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

MINUTES OF
CITY PLANNING COMMISSION MEETING,
Thursday September 11, 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
Richard Pankey
Virginia Wilts
Bill Hunse
Dominique Blank

Members Absent: Kim King
Samantha Dahlby

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

CD Staff: Jennifer Pratt, Interim Director
Jeff Hintz, Planner
Betty Sheets, Administrative Assistant

City Council Liaison: Justin Shields

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

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

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

Commissioner Overland called for any additions or corrections to the minutes. Commissioner Overland stated with no additions or corrections, the August 21, 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: Northeast corner of the intersection of Zika Avenue NW and 16th Street NW (Rezoning)**

Consideration of a Rezoning from R-1, Single Family Zone District to PUD-2, Planned Unit Development Two Zone District as requested by Newbo Development Group, LLC (Applicant) and City of Cedar Rapids (Titleholder)
Case No: RZNE-010979-2014; Case Manager: Vern Zakostelecky

Mr. Zakostelecky stated this is a rezoning request to the PUD-2 Zone District which is open un-programed green space in Ellis Park known as the Chipping Greens. There are 4 single-family homes that front on Ellis that back up to this property as well as single-family homes along 16th Street NW. City Council feels this is underutilized City Park property that could be developed with in-fill housing. The developer is proposing a mix of single-family homes, duplexes and row houses on the site. The developer has held three neighborhood meetings. Mr. Zakostelecky showed a Location/Zoning Map, General Information, Aerial Photo as well as a Preliminary Site Development Plan and several renderings of the buildings. The developer has indicated that they plan to far exceed the storm water management minimum requirements for this site. Mr. Zakostelecky also showed a list of neighborhood concerns that were expressed at the various neighborhood meetings that were held. Mr. Zakostelecky pointed out that we had received one objection just before the meeting of a citizen who was unable to attend this meeting and a copy of that was delivered to the Commissioners at the meeting.

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

Commissioner Overland called for a representative of the applicant.

Chad Pelley, Ahmann Companies, Newbo Development Group, 1641 Boyson Square Drive, Hiawatha, IA was present representing the applicant. Mr. Pelley stated that they had held three neighborhood meetings over the last two months. A lot of questions and comments were expressed regarding the water run, traffic, existing street conditions and property values. Mr. Pelley stated that the homes would be sold for between $150,000 and $300,000. Mr. Pelley stated he would be happy to answer any questions.

Commissioner Overland called for questions of the applicant.

Commissioner Pankey asked if on the site plan upper right hand corner if that was a sanitary sewer that would extend from the development to Ellis Boulevard. Mr. Pelley stated that there was a concern with the existing sewer is old clay. Mr. Pankey asked if that piece of property would be retained by City. Mr. Pelley stated yes that will remain City property along with a substantial portion on the east side of the site. Mr. Pelley stated that very few trees will be impacted by replacing the sewer and many more trees will be added to the property.

Commissioner Hunse asked how the developer became aware that the property was available. Mr. Pelley stated that several developers have come forward proposing developments on this property, but none were ever approved. So many homes were impacted by the flood and there is a great need for homes. Commissioner Hunse asked if the disposition is a public process. Mr. Pelley stated yes.

Commissioner Halverson asked if Mr. Pelley would speak to the timing of the CIP improvements. Mr. Pelley stated that there is a paving project for FYI 2014 for Zika Avenue

from 20th Street to 26th Street and for 26th Street to Ellis in FYI 2016 and 2017. As part of this project, the Developer will participate for the improvement of 16th Street and Zika Avenue adjacent to this site. The 28 homes will generate a very insignificant number of traffic trips.

Commission Overland asked if any of the trees will be impacted by the homes to be built. Mr. Pelley stated that very few trees would be impacted by the development.

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

James Robertson, 2255 16th Street NW presented an article that appeared in the Gazette that showed Robert Ellis donated the property to the City for park and this was never intended for development. Mr. Robertson said his research was not completed and needed to know if he had another opportunity to appeal before final approval. Mr. Zakostelecky stated that this would be for a public hearing before the City Council on October 7, 2014.

Janelle Smith, 2249 16th Street NW, Jim Novak, 2233 16th Street NW, Charlotte L. Zeman, 1608 Zika Avenue NW, Jim Stratton, 2321 16th Street NW, Don Steichen, President of the Harbor Association and Iowa Water Volunteer, 1648 27th Street NW expressed their concerns and opposition to the development.

