



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, December 4, 2014 @ 3:00 p.m.**

**Cedar Rapids City Hall Council Chambers, 101 First Street SE**

Members Present: Scott Overland, Chair  
Carletta Knox-Seymour  
Virginia Wilts  
Samantha Dahlby  
Richard Pankey  
Dominique Blank  
Bill Hunse

Members Absent: Jim Halverson  
Kim King

DSD Staff: Joe Mailander, Manager  
Vern Zakostelecky, Planner

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 seven (7) Commissioners present.

Commissioner Overland called for any additions or corrections to the minutes. Commissioner Overland stated with no additions or corrections, the November 13, 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) (Tabled at the November 13, 2014 CPC Meeting)**

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*

Commissioner Overland asked for a motion to remove the table for the Conditional Use at 476 Lewellen Drive NW. Mr. Zakostecky stated that there are still many unanswered questions regarding this project and staff will meet with the applicant next week and asked that it continue to be tabled.

**2. Case Name: Krebs Addition (Preliminary Plat)**

Consideration of a Major Preliminary Plat in a R-2, Single Family Residence Zone District as requested by Morris Wood Enterprises, LLC (Applicant) and P & A Holdings, LLC (Titleholder) 2500 18<sup>th</sup> Street SW

*Case No: PRPT-013958-2014; Case Manager: Vern Zakostecky*

Mr. Zakostecky stated the Preliminary Plat is subject to the rezoning being finalized at the December 16, 2014 City Council Meeting. Mr. Zakostecky stated the property is currently undeveloped and was part of a nursery. The applicant, Morris Wood Enterprises, LLC is requesting approval of a Major Preliminary Plat for the Krebs Addition for property located south of Wilson Avenue and west of 18<sup>th</sup> Street SW. The proposed plat will provide for future development of single-family homes and two-family residential duplexes. Mr. Zakostecky showed a Location Map, an Aerial Photo as well as a Preliminary Plat of the project.

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

Commissioner Overland called for a representative of the applicant. No applicant was available.

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 Dahlby made a motion to approve the Major Preliminary Plat in a R-2, 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.

**3. Case Name: 3601 42<sup>nd</sup> Street NE (Rezoning)**

Consideration of a Rezoning from PUB, Public Zone District to O-S, Office/Service Zone District as requested by Jeffrey and Debra Wilkin (Applicant/Titleholder)

*Case No: RZNE-014488-2014; Case Manager: Vern Zakostecky*

Mr. Zakostelecky stated the property is currently developed with a vacant office type building and associated parking, which was most recently used as office space for the City's Information and Technology Department. In 2006 when the City adopted the current Zoning Ordinance and the PUP, Public Zone District the property zoning was changed to the Public Zoning District since the property was owned and operated as a City facility. The City has sold the property to the applicants and they wish to rezone the property to allow for a privately owned office use. There are no changes proposed to the property at this time. Mr. Zakostelecky presented a Location Map, an Aerial Photo and Preliminary Site Development Plan and stated the next step if approved was a scheduled public hearing at City Council on December 16, 2014, with final approval on January 13, 2015.

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

Commissioner Overland called for a representative of the applicant.

Jeff Wilkin, 2850 Wildflower stated that he would be happy to answer any questions of the Commissioners.

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 Knox-Seymour made a motion to approve the Rezoning from PUB, Public Zone District to O-S, Office/Service 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 by a vote of 6 to 1.

