



**AGENDA**  
**CITY OF CEDAR FALLS, IOWA**  
**PLANNING AND ZONING COMMISSION**  
**WEDNESDAY, JULY 11, 2018**  
**5:30 PM AT CITY HALL - COUNCIL CHAMBERS**

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1. **Call to Order and Roll Call**
2. **Approval of Minutes**
3. **Public Comments**
4. **New Business**
5. **Public Hearing**

**A. Rezoning – SW Corner of Highway 58 and West Ridgeway Avenue**

Location: SW Corner of Highway 58 and West Ridgeway Avenue  
Applicant: Midland Atlantic Development Company, LLC  
Previous Discussion: June 27, 2018  
*Staff Recommendation: Recommend Approval*  
*P&Z Action Needed: Recommend Approval and Forward to City Council*

**B. Rezoning and Land Use Map Amendment – 1015-1021 West 22nd Street**

Location: 1015-1021 West 22nd Street  
Applicant: CV Commercial, LLC  
Previous Discussion: June 27, 2018  
*Staff Recommendation: Recommend Approval*  
*P&Z Action Needed: Recommend Approval and Forward to City Council*

6. **Old Business**

**A. College Hill Neighborhood District Site Plan Review – 2119 College Street, 1015-1021 West 22nd Street**

Location: 2119 College Street; 1015-1021 West 22nd Street  
Applicant: CV Commercial, LLC  
Previous Discussion: June 27, 2018  
*Staff Recommendation: Recommend Approval*  
*P&Z Action Needed: Recommend Approval and Forward to City Council*

7. **Adjournment**

Reminders:

- July 25<sup>th</sup> and August 8 Planning & Zoning Commission Meeting
- July 16<sup>th</sup> and August 6<sup>th</sup> City Council meeting



**Cedar Falls Planning and Zoning Commission  
Regular Meeting  
June 27, 2018  
City Hall Council Chambers  
220 Clay Street, Cedar Falls, Iowa**

**MINUTES**

The Cedar Falls Planning and Zoning Commission met in regular session on Wednesday, June 27, 2018 at 5:30 p.m. in the City Hall Council Chambers, 220 Clay Street, Cedar Falls, Iowa. The following Commission members were present: Adkins, Arntson, Giarusso, Hartley, Holst, Leeper, Oberle, Saul and Wingert. Karen Howard, Community Services Manager and Shane Graham, Planner II, were also present.

- 1.) Chair Oberle noted the Minutes from the June 13, 2018 regular meeting are presented. Ms. Saul made a motion to approve the Minutes as presented. Ms. Adkins seconded the motion. The motion was approved unanimously with 9 ayes (Adkins, Arntson, Giarusso, Hartley, Holst, Leeper, Saul and Wingert), 1 abstention (Oberle) and 0 nays.
- 2.) The first item of business was a public hearing regarding the rezoning of the southwest corner of Highway 58 and West Ridgeway. Chair Oberle introduced the item and Mr. Graham provided background information. He explained that it is proposed to rezone the 50 acre property from A-1, Agricultural to HWY-1, Highway Commercial to allow for retail commercial development, including a large retail store, as well as smaller retail outlets. Currently, there is similar zoning in the adjacent vicinity. Mr. Graham discussed the concept plan, giving more specific information for the proposed development. He also discussed the requirements for a land use map amendment, such as proper sewer and water main services being readily available to the site and proper roadway access. Staff would like to gather any comments from the public or planning commission at this time to bring forward at the next meeting.

Chair Oberle stated that a motion is needed to receive and file the public hearing notice placed in the Waterloo Courier on June 20, 2018. Mr. Leeper made a motion to approve. Mr. Hartley seconded the motion. The motion was approved unanimously with 9 ayes (Adkins, Arntson, Giarusso, Hartley, Holst, Leeper, Saul and Wingert), 1 abstention (Oberle) and 0 nays.

Nicole Chimento, the applicant's representative/development manager at Midland Atlantic, 8044 Montgomery Road, Cincinnati, Ohio. Midland Atlantic developed the East Viking Plaza around ten years ago and is excited to work with staff and the community on this project. Ms. Chimento introduced the development team.

Mr. Holst asked about the plan to mitigate the wetland area. Ms. Chimento noted that it will be mitigated through wetland bank credit. Mr. Arntson asked about the timing of the traffic study and the next piece in the process. Mr. Graham stated that the traffic study would be done and reviewed by the time the site plan comes to the Commission. Ms. Giarusso asked about the interchange at the corner of Ridgeway and Highway 58. Mr. Graham stated that the stoplights would probably be removed and off ramps

## Item 2.

added. Mr. Leeper asked the applicant to keep in mind that this is a gateway to the community and to be conscious of that in their design.

As there were no further questions or comments, the public hearing will remain open on this item and be continued at the next Planning and Zoning meeting.

- 3.) The next item for consideration by the Commission was a public hearing regarding the rezoning and land use map amendment of 1015/1021 West 22<sup>nd</sup> Street. The notice of public hearing was published in the Waterloo Courier on June 20, 2018.

Mr. Holst made a motion to receive and file the public hearing notice. Mr. Leeper seconded the motion. The motion was approved unanimously with 9 ayes (Adkins, Arntson, Giarusso, Hartley, Holst, Leeper, Saul and Wingert), 1 abstention (Oberle) and 0 nays.

Mr. Wingert noted that he will need to abstain from this item.

Ms. Howard provided background information, noting that this item will include a land use map amendment and rezoning from R-3, Residential to C-3, Commercial at 1015 and 1021 West 22<sup>nd</sup> Street. Ms. Howard showed a rendering of the College Hill Neighborhood Plan and the goals of that plan to extend the commercial to the west along 22<sup>nd</sup> Street and discussed the 2012 Comprehensive Plan goal of improving the streetscape for pedestrians along 22<sup>nd</sup> Street to encourage additional mixed-use storefronts with apartment dwellings above; linking the "Upper Hill" and the "Lower Hill" along College Street into a more cohesive, walkable retail area. She noted how the vision for the area had shifted from the earlier College Hill Neighborhood Plan that showed a larger parking court surrounded by buildings to the more recently adopted 2012 Comprehensive Plan that discusses the desire for a more walkable, urban character with buildings close to the street and parking located on-street or behind buildings, so the streetscape is not interrupted by unscreened surface parking areas. She also discussed addressing the need for additional parking to serve the proposed mixed-use building on College Street, improve the streetscape on 22<sup>nd</sup> Street with deeper setback and an area for useable greenspace. Staff had initial concerns with replacing active building uses with surface parking, but find that the proposal for a surface parking area with an attractive, useable greenspace along the public sidewalk would provide a reasonable balance of the Comprehensive Plan goals of encouraging additional mixed-use development and also providing additional parking.

Ms. Howard explained that the current R-3, Residential Zoning is unlikely to achieve the goals of the comprehensive plan due to larger front setbacks and limited residential densities. The proposed C-3, Commercial Zoning would allow mixed-use development with storefronts located close to the sidewalk with upper floor residential uses as envisioned in the Comprehensive Plan. Staff recommends gathering comments from the public and staff, and continuing the public hearing to the next meeting. Mr. Holst asked about the possibility of extending the proposed commercial Land Use Map designation to other properties to create a more consistent boundary and to encourage additional redevelopment along 22<sup>nd</sup> Street. Ms. Giarusso asked if the property at 1009 22<sup>nd</sup> Street would be included in the area of the rezoning. Ms. Howard noted that it is already zoned C-3. Ms. Saul agreed that spot zoning isn't a

good idea. Howard noted that the proposed rezoning would not be considered a “spot zone” as it is contiguous to other properties zoned C-3.

Chair Oberle asked if there was an applicant present that would like to speak to the Commission. Dan Drendel, Slingshot Architecture, stated that they are trying to balance the desire for growth with request for additional parking in a way that creates a walkable street with parking buffered from the sidewalk. Design provides additional amenities for the area, including usable greenspace and bicycle parking.

Eashaan Vajpeyi, 3031 Convoir Lane, attorney for Brian Sires, feels that that they want the rezoning to provide additional parking for the proposed building as well as another building, while there isn't enough parking for the current building. He heard that students who live in that building could park in a student lot and wasn't sure if that meant a UNI lot, which would mean reducing the requirement of parking for this particular site plan and putting it off on UNI. He also noted that he heard the quote “requested” parking at a past meeting and this is required parking, not a request.

Dave Deibler, 1616 Campus Street, expressed his support for the project and more density on College Hill.

Chris Martin, 421 W. Seerley Boulevard, feels that it fits into the vision for linking the upper and lower College Hill and is in favor of the request.

Dan Drendel responded to comments noting that this will not be a public parking lot.

Mr. Holst, Ms. Saul and Mr. Arntson agreed that based on the use, the rezoning would be appropriate for the area.

As there were no further questions or comments, the public hearing will remain open on this item and be continued at the next Planning and Zoning meeting.

- 4.) The Commission then considered a College Hill Neighborhood District Site Plan Review for 2119 College Street and 1015-1021 W. 22<sup>nd</sup> Street. Chair Oberle introduced the item and Ms. Howard provided background information. She noted that this item is contingent on approval of the previous Land Use Map Amendment and Rezoning. The applicant proposes to construct a 5-story mixed-use building at property at 2119 College Street, 925 W. 22<sup>nd</sup> Street and 1003 W. 22<sup>nd</sup> Street that will contain two retail storefront spaces, 83 residential units on upper floors and 65 on-site parking spaces, as well as 29 off-site spaces. She displayed a site plan showing the layout of the proposed project. She explained that a mixed-use building typically has the ground floor devoted to commercial uses, which rely on the visibility and accessibility to the public street to attract customers. Secondary uses, such as residential apartments are located on the upper floors. This creates a buffer and measure of privacy from the commercial activity at the street level. Ms. Howard covered the allowed uses with regard to principal versus secondary use, as well as site plan requirements. She noted that the change from the previous application was the addition of 29 off-site parking spaces on the lots at 1015 and 1021 W. 22<sup>nd</sup> Street and showed a rendering of the proposed off-site parking area.

## Item 2.

Ms. Howard also discussed open green space requirements and the proposal, showing a rendering of the proposed green space. She discussed landscaping, building, stormwater management and other requirements, explaining how each have been met. Staff recommends gathering additional comments from the Commission and the public before returning the matter to the next meeting.

Mr. Wingert stated that he will need to abstain from this project as well.

Dan Drendel, Slingshot Architecture, spoke about specific strategies with the design of the project. He noted that they are really trying to balance everyone's needs in this process; desire for additional mixed-use development and additional parking designed to create a pedestrian-friendly environment in the neighborhood. He gave perspective on the parking number based on experience in other communities and how they integrated that information into this project.

Sam Kessle, landscape architect from Bolton & Menk, 309 E. 5<sup>th</sup> Street, Suite 202, Des Moines, Iowa, spoke about the streetscape and landscaping being done on the property. The design will fit in with the current streetscape in the area and will focus on the pedestrian access. There will also be added greenspace design with areas for bicycles and benches.

Eashaan Vajpeyi, 3831 Convair Lane, stated that he doesn't feel that the building meets the code and explained his disagreement with the project. He gave examples of other buildings that he feels were also controversial and provided renderings of his findings.

Mr. Drendel stated that the secondary residential use is clarified in the College Hill Overlay and that this building is allowed based on that.

Mr. Holst stated that he likes the project but he believes that more parking should be required and doesn't agree with staff's interpretation of the code.

Ms. Saul asked about the overlay superseding the parking requirement. Ms. Howard explained that there is additional language in the College Hill Overlay Zoning District to address parking for a mixed-use building in the College Hill area. She explained that when the code is unclear or there is conflict between provisions, an interpretation is necessary. It is an accepted principal of statutory construction that the ordinance should not be interpreted in a manner that renders language in the code meaningless. In other words, the language in the College Hill Overlay was intended to address specific needs in College Hill so would supersede general zoning language that may conflict. She stated that staff can provide a more detailed explanation of staff's zoning interpretation at the next meeting. Ms. Saul also asked about parking.

Mr. Leeper feels it meets the long term goals for the area and it technically it meets the secondary use requirements, but feels there needs to be more long term clarification regarding the requirements. He supports the project.

Mr. Holst stated that he doesn't believe the project meets the code. Ms. Saul loves the project but agrees that it doesn't meet the code. Ms. Giarusso voiced her concern with the parking as well. Mr. Arntson suggested having an explanation from City legal staff.

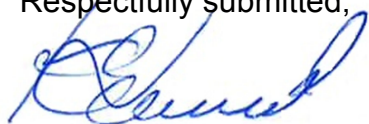
## Item 2.

Ms. Saul stated concern with where the vehicles beyond the allotted stalls will park. Oberle asked for the Commission to be specific if additional information is needed from the applicant or from staff. Howard agreed to provide additional clarification regarding the questions about parking and the ordinance requirements. As there were no further questions or comments, the discussion will be continued at the next Planning and Zoning meeting.

- 5.) As there were no further comments, Mr. Holst made a motion to adjourn. Mr. Leeper seconded the motion. The motion was approved unanimously with 9 ayes (Adkins, Arntson, Giarusso, Hartley, Holst, Leeper, Saul and Wingert), 1 abstention (Oberle) and 0 nays.

The meeting adjourned at 7:20 p.m.

Respectfully submitted,



Karen Howard  
Community Services Manager



Joanne Goodrich  
Administrative Clerk





DEPARTMENT OF COMMUNITY DEVELOPMENT

City of Cedar Falls
220 Clay Street
Cedar Falls, Iowa 50613
Phone: 319-273-8600
Fax: 319-273-8610
www.cedarfalls.com

MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: Shane Graham, Planner II
DATE: July 5, 2018
SUBJECT: Rezoning request at the southwest corner of Highway 58 and West Ridgeway Avenue

REQUEST: Rezone property from A-1, Agricultural District to HWY-1, Highway Commercial District

PETITIONER: Midland Atlantic Development Company, LLC, Buyer; Bayer Becker, Engineer

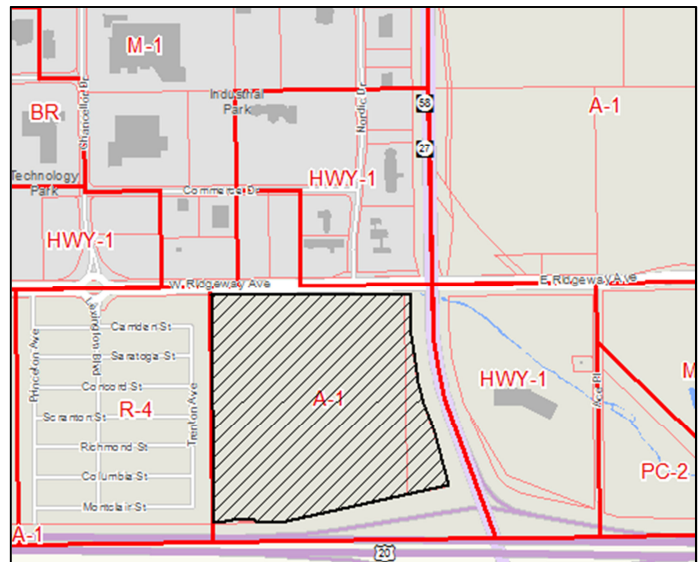
LOCATION: Southwest corner of Highway 58 and West Ridgeway Avenue

PROPOSAL

The applicant has submitted a request to rezone 49.52 acres of land at the southwest corner of Highway 58 and W Ridgeway Avenue from the A-1 Agricultural District to the HWY-1, Highway Commercial District as shown on the map to the right. The rezoning will allow for a retail commercial development on the property, consisting of one large retail store along with several other retail uses. Several additional outlots on the site will also be available for future commercial development.

BACKGROUND

This property has been zoned as agricultural since adoption of the Zoning Ordinance in 1970. The property is surrounded by a mobile home park to the west, a recreational vehicle sales establishment to the east (across Highway 58), and a convenience store, hotel and two residential acreages to the north. The applicant has an agreement to purchase the property from the current owner, and plans to develop the site with retail commercial uses. The rezoning of this property must be carefully considered by evaluating the characteristics of the land and surrounding properties. This staff report will outline a number



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of these elements in order to have a firm understanding of the future use of this property.

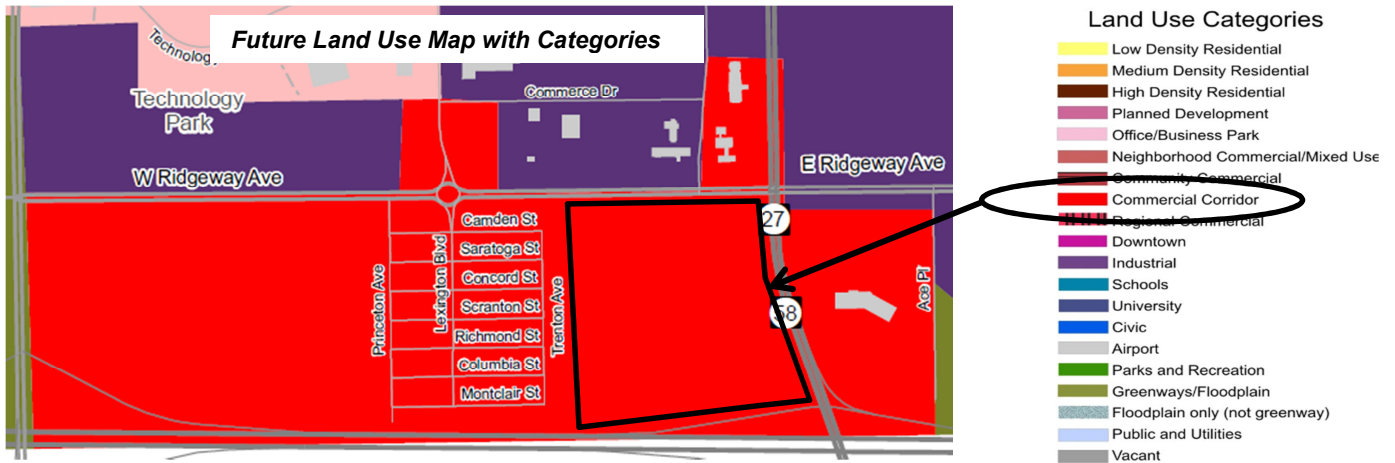
## ANALYSIS

The purpose of the A-1, Agricultural Zoning District is to act as a “holding zone” for future development when municipal services (sanitary sewer, water, roads) are accessible to the site. When these services are available, the development of the land is threefold, beginning with the rezoning of the land, platting and construction.

Zoning considerations for undeveloped properties normally involve evaluation of three main criteria:

- 1) Is the rezoning request consistent with the Future Land Use Map and Comprehensive Plan?

*The Future Land Use Map identifies this and a majority of the surrounding properties as Commercial Corridor. Characteristics of the Commercial Corridor designation include auto-oriented, primarily retail/service/office commercial and high density residential areas that serve surrounding neighborhoods as well as citywide customers. These developments typically contain small scale retail and personal services as well as community uses such as major grocery stores and office buildings. Commercial Corridor uses are typically located along major transportation corridors, and pedestrian traffic should be encouraged.*



- 2) Is the property readily accessible to public water and sanitary sewer service?  
As part of the technical review of this proposal, Cedar Falls Utilities personnel have no major concerns with the proposed HWY-1 rezoning request. A 12” sanitary sewer main is located along the north property line along W. Ridgeway Avenue, and a 12” water main is located along the north side of W Ridgeway Avenue (see map to the right). This 12” water main will also need to be looped throughout this site





in order to provide adequate fire protection. Other utilities such as electric, gas and communication can be extended to the site.

3) Does the property have adequate roadway access?

*The property currently has one farm access driveway off W Ridgeway Avenue. Although this property has frontage along both Highway 58 and US Highway 20, no access will be allowed from those frontages. The overall development plan shows two new accesses to the site: one across from Nordic Drive, and one across from a shared drive that serves two residential dwellings along the north side of W Ridgeway Avenue. A traffic study is currently being completed by the applicant as part of this development to determine the suitability of these particular access points and the improvements necessary at the access points to serve the land uses proposed for this site. This study will provide an analysis of the entrance designs in relation to the proximity of Highway 58, and will provide an analysis for the potential of a roundabout or other appropriate traffic control measures at the westernmost entrance to the property. The specific details regarding the type and location of the access points will be forthcoming once the study is completed. It should be noted that any improvements necessary to provide for safe traffic control and circulation at these driveway access points will be at the expense of the developer, since they will be driven solely by needs generated by this development.*

Other Zoning Considerations:

Additional features of this property include a waterway along the front of the property along W Ridgeway Avenue. This waterway is not in a special flood hazard area, however it is designated as a wetland. Development cannot occur within this area unless there are mitigation practices in place. As you can see from their overall development plan, the only wetland areas that would be disturbed would be the two entrance drives to the property. This area amounts to approximately 1/3 of an acre, and according to the applicant, this area would be mitigated through a wetland bank credit. These areas would have appropriately sized culverts or piping installed underneath the road to allow the water to maintain its current flow.

Also, the development plan shows approximately 11 acres along the south and east ends of the property as being reserved for future highway right-of-way. The Iowa Department of Transportation conducted a Highway 58 Corridor Study several years ago, which shows a layout of a new interchange at US Highway 20 and Highway 58. The applicant utilized the DOT model to leave this area open on their property for this potential future interchange. By designating this area as open space for future right-of-way, that leaves approximately 39 acres available for development. When a more detailed site plan is submitted for review and approval this area will need to be delineated and reserved for future interchange improvements.

Proposed Zoning:

The purpose of the HWY-1 district is to promote and facilitate comprehensively planned commercial developments which are harmoniously located adjacent to major transportation corridors and interchanges. It is further the purpose of these regulations to encourage high standards of building architecture and site planning, which will foster commercial development that maximizes pedestrian convenience, comfort and pleasure.

A Highway Commercial District is a commercial project containing general service facilities on

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larger tracts of land intended to serve the traveling public or for the establishment of regional commercial service centers. Said districts can be established adjacent to state or interstate highway corridors at sites best suited to serve the traveling public.

Another commercial zoning district could have been considered for this site (PC-2, Planned Commercial District), however, the HWY-1 District was established and intended for planned commercial developments located along major transportation corridors and interchanges. With this property being located adjacent to the interchange of Highway 20 and Highway 58, as well as being located along a major transportation corridor in W Ridgeway Avenue, staff believes this to be the most appropriate zoning district to classify this property.

Public Notice:

A notice of public hearing was published in the *Waterloo-Cedar Falls Courier* on Wednesday, June 20, 2018. Also, a notice to the adjoining property owners was sent on June 19, 2018 inviting them to the public hearing.

### STAFF RECOMMENDATION

The Community Development Department recommends approval of the request to rezone this property from A-1 Agricultural District to HWY-1 Highway Commercial District.

### PLANNING & ZONING COMMISSION

Introduction 6/27/2018 Chair Oberle introduced the item and Mr. Graham provided background information. He explained that it is proposed to rezone the 50 acre property from A-1, Agricultural to HWY-1, Highway Commercial to allow for retail commercial development, including a large retail store, as well as smaller retail outlets. Staff would like to gather any comments from the public or planning commission at this time to bring forward at the next meeting.

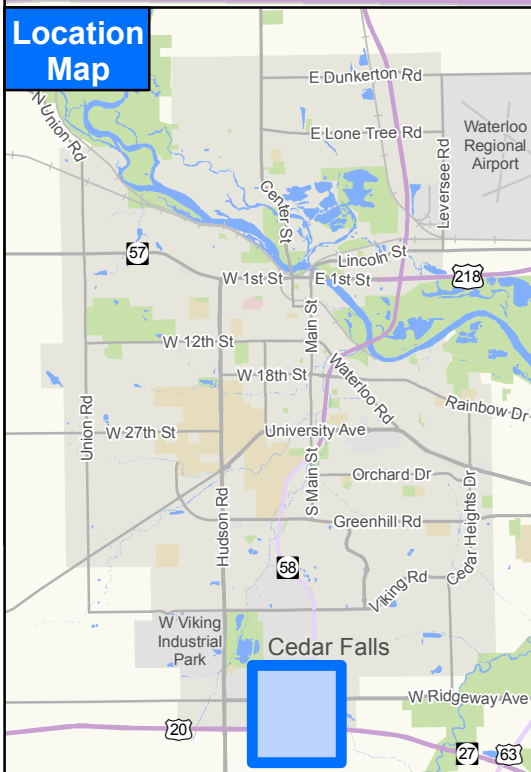
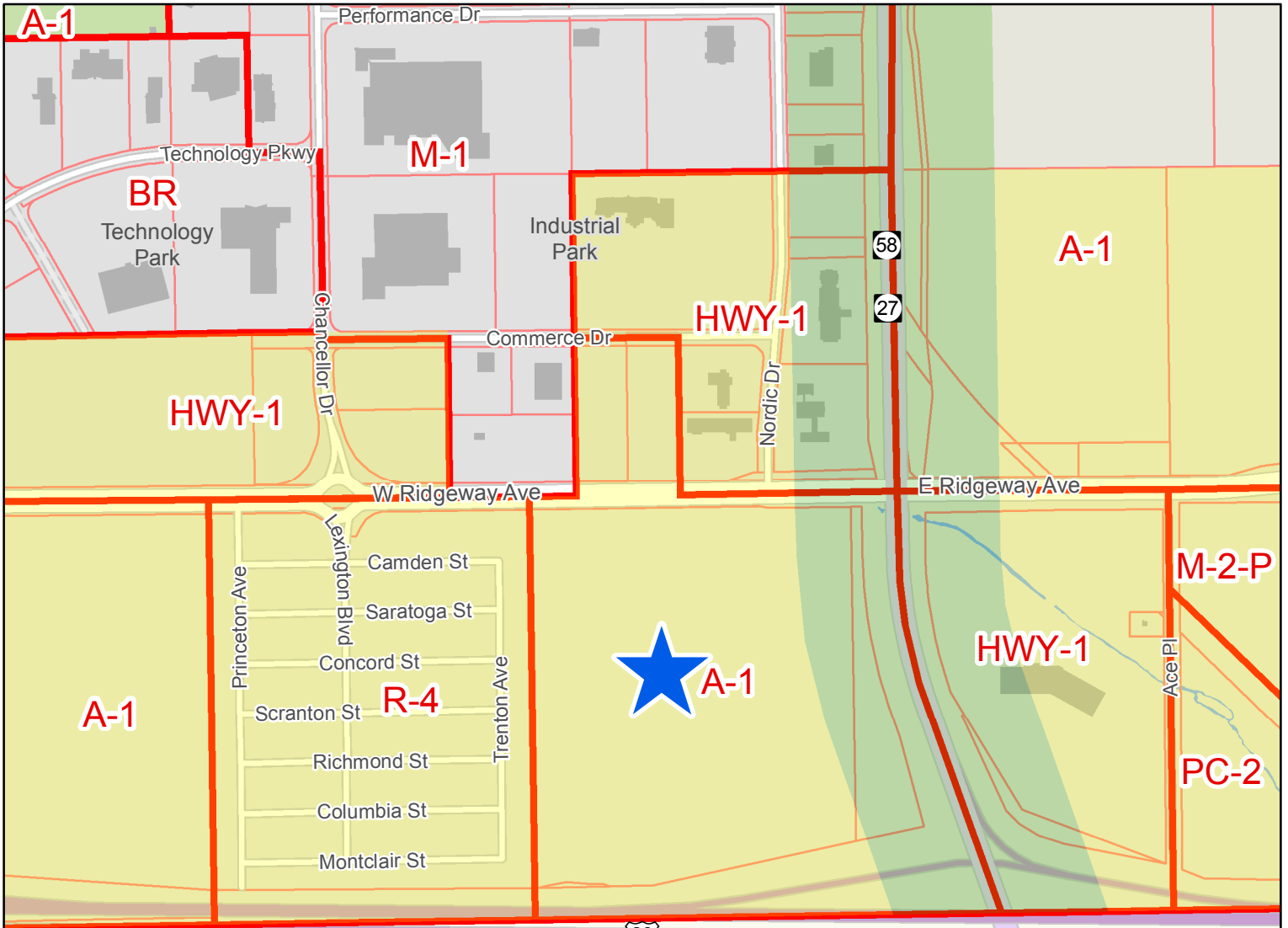
Mr. Holst asked about the plan to mitigate the wetland area. Ms. Chimento with Midland Atlantic noted that it will be mitigated through a wetland bank credit. Mr. Arntson asked about the timing of the traffic study and the next piece in the process. Mr. Graham stated that the traffic study would be done and reviewed by the time the site plan comes to the Commission. Ms. Giarusso asked about the interchange at the corner of Ridgeway and Highway 58. Mr. Graham stated that the stoplights would probably be removed and off ramps added. Mr. Leeper asked the applicant to keep in mind that this is a gateway to the community and to be conscious of that in their design.

Vote  
7/11/2018

Attachments: Location map  
Rezoning Plat  
Overall Development Concept Plan

# Cedar Falls Planning & Zoning Commission July 11, 2018

**Item 5.A.**



Rezoning of Property from A-1  
Agricultural to HWY-1 Highway Commercial -  
Midland Atlantic Development Company, LLC









**PROJECT SUMMARY:**

EXISTING ZONING: A-1  
 PROPOSED ZONING: HWY-1

GROSS SITE ACREAGE: 50.31 AC.  
 AREA RESERVED FOR FUTURE R/W: ±10.96 AC.  
 NET DEVELOPABLE AREA: ±39.35 AC.

TOTAL OPEN SPACE: 11.94 AC (30.34%)

GROSS LEASABLE AREA: 240,000 S.F.  
 RETAIL GROSS LEASABLE AREA (GLA): 185,000 S.F.  
 JUNIOR ANCHORS (JA) - BUILDINGS A, B, C - GLA: 55,000 S.F.

REQUIRED RETAIL PARKING: 832.5 (4.5 SPACES/1000 S.F. GLA)  
 PROPOSED RETAIL PARKING: 841 SPACES  
 TYPICAL PARKING DIMENSIONS - RETAIL: 10' X 20'

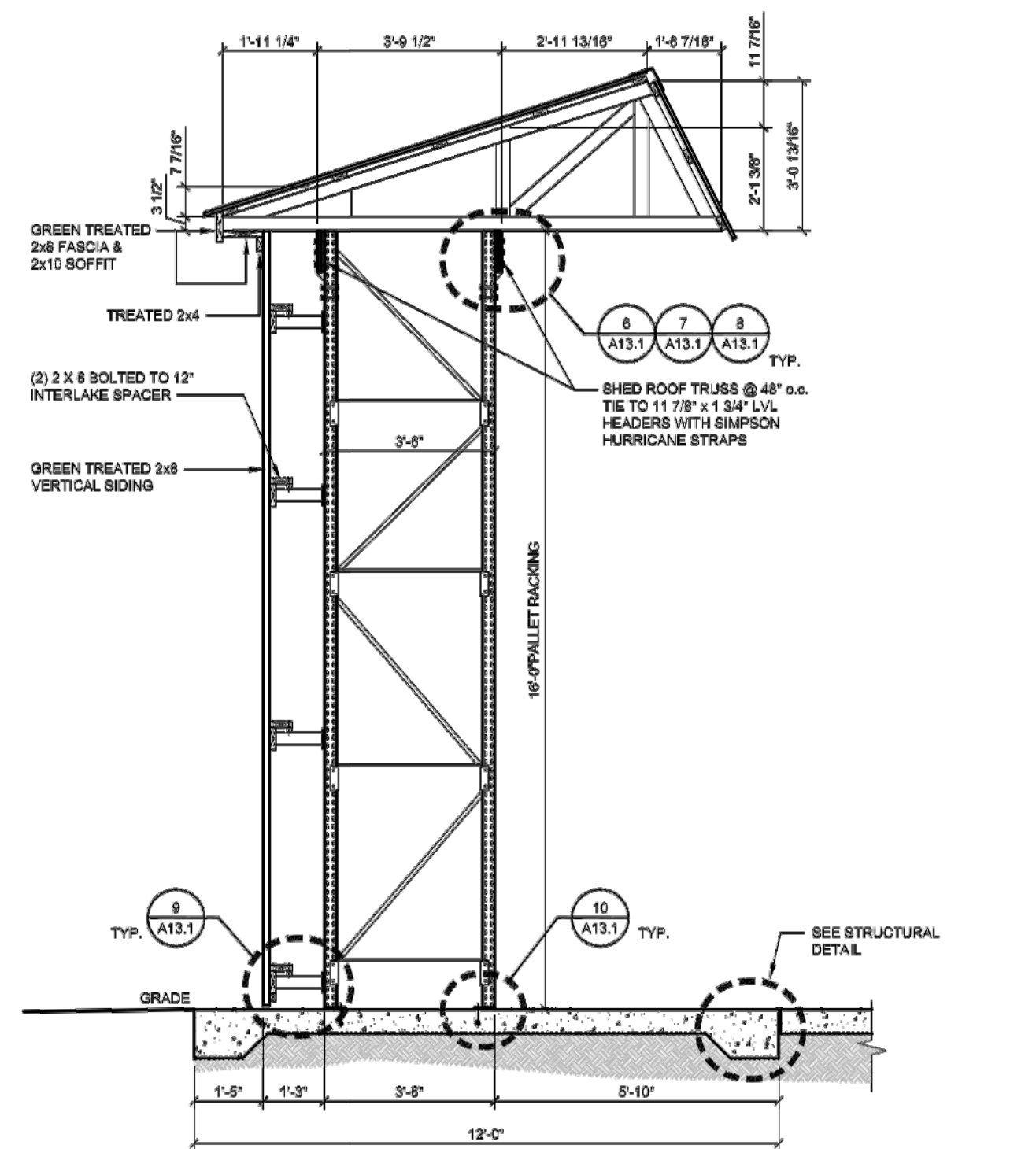
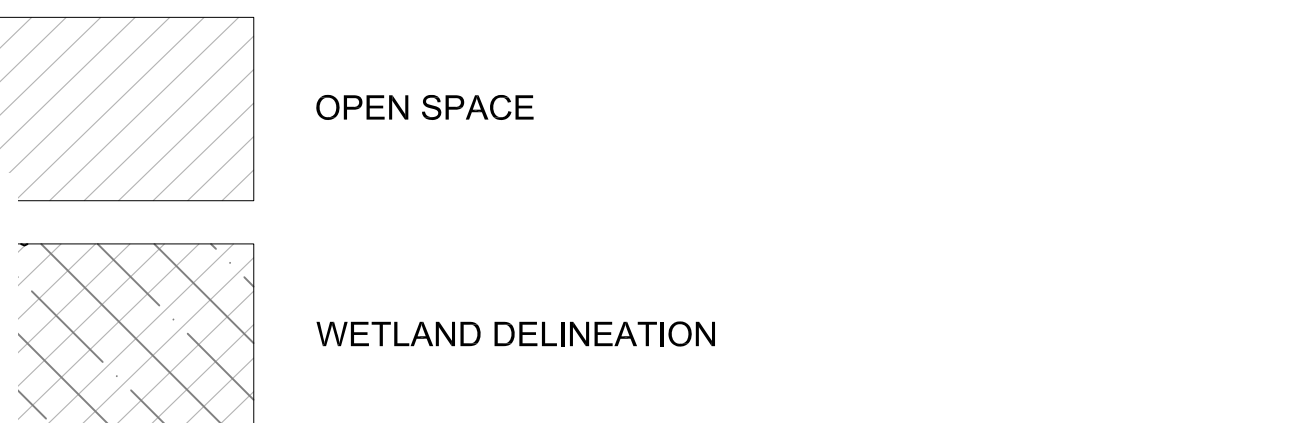
REQUIRED JA PARKING: 247.5 SPACES (4.5 SPACES/ 1000 S.F. GLA)  
 PROPOSED JA PARKING: 247 SPACES  
 TYPICAL PARKING DIMENSIONS - JA: 9' X 19' (COMPACT 8' X 19')

TOTAL PROPOSED SITE PARKING: 1,088 SPACES (4.5 SPACES/ 1000 S.F. GLA)

**NOTES:**

1. DUE TO LOCATION OF STORMWATER MANAGEMENT BASIN, SAFETY MEASURES SUCH AS GRATES AROUND OUTLETS SHALL BE PROVIDED
2. SITE PLAN SUBMISSION SHALL INCLUDE LANDSCAPING OF STORMWATER MANAGEMENT BASINS TO ENHANCE AESTHETICS
3. HIGHWAY 58 RECONFIGURATION PROVIDED BY IOWA DEPARTMENT OF TRANSPORTATION FOR ROADWAYS AND CONSTRUCTION LIMITS HAS BEEN INCORPORATED INTO DESIGN
4. 30' CROSS-ACCESS EASEMENT SHALL BE PROVIDED NORTH OF BUILDING A TO PROVIDE ACCESS FOR FUTURE DEVELOPMENT TO THE WEST
5. VEHICLE PATH SHOWN FOR SERVICE AREA BEHIND RETAIL IS FOR WB-67 VEHICLE. FIRE APPARATUS VEHICLE CAN BE SHOWN IF NEEDED
6. VEHICULAR ACCESS TO THIS SITE WILL BE LIMITED TO THE PROPOSED ACCESS DRIVES OFF OF RIDGEWAY AVENUE AS SHOWN. EXACT WIDTH AND CONFIGURATION SHALL BE BASED ON TRAFFIC IMPACT STUDY
7. 12" LOOPED WATER MAIN SHALL BE PROVIDED AROUND LARGE RETAIL BUILDING AND BUILDING A, B AND C FOR ADEQUATE FIRE COVERAGE
8. PRIOR TO ANY DISTURBANCE OF THE EXISTING WETLAND AREAS, ALL APPROVALS AND PERMITS FROM ARMY CORP OF ENGINEERS, IOWA DEPARTMENT OF NATURAL RESOURCES AND CITY OF CEDAR FALLS SHALL BE IN PLACE

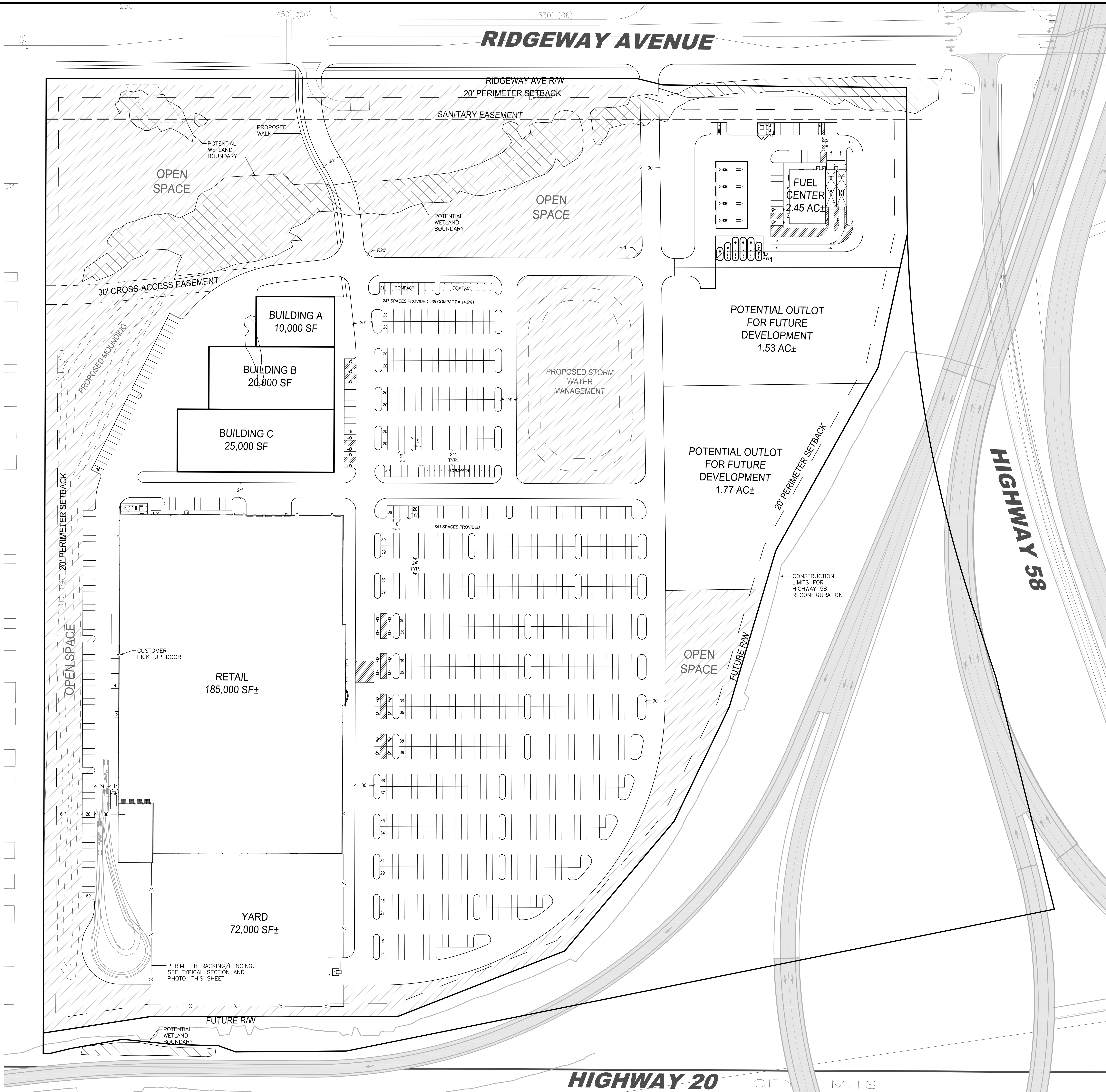
**LEGEND:**



TYPICAL SECTION OF PERIMETER YARD RACKING/FENCING  
 NOT TO SCALE



PHOTO OF PERIMETER RACKING/FENCING TAKEN FROM INSIDE YARD



Item	Revised Description	Date	Drawn	Checked
1	Revised description per technical review comments	05-14-18	AJB	RLG

**HENRY PROPERTY**

BLACK HAWK COUNTY  
 CEDAR FALLS, IOWA

PRELIMINARY CONCEPT SITE PLAN

Reason: CH 42444 - 513.538.8620

Drawn by:	IS PL
Checked by:	SAL
Issue Date:	5-18
Sheet:	









DEPARTMENT OF COMMUNITY DEVELOPMENT
REZONING APPLICATION

City of Cedar Falls
220 Clay Street
Cedar Falls, Iowa 50613

Property's Address: \_\_\_\_\_

Parcel #: 8814-02-126-005 and 8814-02-201-004

City: Cedar Falls State: Iowa ZIP: 50613

Applicant's Name: Midland Atlantic Development Company, LLC

Applicant's Mailing Address (if other): 8044 Montgomery Road, Ste 370

City: Cincinnati State: Ohio ZIP: 45244

Applicant's Email: nchimento@midlandatlantic.com Daytime Phone #: 513-967-7658

Existing Zoning: A-1 Present Use: Agriculture

Proposed Zoning: HWY-1 Proposed Use: Retail

A COMPLETE SUBMITTAL INCLUDES A PAPER AND AN ELECTRONIC COPY OF:

- X Completed application
X \$500 nonrefundable fee
X Names and addresses of property owners within 300 ft of the requested area (Word or Excel)
X Legal description of property, for use in public notices (Word)
X Letter explaining reason for request and details about future uses (Word)
[ ] Traffic Study, if applicable (In Process)
X Plat scaled to at least 100 feet per inch (PDF 11x17)
X Map elements: north arrow, etc.
X Identified real-estate for which zoning is requested
X Legal description of property
X All public streets and highways within 300 ft of the requested area's boundaries
X All lands, platted or un-platted within 300 ft of the requested areas boundaries
X Requested and current zoning district
[ ] Any other items specific to the zoning district being requested which may include the following:
X Comprehensive Development Site Plan
[ ] Traffic Generation Analysis (In Process)
[ ] Developmental Procedures Agreement

To the best of my knowledge the foregoing and attached statements are true and correct, I sign this completed application with the intent of having my property rezoned.

Applicant/Property Owner's Signature: \_\_\_\_\_ Date: 5/18/18

## Item 5.A.

### REQUEST FOR REZONING

We do hereby respectfully make application and petition the City Council to amend the zoning map as hereinafter requested, and in support of this application, the following is a letter explaining the reason for such request.

The property is in acreage, and is not therefore a part of a recorded plat. The property sought to be rezoned is two parcels identified with Parcel Identification Numbers of 8814-02-126-005 and 8814-02-201-004. The properties are located at the NWC of Highway 20 and Hudson Road and South of Ridgeway Ave. The property is sought to be rezoned by Midland Atlantic Development Company, LLC for use as a large format retail store(s) and other related commercial use. It is desired and requested that the foregoing described property be rezoned from Agriculture 1 (A-1) zoning to Highway 1 (HWY 1) commercial Zoning. It is anticipated that the property will be used for retail use in the following general configuration: approximately 185,000 square foot large format retail store along with integrated outdoor sales of approximately 60,000 square foot plus approximately 55,000 square feet for addition retail uses. We anticipate that Outparcel 1 will be utilized as a gas and carwash building and the outparcels labeled as Outparcels 2 and 3 would be planned for restaurant locations or other retail uses. We believe that the change requested is necessary for the preservation and enjoyment of substantial property rights, and will not be detrimental to the public welfare, nor the property of other persons located in the vicinity thereof.



**DEPARTMENT OF COMMUNITY DEVELOPMENT**

**City of Cedar Falls  
220 Clay Street  
Cedar Falls, Iowa 50613  
Phone: 319-273-8600  
Fax: 319-273-8610  
www.cedarfalls.com**

**MEMORANDUM**

***Planning & Community Services Division***

**TO:** Planning & Zoning Commission  
**FROM:** Karen Howard, Planning & Community Services Manager  
**DATE:** July 5, 2018  
**SUBJECT:** Rezoning and Land Use Map Amendment request for property at 1015 and 1021 W. 22<sup>nd</sup> St

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**REQUEST:** Land Use Map Amendment from High Density Residential to Neighborhood Commercial/Mixed Use and rezoning of the subject properties from R-3 Multiple Unit Residential to C-3 Commercial District

**PETITIONER:** Steve Troskey – CGA Engineers

**LOCATION:** Properties located at 1015 and 1021 W. 22<sup>nd</sup> Street in the College Hill Neighborhood

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**PROPOSAL**

The applicant has submitted a request to amend the Future Land Use Map within the City’s Comprehensive Plan to extend the boundary of the area designated as Neighborhood Commercial / Mixed Use west to include the adjacent properties at 1015 and 1021 W. 22<sup>nd</sup> Street as shown in the map below. Goals for this area are addressed in the College Hill Neighborhood section of the Comprehensive Plan adopted in 2012 and in the College Hill Neighborhood Plan adopted in 1993.

