AGENDA
CITY PLANNING COMMISSION MEETING
Thursday, November 2, 2017 @ 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. Case Name: 2415 River Bluff Drive NW
   (Preliminary Site Development Plan)
   Consideration of a Preliminary Site Development Plan for a multi-family development in an RMF-2, Multiple Family Residence Zone District as requested by CRB Housing Cooperative, Inc. (Applicant).

   PSDP-025652-2017; Case Manager: Dave Houg

2. Case Name: South side of Kirkwood Parkway SW and West of C Street SW
   (Rezoning)
   Consideration of a Rezoning from C-3. Regional Commercial Zone District to RMF-2, Residential Multi-Family Residence District as requested by The Villas at Kirkwood, LLC (Applicant).

   RZNE-025644-2017; Case Manager: Kirsty Sanchez

3. ReZone Cedar Rapids Update
   Presenter: Seth Gunnerson and Anne Russett, Community Development

4. Zoning Code Amendment – Fireworks Sales
   Presenter: Seth Gunnerson, Community Development

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.
STAFF REPORT TO CITY PLANNING COMMISSION
Preliminary Site Development Plan

CPC Date: November 2, 2017

To: City Planning Commission
From: Development Services Department
Applicant: Tom Gantz
Titleholder: CRB Housing Cooperative, Inc.
Location: 2415 River Bluff Drive NW
Request: Approval of a Preliminary Site Development Plan in an RMF-2, Residential Multi-Family Zone District
Case Manager: David Houg
Case Number: PSDP-025652-2017

BACKGROUND INFORMATION:
The applicant is requesting Preliminary Site Development Plan approval for the property, which is currently undeveloped land. The proposal is to develop a 58-unit apartment complex. The structure will feature lower-level parking and 4 levels of living space. The Preliminary Site Development Plan as submitted includes the following proposed improvements:

- Total site area – 2.59 acres
- Total building area - 19,811 sf (17.6%)
- Proposed paving – 35,774 sf (31.7%)
- Total parking required & provided - 128 spaces
- Storm water will be conveyed to an existing adjacent detention basin

FINDINGS:
Section 32.02.030.G.7 of the Zoning Ordinance requires the City Planning Commission to review the application based on the following criteria:

1. The Site Development Plan is consistent with the previously approved Preliminary Plans for the property (if applicable).

   Staff comments: This Finding doesn’t apply since this parcel was rezoned without a site plan (depicted as “future development area”).
2. The Site Development Plan conforms to all applicable requirements of this Ordinance.

Staff comments: Off-street parking within the required front-yard setback will require approval as a variance.

RECOMMENDED CONDITIONS:

If the City Planning Commission recommends approval of the proposed preliminary site development plan, adoption of the following condition as recommended by City Departments should be considered. The City Planning Commission may approve with additional conditions or remove any of the recommended conditions.

1. Off-street parking within the required front yard setback requires approval as a variance.
STAFF REPORT TO CITY PLANNING COMMISSION
Rezoning without a Preliminary Site Development Plan

CPC Date: November 2, 2017
To: City Planning Commission
From: Development Services Department
Applicant: The Villas at Kirkwood, LLC
Titleholder: Prairie Crossing Partners, LLC
Location: South of Kirkwood Parkway SW, west of C Street SW
Request: Consideration of a change of zone from C-3, Regional Commercial Zone District, to RMF-2, Residential Multi-Family Zone District
Case Number: RZNE-025644-2017
Case Manager: Kirsty Sanchez, Development Services Project Planner

BACKGROUND INFORMATION:
The applicant is requesting to rezone 4.12 acres to allow for the potential development of one bedroom and studio apartments to be used as student housing. The property is identified as “Urban Medium-Intensity” on the City’s Future Land Use Map in EnvisionCR, the City’s Comprehensive Plan. A site plan is not included with the request. A Preliminary Site Development Plan showing site and building design details will be required prior to the issuance of any building permits.

FINDINGS:
Section 32.02.030.C.5.e of the Zoning Ordinance requires the City Planning Commission to review the application based on the following criteria:

1. Whether the amendment is required to correct a technical mistake in the existing zoning regulations.

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

2. Whether the amendment is consistent with the Future Land Use Policy Plan and other elements of the Comprehensive Plan.
Staff Comments: The subject property is shown as “Urban Medium-Intensity” on the Future Land Use Map (FLUM) in EnvisionCR, the City’s Comprehensive Plan. According to the FLUM, the maximum number of units allowed on the site is 98. 70 units are proposed. The requested zone change is in accord with the FLUM and the Goals and Objectives of the City’s Comprehensive Plan.

