



**AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, NOVEMBER 08, 2023
5:30 PM AT CITY HALL, 220 CLAY STREET**

Call to Order and Roll Call

Approval of Minutes

1. Planning and Zoning Commission Regular Meeting Minutes for October 25, 2023

Public Comments

New Business

2. **Preliminary and Final Plat for Autumn Ridge 12th Addition – 1.06 acres of property located east of Golden Lane (PP23-005) (FP23-003)**
Petitioner: B.N.K.D., Inc., Owner; CGA Engineering, Engineer
Previous discussion: None
Recommendation: *Approval*
P&Z Action: *Discuss and consider making a recommendation to City Council*

3. **Land Use Map Amendment (LUMA) and Rezoning from R-1 & MU to RP for 54.79 acres of property located North of Aldrich Elementary School and South of W. Greenhill Road (RZ23-003). LUMA from “Low Density Residential”, “Greenways & Floodplain Use” and “Neighborhood Commercial & Mixed Use” to “Low Density Residential Use and (a reduced) Greenways/Floodplain” (LU23-002)**
Petitioner: Brent Dahlstrom, Owner; Panther Builders LLC, Applicant
Previous discussion: None
Recommendation: *Discuss and set public hearing for the next meeting*
P&Z Action: *Discuss and set public hearing for the next meeting*

Old Business - None

Commission Updates

4. Fact Finding Requirements

Adjournment

Reminders:

- * **November 21**** and December 13 - Planning & Zoning Commission Meetings
- * November 20 and December 4 - City Council Meetings

****Note special Tuesday meeting date due to Thanksgiving holiday.**

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

MINUTES

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

- 1.) Chair Lynch noted the Minutes from the October 11, 2023 regular meeting are presented. Ms. Crisman made a motion to approve the Minutes as presented. Ms. Moser seconded the motion. The motion was approved unanimously with 9 ayes (Alberhasky, Crisman, Grybovych, Hartley, Larson, Leeper, Lynch, Moser and Stalnaker), and 0 nays.
- 2.) Bob Manning, 2908 W. 3rd Street, Executive Director of the Homebuilders Association, spoke during public comments. He stated that he was disappointed that the density requirements were alluded to in the BNKD proposal for Autumn Ridge. He believes that there should be more done to support the builders instead of conceding to the neighbors. He also feels that by making fewer lots it's causing higher prices and less affordable housing. He stated that there is not enough housing available for people who want to move to Cedar Falls.

Mr. Leeper stated that he agrees with most of what Mr. Manning said and feels that the Commission has been a proponent of density. He does not feel that they are caving to the community, but has shown their ability to do what is right by Code. He also believes that doubling the density was the opposite of what the neighbors were told when they purchased the properties.

Mr. Manning spoke about the costs of building and how it affects affordability.

Mr. Larson spoke about his views on the current housing market. He feels that sometimes plans change over time and that has to be recognized. He was also surprised that there were so many nays when the item was recommended by staff. He asked about his question at the last meeting regarding having the City attorney speak to the Commission and public regarding their role.

Ms. Howard stated that she had a conversation with the City Attorney and that he is going to prepare something. Mr. Rogers did suggest keeping in mind that they are an advisory body and don't have decision making power and wouldn't have the same legal requirements for stating specific findings or reasons for their vote as for example, City Council and the Board of Adjustment.

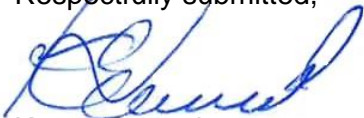
- 3.) The first item of business was a College Hill Neighborhood Design Review for 423 W. 26th Street. Chair Lynch introduced the item and Mr. Sevy provided background information. He explained that the applicant is proposing a new 26' x 28' garage on their property, that is within the College Hill Neighborhood Overlay District. He displayed a drawing of the property showing the location of the garage and driveway. Sidewalk infill will be included in the scope of the project and all applicable setbacks are met by the proposed plan. Mr. Sevy explained that vinyl siding and asphalt shingles proposed for the garage will match the color and style of the house. Staff recommends approval of the case.

Mr. Larson made a motion to approve the item. Ms. Crisman seconded the motion. The motion was approved unanimously with 9 ayes (Alberhasky, Crisman, Grybovych, Hartley, Larson, Leeper, Lynch, Moser and Stalnaker), and 0 nays.

- 4.) Ms. Howard thanked Mr. Larson for his service on the Commission as it was his last meeting.
- 5.) As there were no further comments, Mr. Larson made a motion to adjourn. Mr. Hartley seconded the motion. The motion was approved unanimously with 9 ayes (Alberhasky, Crisman, Grybovych, Hartley, Larson, Leeper, Lynch, Moser and Stalnaker), and 0 nays.

The meeting adjourned at 5:53 p.m.

Respectfully submitted,



Karen Howard
Community Services Manager



Joanne Goodrich
Administrative Assistant



DEPARTMENT OF COMMUNITY DEVELOPMENT

City of Cedar Falls
 220 Clay Street
 Cedar Falls, Iowa 50613
 Phone: 319-273-8600
 Fax: 319-273-8610
 www.cedarfalls.com

MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: Jaydevsinh Atodaria (JD) AICP, City Planner I
 Matthew Tolan, Civil Engineer II
DATE: November 8, 2023
SUBJECT: The Autumn Ridge 12th Addition Preliminary and Final Plat (PP23-005) (FP23-003)

REQUEST: To approve Autumn Ridge 12th Addition Preliminary (PP23-005) and Final Plat (FP23-003)

PETITIONER: BKND, Inc., Owner; CGA Engineering, Engineer

LOCATION: 1.06 acres of property located east of Golden Lane

PROPOSAL

The proposal is to re-subdivide lots 8-14 of Autumn Ridge 8th Addition to adjust the internal lot lines on 1.06 acres of property located along the east side of Golden Lane (see the image to the right for reference). The applicant submitted the preliminary and final plat applications to be reviewed concurrently. The intent of this proposal is not to create any additional lots but to adjust the lot lines to fit the current and proposed residential units.



BACKGROUND

The subject property is Lots 8-14 of the Autumn Ridge 8th Addition, which was approved by the City Council in October 2018. Autumn Ridge 8th Addition created 14 residential lots along Thresher Court and Golden Lane to accommodate a combination of two and three-unit attached dwellings. The subject property is part of the RP Master Plan for the Autumn Ridge Development.

Currently, 6 out of the 14 lots in the Autumn Ridge 8th Addition have been developed with two-

unit dwellings and construction is underway on 5 other lots for a three-unit building and a two-unit building.

The developer is proposing to re-subdivide lots 8-14 of Autumn Ridge 8th Addition to adjust the internal lot lines to rectify an error, the building of a house over a lot line, and to ensure that all lots in the proposed subdivision meets the required lot area, lot width, and setbacks as required by RP District. Out of the proposed 7 lots in the Autumn Ridge 12th Addition, 2 lots are already developed with a two-unit building (lots 6 & 7) and 2 lots are currently under construction for a two-unit building (lots 1 & 2). The intent of the proposed preliminary and final plat for the Autumn Ridge 12th Addition is not to create any additional lots or change any unit types but to ensure that each lot has the required lot width and area for development.

STAFF ANALYSIS

Zoning

The proposed subdivision plat consists of seven lots on 1.06 acres of land which will be accessed from Golden Lane. The property is zoned RP, Planned Residential which permits a variety of uses subject to an approved master development plan.

The purpose of the R-P Planned Residence District is to permit the establishment of multi-use and integrated-use residential developments and to provide for the orderly planned growth of residential developments on larger tracts of land. The RP District allows flexibility in the types of dwellings, lot sizes, building heights, and setbacks. To ensure that the area is developed in an orderly manner, provides efficient traffic circulation between neighborhoods, and includes the necessary infrastructure to meet the needs of future residents, a master plan must be submitted with the rezoning and be adopted through a developmental procedures agreement. It is also intended that such planned residence districts be designed and developed in substantial conformity with the standards of the comprehensive plan and with recognized principles of civic design, land use planning, and landscape architecture.

Setbacks:

There are no established minimum yard or height requirements in the R-P district except for those specified in the R-4 residence district for the perimeter boundaries of the R-P district. The proposed plat is not located on the perimeter of the district, so no perimeter setback is necessary. The platted front yard setback along Thresher Court and Golden Lane is 20 feet and rear yard setback is 20 feet for all the lots. And the proposed side yard setback for all lots is 5 feet unless specified on the plat. The deed of dedication document will also outline all building setback standards. The previous setback requirements for these seven lots will be voided with the recording of Autumn Ridge 12th Addition.

Lot size:

As per the R-P District standards, the lot area requirements of the R-4 District shall apply. In the R-4 District, bi-attached units require a minimum lot area of 4000 square feet and a lot width of 30 feet. The proposed lot area ranges between 5,013 and 10,516 sq. ft. and the proposed lot width ranges between 42 and 63.33 feet meeting the requirements of the RP District. The lot area and width have been adjusted on all the lots with the exception of Lot 4 which remains the same as previously platted.

The owners of Lots 6 and 7 of the proposed Autumn Ridge 12th Addition are aware of the proposed changes to lot widths and area and have acknowledged these changes by submitting

a letter of acknowledgment.

Public Sidewalks:

Most of the public sidewalks abutting the proposed lots (both along Golden Lane and Thresher Court) are already in place as part of the previously developed lots. With the few lots currently under construction, the sidewalks on those lots will be required with the current construction. Any remaining sidewalks will be constructed with the development of the vacant lots.

Notification of Surrounding Property Owners:

City Staff sent a courtesy notice to the surrounding property owners on 30th October 2023.

TECHNICAL COMMENTS

City technical staff, including Cedar Falls Utilities (CFU) personnel, noted that the water, gas, and communication services are available at the site. All city services including streets, storm sewer, and sanitary sewer, are available for the proposed lots as the infrastructure is already in place.

Staff notes that if the proposed preliminary and final plats are approved that these plats will void Lot 8-14 of the previous plat (Autumn Ridge 8th Addition) and any agreements as part of that plat.

OUTSTANDING ISSUES

The draft deed of dedication has been submitted by the applicant. The wording of this document will be dependent on and conditions and specifications for the plat as recommended by the Planning and Zoning Commission. Also, there are minor changes that needs to be done before City Council review.

All the legal documents are submitted for review except for mortgage holder consent to plat and owners consent to plat documents. The developer is working to submit the same. Staff note that the wet signed legal documents as required will need to be submitted to staff prior to City Council review.

