



Opening Statement

The Board of Adjustment is made up of five members who are appointed by the Mayor and City Council. The Board provides opportunity for residents to request a Variance or a Major Design Exception from one or more code requirements otherwise required within the current Zoning Ordinance. Please note that in order for a Variance to be approved, the applicant must meet all seven criteria. The Board also reviews Conditional Use requests to determine whether the use is appropriate for the surrounding area.

The Board is commissioned to hear the applicant's appeal or request, the criteria or findings outlined in the Zoning Ordinance, and citizen's concerns and/or objections or support to determine whether the request should be granted.

The Board welcomes all testimony related to the applicant's appeal. The Board's Chairperson will introduce each case, followed by a City staff presentation of factual details and a summary of the required criteria or findings. The petitioner will then have an opportunity to come forward and present your case, followed by any other comments from objectors or supporters. We ask that you please provide your name and address for the record and keep your comments to under a few minutes. After all public comments are received, the Chair will invite Board questions and comments before taking the matter to a vote.

Please note that the Chair cannot make a motion, but has a vote. There must be three (3) affirmative votes to pass. No motion made by the Board will be the same as a denial. If all five members are not present, petitioners have the right to ask for their case to be tabled until the next scheduled meeting, but there is no guarantee of a full board next month.

If you have any questions on your item or what regulations or codes may still apply, please visit with a member of the Development Services team, and they would be happy to assist you.



Development Services Department
500 15th Avenue SW
Cedar Rapids Iowa 52404
Office: (319) 286-5780
Developmentservices@Cedar-Rapids.org

AGENDA
BOARD OF ADJUSTMENT
Monday May 8, 2023 @ 4:00 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:** **1750 42nd St SE** **(Major Design Exception)**
ADMD-033686-2023; Case Manager: Dani Blin
Consideration of a Major Design Exception to allow a Fence 6 feet in height within the required 25 feet front yard setback area in lieu of 4 feet permitted maximum height as requested by Gregory or Lynette Marling. (Titleholder).
2. **Case Name:** **3026 - 3156 Wilson Avenue SW** **(Major Design Exception)**
ADMD-033698-2023; Case Manager: Dave Houg
Consideration of a Major Design Exception to allow to allow a reduction of the required minimum lot frontage per dwelling unit to 5.8' in lieu of 9' in a S-RMF, Suburban Residential Medium Flex District as requested by Thirty One Wilson, LLC.
3. **Case Name:** **2906 Oakland Rd NE** **(Major Design Exception)**
ADMD-033492-2023; Case Manager: Dave Houg
Consideration of a Major Design Exception to allow to allow a reduction of the required minimum lot frontage per dwelling unit to 14.4' in lieu of 18' in a S-RLF, Suburban Residential Low Flex District as requested by Advantage Development, Inc. (Titleholder).

4. **Case Name:** **4333 Czech Lane NE** **(Conditional Use)**
COND-033651-2022; Case Manager: Dave Houg
Consideration of a Conditional Use for a Level II Alcohol & Tobacco Use in an S-MC, Suburban Mixed Use Community Center District, located within 300' of a residentially-zoned district as requested by Steelsmith Properties, LLC (Owner).

5. **Case Name:** **1251 3rd Ave SE** **(Conditional Use)**
COND-033693-2022; Case Manager: Mathew Langley
Consideration of a Conditional Use for a Boarding House within a T-RF (Traditional Residential Flex District), as requested by Willis Dady Homeless Services (Owner).

D. Other Business

1. **Case Name:** **4400 6th St SW** **(Conditional Use)**
COND-033440-2022; Case Manager: Dave Houg
Consideration of a Conditional Use for a salvage yard within a I-GI, General Industrial District, as requested by Roger Cassill (Applicant).



EXECUTIVE SUMMARY
MAJOR DESIGN EXCEPTION
CASE NO. ADMD-033686-2023
CASE MANAGER: Dani Blin

OWNER/APPELLANT INFORMATION

APPLICANT: **Greg Marling**

TITLEHOLDER: **Gregory or Lynette Marling**

PROPERTY **1750 42nd Street SE**
ADDRESS:

MAJOR DESIGN EXCEPTION REQUEST

Install a fence 6 feet in height within the required 25 feet front yard setback area in lieu of 4 feet permitted maximum height.

OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Standards for approval of a Major Design Exception.

STAFF RECOMMENDATION

Staff recommends denial of the 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

MAJOR DESIGN EXCEPTION REQUEST Board of Adjustment Meeting: May 8, 2023

BACKGROUND:

1. Gregory and Lynette Marling are the owners of record of the subject property.
2. The Future Land Use Map designation is U-LL, Urban Large Lot Area
3. The property is zoned S-RL1, Suburban Residential Low Single Unit District
4. The property is 1.01 acres in size and is described as Lot 1 of the South Ridge Knolls 1st Addition
5. The property owner filed the major design exception request with the Development Services Department on April 3, 2023.

The applicant wishes to construct a fence 6 feet in height within the 25 feet front yard setback at 1750 42nd Street SE. The property is an interior (not located on a block corner) parcel approximately 1 acre in size with 220 feet of frontage on 42nd Street SE. To the north of the subject property is a woodland that is in Linn County. The City's Future Land Use Map shows the adjoining property as being appropriate for "Urban-Low Intensity" development. There is no timeline for annexation and development of the property.

The applicant has stated the reason for the tall fence is to keep deer out of their property, and they believe that a fence 4 feet in height, as permitted, would not be sufficient.

As of the time of this staff report, the applicant has installed a temporary "deer buster" fence in the front and side yards made with t-posts and plastic netting that appears to be 6 feet tall. No permit was applied for or issued for this fence. City staff has received a concern about the fence being installed without a permit and the location of the posts. Staff's determination is that the fence is temporary in nature and would have required a permit for placement up to 60 days.

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 request is not inconsistent with the comprehensive plan or any other adopted plan or study.

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 request should be considered as a Major Design Exception and not a rezoning or any other form of approval.*

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 code establishes maximums for fences in residential settings. Past code updates raised the maximum front yard height from three feet to four feet. Residential fence height for side and rear yards has remained consistent through past code updates.*

The front yard setback requirement, at 25 feet, is consistent with adjacent development in the same S-RL1 zone districts.

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 City's code requires that fence height be limited to 4 feet in the front yard setback. The zone district in this area dictates that front yard setback to be 25 feet. A fence taller than 4 feet, up to 7 feet tall, is allowed beyond the 25 feet setback. Staff does not find a unique circumstance (4a) that would necessitate an exception to the setback. Due to the size of the subject property, adhering to the required setback will not limit the use of the property (4b).*

Where the City has recommended approval of design exceptions for fences in the past, unique circumstances on the lot, such as irregular lot shape, small lots size, unique layout, or other barriers to creating a usable private space were used as a justification.

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: *Staff does not find any practical difficulties related to the subject property or unique circumstances with the property. Staff recommends denial of the request. Staff will approve, consistent with the code, a fence 4 feet tall on the front property line, or a fence up to 7 feet tall beyond the required front yard setback of 25 feet. The drainage ditch noted by the property owners is in the City Right-of-Way, and is 30 feet from the street center line. This is the same width, or less than other property owners in the area. Neighbors to west have 40 feet Right- of-Way from the street center line and that Right-of-Way backs up to the rear yard of those property owners. The applicant notes a perceived exception that may have been granted to the neighbors to the west of their property due to the presence of taller fences on these rear lots. However, per code, fences up to a height of 7 feet are allowed on rear property lines, which are 40 feet from the center line of the street.*

FINDINGS OF FACT:

STAFF RECOMMENDATION:

Staff recommends denial of the request based on review of the site, the application, and unmet criteria for approval of the exception.

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.

