



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, 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 Zakostelecky, 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. Zakostelecky 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. Zakostelecky 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. Zakostelecky 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. Zakostelecky 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 Overland called for questions of Mr. Gunnerson.

Commissioner Halverson left the meeting at 4:20 pm

Commissioner Hunse stated that the City will be pleased with the ordinance and felt that it was a move in the right direction. Mr. Gunnerson stated that the ordinance is part of a general move towards a zoning ordinance that is based more on site and building design and less on separation of uses.

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