In concert with the Future Land Use Map amendment the applicant has requested a rezoning of the subject properties from R-3 Multiple Unit Residential to C-3 Commercial. The rezoning will allow expansion of the Neighborhood Commercial/ Mixed Use area to expand further to the west along 22<sup>nd</sup> Street, including any associated accessory uses necessary to support the urban mixed use development anticipated for this area.

**BACKGROUND**

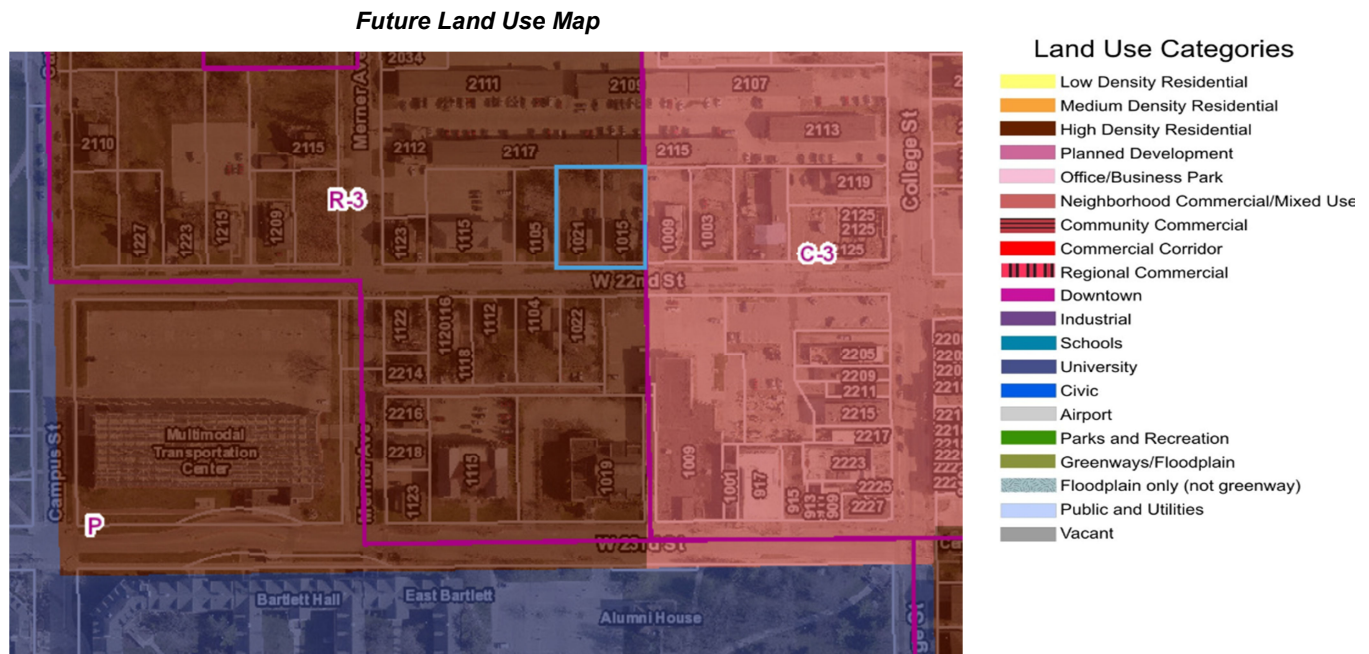
The subject properties at 1015 and 1021 W. 22<sup>nd</sup> Street currently contain lower density residential uses, a duplex and a single unit home, respectively. Both are rental properties owned by CV Commercial, LLC. The owner is proposing to tear down the existing structures and construct a 29-space parking lot that will provide additional accessory parking for a 5-story

## Item 5.B.

mixed-use building proposed on properties at 2119 College Street, 925 W. 22<sup>nd</sup> Street, and 1003 W. 22<sup>nd</sup> Street. A similar project was proposed earlier this year, but the application was denied by the City Council largely due to inadequate parking. With this application, the owner is proposing to provide additional parking on the properties at 1015 and 1021 W. 22<sup>nd</sup> Street to serve the upper floor residential uses in the mixed use building in a manner that is consistent with the goals of the College Hill Neighborhood Plan and the City's Comprehensive Plan.

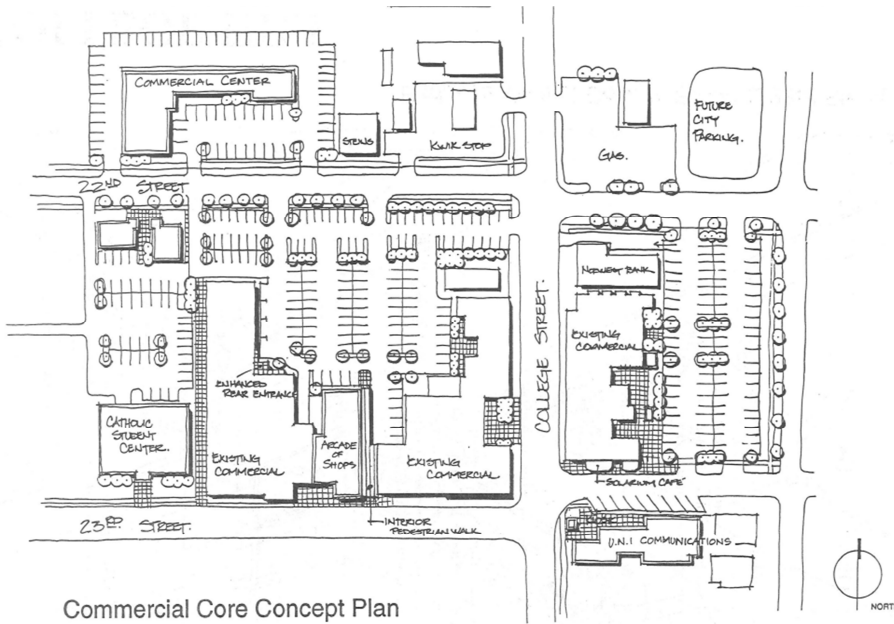
### ANALYSIS

**Amendment to the Future Land Use Map:** The applicant is requesting to change the land use map designation of the properties at 1015 and 1021 W. 22<sup>nd</sup> Street from High Density Residential to Neighborhood Commercial/Mixed Use, as noted on the map below.



Both the College Hill Neighborhood Plan and the Comprehensive Plan provide guidance for future development in this area. The College Hill Neighborhood Plan adopted in 1993, describes the concept of a more cohesive and attractive “commercial core” concentrated “in a two-square block area between 23<sup>rd</sup> Street and the middle of the 2100 block of College Street. The ultimate form of the commercial development in the College Hill Business District should be a commercial core surrounding a “parking courtyard” rather than an elongated commercial strip.”

The plan provides an illustration of this concept, as shown on the following page:



Commercial Core Concept Plan

## COLLEGE HILL NEIGHBORHOOD

The Comprehensive Plan adopted in 2012 sets forth goals for commercial infill development along 22<sup>nd</sup> Street:

*Extend the streetscape along 22<sup>nd</sup> Street to improve pedestrian access with wider, brick sidewalks and parallel or angled on-street parking (or alternately, parking behind buildings), and spur local development of more mixed-use storefronts with apartment dwellings above. Bring mixed-use commercial development between 21<sup>st</sup> and 22<sup>nd</sup> Street to link the “Upper Hill” and “Lower Hill” along College Street into a more cohesive, walkable retail area. (p.140)*

As shown above, the College Hill Neighborhood Plan anticipated the expansion of the commercial core of the neighborhood extending west along 22<sup>nd</sup> Street to include the two properties subject to this requested land use map amendment and rezoning.

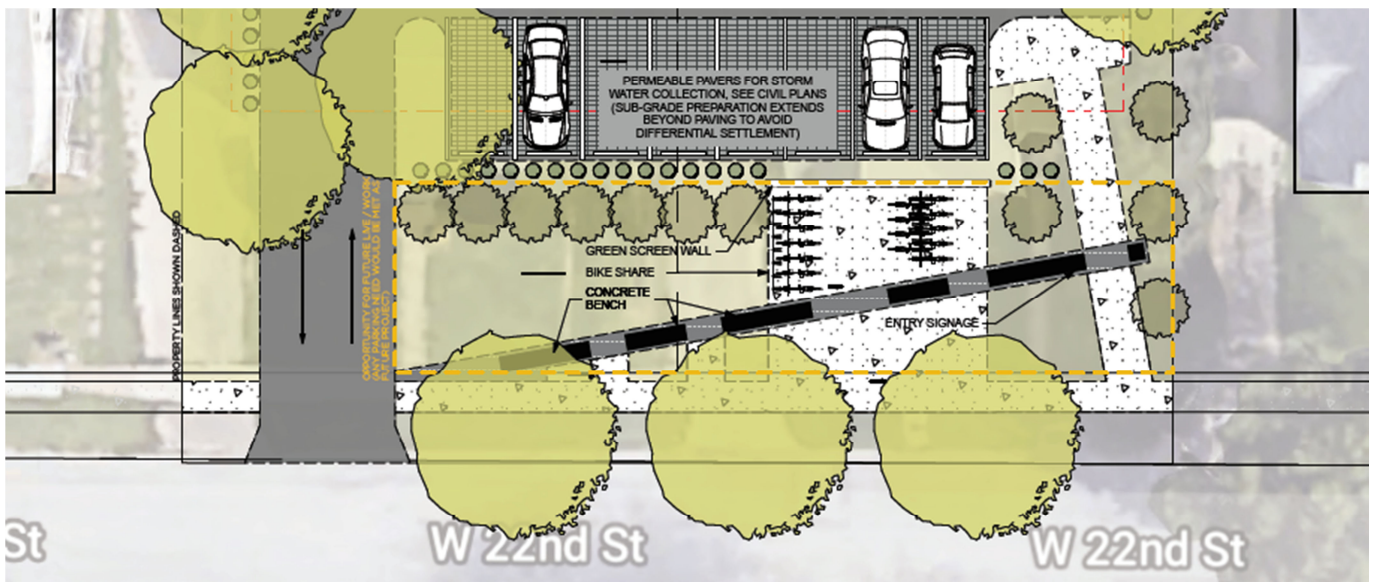
Staff notes that the goal of encouraging redevelopment evolved in the 2012 plan from the earlier 1993 College Hill Plan. There was a shift in focus from discussion of a “commercial core” surrounding a parking court to encouraging mixed-use storefronts with apartment dwellings above with on-street parking supplemented with parking located behind buildings to provide a more pedestrian-friendly streetscape. It was an acknowledgement that if the goal is to create a cohesive and walkable neighborhood commercial area, the streetscape should not be interrupted by unscreened surface parking areas.

The applicant is proposing to address both the need for additional parking to serve the proposed mixed-use building and the desire for an improved streetscape with the parking buffered and screened from view of the street. The parking lot is proposed to set back from the public ROW approximately 25 feet, with the setback area designed as a small usable green space with the parking lot screened from view by trees, shrubs, and a planted screenwall. This area will include public seating along a low wall that extends along the public sidewalk, space dedicated to public



## Item 5.B.

bicycle parking and location for the community's nascent bike share program. Following is a drawing of the proposed greenspace and parking area as viewed from a pedestrian perspective along 22<sup>nd</sup> Street and a plan view of the landscaping plan for the greenspace. More detailed information is included in the applicant's submitted documents attached to this memo.



Staff was initially concerned about replacing active building uses with a surface parking lot, but find that the proposal for the usable greenspace in combination with a parking area set back from the street strikes a good balance between potentially competing comprehensive plan goals for additional parking and for new higher density mixed-use development. It should also be noted that the 25-foot setback leaves enough space for a small commercial liner building or live-work units that could front on 22<sup>nd</sup> Street in front of the parking area in the future if the demand is there for small business start-up space or additional neighborhood-serving commercial uses. Due to the potential for furthering the goals of the College Hill Neighborhood Plan and the 2012 Comprehensive Plan, staff supports the amendment to the Future Land Use Map.

***Proposed Rezoning:***

The properties are currently zoned R3 Multiple Unit Residential. This zone is intended for moderate intensity residential uses, including single unit dwellings, duplexes, and multiple unit dwellings with a height limit of 45 feet or 3 stories, whichever is less. The properties are also within the College Hill Overlay District, the provisions of which govern all uses and development proposals within the overlay district. The current R3 zoning is unlikely to facilitate the desired redevelopment along 22<sup>nd</sup> Street as described in the College Hill Neighborhood Plan or the 2012 Comprehensive Plan, due to the larger front setbacks and limited residential densities allowed.

The requested rezoning is C3 Commercial, which is the designation reserved for the highest intensity urban commercial areas in the city and is the current zoning applied to Downtown Cedar Falls and the College Hill commercial district. This zone allows storefront commercial uses located close to the public sidewalk with upper floor residential uses encouraged as a secondary use of the property.

As described in the section above, the proposed rezoning to C3 Commercial is consistent with the goals set forth in the College Hill Neighborhood Plan and the 2012 Comprehensive Plan, which both call for expansion of opportunities for urban mixed use development extending further down 22<sup>nd</sup> Street in a manner that enhances the pedestrian environment along the street and provides additional storefront commercial space and high density housing opportunities that will take pressure off the lower scale neighborhoods located to the east. While the older 1993 College Neighborhood Plan calls for consideration of C1 Zoning for the commercial area in the College Hill neighborhood, staff finds that some of the provisions of the C1 Zone, particularly the requirement for larger building setbacks are inconsistent with the updates adopted with the Comprehensive Plan in 2012 that calls for urban mixed-use in this area with buildings located close to the street in a manner that promotes walkability and more efficiently uses the lot area in this urban location. The additional standards and design review required with the adoption of the College Hill Overlay zoning serve to mitigate concerns with the C3 zoning designation expressed in the 1993 College Hill Neighborhood Plan. Therefore, staff finds the proposed rezoning to be consistent with the Comprehensive Plan and College Hill Neighborhood Plan goals. Use of the property for accessory parking to the larger mixed use project further to the east will help alleviate concerns regarding adequate parking for the upper floor residential uses. The details of this particular use of the property will be discussed in more detail in the staff memo for the site plan review.

***Public Notice:***

A notice of public hearing was published in the *Waterloo Courier* on Wednesday, June 20, 2018. Also, a notice to the adjoining property owners was sent on June 19, 2018 inviting them to the public hearing.

**STAFF RECOMMENDATION**

The Community Development Department recommends approval of the request to amend the Future Land Use Map from High Density Residential to Neighborhood Commercial/Mixed Use for properties located at 1015 and 1021 W. 22<sup>nd</sup> Street and to rezone the same properties from R-3 Multiple Unit Residential to C-3 High Density Commercial.

## Item 5.B.

### PLANNING & ZONING COMMISSION

Introduction  
6/27/2018 Howard presented the staff report and background information for both the proposed future land use map amendment and the rezoning. She presented the staff analysis regarding how the proposal meets the goals of the College Hill Neighborhood Plan and 2012 Comprehensive Plan. She described the immediate proposed use of the properties is for additional parking for the proposed mixed-use building located at the corner of College and 22<sup>nd</sup> Streets. The applicant's perspective drawings were presented to characterize how the parking area would be designed with a useable green space at the front of the lot to improve the streetscape along 22<sup>nd</sup> Street to meet Comprehensive Plan goals to make the area more pedestrian friendly.

Holst indicated support but suggested adjusting the Future Land Use Map boundary for Neighborhood Commercial/Mixed Use further to the west to include all the land up to the UNI campus to create a more uniform boundary and encourage additional redevelopment.

Ms. Giarusso asked about the intervening property at 1009 22<sup>nd</sup> Street and whether this would be considered a "spot zoning." Ms. Saul asked the same question. Howard noted the property was already zoned C3 and rezoning 1015 and 1021 to C3 would not be considered a spot zone, because they are contiguous to other C3 zoned properties.

Dan Drendel, architect for the project, described the project in more detail.

Eashaan Vajpeyi, 3031 Convair Lane, attorney for Brian Sires, expressed concerns about the project and the adequacy of the parking to serve the higher density residential proposed.

Dave Deibler, 1616 Campus Street, expressed support for the project and encouraged additional redevelopment and higher density in this area.

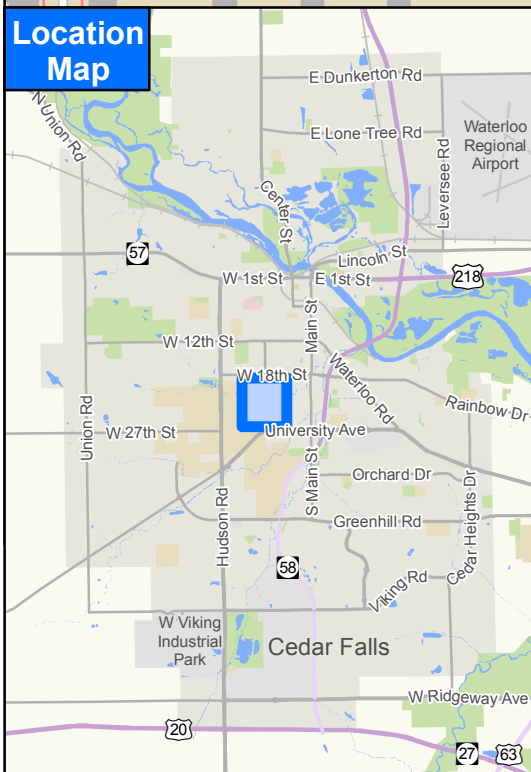
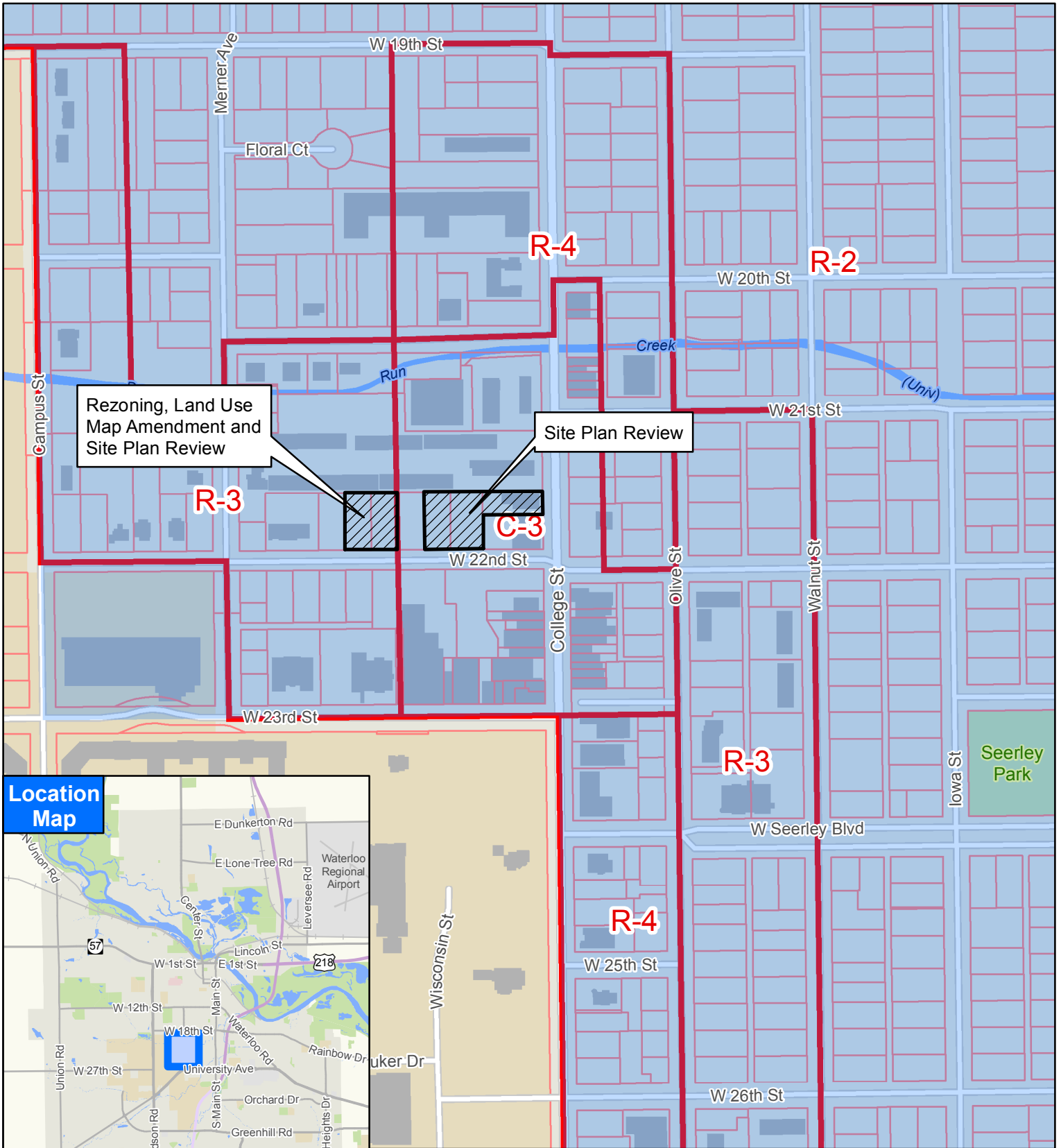
Chris Martin, 421 W. Seerley Boulevard expressed support for the project as it fits into the vision for linking the upper and lower College Hill commercial areas.

The public hearing was continued to the July 11 meeting.

Vote  
7/11/2018

Attachments: Location map  
Rezoning Exhibit  
Supporting documents, including plan view and perspective drawings and narrative description of the project.





- Rezoning from R-3 to C-3
- Land Use Map Amendment
- College Hill Overlay Site Plan Review



# COLLEGE HILL

## FLOOR PLATES & MASSING

APARTMENT RENTABLE SQUARE FOOTAGE			
UNIT TYPE	QTY.	UNIT SQ FT.	TOTAL SQ. FT.
2 BEDS	16	802	13,165
4 BEDS	7	1370	9,590
STUDIO 01	20	433	8,860
STUDIO 02	3	450	1,350
STUDIO 03	4	446	1,784
STUDIO 04	3	470	1,410
STUDIO 05	12	500	6,000
STUDIO 06	8	502	4,021
STUDIO 07	4	499	1,996
STUDIO 08	4	451	1,804
STUDIO 09	1	430	430
STUDIO 10	1	487	487
<b>TOTAL</b>	<b>83</b>		<b>50,897 sq. ft</b>
<b>TOTAL BEDS</b>	<b>120</b>		
<b>ON-SITE PARKING</b>	<b>65 (3 ACCESSIBLE STALLS)</b>		
<b>OFF-SITE PARKING</b>	<b>29</b>		
<b>TOTAL PARKING PROVIDED</b>	<b>94 ( 1 SPACE PER 78% OF BEDS)</b>		

BUILDING GROSS AREA		
BASEMENT	UNDERGROUND PARKING	24,350 sq ft
LEVEL 1	COVERED PARKING	5,994 sq ft
LEVEL 1	RETAIL	11,603 sq ft
LEVEL 1	LOBBY	735 sq ft
LEVEL 2-5	RESIDENTIAL	66,752 sq ft
<b>TOTAL</b>		<b>109,434 sq ft</b>
<b>ADDITIONAL SURFACE PARKING</b>		<b>7,131 sq ft</b>



**RESIDENTIAL FLOOR PLANS 2-4**  
SCALE 1/32" = 1'-0"



**TOP FLOOR PLAN**  
SCALE 1/32" = 1'-0"

**ZONE LEGEND**

- RESIDENTIAL UNITS
- CIRCULATION
- RETAIL/AMENITY

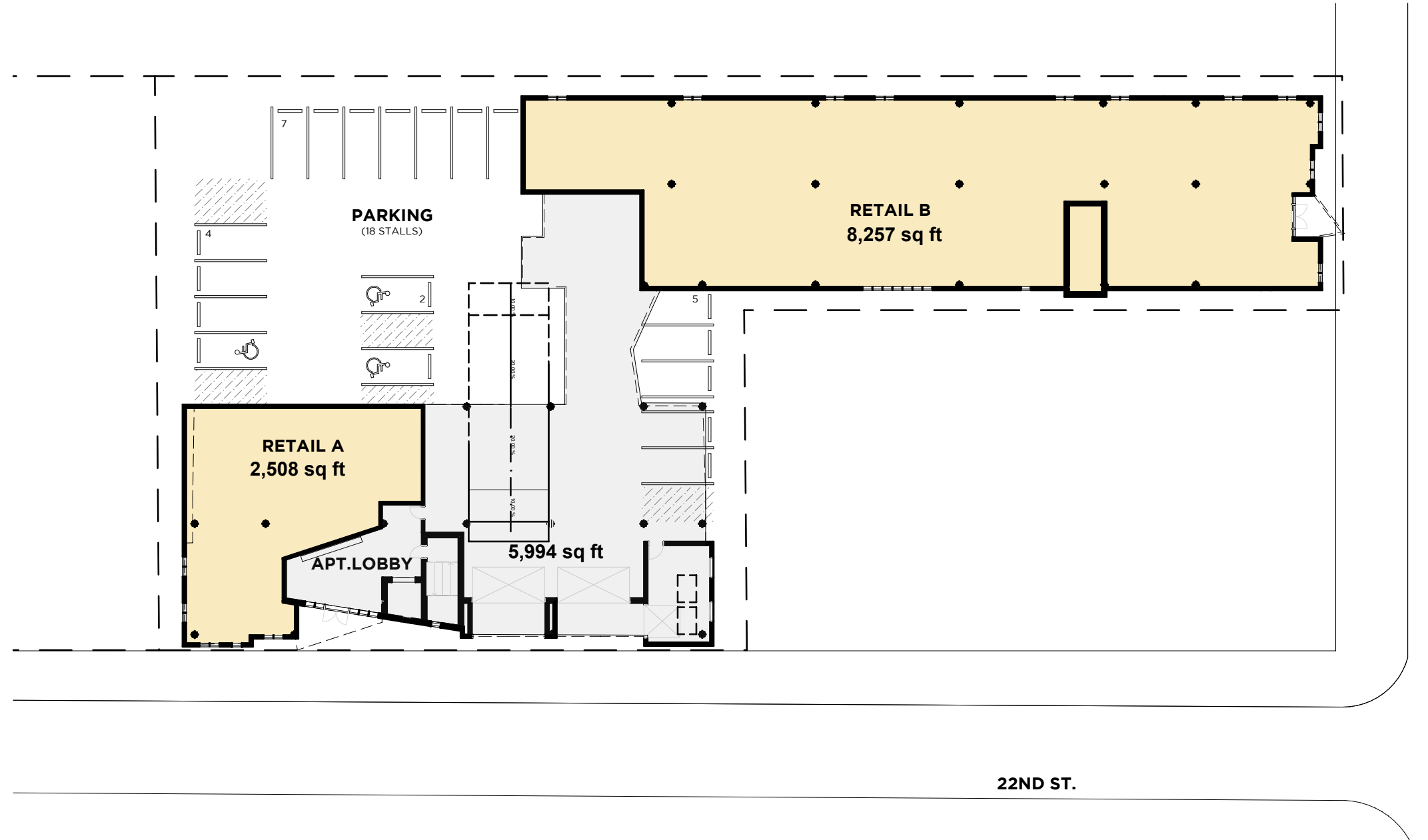
-27-

**Item 5.B.**

# COLLEGE HILL

GROUND FLOOR

Item 5.B.



LEVEL 1 - RETAIL + PARKING  
SCALE 1/32" = 1'-0"

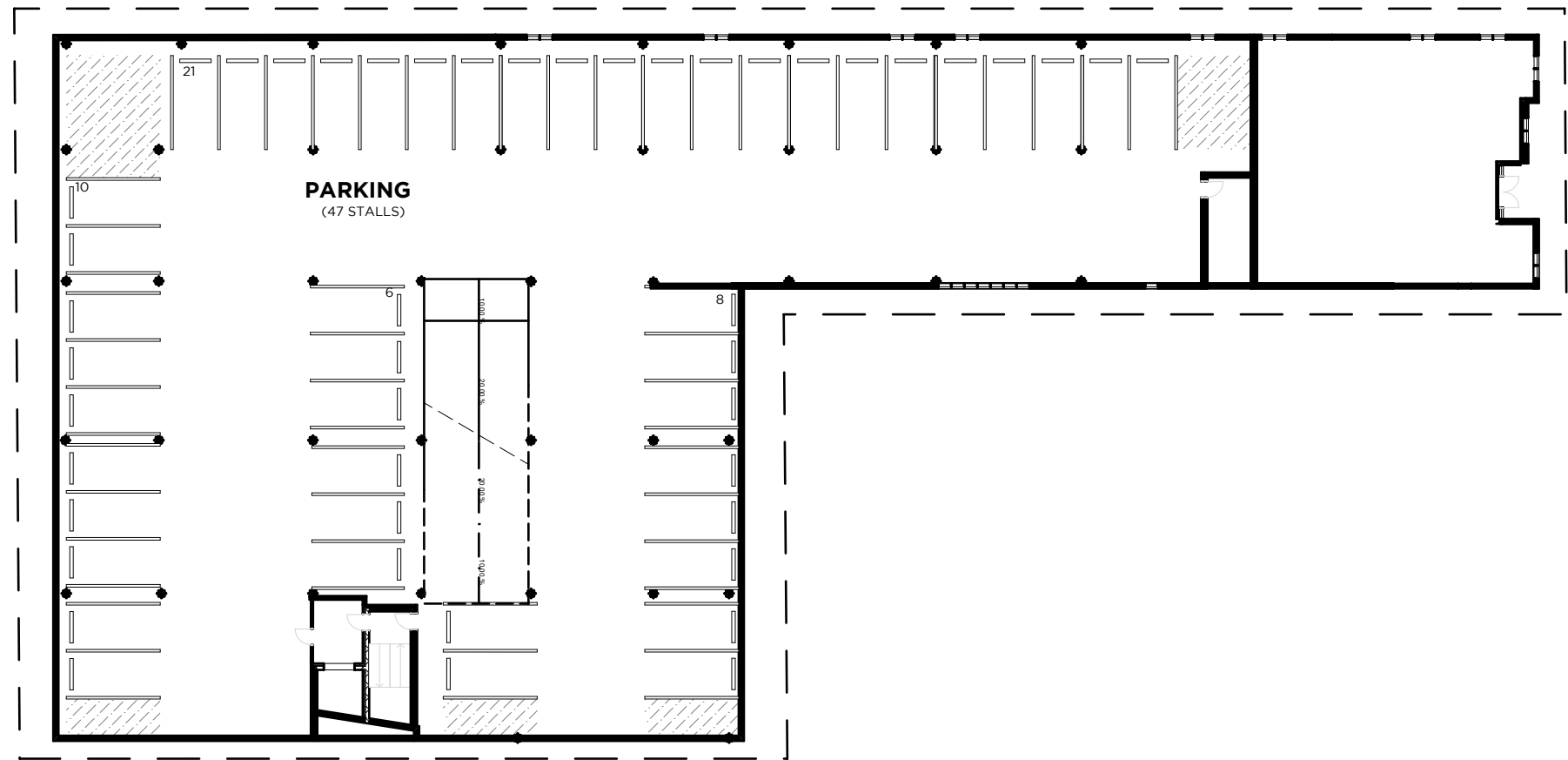
-28-

TOTAL RENTABLE RETAIL = 10,765 sq ft (64%)

# COLLEGE HILL

## BASEMENT

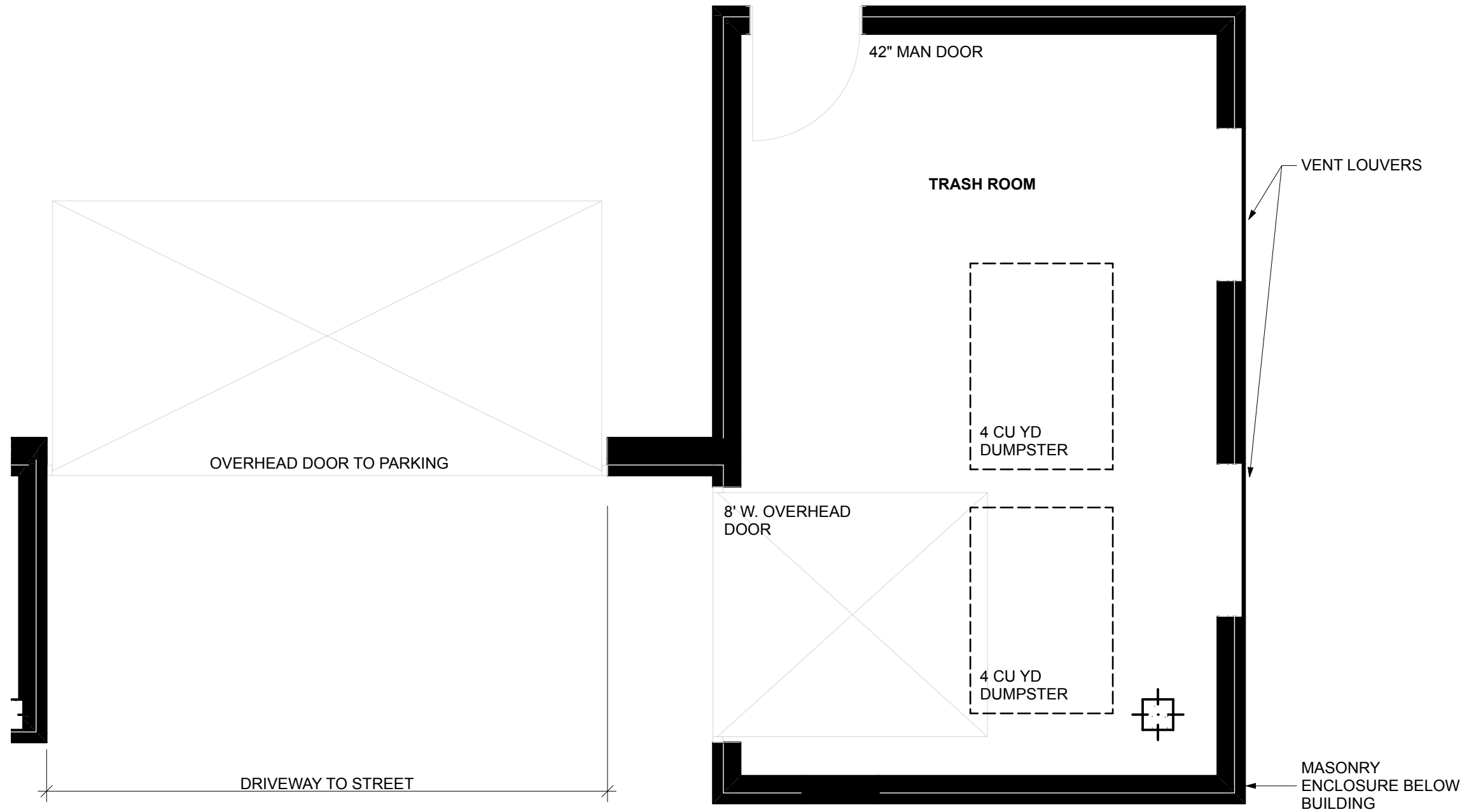
-29-



**UNDERGROUND PARKING**  
SCALE 1/32" = 1'-0"

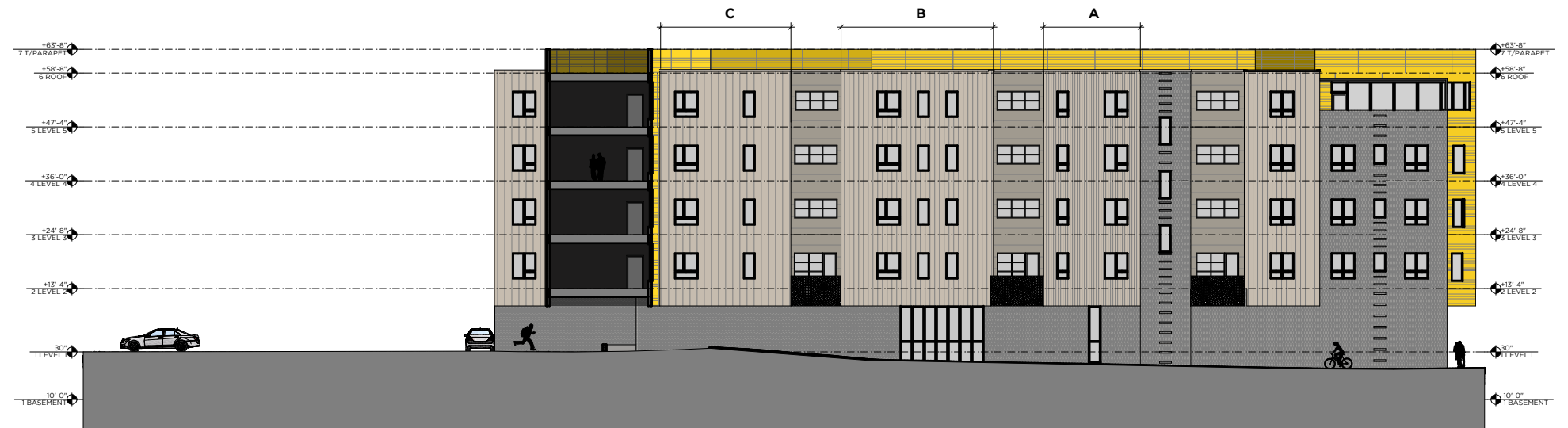
# COLLEGE HILL

ENLARGED PLAN



# COLLEGE HILL

## ELEVATIONS



(6) SOUTH ELEVATION

METAL PANEL @ FRONT FACE = 48.3%  
 BRICK @ FRONT FACE = 38.1%  
 OPENINGS @ FRONT FACE = 13.6%

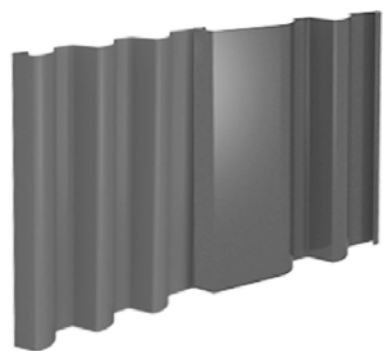
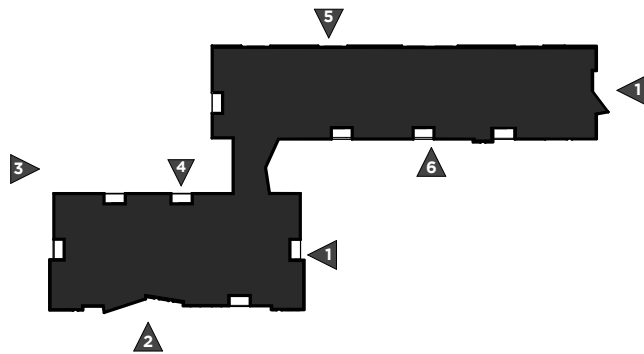


(5) NORTH ELEVATION

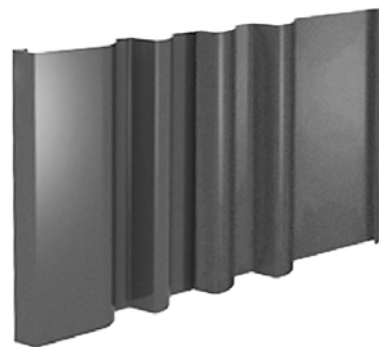
METAL PANEL @ FRONT FACE = 35.9%  
 BRICK @ FRONT FACE = 50.2%  
 OPENINGS @ FRONT FACE = 13.9%

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### KEY PLAN



(A) METAL PANEL



(B) METAL PANEL



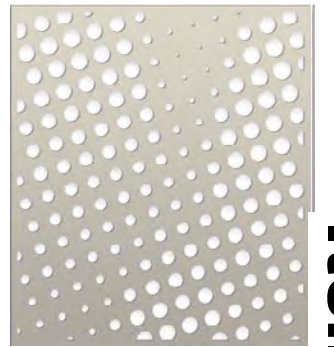
(C) METAL PANEL



METAL PANEL



BRICK



PERFORATED METAL SCREEN

Item 5.B.

# COLLEGE HILL

## ELEVATIONS



### (4) NORTH ELEVATION - SOUTH BAR

METAL PANEL @ FRONT FACE = 75.3%  
 BRICK @ FRONT FACE = 13.6%  
 OPENINGS @ FRONT FACE = 11.1%



### (3) WEST ELEVATION

METAL PANEL @ FRONT FACE = 54.6%  
 BRICK @ FRONT FACE = 31.5%  
 OPENINGS @ FRONT FACE = 13.9%



### (2) SOUTH ELEVATION - SOUTH BAR

METAL PANEL @ FRONT FACE = 27.5%  
 BRICK @ FRONT FACE = 36.7%  
 OPENINGS @ FRONT FACE = 17.5%  
 CONCRETE @ FRONT FACE = 18.3%

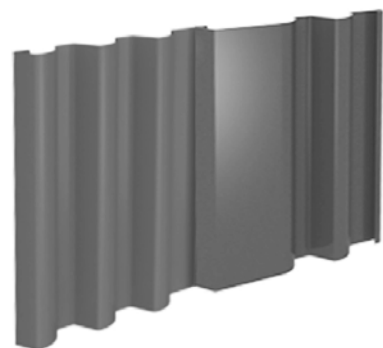
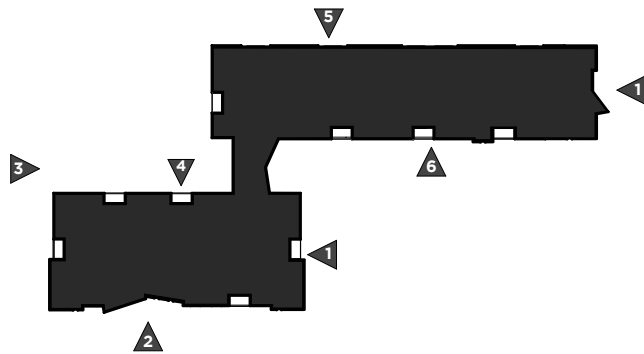


### (1) EAST ELEVATION

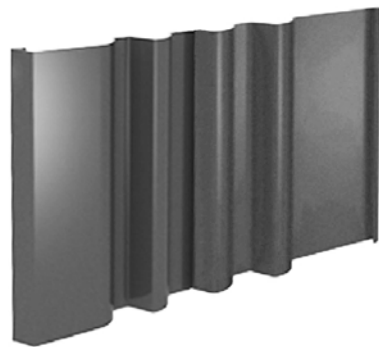
METAL PANEL @ FRONT FACE = 23.9%  
 BRICK @ FRONT FACE = 54.5%  
 OPENINGS @ FRONT FACE = 21.6%

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### KEY PLAN



(A) METAL PANEL



(B) METAL PANEL



(C) METAL PANEL



METAL PANEL



**BRICK**  
 COLLEGE BRICK: 71%  
 22ND STREET BRICK: 43%



**PERFORATED METAL SCREEN**



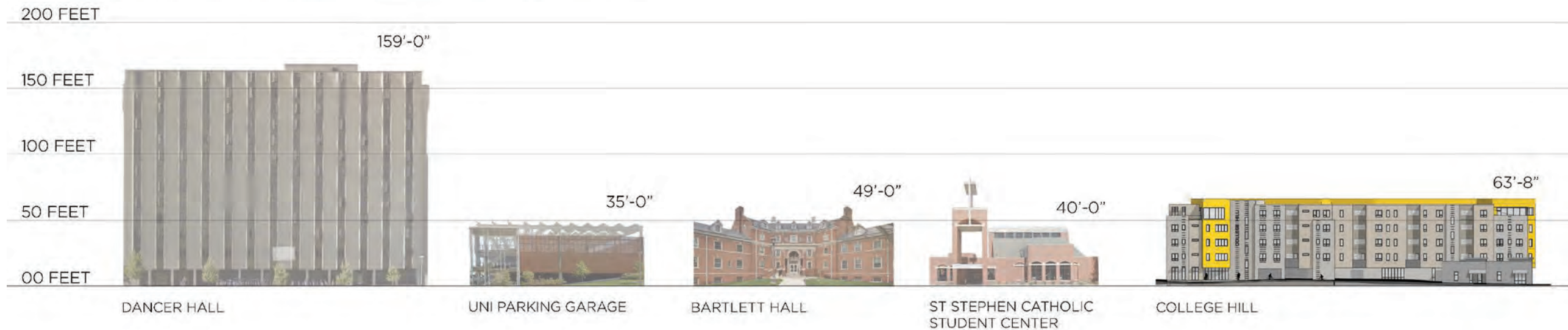
# COLLEGE HILL

## ELEVATION STUDY

-33-



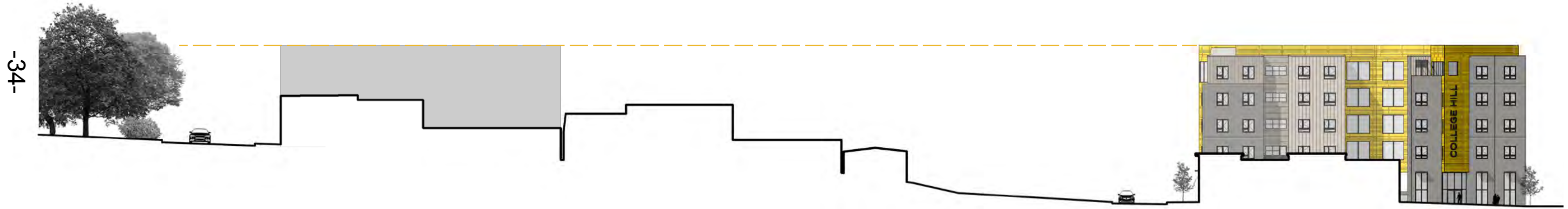
### CEDAR FALLS BUILDING HEIGHTS





# COLLEGE HILL

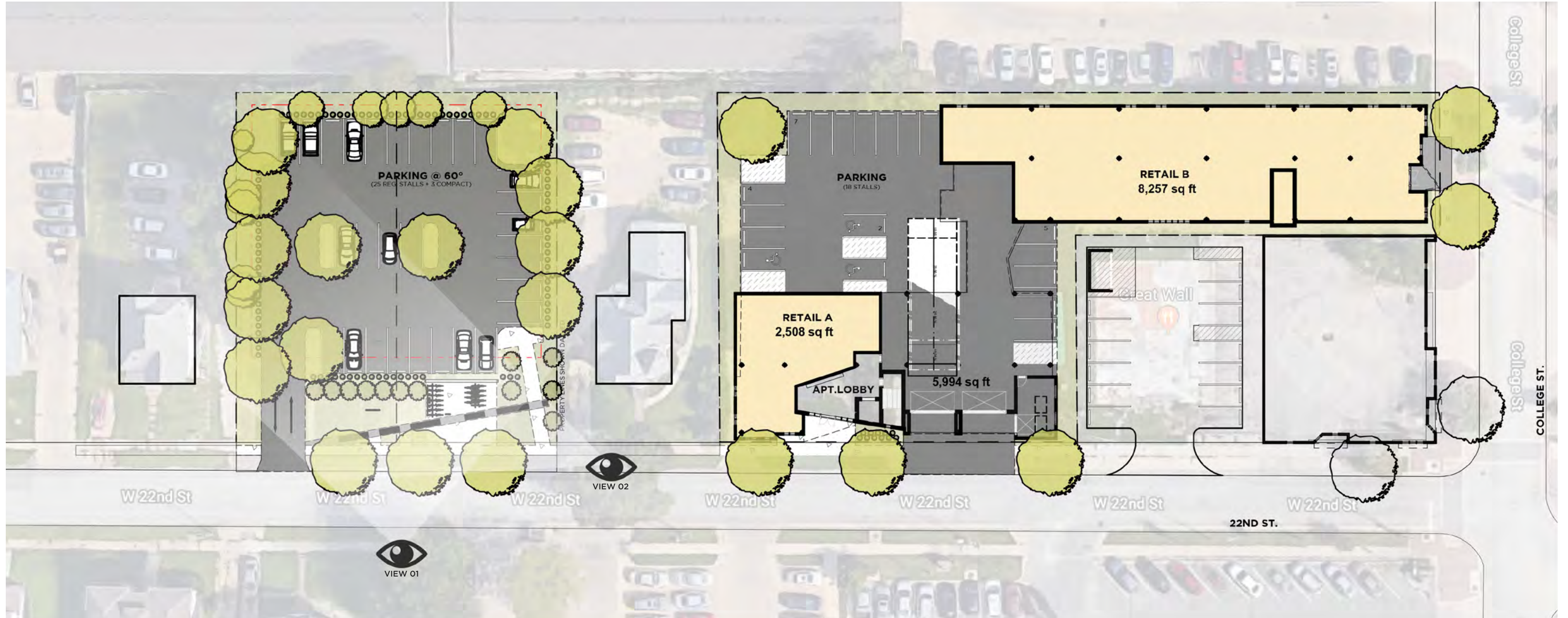
## STREET SECTION



# COLLEGE HILL

## SITE PARKING

-35-



GROUND LEVEL PARKING PLAN

SCALE 1" = 40'



# COLLEGE HILL

## BIKE: PARK

This new mixed-use development at 2119 College Street in the Cedar Hill neighborhood will add vibrancy through pedestrian activity to the streetscape. The concept aligns with the comprehensive plan goal to extend pedestrian activity to the west on 22nd Street.

