



**AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, JANUARY 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 December 27, 2023

Public Comments

Old Business - None

New Business

2. **Preliminary Plat - Pinnacle Prairie Commercial South Phase VI (PP23-004)**
Petitioner: LMM Investment LLC, developer; Greenhill Estates, Inc. & Oster Family Limited Partnership, Owner; Lary Koosman, CGA, Engineer
Previous Discussion: None
Recommendation: *Approval*
P&Z Action: *Discuss and consider making a recommendation to City Council*
3. **Final Plat – Pinnacle Prairie Commercial South Phase VI (FP23-002)**
Petitioner: LMM Investment LLC, developer; Greenhill Estates, Inc. & Oster Family Limited Partnership, Owner; Lary Koosman, CGA, Engineer
Previous discussion: None
Recommendation: *Approval*
P&Z Action: *Discuss and consider making a recommendation to City Council*
4. **Land Use Map Amendment (LU24-001) and Rezoning (RZ24-001) – approx. 2.7-acre parcel formerly known as 3225 W. 1st Street**
Petitioner: Amina Begic, applicant; Howard Mark and Marilyn Joyce Trunnell Revocable Trust, Owner
Previous discussion: None
Recommendation: *Introduction and set date of public hearing*
P&Z Action: *Discuss and set date of public hearing for February 14, 2024*

Commission Updates

Adjournment

Reminders:

- * February 14 and February 28 - Planning & Zoning Commission Meetings
- * February 5 and February 19 - City Council Meetings

**Cedar Falls Planning and Zoning Commission
Regular Meeting
December 27, 2023
Cedar Falls, Iowa**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on December 27, 2023 at 5:30 p.m. at City Hall. The following Commission members were present: Alberhasky, Grybovych, Hartley, Moser and Stalnaker. Crisman, Leeper and Lynch were absent. Karen Howard, Community Services Manager and Michelle Pezley, Planner III were also present.

- 1.) Acting Chair Hartley noted the Minutes from the December 13, 2023 regular meeting are presented. Mr. Stalnaker made a motion to approve the Minutes as presented. Ms. Alberhasky seconded the motion. The motion was approved unanimously with 5 ayes (Alberhasky, Grybovych, Hartley, Moser and Stalnaker), and 0 nays.

- 2.) The first item of business was a preliminary plat amendment for West Fork Crossing. Acting Chair Hartley introduced the item and Ms. Pezley provided background information. She explained that the property is south of West 12 Street, north of West 27th Street and east of Union Road. The original proposal included mitigating wetlands by purchasing wetland credits; however, learned that they were not able to purchase said credits. The applicant now proposes to mitigate the wetlands in Outlot J in the next phase. Staff recommends approval with two conditions. A detailed mitigation plan must be submitted with the construction drawings for West Fork Second Addition showing how the wetlands will be constructed within Outlot J (as shown on the preliminary plat) in conformance with the design standards for stormwater wetlands within the Iowa Stormwater Management Manual. Construction of the wetlands must also be completed prior to the approval of the West Fork Crossing Second Addition Final Plat.

Kevin Fittro, 4717 Wild Horse Drive, spoke as the developer of the project stating that he is available for any questions. There were no questions or comments from the Commission.

Ms. Moser made a motion to approve the item. Mr. Stalnaker seconded the motion. The motion was approved unanimously with 5 ayes (Alberhasky, Grybovych, Hartley, Moser and Stalnaker), and 0 nays.

- 3.) The next item for consideration by the Commission was the final plat for West Fork Crossing First Addition. Acting Chair Hartley introduced the item and Ms. Pezley provided background information. She explained that the development consists of 62 lots and four outlots. Outlot A is to be conveyed and combined with property at 1712 Union Road, Outlot B will be used for stormwater management and a public trail, and Outlots C and D will be used for stormwater management. Minor corrections to the plat and Deed of Dedication will be needed prior to City Council approval.

Staff recommends approval of the final plat provided the amendment to the preliminary plat of West Fork Crossing is approved that addresses wetland mitigation and minor corrections to the documents as noted in the staff report.

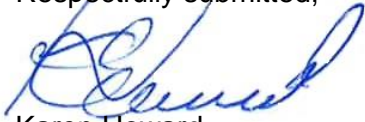
Mr. Fittro explained that the minor corrections are still in the works due to holidays and minimal staff.

Ms. Alberhasky made a motion to approve the item. Ms. Grybovych seconded the motion. The motion was approved unanimously with 5 ayes (Alberhasky, Grybovych, Hartley, Moser and Stalnaker), and 0 nays.

- 4.) Ms. Howard reminded the Commission that there will be a joint CIP discussion prior to the City Council meeting on January 2, 2024.
- 5.) As there were no further comments, Alberhasky made a motion to adjourn. Ms. Moser seconded the motion. The motion was approved unanimously with 5 ayes (Alberhasky, Grybovych, Hartley, Moser and Stalnaker), and 0 nays.

The meeting adjourned at 5:38 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: 319-273-8606
Fax: 319-273-8610
www.cedarfalls.com

MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: Thom Weintraut, Planner III
Matthew Tolan, EI, Civil Engineer II
DATE: January 24, 2024
SUBJECT: Pinnacle Prairie Commercial South Phase VI preliminary and final plat.

REQUEST: Request to approve the preliminary and final plat for Pinnacle Prairie Commercial South – Phase VI. Cases #PP23-004 and #FP23-002

PETITIONER: Greenhill Estates, Inc & Oster Family Limited Partnership, owner; Steve Letnes, LMM Investment LLC, developer; Lary Koosman, CGA, Engineer

LOCATION: The property is located between Viking Road and Brandilynn Boulevard approximately 350 feet east of Prairie Parkway

PROPOSAL

The petitioners, LMM Investments (developer) and Greenhill Estates, Inc & Oster Family Limited Partnership (owners), proposes to resubdivide Lot 3 of Pinnacle Prairie Commercial South Phase II into three (3) lots, totaling 3.51 acres, to create a new subdivision entitled Pinnacle Prairie Commercial South Phase VI.

The property is located between Viking Road and Brandilynn Boulevard across the street from Menards. The applicant submitted preliminary and final plat applications for concurrent review.



BACKGROUND

The property is part of the Pinnacle Prairie Master Plan adopted in 2004. Lot 3, which is proposed for re-subdivision, is part of Pinnacle Prairie Commercial South Phase II subdivision, approved by the City in 2012. The property is zoned Highway Commercial (Hwy-1).

Lot 2 of Pinnacle Prairie Commercial South Phase II located to the west was similarly re-subdivided into smaller commercial lots in 2021 creating Pinnacle Prairie Commercial South Phase V, at which time a system of private drives was established to serve the lots.



