



**AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, AUGUST 11, 2021
5:30 PM AT CITY HALL AND VIA VIDEO CONFERENCE**

The City is providing in-person and electronic options for this meeting in accordance with the Governor's Proclamation of Disaster Emergency regarding meetings and hearings. The City encourages in-person attendees to follow the latest CDC guidelines to reduce the risk of COVID-19 transmission.

The meeting will also be accessible via video conference and the public may access/participate in the meeting in the following ways:

- a) By dialing the phone number +1 312 626 6799 or +1 929 205 6099 or +1 301 715 8592 or +1 346 248 7799 or +1 669 900 6833 or +1 253 215 8782 and when prompted, enter the meeting ID (access code) 886 2008 9534.
- b) iPhone one-tap: +13126266799,,88620089534# or +19292056099,,88620089534#
- c) Join via smartphone or computer using this link: <https://us02web.zoom.us/j/88620089534>.
- d) View the live stream on Channel 15 YouTube using this link: <https://www.youtube.com/channel/UCCzeig5nIS-dIEYisqah1uQ> (view only).
- e) Watch on Cedar Falls Cable Channel 15 (view only).

To request to speak when allowed on the agenda, participants must click "Raise Hand" if connected by smartphone or computer, or press *9 if connected by telephone. All participants will be muted by the presiding officer when not actually speaking.

Call to Order and Roll Call

Approval of Minutes

1. Planning and Zoning Commission Regular Meeting Minutes of July 28, 2021

Public Comments

Old Business

- 2. Land Use Map Amendment (LU21-001) from Medium Density Residential to Community Commercial; and Rezoning (RZ20-009) from A-1: Agricultural District, C-2: Commercial District, and S-1: Shopping Center District to PC-2: Planned Commercial District**
Location: South side of W. 1st Street
Applicant: ME Associates, LLC, Owner; VJ Engineering, Engineer
Previous discussion: June 23, 2021, July 28, 2021
Recommendation: *Deferral to 8/25 P&Z meeting at the request of the applicant*
P&Z Action: *None*

New Business

3. **Minor Plat for property at 2520 & 2522 Hiawatha Road (Case # MP21-003)**
Location: 2520 & 2522 Hiawatha Road
Applicant: James and Pam Smith
Previous discussion: none
Recommendation: *Approve*
P&Z Action: *Discuss and consider making a recommendation to City Council*

4. Rezoning from R-4 Multiple Residence District to C-2 Commercial District (RZ21-006)

Location: 0.33 acres of property located at 515 W. 2nd Street and 523 W. 2nd Street

Owner: C and H Holdings, LLC; Applicant: Parco Ltd and Jim Benda

Previous discussion: None

Recommendation: *Introduction and discussion*

P&Z Action: *Discussion and set a public hearing date*

Commission Updates

Adjournment

Reminders:

* August 25th and September 8, 2021 - Planning & Zoning Commission Meetings

* August 16th and September 7, 2021 - City Council Meetings

**Cedar Falls Planning and Zoning Commission
Regular Meeting
July 28, 2021
In person and via videoconference
Cedar Falls, Iowa**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on July 28, 2021 at 5:30 p.m. at City Hall and via videoconference due to precautions necessary to prevent the spread of the COVID-19 virus. The following Commission members were present: Holst, Larson, Leeper, Prideaux, Saul, Schrad and Sears. Hartley and Lynch were absent. Karen Howard, Community Services Manager, Thomas Weintraut, Planner III, and Jaydevsinh Atodaria were also present.

- 1.) Chair Leeper noted the Minutes from the July 28, 2021 regular meeting are presented. Ms. Prideaux made a motion to approve the Minutes as presented. Ms. Saul seconded the motion. The motion was approved unanimously with 7 ayes (Holst, Larson, Leeper, Prideaux, Saul, Schrad and Sears), and 0 nays.
- 2.) The first item of business was Land Use Map Amendment from Medium Density Residential to Community Commercial; and Rezoning from A-1: Agricultural District, C-2: Commercial District, and S-1: Shopping Center District to PC-2: Planned Commercial District. Chair Leeper introduced the item and Mr. Weintraut provided background information. He explained that the item was discussed at the June 23 meeting and briefly explained the proposal again, noting that the Thunder Ridge property is located on West 1st Street and Eagle Ridge Road.

The purpose of the PC-2 district is to promote and facilitate imaginative and comprehensively planned commercial developments which are designed to complement the surrounding community. Further, the purpose of these regulations is to encourage high standards of building architecture and site planning to foster commercial development that maximizes pedestrian convenience, comfort and pleasure. Staff recommends amending the Future Land Use Map from Medium Density Residential to Community Commercial.

The rezoning would allow for multi-use development consisting of retail and financial services, medical/dental/professional offices, a convenience store/gas station, medical supplies/drugstore, memory care facility, and restaurant uses. Mr. Weintraut noted issues with the proposed land use on the west side of the property. The uses are a more intensive and may conflict with the proposed residential use adjacent to the west. The applicant has proposed to mitigate the conflict with a 30' buffer along the western property line, but there are no details at this time as to what the buffer would be. The Commission will need to consider if the buffer screening would be adequate between the commercial and planned residential use to the west or if the site should be reserved for less intensive commercial uses. He displayed architectural renderings for the proposed development stating that there should be consideration given to street aesthetics and architectural design of the buildings that will front on both 1st Street and Whitetail Drive.

Mr. Weintraut also explained that some of the current issues that staff have with the proposal involve the building and parking siting, access to RP zoned property, wetlands, Lake Ridge Drive right-of-way and access. There is a inconsistencies between what is shown in the plan and what is stated in the development guidelines, therefore, staff recommends that the applicant amend the master site plan so that it reflects what is stated in the design guidelines. The master site plan should be revised to reflect the design guideline language dealing with the potential conflict between pedestrians and cars mixing in the parking lots and how

pedestrians access the buildings from the public sidewalks. Or alternately, they could delete the images of the building footprints and the parking lot layouts from each of the lots and reference the guidelines for building and parking lot placement. The applicant has updated the plan showing sidewalks along 1st Street, and all current plans have been updated with the exception of the land use plan, which will be updated if the project goes forward. He discussed the access to the RP zoned property and staff recommends that the access be a continuation of White Tail Drive, but the alternative location shown would be acceptable; however, this location would require an amendment to the RP Plan for the adjacent property to the west, which is not currently under consideration. The dedication of the necessary right-of-way would be required with platting and at least two means of access will be required for the RP zoned property. Prior to any development activity in the area, a definitive wetland mitigation plan will be required and appropriate approvals will need to be received from the U S Army Corps of Engineers. The extension of Lake Ridge Drive will need to be platted as part of the Thunder Ridge development so that the right-of-way is available in the future.

Staff acknowledges the desire to develop the site in more than one phase because of the infrastructure; however, with so little development in the second phase, staff finds that there will be little incentive to extend Lake Ridge Drive to the south. Staff recommends that Lot 7 (medical office building) be moved to Phase II to create more incentive to complete the street connection. The development phasing plan does not meet the subdivision requirement to ensure timely connections of critical infrastructure (the extension of Lake Ridge Drive). Staff does not recommend approval until the phasing plan is amended to provide more certainty that the critical street extension will be made.

Mr. Weintraut noted that there were significant inconsistencies with various documents submitted by the applicant that need to be addressed. Examples include: the design guidelines do not match the master site plan and building and parking placement and there is a lack of pedestrian connections, which are not consistent with design guidelines or with the intent of the PC zoning district. A consistent set of plans is necessary for the development to proceed to the next phase. Since the last meeting, the applicant has provided an updated phasing and landscape plan, and rezoning plat showing sidewalks along W. 1st Street. They have also indicated that the land use plan created by Emergent Architect will also be updated to reflect the sidewalks. Staff recommends that the updates are made to match the design guidelines or simply remove the building and parking lot layouts from the plans to make it clear that the guidelines must be followed when individual sites are developed. Documents, such as the plan drawings and the guidelines, must be cleaned up to be internally consistent prior to approval. One way to address the inconsistencies and the Commission's concern regarding the speculative nature of the proposal would involve removing the labels of various specific uses and instead identify general land uses that might occur on each lot. Staff has also noted concerns with the convenience store/gas station and full service restaurant located next to the RP zoned property, as they typically have hours of operation which extend well into the evening. The extended time period could extend traffic, noise and lighting which could conflict with residential enjoyment. Denoting lower intensity uses for these lots, such as office or financial institution is recommended, or indicate in the development guidelines that hours of operation for any development on these lots will be limited to daytime hours, exterior lighting will be carefully designed to prevent glare and spillover light, and enhanced landscape buffering will be required between the commercial and residential development to the west.