Form 32.05.12 A Application for Major Design Exception

Application Under Sec. 32.05.12 of the Zoning Ordinance
 City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404
 Phone: (319) 286-5836 | Email: developmentservices@cedar-rapids.org



Date Submitted:	Case Number:										
Contact Information											
Applicant			Relationship to Project (Owner, Lessee, Etc.)								
Name	Greg Marling	Phone 319-361-3704	319-361-3701	Email	gdmarling@gmail.com						
Address	1750 42nd St SE	City	Cedar Rapids	State	IA						
Site Information											
Address or General Location of Property:	1750 42nd St SE - Cedar Rapids										
Zoning District:	--										
Proposed Major Design Exceptions: <small>(Attach additional sheet if necessary)</small>	<table border="1"> <thead> <tr> <th>Standard</th> <th>Required by Code</th> <th>Proposed</th> </tr> </thead> <tbody> <tr> <td colspan="3"> Wanting to install a 6 foot black iron fence at the front + side of our property - largely to address damage done by deer. Permit requires 25' from the edge of the city easement which will cut our front yard in half + be unattractive to the neighborhood. Requesting waiver of 50% of requirement - to 12.5 ft from easement. </td> </tr> </tbody> </table>					Standard	Required by Code	Proposed	Wanting to install a 6 foot black iron fence at the front + side of our property - largely to address damage done by deer. Permit requires 25' from the edge of the city easement which will cut our front yard in half + be unattractive to the neighborhood. Requesting waiver of 50% of requirement - to 12.5 ft from easement.		
Standard	Required by Code	Proposed									
Wanting to install a 6 foot black iron fence at the front + side of our property - largely to address damage done by deer. Permit requires 25' from the edge of the city easement which will cut our front yard in half + be unattractive to the neighborhood. Requesting waiver of 50% of requirement - to 12.5 ft from easement.											
Applicant Signature	Date										

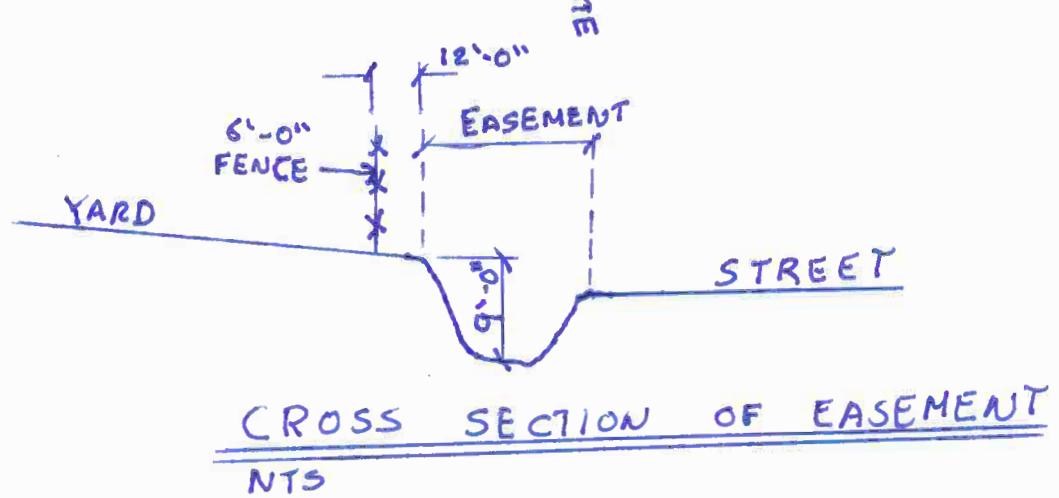
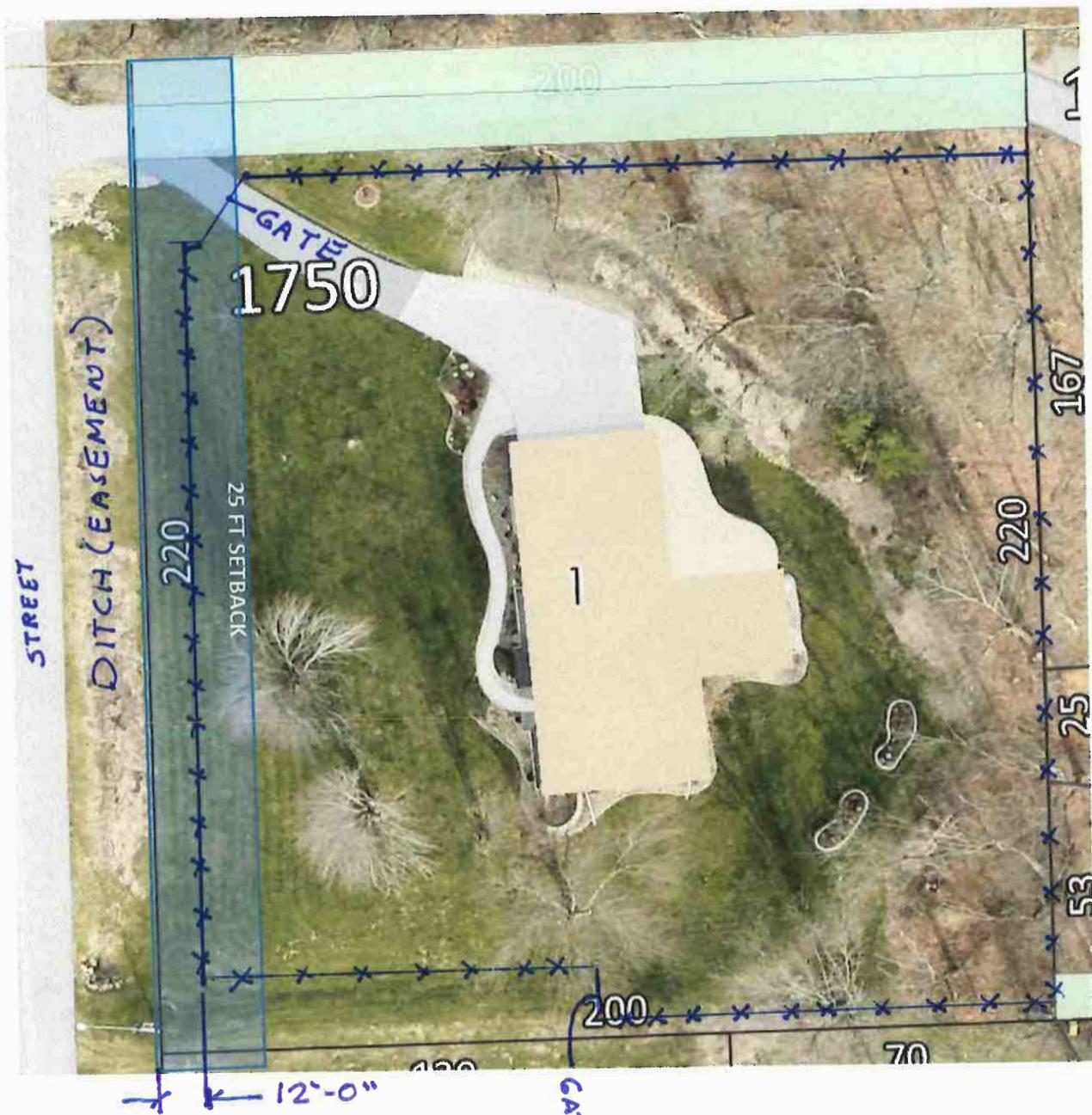
Applicant hereby certifies under penalty of perjury that he/she is the owner, or that he/she is authorized and empowered to make this application on behalf of the owner. Applicant also certifies under penalty of perjury that the application and any related materials are true and contain a correct description of the proposed use. Applicant further acknowledges that all applications are subject to deed restrictions and any other codes, ordinances, laws or government regulations that apply.

