

CITY PLANNING COMMISSION MEETING

Thursday, March 14, 2013

3:00 PM

City Hall Council Chambers

101 First Street SE, Cedar Rapids, IA 52401

AMENDED 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.

There are no items on the Consent Agenda

REGULAR AGENDA

1. Case Name: 827 Shaver Road NE (Rezoning & Conditional Use)

- a) Recommendation for approval of a rezoning from I-1, Light Industrial Zone District to C-2, Community Commercial Zone District requested by Noleshawk Investments, LLC (Applicant/Titleholder).

Case No: RZNE-001227-2013 **Case Manager:** Vern Zakostelecky

- b) Recommendation for approval of a Conditional Use for a restaurant with an outdoor eating area in a C-2, Community Commercial Zone District for property at 827 Shaver Road NE as requested by Noleshawk Investments, LLC (Applicant/Titleholder).

Case No. COND-001277-2012 **Case Manager:** Vern Zakostelecky

2. **Case Name:** 902 17th Street NE (Rezoning)

Recommendation for approval of a rezoning from I-1, Light Industrial Zone District to O-S, Office/Service Zone District requested by Mount Mercy College (Applicant) and Terex USA, LLC, ITC Midwest and Alliant Energy (Titleholders).

Case No: RZNE-001229-2013 **Case Manager:** Vern Zakostelecky

- **Old Business**

1. **Case Name:** 2200 C Street SW (Conditional Use) **has been removed from the agenda.**

- **New Business**

1. Recommendation regarding conformity of the proposed Westdale Urban Renewal Plan with the City's Comprehensive Plan.

2. Recommendation regarding conformity of Amendment No. 2 to the Amended and Restated Consolidated Technology Park Urban Renewal Plan with the City's Comprehensive Plan.

- **Training Opportunities**

- **Announcements**



Development Services Department
Public Works Building
1211 Sixth Street SW
Cedar Rapids, IA 52404
Telephone: (319) 286-5043

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

CPC Date: March 14, 2013
To: City Planning Commission
From: Development Services Department

Applicant: Noleshawk Investments, LLC
Titleholder: Noleshawk Investments, LLC
Case Number: RZNE-001227-2013
Location: 827 Shaver Road NE
Request: Rezoning from I-1, Light Industrial Zone District to C-2, Community Commercial Zone District
Case Manager: Vern Zakostelecky, Development Services Department

BACKGROUND INFORMATION:

The applicant is applying for a rezoning from I-1, Light Industrial Zone District to C-2, Community Commercial Zone District for the property at 827 Shaver Road NE to allow conversion of the existing building on the site to a restaurant with an outdoor service area. The applicant has also submitted for Conditional Use approval to allow the outdoor area for patrons to eat and have alcoholic beverages outside. A variance has been submitted requesting a reduction to the number of off-street parking spaces required. The goal of the restaurant owner would be to cater to bicyclist who use the Cedar Lake Trail.

The site plan submitted includes the following:

- Total area of 11,148 sq. ft.
- Existing & Proposed building area of 1,000 sq. ft.
- Existing & Proposed open area of 1,288 sq. ft.
- Vehicle Parking: 12 spaces (30 required)
- Bicycle Parking: 90 spaces
- Outdoor Service area is 3,230 sq. ft. with 8 picnic tables

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 the adjoining properties, as Parks and Open Space. The designation is based on the Cedar Lake Master Plan adopted a number of years ago. Although the Plan was to create green space around the Cedar Lake the goals and objective also encouraged recreational and entertainment venue along the Lake. This proposed use meets the goals and objective of the Cedar Lake Master Plan.

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

Staff Comments: The area is predominantly developed with light industrial, commercial recreational and service related uses. There are no residential uses in close proximity.

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

Staff Comments: The subject property is suitable for all uses that would be permitted in the C-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: 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 C-2 zoning classification. City staff supports the parking variance since there are a number of on-street parking spaces in close proximity that do not get used. The applicant is also working with property owners in the area for shared parking. There may also be an opportunity to acquire property adjacent to this site from the City for a building addition and more parking in the future, if the business is successful.

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 variance granted to reduce on-site parking, meets the requirements of Chapter 32.

RECOMMENDED CONDITIONS:

1. Prior to the issuance of a Final Certificate of Occupancy for this site, sidewalk along Shaver Road NE shall be reviewed by the City to verify compliance with current City and ADA design standards.
2. That this site shall be developed in compliance with the provisions of the Flood Plain Management Ordinance. Improvements over 50% of the value of the structure will require flood proofing of the building.
3. That approval of this site development plan is subject to the Conditional Use review process and no Certificate of Occupancy shall be issued for the proposed outdoor alcohol service until such use is approved by the Board of Adjustment.
4. That required off-street parking shall be provided per provisions of the Zoning Ordinance or a variance be obtained.



Development Services Department
Public Works Building
1211 Sixth Street SW
Cedar Rapids, IA 52404
Telephone: (319) 286-5043

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

CPC Date: March 14, 2013
To: City Planning Commission
From: Development Services Department

Applicant: Noleshawk Investments, LLC
Titleholder: Noleshawk Investments, LLC
Case Number: COND-001227-2013
Location: 827 Shaver Road NE
Request: Conditional Use approval for an Outdoor Service Area
Case Manager: Vern Zakostelecky

BACKGROUND INFORMATION:

The plan is to convert the existing building at 827 Shaver Road NE to a restaurant with an outdoor service area. The applicant is applying for a Conditional Use for an outdoor service area to allow patrons to eat and have alcoholic beverages outside. The applicant has also submitted for rezoning of the property from I-1, Light Industrial Zone District to C-2, Community Commercial Zone District. A variance has also been submitted requesting a reduction to the number of off-street parking spaces required. The goal of the restaurant owner would be to cater to bicyclist who use the Cedar Lake Trail.

The site plan as submitted includes the following:

- Total area of 11,148 sq. ft.
- Existing & Proposed building area of 1,000 sq. ft.
- Existing & Proposed open area of 1,288 sq. ft.
- Vehicle Parking: 12 spaces (30 required)
- Bicycle Parking: 90 spaces
- Outdoor Service area is 3,230 sq. ft. with 8 picnic tables

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: Outdoor Service areas where alcohol can be consumed can be located in the C-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 proposed site plan conforms to regulations established in Chapter 32 of the Municipal Code and the goals and objectives of both the Cedar Lake Master Plan and the Future Land Use Map in City's Comprehensive Plan.

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: Staff does not feel this development will have a negative effect on adjacent properties and the character of the neighborhood. Conversely, the proposed use should be an amenity to the bicyclists using the Cedar Lake Trail and to businesses in the area as the plan is to provide food service during operating hours for most of the businesses in the area.

4. That the proposed development or use will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.

Staff Comments: This site is in an area where there are limited choices for people to eat lunch and would provide a stopping and gathering place for bicyclists using the Cedar Lake Trail. As such, staff feels the new use, a restaurant and outdoor service area will be compatible with the area.

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 restaurant and outdoor service area 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: The applicant will be responsible for compliance with the conditions and will take necessary steps as required by the City Zoning Ordinance to minimize any potential adverse impacts.

