

Board of Adjustment

Regular Meeting

December 10, 2018

Hiawatha Council Chambers

(101 Emmons St. - Upper Floor 5:30pm)

1. Call to Order
 - a. Roll Call

2. Consider Approval of:
 - a. Agenda
 - b. Minutes

3. Business
 - a. Consider Resolution to approve the Conditional Use Request submitted by R&S Properties, LLC for the property located at 1415 Industrial Dr., Hiawatha, Iowa.

 - b. Consider Resolution to approve the 2019 Board of Adjustment Calendar.

4. Adjourn

2b.

HIAWATHA BOARD OF ADJUSTMENT MINUTES
REGULAR SCHEDULED MEETING
October 8, 2018

The Hiawatha Board of Adjustment met in regular session on October 8, 2018. Board Vice Chair, David Matthews called the meeting to order at 5:30 p.m. Members present: Tom Day and Mike Freeman. Staff present: Community Development Director, Pat Parsley, Assistant Building Official, Jim Fisher. Guest in attendance: Mayor, Bill Bennett and City Administrator, Kim Downs.

Board Member Tom Day moved to approve the agenda, second by Mike Freeman. Motion carried.

Board Member Mike Freeman moved to approve the July 9, 2018 minutes, second by Tom Day. Motion carried.

PUBLIC HEARING – to consider the Conditional Use request from Hawkeye Drive, LLC to allow a Personal Fitness Training establishment at 925 Metzger Dr., Hiawatha, Iowa.

Public Hearing Opened At 5:32 p.m.

David Matthews asked if there was anyone present to speak on behalf of the variance request. There were none.

David Matthews asked if there was anyone present to speak against the variance request. There were none.

David Matthews asked if there were any comments from the City. Pat Parsley referenced his memo and suggested conditions if the Board approves the request. He explained they would ensure the facility would not be used as an open gym, and only for one-on-one training.

Public Hearing Closed At 5:34 p.m.

Board Member, David Matthews moved to approve the Conditional Use request from Hawkeye Drive, LLC to allow a Personal Fitness Training establishment at 925 Metzger Dr., Hiawatha, Iowa. with the following conditions:

1. There be no “open gym use” which will create a gathering space or additional parking requirements.
2. The building will be remodeled to accommodate the change of use as required by the building and fire codes.

Second by Tom Day.

Roll call vote:

AYES: DAVID MATTHEWS, MIKE FREEMAN AND TOM DAY

NAYS: NONE

ABSENT: BRIAN VOGAL AND ANDY SWEENEY

APPROVED

There being no other business Vice Chair, David Matthews adjourned the meeting at 5:35 p.m.

David Matthews, Vice Chair

Date Signed

ATTEST:

Jennifer Goerg, Community Development Clerk

City of Hiawatha
Community Development Department

Purpose: Conditional Use Request **Date:** 11/27/2018
To: Board of Adjustment
Plan Name: R & S Properties LLC
Address: 1415 Industrial Avenue **Zone:** I-2
Lots: 3
Reviewer: Patrick Parsley, Community Development Director
Report: Each of the issues described in the UDC Section 165.83 #7 must be addressed in the consideration of a conditional use. Items A thru G are discussed herein.

7. *Description: Standards for Conditional Uses. Approval for any conditional use shall be granted only if evidence is presented which establishes:*

- A. That the conditional use applied for is permitted in the district within which the property is located. The description of this use is storing and “crushing” recycled concrete. This process is similar to quarry processes which are classified as a conditional use for I-2 zoning districts.*
- B. That the proposed use and development will be in accordance with the intent and purpose of this Code and with the goals and objectives of the Land Use portion of the Comprehensive Site Plan. This use, allowed as conditional will be appropriate in this I-2 zone. This area is set aside for heavy industrial activity which can produce noise and significant truck traffic.*
- C. That the proposed use and development will not have a substantial adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare. This use will not create substantial adverse effects on the area. The conditions are meant to control any adverse dust and storage which may be visible from the right-of-way and visible to off-site property. Adjacent property not classified as I-2 must also be properly screened. NOTE: all of the adjacent properties are classified as I-2.*
- D. That the proposed development or use will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property. A site plan has been submitted for review and it includes the necessary elements;*
 1. Screening installed where required along Hawkeye and Industrial. The proposal has been revised to include 11 pine trees for screening on Industrial instead of just two trees.

2. Landscaping with green space and trees as specified in the UDC. This will include planting trees along both street fronts.
3. Installation of a dust free driving surface to be approved by the city engineer.
4. The storm water management design has been certified to compliance.
5. The sidewalk along Industrial will be installed with the PCC approach.

