
AGENDA
CITY PLANNING COMMISSION MEETING
Thursday, November 13, 2014 @ 3:00 PM
City Hall Council Chambers
101 First Street SE, Cedar Rapids, IA 52401

Opening Statement

Roll Call

Approval of the Minutes

Adoption of the Agenda

1. Case Name: 476 Lewellen Drive NW (Conditional Use)

Consideration of a Conditional Use for a Day Care Center in a R-3, Single Family Residence Zone District as requested by Katie Meisterling (Applicant) and Robert J. Mrstik (Titleholder)

Case No: COND-012935-2014; Case Manager: Dave Houg

2. Case Name: 211 1st Avenue SE (Conditional Use)

Consideration of a Conditional Use for a Ground Floor Dwelling in a C-4, Central Business Zone District as requested by HF Investments LC (Applicant/Titleholder)

Case No: COND-014767-2014; Case Manager: Dave Houg

3. Case Name: 712 7th Street SW (Rezoning)

Consideration of a Rezoning from R-3, Single Family Zone District to R-TN, Traditional Neighborhood Residence Zone District as requested by Midwest Development (Applicant/Titleholder)

Case No: RZNE-013489-2014; Case Manager: Vern Zakostecky

4. Case Name: South of Wilson Avenue and West of 18th Street SW (Rezoning)

Consideration of a Rezoning request from R-2, Single Family Residence Zone District to R-3D, Two Family Residence Zone District as requested by Morris Wood Enterprises, LLC (Applicant) and P & A Holdings, LLC (Titleholder)

Case No: RZNE-014031-2014; Case Manager: Vern Zakostecky

New Business

- Consideration of an Ordinance relating to collection of tax increment within the proposed 42nd Street and Edgewood Urban Renewal Area at the intersection of 42nd Street NE and Edgewood Road NE.
Planner: Kirsty Sanchez

- Consideration of a historic landmark status at 845 1st Avenue SE
Planner: Jeff Hintz

- Consideration of amending Chapter 32 of the Municipal Code, the Zoning Ordinance, modifying citywide parking standards, eliminating commercial setbacks and establishing site design expectations for new construction as an interim measure prior to the adoption of a new zoning ordinance.
Planner Seth Gunnerson

**MINUTES OF
CITY PLANNING COMMISSION MEETING,
Thursday, October 23, 2014 @ 3:00 p.m.**

Cedar Rapids City Hall Council Chambers, 101 First Street SE

Members Present: Scott Overland, Chair
Carletta Knox-Seymour
Virginia Wilts
Samantha Dahlby
Richard Pankey
Kim King
Dominique Blank
Bill Hunse

Members Absent: Jim Halverson

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

CD Staff: Seth Gunnerson, Planner
Jeff Hintz, Planner
Adam Lindenlaub, Planner
Betty Sheets, Administrative Assistant

City Council Liaison: Justin Shields

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 called for any additions or corrections to the minutes. Commissioner Overland stated with no additions or corrections, the October 2, 2014, 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: 4225 Glass Road NE (Conditional Use)**

Consideration of a Conditional Use for a Veterinarian Clinic in an O-S, Office/Service Zone District as requested by Animal Eye Clinic (Applicant) and Norman D. Workman (Titleholder)

Case No: COND-013867-2014; Case Manager: Dave Houg

Mr. Houg stated this is a veterinarian clinic specializing in eye surgery located in an O-S, Office/Service Zone District in an existing building on Glass Road NE. There is sufficient parking and no significant changes will be made to the building site. Mr. Houg went on to say there were three conditions that would need to be met to continue forward as well as the applicant will need to provide a frontage road reservation for future improvements on the north end of the property.

Commissioner Overland called for questions of Mr. Houg.

Commissioner Hunse questioned the dumpster situation and would that become a problem? Mr. Houg stated the building was built in 1979 and met all site plans at that time, Mr. Houg is not aware of any complaints. Garbage is picked-up after hours to eliminate congestion in the parking lot and streets.

Commissioner Overland called for a representative of the applicant.

Dr. Sinisa Grozdanic of North Liberty stated the site plan would stay the same and there would be no boarding of animals. All patients will be brought in that morning and taken home early to late afternoon of the same day. There will be no kennel runs or patients kept outside of the building. This facility is a same day elective service and there will not be excessive amounts of garbage.

Commissioner Overland called for questions of the applicant.

Commissioner Knox-Seymour asked for clarification as to the need of dog runs, excessive garbage, and number of animals seen at this business.

Dr. Grozdanic reiterated there would be no boarding of patients they were strictly out-patient, no dog runs as patients would only be at the veterinary office during business hours. The applicant went on to say they would not even be staffed after hours as this is not that type of service. The office would see approximately 30 to 40 patients per week.

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

Commissioner Overland called for a motion. Commissioner Knox-Seymour made a motion to approve the Conditional Use for a Veterinarian Clinic in an O-S, Office/Service Zone District subject to 3 conditions. Commissioner Wilts seconded the motion.

Commissioner Overland called for discussion on the motion. No further discussion.

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

2. Case Name: Northeast corner of the intersection of Zika Avenue NW and 16th Street NW (Major Preliminary Plat)

Consideration of a Major Preliminary Plat for property at the northeast corner of the intersection of Zika Avenue NW and 16th Street NW requested by Newbo Development Group, LLC (Applicant) and City of Cedar Rapids (Titleholder)

Case No: PRPT-010975-2014; Case Manager: Vern Zakostelecky

Mr. Zakostelecky stated this was a follow up to a rezoning with a PUD-2 now in place. City Council met Tuesday, October 21, 2014, and approved development for two (2) five-plex units, five (5) duplex units and seven (8) single-family units.

Commissioner Overland called for questions of Mr. Zakostelecky.

Commissioner Blank asked about the traffic restriction on 16th Street NW. Mr. Zakostelecky stated there would be no traffic restrictions on 16th Street NW other than not allowing construction traffic to use said street.

Commissioner Overland called for a representative of the applicant.

Chad Pelley, NewBo Development Group, LLC stated there had been three (3) voluntary neighborhood meetings. Mr. Pelley further stated that there would be a 10-foot easement for the property to the north. This easement goes both ways, NewBo Development Group, LLC, would offer this easement for a drive to a possible home on the hill allowing for saving of mature trees and the neighborhood would offer an easement for sanitary sewer easement.

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 members of the public were present.

Commissioner Overland called for a motion. Commissioner King made a motion to approve the Major Preliminary Plat at the northeast corner of the intersection of Zika Avenue NW and 16th Street NW. Commissioner Blank seconded the motion.

Commissioner Overland called for discussion on the motion.

Commissioner Pankey stated that he drove past the site just before the meeting noting that he found cars could pass comfortably. There are a couple of narrow spots but it looks to be a great place to build additional housing. Commissioner Pankey supports this project.

