



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, August 15, 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

Members Absent: Mike Tertinger  
Virginia Wilts

DSD Staff: Vern Zakostelecky, Planner  
CD Staff: Alicia Abernathey, 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 six (6) Commissioners present and two (2) absent.

Commissioner Overland called for any additions or corrections to the agenda. Commissioner Overland stated with no additions or corrections, the agenda stands approved.

**CONSENT AGENDA**

- 1. Case Name: Roger L. French Addition (Preliminary Plat) Case No. PRPT-004661-2013;  
Case Manager: Vern Zakostelecky**

Recommendation for approval of a major preliminary plat in a C-3, Light Regional Commercial Zone District at 6<sup>th</sup> Street and Tharp Road SW as requested by R. L. French Land Development (Applicant/Titleholder) and Lehman Allsop & Evans LC (Titleholder).

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

## **REGULAR AGENDA**

### ***I. Case Name: 1320, 1324, 1328, 1332, 1336 and 1338 Ellis Boulevard NW (Rezoning) Case No. RZNE-004237-2013; Case Manager: Vern Zakostelecky***

Recommendation for approval of a rezoning from R-3, Single Family Residence Zone District to PUD-2, Planned Unit Development Zone District as requested by Ahmann Investments, LLC (Applicant) and the City of Cedar Rapids (Titleholder).

Vern Zakostelecky, Development Services, stated this project is in the Ellis Boulevard Overlay District and the lots are currently undeveloped. The lots previously contained houses that were damaged as a result of the 2008 flood and were demolished. This project was reviewed by City staff and then taken to City Council for consideration as part of the Multi-Family New Construction (MFNC) Round Five program. City Council directed staff to submit the project for funding. The State awarded funding for the four unit row house but did not award funding for the five unit row house. The City is working with the applicant to help with funding of the five unit row house through the City's ROOTs Program.

Mr. Zakostelecky stated the site is approximately 29,000 sq ft with a total building area of approximately 8,300 sq ft. The building area includes a two story 4-plex and a two story 5-plex. The 5-plex is proposed as zero lot lines and in the future could be sold as owner occupied condominiums. The open space of the site is approximately 43% and 18 parking spaces will be provided. Parking will include one stall garages for each unit and one space in front of each unit.

Mr. Zakostelecky stated the applicant is requesting modifications such as zero lot line setbacks for the 5-plex, relief from buffering requirements and modifications on front yard setback. The buildings will look compatible with the housing currently in the area. Mr. Zakostelecky presented a location map, aerial photo, site plan and renderings identifying the site location, elements of the neighborhood, layout of the site and the proposed appearance of the buildings. The design review committee has not been formalized yet, therefore, staff reviewed the project to ensure compliance with the Ellis Boulevard District guidelines.

Commissioner Overland called for questions of Mr. Zakostelecky. Commissioner Thoms asked why the 5-plex was turned down for funding. Caleb Mason, Community Development, stated there was a technicality in the pro forma submitted. Commissioner Overland asked where the project sits on elevation relative to the flood. Mr. Zakostelecky stated he will defer the question to the applicant.

Commissioner Overland called for a representative of the applicant. Chad Pelley, Ahmann Investments, stated the 5-plex not being approved for funding allows the development to go through the ROOTs program and have owner-occupied units. The elevation of the structures will have the first floors above the 500 year flood plain and the window wells for two end units on each building will be elevated above the 100 year flood plain.

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

Commissioner Overland called for members of the public who wished to speak. The following members of the public spoke and addressed concerns with the project:

Lynn & Mark Schliemann, 1332 6<sup>th</sup> Street NW; Linda Seger, 1629 8<sup>th</sup> Street NW; Dennis Hill, 1306 Ellis Boulevard NW; Aaron Barns & Andrea Steries, 1335 8<sup>th</sup> Street NW; and Dick Green, 1319 8<sup>th</sup> Street NW.

Comments and concerns heard are as follows:

- Properties cannot be located within the 100 year flood plain, the City's greenway or Construction Study Area. This property is located in the Construction Study Area.
- The development will not be consistent with the property pre-flood as there has only been single family and not apartments or condominiums.
- The City is going against what they said would be on these lots when they purchased them with government money.
- Having lived 38 years in the area, the neighborhood has always been mixed use between businesses, homeowners and rentals.
- This is an opportunity for activity and growth to return to Ellis Boulevard.
- The proposed development is packing high density into a small lot and parking requirements do not seem to be met.
- There are plans to widen Ellis Boulevard and there will not be enough room as this development will sit closer to the front curb than adjacent properties.
- There is not enough parking in the area and this development will cause more issues.
- There was no opportunity for residents of the area to purchase the property.
- The neighborhood residents were given the impression the lots would be green space and nothing would be built on them.
- The alleyway currently has a lot of potholes and needs to be repaired. Will the alleyway be repaired with this new development?
- There was a meeting at Matthew 25 approximately one year ago to discuss plans for Ellis Boulevard and there was an understanding apartment buildings would not be in the area.

