
<p>CITY PLANNING COMMISSION MEETING Thursday, October 10, 2013 3:00 PM City Hall Council Chambers 101 First Street SE, Cedar Rapids, IA 52401</p>
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AMENDED AGENDA

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

REGULAR AGENDA

1. Case Name: 2663 Mt Vernon Road SE (Rezoning)

Recommendation for approval of a rezoning request from R-3, Single Family Residence Zone District and O-S, Office/Service Zone District to C-2, Community Commercial Zone District as requested by Sharp Investments LLC (Applicant) and Mount Vernon Bank and Trust Company (Titleholder)

Case No: *RZNE-005376-2013* **Case Manager:** *Vern Zakostecky*

2. Case Name: 3200 Pioneer Avenue SE (FLUMA and Rezoning)

a) Request for an amendment to the Future Land Use Map in the City's Comprehensive Plan from Institution/Public to Low Density Residential as requested by Affordable Housing Network, Inc. (Applicant) and Cedar Rapids Community School District (Titleholder).

Case No: *FLUMA-005395-2013* **Case Manager:** *Vern Zakostecky*

b) Recommendation for approval of a rezoning from R-3, Single Family Residence Zone District to PUD-2, Planned Unit Development Two Zone District as requested by Affordable Housing Network, Inc. (Applicant) and Cedar Rapids Community School District (Titleholders).

Case No: *RZNE-005398-2013* **Case Manager:** *Vern Zakostecky*

3. **Case Name:** 600 and 616 1st Street SE (Rezoning)

Recommendation for approval of a rezoning from PUB, Public Zone District to C-4, Central Business Zone District as requested by The Fountains, LLC (Applicant/Titleholder).

Case No: RZNE-005512-2013 Case Manager: Vern Zakostelecky

4. **Case Name:** 1616 6th Street SW (Conditional Use)

Recommendation for a conditional use for an outdoor service area with alcohol service in the C-2, Community Commercial Zone District and parking in the R-3, Single Family Residence Zone District as requested by Children on First, Inc. (Applicant) and Shaheen Enterprises, Inc. (Titleholder).

Case No: COND-005229-2013 Case Manager: Dave Houg

• **Old Business – This Conditional Use has been postponed to a later date!**

~~1. **Case Name:** 2123, 2133, 2135 Mt. Vernon Road SE (Conditional Use)~~

~~Recommendation for a conditional use for construction of a 69 KV Electrical Substation in a R-3, Single Family Residential Zone District; also retaining walls/landscaping/earth berms to screen substation view from adjacent properties as requested by Alliant Energy (Applicant), Garret Karns, Sarah Vittetoe and Interstate Power & Light Co (Titleholders).~~

~~**Case No: COND-004948-2013 Case Manager: Dave Houg**~~

• **New Business**

1. **Case Name:** 1302, 1310 Ellis Boulevard NW, 948 N Street NW and 1791 Mallory Street SW (Rezoning)

Recommendation for approval of a rezoning from R-3, Single Family Residence Zone District to R-TN, Traditional Neighborhood Residence Zone District for four (4) City-owned properties for the Rebuilding Ownership Opportunities Together Program (ROOTS).

Case No: RZNE-006088-2013 Case Manager: Vern Zakostelecky

• **Training Opportunities**

- 2013 American Planning Association (APA) Iowa Annual Conference, October 16-18, US Cellular Center

• **Announcements**

MINUTES
CITY PLANNING COMMISSION REGULAR MEETING,
Thursday, September 19, 2013 @ 3:00 p.m.

Cedar Rapids City Hall Council Chambers, 101 First Street SE

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

Members Absent: Virginia Wilts

DSD Staff: Dave Houg, Plats & Zoning Conditions Coordinator
Vern Zakostecky, Planner

CD Staff: Betty Sheets, Administrative Assistant

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 seven (7) Commissioners present and one (1) absent.

Commissioner Overland stated Commissioners have received the minutes from August 8, 2013 and August 15, 2013 and called for additions or corrections. Commissioner Overland stated with no additions or corrections, the minutes stand approved as written.

Commissioner Overland stated the agenda had one regular case and one new business item and called for any additions or corrections to the agenda. Commissioner Overland stated with no additions or corrections, the agenda stands approved as written.

REGULAR AGENDA

1. Case Name: 2123, 2133, 2135 Mt. Vernon Road SE (Conditional Use)

Recommendation for a conditional use for construction of a 69 KV Electrical Substation in a R-3, Single Family Residential Zone District; also retaining walls/landscaping/earth berms to screen substation view from adjacent properties as requested by Alliant Energy (Applicant), Garret Karns, Sarah Vittetoe and Interstate Power & Light Co (Titleholders)

Case No: COND-004948-2013 Case Manager: Dave Houg

Mr. Houg, Development Services Department stated a request for a conditional use approval to place an electrical substation in a residential district with a total site area of 13.04 acres; .14 acres of existing houses and garages; substation pad and drive would be on .93 acre with proposed open area of 12.11 acres. Mr. Houg also showed a site plan, aerial view and several renderings. Mr. Houg stated that the substation would be 20 feet below, down the hill with lots of landscaping around the area.

Commissioner Overland called for questions of Mr. Houg.

Commissioner Pankey asked that if Mr. Houg would return to the aerial view to point out where the houses and garage were located.

Commissioner Tertinger asked if the Historic Preservation Commission (HPC) had a chance to look at the houses that were going to be removed. Mr. Zakosteelky stated that the applicant has been encouraged to contact the HPC prior to removing of the structures.

Commissioner Dalhby asked if there was any background information on the site selection of this location. Mr. Houg responded that the applicant was approved for this substation in 2004 and the difference is that they had acquired additional property and shifted the location of the substation.

Commissioner Overland called for a representative of the applicant.

Teresa Davis, Alliant Energy, 1001 Shaver Road NE, Cedar Rapids, Iowa and Isaac Hodgins, Shive-Hattery, 316 2nd Street SE, Cedar Rapids, Iowa. Ms Davis stated that they had contacted the HPC to let them know that a request would be forthcoming to allow the HPC 6 months to review the properties for the demolition permit. Regarding the question on the background information, this substation is to serve the the southeast side of Cedar Rapids. They are retiring and consolidating three aging substations as a part of this project.

Commissioner Knox-Seymour asked why this particular area was selected. Ms. Davis stated due to the proximity to the transmission line that runs along Mt Vernon Road makes it easy and also the site is centrally located.

Commissioner Overland called for members of the public who wished to speak.

Vincent Wolrab, 2121 Mt Vernon Road SE, Cedar Rapids, Iowa; Doris Ackerman, 1955 5th Avenue SE, Cedar Rapids, Iowa; Bob Dixon, 2148 Mt Vernon Road SE, Cedar Rapids, Iowa; David Matejka, 2140 Mt Vernon Road SE, Cedar Rapids, Iowa; Nora Ferguson, 2134 Mt Vernon Road, Cedar Rapids, Iowa stated the following reasons why they were against the substation in their neighborhood:

1. Health Concerns
2. Reduced Property Value of homes near substations
3. Unable to sell property and then homes are turned into rentals
4. Close to Homes
5. Noise factor
6. Suggestion Alliant place the substation in the City Property in the woods

7. Or consider using one of the three substation sites that are being retired
8. Would prefer not to have Alliant as a neighbor
9. Citizen's were not notified that the substation was to be built at this location until the conditional use signs were placed on the property
10. Invested and will invest a lot of money into their homes
11. Internet research shows that property values near a substation will go down

Commissioner Thoms stated that this is not the first substation in a residential area and asked Ms. Ackerman if she had any comparable that shows the value would be reduced by 50%. Ms. Ackerman stated that she does have any comparable.

Commissioner Overland asked that the applicant return to the podium to address the citizen concerns. Ms. Davis stated that she does not have any of the decibel information, substations typically produce a low humming sound, however this substation will be built 250 feet from the road and 20 feet below the road elevation, and thus Alliant is hoping that also with the natural landscaping all these efforts will help mask the noise.

Ms. Davis stated that in another neighborhood on E Avenue where Alliant built a Substation, the neighbors were not happy to have a substation in their area. After the substation was complete Alliant held a follow-up meeting with that neighborhood association and neighbors responded that they had no issues. In fact there was no traffic, landscaping is maintained and not a lot of activity at the substation after the construction was completed.

Commissioner Pankey asked if this would be similar to the substation built at 29th Street SE. Ms. Davis stated the substation would be the same size; however the structure would not be the same as that substation has a retaining wall around it and the structure is taller.

Commissioner Halverson asked if the trees would be small and younger trees. Ms. Davis stated that yes they planned to plant smaller younger trees that would mature over time.

Commissioner Knox-Seymour stated that it did not sound like Alliant had a meeting with the neighborhood. Ms. Davis stated that they did have a meeting on Tuesday of this week with the neighbors and they had similar questions and concerns. Ms. Davis stated she would contact her safety and health department to address the health concerns issue.

Commissioner Pankey asked if the chain link fence would be visible to the neighbors. Ms. Davis stated it would be visible to the south

Commissioner Knox-Seymour asked how many other places did Alliant consider before deciding on this location and why did they change the site. Ms. Davis stated that the original site had been purchased ten years ago and the reason it was decided to change the location was because of a ravine and Alliant would have had to build a 35-40 foot retaining wall and felt that was a safety concern.

Commissioner Overland asked if there were any more questions of the applicant. There were no more questions.

Commissioner Overland called for a motion to approve the conditional use. Commissioner Thoms made a motion to table the request for a conditional use for construction of a 69 KV Electrical Substation in a R-3, Single Family Residential Zone District until the next CPC

Meeting so that additional information could be provided such as the property values declining, noise decibel levels and the health reasons. Commissioner Knox-Seymour seconded the motion.

Commissioner Overland called for further discussion on the motion.

Commissioner Tertinger asked if we could also receive more information on whether the HPC had been contacted.

