



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, April 30, 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
Samantha Dahlby
Richard Pankey
Dominique Blank
Bill Hunse

Members Absent: Virginia Wilts
Kim King

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

CD Staff: Seth Gunnerson, Planner
Bill Micheel, Assistant Director, Community Development
Betty Sheets, Administrative Assistant

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 April 9, 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

I. Case Name: 2903 C Avenue NE and 316 29th Street NE (Rezoning)

Consideration of a Rezoning from R-3, Single Family Residence Zone District to I-1, Light Industrial Zone District as requested by Hawkeye Land Co. (Applicants/Titleholders)
Case No: RZNE-016136-2015; Case Manager: Vern Zakostelecky

Mr. Zakostelecky stated this is a request to rezone two (2) residential properties to the I-1, Light Industrial Zone District to allow for expansion of an existing outdoor storage and parking area for the property to the north and east. The property is currently zoned R-3, Single Family Residence Zone District. The structures that existed on the property have been removed in accordance with all applicable codes, regulations and permits. The property is identified as "Urban Medium-Intensity" on the City's Future Land Use Map in EnvisionCR, the City's Comprehensive Plan. By rezoning these properties the applicant controls the entire half block along the east side of C Avenue NE. Mr. Zakostelecky presented an Aerial Photo and Site Plan.

Commissioner Overland called for questions of Mr. Zakostelecky.

Commissioner Halverson asked if they were planning to have any exterior lighting on the property. Mr. Zakostelecky stated that he would have to defer that question to the applicant.

Commissioner Dahlby asked if the CeMar Trail is affected by this property. Mr. Zakostelecky stated that it does not impact this property.

Commissioner Hunse asked if the property was in conformance with ADA requirements. Mr. Zakostelecky stated that all ADA parking is near the main building.

Commissioner Overland called for a representative of the applicant.

Andrew Potter, 500 Stickle Drive NE stated that once the property is screened, it will prevent people from crossing over the property as well as a safety measure for the trucks going in. As far as outdoor lighting, there is a light existing by the warehouse driveway.

Commissioner Overland called for questions of the applicant.

Commissioner Hunse said that there are two way aisles to residential to the west. Mr. Potter said there is no access to the west onto C Ave. NE.

Commissioner Blank asked what the intended purpose of the piece of land. Mr. Potter said to keep it open and occasionally trailer parking.

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 change of zone from R-3, Single Family Residence Zone District to I-1, Light Industrial Zone District. 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.

2. Case Name: 1017 Rockford Road SW (Rezoning)

Consideration of a Rezoning from I-1, Light Industrial Zone District to R-3, Single Family Residence Zone District as requested by Mark G. Henderson Trust and Linda Nicholson (Applicants/Titleholders)

Case No: RZNE-017041-2015; Case Manager: Vern Zakostelecky

Mr. Zakostelecky stated this is a request to rezone a residential property from the I-1, Light Industrial Zone District to R-3, Single Family Residence Zone District. The property is currently developed with a historic single-family detached home. The Historic Preservation Commission endorses this property to retain its status. It should be noted that the property has always been use as a single-family residence since it was constructed in 1936. The house is currently in very good condition and is assessed at over \$183,000. The house has sat empty for just over one year and has lost its legal non-conforming status. The potential buyers would like to close on the property, but cannot use it as a residence due to the I-1 Zoning. Mr. Zakostelecky presented a Zoning Map, Aerial Photo and Street View of the project. Mr. Zakostelecky stated that one objection had been received, but because of its historic nature, City staff is in full support of rezoning this property.

Commissioner Overland called for questions of Mr. Zakostelecky.

Commissioner Hunse asked about the ownership of the property. Mr. Zakostelecky stated that he would have to defer that to the applicant.

Commissioner Overland called for a representative of the applicant.

Stacie Johnson, 1419 Wildwood Drive NE said she would be available to answer any questions. The seller and the buyer are related and both are familiar with the situation of the property. The property is in fantastic condition.

