



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, June 6, 2013 @ 3:00 p.m.**

Cedar Rapids City Hall Council Chambers, 101 First Street SE

Members Present: Scott Overland, Chair
Gloria Frost
Carletta Knox-Seymour
Mike Tertinger
Allan Thoms
Virginia Wilts

Members Absent: Jim Halverson, Vice – Chair
Scott Friauf
Laura Seaton

DSD Staff: Vern Zakostelecky, Planner
Joe Mailander, Engineer

CD Staff: Seth Gunnerson, Planner
Alex Sharpe, Planner
Alicia Abernathy, Administrative Assistant

The meeting was called to order at 3:03 p.m.

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

Roll call was answered with five (5) Commissioners present and four (4) absent.

Commissioner Overland stated Commissioners have received the minutes from May 16, 2013 and called for additions or corrections. Commissioner Overland stated with no additions or corrections, the minutes from May 16, 2013 stand approved.

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

CONSENT AGENDA

1. Case Name: 3501 Ely Road SW (Rezoning) Case No. RZNE-002561-2013; Case Manager: Vern Zakostelecky

Recommendation for approval of a rezoning from I-2, General Industrial Zone District and C-2, Community Commercial Zone District to R-2, Single Family Residence Zone District as requested by Duane E. and Carol S. Kalous (Applicants/Titleholders).

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

REGULAR AGENDA

1. Case Name: 521 3rd Avenue SW (Rezoning) Case No. RZNE-002522-2013; Case Manager: Vern Zakostelecky

Recommendation for approval of a rezoning from C-2, Community Commercial Zone District to C-3, Regional Commercial Zone District as requested by Jody L. Keener (Applicant/Titleholder).

Vern Zakostelecky, Development Services, stated the property is at the corner of 3rd Avenue and 6th Street SW. The property is currently developed with a commercial building and is zoned C-2. The applicant would like to move the company Two Men and a Truck onto the site. Due to the company having moving trucks that would be parked outside, the property needs to be rezoned to C-3. Mr. Zakostelecky presented an aerial photo and a site plan pointing out the property, current features of the development and purposed changes to the development.

Commissioner Overland called for questions of Mr. Zakostelecky. No questions were presented. Commissioner Overland called for a representative of the applicant. The applicant did not wish to speak. Commissioner Overland called for members of the public who wished to speak. No member of the public wished to speak.

Commissioner Overland called for a motion to approve the rezoning. Commissioner Thoms made a motion to approve the rezoning from C-2, Community Commercial 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.

Commissioner Frost joined the meeting at 3:07 p.m.

2. Case Name: 1020 3rd Street SE (Preliminary Site Development Plan) Case No. PSDP-002518-2013; Case Manager: Vern Zakostelecky

Recommendation for approval of a Preliminary Site Development Plan for property at 1020 3rd Street SE and zoned C-3, Regional Commercial Zone District as requested by Sky's Edge Development LLC (Applicant) and the City of Cedar Rapids (Titleholder).

Mr. Zakostelecky stated the property was formally developed as the Brosh Funeral Home that was damaged in the flood of 2008 and was demolished. The City purchased the property through the Voluntary Acquisition Program and solicited proposals for development. Sky's Edge Development was selected from the proposals received. Sky's Edge Development is proposing a mixed-use development for the site with four levels above ground and a basement containing a theater. The total site area is approximately 17,000 sq ft and the building area will go from lot line to lot line. Total parking provided will be 10 spaces although 143 spaces are required. The applicant is working with Park CR to negotiate parking in City owned lots near the Cedar River.

Mr. Zakostelecky presented a location map, aerial photo, site plan and renderings pointing out the property location, features of the proposed site plan and the proposed building appearance. Mr. Zakostelecky stated a letter was received from the Czech Village/New Bohemia Group in support of the development. Richard Luther, consultant for Sky's Edge Development, provided a letter with additional information pertaining to the development's parking.

Commissioner Overland called for questions of Mr. Zakostelecky. Commissioner Tertinger asked if the applicant met with the Czech Bohemia Overlay District Design Review Technical Advisory Committee for review of the proposed development. Mr. Zakostelecky stated the applicant did meet with the review committee and unofficially received an endorsement. The review committee asked the applicant to return later on in the process to ensure the building is similar in appearance to what is currently proposed.

