



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, October 2, 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
Virginia Wilts
Richard Pankey
Kim King
Dominique Blank
Bill Hunse

Members Absent: Samantha Dahlby

DSD Staff: Joe Mailander, Manager
Vern Zakostecky, Planner
Dave Houg, Plats & Zoning Conditions Coordinator
Jasmine Almoayed, Economic Development Liaison

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

City Council Liaison: Justin Shields

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

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

Roll call was answered with eight (8) Commissioners present.

Commissioner Overland called for any additions or corrections to the minutes. Commissioner Overland stated with no additions or corrections, the September 11, 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.

Commissioner Overland stated that City staff had received a request from the applicant to table Item Number 4 requesting a Conditional Use for a Warehouse in a C-3, Regional Commercial Zone District.

Commissioner Overland called for a vote on the motion. Commissioner Halverson made a motion to table Item Number 4. Commissioner King seconded the motion.

Commissioner Overland called for a vote on the motion. The motion passed unanimously.

Commissioner Overland stated Item No. 1 had been tabled at the July 10, 2014 CPC Meeting and called for a motion. Commissioner Pankey made a motion to remove the Conditional Use at 3215 Johnson Avenue NW from the table. Commissioner Knox-Seymour seconded the motion.

Commissioner Overland called for a vote on the motion. The motion passed unanimously.

I. Case Name: 3215 Johnson Avenue NW (Conditional Use)

Consideration of a Conditional Use for a Communication Tower in a R-2, Single Family Residence Zone District and C-2, Community Commercial Zone District as requested by SBA Towers V, LLC (Applicant) and TSS Holdings LLC (Titleholder)
***Case No: COND-010689-2014; Case Manager: Dave Houg
(Tabled at July 10, 2014 CPC Meeting)***

Mr. Houg stated this conditional use request was for a Communication Tower in a residential district. There is residential development to the south and east. The applicant planned to add a security fence but did not want to do any landscaping and would be asking for a variance. The tower would have room for two future carriers. Mr. Houg presented a Location/Zoning Map, General Information, Aerial Photo, Street View, Preliminary Site Development Plan, Elevation, Recommended Conditions and stated that the Board of Adjustment will consider this Conditional Use at their meeting on October 13, 2014.

Commissioner Overland stated this item had been tabled at the July 10, 2014 CPC Meeting and called for a motion. Commissioner Pankey made a motion to remove the Conditional Use at 3215 Johnson Avenue NW from the table. Commissioner Knox-Seymour seconded the motion.

Commissioner Overland called for a vote on the motion. The motion passed unanimously.

Commissioner Overland called for questions of Mr. Houg.

Commissioner Pankey asked if the current fall zone was 65 feet, should the tower be moved to 100 feet from residential. Mr. Houg stated it was an option and if moved north, the conditional use review will not be needed. Mr. Houg also stated he wanted it noted that he had received one verbal objection this morning.

Commissioner Blank asked why the applicant does not want to stealth the tower. Mr. Houg stated he did not know.

Commissioner Halverson said the reason that this request was tabled was because the applicant had not had a neighborhood meeting. Had this meeting been held? Mr. Houg stated that yes the applicant had a meeting with the neighbors and no objections were heard.

Commissioner Overland called for a representative of the applicant.

Mike Bieniek, LCC Law, 10700 Higgins Road, Suite 240, Rosemont, IL representing SBA Towers. Mr. Bieniek stated that the tower to be installed was a Monopole type Tower and that it would be a 100 foot tower with 5 foot lightening rod. Mr. Bieniek to address the issue of the setbacks and landscaping variances, he stated he provided a letter to staff how towers collapse. Mr. Bieniek stated that towers do not fall over. In order for a tower to fall over would require a complete failure of the foundation or simultaneous share of large bolts at the base of the tower. We did provide a fall zone letter from a certified licensed engineer that the 33 foot radius is where it would fall within. The tower is not designed to fail, but it is designed with a fail point. The location was selected so that the developer can develop the property at a future date. Landscaping is not wanted due to the developers' plans for future development on the site. Landscaping can be provided however would probably fall into disrepair and die. Could provide a wood fence or do the landscaping.