Section 32.05.12.F Review and Approval Criteria

Major Design Exceptions may be approved only when the Board of Adjustment determines that all of the following general approval standards and criteria have been met:

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

1750 42nd ST SE – Site Plan



**MAJOR DESIGN EXCEPTION
AUTHORIZATION / CONSENT FORM
& ACCEPTANCE OF CONDITIONS**

I/We Greg & Lynette Marling
(Name)

property located at : 1750 42nd St SE

Cedar Rapids Linn County Iowa.

I hereby give my consent to petition the City of Cedar Rapids Board of Adjustment for a Major Design Exception for the following use:

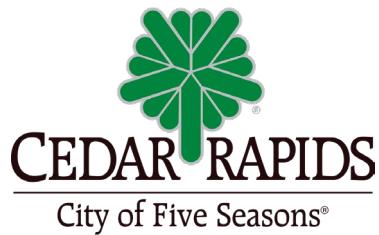
*50% exception to required setback of 35 ft for installation of a
six foot fence at the front of our property.*

I further agree to any terms and conditions set forth by the City of Cedar Rapids in its approval of said petition. I specifically agree to protect, defend and hold the City of Cedar Rapids and its employees harmless from any and all damages or claims for damages that might arise or accrue by reason of the granting of said use. I also agree that this agreement shall be binding upon the current Titleholder(s)/Owner(s), as well as future owners, heirs, legal representatives, successors and assigns.

Dated this 3rd day of April, 2023.

Greg Marling
Signature

Notary Public



DOCKET # ADMD-033698-2023
EXECUTIVE SUMMARY
MAJOR DESIGN EXCEPTION
CASE MANAGER: David Houg

OWNER/APPELLANT INFORMATION

OWNER/APPLICANT: Thirty One Wilson, LLC

MAILING/PROPERTY ADDRESS: N/o Wilson Avenue SW; E/o
Kenrich Drive SW

MAJOR DESIGN EXCEPTION REQUEST

Applicant is requesting a reduced minimum lot frontage per dwelling unit in an S-RMF, Suburban Residential Medium Flex District from the required 9 feet to 5.8 feet per dwelling unit.

OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Compatibility with the surrounding area

STAFF RECOMMENDATION

Staff recommends approval.

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

MAJOR DESIGN EXCEPTION

Board of Adjustment Meeting: May 8, 2023

BACKGROUND:

The Applicant proposes development of 4 multi-unit residential structures on a lot with 104 existing dwelling units. The lot has 717' of street frontage. The S-RMF district requires a minimum of 9 feet of frontage per unit, which would limit the site to 79 units. The design exception request is to reduce the requirement to 5.8 feet of frontage per dwelling unit to permit development of 19 new units, for a total of 123 dwelling units. The developed density remains within the limits permitted in the S-RMF district.

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 request is not inconsistent with the comprehensive plan or any other adopted plan or study.

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 proposed development will be consistent with the surrounding properties' suburban residential character.

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 proposed multifamily project is not representative of a style/pattern intended to be replaced.

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 project completes a previously-approved multifamily layout. At the time of the original layout, the Zoning Ordinance did not have a minimum lot frontage requirement. This proposal reduces the total dwelling count by 5 units.

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: The requested exception to reduce the minimum frontage requirement is allowed by Major Design Exception per the Zoning Ordinance.

FINDINGS OF FACT:

The requested exception is allowed by the Zoning Ordinance.

STAFF RECOMMENDATION:

Staff recommends approval of the request.

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.

Form 32.05.12 A Application for Major Design Exception

Application Under Sec. 32.05.12 of the Zoning Ordinance
 City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404
 Phone: (319) 286-5836 | Email: developmentservices@cedar-rapids.org



Date Submitted: March 31st, 2023

Case Number:

Contact Information

Applicant		Relationship to Project (Owner, Lessee, Etc.)						
Name	Thirty One Wilson LLC	Phone		Email	gbishopsco@gmail.com			
Address	401 2nd Street		City	Coralville	State	IA	Zip Code	52241

Site Information

Address or General Location of Property:	North of Wilson Avenue SW, east of Kenrich Drive SW		
Zoning District:	S-RMF Suburban Residential Medium Flex		

Proposed Major Design Exceptions: (Attach additional sheet if necessary)	Standard	Required by Code	Proposed
	Frontage (ft.min)	9'/dwelling unit	5'/dwelling unit

Applicant Signature

Date 4-28-2023

Applicant hereby certifies under penalty of perjury that he/she is the owner, or that he/she is authorized and empowered to make this application on behalf of the owner. Applicant also certifies under penalty of perjury that the application and any related materials are true and contain a correct description of the proposed use. Applicant further acknowledges that all applications are subject to deed restrictions and any other codes, ordinances, laws or government regulations that apply.

Section 32.05.12.F Review and Approval Criteria

Major Design Exceptions may be approved only when the Board of Adjustment determines that all of the following general approval standards and criteria have been met:

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

**MAJOR DESIGN EXCEPTION
AUTHORIZATION / CONSENT FORM
& ACCEPTANCE OF CONDITIONS**

I/We Thirty One Wilson LLC am Titleholder(s)/Owner(s) of
(Name)

property located at : N/O Wilson Avenue SW, E/O Kenrich Drive SW

Cedar Rapids Linn County Iowa.

I hereby give my consent to petition the City of Cedar Rapids Board of Adjustment for a Major Design Exception for the following use:

Reduce the frontage requirement to 5' per dwelling unit.

I further agree to any terms and conditions set forth by the City of Cedar Rapids in its approval of said petition. I specifically agree to protect, defend and hold the City of Cedar Rapids and its employees harmless from any and all damages or claims for damages that might arise or accrue by reason of the granting of said use. I also agree that this agreement shall be binding upon the current Titleholder(s)/Owner(s), as well as future owners, heirs, legal representatives, successors and assigns.

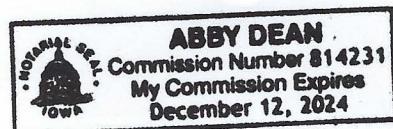
Dated this 27th day of March, 2023.

