



AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION
WEDNESDAY, JUNE 13, 2018
5:30 PM AT CITY HALL - COUNCIL CHAMBERS

1. **Call to Order and Roll Call**

2. **Approval of Minutes**

3. **Public Comments**

4. **Old Business**

A. Rezoning (Amendment to Zoning Agreement) - Lots 7 & 8 Midway Business Park

Location: Midway Business Park on Greenhill Circle
Applicant: Lucas Moore, Oak District LLC
Previous Discussion: May 23, 2018
Staff Recommendation: Approval
P&Z Action Needed: Recommend approval and forward to City Council.

B. Floodplain Ordinance Amendments

Location: Citywide
Applicant: City of Cedar Falls
Previous Discussion: May 23, 2018
Staff Recommendation: Approval
P&Z Action Needed: Recommend approval and forward to City Council.

5. **New Business**

A. Downtown Façade Review – 120 Main Street

Location: 120 Main Street
Applicant: Don Blau, owner
Previous Discussion: None
Staff Recommendation: Approval
P&Z Action Needed: Recommend approval and forward to City Council.

6. **Adjournment**

Reminders:

- June 27th and July 11th Planning & Zoning Commission Meeting

- June 18th and July 9th and July 16th City Council meeting

**Cedar Falls Planning and Zoning Commission
Regular Meeting
May 23, 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, May 23, 2018 at 5:30 p.m. in the City Hall Council Chambers, 220 Clay Street, Cedar Falls, Iowa. The following Commission members were present: Arntson, Giarusso, Hartley, Holst, Leeper, Saul and Wingert. Adkins and Oberle were absent. Karen Howard, Community Services Manager, David Sturch, Planner III, Shane Graham, Planner II, and Iris Lehmann, Planner I, were also present.

- 1.) Acting Chair Holst noted the Minutes from the May 9, 2018 regular meeting are presented. Ms. Giarusso made a motion to approve the Minutes as presented. Mr. Leeper seconded the motion. The motion was approved unanimously with 6 ayes (Arntson, Giarusso, Holst, Leeper, Saul and Wingert), and 0 nays.

- 2.) The first item of business was a rezoning amendment to a zoning agreement for Lots 7 and 8 in Midway Business Park. Acting Chair Holst introduced the item and Mr. Sturch provided background information. He explained that this is a request to amend the zoning agreement that applies to the Midway Business Park off Greenhill Road. He discussed the history of the property and the zoning. The property is zoned R4, but due to the zoning agreement, the allowed uses of the property are restricted to professional offices. The applicant is requesting to amend the agreement to allow an assisted living facility on Lots 7 & 8. Currently it is proposed to build a single-story senior housing facility with 16 residents and 4 employees. The location, parking, and landscaping meet the standards of the R4 Zoning District. The concerns about traffic circulation and congestion that were largely the impetus for the additional restrictions have been resolved because the cul-de-sac prevents traffic from this development from flowing through nearby single-family neighborhoods. Therefore, Staff recommends approval of rezoning and recommends scheduling a public hearing to consider the amendment to the Zoning Agreement and Deed of Dedication.

Eric Blakesley, 4037 Scenic Drive asked whether the trees will be removed along back of the lots being discussed. The petitioner, Luke Moore, stated that they are not planning to remove trees for the sake of privacy. If necessary, the trees would be trimmed back or replaced with something to maintain the current level of privacy.

Jerry Henninger, 4031 Scenic Drive, asked about the easement in that area and whether there would be things dug up and/or placed there. Mr. Sturch stated that there would be no development in that area. Mr. Henninger stated that he was mostly concerned with keeping the privacy.

As the item was just being presented as an introduction, the item was continued to the next meeting.

- 3.) The next item for consideration by the Commission was Floodplain Ordinance Amendments. Acting Chair Holst introduced the item and Mr. Sturch provided background information. He explained that this is part of the follow-up to the annual discussion the City has with the DNR regarding the floodplain sections of the Code. He noted that the DNR made recommendations for amendments during their Community Assistance Visit in 2017 and that Cedar Falls is considered to be in good standing with the National Floodplain Insurance Program. Mr. Sturch

Item 2.

also discussed the Community Rating System (CRS) Program and what it means for the community.

Mr. Sturch discussed the potential creation of a new subsection under Definitions to distinguish which are general zoning terms and which relate to floodplain management. Definitions being considered include: appurtenant structure, base flood elevation, factory built home park or subdivision (mobile home parks), highest adjacent grade, repetitive loss, and start of construction.

At this time staff would like to hear any comments or changes recommended by the Commission and to schedule a public hearing and continue the discussion at the next Planning and Zoning meeting on June 13, 2018.

Mr. Arntson asked about revisions made in 2008 regarding fill and asked if there was any conflict with the changes made at that time. Mr. Sturch stated that the changes will have no conflicts with prior changes.

- 4.) At this time, Karen Howard gave a presentation with regard to zoning codes and an overview of various types of zoning. Ms. Howard discussed the benefits of zoning and the use of a good zoning code, as well as briefly describing the types of zoning: use-based, performance-based, incentive-based, form-based and hybrid.

Use-based zoning is essentially the separation of incompatible land uses with a set of basic dimensional standards that splits each zone.

Performance/Impact-based zoning adds in performance standards to a use-based zoning ordinance to make uses more compatible. While zones may be more mixed, standards are created to make them work well together.

Incentive-based zoning is a use-based principle, but it enables projects to exceed the base standards if some form of benefit is provided to the local community.

Form-based zoning is based on the form and placement of the buildings, including parking and how the private space meets the public space at the street. Uses can be mixed and there is less focus on the specific land uses.

Hybrid zoning incorporates different parts of the zoning types.

Since form-based zoning is one of the newest types of zoning and is being adopted in more and more communities across the country, Howard went into some depth regarding the distinguishing elements of a form-based code versus other types of zoning.

