



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 29, 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
Kim King

Member Absent: Virginia Wilts

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

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

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

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

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

Commissioner Overland called for any additions or corrections to the minutes. Commissioner Overland stated with no additions or corrections, the May 8, 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: 821 and 825 Shaver Road NE (Rezoning)

Consideration of a Rezoning from I-1, Light Industrial Zone District to C-2, Community Commercial Zone District as requested by Noleshawk Investments LLC (Applicant) and City of Cedar Rapids (Titleholder)

Case No: RZNE-009245-2014; Case Manager: Vern Zakostecky

Mr. Mailander said that as stated this was both a Rezoning and Conditional Use request for property at 821 and 825 Shaver Road NE. Mr. Mailander showed a Zoning Location Map. Current use is a Sag Wagon Restaurant. The Rezoning is currently I-1, Light Industrial Zone District and an Outdoor Service Area is not allowed in an I-1 Zone District so the request is to rezone to commercial and then asking for a Conditional Use for an Outdoor Service Area. The property is currently being purchased from the City of Cedar Rapids. There will be no permanent structures, they have adequate parking and seating for 20 people. They will expand the existing parking lot and add a sand volley ball court, green space and bike racks

Commissioner Overland called for questions of Mr. Mailander.

Commissioner Halverson asked if there was not going to be a permanent structure being built on the property. Mr. Mailander stated that was correct.

Commissioner Overland called for a representative of the applicant.

Marty Hoeger, Neighborhood Development Corporation, 225 2nd Street SE stated he would be happy to answer any questions.

Commissioner Overland called for questions of the applicant.

Commissioner Dahlby asked if most of the customer drive their cars or bike to this facility. Mr. Hoeger said that there is a mix of both car and bicycle traffic, thus the reason they are extending the parking lot and there are 105 bicycle racks that are full on the weekend and an additional 50 racks will be added. The parking lot is being extended to give a better flow of traffic.

Commissioner Dahlby stated that the city has parking requirements and in this case if the applicant was adding the parking because they had to or because it was needed. Mr. Hoeger stated that because of the site they added the additional parking to avoid requesting variance.

Commissioner Knox-Seymour asked why Conditional No. 5 stated that the outdoor service area is to be inspected by the Police Department. Mr. Mailander stated that this was a standard condition for outdoor service areas so that the height of the fence is adequate so drinks are not passed outside the area.

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 I-1, Light Industrial Zone District to C-2, Community Commercial 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.

2. Case Name: 821 and 825 Shaver Road NE (Conditional Use)

Consideration of a Conditional Use for an Outdoor Service Area in a C-2, Community Commercial Zone District as requested by Noleshawk Investments LLC (Applicant) and City of Cedar Rapids (Titleholder)

Case No: COND-009248-2014; Case Manager: David Houg

Commissioner Overland called for a motion. Commissioner Pankey made a motion to approve the Conditional Use for an Outdoor Service Area in a C-2, Community Commercial Zone District. Commissioner Knox-Seymour 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.

3. Case Name: 2nd Street and Diagonal Drive SW (Preliminary Site Development Plan)

Consideration of a Preliminary Site Development Plan zoned RMF-2, Multiple Family Zone District, as requested by The T.W. Sather Company (Applicant) Sam Tarbox ET AL, Cecil J. & Tracy L. Powell, John & Randa Khairallah, JZ Properties LLC - Series 3 and City Of Cedar Rapids (Titleholders)

Case No: PSDP-009583-2014; Case Manager: Joe Mailander

Mr. Mailander stated this was a Preliminary Site Development Plan on proposed property that currently has existing homes on it. The applicant is working with residents and has been approved for Low Income Housing Tax Credits. There will be a single access drive from 3rd Street SW and two access drives from 2nd Street SW. A Location map, Preliminary Site Development Plan and renderings of the building were shown. City Council will approve the vacation of 6th Street and Alley on June 10, 2014. An Administrative Site Plan and Permits will be the next step.

Commissioner Overland called for questions of Mr. Mailander.

Commissioner Dahlby asked for clarification that this was a 64-unit 2 story building but the staff reports states it is a 4 story building. Mr. Mailander confirmed that it is a 64-unit 4 story building.

Commissioner Thoms asked that Condition No. 7 be explained – Parking is not to be provided within a required front yard setback without successfully obtaining a variance. Mr. Mailander stated that originally 2nd Street was going to be considered a front yard. Diagonal Drive will now be the front yard. Now that the design has changed, that Condition can be struck.

