



AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION
WEDNESDAY, MAY 23, 2018
5:30 PM AT CITY HALL - COUNCIL CHAMBERS

1. **Call to Order and Roll Call**
2. **Approval of Minutes**
3. **Public Comments**
4. **Old Business**
5. **New Business**

A. Rezoning (Amendment to Zoning Agreement) - Lots 7 & 8 Midway Business Park

Location: Midway Business Park on Greenhill Circle
Applicant: Lucas Moore
Previous Discussion: None
Staff Recommendation: Set date for Public Hearing on June 13, 2018 and continue discussion at the Planning and Zoning Commission.
P&Z Action Needed: Continue discussion at the Planning and Zoning Commission.

B. Floodplain Ordinance Amendments

Location: Citywide
Applicant: City of Cedar Falls
Previous Discussion: None
Staff Recommendation: Set date for Public Hearing on June 13, 2018 and continue discussion at the Planning and Zoning Commission.
P&Z Action Needed: Continue discussion at the Planning and Zoning Commission.

C. Presentation: Zoning Codes – Overview of various types of zoning
Karen Howard, Planning & Community Services Manager

6. **Adjournment**

Reminders:

- June 13th and June 27th Planning & Zoning Commission Meeting
- May 21st and June 4th City Council meeting

**Cedar Falls Planning and Zoning Commission
Regular Meeting
May 9, 2018
City Hall Council Chambers
220 Clay Street, Cedar Falls, Iowa**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on Wednesday, May 9, 2018 at 5:30 p.m. in the City Hall Council Chambers, 220 Clay Street, Cedar Falls, Iowa. The following Commission members were present: Adkins, Giarusso, Hartley, Holst, Leeper, Oberle, Saul and Wingert. Arntson was absent. Karen Howard, Community Services Manager, David Sturch, Planner III, and Iris Lehmann, Planner I, were also present.

- 1.) Chair Oberle noted the Minutes from the April 25, 2018 regular meeting are presented. Mr. Holst made a motion to approve the Minutes as presented. Mr. Wingert seconded the motion. The motion was approved unanimously with 8 ayes (Adkins, Giarusso, Hartley, Holst, Leeper, Oberle, Saul and Wingert) and 0 nays.
- 2.) The first item of business was a Minor Plat for Lot 4 River Place 3rd Addition. Chair Oberle introduced the item and Ms. Lehmann provided background information. She explained that the Eagle View Partners are proposing to subdivide the northern most lot of the River Place Development located at the northeast end of East 2nd Street. She displayed plat diagrams portraying the proposed plat and explained that it is proposed to separate the MU2 site from the public parking use. Staff finds that the proposed minor plat meets the City's subdivision standards and is consistent with the development agreement for River Place development and therefore recommends approval subject to the following stipulations:
 - Documents are submitted to vacate the existing public access easement No. 11
 - New public access easements are drafted and recorded

Mr. Holst made a motion to approve. Ms. Saul seconded the motion. The motion was approved unanimously with 8 ayes (Adkins, Giarusso, Hartley, Holst, Leeper, Oberle, Saul and Wingert) and 0 nays.

- 3.) The next item for consideration by the Commission was the Arbors Subdivision Plat amendment. Chair Oberle introduced the item and Mr. Sturch provided background and update information. He explained that staff has been working with Midwest Development/Skogman Homes on the Arbors Addition off Viking Road west of the Meadows Addition. The parcel was rezoned in the spring of 2014 from A-1, Agricultural to RP, Planned Residential, creating 204 residential lots for single-family designed development. He explained the proposed changes to the street connections into the adjacent properties to the north and west. Staff recommends approval with any comments or direction from the Planning and Zoning Commission.

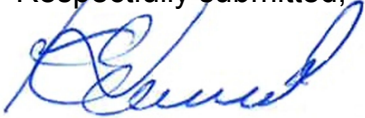
Mr. Wingert made a motion to approve. Mr. Hartley seconded the motion. The motion was approved unanimously with 8 ayes (Adkins, Giarusso, Hartley, Holst, Leeper, Oberle, Saul and Wingert) and 0 nays.

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- 4.) As there were no further comments, Mr. Holst made a motion to adjourn. Ms. Saul seconded the motion. The motion was approved unanimously with 8 ayes (Adkins, Giarusso, Hartley, Holst, Leeper, Oberle, Saul and Wingert) and 0 nays.

The meeting adjourned at 5:37 p.m.

Respectfully submitted,



Karen Howard
Community Services Manager



Joanne Goodrich
Administrative Clerk



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: David Sturch, Planner III
DATE: May 17, 2018
SUBJECT: Rezoning Amendment – Midway Business Park

REQUEST: Rezoning Amendment on Lots 7 & 8 of Midway Business Park

PETITIONER: Lucas Moore, Oak District LLC

LOCATION: Lots 7 & 8 Midway Business Park: Greenhill Circle

PROPOSAL

The applicant submitted a request to amend the zoning restriction placed on Lots 7 and 8 of the Midway Business Park subdivision. This restriction only allows for the construction of professional service office buildings. It is proposed to establish a nursing home/senior assisted living facility on said lots.

BACKGROUND

The zoning designation on this property changed from R-1, Residential to R-4, Multifamily Residential in January of 1995. The R-1 district was part of the Midway subdivision that included the residential homes on Lovejoy Drive, Valley High Drive and Cardinal Court east of Cedar Heights Drive. Due to its location along the Greenhill Road arterial street corridor and potential for commercial and professional office development, this 7.4 acre parcel an upzoning to R-4 was recommended. At that time, due to concerns expressed by nearby residents, the petitioner agreed to limit the uses in this R-4 district to professional office development only through a zoning agreement. It should be noted that the R-4, Residential district permits a wide range of uses including one and two unit dwellings, multifamily dwellings, nursing homes and hospitals. In addition, commercial entities such as funeral homes, hotels/motels and professional service offices are permitted. Since the zoning agreement is part of the zoning of these properties, any proposal to vary from the agreement requires a rezoning action.

