



City Planning Commission  
101 First Street SE  
Cedar Rapids, IA 52401  
Telephone: (319) 286-5041

**CITY PLANNING COMMISSION MEETING**

Thursday, January 10, 2013

3:00 PM

City Hall Council Chambers

101 First Street SE, Cedar Rapids, IA 52401

**AGENDA**

- **Opening Statement**
- **Roll Call**
- **Approval of the Minutes**
- **Adoption of the Agenda**

**CONSENT AGENDA**

*Note: The following items will be approved by one motion without separate discussion unless City Planning Commission requests an item be removed to be considered separately. Any interested party may also request such individual consideration for an item by indicating that request to the Commission Chair prior to the motion and vote on the Consent Agenda.*

**1. Case Name:** 4625 6<sup>th</sup> Street SW (Conditional Use)

Recommendation for approval of a Conditional Use for warehousing, wholesaling and distribution in a C-3, Regional Commercial Zone District for property at 4625 6<sup>th</sup> Street SW as requested by Kevin and Gail Kennedy (Applicant/Titleholder).

**Case No. COND-000538-2012 Case Manager: Vern Zakostelecky**

**REGULAR AGENDA**

**1. Case Name:** 923 5<sup>th</sup> Avenue SW (Rezoning)

Recommendation for approval of a rezoning from R-3, Single Family Residence Zone District to O-S, Office/Service Zone District requested by Jackson T. Selk and Elizabeth A. Selk (Applicant/Titleholder).

**Case No: RZNE-000186-2012 Case Manager: Seth Gunnerson**

**2. Case Name:** Riverside Park (FLUMA and Rezoning)

- a) Request for an amendment to the Future Land Use Map in the City's Comprehensive Plan from Low Density Residential to Industrial as requested by Penford Products Co. (Applicant/Titleholder).

**Case No. FLUMA-000885-2012 Case Manager: Brad Larson**

- b) Recommendation for approval of a rezoning from O-S, Office/Service Zone District to I-2, General Industrial Zone District as requested by Penford Products Co. (Applicant/Titleholder).

**Case No: RZNE-000884-2012 Case Manager: Brad Larson**

- **New Business**

- 1. **CPC Chair and Vice Chair Selection**

- 2. **Chapter 32 Amendment**

- a) Recommendation to make Off-Premise Signage a Conditional Use in all districts (adding C-3 and I-2). There was also a recommendation to add extra criteria for consideration. This is an interim step and staff will research establishing either overlay districts to further regulate signs, or establishing a cap on off-premise signs.
    - b) Recommendation to remove maximum district size requirements from C-1, C-MU and C-2 zoning districts, along with the requirements in C-MU that it only be located adjacent to certain streets based on their classification.

- **Training Opportunities**

- **Announcements**



Community Development Department  
City Hall  
101 First Street SE  
Cedar Rapids, IA 52401  
Telephone: (319) 286-5041

**STAFF REPORT TO CITY PLANNING COMMISSION**  
Conditional Use with a Preliminary Site Development Plan

---

CPC Date: January 10, 2013  
To: City Planning Commission  
From: Community Development Department

Applicant: Kevin P. & Gail B. Kennedy  
Titleholder: Kevin P. & Gail B. Kennedy  
Case Number: COND-000538-2012  
Location: 4625 6<sup>th</sup> Street SW  
Request: Conditional use approval for “Warehousing, wholesaling and distribution”  
Case Manager: Vern Zakostecky, Planner

---

**BACKGROUND INFORMATION:**

The applicant is requesting approval of a conditional use in order to lease the facility for a “warehouse, wholesaling and distribution” business in the C-3, Regional Commercial Zone District. The requested conditional use and proposed business would not significantly increase the intensity of the use for the parcel, based on the current use which is boat sales and service facility with outdoor storage.

Outdoor storage and displays are not permitted in a C-3 Zoning District without conditional use approval however, the current building occupants have already been using a portion of the site for outdoor storage under the current C-3 Zoning designation, which was grandfathered in, without any issues or complaints of which staff is aware.

There are no significant proposed changes to the site other than stripping additional parking spaces in the current hard surfaced outdoor storage area and increasing the screening of the outdoor storage area from neighboring properties.

The site plan submitted for the rezoning and conditional use shows the following characteristics:

- Total site area: 321,908 sq ft (7.39 acres)
- Total square feet of structures (existing & proposed): 48,676 sq ft (31.7% of site area)
- Hard surfaced area (including structures): 102,004 sq ft (68.3% of site area)
- Parking spaces provided: 111 spaces including 4-handicap spaces.

**FINDINGS:**

Section 32.02.030.D.9 of the Zoning Ordinance requires the City Planning Commission to review the application based on the following criteria:

- 1. That the conditional use applied for is permitted in the district within which the property is located.**

*Staff Comments:* The conditional use requested is permitted within a C-3, Regional Commercial Zone District.

- 2. That the proposed use and development will be consistent with the intent and purpose of this Ordinance and with the Future Land Use Policy Plan and other elements of the Comprehensive Plan.**

*Staff Comments:* This area is designated as Commercial/Industrial on the City's Future Land Use Map. Conditional Use approval for "warehousing, wholesaling and distribution" in the C-3, Regional Commercial Zone District would be in line with the subject properties and surrounding areas future land use designation.

- 3. That the proposed use and development will not have a substantial adverse effect upon adjacent property, and the character of the neighborhood, traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare.**

*Staff Comments:* Adjacent properties are a mix of industrial and commercial businesses, such as commercial sales, recycling business, warehousing operations, and Hawkeye Downs, as well as the Grant Wood Area Education Agency. Based upon the existing and proposed operation at the subject site and the minimal changes proposed, any effects of the proposed rezoning and conditional use should be negligible and compatible with the existing conditions and infrastructure in the area.

- 4. 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.**

*Staff Comments:* As noted in the Background Information above, there are no significant proposed changes to the site other than stripping additional parking spaces in the current hard surfaced outdoor storage area and increasing the screening of the outdoor storage area from neighboring properties.

- 5. 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.**

*Staff Comments:* Any changes to the traffic patterns or required public services and facilities necessary to serve the site and the proposed use should be minimal, and are not of major concern.

- 6. That the proposed building, development, or use will comply with any additional standards imposed on it by provisions of this Ordinance for the district in which the property is located.**

*Staff Comments:* The building and site will comply with all provisions of the Ordinance and the C-3 Zoning District.

- 7. 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.**

*Staff Comments:* There are no changes to the hard surfacing of the storage area other than stripping additional parking spaces. The screening of the outdoor storage area will be enhanced to provide a full visual screen to minimize any interference with the orderly use and development of the surrounding properties, and should serve as an overall improvement to the area.

- 8. The Site Development Plan is consistent with the previously approved Preliminary Plans for the property (if applicable)**

*Staff comments:* This plan is consistent with previously approved site development plans for the property and brings the site conditions up to current City standards.