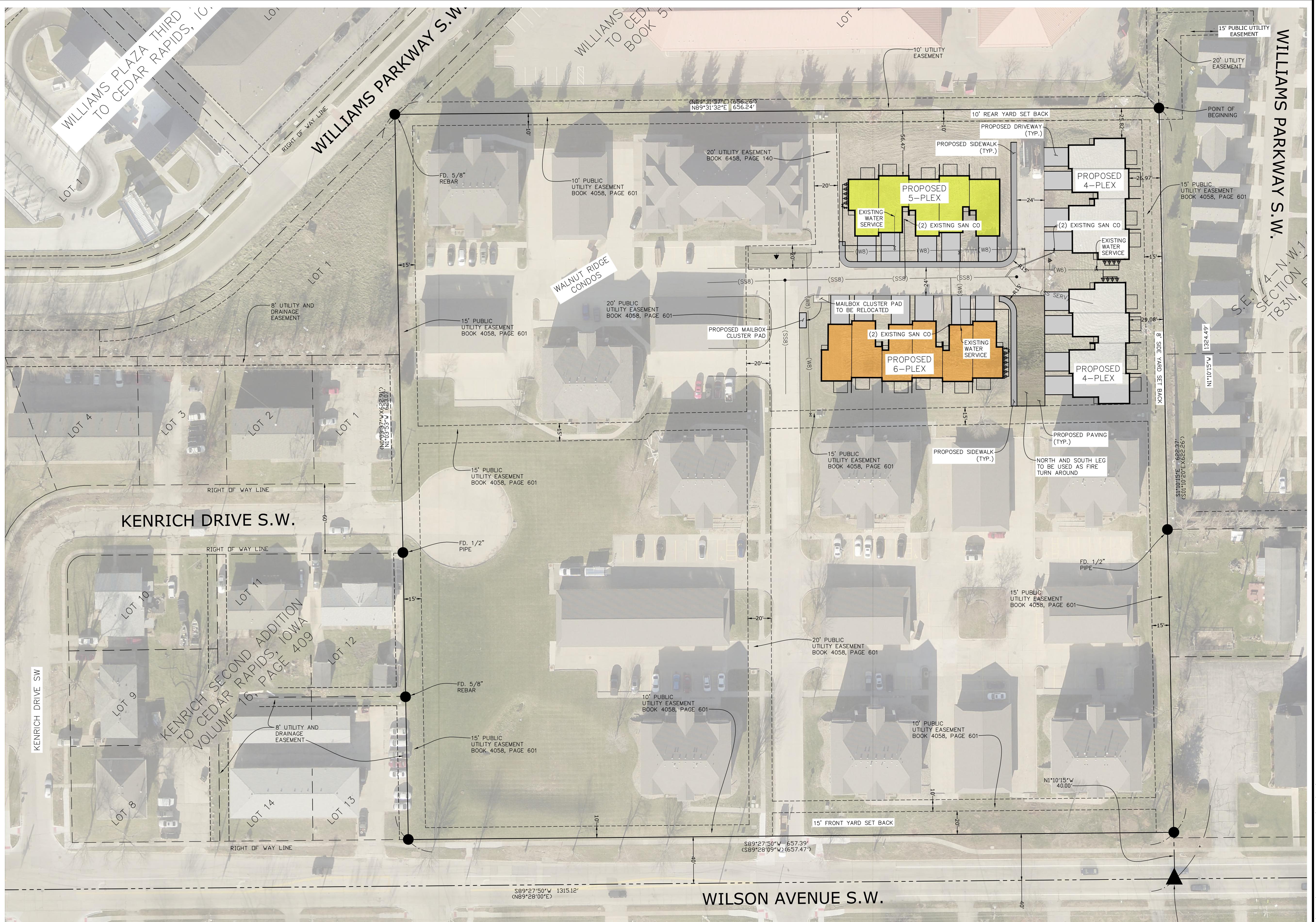
Mary L Bishop

Signature

Abby Dean

Notary Public





DRAWN BY:	DCZ	
CHECKED BY:	LMH	
APPROVED BY:	LMH	
DATE:	03-21-2023	
FIELD BOOK:	NO.	



WALNUT RIDGE DEVELOPMENT
IN THE CITY OF CEDAR RAPIDS
LINN COUNTY, IOWA

MAJOR DESIGN EXCEPTION SITE PLAN

SHEE



DOCKET # ADMD-033492-2022
EXECUTIVE SUMMARY
MAJOR DESIGN EXCEPTION
CASE MANAGER: David Houg

OWNER/APPELLANT INFORMATION

OWNER/APPLICANT: Advantage Development, Inc.

MAILING/PROPERTY ADDRESS: 2906 Oakland Road NE

MAJOR DESIGN EXCEPTION REQUEST

Applicant is requesting a reduced minimum lot frontage per dwelling unit in an S-RLF, Suburban Residential Low Flex District from the required 18 feet to 14.4 feet per dwelling unit.

OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Compatibility with the surrounding area

STAFF RECOMMENDATION

Staff recommends approval.

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

MAJOR DESIGN EXCEPTION

Board of Adjustment Meeting: May 8, 2023

BACKGROUND:

The applicant proposes development of two 3-plex multi-unit residential structures on a lot having 86.5' of lot frontage. The S-RLF district requires a minimum of 18 feet of frontage per unit, which would limit the site to 4 units. The design exception request is to reduce the requirement to 14.4 feet of frontage per dwelling unit to permit development of 6 residential units. The developed density would remain within the limits permitted in the S-RLF district.

Should the design exception request be denied, the effect will be that the developer will be limited to development of four housing units on the subject property.

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 request is not inconsistent with the comprehensive plan or any other adopted plan or study.

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 proposed development would be consistent with the surrounding properties' suburban residential character. The zoning district will require similar development standards from adjacent development apart from permitting construction of multi-unit structures.

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 proposed multifamily project is not representative of a style/pattern intended to be replaced.

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 parcel has a deep and narrow aspect that provides less than the typical amount of street frontage per square foot of lot. The intent of the minimum frontage requirement is to ensure that public streets are developed as needed.

- 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: The requested exception to reduce the minimum frontage requirement is allowed by Major Design Exception per the Zoning Ordinance.

FINDINGS OF FACT:

The requested exception is allowed by the Zoning Ordinance.

STAFF RECOMMENDATION:

Staff recommends approval of the request.

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.

Form 32.05.12 A Application for Major Design Exception

Application Under Sec. 32.05.12 of the Zoning Ordinance
City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404
Phone: (319) 286-5836 | Email: developmentservices@cedar-rapids.org



Date Submitted:		Case Number:			
Contact Information					
Applicant			Relationship to Project (Owner, Lessee, Etc.)		
Name		Phone		Email	
Address		City		State	Zip Code
Site Information					
Address or General Location of Property:					
Zoning District:	(drop down)				
	Standard	Required by Code	Proposed		
Proposed Major Design Exceptions: (Attach additional sheet if necessary)					
Applicant Signature			Date		

Applicant hereby certifies under penalty of perjury that he/she is the owner, or that he/she is authorized and empowered to make this application on behalf of the owner. Applicant also certifies under penalty of perjury that the application and any related materials are true and contain a correct description of the proposed use. Applicant further acknowledges that all applications are subject to deed restrictions and any other codes, ordinances, laws or government regulations that apply.

Section 32.05.12.F Review and Approval Criteria

Major Design Exceptions may be approved only when the Board of Adjustment determines that all of the following general approval standards and criteria have been met:

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

What criteria are eligible for a major design exception?

Criteria	Exception
Parking and Loading	<p>1 An exception to the required minimum Motor Vehicle Parking Spaces may be considered up to 100% of the number required.</p> <p>2. An exception to the maximum number of motor vehicle parking spaces may be considered up to the greater of 10 spaces or 25% of maximum number allowed. The accompanying landscaping and pervious parking space requirements shall not be subject to a design exception. For example, a site which is permitted a maximum of 100 spaces and is requesting 140 spaces may apply for a design exception to raise the maximum to 125 spaces. Mitigation measures as required by Section 32.04.02 shall be applied to the remaining 15 spaces.</p> <p>3. Where front yard or street-side yard parking is prohibited in a Suburban or Traditional district, a single bay of parking, or additional parking not exceeding 50 percent of the required minimum, may be granted within the front or street-side yard subject to the criteria for approval criteria for a Major Design Exception and the following:</p> <ul style="list-style-type: none"> A. There is no alley access or practical difficulties or significant negative impacts with providing alley access. B. Front yard parking is typical for similar uses within the neighborhood or corridor. C. Parking spaces are not located within 60 feet of a street corner. <p>4. Exceptions to other numerical standards in Section 32.04.02 not listed above may be considered up to 50%, unless specifically noted otherwise.</p> <p>5. Exceptions to the required parking setback may be considered for structured parking. The exception shall be the minimum necessary deviation from the code and the design of all facades shall comply with the requirements for the zone district.</p>
Sustainable Development	Unless otherwise specified, exceptions to numerical requirements may be considered up to 50%.
Site and Structure Standards	<p>1. Unless otherwise specified in Sec 32.04.05, exceptions to numerical requirements as follows:</p> <ul style="list-style-type: none"> A. Separation distances: up to 25% B. Other numerical standards: up to 50%. <p>2. Unless otherwise specified, exceptions may be considered to non-numerical standards in Sections 32.04.05.B Urban Design Standards, 32.04.05.C Traditional Design Standards, and 32.04.05.D Suburban Design Standards.</p>
Landscaping	Unless otherwise specified, exceptions to numerical requirements may be considered up to 50%.
Signs	<p>1. Exceptions may be considered to the maximum permitted sign area when the establishment of a new use on the parcel results in a corresponding increase in the total square feet of development of the site. For example, a 20% expansion of an existing structure for a new tenant may apply for a design exception for up to 20% of additional signage. The amount of additional sign area shall not exceed 50% of the maximum, and all signs enlarged or established as a result of this provision shall be of a type permitted in that zone district.</p> <p>2. Unless otherwise specified, no other exceptions to 32.04.08 Signs shall be considered.</p>

**MAJOR DESIGN EXCEPTION
AUTHORIZATION / CONSENT FORM
& ACCEPTANCE OF CONDITIONS**

I/We Chad Keune am Titleholder(s)/Owner(s) of
(Name)

property located at : 2906 Oakland Road NE

Cedar Rapids Linn County Iowa.