Commissioner Overland asked if the 28 parking spaces could be explained. Mr. Mailander stated that was an error and should be 88 parking spaces.

Commissioner Knox-Seymour asked if this was affordable housing and how many houses would be removed. Mr. Mailander stated that this qualified for work force housing with income guidelines. He further stated that seven (7) homes would be removed at this time.

Commissioner Thoms asked how the 4 story building fit in the neighborhood. Mr. Mailander stated that multi-family housing was a good transition between the commercial and industrial to the single-family residential. The building will be a different look on 2nd Street and also from sound and noise.

Commissioner King asked if they had met with the Kingston Village Overlay Design. Mr. Mailander stated that the applicant will have neighborhood meetings with the neighbors.

Commissioner Knox-Seymour asked how a 4-story building could not be out of scale with the existing homes. Mr. Mailander stated that yes it would be out of scale with the existing homes but it would be transitional from the industrial buildings. It is not out of scale as there are similar buildings being built in the area.

Mr. Gunnerson shared that the Kingston Village Plan was adopted in 2013 and identified the location of the proposed development for “organic” growth. It also identified it as a potential gateway location. Mr. Gunnerson indicated that the plan called for the placement of taller building along major streets, such as Diagonal Drive, with lower intensity development within interior streets.

Commissioner Thoms asked for clarification on the parking. Mr. Mailander stated that the project will require 88 spaces

Commissioner Overland called for a representative of the applicant.

Jeff Lieberman, Excel Engineering, 100 Camelot Drive, Fond du Lac, WI, Thomas Sather, TW Sather Company, 6527 Normandy Lane, Madison, WI and Richard Sova, Landover Corporation, 40 Landover Parkway, Hawthorn Woods, IL stated they would answer any questions.

Commissioner Overland called for questions of the applicants.

Commissioner King asked what the plan was to reach out to the neighbors and how the neighbors felt about this building being in their back yard. Mr. Sather requested that Mr. Sova answer this question. Mr. Sova has support letters from many of the community organizations in the neighborhood.

Commissioner Knox-Seymour asked about the income guidelines. Mr. Sather stated that this project was awarded IFA-42 tax credits and is mixed income workforce housing, no age restrictions, 10 units are market rate and the rest are for those whose incomes are 60% or less of county median income. Currently 7 out of 10 people fall within those guidelines. Commissioner Overland asked how far out tax credits was extended. Mr. Sather stated IFA has a term of 30 years and the owner must maintain property and compliance guidelines with quality inspections are done on a quarterly basis.

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

David King, 514 2nd Street SW, Kristian Fairchild, 521 3rd Street SW posed the following concerns to the Commission:

- Contesting the alley way being closed
- Sewer system work
- Parking too close to the home

Commissioner Overland asked Mr. Mailander to address the public concerns. Mr. Mailander stated that the vacation request was in to Public Works and the applicant and Mr. King will have to come to an agreement before the vacation of the alley will proceed.

Mr. Mailander further stated the sewer work is FEMA funded sewer work that is on hold until this project is underway. And as far as screening to the homes from the parking lot, a full fence screening will be installed between multi-family and single-family. The Project moved to the south at the direction of the Kingston Village Overlay District.

Commissioner Pankey asked if there would be an easement or compromise that does not take away from the parking and if there was a possibility that Mr. King had the access in the alley way that he needed. Mr. Mailander stated that there were some other options. Mr. King will have to sign off before the City could proceed. Mr. Mailander further stated that Condition 6 does cover this but if the Commission wanted another Condition written, that could be done to make certain Mr. King and Mr. Sova have this addressed. It was agreed to modify Condition 6.

Commissioner Overland called for a motion. Commissioner Thoms made a motion to approve the Preliminary Site Development Plan in a RMF-2, Multiple Family Zone District. Commissioner Halverson seconded the motion.

Commissioner Overland called for discussion on the motion.

Commissioner Thoms stated his objection is a four story building and how that will look in this area.

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

4. Case Name: 2739 1st Avenue SE (Preliminary Site Development Plan)

Consideration of a Preliminary Site Development Plan zoned O-S, Office/Service Zone District, as requested by Compass Commercial Services (Applicant) Cornerhouse Properties (Titleholder)

Case No: PSDP-009702-2014; Case Manager: Joe Mailander

Mr. Mailander stated this is also a project the Commissioners have seen before on 1st Avenue at 28th Street SE with a single access off 28th Street. A Preliminary Site Plan was shown as well as a Rendering. The next step is an Administrative Site Development Plan and permitting.

