



AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, APRIL 24, 2024
5:30 PM AT CITY HALL, 220 CLAY STREET

Call to Order and Roll Call

Approval of Minutes

1. Planning and Zoning Commission Regular Meeting Minutes for April 10, 2024

Public Comments

Old Business - none.

New Business

2. **Street Vacation – Portion of Alley between Longview Street and Cedar Street (VAC24-001)**
Petitioner: Arthur Hesse, adjacent owner
Previous discussion: none
Recommendation: *Approval*
P&Z Action: *hear public comments and make a recommendation to City Council*

Commission Updates

Adjournment

Reminders:

- * May 8 and May 22 - Planning & Zoning Commission Meetings
- * May 6 and May 20- City Council Meetings

**Cedar Falls Planning and Zoning Commission
Regular Meeting
April 10, 2024
Cedar Falls, Iowa**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on April 10, 2024 at 5:30 p.m. at City Hall. The following Commission members were present: Alberhasky, Grybovych, Hartley, Henderson, Johnson, Leeper, Moser and Sorensen. Stalnaker was absent. Karen Howard, Community Services Manager, Michelle Pezley, Planner III, and Jaydevsinh Atodaria, Planner II, were also present.

1.) Chair Hartley noted the Minutes from the March 27, 2024 regular meeting are presented. Alberhasky made a motion to approve the Minutes as presented. Moser seconded the motion. The motion was approved unanimously with 8 ayes (Alberhasky, Grybovych, Hartley, Henderson, Johnson, Leeper, Moser and Sorensen), and 0 nays.

2.) The first item of business was preliminary plat for Panther West Additions. Chair Hartley introduced the item and Mr. Atodaria provided background information. He explained that this plat was discussed at the last meeting and briefly discussed the plat details. He noted that it is proposed to subdivide the property to create 131 residential lots to develop the area with detached single-family dwelling units. He discussed setbacks, phasing, street layout and connectivity, as well as future public trail and sidewalks. He briefly reviewed the stormwater management plan and easements. Staff recommends approval of the proposed preliminary plat subject to any comments or direction from the Planning and Zoning Commission and conformance to all city staff recommendations.

Grybovych asked how the density compares to other newer developments in the City. Mr. Atodaria and Ms. Howard explained that this is similar to other single family developments. Grybovych also asked if the size of the development would trigger conversation about adding a park. Mr. Atodaria discussed that parkland was dedicated to the City in recent years just south of the proposed development directly west of Aldrich Elementary School..

Kevin Fittro, Panther Farms, explained that this is the same zoning and requirement of lot size as the Arbors development is south of the school. He noted that they have spoken to the neighbors and answered any questions they've had.

Sorensen made a motion to approve the item. Leeper seconded the motion. The motion was approved unanimously with 8 ayes (Alberhasky, Grybovych, Hartley, Henderson, Johnson, Leeper, Moser and Sorensen), and 0 nays.

3.) The next item for consideration by the Commission was a rezoning request for 2300 Main Street, 2216 Main Street and 127 E. 23rd Street. Chair Hartley introduced the item and Ms. Howard discussed the notice that is required for rezoning requests. She explained that the required notice did not get published in the Courier. She provided two options for proceeding with the item. The Commission can waive the notice requirement per City Code, hold the public hearing and make a recommendation to City Council to approve the rezoning request or postpone the hearing to the next meeting. She noted that regardless of which option the Commission chooses, the case will not be scheduled for a Council meeting until May 6, so the decision will not slow down the process for the applicant.

Sorensen made a motion to waive the notice requirement. Henderson seconded the motion. The motion was approved unanimously with 8 ayes (Alberhasky, Grybovych, Hartley, Henderson, Johnson, Leeper, Moser and Sorensen), and 0 nays.

Ms. Pezley provided background information, explaining the criteria for considering a rezoning. She discussed the characteristics of the designation and the allowable uses. She noted that the property is in a developed area of the city and has access to all utilities and public services and is consistent with the Future Land Use Map. The property also has direct access to Main Street and E. Seerley Boulevard. Staff recommends approval of the rezoning.

Chris Fischels, 4200 West Rock Road, Hudson, Iowa stated that he is available to answer any questions.