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

- **New Business**

1. Downtown Self Supporting Municipal Improvement District Expansion

Mr. Gunnerson, Community Development stated this is a petition by downtown land owners to be part of the Downtown Self Supporting Municipal Improvement District (SSMID). The expansion area is approximately 8 square blocks and between two existing SSMID districts, the Medical SSMID and the Downtown SSMID. This expansion would close the gap between the two districts. The petition is signed by 22 of the 59 owners which is 40%, more than the 25% required by state law. It represents 61% of the assessed value of taxable property in the expansion area. Mr. Gunnerson showed a map of the two existing districts and the area to be expanded into the Downtown SSMID. A SSMID district is a self taxing body that assesses property within the district and uses that assessment to pay for services above what the city provides for. The state code requires that the City Planning Commission review and make recommendation on the proposed expansion of the Downtown Self-Supporting Municipal Improvement District to the east, adding approximately 8 square blocks to the district. Final approval of the SSMID expansion will be voted on by City Council this fall.

Commissioner Overland called for questions of Mr. Gunnerson.

Commissioner Halverson will the new expanded area be asked to catch up on fees.

Commissioner Overland called for a representative of the applicant.

Doug Neumann, Economic Alliance, stated Economic Alliance's had been asked to take petitions to property owners and answer questions. Two and half of these blocks were planned to be part of the Medical SSMID, but the property owners would rather be in the Downtown SSMID. Working with the Mayor on the SSMID Commission appointments, one position has been left open until the new expansion area has been approved. Once approved a property owner from this new area will be appointed to the Commission so the property owner in the new Area are represented on the Commission. There is no provision by state law to make payment catch up.

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

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 Downtown Self Supporting Municipal Improvement District Expansion. Commissioner Halverson made a motion to approve the Downtown Self Supporting Municipal Improvement District Expansion. Commissioner Pankey seconded the motion.

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

- **Training Opportunities**

On October 16, 17, 18, 2013, Cedar Rapids is hosting the 2013 Iowa American Planning Association Conference. On October 16th there is a training session geared toward the City Planning Commission. Commissioners are encouraged to sign up for part or all of the conference and the City will pay for this training.

The meeting was adjourned at 3:45 p.m.

Respectfully Submitted,

Betty Sheets, Administrative Assistant
Community Development

DRAFT



Development Services Department
City Services Center
500 15th Avenue SW
Cedar Rapids, IA 52404
Telephone: (319) 286-5043

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

CPC Date: October 10, 2013
To: City Planning Commission
From: Development Services Department

Applicant: Sharp Investments, LLC
Titleholder: Sharp Investments, LLC
Case Number: RZNE-005376-2013
Location: 2663 Mt. Vernon Road SE
Request: Rezoning from R-3, Single Family Residence Zone District and O-S, Office/Service Zone District to C-2, Community Commercial Zone District
Case Manager: Vern Zakostelecky, Development Services Department

BACKGROUND INFORMATION:

The applicant is requesting rezoning to allow for redevelopment of the property. The building on the site was most recently used as a restaurant, but had been vacant for nearly one-year. The areas requested for rezoning are the parking areas to the south and west of the existing building. If approved, the existing building would be demolished to make way for a new commercial building, which the applicant has indicated would be an automotive parts store.

It should be noted the applicant held a neighborhood meeting on Thursday September 26, 2013 and there were not major issues or concerns. The neighborhood did have concerns regarding storm water run-off and a variance is being requested to reduce the 15' interior side buffer yard where the proposed parking and building would encroach.

The Preliminary Site Development Plan consists of the following improvements:

- Total site area of 36,590 s. f.
- Total area of proposed new commercial building is 6,800 s. f.
- Total proposed parking is 28 spaces including 2-handicap spaces-required are 23 spaces.
- Access from will be in the same location off Memorial Drive SE.
- Screen fencing and landscaping are proposed along the west and south property lines adjacent to the single family residential uses.
- Storm water management will be provided at the southwest corner of the site.
- The applicant is providing additional right-of-way along both Memorial Drive and Mt. Vernon Road SE for a 50' half-street right-of-way.

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 subject property proposed is generally shown as Commercial on the Future Land Use Map FLUM in the City's Comprehensive Plan. As such, the request to rezone to the C-2 Zoning District is in accord with the FLUM and the Goals and Objectives of the City's Comprehensive Plan.

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

Staff Comments: The property is currently developed with a vacant restaurant. The proposed development will generate less traffic than the previous use on the site and the City Traffic Engineering Department has no issues or concerns. The area to the north across Mt. Vernon Road SE is residential as well as the areas to the west and south. The property to the east across Memorial Drive SE is zone C-2 and developed as a CVS Store. The proposed development is consistent with the characteristics of the surrounding area, including any changing conditions. Staff has not received objections to this application. It should be noted that the City's Comprehensive Plan encourages commercial uses at the intersection of two major arterial streets. Both Mt. Vernon Road and Memorial Drive are considered major arterial streets.

- 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: The proposed development will be designed to meet minimum design standards with regard to building design, storm water management, landscaping and other site design elements. The applicant is proposing a one story building that should not be out of scale with the surrounding neighborhood, particularly since the property has been developed as commercial for many years.

- 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 area that is already served by sanitary sewer, storm sewer, water, gas, electricity, police and fire protection, and roads and transportation

facilities are in place. Redevelopment of this property will not have no impact on the levels of service to the existing development in the general area.

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 to construct 5' wide sidewalk along Memorial Drive SE adjoining this site. The property owner shall construct the sidewalk improvements in accordance with City Standards, ADA requirements, and improvement plans accepted by the City Public Works Director/City Engineer.
2. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible to submit to the City a signed Agreement for Private Storm Water Quality improvements on this site. The City Public Works Department shall provide a copy of the Agreement form upon request by the property owner.
3. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible to dedicate to the public additional street right-of-way along Mt Vernon Road SE and Memorial Drive SE providing a minimum 50' half width right-of-way adjoining this site.
4. Design guidelines and standards as specified in Subsection 32.05.030.C. shall be met or a variance must be obtained.
5. Street frontage landscaping yards with average depths of 15' (front) and 10' (side) are required or a variance must be obtained.
6. Buffer-yards of 15' (west side of lot) and 25' (south side of lot) are required or a variance must be obtained.
7. The existing structure shall be removed under appropriate permit and inspections conducted and approved.
8. Effective screening must be provided and maintained so as to screen the proposed structure and open parking from adjacent residential uses or a variance must be obtained.
9. Lighting fixtures shall be designed and shielded so that the light source is not visible from any single family or two family use located adjacent to or across a street or alley from the subject property, or from any public right-of-way.
10. Signage is not being reviewed at this time. Sign permit applications must be submitted and approved and permits obtained prior to erection of signage.
11. 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.
12. That Historic Preservation Commission review for structures 50-years old or older proposed for demolition is required subject to Chapter 18 of the City's Municipal Code, Subsection 18.10.

STAFF REPORT
Future Land Use Map Amendments

CPC Date: October 10, 2013
To: City Planning Commission
From: Development Services Department

Applicant: Affordable Housing Network, Inc.
Titleholder: Cedar Rapids Community School District
Case Number: FLUMA-005395-2013
Location: 3200 Pioneer Avenue SE
Request: Future Land Use Map Amendment from Institutional/Public to Low Density Residential
Case Manager: Vern Zakostecky, Development Services Department

BACKGROUND INFORMATION:

The applicant is requesting an amendment to the Future Land Use Map (FLUM) in the City's Comprehensive Plan to allow for redevelopment of the Monroe Elementary School into an affordable housing complex. The applicant has also submitted an application for rezoning from R-3, Single Family Residence Zone District to PUD-2, Planned Unit Development Two Zone District. The proposed redevelopment includes retrofitting the existing school into 19-apartments and a community space for the complex. The redevelopment of the property also would include the addition of 24-detached rental housing units to the north and east of the existing school.

The Preliminary Site Development Plan consists of the following:

- Redevelop the existing school to 19-unit apartments with a community space & the addition of 24-detached rental housing units.
- Total number of housing units is 43.
- Density is 7,790 sq. ft. of land area per unit.
- Total site is 7.69 acres.
- Total parking provided is 88 spaces & required is 86.
- Existing accesses to Pioneer Avenue SE would be utilized.
- Sidewalks would be provided throughout the development.
- Existing accessory buildings would be removed.
- Hard surface play court between the access drives.
- Stormwater management areas at several locations on the site.

A requirement of the PUD-2 Zoning District approval is to enter into a development agreement with the City that is approved by City Council resolution. The development agreement includes the following information:

- Estimated construction schedule for the development.

- Level of design the property will be developed including the State green building standards, creative stormwater management techniques, landscaping that exceeds the City's minimum requirements and parking in the rear with the buildings closer to the street.

The development agreement also includes modifications/variances the applicant is asking for in exchange for a higher level of building and site design including:

- Possible combination of some of the single units to duplexes.
- Reduction in buffer-yard screening requirements.

The applicant held a neighborhood open house at the school on September 26, 2013 and there were a number of concerned citizens. The following is a list of concerns expressed by the neighborhood:

1. Will there be enough parking? What will the impact be on on-street parking?
2. Concerns with stormwater run-off and impact on neighborhood.
3. Will the proposed development negatively impact property values in the neighborhood?
4. No yards for children to play in for the apartment proposed in the existing school.
5. Problems with tenants in neighboring apartments and fear this development will be the same.
6. Units will be rental, not owner occupied and will not be taken care of.
7. More traffic in the neighborhood.
8. Decreased stability for existing homes in the neighborhood/conversion to rentals.
9. Decrease in the health of the neighborhood including pride & safety.
10. Erosion concerns during construction.
11. Want fence between project & home.
12. Crime will go up.
13. View & privacy will be lost.
14. How will the property be managed & maintained?
15. Better uses for the school such as daycare, rest home, etc.
16. Too many units/too dense.

FINDINGS:

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

1. Will be consistent with the Plan priorities

Staff Comments: The Future Land Use Map in the Comprehensive Plan shows the property as Institutional/Public. The proposed use will provide additional affordable housing options for the southeast quadrant of the City. The City's Comprehensive Plan includes goals and objectives that provide for transition zoning and buffering from more intensive existing and planned uses. A case can be made that the requested amendment is consistent with the Plan's goals and objectives as stated below"

Plan Goals, Objectives and Policies:

- Provide for an ample supply of secure, stable housing that is financially attainable by all residents whether purchased or rented;

- Providing housing types in appropriate locations: There is concern that the segregation of different unit types within the City may be eroding a sense of community. This Plan recommends the dispersal of different housing opportunities throughout the community. This does not suggest a desire to mingle apartment buildings and detached single-family units. Rather, through effective buffering and land use transitions, a mix of unit types may be located in the same neighborhood.
- Policy 1.1.2 Maintain compatible transitions between different land use and housing types through effective land use and site design regulations. This policy is intended to allow for development of a planned mix of uses within neighborhoods.
- Policy 1.1.3 Protect stable single-family neighborhoods from the intrusion of incompatible residential and non-residential land uses. This policy is intended to protect neighborhoods from blighting influences; it is not intended to preclude development of different types of residences, local commercial centers or community services within neighborhoods if they can be designed and maintained in a manner that enhances neighborhood stability.
- Policy 1.6.6 Allow maximum residential densities to exceed those specified in Exhibit IV-2 on an individual parcel through the use of planned development regulations that require specified community benefits (e.g., compatible infill amenities, affordable housing, community parks, trails or open space). Development regulations will need to establish the conditions by which bonuses are granted and limitations on gross density increases.
- Policy 3.3.3 Prior to sale of publicly owned properties, evaluate potential for development of affordable housing units in partnership with the private sector or other housing agency.