STAFF RECOMMENDATION

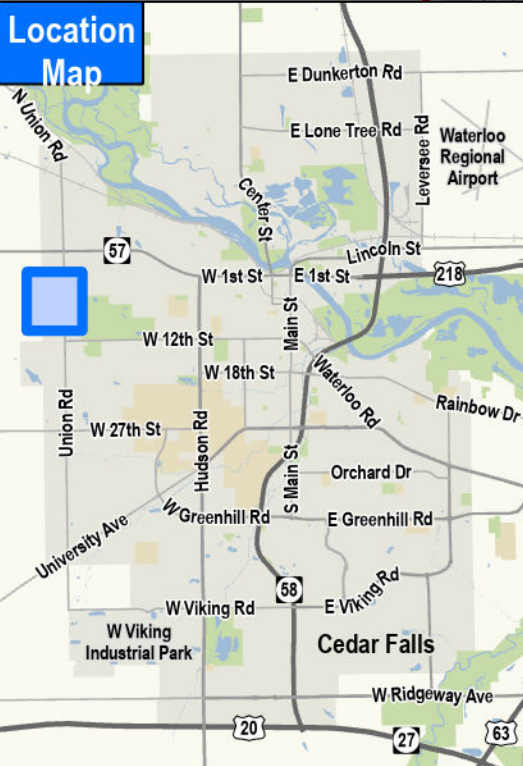
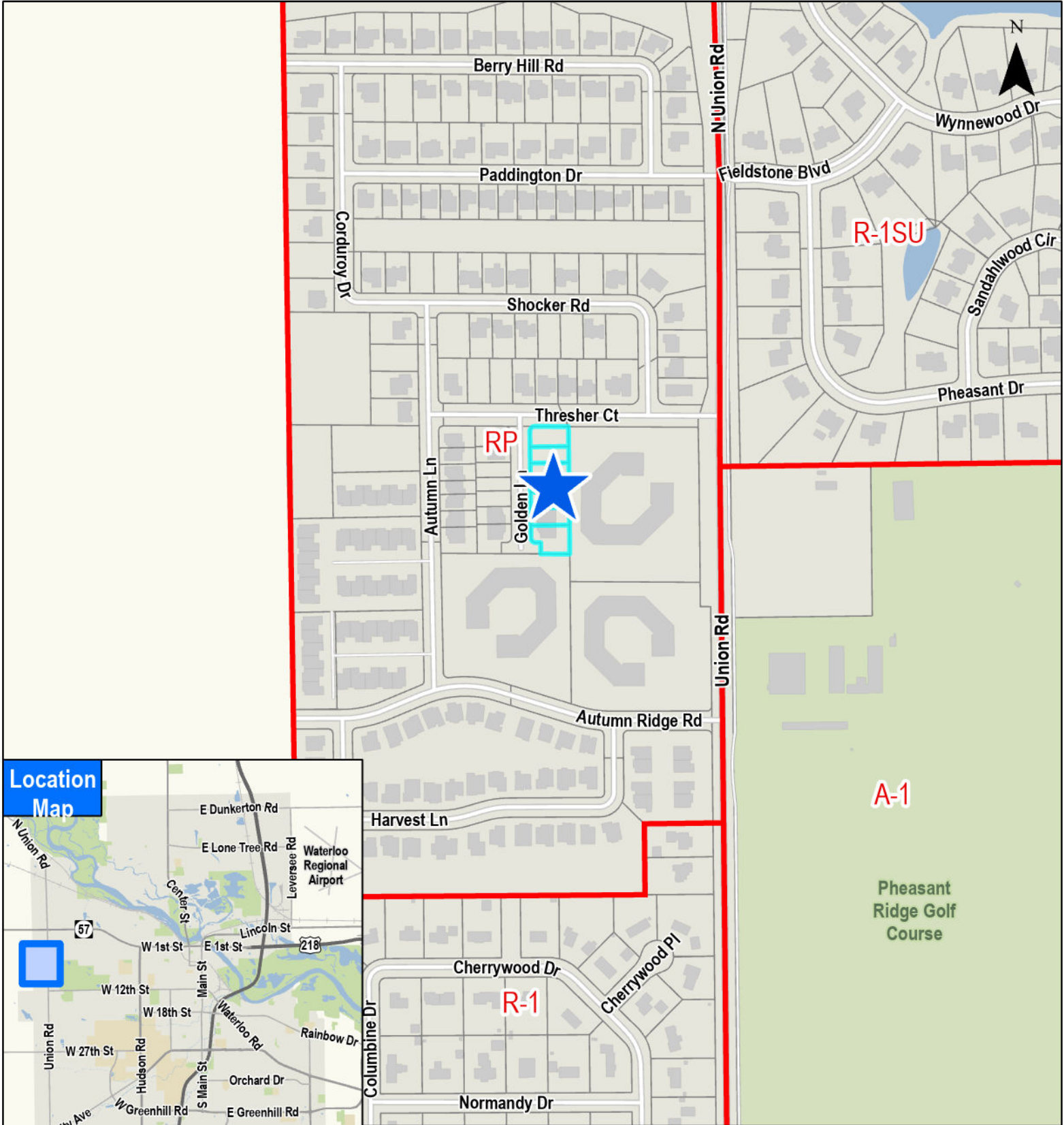
The introduction of this preliminary and final plat is for discussion and public comment. Staff recommends approval of the proposed preliminary plat and final plat for Autumn Ridge 12th Addition (PP23-005) (FP23-003) subject to any comments or direction specified by the Planning and Zoning Commission and conformity to all city staff recommendations and technical requirements.

PLANNING & ZONING COMMISSION

Introduction
&
Discussion
11/08/2023

Cedar Falls Planning and Zoning Commission November 8, 2023

Item 2.



Preliminary and Final Plat for Autumn Ridge 12th Addition, 1.06 acres east of Golden Lane (PP23-005) (FP23-003)

AUTUMN RIDGE 12TH ADDITION

RE-PLAT OF LOTS 8 THROUGH 14, AUTUMN RIDGE 8TH ADDITION

Cedar Falls, Iowa
September 2023

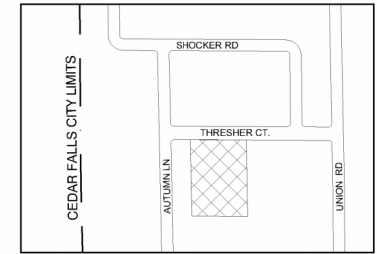
NOTES:

1. **DEVELOPER:**
B.N.K.D. INC.
PO BOX 336
WAVERLY, IA 50677
2. **ENGINEER:**
CLAPSADDLE-GARBER ASSOCIATES, INC
5106 NORDIC DRIVE
CEDAR FALLS, IA 50613
319-266-0258
3. **BENCH MARK:** ELEV: 964.70
NORTHWEST BOLT ON HYDRANT ON THE
NORTHEAST CORNER OF UNION ROAD
AND FIELDSTONE DRIVE
4. **UNADJUSTED ERROR OF CLOSURE:**
BOUNDARY: BETTER THAN 1 IN 10,000
LOTS: BETTER THAN 1 IN 5,000
5. **BASIS OF BEARING:**
ALL BEARINGS ARE THE RESULT OF
G.P.S. OBSERVATIONS USING IOWA
NORTH.
6. **ZONING:**
RP
7. **TYPICAL BUILDING SETBACKS:**
FRONT YARD = 20 FT.
REAR YARD = 20 FT.
SIDE YARD = 5 FT. (*) EXCEPT AS NOTED.

LEGAL DESCRIPTION:

LOTS 8 THROUGH 14 OF AUTUMN RIDGE EIGHTH ADDITION, AS RECORDED IN DOCUMENT NO. 2019-00009433, IN THE OFFICE OF BLACK HAWK COUNTY RECORDER, BEING PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NE 1/4 SE 1/4) AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (SE 1/4 NE 1/4) IN SECTION 9, TOWNSHIP 89 NORTH, RANGE 14 WEST OF THE FIFTH PRINCIPAL MERIDIAN, IN THE CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA, CONTAINING 1.06 ACRES.

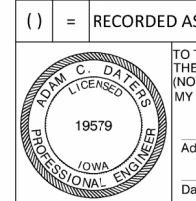
Lot Table		
Lot #	Area (SF)	Area (ACRE)
1	7390	0.170
2	5741	0.132
3	5490	0.126
4	5014	0.115
5	5372	0.123
6	6481	0.149
7	10516	0.241



VICINITY MAP

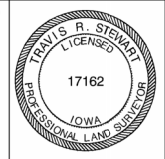
LEGEND: (MONUMENT SYMBOLS ARE ORIENTED TO THE NORTH)

FOUND	▲	PLSS CORNER (as noted)
	●	PARCEL OR LOT CORNER - 1/2" REBAR W/ YELLOW PLASTIC CAP #21426 (EXCEPT AS NOTED)
SET	△	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)



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

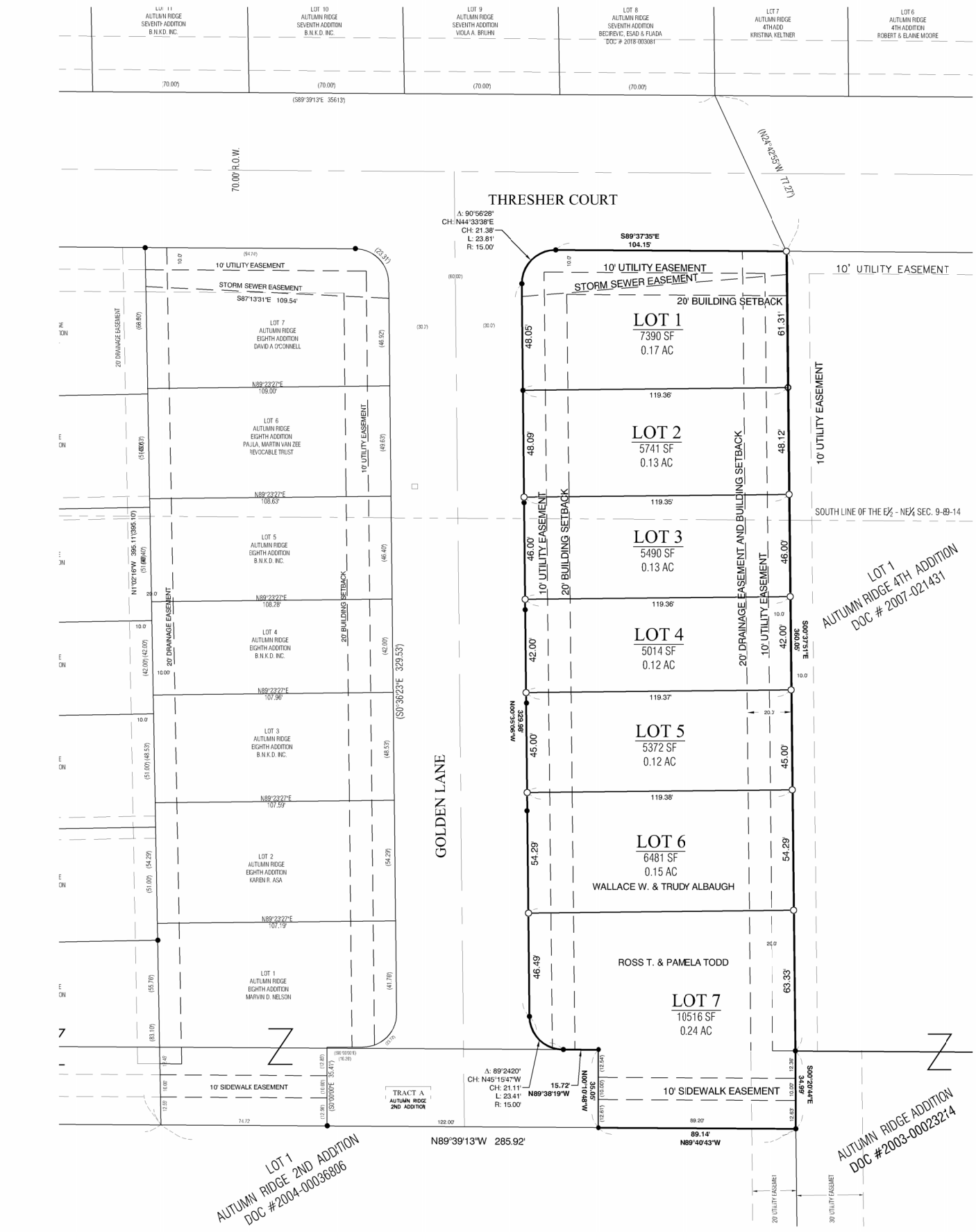
Adam C Daters, PE
Date _____



THIS PRELIMINARY PLAT PERIMETER BOUNDARY WAS PREPARED UNDER MY DIRECT SUPERVISION (NOT TO BE A RECORDED DOCUMENT)
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2023

Travis R Stewart, PLS
Date _____

Pages or sheets covered by this seal: SHEETS 1 AND 2



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

CGA
Clapsaddle-Garber Associates, Inc
5106 Nordic Drive
Cedar Falls, Iowa 50613
Ph 319-266-0258
www.cgaonsultants.com

DESIGNED: IRS DATE: 9/23
DRAWN: BMC DATE: 9/23
CHECKED: IRS DATE: 9/23
APPROVED: IRS DATE: 9/23

AUTUMN RIDGE 12TH ADDITION

CEDAR FALLS, IOWA

PRELIMINARY PLAT

J:\23-GC-0222\dwgs\2_Survey\Preliminary Plat\23-GC-0222 - PRELIM RE-PLAT.dwg - Prelim Plat - 11-01-23 - 12:50pm - krossmann

