Planning & Zoning Commission

Regular Meeting

December 17, 2018

Hiawatha Council Chambers

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

- 1. Call to Order
- 2. Consider Approval of:
 - a. Agenda
 - b. Minutes
- 3. Business
 - * A. Consider Resolution for recommendation to Board of Adjustment to approve the Conditional Use Request submitted by Nexus Entertainment Arts for the property located at 1145 Industrial Dr., Hiawatha, Iowa.
 - # B. Consider Resolution for recommendation to City Council to approve the Final Plat Request submitted by Cooper Properties, LLC for the property located at 2250 Blairs Ferry Rd., Hiawatha, Iowa.
- 5. 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



HIAWATHA PLANNING AND ZONING COMMISSION REGULAR MEETING November 26th, 2018

The Hiawatha Planning and Zoning Commission met on November 26, 2018. Chairperson, Mark Powers called the meeting to order at 5:30 P.M. Members present: Terry Trimpe, Kenny Jones, Mark Ross, Dick Cheney, Eric Hoover and Lisa Jepsen. Members Absent: None Staff present: Community Development Director, Pat Parsley and Assistant Building Official, Jim Fisher. Guests in attendance: None.

Board Member, Terry Trimpe moved to approve the Agenda. Second by Kenny Jones. Motion carried.

Board Member, Eric Hoover moved to approve the meeting minutes of September 24th, 2018. Second by Dick Cheney. Motion carried.

Introduce Lisa Jepsen- new board member.

Lisa Jepsen stated she appreciated the opportunity and was happy to be there.

Consider Resolution for recommendation to Board of Adjustment to approve the Conditional Use Request submitted by R&S Properties, LLC for the property located at 1415 Industrial Dr., Hiawatha, Iowa.

Community Development Director, Pat Parsley spoke of the revisions to the site plan.

Kenny Jones stated he liked the addition of the trees, but they will take a while to grow.

Susan Forinash from Hall and Hall Engineers explained the pine trees will meet minimum requirements as noted in the code and screening will be provided on the Industrial Avenue side of the lot.

Kenny Jones noted that recycled materials would be coming from their projects.

Chairperson, Mark Powers directed everyone to Pat Parsley's memo and asked if there were any comments. Parsley noted the following recommendations are in an addition to the city's requirements that are already in place.

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

Mark Ross stated that #1 in Pat's memo would be the hardest to control. Susan Forinash said they would work with staff to put the necessary controls in place.

Kenny Jones said people will complain about the dust and that Hawkeye Redi-Mix doesn't use a lot of water in their process making it difficult to reduce the dust in its entirety

Dick Cheney stated the process to recycle materials would not be an everyday use and the parcel to the east already has this type of activity.

The city stated they have only received complaints about the traffic.

Community Development Director, Pat Parsley stated that once they get onto the site, we will know if it will be gravel or concrete; it won't be grass or dirt.



Mark Powers also pointed out with the parcel is adjacent to Hawkeye Redi-Mix already that the truck traffic would come across from the adjacent parcel verses using Industrial Avenue.

Mark Ross pointed out that this is an eco system opportunity; an opportunity to recycle the concrete to use in new projects.

Terry Trimpe asked if the city could pull the conditional use if owner didn't stay in compliance to the allowable uses. Parsley explained that the city can pull the conditional use for non-compliance activity; the storage is an allowed use and enforcement would be complaint driven.

Mark Ross moved to recommend 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.

Second by Terry Trimpe.

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

NAYS: NONE
Motion Carried

Resolution #18-016 Approved

Consider Resolution to approve the 2019 Planning and Zoning Calendar

There were no questions or concerns.

Chairperson, Mark Powers moved to approve the 2018 Planning and Zoning Calendar. Second by Terry Trimpe.

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

NAYS: NONE

Motion Carried

Resolution #18-017 Approved

Propose online packets

Community Development Director, Pat Parsley proposed to use the online site to retrieve packets verses receiving paper copy packets. By using the online packet, the board would have the packets at their fingertips. There were some concerns from the board on how site plans would be viewed. Parsley noted the online version can be expanded as a pdf. Board members also noted the items needed for meetings are readily accessible during the meetings through their monitors during the meeting as well.

The majority of the board members were open to the online packet. Parsley will start the new packet process for their December meeting.

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

NAYS: NONE

Motion Carried

Other Discussion-

There was information shared with the board regarding; a type of housing at an affordable price point- Smart Housing:

- Scope of project
- Pella windows
- Hardy board siding
- Essential housing options
- Smaller lot sizes

The board was interested in learning more. They liked the concept and would like to see the city move forward. Parsley will send the board a link to this information.

