AGENDA
CITY PLANNING COMMISSION MEETING
Thursday, July 18, 2019@ 3:00 PM
City Hall Council Chambers
101 First Street SE, Cedar Rapids, IA 52401

Call Meeting to Order

Roll Call

A. Approval of the Minutes

B. Adoption of the Agenda

C. Action Items

1. West Side Corporate Park Urban Renewal Area Plan
   Presenter: Caleb Mason

2. Case Name: 62 16th Avenue SW (Conditional Use)
   COND-028960-2019; Case Manager: Dave Houg

   Consideration of a Conditional Use an expansion of outdoor service area in a U-VG, Urban Village General District as requested by Michael Flack (Applicant).

3. Case Name: 8205 6th Street SW (Rezoning)
   RZNE-028937-2019; Case Manager: Vern Zakostelecky

   Consideration of a Rezoning from A-AG, Agriculture District to an I-GI, General Industrial District as requested by 380 Commerce Park, LLC (Applicant) and Janice J. & Nicholas Horack (Titleholder).

4. Case Name: 8205 6th Street SW (Future Land Use Amendment)
   FLUMA-029074-2019; Case Manager: Vern Zakostelecky

   Consideration of a Future Land Use Amendment from the U-MI, Urban Medium Intensity to I, Industrial as requested by 380 Commerce Park, LLC (Applicant) and Janice J & Nicholas Horak (Titleholder).

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service, or activity, should contact Dani Blin at 319 286-5780 or email da.blin@cedar-rapids.org as soon as possible but no later than 48 hours before the event.
5. **Case Name:**  Vacant land south of Otis Road SE & east of Prairie Park Fishery Road SE (Essential Service)

*PSDP-028113-2018; Case Manager: Sandy Pumphrey*

Consideration of an essential service rail yard in an R-1, Single Family Residence Zone District as requested by Cargill, Inc.  (Applicant) and Gregory Baird and James & Mary O’Connor Trust (Titleholders).
To: City Planning Commission  
From: Caleb Mason, Community Development & Planning  
Subject: Consideration regarding conformity of the proposed West Side Corporate Park Urban Renewal Area Plan with the City’s Comprehensive Plan  
Date: July 10, 2019

BACKGROUND INFORMATION:

The City Council has initiated proceedings to establish the West Side Corporate Park Urban Renewal Area Plan generally located between 6th Street SW & I380, and Walford Rd and Tharp Rd SW.

This district is being established as an economic development area as defined in chapter 403 of the Iowa Code to provide for expansion of commercial and industrial development and expansion to aid in the expansion of tax base and creation and jobs and public improvements to 6th Street SW. The attachment provides a draft of the West Side Corporate Park Urban Renewal Plan which includes the objectives and current activities proposed for the URA.

The State Code of Iowa requires that prior to City Council adoption of an urban renewal area, the urban renewal plan must be referred to the City Planning Commission for review and recommendation “as to its conformity with the general plan for the development of the municipality as a whole.”

The action requested from Planning Commission is to make a finding regarding the consistency of the proposed Urban Renewal Plan with the City’s Comprehensive Plan, EnvisionCR. In addition to the City Planning Commission’s review, the City has consulted with the affected taxing agencies regarding the plan for the proposed urban renewal area. All comments received by CPC will be presented to City Council for its consideration during the public hearing scheduled for July 23, 2019.
URBAN RENEWAL PLAN
for the
WEST SIDE CORPORATE PARK
URBAN RENEWAL AREA

As Approved by City Council
Resolution No. ________
INTRODUCTION

This Urban Renewal Plan (the "Urban Renewal Plan") has been prepared by the City of Cedar Rapids, Iowa (the "City") to provide for the development of the West Side Corporate Park Urban Renewal Area (the "Project Area") of the City, and to stimulate, through public actions, financings and commitments, private investment in the urban renewal Project Area. In order to achieve these objectives, the City shall undertake the urban renewal actions specified in this Urban Renewal Plan, pursuant to the powers granted to it under Chapters 403 and 15A of the Code of Iowa, 2019, as amended (the "Code").

I. URBAN RENEWAL PLAN OBJECTIVES

The City has designated the Project Area as an "economic development area" as defined under Chapter 403. The primary objectives of this Urban Renewal Plan for the Project Area are as follows:

1. To stimulate through public action and commitment, private investment in new commercial, and industrial properties and expansions;
2. To plan and provide sufficient land for new and expanding private development;
3. To attract new businesses to the City and to encourage the expansion of existing City businesses;
4. To create new jobs;
5. To provide a more marketable and attractive investment climate through the use of various federal, state and local incentives;
6. To ensure that the Project Area is adequately served with public facilities, roadways, trails, utilities and services; and
7. To achieve a diversified, well-balanced economy providing a desirable standard of living, creating job opportunities for City residents and strengthening the property tax base of the City.

II. DESCRIPTION OF PROJECT AREA

The Project Area is an "urban renewal area" as defined in the Code and is located within the City of Cedar Rapids, Linn County, Iowa. The boundaries of the Project Area are illustrated on the Project Area Map attached hereto as Attachment A.

The Project Area consists of an approximately 127 acres, more or less, in the City of Cedar Rapids, Iowa and being described as follows:

The SW ¼ SW ¼ of Section 28, Township 82 North, Range 7 West of the 5th Principal Meridian lying south of Hughes Group First Addition in the City of Cedar Rapids, Linn County, Iowa

The South 200 feet of the SW ¼ SW ¼ of Section 28, Township 82 North, Range 7 West of the 5th Principal Meridian lying west of Hughes Group First Addition in the City of Cedar Rapids, Linn County, Iowa

The South 200 feet of the SE ¼ SE ¼ of Section 29, Township 82 North, Range 7 West of the 5th Principal Meridian lying east of Lot 1 of Dar – T Second Addition to Linn County, Iowa
The East 230 feet of the SE ¼ SE ¼ of Section 29 and NE ¼ NE ¼ of Section 32, all in Township 82 North, Range 7 West of the 5th Principal Meridian lying south of Lot 1 of Dar – T Second Addition to Linn County, Iowa.