AUTUMN RIDGE 12TH ADDITION

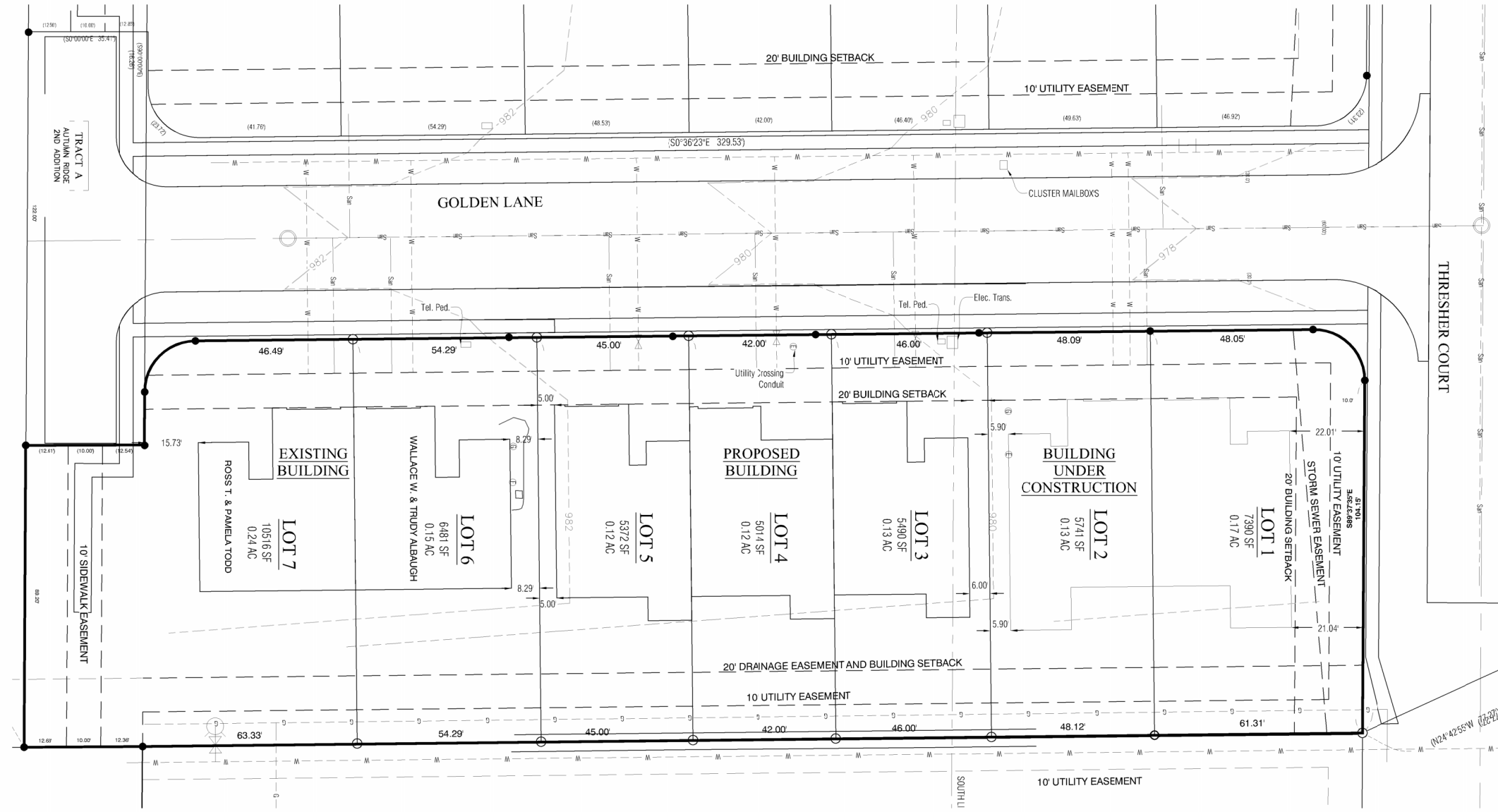
RE-PLAT OF LOTS 8 THROUGH 14, AUTUMN RIDGE 8TH ADDITION

Cedar Falls, Iowa
September 2023

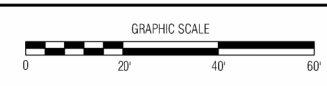


LEGEND

- | | | |
|-----------------|-----------------|------------------------------------|
| EXISTING | PROPOSED | |
| | | EVERGREEN TREE |
| | | DECIDUOUS TREE |
| | | SHRUBS (BUSHES) |
| | | TREE LINE |
| | | SIGN (TYPE AS NOTED) |
| | | FENCE |
| | | SILT FENCE |
| | | CONTOUR LINE |
| | | WATERLINE |
| | | WATER VALVE |
| | | FIRE HYDRANT |
| | | SANITARY SEWER LINE |
| | | STORM SEWER LINE |
| | | MANHOLE |
| | | CLEANOUT |
| | | INTAKE |
| | | BEEHIVE INTAKE |
| | | GAS LINE |
| | | GAS VALVE |
| | | OVERHEAD ELECTRICAL LINE |
| | | BURIED ELECTRICAL LINE |
| | | POWER POLE |
| | | STREET LIGHT |
| | | ELECTRICAL BOX/TRANSFORMER |
| | | TELEPHONE LINE |
| | | TELEPHONE PEDESTAL |
| | | 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 |
| | | TEMP. CONSTRUCTION EASEMENT CORNER |
| | | SURVEY CONTROL POINT |



J:\23-GC-0222\Drawings\Survey\Preliminary\Plat\23-GC-0222 - PRELIM RE-PLAT.dwg - Prelim Plat (2) - 11-01-23 - 12:35pm - krossmann



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

CGA
Clapsadile-Garber Associates, Inc.
5106 Nordic Drive
Cedar Falls, Iowa 50613
Ph 319-266-0258
www.cgaconsultants.com

DESIGNED: IRS DATE: 9/23
DRAWN: BMC DATE: 9/23
CHECKED: IRS DATE: 9/23
APPROVED: IRS DATE: 9/23

AUTUMN RIDGE 12TH ADDITION CEDAR FALLS, IOWA

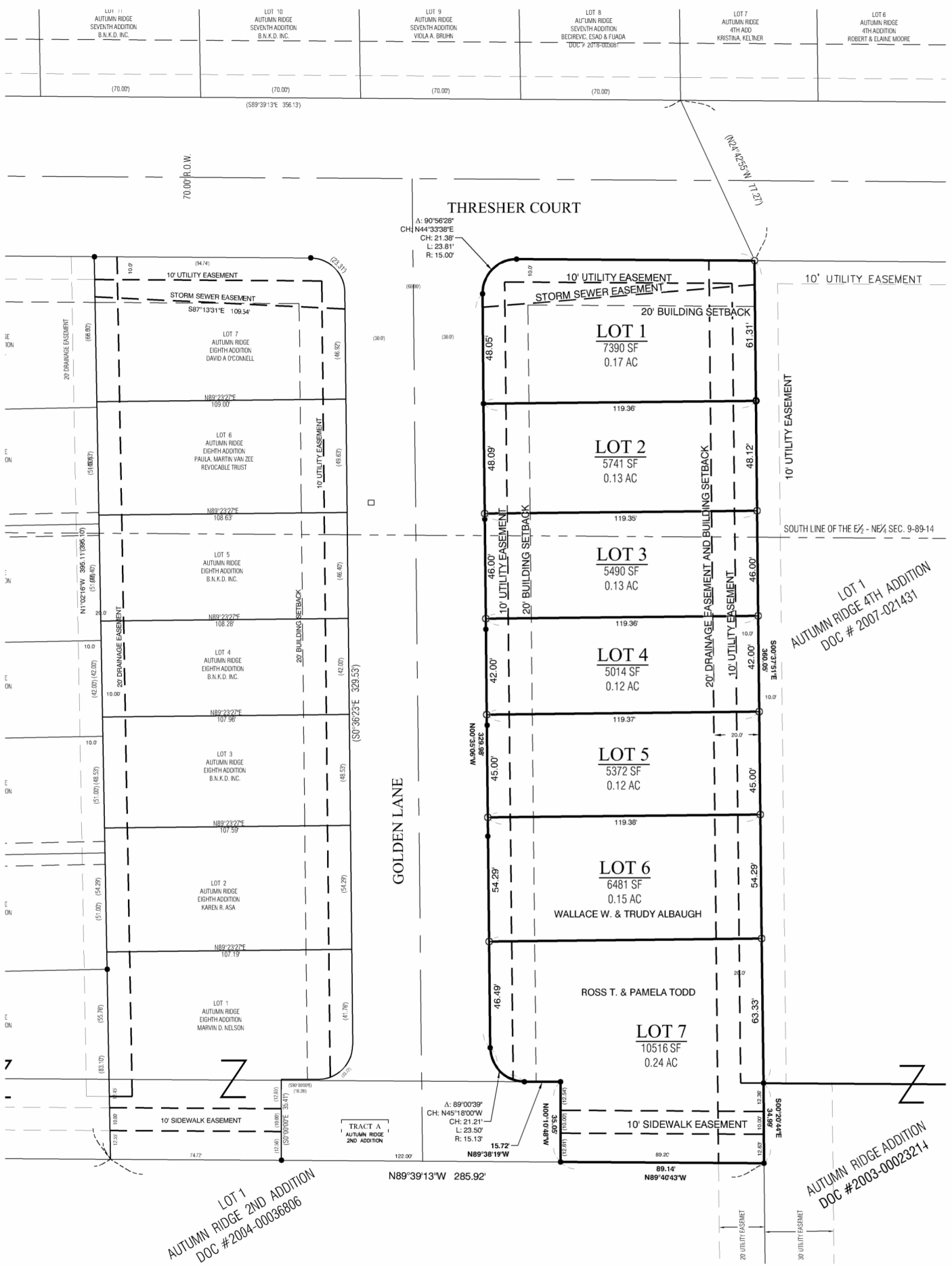
PRELIMINARY PLAT

PROJECT NO.
23-GC-0222
SHEET NO.
2 OF 2

AUTUMN RIDGE 12TH ADDITION

RE-PLAT OF LOTS 8 THROUGH 14, AUTUMN RIDGE 8TH ADDITION

Cedar Falls, Iowa
September 2023



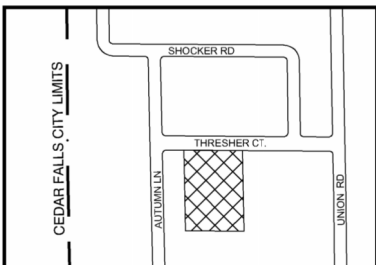
NOTES:

- DEVELOPER:**
B.N.K.D. INC.
PO BOX 336
WAVERLY, IA 50677
- ENGINEER:**
CLAPSADDLE-GARBER ASSOCIATES, INC
5106 NORDIC DRIVE
CEDAR FALLS, IA 50613
319-266-0258
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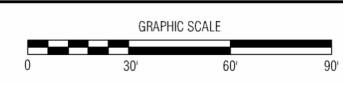
LEGEND: (MONUMENT SYMBOLS ARE ORIENTED TO THE NORTH)

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|-------|--|
| FOUND | ▲ PLSS CORNER (as noted) |
| | ● PARCEL OR LOT CORNER - 1/2" REBAR W/ YELLOW PLASTIC CAP #21426 (EXCEPT AS NOTED) |
| SET | △ 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) |
| () | = RECORDED AS |



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, 2023
Pages or sheets covered by this seal: SHEET 1



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE



DESIGNED: TRS DATE: 9/23
DRAWN: BMC DATE: 9/23
CHECKED: TRS DATE: 9/23
APPROVED: TRS DATE: 9/23

AUTUMN RIDGE 12TH ADDITION CEDAR FALLS, IOWA

FINAL PLAT

**OWNER'S STATEMENT AND DEED OF DEDICATION
FOR
AUTUMN RIDGE 12TH ADDITION
REPLAT OF LOTS 8 THROUGH 14, AUTUMN RIDGE EIGHTH ADDITION
CEDAR FALLS,
IOWA**

KNOW ALL MEN BY THESE PRESENTS:

That B.N.K.D., Inc., owners of Lots 8-12 of Autumn Ridge Eighth Addition (“Owner” and “Developer”), Wallace Wayne Albaugh and Trudy Albaugh husband and wife, owners of Lot 13 Autumn Ridge Eighth Addition, and Ross T. Todd and Pamela J. Todd, husband and wife, owners of Lot 14 Autumn Ridge Eighth Addition, all being desirous of setting and platting into lots and streets the land described in the attached Certificate of Survey by Travis R. Stewart, P.L.S., dated the ____ day of _____, 2023, does by these presents designate and set apart the aforesaid premises as a subdivision of the City of Cedar Falls, Iowa, the same to be known as

**AUTUMN RIDGE 12TH ADDITION
REPLAT OF LOTS 8 THROUGH 14, AUTUMN RIDGE EIGHTH ADDITION
CEDAR FALLS,
IOWA**

Cedar Falls, Iowa, hereinafter "Development", all of which is with the free consent and desire of the undersigned, and the undersigned does hereby designate and set apart for public use the streets and avenues as shown upon the attached plat, and set apart for the City of Cedar Falls, Iowa, the easements shown on the attached plat.

I. DEDICATION OF STREETS AND EASEMENTS

The Owner hereby grants and conveys to the City of Cedar Falls, Iowa, for public use the streets shown on the attached plat. Said streets will be constructed at a 31-foot width.

The Owner hereby grants and conveys 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, gas, electricity, communication service or cable television, perpetual easements for the construction, erection, laying, building, and maintenance of said services over,

across, on and/or under Development as shown on the attached plat.

II. RESTRICTIVE COVENANTS

Be it also known that the Owner does hereby covenant and agree for itself and its successors and assigns that each and all of the Lots in Development shall 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 its successors in interest, may hereafter make for any of the said Lots and that such restrictions shall run with the land and with each individual Lot thereof for the length of time and in the particulars hereafter stated, to wit:

1. The development of these Lots shall consist of seven (7) townhomes and shall be in accordance with the R-P Zoning classification set forth in the Cedar Falls Zoning Ordinance.
2. No structure, building, fence, or other object, including landscaping, may be built, placed, or located on the exterior of any Lot unless written approval is first received from the Association, as later defined. No replacement, maintenance, repair and remodeling, or restoration after damage or destruction, may use siding, roofing or other exterior components, of a different design, material or color scheme, unless written approval is first received from the Association.
3. No detached accessory structures or buildings shall be permitted.
4. All private drives, private parking areas, and entryways shown on the attached plat shall be maintained by the townhome owners, excluding snow removal.
5. No swing sets or basketball hoops shall be allowed.
6. Townhomes shall be subject to a Protective Covenant Agreement for each townhome, which is attached as Exhibit "A". Each townhome group, whether consisting of two attached townhomes (sometimes referred to as single family bi-attached dwellings or zero lot line duplex) or three attached townhomes (sometimes referred to as row dwellings or zero lot line triplex) shall executed and file a Protective Covenant Agreement. The townhome groups are currently as follows:
 - a. Lots 1 and 2
 - b. Lots 3, 4, and 5
 - c. Lots 6 and 7

7. Each owner of Lots 1-7 shall become members of a homeowners association known as the Autumn Ridge 7th Addition Homeowners Association (“Association”), which was established for Lots 1-7 of Autumn Ridge Seventh Addition in the Owner’s Statement and Deed of Dedication for Autumn Ridge Seventh Addition to the City of Cedar Falls, Black Hawk County, Iowa filed with the Final Plat on November 30, 2016, as Document No. 2017-10235. Each of Lots 1-7 of Autumn Ridge Eighth Addition – Phase II, Lots 1-7 of Autumn Ridge Eighth Addition, and each of Lots 1-7 of Autumn Ridge Seventh Addition shall each have one vote in this Association. Membership in this Association shall be appurtenant to and may not be separated from ownership of any Lot. Ownership of such Lot shall be the sole qualification of membership in the Association. A Lot shall not be construed to include a person or entity that holds an interest merely as security for the performance of an obligation. The purpose of the Association shall be to approve and govern the outside areas of Lots with townhomes, as well as perform lawn care and snow removal, and to perform such other activities as may be set forth in the Articles of Incorporation and Bylaws of Association. The Association shall have authority to establish membership fees and adjustments thereto and carry out maintenance and regular duties contemplated in this paragraph. All membership fees which are unpaid shall be assessed as a lien against the townhome, in the matter and as provided for in the Articles of Incorporation or Bylaws of the Association. Developer will not be required to pay Association fees on unsold Lots.

