS A AND B

LEGAL DESCRIPTION - PARCEL A

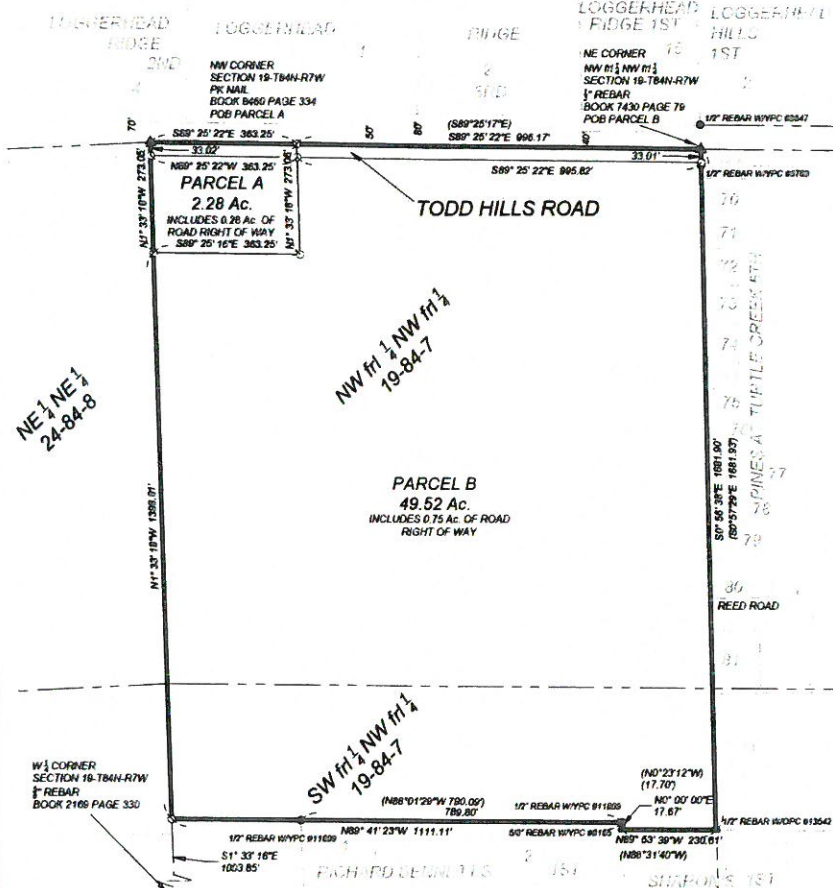
A part of the NW 1/4 NW 1/4 of Section 19, Township 84 North, Range 7 West of the 5th Principal Meridian, City of Hiawatha, Linn County, Iowa described as follows:
 Beginning at NW corner of said Section 19;
 thence S89°25'22"E along the north line of said NW 1/4 NW 1/4, 363.25 feet;
 thence S01°33'18"E, 273.06 feet;
 thence N89°25'16"W, 363.25 feet to the west line of said NW 1/4 NW 1/4;
 thence N01°33'18"W along said west line, 273.05 feet to the Point of Beginning;
 containing 2.28 acres which includes 0.28 acres of road right of way.

LEGAL DESCRIPTION - PARCEL B

A part of the NW 1/4 NW 1/4 and SW 1/4 NW 1/4, all in Section 19, Township 84 North, Range 7 West of the 5th Principal Meridian, City of Hiawatha, Linn County, Iowa described as follows:
 Beginning at the NE corner of said NW 1/4 NW 1/4;
 thence S00°56'38"E along the east line of said NW 1/4 NW 1/4 and along the east line of said SW 1/4 NW 1/4, 1681.90 feet to the north line of Sharon's First Addition to said County;
 thence N89°53'39"W along said north line, 230.61 feet to the east line of Richard Bennett's First Addition to said County;
 thence N00°00'00"E along the east line of said Richard Bennett's First Addition, 17.67 feet to the NE corner of said Richard Bennett's First Addition;
 thence N89°41'23"W along the north line of said Richard Bennett's First Addition and its westerly extension, 1111.11 feet to the west line of said SW 1/4 NW 1/4;
 thence N01°33'18"W along said west line end along the west line of said NW 1/4 NW 1/4, 1398.81 feet;
 thence S89°25'16"E, 363.25 feet;
 thence N01°33'18"W, 273.06 feet to the north line of said NW 1/4 NW 1/4;
 thence S89°25'22"E along the north line of said NW 1/4 NW 1/4, 996.17 feet to the Point of Beginning,
 containing 49.52 acres which includes 0.75 acres of road right of way.