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

Staff Comments: The surrounding properties are zoned A-Agriculture Zone District, RMF-2, Multi-Family Residential Zone District, C-3, Regional Commercial Zone District and R-3, Single-Family Residence Zone District. There is considerable undeveloped land in this general area. Nearby developments include Ruffalo Noel Levitz and the Kirkwood Village Apartments. An apartment complex is proposed to the east of the site.

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

Staff Comments: The location is suitable for all uses permitted in the RMF-2, Multi-Family Residential Zone District.

5. Whether the proposed amendment will protect existing neighborhoods from nearby development at heights and densities that are out of scale with the existing neighborhood.

Staff Comments: The proposed rezoning will be in line with the size and scale of housing in the neighborhood and proposed future development.

6. Whether facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.

Staff Comments: All facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.

7. The Site Development Plan is consistent with the previously approved Preliminary Plan for the property (if applicable).

Staff Comments: Not applicable to request. This is a rezoning without a Preliminary Site Development Plan. A Preliminary Site Development Plan showing site and building design details will be required prior to the issuance of any building permits.

8. The Site Development Plan conforms with all applicable requirements of Chapter 32 with all applicable requirements as modified by a request for an Administrative Adjustment meeting.
Staff Comments: Not applicable to request. This is a rezoning without a Preliminary Site Development Plan. A Preliminary Site Development Plan showing site and building design details will be required prior to the issuance of any building permits.

RECOMMENDED CONDITIONS:

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

1. That future development under this rezoning action shall be subject to the PSDP review process as set forth in Section 32.02.030.G. prior to issuance of building permit(s). Such Development shall meet all City development standards in effect at the time of plan submittal.
The Villas at Kirkwood

Legal Description for Re-Zoning Purposes

Part of Parcel A as designated on Plat of Survey Number 1992 recorded February 13, 2004 in Book 8956 at Page 121 in the Uni County, Iowa Recorder of Deeds Office, being more particularly described as follows:

Beginning at the southeast corner of the Southeast Quarter (SE Q) of Section 15, Township 82 North, Range 7 West, of the 9th Principal Meridian, Uni County, Iowa;

Thence North 00° 16' 21" West, 839.56 feet on the east line of said Southeast Quarter (SE Q) to the easement extension of the south line of Parcel A as designated on the Plat of Survey number 1940 recorded May 9, 2013 in Book 8956 at Page 551 in said Recorder of Deeds Office;

Thence South 89° 54' 36" West, 1,438.97 feet on the south line of said Parcel A, Plat of survey number 1940 and the southerly extension thereof to the Point of Beginning;

From the Point of Beginning thence, South 89° 54' 36" West, 509.90 feet, to the west line of Parcel A in said Plat of Survey number 1940;

Thence, North 00° 27' 39" West, 245.88 feet on said west line to the southerly right-of-way line of a public highway designated Kirkwood Parkway SW;

Thence, North 89° 51' 43" East, 287.00 feet on said southerly right-of-way line;

Thence, South 00° 23' 13" West, 503.99 feet;

Thence, South 89° 54' 32" West, 62.08 feet;

Thence, South 23° 10' 55" West, 262.58 feet to the Point of Beginning.

The above described real estate contains 4.12 acres.

Bearings are referenced to Grid North using Iowa State Plane Coordinates, North Zone, NAD 83 (2011) as derived from the Iowa Real Time Network.

This description is prepared for the purpose of re-zoning only, and is not for the transfer of the property described.
Villas at Kirkwood
Cedar Rapids, Iowa
To: City Planning Commission  
From: Anne Russett and Seth Gunnerson, Community Development & Planning  
Subject: ReZone Cedar Rapids Update  
Date: November 2, 2017

Introduction
At the City Planning Commission’s November 2 meeting Community Development staff will continue the conversation regarding the comprehensive update to the City’s zoning ordinance, known as ReZone Cedar Rapids. On October 12, the Commission requested additional information on the following items:

1. Community concerns related to rezoning proposals and ways to address these concerns while evaluating the rezoning based on the adopted criteria  
2. Update on stakeholder outreach and feedback received to date  
3. Interest in how other jurisdiction’s implement form-based regulations and how planning commissions are involved in implementation

At the Commission’s November 2 meeting, staff will address these items.