As with any major development there is a considerable amount of infrastructure that must be installed. The phasing plan should be established to ensure that all critical infrastructure is installed. In this case, the proposed phasing should be established in a manner that will ensure that the critical extension of Lake Ridge Drive is completed to the south boundary of the site. With so little development proposed in the second phase, there will be little incentive to construct the remainder of Lake Ridge Drive. To avoid similar mistakes that have been

made in the past, the City recently amended the subdivision code to ensure that these issues are at the forefront when new development is proposed. Now is the time to address this issue. Staff recommends that the phasing plan be amended to more evenly divide the development between the two phases, so that there is incentive to develop the second phase and extend the street to the south boundary of the site. Alternatively, the entirety of the Lake Ridge Drive extension should be installed with the 1st phase of development.

Since the last meeting, the applicant has amended the design guidelines to state buildings should be placed at front setbacks, with parking encouraged to the rear, but goes on to state the final building location will be determined during the site plan process. This is a rather ambiguous statement that does not provide a clear direction on the site design. This ambiguity combined with conflicting master plan documents, provides no real direction for future developers, City staff, the Planning and Zoning Commission or City Council. In addition, the guidelines should address the design of the façades that face W. 1st Street to ensure that they include quality building materials and design elements that address views from 1st Street, a major gateway into the community. For example, loading docks, service entrances and unfinished or blank building walls should be avoided. Dumpster areas should be carefully placed and screened from public view.

Staff recognizes that development is important and that this is an example of a plan that has uses that would complement the area, but the issue is that the planning documents, design guidelines and the critical piece of infrastructure have not been addressed. Therefore, staff recommends denial of the proposed request for the PC-2, Planned Commercial District, unless the aforementioned critical issues are addressed.

Wendell Lupkes, VJ Engineering, 1501 Technology Parkway, stated that he is disappointed in the staff report. He felt there was a good discussion at the last meeting and that he had provided additional information to staff regarding the street connection. He stated that they will extend Lake Ridge to 1st Street and discussed the former DOT approval of a "B" type entrance, which handles between 20 – 150 vehicles per hour. He also noted that they have wetland mitigation approval. He stated that they will also take the specific uses off the plan to be in better compliance.

Mr. Holst asked if there has been any recent discussion with the DOT with regard to the access. Ms. Howard explained that the DOT stated that permission and access permits for the access points will need to be granted. Mr. Schrad asked if Lake Ridge Drive will be connected in Phase I to Whitetail Drive, and why it would need to be extended if it is going to be a dead end street. Ms. Howard explained that it is to ensure that the extension is planned up front to avoid issues with the extension being completed. She also clarified that the previous agreements that Mr. Lupkes has been speaking about are with regard to securing the right-of-way and was not an agreement on the part of the city to construct the road. Mr. Holst asked about the convenience store location that was previously proposed. Ms. Howard explained that staff suggests that there be something in the design guidelines for the sites that are close to the residential area that specifies what is and is not allowed.

Mr. Holst asked for clarification on staff's recommendation for denial. Ms. Howard stated that staff is recommending denial of what has been submitted at this time and would like direction from the Commission to address some of the issues that have not been resolved. Mr. Holst stated that he would like to see the updated and cleaned up documents before voting to proceed to public hearing. There was further discussion and direction about eliminating inconsistencies between documents and what changes should be made.

Mr. Larson made a motion to defer the item to the next meeting. Mr. Holst seconded the motion. The motion was approved unanimously with 7 ayes (Holst, Larson, Leeper, Prideaux,

Saul, Schrad and Sears), and 0 nays.

- 3.) The next item for consideration by the Commission was a College Hill site plan review for 2415 Franklin Street. Chair Leeper introduced the item and Mr. Atodaria provided background information. He explained that the applicant is proposing site improvements which include: removing the existing gravel areas on site and seeding with grass; removing the paved access point from Franklin Street to the property and adding curb; adding a parking area/pad accessed from the alleyway; adding landscaping screening around the proposed parking; and adding a four-foot wide sidewalk from the parking area to the house. Staff feels that the requirements will be met and will meet the character of the neighborhood. Staff recommends approval of the submitted design review application. Mr. Atodaria noted that correspondence was received from a neighbor noting that previously there has been an issue with tenants at other rental locations parking on the street instead of parking in the back.

The applicant, Todd Wuestenberg, thanked Mr. Atodaria for his help with the process, stating that he has been a great representative. He noted that he will be available for any questions. Mr. Schrad asked how many bedrooms are in the rental unit and if complies with parking requirements. Mr. Atodaria stated that there are four bedrooms and that it is in compliance and the group rental committee has already approved the rental application with stipulations and the paving was one of the stipulations that needed P&Z and City Council review. Mr. Larson stated that he feels it will be a nice improvement.

Ms. Saul made a motion to approve the item. Ms. Sears seconded the motion. The motion was approved unanimously with 7 ayes (Holst, Larson, Leeper, Prideaux, Saul, Schrad and Sears), and 0 nays.

- 4.) Ms. Howard noted that at this time it has not been determined whether meetings will continue in person and via Zoom as the governor has extended the proclamation. As there were no further comments, Mr. Holst made a motion to adjourn. Mr. Schrad seconded the motion. The motion was approved unanimously with 7 ayes (Holst, Larson, Leeper, Prideaux, Saul, Schrad and Sears), and 0 nays.

The meeting adjourned at 6:27 p.m.

Respectfully submitted,

Karen Howard
Community Services Manager

Joanne Goodrich
Administrative Assistant



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

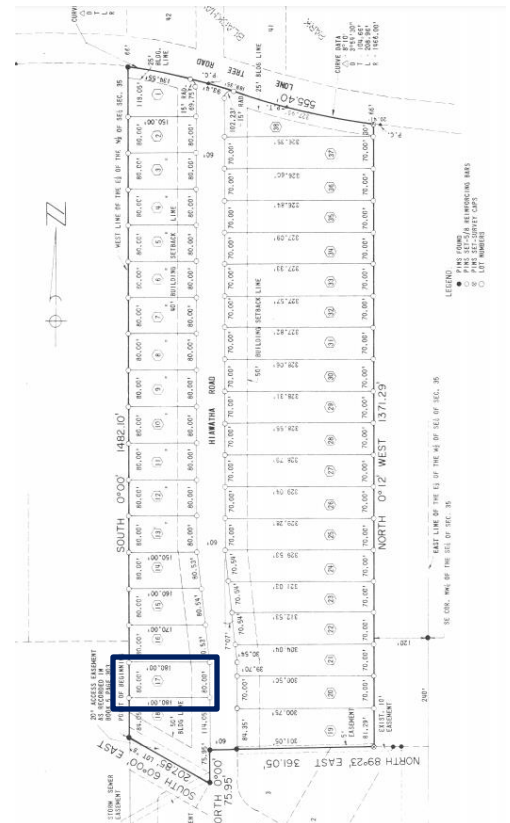
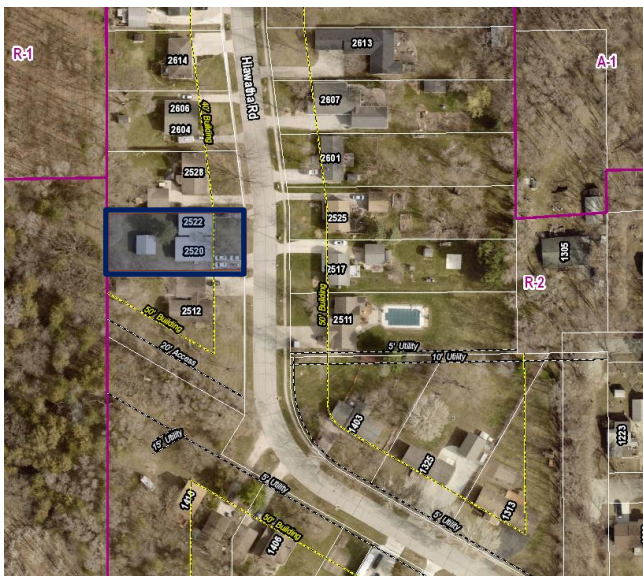
Planning & Community Services Division

TO: Planning and Zoning Commission
FROM: Jaydevsinh Atodaria (JD), City Planner I
Ben Claypool, PhD, EI, Civil Engineer II
DATE: August 5, 2021
SUBJECT: Lot 17 Green Acres Minor Subdivision Plat

REQUEST: Request to approve the Lot 17 Green Acres Minor Subdivision Plat (Case # MP21-003)
PETITIONER: James and Pamela Smith, Owners
LOCATION: 2520 - 2522 Hiawatha Road

PROPOSAL

The property owner of the duplex addressed as 2520-2522 Hiawatha Road proposes to divide the property into two residential lots, which will convert the existing two-family unit into two single-unit bi-attached dwellings. A minor plat is required to split the original single lot into two lots. The parcel is in the R2 Zoning District.



