



AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, JULY 26, 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 June 28, 2023

Public Comments

Old Business

2. **RP Master Plan Amendment – Autumn Ridge Development (MP23-002)**
Petitioner: BKND, Inc. Owner; CGA Engineering, Engineer
Previous discussion: November 24, 2020; March 9, 2022 (under previous case number PP20-004); June 14 and 28, 2023 (Case number MP23-002)
Recommendation: *Hear public comment, discuss, and defer to the September 13th meeting*
P&Z Action: *Discuss and provide direction, and defer to the September 13, 2023 meeting*
3. **Preliminary Plat – Autumn Ridge 9th and 11th Additions (PP23-001)**
Petitioner: BKND, Inc. Owner; CGA Engineering, Engineer
Previous discussion: November 24, 2020; March 9, 2022 (under previous case number PP20-004); June 14 and 28, 2023 (Case number PP23-001)
Recommendation: *Hear public comment, discuss and defer to the September 13, 2023 meeting*
P&Z Action: *Discuss, provide direction, and defer to the September 13, 2023 meeting*

New Business

4. **Preliminary Plat – Ashworth North Subdivision (PP23-002)**
Petitioner: David Nicol, Owner; CGA Engineering, Engineer
Previous discussion: None
Recommendation: *Approval*
P&Z Action: *Discuss and consider making a recommendation to City Council*
5. **Zoning Code Text Amendment – On-Street Parking as Shared Parking (TA23-004)**
Petitioner: Cedar Falls City Council
Previous discussion: None
Recommendation: *Discuss, provide direction, and set a public hearing date*
P&Z Action: *Discuss, provide direction, and set a public hearing date for August 9, 2023 meeting.*

Commission Updates

Adjournment

Reminders:

- * August 9 and 23 - Planning & Zoning Commission Meetings
- * August 7 and 21 - City Council Meetings

**Cedar Falls Planning and Zoning Commission
Regular Meeting
June 28, 2023
Cedar Falls, Iowa**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on June 28, 2023 at 5:30 p.m. at City Hall. The following Commission members were present: Crisman, Grybovych, Hartley, Leeper, Lynch, Moser and Stalnaker. Alberhasky and Larson were absent due to abstention. Stephanie Houk Sheetz, Director of Community Development, Thomas Weintraut, Planner III, Jaydevsinh Atodaria, Planner I, Matthew Tolan, EI, Civil Engineer II and Maria Perez, Stormwater Specialist were also present.

- 1.) Chair Lynch noted the Minutes from the June 14, 2023 regular meeting are presented. Ms. Crisman made a motion to approve the Minutes as presented. Mr. Stalnaker seconded the motion. The motion was approved unanimously with 7 ayes (Crisman, Grybovych, Hartley, Leeper, Lynch, Moser and Stalnaker), and 0 nays.

- 2.) The first item of business was an RP Master Plan Amendment for Autumn Ridge Development. Chair Lynch introduce the item and Mr. Atodaria provided background information. He explained that the item was discussed at the last Planning and Zoning meeting and provided a brief overview. He explained that the subdivision has 105 acres and is located south of West 1st Street and west of Union Road. He displayed the 2001 RP Master Plan and provided history on the amendments since that time and then displayed a rendering of the current Master Plan. He explained the two phases that are proposed in the 9th and 11th Additions that propose to increase density, create a well-connected street pattern and have a variety of housing types to meet the housing needs of the community. He discussed setback requirements and minimum lot sizes for different housing types, easements and concerns with different aspects of the proposal. He also spoke about sidewalk connections, community space and shared usable open space. Matthew Tolan, EI, Civil Engineer II was available to discuss the traffic impact and Maria Perez, Stormwater Specialist spoke about stormwater pollution prevention and the effects of urbanization on water quality. She explained the requirements and expectations with stormwater maintenance. Mr. Atodaria explained the staff recommendations to address public concerns regarding maintenance on the existing stormwater basin, increase in park space and increase lot sizes in certain areas to create more usable yard space for those lots. He noted outstanding issues that included a revision to the existing developmental procedures agreement that will be required to make it consistent with the revision to the RP Master Plan and deed of dedication need to be finalized once direction and decision is made by the Planning and Zoning Commission. At this point, the master plan amendment is for discussion and public comment. Staff recommends continuing the discussion to the July 26 meeting to allow the developer time to address staff recommendations and any direction from the Planning and Zoning Commission.

Mr. Leeper commented that there are a lot of requirements that the city has for all developments [stormwater] and those will be met before the project can proceed.

Dennis Happel, BNKD Development and Adam Daters, CGA Engineers, addressed items as brought forward by staff and the public. With regard to the existing basin waterway, he explained that at the time Autumn Ridge 3rd Addition was done, the City was responsible for all detention basins and maintenance. By the time they started Autumn Ridge 4th Addition, the City changed their policy to make it the responsibility of the homeowners associations. That is why the pond was removed. Mr. Daters also stated that at the request of staff, the topo survey

of the detention basin was updated and found that they are within the appropriate range. Mr. Happel discussed access to the detention and provided examples of where that access would be. He also spoke regarding greenspace and options for a park, as well as lot sizes and proposed housing. He feels that the plan is in line with the code and should not be a problem.

Brad Pierschbacher, 4228 W. 1st Street, commented on the letters that were sent out by BNKD and stated that he did try to reach out about it and wasn't able to touch base. He doesn't believe the current plan would complement the neighborhood and feels that lot sizes would be too small.

John Englin, 4327 Wynnewood, noted concerns with regard to the proposal. He explained that although there is not a large group in attendance, many could not make it due to schedules. He provided a list of neighbors who are in opposition of the project and stated the reasons for their disapproval, which included the change in the plans from 2013 that neighbors were made to believe would be how development would occur here.

Jim Hancock, 821 Lakeshore Drive, asked about the sizing and retention control gate, potential use of rip rap in the design, and the responsibility of the maintenance of the water areas.

Cyndi Luchtenburg, 4322 W. 1st Street, read letters from herself and other neighbors expressing their concerns with the development and issues with changes being made.

Dan Bumblauskas, 4433 Wynnewood Drive, came forward to read a letter stating concerns from a neighbor who couldn't make it to the meeting (Lyle Simmons).

Deb Hudspeth, 315 Corduroy Drive, agreed with all previous comments regarding the change in plans with regard to the lots. She believes that it should remain the same, as it was promised to the homeowners when they moved in.

Brian Happel, 4306 Berry Hill Road, stated that he has heard from neighbors who had no issues with the proposal. He feels that the lack of people at the meeting is not because they can't attend, but because they don't have an issue with the changes. He responded to different concerns that he has heard at meetings and from residents.

David Davis, 4407 Berry Hill Road, stated that he is Mr. Happel's neighbor and that Mr. Happel does not speak for him. He is opposed to the changes.

Ann Spurr, 4211 Berry Hill Road, echoed Mr. Davis's statement.

