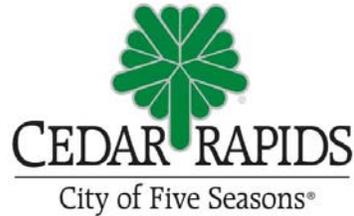




**City Council
Development Committee
Meeting Agenda Packet
May 22, 2013
3:00pm**



City of Cedar Rapids
Development Committee Meeting Agenda
City Hall Training Room
Wednesday, May 22, 2013
3:00 pm – 5:00 pm

Purpose of Development Committee:

To enable the City Council to discuss and evaluate in greater detail these specific issues that directly impact the physical, social, and economic vibrancy of the City of Cedar Rapids.

City Council Committee Members:

Monica Vernon, Chair
Council member Pat Shey
Council member Scott Olson

- Mayor Ron Corbett is an ex-officio member of all Council Committees per City Charter Section 2.06.

Agenda:

- Approval of Minutes – April 30, 2013
 - Review of Development Committee Issue Processing Chart
 - Informational Items
 - Updates
 - a) Development Agreements Matrix
- | | | |
|--|---|------------|
| 1. Blue Zones Project Community Pledge | Sandi Fowler
<i>City Manager's Office</i> | 10 Minutes |
| | Stephanie Neff
<i>Healthway/Blue Zones</i> | |
| 2. Restrictive Covenants – City Properties | Caleb Mason
<i>Community Development</i> | 5 Minutes |
| 3. Westdale Design Guidelines | John Frew
<i>Frew Development</i> | 15 Minutes |

Any discussion, feedback or recommendation by Committee member(s) should not be construed or understood to be an action or decision by or for the Cedar Rapids City Council. Further, any recommendation(s) the Committee may make to the City Council is based on information possessed by the Committee at that point in time.

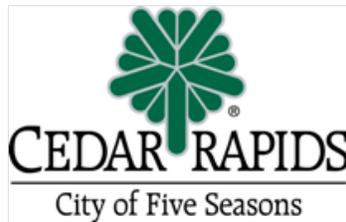
4. Neighborhood Certification Process	Thomas Smith <i>Community Development</i>	15 Minutes
	Paula Mitchell <i>Community Development</i>	
5. NDC Request	Paula Mitchell <i>Community Development</i>	10 Minutes
6. Sign Ordinance Update	Kevin Ciabatti <i>Building Services</i>	30 Minutes
	Seth Gunnerson <i>Community Development</i>	
7. Comprehensive Plan	Adam Lindenlaub <i>Community Development</i>	5 Minutes
8. Wayfinding Signage	Thomas Smith <i>Community Development</i>	5 Minutes
9. Alcohol and Tobacco Distance Separation Ordinance	Thomas Smith <i>Community Development</i>	5 Minutes
10. Parklets	Seth Gunnerson <i>Community Development</i>	5 Minutes

Future Meetings:

1. Items for **June 26** Agenda –
 - a) Condo Regime
 - b) Street Typology
 - c) Historic Preservation Demolition Ordinance Update
 - d) Outreach for Historic Preservation Public Engagement

2. Items for **July 24** Agenda –
 - a) Condo Regime: Convention Center Parking Structure - 1st Floor Retail

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**City of Cedar Rapids
DEVELOPMENT COMMITTEE MINUTES
City Hall Training Room
Tuesday, April 30, 2013
3:00 p.m.**

The meeting was brought to order at 3:02 p.m.

Present: Council members Vernon (Chair), Olson and Shey. Staff members present: Christine Butterfield, Community Development Director; Thomas Smith, Community Development Planner; Seth Gunnerson, Community Development Planner; Alex Sharpe, Community Development Planner; Kevin Ciabatti, Building Services Manager; Adam Lindenlaub, Community Development Planner; Paula Mitchell, Grant Programs Manager; Jennifer Pratt, Community Development Planner, and Alicia Abernathy, Community Development Administrative Assistant.

Council member Vernon stated the Development Committee of the City of Cedar Rapids meets monthly and the purpose of the committee is to look at development and economic issues that involve the community. Items are brought forward to the agenda from Christine Butterfield, other City staff, Council members and sometimes citizens.

Council member Vernon called for a motion to approve the minutes from March 27, 2013. Council member Olson made a motion to approve the minutes from March 27, 2013. The motion passed unanimously with none opposed.

Informational Items and Updates

Christine Butterfield, Community Development Director, stated the City is in the process of redeveloping approximately 20 different parcels and regularly questions are received in regard to developers meeting milestones. A matrix has been included in the packet to provide information regarding the redevelopments.

Council member Shey joined the meeting at 3:05 p.m.

1. Main Street Revitalization Strategy

Jennifer Pruden, Main Street, introduced Heather Lynxwiler, Brady Dorman and Roger Worm from OPN Architects to present the revitalization strategy they developed.

Heather Lynxwiler, OPN Architects, stated the Revitalization Strategy was broken into a three part approach including marketing, education and analysis. The intent of the Revitalization Strategy is to use it as a tool by investors and by tenants for recruitment and updates. Public

input was gathered through several surveys and workshops with results showing the City as growing, historic and fun. The results also showed the City lacking in retail, parking, housing and restaurants. Ms. Lynxwiler went over the district analysis for Czech Village and the New Bohemia areas. The analysis included parking, infill opportunities, gateways, thresholds, intersections and drive paths.

Council member Olson stated hopefully this strategy will provide a consensus as there is a lot of land to redevelop. Housing would be the logical step for infill with some office and commercial. Council member Vernon stated housing drives retail so the housing needs to happen before retail can be supported. Lu Barron, Main Street, stated there was a public input process with 325 surveys filled out and there was strong public influence on the plan.

2. Payday Lending Update

Thomas Smith, Community Development Planner, stated Payday Lending came before the Development Committee in October 2012 and this will be a brief update. The average annual interest rate on a payday loan, in Iowa, is around 300-400% with an average number taken out each year around 13.8. There are currently 13 active payday lenders in Cedar Rapids. Payday Lenders are licensed in the State of Iowa which prevents cities from banning the business from their communities. Cities in Iowa have attempted to limit the interest rates but have been unsuccessful. Alternatives to payday lending include Veridian's payday alternative loans, which charge only 19% interest.

Mr. Smith stated Cedar Rapids currently has no restrictions against payday lenders, but other Iowa cities have enacted regulations within the past few years. Iowa City, Ames, Clive, Des Moines and West Des Moines are all using similar regulations on how to limit payday lenders in their communities. The staff recommendation, presented to the Development Committee previously, was to allow payday lenders as a conditional use in a single zoning district, the C-2, Community Commercial Zone District. This zoning district is less commonly seen than C-3 in major commercial districts and corridors. In addition there would be a requirement of 1,000 foot distance separation between two delayed deposit service uses, as well as uses such as childcare and educational facilities, parks, and religious institutions. There were questions regarding the separation distance between payday lenders and childcare facilities. There is not a direct one to one link between the two but these institutions are usually at the core of neighborhoods and are evident of successful neighborhoods. The separation distance serves as a way of keeping payday lenders out of the core of the City's neighborhoods.

Mr. Smith went through the chronology of the payday lending ordinance change stating the City Planning Commission (CPC) reviewed the staff recommendation in January 2013 and expressed concerns regarding the distance separation. The CPC also expressed concerns about recommending a social policy and felt it should be left to City Council to make the policy change. On March 12th staff met with Citizens for Community Improvement as they work on ordinances similar to this one throughout the State of Iowa. Citizens for Community Improvement worked to gather support from community members. On March 14th staff hosted a phone conference with a couple of CPC members and Scott Crosby a neighborhood leader who was interested in this change. The CPC reviewed this again on April 25th and recommended no change to the ordinances due to concerns addressed at the January meeting. The Community Development Department received three letters of support and four members of the public spoke in favor of the ordinance at the April 25th CPC meeting.

