

AGENDA
CITY PLANNING COMMISSION MEETING
Thursday, December 04, 2014 @ 3:00 PM
City Hall Council Chambers
101 First Street SE, Cedar Rapids, IA 52401

Call Meeting to Order

Roll Call

A. Approval of the Minutes

B. Adoption of the Agenda

C. Action Items

1. Case Name: 476 Lewellen Drive NW (Conditional Use) (Tabled at the November 13, 2014 CPC Meeting)

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: Krebs Addition (Preliminary Plat)

Consideration of a Major Preliminary Plat in a R-2, Single Family Residence Zone District as requested by Morris Wood Enterprises, LLC (Applicant) and P & A Holdings, LLC (Titleholder) 2500 18th Street SW

Case No: PRPT-013958-2014; Case Manager: Vern Zakostelecky

3. Case Name: 3601 42nd Street NE (Rezoning)

Consideration of a Rezoning from PUB, Public Zone District to O-S, Office/Service Zone District as requested by Jeffrey and Debra Wilkin (Applicant/Titleholder)

Case No: RZNE-014488-2014; Case Manager: Vern Zakostelecky

- 4. Case Name: Vacant Railroad Right-of-Way property east of Council Street NE, west of Rockwell Drive NE and south of Blairs Ferry Road NE (Rezoning)**
Consideration of a Rezoning from C-2, Community Commercial Zone District and I-1, Light Industrial Zone District to C-3, Regional Commercial Zone District as requested by Water Rock, LLC (Applicant/Titleholder)
Case No: RZNE-014528-2014; Case Manager: Vern Zakostelecky
- 5. Case Name: 700 16th Street NE (Rezoning)**
Consideration of a Rezoning from C-3, Regional Commercial Zone District to PUD-2, Planned Unit Development Two Zone District as requested by Central Park Partners, LLC (Applicant/Titleholder)
Case No: RZNE-015016-2014; Case Manager: Vern Zakostelecky
- 6. Consideration of amending Chapter 32 of the Municipal Code, the Zoning Ordinance, to amend the requirements for Communication Facilities in the City.**
Case No: N/A; Planner: Jeff Hintz

**MINUTES OF
CITY PLANNING COMMISSION MEETING,
Thursday, November 13, 2014 @ 3:00 p.m.**

Cedar Rapids City Hall Council Chambers, 101 First Street SE

Members Present: Scott Overland, Chair
Jim Halverson, Vice – Chair
Carletta Knox-Seymour
Samantha Dahlby
Richard Pankey
Kim King
Dominique Blank
Bill Hunse

Members Absent: Virginia Wilts

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

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

City Council Liaison: Justin Shields

The meeting was called to order at 3:02 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 23, 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: 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

Mr. Houg stated that the applicant could not be present and asked that this item be tabled until the next meeting.

Commissioner Overland asked when the applicant had asked for the item to be tabled and Mr. Houg stated they had called just the morning of the meeting.

Commissioner Overland called for a motion. Commissioner Halverson made a motion to table the Conditional Use for a Day Care Center in a R-3, Single Family Residence Zone District. Commissioner Blank 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: 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

Commissioner Pankey recused himself from voting on this item.

Mr. Houg stated 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. Mr. Houg presented a Location Map, Street View, Site Development Plan as well as an Elevation of the building.

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

Commissioner Overland called for a representative of the applicant.

Travis Armstrong, HF Investments, 1100 Old Marion Road NE stated the project is nearing completion and they just became aware that a conditional use application was needed to complete the project.

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 wished to speak.

Commissioner Overland called for a motion. Commissioner Dahlby made a motion to approve the Conditional Use for ground floor dwelling units in the C-4, Central Business District. Commissioner King 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.

Commissioner Pankey returned to the dais.

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

Consideration of a Rezoning from R-3, Single Family Residence 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 Zakostelecky

Mr. Zakostelecky stated 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 proposed lot will be development under the City's ROOTS Program. 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. Mr. Zakostelecky presented a Location Map, an Aerial Photo as well as 3 staff recommended conditions of the project.

Commissioner Overland called for questions of Mr. Zakostelecky.

Commissioner Halverson asked how this request differed from previous requests that were filed by staff on behalf of the City that falls under RTN. Mr. Zakostelecky stated this was different as the property was not purchased through the Voluntary Property Acquisition Program and that Midwest Development Company purchased the property on their own. That does not prevent them from enrolling it in the ROOT's Program.

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

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. Commissioner Pankey made a motion to approve the Rezoning from R-3, Single Family Residence Zone District to R-TN, Traditional Neighborhood Residence Zone District. Commissioner Dahlby 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.

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 Zakostelecky

Mr. Zakostelecky stated the property is currently undeveloped and was part of a nursery. The applicant is requesting rezoning to allow for the development of duplexes on the interior portion of the subject property and single family homes were the property abuts existing single family residential. Mr. Zakostelecky stated 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.

Mr. Zakostelecky presented a Location Map and Preliminary Site Development Plan and stated that the next step is City Council Public Hearing on December 2, 2014. Mr. Zakostelecky further stated that the Preliminary Plat would be coming to the Commission also in the future once the rezoning was approved.

Commissioner Overland called for questions of Mr. Zakostelecky..

Commissioner Knox-Seymour asked where the future 26th Avenue would be located. Mr. Zakostelecky stated that the developer will provide the north half street for 26th Avenue. They will be required to submit a petition and assessment agreement to the City and then when the property to the south is developed the future developer will be responsible for the cost of remainder of the street.

Commissioner Halverson asked if the single-family homes being proposed will be similar to the surrounding area. Mr. Zakostelecky stated that they would be.

Commissioner Blank asked if the duplexes were going to look like others that the Commission has seen. Mr. Zakostelecky stated that staff has not seen elevations of the duplexes, but that the developer has a good track record of building and selling.

Commissioner King asked about the condition referring to landscaping. Mr. Zakostelecky stated that street trees will be provided.

Commissioner Overland called for a representative of the applicant.

Jed Schnoor, Schnoor-Bonifazi, 6218 Hoover Road SW stated that 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.

Steve Anderson, 2009 Wilson Avenue SW, Leonard Smejkal, 2433 Newport Drive SW, Michael Alose, 1525 Wilson Avenue SW, Charles Smith, 1923 Wilson Avenue SW, Carol Smejkal, 2433 Newport Drive SW, Harold Schulze, 2425 Newport Drive SW expressed their concerns and opposition to the development.

- Storm Water Run Off
- Size of Lots
- Water Retention Pond
- Why existing lots are not staggered
- Timing of building and selling of both single and duplex lots
- Average price
- Number of stories
- Environmental impacts
- Increased property tax concern
- Why single-family and duplex are being built
- Further expansion to include current owners such as entrance and exit to property
- Where can they go to see what the duplex looks like as well as cost

Commissioner Overland asked the applicant to return to the podium to address these concerns. Jed Schnoor along with Todd Wood, 2505 Deer Lane Road, Marion returned to the Podium to answer questions.

Commissioner Overland stated that he would present each of the concerns for the applicant to address:

- Lot sizes compared to what is required in City:
Mr. Zakostelecky state that this property is all zoned R-2 and the minium is 7,000 sq. ft. and most of these are 9,000 sq. ft. and larger. The lots are comparable to those in the area.
- Detention basin as it relates to water run off and what type of measures will be taken during construction to prevent run-off:

Mr. Schnoor stated there is a ridge through the property that splits the drainage and most of the site will drain away from Wilson Avenue. In the design the hill will be leveled so that most of water on the north side will drain south into the basin. In a large storm event, the water will be directed away from the Wilson Avenue properties. As part of the city's requirement we are required to treat up to the 100 year storm which is 7.2 inches. The retention ponds will have water in them all year around. Mr. Schnoor stated that the water coming off this property will not have the peaks that they currently have. The second basin flows into a culvert under 18th Street.

First measure will be that the basins will be constructed initially so that run-off is detened before the building begins.

- How will project be developed:
Mr. Wood stated both single family and duplex at same time; 2-3 years. Why houses are staggered. Just happened to be the way they were laid out for the lot sizes.
- Price point of property:
Mr. Wood stated price point would be \$140,000 low end for the duplex to \$200,000 and the Houses \$180,000 to \$250,000 Similar duplexes are located on Breyer Street SW between 31st and 33rd where they already have homes that may look like what will be built here. The developer was told to mix up the homes up so they do not look alike.
- Height of building:
Mr. Wood stated no 3 story structures unless you consider the basement. Only single story or two story homes will be built. Mr. Zakostecky said that there is building height restriction of 35 feet in residential. Commissioner Knox-Seymour asked about changing the scenery, was that why the duplexes are more in the middle. Mr. Wood stated it was a buffer zone so that residential single-family homes are backed up to single-family homes. The new owners of the single-family homes will know that they have a duplex across the street up front. All units will be owner occupied. Commissioner Hunse asked if they built single-family and duplexes in the same project. Mr. Wood stated that yes they have done that before. Mr. Zakostecky stated that there is a lot of mixed density development in the city
- Retention issue:
- Mr. Schnoor stated that the land will be leveled out and some of the elevation differences will make for having walk-out lots in some areas.
- Phase of the development:
Mr. Wood stated that the development will depend on the market, but at the same time doing most of the dirt work all at once. Doubt that all the roads will be poured before they start. Commissioner Dalhby asked if they will be built after someone has purchased or built before. Mr. Wood stated that they have quite a few pre-sold and built specs to show homes that are taken to dry wall so the owner can pick out their own furnishings.
- Access points:
Mr. Zakostecky stated that access points are set because of the frontage on 18th Street. 26th Avenue will go along the south point of the property with a possibility of an access from Newport Dr. in the future.
- Environmental Impact:
Mr. Wood stated that he was not able to control the number of deer in the area. Mr. Zakostecky stated there is no controls other than what the city does with their deer hunt. He further stated that this area has been ripe for development for a number of years. Undeveloped areas have to deal with wildlife all over the city.

Commissioner Overland called for a motion. Commissioner Halverson made a motion to approve the Rezoning from R-2, Single Family Residence Zone District to R-3D, Two Family Residence Zone District. Commissioner Blank seconded the motion.

Commissioner Overland called for discussion on the motion.

Commissioner Pankey stated that this will be a change, however if this is going to be developed with a housing development rather than a high rise, 4 or 5 story building this is a very positive development which will stabilize values in the neighborhood.

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

5. Consideration regarding conformity of the proposed 42nd Street NE and Edgewood Urban Renewal Area Plan with the City's Comprehensive Plan.

Case No: CIP/DID #OB1314912; Planner: Kirsty Sanchez

Mr. Gunnerson stated that Ms. Sanchez had another commitment and he was presenting this project. Mr. Gunnerson stated that the City Council has initiated proceedings to consider the creation of the 42nd Street and Edgewood Urban Renewal Area Plan, described as: 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.

Commissioner Overland called for questions of Mr. Gunnerson.

Commissioner Hunse asked if the work that was happening right now was just site prep?