Cyndi Luchtenberg came forward to speak again and read a letter from Tim Caswell. He noted concerns with the narrow lots and streets that have several cars blocking mailboxes, keeping mail from being delivered. It was also noted that there are rentals already. His letter stated that the street is already cracked after only five years. He believes that BNKD is doing the absolute minimum and should be held accountable.

Ms. Crisman thanked the community members for coming to the meeting to express concerns, as well as Ms. Perez attending to help with questions. She noted that she has concerns with the current master plan and would like to recommend to the other commissioners to really look at what it means to have a master plan and uphold it. She feels that the Commission should take the community members concerns into consideration regarding changes that are proposed that conflict with what they were promised when moving to that neighborhood.

Chair Lynch asked Mr. Tolan and Ms. Perez to speak to questions that were brought forward during the meeting. Mr. Tolan explained that the 100-acres to the west was covered in the drainage analysis. He also gave a reminder that when a stormwater analysis report is put together, it is designed on an impervious measure, not on a case-by-case basis. He also explained that rip rap is used in areas where there is a high risk of erosion but is not used unless really needed. Ms. Perez explained that she did not see any major erosion concerns with the existing basin and would not recommend rip rap. Mr. Daters gave an explanation of the process used for studying the stormwater.

Ms. Grybovych thanked staff for their hard work, as well as the people in attendance to state their concerns. She noted she was disheartened by the finger pointing and hopes that everyone can work together to improve the community. She also stated that she feels that this is a larger deviation from the master plan and may warrant further discussion.

Ms. Moser stated that she wants to ensure the community members that they are being heard. She noted that she does appreciate the duplexes but has concerns regarding the density and would like to see some of that redeveloped in the plan. She also likes the recommendation of the greenspace and would like to see it be made useable to the community.

Mr. Leeper thanked the developers for developing and stated his appreciation to the residents for coming to speak. His greatest issue is the density and feels that the changes are significant enough and should be addressed. Mr. Hartley and Chair Lynch agreed.

Chair Lynch suggested that the developer and residents meet and have a discussion that could hopefully lead to finding a compromise.

The item will be continued at the July 26 meeting.

- 3.) The next item for consideration by the Commission was a preliminary plat for Autumn Ridge 9th and 11th Additions. Chair Lynch introduced the item and Ms. Sheetz explained that staff would like to move this item to the July 26 meeting as well, as there could be significant changes with the master plan that could affect the plat.

The item will be continued at the July 26 meeting.

- 4.) As there were no further comments, Mr. Hartley made a motion to adjourn. Mr. Leeper seconded the motion. The motion was approved unanimously with 7 ayes (Crisman, Grybovych, Hartley, Leeper, Lynch, Moser and Stalnaker), and 0 nays.

The meeting adjourned at 7:07 p.m.

Respectfully submitted,

Stephanie Houk Sheetz
Director of Community Development

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 and Zoning Commission

FROM: Jaydevsinh Atodaria (JD), AICP, City Planner 1

DATE: July 26, 2023

SUBJECT: The Autumn Ridge Master Plan Amendment (MP23-002)
 Preliminary Plat for Autumn Ridge 9th and 11th addition (PP23-001)

BACKGROUND

As per last discussion at the June 28, 2023 Planning and Zoning Commission meeting, staff recommended deferring the discussion to the July 26 Planning and Zoning Commission meeting to allow the developer time to address the concerns as recommended in the staff report dated June 28, 2023.

To continue gathering the public comments and recommendations from the Planning and Zoning Commission, staff is continuing the discussion on proposed master plan amendment for the Autumn Ridge Development. However, staff notes that the developer is still working on making updates to the proposal and it is our understanding that the developer will be able to submit the revisions to city staff by August 18, 2023 for review and will be able to continue the discussion at September 13, 2023 Planning and Zoning Commission.

For reference, you may find the agenda and the packet with detailed staff reports, minutes and other supplemental materials for Planning and Zoning Meeting on June 14th and June 28th 2023 at <https://www.cedarfalls.com/852/Public-Meeting-Agendas-With-Video>. Minutes from the Planning and Zoning Commission meeting on June 28th, 2023, are attached in the packet for additional reference. Staff will also be including additional public comments received after June 28, 2023, Planning and Zoning Commission meeting regarding the case for review in the packet.

RECOMMENDATION:

Staff recommends deferring the discussion of the proposed Master Plan Amendment for Autumn Ridge Development (MP23-002) to the September 13 meeting to allow the developer time to address the concerns as recommended in the staff report dated June 28, 2023.

Jaydevsinh Atodaria

From: Karen Howard
Sent: Thursday, July 20, 2023 9:01 AM
To: John and Kaye Englin
Cc: Jaydevsinh Atodaria; Thomas Weintraut
Subject: RE: [EXTERNAL] Autumn Ridge 9 and 11 Additions

John and Kaye,

Thank you for your correspondence. We will include it in the next Planning and Zoning Commission packet and save for the public record.

Kind Regards,

*Karen Howard, AICP, Planning & Community Services Manager
City of Cedar Falls
220 Clay Street, Cedar Falls, Iowa 50613
(319)268-5169*

From: John and Kaye Englin <jkenglin@gmail.com>
Sent: Wednesday, July 19, 2023 9:59 PM
To: Thomas Weintraut <Thomas.Weintraut@cedarfalls.com>; Stephanie Sheetz <Stephanie.Sheetz@cedarfalls.com>; Karen Howard <Karen.Howard@cedarfalls.com>; hannahcrisman10@gmail.com; Oksana.Grybovych@uni.edu; dave.hartley@woolverton.com; kyle@kylelarson.com; bradl@invisionarch.com; Amanda.Lynch23@gmail.com; Kristin Moser <Kristin.Moser@cedarfalls.com>; Alan Stalnaker <Alan.Stalnaker@cedarfalls.com>; alberhasky.sloan@gmail.com
Subject: [EXTERNAL] Autumn Ridge 9 and 11 Additions

CAUTION: This email originated outside the City of Cedar Falls email system.
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning and Zoning Commission members –

We are John and Kaye Englin and we live in the Fieldstone Addition, at 4327 Wynnewood Dr.

Attached is a PDF with a lot of detailed information. This information has previously been provided to you. We are providing it again because our concerns as expressed in that PDF remain unchanged and the information remains useful, important and applicable and is

different from most of what is provided below in this email. Our opposition to BNKD's 2023 proposal actually continues to grow stronger as we learn more about it. We know that the concerns and rationale shared in the attached PDF are shared by many other citizens of Cedar Falls and believe those concerns are valid and are worthy, once again, of your careful review and consideration. Thank You!

Earlier this month, we sent an email to City of Cedar Falls, Planner III - Thomas Weintraut, which contained numerous questions related to property development, rental properties, AR 9 and 11, etc. Thomas provided detailed answers to our questions and that has proven to be very helpful. We sincerely appreciate the information Thomas shared with us and the time he spent responding to us.

