



**BOARD OF ADJUSTMENT AGENDA  
NORWALK CITY HALL  
Wednesday, December 6, 2017  
6:00 P.M.**

- I. Call meeting to order at 6:00 P.M.
- II. Approval of Agenda
- III. Approval of Minutes – August 9, 2017
- IV. Chairperson – Welcome of Guests
- V. Public Comment – 3 Minute Limit (No Action Taken)
- VI. NEW BUSINESS
  - 1. Public Hearing on a special use permit request from MidAmerican Energy for the construction of a pipeline testing facility located on the Warrior Run Golf Course.
  - 2. Vote on a special use permit request from MidAmerican Energy for the construction of a pipeline testing facility located on the Warrior Run Golf Course.
  - 3. Public Hearing on a variance request from Rowe Electronics, owner of 339 Hakes Drive, to allow for a reduced front yard setback of 30 feet.
  - 4. Vote on a variance request from Rowe Electronics, owner of 339 Hakes Drive, to allow for a reduced front yard setback of 30 feet.
- VIII. Adjournment

## REGULAR BOARD OF ADJUSTMENT MEETING 08-09-2017

### Call to order

The Regular Meeting of the Norwalk Board of Adjustment was held Wednesday, August 9, 2017 at Norwalk City Hall, 705 North Avenue, Norwalk, Iowa. Chairperson Christin Grant called the meeting to order at 6:00 pm. Members present at roll call were: Dennis Cassady, Brent Hinders, Rachel Parker and Christin Grant. Absent: Chad Stevens.

City Staff present were Luke Parris, Director of Community Development and Hillarie Ramthun, Community Development Coordinator.

### Approval of Agenda – 17-06

Motion by Hinders and seconded by Parker to approve the agenda. Approved 4-0.

### Approval of Minutes – 17-07

Motion by Cassady and seconded by Parker to approve the minutes from the May 03, 2017 meeting. Approved 4-0.

### Welcome of Guests

Chairperson Grant welcomed the 6 guests present, with no guests wishing to speak; the business portion of the meeting was opened.

### Public Hearing on variance request from Clark Development, owner of Old Water Tower Site at the southeast corner of Iowa Highway 28 and Richard George Drive, to reduce the rear setback from 50 feet to 10 feet along the eastern lot line to match the rear setback of the building to the south – 17-08

Parris identified the area on the map or the Commission and explained that it was the old water tower site located on the southeast corner of Iowa Highway 28 and Richard George Drive. Parris describes the setbacks that are in the Norwalk Zoning Ordinance as 50' front setback as well as a 50' rear setback. The goal of Clark Development would be to minimize the rear setback from 50' to 10' because otherwise the site is virtually unbuildable.

Parris asked if the Board had any questions.

Grant asked if it can be known what will be built on the site.

Parris explained that it would be up to Clark Development to share that information, no formal submittal has been provided at this time. Only an informal site plan has been submitted just for the purposes of the variance request. A full review of a site plan would need to happen and also a discussion of a buffer wall and buffer requirements.

Hinders asked a technical question regarding the existing building to the south and how it came to be that they were allowed a 10 foot setback at that time.

Parris was unsure; there are no good records of how that came to be.

Hinders also asked that Parris explain the reason for the rear setback requirements so that it is fully understood why setbacks are put in place.

Parris explains that it provides a distance separation and allows for more of a buffer for neighbors.

Parker inquired about the square footage per floor.

Cassady inquired about the parking, entrance and driveway.

Parris explained that when the City had still owned the property, The City had asked the DOT what the requirements would be if something was placed on that lot.

Grant asked the applicant to step forward to speak.

Cannon Clark, Clark Development, 649 Laurel Place, Norwalk, Iowa approached the dais to speak.

Clark explained that he started discussions with the City after he had already started across the street at the Sunset Crest Development Site. The hope has been to clean up the Sunset corridor and bring new opportunities to local business owners as well as new users in the future.

There will not be two levels; it will have one ground level of office space and a basement for storage. The flow of traffic to the business will be a low and wants to make the property look nice and still be a good neighbor. . Clark asked if the Board had any questions for him.

With no questions, Grant opened the public hearing at 6:16 p.m.

Cathy Acri, 1315 Edgemont Place, approached the dais to speak. Acri is located behind the existing Winjum building. Acri's concerns are in regards to the placement of a driveway to access the business and requirements of a buffer wall.

Parris responded there will only be one driveway in & out of the property from Sunset; no access will be allowed off of Richard George. A fence will be required; the developer will have to comply with Norwalk Zoning Ordinances. Parris also explained that if the variance is passed, there will have to be a site plan review process, the site plan will have to be approved by Planning & Zoning Commission, and then it will also have to be approved through City Council before the property can be developed.

Stephanie McDannel, 1321 Edgemont Place approached the dais to speak. McDannel spoke to the concerns of not receiving the letter timely, the fact that the existing Winjum building is 15' from the property line and not 10', not wanting a bar, fast food restaurant or gas station built in the vacant lot, run off from gutters, etc. onto her property, and just the fact that a commercial building would be encroaching into her space.

Parris also let the Board know about the email the City received regarding the variance from 1021 Richard George Drive. The email stated that the homeowner did not want the variance granted due to the possibility of decreasing her property value as well as ruining the aesthetics of her current view.

The public hearing was closed at 6:28 p.m.

Hinders wanted to ask Clark a few questions. Hinders inquired about the 15' variance in comparison to 10' and would Clark still be able to use the property as C-2; would that create a hardship if the variance allowed for a 15' setback. Clark responded that due to the small size of the property, it would create more problems and could not identify what those problems would be until he was able to speak to an architect or engineer. It was not what was agreed upon between the developer and the City. Clark stated that they plan on following all buffer requirements and also feels that the new building will create a buffer to the existing highway traffic noise.

Hinders asked if it would create an unnecessary hardship by having the setback at 15'.

Clark said no.

Cassady stated that he thought developing the lot would be an improvement and what is there currently is an eye sore.

Grant inquired about the lot line.

Parris demonstrated on the map why he thought the lot line was 10'. He also spoke about the development agreement and what was entered in and if the agreement would need to be amended.

Grant pointed out that the land has been sold to a development company and though the surrounding area may not want development to occur it will be occurring at some point in the future.

Hinders stated that the reason for the Board of Adjustment to meet was to address the Code 17.04.190 and whether or not the property zoned as C-2 would suffer an unnecessary hardship.

**Vote on variance request from Clark Development, owner of Old Water Tower Site at the southeast corner of Iowa Highway 28 and Richard George Drive, to reduce the rear setback from 50 feet to 10 feet along the eastern lot line to match the rear setback of the building to the south – 17-09**

Motion by Cassady, to approve the 10' variance; motion failed 1-3

Motion by Hinders to approve the setback from 50' to 15', seconded by Parker. Approved 4-0

### **Adjournment – 17-10**

Motion by Cassady and seconded by Hinders to adjourn meeting at 6:44 p.m. Approved 4-0.

**CITY OF NORWALK**  
**REPORT TO THE ZONING BOARD OF ADJUSTMENT**

**DATE:** December 6, 2017

**REQUEST:** Request from MidAmerican Energy Company for a special use permit to allow for construction of a Gas Pipeline Inspection Facility on the southeast side of the Warrior Run Golf Course

**LOCATION:** On the Warrior Run Golf Course property approximately 900 feet to the east of the driveway entrance to the Warrior Run Club House, along County Highway G14

**APPLICANT:** MidAmerican Energy Company

**ZONING:** R-1, Single Family Residential District

**ATTACHMENTS:**

- Attachment "A" – Staff Report
- Attachment "B" – Special Use Permit Zoning Map
- Attachment "C" – 555 Beardsley Street Site Plan
- Attachment "D" – Vicinity Map

**BOARD OF ADJUSTMENT STAFF REPORT**  
**MIDAMERICAN ENERGY SPECIAL USE PERMIT REQUEST**

ATTACHMENT "A"

**INTRODUCTION:**

Staff has received a special use permit request from MidAmerican Energy Company to allow for the construction of a pipeline testing facility located on the Warrior Run Golf Course. The proposed facility would be an approximately 13,826 square foot parcel with a gravel base and the pipeline testing equipment. The site would be accessed by a paved driveway that would connect to North Avenue/County Highway G14.