Other City Policies:

- Retrofit or re-use of existing buildings to the extent possible.
- Utilize in-fill sites for development/redevelopment rather than development on the fringe/greenfield development sites.

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

Staff Comments: The general area has a mix of uses including low-density residential, multi-family residential. To the north and east are single-family homes and these areas are shown as Low Density Residential on the Future Land Use Map (FLUM). To the west and south is multi-family residential and these areas are shown as High Density Residential on the FLUM. The proposed land use would allow additional housing options for the southeast quadrant of the City and since the density exceeds the R-2 Zoning District the development will provide a transition in use intensity and buffer for the single-family residential uses in the area.

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

Staff Comments: The proposed Future Land Use Map amendment for this property will not create a shortage of any particular type of residential or non-residential land.

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

Staff Comments: The proposed Future Land Use Map amendment and development of this property will provide an additional housing choice for the southeast quadrant of the City and a transition zoning/use for High Density Residential to Low Density Residential for the single-family residential in the area.

If the City Planning Commission determines that the requested land use is not appropriate for this location, based on inconsistency with the Comprehensive Plan, the Commission should recommend denial of the proposed Future Land Use Map amendment to City Council.

Should the Commission determine that the proposed land use is appropriate; the Commission should make a recommendation to City Council to amend the Future Land Use Map designation from INSTITUTIONAL/PUBLIC to the requested LOW DENSITY RESIDENTIAL use designation.



Development Services Department
City Service Center
500 15th Avenue SW
Cedar Rapids, IA 52404
Telephone: (319) 286-5043

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

CPC Date: October 10, 2013
To: City Planning Commission
From: Development Services Department

Applicant: Affordable Housing Network, Inc.
Titleholder: Cedar Rapids Community School District
Case Number: RZNE-005398-2013
Location: 3200 Pioneer Avenue SE
Request: Rezoning from R-3, Single Family Residence Zone District to PUD-2, Planned Unit Development Two Zone District
Case Manager: Vern Zakostelecky, Development Services Department

BACKGROUND INFORMATION:

The applicant is requesting rezoning to allow for redevelopment of the Monroe Elementary School into an affordable housing complex. The proposed redevelopment includes retrofitting the existing school into 19-apartments and a community space for the complex. The redevelopment of the property also would include the addition of 24-detached rental housing units to the north and east of the existing school.

The Preliminary Site Development Plan consists of the following:

- Rezoning to PUD-2, Planned Unit Development Two Zone District
- Redevelop the existing school to 19-unit apartments and a Community space & the addition of 24-detached rental housing units.
- Total number of housing units is 43.
- Density is 7,790 sq. ft. of land area per unit.
- Total site is 7.69 acres.
- Existing accesses to Pioneer Ave. SE would be utilized.
- Sidewalks would be provided throughout the development.
- Existing accessory buildings would be removed.
- Hard surface play court between the access drives.
- Stormwater management areas at several locations on the site.

A requirement of the PUD-2 Zoning District approval is to enter into a development agreement with the City that is approved by City Council resolution. The development agreement includes the following information:

- Estimated construction schedule for the development.
- Level of design the property will be developed to including the State green building standards, creative storm water management techniques, landscaping that exceeds the City's

minimum requirements and parking in the rear with the buildings closer to the street.

The development agreement also includes modifications/variances the applicant is asking for in exchange for a higher level of building and site design including:

- Possible combination of some of the single units to duplexes.
- Reduction in buffer-yard screening requirements.

The applicant held a neighborhood open house at the school on September 26, 2013 and there were a number of concerned citizens. The following is a list of concerns expressed by the neighborhood:

1. Will there be enough parking? What will the impact be on on-street parking?
2. Concerns with stormwater run-off and impact on neighborhood.
3. Will the proposed development negatively impact property values in the neighborhood?
4. No yards for children to play in for the apartment proposed in the existing school.
5. Problems with tenants in neighboring apartments and fear this development will be the same.
6. Units will be rental, not owner occupied and will not be taken care of.
7. More traffic in the neighborhood.
8. Decreased stability for existing homes in the neighborhood/conversion to rentals.
9. Decrease in the health of the neighborhood including pride & safety.
10. Erosion concerns during construction.
11. Want fence between project & home.
12. Crime will go up.
13. View & privacy will be lost.
14. How will the property be managed & maintained?
15. Better uses for the school such as daycare, rest home, etc.
16. Too many units/too dense.

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 subject property is shown as Institutional/Public on the Future Land Use Map (FLUM) in the City's Comprehensive Plan. As such, the request to rezone to the PUD-2 Zone District is not in accord with the FLUM. The applicant has also submitted a request for an amendment to the FLUM. The proposed density of the development is 7,790 sq. ft. of land area per dwelling unit. This is considered Low Density in the Comprehensive Plan and is lower density than the surrounding neighborhood. The proposed uses will be defined in the development agreement approved as part of the PUD process.

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

Staff Comments: The property is currently developed as an elementary school, which is vacant. The proposed development will generate typical residential traffic and the City Traffic Engineering Department has not expressed any issues or concerns. The areas to the north and east are developed as single-family residential. To the west are apartments and a City Park. To the south are apartments. The proposed development is consistent with the characteristics of the surrounding area, including any changing conditions. Staff has received several objections to 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 PUD-2 Zoning District, if determined by City Council to be appropriate.

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 only will the proposed development will be designed to meet minimum design standards it will exceed standards with regarding to building design, storm water management, landscaping and other site design elements. The development agreement approved by City Council will include uses allowed and not allowed, specifics on design elements, and modifications the applicant is requesting. Staff encourages the applicant to work closely with the neighborhood to address issues and concerns expressed.

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 area that is already served by sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation facilities are in place. Redevelopment of this property will not have a negative impact on the levels of service to the existing development in the general area. Conversely, the proposed development will provide additional housing choices for the general area.

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 to submit to the City a signed Agreement for Private Storm Water Quality improvements on this site. The City Public Works Department shall provide a copy of

the Agreement form upon request by the property owner.

2. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible for removal and replacement of City sidewalk along Pioneer Avenue SE adjoining this site, damaged as a result of construction activities on this site or not meeting ADA standards. 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.
3. Effective screening shall be provided and maintained so as to screen open parking spaces and the drive thereto where adjacent to a residential use per provisions of the Zoning Ordinance.
4. That all lighting shall be of a type, design and placement, and also be shielded in a manner to minimize impact on adjacent residential properties.
5. The existing structures must be removed under appropriate permit and inspections conducted and approved.
6. 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.
7. Required off street parking will need to be provided based on 2 spaces per dwelling unit. An additional 10% of the total for the 19 apartment units will be required for guest parking.

09.26.2013



Monroe Villas of Cedar Rapids

Exterior 3d View

09.26.2013

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Monroe Villas of Cedar Rapids



Monroe Villas of Cedar Rapids

Exterior 3d View
09.26.2013



Monroe Villas of Cedar Rapids

Exterior 3d View

09.26.2013

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

CPC Date: October 10, 2013
To: City Planning Commission
From: Development Services Department

Applicant: Compass Commercial Services, LLC
Titleholder: The Fountains, LLC
Case Number: RZNE-005512-2013
Location: 600 and 616 1st Street SE
Request: Rezoning from PUB, Public Zone District to C-4, Central Business Zone District
Case Manager: Vern Zakostelecky, Development Services Department

BACKGROUND INFORMATION:

The applicant is requesting rezoning to allow for redevelopment of the property. The building on the site is 4-stories and was most recently used as a furniture store, but has been vacant prior to the Flood of 2008. The building was damaged as a result of the flood and the applicant is proposing to renovate the building with a mix of commercial/office uses on the first 2-floors and 5-condominium housing units on the 3rd and 4th floor. The building site is zoned C-4, Central Business Zone District and the parking lot southerly of the building is zoned PUB, Public Zone District.

The Preliminary Site Development Plan consists of the following improvements:

- Total site area of 42,000 s. f.
- Existing building foot print is 10,635 s. f.
- Total area of proposed building expansion is 1,154 s. f.
- Total proposed parking is 77 spaces including:
 - 3-handicap spaces-2 being van accessible.
 - 14 spaces under the existing building.
 - 63 surfacing parking spaces.
- Access from will be in the same location off 7th Ave. SE.
- Storm water management is not required.

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 subject property proposed for rezoning is shown as Central Business District on the Future Land Use Map (FLUM) in the City's Comprehensive Plan. As such, the request to rezone to the C-4 Zoning District is in accord with the FLUM and the Goals and Objectives of the City's Comprehensive Plan, particularly with the proposed mix of uses including commercial, office and residential in the core of the downtown.

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

Staff Comments: The property is currently developed with a vacant 4-story commercial building. The proposed development will generate more traffic than the previous use on the site, but the City Traffic Engineering Department has no issues or concerns. The general area is developed or being redeveloped with a mix of commercial, public, service, office, and residential uses. The proposed development is consistent with the characteristics of the surrounding area, including any changing conditions. Staff has not received any objections to 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-4 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 be designed to meet minimum design standards with regard to building design, landscaping and other site design elements. The proposed rezoning will protect the existing area from nearby development at heights and densities that are out of scale with the existing neighborhood.

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

Staff Comments: This parcel is located in the "Core Area", which is already served by sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation facilities are in place. Development of this property will not have a negative impact on the levels of service to the existing development in the general area. Conversely, the mixed use development will provide amenities to the area including shopping, service related uses, employment opportunities and additional housing choices.