It is obvious that an initiative within the city of Cedar Falls, as well as for property developers, is to create additional "affordable housing" in this city. And, we agree this is a worthwhile initiative. However, it would be both wise and prudent to put that goal/initiative into proper perspective, specifically as it relates to the sensible and "fair" development of the remaining 22 acres in Autumn Ridge that you are being asked to decide upon at this time. What follows are some hypothetical examples that we believe help provide this "proper perspective" by comparing some significantly different possibilities for the development of the remaining 22 acres at Autumn Ridge:

Consider the impact on affordable housing by comparing 90 dwelling units on this 22 acres, at an average of 3 people living in each unit, to 58 units (as previously approved), also at an average of 3 people living in each unit. (Larger lots and larger homes would almost certainly create a higher average number of people living in each of those units. However, we won't make that assumption for these hypothetical examples.) 32 additional units, at 3 people per unit = additional housing in Cedar Falls for 96 people. At [census.gov](https://www.census.gov), as of July 1, 2022, it states Cedar Falls had a population of 40,746. "Affordable housing" for 96 additional people is slightly less than one-fourth of one percent (.24%) of the current population of Cedar Falls. If 80 dwelling units were approved for development instead of the 58 units, using an average of 3 people per unit, additional affordable housing would be provided for .16% of the current population of Cedar Falls. A counter argument to the two hypotheticals just provided is that 58 dwelling units on these 22 acres would actually create no additional "affordable housing", and that all 90 of the units in AR 9 and 11 would fall into the category of "affordable housing". Even under the assumptions of that argument, less than seven tenths of one percent (.66%) of additional affordable housing would be available to the

current population of Cedar Falls. (90 units x 3 people/unit = 270 people..... $270 \div 40,746 = .66\%$) Unfortunately, if a significantly larger number of dwelling units than 58 is approved for the development of AR 9 and 11, consideration of the opinions of most of the people living nearby, as well as for the value of these people's real estate assets, would be, for the most part, disregarded AND the positive impact on affordable housing in Cedar Falls would hardly change at all. There are much better ways to create more affordable housing options in Cedar Falls than by approving a plan that would place as many dwelling units as possible on these 22 acres.

Attached you will find 4 photos that were recently taken from both the east (E) and the west (W) ends of Paddington Street. Paddington St. is in Autumn Ridge – 3rd addition and there are no duplexes on this street. You will gain a much better understanding of the vehicle congestion on Paddington St. if your computer or phone allows you to zoom in on these photos. All 4 photos were taken at around 6 a.m. Two of them were taken on Sat., July 8 and two on Tues., July 11. We didn't want the thought of the possibility of multiple and temporary weekend guests on this street to be used to discount the value and importance of these photos. These photos are an accurate representation of the typical vehicle congestion found on this street. Now, please imagine what the streets in AR 9 and 11 will someday look like if the population and dwelling density BNKD and the city of Cedar Falls both seem to desire is approved. At the June 28th Planning and Zoning Commission meeting, Brian Happel (a representative of BNKD), when citing the price points of the properties that will be in AR 9 and 11, stated "These homes, as they sit, these duplexes, the starting price will be right around \$425,000". First of all, we, along with many other Cedar Falls citizens, would like to know if a duplex with a starting price of \$425,000 falls into the city of Cedar Falls' definition of "affordable housing"? We do not know for sure, but assume a property at that price or higher in Cedar Falls would not be considered affordable housing. ??? If a \$425,000 "starting" price for the 90 units that would be built IS NOT considered by Cedar Falls to be "affordable housing", there will be NO additional affordable housing units provided to citizens in AR 9 and 11 whether it is developed at 90 units or at 58 units. Secondly, from a common sense standpoint, we cannot help but wonder who will be willing to actually pay that much to become the owner of half of a building that has what we assume would be a 2 car garage, a narrow driveway, is placed extremely close to the next duplex structure/building and is located on a street with significantly greater dwelling and population density than what can be seen in each of the 4 attached photos.

At the June 28 Planning and Zoning Commission meeting, Brian Happel stated to the city employees present and to the P and Z members the following: "As you are well aware, you cannot simply buy a property and turn it into a rental property in Cedar Falls." We were

confused by Brian's statement and asked Thomas Weintraut to help us better understand rental properties in Cedar Falls. We discovered that Brian was correct.....in the city of Cedar Falls, people cannot "simply" rent a property they own. However, it certainly can be done, and often is done, as long as the city's rental property requirements are followed by the property owner. With some additional clarity related to this issue, we continue to be of the opinion that many of the dwelling units in AR 9 and 11 will become rental properties, which will further increase the non-conformity with the nearby neighborhoods.

Brian Happel also commented at the June 28th meeting that he felt the vast majority of people who live near him simply do not care one way or the other about the AR 9 and 11 issue. He said that if people actually cared, they would have been in attendance at the June 28th meeting and would have stepped up to the microphone and spoken out against BNKD's 2023 proposal. (Please watch/listen to Brian's comments on the P and Z meeting video from that meeting to confirm that what we are describing accurately represents those comments.) In person attendance and actually speaking at a P and Z meeting, city Council meeting, etc. should not be the only way for citizens' voices to be heard and to be taken seriously. It is troubling to us if Brian's comments on that particular issue are actually true and we certainly hope they are not. We have faith in you and believe you will provide thoughtful consideration toward all the input you receive, no matter the communication form in which you receive it. People, especially people with young families, typically lead extremely busy day-to-day lives, and speaking publicly on any issue, especially controversial issues, is something most people work hard to avoid. They want and need their opinions to be heard and to be valued by the decision-makers and it may be difficult, if not impossible, to spend 2 hours (or so) on a weekday evening being present and speaking at a meeting. Emails, letters, etc. should be valued in a similar way to showing up in person and speaking at meetings. At the June 28 meeting, we were asked to, and did, represent 5 other couples who live near us, who are also strongly opposed to BNKD's 2023 proposal. None of those individuals were present at the June 28 meeting. Contrary to Brian's opinion, some of these individuals truly WERE NOT able to attend the June 28 meeting for various valid reasons. And, I am under the impression most of them had sent opposition emails to you prior to that meeting. BTW - We have plans that cannot be changed and, unfortunately, cannot attend the meeting on July 26. Hopefully, 1) it is obvious that we genuinely do care about this issue even though we cannot attend or speak at the July 26 meeting, and 2) the information we are providing is given the careful consideration it deserves.

Lastly, if you are not already aware, you'll want to know that the upcoming P and Z meeting on July 26 is being held during the Iowa Unified Activity Federation non-contact period. (see screenshots below) Many families use this time period to take family vacations because,

basically, no school related activities can be held from July 23 through July 30. I know that is the case with at least one of the families we represented at the June 28th meeting.

As we have stated before, "Thank you" very much for the important work you do in service to the people of Cedar Falls and for your consideration of the information we have provided as well as the many concerns we have expressed on this issue.