All that part of the road right way of 6th Street SW in Sections 28, 29, 32, and 33, all in Township 82 North, Range 7 West of the 5th Principal Meridian lying South of the north right of way line Walford Road SW and lying North of the south right of way line of Tharp Road SW.

The NW ¼ NW ¼ of Section 33, Township 82 North, Range 7 West of the 5th Principal Meridian lying north of West Side Corporate Park Fourth Addition in the City of Cedar Rapids, Linn County, Iowa and west of Interstate 380.

West Side Corporate Park First Addition in the City of Cedar Rapids, Linn County, Iowa.

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West Side Corporate Park Fourth Addition in the City of Cedar Rapids, Linn County, Iowa.

West Side Corporate Park Fifth Addition in the City of Cedar Rapids, Linn County, Iowa.

The NW ¼ SW ¼ of Section 33, Township 82 North, Range 7 West of the 5th Principal Meridian lying south of West Side Corporate Park Fifth Addition in the City of Cedar Rapids, Linn County, Iowa and west of Interstate 380.

Lot B, Roger L. French Addition to the City of Cedar Rapids, Linn County, Iowa.

All of the Tharp Road SW right of way in the SW ¼ SW ¼ of Section 33, Township 82 North, Range 7 West of the 5th Principal Meridian lying west of Lot B, Roger L. French Addition to the City of Cedar Rapids, Linn County, Iowa.

All of the 6th Street SW right of way in the SW ¼ SW ¼ of Section 33 and SE ¼ SE ¼ of Section 32, all in Township 82 North, Range 7 West of the 5th Principal Meridian lying north of the north line and its westerly extension of Lot A, Roger L. French Addition to the City of Cedar Rapids, Linn County, Iowa.
All of the Tharp Road SW right of way in the NE ¼ SE ¼ and SE ¼ SE ¼, all in of Section 32, Township 82 North, Range 7 West of the 5th Principal Meridian lying north of Lot 1, Klouda Second Addition to Linn County, Iowa, all containing 127 acres, more or less.

III. PROJECT AREA ACTIVITIES

As a means of assisting in the development of the Project Area and fulfilling the objectives of this Urban Renewal Plan, the City may determine:

1. To undertake and carry out urban renewal project activities through the execution of contracts and other instruments;

2. To arrange for or cause to be provided the construction or repair of public infrastructure improvements, including street, water, sanitary sewer and storm sewer systems, traffic signals, and public utilities or other facilities in connection with urban renewal projects;

3. To acquire property through a variety of means (purchase, lease, exchange, condemnation, donation or otherwise) and to hold, clear or prepare the property for redevelopment;

4. To dispose of property so acquired (by sale, lease, exchange or otherwise) for purposes of private redevelopment;

5. To provide financing to pay a portion of the cost of construction of new facilities and developments;

6. To undertake or cause to be undertaken the construction of specific site improvements, such as grading and site preparation activities, access roads and parking, fencing, utility connections and related activities, in connection with the disposition of property;

7. To make loans or grants to private persons or businesses for economic development purposes and for the creation of affordable housing on such terms as may be determined by the City Council;

8. To borrow money and provide security therefor;

9. To establish and enforce controls, standards and restrictions on land use and buildings;

10. To make or have made surveys and plans necessary for the implementation of the urban renewal program and specific urban renewal project activities;

11. To use tax increment financing to provide for necessary physical improvements and infrastructure, and to fund other urban renewal project costs; or

12. To use any and all other powers, without limitation, granted by the Code to develop and provide for improved economic conditions in the City of Cedar Rapids, Iowa.

IV. SPECIAL FINANCING ACTIVITIES

To meet the objectives of this Urban Renewal Plan and to encourage private investment in and the development of the Project Area, the City may determine to provide financial assistance to qualified private businesses through the making of loans or grants under Chapter 15A of the Code and through the use of tax increment financing
under Chapter 403 of the Code.

A. **Chapter 15A Loans or Grants.** The making of loans or grants of public funds to private businesses within the Project Area may be deemed necessary or appropriate for economic development purposes (as defined in Chapter 15A of the Code) and to aid in the planning, undertaking and carrying out of urban renewal project activities authorized under this Urban Renewal Plan and the Code. Accordingly, in furtherance of the objectives of this Urban Renewal Plan, the City may determine to issue general obligation bonds, tax increment revenue bonds or other such obligations, or loan agreements for the purpose of making loans or grants of public funds to private businesses located in the Project Area. Alternatively, the City may determine to use available funds, including tax increment revenues from the Project Area, for making such loans or grants. In determining qualifications of recipients and whether to make any such individual loan or grant, the City shall consider, among other things, one or more of the factors set forth in Section 15A.1 of the Code on a case-by-case basis.

B. **Tax Increment Financing.** The City intends to utilize tax increment financing as a means to help pay for the costs associated with the development of the Project Area. General obligation bonds, tax increment revenue bonds or other such obligations or loan agreements may be issued by the City, and tax increment reimbursement may be sought for, among other things, the following costs (if and to the extent incurred by the City):

1. The construction of public improvements, such as streets, sanitary sewers, storm sewers, water mains, trails or sidewalks;
2. The funding of the "local match" required under State programs providing financial assistance to private developers; and
3. Provide loans or grants for the development of low-to-moderate income housing; and
4. The making of loans or grants to private businesses under Chapter 15A and 403 of the Code, including debt service payments on any bonds or notes issued to finance such loans or grants.

Nothing herein shall be construed as a limitation on the power of the City to exercise any lawful power granted to the City under Chapter 15A, Chapter 403, Chapter 404, Chapter 427B, or any other provision of the Code in furtherance of the objectives of this Urban Renewal Plan.