Joe Ahmann, Ahmann Companies, 1641 Boyson Square Drive, Hiawatha wanted to add a few points. He understood the concern of traffic in the area, but there are only 28 owner occupied properties proposed for this development. The difference between this project and a ROOTs project is the program has some financial assistance associated with it. The price point will be closer to $200,000 to $300,000 per home. Other uses such as community centers would add more traffic than 28 single-family homes. As to the concern of water runoff, there are a lot of difference between this and Sugar Creek, the housing development to the west. There are 5 different infiltration systems proposed.

Scott McMurin, 2256 16th Street NW expressed his concerns and opposition to the development.

Commissioner Overland asked Mr. Pelley to return to the podium to answer some questions.

Commissioner Overland asked Mr. Pelley to clarify who pays for the infrastructure and also about the property lines.

Mr. Pelley stated that the Developer will pay for the infrastructure and the adjacent improvements on Zika and 16th will be paid for the Developer up front or assessed to the owners of adjoining properties, he did not know how that would play out. The price of the property was appraised at $20,000 per acres. The license surveyors have completed their initial survey. He was unclear what the lot line disagreements are. Mr. Pelley has given his card to anyone who has questions and he would be happy to meet with them in his office where they can look at the plans. Mr. Pelley further stated that runoff is a concern. This development has been uniquely designed and broken down at less than one acre sub-drainage areas. Given each of those areas basins do not have any storm sewer to connect to 8 inch tiles will be used to release storm water run-off, which is not infiltrated. Curb cuts in streets will assist in directing run-off to the basins, which will have deeper vegetation to encouraging infiltration.

Commissioner Hunse asked if the land surveyors are using best available datum concerning the property line discrepancies. The can be discrepancies/busts in multiple data. Mr. Pelley stated

he was using a third party engineer have performed the survey. Mr. Pelley is not certain if there is any discrepancy.

Commissioner Hunse said there was concern about speed that water runoff comes off a site. Building detention basins, monitored flow and state of the art technology needs to be considered. Mr. Pelley stated that in 2001 development sites could release water un-detained. In the proposed discharge system, approximately 2 feet of pooling for large shallow flat basin is being designed. This is accepted practice that is not required, but the developer wants to work with the City to be creative and sensitive to water runoff since it is a major concern.

Commissioner Hunse heard that there's narrow right of way on 16th street that is not necessarily the developer's responsibility. For those that want new roadway, the narrow right-of-way would have to be modified. Mr. Pelley has encouraged the citizens at neighborhood meetings to contact the City or their Council members to extend the right-of-way. If it gets improved, who is paying for those improvements? 16th Street and Zika Avenue are both in bad shape.

Mr. Robertson returned to podium to say he has lived on that street for a long time and said that no two cars heading in opposite directions can pass on that street.

Commissioner Halverson asked Mr. Mason to elaborate on when the property was deeded to the City.

Caleb Mason, Community Development stated that when doing research when the request came to the City to dispose of the property the City did not find an abstract. In 1956 the City had purchased the property from a Golf Association for a fee of $6,000. If City does not maintain it would be revert back, but did not find any issues in the research preformed.

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 Pankey seconded the motion.

Commissioner Overland called for discussion on the motion.

Commissioner Halverson stated that in large part any infill project will have issues. Through a Planned Unit Development, affords implementing a plan that is acceptable. There are some issues with transportation and there are limitations with the two principle streets that abut this development. The Council and various parties has serious vetted this property and there's a great deal of thought gone into the disposing of this property.

Commissioner Pankey stated that he has seen work done by the Developer and the plan for this area is compatible and the designs will handle the runoff. It is a change but another opportunity to bring housing back to the Northwest quadrant for people to live.

Commissioner Knox-Seymour wanted to make certain the applicant was giving strong consideration to the neighbors even though the development will provide housing that is necessary, but the developer also needs to put themselves in the neighbors place and what it looks like and what that is going to do to their homes, river etc.