Sincerely,

John and Kaye Englin

Cell: 319-240-1194

The Unified Activity Federation (Iowa High School Athletic Association, Iowa Girls High School Athletic Union, Iowa High School Music Association, and Iowa High School Speech Association) Non-Contact Period for the summer of 2023 will be Sunday, July 23, 2023, through Sunday, July 30, 2023.



Mississippi Valley

Cedar Falls Tigers

Notifications

- Home
- Activities ▾
- Calendar
- Registration
- News
- Camps
- Directory
- Fundraisin



- Week**
- Month
- List

Sunday
23

No Time A
 UNIFIED CALENDAR: NON-CONTACT WEEK
 TBD

Monday
24

No Time A
 UNIFIED CALENDAR: NON-CONTACT WEEK
 TBD

Tuesday
25

No Time
 UNIFIED CALENDAR: NON-CONTACT WEEK
 TBD









From: John and Kaye Englin <jkenglin@gmail.com>
 Date: Fri, Jun 23, 2023 at 10:14 AM
 Subject: Concerns - Autumn Ridge 9th & 11th Additions
 To: <Stephanie.Sheetz@cedarfalls.com>, Karen Howard <karen.howard@cedarfalls.com>, <hannahcrisman10@gmail.com>, <Oksana.Grybovych@uni.edu>, <dave.hartley@woolverton.com>, <kyle@kylelarson.com>, <bradl@invisionarch.com>, <Amanda.Lynch23@gmail.com>, <Kristin.Moser@cedarfalls.com>, <alan.stalnaker@cedarfalls.com>, <alberhasky.sloan@gmail.com>

Dear Planning and Zoning Commission members,

We are John and Kaye Englin and we live in the Fieldstone Addition, at 4327 Wynnewood Dr.

For many valid reasons, we, as well as all of our neighbors whom we have had the opportunity to discuss this issue with, are strongly opposed to BNKD's 2023 Autumn Ridge 9th and 11th Addition (AR 9 and 11) development plans they are seeking your approval of at this time. Even though BNKD's 2001 development plans for this same 22 acres would have provided the best neighborhood conformity, as well as numerous other major advantages such as a large detention pond, their 2013 development plans for this area, that have already been approved, seem sensible and would create very important conformity related to the surrounding neighborhoods, along with many other advantages, when compared to the current aggressive and non-conforming 2023 plans they now want you to approve.

The potential neighborhood population and dwelling density for AR 9 & 11 under BNKD's 2023 development proposal/plan is dramatically higher than that of both their 2001 and 2013 plans for the same 22 acres. Also, their 2023 plan doesn't come close to conforming with the types of dwellings in the surrounding neighborhoods. Their 2023 plan is for 90 lots with 46 of those lots containing duplexes. Their 2013 plans were for 57 single family dwelling lots. Many of the people who previously purchased lots and/or homes in the nearby neighborhoods did so after being specifically told by their salesperson and/or home builder that BNKD had development plans that were approved and that BNKD would be following through with their approved plans. In many of those instances BNKD would have been providing that same information simply by first referring to their approved 2001 plans and later by referring to their approved 2013 plans. This assurance related to the future development nearby gave many people who now live nearby the peace of mind they needed in order to move forward and either buy an existing home or to buy a lot and build a beautiful new home there. How unfortunate it will be for those people if BNKD's current 2023 plans are approved. Obviously, going from 57 dwelling units in the 2013 plans (all single family) to 90 dwelling units (46 of which are duplexes) on the same number of acres is a very significant increase in neighborhood population and dwelling density. The streets of Paddington Drive, Corduroy Drive and Berry Hill Road that are just south of AR 9 and 11 provide a similar population and dwelling density to BNKD's 2013 plans for the 22 acres that is now being called AR 9 and 11. Those 3 streets have almost no lots remaining to be built on and they currently have many cars that are constantly parked in those streets and on the driveways, many of which are very narrow. If BNKD's 2023 plans are approved there will be much higher population and dwelling density within AR 9 and 11 when compared to that of Paddington, Corduroy and Berry Hill. This would create even more congestion (traffic and other), safety issues for children walking/playing as well as a create a neighborhood that does not at all conform to the neighborhoods nearby. Also, even though duplexes may be lived in by some of the duplex owners, they tend to be utilized to a great extent as rental properties, both immediately and, even more so, eventually. With UNI being a relatively short bike ride or drive away, we predict that the AR 9 and 11 duplexes, as well as some of the small houses that would be built on the tiny single family dwelling lots, would become a popular place for college students to live. We have

absolutely nothing against college students or other individuals who choose to live in rental properties. However, such a neighborhood composition would further increase AR 9 and 11's "non-conformity" with the nearby neighborhoods. If BNKD's 2023 plans are approved, even though nearby property values might not actually decrease in value due to factors such as the current positive market conditions in Cedar Falls, they will be impacted in a negative manner overall as a result. A study is not necessary to confirm the facts in the previous sentence.

When considering the entire 105 acres of the Autumn Ridge additions, BNKD's 2001 master plan was to have a total of 479 units, which amounts to 4.6 units per acre. If their 2023 plans are approved, this 105 acres will have 375 units, which amounts to 3.6 units per acre. BNKD seems to be using this fact as a major selling point of their 2023 development proposal. However, in our opinion, it is not appropriate to view this as a selling point. If BNKD had simply stuck with their 2001 plans, they would have been able to have those 479 units on the 105 acres. Perhaps we are incorrect, but our assumption is that no one from the city of Cedar Falls, or anywhere else, ever forced BNKD to alter their original 2001 plans. At this time, it would be prudent for everyone involved with this issue in any manner to focus solely on the sensible development of the 22 remaining acres, not on population and dwelling density statistics related to the entire 105 acres. So, continuing on that theme, it is important to point out that the 22 acres that compose Autumn Ridge 9 and 11 is, for the most part, the only area of the 105 acres that remains to be developed. BNKD's approved 2013 plans were to have 57 units on the 22 acres, equaling 2.6 units per acre. Their 2023 plans for 90 dwellings on this 22 acres would result in 4.1 units per acre. That is a huge dwelling density difference "per acre" and would prove to have a negative impact on nearby neighbors and neighborhoods. Approving BNKD's 2023 plans would also result in far more ground being covered by rooftops and cement when compared to their 2013 plans. This is an important factor related to our valid concerns about water retention and runoff. We realize a storm water study has been done on this issue and have learned that a passing grade was achieved. We are also under the impression the study was arranged and paid for by BNKD. When it comes to "studies" and "mother nature", life experiences have taught us time and time again that "mother nature" usually creates dramatically different results than the findings of "studies" that make assumptions related to future natural and uncontrollable occurrences. The slope of this particular 22 acres as it relates to water retention/runoff is also an important contributing factor that needs to be very carefully considered at this time. When observing the 105 acres of the Autumn Ridge Additions with the naked eye and considering the overall topography of the entire 105 acres, the percentage/amount of slope per acre certainly appears to be highest on the 22 acres that AR 9 and 11 will cover when compared to any other 22 acre section of the 105 acres. The slope of this 22 acres increases the potential for future problems related to water retention and the runoff from it. The people who live in homes on the north side of Berry Hill Road, those of us who live in Fieldstone and those who live near Lakewood Hills Lake, have great concerns and valid concerns related to water retention/runoff issues that we believe are highly likely to materialize if BNKD's 2023 development proposal is approved.