Commissioner Overland called for questions of Mr. Mailander. No questions were asked of Mr. Mailander.

Commissioner Overland called for a representative of the applicant.

Chad Pelley, Ahmann Design, Inc., 1601 Boyson Square Drive, Hiawatha

Commissioner Overland called for questions of the applicant.

Commissioner Knox-Seymour asked who was going to be occupying the building.

Mr. Pelley stated that they had two businesses that were planning to lease the building that were not medical such as their other buildings.

Commissioner Overland asked if the orientation of this building could be moved. Mr. Pelley stated that they had not given consideration to another orientation. Mr. Pelley felt City Council objected to moving it to a different orientation.

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 Halverson made a motion to approve the Preliminary Site Development Plan in an O-S, Office/Service Zone District. Commissioner Pankey seconded the motion.

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

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

5. Case Name: 1900 F Avenue NW (Conditional Use)

Consideration of a Conditional Use for an Communications Tower in a R-2, Single Family Residence Zone District as requested by AT&T Wireless (Applicant) and Immanuel Baptist Church (Titleholder)

Case No: COND-009542-2014; Case Manager: Dave Houg

Mr. Houg stated this will be a 125 foot tower on the site of Immanuel Baptist Church. This is a single-family residence district and the tower will be on an open field. Mr. Houg showed a site plan with an access drive through the parking lot, with security fencing and basic tower elevation. Mr. Houg also showed a street view from several directions. One condition is required and the Board of Adjustments will consider this request on June 9, 2014. Three objection letters have been received.

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

Commissioner Overland called for a representative of the applicant.

Lew Caliento, AT&T, 1501 E Woodfield, Geneva, Illinois

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

Commissioner Kim asked if there was a representative of the church present. Mr. Caliento stated they were not.

Commissioner Halverson asked if AT&T had considered co-location. Mr. Caliento stated that they had looked at several other locations to co-locate, however there is a huge gap in this area. Mr. Caliento stated they provide 911 services as well as providing more service.

Commissioner Halverson stated that many towers are being built

Mr. Caliento stated he was filling in for Ben Russell. A map was provided as well as having researched many locations but this is the best place. This tower will provide an opportunity to co-locate with their tower. It is far less expensive to co-locate than to build your own tower.

Commissioner Dahlby asked if it was going to look like a bell tower. Mr. Caliento stated it would be a monopole.

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

Ruth Beisker, 900 19th Street NW, George Foster, 939 Belmont Parkway NW, David Boelman, 947 Belmont Parkway NW, Erin Boelman, 947 Belmont Parkway NW, Bret Underwood, 1027 Belmont Parkway NW and Larry Beisker, 900 19th Street NW posed the following concerns to the Commission:

- Does the City benefit from taxes since it is built on church property
- Esthetic value
- Property value
- RF Emissions
- Be considered in a commercial locations
- Suggest bell tower
- Make the place look ugly
- Dangerous for the Nature

Commissioner Overland asked if towers on non-profit property, do they pay taxes to the City. Mr. Houg did not have the answer.

Commissioner Overland asked the applicant to return to address such questions as R Emissions. Mr. Caliente stated he was not an expert but does have the American Cancer letter as well AT&T RF Safety Letters (this is attached to the minutes). The tower is very high and the RF is high over everyone's head. One would get more RF from standing in front of a microwave oven.

Commissioner Overland asked if there was any talk about disguising the tower such as a bell tower. Mr. Caliente stated the tower is fully screened and will blend in with the surrounding landscaping. The challenge of doing a bell tower is that it will only hold one antenna.

Commissioner Halverson stated that there should be a heightened sensitivity to the residents in the area. This is a 12 ½ story tower that will be there indefinitely.

Commissioner Pankey stated that the Commission has seen a bell tower that looks much more pleasing to the neighborhood rather than the monopole. No light is added to the top.

Commissioner Overland called for a motion. Commissioner Thoms made a motion to approve the Conditional Use for a Communications Tower in an R-2, Single Family Residence Zone District. Commissioner Dahlby seconded the motion.

Commissioner Overland called for discussion on the motion.