Commissioner Overland asked if the City has any say what happens to these projects since it is benefiting from public assistance. Mr. Gunnerson stated that the taxes collected from the improvements on the site would go into a fund to help pay for the improvements. There will be a development agreement with the city where this can be stipulated.

Commissioner Overland called for a motion. Commissioner Pankey made a motion to approve the the conformity of the proposed 42nd Street NE and Edgewood Urban Renewal Area Plan with the City's comprehensive Plan. Commissioner Dahlby 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.

**6. Consideration of a historic landmark status at 845 1st Avenue SE
Case No: CIP/DID N/A; Planner: Jeff Hintz**

Mr. Hintz stated 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.

Commissioner Overland called for questions of Mr. Hintz.

Commissioner Dahlby asked how the Historical Preservation Committee would be involved if they wanted to make changes. Mr. Hintz stated that if they wanted to change exterior features, it would go to Historic Preservation, however if it was a land use application, then it would come to CPC.

Commissioner Halverson asked if there was anything that had to follow up to the SHIPO letter. Mr. Hintz stated that the City Council would address this, but the owners do intend to landmark their entire property.

Commissioner Overland called for a motion. Commissioner Knox-Seymour made a motion to approve the request for a historic landmark status at 845 1st Avenue SE. Commissioner Dahlby 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.

7. 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.

Case No: CIP/DID #OB1325802; Planner Seth Gunnerson

Mr. Gunnerson stated 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 for concerns. Outreach to the development community will continue prior to a public hearing in November.

Commissioner Halverson left the meeting at 4:20 pm

Commissioner Overland called for a motion. Commissioner Pankey made a motion to approve 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. Commissioner Blank 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.

The meeting was adjourned at 4:25 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

CPC Date: December 4, 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. The applicant was unable to attend the November hearing and asked for the request to be tabled. Appellant proposes to be registered to care for 6 children full time, 2 part-time and 4 before-and-after school. There are no proposed changes to the structure or property. The Department of Human Services considers this an in-home day care. This situation is unique in that the home will not be the appellant's personal residence. Therefore the Zoning Administrator has determined that a conditional use review as a day care center is appropriate.

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.**

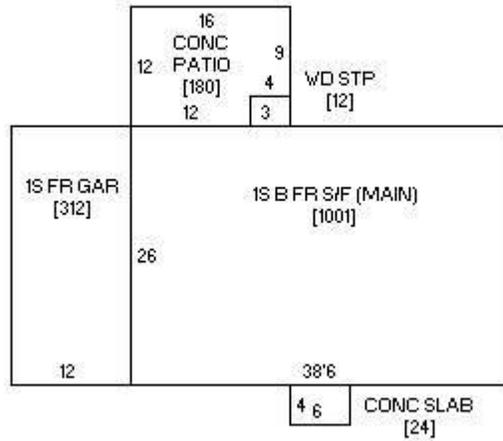
Staff Comments: As long as the operation is registered as an in-home daycare, building and site design changes are neither required nor proposed. Should the use intensify, State licensing will require additional off-street parking and play area screening.

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 Service Department
City Services Center
500 15th Avenue SW
Cedar Rapids, IA 52404
Telephone: (319) 286-5043

STAFF REPORT TO CITY PLANNING COMMISSION
Major Preliminary Plat

CPC Date: December 04, 2014

To: City Planning Commission
From: Development Services Department

Applicant: Morris Wood Enterprises, LLC
Titleholder: P & A Holdings, LLC

Plat Name: Krebs Addition
Case Number: PRPT-0139578-2014
Location: 2500 18th Street SW
Request: Consideration of a Major Preliminary Plat in an R-3D, Two Family Residence Zone District
Case Manager: Vern Zakostelecky

BACKGROUND INFORMATION:

The property is currently undeveloped and was part of a nursery. The applicant, Morris Wood Enterprises, LLC is requesting approval of a Major Preliminary Plat for the Krebs Addition for property located south of Wilson Avenue and West of 18th Street SW. The applicant has also submitted a Preliminary Site Development Plan and rezoning request for this property to R-3D, Two Family Residence Zone District. The proposed plat will provide for future development of single-family homes and two-family residential duplexes.

The Major Preliminary Plat 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 retention basins.

FINDINGS:

The City Planning Commission shall review the application based on the following criteria:

- 1. That the proposed use and development will be consistent with the intent and purposes of the Comprehensive Plan and other applicable codes and regulations.**

Staff Comments: The proposed use and development are consistent with the intent and purposes of the Comprehensive Plan. The proposed density of the development is considered Low Density based on the contemplated land uses in the Comprehensive Plan and the density of the proposed development. The development will also comply with all other applicable codes, regulations and approvals.

RECOMMENDED CONDITIONS:

If the City Planning Commission recommends approval of the proposed major preliminary plat, adoption of the following conditions as recommended by City Departments should be considered. The City Planning Commission may approve with additional conditions or remove any of the recommended conditions.

1. PRIOR TO THE APPROVAL OF THE FINAL PLAT, the property owner shall be responsible to submit to the City a signed Agreement for Private Storm Water Detention. The City Public Works Department shall provide a copy of the Agreement form upon request by the property owner.
2. AS PART OF FINAL PLAT SUBMITTAL TO CITY COUNCIL, the property owner shall dedicate to the public additional street right-of-way along 18th Street SW providing a minimum 40' half width right-of-way for said street adjoining this site (shown on the preliminary plat).
3. AS PART OF FINAL PLAT SUBMITTAL TO CITY COUNCIL the property owner shall submit to the City a signed Agreement for Private Storm Water Detention for the proposed private facilities to be located on this site. The City shall furnish said Agreement form upon request by the property owner.
4. AS PART OF FINAL PLAT SUBMITTAL TO CITY COUNCIL the property owner shall be responsible to submit to the City a signed Concrete Pavement Petition and Assessment Agreement for future improvements in 18th Street SW and 26th Avenue SW adjoining this site. The City Public Works Department shall furnish the Agreement form upon request by the property owner.
5. The property owner is responsible to extend sanitary sewer to serve the development. If sewer extensions crossing private property are necessary to serve the subject property, as determined by the City Public Works Director/City Engineer, the property owner shall be responsible for the related costs including (but not limited to) planning and design of the sewer, acquisition of right-of-way and/or easements, construction, administration, inspection and other incidental costs.
6. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY for the lot(s) through which overland conveyance of the 100-year storm event will occur, the property owner shall provide certification by a civil engineer licensed in the State of Iowa verifying the runoff from the 100-year storm event can be conveyed through the site without damage to building structures, OR, The property owner shall provide a certification by a Civil Engineer or Land Surveyor licensed in the State of Iowa the drainage way has been constructed in accordance with drainage plans approved by the City.
7. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY the property owner shall be responsible to construct 5' wide concrete sidewalk along street frontages on and adjoining this site. The property owner shall construct the sidewalk improvements in accordance with City Standards, ADA requirements, and improvement plans accepted by the City. The property owner may request deferral of the sidewalk installation requirement if in accordance with the sidewalk installation policy. If a deferral is requested, a formal request may be submitted to the City with documentation verifying deferral eligibility (cross sections, drawings, etc.).



Development Services Department
City Services Center
500 15th Avenue SW
Cedar Rapids, IA 52404
Telephone: (319) 286-5043

STAFF REPORT TO CITY PLANNING COMMISSION
Rezoning With Preliminary Site Development Plan

CPC Date: December 04, 2014

To: City Planning Commission
From: Development Services Department

Applicant: Jeffery and Debra Wilkin
Titleholder: Jeffery and Debra Wilkin

Case Number: RZNE-014488-2014
Location: 3601 42nd Street NE
Request: Rezoning from PUB, Public Zone District to O-S, Office/Service Zone District
Case Manager: Vern Zakostecky, Development Services Department

BACKGROUND INFORMATION:

The property is currently developed with a vacant office type building and associated parking, which was most recently use as office space for the City's Information and Technology Department. In 2006 the City adopted a new Zoning Ordinance and Zoning Map and adopted a new Public Zone District for public owned properties. At that time the property zoning was changed to the Public Zoning District since the property was owned and operated as a City facility. The City has sold the property to the applicants and they wish to rezone the property to allow for a privately owned office use. There are no changes proposed to the property at this time.

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 request rezoning is not required to correct a technical mistake in the existing zoning regulations.

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

Staff Comments: The property is shown as Office on the Future Land Use Map in the City's Comprehensive Plan. As such, the request is in accord with the Future Land Use Map and the goals and objectives of the Comprehensive Plan.

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

Staff Comments: The property is currently developed, but the building is vacant. The applicant has just purchased the property from the City and wishes to rezone the property to allow for office type uses. To the south, west and southeast the properties are developed as multi-family housing. To the east is a church and to the north is a City owned Fire Station and the Twin Pine Golf Course. The proposed use will generate light traffic during peak traffic hours that should not have an adverse impact on the neighborhood. The City Traffic Engineering Department has no issues or concerns. The proposed use will be similar to the City uses in the past and should not have any negative impacts on the residential uses in the area. Staff has received no calls from the neighborhood regarding 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 O-S 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: There are no proposed changes to the existing size of the building or parking areas. To the extent possible, the proposed use will be designed to meet the City's required design standards with regard to building design, storm water management, landscaping and other site design elements. The proposed amendment and use will continue to protect the existing neighborhood from nearby development at heights and densities that are out of scale.

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: 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. The proposed use of this property will not have a negative impact on the levels of service to the 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: The proposed Site Development Plan is identical to the previously approved site plan for the property.

