



PLANNING AND ZONING COMMISSION MEETING

Tuesday, February 04, 2025 at 8:30 AM

Council Chambers - 331 First Street East

AGENDA

MEETING OPENING

1. Roll Call

NEW BUSINESS

2. Meeting Minutes – December 3, 2024
3. Final Plat of Survey - Heidemann
4. Article 17, Signs amendment

ADJOURNMENT

This agenda is subject to change.



PLANNING & ZONING MEMORANDUM

TO: Planning & Zoning Commission

FROM: Matthew R. Schmitz, MPA – City Manager

DATE OF MEETING: February 4, 2025

ITEM TITLE: Meeting Minutes – December 3, 2024

BACKGROUND:

In the past, meeting minutes have not been approved at subsequent meetings, in reviewing how processes should work, etc., we have now added them to the agenda for approval. Minutes from the meeting are attached for review.

RECOMMENDATION:

Staff recommends a motion to approve the meeting minutes of the December 3, 2024, Planning & Zoning Commission Meeting.



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Commission Members

Item #2.

Jane Leaven
Stephanie Sailer
Stephanie Berns
Tami Fenner

Matt Mayner
Bill Lake
Larry Karsten

PLANNING AND ZONING COMMISSION MINUTES

December 3, 2024

The Independence Planning & Zoning Commission met in the Council Chambers at 8:30 AM, on Tuesday, December 3, 2024.

Matthew Chesmore, Building Official, called the meeting to order with Stephanie Sailer, Matt Mayner, Larry Karsten, Bill Lake and Stephanie Berns in attendance. Absent: Jane Leaven and Tami Fenner. Also in attendance was Matthew Schmitz, City Manager.

Meeting minutes from November 5, 2024 were approved. Larry Karsten made a motion to approve. Matt Mayner seconded. All aye.

A motion to continue review of Article 17, Signs Amendment, to January meeting was made by Stephanie Berns. Stephanie Sailer seconded. All aye.

A motion to approve Preliminary Plat of Survey for the Heidemann's pending an approved Development Agreement was made by Matt Mayner. Stephanie Berns seconded. All aye.

The meeting adjourned at 9:05 AM. Stephanie Sailer made motion to adjourn. Stephanie Berns seconded. All aye.

Respectfully submitted,

Stephanie Sailer

Planning and Zoning Commission Secretary



PLANNING & ZONING MEMORANDUM

TO: Planning & Zoning Commission

FROM: Matt Chesmore – Building Official

DATE OF MEETING: February 4, 2024

ITEM TITLE: Final Plat of Survey - Heidemann

BACKGROUND:

Russell and Tammara Heidemann are interested in combining property and moving property boundaries on ground they currently own to enlarge one lot and make two “buildable” parcels.

The Heidemann’s recently purchased parcels located at 611 4th St SW and 401 6th Ave SW. 611 4th Street SW was the first parcel purchased in 2018 with plans to demolish the existing home and construct a new dwelling, however after some research they found the parcel, according to ordinance was not large enough to construct a home on, which after the demolition left them with an empty lot.

More recently they were able to acquire 401 6th Ave SW , an abutting parcel with an attached and detached garage on the parcel.

Heidemann’s wish to divide parcel 10.04.189.003 (410 6th Ave SW) along a line directly between the attached and detached garage. They have had the property surveyed by Crawford Engineering and this division will leave a minimum of four feet of property between the new property line and the existing attached garage, thus complying with minimum setback requirements. The existing detached garage will also be in compliance of the minimum side yard setback as it will also be four feet away from the new property line however this newly created parcel be under a development agreement to either remove the garage structure or begin construction of a primary structure by May 1, 2025, as we cannot allow leaving a garage alone on this parcel without a primary structure.

When completed, parcel 10.04.189.002 (611 4th St SW) will be over the minimum 7000sf and thus a buildable lot. Parcel 10.04.18.9003 (401 6th Ave SW) will also be over the minimum so therefore both parcels, would be considered “buildable” lots.

The City Council approved the preliminary plat of survey as submitted on 1/27/25. There are no proposed alterations of the preliminary plat therefore the next step is to present the Plat of Survey for Boundary Line Adjustment to the Commission for approval and request a recommendation to City council for their approval.

RECOMMENDATION:

Staff recommends a motion to recommend approval of the Plat of Survey for Boundary Line Adjustment as submitted pending an approved development agreement.

