

Agenda
CITY PLANNING COMMISSION MEETING
Thursday, August 8, 2013 @ 3:00 PM
City Hall Council Chambers
101 First Street SE, Cedar Rapids, IA 52401

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

REGULAR AGENDA

1. Case Name: 1620 E Avenue NE (Rezoning)

Recommendation for approval of a rezoning from I-1, Light Industrial Zone District to C-2, Community Commercial Zone District as requested by Knapp Warden LLC (Applicant) and D & S Building Co Inc. (Titleholder).

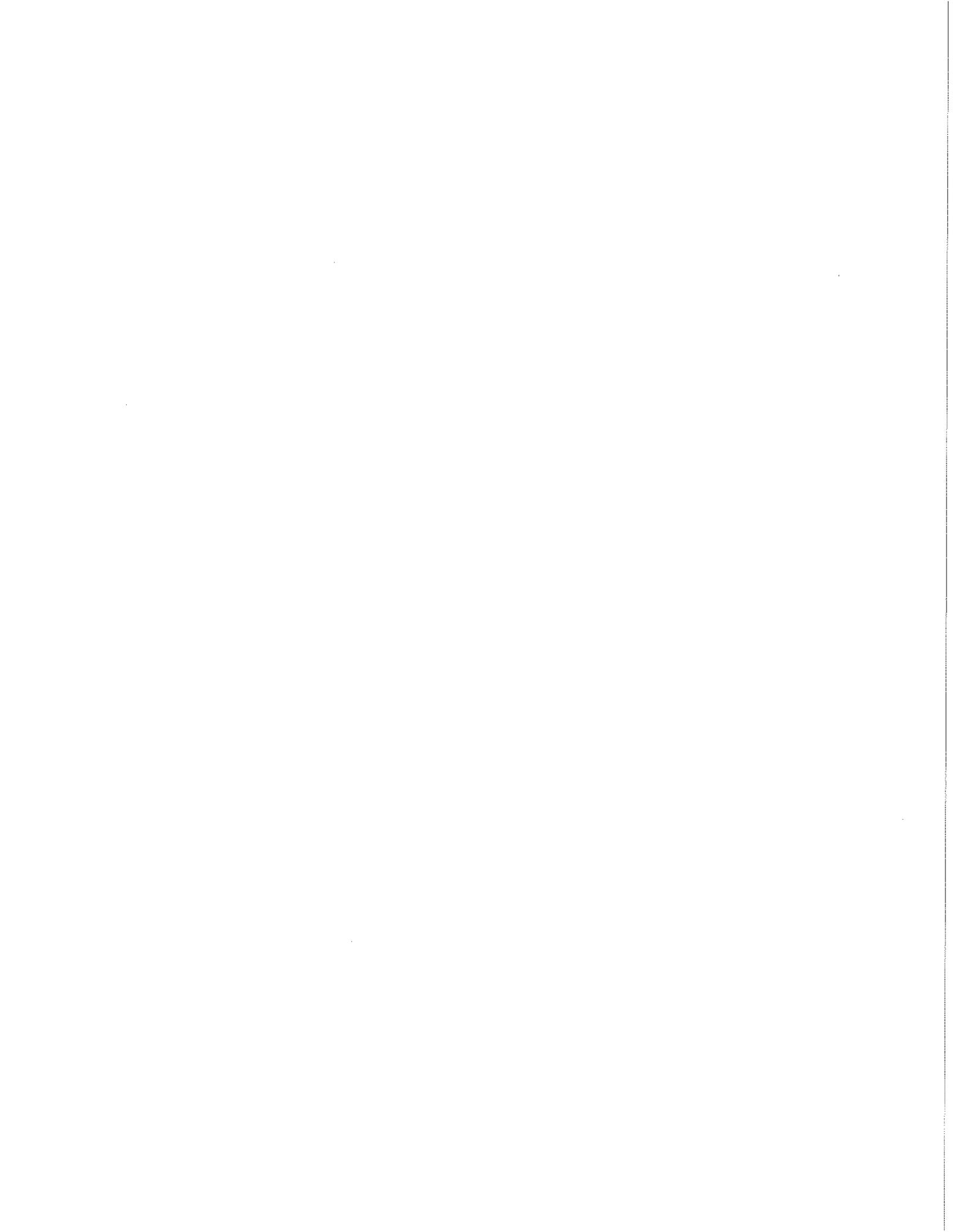
Case No: *RZNE-003573-2013* **Case Manager:** *Vern Zakostecky*

2. Case Name: 1734 B Avenue NW (Rezoning)

Recommendation for approval of a rezoning from R-3, Single Family Residence Zone District; to C-1, Mixed Neighborhood Convenience Zone District as requested by Dennis L. Valenta (Applicant/Titleholder).

