

Recorder

BOOK **3577** PAGE **145**

ORDINANCE NO. 62-97 DOCUMENT NO. **24624**  
 RECORDING FEE 50.00  
 AUTOMATION FEE 1.00

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 "DISTRICT MAP" ON THE PROPERTY MORE PARTICULARLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE.

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, that the property described as follows; and,

Lots 3, 4, 5 and 6 of Nordstrom Kirkwood Addition to Cedar Rapids, Iowa

located south of Highway 30, west of Kirkwood Blvd., north of and adjacent to Miller Avenue SW, now zoned C-2 (Community Shopping District) and as shown on the "District Map," be rezoned and changed to R-5 (Multiple Family Residence District), and that the property be used for such purposes as outlined in the R-5 (Multiple Family Residence District), as defined in Chapter 32 of the Municipal Code, City 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 Resolution and Acceptance) by the owners and are binding upon the owners, successors, heirs, and assigns, as follows:

1. That development of said property shall be in accord with the Site Development Plan (SDP) approved by the City Planning Commission and City Council and all provisions of applicable zoning ordinances, building codes, and other City codes and regulations. Approval of the SDP does not waive any other requirements. All improvements indicated on the SDP shall be constructed at the cost of the developer and in accordance with City specifications unless excepted on the SDP. The SDP can be subsequently revised, or otherwise amended, by City Council resolution.

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2. That, prior to the issuance of a Foundation Permit or Building Permit, the developer shall submit to the City Engineering Department an acceptable site plan of improvements, certified by a civil engineer licensed in the State of Iowa, including the following information:
  - a) Existing and proposed contours at one foot intervals.
  - b) Existing and proposed utilities and easements.
  - c) Proposed development plan and building finish floor/low foundation opening elevations.
  - d) Proposed drainage plan and facilities.
  - e) City sidewalk alignment and grades.
  
3. That, prior to the issuance of Final Certificates of Occupancy for the structures to be located adjoining those areas through which overland conveyance of the 100-year storm event will occur, the builder shall provide certification by a civil engineer licensed in the State of Iowa verifying the runoff from the 100-year storm event can be conveyed through the site, *without damage to structures*.
  
4. That, with respect to storm water management on this site, the following conditions shall apply:
  - a) On-site storm water detention facilities shall be provided in an area to conform with City ordinance requirements and generally accepted engineering practices. Said on-site storm water detention facilities shall be privately owned and maintained. The plan showing these improvements and calculations pertaining to storm water management shall be certified by a civil engineer licensed in the State of Iowa.  
  
In addition, said plan shall be reviewed and approved by the City Engineering Department prior to the issuance of Foundation Permits, or Building Permits. The improvements shall be constructed prior to occupancy.
  - b) Prior to the issuance of a Final Certificate of Occupancy for this site, the property owner shall submit a signed agreement for private on-site storm water detention and private storm sewer facilities to be located on this site. The City Engineering Department shall furnish said agreement upon request from the property owner.
  
5. That, the property owner shall be responsible to construct concrete sidewalk along Miller Avenue SW adjoining this site, concurrent with development of the site. Said sidewalk shall be constructed and accepted by the City of Cedar Rapids prior to the issuance of a Final Certificate of Occupancy for this site. Any proposed tree plantings shall be placed to accommodate a 10-foot wide walk entirely within the Miller Avenue street right-of-way in the event a recreational trail is constructed in this area in the future.

- 6. That, the developer is responsible to extend sanitary sewer and storm sewer to service this site.
- 7. That, the developer shall provide adequate easements for drainage crossing through and adjoining the site.
- 8. That, prior to land disturbing activities on this site, the developer shall submit an erosion control plan for this site certified by a civil engineer licensed in the State of Iowa. The erosion control methods shall be implemented prior to any land disturbing activities within the site and shall be maintained until all disturbed areas are restored with permanent landscaping.
- 9. That, prior to final plat approval by City Council, the property owner shall submit a signed Agreement for the dedication of easements for recreational trails in accordance with the Metropolitan Area Trails System Report adopted by City Council Resolution No. 240-2-93, dated February 17, 1993. The dedication of easements will occur at such time as deemed necessary by City Council along Highway 30 adjoining the entire site. The City Engineering Department shall furnish said Agreement Form upon request by the property owner.
- 10. The improvements proposed as part of this development shall be designed in accordance with the Cedar Rapids Metropolitan Area Engineering Design Standards.
- 11. That a Forestry Department approved landscape plan provided by the developer is required before a building permit is issued, to meet Landscape Resolution No. 254-2-91. The plan is to include specific locations, specific sizes, and specific names of twenty-eight 2" dbh street shade trees planted at 40' spacing and on-site a minimum of eleven 2" dbh parking lot shade trees (planted at a rate of a minimum one for every twelve parking spaces).
- 12. That prior to issuance of a certificate of occupancy permit, effective screening be provided and maintained along the westerly property line or a variance be obtained.
- 13. That handicapped parking be provided per the State Code and the Americans with Disabilities Act.