ANALYSIS

The petitioner, LMM Investments, proposes a preliminary and final plat for Pinnacle Prairie Commercial South Phase VI; a replat of Lot 3 of Pinnacle Prairie Commercial South Phase II to create 3 new commercial lots totaling 3.51 acres. The site is located between Viking Road and Brandilynn Boulevard approximately 350 feet east of Prairie Parkway. The property is zoned Highway Commercial (Hwy-1). Setbacks are shown on the face of the plat and are consistent with the required setbacks within the Hwy-1 Zoning District.

To provide adequate traffic circulation and access for the three new lots, the petitioners propose a private drive that will connect to two private drives to the west which were constructed for Pinnacle Prairie Commercial South Phase V and provide another access point north to Brandilynn Boulevard. The drive will be 28' wide and be located within a 50-foot wide public access and utility easement. The parcel to the east is for stormwater management, and therefore does not need to have the street stubbed to provide future access.

Regarding stormwater management, the petitioner will connect to the regional stormwater system that has already been installed with the development of Pinnacle Prairie Commercial South Phase II.

It is a requirement of the subdivision code that sidewalks be installed along street frontages within five (5) years of the final plat approval. Lot 3 was platted as part of Pinnacle Prairie Commercial South Phase II in 2013, 10 years ago, and therefore a sidewalk connection must be constructed by the petitioners along Brandilynn Boulevard (Lot 3 of this subdivision) between the parcels to the west and the storm water facility parcel to the east prior to issuance of any occupancy permit on any of the lots created with this subdivision.

The Deed of Dedication (DoD) creates a property owners association to manage the maintenance of the private streets and common shared property, such as snow removal and street maintenance. The City has reviewed the DoD and finds it is consistent with the previous DoD and addresses the new subdivision requirements.

The applicant supplied all necessary documents that are required for a final plat including the

Surveyor Certificates, Black Hawk County Auditor approval of the subdivision name, Attorney’s Title Opinion, and the final plat. The property owner does not have a mortgage on the property; therefore, a statement from the lienholder is not required.

The City Code states that the final plat must be in substantial conformance with the preliminary plat. The proposed final plat conforms to the preliminary plat and associated conditions as discussed by the applicant and staff. The petitioner has met that criterion and the associated conditions.

TECHNICAL COMMENTS

City technical staff, including Cedar Falls Utilities (CFU) personnel, noted that the water, gas, and communication services are available to the site. The developer will extend the utility services to the proposed development. The easements identified on the plat satisfy Public Works and CFU requirements.

Staff notes a minor correction of title of the subdivision on the plats is needed to reflect that this is “A re-subdivision of Lot 3, Pinnacle Prairie Commercial South – Phase II.” This will be corrected prior to submittal to the City Council.

City Code requires sidewalks to be installed along all streets within 5 years of final plat approval. Sidewalks have not been installed along the Brandilynn frontage of Lot 3. The DoD contains language that requires the completion of the sidewalk along the Brandilynn frontage prior to issuance of any occupancy permit for development on any of the lots in Phase VI.

A courtesy mailing was sent to the neighboring property owners on January 18, 2024.

STAFF RECOMMENDATION

Staff recommends approval of the preliminary and final plats of Pinnacle Prairie Commercial South Phase VI, subject to:

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

PLANNING AND ZONING

Introduction
And Discussion
1/24/2024

- Attachments:
- Location map
 - Preliminary Plat
 - Final Plat
 - Deed of Dedication

PRELIMINARY PLAT PINNACLE PRAIRIE COMMERCIAL SOUTH - PHASE VI LOT 3, PINNACLE PRAIRIE COMMERCIAL SOUTH - PHASE II CEDAR FALLS, IOWA

SURVEYOR AND ENGINEER

TRAVIS R STEWART, P.L.S.
ADAM C DATERS, P.E.
CLAPSADDLE-GARBER ASSOCIATES, INC.,
5106 NORDIC DRIVE
CEDAR FALLS, IOWA 50613
PHONE 319-266-0258

SURVEY REQUESTED BY:

LMM INVESTMENTS
137 SOUTH 2ND AVENUE
WAITE PARK, MN 56387

OWNERS OF RECORD

GREENHILL ESTATES, INC.
OSTER FAMILY LIMITED PARTNERSHIP
3957 75TH STREET
AURORA, IL 60504

SHEET INDEX

SHEET 1 COVER SHEET
SHEET 2 PRELIMINARY PLAT
SHEET 3 PRELIMINARY PLAT

ZONING INFORMATION:

CURRENT: HWY-1, HIGHWAY COMMERCIAL DISTRICT
FRONT AND REAR YARD SET BACK - 20 FEET

FLOODPLAIN:

ZONE X
AREA OF MINIMAL FLOOD HAZARD
FIRM MAP NUMBER 19013C0277F
EFFECTIVE JULY 18, 2011.

PREPARED DATE:

JULY 2023

NOTE:

ALL BEARINGS ARE THE RESULT OF G.P.S.
OBSERVATIONS USING IARCS: ZONE 5 WATERLOO

CLOSURE:

- ALL SUBDIVISION BOUNDARIES ARE WITHIN
THE 1:10,000 ERROR OF CLOSURE
REQUIREMENT
- ALL LOTS ARE WITHIN THE 1:5000 ERROR
OF CLOSURE REQUIREMENT.



VICINITY MAP

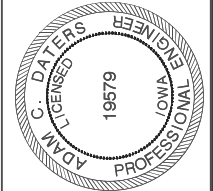
NOT TO SCALE

LEGAL DESCRIPTION

LOT 3, PINNACLE PRAIRIE COMMERCIAL SOUTH - PHASE II, CEDAR FALLS,
BLACK HAWK COUNTY, IOWA, CONTAINING 3.61 ACRES MORE OR LESS,
SUBJECT TO EASEMENTS AND RESTRICTIONS

LOT TABLE		
LOT	ACRES	SQ FT
1	1.55	67,444
2	1.11	48,560
3	0.95	41,391
TOTAL	3.61	157,395

LEGEND: (MONUMENT SYMBOLS ARE ORIENTED TO THE NORTH)	
▲	PLSS CORNER (as noted)
●	NO. 4 BAR WITH OPC #17162 UNLESS NOTED OTHERWISE
△	PLSS CORNER - 1/2" DIAMETER x 30" IRON REBAR w/ORANGE PLASTIC ID CAP (#17162)
○	1/2" DIAMETER x 30" IRON REBAR w/ORANGE PLASTIC ID CAP (#17162)
FOUND	
SET	



TO THE BEST OF MY KNOWLEDGE, THIS PRELIMINARY PLAT CONFORMS TO THE PRELIMINARY PLAT REQUIREMENTS OF THE CITY OF CEDAR FALLS, IA (NOT TO BE USED FOR CONSTRUCTION)
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024