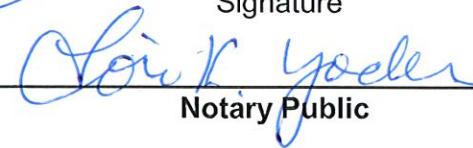
I hereby give my consent to petition the City of Cedar Rapids Board of Adjustment for a Major Design Exception for the following use:

We are requesting a reduction to 14' of lot frontage per dwelling unit to accommodate 6-units.

I further agree to any terms and conditions set forth by the City of Cedar Rapids in its approval of said petition. I specifically agree to protect, defend and hold the City of Cedar Rapids and its employees harmless from any and all damages or claims for damages that might arise or accrue by reason of the granting of said use. I also agree that this agreement shall be binding upon the current Titleholder(s)/Owner(s), as well as future owners, heirs, legal representatives, successors and assigns.

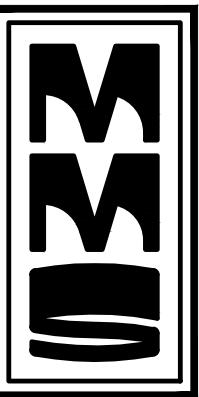
Dated this 28th day of Dec, 2022.



Signature


Notary Public





CIVIL ENGINEERS
LAND PLANNERS
LAND SURVEYORS
LANDSCAPE ARCHITECTS
ENVIRONMENTAL SPECIALISTS

1917 S. GILBERT ST.
IOWA CITY, IOWA 52240
(319) 351-8282

www.mmsconsultants.net

Date Revision

SITE CONCEPT PLAN

2906
OAKLAND RD NE
CEDAR RAPIDS
LINN COUNTY
IOWA

MMS CONSULTANTS, INC.

Date: 12/21/2022

Designed by: RLA

Drawn by: RLA

Checked by: RLA

Project No: 6992-349

Scale: 1"=30'

Sheet No: 1

of: 2

OAKLAND ROAD NE

29TH STREET NE

CURRENT ZONING: S-RM1
PROPOSED ZONING: S-RLF

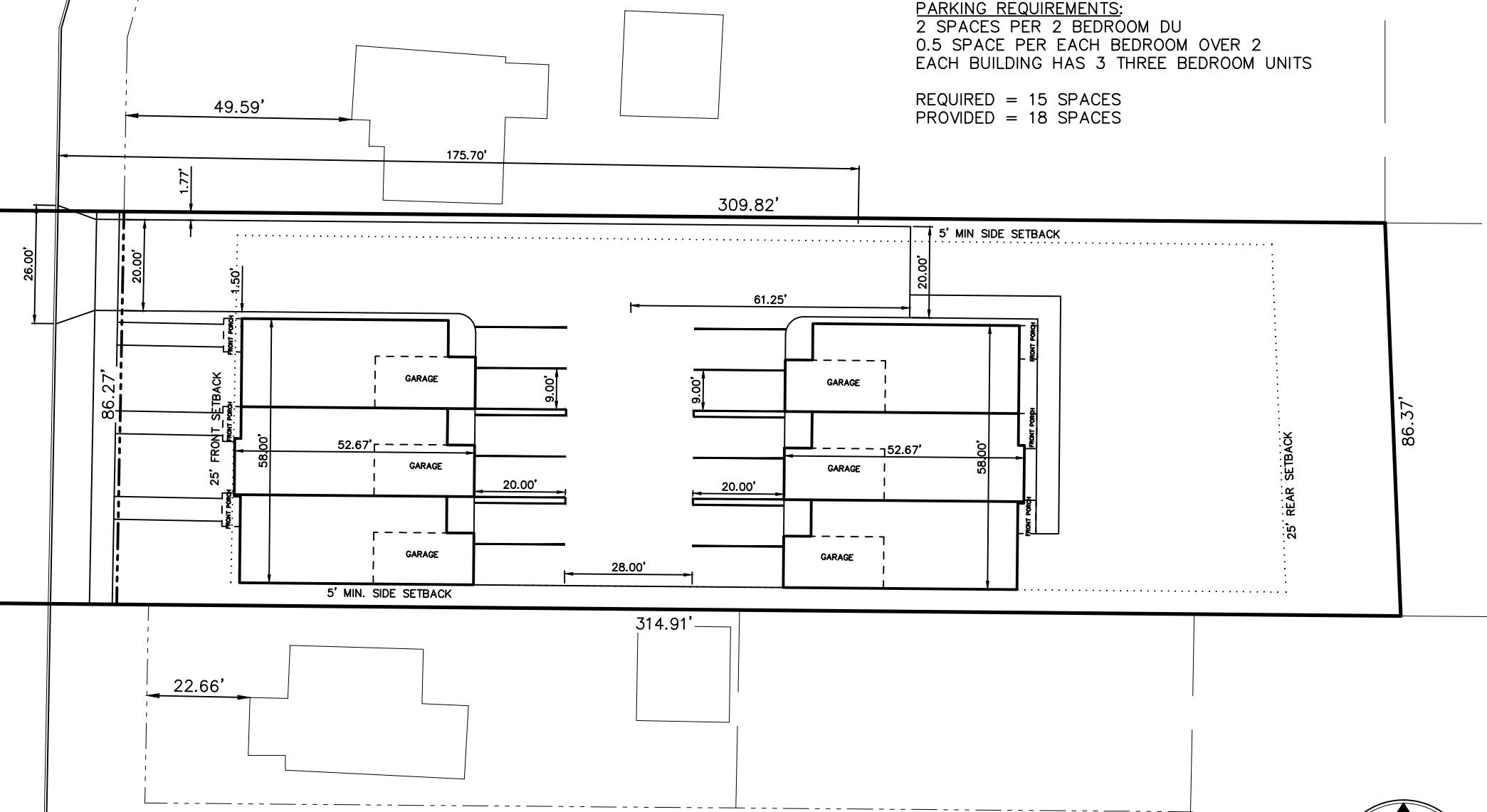
BUILDING SETBACKS REQUIREMENTS:
FRONT YARD 25 FEET
SIDE YARD 5(MIN.)/14(TOTAL) FEET
REAR YARD 25 FEET
SIDE, STREET YARD 15 FEET
ACCESSORY STRUCTURE 3 FEET

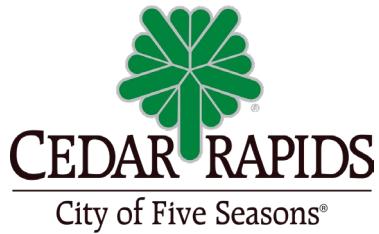
PARKING REQUIREMENTS:
2 SPACES PER 2 BEDROOM DU
0.5 SPACE PER EACH BEDROOM OVER 2
EACH BUILDING HAS 3 THREE BEDROOM UNITS

REQUIRED = 15 SPACES
PROVIDED = 18 SPACES



0 3 15 30
GRAPHIC SCALE IN FEET
1"=30'





CONDITIONAL USE
EXECUTIVE SUMMARY
CASE # COND-033651-2023
CASE MANAGER: David Houg

OWNER/APPELLANT INFORMATION

APPLICANT / **Steelsmith Properties, LLC**
TITLEHOLDER:
PROPERTY **4333 Czech Lane NE**
ADDRESS:

CONDITIONAL USE REQUEST

Level II Alcohol & Tobacco Use in an S-MC, Suburban Mixed Use Community Center District, located within 300' of a residentially-zoned district.

OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Compatibility with the surrounding area and criteria for approval of a Conditional Use

STAFF FINDING

The requested use is allowed at this location and conforms with the High Intensity LUTA designation.

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

CONDITIONAL USE CASE # COND-033651-2022 Board of Adjustment Hearing: May 8, 2023

BACKGROUND:

The applicant proposes a Level II Alcohol & Tobacco Use (retail store) at this location. The property is zoned S-MC, Suburban Mixed Use Community Center District and the Future Land Use Map designation is Urban High Intensity. A Level II Use requires approval as a conditional use at this location due to its proximity to residentially-zoned properties.

The applicant hosted a good neighbor meeting on March 22nd and the City has not received any objections to date.

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 allowed within the S-MC, Suburban Mixed Use Community Center 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: There are no Use-Specific Standards associated with an Alcohol / Tobacco Store.

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

Staff Conclusion: No other standards of the code applicable to this application are identified. If approved, the applicant will be required to obtain building and occupancy permits under this code and maintain necessary licenses.

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. The proposed retail use is consistent with 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: The immediate area along the westerly side of Center Point Road NE is developed with commercial uses. A residential neighborhood is located approximately 290' to the east, fronting on Walker Street NE.

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

Staff Conclusion: It is noted that the City's alcohol and tobacco licensing requirements are intended to mitigate possible adverse effects through annual review/renewals.

FINDINGS OF FACT:

The requested conditional use is allowed at this location and conforms with the High Intensity LUTA designation.

STAFF RECOMMENDATION:

Staff recommends approval of the request.

**CONDITIONAL USE
CONSENT FORM
AUTHORIZATION / CONDITIONS
& ACCEPTANCE OF CONDITIONS**

I, We Steve Smith Properties, LLC am Titleholder(s)/Owner(s) of
(Name) 4337 Czech LN NE, (Czech Square) Cedar Rapids

property located at :

Cedar Rapids Linn County Iowa.

I hereby give my consent to petition the City of Cedar Rapids Board of Adjustment for a
Conditional Use for the following use:

Liquor Sales (store) , Vape & Tobacco Store

I further agree to any terms and conditions set forth by the City of Cedar Rapids in its approval
of said petition. I specifically agree to protect, defend and hold the City of Cedar Rapids and its
employees harmless from any and all damages or claims for damages that might arise or accrue by
reason of the granting of said use. I also agree that this agreement shall be binding upon the current
Titleholder(s)/Owner(s), as well as future owners, heirs, legal representatives, successors and
assigns.

Dated this 20th day of March, 2023.

Drey Stellwut

Signature

Form 32.05.09 A Application for a Conditional Use Permit

Application Under Sec. 32.05.09 of the Zoning Ordinance
 City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404
 Phone: (319) 286-5835 | Email: developmentservices@cedar-rapids.org



Contact Information

Property Owner

Name	Steelsmith Properties, LLC	Phone	641-485-5913	Email	gbs0512@yahoo.com
Address		City		State	

Applicant Same as Property Owner

Name		Phone		Email	
Address		City		State	

Contact Person (Optional, if different than Applicant or Property Owner)

Name		Phone		Email	
Address		City		State	

Site Information

Address or General Location of Property:

4333 Czech Lane NE (Czech Square) Cedar Rapids.

GPN(s)¹:

Legal Description²:

Zoning District:

--

Proposed Use: Liquor Store, Vape & Tobacco Store

--

Description of Use (optional):

Proposed Conditional Use:
 Please select the use identified in the Use Table (32.03xxxx). A short description of the use may be provided.

¹ For properties with lengthy Legal Descriptions or large number of GPNs, please attach on a separate document OR email to developmentservices@cedar-rapids.org.

Property Owner(s)³ or Authorized Representative(s)⁴ Signature(s)

The City of Cedar Rapids requires that all titleholders of a property be informed and acceptable to the application being made. Signing this form does not commit to any conditions which may be placed on an approval. Electronic signatures are accepted.

Owner/Authorized Representative 1

Name:	Steelsmith Properties, LLC	Date	3/20/2023
Signature	Greg Steelsmith		

Owner/Authorized Representative 2

Name		Date	
Signature			

³ If there is a recorded contract, the contract purchaser's name(s), address and signature must also be included.

⁴ If signed by a representative of the owner, the representative must attach evidence of titleholder's authorization.





EXECUTIVE SUMMARY
CONDITIONAL USE
CASE NO. COND-033693-2023
CASE MANAGER: Mathew Langley

OWNER/APPELLANT INFORMATION

APPLICANT: Willis Dady Homeless Services

TITLEHOLDER: Willis Dady Homeless Services

PROPERTY
ADDRESS: **1251 3rd Ave SE Cedar Rapids, IA**

CONDITIONAL USE REQUEST

Proposal to use site for Boarding/Rooming house from its previous use as a food pantry.

OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

STAFF RECOMMENDATION

Staff Recommend Approval

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

CONDITIONAL USE REQUEST

Address: 1251 3rd Ave SE

Case No. COND-033693-2023

Board of Adjustment Meeting: May 8, 2023

BACKGROUND: The applicant is proposing to convert the existing structure which has previously been used as a food bank facility into a boarding house to serve veterans on a month-to-month rental basis as part of their existing operation. Per the applicant the rooms will be rented out individually.

To include:

- Willis Dady Homeless Services are the owners of record of the subject property.
- The Future Land Use Map designation is Urban High Intensity (U-HI).
- The property is zoned Traditional Residential Flex (T-RF).
- The property is 0.129 acres in size, and is described as OUT LOT 16 (LESS REAR 10') NE 40' STR/LB 9.
- The property owner filed the conditional use request with the Development Services Department on April 05, 2023.

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:

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

Staff Comments: Yes

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

Staff Comments: The site is to provide leasing of rooms to individuals with no expansion of the existing structure.

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

Staff Comments: Based on materials submitted and discussion of proposed use constituting an interior remodel to convert the space back to residential for boarding purposes of individual rooms, staff find that this complies with all standards of the code.

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 Comments: Staff finds that the use is consistent with the FLUM and the Comprehensive Plan. Under the Comprehensive Plan this use meets the need of Goal 4 in StrengthenCR section. The applicant is providing boarding housing for veterans experiencing homelessness and helping them transition into permanent housing. As a service and use this provides a bridge to reach future housing options through the applicant's proposed use.

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 Comments: The proposal is for interior remodel with no expansion of the existing structure to use as a boarding house. As such the use of residential renting in a boarding house style is consistent with the neighborhood as it does not alter character or compatibility with the surrounding uses and zones.

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

Staff Comments: constraint of the site and constraint of the structure limit potential to expand the location significantly without requiring additional reviews such as a rezoning or another conditional use application.

CONCLUSION:

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 based on the above findings without conditions.

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.

