

**Cedar Falls Planning and Zoning Commission
Regular Meeting
June 14, 2023
Cedar Falls, Iowa**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on June 14, 2023 at 5:30 p.m. at City Hall. The following Commission members were present: Alberhasky, Crisman, Hartley, Larson, Leeper, Moser and Stalnaker. Grybovych and Lynch were absent. Karen Howard, Planning and Community Services Manager, Jaydevsinh Atodaria, Planner I, and Matt Tolan, Civil Engineer II, were also present.

- 1.) Acting Chair Hartley noted the Minutes from the May 24, 2023 regular meeting are presented. Ms. Crisman made a motion to approve the Minutes as presented. Ms. Moser seconded the motion. The motion was approved unanimously with 7 ayes (Alberhasky, Crisman, Hartley, Larson, Leeper, Moser and Stalnaker), and 0 nays.

- 2.) The first item of business was a zoning text amendment regarding parking for institutional uses in CD-DT. Acting Chair Hartley introduced the item and Ms. Howard provided background information. She explained that the item was presented at the last meeting and gave a brief recap of the information. An inquiry from St. Patrick's about using a vacant lot for a surface parking lot prompted the discussion as the property is in the Urban General Frontage of the Downtown Character District. They may build a new daycare building in the future. The accessory uses, such as parking, are not allowed without a principal use. Parking setback in most zones is relative to the principal buildings on the site. The question becomes whether parking for civic and institutional uses be treated differently. Urban General encourages buildings close to the street with parking located behind to create a pedestrian-friendly mixed-use district. The parking setback from the street is about 30 feet in this zoning district. Allowance can be made for additional area along side streets if it is behind a building wall, such as in a garage or in a parking facility. She provided examples of parking setbacks in other zoning districts.

Ms. Howard explained that there are a number of churches and schools in the Downtown Character District with campus-like settings on multiple properties. Institutional uses are important to the character of the neighborhood and may warrant different rules, but it is also important to ensure surrounding development is respected. Buffering parking areas from public sidewalks and adjacent properties would help to do that. She discussed the solutions that were discussed at the previous meeting that would allow for more flexibility for civic and institutional uses. Staff recommends allowing more flexibility for these types of uses and creating a special rule that would allow parking forward of the parking setback line with the conditions outlined in the staff report and/or with any modifications or additional comments from the Commission.

Paul Dimarco, 1707 E. Bremer Avenue, Waverly, spoke as a parishioner of St. Patrick's. He discussed different projects that he has been a part of with the church and asked the Commission to consider support for the proposed zoning changes. He thanked staff and the Commission for all their work and support of the community. He believes the additional parking would assist in reducing parking needs and loads on the neighbors, as well as Main Street events.

Mr. Larson feels it makes sense but still has concerns about a different set of rules for civic and institutional uses.

Mr. Leeper feels that the timing is a challenge as the code was just updated and this is the first project coming through. To make a change right away doesn't allow the code a chance to work as it has been laid out.

Ms. Crisman agreed to their sentiments, stating that while one location might need the additional space, it doesn't mean that all of the other locations will need the additional parking. If the rules are changed, it would be allowed for all of them. She would prefer not to change the code.

Mr. Larson asked about the possibility of a variance. Ms. Howard explained that anyone has a right to request a variance, but the bar is set high to show that you don't have any use of the property because of zoning rules. It would be difficult to meet a variance standard in this case.

Ms. Crisman asked if the property was included in the parking study. Ms. Howard believed it was outside the area of the downtown study.

Ms. Crisman made a motion to approve the item as recommended. Mr. Larson seconded the motion. The motion was denied with 2 ayes (Alberhasky and Hartley), and 5 nays (Crisman, Larson, Leeper, Moser and Stalnaker).

- 3.) The next items for consideration by the Commission were an RP Master Plan Amendment and preliminary plat for Autumn Ridge Development. Acting Chair Hartley introduced the item and Mr. Atodaria provided background information. Ms. Alberhasky recused herself from the item as she has a conflict of interest. Mr. Atodaria explained that the location consists of 105 acres west of Union Road and south of West 1st Street. He noted that development has been ongoing since 2001 and showed renderings of the Master Plans and preliminary plats since then. He then showed a color coded drawing of the subdivision today, showing the breakdown of the additions and the proposed revisions of the RP-Master Plan. Mr. Atodaria discussed the proposed number of lots and units and showed a rendering of where they are each proposed to be located.