To address concerns raised about the amount of available parking for future residents of the project, a new plan, **The Bike: Park**, is proposed to convert two nearby properties to a parking area for both cars and bicycles.

Goals for the project are to provide parking onsite for residents that utilize daily parking to get to work or daily activities. The remainder of the parking need is provided through currently available and easily connected nearby parking for students at this location.

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VIEW 02

PERSPECTIVE VIEWS



VIEW 01



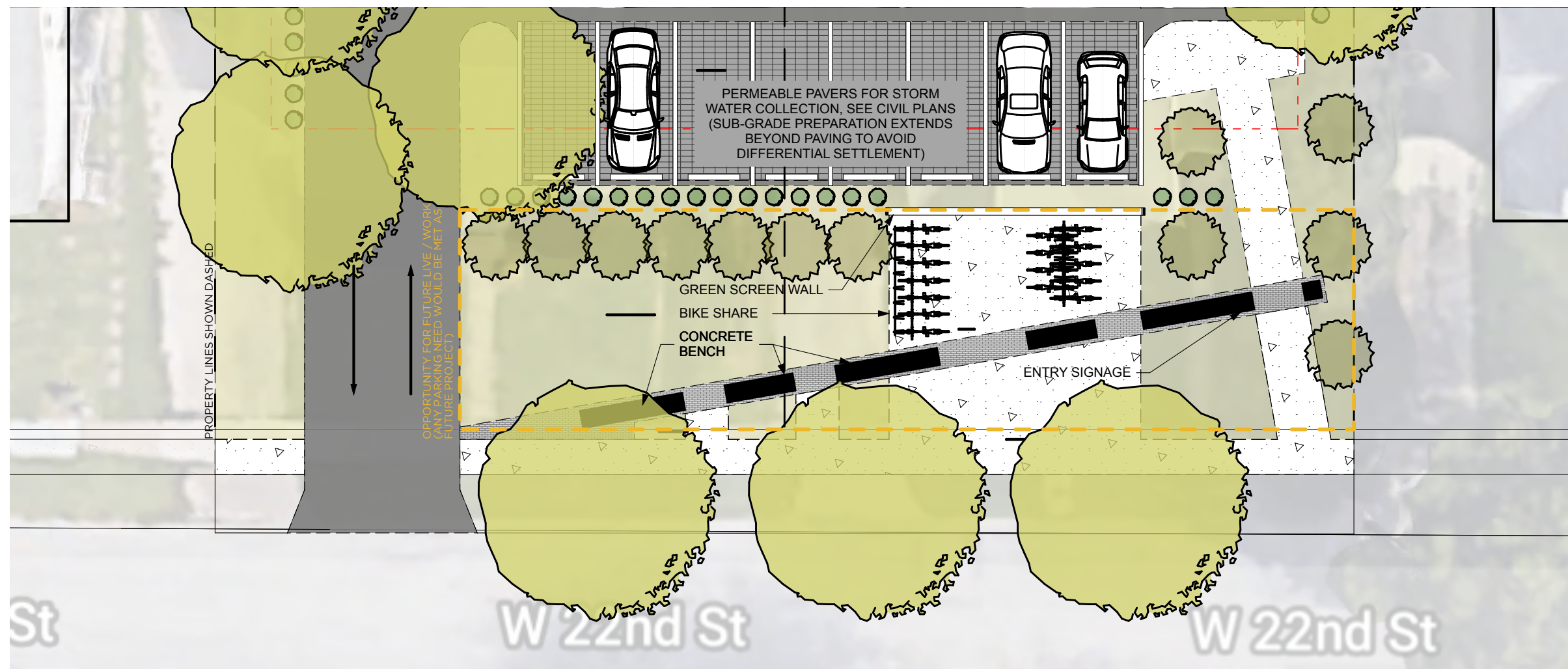
# COLLEGE HILL

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-37-

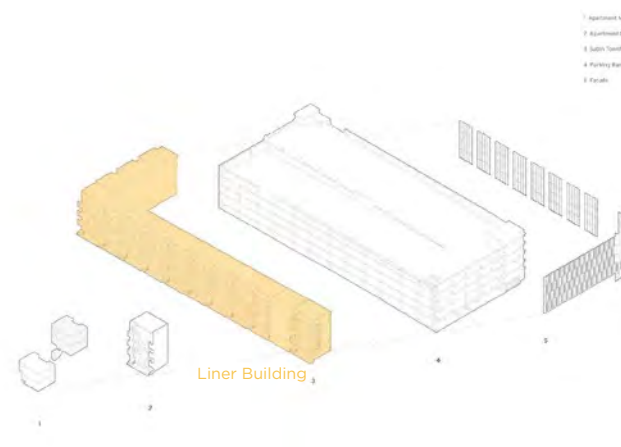
### SETBACK STUDY

#### Precedent Study of Potential Future Liner Infill Buildings

Iowa City Parking Garage  
Neumann Monson Architects

Liner building units maintain frontage to urban residential street utilizing minimal depth on the site.

- 5' setback with 25' x 25' unit setback
- Stacked two story units with walk up entry



Item 5.B.

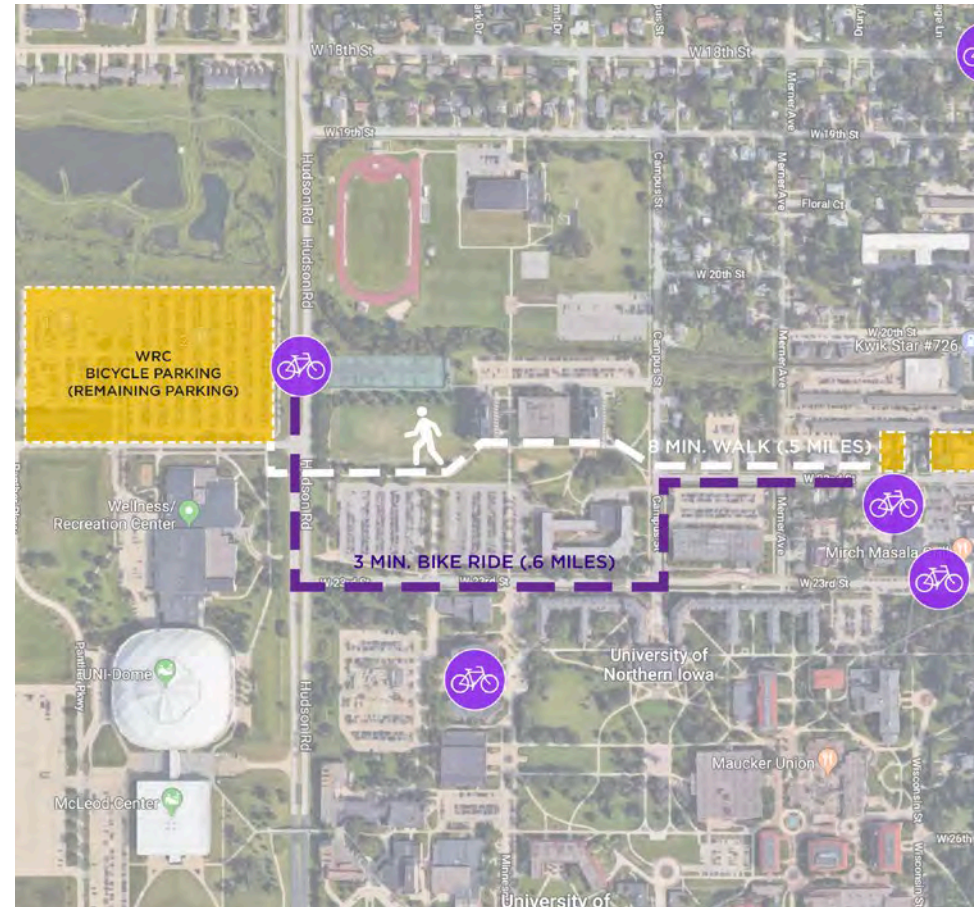


# COLLEGE HILL

## PARKING CONNECTIVITY

Echo Development Group has plans to increase connectivity through a bike share program. Stations will be placed throughout Cedar Falls, and through approval of the UNI student government, locations will be on the UNI campus.

The program will be put into place on or before building occupancy.



22nd Street Vehicle & Bike Parking Diagrams

### Bike Share Examples





# COLLEGE HILL

22ND STREET



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# COLLEGE HILL

COLLEGE STREET

-40-





# COLLEGE HILL

CORNER VIEW



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Item 5.B.



# COLLEGE HILL

VIEW THROUGH  
PARKING LOT



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# COLLEGE HILL

VIEW AT NORTH SIDE



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Item 5.B.

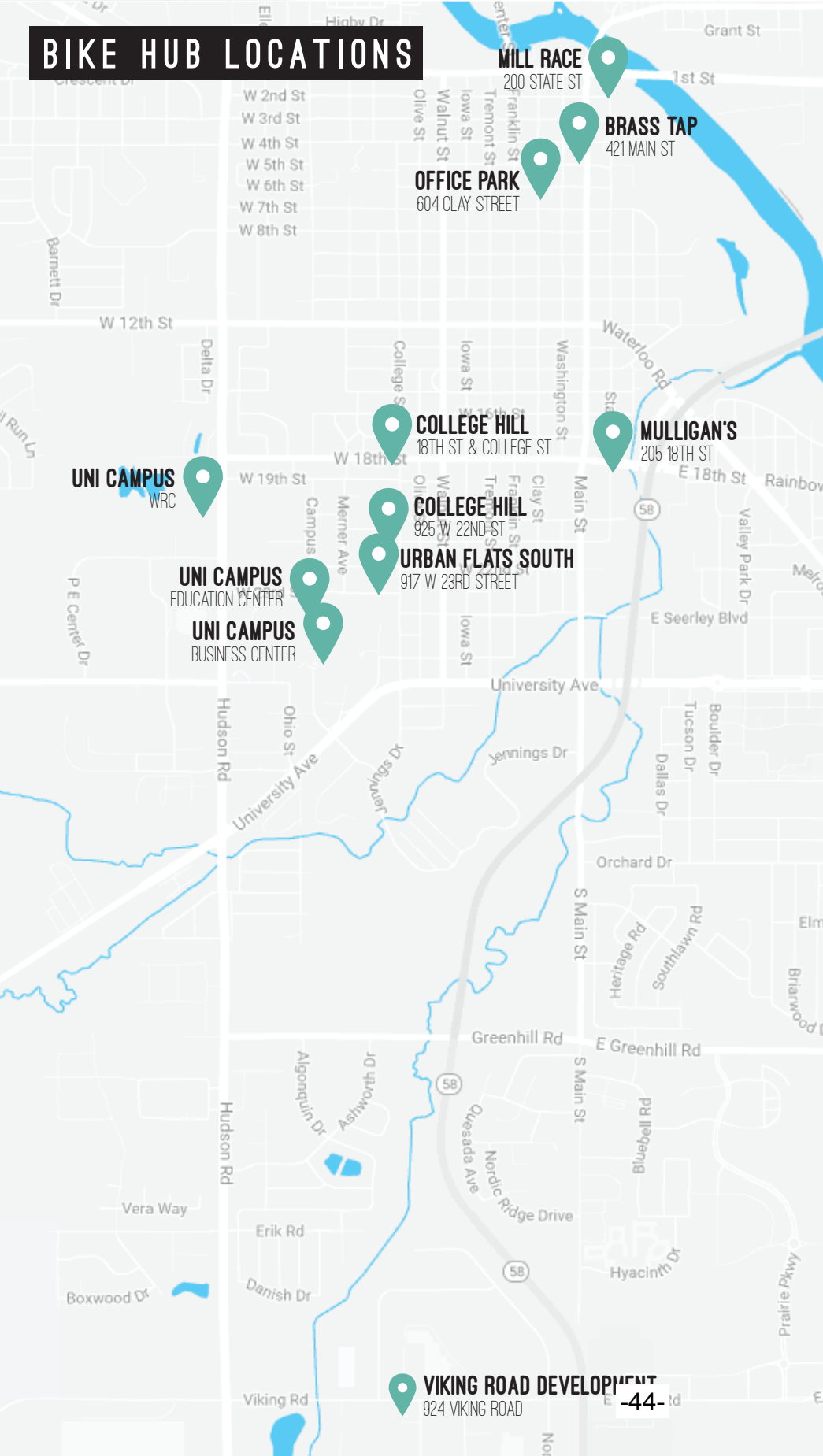
# Item 5.B.

# CEDAR FALLS SHARED BIKE SYSTEM

BY



## BIKE HUB LOCATIONS



## SHARED BIKE SYSTEM

Through a shared bike system we can easily create a public transportation system that is easily accessible and inexpensive.

With hubs placed throughout campus, downtown, and around Cedar Falls, a loop is created that puts you within minutes of any hub location.

Using a mobile app, students, tenants, and citizens alike can all gain access to this simple mode of public transportation.

## HOW IT WORKS



GPS Tracking



Geofenced Hubs



Bluetooth Lock

The keyless lock is attached to the front of the bike and automatically unlocks from the Koloni app. By pressing the lock, you can secure it around one of the hubs or simply just around the tire.

The Koloni geofenced hubs allows for organization and simplicity. We can customize each geofenced hub location, allowing for the most optimal bike placement, which is the key to success of a bike share program. The hybrid, geofenced model will make sure bikes are rebalanced, easily located and don't end up in suboptimal places.

## KOLONI BIKES

The basket in the rear creates better handling for the rider, the step-thru frame makes it able to fit riders of all sizes and the belt drive makes this bike last along time.





# CEDAR FALLS SHARED BIKE SYSTEM

BY

# koloni

## 5 BENEFITS OF A SMALL TOWN BIKE SHARE

### FROM THE KOLONI BLOG

Small town USA is now seeing the multiple benefits of a bike share in their community. In most cases these communities don't have a congestion problem downtown, their public transportation systems are simple or even nonexistent. They aren't looking to solve the first and last mile complex. So what exactly are the benefits of adding a bike share to your small town?

**1) Health Initiative** - Communities across the US are always looking for new and creative initiatives to install in their community and yours is no different! While the concept of bike sharing might not be "new", the technology which has been developed and added to bikes can definitely make it creative and fun. The new technology can be used for new creative programs like a Calories Burned Competition or 25 weekly miles challenge. It is also a way to show investment in your community member's health.

**2) Trail Projects** - Chances are your community has developed a trail system or is in the process of a trails project. Every community would like their trail system to be very popular and highly used. One way to ensure more usage is by creating a bike share system at trailheads, which allows quick and simple access to bikes. Quick access at trailheads will have a positive correlation between biking and trail usage. The more barriers we minimize, the more usage of the trail.

**3) Tourism** - No matter the size or popularity of the town, we have visitors and tourists. Many will be visiting friends or family and some may just be passing through on a cross-country journey. No matter the purpose of their visit, a bike is a great amenity for them in your community. It gives them the ability to stretch their legs and exercise a bit but also gives them a more intimate way to tour your town. Pedaling through the parks, business district and landmarks is the best way for them to really understand the culture of your town.

**4) Social** - Quality of life infrastructure is a focus for most communities. Iowa sees every year how bicycling can bring people together. RAGBRAI in July brings thousands of people together to pedal across the state. Your small town bike share can be used in a similar fashion, but a much smaller scale of course. Creating "bike nights" or "bike & shop" events can help create something new and active within the community. Your community fleet can also be used for bicycle safety events or guided group city tours.

**5) Millennials** - Your small community is not alone when it comes to losing out on the recruitment of millennials. We millennials are looking to reside in a place that has.... Well, the first 4 points in the read. We crave innovative, creativity, things to do and high quality of life. A bike share, no matter the size of the community, can be a great recruiting tool for young people. It shows your community is unique and interesting. A bike small town bike share program could be one of the missing pieces to help make your community cool and hip.

While many of the larger city bike share systems are only focused on the first and last mile of transportation, small community bike shares can be used for a variety of purposes. These small fleets can be a multipurpose investment that has an ROI unlike anything other in a community. I am not saying in this article that a bike share project is a "fix all". But if you want your community to be world class and competitive, you need a bike share program.

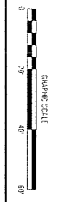








1:50 1/2" = 1' (1/2" = 1' - 1/2" = 1' - 1/2" = 1')



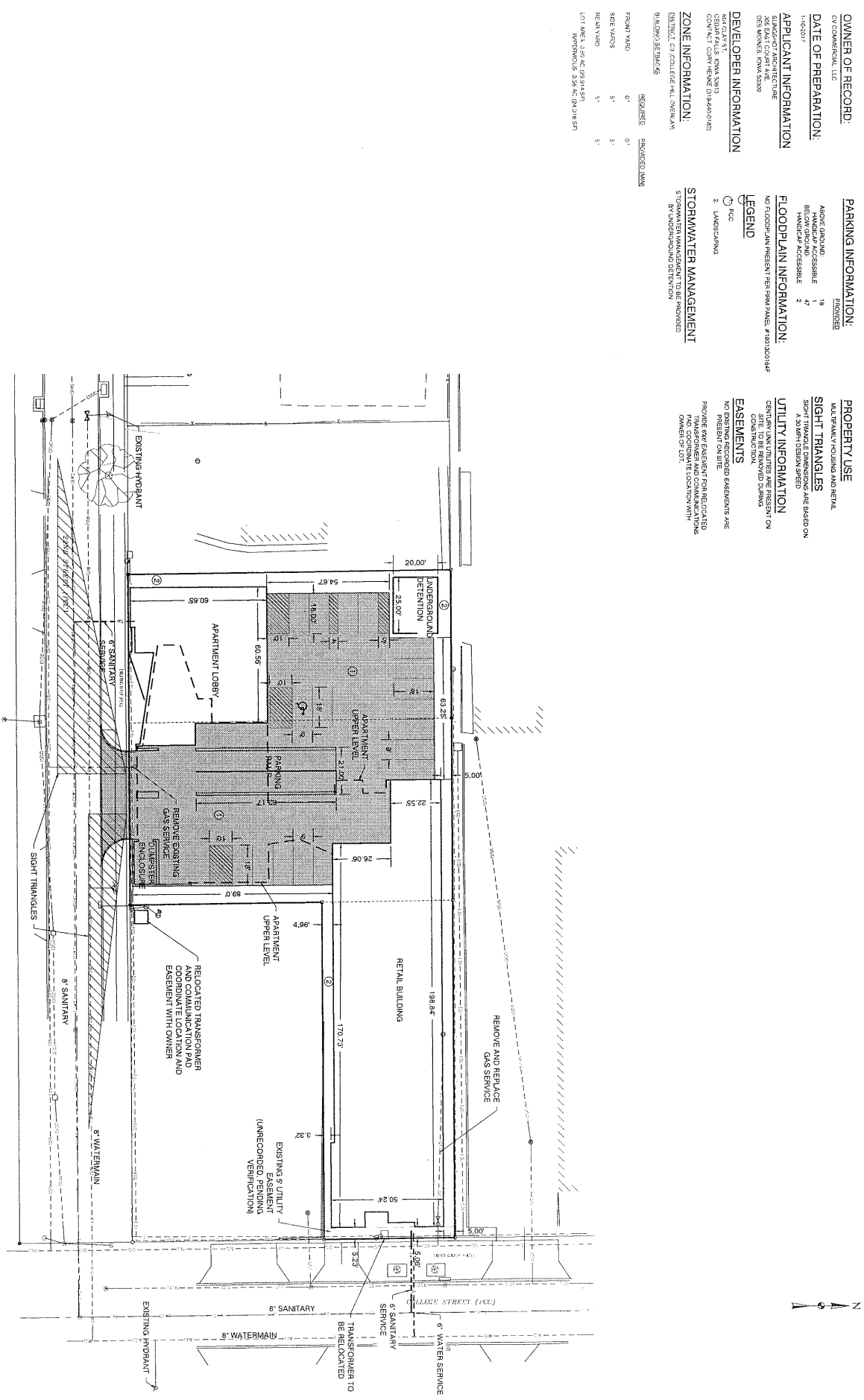
NO.	REVISION	DATE	BY	DATE

**CGA**  
 COMMERCIAL GENERAL ARCHITECTURE  
 1000 UNIVERSITY AVENUE, SUITE 100  
 CEDAR FALLS, IOWA 52601  
 PH: 319.266.1111  
 WWW.CGACGA.COM

**COLLEGE HILL**  
 CEDAR FALLS, IOWA

**LAYOUT PLAN**

PROJECT NO. 562734  
 SHEET 15  
 C-200



**OWNER OF RECORD:**  
 COLLEGE HILL, LLC

**DATE OF PREPARATION:**  
 11-10-17

**APPLICANT INFORMATION:**  
 STANISLOV ARCHITECTURE  
 206 EAST COLLEGE AVE  
 DES MOINES, IOWA 50319

**DEVELOPER INFORMATION:**  
 COLLEGE HILL, IOWA 52601  
 CONTACT: COLLEGE HILL, IOWA 52601  
 101 WEST COLLEGE AVENUE  
 IOWA FALLS, IOWA 50626

**ZONE INFORMATION:**  
 DISTRICT: C3 COLLEGE HILL OVERLAP  
 BUILDING SETBACKS

**PARKING INFORMATION:**  
 PROVIDED: MIN

**PROPERTY USE:**  
 MULTIFAMILY HOUSING AND RETAIL

**SIGHT TRIANGLES:**  
 SIGHT TRIANGLES ARE BASED ON  
 35' MINIMUM CLEARANCE HEIGHT

**UTILITY INFORMATION:**  
 CERTAIN UTILITIES ARE PRESENT ON  
 THE LOT AND SHOULD BE VERIFIED  
 BY THE OWNER.

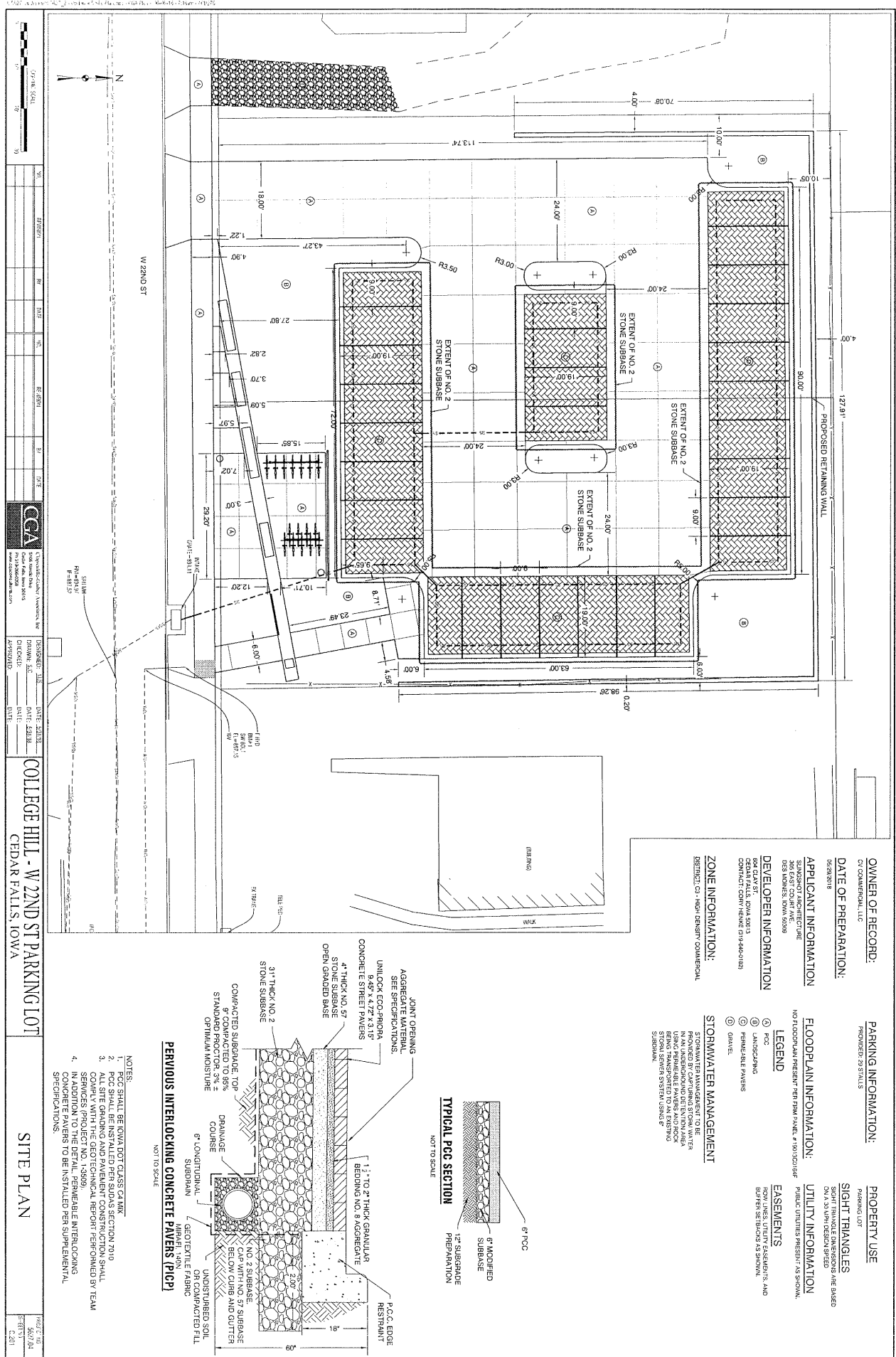
**EASEMENTS:**  
 NO EXISTING RECORDED EASEMENTS ARE  
 PRESENT ON SITE.  
 PROVIDE ONE EASEMENT FOR RELOCATED  
 TRANSFORMER AND COMMUNICATIONS  
 STRUCTURE TO BE LOCATED WITHIN  
 OWNER'S LOT.

**STORMWATER MANAGEMENT:**  
 STORMWATER MANAGEMENT TO BE PROVIDED  
 BY UNDERGROUND DETENTION

**LEGEND:**  
 1. ABOVE GROUND  
 2. HANDICAP ACCESSIBLE  
 3. HANDICAP ACCESSIBLE

**FLOODPLAIN INFORMATION:**  
 NO FLOODPLAIN PRESENT PER SWM PANEL # 801300184F

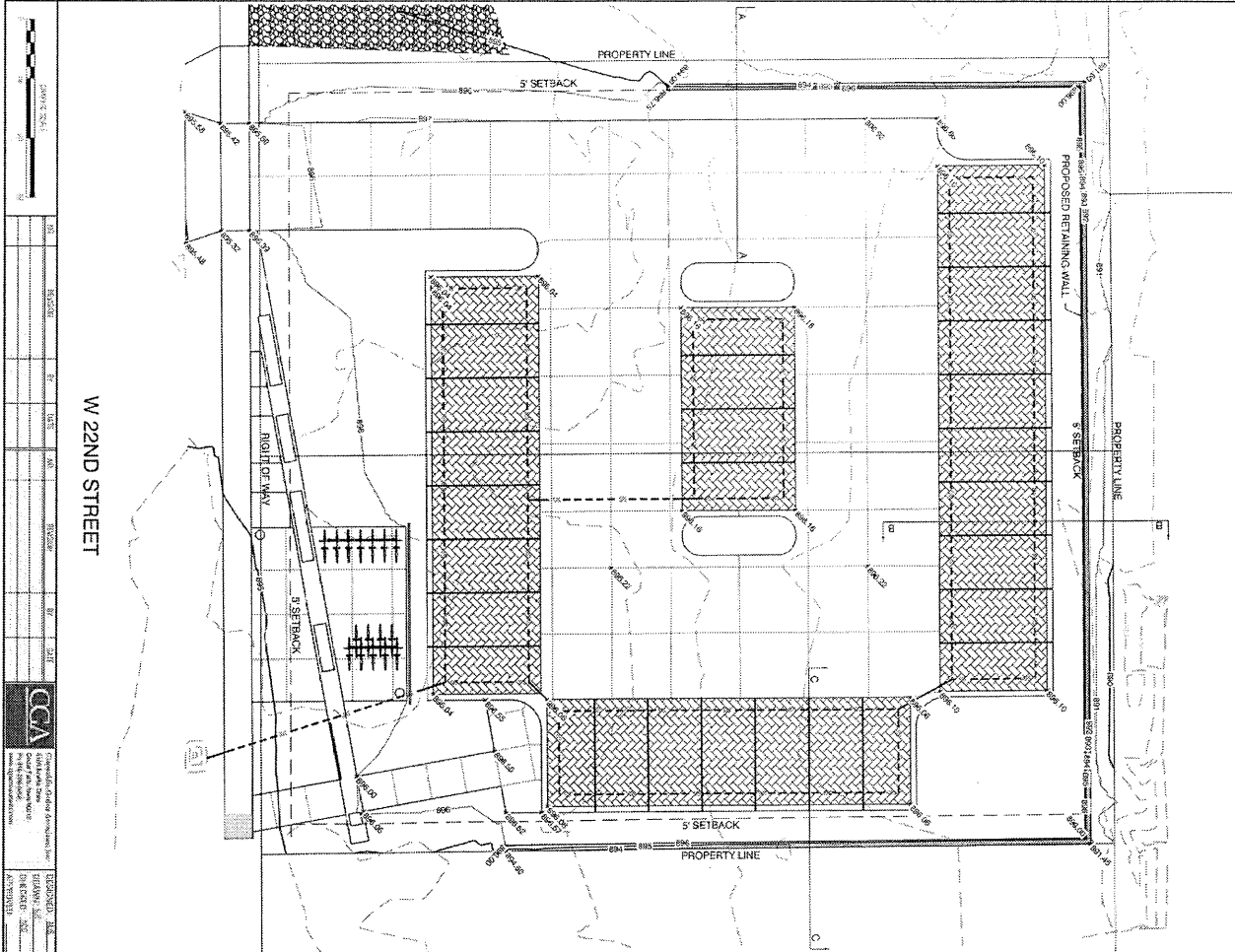
# Item 5.B.





# Item 5.B.

1:1027 1/2"=1'-0" (1/4"=1'-0") 1/2"=1'-0" (1/4"=1'-0") 1/2"=1'-0" (1/4"=1'-0")



W 22ND STREET

**CCCA**  
 Central Iowa  
 Civil & Environmental Engineers  
 1000 E. 13th St., Suite 200  
 Ames, IA 50010  
 Phone: 562-2222  
 Fax: 562-2223  
 Email: info@cccainc.com  
 Website: www.cccainc.com

NO.	REVISION	DATE	BY	CHKD.

**COLLEGE HILL - W 22ND ST. PARKING**  
 CEDAR FALLS, IOWA

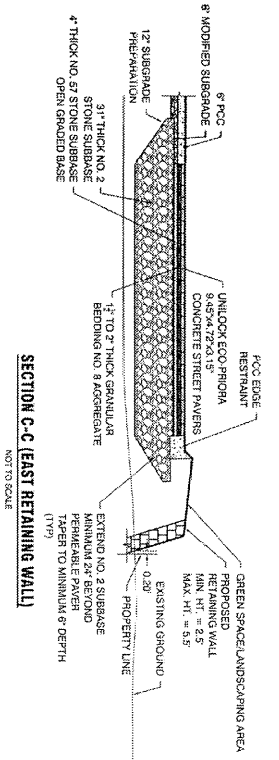
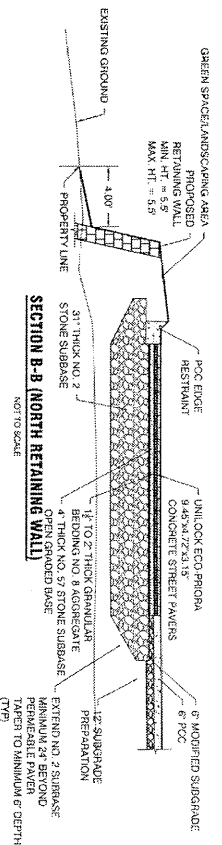
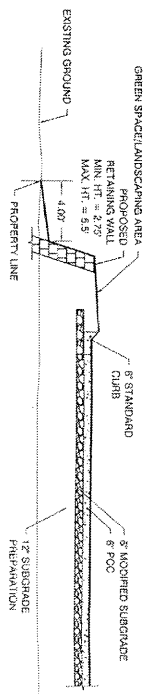
**GRADING PLAN**

PROJECT NO. 54673a  
 DATE 07/20/18  
 DRAWN BY EJB

- GENERAL GRADING NOTES**
1. SPICES SHALL NOT BE SPACED MORE THAN 12".
  2. GRADE TO BEHIND AWAY FROM ALL BUILDINGS.
  3. SUBGRADE SHALL BE 2" BELOW FINISH GRADE. CONSTRUCTION SHALL BE AT LEAST 12" DEEP.
  4. STRIP TOWARD TO MAINTAIN BEHIND ARE ENCOURAGED TO TOPGRADE AT LEAST 9" DEEP AS PER SPECIFICATIONS.

**LEGEND**

SYMBOL	DESCRIPTION
HP	TOP OF CURB
HP	HIGH POINT
LP	LOW POINT
TW	TOP OF WALL
EW	BOTTOM OF WALL
2.5%	PROPOSED SLOPE
(Pattern)	PROPOSED LANDSCAPE PATTERN



**RETAINING WALL NOTES**

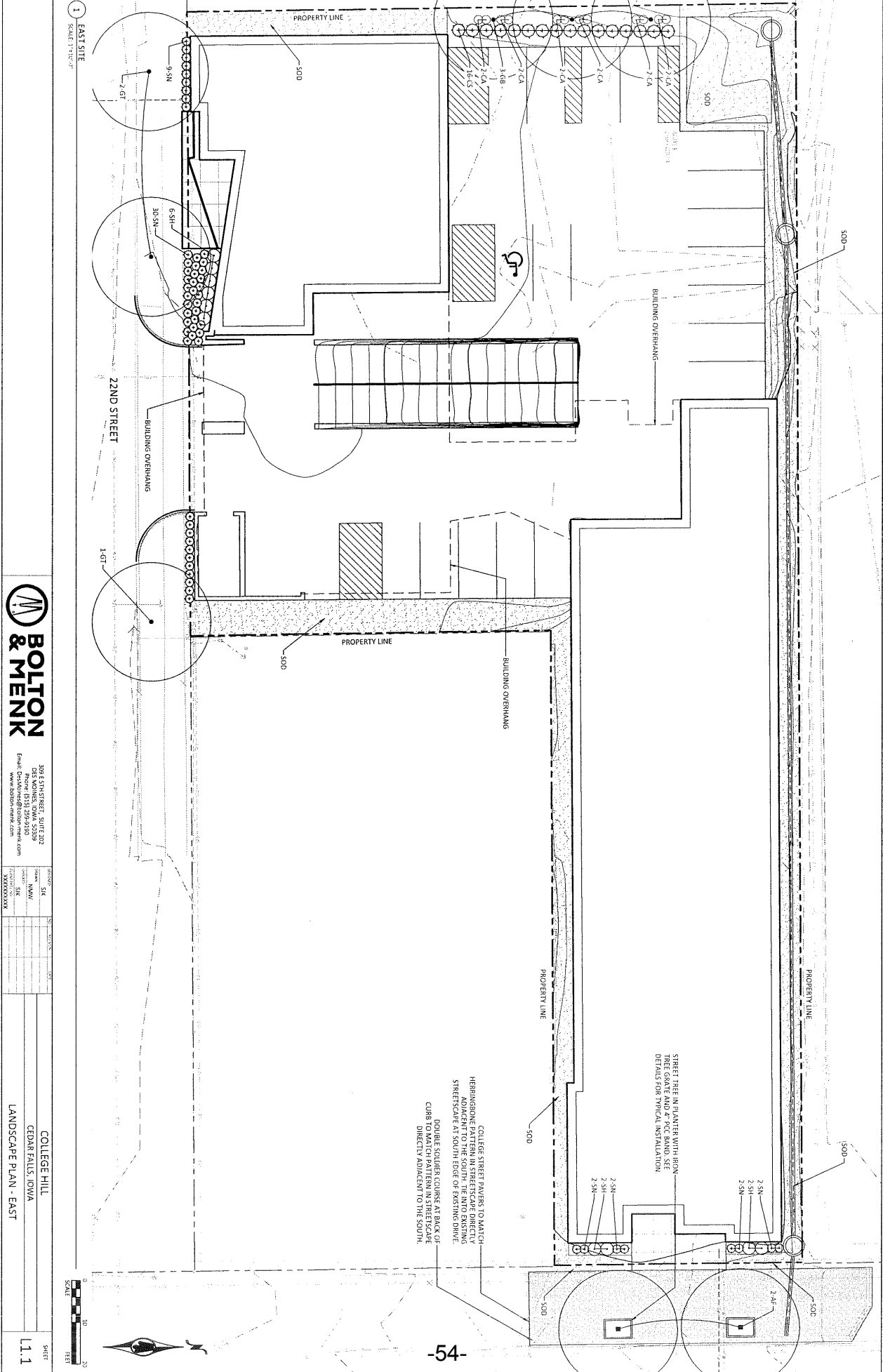
1. RETAINING WALL SHALL BE ALUMINUM BLOCK OR KEYSTONE SYSTEM WITH NO GEOSYNTHETIC REINFORCEMENT.





# Item 5.B.

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 11/10/2010 12:00:00 PM 11/10/2010 12:00:00 PM 11/10/2010 12:00:00 PM 11/10/2010 12:00:00 PM



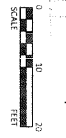
**BOLTON & MENK**

308 E. 5TH STREET, SUITE 202  
 CEDAR FALLS, IOWA 52601  
 Phone: (515) 259-9100  
 Email: info@boltonmenk.com  
 www.boltonmenk.com

DATE	BY	CHKD
11/10/2010	MM	MM
11/10/2010	MM	MM
11/10/2010	MM	MM
11/10/2010	MM	MM

COLLEGE HILL  
 CEDAR FALLS, IOWA  
 LANDSCAPE PLAN - EAST

SHEET  
 L1.1



COLLEGE STREET PAVERS TO MATCH  
 HERRINGBONE PATTERN IN STREETSCAPE  
 ADJACENT TO THE SOUTH. THE INTO EXISTING  
 STREETSCAPE AT SOUTH EDGE OF EXISTING DRIVE.  
 DOUBLE SQUILER COURSE AT BACK OF  
 CURB TO MATCH PATTERN IN STREETSCAPE  
 DIRECTLY ADJACENT TO THE SOUTH.

STREET TREE IN PLANTER WITH IRON  
 TREE GATE AND 4" PCC BAND. SEE  
 DETAILS FOR TYPICAL INSTALLATION.







DEPARTMENT OF COMMUNITY DEVELOPMENT  
REZONING APPLICATION

City of Cedar Falls  
220 Clay Street  
Cedar Falls, Iowa 50613

Property's Address: 1015 + 1021 W. 22ND ST.

Parcel #: 8914-14-428-020 + 8914-14-428-019

City: CEDAR FALLS State: IA ZIP: 50613

Applicant's Name: STEVE TROSKY - CGA ENGINEERS

Applicant's Mailing Address (if other): 16 E. MAIN ST

City: MARSHALLTOWN State: IA ZIP: 50158

Applicant's Email: STROSKY@CGACONSULTANTS.COM Daytime Phone #: 641-752-6701

Existing Zoning: RZ Present Use: APARTMENTS

Proposed Zoning: C3 Proposed Use: PARKING

A COMPLETE SUBMITTAL INCLUDES A PAPER AND AN ELECTRONIC COPY OF:

- Completed application
- \$500 nonrefundable fee
- Names and addresses of property owners within 300 ft of the requested area (Word or Excel)
- Legal description of property, for use in public notices (Word)
- Letter explaining reason for request and details about future uses (Word)
- Traffic Study, if applicable
- Plat scaled to at least 100 feet per inch (PDF 11x17)
  - Map elements: north arrow, etc.
  - Identified real-estate for which zoning is requested
  - Legal description of property
  - All public streets and highways within 300 ft of the requested area's boundaries
  - All lands, platted or un-platted within 300 ft of the requested areas boundaries
  - Requested and current zoning district
- Any other items specific to the zoning district being requested which may include the following:
  - Comprehensive Development Site Plan
  - Traffic Generation Analysis
  - Developmental Procedures Agreement

To the best of my knowledge the foregoing and attached statements are true and correct, I sign this completed application with the intent of having my property rezoned.

Stephen Trosky Date: 3-2-18  
Applicant/Property Owner's Signature:





# BALL, KIRK & HOLM, P.C.

ATTORNEYS AT LAW



Max E. Kirk  
H. Daniel Holm, Jr.  
David W. Stamp  
Jennifer L. Chase  
Eashaan Vajpeyi

William C. Ball (1928-2011)  
Michael W. Buckner (retired)

3324 KIMBALL AVENUE  
P.O. BOX 2696  
WATERLOO, IOWA 50704-2696  
TELEPHONE: (319) 234-2638  
FACSIMILE: (319) 234-2237  
E-MAIL: [bkh@ballkirkholm.com](mailto:bkh@ballkirkholm.com)

July 3, 2018

City of Cedar Falls  
ATTN: Karen Howard  
Shane Graham  
Kevin Rogers  
Planning and Zoning Commission

Sent via email only to  
[Karen.Howard@cedarfalls.com](mailto:Karen.Howard@cedarfalls.com)  
[Shane.Graham@cedarfalls.com](mailto:Shane.Graham@cedarfalls.com)  
[Kevin.Rogers@cedarfalls.com](mailto:Kevin.Rogers@cedarfalls.com)

RE: 2119 College Street Site Plan: Staff questions and comments to Commissioners

Dear Staff and Commissioners:

This letter is addressed to City staff seeking answers to the stated questions. Please also forward this entire letter to all members of the Planning and Zoning Commission for their review of the stated questions and comments.

I. QUESTIONS TO STAFF

Please find enclosed questions directed to City planning staff and the City attorney.

1. Staff state that the code allows secondary residential uses, such as 2119 College, in the College Hill overlay, and that these buildings require no parking. Please provide all code sections upon which you rely;
2. Please also provide all code sections or authority that provide that the first floor determines the principal use of the building in the College Hill overlay district;
3. Please provide all code sections or authority that form the basis of City staff interpretation that the residential portion of the proposed 2119 College Street site plan qualifies as secondary or accessory use;

## Item 5.B.

4. Please provide all code sections or authority that provide that 66,752 square feet of residential is a secondary use to 11,603 square feet of commercial;
5. Please provide all code sections or authority that provide that 4 floors of residential use is secondary to 1 floor of commercial use.

Please respond to me at your earliest convenience.

### II. COMMENTS TO PLANNING AND ZONING COMMISSION

It is repeatedly stated that secondary residential uses in the College Hill district are allowed. Mr. Leeper indicated that he believed the project may technically meet code. He relied on statements from Karen Howard. I respectfully opine that Ms. Howard's comments are incorrect. The code allows for secondary residential, but the first step is determining whether the residential use is indeed secondary. The code does not state that this project's residential portion is secondary.

The code specifically defines "principal" as the "main use". "Main" is defined by the dictionary as "chief in size or importance." "Accessory" use is defined as incidental or subordinate to the principal use. What is chief in size? When a building is 5 stories, 4 stories of residential is the main use—clearly. 66,752 square feet of residential is the main use when compared to 11,603 square feet of commercial. This is how a court will look at this.

Regarding additional legal opinions the Commission sought, attorney Dan Manning previously opposed the project based on substantially the same arguments I am putting forward, i.e. interpretation of the plain meaning of the code. (Attached). The applicant's attorney previously defended the project, but seemingly supported their argument by simply agreeing with the City staff interpretation, i.e. not an independent critical look at the legality of that staff interpretation. Mr. Manning also previously indicated that a study was done of 957 apartments in the College Hill neighborhood and 98% of the residents surveyed owned cars.

The applicant cites the availability of UNI parking as a solution. Please see attached public information regarding UNI parking. Students living off-campus are only eligible for a B or R permit. B parking does not allow overnight parking. R permits allow for 24 hour parking, but R permits are only available to students who have a scheduled class after 4 pm. Further, both R lots are across Hudson road to the West of the site plan, to the north of the Wellness and Rec Center and to the south of the UNI Dome.

One must also consider the chance that the City of Cedar Falls will inevitably be forced to pay for construction of a public parking structure or lot to absorb surplus parking from a private, for-profit developer.

