

CITY PLANNING COMMISSION MEETING

Thursday, May 16, 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: Hawks Point Fifth Addition (Major Preliminary Plat)

Approval of a Major Preliminary Plat, for property north of Highway 151 and east of West Post Road as requested by Thomas Dostal Developers, Inc. (Applicant/Titleholder).

Case No. PRPT-001917-2013 Case Manager: Joe Mailander

2. Case Name: 633 A Avenue NW (Rezoning and Conditional Use)

a) Recommendation for approval of a rezoning from RMF-2, Multiple Family Residence Zone District to C-3, Regional Commercial Zone District as requested by Covenant Properties, LC (Applicant/Titleholder).

Case No: RZNE-002025-2013 Case Manager: Vern Zakostelecky

b) Recommendation for approval requesting a Conditional Use for a warehouse building in a C-3, Regional Commercial Zone District for property at 633 A Avenue NW as requested by Covenant Properties, LC (Applicant/Titleholder).

Case No. COND-002026-2013 Case Manager: Vern Zakostelecky

3. **Case Name:** Between 16th & 18th Avenue, west of Jacolyn Drive SW (Preliminary Site Development Plan)

Recommendation for approval of a Preliminary Site Development Plan for property at South of 16th Avenue SW, west of Jacolyn Drive SW and north of 18th Avenue SW and zoned C-3, Regional Commercial Zone District as requested by CRST International (Applicant) and Jacob Wells, LLC (Titleholder).

Case No: *PSDP-002064-2013* **Case Manager:** *Vern Zakostelecky*

- **New Business**
 1. Sign Ordinance Update
 2. Board of Ethics Advisory Opinion
- **Training Opportunities**
- **Announcements**



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

**MINUTES
CITY PLANNING COMMISSION REGULAR MEETING,
Thursday, April 25, 2013 @ 3:00 p.m.**

Cedar Rapids City Hall Council Chambers, 101 First Street SE

Members Present: Scott Overland, Chair
Jim Halverson, Vice – Chair
Gloria Frost
Scott Friauf
Laura Seaton
Carletta Knox-Seymour
Allan Thoms
Virginia Wilts

Members Absent: Mike Tertinger

DSD Staff: Vern Zakostelecky, Planner
Joe Mailander, Manager

CD Staff: Seth Gunnerson, Planner
Amanda Rabey, Customer Service Representative

The meeting was called to order at 3:00 p.m.

Opening statements were presented stating the protocol of the meeting and the purpose of the City Planning Commission.

Roll call was answered with six (6) Commissioners present.

Commissioner Overland stated Commissioners have received the minutes from April 4, 2013 and called for additions or corrections. Commissioner Overland stated with no additions or corrections, the minutes from April 4, 2013 stand approved.

Commissioner Overland called for a motion to approve the agenda. Commissioner Thoms made a motion to approve the agenda. Commissioner Halverson seconded the motion. The motion passed unanimously with none opposed.

Commissioners Knox-Seymour and Frost joined the meeting at 3:02 p.m.

CONSENT AGENDA

1. Case Name: Evergreen Business Park Addition (Major Preliminary Plat) Case No. PRPT-002139-2013; Case Manager: Vern Zakostelecky

Approval of a time extension for the Major Preliminary Plat for property north of Walford Road between 6th Street SW and I-380 as requested by Hughes System, Inc. / Dwight Hughes (Applicant/Titleholder).

Commissioner Overland called for a motion to approve the consent agenda. Commissioner Friauf made a motion to approve the consent agenda. Commissioner Frost seconded the motion. The motion passed unanimously with none opposed.

REGULAR AGENDA

1. Case Name: Northwest Corner of 76th Avenue & C Street SW (FLUMA and Rezoning) Case No. FLUMA-001734-2013 and RZNE-001733-2013; Case Manager: Vern Zakostelecky

- a) Request for an amendment to the Future Land Use Map in the City's Comprehensive Plan from Office to Commercial as requested by Jim Hobart (Applicant) and Kirkwood Community College (Titleholder).
- b) Recommendation for approval of a rezoning from O-S, Office/Service Zone District to C-3, Regional Commercial Zone District requested by Jim Hobart (Applicant) and Kirkwood Community College (Titleholder).

Vern Zakostelecky, Development Services, stated the rezoning is accompanied by a preliminary site development plan for a 15 acre parcel at the southwest corner of Kirkwood Parkway and C Street SW. The site is approximately 40 acres and would contain a new Ruffalo Cody building. The building area is approximately 46,000 sq ft on both the first and second floor. There would be 698 parking spaces on the site to accommodate the shift overlaps. There will be two accesses to the site from Kirkwood Parkway and an access from C Street. The applicant is purposing a retention pond on the southwest corner of the site with trails along the pond. Mr. Zakostelecky presented a location/zoning map, aerial photo, site plan, and building renderings identifying neighboring properties, property zonings and the proposed layout of the building on the site.

Commissioner Overland called for questions of Mr. Zakostelecky. Commissioner Thoms asked why the entire 52 acre property is being rezoned when the applicant is purposing to use 15 acres. Mr. Zakostelecky stated the applicant would like to connect, through the two northerly lots, a public access easement and trail. There are a lot of jobs in the area but there are not many commercial opportunities for restaurants so this would be an opportunity to possibly provide amenities. There is a potential user for 10 acres of the site.

Commissioner Overland called for a representative of the applicant. Jim Hobart, Frantz-Hobart Management Services, stated rezoning the entire 52 acres provides flexibility for development on the site. Mike Dryden, Ament Design, stated there will be tree islands in the parking lot that will be bio-soils and the storm water requirements will be taken care of in the bio-soils.

Commissioner Overland called for questions of the applicant. Commissioner Frost asked if there was consideration of permeable paving for the parking lot. Mr. Dryden stated permeable paving cost a lot more to meet City ordinances versus building a retention basin. Commissioner Frost

asked how many tree islands would be put in. Mr. Dryden stated there would be approximately 80 trees in the parking lot with landscaping and buffering around the perimeter of the site.

Commissioner Friauf asked if the retention pond was designed for all 52 acres. Mr. Dryden stated the retention pond is designed for this 15 acre lot. Commissioner Frost asked Mr. Zakostelecky if there were any concerns with the size of the project on the lot. Mr. Zakostelecky stated his only regret was not being able to slow the project down so the applicant could take advantage of the new PUD regulations. Commissioner Wilts asked if there would be any traffic control, such as lights, on the C Street access to the site. Mr. Zakostelecky stated a traffic impact study was done and a preliminary draft of the site plan was submitted to the Traffic Engineering staff for review and they will provide requirements the applicant will have to follow. All requirements will be determined after the traffic impact study has been thoroughly analyzed.

Commissioner Overland called for members of the public who wished to speak. No member of the public wished to speak.

Commissioner Overland called for a motion to approve the FLUMA. Commissioner Frost made a motion to approve the Future Land Use Map from Office to Commercial. Commissioner Friauf seconded the motion.

Commissioner Overland called for discussion on the motion. Commissioner Thoms stated based on the information provided in the packet the screening and buffering would be from Kirkwood Parkway and C Street and asked if there would be additional buffering required. Mr. Zakostelecky stated the new Urban Design Standards require applicants to provide lower level plantings to soften the look of the parking areas. To the south and west will be commercial and buffering is not required between commercial uses so the buffering is for the areas east and north of the site that are zoned residential.

Commissioner Overland called for a vote on the motion. The motion passed unanimously with none opposed.

Commissioner Overland called for a motion to approve the rezoning. Commissioner Thoms made a motion to approve the rezoning from O-S, Office/Service Zone District to C-3, Regional Commercial Zone District. Commissioner Knox-Seymour seconded the motion.

Commissioner Overland called for discussion on the motion. No discussion was presented. The motion passed unanimously with none opposed.

2. Case Name: 2112 J Street SW & Adjoining Vacant Parcel (Rezoning) Case No. RZNE-001737-2013; Case Manager: Vern Zakostelecky

Recommendation for approval of a rezoning from R-3D, Two Family Residence Zone District to RMF-1, Multiple Family Residence Zone District as requested by Alan Fisher (Applicant/Titleholder).

Mr. Zakostelecky stated there are two parcels associated with the zone change. The property at 2112 J Street SW contains a duplex and has a split zoning down the middle of the lot with part of it being zoned R-3 and R-3D. Through research staff was not able to determine how the zoning came to be this way. The applicant would like to place duplexes on the lots and it would be legal non-conforming because they do not meet the minimum lot area for the R-3D which is why the

applicant is requesting the rezoning to RMF-1. Because this is a two-family housing development no site plan is required at this point in the process. Staff recommends there is a condition that the applicant agrees not to build more than duplexes on the vacant lots with a maximum of four. The applicant has indicated he is in agreement with the condition. Mr. Zakostecky presented an aerial photo and location/zoning map pointing out surrounding properties and their zonings. Mr. Zakostecky stated staff received one letter from a concern citizen regarding the density of the project in this area.

Commissioner Overland called for questions of Mr. Zakostecky. Commissioner Thoms asked Mr. Zakostecky to respond to the citizen letter that was received. Mr. Zakostecky stated he is not aware of the parking situation with the duplexes but as far as all the services provided by the City of Cedar Rapids this development would not create a burden on any of the services.

Commissioner Overland called for a representative of the applicant. Alan Fisher, 1433 Hickory Hollow Road, Solon, stated he is the property owner of both 2112 J Street SW and the vacant lot.

Commissioner Overland called for questions of the applicant. Commissioner Thoms asked Mr. Fisher if he was agreeable with the condition that there only be one duplex on the property. Mr. Fisher stated he is accepting of the condition.

Commissioner Overland called for members of the public who wished to speak. Kathleen Wieland, 250 Wilson Avenue SW, asked if after the property is rezoned and the duplex is put up can someone, in the future, place an apartment building on the property. Mr. Zakostecky stated if the applicant agrees to the condition regarding only four units on the lot total, the duplexes would not be allowed to be torn down for placement of apartment buildings.

Commissioner Overland called for a motion to approve the rezoning. Commissioner Thoms made a motion to approve the rezoning from R-3D, Two Family Residence Zone District to RMF-1, Multiple Family Residence Zone District. Commissioner Knox-Seymour seconded the motion.

Commissioner Overland called for discussion on the motion. No discussion was presented. The motion passed unanimously with none opposed.

3. Case Name: 1115 Prairie Rose Drive SW (Preliminary Site Development Plan) Case No. PSDP-001480-2013; Case Manager: Vern Zakostecky

Recommendation for approval of a Preliminary Site Development Plan for property at 1115 Prairie Rose Drive SW and zoned RMF-1, Multiple Family Residence Zone District as requested by Martin Combs Custom Homes (Applicant) and Jerry's Homes (Titleholder).

Mr. Zakostecky stated the property is located at the corner of C Street and Prairie Rose Drive SW and is part of the Technology Park development. The property has been rezoned to RMF-1 for a number of years and the original site plan adopted as part of the rezoning, showing an eight unit apartment building, has expired. The applicant was granted funding through the Iowa Economic Development Authority (IEDA) for another site but the site was not available for the project and IEDA allowed the applicant to transfer the funds to this site to build flood replacement apartment units. The applicant is planning to build two four unit row house apartment buildings on the site which is approximately 27,000 sq ft and the building area would take up approximately 6,000 sq ft. Approximately 4,000 sq ft would be for hard surface with

17,000 sq ft for open space. The development would contain 12 parking spaces with a single access from Prairie Rose Drive. Buffering and screening would be provided on the east property line but is not required unless the property to the south develops as single family housing. Mr. Zakostecky presented a location/zoning map, an aerial photo and a site plan pointing out neighboring properties, neighboring properties zonings and site details.

Commissioner Overland called for questions of Mr. Zakostecky. Commissioner Thoms asked if the garages would be located underneath the development. Mr. Zakostecky stated the garages would be located in the front of the development. Mr. Zakostecky presented building elevations pointing out details of the development.

Commissioner Overland called for a representative of the applicant. Brian Vogel, Hall & Hall Engineers, stated he is available to answer questions.

Commissioner Overland called for questions of the applicant. No questions were presented.

Commissioner Overland called for members of the public who wished to speak. Karen Manecke, 1303 Prairie Rose Drive SW, asked if the development would be low income apartments. Mr. Zakostecky stated they are not low income but affordable housing. Ms. Manecke asked what this development would do to the property values of the home owners in the area. Mr. Zakostecky stated he does not know if it would affect property values but similar developments have been going up all over town and he is unaware of any negative impacts to property values. Ms. Manecke stated the majority of the home owners in the area are not happy about apartment complexes being put in because the street contains all houses and it could take away from the neighborhood. Mr. Zakostecky stated in all fairness, the current property owner rezoned the parcel to multi-family with the intent of putting apartment buildings on it prior to building any of the housing in the development. Ms. Manecke stated there is currently a traffic issue when trying to get on C Street and adding an apartment complex with eight families will add to it. Ms. Manecke asked if there would be adequate parking to keep the congestion off Prairie Rose Drive. Mr. Zakostecky stated with it being so close to the intersection there would not be on-street parking allowed so the residents would have to park on their own site.

Ms. Manecke asked how the water retention would be addressed. Mr. Zakostecky stated he would ask the engineer of the project address the question. Mr. Vogel stated the storm water for this project was part of the overall basin for the Technology Park Addition and this was included in the pond design. The water drains to the south but the release rate for the pond was lowered to accommodate this site.

Commissioner Overland called for a motion to approve the Preliminary Site Development Plan. Commissioner Halverson made a motion to approve the Preliminary Site Development Plan for property at 1115 Prairie Rose Drive SW and zoned RMF-1, Multiple Family Residence Zone District. Commissioner Frost seconded the motion.

