AGENDA
CITY PLANNING COMMISSION MEETING
Thursday, September 11, 2014 @ 3:00 PM
City Hall Council Chambers
101 First Street SE, Cedar Rapids, IA 52401

- Opening Statement
- Roll Call
- Approval of the Minutes
- Adoption of the Agenda

1. Case Name: Northeast corner of the intersection of Zika Avenue NW and 16th Street NW (Rezoning)

   Consideration of a Rezoning from R-1, Single Family Zone District to PUD-2, Planned Unit Development Two Zone District as requested by Newbo Development Group, LLC (Applicant) and City of Cedar Rapids (Titleholder)
   *Case No: RZNE-010979-2014; Case Manager: Vern Zakostelecky*

2. Case Name: 4210 Edgewood Road NE (Conditional Use)

   Consideration of a Conditional Use for an Electrical Substation in a R-3, Single Family Residence Zone District as requested by Alliant Energy (Applicant) and City of Cedar Rapids (Titleholder)
   *Case No: COND-012296-2014; Case Manager: Dave Houg*

- New Business
  - Consider amending Chapter 32 of the Municipal Code, the Zoning Ordinance, adding a Northwest Flood Mitigation Overlay District with specific guidelines applicable to land use applications and permits.
MINUTES OF
CITY PLANNING COMMISSION MEETING,
Thursday, August 21, 2014 @ 3:00 p.m.

Cedar Rapids City Hall Council Chambers, 101 First Street SE

Members Present: Scott Overland, Chair
Jim Halverson, Vice – Chair
Samantha Dahlby
Carletta Knox-Seymour
Richard Pankey
Virginia Wilts
Kim King

DSD Staff: Joe Mailander, Manager
Vern Zakostelecky, Planner

CD Staff: Seth Gunnerson, Planner
Jeff Hintz, Planner
Betty Sheets, Administrative Assistant

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 was answered with seven (7) Commissioners present.

Commissioner Overland called for any additions or corrections to the minutes. Commissioner Overland stated with no additions or corrections, the July 31, 2014 Minutes stand approved.

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

1. Case Name: 2727 16th Avenue SW (Rezoning and Conditional Use)

   a. Consideration of a Rezoning from R-2, Single Family Residence Zone District to C-3, Community Commercial Zone District as requested by MidAmerican Aerospace (Applicant) and S & C Realty Associates (Titleholder)
   Case No: RZNE-011721-2014; Case Manager: Vern Zakostelecky

   b. Consideration of a Conditional Use for Warehousing, Wholesaling and Distribution in a C-3, Community Commercial Zone District as requested by MidAmerican Aerospace (Applicant) and S & C Realty Associates (Titleholder)
   Case No: COND-011719-2014; Case Manager: Dave Houg
Mr. Zakostelecky stated this was a rezoning and conditional use request for the old K-Mart property at 2727 16th Avenue by MidAmerican Aerospace. MidAmerican is currently located on Blairs Ferry Road and have outgrown their space. Mr. Zakostelecky presented a location/zoning map, general information, aerial photo and building renderings. Mr. Zakostelecky stated that MidAmerican was providing 58 parking spaces for their use, and northerly portion of the lot would be sold for commercial development. They are providing stormwater management, the entrance would be on the east end of the current building, providing tree buffering and landscaping as well as a building facelift.

Commissioner Overland called for questions of Mr. Zakostelecky.

Commissioner Dahlby recused herself from this project.

Commissioner Halverson stated in addition to the screening, there also seems to be natural screening. Mr. Zakostelecky stated the developer would be able to count that toward the trees. Commissioner Halverson also stated the dock space did not appear to be visible. Mr. Zakostelecky stated it would be along the east side of the building.

Commissioner Overland called for a representative of the applicant.

Brent Jackman, Hall & Hall Engineers, 1860 Boyson Road, Hiawatha, Iowa stated Mr. Zakostelecky had done a great job of explaining the project. Mr. Jackman stated that they had a neighborhood meeting that went well and that there were overhead doors on the east side and not a dock.

Commissioner Overland called for questions of the applicant.

