

CITY PLANNING COMMISSION MEETING

Thursday, January 31, 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.

REGULAR AGENDA

1. Case Name: 1257 3rd Avenue SE (Conditional Use)

Recommendation for approval of a Conditional Use for a crisis counseling center for homeless families in a RMF-2, Multiple Family Residence Zone District for property at 1257 3rd Avenue SE as requested by Knapp Warden, LLC (Applicant) and Westminster Presbyterian Church (Titleholder).

Case No. COND-000686-2012 Case Manager: Vern Zakostelecky

2. Case Name: 2200 C Street SW (Conditional Use)

Recommendation for approval of a Conditional Use for a telecommunication tower in an R-2, Single Family Residence Zone District for property at 2200 C Street SW as requested by Cedar Rapids Cellular Telephone L.P. (Applicant) and Czech National Cemetery Association of Cedar Rapids (Titleholder).

Case No. COND-000239-2012 Case Manager: Vern Zakostelecky

3. **Case Name:** 820 Wiley Boulevard NW (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 Robert and Penny Brecke (Applicants/Titleholders).

Case No. FLUMA-000274-2012 Case Manager: Vern Zakostelecky

- b) Recommendation for approval of a rezoning from R-2, Single Family Residence Zone District to I-1, Light Industrial Zone District as requested by Robert and Penny Brecke (Applicants/Titleholders).

Case No: RZNE-000275-2012 Case Manager: Vern Zakostelecky

- **Old Business**

- 1. **Case Name:** 1430 2nd Avenue SE (Rezoning)

Recommendation for approval of a rezoning from O/S, Office/Service Zone District, to R-3, Single Family Residence Zone District requested by WDJ Investments, LLC. (Applicant/Titleholder).

Case No: 91-12-028 Case Manager: Vern Zakostelecky

- **New Business**

- 1. Amendments to Chapter 32 of the Municipal Code, the Zoning Ordinance to revise Core Area parking regulations as recommended by the City Council Development Committee.
 - 2. Amendment to Chapter 32 of the Municipal Code, the Zoning Ordinance to make Delayed Deposit Service Uses (commonly known as “payday lenders”) a conditional use in the C-2, Community Commercial Zone District and requiring a distance separation of 1,000 feet between Delayed Deposit Service Uses and other certain protected uses.

- **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 31, 2013
To: City Planning Commission
From: Community Development Department

Applicant: Knapp Warden, LLC
Titleholder: Westminster Presbyterian Church
Case Number: COND-000686-2013
Location: 1257 3rd Avenue SE
Request: Conditional Use for a Crisis counseling center in the RMF-2, Multiple Family Residence Zone District
Case Manager: Vern Zakostecky

BACKGROUND INFORMATION:

The property owner, Westminster Presbyterian Church wishes to open a crisis counseling center in the single-family home next to the Churches parking lot. The City has not received an objection to the proposed use. The site plan, as submitted, includes the following:

Total Lot Area: 5,600 sq ft
Total Building Area: 1,462 sq ft
Open Space Area: 4,016 sq ft
Parking Provided: Parking will be provided in the Church parking lot adjacent to the proposed use
Storm Water Management: Not required since no changes are proposed to the site
Screening: 6' wooden screen fence proposed along west and north parcel boundaries shared with residential uses

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: Crisis counseling centers are allowed in a RMF-2 Zoning District if conditional use approval is granted.

- 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: The proposed conditional use is consistent with the intent and purpose of the Zoning Ordinance and Future Land Use Map, which designates the site and the immediately surrounding area as Residential and crisis counseling centers are allowed in residential zoning districts if conditional use approval is granted.

- 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: The proposed conditional use should have few impacts upon adjacent properties or the character of the surrounding area. Traffic conditions and parking will not be affected. Existing utilities can adequately serve the proposed use.

- 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: There are no proposed changes to the site and the proposed use should not have any significant negative impacts to the neighborhood.

- 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: Access to the site will continue to be from the public alley and no significant traffic is anticipated. All other essential services and facilities are adequate for the proposed use.

- 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 proposed use will comply with all standards imposed by the Zoning Ordinance.

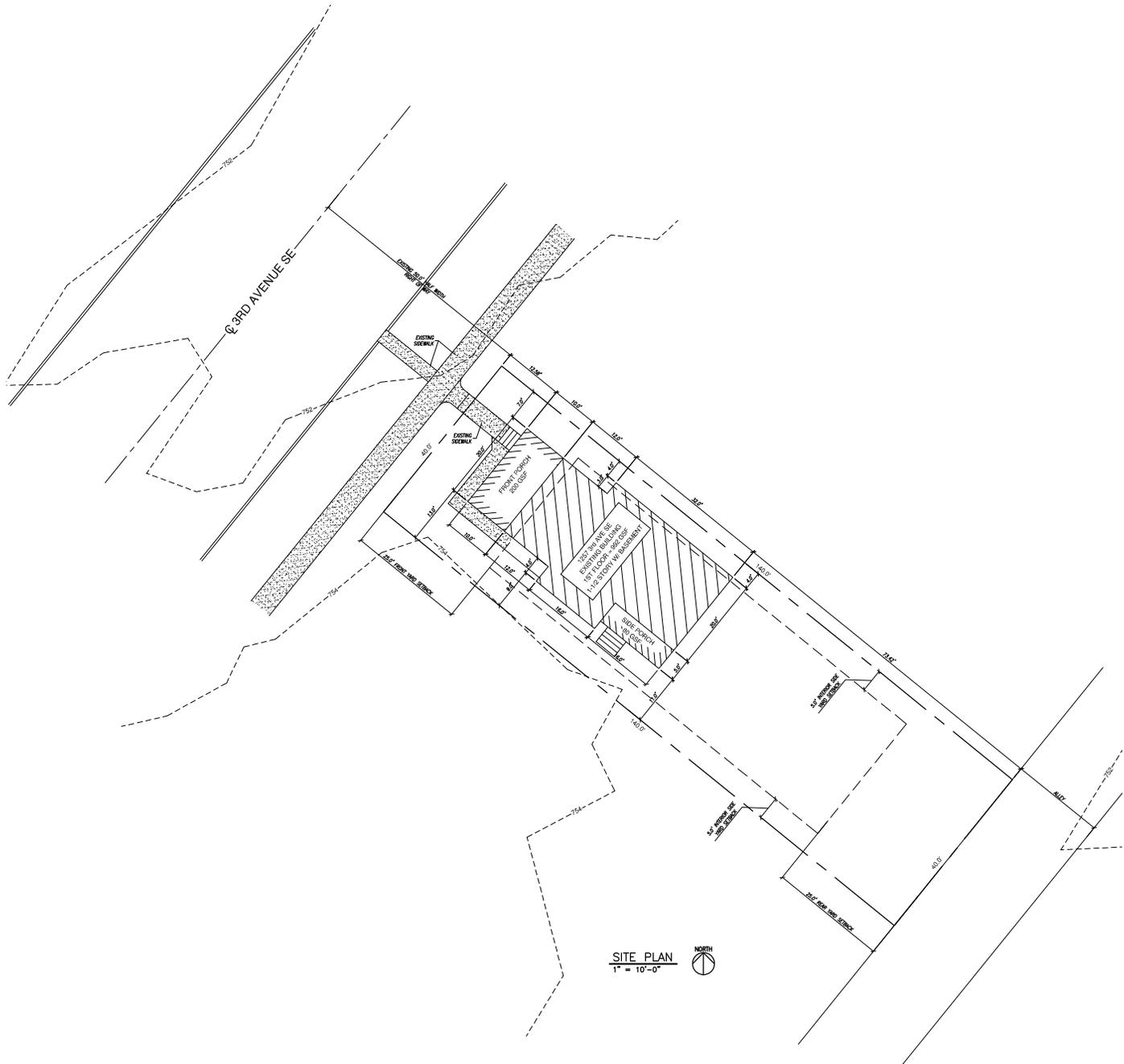
- 7. Whether, and to what extent, all reasonable steps possible have been, or will be, taken to minimize any potential adverse effects on the surrounding property through building design, site design, landscaping, and screening.**

Staff Comments: Adverse impacts on the surrounding property will not be an issue, and no landscaping or screening is required.

RECOMMENDED CONDITIONS:

If the City Planning Commission recommends approval of the proposed conditional use, 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 (Chapter 32.02.020.I).

1. The structure shall not be occupied without obtaining a Certificate of Occupancy.



DIMENSIONAL STANDARDS	
LOT AREA:	5,600 SQUARE FEET
CURRENT ZONING:	RMF-2
PROPOSED CONDITIONAL USE:	CRISIS COUNSELING CENTER
TOTAL BUILDING AREAS:	1,462 SQUARE FEET
TOTAL HARD SURFACE:	122 SQUARE FEET
TOTAL GREEN SPACE:	4,016 SQUARE FEET

PETITIONER/OWNER'S NAME: WESTMINSTER PRESBYTERIAN CHURCH OF CEDAR RAPIDS
 ADDRESS: 1285 THIRD AVENUE SE
 CEDAR RAPIDS, IOWA 52403
 CONTACT: MIKE ZIMMERMANN
 319-551-9312
 zimmermann_mike@msn.com

LEGAL DESCRIPTION:
 SW-1/4 40 FEET OF LOT 10, SUB-DIVISION OF OUT LOT 16, CEDAR RAPIDS, IOWA, RECORDED PAGE 44, VOLUME 143 RECORDS OF COUNTY RECORDER, LINN COUNTY, IOWA, EXCEPTING THEREFROM THE REAR 10 FEET FOR AN ALLEY

SETBACKS:
 FRONT YARD = 25.0'
 INTERIOR SIDE YARD = 5.0'
 REAR YARD = 25.0'

AGENT'S CONTACT INFO: WILLIAM J. KNAPP
 KNAPP-WARDEN, LLC
 1544 2nd AVE SE
 CEDAR RAPIDS, IA
 319-366-6673
 319-366-6698 - FAX
 bknapp@knappwarden.com



PROJECT LOCATION
 LOCATION MAP
 1" = 300'-0"

	I HEREBY CERTIFY THAT THE PORTION OF THIS TECHNICAL SUBMISSION DESCRIBED BELOW WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND RESPONSIBLE CHARGE. I AM A FULLY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF IOWA. MY LICENSE EXPIRES 12/31/2012.	
	WILLIAM J. KNAPP Signature	REGISTRATION NO: 10095
	PAGES OR SHEETS COVERED BY THIS SEAL: _____	
	DATE ISSUED: _____	

PROJECT: 1257 3rd AVE SE WEST PRESBYTERIAN CHURCH CEDAR RAPIDS, IOWA
DRAWING TITLE: CONDITIONAL USE APPLICATION
SCALE: AS NOTED CHECKED BY: WJK DRAWN BY: HJS PROJECT NO: 12126 ISSUE DATE: 12/2/12
DRAWING NUMBER: C1

ELEVATION PHOTOS OF 1257 3RD AVENUE SE



Photo 1. View of the front elevation of 1257 3rd Avenue SE.



Photo 2. View of the side elevation of 1257 3rd Avenue SE.



Photo 3. View of the rear elevation of 1257 3rd Avenue SE.



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

CPC Date: January 31, 2013
To: City Planning Commission
From: Community Development Department

Applicant: Cedar Rapids Cellular Telephone L.P.
Titleholder: Czech National Cemetery Association of Cedar Rapids
Case Number: COND-000239-2012
Location: 2200 C Street SW
Request: Conditional Use approval for a Communications Tower
Case Manager: Vern Zakostecky

BACKGROUND INFORMATION:

The applicant is requesting approval of a conditional use for a 120' tall communications tower in the Czech National Cemetery between C Street and Wilson Avenue SW, which is zoned R-2, Single Family Residence Zone District. The proposed tower would be located in the center of the site and should not have any major negative impacts on the surrounding area.

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: Communication towers can be located in the R-2 Zoning District if approved as a conditional use.

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: The City's Future Land Use Map identifies this site as Institutional/Public, which was based on the current use of the property. The communication tower would be considered a secondary use on the site and is subject to conditional use approval.

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: Since the communication tower is proposed in the center of the site and will be screened with solid screen fencing and evergreen plants, the proposed use will be consistent with the overall character, uses and density of the neighborhood and should have no adverse effects on the community.

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: The proposed communication tower will be compatible with the immediate neighborhood and will not interfere with the use, development and improvement of surrounding properties due to the placement on the site and screening proposed.

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: Traffic congestion in this area is minimal, and all services are currently available to serve the lot. The addition of the communication tower will not have any impact or burden on City services or traffic.

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 proposed development will comply with all additional standards from the Ordinance.

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: As previously mentioned, placement of the communication tower in the middle of the site along with the proposed screening is a strong site design. Staff feels all reasonable steps possible have been taken to minimize any potential adverse effects on the surrounding properties through site design, landscaping, and screening.

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

Staff comments: This item is not applicable.

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 this Ordinance.

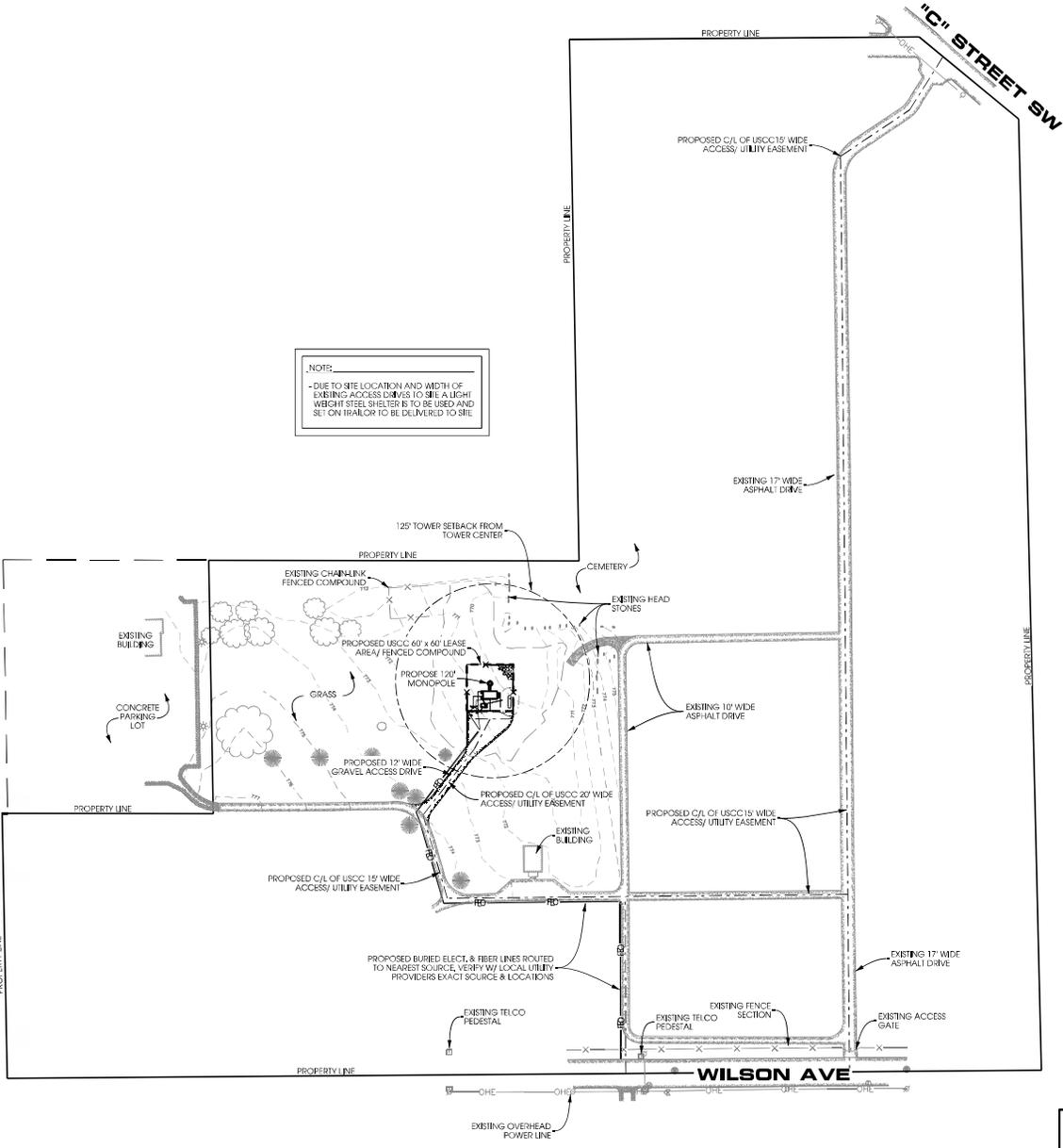
RECOMMENDED CONDITIONS:

There are no recommended staff conditions.