Mr. Mailander stated that the question regarding the taxes was not answered and also that the Applicant has not met with the neighbors.

Commissioner Thoms stated that the taxation question is a good question but he would go forward with the motion. He has seen towers disguised as palm trees and evergreen trees and is not certain the bell tower is the answer. This applicant should be considered as a template. This is where the coverage is needed and the best location.

Commissioner Dahlby stated that she also agreed but did want there to be discussion to make the monopole into a bell tower.

Commissioner Halverson stated that if this is not postponed that we have lost the opportunity to make changes to the communication tower.

Commissioner Knox-Seymour stated she would support postponing so that a meeting with the residents would take place before it returned to a future CPC Meeting.

Commissioner King stated that the neighbors have not had a chance to give their input.

Commissioner Halverson made a motion to postpone the Conditional Use until after the Applicant could meet with the neighbors. Commissioner King seconded the motion.

Commissioner Overland stated seeing that there was no further discussion, called for a vote on the motion. The motion to postpone passed with a vote of four (4) to three (3).

Commissioner Knox-Seymour excused herself from the remainder of the meeting.

6. Case Name: 59 16th Avenue SW (Conditional Use)

Consideration of a Conditional Use for an Outdoor Service Area in a C-3, Regional Commercial Zone District as requested by Frugal Heart LLC (Applicant) and Dusty Road LLC (Titleholder)

Case No: COND-009773-2014; Case Manager: Dave Houg

Mr. Houg stated this is currently the Lion Bridge Brewing Company that is requesting an Outdoor Service Area in a C-3 Zone District. Mr. Houg showed an aerial photo of the site, a preliminary site plan, a street view with 6 recommended conditions. The Czech Village Overlay District has given their review of this Conditional Use. Also within the Flood Plain Management area but this does comply. The Board of Adjustments will review this project on June 9, 2014.

Commissioner Overland called for questions of Mr. Houg.

Commissioner Pankey asked if this is classified as a sidewalk café. Mr. Houg said it was on private property. Commissioner Pankey asked if it required a six foot fence. Mr. Houg stated yes it would have a fence unless they can convince the police that they will have adequate staffing.

Commissioner Halverson said the staff reported stated “the current project is not complete” and wondered what that meant. Mr. Houg stated that the applicant is not able to serve alcohol in this particular area because it is not complete. Commissioner Dahlby stated that the area looks like it is in the beginning states of being constructed.

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 members of the public were present.

Commissioner Overland called for a motion. Commissioner Halverson made a motion to approve the Conditional Use for an Outdoor Service Area in a C-3, Regional Commercial Zone District. Commissioner Dahlby 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.

7. Case Name: City ROOTs Lots (Rezoning)

Consideration of a Rezoning from R-3, Single Family Residence Zone District, RMF-2, Multiple Family Residence Zone District and C-2, Community Commercial Zone District to R-TN, Traditional Neighborhood Residence Zone District for properties at 1024 K Avenue NW, 926 N Street SW, 930 N Street SW, 430 9th Avenue SW, 1069 G Avenue NW, 508 9th Street SW, 507 7th Avenue SW, 453 9th Avenue SW, 609 3rd Avenue SW, 948 N Street SW and 709 3rd Street SW as requested by the City of Cedar Rapids
Case No: RZNE-010381-2014; Case Manager: Joe Mailander

Mr. Mailander stated this is another round of rezoning's that are part of the City's ROOTs program. The R-TN allows for narrower lots. The 11 City-owned lots will be given to developers at no charge and then sold to a homeowner who qualifies.

Commissioner Overland called for questions of Mr. Mailander. No questions were asked of Mr. Mailander.

Commissioner Overland called for a motion. Commissioner Halverson made a motion to approve the Rezoning from RMF-2, Multiple Family Residence Zone District and C-2, Community Commercial Zone District to R-TN, Traditional Neighborhood Residence Zone District for properties at 1024 K Avenue NW, 926 N Street SW, 930 N Street SW, 430 9th Avenue SW, 1069 G Avenue NW, 508 9th Street SW, 507 7th Avenue SW, 453 9th Avenue SW, 609 3rd Avenue SW, 948 N Street SW and 709 3rd Street SW. Commissioner Pankey seconded the motion.

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

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

The meeting was adjourned at 4:19 pm

Respectfully Submitted,
Betty Sheets, Administrative Assistant,
Community Development and Planning