Adam C Daters, PE
Date



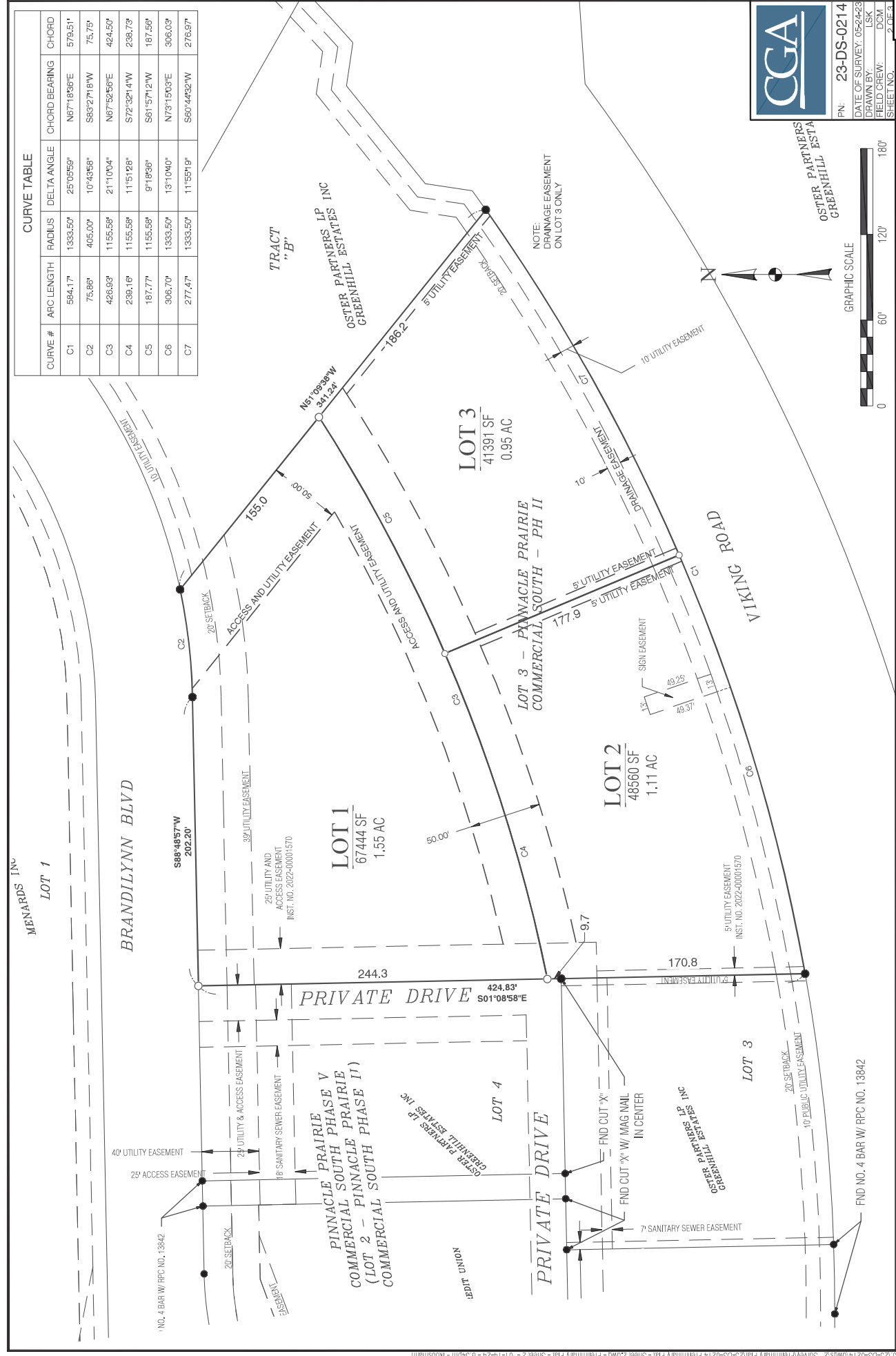
THIS PRELIMINARY PLAT PERIMETER BOUNDARY WAS PREPARED UNDER MY DIRECT SUPERVISION (NOT TO BE A RECORDED DOCUMENT)
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2025

Travis R Stewart, PLS
Date

PN: 23-DS-0214
DATE OF SURVEY: 05-24-23
DRAWN BY: LSK
FIELD CREW: DCM
SHEET NO. 1 OF 3



CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD
C1	584.17'	1333.50'	25°05'59"	N87°18'56"E	579.51'
C2	75.86'	405.00'	10°43'55"	S83°27'18"W	75.75'
C3	426.63'	1155.58'	21°10'04"	N67°56'56"E	424.50'
C4	238.16'	1155.58'	11°51'28"	S72°32'14"W	238.73'
C5	187.77'	1155.58'	9°18'36"	S61°57'12"W	187.56'
C6	306.70'	1333.50'	13°10'40"	N73°15'03"E	306.03'
C7	277.47'	1333.50'	11°55'19"	S60°44'32"W	276.87'



CGA

PN: 23-DS-0214
 DATE OF SURVEY: 05-24-23
 DRAWN BY: LSK
 FIELD CREW: DCM
 SHEET NO. 2 OF 3

Item 2.

\\23-DS-0214\dwg\23-Survey\Preliminary Plan\23-DS-0214 Preliminary Plat - Sheet 2.dwg - Preliminary Plat - Sheet 2.dwg - 01-14-24 - 8:34pm - kcoosman

