AGENDA PLANNING AND ZONING COMMISSION SPECIAL MEETING June 26, 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 from June 5, 2015
- 3. Business:
- a. 1031 Kacena Rd
 - * Consider Resolution for recommendation to Board of Adjustment to approve the Conditional Use for dog boarding submitted by Brain Engineering for Petersen Pet Hospital located at 1031 Kacena Rd., Hiawatha, Iowa.
- b. 2111 Robins Rd
 - # Consider resolution for recommendation to city council to approve the Design Guidelines submitted by Charlotte Brown for the property located at 2111 Robins Rd., Hiawatha, Iowa

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

B

HIAWATHA PLANNING AND ZONING COMMISSION SPECIAL MEETING June 5, 2017

The Hiawatha Planning and Zoning Commission met on June 5, 2017. Chairperson, Mark Powers called the meeting to order at 5:30 P.M. Members present: Mark Ross, Terry Trimpe, Reta Saylor, Kenny Jones and Darryl Cheney. Members Absent: Tom Wille. Staff present: Community Development Director, Pat Parsley, Assistant Building Official, Jim Fisher, City Engineer, John Bender and Mayor Bill Bennett, City Administrator, Kim Downs and City Attorney, Mark Parmenter. Guests in Attendance: Dennis Norton, Tom and Connie Zenisek.

Board Member, Reta Saylor moved to approve the Agenda. Second by Kenny Jones. Motion carried.

Board Member, Terry Trimpe moved to approve the meeting minutes of April 24, 2017. Second by Reta Saylor. Motion carried.

Consider Resolution for recommendation to City Council to approve the Rezoning submitted by Graig Cone for Lucky Penny located at 1705-1737 Boyson Road & 1625 Boyson Square, Hiawatha, IA.

Public Hearing Opened: 5:34 pm

Mark Powers asked if there were anyone that was against the rezoning.

Tom Zenisek of 1610 Litchfield Dr. addressed the Board. He explained that he had a signed petition from neighbors on Litchfield Dr. against the rezoning. He explained that even with trees and a 4ft. berm, he can still see and hear the Lucky Penny from their outside deck. He stated that they believed that serving alcohol outside, on the patio would be detrimental to the neighborhood because it will lead to more bars and outside entertainment. He also stated that considering that it affects the neighborhood, a 10pm limit should be established.

Mark Powers asked if there were anyone that was for the rezoning.

Susan Forinash from Hall and Hall engineers addressed the Board. She stated that this is not spot zoning and that it does follow with the City's design guidelines.

Mark Ross asked for an explanation of the surrounding buildings. Pat Parsley pointed to the picture on the overhead and explained that in the C-3 Zoning, all beer gardens are a Conditional Use.

Mark Ross asked why the patio was built before the meeting. Pat Parsley explained that they wanted to offer outside seating and didn't need a Conditional use or rezoning to have it, it was already allowed.

Kenny asked if they had to enter from the inside of the building. Pat Parsley stated that they do, they cannot enter the patio from the outside.

Terry Trimpe asked if there was anything in place to screen the residents. Pat Parsley explained that there is a berm and trees.

Kenny Jones asked if there would be music out there. Pat Parsley explained that would be better to discuss when discussing the Conditional Use.

Tom Zenisek addressed the Board. He stated that the berm is not that high and he can see the Lucky Penny while sitting on his deck.

Stephanie Mehmen addressed the Board. She explained that she was representing the Lucky Penny. She stated that they are a family restaurant and are aware that at this time, they can only serve food. She explained that they want to offer patrons the option of sitting outside to eat a meal and have a drink. The intention is just to have a patio.

There were no more comments.

Mark Powers closed the public hearing at 5:56pm.

Darryl Chenney stated that they can have music at will and it will be very hard to enforce. He went on to say that he believes that the area will be overrun with bars and beer gardens if allowed.

Terry Trimpe agreed and wondered what the % was between alcohol and food.

Susan Forinash stated that they are also willing to just change the Lucky Penny to C-3 and leave the rest Modified.

Kenny Jones asked if the 12:00pm limit can be changed. Pat Parsley stated that it could.

Kenny Jones then asked Pat if they denied the rezoning, would they still have to vote on the Conditional Use. Pat Parsley stated that they would because they didn't know how council was going to vote on the rezoning. If they approved it, the Board would want their opinions heard at Board of Adjustment.

Kim Downs stated that the 12:00pm is already in place.

Mark Powers asked if they can still serve food if they deny the rezoning. Pat Parsley stated that they would be able to serve food.

Reta Saylor moved to recommend to City Council to approve the Rezoning submitted by Graig Cone for Lucky Penny located at 1705 -1737 Boyson Road & 1625 Boyson Square, Hiawatha, IA. Second by Mark Ross.