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

Commissioner Overland called for questions of the applicant. Commissioner Thoms asked what happens when more projects come along and more parking is needed. Mr. Zakostelecky stated parking is currently available in City-owned lots and some of the parking spots that are currently occupied will be vacated when the parking ramp for the new Federal Court House is complete. Also, the City buses are currently operating out of the City-owned lot but will be relocating soon.

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 preliminary site development plan. Commissioner Thoms made a motion to approve the preliminary site development plan for property at 1020 3rd Street SE. 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: 2925 Center Point Road NE (Rezoning) Case No. RZNE-002521-2013; Case Manager: Vern Zakostelecky

Recommendation for approval of a rezoning from R-3, Single Family Residence Zone District to C-2, Community Commercial Zone District as requested by Primus Construction (Applicant) and Gregory S. and Donna M. Scharf (Titleholders).

Mr. Zakostelecky stated the developer is currently interested in building a medical office on the property with the potential for two future buildings also on the site. There are currently houses

on the property that are in poor condition and will be demolished. The total building area is approximately 8,000 sq ft and 44 parking spaces would be provided. Mr. Zakostecky presented a location map, aerial photo, site plan and renderings pointing out the property location, surrounding zonings, details of the site plan and the potential appearance of the building.

Commissioner Overland called for questions of Mr. Zakostecky. Commissioner Overland asked if all the parking will be built now. Mr. Zakostecky stated the parking lot will be built to accommodate the current proposed building and if the other buildings are developed the parking will be extended.

Commissioner Overland called for a representative of the applicant. Jed Schnoor, Schnoor-Bonifazi Engineering & Surveying, stated bioswales and other water control devices will be put underground to cool water before it is released from the site.

Commissioner Overland called for questions of the applicant. Commissioner Frost asked if the system will be built from the start or in stages as the land develops. Mr. Schnoor stated it will be built out for the entire site from the beginning.

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

Commissioner Overland called for a motion to approve the rezoning. Commissioner Frost made a motion to approve the rezoning from R-3, Single Family Residence Zone District to C-2, Community 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.

4. Case Name: 2811 Wiley Boulevard SW (Conditional Use) Case No. COND-002523-2013; Case Manager: Dave Houg

Recommendation for approval of a Conditional Use for an outdoor patio area for a café in a C-2, Community Commercial Zone District for property at 2811 Wiley Boulevard SW as requested by Justin Dowie (Applicant) and FH Holdings LLC (Titleholder).

Mr. Zakostecky stated the property is an outlet of Westdale Mall at the corner of Wiley Boulevard and Williams Boulevard. The outlet was initially developed with commercial space and a movie theatre. The applicant is looking to add a 6,000 sq ft restaurant with a 380 sq ft patio area in front. The total area of the site is approximately 117,000 sq ft and parking is being negotiated with the owners of Westdale Mall. Mr. Zakostecky presented a location map, aerial photo and site plan pointing out the site location, zonings of neighboring properties, and the proposed patio area for the restaurant. The restaurant would seat approximately 26 people.

Commissioner Overland called for questions of Mr. Zakostecky. No questions were presented. Commissioner Overland called for a representative of the applicant. The applicant did not wish to speak. Commissioner Overland called for questions of the applicant. No questions were presented. 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 conditional use. Commissioner Wilts made a motion to approve the conditional use for an outdoor patio area for a café in a C-2, Community 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.

5. Case Name: 2600 Edgewood Road SW (Preliminary Site Development Plan and Major Preliminary Plat) Case No. PSDP-002509-2013 and PRPT-002027-2013; Case Manager: Joe Mailander

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

Joe Mailander, Development Services, stated Frew Development Group is proposing the redevelopment of Westdale Mall beginning the summer of 2013 with a proposed completion date of 2022. The redevelopment will include the demolition of the existing mall excluding the Younkers, JC Penny and Von Maur buildings. The proposed site will include 23 separate parcels with approximately 25 buildings of mixed used development. The current Westdale site is approximately 72 acres with approximately 65 acres of existing hard surface and approximately 7 acres of vegetation. The proposed Westdale site will have approximately 53 acres of hard surface and approximately 20 acres of vegetation. Mr. Mailander presented an aerial photo showing the existing site and a master plan showing the proposed redevelopment. The number of required parking spaces is 3,236 but the applicant is proposing 3,417.

Commissioner Overland called for questions of Mr. Mailander. Commissioner Frost asked if the JC Penny and Younkers' buildings would be remodeled. Mr. Mailander stated there is a limit to how much can be done to the existing buildings but the applicant is working with them to get them in compliance with the adopted design standards.