Community Concerns Related to Rezonings
There are three items that staff and the consultant team are exploring as part of ReZone that could help address this issue:

1. Transitions between single-family neighborhoods and other land uses
   Although concerns from members of the public vary from project to project, some concerns expressed at recent public hearings relate to compatibility. New development is going to happen next to single-family neighborhoods; particularly as aging commercial/strip centers are redeveloped. It is important to maintain these neighborhoods while also encouraging new housing, commercial, and mixed-use developments. Through ReZone, staff and the consultant team will do the following:
   - Look to create new zone districts that provide a transition between single-family neighborhoods and more intense development, and
   - Utilize zoning tools, such as height limits, setbacks, and screening requirements for development near single-family

2. Separating rezonings from site plan review
   Staff is exploring separating rezonings from the review of site plans with the intention of evaluating rezonings on their own merit. By separating discussions of the rezoning from any proposed development project, the intent is to more comprehensively analyze the potential impacts of the rezoning and all possible development projects that could result, as opposed to the impacts of a particular development project. This could also help to focus the conversation at public hearings on the rezoning.
3. **Community outreach and education**

Lastly, staff will continue to reach out to members of the community to provide information and collect input on ReZone. Staff has requested meetings with all neighborhood associations and has met with the Northwest Neighbors Neighborhood Association and the Mound View Neighborhood Association.

**Stakeholder Outreach**

**Public Open House #3**

On October 17 the City hosted its third open house. Nearly 50 people attended. Attendees had the opportunity to provide input on areas identified for form-based regulations, which include: Ellis Boulevard, Downtown, Kingston Village, Czech Village, and New Bo. In addition, attendees were asked to provide input on the following eight issue areas:

- Issue #1: Site Design Impacts on Character and Walkability
- Issue #2: Tree Preservation and Planting
- Issue #3: Location of Parking
- Issue #4: Amount of Parking
- Issue #5: Signs
- Issue #6: Exterior Lighting
- Issue #7: Renewable Energy
- Issue #8: Predictability in the Development Review Process

Staff is currently working on creating an online survey so additional community members can provide their input. Once the survey is closed, staff will share the results of the voting from the open house and the online survey with the Commission.

**Summary of Outreach & Comments**

In addition to the three public open houses held, staff has been reaching out to a variety of stakeholder groups. Since the inception of the project staff has also had regular meetings with the Steering Committee, a developer’s user group, and other user groups (e.g. preservationists, sign companies, real estate professionals, design professionals). More recently, staff has met with key stakeholder groups in the core where form-based regulations are contemplated.

In general, there has been support for ReZone and the application of form-based regulations in the core of the city. The following summarizes some of the more specific comments received to date:

**Steering Committee:**
- Emphasized importance of stakeholder outreach and expressed some concern with how streamlining the project review process could alter how the community provides input on projects
- Provided feedback on identified issues, such as beekeeping, accessory dwelling units, “missing middle” housing, and other issues
- Interested in architectural standards and public realm standards in the form-based regulations

**Developer’s User Group:**
- Interest in looking at providing more clarity and predictability in the regulations and ways to streamline the review process
- Concern with neighborhood opposition to projects and investments made in projects that were ultimately unsuccessful
Form-Based Outreach:
- Amount of parking currently required may be too high
- Some support & some questions about parking not being located in the front of buildings
- Concerns expressed regarding inconsistencies in current development review processes
- Concern regarding post-construction inspections and ensuring that what is permitted is developed
- Support for quicker, more predictable permitting process
- Concerns about how to transition from overlay districts to form-based districts, specifically what becomes of the Design Review Technical Advisory Committees
- Clarify building material requirements and in some cases prohibiting certain types of materials
- Clarify screening requirements
- Interest in clarifying sign regulations the core areas, and restricting incompatible signs
- Interest in allowing a variety of land uses

Other Comments:
- Concern regarding neighborhood opposition to affordable housing projects
- Interest in addressing the need for a variety of housing types and specific concerns related to housing options for very low income households (e.g. making at or less than 30% of the area median income)

City Planning Commission and Form Based Codes
Like more “traditional” zoning ordinances, form-based codes (FBCs) are diverse and procedures vary across communities. Some communities introduce different terminology to make it clear to applicants that they are operating under a very different development code. Others attempt to use traditional zoning terms, but have more stringent development requirements aimed at the form of development allowed. Some communities meticulously plan small districts, in some cases going as far as to mandate particular architectural styles and color palettes for new buildings. Other communities have more general guidelines aimed at encouraging creative and diverse land uses in the city core. Staff is still working with the consultant team on draft standards for Cedar Rapids, so at this time specific recommendations are not available.

In general, the Commission will have an active role in the establishment and continued review of form-based areas.

- **Upfront planning:** The Commission will have an active role in establishing the form-based regulations for the city at the time of code adoption. After adoption, the Commission will review future requests for zoning to form-based standards (e.g. greenfields).