Commissioner Overland called for questions of the applicant.

Commissioner Knox-Seymour asked if you did not landscape, in his opinion would it be unsightly. Mr. Bieniek stated that landscaping does not last and that could be more unsightly. Mr. Bieniek said in his opinion the fence is the best solution.

Commissioner Knox-Seymour asked if the site would be safe from children. Mr. Bieniek stated it has no climbing pegs until you get so high. The equipment is monitored by a switch station in the general north east Iowa area where Verizon monitors all its sites. An intrusion will cause a notification to be sent back to the Police station via the switch station.

Commissioner Knox-Seymour asked when the developer would develop the site. Mr. Bieniek stated he did not know.

Commissioner Hunse asked if there is code enforcement to keep the landscaping from falling into disrepair. Mr. Zakostelecky stated that yes.

Commissioner Overland asked if there was any thought since the owner was considering adding on to this, berming or landscaping the outer perimeter of the lot, which might be a fair trade off to get the easterly side of the lot. Mr. Bieniek stated that the owner does not have his plans far enough along to know what he planned to do.

Commissioner Halverson asked about stealthing the tower -- had it been considered? Mr. Bieniek said stealthing was a big problem. When towers were built in late 1990's, the only thing cell phones were used for was just making cell calls so they were adequate at the time. Now in the mid 2000's with I-phones, I-Pads and Wi-Fi, that signal is competing with telephone signals and that is why you are seeing so many new cell sites. This is a capacity site; other towers in the area have been upgraded. The signal from FCC is very limited. With a stealth site you cannot upgrade those towers very much so you end up with more towers. Verizon is very hesitant to go with a stealth design.

Commissioner Knox-Seymour asked if you had shown a hardship. Mr. Bieniek stated that the ordinance is written such that a hardship is caused by compliance. Towers do not fall like many people think they do. A letter was provided on a fall zone from a licensed engineer.

Mr. Zakostecky clarified, stated a fall zone is in part how a tower collapses a certain way. The fall zone is also in place for things falling off that tower such as icing or other man-made or natural occurrences.

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 Pankey made a motion to approve the Conditional Use request for a Communications Tower in an R-2, Single Family Residential Zone District. Commissioner King seconded the motion.

Commissioner Overland called for discussion on the motion.

Commissioner Pankey stated that he supports this as it seems like a natural site for a communication tower.

Commissioner Knox-Seymour stated that she supports since the neighbors are all in agreement.

Commissioner Blank asked how many neighbors attended the meeting. Mr. Houg stated about 12-15 attended.

Commissioner Blank has concerns about approving variances for setbacks and would be voting against this.

Commissioner Halverson stated that he would be voting for this but that the 3 recommended conditions would be presented to the Board of Adjustments.

Commissioner Overland called for a vote on the motion. The motion passed by a vote of 7 to 1.

2. Case Name: Barrigar First Addition (Preliminary Plat)

Consideration of a Major Preliminary Plat in a PUD-2, Planned Unit Development Two Zone District as requested by 3rd Ward Development, LLC (Applicant) and Acme Electric Company (Titleholder) Northeasterly of 2nd Street SE between 10th and 11th Avenue SE
Case No: PRPT-012674-2014; Case Manager: Vern Zakostecky

Mr. Zakostecky stated this was a request for a Major Preliminary Plat in a PUD-2 Zone District for 6 single-family townhomes. Mr. Zakostecky presented a Location/Zoning Map, General Information and Elevations of the townhouses that were going to be constructed.

Commissioner Overland stated that Commissioner Pankey would recuse himself from this project.

Commissioner Overland called for questions of Mr. Zakostecky.