Mr. Smith stated the next steps for the payday lending ordinance would be to proceed to City Council with the recommendation from the Development Committee made in October 2012. Scott Overland, CPC Chair, stated payday lending was a difficult discussion as it brings in elements the CPC does not normally deal with. The consensus of the commission was this change brings in social elements that the commission was not comfortable making a decision on.

Council member Olson stated ordinance changes like this have an impact on property owners that rent to payday lenders. Council member Olson stated before he would vote for this ordinance change he would like to know if current payday lenders would be grandfathered in. Mr. Smith stated they would be grandfathered in. Council member Olson stated he would like to see, from staff, if the ordinance was enacted as proposed, which of the 13 current payday lenders would still be legal. Council member Olson stated he would also like information on areas in the City a payday lender can be located if the ordinance changes were enacted.

Council member Vernon stated she would like to see where bank and credit unions are located in Cedar Rapids as a number of them are moving to offer similar loans. If the neighborhoods have banks and credit unions nearby it is easier to make ordinance changes to increase regulations of payday lenders.

Council member Shey stated it is easy to be against payday lending but sometimes people are in a bind and need something sooner rather than later. Also, pushing payday lenders out to other areas of the City is not going to help those that do not have transportation and need the payday lending services. Council member Vernon agreed payday lenders help those in a bind but they are highly predatory and it is very difficult to come out debt and can cause bankruptcy.

Council member Shey made a motion to bring the recommendation to City Council. Council member Olson seconded the motion. The motion passed unanimously with none opposed.

3. Kingston Village Recommendation

Seth Gunnerson, Community Development Planner, stated staff previewed the Kingston Village plan with stakeholders in the area on April 26th and received good feedback regarding the plan. Staff has been working with JLG Architects to complete a plan for the Kingston Village area. Mr. Gunnerson went over what is unique about Kingston Villages, the challenges, current development, plan elements and feedback from stakeholders received regarding the plan. The plan elements include placemaking, land use, connections and flood protection. Mr. Gunnerson gave a staff recommendation to take the plan to City Council in May.

Council member Vernon stated the proposed casino will change the Kingston Village Plan so it needs to be addressed. Council member Olson asked if JLG was at a final plan or if they needed feedback before finalizing the plan. Ms. Butterfield stated the community has contributed in creating the final plan and the next step is to bring the plan to City Council. It is important to get the plan approved by City Council as there are a number of proposed projects in this area and the plan will be used as part of the development agreements. Also, the State needs the request to create Viable Business Corridors in order to switch out deed restrictions that prohibit development in the 100 year flood plain.

Council member Shey made a motion to bring the plan to City Council. Council member Olson seconded the motion. The motion passed unanimously with none opposed.

4. Parklet Update

Mr. Gunnerson stated staff would like to confirm with the Development Committee the direction of how the program will operate for the first year. The bid documents for the parklets are out and will be opened on May 7th with the City Council action on May 14th to enter into a contract to purchase the parklets. Community Development staff has been meeting with the Metro Economic Alliance, A+C+E Committee, and downtown businesses to gauge interest in the parklets. Staff has been working with the businesses to determine where the parklets could go as there are certain restrictions as to where the parklets can be placed.

Mr. Gunnerson stated the parklets would create additional pedestrian space in the public right of way and the leases would be treated as sidewalk cafes. There is a priority to place the parklets on 3rd Street SE so they are visible from the Convention Center. After looking into the possible locations some of the parklets may need to be located on an adjacent avenue as there are restrictions that prevent placement on 3rd Street. Council member Vernon stated 3rd Street is ideal but if the parklets are visible from 3rd Street that is acceptable.

Mr. Gunnerson went over the recommended criteria for the parklets including the recommendation that businesses participating this year have the first right of refusal for 2014. Staff will monitor the parklets in 2013 and bring recommendations for future plans to the Development Committee in November. Three options for the parklets lease fees were presented to the Development Committee for consideration.

Council member Olson stated the purpose of the parklets is to prove it can work for less than what it would cost to redo 3rd Street. If the parklets work it will be tremendous savings for the City so it is worth experimenting with. Council member Vernon stated 2013 is a trial year and fees should be forecasted to businesses for future years. The fee would be an operations fee for set-up, take down, etc. Council member Shey asked if existing restaurants were the only considerations for parklets or if street vendors could use them as well. Mr. Gunnerson stated based on the bids the City is requesting four parklets with the option to add or remove one, therefore, the number one priority is restaurants. Restaurants would be more intense users of the parklets and would be able to monitor the parklets all day.

5. Sign Ordinance Update

Mr. Gunnerson defined and provided examples of different types of signs including pole, monument, marquee, wall, off-premise, menu-board and gas station price signs. In 2010 the City held open houses and asked the community about urban design principles and the feedback received prioritized development that is in line with a traditional or green city.

Mr. Gunnerson stated staff would like to know if there aspects of the moratorium that could be changed in respect to digital signs. Staff is asking to modify the moratorium to either remove the moratorium on on-premise digital signs or modify moratorium to exempt menu-boards and gas station price signs. Staff has received an appeal regarding menu-board signs and it will go before City Council on May 14th. There have been a couple of appeals on gas station price signs that the City Council has granted relief for.

Council member Vernon stated the second option allows for exemption of the menu-boards and gas price signs but allows for more work to be completed on other digital signs. Council member Olson asked if there were current restrictions on sign height and sign content. Mr. Gunnerson

stated the City of Cedar Rapids currently has no specific restrictions on digital signs but staff will bring forward options in the near future.

Council member Olson made a motion to modify the moratorium to exempt menu-boards and gas station price signs. Council member Shey seconded the motion. The motion passed unanimously with none opposed.

Mr. Gunnerson stated for off-premise signs staff is looking for a recommendation on the separation of billboard signs and directional signs. Mr. Gunnerson gave a recommendation to include the following:

- Directional Signs allowed in Commercial, Industrial and O-S zoning districts
- Within freestanding signage area permitted on property
- Up to 200 sq ft
- Must advertise business(es) location on parcel within 300 feet of sign
- May display business or organization name, location, logo

Mr. Gunnerson described a Sign Master Plan which gives the developer an opportunity to define their own signage and have it reviewed by City Council.

Council member Shey made a motion to approve the recommendation as presented. Council member Olson seconded the motion. The motion passed unanimously with none opposed.

Mr. Gunnerson stated staff came up with some options for billboards when they were initially discussed in November 2012. The three options for billboards included increased review, increased zoning standards and establishing a cap on signs. Feedback received from sign meetings included no interest to see additional review but there was interest in zoning solutions to meet City Council goals. Mr. Gunnerson pointed out there are currently 80 billboard signs in Cedar Rapids and broke down the number in each zoning district.

Mr. Gunnerson provided three options for Development Committee consideration including an option for increased separation and two options for capping signs. Mr. Gunnerson presented proposed changes to the size and height of billboard signs based on their location. Council member Olson stated he feels the proposed changes are appropriate to the traffic patterns.

Council member Olson asked if staff had a recommendation for which of the three options to use. Mr. Gunnerson stated if the desire is to not see additional billboards in the community staff would recommend the cap options. If there is a desire to see a reduction in the number of billboards staff would recommend option three. Either cap option would provide an incentive to see the distribution move toward what the 2006 ordinance set with separation distance.

Council member Shey asked if any citizen studies were completed in regard to billboards. Ms. Butterfield stated feedback was received before the 2008 flood and after the flood. In general staff received several comments regarding the sign clutter but staff has not done any independent surveying of residents.

Council member Shey made a motion to approve the proposed height and size changes. Council member Olson seconded the motion. The motion passed unanimously with none opposed.