Commissioner Overland called for discussion on the motion. No discussion was presented. The motion passed unanimously with none opposed.

OLD BUSINESS

1. Proposed Zoning Ordinance Amendments to Chapter 32 of the Municipal Code, the Zoning Ordinance, to regulate Delayed Deposit Service Uses (commonly known as “Payday Lenders”)

Seth Gunnerson, Community Development, provided background stating neighborhood leaders approached the City requesting more regulation of businesses that cause health and financial problems for residents. One of the businesses included was payday lenders which can charge over 400% annual interest rates and increase debt of consumers. Because payday lenders are licensed by the State of Iowa there is no option of banning the businesses from communities. Cedar Rapids currently has no restrictions on payday lenders but other cities in Iowa have enacted zoning ordinance regulations. Iowa City, Ames and Clive use nearly the same regulations proposed by City staff including distance separation and zoning restrictions. Mr. Gunnerson presented three options and a staff recommendation for CPC consideration.

Commissioner Seaton asked if there was any information regarding what has or has not been proposed at the state level. Also, was there a specific direction received from City Council. Mr. Gunnerson stated he is not familiar with what has happened at the state level but there have been attempts to establish limits on interest rates and other criteria. Mr. Gunnerson stated Development Committee recommended payday lending go forward and action be taken.

Commissioner Friauf asked what would be gained from a 1,000 foot separation. Mr. Gunnerson stated staff is recommending the separation because it is in line with other communities and it would ensure there are not multiple businesses of this type in a single commercial development.

Commissioner Seaton stated if something like this is to be done it needs to be targeted toward a particular harm. Keeping businesses like this in a certain zoning district is understandable but there are no ties between these businesses and the harm they do. Commissioner Friauf stated a poorly written regulation from another city is not a reason to put it into the City’s regulations.

Commissioner Friauf made a motion to approve option #1, no change to the current ordinance. Commissioner Seaton seconded the motion.

Commissioner Overland called for members of the public who wished to speak. Members of the public who spoke on the matter included Daryl Rider, 3816 Wenig Road NE; Lynn Perry, 4300 Maureen CT SE; Bridget Fagan, Iowa Citizens for Community Improvement; and Kristina Olson, 217 Winsor Drive NE. Comments included the following:

- Option #3 will slow down the process so people have the chance to think about other alternatives for dealing with their debts.
- No competitions to payday lenders in our community
- Most people are unaware of the similar services offered by Veridian and other banks
- Option #3 limits the growth of payday lenders in our community
- Payday lenders prey on people in desperate times/situations
- Payday lending traps people in a cycle of debt
- The separation distance is about being restrictive
- Des Moines has 17% decrease in number of payday lenders since changing ordinance
- There should not be payday lenders all over but there are people that need the services

Commissioner Knox-Seymour stated it is hard from the level the City Planning Commission is at to regulate a change like this. Payday lenders tend to prey on people that do not have good credit and are under educated financially. Commissioner Knox-Seymour stated she was in favor of option #3 but after listening to discussion is not comfortable with everything in option #3.

Commissioner Friauf stated several stories are being shared of how payday lending ends in tragic outcomes but there are instances when payday lending ends in success. Commissioner Thoms stated he feels this decision is political and should be made by City Council.

Commissioner Overland called for a vote on the motion. The motion passed unanimously with none opposed.

2. Discussion and recommendation on eliminating the current Zoning Ordinance PUD-O, Planned Unit Development Overlay District and adoption of the PUD-1, Planned Unit Development Zone District and PUD-2, Planned Unit Development Zone District.

Mr. Zakostecky stated the new PUD regulations are easier to understand, provide more flexibility, incorporate pedestrian accessibility, protect environmental sensitive areas, etc. Mr. Zakostecky stated staff is looking for a recommendation from CPC to eliminate the current PUD-Overlay and create two stand-alone PUD districts. Mr. Zakostecky explained the two PUD districts and explained the processes for each district. Mr. Zakostecky explained the PUD Master Plan requirements and proposed PUD regulations.

Commissioner Friauf made a motion to eliminate the current PUD Zoning Ordinance and adopt the two part PUD as presented. Commissioner Frost seconded the motion.

Commissioner Overland called for discussion on the motion. Commissioner Thoms asked how this setup would get to mixed use. Mr. Zakostecky stated the current PUD is not a based zoning district but an overlay so developers are limited to the uses for that particular zoning district.

Commissioner Overland called for a vote on the motion. The motion passed unanimously with none opposed.

The meeting was adjourned at 4:43 p.m.

Respectfully Submitted,

Alicia Abernathey, Administrative Assistant II
Community Development

STAFF REPORT TO CITY PLANNING COMMISSION
Major Preliminary Plat

CPC Date: May 9, 2013
To: City Planning Commission
From: Development Services Department

Applicant: Thomas Dostal Developers, Inc.
Titleholder: Thomas Dostal Developers, Inc.
Plat Name: Hawks Point 5th Addition
Case Number: PRPT-001917-2013
Location: North of Highway 151 and east of West Post Road SW
Request: Approval of a Major Preliminary Plat
Case Manager: Joe Mailander, Development Services

BACKGROUND INFORMATION:

The applicant, Thomas Dostal Developers, Inc. is requesting approval of a new Preliminary Site Development Plan for the Hawks Point 5th Addition to Cedar Rapids. The proposed plat has 82 parcels for future residential development located north of Highway 151 and east of West Point Road SW.

The Major Preliminary Plat as submitted includes the following:

- Total site area is 27.11 acres.
- The proposed subdivision includes 81 dwelling units (59-single family, 22-zero lot units, 1-future multi-family lot).
- Access to the proposed lots will be from West Post Road SW which is a public street. The proposed streets within the development will be public streets and will be designed to meet City standards.
- Storm water management will be designed to exceed the requirements of the City Storm Water Management Ordinance.

FINDINGS:

The City Planning Commission may review the application based on the following criteria:

- 1. That the proposed use and development will be consistent with the intent and purposes of the Comprehensive Plan and other applicable codes and regulations.**

Staff Comments: The proposed use and development are consistent with the intent and purposes of the Comprehensive Plan and all City codes and regulations.

RECOMMENDED CONDITIONS:

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

1. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, for the lot(s) through which overland conveyance of the 100-year storm event will occur, the property owner shall provide certification by a civil engineer licensed in the State of Iowa verifying the runoff from the 100-year storm event can be conveyed through the site without damage to building structures, OR, The property owner shall provide a certification by a Civil Engineer or Land Surveyor licensed in the State of Iowa the drainage way has been constructed in accordance with drainage plans approved by the City.
2. The property owner is responsible to extend sanitary sewer to serve the development. If sewer extensions crossing private property are necessary to serve the subject property, as determined by the City Engineer, the property owner shall be responsible for the related costs including (but not limited to) planning and design of the sewer, acquisition of right-of-way and/or easements, construction, administration, inspection and other incidental costs.
3. The Developer shall maintain the public detention basin(s) following acceptance of all maintenance bonds for a minimum of one year or until erosion and sediment control is established and accepted by the City. Following City acceptance and maintenance of said detention basin(s), the Developer will use all reasonable measures to protect detention basin(s) from sediment runoff and damage. All construction activities are subject to the Municipal Code Chapter 71 "Erosion and Sediment Control for Construction Sites" until such time that all disturbed areas are completely stabilized and developed. The Developer agrees to remove sediment from, reseed, and otherwise repair said detention basin should development related damage occur after the basin has been accepted by the City.
4. As part of final plat approval by City Council, access control shall be established such that direct access from this site to US 30 and Business 151 shall be prohibited, per rezoning Ordinance No. 074-05.

PRELIMINARY PLAT FOR HAWKS POINT FIFTH ADDITION IN THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA

UTILITY LEGEND-EXISTING

---(SS8)---	SANITARY SEWER W/SIZE
---(ST15)---	STORM SEWER W/SIZE
---	SUBDRAIN
---(FM6)---	FORCE MAIN W/SIZE
---(WB)---	WATER MAIN W/SIZE
---(G)---	GAS
---(S)---	STEAM
---(OHE)---	ELECTRIC-OVERHEAD
---(E)---	ELECTRIC-UNDERGROUND
---(C)---	CABLE TV-UNDERGROUND
---(OHC)---	CABLE TV-OVERHEAD
---(OHT)---	TELEPHONE-OVERHEAD
---(F)---	FIBER OPTIC-UNDERGROUND
---(OHF)---	FIBER OPTIC-OVERHEAD
---(T)---	TELEPHONE-UNDERGROUND
---	FENCE LINE
---	SILT FENCE
---	FLOODPLAIN LIMITS
---	FLOODWAY LIMITS
---	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

---SS8---	SANITARY SEWER W/SIZE
---ST18---	STORM SEWER W/SIZE
---FM6---	FORCE MAIN W/SIZE
---W12---	WATER MAIN W/SIZE
---CORP---	CITY CORPORATE LIMITS
---	SANITARY 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

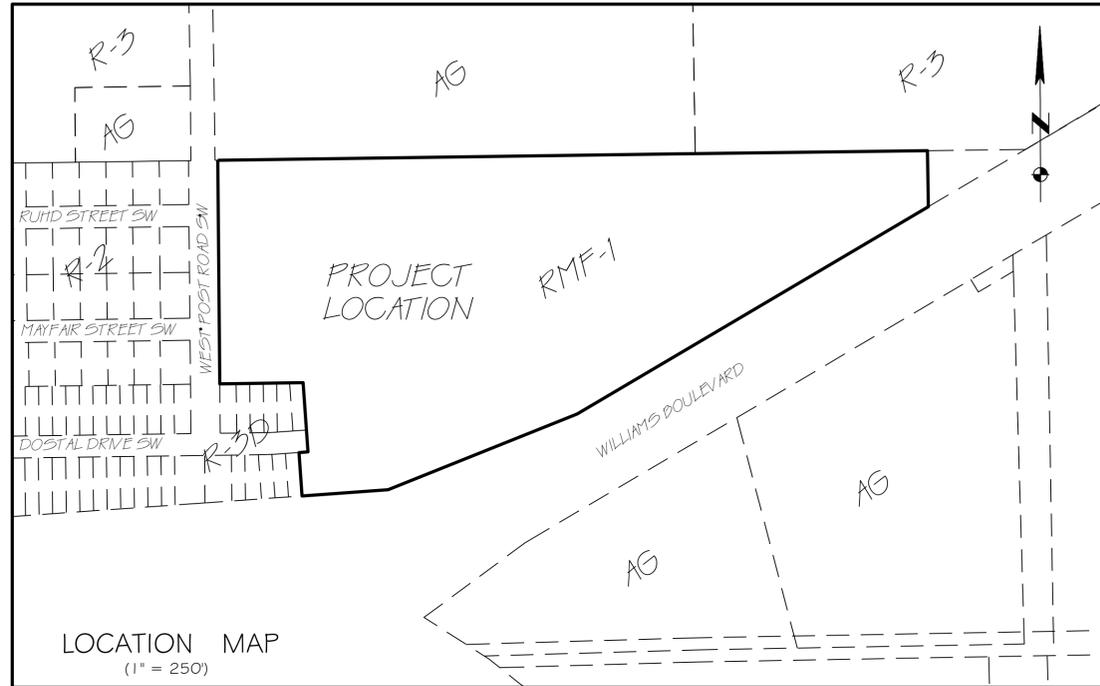
SURVEY LEGEND

○	SET --- REBAR W/CAP NO.---
⊗	FOUND SURVEY MONUMENT AS NOTED
⊗	FOUND RIGHT OF WAY RAIL
△	SECTION CORNER SET AS NOTED
▲	SECTION CORNER FOUND AS NOTED
X	CUT "X" IN CONCRETE
()	RECORDED AS
---	EASEMENT LINE
---	PLAT OR SURVEY BOUNDARY
---	PLAT LOT LINE
---	CENTERLINE
---	SECTION LINE
---	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.



NOTE

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

LEGAL DESCRIPTION

ALL OF THE NW 1/4 NE 1/4 FRL. 1/4 AND THE NE 1/4 NE FRL. 1/4 SECTION 2, TOWNSHIP 82 NORTH, RANGE 8 WEST OF THE 5TH PRINCIPAL MERIDIAN, LINN COUNTY, IOWA, LYING NORTHERLY OF THE PUBLIC HIGHWAY NO. 151 AND U.S. NO. 30 AND THAT PART OF THE NW 1/4 NW FRL. 1/4 OF SECTION 1-82-8 DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF THE NW FRL. 1/4 SAID SECTION 1; THENCE N89°05'07"E, 683.07' ALONG THE NORTH LINE OF THE NW 1/4 NW FRL. 1/4; THENCE S00°54'53"E, 154.96' TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF PUBLIC HIGHWAY NO. 151; THENCE S59°28'45"W, 771.46' ALONG SAID NORTHERLY RIGHT-OF-WAY TO THE WEST LINE OF THE NW 1/4 NW FRL. 1/4 SECTION 1-82-8; THENCE N02°13'37"W, 536.14' TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING:

- HAWKS POINT FIRST ADDITION TO THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA
- HAWKS POINT SECOND ADDITION TO THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA
- HAWKS POINT THIRD ADDITION TO THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA
- HAWKS POINT FOURTH ADDITION TO THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA

SHEET INDEX

- 1) COVER
- 2) PRELIMINARY PLAT

ZONING

EXISTING: RMF-1
PROPOSED: RMF-1 (NO CHANGE)

DIMENSION STANDARDS: R-3

- MINIMUM LOT AREA: 5,000 SQUARE FEET OR 2,000 S.F. PER DWELLING UNIT
- MINIMUM WIDTH AT SETBACK LINE: 30 FEET
- MINIMUM YARD FRONTAGE: 25 FEET
- FRONT YARD SETBACK: 25 FEET
- SIDE YARD SETBACK: 5 FEET SINGLE/14 FEET COMBINED
- CORNER SIDE YARD SETBACK: 15 FEET
- REAR YARD SETBACK: 25 FEET
- BUILDING MAXIMUM HEIGHT: 3 STORIES OR 35 FEET

LANDSCAPING

LANDSCAPING SHALL BE PROVIDED PER APPLICABLE CEDAR RAPIDS ZONING STANDARDS RESIDENTIAL STANDARDS

AREA CALCULATIONS

- TOTAL SITE AREA: 1,181,065 S.F. (27.11 AC.)
- NET SITE AREA (EXCLUDING RIGHT OF WAY): 955,806 S.F. (21.94 AC.)
- TOTAL BUILDING LOTS: 82
- TOTAL DWELLING UNITS: 81 (59-SINGLE FAMILY, 22-ZERO LOT UNITS, 1-FUTURE MULTI-FAMILY LOT 82)
- GROSS AREA PER UNIT: 14,403 S.F. (0.33 AC.)
- NET AREA PER UNIT (EXCLUDING RIGHT OF WAY): 11,656 S.F. (0.27 AC.)