INDEX LEGEND
COUNTY: BUCHANAN
ALIQUOT PART:
CITY: INDEPENDENCE
SUBDIVISION: FARGOS ADDITION
LOT: NORTH 1/2 OF LOT 2
BLOCK: 13
PROPRIETOR: HEIDEMANN, RUSSELL LEE & TAMMARA LEA
REQUESTED BY: TAMMY HEIDEMANN

Instrument #: 2024R03000
 11/06/2024 01:08:55 PM Total Pages: 1
 EPS PLATS & SURVEY
 Recording Fee: \$7.00 Transfer Tax: \$0
 Michelle Mangrich, Recorder, Buchanan County Iowa

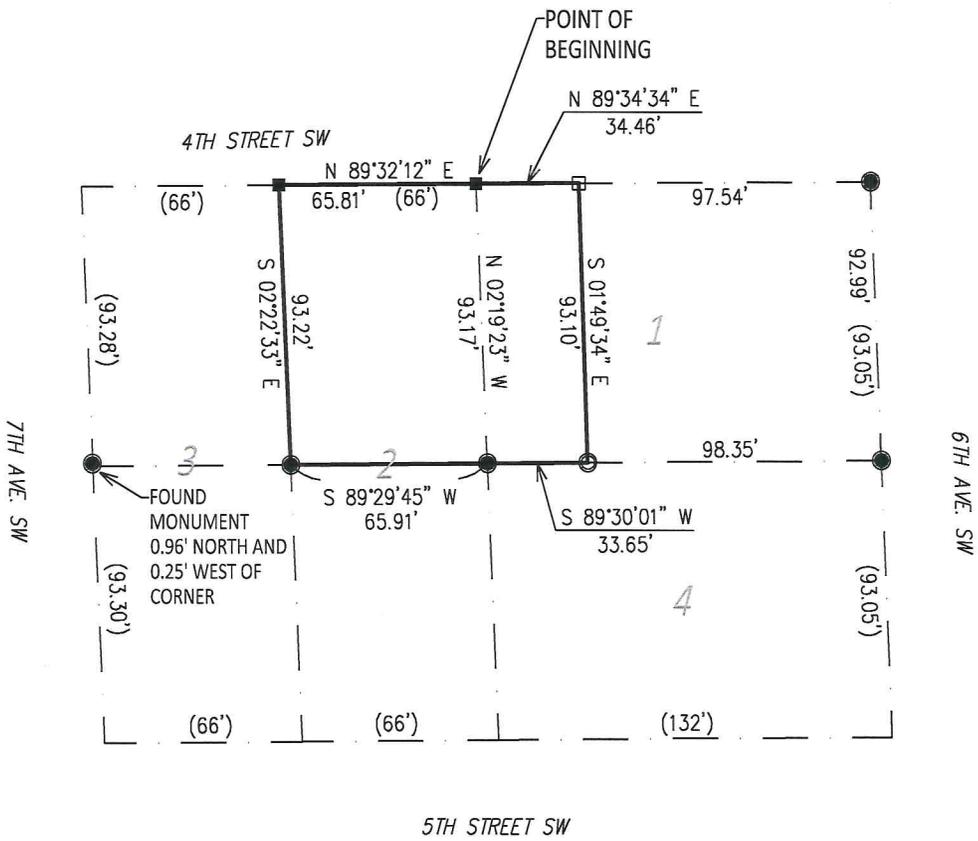


PREPARED BY: LAWRENCE G. CRAWFORD, PLS-CRAWFORD ENGINEERING 118 3RD AVE NE INDEPENDENCE, IOWA 50644 (319)334-7077

PLAT OF SURVEY FOR BOUNDARY LINE ADJUSTMENT

OF THE NORTH 1/2 OF LOT 2, BLOCK 13,
 AND PART OF LOT 1 DESCRIBED AS;

BEGINNING AT THE NW CORNER OF LOT 1, BLOCK 12, FARGOS ADDITION; THENCE N89°34'34"E, 34.46 FEET; THENCE S01°49'34"E, 93.10 FEET; THENCE S89°30'01"W, 33.65 FEET; THENCE N02°19'23"W, 93.17 FEET TO THE POINT OF BEGINNING, ALL IN FARGOS ADDITION TO INDEPENDENCE, BUCHANAN COUNTY, IOWA



Reference is made to Plat of Survey recorded in Book 548 Page 263.

DATE SURVEYED: 10-22-2024

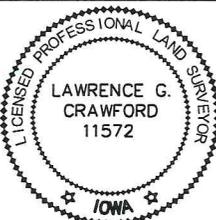
— SURVEY LINE
 (R) - RECORD DISTANCE

CORNERS FOUND:
 ● - 1/2" IP W/ CAP #8033
 ■ - CUT 'X' IN PCC

CORNERS SET:
 ○ - 1/2" IP W/YPC #11572
 □ - CUT 'X' IN CONCRETE

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: DECEMBER 31, 2024 LICENSE NO. 11572

Lawrence G. Crawford 11-5-24
 LAWRENCE G. CRAWFORD DATE



118 3rd Ave NE Independence, Iowa 50644 ph: (319) 334-7077
 PROJECT NO. 24291 FLD.BK.NO. PAGE



PLANNING & ZONING MEMORANDUM

TO: Planning & Zoning Commission

FROM: Matt Chesmore – Building Official

DATE OF MEETING: February 4 ,2025

ITEM TITLE: Article 17, Signs amendment

BACKGROUND:

On November 5th, 2024 the Planning and Zoning Commission met to discuss amending Article 17, “Signs” Ordinance. After discussion a motion was made to continue discussion at the December 3rd regular meeting. After discussion at the December 3, 2024 meeting, a motion was made to continue discussion at the January 7, 2025 regular meeting, however with no other agenda items, the January meeting was canceled.

