



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, January 10, 2013 @ 3:00 p.m.**

Cedar Rapids City Hall Council Chambers, 101 First Street SE

Members Present: Scott Overland, Chair
Allan Thoms (Via Phone)
Mike Tertinger
Jim Halverson
Gloria Frost
Carletta Knox-Seymour
Virginia Wilts
Laura Seaton

Members Absent: Scott Friauf, Vice – Chair

CD Staff: Vern Zakostelecky, Planner
Seth Gunnerson, Planner
Alicia Abernathey, Administrative Assistant

The meeting was called to order at 3:01 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 two (2) absent.

Commissioner Overland stated Commissioners have received the minutes from November 29, 2012 and called for additions or corrections. Commissioner Overland stated with no additions or corrections, the minutes from November 29, 2012 stand approved.

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

CONSENT AGENDA

- 1. Case Name: 4625 6th Street SW (Conditional Use) Case No: COND-000538-2012; Case Manager: Vern Zakostelecky**

Recommendation for approval of a Conditional Use for warehousing, wholesaling and distribution in a C-3, Regional Commercial Zone District for property at 4625 6th Street SW as requested by Kevin and Gail Kennedy (Applicant/Titleholder).

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

REGULAR AGENDA

1. Case Name: 923 5th Avenue SW (Rezoning) Case No. RZNE-000186-2012; Case Manager: Seth Gunnerson

Recommendation for approval of a rezoning from R-3, Single Family Residence Zone District to O-S, Office/Service Zone District requested by Jackson T. Selk and Elizabeth A. Selk (Applicant/Titleholder).

Commissioner Overland pointed out this case was originally on the December 20, 2012 agenda and was moved to this meeting due to the December 20, 2012 meeting being cancelled.

Vern Zakostecky, Community Development, stated this is a rezoning request from R-3, Single Family Residence to O-S. The property is currently a vacant lot that once contained a single family home but was demolished after the 2008 flood. The owners purchased the lot to provide additional parking to their financial office next door. The applicant went to the Board of Adjustment and got a variance on the 25 ft setback to preserve some trees on the lot. The property is a 6,000 sq ft parcel and the surrounding properties are R-3 with some being vacant lots. To the south there is multifamily and to the west there are industrial uses. Some of the surrounding properties are legal non-conforming commercial uses. Mr. Zakostecky presented an aerial photo and location/zoning map pointing out the surrounding properties and emphasizing the need for additional parking. A site plan was presented showing the existing building owned by Selk, the proposed parking lot and the access off of 5th Avenue.

Commissioner Overland called for questions of Mr. Zakostecky. Commissioner Tertinger asked if the parking lot would drain to the streets. Mr. Zakostecky stated it is not shown on the site plan but it will be constructed to drain to the streets and then to the storm water system.

Commissioner Overland called for a representative of the applicant. Jack Selk, 6315 Greenbriar Lane SW, stated his property was purchased 40 years ago and is a financial building with an income tax preparation office in it. At the current time there is very little off street parking and with the majority of their business taking place in the winter the snow on the streets causes problems. From a safety standpoint it would make sense to provide off-street parking.

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. Commissioner Halverson made a motion to approve the rezoning from R-3, Single Family Residence Zone District to O-S, Office/Service Zone District. Commissioner Frost seconded the motion.

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

2. Case Name: Riverside Park (FLUMA and Rezoning) Case No. FLUMA-000885-2012 and RZNE-000884-2012; Case Manager: Brad Larson

- a) Request for an amendment to the Future Land Use Map in the City's Comprehensive Plan from Low Density Residential to Industrial as requested by Penford Products Co. (Applicant/Titleholder).
FLUMA-000885-2012
- b) Recommendation for approval of a rezoning from O-S, Office/Service Zone District to I-2, General Industrial Zone District as requested by Penford Products Co. (Applicant/Titleholder).
RZNE-000884-2012

Mr. Zakostelecky went over the following timeline explaining the steps taken between the City of Cedar Rapids and Penford Products Co.:

- December 7, 2011 Penford requested acquisition of Riverside Park
- January 24, 2012 Public Hearing to consider disposition request
- February 28, 2012 Call for competitive proposals
- April/May, 2012 Penford proposal accepted and City Council directs terms
- May-October 2012 City staff and Penford staff met to develop details conveyance/release

Mr. Zakostelecky stated City Council approved the development agreement with Penford on November 14, 2012. The terms included in the development agreement are as follows:

- Payment of sale price of \$1,669,716;
- Dedication of easements for trail-flood management system on Penford's current and future site and various utilities;
- Permanent access for the NCSML;
- Buffers including significant screening;
- Air quality and odor abatement
- Use of local contractors for future development on the site;
- Real estate transfer dependent on City approved site plan;
- City Council requested that the developer also paint the exterior, enhance landscaping and demolish vacant buildings facing 8th Ave. and Cedar River.
- The Developer agrees to make a \$10 million investment (not a term of the Agreement).