8. All buildings erected on said Lots shall be constructed in accordance with the building, plumbing, and electrical Codes of the City of Cedar Falls, Iowa.

9. Any dwelling that is erected on said Lots shall have a minimum setback as shown upon the attached plat. These setbacks shall apply to the main building structure, as well as any attached decks, porches, or sunrooms. In addition, no dwelling or other structure of any kind shall be placed in drainage easement areas, as the same are shown on the attached plat. Any and all drainage easements will be required to follow the “Stormwater Management Plan” and no building, fence structures, landscaping structures, private gardens or any other possible obstruction can be built in and over said drainage easements. Said 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.

10. Pursuant to a Maintenance and Repair Agreement filed November 18, 2013, as Document No. 2014-10456 (“Maintenance and Repair Agreement”), certain real estate as described therein shall be a storm water management facility (“the Facility”), which shall benefit real estate as described therein, and this Development (collectively “the Benefited Property”). The Owner, B.N.K.D., Inc., shall perform the duties as required under the Maintenance and Repair Agreement, which affect such Facility, until, at the discretion of B.N.K.D., Inc., the maintenance is turned over to the Autumn Ridge Storm Water Drainage Association. The

Developer has filed Articles of Incorporation and adopted Bylaws of the Autumn Ridge Storm Water Drainage Association. The purpose of the Association shall be to ensure compliance with the Maintenance and Repair Agreement with this Development and to perform such other functions as may be set forth in the Articles of Incorporation and Bylaws of said Association. This Association shall have authority to establish annual fees for membership in the Association, and shall have authority to adjust the annual membership fees as it deems appropriate to carry out maintenance duties described in this paragraph and as required under the Maintenance and Repair Agreement. The members of such Association shall consist of one representative each from the Homeowners Associations of each subdivision (whether currently or hereafter platted) for which any part is included in the Benefited Property, and the Owner. Each of the aforesaid Associations and Owner shall pay such annual fee to the Association to fund the activities of the Association, which fee shall be based upon the proportional square footage of real estate included in such subdivision (or, in the case of Owner, unplatted real estate) as compared to the Benefited Property. All such membership fees which are unpaid shall be assessed as a lien in the manner and as provided for in the Articles of Incorporation or Bylaws of the Association. The Owner reserves the right to plat unplatted areas of the Benefited Property, thereby adding additional member(s) to the Association. Upon conveyance of all real estate in the Benefited Property, the Owner shall no longer be a member in the Association.

11. No trailer, basement, tent, shack, garage, or shed erected in said Development shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary nature be permitted on any Lot.

12. The owner of each Lot, vacant or improved, shall keep said Lot free of weeds and debris.

13. No residence shall be used as a place of business, except an in-home office, daycare, or community center as permitted by the City of Cedar Falls Zoning Ordinance. Permanent business signs of any kind will not be allowed in the Development. Developer reserves the right to rent, lease, or occupy a dwelling on a Lot for purposes of a sales office until said Lot is sold.

14. No obvious 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 Development.

15. Occupancy of any dwelling in the Development will not be allowed until the exterior and interior are substantially complete and an occupancy permit has been issued by the City of Cedar Falls.

16. All approaches and driveways in the Development shall be concrete.

17. No trailers, campers, boats, trucks, buses, RVs, semi-tractors, or garden tractors will be allowed to be parked outside a dwelling or on the street for a period exceeding 48 hours. After said time, such vehicles must be removed from the Development or completely stored within the garage of the dwelling.

18. No radio wave producing equipment shall be used that interferes with other property owners. All TV, radio or other antennas, towers, and dishes must be installed and enclosed in an attic or garage, except that satellite dishes no larger than 24" in diameter will be allowed, but must not be visible from the street.

19. All electrical transmission lines and service entrances, all telephone lines and services therefor, all cable TV/fiber optic cable and service therefor, and all other utilities of whatever kind or nature, shall be installed underground on all Lots.

20. No animals, livestock, or poultry of any kind shall be kept on any Lots, except that dogs, cats, or other household pets may be kept, not exceeding two in number, provided they are not kept for commercial purposes. No pets of any kind will be allowed in any fenced-in areas of the Development green space not owned by individual Lot owners. Pets are not to be left outside and must be cleaned up after promptly. Obnoxious animals must be removed. No outdoor dog runs are allowed.

21. Any footing drain tiles or sump pump systems installed in conjunction with the construction of a residence shall be connected to sub-drain tile and shall not be expelled into any sanitary sewer system, onto the street or surface of the property.

22. The Developer or its successors will install a 4-foot wide concrete sidewalk four inches thick across the entire frontage of any Lot, and side of the Lot on any corner Lots, at the time of construction upon said Lot. It will install handicap ramps as provided by state law. Any Lots remaining vacant for five (5) years after the date of final approval of the plat, shall also be improved with sidewalks as soon as the construction season permits.

23. All electrical transmission lines and service entrances, all telephone lines and services therefor, all cable TV/fiber optic cable and service therefor, and all other utilities of whatever kind or nature, shall be installed underground.

24. The undersigned and all persons and entities hereafter acquiring any right, title, or interest in any of the Lots in said Development shall be taken and held to have agreed and covenanted with the owners of all other Lots in this Development and with the respective successors and assigns of all of the rest of such other Lots to conform to and observe all of the foregoing covenants, restrictions, and stipulations as to the construction of building thereon, for a

period of 21 years from the date of filing of said plat, and this deed of dedication for record. Within the period of 21 years and in accordance with Iowa Code § 614.24 and § 614.25 or their successor provisions, these covenants, restrictions, and stipulations may be extended for an additional period of 21 years upon compliance with § 614.24 and § 614.25 of the Code of Iowa. In the event an extension of the covenants, restrictions, and stipulations is not filed within the period of 21 years or successive 21-year periods, then the covenants, restrictions, and stipulations contained herein shall terminate at the end of the existing period of 21 years.

25. Invalidation of any of these covenants by judgment, decree, or court order, shall in no way affect any of the other provisions of this dedication and such other provisions shall remain in full force and effect.

26. If the parties hereto, or any of them, or their heirs or assigns shall violate or attempt to violate any of the covenants or restrictions here, it shall be lawful for any other person owning property in said addition to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions, and for the purpose of preventing such acts or recovering damages for such violations or both, and for costs and reasonable attorney fees as determined by the court.

27. In an effort to minimize damage to adjacent properties and down stream water systems, each owner is required to comply with Association requirements in regard to construction yard waste and storm water runoff.

28. 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 curblin 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. All mailboxes shall be clustered or grouped for the units, and shall not be placed between the curb line and the property line abutting the lots.

III. PUBLIC IMPROVEMENTS REQUIRED IN PLAT

Developer agrees:

1. That the streets shown in the Development, as shown on the attached plat, will be brought to City grade and that the streets will be thirty-one (31) feet, back of curb to back of curb, with approved hard surface pavement in accordance with City of Cedar Falls Standard Specifications.

2. The undersigned shall provide sanitary sewers for each Lot, together with all necessary manholes and sewer service line, to all Lots in the Development.

3. The underground utilities as required by the City of Cedar Falls Subdivision Ordinance, or as agreed upon with the City of Cedar Falls, shall be installed.

4. That City water will be provided for each Lot as required by the Cedar Falls Municipal Utilities.

5. The municipal fire hydrants will be provided as required by the Cedar Falls Municipal Utilities.

6. That storm sewer will be provided, along with subdrain tile along paving, as required by the City Engineer.

7. That a 4-foot-wide concrete sidewalk 4 inches thick will be installed on any unsold Lots, within 5 years after the date the plat is filed in the Office of the Recorder of Black Hawk County, Iowa, and the sidewalk shall be across the full width of the Lot, and on corner Lots, also across the parking and full length of the Lot. That handicap ramps will be provided as required by law. In the event that the City is required to construct the sidewalk as permitted in paragraph 8 below, a lien or liens may only be imposed against the Lot or Lots which require city construction and no other in the Development.

8. That the work and improvements called for herein shall be in accordance with City specifications under the supervision of the City Engineer. In the event that the undersigned, its grantees and assigns fail to complete work and improvements called for herein within one year from the date of the acceptance of said final plat by the City of Cedar Falls, Iowa, except as provided in Paragraph 7 above, the City may then make the improvements and assess the costs of the same to the respective Lots, 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 assessment 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. The owners, for themselves, their successors, grantees and assigns, waive all statutory requirements of notice of time and place of hearing and waive all statutory protections and limitations as to cost and assessments and agree that the City may install said improvements and assess the total costs thereof against the Lots.

9. That the work and improvements called for herein shall be in accordance with City specifications under the supervision of the City Engineer, and shall be completed within one year of the date of approval of the final Plat, except as provided in Paragraph 7 above. Further,

the undersigned and its successors shall comply with site plan review and approval by the Cedar Falls Planning and Zoning Commission and the Cedar Falls City Council, relating to building and architecture, onsite parking, pedestrian access, and onsite landscaping and signage.

10. 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.

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

IN WITNESS WHEREOF, this instrument has been signed at _____, Iowa, this _____ day of _____, 2023.

B.N.K.D., Inc.

By: _____
Ronda A. Happel, Vice President
STATE OF IOWA)
COUNTY OF BLACK HAWK)ss.

This record was acknowledged before me on this _____ day of _____, 2023, by Ronda A. Happel, as Vice President of B.N.K.D., Inc.

, Notary Public

Owners of Lot 13

Trudy Albaugh

Wallace Wayne Albaugh

STATE OF IOWA)
COUNTY OF BLACK HAWK)ss.

This record was acknowledged before me on this ____ day of _____,
2023, by Wallace Wayne Albaugh and Trudy Albaugh, husband and wife.

, Notary Public

Owners of Lot 14

Ross T. Todd

Pamela J. Todd

STATE OF IOWA)
COUNTY OF BLACK HAWK)ss.

This record was acknowledged before me on this _____ day of _____,
2023, by Ross T. Todd and Pamela J. Todd, husband and wife.

, Notary Public



October 19, 2023

Walace and Trudy Albaugh
414 Golden Lane
Cedar Falls, IA 50613

We are aware of the property line issue and agree to having our property resurveyed and replated so that the duplex structure will straddle the originally intended property line that separates the two homes.

Wallace Albaugh Trudy Albaugh

Wallace Albaugh Dated 10/21/2023 Trudy Albaugh Dated 10/21/2023

10-23-2023

JD Atodaria
AICP, Planner I
Community Development Department
City Hall
220 Clay Street
Cedar Falls, IA 50613

Dear Mr. Atodaria:

My wife and I reside at and are the owners of 416 Golden Lane, Cedar Falls, Iowa. This property is a townhouse/twin-home adjoined with 414 Golden Lane, Cedar Falls, Iowa.

It was discovered earlier this year that the structure was built in the incorrect location, with regard to our property line.

Obviously, we desire to see this corrected by having the northern boundary moved further north so that the property line goes through the middle of the structure (between the two properties), as originally intended and presented to us when we purchased the property.

We are aware that Developers Dennis and Ronda Happel (BNKD) are working to correct the issue and appreciate them doing so.

We would like to be kept informed about the process, the results of the recent land survey, and have an opportunity to review/approve the re-platting plan before it is finalized.

Thank you,

Ross Todd 10/23/23

Ross Todd
416 Golden Lane
Cedar Falls, IA 50613
319-239-7694
Ross.todd@gmail.com

Pamela Todd 10-23-2023

Pamela Todd
416 Golden Lane
Cedar Falls, IA 50613
319-239-0925
Pamelatodd89@gmail.com



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: Jaydevsinh Atodaria (JD) AICP, City Planner I
Matthew Tolan, Civil Engineer II
DATE: November 8, 2023
SUBJECT: Rezoning Request for property located North of Aldrich Elementary School and South of W. Greenhill Road (RZ23-003) Land Use Map Amendment (LU23-002)

REQUEST: Amend Future Land Use Map from Low Density Residential Use, Greenways and Floodplain Use, and Neighborhood Commercial & Mixed Use to Low Density Residential Use (LU23-002)
Rezone property from R-1 Residence District and MU Mixed Use Residential District to RP Planned Residence District (RZ23-003)

PETITIONER: Brent Dahlstrom, Owner; Panther Builders LLC, Applicant

LOCATION: 54.79 acres of land located North of Aldrich Elementary School and South of W. Greenhill Road

PROPOSAL

The applicant is requesting to rezone 54.79 acres of land owned by Brent Dahlstrom from R-1 Residence District and MU Mixed Use Residential District to RP Planned Residence District.