Mr. Gunnerson pointed out the separation option would make the majority of the billboards legal non-conforming within the City and would provide an incentive for billboard companies to preserve what they currently have. Under a cap option, as new areas for sign placement open

there would be an incentive to remove a legal non-conforming billboard sign. Mr. Gunnerson stated staff would recommend either of the cap options.

Council member Olson made a motion to approve Option B – Cap Option #1. Council member Shey seconded the motion. The motion passed with a vote of two to one.

6. Ellis Plan

Adam Lindenlaub, Community Development Planner, stated the Ellis Boulevard area is an area City Council expressed interest in for a Viable Business Corridor. Staff would like to move forward with the continued coordination with the Economic Alliance to use JLG Architects to create an Ellis Boulevard Plan. The goals and plan elements would include placemaking, connections, land use and flood protection. Next steps include developing the plan from May to August and returning to Development Committee in September with a recommendation. The plan would go to City Council in October for adoption.

Council member Shey made a motion to proceed with development of the Ellis Plan. Council member Olson seconded the motion. The motion passed unanimously with none opposed.

7. NDC/NFC

Council member Shey stated a meeting was held with Four Oaks, Matthew 25, and Habitat for Humanity to discuss current initiatives. Single family rehabilitation funding sources was identified as a need for Cedar Rapids. Multi-family new construction provides challenges for affordable housing tax credits.

8. NewBo Dispositions – Additional Lots

Paula Mitchell, Grant Programs Manager, stated on March 26th City Council authorized negotiation of Development Agreements for 1018 2nd Street SE with Acme Electric and 1301 3rd Street SE with Tom and Beth DeBoom. Both proposals involved use of an adjacent parcel. Acme Electric has requested 1024 2nd Street SE and 208 11th Avenue for relocation of the 1018 2nd Street SE structure. 1008 2nd Street and 1012 2nd Street were also requested for new construction of row house condominiums. Tom and Beth DeBoom have requested 1305 3rd Street SE for future commercial development with interim use as urban garden. Ms. Mitchell pointed out all parcels on a map and went over next steps for the process.

Council member Olson made a motion to move forward with soliciting proposals. Council member Shey seconded the motion. The motion passed unanimously with none opposed.

9. NewBo Volleyball

Ms. Butterfield stated the development agreement has been in default for several months and will be going to City Council as provisions have not been met. Jennifer Pratt, Community Development Planner, stated there are no identified resources to complete the work and if the City has another reuse the property would have to be put back to its previous state. Staff recommends terminating the development agreement that will come before City Council. Staff will reach out to stakeholders in the area to help find a solution.

10. Cedar Rapids Low Income Housing Tax Credit Policy and Process

Ms. Mitchell stated the purpose of the policy and process is to formalize the standard operating procedures that staff currently uses for these types of request. Ms. Mitchell went over the background of the program, issues with the program, elements of the proposed policy and other potential considerations.

Council member Shey asked what cities, developers and projects are receiving these awards. Ms. Mitchell stated staff looked at a number of sources in regards to what IFA requires and what other communities are doing. Des Moines is very successful at giving tax credit allocations so staff used their policy as a guide.

11. CDBG Neighborhood Certification Process

Council member Vernon stated the CDBG Neighborhood Certification Process will be moved to the May agenda.

Meeting adjourned at 5:15 p.m.

Respectfully submitted,

Alicia Abernathey, Administrative Assistant II
Community Development

Original Agenda Date	Agenda Item / Presenter	Action Item	Action Taken	Owner	Date Return to Committee	Recommendation to City Council
10/23/2012	Multi-Family New Construction - Round Five / Paula Mitchell	Provided overview of the program. More information will be presented in the future.		CD	Done	Fall 2012
11/28/2012	C-2, Commercial District Size			CD	Done	Early 2013.
1/23/2013	CPC Work Plan			CD	Done	
1/23/2013	Disposition of E Avenue Fire Station			CD		February 2013.
1/23/2013	Amendment to the New Bohemia Group Agreement			CD		Early 2013.
1/23/2013	VAC Work Plan	Bring deaccession policy to Dev. Comte.		CD	Done	
2/27/2013	Section 8 Admin Plan Changes			CD	Done	March 2013.
11/28/2012	Continous Foundation Requirement in the zoning code	City staff will research other city policies.		CD	Done	City Council reviewed and opposed change.
1/23/2013	Greene Square Park	Return with update after talking with stakeholders and potential funding sources.		Parks	Done	
1/23/2013	HPC Work Plan	Possible funding options, criteria list for historic properties, developing additional historic districts.		CD	Done	
1/23/2013	Core Area Development Patterns	Include Waterloo and Des Moines for comparisons. Determine neighborhood densities and optimal densities.		CD	Done	
1/23/2013	RFP for 707 2nd St and 123 Diagonal Dr SW	Wait for RFP until Kingston Plan is finished.		CD	Done	
7/25/2011	Med District Design Guidelines			CD/Medical Quarter	April 2013	Will revisit April 2013 - Pending

Original Agenda Date	Agenda Item / Presenter	Action Item	Action Taken	Owner	Date Return to Committee	Recommendation to City Council
9/26/2011	Land Development Fees Update	Given to City Council (full) to review for further discussion at November 2011 meeting.		CD		On Hold
1/23/2012	Walkable Community Follow-Up Discussion / Council member Vernon AND Charlotte's Street Elevations / Tom Peterson	Jeff Speck to meet with the City Council and Staff. Bring back to Dev Comte a DRAFT of the Street Elevations for Cedar Rapids in April.	Christine Butterfield to set up meeting with Jeff Speck. Public Works Traffic Engineer and staff to bring back recommendation to Dev Comte in April.	CD / PW	underway	Jeff Speck scheduled to visit Cedar Rapids 4/11 - 4/13. Staff will schedule time with City Council during his visit. Meeting Summary sent to Council 4.27.12. Street Typology underway. Jeff Speck meet with staff in Cedar Rapids on 8.13.12 Back to Comte 12.11.12. Policy presented to City Council by Public Works 6.13
1/23/2012	Additional Rezoning of Flood Impacted Property / Seth Gunnerson	Bring remainder of properties to be rezoned back to Dev Comte in April		CD		Ongoing.
2/23/2012	ACE District / Streetscaping - 3rd Street from 1st to 8th	Send to staff for research on: Can we implement? How? Dollars? Return to Dev Comte in April.		PW	12.11.12	Public Works meeting with stakeholders group. Installation planned by Pubic Works 6.1.13
2/23/2012	Mound View Coalition for Neighborhood Stabilization	Come back to Dev Comte when Emily Meyer is available.		Mound View Neighborhood		Waiting to hear from neighborhood. On Hold
2/23/2012	Neighborhood Planning Process Implementation	Did not discuss at 2/23 meeting. Bring back at 3/26 meeting.		CD	3/26/2012	Last update to City Council 2.15.13. Next update 6.13
3/26/2012	Chapter 32 Modifications -	Jeff Speck to look at setbacks on Mt. Vernon Road. Shared		CD	5/28/2012, 8/29/2012,	Discussed and reviewed 2006 zoning code. Established build to line. Jeff Speck
9/26/2012	Planned Unit Development Overlay Evaluation	City Staff will work with developers to draft and review an ordinance		CD	Jan 2013	Ongoing.
9/26/2012	Distance Separation from Alcohol, Tobacco and Payday Lenders	City Staff will work to create language for Chapter 32 Zoning Ordinance.	Staff is taking to CPC in December to recommend language.	CD	Summer 2013	Payday Lending Slated City Council 5.13. Alcohol & Tobacco to Dev. Comte 5.13
11/28/2012	Tree Planting Policy	City staff will work to draft a policy on tree planting, placement and maintenance		CD	Jan 2013	Early 2013. April 2013.