Sorenson made a motion to approve the item. Johnson seconded the motion. The motion was approved unanimously with 8 ayes (Alberhasky, Grybovych, Hartley, Henderson, Johnson, Leeper, Moser and Sorensen), and 0 nays.

- 4.) As there were no further comments, Moser made a motion to adjourn. Leeper seconded the motion. The motion was approved unanimously with 8 ayes (Alberhasky, Grybovych, Hartley, Henderson, Johnson, Leeper, Moser and Sorensen), and 0 nays.

The meeting adjourned at 5:45 p.m.

Respectfully submitted,

Karen Howard
Community Services Manager

Joanne Goodrich
Administrative Assistant



DEPARTMENT OF COMMUNITY DEVELOPMENT

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

MEMORANDUM

Planning & Community Services Division

TO: Planning and Zoning Commission
FROM: Michelle Pezley, AICP, Planner III
DATE: April 24, 2024
SUBJECT: Right-of-Way Vacation Request – Longview Street to Cedar Street Alley

REQUEST: Alley Right-of-Way (ROW) Vacation for a portion of alley between Longview St and Cedar Street (VAC24-001)

PETITIONER: Arthur Hesse

LOCATION: 1,799 sq. ft. of public right-of-way located West of Pine Street, East of Longview Court between Longview Street and Cedar Street.

PROPOSAL

Arthur Hesse requests to vacant the alley that abuts his property at 1307 Longview Street. The undeveloped alley extends from Cedar Street to Longview Street, west of Pine Street, east of Longview Court. The parcel is within the R-2 Zoning District. The proposed vacation will allow Arthur Hesse to own the land where his garage is located and establish a clear title.

BACKGROUND

The 15-foot alley right-of-way was included in the recording of the Bruhn’s subdivision in 1937. However, based on old aerial photos, it appears that the alley ROW was never improved or used for access to the abutting properties. In 1993, the City received an application to vacated the portion of the alley that was abutting 2110 Pine Street. The City Council approved the vacation under Ordinance No. 2018. In 1997, Arthur Hesse submitted a building application to add a garage over the alley. Land use and building permits were issued by the City for the garage expansion. It is not clear why the City allowed the construction over the alley at that time.



ANALYSIS

Currently, the petitioner, Mr. Hesse, is using this public property for private use without compensation to the public. Vacating and conveying this property to Mr. Hesse for fair market value would resolve this issue. In addition, it will allow Mr. Hesse to sell his property with a clear title in the future. As required, Mr. Hesse has submitted a plat that legally describes the area to be vacated and an appraisal that indicates what a fair market price would be if the City Council were to decide to vacate and convey this land to a qualified buyer.

In considering a right-of-way vacation, City staff analyzes several factors:

1. Is the right-of-way needed for public use?

The city has no use for the alley. There are no known public utilities within the unimproved alley. The area to be vacated is not needed for transportation or access.

2. Is the right-of-way needed for access to private property?

Vacating this portion of the right-of-way will not impact any future anticipated access to the surrounding property owners. The alley has never been improved to allow vehicular access, nor does the City have any plans to improve the alley right-of-way, since the properties in this block all have direct driveway access from the surrounding local streets.

3. Are there any utilities within the right-of-way that will need to be retained?

The City of Cedar Falls and CFU do not have utilities located within the alley. As part of the vacation process, the city will send certified letters to all utility providers to verify that there are no known private utilities in the alley. If any are found, easements may need to be established or the utilities moved prior to any conveyance of the property.

TECHNICAL COMMENTS

The City's Technical Review Committee does not have any concerns or objections with the proposed right-of-way vacation.

STAFF RECOMMENDATION

Staff recommends approval of the proposed right-of-way vacation.