Since the Future Land Use Map in the City's Comprehensive Plan currently designates portions of this property as "Neighborhood Commercial and Mixed Use" and "Greenways and Floodplain Use," the applicant is also requesting an amendment to the Future Land Use Map to "Low Density Residential." The applicant's stated reasons for these changes are attached.



BACKGROUND

The subject property comprising 54.79 acres of parcel is currently unplatted. However, a portion (14.18 acres of parcel) of the subject property was rezoned from A-1 Agricultural District to MU Mixed Use Residential District with an approved MU District Site Plan and developmental procedures agreement to create a multi-use development, consisting of residential and professional office uses in July 2016. A preliminary plat for the area zoned MU was approved by the City Council in September 2018, with the intent to build multi-family residential dwellings and professional offices. However, no work was done on the project after approval of the preliminary plat, so the plat is now expired and hence remains unplatted.

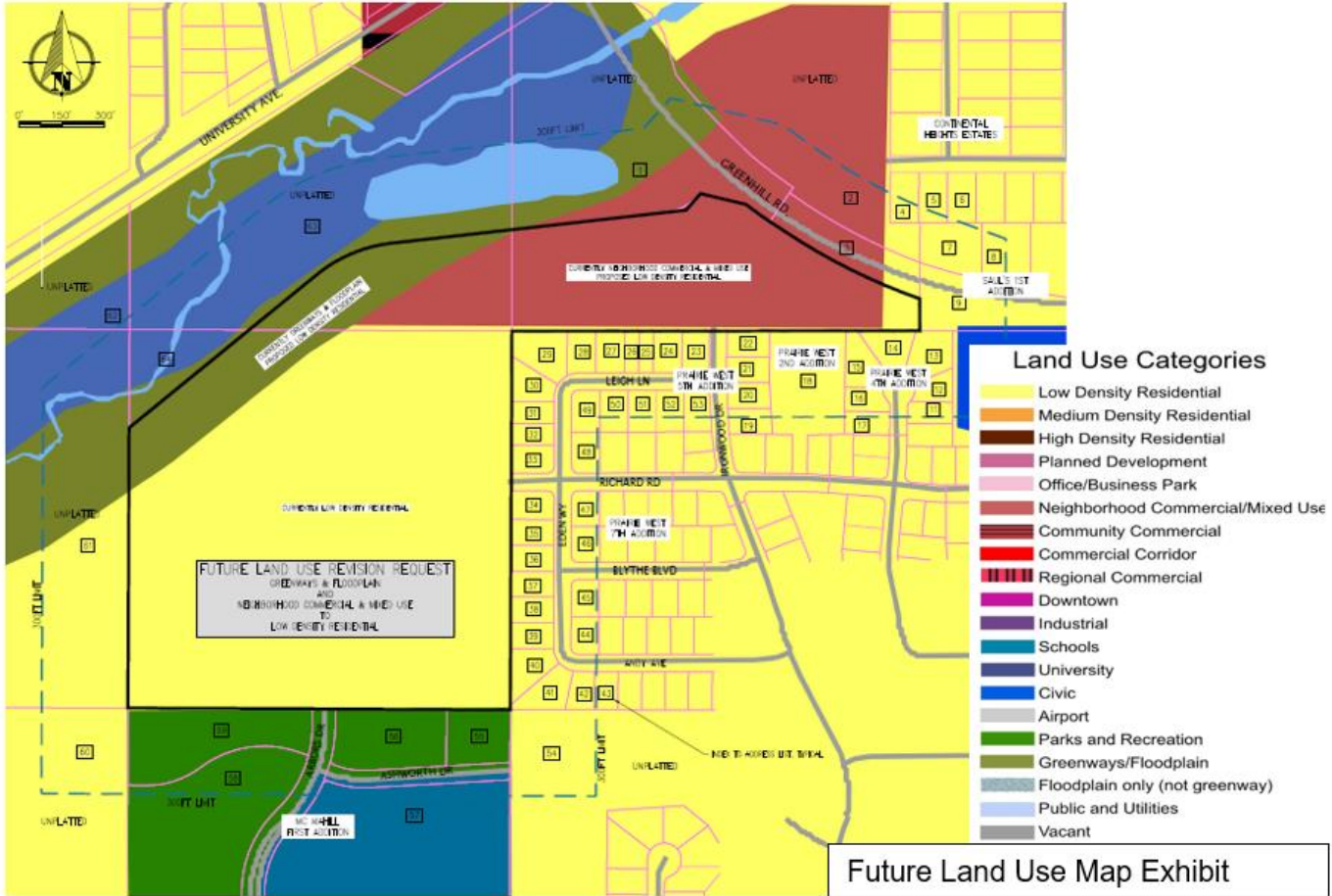
The other portion (approx. 40 acres of parcel) of the subject property was rezoned from A-1 Agricultural District to R-1 Residence District in February 2019. Following the rezoning, an application for a preliminary plat was submitted to subdivide the property into single family home lots. However, that application was withdrawn, so the area remains unplatted.

The applicant is now proposing to rezone the entire 54.79 acres of land from R-1 Residence District and MU Mixed Use Residential District to RP Planned Residence District to allow the development of the area with detached single-family dwelling units. As per City code, the RP Planned Residence District requires the submittal of a Master Plan to show the overall development plan, including the intended uses, development pattern and any special features or standards, and the submittal of developmental procedures agreement to establish the agreed upon standards and conditions for the development. An RP Master Plan for the site has been submitted for review along with other supplemental materials for the project.

ANALYSIS

The first thing that we analyze when a rezoning is requested is that we check its compliance with the Comprehensive Plan and Future Land Use map. For this case, the proposed rezoning request is not consistent with the Comprehensive Plan and the Future Land Use map, which is why the applicant is also requesting to amend the Future Land Use map. A rezoning can only be approved if it is consistent with the Comprehensive Plan.

The Future Land Use Map in the City's Comprehensive Plan identifies the subject parcel as "Low-Density Residential Use", "Greenways & Floodplain Use" and "Neighborhood Commercial and Mixed Use". In this case, the current zoning of the subject property, R-1 Residential District and MU Mixed Use Residential District is consistent, but the submitted RP Master Plan, given that it will be restricted to detached single-family dwellings is not consistent with the "Neighborhood Commercial and Mixed Use" designation for the northern portion of the property. The applicant has submitted a statement regarding the reasons they believe the proposed Land Use Map amendment (LUMA) is warranted along with their proposal for amending the Future Land Use Map (See exhibit below). The exhibit shows the current designations in color with their stated request for amendment in the text.



As per the City’s Comprehensive Plan:

1. *Low-Density Residential Use* emphasizes single-family detached development with density ranging from 1 to 4 units per acre.
2. *Greenways & Floodplain Use* emphasizes the preservation of environmentally sensitive areas and crucial scenic corridors and their possible incorporation into the City’s trail system.
3. *Neighborhood Commercial and Mixed Use* emphasizes the development of low-impact commercial use, providing a variety of neighborhood services. This use designation should be located along major streets, promote buffering to eliminate negative effects on surrounding residential areas, and have good landscaping to enhance the site as well as provide a visual buffer. This use also allows the development of residential units above commercial development with a high emphasis on good pedestrian/bicycle connections into surrounding areas.

As noted in the above exhibit, the applicant is proposing to amend the Future Land Use Map in the City’s Comprehensive Plan document from “Low-Density Residential Use”, “Greenways & Floodplain Use” and “Neighborhood Commercial and Mixed Use” to “Low-Density Residential Use”. The applicant indicates that the proposed LUMA for the entire property would be synonymous with the surrounding low-density residential use. The applicant indicates that as per market needs, the single-family lots are more urgent and appealing to current neighbors.

Staff notes that the subject property may not be ideal for having commercial uses, given that

there is a neighborhood-serving commercial area nearby in the Greenhill Village mixed-use development. There is a need for more residential development in the community with homebuilders recently noting the limited availability of home lots within Cedar Falls. In general lack of supply drives up home prices in the community at large. However, staff notes that taking away entire portion of “Greenways and Floodplain Use” designation from the subject property may not be acceptable, considering the fact that the City’s Comprehensive Plan suggests that the Greenways and Floodplain Use should emphasize preservation of environmentally sensitive areas and crucial scenic corridors as noted above. It is a goal of the City to identify areas where our recreational trail network can be expanded as new development occurs. Staff is supportive of refining the boundary of the Greenways and Floodplain Use designation on the Future Land Use Map, but recommends reserving a minimum of 20 feet along the edge of, but outside of the Dry Run Creek floodway for a future public trail. . Staff believes that a future recreation trail developed along this scenic corridor would provide a community amenity space for nearby residents and also provide an alternative means of walking/biking to surrounding destinations, including the public parkland located west of Aldrich Elementary School along Arbors Drive and the school itself.

Staff recommends changing the Future Land Use Map designation to “Low Density Residential Use” and to adjust the “Greenways & Floodplain Use” to align better with the stream corridor with enough space for a future public trail. The exact area needed for the trail could be delineated on the preliminary plat for the Panther West development based on the topography and specific plans for the stormwater management. . Maintaining the greenway along the edge of this development would ensure there is an adequate buffer from the floodplain area (north of subject property), which would align well with the intent of the City’s Comprehensive Plan.

CURRENT ZONING

Currently, the subject property is in the R-1 Residence District and MU Mixed-Use Residential District. The purpose of the R-1 Residence District is to allow the development of low-density residential neighborhoods, including detached single-family dwellings, duplexes, and single-family bi-attached dwellings, and supporting institutional uses such as schools and churches.

The purpose of the MU Mixed Use Residential District is to accommodate integrated residential and neighborhood commercial land uses on larger parcels of land to create viable, self-supporting neighborhood districts. The MU District strives to encourage innovative development that incorporates high-quality building design, careful site planning, and preservation of unique environmental features with an emphasis on the creation of open spaces and amenities that enhance the quality of life of residents in the district.

PROPOSED ZONING AND RP MASTER PLAN

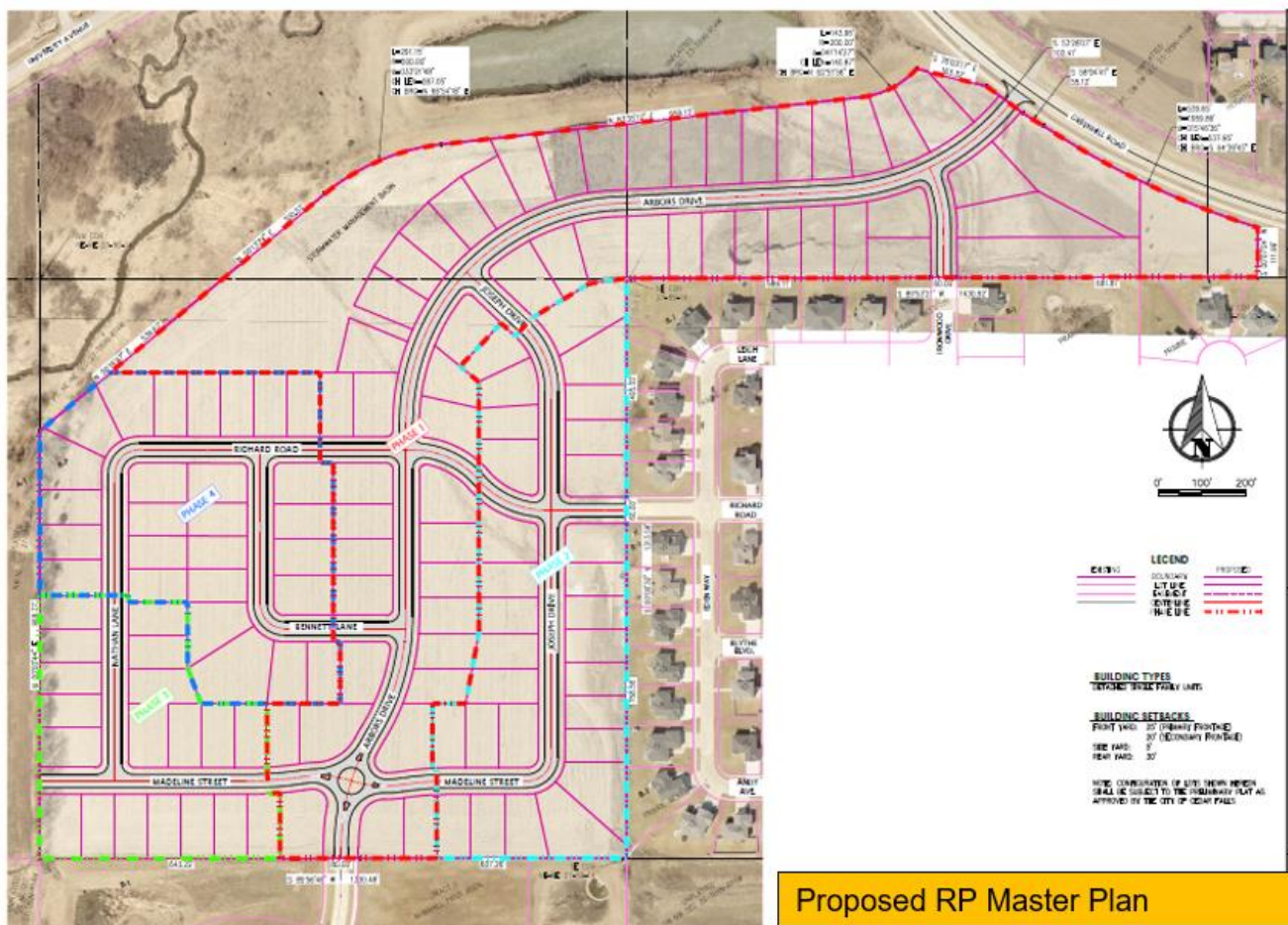
The purpose of the RP Planned Residence District is to permit the establishment of multi-use and integrated-use residential developments and to provide for the orderly planned growth of residential developments in larger tracts of land. The RP District allows flexibility in the types of dwellings, lot sizes, building heights, and setbacks. However, to ensure that the area is developed in an orderly manner, provides for efficient traffic circulation between neighborhoods, and includes the necessary infrastructure to meet the needs of future residents, a master plan must be submitted with the rezoning, which is adopted with a developmental procedural agreement.