Form-based codes are customized to address the local context of an area, allowing coding for each area to have a specific, desired character for that location. It always has a regulating plan. This plan identifies on a map how the code is applied to a particular area of the city, including designating primary street frontages, building heights, parks and open space and any specific frontage conditions or special requirements for the area. Building and parking location is more strictly controlled, and density is controlled by height and parking requirements. There is a broad range of commercial or residential uses allowed, setting it up for different uses to be able to move in and out.

Form-based zoning codes also contain frontage standards, which are standards that address the transition from public to private space, indoor to outdoor at the main entrance, the design treatment of first story building façades, the configuration of façade projections, and the

Item 2.

disposition of improvements within required setbacks. How the building meets the street strongly influences the quality and character of public streets and spaces. Ms. Howard showed examples of different storefronts, forecourts, stoops, terraces/door yards and porches to show different kinds of frontages that could be utilized on different building types. She also discussed the concept of Missing Middle Housing, which is a range of multi-unit or clustered housing types compatible in scale with single-family homes that help meet the growing demand for a variety of housing types in walkable urban neighborhoods, showing different examples of such housing.

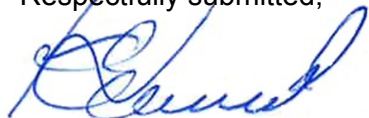
Ms. Howard discussed the general requirements (streetscape and setbacks), building design standards (building articulation, entranceways, window coverage, building materials, roof design and signage standards), pedestrian streets, and special provisions (useable open space requirements and flexibility to allow exceptions to the rules). She summarized that the basics of good zoning apply regardless of the type of zoning.

Mr. Holst asked if the form-based zoning is being considered in the discussion of code updates. Ms. Howard stated that there have been questions about it and discussions about the possibility using this type of zoning, and noted that it could be applied in a small area of town to test out how well it works. Ms. Saul suggested that College Hill would be a good place to start.

- 5.) As there were no further comments, Ms. Saul made a motion to adjourn. Ms. Giarusso seconded the motion. The motion was approved unanimously with 6 ayes (Arntson, Giarusso, Holst, Leeper, Saul and Wingert), and 0 nays.

The meeting adjourned at 6:20 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: David Sturch, Planner III
DATE: June 6, 2018
SUBJECT: Rezoning Amendment – Midway Business Park

REQUEST: Rezoning Amendment on Lots 7 & 8 of Midway Business Park

PETITIONER: Lucas Moore, Oak District LLC

LOCATION: Lots 7 & 8 Midway Business Park: Greenhill Circle

PROPOSAL

The applicant submitted a request to amend the zoning restriction placed on Lots 7 and 8 of the Midway Business Park subdivision. This restriction only allows for the construction of professional service office buildings. It is proposed to establish a nursing home/senior assisted living facility on said lots.

BACKGROUND

The zoning designation on this property changed from R-1, Residential to R-4, Multifamily Residential in January of 1995. The R-1 district was part of the Midway subdivision that included the residential homes on Lovejoy Drive, Valley High Drive and Cardinal Court east of Cedar Heights Drive. Due to its location along the Greenhill Road arterial street corridor and potential for commercial and professional office development, this 8.8 acre parcel an upzoning to R-4 was recommended. At that time, due to concerns expressed by nearby residents, the petitioner agreed to limit the uses in this R-4 district to professional office development only through a zoning agreement. It should be noted that the R-4, Residential district permits a wide range of uses including one and two unit dwellings, multifamily dwellings, nursing homes and hospitals. In addition, commercial entities such as funeral homes, hotels/motels and professional service offices are permitted. Since the zoning agreement is part of the zoning of these properties, any proposal to vary from the agreement requires a rezoning action.

The zoning change in January 1995 was followed by the approval of the Midway Second Addition for the creation of four residential lots at the east end of Lovejoy Drive. This plat created a cul-de-sac which essentially eliminated the through traffic into the aforementioned R-4

Item 4.A.

zoning district. The approval of the plat eased some of the concerns brought from nearby residential properties that were opposed to a potential increase in traffic and residential parking from the R-4 district. Finally, in the summer of 2003, the Midway Business Park subdivision was created for nine (9) new lots off of Greenhill Road with a short cul-de-sac (Greenhill Circle) to serve these lots. The First Security Bank eventually developed on Lot 1 located at the intersection of Greenhill Circle and Greenhill Road. More recently, the Community Foundation of Northeast Iowa built their new office west of the bank at the end of Greenhill Circle. Since 2003, three of the nine platted lots have been developed. The lots along the north and east side of Greenhill Circle remain vacant.

ANALYSIS

The petitioner has submitted a site plan for a proposed senior assisted living facility on Lots 7 and 8 at the northeast corner of the subdivision. The property abuts a City-owned lot to the north that is used as a stormwater detention basin. The property also abuts a residential neighborhood to the east in Waterloo.

This request is unlike a typical rezoning request. The proposal is to amend the zoning agreement to allow a use that is generally permitted in the R-4 district. All basic utility accommodations serve the property including sanitary sewer and a water main to each lot. The developer would utilize one connection and the other service connections will need to be abandoned at the developers cost. Vehicular access to the property is from Greenhill Circle.

The two lots in question are 1.35 acres in area. The attached site plan shows a new 9,000 square foot building centered on the two lots. This facility is intended to serve up to 16 clients with one full time operating manager and three caregivers during business hours. The night shift will consist of two care givers to meet the needs of the residents. The traffic will not be a concern as most of residents are unable to drive. There are nine parking spaces that will serve the staff and visitors.

Based on the proposed development of Lots 7 and 8 in the Midway Business Park addition, staff supports this request for an amendment to the zoning agreement. The proposed use is allowed in the R-4 zoning district. Reviewing the case history of this zoning agreement and subsequent platting of the property, staff finds that this change to the zoning agreement will be compatible with the surrounding neighborhood. The two story building is similar in height to nearby homes and subject to similar building setbacks. Use of the property for supportive housing for elderly is consistent with the intended purpose of the zone. The traffic to the subject properties will not affect the surrounding residential properties because the only access to these lots is from Greenhill Circle to Greenhill Drive.

The original zoning agreement approved in 1994 and the Midway Business Park Deed of Dedication will need to be revised to accommodate the proposed senior assisted living facility.

