

AGENDA
CITY PLANNING COMMISSION MEETING
Thursday, March 31, 2016 @ 3:00 PM
City Hall Council Chambers
101 First Street SE, Cedar Rapids, IA 52401

Call Meeting to Order

Roll Call

A. Approval of the Minutes

B. Adoption of the Agenda

C. Action Items

1. Case Name: 4200 C Street SW (Rezoning)

Consideration of a change of zone from I-2, General Industrial Zone District to I-1, Light Industrial Zone District as requested by Hill's Maple Crest Farms Partnership (Applicant/Titleholder)

Case No. RZNE-022666-2016; Case Manager: Johnny Alcivar

2. Case Name: 1140 Lincoln Avenue NE and 1135 Weare Avenue NE (Rezoning)

Consideration of a change of zone from R-3, Single Family Residence Zone District to I-1, Light Industrial Zone District as requested by Randy Oxley (Applicant) and Ruth M. and Stanley M. Cadwallader (Titleholders)

Case No. RZNE-022675-2016; Case Manager: Johnny Alcivar

3. Case Name: 613 2nd Avenue SE (Conditional Use)

Consideration of a Conditional Use Request for Repair Garage in a C-4, Central Business Zone District as requested by Blackstock Motorcycle Company (Applicant) and WAB3 LLC (Titleholder)

Case No: COND-022640-2016; Case Manager: Dave Houg

4. Case Name: 1028 3rd Street SE (Conditional Use)

Consideration of a Conditional Use Request for Outdoor Service Area in a C-3,Regional Commercial Zone District as requested by Mome, Inc. (Applicant) New Bohemia Station, LLC (Titleholder)

Case No: COND-022699-2016; Case Manager: Dave Houg

5. Case Name: 365 33rd Avenue SW (Conditional Use)

Consideration of a Conditional Use Request for Outdoor Service Area in a C-3,Regional Commercial Zone District as requested by Cancun (Applicant) and Peterson Don A Rev Trust (Titleholder)

Case No: COND-022727-2016; Case Manager: Dave Houg

6. Case Name: 8005 C Avenue NE (Extension)

Consideration of a request to extended the expiration date of May 4, 2016 until May 3, 2017 for the approved Preliminary Site Development Plan for the proposed Hy-Vee Store west of C Avenue NE, south of East Main Street and north of Sheffield Drive NE requested by Hy-Vee, Inc.

Case No: PSDP-022687-2016; Case Manager: Dave Houg

New Business

**MINUTES OF
CITY PLANNING COMMISSION MEETING,
Thursday, March 10, 2016 @ 3:00 p.m.**

Cedar Rapids City Hall Council Chambers, 101 First Street SE

Members Present: Jim Halverson, Chair
Richard Pankey, Vice Chair
Carletta Knox-Seymour
Virginia Wilts
Samantha Dahlby
Kim King
Anthony Brown
Bill Hunse

Members Absent: Dominique Blank

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

CD Staff: 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. (Commissioner Wilts arrived at 3:12 pm)

A. Approval of the Minutes

Commissioner Halverson called for any additions or corrections to the minutes. Commissioner Halverson called for a motion. Commissioner Hunse made a motion to approve the minutes. Commissioner Brown seconded the motion.

Commissioner Halverson called for a vote on the motion. The motion to approve the February 18, 2016 minutes was approved.

B. Adoption of the Agenda

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

C. Action Items

1. Case Name: 603 Oakland Road NE (Conditional Use)

Consideration of a Conditional Use Request for Motor Vehicle Sales in a C-2, Community Commercial Zone District as requested by Joseph Blount (Applicant/Titleholder)

Case No: COND-022599-2016; Case Manager: Dave Houg

Commissioner King was recused from this project.

Mr. Houg reviewed the City Planning Commission Criteria for Recommendation and Action of a Conditional Use Application.

A public hearing was presented for a Conditional Use at 603 Oakland Road NE. The applicant is requesting approval for Motor Vehicle Sales in a C-2, Community Commercial Zone District. Mr. Houg presented General Information, Zoning, Aerial and Site Plan. Mr. Houg stated that the Board of Adjustments will consider this Conditional Use at its meeting on March 14, 2016.

Following discussion, Commissioner Halverson called for a motion. Commissioner Knox-Seymour made a motion to approve the Conditional Use for Motor Vehicle Sales in an C-2, Community Commercial Zone District. Commissioner Brown seconded the motion.

No further discussion was held; Commissioner Halverson called for a vote on the motion. The motion passed unanimously with none opposed.

Following the vote, Commissioner King returned to the dais.

1. Case Name: South of 66th Avenue SW and west of Kirkwood Boulevard SW (Rezoning with a Preliminary Site Plan)

Consideration of a change of zone from C-1, Mixed Neighborhood Convenience Zone District to C-2, Community Commercial Zone District with a Preliminary Site Plan as requested by The Votroubeck Real Estate Group (Applicant) and Kirkwood Community College (Titleholder)

Case No. RZNE-022606-2016; Case Manager: Johnny Alcivar

Mr. Houg reported on behalf of Mr. Alcivar and reviewed the City Planning Commission Criteria for Recommendation and Action of a Rezoning Application.

A Public Hearing was presented for a Rezoning with a Preliminary Site Plan. The applicant is requesting rezoning from C-1, Mixed Neighborhood Convenience Zone District to C-2, Community Commercial Zone District. Mr. Houg presented General Information, Aerial, Zoning, Street Views, Site Plan and Renderings.

Following discussion, Commissioner Halverson called for a motion. Commissioner Brown made a motion to approve the change of zone from C-1, Mixed Neighborhood Convenience Zone District to C-2, Community Commercial Zone District with a Preliminary Site Plan with the condition that hours of operation for deliveries, trash pick-up, and window operation be limited to the hours of 5:30 am to 10:00 pm. Commissioner King seconded the motion.

Following additional discussion; Commissioner Halverson called for a vote on the motion. The motion passed with one opposed.