RECOMMENDED CONDITIONS:

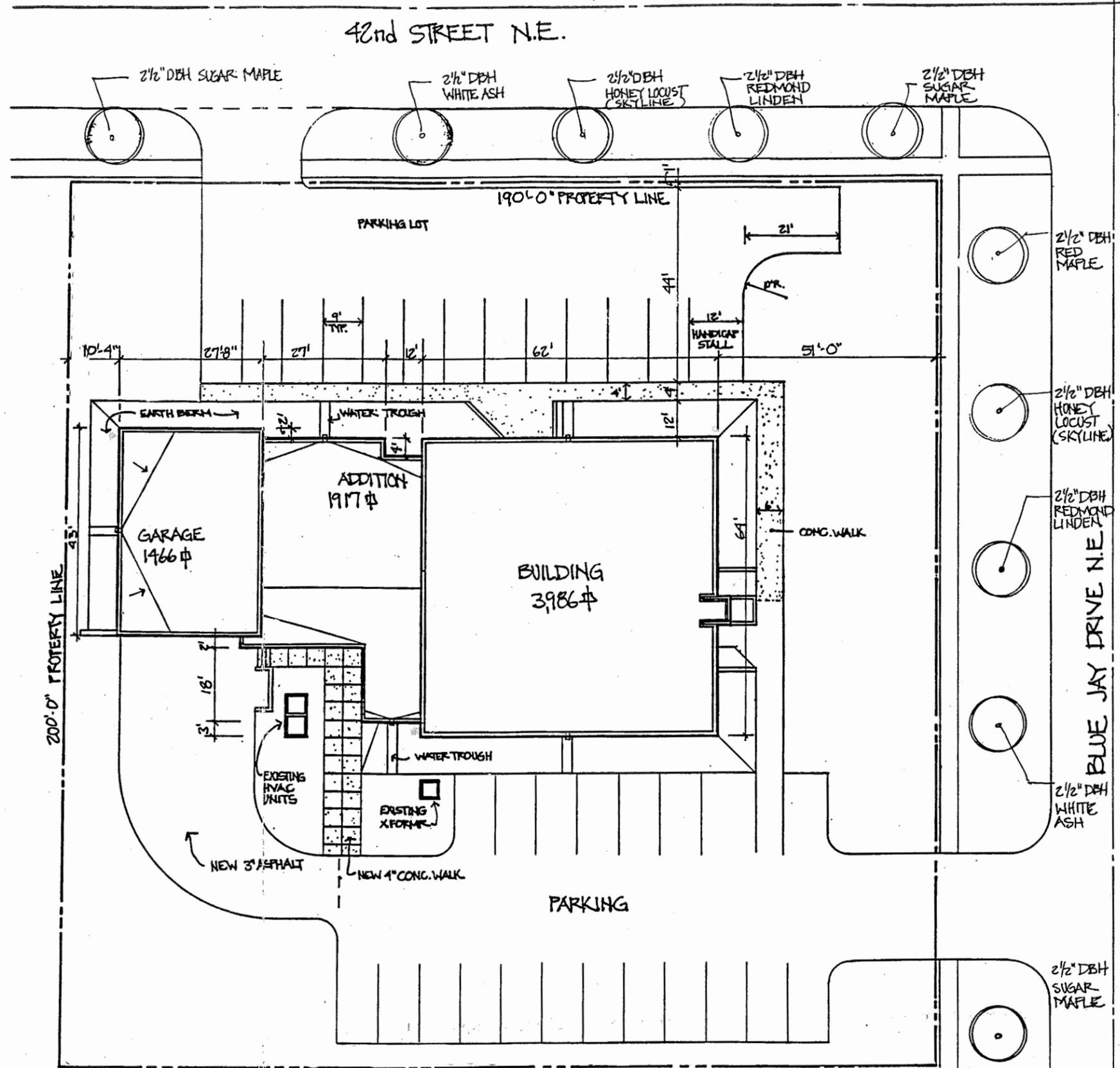
If the City Planning Commission recommends approval of the proposed rezoning use, adoption of the following conditions as recommended by City Departments should be considered. The City Planning Commission may approve with additional conditions.

1. That if an outdoor dumpster is proposed the enclosure for the dumpster will need be a full screen enclosure including the gates and preferably designed using the same building material as the principal building as per Subsection 32.05.030.A.7. of the Zoning Ordinance. Please note that chain link with privacy slats does not satisfy this requirement.

SITE PLAN DATA

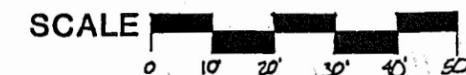
- * LOCATION: SOUTHWEST CORNER OF 42ND STREET AND BLUE JAY DRIVE N.E.
- * BUILDING HEIGHT: EXISTING - SINGLE STORY (12')
ADDITION - SINGLE STORY (12')
GARAGE - SINGLE STORY (16')
- * BUILDING SIZE: EXISTING - 3986 S.F.
ADDITION - 1917 S.F.
GARAGE - 1466 S.F.
BASEMENT - 1260 S.F.
TOTAL 8629 S.F.
TOTAL W/O GARAGE & BASEMENT - 5903 S.F.
- * LOT SIZE: 190' x 200' = 38,000 S.F.
- * REQUIRED PARKING STALLS - $5903 \div 250 = 23.61$
- * PARKING PROVIDED:

PARKING LOTS =	33
GARAGE =	<u>2</u>
TOTAL	35
- * AREA COVERED BY HARD SURFACE (PARKING, DRIVES, WALKS):
 - % COVERED BY BUILDING - 19%
 - % COVERED BY HARD SURFACE - 44%
 - % COVERED BY BUILDING & HARD SURFACE - 63%
- * PROPERTY DESCRIPTION: NORTH 240', EAST 230'
N.W. 1/4, N.W. 1/4 SECTION 8-33-7
LINN COUNTY, IOWA
- * PROPOSED ZONING: O/S (OFFICE/SERVICE)



3601 42nd Street NE

SITE PLAN



STAFF REPORT TO CITY PLANNING COMMISSION
Rezoning W/O Preliminary Site Development Plan

CPC Date: December 4, 2014

To: City Planning Commission
From: Development Services Department

Applicant: Water Rock, LLC
Titleholder: Water Rock, LLC

Case Number: RZNE-014528-2014
Location: Vacant Railroad Right-of-Way east of Council Street NE, west of Rockwell Drive NE and south of Blairs Ferry Road NE

Request: Rezoning from C-2, Community Commercial Zone District and I-1, Light Industrial Zone District to C-3, Regional Commercial Zone District

Case Manager: Vern Zakostecky, Development Services Department

BACKGROUND INFORMATION:

The property is currently undeveloped former railroad property. The applicant wishes to rezone the property to allow portions of the property to be sold to adjoining property owners for expansion of existing businesses. The applicant is also reserving a portion of the property along Council Street NE for a small commercial/office building site. The applicant will be required to submit for Preliminary Site Development Plan approval prior to developing this parcel. A Minor Preliminary Plat application has also been submitted by the property owner.

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 request rezoning is not required to correct a technical mistake in the existing zoning regulations.

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

Staff Comments: Since the proposed rezoning is to allow most of the property to be divided among adjoining property owners the request is in accord with the Future Land Use Map in the City's Comprehensive Plan and the goals and objectives of the Comprehensive Plan.

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

Staff Comments: The property is currently undeveloped vacant railroad property. The general area is a mix of office, commercial, warehousing, contractor shops and industrial type uses. Since the property will be divided and added to adjoining developed sites the proposed uses will not change and will not have a negative impact on the surrounding area. Staff has received no calls from the neighborhood regarding 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 C-3 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 property will be divided and added to adjoining properties to allow for expansion of existing business. Prior to development of the one building site fronting onto Council Street NE the applicant will need to submit for Preliminary Site Development Plan approval. City's required design standards with regard to building design, storm water management, landscaping and other site design elements will need to be addressed with the development of the building lot and with future existing business expansion plans. The proposed amendment and uses will continue to protect the existing neighborhood from nearby development at heights and densities that are out of scale.

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: 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. The proposed uses of this property will not have a negative impact on the levels of service to the existing development in the general area.

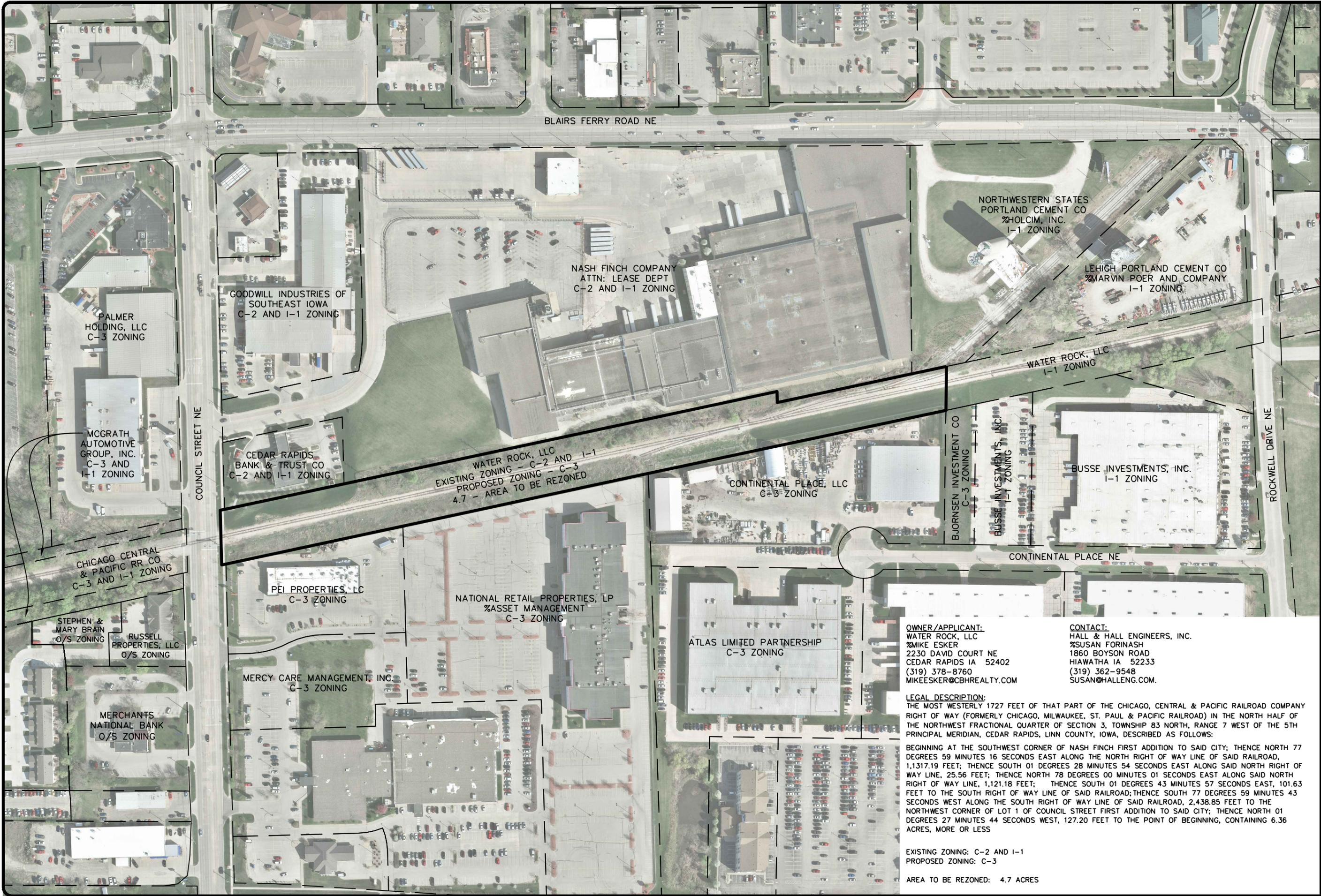
7. The Site Development Plan is consistent with the previously approved Preliminary Plan for the property (if applicable).

Staff Comments: This finding is not applicable since there is no previously approved site plan for the property.

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. That future development under this rezoning action shall be subject to the RSDP review process as set forth in Section 32.02.030.G. prior to issuance of building permit(s). Such Development shall meet all City development standards in effect at the time of plan submittal.
2. **PRIOR TO DEVELOPMENT ON THIS PROPERTY, AS PART OF THE SUBDIVISION APPROVAL**, the property owner shall be responsible to dedicate appropriate sanitary sewer easements over the existing sanitary sewer main crossing through this site.



