



AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, FEBRUARY 08, 2023
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 of January 25, 2023

Public Comments

Old Business

New Business

2. **Zoning Text Amendment – Expand list of potential conditional uses of defunct institutional buildings (TA22-005)**
Petitioner: Chad Welsh, Owner of 209 Walnut (former Church)
Previous discussion: None
Recommendation: *Introduction and Discussion*
P&Z Action: *Set public hearing for February 22, 2023*

Other Item

Discussion of amending the Planning and Zoning Commission bylaws to reduce the number of members from nine to seven.

Commission Updates

Adjournment

Reminders:

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

**Cedar Falls Planning and Zoning Commission
Regular Meeting
January 25, 2023
Cedar Falls, Iowa**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on January 25, 2023 at 5:30 p.m. at City Hall. The following Commission members were present: Crisman, Grybovych, Hartley, Larson, Leeper, and Moser. Lynch was absent. Karen Howard, Community Services Manager and Jaydevsinh Atodaria, Planner I were also present.

- 1.) Chair Leeper noted the Minutes from the December 28, 2022 regular meeting are presented. Ms. Crisman made a motion to approve the Minutes as presented. Mr. Grybovych seconded the motion. The motion was approved unanimously with 6 ayes (Crisman, Grybovych, Hartley, Larson, Leeper, and Moser), and 0 nays.
- 2.) Acting Chair Hartley introduced the item and Mr. Atodaria provided background information. He explained that the site is located at 930 Viking Road and it is proposed to build a 6,005 square-foot retail outbuilding, which will be the last building in the area. Mr. Atodaria noted that alongside the new building, the applicant will also be completing previous commitments including a parking lot, sidewalks along Viking Road and between the outbuildings, trash enclosure, landscaping, and seeding. He also noted that, as per the code, the site is currently under-parked, and the applicant needs to add landscaping for an additional 443 planting points to meet the screening requirement. Mr. Atodaria noted that the building design was similar to the other buildings in the area and noted that the applicant will have to add the two-trash enclosure on site as previously approved. Mr. Atodaria also discussed that the applicant will have to ensure that SWPPP controls are installed and maintained and all needed improvements, including previous commitments, are completed to fulfill City Code requirements. Staff recommends approval subject to compliance with the conditions noted in the staff report and any comments or direction by the Commission.

Applicant Dave Sund thanked Mr. Atodaria for his presentation and mentioned that they will do everything to satisfy all the comments from staff and all requirements to obtain occupancy.

Mr. Larson made a motion to approve the plan subject to satisfying details for landscaping plan. Ms. Moser seconded the motion. The motion was approved unanimously with 6 ayes (Crisman, Hartley, Larson, Leeper, Grybovych and Moser), and 0 nays.

- 3.) Acting Chair Hartley asked to add an item to the next agenda regarding the number of members on the Commission.
- 4.) As there were no further comments, Mr. Larson made a motion to adjourn. Ms. Crisman seconded the motion. The motion was approved unanimously with 6 ayes (Crisman, Hartley, Larson, Leeper, Grybovych and Moser), and 0 nays.

The meeting adjourned at 5:40 p.m.

Respectfully submitted,



Karen Howard
Community Services Manager



Joanne Goodrich
Administrative Assistant



DEPARTMENT OF COMMUNITY DEVELOPMENT

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MEMORANDUM

Planning & Community Services Division

TO: Planning and Zoning Commission
FROM: Chris Sevy, Planner I
DATE: February 8, 2023
SUBJECT: Zoning Code Text Amendment

REQUEST: Zoning Text Amendment - Add hair salon as potential conditional use of defunct institutional buildings

PETITIONER: Chad Welsh, Owner of 209 Walnut (former Church)

LOCATION: Code change would be applicable to any defunct institutional building

BACKGROUND

We received a request for an amendment to the zoning code to add hair salons to the list of uses allowed for consideration as a conditional use of a defunct institutional building. The applicant is requesting this change because they would like to have an opportunity to apply to the Board of Adjustment for a conditional use to repurpose the church building they own at 209 Walnut Street for use as a hair salon. Personal service uses such as a salon are not currently listed as a qualifying use for consideration under this provision of the zoning code.