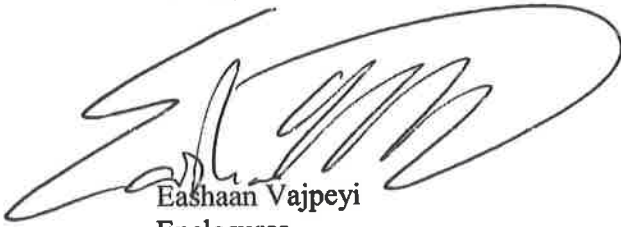
Please focus on the current law of this city. This project does not meet code and an exception for an illegal project cannot be made just because the project is desirable. Fairness to all citizens must prevail. This can only be accomplished by following the code.



Please forcefully question the applicant on any claim that the project cannot be reduced in size. The applicant indicated that if even one floor had to be removed, the project may not go forward. Why? The applicant cannot be allowed to say a smaller building won't work to force the city into a difficult situation of choosing between no development or an illegal development.

Thank you for your consideration. I am open to answering any questions at the next Planning and Zoning meeting if allowed by the Chair.

Sincerely,  
BALL, KIRK & HOLM, P.C.

A large, stylized handwritten signature in black ink, appearing to read 'Eashaan Vajpeyi', is written over the typed name.

Eashaan Vajpeyi  
Enclosures

# Item 5.B.

## LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP

WILLIAM J. LILLIS  
MICHAEL W. O'MALLEY  
EUGENE E. OLSON  
DANIEL L. MANNING, SR.  
CHRISTOPHER R. POSE  
JOEL B. TEMPLEMAN\*  
BRIDGET O'MALLEY KAUTZKY  
DANIEL M. MANNING, JR.  
\*LICENSED IN IOWA & ILLINOIS

ATTORNEYS AT LAW  
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WWW.LILLISOMALLEY.COM

JOHN CONNOLLY, JR. (1891-1975)  
GEORGE E. O'MALLEY (1905-1982)  
JOHN CONNOLLY III (1918-1998)  
BERNARD J. CONNOLLY (1920-1970)  
C. I. MCNUTT (1901-1958)  
STREETAR CAMERON (1957-2008)

Writer's Direct Email Address: [dmanning@lolaw.com](mailto:dmanning@lolaw.com)

January 10, 2018

Planning and Zoning Commission  
City of Cedar Falls  
220 Clay Street  
Cedar Falls, IA 50613

RE: Property: 2119 College Street; 925 W. 22<sup>nd</sup> St.; and 1003 W. 22<sup>nd</sup> St.  
Issue: Site Plan Review – College Hill Apartment Project

Dear Members of the Planning and Zoning Commission:

This letter is provided to you in resistance to the proposed five (5) story multi-residential use proposed to be constructed at 2119 College Street; 925 W. 22<sup>nd</sup> St. and 1003 W. 22<sup>nd</sup> St. in the City of Cedar Falls, Iowa.

The site plan under review reveals that the principal use for this property is residential. Because the property is zoned C-3 within your zoning ordinance and the requirements imposed under Section 29-151(1)(l) apply. The evidence that supports the proposed use as a residential use is overwhelming and I will list that evidence as follows:

### THE PROPOSED USE IS A RESIDENTIAL USE

- 1. Chapter 29-Zoning, Article I. Section 29-2. Definitions.**  
Principal use means the **main use** of land or structures, as distinguished from an accessory use.
- 2. The staff report of Shane Green dated January 5, 2018.** The building as a whole will have approximately 10,765 square feet of commercial retail space located on the first floor and approximately 50,897 square feet of residential space located on the second through fifth floors. This would equate to an overall ratio of 17% commercial space and 83% residential space. Therefore, the **main use** of the land or structures in this proposed project is clearly residential.

LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP

January 10, 2018

Page 2

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3. **Faulty Interpretation.** The interpretation that you need only review the first floor of a property to determine its principal use is a flawed approach with no support anywhere within the City's ordinances. This flawed approach leads to an absurd result where safeguards set-out within your zoning ordinance are ignored. That is exactly what is happening here.

There are reasonable safeguards set-out in the zoning ordinance for any proposed residential use located within a C-3 zoning district. Specifically, Section 29-151(1)(l) requires that the density standards; on-site parking standards; height standards all must comply with the R-4 district standards set-out in Section 29-146 (R-4). For example, the height requirement is that no building shall exceed three (3) stories or forty-five (45) feet in height, whichever is lower.

**College Hill Neighborhood Overlay District. Section 29-160**

This property also lies within the College Hill Neighborhood Overlay Zoning District. That Section of the Ordinance clarifies that residential uses within the commercial district are discouraged. In addition, where they are allowed, the residential uses are governed by the minimum lot area, lot width, and building setback requirements, on-site parking, landscaping as specified in the R-4 residential zoning district.

This proposed use (site plan) does not conform to any of these requirements.

**Section 29-177 Off-Street Parking Spaces**

The proposed development does not comply with the requirements set out in the ordinance concerning off-street parking spaces. Two parking spaces per dwelling unit, plus one additional parking space for each bedroom in each dwelling unit in excess of two bedrooms is required. See paragraph 12(B) of Section 29-177 of the City's zoning ordinance.

**Comparison of Properties**

The properties identified in the City's staff report in support of its faulty interpretation are worthy of review.

2024 College Street (Domino's Pizza) – a two-story building

2215 College Street (Sidecar Café) – a two-story building

917 W. 23<sup>rd</sup> Street – a three-story building



## Item 5.B.

LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP

January 10, 2018

Page 2

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The faulty interpretation imposed by the City's staff has little or no consequence when we are dealing with a two-story building. The flawed analysis raises concerns when we consider a three-story building. However, there is no credibility to the faulty interpretation when we analyze a proposal that includes a five-story building. In the case presently before the Planning and Zoning Commission, we are reviewing a building that has devoted over 80% of its use to residential (83%). However, none of the safeguards contained in the ordinance concerning residential uses located within C-3 zoned properties are being applied to this proposed use.

### **Survey of Residents Within the College Hill Neighborhood Area**

A survey was conducted that included 957 residential apartment units located within the College Neighborhood area. The survey revealed that 98% of the residents surveyed owned vehicles. This confirms the need for on-site residential parking for any residential development located within the College Hill Area.

Because the proposed site plan fails to comply with the clear guidance and requirements set out within the City's own zoning ordinance, the proposed site plan must be rejected.

Very truly yours,



Daniel L. Manning, Sr.  
For the Firm

DLM/dj

ADMISSIONS   ACADEMICS   FINANCIAL AID   CAMPUS LIFE   THE ARTS   ATHLETICS   GET TO KNOW UNI   SUPPORT UNI   UNI BOOKSTORE



Calendar   Email  
eLearning   MyUNiverse  
A-Z Index   Directory  
Rod Library   Jobs@UNI

Search UNI

Search UNI



## Parking Division - Vehicle Permits

All vehicles on campus visitors to students to faculty need to have parking permits to meet their specific needs.

### Students

Any UNI Student who intends to use the campus parking facilities, must have their vehicle registered and must display the proper parking permit. Students can register for their parking permit online through MyUniverse. To learn how to do this click [here](#).

### Living On-Campus

On-campus students are eligible to receive parking permits for C or R lots. Students that renew their housing contract with the Department of Residence may be eligible for a C Preferred parking permit. This permit allows the student to park in C Preferred parking areas. Additionally, residents of the R.O.T.H. Complex are eligible for a B permit.

### Living Off-Campus

Off-campus students are eligible for a B parking permit. This permit must be obtained if you plan to use the B lots between 7:00 am to 4:00 pm, Monday through Friday.

Off-Campus students that attend a class after 4:00 pm are eligible to receive an R parking permit.

### Graduate Assistants

Graduate Assistants may purchase the A or B parking permits in accordance with all applicable motor vehicle parking regulations.

### Faculty & Staff

All UNI Faculty and Staff that wish to use the campus parking facilities at any time must register their vehicle(s) and display the proper parking permit.

Any staff member has the option to purchase either the G, A, B, or R permit. Applications for permits can be made at the Department of Public Safety, 30 Gilchrist Hall.

A and B parking lots are oversold. **Purchasing an A or B permit does not guarantee the purchaser a parking space.**

Any retired faculty or staff member who meets the requirements under the retirement policy will qualify for an E permit which enables the individual to park in any A, B, C or R parking lots at no cost.

### G Parking Permits

**Emergency**

911

**UNI Police**

319-273-2712

Menu

**Phone:** (319) 273-3179  
or (319) 273-7093

**Email:**  
[ann.kjeld@uni.edu](mailto:ann.kjeld@uni.edu)

# Item 5.B.

A lottery will be held annually to determine the holders of G permits and to determine the positions of persons on the waiting list for gated (G) parking facilities. The lottery will be held the third week of August and the applicants will be notified through campus mail of their position in the lottery. Staff members with the G permit are issued a lot entry card and may park in the designated G lot.

## Visitors & Guests

Campus visitors and guests are asked to park in the metered areas of parking lots or in the "metered" visitor lot north of the Performing Arts Center.

An information phone is located in the Information Booth. The Information Booth can be found at the intersection of Campus Street and University Avenue. This phone can also be used to contact Public Safety, if needed.

All overnight visitors or guests must obtain a courtesy parking permit from the Department of Public Safety and shall park in any C or R parking area between the hours of 1:00 a.m. and 7:00 a.m., seven (7) days a week.

Visitors who attend conferences will pay a conference rate of \$2.50 per 12 hour period (or part thereof), and will park in designated areas assigned by the Department of Public Safety.

## Motorcycle

All motorcycle operators who wish to use the campus parking facilities, must purchase a parking permit which is to be permanently attached to the vehicle. Motorcycles must be parked in the designated motorcycle areas.

Mopeds classify as motorcycles.

## Handicap Parking

Permanently disabled persons wishing to use the university disabled parking facilities must display the appropriate university parking permit and the state disabled identification permit. Application forms for the state disabled identification permit may be obtained from any County Treasurer's Office.

Anyone with a short-term disability may apply for disabled parking privileges at the UNI Department of Public Safety, 30 Gilchrist Hall.

## DIVISION OF FINANCE & OPERATIONS

<b>Budget</b>	<b>Facilities Planning</b>	<b>Public Safety</b>
<b>Business Operations</b>	<b>Financial Accounting</b>	<b>University</b>
<b>Environmental Health</b>	<b>&amp; Reporting</b>	<b>Sustainability</b>
<b>&amp; Safety</b>	<b>Human Resource</b>	<b>Vice President's</b>
	<b>Services</b>	<b>Office</b>
	<b>Physical Plant</b>	

**VISITING**

Cedar Falls, Iowa

Safety

Diversity Matters





(319) 273-2311

[Sustainability](#)

[Accessibility](#)

[Maps & Directions](#)

[Visiting UNI](#)

[Contact UNI](#)

[Consumer Information](#)

[Equal Opportunity/Non-](#)

[Discrimination Statement](#)

[Privacy Policy](#)

Maintained by [Office of](#)

[University Relations](#)

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# Item 5.B.

## PARKING LEGEND

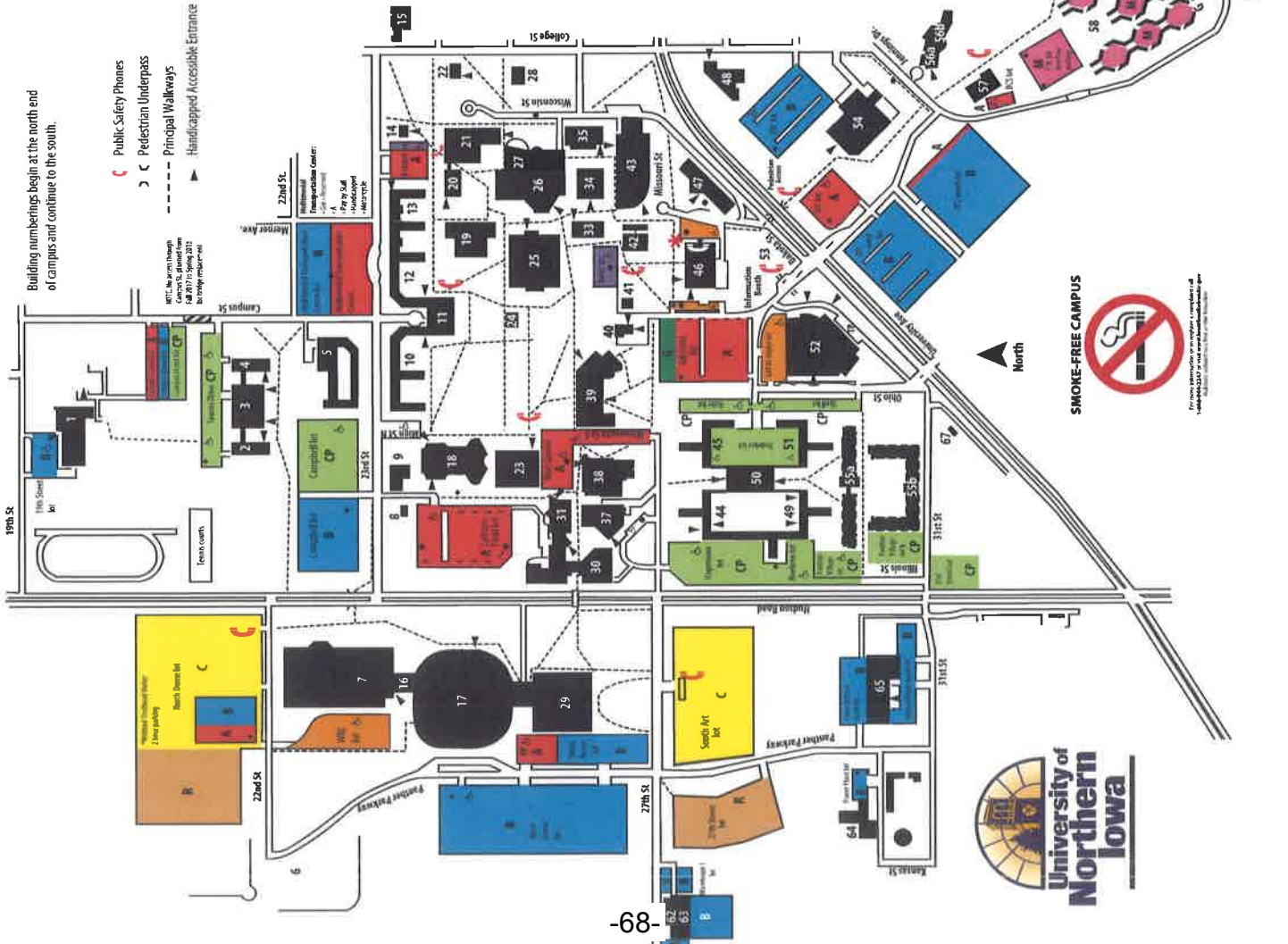


- G parking**  
Parking permitted from 7 a.m. to 1 a.m.
- A parking**  
Parking permitted from 7 a.m. to 1 a.m.
- B parking**  
Parking permitted from 7 a.m. to 1 a.m.
- C parking**  
24-hour parking permitted
- C Preferred - parking**  
24-hour parking permitted
- R parking**  
24-hour parking permitted  
R permit not valid in C or CP lots
- M parking**  
24-hour parking permitted
- Mezzed Lous**
- D - parking**  
May be used by those with a valid handicapped permit or a temporary UNI handicapped permit along with a valid university permit
- Loading zone**  
All permit holders may use for specified time period
- Service area**  
May be used by university vehicles and vehicles with service permits
- Motorcycle parking**  
Motorcycles are required to display a valid MC permit and must be parked in motorcycle areas
- Disabled Parking**
- Handicapped-accessible Entries**
- Parking Meters**
- TP - Ticket Patron**
- University Police and Parking Office**

Building numberings begin at the north end of Campus and continue to the south.

- Public Safety Phones
- Pedestrian Underpass
- Principal Walkways
- Handicapped Accessible Entrance

UNI is a smoke-free campus. No smoking is permitted on campus. For more information, visit [www.uni.edu/smoke-free](http://www.uni.edu/smoke-free).



Numerical Order of Buildings	Alphabetical Order of Buildings
1	Child Development Center
2	Bender Hall
3	Towers Center
4	Dancer Hall
5	Campbell Hall
6	Athletic Fields
7	Wellness/Recreation Center
8	Marshall Center School
9	Student Health Center
10	Lawler Hall
11	Commons
12	Bartlett Hall
13	East Bardett
14	Alumni/1012 W. 23rd St.
15	Center for Social and Behavioral Research/2304 College Street
16	Richard G. Jacobson Human Performance Center
17	UNI-Dome
18	Schindler Education Center
19	Innovative Teaching Technology Center
20	Begeman Hall
21	Lane Hall
22	Honors Cottage/2401 College St.
23	West Gymnasium
24	Campante (CPL)
25	Rod Library
26	Mauler Union
27	Center for Multicultural Education
28	President's Home
29	McLeod Center
30	Kemerck Art Building
31	Communication Area Center
32	Wright Hall
33	Sabin Hall
34	Seerly Hall
35	Strayen-Wood Theatre
36	Russell Hall
37	Curtis Business Building
38	Facilities/2801 Campus St.
39	Psychology #1
40	Greenhouse
41	McCallum Science Hall
42	Haggeman Hall
43	Rider Hall
44	Gilchris Hall
45	Lehman Hall
46	Northen Hall
47	Reburk Center
48	Shull Hall
49	Arc Center
50	Visitor Information Center
51	Industrial Technology Center
52	Percher Village 1000
53	Percher Village 2000
54	Center for Energy and Environmental Education
55	Continuing Education
56	Business & Community Services
57	Hillside Courts
58	Jennings Courts
59	Residence On The Hill Complex (ROTH)
60	University Apartments Office
61	Warehouse 1
62	Talgrass Prairie Center
63	Power Plant
64	Physical Plant
65	Environmental Health and Safety
66	Building/8628 University Ave.
67	Building/8628 University Ave.
68	Visitor Information Center (VIC)
69	Warehouse 1 (WH1)
70	Wellness/Recreation Center
71	West Gymnasium (WST)
72	Wright Hall (WRT)

# BALL, KIRK & HOLM, P.C.

ATTORNEYS AT LAW



Max E. Kirk  
H. Daniel Holm, Jr.  
David W. Stamp  
Jennifer L. Chase  
Eashaan Vajpeyi

William C. Ball (1928-2011)  
Michael W. Buckner (retired)

3324 KIMBALL AVENUE  
P.O. BOX 2696  
WATERLOO, IOWA 50704-2696  
TELEPHONE: (319) 234-2638  
FACSIMILE: (319) 234-2237  
E-MAIL: [bkh@ballkirkholm.com](mailto:bkh@ballkirkholm.com)

June 27, 2018

City of Cedar Falls  
ATTN: Planning and Zoning Commission  
220 Clay Street  
Cedar Falls, Iowa 50613

Sent via email only to  
[Karen.Howard@cedarfalls.com](mailto:Karen.Howard@cedarfalls.com)  
[Shane.Graham@cedarfalls.com](mailto:Shane.Graham@cedarfalls.com)

RE: 2119 College Street Site Plan Review Comments

Dear Staff and Commissioners:

On behalf of my client, please accept the following comments regarding the 2119 College Street Site plan.

I. Parking ordinance violation-Density requirements violation

This building does not meet the criteria in the plain language of the Code of Ordinances. Despite the talk of re-writing the code for mixed use buildings and requiring parking of both the commercial and residential portions, this project is being pushed forward now and without enough parking spots to meet current code. The method, chosen by City staff, of circumventing the code sections regarding density and parking is to call a 5 story building, with 1 floor of commercial and 4 floors of residential a principally commercial building.

a. Principal vs. secondary use

Just as a court would, we must look at the plain meaning of the words in the Code of Ordinance. We must start with the presumption, required by Sec. 29-3, that in interpreting the zoning codes the greater restrictions prevail.



## Item 5.B.

Sec. 29-160(g)(1) governs the College Hill Neighborhood overly district and allows principal residential uses, subject to P&Z and council approval. These principal uses, when allowed, must still follow the zoning requirements of the R4 residential district.

Is the proposed project at 2119 College a principal commercial use or a principal residential use building?

“Principal use” is defined by the Code as the “main use of land or structures, as distinguished from an accessory use”. Sec. 29-2—Definitions.

“Main” is defined by Webster’s dictionary as “chief in size or importance”.

No where in this code does it say that the principal use of a building can be determined solely based on the first floor of the building, regardless of the makeup of any additional floors. There is no indication of the intent that the first floor of any size building determines its principal use.

Consider what is the “main use” of the building proposed. What use is “chief in size or importance”?

This building is 66,752 square feet of residential (4 floors) stacked on top of 11,603 square feet of commercial use (1 floor). That is over 5 times more residential than commercial space.

Precedent has been cited to justify allowing any amount of residential on top of a primary commercial floor to be called primary commercial. The reasoning for this feat of gymnastics is clear. The buildings that have been granted this treatment before, and this current project, needed this help to get around the parking and/or density requirements that would otherwise have been imposed by R4.

This “precedent” is not an established legal basis upon which to approve 2119 College Street. It was not written by a court or a lawmaking body. It is not referenced, mentioned, or implied to anywhere in the Cedar Falls Code of Ordinance. It is simply what City staff has allowed before. Past deviations from or violations of the Code cannot serve as further deviations on an even grander scale.

Staff cites the instances of 2024 College Street and 2215 College Street as “precedent”. 2024 College is a two-story building, with Dominos on the bottom, and one floor of residential above. 2215 College is a two-story building, with Sidecar Coffee on the bottom, and one floor of residential above. The other precedents include 917 West 23rd Street which is Urban Flats. This appears to be one floor of commercial with two floors of residential above. Urban Flats being a development in contravention of the code should not, for that reason, serve as justification for the

next violation. There has been significant concern with how the "deal" on Urban Flats parking has turned out and it is my understanding City Parking staff have significant concerns to voice, if asked. Other examples aren't relevant. Neither River Place development nor 200 West 1<sup>st</sup> Street are within the College Hill Overlay District. 2119 College is one floor of commercial, and four floors, of residential above.

b. Required parking not met

2119 College is a principal residential use building. It is therefore subject to the off-street parking requirements of Sec. 29-177(a)—(12B) as well as the College Hill overlay requirements for multi-family residences at Sec. 29-160(e), which are the both the same. The parking requirements are as follows:

- 60 studio units, require 2 parking spaces each for a total of 120.
- 16 two-bedroom units, require 2 parking spaces each for a total of 32
- 7 four-bedroom units, require 4 parking spaces each for a total of 28
- Every 5 units in excess of five units requires a visitor parking spot. There are 83 units, less 5 units equals 78 units. 78 divided by 5 = 15.6 and therefore 16 additional visitor spots are required.
- The total required parking under the current code is 196.
- The applicant proposes 94. It is short 102 spots. **102 cars without a place to park.**
- The applicant frames the parking as 78% of beds having a parking spot. It is more properly framed by stating that this building only provides 48% of the parking required by law, not even half. 28 of these spots are, additionally, located an entire lot over from the building.

c. Density requirement not met

The city staff report acknowledges that this project cannot meet the R4 density requirements that are imposed on principal residential use buildings in the College Hill overlay.

II. Character of the neighborhood

To evaluate how tall this proposed building will actually look, we have commissioned review of prior site plans and the current site plans of 2119 College by Studio 192 and Co in Des Moines, Iowa and Dirk Westercamp. He is a registered architect in Iowa, Minnesota, Illinois, South Dakota, and Kansas.

It is respectfully suggested that the size of this building and the scale compared to other surrounding buildings in the area is much larger, disproportionate, and not within the current character of the neighborhood.

## Item 5.B.

Mr. Westercamp focused not only on the height of the building structure, but its relative height which takes into account ground elevation as well as height of the structure. His diagrams are attached hereto. As previously mentioned, certain of these worked off of prior site plans. Mr. Westercamp believes that the heights and comparisons in his report are still accurate and the heights may be even larger than previously suspected.

### III. Walkability

Before you can build an underparked residential unit in the name of density and supported by walkability, you must lay the foundation by establishing and creating the infrastructure that allows your town to, indeed, be walkable. Cedar Falls is not a walkable town. UNI is consistently referred to as a suitcase school. Huge amounts of students come from the surrounding area and go home frequently. They need a car to do this. They have cars to do this. In the winter, a trip to the grocery store requires either a very dependable and convenient public transit system or a car. Cedar Falls does not currently have sufficient public transport that would allow a student to completely abandon their car. Further, there is not a sufficient off-site parking area where students could park their car for use on the weekends.

What is the consequence of allowing this development other than creating a massive parking problem on College Hill? The consequence is that this development will again be used as “precedent” to allow such massive underparking downtown—an area that is already quite short on parking.

Eventually the City will realize that businesses are being harmed and growth stifled by a lack of parking and will build a parking ramp, at taxpayer expense.

If the applicant needs a variance from the parking requirements, he needs to go to the Board of Adjustment. If the current code is deemed overly restrictive, then the code must be changed. Planning and Zoning cannot grant a variance. Planning and Zoning cannot vote for a project with the anticipation that it might meet a future version of the code. As it is now, a vote in favor of this proposal is a vote in favor of a project that violates the city code—a decision that, in my opinion, will not survive judicial review.

Sincerely,  
BALL, KIRK & HOLM, P.C.

  
Eashaan Vajpeya  
Attachments

Sec. 29-160(g)(1)- CHN, College Hill Neighborhood overlay zoning district.

**Principal permitted residential uses are allowable within the district subject only to planning and zoning commission and city council review and approval.** In general, principal permitted residential uses are to be discouraged from being established within the commercial district due to the limited area available for commercial establishments. **In those cases where a residential use is permitted and said use serves as the principal use on an individual property, that residential use will be governed by minimum lot area, lot width and building setback requirements as specified in the R-4, Residential zoning district.** In addition, all other applicable requirements pertaining to substantial improvements or new construction of any principal permitted residential use shall conform to the requirements of this section, including on-site parking, landscaping, and building setbacks, with no vehicular parking allowed in the required front and side yards, said required yards being those as defined within the R-4, Residential district.



## Item 5.B.

### Sec. 29-2—Definitions.

Principal use means the **main use** of land or structures, as distinguished from an accessory use.

Accessory use or structure means a use or structure on the same lot with and of a nature customarily **incidental and subordinate to the principal use or structure**. Said accessory structures are customarily used for storage or parking purposes. No residential dwelling unit or business or commercial office may be established within an accessory structure.

### Sec. 29-3. - Interpretation of chapter.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. **Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this chapter shall control.**

Sec. 29-177(a) -Offstreet parking spaces

(12B)

*Dwelling, two family, including single family bi-attached dwellings, multi-family dwellings including condominiums and apartments, but not including nursing homes, convalescent homes, elderly housing or housing for handicapped.* **Two parking spaces per dwelling unit, plus one additional parking space for each bedroom in each dwelling unit in excess of two bedrooms. One additional stall shall be provided for every five units in excess of five units for visitor parking.**

**Item 5.B.**

# COLLEGE HILL

## FLOOR PLATES & MASSING

APARTMENT RENTABLE SQUARE FOOTAGE			
UNIT TYPE	QTY.	UNIT SQ FT.	TOTAL SQ. FT.
2 BEDS	16 <b>x2 = 32</b>	802	13,165
4 BEDS	7 <b>x4 = 28</b>	1370	9,590
STUDIO 01	20 <b>x 2 =40</b>	433	8,860
STUDIO 02	3 <b>x2 = 6</b>	450	1,350
STUDIO 03	4 <b>x2 = 8</b>	446	1,784
STUDIO 04	3 <b>x2 = 6</b>	470	1,410
STUDIO 05	12 <b>x2 = 24</b>	500	6,000
STUDIO 06	8 <b>x2 = 16</b>	502	4,021
STUDIO 07	4 <b>x2 = 8</b>	499	1,996
STUDIO 08	4 <b>x2 = 8</b>	451	1,804
STUDIO 09	1 <b>x2 =2</b>	430	430
STUDIO 10	1 <b>x2 =2</b>	487	487
<b>TOTAL</b>	<b>83 = 180</b>		<b>50,897 sq. ft</b>
<b>TOTAL BEDS</b>	<b>120</b>		
<b>ON-SITE PARKING</b>	<b>65 (3 ACCESSIBLE STALLS)</b>		
<b>OFF-SITE PARKING</b>	<b>29</b>		

**TOTAL PARKING PROVIDED** 94 ( 1 SPACE PER 78% OF BEDS) **OR 48% required by law**

**Total Parking Required for Primary Residential = 180 + 16 visitor spots (78/ 5 = 15.6)**

BUILDING GROSS AREA		
BASEMENT	UNDERGROUND PARKING	24,350 sq ft
LEVEL 1	COVERED PARKING	5,994 sq ft
LEVEL 1	RETAIL	11,603 sq ft
LEVEL 1	LOBBY	735 sq ft
LEVEL 2-5	RESIDENTIAL	66,752 sq ft
<b>TOTAL</b>		<b>109,434 sq ft</b>

**ADDITIONAL SURFACE PARKING** 7,131 sq ft

**5.75 times more residential than commerical= Primary residential**

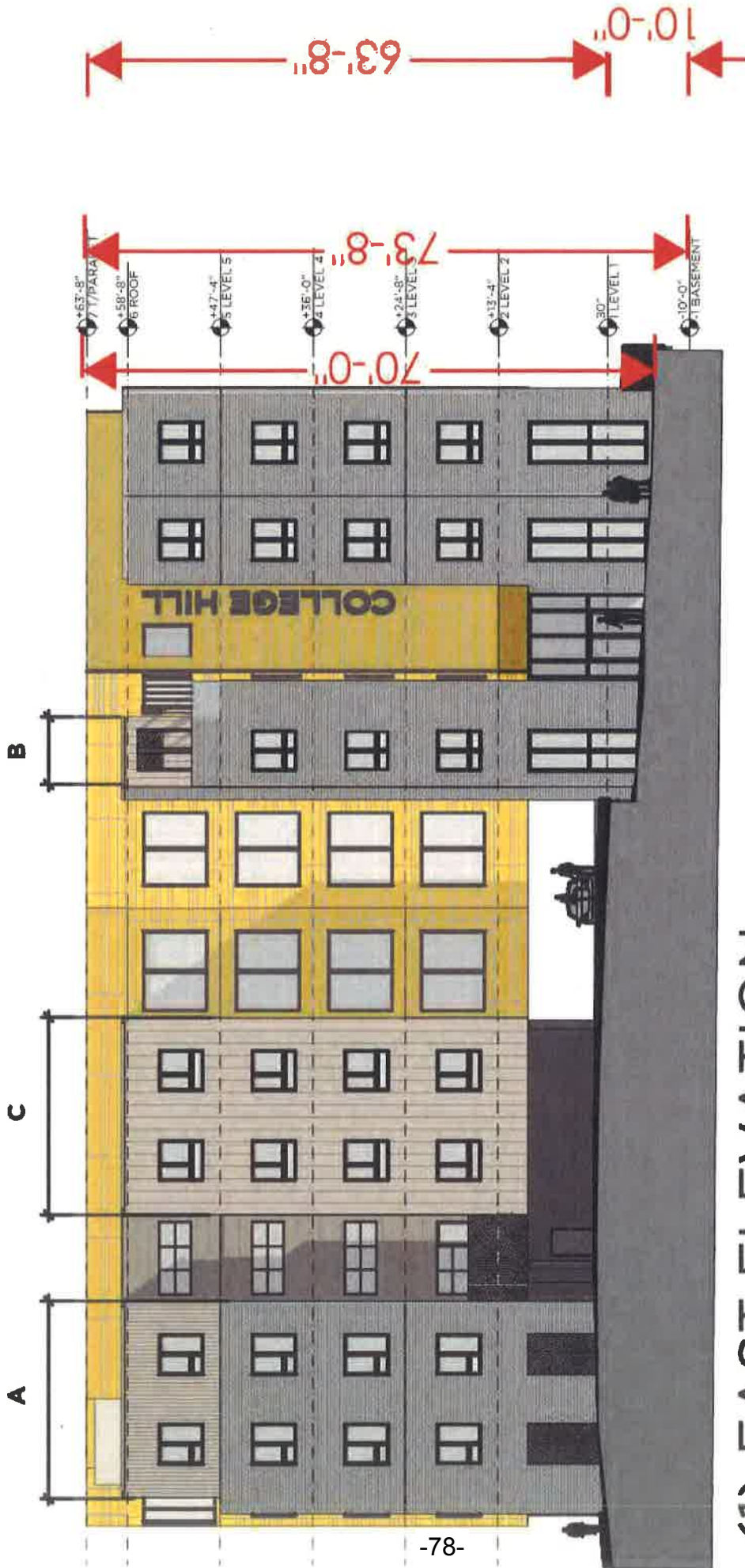


# (2) SOUTH ELEVATION

METAL PANEL @ FRONT FACE = 27.5%  
 BRICK @ FRONT FACE = 36.7%  
 OPENINGS @ FRONT FACE = 17.5%  
 CONCRETE @ FRONT FACE = 18.3%



**Item 5.B.**



**(1) EAST ELEVATION**

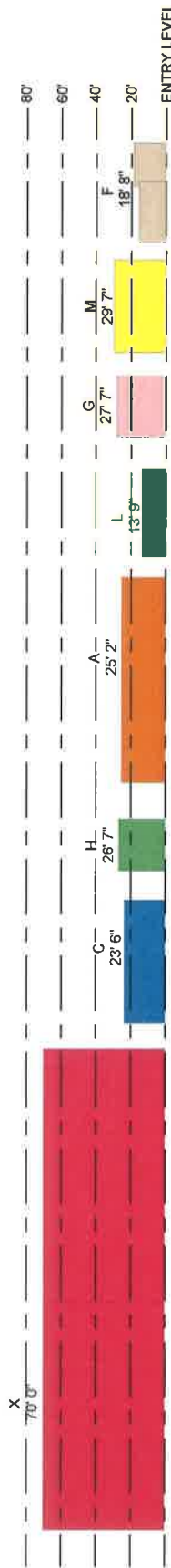
METAL PANEL @ FRONT FACE = 23.9%  
 BRICK @ FRONT FACE = 54.5%  
 OPENINGS @ FRONT FACE = 21.6%





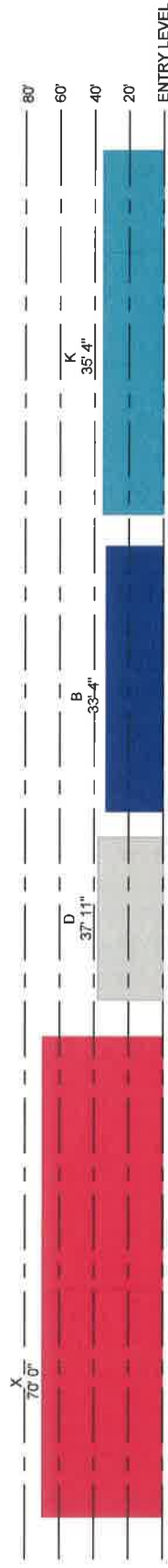
BUILDING KEY

<b>A</b> UNIVERSITY BOOKSTORE	<b>F</b> UNIVERSITY PARKING GARAGE	<b>P</b> GREAT WALL RESTAURANT
<b>D</b> ST. STEPHENS	<b>E</b> NOT USED	<b>F</b> OTHER PLACE/COLLEGE HILL BARBER
<b>G</b> MOHAIR PEAR	<b>H</b> HOUSE ON W 22ND	<b>J</b> DANCER HALL
<b>K</b> BARTELLETTE HALL	<b>M</b> SIDECAR COFFEE SHOP	<b>X</b> BECK'S
		<b>X</b> COLLEGE HILL



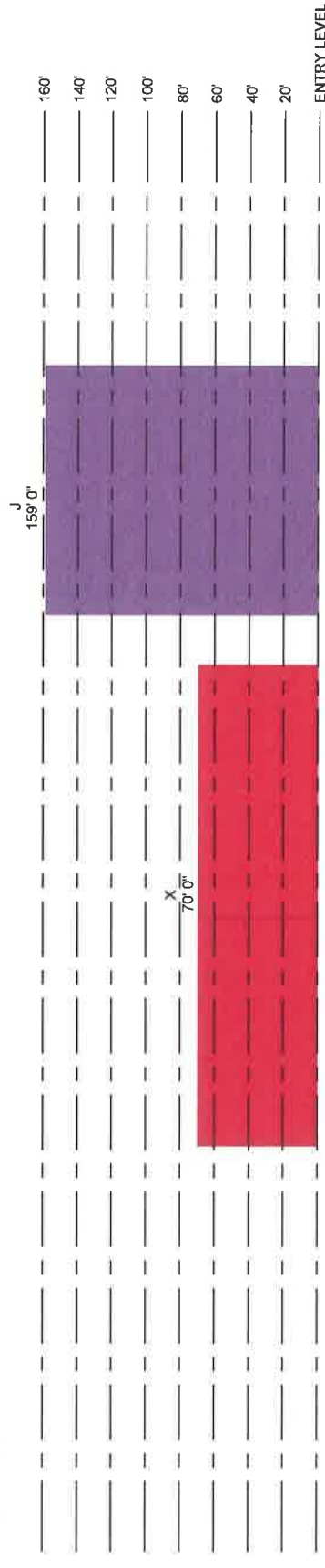
1 COLLEGE HILL RELATIVE ELEVATIONS 1

1/64" = 1'-0"



2 COLLEGE HILL RELATIVE ELEVATION 2

1/64" = 1'-0"



3 COLLEGE HILL RELATIVE ELEVATIONS 3

1/64" = 1'-0"





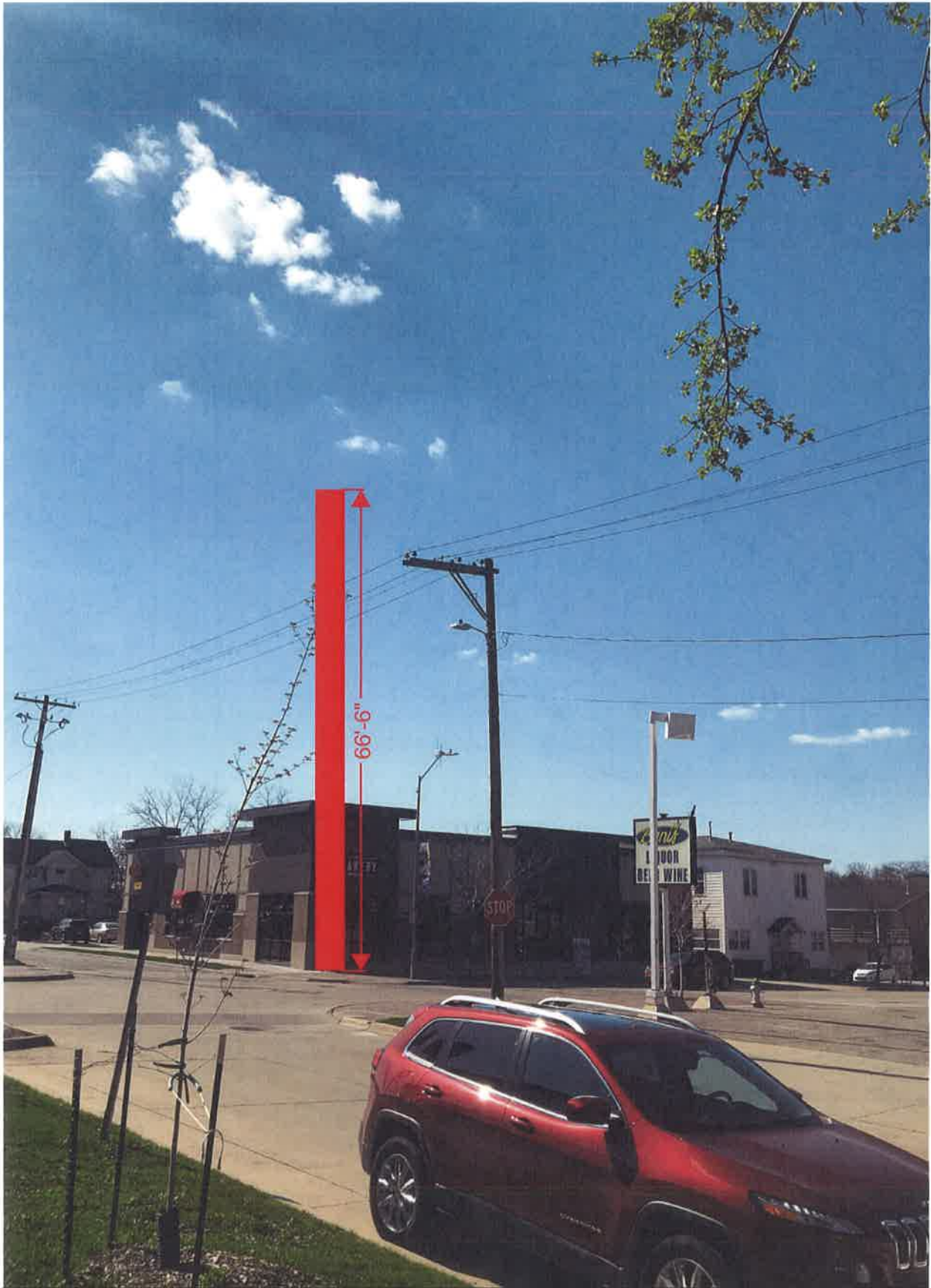
**Item 5.B.**



STUDIO192° AND CO

IMG\_7077

BALL KIRK HOLM P.C. | SIREs  
HORIZONTAL DIMENSION + VERTICAL  
DETERMINATION OF HEIGHT  
APPENDIX E



STUDIO192° AND CO

IMG\_7096

BALL KIRK HOLM P.C. | SIRE  
HORIZONTAL DIMENSION + VERTICAL  
DETERMINATION OF HEIGHT  
APPENDIX E



**Item 5.B.**

# BALL, KIRK & HOLM, P.C.

ATTORNEYS AT LAW



Max E. Kirk  
H. Daniel Holm, Jr.  
David W. Stamp  
Jennifer L. Chase  
Eashaan Vajpeyi

William C. Ball (1928-2011)  
Michael W. Buckner (retired)

3324 KIMBALL AVENUE  
P.O. BOX 2696  
WATERLOO, IOWA 50704-2696  
TELEPHONE: (319) 234-2638  
FACSIMILE: (319) 234-2237  
E-MAIL: bkh@ballkirkholm.com

June 27, 2018

**Hand Delivered**

City of Cedar Falls  
City Clerk  
220 Clay Street  
Cedar Falls, Iowa 50613

RE: Protest Documents for Re-Zoning and Land Use Map Amendment-1015-1021 West  
22<sup>nd</sup> Street

Dear Clerk:

Upon authority granted to me by the individuals submitting such documents, please find enclosed protest documents from Jason Whiting as director-president of Hidden Valley Apartments Residential Cooperative Inc., as well as a protest from Tracy A. Watts as manager of Take Down Investments LC.

Please excuse the typographical error indicating protest to "W. 2<sup>d</sup> Street." Please enter these into the official record in protest of the aforementioned re-zoning of 1015 and 1021 West 22<sup>d</sup> Street, Parcels 8914-14-428-020 and 8914-14-428-019.

Please let me know if you have any questions.

Sincerely,

BALL, KIRK & HOLM, P.C.

A handwritten signature in blue ink, appearing to read 'Eashaan Vajpeyi', is written over the typed name.

Eashaan Vajpeyi  
EV/jrr

Enclosures

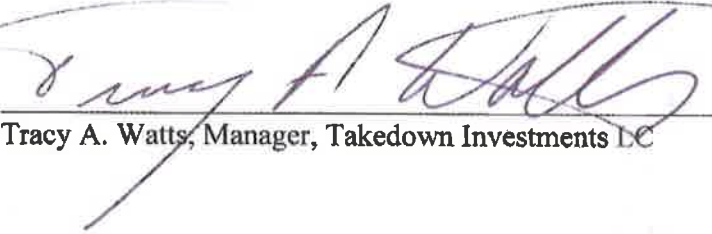
CC: Karen Howard  
Kevin Rogers

**Protest to Rezoning of 1015 & 1021 W. 2<sup>nd</sup> St  
Parcels 8914-14-428-020 & 8914-14-428-019**

I, Tracy A. Watts as the manager of Takedown Investments LC is the deed holder of 1022 W. 22<sup>nd</sup> in Cedar Falls, Iowa, parcel 8914-14-430-005 is within 200ft of the proposed rezoning application attached hereto protest the rezoning proposed in the aforementioned and attached rezoning application.

25 June 2018

Date

  
Tracy A. Watts, Manager, Takedown Investments LC



**Item 5.B.**

Protest to Rezoning of 1015 & 1021 W. 2<sup>nd</sup> St  
Parcels 8914-14-428-020 & 8914-14-428-019

I, Jason Whitinger, as Director-President of Hidden Valley Apartments Residential Cooperative Inc., deed holder of 2034 Merner Avenue, Cedar Falls, Iowa and 2107-2113 College Street Cedar Falls, Iowa, parcels 8914-14-428-030 and 8914-14-428-064 which are within 200ft of the proposed rezoning application attached hereto protest the rezoning proposed in the aforementioned and attached rezoning application.

6-22-2018 Date  
Jason Whitinger Director-President of Hidden Valley Apartments Residential Cooperative Inc.

STATE OF IOWA )  
COUNTY OF POLK ) SS

Subscribed and sworn to before me this 22 day of JUNE, 2018.



[Signature]

Notary Public In and For the State of Iowa

**Karen Howard**

---

**From:** Hillery Oberle <hillery.oberle@uni.edu>  
**Sent:** Tuesday, June 26, 2018 11:37 AM  
**To:** Karen Howard  
**Subject:** Fwd: P&Z comment

Karen,

Please share with the other commission members.

Thank you -  
Hillery

----- Forwarded message -----

**From:** Amy Mohr <amymohr7@gmail.com>  
**Date:** Tue, Jun 26, 2018 at 11:30 AM  
**Subject:** P&Z comment  
**To:** [hillery.oberle@uni.edu](mailto:hillery.oberle@uni.edu)

Hillery,

I see that Brent Dahlstrom's company is bringing forward his College Hill complex project before P&Z again. Even though he's acquired more parking where are the remaining 26 renters supposed to park, never mind the customers for the new businesses? (The materials list 120 total beds but only 94 parking spaces.) This does not make sense to me. They will end up buying city parking permits and taking up space from the businesses in the city lots behind the College Hill buildings. What makes it worse is that because the obvious market for these building tenants is of course UNI students, those cars will sit ALL DAY while they're at class - the same hours that those businesses are open and need parking for customers. I realize that the city is working on revised ordinances but I hope these kinds of projects are not allowed to go through in the mean time. The mixed use zoning has provided a very easy, and unintended, loop hole for developers to get projects through that drastically impact the other residents and business owners in the district in a negative way. Please understand that I'm not against development. But it has to be done with the long term health of the district in mind.