BLAIRS FERRY ROAD NE

COUNCIL STREET NE

ROCKWELL DRIVE NE

NORTHWESTERN STATES
PORTLAND CEMENT CO
%HOLCIM, INC.
I-1 ZONING

LEHIGH PORTLAND CEMENT CO
%MARVIN POER AND COMPANY
I-1 ZONING

NASH FINCH COMPANY
ATTN: LEASE DEPT
C-2 AND I-1 ZONING

GOODWILL INDUSTRIES OF
SOUTHEAST IOWA
C-2 AND I-1 ZONING

PALMER
HOLDING, LLC
C-3 ZONING

MCCRATH
AUTOMOTIVE
GROUP, INC.
C-3 AND
I-1 ZONING

CEDAR RAPIDS
BANK & TRUST CO
C-2 AND I-1 ZONING

WATER ROCK, LLC
EXISTING ZONING - C-2 AND I-1
PROPOSED ZONING - C-3
4.7 - AREA TO BE REZONED

WATER ROCK, LLC
I-1 ZONING

BJORNSEN INVESTMENT CO
C-3 ZONING

BUSSE INVESTMENTS, INC.
I-1 ZONING

BUSSE INVESTMENTS, INC.
I-1 ZONING

CONTINENTAL PLACE, LLC
C-3 ZONING

NATIONAL RETAIL PROPERTIES, LP
%ASSET MANAGEMENT
C-3 ZONING

PEI PROPERTIES, LC
C-3 ZONING

ATLAS LIMITED PARTNERSHIP
C-3 ZONING

OWNER/APPLICANT:
WATER ROCK, LLC
%MIKE ESKER
2230 DAVID COURT NE
CEDAR RAPIDS IA 52402
(319) 378-8760
MIKEESKER@CBHREALTY.COM

CONTACT:
HALL & HALL ENGINEERS, INC.
%SUSAN FORINASH
1860 BOYSON ROAD
HIAWATHA IA 52233
(319) 362-9548
SUSAN@HALLENG.COM.

LEGAL DESCRIPTION:
THE MOST WESTERLY 1727 FEET OF THAT PART OF THE CHICAGO, CENTRAL & PACIFIC RAILROAD COMPANY RIGHT OF WAY (FORMERLY CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD) IN THE NORTH HALF OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 3, TOWNSHIP 83 NORTH, RANGE 7 WEST OF THE 5TH PRINCIPAL MERIDIAN, CEDAR RAPIDS, LINN COUNTY, IOWA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF NASH FINCH FIRST ADDITION TO SAID CITY; THENCE NORTH 77 DEGREES 59 MINUTES 16 SECONDS EAST ALONG THE NORTH RIGHT OF WAY LINE OF SAID RAILROAD, 1,131.19 FEET; THENCE SOUTH 01 DEGREES 28 MINUTES 54 SECONDS EAST ALONG SAID NORTH RIGHT OF WAY LINE, 25.56 FEET; THENCE NORTH 78 DEGREES 00 MINUTES 01 SECONDS EAST ALONG SAID NORTH RIGHT OF WAY LINE, 1,121.18 FEET; THENCE SOUTH 01 DEGREES 43 MINUTES 57 SECONDS EAST, 101.63 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID RAILROAD; THENCE SOUTH 77 DEGREES 59 MINUTES 43 SECONDS WEST ALONG THE SOUTH RIGHT OF WAY LINE OF SAID RAILROAD, 2,438.85 FEET TO THE NORTHWEST CORNER OF LOT 1 OF COUNCIL STREET FIRST ADDITION TO SAID CITY; THENCE NORTH 01 DEGREES 27 MINUTES 44 SECONDS WEST, 127.20 FEET TO THE POINT OF BEGINNING, CONTAINING 6.36 ACRES, MORE OR LESS

EXISTING ZONING: C-2 AND I-1
PROPOSED ZONING: C-3

AREA TO BE REZONED: 4.7 ACRES

Sheet Title:

Date:

10/22/14

Field Book No:

FBK

Scale:

1"=200'

Sheet:

1 of 1

Project Number:

9755-5

HALL & HALL ENGINEERS, INC.
Leaders in Land Development Since 1953

1860 BOYSON ROAD, HIAWATHA, IOWA, 52233
PHONE: (319) 362-9548 FAX: (319) 362-7596
CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE
LAND SURVEYING • LAND DEVELOPMENT PLANNING

Designed by:

SUSAN FORINASH

Drawn by:

SUSAN FORINASH

Checked by:

SUSAN FORINASH

REZONING EXHIBIT
VACANT RAILROAD ROW
W/O ROCKWELL DRIVE NE, E/O COUNCIL STREET NE
CEDAR RAPIDS, LINN COUNTY, IOWA



Development Services Department
City Services Center
500 15th Avenue SW
Cedar Rapids, IA 52404
Telephone: (319) 286-5043

STAFF REPORT TO CITY PLANNING COMMISSION
Rezoning With Preliminary Site Development Plan

CPC Date: December 04, 2014

To: City Planning Commission
From: Development Services Department

Applicant: Central Park Partners, LLC
Titleholder: Central Park Partners, LLC

Case Number: RZNE-015016-2014
Location: 700 16th Street NE
Request: Rezoning from C-3, Regional Commercial Zone District to PUD-2, Planned Unit Development Two Zone District
Case Manager: Vern Zakostecky, Development Services Department

BACKGROUND INFORMATION:

The property is currently developed with three story commercial mixed use building and associated parking. The proposal would rezone the building to allow a greater mix of uses including a proposed small brewing business. The Preliminary Site Development Plan submitted includes the existing site features. There are no proposed changes to the exterior of the building or the parking areas.

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 request rezoning is not required to correct a technical mistake in the existing zoning regulations.

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

Staff Comments: The City rezoned the property to C-3 Zoning District and amended the Future Land Use Map to Commercial once the applicant bought the property several years ago. As such, the request zone change is in accord with the Future Land Use Map in the City's

Comprehensive Plan. The request is also in accord with the goals and objectives of the Comprehensive Plan.

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

Staff Comments: The property is currently developed and no changes are proposed for the exterior of the building or associated parking areas. The applicant wishes to rezone the property to allow a greater mix of uses including a brewing business. The general area is a mix of commercial, service, office and industrial type uses. The proposed uses will not generate additional traffic during peak traffic hours and should not have an adverse impact on the neighborhood. The City Traffic Engineering Department has no issues or concerns. Staff has received no calls from the neighborhood regarding 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 PUD-2 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: There are no proposed changes to the existing size of the building other than interior modifications. To the extent possible, the proposed uses will be designed to meet the designed to meet the minimum requirements of all applicable codes and regulations. The proposed amendment and uses will continue to protect the existing neighborhood from nearby development at heights and densities that are out of scale.

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: 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. The proposed uses of this property will not have a negative impact on the levels of service to the 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: The proposed Site Development Plan is consistent with the previously approved site plan for the property in that the existing building, accesses and parking areas are being maintained.

RECOMMENDED CONDITIONS:

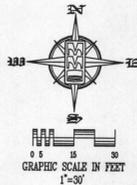
If the City Planning Commission recommends approval of the proposed rezoning use, adoption of the following conditions as recommended by City Departments should be considered. The City Planning Commission may approve with additional conditions.

1. Required off-street parking shall be provided per provisions of the Zoning Ordinance or City Council shall grant an exception through approval of this rezoning and preliminary development site plan.

AS-BUILT SURVEY

901 & 903 17th Street, NE

Cedar Rapids, Linn County



PLAN PREPARED BY:
MMS CONSULTANTS INC.
5761 C STREET SW, STE D
CEDAR RAPIDS, IOWA 52404

REQUESTED BY:
US BANK
PO BOX 3013
CEDAR RAPIDS, IA 52406

OWNER:
VMIPSPROP, L.C.
240 33RD AVE, SW
CEDAR RAPIDS, IA 52404

LEGEND AND NOTES

- ▲ - CONGRESSIONAL CORNER, FOUND
 - △ - CONGRESSIONAL CORNER, REESTABLISHED
 - - CONGRESSIONAL CORNER, RECORDED LOCATION
 - - PROPERTY CORNER(S), FOUND
 - (Type as noted on Drawing) - PROPERTY CORNER(S) SET (5/8" Iron Pin w/ LS Cap)
 - (or as noted on the Drawing) - PROPERTY CORNER(S)
 - - PROPERTY &/or BOUNDARY LINES
 - - CONGRESSIONAL SECTION LINES
 - - RIGHT-OF-WAY LINES
 - - CENTER LINES
 - - LOT LINES, INTERNAL
 - - LOT LINES, PLATTED OR BY DEED
 - - EASEMENT LINES, WIDTH & PURPOSE NOTED
 - (R) - RECORDED DIMENSIONS
 - (M) - MEASURED DIMENSIONS
 - C22-1 - CURVE SEGMENT NUMBER
 - - UTILITY POLE
 - - LIGHT POLE
 - - MANHOLE
 - - FIRE HYDRANT, EXISTING
 - - FIRE HYDRANT, PROPOSED
 - - POWER POLE, EXISTING
 - - BOLLARD, EXISTING
 - - FENCE LINE
 - - CURB INLET
 - - CURB LINES
 - - SANITARY SEWER LINES
 - - STORM SEWER LINES
 - - WATER LINES
 - - ELECTRICAL LINES
 - - TELEPHONE LINES
 - - GAS LINES
 - - OVERHEAD
 - - UNDERGROUND
- UNLESS NOTED OTHERWISE, ALL DIMENSIONS ARE IN FEET AND HUNDREDTHS
ERROR OF CLOSURE IS LESS THAN 1 FOOT IN 20,000 FEET

LEGAL DESCRIPTION

ALL THAT PART OF THE 20 FOOT WIDE VACATED ALLEY RIGHT-OF-WAY LYING EASTERLY OF LOT 1, "AUDITOR'S PLAT NO. 45, CEDAR RAPIDS, IOWA", EXTENDING FROM THE CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD RIGHT-OF-WAY NORTHERLY TO A POINT 30.91 FEET SOUTHERLY OF THE NORTHEASTERLY CORNER OF LOT 1, AUDITOR'S PLAT NO. 45, CEDAR RAPIDS, IOWA.