He explained the concerns with the project, including excessive paving along street frontages. This would add congestion on the streets, less on-street parking, compromised sidewalk continuity and front yards that will be largely paved with less room for landscaping and trees. To address this concern the developer is proposing that the driveway width for the lots will be limited to 18 feet at the front lot line. It is also proposed that lots with less than 60 feet will be limited to a 2-car garage. Mr. Atodaria noted another concern with sidewalk connections and noted that the developer will be adding sidewalks along the Union Road and W. 1st Street in addition to sidewalks bordering platted lots to comply with the City's ordinance. The City has agreed to construct a small segment of missing sidewalk along Union Road between Paddington Drive and the southern edge of the proposed Autumn Ridge 9th Addition as a capital improvement project. A third concern is with community space and shared useable open space. Per the subdivision code and the RP Development Agreement, usable open space should be provided to meet the needs of the neighborhood. Staff recommends that some usable open space be designated within the 9th and 11th Addition as originally agreed. The developer is proposing 1.15 acres of open space for a park.

Matthew Tolan, EI, Civil Engineer II, spoke about the stormwater management plan and spoke to concerns by neighbors. He explained renderings of the stormwater plans and showed a photo of the existing stormwater detention basin. He also discussed concerns with the traffic impact and explained that a traffic impact study was done and it showed that requirements have been met. The DOT has also confirmed their acceptance of the connection onto HWY 57.

Mr. Atodaria explained the final outstanding issues, which include a revision to the existing developmental procedures agreement that will be required to make it consistent with the revision to the RP Master Plan. The draft agreement and the deed of dedication will be finalized once staff has received direction and a decision by the Planning and Zoning Commission. The introduction of the Master Plan Amendment is for discussion and public comment only at this time.

Mr. Atodaria moved forward with the next item for consideration with regard to these additions, the preliminary plat. He displayed a rendering showing street connection, access points and mailbox locations, as well as one showing the setbacks of the preliminary plat. He stated that all lots meet the minimum requirements for lot width and area as per the Code. He discussed drainage and utility easements, community space/shared usable open space, public sidewalks and the stormwater maintenance and repair agreement. Mr. Tolan explained the requirements with regard to stormwater maintenance and stated that they have been met. He also discussed the Stormwater Pollution Prevention Plan (SWPPP) and the process the contractor is required to follow. Mr. Atodaria spoke regarding technical issues that will need to be addressed with the proposal.

Ms. Moser asked when the traffic study was completed. Mr. Tolan explained that it was done in 2021. Mr. Larson asked if the proposed preliminary plat still has expected revisions that are to be made before approval. Ms. Howard stated that it depends on whether there are modifications to the master plan based on public input. Until the master plan and any modifications have been finalized, the plat cannot be approved.

Ms. Crisman asked if the Fieldstone retention basin was put in in anticipation of this addition. Ms. Howard stated that there would always be an expectation that the community grows, every development is responsible for accepting the water from upstream properties and managing the stormwater for their development and maintaining the facilities over time.

Mr. Leeper asked Mr. Tolan to speak to any other mechanisms and requirements that would control silt buildups. Mr. Tolan explained that there will always be natural siltation, so maintenance agreements should address regular maintenance and when and how it is removed.

Ms. Moser asked how the grading for the greenspace will impact the movement of water. Mr. Tolan explained that there is no planned construction in the basin. Everything will be outside the basin and controls will be placed around the waterway and secondary controls around stockpiles. With final development, the agricultural field will be switched to more of a permanent lawn status. Seeding would take place that will lock the topsoil layer down to avoid erosion.

Ms. Crisman asked if Maria Perez, Stormwater Specialist, could provide more information at the next meeting. Ms. Howard stated she would ask Ms. Perez to attend the next meeting.

Dennis Happel, BNKD, spoke as the developer for the project. He explained that a new Master Plan and the preliminary plat are being submitted based on recommendations from City staff and comments from the Commission in the past. Every phase of the development have gone through City Staff, Planning and Zoning and Council. He stated that all requirements have been met or exceeded and that he wants to make sure that there are no misconceptions regarding what they are required to do.

Cindy Luchtenberg, 4322 W. 1st Street, stated that there were several neighbors with concerns regarding the project. She clarified that they are not against the development, but they were

under the assumption that there would be fewer lots with single-family homes with more greenspace until it was changed in 2013. At that time the detention pond was taken away, the cul-de-sacs were taken away and the kind of housing that was proposed. They were told that the whole development to the north would be consistent with the homes on the north end of the property. In 2020 it was changed to almost all duplexes and not what the homeowners were told. She noted concern with the water runoff and read a paragraph from a brochure from the Iowa Stormwater Organization regarding urban landscapes and runoff. She believes the study should be redone as there will be more housing than was originally stated. She also stated concerns with what she referred to as being a transient community as those forms of housing are not usually considered a permanent home. Another concern is with the housing becoming rentals.