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.

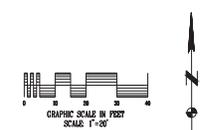
9. The Site Development Plan conforms to all applicable requirements of this Ordinance.

Staff comments: The site development plan conforms to all applicable requirements of this Ordinance.

RECOMMENDED CONDITIONS:

1. That the current project is not complete and fencing and a gate must still be installed. The gate must meet all Fire Department regulations related to entry/egress points. The gate shall be used only as an emergency entry/egress route unless the beer garden is staffed continually during normal business hours.
2. That the outdoor service area must have fencing. The fencing requirements, for an outdoor service area with limited staffing, must be of sufficient height to deter the passing of alcoholic beverages over the top of the fence. The fence must also be designed in such a manner as to prohibit the passing of alcoholic beverages through it. The fencing requirements, for an outdoor service area that is staffed full time during normal business hours, can vary some from the above requirements. For those outdoor service areas a specific fence design must be submitted and it will be evaluated on a case-by-case basis.
3. That the Police Department shall re-inspect the outdoor service area PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
4. Prior to the issuance of a Final Certificate of Occupancy for this site sidewalk along Shaver Road NE shall be reviewed by the City to verify compliance with current City and ADA design standards.
5. That this site shall be developed in compliance with the provisions of the Flood Plain Management Ordinance. Improvements over 50% of the value of the structure will require flood proofing of the building.
6. That required off-street parking shall be provided per provisions of the Zoning Ordinance or a variance be obtained.

827 SHAVER ROAD NE SITE DEVELOPMENT PLAN IN THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA



LOCATION MAP
(1"=100')

<p>UTILITY LEGEND-EXISTING</p> <p>(SSB) SANITARY SEWER W/SIZE (ST15) STORM SEWER W/SIZE (FM6) FORCE MAIN W/SIZE (M) WATER MAIN W/SIZE (G) GAS (S) STEAM (OHE) ELECTRIC-OVERHEAD (U) ELECTRIC-UNDERGROUND (C) CABLE TV-UNDERGROUND (OHC) CABLE TV-OVERHEAD (OHT) TELEPHONE-OVERHEAD (OHT) FIBER OPTIC-OVERHEAD (UHT) FIBER OPTIC-UNDERGROUND (T) TELEPHONE-UNDERGROUND (F) FENCE (F) FLOORING LIMITS (F) FLOORING LIMITS (COP) CITY CORPORATE LIMITS (S) SLOPE (L) LIGHT POLE W/O MAST (L) LIGHT POLE W/MAST (P) POWER POLE (A) GUY ANCHOR (P) GUY POLE (P) TELEPHONE PEDESTAL (P) TELEPHONE MANHOLE (P) CABLE TV PEDESTAL (C) UTILITY/CONTROL CABINET (M) SANITARY MANHOLE (M) STORM MANHOLE (OR) GRATE INTAKE (RA-3) INTAKE (RA-5) INTAKE (RA-8) INTAKE (RA-8) INTAKE (H) HORSESHOE CATCH BASIN W/O FLUME (H) HORSESHOE CATCH BASIN W/FLUME (G) GAS VALVE (F) FLUMED END SECTION (C) CLEANOUT, STORM OR SANITARY (T) TRAFFIC SIGNAL W/MAST (B) BOLLARD (S) STREET SIGN (H) HELL (S) SOL BORING (F) FIRE HYDRANT (V) WATER VALVE (V) WATER SHUTOFF (B) WATER BLOWOFF</p>	<p>UTILITY LEGEND-PROPOSED</p> <p>SSB SANITARY SEWER W/SIZE ST15 STORM SEWER W/SIZE FM6 FORCE MAIN W/SIZE M CITY CORPORATE LIMITS SANITARY MANHOLE STORM MANHOLE OR GRATE INTAKE RA-3 INTAKE RA-5 INTAKE RA-8 INTAKE RA-8 INTAKE HORSESHOE CATCH BASIN W/O FLUME FLUMED END SECTION CLEANOUT, STORM OR SANITARY FIRE HYDRANT WATER VALVE WATER SHUTOFF WATER BLOWOFF</p>	<p>SURVEY LEGEND</p> <p>O SET REBAR W/CAP NO. FOUND SURVEY MONUMENT AS NOTED FOUND RIGHT OF WAY PAUL SECTION CORNER SET AS NOTED SECTION CORNER FOUND AS NOTED CUT "X" IN CONCRETE RECORDED AS (L) EASEMENT LINE PLAT OR SURVEY BOUNDARY PLAT LOT LINE SECTION LINE CENTRELINE 1/4 SECTION LINE 1/4-1/4 SECTION LINE EXISTING LOT LINE BUILDING SETBACK LINE</p>	<p>PLANT LEGEND</p> <p>DECIDUOUS TREE CONIFEROUS TREE DECIDUOUS SHRUB CONIFEROUS SHRUB TREE STUMP TREE LINE SHIP EDGE</p>
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NOTE: THIS IS A STANDARD LEGEND. SOME ITEMS MAY NOT APPEAR ON DRAWINGS.



Contact Person	CHAD M. PELLEY, PE
Telephone Number	(319) 362-9548
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Mailing Address	1860 BOYSSON ROAD
E-Mail Address	chad@holling.com
Date Submitted	02/18/13 - REZONING/CU
Date Submitted	02/21/13 - VARIANCE
Date Revised	

OWNER/APPLICANT
MARTY HOEGER
NOLLEMAN INVESTMENTS, LLC
225 2ND STREET SE, SUITE 300
CEDAR RAPIDS IA 52401
(319) 338-7732
MHOEGER88@HOTMAIL.COM

LEGAL DESCRIPTION
LOT 1, EXCEPT THE SE-1/4 68 FEET THEREOF, AUDITOR'S PLAT NO. 49, CEDAR RAPIDS, IOWA

EXISTING/PROPOSED USE
EXISTING USE: RETAIL
EXISTING USE: RESTAURANT WITH OUTDOOR SEATING AND OUTDOOR SERVICE AREA
CONDITIONAL USE TO BE REQUESTED FOR THE OUTDOOR SERVICE AREA

DIMENSIONAL STANDARDS
EXISTING: I-1
PROPOSED: C-2
C-2 FRONT YARD: 25'+1/3" STRUCTURE EXCEEDS 45' IN HEIGHT NET SEE PAR. 0' OR 1/3" STRUCTURE EXCEEDS 45' IN HEIGHT CORNER SET YARD: 15'
REAR YARD: 0' OR 1/3" STRUCTURE EXCEEDS 45' IN HEIGHT

PARKING REQUIREMENTS
RESTAURANT (1,000 S.F.): 10/1,000 GFA = 10 SPACES
OUTDOOR EATING ESTABLISHMENT (3,230 S.F., 48 SEATS): 1/2.5 SEATS=20 SPACES
BICYCLE PARKING: 90 SPACES
REQUIRES SPACES: 30
PROVIDED SPACES: 12 SPACES
NETO HANDICAPPED SPACES: 1 SPACE
PROVIDED HANDICAPPED SPACES: 1 SPACE

LANDSCAPE REQUIREMENTS
THE APPLICANT IS REQUESTING A VARIANCE FOR PARKING DUE TO THE PROXIMITY OF THIS PROPOSED RESTAURANT TO THE CEDAR RIVER NATURE TRAIL AND THE PEDESTRIAN PATRONS THAT ARE EXPECTED.