Case No: *RZNE-003697-2013* **Case Manager:** *Vern Zakostecky*

- **New Business**
- **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, July 18, 2013 @ 3:00 p.m.
Cedar Rapids City Hall Council Chambers, 101 First Street SE

Members Present: Scott Overland, Chair
Jim Halverson, Vice – Chair
Allan Thoms
Mike Tertinger
Carletta Knox-Seymour
Virginia Wilts
Samantha Dahlby
Richard Pankey

DSD Staff: Vern Zakostelecky, Planner
Joe Mailander, Manager
Dave Houg, Zoning Specialist

CD Staff: Seth Gunnerson, Planner
Betty Sheets, Administrative Assistant

The meeting was called to order at 3:03 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 eight (8) Commissioners present.

Commissioner Overland stated Commissioners have received the minutes from June 27, 2013 and called for additions or corrections.

Commissioner Tertinger made a motion to approve the minutes from June 27, 2013. Commissioner Wilts seconded the motion. The motion passed unanimously with none opposed.

Commissioner Overland called for a motion to approve the agenda. Allan Thoms stated he would be recusing himself from the discussion of the Conditional Use at 4200 1st Avenue NE because he has a contractual contract with Verizon. Commissioner Pankey stated he would be recusing himself from the discussion of 5610 4th Street Court SW because he is the developer.

Commissioner Knox-Seymour made a motion to approve the agenda. Commissioner Halverson seconded the motion. The motion passed unanimously with none opposed.

REGULAR AGENDA

1. Case Name: 5610 4th Street Court SW (Rezoning) Case No: RZNE-003157-2013 Case Manager: Vern Zakostelecky

Recommendation for approval of a rezoning from I-1, Light Industrial Zone District to C-3, Regional Commercial Zone District as requested by Point Builders (Applicant) and Todd Slezak (Titleholder).

Commissioner Pankey has requested to abstain.

Vern Zakostelecky, Development Services, stated there is a request for rezoning property owned by Todd Slezak with Point Builder as the applicant. The property is currently undeveloped and the applicant wishes to rezone the property for construction of a cheerleading training facility, which is not allowed in an I-1 Zone District. The property is 1.60 acres with proposed hard surface area of 42,910 sq ft. The property will have 57 parking spaces at the end of a cul-de-sac at the end of 4th Street SW. Storm water detention has been developed as part of the overall development. Mr. Zakostelecky presented a site plan, aerial photo, location map and building renderings of the proposed property pointing out the commercial warehouse in the area. The warehouse is located north of 58th Avenue, 6th Street and I-380. City staff spoke with the applicant regarding architectural elements to dress up the building. The applicant is on a limited budget and the structure does not meet the design standards. If it does not meet the design standards it can go to Board of Adjustments for a variance.

Commissioner Overland called for questions of Mr. Zakostelecky. Commissioner Thoms suggested seeking a variance as he did not feel this building meets the design standards. Mr. Zakostelecky stated that Condition No. 2 states the design guidelines and standards as specified in Subsection 32.05.030:C. shall be met or a variance must be obtained.

Commissioner Overland called for a representative of the applicant. Doug Brain, 5040 Midland Court, Cedar Rapids, Iowa was present to answer questions. Commissioner Thoms asked the representative again about this building meeting the design guidelines. Mr. Brain stated the applicant would have to go for a variance or dress up the appearance. Commissioner Knox-Seymour asked how the appearance could be dressed up. Mr. Brain stated this was not his area of expertise.

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 request for rezoning. Commissioner Knox-Seymour made a motion to approve the rezoning request from I-1, Light Industrial Zone District to C-3, Regional Commercial Zone District. Commissioner Halverson seconded the motion. Commissioner Overland called for discussion on the motion.

Commissioner Tertinger asked if the Police Department had been contacted regarding safety of children due to truck traffic in the area. It was indicated Police had not reviewed the application, but since there is no residential anywhere near the site it is assumed children would be brought to and from the site in cars.