LEGEND

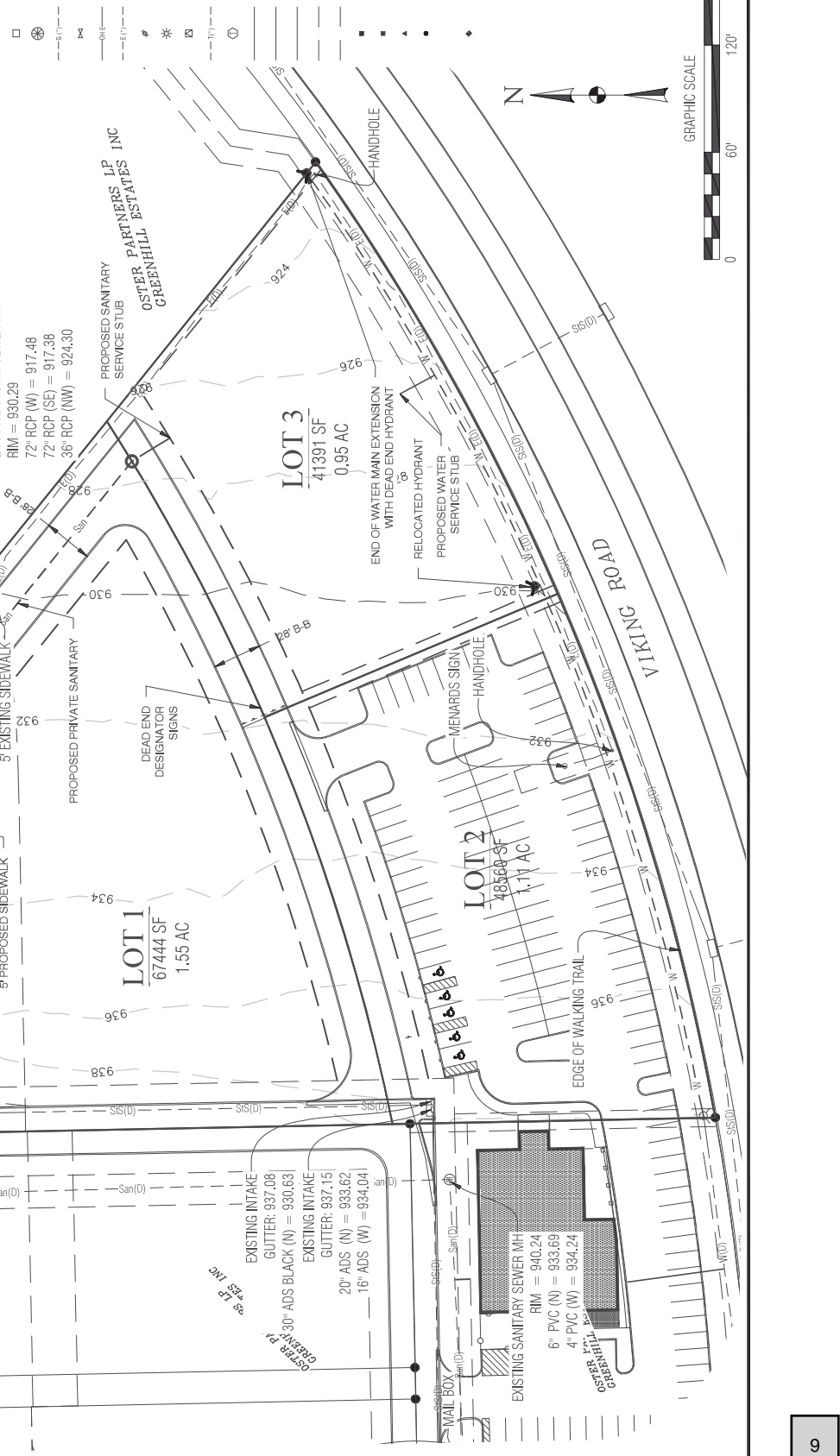
EXISTING

PROPOSED

- EVERGREEN TREE
- DECIDUOUS TREE
- SHRUBS (BUSHES)
- TREE LINE
- SIGN (TYPE AS NOTED)
- FENCE
- SILT FENCE
- WATERLINE
- WATER VALVE
- FIRE HYDRANT
- SANITARY SEWER LINE
- STORM SEWER LINE
- MANHOLE
- CLEANOUT
- INTAKE
- BREEZE INTAKE
- GAS LINE
- GAS VALVE
- OVERHEAD ELECTRICAL LINE
- BURIED ELECTRICAL LINE
- POWER POLE
- STREET LIGHT
- ELECTRICAL BOX/TRANSFORMER
- TELEPHONE LINE
- TELEPHONE FERRISAL
- SECTION/R.O.W. LINE
- BOUNDARY LINE
- PROPERTY LINE
- EASEMENT LINE
- SETBACK LINE
- R.O.W. RAIL OR LOT CORNER
- CONCRETE MONUMENT
- GOVERNMENT CORNER MONUMENT
- PARCEL OR LOT CORNER MONUMENT
- PARCEL CONSTRUCTION EASEMENT CORNER
- SURVEY CONTROL POINT

NOTE:

- ALL IMPROVEMENTS ARE FOR REFERENCE AND CONCEPTUAL PURPOSES ONLY.
- THERE ARE POSSIBLE PRIVATE UTILITIES IN THE AREA THAT MAY NOT BE SHOWN.
- STREET AND SANITARY SEWER CONSTRUCTION ON LOTS 1 AND 3 TO BE INSTALLED DURING THE DEVELOPMENT OF EITHER LOT 3 OR LOT 1.
- ROADWAY ALONG LOT 1 AND 2 TO BE INSTALLED WITH THE DEVELOPMENT OF LOT 2.
- VEHICULAR ACCESS TO BE RESTRICTED TO THE PRIVATE DRIVE ONLY. NO VEHICLE ACCESS TO VIKING OR BRANDILYNN BLVD FROM ANY LOT OTHER THAN THE PROPOSED PRIVATE DRIVE.
- PROPOSED 5' WALK WILL BE INSTALLED WHEN SUBDIVISION IS DEVELOPED.
- DEAD END DESIGNATOR SIGNS NEED AT END OF PRIVATE DRIVE EAST SIDE OF LOT 2 IF THE CONSTRUCTION OF LOT 2.
- SIDEWALK CONNECTION TO EXTERNAL TRAIL ALONG VIKING REQUIRED FOR LOTS 2 AND 3.



PN: 23-DS-0214
 DATE OF SURVEY: 05-24-23
 DRAWN BY: LSK
 FIELD CREW: DCM
 SHEET NO. 3 OF 3

Item 2.

FINAL PLAT

PINNACLE PRAIRIE COMMERCIAL SOUTH - PHASE VI LOT 3, PINNACLE PRAIRIE COMMERCIAL SOUTH - PHASE II CEDAR FALLS, IOWA

SURVEYOR
 TRAVIS R STEWART, P.L.S.
 CLAPSADLE-GARBER ASSOCIATES, INC.
 5106 NORDIC DRIVE
 CEDAR FALLS, IOWA 50613
 PHONE 319-266-0258

SURVEY REQUESTED BY:
 LMM INVESTMENTS
 137 SOUTH 2ND AVENUE
 WAITE PARK, MN 56387

OWNERS OF RECORD
 GREENHILL ESTATES, INC.
 OSTER FAMILY LIMITED PARTNERSHIP
 3957 75TH STREET
 AURORA, IL 60504

SHEET INDEX
 SHEET 1 COVER SHEET
 SHEET 2 FINAL PLAT

ZONING INFORMATION:

CURRENT: HWY-1, HIGHWAY COMMERCIAL DISTRICT
 SET BACK - 20 FEET ALONG BRANDILYNN BLVD AND VIKING ROAD

FLOODPLAIN:

ZONE X
 AREA OF MINIMAL FLOOD HAZARD
 FIRM MAP NUMBER 19013C0277F
 EFFECTIVE JULY 18, 2011.

PREPARED DATE:

AUGUST 2023

NOTE:

ALL BEARINGS ARE THE RESULT OF G.P.S.
 OBSERVATIONS USING IARCS: ZONE 5 WATERLOO

CLOSURE:

- ALL SUBDIVISION BOUNDARIES ARE WITHIN
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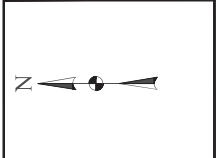
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△ PLSS CORNER - 1/2" DIAMETER x 30" IRON REBAR w/ORANGE PLASTIC ID CAP (#17162)	
○ 1/2" DIAMETER x 30" IRON REBAR w/ORANGE PLASTIC ID CAP (#17162)	
FOUND	
SET	



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 Professional Land Surveyor under the laws of the State of Iowa.

