AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, SEPTEMBER 08, 2021
5:30 PM AT CITY HALL OR VIA VIDEO CONFERENCE

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

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

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

Call to Order and Roll Call

Approval of Minutes

1. Planning and Zoning Commission Regular Meeting Minutes of August 25, 2021

Public Comments

Old Business

2. **Land Use Map Amendment (LU21-001) from Medium Density Residential to Community Commercial; and Rezoning (RZ20-009) from A-1: Agricultural District, C-2: Commercial District, and S-1: Shopping Center District to PC-2: Planned Commercial District**
Location: South side of W 1st Street
Applicant: ME Associates, LLC, Owner; VJ Engineering, Engineer
Previous discussion: June 23, July 28, and August 25, 2021
Recommendation: *Approval, subject to certain conditions*
P&Z Action: *Hold public hearing and make a recommendation*

3. **Rezoning from R-4 Multiple Residence District to C-2 Commercial District (RZ21-006)**
Location: 0.33 acres of property located at 515 W. 2nd Street and 523 W. 2nd Street
Owner: C and H Holdings, LLC; Applicant: Parco Ltd. and Jim Benda
Previous discussion: August 11 and August 25, 2021
Recommendation: *Denial*
P&Z Action: *Hold public hearing and make a recommendation*

4. **Land Use Map Amendment and Rezoning from C-1 Commercial District to R-P Planned Residence District (LU21-001 and RZ21-005)**
Location: Northwest corner of intersection of Cedar Heights Drive and Valley High Drive
Owner: Heartland Development of Cedar Valley, Inc. Architect: Dan Levi, Levi Architecture
Previous discussion: August 25, 2021

Recommendation: *Approval*
P&Z Action: *Hold public hearing and make a recommendation*

New Business

5. **CBD Overlay Design Review (DR21-008) – 215 Main Street**
Location: 215 Main Street
Owner: Bill Bradford, MMC Properties Applicant: Jen Barkhurst, An Elegant Affair, and Melissa Barber, Signs & Designs
Previous discussion: None
Recommendation: *Approval*
P&Z Action: *Discuss and make a recommendation*

6. **Minor Plat (MP21-004) – Lots 18, 19, and 20 of Sands Addition (Boe Minor Plat)**
Location: 4224, 4232, and 4302 James Drive
Owner: Thomas and Joedy Boe   Engineer: VJ Engineering
Previous discussion: None
Recommendation: *Approval*
P&Z Action: *Discuss and consider making a recommendation to City Council*

7. **Rezoning from R-1 Residence District and C-2 Commercial District to C-2 Commercial District (RZ21-007)**
Location: 5424 University Avenue
Owner: KMTR Properties LLC   Applicant: Chris Cummings, Turnkey Associates
Previous discussion: None
Recommendation: *Introduction and set public hearing*
P&Z Action: *Discuss and set public hearing*

Commission Updates

Adjournment

Reminders:

* September 22 and October 13, 2021- Planning & Zoning Commission Meetings
* September 20 and October 4, 2021 - City Council Meetings

Cedar Falls Planning and Zoning Commission
Regular Meeting
August 25, 2021
In person and via videoconference
Cedar Falls, Iowa

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on August 25, 2021 at 5:30 p.m. at City Hall and via videoconference due to precautions necessary to prevent the spread of the COVID-19 virus. The following Commission members were present: Holst, Larson, Leeper, Lynch, Prideaux, and Sears. Hartley, Saul and Schrad were absent. Karen Howard, Community Services Manager, Michelle Pezley, Planner III, Jaydevsinh Atodaria, Planner I and Chris Sevy, Planner I, were also present.

1.) Chair Leeper noted the Minutes from the August 11, 2021 regular meeting are presented. Ms. Lynch made a motion to approve the Minutes as presented. Ms. Sears seconded the motion. The motion was approved unanimously with 6 ayes (Holst, Larson, Leeper, Lynch, Prideaux and Sears), and 0 nays.

2.) The first item of business was a Land Use Map Amendment from Medium Density Residential to Community Commercial; and Rezoning from A-1: Agricultural District, C-2: Commercial District, and S-1: Shopping Center District to PC-2: Planned Commercial District. Chair Leeper introduced the item and Ms. Howard provided background information. She explained that the applicant has provided updated documents to staff that appear to be in order. Staff will continue to study them and recommend setting a public hearing for the September 8, 2021 Planning and Zoning meeting.

Ms. Lynch made a motion to approve setting the public hearing. Mr. Larson seconded the motion. The motion was approved unanimously with 6 ayes (Holst, Larson, Leeper, Lynch, Prideaux and Sears), and 0 nays.

3.) The next item for consideration by the Commission was a rezoning request for property at 515 W. 2nd and 523 W. 2nd Street. Chair Leeper introduced the item noting that there is a request to open the public meeting and continue to the next meeting. Ms. Pezley explained that the site is located at the northeast corner of 2nd and Iowa Streets and stated that the applicant proposes to combine the lot at 106 1st Street with a carwash and the two smaller lots and redevelop the site into a fast food restaurant with a drive through. She explained that the current focus of criteria is whether the rezoning request is consistent with the Future Land Use Map and the Comprehensive Plan. The *Imagine Downtown*! Vision Plan was adopted by the City in 2019 and that is the plan for the application. The vision plan divides the downtown into character areas for future land use designations. The Overman Park neighborhood is a stable residential area with a few small offices in close proximity to the Main Street parkade. The intent of the area is to protect the residential character and allow limited residential infill. The character districts were drawn after an intensive public comment period and public workshops that included community members, staff, Community Main Street, CFU, etc. Staff finds that the request for rezoning request is inconsistent with the recently adopted *Imagine Downtown!* Vision Plan.

Jim Benda, 1816 Valley High Drive, stated that they asked for a continuance because they weren't able to address some of the concerns from the last meeting. There are drawings that are in the process of being updated and they thought it would be best to wait until all documents are complete. He also noted that he feels that the way the plan is set up does not allow the appropriate amount of room for parking, and believes the parcels should be larger.

Heather Miller, 622 W. 2nd Street, stated that her house is diagonally opposite from McDonalds and that she feels that having a second fast food restaurant would double the trash, noise, traffic, etc. The house was built in the 1870's and owned by her family for 80 years and she would like to see the area be residential.

Sally and Ben Timmer, 203 Tremont Street, stated that she agrees with the staff recommendations to deny the project and noted her concerns with the trash, noise, and traffic as well. She pointed out that the new Community Bank and Trust was able to meet the plan. She said that McDonalds is a non-conforming use and doesn't mean that it should be used as an example. Mr. Timmer stated the neighborhood is residential and is an attractive place to live because it is close to many trails and other amenities. He feels that there will be a mass exodus for residents if this is allowed.

Mary Jane McCallum, 807 W. 2nd Street, pointed out that none of the people who are proposing this project live anywhere in the area. She also noted the same concerns with trash, traffic and noise. She pointed out that she has seen that police have been called to the McDonalds to break up fights that were happening on the property. She also sees semi-trucks parked on 2nd and Iowa Streets. She asked the Commission if they would want to live by this development.

Mr. Holst made a motion to continue to the next meeting. Ms. Lynch seconded the motion. The motion was approved unanimously with 6 ayes (Holst, Larson, Leeper, Lynch, Prideaux and Sears), and 0 nays.

4.) The Commission then considered a MU District site plan for Bluebell Health Plaza OBGYN addition. Chair Leeper recused himself from the item and Acting Chair Larson introduced the item. Mr. Atodaria explained that the applicant would like to add 5,400 square feet of space to the existing building of Bluebell Health Clinic to provide OBGYN services. The project scope also includes expanding the parking area and making landscaping improvements on-site as per zoning code requirement. Mr. Atodaria mentioned that the proposal meets the setback requirements, landscaping requirements and building design criteria for the MU Zoning District and stated that the proposed addition will have similar exterior materials as the existing building. He also added that with this proposal the applicant is including a master plan for the site highlighting future property divisions and public improvements. The improvements will include sidewalk and trail connections that will be added with the development of the southern area of the property to comply with zoning standards and Pinnacle Prairie Master Plan guidelines. Staff recommends approval of the submitted MU district site plan for the Bluebell Health Clinic with stipulations to any comments or direction from the Planning and Zoning Commission and conformance with all city staff recommendations and technical requirements.

Mr. Larson stated that this looks pretty straightforward. Mr. Holst added that the project meets all the criteria and fits in well. Mr. Holst made a motion to approve the item. Ms. Prideaux seconded the motion. The motion was approved unanimously with 5 ayes (Holst, Larson, Lynch, Prideaux, and Sears), 1 abstain (Leeper) and 0 nays.

5.) The next item of business was a land use map amendment and rezoning request for the northwest corner of the intersection of Cedar Heights Drive and Valley High Drive. Chair Leeper introduced the item and Mr. Larson recused himself, as he is the developer for the project. Mr. Sevy provided background information, explaining that the applicant would like to rezone 6.38 acres from C-1, Commercial to RP, Planned Residence. It is proposed to build six 12-plex units, and the request involves an amendment to approximately 12.5 acres of the Future Land Use Map. The item is currently for discussion and setting a public hearing.

Mr. Sevy provided a rendering of the current Future Land Use Map and noted that interest and demand for Office/Business Park uses have been limited in the location and that the rezoning would help with housing needs. Staff recommends gathering comments from the Commission and public relating to the request, and scheduling a public hearing for September 8, 2021.

John Lane, 3909 Legacy Lane #1, shared personal concerns, including a letter from Trent Law Firm. He noted concerns with who the developer is going to be. Kyle Larson met with Mr. Lane as the builder and Mr. Lane asks that specific details regarding a drainage issue that is alleged to be fixed. He also noted concerns with the potential phasing, as well as the height of the building being three stories instead of two.

Steve Umthum, 4102 Legacy Lane #4, thanked the Commission for their work and mentioned concerns from the letter that was submitted before the meeting from Trent Law Firm. As the Commission has not had time to read the letter, he spoke to his questions and comments but noted that he is aware that this may be better for discussion at a future meeting. He mentioned proper stormwater detention and flooding mitigation and provided his concerns and suggestions. Development design and traffic, as well as buffering and privacy, were also discussed in the letter and Mr. Umthum outlined his concerns.

Dan Levi, Levi Architecture, 1009 Technology Parkway, spoke to the project and explained who the developers and owners are and answered questions that had been asked.

Ms. Howard clarified that the discussion is still just referring to the land use map amendment and noted that Mr. Sevy has more information to present about the rezoning.

Mr. Sevy spoke about the primary criteria for rezoning and explained how the applicant proposes to meet the criteria, and discussed the conditions for the rezoning. Staff recommends gathering comments from the Commission and the public relating to the request, and scheduling a public hearing for September 8, 2021.

Mr. Holst asked how comfortable staff is with changing from commercial to residential and if there has been negative response from neighbors. Mr. Sevy explained that it appears to be a positive reaction as the rezoning is from a less restrictive zone to a more restrictive zone.

Ms. Lynch made a motion to set a public hearing for the next meeting. Ms. Sears seconded the motion. The motion was approved unanimously with 5 ayes (Holst, Leeper, Lynch, Prideaux and Sears), 1 abstention (Larson) and 0 nays.

6.) As there were no further comments, Ms. Lynch made a motion to adjourn. Mr. Holst seconded the motion. The motion was approved unanimously with 6 ayes (Holst, Larson, Leeper, Lynch, Prideaux and Sears), and 0 nays.

The meeting adjourned at 6:35 p.m.

Respectfully submitted,

Karen Howard
Community Services Manager

Joanne Goodrich
Joanne Goodrich
Administrative Assistant

DEPARTMENT OF COMMUNITY DEVELOPMENT

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MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission

FROM: Thom Weintraut, AICP, Planner III

DATE: August 31, 2021

SUBJECT: Land Use Map Amendment (LU20-04)
Rezoning Thunder Ridge, West 1st Street and Eagle Ridge Road (RZ20-009)

REQUEST: Amend Future Land Use Map to reflect Community Commercial
Rezone property from A-1: Agricultural District, C-2: Commercial District, and S-1: Shopping Center District to PC-2: Planned Commercial District

PETITIONER: ME Associates, LLC, Owner; VJ Engineering, Engineer

LOCATION: South side of W 1st Street, beginning approximately 300 west of Lake Ridge Drive extending east to Eagle Ridge Road and south to the Thunder Ridge Apartments and Thunder Ridge Senior Apartments.

NOTE: The following staff report has been updated since the previous discussion at the July 28, 2021 Planning and Zoning Commission.

PROPOSAL

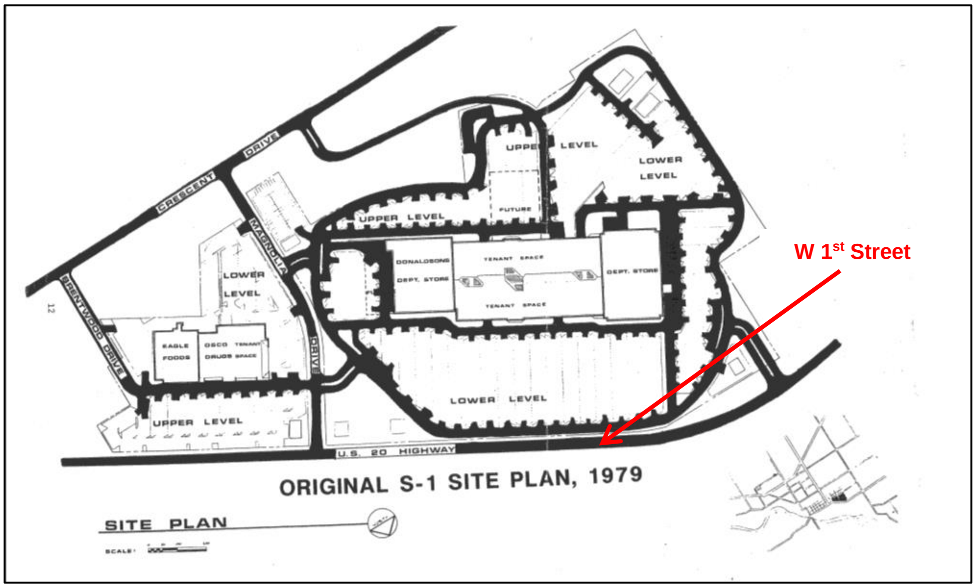
The owner wishes to rezone 27.33 acres of existing undeveloped property from the A-1: Agricultural District, C-2: Commercial District, and S-1: Shopping Center District to the PC-2, Planned Commercial District. The rezoning would allow for multi-use development consisting of retail and financial services, medical/dental/professional offices, a convenience store/gas station, medical supplies/drugstore, memory care facility, and restaurant uses.

The purpose and intent of the PC-2 district is to promote and facilitate imaginative and comprehensively planned commercial developments which are harmoniously designed to complement the surrounding community. It is further the purpose of these regulations to encourage high standards of building architecture and site planning which will foster commercial development that maximizes pedestrian convenience, comfort and pleasure.

A Planned Community Commercial District is a predominantly commercial project containing retail and general service facilities on larger tracts of land that is designed and improved in accordance with a comprehensive project plan and developmental procedures agreement. Said district can be established within any existing commercial zoning district or in undeveloped areas of the city that are indicated on the city land use plan as appropriate for community commercial uses.

BACKGROUND

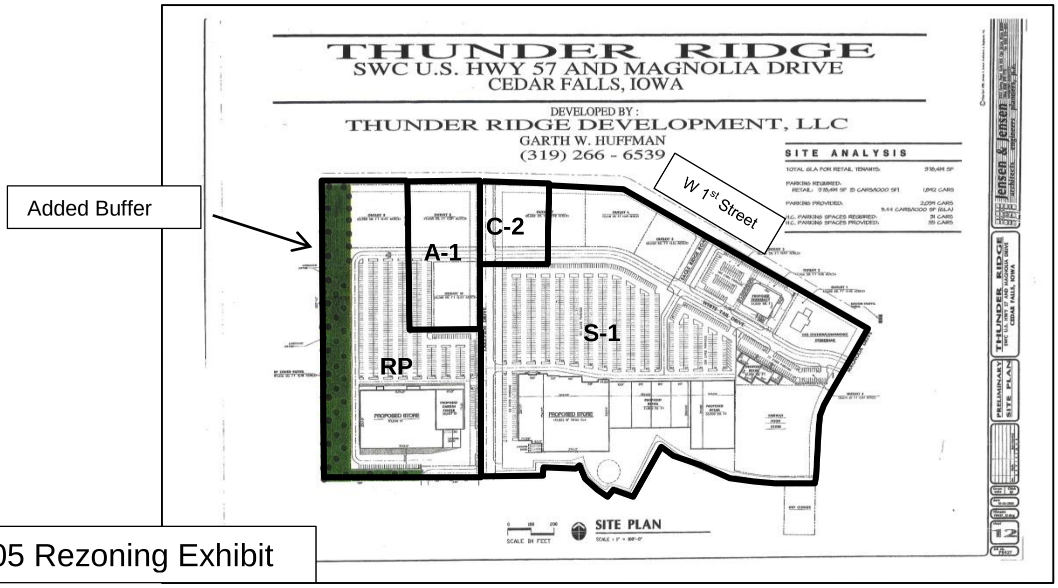
The area, currently zoned S-1 Shopping Center District, was established in 1979 as part of the development of the Thunder Ridge Mall, now Thunder Ridge Court. It involved the rezoning of approximately 35 acres along W 1st Street (see 1979 site plan below). There were several conceptual plans brought forward between 1996 and 1998, but none were ever adopted. The area west of Magnolia Drive began developing in 1996 with the Fareway store, a convenience store/gas station and bank at the northwest corner of Whitetail and Magnolia Drives in 1998, and continued with the building at 122 N Magnolia in 1998, a strip mall on the southwest corner of Whitetail and Magnolia Drives in 2005, and the Walgreens at the intersection of Eagle Ridge Road and Whitetail Drive. These projects were approved on a site by site basis without updates to the original 1979 plan.



The C-2, Commercial District zoned property located southeast of the W 1st Street and Lake Ridge Drive intersection was the location of the former Fluidyne Corporation prior to its purchase by Thunder Ridge Development, LLC.

The final property in the zoning request is a parcel that has been zoned A-1, Agriculture since adoption of the Zoning Ordinance in 1970.

In September 2005, there was a request to rezone the C-2 parcel, the A-1 parcel, and the approximate15-acre RP, Planned Residence District zoned property located directly to the west to S-1, Shopping Center District. There was strong neighborhood opposition to the request and, as a result, it was denied by the Planning and Zoning Commission and subsequently withdrawn by the owners. In December 2005, the owners resubmitted the rezoning request along with a revised development plan, which showed an increased landscape buffer along the boundary between the Winding Ridges Estates Subdivision and the proposed S-1 area (the area currently zoned RP). The Planning and Zoning Commission again recommended denial of the request to rezone the property and the request was again withdrawn by the petitioner (see next page).



2005 Rezoning Exhibit

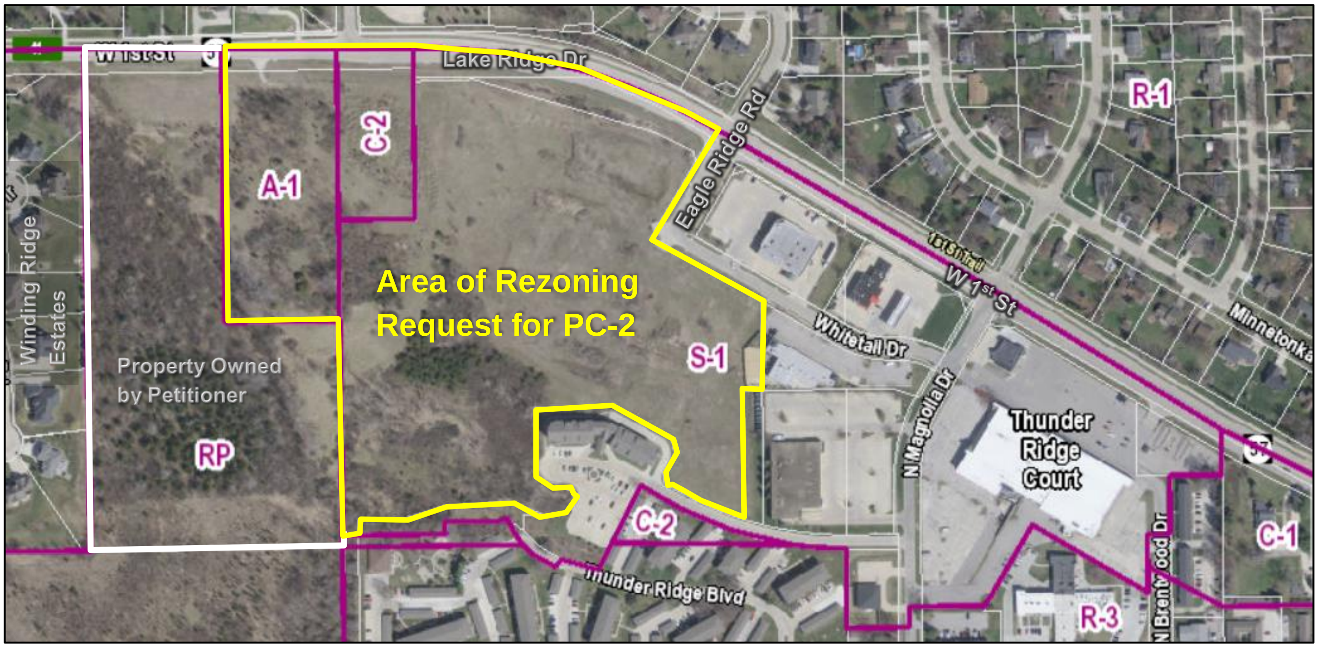
The current owner, ME Associates, LLC acquired sole interest of Thunder Ridge in 2018 and in order to facilitate development would like to rezone the property to PC-2, Planned Commercial District, to allow uses, such as smaller retail and service uses, office, restaurant, financial institutions, convenience store, and medical support. There are no confirmed development proposals for any of the proposed lots. The property is surrounded on the north, west, and south by residential uses and commercial uses to the east.

ANALYSIS

Existing and Proposed Zoning

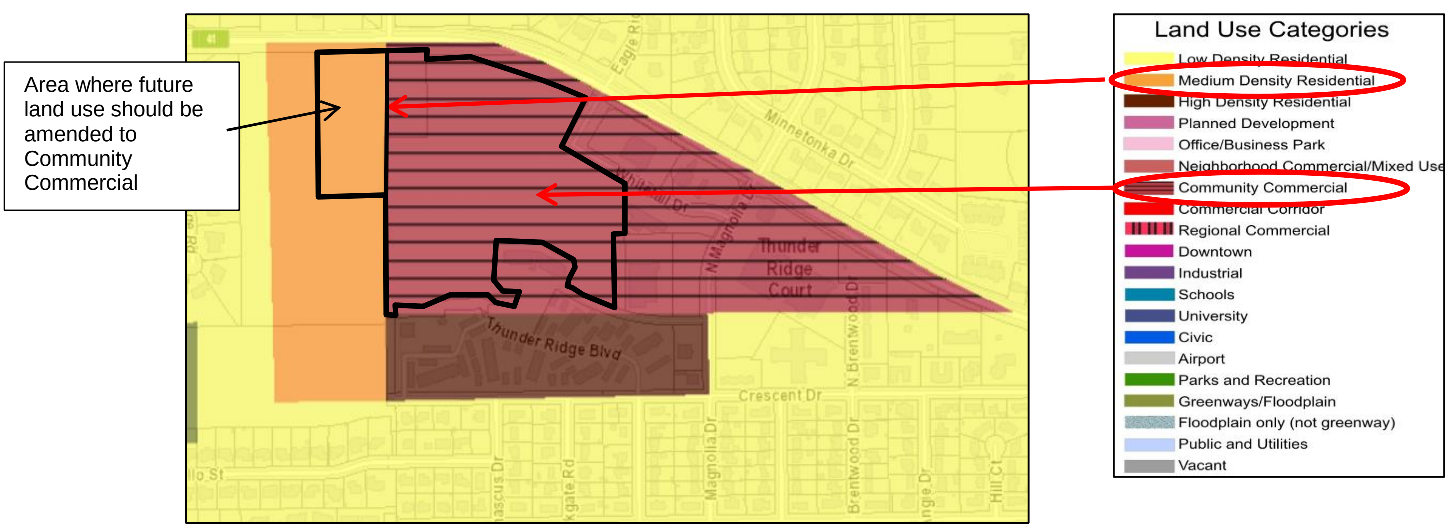
The majority of the property is currently zoned S-1: Shopping Center District. The intent and purpose of the S-1 district is to provide for the development of planned retail and service areas under single ownership, management or control characterized by a concentrated grouping of stores and compatible uses, with various facilities designed to be used in common, such as ingress and egress roads and extensive parking accommodations. The purpose of the C-2 district is to provide uses catering to “neighborhood business” and “regional commercial” uses. The purpose of A-1 Agricultural District is to act as a "holding zone" in areas of the city that are undeveloped and not served by essential municipal services (i.e., sanitary sewer, water, roadways) but where future growth and development is anticipated according to the Comprehensive Plan.

The purpose and intent of the PC-2 district is to promote and facilitate imaginative and comprehensively planned commercial developments which are harmoniously designed to complement the surrounding community. It is further the purpose of these regulations to encourage high standards of building architecture and site planning which will foster commercial development that maximizes pedestrian convenience, comfort and pleasure. The proposed PC-2, Planned Commercial District, is an appropriate zoning classification in this area. The PC-2 is intended for various commercial, professional office and limited multi-family uses. The intent in this case is to focus on commercial and office use, with limited focus on residential use with the proposed memory care facility. According to the zoning code consideration for the PC-2 district, the submittal must include a detailed conceptual site development plan that includes building locations, streets, drives, accessways, parking lots, open space areas, landscaping, pedestrian accommodations, building design standards, signage standards, storm water detention areas and a list of proposed uses. A developmental procedures agreement will outline some of the elements described above along with the timing and phasing of the project. These documents described above provide a good foundation for the development of this property.



Compliance with the Comprehensive plan and Future Land Use Map

The Future Land Use Map identifies the area zoned S-1 and C-2 as Community Commercial, and the A-1 zoned property as Medium Density Residential. The applicant owns the undeveloped RP zoned parcel to the west, which has an approved site plan for 216 multi-family units. The Future Land Use Map designates this area as Medium Density Residential. The approved RP plan will provide a buffer between the commercial uses proposed with the PC-2 district and the residential properties in the Winding Ridge Estates subdivision to the west. The staff recommends amending the map to reflect the "Community Commercial" designation for the A-1 zoned parcel, which the applicant has included in their request for rezoning to PC-2.



Future Land Use Map

As part of the PC-2 zoning submittal requirements, the owner of a tract is required to submit a comprehensive development site plan along with other information to the Planning and Zoning Commission and City Council for review and to determine if the proposed development conforms to the standards of the comprehensive plan, recognized principles of civic design, land use planning, landscape architecture, and building architectural design. Below is the complete list of submittal documents:

(1) Building locations.
(2) Streets, drives, accessways.
(3) Parking lots.
(4) Landscape plans, open space area.
(5) Pedestrian traffic plan, including sidewalks, bicycle paths.
(6) Architectural renderings of all sides of each building, including accessory structures.
(7) Signage plan.
(8) List of expected uses within the development.
(9) Stormwater detention and erosion plans.
(10) Topographic features of the site including lands and soils capability analysis.
(11) Natural drainageways, floodplain areas.
(12) Municipal utility locations.
(13) Residential densities.

The applicant has no definitive time line for the build out of the Thunder Ridge site and portions of the master planned area may be sold to other developers who will prepare detailed site plans for their portion of the development. Therefore, in practice, our expectation is that the master plan would address each of these elements generally with the specific requirements met during subdivision review and site plan review for specific building sites once development is imminent.

There does, however, need to be a level of detail necessary to evaluate the rezoning request and to establish how the area will function as a cohesive and well-planned commercial area at full build-out, including the street network, plan for the extension of utilities, sanitary sewer and stormwater management, a pedestrian traffic network, and open space amenities. Each of these aspects of the proposed updated master plan is discussed in more detail below.

<u>Outstanding Issues from July 26, 2021 Meeting</u>

As noted at the July 26, 2021 Planning and Zoning Commission meeting the staff had provided a list of items that had not been fully addressed. The first concern was with inconsistencies between the Thunder Ridge Development Guidelines and the various documents submitted. These inconsistencies included showing building and parking lot layouts which did not include pedestrian connections from the right-of-way or the building located close to the right-of-way. To address this issue, the applicant amended the Development Guideline to include the statement:

> *"Buildings should be placed at front setbacks with parking encourage to the rear. It is the priority to encourage convenient and comfortable pedestrian access. Final building locations will be determined during the site plan approval process."*

The the Master Development Plan, Development Phasing Plan and Landscape Plan and been updated removing the building and parking lot layouts.

<u>Land Uses</u>

Staff had previously suggested the applicant remove specific uses from the lots and provide categories of use to allow flexibility with development of the lots. The applicant amended the *Thunder Ridge Master Development Plan, the Development Phasing and the Landscape Plan* as suggested showing two categories of uses: Regional Commercial and Neighborhood Commercial. The amended Master Development Site Plan is shown below and included in the packet. The amended Development Phasing and Landscape Plans are included in the in the packet as well.

The Development Guidelines were amended to include a definition of the types of uses allowed in each of the two land use categories, as follows:

1. Regional Commercial Uses
   - Medical Office/Clinic
   - Restaurants
   - Financial Services, such as Bank/Credit Union
   - Investment Advisor
   - Retail Uses
   - Office / Research
   - Corporate Campus
2. Neighborhood Commercial Uses
   - Office Uses
   - Grocery Store, drug store, hardware store, and similar neighborhood-serving uses

- Cleaner
- Small Retail uses, such as Bakery, Card Shop, Florist, etc.
- Personal Services, such as hair salon, spa, exercise facilities
- Convenience Store
- Gas Station

The amended Master Development Plan has also addressed a staff concern regarding the placement of certain uses, particularly the convenience store/gas station, adjacent to the RP zoned property to the west of the site. The applicant has shown Regional Commercial uses, which specifically excludes convenience stores/gas stations, on the lots adjacent to the RP property. In addition, the Development Guidelines have been amended to state certain uses may not be appropriate adjacent to residential uses and examples of types of uses which may not be appropriate are included.

Staff had also previously noted there were no standards to address the appearance of buildings with multiple views, particularly those which would be visible from both 1st Street and Whitetail Drive. The language of the Design Guidelines have been amended: 1) to address the appearance of buildings with multiple street facades by including the use of textures, patterns, materials or openings on all street facades and rear of buildings to create visual interest and architectural rhythm; 2) to include a restriction on outdoor storage or display areas generally oriented towards a public view; and 3) to state the final building location will be determined during the site plan approval process. The applicant has provided a set of architectural renderings showing all sides of a “typical building” for a lot with multiple public views has been included in the packet. Shown below is the east elevation.

Staff is now satisfied these inconsistencies between the plan drawings and the Development Guidelines have been addressed.

Wetlands

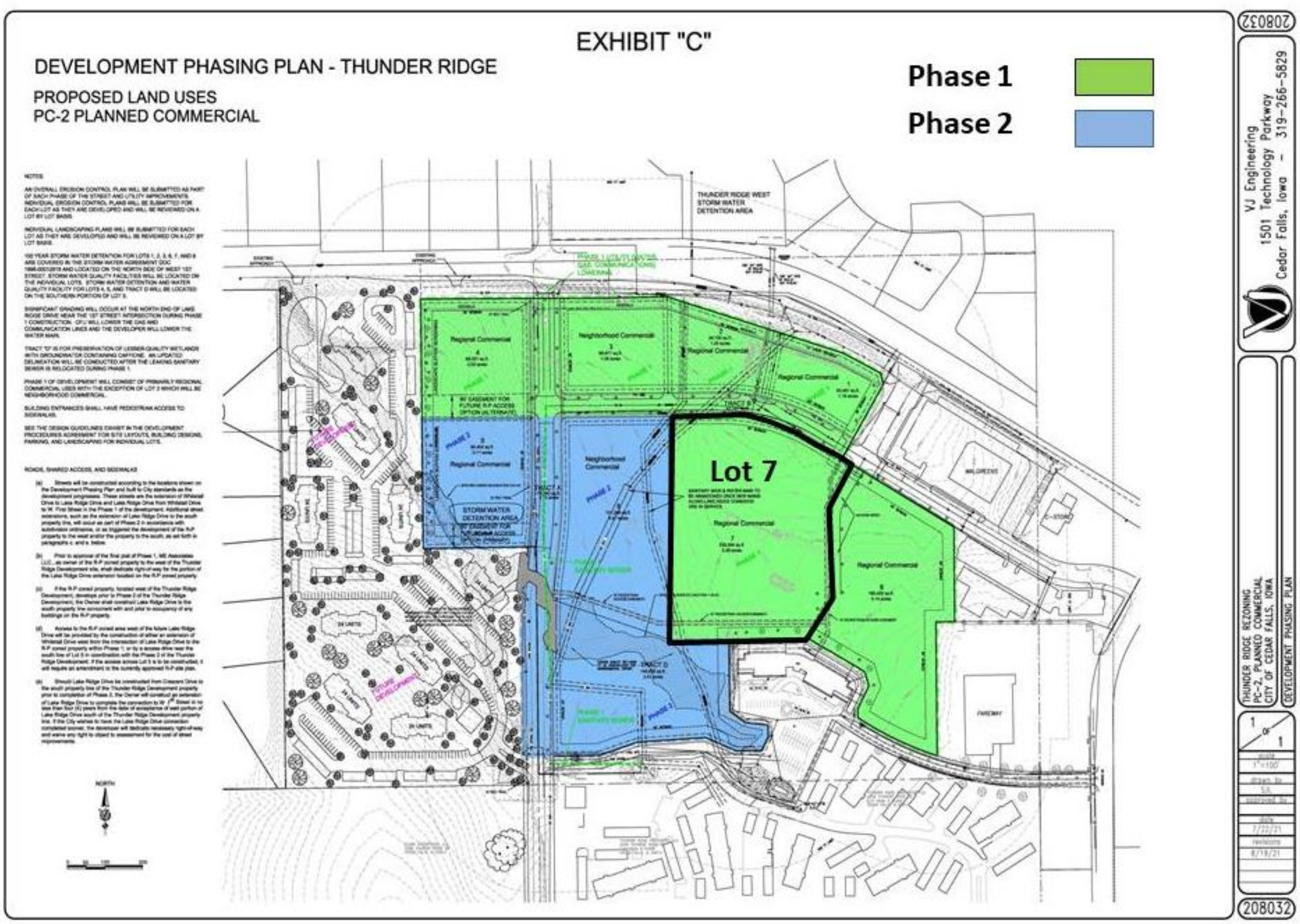
There is an area of identified wetlands on the southern portion of the development site, which will need to be remediated if disturbed. An environmental report will be required with the preliminary plat including a more recent wetland delineation. Prior to any development activity in this area, a definitive wetland mitigation plan will be required and appropriate approvals received by the U.S. Army Corp of Engineers.

