



City Planning Commission
City of Cedar Rapids
101 First Street SE
Cedar Rapids, IA 52401
Telephone: (319) 286-5041

MINUTES
CITY PLANNING COMMISSION REGULAR MEETING,
Thursday, May 8, 2014 @ 3:00 p.m.

Cedar Rapids City Hall Council Chambers, 101 First Street SE

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

Member Absent: Kim King

DSD Staff: Joe Mailander, Manager
Dave Houg, Plats & Zoning Conditions Coordinator
CD Staff: Seth Gunnerson, Planner
Jeff Hintz, Planner
Betty Sheets, Administrative Assistant

The meeting was called to order at 3:00 p.m.

Opening statements were presented stating the protocol of the meeting and the purpose of the City Planning Commission.

Roll call was answered with seven (7) Commissioners present.

Commissioner Overland called for any additions or corrections to the minutes. Commissioner Overland stated with no additions or corrections, the April 17, 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.

I. Case Name: 223 2nd Street SE (Conditional Use)

Consideration of a Conditional Use for an Outdoor Service Area in a C-4, Central Business Zone District as requested by Ruby LLC (Applicant) and Evolution LC (Titleholder)
Case No: COND-008568-2014; Case Manager: Dave Houg

Mr. Houg stated this was a request for Outdoor Service Area at 223 2nd Street SE in a C-4, Central Business Zone District for Ruby's Pizzeria. Mr. Houg presented a location map, site

layout, street view and the conditions applied to this project. Mr. Houg stated this Conditional Use will go before the Board of Adjustments at their May 12, 2014 meeting.

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

Commissioner Overland called for a representative of the applicant. Applicant was present but did not wish to speak.

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 Pankey made a motion to approve the Conditional Use request for an Outdoor Service Area in a C-4, Central Business Zone District. Commissioner Halverson seconded the motion.

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

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

2. Case Name: 5101 16th Avenue SW (Conditional Use)

Consideration of a Conditional Use for a Communications Tower in a C-3, Regional Commercial Zone District as requested by Verizon Wireless (Applicant) and Father's House Vineyard (Titleholder)

Case No: COND-009110-2014; Case Manager: Dave Houg

Mr. Houg stated this was a request for a Communications Tower at 5101 16th Avenue SW in the C-3, Regional Commercial Zone District and will be installed behind the existing church. Mr. Houg presented a location map, site layout, tower elevation and one recommended condition that was applied to this project. Mr. Houg stated this Conditional Use will go before the Board of Adjustments at their June 9, 2014 meeting.

Commissioner Overland called for questions of Mr. Houg.

Commissioner Thoms asked if he would explain what "substantially adverse effect" meant. Mr. Houg stated that this was probably a typographical error.

Commissioner Knox-Seymour asked if this would be in the fall zone. Mr. Houg stated that the fall zone only applies to "habitable buildings", which are buildings where people sleep. There are some buildings within this tower's fall zone, but they are not considered "habitable".

Commissioner Dalhby asked to review the street view again and then asked if the tower on the photo was the tower that was being built or a separate one. Mr. Houg stated that was another one.

Commissioner Knox-Seymour asked if this tower could be piggy-backed on the existing tower. Mr. Houg said he would defer that answer to the consultant.

Commissioner Halverson stated he is concerned about the proliferation of cell towers and wanted to know if the City had given any consideration or study to cluster the cell towers. There is a location at Boyson Road west of C Avenue where there is a cell tower park. The northeast side has received a number of requests for cell towers and asked if there could be more cell tower parks rather than scattered all over the city. Commissioner Halverson also was concerned about the scale, roughly like a 13 story building.

Commissioner Overland called for a representative of the applicant.

Tommy Beeler, Selective Site Consultants, 9900 W 109 K Street, Overland Park, KS contracted through Verizon Wireless for this project. Mr. Beeler stated there would be no adverse effect. Mr. Beeler further stated that they did look at co-locating in that spot and the height of the tower is not sufficient and the structure is not structurally adequate. They would like to see a proposal to have a more specific location for towers in general; however the carriers have very specific locations for coverage and they now have holes in coverage.

Commissioner Overland called for questions of the applicant.

Commissioner Halverson stated he would prefer if areas were effectively isolated and appropriate for these cell towers.