A notice was mailed to the adjoining property owners on May 16, 2018 regarding this zoning district amendment.

STAFF RECOMMENDATION

The Department of Planning and Community Services recommends approval of the R-4 zoning district amendment to allow a senior assisted living facility on Lots 7 & 8 of the Midway Business Park Addition subject to the following conditions:

1. Gather any comments from the Planning and Zoning Commission and public.
2. Submit a revised Zoning Agreement and Deed of Dedication

PLANNING & ZONING COMMISSION

Introduction
5/16/2018

Acting Chair Holst introduced the item and Mr. Sturch provided background information. He explained that this is an amendment to the rezoning agreement in the Midway Business Park Addition off Greenhill Road and discussed the history of the property and the zoning changes and restrictions that have been made. The proposal is to amend the zoning agreement to allow the construction of a single-story senior housing facility with 16 residents and 4 employees. The location, parking, and landscaping meet zoning requirements. Staff recommends approval of the R-4 zoning district amendment subject to gathering comments from the Commission, scheduling a public hearing to continue the discussion and submittal of a revised Zoning Agreement and Deed of Dedication.

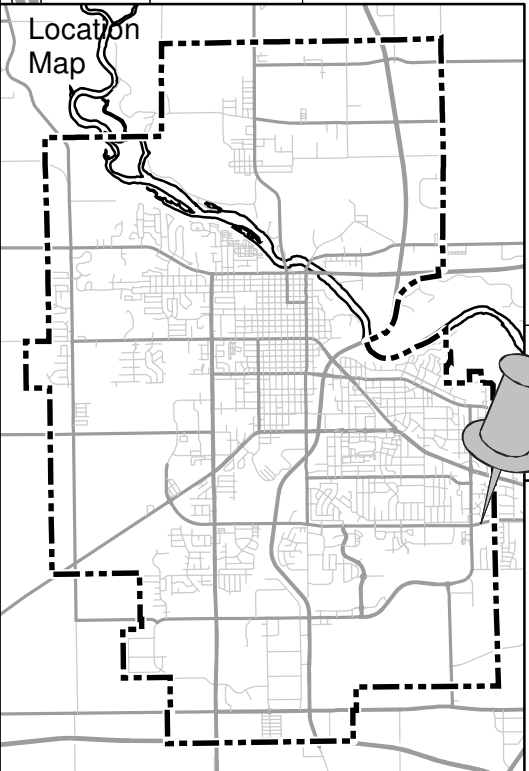
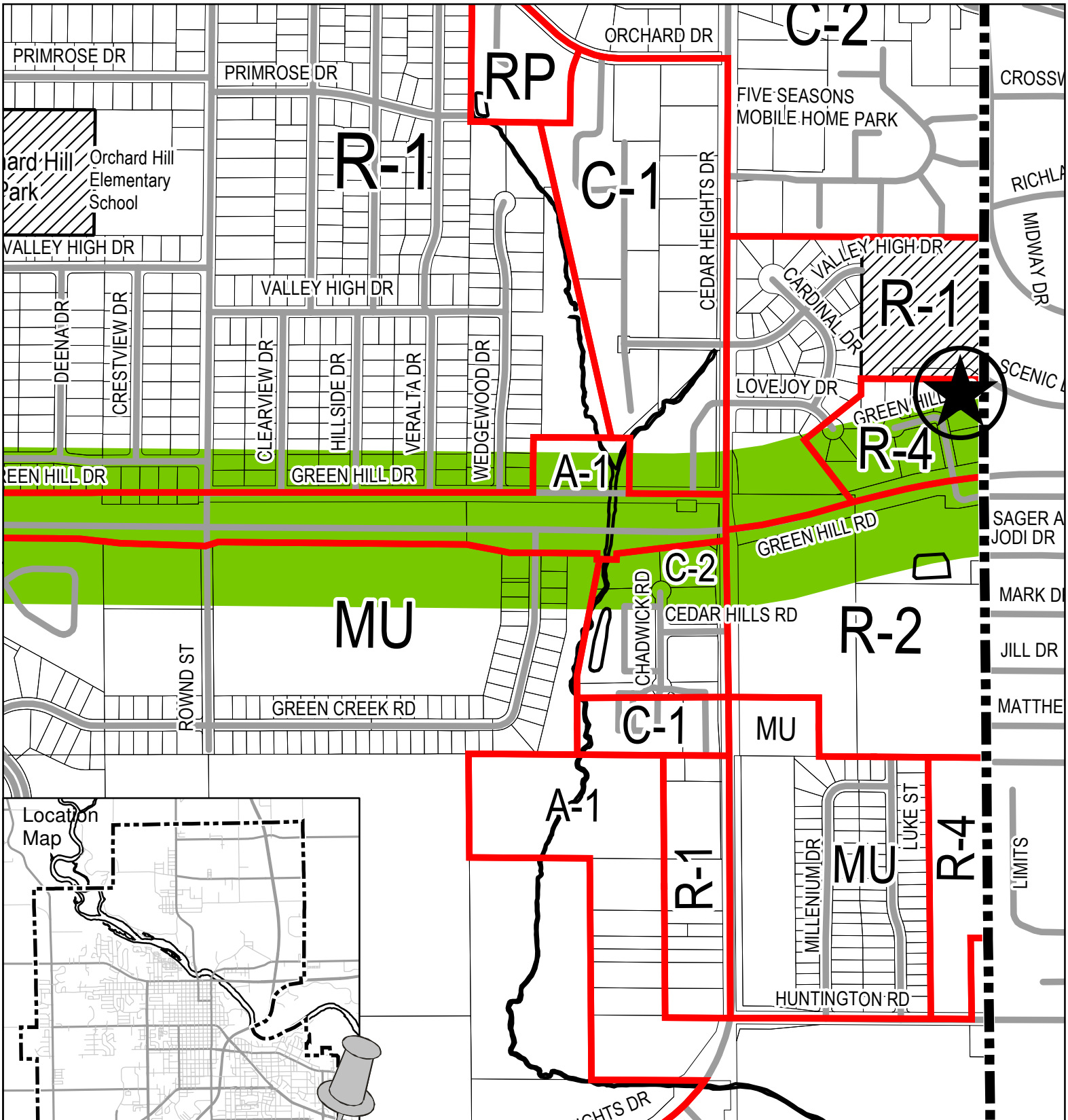
There were some comments by nearby property owners to the east of the proposed site. They were concerned about removing the existing trees that provide a nice buffer between the two properties. Also another neighbor commented about the easements and required setbacks. The petitioner, Luke Moore, stated that they are not planning to remove trees for the sake of privacy. Mr. Sturch commented on the easements and setbacks.

