

---

**Minutes of the  
CITY PLANNING COMMISSION MEETING**  
Thursday, October 10, 2013  
3:00 PM  
City Hall Council Chambers  
101 First Street SE, Cedar Rapids, IA 52401

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

Development Services Staff: Vern Zakostelecky, Planner  
Joseph Mailander, Manager  
Dave Houg, Plats & Zoning Conditions Coordinator

Community Development Staff: Seth Gunnerson, Planner  
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 eight (8) Commissioners present.

Commissioner Overland stated Commissioners have received the minutes from September 19, 2013 and called for additions or corrections. Commissioner Overland stated with no additions or corrections, the minutes from September 19, 2013 stand approved.

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

## **REGULAR AGENDA**

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

Recommendation for approval of a rezoning request from O-S, Office/Service Zone District, C-2, Community Commercial Zone District and R-2, Single Family Residence 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 Zakostelecky***

Mr. Zakostelecky stated this is a rezoning at the southeast corner of Mount Vernon Road and Memorial Drive. The former Vernon Inn restaurant had been vacant for more than a year and will be demolished for a new building to be built. The applicant plans to place an auto parts store on the site. A meeting with the neighbors was held on September 26, 2013 at the Ambroz Center. There were no major objections. The applicant is requesting a variance for a portion of the 15 foot interior side buffer yard on the west side of the building. Mr. Zakostelecky showed an aerial photo and site plan, however no renderings were shown as the applicant does not want to reveal who the business will be. The applicant will be required to produce renderings when submitting an Administrative Site Development Plan.

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

Commissioner Overland called for a representative of the applicant.

Dave Ryan, President of Mount Vernon Bank and Trust Company stated that the bank is interested in selling the property they have owned since July 2012. Also the rezoning impacts another property that is owned by the bank next to and west of the subject property.

Commissioner Overland called for questions of the applicant.

Commissioner Dalhby asked if he had been present at the neighborhood meeting. Mr. Ryan stated he had not been present.

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

Tim Oberbroeckling, 925 26<sup>th</sup> Street SE stated he owns houses in the neighborhood and that he fears more commercial will be built after this. He stated CPC should follow the City Council's action on a previous request for rezone this property and recommend denial.

Robin Kash, 1806 Grande Avenue SE stated that stormwater management was not indicated what kind it was. Developers should be required to install permeable paving and increase steps to manage our stormwater to the maximum extent.

Susie Sovers, 924 Norwood Drive SE stated her concern was the water drainage. She lives behind the site and has had severe water drainage issues. The City has told her that action would be taken to alleviate the problem, but that had not been done yet.

Karl Ortmeier, 927 Memorial Drive SE stated he was in support of this development and also provided a letter of support of the project.

Commissioner Overland asked Mr. Zakostelecky to comment on the stormwater situation.

Mr. Zakostelecky stated he would respond to the stormwater issue as well of the sprawl down Mt Vernon Road. This property has been used as commercial and shown as such for a long time on the future land use map. The previous request took out three houses going west of this property and one house to the south. The only way the residential property would be changed is if a property owner came in with a two part application asking for the Comprehensive Plan Future Land Use Map and the zoning to be changed. The Future Land Use Map shows Low Density Residential down to the Hy-Vee Drug Store. There is no plan to do commercial and the Comprehensive Plan stresses only commercial at the intersection of two major streets.

As for the stormwater issue, there is nothing on site now that detains water and based on Engineering staff review, the pervious areas are not increasing. There will be lots of green space and a large bio-swale. There is no storm sewer to connect to unless the developer could go through the property to the southwest. The proposal would provide infiltration and natural drainage.

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

Commissioner Overland called for discussion on the motion.

Commissioner Pankey commented on the sprawl and stated the use that was being proposed was preferable than other uses that could be proposed. Commissioner Pankey also stated that the condition of the existing building is such that it definitely needed to be torn down.

Mr. Zakostelecky stated that these issues will be further addressed during review of an application for Administrative Site Development Plan approval.

Commissioner Knox-Seymour asked that the neighbor be contacted and address her concerns about the water situation in her property. The City needs to make sure her issues have been addressed.

Mr. Zakostelecky agreed that the City would work with the neighbor to determine what was promised and try and resolve the situation. He further felt strongly that the bio-swale would assist in resolving the drainage issues.

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

## **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 and 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 Zakostelecky*

- b) 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 Affordable

Housing Network, Inc. (Applicant) and Cedar Rapids Community School District (Titleholders).