The zoning change in January 1995 was followed by the approval of the Midway Second Addition for the creation of four residential lots at the east end of Lovejoy Drive. This plat created a cul-de-sac which essentially eliminated the through traffic into the aforementioned R-4

Item 5.A.

zoning district. The approval of the plat eased some of the concerns brought from nearby residential properties that were opposed to a potential increase in traffic and residential parking from the R-4 district. Finally, in the summer of 2003, the Midway Business Park subdivision was created for nine (9) new lots off of Greenhill Road with a short cul-de-sac (Greenhill Circle) to serve these lots. The First Security Bank eventually developed on Lot 1 located at the intersection of Greenhill Circle and Greenhill Road. More recently, the Community Foundation of Northeast Iowa built their new office west of the bank at the end of Greenhill Circle. Since 2003, three of the nine platted lots have been developed. The lots along the north and east side of Greenhill Circle remain vacant.

ANALYSIS

The petitioner has submitted a site plan for a proposed senior assisted living facility on Lots 7 and 8 at the northeast corner of the subdivision. The property abuts a City-owned lot to the north that is used as a stormwater detention basin. The property also abuts a residential neighborhood to the east in Waterloo.

This request is unlike a typical rezoning request. The proposal is to amend the zoning agreement to allow a use that is generally permitted in the R-4 district. All basic utility accommodations serve the property including sanitary sewer and a water main to each lot. The developer would utilize one connection and the other service connections will need to be abandoned at the developers cost. Vehicular access to the property is from Greenhill Circle.

The two lots in question are 1.35 acres in area. The attached site plan shows a new 9,000 square foot building centered on the two lots. This facility is intended to serve up to 16 clients with one full time operating manager and three caregivers during business hours. The night shift will consist of two care givers to meet the needs of the residents. The traffic will not be a concern as most of residents are unable to drive. There are nine parking spaces that will serve the staff and visitors.

Based on the proposed development of Lots 7 and 8 in the Midway Business Park addition, staff supports this request for an amendment to the zoning agreement. The proposed use is allowed in the R-4 zoning district. Reviewing the case history of this zoning agreement and subsequent platting of the property, staff finds that this change to the zoning agreement will be compatible with the surrounding neighborhood. The two story building is similar in height to nearby homes and subject to similar building setbacks. Use of the property for supportive housing for elderly is consistent with the intended purpose of the zone. The traffic to the subject properties will not affect the surrounding residential properties because the only access to these lots is from Greenhill Circle to Greenhill Drive.

The original zoning agreement approved in 1994 and the Midway Business Park Deed of Dedication will need to be revised to accommodate the proposed senior assisted living facility.

A notice was mailed to the adjoining property owners on May 16, 2018 regarding this zoning district amendment.

STAFF RECOMMENDATION

The Department of Planning and Community Services recommends approval of the R-4 zoning district amendment to allow a senior assisted living facility on Lots 7 & 8 of the Midway Business Park Addition subject to the following conditions:

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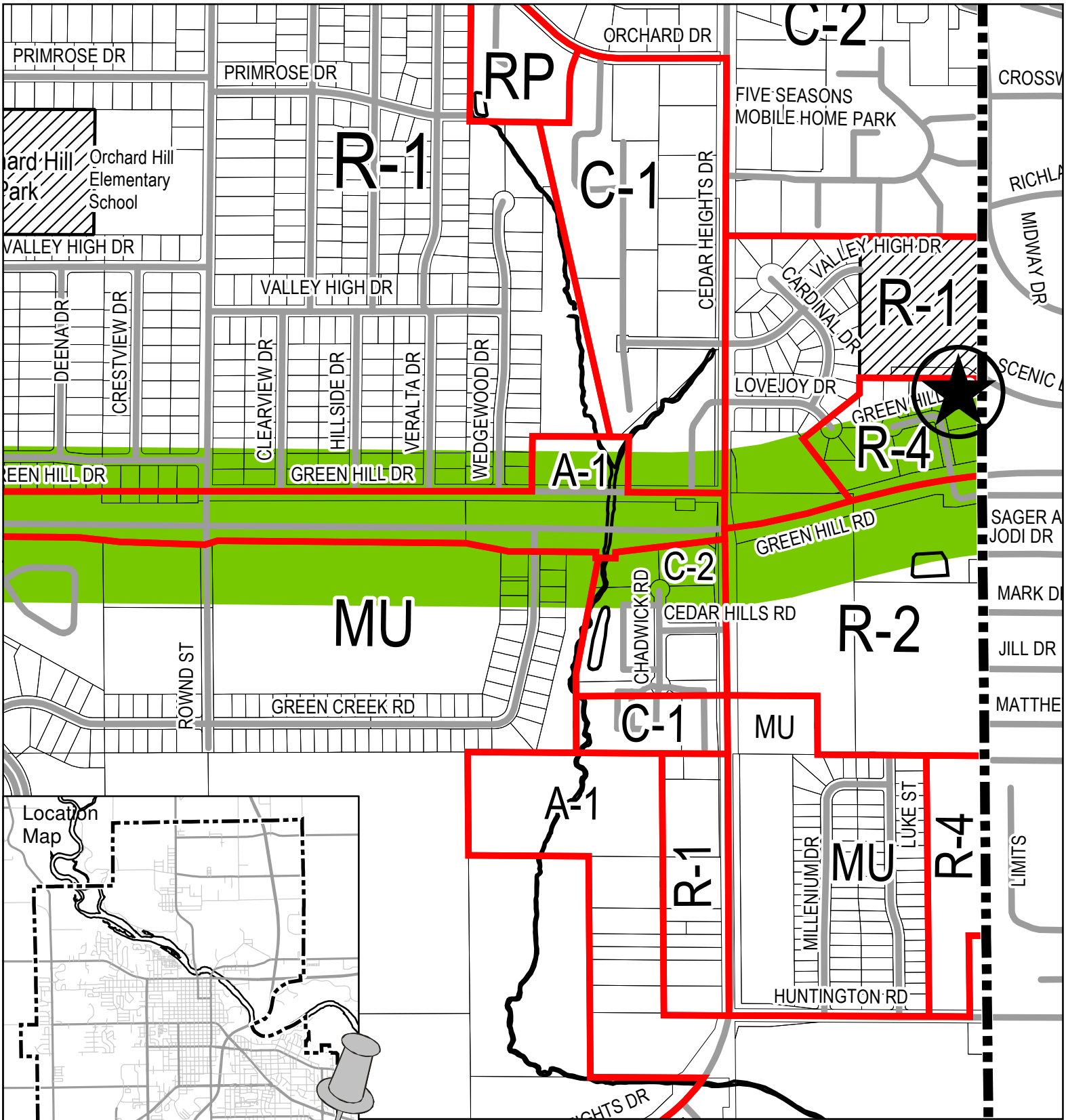
1. Gather any comments from the Planning and Zoning Commission and public.
2. Schedule a public hearing and continue the discussion at the next Planning and Zoning Commission meeting on June 13, 2018.
3. Submit a revised Zoning Agreement and Deed of Dedication