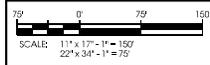


APPROX. DISTANCES FROM TOWER CENTER TO PROPERTY LINES:
 - TOWER C/L TO NORTH P.L. = +/- 157'-7"
 - TOWER C/L TO WEST P.L. = +/- 359'-10"
 - TOWER C/L TO SOUTH P.L. = +/- 504'-1"

NOTES:
 - DUE TO SITE LOCATION AND WIDTH OF EXISTING ACCESS DRIVES TO SITE, A LIGHT WEIGHT STEEL SHELTER IS TO BE USED AND SET ON TRAILOR TO BE DELIVERED TO SITE



AERIAL OVERVIEW OF SITE



SITE PLAN
WILSON AVE [#293390]
CEDAR RAPIDS, IOWA

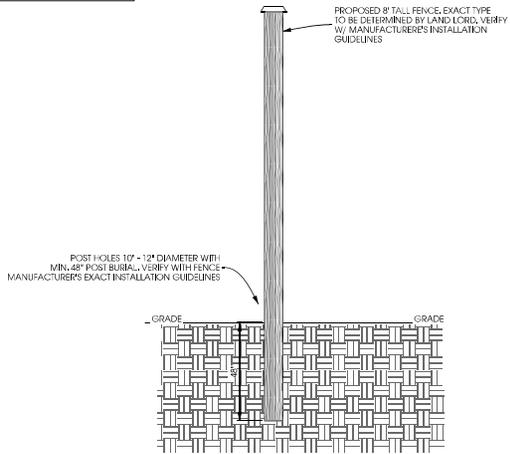
SHEET TITLE:	ISSUE DATE:
	TOURING DRAWINGS - 08/17/2011
	PRELIM CD# - 05/09/2012
	FINAL CD# - 07/25/2012
	UPDATED FINAL CD# - 1/20/2012
REVISIONS:	
	EASEMENT - 07/15/2011
	SURVEY - 12/02/2011
	TOWER LOCATION - 01/13/2012
	PRELIM CD# - 08/21/2012
	PRELIM CD# - 07/25/2012
DRAWN BY:	CCL, TAS, BOP, CV
CHECKED BY:	ABB
PLOT DATE:	11/23/2012
PROJECT #:	6326
FILE NAME:	C:\edge

SIMULATED DECORATIVE STONE VINYL FENCING NOTE:

- SIM TEK 8' TALL DECORATIVE VINYL FENCING AND GATES OR EQUIVALENT
- EADS FENCE COMPANY, INC.
131 BROADWAY
LOVELAND, OH 45140
800.699.0648
- **COLOR BEIGE GRANITE**
- LAND LORD TO CHOOSE EXACT COLOR AND STYLE OF FENCED COMPOUND
- CONTRACTOR TO FOLLOW MANUFACTURER AND SUPPLIER INSTALLATION GUIDELINES AND SPECIFICATIONS
- ONCE A PRODUCT TYPE/ STYLE HAS BEEN SELECTED, SUBMIT SUPPLIER MATERIALS AND INSTALLATION RECOMMENDATIONS FOR ENGINEER AND OWNER APPROVAL

NOTE:

- VERIFY WITH FENCE MANUFACTURER'S INSTALLATION GUIDELINES FOR OBJECT BURY OR SURFACE MOUNT POSTS TO A CONCRETE PAD



8' TALL FENCE PANELS



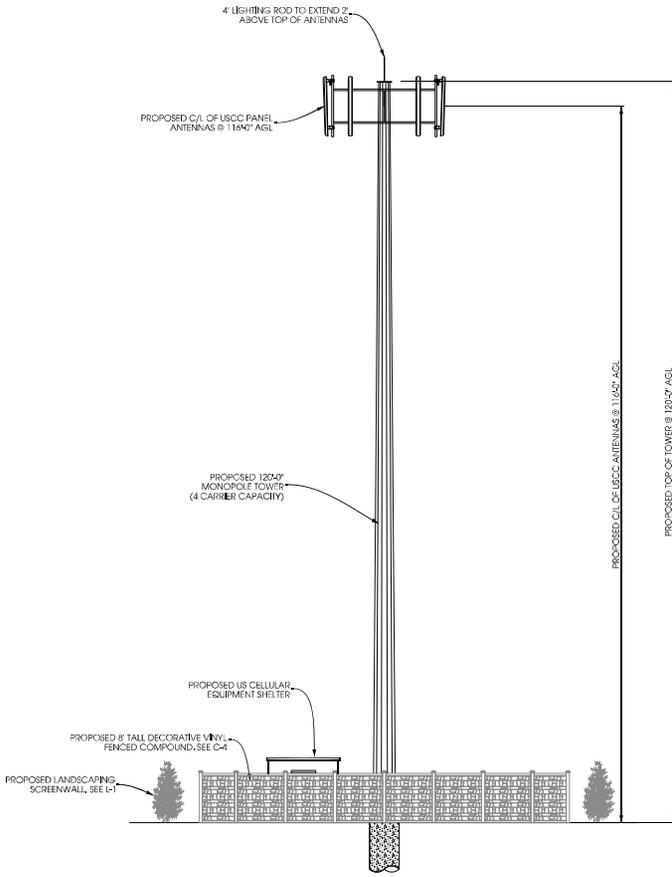
12' DOUBLE SWING GATE

A **SIMTEK VINYL DECORATIVE FENCE**

SCALE: NTS

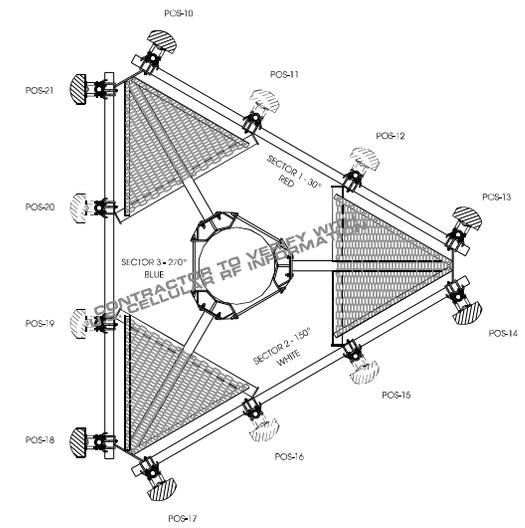
SHEET TITLE:	
ISSUE DATE:	
TRAINING DRAWINGS:	08/17/2011
PRELIM CD#:	05/09/2012
FINAL CD#:	07/26/2012
UPDATED FINAL CD#:	11/20/2012
REVISIONS:	
EASEMENT:	09/15/2011
SURVEY:	12/02/2011
TOWER LOCATION:	01/13/2012
PRELIM CD#:	08/21/2012
PRELIM CD#:	07/26/2012
DRAWN BY:	CCJ, TAS, BOP, CV
CHECKED BY:	ABB
PLOT DATE:	11/20/2012
PROJECT #:	6326
FILE NAME:	C-4.dgn
SHEET NUMBER:	

NOTES:
 FOUNDATIONS SHOWN ARE TYPICAL AND DO NOT REPRESENT ACTUAL CONDITIONS.
 CONTRACTOR TO VERIFY HEIGHT AND DIRECTION OF ANTENNA WITH PROJECT MANAGER & FINAL RF DESIGN.
 ALL ANTENNA AZIMUTHS TO BE FROM TRUE NORTH.



A TOWER PROFILE (EAST ELEVATION)
 SCALE: 11" x 17" - 1" = 20'-0"
 22" x 34" - 1" = 10'-0"

ANTENNA LEGEND
 = INITIAL INSTALL
 = FUTURE INSTALL



POS #	ANTENNA ID	MAKE AND MODEL	GAIN	MECH DT	ANT. HEIGHT	AZMUTH	CABLE LENGTH	CABLE DIAM.	TOP 1/2" JUMPER LENGTH (FT)
10	TX1 / RX1	80010306		0°	116'-0"	30°	150'	1.5/8"	10'
11									
12									
13	RX2	80010306		0°	116'-0"	150°	150'	1.5/8"	10'
14	TX1 / RX1	80010306		0°	116'-0"	270°	150'	1.5/8"	10'
15									
16									
17	RX2	80010306		0°	116'-0"	150°	150'	1.5/8"	10'
18	TX1 / RX1	80010306		0°	116'-0"	270°	150'	1.5/8"	10'
19									
20									
21	RX2	80010306		0°	116'-0"	270°	150'	1.5/8"	10'

- ANTENNAS TYP. EQUIPMENT W/ELECTRICAL DOWNTIIL. INSTALL ALL ASSOCIATED REMOTE LINES AS NEEDED.
 - TYP. JUMPER LENGTH @ ANTENNA 10'

B ANTENNA PLATFORM ASSIGNMENT
 SCALE: NTS



Edge Consulting Engineers, Inc.
 620 North 38th Street
 Peoria, IL 61604
 309.684.1467 fax
 309.684.1467 fax
 www.edgeconsrll.com

TOWER ELEVATION
WILSON AVE (#293390)
CEDAR RAPIDS, IOWA

SHEET TITLE:
 ISSUE DATE:
 TOWER DRAWINGS - 08/17/2011
 PRELIM CD-1-06/09/2012
 FINAL CD-1-07/25/2012
 UPDATED FINAL CD-1 1/20/2012
 REVISIONS:
 EASEMENT - 09/15/2011
 SURVEY - 12/02/2011
 TOWER LOCATION - 01/13/2012
 PRELIM CD-1- 09/21/2012
 PRELIM CD-1- 07/25/2012
 DRAWN BY:
 CCL, TAS, BOP, CV
 CHECKED BY:
 ABB
 PLOT DATE:
 11/23/2012
 PROJECT #:
 6326
 FILE NAME:
 A-1.dgn
 SHEET NUMBER:
A-1

January 15, 2013

This is a copy of an Email Sent to Julie Shebeck on December 15, 2012.

Dear Julie,

We neighbors as well as family who have members who are buried at the Czech cemetery, and the other Czech affiliates, are very concerned about the rezoning at the cemetery. I spent many hours on the phone yesterday trying to find out exactly what the plans are, and no one could tell me. It seems to us that there are other areas close by which may be more desirable for a tower. The city owns land on high plains near the river, beside the trail. This placement would affect no one. Tanager also has vacant land near the trail. Wouldn't the tower service be better if the tower were on a hill? Thank you for your considerations.

Elaine Olson



January 15, 2013

Concerned questions by neighbors:

- 1--What kind of electrical cabling/data network cabling will have to be dug/trenched through the cemetery to supply this cell tower?
- 2--Will any graves be disturbed in any way during the process? (Equipment, cabling, machinery used)
- 3--When there is a power outage, what kind of backup power source will be used? (Battery/gas/diesel)
- 4--If gas/diesel, where will the fuel be stored, how will the tower be refueled, how loud will the generators be when in use? Is any of this acceptable for a quiet residential area?
- 5--How high will the tower be (from the ground) and higher than the average ground level - if located at the bottom of a hill?
- 6--Will the tower require any airplane avoidance lighting? Red blinking lights? White strobe lights? What is the expected impact/light visible from within residences in the area?
- 7--How many line-of-sight feet between the tower and the closest home? Is this justified in a residential area?
- 8--How much power will be radiated from the tower at the antennas? Is this safe? At what distance?
- 9--What will the exact frequencies be in use with this tower? Can this be changed without due process in the future?
- 10--Are there any health concerns due to the electrical energy output in the microwave band?
- 11--How will the impact be (change) if this tower ends up being a co-location tower with multiple cellular providers either initially or over time?
- 12--Will this even improve cellular reception at all in the closest homes impacted by the tower placement?

I am concerned over the possibility
that U. S. cellular may be allowed
to construct a cellphone tower in the
Czech National Cemetery.
Another location can be found.
And the peaceful surroundings
may continue to be carefully preserved.

I just say no

Pauline Simmons



1-23-20/13

Abernathy, Alicia A

From: Larson, Brad A.
Sent: Wednesday, January 09, 2013 9:18 AM
To: CPC_Members
Cc: Abernathy, Alicia A
Subject: FW:

The lateness of this is due to it being in my junk email folder.

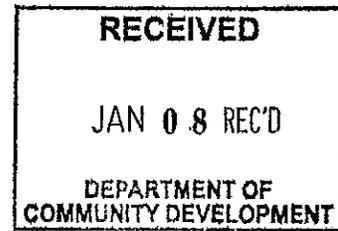
-----Original Message-----

From: anne hagie [<mailto:hagiefamily@yahoo.com>]
Sent: Tuesday, December 18, 2012 9:20 AM
To: Larson, Brad A.
Subject:

Mr Larson,

I am writing you in regards to the plans to build a cell phone tower close to our Holy Ground of Eben Israel Cemetary. Please have respect to our loved ones buried there and their families. There has to be a better place to build a cell phone tower than close to our cemetary. I would greatly appreciate your thought to this matter.

Anne Hagie
Member Temple Judah



January 4, 2013

City Planning Commission

101 First Street S.E.

Cedar Rapids, Iowa 52402

Attention: Bob Larson

Dear Mr. Larson,

I am writing this letter on behalf of Lodge Prokop Velky #137 of CSA Fraternal Life. We had a meeting on Wednesday, January 2nd at which time we received more information on the possible Cellar Cell Tower being erected at the Czech National Cemetery.

During the discussion, the members were informed of the objections of Terry Petrzalek to have the tower erected. The members of our lodge have signed their names to the attached sheet in which they are in favor of the tower's erection. Our members feel it would be a benefit to the cemetery to help with their expenses; it would be placed in an out-of-the-way location and also be set up to help beautify the cemetery.

Many of the people who did sign the attached paper have relatives buried in this cemetery. We hope you will authorize the building of this tower. If you have any questions, please feel free to contact me at (319)848-4983 or my address – 9800 Spanish Road, Ely, Iowa 52227.

Fraternally,

Lodge Prokop Velky #137

A handwritten signature in cursive script that reads "Dorothy Ditch".

Dorothy Ditch, Secretary



Joyce A. Netolicky	4661 Carrousel Dr SW	CR 52404
Carolyn Wilson	2420 31 st St. SW	CR 52404
Madonna Hartl	1051 CEDAR Woods Rd	CR 52403
Dorothy V. Russell	1577 Visliser Rd	CR 52403
Edward Plentz	1051 CEDAR Woods Rd	CR 52403
Don Hamous	3206 Rosewood Ct NE	CR 52402
Jane Hamous	3206 Rosewood Ct NE	C.R. 52402
Nemura Bigel	9707 Club Rd, C.R.	Jar 52402
Joe Konecny	2822 Oak Crest Ct NW	CR IA 52405
Betty Konecny	2822 Oak Crest Ct NW	CR IA 52405
Ray Zach	2109-160 th NW	Swisher Ia 52338
Roman Zach	2109-160 th SW	SWISHER IA 52338
Earl Pulkrab	345 Highland Ave	Fairfax Ia 52228
Jan Pulkrab	" " "	"
Wynne Johnson	2003 Mallory St SW	CR 52404
Elmer Buhl	1731 Hamilton St SW	CR 52404
Sarrah Edmonds	2919 Schults Dr NW	CR 52405
Frank R. Edmonds	" " " "	" "
Arlo Netolicky	4661 Carrousel Dr SW	CR 52404
Sharon Bigel	7315 32nd Ave.	Atkins 52206
Margorie Nejedl	5700 KOPERER LANE	ELY. 52227
Marge Pace	3614 Foxborough Ter.	CR 52402
Dorothy Ditch	9800 Spanish Rd	Ely 52227
Stanley Ditch	9800 Spanish Rd	Ely 52227
Jim Ditch	5422 Main St	100g mills 52344

Abernathey, Alicia A

From: Larson, Brad A.
Sent: Wednesday, January 09, 2013 9:19 AM
To: CPC_Members
Cc: Abernathey, Alicia A
Subject: FW: Cell Tower Near Cemetery

-----Original Message-----

From: Barry Abzug [<mailto:barry.abzug@gmail.com>]
Sent: Monday, December 17, 2012 5:17 PM
To: Larson, Brad A.
Subject: Cell Tower Near Cemetery

Brad, I understand that the Czech National Cemetery is working with a cell phone company to build a cell tower close to and directly to the south and west of Eben Israel Cemetery. It seems pretty disrespectful to put a tower that close to a cemetery. I would like to register an objection if that is in fact the plan. I would appreciate anything you can do to find an alternate site.

