**HIAWATHA PLANNING AND ZONING COMMISSION**
**REGULAR MEETING**
**January 27, 2020**

The Hiawatha Planning and Zoning Commission met in regular session in the Hiawatha Council Chambers on January 27, 2020. Chairperson, Mark Powers called the meeting to order at 5:31 P.M. Board members present: Kenny Jones, Vice Chairperson Mark Ross, Lisa Jepsen, Kevin Neef and Darryl Cheney. Members absent Terry Trimpe. Staff present: Community Development Director Patrick Parsley and City Administrator Kim Downs. Guests in Attendance: Randy & Sheryl Goodson, Garry Moose, Stan Williams, Adrian Holmes, Ben & Jamie Fiedler, Jason Cullum, Bob Wright, Gary Sampson, Paul Baker, Erin Meyer, Steve & Chris Backen, Steve Dobson, Ted & Suzanne Carter, Pat Callanan, Mark & Robin Witham, Nick Stark, Charles Ashbacher, Paula Ashbacher, Will & Fay Elson, Pat & Dick Semelroth, Dale Schroth, Darcy Brown, Steven Bray, Rick Easton and Jerry Mohwinkle. Not all attendees signed in for the meeting.

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

Jones moved to approve the regular meeting minutes of December 16th, 2019. Seconded by Cheney. Motion carried.

**Consider Resolution for recommendation to City Council to approve an ordinance amending the City Unified Development Code 165 sections 165.14 and 165.16 describing the Mixed-Use Overlay District.**

Director Parsley started by explaining the presentation is in reference to both resolutions and by introducing Rose Schroder from Bolton & Menk.

Rose Schroder showed a PowerPoint presentation on the overhead screens for the commission and guests overviewing the Mixed-Use Overlay District from Center Point Road to Boyson Road and summarizing the Robins Road Corridor study.

Director Parsley asked if there were any questions for Rose following the presentation.

Citizen asked who Rose was representing.

Director Parsley explained Rose is a hired consultant from Bolton and Menk who helped the City with the design and the language for the overlay. She is not representing anyone; she is delivering the information regarding what the Robins Road committee collected and preparing documents.

Citizen asked what additional power the rezoning to the overlay district will give the City over properties owners in that area.

Rose Schroder answered the overlay district is another form of zoning. If the City adopts it, it is treated like zoning. As it is drafted today the regulations in that text which is proposed to be amended into the Unified Development ordinance would be new regulations. They would be applicable according to the first section, the first list of items. Again, it would be treated and administered by the City as any other zoning district.

Director Parsley added this would be no different than any other enforcement of the Unified Development Code that we already do. The City regulates the types of uses a particular property could be used for and to an extent what it looks like when it is put on the property. For instance, a flat roof, what the setbacks might be like and in our design guidelines we have requirements for certain types of materials. So, this would be essentially the same enforcement opportunities for the City. There are no additional powers or authorities only regulation language.

Chairperson Powers asked if the City has received any form of objection to this project.

Clerk Stinson responded we have received an email to be submitted on record: 'As you may be aware, there are upcoming meetings to rezone the Robin's Road Corridor. I would like to personally express my objection to this project as it will most assuredly result in a severe loss in property value the second this measure is passed and ask about how to start a appeal process. There has been no mention of compensation in any manner and the devaluing of these properties is deliberate and extremely harmful to all landowners involved, not to mention one of your own board members has property bordering many of said properties. If you would like to buy us out at fair market value now, please do. But devaluing and ruining the equity we have built for your own benefit is extremely low brow and should be shot down on face value allow due to its moral standing. Do the right thing by your citizens and pay us fair market value or please leave us to manage our land as we see fit as a residential property. Thanks for your time and I would like to hear your thoughts on this. Nick Stark'

Chairperson Powers explained the resolutions in front of the Planning and Zoning commission was not the final say, the commission recommends to the City Council. He then opened the floor for comments and questions asking that all residence come to the podium stating their name and address then ask their questions.

Dale Schroth- 110 Northwood Drive- while this rezoning doesn't impact me directly, I am within 200 feet of where they are doing all these businesses and rezoning this. I think it is quite unfair to the residence of Northwood Drive and Chaffee Drive in that area. I don't want to see a parking lot behind a building. I am very much against the rezoning.

Rick Easton- 128 Northwood Drive- I don't see this benefitting the immediate residence that live in that area. I see this as the beginning of something that will destroy the neighborhood. I am not for the proposal.

Charles Ashbacker- representing mother at 104 Northwood Drive- On the zoning map my mother's property is listed as R-1 & R-3 to C-2. If that's rezoned to commercial will she still be allowed to have her residence that has been there for sixty years?

Chairperson Powers answered yes, they have stated that the residential that is there existing may remain residential. The intent of this study was that the City recognizes there is an extensive amount of infrastructure that needs to take place on Robins Road. Robins Road will be reconstructed over time and the thought process is that the reconstruction will attract development along Robins Road and this is designed to control that.

Ross asked if the driveway reconstruction was going to happen regardless of this resolution being passed.

Administrator Downs answered the public infrastructure is the sewer lines, waterlines, streets, burring electrical lines, getting the big poles out of the way and utilizing the right-of-way we have. This area is aging and needs improvements over the years. As far as the process we go through when we have a

project especially if we were going to do aesthetics, we will have open houses to share that information with the public.

Ross clarified if the infrastructure is decaying you have to do physical upgrades because waterlines are too small and sewer lines are beyond their life. The work is going to have to be tore up and the work will be extensive so you are just trying to say when we are doing that lets do some considerations for this other part.