AREA CALCULATIONS
TOTAL EXISTING AREA = 11,148 SF (0.25 AC)
EXISTING PAVED AREA = 8,960 SF (0.20 AC)
EXISTING BUILDING AREA = 1,000 SF (0.02 AC)
EXISTING OPEN AREA = 1,288 SF (0.03 AC)
TOTAL PROPOSED AREA = 11,148 SF (0.25 AC)
PROPOSED PAVED AREA = 8,960 SF (0.20 AC)
PROPOSED BUILDING AREA = 1,000 SF (0.02 AC)
PROPOSED OPEN AREA = 1,288 SF (0.03 AC)

GENERAL
THE DEVELOPMENT OF THE SITE IS A REMODEL OF THE EXISTING BUILDING. THE ONLY EXTERIOR IMPROVEMENTS TO THE SITE WILL BE THE ADDITION OF THE OUTDOOR PATIO TO REPLACE EXISTING HARD SURFACED STORAGE AREA.
NO STORM WATER MANAGEMENT IS TO BE PROPOSED ON THE SITE BASED ON THE EXISTING IMPROVEMENTS IN PLACE AND OTHER SITE CONSTRAINTS.

SITE DEVELOPMENT PLAN
827 SHAVER ROAD NE
IN THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA

HOLLING & HALL ENGINEERS, INC.
1860 BOYSSON ROAD, SUITE 200
CEDAR RAPIDS, IOWA 52401
(319) 362-9548
www.holling.com

Sheet No. 10071
Date: 02/18/13
First Book No. 3003
Scale: 1"=20'
1 of 1
Project Number: 10071



Development Services Department
Public Works Building
1211 Sixth Street SW
Cedar Rapids, IA 52404
Telephone: (319) 286-5043

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

CPC Date: March 14, 2013
To: City Planning Commission
From: Development Services Department
Applicant: Mount Mercy College
Titleholder: Terex USA, LLC, ITC Midwest and Alliant Energy
Case Number: RZNE- RZNE-001229-2013
Location: 902 17th Street NW
Request: Rezoning from I-1, Light Industrial Zone District to O-S, Office/Service Zone District
Case Manager: Vern Zakostelecky, Development Services Department

BACKGROUND INFORMATION:

The applicant is applying for a rezoning from I-1, Light Industrial Zone District to O-S, Office/Service Zone District for property developed as an industrial use at 902 17th Street NE. This request is a rezoning without a Preliminary Site Development Plan. If granted, the applicant will need to submit for Preliminary Site Development Plan approval and Administrative Site Plan approval prior to development occurring on the site. The plan is to demolish the existing buildings and redevelop the site with athletic facilities for the College. Prior to demolition of existing structures the applicant will need to work with the Historic Preservation Commission (HPC) on all buildings 50 years old or older. The applicant has had preliminary review and discussion with the HPC.

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 Industrial, but to the east, the area is shown as Institutional/Public. This is a large area

including the Mt. Mercy College Campus, the former Regis Catholic School site and athletic facilities owned by the Cedar Rapids Community School District. Because this request is an expansion of the Mt. Mercy College campus, the Future Land Use Map will be updated with the next overall update of the map and will not require formal Council action.

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

Staff Comments: In general, the proposed use will be compatible with the educational and athletic facilities in the area and also the proposed CEMAR Trail which will be adjacent to the proposed athletic facilities. The other uses in the general area are a mix of commercial, light industrial, office and residential. The proposed use will be compatible and should not have any major negative impacts on the surrounding area.

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

Staff Comments: The property is suitable for all uses in the O-S 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 use and redevelopment of this site will protect the existing neighborhood with regard to height and density that would be out of scale with the existing neighborhood. Upon submittal of a Preliminary Site Development Plan, City staff will work with the applicant on site design issues to mitigate to the extent possible any potential negative impacts through landscape/buffering, exterior lighting design, provision of off-street parking, etc.

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.

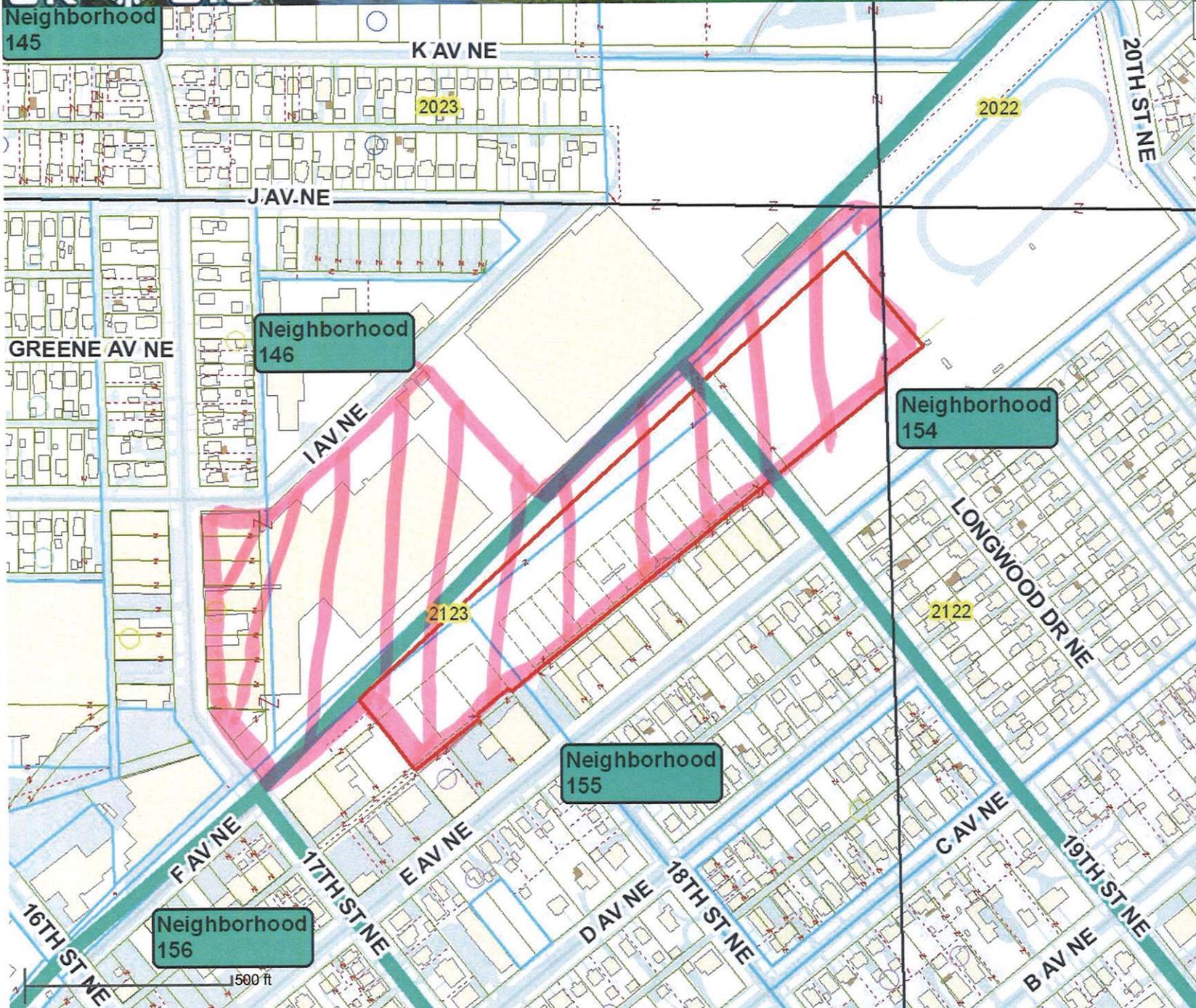
8. The Site Development Plan conforms to all applicable requirements of Chapter 32 with all applicable requirements as modified by a request for an Administrative Adjustment meeting.