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

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

Mark Stoffer Hunter, 1616 3rd Avenue SE with the City's Historic Preservation Commission. Mr. Hunter stated that the Historic Preservation Commission unanimous support of preserving this building and encourages the Planning Commission to change the zoning.

Greg Epping, 3600 1st Avenue NE states he owns the Stadium Lounge to the north. Mr. Epping stated that the Henderson's operated this building as a business and does not agree that it should be zoned residential since it is not appropriate use in the area and is a classic case of spot zoning.

Rebecca Feierisen, 790 Prairie Ridge Road, North Liberty and stated she is the buyer of this property. There are several residential homes down the street from this property. Ms. Feierisen stated that she is not going into this property with her eyes open and that the out buildings are already gone. Mr. Feierisen stated that they just want to restore this property to its historic nature.

Commissioner Hunse asked if there are reasonable conditions that can be placed to discourage the property to be altered and for the property to continue being a historic structure due to challenges in the neighborhood.

Mr. Zakostelecky stated that if it was not rezoned and used for a commercial or office, they would have to submit a change of use permit and deal with changing electrical, plumbing and other building code issues.

Mr. Hunter concurred with Mr. Zakostelecky that preserving this as a residential zoned property is in the best interest of the Historic Preservation Commission and by keeping the property residential.

Commissioner Overland called for a motion. Commissioner Pankey made a motion to approve change of zone from I-1, Light Industrial Zone District to R-3, Single Family Residence Zone District. Commissioner Knox-Seymour seconded the motion.

Commissioner Overland called for discussion on the motion.

Commissioner Knox-Seymour stated that she has been on the Historic Preservation task force and is in full support and that this is an example of why we need to adopt a Historic Preservation Plan since it is already shown it to be on the old road to Fairfax and needs to be preserved. Commissioner Knox-Seymour further stated that many cities have historical buildings in place and we should not take away from that and we need to stand our ground and support it.

Commissioner Overland stated that he also supports this rezoning and preventing someone from living there to retain the I-1 zoning which would eventually have this property demolished. It represents an earlier time.

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

3. Case Name: 815 Mann Road SW (Preliminary Site Development Plan)

Consideration of a Preliminary Site Development Plan in a I-1, Light Industrial Zone District as requested by Compass Commercial Services (Applicant) and Jack Houghton (Titleholder).
Case No: PSDP-016758; Case Manager: Dave Houg

Mr. Houg stated the property is currently undeveloped and contains 2 parcels that will be combined. The applicant is applying for Preliminary Site Development Plan approval to construct a 49,800 s.f. warehouse along with a screened outdoor storage area. The development will also comply with all other applicable codes, regulations and approvals. Mr. Houg presented a Location Map, Site Plan, Zoning Map and Street View.

Commissioner Overland called for questions of Mr. Houg.

Commissioner Hunse asked if it was a dock high structure. Mr. Houg stated that no building plans have been presented. Mr. Zakostecky stated that it appears to be slab on grade type building.

Commissioner Hunse asked if we knew what commodities would be stored there. Mr. Zakostecky stated it is unknown but that it might be multi tenants.

Commissioner Hunse stated that all buildings be addressed on all sides of the street, contrasting color and visible to the street unimpeded by landscaping.

Mr. Zakostecky stated that there was may be a policy and agreed that fire would be in support of this policy.

Commissioner Pankey stated that Building Services Department has requirements on commercial structures that the address has to be clearly visible from the street before getting an occupancy permit.

Commissioner Overland called for a representative of the applicant.

Tred Schnoor, 431 5th Avenue SW was available for further information.

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

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

Margaret Probasco, 11300 6th Street SW stated her property is to the west of this building and is concerned about water runoff and has a driveway goes into her farm field off Walford Road along the east edge of their property and it is not a public driveway.

Commissioner Dahlby asked if it was commercial vehicles going through there. Ms. Probasco stated that there should be no vehicles going through there except her farm implements.

Mr. Schnoor stated he had no idea of the traffic. Mr. Schnoor stated that there is a detention basin built in 2007 that discharges off into the juvenile detention center.