Form 32.05.09 A Application for a Conditional Use Permit



CEDAR RAPIDS

City of Five Seasons

Contact Information

Property Owner

Name	Willis Dady Homeless Services	Phone	319-262-7555	Email	alicia@willisdady.org		
Address	1247 4th Ave. SE	City	Cedar Rapids	State	IA	Zip Code	52403

Applicant Same as Property Owner

Name			Phone			Email		
Address			City			State		Zip Code

Contact Person (Optional, if different than Applicant or Property Owner)

Name	Lauren White	Phone	319-362-7555	Email	lauren@willisdady.org		
Address	1247 4th Ave. SE	City	Cedar Rapids	State	IA	Zip Code	52403

Site Information

Address or General Location of Property: 1251 3rd Ave. SE. Cedar Rapids, IA 52403

GPN(s)¹: 142232600400000

Legal Description¹: OUT LOT 16 (LESS REAR 10') NE 40' STR/LB 9

Zoning District: T-RF | Traditional Residential Flex

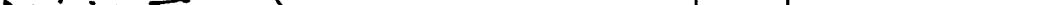
<p>Proposed Conditional Use: Please select the use identified in the Use Table (32.03xxxx). A short description of the use may be provided.</p>	<p>Proposed Use: Boarding or Rooming House</p> <p>Description of Use (optional):</p>
--	---

¹ For properties with lengthy Legal Descriptions or large number of GPNs, please attach on a separate document OR email to developmentservices@cedar-rapids.org.

Property Owner(s)³ or Authorized Representative(s)⁴ Signature(s)

The City of Cedar Rapids requires that all titleholders of a property be informed and acceptable to the application being made. Signing this form does not commit to any conditions which may be placed on an approval. Electronic signatures are accepted.

Owner/Authorized Representative 1

Name:	Alicia Faust	Date	4/4/2023
Signature			

Owner/Authorized Representative 2

Name		Date	
Signature			

³ If there is a recorded contract, the contract purchaser's name(s), address and signature must also be included.

⁴ If signed by a representative of the owner, the representative must attach evidence of titleholder's authorization.

**CONDITIONAL USE
AUTHORIZATION / CONSENT FORM
& ACCEPTANCE OF CONDITIONS**

I/We Willis Dady Homeless Services am Titleholder(s)/Owner(s) of
(Name)

property located at : 1251 3rd Ave. SE

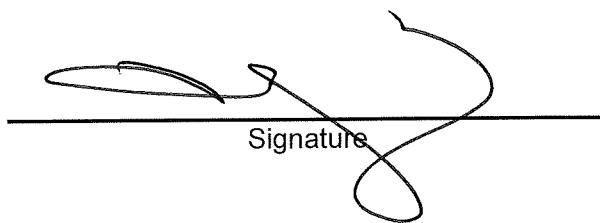
Cedar Rapids Linn County Iowa.

I hereby give my consent to petition the City of Cedar Rapids Board of Adjustment for a
Conditional Use for the following use:

Boarding or Rooming House

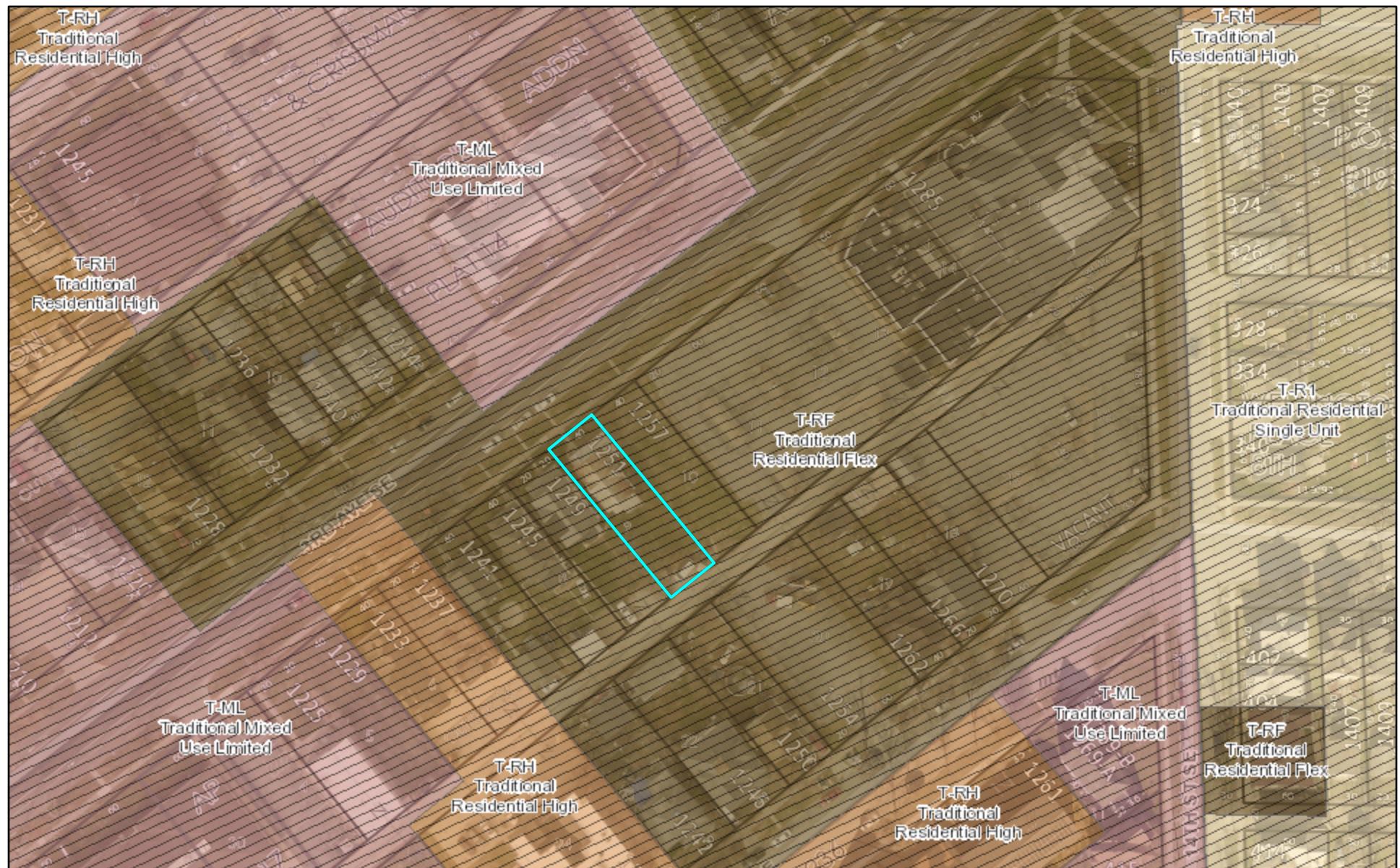
I further agree to any terms and conditions set forth by the City of Cedar Rapids in its approval of said petition. I specifically agree to protect, defend and hold the City of Cedar Rapids and its employees harmless from any and all damages or claims for damages that might arise or accrue by reason of the granting of said use. I also agree that this agreement shall be binding upon the current Titleholder(s)/Owner(s), as well as future owners, heirs, legal representatives, successors and assigns.

Dated this 04 day of April, 2023.



A handwritten signature is written over a horizontal line. The signature is fluid and cursive, appearing to read "Willis Dady". Below the line, the word "Signature" is printed in a small, sans-serif font.

ArcGIS Web Map



4/5/2023, 9:54:50 AM

1:1,200

Cartographic Symbols

— Legal Arrow

Subs and Condos

Subdivision

— **<all other values>** — Dim.

W

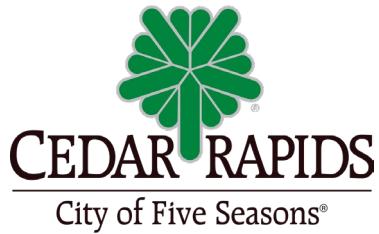
Section Arrow

Uncategorized

— Block Symbol

City limits

Condominium



CONDITIONAL USE
EXECUTIVE SUMMARY
CASE # COND-033440-2022
CASE MANAGER: David Houg

OWNER/APPELLANT INFORMATION

APPLICANT: **Roger Cassill**
TITLEHOLDER: **Green Flag Management, LLC**
PROPERTY **4400 6th Street SW**
ADDRESS:

CONDITIONAL USE REQUEST

Salvage Yard in an I-GI, General Industrial Zone District

OUTSTANDING ISSUES AND STANDARDS FOR APPROVAL

Compatibility with the surrounding area and criteria for approval of a Conditional Use

STAFF RECOMMENDATION

Staff recommends approval of the request subject to conditions.