There were no comments from the Commission and a public hearing will be scheduled at the next Planning and Zoning meeting on June 13, 2018.

Public Hearing
6/13/18

Attachments: Location map
Support Letter
Rezoning Plat
Request Letter
Site Plan
Original Zoning Agreement
Original Deed of Dedication
Midway Business Park Plat

June 13, 2018



Midway Business Park Zoning Amendment

Item 4.A.



May 11, 2018

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

To whom it may concern:

It is First Security State Bank's understanding that it is Lucas Moore's intention to purchase the land and build a 9,000 s.f. senior assisted living facility on parcel numbers 8913-20-376-052 and 8913-20-376-053. The bank has reviewed plans for the project and wishes to express its support this development as well as the requested zoning modification.

Sincerely,

A handwritten signature in black ink that reads 'Tim Mack'.

Tim Mack
Executive Vice President
First Security State Bank

Hometown Friends You Can Count On!

Evansdale
3600 Lafayette Road
Evansdale, Iowa 50707
(319) 235-6731

Cedar Falls
3229 Greenhill Circle
Cedar Falls, Iowa 50613
(319) 266-0474



376-016
10.79

Legal Description of Property
MIDWAY BUSINESS PARK LOT 7
MIDWAY BUSINESS PARK LOT 8

REZONING REQUEST R 4 TO
R4 *WITH AMMENDMENT
#10 REMOVED

Map Disclaimer: This map does not represent a survey. No liability is assumed for the accuracy of the data delineated herein, either expressed or implied by Black Hawk County, the Black Hawk County Assessor or their employees. This map is compiled from official records, including plats, surveys, recorded deeds, and contracts, and only contains information required for local government purposes. See the recorded documents for more detailed legal information.



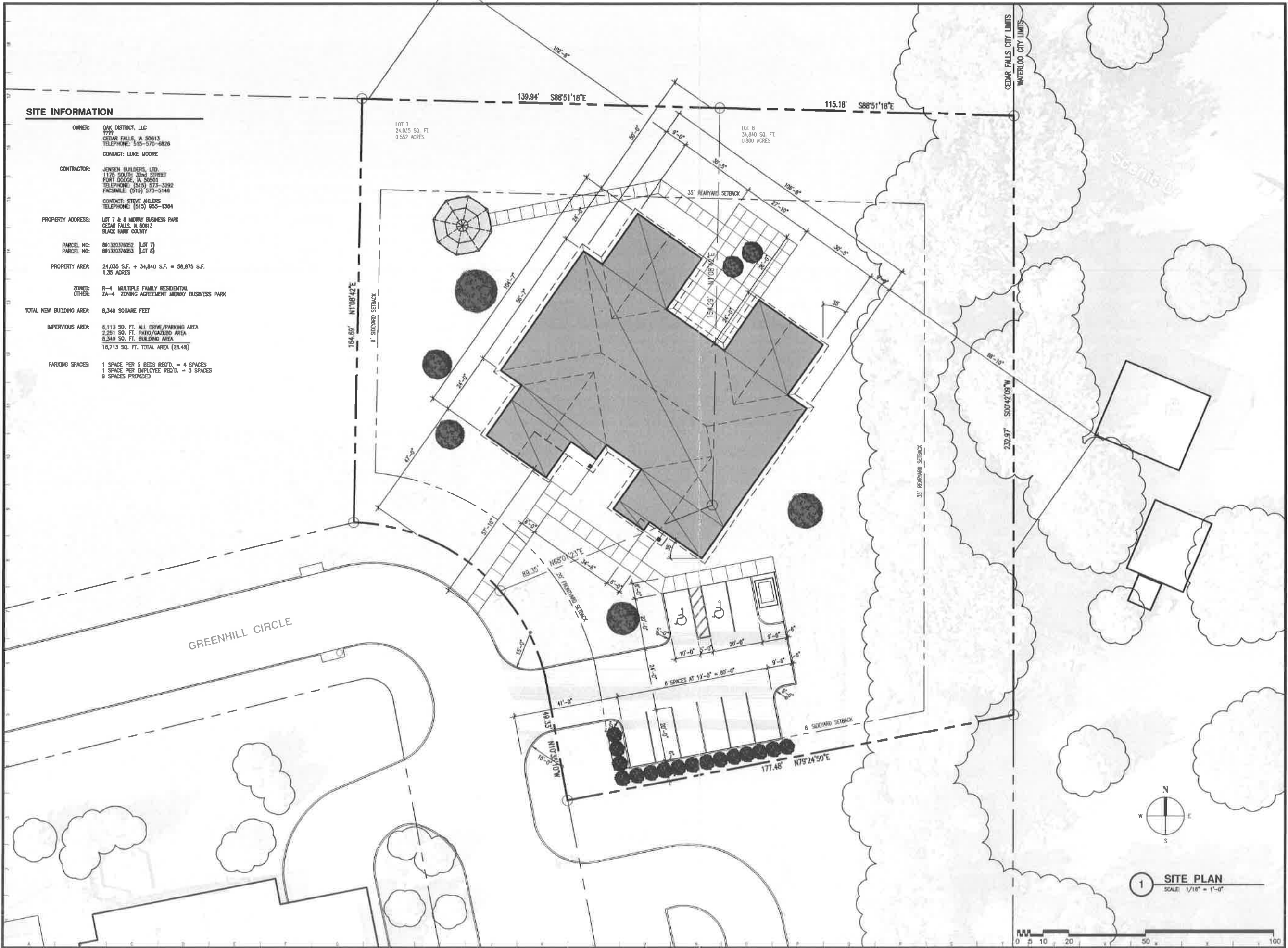
1:1,200

Item 4.A.