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

New Business

- Review EnvisionCR (Comprehensive Plan) land use approach, goals, objectives, and measures. CPC will be asked to recommend City Council adopt EnvisionCR at its November 13 meeting. Adam Lindenlaub

Mr. Lindenlaub stated that EnvisionCR has held two open houses, communicated with approximately 800 individuals; with good feedback. The EnvisionCR will be conducting a third open house the second week of November.

Mr. Lindenlaub continued stating that the EnvisionCR is the update to the City's 1999 Comprehensive Plan. EnvisionCR will provide the vision for the future of Cedar Rapids with a focus on priorities for city policies and public vision for the future of Cedar Rapids.

EnvisionCR has four Themes:

- 1) Sustainability,
- 2) Health,
- 3) Place making, and
- 4) Efficiency.

EnvisionCR includes a Future Land Use Map that is based on a different philosophy than the current one. The current Future Land Use Map is based on specific uses whereas EnvisionCR's Future Land Use will be based on the intensity, compatibility, and integration of uses.

The proposed Future Land Use Map will have Land Use Area Typologies (LUTAs) that are based on intensity of use. LUTA's will provide flexibility to property owners/developers, city staff, and City Council with the outcome being a more desirable development.

Commissioner Overland called for questions of Mr. Lindenlaub.

Commissioner Blank stated she sees more flexibility for commercial business next to residential areas, what are the checks and the balances? Not everyone wants a commercial building next to their home, what is there to protect residence. Mr. Lindenlaub responded stating the same process is as how we have it now.

Commissioner Blank asked what type of use are they proposing, will it meet the criteria for the land use and for the community, and will the community have a say? Mr. Lindenlaub answered, no, it will stay the same.

Commissioner King stated that a lot of hard work went into the new plan.

Commissioner Knox-Seymour asked how far in advance the neighborhoods will have as to the developer's intentions. Will the resident be able to speak with the developers communicating their concerns? Mr. Lindenlaub stated it would be the same process as is in place at this time. However, feedback from both stakeholders and developers has been positive.

Commissioner Dahlby stated neighborhood meetings are becoming more of a requirement to put more thought into how developers will design the development as they get closer to residential areas. Visuals will help everyone involved understand what is happening.

Commissioner Pankey stated the staff has done a good job, buffering areas helps to make it more appealing for commercial and residential areas.

Commissioner Wilts asked if you feel it is easier to entice businesses with the new EnvisionCR. Mr. Lindenlaub stated the hope is to keep our younger individuals in Cedar Rapids and for those that leave this will entice them to return.

Commissioner Hunse stated he was pleased with the recommendations of the soft edges between commercial and residential and that this will encourage pedestrian access.

Commissioner Overland stated that the Commissioners would vote on the EnvisionCR plan at their November meeting prior to going to City Council in January 2015.

➤ **Communications Tower Report.**

Commissioner Overland asked Jeff Hintz for a report on the Communication Tower project.

Jeff Hintz stated he met with the citizen's stakeholders group on Monday, October 27, 2014. Designs on towers need to be more visually complementary to the community especially near a residential area. The group has discussed a tiered system based upon distance from existing residential dwelling unit. Staff hopes to bring something to the Development Committee in November and then ask the City Planning Commission to consider this item at the December Meeting..

The meeting was adjourned at 3:55 PM

Respectfully Submitted,

Betty Sheets, Administrative Assistant
Community Development



Development Services Department
City Services Center
500 15th Avenue SW
Cedar Rapids, IA 52404
Telephone: (319) 286-5168

STAFF REPORT TO CITY PLANNING COMMISSION
Conditional Use with a Preliminary Site Development Plan

CPC Date: November 13, 2014

To: City Planning Commission
From: Development Services Department
Titleholder: Katie Meisterling
Location: 476 Lewellen Drive NW

Request: Conditional Use approval for a Day Care Center in an R-3, Single Family Residence Zone District

Case Number: COND-012935-2014
Case Manager: Dave Houg, Development Services Department

BACKGROUND INFORMATION:

The property consists of one parcel containing a single-family residence. The applicant is requesting a conditional use to allow a Day Care Center in an R-3, Single Family Residence Zone District. Appellant proposes to be registered to care for 6 children full time and 4 before-and-after school. There are no proposed changes to the structure or property. The house will serve as an in-home day care, but will not be the appellant's personal residence. The developed site includes the following:

- A 1001 s.f. split foyer residence with 450 s.f. of finished basement
- A 312 s.f. attached garage
- No changes to the existing structures on the site are being proposed

FINDINGS:

Section 32.02.030.D. of the Zoning Ordinance requires the City Planning Commission to review the application based on the following criteria:

- 1. That the Conditional Use applied for is permitted in the district within which the property is located.**

Staff Comments: A Day Care Center is permitted as a conditional use within an R-3, Single Family Residence zone district.

- 2. That the proposed use and development will be consistent with the intent and purpose of this Ordinance and with the Future Land Use Policy Plan and other elements of the Comprehensive Plan.**

Staff Comments: The Future Land Use Map of the City's Comprehensive Plan designates the property and surrounding area as Low Density Residential.

- 3. That the proposed use and development will not have a substantial adverse effect upon adjacent property, and the character of the neighborhood, traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare.**

Staff Comments: The daycare will be operated in a home in a residential neighborhood. No changes to the building are being proposed.

- 4. That the proposed development or use will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.**

Staff Comments: N/A

- 5. That adequate measures have been or will be taken to assure adequate access designed to minimize traffic congestion and to assure adequate service by essential public services and facilities including utilities, storm water drainage, and similar facilities.**

Staff Comments: Two parking spaces are required for a 1 employee home daycare, which are being provided, one space in the garage and one on the driveway apron.

- 6. That the proposed building, development, or use will comply with any additional standards imposed on it by provisions of this Ordinance for the district in which the property is located.**

Staff Comments: The applicant has agreed to the additional condition listed below.

- 7. Whether, and to what extent, all reasonable steps possible have been, or will be, taken to minimize any potential adverse effects on the surrounding property through building design, site design, landscaping, and screening.**

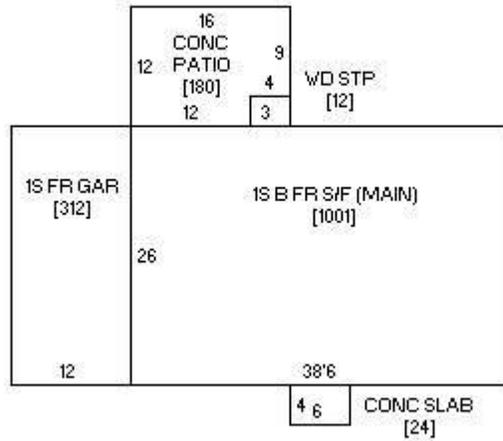
Staff Comments: As long as the operation is registered as an in-home daycare, building and site design changes are neither required nor proposed. Should the use intensify, State licensing will require additional off-street parking and play area screening.

