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 March 27, 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: 6051 Eastview Avenue SW (Conditional Use)**

Consideration of a Conditional Use for Assisted Living Facility in an R-3, Single Family Residence Zone District as requested by All Ages Care Services, LLC (Applicant) and Soji I. and Romoke M. Olutunde (Titleholders)

Case No: COND-008482-2014; Case Manager: Dave Houg
Mr. Mailander stated this is a request for a conditional use for assisted living residence of three or more persons. Mr. Mailander showed an aerial photo, street view and location zoning map. The property is zoned R-2 and assisted living is a conditional use in this district. Four (4) residents reside in this home and staff requirements are 2 to 3 staff members during the day and one (1) staff member at night. Conditional Uses are those uses having some special impact or unique characteristic that requires careful review of their location and design. The City Planning Commission recommendation is based on the impact of proposed use, not on the operation of the current user. Staff understands that there is opposition to the current business at this site. That operation is separate as it relates to the zoning use. The property owner has received certification from the state to operate long term care residence. The State of Iowa Department of Licensing and Appeals is the agency responsible for ensuring proper management of this residence. Staff does not view the use classification as affecting the general character of the neighborhood. Staff recommends that should the approval be recommended, that said structure is not to be occupied without obtaining a Certificate of Occupancy as an Assisted Living Facility. This Conditional Use is scheduled for Board of Adjustment’s approval/denial on May 12, 2014.

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

Commissioner Overland called for a representative of the applicant.

Soji Olutunde, 19 Julia Anne Drive NW stated that he did not know much about the City’s requirements for using the house for an Assisted Living home. He bought the house and put the people there because some landlords will not rent to them because of their behavior. We are licensed from the State to have these individuals along with the case worker and family. The State would not let us have them if we did not have our own house. Mr. Olutunde stated he needed to change the zoning for this house for Conditional Usage to allow them to live there. We have staff for them. Some of the individuals are mentally challenged. Some have behavior problems. We have staff to monitor their behavior. But for sure when the staff cannot handle the behavior because it is too much, the police will transfer them to the hospital and see psychiatrist. Sometimes if the staff cannot handle them then they have to be discharged.

Commissioner Overland called for questions of the applicant.

Commissioner Knox-Seymour asked about the terms of their behavior and how disruptive can the clients be to the neighborhood, can they leave out of the home, and can they run out at any point and time. Leave whenever they want to; run at any point at time?

Mr. Olutunde stated that when they act out and leave then Staff will follow them. Never had call from ISP or neighborhood pro

Commissioner Knox-Seymour asked to clarify that staff would follow the client when they run out of the house on their own.

Mr. Olutunde stated no

Commissioner Knox-Seymour asked if they run out on their own.

Mr. Olutunde stated no.
Commissioner Dalhby asked if there are vehicles available to the clients that live there in addition to staff vehicles.

Mr. Olutunde stated that they have staff that do not have vehicle. Family drops them off. Two months ago he received a complaint that staff parked in a public area. He advised his staff that they could not park anyplace but in front of house. Two vehicles can park in front and two vehicles can park in drive so they have sufficient staff parking.

Commissioner Wilts asked if the clients lived there permanently.

Mr. Olutunde stated they live there 24 hours a day unless a family member takes them out.

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

Linda Howe, 6045 Eastview Avenue SW, Jason Long, 6050 Eastview Avenue SW, Bob Burnes, 6033 Eastview Avenue SW, Rick Barger, 229 Broadmore Road SW, Kathy Witmer, 234 Broadmore Avenue SW

1. Police Calls
2. Clients Running away
3. March 14th the owner had to call for police back up because they could not control the situation
4. No Supervision, support or discipline
5. Several police at a time
6. Safety
7. Threatening staff by a client with a knife
8. Smoking and talking outside late at night
9. Striking a resident
10. Professionalism and certification of the staff
11. Clients leave house anytime they want to
12. Concern for the school children in the area

Commissioner Overland called for a motion. Commissioner Knox-Seymour made a motion to approve the Conditional Use in an R-3, Single Family Residence Zone District. There was no second therefore the motion died. Commissioner Pankey made a motion to deny the Conditional Use in a R-3, Single Family Residence Zone District. Commissioner Wilts seconded the motion.

Commissioner Overland called for discussion on the motion.

Commissioner Halverson stated he supported the denial of the Conditional Use as it is difficult to support the application from a facility prospective as well as the operational challenges.

Commissioner Wilts stated she also agreed to deny and she has an assisted living home near her home and it is not disruptive.