PLANNING & ZONING COMMISSION

Introduction

5/16/2018

Attachments: Location map
 Rezoning Plat
 Original Zoning Agreement
 Original Deed of Dedication



Midway Business Park Zoning Amendment

Item 5.A.



May 11, 2018

City of Cedar Falls
220 Clay Street
Cedar Falls, IA 50613

To whom it may concern:

It is First Security State Bank's understanding that it is Lucas Moore's intention to purchase the land and build a 9,000 s.f. senior assisted living facility on parcel numbers 8913-20-376-052 and 8913-20-376-053. The bank has reviewed plans for the project and wishes to express its support this development as well as the requested zoning modification.

Sincerely,

A handwritten signature in black ink that reads 'Tim Mack'.

Tim Mack
Executive Vice President
First Security State Bank

Hometown Friends You Can Count On!

Evansdale
3600 Lafayette Road
Evansdale, Iowa 50707
(319) 235-6731

Cedar Falls
3229 Greenhill Circle
Cedar Falls, Iowa 50613
(319) 266-0474



376-016
10.79

Legal Description of Property
MIDWAY BUSINESS PARK LOT 7
MIDWAY BUSINESS PARK LOT 8

REZONING REQUEST R 4 TO
R4 *WITH AMMENDMENT
#10 REMOVED

Map Disclaimer: This map does not represent a survey. No liability is assumed for the accuracy of the data delineated herein, either expressed or implied by Black Hawk County, the Black Hawk County Assessor or their employees. This map is compiled from official records, including plats, surveys, recorded deeds, and contracts, and only contains information required for local government purposes. See the recorded documents for more detailed legal information.



1:1,200

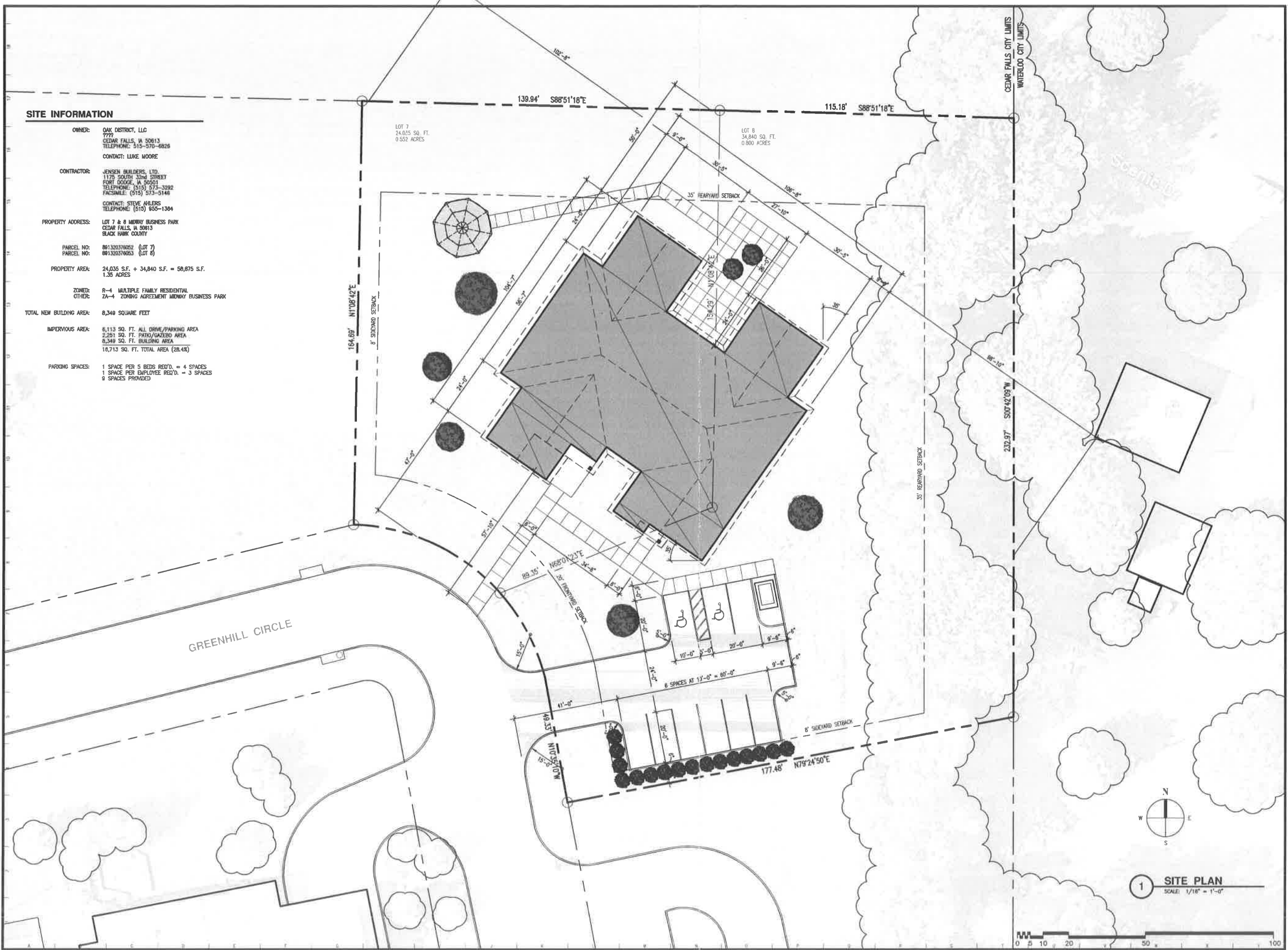
Black Hawk County, Iowa
Item 5.A
Fax: (319) 833-3070
E-mail: auditor@co.black-hawk-ia.us.org