Creating additional affordable housing in Cedar Falls is a noteworthy goal. However, even though your approval of BNKD's 2023 plans for AR 9 and 11 would create some additional affordable housing, it would be a relatively small amount when looking at the entire city of Cedar Falls. And, we believe such a decision would ultimately be looked back upon with regret by your commission and by the City of Cedar Falls due to the concerns cited above and the many additional concerns that have been shared by other community members. BNKD's 2013 plans are approved, are sensible and our impression is that BNKD is allowed to move forward with those plans immediately. In our opinion, requiring BNKD to develop AR 9 and 11 in strict alignment with their approved 2013 plans (as shown on the "2013 Preliminary....." attachment to this email) would prove to be a very wise decision on your parts because it would result

in the fulfillment of many past promises that were made to the people who previously bought homes or built new homes on lots they purchased nearby and it would significantly help to ensure that the future problems which will arise due to the manner in which AR 9 and 11 is allowed to be developed are much more likely to be minimized.

Thank you very much for the important work you do in service to the people of Cedar Falls and for your consideration of the concerns we have expressed on this issue.

Sincerely,

John and Kaye Englin

Cell: 319-240-1194

Jaydevsinh Atodaria

From: Karen Howard
Sent: Wednesday, July 19, 2023 6:01 PM
To: Jaydevsinh Atodaria
Subject: FW: [EXTERNAL] Please reject the new Autumn Ridge Development

Did you get this email?

From: Linsay Csukker <linsay.csukker@gmail.com>
Sent: Tuesday, June 27, 2023 10:14 PM
To: Karen Howard <Karen.Howard@cedarfalls.com>; Gil.Schultz <Gil.Schultz@cedarfalls.com>; debuhrs@cfu.net; KruseOnCouncil@aol.com; simonharding.cf4@gmail.com; Dustin Ganfield <Dustin.Ganfield@cedarfalls.com>; siresforiowa@gmail.com; Kelly Dunn <Kelly.Dunn2@cedarfalls.com>
Subject: [EXTERNAL] Please reject the new Autumn Ridge Development

CAUTION: This email originated outside the City of Cedar Falls email system.
 Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning and Zoning Commission and City Council Members -

I wanted to again voice my concerns over the proposed Autumn Ridge Development. I live in Cedar Falls on Wynnewood Dr., in the Fieldstone Neighborhood, near the intersection of 1st St and Union Road. I use that intersection multiple times on a daily basis to take my children to school/daycare and other errands. I am very concerned about the potential of increased housing near said intersection due to the proposed Autumn Ridge Development. Said intersection is already very busy and it can take a while to cross or turn in the intersection. With no traffic light, stopped traffic can sit for a while and given its closeness to farms, we see a lot of large farm vehicles at the intersection, making it even more difficult to get large vehicles across or to see oncoming traffic.

Besides the above concerns, I was very surprised and concerned to see a change of plans from the original. The new plan does not match the 2013 plan of 58 lots. It's now 90! Lack of greenspace, loss of farm ground. increased concrete, leads to various problems including but not limited to:

1. Affects the values of current homes. Lots were previously purchased with the understanding that the continued development would match the plans of 2013 with 58 single family lots. New plan has 90 lots that include 46 lots with duplexes. That is almost double the original plan that was shared with us.

2. Lack of greenspace and increased hard surfaces (due to the high density of homes) causes water runoff, directly impacting properties in Autumn Ridge as well as homes in Fieldstone and Lakeview and their retention ponds.

3. Cars having to be parked in streets due to narrow lots/driveways. This causes traffic congestion and dangers for pedestrians (especially children) crossing between the cars.

4. As part of the Fieldstone neighborhood, we have to pay a homeowner's association fee to maintain the retention pond in our neighborhood. It is my understanding that the runoff from the Autumn Ridge Development will eventually go into our retention pond. However, they will not be subject to the homeowner's association fee. Making existing residents have to pay more to maintain the retention pond that more people are using and benefiting from.

Thank you for the opportunity to discuss my concerns,
 Linsay Hall



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, AICP, Planner III
 Matt Tolan, EI, Civil Engineer II
 Brett Armstrong, EI, Engineer
DATE: July 26, 2023
SUBJECT: Ashworth North Preliminary Plat

REQUEST: Request to approve the preliminary plat for Ashworth North Subdivision, Case #PP23-002

PETITIONER: David Nicol, developer; CGA Engineering, Engineer

LOCATION: The property is located on the west side of Hudson Road across from the intersection of Hudson Road and Ashworth Drive.

PROPOSAL

The petitioner has submitted a preliminary application to subdivide approximately 2.0 acres into seven (7) lots. The property is located on the north side of the future extension of Ashworth Drive east from Prairie Winds 4th Addition to complete the connection to Hudson Road.