AYES: MARK ROSS

NAYS: MARK POWERS, TERRY TRIMPE, KENNY JONES, DARRYL CHENEY, AND RETA SAYLOR

ABSENT: TOM WILLE

Motion Carried

Resolution #17-015 Denied

Mark Powers added that it is his belief, eliminating the modified C-3 zoning would not be in the best interest of the residence.

Consider Resolution for recommendation to Board of Adjustment to approve the Conditional Use for Lucky Penny Outdoor Service and Beer Garden submitted by Graig Cone for Lucky Penny located at 1705 Boyson Rd., Hiawatha, Iowa.

Public Hearing Opened: 6:09 pm

Mark Powers asked if there were anyone that was against the rezoning.

Tom Zenisek of 1610 Litchfield Dr. addressed the Board. He asked that if approved, they limit the time out on the patio to 10:00pm. He went on to say that people that are drinking tend to get louder and louder and anything after 10:00pm would be a disturbance.

Bonnie Berg addressed the board. She stated that the thought of live music worries her because there are children trying to sleep and the noise would be very disruptive.

Cory Ramler 1510 Litchfield. He stated that music seven days a week would be too much. He said he likes Lucky Penny, but this will open up for more bars. He added that enforcement would be difficult and would require notifying the police every time.

Mark Powers asked if there were anyone that was for the rezoning.

Stephanie Mehmen addressed the Board. She reiterated that the Lucky Penny is a family friendly restaurant. She stated they had no intention of have live music at the location.

Mark Powers then went through all seven standards.

Mark Powers then asked what would prevent them to get bigger if the request was approved. Pat Parsley stated that they would have to come back to Planning and Zoning for approval.

Public Hearing Closed: 6:15 pm

There was some discussion on what should be amended.

Kenny Jones moved to amend #5. The beer garden shall be open only during the restaurant hours and no later than 12 midnight to no later than 10pm. Second by Reta Saylor.

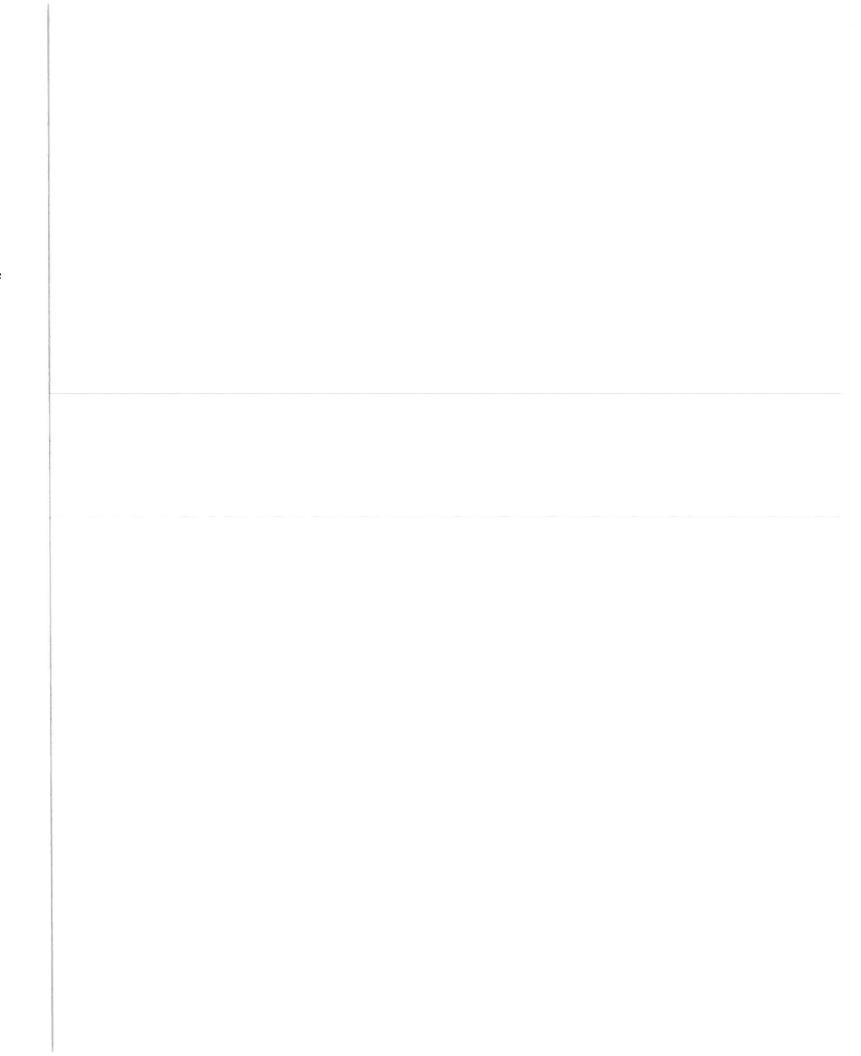
Kenny Jones moved to amend #6. No outdoor events which include music or entertainment or which overflow the area of the described patio are permitted. Second by Terry Trimpe.