The meeting was adjourned at 3:50 PM

Respectfully Submitted,

Betty Sheets, Administrative Assistant
Community Development and Planning Department

Draft CPC Minutes for March 10, 2016



Development Services Department
City Services Center
500 15th Avenue SW
Cedar Rapids, IA 52404
Telephone: (319) 286-5132

STAFF REPORT TO CITY PLANNING COMMISSION
Rezoning

CPC Date: March 31, 2015

To: City Planning Commission
From: Development Services Department

Applicant: Hill's Maple Crest Farms Partnership
Titleholder: Hill's Maple Crest Farms Partnership

Location: 4200 C Street SW
Request: Consideration of a change of zone from I-2, General Industrial Zone District, to I-1, Light Industrial Zone District.

Case Manager: Johnny Alcivar, Development Services Department
Case Number: RZNE-022666-2016

BACKGROUND INFORMATION:

This is a request to rezone 12.5 acres from the I-2, General Industrial Zone District, to the I-1, Light Industrial Zone District to allow for the existing building to be used as a data processing office facility. The property is identified as "Urban High-Intensity" on the City's Future Land Use Map in EnvisionCR, the City's Comprehensive Plan.

FINDINGS:

Section 32.02.030.C.5.e of the Zoning Ordinance requires the City Planning Commission to review the application based on the following criteria:

- 1. Whether the amendment is required to correct a technical mistake in the existing zoning regulations.**

Staff Comments: This amendment is not to correct a technical mistake on the existing Zoning Map.

- 2. Whether the amendment is consistent with the Future Land Use Policy Plan and other elements of the Comprehensive Plan.**

Staff Comments: The subject property is shown as “Urban High-Intensity” on the Future Land Use Map (FLUM) in EnvisionCR, the City’s Comprehensive Plan. The requested zone change is in accord with the FLUM and the Goals and Objectives of EnvisionCR.

3. Whether the amendment is consistent with the characteristics of the surrounding area, including any changing conditions.

Staff Comments: The amendment is consistent with the characteristics of the surrounding industrial area and the Future Land Use Map (FLUM).

4. Whether the property is suitable for all of the uses permitted in the proposed district.

Staff Comments: The location is suitable for all uses permitted in the I-1, Light Industrial Zone District.

5. Whether the proposed amendment will protect existing neighborhoods from nearby development at heights and densities that are out of scale with the existing neighborhood.

Staff Comments: Only the entrances to the existing building will be remodeled therefore the size and scale of the neighborhood will remain protected.

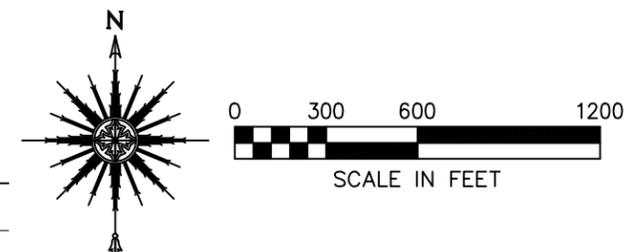
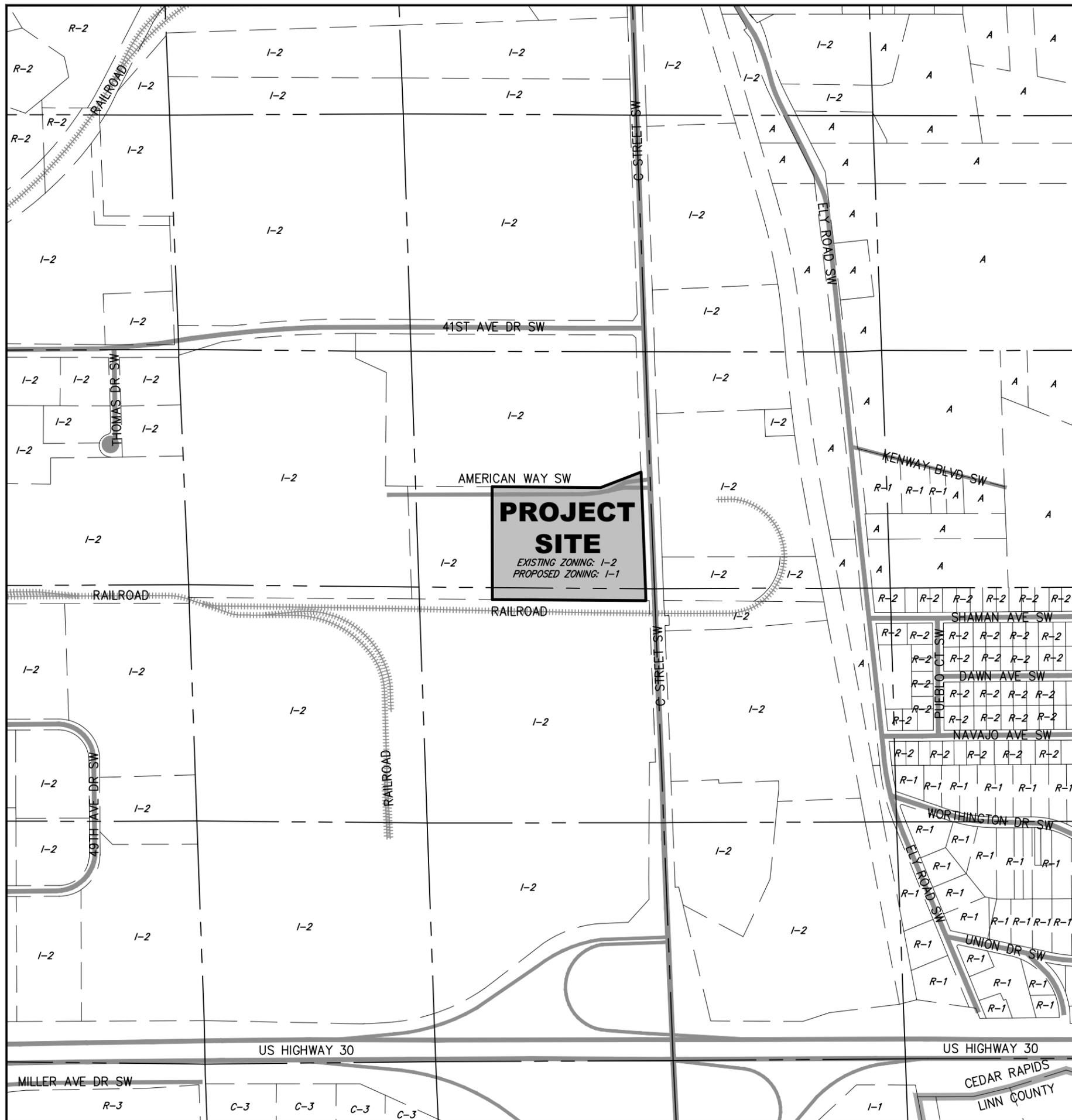
6. Whether facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.