Commissioner Overland called for a representative of the applicant. Todd Nelson, Frew Development Group, stated he is available for questions.

Commissioner Overland called for questions of the applicant. Commissioner Tertinger asked if parking garages could be incorporated into the plans to avoid the surface parking. Mr. Nelson stated there is a significant reduction in parking from the current parking. Parking ramps and underground parking were considered and are not completely off the table as options.

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 preliminary site development plan. Commissioner Frost made a motion to approve the preliminary site development plan for property at 2600 Edgewood Road SW. 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 major preliminary plat. Commissioner Thoms made a motion to approve the major preliminary plat for property at 2600 Edgewood Road SW. Commissioner Frost seconded the motion.

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

6. Case Name: 2300 Bowling Street SW (Preliminary Site Development Plan) Case No. PSDP-002515-2013; Case Manager: Vern Zakostelecky

Recommendation for approval of a Preliminary Site Development Plan for property at 2300 Bowling Street SW and zoned C-2, Community Commercial Zone District as requested by Hy-Vee Inc. (Applicant/Titleholder).

Mr. Zakostelecky stated this property was recently rezoned for placement of a convenience store and the applicant has returned to add a car wash to the site. Mr. Zakostelecky presented a site plan and elevations for the addition.

Commissioner Overland called for questions of Mr. Zakostelecky. Commissioner Overland asked why the car wash was not included in the original plans. David Bailie, Hy-Vee Inc. representative, stated at the time the plans were created for the property it was undetermined if a car wash would be included but there is now a desire to include the car wash.

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 preliminary site development plan. Commissioner Wilts made a motion to approve the preliminary site development plan for property at 2300 Bowling Street SW. Commissioner Tertinger 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. Proposed Digital Sign Ordinance Update

Seth Gunnerson, Community Development, presented recommendations for digital billboards which included the following:

- 8 second hold time
- No flashing, animation, video or scrolling text
- Dimmer function required to reduce brightness at night
- Emergency access
- Non-conforming signs may not be upgraded to digital
- 500 foot separation from residential, and other uses such as parks, schools, and historic districts (measured in the direction the sign is facing)

Mr. Gunnerson presented recommendations for digital billboards replacement criteria including:

- NEW Digital Billboard – removal of one digital *or* two static signs
- Upgrade Existing to Digital – removal of one static sign.
- Non-conforming billboards cannot be upgraded to digital

Mr. Gunnerson presented recommendations for display attributes of digital signs including:

- **New signs** must comply with all sections of the ordinance
- **Existing signs** must comply with hold time, animation, and scrolling text standards by January 1, 2014.
- The criteria for digital signs do not apply to the following:
 - Signs which display only alphanumeric text and:
 - do not change more than once per hour (an example is gas price signs)
 - only display time and temperature.
 - Signs not meant to be visible from the public right of way (an example is digital menuboard signs for drive thru facilities)
- **Prohibit Animation and Video** – Message could not feature constantly moving animation or full motion video
- **Establish Hold Times for messages**
 - 4 second hold time for smaller signs (under 64 square feet), 8 second hold time for larger signs
 - 1 second transition (animation allowed)
- **Allow Scrolling Text** – Signs displaying only text would be exempt from restrictions on hold time

Mr. Gunnerson presented recommendations for digital sign types and size including:

- No pole signs except along I-380 and US-30 (monument or bracket)
- Signs attached to buildings, such as wall signs, allowed
- Height of digital display limited to 20'
- Area that can contain digital message board limited to 50% on bracket signs
- Would not require removal of any existing signs

Mr. Gunnerson stated staff is recommending the creation of a downtown overlay district to allow *on-premise* signs which incorporate animation, flashing lights and video. Mr. Gunnerson identified the boundaries for the recommended Entertainment Sign Overlay District.

Commissioner Overland called for questions of Mr. Gunnerson. Commissioner Thoms asked if static billboards could be converted to digital billboards. Mr. Gunnerson stated converting a static billboard to a digital billboard is allowed if the static billboard is in a conforming location but a static sign will have to be removed elsewhere in the community. Mr. Gunnerson stated if a new digital billboard was installed in the community then the total number of billboards in the community would be reduced by one. Commissioner Thoms stated he is in favor of limiting the number of billboards in the community but this method will drastically reduce the number.

