Call Meeting to Order

Roll Call

A. Approval of the Minutes

B. Adoption of the Agenda

C. Action Items

1. Case Name: 5101 16th Avenue SW (Rezoning)  
   RZNE-029713-2019; Case Manager: Dave Houg

   Consideration of a Rezoning from T-IM, Traditional Industrial Mixed Use District to I-L1, Light Industrial District as requested by Community Savings Bank (Titleholder) and Barry D Alger (Applicant).

2. Case Name: 1100 Center Point Road NE (Rezoning)  
   RZNE-029701-2019; Case Manager: Dave Houg

   Consideration of a Rezoning from T-ML, Traditional Mixed Use Limited District to T-IM, Traditional Industrial Mixed Use District as requested by MaryKate O’Reilly (Applicant).

3. Case Name: 5115 N River Boulevard NE (Preliminary Plat)  
   PRPT-029669-2019; Case Manager: Dave Houg

   Consideration of a Preliminary Plat for River Ridge Square Third Addition as requested by New Buffalo Land Co, LLC (Titleholder).
4. Case Name: 5010 Council Street NE  (Major Design Exception)
Admd-029668-2019; Case Manager: Dave Houg

Consideration of a Major Design Exception for reduced street right of way separation in an S-MC, Suburban Mixed Use Center District as requested by SLB Real Estate Investors, LC (Applicant)

5. Case Name: 1028 and 1032 5th Street SE  (Major Design Exception)
ADMD-029700-2019; Case Manager: Dave Houg

Consideration of a Major Design Exception for reduced setbacks and lot width in a T-R1, Traditional Residential Single Unit District as requested by Joshua Bass (Applicant)
EXECUTIVE SUMMARY

REZONING – T-MI to I-LI

CASE MANAGER: David Houg

OWNER/APPELLANT INFORMATION

OWNER / APPLICANT: Community Savings Bank

MAILING/PROPERTY
ADDRESS: 5101 16th Avenue SW

REZONING REQUEST

T-IM, Traditional Industrial Mixed Use District to I-LI, Light Industrial District

OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Compatibility with the surrounding area
Consistency with the Comprehensive Plan
Suitability and public service availability

STAFF RECOMMENDATION

Staff recommends approval of the rezoning request.
FINDINGS OF FACT:
1. Community Savings Bank 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 T-IM, Traditional Industrial Mixed Use District
4. The property is 1.79 acres in size, and is described as P.O.S. #2008-REVISED PARCEL A
5. The property owner filed the rezoning request with the Development Services Department on October 10, 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 High Intensity on the Future Land Use Map (FLUM) in EnvisionCR, the City’s Comprehensive Plan. The requested zone change to I-LI, Light 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:** 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 applicant’s property and the proposed change in use will not negatively impact the levels of service to existing development in the general area.
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 property proposed for rezoning is currently developed with a 9,620 sf structure and a 125’ communication tower. Properties to the north are developed as multi-family dwellings. Adjacent properties to the east, west and south are industrial and self-service storage uses. The proposed rezoning will not have a negative impact on the surrounding neighborhood and City staff has received no objections to this application.

**STAFF CONCLUDES:**
Staff believes the requested zone change and uses allowed within the I-LI, Light Industrial 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 subject to the following condition:

- A Certificate of Occupancy must be obtained for the change of use prior to occupying the structure.

**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.**
**OWNER/APPELLANT INFORMATION**

OWNER / APPLICANT: Mary K O’Reilly, Amy & George Powers, Trill Rettig

MAILING/PROPERTY
ADDRESS: 1100 Center Point Road NE

**REZONING REQUEST**

T-ML, Traditional Mixed Use Limited District to T-IM, Traditional Industrial Mixed Use District

**OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL**

Compatibility with the surrounding area
Consistency with the Comprehensive Plan
Suitability and public service availability

**STAFF RECOMMENDATION**

Staff recommends approval of the rezoning request.
Development Services Department

City of Cedar Rapids, Iowa
City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404
Phone: (319) 286-5836 | Email: developmentservices@cedar-rapids.org