AND

THAT PART OF LOT 11, 12, AND 13, BLOCK 3, GREENDALE ADDITION TO CEDAR RAPIDS, IOWA AND THAT PART OF THE SW 4 SW 4 SECTION 15-43-7, LINN COUNTY, IOWA DESCRIBED AS FOLLOWS: BEGINNING AT THE MOST S-WLY CORNER OF LOT 13, SAID GREENDALE ADDITION; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 13 PRODUCED 77.23 FEET TO THE NW-LY LINE OF THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD COMPANY; THENCE NE-LY ALONG THE NW-LY LINE OF SAID RIGHT OF WAY 340.35 FEET TO THE SW-LY LINE OF THE CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD COMPANY; THENCE N-E, FORMERLY GREENE AVENUE AS SHOWN AND DESIGNATED ON THE RECORDED PLAT OF CENTRAL PARK ADDITION, CEDAR RAPIDS, IOWA, PRODUCED; THENCE NW-LY ALONG THE SW-LY LINE OF SAID LOT 11, 12, 13, PRODUCED 91.2 FEET TO A POINT IN THE SE-LY RIGHT OF WAY LINE OF THE IOWA ELECTRIC LIGHT & POWER COMPANY; THENCE SW-LY ALONG SAID RIGHT OF WAY TO A POINT SOUTH OF THE NE CORNER OF SAID LOT 11, THENCE SW-LY TO A POINT ON THE WEST LINE OF SAID LOT 11, 14.77 FEET NORTH OF THE SW CORNER OF SAID LOT 11; THENCE SOUTH ALONG THE WEST LINES OF SAID LOTS 11, 12, AND 13 TO THE POINT OF BEGINNING.

AND

ALL OF LOT 9, BLOCK 3, GREENDALE ADDITION TO CEDAR RAPIDS, IOWA AND THAT PART OF LOTS 10 AND 11, BLOCK 3, GREENDALE ADDITION TO CEDAR RAPIDS, IOWA, LYING NORTHERLY OF A LINE DRAWN FROM A POINT OF THE EAST LINE OF LOT 10, 28.77 FEET NORTH OF THE SE CORNER THEREOF TO A POINT ON THE WEST LINE OF LOT 11, 14.31 FEET SOUTH OF THE NW CORNER THEREOF.

AND

THAT PART OF NORTH SEVENTEENTH STREET IN GREENDALE ADDITION TO CEDAR RAPIDS, IOWA, PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT OF THE EAST LINE OF LOT 9, BLOCK 3, GREENDALE ADDITION TO CEDAR RAPIDS, IOWA, 35.13 FEET NORTH OF THE SE CORNER THEREOF; THENCE SOUTH ON THE EAST LINE OF LOTS 9 AND 10 TO A POINT 28.77 FEET NORTH OF THE SE CORNER OF LOT 10; THENCE NE-LY, ANGLE 75° 13' 6" CURVE TO THE LEFT 4.16 FEET TO THE WESTERLY LINE OF NORTH SEVENTEENTH STREET IN CENTRAL PARK ADDITION, PRODUCED; THENCE NW-LY ALONG THE SAID WESTERLY LINE OF SAID NORTH SEVENTEENTH STREET, PRODUCED 69.3 FEET TO THE PLACE OF BEGINNING.

AND

THAT PART OF LOTS 1 AND 2, "AUDITOR'S PLAT NO. 45, CEDAR RAPIDS, IOWA" LYING SOUTH OF THE SOUTH LINE OF THE PROPERTY CONVEYED TO IOWA RAILWAY & LIGHT CORPORATION PURSUANT TO A DEED DATED OCTOBER 25, 1928 AND FILED FOR RECORD ON OCTOBER 26, 1928 IN VOLUME 537 AT PAGE 293, IN THE RECORDS OF THE LINN COUNTY IOWA RECORDER, EXTENDED WESTERLY TO THE NW BOUNDARY OF SAID LOT 2, EXCEPT LOT 1, CEDAR RAPIDS, INC. 1ST ADDITION TO CEDAR RAPIDS, IOWA.

GENERAL SITE INFORMATION

SITE IS ZONED I-1, RESTRICTED INDUSTRIAL DISTRICT

DIMENSIONAL REQUIREMENTS:
FRONT YARD SETBACK = 0 FEET, PER CEDAR RAPIDS ZONING ORDINANCE
SIDE YARD SETBACK = 0 FEET, PER CEDAR RAPIDS ZONING ORDINANCE
REAR YARD SETBACK = 0 FEET, PER CEDAR RAPIDS ZONING ORDINANCE

MAXIMUM BUILDING BULK:
LOT COVERAGE: 48%
LOT AREA = 1.63 ACRES
BUILDING AREA = 0.79 ACRES
PAVED AREA = 0.68 ACRES

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

GLEN D. MESNER, L.S. Iowa Lic. No. 8165

My license renewal date is December 31, 2007

Pages or sheets covered by this seal: 1/1

MMS

CIVIL ENGINEERS
LAND PLANNERS
LAND SURVEYORS
LANDSCAPE ARCHITECTS
ENVIRONMENTAL SPECIALISTS

1917 S. GILBERT ST.
IOWA CITY, IOWA
(319) 351-8282
www.mmsconsultants.net

5761 C ST. SW SUITE D
CEDAR RAPIDS, IOWA
(319) 841-5188

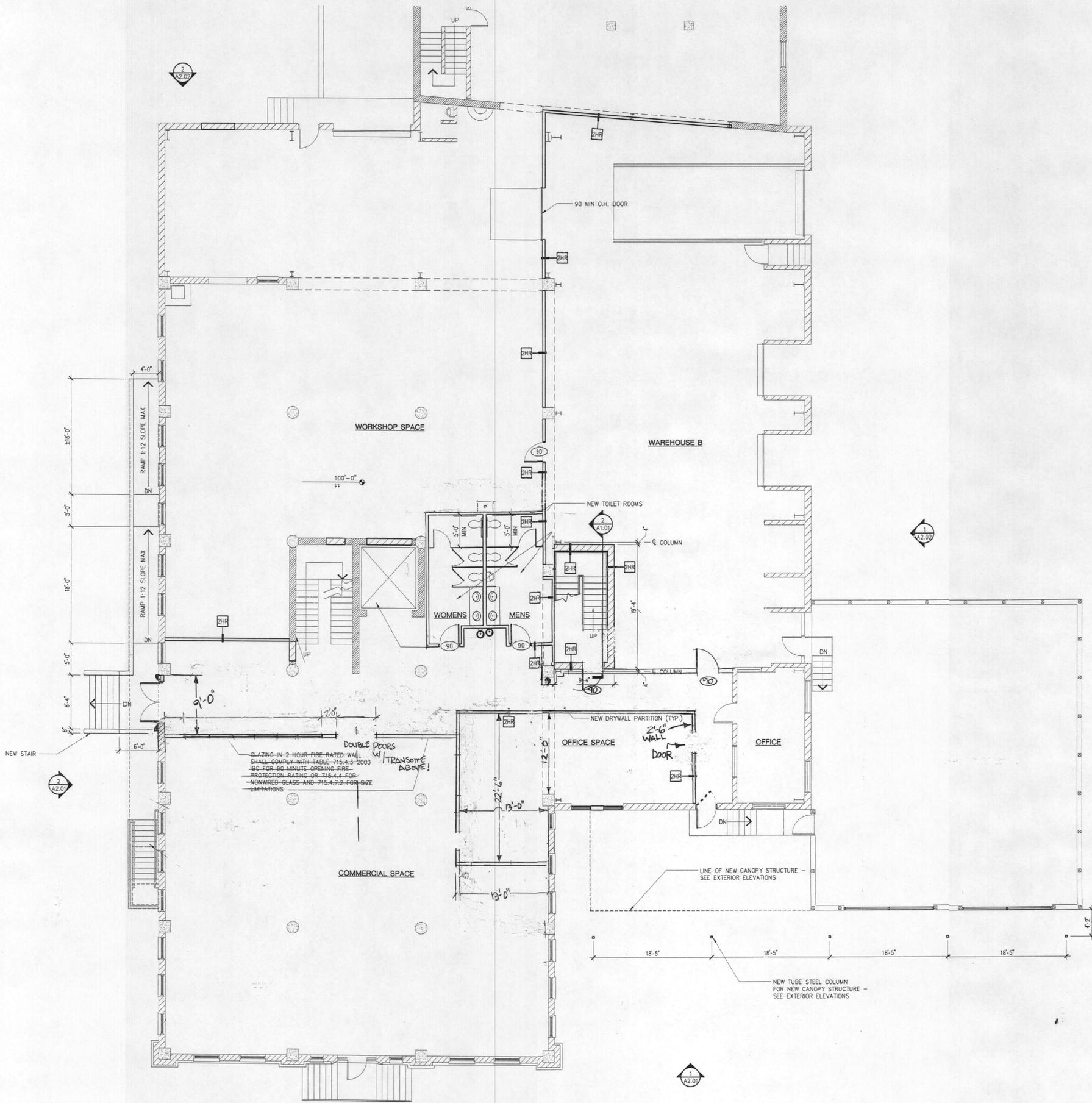
AS-BUILT DRAWING

901 & 903 17th St. NE
AS-BUILT SURVEY

CEDAR RAPIDS
LINN COUNTY
IOWA

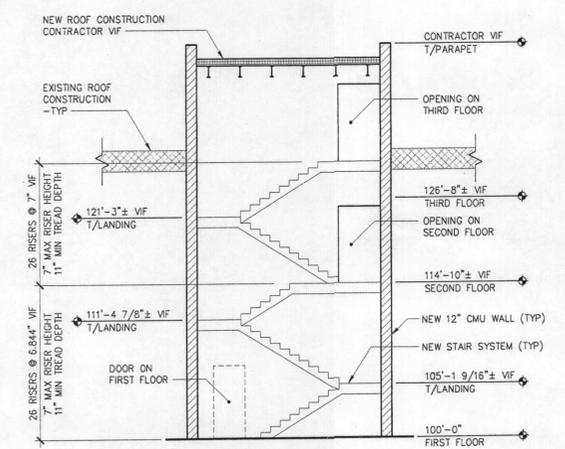
MMS CONSULTANTS, INC.	
Date:	03-30-06
Designed by:	Field Book No. 784
Drawn by:	Scale: 1"=30'
Checked by:	Sheet No. 1
Project No.:	CEDAR RAPIDS
7653001	of 1

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 11/22/2004 11:40:11 AM



1 FIRST FLOOR PLAN
 1/8"=1'-0"

LEGEND	
ARCHITECTURAL	
PLAN MARK	DESCRIPTION
(20)	20 MINUTE FIRE RATED DOOR
(60)	60 MINUTE FIRE RATED DOOR
(90)	90 MINUTE FIRE RATED DOOR
1HR	1 HOUR FIRE RATED PARTITION WALL
2HR	2 HOUR FIRE RATED PARTITION WALL



2 STAIR SECTION LOOKING NORTH
 NOT TO SCALE

TORRANCE BUILDING REMODEL
Cabinet Studio, Inc.