Staff Comments: Facilities and services are already in place given that the site and surrounding areas are developed. Adequate levels of services to the exiting development will not be affected.

RECOMMENDED CONDITIONS:

If the City Planning Commission recommends approval of the proposed rezoning, adoption of the following conditions as recommended by City Departments should be considered. The City Planning Commission may approve with additional conditions.

1. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible to construct concrete sidewalk along public streets adjoining this site. The property owner shall construct the sidewalk improvements in accordance with City Standards, ADA requirements, and improvement plans accepted by the City Public Works Director/City Engineer. The property owner may request deferral of the sidewalk installation requirement if in accordance with the sidewalk installation policy. If a deferral is requested, please submit a formal request with documentation verifying deferral eligibility (cross sections, drawings, etc.).



TITLEHOLDER & APPLICANT

HILL'S MAPLE CREST FARMS PARTNERSHIP
 P.O. BOX 122
 CEDAR RAPIDS, IA 52406
 CONTACT: MR. STEVE DUMMERMUTH JR.
 CELL PHONE: 319-896-3217
 E-MAIL: sjr@igdindustries.com

PREPARED BY

CONTACT PERSON:	TRED SCHNOOR, P.E.
TELEPHONE NO.:	(319) 298-8888
E-MAIL ADDRESS:	tschnoor@s-b-engineering.com
MAILING ADDRESS:	SCHNOOR-BONIFAZI ENGINEERING & SURVEYING, LC 431 FIFTH AVENUE SW CEDAR RAPIDS, IA 52404
DATE SUBMITTED:	02/23/2016
DATE REVISED:	03/04/2016

EXISTING ZONING & USE

EXISTING ZONING: I-2
 EXISTING USE: VACANT OFFICE BUILDING

PROPOSED ZONING & USE

PROPOSED ZONING: I-1
 PROPOSED USE: DATA PROCESSING SERVICE

PROJECT DESCRIPTION

HILL'S MAPLE CREST FARMS PARTNERSHIP OWNS THE PROPERTY LOCATED AT 4200 C STREET SW. THIS PROPERTY IS INDICATED AS THE "PROJECT SITE" ON THIS REZONING LOCATION MAP. THE PROPERTY IS CURRENTLY ZONED I-2. THE OWNER IS RESPECTFULLY REQUESTING A REZONING OF THE PARCEL TO I-1 TO ACCOMMODATE THE PROPOSED DATA PROCESSING SERVICE USE.

LEGAL DESCRIPTION FOR PROPOSED I-2 TO I-1 REZONING AREA

LOT 1, VERIZON ADDITION TO CEDAR RAPIDS, IOWA.

Schnoor Bonifazi
 Engineering & Surveying
 SCHNOOR-BONIFAZI
 ENGINEERING & SURVEYING, LC
 431 FIFTH AVENUE SW
 CEDAR RAPIDS, IA 52404
 (319) 298-8888 (PHONE)

DRAWN:	ETHAN SMALL
APPROVED:	TRED SCHNOOR
ISSUED FOR:	APPROVAL
DATE:	03/04/2016
PROJECT NO.:	15154

**REZONING LOCATION MAP
 HILL'S MAPLE CREST FARMS
 4200 C STREET SW
 CEDAR RAPIDS, IOWA**



Development Services Department
City Services Center
500 15th Avenue SW
Cedar Rapids, IA 52404
Telephone: (319) 286-5132

STAFF REPORT TO CITY PLANNING COMMISSION
Rezoning

CPC Date: March 31, 2016

To: City Planning Commission
From: Development Services Department

Applicant: Randy Oxley
Titleholder: Ruth M. and Stanley M. Cadwallader

Location: 1140 Lincoln Avenue NE and 1135 Weare Avenue NE
Request: Consideration of a change of zone from R-3, Single Family Residence Zone District to I-1, Light Industrial Zone District.

Case Manager: Johnny Alcivar, Development Services Department
Case Number: RZNE-022675-2016

BACKGROUND INFORMATION:

This is a request to rezone property currently in the R-3, Single Family Residence Zone District, to the I-1, Light Industrial Zone District. The request is for the existing legal nonconforming use to become conforming and in the future allow for a possible expansion of the existing warehouse on the site. The property is identified as “Urban Medium-Intensity” on the City’s Future Land Use Map in EnvisionCR, the City’s Comprehensive Plan.

FINDINGS:

Section 32.02.030.C.5.e of the Zoning Ordinance requires the City Planning Commission to review the application based on the following criteria:

- 1. Whether the amendment is required to correct a technical mistake in the existing zoning regulations.**

Staff Comments: This amendment is not to correct a technical mistake on the existing Zoning Map.

- 2. Whether the amendment is consistent with the Future Land Use Policy Plan and other elements of the Comprehensive Plan.**

Staff Comments: The subject property is shown as “Urban Medium-Intensity” on the Future Land Use Map (FLUM) in EnvisionCR, the City’s Comprehensive Plan, the requested zone change is in accord with the FLUM and the Goals and Objectives of EnvisionCR.

3. Whether the amendment is consistent with the characteristics of the surrounding area, including any changing conditions.

Staff Comments: The properties to the north are zoned I-1, Light Industrial Zone District. The properties to the east are zoned R-3, Single Family Residence Zone District. The amendment is consistent with the existing use and characteristics of the area adjacent to Interstate I-380.

