



## **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 15<sup>th</sup> Avenue SW  
Cedar Rapids Iowa 52404  
Office: (319) 286-5780  
Developmentservices@Cedar-Rapids.org

**AGENDA**  
**BOARD OF ADJUSTMENT**  
Thursday April 25, 2024 @ 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: 3318 1st Ave NE Unit B (Conditional Use)**  
**COND-000277-2024; Case Manager: Dave Houg**  
Consideration of Conditional use to allow Level II Tobacco Use in a T-MC, Traditional Mixed Use Community Center District, located within 300' of residentially-zoned properties, as requested by Mahmoud Mirib (Applicant).
  
2. **Case Name: 6600 Kirkwood Blvd SW Suite 400 (Conditional Use)**  
**COND-000276-2024; Case Manager: Dave Houg**  
Consideration of Conditional use to allow Level II Tobacco Use in a T-MC, Traditional Mixed Use Community Center District, located within 300' of residentially-zoned properties, as requested by Mahmoud Mirib (Applicant).

*Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service, or activity, should contact Jen Goerg at 319 286-5780 or email [j.goerg@cedar-rapids.org](mailto:j.goerg@cedar-rapids.org) as soon as possible but no later than 48 hours before the event.*



CONDITIONAL USE  
EXECUTIVE SUMMARY  
CASE # COND-000277-2024  
CASE MANAGER: David Houg

#### OWNER/APPELLANT INFORMATION

**APPLICANT / TITLEHOLDER:** Mahmoud Mirib / Aossey James Rev Trust  
**PROPERTY ADDRESS:** 3318 First Avenue NE, Unit B

#### CONDITIONAL USE REQUEST

Level II Tobacco Use in a T-MC, Traditional Mixed Use Community Center District, located within 300' of residentially-zoned properties.

#### 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 Urban 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: [developmentsservices@cedar-rapids.org](mailto:developmentsservices@cedar-rapids.org)



## STAFF REPORT

### CONDITIONAL USE

**CASE # COND-000277-2024**

**Board of Adjustment Hearing: April 25, 2024**

### BACKGROUND:

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

The applicant hosted a good neighbor meeting on the afternoon of April 2<sup>nd</sup> with meeting notices mailed to property owners within 300 feet.

### 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 T-MC, Traditional 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 a 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 is commercially developed. Residential properties are located to the west of the property. The proposed retail use is appropriate for this location.*

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 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 Urban High Intensity LUTA designation.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request.

# Form 32.05.09 A Application for a Conditional Use Permit

Application Under Sec. 32.05.09 of the Zoning Ordinance  
 City Services Center, 300 9th Avenue SW, Cedar Rapids, IA 52404  
 Phone: (319) 281-5000 | Email: development@cedar-rapids.org



Contact Information							
Property Owner							
Name	JAMES FOSSEY		Phone	319-431-0011		Email	
Address	3226 PARKVIEW		City	CEDAR RAPIDS		State	IA Zip Code 52403
Applicant <input type="checkbox"/> Same as Property Owner							
Name			Phone			Email	
Address			City			State	Zip Code
Contact Person (Optional, if different than Applicant or Property Owner)							
Name			Phone			Email	
Address			City			State	Zip Code
Site Information							
Address or General Location of Property:		3318 1st Ave NE Unit B Cedar Rapids IA 52402					
GPN(s) <sup>1</sup> :							
Legal Description <sup>1</sup> :		Smoke and Vape Shop					
Zoning District:		--					
Proposed Conditional Use: Please select the use identified in the Use Table (32.03xxxxx). A short description of the use may be provided.		Proposed Use: -- Description of Use (optional): Candy, Snacks, Vape, tobacco, Primmum Cigar, Novelty Products, Lighters, fragrance, CBD, Kratom, Soda Pop					
<sup>1</sup> 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) <sup>1</sup> or Authorized Representative(s) <sup>4</sup> 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.							
<b>Owner/Authorized Representative 1</b>							
Name:	Adh Mahmood Minib			Date	03/05/24		
Signature	<i>Muhammad Minib</i>						
<b>Owner/Authorized Representative 2</b>							
Name	James Fossey			Date	3-4-24		
Signature	<i>James Fossey</i>						