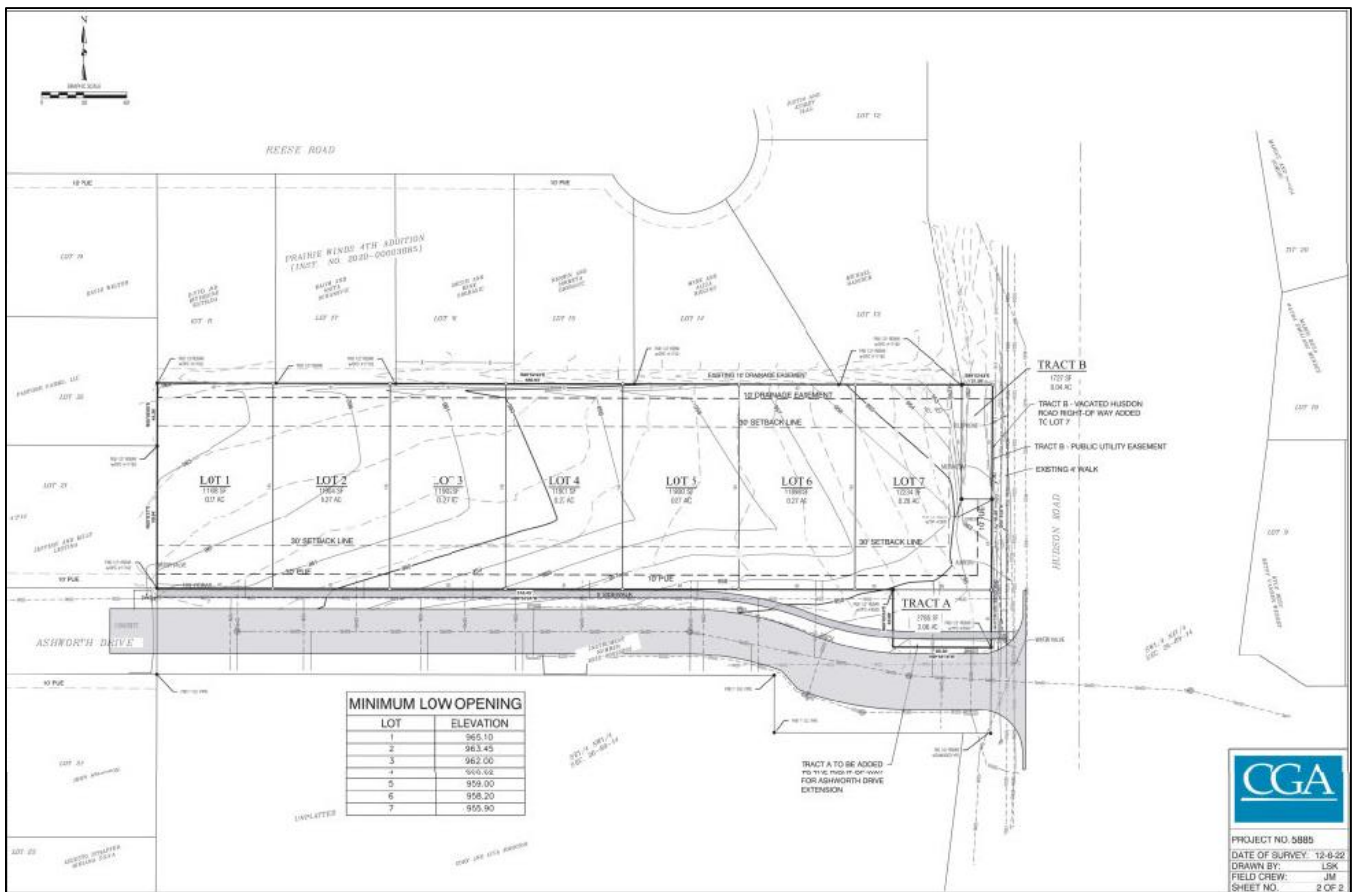
BACKGROUND

The property was part of a 3.07-acre farmstead that contained a house built in 1918. In April 2022, the City purchased the south 0.89-acre portion of the Nicol's property to connect Ashworth Drive in Prairie Winds 4th Addition eastward to Hudson Road. Ashworth Drive is a critical street connection in this area of the city, providing an east-west street connection from Greenhill Road through Greenhill Village to Hudson Road and from Hudson Road through the Prairie Winds Subdivision to Arbors Drive next to Aldrich Elementary School and will extend further west as the city expands. The City Council approved a request to rezone this property from A-1 Agriculture District to R-1 Residence District on May 15, 2023. The Council also approved the vacation of 1,727 square feet of right-of-way (Tract B) at the northwest corner of the property along Hudson Road. The Council approved a purchase agreement for Tract "A" on July 17, 2023, and currently the closing documents are being prepared. Once conveyed to the City it will become a part of the Ashworth Drive ROW, which will be reflected as such on the final plat. On August 21, 2023, the Council will conduct a public hearing to convey the vacated ROW in the NE corner of the plat (Tract B) to Mr. Nicol, which will then be

incorporated into Lot 7 on the final plat.

ANALYSIS

The petitioner, David Nicol, proposes a preliminary plat for an approximately two (2) acre parcel that was created after the city purchased the southern portion of the property to build the extension of Ashworth Drive between Prairie Winds 4th Addition and Hudson Road. In addition, the City is installing utilities along with the road construction to provide redundancies in utility services. The City has provided sanitary and water service hook-ups along both sides of the street for this development and any future development along the south side of Ashworth Drive. The developer will be required to extend private service lines to each lot as homes are built. The only remaining public infrastructure to be installed is a public sidewalk, which will be constructed by the developer or lot owners at the time the dwelling units are built.



Tract “A” of this subdivision is being purchased by the City as part of the street and utility construction. Tract “B” is the right-of-way that has been vacated by the City, which Mr. Nicol has made an offer to the purchase. Once conveyed to Mr. Nicol, the intent is to incorporate this land into Lot 7 on the final plat. Staff notes that utility easements will be retained.

The lots exceed the minimum lot area of 9,000 square feet for the R-1 Residence District. The average lot size for Ashworth North is approximately 11,950 square feet, which is similar in size to the adjacent lots in Prairie Winds 4th Addition. The front and rear setbacks are provided on the plat and are consistent with the R-1 Residence District requirement of 30 feet. The side yard setbacks will be determined by the lot width as per the R-1 District requirements.

Regarding stormwater management, this is an infill site and to ensure surface water flows to the

10-foot drainage easement at the rear of the lots, the City Engineer has requested the entire site be graded accordingly before the construction of any houses begin.

The staff is working with the applicant to revise and finalize the Deed of Dedication, which will be approved as part of the final plat. A draft is in the packet. The applicant has supplied the following required documents for a preliminary plat including the Surveyor Certificate, Black Hawk County Auditor approval of the subdivision name, and a soil analysis for the site.

PROCESS

Typically, approval of a preliminary plat would allow the applicant to proceed with the construction and installation of required public infrastructure, but because the infrastructure is being installed by the City, the only improvements the developer will need to complete is the site grading to manage stormwater prior to final platting and the installation of sidewalks as lots develop.

No lot sales or new construction may begin until a final plat is approved by the City Council. Since the City is providing the public infrastructure, a final plat cannot be submitted until the construction the street project is near completion.

NEIGHBOR NOTICE

A courtesy notice was sent to nearby property owners was mailed on July 18, 2023.

TECHNICAL COMMENTS

City technical staff, including Cedar Falls Utilities (CFU) personnel, has noted the following:

All lots shall be graded at one time before any lot is sold to ensure the drainage easement meets the above comments and is protected from disruption when construction take place.

CFU states that water, electric, gas, and communications utility services are available in accordance with the service policies of CFU. The developer will need to make refundable investments for the installation of the electric and gas utilities to and throughout the addition. For a ten-year period after the installation, CFU will refund a portion of the refundable investments based upon the number of new service connections to the electric and gas distribution systems. There is no interest paid on the refundable investments and the total refunds will not exceed the original investment amounts. CFU will install the communication utility fiber system to serve the addition. Water will be installed as part of the City of Cedar Falls Ashworth Extension Project. See attached Developer Information Sheet for detailed information regarding utility installations.