Original Agenda Date	Agenda Item / Presenter	Action Item	Action Taken	Owner	Date Return to Committee	Recommendation to City Council
11/28/2012	Signage	Return with best practices on general signage.		CD	April 2013	Underway.
1/23/2013	Commercial Lighting Requirements	Look into Height requirements, equipment to verify lighting meets standards, interior lighting.		CD	April 2013	
2/27/2013	14th Avenue Alignment	Look into tree lined streets, sidewalks, shared-use lanes,		CD	March 2013	Included in Iowa Steel disposition
2/27/2013	Downtown Parklets	Figure out a minimum number of parklets		CD	March 2013	Completion slated 6.13

For the Complete Issue Processing Chart, please contact Community Development at (319) 286-5041.



City Manager's Office
City Hall
101 First Street SE
Cedar Rapids, IA 52401
Telephone: (319) 286-5080

To: City Council Development Committee
From: Sandi Fowler, Assistant City Manager
Stephanie Neff, Community Program Manager – Blue Zones Project Cedar Rapids
Subject: **Blue Zones Project Community Pledge**
Date: May 22, 2013

Background

Communities across Iowa are embarking on a well-being improvement transformation called Blue Zones Project™ launched in 2011 as the cornerstone to Governor Terry Branstad's plan to make Iowa the healthiest state within five years.

Blue Zones Project™ is designed to make healthy choices easier through permanent changes to environment, policy, and social networks. By optimizing those settings where we live, work and play – we will transform the well-being of Cedar Rapids for a better life for everyone.

In 2012, Iowa communities began implementing Blue Zones Project™ principles to create more livable, walkable, bikeable, and socially engaged communities. Cedar Rapids was selected as a demonstration site beginning in March 2013 based on community support, progressive thinking and alignment with Blue Zones Principles. Across Iowa, more than 125,000 people have pledged support, and 500+ organizations are actively working to adopt evidence-based actions supported through Blue Zones Project™ and Power 9® principles.

Since its launch, Blue Zones Project has demonstrated early success in creating well-being improvement in Iowa as measured by the Gallup-Healthways Well-Being Index®. Not only did Iowa move up to the top ten of overall Well-Being Index rankings in the nation, but its Work Environment Index ranking drastically improved along with residents' healthy eating behaviors. A greater number of Iowans also indicated that their community is "getting better as a place to live."

The attached Resolution states that the Cedar Rapids City Council is committed to formally considering adoption of the included community policy pledge action items as outlined in the Blue Zones® Community Policy Pledge with the intent of achieving certification as a Blue Zones Community™.

Staff Recommendation

Staff recommends that the Development Committee recommend approval of the attached Resolution to the City Council at their June 11, 2013, meeting.

Next Steps

Staff will proceed with the following timeline, unless directed otherwise by Development Committee:

- June 11 – Resolution for City Council consideration

RESOLUTION NO.

RESOLUTION STATING SUPPORT FOR ACTIONS ALIGNED
WITH ACHIEVING BLUE ZONES CERTIFICATION

WHEREAS, improving the overall well-being of the citizens of the city will improve productivity, lower healthcare costs, and improve the economy; and

WHEREAS, according to the Robert Wood Johnson Foundation 2013 County Health Rankings, Linn County ranks 30th out of 99 counties in Iowa for health outcomes, with a high percentage of the adult population engaging in unhealthy behaviors including smoking and physical inactivity, and a higher percentage of obese adults than the national average; and

WHEREAS, employers cite healthcare costs and absenteeism related to obesity and other preventable chronic diseases as a key concern; and

WHEREAS, there are known geographic regions around the world where people live longer and “better” and these communities have nine commonalities:

1. Move Naturally
2. Know Your Purpose
3. Down Shift
4. 80% Rule
5. Plant Slant
6. Wine @ 5
7. Right Tribe
8. Community
9. Loved Ones First

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA will seek to understand our level of well-being and improve upon those things at which those in Blue Zones® areas excel, so that we will improve our well-being, productivity, and economic vitality, and

BE IT FURTHER RESOLVED that through appropriate processes by January 31, 2016, the City Council of the City of Cedar Rapids will formally consider adoption of the following items as outlined in the Blue Zones® Community Policy Pledge to achieve certification as a Blue Zones Community™:

- Policies - Complete Streets:
 - Complete Streets principles
 - Training for City officials in how to design Complete Streets
 - A street-design guideline manual that supports all Complete Streets elements
- Policies - Tobacco:
 - Comprehensive smoke-free policy for all indoor and outdoor workplaces and public places
 - Comprehensive smoke-free policy in all indoor workplaces and public places, and adopt a policy to address smoke-free multi-unit housing

- Policies - Nutrition and Physical Activity:
 - An active transportation plan that includes bicycle and pedestrian master plans
 - A parking master plan
 - Street connectivity index
 - Form-based codes for the community or a sub-area of the community
 - Mixed-use development
 - Joint use of facilities agreements
 - Showers, changing facilities, and bike racks in municipal buildings
 - Zoning for fast food establishments and drive-thrus
 - Supermarkets/grocery stores in underserved neighborhoods
 - Healthy vending standards
 - Outdoor dining
 - Access to fresh water drinking fountains
 - Mobile vending near schools and public playgrounds
 - Healthy mobile markets
 - Zoning to allow sites for community gardens and farmers markets
 - Healthy food and beverage policy at city-sponsored youth sporting events
 - Space and time for breastfeeding in municipal buildings
- Environmental Changes:
 - Bicycle lanes installed and maintained
 - Safe Routes to Schools project implemented
 - Pedestrian Master Plan project implemented
 - Complete Streets project implemented
 - Implement permanent strategies to enhance personal safety in areas where people are or could be physically active
 - Establish community gardens
 - Complete an urban greening project
 - Complete a placemaking project that fulfills four key qualities of successful places as defined by Project for Public Spaces

Passed this 11th day of June, 2013.

Voting:

_____, Mayor

Attest:

_____, City Clerk



To: City Council Development Committee
From: Caleb Mason through Joe O’Hern, Executive Administrator of Development Services
Subject: Restrictive Covenants – City Properties
Date: May 22, 2013

Background

At its April 9, 2013 meeting, the City Council directed staff to pursue negotiating Development Agreements for the disposition and redevelopment of four (4) commercial buildings in the 3rd Avenue SW Commercial Historic District. The City Council discussed the use mechanism to restrict end uses in the buildings Development Agreement or other mechanism. Staff has researched this matter and is looking for policy direction for implementing the desire of the Council to provide limitations on end uses of the properties.

It is a standard practice for private development firms to incorporate the use of Restrictive Covenants in residential as well as commercial developments. In addition, many corporations such as AEGON or large anchor retail tenants such as Kohl’s or Dicks Sporting Goods will require Restrictive Covenants on surrounding properties to ensure there are certain uses which they have determined to complement their operation. Staff has reviewed several example Restrictive Covenants as well as discussed with several commercial developers common restrictions on users to address the Council’s interest.