The applicant proposes an RP Master Plan that restricts the development to detached single

family dwellings only, which will be developed in four phases. Staff notes that the lot lines shown on the RP Master Plan are for conceptual purposes only, as the exact configuration will be established with the preliminary plat once exact size and location of stormwater facilities, easements and necessary infrastructure is determined.

Street layout and connectivity:

The street layout is one of the most important aspects of the proposed master plan as it should demonstrate a well-connected street pattern with multiple, direct routes between neighborhood destinations with a phasing plan that ensures that critical street routes are completed first to reduce traffic congestion, encourage safe walking and biking, improve emergency access and response times, and allow for the timely provision of essential infrastructure. The Master Plan proposed by the applicant is shown below.



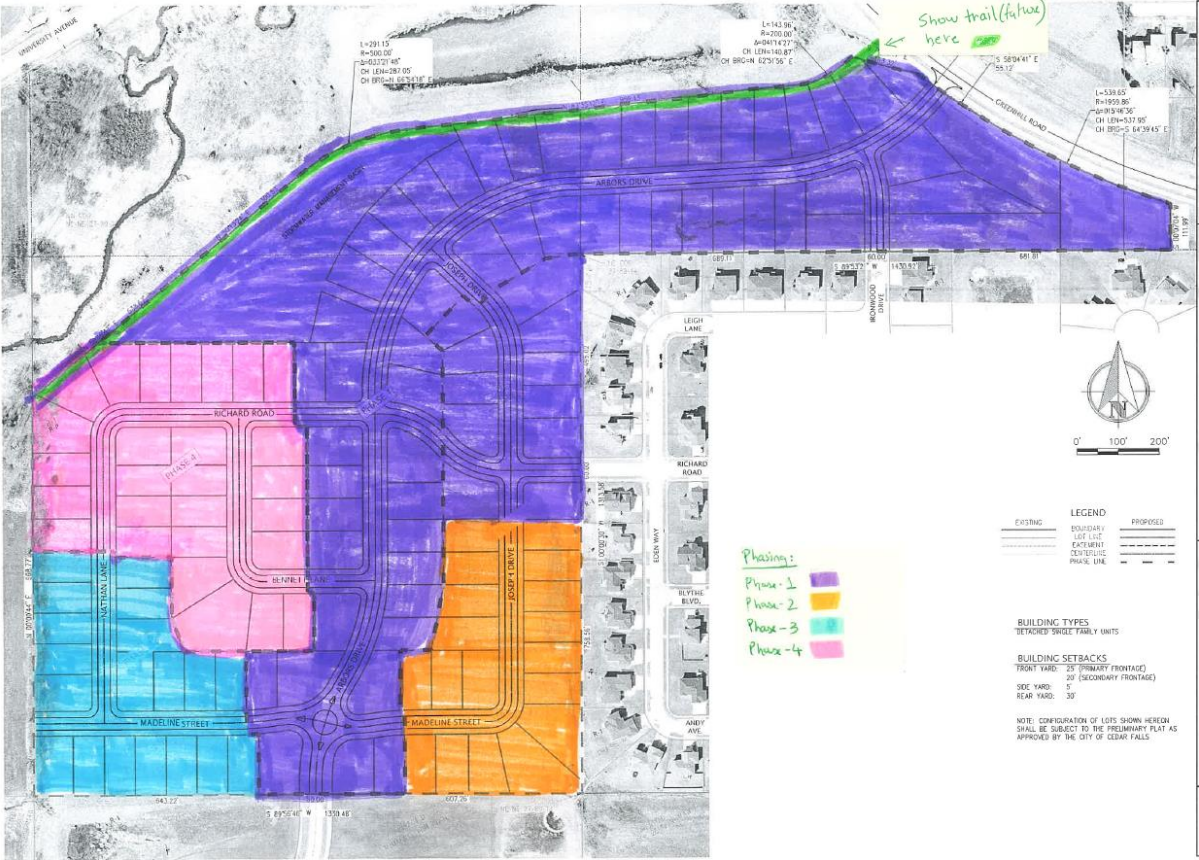
The proposed RP Master Plan illustrates that Arbors Drive will be extended northward to W. Greenhill Road. Richard Road will be extended westward into the proposed development and Ironwood Drive will be extended northward to connect to W. Greenhill Road. All these street extensions would allow both the proposed development and the adjacent development to east and south of the subject property with alternative routes to and from the development, which will distribute the traffic in the neighborhood and more importantly provide needed street connections to navigate between the subdivisions. Staff notes that the proposed extension of streets as noted above will address the missing critical connections for the surrounding land uses, provide distribution of traffic, and provide much needed accessibility to Aldrich Elementary School.

The proposed RP Master plan also shows that the Madeline Street will be extended westward from the Arbors Drive, providing opportunity for future development of the area to the west of the subject property, with all city services being stubbed to the western boundary of the subject property. All these street extensions/connections are likely to take place as per the proposed phasing that is indicated on the submitted RP Master Plan for the subject property.

Phasing:

The proposed RP Master Plan indicates that the development will occur in four phases. With master planned development, it is important to think about phasing to ensure that critical street connections occur first to reduce traffic congestion and provide for the distribution of traffic to area destinations and to ensure that all necessary infrastructure is in place to support the development.

The applicant's proposed phasing plan addresses two critical street connections in Phase 1 of the development: the extension of Arbors Drive and Ironwood Drive. Completion of these streets will create additional routes to Aldrich Elementary School and to other community destinations for area residents. However, staff recommends adding the extension of Richard Road and all lots north of Richard Road in Phase 1 of the project. The extension of Richard Road to Arbors Drive will allow another route from the neighborhood to the east to the school. Connecting Richard Road in Phase 1 of the project would allow distribution of the traffic within the neighborhood and allow the possibility for students/parents within the neighborhood to walk/bike to the school. See below image prepared by staff that illustrates the recommended phasing plan for the proposed development for reference. Staff is working with the developer to make this change to the phasing plan.



Lot Configuration and Setbacks:

The applicant has indicated that the lots will generally follow the lot sizes allowed in the R-1 Residence District as generally illustrated on their proposed Master Plan. Setbacks equal to what is required in the R-4 Zoning District are required around the perimeter of the RP District. Therefore, where lots back up to the perimeter of the development, the setback is 30 feet to match the rear yard setback in the R-4 Zone. Where a side lot line abuts the perimeter of the development, the side setback standard in the R-4 District applies. Other setbacks standards are determined by the applicant.

In this case, the applicant is proposing front setbacks for all the detached single-family dwellings will be 25 feet. For corner lots the applicant is proposing a minimum of 25-foot primary frontage setback and a 20-foot setback along secondary street frontages. For clarity all streetside setbacks will be delineated with the preliminary plat. The applicant proposes minimum 5-foot side yard setbacks. The perimeter setbacks and other setback information will be shown in detail when a preliminary plat for the area is submitted.

Rezoning requests also involve evaluation of the other criteria:

ENVIRONMENTALLY SENSITIVE AREAS

The subject property borders the floodplain of Dry Run Creek. See the image to the right for reference. The floodway is indicated as a hashed area, the light blue color represents the boundary of the 100-year flood plain and the dark blue color represents the 500-year floodplain boundary. The property subject to this rezoning does not fall within the floodplain, but as noted above the greenway should be protected and considered as a scenic corridor suitable for trails and as a buffer between developed areas and critical natural areas.



ACCESS TO PUBLIC SERVICES

All City services including sanitary sewer, storm sewer, water, and gas are available to the adjacent property along the southern and easterly boundaries of the proposed development for the developer to extend to serve the proposed development. To further develop the land to the west of the proposed site, the necessary infrastructure including all city services will need to be extended to the western boundaries of this site.

The applicant will be providing a detailed stormwater management report and stormwater management plan for the proposed development with the preliminary plat.

ACCESS TO ADEQUATE STREET NETWORK

Development of the property under RP Zoning will be possible by extending Arbors Drive from the south up to W. Greenhill Road. To continue the street patterns from the adjacent subdivision to the east, the proposed development will allow the extension of Ironwood Drive

northward, and Richard Road westward as noted above. And the extension of proposed Madeline Street westward from the Arbors Drive will provide development opportunity for the unplatted area west of the subject property as noted above.

The applicant will be providing a detailed traffic-impact study with the preliminary plat.

PUBLIC NOTICE

City staff mailed letters to the surrounding property owners notifying them of the land use map amendment and rezoning request on October 27, 2023.

TECHNICAL COMMENTS

Staff notes that the RP Planned Residence district requires a developmental procedures agreement at the time of rezoning that spells out any condition or agreement about the proposed master plan and the land uses anticipated. This agreement must be finalized prior to the public hearing at the City Council.

For this case, staff recommends making the following modifications to the RP Master Plan as discussed above:

1. Add Richard Road connection to Arbors Drive and all lots north of Richard Road in Phase 1 of the project as per recommended illustration by staff above.
2. Include a 20-foot-wide recreational trail tract along the northern edge of the subject property to establish a future recreational trail.
3. Update the Land Use Map Amendment exhibit to reflect the recommended land use change of the subject property to “Low Density Residential Use” and readjust “Greenways & Floodplain Use” to preserve the scenic corridor and floodway area as per the intent of the City’s Comprehensive Plan as discussed above.

STAFF RECOMMENDATION

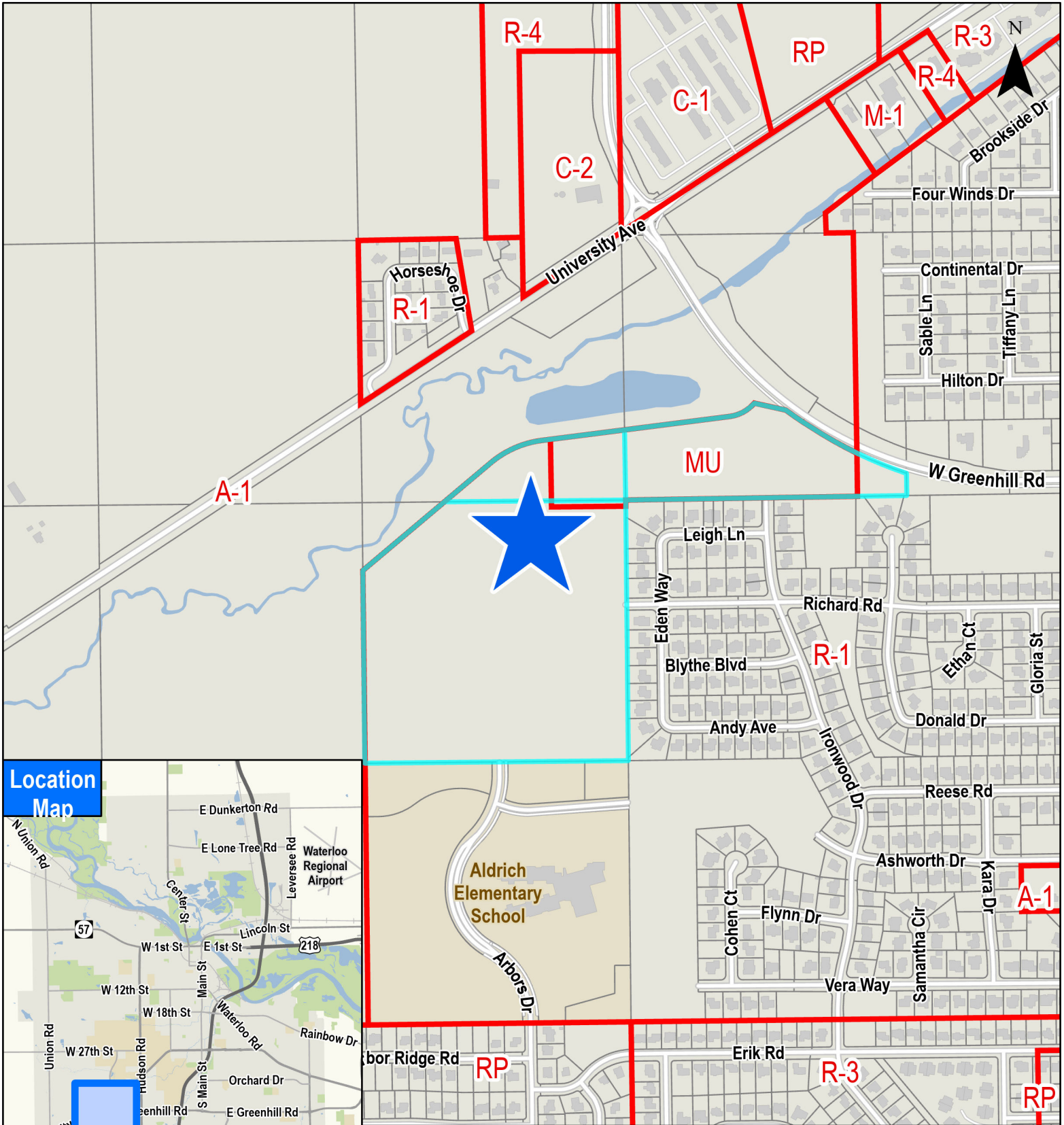
Staff recommends setting a date of public hearing for 21st November 2023, to discuss amending the Future Land Use Map and to rezone 54.79 acres of land located North of Aldrich Elementary School and South of W. Greenhill Road from R-1 Residence District and MU Mixed Use Residential District to RP Planned Residence District.