RECOMMENDED CONDITION:

If the City Planning Commission recommends approval of the proposed conditional use, adoption of the following condition as recommended by City Departments should be considered:

1. Should this facility receive more than 6 children for care and/or instruction, approval and licensing by the State will be required. Said licensing will also require the following:
 - Required off-street parking be provided at a minimum of 2 spaces per 1000 sf GFA or a variance be obtained.
 - Handicapped parking shall be provided per applicable provisions of the State Code and the Americans with Disabilities Act.
 - Effective screening shall be provided and maintained so as to screen the outside play area, parking area, and the drive thereto from properties in adjacent R Districts.
 - Said day care center shall comply with all applicable Building and Fire Codes.

Sketch



I will not be making any changes to the property. I will be using it as it is as a Registered Child Development Home.



Development Services Department
City Services Center
500 15th Avenue SW
Cedar Rapids, IA 52404
Telephone: (319) 286-5168

STAFF REPORT TO CITY PLANNING COMMISSION
Conditional Use with a Preliminary Site Development Plan

CPC Date: November 13, 2014

To: City Planning Commission
From: Development Services Department
Titleholder: HF Investments, L.C.
Location: 211 First Avenue SE

Request: Conditional Use approval for a Ground Floor Dwelling Unit in the C-4, Central Business Zone District

Case Number: COND-014767-2014
Case Manager: Dave Houg, Development Services Department

BACKGROUND INFORMATION:

The applicant is requesting approval of a Conditional Use for a dwelling unit on the ground floor of a property zoned C-4, Central Business Zone District. The project is a redevelopment of the Coventry Garden Mall at 211 First Avenue SE. Three (3) apartments and commercial space are proposed for the ground floor, along with additional apartments on the 2nd and 3rd floors.

Project details:

- Site area: 9129 s.f.
- Structure size: 36,516 s.f. - 3 stories plus basement
- Proposed dwelling units: 19
- Proposed commercial spaces: 2

FINDINGS:

Section 32.02.030.D.9 of the Zoning Ordinance requires the City Planning Commission to review the application based on the following criteria:

- 1. That the conditional use applied for is permitted in the district within which the property is located.**

Staff Comments: Residential units on the ground floor of a structure in a Commercial zone district are permitted with a conditional use.

- 2. That the proposed use and development will be consistent with the intent and purpose of this Ordinance and with the Future Land Use Policy Plan and other elements of the Comprehensive Plan.**

Staff Comments: The City's Future Land Use Map identifies this site as within the Central Business District. A conditional use for dwelling units on the ground floor is consistent with the intent of the Future Land Use Map.

- 3. That the proposed use and development will not have a substantial adverse effect upon adjacent property, and the character of the neighborhood, traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare.**

Staff Comments: The proposed use is not expected to have an adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare. This parcel is located in an area that is already served by sanitary sewer, storm sewer, water, gas, electricity, police and fire protection, and roads and transportation facilities are in place.

- 4. That the proposed development or use will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.**

Staff Comments: The proposed redevelopment is being designed and constructed in a manner that is compatible with the neighborhood and consistent with the commercial design standards recently approved by the City Council.

- 5. That adequate measures have been or will be taken to assure adequate access designed to minimize traffic congestion and to assure adequate service by essential public services and facilities including utilities, storm water drainage, and similar facilities.**

Staff Comments: All services are currently available to serve the lot. The redevelopment project should not have a significant impact or burden on City services or traffic.

- 6. That the proposed building, development, or use will comply with any additional standards imposed on it by provisions of this Ordinance for the district in which the property is located.**

Staff Comments: The proposed development will comply with all additional standards from the Ordinance.

- 7. Whether, and to what extent, all reasonable steps possible have been, or will be, taken to minimize any potential adverse effects on the surrounding property through building design, site design, landscaping, and screening.**

Staff Comments: N/A

- 8. The Site Development Plan is consistent with the previously approved Preliminary Plans for the property (if applicable)**

Staff comments: N/A

- 9. The Site Development Plan conforms to all applicable requirements of this Ordinance.**

Staff comments: The site development plan conforms to all applicable requirements of this Ordinance.

RECOMMENDED CONDITIONS:

Staff has no proposed additional conditions.



Site Location

BLO CK 15

2ND ST NE

1ST AVE E

3RD ST SE

2ND ST SE

2ND AVE SE

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200
300

60
231

207
211
215

125
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BB

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STAFF REPORT TO CITY PLANNING COMMISSION
Rezoning Without Preliminary Site Development Plan

CPC Date: November 13, 2014

To: City Planning Commission
From: Development Services Department
Applicant: Midwest Development Company
Titleholder: Midwest Development Company

Case Number: RZNE-013489-2014
Location: 712 7th Street SW
Request: Rezoning from R-3, Single Family Residence Zone District to R-TN,
Traditional Neighborhood Residence Zone District
Case Manager: Vern Zakostelecky, Development Services Department

BACKGROUND INFORMATION:

The property is currently undeveloped and in the Taylor Neighborhood. The applicant wishes to develop the lot with a single-family home, which would provide for in-fill in an area that has seen increased interest in rehabbing of existing residential properties and new construction on lots that are vacant. The R-TN Zoning District was created for neighborhoods like this to allow vacant lots to be redeveloped since the lot does not meet the minimum requirements for the current R-3 Zoning District. Since this is a rezoning for single-family residential there is no site plan requirement at this time. A detailed site plan will be required at the time of application for a building permit.

FINDINGS:

Section 32.02.030.C.5.e of the Zoning Ordinance requires the City Planning Commission to review the application based on the following criteria:

- 1. Whether the amendment is required to correct a technical mistake in the existing zoning regulations.**

Staff Comments: The R-TN Zoning classification was created as part of the 2006 Cedar Rapids Zoning Ordinance to allow for greater flexibility in infill development on smaller parcels within the core of Cedar Rapids. The lot proposed for rezoning was previously developed with a single-family home which was legal, non-conforming in nature due to changed zoning standards over the years. The home was damaged beyond repair as a result of the 2008 Flood and was demolished. The rezoning is proposed to make the lot developable without requiring a variance.

2. Whether the amendment is consistent with the Future Land Use Policy Plan and other elements of the Comprehensive Plan.

Staff Comments: The rezoning is consistent with the Future Land Use Map and the goals and objectives of the Taylor Neighborhood Association.

3. Whether the amendment is consistent with the characteristics of the surrounding area, including any changing conditions.

Staff Comments: The proposed home design will be consistent with the type of housing currently located in this neighborhood.

4. Whether the property is suitable for all of the uses permitted in the proposed district.

Staff Comments: The property has been identified as suitable for single-family home development.

5. Whether the proposed amendment will protect existing neighborhoods from nearby development at heights and densities that are out of scale with the existing neighborhood.

Staff Comments: Staff believes the development will be in line with the historical size and scale of housing in the neighborhood.