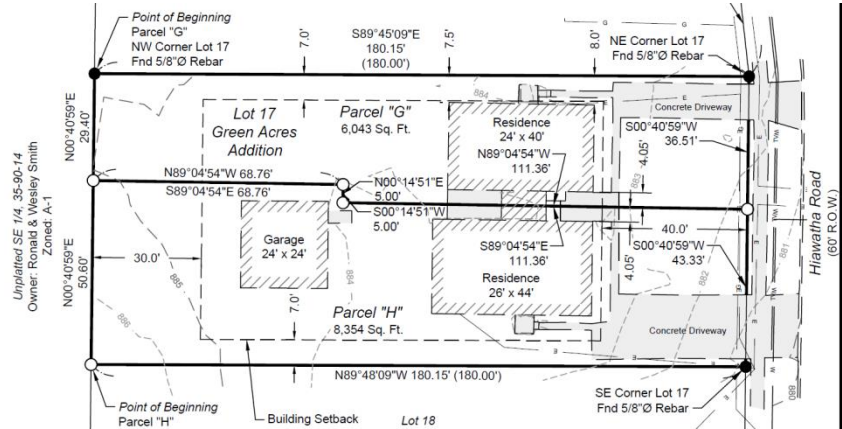
BACKGROUND

The parcel was created in the Green Acres Addition to Cedar Falls, Iowa in 1977. See above final plat that was approved for reference. The subject property is Lot 17 of the Green Acres Addition subdivision. Since the creation of the plat, there have been few changes in lot configurations in the subdivision.

ANALYSIS

2520-2522 Hiawatha Road property is located in the R-2 Residence Zoning District. One-unit bi-attached dwellings require a minimum area of 4,000 square feet and a minimum lot width of 35 feet. The existing lot is 80 x 180 feet or 14,400 square feet in area. The petitioner proposes a minor plat to create two lots: Parcel G (2522 Hiawatha Rd) will have a lot width of 36.51 feet and a depth of approximately 180 feet with an area of 6,043 square feet. Parcel H (2522 Hiawatha Rd) will have a lot width of 43.33 feet and a depth of approximately 180 feet with an area of 8,354 square feet.

The drawing to the right graphically depicts the lot split and building locations. The building setbacks in the R-2 district require a 25-foot front yard and a 30-foot rear yard area. The side yard areas are 20% of the width of the lot. But the final plat notes that the front yard setback on the subject property is 40 feet, which will be followed in this particular case. The proposed plat shows a 40-foot front yard setback, 30-foot rear yard setback and also shows 20% of the lot width as the side yard setback for both parcels "G" and "H". The existing building will comply with the R-2 standards. See attached Minor Plat exhibit for more details.



The existing building at 2520-2522 Hiawatha Rd meets the setbacks within the R-2 Zoning District and the minor plat process to create two parcels will also comply with R-2 Zoning District guidelines. This building area is similar in size to other dwellings in the neighborhood. The area of both lots will be smaller than other house sizes in the neighborhood. Both lots meet all zoning ordinance requirements.

TECHNICAL COMMENTS

City technical staff, including Cedar Falls Utilities (CFU) personnel, has reviewed the proposed minor plat. Water, electric, gas, and communications utility services are available to each side of the duplex. The duplex units are not currently served with natural gas although it is available per the service policies of CFU. City staff notes that the applicant will be submitting required signed and stamped drawings and legal paperwork as per the Minor Plat application checklist to staff, before City Council review.

The property is located outside the floodplain overlay district.

A courtesy mailing was sent to the neighboring property owners on August 04, 2021

STAFF RECOMMENDATION

Community and Development staff reviewed Minor Plat case #MP21-003 to create two lots at 250-2522 Hiawatha Road, and recommend approval with the following stipulations:

1. Any comments or directions specified by the Planning and Zoning Commission.
2. Conformance with all city staff recommendations and technical requirements.

Staff recommends that if the Commission has no questions or concerns that require further review, the Commission make a recommendation to the Council.

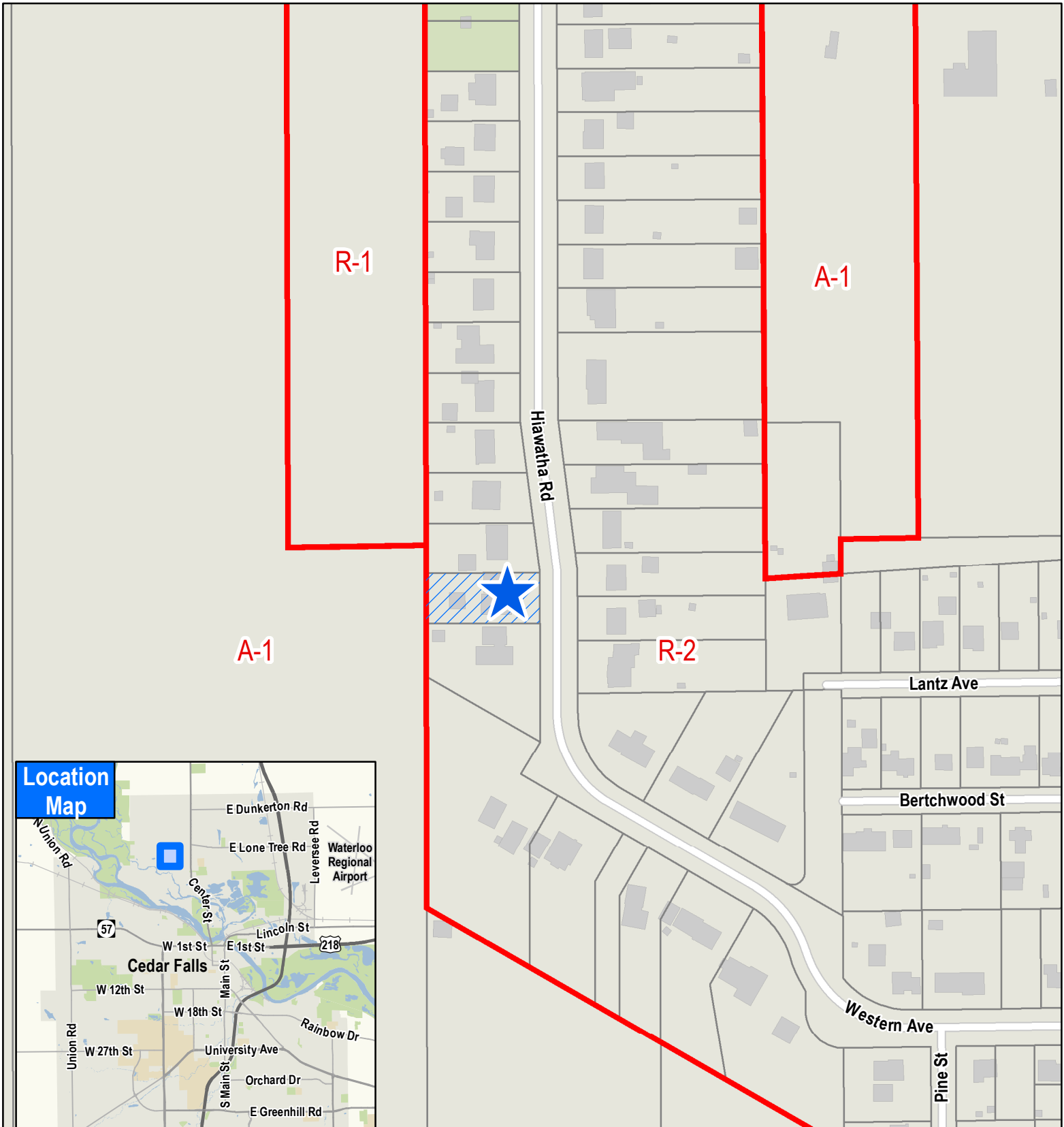
PLANNING & ZONING COMMISSION

Discussion

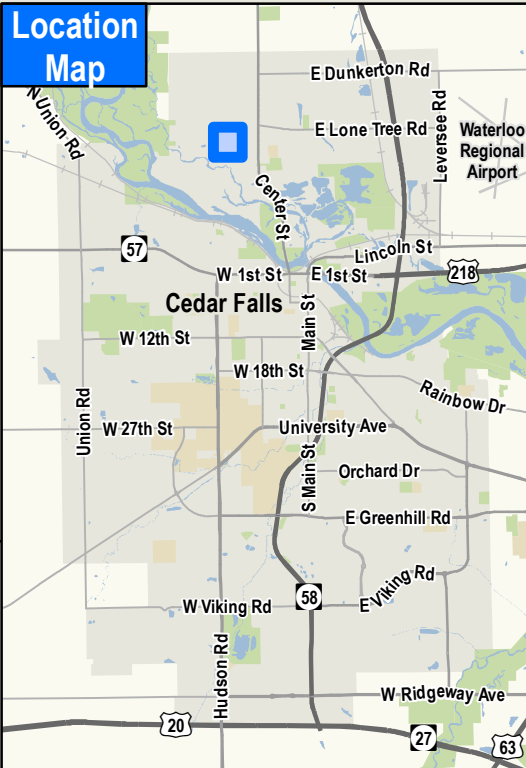
8/11/2021

Cedar Falls Planning & Zoning Commission August 11, 2021

Item 3.