Attachments: Location Map
 Land Use Map Amendment request letter
 Land Use Map exhibits
 Rezoning request letter
 Rezoning exhibit
 RP Master Plan exhibit

Cedar Falls Planning and Zoning Commission

November 8, 2023

Item 3.



Location Map



LUMA and Rezoning request from R-1 and MU to RP for Panther West (54.79 acres) (LU23-002) (RZ23-003)

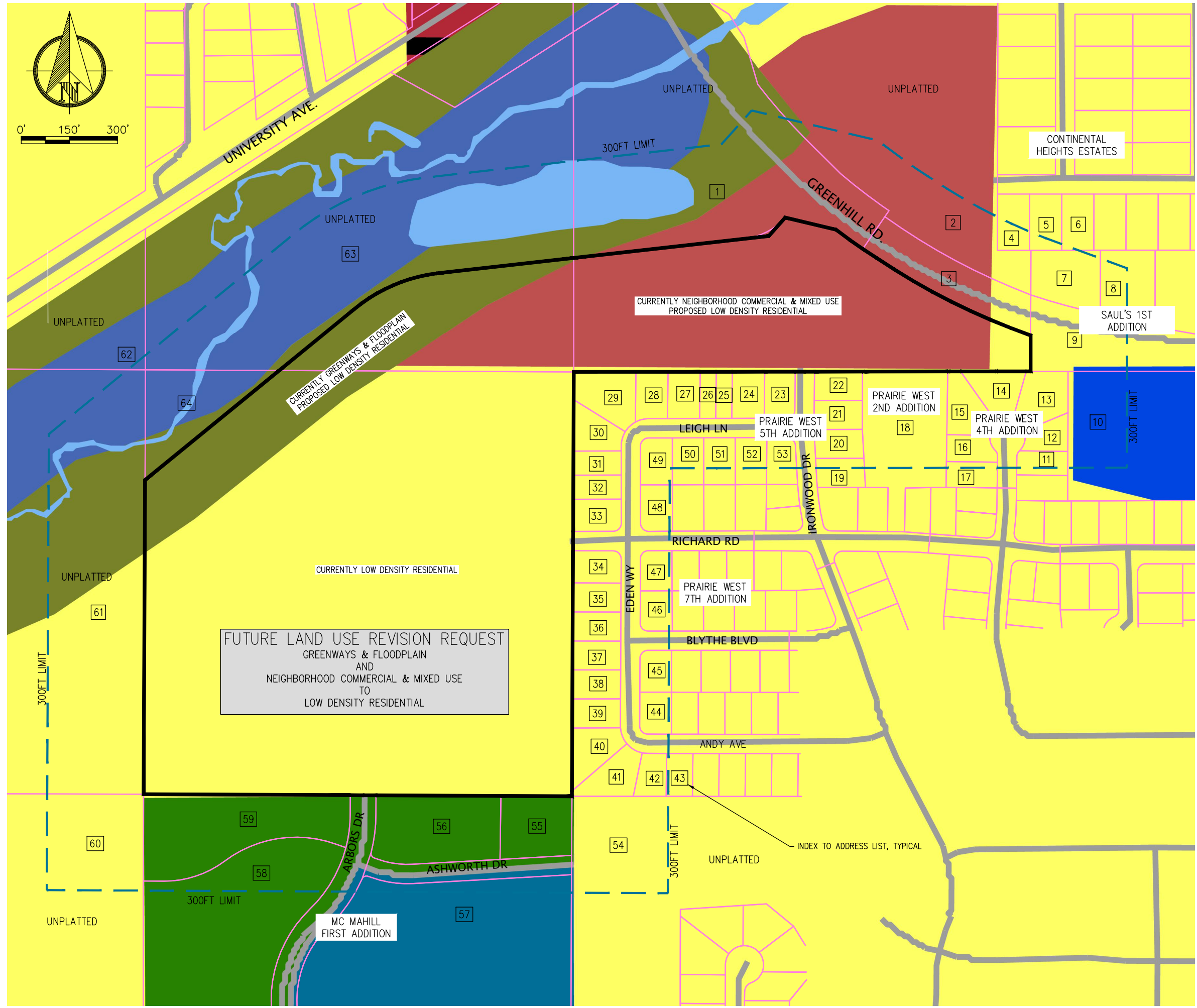
Panther West Additions – Future Land Use Map Amendment

Parcel ID: 891427226002, 891422478004 and 891423351007

Purpose of Land Use Amendment:

The purpose of the future land use map amendment is to enhance the property's use in conjunction with the proposed rezoning, which is currently being applied for. The justification for this amendment is that the entire property's future land use would be synonymous with the surrounding low density residential. The majority of the property's future use is already planned for low density residential, therefore, this would be a subtle change with respect to this property and the adjacent properties.

It is very difficult to project best use more than 5 years in advance, so it made sense at the time to follow the land use map and MU zoning. As we currently look at market needs and the MU area we feel single family lots is more urgent and more appealing to traffic conditions, current neighbors, and again as mentioned synonymous with the Prairie West/Winds and other neighbors. RP is also in line with most new plats for single family subdivisions and very affective in creating multiple price points for housing needs.



FUTURE LAND USE REVISION REQUEST
 GREENWAYS & FLOODPLAIN
 AND
 NEIGHBORHOOD COMMERCIAL & MIXED USE
 TO
 LOW DENSITY RESIDENTIAL

CURRENTLY NEIGHBORHOOD COMMERCIAL & MIXED USE
 PROPOSED LOW DENSITY RESIDENTIAL

CURRENTLY GREENWAYS & FLOODPLAIN
 PROPOSED LOW DENSITY RESIDENTIAL

CURRENTLY LOW DENSITY RESIDENTIAL

INDEX TO ADDRESS LIST, TYPICAL

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Planned Development
- Office & Business Park
- Nbhod Comm & Mixed Use
- Community Commercial
- Commercial Corridor
- Regional Commercial
- Downtown
- Industrial
- Schools
- University
- Civic
- Parks & Rec
- Greenways & Floodplain
- Public & Utilities
- Proposed Stormwater

FUTURE LAND USE EXHIBIT

PANTHER WEST ADDITIONS

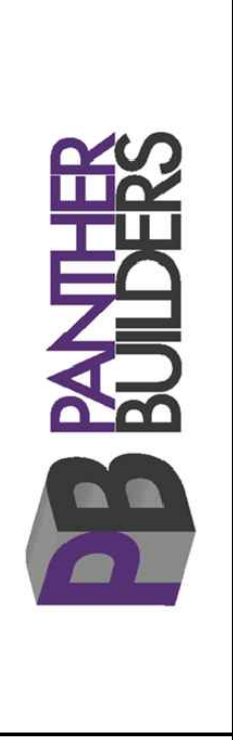
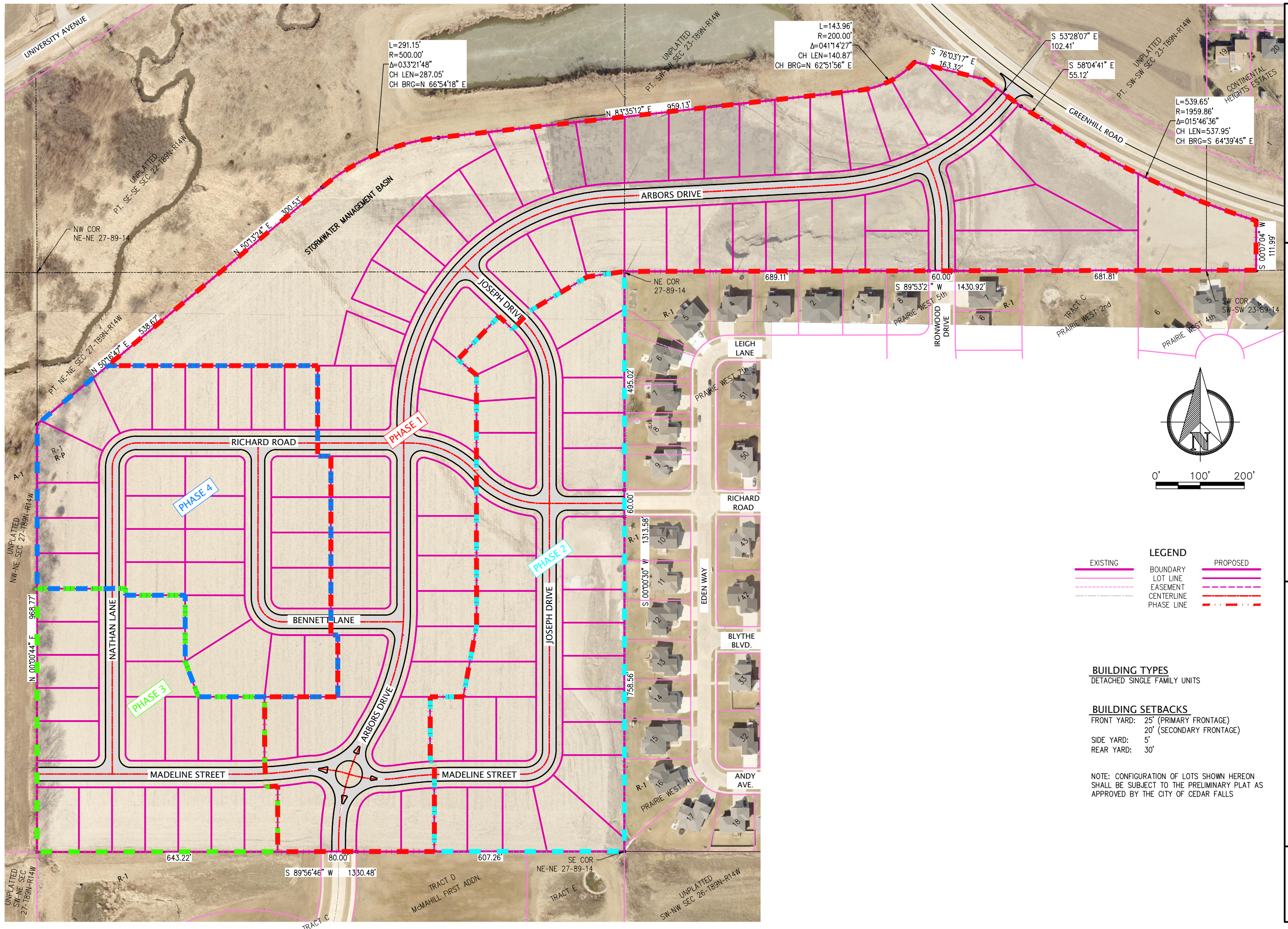
PN: 088
 PANTHER BUILDERS