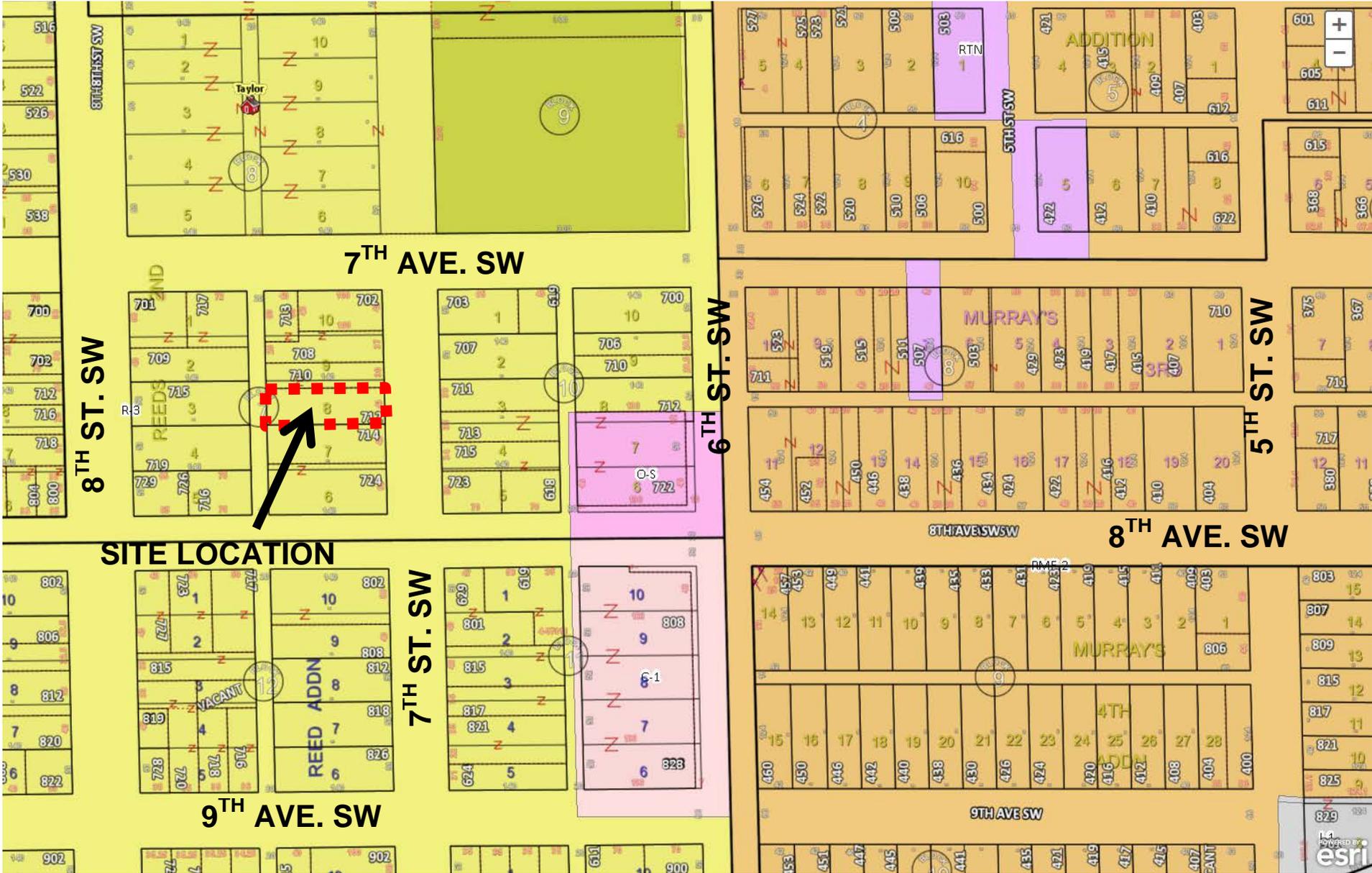
6. Whether facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.

Staff Comments: No issues have been raised by City Staff about providing services since the parcel has been previously developed.

RECOMMENDED CONDITIONS:

If the City Planning Commission recommends approval of the proposed rezoning use, adoption of the following conditions as recommended by City Departments should be considered. The City Planning Commission may approve with additional conditions.

1. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible to submit to the City a signed Concrete Pavement Petition and Assessment Agreement for Alley Improvements adjoining this site. The City Public Works Department shall furnish the Agreement form upon request by the property owner.
2. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible for removal and replacement of City sidewalk along the public street adjoining this site, damaged as a result of construction activities or not meeting ADA requirements will be required to be replaced on this site. Said removal and replacement areas shall be determined by the City Public Works Department, shall be completed by the property owner, and approved by the City.
3. Work within the right of way will require separate excavation permits.



SITE LOCATION

7TH AVE. SW

8TH ST. SW

6TH ST. SW

5TH ST. SW

7TH ST. SW

9TH AVE. SW

8TH AVE. SWSW

8TH AVE. SW

9TH AVE SW

STAFF REPORT TO CITY PLANNING COMMISSION
Rezoning with a Preliminary Plat

CPC Date: November 13, 2014

To: City Planning Commission
From: Development Services Department
Applicant: Morris Wood Enterprises, LLC
Titleholder: P & A Holdings, LLC

Case Number: RZNE-014031-2014
Location: South of Wilson Avenue and west of 18th Street SW
Request: Rezoning from R-2, Single Family Residence Zone District to R-3D, Two Family Residence Zone District
Case Manager: Vern Zakostelecky, Development Services Department

BACKGROUND INFORMATION:

The property is currently undeveloped and was part of a nursery. The applicant is requesting rezoning to allow for the development of duplexes on a portion of the subject property.

The Preliminary Site Development Plan as submitted includes the following:

- Total site area is 21.96 acres.
- Total area of R-3D is 14.04 acres.
- Total number of proposed single family lots is 24.
- Total number of proposed duplex lots is 5.
- Total number of duplex units is 68.
- Total number of units is 92.
- Proposed access to the development will be from 18th St. SW and future 26th Ave. SW.
- Storm water management will be provided for in two privately owned and maintained detention basins.

FINDINGS:

Section 32.02.030.C.5.e of the Zoning Ordinance requires the City Planning Commission to review the application based on the following criteria:

- 1. Whether the amendment is required to correct a technical mistake in the existing zoning regulations.**

Staff Comments: This amendment is not to correct a technical mistake on the existing Zoning Map.

2. Whether the amendment is consistent with the Future Land Use Policy Plan and other elements of the Comprehensive Plan.

Staff Comments: The subject property is shown as Low Density Residential on the Future Land Use Map (FLUM) in the City's Comprehensive Plan. As such, the requested rezoning is in accord with FLUM in the City's Comprehensive Plan and the Plan's Goals and Objectives.

3. Whether the amendment is consistent with the characteristics of the surrounding area, including any changing conditions.

Staff Comments: The property proposed for rezoning is currently undeveloped land being used for farming. The area to the north and east is developed as single-family residential. To the east is a commercial-light industrial development and to the south is a farmstead and agriculture land. The proposed rezoning will not have a negative impact on the surrounding neighborhoods since the developer is proposing single-family homes on the perimeter of the site adjacent to the existing single-family homes. The duplexes will be owner occupied condominiums. City staff has received no objections to this application.