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

2. Case Name: 1010 Boyson Road NE (Rezoning) Case No: RZNE-003427-2013 Case Manager: Vern Zakostelecky

Recommendation for approval of a rezoning from O-S, Office/Service Zone District to RMF-1, Multiple Family Residence Zone District as requested by The Commons at Boyson Park LLC (Applicant) and SB/CB Partnership (Titleholder).

Vern Zakostelecky, Development Services, stated the subject property is currently undeveloped and the applicant is requesting rezoning to allow for the development of a multi-family owner occupied condominium complex. The Preliminary Site Development Plan as submitted, shows the following proposed improvements to the property: The site area is 139,392 sq ft (3.20 acres); the proposed structures will include 4 buildings with 10 condominiums units in each building; total parking required and provided is 80 spaces with additional parking in front of garages; the access will be from Doubletree Road and there is no need for storm water detention as that has been developed. Mr. Zakostelecky presented the location map, aerial photo of the site, site plan and renderings. The applicant held a neighborhood meeting with no major concerns expressed.

Commissioner Overland called for questions of Mr. Zakostelecky. Commissioner Thoms asked if there was any concern about traffic. Mr. Zakostelecky reported that Traffic Engineering looked at this and did not have a concern with the density.

Commissioner Overland called for a representative of the applicant. Chad Pelley, Hall & Hall Engineers, 1860 Boyson Road was present stating Vern did a great job of explaining this project. This property has been vacant for 18 years and he thinks it is a wonderful project complementary to the neighborhood.

Commissioner Overland asked if there were any questions of the representative. Commissioner Dahlby stated that looking at the plan it looked like there are sidewalks that go up to the private drives but no sidewalks within the development area. Mr. Pelley stated sidewalks will be along Boyson and Doubletree as developments like this often do not have connecting sidewalks to allow for more green space.

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 Rezoning. Commissioner Halverson made a motion to approve the Rezoning from O-S, Office/Service Zone District to RMF-1, Multiple Family Residence Zone District. Commissioner Thoms seconded the motion.

Commissioner Overland called for discussion on the motion. Commissioner Overland stated he likes the design and thought it is a complementary development to the neighborhood. Commissioner Overland called for a vote on the motion. The motion passed unanimously with none opposed.

3. Case Name: 4825 Johnson Avenue NW (Rezoning) Case No: RZNE-003483-2013 Case Manager: Vern Zakostelecky

Recommendation for approval of a rezoning from O-S, Office/Service Zone District; RMF-1, Multiple Family Residence Zone District; and C-3, Regional Commercial Zone District to C-2, Community Commercial Zone District as requested by Hy-Vee Inc. (Applicant) and Hy-

Vee, Inc. Cedar Rapids Ventures, Bernard and Mary Cejka and John and Christine Robson. (Titleholders).

Mr. Zakostecky stated the main portion of the subject property is currently developed with a 13,000 sq. ft. Hy-Vee Drug store. The applicant is requesting rezoning to allow for the expansion and renovation of the existing facility to what Hy-Vee is calling their "Main Street Store". This new marketing approach allows more options for customers as there will be more grocery products available. The existing site will be combined with two small parcels to the east and one larger parcel of land to the south to provide for said expansion. The Preliminary Site Development Plan, as submitted, shows the following proposed improvements to the property: the total site area is 160,378 sq. ft. (3.68 acres); proposed structure including the existing and proposed is 27,000 sq. ft.; total proposed hard surfaced area is 77,500 sq. ft.; open space proposed is 60,308 sq. ft. (37.6% of site area); total parking required is 90 spaces, provided is 148 spaces; access will essentially remain as it is today with a customer access from Johnson Avenue NW and truck access from 1st Avenue and storm water management will be developed at the southeast corner of the site. Mr. Zakostecky presented the location map, aerial photo of the site, site plan and renderings. Staff had a conversation with Hy-Vee to enhance the east, west and south elevations. If the commission recommends approval, staff recommends that the renderings be updated before going to City Council which Hy-Vee has committed to doing.