Regards,
Dr. Barry M. Abzug
4916 Oak Grove Rd NE
Cedar Rapids, IA 52411

Abernathey, Alicia A

From: Larson, Brad A.
Sent: Wednesday, January 09, 2013 9:20 AM
To: CPC_Members
Cc: Abernathey, Alicia A
Subject: FW: Cell phone tower at Czech National Cemetery

-----Original Message-----

From: spbelay@aol.com [<mailto:spbelay@aol.com>]
Sent: Tuesday, December 18, 2012 8:55 PM
To: Larson, Brad A.
Subject: Cell phone tower at Czech National Cemetery

Mr Larson

We are writing you in support of "opponent Petrzalek" expressing our surprise and disgust at the proposal to locate a cell phone tower on the property of the Czech National Cemetery. While we realize the Cemetery must be funded for upkeep of the property, we feel there should be better alternatives. It is our opinion that cemeteries should be reserved for their primary purpose of remembering our loved ones who are interred at the Cemetery. Please consider those most closely attached to the property when making your final decision.

Sincerely,
Sue and Mike Belay
2742 Prairie Dr. NE
Cedar Rapids

Abernathy, Alicia A

From: Larson, Brad A.
Sent: Wednesday, January 09, 2013 9:20 AM
To: CPC_Members
Cc: Abernathy, Alicia A
Subject: FW: Cell Tower Plan in Cemetery Beginning to Stir Up Opposition

-----Original Message-----

From: robert.petrzalek@gmail.com [<mailto:robert.petrzalek@gmail.com>]
Sent: Saturday, December 22, 2012 6:14 AM
To: Larson, Brad A.
Subject: Cell Tower Plan in Cemetery Beginning to Stir Up Opposition

<http://s.clickability.com/s?19=40004&7=96376&38=170069968>
<<http://images.clickability.com/eti/spacer.gif>> <<http://images.clickability.com/eti/spacer.gif>>
KCRG<<http://images.clickability.com/partners/96236/mainLogo.gif>>
<<http://images.clickability.com/logos/006699/emailthis-logo.gif>>

Powered by <javascript:
window.open('http://www.clickability.com/campaigns/38930919.html',", 'toolbar=no, width=800, height=800, resizable=1, scrollbars=1'); void("");>
* Please note, the sender's email address has not been verified.
<<http://images.clickability.com/eti/spacer.gif>>

I have family in Cedar Rapids Iowa and I agree with opponent Petrzalek. I think that is it bad-horrible idea. Thanks for understanding.

<<http://images.clickability.com/eti/spacer.gif>>

Click the following to access the sent link:

<<http://images.clickability.com/partners/96236/etIcon.gif>> Cell Tower Plan in Cemetery Beginning to Stir Up Opposition
<<http://www.emailthis.clickability.com/et/emailThis?clickMap=viewThis&etMailToID=170069968>> *

SAVE THIS link

<<http://www.savethis.clickability.com/st/saveThisPopupApp?clickMap=saveFromET&partnerID=96376&etMailToID=170069968>> FORWARD THIS link
<<http://www.emailthis.clickability.com/et/emailThis?clickMap=forward&etMailToID=170069968&partnerID=96376>>

Abernathey, Alicia A

From: Larson, Brad A.
Sent: Wednesday, January 09, 2013 9:20 AM
To: CPC_Members
Cc: Abernathey, Alicia A
Subject: FW: Eben Israel Cemetary

-----Original Message-----

From: Robby Cooper [<mailto:makemusic85@gmail.com>]
Sent: Tuesday, December 18, 2012 12:05 PM
To: Larson, Brad A.
Subject: Eben Israel Cemetary

Dear Mr. Larson

My name is Robert Cooper, and I'm writing you in defense of a site which is sacred to my and many other families; Eben Irael Cemetary. I've just become aware that there is a plan for a cell phone tower to be installed in very close proximity to the cemetary. I can't stress enough my dissapointment in such a decision. I believe the sacred importance of such a site far superceeds the presumed necessity of this tower. If this plan is carried out it will be slap in the face to those laid to rest in the cemetary, and all those with ties to such holy ground. My grandparents are interred at this site. My grandfather Maurice Nathanson was a well known attorney and a pillar of the Cedar Rapids Community. He was a great man, and a hero of mine. I don't think raising a cell phone tower is any way to honor his gravesite. I was quite shocked to find out about this plan, and I'm disturbed that this issue seems to have been overlooked. I'm confident an alternative solution can be found to better meet the needs of all involved parties.

Sincerely,
Robert J Cooper Jr.

Abernathey, Alicia A

From: Larson, Brad A.
Sent: Wednesday, January 09, 2013 9:21 AM
To: CPC_Members
Cc: Abernathey, Alicia A
Subject: FW: Proposed cell phone tower

-----Original Message-----

From: Mary Cooper [<mailto:mcooper1193@gmail.com>]
Sent: Monday, December 17, 2012 5:50 PM
To: Larson, Brad A.
Subject: Proposed cell phone tower

Dear Mr. Larson,

I am opposed to a cell phone tower being built close to Eben Israel Cemetery. My parents are buried there. It is holy ground, which should be respected and protected. Please do not allow a cell phone tower to disturb the sanctity and peace of this hallowed place.

Sincerely,
Mary Cooper

Abernathey, Alicia A

From: Larson, Brad A.
Sent: Wednesday, January 09, 2013 9:21 AM
To: CPC_Members
Cc: Abernathey, Alicia A
Subject: FW: Cell tower near cemetary

-----Original Message-----

From: Denise Novick [<mailto:novick.denise@gmail.com>]
Sent: Wednesday, December 19, 2012 7:31 AM
To: Larson, Brad A.
Subject: Cell tower near cemetary

Mr Larson

I strongly object to a cell tower being constructed so close to Eben Israel cemetary. It is sacred ground. My family is buried there. They should not be overshadowed by any such construction. How would you feel if your family was buried there? Please stop this project. Move it somewhere else.

Sincerely

Denise Novick

Abernathy, Alicia A

From: Larson, Brad A.
Sent: Thursday, December 27, 2012 8:42 AM
To: CPC_Members
Cc: Abernathy, Alicia A
Subject: FW: Cell Tower near Eben Israel Cemetery

From: Hubbard, Ben [<mailto:bhubbard@Exchange.FULLERTON.EDU>]
Sent: Saturday, December 22, 2012 5:27 PM
To: Larson, Brad A.
Subject: Cell Tower near Eben Israel Cemetery

Mr. Larson,

I have several relatives buried in the cemetery and will myself one day be interred there. Surely there are better places to erect the tower that do not dishonor the dead. Please try to find an appropriate location. Thank you,
Benjamin J. Hubbard
Costa Mesa, CA

Abernathy, Alicia A

From: Larson, Brad A.
Sent: Thursday, December 27, 2012 8:05 AM
To: CPC_Members
Cc: Abernathy, Alicia A
Subject: FW: Eben Israel Cell Tower prorsal

From: LINDA SCOTT [<mailto:ldjscott1@yahoo.com>]

Sent: Thursday, December 20, 2012 4:49 PM

To: Larson, Brad A.

Subject: Eben Israel Cell Tower prorsal

PLEASE DO NOT build a cell tower in the Eben Israel Cemetery. There is certainly another location that would not disturb this Hold Land!

Linda Scott
38231 S Desert Bluff DR
Tucson, AZ 85739

Born and lived in CR for 40 years

Abernathy, Alicia A

From: Larson, Brad A.
Sent: Thursday, December 27, 2012 8:06 AM
To: CPC_Members
Cc: Abernathy, Alicia A
Subject: FW: Eben Israel Jewish Cemetery

From: Mimi Capes [<mailto:mimicapes@gmail.com>]
Sent: Friday, December 21, 2012 5:43 AM
To: Larson, Brad A.
Subject: Eben Israel Jewish Cemetery

Dear Mr. Larson,

Please ensure that the sanctity of Eben Israel Cemetery is not defiled by the erection of the cellphone tower. Surely, a more suitable place can be found.

Thank you,

Michele Licht Capes
formerly of Cedar Rapids (and my heart is still there)

Abernathy, Alicia A

From: Larson, Brad A.
Sent: Tuesday, December 18, 2012 8:05 AM
To: Abernathy, Alicia A
Subject: FW: National Czech Cemetery/Eben Israel Cemetery

Please file.

From: Jennifer V [<mailto:cantorjenbv@gmail.com>]
Sent: Monday, December 17, 2012 10:28 PM
To: Larson, Brad A.
Cc: Temple Office
Subject: National Czech Cemetery/Eben Israel Cemetery

Good Evening, Mr. Larson,

I am originally from Cedar Rapids, my 90-yr old mother still lives there for 3/4 of the year and my beloved father, as well as many, many friends and acquaintances are buried in Eben Israel Cemetery. I was shocked to learn that a discussion has been initiated by the Czech National Cemetery to build a cell tower on part of the Jewish cemetery.

This would be a complete desecration and blatant disrespect of sacred ground. I certainly hope you will recognize the inappropriateness of this proposal and block any further discussion of this matter. As I live in Los Angeles, I am unable to attend this week's City Council meeting, but feel free to use my name.

Thank you very much for your time.

Sincerely,
Cantor Jennifer Bern-Vogel

--
Cantor Jennifer Bern-Vogel, ACC*
Los Angeles, CA.
Congregation Emanu El, Redlands, CA.

*American Conference of Cantors - Clergy Committed to Judaism & Jewish Music
www.accantors.org

Abernathey, Alicia A

From: Larson, Brad A.
Sent: Wednesday, December 19, 2012 4:12 PM
To: CPC_Members; Thoms, Allan
Cc: Abernathey, Alicia A
Subject: FW: Eben Israel Cemetery

From: susan freud [<mailto:susanf1938@yahoo.com>]
Sent: Wednesday, December 19, 2012 3:26 PM
To: Larson, Brad A.
Subject: Eben Israel Cemetery

It seems unreasonable and unnecessary to put a cell phone tower so close to sacred ground. It is not as though Iowa lacks empty space for such a project. This shows a lack of respect for those who have died and for the living who work to maintain respect for their dear ones.

Susan Freud
To be laid to rest at Eben Israel and
Former Cedar Rapids resident and daughter, sister and niece of family
buried at Eben Israel.

Abernathey, Alicia A

From: Larson, Brad A.
Sent: Wednesday, December 19, 2012 1:06 PM
To: Abernathey, Alicia A
Subject: FW: Not a good idea to have cell tower on sacred ground

From: Spotlight Images [<mailto:steve@spotlightimages.com>]
Sent: Wednesday, December 19, 2012 1:03 PM
To: Larson, Brad A.
Subject: Not a good idea to have cell tower on sacred ground

Hi Brad,

My wife is interred at Czech National Cemetery.

I do not favor the erection of a cell tower on the Cemetery grounds.

Sincerely,

Stephen Eckert
Spotlight Images
180 Morgan Court
Cedar Rapids, IA 52411
319-378-1516
www.spotlightimages.com

Abernathy, Alicia A

From: Larson, Brad A.
Sent: Tuesday, December 18, 2012 8:05 AM
To: Abernathy, Alicia A
Subject: FW: Cell tower

Please file.

From: Charlie Litow [<mailto:charlie@litowlaw.com>]
Sent: Monday, December 17, 2012 9:38 PM
To: Larson, Brad A.
Subject: Cell tower

It was brought to my attention a tower is planned next to the cemetery on the SW side of town. I truly feel this is extremely poor taste and an affront to those who bury their loved ones in a cemetery. Please reconsider.

Charlie Litow

Abernathey, Alicia A

From: Larson, Brad A.
Sent: Tuesday, December 18, 2012 8:06 AM
To: Abernathey, Alicia A
Subject: FW: Tower overlooking Eben Israel cemetery

Please file.

From: Rosanne Klass [mailto:marschallin@msn.com]
Sent: Monday, December 17, 2012 6:43 PM
To: Larson, Brad A.
Subject: Tower overlooking Eben Israel cemetery

Dear Mr. Larson:

Though I presently live in New York City, I was born and raised in Cedar Rapids and I have a specific interest in Eben Israel cemetery. My parents, Raymond Klass and Ann Klass, are buried there -- *and I will be buried there, too*; I have purchased my plot there. Sol Maikon (whom you can find at Ginsberg Jewelers) can confirm this. I therefore have a direct personal interest in the maintenance of an appropriate atmosphere -- which would be compromised by the erection of the cell tower being proposed.

I am therefore writing to most strenuously protest the effort to build a cell tower in near proximity to that cemetery.

Eben Israel cemetery was established more than a century ago, and its history in the community should establish its priority in terms of an appropriate, dignified atmosphere and environment. Erecting a commercial cell tower in that location is thoroughly inappropriate, **and should not be approved**. I urge that it be rejected, and that the tower be built elsewhere, in a more appropriate area.

Rosanne Klass
250 West 82nd Street, New York, N.Y. 10024
(212) 873-3838

Abernathy, Alicia A

From: Larson, Brad A.
Sent: Tuesday, December 18, 2012 8:06 AM
To: Abernathy, Alicia A
Subject: FW: cell phone tower

Please file.

From: amy barnum [<mailto:mrs.barnum@gmail.com>]
Sent: Monday, December 17, 2012 7:24 PM
To: Larson, Brad A.
Subject: cell phone tower

Mr. Larson:

I learned that the Czech National Cemetery is planning on allowing a cell phone tower to be built very close to Eben Israel Cemetery. I am very concerned that this is not an appropriate spot for a cell phone tower, right next to Jewish burial grounds, which is considered a holy spot.

I urge you to look this over carefully and not allow this to happen.

Thank you,
Amy Barnum
Cedar Rapids, IA 52

403

Abernathey, Alicia A

From: Larson, Brad A.
Sent: Tuesday, December 18, 2012 8:38 AM
To: CPC_Members
Cc: Abernathey, Alicia A
Subject: FW: Cell phone tower near Eben Israel Cemetery

From: Henry Nathanson [<mailto:hnathan130@gmail.com>]
Sent: Tuesday, December 18, 2012 8:37 AM
To: Larson, Brad A.
Subject: Cell phone tower near Eben Israel Cemetery

Dear Mr. Larson,

My parents are buried in Eben Israel Cemetery. Who knows, since I work in Cedar Rapids, I may one day be buried there as well. It has come to my attention that a cell phone company is seeking to install a cell phone tower on land adjacent to the cemetery owned by the Czech National Cemetery. I urge city officials to deny the request. The cemetery is a place of quiet contemplation, and I think a tower would spoil the pastoral appearance of the cemetery.

Henry Nathanson

Abernathey, Alicia A

From: Sheets, Betty
Sent: Wednesday, December 19, 2012 8:20 AM
To: Abernathey, Alicia A
Subject: FW: Proposed cell tower in Cemetary

This is coming from Manager's office so you don't need to send to on-base. Just for our records.

-----Original Message-----

From: Potter, Barb
Sent: Tuesday, December 18, 2012 4:47 PM
To: Larson, Brad A.
Cc: Sheets, Betty
Subject: FW: Proposed cell tower in Cemetary

Brad - Will you respond to Mr. Cohen?