**4. Case Name: Vacant Railroad Right-of-Way property east of Council Street NE, west of Rockwell Drive NE and south of Blairs Ferry Road NE (Rezoning)**

Consideration of a Rezoning from C-2, Community Commercial Zone District and I-1, Light Industrial Zone District to C-3, Regional Commercial Zone District as requested by Water Rock, LLC (Applicant/Titleholder)

***Case No: RZNE-014528-2014; Case Manager: Vern Zakostelecky***

Mr. Zakostelecky stated the property is currently undeveloped former railroad property. The applicant wishes to rezone the property to allow portions of the property to be sold to adjoining property owners for expansion of existing businesses and potent redevelopment sites. The applicant is also reserving a portion of the property along Council Street NE for a small commercial/office building site. The applicant will be required to submit for Preliminary Site Development Plan approval prior to developing this parcel. A Minor Preliminary Plat application has also been submitted by the property owner. One condition of the Preliminary Plat would be to provide sanitary sewer easement because the City has a public sanitary sewer main that runs down through it and it is required to be a joint easement for a trail. Mr. Zakostelecky presented a Location Map and Aerial Photo. The next step in the process is a public hearing that is scheduled for December 16, 2014 with final approval on January 13, 2015.

Commissioner Overland called for questions of Mr. Zakostelecky.

Commissioner Dahlby asked with the potential of a trail, are there any design standards or requirements for properties that back up to that the potential trail. Mr. Zakostelecky said there were no design standards however if any of the existing buildings sites backing up to the easement area proposed to expand, buffering would be required.

Commissioner Overland called for a representative of the applicant.

Mike Esker, 4110 Whitewood Court NE stated he had nothing to add but is available to answer 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.

John Waller, 3120 Adirondack Drive NE stated he is attending as a representative of the Linn County Trails Association in support of the proposal as presented, and that the trail is important and that it does not fall through the cracks. Mr. Waller presented the Commissioners with a map of the trail alignment that is included as Attachment A to these minutes. Mr. Waller stated that the trail is very important to the corridor going from the Cedar River Trail to the Grant Wood Trail.

Larry Scott, 1740 49<sup>th</sup> Street, Marion a member of the Linn County Trails Association, Bike CR as well as the Bicycle Pedestrian Advisory Committee in Marion. He stated he is in support of this easement and future trail. This is an outstanding opportunity to improve the trail system to the northern part of Cedar Rapids connecting Marion to Cedar Rapids with a safe trail.

Commissioner Overland asked if we have an easement through this entire site for future trail use. Mr. Zakostelecky stated that we need an easement for sanitary sewer which is typically 20 feet wide so we can make that a joint recreation trail and a sewer. No buildings can be built over the easement. The condition in the rezoning states we need a sanitary sewer easement.

Commissioner Dahlby asked about the property that fronts on Council. Mr. Zakostelecky stated that the easement requirement on the preliminary the City is reviewing is all the way from Council Street to Rockwell Drive.

Commissioner Pankey asked if it was consistent with the applicant's intention knowing that trail would be through there. Mr. Zakostelecky stated he believed so.

Mr. Eskers stated not, but the specifics of the plat will be finalized with the final plat and that how the site would be used or laid out has not been determined.

Commissioner Hunse asked if Mr. Eskers owned the property. Mr. Eskers stated yes.

Commissioner Hunse asked if they had incorporated this into their development. Was there a site plan? Mr. Eskers stated no. Mr. Esker stated there is a prospective office type building along Council Street contemplated and sewer easements are unused space that you cannot put a permanent improvement on it.

Mr. Zakostelecky stated that this only has buildable frontage on Council Street and Rockwell Drive so dividing this on developable lots is not an option. A public street through there would take up most of the lot and it makes sense to divide this and sell to neighboring land owners.

Commissioner Blank asked what assurance the Commission has that the trail will go in. Mr. Zakostelecky stated that the Commission does not on the rezoning; however, the Preliminary Plat will have that condition that the developer has to sign an acceptance of condition that they agree to. When the City reviews the Final Plat that easement has to be shown on the plat and the City Council approves that and that Final Plat gets recorded so that easement becomes easement of record. We can add language on the second condition that the property owner shall be responsible for dedicated appropriate sanitary and recreational trails easement over the existing sanitary sewer main.

Brandon Whyte, Corridor MPO Multimodal Planner stated that there was talk about when that trail may occur. Mr. Whyte further stated that there is an application for the 2040 update from Cedar Rapids to the MPO for funding and the application has been reviewed. The official steps have begun to make this trail happen and see the significance of this trail. Speaking for the MPO, he was happy to see the easement is being included.