Item 5.A.

I am requesting to amend the restrictions on MIDWAY BUSINESS PARK LOT 7 and MIDWAY BUSINESS PARK LOT 8 to allow construction of a residential senior assisted living property. Currently the lots are zoned R-4 with a restriction for building a senior assisted living property. I am requesting rezoning to amend the restrictions of only allowing store front property to be built.

The property will provide detailed care in a smaller 9000 sq ft property for senior citizens. The property will care for sixteen senior citizens that need assistance with activities of daily living. The project will have one full time operating manager and three caregivers during business hours. The night shift will consist of two care givers to meet the needs of the residents. This property will give seniors a different option than what is currently available in our area. The traffic will not be a concern as most of residents are unable to drive.

The property is a concrete slab with stone exterior and an asphalt roof. There are nine parking spaces that will serve the staff and visitors. The property will be built using the finest material providing great curb appeal to the area. The property would be a great addition to the area.



SITE INFORMATION

OWNER: OAK DISTRICT, LLC
 7777
 CEDAR FALLS, IA 50613
 TELEPHONE: 515-570-8828
 CONTACT: LUKE MOORE

CONTRACTOR: JENSEN BUILDERS, LTD.
 1175 SOUTH 32nd STREET
 FORT DODGE, IA 50501
 TELEPHONE: (515) 573-3292
 FACSIMILE: (515) 573-5146
 CONTACT: STEVE AHLERS
 TELEPHONE: (515) 855-1364

PROPERTY ADDRESS: LOT 7 & 8 MIDWAY BUSINESS PARK
 CEDAR FALLS, IA 50613
 BLACK HAWK COUNTY

PARCEL NO.: 061320378052 (LOT 7)
 061320376063 (LOT 8)

PROPERTY AREA: 24,035 S.F. + 34,840 S.F. = 58,875 S.F.
 1.35 ACRES

ZONED: R-4 MULTIPLE FAMILY RESIDENTIAL
 OTHER: ZA-4 ZONING AGREEMENT MIDWAY BUSINESS PARK

TOTAL NEW BUILDING AREA: 8,349 SQUARE FEET

IMPERVIOUS AREA: 6,113 SQ. FT. ALL DRIVE/PARKING AREA
 2,251 SQ. FT. PATIO/GAZEBO AREA
 8,349 SQ. FT. BUILDING AREA
 16,713 SQ. FT. TOTAL AREA (28.4%)

PARKING SPACES: 1 SPACE PER 5 BEDS REQ'D. = 4 SPACES
 1 SPACE PER EMPLOYEE REQ'D. = 3 SPACES
 8 SPACES PROVIDED



JENSEN BUILDERS, LTD.
 Design-Build General Contractor

1175 South 32nd Street
 Fort Dodge, IA 50501
 Phone: (515) 573-3292
 Fax: (515) 573-5146

2097 NE 60th AVENUE
 DES MOINES, IA 50313
 Phone: (515) 292-5000
 Fax: (515) 292-5100

www.jensenbuilders.com

**ASSISTED LIVING FACILITY
 OAK DISTRICT ASSISTED LIVING
 GREENHILL CIRCLE CEDAR FALLS, IOWA**

DATE	DESCRIPTION
4-4-18	PRELIMINARY

PROJECT NO: 18-XXX
 DRAWN BY: TRV
 CHECKED BY:
 CHECKED BY:
 COPYRIGHT: © JENSEN BUILDERS, LTD.
 SHEET TITLE

SITE PLAN

A - 101
 SHEET ? OF ?

Item 5.A.

COPY

ZONING AGREEMENT

This Agreement is made and entered into this 3th day of December, 1994, by and between R & N Investments, an Iowa Partnership, hereinafter called R & N Investments and the City of Cedar Falls, Iowa, hereinafter called City.