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

2. **Case Name: 4210 Edgewood Road NE (Conditional Use)**

Consideration of a Conditional Use for an Electrical Substation in a R-3, Single Family Residence Zone District as requested by Alliant Energy (Applicant) and City of Cedar Rapids (Titleholder)
Case No: COND-012296-2014; Case Manager: Dave Houg

Mr. Houg stated this was to allow a substation in a Single Family Residence Zoning District. Mr. Houg said the original substation did not receive Conditional Use approval. Mr. Houg showed an aerial Photo, Location/Zoning Map, Street Views, Preliminary Site Development Plan, Proposed Elevation, and Mature Plants with view from 42nd Street and from Gulf Course as well as recommended conditions. The Board of Adjustments will review this Conditional Use application on October 13, 2014.

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

Commissioner Pankey asked if the substation was currently operating. Mr. Houg stated that it had suffered a fire.

Commissioner Hunse asked if plants would be deer friendly. Mr. Zakostelecky stated that the City Arborist would make his suggestions for plants in the final plans.

Commissioner Overland called for a representative of the applicant.

Teresa Davis, Alliant Energy, 1001 Shaver Road NE, Stacy Van Zante, Alliant Energy, 200 First Street SE, and Isaac Hodgins, Shive-Hattery, 316 2nd Street SE. Ms. Davis stated that the substation was completely burned and there is currently nothing at that location. Ms. Davis said that speaking to the trees species, those that are conducive to prevent weed control as well as deer-resistant would be planted. Ms. Van Zante stated that the site is being increased in size for growth in that area and also to retire another substation that seems to have flood issues. Alliant will accommodate long range plans with this site.

Commissioner Hunse asked how secure the site would be. Ms. Davis stated that a 15 foot prefab concrete wall and anti-climb gate will make the site very secure.

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

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

Commissioner Overland called for a motion. Commissioner Pankey made a motion to approve the Conditional Use for an Outdoor Service Area in an R-3, Single Family Residence District. Commissioner Wilts seconded the motion.

Commissioner Overland called for discussion on the motion.

Commissioner Pankey stated that he appreciated that Alliant is taking the long term into consideration by making the site larger to accommodate growth.

Commissioner Wilts also stated that she was happy to hear it would be a larger substation.

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

- **New Business**

  - Consider amending Chapter 32 of the Municipal Code, the Zoning Ordinance, adding a Northwest Flood Mitigation Overlay District with specific guidelines applicable to land use applications and permits.

Jeff Hintz, Community Development stated Community Development Staff has been working with Building Services and Development Services staff to create an overlay district which would allow for routine maintenance of property in the area that is currently subject to the moratorium.

The proposed ordinance would establish an overlay district with requirements which seek to limit new development or changes in development patterns. This overlay would not prevent a homeowner from doing routine upkeep of a property or meeting the building or mechanical codes. Zone changes and other land use items that typically come to the Planning Commission would be prohibited until the final flood protection system alignment is finalized. At that time the bounds of this overlay could potentially be adjusted.

Development Committee recommended approval of this ordinance at the August 20, 2014 meeting and City staff recommends approval and that it moves to City Council on September 23, 2014.

Commissioner Halverson asked is there an expectation when the moratorium would be retired.

Mr. Hintz said the current moratorium expires October 26, 2014 so if this Ordinance is not adopted building permits and other land use applications could be applied for in this area. There is potential to release properties from the overlay in the future, dependent upon final alignment of the flood protection system. The City has other Overlay Districts, but this district would function differently as it is preventative in nature.

Commissioner Knox-Seymour asked how routine. Mr. Hintz said a roof or furnace, windows and items along those lines, but if an addition or new construction was proposed for a property, this would be prohibited.

Commissioner Halverson said that he would need to be recused from voting.

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

Bryan Moeller, 122 35th Street NE stated he has a lot in this area. Mr. Moeller's first concern was that no sign notifications were posted for this ordinance or any proper notification of property owners' within the area. Mr. Moeller got a letter sent to him but he did not know what it was for. Mr. Moeller called three people in the area and none of the neighbors knew what was going on here and being restricted with what they can do. It is concerning that we are going forward with this without making sure that all the owners know what was going on. Mr. Moeller spoke with Ms. Pratt about it and she said letters were sent to everyone. Mr. Moeller further stated that if you get a letter from the city you don't know what it is, half the time he throws them away. So that was her notification. Mr. Moeller stated that his second area of concern is that of undue hardship that he feels is going on. Put under a non-conforming ordinance with no

way of getting into conformity. The lot he has he can never build on it and no recourse other than to sell it. I am not in the way of the levy being built or not in the way of flushing of chlorine through the water system. The second area under the undue hardship is the equity between property owners. On one side of the street is an ordinance and on the other side of the street there is not. So there are properties that have the same concerns as the city would have as far as flooding, building of the levies, being on the wet side of the levies, services that are not addressed or part of this ordinance. The 15 owners are being putting hardships that nobody else has the same concerns would have, such as flooding. There are a couple things I am asking of you. Have the city go through the same procedures that you would require of a private property owner, placement of signs, making sure that everybody that is affect is properly notified.