<u>Development Phasing Plan</u>

The extension of Lake Ridge Drive is a critical street connection in this area. Consideration should be given to how the adjoining neighborhoods have access to the site. Currently the options for the residents of the neighborhoods to the south to access the proposed development are limited. Magnolia Drive and Highland Drive are the only north-south connection to W 1st Street between Hudson and Union Roads. The development of Thunder Ridge and Lake Ridge Drive is one of few opportunities to provide a north-south connection.

Staff acknowledges the desire of the applicant to develop the site in more than one phase, so that revenue can be generated to pay for the installation of the infrastructure. However, with so little development included in Phase 2, staff finds that there will be little incentive to extend Lake Ridge Drive to the south boundary of the development, leaving the future of this critical street connection uncertain. Staff has suggested several solutions to ensure that this critical street connection is made:

- Amending the phasing plan to allow only five (5) lots to be platted as part of Phase 1 and including lot 7, the medical/office lot, with Phase 2, creating more incentive to complete this street connection.
- Amending the phasing plan so that the extension of Lake Ridge Drive occurs in the 1st Phase.
- See other possible solution in the report summary below for payment of fees to the City for constructing the road on a per acre basis as plats are approved.



Technical Comments

1. A preliminary and final plat following the phasing plan will be required prior to any land sales within the planned area. Detailed plans for wetland mitigation approved by USAC, securing land for the extension of Lake Ridge Drive from the RP property, and IDOT approval for access to the state highway, will all be required when the property is platted and prior to any development activity on the site. Platting is helpful in determining the lots and development areas that will benefit from the streets, stormwater management, open space areas, and trails, so that that cost of constructing and maintaining these facilities can be addressed through the sale of the lots. It is not in the best interest of either the owner or the City to plat this area in a piecemeal fashion since so much of the infrastructure is shared. The platting process will help the owner determine how these benefits and costs should be shared, so they can be assured that their investment will be appropriately recaptured as lots are sold, but careful consideration should be given to the phasing of the development.

2. The development phasing plan does not meet the subdivision requirement to ensure timely connections of critical infrastructure. In this case, the extension of Lake Ridge Drive. Staff does not recommend approval until the phasing plan is amended to provide more certainty that this critical street will be extended or an alternative approach acceptable to the City is agreed upon.

3. A developmental procedures agreement will need to be drafted and signed prior to setting a public hearing at City Council for the rezoning that includes a plan for extending Lake Ridge Drive that is acceptable to the City.

4. There are significant inconsistencies between the various documents submitted by the applicant that need to be addressed, e.g. the design guidelines do not match the master site plan, the building and parking placement and lack of pedestrian connections are not consistent with the design guidelines or with the intent of the PC-2 Zoning District. A consistent set of plans is necessary to ensure that this development can proceed to the next phase. These inconsistencies have now been addressed (See comments above).

Summary and Recommendations
The intent of the PC is to promote and facilitate imaginative and comprehensively planned commercial developments that are harmoniously designed to complement the surrounding community. It is further the purpose of these regulations to encourage high standards of building architecture and site planning, which will foster commercial development that maximizes pedestrian convenience, comfort and pleasure. This is an opportunity for the city and the applicant to develop a plan that will distinguish this development within the city and create long term value for the community.

Staff is satisfied the various required documents; Master Development Site Plan, Development Phasing Plan and Landscape Plan are now consistent with the Development Guidelines. In addition, the applicant has submitted an architectural rendering showing a “typical façade” design for smaller buildings with multiple street frontages, i.e. building located along Whitetail Drive which will be visible from 1st Street. These images are shown in the attached Typical Small Building Design.

Detailed plans for wetland mitigation approved by USAC, securing land for the extension of Lake Ridge Drive to the south property, the connection from Lake Ridge Drive to the RP zoned property, and IDOT approval for access to the state highway will all be required during the subdivision review process and the details will be included in the Development Procedures Agreement.

One remaining issue that has not been fully resolved is the extension of Lake Ridge Drive to the adjacent property to the south. The extension of Lake Ridge Drive is a critical piece of infrastructure needed to provide a north-south connection from the residential neighborhoods south of the property to 1st Street. There are currently no north-south streets between Magnolia Drive and Union Road that provide a connection to the neighborhoods to the south, a distance of more than 1 mile. Existing cul-de-sacs and environmental features will leave few opportunities for a north-south connection other than the extension of Lake Ridge Drive. The staff has concerns with the Lake Ridge Drive extension as part of Phase 2 because of the small percentage of the developable land associated with Phase 2. Phase 1 is comprised of six lots and public right-of-way totaling 16.71 acres, or 61% of the proposed development. Phase 2 has one two lots totaling 5.64 acres (21%) of the development area. The remaining portion of Phase 2, 4.98 acres, is the right-of-way for Lake Ridge Drive and Tract D, which is an environmentally sensitive area to be reserved for open space. With so little revenue producing land included in the 2nd phase, leaving the largest section of Lake Ridge to this phase will create such a cost burden on those lots as to effectively prevent it from developing. It is the purview of the Planning and Zoning Commission to determine if Lake Ridge Drive is a critical piece of infrastructure and make a recommendation accordingly. It is left to the applicant and the City to draft a development agreement for the timing and the installation of the infrastructure.

Staff has concluded that Lake Ridge Drive is a critical piece of infrastructure that will provide access and circulation for this area of the city. Unless this issue is resolved, staff recommends denial of this application for a rezoning. However, there are positive aspects to the proposed development, so staff has offered several solutions to ensure that Lake Ridge Drive is extended:

1. The applicant can amend the development phasing plan to incorporate a greater portion of the development area into Phase 2, as noted in the report above; or

2. The applicant can amend the development phasing plan to include the construction of the entirety of Lake Ridge Drive to the south boundary of the property as part of Phase 1. The improvements to the intersection of Lake Ridge Drive and 1st Street and relocation of the sewer and water lines to the right-of-way of the Lake Ridge Drive are crucial to the initial phase of development and the extension of the street to the south property line could be incorporated into this construction. The extension of Whitetail Drive from Eagle Ridge Road to Lake Ridge Drive could be moved to Phase 2.

3. Additionally, the City has suggested an alternative proposal to the applicant for the construction of the extension. The applicant would prepare the construction plans for the street and provide a cost estimate for the extension of Lake Ridge Drive from Whitetail Drive to the south property line. The entirety of the street right-of-way would be dedicated to the City with the 1st final plat. The developer would then pay a fee to the City for the construction costs for the road extension on a per acre basis for each phase of the development. These costs could be distributed evenly over the entire development of 27.33 acres and funds paid to the City proportionate to the number of acres final platted

in each subdivision phase. This proposal would allow the costs of the extension of Lake Ridge Drive to be shared evenly with all the lots in the development and not solely associated with the development of Lots 5 & 6 as shown in the current Development Phasing Plan. In addition, since the adjacent property to the west is currently owned by the applicant, they would have the opportunity to incorporate some of the cost of this road construction onto the sale or development of the RP land, which is also dependent on the extension of Lake Ridge Drive. The City would then construct the road with the funds placed into escrow at such time as the road is needed. While this in not the typical manner in which roads are built, the issue has remained unresolved for many years and the City is looking for an equitable solution. A similar arrangement was made with the Wild Horse development for the improvements to 12th Street.

STAFF RECOMMENDATION

Staff Recommends approval of LU-20-04 to amend the Future Land Use map to reflect Community Commercial.

Staff recommends approval of RZ20-009, the proposed request for the PC-2, Planned Commercial District, subject to a Development Agreement that includes one of the solutions that ensures the extension of Lake Ridge Drive, as outlined above. In the absence of such an agreement, Staff recommends denial of the rezoning.

Public Notice

A second notice of the rezoning proposal was mailed to the adjoining property owners on August 31, 2021.

Public Hearing Notice was published in the Courier on August 31, 2021

PLANNING AND ZONING COMMISSION

Introduction
& Discussion

6/23/2021 The next item for consideration by the Commission was a Land Use Map Amendment from Medium Density Residential to Community Commercial; and Rezoning from A-1: Agricultural District, C-2: Commercial District, and S-1: Shopping Center District to PC-2: Planned Commercial District. Chair Leeper introduced the item and Mr. Weintraut provided background information. He explained that the property is located on West First Street west of Magnolia Drive and gave a breakdown of the proposed zoning changes. He displayed an image of the area depicting where each of the districts are located. He also discussed the proposed amendment to the future land use plan if the zoning changes are approved. Mr. Weintraut discussed the master development plan for Thunder Ridge, listing the potential land uses for the property and showed renderings of the potential architectural plans. He spoke about the potential uses, easements, wetlands, stormwater and utility locations, and explained that the sewer and water lines will need to be relocated. He noted that sidewalks and crosswalks will be added for better pedestrian access. He also explained the phasing plan and displayed a drawing of the areas within each. Extensive intersection improvements are proposed. Mr. Weintraut also discussed unresolved issues associated with the rezoning of the property which include:

- Conflicts between the design guidelines and master plans
- Concerns about pedestrian access, circulation and safety
- Street connectivity to RP Zoned property
- Proposed location and intensity of uses and traffic
- Phasing of the development and timely connection of Lake Ridge Drive.

Staff recommends denial of the proposal as currently proposed due to the following reasons:

1. Placement of more intensive commercial uses directly adjacent to the RP, Planned Residential district to the west;
2. Plan does not include sidewalks along the W 1st Street and did not fully consider pedestrian access from the public sidewalks to all building entrances. This is inconsistent with the intent of the requested PC-2 Zoning.
3. Development phasing plan is problematic and creates uncertainty whether there will be development incentive enough to make the critical street connection of Lake Ridge Drive to the south.

Wendell Lupkes of VJ Engineering provided background on the property as well as the reasoning for proposing the change to the zoning. He explained the property owner would like to leave more options available for development as they don't currently know who might come in and want to place a business in that location. He discussed the stormwater detention and its placement, as well as the need to add a water quality feature to each lot. He also discussed the pedestrian access along 1st Street and the ADA route. He stated that if the city requires that a sidewalk must be added they will make it work, but requests that it be stated in the design guidelines that it will not be required to be an ADA route to the building. He discussed the pedestrian access in other locations within the city and how they were set up with sidewalk only on one side of the street and not both. As they are not the developer they want to protect the city's interests as well as leaving the market share open. He discussed the extension of Lake Ridge Drive and how he feels it has been used as leverage to stop projects from being done. Mr. Lupkes went on to discuss an Agreement to Install Improvements from 1974 and the 1978 plat of the Cedar Crest Second Addition, as well as other information from the prior documents relative to the property.
Mr. Holst questioned the decision to change the zoning to PC-2, Planned Commercial as opposed to C-2, Commercial District. Mr. Holst explained that C-2 felt like the better option from the development standpoint. It was clarified that the item is just for discussion at this time and Mr. Lupkes is looking for feedback. There was further conversation regarding the sidewalks and the language of the agreement. Ms. Prideaux asked about buffering from the RP zoned residential area. Mr. Lupkes stated that the owner doesn't seem to have any concerns.

Mr. Lupkes stated that he felt the language in the design guidelines should set the details for building and parking locations rather than showing it on the Master Plan. He stated because the final use and site design were not yet decided, those items could be reviewed as development takes place. Mr. Leeper agreed the language of the design guidelines would be more important than showing the development on a plan.

Chair Leeper stated that it seems that a sidewalk wouldn't need to be installed that was going to nowhere, but in the interest of looking to the future, it needs to start somewhere as something to build from. He believes that it's a start to creating connectivity and sidewalks should be constructed as development occurs. Mr. Weintraut stated that walkability is something that has become more important to neighborhoods and believes that sidewalks are needed. There was further discussion with regard to the sidewalks and street connectivity, as well as the approach to such projects. The item was continued to a future meeting.

PLANNING AND ZONING COMMISSION

Discussion

7/28/2021 The first item of business was Land Use Map Amendment from Medium Density Residential to Community Commercial; and Rezoning from A-1: Agricultural District, C-2: Commercial District, and S-1: Shopping Center District to PC-2: Planned Commercial District. Chair Leeper introduced the item and Mr. Weintraut provided background information. He explained that the item was discussed at the June 23 meeting and briefly explained the proposal again, noting that the Thunder Ridge property is located on West 1st Street and Eagle Ridge Road.

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

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

Mr. Weintraut also explained that some of the current issues that staff have with the proposal involve the building and parking siting, access to RP zoned property, wetlands, Lake Ridge Drive right-of-way and access. There is a inconsistencies between what is shown in the plan and what is stated in the development guidelines, therefore, staff recommends that the applicant amend the master site plan so that it reflects what is stated in the design guidelines. The master site plan should be revised to reflect the design guideline language dealing with the potential conflict between pedestrians and cars mixing in the parking lots and how pedestrians access the buildings from the public sidewalks. Or alternately, they could delete the images of the building footprints and the parking lot layouts from each of the lots and reference the guidelines for building and parking lot placement. The applicant has updated the plan showing sidewalks along 1st Street, and all current plans have been updated with the exception of the land use plan, which will be updated if the project goes forward. He discussed the access to the RP zoned property and staff recommends that the access be a continuation of White Tail Drive, but the alternative location shown would be acceptable; however, this location would require an amendment to the RP Plan for the adjacent property to the west, which is not currently under consideration. The dedication of the necessary right-of-way would be required with platting and at least two means of access will be required for the RP zoned property. Prior to any development activity in the area, a definitive wetland mitigation plan will be required and appropriate approvals will need to be received from the U S Army Corps of Engineers. The extension of Lake Ridge Drive will need to be platted as part of the Thunder Ridge development so that the right-of-way is available in the future.

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

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

As with any major development there is a considerable amount of infrastructure that must be installed. The phasing plan should be established to ensure that all critical infrastructure is installed. In this case, the proposed phasing should be established in a manner that will ensure that the critical extension of Lake Ridge Drive is completed to the south boundary of the site. With so little development proposed in the second phase, there will be little incentive to construct the remainder of Lake Ridge Drive. To avoid similar mistakes that have been made in the past, the City recently amended the subdivision code to ensure that these issues are at the forefront when new development is proposed. Now is the time to address this issue. Staff recommends that the phasing plan be amended to more evenly divide the development between the two phases, so that there is incentive to develop the second phase and extend the street to the south boundary of the site. Alternatively, the entirety of the Lake Ridge Drive extension should be installed with the 1st phase of development.

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

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

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

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

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

The item was continued to the August 11, 2021 meeting.

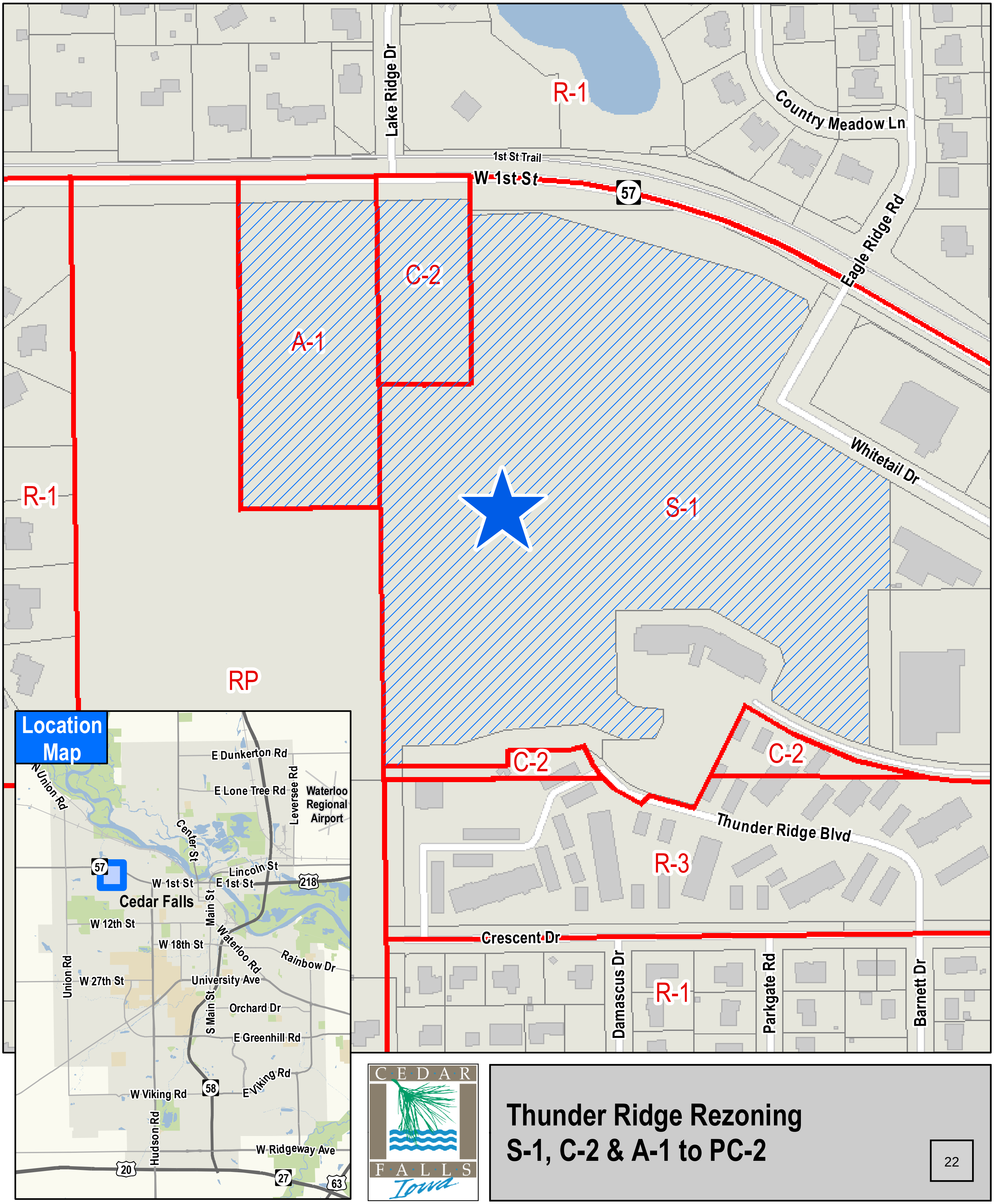
PLANNING AND ZONING COMMISSION
Discussion
8/11/2021 The first item of business was a Land Use Map Amendment from Medium Density Residential to Community Commercial; and Rezoning from A-1: Agricultural District, C-2: Commercial District, and S-1: Shopping Center District to PC-2: Planned Commercial District. Chair Leeper stated that the item is being deferred by request of the applicant.

PLANNING AND ZONING COMMISSION
Discussion
8/25/2021 Ms. Lynch made a motion to approve setting the public hearing. Mr. Larson seconded the motion. The motion was approved unanimously with 6 ayes (Holst, Larson, Leeper, Lynch, Prideaux and Sears), and 0 nays.

Attachments:
Location Map
Rezoning Plat
Applicant's letter requesting LUMA and rezoning Land Use Plan
Master Development Plan
Development Phasing Plan
Landscape Plan
Thunder Ridge Development Guidelines
Tree Palette
Architectural Style
Building Design Concepts
Typical Small Building Design

Cedar Falls Planning & Zoning Commission
June 23, 2021

Item 2.



CEDAR FALLS Iowa

Thunder Ridge Rezoning
S-1, C-2 & A-1 to PC-2

REZONING PLAT

THUNDER RIDGE

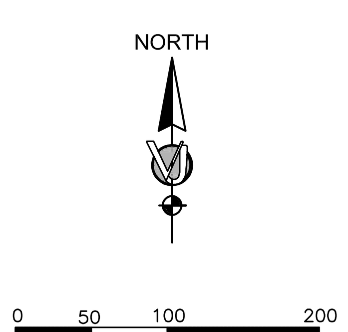
CURRENT ZONING: A-1 & S-1
PROPOSED ZONING: PC-2

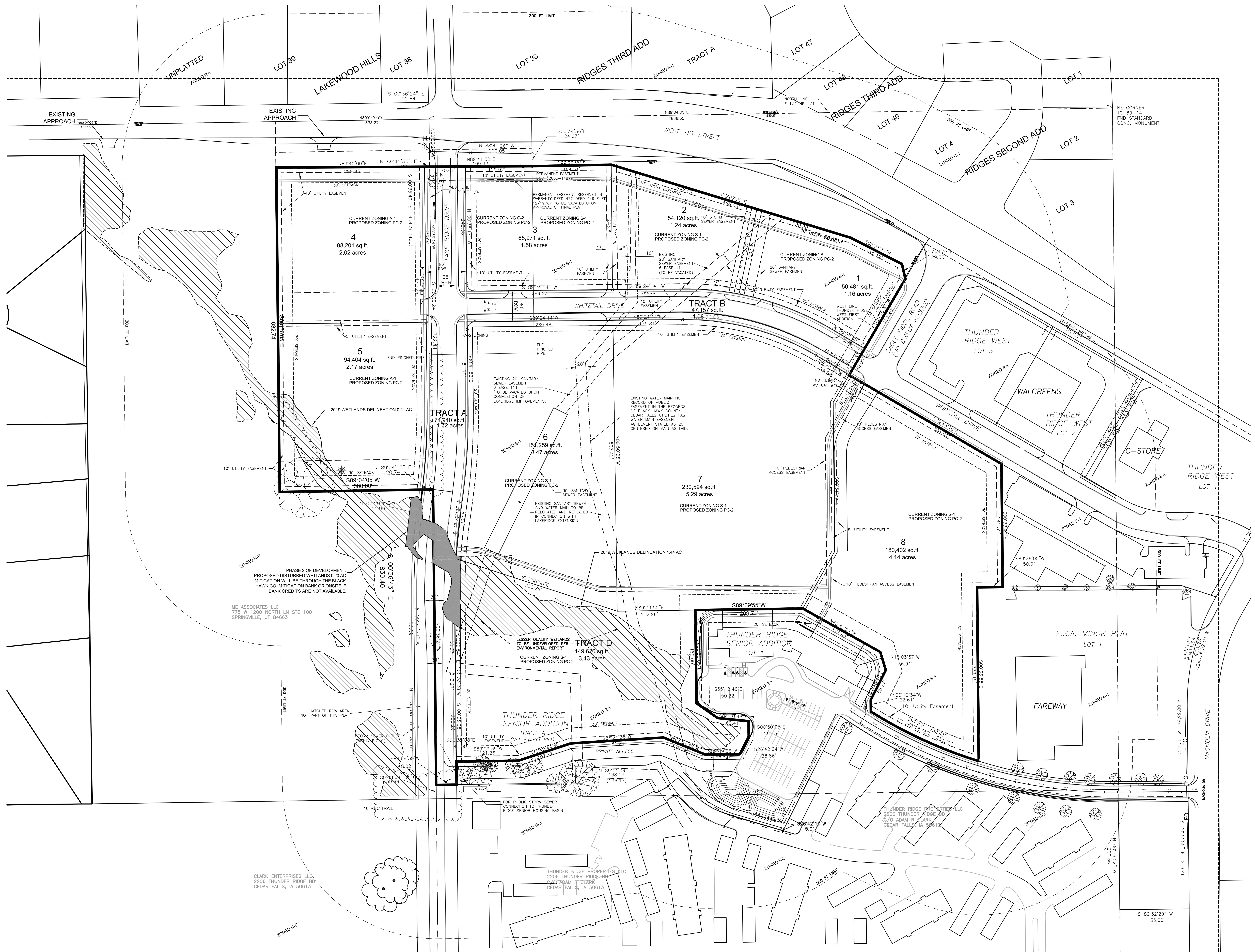
LEGAL DESCRIPTION:

That part of the Northeast Quarter of Section 10, Township 89 North, Range 14 West of the 5th P.M., in the City of Cedar Falls, Black Hawk County, Iowa, described as follows:

Commencing at the Northwest corner of the East Half of said Northeast Quarter; thence South 0°36'24" East 92.84 feet along the West line of said East half to the North right-of-way line of West 1st Street and the point of beginning; thence South 89°40'00" West along said North right-of-way 299.95 feet to the West line of the East 300 feet of the Northwest Quarter of the Northeast Quarter of said Section 10; thence South 0°36'05" East 632.74 feet to the Southwest corner of a parcel described as the East 300 feet of the North 724 feet of said Northwest Quarter of the Northeast Quarter; thence North 89°04'05" East 300.00 feet to the West line of the East Half of said Northeast Quarter; thence South 0°36'24" East 576.33 feet; thence North 89°09'39" East 40.02 feet to the Southwest corner of Tract A, Thunder Ridge Senior Addition; thence North 0°35'08" West 45.00 feet along the West line of said Tract A; thence North 89°09'39" East 121.26 feet along the North line of said Tract A; thence North 71°40'44" East 107.17 feet along the North line of said Tract A; thence North 86°21'38" East 181.21 feet along the North line of said Tract A; thence South 67°51'49" East 88.46 feet along the North line of said Tract A to Lot 1, Thunder Ridge Senior Addition; thence North 89°09'55" East 67.04 feet along the exterior of said Lot 1; thence North 26°42'24" East 38.86 feet along the exterior of said Lot 1; thence N 0°50'05" West 29.43 feet along the exterior of said Lot 1; thence North 84°10'48" West 60.41 feet along the exterior of said Lot 1; thence North 55°12'46" West 50.22 feet along the exterior of said Lot 1; thence North 0°50'05" West 182.00 feet to the Northwest corner of said Lot 1; thence North 89°09'55" East 209.71 feet along the North line of said Lot 1; thence South 60°42'21" East 173.43 feet along the exterior of said Lot 1; thence South 17°03'57" East 36.91 feet along the exterior of said Lot 1; thence South 26°42'10" West 65.27 feet along the exterior of said Lot 1; thence South 0°10'34" East 22.61 feet along the exterior of said Lot 1; thence Southeasterly 232.43 feet, along a 891.2 foot radius curve concave Northeasterly, having a long chord bearing South 65°18'35" East 231.77 feet; thence North 0°33'55" West 339.15 feet along the West line of Parcel N as recorded in Doc. 2010 020995; thence North 89°26'05" East 50.01 feet along the North line of said Parcel N to the Southwest corner of Lot 4, Thunder Ridge West Addition; thence North 0°33'55" West 240.32 feet along the West line of said Lot 4 to the Southwesterly right-of-way of Whitetail Drive; thence North 59°44'19" West 344.01 feet along the Southwesterly line of Whitetail Drive to the Northwesterly right-of-way of Eagle Ridge Road; thence North 30°15'41" East 60.00 feet along the Northwesterly line of Eagle Ridge Road to the Northeasterly right-of-way of Whitetail Drive; thence continuing North 30°15'41" East 157.49 feet along the Northwesterly line of Eagle Ridge Road to the right-of-way of West 1st Street; thence North 13°04'37" West 29.35 feet along said right-of-way; thence North 62°51'51" West 112.77 feet along said right-of-way; thence North 73°02'25" West 488.05 feet along said right-of-way; thence South 88°55'00" West 154.31 feet along said right-of-way; thence South 89°41'32" West 199.93 feet to the point of beginning, containing 27.326 acres.

NOTE:
SEE THE DESIGN GUIDELINES EXHIBIT IN THE DEVELOPMENT PROCEDURES AGREEMENT FOR SITE LAYOUTS, BUILDING DESIGNS, PARKING, AND LANDSCAPING FOR INDIVIDUAL LOTS.





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

Thunder Ridge Rezoning Plat
PC-2, Planned Commercial
Cedar Falls, Iowa

1 OF 1

scale
1"=100'

drawn by
SJL

approved by

date
7/22/21

revisions
8/4/21

208032

VJ Engineering
1501 Technology Pkwy., Suite 100
Cedar Falls, Iowa 50613
ph: (319) 266-5829 fax: (319) 266-5160

engineering – surveying

September 21, 2020

Department of Community Development
City of Cedar Falls
220 Clay Street
Cedar Falls, Iowa 50613

Re: Thunder Ridge Property Rezoning – Explanation of Request

To Whom it May Concern:

The petitioner has acquired sole interest in the properties generally known as Thunder Ridge, formerly held by Thunder Ridge Development, LLC. The property is currently a mixture of zoning classifications, the majority of which is S-1, Shopping Center District. There is also approximately 5 acres which is still zoned A-1, Agricultural, as well as about 2 acres zoned C-2, Commercial.

In order to facilitate the development or sale of this property, the City planning staff suggested rezoning to a PC-2, Planned Commercial District. This was so that the future developer(s) or tenants, as well as the City can have a comprehensive development plan that ensures the development will fit into the neighborhood with its surrounding single-family, multi-family, senior housing, and retail uses.

Thank you for you careful consideration,

Wendell Lupkes, P.L.S.
VJ Engineering

EXHIBIT "B"

EMERGENT ARCHITECTURE

THUNDER RIDGE REZONING

CEDAR FALLS, IOWA

ISSUE DATE AUGUST 31, 2021

1 MASTER DEVELOPMENT PLAN

SCALE: 1" = 100' - 0"

EXHIBIT "C"

DEVELOPMENT PHASING PLAN - THUNDER RIDGE

PROPOSED LAND USES
PC-2 PLANNED COMMERCIAL

NOTES:

AN OVERALL EROSION CONTROL PLAN WILL BE SUBMITTED AS PART OF EACH PHASE OF THE STREET AND UTILITY IMPROVEMENTS. INDIVIDUAL EROSION CONTROL PLANS WILL BE SUBMITTED FOR EACH LOT AS THEY ARE DEVELOPED AND WILL BE REVIEWED ON A LOT BY LOT BASIS.

INDIVIDUAL LANDSCAPING PLANS WILL BE SUBMITTED FOR EACH LOT AS THEY ARE DEVELOPED AND WILL BE REVIEWED ON A LOT BY LOT BASIS.

100 YEAR STORM WATER DETENTION FOR LOTS 1, 2, 3, 6, 7, AND 8 ARE COVERED IN THE STORM WATER AGREEMENT DOC 1998-00012818 AND LOCATED ON THE NORTH SIDE OF WEST 1ST STREET. STORM WATER QUALITY FACILITIES WILL BE LOCATED ON THE INDIVIDUAL LOTS. STORM WATER DETENTION AND WATER QUALITY FACILITY FOR LOTS 4, 5, AND TRACT D WILL BE LOCATED ON THE SOUTHERN PORTION OF LOT 5.

SIGNIFICANT GRADING WILL OCCUR AT THE NORTH END OF LAKE RIDGE DRIVE NEAR THE 1ST STREET INTERSECTION DURING PHASE 1 CONSTRUCTION. CFU WILL LOWER THE GAS AND COMMUNICATION LINES AND THE DEVELOPER WILL LOWER THE WATER MAIN.

TRACT "D" IS FOR PRESERVATION OF LESSER-QUALITY WETLANDS WITH GROUNDWATER CONTAINING CAFFEINE. AN UPDATED DELINEATION WILL BE CONDUCTED AFTER THE LEAKING SANITARY SEWER IS RELOCATED DURING PHASE 1.

PHASE 1 OF DEVELOPMENT WILL CONSIST OF PRIMARILY REGIONAL COMMERCIAL USES WITH THE EXCEPTION OF LOT 3 WHICH WILL BE NEIGHBORHOOD COMMERCIAL.

BUILDING ENTRANCES SHALL HAVE PEDESTRIAN ACCESS TO SIDEWALKS.

SEE THE DESIGN GUIDELINES EXHIBIT IN THE DEVELOPMENT PROCEDURES AGREEMENT FOR SITE LAYOUTS, BUILDING DESIGNS, PARKING, AND LANDSCAPING FOR INDIVIDUAL LOTS.