Commissioner Knox-Seymour stated there is a huge parking lot on the property. Mr. Jackman stated that in the future the lot next to 16th Avenue would be for sale for future commercial development.

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

Mike Smejkel, 2608 Matthew Drive SW stated that he lives near this building and since seeing the plans feels this is a great opportunity to turn an old building into something new and approves of the rezoning.

Commissioner Overland called for a motion. Commissioner Halverson made a motion to approve the rezoning from R-2, Single Family Residence Zone District to C-3, Community Commercial Zone District. Commissioner Pankey seconded the motion.

Commissioner Overland called for discussion on the motion. No further discussion.

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

Commissioner Overland called for a motion. Commissioner Halverson made a motion to approve the Conditional Use for Warehousing, Wholesaling and Distribution in a C-3, Community Commercial Zone District. Commissioner Wilts seconded the motion.
Commissioner Overland called for discussion on the motion. No further discussion.

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

Commissioner Dahlby returned to the diesis.

2. **Case Name: 1103 and 1201 Blairs Ferry Road NE (Rezoning)**

   Consideration of a Rezoning from I-1, Light Industrial Zone District to PUD-1, Planned Unit Development One Zone District as requested by Hunter Companies, LLC (Applicant) and Nash Finch Company and Northwestern States Portland Cement Co (Titleholders)

   **Case No: RZNE-011742-2014; Case Manager: Vern Zakostelecky**

   Mr. Zakostelecky stated this was a proposed zoning of the Nash Finch and Northwestern States Portland Cement Co. properties along Blairs Ferry Road NE between Council Street and Rockwell Drive in an I-1 Zone District and proposed zoning of C-3 to be more consistent with the property to the west, north and south. The applicant will demo the 23 acre site and build a mix of commercial and retail. There will be four accesses, one on Council and three on Blairs Ferry to the property. The applicant will present site plans to CPC as the area is developed. Mr. Zakostelecky presented a location/zoning map, general information and a Master Plan.

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

   Commissioner Overland called for a representative of the applicant.

   Shannon Thompson, Bradley and Riley, 2007 1st Avenue SE was present representing the applicant Hunter Companies. Ms. Thompson stated this area is somewhat blighted and will be converted into useful space. The project will provide 7 to 8 times more tax revenue as well as more green space.

   Commissioner Overland called for questions of the applicant.

   Commissioner Knox-Seymour commended the applicant and stated that this was a much needed redevelopment of the area and was happy to see it happening.

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

   Derek Stepanek, 8720 Deercrest Lane stated that he owns the business to the north of this property and supports and welcome the upgrade and appreciates the quality of the site plan. Mr. Stepanek did want to bring to the commissioners his concern of the existing road way and traffic that is currently there due to the current retail that is there.

   Commissioner Overland asked Mr. Zakostelecky if he can comment on the traffic study. Mr. Zakostelecky stated that a traffic impact study is required and the developer may be asked to do some of the off-site improvements. The applicant will have to return to the Planning Commission with site plans as lots develop. More planning has to go into this project after this rezoning is approved.
Commissioner Overland called for a motion. Commissioner Halverson made a motion to approve the Rezoning from I-1, Light Industrial Zone District to PUD-1, Planned Unit Development One Zone District. Commissioner Knox-Seymour seconded the motion.

Commissioner Overland called for discussion on the motion. No further discussion.

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

3. **Case Name: 1415 Bever Avenue SE (Rezoning)**

    Consideration of a Rezoning from R-3, Single Family Residence Zone District to R-TN, Traditional Neighborhood Residence Zone District as requested by Affordable Housing Network, Inc. (Applicant/Titleholder)

    *Case No: RZNE-011780-2014; Case Manager: Vern Zakostelecky*

Mr. Zakostelecky stated this was a rezoning of 1415 Bever Avenue SE for Affordable Housing Network who has developed many other properties in the Wellington Heights Neighborhood. Mr. Zakostelecky presented a location/zoning map and aerial photo.

Commissioner Overland called for questions of Mr. Zakostelecky.

Commissioner Dahlby asked if the property would be split north/south with an access through the alley. Mr. Zakostelecky stated the lot line would be north/south but still have access from alley.