- **Rezonings:** While the City has flexibility in how it sets up many of its review processes, any change to the rights and requirements associated with property is fundamentally a rezoning and will always be reviewed by the Commission. Some communities with FBCs call this process by a different name (Regulating Plan Amendments is common).

- **Enhanced role in design:** Many cities, like the draft City of Des Moines ordinance, ask the City Planning Commission to take a more active role in reviewing design exceptions. Des Moines’s draft ordinance is built to allow the Commission to play an active role in reviewing the suitability of these alternative designs, allowing a clear avenue for flexibility while ensuring the intent of the code is still met.
Attached is a matrix showing three Form-Based Codes that staff has evaluated to date. Two are located in Iowa, the third is a code in the Kansas City metro area that was completed by part of the ReZone consultant team.

**Conclusion**
Should you have any questions please feel free to contact Anne Russett at a.russett@cedar-rapids.org or (319) 286-5075 or Seth Gunnerson at s.gunnerson@cedar-rapids.org or (319) 286-5129.

**Attachments**
1. Form-Based Code Comparison Matrix
<table>
<thead>
<tr>
<th>Element or Standard</th>
<th>Iowa City (Riverfront Crossings)</th>
<th>DRAFT Des Moines (Citywide)</th>
<th>Overland Park, Kansas (Downtown)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning Code Placement</td>
<td>Separate Form-Based Development Standards document adopted apart from Zoning Ordinance. The FBC area is identified as a unique zone on the citywide zoning map</td>
<td>The Citywide zoning ordinance is fundamentally Form-Based.</td>
<td>Separate Form-Based Development Standards document adopted apart from Zoning Ordinance. The FBC area is identified as a unique zone on the citywide zoning map</td>
<td>Staff anticipates presenting a single zoning ordinance for the City of Cedar Rapids. To the extent possible form-based regulations will be built into applicable zone districts.</td>
</tr>
<tr>
<td>Zoning Map</td>
<td>The FBC boundaries are identified on the City’s Zoning Map. A separate and more detailed “Regulating Plan” adopted as part of Form Base Code District</td>
<td>One zoning map exists for the City.</td>
<td>The FBC boundaries are identified on the City’s Zoning Map. A separate and more detailed “Regulating Plan” adopted as part of Form Base Code District</td>
<td>Staff believes it’s feasible to have a single zoning map for the City. More detailed mapping elements applicable to form-based zone districts, such as identifying required build lines, parking setbacks, future street frontages, and so on can included on a single interactive map.</td>
</tr>
<tr>
<td>Map Example:</td>
<td>Colors indicate different sub districts. The solid black line indicates frontages where a retail use is mandatory on the first floor. The green crosshatch is mandatory green space.</td>
<td>Colors indicate different zones, similar to typical zoning maps. Each zone is fundamentally form-based, regulating use and building design. More suburban zones have more relaxed building standards.</td>
<td>Colors mapped over the street indicate different Frontage Types which regulate development on adjacent public land.</td>
<td></td>
</tr>
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<tr>
<td>Building Placement</td>
<td>Placement between 2’ and 8’ off the sidewalk except for certain streets identified in text of plan</td>
<td>Building placement defined by each district.</td>
<td>“Required Build Line” mapped along each street front.</td>
<td>A mapped required build line may exist in Form Based areas to allow greater flexibility to define building placement block by block.</td>
</tr>
<tr>
<td>Parking Lot placement</td>
<td>No parking allowed within 30’ of primary streets (also applies to structured parking). Parking along secondary streets must be screened or located within a building with full architectural treatment.</td>
<td>Varies by district, but typically 30’ from all streets (also applies to structured parking) Parking in front of building prohibited citywide.</td>
<td>Established by Parking setback line drawn on regulating plan. Typically 25’ from street. Limited areas may allow upper floor parking decks to encroach.</td>
<td>Staff is exploring ways to limit the visibility of parking to promote walkability on certain key corridors while allowing greater flexibility on service and side streets.</td>
</tr>
<tr>
<td>Adoption Process</td>
<td>City Planning Commission is responsible for creating the plan, which is reviewed and approved by City Council similar to a rezoning. Not all land within the plan area has been rezoned to date, so CPC reviews and recommends rezoning as sites redevelop.</td>
<td>CPC will be responsible for reviewing and recommending approval of the overall ordinance.</td>
<td>Kansas law may have somewhat different approval procedures but the CPC is involved in establishing the FBC and reviewing any changes.</td>
<td>The Cedar Rapids CPC will be involved in the review and adoption of the ordinance, and any future rezoning of new areas of town to Form-Based standards.</td>
</tr>
<tr>
<td>Design Standards</td>
<td>The plan area is divided into zones (called sub districts), each with unique development standards. The document establishes a variety of building types and standards for each type of building. Each sub district allows a certain mix of building types to be developed within it.</td>
<td>Each Zone District allows a certain mix of building types to be developed within it. Development standards from each building type vary, from very urban-focused “downtown buildings” to more relaxed suburban strip mall development types in auto-oriented zones.</td>
<td>The plan is based on frontage type. Each frontage will allow any development that meets the standards for the street frontage, allowing for greater flexibility on building format.</td>
<td></td>
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<tr>
<td>Site Plan approval process for projects that meet all standards</td>
<td>Administrative approval after review by a Staff Led FBC Committee</td>
<td>Administrative approval</td>
<td>Administrative approval after review by a Staff Led FBC Committee</td>
<td>Administrative Adjustments are permitted in most zoning codes, including the current Cedar Rapids Code.</td>
</tr>
<tr>
<td>Design Exception How projects that do not meet all standards are handled</td>
<td>Staff led FBC Committee is granted authority to grant deviations from the design standards within established parameters.</td>
<td>Staff is permitted to approve “Type 1 Design Exceptions” which are minor variances within approximately 10% of the required standard.</td>
<td>Staff is permitted to approve minor Administrative Adjustments.</td>
<td>Staff is interested in exploring a design exception process that allows for modifications of the standards that don’t rise to the level of a variance and are considered through a public process as part of the overall site plan.</td>
</tr>
<tr>
<td>Significant deviation How significant deviations from building standards are handled</td>
<td>While some language exists to allow staff to approve truly unique projects significant deviations are generally not allowed.</td>
<td>“Type 2 Design Exceptions” are defined throughout the code and require approval by the City Planning Commission</td>
<td>Design Deviations require City Planning Commission Approval</td>
<td></td>
</tr>
</tbody>
</table>
To: City Planning Commission  
From: Seth Gunnerson, Planner through Jennifer Pratt, Community Development and Planning Director  
Subject: Zoning Code Amendment for Fireworks Sales  
Date: November 2, 2017