Commissioner Overland called for questions of Mr. Zakostecky. Commissioner Thoms asked if any changes were being made to the Future Land Use Map. The Staff Report indicated that since the lines on the FLUM are considered to be flexible and not static, a case could be made that the proposed rezoning request to the C-2 Zoning District is in accord with the FLUM. Commissioner Thoms asked if we are making that argument or not? Mr. Zakostecky stated that it could because if you look at the properties they are buying and their not actually putting their building or their addition on those areas. They would not have to rezone the area. They could have parking to accommodate their use and storm water management in O-S and residential areas. They just want to rezone so they have it all zoned consistently. The FLUM is not like a zoning map showing the property lines and the goals of the objective of the comprehensive plan basically states that those lines are not meant to be set in stone but fluctuate to allow for business to expand.

Commissioner Tertinger asked if some of the pavement would be permeable pavement such as the seasonable area. Mr. Zakostecky was not aware that they were providing any permeable pavement but will be restriping and adding trees.

Commissioner Pankey asked if with respect to the display area that takes up some of the parking, will there still be sufficient parking for the store. Mr. Zakostecky stated they cannot by code take up parking that is the minimum parking. They have to accommodate for the minimum which is 90 parking spaces.

Commissioner Overland called for a representative of the applicant. Brian Vogel, Hall & Hall Engineers, 1860 Boyson Road, Hiawatha stated he was available for questions.

Commissioner Overland asked if there were any questions of the representative. Commissioner Tertinger asked if there were plans for permeable pavement. He also asked if Hy-Vee was doing that with any of their stores. The Hy-Vee representative said they were not.

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 rezoning. Commissioner Thoms made a motion to approve the rezoning from O-S, Office/Service Zone District; RMF-1, Multiple Family Residence Zone District; and C-3, Regional Commercial Zone District to C-2, Community Commercial Zone District. Commissioner Dahlby seconded the motion.

Commissioner Overland called for discussion on the motion. Commissioner Tertinger stated regarding permeable paving, 50 spaces that is only needed for seasonal outdoor sales, why cannot they put in a surface that is not hard surfaced for the short time that it is needed. He stated he would like to see Hy-Vee be a leader in that.

The Commissioners also agreed that the east, west and south areas need to be dressed up.

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

4. Case Name: 4200 1st Avenue NE (Conditional Use) Case No. COND-001736-2013 Case Manager: Vern Zakostelecky

Recommendation for approval of a Conditional Use for a telecommunication tower in an R-2, Single Family Residence Zone District as requested by Capitol Telecom LLC and Southwest Wireless L.P. d/b/a Verizon Wireless (Applicants) and Cedar Memorial Park Cemetery (Titleholder).

Commissioner Thoms has requested to abstain.

Mr. Zakostelecky stated the applicant requested approval of a conditional use to allow the construction of a 125' tall communications tower in the Cedar Memorial Cemetery east of C Avenue and south of Collins Road NE, which is zoned R-2, Single Family Residence Zone District. The proposed tower would be located on the north side of the site southwesterly of the Kohl's Department Store. The proposed tower would be designed to accommodate five antenna arrays. The ground mounted equipment area will be fully screened to meet the Zoning Ordinance requirements. Access will be from a driveway within the Cedar Memorial Park Cemetery. Mr. Zakostelecky presented the location map, aerial photo of the site, site plan and renderings.

The reason this Conditional Use had not come forward sooner is because the City, as part of the Collins Road improvements, wanted to bring a backage road in from C Avenue. It would run along the north side of this property and the south side of the commercial property and connect to a driveway to get alternative ways to the commercial development to the northeast. One letter of objection was received from Mr. & Mrs. Jeffrey Jasper who object to the cell tower in general. If the Commission recommends approval be subject to the added condition that they comply with US Corp requirement for any wetland disturbance and mitigation.

Commissioner Overland called for questions of Mr. Zakostelecky. No questions were presented.

Commissioner Overland called for a representative of the applicant. Dean Spina, 207 1st Avenue SE representing Capital Telecom was present to speak. Scott VonRein, 1500 Mt Kenble Avenue, Morristown, New Jersey was present.

Commissioner Overland called for questions of the applicant. Commission Tertinger asked if there were any plans of expansion for this section of the cemetery. Mr. VonRein stated that the cemetery planned expansion years from now. It is the only land that can expand into.

Commissioner Knox-Seymour asked if the applicant would respond to the objection letter from Mr. & Mrs. Jeffrey Jasper. Mr. Von Rein stated the objection is radio wave concerns, which FCC governs and that all cell phone providers are required to comply. All antennas' are way below the allowed limits for radio wave emissions. Secondly, the Telecommunication Act of 1996 prohibits a jurisdiction from making a decision based on those concerns.