4. Whether the property is suitable for all of the uses permitted in the proposed district.

Staff Comments: The subject property is suitable for all uses permitted in the R-3D Zoning District.

5. Whether the proposed amendment will protect existing neighborhoods from nearby development at heights and densities that are out of scale with the existing neighborhood.

Staff Comments: The proposed development will protect existing neighborhoods by developing single-family detached homes adjacent to existing single-family homes at approximately the same density. The proposed uses will not have a negative impact on the area.

6. Whether facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.

Staff Comments: All facilities and services, including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation will be constructed and installed by the developer and the proposed change in use will not negatively impact the levels of service to existing development in the general area.

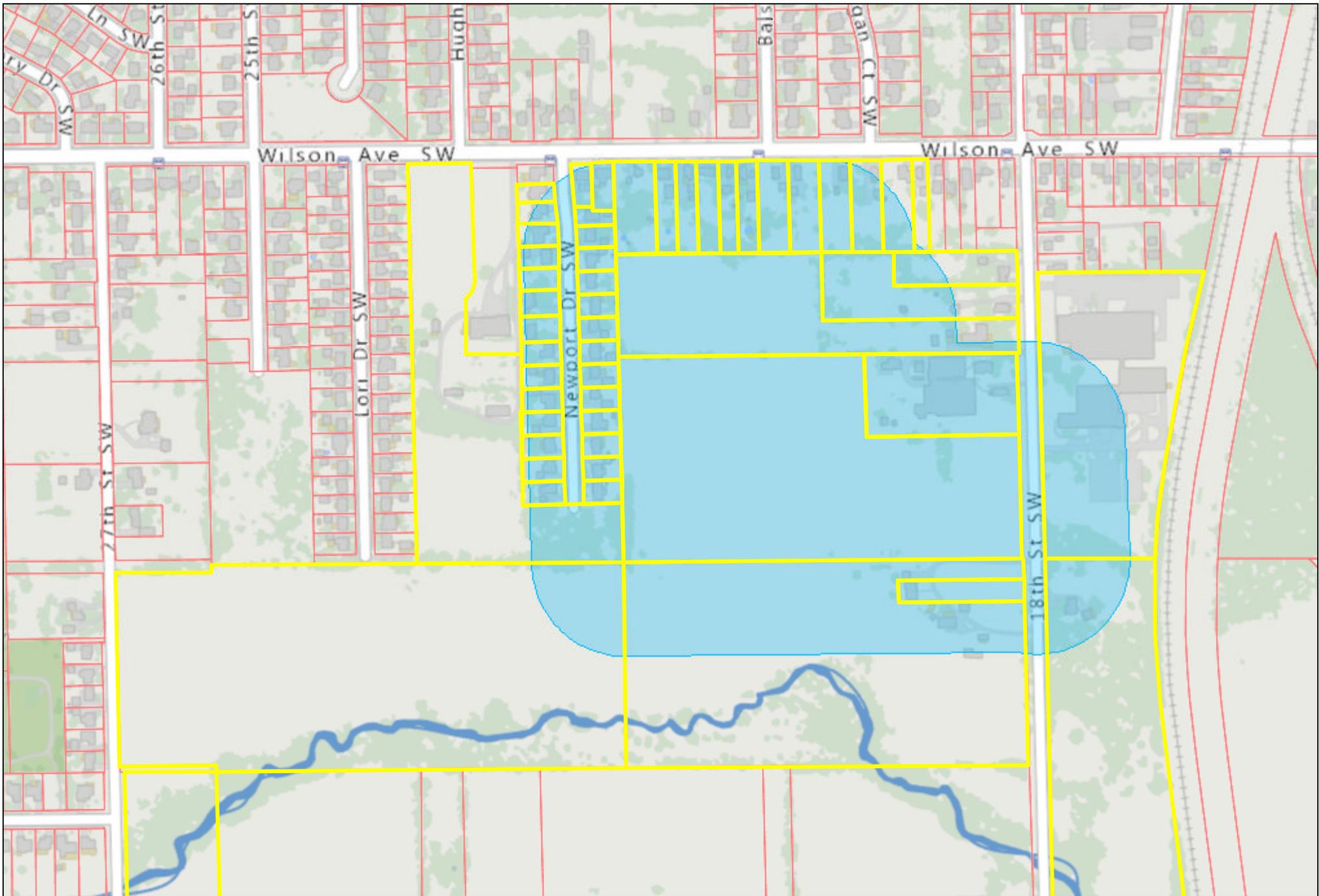
7. The Site Development Plan is consistent with the previously approved Preliminary Plan for the property (if applicable).

Staff Comments: This provision does not applicable.

RECOMMENDED CONDITIONS:

If the City Planning Commission recommends approval of the proposed rezoning, adoption of the following conditions as recommended by City Departments should be considered. The City Planning Commission may approve with additional conditions.

1. Subject property shall be platted per State and City platting regulations.
2. Lots will need to comply with off-street parking requirement per Chapter 32, Subsection 32.05.020.A.
3. Landscaping shall be provided per the Zoning Ordinance, Subsection 32.05.030.A.



Linn County makes no warranties, expressed or implied, including without limitation, any warranties of merchantability or fitness for a particular purpose. In no event shall Linn County be liable for lost profits or any consequential or incidental damages caused by the use

Linn County, Iowa

9/24/2014



Community Development and Planning Department
City Hall
101 First Street SE
Cedar Rapids, IA 52401
Telephone: (319) 286-5041

To: City Planning Commission
From: Kirsty Sanchez, Community Development and Planning
Subject: Consideration regarding conformity of the proposed 42nd Street and Edgewood Urban Renewal Area Plan with the City's Comprehensive Plan
Date: November 13, 2014

BACKGROUND INFORMATION:

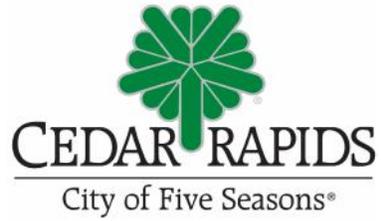
The City Council has initiated proceedings to consider the creation of the 42nd Street and Edgewood Urban Renewal Area Plan, as described below:

Lot 12, Life Investor's Office Park Fourth Addition to Cedar Rapids, Iowa.

The proposed Urban Renewal Area is generally located east of the intersection of Interstate 380 and 42nd Street NE in the City of Cedar Rapids. This district is intended to stimulate private investment through public action and commitment, to achieve a diversified economy, and to attract new businesses to the City.

The State Code of Iowa requires that prior to City Council adoption of an Urban Renewal Area, the Urban Renewal Plan be referred to the City Planning Commission for review and recommendation "*as to its conformity with the general plan for the development of the municipality as a whole.*"

The action requested from Planning Commission at this time is to make a finding regarding the consistency of the proposed 42nd Street and Edgewood Urban Renewal Plan for the 42nd Street and Edgewood Urban Renewal Area with the Comprehensive Plan. In addition to City Planning Commission review, the City consulted with affected taxing agencies on November 5, 2014. All comments received will be presented to City Council for consideration during the public hearing scheduled for November 18, 2014.



