

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

**Cedar Rapids City Hall Council Chambers, 101 First Street SE**

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

Members Absent: Mike Tertinger

DSD Staff: Vern Zakostelecky, Planner  
Joe Mailander, Manager

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

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

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

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

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

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

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

**CONSENT AGENDA**

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

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

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

**REGULAR AGENDA**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **OLD BUSINESS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully Submitted,

Alicia Abernathey, Administrative Assistant II  
Community Development