Commissioner Knox-Seymour asked if that is good for 10 years or 20 years down the line, the less than .1%. Mr. Von Rein stated FCC mandates that and has rules and all carriers have to comply with that or their license will be revoked and they take the rules very seriously.

Commissioner Wilts asked where are the other cell phone towers close to this and why is it being placed in that location. Mr. Von Rein stated that there are three towers in the area and this one will make the others all stronger. There are towers off Collins Road and Lindale Drive, just northeast of the proposed tower; on C Avenue, northwest of this site; and a mile southeast, just east of First Avenue; and this tower falls in the center of those three and is proposed to increase both coverage and off load the east and west sites.

Commissioner Tertinger asked if this tower is in the site line of any families visiting this cemetery. Mr. Von Rein said probably not since there is a lot of buffer between existing cemetery usage and the tower.

Commissioner Overland called for members of the public who wished to speak. None wished to speak.

Commissioner Overland called for a motion to approve the conditional use. Commissioner Knox-Seymour made a motion to approve the Conditional Use for a telecommunication tower in an R-2, Single Family Residence Zone District. Commissioner Pankey seconded the motion.

Commissioner Overland called for discussion on the motion. Commissioners after little discussion felt that this case is significantly different from the previous case and that they could make a distinction here.

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

The meeting was adjourned at 3:48 p.m.

Respectfully Submitted,

Betty Sheets, Administrative Assistant II
Community Development

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

CPC Date: August 8, 2013
To: City Planning Commission
From: Development Services Department

Applicant: Knapp Warden, LLC
Titleholder: D & S Building Co., Inc.
Case Number: RZNE-003573-2013
Location: 1620 E Avenue NE
Request: Rezoning from I-1, Light Industrial District to C-2, Community Commercial Zone District
Case Manager: Vern Zakostecky, Development Services Department

BACKGROUND INFORMATION:

The property is considered legal non-conforming since it has been used as office for a number of years. Office uses are typically only allowed in the I-1 Zoning District as an accessory use to warehousing, light assembly and manufacturing uses. The applicant is requesting rezoning to allow the building to be used as office and a lodge. The applicant is not proposing any new buildings, but in order to establish the proposed uses, rezoning to the C-2 Zoning District is required.

The site consists of the following:

- Total site area is 40,859 sq. ft.
- Total building area is 13,036 sq. ft.-2-stories-6,518 sq. ft. per floor.
- Total hard surface-existing/proposed is 26,997 sq. ft.
- Total open space-existing/proposed is 7,344 sq. ft. (17.95% of total site area).
- Total parking required is 66 spaces-provided are 66 spaces including 2 handicap spaces.
- Accesses are from E Avenue NE and to the public alley to the north. No changes to the accesses are proposed.

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 Commercial/Industrial so the requested zone change is in accord with the Future Land Use Map in the City's Comprehensive Plan and also the goals and objectives of said plan.

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

Staff Comments: The property is currently zoned and development as an office building and will continue to be used for office uses, but will also be used by the Knights of Columbus as a lodge. The proposed use will generate moderate traffic, which will typically be during evening hours. To the west and north are commercial, light industrial and service related uses. To the east and south across E Avenue NE are single-family homes. Staff has not received objections for this application. It should be noted there are several taverns in the area and evening hour noise has been a major problem in the neighborhood.

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-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: This Finding does not apply since this an existing building and no changes are proposed other than uses that will occupy the facility. City staff notes that the fencing along the easterly property line is currently chain-link and will need to be replaced with a solid screen fence to provide a buffer between the subject property and the residential uses to the east.

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 older in-fill developed area and has access to all necessary facilities and services without any issues.