URBAN RENEWAL PLAN

for the

42ND STREET AND EDGEWOOD URBAN RENEWAL AREA

As Approved by City Council

Resolution No. _____

Community Development Department
City Hall
101 First Street SE
Cedar Rapids, Iowa 52401

INTRODUCTION

This Urban Renewal Plan (the "Urban Renewal Plan") has been prepared by the City of Cedar Rapids, Iowa (the "City") to provide for the development of the 42nd Street and Edgewood Urban Renewal Area (the "Project Area") of the City, and to stimulate, through public actions, financings and commitments, private investment in the urban renewal Project Area. In order to achieve these objectives, the City shall undertake the urban renewal actions specified in this Urban Renewal Plan, pursuant to the powers granted to it under Chapters 403 and 15A of the Code of Iowa, 2011, as amended (the "Code").

I. URBAN RENEWAL PLAN OBJECTIVES

The City has designated the Project Area as an "economic development area" as defined under Chapter 403. The primary objectives of this Urban Renewal Plan for the Project Area are as follows:

1. To stimulate through public action and commitment, private investment in new commercial and manufacturing development;
2. To plan and provide sufficient land for new and expanding private development;
3. To attract new businesses to the City and to encourage the expansion of existing City businesses;
4. To provide a more marketable and attractive investment climate through the use of various federal, state and local incentives;
5. To ensure that the Project Area is adequately served with public facilities, roadways, utilities and services; and
6. To achieve a diversified, well-balanced economy providing a desirable standard of living, creating job opportunities for City residents and strengthening the property tax base of the City.

II. DESCRIPTION OF PROJECT AREA

The Project Area is an "urban renewal area" as defined in the Code and is located within the City of Cedar Rapids, Linn County, Iowa. The boundaries of the Project Area are illustrated on the Project Area Map attached hereto as Exhibit A.

The Project Area consists of an approximately five and one-half (5.53) acres, in the City of Cedar Rapids, Iowa and being described as follows:

Lot 12, Life Investor's Office Park Fourth Addition to Cedar Rapids, Iowa.

III. PROJECT AREA ACTIVITIES

As a means of assisting in the development of the Project Area and fulfilling the objectives of this Urban Renewal Plan, the City may determine:

1. To undertake and carry out urban renewal project activities through the execution of contracts and other instruments;
2. To arrange for or cause to be provided the construction or repair of public infrastructure improvements, including street, water, sanitary sewer and storm sewer systems, traffic signals, and public utilities or other facilities in connection with urban renewal projects;
3. To acquire property through a variety of means (purchase, lease, exchange, condemnation, donation or otherwise) and to hold, clear or prepare the property for redevelopment;
4. To dispose of property so acquired (by sale, lease, exchange or otherwise) for purposes of private redevelopment;
5. To provide financing to pay a portion of the cost of construction of new facilities and developments;
6. To undertake or cause to be undertaken the construction of specific site improvements, such as grading and site preparation activities, access roads and parking, fencing, utility connections and related activities, in connection with the disposition of property;
7. To make loans or grants to private persons or businesses for economic development purposes on such terms as may be determined by the City Council;
8. To borrow money and provide security therefor;
9. To establish and enforce controls, standards and restrictions on land use and buildings;

10. To make or have made surveys and plans necessary for the implementation of the urban renewal program and specific urban renewal project activities;

11. To use tax increment financing to provide for necessary physical improvements and infrastructure, and to fund other urban renewal project costs; or

12. To use any and all other powers, without limitation, granted by the Code to develop and provide for improved economic conditions in the City of Cedar Rapids, Iowa.

IV. SPECIAL FINANCING ACTIVITIES

To meet the objectives of this Urban Renewal Plan and to encourage private investment in and the development of the Project Area, the City may determine to provide financial assistance to qualified private businesses through the making of loans or grants under Chapter 15A of the Code and through the use of tax increment financing under Chapter 403 of the Code.

A. Chapter 15A Loans or Grants. The making of loans or grants of public funds to private businesses within the Project Area may be deemed necessary or appropriate for economic development purposes (as defined in Chapter 15A of the Code) and to aid in the planning, undertaking and carrying out of urban renewal project activities authorized under this Urban Renewal Plan and the Code. Accordingly, in furtherance of the objectives of this Urban Renewal Plan, the City may determine to issue general obligation bonds, tax increment revenue bonds or other such obligations, or loan agreements for the purpose of making loans or grants of public funds to private businesses located in the Project Area. Alternatively, the City may determine to use available funds, including tax increment revenues from the Project Area, for making such loans or grants. In determining qualifications of recipients and whether to make any such individual loan or grant, the City shall consider, among other things, one or more of the factors set forth in Section 15A.1 of the Code on a case-by-case basis.

B. Tax Increment Financing. The City intends to utilize tax increment financing as a means to help pay for the costs associated with the development of the Project Area. General obligation bonds, tax increment revenue bonds or other such obligations or loan agreements may be issued by the City, and tax increment reimbursement may be sought for, among other things, the following costs (if and to the extent incurred by the City):

1. The construction of public improvements, such as streets, sanitary sewers, storm sewers, water mains or sidewalks;

2. The funding of the "local match" required under State programs providing financial assistance to private developers; and
3. The making of loans or grants to private businesses under Chapter 15A of the Code, including debt service payments on any bonds or notes issued to finance such loans or grants.

Nothing herein shall be construed as a limitation on the power of the City to exercise any lawful power granted to the City under Chapter 15A, Chapter 403, Chapter 427B, or any other provision of the Code in furtherance of the objectives of this Urban Renewal Plan.

V. PROPERTY ACQUISITION

All of the properties located within the Project Area are owned or expected to be acquired by 42nd Street and Edgewood, LLC and the City does not presently intend to acquire any land in the Project Area for purposes of private development. Areas may be identified for acquisition in the future for the following purposes:

1. To provide sites for needed private and public improvements or facilities in proper relationship to the projected demand for such facilities and in accordance with accepted criteria for the development of such facilities;
2. To assemble land into parcels of adequate size and shape to meet contemporary development needs and standards and to allow new construction to meet the objectives of this Urban Renewal Plan; or
3. To acquire any and all interests in any property within the Project Area which in any way dominates or controls usage of other real property proposed to be acquired.

VI. CLEARANCE AND DISPOSITION OF PROPERTY

All of the properties located within the Project Area are owned or expected to be acquired by 42nd Street and Edgewood, LLC and the City does not presently intend to clear or dispose of property in the Project Area. If the City makes improvements in preparation for redevelopment or transfer of land to private developers, all improvements will be accomplished in accordance with the goals and objectives of this Urban Renewal Plan and in concert with other actions to ensure timely improvement of the land.