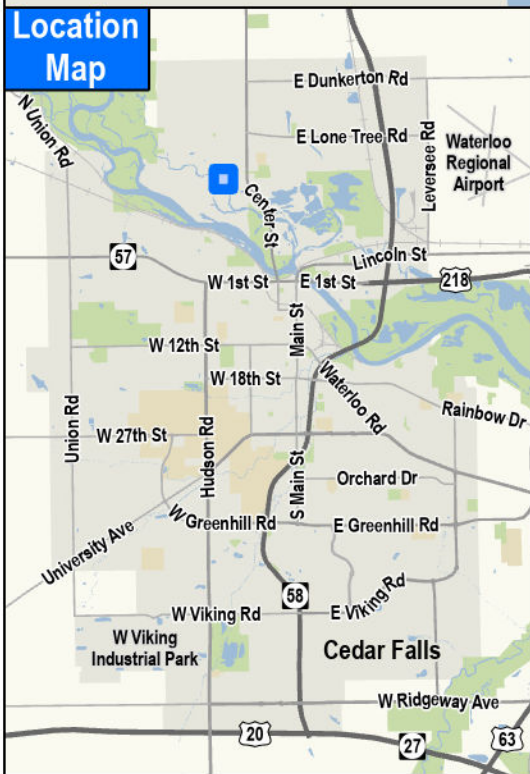
PLANNING & ZONING COMMISSION

Discussion
4/12/2023

Attachments: Location Map
Right of Way Vacation Exhibit

Cedar Falls Planning and Zoning April 24, 2024

Item 2.



**Alley Vacation for
1307 Longview St.
(VAC24-001)**

For County Recorder's use.

INDEX LEGEND

General Description: Part of NE 1/4 of Sec. 02-T89N-R14W, Cedar Falls
 Surveyor: David L. Scheil (#16775)
 Surveying Company: Wayne Claassen Engineering & Surveying, Inc.
 2705 University Avenue (P.O. Box 898)
 Waterloo, Iowa 50704
 (319)235-6294
 Survey Requested By: Arthur J. Hesse
 Proprietor: Arthur J. Hesse

PLAT OF SURVEY

SHEET 1 OF 2

Parcel "B"
 Part of NE 1/4 of Sec. 02-T89N-R14W,
 Cedar Falls, Black Hawk County, Iowa
 Survey for: Arthur J. Hesse
 Proprietor: Arthur J. Hesse

LEGAL DESCRIPTION Parcel "B"

That part of the Northeast Quarter (NE1/4) of Section Two (02), Township Eighty-nine North (T89N), Range Fourteen West (R14W), of the Fifth Principal Meridian, Cedar Falls, Black Hawk County, Iowa, described as follows:

Beginning at the Southwest corner of Lot Fifty-four (54), Bruhn's Subdivision;
 thence N01°24'46"W Fifty-nine and Ninety-one Hundredths (59.91) feet along the West line of said Lot Fifty-four (54) to the Southwest corner of Lot Fifty-three (53), said Subdivision;
 thence N01°24'46"W Sixty (60.00) feet along the West line of said Lot Fifty-three (53) to the Northwest corner of said Lot Fifty-three (53);
 thence S89°13'49"W Fifteen (15.00) feet along the Westerly extension of the North line of said Lot Fifty-three (53) to the Northeast corner of Parcel Described in Land Deed 569, Page 774 in the Black Hawk County Recorder's Office;
 thence S01°24'46"E One Hundred Nineteen and Ninety-three Hundredths (119.93) feet along the West line of said Parcel to the Westerly extension of the South line of aforesaid Lot Fifty-four (54);
 thence N89°11'57"E Fifteen (15.00) feet along said Westerly extension to the point of beginning containing 1799 square feet.

NOTES:

1. The basis of bearings for this Plat of Survey is the West line of Lot 54 assigned a bearing of N01°24'46"W as per Iowa State Plane Coordinate System, North Zone, 2011 adjustment.

This Plat or Subdivision has been reviewed by (City of Cedar Falls)

Signature of (City of Cedar Falls)
 Zoning Ordinance Administrator

Date

CES FILE NO. 2837

SMC
 FIELD BOOK 764-20

CERTIFICATION

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

Date of Survey, February 7, 2024

Signature: David L. Scheil, P.L.S.