Commissioner Overland called for a representative of the applicant. No applicant was present.

Commissioner Overland called for members of the public who wished to speak. No members of the public were present.

Commissioner Overland called for a motion. Commissioner Dahlby made a motion to approve the Rezoning from R-3, Single Family Residence Zone District to R-TN, Traditional Neighborhood Residence Zone District. Commissioner Knox-Seymour seconded the motion.

Commissioner Overland called for discussion on the motion. No further discussion.

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

4. **Case Name: 1415, 1419 and 1427 Center Point Road NE (Rezoning)**

    Consideration of a Rezoning from O-S, Office/Service Zone District to RMF-2, Multiple Family Residence Zone District as requested by TW Sather Company (Applicant) and Monica J. Brooks (Titleholder)

    *Case No: RZNE-012080-2014; Case Manager: Vern Zakostelecky*

Mr. Zakostelecky stated this was a rezoning request for two 30 unit multi-family buildings at 1415, 1419 and 1427 Center Point Road NE. Mr. Zakostelecky stated the applicant is applying
for round six of an Iowa Economic Development Authority program with final application due to the State on September 2, 2014. Mr. Zakostelecky presented a location map, general information, aerial photo, Preliminary Site Development Plan as well as several building elevations.

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

Commissioner Overland called for a representative of the applicant.

Tom Sather, 6527 Normandy Lane, Madison, Wisconsin along with Monica Brooks the owner of the property was present. This is the final round of CDBG funding. IEDA is looking for uniquely qualified urban infill, very green buildings, extremely green projects, recycled materials, density positive green attribute preventing urban sprawl. From a planning perspective this project makes sense. The Commercial use surrounded by residential currently could be considered spot zoning.

Commissioner Overland called for questions of the applicant.

Commissioner Dahlby stated that the current site has a lot of nice trees and would they be able to save any of the trees. Mr. Sather stated that they would have to do a tree inventory, one of the criteria prior to the final site plan. Mr. Zakostelecky stated that any tree that is taken out will have to be mitigated for over and above for landscaping. Mr. Zakostelecky provided a couple handouts explaining the additional funds available for the program such as stormwater management, permeable paving and bio retention which will provide more funding from the State.

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

Pam Evens, 1235 Center Point Road NE, Marilyn Winch, 1335 O Avenue NE, Sherri Bolton, 1434 Center Point Road NE, Gary Brown, 2034 Birchwood Drive NE, Sue Hays, 2825 Waveland Drive NW, Rose Maquire, 1301 O Avenue NE, Ryen Russell, 1322 O Avenue NE, Kathleen Ahart, 1400 Center Point Road NE, Kathy Payvandi, 349 Woodland Drive SE, John Cejka, 1327 L Avenue NE, Jerry Tichy, 1315 O Avenue NE, Mary Determann, 1620 Center Point Road NE, Laura Brooks Weigand, 2601 Fitchrona Road, Verona, Wisconsin, expressed their concerns as follows:

- Increased traffic
- Noise
- Density to high
- Displacement of wildlife
- Water run-off
- Subsidized housing
- Police presence at current apartments
- Drugs at current apartments
- Over saturation of apartments complexes – 12 in the area
- Suggestion of two way streets on Oakland and Center Point Road
- Management Company concerns and screening
- Institutional Design
- Suggest consistent design to blend architecturally with the neighborhood
- Rezoning of this property will not stop future growth in this neighborhood
Commissioner Overland asked for Mr. Zakostelecky and Mr. Mason to help answer some of the questions and concerns.

Mr. Zakostelecky said there has been discussion to convert both Oakland Road and Center Point Road back to two-way traffic. This property is currently zoned O-S and approved for two office buildings to be built on this property. With office development the traffic would be far worse.

Mr. Zakostelecky stated this development will not contribute to water run off issues.

Mr. Mason was asked to give information on the multi-family new construction program. Mr. Mason stated the program is not subsidized housing. The State announced a final round of funding. The form of assistance is for hard cost of construction when they set aside a number of their units for working class income. The developer is competing with several others in the area as well as 4 other large cities in the State. IEDA is looking at shovel readiness zoning. The City anticipates the State awarding funds in January next year.