901 16th, St. NE
 Cedar Rapids, Iowa

REVISIONS	

DRAWN cdc
 APPROVED
 ISSUED FOR CONSTRUCTION DATE 11-23-04
 FIELD BOOK

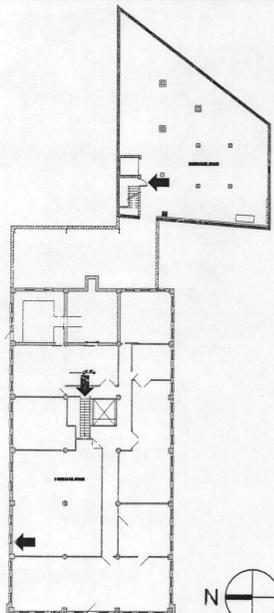
SHEET NAME
FIRST FLOOR PLAN

PROJECT NO. 204203-0

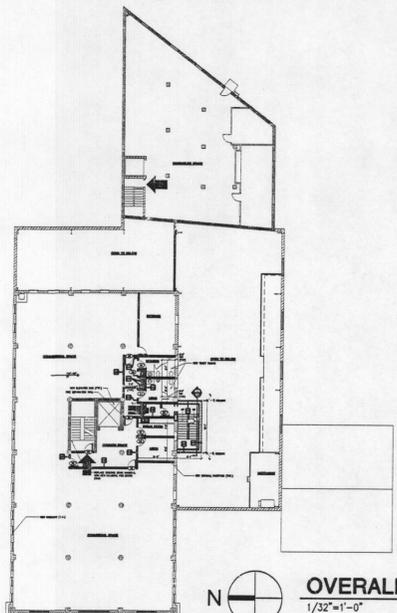
SHEET NO. **A1.01**

SHIVE-HATTERY
 Cedar Rapids, IA • Iowa City, IA • Des Moines, IA
 Moline, IL • Bloomington, IL • Chicago, IL
 SHIVE-HATTERY, INC. 201 THIRD AVENUE SE, SUITE 600, CEDAR RAPIDS, IOWA 52401
 PHONE (319) 384-0027 FAX (319) 384-4251
 HTTP://WWW.SHIVE-HATTERY.COM

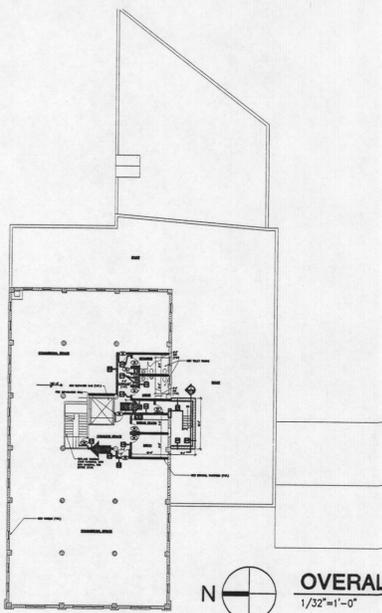
Reference Files: XR-TITLE.Dwg | XR-AP-01 | XR-AP-02 | XR-AP-03 | P:\PROJECTS\204203-0\DWG\XR-AP-01.Dwg | XR-AP-02 | P:\PROJECTS\204203-0\DWG\XR-AP-02.Dwg | XR-AP-03 | P:\PROJECTS\204203-0\DWG\XR-AP-03.Dwg
 | mimbh | p:\projects\204203-0\dwg\00-AD-01.DWG | DATE: 11/22/2004 | TIME: 17:59



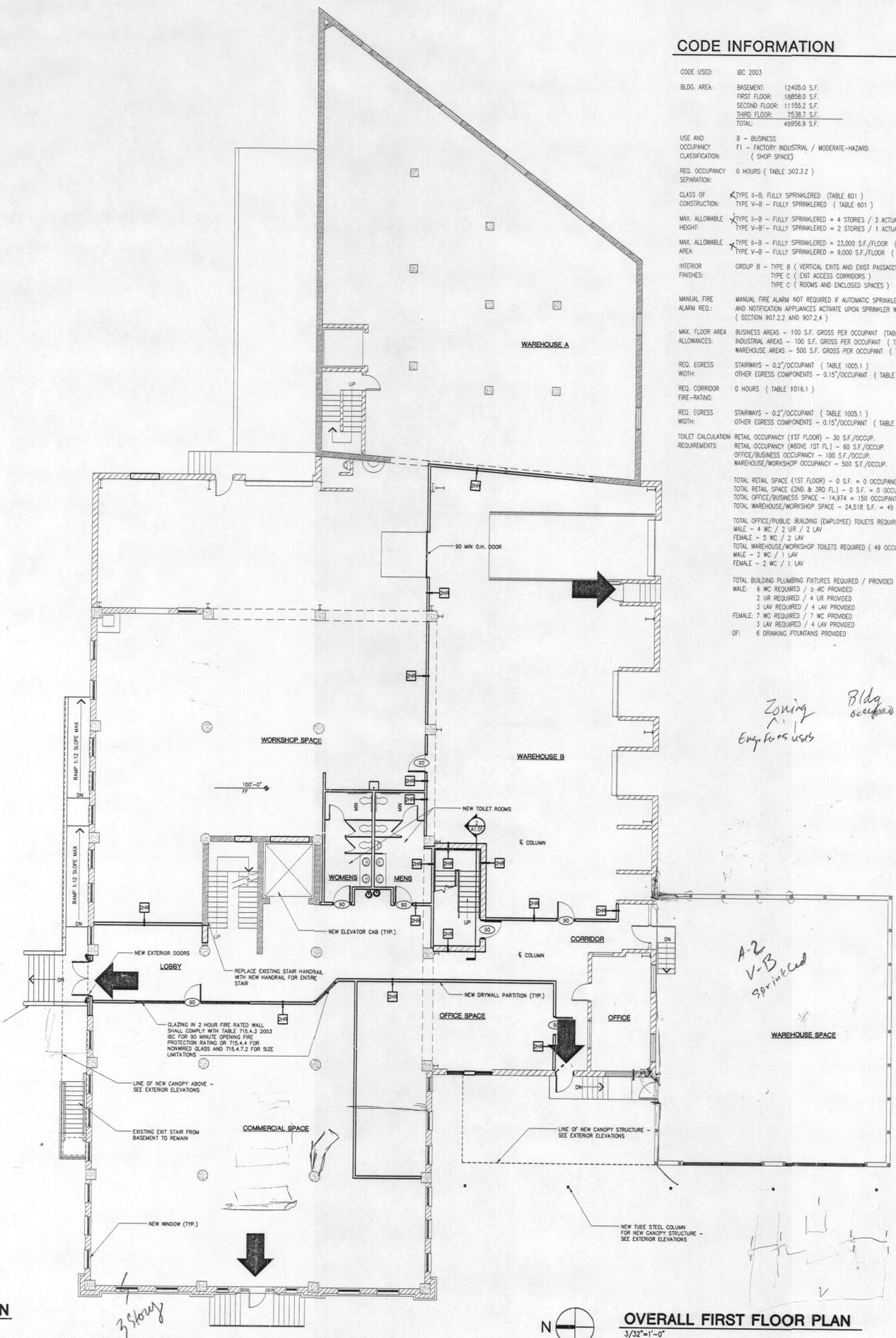
OVERALL BASEMENT FLOOR PLAN
1/32"=1'-0"



OVERALL SECOND FLOOR PLAN
1/32"=1'-0"



OVERALL THIRD FLOOR PLAN
1/32"=1'-0"



OVERALL FIRST FLOOR PLAN
3/32"=1'-0"

CODE INFORMATION

CODE USED: IBC 2003
 BLDG. AREA: BASEMENT: 12405.0 S.F.
 FIRST FLOOR: 18858.0 S.F.
 SECOND FLOOR: 11155.2 S.F.
 THIRD FLOOR: 7538.7 S.F.
 TOTAL: 49956.9 S.F.
 USE AND OCCUPANCY CLASSIFICATION: B - BUSINESS
 F1 - FACTORY INDUSTRIAL / MODERATE-HAZARD (SHOP SPACE)
 REG. OCCUPANCY SEPARATION: 0 HOURS (TABLE 302.3.2)
 CLASS OF CONSTRUCTION: TYPE II-B, FULLY SPRINKLERED (TABLE 601)
 TYPE V-B - FULLY SPRINKLERED (TABLE 601)
 MAX. ALLOWABLE HEIGHT: TYPE II-B - FULLY SPRINKLERED = 4 STORIES / 3 ACTUAL (TABLE 503)
 TYPE V-B - FULLY SPRINKLERED = 2 STORIES / 1 ACTUAL (TABLE 503)
 MAX. ALLOWABLE AREA: TYPE II-B - FULLY SPRINKLERED = 23,000 S.F./FLOOR (TABLE 503)
 TYPE V-B - FULLY SPRINKLERED = 9,000 S.F./FLOOR (TABLE 503)
 INTERIOR FINISHES: GROUP B - TYPE B (VERTICAL EXITS AND EXIST PASSAGEWAYS) (TABLE 803.5)
 TYPE C (EXIT ACCESS CORRIDORS)
 TYPE C (ROOMS AND ENCLOSED SPACES)
 MANUAL FIRE ALARM REQ.: MANUAL FIRE ALARM NOT REQUIRED IF AUTOMATIC SPRINKLER SYSTEM INSTALLED AND NOTIFICATION APPLIANCES ACTIVATE UPON SPRINKLER WATER FLOW (SECTION 907.2.2 AND 907.2.4)
 MAX. FLOOR AREA ALLOWANCES: BUSINESS AREAS - 100 S.F. GROSS PER OCCUPANT (TABLE 1004.1.2)
 INDUSTRIAL AREAS - 100 S.F. GROSS PER OCCUPANT (TABLE 1004.1.2)
 WAREHOUSE AREAS - 500 S.F. GROSS PER OCCUPANT (TABLE 1004.1.2)
 REG. EGRESS WIDTH: STAIRWAYS - 0.27/OCCUPANT (TABLE 1005.1)
 OTHER EGRESS COMPONENTS - 0.157/OCCUPANT (TABLE 1005.1)
 REG. CORRIDOR FIRE-RATING: STAIRWAYS - 0.27/OCCUPANT (TABLE 1005.1)
 OTHER EGRESS COMPONENTS - 0.157/OCCUPANT (TABLE 1005.1)
 TOILET CALCULATION REQUIREMENTS: RETAIL OCCUPANCY (1ST FLOOR) - 30 S.F./OCCUP.
 RETAIL OCCUPANCY (ABOVE 1ST FL.) - 60 S.F./OCCUP.
 OFFICE/BUSINESS OCCUPANCY - 100 S.F./OCCUP.
 WAREHOUSE/WORKSHOP OCCUPANCY - 500 S.F./OCCUP.
 TOTAL RETAIL SPACE (1ST FLOOR) - 0 S.F. = 0 OCCUPANTS
 TOTAL RETAIL SPACE (2ND & 3RD FL.) - 0 S.F. = 0 OCCUPANTS
 TOTAL OFFICE/BUSINESS SPACE - 14,974 = 150 OCCUPANTS
 TOTAL WAREHOUSE/WORKSHOP SPACE - 24,518 S.F. = 49 OCCUPANTS
 TOTAL OFFICE/BUILDING (EMPLOYEES) TOILETS REQUIRED (150 OCCUP.)
 MALE - 4 WC / 2 UR / 2 LAV
 FEMALE - 5 WC / 2 LAV
 TOTAL WAREHOUSE/WORKSHOP TOILETS REQUIRED (49 OCCUP.)
 MALE - 2 WC / 1 LAV
 FEMALE - 2 WC / 1 LAV
 TOTAL BUILDING PLUMBING FIXTURES REQUIRED / PROVIDED
 MALE: 6 WC REQUIRED / 3 WC PROVIDED
 2 UR REQUIRED / 4 UR PROVIDED
 3 LAV REQUIRED / 4 LAV PROVIDED
 FEMALE: 7 WC REQUIRED / 7 WC PROVIDED
 3 LAV REQUIRED / 4 LAV PROVIDED
 DF: 6 DRINKING FOUNTAINS PROVIDED