RECOMMENDATION:

Article 17 is within the Zoning Ordinances and therefore must be reviewed by the Planning and Zoning Commission. Staff recommends review of Article 17, Signs ordinance, as amended and make recommendations of any changes the Commission would like to see made.

ORDINANCE NO. 2024

AN ORDINANCE AMENDING ARTICLE 17 “SIGNS” OF THE CITY OF INDEPENDENCE ZONING ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, IOWA:

SECTION 1. PURPOSE. The purpose of this ordinance is to amend certain provisions of Article 17 of the Zoning Code of Ordinances, “Signs”.

SECTION 2. SECTIONS AMENDED. The following existing and/or new provisions of Article 17 signs, are hereby approved to read as follows from the approval of this Ordinance forward, all sections or provisions of Article 17 not specifically amended or added hereby, remain as currently drafted and approved, unaffected by the approval of this Ordinance:

- 17.01.07 “Sign / Signage” shall mean **and include all signs** and shall include any announcement, declaration, demonstration, display, illustration, or insignia used to advertise or promote the interests of any person when the same is placed out of doors in view of the general public.
- 17.01.10 “Business Sign” as regulated by this Ordinance shall mean any sign elevated above grade that is free standing and self-supported and permanently anchored to Earth by a single point or base or permanently attached directly to the façade of a building and being used for advertising.
- *17.01.11 “Exterior Lighting” Shall mean any source of lighting providing illumination to the exterior of any building or upon any parking areas for the purpose of advertisement or security. Exterior illumination of required exits shall be governed by the International Building Code, code cycle adopted by the City of Independence Iowa.
- 17.01.12 “Store Front” Shall mean the façade facing the street the building is addressed to or in case of buildings with multiple business’s operating within, the façade where the main required entrance/exit exists. A business may only have one (1) “store front”.
- 17.01.13 “Trip Hazard” Shall be defined by the Americans with Disability Act of 1990.
- *17.02.14 “Nit” A nit is a unit of measurement that quantifies the brightness of a display, such as a smartphone, computer, or television. The official term for a nit is candela per square meter (cd/m²), which is the standard unit for luminous intensity in the International System of Units (SI). For the purpose of this code section one (1) Nit is equal to 0.0929-foot candles.
- 17.02.15 “Portable Pedestrian Sign” as regulated by this Ordinance shall be temporary and capable of being moved without aid of equipment or moving devices. Sign must not be anchored to any horizontal or vertical surface or structure. The sign, at all times must be capable of operating in the nature it was originally intended for and being used for advertising. Examples of portable pedestrian signs are limited to, “Sandwich” or “T” signs. Blade flags, Inflatable tubes and other advertisement media are not considered portable pedestrian signs as regulated by this ordinance.

Section 17.05. ILLUMINATED AND ELECTRONIC SIGNS:

- 17.05.01** The application for a Building Permit for the erection of a sign or other advertising structure utilizing electrical wiring and connections shall be submitted to the city building inspector, or designee, who shall examine the plans and specifications regarding all wiring and connections to determine and ensure compliance with the Electrical Code of the City of Independence, Iowa, and shall not issue a Permit unless and until satisfied that the plans and specifications are code compliant.
- *17.05.02** Illuminated and/or electronic signs must be equipped with an automatic dimming control that must limit the illumination to not more than 500 nits at the sign surface at night or during low light times, and not more than 5,000 nits at the brightest daylight period.
- *17.05.03** Only static displays are permitted with a minimum of ten (10) seconds delay between changes in display and no more than two (2) seconds for transitions. No scrolling, flashing or animated transitions shall occur.
- *17.05.04** Limited to one (1) illuminated or electronic sign per adjacent street and must following provision listed in 17.20.
- *17.05.05** The visible sign face shall be setback at least two-hundred fifty (250) feet from any adjacent residentially zoned property.
- 17.19.06** Maximum Sign Quantity. Excluding portable pedestrian signs located in areas described in section 17.19.9. One (1) Sign per each two hundred feet (200') of street frontage; maximum of three (3) Signs on any lot/parcel regardless of lot/parcel dimensions; one hundred feet (100') minimum separation between Signs.
- 17.19.07** Set-back line. Excluding portable pedestrian signs located in areas described in section 17.19.9. In all districts where permitted, the entirety of any ground sign shall be set-back from any proposed or existing right-of-way line of any alleyway, road, street or highway as shown on the official plat, so as to meet required set-backs for principal structures in said zoning district.
- 17.19.08** Bracing, Anchorage and Supports. Excluding portable pedestrian signs located in areas described in section 17.19.9. All ground signs shall be securely built, constructed and erected as required by the Building Code or other applicable ordinances of the City of Independence.
- 17.19.09** Portable Pedestrian Signs. Portable pedestrian signs (“A frame”, “sandwich board” or “Tframe”) may be placed in the public right-of-way for retail and service uses provided:
1. The signage is located within the following areas:
 - a. 1st Street East between the Wapsipinicon River and 4th Ave. NE
 - b. 1st Street East between the Wapsipinicon River and 4th Ave. SE
 - c. 4th Ave. NE from 1st Street East to 2nd Street NE on the west side
 - d. 3rd Ave. NE from 1st Street East to 2nd Street NE
 - e. 2nd Ave. NE from 1st Street East to 2nd Street NE
 2. A limit of one (1) is permitted per business. The sign may be placed within the public right of way, immediately adjacent to the store front, no more than twenty (20) lateral feet from the main entrance of the