Staff Recommendation

Staff is recommending using Restrictive Covenants which outline specific approved uses, conditional uses, and prohibited uses. The Restrictive Covenants as legal instrument affecting the title would run with the land to any subsequent owners in perpetuity or other defined period of time. The following matrix represents proposed Restrictive Covenants based upon common use restrictions in commercial developments:

Approved Uses	
Principal Use	Example(s)
Office uses	Lending institutions, law office, call center
Professional Services	Outpatient medical clinics, laboratories, dental office, eye clinic, chiropractor
Commercial and Retail Sales	Clothing retailer, photography studio, coffee shop, grocery store
Recreational Services	Restaurants, health and fitness clubs, theatres
Prohibited Uses	
Principal Use	Example(s)
Automotive Uses	Auto, truck trailer or recreational vehicle sales or repair, body shop, gas station or equipment storage (as principal use)
Animal/Pet Sales or Service	Animal hospital, vet clinics, pet stores, pet grooming or boarding, bait shops, laboratories keeping animals, kennels
Funeral	Funeral home or mortuary
Inpatient medical	Hospitals, nursing or convalescent homes, rehab center and halfway houses

Second Hand/Surplus	Flea markets, junk shops, used clothing and furniture
Payday Lending/Pawn	personal property rental establishments, payday lending, pawnshops
Adult Establishments	Adult entertainment or sales
Laundry/Dry Cleaning	Central laundry, dry cleaning, or Laundromat
Alcohol/Tobacco Retail	Liquor store, cigarette/tobacco outlet, bar/tavern with alcohol sales over 50% gross revenue
Auction House	Fire sale, bankruptcy sale, or auction house operation
Noxious smell/noise	Uses creating fumes, dust smoke, excessive noise (over 65 dB at property line), fire or explosion, or odors (except for preparation of food products for consumption)
Conditional Use	
Principal Use	Example(s)
Warehouse	Distribution or light manufacturing provided the building(s) present general appearance of office building and do not create noxious smells/noises.

Policy Questions

Staff is seeking direction from the Development Committee on the proposed Restrictive Covenants and specific use restrictions stated above as follows:

1. What uses are missing from the list that should be added?
2. Which use restrictions should be removed?
3. Should the Restrictive Covenants be for a specified period of time with a sunset or in perpetuity?
4. Other comments or direction from Development Committee



**Frew Development will give a
presentation on Westdale
Design Guidelines at the
May 22, 2013 Development
Committee Meeting.**



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To: City Council Development Committee
From: Thomas Smith and Paula Mitchell through Joe O'Hern, Executive Administrator of Development Services
Subject: Neighborhood Certification Process
Date: May 22, 2013

Background:

Since October 2011, the City of Cedar Rapids has used the Neighborhood Service Delivery Initiative to improve communication between the City and existing neighborhood associations. Each neighborhood has been assigned a support team consisting of a City department director and staff from the various departments to help keep citizens informed and quickly respond to neighborhood issues.

As a continued step in improving communications and accountability between the City and neighborhood associations, staff is proposing a Neighborhood Certification Process to enhance existing relationships, build capacity in the neighborhoods' leadership, and eventually target the City's limited CDBG funding toward improvement projects that will have a more pronounced impact on the City's neighborhoods.

Best Practices:

A formalized neighborhood certification process is common in communities throughout the United States. Staff found that neighborhood certification programs in Des Moines; Madison, Wisconsin; Columbus, Ohio; Renton, Washington; and Seattle, Washington were all very similar in the following ways:

- All communities require neighborhoods to complete an application for registration, including contact information for neighborhood leadership, neighborhood boundaries, organization bylaws, and a meeting schedule.
- All communities require a work plan or specific neighborhood plan to be developed for and by each participating neighborhood.
- All communities require annual updates to the application and progress reports.
- Most communities open up a competitive funding process for recognized neighborhoods to perform neighborhood projects or communication and outreach events.

Recommendations:

In order to create more transparency between the City and neighborhood associations, improve communication, and ensure the most effective use of Federal dollars in the City's neighborhoods, staff recommends establishing a neighborhood certification process as shown in the attached flow chart document.

This process will link into the City's existing Neighborhood Service Delivery Initiative and will eventually connect with the City's annual CDBG funding allocation to help fund projects from the neighborhoods' work plans. Staff recommends allowing a period of three months for neighborhoods to be informed about the new neighborhood certification process and complete the application process to receive formal certification. Additional steps in the process are provided in the timeline below.

Timeline and Next Steps:

- May 2013 – Outreach to the neighborhood associations
- June 11, 2013 – Council approval of the neighborhood certification process policy
- Summer/Fall 2013 – Neighborhoods to complete registration process and receive formal certification through Council resolutions
- Fall 2013 – Development of neighborhood work plans begins
- October 2014 – Annual CDBG funding allocation opens new competitive grant process tied to neighborhood work plan items

Neighborhood Certification Process Integration with Existing City Programs

Program	Information	Timing
<p style="text-align: center;">Neighborhood Service Delivery Initiative</p>	<ul style="list-style-type: none"> • City staff serve as liaisons between City and neighborhood associations • Each neighborhood is assigned a support team of staff from various departments to address and respond to neighborhood issues 	<p style="text-align: center;">Ongoing (In place since October 2011)</p>
		
<p style="text-align: center;">Neighborhood Certification Process: Step 1</p>	<p style="text-align: center;"><u>Application and Formal Certification</u></p> <ol style="list-style-type: none"> 1. Neighborhood submits formal application for certification to City 2. Development Committee reviews application and recommends to City Council 3. Council approves formal certification 	<p style="text-align: center;">One-Time</p>
<p style="text-align: center;">Neighborhood Certification Process: Step 2</p>	<p style="text-align: center;"><u>Demonstration of Continuing Capacity</u></p> <ol style="list-style-type: none"> 1. Leadership attends City-designated training sessions 2. Neighborhood performs outreach twice a year 3. Holds minimum 4 meetings per year 4. Creates and submits annual work plan document with assistance from neighborhood liaison and City staff 5. Submits quarterly work plan progress reports to Development Committee 	<p style="text-align: center;">Annual: Ongoing (Begins 2013)</p>
		
<p style="text-align: center;">CDBG Funding Allocation</p>	<p style="text-align: center;"><u>Application for Annual CDBG Funding</u></p> <ol style="list-style-type: none"> 1. Neighborhoods with a year of demonstrated capacity may apply annually for grants up to \$10,000 (25% match required) 2. Application for funding must be tied to work plan objective(s) 3. Development Committee reviews application and recommends to City Council 	<p style="text-align: center;">Annual:</p> <ul style="list-style-type: none"> • Oct - Outreach and info • Dec - Apps due • July - Approval



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To: City Council Development Committee
From: Paula Mitchell through Joe O'Hern, Executive Administrator of Development Services
Subject: Request for City-owned parcels on 2nd Avenue SW
Date: May 22, 2013

Background:

In July 2010, the Neighborhood Development Corporation (NDC) was awarded funding through the state-wide Multi-family New Construction (MFNC) Program to construct 10 units of new workforce rental housing. Through this program, 51% of the units must be affordable and the remaining 49% may be market rate.

NDC has made a request for parcels at 602 2nd Avenue SW, 606 2nd Avenue SW, and 622 2nd Avenue SW. NDC owns adjacent parcels that would be combined with the City-owned property, should the request be successful, to construct the 10 unit multi-family dwelling and potentially a small commercial development to support the neighborhood. A site map is provided as an attachment.

NDC is in the process of issuing a Request for Proposals to secure a development partner for a master planned development.

All of the requested parcels are located outside of the 100-year flood plain, and therefore they may be made available for redevelopment. NDC completed a mixed use development of similar size and scale nearby at 609 1st Avenue SW.

Recommendations:

Staff recommends calling for proposals from qualified developers to redevelop these parcels, using the City's standard proposal evaluation criteria, including:

- Capacity and experience of developer;
- Financial feasibility;
- Market feasibility;
- Design compatible with neighborhood;
- Community support;
- Long term projected use consistent with Neighborhood Planning Process.

Timeline and Next Steps:

- June 11, 2013 – City Council motion setting Public Hearing.
- June 15, 2013 – Public Notice published in the Gazette.
- June 25, 2013 – Public Hearing.
- June/Early July – Informational meeting held for interested parties.
- July 16, 2013 – Proposals due from developers.
- Week of July 22, 2013 – Proposals evaluated by stakeholder team.
- August 13, 2013 - City Council consideration of proposals and authorization of negotiation of a development agreement.