Location Map



**Lot 17 Green Acres Minor
Subdivision Plat
2520-2522 Hiawatha Road**

**Plat of Survey
Lot 17 Green Acres
Minor Subdivision Plat
Cedar Falls, Iowa**

Item 3.

Reserved for County Recorder's Use

Index Legend

Description: Lot 17, Green Acres Addition
 Surveyor: Matthew Kofta, PLS 22561
 Company: VJ Engineering
 1501 Technology Parkway, Suite 100
 Cedar Falls, IA 50613
 319-266-5829
 Proprietor: James D Smith & Pamela J Smith
 Survey Requested by: James Smith

Vicinity Map
not to scale

This Plat or Subdivision has been reviewed by the City of Cedar Falls.



Signature of City of Cedar Falls _____ Date _____
 Ordinance Administrator.

Owner / Subdivider:
 James & Pamela Smith
 813 Hwy 364 Rd Lot 1
 Harpers Ferry, Iowa 52146

Current Zoning:
 R-2 Residence District

Minor Plat Subdivision Legal Description:

Lot 17, Green Acres Addition, Cedar Falls, Iowa

Parcel "G" Legal Description:

That part of Lot 17, Green Acres Addition, Cedar Falls, Iowa described as follows:
 Beginning at the Northwest Corner of said Lot 17; thence S89°45'09"E 180.15 feet along the North line to the Northeast corner of said Lot 17;
 thence S00°40'59"W 36.51 feet along the East line of said Lot 17; thence N89°04'54"W 111.36 feet; thence N00°14'51"E 5.00 feet; thence
 N89°04'54"W 68.76 feet to the West line of said Lot 17; thence N00°40'59"E 29.40 feet along the West line of said Lot 17 to the Point of
 Beginning, containing 6,043 square feet.

Parcel "H" Legal Description:

That part of Lot 17, Green Acres Addition, Cedar Falls, Iowa described as follows:
 Beginning at the Southwest Corner of said Lot 17; thence N00°40'59"E 50.60 feet along the West line of said Lot 17; thence S89°04'54"E
 68.76 feet; thence S00°14'51"W 5.00 feet; thence S89°04'54"E 111.36 feet to the East line of said Lot 17; thence S00°40'59"W 43.33 feet
 along the East line to the Southeast Corner of said Lot 17; thence N89°48'09"W 180.15 feet along the South line of said Lot 17 to the Point of
 Beginning, containing 8,354 square feet.

Notes:

- 1.) Bearings are based on the Iowa Regional Coordinate System, Zone 5, NAD 83 2011
- 2.) All dimensions are in US Survey feet and decimals thereof.
- 3.) The error of closure is better than 1:10,000
- 4.) Field Work Completed: 6/16/21
- 5.) Lot 17 Area: 14,397 sq. ft. (0.33 acres)
- 6.) Parcel "G" Area: 6,043 sq. ft.
- 7.) Parcel "H" Area: 8,354 sq. ft.

	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.
	_____ Matthew A. Kofta, P.L.S.
	License number 22561 _____ Date _____ My license renewal date is December 31, 2022
	Pages or sheets covered by this seal: _____

218050



VJ Engineering
 1501 Technology Parkway
 Cedar Falls, Iowa - 319-266-5829

Lot 17 Green Acres Addition
 Minor Subdivision Plat
 Cedar Falls, Iowa

page 1/3
 scale 1"=40'
 drawn by

Plat of Survey Lot 17 Green Acres Minor Subdivision Plat Cedar Falls, Iowa

NORTH



NE Corner Lot 15
Green Acres Addition
Fnd 5/8"Ø Rebar

Unplatted SE 1/4, 35-90-14
Owner: Teresa Maifeld
Zoned: R-1

Lot 15
Green Acres Addition
Owner: JBS Properties LLC
Zoned: R-2

Lot 16
Green Acres Addition
Owner: Robert & Carol Osborn
Zoned: R-2

West R-O-W
Hiawatha Road

Point of Beginning
Parcel "G"
NW Corner Lot 17
Fnd 5/8"Ø Rebar

NE Corner Lot 17
Fnd 5/8"Ø Rebar

S06°15'38"E
161.25'
(161.07')

Unplatted SE 1/4, 35-90-14
Owner: Ronald & Wesley Smith
Zoned: A-1

N00°40'59"E
29.40'
N00°40'59"E
50.60'

Lot 17
Green Acres
Addition
Parcel "G"
6,043 Sq. Ft.

Residence
24' x 40'
N89°04'54"W
111.36'

Garage
24' x 24'

Parcel "H"
8,354 Sq. Ft.

Residence
26' x 44'
S89°04'54"E
111.36'

Concrete Driveway
S00°40'59"W
36.51'

Concrete Driveway
S00°40'59"W
43.33'

Hiawatha Road
(60' R.O.W.)

Point of Beginning
Parcel "H"
SW Corner Lot 17

Building Setback

Lot 18
Green Acres Addition
Owner: John Murray &
Marla Newman
Zoned: R-2

SE Corner Lot 17
Fnd 5/8"Ø Rebar

Feature Legend

- Set 5/8"Ø x 24" Rebar w / Orange Cap L.S. #22561
- Property Corner Found
- △ Set Section Corner
- ▲ Section Corner Found
- 100.00' Dimension of Survey
- (100.00') Dimension of Record



218050



VJ Engineering
1501 Technology Parkway
Cedar Falls, Iowa - 319-266-5829

Lot 17 Green Acres Addition
Minor Subdivision Plat
Cedar Falls, Iowa

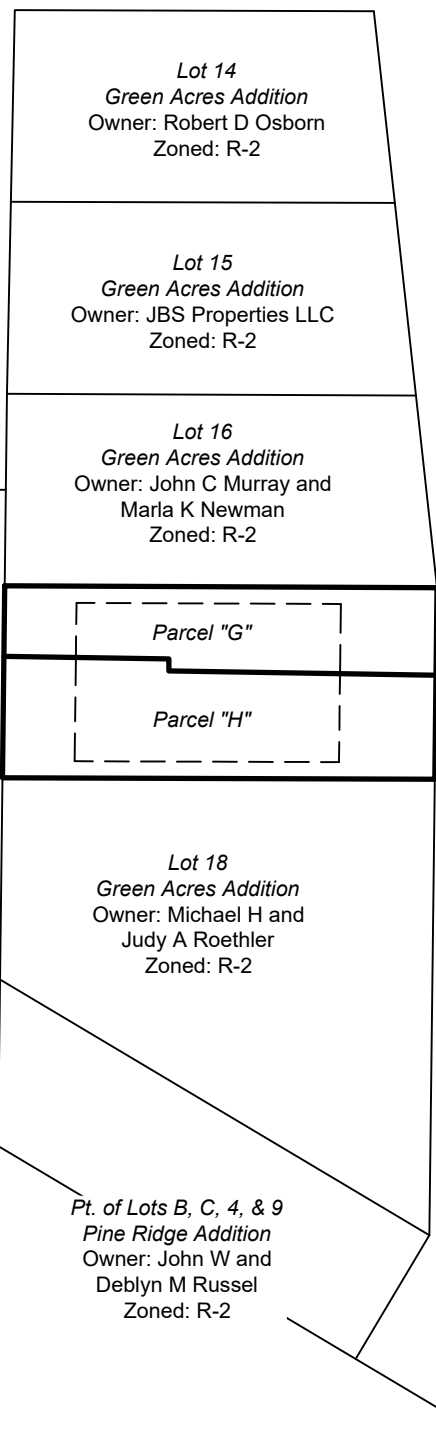
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Plat of Survey
Lot 17 Green Acres
Minor Subdivision Plat
Cedar Falls, Iowa