Mr. Zakostecky addressed comments from the public identifying the following points:

- There are no plans for widening or improvement projects for Ellis Boulevard.
- There is a condition that requires the applicant submit a petition and assessment agreement for alley improvements. The applicant can either pay for the City to complete a portion of the improvements or the applicant can complete the improvements.
- The development is not in the 100 year flood plain but it is in the 500 year flood plain.
- The project came about as the City wanted to see the areas developed in an orderly fashion rather than piece meal. The City solicited proposals from developers for a number of available lots. City Council directed staff to submit 10 proposals to the Iowa Economic Development Authority (IEDA) for funding consideration.
- The parking standards are met with two parking spaces per unit including the garage.

Commissioner Overland called for a motion to approve the rezoning. Commissioner Halverson made a motion to approve the rezoning from R-3, Single Family Residence Zone District to PUD-2, Planned Unit Development Zone District. Commissioner Pankey seconded the motion.

Commissioner Overland called for discussion on the motion. Commissioner Knox-Seymour asked if there was a meeting with neighborhood residents and if the land was originally designated as land that would not be sold. Mr. Zakostecky stated staff always encourages applicants to meet with the neighborhood. There were two funding sources from the government to buy out homes in the flood impacted area. FEMA supplied funding for homes to be demolished and the properties cannot be sold for redevelopment. HUD supplied funding for homes outside of the construction zone, in the flood impacted area and the properties can be sold

for redevelopment. The lots identified for this project were purchased with HUD funding and can be sold for redevelopment.

Commissioner Halverson stated the motion to approve the rezoning is largely based on the fact the use is compatible with the surrounding neighborhood. Commissioner Pankey stated there have been projects in which the neighborhood was not in favor but are very pleased with the neighborhood now. This project will fit with the neighborhood and will be a positive outcome.

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

**2. Case Name: 906, 908, 912, 916 and 918 10<sup>th</sup> Street SE and 1003 and 1017 9<sup>th</sup> Avenue SE (Rezoning) Case No. RZNE-004264-2013; Case Manager: Vern Zakostelecky**

Recommendation for approval of a rezoning from R-3D, Two Family Residence Zone District and C-2, Community Commercial Zone District to RMF-2, Multiple Family Residence Zone District as requested by Hatch Development Group (Applicant) and Mercy Medical Center (Titleholder).

Mr. Zakostelecky stated the applicant would like to develop a three story building with 30 units on an undeveloped lot. The site is approximately 36,000 sq ft and the building area will be 12,800 sq ft. The site will have approximately 34% of open space with 44 parking spaces. Mr. Zakostelecky presented a location map, aerial photo, site plan and renderings identifying the location, the layout of the site, and the potential appearance of the development. Mr. Zakostelecky stated four letters of support were received for this project.

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

Commissioner Overland called for a representative of the applicant. Dale Todd, Hatch Development Group, stated 15 units will be market rate and the other 15 units will be 80% of the area medium income. The housing will appeal to those who work in the medical field such as nurses, x-ray technicians, etc. A neighborhood meeting was held and the concerns heard were regarding parking and crime. All tenants will be screened and will sign a crime free release form.

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

Commissioner Overland called for members of the public who wished to speak. Hattie Drahos, 915 10<sup>th</sup> Street SE, stated there is not enough space for parking. Mr. Todd stated there will be adequate parking on the site and Hatch Development Group is willing to work with residents if problems with parking arise. Paul Solar, 912 10<sup>th</sup> Avenue SE, stated the neighborhood is already experiencing crime and this development could be a target for more crime activity. This development can also impact the property values.

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 and C-2, Community Commercial Zone District to RMF-2, Multiple Family Residence Zone District. Commissioner Halverson seconded the motion.

Commissioner Overland called for discussion on the motion. Commissioner Dahlby stated this development provides the needed housing for the area and targets those working in the medical field. Commissioner Thoms stated the development will be a benefit to the medical district.