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

Introduced this 1st day of October, 1997.

Passed this 15th day of October, 1997.

Lee R Clancey, MAYOR  
Lee R Clancey

ATTEST:

Ann Ollinger, CITY CLERK  
Ann Ollinger

STATE OF IOWA  
County of Linn SS.

ORDINANCE NO. 62-97

NOTICE IS HEREBY GIVEN pursuant to Chapter 390 of the Code of Iowa, of the final passage of Ordinance No. 62-97 by the City Council of the City of Cedar Rapids, IA on October 15, 1997. A summary of which is as follows: Ordinance granting a change of zone for property south of Hwy 58, west of Kirkwood Blvd, north of and adjacent to Amber Avenue SW from C-2 Community Shopping District to R-5 Medium Density Residential District petitioned by Al Wells Homes, Inc and Nordstrom Development. Said Ordinance contains thirteen conditions which have been agreed to and accepted in writing by the owners.  
Said Ordinance in its entirety is on file in the Office of the City Clerk and available for public inspection.  
Ann Ollinger, City Clerk  
Published in the Cedar Rapids Gazette on October 20, 1997.

I, J.F. HLADKY, III, being duly sworn on my oath, do say, that I am publisher of THE CEDAR RAPIDS GAZETTE, a Newspaper issued daily and printed at Cedar Rapids, in said County of Linn; that the Notice of which the annexed printed copy, was inserted and published in said newspaper in the issues of.....

October 20 A. D., 19<sup>97</sup>  
and the reasonable fee for publishing said Notice is \$..... 6.12

*Joe Huddy*

Subscribed by the above named J.F. HLADKY, III, in my presence, and by him sworn to before me at Cedar Rapids, Linn County, Iowa on this .....<sup>20</sup> day of .....<sup>October</sup> A. D., 19<sup>97</sup>

Given under my hand and Notarial Seal

*Jean Siglio*  
Notary Public in and for Linn County, Iowa

Received payment for above from ..... 19.....  
CEDAR RAPIDS GAZETTE, INC.

By.....

Eng  
Dev  
Water  
Bldg  
Petitioner  
File  
~~Recorder~~  
Tr Eng

RESOLUTION NO. 1924-9-97

WHEREAS, a petition has been submitted by Al Wells Homes, Inc. for a change in zone from C-2 (Community Shopping District) to R-5 (Multiple Family Residence District) for property owned by Nordstrom Development, and generally located south of Highway 30; west of Kirkwood Blvd., north of and adjacent to Miller Avenue SW; more specifically described as follows; and,

Lots 3, 4, 5 and 6 of Nordstrom Kirkwood Addition to Cedar Rapids, Iowa

WHEREAS, the City Planning Commission conducted a public meeting regarding the requested zone change at their meeting on August 26, 1997 and considered the following:

1. Relationship to the Future Land Use Policy Plan and other elements of the Comprehensive Plan.
2. Characteristics of the general area including any changing conditions.
3. Effect on, and compatibility with, the neighborhood.
4. Suitability of the property for all uses in the proposed district.
5. Adequacy of street facilities in relation to the proposed development.
6. Adequacy of utilities and other facilities in the area; and

WHEREAS, after said considerations, the City Planning Commission recommended approval of this request subject to the following conditions:

1. That development of said property shall be in accord with the Site Development Plan (SDP) approved by the City Planning Commission and City Council and all provisions of applicable zoning ordinances, building codes, and other City codes and regulations. Approval of the SDP does not waive any other requirements. All improvements indicated on the SDP shall be constructed at the cost of the developer and in accordance with City specifications unless excepted on the SDP. The SDP can be subsequently revised, or otherwise amended, by City Council resolution.
2. That, prior to the issuance of a Foundation Permit or Building Permit, the developer shall submit to the City Engineering Department an acceptable site plan of improvements, certified by a civil engineer licensed in the State of Iowa, including the following information:
  - a) Existing and proposed contours at one foot intervals.
  - b) Existing and proposed utilities and easements.
  - c) Proposed development plan and building finish floor/low foundation opening elevations.
  - d) Proposed drainage plan and facilities.
  - e) City sidewalk alignment and grades.

3. That, prior to the issuance of Final Certificates of Occupancy for the structures to be located adjoining those areas through which overland conveyance of the 100-year storm event will occur, the builder shall provide certification by a civil engineer licensed in the State of Iowa verifying the runoff from the 100-year storm event can be conveyed through the site, *without damage to structures*.
4. That, with respect to storm water management on this site, the following conditions shall apply:
  - a) On-site storm water detention facilities shall be provided in an area to conform with City ordinance requirements and generally accepted engineering practices. Said on-site storm water detention facilities shall be privately owned and maintained. The plan showing these improvements and calculations pertaining to storm water management shall be certified by a civil engineer licensed in the State of Iowa.