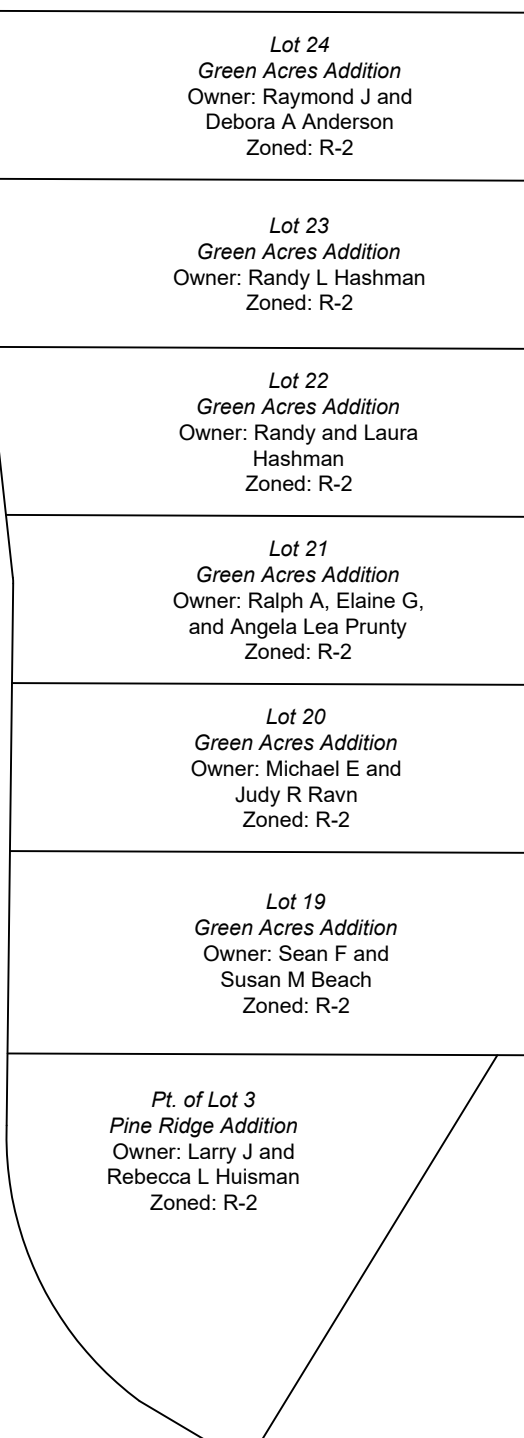
NORTH



Owner: Teresa Maifeld
Zoned: R-1

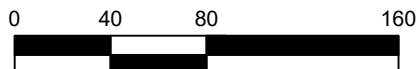


Hiawatha Road
(60' R.O.W.)



Feature Legend

- Set 5/8"Ø x 24" Rebar
w / Orange Cap L.S. #22561
- Property Corner Found
- △ Set Section Corner
- ▲ Section Corner Found
- 100.00' Dimension of Survey
- (100.00') Dimension of Record



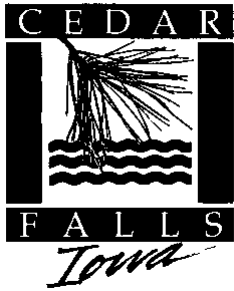
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VJ Engineering
1501 Technology Parkway
Cedar Falls, Iowa - 319-266-5829

Lot 17 Green Acres Addition
Minor Subdivision Plat
Cedar Falls, Iowa

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DEPARTMENT OF COMMUNITY DEVELOPMENT

City of Cedar Falls
 220 Clay Street
 Cedar Falls, Iowa 50613
 Phone: 319-273-8600
 Fax: 319-268-5126
 www.cedarfalls.com

MEMORANDUM

Planning & Community Services Division

TO: Planning and Zoning Commission
FROM: Michelle Pezley, Planner III
DATE: August 4, 2021
SUBJECT: Rezoning Request – 515 W. 2nd Street and 523 W. 2nd Street

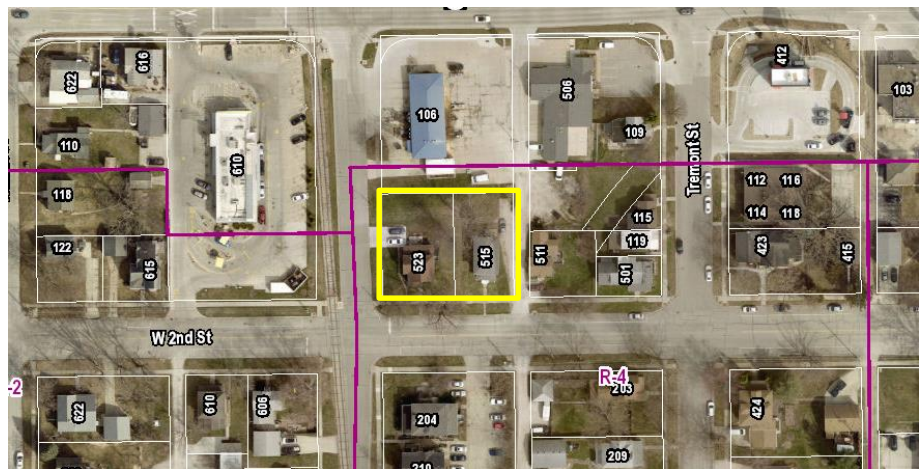
REQUEST: Rezone two properties from R-4 Multiple Unit Residential to C-2 Retail Commercial (Case #RZ21-006)

PETITIONER: Kevin Harberts, C and H Holdings LLC and Parco Ltd.

LOCATION: 515 W. 2nd Street and 523 W. 2nd Street

PROPOSAL

The applicant requests to rezone two properties currently zoned R-4, Multiple-Unit Residential District, at 515 W. 2nd Street and 523 W. 2nd Street to C-2, Retail Commercial District. The applicant seeks to use the property at 515 W. 2nd Street and 523 W. 2nd Street to be combined with 106 Iowa Street to build a fast food restaurant with a drive-through. A restaurant is not allowed within the R-4 zoning district. Therefore, the applicant is requesting to rezone this property to C-2 Retail Commercial where restaurant uses are allowed.



A restaurant is not allowed within the R-4 zoning district. Therefore, the applicant is requesting to rezone this property to C-2 Retail Commercial where restaurant uses are allowed.

The property to the north is within the C-2 Zoning District and currently is used for a carwash business. The parcels located east and south are within the R-4 Zoning District and are residential dwellings. The property to the west is a split zone lot of R-2 and C-2 where the McDonald's is currently located. The McDonald's was established in the 1980's and it is unknown how it was established with the split zoning of the property. As one can see in the

aerial photo above, the fast food restaurant is inconsistent with development along 2nd Street, which is all lower-scale residential.

BACKGROUND

The two properties at 5151 W. 2nd and 523 W. 2nd have been within a residential zoning district since the adoption of the Zoning Ordinance in 1970 and have been in residential use since the early 1900s.

515 W. 2nd Street consists of a single-family residence that was built in 1919. The house is approved as a rental unit. 523 W. 2nd Street consists of a two-family conversion and is also a rental property. The house was built in 1894.

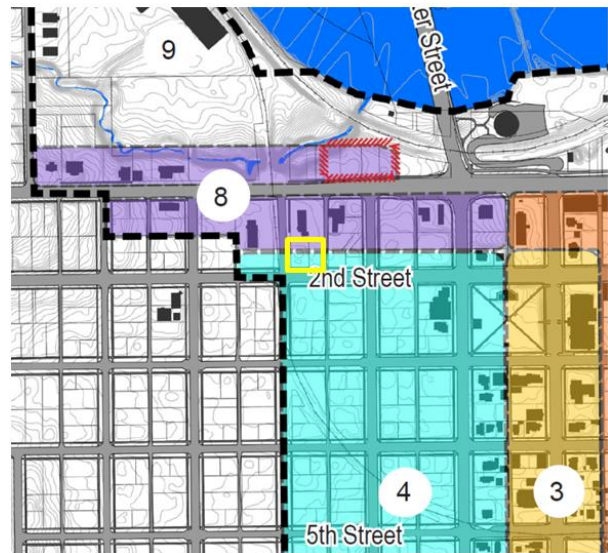
ANALYSIS

The applicant requests the properties to be rezoned to the C-2 District. Rezoning considerations involve the evaluation of three main criteria:

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

The rezoning request is not consistent with the Comprehensive Plan or Future Designations.