	City Owned Properties
	NDC Owned Properties



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To: City Council Development Committee
From: Seth Gunnerson and Alex Sharpe through Joe O'Hern, Executive Director of Development Services
Subject: Sign Moratorium Update
Date: May 22, 2013

At the May 22 City Council Development Committee Meeting, staff will bring forward the following items regarding the Sign Moratorium:

1. Update on Billboard Cap Ordinance
2. Recommendations for Digital Billboard Signs
3. Recommendations for display attributes for all digital signs in the community.
4. Discussion on outstanding digital sign issues and impact on the moratorium
5. Establishing an Entertainment Sign Overlay District

Update on Billboard Cap Ordinance

At the April 30th Development Committee Meeting, the committee recommended an ordinance for billboard signs that would:

- Establish a Cap on the number of billboard signs in the community
- Require removal of an existing billboard of equal or greater size
- Base billboard size and height on street typology, which would reduce the maximum size of new billboards in many areas of the community
- Clarify code language which has led to numerous variance requests

On May 16, City Planning Commission reviewed the proposed ordinance and unanimously recommended approval to City Council. The Planning Commission also recommended that the following be added to the ordinance:

- That if an applicant for a new billboard sign owns one or more non-conforming signs, then the sign removed must be a non-conforming sign.

A public hearing for the proposed ordinance is scheduled for May 28.

The recommendation made at the April 30th Development Committee meeting did not cover digital billboard signs. The proposed ordinance establishing a cap on billboards is the first phase of a comprehensive set of standards to satisfy the goals of the sign moratorium. Digital Billboard Sign standards are covered in the next section of this memo.

Recommended Criteria for Billboard Signs:

On April 30th, Development Committee recommended an ordinance addressing concerns over Billboards and other off-premise signs in the Community. The ordinance did not establish any criteria for digital display billboard signs in the community. The following criteria are recommended by staff for existing and future digital display billboard signs.

- Hold Time of a minimum of 8 Seconds between messages
- 500' separation from a sign face visible from the direction of a residential district, historic district, park, school, religious facility or cemetery (measured as a semicircle radiating outward from the center of a sign)
- No Flashing, Animation, Video or scrolling text.
- Dimmer function required to reduce brightness at night
- Sign shall be made available in the case of emergencies such as Amber Alerts or in the event of a natural disaster.
- A non-conforming sign may not be upgraded to digital (this would clarify a standard that is already in place due to the requirement non-conforming signs may not have improvements over 65% of the assessed value of the sign).

Limiting the number of digital billboards

Staff has heard concerns about the number of digital display billboards in the community. Based on the current and proposed ordinance, there are limited opportunities for sign companies to upgrade existing signs to digital or erect a new sign which may be digital.

Option A – Increased Separation: A digital display sign must be a conforming sign and must be located at least 2,000 feet from another digital display sign. This would limit the number of billboards signs that could be digital.

Option B – Additional Replacement: Under this option, a digital display sign would require removal of multiple existing signs. Staff recommends removal of two existing billboards to erect a new digital sign.

Option C – Ban on Digital Billboard Displays: No new digital display billboards would be permitted in the City. The criteria above would apply to those already existing.

If the desire of the Development Committee is to see the removal of existing signs and a total reduction in the number of signs in the community, then staff recommends Option B.

Sign Display Attributes

At the March 27 Development Committee Staff was asked to bring back options for standards for the display attributes for digital signs in the community.

Applicability:

- All new signs must comply with all sections of the ordinance
- All existing signs must comply with hold time, animation, and scrolling text standards by January 1, 2014.
- The criteria for signs do not apply to the following:
 - Signs which display only alphanumeric text and do not change more than once per hour (an example is gas price signs) or only display time and temperature.
 - Signs not meant to be visible from the public right of way (an example is digital menuboard signs for drive thru-facilities)

Standards for Digital Signs:

Staff has prepared a variety of options for display standards for digital signs in the community. At the March 27th Development Committee meeting staff was instructed to return with options.

Based on feedback from previous development committee meetings, staff is presenting the following options:

Option A – No animation: This option would limit animation on signs. This would not allow video or constantly changing visual elements on signs. It would not set a specific hold time for messages.

Option B – Establish Hold Times: This option would establish hold times for digital signs in the community. Staff recommends a tiered approach where digital displays greater than 64 square feet would be required to have an 8 second hold time and signs smaller than 64 square feet would have a 4 second hold time. This is recommended because smaller signs can display less information and therefore can be read faster.

Option C – Allow scrolling text: This is the same for option B, except it would waive the hold time requirement for signs that only display scrolling text (either horizontally or vertically). This option would permit church signs or older signs which can only display text to operate.

Options		Hold time (Signs over 64 sq ft)	Hold Time (All other Signs)	Transition	Animation/ Video	Scrolling Text
A	No Animation	none		n/a	Not allowed	Allowed
B	Establish Hold Times	8 seconds	4 seconds	< 1 second	Not allowed	Not allowed
C	Allow scrolling text	8 seconds	4 seconds	< 1 second	Not allowed	Allowed

An explanation of the terms used in the column headings is provided on the next page.

Hold Times: The amount of time that a message must be “held” on the screen before transitioning to the next message.

Transition: The amount of time it takes a sign to transition between messages. Some animation, such as wipes or fades, may occur during the transition period.

Animation/Video: Whether or not signs can display animation, or constantly changing visual elements. Animation is any form of moving text, pictures, or digital technology where movements of these elements are involved. This includes video.

Scrolling Text: If allowed, signs can display constantly scrolling text (either horizontal or vertical) without a hold time.

Additional Recommended Criteria:

Staff is recommending the additional criteria for digital display signs:

- All signs must be designed to display a blank screen in the event of a malfunction, or must be turned off when notified by the City that the sign is malfunctioning.
- All new signs must have a dimmer function to adjust brightness settings based on ambient light levels. (Staff will recommend that new signs include the settings for the sign in the application, and signs will be required to meet future commercial lighting standards).

Digital Sign Size, Type and Location Standards

Staff has heard interest in further refining criteria for digital signs to apply to the size, type, and location of signs on parcels. Staff is working on options to address these goals, and plans on continuing to research sign code options in the following months.

In order continue to develop options; staff is looking for feedback from the Development Committee on the following two questions:

1. ***Should digital signage be limited to certain types of signs?*** – Staff has heard an interest in encouraging more monument and wall signs. Staff has also heard an interest in discouraging or limiting the height of pole signs in the community in order to promote pedestrian scale development.
2. ***Should there be a limit on digital sign size?*** – Currently the code does not limit what percentage of a sign can have a digital display.

Based on recommendations made for sign display attributes, staff is asking for guidance on how to proceed with the temporary moratorium on digital display signs. If a selected sign attribute option meets the immediate goals of the City Council, staff recommends proceeding with a resolution to end the moratorium upon adoption of the ordinance.

If Council feels that concerns of the size and location of digital display signs are still an immediate concern, then staff recommends modifying the moratorium to only affect certain types and sizes of digital display signs.

Option	Next Steps	Moratorium Impact
Immediate Council Goals addressed: Staff will incorporate further changes into continued research.	Staff will continue to research options for modifying the Sign Code to address council goals.	End moratorium upon adoption of ordinance for digital sign attributes.
Desire to limit Sign Types: Limit Digital Signs to Monument, Marquee, and wall signs	Staff will proceed with an ordinance to limit digital display signs based on sign type.	Moratorium modified to allow digital signs except types council has concerns over.
Desire to limit Sign Size: Modify moratorium to allow digital signs under 64 sq ft	Resolution modifying moratorium, staff returns with options next month	Moratorium modified to allow digital signs except large signs over 64 sq ft.
Continue Moratorium Unchanged: Return with size/location options next month	Staff continues research based on feedback and will return to June meeting with options	Continue moratorium without modification.