Commissioner Knox-Seymour asked why was it before us before and why do we have to see this again. Mr. Zakostecky stated that it had been rezoned previously for commercial on ground floor and apartments on the second floor before but now it is coming in for a subdivision plat to split this so that the property line comes down a common wall so that each owner will actually own their unit and the lot it sits on and not be a condominium association.

Commissioner Hunse asked if the Commissioners would see a Preliminary Site Development Plan? Mr. Zakostecky stated that there had already been a Preliminary Site Development Plan.

Commissioner Overland called for a representative of the applicant.

Don Barrigar, 509 Vernon Drive SE stated he would be happy to answer any questions that the Commissioners had.

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

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

Commissioner Hunse asked if it was brick. Mr. Barrigar stated three sides were lapse sided and front was brick.

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 Major Preliminary Plat in a PUD-2, Planned Unit Development Two 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: 5820 Dry Creek Lane NE (Conditional Use)

Consideration of a Conditional Use for a Health Club in an I-1, Light Industrial Zone District as requested by Alan Weber (Applicant) and Joseph J. and Rita A. Bertsch (Titleholders)
Case No: COND-013128-2014; Case Manager: Dave Houg

Mr. Houg stated this request is more properly described as a Fitness Training Facility in a I-1 zone district. Mr. Houg presented a Location Map, General Information, Aerial Photo, Street View, Site Development Plan and Interior layout. Mr. Houg further stated there were no conditions and that the Board of Adjustment would hear this request on October 13, 2014.

Commissioner Overland called for questions of Mr. Houg.

Commissioner Hunse asked if the entire building was addressed 5820 Dry Creek or this suite. Mr. Houg stated the entire building. Commissioner Hunse stated that the door to this building was identified as 5820 Dry Creek and was concerned how the Fire Department would find this.

Commissioner Overland called for a representative of the applicant.

Jason Larmore, 2448 Rushmore Drive, Iowa City, IA stated he would be happy to answer any questions the Commissioner might have on this request.

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 member of the public was present.

Commissioner Overland called for a motion. Commissioner Halverson made a motion to approve the Conditional Use for a Health Club in an I-1, Light Industrial 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.

4. Case Name: 620 29th Avenue SW (Conditional Use) (Tabled)

Consideration of a Conditional Use for Warehousing in a C-3, Regional Commercial Zone District as requested by David K. and Mary B. Junge (Applicants/Titleholders)
Case No: COND-013340-2014; Case Manager: Dave Houg

5. Case Name: 1810 Blairs Ferry Road NE (Conditional Use)

Consideration of a Conditional Use for a Motor Vehicle Sales in a C-2, Community Commercial Zone District as requested by Taylor Wilkin (Applicant) and Larry and Junetta Janda (Titleholders)
Case No: COND-013341-2014; Case Manager: Dave Houg

Mr. Houg stated this was a request from Fast Forward Cycles for a Motorcycle Dealership in a C-2 zone district. Mr. Houg presented General Information, Aerial Photo, Street View, Site Development Plan and stated that the Board of Adjustments would consider this request at their meeting on October 13, 2014.

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

Commissioner Halverson asked if they would have outside display. Mr. Zakostecky stated this would be indoor sales only.

Commissioner Blank stated her concern was that with the animal clinic next door, that motorcycles would be making noise. Mr. Houg stated that staff had not heard any concerns from neighbors. Mr. Zakostecky stated that there was a noise ordinance.

Commissioner Hunse asked if the building had fire sprinklers. Mr. Zakostelecky stated that the owner would have to address that when they go in for the certificate of occupancy.

Commissioner Hunse stated that there were very few parking spots and no area for large trucks to drop off the motorcycles.

Commissioner Overland called for a representative of the applicant.

Taylor Wilkin, 3516 Fitzroy Road, Hiawatha stated that he is the owner of Fast Forward Cycles being relocated here for larger space. Mr. Wilkin stated they do not allow for test drives. The way that they operate is that they stock up in the off season for better pricing so cycles are dropped off in the winter.