In November 2019, the City Council adopted the *Imagine Downtown! Vision Plan*. The Downtown Vision Plan is an integral part of the City of Cedar Falls Comprehensive Plan. Within the plan, the downtown area is divided into “character areas,” which provide a framework of intent for the scale of growth and change that is desired and set the expectations for development of new zoning regulations. The properties that are the subject of this rezoning request are located largely within the “Overman Park Neighborhood” character area, which is the area shown in light blue in the image to the right. As one can see the both sides of 2nd Street are included within this neighborhood designation. Note: The subject properties requested for rezoning are outlined in yellow.



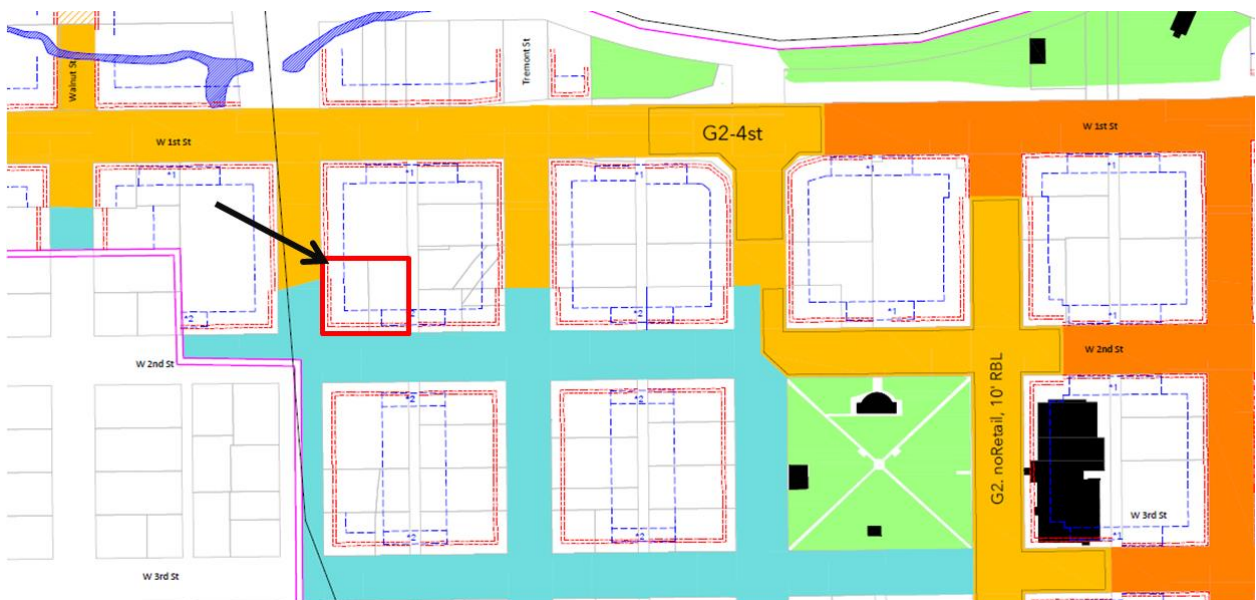
The Vision Plan notes that the Overman Park Neighborhood is a stable, residential neighborhood of primarily owner-occupied single-family detached houses with a few small offices in close proximity to the Main Street Parkade. The intent for this area is to protect the residential character and allow limited residential infill at a scale similar to the existing homes in the neighborhood. The illustrative plan within the Vision Plan shows the potential for the area along 2nd Street to remain residential in character while allowing more intensive mixed-use redevelopment along 1st Street (see image above).



As directed by the City Council, staff has moved forward with the recommendations found in the *Imagine Downtown! Vision Plan* for new zoning regulations and a new Regulating Plan (zoning map) to facilitate development consistent with the vision. A public review draft of a new Downtown Character District zoning standards and the associated Regulating Plan were presented during a special Cedar Falls Planning and Zoning Commission meeting on February 17, 2021 and after an extensive public review period and careful consideration by the Commission was recommended for approval to the City Council on May 12, 2021.

During the public comment period of the Planning and Zoning Commission review of the draft code and regulating plan, the applicant, Kevin Harberts, requested a change to the regulating plan to have the “Urban General 2” designation (area shown in yellow below) to be extended from 1st Street frontage to the 2nd Street frontage. The Planning and Zoning Commission considered this request, as noted in item number 9 in the attached decision matrix, and decided to maintain the Downtown Regulating Plan as originally proposed in order to remain consistent the Vision Plan that was adopted in 2019.

The subject properties at the corner of 2nd Street and Iowa Street, as outlined in red below, are largely designated as “Neighborhood Small”(shown in light blue), which allows residential infill development, but not commercial development in order to maintain the residential character on 2nd Street and not allow further commercial encroachment into the Overman Park Neighborhood. It should be noted that approximately 2/3 of the block from 1st to 2nd Street is designed as Urban General 2, which would allow more space to accommodate commercial or mixed uses along 1st Street. Restaurant uses and drive-through facilities would be allowed with the new zoning in this location along 1st Street as long as they met the new zoning standards. However, approximately 1/3 of the block, the area that fronts on 2nd Street, would be reserved for residential uses.



As noted above, the new zoning regulations and regulating plan have already been reviewed by the Planning and Zoning Commission and recommended to Council for approval. The City Council is currently reviewing the Commission’s recommendations

and it is anticipated that the Council will set a public hearing for their September 7th Council meeting. As a consequence, new zoning and regulations may be adopted by October. If adopted, all the existing zoning would be deleted, including all the C-1, C-2, C-3, R-4, R-3, A-1, M-1, and CBD Overlay zoning in the downtown area and the Downtown Character District Regulating Plan would be established as the new zoning map for the area.

Conclusion: This rezoning request is not consistent with the recently adopted Downtown Vision Plan and the new zoning that has recently been recommended by the Commission to the City Council, so is not recommended for approval.

2) *Is the property readily accessible to sanitary sewer service?*

Yes, all utilities are readily available to the site.

3) *Does the property have adequate roadway access?*

Yes, the properties currently have access to Iowa Street, 2nd Street, and the alley to 1st Street.

A notice was mailed to property owners within 300 feet of the parcel under consideration on August 2, 2021 regarding this rezoning request.

STAFF RECOMMENDATION

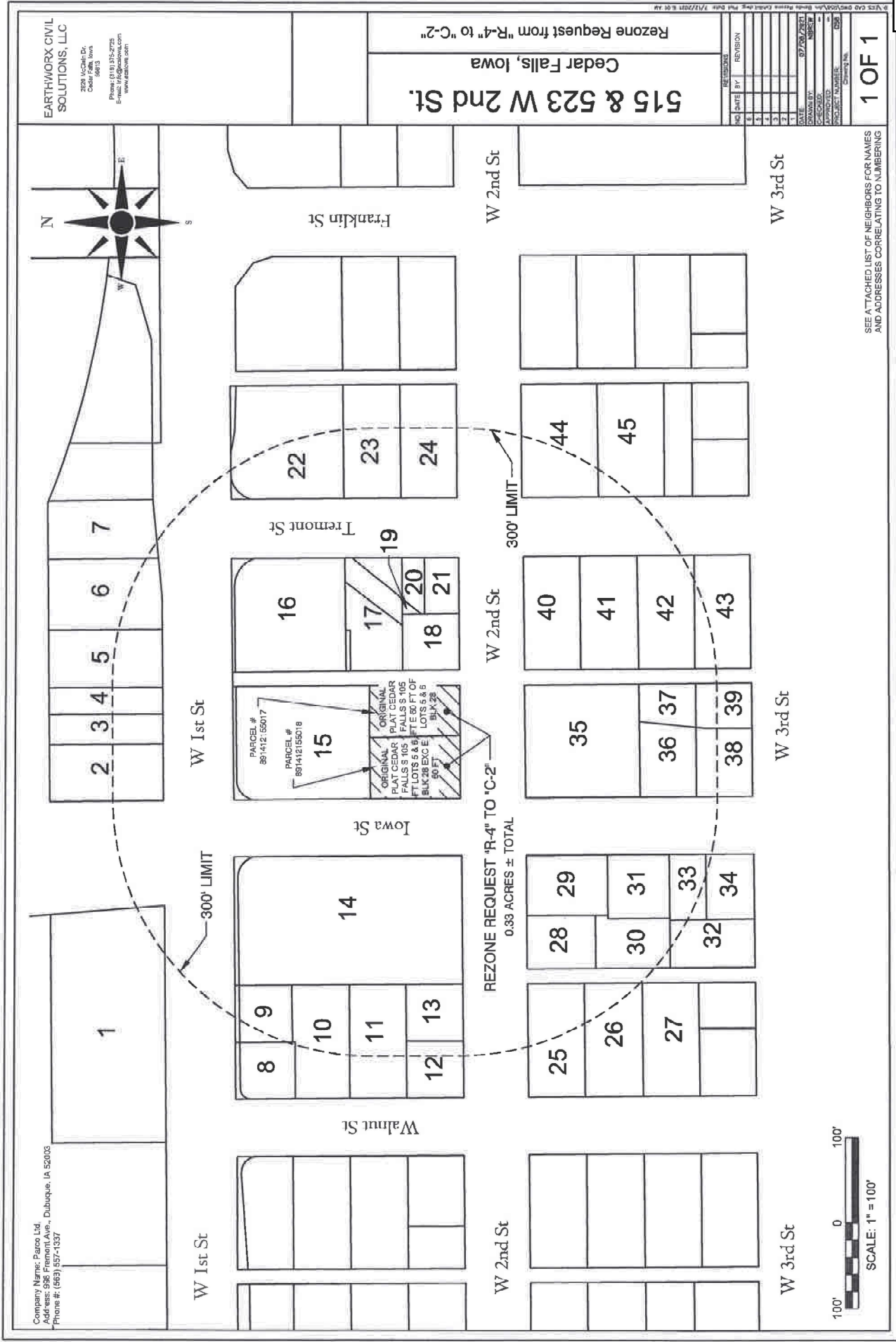
Staff recommends denial of Case #RZ21-006, a request to rezone properties at 515 W. 2nd Street and 523 W. 2nd Street from R-4 to C-2, because the request is inconsistent with the adopted *Imagine Downtown!* Vision Plan and with the new zoning currently under consideration at City Council for these properties.