I am requesting to amend the restrictions on MIDWAY BUSINESS PARK LOT 7 and MIDWAY BUSINESS PARK LOT 8 to allow construction of a residential senior assisted living property. Currently the lots are zoned R-4 with a restriction for building a senior assisted living property. I am requesting rezoning to amend the restrictions of only allowing store front property to be built.

The property will provide detailed care in a smaller 9000 sq ft property for senior citizens. The property will care for sixteen senior citizens that need assistance with activities of daily living. The project will have one full time operating manager and three caregivers during business hours. The night shift will consist of two care givers to meet the needs of the residents. This property will give seniors a different option than what is currently available in our area. The traffic will not be a concern as most of residents are unable to drive.

The property is a concrete slab with stone exterior and an asphalt roof. There are nine parking spaces that will serve the staff and visitors. The property will be built using the finest material providing great curb appeal to the area. The property would be a great addition to the area.



SITE INFORMATION

OWNER: OAK DISTRICT, LLC
 7777
 CEDAR FALLS, IA 50613
 TELEPHONE: 515-570-8828
 CONTACT: LUKE MOORE

CONTRACTOR: JENSEN BUILDERS, LTD.
 1175 SOUTH 32nd STREET
 FORT DODGE, IA 50501
 TELEPHONE: (515) 573-3292
 FACSIMILE: (515) 573-5146
 CONTACT: STEVE AHLERS
 TELEPHONE: (515) 855-1364

PROPERTY ADDRESS: LOT 7 & 8 MIDWAY BUSINESS PARK
 CEDAR FALLS, IA 50613
 BLACK HAWK COUNTY

PARCEL NO.: 061320378052 (LOT 7)
 061320376063 (LOT 8)

PROPERTY AREA: 24,035 S.F. + 34,840 S.F. = 58,875 S.F.
 1.35 ACRES

ZONED: R-4 MULTIPLE FAMILY RESIDENTIAL
 OTHER: ZA-4 ZONING AGREEMENT MIDWAY BUSINESS PARK

TOTAL NEW BUILDING AREA: 8,349 SQUARE FEET

IMPERVIOUS AREA: 6,113 SQ. FT. ALL DRIVE/PARKING AREA
 2,251 SQ. FT. PATIO/GAZEBO AREA
 8,349 SQ. FT. BUILDING AREA
 16,713 SQ. FT. TOTAL AREA (28.4%)

PARKING SPACES: 1 SPACE PER 5 BEDS REQ'D. = 4 SPACES
 1 SPACE PER EMPLOYEE REQ'D. = 3 SPACES
 8 SPACES PROVIDED



JENSEN BUILDERS, LTD.
 Design-Build General Contractor

1175 South 32nd Street
 Fort Dodge, IA 50501
 Phone: (515) 573-3292
 Fax: (515) 573-5146

2097 NE 60th AVENUE
 DES MOINES, IA 50313
 Phone: (515) 292-5000
 Fax: (515) 292-5100

www.jensenbuilders.com

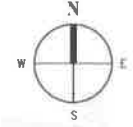
**ASSISTED LIVING FACILITY
 OAK DISTRICT ASSISTED LIVING
 GREENHILL CIRCLE CEDAR FALLS, IOWA**

DATE	DESCRIPTION
4-4-18	PRELIMINARY

PROJECT NO: 18-XXX
 DRAWN BY: TRV
 CHECKED BY:
 CHECKED BY:
 COPYRIGHT: © JENSEN BUILDERS, LTD.
 SHEET TITLE

SITE PLAN

A - 101
 SHEET ? OF ?



1 SITE PLAN
 SCALE: 1/16" = 1'-0"



Item 4.A.

COPY

ZONING AGREEMENT

This Agreement is made and entered into this 3th day of December, 1994, by and between R & N Investments, an Iowa Partnership, hereinafter called R & N Investments and the City of Cedar Falls, Iowa, hereinafter called City.

WHEREAS, R & N Investments is requesting a change in zoning for real estate described as follows:

Part of the Southeast Quarter of the Southwest Quarter of Section 20, Township 89 North, Range 13 West of the 5th P.M. in Cedar Falls, Black Hawk County, Iowa, described as follows: Beginning 180 feet north of the Southeast corner of said Southwest Quarter; thence North 0°16'57" West 415 feet along the East line of said Southwest Quarter; thence North 89°50' West along a line parallel to the South line of said Southwest Quarter to the East line of Midway Addition, in the City of Cedar Falls, Black Hawk County, Iowa; thence South 0°0'20" West to the most Southeasterly corner of Lot 36 in of said Midway Addition; thence South 51°36'20" West to the most Southerly corner of said Midway Addition; thence South 38°23'40" East 357.72 feet to the South Quarter; thence North 19°30' East a distance of 730 feet to the point of beginning.

from the R-1, Residential Zoning District to the R-4, Residential Zoning District, and

WHEREAS, Iowa Code Section 414.5 provides that a City Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this Section or any adjournment of the hearing, and

WHEREAS, the City Council has determined that the additional conditions hereinafter provided are necessary to warrant a rezoning of the above described real estate.

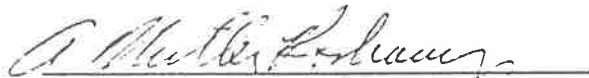
NOW, THEREFORE, it is hereby agreed by and between the above named parties that the following conditions are hereby imposed on R & N Investments and the real estate described as follows in addition to the existing regulations governing all real estate included in the R-4, Residential Zoning District. Said conditions are as follows:


1. That a cul-de-sac street will be installed at the east end of Lovejoy Drive where single family residential lots will be established.

2. That the remaining property subject to rezoning east of the Lovejoy Drive cul-de-sac area will be developed solely with professional service office buildings.
3. That prior to the establishment of any uses on the property other than single family residences or professional service office buildings a separate rezoning request shall be submitted to the City for consideration in the normal fashion.