Steven Bray- representing Darcy Brown who has property on Robins Road- can you clarify if you have a residence and wish to keep it a residence would it be fair to say the property taxes will increase due to various expenses to improve this area and is there a different taxation between commercial and residential and will the residences remain a residence taxation until they switch to commercial.

Chairperson Powers answered the property taxes are based on valuation and that is a county assessor deal and is based on the county valuation.

Director Parsley added that county taxes are based on what the building or property is being used for, so even though you are in a commercial zone if you are using it for residential it will be taxed as residential.

Steven Bray asked if the property owner will be responsible for improvements such as sidewalks.

Director Parsley answered that the general process for improvements in Hiawatha has not been direct assessment. However, once the sidewalk is in place it does become the responsibility of the property owner.

Dale Schroth asked what the newsletter meant when it stated “a new controlled intersection at Northwood and Robins Road”.

Director Parsley answered it depends on the design. As soon as you get to a stop sign it is considered a controlled intersection. So, depending on the traffic studies would determine what the controlled intersection would be. Part of this infrastructure change may include an extension of Northwood Drive so it would connect to Parsons Drive, on the west side of GoDaddy.

Charles Ashbacker stated it is fact if a property next to yours is zoned commercial your ability to resell your property as a residential drop.

Director Parsley said we have done research on this. We looked on the assessor’s site to see if that was true and we found that not to be the case. The value of those properties rose.

Ben Fiedler- 140 Northwood Drive- the first thing I noticed as a roof consultant and specifier was the language is vague and could use a little definition. It states it has to be a flat roof and can’t be sloped but the International Building Code does require a minimum slope so just defining what that is. But the real concern is Northwood Drive has no sidewalks and it’s a bit of a speed way and there is a high amount of foot traffic. So, with or without having this redevelopment I think sidewalks would be an important thing to get pedestrians off of the road.

Chairperson Powers commented that was an important thing to bring to the City Council’s attention to put it on their plan of improvements.

Ross asked if this practice of an overlay district has been done and if it has, how successful has it been.

Rose Schroder answered overlays are not uncommon for growing communities. Many communities are using this practice, some have different names for it. Sometimes the same kind of standards show up in a Planned Unit Development where each development must be reviewed separately. It is not uncommon even in other cities in Iowa to use them in significant traffic corridors.

Ross asked if the makeup of these steering committees could be explained so we know who all was involved in the study.

Director Parsley explained the Robins Road Corridor study was started about a year ago and the landowners along Robins Road were invited along with representation from Council and from Planning and Zoning Commission; Lisa, Kenny and Terry were on that committee. Part of the process included sitting down with the property owners that would be most effected and we contacted 99% of the people in the overlay and received very positive responses from all of them. As we looked into the design work and setback and the look, they wanted to achieve each one of them were excited to hear the City was putting money into the area for redevelopment and it is going to be an important part of development of a downtown.

Robin Witham- 495 Robins Road- timing appears to be vague, you say in the future, what does that mean.

Administrator Downs answered it will take time, in our capital improvement plan it is four to five years out, however the first thing that needs to be done is the design work and study of the infrastructure. It will have to be done in phases due to the expense so it will take some time. So, the study and design work probably won't be before 2023.

Rose Schroder continued with the timeline of development in this area anytime we are talking about redevelopment especially when it is private sector driven or developer driven people have the ability to sell or not sell their property. Typically, there is a developer first to the table that does a project on their own and other times it could happen in multiple project. It is private market driven so there is no way to know.

Director Parsley added we identified some triggers that will spur on developers. One is getting the infrastructure completed, second the possibility of connecting Northwood Drive to Parsons Drive and third the development this area around the intersection.

Jepsen clarified any existing business owner within the overlay does not lose any rights so long as the business continues to operate in the same manner and there aren't changes that were described in the beginning of the presentation. So, there is no loss of existing rights to operate your businesses.

Jones stated that is the same for residential, nothing changes unless the property owner wishes to change it.

Rose Schroder agreed the rezoning was not changing the use of the lot and clarified the overlay does not apply to one- and two-family dwellings, they have been exempt for the overlay.

Nick Stark- 465 Robins Road- can all the infrastructure work be done without the rezoning because I would love for my property to have new utilities and fiber optics without being rezoned

Director Parsley answered yes, the projects are separate from each other.

Ross moved recommendation to City Council to approve an ordinance amending the City Unified Development Code 165 section 165.14 and 165.16 describing the Mixed-Use Overlay District. Seconded by Jones.

AYES: Cheney, Neef, Jepsen, Jones, Ross, Powers
NAYS: None
ABSENT: Trimpe
**Motion Carried.**
**Resolution #20-001 Approved**

**Consider Resolution for recommendation to City Council to approve an ordinance amending the Zoning District Map as recommended by the Robins Road Corridor Study submitted by Bolton and Menk.**

Cheney moved recommendation to City Council to approve an ordinance amending the Zoning District Map as recommended by Robins Road Corridor Study submitted by Bolton and Menk. Seconded by Jepsen.

AYES: Neef, Jones, Jepsen, Ross, Powers, Cheney
NAYS: None
ABSENT: Trimpe
**Motion Carried.**
**Resolution #20-002 Approved**

Neef moved to adjourn the meeting at 6:55 P.M. Seconded by Jepsen. Motion Carried.

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Mark Powers, Chairperson

ATTEST:

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Tiffany Stinson, Permit Clerk