Commissioner Overland asked if the developer has requirements to meet in exchange for funding from this program. Mr. Mason stated, yes, the developer has maintenance responsibility, affordability terms, 51% of the 60 units would be income restricted for a period of 10 years and the rest would be market rate. One of the things the State is doing is a storm water incentive for innovative stormwater management. This developer has asked for this funding also.

Commissioner Knox-Seymour asked to be clear that there would be local management to manage the property as well as the amount of the income. Mr. Mason stated that yes it would be a local management company along with stringent screening and background checks. Minimum income for 51% of the units with income levels of approximately $56,000 or below. The others are market rate. Tenant selection plan has to be provided to the City prior to renting.

Commissioner Overland asked the applicant to return to the podium.

Mr. Sather stated he would address the concerns. With respect to traffic generally speaking, going from commercial to residential is considered a down zoning as it has less potential adverse effect. Anyone concerned about traffic should be in support of a residential zoning as it has less potential adverse impact.

With respect to storm management, we are not allowed to release water from a site at rate over what is coming off the site today nor allowed to make water run off worse. IEDA is offering funds for very high tech stormwater management.

The biggest misconception is that this program is not a rental assistance program. No rental assistance is attached to this program. This program is a grant program that allows projects to be built that otherwise would not be financial feasible for providing flood relief from disasters. This provides a unique opportunity for the buyer and the seller. The allowed rents are $889 a month for a one bedroom or $1069 for a two bedroom apartment. The project has heated underground parking, washers and dryers in each unit and using Preferred Property Management with criminal background, credit checks and screening. The project should have tenants that the neighbors would like to have. A higher value project brings up the value of the lower value properties in the neighborhood. This project is at a cost of $170,000 per unit. Time is of the essence for rezoning due to State requirements. A lot of people across 73 counties in Iowa are submitting
applications for these monies from Washington DC. The need here in Cedar Rapids is great. Vacancy rate is 2.3%. The 60 units will put a small dent in the need here in Cedar Rapids.

Commissioner Overland asked for questions of the applicant.

Commissioner King asked about outreached to the neighborhood. Mr. Sather stated that he did not anticipate any neighborhood resistance since this was down zoning. He has sent an invitation to the neighbors for next Tuesday, August 26, 2014 at noon for a meeting at the Double Tree Hotel for one-on-one meetings with the neighbors.

Commissioner King asked why 60 units was needed. Mr. Sather said he was trying to maximize what will bring the most housing to this community. From a financial feasibility standpoint, $3,000,000 is the maximum amount credits allowed per project. The site of 2.7 acres can accommodate this amount of units.

Commissioner Wilts asked about parking, 26 parking under the building and regular parking in the lot between the two units. Mr. Sather stated that proposed parking is at Cedar Rapids standards. Mr. Zakostelecky stated that they were providing two parking spots per unit plus 10% over and above that is for guest parking.

Commissioner Overland called for a motion. Commissioner Halverson made a motion to approve the Rezoning from O-S, Office/Service Zone District to RMF-2, Multiple Family Residence Zone District. Commissioner Pankey seconded the motion.

Commissioner Overland called for discussion on the motion.

Commissioner Halverson stated that the traffic is an issue but in general downzoning is less intrusive than a commercial development. There are a number of conditions that they have to satisfy making this application. Rents do not weigh in on City Planning Commission decision. It is a very sound infill project, very appropriate for that area.

Commissioner Knox-Seymour stated that she supports this project with the supporting material that was provided and overall it is a good project because our community is growing whether we like it or not, it is growing and we have to accommodate each other.