The foregoing conditions shall apply to the above described real estate and shall run with the land.

CITY OF CEDAR FALLS, IOWA


A. Miller Roskamp, Property Owner

By: 
Ed Stachovic, Mayor

ATTEST:


David M. Nordyke, Property Owner


Gary L. Hesse, City Clerk

OWNER'S STATEMENT AND DEED OF DEDICATION
FOR

**MIDWAY BUSINESS PARK
CEDAR FALLS, IOWA**

KNOW ALL MEN BY THESE PRESENTS:

That **Dennis Hansen, President of First Security State Bank**, being desirous of setting and platting into lots the land described in the attached Certificate of Survey by Wendell J. Lupkes, a Registered Land Surveyor, dated the 19th day of May, 2003, does by these presents designate and set apart the aforesaid premises as a subdivision of the City of Cedar Falls, Iowa, the same to be known as:

**Midway Business Park
Cedar Falls, Iowa**

in Cedar Falls, Black Hawk County, Iowa, all of which is with the free consent and desire of the undersigned, and the undersigned does hereby designate and set apart for public use the streets and avenues as shown upon the attached plat.

EASEMENTS

The owners do hereby grant and convey to the City of Cedar Falls, Iowa, its successors and assigns, and to any private corporation, firm or person furnishing utilities for the transmission and/or distribution of water, sanitary sewer, storm sewer, natural gas, electricity, communication service or cable television, perpetual easements for the erection, laying, building and maintenance of said services over, across, on and/or under the property as shown on the attached plat.

RESTRICTIONS

Be it also known that the undersigned does hereby covenant and agree for itself and its successors and assigns that each and all of the lots in said subdivision be and the same are hereby, made subject to the following restrictions upon their use and occupancy as fully and effectively to all intents and purposes as if the same were contained and set forth in each deed of conveyance or mortgage that the undersigned or its successors in interest may hereinafter make for any of said lots and that such restrictions shall run with the land and with each individual lot thereof for the length of time and in all particulars hereinafter stated, to-wit:

Item 4.A.

1. The owner of each Lot, vacant or improved, shall keep his Lot or Lots free of weeds and debris.
2. All plans and specifications of structures to be built on any lot in said subdivision are to be submitted to and approved by the developer or his authorized agent or agents. No old or used building shall be moved upon any of the Lot or Lots in said subdivision for any purpose and all buildings on any lot in said subdivision shall be kept in a reasonable state of repair and upkeep.
3. The undersigned shall provide hard surface pavement, 31-foot back of curb to back of curb, in accordance with the City of Cedar Falls standard specifications
4. The undersigned shall provide sanitary sewers for each Lot, together with all necessary manholes and sewer service line, to all Lots in the plat.
5. The undersigned will install underground utilities as required by the City of Cedar Falls Subdivision Ordinance, or as agreed upon with the City of Cedar Falls.
6. The undersigned shall provide city water for each Lot as required by the Cedar Falls Municipal utilities.
7. The undersigned shall provide municipal fire hydrants as required by the Cedar Falls Fire Department.
8. The undersigned shall provide storm sewer along with sub-drain tile along street paving as specified by the Cedar Falls City Engineer.
9. The undersigned will provide sidewalks and hard surface driveways as follows:
 - (a) That the owner or its successors will install handicap ramps as provided by state law.
 - (b) That the owner or its successors will install a 4-foot wide concrete sidewalk four inches thick along Sager Avenue, and a concrete surface driveway entrance during or immediately after the construction of a building, and that the sidewalk be across the full width of the Lot at the time of construction of a building. On lots where no construction occurs, the owner or owners of any unimproved lot five (5) years after the filing of this document shall be required to install previously mentioned sidewalk. Owner or owners of the unimproved lot or lots shall authorize and direct said City to construct the said sidewalk without any of the formalities or legal proceedings required of cities by the statutes of Iowa in construction of like improvements.

- (c) In the event the City is required to construct the sidewalk, a lien or liens may only be imposed against the Lot or Lots which require City construction, and no others in the subdivision
10. That the development of the property shall be in accordance with the current Zoning District classification set forth in the City of Cedar Falls, Iowa, Zoning Ordinance. In addition, development of the property shall be restricted to professional offices only, according to previously adopted developmental agreement.
11. The undersigned and all persons and corporations hereafter acquiring any right, title, or interest in any of the Lots in said subdivision shall be taken and held to have agreed and covenanted with the owners of all other Lots in this subdivision and with the respective successors and assigns of all of the rest of such other Lots to conform to and observe all of the foregoing covenants, restrictions and stipulations as to the construction of building thereon, for a period of 21 years from the date of filing of said plat, and this deed of dedication for record. Within the period of 21 years and in according with Iowa Code §614.24 and §614.25 (1997 Code of Iowa) or their successor provisions, these covenants, restrictions and stipulations may be extended for an additional period of 21 years upon compliance with §614.24 and §614.25 of the 1997 Code of Iowa. In the event an extension of the covenants, restrictions and stipulations contained herein shall terminate at the end of the existing period of 21 years.
12. Invalidation of any of these covenants by judgment, decree or court order, shall in no way affect any of the other provisions of this dedication and such other provisions shall remain in full force and effect
13. .All buildings erected on any lot in said subdivision shall be constructed in accordance with the Building, Plumbing and Electrical Codes of the City of Cedar Falls, Iowa.
14. If the parties hereto, or any of them, or their heirs or assigns shall violate or attempt to violate any of the covenants or restrictions herein, it shall be lawful for any other person owning property in said addition to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions, and for the purpose of preventing such acts or recovering damages for such violations or both, and for costs and reasonable attorney fees as determined by the court



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: David Sturch, Planner III
DATE: June 6, 2018
SUBJECT: Floodplain Ordinance Amendments

REQUEST: Various Amendments to the Cedar Falls Floodplain Ordinance
PETITIONER: Cedar Falls Planning and Community Services
LOCATION: Citywide

PROPOSAL

The Department of Planning and Community Services proposes a series of ordinance amendments pertaining to an update of the City’s floodplain management regulations.