STAFF RECOMMENDATION

All of staff comments related to the preliminary plat have been addressed, staff recommends approval, subject to

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

Attachments: Location map
 Preliminary Plat
 Draft Deed of Dedication 1st Revision

DEED OF DEDICATION
OF
ASHWORTH ADDITION, CITY OF CEDAR
FALLS,
BLACK HAWK COUNTY, IOWA

KNOW ALL PERSONS BY THESE PRESENTS:

That the undersigned, David A. Nicol and Tamara M. Nicol, being desirous of setting out and platting into lots the land described in the attached Certificate of Survey, Exhibit "A", by Travis R. Steward, a Licensed Land Surveyor, dated ____ day of ____ 2023, do by these presents designate and set apart the real estate described in the plat as a subdivision of the City of Cedar Falls, Iowa the same to be known as:

ASHWORTH NORTH SUBDIVISION,
CITY OF CEDAR FALLS,
BLACK HAWK COUNTY, IOWA

all of which is with the free consent and the desire of the undersigned.

DECLARATION OF EASEMENTS

The undersigned do hereby grant and convey to the City of Cedar Falls, Iowa, its successors and assigns, and to any private corporation, firm or person furnishing utilities for the transmission and/or distribution of water, sanitary sewer, gas, electricity, communication service or cable television, perpetual easements for the erection, laying building and maintenance of said services over, across, on and/or under the property as shown on the attached plat, Exhibit "B". No structures, private gardens or any other possible obstruction can be built in and over said easements. No structures of any kind shall be built or placed within any easements as shown on the attached Final Plat, Exhibit "B".

RESTRICTIONS

Be it also known that the undersigned Platted Property Owners, do hereby covenant and agree for themselves and their successors and assigns that each and all of the residential lots in said subdivision be and the same are hereby made subject to the following restrictions upon their use and occupancy as fully and effectively to all intents and purposes as if the same were contained and set forth in each deed of conveyance or mortgage that the undersigned or their 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. Any dwelling that shall be erected on any lot shall have a minimum setback from the front, and rear of the lot lines as indicated on attached Final Plat. The minimum set back from each side lot line is 10% of the lot width measured along the front of the lot.

2. No single family dwelling shall be constructed, permitted or occupied on any lot herein having a square footage floor space, designed, intended, and constructed for living quarters, which space shall not include cellars, attics, garages, breezeways, porches, stoops, and other such non-living areas, of less than the following requirements:

A. 1,350 square feet for the main base of a single story, split-level or split-foyer houses.

B. 1,000 square feet on the first floor for story and one-half houses, or two story houses. With a total for all floors not less than 1,650 square feet excluding the basement level.

3. Each single family residence shall have a minimum of a two stall attached garage with a minimum of 525 square feet or a maximum of a three stall garage with a maximum of 1,600 square feet.

4. The owner(s) of each lot, vacant or improved, shall keep his/hers lot or lots free of weeds and debris.

5. No obnoxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

6. All approaches and driveways in said subdivision shall be paved with concrete.

7. Owner of each lot shall comply with all requirements of the US Post Office for mail receptacles. All mailboxes shall be clustered or grouped for the units as shown on the Final Plat, and shall be placed between the curb line and the property line abutting the lots. The location of the clustered mailboxes shall be approved by the City of Cedar Falls. The area around said mailboxes shall be kept free and clear by the owner of the lots on which said mailboxes are located.

8. No old or used buildings shall be moved upon any of the lots in said subdivision for any purpose. Any auxiliary buildings or sheds must be built of the same or similar materials of the residential structure on the lot and have the same roof pitch and design as said residential structure.

9. No radio station or short-wave operators of any kind shall operate from any lot which shall cause interference with audio or visual reception upon any other lot. No exterior radio antenna shall be erected or maintained in or on the property. No satellite TV antenna or "Dish" may be maintained, constructed or erected on any lot unless it is constructed in the rear yard and at least twenty feet from any property line and is shielded from the public view by shrubbery and landscaping. No dish larger than 24" will be allowed.

10. No dwelling on any lot of said subdivision shall be occupied until the exterior is completed and finished and the interior substantially completed and finished.

11. No bus, semi-tractor, RV, fifth-wheel camper, trailer or truck of any kind except what is commonly described as a "pick-up truck" shall be kept or parked on any lot or street in said subdivision for a period not to exceed twenty-four hours, after which said vehicle cannot return to said subdivision for a period of five days, provided, however, that this prohibition shall not apply to such vehicles driven in said subdivision in pursuit of and in conducting their usual business.

12. 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.

13. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that two dogs or cats maximum, or other household pets are allowed and then only if they are not kept, bred or maintained for any commercial purposes, such animals shall be kept under control so as not to constitute a public nuisance and must be kept in compliance with applicable zoning laws and regulations of the City of Cedar Falls, Black Hawk County, Iowa. Dog runs or dog kennels of any kind are prohibited.

14. Any and all fencing constructed on said lots shall have a minimum set back of one foot from any property line. Construction of any privacy fencing must have the support posts on the interior side of the fencing.

15. A four foot wide P.C.C. sidewalk four inches thick will be installed by the owner of said lot during or immediately after the construction of the residence on any particular lot, or within five years after the date the plat is filed in the office of the recorder of Black Hawk County, whichever is sooner and that the sidewalk be across the full width of the lot and on corner lots also. In the event that the City is required to construct the sidewalk, a lien or liens may only be imposed against the lot or lots which require city construction and no others in the subdivision.

16. No building or structure shall be erected, placed or altered on any lot in this subdivision until the building plans, and plot plan, showing all buildings, patios, and pools, and showing the location thereof, and side yard distances, rear yard distances, front yard distances, driveways, and walkways, and type of construction have been approved in writing as to conformity and harmony of the external design and quality workmanship and materials with existing structures in the subdivision by the Developers or their assignee.

17. Factory-built housing or modular homes will not be allowed. Panelized homes may be allowed, but must meet the requirements of the Developer, as stated in the previous restriction.

18. The contractor or owner of any lot shall verify the depth of the sanitary sewer service line serving said lot to insure minimum drainage will be met prior to any footing or foundation work being completed.

19. All sump pump lines must be buried and attached to the subdrain along the back of the P.C.C. curbed street. No sump lines will be allowed to dump directly onto the ground surface.

20. Each person or entity who is record owner of a fee or undivided fee interest in any lot shall be a member of the Homeowners Association to be known as Ashworth Homeowners Association. This shall not be construed to include persons or entities who hold an interest merely as security for the performance of an obligation. There shall be one vote per lot and each lot owner shall be a member of the Homeowners Association. Membership shall be appurtenant to and may be not separated from ownership of any lot; ownership of such lot shall be the sole qualification of membership.

The purpose of Ashworth Homeowners Association shall be to own and maintain the common area and green spaces of the development, if any, and such other activities set forth in the Articles of Incorporation and Bylaws of the Association. Such ownership and maintenance shall include, but not be limited to, common neighborhood monument-type mailboxes, mowing, watering, including upkeep of any underground sprinkler system, snow removal of common areas. Initially, the Developer shall perform the actual construction duties to establish the common area, green spaces, and entrance.