Recorder's Stamp

Index Legend
 Location Description: NW 1/4 NW 1/4 and SW 1/4 NW 1/4
 Section 19-T84N-R7W
 Lots Novak
 Requestor: John K. Novak
 Proprietor: Stephen M. Brain, PE, LS
 Surveyor: Brain Engineering, Inc.
 Surveyor Company: SM Brain, 1540 Midland Ct NE Cedar Rapids, IA 52402 or mike@brain-eng.com (319) 294-9244
 Return to:



NOTE: ALL MEASUREMENTS IN FEET AND DECIMALS THEREOF.
 AREA IN THE SW 1/4 NW 1/4 IS 10.38 Ac.

I hereby certify that this land surveying document and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.
 Signed _____ Date _____
 Stephen Michael Brain, L.S.
 My License Renewal Date is December 31, 2018
 License Number 9647
 Pages or sheets covered by this seal: THIS PAGE



- ▲ FOUND SECTION CORNER
- FOUND 6" REBAR OR AS LABELED
- ⊠ FOUND CHSELLED X
- △ SET SECTION CORNER
- SET 1/2" REBAR W/WPC #8647
- × SET CHSELLED X
- POB POINT OF BEGINNING
- U RECORDED AS
- SCM 4" x 4" CONCRETE POST w/DISK
- UE UTILITY EASEMENT
- CE ROAD CONSTRUCTION EASEMENT
- YPC YELLOW PLASTIC CAP
- RPC RED PLASTIC CAP
- OPC ORANGE PLASTIC CAP



DATE OF SURVEY: 5/22/2018

Title: **PLAT OF SURVEY No. 2272**
 PARCELS A AND B



Drawn: SMB Book: 365
 5/23/18
 Checked: Scale: 1"=300'

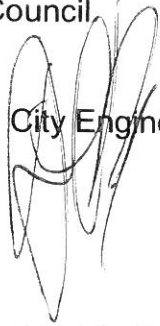
3b-1

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

To: Mayor and City Council

Date: July 9, 2018

From: John Bender PE, City Engineer



Re: Village Center

Description: Vacation of Public Property-Plat of Survey #2262 Parcel "B"

Report:

Engineering has reviewed the above Plat of Survey 2262(Attached). This plat, along with Plat of Survey #2260 and #2261 outline the excess property remaining after construction of the North Center Point Road/Emmons Street/Robins Road intersection project. Plat #2262 is in the southeast corner of the intersection. Because the roadway was realigned, this plat includes a portion of the old Robins Road right-of-way that requires vacation as the property is no longer used for public access.