**V. PROPERTY ACQUISITION**

All of the properties, besides existing public right-of-way or planned right-of-way, located within the Project Area are privately owned and the City does not presently intend to acquire any land in the Project Area for purposes of private development, other than property that will be dedicated and platted to the City for right-of-way. Areas may be identified for acquisition in the future for the following purposes:

1. To provide sites for needed private and public improvements or facilities in proper relationship to the projected demand for such facilities and in accordance with accepted criteria for the development of such facilities;

2. To assemble land into parcels of adequate size and shape to meet contemporary development needs and standards and to allow new construction to meet the objectives of this Urban Renewal Plan; or
3. To acquire any and all interests in any property within the Project Area which in any way dominates or controls usage of other real property proposed to be acquired.

VI. CLEARANCE AND DISPOSITION OF PROPERTY

All of the properties located within the Project Area are privately owned and the City does not presently intend to clear or dispose of property in the Project Area. If the City makes improvements in preparation for redevelopment or transfer of land to private developers, all improvements will be accomplished in accordance with the goals and objectives of this Urban Renewal Plan and in concert with other actions to ensure timely improvement of the land.

The City may advertise and solicit development proposals, may negotiate directly with prospective developers, and may dispose of all or a portion of any property acquired by it for the purpose of redevelopment in accordance with the goals and objectives of this Urban Renewal Plan. The property so disposed of may include vacated right-of-way and other lands under public ownership which are not needed for public purposes.

The City may subdivide, vacate or otherwise change the recorded arrangement of property under its control to accomplish the goals and objectives of this Urban Renewal Plan.

VII. LAND USE DEVELOPMENT & ZONING

The planning criteria to be used to guide the physical development of the Project Area are those standards and guidelines contained within the City’s Comprehensive Plan – EnvisionCR approved on January 27, 2015, as amended from time to time. Included in EnvisionCR is an adopted Future Land Use Map, attached hereto as Attachment B, which outlines the future land uses in the Project Area. The Project Area incorporates two future land uses – Urban Medium Intensity and Urban High Intensity, both of which are suitable for industrial and commercial growth.

In addition, as of January 1, 2019, the City has implemented a new Zoning Ordinance replacing Chapter 32 – Zoning of the City Code. A map of the zoning for the Project Area is attached hereto as Attachment C.

VIII. DEVELOPER REQUIREMENTS

In consideration of the efforts to be made by the City in furthering the development of the Project Area, developers who purchase land in the Project Area may be required to observe the land use requirements of this Urban Renewal Plan and to enter into a contractual agreement with the City in order to assure that the objectives of this Urban Renewal Plan are furthered or achieved.

1. Developers will not be permitted to defer the start of construction for a period longer than that required to prepare architectural plans, obtain satisfactory financing, and the review and approval of such plans by the City in order to establish their conformance with the provisions of this Urban Renewal Plan. In addition, it is expected that the following provisions will be included in agreements with developers:

2. Developers will submit plans and schedules for the proposed development to the City and will keep the City informed regarding progress on implementing these plans;
3. Any land purchased from the City can only be used for the purpose of development, and not for speculation;

4. Any ownership parcel made up in part of land acquired from the City will be built upon and improved in conformity with the objectives and provisions of this Urban Renewal Plan;

5. Construction of improvements will be initiated and completed within a reasonable time; and

6. There will be no discrimination against any person or group of persons on account of race, creed, color, national origin or ancestry in the sale, lease, sublease, transfer, use of enjoyment of the premises therein conveyed, nor will the developers themselves, or any claiming under or through them, establish or permit such practices of discrimination or segregation with respect to the selection, location, number, use or occupancy of tenants, lessees, or sub lessees in the premises therein conveyed.

The contract and other disposition documents to be executed by the developer will set forth, in detail, the provisions, standards and criteria for achieving the objectives and land use requirements established in this Urban Renewal Plan.

**IX. PROJECT AND CITY INDEBTEDNESS**

The City may agree to make economic development grants any developer purchasing land for development in the Project Area in consideration for certain employment commitments and other covenants expected to be made by the developer. As such, the eventual level of City participation in both private and public improvements for the economic development of the Project Area cannot be fully determined at this time. However, the City has identified several projects, as identified in Section XIV herein, which propose the use of tax increments.

At the present time, it is anticipated that future City tax increment collections for project-related activities within the Project Area will not exceed $3,155,000 in aggregate amount during the term of this Urban Renewal Plan. Proceeds of such tax increment collections are currently expected to be used to make economic development grants to the developer, and to fund public improvements along Edgewood Road NE and administrative-related costs incurred in connection with the identified projects in the Project Area.

Currently, the City of Cedar Rapids’ outstanding general obligation indebtedness is $271,585,000 (as of Fiscal Year 2019 beginning July 1, 2018). The Constitution of the State of Iowa limits the amount of City debt outstanding at any time to no more than five (5) percent of the value (as shown by the last certified state and county tax list) of all taxable property within the City. The City’s constitutional debt limit is $557,695,117 as of July 1, 2018 (FY2019).

**X. STATE AND LOCAL REQUIREMENTS**

All provisions necessary to conform to state and local law will be complied with by the City in implementing this Urban Renewal Plan and its supporting documents.

**XI. SEVERABILITY**

In the event one or more provisions contained in this Urban Renewal Plan shall be held for any reason to be invalid, illegal, unauthorized or unenforceable in any respect,
such invalidity, illegality, or lack of authorization or enforceability shall not affect any other provision of this Urban Renewal Plan, and this Urban Renewal Plan shall be construed and implemented as if such provisions had never been contained herein.

**XII. AMENDMENT OF URBAN RENEWAL PLAN**

This Urban Renewal Plan may be amended from time to time to respond to development opportunities. Any such amendment shall conform to the requirements of Chapter 403 of the Code. Any change affecting any property or contractual right will be effectuated only in accordance with applicable state and local law.