Thank you,

Barb Potter
City Manager's Office

-----Original Message-----

From: Brian D. and Terri L. Cohen [<mailto:tlcx2@ia.net>]
Sent: Tuesday, December 18, 2012 10:49 AM
To: Larson, Brad A.
Cc: City Manager; Corbett, Ron J.; Vernon, Monica W.; Olson, Scott E.; Shey, Pat S.; Swore, Chuck R.
Subject: Proposed cell tower in Cemetary

I would like to voice objection both personally and as President of Eben Israel Cemetery to the building of a cell tower within visual site of our hallowed ground. Our Cemetery has been in Cedar Rapids over 100 years and was one of the first acquisitions made by our ancestors who settled here. It is a beautiful, park like setting. The ambiance will be ruined by the building of a cell tower in the Czech National Cemetery adjacent to our property. I spend many hours at the Cemetery at my daughters grave and feel this will be an eyesore in this idyllic setting.

I can not believe that granting a variance to a cemetery for a cell tower is proper land use in your city plan.

Brian D. Cohen
President, Eben Israel Cemetery

Abernathy, Alicia A

From: Scott Overland <SOverland@crbt.com>
Sent: Monday, December 17, 2012 3:21 PM
To: Abernathy, Alicia A
Subject: FW: Cell Tower at Czech Cemetery

Alicia:

Please forward to the other members.

Thanks,

From: Jo Ann McNiel [<mailto:JMcNiel@treesforever.org>]
Sent: Monday, December 17, 2012 3:16 PM
To: mtertinger@gmail.com; Scott Overland
Cc: gnaughton@ncsml.org
Subject: Cell Tower at Czech Cemetery

Mike and Scott,

Since you are the two members of the CPC that I know, and who know me, I am writing to you.

I am hoping to be at the CPC meeting on Thursday, but may need to attend to a family commitment out of town. I am therefore submitting my concerns regarding the CPC's first item of business on Thursday, to consider allowing a cell tower in the middle of the Czech Cemetery.

It is hard for me to believe that there is ANY good reason for locating a cell tower in the middle of ANY cemetery. These are sacred grounds to many, a place of peace, honor, and communion, and this intrusion of unsightly technology is hardly in keeping with the "character of the neighborhood." I can't imagine that any other cemetery in town would allow this. I can't imagine that if it were Native American burial grounds that it would even be considered. It's a national cemetery; does Arlington have a cell tower? Doesn't the Cemetery also have historic preservation value (or shouldn't it?), and if so, this would be completely antithetical to this value. I understand that the Cemetery Board sees this as a financial opportunity; I would encourage them to find more appropriate ways to raise funds.

I'm all for good cell service, but not at the expense of a place of history, peace, and respect. There must be other alternatives, including the nearby Mt. Trashmore property, to install a cell tower in that area.

I thank you for your service, and for listening, and WILL try to get there Thursday, but my niece's schedule has priority.

Jo Ann McNiel

P.S. I am copying Gail Naughton of the Museum, to be sure she's aware of this issue, and hoping this would be considered unacceptable by all in the Czech community, and any other citizen who cares about their loved ones' final resting place, regardless of heritage and location.

Privacy notice:

The information in this communication including any attached document(s) is privileged and strictly confidential from Cedar Rapids Investment Consulting and/or one of its affiliates. It is solely for the use of the individual(s) or

Abernathy, Alicia A

From: Matt Sommers <msomdog@yahoo.com>
Sent: Thursday, December 13, 2012 6:43 PM
To: Development-All
Subject: Cell Tower R-2 In Czech Cemetary/property located at 2200 C St SW

Dear Development Office,

I received a letter in the mail today regarding the cell tower being proposed in the area by my residence. Where is this tower being built exactly? If it is in the cemetary or even close I think as a courtesy you should send letters to the relatives of the deceased there and see their responses instead of just the residents affected. You can send a courtesy letter to us so why not send them one. A week notice to write a letter and a verbal presentation, are you kidding me? These people founded Czech town and their history outweighs a cell tower. This is a direct insult to these people and their families at best. There is plenty of other places with lots more land that I can think of. Tanager, Tait Cummins, Dump #1, Cedar River Paper, Czech flood zone, Jones Park/Golf, 8th Ave Bridge, Hwy 30, the roller dam, Alliant Energy, Aegon, Ely Rd., on top of Brosh Chapel, the new Hy Vee gas station site, etc. Thank you for your time.

Matt Sommers
2101 Lauren Drive SW

Abernathy, Alicia A

From: Larson, Brad A.
Sent: Tuesday, December 18, 2012 12:31 PM
To: CPC_Members
Cc: Abernathy, Alicia A
Subject: FW: Cell phone tower near Eben Israel Cemetery

From: Daniel Belay [<mailto:belada01@luther.edu>]
Sent: Tuesday, December 18, 2012 12:06 PM
To: Larson, Brad A.
Subject: Cell phone tower near Eben Israel Cemetery

Dear Mr. Larson,

I am writing to express my concern and disgust at the possibility of a cellular telephone tower being erected in the middle of the Czech National Cemetery.

My grandparents are both buried in this cemetery, which is a beautiful, historic area. Frankly, I can think of no greater disrespect to the deceased, as well as their families, than to allow the construction of a three hundred foot tower in the vicinity of what is supposed to be a place of eternal rest.

I understand as well that the cemetery views this as an opportunity to generate revenue, but I cannot help but think that there are a plethora of other opportunities that would be more infinitely more appropriate.

Regards,
Daniel Belay

Abernathey, Alicia A

From: Larson, Brad A.
Sent: Tuesday, December 18, 2012 12:50 PM
To: Abernathey, Alicia A
Subject: FW: Czech National Cemetary

From: Linda James [<mailto:sparrowhawkfarm@gmail.com>]
Sent: Tuesday, December 18, 2012 12:43 PM
To: Larson, Brad A.
Subject: Czech National Cemetary

Dear Mr. Larson,

I am perplexed by the conversation surrounding the inclusion of a cell phone tower in the Czech National Cemetery. I was born and raised in Cedar Rapids, and most of my relatives (great-grandparents, grandparents, and parents) happen to be buried there. My mother served on the cemetery board for years, and would have certainly been appalled by the idea of this kind of structure on such hallowed ground. In addition, this disastrous proposal affects not one, but TWO cemeteries that are adjacent to one another. So the City Council is intending to insult two ethnic communities that have played important roles in the history and development of Cedar Rapids.

Since I currently live in Utah, I will not be able to attend meetings that may focus on this important issue. Please feel free, however, to use my name and comments in the hope that this structure can be located elsewhere.

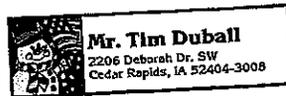
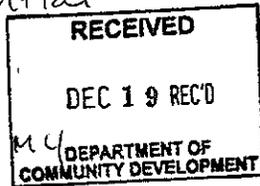
Linda Petrzalek James
4235 Bench Creek Road
Woodland, Utah 84036
sparrowhawkfarm@gmail.com

Although my work schedule will not allow me to attend your meeting, I would like to express my opposition for the telecommunications tower coming to our neighborhood.

Especially in the Czech National Cemetery.

A more appropriate site might be south on "C" st to the Fair Cummings Sports Complex away from a residential neighborhood -

Thanks for hearing my complaint



Abernathey, Alicia A

From: Larson, Brad A.
Sent: Tuesday, December 18, 2012 1:19 PM
To: CPC_Members
Cc: Abernathey, Alicia A
Subject: FW: Antenna near Ebn Israel cemetary

From: Adam Evanschwartz [<mailto:aevanschwarz@gmail.com>]
Sent: Tuesday, December 18, 2012 1:07 PM
To: Larson, Brad A.
Subject: Antenna near Ebn Israel cemetary

Mr. Larson,

My family and I strongly oppose location of a new antenna adjacent to the Ebn Israel cemetary.

This is a holy site visited by many people in our community for the purposes of memorializing the lives of loved ones, and for personal and communal reflection. I urge anyone involved in the decision to seriously and thoughtfully consider the diversity among users of the space. Deceased persons whom their survivors grieve at Ebn Israel include of course elderly men and women who passed away of common, natural causes. There are also, however, people who were interred in the cemetery following 'premature' and 'untimely' deaths -- including young children, infants, and middle-aged mothers and fathers. It is important that that surroundings of the cemetery be designed and managed with consideration for all living users of the space, regardless of the circumstances under which their loved ones died.

Because people commonly think of cemeteries as resting places for deceased grandparents and great grandparents (which is in itself worthy of serious consideration), I humbly request that the decision makers also consider that users of the space include mourners who have lost children, active parents, and so forth.

An antenna structure in the immediate vicinity would inappropriately infringe upon the profoundly important and meaningful human process of mourning the deceased.

Please contact me anytime if you have questions or wish to discuss.

Best regards,
Adam Evanschwartz
3107 Blue Ridge Ct NE
Cedar Rapids, IA 52402
(319) 573-6319



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

CPC Date: January 31, 2013
To: City Planning Commission
From: Community Development Department

Applicant: Robert and Penny Brecke
Titleholder: Robert and Penny Brecke
Case Number: FLUMA-000274-2012
Location: 820 Wiley Boulevard NW
Request: For an amendment to the Future Land Use Map in the City's Comprehensive Plan from Low Density Residential to Industrial
Case Manager: Vern Zakostelecky, Development Service Department

BACKGROUND INFORMATION:

The applicants are requesting an amendment to the Future Land Use Map in the City's Comprehensive Plan for property at 820 Wiley Boulevard NW from Low Density Residential to Industrial. The FLUMA is also accompanied by a separate request to rezone the property from R-2, Single Family Residence Zone District to I-1, Light Industrial Zone District.

If recommended by the City Planning Commission and granted by the City Council, the applicants would construct a one-story building for personal storage and a parking lot for their business, Brecke Mechanical Contractors, which is located directly across Wiley Boulevard from the subject property. The applicant held a neighborhood meeting to address concerns and answer questions about the proposed project. Of the two neighbors in attendance, no objections were raised.

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: The City's Future Land Use Map shows the subject property, as well as areas to the north, west and south as Low Density Residential. To the immediate east, where

the Brecke business is located, the future land use is shown as Commercial/Industrial. The Comprehensive Plan indicates that an Industrial future land use “permits heavy commercial and industrial operations in predominantly industrial areas. Outdoor storage and operations are permitted, though screening requirements will apply in some area. All industrial development should be situated to minimize conflicts between residential and truck traffic.” In addition, Policy 1.1.3 of the comprehensive plan states that the City shall “Protect stable single-family neighborhoods from the intrusion of incompatible residential and non-residential land uses.” An immediate transition from an Industrial future land use to a Low Density Residential land use is a jarring contrast between two of the City’s least and most intensive uses, and could be disruptive to the mostly single-family residential neighborhood over the subject properties’ long-term development and redevelopment.

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

Staff Comments: As mentioned, an Industrial future land use adjacent to a Low Density Residential land use has the potential to produce long-term conflicts between the neighborhood and the subject property, given the range of options that would be available for development on the site if a future land use map amendment and rezoning were permitted. Although the presently proposed use may not be disagreeable to current neighbors, future uses or neighbors may object to any redevelopment of the property that would result in more intensive industrial uses.

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

Staff Comments: This future land use map amendment would not result in a shortage of any type of residential or non-residential land in the area.

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

Staff Comments: An Industrial future land use in the heart of a predominantly residential area would not be likely to enhance the overall quality of life in the community. However, depending on the design of the development and the intensity of uses occurring on the site, an Industrial future land use may not necessarily detract from the overall quality of life in the community. Enhanced screening and buffering from adjacent residential properties would aid in reducing neighborhood conflicts.



Date:	XX/XX/XX
Field Book No:	FBK
Scale:	0"=0'H.
Sheet:	1 of 1
Project Number:	XXXX

Sheet Title:

EXHIBIT
FUTURE LAND USE MAP AMENDMENT
 820 WILEY BLVD SW
 CITY OR COUNTY

HALL & HALL ENGINEERS, INC.
Leaders in Land Development Since 1953

1600 UNIVERSITY BLVD., SUITE 1100, RENO, NV 89502
 PHONE: (775) 302-5046 FAX: (775) 302-7580

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 LAND SURVEYING & LAND DEVELOPMENT PLANNING

www.halleng.com

Designed by:	Drawn by:	Checked by:
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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 31, 2013
To: City Planning Commission
From: Community Development Department

Applicant: Robert and Penny Brecke
Titleholder: Robert and Penny Brecke
Case Number: RZNE-000275-2012
Location: 820 Wiley Boulevard NW
Request: Rezoning from R-2, Single Family Residence Zone District to I-1, Light Industrial Zone District
Case Manager: Vern Zakostelecky, Development Services Department

BACKGROUND INFORMATION:

The applicant is applying for a rezoning from R-2, Single Family Residence Zone District to I-1, Light Industrial Zone District for a vacant .62-acre property at 820 Wiley Boulevard NW. This request is accompanied by a Future Land Use Map Amendment from Low Density Residential to Industrial. If granted, the applicants would construct a one-story building for personal storage and a parking lot for their business, Brecke Mechanical Contractors, which is located directly across Wiley Boulevard from the subject property.

The site plan as submitted includes the following:

- Total area of .62 acres (26,970 sq ft)
- Proposed building area of 3,000 sq ft (11.3% of site)
- Proposed open area of 17,388 sq ft (65.8% of site)
- Parking: 12 spaces (10 required)

Additionally, the applicants sought and received variances from the Board of Adjustment to remove the required landscaped side buffer yard and screening to the north (adjacent to property also owned by the applicants), and to reduce the rear buffer yard screening to include a minimum 6' high privacy fence without additional landscaping (with permission of the adjacent neighbor).

At the time of this report, the applicants have requested to provide access to the property as shown in the attached site plan. This request conflicts with a requested revision by the City's Traffic Engineer to align the entrance of the property with the entrance of the applicants'

business directly across Wiley Boulevard NW. Staff is continuing to discuss the access arrangement with the applicants and will provide an update on the final determination at the December 20, 2012 City Planning Commission meeting.

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 City's Future Land Use Map shows the subject property, as well as areas to the north, west and south as Low Density Residential. To the immediate east, where the Brecke business is located, the future land use is shown as Commercial/Industrial. The Comprehensive Plan indicates that an Industrial future land use "permits heavy commercial and industrial operations in predominantly industrial areas. Outdoor storage and operations are permitted, though screening requirements will apply in some areas... All industrial development should be situated to minimize conflicts between residential and truck traffic." In addition, Policy 1.1.3 of the Comprehensive Plan states that the City shall "Protect stable single family neighborhoods from the intrusion of incompatible residential and non - residential land uses." An immediate transition from an Industrial future land use to a Low Density Residential land use is a jarring contrast between two of the City's least and most intensive uses, and could be disruptive to the mostly single-family residential neighborhood over the subject properties long-term development and redevelopment.

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

Staff Comments: Industrial Zoning in a predominantly residential area is inconsistent with the traditional practice of providing transitional zoning between more intensive and less intensive types of land uses. However, given the history of the applicant's business adjacent to the subject site with few issues, this zoning may be consistent with the characteristics of the surrounding area at present. Future owners of the subject parcel, however, could place the neighborhood's stability at risk depending if they would redevelop the site within the permitted range of uses under the I-1 Zoning classification.

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

Staff Comments: The subject property is not suitable for all uses that would be permitted in an I-1, Light Industrial Zone District. Uses permitted on I-1 zoned parcels include

kennels, medical labs, machinery sales, heavy equipment rentals, auto repair, truck washes, machine shops, self-service storage facilities, recycling collection facilities, communications towers, and others. The smaller size of the parcel may be prohibitive to the development of some of these uses, but not all. The proposed use as described by the applicants may be suitable for this property, given the neighboring business.

- 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 an I-1 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, when considering the variances granted to reduce buffering and screening, meets the requirements of Chapter 32.

RECOMMENDED CONDITIONS:

1. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY FOR THIS SITE, the property owner shall submit to the City an acceptable agreement to dedicate right-of-way in the future for Wiley Boulevard NW and F Avenue NW adjoining this site. The City Public Works Department will provide a copy of 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 Traffic Signal Petition and Assessment Agreement for future traffic signal improvements in the intersection of F Avenue NW and Wiley Boulevard NW adjoining this site. The City Public Works Department shall furnish 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 to submit to the City a signed Concrete Pavement Petition and Assessment Agreement for future paving improvements in F Avenue NW and Wiley Boulevard NW adjoining this site including urbanization of the street sections. The City Public Works Department shall furnish the Agreement form upon request by the property owner.
4. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible to construct 6' wide concrete sidewalk along F Avenue NW adjoining this site. The City will reimburse the property owner for a 1' wide portion of the 6' wide sidewalk in accordance with City policy. The property owner shall construct 5' wide sidewalk along Wiley Boulevard NW. The property owner shall construct the sidewalk improvements in accordance with City Standards, ADA requirements, and improvement plans accepted by the City Public Works Director/City Engineer. The property owner may request City deferral of the sidewalk installation requirement if in accordance with City policy.
5. 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 Detention. The City Public Works Department shall provide a copy of the Agreement form upon request by the property owner.
6. Any outdoor storage shall be effectively screened by a solid wall or fence, including solid entrance and exit gates, not less than 6 feet for more than 8 feet in height.