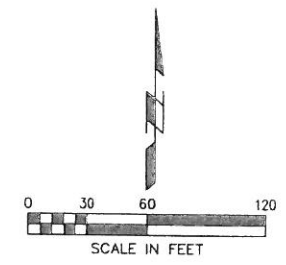
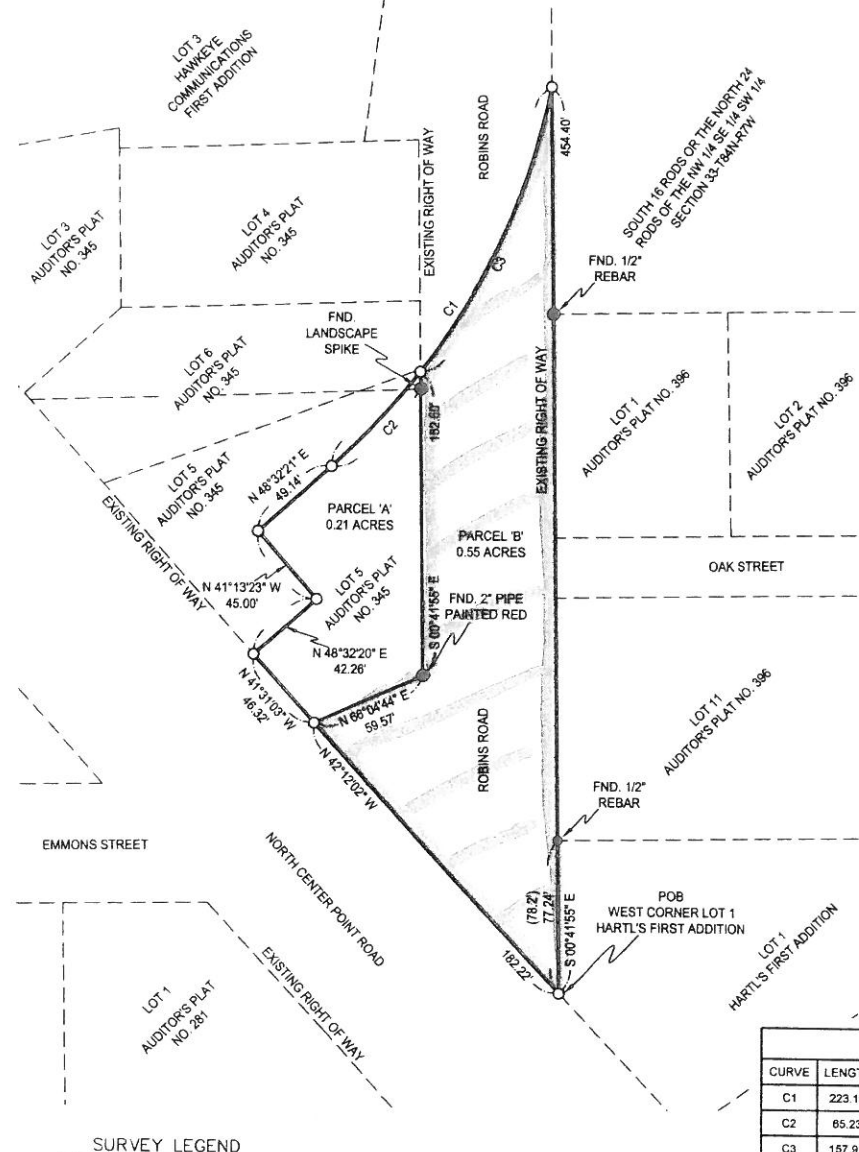
The normal process would be for Council to receive and file and forward the vacation to the Planning and Zoning Commission for a recommendation. This can take place in July and then it will be brought back to Council for further action.

Engineering recommends this issue be forwarded to the Planning and Zoning Commission for a recommendation.

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

INDEX LEGEND:
 LOCATION: PART OF LOT 5, AP NO. 345
 LINN COUNTY, IOWA &
 PART OF EXISTING RIGHT OF WAY
 OF ROBINS ROAD
 HIAWATHA, IOWA
 REQUESTOR: CITY OF HIAWATHA
 PROPRIETOR: CITY OF HIAWATHA
 SURVEYOR: WADE D. WAMRE, PLS
 COMPANY: SHIVE HATTERY, INC
 316 2ND ST. SE, SUITE 500
 CEDAR RAPIDS, IOWA 52401
 RETURN TO: wwamre@shive-hattery.com
 319-364-0227

PLAT OF SURVEY NO. 2262
PART OF LOT 5, AUDITOR'S PLAT NO. 345 LINN COUNTY, IOWA &
PART OF THE EXISTING RIGHT OF WAY OF ROBINS ROAD
HIAWATHA, IOWA



LAND DESCRIPTION:
 Part of Lot 5, Auditor's Plat No. 345, Linn County, Iowa and Part of the existing Right of Way of Robins Road, Hiawatha, Iowa, described as follows:
 Beginning at the West corner of Lot 1, Hart's First Addition to Hiawatha, Iowa; Thence N 42°12'02\"/>