STAFF REPORT

REZONING – T-ML to T-IM
CASE # RZNE-029701-2019
City Planning Commission Meeting: October 31, 2019

FINDINGS OF FACT:
1. Mary K O’Reilly, Amy & George Powers, Trill Rettig 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 T-ML, Traditional Mixed Use Limited District.
4. The property is approximately 6,502 sf in size, and is described as A.P. #255 W75’ STR/LB 7.
5. The property owner filed the rezoning request with the Development Services Department on October 7, 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 requested zone change to T-IM, Traditional Industrial Mixed Use 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: 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 applicant’s property and the proposed change in use will not negatively impact the levels of service to existing development in the general area.
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 immediate area is commercial in nature, transitioning to single-family residential neighborhoods further from the intersection of Center Point Road NE and “J” Avenue NE. The proposed district and allowed uses will be compatible with the existing character of the surrounding area.*

**STAFF CONCLUDES:**
Staff believes the requested zone change and uses allowed within the T-IM, Traditional Industrial Mixed Use 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 subject to the following condition:

- A Certificate of Occupancy must be obtained for the change of use prior to occupying the structure.

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.
STAFF REPORT TO CITY PLANNING COMMISSION
Major Preliminary Plat

CPC Date: October 31, 2019
To: City Planning Commission
From: Development Services Department
Applicant: New Buffalo Land Co.
Titleholder: New Buffalo Land Co.
Plat Name: River Ridge Square 3rd Addition
Location: East of Ushers Ferry Rd. and south of North River Blvd. NE
Request: Consideration of a Major Preliminary Plat in an S-MC, Suburban Mixed Use Community Center District
Case Manager: Vern Zakostelecky
Case Number: PRPT-029669-2019

BACKGROUND INFORMATION:
The applicant is requesting approval of a Major Preliminary Plat for land east of Ushers Ferry Rd. and south of North River Blvd. NE. The property is currently undeveloped and zoned S-MC, Suburban Mixed Use Community Center District. The applicant wishes to subdivide the property for development of attached townhomes. Buildings will be a combination 4, 8, 10 and 12 unit structures.

The preliminary plat as submitted includes the following:
- The total site area – 8.0 acres
- Total lots –5
- All drives within the development will be privately owned and maintained
- Pedestrian ways adjacent to private drives on one side
- Sidewalk connections to both North River Blvd. and Ushers Ferry Rd. NE
- Storm water management will be provide at the east and south ends of the property
- Access will be off North River Blvd. and Ushers Ferry Rd. NE

FINDINGS:
The City Planning Commission shall review the application based on the following criteria:

1. That the proposed use and development will be consistent with the intent and purposes of the Comprehensive Plan and other applicable codes and regulations.
**Staff Comments:** The proposed uses and development are consistent with the intent and purposes of the Comprehensive Plan. The property is shown as “Urban Low-Intensity” on Future Land Use Map in EnvisionCR, the City’s Comprehensive Plan. This designation is an error on the FLUM and will be corrected to Urban Medium-Intensity when the City does the next comprehensive update of the Map. As such, the proposed subdivision and zoning would be in accord with the Future Land Use Map designation and the goals and objectives of the City’s Comprehensive Plan. Future development will comply with all other applicable codes, regulations and approvals.

**RECOMMENDED CONDITIONS:**

If the City Planning Commission approves the proposed major preliminary plat, adoption of the following conditions as recommended by Development Services should be considered. The City Planning Commission may approve with additional conditions.

1. **AS PART OF FINAL PLAT SUBMITTAL TO CITY COUNCIL,** the property owner shall be responsible to complete the following:
   A. Submittal to the City of a signed Public Improvements Petition and Assessment Agreement for street improvements in Ushers Ferry Road NE adjoining this site.
   B. Submittal to the City of a signed Agreement for Ownership and Maintenance of Private Sanitary Sewer/Water/Storm Sewer/Private Street improvements to be located on this site.
   C. Submittal to the City of a signed Agreement for Private Storm Water Management.
   The City will provide a copies of the above noted agreement forms upon request by the property owner.