Kenny Jones moved to adjourn the meeting at 6:12 p.m. Second by Eric Hoover. Motion carried.

	Mark Powers, Chairperson	
ATTEST:		
Kim Downs, City Administrator (acting clerk)		



Date: 11/24/2018

City of Hiawatha Community Development Department

Purpose: Conditional Use Request

To: Planning and Zoning Commission

Plan Name: Nexus Entertainment Arts

Address: 1145 Industrial Avenue Zone: I-1

Lots: 1

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 "business professional use with limited on site client occupancy and adult classroom activities. It is not inclusive of any gathering type uses greater than 10 people.
- 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. Allowing this conditional use as a business professional occupancy is in accordance with the land use purpose. This use will not affect the existing approved site plan or the available parking. The I-1 uses may not provide the best atmosphere; however the tenant is aware of the potential noise and 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. It will not create traffic or parking issues as long as the conditional use does not include gathering occupancies. There is a potential for some noise which shall be regulated in accordance with the nuisance ordinance.
- D. That the proposed development or use will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property. The entirety of this occupancy will occur within the building. The facility will require upgrades which may include additional sanitation amenities and accessibility changes. The owner is proposing to make the necessary changes.
- 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.

- 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. Generally this use will have minor restrictions within the building limited to sanitation and accessibility. The only other restriction is noting "no gathering occupancy". This use is for the professional services of mentors with a ratio of 1 to 10 or less along with business and committee meetings. Adult classroom uses will also be allowed as part of the conditions. The uses will have limited client numbers.
- 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. This will have no adverse affect on the surrounding property since the entire occupancy will be contained within a building, generates no emissions and does not increase traffic or parking above accepted standards for an I-1 use. Occasional noise will be regulated by the noise ordinance.

Recommendation: Community development agrees this use qualifies as a conditional use in an I-1 zone as long as the main use is specialized training and mentoring. We would recommend adding these conditions:

- 1. There be no "gathering uses" 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.

165.83 CONDITIONAL USES Item 4. Application for a Conditional Use

4. A. PETITION FOR CONDITIONAL USE APPROVAL 11/18/2018

Prepared:

Conditional Use Requested: Business Professional Uses

1. <u>Applicant Name:</u> Nexus Entertainment Arts 319-329-5026

Phone: 319/

<u>Legal Interest:</u> Nexus rents a portion of the building with a need for Conditional Use

approval in accordance with the Hiawatha Zoning Code: Business Professional

2. <u>Title Holder Name</u>: 1145 Industrial Ave LLC <u>Address</u>: P.O. Box 25, Hiawatha IA 52233

Titleholder's Consent for filing:

Uses

Street Address: 1145 Industrial Ave Hiawatha IA 52233
 Legal Description: BROWN & DYERS IND PK 2ND

- Zoning District: I-1 Zoning Contractor Storage with Incidental Offices.
 Page 120 See also a Building Permit dated 1992 Office / Warehouse (see attached).
- 5. General Description: See Page 3 for a list of the proposed Conditional Use for Nexus.
- 6. Statements addressing each one of the standards as set forth in Section 165.83 (7).
- 7. A. From the Unified Development Code Chapter 165 of the Code of Ordinances of the City of Hiawatha Iowa. Pages 177-182. Information below taken from Page 179.

Business Professional Uses: characterized by offices and laboratories with limited on site client services including but not limited to business and professional offices, attorney offices, realtors, job services, radio/TV stations, medical offices, research and testing laboratories, and software developers and support.

7. B. C. D. On page 3 & 4 we attempt to provide some evidence we hope will help establish that the Conditional Use (Business Professional Uses) Nexus proposes is permitted in the I-1 Zoning District for 1145 Industrial Ave Hiawatha IA; that our proposed Use will be in accordance with the intent and purpose of the Zoning Code and the goals and objectives o the Land Use portion of the Comprehensive Site Plan.

Nexus proposed Conditional Use will not have an adverse effect on adjacent properties, or the character of the neighborhood, or traffic conditions, parking utility and service facilities, nor other factors affecting public health, safety, and welfare.

Nexus proposed Conditional Use will be 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.

- 7. E. There will be normal and adequate access with no traffic congestion nor Public Service and Facility needs due to Nexus Conditional Use operations (if approved).
- 7. F. Nexus use will comply with any additional standards imposed upon it by the provisions of the Zoning Code for an I-1 Zoning District for 1145 Industrial Ave.
- 7. G. Nexus does not have any proposed Construction or Site Development changes for 1145 Industrial Ave.