building.

3. The sign is no larger than eight square feet and no taller than four feet.
4. The sign is placed on or near a sidewalk and maintains the required ADA clearances for pedestrians' safe passage. It must not be placed in any location that creates visual obstructions or safety hazards for users of the right-of-way.
5. The sign is removed from the right of way during non-business hours.
6. The sign is designed with durable materials and quality-aesthetics for use on a recurring basis. Changeable copy, such as chalkboards, can be included as part of the design.
7. All other provisions of sections 17.19 and 17.26 apply.

- 17.19.10 Ground flags (commonly referred to as “blade” or “feather flags”) are not permitted in any zoning district described in 17.19.09. For other areas, ground flags must comply with all other regulations of this Article 17.
- 17.19.11 Promotional windsocks or inflatable advertisement (commonly referred to as “dancing man”, “sky tubes” or “fly tubes”) are not permitted.
- 17.19.12 Prohibited lashing of signs or sign components. The lashing or tying of a any sign or advertisement banner to a public structure such as signpost, lamppost, bench, planter or trash receptacle ect., to aid in the support or to hold in-place is strictly prohibited. Signs and/or sign components may not be lashed together in a fashion that constitutes a trip hazard.
- 17.19.13. Moving, flashing, rotating or scrolling illuminated signs or colored lights may be confused with traffic lights and therefore are not permitted.

**Section 17.27 EXTERIOR LIGHTING

- 17.27.01 Light fixtures attached to the exterior of buildings should be compatible with the style, materials, colors and details of the building and the general character of the adjacent buildings.
- 17.27.02 All lighting shall be designed and located to not provide direct light or glare onto any adjacent property. Any lighting used to illuminate off-street parking and loading areas shall be directed away from residential properties in such a way as not to interfere with the residential use.
- 17.27.03 All lighting shall be reduced to levels necessary only for security purposes within one hour after the closing of the business.
- 17.27.04 All facade lighting and or other externally illuminating lights shall use shielded, directional fixtures, designed and located to minimize uplighting and glare.
- 17.27.05 Shielding. All Exterior lighting must be shielded as specified in the following table.

Wattage or Mounting Height	Shield Type		
	Full Cutoff ^a	Cutoff ^b	Semi-Cutoff ^c
All lights mounted above 25'; or All lights above 450 Watts	R	P	P
All Lights Between 100 Watts and 450 Watts	P	R	P
All Lights Between 55 Watts and 99 Watts; or Any Light Mounted Between 12' and 25'	P	P	P
All Lights Mounted below 12' AND less than 55 Watts	No Shielding required; all shielding types permitted		
a. Full cutoff fixtures emit 0% of its light above 90 degrees and 10% above 80% from horizontal. b. Cutoff fixtures emit no more than 2.5% of its light above 90 degrees and 10% of its light above 80% from horizontal. c. Semi-cutoff fixtures emit no more than 55 of its light above 90% and 20% of its light above 80 degrees. R(Required) P(Prohibited)			

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. SEVERABILITY. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED by the City Council of Independence, Iowa, on this 11th day of November 2024.

Brad Bleichner, Mayor of the City of

Independence, IA
ATTEST:

Susi Lampe, IaCMC, IaCFO, City Clerk/Treasurer of the City of Independence, IA

First Reading: November 12, 2024
 Second Reading: WAIVED
 Third Reading: WAIVED

I certify that the foregoing was published as Ordinance No. 2024- on the _____ day of _____ 2024.

Susi Lampe, IaCMC, IaCFO, City Clerk/Treasurer of the City of Independence, IA