I can't attend the meeting so felt it was important to at least express my thoughts and concerns.

Amy Mohr

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## Item 5.B.

**Karen Howard**

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**From:** Elizabeth S <esutton001@gmail.com>  
**Sent:** Friday, June 22, 2018 12:04 PM  
**To:** Shane Graham; Karen Howard; Hillery Oberle  
**Cc:** swanny07@aol.com; Melanie Drake; Tom Wickersham; Becky Hawbaker; Chris Martin  
**Subject:** 22nd street College Hill apartments rezoning comment

Dear Mr. Grant and Ms. Howard,

As a resident of College Hill neighborhood (404 W. Seerley) I am writing to comment on the proposal to rezone 22nd street .44 acre lots to C-3 high density (I was alerted to the public hearing scheduled for the 27th but it is unlikely I will be able to attend). I am strongly opposed to this proposal for three reasons:

- 1) Already there are numerous rental options in the area. Not only are there university options, there also are apartments West of Hudson on 27th street and surrounds. East of the Hill there are many rental units. Some houses nearby simply need to be fixed up by their landlords. It would be better to incentivize property improvement to revitalize the neighborhood rather than rezone for high density.
- 2) I am concerned about high density in general--for trash and litter, for parking, and the noise and traffic impact on the surrounding neighborhood. Already college hill has problems with litter, parking, and cars speeding along College Street and Seerley Blvd. This would exacerbate all these problems.
- 3) I am concerned about the elevation, specifically, the height of the buildings proposed, and its impact on the feel of the neighborhood and social implications (see Jane Jacobs...).

Generally, I appreciate the idea of high density IF infrastructure can accommodate it--ie: if there were incentives to not have cars and bike/walk, if we had more pedestrian and bike-friendly area in general, if there were recycle containers and green roofs and ways to mitigate the impact of more people living in a small area. But the reality is, College Hill is not urban, and the infrastructure is not yet in place. The probability of renters leaving their cars and of picking up after themselves seems low to me. Perhaps if this were tied to some mechanism for putting single families back into the rental houses, I would be more inclined to the project.

Thank you for hearing my comments,

Elizabeth Sutton  
404 W Seerley Blvd

--  
she/her/hers

Associate Professor of Art History  
Department of Art  
University of Northern Iowa  
214 Kamerick Art Building  
Cedar Falls, Iowa 50614  
319.273.6260  
<http://www.uni.edu/esutton>  
<https://sites.google.com/a/uni.edu/women-as-makers/>  
<https://sites.google.com/a/uni.edu/creativeresilience/>

**Karen Howard**

---

**From:** motocross1 <motocross1@mchsi.com>  
**Sent:** Wednesday, June 20, 2018 5:45 PM  
**To:** Karen Howard  
**Subject:** Rezoning of 1015-1021 W 22nd street

Dear Karen Howard,

I own property at 1123 W. 22nd as well as others and would like to formally object to the rezoning of the property at 1015-1021 W. 22nd street. This parking is not on site of the proposed rental units and should not be allowed. There is virtually no parking for the apartments that were recently built on W. 23rd street. What is the explanation for that? For 20+ years we have been told that parking stalls must be provided on site and rezoning won't happen, you can't combine lots and had our properties zoning downgraded from R-3 to R-2. And now that parking has to be hard surface to boot! There should be no chance of adding one additional resident on the hill that doesn't have a place for a vehicle when adding or building apartments. Those are the rules we have lived by for years and there is no reason to change them now.

Sincerely,

Brian Tressler

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**Karen Howard**

---

**From:** Dan Drendel <dan@slingshotarchitecture.com>  
**Sent:** Thursday, July 5, 2018 3:44 PM  
**To:** Karen Howard  
**Cc:** Brent Dahlstrom  
**Subject:** College Hill Project - letter  
**Attachments:** 07-05-18 Letter to City of Cedar Falls Planning & Zoning Commission.pdf

Hi Karen,

Attached is the revised letter from the Client's lawyer outlining the code compliance of the project, summary of this process, and explaining that there is not a desire to pursue further compromise on parking counts that are not required for the site.

I'll also forward the letter from the property manager on parking permits being required for residents not parking on site on the previous college hill project on 23rd.

I'll get you any last items by tonight. Thank you!

DAN DRENDEL AIA, LEED AP  
PRINCIPAL  
C 515-494-0104

SLINGSHOTARCHITECTURE.COM  
305 EAST COURT AVE, DES MOINES, IA 50309

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FaegreBD.com



USA ▼ UK ▼ CHINA

Larry James, Jr  
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Direct +1 515 447 4731

Faegre Baker Daniels LLP  
33<sup>rd</sup> Floor ▼ 801 Grand Avenue  
Des Moines ▼ Iowa 50309-8003  
Main +1 515 248 9000  
Fax +1 515 248 9010

July 5, 2018

Planning & Zoning Commission  
City of Cedar Falls  
220 Clay Street  
Cedar Falls, Iowa 50613

Re: 2119 College Street, 925 W. 22nd Street, 1003 W. 22nd Street, 1015 W. 22nd Street, and 1021 W. 22nd Street - College Hill Development

Dear Commissioners,

Our firm represents CV Commercial, LLC (“CV”) in its proposed real estate development at 925 22nd St., 2119 College St., 1003 22nd St., 1015 W. 22nd St., and 1021 W. 22nd St. in the College Hill Neighborhood of Cedar Falls (the “Project”). The Project would be a mixed-use building with a principal commercial use on the first floor and residential units on the upper floors. The Code of Ordinances for the City of Cedar Falls (the “Code”) does not require any parking spaces, but as a compromise the Project would provide 94 parking spaces. The Project is now before this Commission for the third time and CV hopes to receive approval again from this Commission and from the City Council. Absent a fair resolution, CV would likely pursue further legal options rather than altering its site plan once more. We write to detail CV’s efforts to cooperate and find compromise so far, as well as to clarify why no parking spaces are required, and to show how our client’s provision of 94 parking spaces satisfies the Code and should receive your approval.

**I. CV Has Sought Compromise and Cooperation Throughout the Approval Process**

CV began working with City staff in early 2017 and has been an amiable partner with the City on this Project and several other developments. The first site plan went before this Commission on November 21, 2017, for an initial discussion of the Project. Following that meeting, CV altered the site plan with City staff to increase the amount of first floor commercial space and to add more parking spaces. City staff issued a Site Plan Review on January 5, 2018, stating that no parking spaces were required and that the principal use of the Project was commercial. On January 24, 2018, this Commission voted to approve the second site plan with 65 parking spaces. The City Council reversed this Commission on February 19, 2018, on the grounds of inadequate parking, despite Commission approval and a City staff report that confirmed that no parking was required for the Project. Instead of pursuing further legal options in District Court, CV opted to seek another compromise, and altered its design again to add 29 off-site parking spaces, bringing the total to 94 spaces reserved for residents of the Project. The revised

site plan also includes bicycle parking and a potential bicycle sharing station. City staff issued another Site Plan Review on June 21, 2018, again affirming that no parking is required and that the principal use is commercial. The Project comes before the Commission now for a review of the third site plan. During this process, the City Council has not changed the relevant zoning ordinances and parking requirements.

## **II. No Parking Spaces Are Required Under the Code**

We agree with City staff's determination in its Site Plan Reviews of January 5 and June 21, 2018, that no parking spaces are required. The Project is located within the C-3 Commercial District and the College Hill Neighborhood Overlay Zoning District (the "College Hill Overlay"). The Code sections for these districts do not require parking. Section 29-177(a) states parking shall be provided on-site, "except as follows:

- (1) For a principal permitted commercial use in the C-3 commercial district; and
- (2) For a residential use established as a permitted secondary, incidental or accessory use to a principal permitted commercial use in the C-3 commercial district, **such as for a dwelling unit or units located on the second or higher floor of a building, the first or lower floor of which comprises the principal permitted commercial use**, subject, however, to review and approval by the planning and zoning commission and city council." (emphasis added)

Both conditions apply to the Project, because it is in the C-3 Commercial District, the principal use is commercial, and the secondary use is residential. The College Hill Overlay also does not require parking in Section 29-160(g)(2), which states that when secondary residential uses are "established on the upper floors of principal permitted commercial uses," then "[o]n-site parking will not be required for secondary, accessory residential uses." City staff's January 5 and June 21 Site Plan Reviews reached the same conclusion, stating that parking is not required for uses such as for the Project in either the C-3 Commercial District or College Hill Overlay, but that "[e]ven though parking is not required, the developer has shown a total of 65 on-site parking spaces located within and beneath the building and 29 off-site parking spaces in a surface lot at 1015 and 1021 W. 22nd Street, for a total of 94 spaces." The current proposed site plan includes more than one space per dwelling, and enough parking spaces for 78% of the total bedrooms in the Project. The Code does not require any parking spaces, so 94 spaces is ample.

## **III. The Proposed Re-Zoning of 1015 and 1021 W. 22nd St. is Not a Condition for Approval of the Project**

Regardless of whether 1015 and 1021 W. 22nd St. is re-zoned, the approval of that re-zoning should not be a condition for approval of the Project. This is the only area where CV differs with the City staff's Site Plan Review. Since the last time the Project was before this Commission, CV added 29 off-site parking spaces by making room at 1015 and 1021 W. 22nd Street. The Code does not require the additional 29 spaces, but CV added them in the most recent revised site plan as an accommodation to City Council concerns. Even if this Commission or the City Council decides against granting the re-zoning application, the Project's site plan should still be approved because the Code does not require any parking. Whether the Project includes the 65 on-site spaces and 29 off-site spaces, or just the 65 on-



site spaces, the Project still satisfies the Code. The proposed re-zoning of 1015 W. 22nd St. and 1021 W. 22nd St. from R-3 Multiple Unit Residential to C-3 Commercial should not be tied to approval of the Project and this version of the site plan.

#### **IV. The Principal Use for the Project Is Commercial**

The parking requirement—or lack of requirement, in this case—is determined by the principal use. We also agree with City staff that the principal use for the Project is commercial. Section 29-2 defines “principal use” as “the main use of land or structures, as distinguished from accessory use.” The Code does not define “secondary use” but employs the term throughout the zoning ordinances. “Main use” is also undefined, but it should be based on the ground floor because of past precedent and the contextual and logical implications of the Code.

First, the principal use is commercial because of past precedent. City staff has repeatedly determined principal use by evaluating the use at the ground floor, including for mixed-use buildings in the College Hill Neighborhood. The staff’s Site Plan Review lists projects where this has been the case. For this Project, City staff “deem[ed] this to be a principal commercial use” because 64% of the ground floor area will be commercial. This approach makes sense: the vast majority of the general public will interact with the Project through the commercial space, as it is the most visible from street level.

Second, the principal use is commercial because of the contextual and logical implications of the code. The Code implies that commercial uses are the principal uses on the ground floor, and residential uses are secondary uses when on the upper floors. The description of the College Hill Overlay’s C-3 district states “the district is made up primarily of commercial uses as the principal uses” and that when residential uses are “contained within principal commercial uses,” then “the residential uses are considered to be secondary or accessory uses to the principal commercial use on the property.” Sec. 29-160(g). It also states that “principal permitted residential uses are to be discouraged” in a C-3 area “due to the limited area available for commercial establishments.” *Id.* Finally, the Code refers to “secondary or accessory residential uses to be established on the upper floors of principal permitted commercial uses” as if it is one term, which implies that what is on the upper floors are secondary uses. Sec. 29-160(g)(2).

If, for some reason, the principal use were determined not based on the ground floor but on the total floor area, then a mixed-use building with commercial on the first floor and residential on upper floors could never have a principal commercial use. That type of building with principal commercial uses, though, is what the College Hill Overlay description and College Hill Revitalization plan explicitly prefer. *See* Sec. 29-160(g), *College Hill Urban Revitalization Plan*. Taken together, the contextual and logical implications are that the ground floor determines the principal use. When commercial use is present and on the ground floor, the default seems to be that the principal use is commercial, and the secondary use is residential.

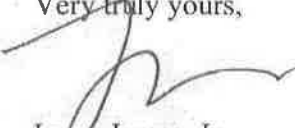
#### **V. Conclusion**

CV seeks to help fulfill the City’s College Hill Urban Revitalization Plan by “enhanc[ing] the quality of life and aesthetics,” “increas[ing] the quality of the housing stock,” and promoting a “mixed use”


neighborhood. *College Hill Urban Revitalization Plan*. More parking lots will not do that, and we agree with City staff and their past practices that this Project is a principal commercial use and does not require more parking spaces. The principal use is commercial, and in the C-3 Commercial District and College Hill Overlay, no parking spaces are required for principal commercial uses. Nevertheless, the Project plans for 65 on-site parking spaces and 29 off-site spaces.

CV has built a reputation for high-quality developments in the City of Cedar Falls and around the Cedar Valley that improve the community. Our client has been flexible in working with the City, and has chosen to amend its site plan multiple times to seek compromise. That flexibility, however, has its limits and our client is prepared to pursue its legal options, should this Commission reverse its prior decision. Our client looks forward to a fair resolution that follows the text of the Code and the advice of City staff on parking and principal use. We respectfully ask for your support in approving this site plan.

Very truly yours,



Larry James, Jr.,  
Faegre Baker Daniels LLP,  
Attorney for CV Commercial, LLC



Jesse Linebaugh,  
Faegre Baker Daniels LLP,  
Attorney for CV Commercial, LLC

Copy to: Kevin Rogers, City Attorney for City of Cedar Falls

**Item 5.B.**



**Rent Cedar Valley**  
604 Clay Street  
Cedar Falls, IA 50613  
319-768-7150

January 11th, 2017

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City of Cedar Falls  
Planning & Zoning Commission  
220 Clay Street  
Cedar Falls, IA 50613

Planning & Zoning Commission,

I am the Vice President and Chief of Operations at Rent Cedar Valley. Rent Cedar Valley manages all leasing management and maintenance activities for CV Commercial LLC at the property known as Urban Flats located 917 W 23<sup>rd</sup> St in Cedar Falls.

Under direct instruction from owners of CV Commercial, Rent Cedar Valley has required each tenant of 917 W 23<sup>rd</sup> St to purchase a UNI parking permit dating back to pre-leasing activity in early 2017. Tenants have also signed an addendum to our standard lease agreeing to purchase a UNI parking permit. I have attached this addendum for your reference. All tenants with vehicles are required to provide proof of permit when keys are obtained prior to moving into the property.

Off campus students are eligible for B-Lot, C-Lot or R-Lot parking passes. B-Lot parking is permitted from 7AM to 1AM. C-Lot and R-Lot parking is permitted 24 hours a day. B-Lot permits also allow users to park in C-Lot and R-Lots.

This parking agreement will remain in effect at 917 W 23<sup>rd</sup> St in accordance with CV Commercial on all current and future leases.

Sincerely,

---

**Chris Olsen** | Vice President  
**D.K. Management LLC & Rent Cedar Valley**  
604 Clay St. | Cedar Falls, IA 50613  
Ph: 319-296-6264

DK Management, LLC

PO Box 128 • Cedar Falls, IA 50613  
(319) 768-7150



# 1. Parking Agreement

## 1.1 PARKING AGREEMENT

All Urban Flats Tenants will be required to purchase a parking permit issued by the University of Northern Iowa. This can be either a "B" or an "R" permit and must be purchased before tenants move in to the property. CV Commercial will reimburse tenants, in the form of a Rent Credit, for the UNI Parking Permit with proper receipt from the University.

X \_\_\_\_\_  
Initial Here







DEPARTMENT OF COMMUNITY DEVELOPMENT

City of Cedar Falls
220 Clay Street
Cedar Falls, Iowa 50613
Phone: 319-273-8600
Fax: 319-273-8610
www.cedarfalls.com

MEMORANDUM

Planning & Community Services Division

TO: Planning and Zoning Commission
FROM: Karen Howard, Planning and Community Services Manager
DATE: July 5, 2018
SUBJECT: College Hill Neighborhood Site Plan Review – 1015 & 1021 W 22nd Street and 2119 College Street

REQUEST: Request to approve a College Hill Neighborhood District Site Plan for a new mixed-use building at 2119 College Street and associated off-street parking area located at 1015 and 1021 W. 22nd Street.

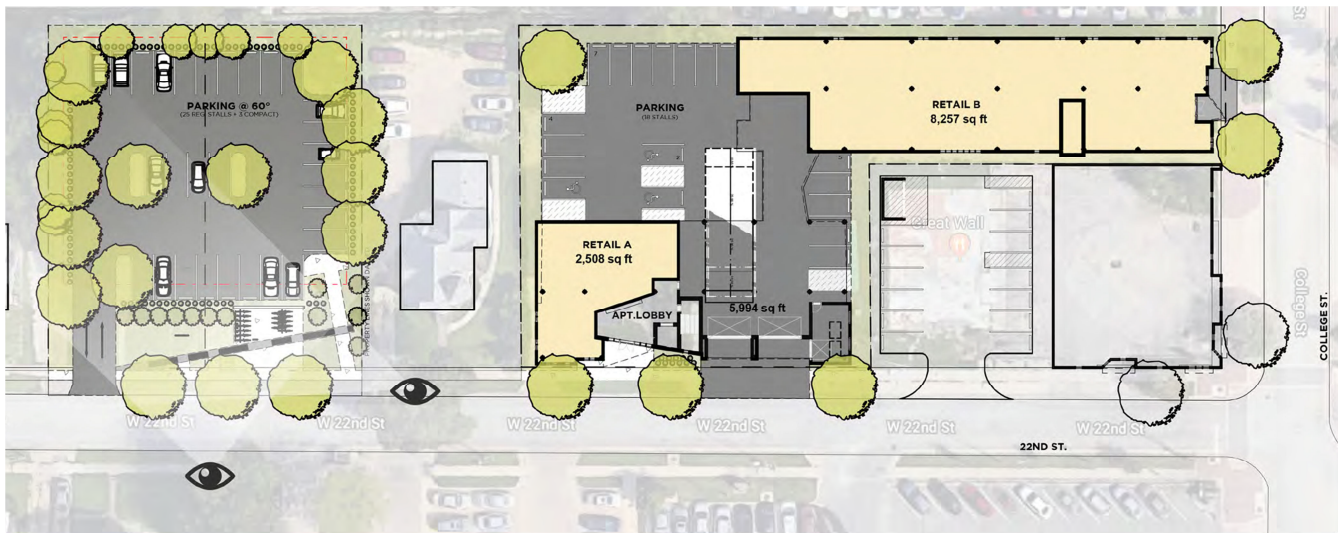
PETITIONER: Steve Troskey – CGA Engineers

LOCATION: Mixed Use Building proposed at 2119 College Street, 925 W 22nd Street, and 1003 W 22nd Street. Additional accessory parking area located at 1015 and 1021 W. 22nd Street.

PROPOSAL

The applicant is proposing to construct a new 5-story, mixed-use building on the properties at 2119 College Street, 925 W. 22nd Street, and 1003 W. 22nd Street, which will include two commercial retail spaces totaling 10,765 square feet on the first floor and 83 residential rental units on the second through fifth floors. The proposed building will include 65 parking spaces on-site and an additional 29 parking spaces in an off-site surface parking lot located at 1015 and 1021 W. 22nd Street (see below). The applicant proposed a similar project earlier this year, but it was denied by the City Council largely due to concerns regarding adequate parking to serve the needs of the future residents of the building. The current proposal specifically addresses this concern by adding 29 additional parking spaces on properties at 1015 and 1021 W. 22nd Street in close proximity to the residential entry to the proposed building on 22nd Street.

## Item 6.A.



Building view from corner of College Street and W 22nd Street.

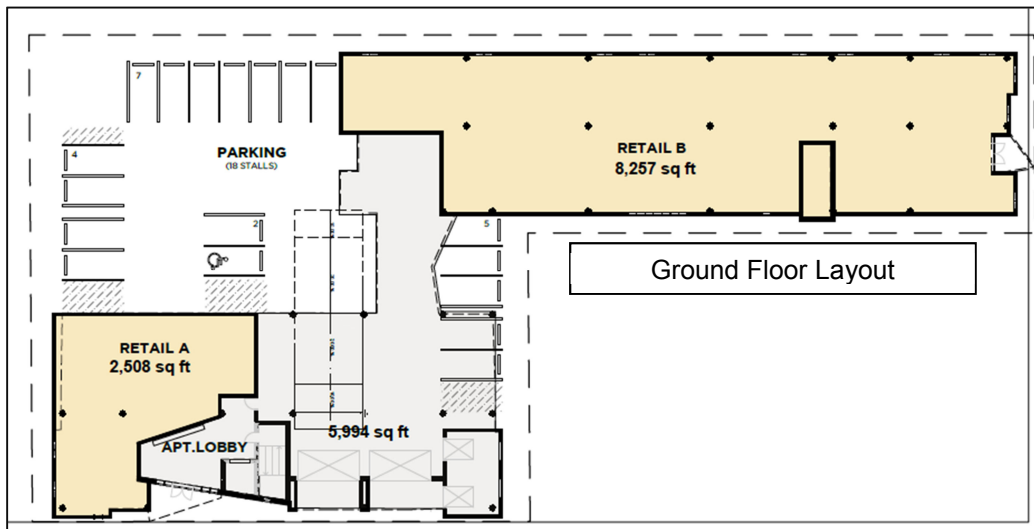
### BACKGROUND

The proposed mixed-use project is a redevelopment of three different properties in the College Hill Commercial District, two former multiple unit residential buildings that fronted on 22<sup>nd</sup> Street (925 and 1003 W. 22<sup>nd</sup> Street) and one commercial building that fronted on College Street (2119 College Street). The proposed L-shaped building will wrap around the existing commercial building located at the corner of College and 22<sup>nd</sup> Street. An application for the mixed-use building was discussed at the Planning and Zoning Commission meetings on January 10 and January 24, 2018 with a recommendation for approval sent to the City Council for review on February 5, 2018, at which time it was denied. The current proposal includes additional parking on property located at 1015 and 1021 W. 22<sup>nd</sup> Street. There is one intervening duplex located between the proposed parking area and the proposed mixed-use building. Approval of this site plan is contingent on approval of an amendment to the Future Land Use Map, which is an integral part of the City's Comprehensive Plan, and the associated rezoning of the properties at 1015 and 1021 W. 22<sup>nd</sup> Street from R3 Multi-Unit Residential to C3 High Density Commercial District.

ANALYSIS

The property where the proposed mixed-use building will be located is zoned C-3, High Density Commercial District and is located within the College Hill Neighborhood Overlay District. Projects within this district require a site plan review by the Planning & Zoning Commission and City Council, based on the following elements. The newly proposed accessory parking lot on property at 1015 and 1021 W. 22<sup>nd</sup> Street is also subject to site plan review and is considered an integral part of the proposed mixed use project:

- 1) Proposed Use: The building is proposed to be 5 stories in height, with the ground floor consisting of two retail commercial spaces, a residential lobby area, trash enclosure and partial parking for the residential use. This includes approximately 10,765 square feet of commercial retail space, 735 square feet of lobby area and 5,994 square feet of parking/trash enclosure areas. The ground floor does not contain any residential dwelling units. Approximately 62% of the ground floor space is devoted to the retail commercial space. Approximately 34% of the ground level floor area is used for accessory parking, which is located either behind or beside the retail space and within the walls of the building. A total of 94 parking spaces are proposed for this project: 65 on-site parking spaces and 29 off-site parking spaces.



The building as a whole will have approximately 10,765 square feet of commercial retail space located on the first floor and approximately 50,897 square feet of residential space located on the 2<sup>nd</sup> through 5<sup>th</sup> floors. It is generally accepted practice that in mixed-use buildings the ground level floor is devoted primarily to commercial uses, which rely on the visibility and accessibility to the public street to attract customers. Residential uses are typically located on the upper floors to create a buffer and a measure of privacy from the commercial activity at the street level.

In determining principal versus secondary use, staff applied two sections of the zoning ordinance: the Definition section and the College Hill Neighborhood Overlay Zoning District section. The College Hill Neighborhood Overlay Zoning District was originally adopted on November 8, 1993; however the section that relates to the C-3 Commercial District was added to the section on December 12, 2005. Section 29-160 (g) of the zoning ordinance (College Hill Neighborhood Overlay Zoning District) states that within the C-3



## Item 6.A.

district, residential uses may be contained within principal commercial uses, and in such cases the residential uses are considered to be secondary or accessory uses to the principal commercial use on the property. Also, Section 29-160 (g) (2) states that secondary or accessory residential uses located on the upper floors of principal permitted commercial uses are allowed, and that no residential use may be established on the main floor or street level of any storefront or commercial shopfront of a principal permitted commercial building structure. In the past, staff has looked at how the first floor or ground floor of a building was utilized when determining its principal or main use. When the main level of a building has over 50% of its first floor area utilized for commercial purposes, staff determined the principal use of the building to be commercial, with uses on the upper floors of the building being considered a secondary use of the building.

Examples of past interpretations for projects located at 2024 College Street (2014), 2215 College Street (2014), 917 W 23<sup>rd</sup> Street (2016), 200 W 1<sup>st</sup> Street (2017), and the River Place Development along State Street (2014) had their principal use determined by the amount of commercial area located on the first floor. The site plan shows a majority of the ground floor area of the building dedicated to commercial use (62%).

Based on the past interpretations by staff in determining the principal use of a building, and based on Section 29-160 (g) and 29-160 (g) (2) where it is allowed to establish residential uses on upper floors of principal commercial uses, staff deems this to be a permitted use in the C-3 District and College Hill Neighborhood Overlay Zoning District. **Principal commercial use with secondary residential uses on upper floors is allowed.**

At the June 27 Planning and Zoning Commission meeting additional information was requested from staff regarding the statutory construction of the zoning ordinance and the staff determination that parking is not required for secondary residential uses in mixed-use commercial buildings located in the College Hill Overlay Zoning District.

Staff's interpretation of the ordinance and the determination that parking is not required for upper floor residential use in a mixed-use building where commercial space is the principal use on the ground-level floor of the building is set forth in the paragraphs above. Staff provides the following information as additional confirmation that this interpretation is consistent with both the letter and the intent of the zoning ordinance and with generally accepted principles of statutory interpretation.

When there is uncertainty or disagreement as to the meaning of a code provision, there are several general principles of statutory interpretation that one can turn to for guidance:

1. **All language in the code is presumed to have meaning and effect.** In other words, one should not interpret the zoning ordinance in a way that would render other adopted provisions of the code meaningless. In this case, the fact that there is specific language in the College Hill Overlay Zoning District that addresses parking requirements for residential uses located on the upper floors of a principal commercial use, means that there are different rules that apply in the Zoning Overlay than in other parts of the City. Otherwise, there would be no reason to add this section to the code. The language states, "*In some cases residential uses may be contained within principal commercial uses and in such cases the residential uses*

*are considered to be secondary or accessory uses to the principal commercial use on the property.” (29-160(g)). In subparagraph 29-160(g)(2), it goes on to state, “Secondary or accessory residential uses to be established on the upper floors of principal permitted commercial uses are allowed. On-site parking will not be required for secondary, accessory residential uses. No accessory or secondary residential use may be established on the main floor or street level floor of any storefront or commercial shop front of a principal permitted commercial building structure within the C-3, commercial district. Planning and zoning commission and city council review relating to the establishment of secondary or accessory residential uses shall not be required unless the property owner proposes to utilize any portion of the ground floor area of a commercial use on a property for residential purposes.”*

There is no question that the proposed building is a commercial building. It is designed to commercial building code standards and contains storefront commercial spaces. The building is designed so that storefront areas are located directly adjacent to the public sidewalk to maximize commercial activity and provide the walkable urban character envisioned for the College Hill business district. These types of buildings are distinguished in the ordinance from multi-family buildings that do not contain commercial uses, which are specifically discouraged in the C-3 District. The residential uses in the currently proposed building are located on the upper floors of this commercial building. The ordinance states that in such a case, the residential uses are considered “secondary or accessory uses.” Furthermore, there is even a difference between how parking is to be addressed for these types of buildings in the College Hill Overlay and how they are treated in the Central Business District Overlay. In the College Hill Overlay, the ordinance states, “planning and zoning commission and city council review relating to the establishment of secondary or accessory residential uses **shall not be required**” (emphasis added) unless ground floor space is being used as residential. In contrast, the Central Business District Overlay states, “*For a residential use established as a permitted secondary, incidental or accessory use to a principal permitted commercial use in the C-3 commercial district, such as for a dwelling unit or units located on the second or higher floor of a building, the first or lower floor of which comprises the principal permitted commercial use, **subject, however, to review and approval by the planning and zoning commission and city council.***” (emphasis added). The language is so similar, but yet distinct, and to ignore that distinction would render the specific language in the College Hill Overlay meaningless. It appears that it is not only intentional that upper floor residential uses be considered secondary to the principal commercial use in a storefront commercial building, but that the Planning and Zoning Commission and the City Council review whether such upper floor residential is allowed is not required. Therefore, for property located in the C-3 Commercial District in the College Hill Overlay Zoning District, upper floor residential is considered an allowed secondary use in a building that contains a principal permitted commercial use and if there is not residential use on the ground level floor. Furthermore, parking is not required for such secondary residential use.

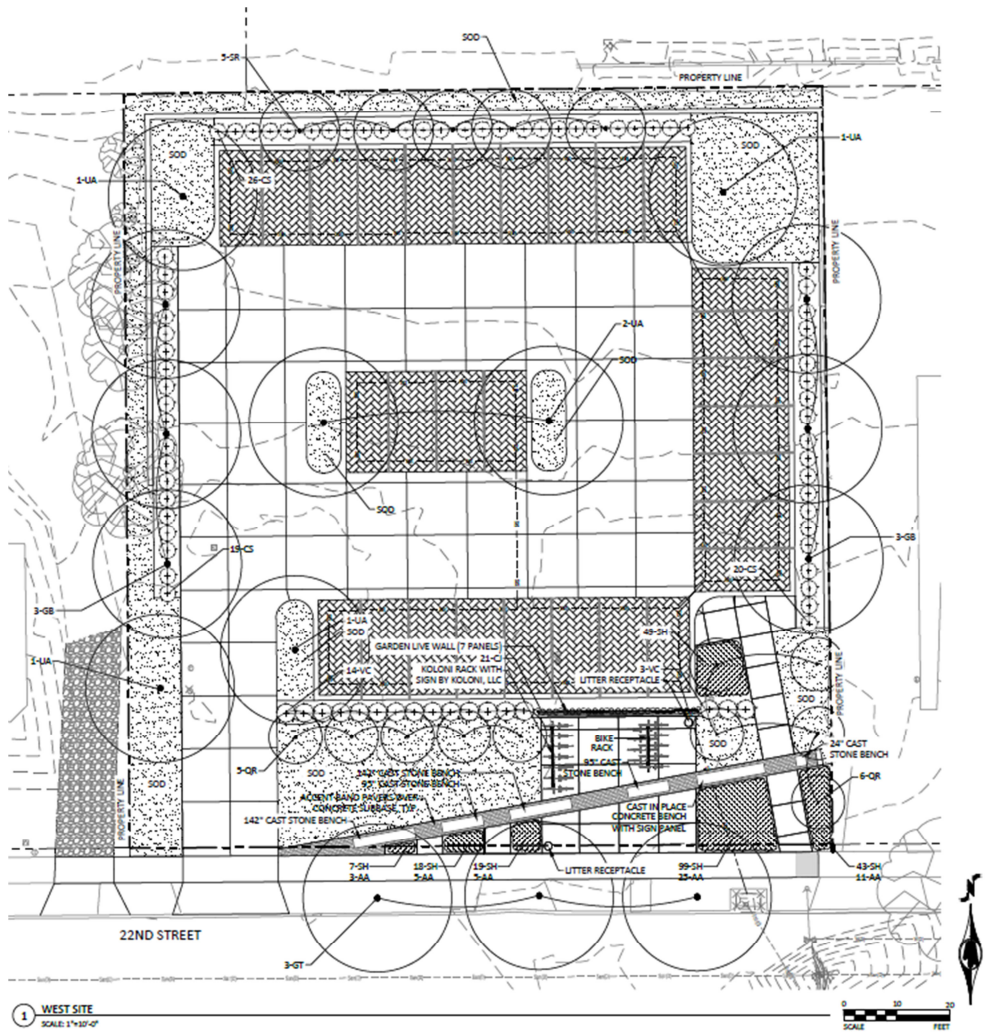
### **2. Specific statutory language ordinarily trumps conflicting general language.**

Some have referred to the definition section of the zoning ordinance (29-2) that provides a general definition for accessory and principal use. However, in the case of the College Hill Overlay Zoning District and the Central Business District Overlay

## Item 6.A.

the term “accessory” is used differently and is equated with the term “secondary,” which is not defined in the general definition section, but is clearly intended to refer to the uses located on the upper floors of a building designed with ground floor storefront commercial space. The specific statutory language in the College Hill Overlay Zoning District trumps any conflict or perceived conflict with the general language of the code, because to do otherwise would render the more specific language meaningless.

3. **This leads to the third principle of statutory interpretation, which is to look to legislative intent or history to clarify ambiguous text.** The College Hill Neighborhood Overlay Zoning District was originally adopted on November 8, 1993. The section that relates to the C-3 Commercial District, including the distinct parking requirements that apply in this portion of the College Hill Overlay District, was added to the code on December 12, 2005. Staff has reviewed part of the record of the legislative review process for these 2005 code amendments. In an early draft of the proposed legislation, paragraph 29-160(g) had language requiring parking for upper floor residential in a building with ground level commercial use, albeit at a lower ratio than required for multi-family buildings. However, at some point during the legislative review process, this language was further modified eliminating the requirement for parking for upper floor residential in a mixed-use building. This version of the ordinance was adopted by the City Council on December 12, 2005. Therefore, it is clear that the language exempting parking for upper floor residential uses was intentional. **It was reviewed and approved by the City Council and should not be viewed as a mere oversight or as ambiguous language that can be superseded by general language in other sections of the zoning ordinance.**
- 2) **Building Setbacks:** The property is zoned C-3 Commercial District. Building setbacks are not required for mixed-use storefront buildings. The site plan shows the building having a 5-foot building setback from College Street and a 2-foot building setback from W 22<sup>nd</sup> Street. A 6-foot building setback is shown along the west and north lot lines. **Building setbacks are satisfied.**
- 3) **Density:** Typically, the density requirement for a residential use that is part of a property redevelopment would call for a minimum lot area of 37,350 SF (based on 83 proposed units). The total lot size of this particular property is 30,018 SF, so the density requirement would appear to fall short. However, this is not a principal residential use but rather a principal commercial use, and there are no density requirements for the secondary residential component. **No density limit.**
- 4) **Parking:** On-site parking would not be required for the commercial component of the project, as it is not a requirement in the C-3 District. The College Hill Neighborhood Overlay District (29-160 (g) (2)) states that on-site parking is not required for secondary residential uses that are located on upper floors of a principal permitted commercial use. The parking section of the zoning ordinance (29-177 (a) (2)) also exempts on-site parking for upper floor/accessory residential uses, where the 1<sup>st</sup> floor is commercial. Even though parking is not required, the developer has proposed a total of 65 on-site parking spaces located within and beneath the building and 29 off-site parking spaces in a surface lot at 1015 and 1021 W. 22<sup>nd</sup> Street, for a total of 94 spaces. The site plan for the newly proposed off-site parking lot is shown below.



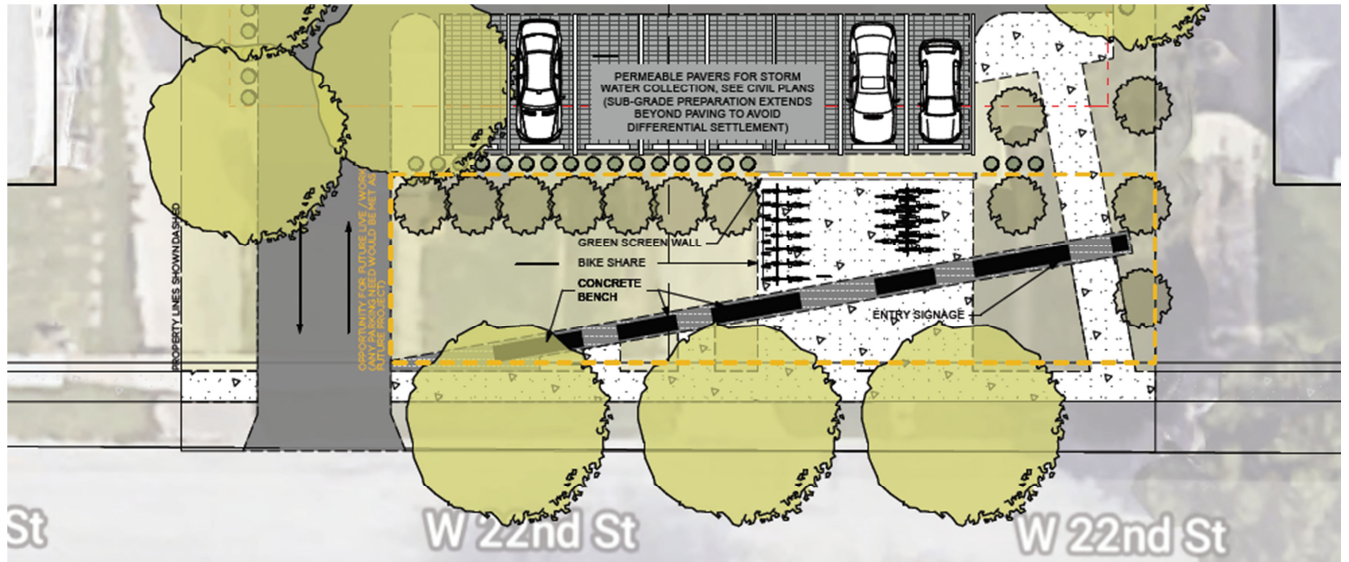
With this additional surface lot, parking is proposed at ratio that exceeds 1 space per dwelling unit and will provide one parking space for approximately 78% of the bedrooms in the building. **Parking is not required for this use within the C-3 District, but the developer is providing 94 parking spaces that will be reserved for the use of the residents.** In addition, bicycle parking and bike share opportunities will be provided to promote alternative modes of transportation. Parking lot design and setback standards are met. **It should be noted that the applicant has submitted the application for site plan review that includes both the property where the proposed mixed-use building is located as well as this off-site accessory parking area. While parking is not required for this project, if this site plan is approved by the Planning and Zoning Commission and City Council, it must be adhered to unless the owner or future owner requests a different site plan for review. Any future alternative plan for the site would have to follow the City ordinance requirements in effect at the time of application.**

- 5) **Open Green Space:** The C-3 District does not have any open green space area requirements. However, the provided site plan does show some open space along the west and north property line, where grass and landscape plantings will be provided. More



## Item 6.A.

significantly, the newly proposed surface parking lot at 1015 and 1021 W. 22<sup>nd</sup> Street will be set back from the street approximately 25 feet. This buffer area will be landscaped with trees and shrubs and a planted screenwall to soften the view of the parking area from the public sidewalk. In addition, this small greenspace will include low concrete bench seating and a plaza space dedicated to bicycle parking for public use and docking station for bike share bicycles. The applicant describes the proposed bike share program in the submittal documents. While surface parking lots are required to be screened with landscaping, the additional setback area will provide a pocket of usable greenspace within the College Hill Commercial District for both residents and visitors. This open space amenity is illustrated below.



- 6) Landscaping: The College Hill Neighborhood Overlay District does require landscaping along the periphery of the parking area. The landscaping plan submitted with the site plan indicates that street trees and parking lot screening will be provided in front of the mixed use building on both College Street and 22<sup>nd</sup> Street and along the side lot line to screen the open parking area at the northwest corner of the site. A landscaping plan for the off-site parking lot was also submitted and satisfies the street tree and parking area screening requirements in the code. **Landscaping requirement is met.**
- 7) Building Design: The College Hill Neighborhood Overlay District states that the architectural character, materials, and textures of all buildings shall be compatible with those primary design elements on structures located on adjoining properties and also in consideration of said design elements commonly utilized on other nearby properties on the same block or within the immediate neighborhood. Comparable scale and character in relation to adjoining properties and other nearby properties in the immediate neighborhood shall be maintained by reviewing several design elements. These are noted below with a review on how each element is addressed.

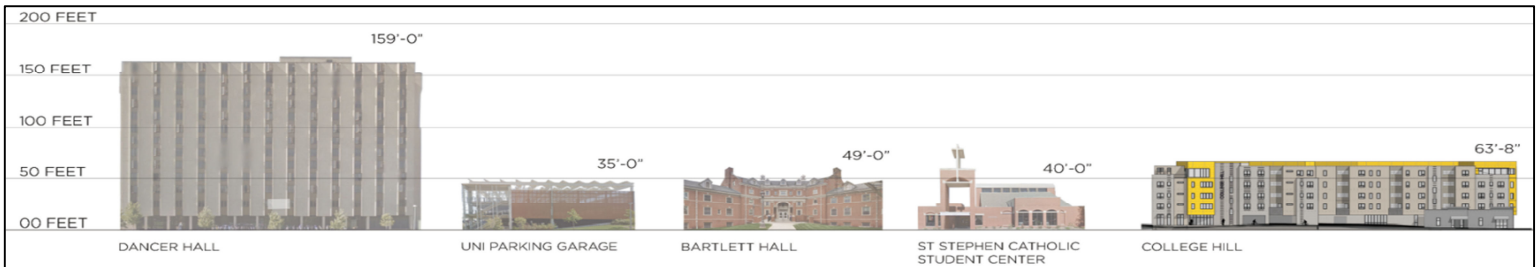
### *Maintaining Similar Roof Pitch:*

Flat roofs are used in this area. The proposed building also uses a flat roof.

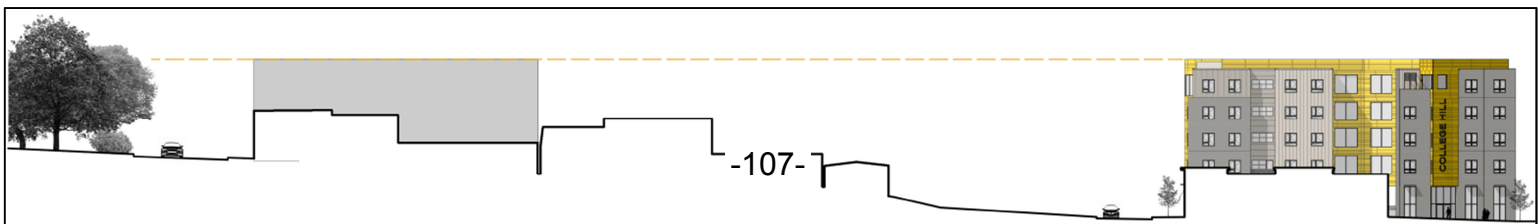
*Maintaining Similar Building Height, Building Scale and Building Proportion:*

Most of the buildings in this immediate area are either one-story or two-story in height. The proposed building will be 5 stories in height. The property is zoned C-3 Commercial District, which has a building height limitation of 165 feet or three times the width of the road that the building faces. In this case College Street is 40 feet in width, meaning that the maximum building height allowed would be 120 feet (40 feet x 3). As this structure would be 63 feet 8 inches in height, it would meet the height requirement of the Zoning Ordinance. This property is also located within the College Hill Neighborhood Overlay Zoning District. This overlay district does not have a specific height limitation for buildings, but it does call for reviewing the scale of a proposed building in relation to adjoining properties and other nearby properties within the immediate neighborhood.

The applicant has provided a diagram which shows several other buildings within a 2-3 block area, which are taller than the proposed building (see attached diagram for building locations). In the diagram, it shows the proposed building with a height of approximately 64 feet. Other buildings in the area and their heights include the St. Stephen Catholic Student Center on W 23<sup>rd</sup> Street at 40 feet in height, Bartlett Hall on the UNI campus on W 23<sup>rd</sup> Street at 49 feet in height, the UNI parking garage on W 23<sup>rd</sup> Street at 35 feet in height, and Dancer Hall on Campus Street on the UNI campus at 159 feet in height. Also, the applicant has provided a side elevation diagram which shows the street section of buildings located on College Street and their height comparison to the proposed building. Based on the diagrams presented below, staff feels that the building scale and height will not be out of character for the area, as there are other structures within the neighborhood that are comparable in scale and height to the proposed building.



Building Height Comparisons



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## Use of Materials Comparable and Similar to Other Buildings on Nearby Properties in the Immediate Neighborhood:

Most of the buildings in this immediate neighborhood are constructed with brick masonry. A nearby property, Street Section along College Street, which is located to the south of this property, is constructed mainly with limestone tiles.

The proposed building will have a more modern look, as it will be constructed with a mix of metal paneling, sandblasted concrete, brick and perforated metal screens. Each of the four sides of the building will have a slightly different design in relation to the amount and type of materials used. Please see the table below which breaks down the use of materials by building side.

Side of Building	Brick	Metal Paneling	Concrete	Openings
North	50.2%	35.9%	0%	13.9%
South (W 22 <sup>nd</sup> St)	36.7%	27.5%	18.3%	17.5%
East (College St)	54.5%	23.9%	0%	21.6%
West	31.5%	54.6%	0%	13.9%



East (College Street) Elevation



South (W 22<sup>nd</sup> Street) Elevation

In addition to the design of the building, the overlay district looks at building scale, in that the maximum width of the front façade shall not be wider than 40 feet. If a building were to have a larger width than 40 feet, the façade of the building must be broken into modules that give the appearance of smaller, individual buildings.

Each individual module should adhere to the following guidelines, in order to give the appearance of separate, individual buildings:

1. Each module shall be no greater than 40 feet and no less than 10 feet in width.
2. Each module should have a corresponding change in roof line for the purpose of architectural identity.