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

5. **Case Name: 353 2nd Avenue SW, 210 5th Street SW and vacant land southerly of 2nd Avenue SW (Rezoning)**

Consideration of a Rezoning from C-3, Regional Commercial Zone District and RMF-2, Multiple Family Residence Zone District to PUD-2, Planned Unit Development Two Zone District as requested by Progression LC (Applicant/Titleholder)

*Case No: RZNE-012265-2014; Case Manager: Vern Zakostelecky*

Mr. Zakostelecky stated this was another project that is being presented for rezoning due to their application submitting to the State for the same program as the previous project. The buildings were removed due to the damage from the flood in 2008 and property was owned by the School
District. Mr. Zakostelecky presented general information, Preliminary Site Plan as well as several building elevations.

Commissioner Overland called for questions of Mr. Zakostelecky.

Commissioner Halverson asked if the larger of the two buildings is more like a townhouse. Mr. Zakostelecky stated that was correct.

Commissioner Overland called for a representative of the applicant.

Steve Emerson, 221 2nd Avenue SE, Shellsburg, Iowa said he would be happy to answer any questions.

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

Commissioner Overland called for members of the public who wished to speak. No members of the public were present.

Commissioner Overland called for a motion. Commissioner Halverson made a motion to approve the Rezoning from C-3, Regional Commercial Zone District and RMF-2, Multiple Family Residence Zone District to PUD-2, Planned Unit Development Two Zone District. Commissioner Knox-Seymour seconded the motion.

Commissioner Overland called for discussion on the motion. No further discussion.

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

**New Business**

Commissioner Overland asked Jeff Hintz to give an updated report on the Communications Tower ordinance.

Mr. Hintz stated the stakeholder group met last Wednesday, August 13, 2014 and heard a lot of concerns about towers. Staff drafting amendment to the current communication tower regulations based on concerns the stakeholders had with the current regulations and will present that to the Development Committee on September 20, 2014 and then the changes will be presented to the City Planning Commission.

Commission Pankey stated that is a need for educating the Commissioners on the process and the criteria and to be able to validate the process.

The meeting was adjourned at 4:30 pm

Respectfully Submitted,

Betty Sheets, Administrative Assistant
Community Development
STAFF REPORT TO CITY PLANNING COMMISSION
Rezoning With Preliminary Site Development Plan

CPC Date: September 11, 2014
To: City Planning Commission
From: Development Services Department

Applicant: NewBo Development Group, LLC
Titleholder: City of Cedar Rapids
Case Number: RZNE-010979-2014
Location: Northeast corner of the intersection of Zika Avenue NW and 16th Street NW
Request: Rezoning from R-1, Single Family Residence Zone District to PUD-2, Planned Unit Development One Zone District
Case Manager: Vern Zakostelecky, Development Services Department

BACKGROUND INFORMATION:

The property is undeveloped in the City’s Ellis Park. The applicant has been chosen by City Council as the preferred developer and is proposing a mix of single-family homes, duplexes and 5-unit row house structures. Several neighborhood meetings have been held by the applicant and no major objections have been voice. The PUD-1 rezoning requires approval of a Preliminary Site Development Plan and then an Administrative Site Plan will be submitted for the development prior to construction of improvements. The Preliminary Site Development Plan as submitted includes the following improvements:

- Total site area-6.88 acres.
- 28 building lots & several lettered lots for dedication of right-of-way and play ground and open space.
- Total of 28 housing units (10-townhomes, 10 duplex units & 7 single family homes).
- Total parking includes two stall garages for the single-family homes and duplexes and one stall garages for the townhomes.
- Total parking including tandem spaces-100.
- Access to single family & duplex homes is a public street off Zika Avenue NW.
- Access to townhomes is two private drives onto 16th Avenue NW.
- Several areas will be developed with bio-retention cells for storm water management.
- Lot B will be dedicated back to the City for park & open space use.

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: The request rezoning is not required to correct a technical mistake in the existing zoning regulations.

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

Staff Comments: The Future Land Use Map in the Comprehensive Plan shows the property as Park/Open Space. Since City Council has determined this to be excess park property and offered it for private redevelopment, the Plan will be adjusted accordingly with adoption of the new EnvisionCR Comprehensive Plan, which will be adopted later this year.