REQUESTED BY:
 CITY OF HIAWATHA
 101 EMMONS STREET
 HIAWATHA, IOWA 52233
OWNER:
 CITY OF HIAWATHA
 101 EMMONS STREET
 HIAWATHA, IOWA 52233
SURVEYOR / CONTACT:
 WADE D. WAMRE, PLS
 SHIVE-HATTERY, INC
 316 SECOND ST. SE, SUITE 500
 CEDAR RAPIDS, IOWA 52401
 319-364-0227
 wwamre@shive-hattery.com
SURVEY WORK PERFORMED:
 05/10/2016
AREA:
 0.76 ACRES

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD BRG	CHORD	DELTA
C1	223.18'	340.00'	N 29°44'04\"/>		
C2	85.23'	340.00'	N 43°02'36\"/>		
C3	157.95'	340.00'	N 24°14'19\"/>		

SURVEY LEGEND

- SET 5/8\"/>
- FOUND SURVEY MONUMENT AS NOTED
- () RECORDED AS
- POB POINT OF BEGINNING
- PLAT OR SURVEY BOUNDARY
- - - EXISTING LOT LINE

Professional Land Surveyor Seal for Wade D. Wamre, PLS, License No. 17565, State of Iowa. Includes a signature and date stamp: *Wamre* 7/10/18.

1 OF 1	ISSUED FOR PROJECT NO. 2182010	PLAT OF SURVEY NO. 2262 PART OF LOT 5, AUDITOR'S PARCEL NO. 345 LINN COUNTY IOWA, & PART OF EXISTING RIGHT OF WAY OF ROBINS ROAD HIAWATHA, IOWA				
		DATE	06/19/2018	SCALE	1\"/>	
		DRAWN	cen	APPROVED	FIELD BOOK	1227
		REFERENCE DRAWING			REVISION	

City of Hiawatha Community Development Department

Purpose: Vacation of Public Property **Date:** 07/19/2018

To: Hiawatha Planning and Zoning Commission

Name of Plan: POS 2262: Previous ROW for Robins Road at NCPR intersection.

Address: TBD **Zone:** CPR-1

Reviewed by: Patrick Parsley, Community Development Director

Description: The City owned Right-of-Way (ROW) described in the POS was the location of Robins Road prior to the realignment of Emmons and Robins at NCPR. The vacation request includes a triangular part of a city owned property no longer needed for ROW purposes.