Staff Comments: This is a rezoning without a site plan, but prior to development of the site the applicant will need to submit a detailed Preliminary Site Development Plan for review and approval. The plan will need to meet the applicable codes and regulations of Chapter 32, the Zoning Ordinance.

RECOMMENDED CONDITIONS:

1. That Fire Department access will be required to all portions of remaining industrial building.
2. Prior to construction of private improvements or private utility improvements on this site, the property owner shall submit to the City an acceptable Site Development Plan including the following information:
 - a.) Proposed private improvements.
 - b.) Private utilities including any relocations and easements.
 - c.) Public utilities including any relocations and easements.
 - d.) CEMAR Trail improvements including proposed easements. These easements shall include permanent and construction easements based on the City's improvement plans (CIP325012).
 - e.) Existing and proposed right-of-way and easements.
 - f.) Grading and drainage improvements and easements.
3. Private and public improvements on this site shall be constructed in accordance with improvement plans approved by the City.
4. Easement and right-of-way dedications noted herein shall be dedicated prior to the issuance of applicable permits by the City for construction of improvements on this site.
5. That any buildings 50 years old or older proposed for demolition will need to be reviewed by the City Historic Preservation Commission prior to issuance of a demolition permit per Chapter 18 of the City Municipal Code.
6. That any proposed principal structure will need to comply with the Zoning Ordinance Urban Design Standards.
7. That exterior lighting will need to comply with the Exterior Lighting Standards in the City Zoning Ordinance.
8. That setbacks will need to comply with the City Zoning Ordinance or a variance will need to be granted by the Board of Adjustment.
9. That subject property be platted per State and City platting regulations.
10. That future development under this rezoning action shall be subject to the RSDP review process as set forth in Section 32.02.030.G. prior to issuance of building permit(s). Such Development shall meet all City development standards in effect at the time of plan submittal.

Neighborhood 145



LEGEND

- Parcel Polygons
- Quarter Sections
- Assessment Neighborhood
- Cartographic Symbols
 - Block Symbol, 0
 - Block Symbol, 1
 - Block Symbol, 4
 - Block Symbol, 5
 - Block Symbol, 6
 - Chord, 2
 - Dimension Arrow, 2
 - Land Hook, 3
 - Legal Arrow, 1
 - Legal Arrow, 4
 - Legal Arrow, 5
 - Legal Arrow, 6
 - Split Dimension Arrow, 3
- Parcel Boundary
 - Corporate Boundary
 - Lot Line
 - Parcel
 - Parcel Split
 - Private Road
 - Quarter Quarter Line
 - Right of Way
 - Subdivision Boundary
 - Water
- Streets
 - <all other values>
 - Interstate
 - Ramp
 - Highway
 - Unknown
 - Surface
- Corporate Limits
 - Alburnett
 - Bertram
 - Cedar Rapids
 - Center Point
 - Central City
 - Coggon
 - Ely
 - Fairfax
 - Hiawatha
 - Lisbon
 - Marion
 - Mt Vernon
 - Paio
 - Prairieburg
 - Robins
 - Springville
 - Walford
 - Walker
- Planimetrics
 - <all other values>
 - Bridge
 - Building
 - Deck/Patio
 - Driveway
 - Median
 - Parking-PVD
 - Pool
 - Rec-Court
 - Road-EOP
 - Road-EOP-H
 - Road-UNP
 - Road-UNP-H
 - Sidewalk
- Image
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
 - IALINNO14002.sid
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
 - IALINNO23002.sid
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3



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PROPRIETARY INFORMATION: Any resale of this information is prohibited, except in accordance with a use agreement with the City of Cedar Rapids.

Mon Jan 28 11:06:40 CST 2013



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

To: City Planning Commission
From: Jennifer Pratt, Community Development
Subject: Recommendation regarding conformity of the proposed Westdale Urban Renewal Plan with the City's Comprehensive Plan
Date: March 14, 2013

BACKGROUND:

The City Council has initiated proceedings to consider establishment of a new Westdale Urban Renewal Area to promote the redevelopment under a “master development plan” to include a mixture of land uses – housing, office and retail – intended to stabilize the project area and serve as an asset to the adjoining neighborhoods, with consistent design and landscaping standards. The proposed Westdale Urban Renewal Area is approximately 91 acres in size located between Wiley Boulevard, Williams Boulevard (Highway 151), and Edgewood Road SW (see area map in attached Plan). The proposed Westdale Urban Renewal Area is identified in the City’s Future Land Use map as commercial which is consistent with the proposed redevelopment.

The State Code of Iowa requires that prior to City Council adoption of an Urban Renewal Area, the Urban Renewal Plan be referred to the City Planning Commission for review and recommendation “as to its conformity with the general plan for the development of the municipality as a whole.”

Establishment of an Urban Renewal Area provides an opportunity to use future property tax increment generated from the proposed redevelopment to off-set the costs of site preparation, such as demolition and infrastructure realignment. Negotiation of a Development Agreement with the developers would include a master development plan with specified mix of uses, design standards, and sustainability features.

The action requested from Planning Commission at this time is to make a finding regarding the consistency of the Westdale Urban Renewal Area with the Comprehensive Plan. In addition to City Planning Commission review, the City is consulting with affected taxing agencies on March 15, 2013. All comments received will be presented to City Council for consideration during the public hearing scheduled for March 26, 2013.



URBAN RENEWAL PLAN

for the

WESTDALE URBAN RENEWAL AREA

Attachment A: Project Area Map

INTRODUCTION

This Urban Renewal Plan (the "Urban Renewal Plan") has been prepared by the City of Cedar Rapids, Iowa (the "City") to provide for the re-development of the Westdale Urban Renewal Area (the "Project Area") of the City, and to stimulate, through public actions, financings and commitments, private investment in the urban renewal Project Area. In order to achieve these objectives, the City shall undertake the urban renewal actions specified in this Urban Renewal Plan, pursuant to the powers granted to it under Chapters 403 and 15A of the Code of Iowa, 2013, as amended (the "Code").