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 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 adjoining this site, damaged as a result of construction activities on this site or not meeting ADA standards. 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. Said lots are to be combined so as to constitute a single zoning lot and tax parcel.
3. If outdoor dumpster(s) are 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.
4. 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.

Contact Person	CHAD M. PELLEY, P.E.
Telephone Number	(319) 395-7900
Fax Number	(319) 395-7933
Mailing Address	1641 BOYSSON SQUARE DRIVE, SUITE 100 HIAWATHA, IA 52233
E-Mail Address	CPHELLEY@CDMPASS-BUILT.COM
Date Submitted	09/05/13
Date Revised	09/16/13
Date Revised	

APPLICANT
THE FOUNTAINS, LLC
C/O JOE AHMANN
1641 BOYSSON SQUARE DRIVE, SUITE 100
HIAWATHA, IA 52233
PHONE (319) 395-7900
EMAIL JAHMANN@AHMANNDESIGN.COM

OWNER
THE FOUNTAINS, LLC
C/O JOE AHMANN
1641 BOYSSON SQUARE DRIVE, SUITE 100
HIAWATHA, IA 52233
PHONE (319) 395-7900
EMAIL JAHMANN@AHMANNDESIGN.COM

AREA CALCULATIONS

TOTAL EXISTING AREA - 42,000 SF (0.96 AC)
EXISTING PAVED AREA - 24,916 SF (0.57 AC, 59.3%)
EXISTING BUILDING FOOTPRINT AREA - 10,635 SF (0.24 AC, 25.3%)
EXISTING OPEN AREA - 6,449 SF (0.15 AC, 15.4%)
TOTAL PROPOSED AREA - 42,000 SF (0.96 AC)
PROPOSED PAVED AREA - 25,526 SF (0.59 AC, 60.8%)
PROPOSED BUILDING FOOTPRINT AREA - 11,789 SF (0.27 AC, 28.0%)
PROPOSED OPEN AREA - 4,685 SF (0.11 AC, 11.2%)

PURPOSE
2-FLOORS OF MIXED USE COMMERCIAL, 5 CONDOMINIUM DWELLING UNITS, PARKING LOT
EXISTING ZONING
C-4, PUB

PROPOSED ZONING
C-4

DIMENSIONAL STANDARDS

C-4
AREA: 0 SF.
LOT WIDTH: 50 FT.
FRONT YARD SETBACK: 0 FT.
INTERIOR SIDE YARD: 0 FT.
CORNER SIDE YARD: 0 FT.
REAR YARD: 0 FT.

LEGAL DESCRIPTION

ENTIRE SITE
LOTS 1 THROUGH 5, BLOCK 8, ORIGINAL TOWN, NOW CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA
REZONING
SE-LY 40' OF LOT 2, BLOCK 8, ORIGINAL TOWN, NOW CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA
AND
LOTS 3 THROUGH 5, BLOCK 8, ORIGINAL TOWN, NOW CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA

PARKING REQUIREMENTS

REQUIRED
SITE IS LOCATED WITHIN THE C-4 DOWNTOWN CENTRAL BUSINESS DISTRICT, OFF-STREET PARKING IS NOT REQUIRED.

PROVIDED
TOTAL 77 SPACES
63 SURFACE STALLS INCLUDING 3 HANDICAP SPACES (2 VAN ACCESSIBLE)
14 UNDERGROUND SPACES WITHIN BUILDING

LANDSCAPE REQUIREMENTS

6TH AVENUE SE
STREET TREES IN ROW
TREES: 140/40=3.5 TREES REQUIRED, 2 EXISTING TREES TO BE PROTECTED, NO ADDITIONAL TREES PROVIDED DUE TO SIGHT AND SPACE CONSTRAINTS AND UNDERGROUND UTILITY CONFLICTS

7TH AVENUE SE
STREET TREES IN ROW
TREES: (140-24)/40=2.9 TREES REQUIRED, 2 EXISTING TREES TO BE PROTECTED, 1 PROVIDED

PARKING LOT SCREENING
SHRUBS TO SCREEN 57' X 0.67=38' 38'/4=9.5 (4' AVG. SHRUB HEIGHT)
10 SHRUBS REQUIRED
11 SHRUBS PROVIDED

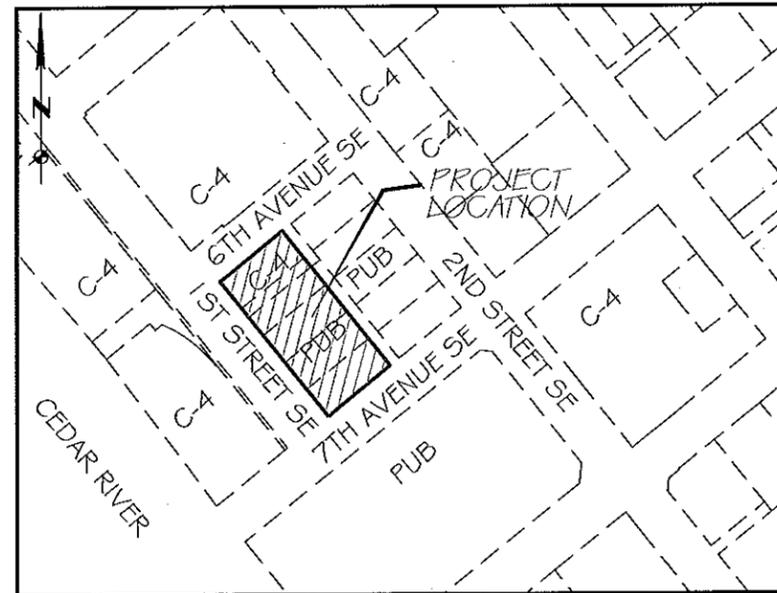
1ST STREET SE
STREET TREES IN ROW
TREES: 300/40=7.5 TREES REQUIRED, 1 EXISTING TREE TO BE PROTECTED, 5 PROVIDED DUE TO SIGHT AND SPACE CONSTRAINTS AND UNDERGROUND UTILITY CONFLICTS

PARKING LOT SCREENING
SHRUBS TO SCREEN 177' X 0.67=119' 119'/4=29.8 (4' AVG. SHRUB HEIGHT)
30 SHRUBS REQUIRED
33 SHRUBS PROVIDED

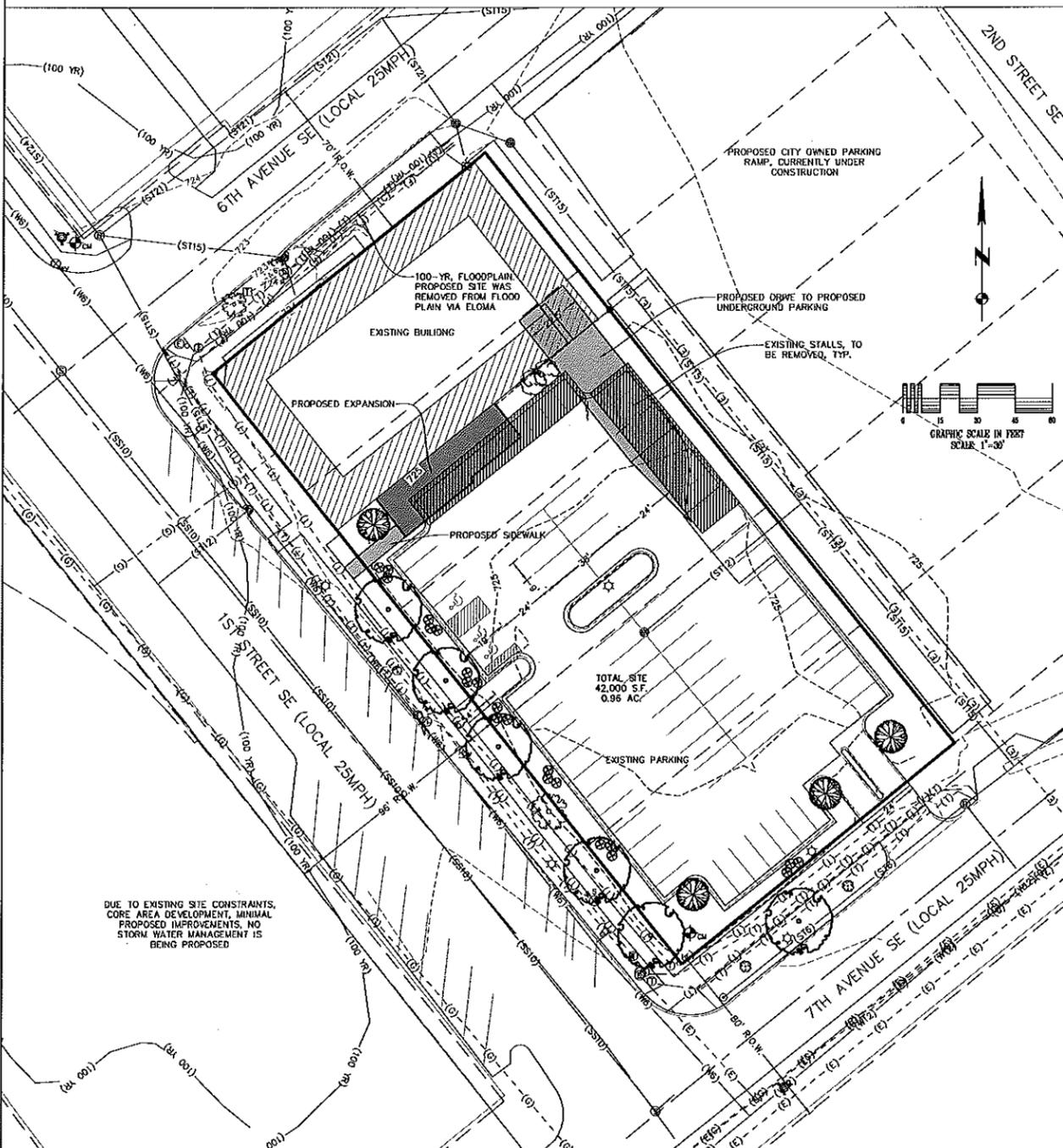
PARKING LOT TREES
REQUIRED: 1 TREE PER 12 STALLS (63 STALLS/12)=5.3 TREES REQUIRED, 2 EXISTING TREES TO BE PROTECTED, 4 PROVIDED