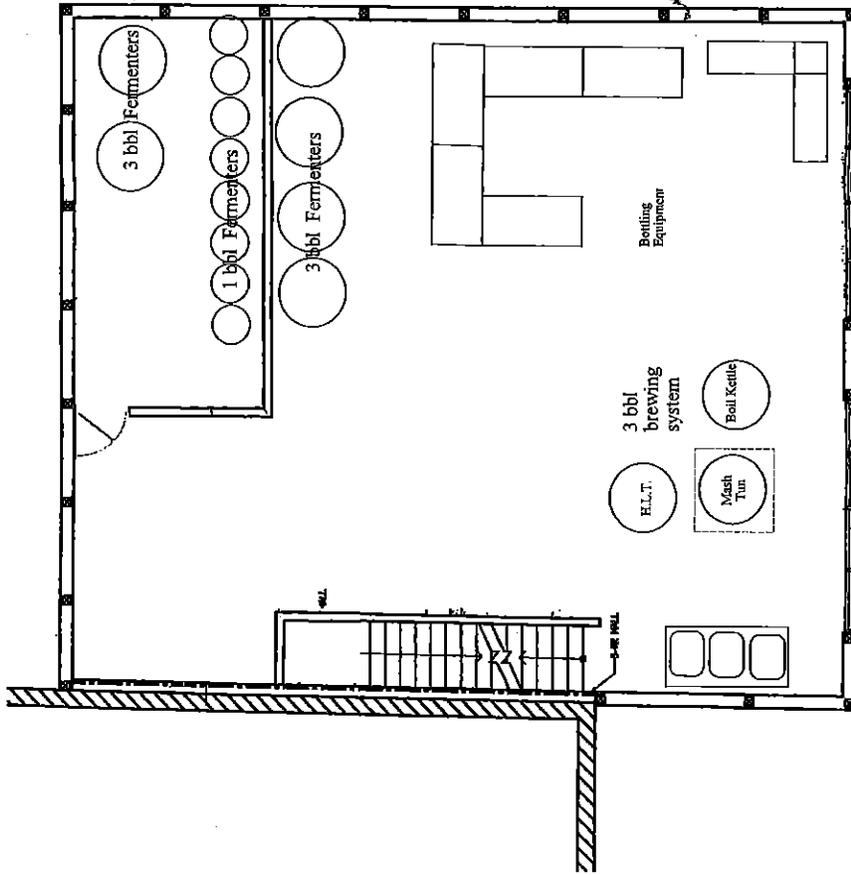
*Zoning
Eng. for use
Bldg occup
Fire*

*A2
V-B
sprinkled*

TORRANCE BUILDING REMODEL
Cabinet Studio, inc.
901 16th, St. NE
Cedar Rapids, Iowa

REVISIONS	
DRAWN	cdc
APPROVED	
ISSUED FOR CONSTRUCTION	
DATE	11-23-04
FIELD BOOK	
SHEET NAME	OVERALL FLOOR PLANS
PROJECT NO.	204203-0
SHEET NO.	A0.01

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① SCALE 3/8" = 1'-0" 550 SF



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

To: City Planning Commission Members
From: Jeff Hintz through Jennifer Pratt, Community Development and Planning Director
Subject: Communications Facilities (cell towers)
Date: December 4, 2014

Background: In the late spring and early summer, there had been a number of requests for placement of new communications facilities, most commonly cell towers. Due to the complexity of the Conditional Use process, Board of Adjustment and City Planning Commission members had expressed uncertainty about the application of the current codes to establish findings and recommendations.

Citizens in areas near the proposed towers had expressed concerns about this type of land use within the City Limits. Staff convened several meetings with citizens and industry professionals to receive input and suggested changes to the current regulations on the following dates:

- August 13, 2014 – Citizen and industry professionals input session
- September 10, 2014 – Citizen only input session
- October 20, 2014 – Citizen only input Session
- November 5, 2014 – Industry professionals phone conference update

Proposed Changes: Entire tower placement process for a freestanding tower based solely upon distance from existing detached single and two-family dwelling units. A three tier system separates freestanding towers using the distance from existing residential and specifies different requirements based upon that distance. The tiers, through design, notification requirements, materials requirements and process length, encourage towers to be placed further from existing residential areas.

- Enhance design review for all towers within 500 feet of an existing detached one or two family dwelling unit. Design review would now include stealthing (disguising) of the tower.
- Ease co-location requirements for those towers within 300 feet of existing detached single and two-family dwelling units to keep tower height lower.
- Enhance materials requirements for towers, including requiring a building or decorative wall to enclose all tower equipment and not allowing visible razor or barbed wire within 500 feet of existing detached single or two-family dwelling units.
- Require neighborhood meetings for all towers within 500 feet of existing detached single or two-family dwelling units.
- Increase mail out distance for neighborhood meeting.

- Establish requirements for neighborhood meeting content including all the following:
 - Photo simulations of tower from a distance of 500 feet;
 - Proposed initial site plan for comment showing location of tower;
 - Discussion of preferred stealthing measure;
 - Suggestions for alternate tower locations on parcel or in area.

- Establish lower maximum tower height within 500 feet of existing detached single or two-family dwelling units.

- Establish criteria specific to communications facilities for evaluation by City Planning Commission and Board of Adjustment for review in preliminary site plan and conditional use process. Criteria would include:
 - A. Height of proposed tower.
 - B. Proximity of tower to residential structures and districts.
 - C. Nature of uses on adjacent and nearby properties.
 - D. Surrounding topography.
 - E. Surrounding tree coverage and foliage.
 - F. Design of the tower, with reference to design characteristics which reduce or eliminate visual obtrusiveness.
 - G. Proposed ingress and egress.
 - H. Availability of other towers or structures for installation of facilities.
 - I. Whether applicant has considered alternative designs and locations within the site based upon feedback at the neighborhood meeting.

Rationale: Towers built in close proximity to existing detached single and two-family residences will be built with a higher quality design, if they are built there at all. The tiered system strongly discourages placement of towers in established residential neighborhoods; towers proposed in these areas will require more investment due to the enhanced design requirements.

City Planning Commission and Board of Adjustment members will now have a specific set of criteria to evaluate this type of land use application. More importantly, a neighborhood meeting will take place to ensure the citizens input is gathered in the planning process for the project, not once it has already been designed and completed. This will allow for a collaborative dialogue between citizens and communications companies to enhance the overall quality of the project.

Recommendation: Community Development Staff recommends approval of the proposed amendments to the communication facilities section of the zoning ordinance.

City Council Development Committee recommended **approval** of this proposal at the November 19, 2014 meeting.

Timeline:

December 2, 2014 - City Council Motion Setting a Public Hearing

December 4, 2014 - City Planning Commission Review and Comment

December 16, 2014 - City Council Public Hearing

January 13, 2015 – City Council Second and possible Third Reading of Ordinance

Attachments: Draft Section 32.04.030.A.8 - Telecommunications Tower or Antenna

8. Communication Tower or Antenna

a. *Intent*

The purpose of this Section is to set forth minimum requirements to regulate the location, use, and height of communication towers and antennas in order to protect the welfare of the community while also considering the need for effective electronic communications facilities, including particularly the accommodation of amateur radio operation. This Section is also intended to minimize the total number of communication towers in the community by encouraging shared use of existing and future towers; and the use of existing tall buildings and other structures; and to minimize adverse visual effects from communication towers and antennas by requiring careful siting, design, and appropriate landscaping.

b. *General Requirements*

All communications towers and antenna(s) shall comply with all federal, state, and local codes and regulations and shall also comply with all of the requirements as follows, and with all applicable regulations of Section 32D of the Cedar Rapids Municipal Code.

i. *Aesthetics*

Towers and antenna(s) shall meet the following general aesthetic requirements:

(A) Towers shall be a galvanized finish or painted gray above the adjacent surrounding tree-line and/or development and painted gray, green, black, or similar colors designed to blend into the adjacent natural surroundings and/or development unless other standards are required by the Federal Aviation Administration (FAA). Towers should be designed and sited so as to avoid, wherever possible, application of FAA lighting and painting requirements.

(B) Accessory facilities to the tower site shall be designed using materials, colors, textures, screening, and landscaping that will blend them into the adjacent natural setting and/or adjacent development.

ii. *Lighting*

Towers and antennas shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least possible disturbance to the surrounding views.

iii. *Shared Use*

(A) At all times, shared use of existing towers, including legal conforming and legal nonconforming, shall be preferred to the construction of new towers. Additionally, where such shared use is unavailable, location of antennas on pre-existing structures shall be considered. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no

existing tower, structure, or alternative technology can accommodate the applicant's needs. Evidence submitted shall address the following:

(1) That no existing towers or structures are located within the geographic area that meets the applicant's engineering requirements.

(2) That existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.

(3) That existing towers or structures do not have sufficient strength to support the applicant's proposed antenna and related equipment.

(4) That the applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing tower or structure, or antenna on the existing tower or structure would interfere with the applicant's proposed antenna.

(5) That the fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.

(6) That other limiting factors that render existing towers or structures unsuitable are demonstrated.

(7) That alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable.

(B) An applicant intending to share use of an existing tower or structure, including legal conforming and legal nonconforming, shall be required to document intent from an existing tower or structure owner to share use. The applicant shall pay reasonable fees and costs of adapting an existing tower or structure to a new shared use.

(C) An applicant intending to share use of an existing tower, including legal conforming and legal nonconforming, or locate an antenna and supporting electrical and mechanical equipment on a pre-existing building or structure shall be required to submit to the Development Services Department the following information for review and approval prior to the issuance of a Building Permit:

(1) Documentation of the intent from the owner of the existing facility to allow shared use.

(2) A site plan which shall show all existing and proposed structures and improvements including antennas, roads, buildings, guy wires and anchors, parking, and landscaping. Any methods used to conceal the modification of the existing facility,

as required in Section 32.04.030.A.8.b.i., shall be indicated on the site plan.

(3) An engineer's report certifying that the proposed shared use will not diminish the structural integrity and safety of the existing tower, building, or structure and explaining what modifications, if any, will be required in order to certify to the above.