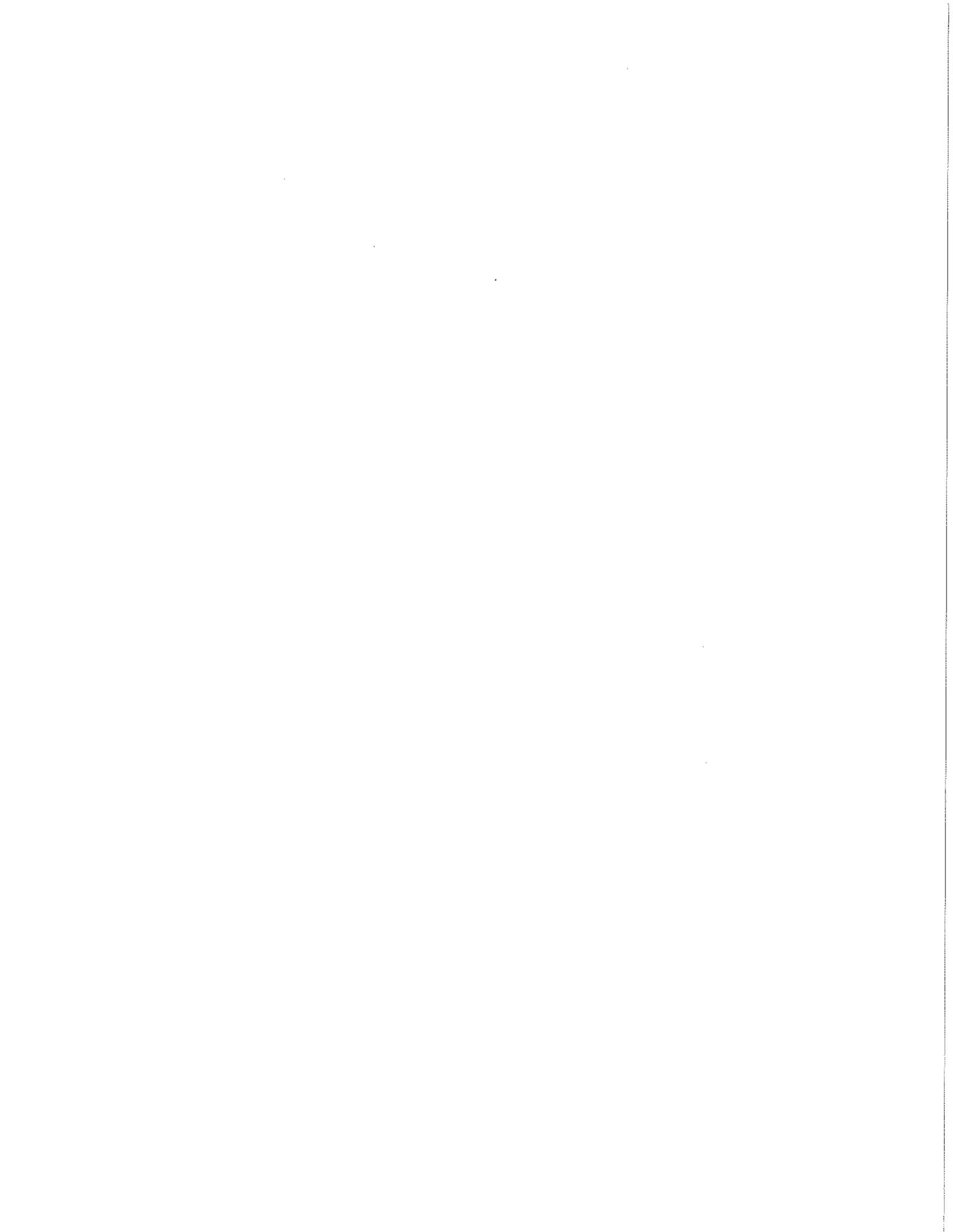
7. The Site Development Plan is consistent with the previously approved Preliminary Plan for the property (if applicable).

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.