Kenny Jones moved to add the following #7. No speakers serving the outdoor area. Second by Mark Ross.

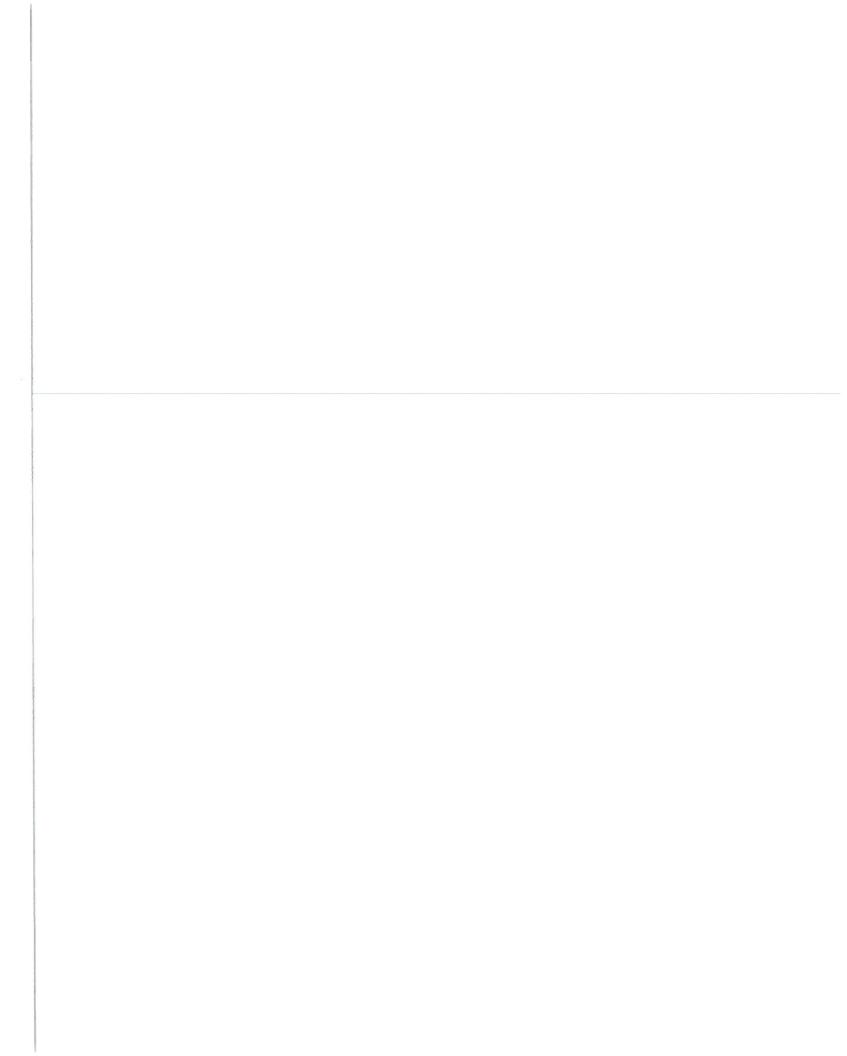
Reta Saylor moved to recommend to Board of Adjustment to approve the Conditional Use Request submitted by Graig Cone for Lucky Penny located at 1705 -1737 Boyson Road & 1625 Boyson Square, Hiawatha, IA. with the following condition(s):

- 1. This property is rezoned to C-3 as requested.
- 2. The liquor license is updated to include the outdoor area.
- 3. The area of the conditional use is limited to the present patio area of 20' X 28'.
- 4. Any additional lighting will comply with Hiawatha exterior lighting ordinances.
- 5. The beer garden shall be open only during the restaurant hours and no later than 10pm.
- 6. No outdoor events which include music or entertainment or which overflow the area of the described patio are permitted.
- 7. No speakers serving the outdoor area.

Second by Darryl Cheney.