BACKGROUND

The Iowa Department of Natural Resources conducts routine visits with communities throughout the State to review their floodplain ordinances. This Community Assistance Visit (CAV) provides assistance and evaluates the effectiveness of the City’s floodplain management program in conforming to the criteria for continued participation in the National Flood Insurance Program. The Iowa DNR noted that staff is implementing the City’s floodplain management program well. However, it was noted that the zoning ordinance must be updated to include certain definitions and amendments to floodplain regulations to conform to changes in FEMA standards.

ANALYSIS

Staff reviewed these suggested changes and concurs with the recommendations from the Iowa DNR. The new definitions listed below correspond to the existing text and phrases in the floodplain sections of the zoning ordinance. Adding new definitions further reinforce the floodplain management regulations of the City of Cedar Falls. For example, the repetitive loss requirement will allow a property owner to calculate their damage over multiple flood events for the past 10 years in order to qualify for assistance to elevate and protect their dwelling and minimize their flood insurance claims. The goal is to remove these properties from the repetitive loss list in Cedar Falls.

Item 4.B.

The participation and good standing in the National Flood Insurance Program (NFIP) is based on proper floodplain management and program administration. Implementation of floodplain best management practices protects property and lives while reducing exposure and community disruption that results from flooding. Ramifications for non-compliant communities include probation, increased cost of flood insurance and ultimately suspension from the NFIP, which results in loss of eligibility for federally backed flood insurance and federally backed funding for various mortgage and disaster relief funds.

The City of Cedar Falls has maintained their good standing in the National Flood Insurance Program. Cedar Falls has a model floodplain ordinance that has been used across the State and the proposed amendments will strengthen our goals and policies for floodplain management. As part of the National Flood Insurance Program, the City of Cedar Falls participates in the Community Rating System (CRS) program. Under the CRS program, flood insurance policies are discounted to reward community actions that meet the three goals of the program, which are: 1) reduce flood damage to insurable property; 2) strengthen and support the insurance aspect of the NFIP; and 3) encourage a comprehensive approach to floodplain management. The City of Cedar Falls requires a higher standard to floodplain management than what the NFIP requires. For instance, instead of using the 100-year flood protection level to determine the base flood elevation, the city uses the 500-year flood protection level. Also, filling in the floodplain is limited to 1/3 the area of the property and no higher than three feet. Finally, since the 1990's, the City has participated in the flood buyout program that removes structures from the floodplain. These properties will remain in open space in perpetuity, which is a benefit to the floodplain.

There are several definitions and floodplain changes that need to be added to the Cedar Falls Zoning Ordinance. During this amendment process, staff intends to separate the general definitions of the zoning ordinance from the floodplain definitions, since the meaning of these terms may be different for general planning purposes than for floodplain management.

Based on recommendations from the Iowa Department of Natural Resources, staff recommends the following amendments to the zoning code:

Add new subsection under Section 29-2 – Floodplain Management Definitions, applicable to Sections 29-155 through 29-157. Move any existing definition that relates specifically to floodplain management from the General Definitions section of the zoning code and add the following new definitions to this new subsection. This will avoid confusion and misinterpretation of the same terms that may be used differently for general planning purposes.

Appurtenant Structure is a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Base Flood Elevation is the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

Existing Construction is any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as "existing structure".

Factory-Built Home Park or Subdivision, Existing is a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either

final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

Factory-Built Home Park or Subdivision, Expansion of Existing is the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Factory-Built Home Park or Subdivision, New is a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

Flood insurance study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations. ~~a study initiated, funded or published by the Federal Insurance Administration and approved by the Federal Emergency Management Agency (FEMA), for the purpose of evaluating in detail the existence and severity of flood hazards, providing the city with the necessary information for adopting a floodplain management program, and establishing actuarial flood insurance rates.~~

Floodplain Management is an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

Highest Adjacent Grade is the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Repetitive Loss includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Special Flood Hazard Area (SFHA) is the land within a community subject to the base flood. This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, A99, X Shaded and X Unshaded.

Start of Construction includes substantial improvement and new construction, means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date.

The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the

Item 4.B.

external dimensions of the building.

Substantial improvement means any improvement to a structure which satisfies either of the following criteria:

- (1) Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the fair market value of the structure before the start of construction of the improvement. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term does not, however, include either:
 - a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to ensure safe living conditions; or
 - b. Any alteration to an historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (2) Any addition which increases the original floor area of a structure by 25 percent or more. All additions constructed after February 1, 1985, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent. The term does not, however, include either:
 - a. Any project or improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to ensure safe living conditions; or
 - b. Any alteration which will not preclude the structure's continued designation as a historic structure.

Section 29-156 F-F floodway fringe overlay district

(e) Performance Standards

- (16) Detached garages, ~~and~~-storage sheds, appurtenant structure and other similar detached accessory structures that are incidental to a residential use shall be allowed in the floodway fringe district with no minimum elevation requirement provided that all the following criteria are satisfied. ~~Exemption from the elevation requirement for such structures may result in increased premium rates for flood insurance coverage of the structure and its contents:~~
 - a. The total combined floor areas of all such structures located on the lot does not exceed a total of 576 square feet in area. Those portions of structures located less than one foot above the (0.2%) 500-year flood level must be constructed of flood resistant materials.
 - b. The structures are not suitable for and shall not be used for human habitation.
 - c. The structures will be designed to have low flood damage potential- and shall be used solely for low damage potential purposes such as vehicle parking and limited storage.
 - d. The structures will comply with minimum required permanent openings as specified in subsections (d)(4)(a)(1) through (4).
 - e. The structures will be constructed and placed on the building site so as to limit resistance to the greatest practicable extent to the flow of floodwaters.
 - f. Structures shall be firmly anchored to prevent flotation, collapse and lateral movement which may result in damage to other structures.
 - g. The structure's service facilities such as electrical, heating and ventilating equipment shall be elevated or floodproofed to at least one foot above the (.2%) 500-year flood level.