**XIII. EFFECTIVE DATE**

This Urban Renewal Plan shall be effective upon adoption by the City Council of the City of Cedar Rapids, Iowa, and shall remain in full force and effect until amended or rescinded by the City Council. However, the use of tax increment financing revenues (including the amount of loans, advances, indebtedness or bonds which qualify for payment from the division of revenue provided in Section 403.19 of the Code) by the City for activities carried out under this Urban Renewal Plan shall be limited as deemed appropriate by the City Council and consistent with all applicable provisions of law, including Iowa Code Section 403.17(10).

**XIV. PROPOSED URBAN RENEWAL PROJECT ACTIVITIES**

**Development Agreements**

The following are private redevelopment projects in the Project Area which being induced by grants and loans provided through the use of tax increments:

<table>
<thead>
<tr>
<th>Project</th>
<th>Description &amp; Rationale</th>
<th>Tax Increment</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Side Transport</td>
<td>Construction of a new corporate headquarters facility for West Side Transportation</td>
<td>City to provide a reimbursement of 50% of the tax increments generated by the improvements for a period of 10-years for each respective separately assessed building constructed as part of the project. The estimated total reimbursement of tax increments is expected to be $1,275,000.</td>
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</tbody>
</table>

**Public Improvements**

Use of tax increments within the Project Area for improvements to streets, highways, avenues, public ways, and public grounds; installation of street lighting fixtures, connections and facilities; installation and repair of traffic signals and control devices; construction, reconstruction, and repair of sidewalks and pedestrian underpasses and overpasses; improvement and repair of bridges, culverts, retaining walls, viaducts, underpasses, grade crossing separations, and approaches; construction, reconstruction, repair, and relocation of sanitary sewer, storm sewer, water, and fiber optic infrastructure;
<table>
<thead>
<tr>
<th>Project</th>
<th>Description &amp; Rationale</th>
<th>Tax Increment</th>
</tr>
</thead>
<tbody>
<tr>
<td>6th Street SW right-of-way improvements</td>
<td>3,000 linear feet of turn lanes and pavement tapering along 6th Street SW between Walford Road SW and Tharp Road SW including northbound right turn lanes and southbound left turn lanes. A portion of the project will include a Revitalizing Iowa's Sound Economy (RISE) Grant funds through the Iowa Department of Transportation (I-DOT).</td>
<td>The estimated total tax increments is expected to be utilized in furtherance of the project is $1,878,000. The amount will be reduced by grand funds through the RISE Grant program of the I-DOT.</td>
</tr>
</tbody>
</table>

**Administration**

The City expects to use tax increments for ongoing legal, consulting, recording, publication, administration and oversight of eligible projects, housing market analysis, project financial gap analysis reports, real estate appraisals, and other miscellaneous fees associated with projects occurring within the Project Area. Current administrative expenses are estimated to be $2,000.
LEGAL DESCRIPTION

The SW ¼ SW ¼ of Section 28, Township 82 North, Range 7 West of the 5th Principal Meridian lying south of Hughes Group First Addition in the City of Cedar Rapids, Linn County, Iowa

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Lot B, Roger L. French Addition to the City of Cedar Rapids, Linn County, Iowa

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ATTACHMENT B
FUTURE LAND USE MAP
# West Side Corporate Park URA
## Base Values (2018)

<table>
<thead>
<tr>
<th>#</th>
<th>GPN</th>
<th>Deed Holder</th>
<th>Class</th>
<th>Land</th>
<th>Improvement</th>
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*properties are receiving Urban Revitalization Tax Exemption

Key:
- R - Residential
- C - Commercial
- A - Agricultural
- O - Other

Base Year January 2018

Total: 3,844,800
Taxable: 11,360,176
OWNER/APPELLANT INFORMATION

OWNER Name: Novak Investments, LLC

MAILING/PROPERTY ADDRESS: 62 16th Avenue SW

CONDITIONAL USE REQUEST

Outdoor Alcohol Service Area with Amplified Music or Live Entertainment

OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Compatibility with the immediate neighborhood

STAFF RECOMMENDATION

Staff recommends approval subject to conditions.
FINDINGS OF FACT:

1. Novak Investments, LLC is the owner of record of the subject property.

2. The Future Land Use Map designation is Urban High Intensity.

3. The property is zoned Urban Village General with a Shopfront Overlay.

4. The property is 11,761 sf in size, and is described as ANTHONY, MENARY & FAIRS SUBDIV OF BLK 14 L S MAY’S LOTS 9, 10 & 11-EX SW 25’ LOT 11 BLK 2

5. The property owner filed the conditional use request with the Development Services Department on May 23, 2019.

CRITERIA:

32.05.09.G, of the Cedar Rapids Municipal Code requires that ALL of the following criteria for the granting of a conditional use be met:

1. The conditional use is permitted in the district where the property is located.

   Staff Conclusion: The conditional use as requested is permitted within the U-VG, Urban Village General District.

2. The application complies with all use-specific standards applicable to the use, as listed in Sec 32.03, Use-Specific Standards.

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

3. The application complies with all other applicable standards of this Code.

   Staff Conclusion: The service area will be subject to the licensing requirements of Chapter 51 of the Municipal Code and all other applicable codes and regulations.

4. The proposed use and development will be consistent with the intent and purpose of the Future Land Use Map and other elements of the Comprehensive Plan.