4. Whether the property is suitable for all of the uses permitted in the proposed district.

Staff Comments: The location is suitable for all uses permitted in the I-1, Light Industrial Zone District. Future development will have to undergo a Preliminary Site Development Plan process as result of this rezoning and due to the proximity to residential area.

5. Whether the proposed amendment will protect existing neighborhoods from nearby development at heights and densities that are out of scale with the existing neighborhood.

Staff Comments: The amendment will make the existing warehouse conform to the appropriate zone district. No additions are proposed with this request therefore the existing size, height, and scale will not be changing.

6. Whether facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.

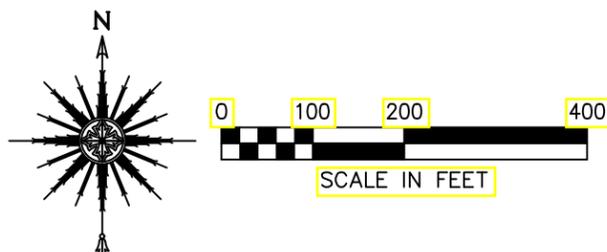
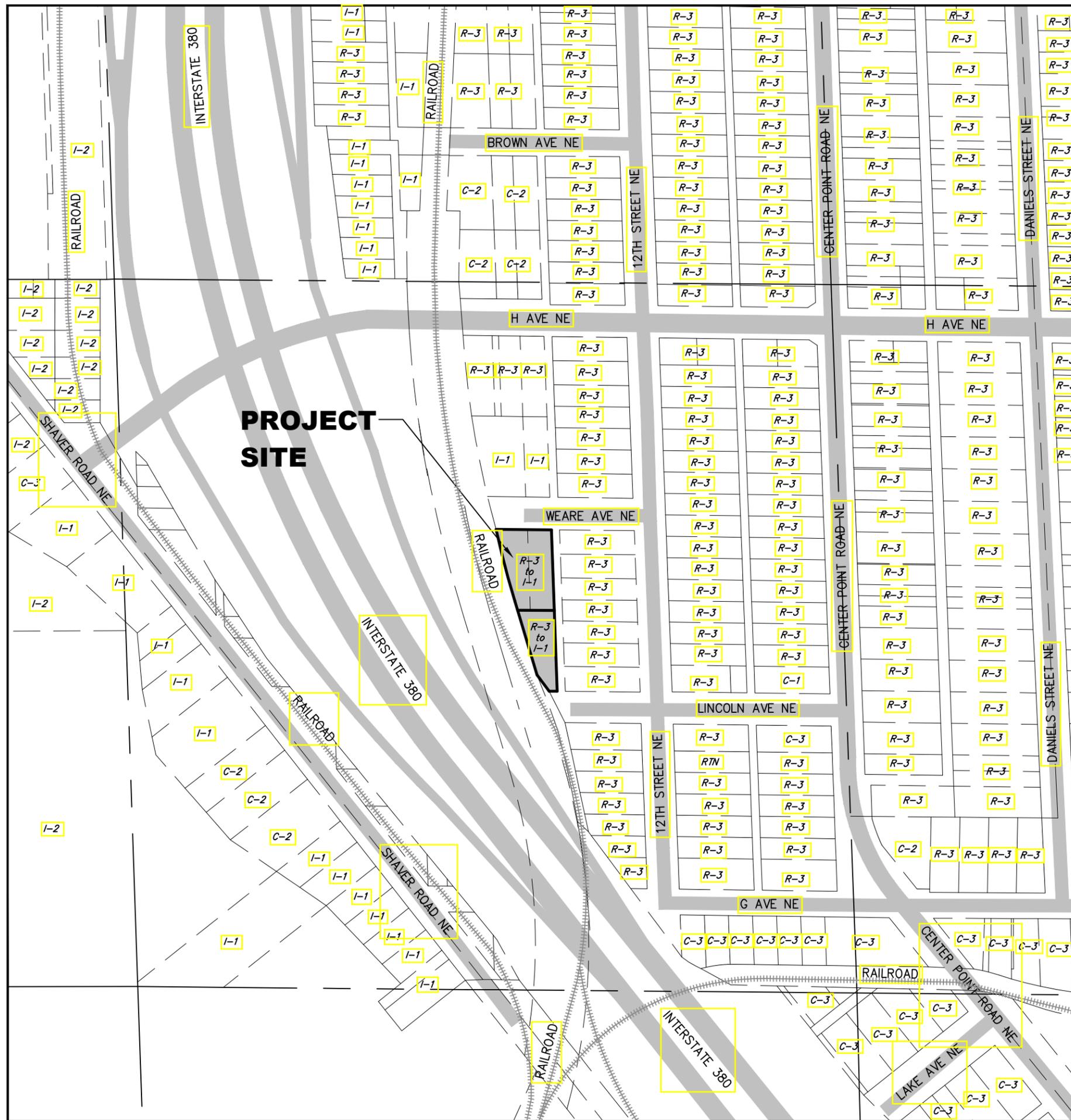
Staff Comments: The area is developed and served by all City services. Adequate levels of service to the existing development will not be affected.

RECOMMENDED CONDITIONS:

If the City Planning Commission recommends approval of the proposed rezoning, adoption of the following conditions as recommended by City Departments should be considered. The City Planning Commission may approve with additional conditions.

1. Said lots are to be combined with adjacent property so as to constitute a single zoning lot and tax parcel prior to the Third Reading of the Ordinance to rezone.
2. That future development under this rezoning action shall be subject to the PSDP review process as set forth in Section 32.02.030.G. prior to issuance of building permit(s). Such Development shall meet all City development standards in effect at the time of plan submittal.
3. That prior to occupancy of the structure, it must be inspected and comply with applicable codes, including, but not limited to, building, electrical, mechanical and plumbing, and a certificate of occupancy must be obtained.

4. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible to construct concrete sidewalk along public streets adjoining this plan. The property owner shall construct the sidewalk improvements in accordance with City Standards, ADA requirements, and improvement plans accepted by the City Public Works Director/City Engineer. The property owner may request deferral of the sidewalk installation requirement if in accordance with the sidewalk installation policy. If a deferral is requested, please submit a formal request with documentation verifying deferral eligibility (cross sections, drawings, etc.).