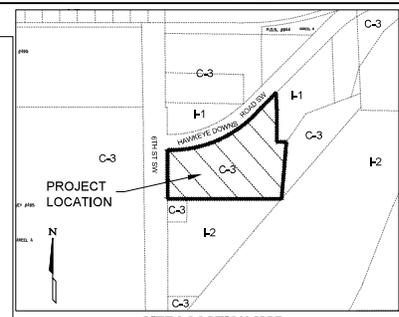
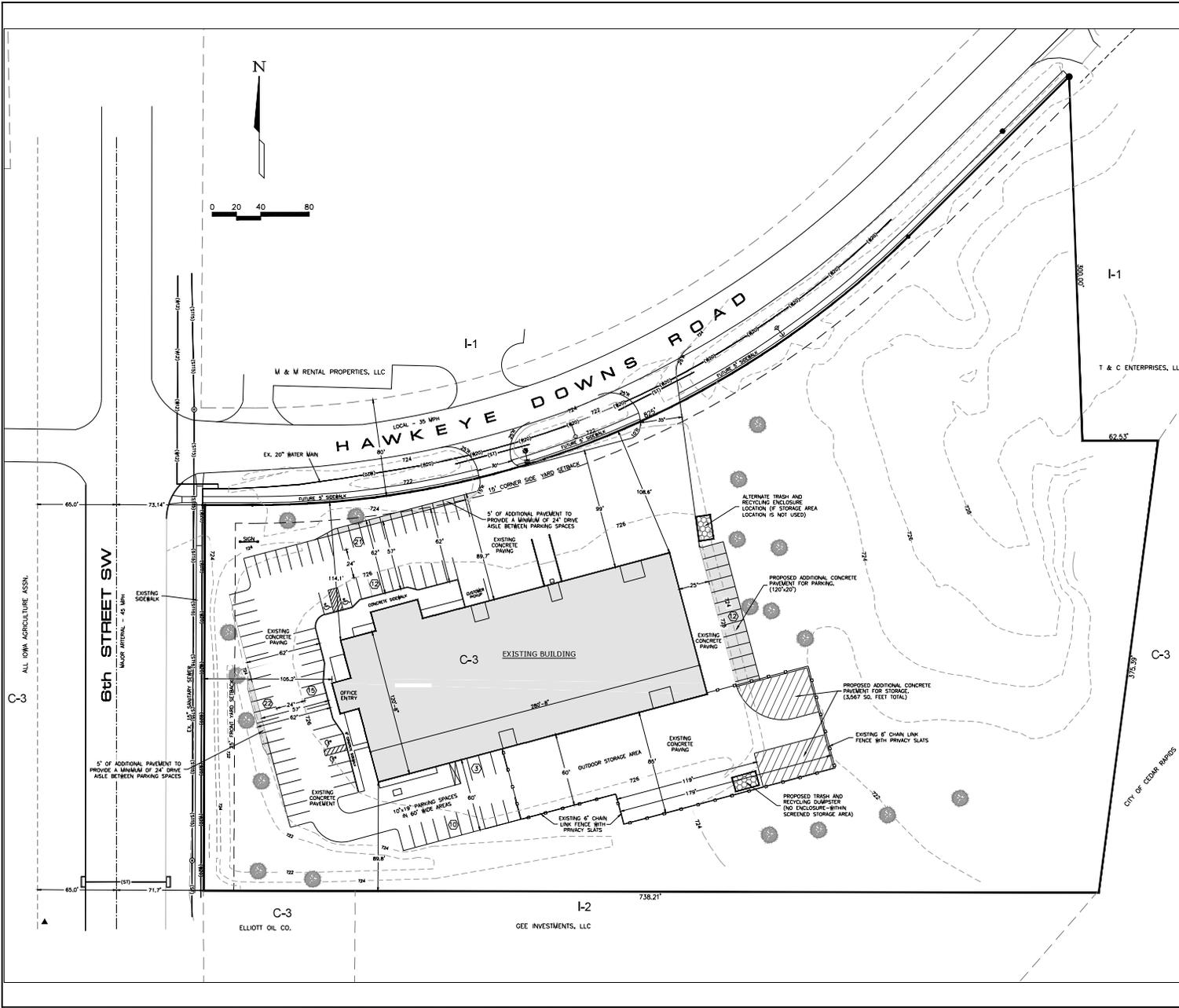
- 9. The Site Development Plan conforms to all applicable requirements of this Ordinance.**

*Staff comments:* The site development plan conforms to all applicable requirements of Chapter 32.

### **RECOMMENDED CONDITIONS:**

If the City Planning Commission recommends approval of the proposed rezoning, adoption of the following conditions as recommended by City Departments should be considered. The City Planning Commission may approve with additional conditions or remove any of the recommended conditions.

1. All outdoor storage shall be enclosed with solid screen fencing, a minimum of 6' in height.
2. That this site shall be developed in compliance with the provisions of the Flood Plain Management Ordinance.
3. Signage is not being reviewed at this time. Sign permit applications must be submitted and approved and permits obtained prior to erection of signage.



**SITE LOCATION MAP**  
(SCALE: APPROX. 1"=400')

**LEGAL DESCRIPTION**  
 THAT PART OF THE SW 1/4 SW 1/4 OF SECTION 4-82-7 AND THAT PART OF THE NW 1/4 NW 1/4 OF SECTION 8-82-7, LINN COUNTY, IOWA, DESCRIBED AS FOLLOWS: COMMENCING AS A POINT OF REFERENCE AT THE NW CORNER OF SAID NW 1/4 NW 1/4; THENCE S 07°00'00" W ALONG THE WEST LINE OF SAID NW 1/4 NW 1/4 277.15 FEET; THENCE N 89°40'00" E 73.19 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF HAWKEYE DOWNS ROAD SW AND THE EAST RIGHT-OF-WAY LINE OF 6TH STREET SW AND THE POINT OF BEGINNING; THENCE S 02°14'46" W ALONG SAID EAST RIGHT-OF-WAY 317.53 FEET; THENCE S 89°15'00" E 708.21 FEET; THENCE N 02°20'00" E 378.98 FEET; THENCE N 87°00'00" W 623.53 FEET; THENCE N 02°03'30" W 502.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID HAWKEYE DOWNS ROAD SW; THENCE S 45°17'00" W ALONG SAID SOUTH RIGHT-OF-WAY LINE 186.84 FEET TO A POINT OF CURVATURE; THENCE SW 1/4 ALONG SAID SOUTH RIGHT-OF-WAY LINE AN ARC OF 305.00 FEET OF A 162.50 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CHORD DISTANCE OF 284.34 FEET, BEARING S 67°42'23" W; THENCE N 89°40'00" W ALONG SAID SOUTH RIGHT-OF-WAY LINE 38.74 FEET TO POINT OF BEGINNING.

**OWNER/APPLICANTS:**  
 KEVIN P. & CARL B. KENNEDY  
 4737 MT. VERNON ROAD SE  
 CLEAR RAPIDS, IA 52403  
 PH: 319-366-2896  
 EMAIL: kevin@kenengymorhe.com

**ENGINEER:**  
 BRAN ENGINEERING, INC.  
 1540 MIDLAND COURT NE  
 CLEAR RAPIDS, IOWA 52402  
 PH: 319-294-9424  
 FAX: 319-294-1056  
 EMAIL: DONS@BRAN-ENG.COM

**REQUESTS:**  
 1) CONDITIONAL USE - WAREHOUSING, WHOLESALING AND DISTRIBUTION  
 2) VARIANCE - USE OF EXISTING 6-FOOT HIGH CHAIN LINK FENCE WITH PVC SLATS AS SCREENING FOR OUTDOOR STORAGE AREA

**ADDRESS:** 4625 6th STREET SW  
**EXISTING ZONING:** C-3 (REGIONAL COMMERCIAL)  
**PROPOSED USE:** WHOLESALE DISTRIBUTION AND ANCILLARY RETAIL SALES OF PLUMBING, PAINT, WATERWORKS AND OTHER BUILDING MATERIALS, INCLUDES OUTDOOR STORAGE OF MATERIALS.