The City may advertise and solicit development proposals, may negotiate directly with prospective developers, and may dispose of all or a portion of any property acquired by it for the purpose of redevelopment in accordance with the goals and objectives of this

Urban Renewal Plan. The property so disposed of may include vacated right-of-way and other lands under public ownership which are not needed for public purposes.

The City may subdivide, vacate or otherwise change the recorded arrangement of property under its control to accomplish the goals and objectives of this Urban Renewal Plan.

VII. LAND USE DEVELOPMENT

The planning criteria to be used to guide the physical development of the Project Area are those standards and guidelines contained within the Cedar Rapids Comprehensive Plan approved on May 19, 1999, as amended from time to time.

VIII. DEVELOPER REQUIREMENTS

In consideration of the efforts to be made by the City in furthering the development of the Project Area, developers who purchase land in the Project Area may be required to observe the land use requirements of this Urban Renewal Plan and to enter into a contractual agreement with the City in order to assure that the objectives of this Urban Renewal Plan are furthered or achieved.

Developers will not be permitted to defer the start of construction for a period longer than that required to prepare architectural plans, obtain satisfactory financing, and the review and approval of such plans by the City in order to establish their conformance with the provisions of this Urban Renewal Plan. In addition, it is expected that the following provisions will be included in agreements with developers:

1. Developers will submit plans and schedules for the proposed development to the City and will keep the City informed regarding progress on implementing these plans;
2. Any land purchased from the City can only be used for the purpose of development, and not for speculation;
3. Any ownership parcel made up in part of land acquired from the City will be built upon and improved in conformity with the objectives and provisions of this Urban Renewal Plan;
4. Construction of improvements will be initiated and completed within a reasonable time; and
5. There will be no discrimination against any person or group of persons on account of race, creed, color, national origin or ancestry in the sale,

lease, sublease, transfer, use of enjoyment of the premises therein conveyed, nor will the developers themselves, or any claiming under or through them, establish or permit such practices of discrimination or segregation with respect to the selection, location, number, use or occupancy of tenants, lessees, or sub lessees in the premises therein conveyed.

The contract and other disposition documents to be executed by the developer will set forth, in detail, the provisions, standards and criteria for achieving the objectives and land use requirements established in this Urban Renewal Plan.

IX. PROJECT AND CITY INDEBTEDNESS

The City may agree to make economic development grants to the developer in consideration for certain employment commitments and other covenants expected to be made by the developer. As such, the eventual level of City participation in both private and public improvements for the economic development of the Project Area cannot be fully determined at this time. However, to the extent that new tax increment revenues are generated and other appropriate funding sources are identified, the City may undertake other project-related activities in the future.

At the present time, it is anticipated that future City tax increment collections for project-related activities within the Project Area will not exceed \$2,000,000.00 in aggregate amount during the term of this Urban Renewal Plan. Proceeds of such tax increment collections are currently expected to be used to make economic development grants to the developer and to reimburse the City for any other project-related costs incurred in connection with the development of the Project Area.

As of June 30, 2013, the City's outstanding general obligation indebtedness was \$337,485,000. Article XI, Section 3 of the Constitution of the State of Iowa limits the amount of City debt outstanding at any time to no more than five percent (5%) of the value, as shown by the last certified state and City tax list, of all taxable property within the City. Based upon the actual value for fiscal year 2012/2013 (total actual value, less agriculture value that is not taxed for debt service) on all taxable property within the City of Cedar Rapids, the City is limited to \$463,611,401.00 of general obligation indebtedness.

X. STATE AND LOCAL REQUIREMENTS

All provisions necessary to conform with state and local law will be complied with by the City in implementing this Urban Renewal Plan and its supporting documents.

XI. SEVERABILITY

In the event one or more provisions contained in this Urban Renewal Plan shall be held for any reason to be invalid, illegal, unauthorized or unenforceable in any respect, such invalidity, illegality, or lack of authorization or enforceability shall not affect any other provision of this Urban Renewal Plan, and this Urban Renewal Plan shall be construed and implemented as if such provisions had never been contained herein.

XII. AMENDMENT OF URBAN RENEWAL PLAN

This Urban Renewal Plan may be amended from time to time to respond to development opportunities. Any such amendment shall conform to the requirements of Chapter 403 of the Code. Any change affecting any property or contractual right will be effectuated only in accordance with applicable state and local law.

XIII. EFFECTIVE DATE

This Urban Renewal Plan shall be effective upon adoption by the City Council of the City of Cedar Rapids, Iowa, and shall remain in full force and effect until amended or rescinded by the City Council. However, the use of tax increment financing revenues (including the amount of loans, advances, indebtedness or bonds which qualify for payment from the division of revenue provided in Section 403.19 of the Code) by the City for activities carried out under this Urban Renewal Plan shall be limited as deemed appropriate by the City Council and consistent with all applicable provisions of law, including Iowa Code Section 403.17(10).

EXHIBIT A
Proposed 42nd Street & Edgewood
Urban Renewal Area





Community Development and Planning Department
City Hall
101 First Street SE
Cedar Rapids, IA 52401
Telephone: (319) 286-5041

To: City Planning Commission Members
From: Historic Preservation Commission Members through Jeff Hintz, Planner II and Staff Liaison to Historic Preservation Commission
Subject: Local Landmark Application for 845 1st Avenue SE
Date: November 13, 2014

Background: Chapter 18 of the City of Cedar Rapids Municipal Code, section 18.05 outlines the process for which a property can be designated a local landmark or district. The owners of the property have requested this local landmark designation. The property is currently on the National Register of Historic Places with the name “Ausadie Building.”

The Cedar Rapids Historic Preservation Commission (HPC) held a public hearing on August 14, 2014 during their regularly scheduled meeting to discuss the application for local landmark status. While it is already listed nationally, the HPC’s discussion about the local importance of this property revolved around the following points:

- Enhanced protection on the property the National Register does not offer
- Designed by well-known architect and Cedar Rapidian William J. Brown and constructed by the Loomis Brothers
- Built for Austin and Sadie Palmer of Cedar Rapids (Palmer handwriting method)
- Iconic building on 1st Avenue in the core of the community

On August 14, 2014 city staff did recommend advancement to the State Historic Preservation Office (SHPO) for review and comment, which was the action taken by the Cedar Rapids Historic Preservation Commission.

Comments from State Historic Preservation Office:

- “The property is a good candidate for local land marking.”
- Strongly recommend including the carriage house (converted to a garage) and the courtyard in the nomination in addition to the main apartment building.

Other Applicable Information: Section 18.05(d) of the Cedar Rapids Municipal Code requires review by the City Planning Commission and a recommendation regarding landmark status of the property to the City Council within 60 days of receiving comments from SHPO. The City Council will review all the comments and make a final determination on the matter.

If the local landmark status is granted, the City Planning Commission still will review ALL land use applications on the property as with any other property within the Cedar Rapids corporate limits. The Historic Preservation Commission will review proposals for modification to the exterior of the structure or additions of other structures to the property through the Certificate of Appropriateness (COA) process, just like in the local historic districts. The only difference being this property is a landmark by itself, not within a local historic district.