Conditional Use proposed: Business Professional Uses

In an effort to provide evidence that the Conditional Use – Business Professional Uses – would apply to Nexus operations proposed for 1145 Industrial Ave, we've provided excerpts (as they would apply to this site) from our Handbook.

Adults and / or less than 10 school age children / youth are proposed for the following Business Professional Uses taken from examples from a Nexus list.

INCUBATOR COMPONENT

Rooms and Studios with locked entry (legal egress to get out of the rooms)

Youth Recording Studio

Artist Lockers

Shared Workspaces

Computer and Work Lab

Network Meetups

Flex Space for Projects and Workshops

Workshops

Entrepreneurial Development

Business Support (accounting, biz planning, development)

EDUCATION & WORKSHOPS

Individual Counseling and Guidance

New Entrepreneur Workshops

Parents Training & Support Workshops

Youth Music Mentorship

Explore Express Weekly Kids Art Sessions

Youth Leadership Training

Young Creatives Workshop

Music Arts Workshops

Youth Music Art Mentorship Program (AUDIO FELX)

Youth Visual Arts Mentorship Program (ART FLEX)

Youth & Adult Art Workshops

Poetry and Writers Night

Nexus Mission: To educate, inspire and develop the creative process in people. We promote diversity, educate, build cultural awareness, and enhance the lives and organizations we support and partner with.

Nexus Vision: We envision a community filled with people who have been equipped for the future. This is accomplished through mentorship, support, and the power of quality programs which enrich and build the lives of artists and those we support.

Programming Philosophy: Nexus has developed a successful model for change that attracts and engages the people we work with. Two of our 3 E's will govern or programming at 1145 Industrial Avenue – Education and Encouragement.

Innovation: Nexus is constantly evolving and revising its approach to connect people with the arts, inspire growth and change, and engage youth in culturally diverse programming. Cultural trends are always changing so we encourage innovation to remain relevant while pushing new ideas by listening to the community it serves.

Projects: Nexus has stayed at the forefront of the arts in our area as well as youth culture while forging ahead by creating and supporting projects which powerfully support artists and the creative process.

Education: Whether training volunteers or assisting in the development of emerging talent, education is at the heart of everything Nexus does. We want to equip people for successful futures, and as strong individuals, who know how to build strong teams and function well in all aspects of their lives and careers. For over 10 years Nexus has thrived, grown, and developed through the dedication of hundreds of volunteers and staff. Volunteers learn many skills such as advanced communication, negotiating skills, leadership, business development, and event planning (Public events will not take place at 1145 Industrial Ave). In addition, they gain

3A-5

Prepared: 11/18/2018

technical skills such as accounting, event planning, community relations, interpersonal skills, sound engineering and marketing.

Core Activities for 1145 Industrial Avenue: The Activities we propose for 1145 Industrial Avenue typically would involve less than 10 students ages ages 17 years and younger and between 15-30 adults at any one time or session during business hours of 9:00am-6:00pm Monday-Friday.

4. B. Location Map

Conditional Use Requested: Business Professional Use

Applicant Name: Nexus Entertainment Arts Phone: 319 / 329-5026

<u>Legal Description:</u> BROWN & DYERS IND PK 2ND <u>Map Scale:</u> 1 Inch = 300 feet

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: December 13, 2018

From: John C. Bender PE, City Engineer

Re: Heritage Green Bank 1st Addition

Description: Approval of Final Plat

Report:

This is a 2 lot plat being developed on an existing built area on the north side of Blair's Ferry road. The total property is approximately 3 acres in size, but will be developed into two lots and an outlot platted for the street ROW on Blair's Ferry and Miller Road.

Engineering has reviewed the final plat and find the plat to be in substantial compliance with our unified development code. The only question we feel needs investigating is the location of a sanitary sewer along the west side of the proposed new lot 2. Our GIS data shows the sewer location on the proposed lot 2, which would require adding a sewer easement. However we are not sure of the exact location and feel the sewer needs to be located to determine if our data is correct.

Engineering recommends approval and submitting the plat to the City Council with the condition that we determine the location of the sanitary sewer.

If you have any questions please let me know.