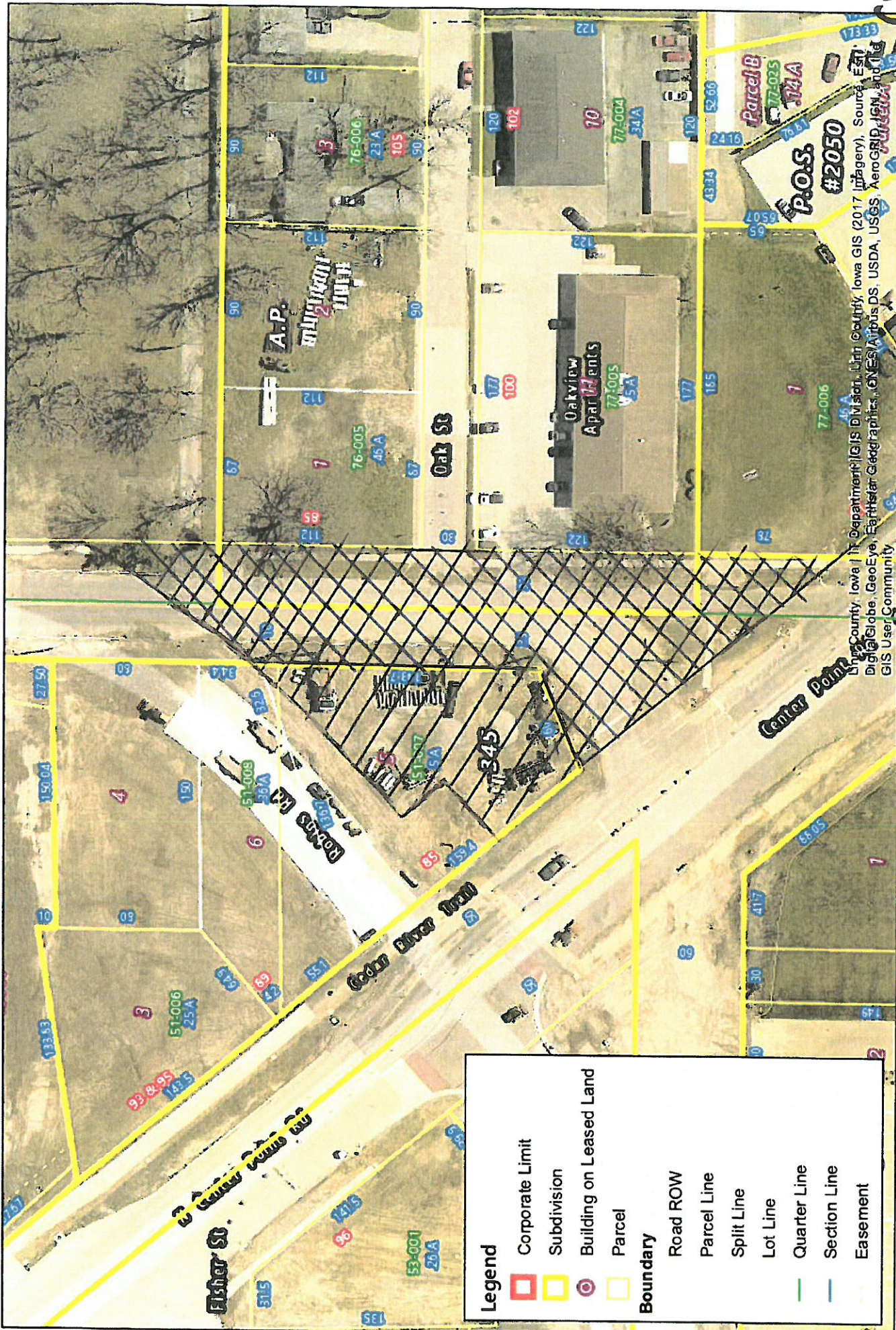
The described lot will not be afforded ROW access since it is too close to the new intersection and vacating the property does not eliminate access for other lots. This area is adjacent to other property owned by the City of Hiawatha and will most likely be sold in conjunction with that property as part of the "Village Town Center" development.

Report: City Code Chapter 137 describes the process for vacation approval. We have completed the research as indicated and find that this land is not needed for City of Hiawatha use at this location and it does not interfere with adjacent property access.

137.04 FINDINGS REQUIRED. No street, alley, portion thereof or any public grounds shall be vacated unless the Council finds that:

- 1. *Public Use.* The street, alley, portion thereof or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
- 2. *Abutting Property.* The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

Recommendation: Community Development supports the recommendation to City Council for vacation of this section of ROW described in POS 2262 to be sold for development.



Legend

- Corporate Limit
- Subdivision
- Building on Leased Land
- Parcel

Boundary

- Road ROW
- Parcel Line
- Split Line
- Lot Line
- Quarter Line
- Section Line
- Easement

Linn County, Iowa | The Department of GIS Division, Linn County, Iowa GIS (2017 Imagery), Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Scale: 1 inch = 94 feet



Linn County, Iowa
Linn County, Iowa Land Records
 Date Printed: 7/9/2018 8:28:53 AM

365

3b-6

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: July 18, 2018

From: John Bender PE, City Engineer

Re: Village Center

Description: Vacation of Public Property-Plat of Survey #2262 Parcel "B"

Report:

Engineering has reviewed the above Plat of Survey 2262(Attached). This plat, along with Plat of Survey #2260 and #2261 outline the excess property remaining after construction of the North Center Point Road/Emmons Street/Robins Road intersection project. Plat #2262 is in the southeast corner of the intersection. Because the roadway was realigned, this plat includes a portion of the old Robins Road right-of-way that requires vacation as the property is no longer used for public access.

The normal process would be for Council to receive and file and forward the vacation to the Planning and Zoning Commission for a recommendation. This area of abandon right-of way needs to be vacated in order to sell the property for redevelopment. We have used this process on several other redevelopment properties.

Engineering recommends this issue be approved and sent to the City Council for the required public hearing.

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