3. Each module should be distinguished from the adjacent module by at least one of the following means:
  - a. Variation in material colors, types and textures
  - b. Variation in the building and/or parapet height
  - c. Variation in the architectural details such as decorative banding, reveals, stones or tile accent
  - d. Variation in window pattern
  - e. Variation in the use of balconies and recesses

The L-shaped building has approximately 50 feet of frontage along College Street and 130 feet of frontage along 22<sup>nd</sup> Street, with a portion of the recessed long side of the building partially visible behind the surface parking lot associated with the commercial building located at the corner of College and 22<sup>nd</sup>, which is not a part of this project. The building façade is articulated and modulated with projecting bays with corresponding changes to the building materials, window pattern, and colors that help break up the horizontal mass of the building. On the vertical plane, the roofline varies in parapet height in a manner that corresponds to the modulation of the façade. **Building material, articulation and modulation standards are met.**

- 8) Trash Dumpster Site: The site plan shows a dumpster enclosure contained within the parking area at the entrance along W 22<sup>nd</sup> Street. New details have been submitted which shows two trash dumpsters completely located within the building, just before entering through the overhead door to get into the parking area. **Trash enclosure is acceptable.**
- 9) Lighting: The C-3 District and College Hill Neighborhood Overlay District regulations do not have specific lighting design guidelines. A lighting plan has been submitted, which details the exterior lighting to be placed along the faces of the building along W 22<sup>nd</sup> Street and College Street. This lighting will light up the faces of the building, highlighting the masonry materials without producing light spill onto other properties. The lighting in the parking areas will be oriented behind beams and soffits so that the light source is concealed while still providing adequate lighting. This will also help to stop any light spill onto adjacent properties. **Lighting plan is acceptable.**
- 10) Signage: Wall signs are illustrated on the building renderings along the south side and east side of the building (facing College Street and W 22<sup>nd</sup> Street). These signs will indicate the name of the development. The proposed wall signs appear to be well within the District limitations of no larger than 1/3<sup>rd</sup> of the surface area of the single wall area to which the wall sign is attached, however this will be reviewed in detail at the time a sign permit is requested. **Signage is acceptable, subject to detailed review with a sign permit.**
- 11) Sidewalks: A minimum 5 foot paved sidewalk exists in front of the property along both College Street and W 22<sup>nd</sup> Street. The site plan shows additional decorative paving located near the entrance along W 22<sup>nd</sup> Street. Sidewalk and additional streetscape amenities are proposed in front of the off-site surface parking lot on 22<sup>nd</sup> Street as described above. **Sidewalk requirements are met.**
- 12) Storm Water Management: Storm water will be collected on site via an underground detention area underneath the parking lot and piped to the storm sewer along College



## Item 6.A.

Street. The newly proposed off-site parking lot will also have pervious pavers and an underground catchment basin that will release into the storm sewer along 22<sup>nd</sup> Street. City Engineering Staff has reviewed initial designs and stormwater calculations and have indicated that final review will be completed prior to the meeting on July 11. **The City Engineer has reviewed the submitted plans for stormwater management and has requested some revisions. The applicant has agreed to make these changes and it is anticipated that these changes will be submitted and approved prior to City Council consideration of the site plan.**

### TECHNICAL COMMENTS

City technical staff, including Cedar Falls Utilities (CFU) personnel, note that the developer will be responsible to extend all utilities to the site and abandon existing utilities and cap as necessary for the proposed off-site parking lot on 22<sup>nd</sup> Street.

### STAFF RECOMMENDATION

The Community Development Department recommends approval of a College Hill Overlay District Site Plan for a new mixed-use building at 2119 College Street and the associated off-site parking area located at 1015 and 1021 W. 22<sup>nd</sup> Street, provided the proposed change to the Future Land Use Map and rezoning of the latter properties to C-3 is approved.

### PLANNING & ZONING COMMISSION

Introduction 6/27/2018 Chair Oberle introduced the item and Ms. Howard presented the staff report and review of the site plan requirements for the proposed 5-story mixed-use building to be located at 2119 College Street and associated off-site parking area located at 1015 and 1021 W. 22<sup>nd</sup> Street. Howard explained that the project is similar to a project proposed earlier this year, except that an additional off-site parking area is proposed to serve the parking needs of the future residents of the building. Howard explained each of the site plan review approval criteria and how the site plan meets those standards.

Mr. Wingert recused himself from the discussion and will abstain from voting on this matter.

Oberle opened the public hearing and invited the applicant's representative to speak first. Dan Drendel, architect for the project, described in some detail the proposed building and the newly proposed off-site parking area.

Sam Kessle, landscape architect for the project spoke about the proposed landscaping and site design proposed for the accessory parking area and how it would enhance the streetscape along 22<sup>nd</sup> Street and provide public greenspace.

Eashann Vajpeyi, 3831 Convair Lane, attorney for Brian Sires, stated his opinion that the building does not meet the code and therefore is not in support of the project. He presented illustrations to support his testimony.

Mr. Drendel addressed issues raised by Mr. Vajpeyi and confirmed that the project meets the code requirements.

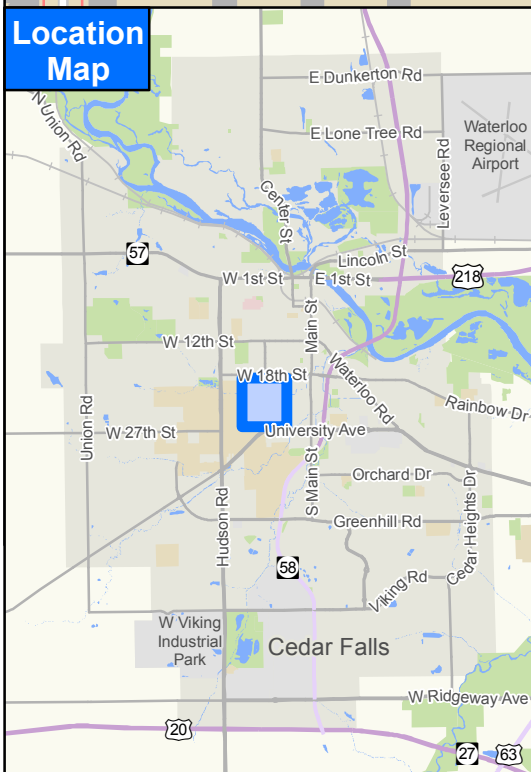
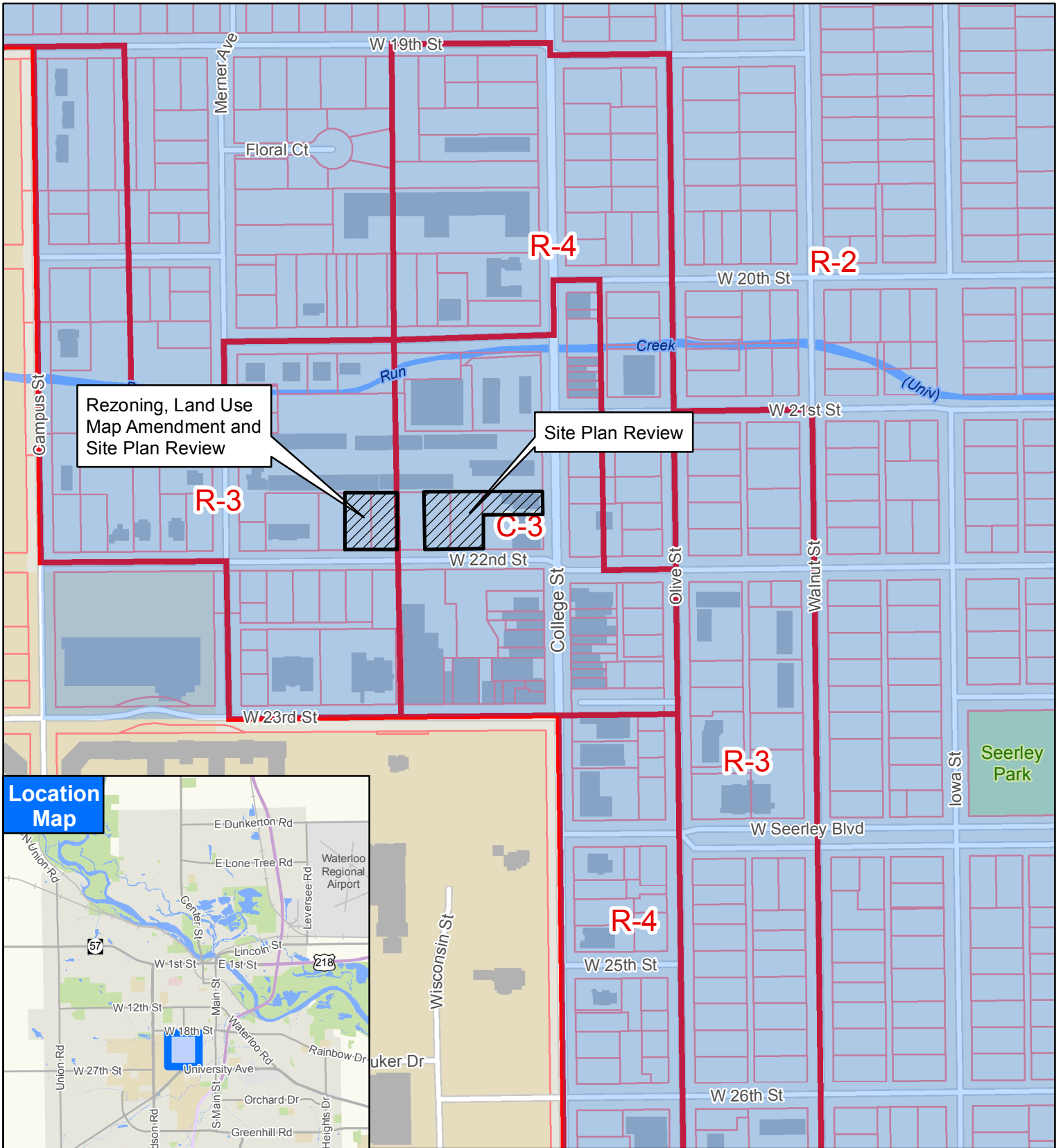
Several Commission members requested additional clarification from staff regarding the determination by staff that the project does not require parking for the upper floor residential use and is allowed by code. Howard agreed to provide additional clarification and analysis at the July 11 meeting.

The discussion was continued to the July 11 P&Z meeting.

Vote  
7/11/2018

Attachments: Location map  
Site Plan  
Supporting documents, including plan view and perspective drawings and narrative description of the project.





- Rezoning from R-3 to C-3
- Land Use Map Amendment
- College Hill Overlay Site Plan Review





# COLLEGE HILL

## FLOOR PLATES & MASSING

APARTMENT RENTABLE SQUARE FOOTAGE			
UNIT TYPE	QTY.	UNIT SQ FT.	TOTAL SQ. FT.
2 BEDS	16	802	13,165
4 BEDS	7	1370	9,590
STUDIO 01	20	433	8,860
STUDIO 02	3	450	1,350
STUDIO 03	4	446	1,784
STUDIO 04	3	470	1,410
STUDIO 05	12	500	6,000
STUDIO 06	8	502	4,021
STUDIO 07	4	499	1,996
STUDIO 08	4	451	1,804
STUDIO 09	1	430	430
STUDIO 10	1	487	487
<b>TOTAL</b>	<b>83</b>		<b>50,897 sq. ft</b>
<b>TOTAL BEDS</b>	<b>120</b>		
<b>ON-SITE PARKING</b>	<b>65 (3 ACCESSIBLE STALLS)</b>		
<b>OFF-SITE PARKING</b>	<b>29</b>		
<b>TOTAL PARKING PROVIDED</b>	<b>94 ( 1 SPACE PER 78% OF BEDS)</b>		

BUILDING GROSS AREA		
BASEMENT	UNDERGROUND PARKING	24,350 sq ft
LEVEL 1	COVERED PARKING	5,994 sq ft
LEVEL 1	RETAIL	11,603 sq ft
LEVEL 1	LOBBY	735 sq ft
LEVEL 2-5	RESIDENTIAL	66,752 sq ft
<b>TOTAL</b>		<b>109,434 sq ft</b>
<b>ADDITIONAL SURFACE PARKING</b>		<b>7,131 sq ft</b>

-115-



RESIDENTIAL FLOOR PLANS 2-4  
SCALE 1/32" = 1'-0"



TOP FLOOR PLAN  
SCALE 1/32" = 1'-0"

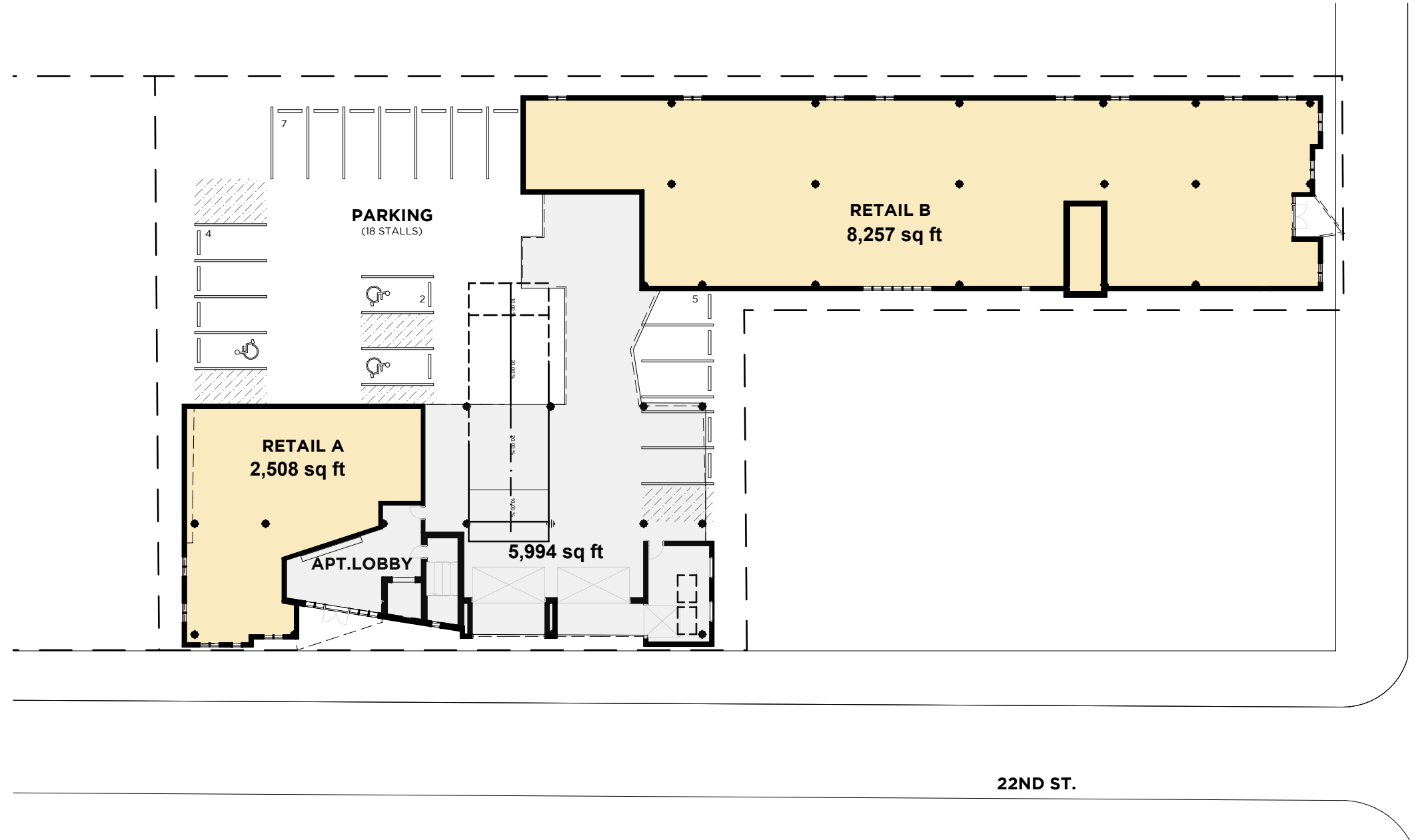
**ZONE LEGEND**

- RESIDENTIAL UNITS
- CIRCULATION
- RETAIL/AMENITY

# COLLEGE HILL

GROUND FLOOR

Item 6.A.



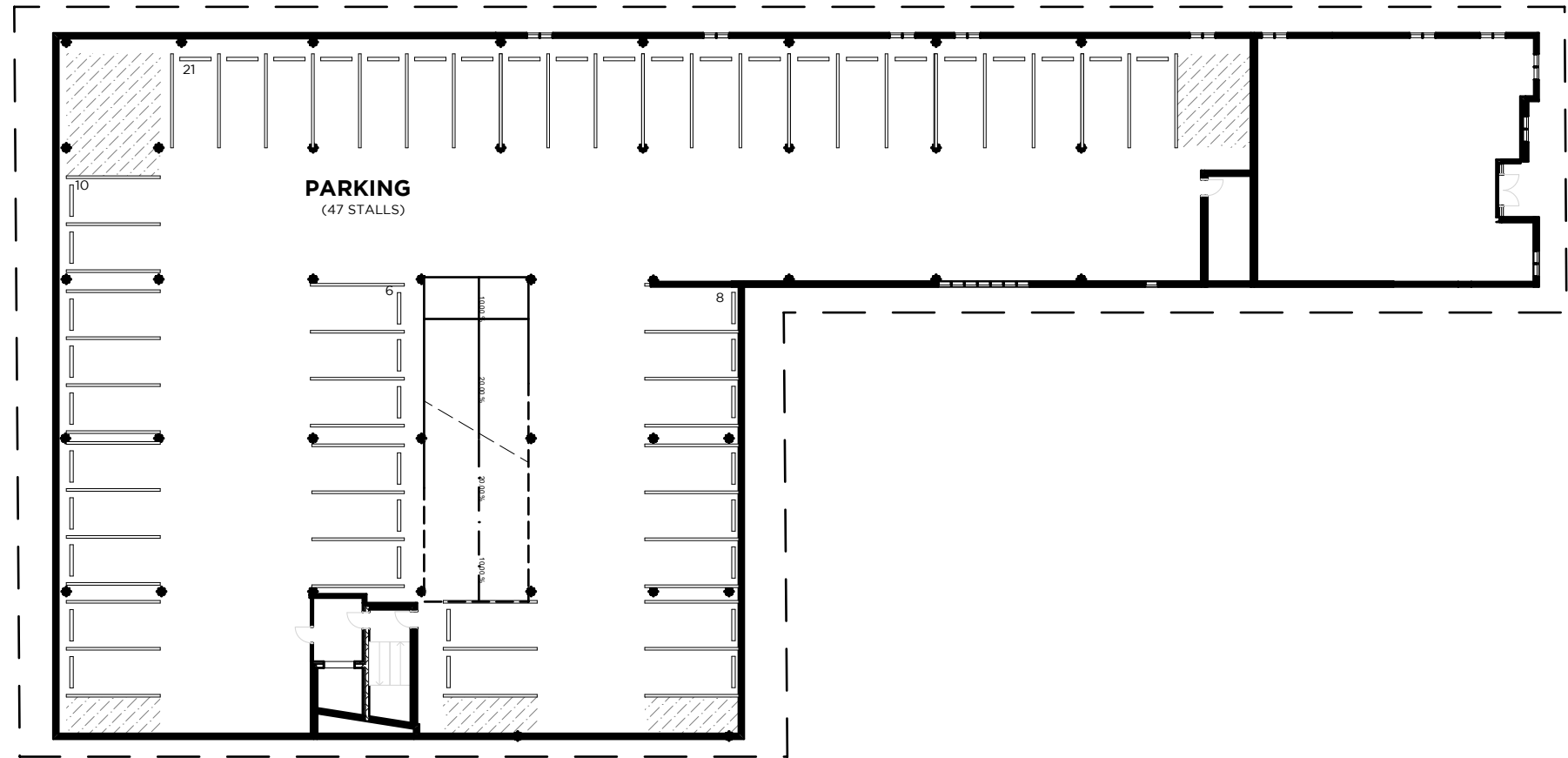
TOTAL RENTABLE RETAIL = 10,765 sq ft (64%)

LEVEL 1 - RETAIL + PARKING  
SCALE 1/32" = 1'-0"

# COLLEGE HILL

## BASEMENT

-117-



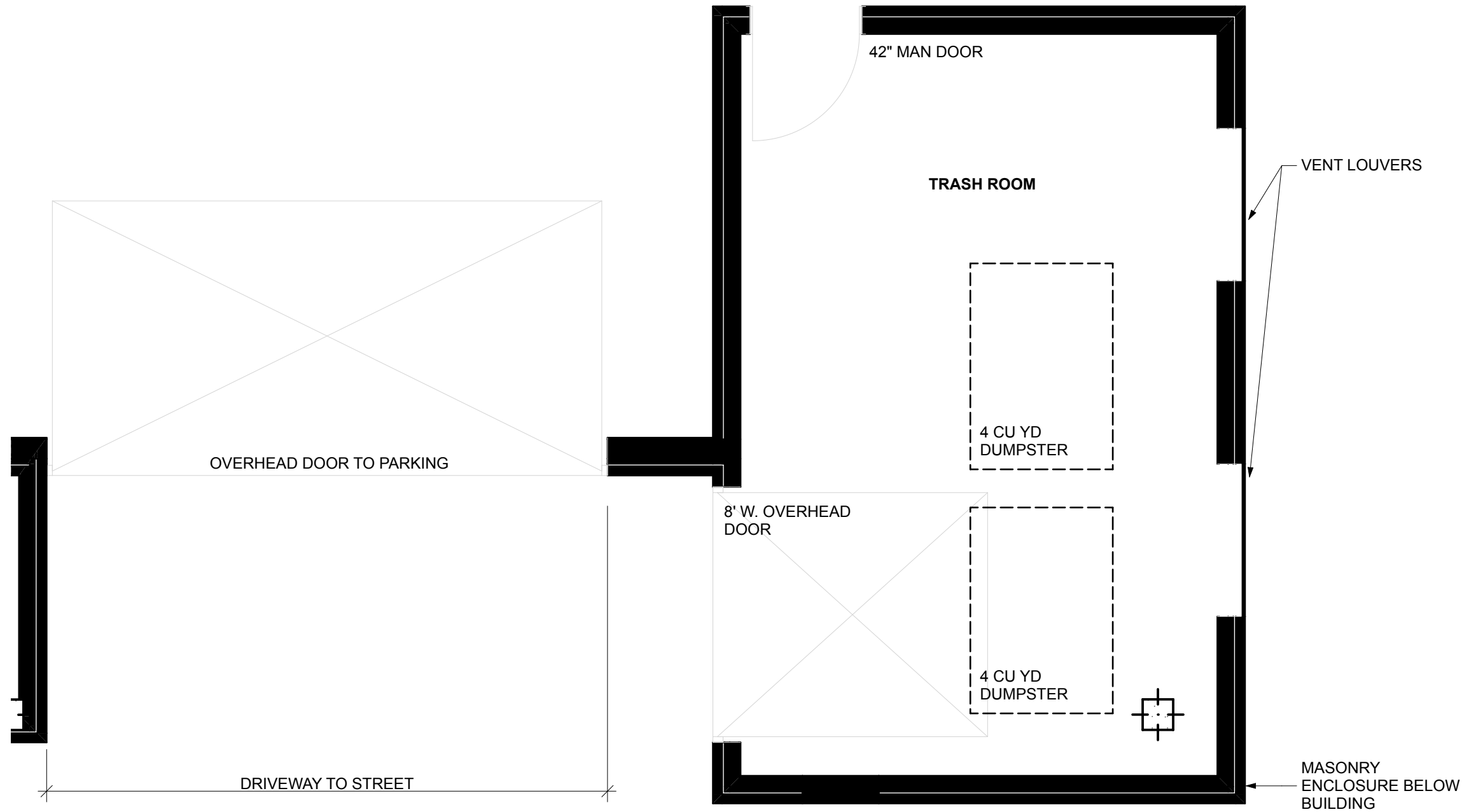
**UNDERGROUND PARKING**  
SCALE 1/32" = 1'-0"



# COLLEGE HILL

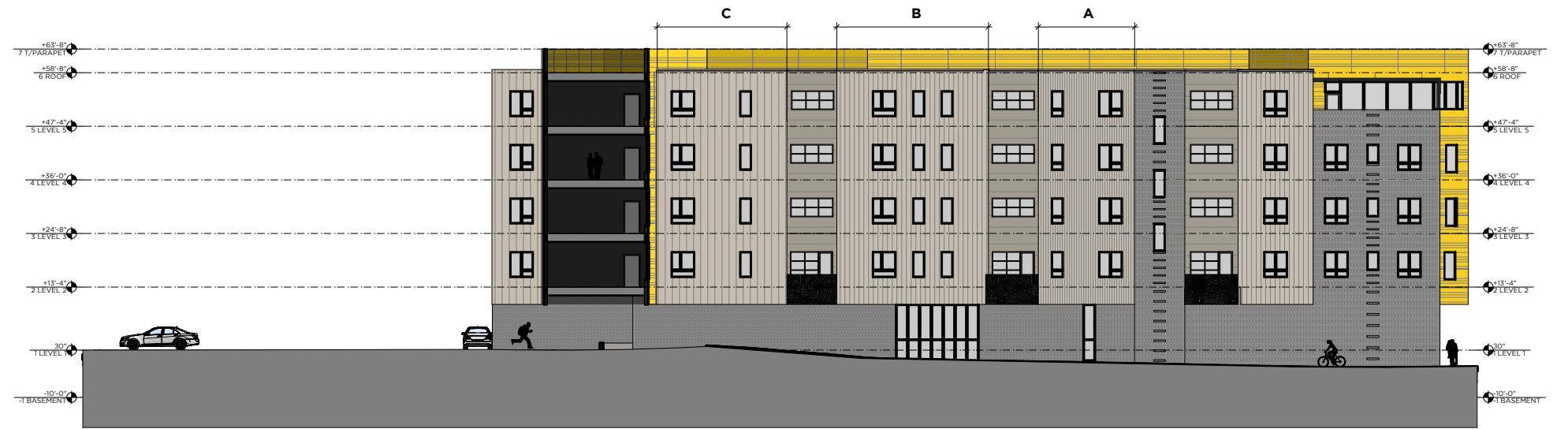
ENLARGED PLAN

-118-



# COLLEGE HILL

## ELEVATIONS

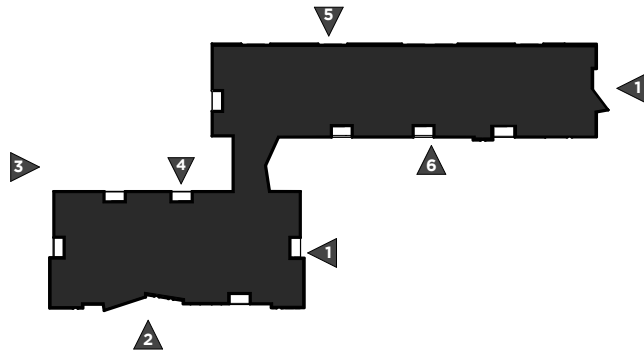


(6) SOUTH ELEVATION

METAL PANEL @ FRONT FACE = 48.3%  
 BRICK @ FRONT FACE = 38.1%  
 OPENINGS @ FRONT FACE = 13.6%

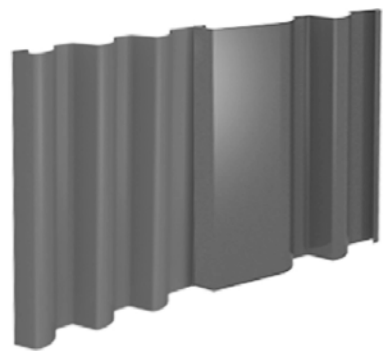
-119-

### KEY PLAN



(5) NORTH ELEVATION

METAL PANEL @ FRONT FACE = 35.9%  
 BRICK @ FRONT FACE = 50.2%  
 OPENINGS @ FRONT FACE = 13.9%



(A) METAL PANEL



(B) METAL PANEL



(C) METAL PANEL



METAL PANEL



BRICK



PERFORATED METAL SCREEN

Item 6-A.

# COLLEGE HILL

## ELEVATIONS



### (4) NORTH ELEVATION - SOUTH BAR

METAL PANEL @ FRONT FACE = 75.3%  
 BRICK @ FRONT FACE = 13.6%  
 OPENINGS @ FRONT FACE = 11.1%



### (3) WEST ELEVATION

METAL PANEL @ FRONT FACE = 54.6%  
 BRICK @ FRONT FACE = 31.5%  
 OPENINGS @ FRONT FACE = 13.9%



### (2) SOUTH ELEVATION - SOUTH BAR

METAL PANEL @ FRONT FACE = 27.5%  
 BRICK @ FRONT FACE = 36.7%  
 OPENINGS @ FRONT FACE = 17.5%  
 CONCRETE @ FRONT FACE = 18.3%

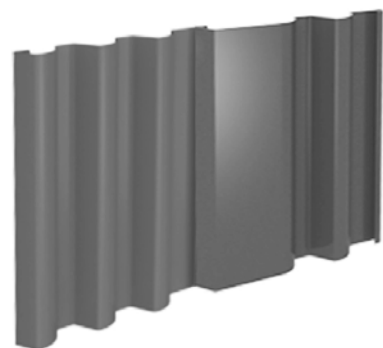
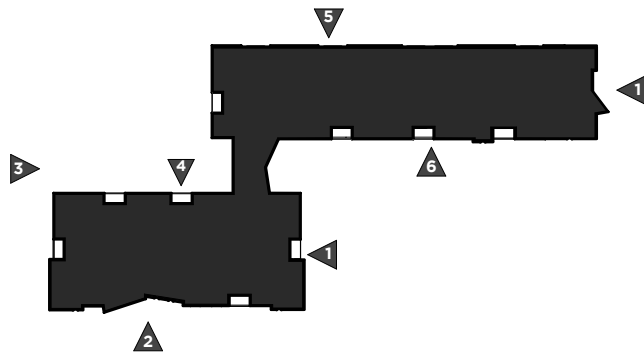


### (1) EAST ELEVATION

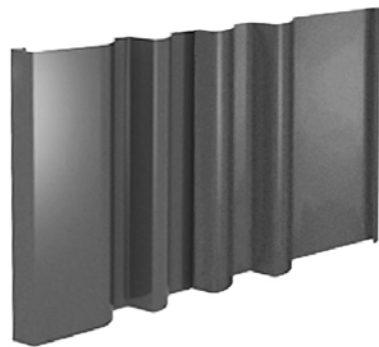
METAL PANEL @ FRONT FACE = 23.9%  
 BRICK @ FRONT FACE = 54.5%  
 OPENINGS @ FRONT FACE = 21.6%

-120-

### KEY PLAN



(A) METAL PANEL



(B) METAL PANEL



(C) METAL PANEL



METAL PANEL



**BRICK**  
 COLLEGE BRICK: 71%  
 22ND STREET BRICK: 43%



**PERFORATED METAL SCREEN**



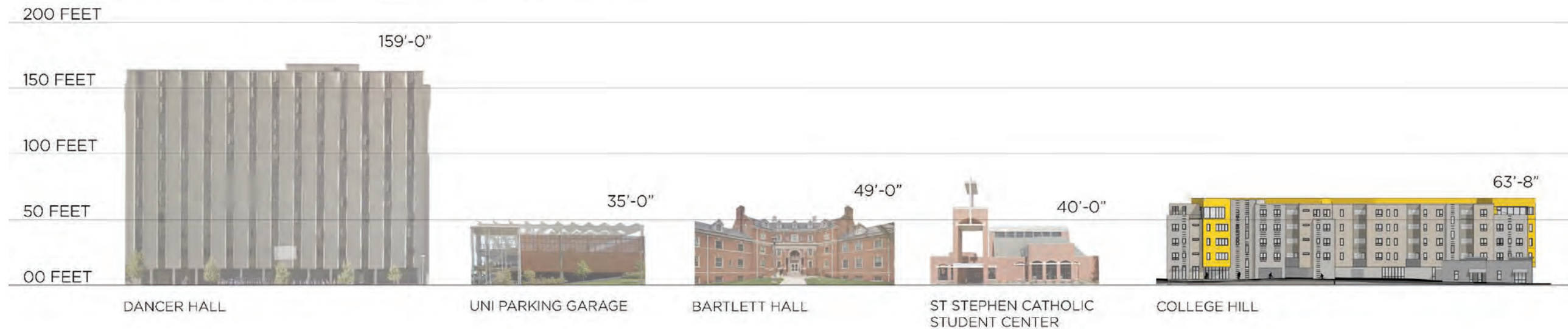
# COLLEGE HILL

## ELEVATION STUDY

-121-



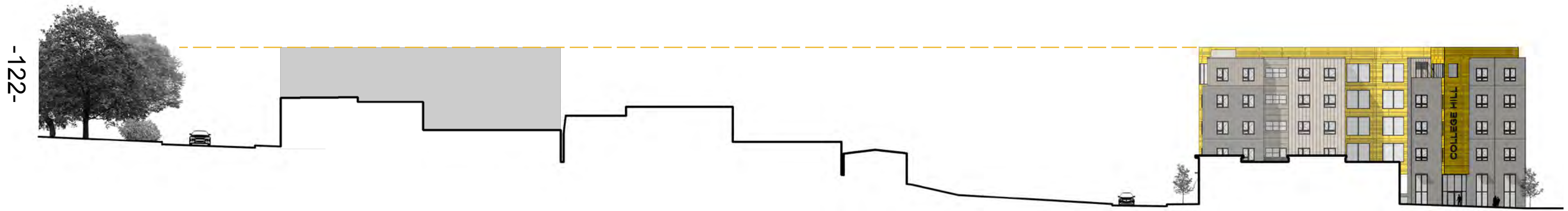
### CEDAR FALLS BUILDING HEIGHTS





# COLLEGE HILL

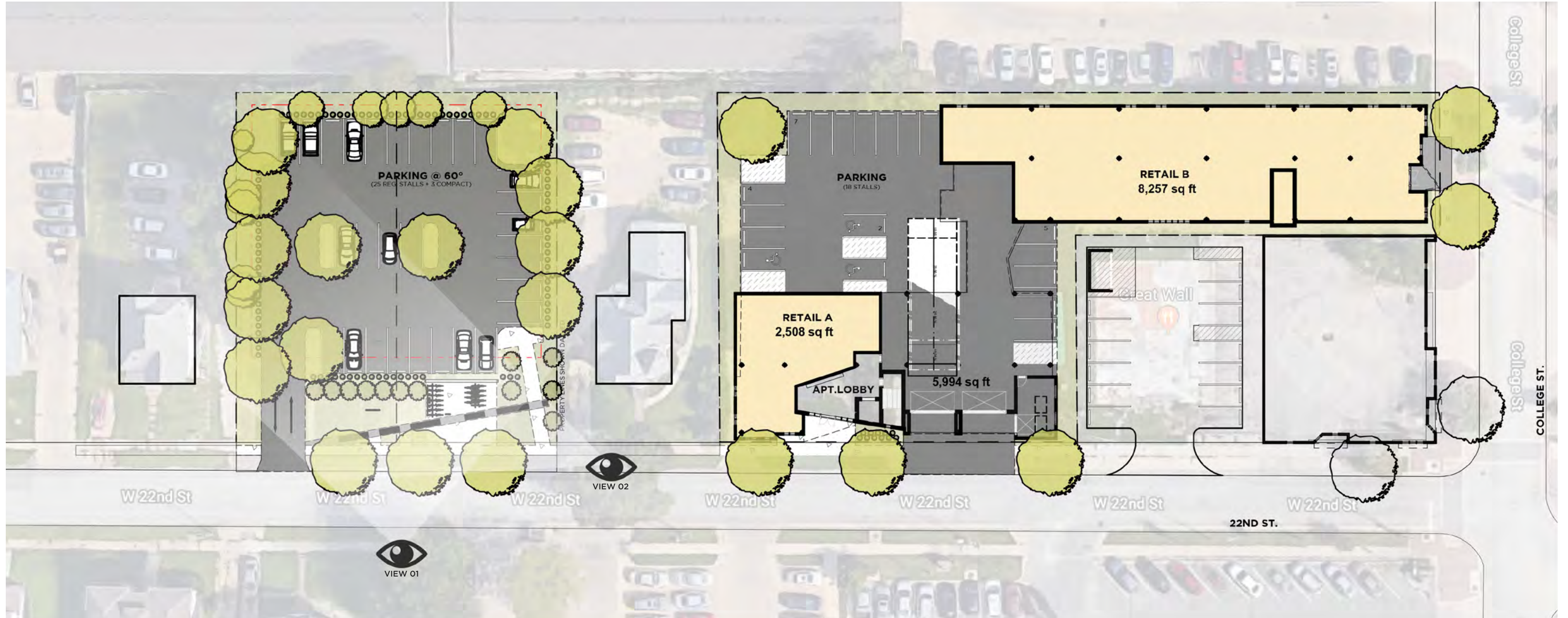
## STREET SECTION



# COLLEGE HILL

## SITE PARKING

-123-



GROUND LEVEL PARKING PLAN

SCALE 1" = 40'



# COLLEGE HILL

## BIKE: PARK

This new mixed-use development at 2119 College Street in the Cedar Hill neighborhood will add vibrancy through pedestrian activity to the streetscape. The concept aligns with the comprehensive plan goal to extend pedestrian activity to the west on 22nd Street.

To address concerns raised about the amount of available parking for future residents of the project, a new plan, **The Bike: Park**, is proposed to convert two nearby properties to a parking area for both cars and bicycles.

Goals for the project are to provide parking onsite for residents that utilize daily parking to get to work or daily activities. The remainder of the parking need is provided through currently available and easily connected nearby parking for students at this location.

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VIEW 02

PERSPECTIVE VIEWS



VIEW 01



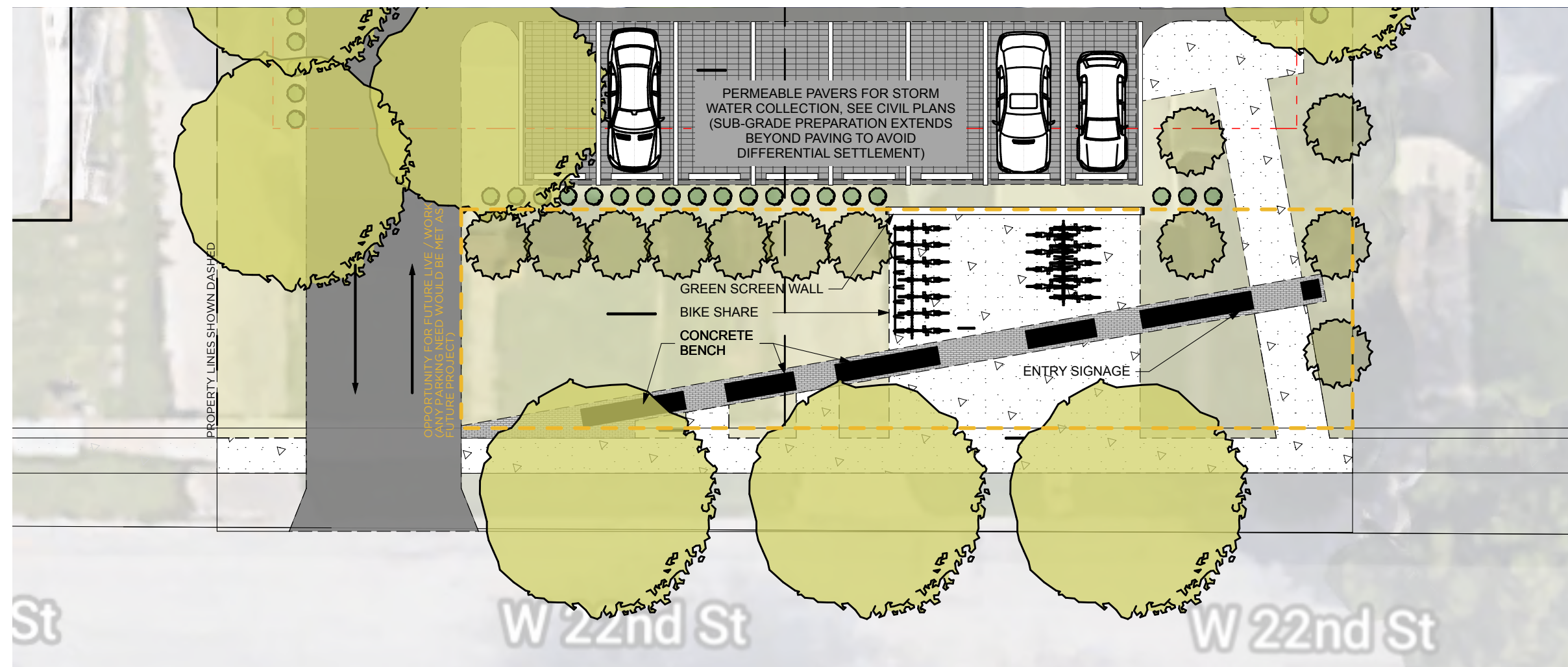
# COLLEGE HILL

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-125-

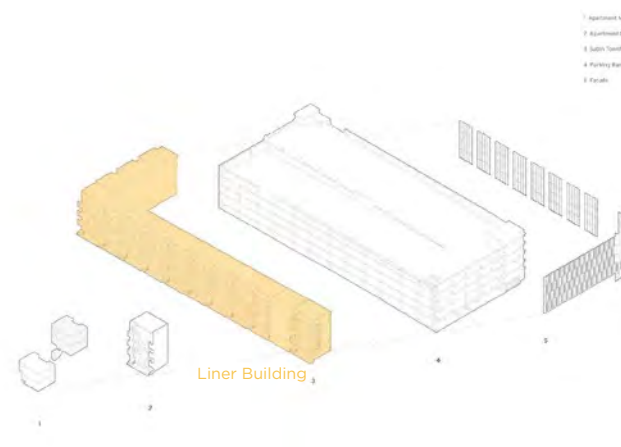
### SETBACK STUDY

#### Precedent Study of Potential Future Liner Infill Buildings

Iowa City Parking Garage  
Neumann Monson Architects

Liner building units maintain frontage to urban residential street utilizing minimal depth on the site.

- 5' setback with 25' x 25' unit setback
- Stacked two story units with walk up entry



Item 6.A.

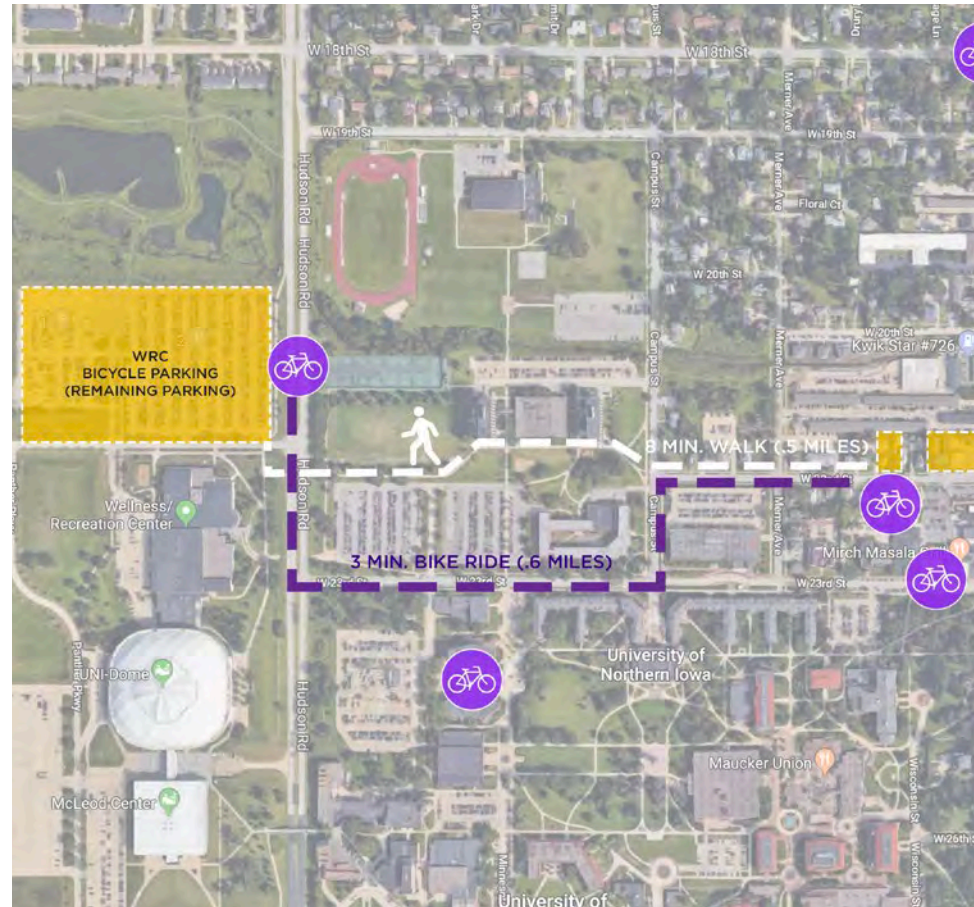


# COLLEGE HILL

## PARKING CONNECTIVITY

Echo Development Group has plans to increase connectivity through a bike share program. Stations will be placed throughout Cedar Falls, and through approval of the UNI student government, locations will be on the UNI campus.

The program will be put into place on or before building occupancy.



22nd Street Vehicle & Bike Parking Diagrams

### Bike Share Examples





# COLLEGE HILL

22ND STREET

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Item 6.A.



# COLLEGE HILL

COLLEGE STREET

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# COLLEGE HILL

CORNER VIEW



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Item 6.A.



# COLLEGE HILL

VIEW THROUGH  
PARKING LOT

-130-





# COLLEGE HILL

VIEW AT NORTH SIDE



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Item 6.A.