Commissioner Overland called for a vote on the motion. The motion passed with a vote of six (6) to one (1).
2. **Case Name: 58 Miller Avenue SW (Conditional Use)**

   Consideration of a Conditional Use for an Outdoor Service Area in a C-2, Community Commercial Zone District as requested by Wisnousky Enterprises, LLC (Applicant/Titleholder) and BB Inc. (Titleholder)

   *Case No: COND-008693-2014; Case Manager: Dave Houg*

   Mr. Houg stated this was a request for outdoor service in a C-2, Community Commercial Zone district. This is a new owner who realized that a Conditional Use had not been applied for prior to his taking ownership. All the improvements are in place. Mr. Houg showed a street photo and a preliminary site plan and seven (7) recommended conditions for this request.

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

   Commissioner Dahlby asked if the outdoor service area had been used by the previous owner and if there had been any complaints. Mr. Houg stated that no complaints had been reported. Commissioner Dahlby asked if there was lighting on the premises. Mr. Houg deferred to the applicant to answer that question.

   Commissioner Overland called for a representative of the applicant.

   Jerry Wisnousky, 58 Miller Avenue SW stated that there is 5 can lights on the patio.

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

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

   Commissioner Overland called for a motion. Commissioner Halverson made a motion to approve the Conditional Use in a C-2, Community Commercial Zone District. Commissioner Dahlby seconded the motion.

   Commissioner Overland called for discussion on the motion.

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

3. **Case Name: North of Highway 30 and east of Union Drive SW (Rezoning)**

   Consideration of a Rezoning from A. Agriculture Zone District to R-2, Single Family Residence Zone District as requested by College Farms, LLC (Applicant/Titleholder)

   *Case No: RZNE-008536-2014; Case Manager: Vern Zakostelecky*

   Mr. Zakostelecky stated this is a request to rezone property after its annexation is recorded. This rezoning is on the east side of town. Applicant is proposing to rezone half of the property (approximately 17 acres). Mr. Zakostelecky showed an aerial photo. Mr. Zakostelecky also stated that he had received a call from the residents to the west. This area does not have sanitary sewer and the developer built a lift station.

   Commissioner Overland called for questions of Mr. Zakostelecky. No questions were presented.
Commissioner Halverson asked what the points of access were to the property. Is there more than one point of access? Mr. Zakostelecky stated that at this point there is only one access which is a high-speed divided highway.

Commissioner Overland called for a representative of the applicant.

Allen Witt, 2207 Ridgeway Drive SE stated that he had created a preliminary plat and the area is pretty rugged. Only half the property is being rezoned and the applicant has no desire to rezone the other area. There is only one access road. 36 units on 17 acres, which is an extension of the existing project. There are deceleration lanes, however DOT will not allow for acceleration lanes. There is a pump station that could accommodate 108 units without doing anything special. Maintenance is more operational issues.

Commissioner Overland called for questions of the applicant.

Commissioner Pankey asked how many units were currently using the pump station. Mr. Witt stated 72 approved units with 36 added to this. The City does have a long range plan to add sewer, but there is no City service at this time. With the possibility of adding a tank in the future.

Commissioner Dahlby asked if 108 is the limit. Mr. Witt stated that there is a maximum peak and they looked at the flow rates that were happening a peak times.

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

Jeremy Brigham, 5102 Cotton Court SW is a President of the Homeowner Association, John Erceg, 5212 Windmill Court SW; Vice President of the homeowners association, Don Strong, 5221 Windmill Court SW and 4914 Harvest Court SW, Jared Hempstead, 5115 Hatfield Drive SW voiced their concerns:

1. There are 83 homes that are built and occupied currently. Adding 36 will put the number of 108 much larger.
2. They have had to repair the lift station two times since they lived there for 5 years. The peak flow possibility that has never been reached. Hopes the City will hire a Lift Station Engineer to look at all Lift Stations.
3. Concern of the access to the project and safety regarding the access and a second access before the homes are built.
4. Repair of the lift station has cost the homeowners a lot of money
5. Wait time to access road 2.5 to 5 minutes average between 6:30 and 9am
6. Water pressure issues very low

Commissioner Overland asked for the applicant to answer the citizens’ concerns.

Mr. Witt stated that the pump stations will handle 108 homes and that is a correct number and that there is an agreement with the City that the pump station will handle 108 homes.

Mr. Witt stated the water pressure is an issue and will work with City staff to improve that. 20 PSI is the minimum water pressure per the fire department and he will have a test done.
Mr. Witt stated that Honey Grove is the second access. It is ¾ mile from the access today. Highway 30 built left and right turn lanes at the onset of the project. Unfortunately the Iowa DOT will not make an acceleration lane.