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

Mr. Zakostelecky stated he would address both the Future Land Use Map Amendment as well as the Rezoning. It is the Monroe Elementary School that has been vacant and the Cedar Rapids Community School District is selling the property to Affordable Housing Network for affordable housing. The rezone request is to the PUD-2 Zoning District. The applicant is proposing converting the school into 19 apartment units with a community center and building 23 individual houses on the site. Mr. Zakostelecky provided a site plan, aerial photo, elevations and floor plans. There will be a hard surface play court and improved stormwater management and additional landscaping. The applicant held an open house at Monroe School for the neighbors. Some of the concerns were:

- Parking
- Stormwater run off
- Property values
- No yard for the children to play
- Tenant problems with existing apartment
- Rental and not owner occupied and won't be taken care of
- More traffic in neighborhood
- Decreased ability to sell house or rentals
- Safety and crime in neighborhood
- Fence between project and neighborhood
- Crime going up
- View loosing and privacy
- How property will be maintained
- Suggestions of better uses
- Concern about density
- Loss of trees

Commissioner Overland called for questions of Mr. Zakostelecky.

Commissioner Knox-Seymour voiced her concern that there was not enough landscaping.

Mr. Zakostelecky stated that they were not providing full screening and there is a distance separation from existing housing in the area.

Commissioner Overland called for a representative of the applicant.

Joe Locke, 1101 Crestview Drive SE, Executive Director, Affordable Housing Network, Inc. Mr. Locke stated that AHNI is the largest non-profit organization for affordable housing and owns and manages over 800 single and multifamily housing units in Cedar Rapids. He stated there is the need for three and four bedroom homes and apartments for working class families. The Monroe Elementary School can easily support three and four bedroom apartments and houses and is adjacent to a City park. AHNI enlisted expert help from Hall & Hall Engineering, Novak Design Group, Olmstead Construction, OPN Architects and Skogman Homes. The development will be named "Monroe Villas" and have recordable security cameras, 24/7 staff, on site staff. Tenants will need to pass a criminal background check, landlord check and pass a

credit check. In turn the tenant will be asked to pay their rent, follow the rules and be a good neighbor or face the consequences.

Corey Houchin-Witt, Director of Real Estate Development, Affordable Housing Network Inc. 5400 Kirkwood Boulevard SW. Mr. Houchin-Witt stated he would touch on three topics, some of which resulted from concerns voiced by neighbors at the September 26, 2013 meeting. The three items are property management, impact of affordable housing on property values and amenities of the development.

- **Property Management:** AHNI has a rigorous applicant screening process with criminal background including drug offenders, violent or sex offenders screening process, drug screening, and previous landlord checks for three years, credit check and with this property ascertain the tenant's ability to pay rent. Low Income Housing Tax Credit program: ascertain the applicant's ability to pay rent. The rental rates: 3 bedroom, \$625 and 4 bedroom, \$700. No operating subsidies, steady income by employment. Focus is on working families
- **What happens when there are problems with tenants?** Tenants are required to abide by house rules. 6 month lease term and then a month to month lease term. Allows AHNI to issue 30 day notices. When tenants do cause problems AHNI can give a 3 day or 30 day notice and have an attorney on staff.
- **Property Maintenance:** Detached single-family homes which are managed by AHNI include lawn care, snow removal and all maintenance. AHNI has a large property maintenance staff of 15 full time plus 7 full time tenant relations staff. AHNI has a reserve for maintenance of \$17,000 plus \$40,000 revenue will be reserved. Upfront \$140,000 operating for maintenance.
- **Affordable housing on property values:** Affordable housing can have a positive impact on property values. Mr. Houchin-Witt stated several studies have been done on affordable house. The development will be a revenue generating property. Property will not be allowed to take advantage of property tax relief.
- **Amenities of the Development:** playground on site, community garden, full size basketball court and community room with computer learning center. Amenities also available to the neighborhood. Each unit will have washer dryer, storage lockers and are 1100 to 1700 sq ft in size.

Loren Hoffman, Landscape Architect, Hall & Hall Engineers stated he wanted to elaborate on some comments from the neighborhood meeting. General land use, site plan and what PUD zoning does. PUD zoning is a development agreement/contract with the City and the development has to be followed. Parking includes two parking spaces for each tenant, but the applicant will revisit the plan and possibly add more parking to alleviate concerns. Screening concerns for the multi-units will include adding more trees. Buildings in close proximity to the perimeter of the site will get additional landscape. Site has infrastructure in place. Extensive sidewalk system, more walkability and connectivity to City park.

Commissioner Thoms asked if on the north side of the development will homes be developed into the tree line. Mr. Huffman stated that the units do not encroach into the tree line.

Commissioner Dalhby asked for more detail on how site is staffed and was concerned that the play yard seems to be too close to Pioneer Avenue.

Commissioner Knox-Seymour asked for more detail on the staff and if there was any potential criminal activity.