2. **PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY,** the property owner shall be responsible to complete the following:
   A. Prior to the issuance of any certificate of occupancy, a professional civil engineer licensed in the State of Iowa shall certify in writing that the lowest as-built building opening elevation(s) on applicable Lot(s) are equal to or higher than the lowest allowable building opening elevation(s), or higher than the water surface elevation(s) of the overland conveyance of the 100-year storm water runoff, as stated on the approved improvement plans by the engineer of record.
   B. Construction of concrete sidewalk along North River Blvd NE and Ushers Ferry Road NE adjoining this site. The property owner shall construct the sidewalk improvements in accordance with City Standards, City policy, ADA requirements, and improvement plans accepted by the City. The property owner may request deferral of the sidewalk installation requirement along Ushers Ferry Road NE if in accordance with the sidewalk installation policy.
PRELIMINARY PLAT FOR
RIVER RIDGE SQUARE THIRD ADDITION
IN THE CITY OF CEDAR RAPIDS, LINN, IOWA

APPLICANT
BUFFALO RIDGE RENTALS
7800 BOYSON ROAD
HIAWATHA, IA 52233
(319) 899-8460
CPELLEY@AHMANNCOMPANIES.COM

CONTACT PERSON
HALL & HALL ENGINEERS, INC.
BRIAN VOGEL, P.E.
1860 BOYSON ROAD
HIAWATHA, IA 52233
PH: 319-362-9548
FAX: 319-362-7595
BRIAN@HALLENG.COM

OWNER
NEW BUFFALO LAND CO LLC
1950 BOYSON ROAD
HIAWATHA, IA 52233
(319) 393-9011
JAHMANN@AHMANNCOMPANIES.COM

SITE ADDRESS
WEST OF 5005 N RIVER BLVD NE
CEDAR RAPIDS, IA 52411

ZONING
EXISTING: SUBURBAN MIXED USE COMMUNITY CENTER (S-MC)
PROPOSED: SUBURBAN MIXED USE COMMUNITY CENTER (S-MC)

USE
EXISTING: VACANT
PROPOSED: RESIDENTIAL (MULTI-FAMILY)

DIMENSIONAL STNDS (S-MC)
FRONT SETBACK: 15 FEET
SIDE SETBACK, INTERNAL: 10 FEET
SIDE SETBACK, STREET: 10 FEET
REAR SETBACK: 10 FEET
BUILDING MAXIMUM HEIGHT: 75 FEET
MIN. LOT SIZE: NONE
MIN. LOT WIDTH: NONE
MAX. COVERAGE: 80%
MAX. BLDG FOOTPRINT: 40,000 S.F.
SOUTH LANDSCAPE BUFFER: 25 FEET (AVERAGE)

LEGAL DESCRIPTION
P.O.S. #2259 PARCEL A, IN THE CITY OF CEDAR RAPIDS, LINN COUNTY, IOWA

NOTE
THIS PLAN IS A CONCEPTUAL REPRESENTATION OF THE PROPOSED DEVELOPMENT. ANY FINAL PLAT AND RELATED IMPROVEMENTS REQUIRED BY THIS DEVELOPMENT SHALL MEET REQUIREMENTS OF THE STATEWIDE URBAN DESIGN AND SPECIFICATIONS MANUAL AS NOTED WITH SUPPLEMENTAL SPECIFICATIONS.

SHEET INDEX
NO. DESCRIPTION
1 COVER
2 PRELIMINARY PLAT

STREET CLASSIFICATIONS

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<td>30 MPH</td>
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<td>NORTH RIVER BLVD</td>
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DESIGN DATA - URBAN

STREET                ROW     DESIGN
USHERS FERRY ROAD    COLLECTOR     VARIES  VARIES  40 MPH
NORTH RIVER BLVD    LOCAL        60'     27     30 MPH

POLYLINE EMPLOYED IN THIS MAP IS A CONCEPTUAL REPRESENTATION OF THE PROPOSED DEVELOPMENT. ANY FINAL PLAT AND RELATED IMPROVEMENTS REQUIRED BY THIS DEVELOPMENT SHALL MEET REQUIREMENTS OF THE STATEWIDE URBAN DESIGN AND SPECIFICATIONS MANUAL AS NOTED WITH SUPPLEMENTAL SPECIFICATIONS.
REQUESTED FOR PROPOSED 5’ WIDE WALK ALONG USHERS FERRY ROAD