Commissioner Overland called for a motion. Commissioner Pankey made a motion to approve the Rezoning from C-2, Community Commercial Zone District and I-1, Light Industrial Zone District to C-3, Regional Commercial Zone District with added language on the second condition that the property owner shall be responsible for dedicated appropriate sanitary and recreational trails easement for the existing sanitary sewer main. Commissioner Blank seconded the motion.

Commissioner Overland called for discussion on the motion.

Commissioner Dahlby stated that for the public record the MPO has made a huge change in their funding and preserving areas that are functional for trails.

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

#### **5. Case Name: 700 16<sup>th</sup> Street NE (Rezoning)**

Consideration of a Rezoning from C-3, Regional Commercial Zone District to PUD-2, Planned Unit Development Two Zone District as requested by Central Park Partners, LLC (Applicant/Titleholder)

***Case No: RZNE-015016-2014; Case Manager: Vern Zakostelecky***

Mr. Zakostelecky stated the property is currently developed with a three story commercial mixed use building and associated parking. The proposal would rezone the building to allow a greater mix of uses including a proposed small brewing business. The Preliminary Site Development Plan submitted includes the existing site features. There are no proposed changes to the exterior of the building or the parking areas. Mr. Zakostelecky presented a Location Map, Aerial Photo, Preliminary Site Development Plan as well as the Brewery Floor Plan.

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

Commissioner Overland called for a representative of the applicant.

Tom Erger, 662 Old School Road, Ely stated 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. No members of the public wished to speak.

Commissioner Overland called for a motion. Commissioner Pankey made a motion to approve the Rezoning from C-3, Regional Commercial Zone District to PUD-2, Planned Unit Development Two 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.

6. Consideration of amending Chapter 32 of the Municipal Code, the Zoning Ordinance, to amend the requirements for Communication Facilities in the City.

*Case No: N/A; Planner: Jeff Hintz*

Mr. Hintz stated in the late spring and early summer, there had been a number of requests for placement of new communications facilities, most commonly cell towers. Due to the complexity of the Conditional Use process, Board of Adjustment and City Planning Commission members had expressed uncertainty about the application of the current codes to establish findings and recommendations.

Citizens in areas near the proposed towers had expressed concerns about this type of land use within the City Limits. Staff convened several meetings with citizens and industry professionals to receive input and suggested changes to the current regulations on the following dates:

- August 13, 2014 – Citizen and industry professionals input session
- September 10, 2014 – Citizen only input session
- October 20, 2014 – Citizen only input Session
- November 5, 2014 – Industry professionals phone conference update

Proposed Changes: Entire tower placement process for a freestanding tower based solely upon distance from existing detached single and two-family dwelling units. A three tier system separates freestanding towers using the distance from existing residential and specifies different requirements based upon that distance. The tiers, through design, notification requirements, materials requirements and process length, encourage towers to be placed further from existing residential areas.

Mr. Hintz commented the version presented to the commission had clarifications to the process section in the tiered table and tier two height was now limited to 125 feet.

- Enhance design review for all towers within 500 feet of an existing detached one or two family dwelling unit. Design review would now include stealthing (disguising) of the tower.
- Ease co-location requirements for those towers within 300 feet of existing detached single and two-family dwelling units to keep tower height lower.