STREET CLASSIFICATIONS

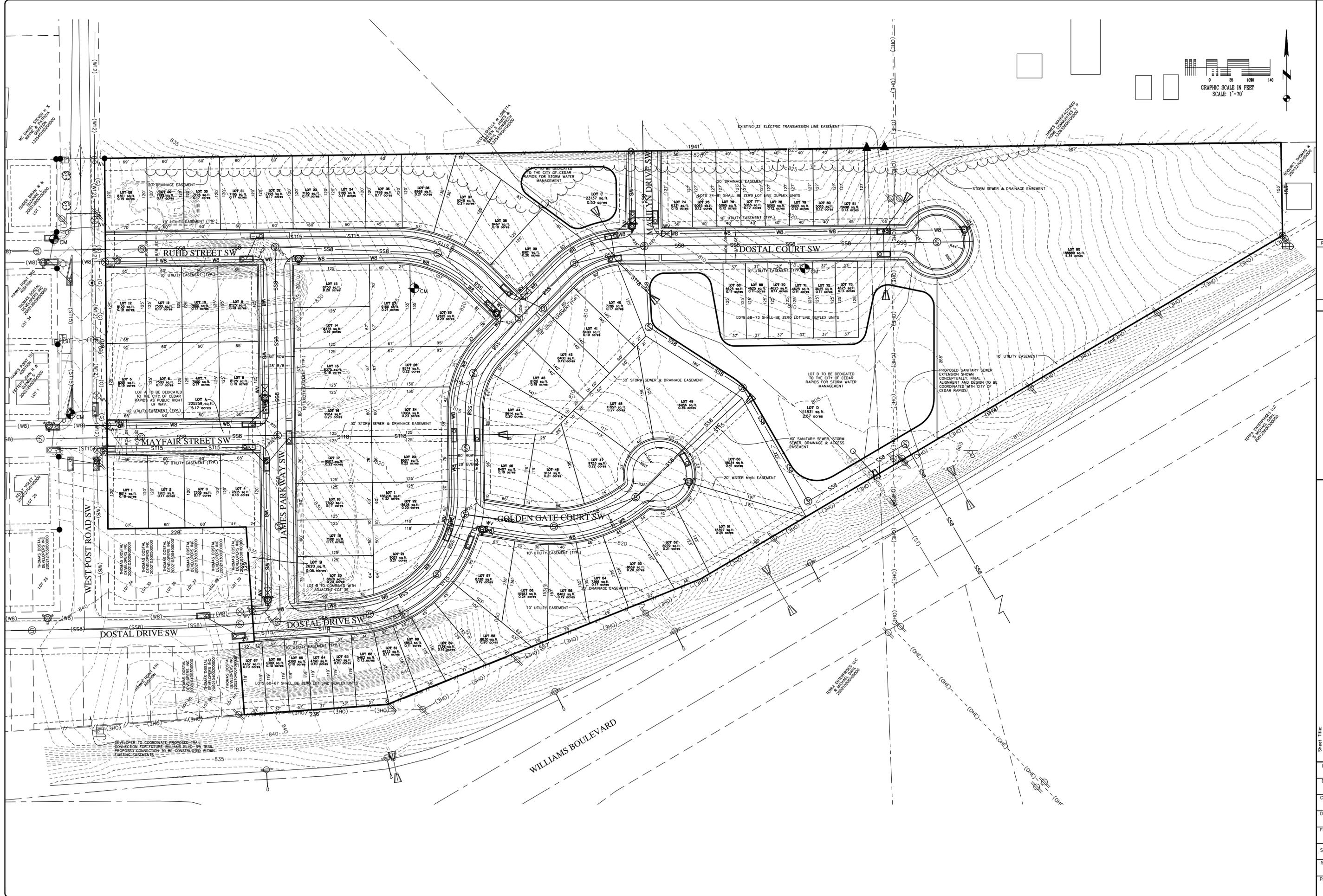
STREET	DESIGN DATA - URBAN			
	CLASSIFICATION	STREET WIDTH	ROW WIDTH	DESIGN SPEED
DOSTAL DRIVE SW	RESIDENTIAL	28'	60'	30 MPH
DOSTAL COURT SW	RESIDENTIAL	28'	60'	30 MPH
RUHD STREET SW	RESIDENTIAL	28'	60'	30 MPH
MAYFAIR STREET SW	RESIDENTIAL	28'	60'	30 MPH
GOLDEN GATE COURT SW	RESIDENTIAL	28'	60'	30 MPH
MARILYN DRIVE SW	RESIDENTIAL	28'	60'	30 MPH
JAMES PARKWAY SW	RESIDENTIAL	28'	60'	30 MPH

OWNER/APPLICANT:
THOMAS DOSTAL DEVELOPERS, INC.
%RANDY DOSTAL
3603 ROYAL DRIVE SW
CEDAR RAPIDS IA 52404
(319) 393-6747
EMAIL: ALLAMERICANLC@HOTMAIL.COM

Contact Person	CHAD M. PELLEY, PE
Telephone Number	(319) 362-9548
Fax Number	(319) 362-7595
E-Mail Address	chad@halleng.com
Mailing Address	1860 Boyson Rd Hiawatha, IA 52233
Date Submitted	03/28/13
Date Revised	04/24/13
Date Revised	



HALL AND HALL PROJECT NUMBER: 9401



Revision Number	Description

Revision Number & Date

PRELIMINARY PLAT
 FOR
HAWKS POINT FIFTH ADDITION
 IN THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA

Designed by:	CMP
Drawn by:	JLE
Checked by:	CMP
Date:	03/28/13
Field Book No:	N/A
Scale:	1"=70'
Sheet:	2 of 2
Project Number:	9401

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

CPC Date: May 16, 2013
To: City Planning Commission
From: Development Services Department

Applicant: Covenant Properties, LC
Titleholder: Covenant Properties, LC
Case Number: RZNE-002025-2013
Location: 633 A Avenue NW
Request: Rezoning from R-MF-2, Multiple Family Residence District to C-3, Regional Commercial Zone District
Case Manager: Vern Zakostelecky, Development Services Department

BACKGROUND INFORMATION:

The applicant is requesting rezoning to allow for the operation of a service/warehousing business in a C-3, Regional Commercial Zone District. The applicant is proposing a new building for warehousing and storage of equipment and material associated with a carpet and flooring business. Growth of the applicant's business has generated the need for this proposed facility. The applicant also has an existing facility, Schumacher Carpet in close proximity at 622 1st Ave. NW.

The property consists of one parcel of which the new location of a contractor shop will be located. The applicant has also submitted a request for conditional use approval to allow for the service/warehousing business in the C-3, Regional Commercial Zone District.

The site consists of the following:

- Total site area is 5,600 sq. ft.
- Total building area is 2,376 sq. ft.
- Total parking required is 1 space, provided is 2 spaces including 1 handicap space.
- Total hard-surfaced area including building is 4,375 sq. ft. (78.1% of site).
- Screening fencing is proposed along both side lot lines.

Access will be from A avenue NW and the public alley.

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 to correct a technical mistake on the existing Zoning Map.

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

Staff Comments: The Future Land Use Map in the City's Comprehensive Plan designates the property as Low Density Residential; although just to the west the property is shown as Industrial and is being used as such. Since the Future Land Map line are not considered static this request would be considered in accord with the City's Comprehensive Plan's goals and objectives.

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

Staff Comments: The property is currently zoned for multi-family use and is adjacent to a light industrial use to the west and commercial uses to the south. The proposed use will generate very little traffic and will be a low key use that will provide a transition in use from the industrial and commercial in the area. Staff has not received objections for this application.

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 permitted in the C-3 Zoning District. It should be noted that the limited size of the lot and available parking severely limits reuse of this property for other uses allowed in the C-3 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 development will need to meet or exceed the minimum City design standards including a building design that meets the newly adopted Urban Design Standards.

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 an in-fill older developed area and will 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).

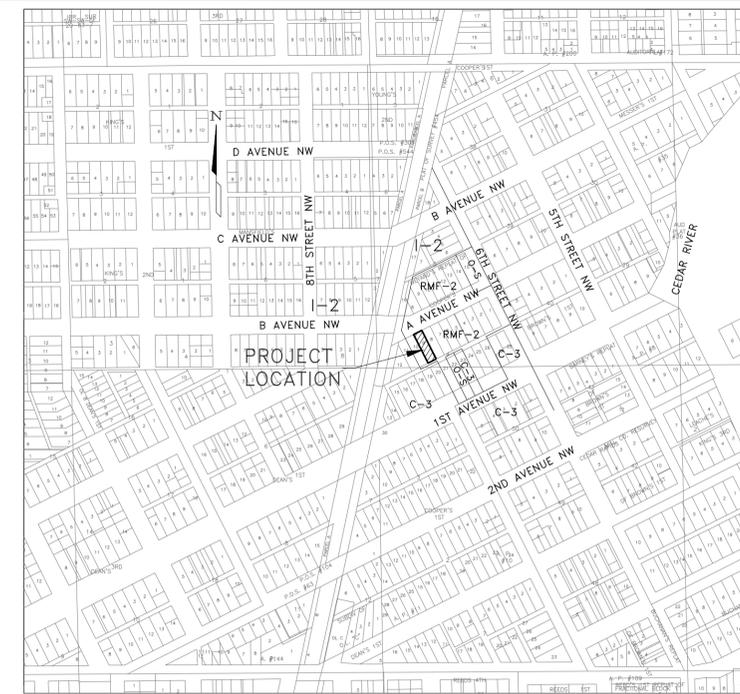
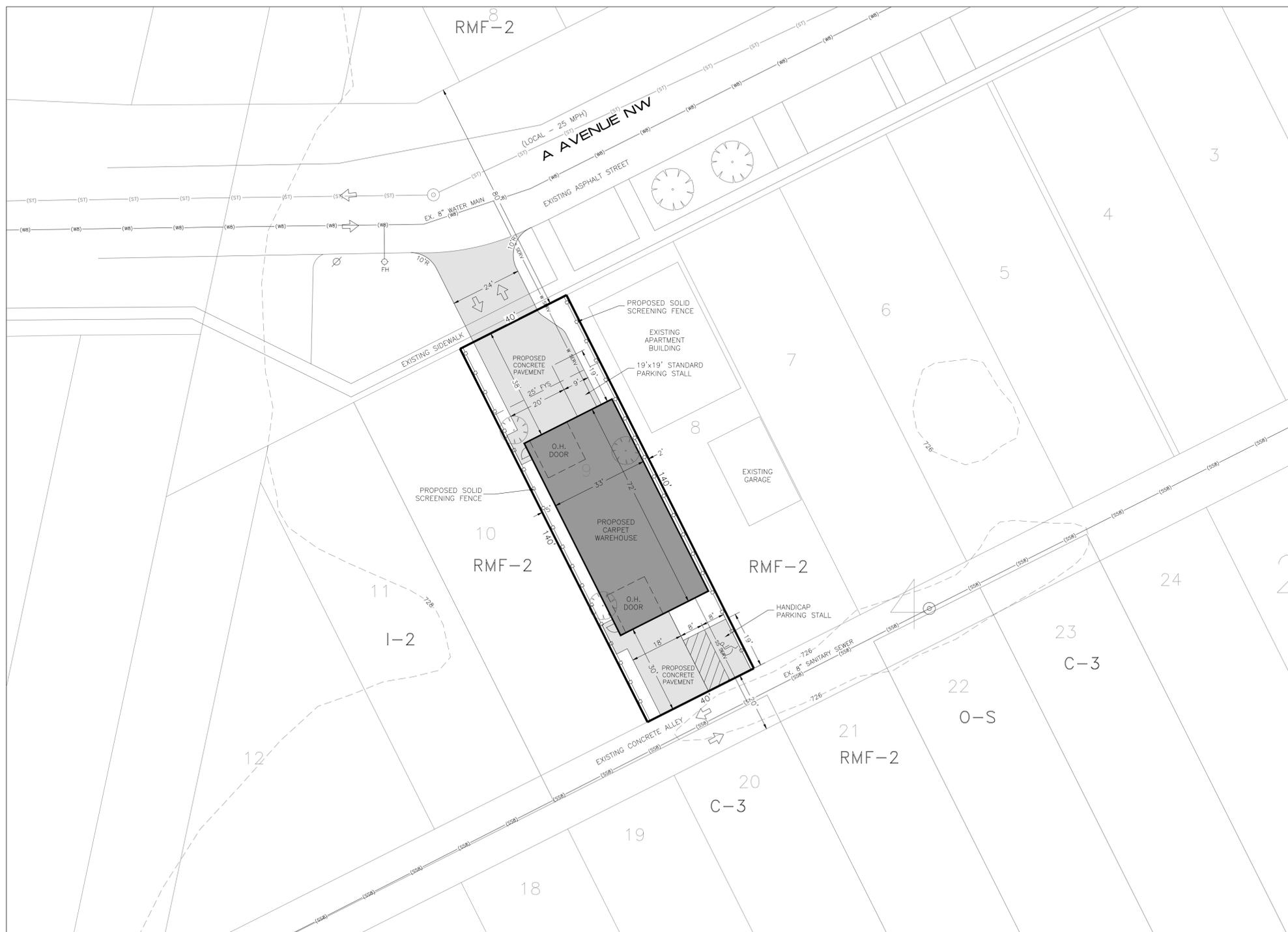
Staff Comments: This provision does not applicable.