ANALYSIS

The following are the current uses eligible for consideration by the Board of Adjustment if an owner of a church building would like to adaptively reuse their building, adopted in 2021:

- Hospitality-oriented uses such as: retreat facilities, convention centers, guesthouses, meeting halls, and event facilities;
- Conversion to a multi-unit dwelling in a zone where such use is not otherwise allowed or where the proposed number of units exceeds the number otherwise allowed in the zone;
- Community service uses such as: libraries, museums, senior centers, community centers, neighborhood centers, day care facilities, youth club facilities, social service facilities, and vocational training facilities for the physically or mentally disabled;

- Specialized educational facilities such as: music schools, dramatic schools, dance studios, martial arts studios, language schools, and short-term examination preparatory schools;
- Professional office uses such as: accountants, lawyers, architects, or similar.

When drafting the original code provision, staff considered other uses that would be similar to the community assembly-type activity level of a church, such as the hospitality and community service uses listed above. Since these buildings often have large interior spaces that might be conducive to classrooms, we included specialized educational uses as an option. There has been at least one church in the community that has successfully been converted to apartments (in an R-4 zone; not conditional use), so multi-unit dwellings were listed as a possibility. Professional office uses are typically fairly low impact uses, so were included as well. Staff felt that this list was liberal enough to be useful but limited enough to be appropriate for residential zones. The applicant maintains that it is not liberal enough since some neighborhoods may be in favor of lighter retail or personal service uses and that determination can be made by the Board of Adjustment with any neighborhood input received. With that in mind, below is a breakdown of pros and cons of changing the code to allow personal service uses, such as a hair salon to be considered.

<u>Pros</u>	<u>Cons</u>
<ul style="list-style-type: none"> • The traffic and activity of a hair salon or similar personal service use may be less imposing to a neighborhood than a church or some of the other community assembly uses listed. • Hair salons and other similar personal services are common home occupations and may not be any more obtrusive than a professional office use. • Adding it to the list in City code does not grant any automatic right to a use, as the Board of Adjustment can reject any proposal if it is not a good fit for the subject property. • Neighbors are notified and given opportunity to oppose or provide input to the Board of Adjustment. • Conditions can be imposed by the Board of Adjustment to make a use better fit for the neighborhood context, such as limiting the hours of operation, exterior lighting, and signage. • A broader use list can provide greater utility of the conditional use code provision, particularly for smaller properties that may not be able to accommodate the traffic and activities for a community assembly-type use. 	<ul style="list-style-type: none"> • Some retail sales and service uses may be considered more controversial in residential neighborhoods than the other uses listed in the conditional use code provision. • The conditional use code provision has not been in effect very long. Therefore, the Board of Adjustment has yet to review a conditional use case and develop their experience in considering this kind of land use matter. • Text amendments have application across the community for any defunct institutional site, so will not just apply to the property owned by the applicant. • Expanding the list could spur further requests for amendments to allow a broader range of uses. • There were concerns about the conditional use code provision when initially considered and adopted. Perhaps the concept should be tested before it is expanded any further. • With broader use considerations, neighborhood residents close to churches may need to be more vigilant and be willing to provide input when a re-use is considered.

The pros and cons to expanding the uses are fairly balanced as there are near-equal benefits,

risks, and safeguards. As such, there is not a clear answer as to whether some retail services should be added to the conditional use provision or not. However, staff feels that the current code as constituted provides plenty of appropriate options for consideration when a church or other institutional use becomes vacant. It may be wise to hold off on expanding the uses until the provision is more tested.

PROPOSED TEXT AMENDMENT

If the Commission is inclined to recommend approval of this request, staff suggests the following wording, which lists the use category, but then restricts it so that only those uses specifically listed would be allowed for consideration.

Personal service uses limited to hair salons, shoe repair, tailoring services, therapy-based services, and photographic studios.

These uses are primarily appointment-based services used by all ages, and thus may be more appropriate in neighborhood contexts than other retail or service uses that have more unpredictable levels of activity. In addition, staff believes that, if approved, this limited approach would accomplish the applicant's objective without adding a seemingly arbitrary salon use on its own. While staff does not fully support this text amendment, if it is adopted the Board of Adjustment may reject any conditional use proposal or impose any reasonable conditions based on neighborhood input.

RECOMMENDATION

Staff recommends that the Commission discuss the proposed zoning code amendment and set a public hearing date for February 22, 2023 for formal consideration and recommendation to City Council.