AYES: TERRY TRIMPE, KENNY JONES, MARK ROSS RETA SAYLOR. NAYS: NONE ABSENT: TOM WILLE Motion Carried Resolution #17-016 Approved	S, MARK POWERS, DARRYL CHENEY AND				
Kenny Jones motioned to adjourn the meeting at 6:32p.m. Second by Darryl Cheney. Motion carried.					
ATTEST:	Mark Powers, Chairperson				
Jennifer Goerg, Community Development Clerk					
Jennier Goerg, Community Development Clerk					



3A-1

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: June 21, 2017

From: John C. Bender PE, City Engineer

Re: Petersen Pet Hospital

Description: Approval of Conditional Use, 1031 Kacena Road

Report:

Engineering as reviewed the proposed site plan for the new building at 1031 Kacena Road. The site plan is in order and the storm water calculations have been submitted and approved. No additional public utilities are required.

Engineering recommends approval of the site plan subject to a conditional use approval from the Board of Adjustment.

If you have any questions please let me know.

City of Hiawatha

3A-2

Community Development Department

Building, Zoning, Code Enforcement & Development 101 Emmons St., Hiawatha Iowa, 52233-1697

Purpose: Conditional Use Request Date: 6/16/2017

To: Planning and Zoning Commission

Name of Plan: Petersen Pet Hospital

Address: 1031 Kacena Road Zone: C-4

Number of Lots: 1

Reviewed by: Patrick Parsley, Community Development Director

Description: The applicant desires to provide indoor kenneling of animals not associated with the hospital use. This does not qualify as accessory and requires a conditional use in this zone. The following standards must be met.

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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

The additional standards below are applicable to animal boarding uses. These must also be addressed in the conditions of approval.

- 11. Amendment to Conditional Use. Amendment to conditional use of animal boarding shall have the additional requirements of:
 - A. Such establishments shall also satisfy all applicable State and local agency provisions.
 - B. Outdoor exercise area shall be sectioned off to make different sizes of outdoor play areas with no one area exceeding fifty percent (50%) of the total exercise area.
 - C. Dogs shall be supervised at all times in outdoor area to control barking.
 - D. Outdoor exercise or play areas shall be approximately 1/3 of indoor gross building square footage.
 - E. Conditional use shall be inspected yearly to insure cleanliness and noise compliance.
 - F. Waste disposal shall be scheduled twice per week and more frequently if odor becomes a problem.

Report: We agree standards *A through G* of the first section have been met as described by the applicant. However the applicant is proposing alternate design and use to meet the intent of *Section 11*. He is stating in his application the area outside is not a "play area" but is only a "relief area" and the dogs will remain on a leash when outside. In addition the dogs will be supervised at all times.

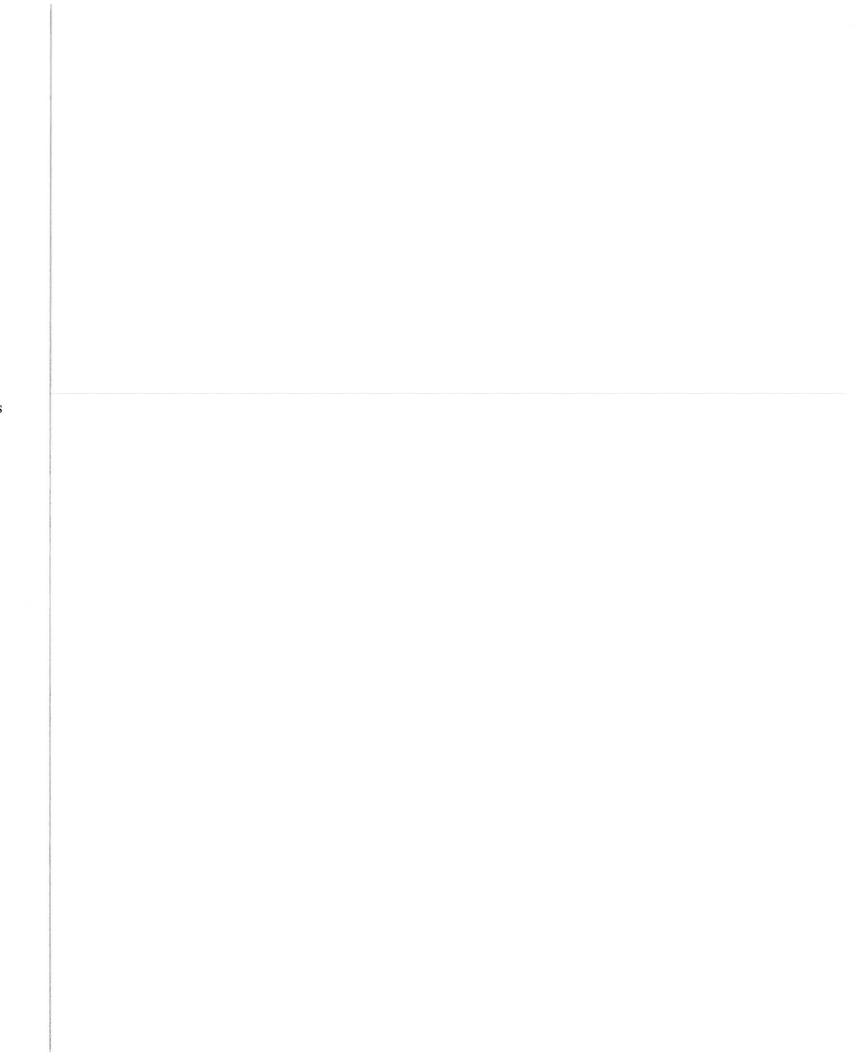
A site plan has been submitted and approved.