Staff recommends that the Commission set a public hearing for the August 25, 2021 Commission meeting to allow for formal consideration and public comment.

PLANNING & ZONING COMMISSION

8/11/2021

Introduction



Proposed rezoning of 515-523 W 2nd St., Cedar Falls IA to C-2

Proposed use: fast food

The purchase of 524 W 1st St., Cedar Falls (zoned C2) would only yield approximately 20,000 sf. In order to get enough land there needed to be additional purchases. 515 – 523 W. 2nd St made sense since there is an alley bordering 524 W 1st St. on the east, and it was also in line with what has been done to the west with another similar user, McDonalds. Adding 515-523 W. 2nd St would make the total square feet available for redevelopment to approximately 34,000 sf.

PROPOSED AMENDMENTS TO THE PUBLIC REVIEW DRAFT OF THE DOWNTOWN ZONING CODE

26-193 – Building Form Standards

	Proposed Amendment	Explanatory Notes	Consultant/Staff Recommendation	P&Z Discussion (Date)	P&Z Decision
1	Requestor: Consultant/staff Change Building Form Standards (BFS) Section 193.5 Neighborhood Small Frontage B. Placement 4. Buildable Area to allow Private Open Area to be above grade for lots with less than 70 ft of depth.	Technical Fix: This better accommodates rowhouses on especially shallow lots (such as many of the lots along 2 nd Street, as shown in the Vision Plan) with their 66ft width/depth. This will make Neighborhood Small consistent with Neighborhood Medium.	Consultant/staff are in support of this amendment.	Commission directed staff to make the change.	Amendment Approved
2	Requestor: Consultant/staff Change Required Building Line (RBL) on the Downtown Regulating Plan, on the north side of W 2 nd St. from Franklin St. to the western border of the District. The RBL should be moved forward an additional 5ft, from 15ft to 10ft off the front property line.	Technical Fix: This is for consistency with the RBL to the east of Franklin (Urban General 2) and better accommodates rowhouses fronting 2 nd Street (as shown in the Vision Plan) within the shallower (66ft) depth of many of those lots. This keeps the building form and scale consistent with the Neighborhood Small designation, but allows room for both parking and for usable ground floor space within the buildings.	Consultant/staff are in support of this amendment to the Downtown Character District Regulating Plan.	Commission directed staff to make the change.	Amendment Approved
3	Requestor: Staff a) Insure consistency of terms between new proposed Section 26-140. Use-Specific Standards, Category Descriptions, and Definitions and proposed Section 26-197. Building Functions; b) Clarify language in Character District Use Table introductory paragraph concerning additional standards that apply	Technical Fix: a) Because drafting was an iterative process, additional revisions were made to Section 26-140, Use Classification, after the public review draft of Downtown Character District Code (Section 26-197) was released. This is a simple clean-up to make sure terms are internally consistent. Also to correct the Code Section number of the Use Classification to Sec. 26-140 (not 26-132). b) Make clear that additional development and performance standards apply above and beyond the broad permitted use categories.	Consultant/staff are in support of these amendments	Commission directed staff to make these changes.	Amendment Approved

4	Requestor: Staff Correct outline format, as needed	Technical Fix: Some outline numbers are out of sequence and need correction	Consultant/staff are in support of this amendment	Commission directed staff to make these changes.	Amendment Approved
5	Requestor: Historical Society and Planning Staff Add Civic Building designations to Regulating Plan	Technical Fix: The Cedar Falls Woman's Club and Cedar Falls Historical Society Victorian House Museum and Museum Buildings in Sturgis Park should be identified as Civic Buildings.	Consultant/staff are in support of this amendment	Commission directed staff to make these changes.	Amendment Approved
6	Requestor: Consultant/Staff Change to Section 26-140. Use-Specific Standards, Category Descriptions, and Definitions for clarity, etc.	Technical Fix: Clarification concerning categorization of commercial assembly uses as large or small based on size and the other classification criteria in Section 26-140(a)(3) This will help in classifying uses appropriately in different zoning districts. Examples include small commercial assembly uses, such as theaters that fit into a main street area, like the Oster Regent Theater downtown versus large commercial assembly uses, such as a large metroplex theater complex located in a suburban shopping center.	Consultant/staff are in support of this amendment	Commission directed staff to make these changes.	Amendment Approved