WHEREAS, R & N Investments is requesting a change in zoning for real estate described as follows:

Part of the Southeast Quarter of the Southwest Quarter of Section 20, Township 89 North, Range 13 West of the 5th P.M. in Cedar Falls, Black Hawk County, Iowa, described as follows: Beginning 180 feet north of the Southeast corner of said Southwest Quarter; thence North 0°16'57" West 415 feet along the East line of said Southwest Quarter; thence North 89°50' West along a line parallel to the South line of said Southwest Quarter to the East line of Midway Addition, in the City of Cedar Falls, Black Hawk County, Iowa; thence South 0°0'20" West to the most Southeasterly corner of Lot 36 in of said Midway Addition; thence South 51°36'20" West to the most Southerly corner of said Midway Addition; thence South 38°23'40" East 357.72 feet to the South Quarter; thence North 19°30' East a distance of 730 feet to the point of beginning.

from the R-1, Residential Zoning District to the R-4, Residential Zoning District, and

WHEREAS, Iowa Code Section 414.5 provides that a City Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this Section or any adjournment of the hearing, and

WHEREAS, the City Council has determined that the additional conditions hereinafter provided are necessary to warrant a rezoning of the above described real estate.

NOW, THEREFORE, it is hereby agreed by and between the above named parties that the following conditions are hereby imposed on R & N Investments and the real estate described as follows in addition to the existing regulations governing all real estate included in the R-4, Residential Zoning District. Said conditions are as follows:

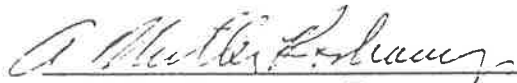
1. That a cul-de-sac street will be installed at the east end of Lovejoy Drive where single family residential lots will be established.

2. That the remaining property subject to rezoning east of the Lovejoy Drive cul-de-sac area will be developed solely with professional service office buildings.


3. That prior to the establishment of any uses on the property other than single family residences or professional service office buildings a separate rezoning request shall be submitted to the City for consideration in the normal fashion.

The foregoing conditions shall apply to the above described real estate and shall run with the land.

CITY OF CEDAR FALLS, IOWA



A. Miller Roskamp, Property Owner

By: 

Ed Stachovic, Mayor

ATTEST:



David M. Nordyke, Property Owner

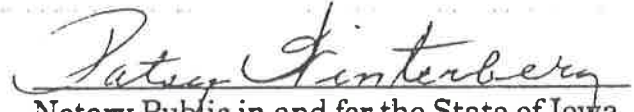


Gary L. Hesse, City Clerk

Item 5.A.

STATE OF IOWA)
 (ss:
BLACK HAWK COUNTY)

On this 8th day of December , 1994, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared A. Miller Roskamp and David M. Nordyke , to me personally known, who, being by me duly sworn, did say they are the partners of R & N Investments, a partnership, and that the instrument was signed on behalf of the partnership by authority of the partners and the partners acknowledged the execution of the instrument to be the voluntary act and deed of the partnership by it and by the partners voluntarily executed.


Notary Public in and for the State of Iowa

OWNER'S STATEMENT AND DEED OF DEDICATION
FOR

**MIDWAY BUSINESS PARK
CEDAR FALLS, IOWA**

KNOW ALL MEN BY THESE PRESENTS:

That **Dennis Hansen, President of First Security State Bank**, being desirous of setting and platting into lots the land described in the attached Certificate of Survey by Wendell J. Lupkes, a Registered Land Surveyor, dated the 19th day of May, 2003, does by these presents designate and set apart the aforesaid premises as a subdivision of the City of Cedar Falls, Iowa, the same to be known as:

**Midway Business Park
Cedar Falls, Iowa**

in Cedar Falls, Black Hawk County, Iowa, all of which is with the free consent and desire of the undersigned, and the undersigned does hereby designate and set apart for public use the streets and avenues as shown upon the attached plat.

EASEMENTS

The owners do hereby grant and convey to the City of Cedar Falls, Iowa, its successors and assigns, and to any private corporation, firm or person furnishing utilities for the transmission and/or distribution of water, sanitary sewer, storm sewer, natural gas, electricity, communication service or cable television, perpetual easements for the erection, laying, building and maintenance of said services over, across, on and/or under the property as shown on the attached plat.

RESTRICTIONS

Be it also known that the undersigned does hereby covenant and agree for itself and its successors and assigns that each and all of the lots in said subdivision be and the same are hereby, made subject to the following restrictions upon their use and occupancy as fully and effectively to all intents and purposes as if the same were contained and set forth in each deed of conveyance or mortgage that the undersigned or its successors in interest may hereinafter make for any of said lots and that such restrictions shall run with the land and with each individual lot thereof for the length of time and in all particulars hereinafter stated, to-wit:

Item 5.A.

1. The owner of each Lot, vacant or improved, shall keep his Lot or Lots free of weeds and debris.
2. All plans and specifications of structures to be built on any lot in said subdivision are to be submitted to and approved by the developer or his authorized agent or agents. No old or used building shall be moved upon any of the Lot or Lots in said subdivision for any purpose and all buildings on any lot in said subdivision shall be kept in a reasonable state of repair and upkeep.
3. The undersigned shall provide hard surface pavement, 31-foot back of curb to back of curb, in accordance with the City of Cedar Falls standard specifications
4. The undersigned shall provide sanitary sewers for each Lot, together with all necessary manholes and sewer service line, to all Lots in the plat.
5. The undersigned will install underground utilities as required by the City of Cedar Falls Subdivision Ordinance, or as agreed upon with the City of Cedar Falls.
6. The undersigned shall provide city water for each Lot as required by the Cedar Falls Municipal utilities.
7. The undersigned shall provide municipal fire hydrants as required by the Cedar Falls Fire Department.
8. The undersigned shall provide storm sewer along with sub-drain tile along street paving as specified by the Cedar Falls City Engineer.
9. The undersigned will provide sidewalks and hard surface driveways as follows:
 - (a) That the owner or its successors will install handicap ramps as provided by state law.
 - (b) That the owner or its successors will install a 4-foot wide concrete sidewalk four inches thick along Sager Avenue, and a concrete surface driveway entrance during or immediately after the construction of a building, and that the sidewalk be across the full width of the Lot at the time of construction of a building. On lots where no construction occurs, the owner or owners of any unimproved lot five (5) years after the filing of this document shall be required to install previously mentioned sidewalk. Owner or owners of the unimproved lot or lots shall authorize and direct said City to construct the said sidewalk without any of the formalities or legal proceedings required of cities by the statutes of Iowa in construction of like improvements.

