



City of Cedar Rapids
DEVELOPMENT COMMITTEE MINUTES
City Hall Council Chambers
Wednesday, September 25, 2013
3:00 p.m.

The meeting was brought to order at 3:00 p.m.

Present: Council members Vernon (Chair), Shey and Olson. Staff members present: Joe O’Hern, Interim Community Development Director; Alex Sharpe, Community Development Planner; Kevin Ciabatti, Building Services Director; Thomas Smith, Community Development Planner; Paula Mitchell, Grant Programs Manager; Seth Gunnerson, Community Development Planner; and Alicia Abernathy, Community Development Administrative Assistant.

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

Council member Vernon called for a motion to approve the minutes from August 20, 2013 and August 28, 2013. Council member Shey made a motion to approve the minutes from August 20, 2013 and August 28, 2013. The motion passed unanimously with none opposed.

Informational Items and Updates

Downtown SSMID:

Joe O’Hern, Interim Community Development Director, stated in the past there has been trading of parcels between the Medical SSMID and the Downtown SSMID. The trading of parcels and paperwork involved is near completion.

Marion Annexation:

Mr. O’Hern stated annexation agreements outline boundaries of where cities can annex and they only last 10 years. The previous annexation agreement with Marion expired and staff has been working with Marion to establish a new agreement. An open house will be held for affected landowners so staff can identify where the annexation boundary will be.

1. Ellis Boulevard Viable Commercial Corridor

Alex Sharpe, Community Development Planner, stated two stakeholder meetings have been held for the Ellis Boulevard Plan. The stakeholders have incorporated past planning initiatives and the feedback from the meetings into a new plan that will be submitted with the Viable Business Corridor application. The application allows for limited redevelopment in the 100 year flood plain on City-owned parcels only. Based on some of the stakeholder feedback, preliminary changes were made to the plan including an extension of the corridor.

Mr. O'Hern stated the Viable Business Corridor was originally planned to extend to O Avenue but area stakeholders requested the corridor extend further north to Ellis Lane to give consideration for those areas. An application will be submitted to the Iowa Economic Development Authority (IEDA) for review of the plan and approval.

Council member Olson joined the meeting at 3:07 p.m.

Mr. Sharpe identified elements of the plan relating to place making, intensity of use, connections, and streetscapes.

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

2. Vacant Housing

Kevin Ciabatti, Building Services Director, stated City Council has taken steps to improve neighborhoods and property conditions over the course of the previous year by the passage of Chapter 22A Nuisance Properties and Chapter 29 Housing Code. The common goals of the programs included preserving property values, ensuring properties within the City limits are well maintained, etc. The next step to ensure these goals are met is a registry of vacant and abandoned structures. Chapter 22A and Chapter 29 are far different from Chapter 22, Nuisances. Chapter 22 addresses eighteen specific conditions that define a property as a nuisance. According to Chapter 22, a property that is secured is not considered a nuisance, and there is no mention of vacancy or abandonment in classifying a property as a nuisance. Mr. Ciabatti stated staff will research other communities to find common attributes of an ordinance that established a vacant building registry. Staff will present findings to City Council committees in early 2014 before beginning work on the draft code language and meeting with various stakeholder groups.

Council member Shey asked if the City would be able to make repairs to vacant properties and bill the homeowner. Mr. Ciabatti stated on occasion judges have given the authority to do so. Renovations or remodeling of entire properties has not happened but the possibility can be explored. With the resources available it probably would not happen and the judge has to provide permission to renovate or remodel entire properties.

Council member Olson asked what the difference is between what the City is currently doing with demolishing houses and the proposed new system. Mr. Ciabatti stated the properties that are currently being demolished are structures the City considers nuisances and pursues an order of demolition because they are in structural disrepair.

Council member Olson asked if the new ordinance would apply to residential, commercial, industrial, etc. Mr. Ciabatti stated Chapter 22A applies to all properties but the new proposed ordinance was looked at from a housing standpoint. The ordinance could apply to all properties.

3. Historic Preservation Demolition Ordinance Update

Thomas Smith, Community Development Planner, pointed out steps in the current process of how demolitions go through the Historic Preservation Ordinance. Over previous months, the Historic Preservation Commission (HPC) identified gaps in the current demolition review process that allows potentially historic buildings to be demolished without undergoing review.

Another issue with the ordinance creates a situation in which HPC may receive demolition applications so close to a meeting the public is not adequately notified. Based on the issues, HPC has reviewed best practices from other communities and discussed three recommendations they would like City Council to consider. The first recommendation is the review of partial demolitions of building 50 years old or older. The City's current definition of a demolition is the complete removal of a structure and its foundation, and the clearing of the site. The recommendation from HPC would be adding a definition for partial demolitions. Mr. Smith identified what would be covered under a partial demolition.

Council member Olson stated there are a lot of structures that are 50 years old or older in town and this ordinance would prevent them from fixing up portions of their property. This would defeat the purpose of preserving buildings that are historic. Council member Vernon stated more time is needed to look into this. One concern would be the criteria addressing buildings 50 years or older as a majority of properties are older than 50 years. Council member Vernon suggested it be changed to 75 or 100 years. These additional items should be taken into consideration before the ordinance can be updated.