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

**3. Case Name: 605 G Avenue NW (Rezoning) Case No. RZNE-004282-2013; Case Manager: Vern Zakostelecky**

Recommendation for approval of a rezoning from I-2, General Industrial Zone District to RMF-2, Multiple Family Residence Zone District as requested by Neighborhood Development Corporation of Cedar Rapids Inc. (Applicant/Titleholder).

Mr. Zakostelecky stated the site was developed in 1915 with a warehouse. Prior to the 2008 flood the Cedar Rapids Community School District was utilizing the facility. The building has been vacant since the flood and the applicant would like to rezone to allow for two larger buildings to be converted into apartments. A metal storage building on the property will be demolished for surface parking. The site area is approximately 54,000 sq ft and the building area would be approximately 20,000 sq ft with 64 parking spaces provided. Mr. Zakostelecky presented a location map, aerial photo and site plan identifying the property location, surrounding zonings, access to the site, and the layout of the site.

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

Commissioner Overland called for a representative of the applicant. Marty Hoeger, Neighborhood Development Corporation, stated there is a full basement under one of the buildings that will not be finished and will be used for storage. There is a dock on the back on one of the buildings that will be covered and converted to a patio. The units will be two level townhouses in total of 29 units.

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

Commissioner Overland called for members of the public who wished to speak. Jeff Stephen, 715 G Avenue NW, stated the chain link fence that is currently on the property should remain as it separates the property from the railroad tracks. Mr. Stephen asked if the apartments will be rented or owned. Mr. Hoeger stated the properties will be rented. Mr. Stephen asked if the apartments would be low income housing. Mr. Hoeger stated there are income requirements from the grants received and 51% of the apartments have to serve a certain level of income.

Patrick Manternach, Diamond V Mills, stated Diamond V Mills owns a property at 436 G Avenue NW that is light manufacturing and has 24/7 semi-truck traffic with moderate noise.

Commissioner Overland called for a motion to approve the rezoning. Commissioner Pankey made a motion to approve the rezoning from I-2, General Industrial Zone District to RMF-2, Multiple Family Residence Zone District. Commissioner Knox-Seymour seconded the motion.

Commissioner Overland called for discussion on the motion. Commissioner Halverson asked if any consideration was given to how one might mitigate against the industrial use. Mr. Hoeger stated Diamond V Mills was discussed and was viewed as an asset to the neighborhood. The proposed development will compliment Diamond V Mills.

Commissioner Thoms asked if there is any green space on the property. Mr. Hoeger stated along Ellis Boulevard there is green space and it will be used as part of the bio-swale and rain garden. On the east end of the property is a piece of concrete that will be converted into another location for a bio-swale and rain garden.

Commissioner Thoms requested an amendment to the motion for consideration of developing a play area within the site. The commission accepted the amendment to the motion.

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

**4. Case Name: 416, 422 and 428 2<sup>nd</sup> Street SW and 208 5<sup>th</sup> Avenue SW (Preliminary Site Development Plan) Case No. PSDP-004529-2013; Case Manager: Vern Zakostelecky**

Recommendation for approval of a preliminary site development plan in an RMF-2, Multiple Family Residence Zone District for a six (6) unit multi-family new construction as requested by Schissel LLC (Applicant) and the City of Cedar Rapids (Titleholder).

Mr. Zakostelecky stated the applicant would like to place a six unit row house apartment building on the site. The property was damaged in the 2008 flood and is currently undeveloped and located in the Kingston Village Overlay district. Mr. Zakostelecky presented a location map, aerial photo, site plan and renderings identifying surrounding zonings, site layout, proposed parking and the potential appearance of the development. Mr. Zakostelecky stated the last condition in the staff report is no longer necessary and the motion should contain four conditions rather than the original five conditions.

Commissioner Overland called for questions of Mr. Zakostelecky. Commissioner Dahlby asked if there were any concerns expressed from the neighboring properties. Mr. Zakostelecky stated conversations took place with some neighboring residents and they thought this development would help increase property values.

Commissioner Overland called for a representative of the applicant. Brian Schissel, Schissel LLC, stated he is available for questions.

Commissioner Overland called for questions of the applicant. Commissioner Dahlby asked if there was any neighborhood outreach. Mr. Schissel stated he has not spoken with any neighbors.

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 Knox-Seymour made a motion to approve the preliminary site development plan in an RMF-2, Multiple Family Residence Zone District for a six (6) unit multi-family new construction. Commissioner Halverson 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 4:26 p.m.

Respectfully Submitted,

Alicia Abernathey, Administrative Assistant II  
Community Development