In addition, said plan shall be reviewed and approved by the City Engineering Department prior to the issuance of Foundation Permits, or Building Permits. The improvements shall be constructed prior to occupancy.
  - b) Prior to the issuance of a Final Certificate of Occupancy for this site, the property owner shall submit a signed agreement for private on-site storm water detention and private storm sewer facilities to be located on this site. The City Engineering Department shall furnish said agreement upon request from the property owner.
5. That, the property owner shall be responsible to construct concrete sidewalk along Miller Avenue SW adjoining this site, concurrent with development of the site. Said sidewalk shall be constructed and accepted by the City of Cedar Rapids prior to the issuance of a Final Certificate of Occupancy for this site. Any proposed tree plantings shall be placed to accommodate a 10-foot wide walk entirely within the Miller Avenue street right-of-way in the event a recreational trail is constructed in this area in the future.
6. That, the developer is responsible to extend sanitary sewer and storm sewer to service this site.
7. That, the developer shall provide adequate easements for drainage crossing through and adjoining the site.
8. That, prior to land disturbing activities on this site, the developer shall submit an erosion control plan for this site certified by a civil engineer licensed in the State of Iowa. The erosion control methods shall be implemented prior to any land disturbing activities within the site and shall be maintained until all disturbed areas are restored with permanent landscaping.
9. That, prior to final plat approval by City Council, the property owner shall submit a signed Agreement for the dedication of easements for recreational trails in accordance with the

Metropolitan Area Trails System Report adopted by City Council Resolution No. 240-2-93, dated February 17, 1993. The dedication of easements will occur at such time as deemed necessary by City Council along Highway 30 adjoining the entire site. The City Engineering Department shall furnish said Agreement Form upon request by the property owner.

- 10. The improvements proposed as part of this development shall be designed in accordance with the Cedar Rapids Metropolitan Area Engineering Design Standards.
- 11. That a Forestry Department approved landscape plan provided by the developer is required before a building permit is issued, to meet Landscape Resolution No. 254-2-91. The plan is to include specific locations, specific sizes, and specific names of twenty-eight 2" dbh street shade trees planted at 40' spacing and on-site a minimum of eleven 2" dbh parking lot shade trees (planted at a rate of a minimum one for every twelve parking spaces).
- 12. That prior to issuance of a certificate of occupancy permit, effective screening be provided and maintained along the westerly property line or a variance be obtained.
- 13. That handicapped parking be provided per the State Code and the Americans with Disabilities Act.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA, that a public hearing is set for the 24th day of September, 1997, at 9 o'clock a.m., in the Council Chambers on fourth floor of City Hall, Cedar Rapids, Iowa, or such other place as may be designated, at which time the City Council shall consider whether the regulations, restrictions and boundaries, as established by the Cedar Rapids Zoning Ordinance, be amended to grant a change of zone from C-2 (Community Shopping District) to R-5 (Multiple Family Residence District) on the aforescribed property and the City Clerk is authorized and directed to give notice as required by law.

Passed this 10th day of September, 1997.

Voting: Council member Hughes moved the adoption of the resolution; seconded by Council member Munson. Adopted, Yeas, Council members Evans, Hughes, Munson, Thomas and Mayor Clancey.

Lee R Clancey, MAYOR  
Lee R Clancey

ATTEST:

Ann Ollinger, CITY CLERK  
Ann Ollinger

August 28, 1997  
Prepared by Amy Hite, Admin. Secretary

Petitioner: Al Wells Home, Inc.  
Titleholder: Nordstrom Development



**ACCEPTANCE OF CONDITIONS OF REZONING**

RESOLUTION NO. 1924-9-97

I/we hereby agree to the terms and conditions set out in the attached resolution.

Dated this 23rd day of September, 1997.

NORDSTROM DEVELOPMENT

  
\_\_\_\_\_  
William D Nordstrom

FILED  
J. MCCALMANT  
COUNTY RECORDER

97 NOV 4 A 9:35

STATE OF IOWA )  
                          )  
COUNTY OF LINN )

LINN COUNTY, IOWA

I, Ann Ollinger, City Clerk of the City of Cedar Rapids, Iowa,  
County and State aforesaid, do hereby certify that the foregoing is a true copy of:

Ordinance No 62-97 passed by the City Council at  
their regular meeting held on October 15, 1997

Proof of Publication - Cedar Rapids Gazette

Resolution No 1924-9-97 passed by the City Council  
at their regular meeting held on September 10, 1997

Acceptance of Conditions of Resolution No 1924-9-97  
submitted by William D Nordstrom on behalf of Nordstrom  
Development

as full and complete as the same is of record and on file in my office.

WITNESS my hand and the Seal of said City this 3rd day  
of November, 1997.

Ann Ollinger City Clerk

By Lana Tapken Deputy  
Lana Tapken



FILED FOR RECORD  
9:35 AM  
NOV 04 1997  
*J. McCalmant*  
RECORDER LINN CO., IOWA