



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, February 26, 2015 @ 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
Samantha Dahlby
Richard Pankey
Bill Hunse

Members Absent: Kim King
Dominique Blank

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

CD Staff: Seth Gunnerson, Planner
Jeff Hintz, Planner

City Council Liaison: Justin Shields

Call Meeting to Order

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

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

A. Approval of the Minutes

Commissioner Overland called for any additions or corrections to the minutes. Commissioner Overland stated with no additions or corrections, the February 5, 2015 Minutes stand approved.

B. Adoption of the Agenda

Commissioner Overland called for any additions or corrections to the agenda. Commissioner Overland stated with no additions or corrections, the agenda stands approved.

C. Action Items

1. Case Name: 42 7th Avenue SW (Rezoning)

Consideration of a Rezoning from I-1, Light Industrial Zone District to C-4, Central Business Zone District as requested by Hobart Historic Restoration (Applicant) and Linn County (Titleholder)

Case No: RZNE-015584-2014; Case Manager: Vern Zakostelecky

Mr. Zakostelecky stated the property is owned by Linn County and called the Mott Building. The property is zoned industrial and the applicant is requesting that it be rezoned to C-4 to allow for commercial/offices and ground floor dwelling units and residential units above the ground floor.

Mr. Zakostelecky further stated this is a request to rezone 1.41 acres to allow for rehabilitation of an existing historic structure. The property is currently zoned I-1, but the proposed redevelopment plan is to allow a mix of commercial, office/service and residential uses. The property is identified as "Downtown" (DT) on the City's Future Land Use Map in EnvisionCR, the City's Comprehensive Plan. The land is currently developed with a vacant old three story warehouse building. The proposed uses will be commercial, office and residential on the first floor and residential apartment units on the 2nd and 3rd floors. The basement level will be used for storage. The proposed development also includes 58 on-site parking spaces.

Mr. Zakostelecky provided an Aerial Photo, Zoning Map, Street View as well as a site plan.

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

Commissioner Halverson asked about the floor area ratio of less than one in the staff report. From a staff perspective how we apply this when it falls below the numbers prescribed in the new Comprehensive Plan.

Mr. Zakostelecky said the perimeters of the comprehensive plan are not set in stone but the zoning ordinance provides the standards. Since this is a historic building it meets the goals and objectives of downtown housing and mixed use, and is close to a trail and bus route. Rehabbing a historic structure does not meet the floor to area ratio but it meets so many other things that it makes sense for it to be approved. Mr. Gunnerson stated staff recognized that this is an area that flood protection will be constructed around it. Mr. Zakostelecky stated that we do not know what the flood protection will be but additional development is possible on this site.

Commissioner Hunse asked if the building lost its current certificate of occupancy and would be a change in occupancy.

Mr. Zakostelecky stated that the individual spaces as they are leased will be required to obtain a certificate occupancy permit.

Commissioner Overland called for a representative of the applicant.

BJ Hobart, Hobart Historic, 4425 Plumberry Road, Ely, Iowa stated she would be happy to answer any questions.

Commissioner Overland called for questions of the applicant.

Commissioner Hunse asked if she would be the actual facilitator for the remodel work that was going on. Ms. Hobart stated that she would be.

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 I-1, Light Industrial Zone District to C-4, Central Business 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.

2. Case Name: 42 7th Avenue SW (Conditional Use)

Consideration of a Conditional Use for ground floor for market rate housing or commercial (Office/Retail) Space in a C-4, Central Business Zone District as requested by Hobart Historic Restoration (Applicant) and Linn County (Titleholder)

Case No: COND-015585-2014; Case Manager: Vern Zakostelecky

Commissioner Overland called for a motion. Commissioner Hunse made a motion to approve the Conditional Use for an Outdoor Service Area in a C-4, Central Business 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 unanimously with none opposed.

3. Case Name: 1027 9th Street SW (Rezoning)

Consideration of a Rezoning from R-3, Single Family Residence Zone District to O-S, Office/Service Zone District as requested by C.R. Ryders (Applicant/Titleholder)

Case No: RZNE-015964-2015; Case Manager: Vern Zakostelecky

Mr. Zakostelecky stated this was a 1940 quonset hut building which was last used as an auto repair shop. This is a request to rezone a non-residential building, which lost its legal non-conforming status. The last use for the property was an auto repair shop. The rezoning request is

from R-3, Single Family Residential Zone District to O-S, Office/Service Zone District. The current property owners wish to use the property as a private club for a motorcycle organization. The Preliminary Site Development Plan as submitted includes the following:

Mr. Zakostecky provided Location Map, Zoning Map, Street View and Site Layout.

Commissioner Overland called for questions of Mr. Zakostecky.