   Staff Conclusion: This area is designated as “Urban High Intensity” on the City’s Future Land Use Map. Outdoor service areas and entertainment venues are appropriate within this LUTA.
5. There is sufficient compatibility with the adjacent properties and the overall neighborhood. When considering aspects unique to the proposed use as compared to other permitted uses within the same zone district, the reviewing body should consider:

   a) Whether the proposed development of 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.

   b) Whether the proposed use or development will have adverse effects on existing traffic conditions, parking, utility and service facilities, and other factors affecting the public health, safety, and welfare.

   c) Whether the impacts of the proposed use or development extend beyond that of development that would be permitted by-right in the same zone district.

   d) Whether any additional impacts that may be created as a result of the proposed use or development are acceptable and not a detriment.

   e) Whether any additional impacts that may be created as a result of the proposed use or development have been considered by the applicant and adequate steps have been taken to eliminate or mitigate these impacts.

   Staff Conclusion:

   Due to the commercial nature of the Czech Village, the proposed outdoor service area is not expected to have adverse effects on the immediate neighborhood.

6. Adequate conditions can be placed on the approval to eliminate or mitigate any adverse impacts of the proposed use or development.

   Staff Conclusion: 3 conditions are recommended for approval.

STAFF CONCLUDES: The requested outdoor service area with amplified / live entertainment is recommended for approval.

ALTERNATIVES:

The Board of Adjustment may consider the following alternatives:

1. Grant the requested conditional use subject to conditions or modifications.
2. Table the requested motion to give the applicant time to modify the application.
3. Deny the requested conditional use.

STAFF RECOMMENDATION:

Staff recommends approval subject to the following conditions:

1. THE OUTDOOR SERVICE AREA SHALL BE CLEARLY DELINEATED BY A FENCE, WALL OR SIMILAR FEATURE THAT MEETS THE DESIGN GUIDELINES FOR THE ZONE DISTRICT. CHAIN LINK FENCE OR TEMPORARY FENCING SHALL NOT BE PERMITTED.
2. THE SERVICE AREA IS SUBJECT TO THE LICENSING REQUIREMENT OF CHAPTER 51 OF THE MUNICIPAL CODE.

3. MUNICIPAL CODE CHAPTER 60A SURVEILLANCE CAMERAS FOR BUSINESSES REQUIRES INSTALLATION OF A VIDEO SURVEILLANCE SYSTEMS.

IT IS THE RESPONSIBILITY OF THE APPLICANT TO COMPLETE ALL CONDITIONS, AS OUTLINED IN THIS STAFF REPORT, PRIOR TO FINAL APPROVAL OF THE CASE. IF YOU HAVE QUESTIONS REGARDING A CONDITION, CONTACT THE DEPARTMENT UNDER WHICH THAT CONDITION IS LISTED. THE CONTACTS’ NAMES AND PHONE NUMBERS ARE LISTED BELOW. ITEMS IN THE COMMENTS SECTION ARE NOT A REQUIREMENT TO BE MET PRIOR TO APPROVAL. THEY ARE INTENDED TO INCREASE YOUR KNOWLEDGE AND AWARENESS OF ISSUES THAT MAY POSSIBLY EXIST ON THE PROPERTY.
EXECUTIVE SUMMARY
REZONING – A-AG, Agriculture District to I-GI, General Industrial District
CASE MANAGER: Vern Zakostelecky, Development Services Department

OWNER/APPELLANT INFORMATION
OWNER/APPLICANT: Janice J. & Nicholas Horak
MAILING/PROPERTY ADDRESS: 1354 Curtis Bridge Road NE, Swisher, IA. 52338

REZONING REQUEST
A-AG, Agriculture District to I-GI, General Industrial District

OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL
1. Compliance with the provisions of the Flood Plain Management Ordinance.
2. Reviewed by the Eastern Iowa Airport & FAA.
3. Compliance with applicable provisions of the Zoning Ordinance.
4. Compliance with the Subdivision Ordinance.
5. ADA compliance.
6. Review by the Historic Preservation Commission.
7. Compliance with SUDAS Standards.
8. Compliance with Traffic Impact Study should one be required.
9. Compliance with applicable Building and Fire Codes.

STAFF RECOMMENDATION
Staff recommends approval of the rezoning request.
REZONING – A-AG, Agriculture District to I-GI, General Industrial District
CASE # RZNE-028937-2019
City Planning Commission Meeting: July 18, 2019

FINDINGS OF FACT:
1. Janice J. & Nicholas Horak are the owners of record of the subject property.
2. The Future Land Use Map designation is Urban Medium-Intensity, but the applicant is requesting a change to Industrial.
3. The property is zoned A-AG, Agriculture District.
4. The property is 54.2 acres in size, and is described as W 1/2 NW 1/4 except roads in Section 21, Township 82 North, Range 7, West of the 5th P.M., Linn County, Iowa.
5. The property owner filed the rezoning request with the Development Services Department on May 20, 2019.

CRITERIA:
32.05.04.E.3, of the Cedar Rapids Municipal Code requires City Planning Commission to consider the following criteria in making a recommendation:

1. Correction of a technical mistake.
   a. A rezoning may be approved if the action is necessary to correct a technical mistake or omission in the zoning map.

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

2. Consistency with Comprehensive Plan and other studies.
   a. Whether the rezoning is consistent with the Future Land Use Map, other elements of the Comprehensive Plan, and any other adopted plans or studies.
      i. All rezonings shall be to a district permitted by the Future Land Use Map as shown in 32.02.01.B.
      ii. The proposed zone district should be consistent with the general intent of the Comprehensive Plan, as well as any area plans or studies adopted by the City Council.

   Staff Conclusion: The subject property is shown as Urban Medium Intensity on the Future Land Use Map (FLUM) in EnvisionCR, the City’s Comprehensive Plan. The applicant has requested an amendment to the Future Land Use Map from Urban Medium-Intensity to Industrial. Should this request for an amendment be granted the requested zone change to I-GI, General Industrial District would be in accord with the Future Land Use Map designation and the general intent of the Comprehensive Plan.