Commissioner Dalhby asked if along with co-location they had contacted the owner of the current owner of the tower so that there would not be two towers there. Mr. Beeler stated that is called drop and swap commonly used for that type of procedure however the owner is not interested a drop and swap.

Commissioner Overland asked if the towers with technology were getting taller and bigger. Mr. Beeler stated that not necessarily, it depends on the area. In more intense urban areas, smaller towers are installed, however in the middle of a corn field, the tower might be taller. The 90 foot tower in the picture is not tall enough for what Verizon needs. Towers in the 100 to 200 foot range are normal.

Commissioner Thoms asked if he was suggesting that the City requires cell towers to accommodate additional users but carriers are not building cell towers to hold additional users. Mr. Beeler stated the structure that is currently there would fail structurally. Moving forward it is his understanding that the capability for additional carriers on towers is a requirement. Mr. Beeler does not have the facts on the current tower's history, but that it failed their structural analysis.

Commissioner Thoms stated that it was interesting that we had one requirement but did not enforce the other.

Commissioner Overland stated that perhaps the tower was too old.

Commissioner Pankey asked if the proposed tower will handle additional carriers. Mr. Beeler stated yes.

Commissioner Wilts asked if the present tower that is there has only one carrier. Mr. Beeler stated he did not know. Commissioner Wilts asked how many people this tower will service. Mr. Beeler stated he did not know what the tower that is currently there would service and that it

was a different type of tower. Commissioner Wilts asked what the new tower would service. Mr. Beeler stated that if the Commissioners would like to know how many people the new tower would service he would have to obtain that information and get back to them.

Commissioner Overland called for any more questions of the applicant.

Commissioner Knox-Seymour asked in terms of Verizon, is this going to be their largest location and what would be the purpose of the next adjacent tower. Mr. Beeler stated that this is for the network being put together off-loading signals from each other so that the city and surrounding areas will be covered. Mr. Beeler would have to get the information to provide the Commissioners.

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 Thoms made a motion to approve the Conditional Use request for a Communications Tower in a C-3, Regional Commercial Zone District. Commissioner Halverson seconded the motion.

Commissioner Overland called for discussion on the motion. There was no further discussion.

Commissioner Overland stated seeing that there was no further discussion he called for a vote on the motion. The motion passed unanimously with none opposed.

3. Case Name: 1023 and 1027 6th Street SE (Rezoning)

Consideration of a Rezoning from R-TN, Traditional Neighborhood Residence Zone District to PUD-2, Planned Unit Development Two Zone District as requested by Sky's Edge Development, L.C. (Applicant/Titleholder)

Case No: RZNE-008869-2014; Case Manager: Vern Zakostelecky

Mr. Mailander stated this project was called Oak Hill Villages, a development of 4 townhomes along 6th Street SE. The developer is Sky's Edge Development and is currently zoned R-TN to be rezoned to a PUD-2. Mr. Mailander showed the site development plan, location/zoning map and renderings of the project. A Home Owners Association (HOA) will be established to manage the townhome property. This rezoning will go to City Council for a motion to set the public hearing on May 27, 2014 with the public hearing to be held on June 10, 2014.

Commissioner Overland called for questions of Mr. Mailander.

Commissioner Thoms asked if this was in the 100 year flood plain and will the project maintain a low finish elevation? Mr. Mailander stated that yes; the lowest opening in the building will be 2 feet above the base flood plain elevation.

Commissioner Thoms asked if there are parking spaces in the rear of the property. Do you include that area in your open space (green space of 3800 square feet)? Mr. Mailander stated no, the open space is yard located around and between the buildings.

Commissioner Overland called for a representative of the applicant.

Brent Jackman, Hall & Hall Engineers, 1860 Boyson Road, Hiawatha, IA stated he would be happy to answer any questions regarding the site or engineering the Commission had of him or the developer.

Commissioner Overland called for questions of the applicant.

Commissioner Wilts stated that in the narrative said that residential development will be in the character of the surrounding community, however, the renderings shown look pretty stark compared to the surrounding community. Mr. Mailander stated that to the south this looked similar to others in the Oak Hill Jackson community.

Commissioner Overland asked if this was what the garages will look like. Mr. Jackman stated yes.

Commissioner Overland stated that looking at the narrative, exceeding the City standard was attractive and he thought this looked like an attractive development and thanked the developer.

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 Halverson made a motion to approve the Rezoning from R-TN, Traditional Neighborhood Residence Zone District to PUD-2, Planned Unit Development Two Zone District. 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.