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.

1. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible for removal and replacement of City sidewalk and alley adjoining this site, damaged as a result of construction activities on this site. Said removal and replacement areas shall be determined by the City Public Works Department, shall be completed by the property owner, and approved by the City.
2. A bufferyard where adjacent to a residential district is required or a variance must be obtained. All storage shall be within completely enclosed buildings.
3. That all lighting shall be of a type, design and placement, and also be shielded in a manner to minimize impact on residential properties or uses adjacent to or immediately across the street.
4. The building design will need to comply with the Commercial Design Standards as specified in the Zoning Ordinance, Subsection 32.05.030.C.3.

CONTACT PERSON	
Contact Person	Daniel L. Schmidt
Telephone Number	(319) 294-9424
Fax Number	(319) 294-1056
Mailing Address	1540 Midland Court NE
Date Submitted	4/3/2013
Date Revised	4/17/2013



SITE LOCATION MAP
SCALE: 1" = 400'

LEGAL DESCRIPTION
LOT 9, BLOCK 4, COOPERS FIRST ADDITION
TO CEDAR RAPIDS, LINN COUNTY, IOWA.

OWNER AND APPLICANT:
COVENANT PROPERTIES, L.C.
622 1ST AVENUE NW
CEDAR RAPIDS, IOWA 52405

ENGINEER:
BRAIN ENGINEERING, INC.
1540 MIDLAND COURT NE
CEDAR RAPIDS, IOWA 52402
PH: 294-9424
FAX: 294-1056

REQUEST: 1) REZONE FROM RMF-2 TO C-3
2) CONDITIONAL USE FOR WAREHOUSE IN C-3 ZONING DISTRICT
3) VARIANCE TO SIDE YARD BUFFER YARD REQUIREMENTS.

SITE ADDRESS: 633 A AVENUE SW

EXISTING ZONING: RMF-2 (MULTI-FAMILY)
PROPOSED ZONING: C-3 (REGIONAL COMMERCIAL)

PROPOSED USE: CARPET WAREHOUSE

BUILDING INFORMATION:

TOTAL BUILDING AREA = 2,376 SQ. FEET (SINGLE STORY)

PARKING REQUIREMENTS:

PARKING SPACES REQUIRED:
WAREHOUSE - 1/EMPLOYEE + 4/1,000 SQ. FT OF OFFICE = 1 SPACE (1 EMPLOYEE)

TOTAL PARKING PROVIDED = 2 SPACES (1 STANDARD +1 HANDICAPPED)

HANDICAP SPACES REQUIRED = 1 SPACES
(1 VAN ACCESSIBLE)

HANDICAP SPACES PROVIDED = 1 SPACES
(1 VAN ACCESSIBLE)

YARD SETBACK REQUIREMENTS: C-3

FRONT YARD: 25 FEET

SIDE YARD: 9 FEET

REAR YARD: 0 FEET

CORNER SIDE YARD: 0 FEET

TOTAL SITE AREA: 5,600 SQ. FT. = 0.13 ACRES

TOTAL SQ. FT. OF STRUCTURES:
EXISTING: 0 SQ. FEET = 0% (HOUSE AND GARAGE REMOVED POST-FLOOD)

PROPOSED: 2,376 SQ. FEET = 42.4%

TOTAL HARD SURFACE AREA:
EXISTING - PRE-FLOOD: 2,625 SQ. FEET = 46.9%

EXISTING: 0 SQ. FEET = 0%

PROPOSED: 4,375 SQ. FEET = 78.1%

TOTAL OPEN SPACE:
EXISTING: 5,600 SQ. FEET = 100.0%

PROPOSED: 1,225 SQ. FEET = 21.9%

NOTE: ENTIRE PROPERTY IS WITHIN THE 500-YEAR FLOODPLAIN.

LEGEND

- (SS8) EXISTING SANITARY SEWER
- (W8) EXISTING WATER MAIN
- (ST) EXISTING STORM SEWER
- W SERV PROPOSED WATER SERVICE
- SS SERV PROPOSED SANITARY SERVICE
- FH EXISTING FIRE HYDRANT

Drawn: DLS	4/1/13	Book: 3	Date
Checked:		2	Revision
Reviewed:		1	No.
Scale: 1" = 20'			
REZONING SITE DEVELOPMENT PLAN SCHUMACHER CARPETS			
Title:	Page 1	of 1	
Project No. 463213-10			

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

CPC Date: May 16, 2013
To: City Planning Commission
From: Development Services Department

Applicant: Covenant Properties, LC
Titleholder: Covenant Properties, LC
Case Number: COND-002026-2013
Location: 633 A Avenue NW
Request: Conditional Use for a Flooring and Carpet Contractor Shop and Warehouse in a C-3, Regional Commercial Zone District
Case Manager: Vern Zakostecky, Development Services

BACKGROUND INFORMATION:

The applicant is requesting a conditional use to allow for the operation of a service/warehousing business in a C-3, Regional Commercial Zone District. The applicant is proposing a new building for warehousing and storage of equipment and material associated with a carpet and flooring business. Growth of the applicant's business has generated the need for this proposed facility. The applicant also has an existing facility, Schumacher Carpet in close proximity at 622 1st Ave. NW.

The property consists of one parcel of which the new location of a contractor shop will be located. The applicant has also submitted a request to rezone the property to C-3, Regional Commercial Zone District.

The site consists of the following:

- Total site area is 5,600 sq. ft.
- Total building area is 2,376 sq. ft.
- Total parking required is 1 space, provided is 2 spaces including 1 handicap space.
- Total hard-surfaced area including building is 4,375 sq. ft. (78.1% of site).
- Screening fencing is proposed along both side lot lines.
- Access will be from A avenue NW and the public alley.

FINDINGS:

Section 32.02.030.D. 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: Operation of a service/warehouse business of this type is permitted as a conditional use within the C-3, Zoning District.

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

Staff Comments: The Future Land Use Map in the City's Comprehensive Plan designates the property as Low Density Residential; although just to the west the property is shown as Industrial and is being use as such. Since the Future Land Map line are not considered static this request would be considered in accord with the City' Comprehensive Plan's goals and objectives.

- 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 property is currently zoned for multi-family use and is adjacent to a light industrial use to the west and commercial uses to the south. The proposed use will generate very little traffic and will be a low key use that will provide a transition in use from the industrial and commercial in the area. Staff has not received objections for this application.

- 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 applicant is providing screen fences along both interior lot lines, so the proposed development 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. Also, Traffic Engineering did not have concerns regarding access or parking for the site. The applicant will not be storing anything outside on the premises.

- 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: The proposed development on the property will be served adequately by the facilities and services present. City reviewing departments did not identify concerns.

- 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: Provided the applicant complies with the City staff recommended conditions, the proposed building, development, and use will comply with any additional standards imposed on it by provisions of this Ordinance for the district in which the property is located.

- 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.**

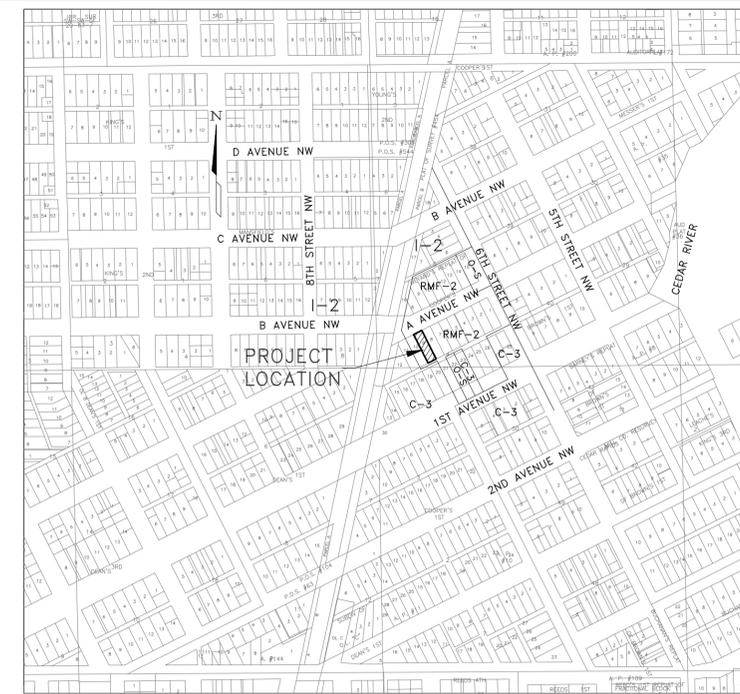
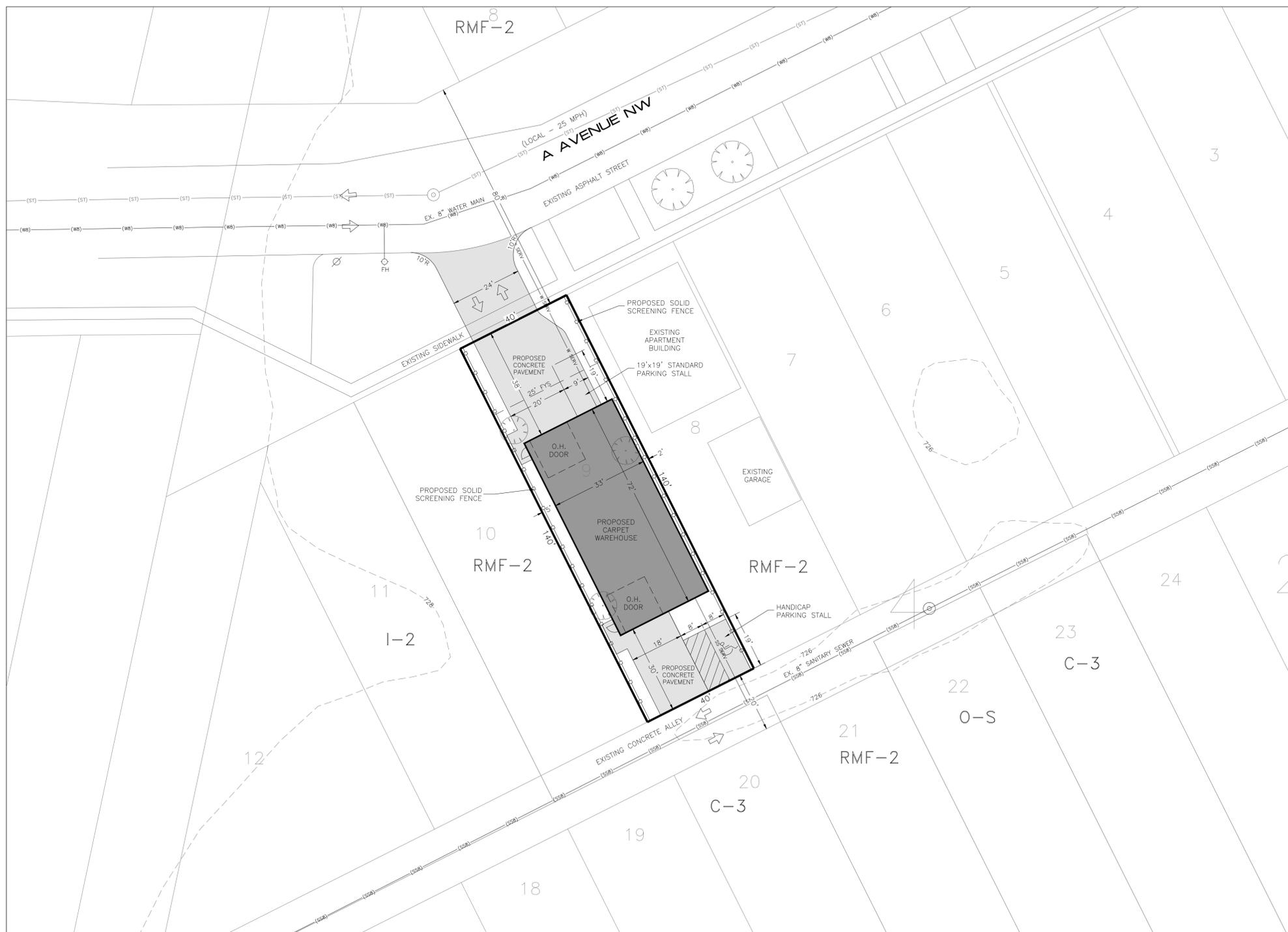
Staff Comments: Based on the proposed use and screen fencing all reasonable steps possible have been taken to minimize any potential adverse effects on the surrounding property. Also it should be noted that the limited size of the lot and available parking severely limits reuse of this property for other uses allowed in the C-3 Zoning District.