TITLEHOLDER
 RUTH M. & STANLEY M. CADWALLADER
 4345 WESTCHESTER DRIVE NE #B
 CEDAR RAPIDS, IA 52402-7009
 PHONE: 319-393-3930

APPLICANT
 RANDY OXLEY
 1732 E AVENUE NE
 CEDAR RAPIDS, IA 52402
 PHONE: 319-364-5724
 E-MAIL: alleasternia@imnmail.com

PREPARED BY
 CONTACT PERSON: TRED SCHNOOR, P.E.
 TELEPHONE NO.: (319) 298-8888
 E-MAIL ADDRESS: tschnoor@s-b-engineering.com
 MAILING ADDRESS: SCHNOOR-BONIFAZI ENGINEERING & SURVEYING, LC
 431 FIFTH AVENUE SW
 CEDAR RAPIDS, IA 52404
 DATE SUBMITTED: 02/26/2016
 DATE REVISED:

EXISTING ZONING & USE
 EXISTING ZONING: R-3
 EXISTING USE: WAREHOUSE & VACANT LOT

PROPOSED ZONING & USE
 PROPOSED ZONING: I-1
 PROPOSED USE: WAREHOUSE & VACANT LOT

PROJECT DESCRIPTION
 RUTH M. & STANLEY M. CADWALLADER OWN THE PROPERTIES LOCATED AT 1150 LINCOLN AVENUE NE AND 1135 WEARE AVENUE NE. THESE PROPERTIES ARE INDICATED AS THE "PROJECT SITE" ON THIS REZONING LOCATION MAP. THE PROPERTIES ARE CURRENTLY ZONED R-3. THE APPLICANT RANDY OXLEY IS RESPECTFULLY REQUESTING A REZONING OF THE PARCELS TO BE ZONED I-1 TO BRING THE LEGAL NONCONFORMING WAREHOUSE USE INTO CONFORMANCE WITH THE ZONING ORDINANCE AND TO ACCOMMODATE POTENTIAL FUTURE IMPROVEMENTS.

LEGAL DESCRIPTION FOR PROPOSED R-3 TO I-1 REZONING AREA
 LOTS 1, 2, & 10, BLOCK 18, COLLEGE PARK ADDITION TO CEDAR RAPIDS, IOWA, EXCEPTING THEREFROM ALL THAT PART OF LOT 10 THAT LIES WESTERLY OF A LINE BEGINNING AT A POINT 15 FEET WESTERLY OF THE SOUTHEAST CORNER OF SAID LOT 10, ON THE SOUTH LINE THEREOF; THENCE NW-LY TO A POINT ON THE WESTERLY LINE OF SAID LOT 10, SAID POINT BEING 30 FEET NORMALLY (MEASURED AT RIGHT ANGLES) DISTANT NORTHERLY FROM THE SOUTH LINE, OF SAID LOT 10, EXTENDED WESTERLY.

DRAWN:	ETHAN SMALL
APPROVED:	TRED SCHNOOR
ISSUED FOR:	REVIEW
DATE:	02/26/2016
PROJECT NO.:	16005

REZONING LOCATION MAP
R-3 TO I-1
 1140 LINCOLN AVE. NE & 1135 WEARE AVE. NE
 CEDAR RAPIDS, IOWA



Development Services Department
City Services Center
500 15th Avenue SW
Cedar Rapids, IA 52404
Telephone: (319) 286-5168

STAFF REPORT TO CITY PLANNING COMMISSION
Conditional Use with a Preliminary Site Development Plan

CPC Date: March 31, 2016

To: City Planning Commission
From: Development Services Department

Applicant: Blackstock Motorcycle Company
Titleholder: WAB3, LLC

Location: 613 2nd Avenue SE
Request: Conditional Use approval for a Repair Garage in the C-4, Central Business Zone District

Case Manager: Dave Houg, Development Services Department
Case Number: COND-022640-2016

BACKGROUND INFORMATION:

The applicant is requesting approval of a Conditional Use for a Repair Garage in the C-4, Central Business Zone District at 613 2nd Avenue SE as requested by Billy Bloomhall dba Blackstock Motorcycle Company. Services will include installation of after-market motorcycle parts, engine service and powder coating.

The site details are as follows:

- Total Building Area – 8,400 sf
- Proposed Service Area – 2,293 sf
- Parking required – None in the C-4 District

FINDINGS:

Section 32.02.030.D. of the Zoning Ordinance requires the City Planning Commission to review the application based on the following criteria:

- 1. That the conditional use applied for is permitted in the district within which the property is located.**

Staff Comments: Within the C-4 District, a repair garage may be permitted as a conditional use.

- 2. That the proposed use and development will be consistent with the intent and purpose of this Ordinance and with the Future Land Use Policy Plan and other elements of the Comprehensive Plan.**

Staff Comments: The property is shown as Downtown on the Future Land Use Map (FLUM) in the City's Comprehensive Plan. As such, a repair garage is in accord with the FLUM and the Goals and Objectives of the Comprehensive Plan.

- 3. That the proposed use and development will not have a substantial adverse effect upon adjacent property, and the character of the neighborhood, traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare.**

Staff Comments: The proposed use is not expected to have an adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare. This parcel is located in an area that is already served by sanitary sewer, storm sewer, water, gas, electricity, police and fire protection, and roads and transportation facilities are in place.

- 4. That the proposed development or use will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.**

Staff Comments: Any effects of the proposed conditional use should be negligible and compatible with the existing conditions and infrastructure in the area.

- 5. That adequate measure have been or will be taken to assure adequate access designed to minimize traffic congestion and to assure adequate service by essential public services and facilities including utilities, storm water drainage, and similar facilities.**

Staff Comments: Existing development on the property will continue to be served adequately by the facilities and services present. City staff did not identify any significant concerns.

- 6. That the proposed building, development, or use will comply with any additional standards imposed on it by provisions of this Ordinance for the district in which the property is located.**

Staff Comments: The building and site will comply with all provisions of the Ordinance and the C-4 Zoning District.