ST NE

**34th St NE**

VACANT

145

141

133

125

117

VACANT  
111

3334

3333

**S-RM1**

Suburban Residential  
Medium Single Unit

3321

3315

3318

**First Ave**  
Traditional  
Mixed Use  
Center

3305

118

**T-MC**

3310

110

148

140

128

116

3300

**33rd St NE**

141

131

Traditional  
Residential  
Single Unit

121

27

25

17

30

3233



CONDITIONAL USE  
EXECUTIVE SUMMARY  
CASE # COND-000276-2024  
CASE MANAGER: David Houg

#### OWNER/APPELLANT INFORMATION

APPLICANT /  
TITLEHOLDER: **Mahmoud Mirib / MBS Development, LLC**

PROPERTY  
ADDRESS: **6600 Kirkwood Boulevard SW, Suite 400**

#### CONDITIONAL USE REQUEST

Level II Tobacco Use in a T-MC, Traditional Mixed Use Community Center District, located within 300' of residentially zoned properties.

#### 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 Urban Medium 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: [developmentsservices@cedar-rapids.org](mailto:developmentsservices@cedar-rapids.org)



## STAFF REPORT

### CONDITIONAL USE

**CASE # COND-000276-2024**

**Board of Adjustment Hearing: April 25, 2024**

### BACKGROUND:

The applicant proposes a Level II Tobacco Use (retail store) at this location. The property is zoned T-MC, Traditional Mixed Use Community Center District and the Future Land Use Map designation is Urban Medium 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 the afternoon of April 1<sup>st</sup> with meeting notices mailed to property owners within 300 feet.

### 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 T-MC, Traditional 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 a 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 Medium 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: Multi-family residential development exists to the north, south and west of this location, with Kirkwood Community College located to the east. The commercial development, located at an intersection along an arterial street, is appropriate for the proposed retail use.*

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 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 Medium Intensity LUTA designation.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the request.

**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](mailto:development@cedar-rapids.org)



**Contact Information**

Property Owner <i>Brent Votroubek, member</i>					
Name	<i>MBS Development LLC</i>	Phone	<i>319-210-2622</i>	Email	<i>Brent@VotroubekGroup.com</i>
Address	<i>405 Cimarron Dr.</i>	City	<i>Hiawatha</i>	State	<i>IA</i>
				Zip Code	<i>52233</i>
Applicant <input checked="" type="checkbox"/> Same as Property Owner					
Name		Phone		Email	
Address		City		State	Zip Code
Contact Person (Optional, if different than Applicant or Property Owner)					
Name		Phone		Email	
Address		City		State	Zip Code

**Site Information**

Address or General Location of Property:	<i>6600 Kirkwood Blvd SW Suite 400 Cedar Rapids IA</i>
GPN(s):	
Legal Description:	<i>Convenient Store CBD</i>
Zoning District:	<i>---</i>
Proposed Conditional Use: Please select the use identified in the Use Table (32.03xxxxx). A short description of the use may be provided.	Proposed Use: <i>---</i> Description of Use (optional): <i>Tobacco, Vape, Premium Cigar, CBD, Kratom, Novelty, Clothing Items, Pops, Lighters, Candles, Pipes, Lighters, Pipes, Snack, Food, Candy, Accessories.</i>

<sup>1</sup> For properties with lengthy Legal Descriptions or large number of GPNs, please attach on a separate document OR email to [development@cedar-rapids.org](mailto:development@cedar-rapids.org).

**Property Owner(s) or Authorized Representative(s) 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.

<b>Owner/Authorized Representative 1</b>	
Name: <i>Maumoud Mivib</i>	Date: <i>03/05/24</i>
Signature: <i>Maumoud Mivib</i>	

<b>Owner/Authorized Representative 2</b>	
Name: <i>Brent Votroubek, member MBS Development, LLC</i>	Date: <i>03/05/24</i>
Signature: <i>[Signature]</i>	

<sup>2</sup> If there is a recorded contract, the contract purchaser's name(s), address and signature must also be included.  
<sup>4</sup> 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 Maahmoud Mirib am Titleholder(s)/Owner(s) of  
(Name)

property located at: 660 Kirkwood Blvd SW Suite 400 Cedar Rapids IA  
Cedar Rapids Linn County Iowa. 52404

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

Tobacco, Vape, Primum Cigar, Food, Candy, Snacks, CBD, Pops, Energy  
Drink, Clothing Items, ~~Hemp~~ Clothly Items, Novelty Products,  
Accessories

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 March day of 05, 2024.

Maahmoud Mirib  
Signature



**66th Ave SW**

**T-MC**  
Traditional Mixed Use Center

**S-RMF**



**P-IN**

JOHNSON VIEW PKWY SW

**Kirkwood Blvd SW**

Public Institutional