Travis R. Stewart, PLS
 Iowa License Number 17162
 My License Renewal Date is December 31, 2025
 Sheets covered by this seal: SHEET 1 AND SHEET 2

CGA

PN: 23-DS-0214
 DATE OF SURVEY: 05-24-23
 DRAWN BY: LSK
 FIELD CREW: DGM
 SHEET NO. 1 OF 2

**OWNER’S STATEMENT AND DEED OF DEDICATION
FOR
PINNACLE PRAIRIE COMMERCIAL SOUTH – PHASE VI**

KNOW ALL MEN BY THESE PRESENTS:

That Greenhill Estates, Inc. and Oster Partners, LP, hereinafter “Owners”, being desirous of setting out and platting into lots and streets the land described in the attached legal description, Exhibit “A”, do by these presents designate and set apart the aforesaid premises as a subdivision of the City of Cedar Falls, Black Hawk County, Iowa, the same to be hereafter known as:

Pinnacle Prairie Commercial South – Phase VI
Cedar Falls, Black Hawk County, Iowa

all of which is with the free consent and desire of the Owners. Menard, Inc., hereinafter “Menard”, is also a party to this Deed of Dedication as the owner of the Lot 3 in Pinnacle Prairie Commercial South – Phase II, but for no other purpose, and Menard shall not be liable for any obligations of an Owner outlined herein nor shall this document be construed to add obligations on Menard other than those found in the Deed of Dedication for Pinnacle Prairie Commercial South-Phase II.

DECLARATION OF EASEMENTS

The Owners 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, sewer, gas, electricity, communication service, or cable television, perpetual non-exclusive easements for the construction, laying building, and maintenance of said services, including underground facilities and related surface mounted equipment such as meter boxes, junctions and cabinets, for said services, over, under across, and upon the property in the locations identified as utility easements on the attached Plat, Exhibit “B”. The easements set forth in this Declaration of Easements shall run with the land. No building structures, fence structures, landscaping structures, private gardens or any other obstructions of any nature shall be constructed on or over any easements granted herein.

DEDICATION OF RIGHT-OF-WAY

The Owners hereby dedicate and set apart to the public and for the public’s use the tracts as shown and laid out on the Plat and all subject to the easements set forth herein.

RESTRICTIONS

The Owners do hereby covenant and agree for themselves and their 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 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:

1. The Owner of each lot, vacant or improved, shall keep said lot free of weeds and debris, and any onsite trash and garbage collection sites shall be screened from public view and maintained in a neat and orderly fashion.

2. The Development of this property shall be in accordance with and governed by the HWY-1 Highway Commercial District and as set forth in the Cedar Falls Zoning Ordinance as amended from time to time. Use of this property shall be governed by the Zoning District restrictions which are applicable thereto.

3. Development of this property will further be in accordance with Design Guidelines for Pinnacle Prairie, which have been established by the owners and developers. These Guidelines shall further govern the development, construction and usage of the lots and tracts in this subdivision, including but not limited to, design, materials, signage, landscaping, plantings, parking, lighting, and buildings. Said Guidelines may be amended or altered by the Design Committee as the Committee deems necessary.

4. A Design Committee has been established to maintain the standards established in the Pinnacle Prairie Design Guidelines. The Committee shall provide information and assistance to purchasers of applicable lots in the Design Review Process established by the Committee. Approval of the Committee shall be required as to all construction, including but not limited to design, materials, signage, landscaping, plantings, parking, lighting, and buildings. Design requirements shall be a condition prerequisite to construction, and these requirements, once established, shall continue to be binding on purchasers of applicable lots in this subdivision, their transferees, successors, grantees, heirs, and assigns.

5. Each person or entity who is a record owner of Pinnacle Prairie Commercial South-Phase VI shall become a member of an Owners Association to be established by the Owners. This Association shall be responsible to maintain common areas, including, but not limited to, landscaping, sidewalks, medians, vegetation, private drives, private streets, monuments and signage, and any and all other improvements and common areas, private drives, private streets, basins, storm water drainage and detention areas and other common areas. A Charter has been established which prescribes the responsibilities and obligations of said lot owners and which provides for sharing and assessment of costs. The Charter shall be binding upon the owners, lessees, and occupants of each portion of the property made subject to the Charter and any person or entity holding any interest in such property, as well as their respective guests and invitees. The record owners of each lot within the property subject to the Charter shall, upon acquisition of title to such lot or unit, automatically become a member of a mandatory membership owners association as identified in the Charter (the association) and shall remain a member as long as said owners hold title to such property. Membership in the association shall be appurtenant to and may not be separated from ownership of such lot. The association shall be organized to perform such obligations and exercise such powers as are assigned and granted to it in the Charter and its articles of incorporation and bylaws, which may include, without limitation, administering and enforcing

a Charter, the design guidelines adopted pursuant thereto, and such reasonable rules as the association may adopt consistent with the Charter, and maintenance of common areas and other property as authorized in the Charter and supplements thereto. Each record owner shall have such voting rights in the association and such liability for the share of the common expenses of the association as described in the Charter and the bylaws of the association. The financial obligations of each record owner to the association shall be a personal obligation of such owner and shall be secured by a lien in favor of the association against the owners' property under the Charter. Any provisions above to the contrary notwithstanding.

6. All sanitary and stormwater utilities shall be privately owned by the record owners of Pinnacle Prairie Commercial South-Phase VI and maintained by the Owners Association of Pinnacle Prairie Commercial South-Phase VI.

7. All record owners of Pinnacle Prairie Commercial South-Phase VI shall be restricted from constructing any building on any utility easements on the attached Plat, Exhibit "B".

8. There shall be no direct lot access to Viking Road, or Brandilynn Boulevard. All accesses for lots 1-3 shall be restricted to the internal private drive. Said private drive shall be located within an easement to the benefit of all lot owners within the subdivision as shown on the plat granted by the owner of Lot 3 of Pinnacle Prairie Commercial South, Phase II to the benefit of all lot owners within Pinnacle Prairie Commercial South – Phase V and Phase VI pursuant to the Shared Road Agreement executed by Greenhill Estates, Inc., Oster Partners, L.P., and Gorman, L.P., dated December 28, 2021 and recorded with the Office of the Black Hawk County, Iowa Recorder on January 11, 2022 in Document Number 2022-14293.

9. If any parties or their transferees, successors, grantees, heirs or assigns shall violate or attempt to violate any of the restrictions, covenants or requirements herein, it shall be lawful for any person, party or entity owning property in this subdivision to prosecute any proceedings at law or in equity against any party or parties violating or attempting to violate any such covenants, restrictions or requirements, for the purpose of preventing such acts or to recover damages for such violations, or both, and for costs and reasonable attorney fees to be determined by the Court and not by statute.