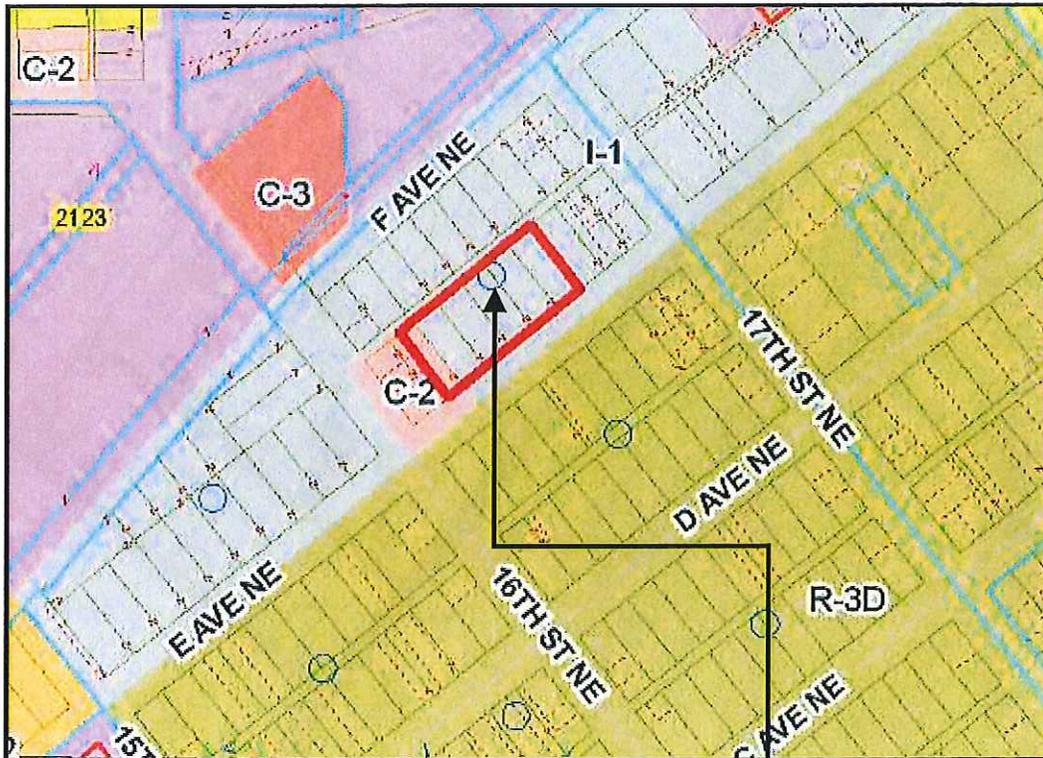
1. That is a dumpster is proposed, the enclosure for the dumpster will need be a full screen enclosure including the gates and preferably designed using the same building material as the principal building as per Subsection 32.05.030.A.7. of the Zoning Ordinance.
2. That, lighting fixtures shall be shielded in a manner that shall not direct illumination on adjacent residential properties, or on any public right-of-way as per Subsection 32.05.030.B. of the Zoning Ordinance.
3. That, landscaping and buffering/screening shall be provided per the Zoning Ordinance, Subsection 32.05.030.A. This requirement relates specifically to the fencing along the easterly property line. The chain-link fence along the easterly property line shall be replaced with a 6' high solid screen fence with the exception of the 25' front yard set-back. The solid screen fence shall 3' in height in the 25' front yard set-back.



Project Location Map

1620 E AVENUE NE

Scale 1:300



Project Location

Building Elevation Photos

1620 E AVENUE NE



Photo 1. Front or North elevation of the building.



Photo 2. Right or East elevation of the building.



Photo 3. Left or West elevation of the building.



Photo 4. Rear or North elevation of the building.



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: August 8, 2013
To: City Planning Commission
From: Development Services Department

Applicant: Dennis L. Valenta
Titleholder: Dennis L. Valenta
Case Number: RZNE-003697-2013
Location: 1734 B Avenue NW
Request: Rezoning from R-3, Single Family Residence District to C-1, Mixed
Neighborhood Convenience Zone District
Case Manager: Vern Zakostecky, Development Services Department

BACKGROUND INFORMATION:

The applicant is requesting rezoning since this commercial building has lost its' legal non-conforming status due to being unoccupied for well over the one year threshold. In order to sell or lease the building for commercial uses, rezoning is required. The building was built in 1930 as a commercial structure and has always been use as such. City staff states the R-3 Zoning classification is due to an error a number of years back.

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: Staff believes this rezoning should be considered a correction of a technical mistake on the existing Zoning Map. As mentioned in the "General Information" above the building has been use for commercial use since it was construction in 1930.

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

Staff Comments: Not applicable, see Finding 1.

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

Staff Comments: Not applicable, see Finding 1.

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

Staff Comments: Not applicable, see Finding 1.

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: Not applicable, see Finding 1.

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: Not applicable, see Finding 1.

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.

RECOMMENDED CONDITIONS:

If the City Planning Commission recommends approval of the proposed rezoning, adoption of the following conditions as recommended by the development Services Department should be considered. The City Planning Commission may approve with additional conditions.

1. That handicapped parking shall be provided per applicable provisions of the State Code and the Americans with Disabilities Act.
2. That effective screening be provided and maintained per provisions of the Zoning Ordinance where adjacent to an "R" District or a variance be obtained.
3. That is on outdoor dumpster is provided 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.