ROADS, SHARED ACCESS, AND SIDEWALKS

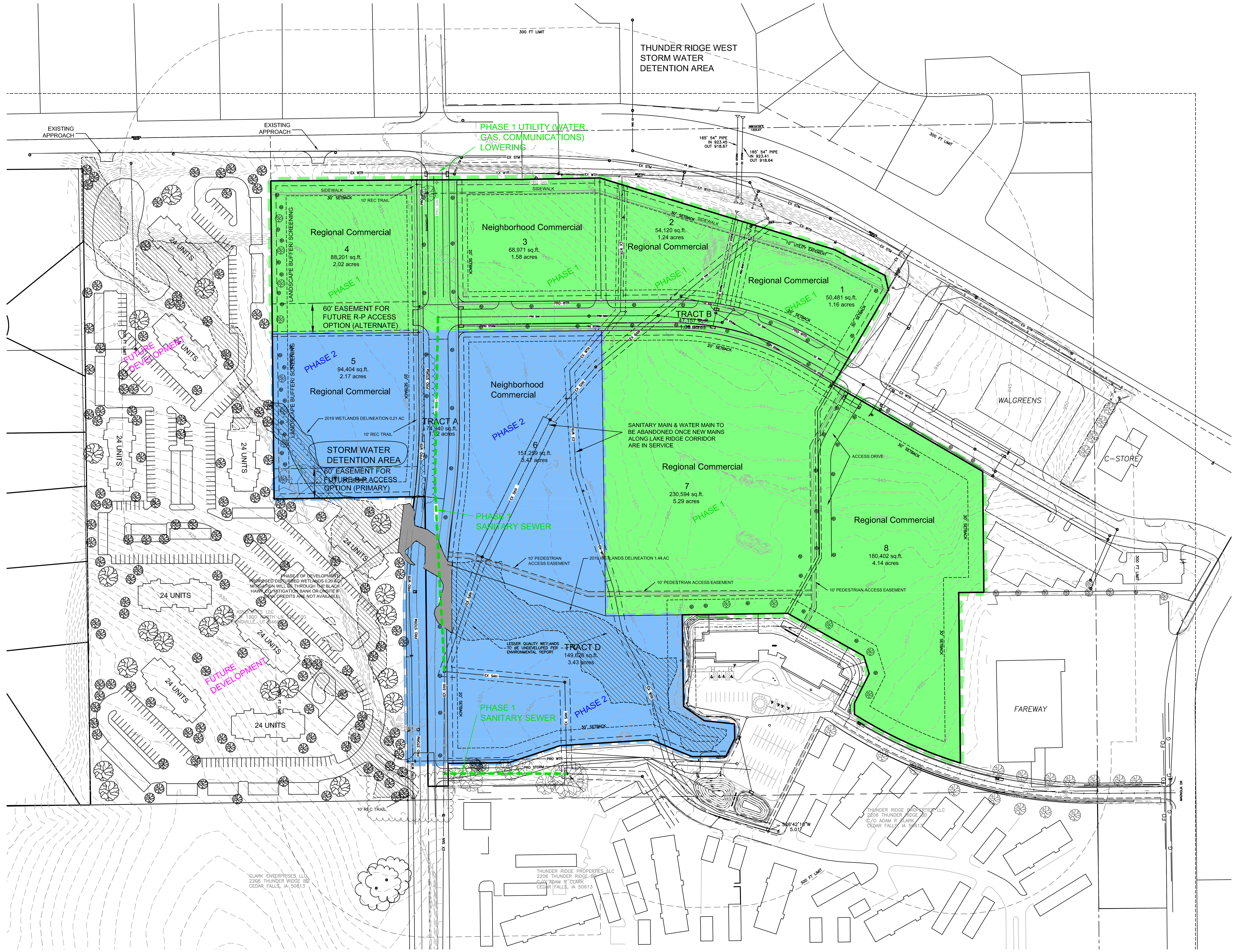
(a) Streets will be constructed according to the locations shown on the Development Phasing Plan and built to City standards as the development progresses. These streets are the extension of Whitetail Drive to Lake Ridge Drive and Lake Ridge Drive from Whitetail Drive to W. First Street in the Phase 1 of the development. Additional street extensions, such as the extension of Lake Ridge Drive to the south property line, will occur as part of Phase 2 in accordance with subdivision ordinance, or as triggered the development of the R-P property to the west and/or the property to the south, as set forth in paragraphs c. and e. below.

(b) Prior to approval of the final plat of Phase 1, ME Associates LLC., as owner of the R-P zoned property to the west of the Thunder Ridge Development site, shall dedicate right-of-way for the portion of the Lake Ridge Drive extension located on the R-P zoned property.

(c) If the R-P zoned property, located west of the Thunder Ridge Development, develops prior to Phase 2 of the Thunder Ridge Development, the Owner shall construct Lake Ridge Drive to the south property line concurrent with and prior to occupancy of any buildings on the R-P property.

(d) Access to the R-P zoned area west of the future Lake Ridge Drive will be provided by the construction of either an extension of Whitetail Drive west from the intersection of Lake Ridge Drive to the R-P zoned property within Phase 1; or by a access drive near the south line of Lot 5 in coordination with the Phase 2 of the Thunder Ridge Development. If the access across Lot 5 is to be constructed, it will require an amendment to the currently approved R-P site plan.

(e) Should Lake Ridge Drive be constructed from Crescent Drive to the south property line of the Thunder Ridge Development property prior to completion of Phase 2, the Owner will construct an extension of Lake Ridge Drive to complete the connection to W. 1st Street in no less than four (4) years from the date of acceptance of said portion of Lake Ridge Drive south of the Thunder Ridge Development property line. If the City wishes to have the Lake Ridge Drive connection completed sooner, the developer will dedicate necessary right-of-way and waive any right to object to assessment for the cost of street improvements.



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

THUNDER RIDGE REZONING
PC-2, PLANNED COMMERCIAL
CITY OF CEDAR FALLS, IOWA

DEVELOPMENT PHASING PLAN

1 OF 1	
scale	1"=100'
drawn by	SJL
approved by	
date	7/22/21
revisions	8/19/21

208032

LANDSCAPING PLAN - THUNDER RIDGE

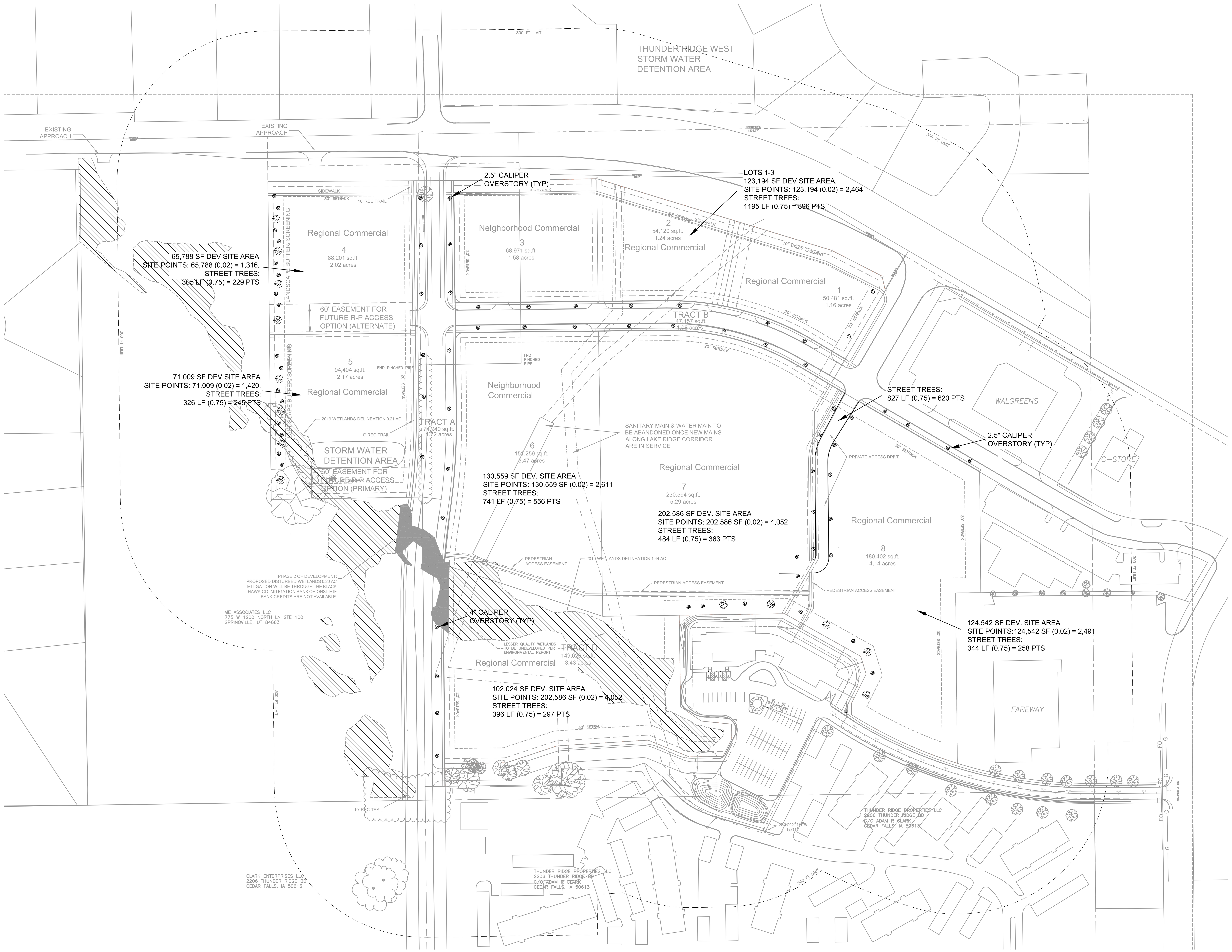
PC-2 PLANNED COMMERCIAL

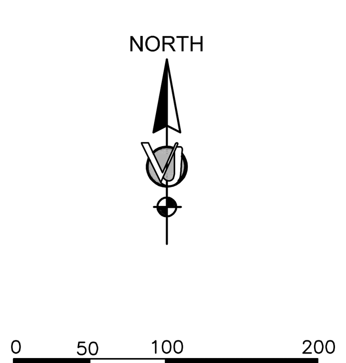
NOTES:

INDIVIDUAL LANDSCAPING PLANS INCLUDING PARKING AREA TREE PLANTINGS AND SCREENING WILL BE SUBMITTED FOR EACH LOT AS THEY ARE DEVELOPED AND WILL BE REVIEWED ON A LOT BY LOT BASIS.

ALL ENTRANCES SHALL HAVE PEDESTRIAN ACCESS TO SIDEWALKS.

SEE THE DESIGN GUIDELINES EXHIBIT IN THE DEVELOPMENT PROCEDURES AGREEMENT FOR SITE LAYOUTS, BUILDING DESIGNS, PARKING, AND LANDSCAPING FOR INDIVIDUAL LOTS.





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

THUNDER RIDGE REZONING
PC-2, PLANNED COMMERCIAL
CITY OF CEDAR FALLS, IOWA

LANDSCAPING PLAN

1 OF 1

scale	1"=100'
drawn by	SJL
approved by	
date	7/22/21
revisions	8/4/21

208032

EXHIBIT "D"

THUNDER RIDGE DEVELOPMENT GUIDELINES

THE VISION FOR THUNDER RIDGE BEGAN AS THE DREAM IN THE 1970's.

It was an opportunity to create a new commercial, retail, and residential addition to the community. The earlier vision was based on a vast expansion of the Thunder Ridge mall, and the Thunder Ridge Apartments complex. To that end, the majority of the property in this plan has been zoned S-1, Shopping Center District since the 1970's. The re-imagined Thunder Ridge is designed to work with the landform, which contains some of the highest land elevations in Black Hawk County; to create a unique community in which to work, shop, play and enjoy the farmstead feel of Iowa.

THE VISION is based on the desire to integrate the Iowa's rural heritage through building outlines, landscape, trails, the use of native trees, plants and naturally occurring colors.

THE LANDSCAPE WILL BE DESIGNED using native trees, shrubs, prairie grasses and other similar plants, as well as naturally occurring fieldstone. Appropriate open space elements will be integrated into the overall design, including the trails noted on the Master Development Plan.

THE ARCHITECTURAL CHARACTER OF THUNDER RIDGE will emphasize a pleasing visual environment achieved by breaking up roof-lines and large facades through architectural replication of Iowa agricultural heritage, and varying textures and vertical and horizontal sidings, while minimizing the negative impact of featureless walls. The parking lots will be providing adequate landscape islands and plantings for visual and general cooling effects. Parking lots will be unified with the rest of the development through the use of landscape, signage, and a lighting system scaled to its intended use, whether for parking or for streets.

TAKEN TOGETHER, these elements will create a community that is fresh, vital, and reflects the rural Iowa heritage so deeply engrained in the Cedar Valley. This community will be a source of pride for future generations of Cedar Falls residents, a place that they will enjoy.

THUNDER RIDGE PC-2 POTENIAL USES

1. Office / Research
2 General Office
3. Retail, Commercial and Personal Service Uses, such as
   a. Grocery Store
   b. Cleaner
   c. Bakery
   d. Hair Salon
4. Convenience Store
5. Gas Station
6. Medical / Dental Offices
7. Financial Services
8. Drugstore
9. Medical Supplies
10. Restaurant at appropriate locations
11. Memory Care

BUILDINGS

Buildings shall be of brick or naturally occurring stone, or replicate vertical and horizontal sidings of heritage farm buildings to accentuate the rural character of the development. Metal pole buildings shall not be allowed. Buildings shall be one to one and one-half stories in height.

BUILDING SITING

1. Buildings should be sited on the lot so that the primary building elevation is oriented to the street that provides vehicular access, with primary parking facilities softened by landscaping. This is intended to present the natural landscape to the visitor in conjunction with a parking lot and to provide convenient and comfortable pedestrian access.
2. Buildings are to take advantage of the terrain rather than creating a flat plane. This may mean that a building may appear as a one-story structure along the street, but may be one and one-half stories in the rear, with the main parking lot entry at the lower level.
3. Buildings should be placed at front setbacks, with parking encouraged to the rear. It is the priority to encourage convenient and comfortable pedestrian access. Final building locations will be determined during the site plan approval process.
4. All street-facing building elevations shall be designed with high quality building materials and designed with similar design as the primary facade. This includes buildings on corner lots and those on double-fronting lots. Buildings, particularly those with multiple street frontages, i.e. 1st Street, Whitetail Drive, and Lake Ridge Drive, shall use a combination of texture, patterns, materials or openings (wall to windows and doors) on all street-facing facades and sides and rear of the building to create visual interest and a discernible architectural rhythm to viewers. This should be a consideration for both new construction and building alterations.
5. Outdoor storage or display areas generally oriented towards a public view shall be prohibited. Temporary or seasonal displays may be permitted on a limited basis only upon approval by the planning and zoning commission and the city council.

PRIMARY PARKING LOTS

1. Parking lot placement shall contain landscape islands for the placement of shade trees and perimeter landscape screening to conform to Cedar Falls zoning ordinance. Exterior lighting shall be fully downcast and shielded and carefully placed so as not to cause glare or spillover light on to abutting properties. If parking lots are located in the front, enhanced landscaping will be required around the perimeter. Parking lot islands shall be a minimum of 10’ from back of curb to back of curb.
2. Final parking space count and parking lot configuration will be determined during the site plan approval process.
3. Number of parking spaces will be per Cedar Falls ordinance for the appropriate use.
4. Landscape plantings shall provide for shade and ornamental trees, deciduous and evergreen shrubs and evergreen trees along the periphery.

LANDSCAPE

The intent of the landscape is to set Thunder Ridge apart from other developments and to bring the built environment into harmony with the natural environment. Therefore, materials to be used will include:

1. **Hardscape**
   - Retaining or decorative walls should be constructed of naturally occurring fieldstone or landscaping block similar in color and texture to blend with the building.
   - Decorative paving should be clay brick also in colors to blend the structure into the landscape.
2. **Plant Types** - Shade trees, ornamental trees, evergreen trees, deciduous and evergreen shrubs, perennials and grasses shall be ornamental and native species capable of thriving in USDA Plant Hardiness Zones 4a thru 5b.
   - **Street trees:** all streets will have parkway trees at 50’ on center spacing and minimum 2.5” caliper size at installation.
   - **Shade trees:** shall be 2.5”- 4” caliper with no more than 50% of the trees in any one caliper size.
   - **Ornamental trees:** Ornamental trees shall vary in height from 6’-10’ and generally shall be used in multi-stem form.
   - **Evergreen trees/shrubs:** Evergreens shall be a mix of 6’-10’ in height at time of installation with no more than 50% of any one size. Shrubs shall be a minimum of 30” in height or spread depending on species.
   - **Deciduous shrubs:** shrubs shall be a minimum 24” in height at time of planting.
   - **Perennials / grasses:** these are the preferred plant for the landscape, as they require little maintenance or irrigation. Plantings shall be minimum of 1/2 gallon containers at time of installation and spaced 18” on center.

4\. **Planting Quantities** – In keeping with the vision to distinguish Thunder Ridge from other developments, planting quantities shall generally be 10-15% greater than that required by City ordinances.

SIGNAGE

All signs shall be approved by the Developer prior to construction. The design, format, and material of all signs shall be consistent with building architecture, lot design, and must comply with the applicable City of Cedar Falls sign regulations.

THUNDER RIDGE OWNERS ASSOCIATION

Each site owner will be a member of the Thunder Ridge Owners Association for the maintenance of common areas, stormwater management basins, and common open spaces.

THUNDER RIDGE PLANNED COMMERCIAL DISTRICT USES:

CONVENIENT, ACCESSIBLE AND DIVERSE. The Thunder Ridge Planned Commercial District will provide for regional retail shopping areas to buy groceries, clothes, home improvement, and obtain professional services. The master site plan indicates appropriate locations for regional commercial and neighborhood commercial uses. Certain uses may not be appropriate for locations adjacent to residential uses; for example, uses with extended hours of operation, outdoor activity service or activity areas, amplified sounds, such as drive-through facilities or loud speakers.

1. Regional Commercial
   - Medical Office/Clinic
   - Restaurants
   - Financial Services, such as Bank/Credit Union
   - Investment Advisor
   - Retail Uses
   - Office / Research
   - Corporate Campus

2. Neighborhood Commercial
   - Office Uses
   - Grocery Store, drug store, hardware store, and similar neighborhood-serving uses
   - Cleaner
   - Small Retail uses, such as Bakery, Card Shop, Florist, etc.
   - Personal Services, such as hair salon, spa, exercise facilities
   - Convenience Store
   - Gas Station

THE REVIEW AND SUBMITTAL PROCESS

All proposed building and development within Thunder Ridge must be reviewed and approved by the Declarant prior to seeking development approval from the City of Cedar Falls. The Declarant will review each builder's development package for conformance to the Design Guidelines.

All reviews, substitutions and approvals by the Declarant will be considered binding and final. Any major changes to the building design, land use, or layout to the site may result in changes to a final plan as well.

The Declarant will have authority over both new construction and exterior remodels, additions and other improvements.

I. PRE-SUBMITTAL MEETING

Prior to submitting plans for approval, the Applicant is encouraged to meet with the Declarant to informally discuss Applicant's plans. The Declarant will be available to help interpret the standards and offer suggestions about the applicant's design concepts. The Applicant is urged to meet with the Declarant as early as possible to assist in the Applicant's decision to build in Thunder Ridge.

II. SUBMITTAL

Applicant shall submit a master Declarant of Thunder Ridge. The submittal for development within the Thunder Ridge district shall include one full size set of plans and one electronic copy of the following documents:

1. Architectural Elements:
   a. Design drawings of front, side and rear elevations of buildings
   b. Description/Illustrations of representative exterior building materials/manufacturers
   c. Product brochures/collateral of front, side and rear elevations' materials
2. Site Plan including:
   a. Building and parking area locations
   b. Walks
   c. Setbacks
   d. Type and location of light poles
   e. Dumpster locations and screening
3. Landscape Plan including:
   a. Location of buildings, parking areas, walks and any other paved surfaces
   b. Quantity and location of required trees, shrubs, perennials, groundcovers and turf
   c. Ground contours
   d. Point tabulation based on City of Cedar Falls point system

III. REVIEW AND EVALUATION

The Declarant shall evaluate the applicant's plans for conformance to the Thunder Ridge Design Guidelines and return one original package with an approval status together with any deficiencies so noted on the documents. The approval status may be any one of the following:

- Approved as submitted, no resubmittal required.
- Approved as noted, no resubmittal required. (In this case, specific elements that are deemed deficient will be identified. Provided the noted deficiencies are addressed in the permit submittal, the plans will be approved for permit.)
- Approved as noted, resubmittal is required. (In this case, specific elements that are deemed deficient will be identified so that they may be addressed and verified in the subsequent resubmittal.)
- Rejected, resubmittal is required. (In this case, specific elements that are deemed deficient will be identified so that they may be addressed and verified in the subsequent resubmittal.)

Not withstanding the forgoing, the Declarant shall have final discretion to deviate from these guidelines to take into account the use, building lines, topography of the lot, access points, etc.

IV. CITY APPROVAL

Once the Applicant's plans have been approved by the Declarant, they shall be submitted to the City of Cedar Falls for review for conformance to the City's codes and ordinances. The City will be responsible to enforce zoning standards, setbacks, building construction and codes, and minimum landscape standards. All architectural, landscaping and site plans shall be at the discretion of the Declarant.

1. Example Application

DEVELOPMENT APPROVAL APPLICATION

Applicant shall submit plans for review as outlined in the Thunder Ridge Review and Submittal Process, as outlined on Page 5.

List the specific documents being submitted:

1) ____

2) ____

3) ____

4) ____

5) ____

6) ____

Builder/Developer: _________________________ Contact Name: ___________________________

Address: ____

City: ___________________________________ State: _________________ Zip: _______________

Telephone: ____

E-Mail Address: ____

Date Submitted: ____

Approval Status:

- ☐ Approved as submitted, no resubmittal required
- ☐ Approved as noted, no resubmittal required
- ☐ Approved as noted, resubmittal required
- ☐ Rejected, resubmittal required

Reviewed by: ____

Date Reviewed: ____

Comments:

____

____

____

____

THUNDER RIDGE

PLANT PALATTE

DECIDUOUS TREES
Street trees: all streets will have parkway trees at 40' on center and minimum 2.5" caliper size.
Shade trees: shall be 2.5"- 4" cal. with no more than 50% of the trees in any one caliper size.

Plant Palette:
Acer x fremanii -
Freeman Maple cultivars
Acer saccharum -
Sugar Maple
Carya ovata -
Shagbark Hickory
Celtis occidentalis -
Common Hackberry
Gleditsia triacanthos -
Honeylocust
Gymnocladus dioicus -
Kentucky Coffeetree
Juglans nigra -
Black Walnut
Quercus alba -
White Oak
Quercus bicolor -
Swamp White Oak
Quercus macrocarpa -
Bur Oak
Quercus rubra -
Red Oak
Platanus x acerifolia -
London Planetree
Populus tremuloides -
Quaking Aspen
Tilia americana -
American Linden
Tilia cordata -
Littleleaf Linden
Ulmus x sp. -
Disease-resistant Elm

EVERGREEN TREES / SHRUBS
Evergreen trees/shrubs:
Evergreen trees shall be a mix of 6'-10' in height at time of installation with more than 50% of any one size. Shrubs shall be a minimum of 30" in height or spread depending on species.

Plant Palette:
Juniperus communis sp. -
Common Juniper cultivars
Juniperus virginiana -
Eastern Red Cedar
Juniperus chinensis sp. -
Chinese Juniper
Picea glauca
Black Hills Spruce
Picea pungens
Colorado Spruce
Pinus strobus -
White Pine
Pinus nigra -
Austrian Pine
Pseudotsuga menziesii -
Douglas Fir
Thuja occidentalis -
Eastern Arborvitae


Bur Oak


Sugar Maple


Littleleaf Linden


Disease-Resistant Elm


White Oak


Honeylocust


Shagbark Hickory


Douglas Fir


Eastern White Pine

revisions	date

page #
scale: none
drawn by: SJL
date: 9-21-2020

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

Thunder Ridge
PC-2, Planned Commercial
Plant Palatte

208032

Architectural Style

The conceptual design of the proposed buildings was influenced by the desire to reflect Iowa's Rural Heritage through architectural design, open space, materials and massing throughout this entire development. The resulting building forms, infrastructure, and landscape work together to create a an instantly recognizable Iowa vernacular that will be pleasing to work, relax and socialize in.

We will look to establish this rural heritage design by limiting heights of buildings forms as you work your way into the site. Periphery buildings will be at a shorter scale while the main interior building will provide a focal landmark element similar to that in many rural farms with their main barns or out-buildings.

Materials will be synonymous with local heritage farms that typically represent the available materials of the time. This would include; brick, naturally occurring stone such as field stone or limestone, vertical board and batten siding, corrugated metal, and short lap textured siding, shutters and wood details. Many other details also appear on the buildings including cupolas, front porches and canopies.

General architectural design begins to appear through large gables with centralized windows, steep roof pitches and smaller architectural features paired with texturized horizontal elements with consistent window openings. Colors of white, red and green are complimented by small touches of tin and copper that reflect the 'use everything' mentality of the time.

Lastly, the configuration of the development itself further emphasizes the rural heritage with the use of local tress and green spaces spread throughout the development. Outdoor spaces are linked with pathways that are flanked with covered porches for use and escaping the elements. This leads to a walkability element and linking of buildings that was common among rural townships.

Architectural Details:

The Rural Heritage design capitalizes on historic Iowa Details that are instantly recognizable with our midwestern heritage. Large green yards with well positioned buildings within walking distances that meet the needs of the users within was essential for most our local communities and farms.

Silos, barns, corn-cribs, chicken coops, four-square homes were the typical vernacular throughout the rural setting. These were complimented by small communities that housed mills, general stores, and quaint storefronts that were mostly utilitarian in design. Glass should be used through the buildings with high-visibility to allow tenants and customers to connect with the interior of the spaces. These typically mark entrances to the facilities and engage the 'yard' or 'main streets' of the development with the tenants within.

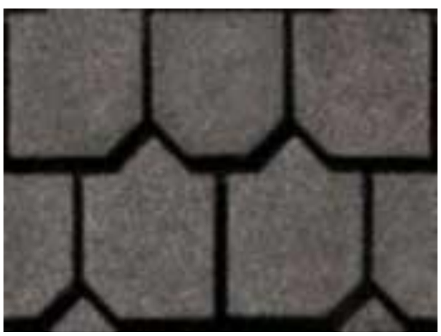
Efforts should be made to complement larger flat roofs with sloping front porches, smaller silo type details, or house or shed like high pitch roofs. These help to shrink the scale of buildings and keep the scale of the buildings smaller and more in proportion with the vernacular of the Iowa rural heritage.

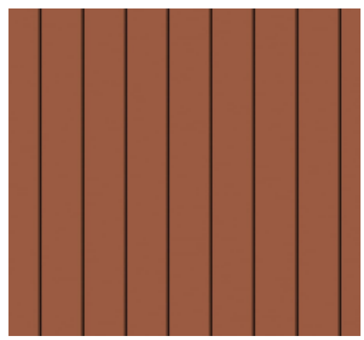
The below materials are general and meant to be a 'Basis of Design'. Alternative materials are expected but must fit within the approved Iowa Rural Heritage design theme. Special attention must be given to screening all mechanical units, while putting louvers and infrastructure pieces in inconspicuous locations. Utility structures and trash enclosures must be hidden or screened from view when possible.

Brick

Stone – local

Roofing

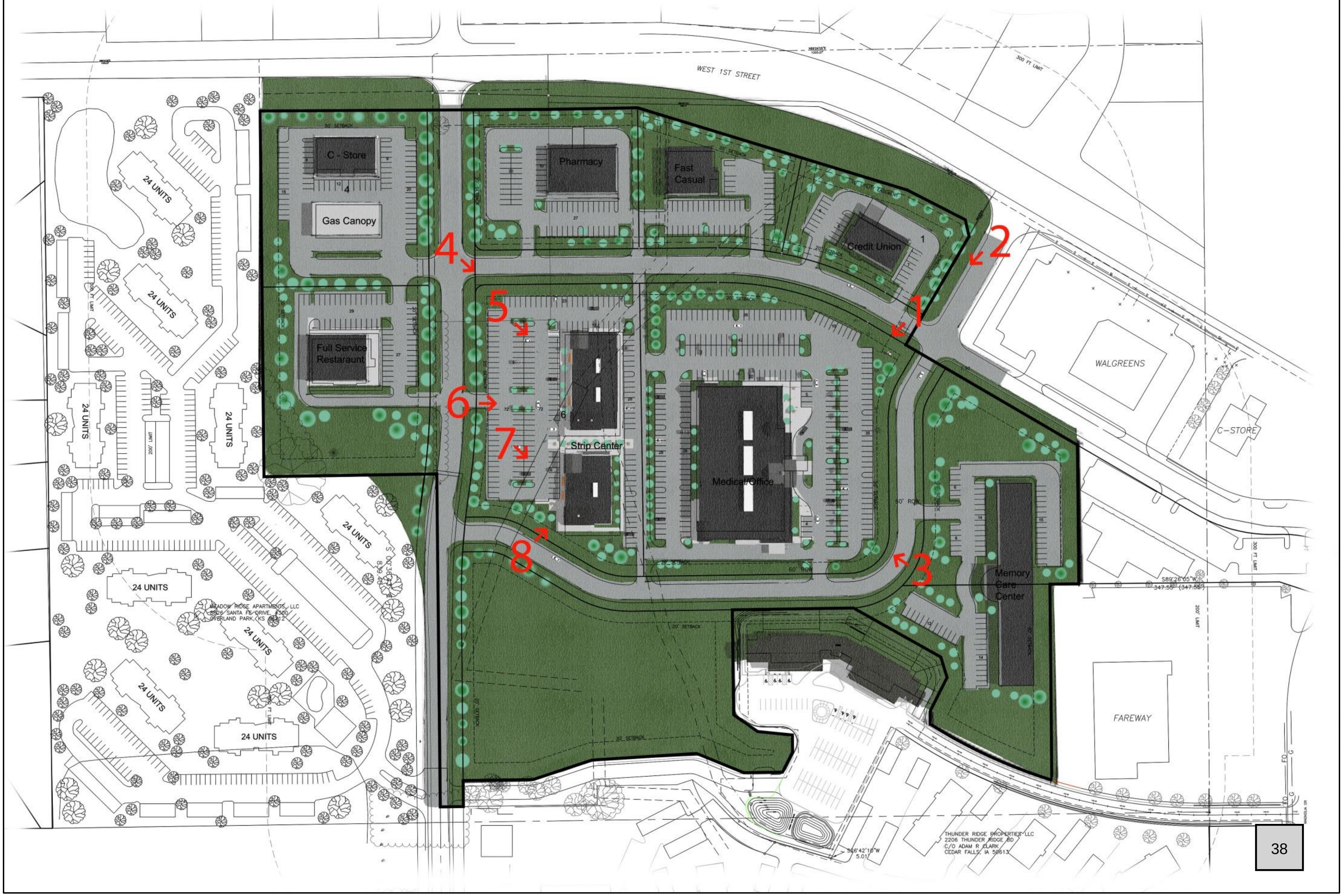




Siding

Wood

Key to Building Elevations




1
BRAND
SITE SIGN
LOOKING SOUTHWEST
FROM EAGLE RIDGE AND WHITETAIL DRIVE
EMERGENT
ARCHITECTURE


2
BRAND
SITE SIGN
EMERGENT
ARCHITECTURE
LOOKING SOUTHWEST
FROM EAGLE RIDGE AND WHITETAIL DRIVE


3
BRAND
BRAND
MEDICAL OFFICES
LOOKING NORTHWEST
FROM EAGLE RIDGE ROAD
EMERGENT
ARCHITECTURE

4


CELLULAR STORE
MERCANTILE STORE
MERCANTILE STORE
CLOTHING
TRADE STORE
RESTAURANT
MERCANTILE STORE
SITE SIGN
EMERGENT
ARCHITECTURE
LOOKING SOUTHEAST
FROM LAKE RIDGE AND WHITETAIL DRIVE


5
MERCANTILE STORE
CLOTHING
TRADE STORE
hair cut
RESTAURANT
MERCANTILE STORE
MERCANTILE STORE
CLOTHING
LOOKING SOUTHEAST
FROM LAKE RIDGE DRIVE
EMERGENT
ARCHITECTURE

6


MERCANTILE STORE
CLOTHING
TRADE STORE
hair cut
RESTAURANT
MERCANTILE STORE
CLOTHING
hair cut
ANTIQUES
EMERGENT
ARCHITECTURE
LOOKING EAST
FROM LAKE RIDGE DRIVE


7
CELLULAR STOR
MERCANTILE STORE
MERCANTILE STORE
CLOTHING
hair cut
ANTIQUES
LOOKING SOUTHEAST
FROM LAKE RIDGE DRIVE
EMERGENT
ARCHITECTURE


8
ANTIQUES
hair cut
CLOTHING
MERCANTILE STORE
RESTAURANT
EMERGENT
ARCHITECTURE
LOOKING NORTHEAST
FROM EAGLE RIDGE ROAD

North Elevation of Typical Small Lot Building

South Elevation of Typical Small Lot Building

East Elevation of Typical Small Lot Building

West Elevation of Typical Small Lot Building

DEPARTMENT OF COMMUNITY DEVELOPMENT

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

MEMORANDUM
Planning & Community Services Division

TO: Planning and Zoning Commission

FROM: Michelle Pezley, Planner III

DATE: August 17, 2021, updated September 2, 2021

SUBJECT: Rezoning Request – 515 W. 2nd Street and 523 W. 2nd Street

---

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

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

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

PROPOSAL

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

The property to the north is within the C-2 Zoning District and currently is used for a carwash business. The parcels located east and south are within the R-4 Zoning District and are residential dwellings. The property to the west is a split zone lot of R-2 and C-2 where the McDonald's is currently located. The McDonald's was established in the 1980's and it is unknown how it was established with the split zoning of the property. As one can see in the aerial photo above, the fast food restaurant is inconsistent with development along 2nd Street, which is all lower-scale residential and takes up more space than other commercial uses in the corridor.

BACKGROUND

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

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

ANALYSIS

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

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

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

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

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

As mentioned during the Planning and Zoning Commission’s August 11, 2021 meeting, for this rezoning request to move forward, the *Imagine Downtown!* Vision Plan would need to be amended. Staff does not support the amendment to the Vision Plan this soon after the adopting the plan in November 2019. The Vision Plan started with a public kickoff event in April 2019. The process involved extensive public input from community members, including two large public planning workshops and numerous smaller discussions with specific stakeholders within the downtown area, including Community Main Street, business owners, property owners, realtors, developers, elected officials, the Historical Society, Bike-Ped Committee, Grow Cedar Valley, and various technical staff from the City, CFU, and IDOT. The character districts were drawn based on this community input. Considerable thought was put into how the higher intensity mixed-use areas in Downtown and along 1st Street should transition to the surrounding neighborhoods in order to preserve the residential character of the neighborhoods and ensure the quiet enjoyment of the residents. Allowing commercial to extend a full block from 1st to 2nd Street would be replicating the one use that is anomalous along the corridor, the large drive-through restaurant located west of the subject property.