The Project Area consists primarily of the site of the Westdale, a covered retail shopping mall that opened in 1979. Two of the four "anchor" tenant locations at the mall currently are vacant, and approximately 70% of the in-line mall currently is vacant. The Project Area is surrounded by privately-owned homes and commercial developments.

The City of Cedar Rapids desires to promote the re-development of the Project Area under a "master development plan" to include a mixture of land uses – housing, office and retail – intended to stabilize and revitalize the Project Area and serve as an asset to the adjoining neighborhoods, with consistent design and landscaping standards. The City has determined that such re-development can best be achieved through the establishment of an urban renewal area and use of the powers granted to cities under the Code.

I. URBAN RENEWAL PLAN OBJECTIVES

The City has designated the Project Area as an "economic development area" as defined under Chapter 403. The primary objectives of this Urban Renewal Plan for the Project Area are as follows:

1. To stimulate through public action and commitment, private investment in a new mixed-use development, including housing, office and retail, under a "master development plan" as a means of stabilizing and revitalizing the Project Area;
2. To ensure that such re-development includes pedestrian trails, including connections to adjacent neighborhoods, sidewalks and public gathering spaces;
3. To implement a phased, coordinated re-development of the Project Area under design standards applicable to all development in the Project Area;
4. To increase the amount of "green space" within the Project Area;

5. To attract new residents and businesses to the Project Area;
6. To ensure that the Project Area is adequately served with public facilities, roadways, utilities and services; and
7. To achieve a diversified, well-balanced economy providing a desirable standard of living, creating job opportunities for City residents and strengthening the property tax base of the City.

II. DESCRIPTION OF PROJECT AREA

The Project Area is an "urban renewal area" as defined in the Code and is located within the City of Cedar Rapids, Linn County, Iowa. The boundaries of the Project Area are illustrated on the Project Area Map attached hereto as Exhibit A.

The Project Area consists of an approximately 91 acre tract, which is legally described as follows:

A part of the following described land lying in the Northwest Quarter of Section 6, Township 82 North, Range 7, the Southwest Quarter and Northwest Quarter of Section 31, Township 83 North, Range 7, the Northeast Quarter and the Southeast Quarter of Section 36, Township 83 North, Range 8, and the Northwest Quarter of Section 1, Township 82 North, Range 8 West of the 5th P.M and including all of Auditors Plat Number 492, Montgomery Ward First Addition and Edgewood Station First Addition, all in the City of Cedar Rapids, Linn County, Iowa and more particularly described as:

Commencing at the point of intersection of the East Right of Way line of said Edgewood Road and the Northwesterly Right of Way line of said Williams Boulevard;

Thence Southwesterly to the point of intersection of the West Right of Way line of said Edgewood Road and the Northwesterly Right of Way line of said Williams Boulevard;

Thence Southwesterly along the Northwesterly Right of Way line of said Williams Boulevard to a point of intersection with the Easterly Right of Way line of said Wiley Boulevard;

Thence Southwesterly to the point of intersection of the Northwesterly Right of Way line of said Williams Boulevard and the Westerly Right of Way line of said Wiley Boulevard;

Thence Southeasterly to the point of intersection of the Southeasterly Right of Way line of said Williams Boulevard and the Southwesterly Right of Way line of said Wiley Boulevard;

Thence Southeasterly along the Southwesterly Right of Way line of said Wiley Boulevard to a point on a curve in the said Southwesterly Right of Way line, said point being a point of intersection with a line radial to the said curve and the North end of a curve on the South Right of Way line of said 29th Avenue, SW;

Thence Northeasterly along said radial line to the said North end of the curve on the South Right of Way line of said 29th Avenue SW;

Thence East along the South Right of Way of Said 29th Avenue, SW to a point of

intersection with the West Right of Way line of said Edgewood Road;
Thence East to the point of intersection of the South line of said 29th Avenue, SW and the East Right of Way line of said Edgewood Road;
Thence North to the point of intersection of the North Right of Way line of said 29th Avenue, SW and the East Right of Way line of said Edgewood Road;
Thence North along the East Right of Way line of said Edgewood Road to the point of intersection with the Southeasterly Right of Way line of said Williams Boulevard;
Thence North to the East Right of Way line of said Edgewood Road and the Northwesterly Right of Way line of said Williams Boulevard and the point of beginning.

III. PROJECT AREA ACTIVITIES

As a means of assisting in the re-development of the Project Area and fulfilling the objectives of this Urban Renewal Plan, the City may undertake the following urban renewal project activities:

1. The execution of contracts and other instruments under which properties within the Project Area would be re-developed and improved, including development and minimum assessment agreements with one or more private parties having possession of and the right to re-develop the Project Area, or a portion thereof, as contemplated under this Urban Renewal Plan;
2. The construction or repair of public infrastructure improvements, including street, water, sanitary sewer and storm sewer systems, traffic signals, and public utilities or other facilities in connection with private re-development projects;
3. The issuance of bonds and/or other tax increment financing, as described in the “Special Financing Activities” section of this Urban Renewal Plan, (i) to pay a portion of the cost of construction of new facilities and developments, (ii) to make loans or grants to private developers for economic development purposes on such terms as may be determined by the City Council, including up-front grants and tax increment rebate payments to private developers under the terms of development agreements with such developers, and/or (iii) to fund other urban renewal project costs;
4. The establishment and enforcement of controls, standards and restrictions on land use and buildings; and
5. The use of any and all other powers, without limitation, granted by the Code to develop and provide for improved economic conditions in the City of Cedar Rapids, Iowa.

IV. SPECIAL FINANCING ACTIVITIES

To meet the objectives of this Urban Renewal Plan and to encourage private investment in and the re-development of the Project Area, the City may determine to provide financial assistance to qualified developers through the making of loans or grants under Chapter 15A of the Code and through the use of tax increment financing under Chapter 403 of the Code.

A. Chapter 15A Loans or Grants. The making of loans or grants of public funds to private developers within the Project Area may be deemed necessary or appropriate for economic development purposes (as defined in Chapter 15A of the Code) and to aid in the planning, undertaking and carrying out of urban renewal project activities authorized under this Urban Renewal Plan and the Code. Accordingly, in furtherance of the objectives of this Urban Renewal Plan, the City may determine to issue general obligation bonds, tax increment revenue bonds or other such obligations, or loan agreements for the purpose of making loans or grants of public funds to private developers undertaking re-development projects within the Project Area. Alternatively, the City may determine to use available funds, including tax increment revenues from the Project Area, for making such loans or grants. In determining qualifications of recipients and whether to make any such individual loan or grant, the City shall consider, among other things, one or more of the factors set forth in Section 15A.1 of the Code on a case-by-case basis.