10. Invalidation of any of these restrictions by judgment, decree or court order shall in no way affect any of the other provisions of this Deed of Dedication and such other provisions shall remain in full force and effect.

11. The covenants and restrictions set forth in this Deed of Dedication shall run with the land and shall inure to the benefit of and be enforceable by the owner of any land located in the plat, which is the subject of this Deed of Dedication, and their legal representatives, heirs, successors and assigns for a term of twenty-one (21) years from and after the date of filing of this plat in the office of the Recorder of Black Hawk County, Iowa. Said covenants and restrictions may be extended for successive twenty-one (21) year periods thereafter, upon the filing of a

verified claim by the owner of any one (1) lot or tract of land in the subdivision, in the manner provided in Iowa Code Sections 614.24-614.28, Code of Iowa.

STREETS, SIDEWALKS, UTILITIES AND SEWERS

The Owners, in consideration of approval of this Plat by the City of Cedar Falls, Iowa, agree for themselves, their successors and assigns, as follows:

1. That sanitary sewer, together with the necessary manholes and sewer service lines to all lots in the subdivision will be provided for each lot as each lot is developed
2. That underground utilities, as required by the City of Cedar Falls Subdivision Ordinance, shall be installed for each lot as each lot is developed.
3. That City water shall be installed as required by the Cedar Falls Municipal Utilities for each lot as each lot is developed.
4. That municipal fire hydrants will be installed as required by the Cedar Falls Public Safety Department for each lot as each lot is developed.
5. That storm sewers will be installed as required by the City Engineer of the City of Cedar Falls. Additionally, the Owners shall provide management and maintenance of detention areas for storm water as required by the City Engineer and these duties and responsibilities shall be effectuated through the Association, Charter or Maintenance Agreement as applicable. Said areas were previously established as part of Pinnacle Prairie Commercial South-Phase II. These requirements will be specific for each lot as each lot is developed.
6. That handicap ramps will be provided as required by law for each lot as each lot is developed.
7. 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.
8. All signs erected on any lot in said subdivision, including building wall signage will comply with the applicable Zoning Ordinance requirements.
9. Owner and its successors and assigns shall comply with the site plan review process and approval by the Cedar Falls Planning and Zoning Commission and the Cedar Falls City Council.
10. The Owner of each lot, vacant or improved, shall be required to provide services not provided by the City of Cedar Falls, Iowa, such as snow removal on streets and sidewalks, refuse pickup, and street maintenance, all pursuant to the terms of the Pinnacle Prairie Commercial South-Phase VI Owners Association and the Shared Road Agreement executed by Greenhill

Estates, Inc., Oster Partners, L.P., and Gorman, L.P., dated December 28, 2021 and recorded with the Office of the Black Hawk County, Iowa Recorder on January 11, 2022 in Document Number 2022-14293. The City of Cedar Falls, Iowa, shall not be responsible for providing such services.

11. The private driveway shall be extended beyond the eastern boundary of Lot 2 to the northeasterly boundary of Lot 1 and Lot 3, to the northern boundary of Lot 3, at the time a site plan is approved by the City of Cedar Falls, Iowa for either Lot 1 or Lot 3. The extension of the private driveway to the northeasterly boundary of Lot 1 and Lot 3, and northern boundary of Lot 3, shall be completed by the Owner of Lot 1 or Lot 3 who first has a site plan approved by the City of Cedar Falls, Iowa. The private driveway extension shall be completed prior to any occupancy permit being issued by the City of Cedar Falls, Iowa, and the completion of the extension shall be a condition precedent to the issuance of the occupancy permit. The private driveway extension shall be constructed by a contractor approved by the owners of each lot, and the expense of the private driveway extension shall be shared equally by the owners of Lot 1, Lot 2, and Lot 3.

12. The parties to this Deed of Dedication acknowledge and affirm that the property in Pinnacle Prairie Commercial South-Phase VI is subject to that certain Deed of Dedication for Pinnacle Prairie Commercial South-Phase II and nothing herein shall amend or terminate the obligations contained therein.

13. A concrete sidewalk, a minimum of four inches thick, shall be installed along Brandilynn Drive extending from Pinnacle Prairie Commercial South-Phase V to the eastern boundary line of Pinnacle Prairie Commercial South-Phase VI. The owners of the lots contained in Pinnacle Prairie Commercial South-Phase VI shall construct this sidewalk prior to any building permit being issued by the City of Cedar Falls, Iowa. Further requirements may be required at time of construction as determined by the City of Cedar Falls. The sidewalks will be 5 foot-wide.

[signature page to follow]

Menard is signing this Deed of Dedication solely for the purpose of acknowledging that the lots burdened thereby are also included in the Deed of Dedication for Pinnacle Prairie Commercial South-Phase II, however such acknowledgment shall in no way act as a waiver of any of the obligations of such lot owners under the Deed of Dedication for Pinnacle Prairie Commercial South-Phase II

MENARD, INC.

By: _____
Print Name: _____
Title: _____



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: Thom Weintraut, AICP, Planner III
DATE: January 24, 2024
SUBJECT: Rezoning Request, formerly 3225 W 1st Street (RZ24-001)
Land Use Map Amendment (LU24-001)

REQUEST: Amend Future Land Use Map to reflect low density residential use of the property. Rezone property from C-1 Commercial District to R-1: Residence District.

PETITIONER: Amina Begic, applicant; Howard Mark and Marilyn Joyce Trunnell Revocable Trust, Owner

LOCATION: North side of W 1st Street across from Winding Ridge Way, formerly addressed as 3225 W 1st Street.

PROPOSAL

The proposal is to rezone a 2.689 acre (117,132.8 SF) parcel owned by the Howard Mark and Marilyn Joyce Trunnell Revocable Trust on the north side of W 1st Street from C-1 Commercial District to R-1 Residence District.

BACKGROUND

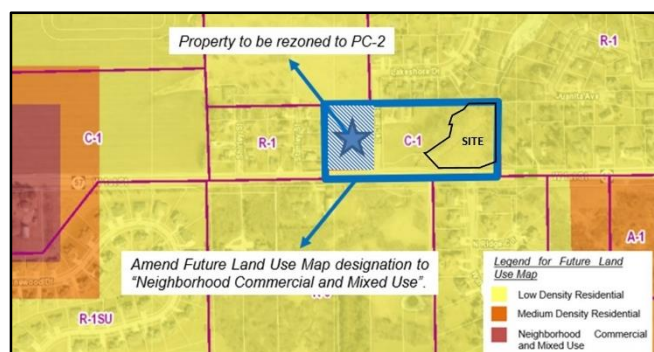
The property was originally platted in 1950 as lots 23, 24, and 25 of Star View Addition. When the property was annexed in 1971, the property was zone C-1, Commercial District (Ord. No 1342) along with the current two properties to the west. The property adjacent to the east has a residence built in 1955 and the property adjacent to the west has a commercial building built in 1948. There was a building constructed on this site in the mid-1960s that was demolished around 2000.