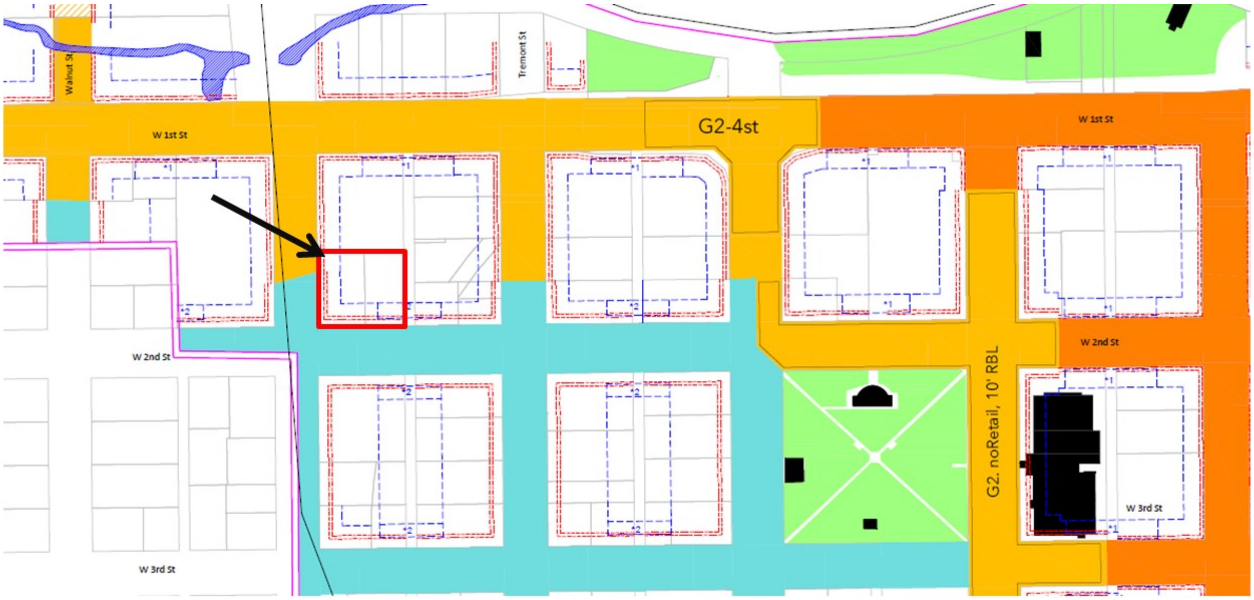
It should be noted that in response to concerns that commercial development needs more space, the area intended for more intense commercial and mixed use development is shown in the Vision Plan extending further toward 2nd Street than the current C-2 zoning.

In summary, an amendment to the Imagine Downtown! Vision Plan would be necessary in order to approve the requested rezoning. For all the reasons stated above, staff recommends against making any change to the plan. Since the plan was just recently adopted with considerable public input, any changes would warrant broader discussion of the various stakeholders in the downtown area.

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

During the public comment period of the Planning and Zoning Commission review of the draft code and regulating plan, the applicant, Kevin Harberts, requested a change to the regulating plan to have the “Urban General 2” designation (area shown in yellow below) to be extended from 1st Street frontage to the 2nd Street frontage. The Planning and

Zoning Commission considered this request, as noted in item number 9 in the attached decision matrix, and decided to maintain the Downtown Regulating Plan as originally proposed in order to remain consistent the Vision Plan that was adopted in 2019.



The subject properties at the corner of 2nd Street and Iowa Street, as outlined in red above are largely designated as "Neighborhood Small"(shown in light blue), which allows residential infill development, but not commercial development in order to maintain the residential character on 2nd Street and not allow further commercial encroachment into the Overman Park Neighborhood. It should be noted that approximately 2/3 of the block from 1st to 2nd Street is designed as Urban General 2, which would allow more space to accommodate commercial or mixed uses along 1st Street than the current C2 zoning district. Restaurant uses and drive-through facilities would be allowed with the new zoning in this location along 1st Street as long as they met the new zoning standards. However, approximately 1/3 of the block, the area that fronts on 2nd Street, would be reserved for residential uses. Looking at the current commercial pattern along 1st Street (see aerial photo on page one) and the new Regulating Plan, the new zoning gives additional building space for commercial development that is not there currently.

As noted above, the new zoning regulations and regulating plan have already been reviewed by the Planning and Zoning Commission and recommended to Council for approval. The City Council is currently reviewing the Commission's recommendations. The City Council has set the public hearing at their September 7th meeting. As a consequence, new zoning and regulations may be adopted by October. If adopted, all the existing zoning would be deleted, including all the C-1, C-2, C-3, R-4, R-3, A-1, M-1, and CBD Overlay zoning in the downtown area and the Downtown Character District Regulating Plan would be established as the new zoning map for the area. At that point this rezoning request to C-2 would be considered moot.

Conclusion: This rezoning request is not consistent with the recently adopted Downtown Vision Plan and the new zoning that has recently been recommended by the Commission to the City Council, staff does not recommend approval of this rezoning request to C-2.

2) *Is the property readily accessible to sanitary sewer service?*
   Yes, all utilities are readily available to the site.

3) *Does the property have adequate roadway access?*
   Yes, the properties currently have access to Iowa Street, 2nd Street, and the alley to 1st Street.

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

STAFF RECOMMENDATION

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

PLANNING & ZONING COMMISSION

8/11/2021 Introduction

The Commission then considered a rezoning request for property located at 515 and 523 W. 2nd Street. Chair Leeper introduced the item and Ms. Pezley provided background information. The site is located at the northeast corner of 2nd and Iowa Streets. The applicant proposes to combine these lots and the car wash lot located along 1st Street and redevelop the area into a fast food restaurant with a drive-through. She discussed the criteria and analysis for the rezoning request, noting that the request is not consistent with the City's Comprehensive Plan, in this case the recently adopted Imagine Downtown Vision Plan. Staff recommends denial of the request because of the inconsistency with the adopted Imagine Downtown! Vision Plan and with the new zoning currently under consideration by City Council for these properties. It is also recommended to set a public hearing for the August 25 meeting to allow for formal consideration and public comment.

Jeff Ruppel, (1210 Heather Glenn, Dubuque, Iowa) spoke on behalf of the applicant stating that he is proposing to establish a Wendy's fast food restaurant at this location. He handed out copies of drawings of Wendy's buildings in other locations as an example of what they would like to build here. Mr. Schrad asked if this would front on 1st Street and Mr. Ruppel stated that most likely it would.

Mr. Larson asked if there was a reason why a proposed use or layout wasn't included in the packet. Mr. Ruppel stated that he got a strong feeling from staff that the zoning probably wouldn't be appropriate. Ms. Howard stated that the images were not submitted with the application so were not included in the packet for the Commission. She asked that a copy be provided to staff for the official record of the meeting.

Mr. Holst asked if there are any intentions for mitigating potential nuisance effects of a drive-through restaurant to separate it from the 2nd Street side out of concern for residential neighbors. He stated that it is important to know how the interests of the surrounding residential properties will be protected from things such as the sounds from the drive thru. Mr. Ruppel stated that the volume of the speakers can be adjusted to ensure they should not be an issue for the neighbors. Mr. Schrad asked if 2nd Street could become a buffer zone. Mr. Ruppel stated that it could.

Mr. Leeper noted that the vision plan was just passed and the project doesn't meet the plan so it is a difficult for the Commission to recommend approval.

Mary Jane McCollum, 807 W. 2nd Street, stated concerns with the project including lighting and smell, as well as traffic. She noted that the neighbors are not happy with the proposal and believes it isn't consistent with the adopted vision plan.

Kevin Harberts, 1715 Whispering Pine Circle, is one of the owners of the properties being discussed. He asked if the visioning plan has already been approved and put in place. Ms. Howard responded to the question, noting that the Vision Plan was adopted by the City Council in November of 2019. She also noted that this is the guiding document for rezoning applications. Mr. Harberts commented that he thinks this would be a good development for the area.

Ben and Sally Timmer, 203 Tremont Street stated that they support the staff recommendation to deny the project, noting concerns with traffic, trash, noise, etc. They stated that they don't feel that the applicant would like to live that close to a fast food restaurant, so should consider the effect on nearby residents.

Jim Benda, 1816 Valley High Drive, advocated for the rezoning, speaking to the potential parking issues and ways he felt the issues could be resolved.

Steffoni Schmidt, 214 Tremont Street, agrees with the concerns shared by the neighbors, specifically the trash increase and increased traffic, as well as lack of traffic control.

Ms. Saul asked for clarification on the adoption of the vision plan. Ms. Howard stated that the vision plan was adopted by Council in November of 2019 and is part of the comprehensive plan. Any zoning requests should be in compliance with the comprehensive plan. Ms. Saul stated that she would be open to making an exception. Chair Leeper asked Ms. Howard to speak to the suggestion that the portion of the back of the McDonalds lot is not zoned commercial Ms. Howard stated that this was done forty years ago and she is not certain how that came to be, but it does have the split zoning, with the area along 2nd Street zoned R-2 Residence District.

Mr. Larson stated that he feels that the Commission should still consider this project and moved to schedule the hearing. Mr. Schrad seconded that motion and suggested that the developer address the issues that the neighbors have brought forward. As no motion is needed, the item will be moved to the August 25 meeting for a public hearing. Ms. Howard clarified that the request at hand is a rezoning of the property to C-2. The use of the property is not being considered at this time because the zoning can be used for anything allowed in the C-2 zone. She reminded the Commission that the issue is not about building a Wendy's restaurant but whether the rezoning should be allowed. If the rezoning were to be allowed the Downtown Vision Plan would have to be amended prior to approval of the rezoning.

The public hearing was set for the next meeting.

8/25/21 Hearing

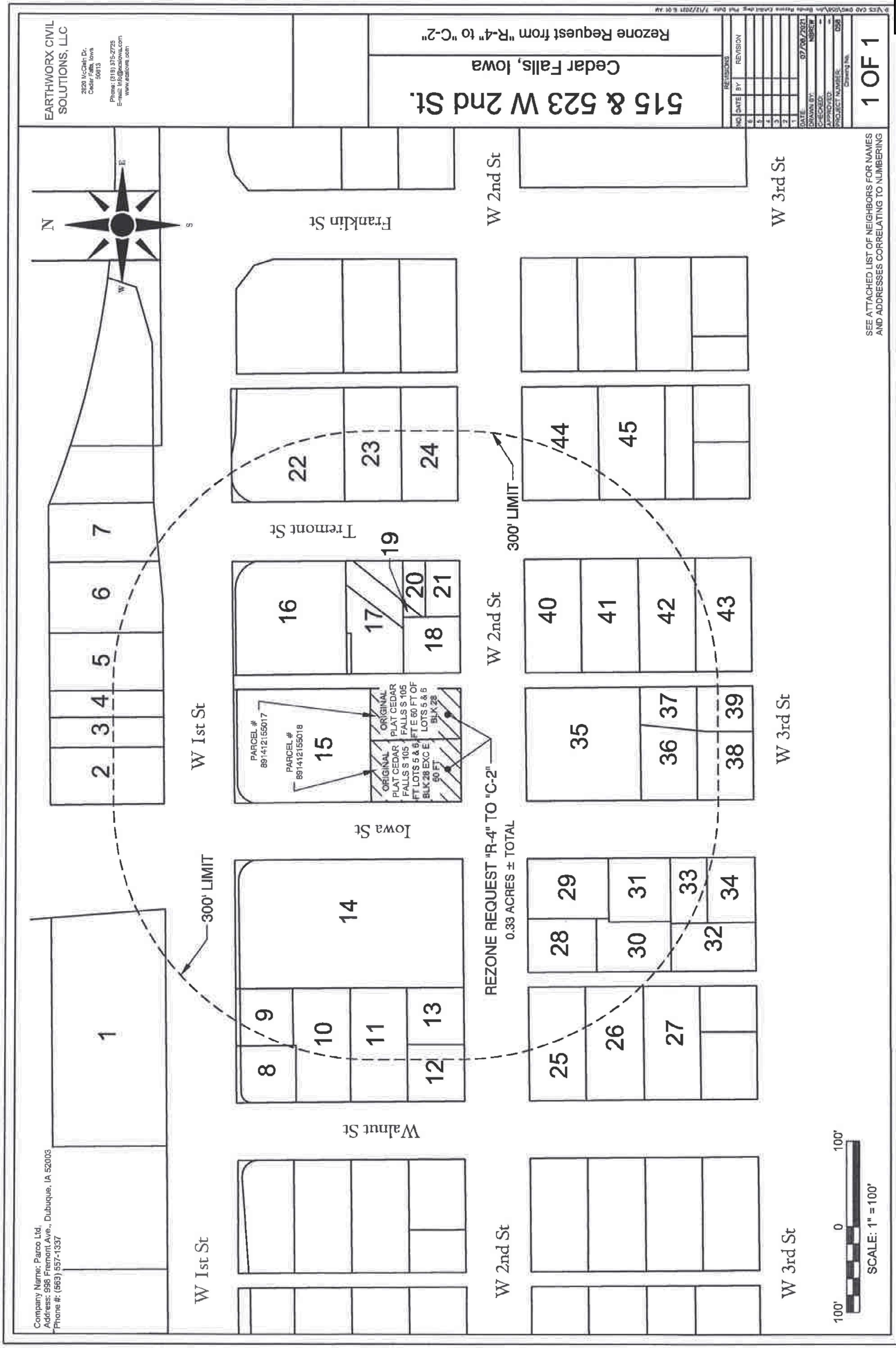
The next item for consideration by the Commission was a rezoning request for property at 515 W. 2nd and 23 W. 2nd Street. Chair Leeper introduced the item noting that there is a request to open the public meeting and continue to the next meeting. Ms. Pezley explained that the site is located at the northeast corner of 2nd and Iowa Streets and stated that the applicant proposes to combine the lot with the carwash with the two smaller lots and redevelop the site into a fast food restaurant with a drive through. She explained that the current focus of criteria is whether the rezoning request is consistent with the Future Land Use Map and the Comprehensive Plan. The *Imagine Downtown*! Vision Plan was adopted by the City in 2019 and that is the plan for the application. The vision plan divides the downtown into character areas for future land use designations. The Overman Park neighborhood is a stable residential area with a few small offices in close proximity to the Main Street parkade. The intent of the area is to protect the residential character and allow limited residential infill. The character districts were drawn after an intensive public comment period and public workshops that included community members, staff, Community Main Street, CFU, etc. Staff finds that the request for rezoning request is inconsistent with the recently adopted *Imagine Downtown!* Vision Plan.

Jim Benda, 1816 Valley High Drive, stated that they asked for a continuance because they weren't able to address some of the concerns from the last meeting. There are drawings that are in the process of being updated and they thought it would be best to wait until all documents are complete. He also noted that he feels that the way the plan is set up does not allow the appropriate amount of room for parking, and believes the parcels should be larger.

Heather Miller, 622 W. 2nd Street, stated that her house is diagonally opposite from McDonalds and that she feels that having a second fast food restaurant would double the trash, noise, traffic, etc. The house was built in the 1870's and is owned by her family for the last 80 years and would like to see the area be residential.

Sally and Ben Timmer, 203 Tremont Street, stated that she agrees with the staff recommendations to deny the project and noted her concerns with the trash, noise, and traffic as well. She pointed out that the new Community Bank was able to meet the plan. She said that McDonalds is a non-conforming use within the R4 district. The non-conforming use should not be used as an example. Mr. Timmer stated the neighborhood is residential and close to many trails. He feels that there will be a mass exodus for residents if this is allowed.

Mary Jane McCallum, 807 W. 2nd Street, pointed out that none of the people who are proposing this project live anywhere near this area. She also noted the same concerns with trash, traffic, and noise. She pointed out that she has seen that police have been called to the McDonalds to break up fights that were happening on the property. She also sees semi-trucks park on 2nd and Iowa Streets. She asked the Commission if they would want to live by this development.


EARTHWORX CIVIL SOLUTIONS, LLC
515 & 523 W 2nd St.
Cedar Falls, Iowa
Rezone Request from "R-4" to "C-2"
1 OF 1
Company Name: Parco Ltd.
Address: 998 Fremont Ave., Dubuque, IA 52003
Phone #: (563) 557-1337
REZONE REQUEST "R-4" TO "C-2"
0.33 ACRES ± TOTAL
300' LIMIT
PARCEL # 89141215017
PARCEL # 89141215018
ORIGINAL PLAT CEDAR FALLS S 105 FT LOTS 5 & 6 BLK 28 EXC E 60 FT
ORIGINAL PLAT CEDAR FALLS S 105 FT E 60 FT OF LOTS 5 & 6 BLK 28
W 1st St
W 2nd St
W 3rd St
Franklin St
Tremont St
Iowa St
Walnut St
SEE ATTACHED LIST OF NEIGHBORS FOR NAMES AND ADDRESSES CORRELATING TO NUMBERING
SCALE: 1" = 100'

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

Proposed use: fast food

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

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

26-193 – Building Form Standards

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

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

7	Requestor: P&Z Member Larson Change the Regulating Plan designated building frontage on west side of Overman Park from Neighborhood Small to Urban General 2 to accommodate existing businesses located in buildings along Franklin Street; or alternatively: Requestor: Tom and Dorinda Pounds They own a house on Franklin Street that was converted to office space for their business. They want assurance their business can continue, but also have maintained many of the historic residential features of the home, so it could be converted back to residential use in the future, if desired. They would like an approach to better accommodate existing businesses, while maintaining the residential character and scale of the area	As drafted, all existing businesses can remain as non-conforming uses. The new code requires no changes unless/until the owner makes a significant change to their business or building, at which time the standards identified in **Section 26-38 Proportionate Compliance** would apply, based on the [level/degree] of proposed change. The intent of the proposed limitations on new businesses in the Neighborhood frontage areas is to encourage their concentration in the core of Downtown for the synergy it creates and to stabilize and encourage reinvestment in the surrounding residential areas and preservation of the historic character of these areas. Options for change: Option 1: Change the regulating plan along west side of Franklin Street to Urban General 2. Pro: Insure existing business are not made non-conforming Con: Change in building frontage designation affects more than use; it would also change the physical scale and character of permitted new buildings, potentially incentivizing the demolition of other houses in the neighborhood. This could potential affect the historic residential character along Franklin Street. Most businesses are located within existing residential structures. Option 2: Language could be added to state that all existing businesses at the time of code adoption are considered conforming, so can continue and even expand, but that no new businesses are permitted in the Neighborhood frontages. This is a similar approach we took for manufacturing businesses on the far east side of the study area.	Consultant/staff are in support of Option 2, as it achieves the goal of keeping existing businesses conforming, but doesn't have the unintended consequences noted with Option 1.	Commission directed staff to make the changes per Option 2.	Amendment Approved Option 2. (Note: add a parking requirement for non-residential uses in Neighborhood Frontages).

8	Requestor: P & Z Chair: Include a design review process/role for P&Z	Commission expressed concern that it is difficult to legislate good design and that some additional design guidance may be needed, at least for some projects; and this process should be conducted through a public review process at P&Z and/or Council. Pros: Provides for more public scrutiny of development projects in the downtown area. Provides additional reassurance that a project will be consistent with the vision for downtown. Cons: One of the goals of the Downtown Zoning Code update was to streamline the development review process and move toward by-right approvals for those projects that meet a set of objective form-based standards. The benefits of this approach are to a) provide a greater level of predictability for property owners, developers, and neighbors; b) move away from the time and expense of negotiating individual projects in the Downtown district, particularly if it requires project redesign or additional legal fees; and c) remove the subjectivity of the public review process, where individual opinions can cause projects that otherwise meet the standards to be redesigned adding cost to the project. From a fairness and equity standpoint, it can also give undue influence to particularly persuasive or well-connected applicants or to those who may simply want to prevent development from occurring. The purpose of establishing the staff Zoning Review Committee is to ensure that development projects meet the adopted standards, but also to assist applicants in their understanding of the intent of the provisions of the code, so they can achieve a more cohesive design, so in essence will serve as an administrative design review.	Consultants/staff do not recommend adopting a pubic design review process at this time. If a majority of the Commission would still like to move forward with a public design review process, the consultants and staff will continue to work to determine a workable approach.	Commission directed staff to keep the draft the same and not require a separate design review through P&Z and Council.	No change recommended

9	Requestor: Kevin Harberts (owns two residential properties along 2nd Street). Change the Regulating Plan so that the General Urban frontage designation goes from the 1st Street frontage to 2nd Street frontage The requestor would like the option to create larger through lots for commercial uses that extend the full depth of the block from 1st to 2nd Street.	The regulating plan designations between 1st and 2nd Street are already set up to provide more lot depth for Urban General along 1st Street to accommodate the larger footprint of many commercial buildings, leaving a shallower depth for the neighborhood frontage designation along 2nd Street, which can accommodate smaller footprint residential building types, such as rowhouses. Pros and Cons of making this change: Pro: Uniform building form standards for the entire parcel (with considerably more buildable area) Con: This would undermine the scale transition from the higher intensity, mixed-use 1st Street down to the less intense Overman Park neighborhood to the south. The code provides considerable flexibility for parcels with more than one frontage designation to shift the frontage designation to accommodate specific needs of the development. However, it is important for the buildings along both sides of 2nd Street to relate to one another, rather than having residential buildings facing the backs of 1st Street businesses. The regulating plan designations ensure buildings of similar scale and character along both sides of a street.	Consultant/staff are <u>not</u> in support of this amendment. The regulating plan already establishes Urban General deeper into the block (from north to south) and leaves a rather shallow area along 2nd Street that will accommodate residential building forms, such as townhomes, as shown in the *Imagine Downtown! Vision Plan*.	Commission directed staff to keep the regulating plan the same. No change recommended.	No change recommended

10	Requestor: Planning & Zoning Commission and questions from several members of the public. Consider the inclusion of vinyl siding as an approved wall material in Neighborhood Frontages	There is concern that prohibiting vinyl siding in the Neighborhood Frontages could be cost prohibitive and encourage disinvestment in existing residential properties. The intent of the proposed prohibition was to promote more durable and environmentally sustainable building materials. (The issue is not one of aesthetics). Pro: Reduce the up-front cost of building construction and maintenance Con: Higher long-term costs for maintenance and upkeep; concerns related to durability and fire-resistance; environmental impacts of PVC, i.e. produces toxic smoke when it burns and melts at a fairly low temperature; damaged or melted siding often ends up in the landfill and is not biodegradable. While it is possible to recycle it, there are often issues of contamination from dirt, nails, and mixed-in aluminum flashing. In contrast, wood, brick or stone have a life cycle of more than 100 years. The life span of vinyl is 15 to 20 years before it becomes brittle from ultraviolet light and is easily damaged. If change to the ordinance is desired, following are some options: 1. Maintain the prohibition of vinyl siding for new construction. 2. Permit the use of vinyl siding to replace or repair existing vinyl siding. 3. Permit use of vinyl siding that meets higher minimum standards for quality, maintenance, and durability, based on industry standards to replace or cover over other types of siding on existing single family dwellings. 4. Delete the prohibition on vinyl siding from the code altogether, so it would be allowed on all existing and new buildings in the Neighborhood Frontages.	Consultant/staff are particularly concerned about the long term consequences of allowing vinyl siding related to the noted environmental concerns, so recommend prohibiting vinyl siding for new construction. With regard to the second bullet point, the current draft already allows replacement of like material with like material for maintenance purposes. Consultant/staff would be in support of adding some additional language to make sure this is clear. Consultant/staff are <u>not</u> supportive of allowing vinyl siding to replace existing environmentally sustainable building materials, such as wood, stone, or brick. We feel that the long term costs outweigh the short term savings. Consultant/staff strongly recommend against listing vinyl siding as a generally allowed building material.	Commission directed staff to move forward with making changes consistent with 1, 2, and 3, but did not support option 4. Bullet points 1 and 2 were supported unanimously. Bullet point 3 was supported by a majority. With regard to bullet 1, the Commission requests that the language be clarified to indicate that for additions to existing buildings that have vinyl siding that vinyl siding can be used for the addition. We will need to discuss how to fit that into the trigger chart. Bullet point 4 was rejected by a majority.	Amendments Approved according to bullet points 1, 2, and 3. Majority of the Commission does not support 4.

11	Requestor: Jesse Lizer, Emergent Architects Permit the use of higher quality foam products for architectural detailing	There is concern that the prohibition of "all other foam-based products" in ***Sec. 26-194.C.5.*** would limit options for restoration of historic buildings. That was never the intent of this prohibition, but rather to limit the use of flimsy, easily damaged building materials, particularly at the street level. Potential change: • Delete "all other foam-based products" from the prohibited list and add a new item to the secondary materials list in ***Sec. 26-194.C.4.*** as follows: "Durable foam-based products, such as Fypon, may be used for architectural detailing."	Consultant/staff are in support of this amendment,	Commission directed staff to make this change.	Amendment Approved
12	Requestor: Staff Provide more direction for ADUs	Concern that there is insufficient enforceability of owner-occupancy requirement following the development of an ADU. Consider including a requirement for an affidavit/legal agreement with the City in ***Sec. 26-193.1.G*** (p.24) to be filed and recorded, so that it is clear to future owners or prospective buyers that the dwelling is not considered a duplex, so that the limits on size and occupancy for ADUs continue to be enforceable over time. The allowance for ADUs is intended to make home ownership more affordable and encourage investment and reinvestment that will help stabilize existing older neighborhoods surrounding downtown.	Consultant/staff are in support of this amendment.	Commission directed staff to make this change.	Amendment Approved

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

Michelle Pezley

From: Karen Howard
Sent: Wednesday, August 25, 2021 4:20 PM
To: Michelle Pezley
Subject: FW: Wendy's on 1st

Please make copies for the Commission and save into the file.

From: Amanda Lynch [mailto:Amanda.Lynch@westernhome.org]
Sent: Wednesday, August 25, 2021 8:26 AM
To: Karen Howard
Subject: Fwd: Wendy's on 1st

I received this correspondence from Jim Brown, and I know that if we receieve things of this nature we need to send them along to you.

See you tonight. Thank you!

---------- Forwarded message ---------
From: **James Brown** <jimbrown@cfu.net>
Date: Tue, Aug 24, 2021 at 10:46 AM
Subject: Wendy's on 1st
To: Amanda lynch <Amanda.lynch@westernhome.org>

Hey Amanda,

Thanks for all you do for the city and for P&Z - I know-that-I-know it can be a thankless service to the city!

I'm asking for specific attention and consideration towards the Wendy's opportunity on 1st Street upcoming - I wanted to again add my two-cents worth as well:

I'm all for the Master Plans (MP) - always have been. Most would agree to hold strong towards a MP within the downtown Main Street area, and probably a few blocks surrounding what most consider the downtown corridor. Could this Wendy's opportunity be an exception? It seems to me a very easy solution is to slightly modify the split between residential and commercial to the middle of 2nd Street and allow for more full-commercial opportunities long-term?

It's not necessarily "downtown" and seems to fight between the most traveled road in town and our traditional Main Street. We just paid millions to re-do 1st Street, there are RR tracks down the middle of the street west and a terrible alley to the east... to have a modern/urban Wendy's with all of the required trees, shrubs and green space would be a dramatic improvement (and a nice tax-gener entity).

It's ok to mix things up a little and to have flexibility and right now we have great opportunity for "in-fill" that everyone always talks about with a national company that fits (and needs) the entire lot. Let's not confuse our "downtown master plan" amenities and "feel" of downtown with again, the busiest street in town.

Lastly, I would urge you to simply drive around that lot on all four sides (carefully - it's busy - lol), you probably already have, and realize the rentals on 2nd Street-north will most likely always be rentals... so let's split the future opportunities for awesome residential, were it will eventually make sense - to the middle of 2nd Street south. Otherwise, we'll always battle residential that butts-up against commercial as opposed to a natural 'barrier' being the middle of the street.

Best,

Jim Brown
319-575-0375
JimBrown@cfu.net

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Amanda Lynch
Director of Fortified Life
FORTIFIED
LIFE
5307 Caraway Lane
Cedar Falls, IA 50613
319-859- 9314
www.fortified-life.com

Michelle Pezley

From: Karen Howard
Sent: Thursday, September 2, 2021 1:49 PM
To: Michelle Pezley
Subject: FW: Wendy's on 1st

From: Martin P. Holst [mailto:mardyholst@cfu.net]
Sent: Wednesday, September 1, 2021 9:11 PM
To: Karen Howard
Subject: Fwd: Wendy's on 1st

Hi Karen,

Forwarding the correspondence and my response on the rezoning request on 1st that I received for the record.

Mardy Holst

Begin forwarded message:

From: "Martin P. Holst" <mardyholst@cfu.net>
Subject: Re: Wendy's on 1st
Date: September 1, 2021 at 9:08:08 PM CDT
To: James Brown <jimbrown@cfu.net>

Hi JIm,

Sorry for the slow response. I appreciate you taking the time to share your thoughts on this item. You don't need to thank me for me my service as all your time and effort you have given as Mayor etc has been tremendous…and speaking of thankless!! I can only imagine.

This is a difficult situation in its present form and I think it may take additional work to find a solution that will benefit everyone involved best interest.

Also, FYI I am forwarding this info on to the Planning staff just to document that we are not doing anything behind closed doors as we have trained by the City Attorney etc on how we are suppose to handle input on these items.

Thanks again Jim for sharing your thoughts. Much appreciated.

Mardy

On Aug 24, 2021, at 10:39 AM, James Brown <jimbrown@cfu.net> wrote:

Hey Mardy,

Thanks for all you do for the city and for P&Z - I know-that-I-know it can be a thankless service to the city!

I'm asking again for specific attention and consideration towards the Wendy's opportunity on 1st Street upcoming - I appreciated your questions and insight a couple of weeks ago as I watched the meeting - I wanted to add my two-cents worth as well:

I'm all for the Master Plans (MP) - always have been. Most would agree to hold strong towards a MP within the downtown Main Street area, and probably a few blocks surrounding what most consider the downtown corridor. Could this Wendy's opportunity be an exception?

It's not necessarily "downtown" and seems to fight between the most traveled road in town and our traditional Main Street. We just paid millions to re-do 1st Street, there are RR tracks down the middle of the street west and a terrible alley to the east... to have a modern/urban Wendy's with all of the required trees, shrubs and green space would be a dramatic improvement (and a nice tax-generating entity).

It's ok to mix things up a little and to have flexibility and right now we have great opportunity for "in-fill" that everyone always talks about with a national company that fits (and needs) the entire lot. Let's not confuse our "downtown master plan" amenities and "feel" of downtown with again, the busiest street in town.

I know you consider heavily/carefully regarding NIMBY's - I was one not too long ago - lol. However, after driving around that area most every day the past two weeks, I believe these folks are not considering what that entire 2nd Street would look like. If we say no to Wendy's, this area MIGHT have some new residential... if we say yes to this development and shift that zoning to the middle of 2nd Street (easiest solution?), new residential is about guaranteed. My humble opinion will be *because* of a new urban Wendy's!

You've probably already driven that area - it really seems like a no-brainer for the future to NOT have that 1/3 of those lots butt-up (compete?) against commercial for the foreseeable future.

Best,

Jim Brown
319-575-0375
JimBrown@cfu.net

DEPARTMENT OF COMMUNITY DEVELOPMENT

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

MEMORANDUM
Planning & Community Services Division

TO: Planning and Zoning Commission

FROM: Chris Sevy, Planner I

DATE: August 16, 2021

SUBJECT: Rezoning Request – Creekside Condos

REQUEST: Amend Future Land Use Map from Office & Business Park to Medium Density Residential (Case #LU21-001) and to rezone property from C-1 Commercial District to R-P Planned Residence District. (Case #RZ21-005)

PETITIONER: Dan Levi; Levi Architecture

LOCATION: Hanna Park Commercial Addition Lots 1, 2 & 3 and P A Hanna Addition Lot 4; Northwest corner of Cedar Heights Drive and Valley High Drive

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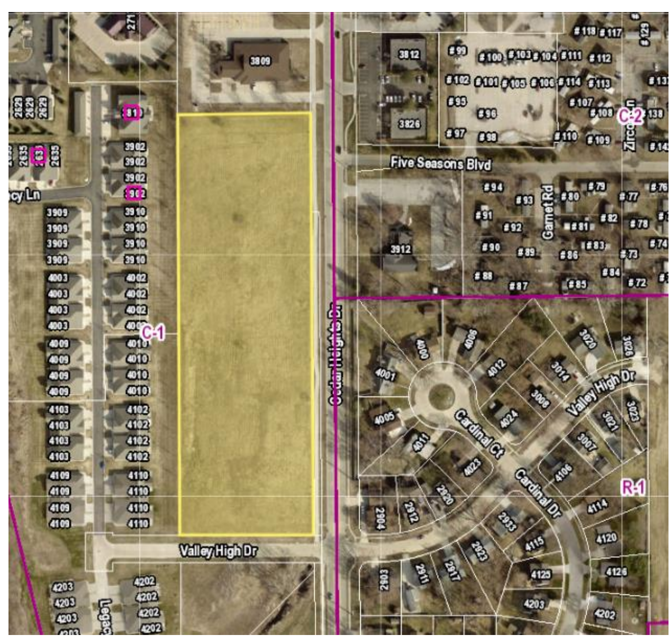
PROPOSAL

The applicant is seeking to build a medium density residential condominium development along Cedar Heights Drive north of Valley High Drive. Residential is only allowed conditionally in the C-1 district which also has a two-story 35-foot height limitation. That limitation precludes the proposed three-story 42-foot buildings from being built. Therefore, the applicant is requesting to rezone this property to an R-P Planned Residence District where a planned condominium development can be built.