(4) A copy of its Federal Communications Commission (FCC) license.

iv. *New Tower/Future Shared Use*

The applicant shall design a proposed new communications tower to accommodate additional spaces for reception and transmitting facilities for the proposed use and future demand based upon the tier table below; towers within 300 feet of existing residential structures could be exempted from this requirement. The applicant shall submit to the City a letter of intent committing the owner of the proposed new tower, and his/her successors in interest, to negotiate in good faith for shared use of the proposed tower by other communications providers in the future for all other locations. This letter shall be filed with the City prior to issuance of a Building Permit. Failure to abide by the conditions outlined in the letter may be grounds for revocation of the approval for siting the new tower. The letter shall commit the tower owner and his/her interest to:

(A) Respond within ninety (90) days to a request for information from a potential shared use applicant.

(B) Negotiate in good faith concerning future requests for shared use of the new tower by other communications providers.

(C) Allow shared use of the new tower if another communications provider agrees in writing to pay reasonable charges. The charges may include but are not limited to a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, and depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

v. *Setback*

(A) In order to ensure public safety the minimum distance from the base of any new ground mounted communication tower to public right-of-way unless approved by the Board of Adjustment, any property line or "Fall Zone" easement line, habitable dwelling property line, shall be:

(1) A distance equal to at least fifty percent (50%) of the height of the tower from any adjoining property line or "fall zone"

easement line for monopole towers.

(2) A distance equal to at least seventy-five percent (75%) of the height of the tower from any adjoining property line or "fall zone" easement line for all other types of towers.

(3) A distance of one hundred feet (100') or one hundred percent (100%) of the height of a monopole tower, whichever is greater, from any residential zoned district or residential use property line.

(4) A distance of three hundred feet (300') or three hundred percent (300%) of the height of all other tower types, whichever is greater, from any residential zoned district or residential use property line.

(B) *Required Yards*

All communication towers shall meet the minimum setback required for a principal structure within the zoning district in which the tower is located. All other associated accessory improvements including, but not limited to equipment, buildings, guy wires, and anchors shall meet the minimum yards required for an accessory building.

All other communication towers shall meet the minimum setback as set forth in Section 32.04.030.A.8.b.vi. All other associated accessory improvements including, but not limited to equipment, buildings, guy wires, and anchors shall meet minimum yard requirements for the district in which the tower is located. However, in no instance shall the setback for associated accessory improvements including, but not limited to equipment, buildings, guy wires, and anchors be less than twenty-five (25) feet from the nearest lot line.

vi. *Signage*

No signs shall be allowed on an antenna or tower, other than safety or warning signs.

vii. Towers located on multi-family, mixed use, commercial, non-detached single or two family residential and industrial buildings or structures:

(A) Roof mounted antennas, towers, support structures and screening devices shall not exceed the highest point of the building upon which they are mounted by more than fifteen (15) feet. The fifteen (15) foot extension above the building is allowed to exceed the maximum height limitation of the zone district.

(B) Roof mounted cabinets or equipment buildings may exceed the height of the building upon which they are located by a maximum

of fifteen feet (15') however, in no case shall equipment or equipment buildings exceed the maximum height of the zone district in which they are located.

(C) Building mounted towers, antennas and equipment shall be designed to be minimally obtrusive and constructed with the same materials and colors as the building on which they are located. Towers shall be located no less than five (5) feet from building walls or parapets to help minimize visual obtrusion.

- i. In the event the equipment cabinet, support facilities or other equipment is not building mounted, the setbacks for an accessory structure shall apply to said equipment.
- ii. All ground mounted equipment shall be enclosed with a decorative wall, no less than eight (8) feet in height or building designed to be compatible with the surrounding area. The decorative wall or building shall utilize colors and materials compatible with that of the primary structure.
- iii. Ground mounted equipment shall provide an evergreen screen that consists of either a hedge, planted three feet on center maximum, or a row of evergreen trees planted ten (10) feet on center maximum. All plants shall be a minimum of five (5) feet in height at the time of planting.
- iv. In the event a decorative wall or building is used, alternative plantings shall be allowed if all the following are met.
 - a. A minimum planting height of no less than three (3) feet in height at the time of planting.
 - b. Plantings shall be no less than six (6) feet on center maximum.
 - c. No less than 50% of the total plantings on each wall or building face shall be evergreen
 - d. Plantings shall be consistent with the guidelines set forth in 32.05.030.A of the municipal code.

(D) All building mounted tower proposals shall be accompanied by a statement from a licensed structural engineer, in the State of Iowa, certifying the building can support the weight of the tower and equipment.

(E) Building mounted towers shall be administratively approved if all the requirements of this section are met.

viii. Small Cell Facilities

Small cell antennas located on street light poles and other utility devices or structures in the right-of-way shall be subject to administrative review and permitting.

c. *Factors to Consider in Granting Conditional Use Permits and Site Plan Approval for Towers*

The City Planning Commission and Board of Adjustment shall consider the following factors in determining whether to issue a conditional use permit or preliminary site plan, although the City Planning Commission and/or the Board of Adjustment may waive or reduce the burden on the applicant of one or more of these criteria if it concludes that the goals of this chapter are better served thereby:

i. *Review Criteria*

- (A) Height of the proposed tower;
- (B) Proximity of the tower to residential structures and residential district boundaries;
- (C) Nature of uses on adjacent and nearby properties;
- (D) Surrounding topography;
- (E) Surrounding tree coverage and foliage;
- (F) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (G) Proposed ingress and egress; and
- (H) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures.
- (I) Whether the applicant has considered alternative design(s) and location(s) within the site based on feedback from the neighborhood meeting.

ii. *Criteria **NOT** for Consideration by the City of Cedar Rapids, City Planning Commission or Board of Adjustment.*

- (A) Factors regulated by the Federal Communications Commission or other applicable state or federal bodies such as signal strength or electromagnetic frequency pollution.
- (B) Whether there is a need for a communications tower based coverage, signal strength, or other factors not related to the

intent of this ordinance to regulate placement and aesthetics.

c. *District Regulations*

i. In all districts, commercial, freestanding communication towers and antennas may be permitted as either a principal or accessory use subject to the following regulations:

Table 32.04.02 - Freestanding Tier Regulations and Permitting Chart

	Tier One	Tier Two	Tier Three
Distance from existing residential dwelling unit lot line (measured from tower center to nearest lot line of a RT, R1, R2, R3, R3D, RTN, RMF1, RMF2 or Residential PUD zone district).	Greater than 500 feet	300-500 feet	Under 300 feet
Review process	Administrative	Preliminary Site Plan approval <i>and</i> stealthing plan	Conditional Use
Maximum height (including attached antennas)	A) Industrial - unlimited	150 Feet	100 Feet
	B) 150 feet all other areas		
Total Carrier Capacity (co-location)	3 spaces total	3 spaces total – Can be waived if stealthed	2 spaces total - Can be waived if stealthed
Neighborhood meeting and mail out distance (measured from tower parcel boundaries)	Not required	Yes – 500 feet	Yes – 500 feet
City proceedings mail out distance (measured from tower parcel boundaries)	Not required	300 Feet	300 feet
Stealthing Requirements	Not Required	Subject to Approval	Subject to Approval
Monopole tower requirement	No	If structurally possible	Yes

ii. *Neighborhood Notification and Meeting*

As part of the neighborhood meeting, which shall occur before a Public Hearing of any kind, the applicant shall do all the following:

- A. Provide photo simulations of how the proposed tower will look from a distance of approximately five hundred (500)

feet from the base of the proposed tower.

- B. Provide preliminary estimation of proposed tower location on an overhead site plan, preferably an aerial photo, clearly showing all streets.
- C. Ask property owners for their preferred stealthing measure, compound and/or decorative wall designs and site layouts.
- D. Listen to and consider suggestions for alternate tower locations on different parcels and/or structures and locations within the selected site.

iii. *Drives and Parking*

Parking spaces are not required for a communication tower itself. Any associated uses and buildings shall be provided parking spaces as required by Sec. 32.05.020. Any drives to the tower shall be constructed and maintained with a dust free surface.

iv. *Design Requirements*

Tier Two and Tier Three Towers shall be stealthed, or disguised to blend in with the surroundings and environment to the fullest extent possible. Using designs and site layouts based upon neighborhood feedback is strongly encouraged.

v. *Screening and Landscaping Requirements*

(A) All existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

(B) All required plant materials shall be maintained and or replaced if necessary as set forth in Sec. 32.05.030.A.

(C) Tier One Tower Requirements

- i. All tower equipment must be housed in a building or enclosed by an eight (8) foot high security fence, utilizing materials and colors which are consistent with that of the surrounding area. Fencing shall completely surround the tower, equipment, building(s), guy wires and anchors if required.
- ii. Razor or barbed wire shall not be visible from outside the facility except in industrial zoned parcels.
- iii. The perimeter of the tower enclosure shall have an evergreen screen that consists of

either a hedge, planted three feet on center maximum, or a row of evergreen trees planted ten (10) feet on center maximum. All plants shall be a minimum of five (5) feet in height at the time of planting.

(D) Tier Two **and** Tier Three Tower Requirements

- i. All tower equipment shall be enclosed with a decorative wall, no less than eight (8) feet in height or building designed to be compatible with the surrounding area. The decorative wall or building shall utilize colors and materials compatible with that of the surrounding area. Decorative walls shall completely surround the tower, equipment, building(s), guy wires and anchors if required.
- ii. Razor or barbed wire shall not be visible from outside the facility.
- iii. In the event a decorative wall or building is used, alternative plantings shall be allowed if all the following are met.
 - a. A minimum planting height of no less than four (4) feet in height at the time of planting.
 - b. Plantings shall be no less than four (4) feet on center maximum.
 - c. No less than 50% of the total plantings on each wall or building face shall be evergreen
 - d. Plantings shall be consistent with the guidelines set forth in 32.05.030.A of the municipal code.

d. *Nonconforming Towers and Antenna(s)*

i. *Nonconforming Use*

Towers and antennas that exist prior to December 16, 2014 and are not in accordance with provisions of these regulations shall be deemed legal nonconforming uses or structures. Nonconforming towers and antennas shall be allowed to continue their usage as they presently exist. Routine maintenance and installation of shared use equipment such as additional antennas and associated equipment shall be permitted on such pre-existing towers.

ii. *Expansion of Nonconforming Use*

Existing towers and antennas that are installed, in accordance with

provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

iii. *Rebuilding Nonconforming Towers and Antennas*

Any nonconforming tower and/or antenna that is obsolete, damaged, or destroyed may be rebuilt subject to the following:

(A) That the applicant satisfies the requirements of 32.04.030.A.8.B.i, ii, iii, iv and vi.

(B) That if shared usage is not possible, the type, height, and location of the tower to be constructed on site shall be of the same type and intensity as the original facility approval.

(C) Building permits to reconstruct the facility shall comply with the current applicable building codes and shall be obtained within one hundred eighty (180) days from the date the facility is demolished, damaged, or destroyed. If no permit is obtained or if said permit expires, the tower or antennas shall be deemed abandoned as specified in Sec. 32.D.05 of the Cedar Rapids Municipal Code.