Attachments: A) SHPO Comments.

IOWA
ARTS
COUNCIL

PRODUCE
IOWA

STATE HISTORICAL
SOCIETY OF IOWA

STATE HISTORICAL
MUSEUM OF IOWA

STATE HISTORICAL
LIBRARY & ARCHIVES

STATE
HISTORIC
SITES

STATE HISTORIC
PRESERVATION
OFFICE OF IOWA

IOWA
HISTORICAL
FOUNDATION

October 2, 2014

Mr. Jeff Hintz
Community Development and Planning Department
101 First Street SE
Cedar Rapids, Iowa 52401

Re: Local Landmark nomination for the Ausadie Building, 845 First Avenue, SE, Cedar Rapids

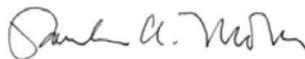
Dear Mr. Hintz,

Thank you for forwarding the local landmark nomination for the Ausadie Building, 845 First Avenue, SE, Cedar Rapids. As you know, the building was listed on the National Register of Historic Places in December 2004. The National Register nomination documents its significance as a well-preserved early twentieth century apartment building and one designed by well-known Cedar Rapids' architect, William J. Brown. The building was also determined to be significant under Criterion B for its association with Austin Palmer, a significant person in Cedar Rapids' late nineteenth and early twentieth century history. The property is a good candidate for local landmarking.

However, the National Register nomination identified 3 contributing resources. We strongly recommend that a proposed landmark nomination and map with photographs of all the property's resources be prepared to clearly document what the historic preservation commission and the city council intends to landmark. The owner states a desire to landmark the apartment building but it is ambiguous what the intention is with the other two resources.

Thank you again for sending this to us for our comment.

Sincerely,



Paula Mohr
Architectural Historian
State Historic Preservation Office



Community Development Department
City Hall
101 First Street SE
Cedar Rapids, IA 52401
Telephone: (319) 286-5041

To: City Planning Commission
From: Seth Gunnerson through Jennifer Pratt, Interim Director of Community Development & Planning
Subject: Interim Zoning Code Amendment
Date: November 13, 2014

As part of the adoption of EnvisionCR, the City anticipates starting a process to re-write the zoning ordinance in 2015. The City is looking to complete an interim update which will bring the existing zoning ordinance more into alignment with the goals of the Comprehensive Plan. At the September Development Committee meeting, staff was directed to conduct outreach and develop an ordinance that would:

- Eliminate front yard setbacks in commercial districts
- Expand core area parking standards
- Set site design expectations to guide development prior to a full update of the zoning code

The City has reached out to members of the development community to review the proposals listed below for concerns. Outreach to the development community will continue prior to a public hearing in November.

Commercial Setbacks:

Staff was asked to evaluate eliminating the front yard setback requirements for commercial zone districts in order to encourage contextual setback and encourage more pedestrian friendly site design.

Staff recommends eliminating the 25' front yard building setback requirement in all Commercial Districts, along with the O-S (Office/Service) Zone District. Staff also recommends allowing buildings which provide a public entrance to the sidewalk to encroach into required front yard landscaping.

Developers that have provided feedback have weighed in positively on the proposed change, as it will reduce the need to obtain variances for certain developments. Developers also raised questions residential setbacks. Currently residential development allows for contextual setbacks for new homes if existing homes have a reduced setback. Staff will continue to research opportunities to allow greater flexibility for new residential development while maintaining the character of existing residential streets.

Recommendations:

- Eliminate Front Yard and Corner Side Yard Setback Requirement in Commercial and Office zone districts (C-1, C-MU, C-2, C-3, C-4 and O-S)
- Allow buildings which provide a public entrance to the sidewalk to encroach into required front yard landscaping
- Staff will continue to review options for reducing setbacks for residential development without affecting the character of existing neighborhoods.

Expand Core Area Parking Standards:

In 2012 the City adopted parking standards for the core area of the community which established parking maximums and allowed for reduction of minimum parking requirements based on providing alternatives to parking.

In September the Development Committee instructed staff to research expanding the existing core-area regulations communitywide.

Feedback from developers on the proposed changes has been positive. The belief is that the regulations will allow more developers to avoid needing a variance for reduced parking requirements.

Staff recommends approval of an ordinance which would extend the provisions of the Core Area Parking ordinance citywide.

Recommendations:

- Expand Establishing parking maximums
 - 110-150% of minimum, based on required parking lot size
 - Additional spaces over the maximum must be pervious pavement
 - Master planned sites may be separately considered as a PUD
- Allowing reductions in minimum parking requirements based on:
 - Available on-street parking
 - Providing bicycle parking
 - Providing motorcycle parking
 - Location near bus route
 - Location near pedestrian trail
 - Shared parking agreement
- Allow approval of tandem parking for existing one and two-family homes

Site Design Expectations

Staff is also recommending adopting language which would emphasize the desire of the community for new development to be oriented towards the street with pedestrian access and which minimizes the visual appearance of parking. This language will be placed in Section 32.05 – Dimensional, Parking and Development Standards to provide a guide for the development of site plans

While the recommended language will not list specific site design standards, it will list expectations that new development will be expected to follow. This will be a priority in commercial corridors identified within EnvisionCR.

Feedback from the Development Community has been positive, with support for allowing flexibility in how individual sites may meet expectations of the ordinance.

Recommendations:

The following section will be added to the code setting expectations for site design:

- Building orientation which addresses the street through a combination of:
 - Main façade which faces the street
 - Windows and entrances visible from the street
 - Buildings should not exceed the historic contextual setback
 - Building placement near the corner of major intersections is heavily encouraged.
 - Large Commercial development should, at a minimum, plan for future outlot development along the street.
- Site design should interface with pedestrian transportation networks
 - The required pedestrian circulation provision shall be provided by a clearly identified path from the public sidewalk to any public entrances on the site. It is preferred that this path is a separated pedestrian sidewalk.
 - To the extent feasible the main entrance should be located close to the sidewalk
 - Bicycle parking is encouraged for all new development
 - Connection to existing or planned trail networks should be considered.
 - For master planned sites, pedestrian connectivity throughout the site should be provided.
- Site design should limit parking between the primary façade and the street.
 - Parking is encouraged to be located behind buildings to the extent feasible.
 - Parking located to the side of the building is a preferred alternative
 - Sites which do provide a majority of the parking between the primary façade and the street should provide enhanced pedestrian amenities, such as:
 - Separated and protected pedestrian path to the sidewalk
 - Lighting
 - Outdoor amenities such as seating, landscaping and decorative paving.

Timeline

This ordinance was recommended by the City Council Development Committee on October 15, 2014. A public hearing at City Council for the proposed ordinance is scheduled for November 18, 2014.

- October 15 – Development Committee Review
- November 4 – Motion Setting a Public Hearing at City Council
- November 13 – Review and Consideration by the City Planning Commission
- November 18 – Public Hearing and First Reading of proposed ordinance
- December 2 – Second and possible Third Readings of the ordinance