This site is remote from residential areas and is next to an open pond area which is part of the storm water detention system in the development. Existing landscaping will remain in place as much as possible. The trees on the east will provide some buffer to the next lot. The building will provide the buffer to the west. The buffer to the south is the detention pond system for the area storm water management. This site configuration is an alternate to the play area technical requirement in UDC section 165.83:

* The boarding is totally enclosed within a building with exercise or play areas outdoors enclosed by privacy fencing and year round vegetative barrier.

Recommendation: Community Development supports the recommendation to approve this conditional use with these conditions. (*These conditions are only recommendations: The Board must approve conditions that are to be included in the approval of the conditional use)*

- 1. The outdoor "relief area" is used as detailed in the request.
- 2. The "relief area" is not expanded in area or use without application for a revision of a conditional use required by UDC section 165.83 (10)





1540 MIDLAND COURT NE · CEDAR RAPIDS, IA 52402 · PHONE (319) 294-9424 · FAX (319) 294-1056

May 30, 2017

City Hall
Planning and Zoning Commission
101 Emmons Street
Hiawatha, Iowa 52233

RE: Conditional Use for dog boarding – 1031 Kacena Road, Lot 1 Sherman Square 8th Addition.

Dear Planning and Zoning Commission:

On behalf of Dr. Brad Petersen, applicant, and BDP Management L.L.C., owner, I respectfully request a conditional use for dog boarding at the proposed Petersen Pet Hospital. Lot 1, Sherman Square 8th Addition is currently zoned C-4 Central Service District. The veterinary clinic is a permitted use in the C-4 zoning, but kennels (boarding) are only allow through a conditional use.

The proposed site will be designed to the City of Hiawatha Standards and Codes. The proposed site has existing utilities to connect services. The veterinarian office and boarding will have similar traffic to the surrounding commercial properties. Animals will not be outside for extended periods of time and only to enter/leave the office and for the dog relief area. The proposed parking for the site is 44 spots and the required is 43 spots.

The site will have a detention basin located in the rear of the lot that will collect storm water from all the hard surfacing. The proposed basin will provide water quality before the storm water leaves the site into the existing retention ponds south of the site. The proposed fenced-in area for the dog relief area will located at the southeast corner of the building. Grading will be minimized on the east side of the site to preserve as many trees as possible. The trees on the east side of the site will provide a buffer between the fenced in area and the neighbors to the east.

W W W . B R A I N - E N G . C O M

Petersen Pet Hospital is currently state licensed for the proposed boarding. The proposed boarding will have a fenced-in area for dogs to relieve themselves. The dogs will remain on a leash while outside, and the fence is a safety precaution if a dog escapes the leash. The dogs will be supervised while outside to minimize any barking. The fenced-in area is not a play area and will only be used for the dogs to relieve themselves. The fenced-in area will have approximately 1,000 square feet. The dog waste will be picked up and disposed daily.

Your consideration in this matter is greatly appreciated. Please contact me with any comments or concerns regarding this request.

Sincerely,

BRAIN ENGINEERING, INC.

Daugh & Brain, P.E.



