Commissioner Overland called for questions of the applicant.

Commissioner Hunse asked if the building was sprinkled. Mr. Wilkin stated the building is not sprinkled.

Commissioner Hunse asked how many motorcycles. Mr. Wilkin stated about 100 motorcycles were on hand at the beginning of the season and then it dwindles down.

Commissioner Hunse asked about the filled gas tanks. Mr. Zakostelecky stated the Fire Department checks the MSDS log. Mr. Wilkin further stated that the Fire Department has come through their building and the only requirements the Fire Department has asked of them were that they purchase fire-safe cans.

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

Commissioner Overland called for a motion. Commissioner Halverson made a motion to approve the Conditional Use for Motor Vehicle Sales in a C-2, Community Commercial Zone District. Commissioner Blank seconded the motion.

Commissioner Overland called for discussion on the motion.

Commissioner Pankey stated that he has gone by the current location and has never witnessed bikes being test driven or traffic issues and that they take care of their location very well and he wished them much success.

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

New Business

- a. Review of City Planning Commission 2014 Work Plan and Suggestion for Amending the Work Plan for 2015

Mr. Zakostelecky stated that last year a sub committee was formed with Commissioner Halverson, Alan Thoms and Commissioner Wilts. This year we met with Commissioner Overland and discussed what needed to be changed. A marked up copy was distributed to all members to take a vote on this for City Council approval.

Commissioner Overland asked for discussion.

Commissioner Halverson suggests looking at projects such as Complete Streets that was produced would be good. Urban Renewal Districts, how they may or may not conform to Comprehensive Plan. Good for general background information for the Commissioners and how it relates to development.

Commissioner Overland called for a motion. Commissioner Knox-Seymour made a motion to approve the 2014-2015 Work Plan. 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.

- b. Consideration regarding conformity of Amendment No. 1 to the Council Street Urban Renewal Area Plan with the City's Comprehensive Plan
- c. Consideration regarding conformity of the proposed Northtowne Market Urban Renewal Area Plan with the City's Comprehensive Plan
- d. Consideration regarding conformity of the proposed New Pioneer Urban Renewal Area Plan with the City's Comprehensive Plan

Jasmine Almoayed, Development Services stated that what we were looking at was consideration of three urban renewal plans. The first is removing the Nash Finch site from the Council Street Urban Renewal Area, second to create a new Northtowne Urban Renewal Area to include the Nash Finch site and the third, creation of a New Pioneer Urban Renewal Area along Center Point Road.

Commissioner Overland called for questions of Ms. Almoayed

Commissioner Pankey asked how the establishment of the new urban renewal areas will benefit the City and the developers.

Ms. Almoayed stated that Northtowne area will assist the developer (retail, housing, etc.)

Commissioner Hunse asked if there will there be a standards for these developments.

Ms. Almoayed stated that we are meeting with the developer and we do have design standards that must be met.

Commissioner Hunse asked if there were any names for the large buildings.

Ms. Almoayed stated that they have not revealed any of the names. Mr. Zakostelecky stated that this was a PUD rezoning so therefore they will be working to develop a master signing plan, materials, and theme. At this time he does not have title to the property.

Commissioner Halverson stated the issue before us is a compliance or conformity with the comprehensive plan. This is state statute compliance more of a simple question of is the zoning of that area in place.

Commissioner Overland called for a motion on item b. Commissioner Pankey made a motion to approve the Amendment No. 1 to the Council Street Urban Renewal Area Plan. 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.

Commissioner Overland called for a motion on item c. Commissioner King made a motion to approve the proposed Northtowne Market Urban Renewal Area Plan. 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.

Commissioner Overland called for a motion on item d. Commissioner Wilts made a motion to approve the Amendment No. 1 to the Council Street Urban Renewal Area Plan, the proposed New Pioneer Urban Renewal Area Plan. Commissioner Hunse 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 4:00 pm

Respectfully Submitted,

Betty Sheets, Administrative Assistant
Community Development