REZONING / PRELIMINARY SITE DEVELOPMENT PLAN FOR 820 WILEY BOULEVARD NW IN THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA

UTILITY LEGEND—EXISTING

—(SSB)—	SANITARY SEWER W/SIZE
—(ST10)—	STORM SEWER W/SIZE
—	SUBDRAIN
—(FM6)—	FORCE MAIN W/SIZE
—(WB)—	WATER MAIN W/SIZE
—(G)—	GAS
—(S)—	STEAM
—(OH)—	ELECTRIC-OVERHEAD
—(E)—	ELECTRIC-UNDERGROUND
—(C)—	CABLE TV-UNDERGROUND
—(OH)—	CABLE TV-OVERHEAD
—(OH)—	TELEPHONE-OVERHEAD
—(F)—	FIBER OPTIC-UNDERGROUND
—(OH)—	FIBER OPTIC-OVERHEAD
—(T)—	TELEPHONE-UNDERGROUND
—	FENCE LINE
—	SALT FENCE
—(FP)—	FLOODPLAIN LIMITS
—(FW)—	FLOODWAY LIMITS
—(CORP)—	CITY CORPORATE LIMITS
—	CONTOUR LINE
—	LIGHT POLE W/O MAST
—	LIGHT POLE W/MAST
—	TELEPHONE POLE
—	POWER POLE
—	GUY ANCHOR
—	GUY POLE
—	TELEPHONE PEDESTAL
—	TELEPHONE MANHOLE
—	CABLE TV PEDESTAL
—	UTILITY/CONTROL CABINET
—	SANITARY MANHOLE
—	STORM MANHOLE
—	GRATE INTAKE
—	RA-3 INTAKE
—	RA-5 INTAKE
—	RA-6 INTAKE
—	RA-8 INTAKE
—	HORSESHOE CATCH BASIN W/O FLUME
—	HORSESHOE CATCH BASIN W/FLUME
—	GAS VALVE
—	FLARED END SECTION
—	CLEANOUT, STORM OR SANITARY
—	TRAFFIC SIGNAL W/MAST
—	BOLLARD
—	BENCHMARK
—	STREET SIGN
—	WELL
—	SOIL BORING
—	FIRE HYDRANT
—	WATER VALVE
—	WATER SHUTOFF
—	WATER BLOWOFF

UTILITY LEGEND—PROPOSED

—SSB—	SANITARY SEWER W/SIZE
—ST10—	STORM SEWER W/SIZE
—FM6—	FORCE MAIN W/SIZE
—W12—	WATER MAIN W/SIZE
—CORP—	CITY CORPORATE LIMITS
—	SANITARY MANHOLE
—	STORM MANHOLE
—	GRATE INTAKE
—	RA-3 INTAKE
—	RA-5 INTAKE
—	RA-6 INTAKE
—	RA-8 INTAKE
—	HORSESHOE CATCH BASIN W/O FLUME
—	FLARED END SECTION
—	CLEANOUT, STORM OR SANITARY
—	FIRE HYDRANT
—	WATER VALVE
—	WATER SHUTOFF
—	WATER BLOWOFF

SURVEY LEGEND

—	SET --- REBAR W/CAP NO. ---
—	FOUND SURVEY MONUMENT AS NOTED
—	FOUND RIGHT OF WAY RAL
—	SECTION CORNER SET AS NOTED
—	SECTION CORNER FOUND AS NOTED
—	CUT "X" IN CONCRETE
—	RECORDED AS
—	EASEMENT LINE
—	PLAT OR SURVEY BOUNDARY
—	PLAT LOT LINE
—	CENTERLINE
—	SECTION LINE
—	EX. R-2 PROPOSED
—	1/4 SECTION LINE
—	1/4-1/4 SECTION LINE
—	EXISTING LOT LINE
—	BUILDING SETBACK LINE

PLANT LEGEND

—	DECIDUOUS TREE
—	CONIFEROUS TREE
—	DECIDUOUS SHRUB
—	CONIFEROUS SHRUB
—	TREE STUMP
—	TREE LINE DRIP EDGE

NOTE: THIS IS A STANDARD LEGEND. SOME ITEMS MAY NOT APPEAR ON DRAWINGS.

SHEET INDEX

- COVER
- REZONING / PRELIMINARY SITE DEVELOPMENT PLAN

ZONING

EXISTING: R-2
PROPOSED: I-1

USE

EXISTING: LOW-DENSITY RESIDENTIAL
PROPOSED: CONTRACTOR SHOP OR YARD

DIMENSIONAL STANDARDS: I-1

MINIMUM LOT SIZE: 20,000 SF
FRONT YARD SETBACK: 25 FT + 1/3 FT IF STRUCTURE
EXCEEDS 45 FT IN HEIGHT
SIDE YARD SETBACK: 15 FT SINGLE + 1/3 FT IF STRUCTURE
EXCEEDS 45 FT IN HEIGHT
CORNER SIDE YARD SETBACK: 25 FEET
REAR YARD SETBACK: 25 FEET + 1/3 FT IF STRUCTURE
BUILDING MAXIMUM HEIGHT: 75 FT

PARKING: CONTRACTOR SHOP OR YARD

REQUIRED:
5 STALLS PER 1000 SF GROSS FLOOR AREA:
3000 SF GFA / 1000 = 3 = 9 STALLS
HC STALLS: 1
PROVIDED:
12 STALLS (INCLUDING 1 HC STALL)

STORM WATER MANAGEMENT

STORM WATER MANAGEMENT SHALL MEET ALL APPLICABLE CEDAR RAPIDS STANDARDS AND SHALL INCORPORATE MULTIPLE BEST MANAGEMENT PRACTICES.

AREA CALCULATIONS

TOTAL SITE AREA: 26,970 S.F. (0.62 AC.)
TOTAL BUILDING LOTS: 1
AREA TO BE REZONED FROM R-2 TO I-1:
26,443 S.F. (0.61 AC.)
AREA TO BE DEDICATED AS RIGHT-OF-WAY:
527 S.F. (0.02 AC.)
EXISTING:
BUILDING AREA: 0 S.F. (0%)
PAVED AREA: 0 S.F. (0%)
OPEN AREA: 26,443 S.F. (100%)
PROPOSED:
BUILDING AREA: 3,000 S.F. (11.3%)
PAVED AREA: 6,000 S.F. (22.3%)
OPEN AREA: 17,388 S.F. (65.8%)

SITE ADDRESS:

820 WILEY BOULEVARD NW
CEDAR RAPIDS, IOWA 52405

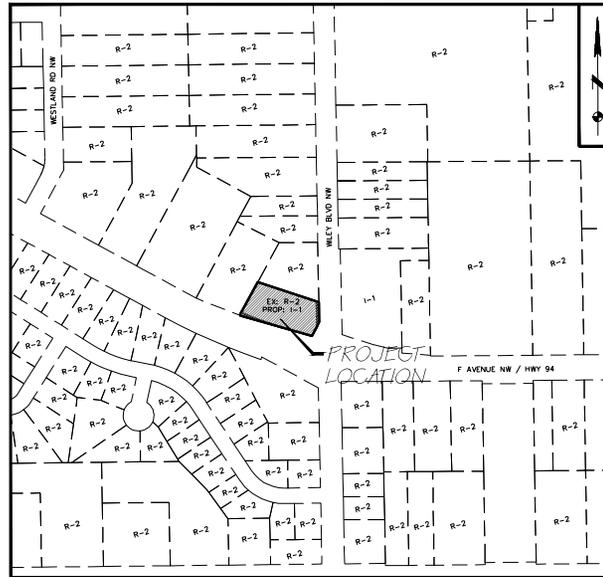
APPLICANT/OWNER:

ROBERT AND PENNY BRECKE
4140 F AVENUE NW
CEDAR RAPIDS, IA 52405
PH: 319-396-7005
FAX: 319-396-9390
EMAIL: rob.brecke@brecke.com

CONTACT PERSON:

JOHN L. ENTLER
1860 BOYDSON ROAD
HAWTHORN, IA 52233
PH: 319-362-9548
PH: 319-362-7999
EMAIL: john@halling.com

LOCATION MAP (1"=250')



NOTE

THE PROPOSED IMPROVEMENTS INCLUDED IN THESE DRAWINGS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE CEDAR RAPIDS METROPOLITAN AREA DESIGN STANDARDS MANUAL.

LEGAL DESCRIPTION - PRELIMINARY SITE PLAN

LOT 25 IN "AUDITOR'S PLAT NO. 162, LINN COUNTY, IOWA" EXCEPT THAT PART DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEASTERLY CORNER OF SAID LOT 25; THENCE WESTERLY ALONG NORTHERLY LINE OF SAID LOT 25 A DISTANCE OF 137.0 FEET TO NORTHEASTERLY CORNER OF SAID LOT 25; THEN IN A SOUTHERLY DIRECTION ALONG WESTERLY LINE OF SAID LOT 25 A DISTANCE OF 144 FEET AND 6 INCHES TO A POINT IN SAID LINE; THEN IN AN EASTERLY DIRECTION TO A POINT IN EASTERLY LINE OF SAID LOT 198 FEET SOUTHERLY OF NORTHEASTERLY CORNER OF SAID LOT 25; THENCE IN A NORTHERLY DIRECTION ALONG EASTERLY LINE OF SAID LOT A DISTANCE OF 198 FEET TO POINT OF BEGINNING.

VARIANCES BEING REQUESTED

SCREENING AND BUFFER: OWNER/APPLICANT ADDITIONALLY OWNS, AND RESIDES, ON ADJACENT PROPERTY NORTH OF PROJECT SITE. REQUIRED LANDSCAPED SIDE BUFFER YARD AND SCREENING REQUESTED TO BE REMOVED FROM NORTHERN PROPERTY BOUNDARY (BETWEEN EXISTING R-2 AND PROPOSED I-1 ZONING). OWNER/APPLICANT HAS ALSO COMMUNICATED WITH ADJACENT PROPERTY OWNER TO THE WEST OF PROJECT SITE AND IS REQUESTING REAR BUFFER YARD SCREENING TO ONLY IMPLEMENT A MINIMUM 6' HIGH PRIVACY FENCE, WITH NO ADDITIONAL LANDSCAPING.

STREET CLASSIFICATIONS

STREET	DESIGN DATA - URBAN		ROW WIDTH	DESIGN SPEED
	CLASSIFICATION	STREET WIDTH		
WILEY BOULEVARD NW	MINOR	31'	80'	35 MPH
F AVENUE NW	MAJOR	28'	100'	50 MPH



LANDSCAPE REQUIREMENTS

ZONING: EXISTING: R-2
PROPOSED: I-1

ADJACENT ZONING

NORTH: R-2
SOUTH: F AVENUE (HWY 94) R.O.W.
WEST: R-2 WILEY BOULEVARD R.O.W.
EAST: WILEY BOULEVARD R.O.W.

STREET LINE CLASSIFICATION & REQUIRED CLEAR ZONE

F AVENUE (HWY 94) ARTERIAL - 10' CLEAR ZONE

WILEY BOULEVARD ARTERIAL - 10' CLEAR ZONE

PARKING SPACES (1 TREE/12 STALLS): 12/12 = 1

1 TREES PROVIDED

WILEY BOULEVARD NW - FRONT YARD 15'

RIGHT-OF-WAY LANDSCAPING

1 TREE/40 LF LESS DRIVES & ACCESS SIGHT DISTANCE @

LENGTH OF FRONTAGE: 817 LF = 34 LF = 83 LF

TREES REQUIRED: 2

TREES PROVIDED: 1

STREET FRONTAGE LANDSCAPE AREA (110' WIDTH)

1 TREE/40 LF LESS DRIVES & ACCESS SIGHT DISTANCE @

TOTAL AREA: 83 LF * 10 = 1,245 SF

TREES REQUIRED: 2

TREES PROVIDED: 1

SHRUB SCREENING

SHRUBS IN NON-PARKING AREAS @ 6'/1000

1,245 SF / 1,000 (SF) = 1.245

1 SHRUBS REQUIRED

1 SHRUBS PROVIDED

CADENUE NW (HWY 94) - SIDE YARD 10'

RIGHT-OF-WAY LANDSCAPING

1 TREE/40 LF LESS DRIVES & ACCESS SIGHT DISTANCE @

LENGTH OF FRONTAGE: 243 LF = 0 LF = 243 LF

TREES REQUIRED: 0

TREES PROVIDED: 0

STREET FRONTAGE LANDSCAPE AREA (110' WIDTH)

1 TREE/40 LF LESS DRIVES & ACCESS SIGHT DISTANCE @

TOTAL AREA: 243 LF * 10 = 2,430 SF

TREES REQUIRED: 0

TREES PROVIDED: 0

SHRUB SCREENING

SHRUBS TO SCREEN: 39 LF * 4' = 156 LF

2/3 OF PARKING LOT: 2/3 * 204 (10) = 204 SF

1 SHRUBS REQUIRED

1 SHRUBS PROVIDED

RIGHT-OF-WAY LANDSCAPING

NO TREES PROVIDED IN WILEY BOULEVARD & F AVENUE RIGHT-OF-WAYS VIA

EXISTING GRADE/RURAL SECTIONS FOR STORM WATER DRAINAGE, EXISTING UTILITIES, AS WELL AS ARTERIAL SIGHT DISTANCE SEWBANKS

BUFFER YARD SCREENINGS

SEE WARNING REQUEST NOTE, THIS SHEET, REGARDING REQUIRED BUFFER YARDS FOR SIDE & REAR LOT FRONTAGES.

REAR BUFFER YARD (25' WIDTH)

TOTAL LENGTH: 123 LF (25' WIDE BUFFER)

REQUIRED EVERGREENS: 4,702 LF, 4 (1,231) = 4.92

TREES PROVIDED: 5

REQUIRED FLOWERING TREES: 2,702 LF, 2 (1,231) = 2.46

TREES PROVIDED: 2

REQUIRED SHRUBS: 10,702 LF, 10 (1,231) = 10.33

SHRUBS PROVIDED: 10

SIDE BUFFER YARD (15' WIDTH)

TOTAL LENGTH: 201 LF (15' WIDE BUFFER)

REQUIRED EVERGREENS: 4,702 LF, 4 (2,011) = 8.04

TREES PROVIDED: 8

REQUIRED FLOWERING TREES: 2,702 LF, 2 (2,011) = 4.02

TREES PROVIDED: 4

REQUIRED SHRUBS: 10,702 LF, 10 (2,011) = 20.10

SHRUBS PROVIDED: 20

Date Submitted	11/07/12
Date Revised	12/13/12
Version Submitted	11/20/12

CITY FILE NUMBER: **FVZE-00275-2012 - FLUMA-000274-2012**
HALL AND HALL PROJECT NUMBER: **9960**

DRAWINGS OF PROPOSED IMPROVEMENTS FOR 820 WILEY BOULEVARD NW

FLWMA - 000274 - 2012
RZNE - 000275 - 2012

Community Development Department
ATTN: City Planning Commission
City Hall
101 First Street S.E.
Cedar Rapids, Iowa 52402



Charles and Jacquelyn Pollock
4400 Orchard Drive N.W.
Cedar Rapids, Iowa 52405

RE: Rezoning of 820 Wiley Blvd N.W. Cedar Rapids, Iowa from R-2
Single family Residence Zone district to 1-1 Light Industrial Zone

To Whom This May Concern,
Unfortunately, we will be unable to attend the public meeting on December 29, 2012
but.....we still would like our voices heard if possible.