Compatibility and suitability of the lots was another issue and the developer is willing to stay with the 108.

Commissioner Dahlby asked to see the plat of the access road.

Commissioner Halverson asked that if there was a plat they would see that.

Mr. Zakostelecky stated that was correct. He also pointed out that there is a project to bring gravity sewer to this area but it is unfunded at this point. Engineering states it is in excess of million dollars to do this.

Commissioner Dahlby asked if it was customary to wait until there is a problem or to be proactive.

Mr. Zakostelecky stated that developer would have to provide the extension to the sewer to serve the area. City Council decided to annex out highway 30 but now at a dead end main. As a developer builds houses to build pumps into the house and add that to the cost of the house. Another access will not solve the safety problem.

Mr. Witt stated that the second access will mainly be for fire.

Commissioner Dahlby asked if the development was developed before it was annexed. Mr. Zakostelecky stated it was developed after annexation.

Commissioner Pankey asked if the tank would solve the problem above 108 homes. Mr. Witt said that if you add 10 homes the 108 will not be a problem unless you put in 25-30 homes. The tank is a solution but the cost is great.

Commissioner Dahlby stated 20-30 homes added would be too many to handle the pump station. Mr. Witt stated that the 108 is the maximum.

Commissioner Pankey asked if they could project the development of the second access. Will that be part of the 108 development or beyond?

Mr. Witt stated beyond the second access would be beyond the 108 however the second access will be built for fire protection.

Commissioner Halverson with the pump station does the city have a standard or expectation as to what they will satisfy.

Mr. Mailander stated that this DNR that sets the minimum requirements. If the City comes back to take over the pump stations there would likely be some higher standards but at this point the DNR sets those standards.

Commissioner Overland called for a motion. Commissioner Halverson made a motion to approve the rezoning from A, Agriculture Zone District to R-2, Single Family Residence Zone District. Commissioner King seconded the motion.
Commissioner Overland called for discussion on the motion.

Commissioner Dahlby stated she would vote against it, not because the developer hasn’t put any thought to this as they have, but because it looks like a case of sprawl at this point in time. The lift station issue and access are also a concern.

Commissioner Halverson stated that he voted in support of this because of the use of that area and feels much of the testimony that we have heard today is regarding the plat and we will be reviewing the plat once it is finally submitted.

Commissioner Pankey stated that he supported this also and understood the developer is doing what he can and has addressed the lift station issue and also that the Commission would be reviewing the plat. This is a nice area and has nice homes.

Commissioner Overland called for a vote on the motion. The motion passed with a vote of six (6) to one (1).

4. Case Name: 1408 4th 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-008539-2014; Case Manager: Vern Zakostelecky

Mr. Zakostelecky stated this was a request to rezone property in the Wellington Heights Neighborhood area similar to the ones presented to City Planning Commission earlier. Mr. Zakostelecky showed a site plan.

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

Commissioner Overland called for a representative of the applicant.

Corey Houchins-Witt, Affordable Housing Network, Inc., 5400 Kirkwood Boulevard SW stated this is one more of several that will be built in the Wellington Heights Neighborhood. AHNI will be building 5 new houses in this area. Skogman homes will build the home and the homes will fit with the architectural design of the area. Mr. Houchins-Witt looks forward to the Commissioners support of the development.

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

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

Commissioner Overland called for a motion. Commissioner Wilts made a motion to approve the Rezoning from R-3, Single Family Residence Zone District to R-TN, Traditional Neighborhood Residence Zone District. Commissioner Halverson seconded the motion.
Commissioner Overland called for discussion on the motion. No discussion was presented. The motion passed unanimously with none opposed.

5. **Case Name: 1008, 1012, 1018 and 1024 2nd Street SE, 208 11th Avenue SE; 1009, 1013, 1019 and 1021 3rd Street SE (Rezoning)**

   Consideration of a Rezoning from RMF-2, Multiple Family Residence Zone District to PUD-2, Planned Unit Development Two Zone District as requested by 3rd Ward Development, LLC (Applicant/Titleholder)

   *Case No: RZNE-008553-2014; Case Manager: Dave Houg*

Mr. Zakostelecky stated this is a mix-used development under the PUD about a half block on the second street side and a block on the third street side. A historic home will be moved to 11th Street Avenue SE. There will be commercial on the ground floor with residential on the second floor. Mr. Zakostelecky showed a Location Zoning Map, Aerial Photo, Preliminary site plan, and building renderings

Commissioner Overland called for questions of Mr. Zakostelecky.