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10-2-2019

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PROPOSED 10’ UTILITY EASEMENT SIDEWALK DE
EXECUTIVE SUMMARY

MAJOR DESIGN EXCEPTION

CASE MANAGER: David Houg

OWNER/APPELLANT INFORMATION

OWNER / APPLICANT: SLB Real Estate Investors, LC
MAILING/PROPERTY ADDRESS: 5010 Council Street NE

MAJOR DESIGN EXCEPTION REQUEST

Request to provide a 52’ separation from right-of-way in lieu of the required 100’ separation.

OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Compatibility with surrounding area

STAFF RECOMMENDATION

Staff recommends approval of the Major Design Exception for a reduced right-of-way separation depth.
FINDINGS OF FACT:

1. SLB Real Estate Investors, LC 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 S-MC, Suburban Mixed-Use Community Center District.

4. The subject property is approximately 0.89 acres in size, and is described as MILWAUKEE INDUSTRIAL PARK 9TH STR/LB 3

5. The property owner’s representative filed the Major Design Exception request with the Development Services Division on September 30, 2019.

LEGAL PRINCIPLES:

32.05.12.E, of the Cedar Rapids Municipal Code requires that ALL of the following criteria for the granting of a major design exception be met:

1. The requested exception is consistent with the Comprehensive Plan and any plans, studies or reports which are adopted by City Council and may provide guidance on the exception.

   Staff Comments: The proposed development with a 52’ separation from adjacent right-of-way will be compatible with the surrounding commercial properties.

2. The requested exception does not have the effect of permitting a pattern of development inconsistent with the intent of the base district and design areas that would be more consistent with another base district or design area. For example, permitting suburban development characteristics in an urban or traditional district.

   Staff Comments: The requested exception will not have the effect of permitting a pattern of development inconsistent with the intent of the base district. The majority of structures in this area are set back less than 100’ from adjacent right-of-ways.

3. The requested exception does not have the effect of perpetuating a pattern or style of development which is intended to be replaced by development consistent with this Code.

   Staff Comments: The requested exception will not perpetuate a development pattern that is inconsistent with the Code. Reduced separation distance is specifically considered for Major Design Exception in the Zoning Ordinance.

4. The requested exception can be demonstrated to meet one of the following:
a. The requested exception is reasonably necessary for this property as it can be found that unique site circumstances make it likely that this exception would be required for a broad range of uses, structures, or layouts that may be otherwise permitted on the property.

b. The requested exception alleviates a practical difficulty to accommodating a particular use, structure, or layout that is permitted on the property and where the intent of this Code is not to limit or prevent the establishment of the use, structure, or layout at a location with the characteristics of the subject property.

c. The requested exception allows for architectural design which is unique and of high quality that meets or exceeds the intent of the code.

Staff Comments: The requested exception alleviates “b”, a practical difficulty with layout and use. The lot is very irregularly shaped and the adjacent building to the south is located closer to Duffy Drive NE than the proposed structure.

5. The requested exception represents the minimum deviation from the applicable regulations necessary to accommodate the requested development and that any practical difficulties related to the subject property cannot be overcome by any feasible alternative means other than an exception.

Staff Comments: Reducing the required separation from right-of-way by up to 50% is an allowable Major Design Exception per the Zoning Ordinance section 32.05.12.B.2.a.(ii).

STAFF CONCLUDES: The requested exception is consistent with building setbacks provided by other properties in the area.

ALTERNATIVES:
The Board of Adjustment may consider the following alternatives:

1. Grant the requested major design exceptions subject to conditions.
2. Grant relief less than or different from the requested major design exceptions.
3. Deny the requested major design exceptions.
4. The requested exceptions will not set a precedent that would be uncharacteristic to the surrounding area.

STAFF RECOMMENDATION:
Staff recommends approval for the following reasons:

1. Granting the request will allow the development of storage units on an under-utilized portion of the lot.

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.