We have lived at 4400 Orchard Drive N.W. Cedar Rapids, Iowa 52405 for the past 16 ½ years.
Current zoning says our neighborhood is LOW DENSITY RESIDENTIAL. We wonder how long it's
been since anyone has actually looked at the number of residential, single family homes in our
neighborhood. There is a lot of new construction near Jackson school. We are anything BUT low
density residential.

If you allow Brecke to build an industrial building, it will decrease our property values and
neighborhood . If you allow this to happen, our view from our backyard will be an industrial
building, parking lot and the associated lighting that goes with it. When we look out our master
bedroom window, we will see parking lights. Children attending Jackson school would have
more traffic on Wiley Blvd due to the increased traffic from this industrial, Brecke site.

With so many vacant , industrial sites in our city, it doesn't make sense why the city would
rezone a residential area for industrial.

We beg you to please take a look at the area again. There are more negatives to rezoning from
residential to industrial. It appears from the past that Cedar Rapids doesn't really ever listen to
it's residentswhat a shame.

Sincerely,

Charles Pollock Jacquelyn Pollock
4400 - Orchard Dr. N.W.
Cedar Rapids, Ia 52405



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

STAFF REPORT TO CITY PLANNING COMMISSION
Rezoning without a Preliminary Site Development Plan

CPC Date: January 31, 2013
To: City Planning Commission
From: Community Development Department

Applicant: WDJ Investments, LLC
Titleholder: WDJ Investments, LLC
Case Number: 91-12-028
Location: 1430 2nd Avenue SE
Request: Rezoning request from O-S, Office/Service Zone District to RMF-2, Multiple Family Residence Zone District
Case Manager: Vern Zakostecky, Development Services Department

BACKGROUND INFORMATION:

The subject property was originally constructed as a single-family residence in 1904. At some point in the past, the property was rezoned to an O-S, Office/Service Zone District, and took on the functions of an office building. The owner of the property has since determined that he wishes to return the structure to its original use as a single-family residence. Aside from the change in the zoning designation of the property, no physical modifications will be made to the site or exterior of the building. The request to rezone the property was originally submitted as a rezoning to RMF-2, Multiple Family Residence Zone District. City Planning Commission reviewed the request on October 18, 2012 and unanimously recommended approval. On November 27, 2012, City Council held a public hearing to consider the zone change request and request City staff work with the applicant to amend the request to rezone the property to R-2, Single Family Residence Zone District. This request was due to the following:

- Representatives from the Wellington Height Neighborhood Association objected to the multi-family zoning since the intended use of the property is for a single family home.
- The R-2 Zoning District is consistent with other neighboring properties of similar size, character and use, and is appropriate for the density of the area.
- The property would not be able to be used for multi-family residential without going through rezoning.

The applicant has submitted an amended request, which need to be re-reviewed by the City Planning Commission for a recommendation to forward to City Council.

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: The amendment is not being requested to correct a technical mistake within 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 Map Use Map identifies the immediate vicinity of the property as Office and Low Density Residential. Use of the property as a single-family residence is consistent with these future land use designations and the goals of the Comprehensive Plan.

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

Staff Comments: Properties in the area are a mix of single-family and multi-family residential and small office uses. This zoning amendment would be consistent with the existing characteristics of the area.

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

Staff Comments: The property, since it was originally constructed as a single-family residence, is suitable for all uses permitted in the R-2 Zoning District.

- 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: The proposed amendment will not permit development at heights or densities that are inconsistent with the existing neighborhood.

- 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: All city facilities and services will be available to serve the subject property and have been in place for a number of decades.

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.

There are no City staff recommended conditions.



1ST AVE

VACANT

BLOCK 4

BLOCK 16

2ND AVE SE

15TH ST SE

60 1413 3 4 7 8 9 10 11 12 140 1444 60 1503

30.24 61.61 66.72 61.74 20 140 1420 1424 1430 1441 207 84 1 56 211 35.9

2 3 4 5 6 7 8 9 10 11 12 140 1441 2 207 84 1 56 211 35.9

140 1420 1424 1430 1441 2 207 84 1 56 211 35.9

140 1420 1424 1430 1441 2 207 84 1 56 211 35.9



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

To: City Planning Commission
From: Vern Zakostecky, Development Services Department
Subject: Proposed Amendments to the Urban Core Area Parking Standards
Date: January 31, 2013

This memo is to provide information on Phase II of proposed amendments to the City of Cedar Rapids Zoning Ordinance, Chapter 32 for Parking Standards. The purpose of the Phase II amendments are to provide additional flexibility in parking requirements in the “Core Area”. These proposed amendments have been review by the City Council Development Committee and recommended for adoption. Based on Iowa State Code, City Planning Commission is required to make recommendations on amendments to Chapter 32, the Zoning Ordinance.

BACKGROUND:

The City of Cedar Rapids first adopted the “Core Area” Boundary in the 2006 update of the Zoning Ordinance (see attached map). The “Core Area” was established to provide flexibility in development standards, including parking requirements in the Central Business District and adjacent neighborhoods. City staff presented information at the March 26, 2012, May 29, 2012 and July 10, 2012 Development Committee meetings. City staff also kept the Development Community informed of the proposed changes. At the July 10, 2012 meeting, the Development Committee recommended adoption of the amendments as listed below. City staff met with representative of the Development Community one more time to get additional input. Attached is a draft of the Parking Regulations with the proposed amendments highlighted.

SUMMARY OF PROPOSED AMENDMENTS:

1. Maximum Parking Regulations
 - i. Less than 100 parking stalls, a maximum of 120% of required minimum parking may be provided, except:
 - a) One & two-family dwelling unit.
 - b) Retail less than 10,000 sq ft can exceed maximum 150% of required- exempt from pervious requirement.
 - ii. 100 to 200 parking stalls, a maximum of 115% of required minimum parking, plus 4 additional stalls, may be provided.
 - iii. Over 200 parking stalls, a maximum of 110% of required minimum parking, plus 9 additional stalls, may be provided.
 - iv. Parking stalls exceeding minimum number required are constructed as pervious parking, using pavers, porous asphalt or porous concrete or other technique approved by City Engineer. Driveways & circulation aisles - hard surface impervious materials.
2. Shared parking provided collectively- reduction of 75% of minimum required (was 90%).
3. Up to three parking stalls may be waived/approved driveway connection/future driveway connection between adjoining parking lots under different ownership.

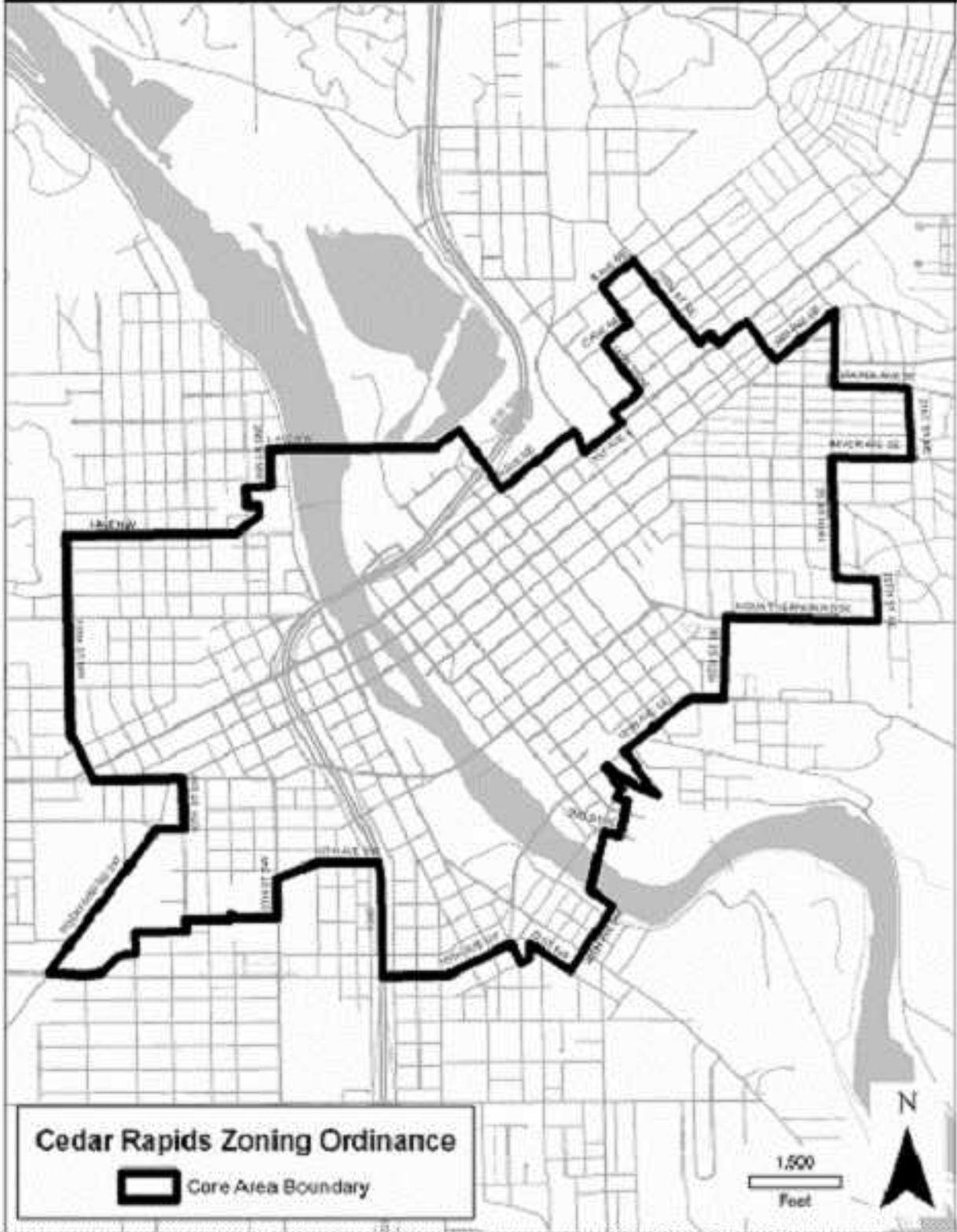
4. Structured spaces not meeting minimum design standards in existing buildings will be counted subject to approval by City Traffic Engineer.
5. On-street parking adjacent to building or use counted toward minimum number of parking spaces required.
6. A ten percent (10%) reduction in parking may be granted subject to providing three or more of the following:
 - i. Dedicated area(s) for open space, recreation areas, and public spaces.
 - ii. Innovative storm water management design.
 - iii. Shared parking agreements.
 - iv. LEED certified/energy efficient construction.
 - v. Parking lots to the rear or side of buildings.
 - vi. Covenants that restrict specific uses that would be detrimental to the development of the surrounding area and community.
 - vii. Preservation of environmentally sensitive and natural areas.
 - viii. Landscaping that exceeds minimum requirements.
7. A ten percent (15%) reduction in parking shall be granted if structured parking is provided on-site.
8. A reduction in parking shall be granted at a rate of one (1) space for each 5 rack bike stand.
9. A five percent (5%) parking reduction shall be granted if building or use is within 500' of a bus route.
10. Parking shall be reduced at a rate of one (1) space for each two motorcycle spaces provided.
11. A five percent (5%) parking reduction shall be granted if building or use is within one-quarter (1/4) mile of a recreational trail or bike route.

Recommendation: City Planning Commission is asked to make a recommendation to the full City Council for adoption.

NEXT STEPS – PHASE III PARKING STANDARDS EVALUATION:

After adoption of parking standard for the “Core Area” City staff will research best practices for parking standards outside the “Core Area” to evaluate potential additional parking standard changes City-wide.

FIGURE 32.01-1: MAP OF CEDAR RAPIDS CORE AREA



32.05.020 - PARKING STANDARDS (DRAFT)

(Proposed changes are highlighted)

A.

PARKING AND STORAGE RESTRICTIONS

1. **Front Yards**

Vehicular parking and storage shall not be permitted in any required front yard in an O-S district and also a residential district, except as follows. In the A, R-1, R-2, R-3, R-3D, R-T, and R-TN, and on any lot being used for a single family or a two family dwelling, passenger motor vehicles may be parked within a required front yard when parked upon a driveway or a ten (10) foot wide parking pad adjacent to said driveway. The driveway shall be considered to be that designated hard surfaced area providing access from the street to a parking area beyond the required front yard, or to an attached or basement garage, carport or detached garage. No vehicle parked in any required yard shall obstruct a public sidewalk, and if no public sidewalk exists, then no vehicle parked in a required yard shall be closer than three (3) feet to the nearest edge of the traveled portion of the roadway. In addition:

- a. In the A, R-1, R-2, R-3, R-3D, R-T and R-TN districts, a driveway may (a) be widened a maximum of ten (10) feet on either side within the required front yard setback in order to provide additional area for off-street parking (b) provide access to parking in the side or rear yards. All driveways, pads or parking areas shall be surfaced and maintained with asphaltic concrete, brick, asphaltic macadam or similar method to be approved by the City Engineering Department.
- b. For all uses in the C-4 district, and all non-residential uses in other portions of the Core Area, if less than twenty-five (25) percent of the properties on the same block face as the subject property have installed parking areas between the primary facade of the principal structure and the street, then the subject property shall not create off-street parking areas between the primary facade of the principal structure and the street.

2. **Side Yards**

- a. In the A, R-1, R-2, R-3, R-3D, R-T, and R-TN districts, one recreational vehicle in operable condition may be parked on a driveway or hard surfaced pad adjacent to or connecting to a hard surface driveway behind the front wall plane of the primary structure. Such pad may be located in a required side yard.
- b. Accessory vehicular parking or storage may be permitted in a non-street side or rear yard in any A, R-1, R-2, R-3, R-3D, R-T, R-TN, O-S, commercial and industrial or special purpose district, and may, in addition, be permitted in street side yards with the exception of the O-S district. Such vehicles shall only be parked or stored per above when on a lawful driveway, parking lot, carport, enclosed structure, or hard-surfaced pad connected to a hard surface driveway.

- c. All accessory structures with overhead doors for vehicle access must have a hard surface driveway leading to it.
- d. No encroachments shall be permitted in Corner Visual Clearance Area Required by Sec. 32.05.010.D.3.
- e. Any parking pad constructed for storage of a recreational vehicle shall not be counted towards minimum parking spaces required by Table 32.05-4.

3. Rear Yards

- a. No more than a combination of two motor vehicles, recreational vehicles, boats, campers, trailers or similar vehicles and equipment shall be parked or stored in the rear yard (a) in the A, R-1, R-2, R-3, R-3D, R-T or R-TN districts or (b) on lots being used for a single family or two family dwelling in any zone district, unless each such vehicle is effectively screened on each side adjoining a street or property situated in a residence district by a wall, fence, or densely planted compact hedge not less than five and one-half (5.5) feet in height. The fencing or screening shall be established within sixty (60) days from the date of official notice from the Zoning Administrator. The Zoning Administrator may grant an extension until such time as the ground is frost free. All driveways, pads or parking areas shall be surfaced and maintained with asphaltic concrete, brick asphaltic macadam or similar method to be approved by the City Engineering Department.
- b. All accessory structures with overhead doors for vehicle access must have a hard surface driveway leading to it.
- c. No encroachments shall be permitted in Corner Visual Clearance Area Required by Sec. 32.05.010.D.3.
- d. Any parking pad constructed for storage of a recreational vehicle shall not be counted towards minimum parking spaces required by Table 35.05-4 Minimum Off-Street Parking Requirements.

4. Trucks, Trailers, Equipment and Materials

- a. Trucks with a net legal carrying capacity exceeding one and one-half (1.5) tons, truck trailers, tractors weighing more than one thousand (1,000) pounds, farming equipment or machinery, and construction, repair or maintenance equipment, vehicles, machinery or materials shall not be parked or stored upon any lot or tract of land in a residential district unless (a) such vehicles, equipment, machinery or materials are located within an enclosed lawful structure, or (b) are in temporary usage to actively accomplish permitted temporary activities on the premises such as construction, repair, moving, and other similar activities.

- b. No truck, trailer, bus, boat, tractor, or similar vehicle, machinery, or equipment with a gross machinery or equipment weight of ten thousand (10,000) pounds or more, or greater than thirty (30) feet in length, shall be parked or stored any place on a lot or tract of land within a residential district, unless such vehicle is parked in a completely enclosed accessory structure meeting the requirements of this Ordinance.
- c. Vehicles, equipment, machinery or materials in temporary use shall, upon completion of said activity, be promptly removed from the lot or tract or brought into compliance with subsections a. or b. above, as applicable.