4. Case Name: 1140 C Street SW and 1223 1st Street SW (Rezoning)

Consideration of a Rezoning from O-S, Office/Service Zone District to PUD-2, Planned Unit Development Two Zone District as requested by Sky's Edge Development, L.C.

Case No: RZNE-008870-2014; Case Manager: Vern Zakostelecky

Mr. Mailander stated this project is called Sedona Villages and the developer is Sky's Edge Development. It is located off of C Street SW and includes 7 single-family detached homes. Mr. Mailander showed an aerial photo, location/zoning map and preliminary site plan with renderings of the project. PUD rezoning is also requested for this project in the Kingston Village area. This project is owner-occupied with an HOA for common area maintenance.

Commissioner Overland called for questions of Mr. Mailander.

Commissioner Knox-Seymour asked if this was an affordable housing project. Mr. Mailander stated that this is part of the City's ROOTs program and considered work-force housing with income limits.

Commissioner Overland called for a representative of the applicant.

Brent Jackman, Hall & Hall Engineers stated he would be happy to answer any questions.

Commissioner Wilts stated she preferred these renderings.

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

Wes Pudil, 1207 1st Street SW asked what they would do for parking.

Mr. Jackman stated that required parking based on occupant load was 13 spaces. Six (6) available spaces on street parking and ten (10) garages onsite would give them 16 available parking when only 13 were required.

Commissioner Overland called for a motion. Commissioner Thoms made a motion to approve the Rezoning from O-S, Office/Service Zone District to PUD-2, Planned Unit Development Two Zone District. Commissioner Knox-Seymour seconded the motion.

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

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

Tabled Business

1. Case Name: 2773 East Robins Road NE (Conditional Use)

Consideration of a Conditional Use for 138' communications tower in an A, Agriculture Zone District as requested by Verizon Wireless (Applicant) and New Life Pentecostal (Titleholder)

Case No: COND-008266-2014; Case Manager: Dave Houg

Commissioner Overland stated this item had been previously tabled and asked for a motion to remove the item from the table. Commissioner Pankey made a motion to remove the Conditional Use for a Communication Tower from the table. Commissioner Halverson seconded the motion.

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

Mr. Houg stated that this Conditional Use was presented to the City Planning Commission on March 27, 2014 and was tabled with instructions for the applicant to work with neighbors and come up with an alternative. Mr. Houg presented a location map, aerial map, landscaping plan, site plan and tower elevation. Mr. Houg further stated that the communication tower will be moved to the other side of the church further away from the residential homes; the tower will be designed as a bell tower and will share a single drive connection to the street. The Board of Adjustments will consider this Conditional Use at its June 9, 2014 meeting.

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

Commissioner Overland called for a representative of the applicant.

Tommy Beeler, Selective Site Consultants, 9900 W 109 K Street, Overland Park, KS stated he did not attend the previous meeting. It was his understanding that there was a desire expressed at

that hearing for the communications tower to be moved to the west side of the church. Verizon and Selective Site Consultants are very sympathetic to the needs of the neighbors for this particular location. Due to the zoning of this site, it is permitted use and the fact that they have redesigned the site as requested, we ask for recommendation of approval of this site and will be happy to answer any additional questions.

Commissioner Dahlby asked if they had met with the neighbors since these changes. Mr. Beeler stated that they had not met with the neighbors but were well aware that they were going to voice their concerns at this meeting and he hoped to address any questions that they may have.

Commissioner Knox-Seymour asked if she heard correctly that the new site is closer to the church. Mr. Beeler stated it would be the same distance from the church as before.

Commissioner Knox-Seymour asked if the fall zone was any closer to the church. Mr. Beeler responded that it was not.

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

Mark Seidl, 7725 Marquette Drive NE; Kenneth Keenan, 8000 C Avenue NE and Rene Simon, 7811 Marquette Drive NE

- Petition of signatures and a Linn County Soil Conservation document were presented to the Commissioners
- Residential area for some 20 years
- Considering that there are tower parks at the southwest corner of Boyson and C Avenue, near the defined search area, this would present itself as a possibility. Can they not piggy-back off another tower?
- So many towers around the city that keep going up
- Verizon said he would meet with neighbors but never had a neighborhood meeting
- Concern that there is bound to be a whistle.
- Fall zone concern due to the fact it is 140 feet in the air
- Concern of the fall line of the tower
- Basically do not want the shadows on our houses nor do we want to look at the tower

Commissioner Overland called for a representative of the applicant.