Mr. Locke stated that staffing ratios are in accordance with the number of units. Staffing would be up to 40 hour work week or slightly less. More staff will be added to the existing staff to accommodate the work load. AHNI manages over 800 units throughout the City. There currently is no plan to have resident manager on site but have staff on call 24/7. As far as the criminal activity, AHNI relies upon the City Police. On call staff handles maintenance.

Commissioner Tertinger asked if there was plan for dealing with criminal activity.

Mr. Locke stated for criminal activity the tenant would be asked to call 911 and then the on-call number.

Mr. Hoffman stated that the playground was best situated in the front so that other neighbors could also use the playground rather than tucked behind the school building. Perhaps fencing along Pioneer would be added. It would also be lighted.

Commissioner Pankey asked if the playground would be lighted and would it be disruptive to other neighbors.

Mr. Locke stated other properties have all night lighting and has not been an on-going issue.

Commissioner Wilts asked about the trees in the back, will the trees be secured when construction begins. Has the Fire Department reviewed the plan to assure adequate access to the development?

Mr. Huffman stated that fencing will be placed around the trees to protect the trees.

Mr. Zakostecky stated that the Fire Department reviewed the plan and feels there are no concerns about getting in and out.

Commissioner Halverson asked the applicant to speak to selling the property. How will the property be managed?

Mr. Locke stated that at Wellington Heights, a different endeavor, 68 houses have been purchases, rehabbed 40 and sold 6. This multi-family housing development will not be sold, in fact the Tax credit program required the developer own the project for a minimum of 30 years.

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 Humbert, 3014 14<sup>th</sup> Avenue SE; with the Monroe Neighborhood Group. The petition has 284 signatures which are in protest of the Monroe School project which is 49% of the neighbors who live within 300 feet of the property.

Jay Wurtele, 3201 Pioneer Avenue SE; Kerry Shaner, 1323 34<sup>th</sup> Street SE; Jeffrey Ginn, 1286 33<sup>rd</sup> Street SE; Gary Grommon, 2825 Seely Avenue SE; Michael Otter, 3210 Wood Avenue SE; Marlene Wilson, 2804 14<sup>th</sup> Avenue SE; Dennis Orr, 3019 Pioneer Avenue SE expressed their concerns as follows:

- Value of property
- Increased traffic including speeding
- 34<sup>th</sup> Street is curvy, speeders and accidents on this street already and will increase due to more traffic due to this project
- Parking problems
- Increase in vandalism presently
- Wildlife poaching
- Police do patrol area
- Opposed to low income property
- Revenue generated by another contractor that could generate greater tax dollars
- Notification by Courtesy Cards should be greater distance away on a project this size
- Won't have a place to walk his dog anymore
- Looks like a trailer court and concerned that the plan will change to something different
- Streets lead to Mt Vernon Road and not very good access
- Concern about the amount of money for maintenance of project
- Apartments are already located in the area
- Suggest a shelter in the park
- What will the project look like in 5 years – tenants not take care of units and will lower the value of property
- Could not contact with anyone from the existing apartment complex, but believe these apartments are not full and there is no demand for apartments in this area
- Additional landscaping does not provide security or safety
- Nonprofit plan will cost residence a lot of money and a lot of time
- Increase in traffic, increase in crime and property values will decrease
- Concerned about no on-staff resident manager

Commissioner Overland asked Mr. Zakostelecky to address some of the concerns that the citizens had especially the traffic concerns. Mr. Zakostelecky stated Traffic Engineering reviewed the plan and had no traffic concerns. Based on the number of units this site could support is not a huge amount of traffic.

Commissioner Overland asked if the annual maintenance fund and plan for the units would be addressed.

Mr. Houchin-Witt stated that \$17,000 plus is a reserve and do not expect it to be capped, the annual maintenance budget will be \$40,000 a year for ongoing maintenance and especially when starting out the school building will be gutted and rebuilt with new construction techniques, energy efficiency, and the low income tax credit program requires durable materials that allow for better maintenance that can stand up to wear and tear. Low Income Tax Credit program administered by IRS and has more stringent rules with annual inspections, to assure the buildings are maintained and kept up to code or the own could jeopardize tax credits.

Commissioner Overland called for a motion to recommend approval of an amendment to the Future Land Use Amendment first. Commissioner Thoms made a motion to recommend

approval of the request for an amendment to the Future Land Use Map in the City's Comprehensive Plan from Institution/Public to Low Density Residential. Commission Halverson seconded the motion.

Commissioner Overland called for discussion on the motion. No discussion was presented

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

Commissioner Overland called for a motion to recommend approval of the rezoning request. Commissioner Thoms made a motion to recommend approval of the request to rezone from R-3, Single Family Residence Zone District to PUD-2, Planned Unit Development Zone District. Commissioner Halverson seconded the motion.