5. Detached Garage Limitations

- a. Detached garages are accessory structures and must meet requirements of Sec. [32.05.010.A.4](#).
- b. In a residential district, the aggregate total square footage for a detached garage and/or accessory structure shall be no greater than nine hundred (900) square feet for each dwelling unit to which such structure is accessory. No business or industry related to any automotive or vehicle repair, maintenance, servicing or sales shall be conducted in such garage.
- c. No detached garage may occupy more than forty percent (40%) of any required side or rear yard area.

6. Use Limitations

- a. Except as may additionally be provided for the parking of trucks and other large vehicles, accessory off-street parking facilities provided in accord with the requirements of this Ordinance shall be (i) solely for the parking of passenger motor vehicles of patrons, occupants, visitors, or employees of such uses, or (ii) for a temporary use specifically permitted on such parking areas by this Ordinance, and in compliance with any conditions or limitations imposed by this Ordinance.
- b. No person shall park, place, keep or store, or permit the parking or storage of a stock car, racing car, inoperable vehicle, vehicular component parts, or miscellaneous junk and debris on any public or private property, in any zoning district, unless it shall be in a completely enclosed building. Stock cars and racing cars are allowed to be parked outside on private property for a period of no more than twelve (12) consecutive hours. This regulation shall not apply to legitimate businesses operating in a lawful place and manner, provided that any outside areas used for parking and storage are screened from public view if required by the regulations of the zoning district within which they are located. Restrictions contained in Sec. [61.102](#) of the Cedar Rapids Municipal Code shall also apply.

- c. No such vehicles or equipment shall be used for living, sleeping, or housekeeping purposes while so parked or stored.

B. OFF-STREET PARKING REQUIREMENTS

1. Scope of Regulations

The off-street parking and loading provisions of this Section shall apply as follows:

a. *Construction and Uses Begun After Original Parking Requirements*

For all buildings and structures erected, and all uses of land established after December 29, 1982, accessory parking and loading facilities shall be provided in accordance with the provisions of this Ordinance for the district in which such facilities are located. This requirement shall not apply if one of the exemptions in the following Subsections b, c, or d, apply.

b. *Downtown Exemption*

In the C-4 zone district, for the purpose of minimizing disruptive curb-cuts and driveways and to encourage the consolidation of parking space in appropriate locations, accessory off-street parking is not required.

c. *Small Business Exemption*

In recognition of the fact that many small businesses occupy buildings and structures constructed before the adoption of off-street parking requirements, and in order to encourage rehabilitation of existing commercial structures and the formation and survival of small businesses in existing buildings, the following shall be exempt from the requirement to provide off-street parking:

i. Within the Core Area, all commercial buildings with three thousand (3,000) square feet or less of gross floor area, and constructed before February 1, 1979; and

ii. Outside the Core Area, all commercial buildings in the C-1 zone district with three thousand (3,000) square feet or less of gross floor area, and constructed before February 1, 1979.

d. *Existing Parking and Loading Facilities*

Accessory off-street parking and loading facilities in existence on December 29, 1982, and located on the same lot as the building or use served, shall not be reduced below the requirements of this Ordinance for a similar new building or use. If such existing facilities are already below the required amount, they shall not be further reduced.

e. *Expansion of a Use*

In all districts except the C-3, C-4, I-1 and I-2 districts located within the Core Area, when the intensity of use within any building,

structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified for required parking or loading facilities, parking and loading facilities shall be provided for such increase in intensity of use as required by this Ordinance. In the event of new construction on existing unused portions of the buildable area of the lot or after demolition of existing structures on property located in portions of the C-3, I-1 or I-2 district located within the Core Area, each use will be required to provide off-street parking or loading facilities as provided by this Ordinance.

f. *Change of Use*

Whenever the existing use of a building or structure shall be converted to a new use, parking or loading facilities shall be provided as required for such new use. This requirement does not apply to:

- i. Properties located in the Core Area, or
- ii. Changes of property ownership that do not result in a change of use.

g. *Damage or Destruction*

In all districts except portions of the C-3, C-4, I-1 and I-2 districts located within the Core Area, any conforming or legally nonconforming building or use that is in existence on December 29, 1982 that is later damaged or destroyed by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed sixty-five percent (65%) of the fair market value of the building before damage, based upon assessed value, shall at the time that said structure is reconstructed, reestablished, or repaired provide off-street parking or loading facilities if there is room on the lot to provide it as required by this Ordinance.

h. *Permissive Parking and Loading Facilities*

Nothing in this Ordinance shall be deemed to disallow the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations of this Ordinance governing the location, design, and operation of such facilities are satisfied.

2. Amounts of Off-Street Parking Required

a. *Requirement*

Off-street parking spaces shall be provided in accordance with the requirements of Table 32.05-4 unless an exemption or reduction of such amounts of off-street parking is specifically set forth in this Ordinance.

b. *Accessory Uses*

Parking spaces for major accessory uses that are listed in Table 32.04-1 shall be provided in addition to those required by the principal use. Parking spaces for accessory uses not listed in Table 32.04-1 shall be assumed to be included in the principal use requirement.

c. *Computation*

When determination of the number of off-street parking spaces required by this Ordinance results in a requirement of a fractional space, any fraction shall be counted as one parking space. No parking space or portion of a parking space shall serve as a required space for more than one use unless included in an approved shared parking plan. Parking spaces required on a per-employee basis shall be based on the maximum number of employees on duty and/or residing on the premises at any one time. Parking spaces required based on the number of beds in a facility shall be calculated based on the number of beds accommodated in the design capacity of the facility.

d. *Interpretations*

If, for any reason, the classification of any use for the purpose of determining the amount of off-street parking, or the number of spaces to be provided by such use is not readily determinable by Table 32.05-4, the parking class of such use or the number of spaces to be provided shall be determined by the Zoning Administrator, based on his or her evaluation of anticipated parking requirements for similar uses, after recommendation by appropriate City departments.

TABLE 32.05-4: MINIMUM OFF-STREET PARKING REQUIREMENTS GFA – GROSS FLOOR AREA; GLA = GROSS LAND AREA	
Land Use	Minimum Number of Parking Spaces Required
RESIDENTIAL USES	
<i>Household Living</i>	
Single-family detached dwelling	2 per DU
Single-family attached dwelling, 2 unit maximum	2 per DU
Two family dwelling	2 per DU
Dwelling units located on ground floor	2 per DU
Dwelling or rooming units located above ground floor	1.5 per DU
Mobile home	2 per mobile home
Multiple family dwelling	A) General Use: Studio: 1 per unit; 1 bedroom or more: 2 per unit
	B) Elderly: 1 per unit if occupancy restricted to persons over 55 years of age
	C) Students: 1 per bedroom if planning director determines that due to location and design of facility it is likely to be occupied by students

	D) Guest parking: 10% of total
Row house	2 per DU
Group Living	
Assisted Living, Large	2 + 0.5 per dwelling unit
Assisted Living, Small	2 + 0.5 per dwelling unit
Boarding or rooming house	1 per guest room
Continuing Care Community	1 per dwelling unit
Emergency residential shelter	2 + 1 per guest room
Family home	1 per 1,000 SF GFA
Fraternity or sorority house	1 per each student, based on design capacity
Group home	2 + 1 per 5 beds
Rehabilitation house	1 per each 2 employees
CIVIC AND INSTITUTIONAL USES	
Education Uses	
College	1 per each 3 students, based on design capacity
Day care center	2 per 1,000 SF GFA
Elementary, middle, or high school; boarding school (private)	Elementary & Middle School: 2 per 3 employees at peak hour
	High School: 2 per 3 employees at peak hour + 1 per 3 students based on design capacity
School, Music or Dance	4 per 1,000 SF GFA
Vocational or trade school	1 per each 2 students, based on design capacity
Institutional Assembly Uses	
Athletic facility, public or non-profit	As required by City Council after recommendation by City Planning Commission
Clubs or lodge	6 per 1,000 SF GFA
Community center	4 per 1,000 SF GFA
Convention or exhibition hall	1 per 6 persons maximum fire-rated capacity
Crisis counseling center	3 per 1,000 SF GFA
Fairground	1 per each 4 seats provided in the main seating area
Game or forest preserve	Spaces as required by the City Council after recommendation by the City Planning Commission
Group day care home	2 + 1 per non-resident employee
Health care facility	1 per 2 beds + 1 per 200 SF GFA medical office space
Hospital or sanitarium	1 per 3 hospital beds + 1 per 2 employees on largest shift
Library, museum or art gallery	1 per 1,000 SF GFA for museum and art gallery; 3 per 1,000 SF GFA for library
Post office or postal substation	4 per 1,000 SF GFA
Religious facility	1 per 4 seats in worship area or 1 per 100 SF GFA in

	worship area without seats
Retirement home	1 per 2 beds
Stadium, auditorium, or arena	1 per each four seats provided in the main seating area
<i>Other Public Uses</i>	
Cemetery	1 per employee on largest shift
Correctional facility	1 per employee on largest shift + 1 per 10 cells
Public safety facility	1 per employee on largest shift
COMMERCIAL USES	
<i>Animal and Pet Sales or Service</i>	
Animal hospital/veterinary clinic	4 per 1,000 SF GFA
Kennel	2.5 per 1,000 SF GFA
Pet grooming and pet shop	2.5 per 1,000 SF GFA
Stable	1 per 10 horses boarding capacity
<i>Business and Professional Offices (Not Otherwise Classified)</i>	
Computer or data processing service	3 per 1,000 SF GFA
Financial Institution	3 per 1,000 SF GFA + stacking spaces if applicable
Medical, dental, optical, or therapy clinic	Medical, dental or optical: 4.5 per 1,000 SF GFA Therapy: 4 per 1,000 SF GFA
Medical, dental, or optical laboratory	1 per 500 SF GFA
Office; business, professional, or governmental –not listed separately	4 per 1,000 SF GFA
Radio, television, recording, telecommunication studio, audio or visual material production or sale	3 per 1,000 SF GFA
Call center	5 per 1,000 SF GFA
<i>Retail Sales or Service (Not Otherwise Classified) – No Drive-Through Facilities</i>	
Retail, except shopping centers, not listed separately (Shopping center outlets or free-standing structures must meet use specific standards)	6 per 1,000 SF GFA for the first 18,000 SF + 4 per 1,000 SF for additional SF GFA over 18,000 SF
Art, sculptor and composer studio	2 per 1,000 SF GFA
Auction house	5 per 1,000 SF GFA
Convenience store	3 per 1,000 SF GFA + 1 per each 2 employees of the largest shift
Furniture store	2 per 1,000 SF GFA
Garden supply, tool, or seed store	3 per 1,000 SF GFA
Grave marker or monuments display and sales	2 per 1,000 SF Indoor GFA
Machinery sales –farm, industrial, business, and construction	1 per each employee of the largest shift

Photography studio	3 per 1,000 SF GFA
Secondhand store or rummage shop	3 per 1,000 SF GFA
Taxidermist	1 per each employee of the largest shift
<i>Rental or Leasing Establishment – All Activities Within Enclosed Building</i>	
Rental establishment, general	2.5 per 1,000 SF GFA + 1 per 1,000 SF outdoor display area
Rental establishment, heavy equipment	2.5 per 1,000 SF GFA + 1 per 5,000 SF outdoor display area
<i>Personal Services – No Drive-Through Facilities</i>	
General personal service, not listed separately	4 per 1,000 under 2000 SF GFA
	3 per 1,000 SF over 2000 SF GFA
Barber or beauty shop	5 per 1,000 SF GFA
Copying or reproduction store	2.5 per 1,000 SF GFA
Funeral home	1 per each 4 seats provided in main seating area(s)
Laundromat	4 per 1,000 SF GFA
Receiving station for dry cleaning or laundry	4 per 1,000 SF GFA
<i>Eating and/or Drinking Establishment</i>	
Bar or brewpub	10 per 1,000 SF GFA
Outdoor service area with or without serving of alcohol	1 per each 2.5 seats provided
Restaurant	10 per 1,000 SF GFA + stacking
<i>Entertainment and Recreation Uses</i>	
Adult entertainment establishment	1 per 200 SF GFA
Amusement, indoor, not listed separately	Indoor: 6 per 1,000 SF GFA
Go-cart track, indoor	1 per 2 go carts + 1 per employee
Health club	5 per 1,000 SF GFA
Tennis, squash and handball court	2 per court
Theater, indoor	1 per each 3.5 seats provided
Volleyball facility, indoor	4 per playing area
Amusement, outdoor, not listed separately	1 per 4 persons maximum design capacity
Go-cart track, outdoor	1 per 2 go carts + 1 per employee
Golf course	75 per 9 holes (regular golf), or 40 per 9 holes (Par "3")
Golf driving range, pitch and putt, or miniature golf course	Driving ranges: 1 per driving tee; Pitch and putt golf courses: 75/9 holes (regular golf), or 40/9 holes (Par "3"); Miniature golf: 6 per 1,000 SF GFA + 2 per hole for outdoor recreational areas
Racetrack	1 per each four seats provided in the main seating area(s)
Tennis, squash and handball court	2 per court

Theater, drive-in	Reservoir of 10 percent of capacity of use
Trap or skeet shooting range	1 per 2 shooting stations
Campground or recreational vehicle park	2 + 1 per employee
Volleyball facility, outdoor	4 per playing area
Visitor Accommodations	
Bed and breakfast home	2 + 1 space for each guest room
Hotel or motel	1 per room + 1 per 300 SF meeting or restaurant and bar area
Vehicle Sales or Services Establishments	
Automotive repair garage	4 per 1,000 SF GFA
Automobile service station	4 per 1,000 SF GFA
Car wash	Self-service: see stacking requirements; Full service: 1 per 1000 SF GFA
Truck wash	N/A
Vehicle sales	4 per 1,000 SF GFA, plus display spaces
Communications and Information Service Uses	
Antenna	N/A
Communication tower	1 per each employee of the largest shift
INDUSTRIAL, WHOLESALE, AND STORAGE USES	
Manufacturing, Assembly, or Processing Use	
General manufacturing, light	1 per 1,500 SF GFA
General manufacturing, heavy	1 per 1,500 SF GFA
Assembly	1 per 1500 SF GFA
Bottling works	1 per 1,500 SF GFA
Concrete or asphalt manufacture or mixing	1 per each employee of the largest shift
Dry cleaning or laundry plant	1 per each employee of the largest shift
Exterminating shop	1 per each employee of the largest shift
Electronic or precision instrument manufacturing	1 per 1,500 SF GFA
Heavy equipment repair	1 per 500 SF + 1 per 5,000 SF outdoor storage area
Laboratory, research, development, or testing	1 per 800 SF GFA
Machine shop	1 per 1,500 SF GFA
Printing or publishing, newspaper or magazine distribution agency	1 per 1,500 SF GFA
Building and Contracting Uses	
Building materials or product sales or storage	2 per 1,000 SF GFA + 1 per 5,000 SF Outdoor
Contractor shop or yard	2 per each employee of the largest shift
Wholesale Trade Uses	
Bakery, wholesale	1 per each employee of the largest shift

Manufacturers supply establishment	1 per each employee of the largest shift
Warehouse and Storage Services	
Outdoor storage	1 per 3,000 SF GLA + 1/Each two employees of the largest shift
Mini-warehouse facility	1 per 3,000 SF GFA + 1/Each two employees of the largest shift
Warehousing, wholesale or distributor establishment, cartage or express facility	1 per each employee of the largest shift + 4 per 2,000 SF GFA office
Waste and Salvage Uses	
Hazardous waste facility	1 per employee
Recycling collection facility	1 per employee
Refuse hauling facility	1 per employee
Salvage yard	1 per 250 SF GFA + 1 per employee
Solid waste facility	1 per employee
TRANSPORTATION, PARKING, AND UTILITY USES	
Essential services, not listed separately	NA unless specified by City Council
Airport/heliport	N/A
Bus station, terminal, or passenger railroad	4 per 1,000 SF GFA
Major utility	1 per employee
Parking lot or structure	N/A
Taxicab business	4 per 1,000 SF GFA
Utility office, shop, or yard	1 per employee
Utility substation	N/A
AGRICULTURAL AND RESOURCE USES	
Agriculture	1 per employee
Aquaculture	1 per employee
Dairy products processing	1 + 1 per 250 SF GFA office space
Farm implement store	4 per 1,000 SF GFA
Feed and seed processing or sale	1 per employee
Grain processing and storage	1 per employee
Greenhouse, nursery, orchard or truck farm	Wholesale: 2 per each employee of the largest shift; Retail: 4 per 1,000 SF GFA + 1 per 2,000 SF GLA Truck farm: 1 per employee
Mining	1 per employee
Quarrying or rock, sand, or gravel production or preparation	1 per employee
ACCESSORY AND TEMPORARY USES	
Home occupation	Not more than one customer's motor vehicle and additionally one motor vehicle associated with the home occupation shall be permitted in conjunction with the activity.