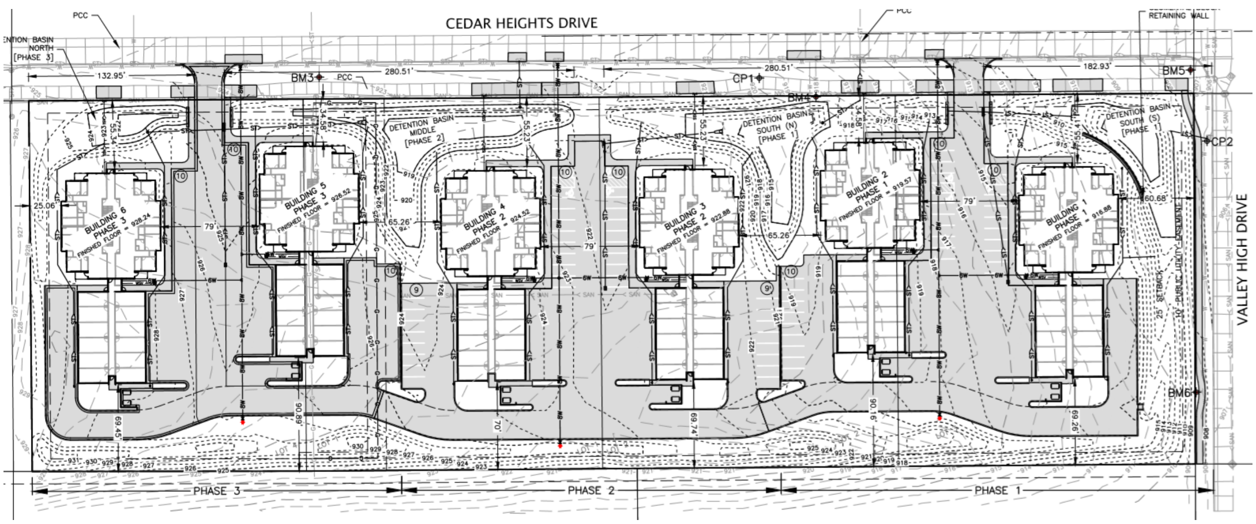
Since one of the primary considerations of a rezoning is whether the rezoning request is consistent with the Comprehensive Plan, staff notes that an amendment to the Comprehensive Plan will be required in order to consider approval of the rezoning.

BACKGROUND

The four parcels in question and the surrounding area on three sides were zoned

C-1 Commercial in 2005. The northernmost parcel was platted in 1990 and the other three were platted in 2007 with the intent to allow commercial development. Staff notes that demand and interest for commercial development in this location has been limited as residential development has filled in around these parcels and they have remained vacant. There is considerable commercial development along University Avenue, which carries more traffic than Cedar Heights Drive, and is therefore more attractive to commercial development.

The applicant has provided a development plan for the site where six 12-plex buildings would go. This proposal is also going through a subdivision process to combine lots and reconfigure the utility easements that were previously platted. If rezoned from C-1 Commercial to an R-P Planned Residence District, it will be the lone R-P district in that immediate neighborhood. However, residential uses would border three sides of the development area.

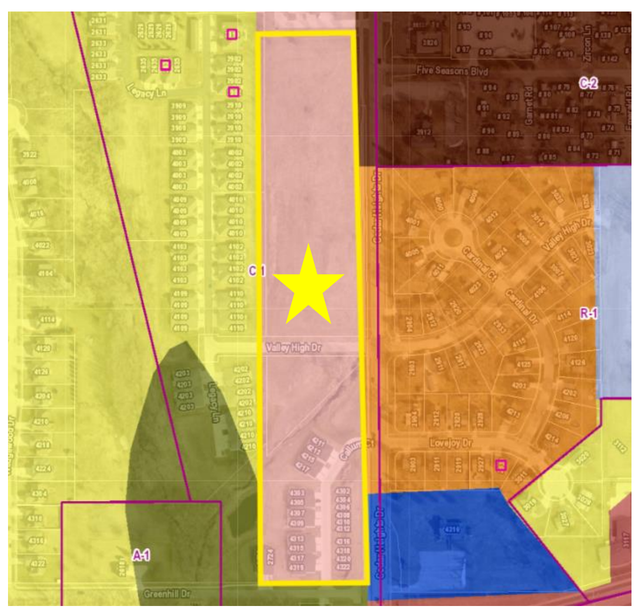


MINIMUM CRITERIA AND LAND USE MAP AMENDMENT

The following criteria are the minimum consideration for a rezone:

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

   Not at this time. A land use map amendment is required and must be considered prior to consideration of the rezoning request. The Future Land Use Map shades this property in pink which is for Office and Business Park uses. The area outlined in yellow to the right (marked by a star) will need to be amended to “Medium Density Residential” to allow the proposed project. The area on the east side of Cedar Heights Drive is also designated as Medium Density Residential, shown shaded in orange, so a change on the west side of the street would create consistency in the type of development in the area.



   Office and Business Park uses here on the

Future Land Use Map may not be a practical expectation at this point. In recent history there has not been interest or demand for further office spaces or commercial development along Cedar Heights Drive as there are more prominent commercial corridors nearby along University Avenue and Viking Road. Office and business park development has also agglomerated in the industrial land further to the west. Principles of land-use planning would concentrate commercial uses in nodes that are appropriately sized. Staff finds that the amount of commercial and office indicated on the Future Land Use Map along this corridor may be excessive given the lower traffic volume and more attractive locations for such development in other areas of the city. Also, additional residential development will provide needed housing in the community and help create more demand for nearby retail and commercial services. Staff recommends amending the Future Land Use Map changing the area outlined in yellow above to Medium Density Residential. Staff also suggests including the parcels south of Valley High Drive, which have largely been developed as residential. If the Land Use Map is amended as recommended, the rezoning request would then meet the test for a rezoning.

2) *Is the property readily accessible to sanitary sewer service?*
   Yes, all utilities are readily available to the site.

3) *Does the property have adequate roadway access?*
   Yes, the property borders Cedar Heights Drive and Valley High Drive.

<u>ANALYSIS OF THE PROPOSED RP PLAN</u>

The intent of the C-1 Commercial District is to border residential neighborhoods and provide for the “daily local business needs” of those neighborhoods. In the immediate area, most of the C-1 District has been developed as residential while the commercial amenities in the neighborhood include a dental office, a credit union, and a school district office for programs that help students transition to college and the work force. Residential uses are only allowed in C-1 with approval by the City Council. The applicant is requesting to rezone the property to R-P in order to cluster the residential development in 3-story buildings, which would not be allowed in the C-1 Zone.

This 6.38 acre property is bordered by a variety of uses: 4-plex condominium buildings to the west and south, a single family neighborhood and a church on the east, and the School District Educational Support Center on the north.

Staff finds that, for the surrounding residents, this rezone provides a more reliable expectation regarding what will be developed, how the buildings will be placed on the lot and how they will be designed to create a quality neighborhood. If demand changes and if left as C-1, many commercial uses such as retail, restaurants, and gas stations would be allowed with few restrictions or standards and would not be subject to review by the Planning and Zoning Commission and City Council.

The purpose of the R-P Planned Residence District is to provide for the orderly planned growth of residential developments in larger tracts of land. These larger tracts are more typically defined as being 10 acres or more, though this is not a hard number. For the sake of limiting the use and having assurance of how the parcels in question will be developed, City Staff finds that the R-P District is appropriate. An RP rezoning request must be accompanied by a master development plan and a developmental procedures agreement must be approved by City Council to ensure that the area is developed according to the plan.

The following is an analysis of the proposed development plan and an outline of specific requirements to inform conditions of the rezoning:

1. Below is a table of the spatial requirements that would apply to this project along with the proposed figures (including C-1 requirements for comparison):

	Required in C-1	Required in R-P	Proposed
Front Yard Setback:	25 Feet	20 feet	34 feet (closest building); 55 feet (furthest building)
Rear Yard Setback:	10 feet	35 feet	69 feet (closest building); 90 feet (furthest building)
Side Yard Setback:	None	10 feet (25 feet total of both sides)	25 feet on north and 60 feet on south
Lot area minimum:	None	14,800 square feet per 12-plex	46,391 square feet per 12-plex
Height:	2 stories; 35 feet	N/A	3 stories; 42 feet

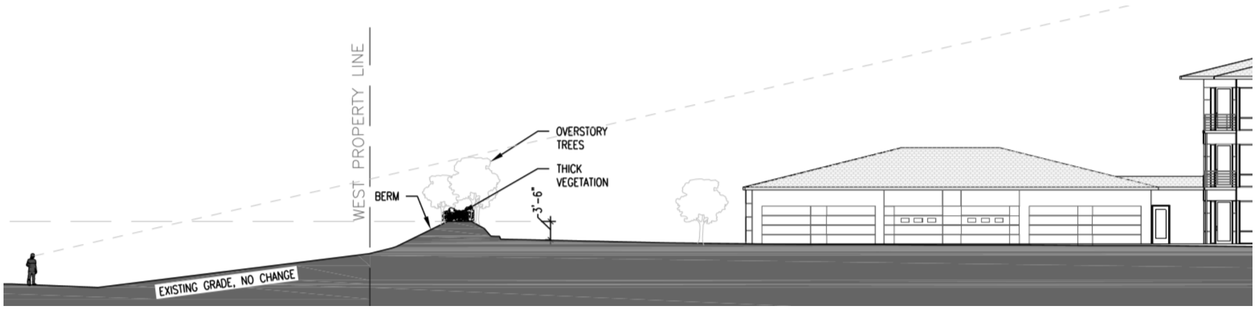
While the above figures are minimum requirements, the placement, design and height of the buildings will have to be substantially consistent with what is shown on the submitted master plan and outlined in the development procedures agreement. The setbacks, density and building height of the proposed development are listed in the column on the right. When a site plan application is submitted, it will need to be substantially consistent with these dimensional standards.

Concern about the height and number of units has been expressed by some of the neighboring residents to the west. The applicant seems to adequately address these concerns by having the buildings set back a minimum of 69 feet. The garages proposed at that setback are only 1 story and the 3-story 42-foot residential buildings are approximately 150 feet from the west property line. In contrast, the C-1 District would allow a 35-foot tall two-story building at a 10-foot setback with no mandatory review by the Commission or Council. Also, screening or fencing may not be required on property lines between two developments that are zoned C-1.

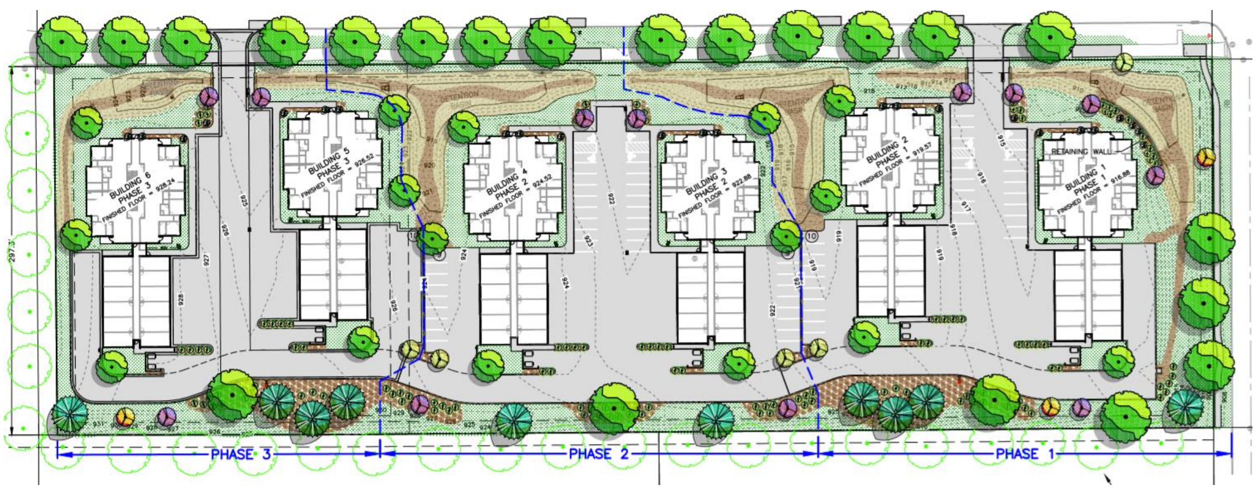
2. Since Cedar Heights Drive is an arterial street and previous plats limit the number of driveways, only two access points will be allowed to ensure a smooth traffic flow. The applicant’s proposal shows two access points, both on Cedar Heights Drive. A third access point may be allowed on Valley High Drive, however the applicant has opted not to provide that access point due to slope and elevation issues.

3. Required landscaping and screening will be largely determined by the parking code as there are no landscape standards outlined in the R-P District (nor the C-1 District). The proposed plan features a 3.5 to 6-foot berm along the west edge of the property with trees, shrubs, and other plants on top of it. Below is an exhibit that was created to demonstrate to the neighbors how this will soften the view from their rear yards and

effectively screen the taller buildings from view. Staff finds that this is a good solution to help screen and separate the lower intensity residential development to the west and the taller buildings proposed with this development. During site plan review, the applicant will need to provide more details on how this berm and landscaping will provide an effective screen that is at minimum 6 feet tall to meet zoning code requirements.



4. Below is the provided landscape plan. The placement and number of trees and landscaping will be reviewed in detail when an application for site plan review is being considered. Note that the stormwater is being directed to the east to a series of landscaped basins. It should be noted that with development the stormwater from the proposed development will be managed in contrast to the uncontrolled run-off from what is currently a vacant lot.



A notice was mailed to property owners within 300 feet of the parcels under consideration on August 17, 2021 regarding this rezoning request. Notice was also published in the Courier on September 1, 2021.

Public comments have been received and are included as attachments:

- The Legacy HOA's attorney filed a statement
- The neighboring Legacy HOA has submitted a petition signed in May of 2020 outlining concerns.
    - Since May of 2020, the applicant has held meetings and negotiations to improve the design and address concerns of neighbors.
- In an email the applicant has outlined the measures for addressing neighbor concerns. Many who signed the petition have expressed that they are now in support of the project.

- A neighbor to the west who originally signed the petition filed an official comment supporting the rezone while expressing concerns about flooding on their properties.
- Attendees of the last P&Z meeting requested that we include pictures of flooding on the properties to the west.

As is standard, proper stormwater management will be required of the applicant as part of the site plan approval process. This will include directing stormwater landing on impervious surfaces to basins bordering closer to Cedar Heights which will release water off the property at a slower rate than it would today in its undeveloped state. As such, the highlighted flooding issues may improve depending on where the flooding is coming from. Installing stormwater management measures on the neighboring property does not fall into the scope of this rezone request.

STAFF RECOMMENDATION

Staff recommends that the Commission recommend approval to amend the Future Land Use Map (LU21-002) as outlined in this report.

Staff also recommends that the Commission recommend approval of RZ21-005, a request to rezone the Northwest corner of Cedar Heights Drive and Valley High Drive from C-1, Commercial District to R-P, Planned Residence District subject to the following conditions:

1. The City and the applicant will establish a developmental procedures agreement to outline the rules and expectations that will govern the proposed development. An executed agreement will be required prior to final approval.
2. Only two access points will be granted off of Cedar Heights Drive.
3. Nine over-story trees must provide shade to the parking area and a 6-foot high screen must be provided on the west edge of the project area. These should be reflected in the landscape plan when seeking site plan approval.
4. Any other conditions identified by the Planning and Zoning Commission and City Council.

PLANNING & ZONING COMMISSION

Introduction 8/25/2021	The next item of business was a land use map amendment and rezoning request for the northwest corner of the intersection of Cedar Heights Drive and Valley High Drive. Chair Leeper introduced the item and Mr. Larson recused himself. Mr. Sevy provided background information, explaining that the applicant would like to rezone 6.38 acres from C-1, Commercial to RP, Planned Residence. It is proposed to build six 12-plex units, and the request involves an amendment to approximately 12.5 acres of the Future Land Use Map. The item is currently for discussion and setting a public hearing. Mr. Sevy provided a rendering of the current Future Land Use Map and noted that interest and demand for Office/Business Park uses have been limited in the location and that the rezoning would help with housing needs. Staff recommends gathering comments from the Commission and public relating to the request, and scheduling a public hearing for September 8, 2021. John Lane, 3909 Legacy Lane #1, shared personal concerns, including a letter from Trent Law Firm. He noted concerns with who the developer is going to be. Kyle Larson met with Mr. Lane as the builder and Mr. Lane asks that specific

details regarding a drain issue that is alleged to be fixed. He also noted concerns with the potential phasing, as well as the height of the building being three stories instead of two.

Steve Umthum, 4102 Legacy Lane #4, thanked the Commission for their work and mentioned concerns from the letter that was submitted before the meeting from Trent Law Firm. As the Commission has not had time to read the letter, he spoke to his questions and comments but noted that he is aware that this may be better for discussion at a future meeting. He mentioned proper stormwater detention and flooding mitigation and provided his concerns and suggestions. Development design and traffic, as well as buffering and privacy, were also discussed in the letter and Mr. Umthum outlined his concerns.

Dan Levi, Levi Architecture, 1009 Technology Parkway, spoke to the project and explained who the developers and owners are and answered questions that had been asked.

Ms. Howard clarified that the discussion is still just referring to the land use map amendment and noted that Mr. Sevy has more information about the rezoning.

Mr. Sevy spoke about the primary criteria for rezoning and explained that they are met, and discussed the conditions for the rezoning. Staff recommends gathering comments from the Commission and the public relating to the request, and scheduling a public hearing for September 8, 2021.

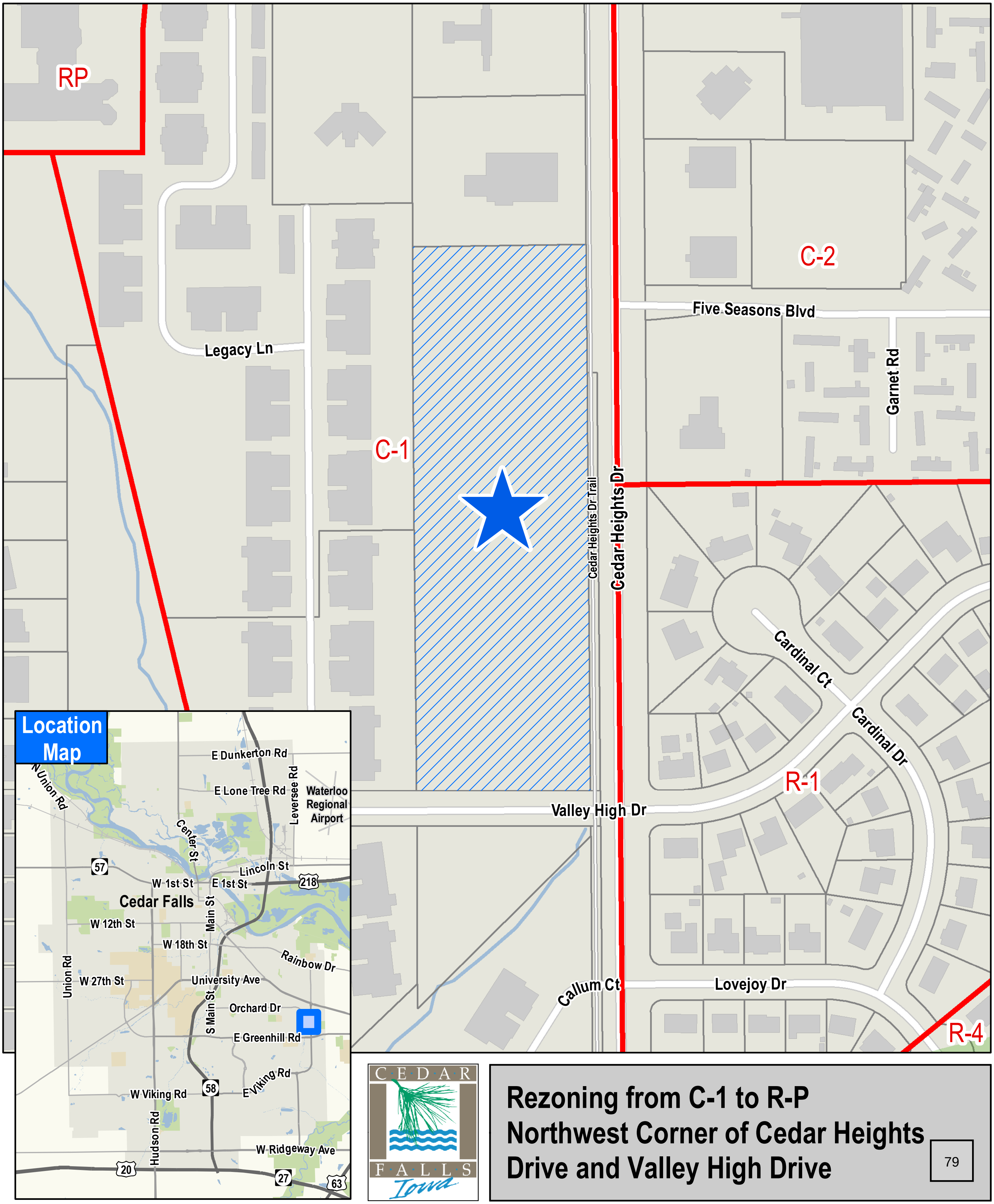
Mr. Holst asked how comfortable staff is with changing from commercial to residential and if there has been negative response from neighbors. Mr. Sevy explained that it appears to be a positive reaction as the rezoning is from a less restrictive zone to a more restrictive zone.

Ms. Lynch made a motion to set a public hearing for the next meeting. Ms. Sears seconded the motion. The motion was approved unanimously with 5 ayes (Holst, Leeper, Lynch, Prideaux and Sears), 1 abstention (Larson) and 0 nays.

Attachments:
Location Map
Rezone Exhibit
R-P Plan
Renderings Provided by Applicant
Site Section with Building
Letter to Adjacent Property Owners
Public Comments Filed

Cedar Falls Planning & Zoning Commission
August 25, 2021

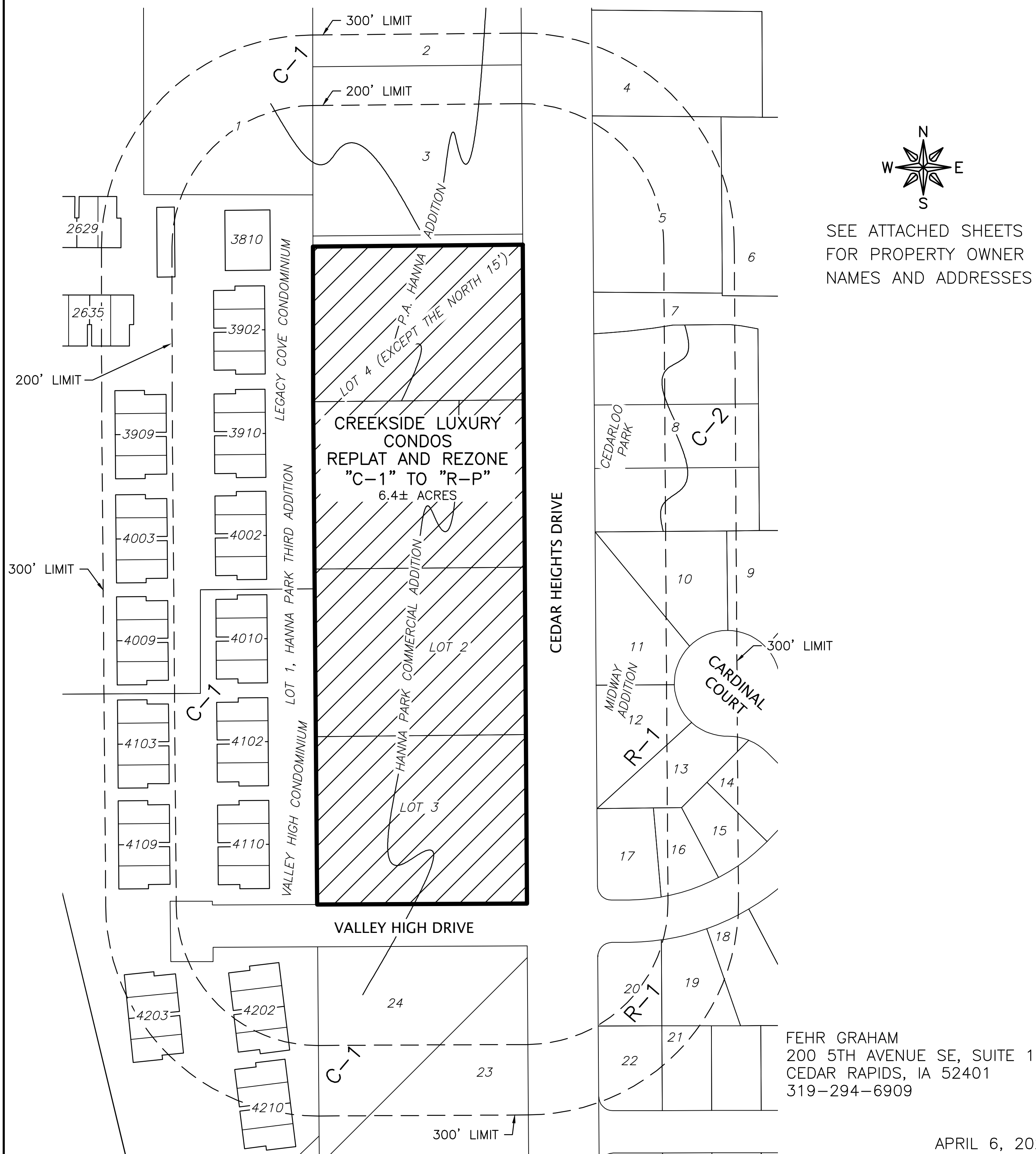
Item 4.



CEDAR FALLS Iowa

Rezoning from C-1 to R-P Northwest Corner of Cedar Heights Drive and Valley High Drive

PROPERTIES WITHIN 300 FEET
OF
LOTS 1, 2, & 3, OF HANNA PARK COMMERCIAL ADDITION, & LOT 4 (EXCEPT THE NORTH 15 FEET THEREOF), OF P.A. HANNA ADDITION TO THE CITY OF CEDAR FALLS, ALL IN THE CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA



SEE ATTACHED SHEETS FOR PROPERTY OWNER NAMES AND ADDRESSES

FEHR GRAHAM
200 5TH AVENUE SE, SUITE 100
CEDAR RAPIDS, IA 52401
319-294-6909

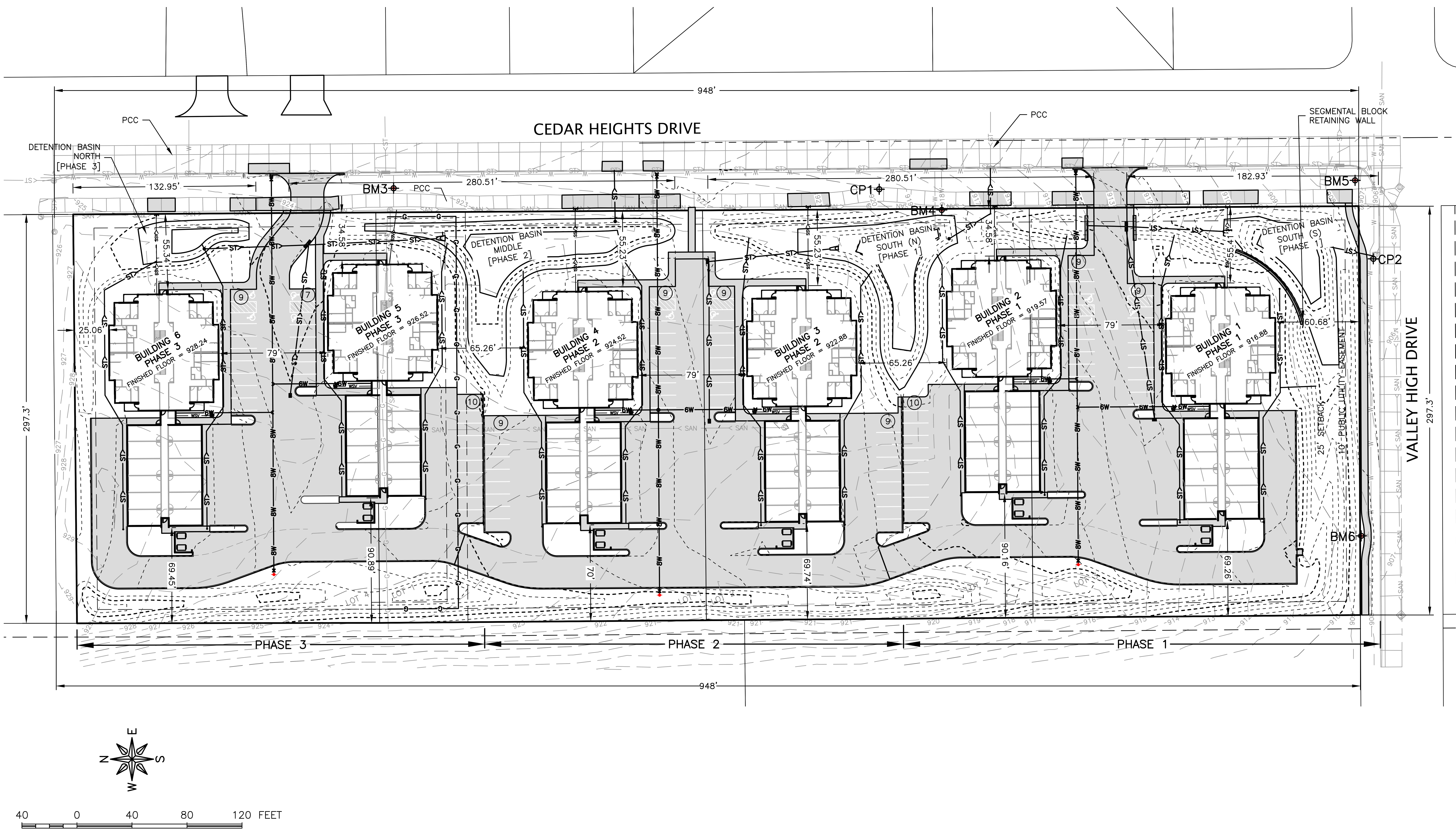
APRIL 6, 2020

200 0 200 FEET
GRAPHIC SCALE IN FEET

FEHR GRAHAM
ENGINEERING & ENVIRONMENTAL

ILLINOIS
IOWA
WISCONSIN

PLOT DATE: 4/6/20
C:\C3D\19\19-972 Cedar Heights Condos\19-972-ZONING EXHIBIT.dwg, ZONING PLAT



SITE DEVELOPMENT PLAN
CREEKSIDE LUXURY CONDOS

SITE ADDRESS – CEDAR HEIGHTS DRIVE

LOTS 1–3, HANNA PARK COMMERCIAL ADDITION & LOT 4, HANNA'S P.A. ADDITION.

OWNER
LG COMPANIES, LLC
4104 WEDGEWOOD DRIVE
CEDAR FALLS, IOWA 50613

ARCHITECT
LEVI ARCHITECTURE
1009 TECHNOLOGY PARKWAY
CEDAR FALLS, IA 50613

ZONING: (CURRENT) C-1 NEIGHBORHOOD COMMERCIAL
(PROPOSED) R-P PLANNED RESIDENTIAL

LOT INFORMATION
LOT SIZE: 278,124 S.F. / 6.38 ACRES

SETBACK REQUIREMENTS (PER PLAT)
FRONT: 25
REAR: 25'
SIDE: 25'

BUILDING AND LOT USE
PROPOSED
BUILDING HEIGHT AT PEAK – 41'–8"
BUILDING FOOTPRINT: 10,500 S.F. (EACH)
BUILDING FOOTPRINT: 63,000 S.F. (TOTAL) (22.7%)
TOTAL PAVEMENT & SIDEWALKS: 107,446 S.F. (38.6%)
TOTAL VEGETATED SURFACE: 107,678 S.F. (38.7%)
EXISTING
BUILDING FOOTPRINT: N/A
TOTAL PAVEMENT & SIDEWALKS: N/A
TOTAL VEGETATED SURFACE: 278,124 S.F. (100%)
DENSITY – 48 UNITS/6.38 ACRES = 7.5 UNITS/ACRE

PARKING DATA (PROPOSED)
TOTAL REQUIRED PARKING:
DWELLING, MULTI-UNIT: TWO PARKING SPACES PER DWELLING UNIT, PLUS ONE ADDITIONAL PARKING SPACE FOR EACH BEDROOM IN EACH DWELLING UNIT IN EXCESS OF TWO BEDROOMS. ONE ADDITIONAL STALL SHALL BE PROVIDED FOR EVERY FIVE UNITS IN EXCESS OF FIVE UNITS FOR VISITOR PARKING.
72 TWO BEDROOM UNITS = 144 SPACES
VISITOR PARKING = 15 SPACES
TOTAL SPACES = 159 SPACES

TOTAL PROVIDED PARKING – 162 PARKING STALLS
(12 HANDICAP)
(150 STANDARD)

FLOOD PLAIN – N/A
WETLAND – N/A
PHASING
PROJECT PLANNED TO BE CONSTRUCTED IN 3 PHASES, 2 STRUCTURES PER PHASE. PHASE 1 TO HAVE A SINGLE DRIVEWAY FROM CEDAR HEIGHTS DRIVE. SECOND DRIVEWAY CONSTRUCTED IN PHASE 2 FROM CEDAR HEIGHTS DRIVE.