- Enhance materials requirements for towers, including requiring a building or decorative wall to enclose all tower equipment and not allowing visible razor or barbed wire within 500 feet of existing detached single or two-family dwelling units.
- Require neighborhood meetings for all towers within 500 feet of existing detached single or two-family dwelling units.
- Increase mail out distance for neighborhood meeting.
- Establish requirements for neighborhood meeting content including all the following:
  - Photo simulations of tower from a distance of 500 feet;
  - Proposed initial site plan for comment showing location of tower;
  - Discussion of preferred stealthing measure;
  - Suggestions for alternate tower locations on parcel or in area.
- Establish lower maximum tower height within 500 feet of existing detached single or two-family dwelling units.
- Establish criteria specific to communications facilities for evaluation by City Planning Commission and Board of Adjustment for review in preliminary site plan and conditional use process. Criteria would include:
  - A. Height of proposed tower.
  - B. Proximity of tower to residential structures and districts.
  - C. Nature of uses on adjacent and nearby properties.
  - D. Surrounding topography.
  - E. Surrounding tree coverage and foliage.
  - F. Design of the tower, with reference to design characteristics which reduce or eliminate visual obtrusiveness.
  - G. Proposed ingress and egress.
  - H. Availability of other towers or structures for installation of facilities.
  - I. Whether applicant has considered alternative designs and locations within the site based upon feedback at the neighborhood meeting.

Commissioner Overland called for questions of Mr. Hintz.

Commissioner Overland thanked Mr. Hintz for his hard work and coordinating the groups that have come to this conclusion over the past 6 months on this issue.

Commissioner Blank also thanked Mr. Hintz and all of City staff for working with all the groups. Commissioner Blank asked about the half distance on Tier 3 if he would explain one more time say if it was a 80 foot tower. Mr. Hintz said that it would have to be 160 feet away from the residential property line. Mr. Hintz stated that it could be reworded to: tower placement no closer than two times the height of the tower to the nearest residential lot line.

Commissioner Overland asked if “for example” could be added. Mr. Zakostelecky stated that Mr. Hintz would go to Building Services and Development Services to work with staff on future requests.

Commissioner Hunse asked if in the recommendation regarding signage, regarding no lighting. Mr. Hintz stated that the industry does not put lights on the towers if it is not required by the Federal Aviation Administration.

Commissioner Hunse asked who would vet the folks who were putting up phony towers. Mr. Hintz stated the applicant has to demonstrate to the FCC and demonstrate that it is a legitimate application. Mr. Zakostecky stated that we can require the applicant to provide an FCC license and verify who the actual owner of the tower site. There are also provisions for required inspections.

Commissioner Hunse stated that stealth means for it to look like something else. Who in the City determines this? Mr. Hintz stated that City staff will want to look at where the applicant may have installed previous towers. The stealthing plan approval is left up to the Commission to approve. Mr. Zakostecky stated that City staff has enough professional experience that can determine the longevity of the material that will be used in the tower. Anytime a tower is approved, elevation of the towers, footings etc. are reviewed by City staff and possibly more detail in the future.

Commissioner Knox-Seymour asked if piggy backing will be more enforced with this new Ordinance. Mr. Hintz stated that is the availability of other existing structures. Mr. Zakostecky stated that co-location is encouraged and the industry would rather do that because of the cost saving. This is often not brought before the Commission.

Commissioner Hunse asked if the Industry was aware of these new regulations. Mr. Hintz stated that yes; they were involved in the development of this Ordinance.

Commissioner Pankey stated that the public has had a hand in making this new ordinance happen.

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

Susan Corrigan, 1122 19<sup>th</sup> Street NW stated she served on the stakeholder group and thanks Mr. Hintz and Ms. Pratt because this is a tough topic and did a nice job of hearing both sides. Work with the citizens early and get their ideas. Ms. Corrigan feels that the Industry will look at placing the towers in other areas as well as limiting the heights. Neighborhoods will push for keeping the cell towers down and keeping them stealth. Ms. Corrigan encourages the Commissioners to get out there and look at what these look like. Ms. Corrigan appreciates what the City staff has done.

Commissioner Overland called for a motion. Commissioner Pankey made a motion to approve amending Chapter 32 of the Municipal Code, the Zoning Ordinance, to amend the requirements for Communication Facilities in the City. 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.

The meeting was adjourned at 4:15 pm

Respectfully Submitted,

Betty Sheets, Administrative Assistant  
Community Development