Panther West Additions – Rezoning

Parcel ID: 891427226002, 891422478004 and 891423351007

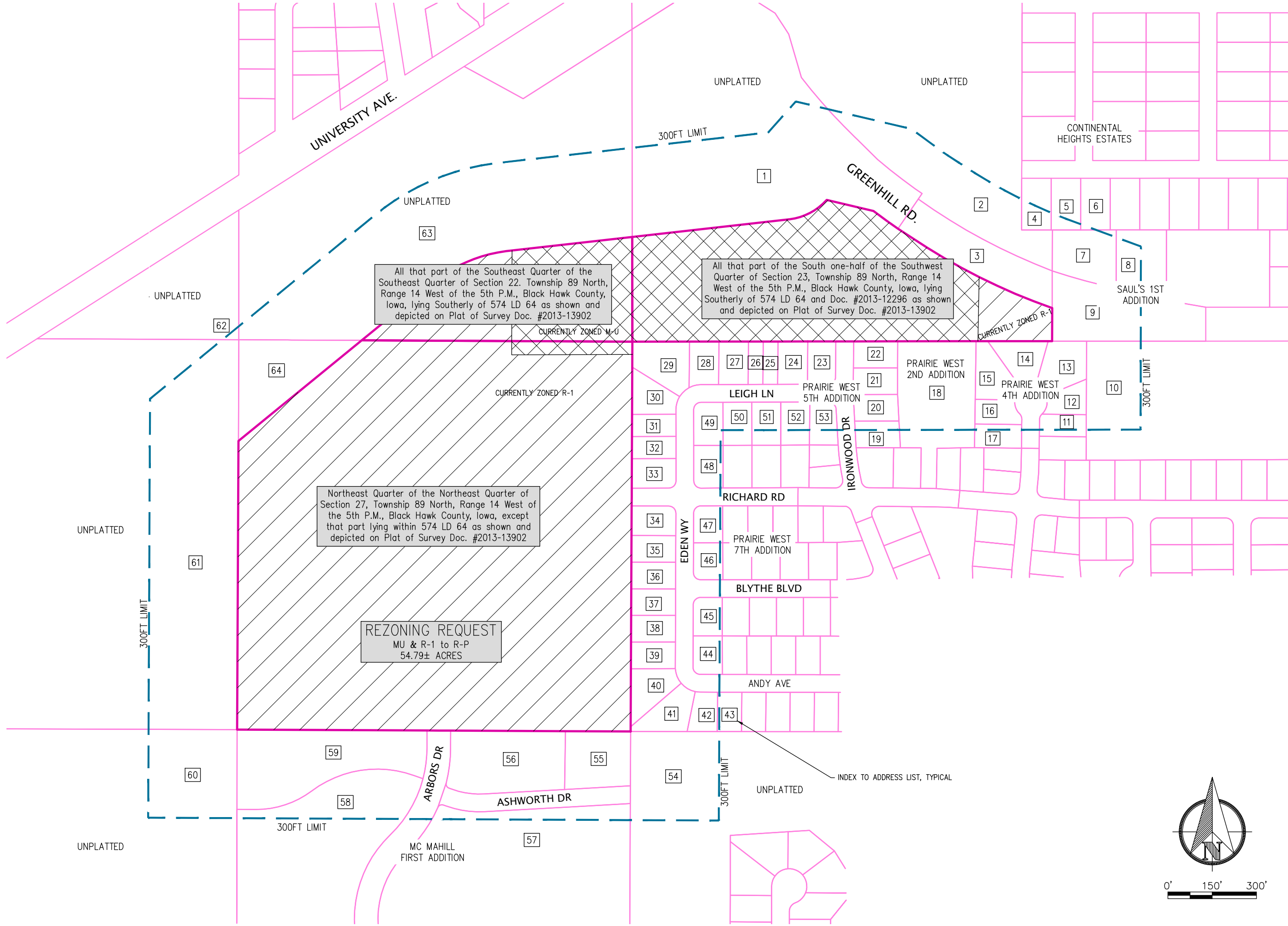
Purpose of proposed rezoning:

The purpose of the proposed rezoning is to allow these parcels to be developed exclusively as planned single family residential. It is our goal to meet market needs and the shortage of single family lots and also have consistent homes to that of the Prairie Winds/West area. The parcels are currently zoned R-1 and MU with the intent of this rezoning to change their zoning to RP. The development will generally follow the lot widths typical of R-1 zoning to maintain harmony with the adjacent residential developments but allows more flexibility with lot widths than R-1 while still being consistent with housing types. The MU portion of the rezoning will have reduced density with this proposed change to RP. The purpose for choosing RP zoning is to achieve 5' side yard setbacks rather than the 10% side yards typical of other R zoning standards which are more consistent with today's new developments in town.



DEVELOPMENT R-P MASTER PLAN
 PANTHER WEST ADDITIONS
 PANTHER FARMS, LLC
 PN: PROJECT #

Item 3.



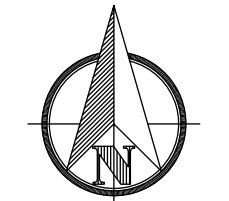
All that part of the Southeast Quarter of the Southeast Quarter of Section 22, Township 89 North, Range 14 West of the 5th P.M., Black Hawk County, Iowa, lying Southerly of 574 LD 64 as shown and depicted on Plat of Survey Doc. #2013-13902

All that part of the South one-half of the Southwest Quarter of Section 23, Township 89 North, Range 14 West of the 5th P.M., Black Hawk County, Iowa, lying Southerly of 574 LD 64 and Doc. #2013-12296 as shown and depicted on Plat of Survey Doc. #2013-13902

Northeast Quarter of the Northeast Quarter of Section 27, Township 89 North, Range 14 West of the 5th P.M., Black Hawk County, Iowa, except that part lying within 574 LD 64 as shown and depicted on Plat of Survey Doc. #2013-13902

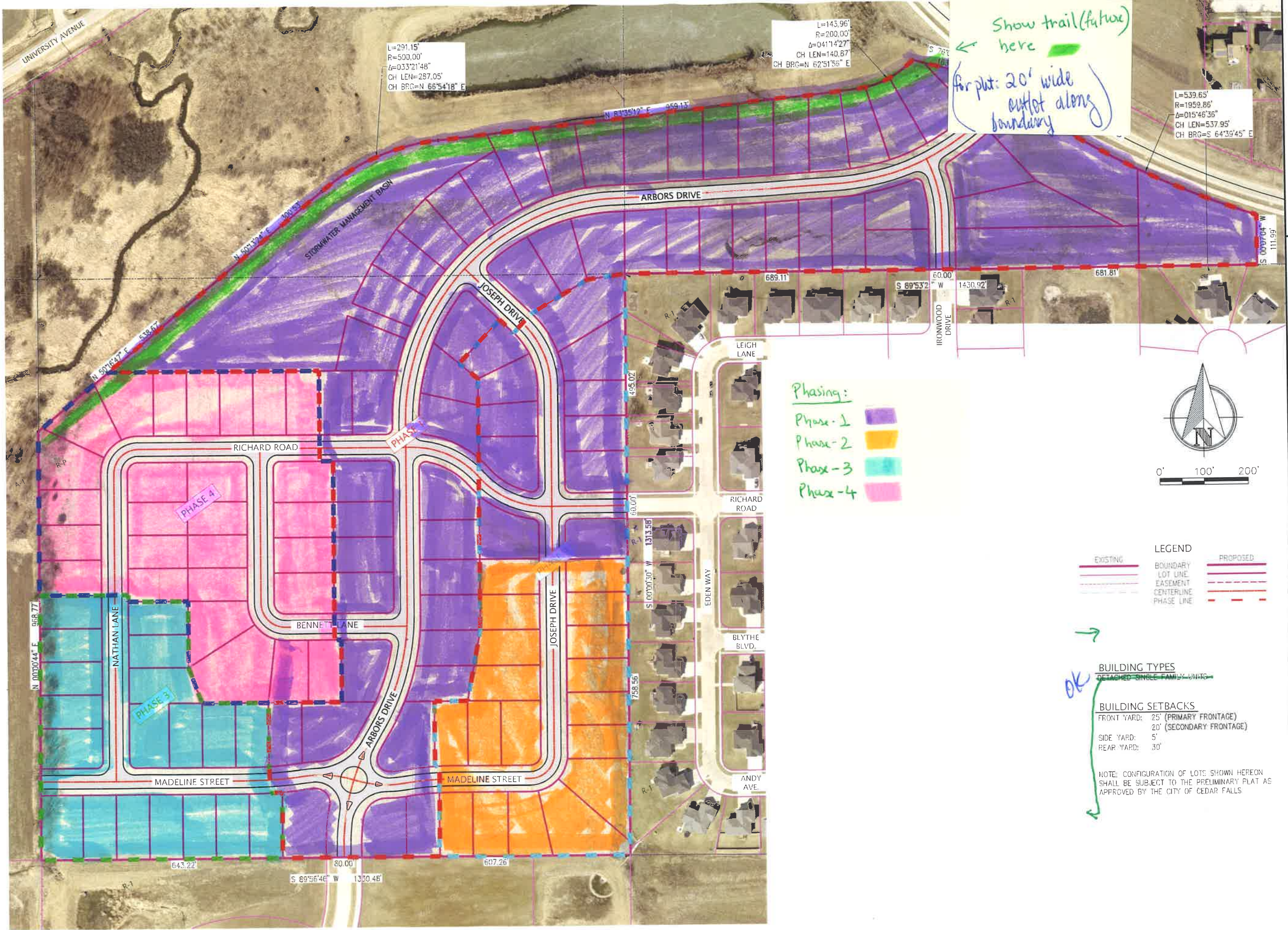
REZONING REQUEST
MU & R-1 to R-P
54.79± ACRES

INDEX TO ADDRESS LIST, TYPICAL



REZONING PLAT EXHIBIT
PANTHER WEST

PANTHER WEST
PN: 088
PANTHER BUILDERS
616 CLAY ST.
CEDAR FALLS, IA 50613



Show trail (future) here
 for plat: 20' wide outlot along boundary

Phasing:
 Phase-1
 Phase-2
 Phase-3
 Phase-4

OK →

BUILDING TYPES
 DETACHED SINGLE-FAMILY UNITS

BUILDING SETBACKS
 FRONT YARD: 25' (PRIMARY FRONTAGE)
 20' (SECONDARY FRONTAGE)
 SIDE YARD: 5'
 REAR YARD: 30'

NOTE: CONFIGURATION OF LOTS SHOWN HEREON SHALL BE SUBJECT TO THE PRELIMINARY PLAT AS APPROVED BY THE CITY OF CEDAR FALLS



DEVELOPMENT R-P MASTER PLAN

PANTHER WEST ADDITIONS

PANTHER FARMS, LLC
 PN PROJECT #

1 of 1

10/24/2023



DEPARTMENT OF FINANCE AND BUSINESS OPERATIONS

CITY OF CEDAR FALLS, IOWA
220 CLAY STREET
CEDAR FALLS, IOWA 50613
PHONE 319-273-8600
FAX 319-268-5126

MEMORANDUM
Legal Services Division

TO: Planning and Zoning Commission
FROM: Kevin Rogers, City Attorney
DATE: November 2, 2023
SUBJECT: Fact Finding Requirement

I was asked to provide guidance with respect to any requirement on the part of the Planning & Zoning Commission to issue formal fact findings in connection with its actions.

The authority granted to local planning and zoning commissions in the Iowa Code can be boiled down to:

- 1. recommend to the city council adoption of a comprehensive plan or amendments thereto; and
- 2. recommend to the city council the boundaries of zoning districts and appropriate regulations and restrictions to be enforced therein, along with amendments thereto.

Note that this authority is to recommend and not to adjudicate or make the final decision on an issue.

The Code of Ordinances expands this authority somewhat. In addition to the authority to make recommendations related to the comprehensive plan (more on that below) the Commission is also charged with making recommendations on subdivision plats, and also public street or land vacation. Finally, the Code of Ordinances empowers the Commission to make recommendations with respect to plans for a street, park, parkway, boulevard, trafficway, riverfront or other public improvement affecting the comprehensive plan. Sec. 18-23.

Note that just like the Iowa Code, the Code of Ordinances grants authority to the Commission to recommend, and not to adjudicate or make a final decision.

The Iowa Supreme Court’s legal requirement for fact findings is that agencies must make findings of fact on issues presented in any adjudicative proceeding. The reason for this requirement is essentially to enable a reviewing court to determine with reasonable certainty the factual basis and legal principles upon which the agency acted. However, this Court imposed legal requirement does not apply to the Planning and Zoning Commission because it isn’t an adjudicatory body. Instead, it is a recommending body. With no adjudicative proceeding before it the Commission does not adjudicate. Therefore, under Iowa law, the Planning and Zoning Commission is not required to issue formal findings of fact in connection with its actions.

However, the Code of Ordinances does in some respects require the Commission to issue what might be considered fact findings. If surveys, studies, maps, plans or charts of the City bears relation to the comprehensive plan, that information and the Commission’s “studies” must be submitted to the Council along with the Commission’s recommendations. Sec. 18-23(1). The Commission is also charged with submitting a “report” to Council in connection with any comprehensive plan amendments. Sec. 18-23(2). A “report” is required as well when the Commission makes recommendations related to zoning boundaries and zoning regulations. Sec. 26-4(a). Thus, while the court imposed legal requirement for fact finding does not apply to the Commission, the Code of Ordinances does impose in some cases the requirement to issue reports that may include data, which is akin to fact finding.

In addition, merely because the courts do not require the Commission to issue formal findings of fact, does not also mean that courts prohibit it. Thus, if the Commission found it helpful as part of its recommendations to provide data and other facts to Council, there is nothing preventing it from doing so.

I'm happy to discuss further at your convenience.