DATUM INFORMATION	
VERTICAL CONTROL:	NAVD(88)
HORIZONTAL CONTROL:	NAD83 IOWA STATE PLANE NORTH ZONE, US SURVEY FEET

CONTROL AND BENCHMARK INFORMATION

CP1 = CUT X IN SIDWALK, WEST SIDE OF CEDAR HEIGHTS DR, ±360' NORTH OF VALLEY HIGH DR. N–3647766.17, E–5214792.42, ELEV–919.82

CP2 = CUT X ON CONCRETE INTAKE TOP NORTH SIDE OF VALLEY HIGH DR., WEST OF CEDAR HEIGHTS DR N–3647407.03, E–5214741.82, ELEV–906.28

BM 3 = X ON HYDRANT BOLT, WEST SIDE OF CEDAR HEIGHTS DR., ±716' NORTH OF VALLEY HIGH DR. N–3648119.17, E–5214793.16, ELEV–925.04

BM 4 = X ON HYDRANT BOLT, WEST SIDE OF CEDAR HEIGHTS DR., ±316' NORTH OF VALLEY HIGH DR, N–3647720.71, E–5214777.34, ELEV–920.83

BM 5 = X ON HYDRANT BOLT, WEST SIDE OF CEDAR HEIGHTS DR., ±18' NORTH OF VALLEY HIGH DR, N–3647420.27, E–5214798.87, ELEV–909.39

BM 6 = X ON HYDRANT BOLT, NORTH SIDE OF VALLEY HIGH DRIVE, ±270' WEST OF CEDAR HEIGHTS DR., N–3647420.27, E–5214798.87, ELEV–909.39

FEHR GRAHAM
ENGINEERING & ENVIRONMENTAL

ILLINOIS
IOWA
WISCONSIN

OWNER/DEVELOPER:
LG COMPANIES, LLC
4104 WEDGEWOOD DRIVE
CEDAR FALLS, IOWA 50613

PROJECT AND LOCATION:
CREEKSIDE LUXURY CONDOS
CEDAR FALLS, IOWA

DRAWN BY: AJB
APPROVED BY: NPK
DATE: 07/16/2021
SCALE: AS NOTED

REVISIONS		
REV. NO.	DESCRIPTION	DATE

DRAWING:
SITE DEVELOPMENT PLAN

SET TYPE: PERMIT

G:\C30\19\19-972 Cedar Heights Condos\19-972 design.dwg, C0.3

JOB NUMBER:
19-972

SHEET NUMBER:
C0.3

PLOT DATE: 7/16/21

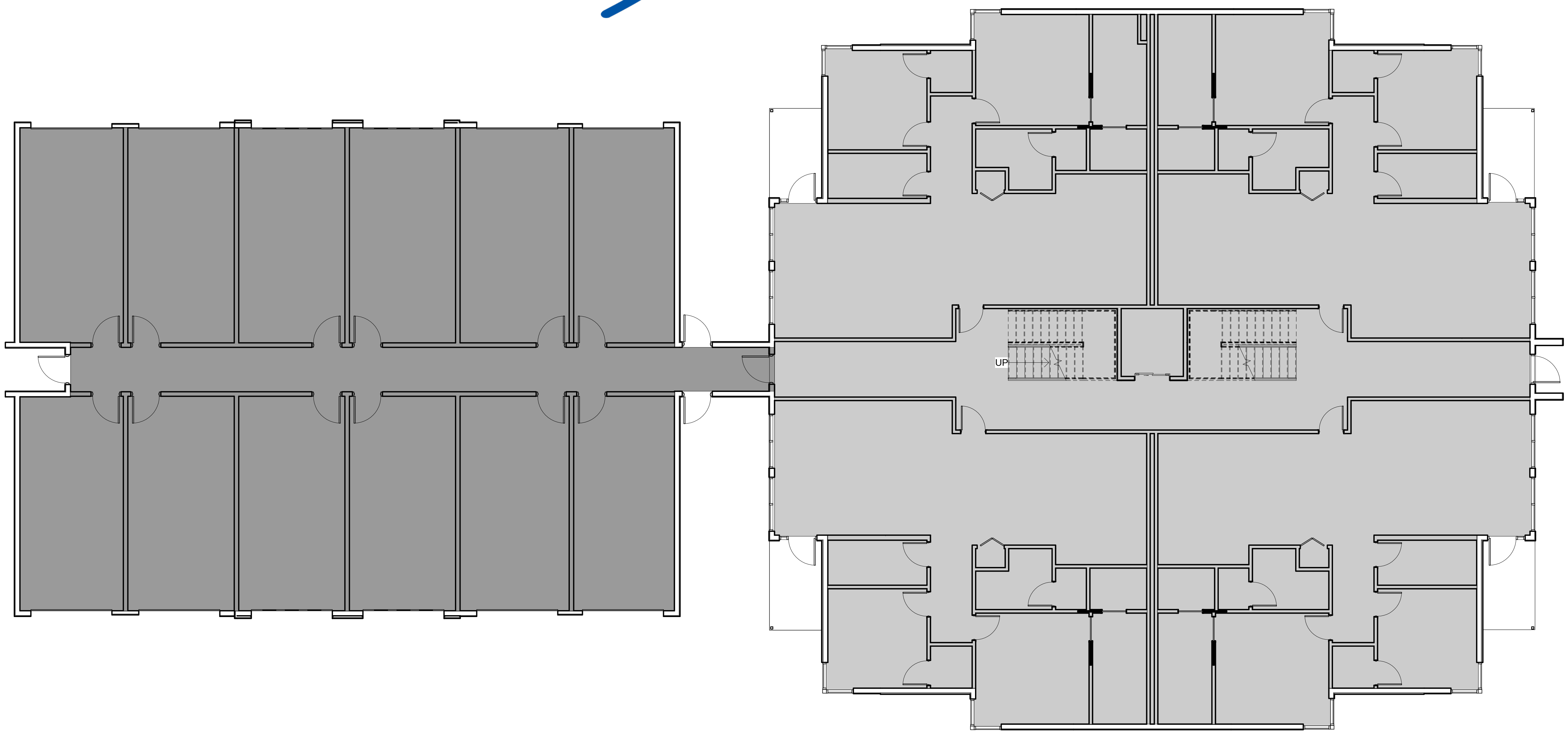
CreekSide LUXURY CONDOS

LGC

LEVI ARCHITECTURE

CreekSide | LUXURY CONDOS

Creekside | LUXURY CONDOS



LGC

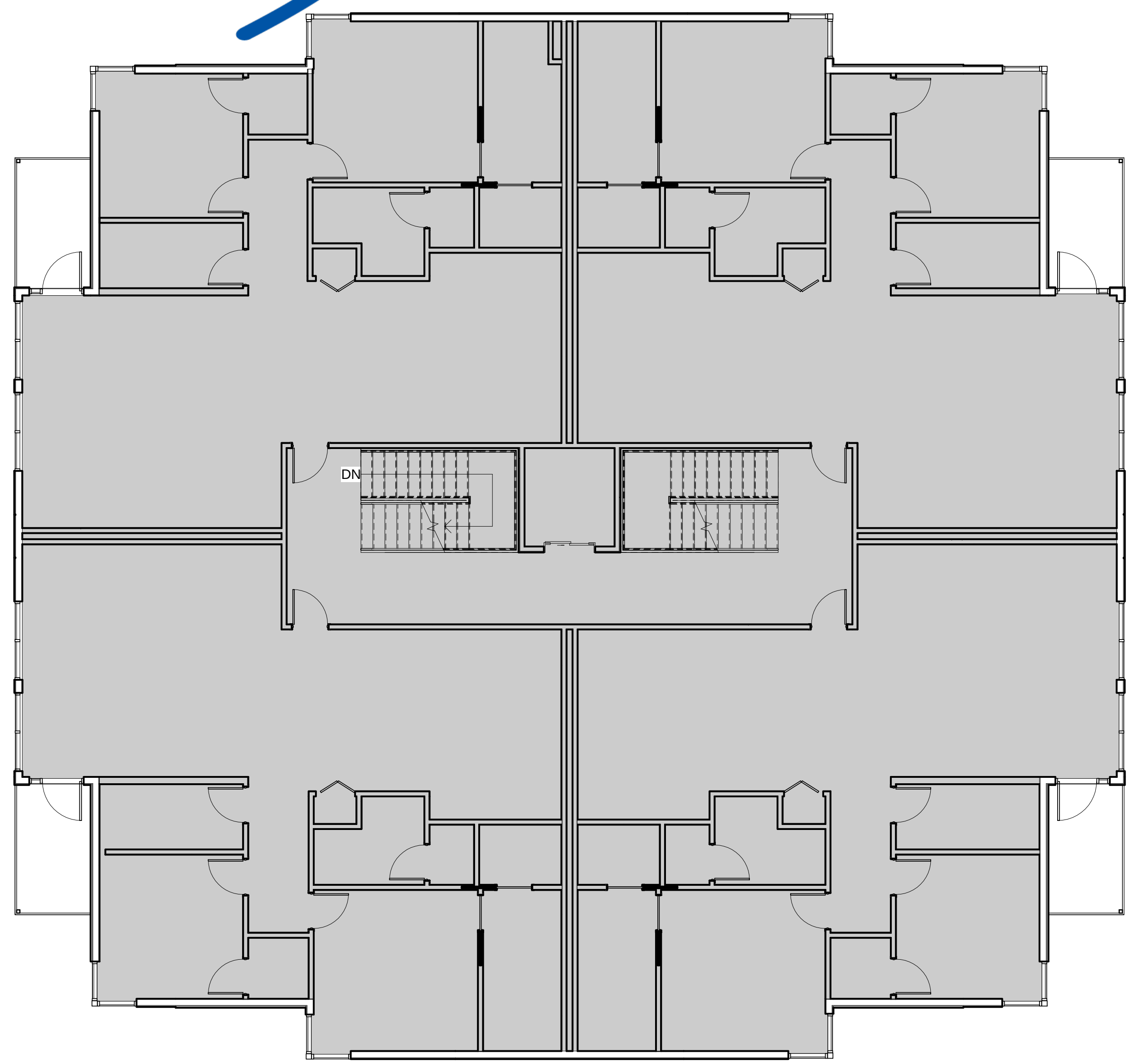
LEVI ARCHITECTURE

FIRST FLOOR PLAN

N

5,882 Square Feet - Apartment
3,918 Square Feet - Garage

CreekSide | LUXURY CONDOS



LGC

LEVI ARCHITECTURE

SECOND FLOOR PLAN
THIRD FLOOR PLAN SIM.

5,882 Square feet

CreekSide | LUXURY CONDOS

EAST ELEVATION

LGC

LEVI ARCHITECTURE

1. ASPHALT SHINGLES - CHARCOAL
2. CEMENT PANELS - WHITE
3. CEMENT PANELS - ACCENT COLOR VARIES BY BUILDING
4. HARDIE SHINGLE SIDING - ACCENT COLOR VARIES BY BUILDING
5. HARDIE PLANK LAP SIDING - 8-8-4 PATTERN, COBBLE STONE
6. CORRUGATED METAL PANELS - SLATE GRAY
7. SOFFIT/FACIA - WHITE
8. ALUM. ENTRANCE FRAMING - WHITE
9. ALUM. WINDOW FRAMING - WHITE

CreekSide

LUXURY CONDOS

SOUTH ELEVATION

LGC

LEVI ARCHITECTURE

1. ASPHALT SHINGLES - CHARCOAL
2. CEMENT PANELS - WHITE
3. CEMENT PANELS - ACCENT COLOR VARIES BY BUILDING
4. HARDIE SHINGLE SIDING - ACCENT COLOR VARIES BY BUILDING
5. HARDIE PLANK LAP SIDING - 8-8-4 PATTERN, COBBLE STONE
6. CORRUGATED METAL PANELS - SLATE GRAY
7. SOFFIT/FACIA - WHITE
8. ALUM. ENTRANCE FRAMING - WHITE
9. ALUM. WINDOW FRAMING - WHITE

CreekSide | LUXURY CONDOS

WEST ELEVATION

LGC

LEVI ARCHITECTURE

1. ASPHALT SHINGLES - CHARCOAL
2. CEMENT PANELS - WHITE
3. CEMENT PANELS - ACCENT COLOR VARIES BY BUILDING
4. HARDIE SHINGLE SIDING - ACCENT COLOR VARIES BY BUILDING
5. HARDIE PLANK LAP SIDING - 8-8-4 PATTERN, COBBLE STONE
6. CORRUGATED METAL PANELS - SLATE GRAY
7. SOFFIT/FACIA - WHITE
8. ALUM. ENTRANCE FRAMING - WHITE
9. ALUM. WINDOW FRAMING - WHITE

CreekSide

LUXURY CONDOS

NORTH ELEVATION

LGC

LEVI ARCHITECTURE

1. ASPHALT SHINGLES - CHARCOAL
2. CEMENT PANELS - WHITE
3. CEMENT PANELS - ACCENT COLOR VARIES BY BUILDING
4. HARDIE SHINGLE SIDING - ACCENT COLOR VARIES BY BUILDING
5. HARDIE PLANK LAP SIDING - 8-8-4 PATTERN, COBBLE STONE
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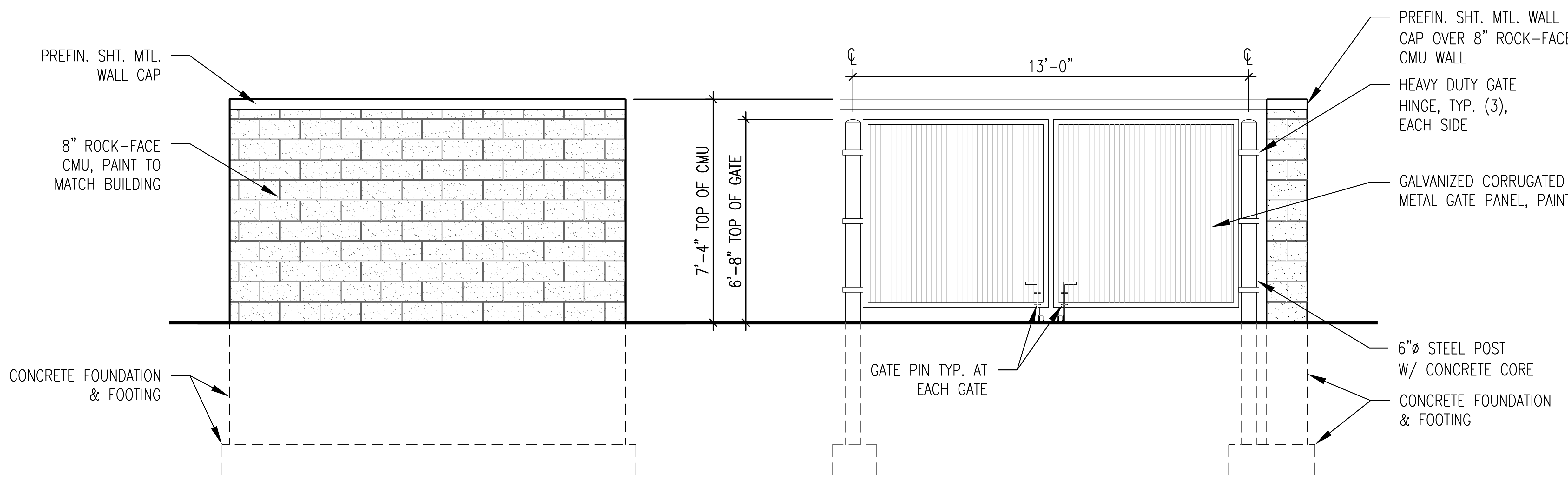
9. ALUM. WINDOW FRAMING - WHITE

CreekSide | LUXURY CONDOS

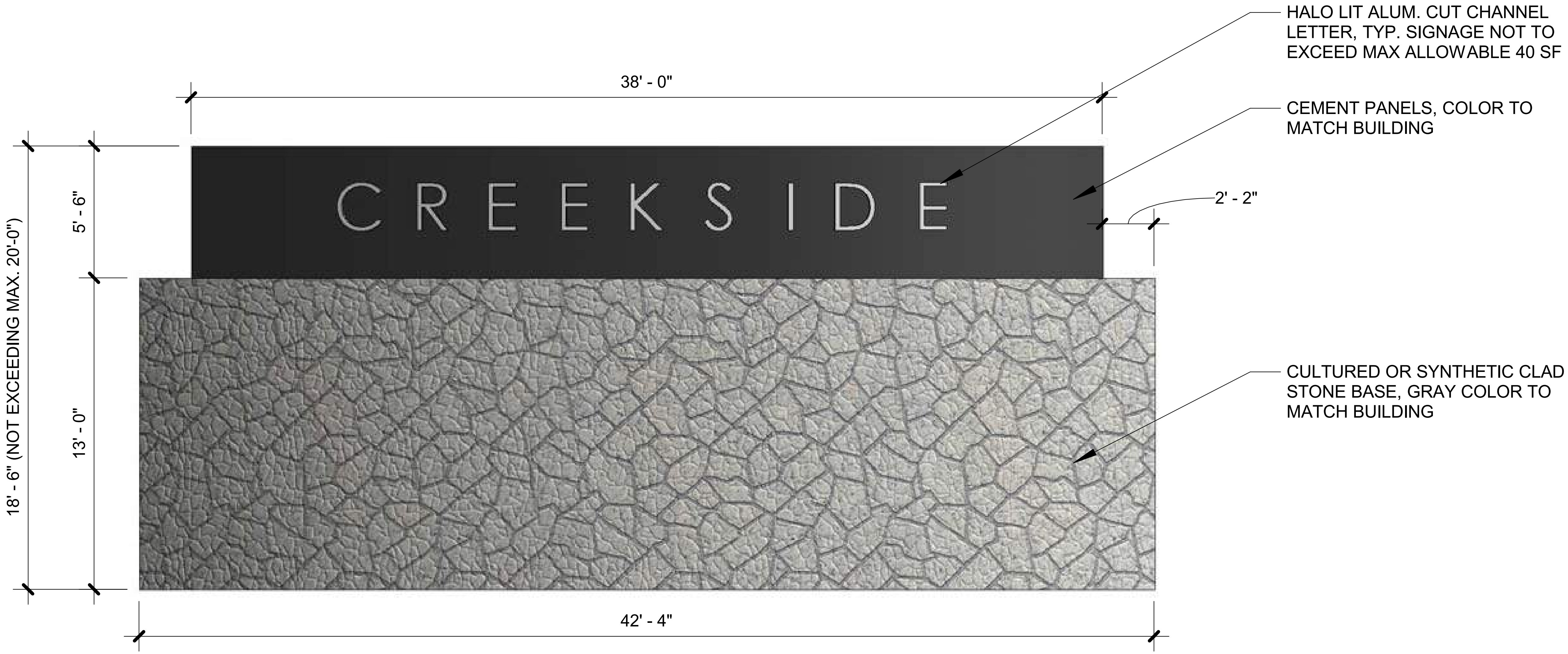


TRASH ENCLOSURE

LGC

LEVI ARCHITECTURE

CreekSide | LUXURY CONDOS



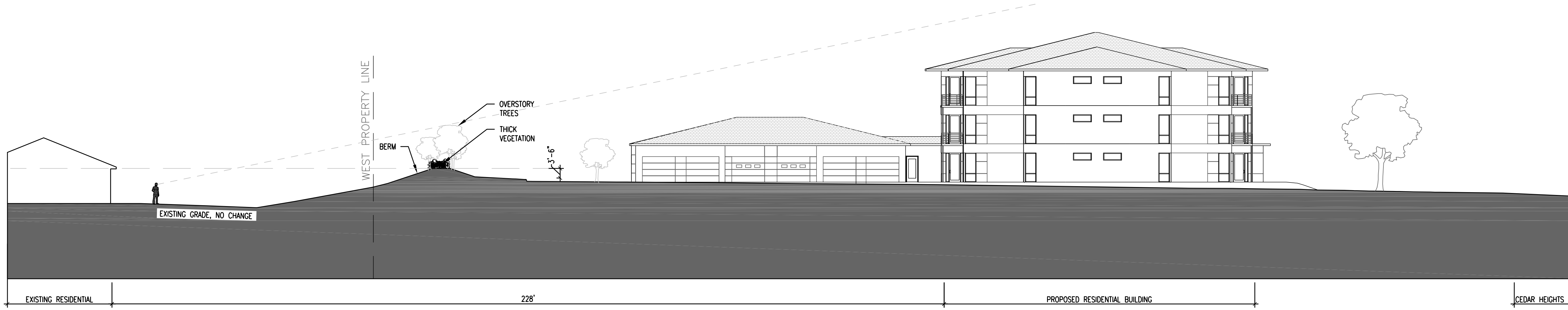
LGC

LEVI ARCHITECTURE

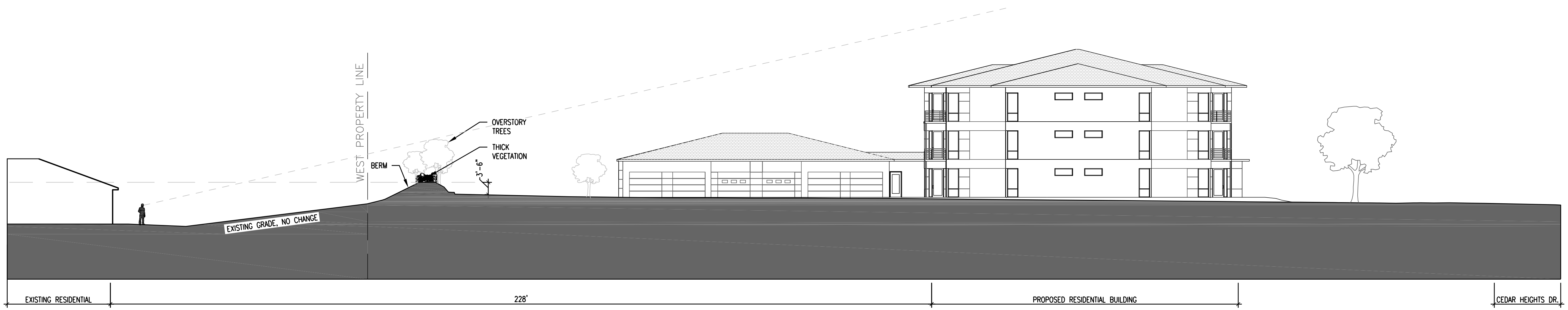
CreekSide | LUXURY CONDOS

LGC

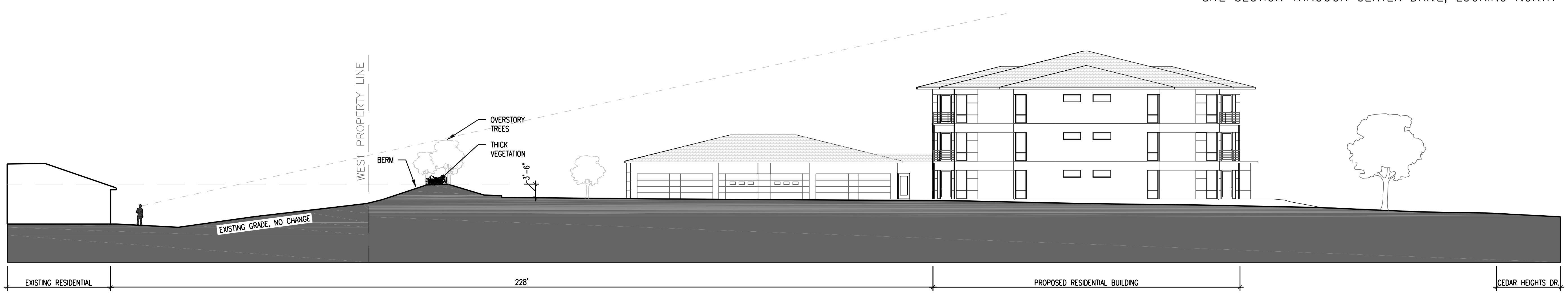
LEVI ARCHITECTURE



SITE SECTION THROUGH NORTH DRIVE, LOOKING NORTH



SITE SECTION THROUGH CENTER DRIVE, LOOKING NORTH



SITE SECTION THROUGH SOUTH DRIVE, LOOKING NORTH

LEVI ARCHITECTURE

0 15' 30' 60'

SCALE: 1" = 30'-0"

CREEKSIDE LUXURY CONDOMINIUMS

DEPARTMENT OF COMMUNITY DEVELOPMENT

PLANNING & COMMUNITY SERVICES
220 CLAY STREET
PH: 319-273-8606
FAX: 319-273-8610

INSPECTION SERVICES
220 CLAY STREET
PH: 319-268-5161
FAX: 319-268-5197

RECREATION & COMMUNITY PROGRAMS
110 E. 13TH STREET
PH: 319-273-8636
FAX: 319-273-8656

VISITORS & TOURISM/ CULTURAL PROGRAMS
6510 HUDSON ROAD
PH: 319-268-4266
FAX: 319-277-9707

August 17, 2021

RE: Rezoning Request
6.38 acres of property located at Northwest corner of Cedar Heights Drive and Valley High Drive

Dear Area Resident/Property Owner:

I wish to notify you that the City of Cedar Falls Planning and Zoning office has received a request to rezone approximately 6.38 acres of property located at Northwest corner of Cedar Heights Drive and Valley High Drive from C-1 Commercial to R-P Planned Residence District.

This rezoning request will be introduced for initial discussion at the Cedar Falls Planning and Zoning Commission meeting **on Wednesday, August 25, 2021. At that time, the Commission will discuss the request and consider any public comments. Also, a public hearing for this rezoning will potentially take place on September 8, 2021.** Directions on how to participate in the meeting and provide your comments will be included in the meeting agenda, which will be available on the city website. Written comments may be filed with the Commission at any time prior to the time of the meeting by forwarding your comments to Chris.Sevy@cedarfalls.com. A copy of the agenda, staff report, and attachments will be online by the end of the day on August 20 at www.cedarfalls.com/ccvideo.

If you have any comments or questions regarding this matter, please feel free to contact this office at (319) 273-8600. Thank you for your consideration.

Sincerely,

Chris Sevy
Planner I

Attachment: Rezoning Map

TRENT LAW FIRM, PLLC
3429 Midway Drive \\ Cedar Falls, Iowa 50613
319.277.1610 \\ trentlawiowa.com

Brooke Trent \\ Owner & Attorney-at-Law \\ brooke@trentlawiowa.com
Virginia Wilber \\ Associate Attorney-at-Law \\ virginia@trentlawiowa.com
Rebecca Feiereisen \\ Associate Attorney-at-Law \\ rebecca@trentlawiowa.com

July ----, 2020

Planning and Zoning Commission Members
City of Cedar Falls, Iowa

RE: Application by LG Companies, LLC for Rezone from C1 to RP (Planned Residential) for Creekside Luxury Condos/Hanna Park

Dear Commissioners:

I represent the Valley High Homeowners' Association and Legacy Cove Homeowners' Association ("the HOAs"), which are comprised of members who own property adjoining Hanna Park. As you are aware, Hanna Park is the proposed location for the Creekside Luxury Condos along Cedar Heights Drive, which is being developed by LG Companies, LLC.

We come to you today to present the HOAs' concerns with the proposed rezone and proposed design of the development. We realize that the rezone is currently the only application before the Commission and that the Commission is not reviewing a future site plan or plat. However, we would like to present the HOAs' collective and overall concerns with this development and we would request that any rezone should be conditioned upon addressing the HOAs' concerns as presented herein.

As such, the HOAs would request that a recommendation by the Commission to approve this rezone, contain several conditions to fulfill the purpose of the R-P Planned District that is:

> *...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 principals of civic design, land use planning and landscape architecture. It is further intended that such planned residence districts be designed and developed to promote public health, safety, morals and general welfare, to* ***reasonably prevent and minimize undue injury to adjoining areas and to encourage appropriate land use.***

The HOAs also request that the Commission's recommendation comply with the nature of the City's Comprehension and Future Land Use Plan for this area.

The HOAs have taken a proactive approach to addressing their concerns with Mr. Kyle Larson of LG Companies, LLC and the HOAs remain willing to discuss solutions to their concerns that would mutually benefit the parties.

However, the HOAs' concerns are standard considerations that your Commission is faced with regarding other new developments throughout the City of City Falls. Thus, we would like them noted with the record even for the rezone application. Those concerns include:

1. Ensuring proper storm water detention and flooding mitigation both to prevent the flooding of adjoining properties and Valley High Drive,
2. Ensuring that a future site plan or plat addresses the height of the proposed buildings for the development, currently proposed as three-stories, as well as traffic that would be directed onto privately-owned HOA roads and traffic that would be entering and exiting the development onto Cedar Heights Drive, and
3. Ensuring adequate buffering between the development and HOA properties to address concerns of noise, light and air pollution but also to provide a level of reasonable privacy for the HOA members whose properties would be directly adjacent to the Creekside Luxury Condos.

Concern Number 1 – Water Detention and Flooding Mitigation

The HOAs would like the Commission and Mr. Larson to be aware of the typical flooding/pooling in this area, both at Hanna Park, HOAs' properties and the HOA's streets. While the HOAs are aware that any site plan or plat is required to comply with the City's requirements for storm water detention, the HOAs are very familiar with this land would be happy to provide additional information regarding past flooding issues and steps they've taken to mitigate flooding. Indeed, the HOAs themselves have invested quite a bit of resources to cure flooding issues in the properties. Thus, the HOAs would expect that the requirement for this rezone of minimizing undue injury to their properties in an R-P district, as well as privately-owned Valley High Drive, would include ensuring the course of water flowing from the development and possible flooding does not negatively impact their members' properties and the HOAs' privately-owned streets.

The HOAs have requested to speak with Mr. Larson's engineer to this effect to obtain additional details but have not been provided an opportunity at this point.

Thus, the HOAs would request that any future site plan or plat is required to comply with the City's requirements for storm water detention and that the Commission specifically address this concern in your recommendation.

Concern Number 2 – Development Design and Traffic

As you are aware, the Comprehensive and Future Land Use Plan for the City of Cedar Falls (the "Plan") has designated this area as "office/business park" that "provides for uses that do not generate noticeable external effects." *See the enclosed Plan map, pg. 146.* Within this land use category, the Plan includes the criteria of "strict control over signage, landscaping, and design ...for locations nearer to low intensity uses", which describes Hanna Park. *Plan pg. 149.*

Indeed, Hanna Park is next to the low density use that is the entire yellow area south of Orchard Dr. to Greenhill Rd., between Rownd St. and Cedar Heights Dr. The only other uses in this same area include a greenway/floodplain and a "medium density residential", which is also found directly across Cedar Heights from Hanna Park. Both the low and medium density uses are described as restrictive land uses, emphasizing housing (single-family in the low density and a mix of housing including single-family and townhouses in the medium density). *Plan pg. 147.*

In the Commission's consideration of this rezone, the Plan is your primary consideration, along with considering the harmony of surrounding land uses and future uses. *See Norton Trust v. City of Hudson (2009).* Such plans are intended to protect and optimize property values while protecting environmental resources, economic development as well as public investments. *Iowa State University Extension and Outreach, Introduction to Planning and Zoning , by Gary Taylor and Eric Christianson, Pgs. 3-4.* And zoning ordinance and decisions "shall be made in accordance with a comprehensive plan...". Iowa Code Section 414.3

Based upon this, the HOAs believe that the current design of this development with three-story buildings would not be in accordance with the Plan and would not be in accordance with the surrounding land uses. Additionally, the current design could negatively impact my clients' members' properties for the reasons stated herein.

In the HOAs' discussions with Mr. Larson regarding this rezone, Mr. Larson indicated that he discussed with the City, his concept for single family/twin homes in the range of $250 - $300 K that would be more compatible with the surrounding properties. Yet, Mr. Larson indicated the City was interested in generating more tax revenue. Also, Mr. Larson has indicated that his cost analysis of the development has impacted his design proposals.

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The HOAs have spoken directly to Mr. Larson regarding these concerns and he indicated his request for the rezone would allow more flexibility in the design and layout of the development. The HOAs would like additional information for the City and Commission to confirm this. Additionally, the HOAs request the Commission specifically address this concern in your recommendation.

Furthermore, in regards to the enclosed Concept 2 provided by Mr. Larson, the HOAs are concerned that an exit onto Valley High Drive directs drivers on the HOAs' privately-owned streets. The HOAs believe this exit could also be used to direct drivers through their streets as an alternative route to Orchard Drive (and not just as another means of accessing Cedar Heights Drive).

Additionally, the HOAs would recommend that the Commission and City strongly review the number and design of exits and entries for this development to and from Cedar Heights Drive. A traffic study may provide additional information.

Thus, the HOAs would request that any future site plan or plat is required to comply with the City's requirements for traffic and that the Commission specifically address this concern in your recommendation.

Concern Number 3 – Buffering, Environmental Effects and Privacy

As stated above, the HOAs are also deeply concerned about the adverse environmental effects of any development at Hanna Park as well as the effect on the privacy of their members with property directly adjacent to the development. The HOAs believe that these concerns are factors that could negatively impact the value of their properties and therefore should be considered pursuant to the City's Plan and as requirement of the proposed rezone.

The HOAs request buffering be required between the development and their properties to include vinyl fencing of adequate height and a berm built up to an adequate height, as well as vegetation. This buffering would also need to be reevaluated if the Mr. Larson proceeds with building three-story complexes and unit balconies as the HOAs believe is the current design plan.

The HOAs further believe that these concerns could be addressed by discussing the design of the development and in particular the locations of the development's lighting, garages, open parking spaces, as well as the proposed locations of dumpsters.

The HOAs have discussed these concerns with Mr. Larson and again the HOAs reiterate their willingness to continue the discussion around alternative solutions. However, the HOAs believe any rezone, future site plan and/or plat should be conditioned upon Mr. Larson providing adequate buffering between the properties and means to mitigate negative environmental and privacy impacts to adjoining properties. Mr. Larson also indicated he wanted to hear suggestions from the HOAs for improvements and has provided several ideas for buffering.

In summary, the HOAs would request that a recommendation by the Commission to approve this rezone, as well any recommendation regarding a future site plan or plat, contain conditions to fulfill the purpose of the R-P Planned District, comply with the City's Plan and address the HOAs' concerns.

If you would like additional information or have any specific questions, please feel free to contact me.

Thank you for your time and consideration.

Sincerely,

Virginia F. Wilber
Attorney for the Valley High Homeowners' Association
and Legacy Cove Homeowners' Association

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The residents of Legacy Cove and Valley High Condo Associations are opposed to the rezone of Hanna Park Lots 1-4 from C-1 to RP due to the following concerns:

1) Line of Sight- 2nd and 3rd floor balconies will have clear line of sight into our homes. More buffering is required.
2) Light Pollution- Parking lot lights may shine strongly into our bedrooms.
3) Water Mitigation- Concerns that rainwater will overflow onto our properties.
4) Street Access- Concerns that the Hanna Park residents will use our private drive as a through street.