Commissioner Overland asked what Mr. Moeller would suggest is properly notified. We sent letters to everyone, would you like them to show up at your door? Mr. Moeller said call them. Mr. Moeller searched addresses and called three of the fifteen. He is not sure how many were notified. Mr. Moeller called the City after this moratorium was passed. They did not contact me. Make it a certified letter; make them sign for it, or more than a newsletter coming from the City. Ask the City why it is only this area that the moratorium is being pushed on. Please do not set precedence with this by changing an ordinance that greatly affects property owner's rights.

Don Steichen, 1648 27th Street NW said he did not receive a letter on this subject either. Mr. Steichen has great concerns about such a small section: 1) doesn't know why this section only has the moratorium; 2) 8th Street and Newbo have higher water; 3) don't have concrete plans on where the levy was going to go; 4) threatened with loss of City services; 5) destroying the value of the property.

Commissioner Overland called for a motion. Commissioner Pankey made a motion to approve the overlay district. Commissioner Knox-Seymour seconded the motion.

Mr. Zakostelecky stated that it is his understanding that letters were sent out to private property owners within in this area and there were attempts to get phone numbers. The Turners were contacted by Rita Rasmussen from the Public Works Department on August 8, 2014 and they declined to meet with her to discuss this proposed Overlay. The notification requirements have been met. This is not a rezoning of property; this is an Overlay District that is being established to preserve an area that is shown in the preliminary alignment for the construction area and the levy area. The city has done their best to reach out and let them know what this is about.

Commissioner Overland asked what about the boundaries determined.

Mr. Zakostelecky stated where the preliminary plans on where the flood protection will be constructed.

Commissioner Knox-Seymour asked to be clear that the 15 homes in this area, this is just an area the flood levy is to be constructed.

Mr. Zakostelecky stated that contemplated to be constructed and an attempt to protect this area..

Commissioner Knox-Seymour for example across the street would not need to be protected.

Commissioner Blank asked how that was determined.

Mr. Zakostelecky stated we may be protecting an area more than we need to protect more than the City needs but it is not exact science right now as we are trying to protect an area that is adequate enough to do that.

Commissioner Halverson stated that he was recusing himself from the vote since his current employer is doing the design on this system.

Commissioner Blank asked if this couple's roof collapsed, what was the recourse if they needed to replace their roof. Mr. Zakostelecky stated they would be able to get a permit to replace their roof, it is a maintenance issues and public safety issue.

Commissioner Knox-Seymour said the gentlemen had a lot there and that he would not build on that going forward.

Mr. Zakostelecky said that was correct. The City has been in negotiations with all the property owners to purchase those properties for the very reason so that they do not build a brand new home on those lots until it is determined where the flood system was going to be built.

Jennifer Pratt, Community Development said that the idea of the ordinance is to maintain the status quo until we do know where the alignment is going to be and when that designing has been done so this is best information we have and to protect them from putting money into their property that they may or may not be able to get back. Council has had a very strong track record of trying to make properties available for redevelopment. Once we know and can safely reinvest in this area, this overlay could be adjusted appropriately.

Commissioner Knox-Seymour has heard many times where citizens have not been notified. Was there anything more that could be done?

Mr. Zakostelecky said that the City does do everything they can and to do a certified mailing would be extremely expensive. In some cases, there are absentee property owners that cannot be notified.

Commissioner Blank asked if the required meetings held.

Mr. Zakostelecky stated there were no required meetings for this ordinance since it was not a zone change but an overlay district, which is an addition to the zoning ordinance. Citizen outreach had occurred though.

Commissioner Overland called for discussion on the motion.

Commissioner Pankey stated that it is always a challenge to identify absentee, Trust or LLC citizens to obtain addresses. The City is doing what they can. We are in a transition time and the overlay district can be dropped or reduced, but right now this is the best solution.

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

The meeting was adjourned at 4:30 pm

Respectfully Submitted,
Betty Sheets, Administrative Assistant, Community Development