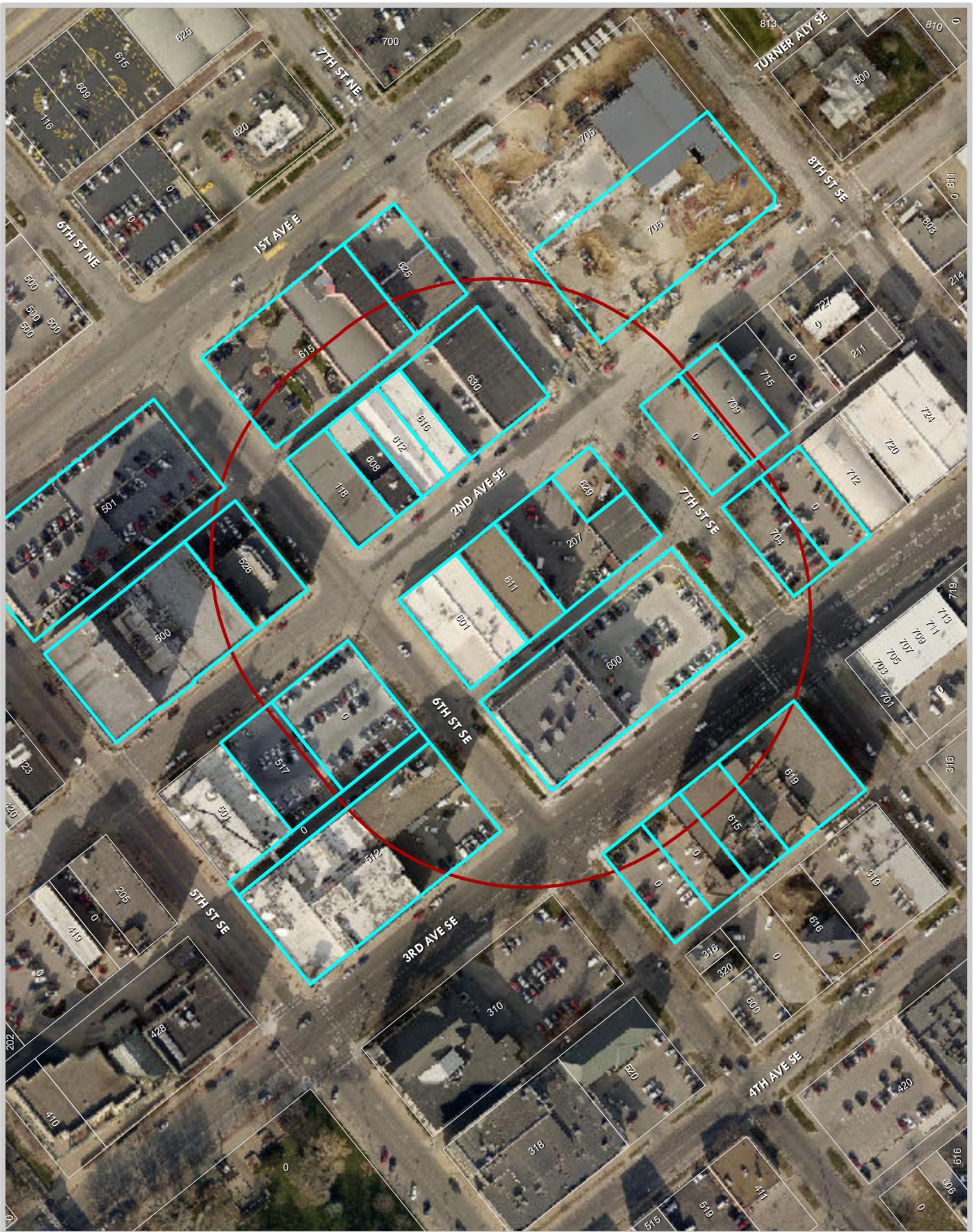
- 7. Whether, and to what extent, all reasonable steps possible have been, or will be, taken to minimize any potential adverse effects on the surrounding property through building design, site design, landscaping, and screening.**

Staff Comments: The site is developed and no changes are planned by this proposed use.

RECOMMENDED CONDITION:

If the City Planning Commission recommends approval of the proposed conditional use, adoption of the following condition as recommended by staff should be considered:

1. That a Certificate of Occupancy must be obtained for the change of use prior to occupying the structure.



611 2nd Ave SE
300' Buffer

1:1,800



City of Cedar Rapids
 IT Department GIS Division
 500 15th Ave SW
 Cedar Rapids, IA 52404
 Date: 2/18/2016



DISCLAIMER: This is a product of the City of Cedar Rapids GIS Division. The data depicted here has been developed by the City for city purposes. Any use is at the sole risk and responsibility of the User. There are no warranties, expressed or implied, associated with the use of this map. ORTHOIMAGERY DATE: Fall 2014



Development Services Department
City Services Center
500 15th Avenue SW
Cedar Rapids, IA 52404
Telephone: (319) 286-5168

STAFF REPORT TO CITY PLANNING COMMISSION
Conditional Use with a Preliminary Site Development Plan

CPC Date: March 31, 2016

To: City Planning Commission
From: Development Services Department

Applicant: Mome, Inc.
Titleholder: New Bohemia Station, LLC

Location: 1028 3rd Street SE
Request: Conditional Use approval for an Outdoor Service Area in a C-3, Regional Commercial Zone (Core) District

Case Manager: Dave Houg, Development Services Department
Case Number: COND-022699-2016

BACKGROUND INFORMATION:

This is to certify that the Development Services staff has examined the petition of Mome, Inc. dba The Pig and Porter requesting Conditional Use approval for an “Outdoor Service Area” for property at 1028 3rd Street SE and zoned C-3, Regional Commercial Zone (Core) District.

GENERAL INFORMATION:

The Pig and Porter wishes to receive approval for an outdoor service area where alcohol can be served.