The Warrior Run Golf Course is currently zoned R-1(70) Single-family Residential. Section 17.90.020 of the City's Zoning Ordinance addresses unclassified uses within the Zoning Ordinance. These unclassified uses are not identified in any of the current zoning districts. This section allows for the City to authorize an unclassified use in any zoning district through the special use permitting process.

The Zoning Ordinance states that the Planning and Zoning Commission shall review the permit request for conformity with the Comprehensive Plan and other applicable codes/regulations. The Commission met and discussed the proposed special use on November 21, 2017.

Consideration by the Board of Adjustment is limited strictly to the special use permit and the appropriateness of the use at the identified location. The Board of Adjustment does not have the authority to approve a site plan for the facility. MidAmerican Energy Company will need to submit a full site plan for review by the City to ensure conformance with all City Codes, and approval by the Planning & Zoning Commission and City Council.

**APPLICABLE CODE:**

*Zoning Ordinance Chapter 17.90 Special Use Permits*

*17.90.000 Special Use Permits. The regulations set forth in this chapter or elsewhere in this ordinance which are applicable shall apply to the unclassified and special uses listed in this ordinance.*

*17.90.010 Statement of Intent. It shall be recognized that certain uses possess characteristics of such unique and special form as to make impractical their being included automatically in any class of use as permitted in the various zoning districts established by this ordinance; therefore, these uses shall be subject to certain conditions and standards set forth in this chapter, and the authority for the location thereof shall be subject to review by the Norwalk Planning and Zoning Commission and the issuance of a special use permit by the Norwalk Board of Adjustment.*

17.90.020 Unclassified Uses. *The following uses are declared Unclassified, and upon the issuance of a special use permit, may be authorized in any zone in addition to those zones in which the use may be specifically listed as a special use.*

- A. *Accessory or branch structures and facilities for public utilities and public service uses, including water reservoirs and tanks, pumping stations, telephone exchanges, natural gas transmission and regulating facilities, and electric power and transformer stations, but not including equipment storage yards and garages, etc., which are considered commercial and industrial uses.*

The proposal by MidAmerican Energy for a Gas Pipeline Inspection Facility falls under an unclassified use as identified by Section 17.90.020. This section states that an unclassified use can be located in any zoning district, so long as they are issued a special use permit to be located in that zone. The proposed facility is in an R-1 district, however, the location of this type of facility is limited to location near the underground gas main. While the zoning is R-1, the current use of the property is as part of the Warrior Run Golf Course. It should be noted that the proposed area is not land that is actively used by the golf course.

17.90.030 Required Conditions.

A. *General Conditions.*

- 1. *A special use permit shall not authorize a use which does not comply with the minimum requirements of the district in which it is located or by its construction, architecture, or site improvements is not considered compatible with the neighborhood and surrounding use of land and construction.*

The proposed facility is minimal in nature. The proposed fencing and landscaping would comply or exceed City standards. The landscaping is identified on the site plan and the proposed fencing is a modular, precast, concrete fence. The testing facility itself is gravel pad with equipment located in the center of the parcel and a paved driveway. The design of the facility would be City code with the exception of a lack of on-site storm water detention. Staff has worked with the City Engineer to determine that the size and design of the site would not likely have an impact on the City's storm sewer collection system.

- 2. *A special use permit shall not authorize a use which is in conflict with any ordinance of the City of Norwalk or law of the State of Iowa regulating nuisances, pollution or hazardous occupation.*

The request is not in conflict with any City or State laws.

- 3. *The authority for the location of an unclassified or special use through the issuance of a special use permit shall be subject to review and recommendation by the Planning and Zoning Commission to the Board of Adjustment.*

The Planning and Zoning Commission has recommended approval to the Board of Adjustment. The Board of Adjustment makes the final decision on the request.

- 4. *Before issuance of any special use permit for any use, the Board of Adjustment and the Planning and Zoning Commission shall review the conformity of the proposal with the standards of the Comprehensive Plan, and any other applicable City ordinances or regulations. The Board, after review of the Commission recommendations, may approve or disapprove the special use permit as submitted or, before disapproval, may require that the applicant modify, alter, adjust, or amend the proposal as the Board*

*deems necessary to the end that it preserve the intent and purpose of this ordinance to promote the public health, safety, morals, and general welfare.*

Staff reviewed the request with special consideration to other City ordinances and regulations and is of the opinion that there are no conflicts. The building of the facility will require submission and review of additional site plan documents that will receive City approval from the Planning & Zoning Commission and City Council.

- B. *Required Site Plan and Statistical Information. The request for authorization of a Special Use permit shall be accompanied by a site plan in compliance with Chapter 17.80 of this ordinance, as well as, the following information:*
1. *As the uses herein are classified by possessing characteristics of unique and special form making automatic inclusion in the various zoning districts impractical, a brief technical report, prepared by a qualified professional person, which shall outline and illustrate the provisions and methods for the abatement of undesirable effects on the public, which maybe peculiar to the use, such as but not limited to the following:*
    - a. *Traffic intensity and control.*
    - b. *Excessive lighting.*
    - c. *Noise level.*
    - d. *Hazardous conditions to spectators, participants, trespassers, or neighboring use.*
    - e. *Pollution of air, water, or earth.*

The testing facility would have minimal impact on traffic, noise level, or lighting. Staff has requested that the applicant provide any information on potential smells associated with the facility.

- C. *In the event a special permit is granted under the terms of this Chapter, any such change thereafter in the approved use or site plan shall be cause for submittal of the site plan to be considered in the same manner as the original proposal.*

#### *17.90.040 Restrictions.*

- A. *Authorization for a special use permit shall not be granted if the following conditions are not met.*
1. *Large outside assemblages of more than one hundred (100) people shall not be located less than three hundred (300) feet from any existing dwelling site, not including temporary assemblages on public property for public events.*

Not applicable.

2. *Uses shall emit light and noise levels consistent with those found commonly in the district where located.*

The facility does not have an excess amount of noise or light.

3. *Uses involving the large assemblages of more than one hundred (100) people shall not be located in the vicinity where the street system is inadequate to provide for the increased traffic.*

Not applicable.

4. *Exterior lighting shall not be located in a vicinity where such lighting would create a glare and be hazardous to air or ground trafficway and such uses shall not be located less than a distance required to reduce the light intensity to normal residential street lighting intensity at any "R" District boundary.*

The testing facility would not have any adverse impacts on air or ground trafficways.

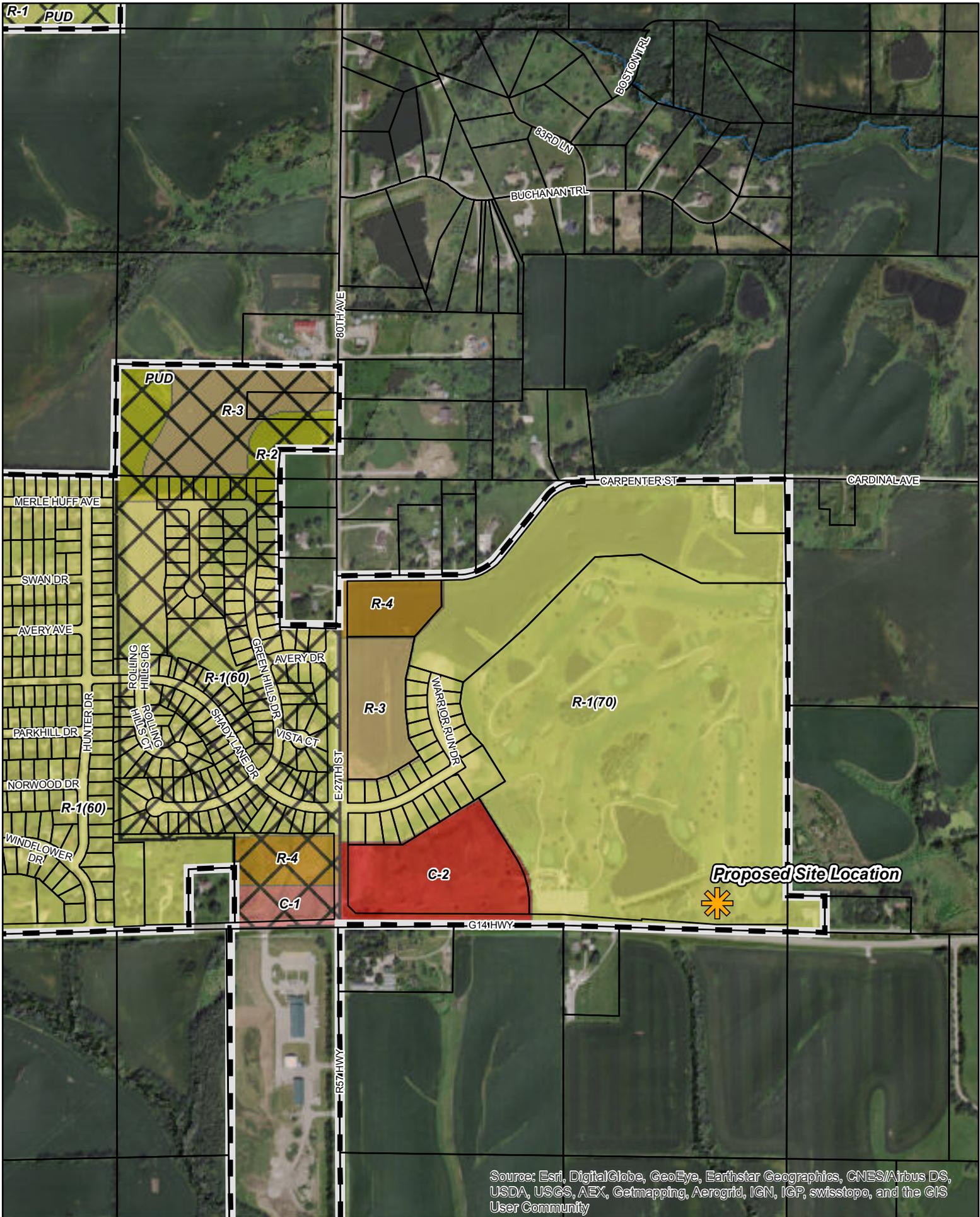
## **REQUEST**

In order to construct the Gas Pipeline Inspection Facility, the applicant is requesting the following City approval:

Special Use Permit: Approval of a special use permit allowing for the construction of an gas pipeline inspection facility located on the Warrior Run Golf Course, as identified on the attached site plan and vicinity map.

## **PLANNING AND ZONING COMMISSION DISCUSSION AND RECOMMENDATION**

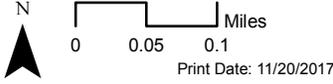
The Planning and Zoning Commission met on November 21, 2017 to discuss the requested special use permit and recommended approval of the special use permit.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



**MidAmerican Special Use Permit Location**



# MIDAMERICAN GAS PIPELINE INSPECTION FACILITY

## NORWALK, IA

MIDAMERICAN ENERGY COMPANY, P.O. BOX 657, DES MOINES, IA 50306-0657

**PROPERTY OWNER:**  
DILIGENT WARRIOR RUN, L.L.C.  
C/O PEOPLES CO  
12119 STRATFORD DRIVE  
SUITE B  
CLIVE IA 50325

**APPLICANT:**  
MIDAMERICAN ENERGY COMPANY  
P.O. BOX 657  
DES MOINES, IA 50306-0657

**LEGAL DESCRIPTION:**

**ORIGINAL DESCRIPTION:**  
PARCEL 'B' OF OUTLOT 'Z', WARRIOR RUN ESTATES PLAT 1, AN OFFICIAL PARCEL RECORDED IN BOOK 2015, PAGE 10491 AT THE WARREN COUNTY RECORDER'S OFFICE, CITY OF NORWALK, WARREN COUNTY, IOWA.

**PROPOSED DESCRIPTION:**

PARCEL 'C' OF PARCEL 'B' OF OUTLOT 'Z'

A PARCEL OF LAND IN PARCEL 'B' OF OUTLOT 'Z', WARRIOR RUN ESTATES PLAT 1, AN OFFICIAL PARCEL RECORDED IN BOOK 2015, PAGE 10491, AT THE WARREN COUNTY RECORDER'S OFFICE, CITY OF NORWALK, WARREN COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AS A POINT OF REFERENCE AT THE SE CORNER OF SAID PARCEL 'B' OF OUTLOT 'Z', SAID SE CORNER ALSO BEING ON THE NORTH LINE OF LOT 'B' OF SAID WARRIOR RUN ESTATES PLAT 1; THENCE N89°46'47"W, 331.77 FEET ALONG THE SOUTH LINE OF SAID PARCEL 'B' OF OUTLOT 'Z' TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE EAST LINE OF THE 50 FOOT WIDE GAS MAIN EASEMENT RECORDED IN BOOK 65, PAGE 520 AT THE WARREN COUNTY RECORDER'S OFFICE; THENCE CONTINUING N89°46'47"W, 71.72 FEET ALONG SAID SOUTH LINE TO A POINT; THENCE N85°44'47"W, 66.93 FEET ALONG SAID SOUTH LINE TO A POINT; THENCE N04°15'13"E, 100.00 FEET TO A POINT; THENCE N75°17'17"E, 100.00 FEET TO A POINT ON THE EAST LINE OF SAID GAS MAIN EASEMENT; THENCE S14°42'43"E, 134.77 FEET ALONG THE EAST LINE OF SAID GAS MAIN EASEMENT TO THE POINT OF BEGINNING AND CONTAINING 0.32 ACRES MORE OR LESS.

**EXISTING ZONING:**

R-1 (70) SINGLE FAMILY RESIDENTIAL

**BULK REGULATIONS FOR R-1 (70)**

FRONT YARD SETBACK - 30'  
REAR YARD SETBACK - 35'  
SIDEYARD - 7' MINIMUM - 17' TOTAL

**AREAS**

AREA	Sq. Ft.	%
GRAVEL	12847.04	92.90%
GRASS	803.50	5.80%
PAVEMENT	175.25	1.30%
<b>TOTAL</b>	<b>13825.79</b>	<b>100.00%</b>

**UNIT DENSITY:**

NO LIVING QUARTERS

**UTILITY CONTACTS:**

SANITARY SEWER - NORWALK PUBLIC WORKS DEPARTMENT (515-981-0228)  
WATER MAIN - NORWALK PUBLIC WORKS DEPARTMENT (515-981-0228)  
STORM SEWER - NORWALK PUBLIC WORKS DEPARTMENT (515-981-0228)  
NATURAL GAS UTILITY - MID AMERICAN ENERGY (515-252-6547)  
ELECTRIC - MID AMERICAN ENERGY (515-252-6547)

**STORM SEWER NOTES:**

1. ALL F.E.S.'S SHALL HAVE CONCRETE FOOTINGS PER SUDAS FIGURE 4030.221. THE LAST THREE SECTIONS OF PIPE SHALL BE TIED & APRON GUARDS SHALL BE PROVIDED.

**PAVING NOTES:**

- ALL ELEVATIONS ARE PROPOSED FINISHED GRADE AT TOP OF SLAB, UNLESS NOTED OTHERWISE.
- COMPACT PAVEMENT SUBGRADE TO 45% STANDARD PROCTOR DENSITY FOR A DEPTH OF 1-FOOT. MOISTURE CONTENT SHALL BE -1% TO +1% OF OPTIMUM. SUBGRADE TO BE COMPACTED IN 6-INCH LIFTS.
- ALL EXPOSED CONCRETE SHALL HAVE 6-1% ENTRAINED AIR, Fc = 4,000 P.S.I., MIN. AND ALL AGGREGATE SHALL MEET ASTM C-33.
- PAVING SHALL BE 6-INCH NON-REINFORCED P.C.C. OR 7-INCH ASPHALTIC CEMENT CONCRETE OR HOT MIX ASPHALT.
- DRIVE APPROACH INSTALLATIONS IN PUBLIC R.O.W. TO BE INSPECTED BY THE CITY OF NORWALK. MINIMUM 24 HOUR NOTICE IS REQUIRED. A PERMIT IS REQUIRED.

**GRADING & EROSION CONTROL:**

- ALL GRADING & EROSION CONTROL NOTES SHOWN ON GRADING / SWPPP PLANS

**DRAWING INDEX**

PAGE # SHEET TITLE

- COVER
- DIMENSION PLAN
- GRADING & UTILITY PLAN
- LANDSCAPE PLAN



VICINITY MAP  
NOT TO SCALE

**GENERAL NOTES**

- ALL CONSTRUCTION (PUBLIC & PRIVATE) SHALL BE IN ACCORDANCE WITH THE CURRENT SUDAS STANDARD SPECIFICATIONS. CONTRACTOR SHALL ARRANGE FOR TESTING AND INSPECTION AND NOTIFY THE FOLLOWING AT LEAST ONE WEEK PRIOR TO BEGINNING CONSTRUCTION:
  - CITY OF NORWALK PUBLIC WORKS DEPARTMENT.
  - MIDAMERICAN ENERGY
  - CIVIL ENGINEERING CONSULTANTS, INC.
  - IOWA ONE-CALL
- THE LOCATION OF EXISTING FACILITIES AND APPURTENANCES SHOWN ON THIS PLAN ARE BASED ON AVAILABLE INFORMATION WITHOUT UNCOVERING AND MEASURING TO DETERMINE EXACT FACILITIES LOCATIONS. CIVIL ENGINEERING CONSULTANTS, INC. DOES NOT GUARANTEE THE LOCATION OF EXISTING FACILITIES AS SHOWN, OR THAT ALL EXISTING FACILITIES ARE SHOWN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT ALL PUBLIC AND PRIVATE UTILITY PROVIDERS SERVING THIS AREA, AND IOWA ONE CALL, TO DETERMINE THE EXTENT AND PRECISE LOCATION OF EXISTING FACILITIES BEFORE CONSTRUCTION BEGINS.
- THE CONTRACTOR SHALL PROTECT EXISTING ON-SITE FACILITIES FROM DAMAGE RESULTING FROM THE CONTRACTOR'S WORK. IF DAMAGE, BREAKAGE, INTERRUPTION OF SERVICE, ETC. OF EXISTING FACILITIES DOES OCCUR THE CONTRACTOR SHALL IMMEDIATELY CONTACT THE UTILITY'S OWNER. DAMAGE TO UTILITIES OR STRUCTURES SHALL BE REPAIRED BY THE CONTRACTOR TO THE SATISFACTION OF THE UTILITY OWNER.
- CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING ANY FARM TILE DAMAGE DURING CONSTRUCTION AND RECORDING LOCATION OF TILE.
- A GEOTECHNICAL REPORT FOR THIS PROJECT CAN BE OBTAINED BY CONTACTING THE OWNER.
- ANY CHANGES TO THE CONSTRUCTION DRAWINGS DURING CONSTRUCTION SHALL BE APPROVED IN WRITING BY THE CITY OF NORWALK PUBLIC WORKS DEPARTMENT.
- THE CONTRACTOR IS RESPONSIBLE FOR ANY CHANGES MADE DURING CONSTRUCTION THAT HAVE NOT BEEN APPROVED IN WRITING BY THE CITY OF NORWALK PUBLIC WORKS DEPARTMENT AND ENGINEER OR OWNER.
- THE CONTRACTOR SHALL NOTIFY THE CITY OF NORWALK PUBLIC WORKS DEPARTMENT 48-HOURS IN ADVANCE OF ANY WORK BEING PERFORMED ON A HOLIDAY OR WEEKEND.
- ALL CONSTRUCTION STAKING SHALL BE PERFORMED BY A LICENSED ENGINEER OR LAND SURVEYOR.
- A CERTIFIED AS-BUILT GRADING PLAN AND UTILITIES PLAN SHALL BE PROVIDED TO THE CITY OF NORWALK PUBLIC WORKS DEPARTMENT PRIOR TO ACCEPTANCE OF PUBLIC IMPROVEMENTS AND APPROVAL OF THE FINAL PLAN.
- ALL WORK SHALL BE CONDUCTED IN ACCORDANCE WITH OSHA CODES AND STANDARDS. NOTHING INDICATED ON THE PLANS SHALL RELIEVE THE CONTRACTOR FROM COMPLYING WITH ALL APPLICABLE SAFETY REGULATIONS.
- THE CONTRACTOR SHALL CONDUCT CLEAN-UP, SURFACE RESTORATION, AND SURFACE REPLACEMENT ACTIVITIES AS CONSTRUCTION PROGRESSES. ALL DEBRIS, DUST, DIRT, ROCK AND OTHER DEBRIS SPILLED ON THE R.O.W. OR ON ADJACENT PROPERTY SHALL BE PICKED UP BY THE CONTRACTOR AT THE END OF EACH DAY OR AS REQUESTED BY THE CITY.
- IF DISCREPANCY EXISTS BETWEEN THE DETAILED PLANS AND THE QUANTITIES, THE PLANS SHALL GOVERN.
- THE CITY OF NORWALK REQUIRES ALL HANDICAP ACCESS RAMPS AND LANDING PADS TO BE CONSTRUCTED AS PART OF THE PUBLIC IMPROVEMENTS. SIDEWALKS AND TRAILS ARE NOT TO BE CONSTRUCTED AS PART OF THESE IMPROVEMENTS.
- CONTRACTORS ARE REQUIRED TO PROVIDE DUST CONTROL FOR THE SITE AND DURING CLEANUP OF R.O.W.
- ANY USE OF A PUBLIC UTILITY EASEMENT IS SUBORDINATE TO THE CITY OF NORWALK'S USE OF DESIGNATED UTILITY EASEMENT AND ANY UTILITY UTILIZING THE PUBLIC UTILITY EASEMENT MUST RELOCATE AT NO COST TO THE CITY WHEN THE USE OF EASEMENT IS IN CONFLICT WITH THE USE BY THE CITY OF NORWALK OF A DESIGNATED UTILITY EASEMENT.

**GENERAL LEGEND**

PROPOSED		EXISTING	
---	PLAT BOUNDARY	---	LOT LINE
---	SECTION LINE	---	SANITARY/STORM MANHOLE
---	LOT LINE	---	WATER VALVE
---	CENTERLINE	---	FIRE HYDRANT
---	EASEMENT LINE	---	STORM SEWER SINGLE INTAKE
---	FLARED END SECTION	---	STORM SEWER DOUBLE INTAKE
---	TYPE SW-501 STORM INTAKE	---	STORM SEWER ROUND INTAKE
---	TYPE SW-502 STORM INTAKE	---	FLARED END SECTION
---	TYPE SW-503 STORM INTAKE	---	DECIDUOUS TREE
---	TYPE SW-504 STORM INTAKE	---	CONIFEROUS TREE
---	TYPE SW-505 STORM INTAKE	---	SHRUB
---	TYPE SW-506 STORM INTAKE	---	POWER POLE
---	TYPE SW-511 STORM INTAKE	---	STREET LIGHT
---	TYPE SW-512 STORM INTAKE	---	GUY ANCHOR
---	TYPE SW-513 STORM INTAKE	---	ELECTRIC TRANSFORMER
---	TYPE SW-401 STORM MANHOLE	---	GAS METER
---	TYPE SW-402 STORM MANHOLE	---	TELEPHONE RISER
---	TYPE SW-403 STORM MANHOLE	---	SIGN
---	TYPE SW-403 STORM MANHOLE	---	UNDERGROUND TELEVISION
---	TYPE SW-301 SANITARY MANHOLE	---	UNDERGROUND ELECTRIC
---	TYPE SW-302 SANITARY MANHOLE	---	UNDERGROUND GAS
---	TYPE SW-304 SANITARY MANHOLE	---	UNDERGROUND FIBER OPTIC
---	STORM/SANITARY CLEANOUT	---	UNDERGROUND TELEPHONE
---	WATER VALVE	---	OVERHEAD ELECTRIC
---	FIRE HYDRANT ASSEMBLY	---	SANITARY SEWER WITH SIZE
---	BLOW-OFF HYDRANT	---	STORM SEWER WITH SIZE
---	DETECTABLE WARNING PANEL	---	WATER MAIN WITH SIZE
---	SANITARY SEWER WITH SIZE	---	EXISTING CONTOUR
---	SANITARY SERVICE	---	TREELINE
---	STORM SEWER WITH SIZE	---	B.S.L.
---	STORM SERVICE	---	P.U.E.
---	WATER SEWER WITH SIZE	---	M.O.E.
---	WATER SERVICE	---	BUILDING SETBACK LINE
---	PROPOSED CONTOUR	---	PUBLIC UTILITY EASEMENT
---	SILT FENCE	---	MINIMUM OPENING ELEVATION
---	RIP RAP	---	
---	ADDRESS	---	

**FLOOD ZONE**  
ZONE 'X'  
FEMA FIRM FLOOD INSURANCE RATE MAP NUMBER 19181C0132E  
REVISED MARCH 2, 2004

**CERTIFICATIONS**

Civil Engineering Consultants, Inc.  
2400 86th Street, Unit 12, Des Moines, Iowa, 50322  
515.276.4884 · Fax: 515.276.7084 · mail@cecinc.com



REVISIONS	DATE	BY	COMMENT
1	JUN 02, 2017	JAS	
2			
3			
4			
5			
6			

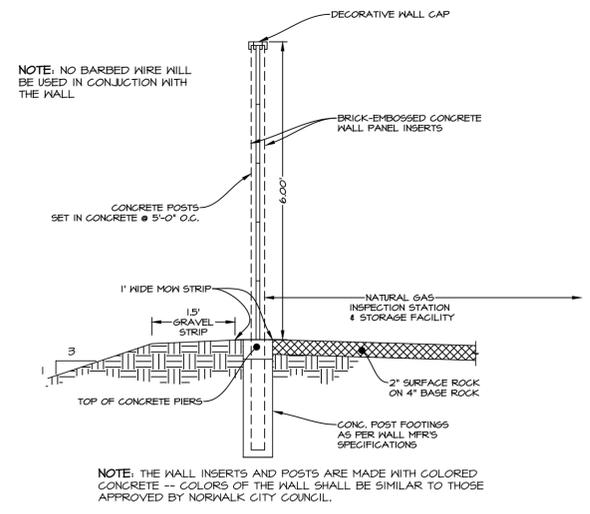
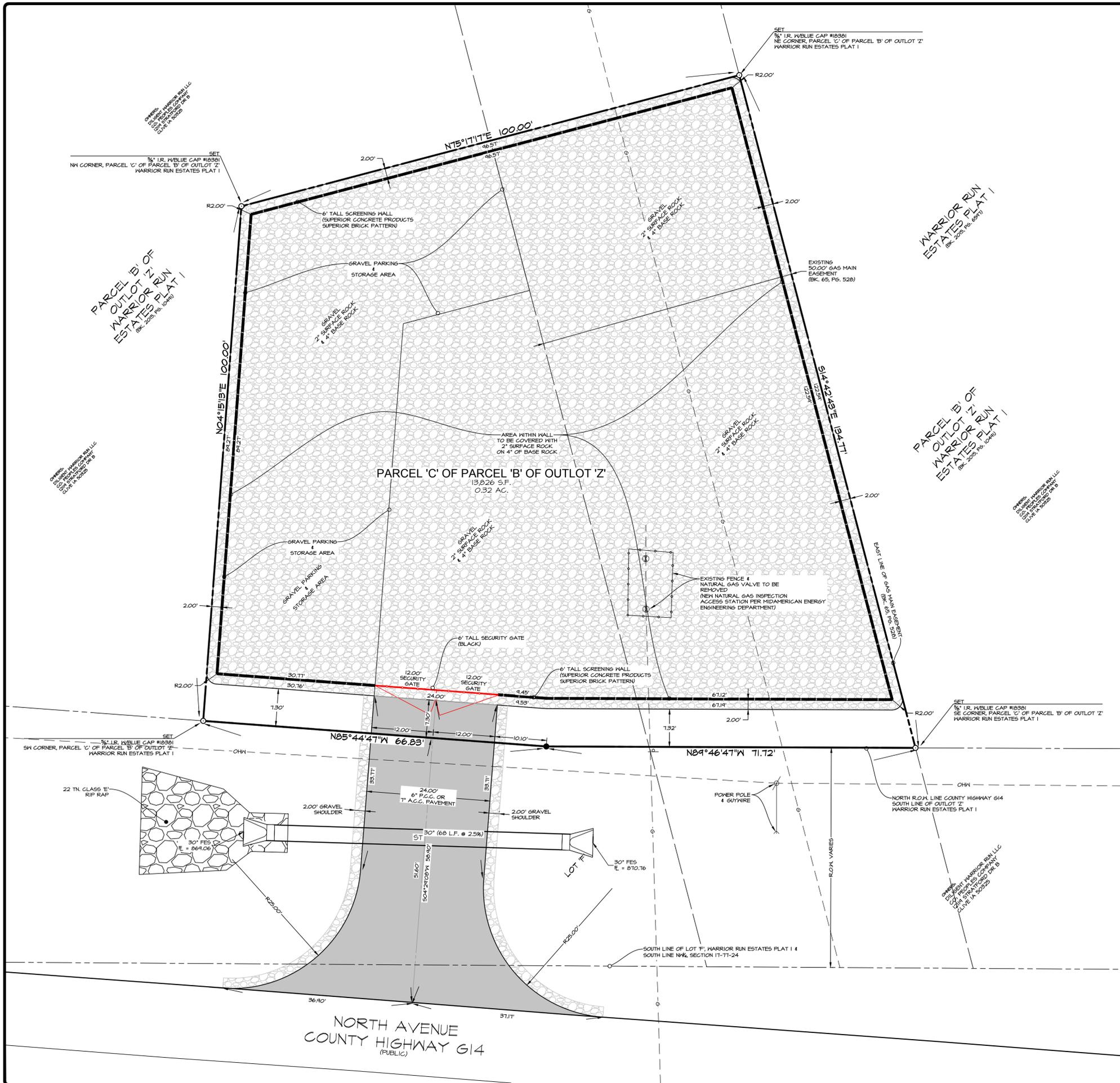
DATE: \_\_\_\_\_  
DATE OF SURVEY: \_\_\_\_\_  
DESIGNED BY: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_

SITE PLAN  
 PARCEL 'C' OF PARCEL 'B' OF OUTLOT 'Z'  
 WARRIOR RUN ESTATES PLAT 1, NORWALK, IOWA  
 COVER

SHEET \_\_\_\_\_  
OF 4  
ET152



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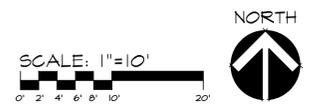
**Civil Engineering Consultants, Inc. (CEC)**  
2400 86th Street, Unit 12, Des Moines, Iowa, 50322  
515.276.4884 · Fax: 515.276.7084 · mail@cecinc.com

REVISIONS	COMMENT	DATE
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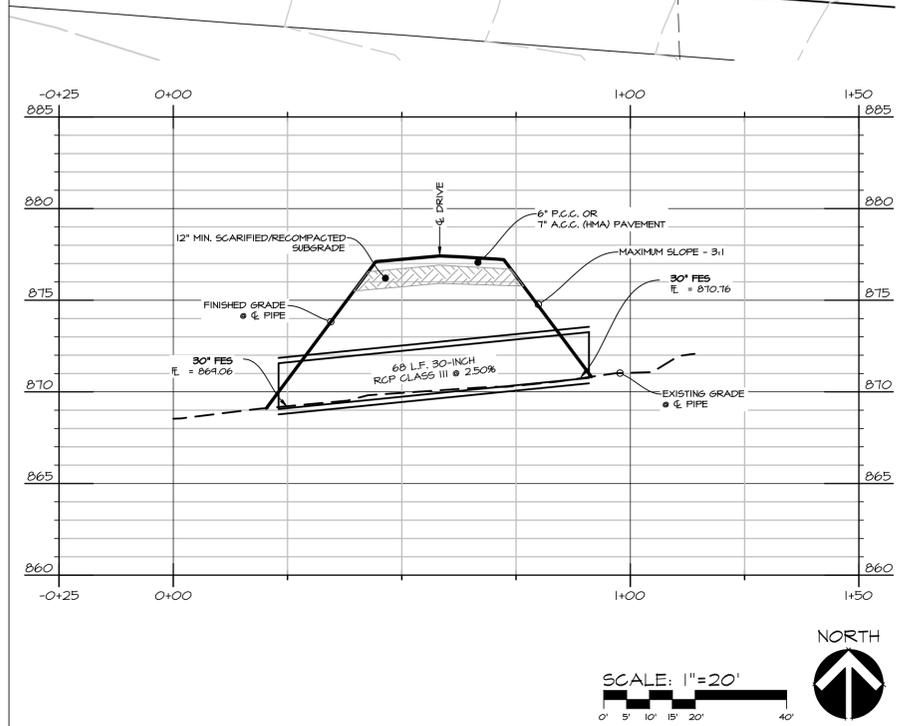
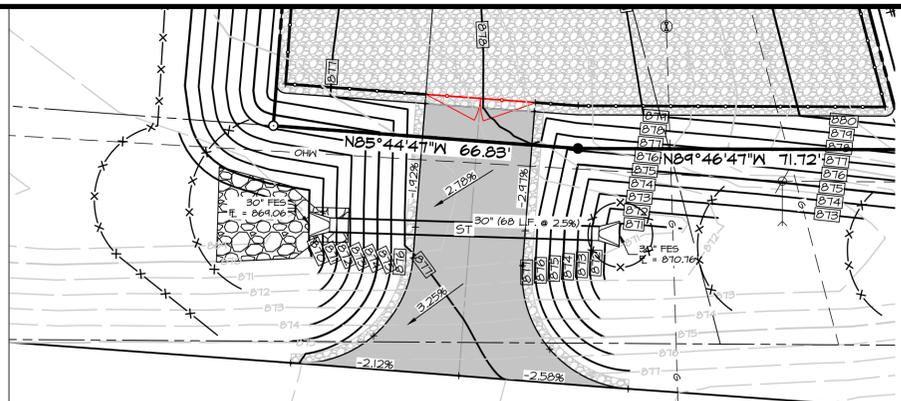
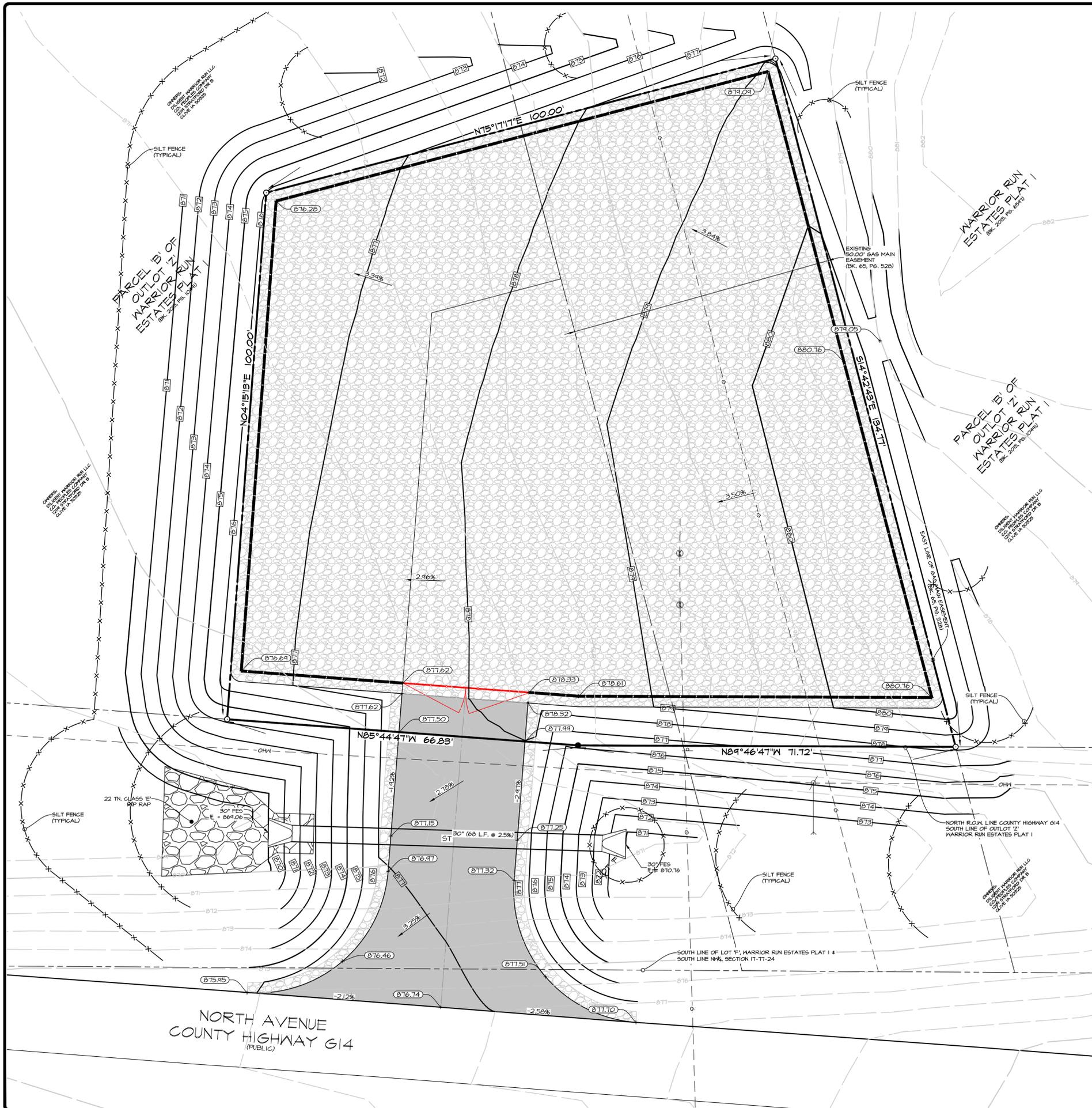
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DESIGNED BY: \_\_\_\_\_  
DRAWN BY: \_\_\_\_\_

**SITE PLAN**  
**PARCEL 'C' OF PARCEL 'B' OF OUTLOT 'Z'**  
WARRIOR RUN ESTATES PLAT 1, NORMALK, IOWA  
**DIMENSION PLAN**

SHEET 2 OF 4  
ET152



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NO.	DATE	BY	REVISIONS
1			COMMENTS: 2017
2			
3			
4	JUNE 02, 2017	JAG	
5			
6			

**SITE PLAN**  
**PARCEL 'C' OF PARCEL 'B' OF OUTLOT '2'**  
 WARRIOR RUN ESTATES PLAT 1, NORMALK, IOWA  
**GRADING & UTILITY PLAN**

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# VICINITY EXHIBIT

PARCEL 'C' OF PARCEL 'B' OF OUTLOT 'Z'  
WARRIOR RUN ESTATES PLAT I  
NORWALK, IOWA

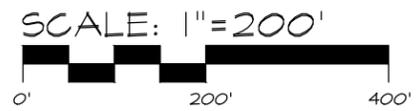
Civil Engineering Consultants, Inc.  
2400 86th Street, Unit 12, Des Moines, Iowa 50322  
515.276.4884 · Fax: 515.276.7084 · mail@cecinc.com



DATE:	NOV. 11, 2017
DATE OF SURVEY:	JUNE 02, 2017
DESIGNED BY:	JAG
DRAWN BY:	JAG

PARCEL 'C' OF PARCEL 'B' OF OUTLOT 'Z'  
WARRIOR RUN ESTATES PLAT I  
NORWALK, IOWA  
VICINITY EXHIBIT

SHEET  
OF 1  
ET152



**CITY OF NORWALK**  
**REPORT TO THE ZONING BOARD OF ADJUSTMENT**

**DATE:** December 6, 2017

**REQUEST:** Variance request to reduce the front setback from 50' to 30' feet to allow for the construction of a storage building.

**LOCATION:** 339 Hakes Drive

**APPLICANT:** Rowe Electronics  
339 Hakes Drive  
Norwalk, Iowa 50211

**ZONING:** M-1 General Industrial District

**ATTACHMENTS:** Attachment "A" – Staff Report  
Attachment "B" – Zoning Map  
Attachment "C" – Site Plans

**BOARD OF ADJUSTMENT STAFF REPORT  
ROWE ELECTRONICS VARIANCE REQUEST**

ATTACHMENT "A"

**INTRODUCTION**

Staff has received a variance request from Rowe Electronics, 339 Hakes Drive, to allow for a reduced front yard setback of 30 feet. The property is zoned M-1 and the standard front setback is 50' from the front property line. The variance request is related to construction of a storage building on the lot at 339 Hakes Drive. Rowe Electronics is requesting the variance due to the presence of a detention basin on the north side of their current building, which restricts the potential locations for a storage building.

The Planning and Zoning Commission can provide thoughts and recommendations to the Board of Adjustment for consideration by the Board. Staff has scheduled a Board of Adjustment hearing on the request for Wednesday, December 6, 2017 at 6:00 PM.

Staff notes that the adjacent property to the east was granted a front yard setback variance in 2016 to allow for a 10' front setback, which would allow for a larger potential expansion of the LaQuerica facility.

Consideration by the Board of Adjustment is limited strictly to the proposed front yard setback. The Board of Adjustment does not have the authority to approve a site plan for the building. Rowe Electronics will need to submit a full site plan for review by the City to ensure conformance with all City Codes, and approval by the Planning & Zoning Commission and City Council.

**APPLICABLE CODE:**

*Zoning Ordinance 17.04.190 (D): Powers and Duties. The Board shall have the following powers and duties:*

2. *To grant a variation from the terms of this ordinance when a property owner can show that their property by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other extraordinary or exceptional site conditions, the strict application of the terms of this ordinance actually prohibits the use of their property in a manner reasonably similar to that of other property in the same district, and where the Board is satisfied under the evidence before it that a literal enforcement of the provisions of this ordinance would result in unnecessary hardship; provided, however, that all variations granted under this section shall be in harmony with the general purpose and intent of this ordinance.*

*In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this ordinance.*

*Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.*

Zoning Ordinance 17.10.160.7: Bulk Regulations. The following minimum bulk requirements shall be observed in the M-1 district:

<i>Principal Use</i>	<i>Lot Area (sq ft)</i>	<i>Lot Width (Ft)</i>	<i>Front Setback (Ft)</i>	<i>Side Setback – Least width on any side</i>	<i>Sum of both Side Setbacks</i>	<i>Rear Setback</i>
<i>All uses</i>	<i>20,000 sf</i>	<i>100'</i>	<i>50'</i>	<i>10'</i>	<i>20'</i>	<i>50'</i>

**REQUEST**

The request is to vary from the required front setback to allow for the construction of a storage building without impacting the current stormwater detention basin and preserving future expansion areas to the north of the current building. The request is specifically for:

- A variance from the 50’ front setback line to a 30’ front setback along Hakes Drive.

**FACTS**

Staff has reviewed the requests, the dimensions of the lot, and the proposed site plan. Staff found the following facts important.

From the zoning ordinance:

- The zoning ordinance requires a 50’ front setback for uses in the M-1 district.

For the case:

- The property is on a curve which creates some unique challenges related to setbacks.
- The site has a current detention basin to the northeast of the existing building.
- The owner of Rowe Electronics has indicated a desire to expand the main building in the future.
- The Planning & Zoning Commission recommended that the applicant consider rotating the building so it is more paralleled to the curve of Hakes Drive. In general the Commission was in favor of some sort of variance to reduce the setback in the area, but noted that there could be several ways to orient the building that would change the setback needs.

**STAFF OPINION**

The Staff opinion is that the current setbacks create some wasted space on the curve of Hakes Drive. The allowance of a variance would allow for more efficient use of the space, reduce the need to relocate the existing detention basin, and preserve the ability to expand the main building farther to the north.

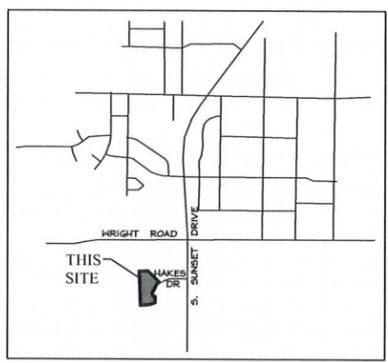


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



**Rowe Electronics Variance Location**





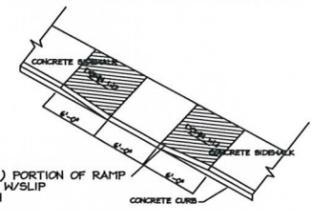
VICINITY SKETCH  
NO SCALE NORTH

**PARKING REQUIREMENT**  
(BASED ON 2,500 S.F. OFFICE & 16,405 S.F. WAREHOUSE)

**OFFICE**  
REQUIRED: 1 SPACE PER 250 S.F. (UP TO 5,000 S.F.) = 10 SPACES  
**WAREHOUSE**  
REQUIRED: 1 SPACE PER 2,000 S.F. = 8 SPACES

TOTAL REQUIRED: 18 SPACES  
TOTAL PROPOSED: 29 SPACES (INCLUDES 1 HANDICAP SPACE)

- NOTES**
- ONE WEEK PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL NOTIFY:
    - CITY OF NORWALK
    - ROWE ELECTRONICS
    - COOPER CRAWFORD & ASSOCIATES, L.L.C.
  - ALL DIMENSIONS ARE TO BACK OF CURB, OUTSIDE OF BUILDING WALL, AND TO PROPERTY LINES.
  - THE LOCATIONS AND DIMENSIONS SHOWN ON THE PLANS FOR EXISTING FACILITIES ARE IN ACCORDANCE WITH AVAILABLE INFORMATION WITHOUT UNCOVERING AND MEASURING. THE ENGINEER DOES NOT GUARANTEE THE ACCURACY OF THIS INFORMATION OR THAT ALL EXISTING UNDERGROUND FACILITIES ARE SHOWN. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CONTACT ALL PUBLIC AND/OR PRIVATE UTILITIES SERVING THE AREA TO DETERMINE THE PRESENT EXTENT AND EXACT LOCATION OF THEIR FACILITIES BEFORE BEGINNING WORK. THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT THE UTILITIES OR STRUCTURES AT THE SITE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY THE OWNERS OF UTILITIES OR STRUCTURES CONCERNED BEFORE STARTING WORK. THE CONTRACTOR SHALL NOTIFY THE PROPER UTILITY IMMEDIATELY UPON BREAKING OR DAMAGE TO ANY UTILITY LINE OR APPURTENANCE, OR THE INTERRUPTION OF THEIR SERVICE. HE SHALL NOTIFY THE PROPER UTILITY INVOLVED. IF EXISTING UTILITY LINES ARE ENCOUNTERED THAT CONFLICT IN LOCATION WITH NEW CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE ENGINEER SO THAT THE CONFLICT MAY BE RESOLVED.
  - ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE URBAN STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS.
  - SIDEWALK AND DRIVE APPROACH INSTALLATIONS TO BE INSPECTED BY CITY OF NORWALK, MINIMUM 24 HOUR NOTICE.
  - PROVIDE 2' CONCRETE BOXOUT AROUND ALL INTAKES AND MANHOLES WITHIN PAVED AREAS.
  - ALL DEBRIS SPILLED ON CITY R.O.W. AND ADJOINING PROPERTY SHALL BE REMOVED BY OWNER/CONTRACTOR IN TIMELY FASHION.
  - VERIFY COORDINATES AND BUILDING CORNERS WITH ARCHITECTURAL DRAWINGS PRIOR TO CONSTRUCTION.
  - ALL SITE WORK, SODDING AND LANDSCAPING SHALL BE IN ACCORDANCE WITH THE URBAN STANDARD SPECIFICATIONS FOR PUBLIC IMPROVEMENTS.
  - PAVING SHALL BE A MINIMUM OF 6-INCH P.C.C. IN PUBLIC RIGHT-OF-WAY AND IN PRIVATE DRIVES.
  - CURBS SHALL BE 6-INCH VERTICAL CURB.
  - THE CONTRACTOR SHALL PICK-UP ALL DEBRIS SPILLED ON THE PUBLIC RIGHT-OF-WAY AT THE END OF THE WORK DAY.
  - ALL DEBRIS SHALL BE CONFINED TO THE CONSTRUCTION SITE.
  - TRAFFIC CONTROL IS REQUIRED WHENEVER WORK IS TAKING PLACE WITHIN THE PUBLIC RIGHT-OF-WAY AND SHALL BE IN ACCORDANCE WITH THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
  - CONTRACTOR SHALL LOCATE ALL UTILITIES BY CALL IOWA ONE-CALL (1-800-292-8989) PRIOR TO ANY EXCAVATION.



SLOPED (SHADED) PORTION OF RAMP TO BE CONCRETE W/SLIP RESISTANT FINISH  
**CURB RAMP**  
NO SCALE

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CH.BEARING
C1	30°05'03"	325.00	170.65	87.34	168.69	S28°53'28"W
C2	38°28'37"	50.00	33.58	17.45	32.95	N33°05'16"E
C3	142°14'57"	55.00	136.55	160.87	104.08	S18°47'54"E
C4	22°05'45"	500.00	192.82	97.62	191.63	N76°26'35"E

# SITE PLAN ROWE ELECTRONICS

SHEET 1 OF 4

**OWNER/DEVELOPER**  
ROWE ELECTRONICS  
121 SOUTH 11th STREET  
WEST DES MOINES, IOWA 50265  
STEVEN ROWE (515) 264-1808 ext. 23

**ZONING**  
M-1 GENERAL INDUSTRIAL

**SITE AREAS**

BUILDING	18,905 S.F.	11%
PAVING	32,380 S.F.	20%
OPEN SPACE	114,749 S.F.	69%
<b>TOTAL</b>	<b>166,034 S.F.</b>	<b>100%</b>

**LEGAL DESCRIPTION**  
A PART OF OUTLOT 'X' IN NORWALK BUSINESS CENTER PLAT 4, AN OFFICIAL PLAT, IN THE CITY OF NORWALK, HARRIS COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NORTHWEST CORNER OF SAID OUTLOT 'X', THENCE N87°31'59"E ALONG THE NORTH LINE OF SAID OUTLOT 'X', A DISTANCE OF 163.32 FEET TO THE NORTHEASTLY CORNER OF SAID OUTLOT 'X', THENCE S46°04'37"E ALONG THE NORTHEASTLY LINE OF SAID OUTLOT 'X', A DISTANCE OF 280.31 FEET, THENCE ALONG A CURVE CONCAVE SOUTHEASTERLY A DISTANCE OF 170.57 FEET, WITH A RADIUS OF 325.00 FEET, A CHORD OF 168.62 FEET, A CHORD BEARING OF S28°53'05"W, AND A DELTA OF 30°04'12", THENCE ALONG A CURVE CONCAVE NORTHWESTERLY A DISTANCE OF 33.58 FEET, WITH RADIUS OF 50.00 FEET, A CHORD OF 32.95 FEET, A CHORD BEARING OF S33°05'16"W, AND A DELTA OF 38°28'37", THENCE ALONG A CURVE CONCAVE NORTHEASTERLY A DISTANCE OF 136.62 FEET, WITH A RADIUS OF 55.00 FEET, A CHORD OF 104.08 FEET, A CHORD BEARING OF S18°47'54"E, AND A DELTA OF 142°14'57", THENCE S00°00'00"E, A DISTANCE OF 112.41 FEET TO THE SOUTH LINE OF SAID OUTLOT 'X', THENCE ALONG THE SOUTH LINE OF SAID OUTLOT 'X' ALONG A CURVE CONCAVE NORTHWESTERLY A DISTANCE OF 192.82 FEET, WITH A RADIUS OF 500.00 FEET, A CHORD OF 191.63 FEET, A CHORD BEARING OF S76°26'35"W, AND A DELTA OF 22°05'45", THENCE S87°30'15"W ALONG THE SOUTH LINE OF SAID OUTLOT 'X', A DISTANCE OF 86.03 FEET TO THE SOUTHWEST CORNER OF SAID OUTLOT 'X', THENCE N02°27'33"W ALONG THE WEST LINE OF SAID OUTLOT 'X', A DISTANCE OF 622.92 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 3.81 ACRES MORE OR LESS.  
SAID TRACT OF LAND SUBJECT TO ALL EASEMENTS OF RECORD.

- LEGEND**
- EXISTING/PROPOSED
- PLAT BOUNDARY
  - WATER MAIN # SIZE
  - SANITARY SEWER # SIZE
  - STORM SEWER # SIZE
  - UNDERGROUND ELECTRIC CABLE
  - UNDERGROUND TELEPHONE CABLE
  - UNDERGROUND CABLE TV
  - GAS MAIN # SIZE
  - MANHOLE
  - INTAKE
  - HYDRANT
  - POWER POLE/LIGHT POLE
  - UTILITY BOX/TELEPHONE RISER
  - EXISTING CONTOURS
  - PROPOSED CONTOURS
  - SILT FENCE OR APPROVED FILTRATION SOCK
  - TREES

**CERTIFICATION**

I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA.

**BRADLEY R. COOPER**  
12980  
IOWA

BRADLEY R. COOPER, IOWA LICENSE NO. 12980  
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2009  
PAGES OR SHEETS COVERED BY THIS SEAL:  
Sheets 1-4

**COOPER CRAWFORD & ASSOCIATES, L.L.C.**  
CIVIL ENGINEERS  
475 S. 50th STREET, SUITE 800, WEST DES MOINES, IOWA 50265  
PHONE: (515) 224-1344 FAX: (515) 224-1345

DATE: 9-3-2009  
REVISIONS: 9-15-2009  
11-20-2009  
11-24-2009

JOB NUMBER  
**CC 1115**

SCALE: 1"=40'

**DIMENSION PLAN  
ROWE ELECTRONICS**

SHEET 1 OF 4