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.

1. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible for removal and replacement of City sidewalk and alley adjoining this site, damaged as a result of construction activities on this site. Said removal and replacement areas shall be determined by the City Public Works Department, shall be completed by the property owner, and approved by the City.
2. A bufferyard where adjacent to a residential district is required or a variance must be obtained. All storage shall be within completely enclosed buildings.
3. That all lighting shall be of a type, design and placement, and also be shielded in a manner to minimize impact on residential properties or uses adjacent to or immediately across the street.
4. The building design will need to comply with the Commercial Design Standards as specified in the Zoning Ordinance, Subsection 32.05.030.C.3.

CONTACT PERSON	
Contact Person	Daniel L. Schmidt
Telephone Number	(319) 294-9424
Fax Number	(319) 294-1056
Mailing Address	1540 Midland Court NE
Date Submitted	4/3/2013
Date Revised	4/17/2013



SITE LOCATION MAP
SCALE: 1" = 400'

LEGAL DESCRIPTION
LOT 9, BLOCK 4, COOPERS FIRST ADDITION
TO CEDAR RAPIDS, LINN COUNTY, IOWA.

OWNER AND APPLICANT:
COVENANT PROPERTIES, L.C.
622 1ST AVENUE NW
CEDAR RAPIDS, IOWA 52405

ENGINEER:
BRAIN ENGINEERING, INC.
1540 MIDLAND COURT NE
CEDAR RAPIDS, IOWA 52402
PH: 294-9424
FAX: 294-1056

- REQUEST: 1) REZONE FROM RMF-2 TO C-3
2) CONDITIONAL USE FOR WAREHOUSE IN C-3 ZONING DISTRICT
3) VARIANCE TO SIDE YARD BUFFER YARD REQUIREMENTS.

SITE ADDRESS: 633 A AVENUE SW

EXISTING ZONING: RMF-2 (MULTI-FAMILY)
PROPOSED ZONING: C-3 (REGIONAL COMMERCIAL)

PROPOSED USE: CARPET WAREHOUSE

BUILDING INFORMATION:

TOTAL BUILDING AREA = 2,376 SQ. FEET (SINGLE STORY)

PARKING REQUIREMENTS:

PARKING SPACES REQUIRED:
WAREHOUSE - 1/EMPLOYEE + 4/1,000 SQ. FT OF OFFICE = 1 SPACE (1 EMPLOYEE)

TOTAL PARKING PROVIDED = 2 SPACES (1 STANDARD +1 HANDICAPPED)

HANDICAP SPACES REQUIRED = 1 SPACES
(1 VAN ACCESSIBLE)

HANDICAP SPACES PROVIDED = 1 SPACES
(1 VAN ACCESSIBLE)

YARD SETBACK REQUIREMENTS: C-3

FRONT YARD: 25 FEET

SIDE YARD: 9 FEET

REAR YARD: 0 FEET

CORNER SIDE YARD 0 FEET

TOTAL SITE AREA: 5,600 SQ. FT. = 0.13 ACRES

TOTAL SQ. FT. OF STRUCTURES:

EXISTING: 0 SQ. FEET = 0% (HOUSE AND GARAGE REMOVED POST-FLOOD)

PROPOSED: 2,376 SQ. FEET = 42.4%

TOTAL HARD SURFACE AREA:

EXISTING - PRE-FLOOD: 2,625 SQ. FEET = 46.9%

EXISTING: 0 SQ. FEET = 0%

PROPOSED: 4,375 SQ. FEET = 78.1%

TOTAL OPEN SPACE:

EXISTING: 5,600 SQ. FEET = 100.0%

PROPOSED: 1,225 SQ. FEET = 21.9%

NOTE: ENTIRE PROPERTY IS WITHIN THE 500-YEAR FLOODPLAIN.

LEGEND

- (SS8) EXISTING SANITARY SEWER
- (W8) EXISTING WATER MAIN
- (ST) EXISTING STORM SEWER
- W SERV PROPOSED WATER SERVICE
- SS SERV PROPOSED SANITARY SERVICE
- FH EXISTING FIRE HYDRANT

Drawn: DLS	4/1/13	Book: 3	Date
Checked:		2	Revision
Reviewed:		1	No.
Scale: 1" = 20'			
CONDITIONAL USE SITE DEVELOPMENT PLAN SCHUMACHER CARPETS			
Page	1		
of	1		
Project No.	463213-10		

STAFF REPORT TO CITY PLANNING COMMISSION
Preliminary Site Development Plan

CPC Date: May 16, 2013
To: City Planning Commission
From: Development Services Department

Applicant: CRST International
Titleholder: Jacob Wells, LLC
Case Number: PSDP-002064-2013
Location: Between 16th and 18th Avenue SW west of Jacolyn Drive SW
Request: Preliminary Site Development Plan approval for property zoned C-3, Regional Commercial Zone District
Case Manager: Vern Zakostelecky, Development Services Department

BACKGROUND INFORMATION:

The site is currently undeveloped and the Preliminary Site Development Plan approved as part of the original rezoning request has expired and the plan for development of this site has changed substantially. The applicant is proposing development of a truck driving school. The site plan as submitted includes the following:

- Total area of the site is 602,932 sq. ft. (13.84 acres).
- Proposed building area is 6,668 sq. ft.
- Proposed paved area is 243,487 sq. ft. (5.59 acres). The site does show a future paving expansion area on the east end of the site.
- Proposed open space is 354,777 sq. ft. (8.10 acres).
- Parking spaces provided are 9 spaces including 1-handicap space.
- A note on the site plan indicates students will be shuttled to the site for training.
- 2 access drives are being provided from 18th Ave. SW and the existing drive from Jacolyn is being removed.
- Street front landscaping is proposed, which meets City requirements.
- Storm water management is proposed along Jacolyn Dr. SW.

The original rezoning Ordinance No. 77-97 included conditions requiring a frontage road along 16th Ave. SW. These conditions need to be eliminated based on review and recommendation by the Traffic Engineering Division of the Public Works Department. As part of the CPC recommendation, City staff will need a recommendation on removing these conditions.

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

Staff comments: The approved Preliminary Site Development Plan has expired, and the proposed development is a significant change to what was originally shown.

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

Staff comments: The site development plan conforms to all applicable requirements of the City's Zoning Ordinance and Ordinance No. 77-97, which approved rezoning for this site with the exception of conditions related to development of a frontage road along the 16th Avenue SW frontage.

RECOMMENDED CONDITIONS:

1. The conditions of Ordinance No. 77-97, not including Conditions 10. and 13. related to the frontage road shall be completed and accepted by the City.
2. That any proposed lighting shall be of a type, design and placement, and also be shielded in a manner to minimize impact on residential properties immediately across a street.
3. PRIOR TO A CERTIFICATE OF OCCUPANCY Ordinance No. 77-97 needs to be amended to remove the requirement for a frontage road on the subject property as required in Ordinance No. 77-97 and Resolution No. 1495-10-62.
4. The enclosure for the dumpster will need be a full screen enclosure including the gates and preferably designed using the same building material as the principal building as per Subsection 32.05.030.A.7. of the Zoning Ordinance. These details need to be shown on the application for Administrative Site Plan review.
5. Landscaping and buffering/screening shall be provided per the Zoning Ordinance, Subsection 32.05.030.A.

PROJECT NAME
CRST
INTERNATIONAL
NEW BUILDING

LOCATION
Cedar Rapids, IA

ISSUE RECORD		
ISSUE #	DATE	DESCRIPTION

4/22/2013 1:15:08 PM

Name _____

REGISTRATION NO. _____ DATE _____
Number _____ Date _____

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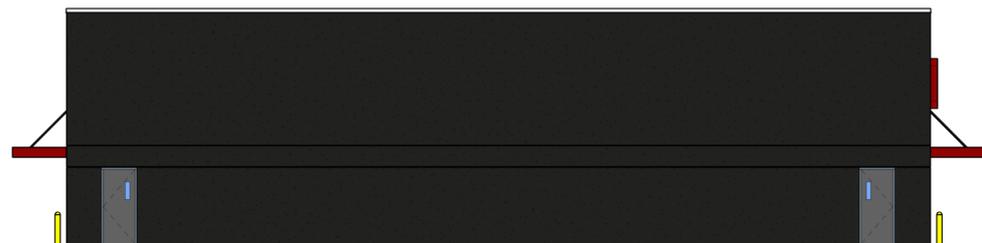
SHEET TITLE
**EXTERIOR
ELEVATIONS**

SHEET NUMBER

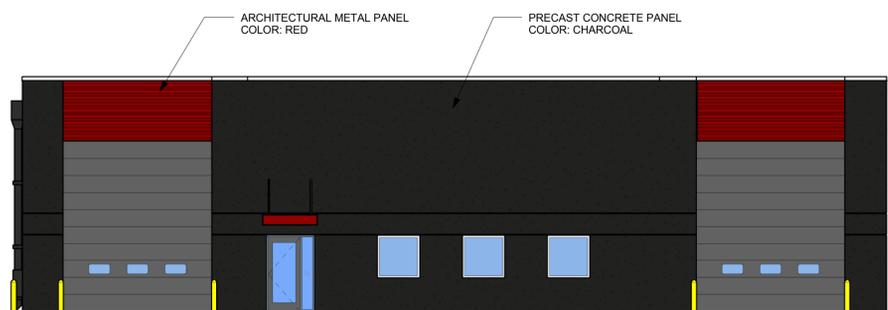
A301

DRAWN BY PDW CHECKED BY RSD

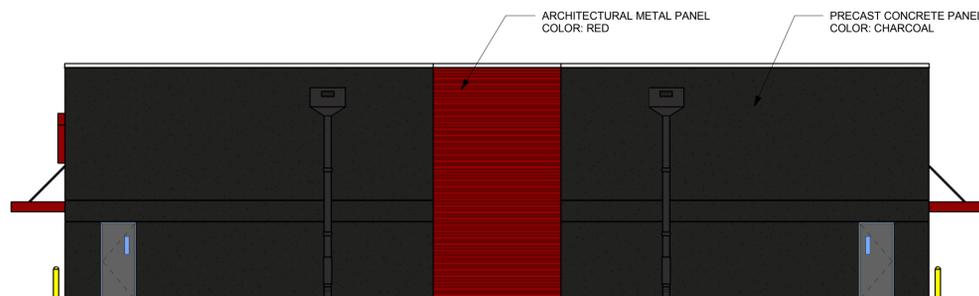
JOB NO. 700-109 DATE 2013.04.24



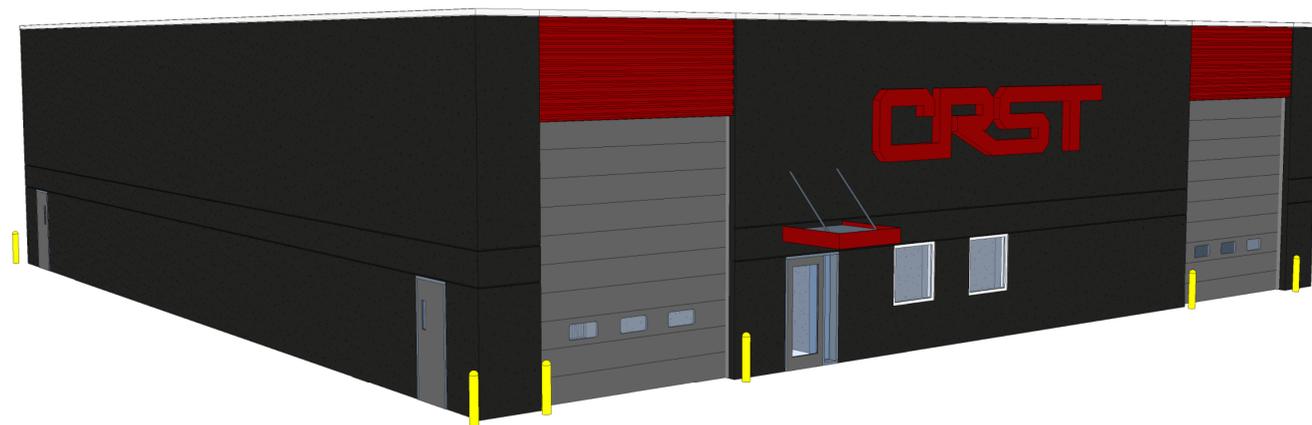
1 NORTH ELEVATION
A301 1/8" = 1'-0"



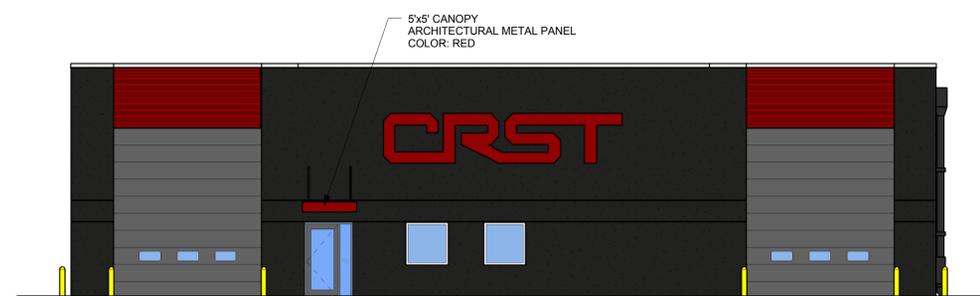
2 EAST ELEVATION
A301 1/8" = 1'-0"



