ORDINANCE NO. 065-19

AN ORDINANCE PASSED IN ACCORDANCE WITH CHAPTER 32, AS AMENDED, OF THE MUNICIPAL CODE OF CEDAR RAPIDS, IOWA, BEING THE ZONING ORDINANCE, CHANGING THE ZONING DISTRICT AS SHOWN ON THE ATTACHED "EXHIBIT A" FOR THE PROPERTY MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE

WHEREAS an application (RZNE-029592-2019) was submitted by Cargill, Inc. (hereafter "applicant") for the rezoning of a portion (hereafter "proposed railyard area" and described in Section 1 of this Ordinance) of a parcel (GPN 143545100200000), (hereafter "total property") for the purpose of constructing and operating a railyard to serve a nearby processing plant, and

WHEREAS, the proposed railyard will provide for the applicant's continued business growth, support the food industry, provide for better rail traffic management and as a result will address the public's need to benefit the local economy, and better manage the impact rail traffic has on road traffic, and

WHEREAS City Staff have reviewed the rezoning application with site plan, technical studies and proposed mitigation strategies, and have determined that the application is complete and is in accordance with the Comprehensive Plan EnvisionCR and the Zoning Ordinance, and

WHEREAS, the proposed railyard area is adjacent to some land that is used in ways that would be different than the proposed railyard area, there is reasonable basis to treat the proposed railyard area differently from this surrounding land in that:

A. There is an existing and longstanding railroad track that can service the proposed railyard area, and

B. The proposed railyard area is in close proximity to the applicant's existing plant as well as other industrial users, including users in the food industry, and

C. The size, shape and topography of the proposed railyard area are consistent with and uniquely suitable for the physical construction and operation of the proposed railyard area; and

WHEREAS, the City's Planning Commission and the City Council have considered the City's Comprehensive Plan and Economic Development Strategic Plan, and have found the rezoning is consistent with both plans, including the availability of City services; mitigating the character and compatibility with surrounding zoning districts, supporting long term employers and targeted businesses in the food industry, and utilizing railways as a transportation option, and
WHEREAS the City Planning Commission held a public hearing and voted at the November 7, 2019 meeting to recommend approval of rezoning the proposed railyard area, subject to conditions listed below in Section 2, and

WHEREAS a public hearing before the City Council was held on November 19th to consider rezoning the proposed railyard area, and

WHEREAS, the City Council has given full consideration to the rezoning application including the needs of the public, mitigating changing conditions by a transitional buffer with a conservation easement and screening for other nearby zone districts, and has determined that the rezoning is in accordance with the City’s Comprehensive Plan and Economic Development Strategic Plan, and will benefit the and overall public health and welfare of the City as a whole and should be granted subject to the terms and conditions contained in this Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, as follows:

Section 1. That in accordance with Chapter 32, as amended, of the Municipal Code of Cedar Rapids, Iowa, being the Zoning Ordinance, the proposed railyard area described as follows;


BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL A; THENCE N89°55′30″E 83.15 FEET ALONG THE NORTH LINE OF SAID PARCEL A; THENCE SOUTHEASTERLY 168.85 FEET ALONG THE ARC OF A 5087.73 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY (CHORD BEARS S54°25′58″E 168.84 FEET); THENCE S79°43′08″E 1989.44 FEET; THENCE S0°47′13″E 511.55 FEET TO THE NORTHEASTERLY RIGHT OF WAY OF THE UNION PACIFIC RAILROAD (FORMERLY THE CHICAGO & NORTHEASTERN RAILWAY COMPANY); THENCE NORTWESTERLY 2410.54 FEET ALONG SAID NORTHEASTERLY RIGHT OF WAY AND THE ARC OF A 5137.73 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY (CHORD BEARS N66°10′44″W 2388.48 FEET) TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 16.70 ACRES, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

and located at west of Cole Street SE and south of Otis Avenue SE, now zoned S-RLL, Suburban Residential Large Lot District, and as shown on Exhibit A (attached) be rezoned and zoning district shall be changed to I-GI, General Industrial District, and that the property be used for such purposes as outlined in the I-GI, General Industrial District, as defined in Chapter 32 of the Municipal Code of Cedar Rapids, Iowa.

Section 2. That this Ordinance and the zoning granted by the terms hereof are subject to the conditions which have been agreed to and accepted prior to the passage of this Ordinance in writing (shown by attached Acceptance) by the owners and are binding upon the owners, successors, heirs, and assigns, as follows:

A. Noise and visual mitigation in the form of a berm within the buffer to be installed prior to railyard operations commencing. The berm design shall be finalized as
part of the Administrative Site Plan approval and include additional landscaping to maximize visual mitigation.

B. Proposed trees shall exceed 2.5” Diameter at Breast Height (DBH) at time of planting, and be in accordance with approved landscape plan.

C. Industrial land use shall be limited to a railyard. No other uses otherwise permitted under the I-GI district shall be allowed.

Section 3. That this Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 4. Following publication of this Ordinance as provided for by law, the City Clerk shall certify this Ordinance and the plat of the property described hereinabove, as shown by Exhibit A attached hereto and by this reference incorporated herein, to the Linn County Recorder.

Introduced this 19th day of November, 2019.

Passed this 17th day of December, 2019.

Voting: Council member Todd moved the adoption of the ordinance; seconded by Council member Poe. Adopted, Ayes, Council members Hoeger, Olson (Scott), Olson (Tyler), Overland, Poe, Todd, Vanorny and Mayor Hart. Nay, Council member Weinacht.

Bradley G. Hart, Mayor

Attest:

Amy Stevenson, City Clerk
REZONING
ACCEPTANCE OF CONDITIONS

I/We hereby agreed to the terms and conditions set out below in regard to the Rezoning approval as requested by Cargill, Inc. for the property at Stewart Road SE and Cole Street SE, Cedar Rapids, IA (Case #RZNE-029592-2019).

Conditions:
1. Noise and visual mitigation in the form of a berm within the buffer to be installed prior to railyard operations commencing. The berm design shall be finalized as part of the Administrative Site Plan approval and include additional landscaping to maximize visual mitigation.
2. Proposed trees shall exceed 2.5” Diameter at Breast Height (DBH) at time of planting, and be in accordance with approved landscape plan.
3. Industrial land use shall be limited to a railyard. No other uses otherwise permitted under the I-GI district shall be allowed.

I/We specifically agree to protect, defend and hold the City of Cedar Rapids harmless from any and all damages and/or claims for damages that might arise or accrue by reason of the Rezoning approval. This agreement shall be binding upon the current owner(s) as well as future owners, heirs, legal representatives, successors and assigns.

Dated this 13 Day of November, 2019

Cargill, Inc. (Applicant/Property Owner)

BY Dan Pulis (Print Name)

(Sign)

IT’S Plant Mgr. (Title)

Dan Pulis, Plant Manager
This development plan was approved by the City Council of the City of Cedar Rapids, Iowa, as part of Ordinance No. 065-19 dated December 17, 2019.

- Amy Stevenson, City Clerk