E. That adequate measures have been or will be taken to assure adequate access designed to minimize traffic congestion and to assure adequate service by essential public services and facilities including utilities, storm water drainage, and similar facilities. The traffic and parking needs are very similar to the allowable uses for this zone; consequently no issues of congestion are anticipated. The road, approaches and the driveway are constructed to support the anticipated truck weights and counts. There are no other utilities being installed at this time since no building is included in the project.

F. That the proposed building, development, or use will comply with any additional standards imposed on it by provisions of this Code for the district in which the property is located. There is no building development at this time except for the site development for a dust free surface, storm water management, screening and a public sidewalk. All have been reviewed for compliance on the proposed site plan.

G. Whether, and to what extent, all reasonable steps possible have been, or will be taken, to minimize any potential adverse effects on the surrounding property through building design, site design, landscaping, and screening. Issues specific to this use which will require special conditions and monitoring include:

1. Dust control in the crushing process.
2. The noise which may be produced in the crushing operation.
3. Access to restroom facilities on the site during all crushing activities.

Recommendation: Community development and the Planning and Zoning Commission view this use as a qualifying conditional use in an I-2 zone and have recommended adding these conditions:

1. Maintain dust control in the crushing and hauling processes.
2. Limit the hours of operation for crushing to match the UDC noise ordinance.
3. Provide portable restroom facilities on the site during all crushing activities lasting more than one hour.
4. Provide screening along Industrial with plants and trees to 50% opaque; to be planted and maintained in place of a fence.

If any of these conditions are violated, the conditional use may be terminated.

3a.2

RESOLUTION NO. 18-017
Planning & Zoning Commission

**RESOLUTION APPROVING THE CONDITIONAL USE
REQUEST TO THE BOARD OF ADJUSTMENT FOR
1415 INDUSTRIAL DR., HIAWATHA, IOWA.**

BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF HIAWATHA, IOWA, TO APPROVE THE RECOMMENDATION TO THE BOARD OF ADJUSTMENT THE APPROVAL OF THE CONDITIONAL USE REQUEST SUBMITTED BY R&S PROPERTIES, LLC FOR THE PROPERTY LOCATED AT 1415 INDUSTRIAL DR., HIAWATHA, IOWA TO THE BOARD OF ADJUSTMENT WITH THE FOLLOWING CONDITIONS AS DISCUSSED:

1. MAINTAIN DUST CONTROL IN THE CRUSHING AND HAULING PROCESSES.
2. LIMIT THE HOURS OF OPERATION FOR CRUSHING TO MATCH THE UDC NOISE ORDINANCE.
3. PROVIDE PORTABLE RESTROOM FACILITIES ON THE SITE DURING ALL CRUSHING ACTIVITIES LASTING MORE THAN ONE HOUR.
4. PROVIDE SCREENING ALONG INDUSTRIAL WITH PLANTS AND TREES TO 50% OPAQUE; TO BE PLANTED AND MAINTAINED IN PLACE OF A FENCE.

Roll call vote:

AYES: MARK POWERS, MARK ROSS, TERRY TRIMPE, KENNY JONES, DARRYL CHENEY, ERIC HOOVER AND LISA JEPSEN.

NAYS: NONE

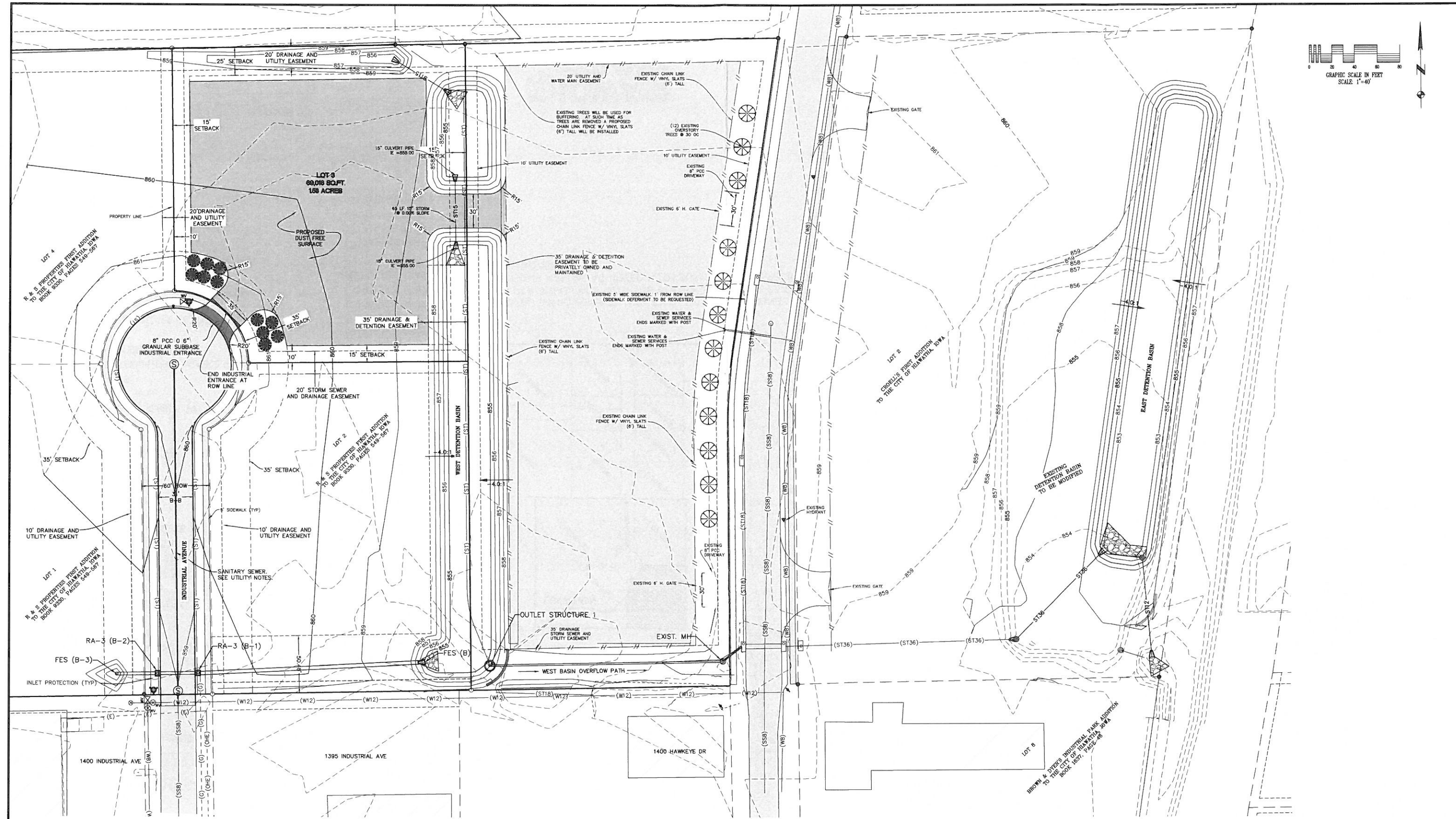
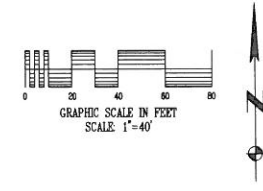
Motion Carried

APPROVED THIS 26TH DAY OF NOVEMBER, 2018.

Mark Powers, Chairperson

ATTEST:

Kim Downs, City Administrator (acting clerk)



DRAWN BY: DAS				
CHECKED BY:				
APPROVED BY:				
DATE: 10/24/18				
FIELD BOOK: XXX	NO.	REVISION DESCRIPTION	APPROVED	DATE



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R & S FIRST ADDITION
 IN THE CITY OF HIAWATHA, LINN COUNTY, IOWA

SITE PLAN FOR CONDITIONAL EXPANSION
 1415 INDUSTRIAL DRIVE, HIAWATHA, IOWA
 PROJECT: 10214-04

CAD File: N:\0200\10214 R and S Addition Hiawatha\DWG\Site Plans\10214-501-LOT 2.dwg Date Plotted: Nov 26, 2018 - 9:02am Plotted By: DLK

3b.

Board of Adjustment 2019

Meetings at 5:30PM

Submittal Deadline 12:00PM four weeks before meeting	Meeting Date
Monday, December 17, 2018	Monday, January 14, 2019
Monday, January 14, 2019	Monday, February 11, 2019
Monday, February 11, 2019	Monday, March 11, 2019
Monday, March 11, 2019	Monday, April 8, 2019
Monday, April 15, 2019	Monday, May 13, 2019
Monday, May 13, 2019	Monday, June 10, 2019
Monday, June 10, 2019	Monday, July 8, 2019
Monday, July 15, 2019	Monday, August 12, 2019
Monday, August 12, 2019	Monday, September 9, 2019
Monday, September 16, 2019	Monday, October 14, 2019
Monday, October 14, 2019	Monday, November 11, 2019
Monday, November 11, 2019	Monday, December 9, 2019