



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, December 12, 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
Virginia Wilts

Members Absent: Allan Thoms
Mike Tertinger

DSD Staff: Vern Zakostecky, Planner
Dave Houg, Plats & Zoning Conditions Coordinator

CD 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 five (5) Commissioners present, two (2) Commissioners absent and Commissioner Halverson arrived for the meeting at 3:20p.m..

Commissioner Overland called for any additions or corrections to the minutes. Commissioner Overland stated with no additions or corrections, the November 21, 2013 Minutes 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.

**1. Case Name: 880 74th Street NE (Rezoning)
Case No: RZNE-006757-2013 Case Manager: Vern Zakostecky**

Recommendation for approval of a rezoning from R-3, Single Family Residence Zone District to RMF-1, Multiple Family Residence Zone District as requested by Abode Construction, Inc. (Applicant) and Phyllis M. Rausch (Titleholder)

Mr. Zakostelecky stated this property is located between C Avenue and Council Street NE to allow for 4-unit single-family owner occupied homes. The initial rezoning occurred in 2000. This portion of the site was rezoned to R-3 for single family detached housing. On the west side it was rezoned for multi-family and the market demand for those units has exceeded expectations. The applicant did hold a neighborhood meeting with no major issues expressed. The rezoning includes 8.8 acres, 11 4-plex buildings for a total of 44 housing units with 2 stall garages. Total parking provided is 88 parking spaces with additional parking in front of garage spaces and street parking. Storm water management is not required on this site. Mr. Zakostelecky showed a location map, aerial photo, site plan as well as elevations of the proposed homes.

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

Commissioner Overland called for a representative of the applicant. Brian Vogel, Hall & Hall Engineers, 1860 Boyson Road, Hiawatha, IA stated he would be happy to answer any 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. No one from the public wished to speak.

Commissioner Overland called for a motion to approve the rezoning. Commissioner Wilts made a motion to approve the rezoning from R-3, Single 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 held on the motion.

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

2. Case Name: 4001 and 4009 Blairs Ferry Road NE (Rezoning)
RZNE-006769-2013 Case Manager: Vern Zakostelecky

Recommendation for approval of a rezoning from A, Agriculture Zone District to C-2, Community Commercial Zone District as requested by Buffalo Evangelical United Brethren Church (Applicant/Titleholders)

Mr. Zakostelecky showed the Commission a location map of the property and surrounding area. To the east is a Casey's convenience and the area to the south and west is zoned agriculture with commercial across the street in Hiawatha to the north. The Future Land Use Map (FLUMA) shows commercial and office to the south and west. The site is developed with a small church and parsonage and the contemplated redevelopment is for a Good Year Tire store. The applicant has met with the Historic Preservation Commission (HPC) and HPC will meet with them to do a walk through with a salvage company to identify parts of the structure that can be salvaged for reuse on other structures. This will be a 6,800 sq. ft. building with 31 parking spaces and two handicap spaces. Access will be off Blairs Ferry Road with a fence along the south property line and staff asked the developer to extend the fence along the south property line to screen the parking lot on the east end of the proposed building. Storm water management is proposed along Blairs Ferry Road. Mr. Zakostelecky showed an aerial map, site plan and elevations.

Commissioner Overland called for questions of Mr. Zakostelecky. Commission Pankey asked where the proposed fencing would be. Mr. Zakostelecky the fencing will begin at the southwest corner of the site and ends at the east side of the building but staff would prefer to see the fencing be extended at the east property line. This type of business can produce noise and screening is advised.

Commissioner Wilts asked if Traffic Engineering looked at the traffic situation. Mr. Zakostelecky stated that Traffic Engineering did review this project and had no major issue or concerns.

Commissioner Overland called for a representative of the applicant. Dan Schmidt, Brain Engineering, Inc. spoke on behalf of the applicant. Dan indicated the applicant was fine with extending the screen fencing along the entire south property line.

Commissioner Overland called for questions of the applicant. Commissioner Pankey asked how the driveway lined up with Miller Road. Dan indicated it was close to lining up with a commercial driveway on the north side of Blairs Ferry Road.

Commissioner Knox-Seymour asked if the Church did not exist anymore. The applicant stated that this church has been closed and for sale for a long time.

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 Pankey made a motion to approve the rezoning in A, Agriculture Zone District to C-2, Community Commercial Zone District. Commissioner Dalhby 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: 5940 Rockwell Drive NE (Preliminary Site Development Plan)
Case No: PSDP006973-2013 Case Manager: Dave Houg

Recommendation for approval of a Preliminary Site Development Plan zoned O-S, Office Service Zone District as requested by Martin Combs Custom Homes (Applicant) and Juan Valles-Zamora and Danielle E. Valles (Titleholders).