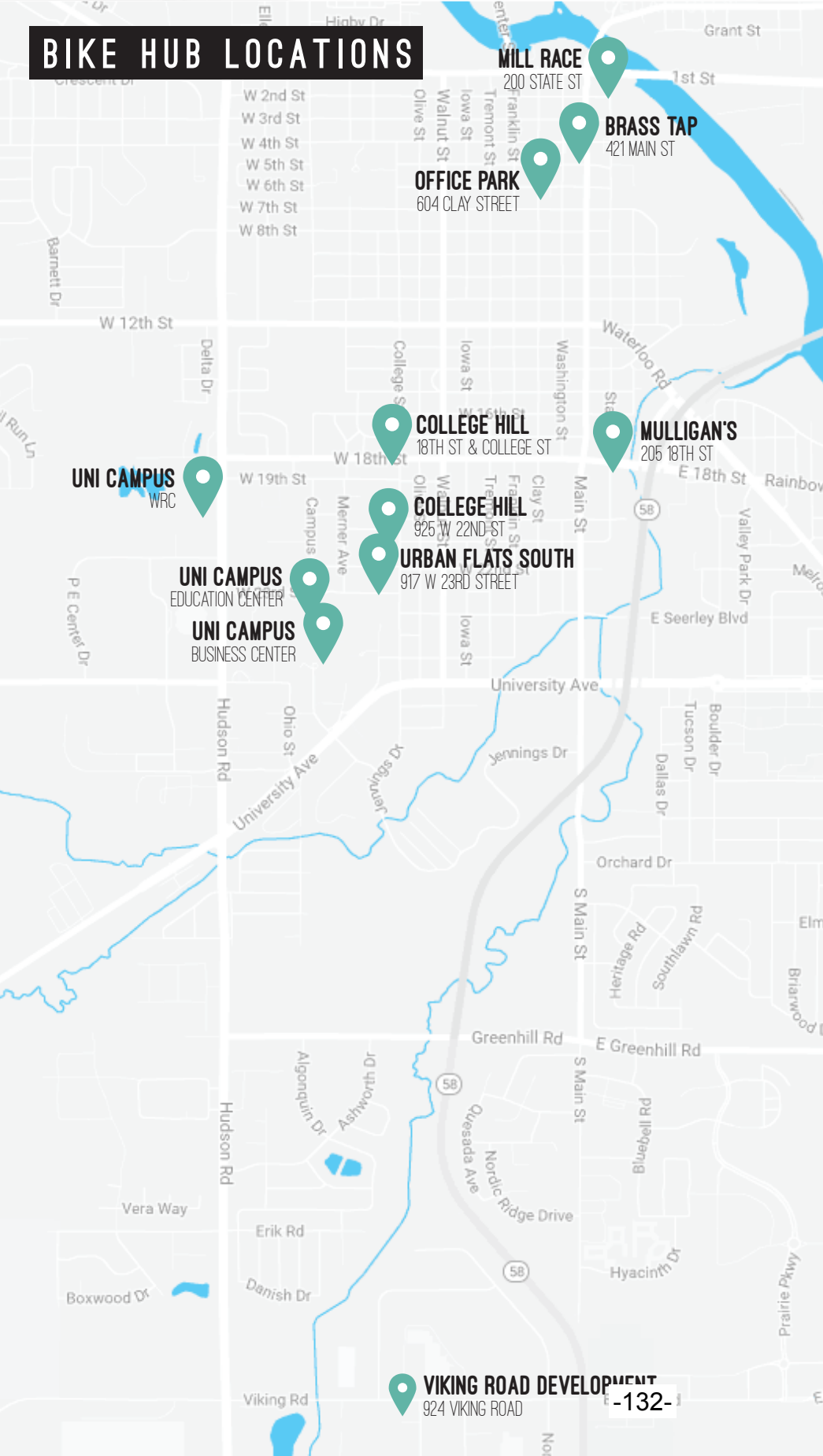
# Item 6.A.

# CEDAR FALLS SHARED BIKE SYSTEM

BY



## BIKE HUB LOCATIONS



## SHARED BIKE SYSTEM

Through a shared bike system we can easily create a public transportation system that is easily accessible and inexpensive.

With hubs placed throughout campus, downtown, and around Cedar Falls, a loop is created that puts you within minutes of any hub location.

Using a mobile app, students, tenants, and citizens alike can all gain access to this simple mode of public transportation.

## HOW IT WORKS



GPS Tracking



Geofenced Hubs



Bluetooth Lock

The keyless lock is attached to the front of the bike and automatically unlocks from the Koloni app. By pressing the lock, you can secure it around one of the hubs or simply just around the tire.

The Koloni geofenced hubs allows for organization and simplicity. We can customize each geofenced hub location, allowing for the most optimal bike placement, which is the key to success of a bike share program. The hybrid, geofenced model will make sure bikes are rebalanced, easily located and don't end up in suboptimal places.

## KOLONI BIKES

The basket in the rear creates better handling for the rider, the step-thru frame makes it able to fit riders of all sizes and the belt drive makes this bike last along time.





# CEDAR FALLS SHARED BIKE SYSTEM

BY

# koloni

## 5 BENEFITS OF A SMALL TOWN BIKE SHARE

### FROM THE KOLONI BLOG

Small town USA is now seeing the multiple benefits of a bike share in their community. In most cases these communities don't have a congestion problem downtown, their public transportation systems are simple or even nonexistent. They aren't looking to solve the first and last mile complex. So what exactly are the benefits of adding a bike share to your small town?

- 1) Health Initiative** - Communities across the US are always looking for new and creative initiatives to install in their community and yours is no different! While the concept of bike sharing might not be "new", the technology which has been developed and added to bikes can definitely make it creative and fun. The new technology can be used for new creative programs like a Calories Burned Competition or 25 weekly miles challenge. It is also a way to show investment in your community member's health.
- 2) Trail Projects** - Chances are your community has developed a trail system or is in the process of a trails project. Every community would like their trail system to be very popular and highly used. One way to ensure more usage is by creating a bike share system at trailheads, which allows quick and simple access to bikes. Quick access at trailheads will have a positive correlation between biking and trail usage. The more barriers we minimize, the more usage of the trail.
- 3) Tourism** - No matter the size or popularity of the town, we have visitors and tourists. Many will be visiting friends or family and some may just be passing through on a cross-country journey. No matter the purpose of their visit, a bike is a great amenity for them in your community. It gives them the ability to stretch their legs and exercise a bit but also gives them a more intimate way to tour your town. Pedaling through the parks, business district and landmarks is the best way for them to really understand the culture of your town.
- 4) Social** - Quality of life infrastructure is a focus for most communities. Iowa sees every year how bicycling can bring people together. RAGBRAI in July brings thousands of people together to pedal across the state. Your small town bike share can be used in a similar fashion, but a much smaller scale of course. Creating "bike nights" or "bike & shop" events can help create something new and active within the community. Your community fleet can also be used for bicycle safety events or guided group city tours.
- 5) Millennials** - Your small community is not alone when it comes to losing out on the recruitment of millennials. We millennials are looking to reside in a place that has.... Well, the first 4 points in the read. We crave innovative, creativity, things to do and high quality of life. A bike share, no matter the size of the community, can be a great recruiting tool for young people. It shows your community is unique and interesting. A bike small town bike share program could be one of the missing pieces to help make your community cool and hip.

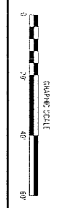
While many of the larger city bike share systems are only focused on the first and last mile of transportation, small community bike shares can be used for a variety of purposes. These small fleets can be a multipurpose investment that has an ROI unlike anything other in a community. I am not saying in this article that a bike share project is a "fix all". But if you want your community to be world class and competitive, you need a bike share program.











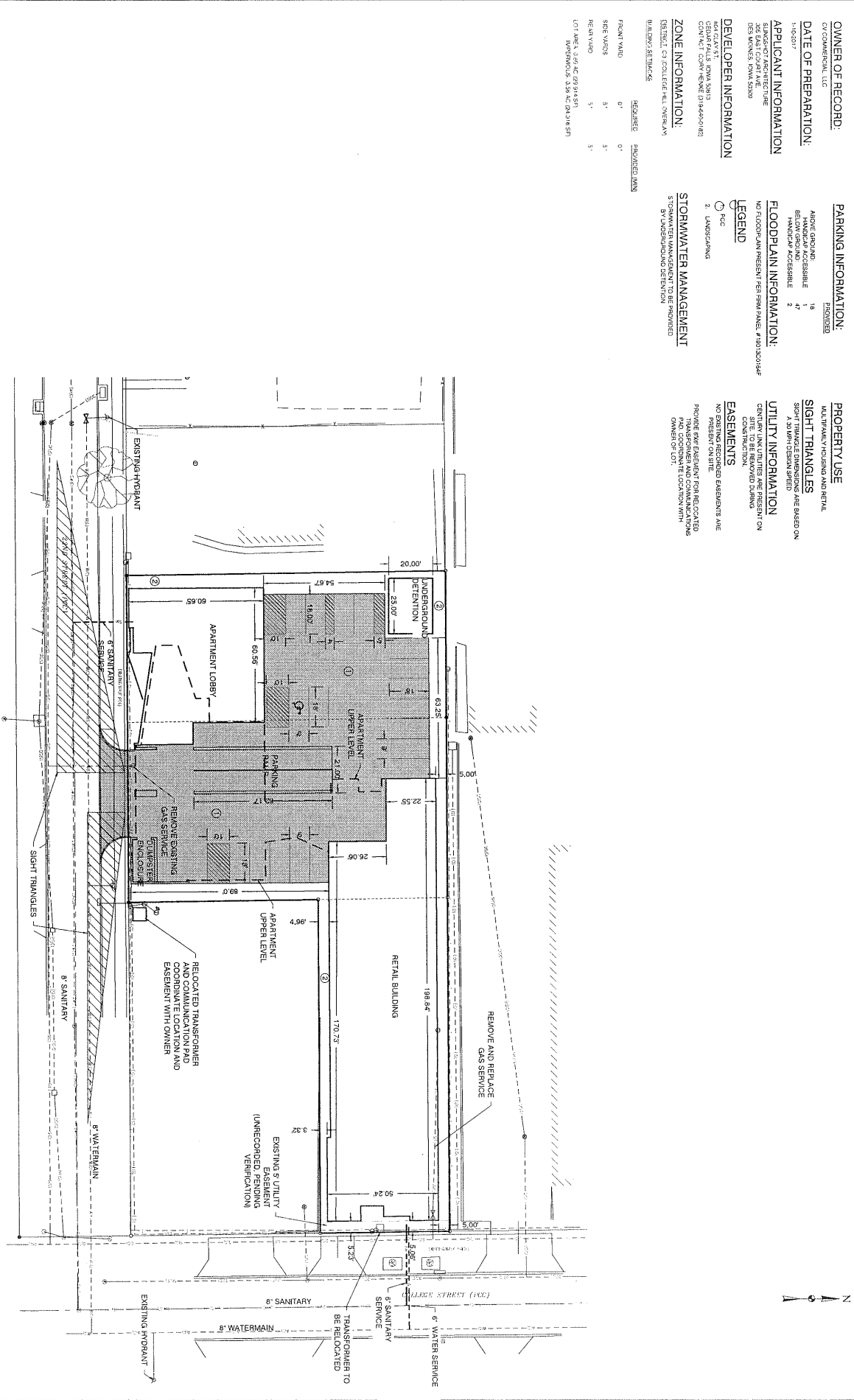
NO.	REVISION	DATE	BY	DATE

**CGA**  
 COMMERCIAL GENERAL ARCHITECTURE  
 1000 UNIVERSITY AVENUE, SUITE 100  
 CEDAR FALLS, IOWA 52601  
 PH: 319.265.1111 FAX: 319.265.1112  
 WWW.COMMERCIALGENERALARCHITECTURE.COM

**COLLEGE HILL**  
 CEDAR FALLS, IOWA

**LAYOUT PLAN**

PROJECT NO. 562734  
 SHEET 15  
 C-200



**OWNER OF RECORD:**  
 COLLEGE HILL, LLC

**DATE OF PREPARATION:**  
 11-10-17

**APPLICANT INFORMATION:**  
 STANISLOV ARCHITECTURE  
 206 EAST COLLEGE AVE  
 DES MOINES, IOWA 50319

**DEVELOPER INFORMATION:**  
 COLLEGE HILL, IOWA 52601  
 CONTACT: COLLEGE HILL, IOWA 52601  
 DISTRICT: COLLEGE HILL, IOWA 52601  
 BUILDING: STANISLOV ARCHITECTURE

**FRONT YARD:** 0' 0'  
**SIDE YARDS:** 5' 0'  
**REAR YARD:** 5' 0'  
 LOT AREA: 3,284.00 SQ. FT.  
 IMPROVEMENTS: 2,154.00 SQ. FT.

**REQUIREMENTS PROVIDED:**

**PARKING INFORMATION:**  
 ABOVE GROUND: 18  
 HANDICAP ACCESSIBLE: 1  
 BELOW GROUND: 2  
 HANDICAP ACCESSIBLE: 2

**FLOODPLAIN INFORMATION:**  
 NO FLOODPLAIN PRESENT PER PERM PANEL # 801300184F

**LEGEND:**  
 1. FLOODPLAIN  
 2. LANDSCAPING

**STORMWATER MANAGEMENT:**  
 STORMWATER MANAGEMENT TO BE PROVIDED BY UNDERGROUND DETENTION

**PROPERTY USE:**  
 MULTIFAMILY HOUSING AND RETAIL

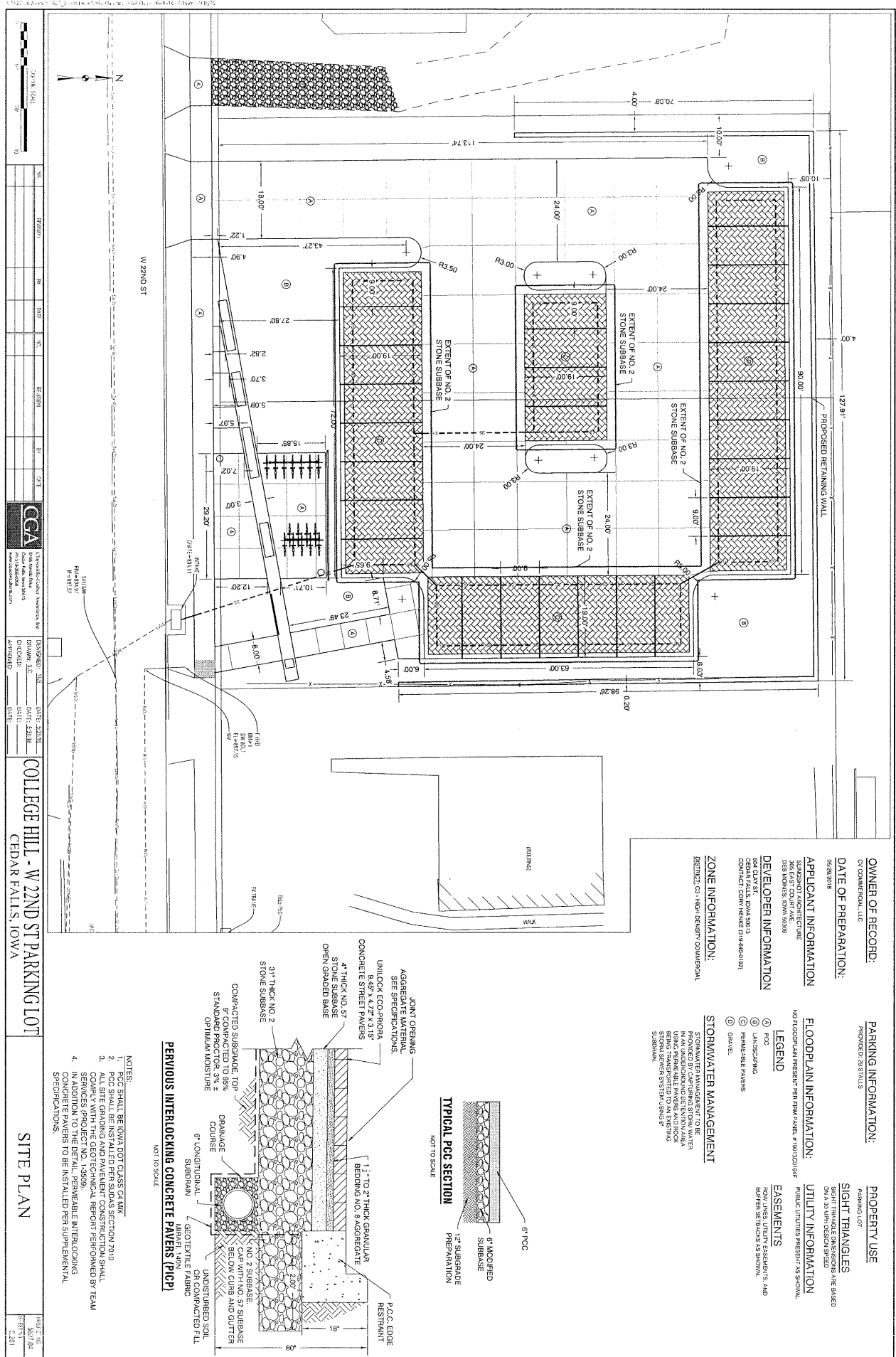
**SIGHT TRIANGLES:**  
 SIGHT TRIANGLES ARE BASED ON 35 MPH DESIGN SPEED.

**UTILITY INFORMATION:**  
 CERTAIN UTILITIES ARE PRESENT ON THIS LOT. SEE PERM PANEL FOR CONSTRUCTION.

**EASEMENTS:**  
 NO EXISTING RECORDED EASEMENTS ARE PRESENT ON SITE.  
 PROVIDE ONE EASEMENT FOR RELOCATED TRANSFORMER AND COMMUNICATIONS CABLES TO BE LOCATED WITHIN OWNER'S LOT.



# Item 6.A.



NO.	DESCRIPTION	BY	DATE
1	ISSUED FOR PERMITS	MM	08/20/18
2	ISSUED FOR PERMITS	MM	08/20/18
3	ISSUED FOR PERMITS	MM	08/20/18
4	ISSUED FOR PERMITS	MM	08/20/18
5	ISSUED FOR PERMITS	MM	08/20/18
6	ISSUED FOR PERMITS	MM	08/20/18
7	ISSUED FOR PERMITS	MM	08/20/18
8	ISSUED FOR PERMITS	MM	08/20/18
9	ISSUED FOR PERMITS	MM	08/20/18
10	ISSUED FOR PERMITS	MM	08/20/18

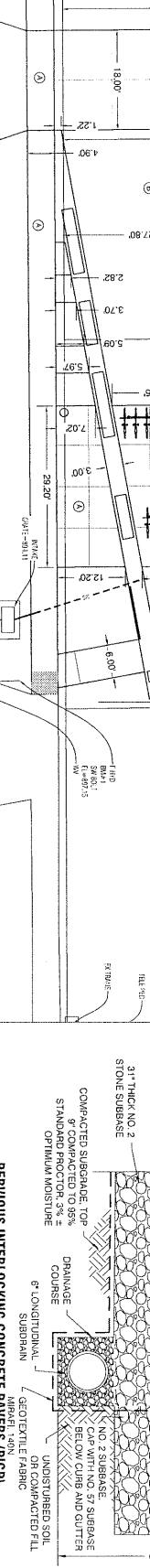
DATE	DESCRIPTION	BY
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08/20/18	ISSUED FOR PERMITS	MM
08/20/18	ISSUED FOR PERMITS	MM
08/20/18	ISSUED FOR PERMITS	MM
08/20/18	ISSUED FOR PERMITS	MM
08/20/18	ISSUED FOR PERMITS	MM
08/20/18	ISSUED FOR PERMITS	MM
08/20/18	ISSUED FOR PERMITS	MM
08/20/18	ISSUED FOR PERMITS	MM

**COLLEGE HILL - W 22ND ST PARKING LOT**  
**CEDAR FALLS, IOWA**

**SITE PLAN**

PROJ: 18-07-01  
 DATE: 08/20/18  
 SHEET: 2 OF 2

**OWNER OF RECORD:** C/O COMMERICAL, LLC  
**DATE OF PREPARATION:** 06/28/2018  
**APPLICANT INFORMATION:** SUBMITTED PROJECT: CEDAR FALLS, IOWA 50603  
**DEVELOPER INFORMATION:** CEDAR FALLS, IOWA 50613  
**ZONE INFORMATION:** DESTROYED - C1 - HIGH DENSITY COMMERCIAL  
**PARKING INFORMATION:** PROPOSED: 292 STALLS  
**PROPERTY USE:** PARKING LOT  
**SIGHT TRIANGLES:** NO FLOODPLAIN PRESENT PER PAR 19.1(1)(2)(3)(4)  
**FLOODPLAIN INFORMATION:** NO FLOODPLAIN PRESENT PER PAR 19.1(1)(2)(3)(4)  
**LEGEND:** ① PCC, ② UNPAVED, ③ PERMEABLE PAVEMENT, ④ GRAVEL  
**STORMWATER MANAGEMENT:** FLOW FROM THE DRAINAGE SYSTEM SHALL BE TRANSPORTED TO AN EXISTING STORM SEWER SYSTEM USING 6" PERMEABLE PAVEMENT AS SHOWN.  
**NOTES:**  
 1. PCC SHALL BE 6" THICK CLASS C MAX.  
 2. PCC SHALL BE INSTALLED PER SDAS SECTION 7010.  
 3. ALL SITE GRADING AND PAVEMENT CONSTRUCTION SHALL COMPLY WITH THE GEOTECHNICAL REPORT PERFORMED BY TEAM SERVICES PROJECT NO. 180809.  
 4. CONCRETE PAVEMENTS TO BE INSTALLED PER SUPPLEMENTAL SPECIFICATIONS.



**PERVIOUS INTERLOCKING CONCRETE PAVERS (PICP)**  
 NOT TO SCALE

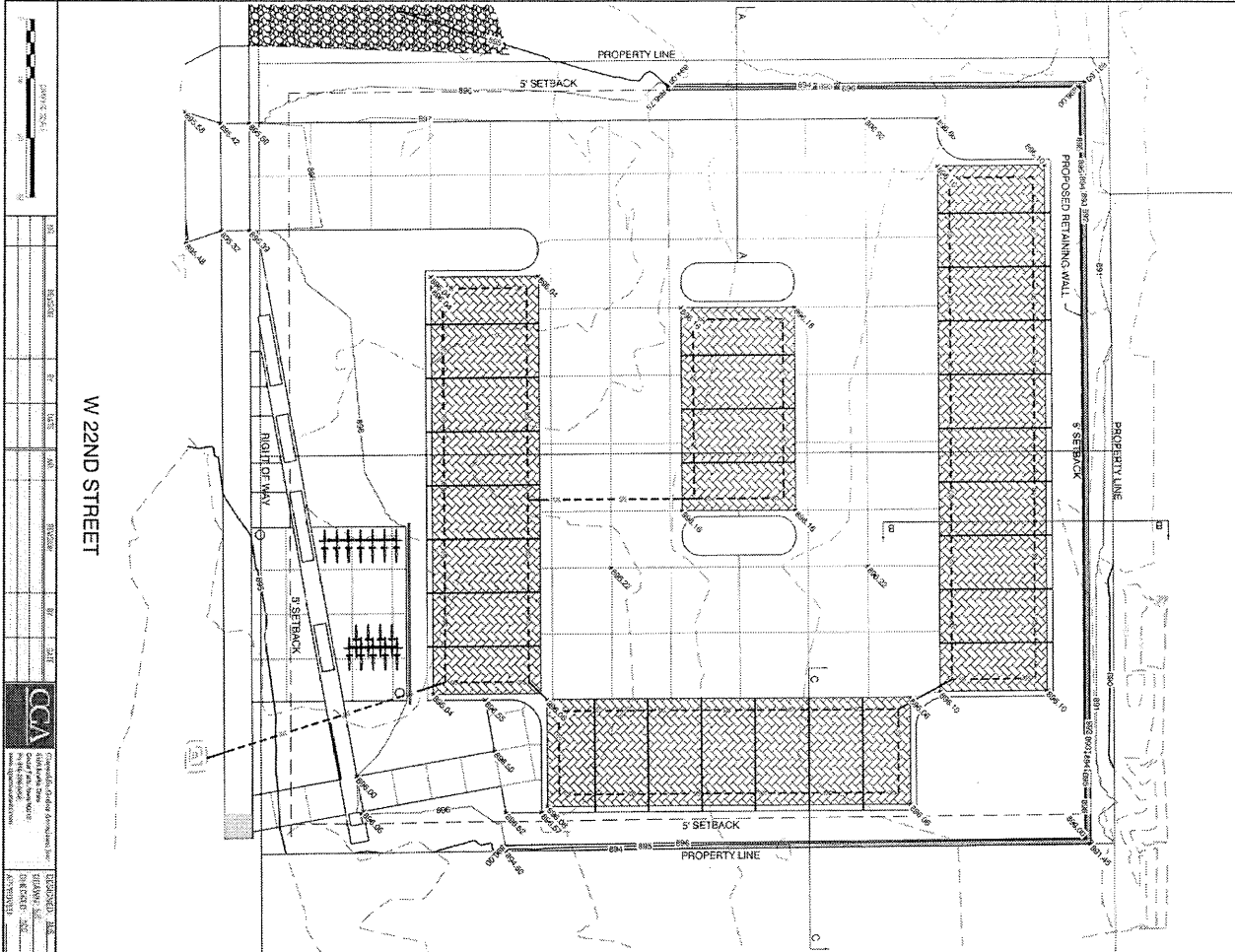
6" LONGITUDINAL SUBDRAIN  
 UNDISTURBED SOIL  
 GEOTEXTILE FABRIC  
 NO. 2 SUBBASE  
 CAP WITH NO. 57 SUBBASE BELOW CURB AND GUTTER  
 DRAINAGE COURSE  
 6" LONGITUDINAL SUBDRAIN

**NOTES:**  
 1. PCC SHALL BE 6" THICK CLASS C MAX.  
 2. PCC SHALL BE INSTALLED PER SDAS SECTION 7010.  
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# Item 6.A.

1:102' PLAN SCALE, 1:10' SECTION SCALE, 1:10' GRADE PLAN SCALE, 1:10' GRADE SECTION SCALE



W 22ND STREET

**CCCA**  
 Central Iowa  
 Civil & Environmental Engineers  
 1000 W. 14th Street, Suite 200  
 Ames, IA 50010  
 Phone: 515-281-1111  
 Fax: 515-281-1112  
 Website: www.ccca.com

DESIGNED BY	DATE
DRAWN BY	DATE
CHECKED BY	DATE
APPROVED BY	DATE

**COLLEGE HILL - W 22ND ST. PARKING**  
 CEDAR FALLS, IOWA

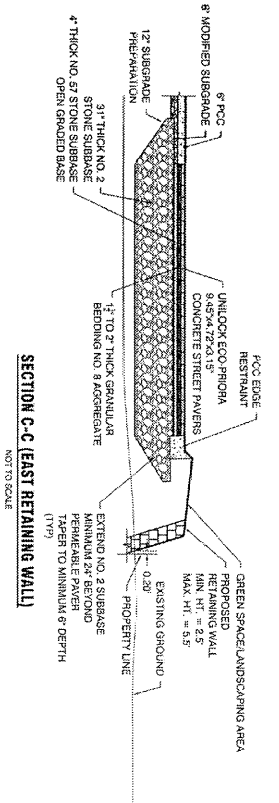
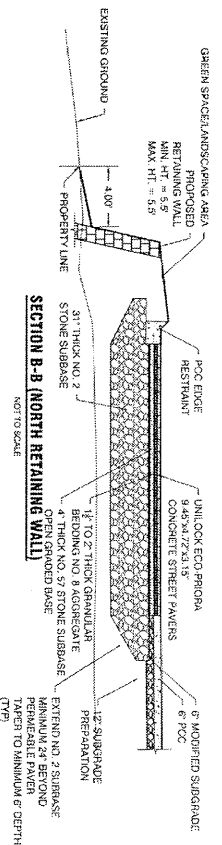
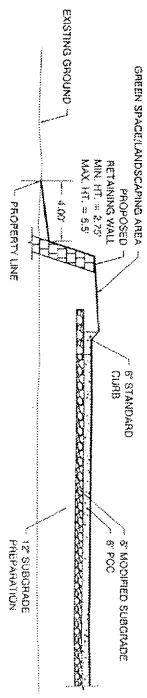
**GRADING PLAN**

PROJECT NO. 54773a  
 DATE 07/20/18  
 E. BE

- GENERAL GRADING NOTES**
1. SPICES SHALL NOT BE SPACED MORE THAN 12".
  2. GRADE TO BEAT AWAY FROM ALL BUILDINGS.
  3. SUBGRADE SHALL BE 2" ABOVE FINISH GRADE. CONSTRUCTION SHALL BE AT LEAST 2% CROSS SLOPE.
  4. STRIP TOWELS TO MAINTAIN BEYOND ARE ENCOURAGED TO BE TOPPED AT LEAST 9" DEEP AS PER SPECIFICATIONS.

**LEGEND**

TOP OF CURB	HP
HIGH POINT	HP
LOW POINT	LP
TOP OF WALL	TW
BOTTOM OF WALL	BY
PROPOSED SLOPE	2.0%
PROPOSED LANDSCAPE PATTERN	



**RETAINING WALL NOTES**

1. RETAINING WALL SHALL BE ALUMINUM BLOCK OR KEYSTONE SYSTEM WITH NO GEOSYNTHETIC REINFORCEMENT.













DEPARTMENT OF COMMUNITY DEVELOPMENT  
REZONING APPLICATION

City of Cedar Falls  
220 Clay Street  
Cedar Falls, Iowa 50613

Property's Address: 1015 + 1021 W. 22ND ST.

Parcel #: 8914-14-428-020 + 8914-14-428-019

City: CEDAR FALLS State: IA ZIP: 50613

Applicant's Name: STEVE TROSKY - CGA ENGINEERS

Applicant's Mailing Address (if other): 16 E. MAIN ST

City: MARSHALLTOWN State: IA ZIP: 50158

Applicant's Email: STROSKY@CGACONSULTANTS.COM Daytime Phone #: 641-752-6701

Existing Zoning: RZ Present Use: APARTMENTS

Proposed Zoning: C3 Proposed Use: PARKING

A COMPLETE SUBMITTAL INCLUDES A PAPER AND AN ELECTRONIC COPY OF:

- Completed application
- \$500 nonrefundable fee
- Names and addresses of property owners within 300 ft of the requested area (Word or Excel)
- Legal description of property, for use in public notices (Word)
- Letter explaining reason for request and details about future uses (Word)
- Traffic Study, if applicable
- Plat scaled to at least 100 feet per inch (PDF 11x17)
  - Map elements: north arrow, etc.
  - Identified real-estate for which zoning is requested
  - Legal description of property
  - All public streets and highways within 300 ft of the requested area's boundaries
  - All lands, platted or un-platted within 300 ft of the requested areas boundaries
  - Requested and current zoning district
- Any other items specific to the zoning district being requested which may include the following:
  - Comprehensive Development Site Plan
  - Traffic Generation Analysis
  - Developmental Procedures Agreement

To the best of my knowledge the foregoing and attached statements are true and correct, I sign this completed application with the intent of having my property rezoned.

Stephen Trosky Date: 3-2-18  
Applicant/Property Owner's Signature:





# BALL, KIRK & HOLM, P.C.

ATTORNEYS AT LAW



Max E. Kirk  
H. Daniel Holm, Jr.  
David W. Stamp  
Jennifer L. Chase  
Eashaan Vajpeyi

William C. Ball (1928-2011)  
Michael W. Buckner (retired)

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July 3, 2018

City of Cedar Falls  
ATTN: Karen Howard  
Shane Graham  
Kevin Rogers  
Planning and Zoning Commission

Sent via email only to  
[Karen.Howard@cedarfalls.com](mailto:Karen.Howard@cedarfalls.com)  
[Shane.Graham@cedarfalls.com](mailto:Shane.Graham@cedarfalls.com)  
[Kevin.Rogers@cedarfalls.com](mailto:Kevin.Rogers@cedarfalls.com)

RE: 2119 College Street Site Plan: Staff questions and comments to Commissioners

Dear Staff and Commissioners:

This letter is addressed to City staff seeking answers to the stated questions. Please also forward this entire letter to all members of the Planning and Zoning Commission for their review of the stated questions and comments.

I. QUESTIONS TO STAFF

Please find enclosed questions directed to City planning staff and the City attorney.

1. Staff state that the code allows secondary residential uses, such as 2119 College, in the College Hill overlay, and that these buildings require no parking. Please provide all code sections upon which you rely;
2. Please also provide all code sections or authority that provide that the first floor determines the principal use of the building in the College Hill overlay district;
3. Please provide all code sections or authority that form the basis of City staff interpretation that the residential portion of the proposed 2119 College Street site plan qualifies as secondary or accessory use;

## Item 6.A.

4. Please provide all code sections or authority that provide that 66,752 square feet of residential is a secondary use to 11,603 square feet of commercial;
5. Please provide all code sections or authority that provide that 4 floors of residential use is secondary to 1 floor of commercial use.

Please respond to me at your earliest convenience.

### II. COMMENTS TO PLANNING AND ZONING COMMISSION

It is repeatedly stated that secondary residential uses in the College Hill district are allowed. Mr. Leeper indicated that he believed the project may technically meet code. He relied on statements from Karen Howard. I respectfully opine that Ms. Howard's comments are incorrect. The code allows for secondary residential, but the first step is determining whether the residential use is indeed secondary. The code does not state that this project's residential portion is secondary.

The code specifically defines "principal" as the "main use". "Main" is defined by the dictionary as "chief in size or importance." "Accessory" use is defined as incidental or subordinate to the principal use. What is chief in size? When a building is 5 stories, 4 stories of residential is the main use—clearly. 66,752 square feet of residential is the main use when compared to 11,603 square feet of commercial. This is how a court will look at this.

Regarding additional legal opinions the Commission sought, attorney Dan Manning previously opposed the project based on substantially the same arguments I am putting forward, i.e. interpretation of the plain meaning of the code. (Attached). The applicant's attorney previously defended the project, but seemingly supported their argument by simply agreeing with the City staff interpretation, i.e. not an independent critical look at the legality of that staff interpretation. Mr. Manning also previously indicated that a study was done of 957 apartments in the College Hill neighborhood and 98% of the residents surveyed owned cars.

The applicant cites the availability of UNI parking as a solution. Please see attached public information regarding UNI parking. Students living off-campus are only eligible for a B or R permit. B parking does not allow overnight parking. R permits allow for 24 hour parking, but R permits are only available to students who have a scheduled class after 4 pm. Further, both R lots are across Hudson road to the West of the site plan, to the north of the Wellness and Rec Center and to the south of the UNI Dome.

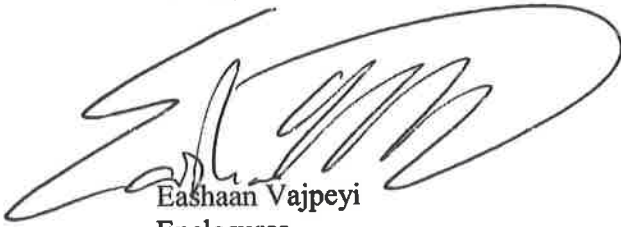
One must also consider the chance that the City of Cedar Falls will inevitably be forced to pay for construction of a public parking structure or lot to absorb surplus parking from a private, for-profit developer.

Please focus on the current law of this city. This project does not meet code and an exception for an illegal project cannot be made just because the project is desirable. Fairness to all citizens must prevail. This can only be accomplished by following the code.

Please forcefully question the applicant on any claim that the project cannot be reduced in size. The applicant indicated that if even one floor had to be removed, the project may not go forward. Why? The applicant cannot be allowed to say a smaller building won't work to force the city into a difficult situation of choosing between no development or an illegal development.

Thank you for your consideration. I am open to answering any questions at the next Planning and Zoning meeting if allowed by the Chair.

Sincerely,  
BALL, KIRK & HOLM, P.C.

A large, stylized handwritten signature in black ink, appearing to read 'Eashaan Vajpeyi', is written over the typed name.

Eashaan Vajpeyi  
Enclosures



# Item 6.A.

## LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP

WILLIAM J. LILLIS  
MICHAEL W. O'MALLEY  
EUGENE E. OLSON  
DANIEL L. MANNING, SR.  
CHRISTOPHER R. POSE  
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JOHN CONNOLLY III (1918-1998)  
BERNARD J. CONNOLLY (1920-1970)  
C. I. MCNUTT (1901-1958)  
STREETAR CAMERON (1957-2008)

Writer's Direct Email Address: [dmanning@lolaw.com](mailto:dmanning@lolaw.com)

January 10, 2018

Planning and Zoning Commission  
City of Cedar Falls  
220 Clay Street  
Cedar Falls, IA 50613

RE: Property: 2119 College Street; 925 W. 22<sup>nd</sup> St.; and 1003 W. 22<sup>nd</sup> St.  
Issue: Site Plan Review – College Hill Apartment Project

Dear Members of the Planning and Zoning Commission:

This letter is provided to you in resistance to the proposed five (5) story multi-residential use proposed to be constructed at 2119 College Street; 925 W. 22<sup>nd</sup> St. and 1003 W. 22<sup>nd</sup> St. in the City of Cedar Falls, Iowa.

The site plan under review reveals that the principal use for this property is residential. Because the property is zoned C-3 within your zoning ordinance and the requirements imposed under Section 29-151(1)(l) apply. The evidence that supports the proposed use as a residential use is overwhelming and I will list that evidence as follows:

### THE PROPOSED USE IS A RESIDENTIAL USE

- 1. Chapter 29-Zoning, Article I. Section 29-2. Definitions.**  
Principal use means the **main use** of land or structures, as distinguished from an accessory use.
- 2. The staff report of Shane Green dated January 5, 2018.** The building as a whole will have approximately 10,765 square feet of commercial retail space located on the first floor and approximately 50,897 square feet of residential space located on the second through fifth floors. This would equate to an overall ratio of 17% commercial space and 83% residential space. Therefore, the **main use** of the land or structures in this proposed project is clearly residential.

LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP

January 10, 2018

Page 2

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3. **Faulty Interpretation.** The interpretation that you need only review the first floor of a property to determine its principal use is a flawed approach with no support anywhere within the City's ordinances. This flawed approach leads to an absurd result where safeguards set-out within your zoning ordinance are ignored. That is exactly what is happening here.

There are reasonable safeguards set-out in the zoning ordinance for any proposed residential use located within a C-3 zoning district. Specifically, Section 29-151(1)(l) requires that the density standards; on-site parking standards; height standards all must comply with the R-4 district standards set-out in Section 29-146 (R-4). For example, the height requirement is that no building shall exceed three (3) stories or forty-five (45) feet in height, whichever is lower.

**College Hill Neighborhood Overlay District. Section 29-160**

This property also lies within the College Hill Neighborhood Overlay Zoning District. That Section of the Ordinance clarifies that residential uses within the commercial district are discouraged. In addition, where they are allowed, the residential uses are governed by the minimum lot area, lot width, and building setback requirements, on-site parking, landscaping as specified in the R-4 residential zoning district.

This proposed use (site plan) does not conform to any of these requirements.

**Section 29-177 Off-Street Parking Spaces**

The proposed development does not comply with the requirements set out in the ordinance concerning off-street parking spaces. Two parking spaces per dwelling unit, plus one additional parking space for each bedroom in each dwelling unit in excess of two bedrooms is required. See paragraph 12(B) of Section 29-177 of the City's zoning ordinance.

**Comparison of Properties**

The properties identified in the City's staff report in support of its faulty interpretation are worthy of review.

2024 College Street (Domino's Pizza) – a two-story building

2215 College Street (Sidecar Café) – a two-story building

917 W. 23<sup>rd</sup> Street – a three-story building

## Item 6.A.

LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP

January 10, 2018

Page 2

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The faulty interpretation imposed by the City's staff has little or no consequence when we are dealing with a two-story building. The flawed analysis raises concerns when we consider a three-story building. However, there is no credibility to the faulty interpretation when we analyze a proposal that includes a five-story building. In the case presently before the Planning and Zoning Commission, we are reviewing a building that has devoted over 80% of its use to residential (83%). However, none of the safeguards contained in the ordinance concerning residential uses located within C-3 zoned properties are being applied to this proposed use.

### **Survey of Residents Within the College Hill Neighborhood Area**

A survey was conducted that included 957 residential apartment units located within the College Neighborhood area. The survey revealed that 98% of the residents surveyed owned vehicles. This confirms the need for on-site residential parking for any residential development located within the College Hill Area.

Because the proposed site plan fails to comply with the clear guidance and requirements set out within the City's own zoning ordinance, the proposed site plan must be rejected.

Very truly yours,



Daniel L. Manning, Sr.  
For the Firm

DLM/dj

ADMISSIONS   ACADEMICS   FINANCIAL AID   CAMPUS LIFE   THE ARTS   ATHLETICS   GET TO KNOW UNI   SUPPORT UNI   UNI BOOKSTORE



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## Parking Division - Vehicle Permits

All vehicles on campus visitors to students to faculty need to have parking permits to meet their specific needs.

### Students

Any UNI Student who intends to use the campus parking facilities, must have their vehicle registered and must display the proper parking permit. Students can register for their parking permit online through MyUniverse. To learn how to do this click [here](#).

### Living On-Campus

On-campus students are eligible to receive parking permits for C or R lots. Students that renew their housing contract with the Department of Residence may be eligible for a C Preferred parking permit. This permit allows the student to park in C Preferred parking areas. Additionally, residents of the R.O.T.H. Complex are eligible for a B permit.

### Living Off-Campus

Off-campus students are eligible for a B parking permit. This permit must be obtained if you plan to use the B lots between 7:00 am to 4:00 pm, Monday through Friday.

Off-Campus students that attend a class after 4:00 pm are eligible to receive an R parking permit.

### Graduate Assistants

Graduate Assistants may purchase the A or B parking permits in accordance with all applicable motor vehicle parking regulations.

### Faculty & Staff

All UNI Faculty and Staff that wish to use the campus parking facilities at any time must register their vehicle(s) and display the proper parking permit.

Any staff member has the option to purchase either the G, A, B, or R permit. Applications for permits can be made at the Department of Public Safety, 30 Gilchrist Hall.

A and B parking lots are oversold. **Purchasing an A or B permit does not guarantee the purchaser a parking space.**

Any retired faculty or staff member who meets the requirements under the retirement policy will qualify for an E permit which enables the individual to park in any A, B, C or R parking lots at no cost.

### G Parking Permits

**Emergency**

911

**UNI Police**

319-273-2712

Menu

**Phone:** (319) 273-3179  
or (319) 273-7093

**Email:**  
[ann.kjeld@uni.edu](mailto:ann.kjeld@uni.edu)



# Item 6.A.

Parking Division - Vehicle Permits | Department of Public Safety

A lottery will be held annually to determine the holders of G permits and to determine the positions of persons on the waiting list for gated (G) parking facilities. The lottery will be held the third week of August and the applicants will be notified through campus mail of their position in the lottery. Staff members with the G permit are issued a lot entry card and may park in the designated G lot.

## Visitors & Guests

Campus visitors and guests are asked to park in the metered areas of parking lots or in the "metered" visitor lot north of the Performing Arts Center.

An information phone is located in the Information Booth. The Information Booth can be found at the intersection of Campus Street and University Avenue. This phone can also be used to contact Public Safety, if needed.

All overnight visitors or guests must obtain a courtesy parking permit from the Department of Public Safety and shall park in any C or R parking area between the hours of 1:00 a.m. and 7:00 a.m., seven (7) days a week.

Visitors who attend conferences will pay a conference rate of \$2.50 per 12 hour period (or part thereof), and will park in designated areas assigned by the Department of Public Safety.

## Motorcycle

All motorcycle operators who wish to use the campus parking facilities, must purchase a parking permit which is to be permanently attached to the vehicle. Motorcycles must be parked in the designated motorcycle areas.

Mopeds classify as motorcycles.

## Handicap Parking

Permanently disabled persons wishing to use the university disabled parking facilities must display the appropriate university parking permit and the state disabled identification permit. Application forms for the state disabled identification permit may be obtained from any County Treasurer's Office.

Anyone with a short-term disability may apply for disabled parking privileges at the UNI Department of Public Safety, 30 Gilchrist Hall.

## DIVISION OF FINANCE & OPERATIONS

<b>Budget</b>	<b>Facilities Planning</b>	<b>Public Safety</b>
<b>Business Operations</b>	<b>Financial Accounting</b>	<b>University</b>
<b>Environmental Health</b>	<b>&amp; Reporting</b>	<b>Sustainability</b>
<b>&amp; Safety</b>	<b>Human Resource</b>	<b>Vice President's</b>
	<b>Services</b>	<b>Office</b>
	<b>Physical Plant</b>	

**VISITING**

Cedar Falls, Iowa

Safety

Diversity Matters



(319) 273-2311

[Sustainability](#)

[Accessibility](#)

[Maps & Directions](#)

[Visiting UNI](#)

[Contact UNI](#)

[Consumer Information](#)

[Equal Opportunity/Non-](#)

[Discrimination Statement](#)

[Privacy Policy](#)

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[University Relations](#)

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# Item 6.A.