Due to time constraints, any action taken by Development Committee at a later meeting will not be adopted before the expiration of the moratorium unless Council Combines all three readings of an ordinance at the July 23rd City Council Meeting.

Establishing Entertainment Sign Overlay District

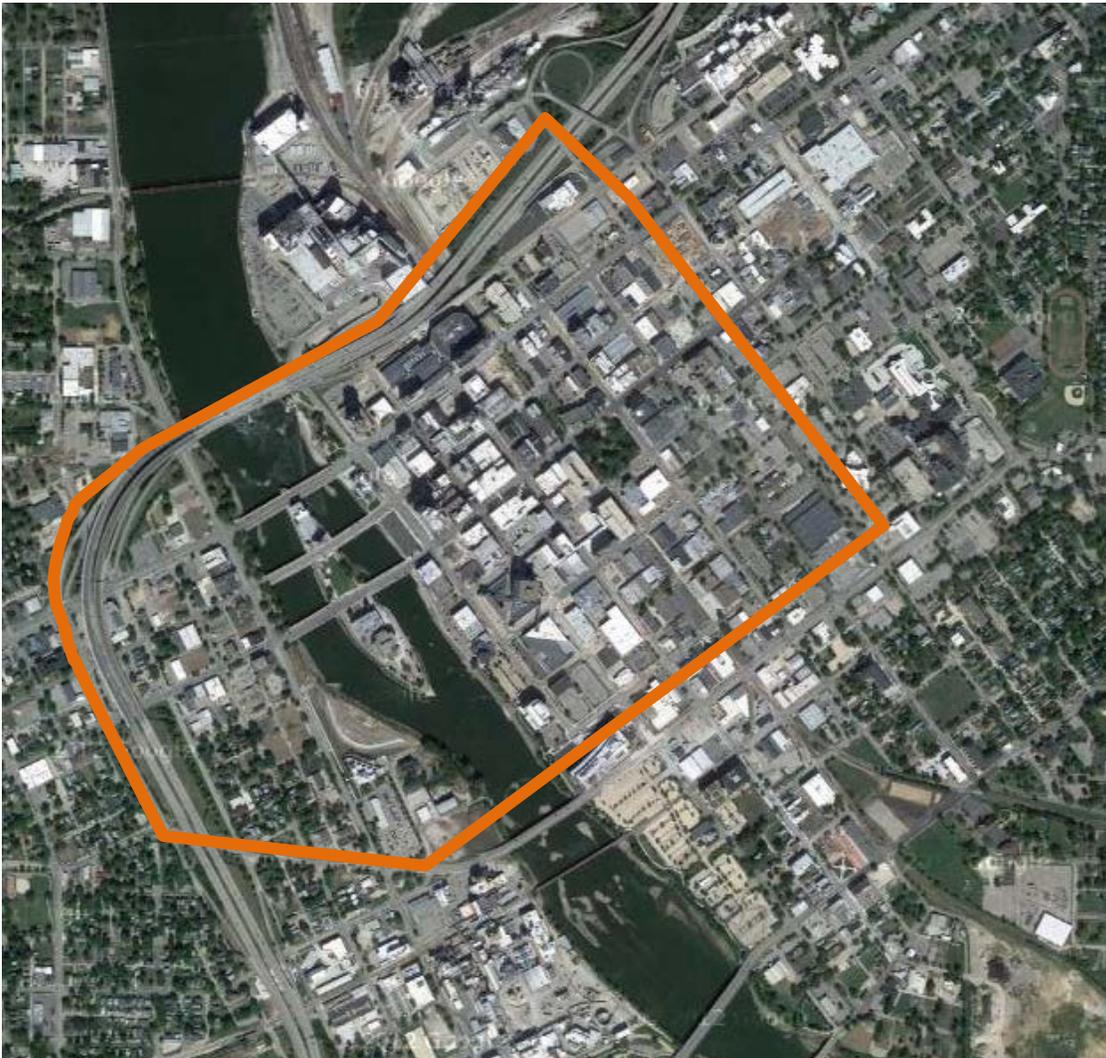
An Entertainment Sign Overlay (ES-O) District would establish an area of the community where signs which incorporate flashing lights, animation, video and other characteristics would be permitted due to the nature of the district in which they are located. Staff is recommending this district be established for downtown area. The intent of the overlay district is to define areas of the community which are pedestrian oriented, are removed from residential neighborhoods, and provide a variety of entertainment options.

The proposed boundaries for the overlay district are:

- I-380 to the North and West
- Diagonal Drive SW and 8th Avenue to the South
- 8th Street East to the North.

Digital signs attribute standards would not apply to on-premise signage within the ES-O, provided that:

- The sign is located more than 200 feet from a residential zone district.
- The sign is not visible from I-380





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To: City Council Development Committee
From: Adam Lindenlaub through Joe O'Hern, Executive Administrator of Development Services
Subject: Comprehensive Plan Update
Date: May 22, 2013

Background:

The City Council approved moving forward with development of the Comprehensive Plan (Comp Plan) Update on January 8, 2013. The process is as follows:

- Identify issues not already addressed or planned for in the River Corridor Redevelopment Plan, Neighborhood Planning Process, Parks and Recreation Master Plan, Facilities Master Plan, and the Downtown Area Plan.
- Use a combination of focus groups, surveys, stakeholder meetings and open houses to gather feedback and share development of the plan

The Comp Plan Update will consist of the seven elements below that will form a framework to help guide policy decisions and recommendations that will be incorporated into the day to day operations of City departments:

- Housing Strategies
- Community Facilities and Services
- Neighborhoods and Nodes
- Community Vitality
- Parks and Open Space
- Hazard Mitigation
- Connectivity and Corridors

Timeline and next steps are as follows:

- May 24, 2013 – Issue RFP.
- June 11, 2013 – City Council appoints Comp Plan Update Steering Committee.
- July 12, 2013 - RFP proposals due.
- August 13, 2013 – City Council selection of consultant.
- August 27, 2013 – City Council approval of contract with consultant.
- Week of September 2 – Kick-off meeting.
- September, 2013 – March, 2014 – Plan development
- April, 2014 – City Council adoption of Comp Plan Update
- May 19, 2014 – Iowa Economic Development Authority grant expiration due date

A Steering Committee will be used to help guide the process and will include representation from the following entities:

- Alliant Energy
- Cedar Rapids Community School District Board
- Developer's Council

- Commercial Realty
- Corridor Conservation Coalition
- City Council
- City Planning Commission
- Visual Arts Commission
- Housing
- Neighborhood Planning Process Steering Committee

City Council also approved securing assistance from a consultant to help with the Comp Plan Update. The consultant will provide assistance with the following:

- Developing a communications strategy (branding, website, etc.)
- Perform best practice research and data analysis
- Attend internal and external meetings as necessary
- Prepare document

Recommendations:

Confirm and recommend proceeding with Comp Plan Update process.



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To: City Council Development Committee
From: Thomas Smith through Joe O'Hern, Executive Administrator of Development Services
Subject: Downtown Wayfinding Signage
Date: May 22, 2013

Background

At the February 27 Development Committee meeting, staff presented a plan to develop a basic downtown wayfinding system. The system would consist of 17 signs highlighting key city institutions and would assist visitors in navigating the core area of the community. The budget for this preliminary wayfinding system is \$10,000.

As of today, no comprehensive wayfinding system exists in the downtown area. Following the 2008 flood, rebuilding efforts and changes to the locations of key structures downtown made it difficult to create a system that would remain accurate over the course of several years. Now that a number of major institutions have reopened or will be opening within the next several months, a basic wayfinding system will have a longer useful life and improve visitors' impressions of the community.

Since the February meeting, a design template for the wayfinding system has been developed in consultation between Community Development and Public Works staff. The template can feature up to four destinations per sign, which is consistent with other wayfinding systems around the country. The sign has also been designed to use appropriate colors that will not conflict with other street signs around the community, but be both pleasant and functional.