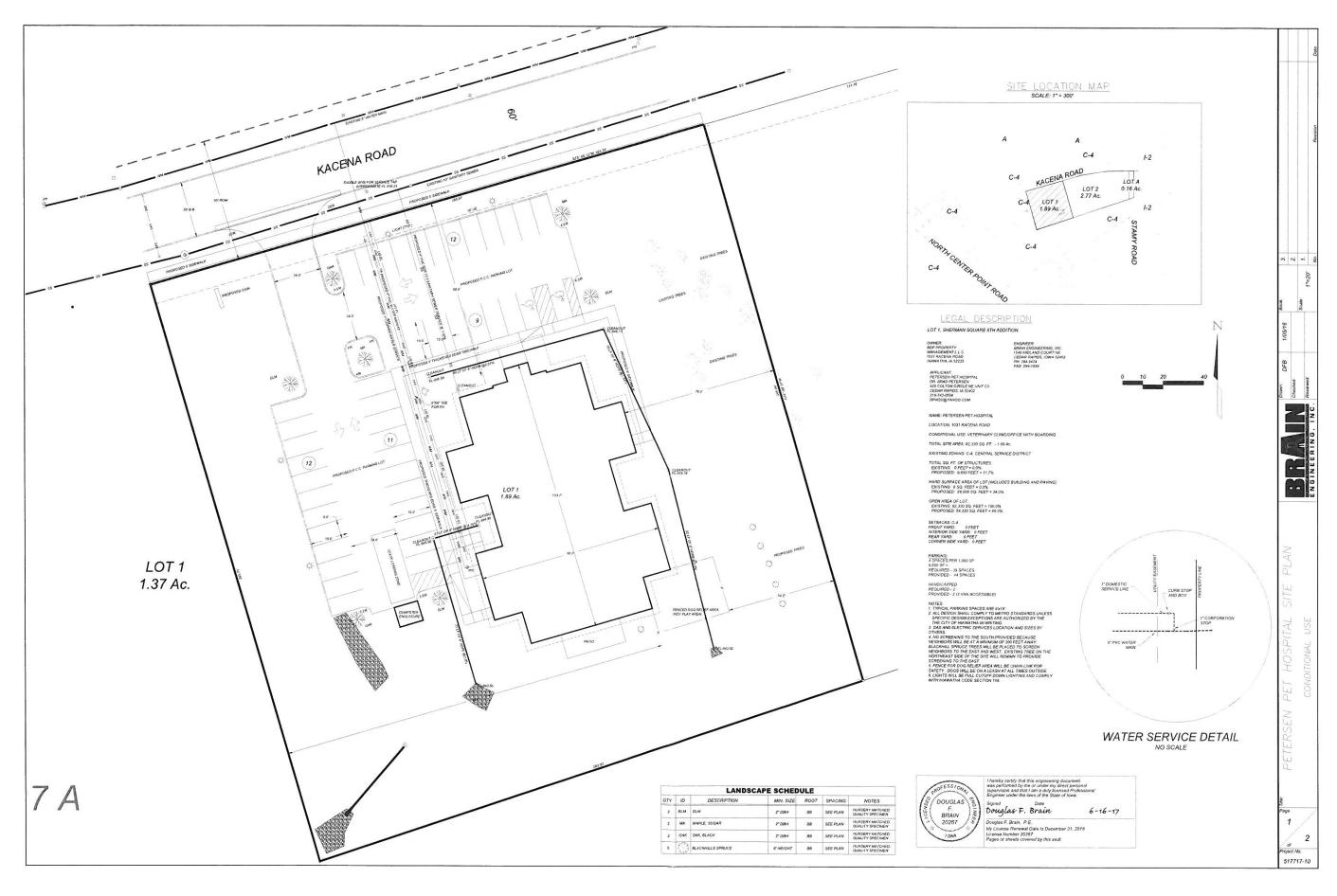


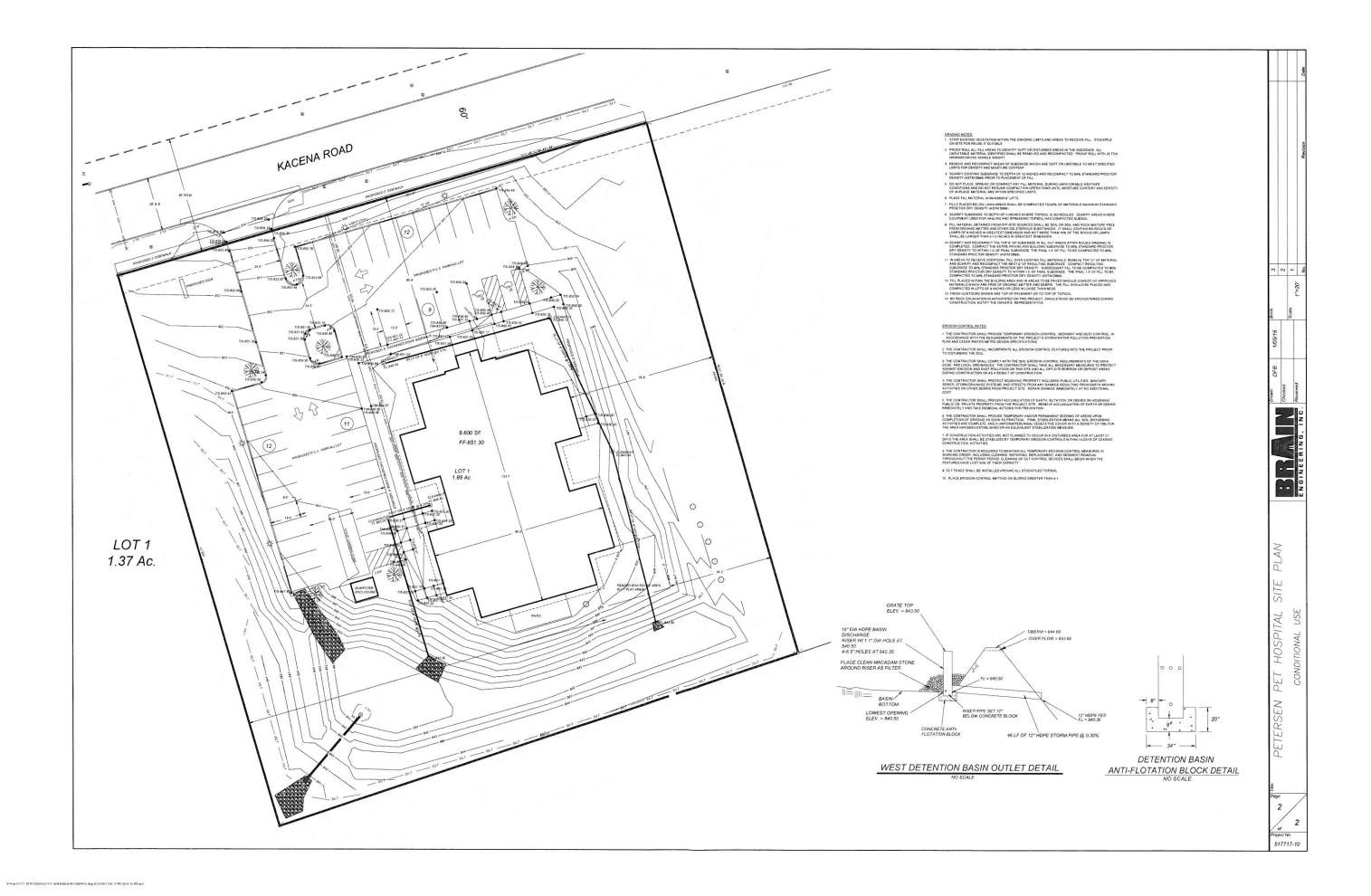












3B-1

City of Hiawatha Engineering Department

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

To: Planning and Zoning Commission

Date: June 21, 2017

From: John C. Bender PE City Fingings

Re: Bali Hai

Description: Approval of Design Guidelines for Building at 2111 Robins Road

Report:

The preliminary plat of Bali Hai Addition to the City of Hiawatha has been approved. This is a preliminary plat of the area just to the north of the existing Bali Hai mobile home park. We are currently reviewing the site plan for the building proposed for lot 1. There are a number of issues we are discussing, including the installation of a sanitary sewer to serve both lots, in addition to an area on the west side of Robins Road. The City is considering participating in the sewer cost because of additional length of the line to serve these properties. No agreement with the City Council has been reached at this time.

Engineering recommends approval of the building design as submitted.

3B-2

City of Hiawatha

Community Development Department

Building, Zoning, Code Enforcement & Development 101 Emmons St., Hiawatha Iowa, 52233-1697

Purpose: Design Guideline Site Plan Date: 06/16/2017

To: Planning and Zoning Commission

Name of Plan: Bali Hai First Addition lot 2

Address: 2111 Robins Road (tentative) Zone: C-4

Number of Lots: 1

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 has been approved for the development of a

single lot. Rezoning has been approved for the entire 14 acres.

Report: The following items are noted as required changes to the plan. Item #14 was our staff

request. The entry now has an awning and columns shown. This design does match other structures in the area for the Design Guidelines. A revised site plan will be required before granting a building permit. Many of our review items have been addressed

however approval is still pending.