The Trunnells purchased the property in 2007. In early 2023, Mr. Trunnell had a discussion with staff about building a residence on the property. The area on the property where the Trunnells wished to build the house was in the mapped floodplain. Staff discussed the process to petition FEMA for a Letter of Map Amendment (LOMA) from FEMA to remove portions of the

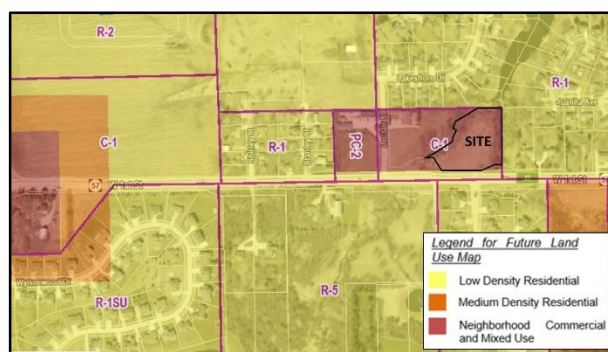
property which had been inadvertently mapped on the floodplain. The LOMA was issued by FEMA in June 2023, but the Trunnells decided not to pursue development.

Currently, Ms. Amina Begic would like to purchase the property with the intention to subdivide it into three (3) lots for her and her immediate family to build residences. Staff has had preliminary discussions with Ms. Begic on a subdivision layout for the site.

In June of 2023, the property on the west side of LeClair Street (also part of the 1971 annexation and rezoning) was rezoned from C-1 Commercial District to PC-2 Planned Commercial District. At the same time, the Future Land Use Map was amended to Neighborhood Commercial/Mixed Use to acknowledge the long history of commercial zoning on these properties. In retrospect, changing the Land Use Map designation for the subject parcel that is isolated between the ravines should have been more carefully considered, given the nature of the site and limited development potential for commercial or mixed-use development. The maps below show the former and the current Future Land Use Map.



Future Land Use Map prior to June 2023



Current Future Land Use Map

ANALYSIS

CURRENT ZONING

The purpose of the C-1 Commercial District is to provide commercial uses in proximity to residential districts which can support the daily needs of the nearby residents. The subject property and the property to the west are zoned C-1. As stated previously, this property is undeveloped and the one to the west, owned by Ms. Begic, has a business/professional office, which is allowed in the district.

PROPOSED ZONING

The R-1 Residence District Zone allows for one and two-unit dwellings and neighborhood serving institutional uses. The site is surrounded by single family residential neighborhoods to the north, east, and south and therefore, the zoning change and proposed use of the property will be compatible with adjacent development. In addition, the rezoning will provide an opportunity for infill residential development in an area where there are existing support services available.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Future Land Use Map identifies this parcel as “Neighborhood Commercial/Mixed Use” designation that includes a range of low-impact commercial uses, providing a variety of neighborhood services with residential uses allowed above commercial development. While the Neighborhood Commercial/Mixed Use designation indicates that residential is one of the intended uses contemplated, it is in the form of dwellings above commercial. This constrained

site is separated from the commercial uses located to the west by the floodplain and a ravine. Development of commercial uses that would generate a higher level of traffic would be challenging from this parcel as it would require direct access to 1st Street, a State highway. There is currently a need for additional residential development in the community and ample opportunities for commercial development will remain in the general vicinity of this site. Development of a few single-family homes on this infill site will not generate a significant amount of traffic and the IDOT has indicated that direct access to 1st Street (Highway 57) for one private drive serving a few homes would be acceptable. Low Density residential development will also be consistent with the adjacent residential neighborhoods. Therefore, staff recommends amending the map to change the designation for this parcel to Low Density Residential. With this change, the proposed rezoning to R-1 can be considered.

ACCESS TO PUBLIC SERVICES

The property is in a developed area of the city and has access for connection to all utilities and public services.

ACCESS TO ADEQUATE STREET NETWORK

The property fronts on the north side of W 1st Street, and therefore, the future development will have adequate access.

PUBLIC NOTICE

City staff mailed letters to the surrounding property owners notifying them of the rezoning request.

TECHNICAL COMMENTS

The City technical staff, including Cedar Falls Utilities, have no concerns with the proposed rezoning request.