PARKING LOT SCREENING
SHRUBS TO SCREEN 177' X 0.67=119' 119'/4=29.8 (4' AVG. SHRUB HEIGHT)
23 SHRUBS PROVIDED

STORM WATER MANAGEMENT
DUE TO EXISTING SITE CONSTRAINTS, DEVELOPMENT BEING WITHIN THE CORE AREA AND MINIMAL PROPOSED IMPROVEMENTS, NO STORM WATER MANAGEMENT IS BEING PROPOSED



LOCATION MAP
(NOT TO SCALE)



LEGEND

UTILITY LEGEND-EXISTING

- (SSB) SANITARY SEWER W/SIZE
- (ST18) STORM SEWER W/SIZE
- (S) SUBDRAIN
- (FM6) FORCE MAIN W/SIZE
- (WM) 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
- (OHT) FIBER OPTIC-OVERHEAD
- (T) TELEPHONE-UNDERGROUND
- || FENCE LINE
- (FP) SILT FENCE
- (FW) FLOODPLAIN LIMITS
- (CORP) FLOODWAY LIMITS
- (CORP) CITY CORPORATE LIMITS
- BOO CONTOUR LINE
- Light Pole w/o Mast
- Light Pole w/Mast
- Telephone Pole
- Power Pole
- Guy Anchor
- Guy Pole
- Telephone Pedestal
- Telephone Manhole
- Cable TV Pedestal
- Utility/Control Cabinet
- Sanitary Manhole
- Storm Manhole
- Grate Intake
- RA-3 Intake
- RA-5 Intake
- RA-6 Intake
- RA-8 Intake
- Horseshoe Catch Basin w/o Flume
- Horseshoe Catch Basin w/Flume
- Gas Valve
- Flared End Section
- Cleanout, Storm or Sanitary
- Traffic Signal w/Mast
- Bollard
- Benchmark
- Street Sign
- Well
- Soil Boring
- Fire Hydrant
- Water Valve
- Water Shutoff
- Water Blowoff

UTILITY LEGEND-PROPOSED

- SSB SANITARY SEWER W/SIZE
- ST18 STORM SEWER W/SIZE
- FM6 FORCE MAIN W/SIZE
- WM2 WATER MAIN W/SIZE
- CORP CITY CORPORATE LIMITS
- Sanitary Manhole
- Storm Manhole
- Grate Intake
- RA-3 Intake
- RA-5 Intake
- RA-6 Intake
- RA-8 Intake
- Horseshoe Catch Basin w/o Flume
- Flared End Section
- Cleanout, Storm or Sanitary
- Fire Hydrant
- Water Valve
- Water Shutoff
- Water Blowoff

SURVEY LEGEND

- SET REBAR W/CAP NO.
- FOUND SURVEY MONUMENT AS NOT FOUND
- ⊗ FOUND RIGHT OF WAY RAIL
- ⊕ SECTION CORNER SET AS NOTED
- ⊙ SECTION CORNER FOUND AS NOTED
- ⊗ CUT "X" IN CONCRETE
- ⊙ RECORDED AS
- EASEMENT LINE
- PLAT OR SURVEY BOUNDARY
- PLAT LOT LINE
- CENTERLINE
- SECTION LINE
- 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.



1641 BOYSSON SQUARE DRIVE
SUITE 100
CEDAR RAPIDS, IOWA 52314

PHONE 319.393.9011
877.393.9022
FAX 319.395.7933

PRINTED

DATE	REMARKS

Revision Schedule

Rev#	Description	Date

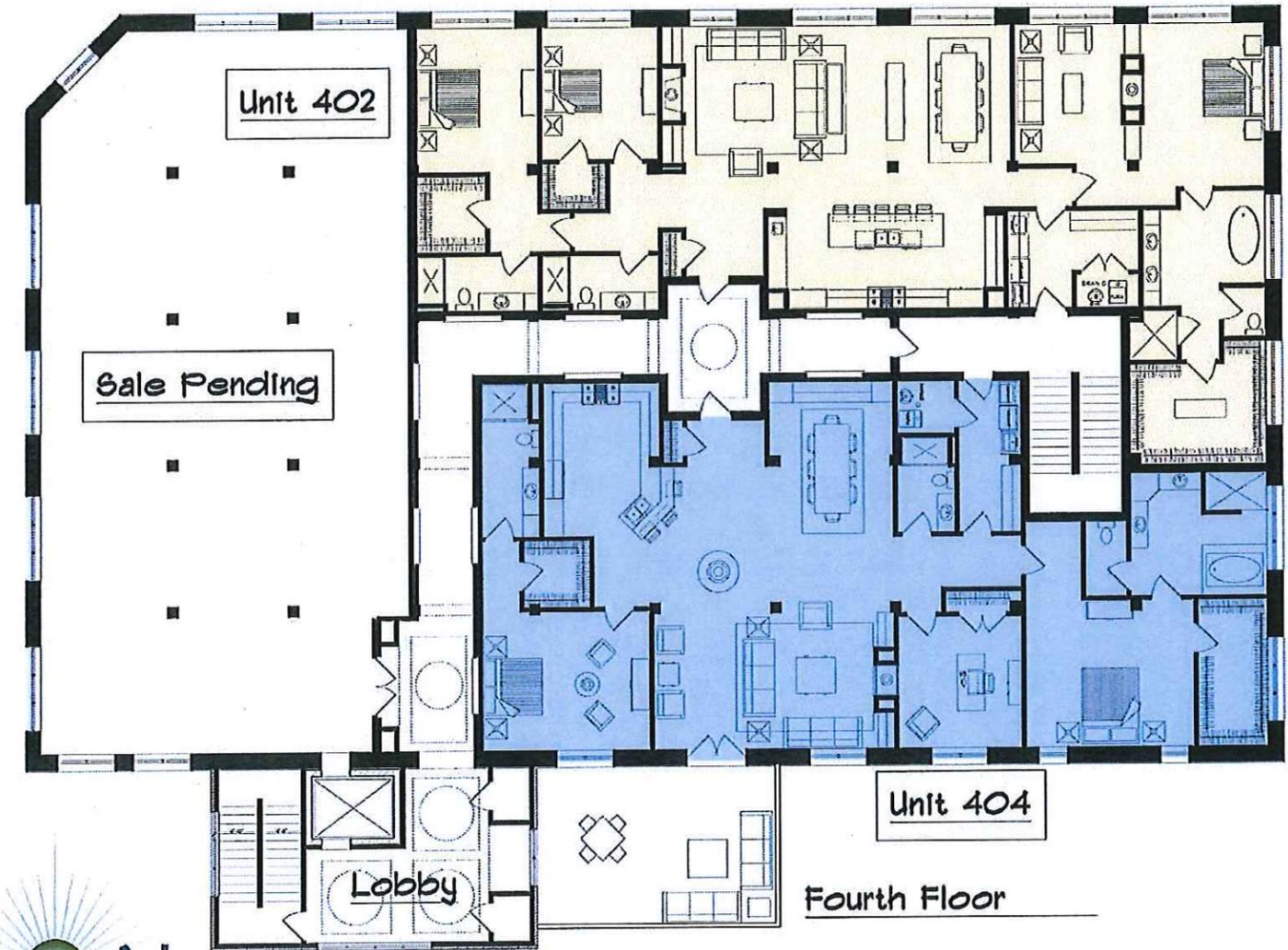
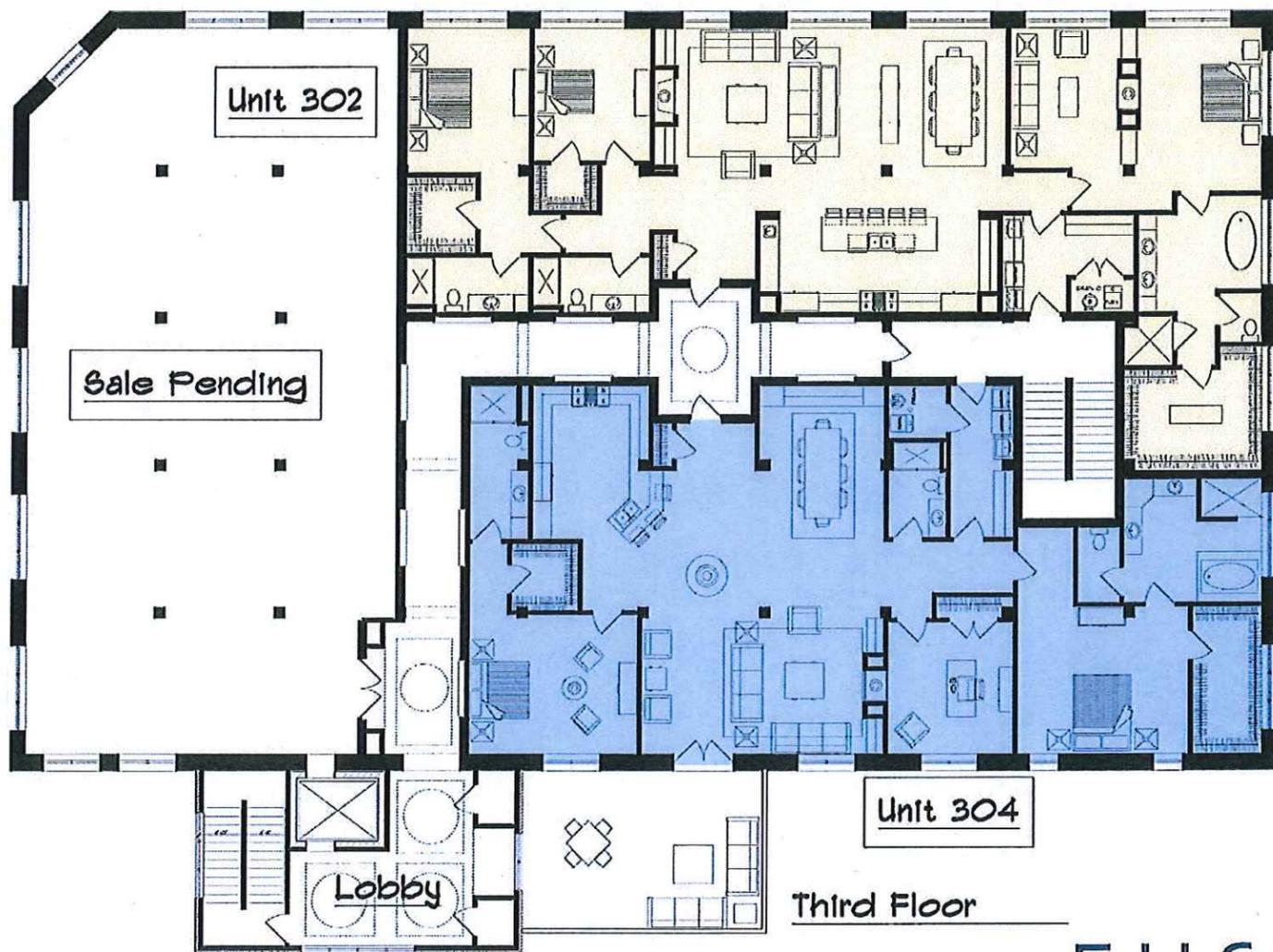
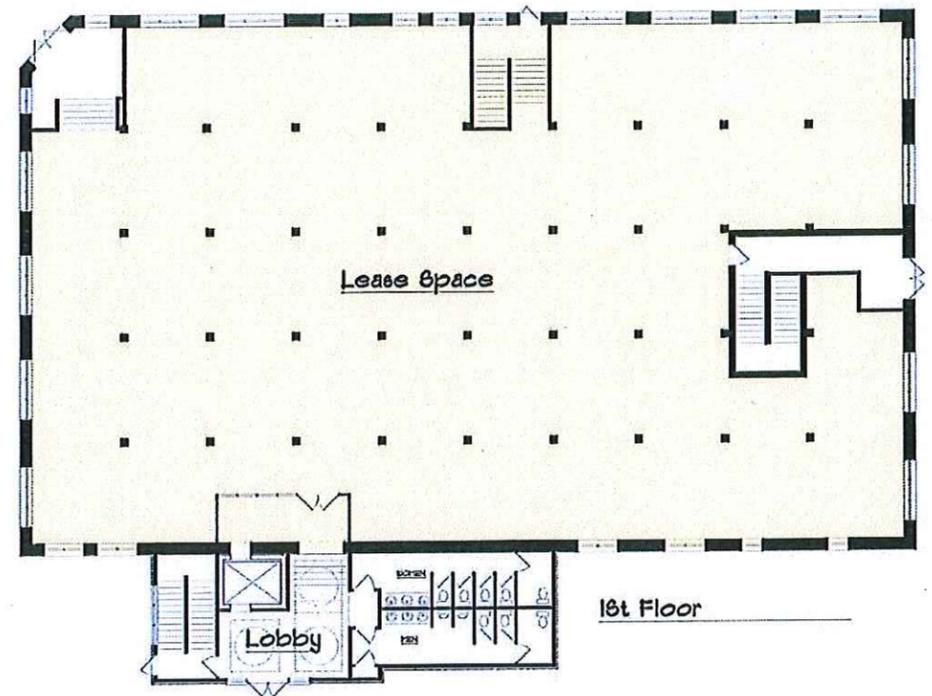
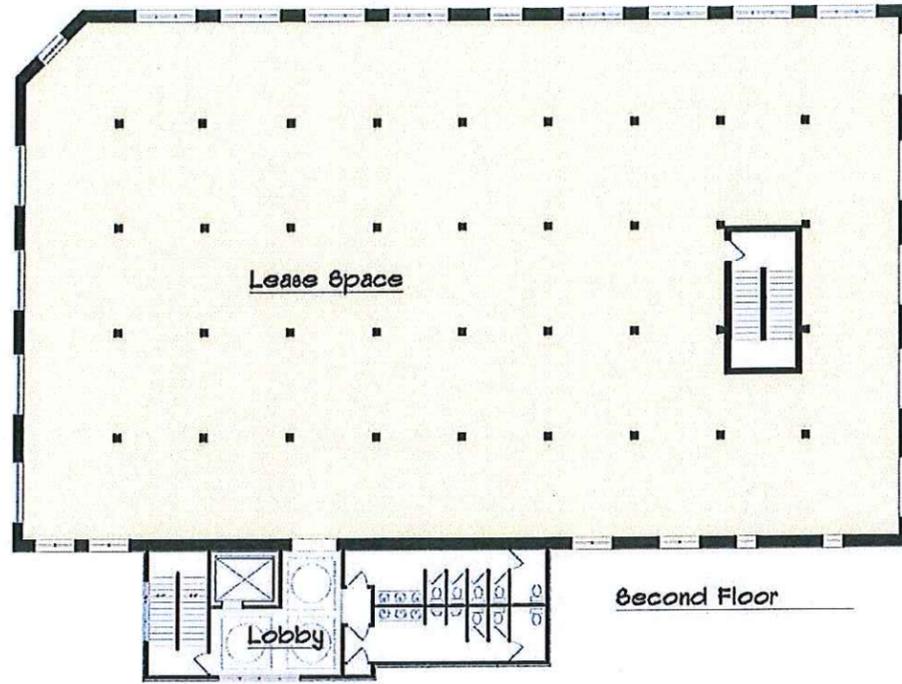
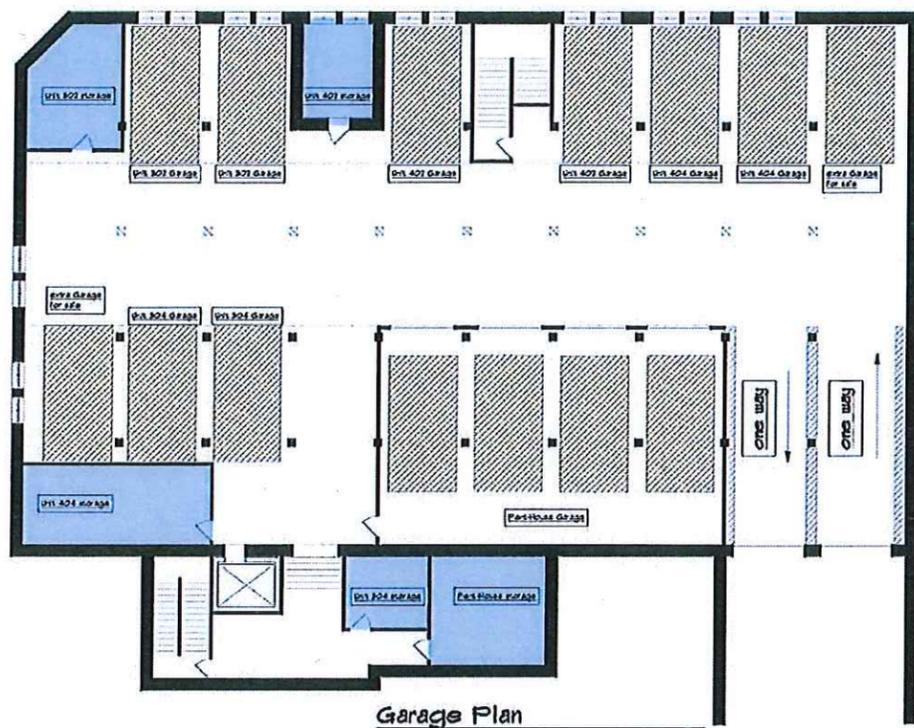
GREAT FURNITURE MART
REDEVELOPMENT
600 1ST STREET SE,
CEDAR RAPIDS, IOWA

REZONING PRELIMINARY SITE
DEVELOPMENT PLAN

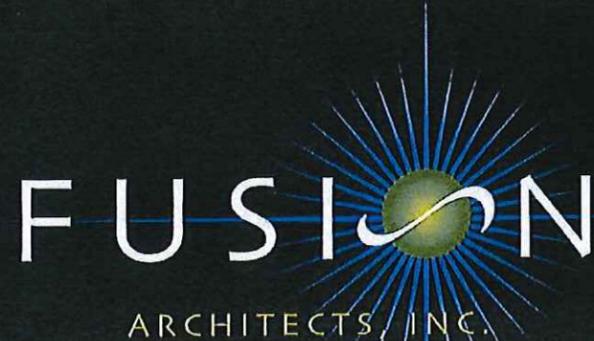
DATE: 01 SEPTEMBER, 2013

PROJECT NO.
26312

A101



MIXED-USE PROJECT, 600 1ST STREET SE



MIXED-USE PROJECT, 600 1ST STREET SE



MAIN LIVING AREA VIEW 2

MAIN LIVING AREA

MASTER/SITTING AREA



COMPASS
COMMERCIAL SERVICES, LLC



FUSION
ARCHITECTS, INC.

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

CPC Date: October 10, 2013
To: City Planning Commission
From: Development Services Department

Applicant: Children on First, Inc.
Titleholder: Shaheen Enterprises, Inc.
Case Number: COND-005229-2013
Location: 1616 6th Street SW
Request: Conditional Use approvals for an outdoor service area and parking within a residential zoning district
Case Manager: Dave Houg, Development Services Department

BACKGROUND INFORMATION:

This is to certify that the Development Services staff has examined the petition of Children On First, Inc. and Shaheen Enterprises, Inc. requesting Conditional Use approvals for an outdoor service area and parking in a residential district for property at 1616 6th Street SW and zoned C-2, Community Commercial Zone District and R-3, Single Family Residential District.

Deli & Brew is a tavern/restaurant located in a commercial building south of 16th Avenue SW and west of 6th Street SW. The applicant wishes to receive approval for an outdoor service area and an expansion of the parking area. The proposed outdoor patio and paving expansion are already constructed.

The site plan submitted shows the following characteristics:

- Total site area: 18,780 sq ft
- Total area of existing structure: 2,550 sq ft
- Total size of proposed outdoor service area: approximately 600 sq ft
- Total parking required and provided: 24 spaces

After careful review, the staff has prepared the following findings in accord with Section 32.02.030.D. of the Zoning Ordinance:

FINDINGS:

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

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

Staff Comments: The conditional uses requested are permitted within the C-2, Community Commercial Zone District and R-3, Single Family Residence Zone District.

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

Staff Comments: This area is designated as Commercial on the City's Future Land Use Map. The site is adjacent to single-family residential properties. Conditional Use approval for an outdoor service area in a C-2 Zone District has the potential to be disruptive to the neighborhood due to hours of operation and noise generated from the outdoor activities at the site.

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 restaurant/bar has operated at this location since 1920. The effects of the proposed conditional use do have the potential to be incompatible with the existing conditions in the surrounding residential neighborhood.

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 service area will not be visible from the street and privacy fencing has been provided.

5. **That adequate measure 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: There are no anticipated changes to the traffic patterns or required public services and facilities necessary to serve the site.

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

Staff Comments: The building and site will be required to comply with all provisions of the Zoning Ordinance and the C-2 Zoning District, the staff recommended conditions and all other applicable codes and regulations.

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: Privacy fencing has been provided adjacent to residential properties.

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

Staff Comments: This plan is consistent with the plan which previously approved a parking lot expansion (CU #17-2010 was approved by the BOA on 1/10/11).

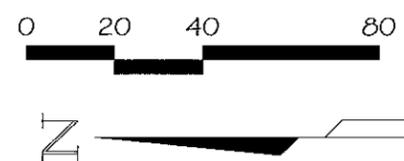
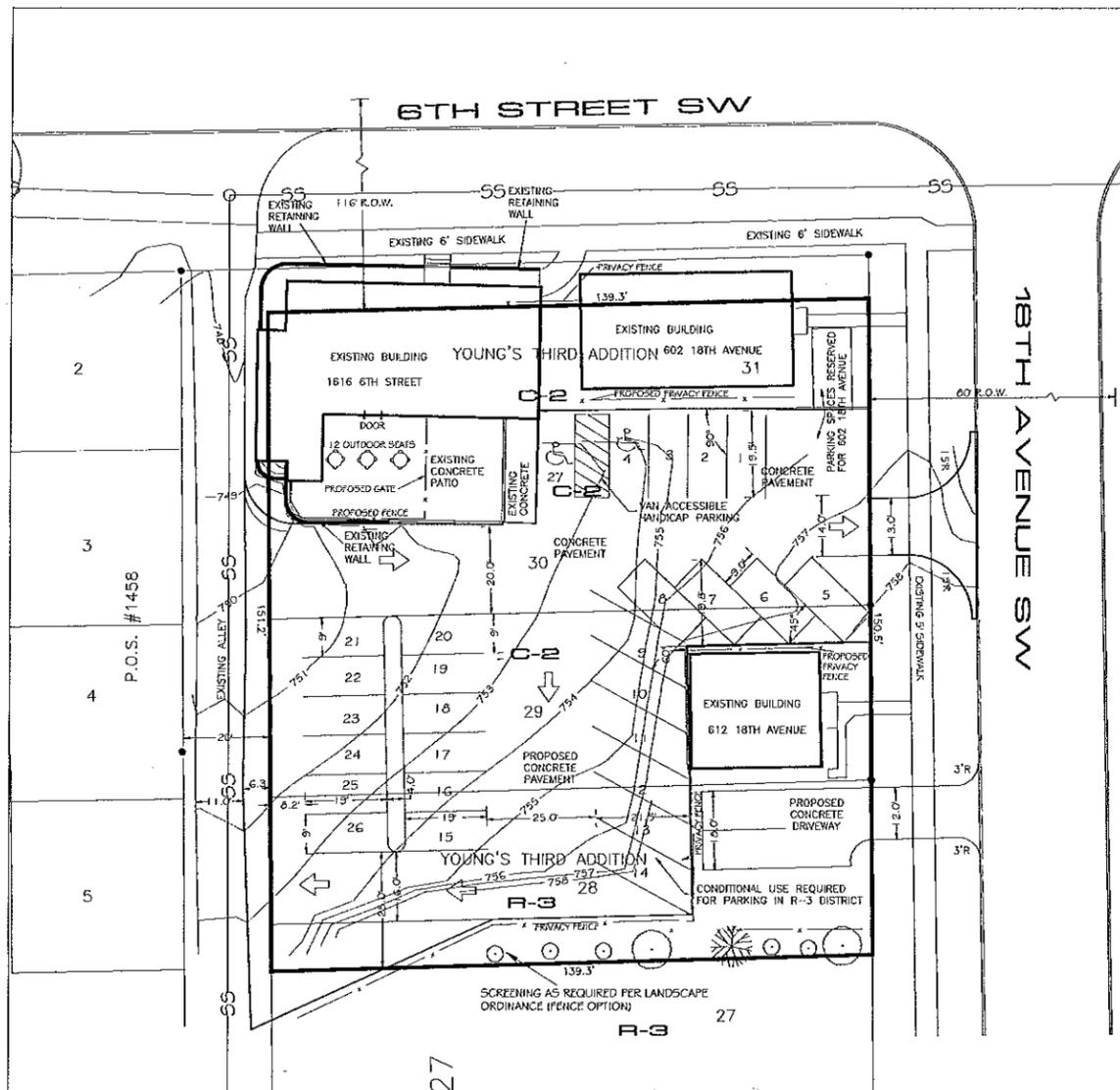
9. **The Site Development Plan conforms to all applicable requirements of this Ordinance.**

Staff Comments: The site development plan conforms to all applicable requirements of Chapter 32, The City's Zoning Ordinance.

If the Commission determines to recommend approval of the proposed conditional uses, adoption of the following conditions as recommended by City Departments should be considered.

RECOMMENDED CONDITIONS:

1. An acceptable shared access and parking easement agreement between 612 18th Avenue & 1616 6th Street SW is required.
2. An acceptable shared access and parking easement between 602 18th Avenue SW & 1616 6th Street SW is required.
3. Effective screening shall be provided and maintained so as to screen the nonresidential structure, open parking spaces and the drive thereto where adjacent to a residential use per provisions of the Zoning Ordinance or a variance be obtained.
4. No amplified outdoor music such as bands, karaoke, and public address systems, etc. shall be allowed in the outdoor service area.
5. All required inspections for building and site work shall be completed and a Certificate of Occupancy approved.
6. That the current project is not complete and fencing and a gate must still be installed. The gate must meet all Fire Department regulations related to entry/egress points. The gate shall be used only as an emergency entry/egress route unless the beer garden is staffed continually during normal business hours.
7. That the outdoor service area must have fencing. The fencing requirements, for an outdoor service area with limited staffing, must be of sufficient height to deter the passing of alcoholic beverages over the top of the fence. The fence must also be designed in such a manner as to prohibit the passing of alcoholic beverages through it. The fencing requirements, for an outdoor service area that is staffed full time during normal business hours, can vary some from the above requirements. For those outdoor service areas a specific fence design must be submitted and it will be evaluated on a case-by-case basis.
8. That the Police Department shall re-inspect the outdoor service PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
9. The proposed gate will be required to swing in direction of egress with panic hardware.



OWNER: CHILDREN ON FIRST, INC.
C/O GREG BULICEK

PETITIONER: CHILDREN ON FIRST, INC.
C/O GREG BULICEK
1616 6TH STREET SW
CEDAR RAPIDS, IA 52404
319-560-6096

ENGINEER: BRAIN ENGINEERING, INC.
1540 MIDLAND COURT NE
CEDAR RAPIDS, IA 52402
319-294-9424

ALL MEASUREMENTS IN FEET AND DECIMALS THEREOF.
CONTOUR INTERVAL IS 1 FEET

SITE ADDRESS: 612 18TH AVENUE SW
LEGAL DESCRIPTION: LOT 28, BLOCK 18 JAMES C. YOUNG'S 3RD ADDITION

EXISTING ZONING: C-2 AND R-3
PROPOSED ZONING: C-2 AND R-3

PROPOSED USE: OUTDOOR DINING WITH ALCOHOL SERVICE
REQUEST: CONDITIONAL USE FOR OUTDOOR DINING IN R-3 DISTRICT

YARD SETBACK REQUIREMENTS: C-2
FRONT YARD: 25 FEET
SIDE YARD: 0 FEET
REAR YARD: 0 FEET
CORNER SIDE YARD 15 FEET

TOTAL SITE AREA: 18,780 SQ. FT. = 0.43 ACRES

TOTAL SQ. FT. OF STRUCTURES:
EXISTING: 2,550 SQ. FEET = 13.6%
PROPOSED: 2,550 SQ. FEET = 13.6%

TOTAL HARD SURFACE AREA (INC BUILDINGS):
EXISTING: 7,560 SQ. FEET = 40.2%
PROPOSED: 15,960 SQ. FEET = 81.3%

TOTAL OPEN SPACE:
EXISTING: 11,220 SQ. FEET = 59.8%
PROPOSED: 4820 SQ. FEET = 18.7%

EXISTING CONDITION NOTE:
AREAS DEPICTED AS PROPOSED CONCRETE ARE CURRENTLY GRAVEL SURFACED.

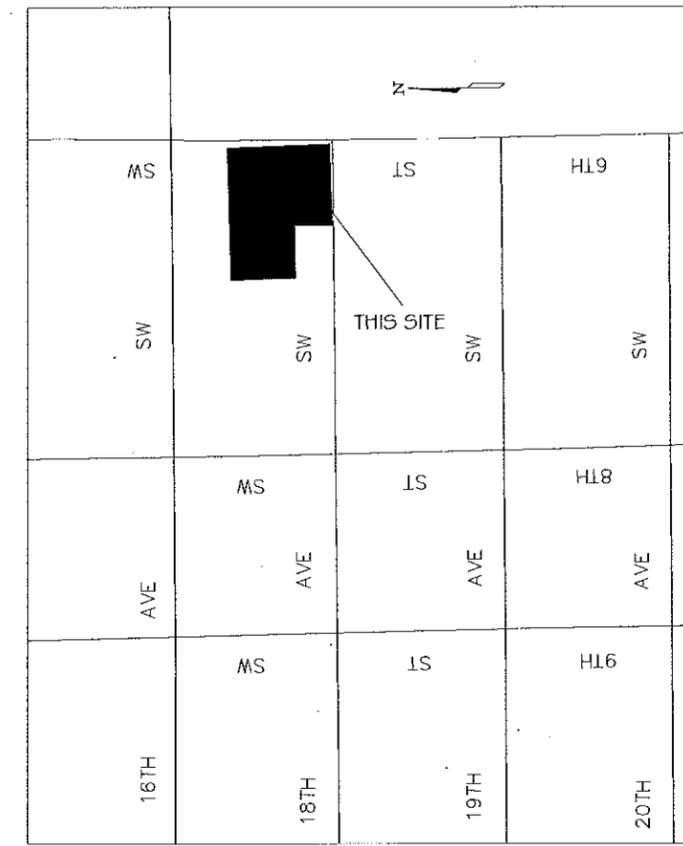
DESIGN EXCEPTION NOTE:
DESIGN EXCEPTION FOR 13-FOOT WIDE DRIVEWAY TO 18TH AVENUE APPROVED 01/05/2011.