<p>7</p>	<p>Requestor: P&Z Member Larson</p> <p>Change the Regulating Plan designated building frontage on west side of Overman Park from Neighborhood Small to Urban General 2 to accommodate existing businesses located in buildings along Franklin Street;</p> <p>or alternatively:</p> <p>Requestor: Tom and Dorinda Pounds They own a house on Franklin Street that was converted to office space for their business. They want assurance their business can continue, but also have maintained many of the historic residential features of the home, so it could be converted back to residential use in the future, if desired.</p> <p>They would like an approach to better accommodate existing businesses, while maintaining the residential character and scale of the area</p>	<p>As drafted, all existing businesses can remain as non-conforming uses. The new code requires no changes unless/until the owner makes a significant change to their business or building, at which time the standards identified in Section 26-38 Proportionate Compliance would apply, based on the [level/degree] of proposed change.</p> <p>The intent of the proposed limitations on new businesses in the Neighborhood frontage areas is to encourage their concentration in the core of Downtown for the synergy it creates and to stabilize and encourage reinvestment in the surrounding residential areas and preservation of the historic character of these areas.</p> <p>Options for change:</p> <p>Option 1: Change the regulating plan along west side of Franklin Street to Urban General 2.</p> <p>Pro: Insure existing business are not made non-conforming</p> <p>Con: Change in building frontage designation affects more than use; it would also change the physical scale and character of permitted new buildings, potentially incentivizing the demolition of other houses in the neighborhood. This could potential affect the historic residential character along Franklin Street. Most businesses are located within existing residential structures.</p> <p>Option 2: Language could be added to state that all existing businesses at the time of code adoption are considered conforming, so can continue and even expand, but that no new businesses are permitted in the Neighborhood frontages. This is a similar approach we took for manufacturing businesses on the far east side of the study area.</p>	<p>Consultant/staff are in support of Option 2, as it achieves the goal of keeping existing businesses conforming, but doesn't have the unintended consequences noted with Option 1.</p>	<p>Commission directed staff to make the changes per Option 2.</p>	<p>Amendment Approved Option 2.</p> <p>(Note: add a parking requirement for non-residential uses in Neighborhood Frontages).</p>
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<p>8</p>	<p>Requestor: P & Z Chair: Include a design review process/role for P&Z</p>	<p>Commission expressed concern that it is difficult to legislate good design and that some additional design guidance may be needed, at least for some projects; and this process should be conducted through a public review process at P&Z and/or Council.</p> <p>Pros: Provides for more public scrutiny of development projects in the downtown area. Provides additional reassurance that a project will be consistent with the vision for downtown.</p> <p>Cons: One of the goals of the Downtown Zoning Code update was to streamline the development review process and move toward by-right approvals for those projects that meet a set of objective form-based standards. The benefits of this approach are to a) provide a greater level of predictability for property owners, developers, and neighbors; b) move away from the time and expense of negotiating individual projects in the Downtown district, particularly if it requires project redesign or additional legal fees; and c) remove the subjectivity of the public review process, where individual opinions can cause projects that otherwise meet the standards to be redesigned adding cost to the project.</p> <p>From a fairness and equity standpoint, it can also give undue influence to particularly persuasive or well-connected applicants or to those who may simply want to prevent development from occurring.</p> <p>The purpose of establishing the staff Zoning Review Committee is to ensure that development projects meet the adopted standards, but also to assist applicants in their understanding of the intent of the provisions of the code, so they can achieve a more cohesive design, so in essence will serve as an administrative design review.</p>	<p>Consultants/staff do not recommend adopting a public design review process at this time.</p> <p>If a majority of the Commission would still like to move forward with a public design review process, the consultants and staff will continue to work to determine a workable approach.</p>	<p>Commission directed staff to keep the draft the same and not require a separate design review through P&Z and Council.</p>	<p>No change recommended</p>
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<p>9</p>	<p>Requestor: Kevin Harberts (owns two residential properties along 2nd Street).</p> <p>Change the Regulating Plan so that the General Urban frontage designation goes from the 1st Street frontage to 2nd Street frontage</p> <p>The requestor would like the option to create larger through lots for commercial uses that extend the full depth of the block from 1st to 2nd Street.</p>	<p>The regulating plan designations between 1st and 2nd Street are already set up to provide more lot depth for Urban General along 1st Street to accommodate the larger footprint of many commercial buildings, leaving a shallower depth for the neighborhood frontage designation along 2nd Street, which can accommodate smaller footprint residential building types, such as rowhouses.</p> <p>Pros and Cons of making this change:</p> <p>Pro: Uniform building form standards for the entire parcel (with considerably more buildable area)</p> <p>Con: This would undermine the scale transition from the higher intensity, mixed-use 1st Street down to the less intense Overman Park neighborhood to the south.</p> <p>The code provides considerable flexibility for parcels with more than one frontage designation to shift the frontage designation to accommodate specific needs of the development. However, it is important for the buildings along both sides of 2nd Street to relate to one another, rather than having residential buildings facing the backs of 1st Street businesses. The regulating plan designations ensure buildings of similar scale and character along both sides of a street.</p>	<p>Consultant/staff are <u>not</u> in support of this amendment.</p> <p>The regulating plan already establishes Urban General deeper into the block (from north to south) and leaves a rather shallow area along 2nd Street that will accommodate residential building forms, such as townhomes, as shown in the <i>Imagine Downtown! Vision Plan</i>.</p>	<p>Commission directed staff to keep the regulating plan the same. No change recommended.</p>	<p>No change recommended</p>
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<p>10</p>	<p>Requestor: Planning & Zoning Commission and questions from several members of the public.</p> <p>Consider the inclusion of vinyl siding as an approved wall material in Neighborhood Frontages</p>	<p>There is concern that prohibiting vinyl siding in the Neighborhood Frontages could be cost prohibitive and encourage disinvestment in existing residential properties.</p> <p>The intent of the proposed prohibition was to promote more durable and environmentally sustainable building materials. (The issue is not one of aesthetics).</p> <p>Pro: Reduce the up-front cost of building construction and maintenance</p> <p>Con: Higher long-term costs for maintenance and upkeep; concerns related to durability and fire-resistance; environmental impacts of PVC, i.e. produces toxic smoke when it burns and melts at a fairly low temperature; damaged or melted siding often ends up in the landfill and is not biodegradable. While it is possible to recycle it, there are often issues of contamination from dirt, nails, and mixed-in aluminum flashing. In contrast, wood, brick or stone have a life cycle of more than 100 years. The life span of vinyl is 15 to 20 years before it becomes brittle from ultraviolet light and is easily damaged.</p> <p>If change to the ordinance is desired, following are some options:</p> <ol style="list-style-type: none"> 1. Maintain the prohibition of vinyl siding for new construction. 2. Permit the use of vinyl siding to replace or repair existing vinyl siding. 3. Permit use of vinyl siding that meets higher minimum standards for quality, maintenance, and durability, based on industry standards to replace or cover over other types of siding on existing single family dwellings. 4. Delete the prohibition on vinyl siding from the code altogether, so it would be allowed on all existing and new buildings in the Neighborhood Frontages. 	<p>Consultant/staff are particularly concerned about the long term consequences of allowing vinyl siding related to the noted environmental concerns, so recommend prohibiting vinyl siding for new construction.</p> <p>With regard to the second bullet point, the current draft already allows replacement of like material with like material for maintenance purposes. Consultant/staff would be in support of adding some additional language to make sure this is clear.</p> <p>Consultant/staff are <u>not</u> supportive of allowing vinyl siding to replace existing environmentally sustainable building materials, such as wood, stone, or brick. We feel that the long term costs outweigh the short term savings.</p> <p>Consultant/staff strongly recommend against listing vinyl siding as a generally allowed building material.</p>	<p>Commission directed staff to move forward with making changes consistent with 1, 2, and 3, but did not support option 4.</p> <p>Bullet points 1 and 2 were supported unanimously. Bullet point 3 was supported by a majority.</p> <p>With regard to bullet 1, the Commission requests that the language be clarified to indicate that for additions to existing buildings that have vinyl siding that vinyl siding can be used for the addition. We will need to discuss how to fit that into the trigger chart.</p> <p>Bullet point 4 was rejected by a majority.</p>	<p>Amendments Approved according to bullet points 1, 2, and 3. Majority of the Commission does not support 4.</p>
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<p>11</p>	<p>Requestor: Jesse Lizer, Emergent Architects</p> <p>Permit the use of higher quality foam products for architectural detailing</p>	<p>There is concern that the prohibition of “all other foam-based products” in Sec. 26-194.C.5. would limit options for restoration of historic buildings. That was never the intent of this prohibition, but rather to limit the use of flimsy, easily damaged building materials, particularly at the street level. Potential change:</p> <ul style="list-style-type: none"> • Delete “all other foam-based products” from the prohibited list and add a new item to the secondary materials list in Sec. 26-194.C.4. as follows: “Durable foam-based products, such as Fypon, may be used for architectural detailing.” 	<p>Consultant/staff are in support of this amendment,</p>	<p>Commission directed staff to make this change.</p>	<p>Amendment Approved</p>
<p>12</p>	<p>Requestor: Staff</p> <p>Provide more direction for ADUs</p>	<p>Concern that there is insufficient enforceability of owner-occupancy requirement following the development of an ADU. Consider including a requirement for an affidavit/legal agreement with the City in Sec. 26-193.1.G (p.24) to be filed and recorded, so that it is clear to future owners or prospective buyers that the dwelling is not considered a duplex, so that the limits on size and occupancy for ADUs continue to be enforceable over time.</p> <p>The allowance for ADUs is intended to make home ownership more affordable and encourage investment and reinvestment that will help stabilize existing older neighborhoods surrounding downtown.</p>	<p>Consultant/staff are in support of this amendment.</p>	<p>Commission directed staff to make this change.</p>	<p>Amendment Approved</p>

13	<p>Requestor: Staff</p> <p>Prohibit conversion of existing single unit dwellings into duplexes or multi-unit dwellings.</p>	<p>The new code opens up the possibility for new types of housing, but in a manner that ensures that new housing fits into the context of the neighborhood with quality design and a logical configuration of the dwelling units. However, the new standards and allowances are not intended to encourage existing single unit dwellings to be chopped up into additional units in a manner that reduces the functionality and livability of the dwelling and makes it less desirable for those seeking a long term rental opportunity or homeownership. As is often experienced in college towns this is a common practice to provide short term rentals for college students by converting living rooms, dining rooms, and other spaces to maximize the number of bedrooms. While providing rental housing for students is important, this particular practice often creates units that are not very conducive to long term renters and cannot be easily or cost-effectively adapted or converted back to the original condition in response to market fluctuations, such as a drop in enrollment.</p> <p>Staff notes that making this change will keep the new code consistent with the City's current conversion prohibition in the R1 and R2 Districts.</p>	Staff is in support of this change.	Commission directed staff to make this change.	Amendment approved.
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Item 4.