Finally, there are other sections of the Cedar Falls Code that make reference to the floodplain district. The storm water management program is regulated in Chapter 27 of the Cedar Falls

Code. In order to be consistent with the floodplain regulations in the zoning code of Chapter 29, the following definition of base flood elevation in Chapter 27 should read as follows:

Base flood elevation is the elevation ~~elevation floodwaters would reach at a particular site during the occurrence of a base flood event. at all locations delineating the level of flooding resulting from the 100-year frequency flood event. The 100-year flood event has a one percent probability of being equaled or exceeded in any given year.~~ The base flood event shall be considered to be the 500-year (0.2%) flood elevation.

STAFF RECOMMENDATION

The Department of Planning and Community Services recommends approval of the amendments as described in this memo, subject to:

1. Any additional changes as recommended by the Planning and Zoning Commission.

PLANNING & ZONING COMMISSION

Introduction 5/23/2018	Acting Chair Holst introduced the floodplain ordinance amendments and Mr. Sturch provided background information. He noted that the Iowa DNR made recommendations for amendments during their Community Assistance Visit in 2017 and that Cedar Falls is considered to be in good standing with the National Floodplain Insurance Program. Mr. Sturch also discussed the Community Rating System (CRS) Program and what it means for the community. Mr. Sturch discussed the potential creation of a new subsection under Definitions to distinguish which are general zoning terms and which relate to floodplain management. Additional amendments were included in the floodplain sections of the zoning ordinance. Mr. Arnston asked if the proposed changes present any conflicts with the current ordinance. Mr. Sturch indicated that there are no conflicts. There were no other comments from the Commission and a public hearing will be scheduled at the next Planning and Zoning meeting on June 13, 2018.
---------------------------	--

Public Hearing
6/13/2018



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: Iris Lehmann, Planner I
DATE: June 6, 2018
SUBJECT: Design review of a property in the Central Business District Overlay

REQUEST: Repainting a portion of the front façade and replacing signage

PETITIONER: Don Blau, owner of 120 Main Street

LOCATION: 120 Main Street, The Runner’s Flat

PROPOSAL

The owner of 120 Main Street and the tenant, Scott Gall (The Runner’s Flat), are proposing to paint the top half of the storefront façade black and replace the wall and projecting signs for the business. The proposal also includes removing the gooseneck lights from above the signs. See images below.



Existing



Proposed

BACKGROUND

This item requires review by the Planning and Zoning Commission and the City Council as this property is located within the Central Business District (Section 29-168). The downtown district

Item 5.A.

requires a building site plan review (i.e. design review) for any “substantial improvement” to an exterior façade, including a color change. A substantial improvement to properties in the CBD Overlay is defined in Section 29-186(c) and reads as follows:

“Substantial improvement” includes any new building construction within the overlay district or any renovation of an existing structure that involves any modification of the exterior appearance of the structure by virtue of adding or removing exterior windows or doors or altering the color or exterior materials of existing walls. All facade improvements, changes, alterations, modifications or replacement of existing facade materials will be considered a substantial improvement. Included in this definition are any new, modified or replacement awnings or similar material extensions over the public sidewalk area. A substantial improvement also includes any increase or decrease in existing building height and/or alteration of the existing roof pitch or appearance. Routine repair or replacement of existing roof materials that do not materially change the appearance, shape or configuration of the existing roof will not be considered a “substantial improvement. Owner-occupied detached single family residences will not be subject to these regulations.”

ANALYSIS

This property is located in a C-3, commercial zoning district, and falls within the Central Business District Overlay. As noted above, all proposed substantial improvements to structures within the overlay district shall be reviewed by the Planning and Zoning Commission and City Council. The following is an evaluation of the proposed project with regard to the design review requirements:

1. Proportion: The proportions of the building are not being altered. This criterion does not apply.
2. Roof shape, pitch and direction: The roof of the building is not being altered. This criterion does not apply.
3. Pattern: The surfaces and openings of this structure will remain the same. This criterion does not apply.
4. Materials and texture: The materials of the building are not be altered. This criterion does not apply.
5. Color: The applicant is proposing to repaint the sign band at the top of the storefront. The sign band acts as the backing for a wall sign for the storefront tenant. The sign band is currently painted red. The applicant is proposing to paint it black. All other areas and colors on the building will remain the same. The proposed new color is complementary to the storefront design and consistent with colors used in the district. This criterion is met.
6. Architectural features: The architectural features of the building are remaining the same. This criterion does not apply.
7. Exterior mural wall drawings, painted artwork, exterior painting: this criterion does not apply for this review
8. Signage: The applicant is proposing to repaint the existing wall and projecting signs and put

them back on the building in the same locations. Staff has no concerns with the removal of the gooseneck lights. This criterion is met.

TECHNICAL COMMENTS

No comments.

PLANNING & ZONING COMMISSION

Discussion/Vote

6/13/2018

STAFF RECOMMENDATION

The Community Development Department recommends approving the submitted color and signage change for 120 Main Street.

Attachments: Letter of intent from property owners

May 18, 2018

Cedar Falls Department of Community Development
220 Clay Street
Cedar Falls, Iowa 50613

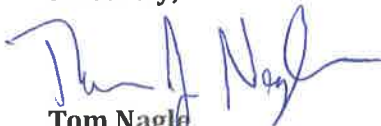
Dear Cedar Falls Department of Community Development:

In the following letter of intent, we will outline the proposed work at the property of 120 Main Street Cedar Falls, (The Runners Flat).

The enclosed renderings illustrate the removal of the gooseneck lighting and electrical from the sign on the front of the building. Removing the existing cut letters, frame work, and projection sign from the front of the building, disassembling the sign and entirely repainting it. While the sign is down the sign band area behind where the sign is located will be painted. Once the building sign band is painted the sign will be reinstalled. This signage will have a freshened-up look removing the gradient and will be painted two solid colors.

Nagle Signs will be removing the existing gooseneck lighting and current signage and updating the signage to a cleaner look. The painting of the building will be done by the owner. The general materials used will be paint to update both the building and the existing sign.

Sincerely,



Tom Nagle
Nagle Signs, Inc.

Scott Gall
The Runner's Flat



Don Blau
Property Owner