The annual dues for the Association shall initially be set at \$ _____ per lot per year beginning _____, in 2024. The Developer shall be exempt from any dues expense. The Association shall have the ability and authority to adjust annual dues as it deems appropriate to carry out the maintenance duties as described above.

21. The Owner and/or occupant of each Lot shall jointly and severally be responsible to keep in good order or to maintain the area between the curb line and the property line abutting their property including keeping said area free of holes, pitfalls, stumps of trees, fences, brick, stone, cement, stakes, posts or rods to which a metal, plastic or similar receptacle designed to hold newspapers are affixed, private irrigation or sprinkler systems, retaining walls, landscaping brick, block, stone, timber or other similar material, or any other similar obstructions.

22. Any and all drainage easements will be required to follow the "Stormwater Management Plan" and no building structures, fence structures, landscaping structures, private gardens or any other possible obstruction can be built in and over said drainage easements. All lot owners and/or contractors working on said lots will be responsible to maintain said easements to be free and clear of any physical obstruction(s) thus allowing the conveyance of overland storm water runoff as intended per "Stormwater Management Plan" on record with the City of Cedar Falls Engineer's Office.

PUBLIC IMPROVEMENTS REQUIRED IN PLAT

1. The Street(s) shown on the attached plat, will be brought to City grade and that the street will be thirty-one (31) feet, back of curb to back of curb, with approved hard surface pavement in accordance with the City of Cedar Falls, Standard Specifications unless otherwise specified as per approved construction plans.

2. Sanitary sewer, together with the necessary manholes and sewer service lines to all lots in the plat will be provided.

3. That underground utilities, as required by the Subdivision Ordinance of the City of Cedar Falls, Iowa, shall be installed.

4. That city water will be provided to all lots as required by the Cedar Falls Municipal utilities.

5. That municipal fire hydrant(s) will be provided as required by the Cedar Falls Public Safety Department.

6. That Storm sewer will be provided as specified by the City Engineer.

7. That handicap ramps will be provided as required by law.

8. 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.

9. That the work improvements called herein shall be in accordance with the specifications of the City of Cedar Falls, Iowa, and performed under the supervision of the City Engineer. In the event that the developer, its grantees and assigns, fail to complete said work and improvements called for within one (1) year from the date of the acceptance of said final plat by the City of Cedar Falls, Iowa, the City may then make improvements and assess the costs of the same to the respective lots. The undersigned, for themselves, their successors, grantees and assigns, waive all statutory requirements of notice of time and place of hearing and agree that the City may install said improvements and assess the total costs thereof against the respective lots.

10. That the City may perform said work, levy the cost thereof as assessments, and the undersigned agree that said assessments so levied shall be a lien on the respective lots with the same force and effect as though all legal provisions pertaining to the levy of such special assessments have been observed, and further authorize the City Clerk to certify such assessments to the County Auditor as assessments to be paid in installments as provided by law.

11. The Developer shall construct and install all required public improvements within the subdivision plat, to conform with approved construction plans which meet the specifications of the City of Cedar Falls, Iowa. Such required public improvements shall meet the following requirements:

- A. Shall be constructed and installed in a good and workmanlike manner;
- B. Shall be free of defects in workmanship or materials;
- C. Shall be free of any conditions that could result in structural or other failure of said improvements;
- D. Shall be constructed and installed in accordance with the design standards and technical standards established for such public improvements by the City and by Cedar Falls Utilities;
- E. Shall be constructed and installed in strict compliance with the minimum acceptable specifications for the construction of public improvements set forth in the Cedar Falls Code of Ordinances, including without limitation, Chapter 24, Subdivisions, and as such specifications shall be recommended for approval by the City Engineer from time to time, and approved by the city council.

11. The Developer's construction plans are now on file in the Office of the City Engineer.

Developer

Developer

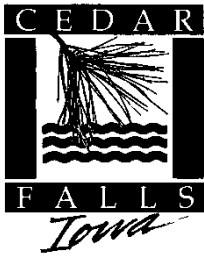
David A. Nicol

Tamara M. Nicol

STATE OF IOWA, BLACK HAWK COUNTY:ss

On this _____, 2023, before me, the undersigned, a Notary Public, in and for the State of Iowa, personally appeared David A. Nicol and Tamara M. Nicol, to be known as the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Notary Public in and for the State of Iowa.



DEPARTMENT OF COMMUNITY DEVELOPMENT

City of Cedar Falls
 220 Clay Street
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 Fax: 319-273-8610
 www.cedarfalls.com

MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission

FROM: Karen Howard, AICP, Planning & Community Services Manager

DATE: July 26, 2023

SUBJECT: Petition from City Council to Amend parking requirements in the Downtown Character District (TA23-004)

On March 20, 2023, the City Council considered the Planning and Zoning Commission's recommendation regarding their request to eliminate the shared parking requirements in the Downtown Character District (CD-DT). The Commission recommended against eliminating the shared parking requirements and on a split vote, the ordinance amendment failed to pass at Council, so the shared parking requirements remain unchanged. At that same meeting, the Council made a referral to petition the Planning and Zoning Commission to consider amending the zoning code to eliminate the provision that allows on-street parking that directly abuts a property to count toward the shared parking requirement for any new development on the property that requires shared parking.

Background

In the Downtown Character District, for a new development project that contains apartments or upper floor commercial uses, a certain number of shared parking spaces must be provided. These are in addition to the required parking spaces for the project. The shared parking requirement is intended to provide a small amount of publicly available parking to the downtown area for visitors and customers to use in locations where public parking is in short supply. To help alleviate the cost of making this contribution to the supply of publicly available parking and to prevent this requirement from becoming so onerous on tight development sites that it prevents projects from occurring, the ordinance is written to provide flexibility on how the shared parking requirement is met. To that end, shared parking spaces may be located on the development site or on another private property within a 600-foot walking distance from the site (approximately 2 blocks). In addition, any on-street parking that directly abuts the property may be counted toward the development's shared parking requirement. This last provision was intended to mirror how the parking requirements were administered in the Central Business District Overlay (CBD) prior to adoption of the new code. The previous CBD Overlay required a certain number of "visitor parking spaces" to be provided for projects that contained residential units; any on-street parking spaces that directly abutted the property counted toward this visitor parking requirement. The thought was that if parking was already available for visitors next to the site, the developer didn't need to provide extra parking on the private property for visitors.

The City Council has requested that the Commission consider eliminating the provision in the new code that allows on-street parking to count toward a development's shared parking requirement. If eliminated, the shared parking requirement would have to be provided on the private development site and/or on another private property within 600 feet walking distance. The latter would require a binding agreement between the two properties to ensure the shared parking spaces were available to the public to use during the designated times as approved by the City.

RECOMMENDATION: Staff recommends that the Commission discuss this petition from the City Council, provide direction to staff, and set a public hearing date for formal consideration for August 9, 2023.