Commissioner Knox-Seymour stated that it is nice to see this that is happening in that area.

Commissioner Overland called for a representative of the applicant.

Don Barringer, 509 Vernon Drive SE stated that Mr. Zakostelecky hit the highlights of the development. The row houses and the mixed use are all part of the development.

Commissioner Overland called for questions of the applicant.

Commissioner Knox-Seymour asked where the area was that the owner was not selling. Mr. Zakostelecky showed on the site plan where the gazebo was located.

Commissioner Overland stated that it was a wonderful project and a great use of the new PUD zoning.

Commissioner Wilts asked if the applicant was going to do something different to the roofs such as the Library and the Water Tower place such as green roof. Mr. Barringer stated it had a parapet and screening for the HVAC units and did not have plans for a green roof.

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

Commissioner Overland called for a motion. Commissioner Pankey made a motion to approve the Rezoning from RMF-2, Multiple Family Residence Zone District to PUD-2, Planned Unit Development Two Zone District. Commissioner Dahlby seconded the motion.

Commissioner Overland called for discussion on the motion. No discussion was presented. The motion passed unanimously with none opposed.
6. **Case Name: ROOTs (54) Lots (Rezoning)**
   Consideration of a Rezoning from R-3, Single Family Residence Zone District, RMF-1 and RMF-2, Multiple Family Residence Zone District and C-3, Regional Commercial Zone District to R-TN, Traditional Neighborhood Residence Zone District requested by City of Cedar Rapids. (Applicant/Titleholder)
   
   **Case No: RZNE-008880-2014  Case Manager: Vern Zakostelecky**

   Mr. Zakostelecky stated these are all City owned lots that were obtained under the acquisition program. They are now being disposed of to have homes built on in the flood impacted area. There are multiple zonings that are being rezoned to R-TN. Mr. Zakostelecky

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

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

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

   Commissioner Overland called for a motion. Commissioner Halverson made a motion to approve the Rezoning from R-3, Single Family Residence Zone District, RMF-1 and RMF-2, Multiple Family Residence Zone District and C-3, Regional Commercial Zone District to R-TN, Traditional Neighborhood Residence Zone District. Commissioner Dahlby seconded the motion.

   Commissioner Overland called for discussion on the motion. No discussion was presented. The motion passed unanimously with none opposed.

   **New Business**

   1. Consideration of the expiration date of May 1, 2014 be extended until May 1, 2016 for the Applewood Hills Estates Addition, Major Preliminary Plat for property located south of Ellis Road NW, north of Rogers Road NW and west of Edgewood Road NW by Wilmar Development Co.

   **Case No: PP-2310-1206; Case Manager: Vern Zakostelecky**

   Mr. Zakostelecky stated a request by Wilmer Development Co. south of Ellis Road. The plat was approved by council resolution and the developer is asking for a two year extension. Mr. Zakostelecky stated that staff recommends this extension be approved.

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

   Commissioner Overland called for a motion. Commissioner Halverson made a motion to approve the extension of the Major Preliminary Plat. Commissioner Pankey seconded the motion.

   Commissioner Overland called for discussion on the motion. No discussion was presented. The motion passed unanimously with none opposed.
2. Consideration of the expiration date of May 3, 2014 be extended until May 3, 2015 for the approved Preliminary Site Development Plan for proposed Hy-Vee Store located Southwest of C Avenue and East Main Street NE by Hy-Vee, Inc.

*Case No: 92-11-035; Case Manager: Vern Zakostelecky*

Mr. Zakostelecky stated this is an extension for the development of the proposed Hy-Vee store at the southwest corner of what will be Tower Terrace Road and C Avenue NE. The approval by CPC in 2012 and the developer has not begun construction. The developer did ask for a two year extension but zoning ordinance only provides for a one year extension. Staff recommends that we would grant this extension.

Commissioner Overland called for questions of Mr. Zakostelecky.

Commissioner Halverson stated that this probably was because of the Tower Terrace Road. Mr. Zakostelecky stated that was correct.

Commissioner Overland called for a motion. Commissioner Pankey made a motion to approve the extension of the Preliminary Site Development Plan. Commissioner King seconded the motion.

Commissioner Overland called for discussion on the motion. No discussion was presented. The motion passed unanimously with none opposed.

Commissioner Knox-Seymour asked to go on record that in the first agenda item, Mr. Olutunde was not asked to return to answer questions after the public spoke. Commissioner Overland stated it was duly noted.

The meeting was adjourned at 4:30 pm

Respectfully Submitted,
Betty Sheets, Administrative Assistant
Community Development