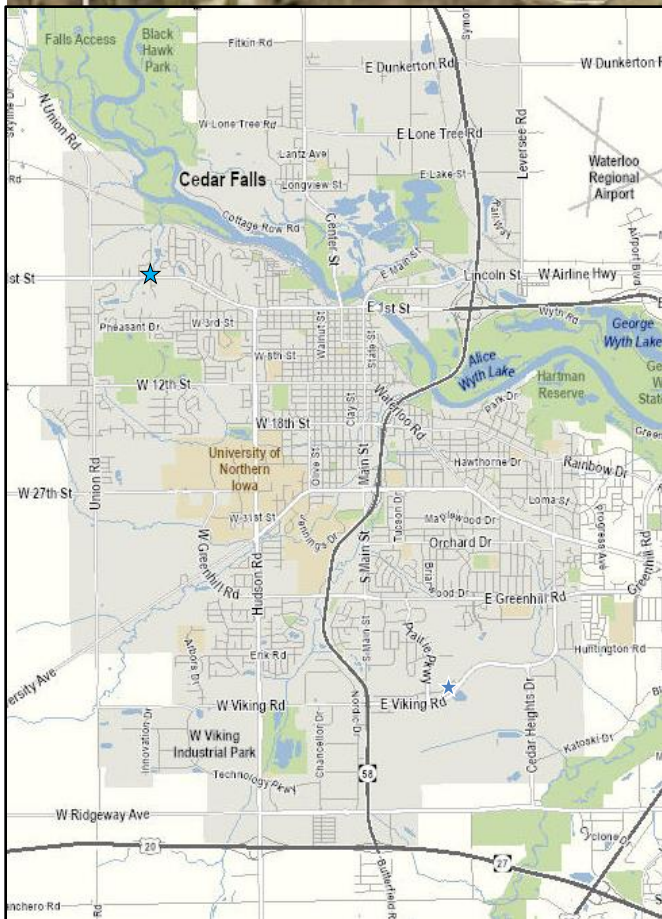
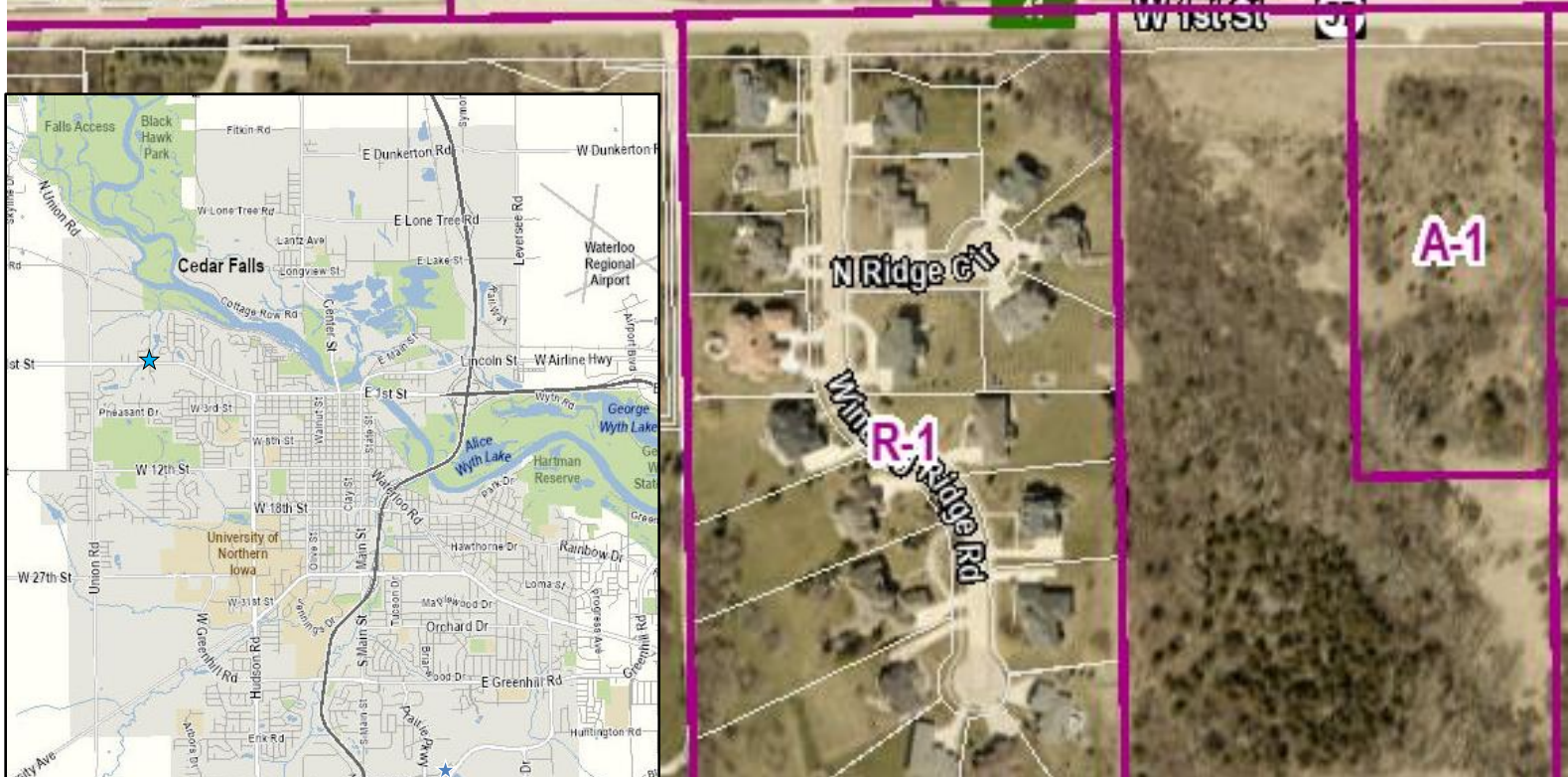
STAFF RECOMMENDATION

Gather any comments from the Planning and Zoning Commission and public and set a date for a public hearing for the amendment to the Future Land Use Map and the rezoning request for the next Planning and Zoning Commission meeting on February 14, 2024.

PLANNING & ZONING COMMISSION

Introduction
1/24/2024

Attachments: Location Map
 Rezoning request letter
 Legal Description
 Rezoning Exhibit



**Begic – Trunnell Rezoning C-1 to R-1
W 1st Street**

Menards

Item 4.





December 21, 2023

Planning & Community Services
City of Cedar Falls
220 Clay Street
Cedar Falls, IA 50613

Re: Begic-Pilipovic Residential Development
Parcel "K" SE ¼, 3-89-14
W 1st Street
Cedar Falls, IA

To Whom It May Concern:

On behalf of the developer, please consider the included application for rezoning for the above referenced property.

The developer would like to rezone the property from C-1 to R-1 in order to construct a three lot residential subdivision intended for single family homes. We feel this request is reasonable, since all abutting properties, with the exception of the property directly to the west across the existing drainage way, is currently zoned either R-1 or R-5, and is a reasonable proposed use of the property.

Please don't hesitate to contact me at adaters@cgaconsultants.com or 641-752-6701 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Adam C. Daters', is positioned below the word 'Sincerely,'.

Adam C. Daters, PE
Vice President

REZONING LEGAL DESCRIPTION

PARCEL "K" SOUTHEAST QUARTER (SE 1/4) SECTION 03, TOWNSHIP 89 NORTH (T89N), RANGE 14 WEST (R14W) OF THE FIFTH PRINCIPAL MERIDIAN, AS RECORDED IN DOCUMENT NUMBER 2007012990, IN THE OFFICE OF THE RECORDER, BLACK HAWK COUNTY, IOWA, BEING PART OF LOTS 23, 24, AND 25, STARVIEW ADDITION, CITY OF CEDAR FALLS, BLACK HAWK COUNTY, STATE OF IOWA CONTAINING 2.689 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

LEGAL DESCRIPTION:

PARCEL "K" SOUTHEAST QUARTER (SE 1/4) SECTION 03, TOWNSHIP 89 NORTH (T89N), RANGE 14 WEST (R14W) OF THE FIFTH PRINCIPAL MERIDIAN, AS RECORDED IN DOCUMENT NUMBER 2007012990, IN THE OFFICE OF THE RECORDER, BLACK HAWK COUNTY, IOWA, BEING PART OF LOTS 23, 24, AND 25, STARVIEW ADDITION, CITY OF CEDAR FALLS, BLACK HAWK COUNTY, STATE OF IOWA CONTAINING 2.689 ACRES MORE OR LESS, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.



NO.	DATE	BY	REVISION

DATE	BY	REVISION

DATE	BY	REVISION

DATE	BY	REVISION

CGA
 City of Cedar Falls
 Planning & Zoning Department
 100 North Park Street, Cedar Falls, IA 50613
 Phone: 319.251.2222
 Fax: 319.251.2223
 www.cedarfalls.org

BEGIC RESIDENTIAL DEVELOPMENT
 CEDAR FALLS, IOWA

REZONING EXHIBIT PLAT

PROJECT NO. 22-05-002
 SHEET NO. 1 OF 1

Item 4.