Mr. Houg stated this was a request for approval of a preliminary site plan and showed a site plan, aerial photo, a street view, rendering of the building. A meeting with the neighbors was held and a 6 foot screen fence as well as heavy plantings will be provided to the rear of the building.

Commissioner Overland called for questions of Mr. Houg. Commissioner Dalhby stated when the BioLife building was built there was some flooding issues has this been discussed to prevent this from happening again because several homes had water in their basements. Mr. Houg stated that rain gardens and detention swales along Rockwell Drive will be provided to prevent that from happening.

Commissioner Overland called for a representative of the applicant. Ghassen Halloush, AllTrans, Inc. 1930 St. Andrews Court NE, Cedar Rapids, IA on behalf of the applicant stated that they met with neighbors and they had concerns regarding fencing and lighting and they addressed their concerns with revisions to the site plan . The neighbors did not want windows in the back of the building, so the developer will not put any windows in the rear of the building, just two doors. In terms of storm water issue that will be addressed.

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

Commission Pankey asked if the exterior of the building was masonry. Mr. Halloush did not know if it was masonry. Mr. Houg stated that the actual building plans have not been presented to the city yet. Mr. Zakostelecky stated that when the Administrative Site Plan is submitted they will have to present the building designs so that it meets the City's Design Standards.

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

Commissioner Overland called for a motion to approve the Preliminary Site Development Plan. Commissioner Dalhby made a motion to approve the Preliminary Site Development Plan zoned O-S, Office Service 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.

3:20 P.M. Jim Halverson, Vice – Chair arrived

- **New Business**

1. Digital Sign Ordinance – Seth Gunnerson

Mr. Gunnerson stated on July 26, 2013 the City Council adopted the Digital Sign Ordinance, which set display criteria standards for on and off-premise signs in the community.

One of the provisions of the ordinance is a prohibition on full motion video on digital signs in the community, effective January 1, 2014. At the time staff committed to come up with a process to allow exceptions to be approved by the City. Staff then looked into whether this would be best handled through the existing Conditional Use Process, or if a separate permit process could be instituted that would be approved by City Council.

Staff researched options and notes the following:

- State law requires a separation of powers, where the legislative body creating the regulation should not be the body which enforces the regulation. This is interpreted to mean that appeals or exceptions to the ordinance should not be ruled on by City Council.
- Appeals or exceptions to zoning issues are, by state code, exclusively the domain of the Board of Adjustment. The limitation on video on signs is in a gray area, and could be interpreted to not be exclusively a zoning issue.
- If locational considerations are a factor in determining the permit, then the matter may be a zoning issue, which would be reviewed by the Board of Adjustment.

Based on research, staff is recommending the following:

- Full motion video would be permitted by Conditional Use in all commercial and industrial districts.
- Limitations on full motion video shall not apply to scoreboards or video displays not intended to be viewed from the public right of way.
- Limitations shall not apply to video displayed to special events, such as movie nights, which would be reviewed and approved separately by City Staff.

Commissioner Overland called for questions of Mr. Gunnerson.

Commissioner Pankey asked if this ordinance applies to the Event Center. Mr. Gunnerson stated yes in the future if the Event Center decided to show video they would have to comply.

Commissioner Pankey further asked if a sign owner came forward and they received a conditional use permit to allow full motion video on a billboard, would there be limits on the video distracting drivers. Would not want to limit advertising but limit potentially distracting elements. Mr. Gunnerson stated that City staff could look at placing conditions on approvals as requests come in.

Commissioner Halverson asked if there are any studies that reflect the impact of animated signage. Mr. Gunnerson stated that a lot of research was conducted regulating digital signs and studies from safety point of view. Most studies focused on billboards. Some studies found an impact and others did not. Mr. Gunnerson stated that it is difficult to quantify the impact, and that while safety is often a concern, many cities adopt sign regulations based on aesthetics.

Commissioner Wilts asked if digital signs are approved for billboards, how will this be monitored? Mr. Gunnerson stated that staff will be able to go back to the billboard owners to make them aware of the complaints.

Commissioner Overland called for a motion to approve the digital sign ordinance. Commissioner Halverson made a motion to approve the digital ordinance. 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.

The meeting was adjourned at 3:35pm

Respectfully Submitted,

Betty Sheets, Administrative Assistant
Community Development