3. Public facilities, Services and Suitability.
   a. The property should be suitable for the development of structures and uses permitted in the proposed district.
   b. Adequate public 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.
   c. Development should ensure effective and adequate utilization of existing or planned public facilities and services.
**Staff Conclusion:** There is development to the west and south and the area requested for rezoning will be served by all City services. Adequate levels of services to the existing development in the area will not be impacted.

4. **Character.**
   a. The proposed district should be compatible with the existing or planned character of the surrounding area. Compatibility can be achieved by a rezoning to:
      I. Districts of the same character type (Urban, Traditional, Suburban, etc). Changes between character areas should be carefully reviewed for compatibility.
      II. Districts of a similar use type (Residential, Mixed-Use, etc), particularly when transitioning between character areas.
      III. Other transitions may be appropriate depending on other review criteria and conditions which may be placed on approvals.
   b. The proposed rezoning should be consistent with the existing or planned character of the surrounding area.
   c. A variety of housing types and a mix of land uses should be provided in all neighborhoods. A change in intensity or type of use is most appropriate between rear yards, at corners, or along higher classified streets.
   d. Whether the rezoning is consistent with the characteristics of the surrounding area, including any changing conditions.
   e. Whether the proposed rezoning will protect existing neighborhoods from nearby development at heights and densities that are out of scale with the existing neighborhood.

**Staff Conclusion:** The proposed district and allowed uses should be compatible with the existing or planned character of the surrounding area. The surrounding area will be developed in the future with the same Suburban character type.

**STAFF CONCLUDES:**
Staff believes the requested zone change and uses allowed within the I-GI Zoning District will be compatible with the existing and contemplated development for this area.

**ALTERNATIVES:**
The City Planning Commission may consider the following alternatives:

1. Grant the requested rezoning.
2. Grant the requested rezoning subject to conditions.
3. Table the requested rezoning and ask for more information.
4. Deny the requested rezoning.

**STAFF RECOMMENDATION:**
Staff recommends approval for the following reasons:
The requested zone change and uses allowed within the I-GI Zoning District will be compatible with the existing and contemplated development for this area. The uses allowed in the I-GI Zoning District will also be compatible with Eastern Iowa Airport operations to the west.

IT IS THE RESPONSIBILITY OF THE APPLICANT TO COMPLETE ALL CONDITIONS, AS OUTLINED IN THIS STAFF REPORT, PRIOR TO FINAL APPROVAL OF THE CASE. IF YOU HAVE QUESTIONS REGARDING A CONDITION, CONTACT THE DEPARTMENT UNDER WHICH THAT CONDITION IS LISTED. THE CONTACTS’ NAMES AND PHONE NUMBERS ARE LISTED
BELOW. ITEMS IN THE COMMENTS SECTION ARE NOT A REQUIREMENT TO BE MET PRIOR TO APPROVAL. THEY ARE INTENDED TO INCREASE YOUR KNOWLEDGE AND AWARENESS OF ISSUES THAT MAY POSSIBLY EXIST ON THE PROPERTY.

Condition(s):

1. This site shall be developed in compliance with the provisions of the Flood Plain Management Ordinance.
2. Proposed improvements must be reviewed by the Eastern Iowa Airport & FAA.
3. Applicant is encouraged to review Municipal Code Chapter 60A Surveillance Cameras for Businesses and verify whether the proposed business establishment(s) will be required to install video surveillance systems.
4. At the Administrative Plan stage a lighting plan with photometrics to demonstrate minimal lighting impact at property lines will be required. All lighting shall be of a type, design and placement, and also be shielded in a manner to minimize impact on residential properties or uses adjacent to or immediately across the street as per Subsection 32.04.07 of the Zoning Ordinance.
5. Dumpster, garbage, or trash enclosure(s) shall be screened per Subsection 32.04.06.K.2.e. of the Zoning Ordinance.
6. Landscaping and buffering/screening shall be provided per the Zoning Ordinance, Subsection 32.04.06.
7. ADA handicap parking needs to be provided per code.
8. Sites will need to comply with off-street parking requirement per the Zoning Ordinance, Subsection 32.04.02.
9. For principal structure 50-years old or older Historic Preservation Commission review is required.
10. That all parking spaces, drives, aisles, turnarounds, and loading areas be hard surfaced per provisions of the Zoning Ordinance, Subsection 32.04.02.L.
11. Roof-mounted, wall-mounted and ground-mounted mechanical equipment shall be screened per Subsection 32.04.06.K. of the Zoning Ordinance.
12. Provide peak hour trip generation calculations to determine level of traffic impact analysis required for this site per City Code 32.04.03.C.
# Executive Summary

**Future Land Use Map Amendment – Urban Medium-Intensity to Industrial**

**Case Manager:** Vern Zakostelecky, Development Services Department

## Future Land Use Map Amendment Request

Request for amendment from Urban Medium-Intensity to Industrial

## Outstanding Issues and Standards for Approval

No outstanding issues, but requested amendment need to conform to the goals and objective of the City’s Comprehensive Plan, EnvisionCR.

## Staff Recommendation

Staff recommends approval of the requested amendment.
FUTURE LAND USE MAP AMENDMENT – Urban Medium-Intensity to Industrial
CASE # FLUMA-029074-2019
City Planning Commission Meeting: July 18, 2019

FINDINGS OF FACT:
1. Janice J. & Nicholas Horak are the owners of record of the subject property.
2. The Future Land Use Map designation is Urban Medium-Intensity.
3. The property is zoned A-AG, Agriculture District.
4. The property is 54.52 acres in size, and is described as W 1/2 NW 1/4 except roads in Section 21, Township 82 North, Range 7, West of the 5th P.M., Linn County, Iowa.
5. The property owner filed the Future Land Use Map Amendment request with the Development Services Department on June 17, 2019.

CRITERIA:
32.05.03.G.3.a, of the Cedar Rapids Municipal Code requires the City Planning Commission to consider the following criteria in making a recommendation about an application. The application shall meet all requirements of either part 1 or 2 below.