B. Tax Increment Financing. The City intends to utilize tax increment financing as a means to help pay for the costs associated with the re-development of the Project Area. General obligation bonds, tax increment revenue bonds or other such obligations or loan agreements may be issued by the City, and tax increment reimbursement will be sought for, among other things, the following costs (if and to the extent incurred by the City):

1. The making of loans or grants to private developers under Chapter 15A of the Code, including tax rebate payments to private developers and debt service payments on any bonds or notes issued to finance such loans or grants.
2. The construction of public improvements, such as streets, sanitary sewers, storm sewers, water mains or sidewalks.
3. The funding of the "local match" required under State programs providing financial assistance to private developers.

Nothing herein shall be construed as a limitation on the power of the City to exercise any lawful power granted to the City under Chapter 15A, Chapter 403, Chapter 427B, or any other provision of the Code in furtherance of the objectives of this Urban Renewal Plan.

V. PROPERTY ACQUISITION

All of the properties located within the Project Area are owned by private parties, and the City does not presently intend to acquire any land in the Project Area for purposes of private redevelopment.

VI. CLEARANCE AND DISPOSITION OF PROPERTY

All of the properties located within the Project Area are owned by private parties, and the City does not presently intend to clear or dispose of any property in the Project Area.

VII. LAND USE DEVELOPMENT

The planning criteria to be used to guide the physical development of the Project Area are those standards and guidelines contained within the Cedar Rapids Comprehensive Plan approved on May 19, 1999, as amended from time to time.

VIII. DEVELOPER REQUIREMENTS

In consideration of the efforts to be made by the City in furthering the re-development of the Project Area, developers who purchase land in the Project Area and desire City financial assistance will be required to observe the land use requirements of this Urban Renewal Plan and to enter into a contractual agreement with the City in order to assure that the objectives of this Urban Renewal Plan are furthered or achieved.

Developers will not be permitted to defer the start of construction for a period longer than that required to prepare architectural plans, obtain satisfactory financing, and the review and approval of such plans by the City in order to establish their conformance with the provisions of this Urban Renewal Plan. In addition, it is expected that the following provisions will be included in agreements with developers:

1. Developers will submit plans and schedules for the proposed development to the City and will keep the City informed regarding progress on implementing these plans;
2. Any City-assisted projects shall be developed in conformity with the objectives and provisions of this Urban Renewal Plan;
3. Construction of improvements will be initiated and completed within a reasonable time; and
4. There will be no discrimination against any person or group of persons on account of race, creed, color, national origin or ancestry in the sale,

lease, sublease, transfer, use of enjoyment of the premises therein conveyed, nor will the developers themselves, or any claiming under or through them, establish or permit such practices of discrimination or segregation with respect to the selection, location, number, use or occupancy of tenants, lessees, or sub lessees in the premises therein conveyed.

The contract and other disposition documents to be executed by the developer will set forth, in detail, the provisions, standards and criteria for achieving the objectives and land use requirements established in this Urban Renewal Plan.

IX. PROJECT AND CITY INDEBTEDNESS

At the present time, the City expects to provide one or more economic development grants to or for the benefit of a private developer in an aggregate amount of \$5 million to assist with the construction of on-site amenities within the Project Area to benefit the public, and provide additional economic development grants to such developer equal in amount to 100% of the tax increment revenues derived from the taxable improvements constructed in the Project Area, less the amount required to repay all City indebtedness relating to the re-development of the Project Area, for a period of not less than 12 years, all in accordance with a development agreement to be negotiated between the City and such private developer, in consideration for certain employment commitments and other covenants expected to be made by the developer (referred to as the “Frew Project”). The City also may enter into development agreements with other private developers constructing taxable improvements within the Project Area, under which similar grants may be made by the City. As such, the eventual level of City participation in both private and public improvements for the re-development of the Project Area cannot be fully determined at this time. However, to the extent that new tax increment revenues are generated and other appropriate funding sources are identified, the City may undertake other project-related activities in the future.

At the present time, it is anticipated that future City tax increment collections for indebtedness incurred in connection with the Frew Project will not exceed \$25,000,000 in aggregate amount during the term of this Urban Renewal Plan. Proceeds of such tax increment collections are currently expected to be used to make economic development grants to the developer as described above and to reimburse the City for any other project-related costs incurred in connection with the development of the Project Area.

As of June 30, 2012, the City's outstanding general obligation indebtedness was \$337,485,000. Article XI, Section 3 of the Constitution of the State of Iowa limits the amount of City debt outstanding at any time to no more than five percent (5%) of the value, as shown by the last certified state and City tax list, of all taxable property within the City. Based upon the actual value for fiscal year 2012/2013 (total actual value, less agriculture value that is not taxed for debt service) on all taxable property within the City of Cedar Rapids, the City is limited to \$463,611,401 of general obligation indebtedness.

X. STATE AND LOCAL REQUIREMENTS

All provisions necessary to conform with state and local law will be complied with by the City in implementing this Urban Renewal Plan and its supporting documents.

XI. SEVERABILITY

In the event one or more provisions contained in this Urban Renewal Plan shall be held for any reason to be invalid, illegal, unauthorized or unenforceable in any respect, such invalidity, illegality, or lack of authorization or enforceability shall not affect any other provision of this Urban Renewal Plan, and this Urban Renewal Plan shall be construed and implemented as if such provisions had never been contained herein.

XII. AMENDMENT OF URBAN RENEWAL PLAN

This Urban Renewal Plan may be amended from time to time to respond to development opportunities. Any such amendment shall conform to the requirements of Chapter 403 of the Code. Any change affecting any property or contractual right will be effectuated only in accordance with applicable state and local law.

XIII. EFFECTIVE DATE

This Urban Renewal Plan shall be effective upon adoption by the City Council of the City of Cedar Rapids, Iowa, and shall remain in full force and effect until amended or rescinded by the City Council. However, the use of tax increment financing revenues (including the amount of loans, advances, indebtedness or bonds which qualify for payment from the division of revenue provided in Section 403.19 of the Code) by the City for activities carried out under this Urban Renewal Plan shall be limited as deemed appropriate by the City Council and consistent with all applicable provisions of law, including Iowa Code Section 403.17(10).

Westdale Mall Urban Renewal Area

3.8.2013 | Source: Cedar Rapids GIS | Author: Community Development





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

To: City Planning Commission
From: Jennifer Pratt, Community Development
Subject: Recommendation regarding conformity of Amendment No. 2 to the Consolidated Technology Park Urban Renewal Plan with the City's Comprehensive Plan
Date: March 14, 2013

BACKGROUND:

The City Council has initiated proceedings to consider expanding the existing Consolidated Technology Park Urban Renewal Area to facilitate the use of existing tax increment revenue funds for a public improvement project. Specifically, the expansion will include additional right-of-way for the completion of a street improvement project along the right-of-way of 76th Avenue SW between Interstate I-380 and Kirkwood Boulevard SW (see map in attached Plan).

The Consolidated Technology Park Urban Renewal Area was established in 1994 to facilitate new economic development and infrastructure installation within the area generally located north of 76th Avenue to Union Pacific Railroad between Kirkwood Boulevard and Ely Road SW. Notable projects within the area have included American Profol, Biofuels, JRS Pharma, G.E. Capital, Yellow Book, Aegon, Heinz, and most recently Acme Graphics. In addition, over \$4,000,000 in public improvements have been funded.