FINAL PLAT HERITAGE BANK FIRST ADDITION TO THE CITY OF HIAWATHA, LINN COUNTY, IOWA

Index Legend Location Description 2250 & 2252 Blairs Ferry Road

Requestor:

Bemie Cooper

Proprietor: Surveyor:

Cooper Properties, LLC Stephen M. Brain, PE, LS

Surveyor Company: Brain Engineering, Inc.
Return to: SM Brain, 1540 Midland Ct NE Cedar Rapids, IA 52402 or mikeb@brain-eng.com (319) 294-9424

PETERSON'S 1ST ADDITION HERITAGE GREEN LOT 4 12TH ADDITION LOT 2 HERITAGE GREEN HERITAGE GREEN 6TH ADDITION **4TH ADDITION** 80 S89* 36' 04"E 333.15" SET MAG NAIL ROAD LOT 2 0.79 Ac. N HUDSON'S LOT 1 NO* 17' 17*E 40.00' MILLER **FIRST** NO* 17' 17"E 40.00' 40' SHARED ACCESS EASEMENT ADDITION S89* 33' 28"E STORM DETENTION EASEMENT 63.81 (51 - 140 00° S89* 34' 09"F 189 08 S89" 34" 09"E 310.01 20 LOTA 10' UE 0.92 Ac. SET MAG NA N89° 34' 09"W 542.26 **BLAIRS FERRY ROAD**

LEGAL DESCRIPTION

LEGAL DESCRIPTION
A part of the NW 'A NE 'A of Section 6, Township 83 North, Range 7 West of the 5th Principal Meridian, City of Hiawatha, Linn County, Iowa described as follows;

Beginning at the SW Corner of Lot 10, Heritage Green Twelfth Addition to Hiawatha, Iowa; thence S89°34′46″E along the south line of Heritage Green Twelfth Addition to Hiawatha, 206.77 feet;

206.77 feet; thence S89'36'04''E along the south line of Heritage Green Fourth Addition to Hiawatha, 333.15 feet to the west right-of-way of Miller Road; thence S01'36'50''E along said right-of-way, 239.97 feet to the centerline of Blairs Ferry Road; thence S03'34'09'W along said centerline, 542.26 feet thence N01'03'24''W, along the east line of said Heritage Green Sixth Addition, 239.68 feet to the Point of Beginning containing 2.98 acres which 0.92 includes acres of road right of way.

OWNER:

COOPER PROPERTIES LLC P.O. BOX 50 MARION, IA 52302

319-377-6357

SURVEYOR: BRAIN ENGINEERING, INC. 1540 MIDLAND COURT NE CEDAR RAPIDS, IOWA 52402 319-294-9424

PROPERY LOCATION: 2250 BLAIRS FERRY RD & 2252 BLAIRS FERRY RD HIAWATHA, IA 52233

NOTE: ALL MEASUREMENTS IN FEET AND DECIMALS THEREOF.

LOT A TO BE DEDICATED TO THE PUBLIC AS ROAD RIGHT OF WAY.



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 lows.

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

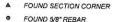
DATE OF SURVEY: 10/10/18

roject No: 197518-

10

FINAL PLAT

HERITAGE BANK FIRST ADDITION



FOUND 5/8" REBAR OR AS LABELED

SET SECTION CORNER

SET 1/2" REBAR W/ YPC #9647

POB POINT OF BEGINNING

0 RECORDED AS

SCM 4"x 4" CONCRETE POST w/DISK

UDE UTILITY & DRAINAGE EASEMENT

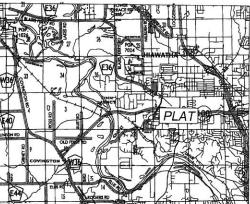
YPC YELLOW PLASTIC CAP

OPC ORANGE PLASTIC CAP

BORDER CENTERLINE PROPERTY LINE

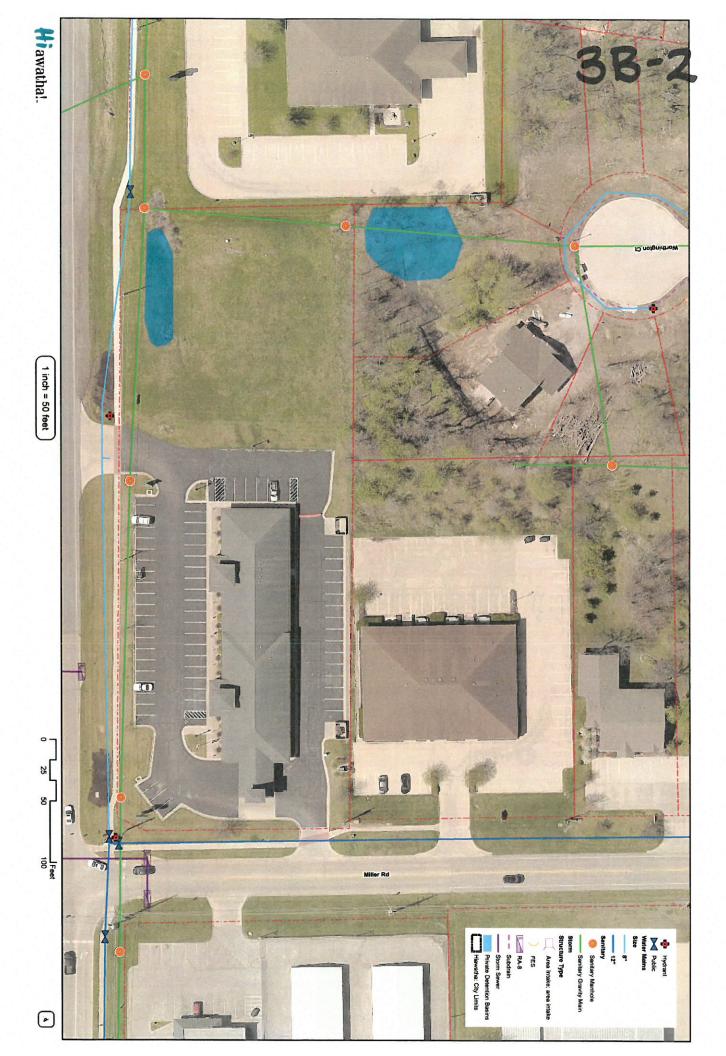
---- SECTION LINE ---- ADJACENT PROPERTY/ROW