3 SOUTH ELEVATION
A301 1/8" = 1'-0"



5 3D VIEW
A301

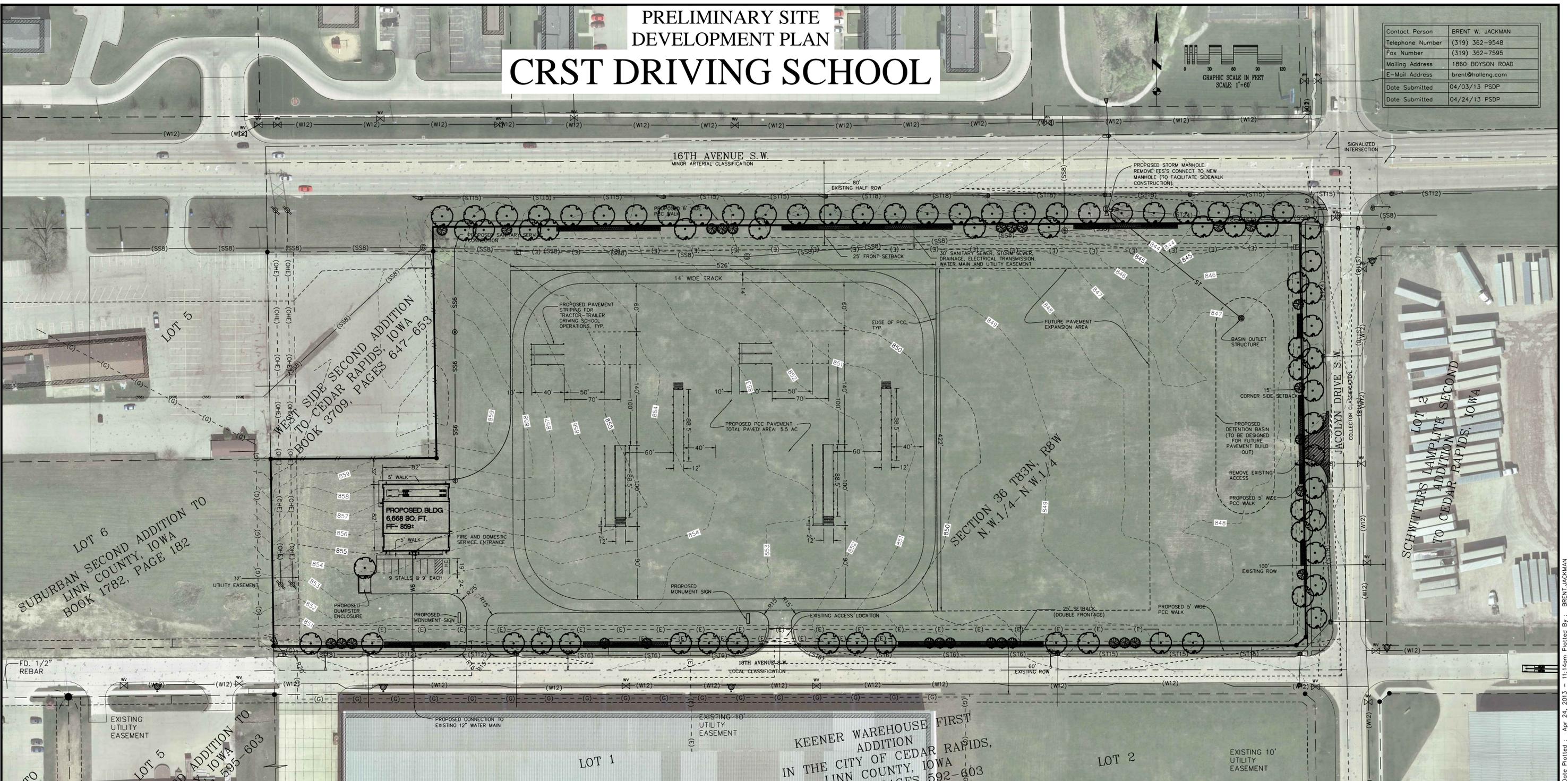
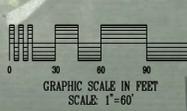


4 WEST ELEVATION
A301 1/8" = 1'-0"

PRELIMINARY SITE DEVELOPMENT PLAN

CRST DRIVING SCHOOL

Contact Person	BRENT W. JACKMAN
Telephone Number	(319) 362-9548
Fax Number	(319) 362-7595
Mailing Address	1860 BOYSON ROAD
E-Mail Address	brent@halleng.com
Date Submitted	04/03/13 PSDP
Date Submitted	04/24/13 PSDP



APPLICANT CRST INTERNATIONAL INC. 5930 16TH AVENUE SW CEDAR RAPIDS, IOWA 52402 ATTN: STEVE HANNAH PH: 319-390-2682	PARKING REQUIREMENTS REQUIRED: 1 PER EACH 2 STUDENTS, BASED ON DESIGN CAPACITY NOTE: STUDENTS WILL BE SHUTTLED OR WALK TO AND FROM THE MAIN TRAINING CENTER. PARKING IS ONLY PROVIDED FOR FACILITY AND/OR STAFF. PROVIDED: 9 FULL TIME STAFF 9 PARKING STALLS PROVIDED (1 HANDICAPPED ACCESSIBLE)	PLANTING REQUIREMENTS ZONING: C-3 (EXISTING) ADJACENT ZONING: NORTH: 16TH AVENUE SW R.O.W. SOUTH: 18TH AVENUE SW R.O.W. WEST: C-3, AG EAST: JACOLYN DRIVE SW R.O.W. STREET CLASSIFICATION / REQ. CLEAR ZONE / POSTED SPEED LIMIT (SIGHT AS) 16TH AVENUE SW ARTERIAL 10' CLEAR ZONE 45 MPH JACOLYN DRIVE SW COLLECTOR 7' CLEAR ZONE 30 MPH 18TH AVENUE SW LOCAL 3' CLEAR ZONE 25 MPH PARKING TREES PARKING SPACES (1 TREE/12 STALLS): 8/12 = 0.67 1 TREE REQUIRED 1 TREE PROVIDED LEGAL DESCRIPTION (WARRANTY DEED BOOK 6250, PAGES 124-125) WEST 1/2 NW 1/4 SECTION 36-83-8, LINN COUNTY, IOWA EXCEPTING THEREFROM WEST SIDE SECOND ADDITION TO CEDAR RAPIDS, IOWA AND FURTHER EXCEPTION LOTS 1 AND 2, KEENER WAREHOUSE FIRST ADDITION IN THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA.	16TH AVENUE SW - FRONT YARD 15' RIGHT-OF-WAY LANDSCAPING 1 TREE / 40 LF (LESS DRIVES & ACCESS SIGHT DISTANCE Δ) LENGTH OF FRONTAGE: 1071 LF = 0 LF = 1071 LF TREES REQUIRED: 1071/40 = 26.78 27 TREES REQUIRED 27 TREES PROVIDED STREET FRONTAGE LANDSCAPE AREA (15' WIDTH) 1 TREE / 50 LF (LESS DRIVES & ACCESS SIGHT DISTANCE Δ) TOTAL AREA: 1071 LF x 15 = 16065 SF TREES REQUIRED: 1071/50 = 21.42 21 TREES REQUIRED 21 TREES PROVIDED SHRUB SCREENING SHRUBS IN NON-PKRG AREAS @ 6/1,000 16065 SF / 1,000 (6) = 96.39 96 SHRUBS REQUIRED (20% OF REQUIRED SHRUBS CAN BE GRASS/WILDFLOWERS @ 4:1 SHRUB RATIO) 77 SHRUBS PROVIDED 76 GRASSES/WILDFLOWERS PROVIDED	JACOLYN DRIVE SW - SIDE YARD 10' RIGHT-OF-WAY LANDSCAPING 1 TREE / 40 LF (LESS DRIVES & ACCESS SIGHT DISTANCE Δ) LENGTH OF FRONTAGE: 526 LF = 0 LF = 526 LF TREES REQUIRED: 526/40 = 13.15 13 TREES REQUIRED 13 TREES PROVIDED STREET FRONTAGE LANDSCAPE AREA (10' WIDTH) 1 TREE / 50 LF (LESS DRIVES & ACCESS SIGHT DISTANCE Δ) TOTAL AREA: 526 LF x 10 = 5260 SF TREES REQUIRED: 526/50 = 10.52 11 TREES REQUIRED 11 TREES PROVIDED SHRUB SCREENING SHRUBS IN NON-PKRG AREAS @ 6/1,000 5260 SF / 1,000 (6) = 31.56 32 SHRUBS REQUIRED (20% OF REQUIRED SHRUBS CAN BE GRASS/WILDFLOWERS @ 4:1 SHRUB RATIO) 26 SHRUBS PROVIDED 24 GRASSES/WILDFLOWERS PROVIDED	18TH AVENUE SW - REAR YARD 5' RIGHT-OF-WAY LANDSCAPING 1 TREE / 40 LF (LESS DRIVES & ACCESS SIGHT DISTANCE Δ) LENGTH OF FRONTAGE: 1264 LF = 112 LF = 1152 LF TREES REQUIRED: 1152/40 = 28.8 29 TREES REQUIRED 29 TREES PROVIDED STREET FRONTAGE LANDSCAPE AREA (5' WIDTH) 1 TREE / 40 LF (LESS DRIVES & ACCESS SIGHT DISTANCE Δ) TOTAL AREA: 1152 LF x 5 = 5760 SF TREES REQUIRED: 1152/40 = 28.8 29 TREES REQUIRED 29 TREES PROVIDED SHRUB SCREENING SHRUBS TO SCREEN 2/3 OF PARKING LOT 81 LF x 0.67 = 54.27 LF 54 LF / 4' = 13.5 32 SHRUBS REQUIRED (20% OF REQUIRED SHRUBS CAN BE GRASS/WILDFLOWERS @ 4:1 SHRUB RATIO) 14 SHRUBS PROVIDED 14 SHRUBS PROVIDED SHRUBS IN NON-PKRG AREAS @ 6/1,000 1152 LF - 81 LF = 1071 (5) = 5355 SF 5355 SF / 1,000 (6) = 32.13 32 SHRUBS REQUIRED (20% OF REQUIRED SHRUBS CAN BE GRASS/WILDFLOWERS @ 4:1 SHRUB RATIO) 26 SHRUBS PROVIDED 24 GRASSES/WILDFLOWERS PROVIDED	LOCATION MAP (1"=600') Shows the project location within the surrounding street grid including 16th Ave SW, 18th Ave SW, 20th Ave SW, and Jacolyn Dr SW.
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CAD File: I:\projects\9600\9663-5-Crst-Driving-School\DWG\9663-5-903.dwg Date Plotted: Apr 24, 2013 - 11:14am Plotted By: BRENT JACKMAN



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

To: City Planning Commission
From: Seth Gunnerson, Planner
Subject: Proposed Off-Premise Sign Ordinance Update
Date: May 16, 2013

Overview:

At the May 16, 2013 City Planning Commission Meeting, Staff will present a recommended ordinance to update Section 32.06.040 of the City Code, which establishes standards for Off-Premise Signage in Cedar Rapids.

Options for Off-Premise Sign Code updates were reviewed at the April 30, 2013 City Council Development Committee meeting. From that meeting, the Development Committee recommended an ordinance that would:

1. Create a Definition for Off-Premise Directional Signs, which are smaller signs intended to advertise the location and name of a nearby establishment, and are of similar size to existing on-premise signage and define all other Off-Premise signs as "Off-Premise Billboard Signs".
2. Establish new criteria for Off-Premise Billboard Sign size and heights based on street typology rather than zoning district.
3. Establish a cap on the number of billboard signs in the community, and require the removal of an existing billboard in order to receive a permit for a new billboard.

City Planning Commission Recommendation:

Due to considerations of the moratorium, recommendation on each of the three topics requested at the May 16 meeting.

Staff continues to research options for digital signage in the community and will present recommendations for digital signs, including digital billboard signs, at a future City Planning Commission Meeting.

Background:

All signs not located on the same property as the business or service they are advertising are considered to be "off-premise" signs. These signs are regulated by the Zoning Ordinance of 2006, which established a separation distance of 1,000 feet between any two signs, and a separation distance of 200 feet from residential districts, parks, schools, religious facilities, cemeteries, or historic districts. As a result of the 2006 Zoning Ordinance, nearly 2/3rds of the 80 billboards in the community are non-conforming, and staff has been informed by outdoor advertising companies that locations for future billboards are extremely limited.

In recent years an increase in variance requests for new billboard signs have been made to the Board of Adjustment. Appointed boards and commissions have asked for more clarity in the code, citing confusion on whether the intent of the code was to treat large billboard signs the same as smaller business signs which may be located on an adjacent property.

In 2012 the City Planning Commission and Board of Adjustment requested staff provide guidance on best practices for off-premise sign regulations. Staff researched several Midwestern communities and compared their ordinances to the current Cedar Rapids Zoning Ordinance.

On November 28, 2012 staff presented options for new billboard standards to the City Council Development Committee, who recommended that staff proceed with an ordinance to make billboards a Conditional Use in all districts while studying further options for increasing separation distance, establishing a cap, or defining areas where billboard would not be permitted.

At the January 10, 2013 City Planning Commission Meeting, the CPC recommended against the proposed ordinance, and instead suggested that the City adopt a moratorium on new off-premise signs until a complete ordinance can be written. As a result, City Council adopted a moratorium on off-premise and digital display signs on February 1, 2013. The 180 day moratorium is set to expire July 31, 2013.