Model homes or garage display	1 per employee
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3. Vehicle Stacking Spaces Required

Any off-street parking area that provides access to or from a drive-in or drive-thru use on the same property or an adjacent property shall contain adequate space to allow a minimum of the following:

- a. 5 cars for fast-serve restaurants;
- b. 3 cars for banks (each lane);
- c. 2 cars for ATM's;
- d. 6 cars for Elementary and Middle school drop-off;
- e. 6 cars for coffee shops with drive-thru with 4 spaces minimum between menu board and pick-up window.
- f. 2 cars for all other retail uses.

The location and design of required stacking spaces shall not obstruct any required off-street parking or loading space or the driving aisles required to access any required parking or loading space.

4. Design and Maintenance

- a. *Plan*
Except for single family and two family residential uses, the design of parking lots or areas shall meet standard Traffic Engineering Department specifications.
- b. *Character*
Accessory parking spaces may be open to the sky or enclosed in a building.
- c. *Size and Vertical Clearance*
All minimum requirements as to size, shape, and design of spaces, aisles and drives shall meet standard Traffic Engineering Department specifications. Such space shall have a vertical clearance of at least seven and one-half (7.5) feet and meet design standards provided in Secs. [32.05.030.A](#), [32.05.030.B](#), and [32.05.030.D.2](#).
- d. *Tandem Parking*
Within the Core Area required parking may be provided in tandem spaces (i.e. to accommodate two vehicles parked end-to-end, rather than side-to-side) under the following circumstances:
 - i. For single family detached, single family attached, two family, and row housing units, tandem parking is permitted by right;

- ii. For multi-family dwelling uses, up to twenty-five percent (25%) of required parking may be provided in tandem spaces, provided that both tandem spaces are clearly assigned to a specific dwelling unit — either through connection of the tandem spaces to a garage or carport of that unit, or through signage limiting use to the exclusive use of that unit.
- iii. For non-residential uses, tandem parking may be used (a) to provide parking for employees, provided that signage limits the use of such spaces to employee parking, or (b) to provide parking for customers or visitors provided that an attendant will be on hand during all hours of business operation to assist in the parking and removal of vehicles in spaces not adjacent to a public street or driveway.

e. *Surfacing*

- i. All unenclosed open, off-street parking and storage areas including all drives and aisles and all turnarounds and loading areas shall be hard surfaced and maintained so as to provide a durable pavement surface free of dust, weeds, and standing water, except as specified in the following Subsections ii. and iii. Acceptable surfacing methods shall include paving with concrete, hot mix asphalt, brick, bituminous bound macadam, or such other method approved as being equivalent by the City Engineer installed in accordance with the current version of the Cedar Rapids Metropolitan Area Standard Specifications and Standard Details.
- ii. In the residential districts, all required parking for single-family detached, single-family attached, two-family, and row house dwellings may be surfaced with porous pavement or porous pavers approved by the City Engineer.
- iii. In the commercial and industrial zone districts, up to twenty-five percent (25%) of required parking, plus one hundred percent (100%) of any off-street parking spaces provided in addition to the required minimum amount may be surfaced with porous pavement or porous pavers approved by the City Engineer. All areas surfaced with porous pavement or porous pavers shall be reasonably located a greater distance from the primary structure than other paved surfaces and shall be maintained to prevent nuisance conditions from weed growth. For each one (1) percent of required parking areas surfaced with porous pavers, the amount of live landscaping material required to be installed pursuant to Sec. [32.05.030.A](#) shall be reduced by one (1) percent.

f. *Drainage*

All open off-street parking areas shall be graded and drained to dispose of surface water accumulation in accord with standard City Engineering Department practices.

- g. *Screening and Landscaping*
All open vehicular parking areas containing more than four (4) parking spaces shall be landscaped and screened as required by Sec. [32.05.030.A](#).
- h. *Lighting*
Exterior lighting shall comply with Sec. [32.05.030.B](#).
- i. *Wheel Guards*
All parking spaces, except for single family and two family residential uses, shall be provided with wheel guards, bumper guards, or continuous curbing so located that no part of parked vehicles will extend beyond the property line and to prevent vehicles from damaging required landscaping, buffering, or screening.
- j. *Signs*
On-Premise signs shall be permitted on parking areas in accordance with the provisions specified in [Section 32.06](#) Signs of this Ordinance.

5. General Requirements

- a. *Location*
 - i. All parking spaces required to serve buildings or uses erected or established after December 29, 1982 shall be located on the same lot as the building or use served, except that off-site parking is permitted in the following cases if the off-site parking is located in a district wherein such parking use is permitted and when such parking is developed in accord with all the applicable district regulations:
 - (A) Parking spaces to serve industrial buildings or uses may be located within five hundred (500) feet of the building or use served.
 - (B) Parking spaces to serve commercial or multi-family buildings or uses may be located within three hundred (300) feet of such building or use served.
 - (C) Parking spaces to serve hospital or educational buildings or uses located in the Core Area may be located within five hundred (500) feet of the building or use served.
 - (D) Commercial uses located in the Core Area may be located within one thousand (1,000) feet of the building or use served.
 - ii. Multi-family, commercial, and industrial buildings or uses existing on December 29, 1982 that are subsequently altered or enlarged so as to require the provision of parking spaces

under this Ordinance, or for which the owner voluntarily wishes to provide additional parking, may be served by parking facilities located on land other than the lot on which the building or use served is located, provided such facilities are located:

- (A) Within five hundred (500) feet of the building or use served for industrial.
- (B) Within three hundred (300) feet for commercial or multi-family uses.
- (C) Within five hundred (500) feet for hospital or educational buildings or uses.
- (D) Commercial and Industrial uses located in the Core Area may be located within one thousand (1,000) feet of the building or use served.

b. *Control of Off-Street Parking Facilities*

In cases where required parking facilities are permitted on land other than the lot on which the building or use served is located, such facilities shall be in the same possession as the lot occupied by the building or use to which the parking facilities are accessory. Such possession may be either by deed or by a lease for a term equal to or greater than the lease for the primary use, and such deed or lease shall be filed with the Linn County Recorder. The deed or lease shall require the owner, or his or her heirs and assigns, to maintain the required number of parking facilities for the duration of the use served or of the deed or lease, whichever shall terminate sooner.

c. *Access*

Except on lots accommodating single family dwellings and two family dwellings, each off-street parking space shall open directly upon an aisle or driveway of a width and design meeting standard Traffic Engineering Department specifications. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner that will least interfere with traffic movement; and all such points of access must be approved by the City's Traffic Engineer. Access to parking areas in C-1, CMU, and C-2 Districts, with the exception of shopping centers in these districts, should be provided from an alley or other secondary facilities, such as frontage roads, where feasible. Access to such parking areas by curb cuts or driveways across the front lot line should be avoided whenever possible.

d. *Private Shared Parking*

- i. Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than ~~ninety percent (90%)~~ seventy-five percent (75%) of the sum of the separate requirements governing location of

accessory parking spaces in relation to the use served and adhered to.

- ii. Off-street parking facilities for a mixed use project may be provided through a shared parking agreement when uses are located near one another and have different peak parking demands and operating hours, or other characteristics that would enable them to share parking areas. The total amount of parking provided in such plan may be less than that required for each use considered individually, provided that the applicant provides a parking agreement documenting the adequacy of the proposed parking, and the Community Development Department approves that agreement. The Director of the Community Development Department shall approve a shared parking agreement if he or she determines that it is an accurate reflection of anticipated parking demand and an adequate response to that demand that will not result in significantly higher on-street parking in surrounding areas or unauthorized use of other parking facilities.

e. *Public Shared Parking District*

- i. Where the City has constructed, or proposes to construct, public off-street parking facilities, and where in the judgment of the City Council special circumstances or conditions warrant such action, the City Council may, by resolution, establish a shared parking district within the boundaries of an area set forth by the resolution. The special conditions warranting such action may relate to preservation of sites or structures of unique historical or architectural value to the community, a hardship created by public action, or other unusual circumstances.
- ii. When such a shared parking district has been established, all or a part of the private off-street parking spaces required within the parking district may be provided by a public off-street parking facility located within said district.
- iii. Prior to property owners within the established parking district being enabled to so reduce the number of private off-street parking spaces, such owners or the Department of Community Development shall submit, and the City Council must approve, a Parking and Site Development Plan for the affected properties within the parking district. Such Plan shall show proposed development of the area and how the total number of required off-street parking spaces will be provided by the use of public and private facilities.
- iv. The City Council may, as it deems necessary and appropriate, require formal agreement with the property owners concerning land dedications and easements, participation in construction and maintenance costs of the public parking facilities, and other related matters. Subsequent to formal execution of agreements property

owners may reduce the number of private off-street spaces required in accord with City Council action. The total number of off-street parking spaces provided by the combined public and private facilities within the shared parking district shall not be less than the number required by this Ordinance unless the City Council specifically approves such a reduction.

(New Subsection)

6. Additional Core Area and Established District/Corridor Parking Regulations. The purposed for these regulations are to provide relief from the minimum standards for properties in the “Core Area” and established districts and corridors. The following reduction shall be considered to be cumulative.

a. The number of parking spaces provided on any site shall not exceed the following:

i. For uses requiring fewer than one hundred (100) parking stalls, a maximum of one hundred twenty (120) percent of the required minimum parking may be provided, except as follows:

(A) Single and two-family residential dwelling units shall be exempt from this limitation.

(B) Retail uses less than 10,000 square feet in size will be allowed to exceed the maximum parking by one hundred and fifty (150) percent of the requirement; and be exempt from the pervious requirement.

ii. For uses requiring one hundred (100) to two hundred (200) parking stalls, a maximum of one hundred fifteen (115) percent of the required minimum parking, plus four (4) additional stalls, may be provided.

iii. For uses requiring more than two hundred (200) parking stalls, a maximum of one hundred ten (110) percent of the required minimum parking, plus nine (9) additional stalls, may be provided.

b. Except as otherwise stated in this Section; all additional parking stalls exceeding the minimum number required herein shall be constructed as pervious parking, using pavers, porous asphalt or porous concrete, or any other technique approved by the City Engineer. However, driveways and circulation aisles shall be constructed with hard surface impervious materials, unless the City Engineer approves an alternate design.

c. Up to three parking stalls may be waived by the Zoning Administrator for each approved driveway connection, or stub-out for future driveway connection between adjoining parking lots under different ownership.

d. Structured parking spaces not meeting minimum design standards in existing buildings shall be allowed to serve buildings or uses if it can

be demonstrated meeting minimum design standards cannot be accomplished due to structural constraints. The design of the structured parking spaces and drive isles within said parking structure shall be approved by the City Traffic Engineer.

- e. On-street parking adjacent to a building or use shall be counted toward the minimum number of parking spaces required.
- f. A ten percent (10%) reduction in parking may be granted subject to providing three or more of the following:
 - i. Dedicated area(s) for open space, recreation areas, and public spaces.
 - ii. Innovative storm water management design.
 - iii. Shared parking agreements.
 - iv. LEED certified/energy efficient construction.
 - v. Parking lots to the rear or side of buildings.
 - vi. Covenants that restrict specific uses that would be detrimental to the development of the surrounding area and community.
 - vii. Preservation of environmentally sensitive and natural areas.
 - viii. Landscaping that exceeds minimum requirements.
- g. A ten percent (15%) reduction in parking shall be granted if structured parking is provided on-site.
- h. A reduction in parking shall be granted at a rate of one (1) space for each 5 rack bike stand.
- i. A five percent (5%) parking reduction shall be granted if building or use is within 500' of a bus route.
- j. Parking shall be reduced at a rate of one (1) space for each two motorcycle spaces provided.
- k. A five percent (5%) parking reduction shall be granted if building or use is within one-quarter (1/4) mile of a recreational trail or bike route.



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To: City Planning Commission
From: Thomas Smith, Community Development
Subject: Proposed Zoning Ordinance Amendments to Regulate Payday Lenders
Date: January 31, 2013

BACKGROUND:

Over the past few years, several Iowa communities have enacted stricter regulations around delayed deposit service uses, more commonly known as payday lending institutions. Although the State of Iowa licenses and regulates the loans these stores market, the annual interest rate on a typical cash advance can be in the triple digits. Cash-strapped consumers may become locked into repetitive borrowing cycles with these types of businesses, pushing individuals and families even further into debt. In Cedar Rapids, neighborhood leaders have expressed concerns to staff about payday lending institutions and the effects that they may have on community strength and stability.

There are currently no restrictions on payday lending institutions in any City ordinances.

BEST PRACTICES FOR PAYDAY LENDING INSTITUTIONS:

Within the past two years, Ames, Clive, Des Moines, Iowa City and West Des Moines have passed ordinances restricting the location of payday lending institutions. These cities have justified their restrictions based on the link between payday lending and the economic distress of individuals and neighborhoods in which these establishments locate. Ames, Clive and Iowa City use nearly the same terms and restrictions to regulate payday lenders:

1. Distance Separation: 1,000 ft from any child care center, educational facility, park or recreational facility, religious institution, or other delayed deposit service use.
2. Zoning: Limited to specific commercial or industrial zones as a conditional use.

Des Moines and West Des Moines have similar, but stricter, ordinances requiring a distance separation of one-half mile.

STAFF RECOMMENDATION:

Distance separation regulations for payday lending institutions in Cedar Rapids should be designed so that City staff can easily and consistently enforce the regulations, and so that business owners and developers can clearly comprehend the requirements for locating these stores in the city.

Staff recommends allowing a delayed deposit service use as a conditional use in a single zoning district, the C-2, Community Commercial Zone District. This district is less commonly seen throughout the city, especially along major corridors of concern, such as 1st Avenue E, Williams Boulevard SW, and Edgewood Road. Additionally, a distance separation requirement of 1,000 feet should be required between two delayed deposit service uses, as well as sensitive uses such as childcare centers, schools, and religious institutions. Using the state's definition of delayed deposit service uses, which is commonly used by the other communities with payday lending ordinances, will ensure consistency with state regulations and uniformity with the other Iowa cities.

The addition of the following language to City Code Chapter 32, the Zoning Ordinance, is being suggested to implement the staff recommendation:

32.09.020 - DEFINITIONS

5I. Delayed Deposit Service Use: A Delayed Deposit Service Use is defined as an individual, group of individuals, partnership, association, corporation, or any other business unit or legal entity, who for a fee accepts a check dated subsequent to the date it was written or to a check dated on the date it was written and holds said check for a period of time prior to deposit or presentment pursuant to an agreement with, or any representation made to, the maker of the check, whether express or implied. For the purposes of this title, "check" means a check, draft, share draft, or other instrument for the payment of money.

Table 32.04-1 – PERMITTED USES

Add "Delayed Deposit Service Uses" under the "Use" Column and indicate that this use is a conditional use in the C-2, Community Commercial Zone District by adding the abbreviation "C" under the "C-2" heading.

32.04.030. – USE SPECIFIC STANDARDS

11. Delayed Deposit Service Uses in the C-2 Zone

- a. The use is licensed by the State of Iowa; and
- b. The use will be located at least 1,000 feet from any property containing any existing licensed daycare center use, educational facility use, parks and open space use, or religious use; and
- c. The proposed use will be located at least 1,000 feet from any other delayed deposit service use.

Active Delayed Deposit Service Uses