LOCATION MAP (NO SCALE)





	Drawn:	DJB	Book:
	11/1.	3/18	372
	Checked:	N	Scale:
	11/	5/18	1"=100'



City of Hiawatha Community Development Department

3B-3

Purpose:

Final Plat

Date: 11/21/2018

To:

Planning and Zoning Commission

Name of Plan:

Heritage Bank 1st Addition

Address:

2250, 2252 and proposed 2260 Blairs Ferry Road

Zone: C-4

Number of Lots:

2 lots of 3 acres including ROW dedication totaling .92 acres

Reviewed by:

Patrick Parsley, Community Development Director

Description:

This property is located on Blairs Ferry Road. The applicant is proposing no

improvements to utilities as sewer and water are available in the Blairs Ferry ROW. No road construction is planned; however there is land dedicated to the expanded ROW for Blairs Ferry and no additional accesses are proposed. The final plat is for two lots. No

rezoning is associated with this plat.

Report:

The proposed lot and road locations are in compliance with Hiawatha development standards. The proposed plat and site plan of the existing building also comply with the

Hiawatha Unified Development standards.

The site development includes an existing on-site storm water detention basin to be shared between the two lots. Ownership and maintenance will be the responsibility of the

land owners.

Before the final plat is submitted to the Council it will include the necessary blue bounds

and utility sign offs.

Recommendation:

Community Development supports the recommendation to approve the Final Plat.

FINAL PLAT HERITAGE BANK FIRST ADDITION TO THE CITY OF HIAWATHA, LINN COUNTY, IOWA

Index Legend

Location Description 2250 & 2252 Blairs Ferry Road

Requestor:

Bernie Cooper

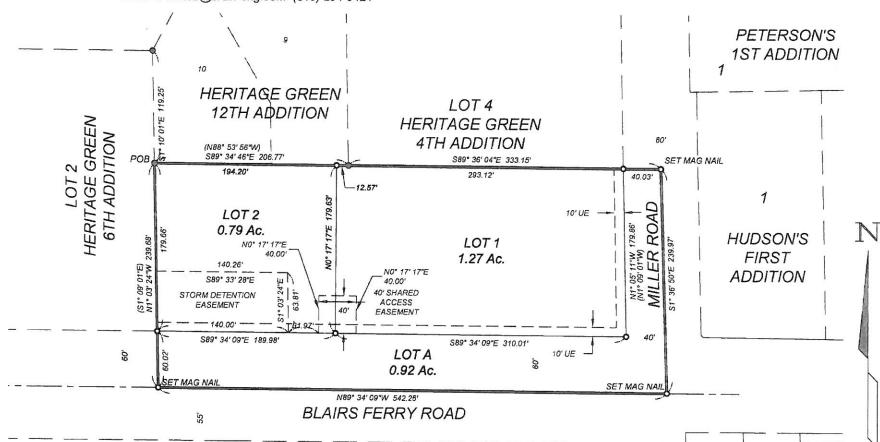
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50 100 200

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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 lowa. Date

Stephen Michael Brain, L.S. My License Renewal Date Is December 31, 2018 License Number 9647 THIS PAGE Pages or sheets covered by this seal:

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Project No:

97518-10

Title.

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YELLOW PLASTIC CAP

OPC ORANGE PLASTIC CAP

BORDER CENTERLINE PROPERTY LINE

SECTION LINE

-- - ADJACENT PROPERTY/ROW

LOCATION MAP (NO SCALE)

Recorder's Stamp:

