



PLANNING AND ZONING COMMISSION MEETING

Tuesday, September 03, 2024 at 8:30 AM

Council Chambers - 331 First Street East

AGENDA

MEETING OPENING

1. Roll Call

NEW BUSINESS

2. Approval of meeting Minutes - August 6, 2024
3. Henderson - Rezoning Application
4. Application for Preliminary plat approval - Henderson

ADJOURNMENT

This agenda is subject to change.



www.independenceia.org

Commission Members

Item #2.

Jane Leaven
Stephanie Sailer
Stephanie Berns
Tami Fenner

Matt Mayner
Bill Lake
Larry Karsten

PLANNING AND ZONING COMMISSION MINUTES

August 6, 2024

The Independence Planning & Zoning Commission met in the Council Chambers at 8:30 AM, on Tuesday, August 6, 2024.

Matthew Schmitz, City Manager called the meeting to order with Jane Leaven, Matt Mayner, Tami Fenner, Larry Karsten, Stephanie Berns and Stephanie Sailer in attendance. Absent: Bill Lake. Also in attendance were Matthew Schmitz, City Manager, Matt Chesmore, Building Official and Adam Recker with Fehr Graham I Engineering & Environmental.

Meeting minutes from June 4, 2024 were approved. Tami Fenner made a motion to approve, Matt Mayner seconded, all aye.

A preliminary plat within 2 miles of City limits for Finholt property was approved. Motion to approve made by Stephanie Berns. Jane Leaven seconded. All aye.

The meeting adjourned at 8:40 AM. Matt Mayner made motion to adjourn. Jane Leaven seconded. All aye.

Respectfully submitted,

Stephanie Sailer

Planning and Zoning Commission Secretary



PLANNING & ZONING MEMORANDUM

TO: Planning & Zoning Commission

FROM: Matt Chesmore

DATE OF MEETING: September 3, 2024

ITEM TITLE: Rezoning Application

BACKGROUND:

An application was received from Elliot Henderson regarding a request to rezone agricultural property he currently owns from A-1, agricultural to R-1, Residential use. Mr. Henderson has the desire to further develop this land into a residential sub-division.

RECOMMENDATION:

Staff recommends a motion to approve the rezoning application as submitted and make a recommendation upon the City Council to also approve the application and host the 1st of 3 public hearings.



331 1st Street East

Independence, IA 50644

Application for Rezoning Request

Date July 30, 2024

Property Owner Name: Henderson Family Land LLC (Elliott Henderson)

Address: 2332 Henley Avenue Phone Number: 319-361-6464
Independence, Iowa 50644

Legal Description of Property requesting to be rezoned (please include lot and street number):

The South 1/2 of the SE 1/4 of Section 5, Township 88 North, Range 9 West of
the 5th P.M., in the City of Independence, Buchanan County, Iowa; except the
North 45 feet of the South 1/2 of the SE 1/4 of said Section 5 and except
the West 496.32 feet of the South 1/2 of the SE 1/4 of said Section 5.

Reason for rezoning (please be specific):

Housing Subdivision

Original zoning classification of the property: Agricultural (A-1)

Requested rezoning classification of the property: Residential (R-1)

A preliminary plat plan, application fee of \$250.00, and a petition for rezoning shall be submitted with this application.

Applicant Signature: [Handwritten Signature]

Date: 7-31-2024

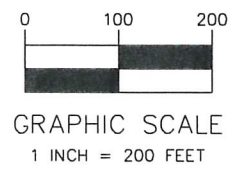


AREA OF PROPOSED REZONING
62.87 ACRES

REZONING EXHIBIT

PROPOSED REZONING FROM A-1 TO R-1

DESCRIPTION:
THE SOUTH 1/2 OF THE SE 1/4 OF SECTION 5, TOWNSHIP 88 NORTH, RANGE 9 WEST OF THE 5TH P.M., IN THE CITY OF INDEPENDENCE, BUCHANAN COUNTY IOWA; EXCEPT THE NORTH 45 FEET OF THE SOUTH 1/2 OF THE SE 1/4 OF SAID SECTION 5 AND EXCEPT THE WEST 496.32 FEET OF THE SOUTH 1/2 OF THE SE 1/4 OF SAID SECTION 5. DESCRIBED LAND CONTAINS 62.87 ACRES.



OWNER/DEVELOPER:
Henderson Family Land LLC
2332 Henley Ave.
Independence, Ia 50644
Contact: Elliott Henderson
(319) 361-6464

PREPARED BY:
Crawford Engineering & Surveying Inc.
118 3rd Avenue NE
Independence, Iowa 50644
Contact: Brian M. Crawford
Ph: (319) 334-7077

| | | | |
|-----------|--|-------|---|
| DRAWN | | BMC | 118 3rd Ave NE Independence, Iowa 50644 |
| CHECKED | | LGC | |
| PROJ NO | | 24801 | |
| CADD FILE | | | |

Name and Address of Property Owners within 200 feet of Property:

| | |
|--|------------------------------|
| Municipal Electric Light and Power Plant 910 20 th Avenue SW Independence, Iowa 50644 | Zoning: Ag Land |
| Our Storage Units LLC 950 20 th Avenue SW Independence, Iowa 50644 | Zoning: Commercial |
| Greenley Development Co. 1000 20 th Avenue SW Independence, Iowa 50644 | Zoning: Ag Land |
| Greenley Development Co. 1050 20 th Avenue SW Independence, Iowa 50644 | Zoning: Ag Land |
| Greenley Development Co. 1100 20 th Avenue SW Independence, Iowa 50644 | Zoning: Ag Land |
| City of Independence American Trotter Trail Independence, Iowa 50644 | Zoning: Ag Land |
| Independence Community Schools 700 20 th Avenue SW Independence, Iowa 50644 | Zoning: Ag Land |
| Best Cob Acquisition Company LLC 1895 Bland Blvd. Independence, Iowa 50644 | Zoning: Industrial (County) |
| Best Cob Acquisition Company LLC 1895 Bland Blvd. Independence, Iowa 50644 | Zoning: Residential (County) |
| Elliott Henderson 2332 Henley Avenue Independence, Iowa 50644 | Zoning: Ag Land (County) |
| Northern Natural Gas 1870 Bland Blvd. Independence, Iowa 50644 | Zoning: Commercial (County) |

Number: 2022R02563
BK: PG:
Recorded: 8/1/2022 at 3:23:46.0 PM
County Recording Fee: \$17.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$20.00
Revenue Tax: \$798.40
Michelle Mangrich RECORDER
Buchanan County, Iowa

Return To: Brian C. Eddy of Roberts & Eddy, P.C., 2349 Jamestown Ave, Suite 4, Independence, IA 50644
Taxpayer: Henderson Family Land, LLC, 801 North View Dr., Independence, IA 50644
Preparer: Brian C. Eddy of Roberts & Eddy, P.C., 2349 Jamestown Ave, Suite 4, Independence, IA 50644, Phone: 319-334-3704

WARRANTY DEED

For the consideration of One Dollar(s) and other valuable consideration, Greenley Development Co., a corporation organized and existing under the laws of Iowa, does hereby Convey to Henderson Family Land, LLC, the following described real estate in Buchanan County, Iowa:

The South ½ of the Southeast ¼ in Section 5, Township 88 North, Range 9 West of the 5th P.M., except the North 45 feet for railroad right of way, and except Parcel D as described in Plat of Survey in File No. 199R00785, and except Parcel E as described in Plat of Survey in File No. 2000R01382, and except Parcel F as described in Plat of Survey in File No. 2002R03473, and except Green View Commercial Addition as described in Plat of Survey in File No. 2013R03443 all in Buchanan County, Iowa.

AND

Parcel F in the Southeast ¼ of the Southeast ¼ of Section 5, Township 88 North, Range 9 West of the 5th P.M., Buchanan County, Iowa as described in Plat of Survey in File No. 2002R03473 and Plat of Survey Retracement in File No. 2007R00965.

*This deed is given in full satisfaction of real estate contract dated March 16, 2022, and recorded March 16, 2022, as Instrument #2022R00897, in the office of the Buchanan County, Iowa Recorder.

Grantor does Hereby Covenant with grantees, and successors in interest, that grantor holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and grantor Covenants to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: August 1, 2022.

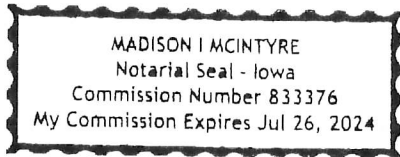
**Greenley Development Company,
an Iowa Corporation**

By LeRoy O. Greenley
LeRoy O. Greenley, President

STATE OF IOWA, COUNTY OF Buchanan

This record was acknowledged before me on August 1, 2022, by LeRoy O. Greenley, President of Greenley Development Company, an Iowa corporation.

Madison McIntyre
Signature of Notary Public





PLANNING AND ZONING MEETING MEMORANDUM

TO: Planning and Zoning Commission
FROM: Matt Chesmore
DATE OF MEETING: September 3, 2024
ITEM TITLE: Preliminary Plat

BACKGROUND:

An application was received from Elliot Henderson regarding a request to subdivide land that he currently owns into 55 separate parcels.

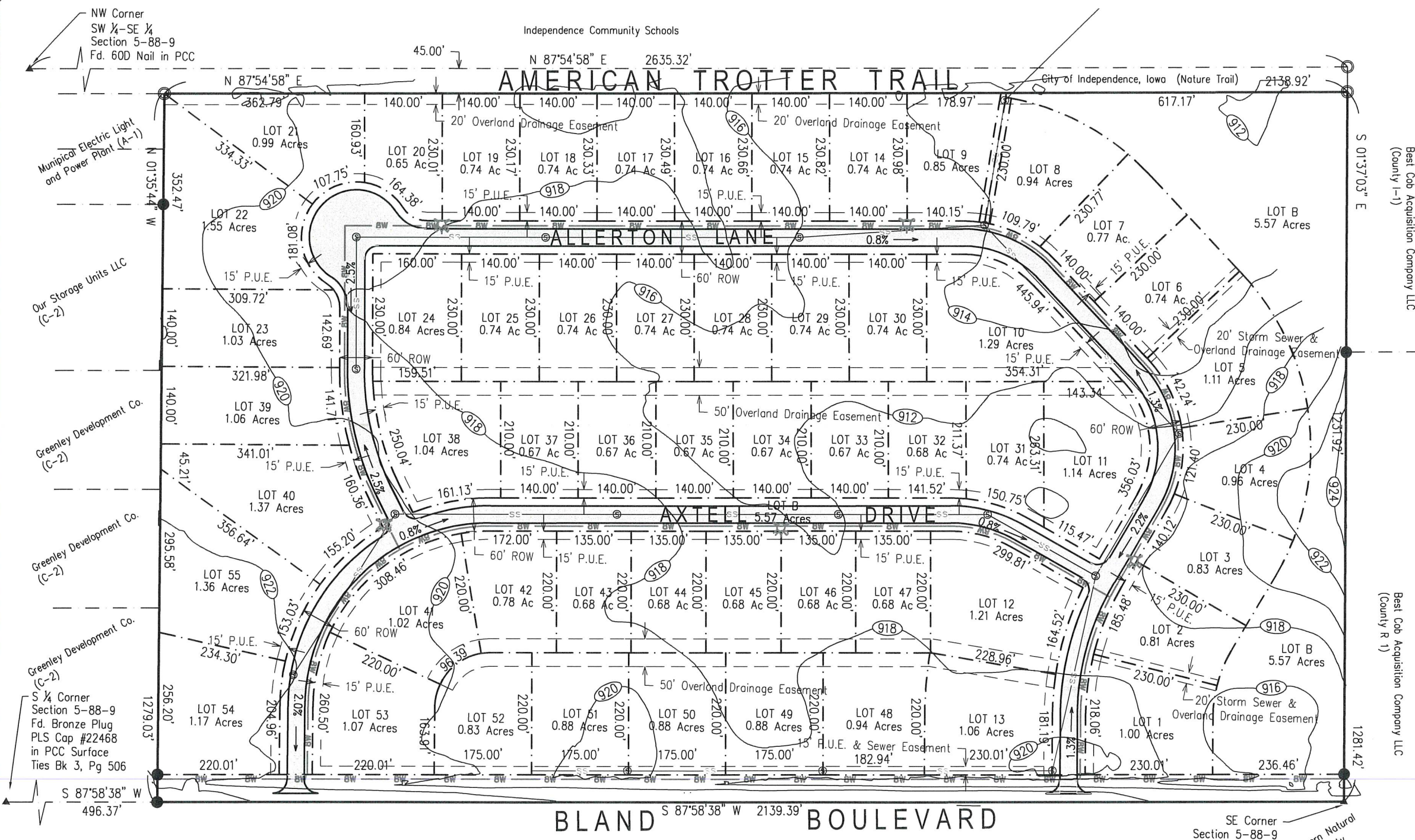
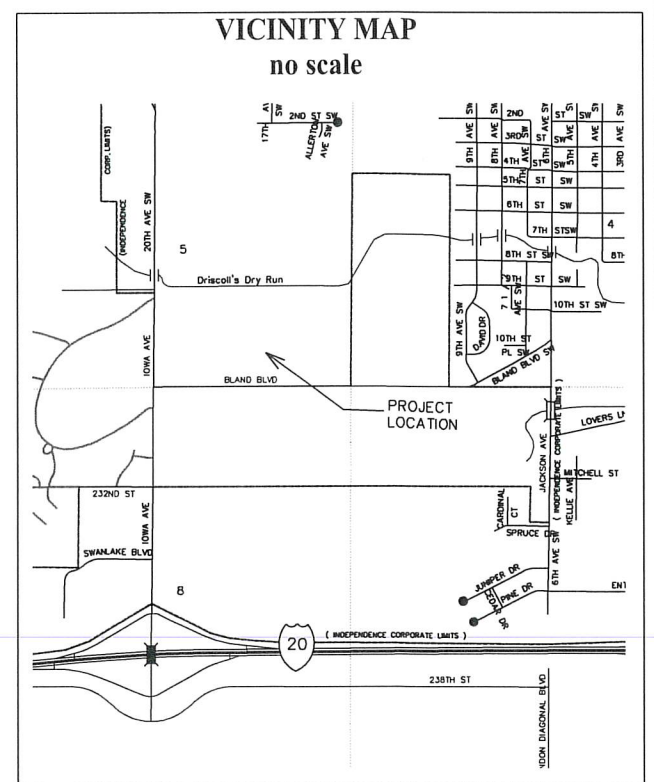
Crawford Engineering has submitted a preliminary plat for review.

RECOMMENDATION:

Staff recommends a motion to approve the preliminary plat as submitted and recommend to the City Council to review and approve the same.

PRELIMINARY PLAT HENDERSON ADDITION TO THE CITY OF INDEPENDENCE

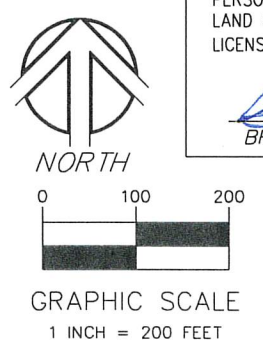
DESCRIPTION:
THE SOUTH 1/2 OF THE SE 1/4 OF SECTION 5, TOWNSHIP 88 NORTH, RANGE 9 WEST OF THE 5TH P.M., IN THE CITY OF INDEPENDENCE, BUCHANAN COUNTY IOWA; EXCEPT THE NORTH 45 FEET OF THE SOUTH 1/2 OF THE SE 1/4 OF SAID SECTION 5 AND EXCEPT THE WEST 496.32 FEET OF THE SOUTH 1/2 OF THE SE 1/4 OF SAID SECTION 5. DESCRIBED LAND CONTAINS 62.87 ACRES.



Legend

| | |
|---------|--------------------------|
| SS | SANITARY SEWER |
| BW | WATER MAIN |
| --- | PROPERTY LINE / LOT LINE |
| - - - - | EASEMENT |
| ☼ | LIGHT POLE |
| ⊙ | SANITARY SEWER MANHOLE |
| ⊙ | SANITARY SEWER CLEANOUT |
| ⊕ | FIRE HYDRANT |
| ● | LAND CORNER FOUND |
| ▲ | USPLSS LAND CORNER FOUND |

- Subdivision Notes:**
- Lot A is to be dedicated to the City of Independence for public street and utilities
 - Lot B is to be dedicated to the City of Independence for Stormwater Management and Park Space.
 - Steets shall be 31' Wide PCC Pavement with Integral Curb and Gutter
 - Sanitary Sewer is to be 8" PVC SDR 26
 - Water Main is to be 8" PVC C-900
 - Sidewalks will be provided by the lot owners/builders.
 - This development is outside of the flood hazard area based on FEMA Map #19019C0283F Dated Dec. 30, 2020



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.
LICENSE RENEWAL DATE: 12-31-2024 LICENSE NO. 17344

Brian M. Crawford 7/31/24
BRIAN M. CRAWFORD, P.L.S. DATE

BRIAN M. CRAWFORD
LICENSED PROFESSIONAL LAND SURVEYOR
17344
IOWA

OWNER/DEVELOPER:
Elliott Henderson
2332 Henley Ave.
Independence, Ia 50644
(319) 361-6464

PREPARED BY:
Crawford Engineering & Surveying Inc.
118 3rd Avenue NE
Independence, Iowa 50644
Contact: Brian M. Crawford
Ph: (319) 334-7077

ZONING:
Proposed R-1 (Current Ag)

DENSITY:
55 Lots
62.87 Total Acres
0.87 Lots/Acre
Min Lot Size - 0.67 Ac.
Max Lot Size - 1.55 Ac.

BULK REGULATIONS:
Front Yard Depth = 25 ft
Side Yard Width = 8 ft
Rear Yard Depth = 30 ft

HENDERSON ADDITION PRELIMINARY PLAT - INDEPENDENCE, IOWA

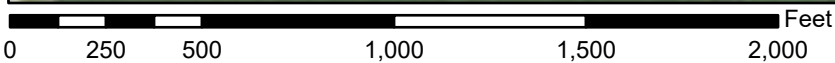
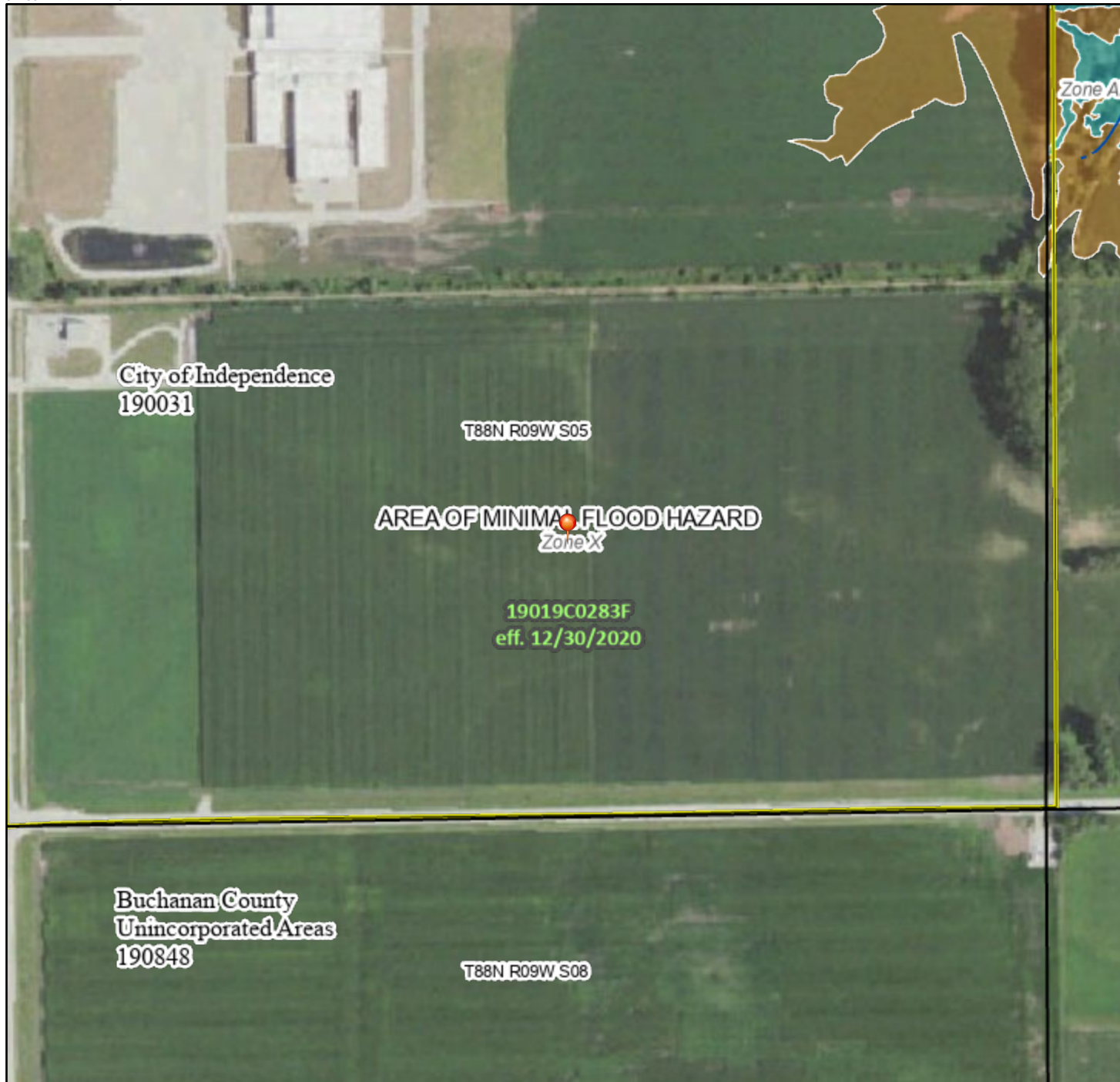
| | |
|-----------|-------|
| DRAWN | BMC |
| CHECKED | LGC |
| PROJ NO | 24801 |
| CADD FILE | |

CRAWFORD ENGINEERING & SURVEYING, INC.
118 3rd Ave NE Independence, Iowa 50644

National Flood Hazard Layer FIRMette



91°55'11"W 42°27'48"N



1:6,000

























91°54'33"W 42°27'22"N

Basemap Imagery Source: USGS National Map 2023

Legend

Item #4.

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR UT

- | | |
|------------------------------------|---|
| SPECIAL FLOOD HAZARD AREAS |  Without Base Flood Elevation (BFE) <i>Zone A, V, A99</i>  With BFE or Depth <i>Zone AE, AO, AH, VE, AR</i>  Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD |  0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile <i>Zone X</i>  Future Conditions 1% Annual Chance Flood Hazard <i>Zone X</i>  Area with Reduced Flood Risk due to Levee. See Notes. <i>Zone X</i>  Area with Flood Risk due to Levee <i>Zone D</i> |
| OTHER AREAS |  NO SCREEN Area of Minimal Flood Hazard <i>Zone X</i>  Effective LOMRs  Area of Undetermined Flood Hazard <i>Zone D</i> |
| GENERAL STRUCTURES |  Channel, Culvert, or Storm Sewer  Levee, Dike, or Floodwall |
| OTHER FEATURES |  20.2 Cross Sections with 1% Annual Chance Water Surface Elevation  17.5  Coastal Transect  Base Flood Elevation Line (BFE)  Limit of Study  Jurisdiction Boundary  Coastal Transect Baseline  Profile Baseline  Hydrographic Feature |
| MAP PANELS |  Digital Data Available  No Digital Data Available  Unmapped |



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on **8/1/2024 at 1:53 PM** and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifier, FIRM panel number, and FIRM effective date. Map in unmapped and unmodernized areas cannot be used for regulatory purposes.