The proposed Urban Renewal expansion area is public-right-of-way with the adjacent property identified in the City's Future Land Use map as Residential and Industrial/Public which is consistent with the proposed public improvement project.

The State Code of Iowa requires that prior to City Council adoption of an Urban Renewal Area, the Urban Renewal Plan be referred to the City Planning Commission for review and recommendation "as to its conformity with the general plan for the development of the municipality as a whole."

The action requested from Planning Commission at this time is to make a finding regarding the consistency of Amendment No. 2 to the Consolidated Technology Park Urban Renewal Area with the Comprehensive Plan. In addition to City Planning Commission review, the City is consulting with affected taxing agencies on March 15, 2013. All comments received will be presented to City Council for consideration during the public hearing scheduled for March 26, 2013.



**AMENDMENT NO. 2 TO THE
AMENDED AND RESTATED URBAN RENEWAL PLAN FOR THE CONSOLIDATED
TECHNOLOGY PARK URBAN RENEWAL AREA**

As Approved by City Council

Resolution No. _____

Community Development Department
City Hall
101 First Street SE
Cedar Rapids, Iowa 52401

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 - 1.2 Consolidated Technology Park Urban Renewal Plan Amendments
 - 1.3 Relationship to the Comprehensive Plan
- 2.0 OVERALL PROJECT AREA OBJECTIVES AND ACTIVITIES
- 3.0 ESTIMATED DIVERSION OF PROPERTY TAX INCREMENT REVENUES
- 4.0 76th AVENUE SUB-AREA
- 5.0 EFFECTIVE DATE

EXHIBITS:

- A: Legal description of 76th Avenue Sub-Area
- B: Map of 76th Avenue Sub-Area

1.0 INTRODUCTION

1.1 Purpose and Background

The purpose and intent of this Amendment No. 2 to the Amended and Restated Plan for the Consolidated Technology Park Urban Renewal Area (the "Amendment") is to expand

the urban renewal area described in the Amended and Restated Urban Renewal Plan for the Consolidated Technology Park Urban Renewal Area as adopted by the City Council on July 20, 2005 (Resolution No. 1509-07-05) (the "Urban Renewal Plan") to include a new section of 76th Avenue Sub-Area.

This Amendment is intended to augment and expand the Urban Renewal Plan for the Consolidated Technology Park Urban Renewal Area as indicated above. All provisions of the existing Urban Renewal Plan not directly impacted by this Amendment as adopted by the City Council shall remain in full force and effect.

Under this Amendment, the 76th Avenue Urban Renewal Area is being added to the Urban Renewal Area as a separate Project Sub-Area. The separate identities of the Sub-Area's previously established as part of the Urban Renewal Plan will be maintained and observed for those purposes which are aided by or in need of the division, but the combined areas of the several Sub-Areas shall be treated together for planning and redevelopment purposes. This Amendment undertakes to continue each Project Sub-Area within the overall Urban Renewal Area as a combined Urban Renewal Area, reserving the separate elements of each such Sub-Area, but permitting the advantages of combined planning and redevelopment activities.

1.2 Consolidated Technology Park Urban Renewal Plan Amendments

Section 10.0 of the Urban Renewal Plan for the Consolidated Technology Park Urban Renewal Area provides that Urban Renewal Plan may be amended from time to time to include changes in the Urban Renewal Area, to add or change land use controls and regulations, to modify goals or types of renewal activities, or to amend property acquisition and disposition guidelines. The City Council may amend the Urban Renewal Plan by resolution after holding a public hearing on the proposed change in accordance with applicable Iowa law.

Amendment No. 2 to the Urban Renewal Plan for the Consolidated Technology Park Urban Renewal Area is consistent with this provision.

1.3 Relationship to the Comprehensive Plan

Cedar Rapids has adopted the *Comprehensive Plan for Cedar Rapids* which qualifies as the "general plan for the development of the municipality as a whole" as provided under Chapter 403.5, Code of Iowa. The Cedar Rapids Planning Commission reviewed the draft Amendment No. 2 to the Urban Renewal Plan for the Consolidated Technology Park Urban Renewal Area, and adopted a finding that it is in conformity with the Comprehensive Plan and recommended its approval by the City Council.

2.0 ESTIMATED DIVERSION OF PROPERTY TAX INCREMENT REVENUES

The use of tax increment funds is authorized in Section 2.4 of the Urban Renewal Plan for the Consolidated Technology Park Urban Renewal Area. This Amendment does not change provisions regarding the diversion of tax increment revenue within the Consolidated Technology Park Urban Renewal Area.

Article XI, Section 3 of the Constitution of the State of Iowa limits the amount of debt outstanding at any time of any county, municipality or other political subdivision to no more than 5% of the value, as shown by the last certified state and county tax lists, of all taxable property within such county, municipality or other political subdivision. Based upon the actual value for fiscal year 2010/2011 (total actual value, less agriculture value that is not taxed for debt service) on all taxable property within the City of Cedar Rapids, the City is limited to \$277,045,000.00 of general obligation indebtedness. Total City bonded indebtedness as of June 30, 2011 was \$ 433,321,494.00.

3.0 76TH AVENUE SUB-AREA

Redevelopment and revitalization activities contemplated under the Urban Renewal Plan for the Consolidated Technology Park Urban Renewal Area are being conducted on a sub-area basis with appropriate allocation of resources. The intent of the sub-area designations is identified in Section 5.0 of the Urban Renewal Plan for the Consolidated Technology Park Urban Renewal Area.

In accordance with this intent, the Urban Renewal Plan for the Consolidated Technology Park Urban Renewal Area is amended to include the following new subsection 5.5, entitled "76th Avenue Sub-Area" resulting in a revised legal description of Amended Consolidated Technology Park Urban Renewal Area boundary, as follows:

Beginning at the section center of Section 10, Township 82 North, Range 7 West:

Thence North to intersection with the north right of way line of Highway 30; thence Easterly along said north right of way line Highway 30 and west bound ramp to intersection with the west right of way line of C Street SW; thence North along said west right of way line C Street SW to intersection with the northerly line of Chicago and Northwestern railroad right of way; thence Easterly along said northerly railroad right of way to intersection with the easterly line of abandoned Cedar Rapids and Iowa City Railroad right of way; thence Southerly along said east right of way line of abandoned Cedar Rapids and Iowa City Railroad to intersection with the northerly right of way line of Ely Road SW; thence Easterly along said north line Ely Road SW to intersection with the easterly right of way line of Ely Road SW, where road runs north and south; thence Southerly along east line of Ely Road SW and old Ely Road SW to intersection with the south line of Northwest ¼ Section 11, Township 82 North, Range 7 West; thence Westerly along said ¼ section line to the Northwest corner of the Northwest ¼ of the Southwest ¼ of Section 11, Township 82 North, Range 7 West; thence Southerly along West ¼ section line to the intersection with south right of way line Highway 30; thence Easterly along said south right of way line Highway 30 and east bound ramp to intersection with the westerly right of line of abandoned Cedar Rapids and Iowa City