In March and April, staff conducted four meetings with stakeholders representing the development community and sign companies to obtain feedback on potential new ordinances. The notes from the meetings in which billboard signs were discussed are attached to this memo. Sign companies expressed an interest in developing clear criteria for sign regulations, and a preference to avoid increased review by appointed boards and commissions.

Timeline:

City Council's Development Committee recommended the ordinance on April 30, 2013. A public hearing will be held on May 28, 2013 at the City Council Meeting.

Date	Milestone
April 30	Development Committee Recommendation
May 14	Motion setting a public hearing for May 28
May 16	City Planning Commission Review of proposed ordinance
May 28	Public hearing and possible First Reading of ordinance
June 11	Second and possible Third Reading of Ordinance

Recommendations made by the Development Committee on April 30, 2013 are:

Recommendation #1 – Separation of Billboard Signs and Directional Signs:

Currently City Code considers any sign advertising a business, event, organization or product not located on the property to be an off-premise sign. This definition encompasses both large outdoor advertising signs (commonly called billboards) and smaller directional signs placed near businesses.

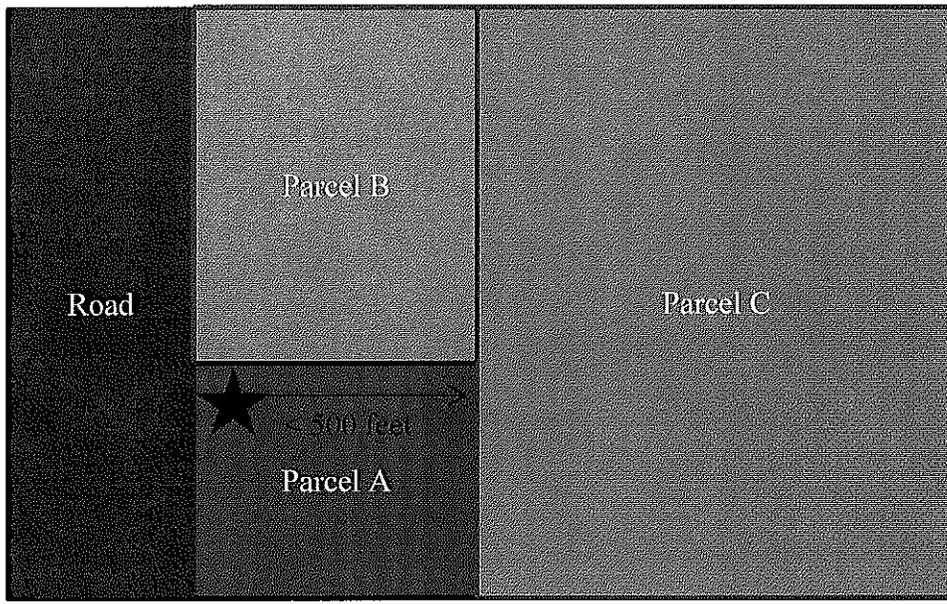
Ambiguity over the standards has also been used as the basis for variance requests to the Board of Adjustment. The development community has indicated a desire to see greater flexibility for master planned developments with respect to signage.

The Development Committee made a recommendation to add a definition to the City Code for an “Off Premise-Directional Sign” as described below:

Proposed Off-Premise Directional Sign Definition:

- Sign size up to 200 sq ft
- Located within 500 feet of the property line of the business or organization that it advertises the location of
- Content limited to business name, logo, and directional information
- Allowed within Commercial, Industrial, Public, and Office/Service Zone Districts
- Allow off-premise directional signage as part of the allowable on-premise sign area
- Allow for Signage Master Plan as part of a Planned Unit Development (PUD) where the developer has flexibility to define allowable signage on the property, subject to Council review.

Using the diagram below as an example, under the proposed changes staff would treat a sign on Parcel A (star) advertising a business on Parcel C as an on-premise sign, provided that the sign conformed to the requirements for on-premise signs on Parcel A. The sign would no longer contribute to the separation requirements for billboard signs.



Recommendation #2 – Height and Size Standards for Billboards

Development Committee also requested that staff review options for the size and height of new billboard signs in the community. Currently City Code defines the allowable height and size based on the zoning district the sign is located in. Table #1 below shows the current standards.

Table #1 – Current Location and Height Standards for Billboard Signs

Billboard Location	I-1 and I-2 Districts	C-3 and C-4 Districts	A and C-2 Districts
Size	672 sq ft	672 sq ft	300 sq ft
Height	60 feet	50 feet	35 feet

The Development Committee recommended changing the requirements to base new sign size on street typology. The largest signs, 672 sq ft, would be permitted along major highways with a speed limit of 55 MPH (outside of the core of the community). Signs up to 300 sq ft would be allowed on major arterial roads in the community, and smaller signs of up to 288 sq ft would be allowed on any other road if a sign is permitted on that location. The proposed maximum height for signs along major arterial roads is proposed to be set at 45', which is consistent with the maximum height for on-premise pole signs currently allowed in commercial districts. Table #2 below shows the proposed standards.

Table #2 – Proposed Location and Height Standards for Billboard Signs

Billboard Location	Highway (over 55mph)	Major Arterial Road	Other Roads
Size	672 sq ft	300 sq ft	288 sq ft
Height	60 feet	45 feet	35 feet

Recommendation #3 – Options for New Billboards

City Council has expressed concern over the number of billboard signs in the community, and has expressed a desire to limit the number of new signs.

Splitting the definition of off-premise signs would result in more available locations for billboard signs in the community. Staff researched options which included:

- Increased review by requiring Conditional Use process for signs
- Increased separation requirements
- Establishing a Cap on billboards

Feedback from stakeholder meetings strongly recommended a clear zoning solution and not expanding the role of CPC or the Board of Adjustment.

Expanding the setback requirement by 50% to 1,500 feet would virtually eliminate any location for a new sign, and would make nearly all of the signs in the community, including many constructed since 2006, non-conforming. Non-conforming billboards can remain indefinitely as long as maintenance does not exceed 65% of the signs value.

A cap system would incentivize the distribution of billboard signs in line with the 2006 zoning ordinance by encouraging removal of underperforming signs as the community grows and new locations for signs become available.

The Development Committee recommended proceeding with an ordinance that would establish a cap on the number of signs in the community.

The recommended ordinance would:

- Establish a limit on the number of billboard signs in the community as the number existing at the time the ordinance was adopted.
- No change would be made to separation requirements
- Billboards would no longer be permitted in the C-4 Central Business Zone District
- A permit for a new billboard sign would require removal of an existing, legally placed billboard of equal or greater size.
- Credit for a new billboard sign would be able to be transferred between sign owners as long as removal and transfer is documented within 90 days of application for a new sign.



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

Sign Code Update – Meeting #1

Attendees:

-
- | | |
|-------------------------|------------------|
| • Seth Gunnerson | • Dave Lodge |
| • Christine Butterfield | • Pat McAllister |
| • Ray Nees | • Pat Shey |
| • Alex Sharpe | • Scott Overland |
| • Aaron Dodds | • Monica Vernon |
| • Dick Ransom | • Justin Shields |
| • Mark Wold | • Jeff Harding |
| • Tom Weber | • Aaron Vosmek |
| • Bill Lehman | |

Facilitated Discussion Notes

1. What do you expect from signage as you navigate the community? What information?

- Event Advertisement
- Directional advertisement
- Branding
- Multiple Tenant Signage
- Increase revenue for clients
- Attractiveness, builds an attractive community
- Architectural Compliment
- Safety
- In scale with site location
- Code is easier to understand
- Box signs are more affordable
- Don't limit technology
- Better definitions
- Standards for Hold Times (DOT, Universities)
- Freedom of Speech (color, message, presentation)

2. What are examples of communities or places within communities that do this well?

- Williamsburg, IA (lower regulation)
- Williamsburg, VA (more)
- West Des Moines
- Clive

- There can be trouble fitting monument signs on certain lots
- Coralville (more restrictive)
- North Liberty (more open)
- Cedar Rapids, needs better definitions though
- Coralville is bad (no digital or billboards, no improvements)\
- Sioux Falls (green, progressive)
- Des Moines
- Clinton, IA (good wayfinding system)

3. What is working now? What is not working?

- Code Not working
- Confusing
- Ordinance is difficult for staff to interpret
- Definitions are out of date
- Traffic is involved in too many sign applications
- Issues with billboards vs. off-premise
- Too many variance requests, site's designed for a variance.
- Directional signage not adequately addressed.
- Need for campus signage (Medical District)
- Sign Companies have to conduct site inventory and research.
- Multiple story buildings are not addressed
- Issues with calculating occupancy frontage and how much total area a site can have (for multiple tenant buildings)
- 1st Avenue Billboard
- Consistency in outcomes
- + Sign code is easier to understand than some other communities (companies are familiar with current requirements)
- + Cedar Rapids is generally pro-business.
- + Permit Application
- + Staff
- + Sign Matrix

4. What outcomes do you want from the process?

- What is and is not allowable
- Clarity
- Workable for businesses
- Define off-premise directional signs vs. billboard
- Separation between off premise and billboards
- Menu boards, why regulated?
- Better clarity, delegate authority
- Consistency



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

Sign Code Update – Meeting #2

Attendees:

-
- | | |
|-------------------------|------------------|
| • Seth Gunnerson | • Phil Garland |
| • Christine Butterfield | • Monica Vernon |
| • Dave Lodge | • Pat Shey |
| • Tom Weber | • Aaron Dodds |
| • Jeff Harding | • Ray Nees |
| • Bill Lehman | • Kevin Ciabatti |
| • Scott Overland | • Alex Sharpe |
| • Dick Ransom | |

Facilitated Discussion Notes

1. Which option (or combination of options) meets Council expectations?

- Cap system favors larger companies
- Board of Adjustment should not see each case
- Inverse condemnation possibility with overlay
- Zoning districts could have a cap rather than an overall cap
- Street typology could prohibit signs in areas that they are actually desired
 - New Bo District
- Zoning option is preferable
 - Not many areas are currently available for new billboards with the 1000 ft setback

2. What are your initial thoughts on the options?

- Cap system could be difficult to administer
 - Trade in system would further complicate this
- Zoning provides easiest administration
- Trade in system with cap system would be too cumbersome
- BOA and CPC want to see zoning rather than conditional use for consistency
- Desire for clear rules on the re-facings and repair of legal non-conforming signs
 - Concern with conversion from static to digital signs

3. Which option (or combination of options) offers the most clarity?

- Zoning offer the most clarity
- Define billboards clearly
 - Billboards are signs where the Advertisement will change/ on-premise will remain as long as the business is present
- Off-premise distance increase may result in the last business unable to place their sign
 - Concern over decrease of signs as a goal

4. Is there anything missing from the material presented?

- Suggestion to change reduction of signs to improvement of signs
- Creation of a master sign plan for the city
 - Should be site based
 - Adaptable for smaller sites and larger sites

Questions/Concerns Raised

- Could a baseline study be conducted on how many signs are present, and locations.
 - How many signs are non-conforming currently
- Could the citizen concerns be shared with this group
- Non-conforming signs should not be placed at a disadvantage

Sign Code Update – Meeting #4

Attendees:

- Aaron Vosmek
- Jeff Harding
- Tom Weber
- Pat McAllister
- Phil Garland
- Seth Gunnerson
- Alex Sharpe
- Kevin Ciabatti
- Ray Nees