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

CONDITIONAL USE CASE # COND-033440-2022 Board of Adjustment Hearing: May 8, 2023

BACKGROUND:

The applicant is proposing operation of a salvage yard. The proposed use would consolidate the existing salvage yard located north of the site along 6th Street SW into the new location. The yard would be approximately 9 acres in size and is depicted on the attached site plan.

An accompanying request to rezone to the General Industrial District was approved by the City Council on February 28th. The Future Land Use Map designation is Urban High Intensity.

The zoning code requires that salvage yards comply with certain use-specific standards, including that they be located at least 500 feet from any residentially district or use. The minimum front setback of the storage area shall be at least 100 feet from the adjacent street right-of-way.

As part of the consolidation of the existing salvage yard located north of Ingleside Dr SW to the new location, the applicant is seeking to create a temporary facility south of the proposed salvage yard, on the Hawkeye Downs Property, between Hawkeye Downs Ct SE and Cellsite Dr SW. As part of the Conditional Use Request the applicant is asking the Board of Adjustment for temporary relief from dimensional and screening standards related to the temporary use. The applicant represents that work will be completed within 6-8 months of approval (in the 2023 calendar year). Staff is requesting a provision to require the complete restoration of the temporary site to turf, or separate approvals be obtained for development, by June 1, 2024.

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: A salvage yard is allowed as a conditional use in the I-GI, General Industrial 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: Use-specific standard for salvage yards include that the proposed yard is located more than 500 feet from any residential district or use and that the front setback will be at least 100 feet from adjacent street right-of-way.
3. The application complies with all other applicable standards of this Code.
Staff Conclusion: The surrounding area is developed and served by all City services. Adequate levels of services to the existing development in the area will not be impacted by the proposed use.

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. The proposed use is consistent with 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: The immediate area is predominantly developed with industrial and commercial uses. An existing salvage yard located north of this site will be consolidated and relocated. The Grant Wood AEA facility is located directly east of the site. If the subject property is developed and operated in accordance with the staff recommended conditions and applicable codes and regulations, the proposed use and development will not have a substantially adverse effect upon adjacent properties.

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

Staff Conclusion: The outdoor storage areas and areas outdoors where activities associated with the operation of this business are located need to be effectively screened.

CONCLUSION:

The requested conditional use is allowed at this location.

STAFF RECOMMENDATION:

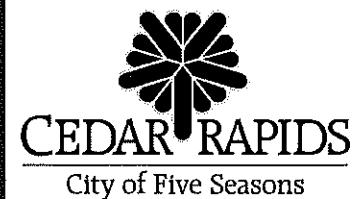
If approved, staff recommends the following conditions:

1. The salvage yard shall be screened by a solid wall or fence, including solid entrance and exit gates, not less than 7 feet in height and of sufficient height to screen storage from adjacent public right of way. Landscape plantings will be required along 6th Street between said fence the right-of-way.

2. Solid fencing will be required along the entrance drive at the interior of the site.
3. All parking, drives, and storage areas be surfaced per provisions of the Zoning Ordinance.
4. Adequate measures shall be taken to reduce noise, odor, and dust pollution, as may be required by state and local regulations.
5. Vehicles or components shall not be stacked/stored at any height above the screen fencing.
6. The temporary use must remain secured and shall be vacated entirely and restored to turf (or permanent improvements on this site separately permitted) by 6-1-2024.

Form 32.05.09 A Application for a Conditional Use Permit

Application Under Sec. 32.05.09 of the Zoning Ordinance
 City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404
 Phone: (319) 286 5836 | Email: development@cedar-rapids.org



Contact Information

Property Owner

Name	Roger Cassill	Phone	319-573-6306	Email	Roger.Cassill@CassillMotors.com	
Address	170 Abbottsford Rd	City	Cedar Rapids	State	IA	Zip Code

Applicant Same as Property Owner

Name	Jodi Cobb	Phone	319-533-7969	Email	Jodi.Cobb@CassillMotors.com	
Address	2939 16th Ave SW	City	Cedar Rapids	State	IA	Zip Code

Contact Person (Optional, if different than Applicant or Property Owner)

Name		Phone		Email	
Address		City		State	

Site Information

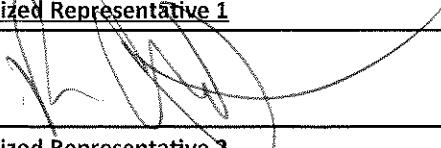
Address or General Location of Property:	4400 6th St SW, Cedar Rapids, IA 52404
GPN(s) ¹ :	19081-01001-00000
Legal Description ¹ :	P.O.S. #495 Parcel A STR/LB
Zoning District:	-- Light Industrial
Proposed Conditional Use: Please select the use identified in the Use Table (32.03xxxx). A short description of the use may be provided.	Proposed Use: General Industrial -- Description of Use (optional): Relocate Sunline to NE corner of property, in front of track area. Erect a wall to conceal the freight salvage yard from 6th St. Sunline will continue normal freight salvage business operations from new location

¹ For properties with lengthy Legal Descriptions or large number of GPNs, please attach on a separate document OR email to development@cedar-rapids.org.

Property Owner(s)³ or Authorized Representative(s)⁴ Signature(s)

The City of Cedar Rapids requires that all titleholders of a property be informed and acceptable to the application being made. Signing this form does not commit to any conditions which may be placed on an approval. Electronic signatures are accepted.

Owner/Authorized Representative 1

Name:		Date	11/28/22
Signature			

Owner/Authorized Representative 2

Name		Date	
Signature			

³ If there is a recorded contract, the contract purchaser's name(s), address and signature must also be included.

⁴ If signed by a representative of the owner, the representative must attach evidence of titleholder's authorization.

Rezoning Application

Application Under Sec. 32.05.04 of the Zoning Ordinance

City Services Center, 500 Fifteenth Avenue SW, Cedar Rapids, IA 52404

Phone: (319) 286-5836 | Email: developmentservices@cedar-rapids.org



Property Owner(s)³ or Authorized Representative(s)⁴ Signature(s)

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Signature			

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Section 32.05.04.E.3 Criteria for Recommendation and Action on Rezoning

The City Planning Commission and City Council shall consider the following criteria in making a recommendation or determination about an application.

a. Correction of a Technical Mistake

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

b. Consistency with Comprehensive Plan and Other Studies

Whether the rezoning is consistent with the Future Land Use Map, other elements of the Comprehensive Plan, and any other adopted plans or studies.

- All rezonings shall be to a district permitted by the Future Land Use Map as shown in Sec. 32.03.01.B.
- 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 City Council.

c. Public Facilities, Services, and Suitability

- The property should be suitable for the development of structures and uses permitted in the proposed district.
- 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.

iii. Development should ensure effective and adequate utilization of existing or planned public facilities and services.

d. Character

i. The proposed district should be compatible with the existing or planned character of the surrounding area. Compatibility can be achieved by a rezoning to:

- Districts of the same character type (Urban, Traditional, Suburban, etc). Changes between character areas should be carefully reviewed for compatibility.
- Districts of a similar use type (Residential, Mixed Use, etc), particularly when transitioning between character areas.
- Other transitions may be appropriate depending on other review criteria and conditions which may be placed on other approvals.

ii. The proposed rezoning should be consistent with the existing or planned character of the surrounding area.

iii. 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 when between rear yards, at corners, or along higher classified streets.

iv. Whether rezoning is consistent with the characteristics of the surrounding area, including any changing conditions.

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