Commissioner Overland called for a motion. Commissioner Halverson made a motion to approve the Preliminary Site Development Plan in an I-1, Light Industrial Zone District. 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.

4. Case Name: 250 33rd Street Drive SE (Preliminary Site Development Plan)

Consideration of a Preliminary Site Development Plan in a I-1, Light Industrial Zone District as requested by Triton Incorporated (Applicant) and Alan D. and Connie M. Benson (Titleholders)

Case No: PSDP-016899; Case Manager: Dave Houg

Mr. Houg stated the property is currently developed with a 4,500 s.f. office and 5,600 s.f. warehouse. The applicant is applying for Preliminary Site Development Plan approval to construct a 3,600 s.f. warehouse addition. A variance is also being requested for a reduced rear bufferyard along the northerly property line. Mr. Houg presented an Aerial Photo, Zoning Map, Street View and Site Plan

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

Commissioner Dahlby asked if any of the trees would be retained. Mr. Houg responded that most of the trees were not of good quality, however, based on the tree mitigation portion of the ordinance any valued species would have to be replaced.

Commissioner Overland called for a representative of the applicant.

Doug Brain, Brain Engineering, 1540 Midland Court is available for any questions the Commissioners may have.

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

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

Jason Blahnik, 267 34th Street Drive SE property north of the current building was curious about the type of fence that would be installed. Mr. Houg stated that the fence was not required by code however; the applicant could work out an agreement to provide a solid fence with the neighbors.

Commissioner Halverson referred to Condition #6 and asked if it remains as a condition. Mr. Houg replied that screening will be provided, but a request to not provide the buffer yard will be the variance request.

Commissioner Overland called for a motion. Commissioner Dahlby made a motion to approve the Preliminary Site Development Plan in an I-1, Light Industrial Zone District. Commissioner Blank seconded the motion.

Mr. Zakostelecky stated that Buffer yard screening is full planting screening, solid fence or the combination of the two. There are criteria that they have to meet.

Commissioner Hunse again suggested that all the buildings would be addressed.

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.

5. Case Name: 5511 Tower Terrace Road NE (Preliminary Site Development Plan)

Consideration of a Preliminary Site Development Plan in an A, Agriculture Zone District at 5511 Tower Terrace Road NE as requested by FC United (Applicant) and Ethel E Miller Trust (Titleholder)

Case No. PSDP-16994-2015; Case Manager: Dave Houg

Mr. Houg stated the property is currently undeveloped farmland. The applicant is applying for Preliminary Site Development Plan approval to construct a 20,000 sq.ft. non-profit indoor soccer facility along with outdoor soccer fields at the northern portion of the city. A preliminary plat accompanies this request. Mr. Houg stated the applicant, FC United, is requesting approval of a Preliminary Plat for F.C. Acres First Addition situated between Milburn Road NE and Terrace Road NE. The proposed plat provides 4 parcels for future development. Mr. Houg presented a Location Map, Aerial Map, Zoning Map, Street View and Site Development Plan. Mr. Houg also stated that one objection regarding existing water issues with the property had been received today and a copy of that objection has been given to all the Commissioners. Mr. Houg further stated that their department had added some conditions for their review and addition to the staff report.

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

Commissioner Overland called for a representative of the applicant.

Nate Kass, 375 Collins Road NE stated he was available to answer questions.

Commissioner Overland called for questions of the applicant.

Commissioner Knox-Seymour asked how the applicant would respond to the objection.

Mr. Kass stated the proposed grading would flatten the site and they would want to keep the water on the site to help the turf grow and slow the run off. Mr. Kass further stated they would meet the City ordinance requirements for drainage.

Commissioner Hunse stated they were not doing field layouts as part of their work and keeping it flat so you can have a variety of field sizes based on their ages. Can you suggest something more elaborate on how to move water around to keep it on site? Can you address creating drainage on a whole or is the building solving its own drainage issue. Mr. Kass stated the lots will address the water issue as they are being developed.