**SITE AREA:** 521,908 SQ. FT. = 7.39 ACRES  
**BUILDING INFORMATION:**  
 SINGLE STORY METAL W/MEZANINE  
 MAIN LEVEL = 30,048 SQ. FEET  
 MEZANINE = 13,608 SQ. FEET  
 TOTAL = 43,656 SQ. FEET

**TOTAL SQ. FT. OF STRUCTURES:**  
 EXISTING: 35,048 SQ. FEET = 10.9%

**TOTAL HARD SURFACE AREA (INCLUDING STRUCTURES):**  
 EXISTING: 102,004 SQ. FEET = 31.7%  
 PROPOSED: 105,259 SQ. FEET = 32.7%

**TOTAL OPEN SPACE:**  
 EXISTING: 219,804 SQ. FEET = 68.3%  
 PROPOSED: 216,279 SQ. FEET = 67.3%

**NOTES:**  
 1) NO NEW BUILDINGS OR PAVING IS PROPOSED.  
 2) PROPERTY IS FLOOD ZONE A. 100-YEAR FLOOD ELEV. = 724.8  
 BUILDING ELEV. = 727.2

**SETBACKS:** C-3  
 FRONT YARD: 25 FEET  
 INTERIOR SIDE YARD: NONE  
 CORNER SIDE: 15 FEET  
 REAR YARD: NONE

**PARKING SPACES REQUIRED:**  
 TOTAL SPACES REQUIRED:  
 -LOWER LEVEL  
 WAREHOUSE/WHOLESALER: 1/EMPLOYEE + 4/2,000 GFA OF OFFICE  
 OFFICE = 2 SPACES (170 SQ. FEET)  
 WAREHOUSE 22 SPACES (2 EMPLOYEES)  
 SHOWROOM 3 SPACES PROVIDED (NOT OPEN TO PUBLIC)  
 -UPPER LEVEL  
 OFFICES = 4 SPACES/1,000 SF = 50 SPACES (1,628 S.F.)

**TOTAL SPACES REQUIRED = 82 SPACES**  
**TOTAL SPACES PROVIDED = 76 SPACES**  
**HANDICAP SPACES REQUIRED = 4 SPACES (1 VAN ACCESSIBLE),**  
**HANDICAP SPACES PROVIDED = 4 SPACES (2 VAN ACCESSIBLE).**

**PARKING NOTES:**  
 1. REGULAR PARKING SPACES ARE 9'x19'.  
 2. EXISTING PARKING AND DRIVES ARE CONCRETE.  
 3. HANDICAP SPACES ARE 9'x19'.  
 4. ALL TREES SHOWN ARE EXISTING.

**CONTACT PERSON**

Contact Person	Daniel L. Schmidt
Telephone Number	(319) 294-9424
Fax Number	(319) 294-1056
Mailing Address	1540 Midland Court NE
Email Address	dons@bran-eng.com
Date Submitted	11/20/2012
Date Revised	12/18/2012

**BRAN ENGINEERING, INC.**  
 1540 MIDLAND COURT NE  
 CLEAR RAPIDS, IOWA 52402  
 PH: 319-294-9424  
 FAX: 319-294-1056  
 EMAIL: DONS@BRAN-ENG.COM

**CONDITIONAL USE SITE DEVELOPMENT PLAN**  
 4625 6TH STREET SW

Scale	1" = 40'
North Arrow	
Project No.	289412-20
Page	1



Community Development Department  
City Hall  
101 First Street SE  
Cedar Rapids, IA 52401  
Telephone: (319) 286 5041

**STAFF REPORT TO CITY PLANNING COMMISSION**  
Rezoning with a Preliminary Site Development Plan

---

CPC Date: January 10, 2013  
To: City Planning Commission  
From: Community Development Department

Applicant: Jack and Elizabeth Selk  
Titleholder: Jack and Elizabeth Selk  
Case Number: RZNE-000186-2012  
Location: 923 5<sup>th</sup> Avenue SW  
Request: Rezoning from R-3, Single Family Residence Zone District to O-S, Office-Service Zone District  
Case Manager: Seth Gunnerson

---

**BACKGROUND INFORMATION:**

The applicant is applying for a rezoning from R-3, Single Family Residence Zone District to O-S, Office/Service Zone District for a vacant property at 923 5<sup>th</sup> Avenue SW. The applicant is the owner and operator of the adjacent Financial Services Office located at 503 10<sup>th</sup> Street SW. The applicant plans to use the parcel to provide off-street parking for employees and clients.

The applicant plans to seek a variance from the Board of Adjustment to allow parking in the 25' front yard setback.

The parcel is approximately 6,000 sq ft in size and prior to the flood had a single-family home on the property. The site is bordered to the west, south, and east by R-3, Single Family Residential zoning, and has RMF-2 Zoning to the north. West of the block, the property is I-1, Light Industrial zoning along the railroad tracks. It should be noted that in residential zoned areas near the site, including the adjacent financial services company, there are a variety of legal, non-conforming commercial uses.

**FINDINGS:**

Section 32.02.030.C.5.e of the Zoning Ordinance requires the City Planning Commission to review the application based on the following criteria:

**1. Whether the amendment is required to correct a technical mistake in the existing zoning regulations.**

*Staff Comments:* This amendment is not required to correct a technical mistake in the existing zoning regulations.

**2. Whether the amendment is consistent with the Future Land Use Policy Plan and other elements of the Comprehensive Plan.**

*Staff Comments:* The Future Land Use Map identifies the area, including the existing adjacent office building as low-density residential. The City Council Adopted Neighborhood Planning Process framework plan for redevelopment of flood affected neighborhoods identifies 5<sup>th</sup> avenue as a corridor for appropriate higher intensity uses. Adjacent to the site is a variety of light industrial uses along the railroad tracks to the west.

Staff does not feel, given the size and scale of the proposed development, and O-S zone district, that a Future Land Use Map Amendment is necessary for this development.

**3. Whether the amendment is consistent with the characteristics of the surrounding area, including any changing conditions.**

*Staff Comments:* If rezoned, the parcel would allow for future development of any business allowed in the O-S zone district. This includes office space, medical offices, financial institutions, and other similar uses.

Any future proposed development would require a preliminary site development plan, which will be reviewed by City Planning Commission.

**4. Whether the property is suitable for all of the uses permitted in the proposed district.**

*Staff Comments:* The proposed zone change could help provide a buffer from higher intensity uses located along the railroad tracks to the west. The prior use on this site was a single-family home, which was demolished after the flood. Given the variety of uses in the immediate neighborhood, staff does not have any immediate concerns over the proposed zone change.

**5. Whether the proposed amendment will protect existing neighborhoods from nearby development at heights and densities that are out of scale with the existing neighborhood.**

*Staff Comments:* Given the small size of this particular parcel, development at a height and density out of scale with the existing neighborhood would be difficult to achieve, even with the O-S zoning classification.

**6. Whether facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will**

**be available to serve the subject property while maintaining adequate levels of service to existing development.**

*Staff Comments:* This parcel is located in a fully developed neighborhood and would have access to all necessary facilities and services without any issues.

**7. The Site Development Plan is consistent with the previously approved Preliminary Plan for the property (if applicable).**

*Staff Comments:* This provision is not applicable.

**8. The Site Development Plan conforms to all applicable requirements of Chapter 32 with all applicable requirements as modified by a request for an Administrative Adjustment meeting.**

*Staff Comments:* This site development plan, with any variances granted by the Board of Adjustment, will meet the requirements of Chapter 32.

**RECOMMENDED CONDITIONS:**

1. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible to submit to the City a signed Concrete Pavement Petition and Assessment Agreement for improvements in the alley adjoining this site. The City Public Works Department shall furnish the Agreement form upon request by the property owner.
2. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible to submit to the City a signed Agreement for Private Storm Water Quality improvements on this site. The City Public Works Department shall provide a copy of the Agreement form upon request by the property owner.
3. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible for removal and replacement of City sidewalk adjoining this site, damaged as a result of construction activities on this site. Said removal and replacement areas shall be determined by the City Public Works Department, shall be completed by the property owner, and approved by the City.