The plan submitted shows the following characteristics:

- Total area of structure: 23,604 sf
- Total area of restaurant: 2,314 sf
- Total size of proposed outdoor service area: 480 sf

After careful review, the staff has prepared the following findings in accord with Section 32.02.030.D. of the Zoning Ordinance:

FINDINGS:

Section 32.02.030.D.9 of the Zoning Ordinance requires the City Planning Commission to review the application based on the following criteria:

1. **That the conditional use applied for is permitted in the district within which the property is located.**

Staff Comments: The conditional use as requested is permitted within the C-3, Regional Commercial District.

- 2. That the proposed use and development will be consistent with the intent and purpose of this Ordinance and with the Future Land Use Policy Plan and other elements of the Comprehensive Plan.**

Staff Comments: This area is designated as Urban High Intensity on the City's Future Land Use Map. The Conditional Use request for an outdoor service area has little potential to be disruptive to the neighborhood due to hours of operation or noise generated from the outdoor activities at the site.

- 3. That the proposed use and development will not have a substantial adverse effect upon adjacent property, and the character of the neighborhood, traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare.**

Staff Comments: The effects of the proposed conditional use are expected to be compatible with the existing conditions in the surrounding area.

- 4. That the proposed development or use will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.**

Staff Comments: The proposed service area will be compatible with the immediate commercial neighborhood.

- 5. That adequate measure have been or will be taken to assure adequate access designed to minimize traffic congestion and to assure adequate service by essential public services and facilities including utilities, storm water drainage, and similar facilities.**

Staff Comments: There are no anticipated changes to the traffic patterns or required public services and facilities necessary to serve the site.

- 6. That the proposed building, development, or use will comply with any additional standards imposed on it by provisions of this Ordinance for the district in which the property is located.**

Staff Comments: The building and site are required to comply with all provisions of the Zoning Ordinance and the C-3 Zoning District, the staff recommended conditions and all other applicable codes and regulations.

- 7. Whether, and to what extent, all reasonable steps possible have been, or will be, taken to minimize any potential adverse effects on the surrounding property through building design, site design, landscaping, and screening.**

Staff Comments: The service area must comply with all applicable requirements of the Police Department for staffing and fencing.

8. The Site Development Plan is consistent with the previously approved Preliminary Plans for the property (if applicable)

Staff Comments: This request is consistent with the previously-approved site development plan.

9. The Site Development Plan conforms to all applicable requirements of this Ordinance.

Staff Comments: The site development plan conforms to all applicable requirements of Chapter 32, The City's Zoning Ordinance.

If the Commission determines to recommend approval of the proposed conditional use, adoption of the following conditions as recommended by City Departments should be considered:

RECOMMENDED CONDITIONS:

1. The current project is not complete, and fencing and a gate must still be installed. The gate must meet all Fire Department regulations related to entry/egress points. The gate shall be used only as an emergency entry/egress route unless the outdoor service area is staffed continually during normal business hours.
2. The outdoor service area must have fencing. The fencing requirements, for an area with limited staffing, must be of sufficient height to deter the passing of alcoholic beverages over the top of the fence. The fence must also be designed in such a manner as to prohibit the passing of alcoholic beverages through it. The fencing requirements, for an outdoor service area that is staffed full time during normal business hours, can vary some from the above requirements. For those outdoor service areas, a specific fence design must be submitted and it will be evaluated on a case-by-case basis.
3. The Police Department shall re-inspect the outdoor service area prior to issuance of a certificate of occupancy.
4. No amplified outdoor music such as bands, karaoke, and public address systems, etc. shall be allowed in the outdoor service area.

EXISTING BOILER
FFE=721.45

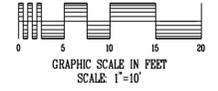
THE PIG AND PORTER
2,314 SQ.FT.

PROPOSED OUTDOOR
SERVICE AREA WITH
ALCOHOL SERVED
(BEER GARDEN)
THE PIG AND PORTER
APPROX 480 SQ.FT.

3RD STREET SE

PUBLIC ALLEY

11TH AVENUE SE



DRAWN BY: BWJ			
CHECKED BY: MH			
APPROVED BY:			
DATE: 03/07/16			
FIELD BOOK: XXX	NO.	REVISION DESCRIPTION	APPROVED DATE



HALL & HALL ENGINEERS, INC.
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NEWBO STATION
1028 3RD STREET SE
CEDAR RAPIDS, IOWA

CONDITIONAL USE SITE PLAN
THE PIG AND PORTER

SHEET
C1.0
PROJECT NO: 10100-2

CAD File: I:\Projects\10100-New Bo Station\DWG\10100-1\10100-Conditional Use-Pig and Porter.dwg Date Plotted: Mar 07 2016 2:20pm Plotted By: SUSAN FORNASH



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Development Services Department
City Services Center
500 15th Avenue SW
Cedar Rapids, IA 52404
Telephone: (319) 286-5168

STAFF REPORT TO CITY PLANNING COMMISSION
Conditional Use with a Preliminary Site Development Plan

CPC Date: March 31, 2016

To: City Planning Commission
From: Development Services Department

Applicant: Cancun Mexican Grill & Bar
Titleholder: Petersen Don A Rev. Trust

Location: 365 33rd Avenue SW
Request: Conditional Use approval for an Outdoor Service Area in a C-3, Regional Commercial Zone District

Case Manager: Dave Houg, Development Services Department
Case Number: COND-022727-2016

BACKGROUND INFORMATION:

This is to certify that the Development Services staff has examined the petition of Jose Cano dba Cancun Mexican Grill & Bar requesting Conditional Use approval for an “Outdoor Service Area” for property at 365 33rd Avenue SW and zoned C-3, Regional Commercial Zone District.

GENERAL INFORMATION:

Cancun wishes to receive approval for an outdoor service area where alcohol can be served.

The plan submitted shows the following characteristics:

- Total lot area: 37,592 sf
- Total building size: 3,959 sf
- Total size of proposed outdoor service area: 800 sf / 45 seats
- Parking required and provided: 58 spaces

After careful review, the staff has prepared the following findings in accord with Section 32.02.030.D. of the Zoning Ordinance:

FINDINGS:

Section 32.02.030.D.9 of the Zoning Ordinance requires the City Planning Commission to review the application based on the following criteria:

1. **That the conditional use applied for is permitted in the district within which the property is located.**

Staff Comments: The conditional use as requested is permitted within the C-3, Regional Commercial District.