1. The requested Future Land Use Map Amendment corrects a technical mistake or oversight in the map and is necessary to protect the existing character of the neighborhood or enable development that is in line with what currently exists in the neighborhood.

   Staff Conclusion: This amendment is not to correct a technical mistake on the existing Future Land Use Map.

2. The requested Future Land Use Map Amendment represents a change in City policy and shall meet all of the criteria below:
   a. Facilities, services and utilities necessary to serve proposed land uses are available or are planned to be available at the time development occurs.
   b. If a map amendment represents an increase in allowed or required density or intensity of use on the property, the property is suitable for such development.
   c. If a map amendment represents a decrease in the allowed or required density or intensity of use on the property, the request is supported by unique site conditions which make such development infeasible.
   d. The resulting land use policy change of the map amendment is either (1) consistent with the Comprehensive Plan or any plans, studies or resolution by City Council which would support a change in the future land use or (2) is found to protect existing development from nearby development at heights and densities which are out of scale with the existing development.

   Staff Conclusion: Facilities, services and utilities necessary to serve proposed land uses are available. The property is suitable for all uses allowed in the Industrial Land Use Typology Area (LUTA) and the proposed I-GI Zoning District. The proposed land use change to the Future Land Use Map is consistent with the Comprehensive Plan goals and objectives.

STAFF CONCLUDES:
Staff believes the requested Future Land Use Map amendment and uses allowed within the I-GI Zoning District will be compatible with the existing and contemplated development for this area.

ALTERNATIVES:
The City Planning Commission may consider the following alternatives:

1. Grant the requested future land use map amendment.
2. Table the requested future land use map amendment and ask for more information.
3. Deny the requested future land use map amendment.

STAFF RECOMMENDATION:
Staff recommends approval for the following reasons:
The requested Future Land Use Map amendment to the Industrial LUTA and uses allowed within the I-GI Zoning District will be compatible with the existing and contemplated development for this area. The uses allowed in the Industrial LUTA and the I-GI Zoning District will also be compatible with Eastern Iowa Airport operations to the west.
Cargill, Inc. operates multiple facilities within the City of Cedar Rapids. It currently relies on the Union Pacific Railroad Co. to switch rail cars. However this is becoming less cost effective over time, to the point where to remain regionally competitive, it is financially prudent for Cargill to construct and operate its own railyard for railcar switching operations. At the time of the original application, in December 2018, the Zoning Ordinance allowed for the designation of an “Essential Service” which would allow for railroad type operations to occur within the existing zoning district, with specific restrictions. Use of the land under an Essential Service Designation is significantly more restrictive than a rezoning, in part because of the attached conditions of operation listed below.

The following conditions are recommended by Staff to mitigate any negative effects of granting the Essential Services Designation.

- The railyard shall operate within limited hours of operation (7am to 7pm Central Time, 7 days a week). Up to 10 exceptions to this each year shall be granted for unforeseen circumstances such as making up for inclement weather and operational breakdowns. Each instance of operations occurring outside of the standard hours shall be documented by the applicant, and the record made available to an enquirer upon request.
- Noise shall be limited to levels outlined in noise report submitted as part of the application. Train horns shall be prohibited within the railyard, other than in an emergency situation.
- No DOT hazardous materials to be stored in railcars on site at any time. It is understood that insignificant quantities of ancillary chemicals such as spray cans of lubricant, epoxy paint for marking track areas, etc. may be present for minor maintenance activities at the facility.
- Noise and visual mitigation in the form of a wall and a berm to be installed prior to railyard operations commencing. The wall shall comply with the aesthetics shown in this presentation, but allow for a short break at the vehicular point of entry along Otis Road SE for access to the facility’s parking lot.
- Lightpole height shall be limited to 30’ from finished grade. Yard lighting after operating hours shall be limited to providing security for the onsite office.
• Proposed trees shall exceed 2.5” Diameter at Breast Height (DBH) at time of planting, and be in accordance with approved landscape plan.

STAFF RECOMMENDATION

Upon receipt of the application for an Essential Service Designation, Staff issued a staff report requesting additional studies be performed on a range of issues including property value impacts, noise, lighting and environmental impacts of a railyard in this location. Cargill and their consultants developed these reports and submitted them for review in June 2019. Staff has reviewed these documents and is satisfied that with the appropriate conditions, impacts on surrounding properties will be adequately mitigated. The above conditions have been written to ensure that these mitigating measures are implemented.

Therefore, Staff recommends that the City Planning Commission resolve to recommend this case for approval, subject to the conditions listed above.
PROJECT: 160544
12/20/2018

EX21 SCHEMATIC DESIGN EXHIBIT
CEDAR RAPIDS, IA

LOCATION MAP

SCHEMATIC DESIGN PLAN
LOT 1 OF "AUDITOR'S PLAT NO. 212, LINN COUNTY, IOWA" LYING NORTHEASTERLY OF THE NORTHEASTERLY LINE OF THE CHICAGO AND NORTHWESTERN RAILROAD COMPANY'S RIGHT OF WAY, AND LYING SOUTHERLY OF THE OTIS ROAD SE RIGHT OF WAY, SUBJECT TO THE PUBLIC HIGHWAY.

LOT 2 AND LOT 3, AUDITOR'S PLAN NO. 212, LINN COUNTY, IOWA, LYING WEST OF THE CHICAGO AND NORTHWESTERN RAILROAD RIGHT OF WAY AND SOUTHERLY OF THE OTIS ROAD SE RIGHT OF WAY, SUBJECT TO THE PUBLIC HIGHWAY.
Mayor Hart,

At the only community meeting Cargill held, we were told the cornfield site was not an option due to its configuration. This was heard by all and probably recorded by the media. I innocently believed them. (I received the notification for that meeting on the Friday before the Monday meeting. Many of my neighbors did not receive that postcard.)