Lyle Simmons, 207 Corduroy, stated that at the time he bought the lot they invested their money into the neighborhood itself as that was the ideal they had been looking for. When duplexes started going up the neighborhood changed to something they had not signed up for. He also noted concerns with how the waterway will be maintained with the density going in as it seems to be landlocked and it would be difficult to get to it. With regard to the structure going under Union Road, he asked if homeowners from Autumn Ridge absolved from any ramifications that could come from a torrential rain coming in.

Brad Pierschbacher, 4228 W. 1st Street, stated that they own the property directly north of this subdivision and they have concerns about the setbacks and how that will affect which kind of housing can be built. He also noted concerns with the sidewalks and if it will affect whether he will have to put sidewalk in in front of his home. He also had concerns with traffic once the new high school is built combined with the additional housing.

Jim Hancock, 821 Lakeshore Drive, spoke regarding the silt removal that the lake association had to pay to remove, and stated concerns with future silt issues.

David Davis, 4407 Berryhill Road, stated concerns with traffic and environmental issues.

Ann Spurr, 4211 Berryhill Road, voiced concerns with the runoff and the use and location of the greenspace.

Tom Litton, 918 Juanita, stated concerns with silt issues.

Acting Chair Hartley brought back a question regarding whether duplexes could be built on additional lots. Ms. Howard explained that since this is a Master Plan community there cannot be a change unless the change is brought through Planning and Zoning and City Council. At this time they could not put duplexes on lots that have been designated as single-family without coming back to the Commission to ask for that change.

Mr. Hartley reiterated the question regarding potential liability to existing homeowners for any damage from water flowing downstream. Mr. Tolan explained the drainage flow in place and how it would work. As for any liabilities, the Autumn Ridge Stormwater Drainage Association is responsible for the basins as outlined in their agreement, which has maintenance in place. The City and Association are in agreement that in the event there is an issue at hand, the City notifies the Association of what remedies are to be taken. In the event that those aren't taken or it's a life and death situation where the City has to take immediate action, the City will assess the cost back to the Association. Ms. Howard further explained that in general, every development is responsible for management of their own water. She stated that she could get a more detailed response for the next meeting.

He then asked for staff to address whether a property owner with existing property on West 1st Street be required to put in sidewalk to connect to the sidewalks put in by the developer. Ms. Howard explained that the only way that would be required is if that property owner chose to develop on that property.

Mr. Hartley then asked whether the retention ponds are managed by Homeowner Associations. Ms. Howard stated that the Homeowner's Association would be responsible for collecting the right dues to maintain the facility and the pond. Mr. Leeper asked more about silt control policies and Mr. Tolan responded.

Mr. Atodaria responded to questions from attendees that were raised regarding setbacks.

Mr. Leeper noted confusion with the units per acre that were discussed compared to the plans. Mr. Happel provided an explanation. There was further discussion regarding the changes in numbers of units.

Mr. Larson asked for more clarification on the calculations for the detention basins and changes in permeability. Mr. Tolan provided an explanation and information.

Ms. Crisman asked about the new housing needs assessment and how it relates to this project. Ms. Howard stated that staff could look at the assessment and bring that information back at the next meeting.

Mr. Leeper asked about the obligation for the developer to do what they said they would do in the beginning. Ms. Crisman stated that she feels that this is an example of needing to find a balance between providing housing and being environmentally responsible.

Mr. Stalnaker asked if there has been any new guidance from Council on clearer developments with regard to greenspace. Ms. Howard stated that there is a section of the CIP to do a new parks master plan in a couple years. One of the goals as part of that study, staff would like more clarity on the direction of the amount of open space required.

Mr. Leeper stated that he doesn't feel they can wait years to determine a number of acres should be set aside for parks/greenspace. He feels something should be put into place sooner than that. Ms. Howard agreed with the need for more clarity but explained that there are a lot of legal aspects to determining those kind of formulas so it will take time.

The Master Plan Amendment and Preliminary Plat discussions will be continued at the next meeting.

- 4.) As there were no further comments, Mr. Larson made a motion to adjourn. Ms. Crisman seconded the motion. The motion was approved unanimously with 6 ayes (Crisman, Hartley, Larson, Leeper, Moser and Stalnaker), and 0 nays.

The meeting adjourned at 7:25 p.m.

Respectfully submitted,


Karen Howard
Community Services Manager


Joanne Goodrich
Administrative Assistant