2. **That the proposed use and development will be consistent with the intent and purpose of this Ordinance and with the Future Land Use Policy Plan and other elements of the Comprehensive Plan.**

Staff Comments: This area is designated as Urban High Intensity on the City's Future Land Use Map. The Conditional Use request for an outdoor service area has little potential to be disruptive to the neighborhood due to hours of operation or noise generated from the outdoor activities at the site.

3. **That the proposed use and development will not have a substantial adverse effect upon adjacent property, and the character of the neighborhood, traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare.**

Staff Comments: The effects of the proposed conditional use are expected to be compatible with the existing conditions in the surrounding area.

4. **That the proposed development or use will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property.**

Staff Comments: The proposed service area will be compatible with the immediate commercial neighborhood.

5. **That adequate measure have been or will be taken to assure adequate access designed to minimize traffic congestion and to assure adequate service by essential public services and facilities including utilities, storm water drainage, and similar facilities.**

Staff Comments: There are no anticipated changes to the traffic patterns or required public services and facilities necessary to serve the site.

6. **That the proposed building, development, or use will comply with any additional standards imposed on it by provisions of this Ordinance for the district in which the property is located.**

Staff Comments: The building and site are required to comply with all provisions of the Zoning Ordinance and the C-3 Zoning District, the staff recommended conditions and all other applicable codes and regulations.

7. **Whether, and to what extent, all reasonable steps possible have been, or will be, taken to minimize any potential adverse effects on the surrounding property through building design, site design, landscaping, and screening.**

Staff Comments: The service area must comply with all applicable requirements of the Police Department for staffing and fencing.

8. The Site Development Plan is consistent with the previously approved Preliminary Plans for the property (if applicable)

Staff Comments: This request is consistent with the previously-approved site development plan.

9. The Site Development Plan conforms to all applicable requirements of this Ordinance.

Staff Comments: The site development plan conforms to all applicable requirements of Chapter 32, The City's Zoning Ordinance.

If the Commission determines to recommend approval of the proposed conditional use, adoption of the following conditions as recommended by City Departments should be considered:

RECOMMENDED CONDITIONS:

1. The current project is not complete, and fencing and a gate must still be installed. The gate must meet all Fire Department regulations related to entry/egress points. The gate shall be used only as an emergency entry/egress route unless the outdoor service area is staffed continually during normal business hours.
2. The outdoor service area must have fencing. The fencing requirements, for an area with limited staffing, must be of sufficient height to deter the passing of alcoholic beverages over the top of the fence. The fence must also be designed in such a manner as to prohibit the passing of alcoholic beverages through it. The fencing requirements, for an outdoor service area that is staffed full time during normal business hours, can vary some from the above requirements. For those outdoor service areas, a specific fence design must be submitted and it will be evaluated on a case-by-case basis.
3. The Police Department shall re-inspect the outdoor service area prior to issuance of a certificate of occupancy.

33RD AVE S.W. (CONCRETE)

8" SANITARY SEWER

EXISTING SEWER STUB

REMOVE EXISTING CONCRETE CURB
INSTALL NEW 5" THICK CONCRETE
CURB CUT.

12" WATER MAIN

NEW CONC
APPROACH

POLE LIGHT FIX

BLACKTOP

BLACK DIET

POLE LIGHT
FIGURE

NEW 6" SANITARY SEWER V.T.

NEW GAS
SERVICE

STREET ADDRESS
365 - 33RD AVE. S.W.

3/4" - 2-#10

CONCRETE
PARKING
BUMPERS
(STAKE DOWN)

CARICATURE

PLANTING BED
FILL TOP 2"
WITH RIVER
ROCK.

2" WIDE YELLOW
LINES

20' by 40' deck addition

FIN FL. ELEV. 99'-0"

WATER METER

3/4" - 2-#10

NOTE: TOP OF FOOTING T.F.E.
SHALL BE 92'-4" ON
WEST SIDE AND 94'-4"
ON EAST SIDE.



EXISTING GRADES — 92

FINAL GRADE - - - 95

1" - 4-#10 TO 1-30A 2P
AND 1-20A 1P
CIRCUIT BREAKER

BLACKTOP

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CPC DATE: March 31, 2016

FROM: Development Services Department Report

TO: City Planning Commission

SUBJECT: Time Extension for a Preliminary Site Development Plan

PREPARED BY: David Houg

BACKGROUND INFORMATION:

The Development Services Department received a request from Hall & Hall Engineers, Inc. on behalf of Hy-Vee, Inc. to extend the expiration date of the Preliminary Site Development Plan for the property located at 8005 C Avenue NE. The current Preliminary Site Development Plan was approved on May 2, 2012 by City Planning Commission Resolution No. CPC-92-050. The applicant requested a time extension in March of 2014, which was granted by the City Planning Commission by Resolution No. CPC-PSDP-035-080 dated April 23, 2014. A second extension request was granted by Resolution No. CPC-PSDP-16997-089 dated April 15, 2015. The Preliminary Site Development Plan is scheduled to expire on May 3, 2016.

Subsection 32.02.020.M2. of Chapter 32 of the City's Municipal Code, the Zoning Ordinance allows for a request by the property owner to extend the expiration date by 1-year, provided the request is made prior to the Preliminary Site Development Plan approval expiring.

City staff has reviewed this time extension request and recommends approval subject to the conditions of the original Rezoning Ordinance No. 014-12 and the Preliminary Site Development Plan CPC Resolution No. CPC-92-050.

FINDINGS:

This is to certify that the request to extend the expiration date for the Preliminary Site Development Plan as requested by Hy-Vee, Inc. for property located at 8005 C Avenue NE, has been examined and when in accordance with any proposed staff conditions and any conditions deemed necessary by the City Planning Commission should be substantially in accord with the Zoning Ordinance of the City.