## PARKING LEGEND

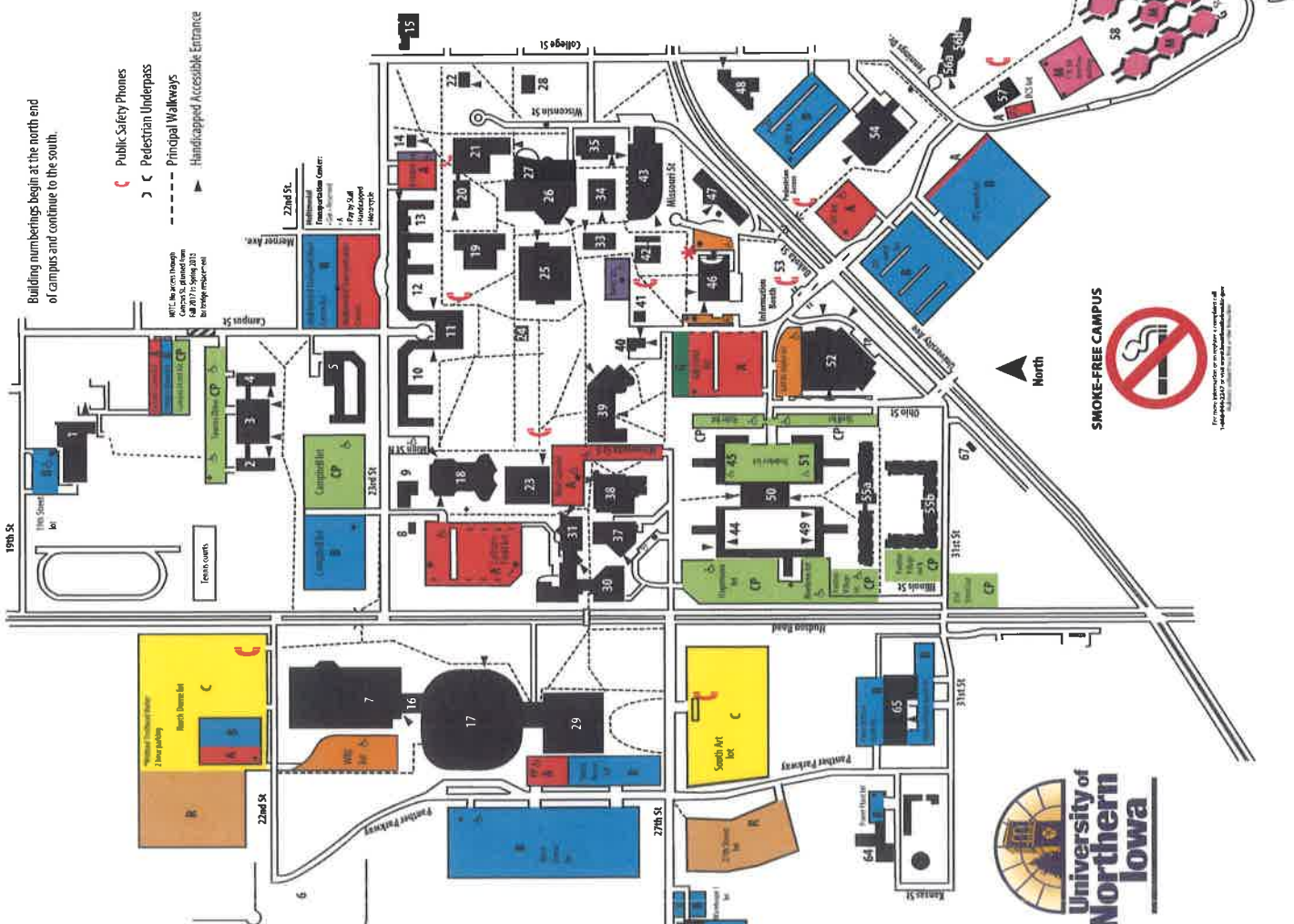


- G parking**  
Parking permitted from 7 a.m. to 1 a.m.
- A parking**  
Parking permitted from 7 a.m. to 1 a.m.
- B parking**  
Parking permitted from 7 a.m. to 1 a.m.
- C parking**  
24-hour parking permitted
- C Preferred - parking**  
24-hour parking permitted
- R parking**  
24-hour parking permitted  
R permit not valid in C or CP lots
- M parking**  
24-hour parking permitted

## Measured Lots

- D - parking**  
May be used by those with a valid handicapped permit or a temporary UMI handicapped permit along with a valid university permit
- Loading zone**  
All permit holders may use for specified time period
- Service area**  
May be used by university vehicles and vehicles with service permits
- Motorcycle parking**  
Motorcycles are required to display a valid MC permit and must be parked in motorcycle areas
- Disabled Parking**
- Handicapped-accessible Entries**
- Parking Meters**
- TP - Ticket Patron**
- University Police and Parking Office**

Numerical Order of Buildings	Alphabetical Order of Buildings
1	Child Development Center
2	Bender Hall
3	Towers Center
4	Dancer Hall
5	Campbell Hall
6	Athletic Fields
7	Wellness/Recreation Center
8	Marshall Center School
9	Student Health Center
10	Lawyer Hall
11	Commons
12	Bartlett Hall
13	East Bardet
14	Alumni/1012 W. 23rd St.
15	Center for Social and Behavioral Research/2304 College Street
16	Richard G. Jacobson Human Performance Center
17	UNI-Dome
18	Schindler Education Center
19	Innovative Teaching Technology Center
20	Begeman Hall
21	Lane Hall
22	Honors Cottage/2401 College St.
23	West Gymnasium
24	Campuside (CPL)
25	Rod Library
26	Maucker Union
27	Center for Multicultural Education
28	President's Home
29	McLeod Center
30	Kemerck Art Building
31	Communication Area Center
32	Wright Hall
33	Sabin Hall
34	Seerly Hall
35	Strayen-Wood Theatre
36	Russell Hall
37	Curtis Business Building
38	Facilities/2801 Campus St.
39	Psychology #1
40	Greenhouse
41	McCallum Science Hall
42	Haggeman Hall
43	Rider Hall
44	Gilchize Hall
45	Lehman Hall
46	Northen Hall
47	Reburk Center
48	Shull Hall
49	ARC Center
50	Visitor Information Center
51	Industrial Technology Center
52	Percher Village 1000
53	Percher Village 2000
54	Center for Energy and Environmental Education
55	Continuing Education
56	Business & Community Services
57	Hillside Courts
58	Jennings Courts
59	Residence On The Hill Complex (ROTH)
60	University Apartments Office
61	Warehouse 1
62	Tallgrass Prairie Center
63	Power Plant
64	Physical Plant
65	Environmental Health and Safety
66	Building/8628 University Ave.
67	UNI-Dome (DOM)
68	University Apartments Office (UAP)
69	Visitor Information Center (VIC)
70	Warehouse 1 (WH1)
71	Wellness/Recreation Center (WRC)
72	West Gymnasium (WST)
73	Wright Hall (WRT)



For more information on our smoke-free campus, call 562-5443 or visit us online at [www.uni.edu/smoke-free](http://www.uni.edu/smoke-free)

# BALL, KIRK & HOLM, P.C.

ATTORNEYS AT LAW



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3324 KIMBALL AVENUE  
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TELEPHONE: (319) 234-2638  
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June 27, 2018

City of Cedar Falls  
ATTN: Planning and Zoning Commission  
220 Clay Street  
Cedar Falls, Iowa 50613

Sent via email only to  
[Karen.Howard@cedarfalls.com](mailto:Karen.Howard@cedarfalls.com)  
[Shane.Graham@cedarfalls.com](mailto:Shane.Graham@cedarfalls.com)

RE: 2119 College Street Site Plan Review Comments

Dear Staff and Commissioners:

On behalf of my client, please accept the following comments regarding the 2119 College Street Site plan.

I. Parking ordinance violation-Density requirements violation

This building does not meet the criteria in the plain language of the Code of Ordinances. Despite the talk of re-writing the code for mixed use buildings and requiring parking of both the commercial and residential portions, this project is being pushed forward now and without enough parking spots to meet current code. The method, chosen by City staff, of circumventing the code sections regarding density and parking is to call a 5 story building, with 1 floor of commercial and 4 floors of residential a principally commercial building.

a. Principal vs. secondary use

Just as a court would, we must look at the plain meaning of the words in the Code of Ordinance. We must start with the presumption, required by Sec. 29-3, that in interpreting the zoning codes the greater restrictions prevail.



## Item 6.A.

Sec. 29-160(g)(1) governs the College Hill Neighborhood overly district and allows principal residential uses, subject to P&Z and council approval. These principal uses, when allowed, must still follow the zoning requirements of the R4 residential district.

Is the proposed project at 2119 College a principal commercial use or a principal residential use building?

“Principal use” is defined by the Code as the “main use of land or structures, as distinguished from an accessory use”. Sec. 29-2—Definitions.

“Main” is defined by Webster’s dictionary as “chief in size or importance”.

No where in this code does it say that the principal use of a building can be determined solely based on the first floor of the building, regardless of the makeup of any additional floors. There is no indication of the intent that the first floor of any size building determines its principal use.

Consider what is the “main use” of the building proposed. What use is “chief in size or importance”?

This building is 66,752 square feet of residential (4 floors) stacked on top of 11,603 square feet of commercial use (1 floor). That is over 5 times more residential than commercial space.

Precedent has been cited to justify allowing any amount of residential on top of a primary commercial floor to be called primary commercial. The reasoning for this feat of gymnastics is clear. The buildings that have been granted this treatment before, and this current project, needed this help to get around the parking and/or density requirements that would otherwise have been imposed by R4.

This “precedent” is not an established legal basis upon which to approve 2119 College Street. It was not written by a court or a lawmaking body. It is not referenced, mentioned, or implied to anywhere in the Cedar Falls Code of Ordinance. It is simply what City staff has allowed before. Past deviations from or violations of the Code cannot serve as further deviations on an even grander scale.

Staff cites the instances of 2024 College Street and 2215 College Street as “precedent”. 2024 College is a two-story building, with Dominos on the bottom, and one floor of residential above. 2215 College is a two-story building, with Sidecar Coffee on the bottom, and one floor of residential above. The other precedents include 917 West 23rd Street which is Urban Flats. This appears to be one floor of commercial with two floors of residential above. Urban Flats being a development in contravention of the code should not, for that reason, serve as justification for the

next violation. There has been significant concern with how the "deal" on Urban Flats parking has turned out and it is my understanding City Parking staff have significant concerns to voice, if asked. Other examples aren't relevant. Neither River Place development nor 200 West 1<sup>st</sup> Street are within the College Hill Overlay District. 2119 College is one floor of commercial, and four floors, of residential above.

b. Required parking not met

2119 College is a principal residential use building. It is therefore subject to the off-street parking requirements of Sec. 29-177(a)—(12B) as well as the College Hill overlay requirements for multi-family residences at Sec. 29-160(e), which are the both the same. The parking requirements are as follows:

- 60 studio units, require 2 parking spaces each for a total of 120.
- 16 two-bedroom units, require 2 parking spaces each for a total of 32
- 7 four-bedroom units, require 4 parking spaces each for a total of 28
- Every 5 units in excess of five units requires a visitor parking spot. There are 83 units, less 5 units equals 78 units. 78 divided by 5 = 15.6 and therefore 16 additional visitor spots are required.
- The total required parking under the current code is 196.
- The applicant proposes 94. It is short 102 spots. **102 cars without a place to park.**
- The applicant frames the parking as 78% of beds having a parking spot. It is more properly framed by stating that this building only provides 48% of the parking required by law, not even half. 28 of these spots are, additionally, located an entire lot over from the building.

c. Density requirement not met

The city staff report acknowledges that this project cannot meet the R4 density requirements that are imposed on principal residential use buildings in the College Hill overlay.

II. Character of the neighborhood

To evaluate how tall this proposed building will actually look, we have commissioned review of prior site plans and the current site plans of 2119 College by Studio 192 and Co in Des Moines, Iowa and Dirk Westercamp. He is a registered architect in Iowa, Minnesota, Illinois, South Dakota, and Kansas.

It is respectfully suggested that the size of this building and the scale compared to other surrounding buildings in the area is much larger, disproportionate, and not within the current character of the neighborhood.

## Item 6.A.

Mr. Westercamp focused not only on the height of the building structure, but its relative height which takes into account ground elevation as well as height of the structure. His diagrams are attached hereto. As previously mentioned, certain of these worked off of prior site plans. Mr. Westercamp believes that the heights and comparisons in his report are still accurate and the heights may be even larger than previously suspected.

### III. Walkability

Before you can build an underparked residential unit in the name of density and supported by walkability, you must lay the foundation by establishing and creating the infrastructure that allows your town to, indeed, be walkable. Cedar Falls is not a walkable town. UNI is consistently referred to as a suitcase school. Huge amounts of students come from the surrounding area and go home frequently. They need a car to do this. They have cars to do this. In the winter, a trip to the grocery store requires either a very dependable and convenient public transit system or a car. Cedar Falls does not currently have sufficient public transport that would allow a student to completely abandon their car. Further, there is not a sufficient off-site parking area where students could park their car for use on the weekends.

What is the consequence of allowing this development other than creating a massive parking problem on College Hill? The consequence is that this development will again be used as “precedent” to allow such massive underparking downtown—an area that is already quite short on parking.

Eventually the City will realize that businesses are being harmed and growth stifled by a lack of parking and will build a parking ramp, at taxpayer expense.

If the applicant needs a variance from the parking requirements, he needs to go to the Board of Adjustment. If the current code is deemed overly restrictive, then the code must be changed. Planning and Zoning cannot grant a variance. Planning and Zoning cannot vote for a project with the anticipation that it might meet a future version of the code. As it is now, a vote in favor of this proposal is a vote in favor of a project that violates the city code—a decision that, in my opinion, will not survive judicial review.

Sincerely,  
BALL, KIRK & HOLM, P.C.



Eashaan Vajpeya  
Attachments

Sec. 29-160(g)(1)- CHN, College Hill Neighborhood overlay zoning district.

**Principal permitted residential uses are allowable within the district subject only to planning and zoning commission and city council review and approval.** In general, principal permitted residential uses are to be discouraged from being established within the commercial district due to the limited area available for commercial establishments. **In those cases where a residential use is permitted and said use serves as the principal use on an individual property, that residential use will be governed by minimum lot area, lot width and building setback requirements as specified in the R-4, Residential zoning district.** In addition, all other applicable requirements pertaining to substantial improvements or new construction of any principal permitted residential use shall conform to the requirements of this section, including on-site parking, landscaping, and building setbacks, with no vehicular parking allowed in the required front and side yards, said required yards being those as defined within the R-4, Residential district.



## Item 6.A.

### Sec. 29-2—Definitions.

Principal use means the **main use** of land or structures, as distinguished from an accessory use.

Accessory use or structure means a use or structure on the same lot with and of a nature customarily **incidental and subordinate to the principal use or structure**. Said accessory structures are customarily used for storage or parking purposes. No residential dwelling unit or business or commercial office may be established within an accessory structure.

### Sec. 29-3. - Interpretation of chapter.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. **Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this chapter shall control.**

Sec. 29-177(a) -Offstreet parking spaces

(12B)

*Dwelling, two family, including single family bi-attached dwellings, multi-family dwellings including condominiums and apartments, but not including nursing homes, convalescent homes, elderly housing or housing for handicapped.* **Two parking spaces per dwelling unit, plus one additional parking space for each bedroom in each dwelling unit in excess of two bedrooms. One additional stall shall be provided for every five units in excess of five units for visitor parking.**

# Item 6.A.

## COLLEGE HILL

### FLOOR PLATES & MASSING

APARTMENT RENTABLE SQUARE FOOTAGE			
UNIT TYPE	QTY.	UNIT SQ FT.	TOTAL SQ. FT.
2 BEDS	16 <b>x2 = 32</b>	802	13,165
4 BEDS	7 <b>x4 = 28</b>	1370	9,590
STUDIO 01	20 <b>x 2 =40</b>	433	8,860
STUDIO 02	3 <b>x2 = 6</b>	450	1,350
STUDIO 03	4 <b>x2 = 8</b>	446	1,784
STUDIO 04	3 <b>x2 = 6</b>	470	1,410
STUDIO 05	12 <b>x2 = 24</b>	500	6,000
STUDIO 06	8 <b>x2 = 16</b>	502	4,021
STUDIO 07	4 <b>x2 = 8</b>	499	1,996
STUDIO 08	4 <b>x2 = 8</b>	451	1,804
STUDIO 09	1 <b>x2 =2</b>	430	430
STUDIO 10	1 <b>x2 =2</b>	487	487
TOTAL	83 <b>= 180</b>		50,897 sq. ft
TOTAL BEDS	120		
ON-SITE PARKING	65 (3 ACCESSIBLE STALLS)		
OFF-SITE PARKING	29		

TOTAL PARKING PROVIDED 94 ( 1 SPACE PER 78% OF BEDS) **OR 48% required by law**

**Total Parking Required for Primary Residential = 180 + 16 visitor spots (78/ 5 = 15.6)**

BUILDING GROSS AREA		
BASEMENT	UNDERGROUND PARKING	24,350 sq ft
LEVEL 1	COVERED PARKING	5,994 sq ft
LEVEL 1	RETAIL	11,603 sq ft
LEVEL 1	LOBBY	735 sq ft
LEVEL 2-5	RESIDENTIAL	66,752 sq ft
TOTAL		109,434 sq ft

ADDITIONAL SURFACE PARKING 7,131 sq ft

**5.75 times more residential than commerical= Primary residential**

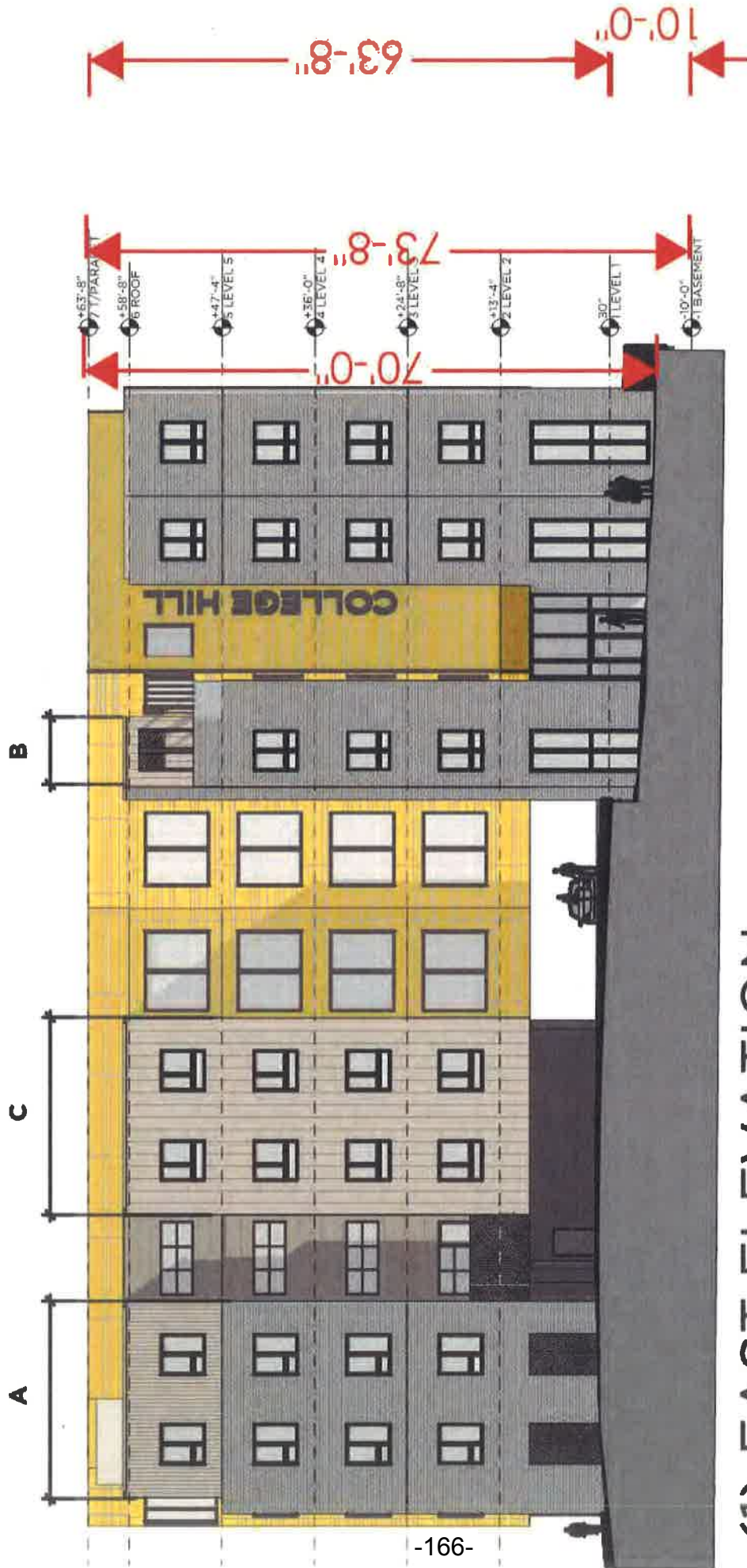


# (2) SOUTH ELEVATION

- METAL PANEL @ FRONT FACE = 27.5%
- BRICK @ FRONT FACE = 36.7%
- OPENINGS @ FRONT FACE = 17.5%
- CONCRETE @ FRONT FACE = 18.3%



**Item 6.A.**



**(1) EAST ELEVATION**

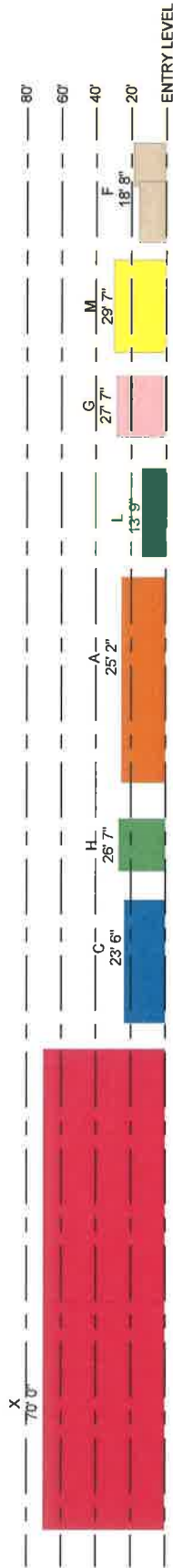
METAL PANEL @ FRONT FACE = 23.9%  
 BRICK @ FRONT FACE = 54.5%  
 OPENINGS @ FRONT FACE = 21.6%



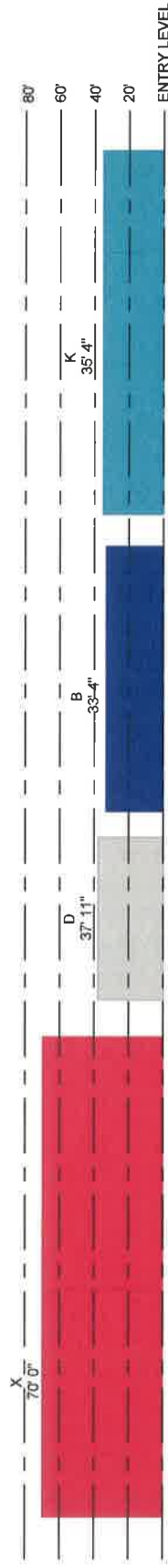


BUILDING KEY

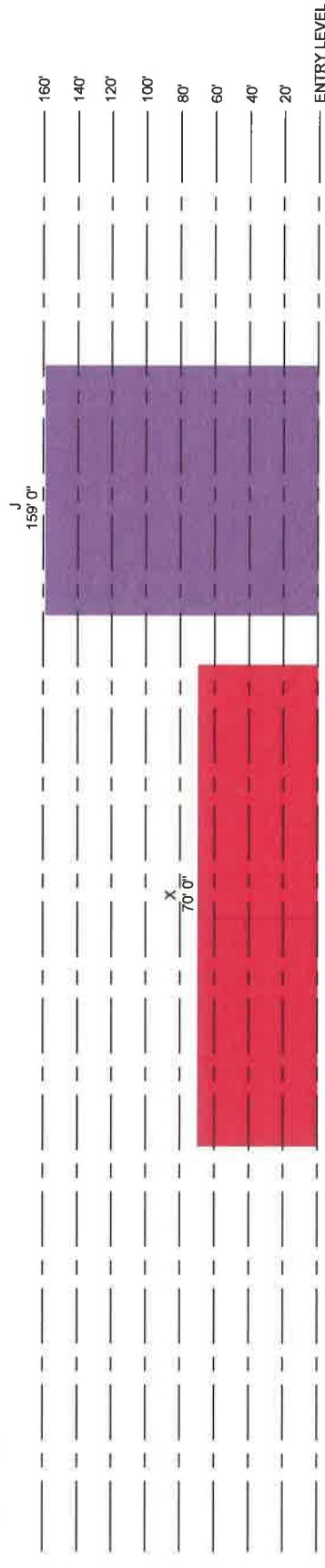
<b>A</b> UNIVERSITY BOOKSTORE	<b>F</b> UNIVERSITY PARKING GARAGE	<b>P</b> GREAT WALL RESTAURANT
<b>D</b> ST. STEPHENS	<b>E</b> NOT USED	<b>F</b> OTHER PLACE/COLLEGE HILL BARBER
<b>G</b> MOHAIR PEAR	<b>H</b> HOUSE ON W 22ND	<b>J</b> DANCER HALL
<b>K</b> BARTELETTE HALL	<b>M</b> SIDECAR COFFEE SHOP	<b>X</b> BECK'S
		<b>X</b> COLLEGE HILL



1 COLLEGE HILL RELATIVE ELEVATIONS 1  
1/64" = 1'-0"



2 COLLEGE HILL RELATIVE ELEVATION 2  
1/64" = 1'-0"



3 COLLEGE HILL RELATIVE ELEVATIONS 3  
1/64" = 1'-0"

NO.	DATE

PROJ. NO.: 18510  
APPENDIX D





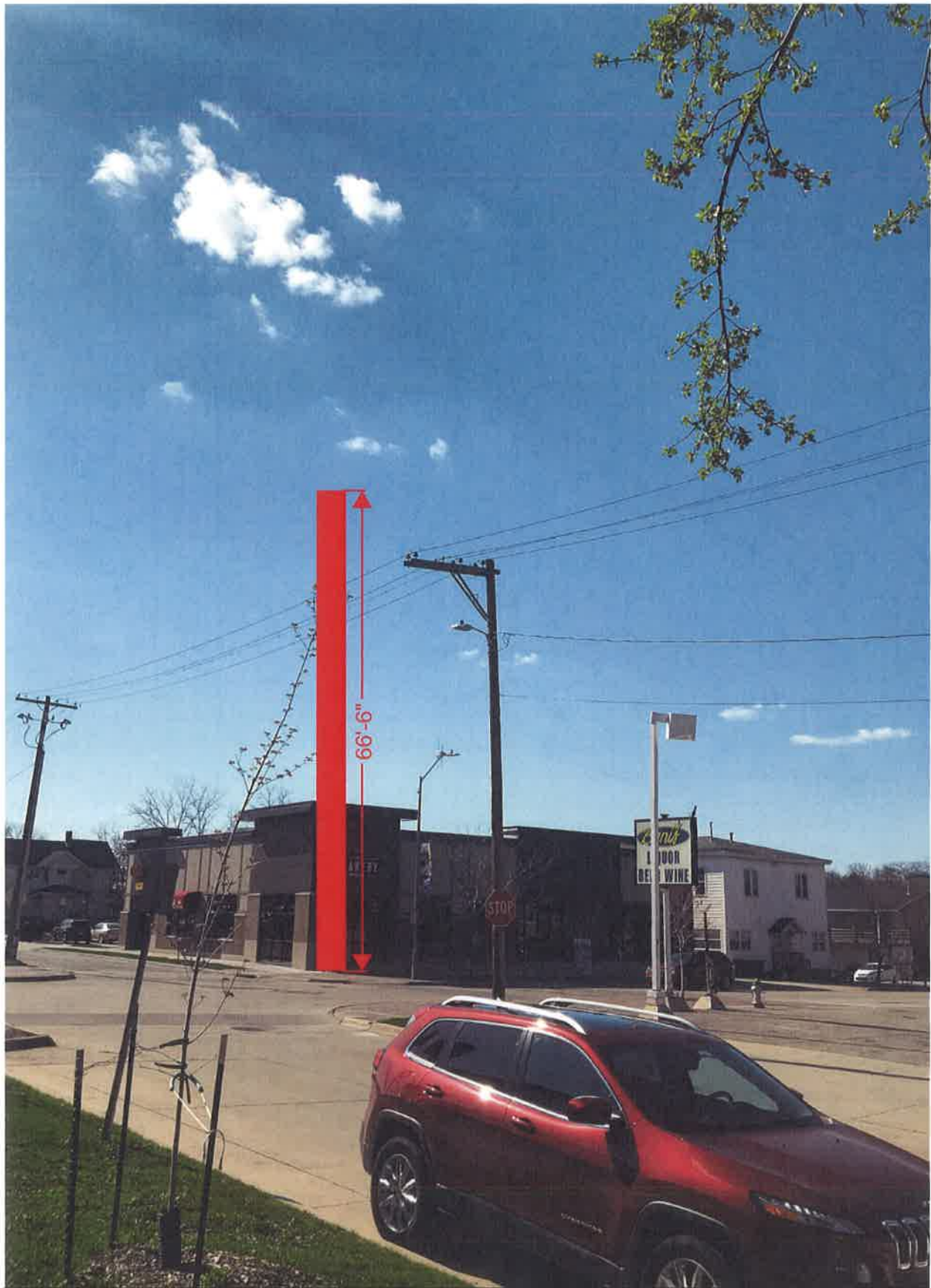
**Item 6.A.**



**STUDIO192° AND CO**

IMG\_7077

BALL KIRK HOLM P.C. | SIRS  
HORIZONTAL DIMENSION + VERTICAL  
DETERMINATION OF HEIGHT  
APPENDIX E



STUDIO192° AND CO

IMG\_7096

BALL KIRK HOLM P.C. | SIRES  
HORIZONTAL DIMENSION + VERTICAL  
DETERMINATION OF HEIGHT  
APPENDIX E



**Item 6.A.**

# BALL, KIRK & HOLM, P.C.

ATTORNEYS AT LAW



Max E. Kirk  
H. Daniel Holm, Jr.  
David W. Stamp  
Jennifer L. Chase  
Eashaan Vajpeyi

William C. Ball (1928-2011)  
Michael W. Buckner (retired)

3324 KIMBALL AVENUE  
P.O. BOX 2696  
WATERLOO, IOWA 50704-2696  
TELEPHONE: (319) 234-2638  
FACSIMILE: (319) 234-2237  
E-MAIL: bkh@ballkirkholm.com

June 27, 2018

**Hand Delivered**

City of Cedar Falls  
City Clerk  
220 Clay Street  
Cedar Falls, Iowa 50613

RE: Protest Documents for Re-Zoning and Land Use Map Amendment-1015-1021 West  
22<sup>nd</sup> Street

Dear Clerk:

Upon authority granted to me by the individuals submitting such documents, please find enclosed protest documents from Jason Whiting as director-president of Hidden Valley Apartments Residential Cooperative Inc., as well as a protest from Tracy A. Watts as manager of Take Down Investments LC.

Please excuse the typographical error indicating protest to "W. 2<sup>d</sup> Street." Please enter these into the official record in protest of the aforementioned re-zoning of 1015 and 1021 West 22<sup>d</sup> Street, Parcels 8914-14-428-020 and 8914-14-428-019.

Please let me know if you have any questions.

Sincerely,

BALL, KIRK & HOLM, P.C.

A handwritten signature in blue ink, appearing to read 'Eashaan Vajpeyi', is written over the typed name.

Eashaan Vajpeyi  
EV/jrr

Enclosures

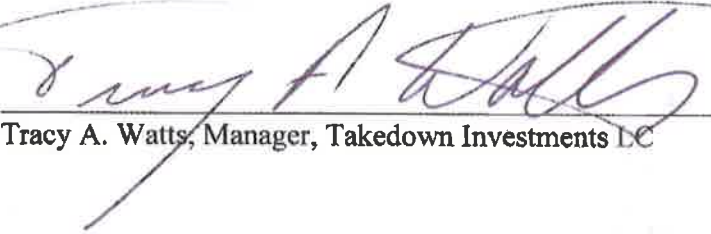
CC: Karen Howard  
Kevin Rogers

**Protest to Rezoning of 1015 & 1021 W. 2<sup>nd</sup> St  
Parcels 8914-14-428-020 & 8914-14-428-019**

I, Tracy A. Watts as the manager of Takedown Investments LC is the deed holder of 1022 W. 22<sup>nd</sup> in Cedar Falls, Iowa, parcel 8914-14-430-005 is within 200ft of the proposed rezoning application attached hereto protest the rezoning proposed in the aforementioned and attached rezoning application.

25 June 2018

Date

  
Tracy A. Watts, Manager, Takedown Investments LC





**Karen Howard**

---

**From:** Hillery Oberle <hillery.oberle@uni.edu>  
**Sent:** Tuesday, June 26, 2018 11:37 AM  
**To:** Karen Howard  
**Subject:** Fwd: P&Z comment

Karen,

Please share with the other commission members.

Thank you -  
Hillery

----- Forwarded message -----

**From:** Amy Mohr <[amymohr7@gmail.com](mailto:amymohr7@gmail.com)>  
**Date:** Tue, Jun 26, 2018 at 11:30 AM  
**Subject:** P&Z comment  
**To:** [hillery.oberle@uni.edu](mailto:hillery.oberle@uni.edu)

Hillery,

I see that Brent Dahlstrom's company is bringing forward his College Hill complex project before P&Z again. Even though he's acquired more parking where are the remaining 26 renters supposed to park, never mind the customers for the new businesses? (The materials list 120 total beds but only 94 parking spaces.) This does not make sense to me. They will end up buying city parking permits and taking up space from the businesses in the city lots behind the College Hill buildings. What makes it worse is that because the obvious market for these building tenants is of course UNI students, those cars will sit ALL DAY while they're at class - the same hours that those businesses are open and need parking for customers. I realize that the city is working on revised ordinances but I hope these kinds of projects are not allowed to go through in the mean time. The mixed use zoning has provided a very easy, and unintended, loop hole for developers to get projects through that drastically impact the other residents and business owners in the district in a negative way. Please understand that I'm not against development. But it has to be done with the long term health of the district in mind.

I can't attend the meeting so felt it was important to at least express my thoughts and concerns.

Amy Mohr

[NOTICE: This message originated outside of the City Of Cedar Falls mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

## Item 6.A.

**Karen Howard**

---

**From:** Elizabeth S <esutton001@gmail.com>  
**Sent:** Friday, June 22, 2018 12:04 PM  
**To:** Shane Graham; Karen Howard; Hillery Oberle  
**Cc:** swanny07@aol.com; Melanie Drake; Tom Wickersham; Becky Hawbaker; Chris Martin  
**Subject:** 22nd street College Hill apartments rezoning comment

Dear Mr. Grant and Ms. Howard,

As a resident of College Hill neighborhood (404 W. Seerley) I am writing to comment on the proposal to rezone 22nd street .44 acre lots to C-3 high density (I was alerted to the public hearing scheduled for the 27th but it is unlikely I will be able to attend). I am strongly opposed to this proposal for three reasons:

- 1) Already there are numerous rental options in the area. Not only are there university options, there also are apartments West of Hudson on 27th street and surrounds. East of the Hill there are many rental units. Some houses nearby simply need to be fixed up by their landlords. It would be better to incentivize property improvement to revitalize the neighborhood rather than rezone for high density.
- 2) I am concerned about high density in general--for trash and litter, for parking, and the noise and traffic impact on the surrounding neighborhood. Already college hill has problems with litter, parking, and cars speeding along College Street and Seerley Blvd. This would exacerbate all these problems.
- 3) I am concerned about the elevation, specifically, the height of the buildings proposed, and its impact on the feel of the neighborhood and social implications (see Jane Jacobs...).

Generally, I appreciate the idea of high density IF infrastructure can accommodate it--ie: if there were incentives to not have cars and bike/walk, if we had more pedestrian and bike-friendly area in general, if there were recycle containers and green roofs and ways to mitigate the impact of more people living in a small area. But the reality is, College Hill is not urban, and the infrastructure is not yet in place. The probability of renters leaving their cars and of picking up after themselves seems low to me. Perhaps if this were tied to some mechanism for putting single families back into the rental houses, I would be more inclined to the project.

Thank you for hearing my comments,

Elizabeth Sutton  
404 W Seerley Blvd

--  
she/her/hers

Associate Professor of Art History  
Department of Art  
University of Northern Iowa  
214 Kamerick Art Building  
Cedar Falls, Iowa 50614  
319.273.6260  
<http://www.uni.edu/esutton>  
<https://sites.google.com/a/uni.edu/women-as-makers/>  
<https://sites.google.com/a/uni.edu/creativeresilience/>

**Karen Howard**

---

**From:** motocross1 <motocross1@mchsi.com>  
**Sent:** Wednesday, June 20, 2018 5:45 PM  
**To:** Karen Howard  
**Subject:** Rezoning of 1015-1021 W 22nd street

Dear Karen Howard,

I own property at 1123 W. 22nd as well as others and would like to formally object to the rezoning of the property at 1015-1021 W. 22nd street. This parking is not on site of the proposed rental units and should not be allowed. There is virtually no parking for the apartments that were recently built on W. 23rd street. What is the explanation for that? For 20+ years we have been told that parking stalls must be provided on site and rezoning won't happen, you can't combine lots and had our properties zoning downgraded from R-3 to R-2. And now that parking has to be hard surface to boot! There should be no chance of adding one additional resident on the hill that doesn't have a place for a vehicle when adding or building apartments. Those are the rules we have lived by for years and there is no reason to change them now.

Sincerely,

Brian Tressler

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**Karen Howard**

---

**From:** Dan Drendel <dan@slingshotarchitecture.com>  
**Sent:** Thursday, July 5, 2018 3:44 PM  
**To:** Karen Howard  
**Cc:** Brent Dahlstrom  
**Subject:** College Hill Project - letter  
**Attachments:** 07-05-18 Letter to City of Cedar Falls Planning & Zoning Commission.pdf

Hi Karen,

Attached is the revised letter from the Client's lawyer outlining the code compliance of the project, summary of this process, and explaining that there is not a desire to pursue further compromise on parking counts that are not required for the site.

I'll also forward the letter from the property manager on parking permits being required for residents not parking on site on the previous college hill project on 23rd.

I'll get you any last items by tonight. Thank you!

DAN DRENDEL AIA, LEED AP  
PRINCIPAL  
C 515-494-0104

SLINGSHOTARCHITECTURE.COM  
305 EAST COURT AVE, DES MOINES, IA 50309

[NOTICE: This message originated outside of the City Of Cedar Falls mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

FaegreBD.com



USA ▼ UK ▼ CHINA

Larry James, Jr  
Partner  
larry.james@FaegreBD.com  
Direct +1 515 447 4731

Faegre Baker Daniels LLP  
33<sup>rd</sup> Floor ▼ 801 Grand Avenue  
Des Moines ▼ Iowa 50309-8003  
Main +1 515 248 9000  
Fax +1 515 248 9010

July 5, 2018

Planning & Zoning Commission  
City of Cedar Falls  
220 Clay Street  
Cedar Falls, Iowa 50613

Re: 2119 College Street, 925 W. 22nd Street, 1003 W. 22nd Street, 1015 W. 22nd Street, and 1021 W. 22nd Street - College Hill Development

Dear Commissioners,

Our firm represents CV Commercial, LLC (“CV”) in its proposed real estate development at 925 22nd St., 2119 College St., 1003 22nd St., 1015 W. 22nd St., and 1021 W. 22nd St. in the College Hill Neighborhood of Cedar Falls (the “Project”). The Project would be a mixed-use building with a principal commercial use on the first floor and residential units on the upper floors. The Code of Ordinances for the City of Cedar Falls (the “Code”) does not require any parking spaces, but as a compromise the Project would provide 94 parking spaces. The Project is now before this Commission for the third time and CV hopes to receive approval again from this Commission and from the City Council. Absent a fair resolution, CV would likely pursue further legal options rather than altering its site plan once more. We write to detail CV’s efforts to cooperate and find compromise so far, as well as to clarify why no parking spaces are required, and to show how our client’s provision of 94 parking spaces satisfies the Code and should receive your approval.

**I. CV Has Sought Compromise and Cooperation Throughout the Approval Process**

CV began working with City staff in early 2017 and has been an amiable partner with the City on this Project and several other developments. The first site plan went before this Commission on November 21, 2017, for an initial discussion of the Project. Following that meeting, CV altered the site plan with City staff to increase the amount of first floor commercial space and to add more parking spaces. City staff issued a Site Plan Review on January 5, 2018, stating that no parking spaces were required and that the principal use of the Project was commercial. On January 24, 2018, this Commission voted to approve the second site plan with 65 parking spaces. The City Council reversed this Commission on February 19, 2018, on the grounds of inadequate parking, despite Commission approval and a City staff report that confirmed that no parking was required for the Project. Instead of pursuing further legal options in District Court, CV opted to seek another compromise, and altered its design again to add 29 off-site parking spaces, bringing the total to 94 spaces reserved for residents of the Project. The revised

site plan also includes bicycle parking and a potential bicycle sharing station. City staff issued another Site Plan Review on June 21, 2018, again affirming that no parking is required and that the principal use is commercial. The Project comes before the Commission now for a review of the third site plan. During this process, the City Council has not changed the relevant zoning ordinances and parking requirements.

## II. No Parking Spaces Are Required Under the Code

We agree with City staff's determination in its Site Plan Reviews of January 5 and June 21, 2018, that no parking spaces are required. The Project is located within the C-3 Commercial District and the College Hill Neighborhood Overlay Zoning District (the "College Hill Overlay"). The Code sections for these districts do not require parking. Section 29-177(a) states parking shall be provided on-site, "except as follows:

- (1) For a principal permitted commercial use in the C-3 commercial district; and
- (2) For a residential use established as a permitted secondary, incidental or accessory use to a principal permitted commercial use in the C-3 commercial district, **such as for a dwelling unit or units located on the second or higher floor of a building, the first or lower floor of which comprises the principal permitted commercial use**, subject, however, to review and approval by the planning and zoning commission and city council." (emphasis added)

Both conditions apply to the Project, because it is in the C-3 Commercial District, the principal use is commercial, and the secondary use is residential. The College Hill Overlay also does not require parking in Section 29-160(g)(2), which states that when secondary residential uses are "established on the upper floors of principal permitted commercial uses," then "[o]n-site parking will not be required for secondary, accessory residential uses." City staff's January 5 and June 21 Site Plan Reviews reached the same conclusion, stating that parking is not required for uses such as for the Project in either the C-3 Commercial District or College Hill Overlay, but that "[e]ven though parking is not required, the developer has shown a total of 65 on-site parking spaces located within and beneath the building and 29 off-site parking spaces in a surface lot at 1015 and 1021 W. 22nd Street, for a total of 94 spaces." The current proposed site plan includes more than one space per dwelling, and enough parking spaces for 78% of the total bedrooms in the Project. The Code does not require any parking spaces, so 94 spaces is ample.

## III. The Proposed Re-Zoning of 1015 and 1021 W. 22nd St. is Not a Condition for Approval of the Project

Regardless of whether 1015 and 1021 W. 22nd St. is re-zoned, the approval of that re-zoning should not be a condition for approval of the Project. This is the only area where CV differs with the City staff's Site Plan Review. Since the last time the Project was before this Commission, CV added 29 off-site parking spaces by making room at 1015 and 1021 W. 22nd Street. The Code does not require the additional 29 spaces, but CV added them in the most recent revised site plan as an accommodation to City Council concerns. Even if this Commission or the City Council decides against granting the re-zoning application, the Project's site plan should still be approved because the Code does not require any parking. Whether the Project includes the 65 on-site spaces and 29 off-site spaces, or just the 65 on-



site spaces, the Project still satisfies the Code. The proposed re-zoning of 1015 W. 22nd St. and 1021 W. 22nd St. from R-3 Multiple Unit Residential to C-3 Commercial should not be tied to approval of the Project and this version of the site plan.

#### **IV. The Principal Use for the Project Is Commercial**

The parking requirement—or lack of requirement, in this case—is determined by the principal use. We also agree with City staff that the principal use for the Project is commercial. Section 29-2 defines “principal use” as “the main use of land or structures, as distinguished from accessory use.” The Code does not define “secondary use” but employs the term throughout the zoning ordinances. “Main use” is also undefined, but it should be based on the ground floor because of past precedent and the contextual and logical implications of the Code.

First, the principal use is commercial because of past precedent. City staff has repeatedly determined principal use by evaluating the use at the ground floor, including for mixed-use buildings in the College Hill Neighborhood. The staff’s Site Plan Review lists projects where this has been the case. For this Project, City staff “deem[ed] this to be a principal commercial use” because 64% of the ground floor area will be commercial. This approach makes sense: the vast majority of the general public will interact with the Project through the commercial space, as it is the most visible from street level.

Second, the principal use is commercial because of the contextual and logical implications of the code. The Code implies that commercial uses are the principal uses on the ground floor, and residential uses are secondary uses when on the upper floors. The description of the College Hill Overlay’s C-3 district states “the district is made up primarily of commercial uses as the principal uses” and that when residential uses are “contained within principal commercial uses,” then “the residential uses are considered to be secondary or accessory uses to the principal commercial use on the property.” Sec. 29-160(g). It also states that “principal permitted residential uses are to be discouraged” in a C-3 area “due to the limited area available for commercial establishments.” *Id.* Finally, the Code refers to “secondary or accessory residential uses to be established on the upper floors of principal permitted commercial uses” as if it is one term, which implies that what is on the upper floors are secondary uses. Sec. 29-160(g)(2).

If, for some reason, the principal use were determined not based on the ground floor but on the total floor area, then a mixed-use building with commercial on the first floor and residential on upper floors could never have a principal commercial use. That type of building with principal commercial uses, though, is what the College Hill Overlay description and College Hill Revitalization plan explicitly prefer. *See* Sec. 29-160(g), *College Hill Urban Revitalization Plan*. Taken together, the contextual and logical implications are that the ground floor determines the principal use. When commercial use is present and on the ground floor, the default seems to be that the principal use is commercial, and the secondary use is residential.

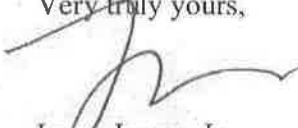
#### **V. Conclusion**

CV seeks to help fulfill the City’s College Hill Urban Revitalization Plan by “enhanc[ing] the quality of life and aesthetics,” “increas[ing] the quality of the housing stock,” and promoting a “mixed use”

neighborhood. *College Hill Urban Revitalization Plan*. More parking lots will not do that, and we agree with City staff and their past practices that this Project is a principal commercial use and does not require more parking spaces. The principal use is commercial, and in the C-3 Commercial District and College Hill Overlay, no parking spaces are required for principal commercial uses. Nevertheless, the Project plans for 65 on-site parking spaces and 29 off-site spaces.

CV has built a reputation for high-quality developments in the City of Cedar Falls and around the Cedar Valley that improve the community. Our client has been flexible in working with the City, and has chosen to amend its site plan multiple times to seek compromise. That flexibility, however, has its limits and our client is prepared to pursue its legal options, should this Commission reverse its prior decision. Our client looks forward to a fair resolution that follows the text of the Code and the advice of City staff on parking and principal use. We respectfully ask for your support in approving this site plan.

Very truly yours,



Larry James, Jr.,  
Faegre Baker Daniels LLP,  
Attorney for CV Commercial, LLC



Jesse Linebaugh,  
Faegre Baker Daniels LLP,  
Attorney for CV Commercial, LLC

Copy to: Kevin Rogers, City Attorney for City of Cedar Falls

## Item 6.A.



**Rent Cedar Valley**  
604 Clay Street  
Cedar Falls, IA 50613  
319-768-7150

January 11th, 2017

---

City of Cedar Falls  
Planning & Zoning Commission  
220 Clay Street  
Cedar Falls, IA 50613

Planning & Zoning Commission,

I am the Vice President and Chief of Operations at Rent Cedar Valley. Rent Cedar Valley manages all leasing management and maintenance activities for CV Commercial LLC at the property known as Urban Flats located 917 W 23<sup>rd</sup> St in Cedar Falls.

Under direct instruction from owners of CV Commercial, Rent Cedar Valley has required each tenant of 917 W 23<sup>rd</sup> St to purchase a UNI parking permit dating back to pre-leasing activity in early 2017. Tenants have also signed an addendum to our standard lease agreeing to purchase a UNI parking permit. I have attached this addendum for your reference. All tenants with vehicles are required to provide proof of permit when keys are obtained prior to moving into the property.

Off campus students are eligible for B-Lot, C-Lot or R-Lot parking passes. B-Lot parking is permitted from 7AM to 1AM. C-Lot and R-Lot parking is permitted 24 hours a day. B-Lot permits also allow users to park in C-Lot and R-Lots.

This parking agreement will remain in effect at 917 W 23<sup>rd</sup> St in accordance with CV Commercial on all current and future leases.

Sincerely,

---

**Chris Olsen** | Vice President  
**D.K. Management LLC & Rent Cedar Valley**  
604 Clay St. | Cedar Falls, IA 50613  
Ph: 319-296-6264

DK Management, LLC

PO Box 128 • Cedar Falls, IA 50613  
(319) 768-7150



# 1. Parking Agreement

## 1.1 PARKING AGREEMENT

All Urban Flats Tenants will be required to purchase a parking permit issued by the University of Northern Iowa. This can be either a "B" or an "R" permit and must be purchased before tenants move in to the property. CV Commercial will reimburse tenants, in the form of a Rent Credit, for the UNI Parking Permit with proper receipt from the University.

X \_\_\_\_\_  
Initial Here