In December, we received a letter from Cargill indicating that the plan was on hold. It also stated that once they have more information to share, they will be reaching out to us.

I guess Cargill's way of reaching out to us is posting rezoning signs.

The Essential Services zoning request is for a rail yard extension. Development Services tells us it is an extension of the rail yard at the Cargill plant.

The STB and the FRA do not regulate or have jurisdiction over private rail yards, except for limited oversize by the FRA for safety. A private rail yard is not a common carrier - they are not essential for interstate commerce.

How can Development Services' interpretation of City Code override what the federal government considers a "rail road?"

I was extremely upset about the site on the City owned land, as a member of the community and as a user of the nature corridor. Now with this second site, I will be directly impacted.

I understand that the City wants to facilitate the needs of business. But there becomes a time when community comes first!

Thanks,

Barbara Stary

Increasing competitive marketplace

Growing demand for corn based products

Sent from my Sprint Samsung Galaxy S7.
I just want to email you on how I feel about this Cargill idea. I live on Blakely Blvd and have for 35 years now. That loud annoying and polluting railyard would be my back yard and that's not ok. Would any of you want to look out your window everyday or always have to keep an eye on your kids in there own back yard and make sure they are safe, because that thing in a residential neighborhood has danger written all over it. All this is gonna do is make a company richer and lower all of our property values aswell as making it very difficult to ever sell my property if I ever chose to do so. They already ran out one whole neighborhood and for what to make it green space. It seems to me that, the spot called the flats which is west of Cargill is the best scenario if any for everyone. It's right next to there plant it is less traveling for them,they dont have to ruin another neighborhood to do so. Plus they already own it beings they ran the last neighborhood out. Either spot down in the cedar valley neighborhood is on called for. Thanks

Sent from Yahoo Mail on Android
Good Morning,

Your concerns will be added to the public comments provided to CPC and the City Council. To clarify upcoming meetings:

Monday 7/15 – This is an informational meeting by Cargill only. Public comments to the City may be submitted at any time and these will be forwarded to CPC and/or Council. However if comments are submitted too close to the City’s hearing dates or times, it’s possible that Council or Commission members may not have enough time to review them.

Thursday 7/18 3PM is the CPC meeting and hearing for the project. CPC is a recommending body only. They will make a recommendation to the City Council.

Tuesday 8/27 4PM is scheduled for the City Council hearing. The City Council will consider CPC and public comment, and make a decision.

I have attached a link to a Cargill FAQ –

https://www.cargill.com/page/cargill-rail-yard-project-faq

I did not see reference to the dates as you mention below, perhaps there is another web page. In any event we will forward your concerns to Cargill to make sure that the information they provide is accurate.

Thank you.

Ken DeKeyser, P.E.
Development Services Manager
City of Cedar Rapids
500 15th Avenue SW
Office: 319-286-5822

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I am concerned about the process and protection of the neighborhood in this siting of the private Cargill rail yard in Cedar Valley.

Essential Services designation seems illogical. Also it shuts the public out from obtaining assurances of protections from noise and other pollutions.
I am very disappointed that this process has led to increased distrust between the city and our citizens. It could have been a way to engage a whole corridor in a vision for the future where we can all work and live together.

Not designating this an essential services project would be helpful -- especially when this latest rush to act by only a few members of the process, contrary to the steps of the process, is so crass.

Also, if my understanding is correct, you should ask Cargill to fix the Rail Yard Project FAQ to explain that the first upcoming 'City' presentation is to the CPC, with an upcoming comment due date of Monday 7/15, and then a final decision at the City Council the following week with no rebuttal or additional hearings if Essential Services designation is approved.

Thank you for your consideration.

Kate Hogg
2750 Otis Rd. SE
Cedar Rapids, IA 52403
Hi Sandy -

Becca Martin from Cargill has now confirmed to the Prairie Park community that their original choice of land for location of their rail yard (Stewart Rd/Otis Ave) has been permanently taken off the table.

The community and users of the nature corridor are in agreement that we would like to see that land protected against any future risk of industrial intrusion, by having that property formally adopted into the rest of the nature corridor.

We have considered several options for how to achieve that goal. One would be for us to purchase the property and deed it to an irrevocable land trust. The problem with that solution is future maintenance. Since the purchase would be made only to incorporate that land into the nature corridor, and since the city has long assumed stewardship and maintenance of the property as part of its parks system, we feel a better option would be for the city to continue to maintain and administer that land, provided is is permanently afforded identical protections as the remainder of the nature corridor. At present, that property is both a city park and a protected wildlife refuge. We want to see both of those things maintained. We feel it is in the best interests of all concerned parties: the local residents, users of the nature corridor, and the city itself to formally integrate that property into the nature corridor.

The land that the Sac and Fox Trail sits on was condemned specifically because it is subject to multiple flood events each year. The piece of property in question is an extension of that river-basin and routinely faces far greater flooding than the portions of the nature corridor that were previously condemned. That land is not conducive to economic development, and serves a vital function as a wetlands to draw moisture away from bordering low-lying residential areas, especially when planted with native tall grasses as it has been historically.

That area of the nature corridor has by far the highest number of annual visitors of any part of the corridor. It is also the only area along the entire length of the corridor without a protective 600'-1000' buffer from human activity. Incorporating that land permanently into the nature corridor would resolve that inconsistency and ensure that the nature corridor remains uncompromised in the future, as 40+ years of consistent city effort has intended, and as state law protecting historical usage of outdoor recreational areas demands.

Please advise us on how we should best proceed to achieve this goal. Perhaps requesting the same federal condemnation as the property the Sac and Fox Trail sits on is the best path forward, or perhaps there are better options that could be achieved through a City Council resolution or through other means. We are grateful for any guidance you can offer us.
Thank you.

- Kerry Sanders, spokesperson
Build Trails, Not Rails
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