PARKING REQUIRED:
RESTAURANT = 10 PER 1000 SF GFA
2118 SF RESTAURANT * 10 SPACES / 1000 SF GFA = 22 SPACES
12 OUTDOOR SEATS / 2.5 SEATS PER PARKING SPOT = 5 SPACES

TOTAL PARKING SPACES REQUIRED = 27 SPACES
TOTAL HANDICAP SPACES REQUIRED = 2 SPACES (1 VAN ACCESSIBLE)

TOTAL PARKING SPACES PROVIDED = 27 SPACES
TOTAL HANDICAP SPACES PROVIDED = 2 SPACES (1 VAN ACCESSIBLE)

LOCATION MAP SCALE 1" = 400'



CONTACT PERSON

Contact Person	MIKE BRAIN, SMBRAIN@BRAIN-ENG.COM
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Date Submitted	8/30/13
Date Revised	

BRAIN ENGINEERING, INC.
 CONDITIONAL USE SITE PLAN
 BULICEK'S DELI & BREW
 Project No. 371713-10
 Page 1 of 1
 Date 8/21/13
 Scale 1" = 40'
 Drawn: DJB
 Checked: []
 Revised: []
 Date: []
 By: []



Development Service Department
City Service Center
500 15th Avenue SW
Cedar Rapids, IA 52404
Telephone: (319) 286-5043

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

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

Applicant: City of Cedar Rapids
Titleholder: City of Cedar Rapids
Case Number: RZNE-006088-2013
Location: 1302 Ellis Boulevard NW, 1310 Ellis Boulevard NW, 948 N Street SW and 1791 Mallory Street SW
Request: Change of zone from R-3, Single Family Residence Zone District to R-TN, Traditional Neighborhood Residence Zone District
Case Manager: Vern Zakostecky

BACKGROUND INFORMATION:

This is the seventh round of City owned properties brought before the City Planning Commission for rezoning in connection with the City's third round of the Single Family New Construction (SFNC) program locally known as the ROOTs program. These properties are being requested to be rezoned to R-TN, Residential Traditional Neighborhood, in order to remove technical barriers for redevelopment.

These properties have been identified with a preferred builder as part of the ROOTs Program. The builders were identified through a competitive proposal process based on the Administrative Plan adopted by the City Council. The program utilizes City owned properties in the Neighborhood Revitalization Area, areas outside the Construction /Study Area and Greenway as well as the 100-year floodplain. The lots are being provided to the developers in exchange for their commitment to build new housing as part of the program.

Rezoning:

The four (4) properties being brought forward by a City-initiated rezoning are in areas of residential redevelopment identified through the Neighborhood Planning Process and are currently zoned R-3. The current zoning classification is not appropriate for the size and square footage of the lots making them legal non-conforming lots which can be problematic for homeowners in the future. The rezoning to R-TN will allow new housing to blend into the neighborhood context in terms of meeting setbacks of the neighborhood. In addition, it is important that there not be any issues such as the need for variances in current zoning or being legal non-conforming lots, which might create financing issues with lenders, future buyers or with homeowners insurance. The zoning of the lots were established prior to the City's adoption of the R-TN Zoning District, which was used in the Oakhill/Jackson Neighborhood as part of the City's Housing and Neighborhood Development (HAND) program. In mimicking the results that were achieved through the HAND project, staff is initiating rezoning on all City-owned lots

to the R-TN Zoning District prior to deeding of the properties to the identified developers for infill construction of new flood replacement housing. The attached map provides an overview of where the properties proposed for rezoning are located.

After a presentation by Community Development staff and any comments, issues, and/or concerns are heard from citizens, City staff will be looking for a recommendation to move forward to City Council.

FINDINGS:

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

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

Staff Comments: The R-TN Zoning classification was created as part of the 2006 Cedar Rapids Zoning Ordinance to allow for greater flexibility in infill development on smaller parcels within the core of Cedar Rapids. Many of the lots proposed for rezoning previously held single-family homes but were legal, non-conforming in nature due to changing zoning standards over the years. This rezoning is proposed to make the lots developable without requiring a variance.

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

Staff Comments: All rezoning is consistent with the Future Land Use Map and the 2009 Neighborhood Planning Process guidelines for post-flood redevelopment.

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

Staff Comments: The proposed ROOTs homes are consistent with the type of housing currently located in these neighborhoods.

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

Staff Comments: All properties have been identified as suitable for single-family home development.

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: Staff believes the development will be in line with the historical size and scale of housing in the neighborhood.

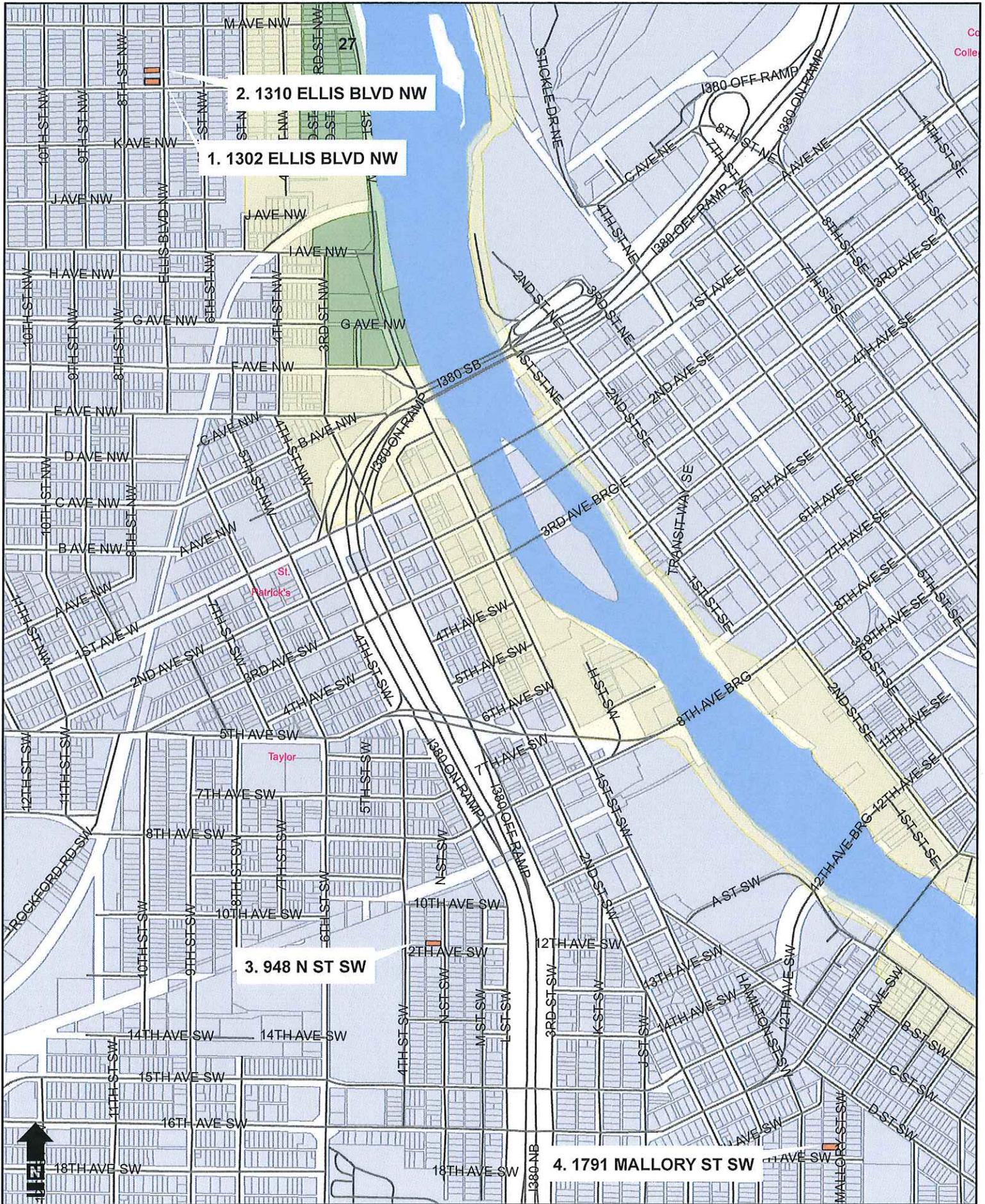
6. Whether facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.

Staff Comments: No issues have been raised by City Staff about providing service. All parcels have been previously developed.

RECOMMENDED CONDITIONS:

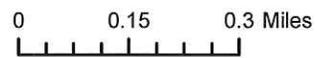
If the City Planning Commission recommends approval of the proposed rezoning, adoption of the following conditions as recommended by City Departments should be considered. The City Planning Commission may approve with additional conditions or remove any of the recommended conditions:

No conditions have been requested by staff. Development will have to meet all applicable zoning and building codes, including ensuring the installation of sidewalks along public frontages.



Rezoning #7

- ROOTs Parcels to be Rezoned
- Greenway
- Construction/Study Area



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

CITY PLANNING COMMISSION MEETING

Thursday, October 31, 2013

3:00 PM

City Hall Council Chambers

101 First Street SE, Cedar Rapids, IA 52401

AGENDA

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

REGULAR AGENDA

1. Case Name: 1103 and 1201 Blairs Ferry Road NE (Rezoning)

Recommendation for approval of a rezoning from I-1, Light Industrial Zone District and C-2, Community Commercial Zone District to PUD-1, Planned Unit Development Zone District as requested by Hunter Companies LLC (Applicant), Nash Finch Companies, Chicago Central & Pacific Railroad Co and Northwestern States (Titleholders).

Case No: RZNE-003536-2013 Case Manager: Vern Zakostelecky

2. Case Name: 1410 Tower Lane NE (Rezoning)

Recommendation for approval of a rezoning from O-S, Office/Service Zone District to RMF-2, Multiple Family Residence Zone District as requested by Capital Commercial Division, LLC (Applicant/Titleholder).

Case No: RZNE-005870-2013 Case Manager: Vern Zakostelecky

3. Case Name: 3725 Center Point Road NE (Rezoning)

Recommendation for approval of a rezoning from O-S, Office/Service Zone District to RMF-1, Multiple Family Residence Zone District as requested by Patrick Williams (Titleholder)

Case No: RZNE-005883-2013 Case Manager: Vern Zakostelecky

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