Date: _____, 20____ License No. 16775

Pages or Sheets Covered by this Seat: 2

My license renewal date is December 31, 2024

PLAT OF SURVEY

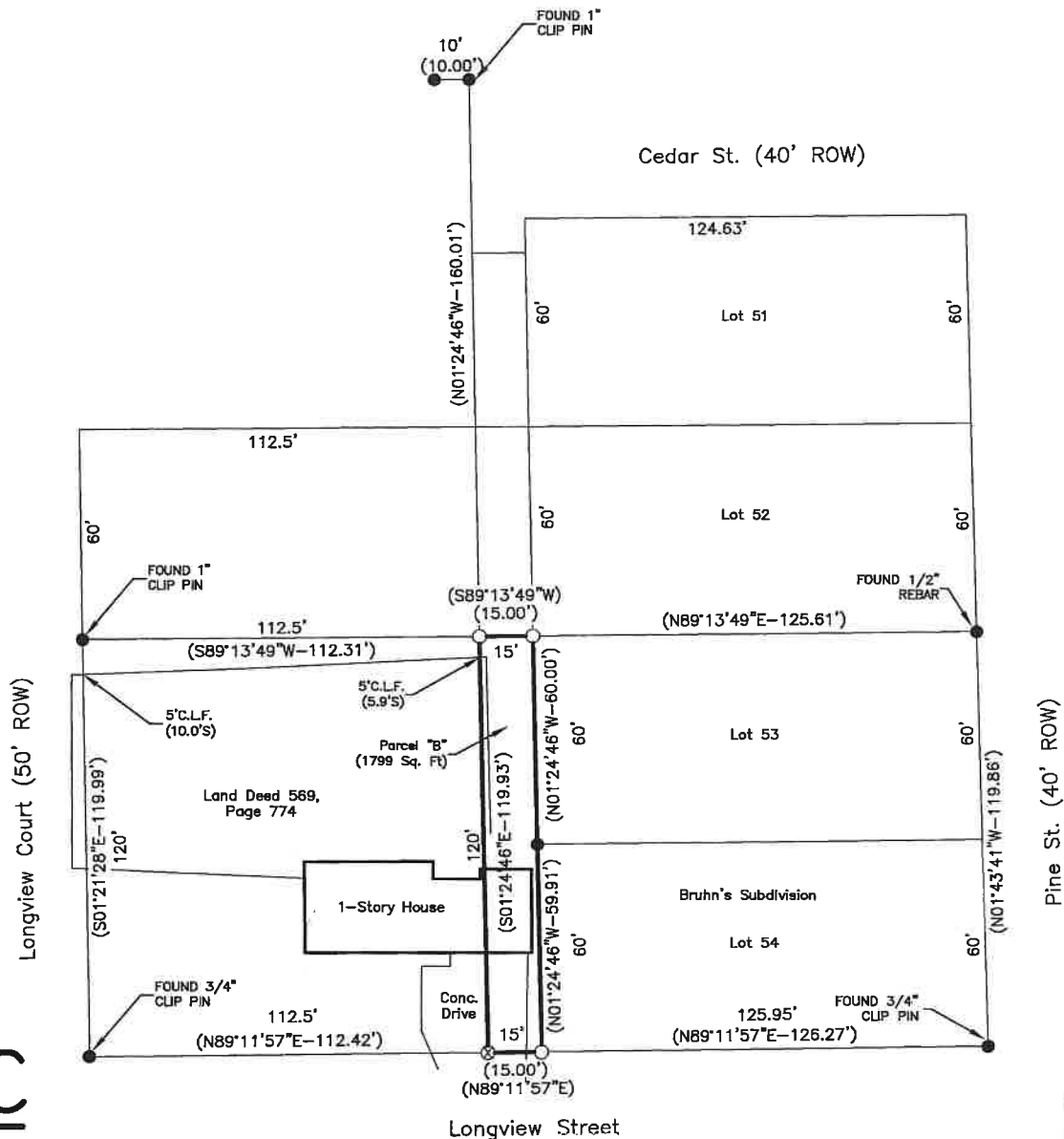
SHEET 2 OF 2

Parcel "B"
Part of NE 1/4 of Sec. 02-T89N-R14W,
Cedar Falls, Black Hawk County, Iowa
Survey for: Arthur J. Hesse
Proprietor: Arthur J. Hesse



SURVEY LEGEND:

- DENOTES FOUND PIN & ORANGE CAP #6505 (UNLESS NOTED OTHERWISE)
- DENOTES 1/2" X 24" STEEL REBAR W/ RED PLASTIC CAP W/ NO. 16775 SET
- ⊗ DENOTES SET "X" CUT IN CONCRETE
- 000.00 DENOTES RECORD DIMENSION
(000.00) DENOTES FIELD DIMENSION



SITC
FIELD BOOK 764-20

CES FILE NO. 2837