At the November 2, 2017 City Planning Commission meeting staff will be asking for a recommendation from the Commission on a proposed amendment to Municipal Code Chapter 32, the Zoning Ordinance, to regulate Firework Sales in the City. Per State Code, the City Planning Commission is required to make a recommendation to the City Council on all amendments to the City’s Zoning Ordinance.

Background:
In the spring of 2017, the State of Iowa adopted new legislation allowing for the sale and use of consumer fireworks for limited periods during the year, coinciding with the Fourth of July holiday and New Year’s. The City received a significant number of calls during and after the Fourth of July sale window about the use of fireworks in the community. Based on this feedback, the City is proposing two separate ordinances for the use and sale of consumer fireworks. The ordinance before the City Planning Commission will specifically address zoning issues related to the sale of fireworks that have been created as a result of the new state legislation. A separate ordinance will be presented to City Council addressing the use of fireworks within the City Limits.

Recommendations:
While amendments to Chapter 32 have been avoided during the ReZone Cedar Rapids process, this ordinance is necessary to deal with a change to State Law which affects current land use and impacts residents of Cedar Rapids. State Law prevents cities from banning the sale of consumer fireworks, but allows for the regulation of firework sales within the framework of their local zoning ordinance.

The zoning ordinance defines different activities, or Uses, that occur within the City and restricts them to appropriate Zone Districts. The proposed ordinance will define Firework Sales as a new use, and will regulate sales as follows:

- **Limit Firework Sales to the I-1 and I-2 Industrial Zone Districts.** The I-1 and I-2 districts do not allow residential uses, which may be incompatible with fireworks sales, and are more appropriate for the storage and sale of potentially hazardous materials.
- **Prohibit sales in the Urban Core.** The Urban Core is a defined area within the Zoning Ordinance that covers the downtown, and core area districts.
- **Prohibit sales within 450 feet of any Residential Zone District.** The separation distance will push sales away from residential neighborhoods.
In addition, any firework sales locations will be required to provide parking for customers and meet all applicable building and fire codes.

On October 18 staff gave a presentation on the draft ordinance to the City Council Development Committee, who recommended that staff move forward with an ordinance for CPC Review.

**Preliminary timeline and Next Steps:**
The timeline below will allow for adoption of the ordinance prior to the December sales window around the New Years holiday.

1. October 18, 2017 – City Council Development Committee Presentation
2. October 24, 2017 – City Council Motion Setting a Public Hearing for November 14.
3. **November 2, 2017 – City Planning Commission Review and Recommendation of proposed ordinance**