- (c) In the event the City is required to construct the sidewalk, a lien or liens may only be imposed against the Lot or Lots which require City construction, and no others in the subdivision

- 10. That the development of the property shall be in accordance with the current Zoning District classification set forth in the City of Cedar Falls, Iowa, Zoning Ordinance. In addition, development of the property shall be restricted to professional offices only, according to previously adopted developmental agreement.

- 11. The undersigned and all persons and corporations hereafter acquiring any right, title, or interest in any of the Lots in said subdivision shall be taken and held to have agreed and covenanted with the owners of all other Lots in this subdivision and with the respective successors and assigns of all of the rest of such other Lots to conform to and observe all of the foregoing covenants, restrictions and stipulations as to the construction of building thereon, for a period of 21 years from the date of filing of said plat, and this deed of dedication for record. Within the period of 21 years and in according with Iowa Code §614.24 and §614.25 (1997 Code of Iowa) or their successor provisions, these covenants, restrictions and stipulations may be extended for an additional period of 21 years upon compliance with §614.24 and §614.25 of the 1997 Code of Iowa. In the event an extension of the covenants, restrictions and stipulations contained herein shall terminate at the end of the existing period of 21 years.

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

- 13. .All buildings erected on any lot in said subdivision shall be constructed in accordance with the Building, Plumbing and Electrical Codes of the City of Cedar Falls, Iowa.

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

Item 5.A.

**Midway Business Park
Cedar Falls, Iowa**

IN WITNESS WHEREOF, this instrument has been signed at Cedar Falls, Black Hawk County, Iowa, this 21st day of May, 2003.

First Security State Bank

BY: *Dennis M. Hansen*
Dennis Hansen, President

STATE OF IOWA)
)ss
COUNTY OF BLACK HAWK)

On this 21st day of May, 2003, before me, a Notary Public in and for the said State, personally appeared **Dennis Hansen**, to me personally known, who being by me duly sworn did say that he is **President of said First Security State Bank**, and that said instrument was signed on behalf of the said **First Security State Bank** by authority of its President and that said **Dennis Hansen** acknowledge the execution of said instrument to be the voluntary act and deed of said **First Security State Bank** by it voluntarily executed.



Steve Leibold
Notary Public – State of Iowa

FINAL PLAT MIDWAY BUSINESS PARK CEDAR FALLS, IOWA

LEGAL DESCRIPTION

That part of the Southwest Quarter (SW ¼) of Section Twenty (20), Township Eighty-nine (89) North, Range Thirteen (13) West of the Fifth Principal Meridian, in the City of Cedar Falls, Black Hawk County, Iowa, described as follows:

Commencing at the Southeast corner of said Southwest Quarter (SW ¼); thence N 0°41'32" E 180.64 feet to the Point of Beginning at the intersection of the East line of said SW ¼ and the Northerly right of way of Greenhill Road; thence S 80°00'00" W along said right of way 372.63 feet; thence S 75°28'38" W along said right of way 356.43 feet; thence N 37°27'26" W 203.11 feet; thence S 88°59'23" E 201.66 feet; thence N 1°00'37" E 424.01 feet to a point on the East line of Midway Addition which point is 595.00 feet North of the South line of said SW ¼; thence S 88°51'17" E 631.69 feet to a point on the East line of said SW ¼ which point is 595.00 feet North of the South line of said SW ¼; thence S0°42'21" W along the East line of said SW ¼ 414.93 feet to the Point of Beginning, containing 7.492 acres more or less, and is subject to easements and restrictions of record.