Commissioner Overland called for members of the public that wished to speak. The following members of the public spoke and addressed concerns with the ordinance changes: Aaron Vosmick, CR Signs, 4701 1st Avenue SE; Steve Allsop, MediaQuest Outdoor, 5100 20th Avenue SW; Pat McCallister, Nesper Sign, 4620 J Street SW; and Tom Weber, Lamar Advertising, 5507 Mildred Lane NE.

Comments and concerns heard are as follows:

- A lot of customers have invested thousands of dollars for signs and now they will not be allowed to use animations.
- Depending on the size of the digital sign the hold time will be an issue as far as getting a message displayed.
- Due to how the ordinance is written, if you do not currently own a billboard in Cedar Rapids, you never will.
- This ordinance will have a significant detrimental impact on our business.
- Changes were made in the sign code several years ago that were hasty. The current changes should be slowed down to allow City Planning Commission, City Council and City staff to make proper and well thought out decisions.
- It is ironic that City involved properties such as Theatre Cedar Rapids, the Paramount and the new Convention Center have prominent signs that would not comply with the ordinance changes if they were outside the proposed entertainment district.
- The Nesper sign with the joke of the day has not caused an accident on a busy interstate.

Commissioner Overland called for a motion on the digital billboard recommendations. Commissioner Frost stated she cannot support the replacement portion of the staff recommendation. Commissioner Thoms stated he also has an issue with the replacement portion of the staff recommendation. Commissioner Thoms made a recommendation that construction of a new digital billboard require removal of another billboard whether digital or static and static billboards may be upgraded to digital with no reduction in signage. Commissioner Overland and Commissioner Wilts provided comments in support of digital billboards. Commissioner Tertinger stated he could be convinced to agree with the recommendation made by Commissioner Thoms but he is not in favor of billboards.

Commissioner Overland stated the commission seems in agreement with the staff recommendation for the display criteria and would like to make a recommendation for one-to-one replacement whether the billboard is digital or static. Commissioner Overland called for a vote on the recommendation. The recommendation passed unanimously with none opposed.

Commissioner Overland called for a motion on attributes for all digital signs. Comments were made in support of the staff recommendation. Commissioner Overland called for a vote on the staff recommendation. The staff recommendation passed unanimously with none opposed.

Commissioner Overland called for a motion on digital sign types and sizes. Comments were made in support of the staff recommendation. Commissioner Overland called for a vote on the staff recommendation. The staff recommendation passed unanimously with none opposed.

Commissioner Overland called for a motion on the Entertainment Sign Overlay Districts. Mr. Gunnerson stated other entertainment districts can be created other than downtown. The districts would be for areas that are pedestrian in nature, places where motorists expect to see pedestrians, contain more traffic lights and where speeds are slower. Comments were made in opposition of the staff recommendation. Commissioner Thoms stated if an overlay district is going to happen, restrictions should be set.

Commissioner Thoms recommended the immediate establishment for an overlay district be reconsidered. Commissioner Overland called for a vote on the recommendation. The recommendation passed unanimously with none opposed.

2. Recommendation regarding conformity to proposed Amendment No. 2 to the Second Amended and Restated Urban Renewal Plan for the Central Urban Renewal Area

Alex Sharpe, Community Development, stated due to recent state legislation, communities must add specific language to amend TIF districts in order to include new projects. The three activities that are taking place are a potential property tax reimbursement for Great Furniture Mart, the disposition of the former 1st Street Parkade and the disposition of a portion of a property bounded by 1st Street SW, 1st Street NW, Interstate 380, 3rd Street SW, and 2nd Avenue SW (including alley right-of-way, portion of 2nd Street from 2nd Avenue SW to Interstate 380, and A Avenue NW to 2nd Street NW)

Commissioner Thoms made a motion to recommend Amendment No. 2 to the Second Amended and Restated Urban Renewal Plan for the Central Urban Renewal Area. Commissioner Wilts seconded the motion.

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

3. Recommendation regarding conformity to proposed Amendment No. 4 to the Amended and Restated Urban Renewal Plan for the Consolidated Central Urban Renewal Area

Commissioner Thoms made a motion to recommend Amendment No. 4 to the Amended and Restated Urban Renewal Plan for the Consolidated Central Urban Renewal Area. Commissioner Wilts seconded the motion.

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

The meeting was adjourned at 4:54 p.m.

Respectfully Submitted,

Alicia Abernathey, Administrative Assistant II
Community Development