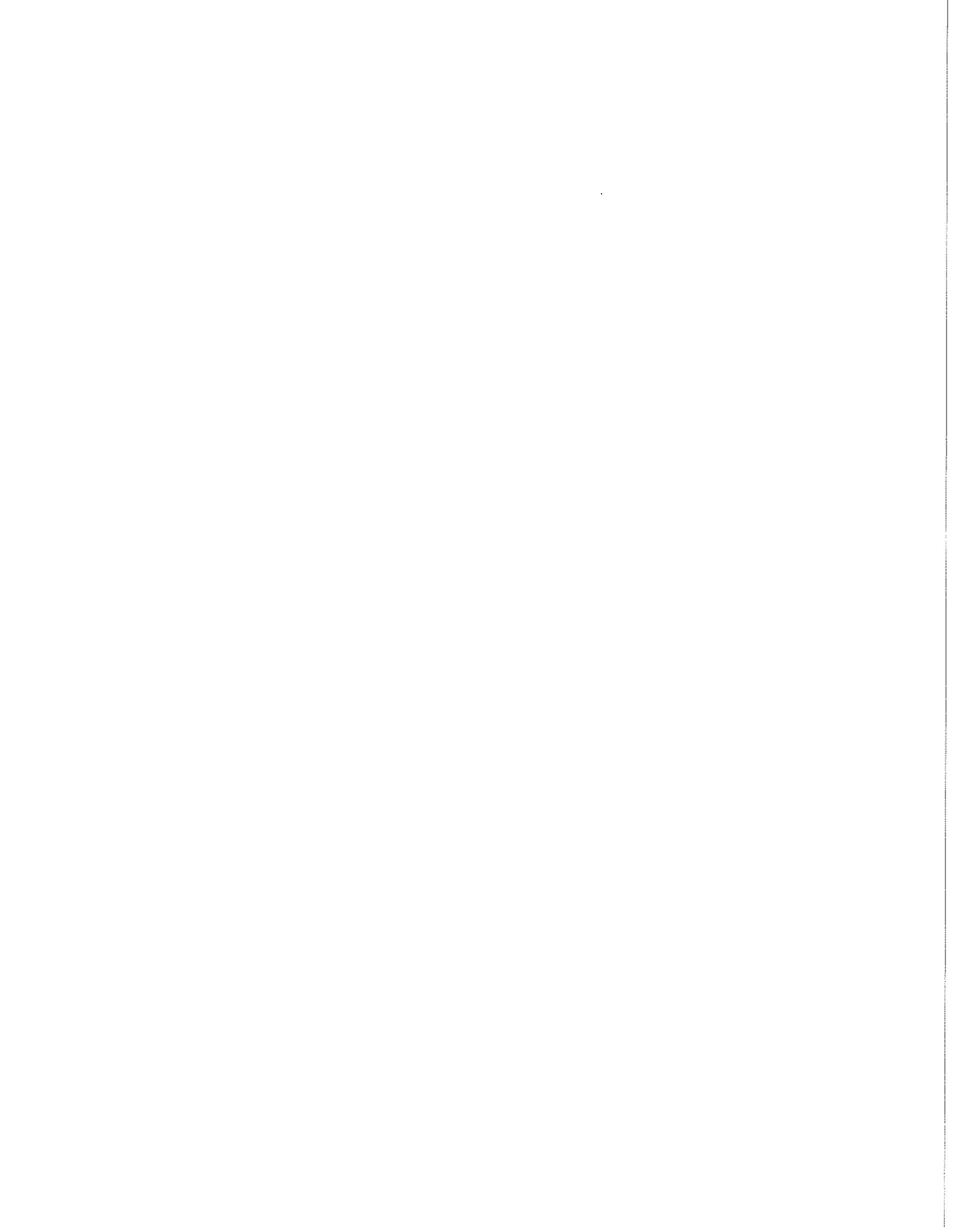
Facilitated Discussion Notes

Feedback given by stakeholders

- Allow off-premise directional signs in industrial districts
- Define language concerning the percent of repair required for re-filling a permit
 - Would changing from a wooden backboard to a metal backboard constitute a large enough replacement to re-file a permit
 - Maintenance concerns, what is the percentage of repair based upon (original value, current value, etc.)
- Option for the City to pay for the removal of undesirable signs
- Incentivize signs going to digital would be preferred
 - The signs could/would be smaller than the existing sign as they are able to display

Digital on premise signs

- Recommend removing gas station price signs and digital menu-boards from the moratorium
 - Suggest removing all on-premise signs
 - Text of gas price signs would need to be less than 2 inches with 12 sq. ft. of gas price signs. This does not work for most gas stations as they base their sign size based on their location
- Suggest not regulating all signs under 150 sq. ft.
- Signs within a campus should not be regulated if they are not intended to be viewed outside the site
- Do not regulate the size of digital signs, they self-regulate
 - Do not regulate the technology, it is only based upon the fear of new technology not science





TO: MAYOR/CITY COUNCIL
JEFF POMERANZ
ALISSA KAISER
BOARD AND COMMISSION STAFF LIAISONS

FROM: JAMES H. FLITZ

SUBJECT: Board of Ethics Advisory Opinion – Not for profit Service

DATE: May 3, 2013

Attached is a new advisory opinion issued by the Cedar Rapids Board of Ethics. By copy of this memo, I am asking that Alissa Kaiser place it on the City's web page. Also by copy of this memo, I am asking that each Board and Commission Staff Liaison make this available to their respective bodies.

Thank you for your attention to this matter.

JHF:es

cc: Cedar Rapids Board of Ethics



April 24, 2013

Cedar Rapids City Council-Person Kris Gulick
Cedar Rapids City Hall
101 1st Street SE
Cedar Rapids, Iowa 52401

Sent via email only-no hardcopy to be sent

Re: Request to Cedar Rapids Board of Ethics for Advisory Opinion

Dear Council-Person Gulick:

The Cedar Rapids Board of Ethics met on April 19, 2013 in response to your March 28th request for an advisory opinion.

Your request stated that you are on the board of directors of the Cedar Rapids Area Convention and Visitor's Bureau and that the bureau:

“obtains a substantial amount of funding from the city's hotel motel tax funds. I have not [received] personal financial gain from my membership on the board. In the past my practice has been to recuse myself from voting on actions that provide funding to the organization out of an appearance of a conflict of interest.”

You also stated that members of boards and commissions and council members do participate in not for profit organizations as members or as board members. These organizations make a variety of requests to the city.

We are assuming that you are a voting member of the bureau's board of directors and that the bureau receives funding from other sources including member organizations.

Conflicts of Interest

There are five different actions that result in a conflict of interest violation defined in the Cedar Rapids Municipal Code, Section 6.22.

1. Subsection 6.22(c)(6)(A) states that a conflict of interest action occurs when a City Official has or can reasonably be expected to have a “Private Financial Interest in the outcome.” A Private Financial Interest or Private Gain is defined at Subsection 6.22(c)(9) as any direct or indirect economic benefit or other consideration that is not otherwise a benefit or consideration to the general public. This benefit

or consideration goes to the City Official or a member of their immediate family or it goes to any business entity or organization that employs the City Official or their immediate family or in which the City Official or their immediate family has an ownership interest of 5% or more of the voting power or capital interest.

The Board has concluded that this definition does not apply to your situation.

2. Subsection 6.22(c)(6)(B) states that a conflict of interest action occurs when a City Official accepts gifts and other things of value in violation of applicable provisions of the Iowa law or the City's Municipal Code.

The Board has concluded that if you accept a gift or something of value from the not for profit that is prohibited by City Ordinance or Iowa law then there is a conflict of interest. The Code of Iowa, Chapter 68B.22, para. 4(f) exempts from the gift restrictions:

Items received from a bona fide charitable, professional, educational, or business organization to which the donee belongs as a dues-paying member, if the items are given to all members of the organization without regard to individual members' status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received.¹

3. Subsection 6.22(c)(6)(C) states that a violation occurs when a City Official acts in a private capacity on matters dealt with as a City Official and the official's act does not involve participating in a City program or process like any member of the general public.

This subsection focuses upon the City Official's private actions when the City Official has a public duty to act on the same matter. The Ethics Board has not defined "private action". A private action could have a financial component that benefits a third party but does not benefit the City Official as defined above. This could be interpreted as restricting actions as a not for profit board member in a certain matter if in your status as a City Official you have acted on such matter as well.

The 2005 City Charter directed the City Council to establish the Board of Ethics to administer and enforce a conflict of interest and financial

¹ The City Attorney's Office may provide guidance on this state statute and the municipal ordinance.

disclosure ordinance. The Charter states: "The use of public office for private gain is prohibited." Examples include "acting in a private capacity on matters dealt with as a public official." Subsection 6.22(c)(9) defines both "private financial interest" and "private gain" as "direct or indirect economic benefit or other consideration."

The current ethics ordinance language follows the Charter intent by prohibiting "direct or indirect economic benefit or other consideration" received by the City Official. The intent is to restrict the actions of City Officials in the performance of their official duties to prevent financial gain. The intent is not to restrict private actions such as fulfilling duties as a not for profit board member. **The Board has concluded that if your private action as a board member in a matter previously dealt with by you as a public official does not result in a financial gain to you or a member of your immediate family then no conflict of interest occurred, in this particular respect.**

4. Subsection 6.22(c)(6)(D) states that "use of confidential information for purposes other than the fulfillment of the City Official's official duties" is a conflict of interest.

The Board has concluded that if non-public information obtained in your capacity as a City Official is provided to your not for profit organization, there is a conflict of interest violation.

5. Subsection 6.22(c)(6)(E) states that it is a conflict of interest to make "appearances" on behalf of the private interests of third parties without full and complete disclosure of:
 - a. your relationship with the third party;
 - b. your status as a City Official; and
 - c. that your appearance is on behalf of the third parties and not in any official capacity as a City Official.

An "appearance" is defined by Subsection 6.22(c)(1) as "any communication by a City Official of any kind...regarding a matter or issue to be determined by any City Agency."

The Board has concluded that this prohibition requires you to disclose your relationship to the not for profit organization when talking with city staff or officials. When there is discussion or action related to that organization in your role as a City Official, there must also be disclosure. Failure to do so is a conflict of interest violation. The disclosure must be documented.

This disclosure requirement, in and of itself, does not require a recusal. You must refer to the other prohibitions discussed above in making

that decision.

Federal Rules

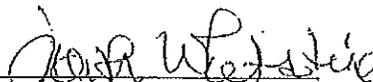
You also asked for a determination whether or not your action might violate rules in the use of federal grants and funding. The City's Finance Department is aware of the federal regulations that define conflicts of interest and include circumstances where there can be an "appearance of a conflict of interest."

These federal rules are not within the jurisdiction of the Board of Ethics. You may wish to consult with the City's Finance Department for further guidance.

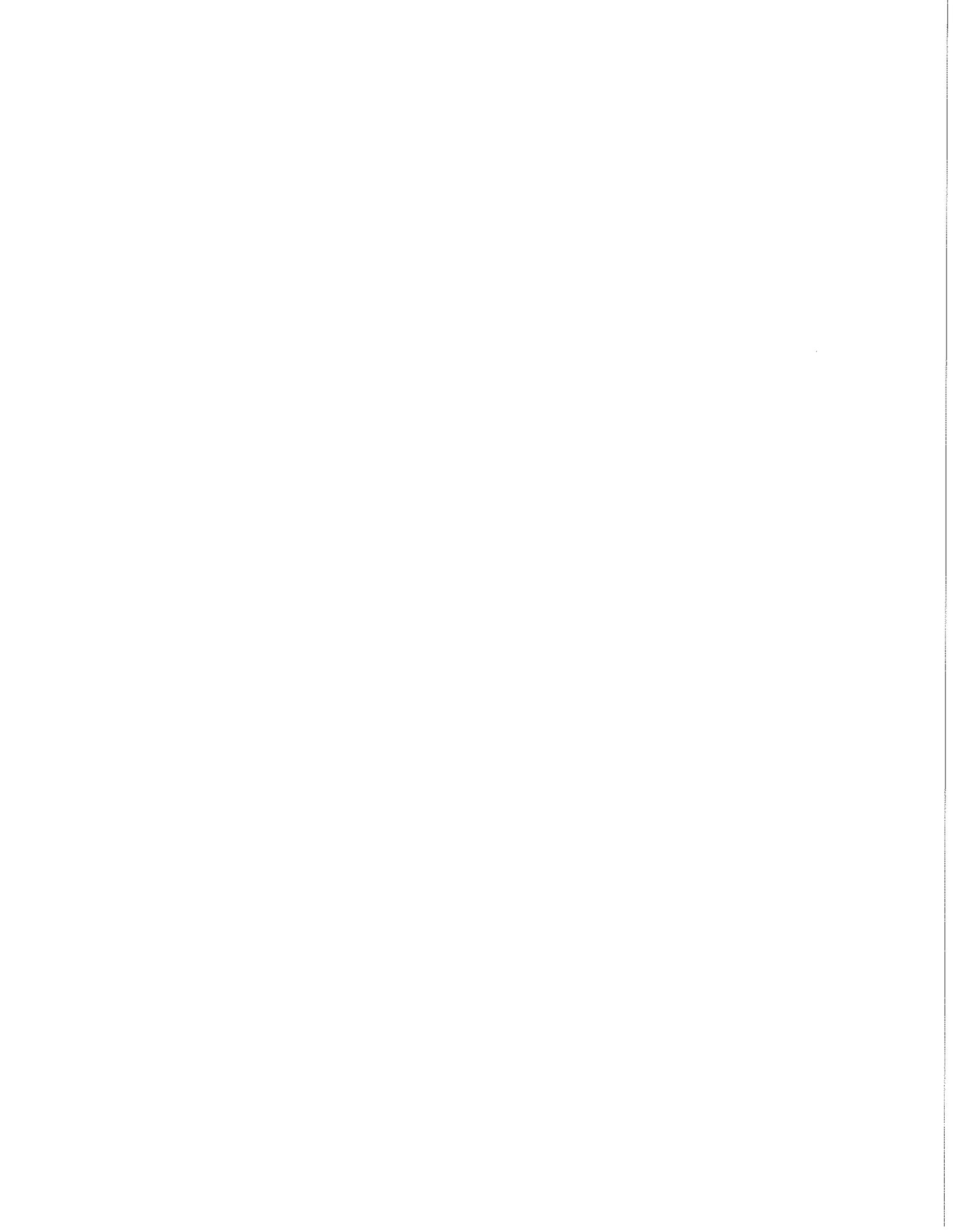
Thank you for your request for an advisory opinion. On behalf of the Board's members, we hope that it provides the guidance you were seeking.

Cedar Rapids Board of Ethics

By:


Judith Whetstone, Chair

Copies to:
Cedar Rapids Mayor and City Council
Cedar Rapids Finance Department



CITY PLANNING COMMISSION MEETING

Thursday, June 6, 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:** 3333 1st Avenue SE (Preliminary Site Development Plan)

Recommendation for approval of a Preliminary Site Development Plan for property at 3333 1st Avenue SE and zoned C-3, Regional Commercial Zone District as requested by Rossco Auto Sales (Titleholder).

Case No: *PSDP-002433-2013* **Case Manager:** *Vern Zakostelecky*

2. **Case Name:** 2600 Edgewood Road SW (Preliminary Site Development Plan)

Recommendation for approval of a Preliminary Site Development Plan for property at 2600 Edgewood Road SW and zoned C-2, Community Commercial Zone District as requested by Frew Development Group (Applicant) and A Shapiro LLC (Titleholder).

Case No: *PSDP-002509-2013* **Case Manager:** *Joe Mailander*

3. **Case Name:** 2300 Bowling Street SW (Preliminary Site Development Plan)

- **New Business**
- **Training Opportunities**
- **Announcements**

Draft