Railroad; thence Southerly along said right of way line of abandoned Cedar Rapids and Iowa City Railroad to intersection with the south line of Southwest ¼ Section 11, Township 82 North, Range 7 West; thence West along said ¼ section line to intersection with the easterly right of way line of C Street SW; thence South along said east right of way line to the intersection with the south right of way line of 76th Avenue SW; thence West along said south right of way line of 76th Avenue SW to the intersection with the west right of way line of Interstate 380; thence North along said west right of way of Interstate 380 to the intersection with the north right of way line of 76th Avenue SW; thence East along said north right of way line 2597.82 feet; thence North 1° 37' 34" West 8.80 feet; thence in a northerly direction along a curve concave southeasterly, a distance of 87.67 feet to the point of tangency, said curve having a central angle of 15° 13' 18", a radius of 330.00 feet, and a long chord having a length of 87.41 feet which bears North 5° 59' 05" East; thence North 13° 35' 44" East 16.54 feet; thence in a northerly direction along a curve concave northwesterly, a distance of 71.73 feet to the point of tangency, said curve having a central angle of 15° 13' 18", a radius of 270.00 feet, and a long chord having a length of 71.52 feet which bears North 5° 59' 05" East; thence North 1° 37' 34" West 40.24 feet; thence North 89° 51' 30" East 60.00 feet to the east quarter-quarter section line of the southwest quarter of the southeast quarter of Section 16 Township 82 North Range 7 West; thence South 1° 37' 34" East along said quarter-quarter section line 227.66 feet to the north right of way line of 76th Avenue SW, thence East along said north right of way line to the intersection with the east boundary line of the west ½ of Section 15, Township 82 North, Range 7 West; thence North along said east boundary line to the point of beginning.

Excluding therefrom the following:

Beginning at the Northwest corner of the Southeast ¼ of the Southeast ¼ of Section 10, Township 82 North, Range 7 West; thence Easterly along the north boundary line of the Southeast ¼ of the Southeast ¼ of Section 10, Township 82 North, Range 7 West approximately 1,350 feet to the west right of way line of C Street SW; thence Southerly along said west right of way line approximately 1,350 feet to the south boundary line of Section 10, Township 82, Range 7 West; thence Westerly along the said south boundary line approximately 1,350 feet to the west boundary line of the Southeast ¼ of the Southeast ¼ of Section 10, Township 82 North, Range 7 West; thence Northerly along said west boundary line approximately 1,350 feet to the point of beginning.

5.5 76TH AVENUE SUB-AREA

The 76th Avenue Sub-Area is located generally along the right-of-way of 76th Avenue SW between Interstate I-380 and Kirkwood Boulevard SW. The strategic objective for the 76th Avenue Sub-Area is to provide for the use of existing tax increment revenues to fund public improvements to the proposed right-of-way.

4.0 EFFECTIVE DATE

This Amendment No. 2 to the Urban Renewal Plan for the Consolidated Technology Park Urban Renewal Area shall be deemed to be effective upon the adoption of a City Council Resolution approving the said amended Urban Renewal Plan. The Urban Renewal Plan, as so amended, shall remain in full force until amended or rescinded by the City Council.

EXHIBIT A

LEGAL DESCRIPTION OF AMENDED CONSOLIDATED TECHNOLOGY PARK BOUNDARIES

Beginning at the section center of Section 10, Township 82 North, Range 7 West:

Thence North to intersection with the north right of way line of Highway 30; thence Easterly along said north right of way line Highway 30 and west bound ramp to intersection with the west right of way line of C Street SW; thence North along said west right of way line C Street SW to intersection with the northerly line of Chicago and Northwestern railroad right of way; thence Easterly along said northerly railroad right of way to intersection with the easterly line of abandoned Cedar Rapids and Iowa City Railroad right of way; thence Southerly along said east right of way line of abandoned Cedar Rapids and Iowa City Railroad to intersection with the northerly right of way line of Ely Road SW; thence Easterly along said north line Ely Road SW to intersection with the easterly right of way line of Ely Road SW, where road runs north and south; thence Southerly along east line of Ely Road SW and old Ely Road SW to intersection with the south line of Northwest $\frac{1}{4}$ Section 11, Township 82 North, Range 7 West; thence Westerly along said $\frac{1}{4}$ section line to the Northwest corner of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 11, Township 82 North, Range 7 West; thence Southerly along West $\frac{1}{4}$ section line to the intersection with south right of way line Highway 30; thence Easterly along said south right of way line Highway 30 and east bound ramp to intersection with the westerly right of line of abandoned Cedar Rapids and Iowa City Railroad; thence Southerly along said right of way line of abandoned Cedar Rapids and Iowa City Railroad to intersection with the south line of Southwest $\frac{1}{4}$ Section 11, Township 82 North, Range 7 West; thence West along said $\frac{1}{4}$ section line to intersection with the easterly right of way line of C Street SW; thence South along said east right of way line to the intersection with the south right of way line of 76th Avenue SW; thence West along said south right of way line of 76th Avenue SW to the intersection with the west right of way line of Interstate 380; thence North along said west right of way of Interstate 380 to the intersection with the north right of way line of 76th Avenue SW; thence East along said north right of way line 2597.82 feet; thence North $1^{\circ} 37' 34''$ West 8.80 feet; thence in a northerly direction along a curve concave southeasterly, a distance of 87.67 feet to the point of tangency, said curve having a central angle of $15^{\circ} 13' 18''$, a radius of 330.00 feet, and a long chord having a length of 87.41 feet which bears North $5^{\circ} 59' 05''$ East; thence North $13^{\circ} 35' 44''$ East 16.54 feet; thence in a northerly direction along a curve concave northwesterly, a distance of 71.73 feet to the point of tangency, said curve having a central angle of $15^{\circ} 13' 18''$, a radius of 270.00 feet, and a long chord having a length of 71.52 feet which bears North $5^{\circ} 59' 05''$ East; thence North $1^{\circ} 37' 34''$ West 40.24 feet; thence North $89^{\circ} 51' 30''$ East 60.00 feet to the east quarter-quarter section line of the southwest quarter of the southeast quarter of Section 16 Township 82 North Range 7 West; thence South $1^{\circ} 37' 34''$ East along said quarter-quarter section line 227.66 feet to the north right of way line of 76th Avenue SW, thence East along said north right of way line to the intersection with the east boundary line of the west $\frac{1}{2}$ of

Section 15, Township 82 North, Range 7 West; thence North along said east boundary line to the point of beginning.

Excluding therefrom the following:

Beginning at the Northwest corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 10, Township 82 North, Range 7 West; thence Easterly along the north boundary line of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 10, Township 82 North, Range 7 West approximately 1,350 feet to the west right of way line of C Street SW; thence Southerly along said west right of way line approximately 1,350 feet to the south boundary line of Section 10, Township 82, Range 7 West; thence Westerly along the said south boundary line approximately 1,350 feet to the west boundary line of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 10, Township 82 North, Range 7 West; thence Northerly along said west boundary line approximately 1,350 feet to the point of beginning.

EXHIBIT B

MAP OF AMENDED CONSOLIDATED TECHNOLOGY PARK BOUNDARIES