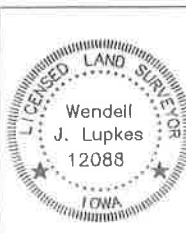
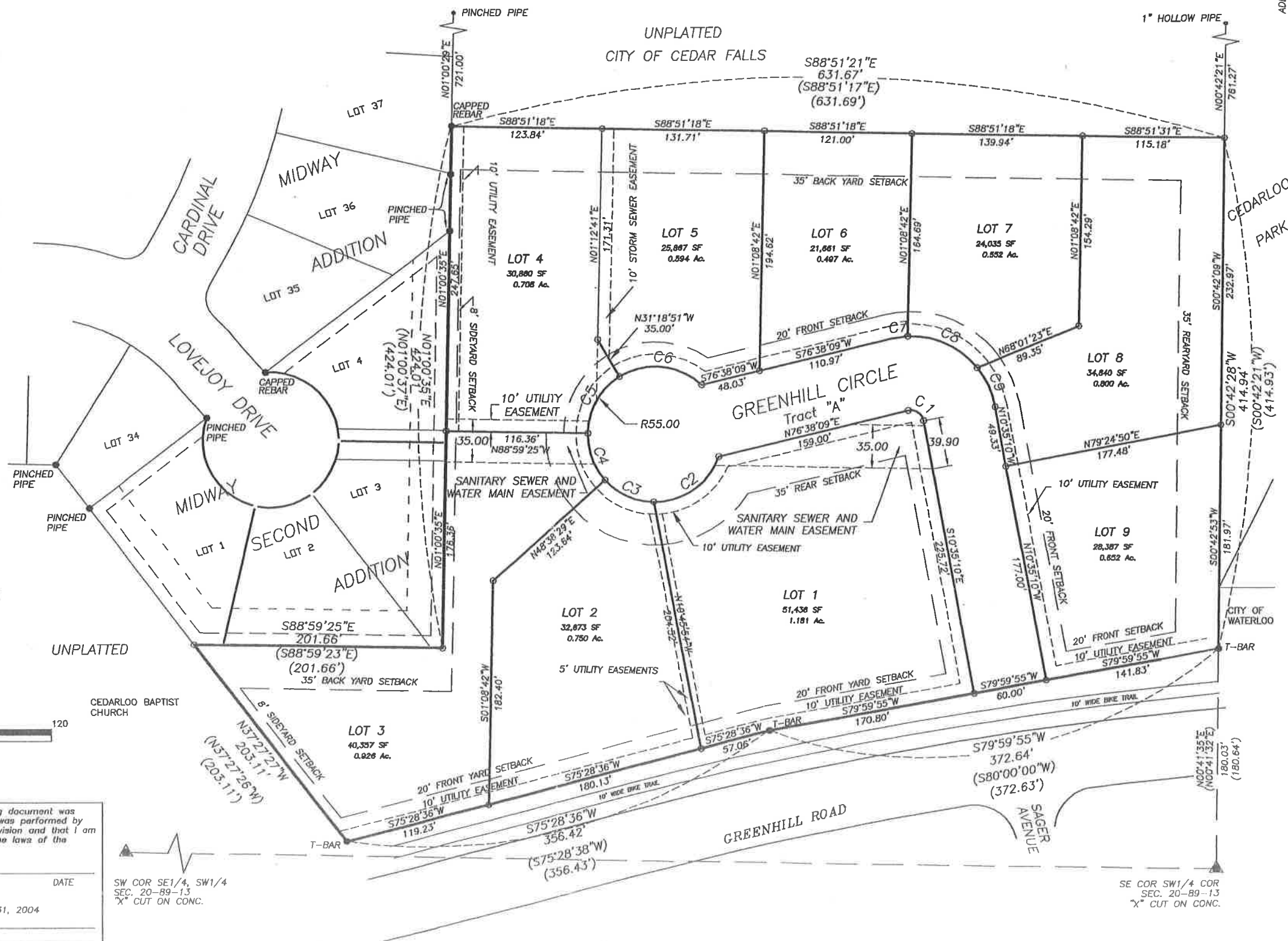
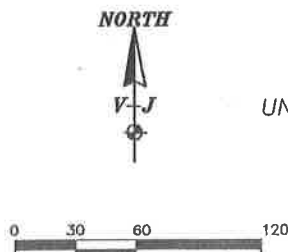
OWNER / DEVELOPER
FIRST SECURITY STATE BANK
3118 GREENHILL ROAD
CEDAR FALLS, IA 50613

- NOTES:
1) THE EAST LINE OF THE SOUTHWEST QUARTER IS ASSUMED TO BEAR N 0°42'21" E (A RECORD BEARING)
2) THE UNADJUSTED ERROR OF CLOSURE IS BETTER THAN 1:10,000
3) ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

CURVE	LENGTH	RADIUS	CHORD	CHORD BRG
C1	14.95	10.50	13.72	N51°23'02"W
C2	68.44	55.00	64.11	N55°20'25"E
C3	44.83	55.00	43.60	S65°39'36"E
C4	41.58	55.00	40.60	S20°38'59"E
C5	55.37	55.00	53.06	S29°50'52"W
C6	71.89	55.00	66.88	N83°52'01"W
C7	13.76	70.50	13.74	S82°13'37"W
C8	65.12	70.50	62.83	N65°43'19"W
C9	35.28	70.50	34.92	N24°55'23"W

FEATURE LEGEND

- 5/8" CAPPED REBAR SET
- PROPERTY CORNER FOUND
- ▲ SECTION CORNER FOUND
- 100.00 DIMENSION OF SURVEY
- (100.00) DIMENSION OF RECORD
- Gas- EXISTING GAS
- Strm- EXISTING STORM SEWER
- San- EXISTING SANITARY SEWER
- Tel- EXISTING TELEPHONE
- Wat- EXISTING WATER
- EXISTING LIGHT POLE
- EXISTING UTILITY POLE
- EXISTING MANHOLE
- EXISTING FIRE HYDRANT
- EXISTING TREE



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.

WENDELL J. LUPKES, L.S. DATE _____
License number 12088
My license renewal date is December 31, 2004
Pages or sheets covered by this seal: _____

SW COR SE1/4, SW1/4
SEC. 20-89-13
"X" CUT ON CONC.

SE COR SW1/4 COR
SEC. 20-89-13
"X" CUT ON CONC.

11-20-02
 ADDITIONAL 5' UTILITY EASEMENT (LOTS 1 & 2)
 scale 1"=50' book
 date
 drawn by WJL
 reviewed by NAME
 approved by NAME
 DATE
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DEPARTMENT OF COMMUNITY DEVELOPMENT

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MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: David Sturch, Planner III
DATE: May 17, 2018
SUBJECT: Floodplain Ordinance Amendments

REQUEST: Various Amendments to the Cedar Falls Floodplain Ordinance
PETITIONER: Cedar Falls Planning and Community Services
LOCATION: Citywide

PROPOSAL

The Department of Planning and Community Services proposes a series of ordinance amendments pertaining to an update of the City's floodplain management regulations.

BACKGROUND

The Iowa Department of Natural Resources conducts routine visits with communities throughout the State to review their floodplain ordinances. This Community Assistance Visit (CAV) provides assistance and evaluates the effectiveness of the City's floodplain management program in conforming to the criteria for continued participation in the National Flood Insurance Program. The Iowa DNR noted that staff is implementing the City's floodplain management program well. However, it was noted that the zoning ordinance must be updated to include certain definitions and amendments to floodplain regulations to conform to changes in FEMA standards.