Next Steps and Timeline

Now that the signage design portion of the project is complete, the signs will be sent for fabrication and installation. Below is an approximate timeline leading to the installation of the wayfinding signs:

May 22, 2013: Present finalized design and sign locations to Development Committee
May 31, 2013: Begin fabrication of signage
June 2013: Regular progress updates to Council via Community Development weekly report
July 2013: Installation of signs by Public Works staff



**Convention
Center**



Paramount



City Market



**Czech & Slovak
Museum**



CEDAR RAPIDS

City of Five Seasons®

To: City Council Development Committee
From: Thomas Smith through Joe O’Hern, Executive Administrator of Development Services
Subject: Distance Separation Requirements for Alcohol and Tobacco Sales
Date: May 22, 2013

Background

Over the past few years, several Iowa communities have enacted stricter regulations around the sale of alcohol and tobacco in response to incidents of crime and other public health and safety issues near neighborhood convenience stores. In Cedar Rapids, recent proposals for convenience stores with a principal business of selling alcohol and tobacco have led staff to believe that it could become an issue of safety and stability for the city’s neighborhoods. Neighborhood leaders have also approached the City with concerns about convenience stores selling alcohol and tobacco.

Cedar Rapids does not currently regulate alcohol and tobacco sales through zoning. Instead, alcohol is regulated through Chapter 51, a separate chapter of the City’s Municipal Code, and is not restricted in any zoning districts.

Best Practices for Alcohol and Tobacco Zoning Regulations

Staff surveyed seven Iowa communities to examine best practices related to the control of alcohol and tobacco sales through zoning. Of the seven, three (Davenport, Des Moines, and Waterloo) had more stringent regulations than Cedar Rapids and four (Ames, Council Bluffs, Iowa City, and Sioux City) had similar or less stringent regulations. The following is a breakdown of zoning regulations established by the Cities of Davenport, Des Moines and Waterloo to limit alcohol and tobacco sales in retail establishments.

	<u>Cedar Rapids</u> <i>(Present)</i>	<u>Davenport</u>	<u>Des Moines</u>	<u>Waterloo</u>
1. Definitions	Convenience Retail: An establishment not exceeding 5,000 GFA for retail sale of petroleum products and other supplies for motor vehicles, and/or for the retail sale of a variety of other items typically sold in	Convenience Store: A smaller store or shop, generally accessible or local, often located along busy roads. Can take the form of a gas station supplementing its income with retail goods or retail store with gas. Size of facility is one difference between a grocery and a convenience store.	<ul style="list-style-type: none"> • Food sales establishment: Businesses primarily engaged in sale of food or household products for consumption. No more than 40% of gross receipts from alcohol or tobacco. • Liquor store: Business 	<ul style="list-style-type: none"> • Alcohol Sales Use: Any business deriving income from alcohol sales, excluding restaurants with limited alcohol sales, a club or hotel/motel, short-term outdoor event, gold course or publicly owned sports complex,

	grocery stores.	Another is that grocery customers frequently put their selections into a shopping cart.	primarily engaged in the sale for off-premise consumption of alcoholic liquors, wine, beer where more than 40% of gross receipts are derived from sale of alcohol and tobacco. <ul style="list-style-type: none"> • Retail establishment: Business for mostly non-food, non-alcohol, non-tobacco sales. No more than 40% of sales from alcohol. 	non-profit special events. <ul style="list-style-type: none"> • Limited Alcohol Sales Use: Any alcohol sales use, provided that 50% of its income and 75% of its floor space is devoted to sales other than alcohol, tobacco products, lottery tickets and fuel. In addition, not more than 25% of its gross income can be derived from the sale of alcohol other than beer and wine.
2. Types of Uses Protected Under Distance Separation Regulations	Churches, schools	<ul style="list-style-type: none"> • A. State registered child development homes, state licensed child care centers, schools; • B. Residentially zoned parcels 	Churches, schools, public parks, licensed child care centers	Residences, day care centers, houses of worship, public libraries, schools, public parks, public recreation facilities, civic/convention centers, missions
3. Distance Separation Requirement	300 ft	<ul style="list-style-type: none"> • Between any use under A (see above) and a proposed liquor licensed establishment: 600 ft • Between two liquor licensed establishments in a C-1 or C-2 zone: 2,700 ft • Between any use under B and a proposed liquor licensed establishment: 300 ft 	150 ft	<ul style="list-style-type: none"> • Between any use above and a proposed “carry-out” liquor store: 600 ft • Between two businesses requiring a “carry-out” liquor license that are not limited alcohol sales uses (as defined above): 600 ft • Between two businesses that are not limited alcohol sales uses

				(as defined above): 250 ft
4. Exemptions	None	Hotels, formally organized clubs for patriotic or benevolent purposes, pharmacies, restaurants, groceries, temporary 5-day licensed establishments, specified commercial and entertainment districts	Specified commercial and entertainment districts, legal non-conforming uses until 2013	Legal non-conforming uses, central business district
5. Other Protections	None	None	<ul style="list-style-type: none"> • No liquor stores permitted in a C-1 zoning district • No gas stations or convenience stores may sell liquor in a C-1 district • Liquor stores, taverns, night clubs subject to conditional use permit 	<ul style="list-style-type: none"> • No liquor stores permitted in a C-1 zoning district • Special Permit approval required from Board of Adjustment in certain zone districts

Initial Considerations

Distance separation regulations for convenience stores selling alcohol and tobacco in Cedar Rapids should be designed so that City staff can easily and consistently enforce the regulations and business owners and developers can clearly comprehend the requirements for locating these stores in the city. To ensure that these considerations are met the following criteria should be applied when creating or amending related ordinances:

1. Separation regulations should require the same amount of distance between all protected uses. For instance, Des Moines requires 150 feet of separation between alcohol sales and all protected uses. Other cities have different separation requirements based on the type of protected use, which could lead to confusion and become burdensome to enforce.
2. The distance separation requirements should fall within the range used by other Iowa communities and should be measured in the same way in every case. This ensures that the requirements are reasonable and no more restrictive than peer cities with similar regulations.

Next Steps

Using these criteria, staff from several City departments are meeting with neighborhood leaders to develop a specific recommendation for the types of uses to be protected, the amount of distance to be used, and the way the distance is measured. A recommendation will be presented to the Development Committee at its June meeting.



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To: City Council Development Committee
From: Seth Gunnerson through Joe O'Hern, Executive Administrator of Development Services
Subject: Parklets Update
Date: May 22, 2013

At the May 22nd Development Committee Meeting, staff will provide a brief update on the Downtown Parklet Program.

At the May 14th meeting, Council approved two agenda items related to the proposed Parklet Program for 3rd Street in Downtown. The program will involve the purchase of removable platforms that will extend the sidewalk to create space for cafes and pedestrian activities.

Council approved the purchase of four parklets, along with 12 planters, as part of 3rd Street improvements. The identified vendor has promised delivery of the parklets by July 1, and has agreed to hold pricing through December should the City wish to purchase additional parklets for 2014. The design of the parklets was based on recommendations from the Development Committee at its March 27th Meeting. Parklets will be installed downtown by City crews as soon as they are available and will remain in place until October.

Council also adopted a resolution that established guidelines for the first year of the program. These guidelines were reviewed at the April 30th Development Committee meeting and recommended for adoption by the City Council. Staff has been working with the Downtown SSMID, represented by the Economic Alliance, to identify businesses interested in utilizing a parklet in 2013. Parklets will be leased to businesses under the terms of the existing Sidewalk Café Ordinance, which will charge a cost of \$10 for the lease plus a \$50 application fee. Development Committee recommended no additional fees for the first year of the program. Staff will monitor program costs and return with options for a fee structure for future years at the end of the year.