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

Staff Comments: The properties along 16th Street NW to the west and north of this site are developed with single-family homes. Single-family homes are also developed along Ellis Boulevard north of the subject property. It should be noted that just west of the single-family homes on 16th Street is an existing duplex development. To the east is Ellis Park and to the south of Zika Avenue is the City-owned Ellis Golf Course. Based on the density and price point of the units, the proposed development will be consistent with the surrounding development in the area.

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

Staff Comments: The property has been identified as suitable for a mixed of housing types.

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 proposed development of this property will be consistent with the existing development in the neighborhood. Since this is an in-fill site with no further development potential in the immediate area, the proposed development will protect the existing neighborhood from nearby development at heights and densities that are out of scale with the existing neighborhood.

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: All facilities and services, including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation are currently in place and serving the existing neighborhood and are readily available to adequately serve the applicant’s property. The proposed development will not negatively impact levels of service to existing development in the general area.
RECOMMENDED CONDITIONS:

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

1. Lighting fixtures shall be shielded in a manner that shall not direct illumination on adjacent residential properties, or on any public right-of-way as per Subsection 32.05.030.B. of the Zoning Ordinance.
2. Landscaping and buffering/screening shall be provided per the Zoning Ordinance, Subsection 32.05.030.A. This includes street front landscaping for parking area adjoining public and private streets, continuous planting islands for every 4th bay of parking, street front landscaping, etc.
3. The property shall be platted per State and City subdivision regulation.
4. Multi-Family Design Standards as specified in Subsection 32.05.030.D. shall be met or a variance must be obtained.
STAFF REPORT TO CITY PLANNING COMMISSION
Conditional Use with a Preliminary Site Development Plan

CPC Date: September 11, 2014
To: City Planning Commission
From: Development Services Department

Applicant: Alliant Energy
Titleholder: City of Cedar Rapids
Case Number: COND-012296-2014
Location: 4210 Edgewood Road NE
Request: Conditional Use approval for a utility substation in an R-3, Single Family Residence Zone District
Case Manager: Dave Houg, Development Services Department

BACKGROUND INFORMATION:

The applicant wishes to rebuild a fire-damaged electrical substation at 4210 Edgewood Road NE. A utility substation is allowed in the R-3 Zoning District as a conditional use provided there is adequate buffering and screening incorporated into the development plan.

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

The site plan submitted shows the following characteristics:

- Total site area: 0.284 acres
- Total existing covered area: 0.239 acres
- Total proposed covered area: 0.284 acres (substation pad & drive)
- Total existing open area: 0.239 acres
- Total proposed open area: 0.00 acres

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 requested is permitted within an R-3, Single Family Residence 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: The proposed development will be consistent with the intent and purpose of the Zoning Ordinance since substations are allowed as a conditional use in residential zoning districts.

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: This area is designated as Low Density Residential on the City’s Future Land Use Map. The location lies within the Twin Pines golf course. Conditional Use approval for a utility substation in the R-3 Zone District would be in line with the subject property and surrounding area’s existing uses and future land use designations.

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 substation will be surrounded by a 15’ high solid decorative wall and evergreen plantings.

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 equipment and site will comply with all provisions of the Ordinance and the R-3 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: A decorative screen wall and landscaping is planned to reduce the visual impact associated with the proposed equipment.
RECOMMENDED CONDITIONS:

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

1. The proposed 15' tall screen enclosure around the entire proposed substation shall be relatively consistent with the elevations provided in this application for Conditional Use approval. The final design will be determined at the time of review of the Administrative Site Plan application.

2. PRIOR TO THE ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY, the property owner shall be responsible to submit to the City a signed Agreement for Private Storm Water Quality improvements on this site and a maintenance plan for the water quality structure.
To: City Planning Commission Members  
From: Jeff Hintz through Jennifer Pratt, Interim Community Development and Planning Director  
Subject: Northwest Flood Mitigation Overlay District  
Date: September 11, 2014

Community Development Staff has been working with Building Services and Development Services staff to create an overlay district which would allow for routine maintenance of property in the area that is currently subject to the moratorium.