ANALYSIS

Staff reviewed these suggested changes and concurs with the recommendations from the Iowa DNR. The new definitions listed below correspond to the existing text and phrases in the floodplain sections of the zoning ordinance. Adding new definitions further reinforce the floodplain management regulations of the City of Cedar Falls. For example, the repetitive loss requirement will allow a property owner to calculate their damage over multiple flood events for the past 10 years in order to qualify for assistance to elevate and protect their dwelling and minimize their flood insurance claims. The goal is to remove these properties from the repetitive loss list in Cedar Falls.

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The participation and good standing in the National Flood Insurance Program (NFIP) is based on proper floodplain management and program administration. Implementation of floodplain best management practices protects property and lives while reducing exposure and community disruption that results from flooding. Ramifications for non-compliant communities include probation, increased cost of flood insurance and ultimately suspension from the NFIP, which results in loss of eligibility for federally backed flood insurance and federally backed funding for various mortgage and disaster relief funds.

The City of Cedar Falls has maintained their good standing in the National Flood Insurance Program. Cedar Falls has a model floodplain ordinance that has been used across the State and the proposed amendments will strengthen our goals and policies for floodplain management.

There are several definitions and floodplain changes that need to be added to the Cedar Falls Zoning Ordinance. During this amendment process, staff intends to separate the general definitions of the zoning ordinance from the floodplain definitions, since the meaning of these terms may be different for general planning purposes than for floodplain management.

Based on recommendations from the Iowa Department of Natural Resources, staff recommends the following amendments to the zoning code:

Add new subsection under Section 29-2 – Floodplain Management Definitions, applicable to Sections 29-155 through 29-157. Move any existing definition that relates specifically to floodplain management from the General Definitions section of the zoning code and add the following new definitions to this new subsection. This will avoid confusion and misinterpretation of the same terms that may be used differently for general planning purposes.

Appurtenant Structure is a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Base Flood Elevation is the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

Existing Construction is any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as "existing structure".

Factory-Built Home Park or Subdivision, Existing is a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

Factory-Built Home Park or Subdivision, Expansion of Existing is the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Factory-Built Home Park or Subdivision, New is a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first

floodplain management regulations adopted by the community.

Flood insurance study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations. ~~a study initiated, funded or published by the Federal Insurance Administration and approved by the Federal Emergency Management Agency (FEMA), for the purpose of evaluating in detail the existence and severity of flood hazards, providing the city with the necessary information for adopting a floodplain management program, and establishing actuarial flood insurance rates.~~

Floodplain Management is an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplain s, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

Highest Adjacent Grade is the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Repetitive Loss includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Special Flood Hazard Area (SFHA) is the land within a community subject to the base flood. This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, A99, X Shaded and X Unshaded.

Start of Construction includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date.

The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Substantial improvement means any improvement to a structure which satisfies either of the following criteria:

- (1) Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the fair market value of the structure before the start of construction of the improvement. This term includes structures which have incurred **repetitive loss** or substantial damage, regardless of the actual repair work performed. The term does not, however, include either:
 - a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local

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- code enforcement officer and which are the minimum necessary to ensure safe living conditions; or
- b. Any alteration to an historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (2) Any addition which increases the original floor area of a structure by 25 percent or more. All additions constructed after February 1, 1985, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent. The term does not, however, include either:
- a. Any project or improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to ensure safe living conditions; or
 - b. Any alteration which will not preclude the structure's continued designation as a historic structure.

Section 27-114 Definitions in Article II Storm Water Management Program

Base flood elevation is the elevation ~~elevation floodwaters would reach at a particular site during the occurrence of a base flood event. at all locations delineating the level of flooding resulting from the 100-year frequency flood event. The 100-year flood event has a one percent probability of being equaled or exceeded in any given year.~~ The base flood event shall be considered to be the 500-year (0.2%) flood elevation.

Section 29-37 Duties of zoning administrator relative to development in flood hazard areas

- (10) ~~Obtain and record the base flood elevation that floodwaters would reach a particular site during the occurrence of a base flood event. The base flood event shall be considered to be the 500-year (0.2%) flood elevation.~~

Section 29-156 F-F floodway fringe overlay district

(e) Performance Standards

- (16) Detached garages, ~~and~~ storage sheds, ~~appurtenant structure~~ and other similar detached accessory structures ~~that are incidental to a residential use~~ shall be allowed in the floodway fringe district with no minimum elevation requirement provided that all the following criteria are satisfied. ~~Exemption from the elevation requirement for such structures may result in increased premium rates for flood insurance coverage of the structure and its contents:~~
- a. The total combined floor areas of all such structures located on the lot does not exceed a total of 576 square feet in area. ~~Those portions of structures located less than one foot above the (0.2%) 500-year flood level must be constructed of flood resistant materials.~~
 - b. The structures are not suitable for and shall not be used for human habitation.
 - c. The structures will be designed to have low flood damage potential. ~~and shall be used solely for low damage potential purposes such as vehicle parking and limited storage.~~
 - d. The structures will comply with minimum required permanent openings as specified in subsections (d)(4)(a)(1) through (4).
 - e. The structures will be constructed and placed on the building site so as to limit resistance to the greatest practicable extent to the flow of floodwaters.
 - f. Structures shall be firmly anchored to prevent flotation, ~~collapse and lateral movement which may result in damage to other structures.~~
 - g. The structure's service facilities such as electrical, heating and ventilating equipment shall be elevated or floodproofed to at least one foot above the (.2%) 500-year flood level.

STAFF RECOMMENDATION

The Department of Planning and Community Services recommends approval of the amendments as described in this memo, subject to:

1. Any additional changes as recommended by the Planning and Zoning Commission
2. Schedule a public hearing and continue the discussion at the next Planning and Zoning Commission meeting on June 13, 2018.

PLANNING & ZONING COMMISSION

Introduction

5/23/2018

Public Hearing

6/13/2018