	Print Name	Address	Signature	Date
-	Marilyn Meier	4003 Legacy Lane #4	Marilyn Meier	5-21-20
	Leonard Burrier	2635 Orchard Dr.		5-21-20
-	Kathy Schultz	3909 Legacy Lane #4	Katherine Schultz	5/21/20
-	Deborah Eide	4003 Legacy Lane #2	Deborah Eide	5-21-20
-	Jim Rhoad	4009 Legacy #4	[illegible]	5-21-20.
	LYLE GULDAGER Lyle Guldager	4202 Legacy #2	Lyle Guldager	
-	Norma Schrandt	2435 Orchard Dr		5-21-20
-	Lori Rhoads	4009 Legacy Ln Unit 4	Lori Rhoads	5-21-20
-	Kathy Siebel	3902 Legacy Ln Unit 1	Kathy Siebel	5/21/20
-	A. J. Meier	4003 Legacy Lane # 3	AJ Meier	5-21-20
-	Mary Mauer	2635 Orchard drive #4	[illegible]	5/21/20
-	Ann Lyon	3902 Legacy Ln Unit 2	Ann Lyon	5/21/20
-	MARY KAY BOWEN	2635 ORCHARD DR.	Mary K. Bowen	5/21/20
	Larry Brown	2623 Orchard St Dr	Larry W Brown	5-23-2
	Susan Brown	2623 Orchard Dr	Susan Brown	5/23/20
	Pam Fisher	3910 LEGACY LN #4	PAM FISHER	5-25-20
	Mike Norris	3902 LEGACY LN #3	MIKE NORRIS	5-25-20
	Carolyn Norris	3902 Legacy Ln #3	Carolyn Norris	5-25-20
	Jessie Reiher	2637 ORCHARD DR. #5	JESSIE REIHER	5-26-2020

3810 #5

Item 4.

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Print Name	Address	Signature	Date
- Jeff Siebel	3902 Legacy Lane #1	Jeff Siebel	5/21/20
- GLORIA HILL	4003 LEGACY LN #1	Gloria Hill	5/21/2020
- MARY KAUFMAN	4003 LEGACY LN #1	Mary Kaufman	5-21-2020
- Lindy Kusel	4002 Legacy Ln #3	Lindy Kusel	5-21-2020
- DENNIS KUSEL	4002 LEGACY LN #3	Dennis Kusel	5-21-2020
- Karen Gunderson	3909 Legacy Ln #3	Karen Gunderson	5-21-2020
- Janis Engel	4003 Legacy Lane #2	Janis Engel	5-21-2020
Brooke Trent	4202 Legacy Lane #3	BN	5-21-2020
Jubal Slone	4202 Legacy Lane #3	Jubal Slone	5-21-2020
~~Thomas A Dobosh~~	~~2633 Orchard Drive #1~~		
- THOMAS A. DOBOSH Thomas A Dobosh	2633 Orchard Drive #1	Thomas A Dobosh	5/21/2020
- Angie Tudor	3910 Legacy Ln #2	Angie Tudor	5-21-20
- Nick Schwartz	3910 Legacy Ln #2	~~Angie Tu~~ Nick	5-21-20
- Norma DeVries	3902 Legacy Ln #4	Norma DeVries	5-21-20
* LINDA THIERMAN	4002 LEGACY LN #1	Linda Thierman	5-21-20
- Angie Sorenson	3810 Legacy Ln #5	Al	5/21/20
- Pat Laing	4002 Legacy Ln #4	Pat Laing	5/21/20
- Barb Kotz	4009 Legacy Lane #3	Barbara Kotz	5-21-20

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Print Name	Address	Signature	Date
Vince Werkman	2627 Orchard #3	[signature]	5/21/20
Pat Kramer	2633 Orchard #3	[signature]	5/21/20
Phyllis Oberhauser	2631 Orchard #2	Phyllis O.	5/21/20
Pat Helm	2631 Orchard #3	[signature]	5/21/20
Victoria Burns	2629 Orchard #1	Victoria C Burns	5-21-2020
Marjo Lane	3909 Legacy Lane #1	Marjo Lane	5/21/2020
C.J. Lane	3909 Legacy Lane #1	C.J. Lane	5/21/2020
Janis Hansen	2629 Orchard #3	Janis Hansen	5/21/2020
Linda Pint	2629 Orchard Dr #2	Linda Pint	5/21/2020
Cindy Tabb	2635 Orchard #4	Cindy Tabb	5/21/2020
Kayla Becker	2627 Orchard #4	Kayla Becker	5/21/2020
Rebecca Ruehle	2627 Orchard #2	Rebecca S Ruehle	5-21-20
Richard Pint	2629 Orchard #2	Richard Pint	5/21/20
Kathleen Rasing	2631 Orchard Dr #4	Kathleen Rasing	5/21/2020
Roger Rasing	2631 Orchard Dr #4	Roger Rasing	5-21/2020
Carole Good	2629 Orchard #4	Carole Good	5-21-2020
[illegible]	2633 Orchard #2	Ken Hammer	5/21/20
Garret Coleman	2625 Orchard #7	[signature]	5/21/20

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Print Name	Address	Signature	Date
-Laurie Bierl	2625 Orchard	Laurie Bierl	5/21/20
-Paula Buehrer	2625 Orchard #4	Paula Buehrer	5/21/20
-Debbie Green	2625 Orchard #	Debbie Green	5/21/20
-Scott Burns	2629 Orchard #1	Scott Burns	5/21/20
-Rob Park	2625 Orchard #6	Robert Park	5-21-20
-Jon Feldick	2623 Orchard #7	[illegible]	5-21-20
Marshall Mihm	2623 Orchard Dr #9	Marshall Mihm	8/30/86
Sophia Qureshi	2623 Orchard Dr #1	Sophia Qureshi	5/21/20
Joe Bach	2623 Orchard Dr #2	[illegible]	5-21-20
Kaitlyn Kaufman	2625 Orchard Dr. #5	Kaitlyn Kaufman	5/21/20
Austin Shepherd	2625 Orchard Dr #5	[illegible]	5/21/20
Saksham Sabharwal	2627 Orchard Dr #1	S Sabharwal	5/21/20
Neal Muzzy	2631 Orchard Drive #1	Neal Muzzy	5/21/2020
Deb Glenn	2633 Orchard #4	Deb Glenn	5/21/2020
Ryan Hellenthal	3910 Legacy Lane #1	[illegible]	5/21/2020
Erma Koepke	4009 Legacy #1	Erma Koepke	5-21-20
Krishna Vuppala	2627 Orchard Dr #7	[illegible]	5/25/20
Rosie Sorensen	3910 Legacy Lane #3	Rosemary Sorensen	5-26-20

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Print Name	Address	Signature	Date
Keith Koenigsmark	4009 Legacy #2	Keith Koenigsmark	5-21-20
Jerome L Jordan	4203 Legacy Lane #4	Jerome L Jordan	5-21-20
Marlys Becker	4103 Legacy Ln #4	Marlys Becker	5-21-20
Charlene Marson	5-21-2020 4102 Legcy ln. #1	Charlene Marson	5-21-2020
MARVIN COOK	4109 #2 Legacy Lane	Marvin Cook	5-21-20
Lloyd Peterson	4010 Legacy Lane #2	Lloyd Peterson	5-21-20
Karen J. Peterson	4010 Legacy Lane #2	Karen J. Peterson	5-21-20
JAMES E. MEEHAN,	4203 Legacy Ln #2	[illegible]	5-21-20
Melinda Cook	4109 #2 Legacy Ln	Melinda Cook	5-21-2020
Sandy Hunemuller	4109 #1 Legacy Ln.	Sandra Hunemuller	5-21-20
Diane Unthun	4102 #4 Legacy Ln	Diane Unthun	5-21-20
Steve Unthun	4102 Legacy Ln. Unit 4	Steven Unthun	5/21/20
Julie A. Nelson	4203 Legacy Ln #3		
LUANNE PUHL	4110 Legacy Lane #2	Luanne Puhl	5/21/2020
JERILYN SCHARES	4110 Legacy Ln #4	Jerilyn E Schares	5/21/20
Pam Hamlyn	4109 Legacy Ln. #3	Pamela Hamlyn	5/21/20
Diana Baracz	4202 Legacy Ln #4	Diana Baracz	5/21/20
Lindsey Baracz	" "	Lindsey Baracz	5/21/20
Ralph BARACZ	4202 Legacy Ln #4	Ralph K. Baracz	5/21/20

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Print Name	Address	Signature	Date
Jerry J HAMLYN	4109 Legacy #3	Jerry Hamlyn	5-20-20
Luella "Jean" Moore	4010 Legacy #3	Luella Jean Moore	5-21-20
CLIFF ISRAEL	4010 LEGACY #3	Cliff Israel	5/21/20
JEAN ZIMMERMAN	4109 Legacy #4	Jean Zimmerman	5/21/20
Shirley Cassady	4301 Legacy #1	Shirley Cassady	5/21/20
JOAN SCHUCK	4010 LEGACY #1	Joan Schuck	5/8/20
Nancy Grapp	4102 Legacy #2	Nancy Grapp	5/21/20
Marilyn Jasper	4210 Legacy Lane #2	Marilyn Jasper	5/21/20
Donis Smith	4210 Legacy LANE #4	Donis Smith	5/21/20
KENNETH SMITH	4210 LEGACY LN. #4	Kenneth Smith	5-21-2020
Kathy Magee	4110 Legacy Ln #1	Kathy Magee	5-21-2020
Diane Hansen	4102 Legacy Ln #3	Diane Hansen	5-21-20
Karen Shelton	4103 Legacy LN #3	Karen Shelton	5/21/2020
Thomas Miller	4210 Legacy Ln #1	Thomas E Miller	5/21/2020
Betty Walter	4203 Legacy Ln #1	Betty L Walter	5/21/20
Jerry Walter	4203 Legacy Ln #1	Jerry Walter	5-21-20
Carole Schultz	4210 Legacy Ln #3	Carole Schultz	5/21/20
Suzanne Stirling	4103 Legacy LN #2	Suzanne Stirling	5-21-20

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Print Name	Address	Signature	Date
Barbara Kuehl	4103 Legacy Ln #2	Barbara Kuehl	5-21-20
Patricia Morris	4110 Legacy #3	Patricia Morris	5-21-20
Roger Zimmerman	4109 Legacy Ln 4	Roger Zimmerman	
Dave Piersol	4210 Legacy Ln #3	David A. Piersol	5/21/20
Joline Miller	4210 Legacy Ln #5	Joline Miller	5/26/20

Chris Sevy

From: Kyle Larson <kyle@onlylgc.com>
Sent: Tuesday, August 24, 2021 1:34 PM
To: Karen Howard; Chris Sevy
Subject: Fwd: Creekside Meeting Summary and Updates
Attachments: Creekside Layouts.pdf; Creekside Renderings.pdf; Creekside Meeting Flyer 7-29-2021.pdf

We held neighborhood meetings 8/3 and 8/10 for the Creekside project on Cedar Heights to share information about the project, gather feedback and address any concerns. The memo below is a detailed summary the discussion points meetings. For reference, the invitation flyer and meeting handouts are attached.

Best,

Kyle Larson
LGC

Thank you for participating in our neighborhood outreach for the Creekside Condo project. It was a very engaging discussion and we gained a number of insights that should enhance this great project for the Cedar Heights corridor. There are a number of topics that prompted changes or further discussion with our team. Below is a breakdown of everything that came up over the course of our 8/3 and 8/10 meetings, along with highlights on the details and any changes being made.

These items are sorted into three categories. The first group contains general interests and concerns, where identified these items based on topics that seemed to have a shared interest with several individuals. The second group of items are just as important in our minds, but came up less in the conversations. Many of these were simply good ideas and suggestions that we sincerely appreciate. The last category is a summary of several discussion points that many agreed enhance the general area intended for this project.

GENERAL INTEREST AND CONCERNS

NO RENTAL UNITS
Originally, we had proposed a 75% owner-occupancy requirement to offer some financial flexibility for owners. After several discussions following our first meeting, we decided on a 100% owner-occupancy requirement. To further prevent any unauthorized letting, we will not allow more than one unit to be owned by the same deed holder.

IMPROVING WATER ISSUES
It was widely accepted and/or agreed that we would be improving any current water issues by going to a controlled condition for the entire site. It is currently an uncontrolled field. As a further gesture, we will work with both Legacy Cove HOA's to install a French drain west of the berm. We will work with our engineer to optimize placement and sizing.

TWO-STORY OR THREE-STORY
Early on, we explored two-level buildings (in addition to numerous other configurations) and determined conclusively that three levels are necessary to make the project successful. The costs associated with elevators to accommodate zero-entry accessibility, as well as the extensive landscaping features, do not reduce in any substantial way with just two levels. A simplified 'apartment' approach would be the only way to make this work; something totally contrary to our objective with the project.

VIEW FROM THE WEST
The modern-prairie style of the buildings have a low roof line. In most areas to the west, the berm and extensive landscaping will dramatically reduce or eliminate visibility of the new buildings. Most importantly, this site design places the building mass along Cedar Heights creating a good distance and buffer. We consider this much more desirable than a commercial-type building that would likely be built along the west boundary with parking along Cedar Heights. With future buyers in mind, we have a shared interest in the importance of this buffer.

SOUTHWEST CORNER ENHANCEMENTS
Due to the road elevation, the westerly berm will taper off as it approaches the southerly boundary. Because of this condition, additional trees and shrubs were added at this corner on the current plans.

EFFECT ON PROPERTY VALUES
We have concluded it is likely that surrounding property values will be neutrally, if not positively affected, by this project based on the expected $180-200k price point. Several most-recent sales on Callum Court of $300k or more were made with full disclosure of preliminary plans. These units are in more of a direct view, and at a price point higher than the mean abutting value. These observations have been privately reviewed by an appraiser.

OTHER IDEAS AND INCIDENTAL CONCERNS

55+ AGE RESTRICTION

A suggestion was made to make this a 55+ community. In previous condominium projects aimed indirectly at an empty-nester market, we have found that a senior age restriction would unnecessarily limit our market potential by as much as 20%. Imposing such limitations do not offer any measurable advantages based on our sample data.

NOISE AND GARBAGE COLLECTION

Based on the distance buffer afforded by the site plan, and the nature of the proposed residential occupancy, any observable noise should be negligible. In any case, it will be a better situation than commercial use with potential delivery traffic along a western alley. With regard to noise, garbage collection was specifically brought into question. We have decided to require that garbage collection happen within reasonable daytime hours. Noise from snow clearing is likely to overlap with existing activities in the area.

PARKING AND ADDITIONAL TRAFFIC

All dwelling units have climate-controlled access to attached individual garage bays (one per unit). The outdoor parking area is over-parked by the standards being used. Based on our sample data from higher price points, about a third of owners have only one vehicle. With respect to traffic, we propose to add a similar number of units to those currently on Legacy Lane are being added. We did a basic traffic study and determined that new traffic will have a minimal effect on the Cedar Heights corridor as designed. Again, the proposed use will result in less peak traffic than an alternative commercial use. It was agreed that introducing additional traffic to the short block of Valley High would not be favorable. Our efforts to maintain entrances exclusively along Cedar Heights was widely appreciated.

HEADLIGHTS AND ON-SITE LIGHTING

Abutting neighbors will be directly shielded from car headlights with berms as designed. All parking area lighting will be down-lit. Building illumination will be subtle in nature and up-lit from landscaping areas. Existing light pollution from businesses along the University Avenue corridor are of notable impact. This site should not generate any new conditions. In some areas, the buildings may shield street lamps along Cedar Heights.

SUBSTANTIAL GREENERY AND FENCING

A few individuals proposed a fence in lieu of trees and shrubs along the berm. While open to this alternative, we agreed with the overall consensus in favor of a natural barrier. All over-story trees and shrubs are robust in size at the time of plating—at or exceeding standards set forth by City guidelines. Additional plantings will be added at the southwest corner of the site to enhance a natural buffer where a berm is not practical. Irrigation was suggested by several individuals to promote beautiful curb appeal year-round; something now in the plans.

PETS, SMOKING AND FIRE SYSTEMS

In the spirit of ensuring that new residences added are of a high-quality standard of living, several specific questions were raised. It was agreed by most that pets should be allowed, but with restrictions in place to prevent any upset to harmonious living. After a number of follow-up discussions, we determined it to be imperative that a leash requirement is in place. Additionally, there will be a 1-2 pet limit with a maximum weight for dogs. The specifics of these rules are in the works. After further discussion with the engineering team, it was decided that there is plenty of green space for those with pets. Based on our sample data, we anticipate less than 25% of units having pets. As for other quality and safety concerns raised, all buildings will be smoke-free. Fire alarm and fire suppression systems will be supervised.

CONSTRUCTION TRAFFIC

Prior to any site work, there will be a construction entrance established on Cedar Heights to avoid congestion on Valley High. Temporary signs will be added on Valley High to prohibit any construction traffic from inadvertently entering on Legacy Lane, a private asphalt road.

PHASING DETAILS

The plan to start at the north or south end of the site has oscillated as the project has evolved. While there are advantages to either approach, we find it most favorable to start with the southerly building where the landscaping is most intensive. This will establish a cohesive bond with the surrounding condo communities and set an appealing tone for additional building phases. The westerly berm will be constructed as construction evolves. There was discussion about establishing the entire berm right away, but this will be a work in progress. Though the complete grading and landscaping of the berm is attractive, we decided it to be more cost-effective while minimizing disruption to neighbors to make these land improvements as buildings are started.

ADDITIONAL 4-PLEX ON LOT #4

Several questions came up about future building on Lot 4 (the small parcel south of Valley High). This is planned to be an additional four-plex building (similar to those on Callum Court or Legacy Lane). Though this site is not part of the proposal, it is something in the works. Abutting neighbors were assured a similar meeting opportunity to review the plans prior to finalizing anything for the submittal process. Development on this site will likely be pursued in 2022.

GREAT THINGS FOR THE CEDAR HEIGHTS CORRIDOR

DESTINATION FOR CONDO LIVING

Where this land was originally intended for commercial use 20-years ago, much of this type of development is now happening in other parts of the community. As time has gone on, commercial ground at the northwest corner of Cedar Heights has become residential (now Creekside Villas on Callum Court). The road itself has changed from a 45MPH four-lane to a 35MPH three-lane. The opportunity now is to infill this site with additional condominiums to create a price-diverse community encompassing Callum Court and Legacy Lane. The architectural connection to the existing buildings, especially along cedar heights, make for a vibrant corridor, just in time for the roundabout improvements being made.

HIGH-QUALITY CUSTOM HOMES

It was a point of attention at the meetings that LGC is primarily a custom homebuilder. Many appreciated the fact that we are bringing these strengths into the picture. All units will be built to a high specification, not dissimilar to the $4-500k homes we build. All units will be 1400-1500 SF with 9’ ceilings, custom cabinets, quartz countertops, 8’ high windows, etc. With the level of customization available, any number of accessibility features can be easily integrated. Owners will be able to customize their units to taste and budget, a genuinely unique proposition at the price point.

HOA SERVICES
As an owner-occupied condominium community, the basic services will be carefully managed as one would expect. These include cleaning and maintenance of common areas, building exteriors, landscaping and groundskeeping. For those that require additional services, a simple change in the dues structure will allow additional services to be included automatically. Services may include garage collection, interior maintenance, furnace filter changes, softener salt, light bulbs and the like.

OVERALL MISSION

Our goal with this next chapter of the Creekside project is to satisfy a growing need for affordable housing in the Cedar Valley, especially for those looking to downsize into convenient condo living. This will be an exclusively owner-occupied community with accessible, high-quality buildings. Special emphasis has been given to the architecture and landscaping from the beginning to ensure harmonious integration with the sounding area. Based on our extensive experience with custom homes, we will be able to offer a luxurious and affordable option that can be tailored to fit individual needs and tastes. We are confident that this will be a beautiful addition to the Cedar Heights corridor and to the Cedar Valley.

Please reach out with any further questions, concerns or ideas. Feel free to call me at (319) 290-5953 if that is more convenient. Thank you for your interest in the neighborhood and for your time and involvement as we work together going forward.

Best regards,

KYLE LARSON
GENERAL MANAGER

LGC

PO BOX 277 | CEDAR FALLS, IA 50613 | TEL +1 319.266.6609

Chris Sevy

From: Lloyd Peterson <ljkjpete@cfu.net>
Sent: Wednesday, August 25, 2021 12:32 PM
To: Chris Sevy
Subject: Rezoning
Attachments: 20200609_165120.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

August 25, 2021

Mr. Sevy,

We live at 4010 Legacy Lane #2 in the Valley High Condo Association. We appreciate your good information concerning the rezoning request on the adjoining 6 acres east of our association.

We are totally in favor of the project as outlined by Kyle Larson with LGC. The change from C-1 to R-P is a real protection for our property. We downsized from West 8th to our condo on Legacy in 2013. We are 54+ year residents of Cedar Falls. We knew full well when we made the change that the empty spot in the middle of Cedar Falls was not always going to remain empty. Residential with the plan from Kyle will keep it consistent with the surrounding area.

Our only concern is about water. Our association spent about $15,000 just a few years ago to rectify the drainage shortcoming left by the developer. Our fix appears to be adequate for our needs. In Kyle's proposal he addresses the need for some work at the Valley High end of our property to handle the additional drainage from the berm on the west side of his proposal. This is good, but he proposes a 'French Drain' arrangement. This may not be a permanent solution. From what I have read, they need to be re-done after some years. We would rather have a better solution involving some surface drains that would be permanent and handle a heavy rain better. Attached is a photo that my wife took after a big rain in 2020. This shows how the drainage works on our property which is next to Kyle's project. As you can see, it is adequate, but should not have additional water to be handled.

Thanks much. And, best wishes for the big project. We can see that it will be several years of ongoing building and selling.

Sincerely,

Lloyd Peterson

ljkjpete@cfu.net

DEPARTMENT OF COMMUNITY DEVELOPMENT

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

MEMORANDUM

Planning & Community Services Division

TO: Planning and Zoning Commission

FROM: Michelle Pezley, Planner III

DATE: August 30, 2021

SUBJECT: DR 21-008 215 Main Street

REQUEST: Request to approve a Central Business District Overlay Design Review for new awning

PETITIONERS: Michelle Barber, Signs & Designs, contractor; Jen Barkhurst, An Elegant Affair, applicant; and Bill Bradford, MMC Properties, property owner.

LOCATION: 125 Main Street

PROJECT #: DR21-008

<u>PROPOSAL</u>
The contractor, Signs & Designs, on behalf of the applicant, Jen Barkhurst of An Elegant Affair, requests a design review to add a new awning at 215 Main Street in the Central Business District Overlay Zoning District.

BACKGROUND:
The applicant proposes to add an awning to create a more aesthetically pleasing entry to their storefront that will project over the public right-of-way by two feet. The property is located at the center of the 200 block of Main Street, near the W. 3rd Street intersection.

This item requires review by the Planning and Zoning Commission and the City Council because this property is located within the Central Business District (Section 26-189). The downtown district requires a building site plan review (i.e. design review) for any “substantial improvement” to an exterior façade, including new awnings. A substantial improvement to properties in the Central Business District Overlay is defined in Section 26-189 (f) and reads as follows:

> "Substantial improvement" includes any new building construction within the overlay district or any renovation of an existing structure that involves any modification of the exterior appearance of the structure by virtue of adding or removing exterior windows or doors or altering the color or exterior materials of existing walls. All facade improvements, changes, alterations, modifications or replacement of existing facade materials will be considered a substantial improvement. Included in this definition are <u>any new, modified or replacement awning structures or similar material extensions over the public sidewalk area.</u> A substantial improvement also includes any increase or decrease in existing building height and/or alteration of the existing roof pitch or appearance.”

In this case, the new awning is required to be reviewed by design review with the Planning and Zoning Commission recommendation to the City Council for their approval.

<u>ANALYSIS</u>

The applicant proposes to install a new awning over the right-of-way along the front façade at 215 Main Street over the display window and entrance. The applicant proposes the awning to be 17 feet wide, three feet two inches tall, and two feet projecting over the sidewalk. The applicant proposes to leave the awning a solid black Sunbrella fabric without additional signage.

All awnings within the Central Business District are required to be at least eight feet above the sidewalk and cannot project half the width of the sidewalk that the storefront is located on or five feet, whichever is less (Section 26-189 (j)(2)).

The applicant proposes the awning to have an eight-foot minimum clearance area above the sidewalk and the awning will project out from the building by two feet. The proposed placement of the awning meets the City Code.

TECHNICAL COMMENTS
No comments.

STAFF RECOMMENDATION
Staff recommends approval of the submitted facade plan for a new awning at 215 Main Street.

PLANNING & ZONING COMMISSION
Discussion/Vote
9/8/21

Cedar Falls Planning & Zoning Commission
September 8, 2021

Item 5.

CEDAR FALLS Iowa

An Elegant Affair Design Review
215 Main St
DS21-008

Current Facade at 215 Main

SIGNS & DESIGNS

204”

38” high

8’ up from sidewalk

Front facade

- BLACK SUNBRELLA AWNING: 204” X 38” X 24” DEEP, SIDES ENCLOSED
- AWNING ENDS 8’ ABOVE SIDEWALK

Client: An Elegant Affair
Date:8/13/21
Project: Awning
Project Manager & Designer: Melissa

DEPARTMENT OF COMMUNITY DEVELOPMENT

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

MEMORANDUM

Planning & Community Services Division

TO: Planning and Zoning Commission

FROM: Chris Sevy, City Planner I

Ben Claypool, PhD, EI, Civil Engineer II

DATE: September 1, 2021

SUBJECT: Lots 18, 19, and 20 of Sands Addition

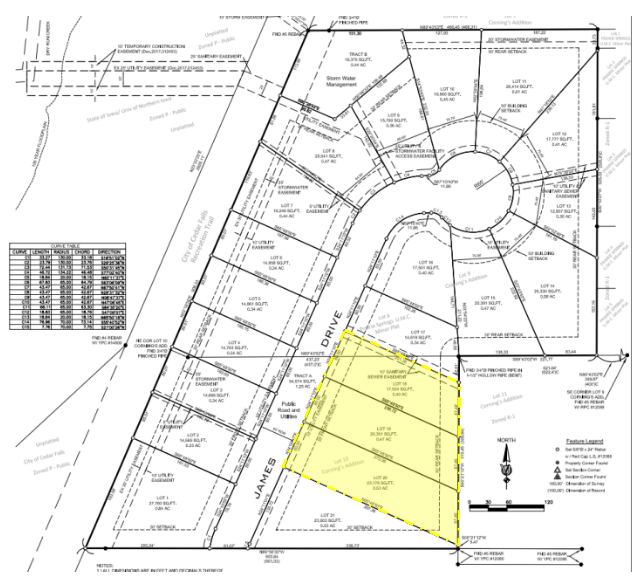
REQUEST: Request to approve the Boe Minor Subdivision Plat (Case # MP21-004)

PETITIONER: Thomas and Joedy Boe, Owners

LOCATION: 4224, 4232, and 4302 James Drive

PROPOSAL

The property owner of lots 18, 19, and 20 of the Sands Addition (a.k.a. 4224 James Drive, 4232 James Drive, and 4302 James Drive) proposes to re-subdivide the three parcels into two larger parcels divided down the center of lot 19. Since this eliminates one parcel and creates two larger parcels, a minor plat is required.

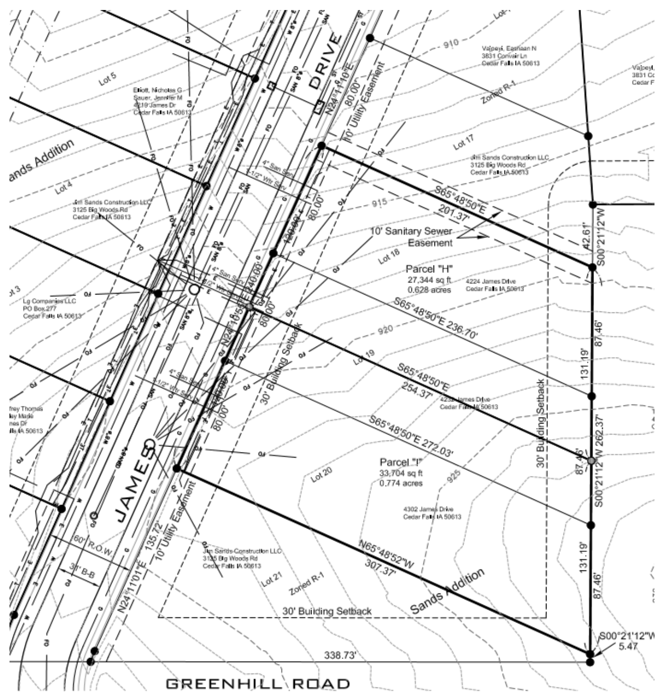


BACKGROUND

In 2019, lots 18, 19, and 20 were created in the Sands Addition to Cedar Falls, Iowa which consists of parcels fronting on James Drive. James Drive comes off of Greenhill Road and ends in a cul-de-sac. Several houses have been built or are in the process of being built since the Sands subdivision was approved. See above final plat that was approved for reference.

ANALYSIS

The 4224, 4232, and 4302 James Drive properties are located in the R-1 Residence Zoning District and in the HCG Highway Corridor and Greenbelt Overlay Zoning District. They are all 80-foot wide buildable lots as currently constituted. The change to two 120-foot wide lots will decrease the number of dwelling units that can be built and reduce the build intensity of these lots given the greater side yard requirement of 12 feet for the two new lots. With lot depths that expand as you move southward, the proposed Parcel “H” on the northern half will be 27,344 square feet in area and the proposed Parcel “I” on the southern half will be 33,704 square feet.



The drawing to the right graphically depicts how the three parcels would be converted to two. The building setbacks in the R-1 district require a 30-foot front yard setback (platted) and a 30-foot rear yard setback (also platted) that will remain as indicated on the Minor Plat document. The side yard areas are 10% of the lot width. All existing platted easements are carried over to this plat. Specifically, the 10’ utility easement along the street frontage (west) is to remain and the 10’ utility/access easement along the northern portion of Parcel “H” is to remain. See attached Minor Plat exhibit for more details.

The minor plat process to convert this area from three parcels to two will comply with R-1 Zoning District guidelines. These new parcels will be governed by the same rules imposed on all other parcels in the Sands Addition as currently constituted.

TECHNICAL COMMENTS

City technical staff, including Cedar Falls Utilities (CFU) personnel, has reviewed the Boe Minor Plat. Water, electric, gas, and communications utility services are available in accordance with the service policies of CFU. There is a water service to each of the 3 lots. Any unused water services are required to be plugged at the water main according to Cedar Falls Utilities Water Service Policy. This work will be required for the middle water service at the time of construction taking place on either lot regardless of which develops first. Property owner is responsible for the cost of any utility service relocations.

City staff notes that the applicant will be submitting required signed and stamped drawings and legal paperwork as per the Minor Plat application checklist to staff, before City Council review.

A courtesy mailing was sent to the neighboring property owners on September 1, 2021

STAFF RECOMMENDATION

Community and Development staff reviewed Minor Plat case #MP21-004 to convert three lots to two at 4224, 4232, and 4302 James Drive, and recommend approval with the following stipulations:

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

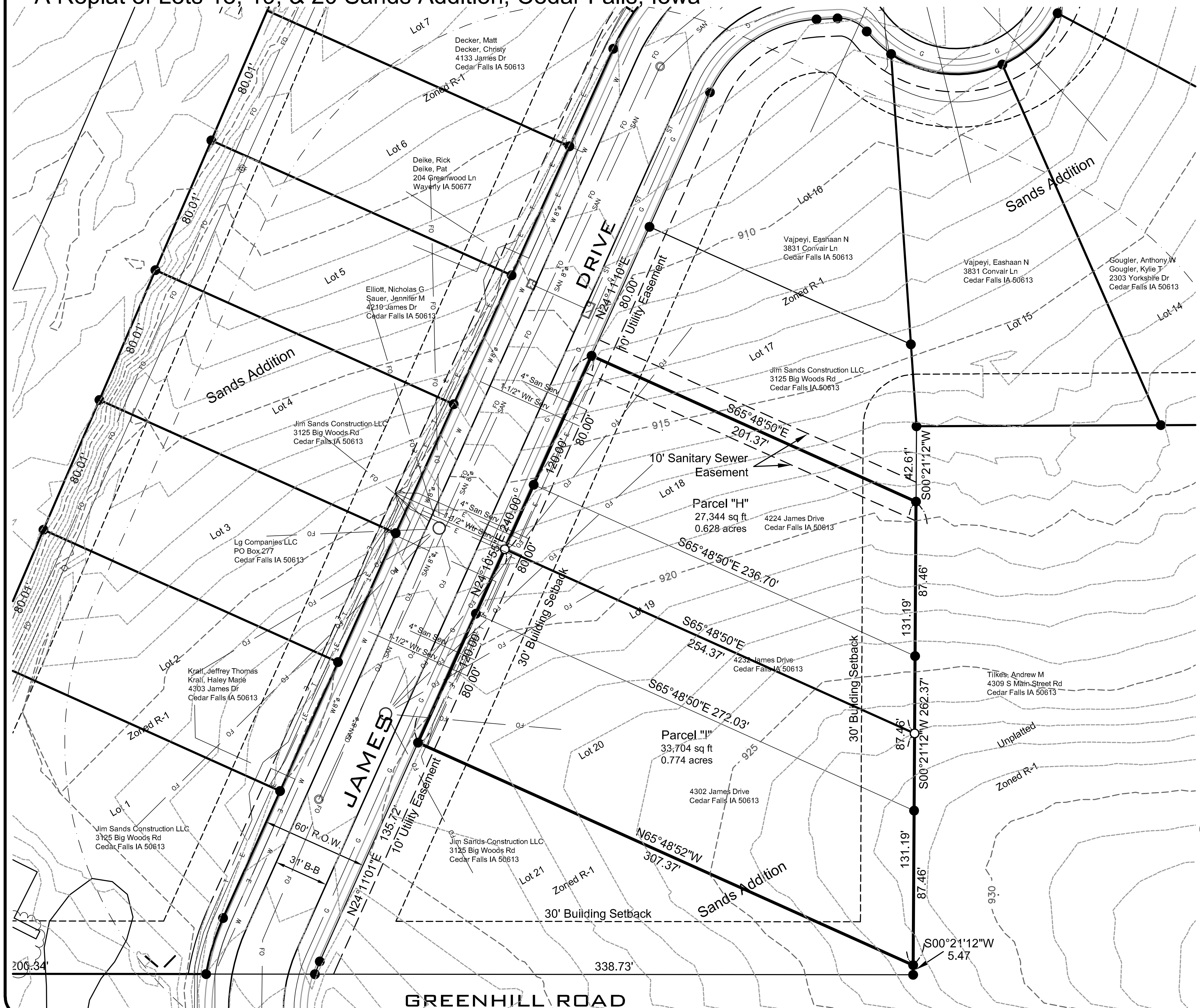
Staff recommends that if the Commission has no questions or concerns that require further review, the Commission make a recommendation to the Council.