- Aware if soil borings been done. Mr. Beeler answered: yes, we make sure we have the proper surveys done. Verizon does not want to put a tower up if the soil is not correct.
- Fall zone and wind resistance. Mr. Beeler answered: this fall zone is out of harm's way of the residential area. The previous location met the fall zone requirement and now that it has been moved the tower is farther out of harm's way. Studies have been done to show this communication tower is 8 feet into the ground with concrete foundation. The chances are very slim that the tower should fall down.
- Windy and noise. Mr. Beeler answered: no additional noise. It is a bell tower and that will make noise but no windy whistling.

- Concerning the Boyson Road area tower park, number of towers and why there are so many towers. Mr. Beeler answered: Associates provided a search map and Verizon did a study to find out why this tower had to be located here. He could not speak for Verizon, but they did the research. This is the specific area Verizon came up with.

Commissioner Dalhby asked if the tower location was only researched by Verizon and was there any third party study done. Mr. Beeler stated that a third party study is not typically practiced. They request that justification be provided to SSC. Mr. Beeler stated that public notice required by the city is a mailing to a 300 foot radius and if someone did not receive the notice from the City he apologized that it did not reach them.

Commissioner Thoms asked if there was a beacon on the tower. Mr. Beeler stated that Verizon will avoid the beacon and will build the tower below the level that requires lighting.

Commissioner Pankey stated that the area is pretty tight for installing a tower in this location. He appreciates the fact that SSC and Verizon have moved the tower away from the house. If a tower has to be there, then this is a better location. Mr. Beeler stated that since this is a tight location with new development close by and the area is becoming more populated, this would be an ideal location. SSC understands that not everyone wants to see a tower from their back yard.

Commissioner Knox-Seymour asked if there is a possibility that people would be inside of the church should something happen. The fall zone is the full height fall zone and does not fall on the church.

Commissioner Wilts asked if there was a house on this property. Mr. Houg stated the house is intended to be removed.

Commissioner Overland called for a motion. Commissioner Thoms made a motion to approve the request for a Communications Tower in an A, Agriculture Zone District. Commissioner Dahlby seconded the motion.

Commissioner Overland called for discussion on the motion.

Commissioner Halverson stated there is a difference between the two applications on the agenda today. He expressed reservations regarding the proliferation of cell towers and does appreciate the applicant's desire to mask the tower but from a scale perspective it is like a 14 story building and in as much as he appreciates the efforts, he has reservations and will vote against it.

Commissioner Thoms stated that changes in technology have spurred this type of growth in the cell phone business, but it is the customer driving the growth. Site selection for tower locations is similar to wind farms, which are placed where the wind gives the best return on the investment. We all require 4G and next 5G and download from the web and the industry is driving this; however we are driving the industry. Feels that the applicant has done what needs to be done and therefore supports the Conditional Use.

Commissioner Wilts stated she concurs and that they had moved to the other side of the church.

Commissioner Pankey stated his reservation was the search area, however the configuration of the proposed tower has redeeming value. Owns property in a short distance of two towers and

personally the towers do not bother with noise. Appreciates the fact it was moved and Verizon has done everything they can do to make it as pleasing as possible.

Commissioner Knox-Seymour stated that although she was trying to find fault with the fall zone, they have moved the tower and made changes and she will support this project.

Commissioner Overland stated seeing that there was no further discussion he called for a vote on the motion. The motion passed with a vote of six (6) to one (1).

Other Business

Mr. Mailander stated that with the passing of Gary Kranse, his leadership will be sorely missed.

Commissioner Thoms wanted to bring to the City Staff's attention about the Pathfinders as far as what they can and cannot do. Is there something that is wrong with the development of this property? Mr. Mailander stated that there is not a problem and permits have been issued to do site work.

Commissioner Thoms wanted to know how citizens could make comments to the EnvisionCR or Comprehensive Plan. Mr. Gunnerson stated that Commissioners should feel free to contact himself directly; email the Community Development and Planning Department at CommunityDevelopment@cedar-rapids.org or they can go to CRTalks.com.

The meeting was adjourned at 4:00 pm

Respectfully Submitted,

Betty Sheets, Administrative Assistant
Community Development