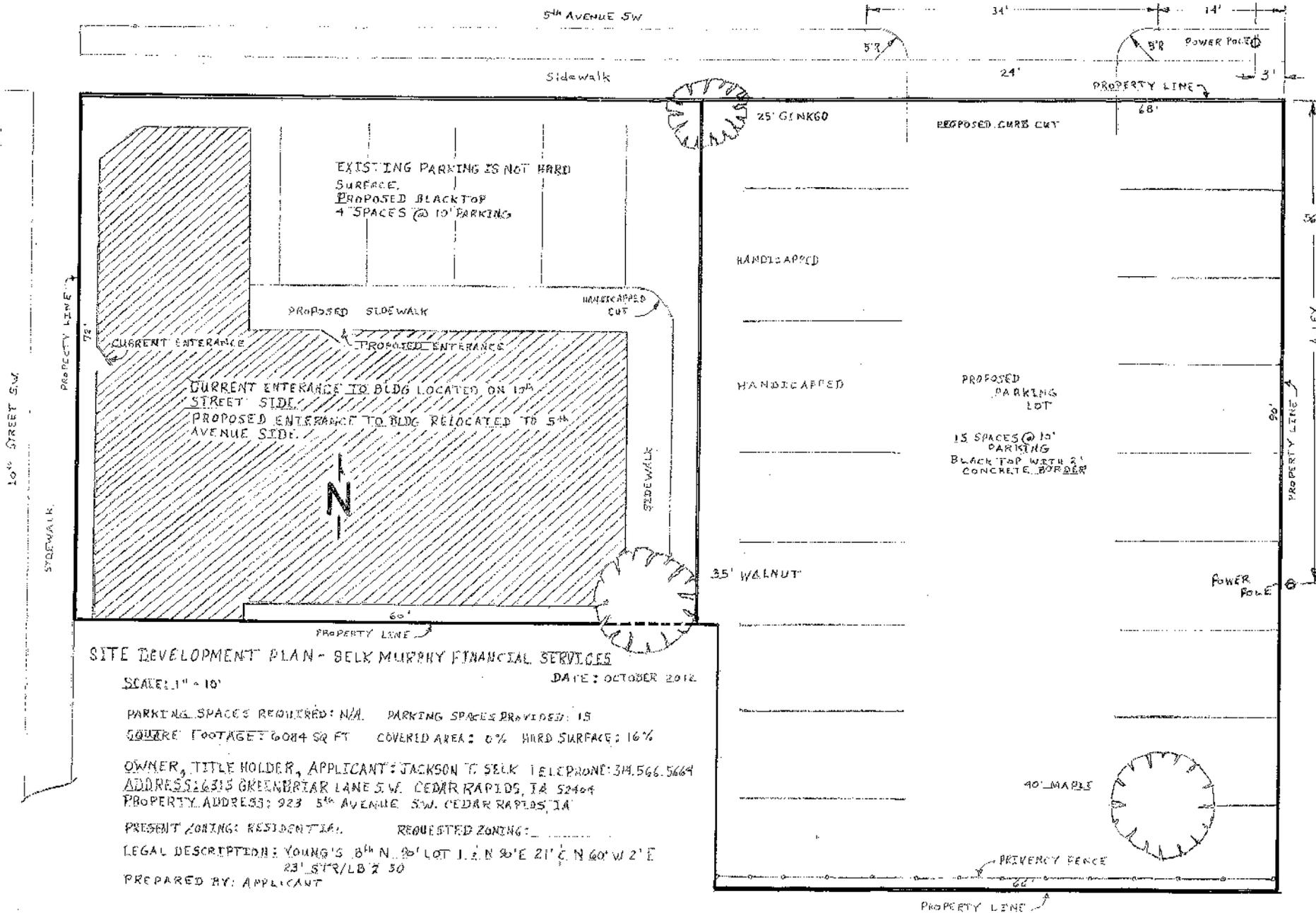


Mapping		Search
<a href="#">Show All Selections</a>		
<a href="#">Selection Options</a>		
<a href="#">Zoom to selected map feature</a>		
<b>Selected Parcel Feature</b>		
<a href="#">Appraisal Summary</a>		
<a href="#">Click Me!</a>		
<a href="#">Parcel History Link</a>		
2011 Rank Five Data		
GPI		
14,291,263,010,000		
House No		
571		
Address		
571 AVE SW		
Map No		
2526		
Deed Holder		
CEDAR RAPIDS CITY OF		
Legal		
YD 1/2 S 31 N 50 1/4 OT 1 & V		
50' E 21' & N 80' W 2' E 23'		
STRLE 2.50		
Land Value		
1000		
Dwelling Value		
2000		
Improvements Value		
2000		
Total Value		
5000		
Class		
Farm 1		
Linn County GIS		
Link		
142942820100200		

Map Tool Options  
 The current cursor mode is set to 'Select/Identify'. Click on a map feature to select it. Clicking on a map feature that has already been selected will unselect. Dragging on the map will create a window that selects multiple features. Use the drag select for better accuracy when selecting points. The selectable theme can be set to the right.

Map Layer: Parcel Polygons

Site Information  
 Active Tool: Select Feature



**SITE DEVELOPMENT PLAN - BELK MURPHY FINANCIAL SERVICES**

SCALE: 1" = 10'

DATE: OCTOBER 2012

PARKING SPACES REQUIRED: N/A    PARKING SPACES PROVIDED: 15  
 SQUARE FOOTAGE: 6084 SQ FT    COVERED AREA: 0%    HARD SURFACE: 16%

OWNER, TITLE HOLDER, APPLICANT: JACKSON T. BELK    TELEPHONE: 314.566.5664  
 ADDRESS: 6315 GREENHURST LANE S.W. CEDAR RAPIDS, IA 52404  
 PROPERTY ADDRESS: 923 5th AVENUE S.W. CEDAR RAPIDS, IA

PRESENT ZONING: RESIDENTIAL    REQUESTED ZONING: \_\_\_\_\_

LEGAL DESCRIPTION: YOUNG'S 8th N. 90' LOT 1. E. N 90'E 21' C. N 60' W 2'E  
 23' STR/LB' 2 50

PREPARED BY: APPLICANT



Community Development Department  
City Hall  
101 First Street SE  
Cedar Rapids, IA 52401  
Telephone: (319) 286-5041

**STAFF REPORT TO CITY PLANNING COMMISSION**  
Future Land Use Map Amendment &  
Rezoning without a Preliminary Site Development Plan

---

CPC Date: January 10, 2013  
To: City Planning Commission  
From: Community Development Department

Applicant: Penford Products  
Titleholder: City of Cedar Rapids  
Case Number: FLUMA-000885-2012 & RZNE-000884-2012  
Location: 1115 C Street SW otherwise known as Riverside Park  
Request: For an amendment to the Future Land Use Map in the City's Comprehensive Plan from Low Density Residential to Industrial and a rezoning request from O-S, Office/Service Zone District to I-2, General Industrial Zone District  
Case Manager: Brad Larson

---

**BACKGROUND INFORMATION:**

On November 14, 2012 the City Council approved a development agreement with Penford Products for the sale and disposition of 1115 C Street SW, otherwise known as Riverside Park.

The City Council directed the City Manager to proceed with negotiations of a development agreement that provides for the disposition of property at 1115 C Street SW (Riverside Park) to Penford Products based upon the following terms: payment of the sale price of \$1,669,716; easements for a river trail - flood management system on Penfords' current and future site - various utilities; permanent access for the NCSML; buffers including significant screening; air quality and odor abatement; use of local contractors; and real estate transfer dependent on City approved site plan. Finally, the City Council requested that the developer also paint the exterior, enhance landscaping and demolish vacant buildings facing 8th Avenue and the Cedar River. The Development Agreement addresses each issue with the exception of the last item. The Developer agrees to make a \$10 million investment.

A review committee including staff, local developers and neighborhood representatives evaluated a proposal on April 3, 2012. Proposals were due on March 30 and the City received one from Penford Products Co. The committee agreed that the proposal met the criteria established by City Council on February 28, 2012 following a public hearing held January 24, 2012.

The City Planning Commission is considering the land use change at this meeting. A preliminary site development plan will be reviewed by the City Planning Commission before development proceeds.