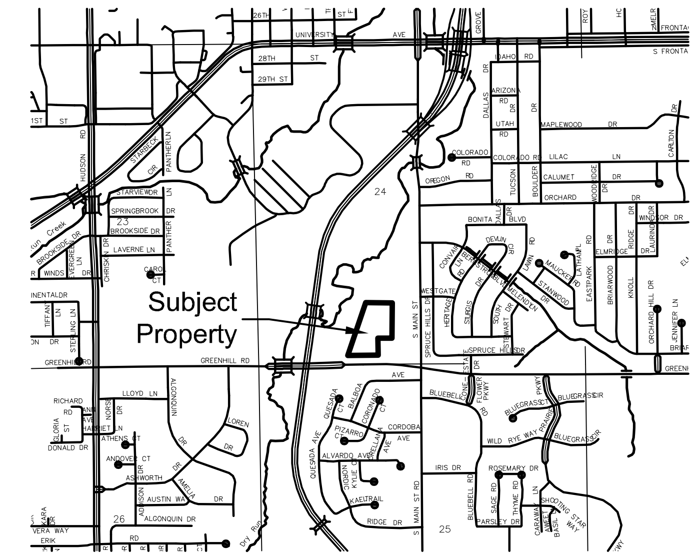
PLANNING & ZONING COMMISSION

Discussion
9/8/2021

Attachments: Boe Minor Plat (unsigned)
Owner's Statement of Restrictions (signed)
Surveyor's Certificate (signed)
Affidavit of Ownership (signed)

Plat of Survey
Boe Minor Subdivision Plat
A Replat of Lots 18, 19, & 20 Sands Addition, Cedar Falls, Iowa





Location Map

Legal Description Parcel "H":
Lot 18 and the Northerly 40 feet in even width of Lot 19, all in Sands Addition, Cedar Falls, Black Hawk County, Iowa.

Legal Description Parcel "I":
Lot 19 and Lot 20, except the Northerly 40 feet in even width of Lot 19, all in Sands Addition, Cedar Falls, Black Hawk County, Iowa.

Owner/ Developer:
Boe, Thomas
Boe, Joedy
4338 Wynnewood Dr
Cedar Falls IA 50613

Current Zoning:
R-1 One & Two Family Residential
Front Setback = 30 ft
Rear Setback = 30 ft
Side Setback = 10% Lot Width

Notes:
1.) Bearings are based on the Iowa Regional Coordinate System, Zone 5, NAD83 2011
2.) All dimensions are in US Survey feet and decimals thereof.
3.) The error of closure is better than 1:10,000
4.) Proprietor: Thomas & Joedy Boe
5.) Survey Requested by: Thomas & Joedy Boe
6.) Field work was completed: 07-01-2021
7.) The Subject Property is located in Zone "X" unshaded per FIRM Panel 19013C0164F and 19013C0277F.
8.) All property corners will be set within one year of filing of Subdivision Plat.

NORTH

0 30 60 120

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

PROFESSIONAL LAND SURVEYOR
Matthew A. Kofta
22561
IOWA

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Matthew A. Kofta, P.L.S. Date

License number 22561
My license renewal date is December 31, 2022
Pages or sheets covered by this seal:

revisions

page #

scale
1"=60'
drawn by
SJL
date
8-16-21

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

Boe Minor Subdivision
Lots 18, 19, & 20 Sands Addition
Cedar Falls, Iowa

218055

OWNER'S STATEMENT OF RESTRICTIONS
FOR
BOE MINOR SUBDIVISION PLAT,
A REPLAT OF LOTS 18, 19, & 20, SANDS ADDITION,
CEDAR FALLS, IOWA

We, **Thomas Boe and Joedy Boe**, being the legal titleholder of the real estate legally described as follows:

Lot 18 in Sands Addition to the City of Cedar Falls, Iowa.

AND

Lots 19 and 20 in Sands Addition to the City of Cedar Falls, Iowa.

Subject to easements, restrictions, covenants, ordinances, and limited access provisions of record.

and being desirous of selling and dividing said real estate into separate parcels upon approval of this **Boe Minor Subdivision Plat**, by the City of Cedar Falls, do hereby submit the following statement of proposed restrictions and easements:

PUBLIC IMPROVEMENTS

1. Sidewalks shall be installed in accordance with Sands Addition Deed of Dedication and Declaration of Covenants, Restrictions and Easements of record.

RESTRICTIONS

1. The zoning and building requirements for the parcels included in the Boe Minor Subdivision Plat shall be as required by the R-1 (One and Two Family Residential) Zoning District of the Zoning Ordinance of Cedar Falls, Iowa.
2. No further subdivisions of the property will be allowed unless the subdivision of the property is approved by the City of Cedar Falls, Iowa.
3. Setbacks shall be per Zoning Ordinance of Cedar Falls, Iowa or as shown on plat whichever is more restrictive.

EASEMENTS

The owners do hereby grant and convey to the City of Cedar Falls, Iowa, its successor and assigns, and to any private or municipal corporations, firms or persons furnishing utilities for the transmission and/or distribution of water, sanitary sewer, gas, electricity, communication service or cable television, perpetual non-exclusive easements across, on and/or under the property in the specific locations shown on the attached plat.

All recorded easements affecting the subject property prior to this platting shall be recognized as continuing in effect and service and shall not be considered rescinded by this platting.

WITNESSETH our hands, the undersigned, as our statement on intention for the **BOE MINOR SUBDIVISION PLAT, A REPLAT OF LOTS 18, 19, & 20, SANDS ADDITION, CEDAR FALLS, IOWA**

Thomas C. Boe
Thomas Boe

Joedy L. Boe
Joedy Boe

STATE OF IOWA)
)ss
COUNTY OF BLACK HAWK)

On this 16th day of August, 2021, before me, a Notary Public in and for the said State, personally appeared Thomas Boe and Joedy Boe, to me personally known, who being by me duly sworn did say that the execution of said instrument to be his voluntary act and deed.

Melanie M Fisher
Notary Public – State of Iowa

MELANIE M. FISHER
COMMISSION NO. 149874
MY COMMISSION EXPIRES
12-15-2021

NOTARIAL SEAL IOWA

My Commission Expires December 15, 2021

Prepared by Matthew A. Kofta, P. L.S., VJ Engineering, 1501 Technology Parkway, Cedar Falls, Iowa 50613 Phone 319-266-5829

SURVEYOR'S CERTIFICATE

Boe Minor Subdivision Plat
A Replat of Lots 18, 19, & 20 Sands Addition,
Cedar Falls, Iowa

I certify that during the month of July, 2021, at the direction of Thomas Boe, a survey was made, under my supervision, of the tract of land to be known as "**Boe Minor Subdivision Plat",** as shown on the attached plat, and the boundary of which is more particularly described as follows:

Lots 18, 19, and 20, Sands Addition, Cedar Falls, Iowa

I further certify that the Plat as shown is a correct representation of the survey and all corners will be marked as indicated.

Matthew A. Kofta, P.L.S.
Iowa License No. 22561

8-16-2021
Date

PROFESSIONAL LAND SURVEYOR
Matthew A.
Kofta
22561
IOWA

AFFIDAVIT OF OWNERSHIP

TO: Cedar Falls Planning and Zoning Commission
Cedar Falls City Hall
220 Clay Street
Cedar Falls, Iowa 50613

To the Commission:

We, **Thomas Boe and Joedy Boe**, do hereby certify that we are the legal titleholders of the real estate legally described as follows:

Lot 18 in Sands Addition to the City of Cedar Falls, Iowa.

AND

Lots 19 and 20 in Sands Addition to the City of Cedar Falls, Iowa.

Subject to easements, restrictions, covenants, ordinances, and limited access provisions of record.

Said property was acquired by Warranty Deed dated April 28, 2021, and filed as Document 2021-00023173 on May 4, 2021.

Thomas Boe

Joedy Boe

Joedy L. Boe

STATE OF IOWA)
)ss
COUNTY OF BLACK HAWK)

On this 29th day of July, 2021, before me, a Notary Public in and for the said State, personally appeared Thomas Boe and Joedy Boe, to me personally known, who being by me duly sworn did say that the execution of said instrument to be his voluntary act and deed.

Notary Public – State of Iowa

My Commission Expires 4-26-22

NOTARIAL SEAL IOWA
ERIC D MILLER
Commission No.816628
My Commission Expires
4-26-22

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, City Planner I

Ben Claypool, PhD, EI, Civil Engineer II

DATE: September 1, 2021

SUBJECT: Rezoning Request for Direct Appliance at 5424 University Ave (RZ21-007)
Land Use Map Amendment (LU20-002)

REQUEST: Rezone property from R-1, Residential Zoning District and C-2, Commercial Zoning District to C-2, Commercial Zoning District.

PETITIONER: KMTR Properties LLC, Owner / Chris Cummings, Turnkey Associates, Architects

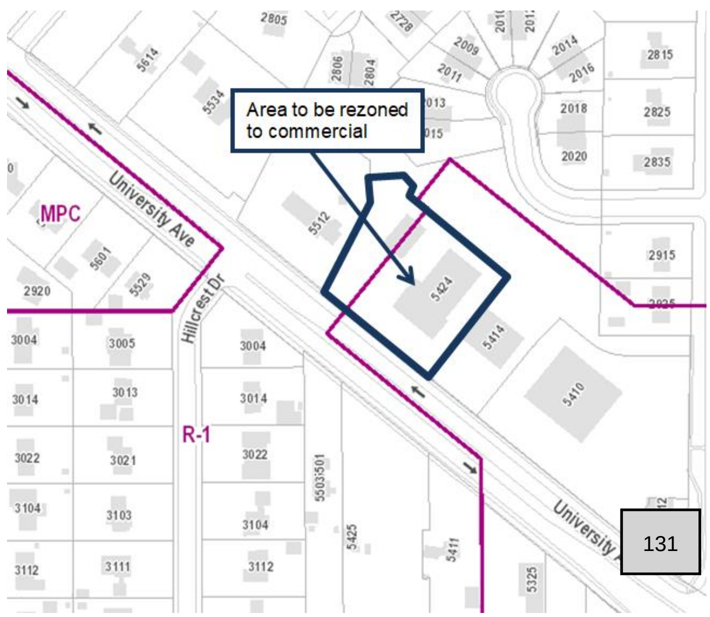
LOCATION: 5424 University Avenue

PROPOSAL

The current owner of Direct Appliance has requested to rezone a 1.38 acres parcel (60,113SF) property located at 5424 University Avenue, which currently has split zoning from the R-1, Residential Zoning District and C-2, Commercial Zoning District to C-2, Commercial Zoning District to expand the existing commercial use of the property.

BACKGROUND

KMTR Properties LLC owns the subject property. This parcel was purchased in 2008 with an existing one-story building built in 1976 and a detached accessory structure built in 1988 to operate as a commercial retail property. In addition, there were some building additions done by the owner in 2008 after the purchase of the property. And currently, the property is being used for a retail business of “Direct Appliance”.



The subject property at 5424 University Avenue is Lot 1 of Fogdall University Avenue Minor Plat No.1 which was platted in 2006. And the property has split zoning with the eastern 3/4th area of the lot in the C-2 Commercial District and the western 1/4th area of the lot in the R-1 Residence District. The applicant wishes to expand the business into the R-1 portion of the property, so is requesting to rezone the property so that the entire lot is within the C-2 Commercial District to comply with the zoning.

The property west of the subject property is in the R-1 Zoning district and the property east of the subject property is in the C-2 zoning district. It is unclear why this particular property has split zoning, although there have been a number of property divisions and subdivisions that may not have coincided with the zoning boundaries.

If the petitioner's request to rezone the property to C-2 zone is approved, the intent is to expand the existing use of the property by making building additions as per the attached site plan and expanding the paved area to the west to allow maneuvering of semi-trucks for loading and uploading. A site plan is attached with the packet that shows the proposal for the site.

ANALYSIS

Existing and Proposed Zoning

The request is to rezone 1.38 acres of land located at 5424 University Avenue from R-1, Residential Zoning District and C-2, Commercial Zoning District to C-2, Commercial Zoning District.

The R-1 Residential District allows residential use in the form of one- and two-unit dwellings, churches, and private noncommercial recreational areas. This zone does not allow commercial activity. The C-2 Commercial District allows a variety of commercial uses including but not limited to retail stores of all types, financial institutions, automobiles sales, veterinary clinics, bowling alleys, drive-in restaurants, laundries, offices, printing shops, restaurants, mini-storage warehouses, and similar.

Currently, the property is being used for household appliance sales and repair, which is an allowed use in the C-2 Commercial Zoning District. The owner of the property intends to continue expanding the similar use on the property. City staff notes that once the property is rezoned, it can have any commercial use allowed as per the C-2 zoning district in the future. A property with split zoning creates uncertainty for the property owner and for surrounding properties as to its use and development, so is good practice to change the zoning so the entire lot is within the same zone. The current request aligns with the intent to continue the development of the land for similar use as per the site plan proposal.

Adjacency between R-1 and C-2 Zoning

While it is not preferable to have a property with split zoning, in this case it has in effect created a more significant buffer between the commercial use and the single family home on the abutting property. Rezoning the western portion to C-2 will allow the commercial use to expand into an area where there is a drainageway, significant vegetation, and large overstory trees that create a significant visual and physical buffer between the uses. Staff recommends that if rezoned and the paved area expanded in this direction that stormwater management be carefully considered and that any loss of trees or vegetation be replaced to create an effective screen between the commercial activity and the abutting residential property. With any rezoning the Commission has the discretion to impose reasonable conditions to mitigate for any potential negative effects caused by the rezoning. Staff is supportive of the rezoning, but notes the following:

- As per code, the minimum setback requirement for the C-2 zoning district is 10 feet from any abutting residential zoning district. However, if the truck turn around area encroaches this close to the property boundary it may result in loss of a significant portion of the existing vegetation and large overstory trees.
- As per code minimum six feet high screen consisting of a fence, wall, or plant material of mature height must be installed to screen the property. Staff notes that the commercial property is at a higher elevation than the residential property, so a taller landscaping screen would be warranted between the paved area and the west property line, particularly if there is significant loss of the existing vegetation and trees.
- All parking lots and vehicular use areas of the commercial property must have peripheral landscape screening from the adjacent properties and the public right-of-way. The applicant has indicated that they will provide the necessary peripheral screening, including along University Avenue.
- The drainageway along the western edge of the subject property for stormwater will need to be maintained as per city standards. City staff notes that the applicant must comply with all stormwater requirements so there is no increase in stormwater flows on adjacent properties due to expansion of the impervious surfaces on the lot (new paving and buildings). Engineering staff have made some recommendations, which are noted in the technical comments below.

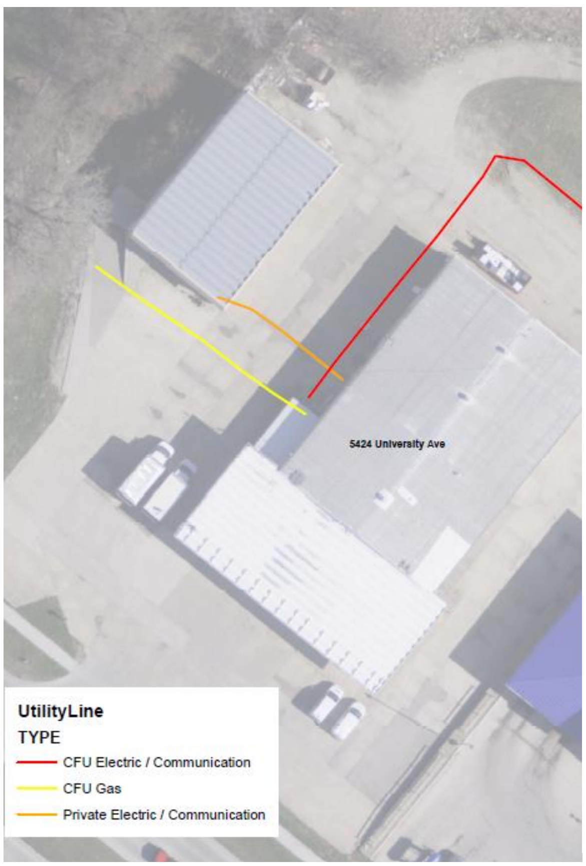
<u>Zoning considerations normally involves evaluation of three main criteria:</u>

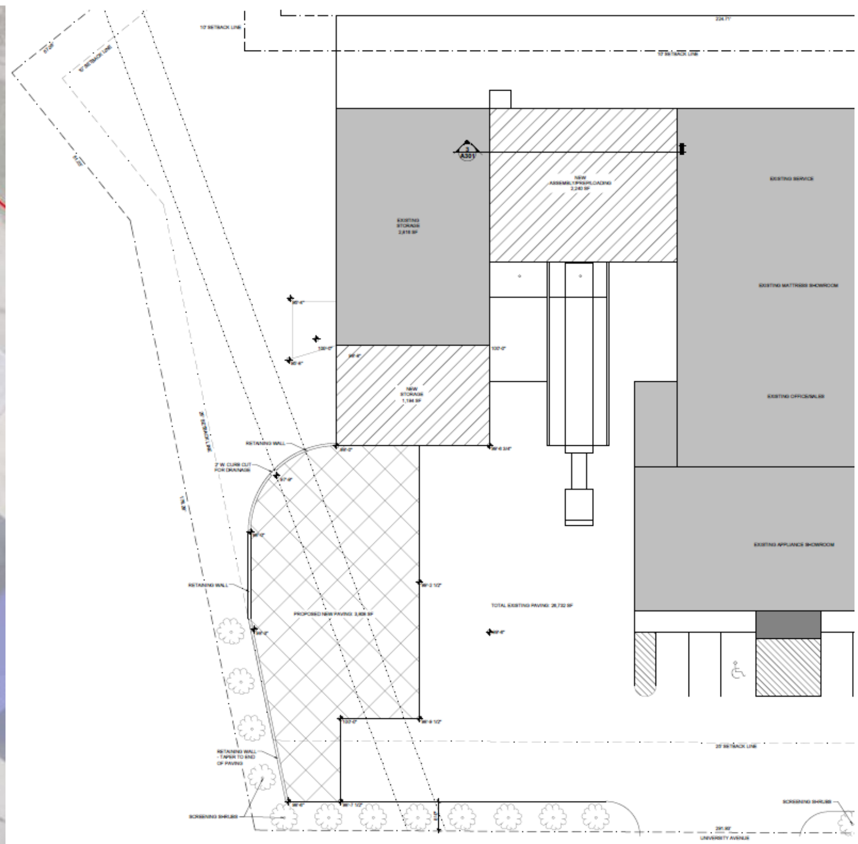
- *Compliance with the Comprehensive Plan and Future Land Use Map*
  The Future Land Use Map in the City's Comprehensive Plan indicates that this property is designated for Community Commercial use. With the proposed area to be rezoned to expand the commercial use, the Future Land Use Map will not need to be amended for the property, as the property is currently under the right designation. See excerpt from the Future Land Use Map below with properties labeled.

- Available access to Public Services (Sewer, water, and electricity)
  The property is located in a developed area of the city and has access to all the utilities on site.
- Available adequate roadway access
  The property does have roadway access from University Avenue.

Public Notice:
Notice of the rezoning proposal was mailed to the adjoining property owners on 1st September 2021.

Technical Comments:
City staff including the City Engineering Division and Cedar Falls Utilities (CFU) has reviewed the rezoning request. CFU notes that there is a gas service, three-phase electrical and communication fiber lines in the new construction area as per the applicant's site plan proposal and those will have to be relocated by CFU at the owner's expense. See image below for reference.





Stormwater Improvements: The Engineering Division notes, while not triggering the post-construction stormwater control ordinance, the additional retaining wall and truck turn around pavement is shown to slope to the north-west and allow all newly placed impervious area to dump though a curb-cut at the top of the retaining wall. While the plan view of this new impervious area is ok, the City has requested that the new concrete is to be placed with a slope draining towards an area intake (SW-511 per SUDAS) and then piped into the closest storm water intake along University Avenue. The grading of the new impervious area should collect all new storm water into the intake, allowing only storm events greater than the 100 year overflow to flow north-west toward the adjacent properties. This would prevent any stormwater issues related to the City's nuisance code. See image above for reference.

In addition to the technical comments from CFU and Engineering above, City staff notes that the following should be addressed by the applicant:

- Need the correct legal description of the entire lot as the lot has been previously platted.
- Since there is no established legal description of the zoning boundary line, the entirety of the lot as legally established should be rezoned to C-2. Update the zoning exhibit accordingly with the established legal description of the entire lot.
- The applicant will be submitting a revised site plan with correct setbacks and is working to determine what trees and vegetation will need to be removed to establish the truck turn-around. If significant loss of the trees and landscaping is anticipated, Staff recommends establishing a new landscaping buffer that will create an effective screen between the commercial activity on the lot and the abutting residential property, such as columnar arborvitae.

STAFF RECOMMENDATION

Staff recommends setting a date of public hearing for September 22, to consider rezoning the property at 5424 University Avenue from R-1, Residential District and C-2, Commercial District to C-2, Commercial District.

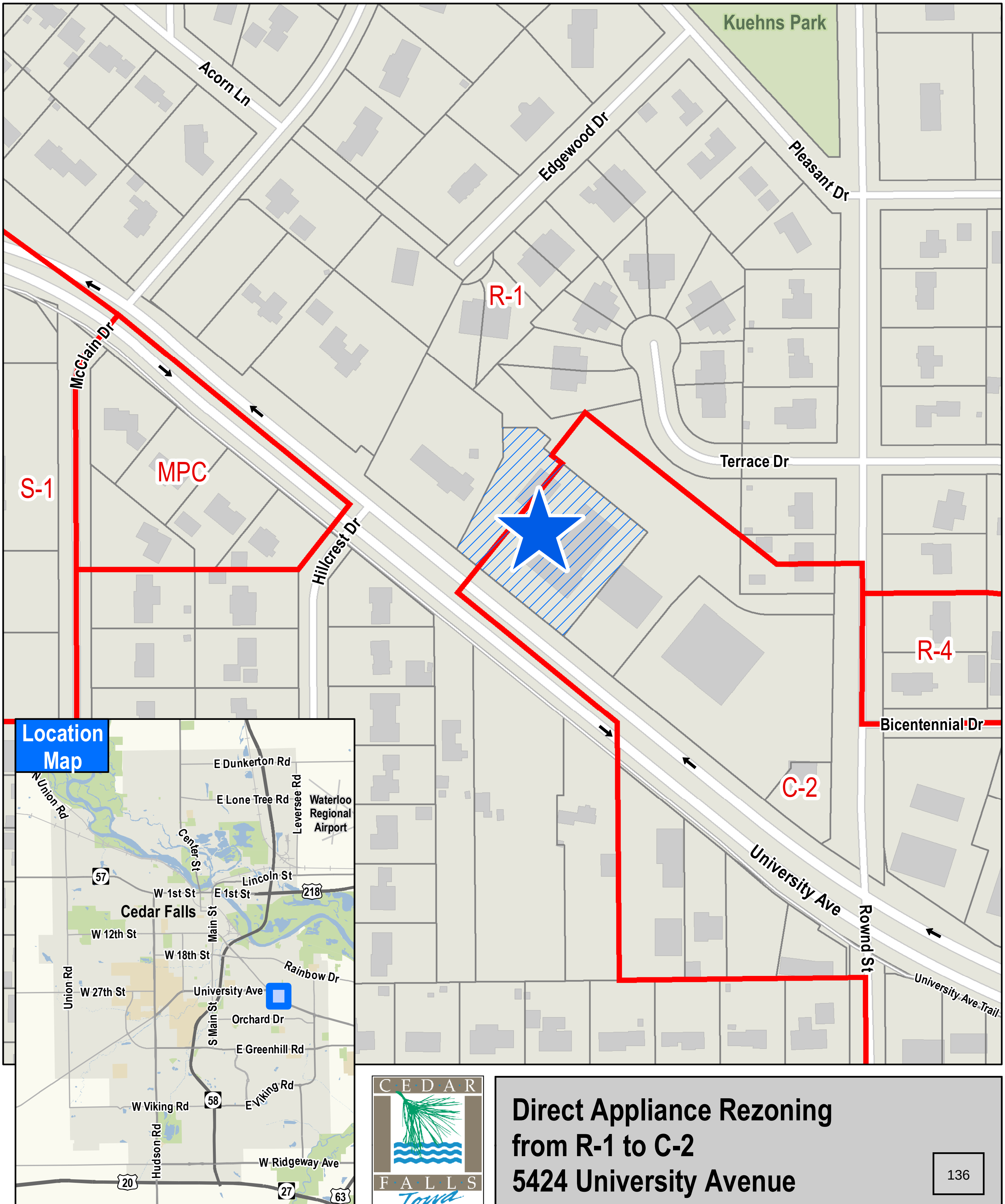
PLANNING & ZONING COMMISSION

Introduction
&
Discussion
9/8/2021

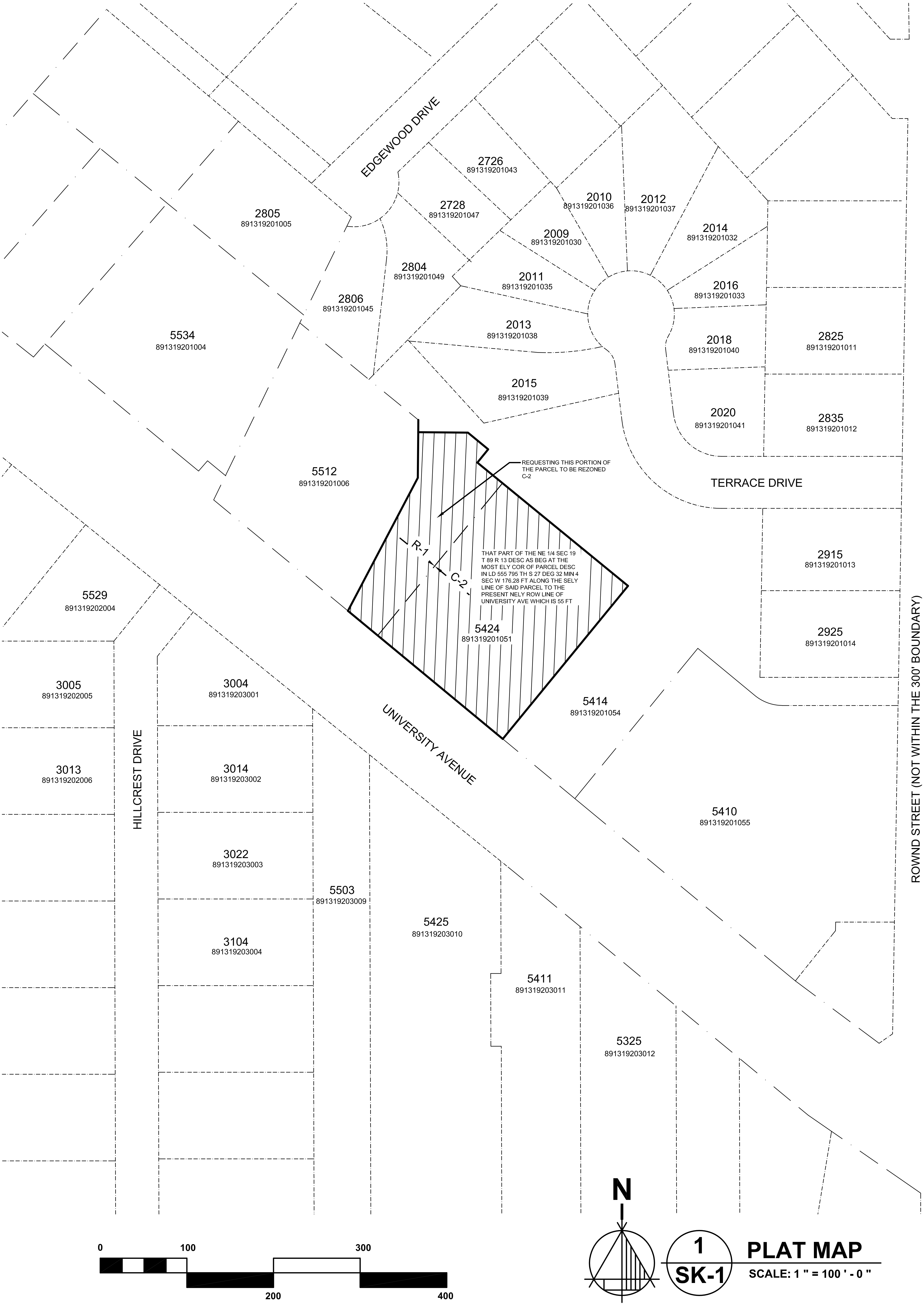
Attachments: Location Map
Rezoning Plat
Site Plan

Cedar Falls Planning & Zoning Commission
September 8, 2021

Item 7.



Direct Appliance Rezoning from R-1 to C-2
5424 University Avenue



1
SK-1

PLAT MAP

SCALE: 1 " = 100 ' - 0 "

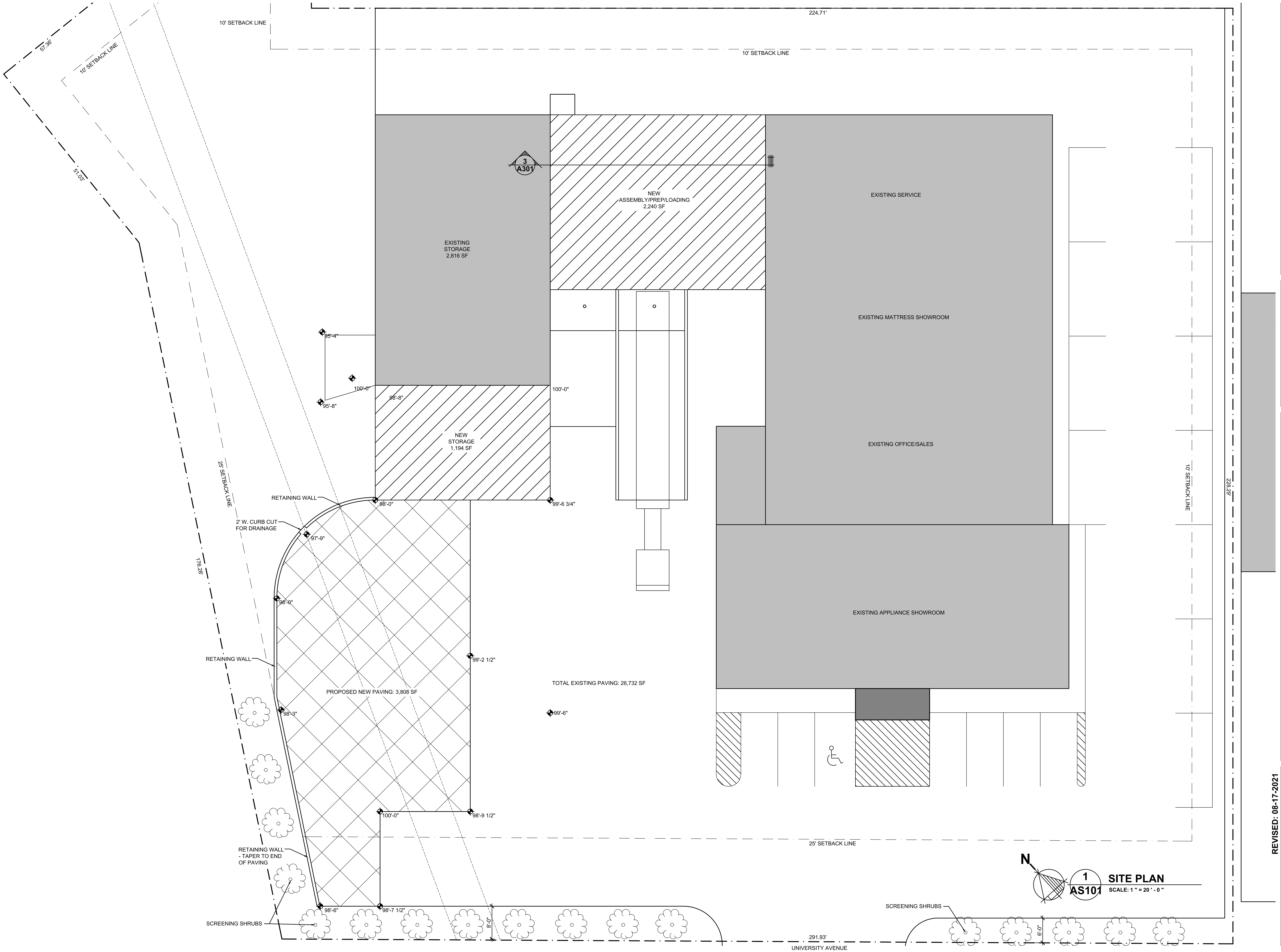
PLAT MAP
DIRECT APPLIANCE
CEDAR FALLS, IOWA

turnKEY
ASSOCIATES LC
3015 GREYHOUND DRIVE
WATERLOO, IA 50701
WWW.TKADESIGNBUILD.COM
PHONE: 319-232-4242
FAX: 319-232-3793

JOB NUMBER
19021

DATE
07-08-2021

SK-1



turnKEY ASSOCIATES LC
ARCHITECTS BUILDERS

3015 GREYHOUND DRIVE
WATERLOO, IA 50701

PHONE: 319-232-4242
FAX: 319-232-3793

WAREHOUSE EXPANSION FOR DIRECT APPLIANCE

CEDAR FALLS, IA

REVISED: 08-17-2021

DATE ISSUED:	DRAWN BY:	CHECKED BY:
05-03-2021	IPCH	CMC

PROJECT NUMBER: 21001

SITE PLAN

SHEET NUMBER:

AS101