4. Alcohol and Tobacco Distance Separation

Mr. Smith stated concerns have been expressed in the past pertaining to the effects of liquor and tobacco stores. The City currently has protections in place to control the location of businesses selling liquor or beer including a 300 foot separation from churches or schools. The 300 feet is measured from front door to front door along the sidewalk or street right-of-way. City staff has been meeting to update Chapter 51 and Chapter 32. Chapter 51 recommendations include adding daycare centers, educational institutions, etc. to the list of protected uses. Another recommendation is measuring the 300 feet along a straight line from the nearest points of the structures to each other.

Mr. Smith stated Chapter 32 recommendations would apply to a new type of business, an "Alcohol/Tobacco Sales Use," defined as a business that derives more than 40% of its gross receipts from sales of alcohol or tobacco products primarily intended for off-site consumption. Mr. Smith identified the businesses that would be excluded from this definition. The Alcohol/Tobacco Sales Uses would have to meet additional distance separation requirements including no establishment within 300 feet of a library, public park, recreation center, etc. Also, any two Alcohol/Tobacco Sales Uses would need to be separated by a distance of ¼ mile. The uses would also have to obtain a conditional use permit with mandatory conditions outlined for the permit. The conditions include posting of 24-hour contact information for a manager, strict no loitering policy, functional security cameras, etc. Businesses that don't comply could be subject to amendment or revocation of their permit. Businesses already in operation and in good standing with their licenses/permits would not be subject to the new requirements.

Council member Olson asked how many existing stores would not be able to exist under this new ordinance. Mr. Smith stated this ordinance would grandfather in any existing businesses. If a business left and a new business came in they would have to meet the new requirements.

Council member Shey made a motion to take the recommendation to City Council as long as no major changes were proposed following review by the City Planning Commission and the Board of Adjustment. Council member Olson seconded the motion. The motion passed unanimously with none opposed.

5. ROOTs Round Four

Paula Mitchell, Grant Programs Manager, stated staff is looking for direction to move an administrative plan for the next round of Single Family New Construction (SFNC) to City Council. There is approximately \$11,000,000 is budget authority for this round of the program that would generate approximately 200 units. The development plan is due to IEDA at the end of February 2014 and the units would need to be completed by September 30, 2015. The three prior rounds have created over 600 units. The Housing Market Analysis showed the demand for new and existing housing remains strong and there is a continued need for housing in the core neighborhoods and downtown. Ms. Mitchell stated the standard criteria for administrative plans would be used. Ms. Mitchell also identified provisions for the plan.

Council member Olson asked if there were enough lots available. Ms. Mitchell stated there are not enough City lots available to generate the full 200 units so there is a need to look into privately owned properties. If there is difficulty in generating enough units it would return to Development Committee.

Council member Shey asked if the properties could be used for condominiums. Ms. Mitchell stated they could be used as condominiums.

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

6. CDBG Funding Priorities

Ms. Mitchell stated this is a check-in on the CDBG funding priorities in order to hold a pre-application workshop for the 2014 CDBG and HOME applicants. In September 2012 the City established an annual process to prioritize how the resources are spent as they are increasingly limited. HOME entitlement funds have an additional requirement to set aside a portion of funding for Community Housing Development Organizations (CHDOs). Fifteen percent of all accumulated HOME funds must be used for CHDO activities cumulatively. The recommendations from staff are based off of FY13 final allocation amounts as the FY14 numbers are not yet available. It is recommended \$150,000 of the anticipated \$300,000 in HOME funds be used for eligible CHDO activities. Ms. Mitchell identified the proposed FY14 CDBG Priority Percentages.

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

Council member Shey left the meeting at 3:57 p.m.

7. Request for City-Owned Property – Landover Development Corporation

Ms. Mitchell stated the proposed project is similar to a project that was submitted for the Multi-Family New Construction (MFNC) program. The City received a request for City parcels from the developer to combine public and private acquisition for the development. The developer plans to pursue a Low Income Housing Tax Credit (LIHTC) to construct 40-60 units of multi-family housing. Ms. Mitchell identified the criteria staff is purposing to use in the request for proposals for the City owned parcels.

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

8. Kingston Village Overlay District Recommendation

This item was not discussed and will be discussed at the October meeting.

9. Sign Code Progress Update

Seth Gunnerson, Community Development Planner, stated the Digital Sign Ordinance passed on July 26, 2013 prohibited full motion video and flashing on digital signs that would go into effect on January 1, 2014. City Council asked staff to look into a permit process that would allow video to be displayed under certain circumstance. Research showed there should be a separation of powers between a body that enacts an ordinance and a different body that grants permits for an ordinance. Mr. Gunnerson identified two options including going through a conditional use process or using a permit process. Mr. Gunnerson stated staff would recommend going through a conditional use process.

Council member Olson made a motion to take the recommendation of using a conditional use process to City Council. The motion passed unanimously with none opposed.

10. Parking Changes – Round Three

This item was not discussed and will be discussed at the October meeting.

Council member Vernon called for a motion to adjourn the meeting. Council member Olson made a motion to adjourn the meeting. The motion passed unanimously with none opposed.

Meeting adjourned at 4:07 p.m.

Respectfully submitted,

Alicia Abernathey, Administrative Assistant II
Community Development