Mr. Zakostelecky stated the commission is reviewing a rezoning without a site plan and the rezoning would return in the future with a site plan before going to City Council for approval and final adoption. Mr. Zakostelecky presented an aerial photo pointing out features of the site including a skate park, a softball field, a pavilion, etc. A location/zoning map was presented pointing out the zoning of the site and surrounding properties.

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

Commissioner Overland called for a representative of the applicant. Erwin Froehlich, Penford Director of Operations, stated as part of the development agreement the first step was to initiate the rezoning process.

Commissioner Overland called for questions of the applicant. Commissioner Knox-Seymour stated when driving by on 12th Avenue and seeing the area it is great to know there will be an upgrade to the skate park as there are teenagers that use it. With improvements, more children and teenagers would be able to take advantage of the park. The staff report addresses whether the property is suitable for all uses permitted in the proposed district and states it may not be suitable. Commissioner Knox-Seymour asked Mr. Froehlich if there were any ideas of how the area might change as time goes on. Mr. Froehlich stated discussions are taking place with potential business partners and at this time there are no obstacles foreseen for the area. However, the development agreement has been structured to ensure a very detailed site plan for any proposed development to be approved by City Council. Mr. Zakostecky stated when something is rezoned to I-2 there are a wide variety of uses that are allowed in the district and staff wants to ensure City Planning Commission and City Council are aware of the potential developments. In this case the development agreement requires the site plan be approved by City Planning Commission and City Council.

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 Future Land Use Map Amendment. Commissioner Halverson made a motion to approve the amendment to the Future Land Use Map in the City's Comprehensive Plan from Low Density Residential to Industrial. Commissioner Knox-Seymour seconded the motion.

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

Commissioner Overland called for a motion to approve the rezoning. Commissioner Wilts made a motion to approve the rezoning from O-S, Office/Service Zone District to I-2, General Industrial Zone District. Commissioner Knox-Seymour seconded the motion.

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

NEW BUSINESS

1. CPC Chair and Vice Chair Selection

Commissioner Overland stated as part of the amended By-Laws for the City Planning Commission the Chair and Vice-Chair will be elected annually. Commissioner Overland stated he has enjoyed being Chair and would like to be for another year and called for nominations. Commissioner Seaton nominated Commissioner Overland to remain Chair. Commissioner Halverson seconded the nomination. The motion passed unanimously with none opposed.

Commissioner Overland stated Commissioner Friauf does not want to be considered for Vice-Chair. Commissioner Overland called for a nomination of Vice-Chair. Commissioner Seaton

nominated Commissioner Halverson for Vice-Chair. Commissioner Knox-Seymour seconded the motion. The motion passed unanimously with none opposed.

Commissioner Thoms joined the meeting via telephone for the Chapter 32 Discussion.

2. Chapter 32 Amendment

- a) Recommendation to make Off-Premise Signage a Conditional Use in all districts (adding C-3 and I-2). There was also a recommendation to add extra criteria for consideration. This is an interim step and staff will research establishing either overlay districts to further regulate signs, or establishing a cap on off-premise signs.

Mr. Gunnerson stated at the November City Council Development Committee meeting staff presented options to the Development Committee on how to proceed with an update to the Sign Ordinance within Chapter 32. Staff has been asked to review the current City requirements and make recommendations based on best practices in other communities to update the Ordinance. Staff heard concerns on placement and the application process for off-premise signs that includes billboards. The packet provided to the commission contains a table showing several communities that the City of Cedar Rapids code was compared to. The Development Committee recommended staff bring forward an Ordinance change which would amend Chapter 32 to make off-premise signs a Conditional Use in the C-3 and I-2 zone districts. Currently off-premise signs are allowed without a Conditional Use in the C-3 and I-2 districts and are required as a Conditional Use in other commercial districts. This recommendation would make all off-premise signs a Conditional Use and would have to go before the City Planning Commission and Board of Adjustment. Next Steps include staff meeting with members of the community and stakeholders to research a more comprehensive ordinance. A number of communities have ordinances that establish a cap on total number of signs in the community. For example, some communities require if building a new billboard sign another sign elsewhere in the community would have to be removed. The other option staff looked at is requiring more restrictive overlay districts which limit areas where signs can be placed. The City Planning Commission is asked to consider this recommendation.

Mr. Gunnerson stated the other thing the City Planning Commission is asked to weigh in on is additional criteria for digital billboards. There are concerns with digital billboards because they are lit, more visible at night, and the transition may distract drivers. Language added to the City code, similar to other communities, would place limits on the transition and luminosity of the signs. Research showed most communities require 8-10 seconds between transitions of signs and the transitions need to be instantaneous so there are no special effects while transitioning from one sign to another. Most communities had a standard of 5,000 nits during the day and 500 at night. Another criteria staff recommended is potentially setting a distance the face of the sign has to be away from a residential zone district, school, church, park, or historic building.