Commissioner Dahlby asked if there were limitations on hours it would be occupied.

Mr. Zakostecky stated no there were no limitations, however there were limitations on the noise levels.

Commissioner Knox-Seymour asked if the occupants were putting their bikes inside the building. Mr. Zakostecky stated he did not know.

Commissioner Hunse asked if the occupants had a certificate of occupancy right now. Mr. Zakostecky stated that they do not have a certificate of occupancy. Commissioner Hunse further stated that once the rezoning was final we can expect that all appropriate permits would be in place. Mr. Zakostecky stated that was correct.

Commissioner Hunse further stated that if they do not make it and go down the road someplace else, then this is the time to get the building up to code because they are here asking. They want it and the City should get it.

Mr. Zakostecky stated that we do want them to meet building codes and once they do that they can apply for a certificate of occupancy.

Commissioner Hunse further stated that the rezoning is going from residential to office and he did not believe that residential has any heating and cooling but as office it would require heating and cooling.

Mr. Zakostecky stated that it was never used as a residential property and would be brought up to code.

Commissioner Overland called for a representative of the applicant.

Susan Forinash, Hall & Hall Engineers, 1860 Boyson Road stated she is available to answer any questions.

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

Commissioner Hunse asked if they would be complying with the building code.

Ms. Forinash stated that was their intentions. The area outside was going to be paved.

Commissioner Dahlby asked when they planned to occupy.

Ms. Forinash stated that it could be any time.

Commissioner Knox-Seymour asked if they would sell liquor.

Ms. Forinash stated that it was more a club house and would not sell liquor. Mr. Zakostecky stated that under the O/S Zoning District they would not be able to sell liquor to the public.

Commissioner Pankey asked is there a need for screening. Mr. Zakostecky said they are planning a privacy fence along the north property line next to the existing single family home.

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 Knox Seymour made a motion to approve the rezoning from I-1, Light Industrial Zone District to C-2, Community Commercial Zone District. Commissioner Halverson 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: 423 5th Street NW (Rezoning)

Consideration of a Rezoning from PUB, Public Zone District to C-3, Regional Commercial Zone District as requested by Ivan Luckett Clay (Applicant/Titleholder)

Case No: RZNE-016201-2015; Case Manager: Vern Zakostecky

Mr. Zakostecky stated this is a request to rezone a former City-owned historic building, which is currently zoned PUB, Public Zoning District. The property was originally developed as a fire house, which consists of 2,896 s. f. The current property owner wishes to use the property as a barber shop/hair salon on the first floor and a residential dwelling unit on the 2nd floor. The property was last used by the City's CR Transit Department. The property has frontage on 5th Street, E Avenue and C Avenue NW with access from E and C Avenue NW. There is very limited on-site parking, but since the property is in the "Core Area" it is exempt from providing on-site parking. There is ample on-street parking to serve the proposed use.

Mr. Zakostecky provided Zoning Map, Aerial Photo, Street Views and Site Layout.

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

Commissioner Dahlby asked if the on-street parking was mainly on C or on 5th. Mr. Zakostecky stated that the on-street parking was mainly on C Avenue as well as on-site parking on the east of the building. Commissioner Dahlby asked if those spaces were paved and Mr. Zakostecky stated that yes it was paved.

Commissioner Overland called for a representative of the applicant.

Susan Forinash, Hall & Hall Engineers, 1860 Boyson Road stated she is available 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.

Kris Sullens, 1924 Saint Andrews Court NE stated that this neighborhood is in transition and it has lost a lot: the pencil factory, the dairy, the central fire station. Mr. Sullens said the neighborhood was dealing with new challenges with a bar and limited parking and changing of two way traffic. To solve this problem we need good neighbors. There is only parking on E Avenue. This is the gateway to downtown and the Interstate. Right now it makes a crummy impression. Please take all of this into consideration before rezoning this building.

Commissioner Hunse asked if he had any contact with the operator. Mr. Sullens said no.

Commissioner Hunse further asked if the salon would be by appointment. Ms. Forinash stated it would be a barber shop. Commissioner Hunse hoped that this building could be saved.

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 Knox Seymour seconded the motion.

Commissioner Overland called for discussion on the motion.

Commissioner Overland stated that saving this building was a good start to rehabilitation of this neighborhood.

Commissioner Knox-Seymour asked if there was more that could be done to the cleanup of the area.

Mr. Zakostelecky stated he did not know of city vehicles except temporary storage at the pencil factory.

Commissioner Halverson stated it is subject to a great deal of changes in particular with the flood mitigation system.

Commissioner Pankey stated that he was encouraged that something that was going into the building.

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

The meeting was adjourned at 3:38 PM

Respectfully Submitted,

Betty Sheets, Administrative Assistant
Community Development