The proposed ordinance would establish an overlay district with requirements which seek to limit new development or changes in development patterns. This overlay would not prevent a homeowner from doing the following:

- Routine maintenance and upkeep, such as roof replacement
- Meeting requirements of building and other mechanical codes

The list above is certainly not exhaustive of what would be allowed, but the intent and spirit of this overlay is to keep properties in this area habitable, safe and enjoyable. At the same time, the overlay would prohibit changes in land usage and significant investment. The proposed overlay district would not allow any new applications for the following:

- Zone changes
- Conditional Uses
- Home Occupation
- Expansion, construction or relocation of new structures
- Site Development Plans
- Platting, re-platting or subdividing of land
- Rental registrations

This overlay district is intended to preserve the area the way it exists today, prior to the flood protection system final plans construction. The overlay allows properties to be maintained, structures to be maintained and enjoyment of property as it exists today, while limiting new development.

Staff recommends taking the ordinance amendment to establish the new Northwest Flood Mitigation Overlay District to City Council for approval.

Development Committee recommended approval of this ordinance at the August 20, 2014 meeting.

Attachments: Proposed ordinance creating the Northwest Flood Mitigation Overlay District.
ORDINANCE NO.

ORDINANCE AMENDING CHAPTER 32 OF THE MUNICIPAL CODE, THE ZONING ORDINANCE TO CREATE THE NORTHWEST FLOOD MITIGATION OVERLAY DISTRICT WITH SPECIFIC GUIDELINES APPLICABLE TO LAND USE APPLICATIONS AND PERMITS

WHEREAS, since the flood of 2008 the City of Cedar Rapids has purchased many, but not all of the property in the flood damaged areas for flood mitigation purposes; and

WHEREAS, some properties within this area may be impacted by the construction of the west side flood mitigation system or not be protected by the City’s proposed flood mitigation system such that expansion or investment in said properties would not be warranted; and

WHEREAS, actions currently permitted under Cedar Rapids development and building codes and standards could allow unwarranted or unwise development or use of property in the area.

NOW, THEREFORE, BE IT ORDAIN ED by the City Council of the City of Cedar Rapids, Iowa as follows:

Section 1. That Chapter 32, the Zoning Ordinance, is hereby amended by adding Section 32.03.010.C.8—Northwest Flood Mitigation Overlay District, as follows:

8. Northwest Flood Mitigation Overlay District

a. The Northwest Flood Mitigation Overlay District is hereby created. The area of the Northwest Flood Mitigation Overlay District is as set forth in Figure 32.03.010.C.8-1 attached hereto.
b. After the adoption date of this ordinance, the Northwest Flood Mitigation Overlay District shall constitute a district of “nonconformities established by this Ordinance for purposes of Section 32.07 “Nonconformities.”

c. Except for property owned by the City of Cedar Rapids, on and after the effective date of this section, buildings, structures and uses within the Northwest Flood Mitigation District shall be deemed to be nonconforming and subject to the provision of Section 32.07.

d. Within the bounds of this district, all of the following shall also apply:
   1. No new construction, addition to, or relocation of any structure to this area;
   2. No permits for new fencing shall be issued;
   3. No alteration of surfaces including, but not limited to patios, sidewalks, driveways, or parking areas;
   4. No Rezoning, Home Occupation, Conditional Use Permit, Revised Site Development Plan, Site Development Plan, Land Use Change,
Major/Minor Preliminary Plat or Subdivision shall be applied for, nor be considered by city staff or other Board/Commission;
5. No new rental registrations shall be issued.

e. Exceptions
1. Typical maintenance to structures or buildings to meet existing building and mechanical codes shall be allowed so long as the repairs do not exceed 50% of the current market value of the building or structure.

f. Any permit applied for within the bounds of this overlay shall be subject to review by the Building Services Department for up to three business days.

Section 2. Separability of Provisions. It is the intention of the Council that each section, paragraph, sentence, clause, and provision of the Ordinance is separable, and, if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof than that affected by such decision.

Section 3. That all ordinances or parts of ordinances in conflict herewith are repealed.

Section 4. That the afore described Amended Chapter 32 shall be included as part of the replacement pages of the Municipal Code, City of Cedar Rapids, Iowa, and made a part of said Code as provided by law.

Section 5. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Introduced this 23rd day of September, 2014.