Commissioner Overland called for questions of Mr. Gunnerson. Commissioner Seaton asked how many billboards are currently in Cedar Rapids. Mr. Gunnerson stated staff will be researching this and the current Code requires any new billboard be 1,000 ft from an existing billboard. Staff has heard from the sign companies there are very few locations left in town that would meet the separation requirement.

Commissioner Halverson stated this could make for a more difficult process from an appeals perspective and asked if that was considered. Mr. Gunnerson stated staff does not consider making signs a Conditional Use in all districts a final step but rather an interim step. Commissioner Halverson stated if the Board of Adjustment denies an application the only recourse an applicant has is to file with the District Court as opposed to appealing to the City Council. Mr. Gunnerson stated if this becomes a Conditional Use process there will be more review from the Board of Adjustment.

Commissioner Thoms stated when converting everything to a Conditional Use it makes things very subjective when it comes to the billboard situation. If City Council is serious about changing the code they should look at doing a moratorium until there are new rules. Putting restrictions on districts would be better than the Conditional Use process. Even putting a cap on the number of billboards allowed would be better but it would be damaging to businesses.

Commissioner Overland asked what the time frame is for creating the guidelines and getting to the final step. Mr. Gunnerson stated staff would like to come back in the spring with guidelines.

Commissioner Overland called for a motion. Commissioner Frost made a motion to recommend making off-premise signage a Conditional Use in all districts (adding C-3 and I-2). Commissioner Knox-Seymour seconded the motion.

Commissioner Overland called discussion on the motion. Commissioner Halverson stated a moratorium or a suspension of permit, from a criteria standpoint, is an indefinite holding pattern but in fact the Ordinance will be amended in some form. This will provide a clearer picture for future applicants. It creates a more subjective process when using the Conditional Use process. Commissioner Halverson asked if the moratorium idea was considered. Mr. Gunnerson stated the moratorium idea was not considered at the Development Committee level. Commissioner Frost stated a moratorium will also create a sense of urgency on getting this project finished. Mr. Zakostecky stated because this is public information the sign companies have been submitting several applications over the past few weeks to get a sign permitted under the current code. The moratorium would put a hold on any new signs so the applicant would have to face the new requirements.

Commissioner Frost withdrew her motion to recommend making off-premise signage a Conditional Use in all districts (adding C-3 and I-2).

Commissioner Thoms made a motion to substitute a moratorium instead of the Conditional Use. Commissioner Knox-Seymour seconded the motion. The motion passed unanimously with none opposed.

Mr. Gunnerson stated the second aspect is the additional criteria for digital billboards and staff is looking for a recommendation from the City Planning Commission.

Commissioner Seaton stated she is for option two and is interested in the Overlay Districts. Commissioner Overland stated it would also address expansion areas in the City that would be looked at differently. Commissioner Tertinger stated option two sounds like the right thing to do but it seems subjective in selecting zones that are appropriate for digital signage. Because the sign cannot be located to face any residential zone district, school, church, park, or historic building within 500 ft it gives the impression that the scenic areas are not acceptable for placing

a sign but other places are ugly enough to have a sign put up. Commissioner Seaton stated she agrees with Commissioner Tertinger and there should not be an increase in subjectivity. It seems to send the message that some neighborhoods are more special than others. Mr. Gunnerson stated the residential zone district, school, park, etc. within 200 ft is the language that is currently in the code for off-premise signs.

Commissioner Overland called for a motion. Commissioner Thoms made a motion to approve option two. Commissioner Frost seconded the motion.

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

- b) Recommendation to remove maximum district size requirements from C-1, C-MU and C-2 zoning districts, along with the requirements in C-MU that it only be located adjacent to certain streets based on their classification.

Mr. Gunnerson stated another amendment to the City Code deals with commercial zone district size limitations. Currently Chapter 32 of the City code sets out limits for the amount of continuous space various commercial districts can have. For example, the C-1 district is limited to 3 acres. The intention behind the restrictions was to classify the types of uses that would happen in smaller districts versus larger districts. Concerns have been raised including, in the last year, the limits restrict the ability for developments to have lower commercial intensity. Staff is asking City Planning Commission to recommend the Ordinance change to remove the size restrictions in C-1, C-MU and C-2, along with the requirements in C-MU that it only be located adjacent to certain streets based on their classification. City Planning Commission would still weigh in on any rezoning within the City.

Commissioner Overland called for a motion. Commissioner Knox-Seymour made a motion to approve remove maximum district size requirements from C-1, C-MU and C-2 zoning districts, along with the requirements in C-MU that it only be located adjacent to certain streets based on their classification. Commissioner Halverson seconded the motion.

Commissioner Overland called for discussion on the motion. Commissioner Halverson asked if footprint limits would be involved in size and structure for facilities. Mr. Gunnerson stated all other requirements would still be in place and would be subject to individual parcels within the district. This only applies to the size of the district. Mr. Zakostecky stated the goals and objectives are in the City's Comprehensive Plan. The motion passed unanimously with none opposed.

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

The meeting was adjourned at 3:49 p.m.

Respectfully Submitted,

Alicia Abernathey, Administrative Assistant II
Community Development