Bart Woods, Primus Construction, 401 8th Avenue SE agrees and has no issues with all the conditions except for Condition No. 2 and is asking it to be removed. Mr. Woods went on to say that the ownership was FC United and has been in existence for a long time, solid organization, using no public money; Agriculture Zoning is appropriate and best zoning for the residential neighbors and design standards are tied to zoning use and not building use.

Commissioner Hunse asked if there were going to be any issues regarding scheduled arrival and departure of attendees. Mr. Woods stated there would be no parking issues and that the parking requirements are sufficient as well as additional future parking was planned.

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

John Cain, 8470 Milburn Road stated that they were concerned about lights on the field and the fact there will a lot of kids kicking balls that might go into the ½ acre pond, how does it affect them from a property value perspective, how do the required sidewalks affect them and the area does flood and what are the hours they will have kids out there?

Mr. Woods said there would be lighting supplied by Van Meter Industrial.

Mick Slinger, 5321 Michael Drive stated that training in the spring is done by 9:00 pm and most of the time lights would not be on. In the fall training would be done by 9:30 and perhaps 30 to 60 minutes of lights.

Commissioner Hunse asked if they were familiar with foot candle vectors. Mr. Zakostecky stated that they would have a requirement for a lighting plan and how that lighting is going to be contained to the site and away from residential properties.

Commissioner Overland asked how the pond issue would be handled. Mr. Slinger stated that based on the size of the entire green space they would minimize the activity near the pond area. Mr. Slinger also stated that landscaping would be installed and the players are supervised.

Commissioner Overland asked about the traffic and Mr. Slinger stated this is a training space that they planned to minimize the traffic issue.

Commissioner Overland addressed the sidewalk issue and Mr. Zakostecky stated that the sidewalks would only pertain to this this property and the neighbors would not be assessed.

Commissioner Blank asked about security on the property such as fencing or gates on the property. Mr. Slinger stated that it is green space and the buildings would be locked and there would be nothing for anyone to steal.

Mr. Zakostecky wanted to address the issue of the commercial building design standard. This is a commercial type building, given the undeveloped nature of the area the building should have to meet the commercial building design standards. If this facility is not successful, the condition has been added to comply with the condition or get a variance from the Board of Adjustments.

Commissioner Overland called for a motion. Commissioner Dahlby made a motion to approve the Preliminary Site Development Plan in an A, Agriculture Zone District with Design guidelines and standards as specified in Subsection 32.05.030.C. to be met or a variance must be obtained. 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. Case Name: F.C. Acres First Addition (Preliminary Plat)

Consideration of a Preliminary Plat in an A, Agriculture Zone District at 5511 Tower Terrace Road NE as requested by FC United (Applicant) and Ethel E Miller Trust (Titleholder)
Case No. PRPT-016438-2015; Case Manager: Dave Houg

Mr. Houg stated the applicant, FC United, is requesting approval of a Preliminary Plat for F.C. Acres First Addition situated between Milburn Road NE and Terrace Road NE. The proposed plat provides 4 parcels for future development.

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

Commissioner Overland called for a representative of the applicant.

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 Knox-Seymour made a motion to approve the Preliminary Plat in an A, Agriculture Zone District. Commissioner Pankey 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. Case Name: 4011 16th Avenue SE (Conditional Use)

Consideration of a Conditional Use Ground Floor Dwelling Unit in a C-2, Community Commercial Zone District as requested by AVM Hospitality, Inc. (Applicant/Titleholder)
Case No: COND-017217-2015; Case Manager: Dave Houg

Mr. Houg stated the petition of Vinesh Malde with AVM Hospitality, Inc. requesting Conditional Use approval for a “Ground-Floor Dwelling Unit” for property owned by AVM Hospitality, Inc. at 4011 16th Avenue SW and zoned C-3, Regional Commercial Zone District. Mr. Houg presented a Location Map.

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

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 was present

Commissioner Overland called for a motion. Commissioner Halverson made a motion to approve the Conditional Use request for ground Floor Dwelling Unit in a C-2, Community Commercial 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.

The meeting was adjourned at 4:40 pm

Respectfully Submitted,

Betty Sheets, Administrative Assistant
Community Development