1. The site plan must include and detail the entire lot. Completed

- 2. Screening requirements for the transitional yard next to the R-MH zone must be noted on the plans. Completed
- 3. Gravel is not an acceptable hard dust free surface for driving, parking or storage in a C-4 zone. Corrected
- The minimum commercial driveway width on an arterial street is 24'. The width is measured at the front property line.
 Corrected
- 5. The detail for the driveway must include provision to accommodate the flow of storm water in the existing ditch. The culvert; if proposed, must meet Metro Standards. **Corrected**
- 6. The sidewalk along Robins must be shown as a 10' trail as this is an extension of the trail connections in Hiawatha. An application for deferral is necessary if you want to request a delay in this installation. **Not submitted**
- 7. Storm water calculations must be submitted. Not submitted
- The site plan indicates cooperation with the City on construction of a sanitary sewer. The details of the installation must be shown on a plan of improvements and the cooperative arrangement must be detailed in the developer's agreement. Not submitted
- A petition for waiver of the improvements to Robins Road must be submitted for the development of this site. Not submitted
- 10. We are aware the current site for this occupancy includes outside storage and outside storage tanks. If there is a continuation of any of these uses they must be detailed on the plans. **Complete**
- 11. A dumpster enclosure is required on the plans. Complete
- 12. The water service must be detailed on the plans. Sizing required
- 13. The closest fire hydrant must be shown on the plans. Complete
- 14. The front must be improved to include a covered front entry with stone columns. Complete
- 15. The erosion and sediment controls must be shown on the plans to address the specific layout and elevations of this lot. Complete
- 16. Exterior lighting details complying with Hiawatha Ordinance # 168 must be submitted before any exterior lighting will be permitted.

Recommendation: Community Development supports the recommendation to approve the Design Guideline

portion of the site plan. This includes the building elevations and parking setbacks only.

3B-3 MortonBuildings.com Charlotte Brown



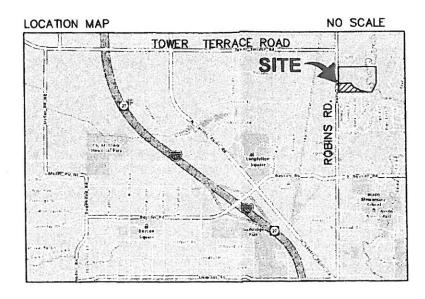
SITE PLAN LOT 2, BALI HAI FIRST ADDITION IN THE CITY OF HIAWATHA LINN COUNTY, IOWA

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

DATE SUBMITTED: APRIL 24, 2017 DATE REVISED: JUNE 8, 2017



FLOOD ZONE:

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

ZONING:

Zoning Classification: C-4 Building Setbacks: None required except for transitional Minimum Lot Size: 400 sq. ft. for each dwelling unit

LEGAL DESCRIPTION:

(Parent Parcel according to the Warranty Deed found in book 1959, page 171, Office of the Recorder, Linn County, lowa)

A part of the S 1/2 NE 1/4 SW 1/4 IN SECTION 28-84-7, LINN COUNTY, IOWA to be known as Lot 2, Bali Hai Addition in the City of Hiawatha, Linn County, Iowa

> STEPHEN M. SCOTT

(Said parcel to contain 4.52 acres, subject to easements and restrictions of

PARKING REQUIREMENTS:

CLASS 26 (C28 use: contractor office and construction yard) 2 SPACES/employee.

3 employees max x 2 spaces = 6 spaces required

7 provided (1 handicap)

DESIGN GUIDELINES:

Robins Road Corridor The Hiawatha "Design Guidelines" apply to this site regarding tree planting within the right of way (future project)

LANDSCAPE REQUIREMENTS: REQUIREMENTS OF 165.47:6(2)b 10% REQ'D APPROVED LANDSCAPING (GREEN SPACE). 1/3 IN PLANTED

STANDARDS: CURRENT METRO STANDARDS APPLY TO ALL ITEMS; THIS INCLUDES DESIGN STANDARDS, SPECIFICATIONS, AND DETAILS.



I hereby certify that this engineering document was prepared by me or under my direct personal supervi

PAGES 1, 2, & 3

PROJECT NO. 1761802 PAGE 1 OF 3



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

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

SITE PLAN LOT 2, BALI HAI FIRST ADDITION IN THE CITY OF HIAWATHA LINN COUNTY, IOWA

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

DATE SUBMITTED: APRIL 24, 2017 DATE REVISED: JUNE, 2017

SANITARY SEWER EASEMENT 100' 200' BK. 1818, PG. 283 20' GRAPHIC SCALE: 1" = 100' LOT 1 N89'01'06"E 420.95' DRY CREEK PROPOSED SEWER NATURAL SCREENING TO REMAIN LOT 2 BALI HAI DRAMAGE EASEMENT FIRST ADDITION N62.05'27"W 156.75 S89'00'13"W 935.25' BALI HAI MOBILE HOME PARK BROWN, INC.

UTILITY NOTE:
THE LOCATIONS OF UTILITIES AS SHOWN ON THIS PLAN ARE APPROXIMATE ONLY. THERE MAY BE OTHER AERIAL AND/OR BURIED UTILITY FACILITIES THAT ARE NOT SHOWN. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THEIR EXISTANCE AND EXACT LOCATION AND TO AVOID DAMAGE THERETO.



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

PROJECT NO. 1761802 PAGE 2 OF 3