**FUTURE LAND USE MAP AMENDMENT FINDINGS:**

Chapter IV.E., Policy 1.6.4. of the Comprehensive Plan requires the City Planning Commission to review the application based on the following criteria:

**1. Will be consistent with the Plan priorities**

*Staff Comments:* This project would be consistent with following policies identified in the 1999 Comprehensive Plan:

- Policy 2.4.1 - Encourage innovative public/private partnerships to promote economic partnerships. *Penford is committed to paying the fair price of the land, in addition to providing funds to build a new skate park to replace the existing amenities at Riverside Park.*
- Policy 2.3.4 – Encourage infill development to take advantage of existing infrastructure. *Penford is landlocked and does not have room to expand, except for the Riverside Park area. By expanding into the Riverside Park area, Penford is taking advantage of existing public infrastructure built and designed for its existing operations.*
- Objective 2.4 – Expand the City’s role as a regional economic center capturing a majority of the region’s employment.

**2. Will be compatible with future land uses for surrounding areas of the community**

*Staff Comments:* Locating industrial uses next to residential uses or commercial uses is typically not recommended, unless there are characteristics of the development that mitigate nuisances that may arise from industrial next to residential. Penford has committed to significant screening, enhanced landscaping, maintaining air quality standards and odor abatement if needed.

**3. Will not create a shortage of any particular type of residential or non-residential land.**

*Staff Comments:* N/A

**4. Will enhance the overall quality of life in the community.**

*Staff Comments:* As part of the development agreement Penford Products will be providing funds to provide a more modern skate park amenity within the future greenway. Penford also has committed to cleaning up their existing facility and providing easements for future trail connectivity and flood protection.

## **REZONING FINDINGS:**

Section 32.02.030.C.5.e of the Zoning Ordinance requires the City Planning Commission to review the application based on the following criteria:

- 1. Whether the amendment is required to correct a technical mistake in the existing zoning regulations.**

*Staff Comments:* N/A

- 2. Whether the amendment is consistent with the Future Land Use Policy Plan and other elements of the Comprehensive Plan.**

*Staff Comments:* The applicant is also requesting a change in the Future Land Use Map from Low Density Residential to Industrial Use.

- 3. Whether the amendment is consistent with the characteristics of the surrounding area, including any changing conditions.**

*Staff Comments:* Penford Products has been at the C Street location since the early 1900's. There is also single-family housing nearby and commercial uses.

- 4. Whether the property is suitable for all of the uses permitted in the proposed district.**

*Staff Comments:* The area may not be suitable for all uses permitted under an I-2 zoning classification. However, the City Council will have the ability to review the potential business that eventually locates at Riverside Park, and the City Planning Commission will have the ability to review the site development plan.

- 5. Whether the proposed amendment will protect existing neighborhoods from nearby development at heights and densities that are out of scale with the existing neighborhood.**

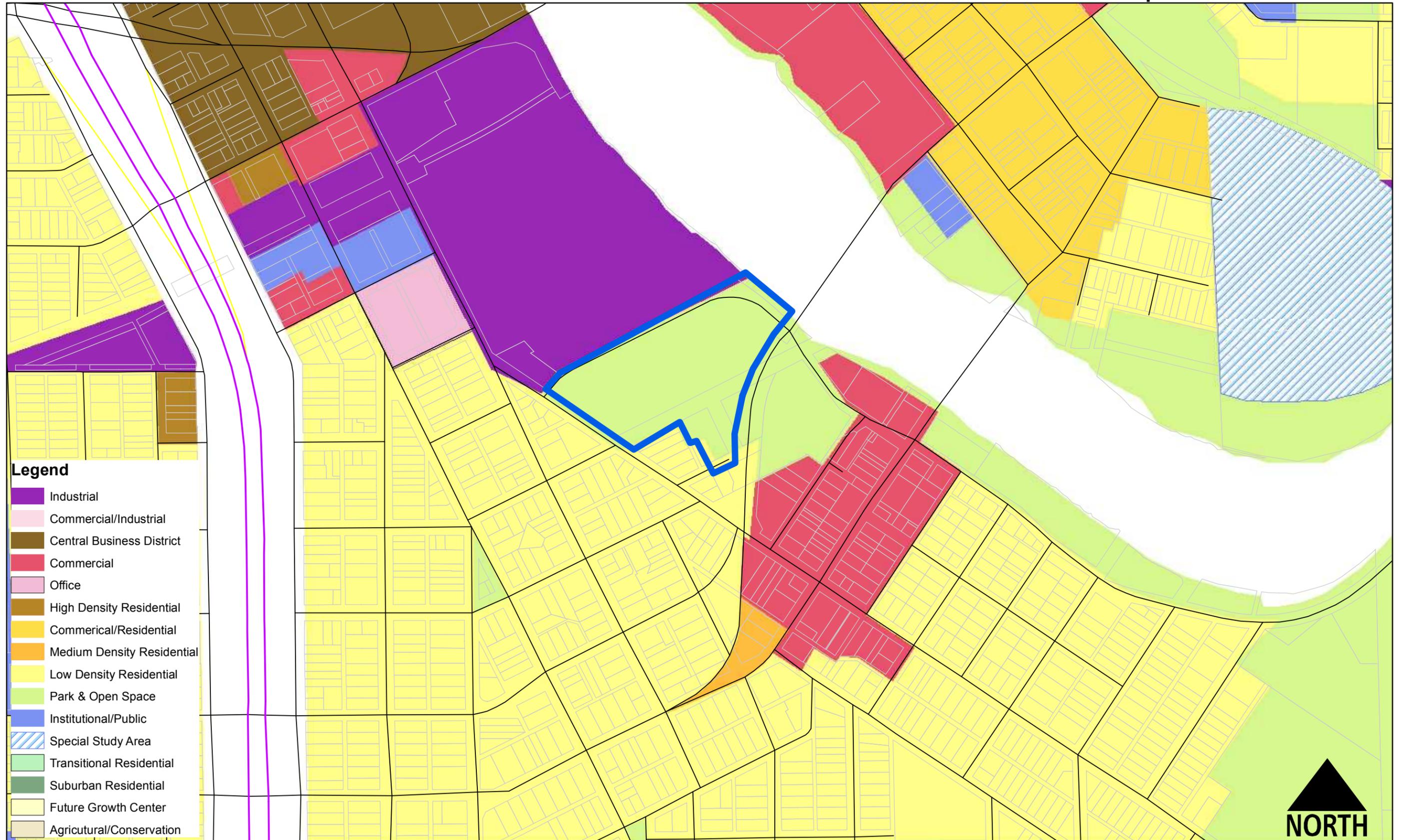
*Staff Comments:* Penford has committed to increased screening and landscaping requirements, in addition to meeting all air quality standards and odor abatement from the future development. Penford has also committed to repainting its existing facility.

The City Planning Commission will review the height and density of the project when a site plan is available.

- 6. Whether facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.**

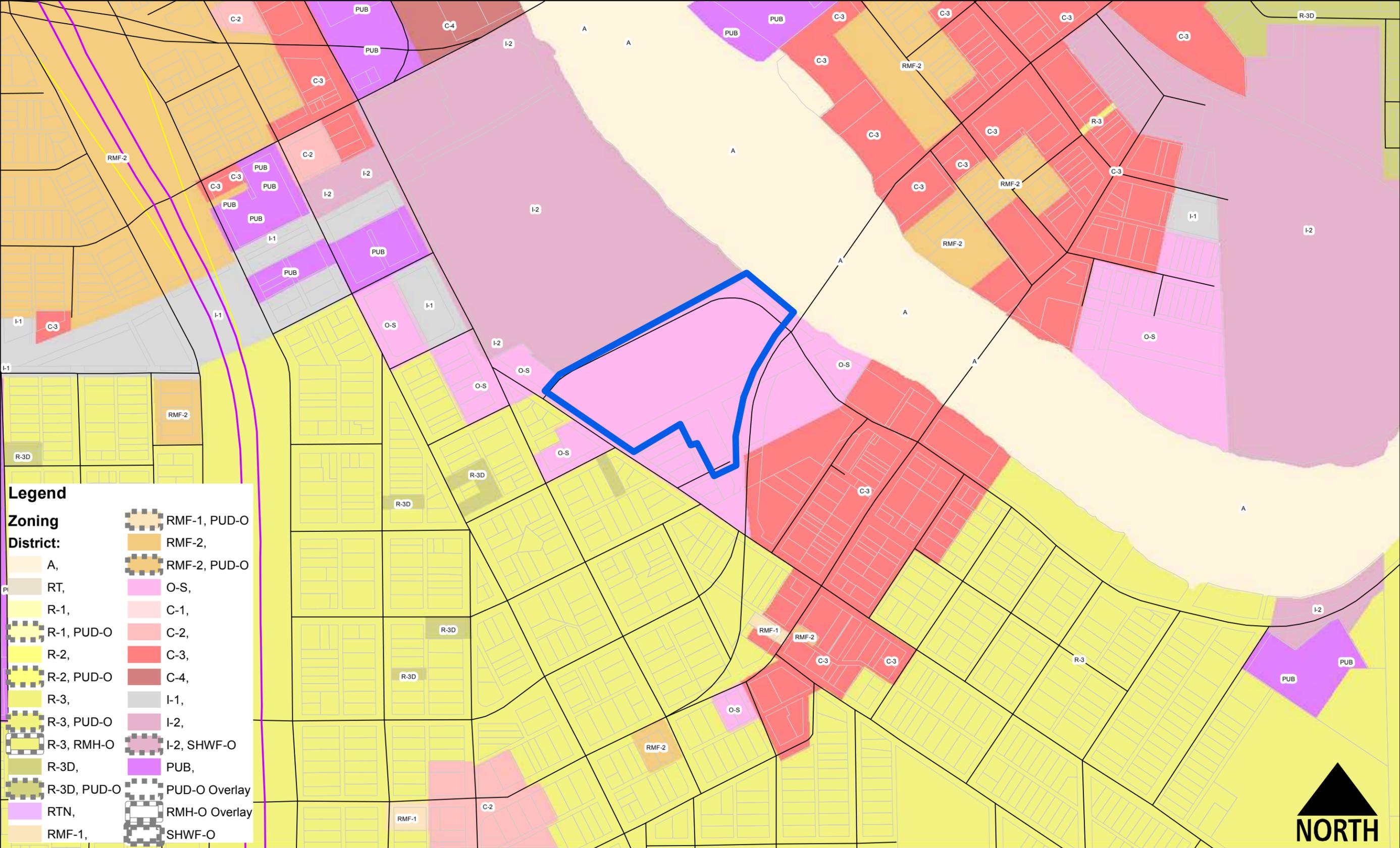
*Staff Comments:* As an infill development next to an existing industrial facility all adequate public infrastructure is in place.

# Future Land Use Ammendment Request to Industrial



# Request to Rezone to I-2

Source: Cedar Rapids GIS | Author: Community Development | Date: 1-3-13





Community Development Department  
City Hall  
101 First Street SE  
Cedar Rapids, IA 52401  
Telephone: (319) 286-5041

To: City Planning Commission  
From: Seth Gunnerson, Planner  
Subject: Chapter 32 Amendments  
Date: January 10, 2013

---

At the November 28 City Council Development Committee meeting staff presented best practices and options for updating the City Code in two areas:

- Maximum commercial zone district size requirements in Chapter 32
- Regulation of off-premise advertising signage (including billboards)

The memos with options presented to Development Committee are attached, below is a summary of the recommendations made by the Committee.

City Planning Commission is being asked to review the proposed code changes and make a recommendation for consideration by the full City Council in January.

#### **Off-Premise Signage:**

---

Concern over placement of billboards has been raised by the Board of Adjustment, City Planning Commission, and City Council in recent months. Staff was asked to provide research on what other communities do to regulate the placement, size, and type of billboard signs.

At the November Development Committee meeting, staff was asked to bring to the Planning Commission a recommendation to require all off-premise signs go through a conditional use process as an interim step in anticipation of a more comprehensive sign ordinance update in 2013.

**Recommendation:** City Planning Commission is asked to make a recommendation on an ordinance to Chapter 32.06.040.B.1 to require that off-premise signs are a conditional use in all zone districts.

The City Planning Commission is also asked to weigh in on additional criteria that should be added to the ordinance for review by the City Planning Commission and the Board of Adjustment. The attached memos also include best practice research on regulation of digital billboard signs.

Suggested criteria include:

- Digital Signs must provide for instantaneous transition between displays and may not change more often than once every 8 seconds.
- The signs must include a dimmer which ensures that light sources do not project more than 5,000 nits during the day and 500 at night.
- A digital display on an off-premise sign shall not be located in a manner to face any residential zone district, school, church, park, or historic building or district within 500 feet.

**Next Steps:** Staff has been instructed to look into options to regulate the number of signs in Cedar Rapids such as the cap system employed by several cities studied. These recommendations will go back to the Development Committee early in 2013 and any recommendations will be reviewed by the City Planning Commission at future meetings.

### **Commercial District Size Limitations:**

---

In the past year, concern has been raised about the requirements in Chapter 32 that limit the size of commercial zone districts within the city. The limitations were put in place with the 2006 zoning code update to attempt to define an appropriate scale and mix of uses for different types of commercial districts based on whether they serve neighborhood, local, or regional residents. Specifically concern has been raised that the limitations produce the opposite of the desired effect, for example a medium sized commercial center zoned C-2 cannot grow beyond 20 acres without rezoning a portion to allow for C-3, Regional Commercial zoning.

**Action:** City Planning Commission is asked to make a recommendation on an ordinance to amend Chapter 32.03.010.B to reflect the following:

- Eliminate maximum zone district size requirement in Section 32.03.010.B.2.a – C-1 Mixed Neighborhood Convenience Zone District
- Eliminate maximum zone district size and location requirements in Section 32.03.010.B.3.b.ii and iii for the C-MU Commercial Mixed Use Zone District
- Eliminate the maximum zone district size requirement in Section 32.03.010.B.4.ii for the C-2 Community Commercial Zone District.

**Next Steps:** Staff will research ways to better delineate commercial districts within the Future Land Use Map process as part of the anticipated update to the City's Comprehensive Plan.



Community Development Department  
City Hall  
101 First Street SE  
Cedar Rapids, IA 52401  
Telephone: (319) 286-5041

To: City Council Development Committee  
From: Seth Gunnerson through Christine Butterfield, Community Development Director  
Subject: Signage  
Date: November 28, 2012

**ISSUE MEMORANDUM**

<b>ISSUE</b>	City Council, the Development Committee, the Board of Adjustment, and the City Planning Commission have asked staff to research practices of other communities on the management and regulation of billboards
<b>TIMING</b>	Staff is presenting options at this meeting and will take feedback to the development community before returning with a proposed ordinance in early 2013.
<b>BACKGROUND</b>	<p>Currently billboard signs are permitted in the C-3, I-1 and I-2 zoning districts, and are allowed in the C-2 zoning district as a conditional use. The City requires that all off-premise signs are located at least 1,000 feet apart (separation distance) and at least 200 feet from adjacent residential.</p> <p>In recent months the City Planning Commission and Board of Adjustment has seen several requests from developers seeking to find available space to place billboard signs along major corridors. The Board of Adjustment has been largely unwilling to grant variances for separation requirements, citing a self-created hardship. The Board of Adjustment and City Planning Commission has asked staff to respond to concerns from neighbors about number of signs in the community and issues regarding sign placement.</p> <p>Concerns about digital displays on billboards and advertising signs in general have also been heard and are addressed on a subsequent memo.</p>
<b>Options</b>	<p>Staff has outlined three options for billboard placement in Cedar Rapids:</p> <ul style="list-style-type: none"> <li>• <b><i>Option 1: Make Billboards a Conditional use in all districts and add additional criteria for approval.</i></b> This option would require all signs to be approved by the Board of Adjustment, and could add additional requirements such as increased separation requirements</li> <li>• <b><i>Option 2: Establish overlay districts along sensitive corridors.</i></b> Some cities surveyed issued special sign regulations along sensitive corridors which were historic or scenic in character, or otherwise warranting more strict regulations which either prohibited or greatly limited.</li> </ul>

	<ul style="list-style-type: none"> <li>• <b>Option 3: Cap and Trade.</b> The City would limit the number of billboard signs to the number currently existing in the community. Any new sign would require the removal of an existing sign of equal or greater size.</li> </ul> <p>Research has shown that generally Cedar Rapids has similar or larger separation requirements (distance between signs) than other communities, but does not restrict signs from as many districts as other cities do. Cedar Rapids generally allows larger and taller billboard signs than the communities surveyed.</p>	
<p><b>OPTION 1:</b> Make Billboards a Conditional Use in all districts and add additional criteria for approval.</p>	<b>PROS</b>	<b>CONS</b>
	<ul style="list-style-type: none"> <li>• Would require Board of Adjustment to approve all new billboards.</li> <li>• Would add strengthen criteria to protect</li> </ul>	<ul style="list-style-type: none"> <li>• May not limit number of signs</li> <li>• Would lead to more conditional use applications.</li> <li>• Could make approval process more subjective.</li> </ul>
<p><b>OPTION 2:</b> Establish overlay districts along sensitive corridors further restricting sign placement.</p>	<ul style="list-style-type: none"> <li>• Would limit or prohibit new signs in key corridors as defined by the ordinance</li> <li>• Opportunity to set more stringent guidelines along new roads as US-100</li> </ul>	<ul style="list-style-type: none"> <li>• Would not apply to all areas of town</li> <li>• Sign companies would react negatively</li> </ul>
<p><b>OPTION 3:</b> Institute a “Cap and Trade” system which requires the removal of signs in order to build new.</p>	<ul style="list-style-type: none"> <li>• Limits number of billboards in the community to the number existing today.</li> <li>• As community expands billboards will spread out.</li> <li>• City Council could increase the number of signs permitted as it sees fit.</li> </ul>	<ul style="list-style-type: none"> <li>• Sign companies would react negatively to not being able to erect new signs</li> <li>• Difficult for new firms to enter the market, as they would have to buy and remove an existing sign.</li> </ul>
<p><b>Recommendation</b></p>	<p>Staff is looking for feedback on preferred options to take to the development community before returning to the Committee with a draft ordinance.</p>	
<p><b>STAFF SOURCE</b></p>	<p>Seth Gunnerson Community Development (319) 286-5129 <a href="mailto:s.gunnerson@cedar-rapids.org">s.gunnerson@cedar-rapids.org</a></p>	

## Billboard (Off-Premise Signs)

---

**Definition:** Cedar Rapids defines an off-premise sign as “A sign directing attention to a specific business, product, service, entertainment event or activity, or other commercial activity that is not sold, produced, manufactured, furnished or conducted at the property upon which the sign is located.”

Most communities surveyed used a similar definition. The primary distinction is that some communities (such as Madison, WI) allow for smaller off-premise directional signs as a separate category.

### Options:

**Ban on Signs:** The City of Madison, WI has zoned all existing billboards (considered street advertising signs) to be non-conforming uses in all districts. Existing signs are allowed to remain in certain districts, but are not allowed to be relocated, replaced or enlarged and may not be replaced if damaged. In the case of Madison, off-premise directional signs are allowed.

**Cap on Signs:** Several communities, including Rochester, San Antonio, and Rockford have instituted a cap on the number of off-premise advertising signs allowed. In the case of Rochester, the number of signs was limited to the number of signs existing in the city at the time the ordinance was adopted, plus the number of applications in process at that time. New signs are prohibited unless an existing sign is removed. As the community expands the number of signs remains constant unless City Council adopts an ordinance increasing the number of sign permits.

**More restrictions on where signs can go:** Some communities, such as Des Moines, Waterloo, and Rockford established scenic or historic corridors where billboard signs are prohibited.

City	Ban	Cap	Separation	Zone	Size (sq ft)	Height	Notes
Cedar Rapids			1,000', 200' from residential	Commercial/Industrial	300-672	35-60	
Madison, WI	Y		300'	banned in certain overlay districts	New Signs prohibited		All existing billboards are legal-non conforming and may not be replaced.
Rochester, MN		Y	1,000 along same side right of way, 250 residential, 300 from playground or church, 100 from intersection, 200 from railroad	Commercial and Industrial zones	400-600	50'	
Rockford, IL		Y	1 per zoning lot, 500' from protected districts	Com. & Ind. not allowed in Shopping Centers	382	30	SF of new billboard cannot exceed billboard replaced
Iowa City, IA			300'	Not allowed in Residential and some commercial zones	72 sq ft, 144 sq ft double faced	25 ft	
Des Moines, IA			500' from certain corridors 3-500' from other signs 200 from Residential 500' from park/church/school	Limited to heavier commercial and floodplain zones.	300-672. Larger than 300 has greater separation	45	
Waterloo, IA			1000' from other billboards & 200' from protected districts	Commercial except corridor overlay districts	300 (672 with special permit)	48	
Cedar Falls, IA			600' from each other, 200 from protected districts	C-2 Only	672	40	Off premise signs, except billboard, prohibited in all zoning districts
Peoria, IL			750', 50' from on-premise sign, 100' from residential	Commercial/industrial Special Use in C-2	300 (700 with SU)	30' (40' with SU)	Defines separate sign districts.
San Antonio, TX		Y	2,000 feet for digital 500-1,500 for others		300-672		

Red = More Restrictive than Cedar Rapids

Blue = Less Restrictive than Cedar Rapids

**Findings:**

- Madison has the most restrictive sign ordinance, prohibiting all new signs and phasing out existing billboards.

- Rochester, Rockford, and San Antonio have a cap system, where all new billboards require the removal of a billboard. In San Antonio there is a 4-1 replacement requirement for digital billboards.
- Separation requirements are more restrictive than many communities surveyed than Cedar Rapids
- Other Communities have more restrictive regulations on allowable zoning districts and maximum sign size.
- Most communities have more strict limits on sign height.

## **Digital Displays**

---

### Concerns:

- City does not regulate digital displays.
- There are no regulations on brightness or nature of material on digital displays.
- Signs are shining into properties and creating a nuisance.
- Moving or flashing images are potentially distracting to drivers.

### Current Policy:

- Cedar Rapids does not address digital displays within its code. Off-Premise Signs located along state highways are s
- In recent City Planning Commission and Board of Adjustment hearings discussion has focused on placement of digital billboards, with concern raised by commissioners and board members about digital displays. In anticipation of these concerns recent applicants have

City	Duration	Transition	Luminosity	Notes
Cedar Rapids			Not Addressed	
Iowa DOT	8 seconds	Within 1 second	May not produce distracting glare	Refacing billboard to digital signs requires new permit.
Madison, WI			Not Addressed	
Rochester, MN			Not Addressed	
Rockford, IL	10 seconds (billboard) 2 seconds (on premise)	No moving images	5,000 nits during day 1,000 nits at night	New special use permit required to reface non-conforming billboard to digital
Iowa City, IA	Not Addressed	Not Addressed	City Establishes Low, Medium, and High Illumination Districts with limits on individual fixtures	
Des Moines, IA	8 seconds	Instantaneous	5,000 candelas per sq m during day, 500 at night	Applies to >24 sq ft
Waterloo, IA			Not Addressed	
Cedar Falls, IA			Not Addressed	
Peoria, IL	10 seconds	Instantaneous	5,000 nits during day, 500 at night	B-1 District (downtown) exempt
San Antonio, Texas	10 seconds	Within 1 second	Not addressed	4 non-digital billboards must be removed to allow 1 new billboard (2-1 replacement for static)

**Findings:**

- Half of the ten jurisdictions surveyed have specific regulations for digital billboards and displays
- Of those that have regulations for display length, all require between 8-10 seconds between displays
- All that have regulation for the minimum length of display require the transition between images to be instant or less than 1 second.
- Some communities, such as Des Moines and Peoria, exempt smaller signs or on-premise signs in the downtown district
- Several communities place specific maximums on the amount and Rockford are limited to 5,000 nits (candelas per square meter) during the day and either 500 or 1,000 at night.
- In communities surveyed, converting existing non-conforming signs to digital is considered a new sign.

To: City Council Development Committee  
From: Seth Gunnerson through Christine Butterfield, Community Development Director  
Subject: Signage  
Date: November 28, 2012

**ISSUE MEMORANDUM**

<b>ISSUE</b>	City Council, the Development Committee, the Board of Adjustment, and the City Planning Commission have asked staff to research practices of other communities on the management and regulation of digital signage.
<b>TIMING</b>	Staff is presenting options at this meeting and will take feedback to the development community before returning with a proposed ordinance in early 2013.
<b>BACKGROUND</b>	<p>At recent City Planning Commission and Board of Adjustment Meetings, staff has been asked to provide research on how other cities handle digital billboard signs, and what additional criteria, if any, should be applied to them as part of the review process.</p> <p>In additional, staff has heard concerns that on-premise digital message signs may be providing distracting lighting. The City requires that lighting from any development not shine directly onto adjacent properties, but does not cover lit signs. Staff in Building Services report that they do not typically review the brightness of signs as part of their review.</p> <p>City Code also does not set a measurable threshold for the amount of light that can be emitted from a light source.</p>
<b>Options</b>	<p>Staff has outlined three options for billboard placement in Cedar Rapids:</p> <ul style="list-style-type: none"> <li>• <b>Option 1: Adopt Display Criteria for Digital Billboards.</b> Of the communities surveyed that have regulations for signs, they typically require a minimum time of 8-10 seconds between display changes on digital billboards and a maximum luminosity of 5,000 nits during the day and 500 or 1,000 at night. These criteria typically apply to large off-premise advertising signs like billboards, and may or may not apply to on-premise advertising, message, or marquee signs.</li> <li>• <b>Option 2: Extend criteria in Option 1 to include on-premise signs.</b> Staff has heard concerns that on-premise signs, such as message boards, may also produce distracting images and produce a nuisance to nearby residences. If this option is pursued the city could establish criteria allowing message boards and digital displaces along certain roads or in certain districts. For example, Des Moines establishes an Entertainment Sign Overlay district in downtown which permits a wide range of signs</li> </ul>

	<p>not allowed outside of the core.</p> <ul style="list-style-type: none"> <li>• <b>Option 3: Do Nothing at This Time.</b> Staff can provide more research if necessary.</li> </ul>	
<p><b>OPTION 1:</b> Adopt Display Criteria for Digital Billboards</p>	<b>PROS</b>	<b>CONS</b>
	<ul style="list-style-type: none"> <li>• Would set a standard for digital display length, transitions, and luminosity.</li> <li>• Could regulate whether digital displays may face residential districts.</li> </ul>	<ul style="list-style-type: none"> <li>• Would not bad or reduce digital billboards</li> <li>• Staff time would be involved to check and enforce regulation.</li> </ul>
<p><b>OPTION 2:</b> Extend criteria in Option 1 to include on- premise signs.</p>	<ul style="list-style-type: none"> <li>• Would also address concerns over distracting on-premise signs</li> </ul>	<ul style="list-style-type: none"> <li>• Would affect existing signs throughout town.</li> <li>• Staff time would be involved to check and enforce regulation.</li> </ul>
<p><b>OPTION 3:</b> No changes at this time</p>	<ul style="list-style-type: none"> <li>• Generally billboard applicants have followed the standards other communities set for sign refresh rate and have offered to not place digital displays towards residential neighborhoods.</li> </ul>	<ul style="list-style-type: none"> <li>• Would not set a standard for all future billboards.</li> <li>• Would not address issues raised about distracting on-premise signs.</li> </ul>
<p><b>Recommendation</b></p>	<p>Staff is looking for feedback on preferred options to take to the development community before returning to the Committee with a draft ordinance.</p>	
<p><b>STAFF SOURCE</b></p>	<p>Seth Gunnerson Community Development (319) 286-5129 <a href="mailto:s.gunnerson@cedar-rapids.org">s.gunnerson@cedar-rapids.org</a></p>	



Community Development Department  
City of Cedar Rapids  
101 First Street SE  
Cedar Rapids, IA 52401  
(319) 286-5041

To: City Council Development Committee  
From: Seth Gunnerson through Christine Butterfield, Community Development Director  
Re: C-2, Commercial Zone District Size Limits  
Date: November 28, 2012

---

**Background:**

The Cedar Rapids Zoning Ordinance of 2006 simplified and reduced the number of zoning classifications for commercial activities within the City of Cedar Rapids. The zoning ordinance also placed size limits on zoning districts within the City with the belief that zoning districts would tend to be uniform in size and define the scale of commercial development in an area, ranging from neighborhood to regional in scale.

Currently Chapter 32 of the City Code, the Zoning Ordinance, limits commercial zone district sizes to the following:

<i>District</i>	<i>Size Limit</i>
C-1, Neighborhood Convenience Zone District	3 acres
C-MU, Commercial Mixed Use Zone District	15 acres, must be located along major streets
C-2, Community Commercial Zone District	20 acres
C-3, Regional Commercial Zone District	Unlimited
C-4, Business Downtown Zone District	Unlimited

In practice there are several large tracts of land in Cedar Rapids which do are non-conforming with the standards listed above. An example is Westdale Mall, which is roughly 85 acres of land Zoned C-2. The commercial zone districts in Cedar Rapids are largely used to regulate acceptable mix of uses within a neighborhood, defining areas within larger commercial districts that more intense commercial uses, such as those allowed in C-3, can operate.

Earlier this year during the rezoning for the Summerfield Commercial Addition, located at C Avenue NE and future Tower Terrace Road NE, concern was raised by neighbors about the size of higher intensity commercial zoning near their homes. In this case, the current zoning standards prohibited providing an increased area of downzoned low intensity commercial zoning adjacent to residential streets.

**Recommendation:**

Staff is recommending removing the location and size requirements for all commercial zoning districts. City Council, with the recommendation of the City Planning Commission, will still be able to weigh in on the appropriateness of any rezoning.

**Next Steps:**

In the coming months staff will bring recommendations to change the Planned Unit Development (PUD) requirements in the City Code. These updates will give Council more flexibility in establishing allowable uses and dimensional standards for any development within the City.

Staff is also researching options to revamp the Future Land Use Map process that would better address concerns of the scale of commercial developments. Staff recommendations to modify the Future Land Use Map will have the following outcomes in mind:

- The Future Land Use Map will be based on the Neighborhood Planning Process (NPP) land use recommendations, which identify major corridors and intersections where higher intensity development should occur, but will not define land use on a parcel by parcel basis.
- Where necessary, the map will establish a hard boundary for commercial districts adjacent to residential, and will require a Future Land Use Map Amendment to expand commercial zoning.
- In other areas of town, the Future Land Use Map will provide the flexibility to allow for rezoning consistent with adjacent development without requiring the applicant to obtain a Future Land Use Map Amendment.