There are no staff-recommended conditions.
OWNER/APPELLANT INFORMATION

OWNER / APPLICANT: Joshua Bass

MAILING/PROPERTY
ADDRESS: 1028 & 1032 5th Street SE

MAJOR DESIGN EXCEPTION REQUEST

Request to reduce the minimum lot width and setback requirements for the development of 3 single-family homes on individual lots.

OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Compatibility with surrounding area
Consistency with the goals of the Comprehensive Plan

STAFF RECOMMENDATION

Staff recommends approval of the Major Design Exceptions for reduced minimum lot width and setback requirements.
MAJOR DESIGN EXCEPTION – CASE # ADMD-029700-2019
City Planning Commission Meeting: October 31, 2019

FINDINGS OF FACT:

1. Joshua Bass 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 T-R1, Traditional Residential Single Unit District.

4. The subject property is 11,238 sf in size, and is described as CARPENTER’S 3RD SE 20’ LOT 4 & NW 20’ STR/LB 5 18 & CARPENTER’S 3RD SE 40’ STR/LB 5 18

5. The property owner’s representative filed the Major Design Exception request with the Development Services Division on October 7, 2019.

LEGAL PRINCIPLES:

32.05.12.E, of the Cedar Rapids Municipal Code requires that ALL of the following criteria for the granting of a major design exception be met:

1. The requested exception is consistent with the Comprehensive Plan and any plans, studies or reports which are adopted by City Council and may provide guidance on the exception.

   Staff Comments: The proposed development of 3 single-family lots is consistent with the goal of infill development of affordable housing.

2. The requested exception does not have the effect of permitting a pattern of development inconsistent with the intent of the base district and design areas that would be more consistent with another base district or design area. For example, permitting suburban development characteristics in an urban or traditional district.

   Staff Comments: The requested exception will not have the effect of permitting a pattern of development inconsistent with the intent of the base district. Much of the existing single-family housing in this area is located on small lots with setbacks less than required by current code.

3. The requested exception does not have the effect of perpetuating a pattern or style of development which is intended to be replaced by development consistent with this Code.

   Staff Comments: The requested exception will not perpetuate a development pattern that is inconsistent with the Code. Many of the lots within this area were legal, non-conforming in nature due to changing zoning standards over the years.

4. The requested exception can be demonstrated to meet one of the following:
a. The requested exception is reasonably necessary for this property as it can be found that unique site circumstances make it likely that this exception would be required for a broad range of uses, structures, or layouts that may be otherwise permitted on the property.

b. The requested exception alleviates a practical difficulty to accommodating a particular use, structure, or layout that is permitted on the property and where the intent of this Code is not to limit or prevent the establishment of the use, structure, or layout at a location with the characteristics of the subject property.

c. The requested exception allows for architectural design which is unique and of high quality that meets or exceeds the intent of the code.

Staff Comments: The requested exceptions alleviates “b”, as the site is constrained by the limited buildable space afforded after the removal of flood-damaged housing. Approval of the requested exceptions will remove technical barriers to residential redevelopment of flood-affected properties.

5. The requested exception represents the minimum deviation from the applicable regulations necessary to accommodate the requested development and that any practical difficulties related to the subject property cannot be overcome by any feasible alternative means other than an exception.

Staff Comments: Reducing the lot widths and setbacks up to 50% are allowable Major Design Exceptions per the Zoning Ordinance section 32.05.12.B.2.a.(ii).

STAFF CONCLUDES: The requested exceptions are consistent with lot sizes and setbacks provided by other properties in the neighborhood.

ALTERNATIVES:
The Board of Adjustment may consider the following alternatives:

1. Grant the requested major design exceptions subject to conditions.
2. Grant relief less than or different from the requested major design exceptions.
3. Deny the requested major design exceptions.
4. The requested exceptions will not set a precedent that would be uncharacteristic to the surrounding area.

STAFF RECOMMENDATION:
Staff recommends approval subject to the following conditions:

1. This site shall be developed in compliance with the provisions of the Flood Plain Management Ordinance.
2. Subject property shall be platted per State and City plating regulations.

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