Commissioner Overland called for discussion on the motion. No discussion was presented.

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

**3. Case Name:** 600 and 616 1<sup>st</sup> 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 Zakostecky

Mr. Zakostecky state 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 3<sup>rd</sup> and 4<sup>th</sup> 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 7<sup>th</sup> Ave. SE and storm water management is not required. Site plans, aerial photo and building renderings were provided.

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

Commissioner Overland called for a representative of the applicant. No applicant was available.

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

Commissioner Overland called for a motion to recommend approval of the rezoning. Commissioner Tertinger made a motion to recommend approval of the rezoning from PUB, Public Zone District to C-4, Central Business Zone District. Commissioner Knox-Seymour seconded the motion.

Commissioner Overland called for discussion on the motion.

Commissioner Thoms was disappointed the applicant was not in attendance as he was able to review this project at the Enterprise Zone Commission meeting and saw this as a real opportunity for downtown. Commissioner Overland also reflected that this was a great downtown project.

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

**4. Case Name: 612 18<sup>th</sup> Avenue SW (Conditional Use)**

Recommendation for a conditional use for outdoor dining with alcohol service in R-3, Single Family Residence Zone District and C-2, Community Commercial Zone District as requested by Children on First, Inc.

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

Mr. Houg stated this was a request for Conditional Use approvals for an “outdoor service area” and parking in a residential district for property located at 1616 6th Street SW and zoned C-2, Community Commercial Zone District and R-3, Single Family Residence Zone District.

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 and total parking required and provided: 24 spaces. Several site plans were provided.

Commissioner Overland called for questions of Mr. Houg.

Commissioner Thoms asked what was to the north of the property. Mr. Houg indicated it was Big Jim’s Auto. There is residential to the west.

Commissioner Wilts asked if there was ample parking for the house on the corner. Mr. Houg stated that there was ample parking.

Commissioner Overland called for a representative of the applicant.

Greg Bulicek, 1616 6<sup>th</sup> Street SW stated that many improvements have been done to the property as well as a patio and privacy fence to provide an outdoor service area for the patrons.

Commissioner Thoms said that Condition Number 7 made reference to reasonable steps taken that the outdoor service area must have fencing; however this statement does not state anything about noise. Commissioner Thoms went on to state that since there is commercial next to the property and the residential was away from the service area, he felt certain there would be no issue with noise.

Commissioner Wilts asked if the neighbors were concerned about the fencing. Mr. Bulicek stated that the neighbors had no concern and were happy to have the restaurant available to them. Mr. Bulicek also pointed out the many other improvements to the property that have been done.

Commissioner Pankey asked if smoking was allowed in this area. Mr. Bulicek stated that no smoking is allowed in the outdoor service area.

Commissioner Knox-Seymour asked what the name Children on First was. Mr. Bulicek stated that it was the owner of the property from a daycare that he had on First Avenue and the property was incorporated with that name.

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

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

Commissioner Overland called for a motion to recommend approval of the conditional use request. Commissioner Wilts made a motion to recommend approval of the conditional use request for outdoor service area and parking in R-3, Single Family Residence Zone District and C-2, Community Commercial Zone District. Commissioner Pankey seconded the motion.

Commissioner Overland called for discussion on the motion. No discussion was presented

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

- **New Business**

1. **Case Name:** 1302, Ellis Boulevard NW, 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*

Mr. Zakostelecky stated these were four lots that were missed when staff asked for approval of rezoning for 32 lots for the ROOTS program. 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 Zone District, 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 for 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.

Commissioner Overland called for questions of Mr. Zakostelecky.

Commissioner Knox-Seymour asked when the construction would begin and if they would be similar to the other homes being built in these areas. Mr. Zakostelecky stated that once the zoning is changed, the developer might start this year but certainly next spring and that the houses would be built to fit in with the neighborhood.

Commissioner Wilts stated that the property at 1791 Mallory Street SW had not been demolished. Mr. Zakostelecky responded that was correct.

Commissioner Overland called for a motion to recommend approval of the requested rezoning. Commissioner Halverson made a motion to recommend approval of the rezoning request from R-3, Single Family Residence Zone District to R-TN, Traditional Neighborhood Residence Zone District. Commissioner Knox-Seymour seconded the motion.

Commissioner Overland called for discussion on the motion. No discussion was presented

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

- **Training Opportunities**

- 2013 American Planning Association (APA) Iowa Annual Conference, October 16-18, US Cellular Center  
Commissioner Thoms and Commissioner Knox-Seymour indicated they had signed up for the Wednesday sessions and Commissioner Overland stated he had signed up for the full conference.

The meeting was adjourned at 5:00 p.m.

Respectfully Submitted,

Betty Sheets, Administrative Assistant  
Community Development