

**Cedar Falls Planning and Zoning Commission
Regular Meeting
October 28, 2020
Via Videoconference
Cedar Falls, Iowa**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on October 28, 2020 at 5:30 p.m. via videoconference due to precautions necessary to prevent the spread of the COVID-19 virus. The following Commission members were present: Hartley, Holst, Larson, Leeper, Lynch, Prideaux, Saul and Schrad. Adkins was absent. Karen Howard, Community Services Manager, Thomas Weintraut, Planner III, and Chris Sevy, Planner I, were also present.

- 1.) Chair Holst noted the Minutes from the October 14, 2020 regular meeting are presented. Mr. Schrad made a motion to approve the Minutes as presented. Ms. Lynch seconded the motion. The motion was approved unanimously with 8 ayes (Hartley, Holst, Larson, Leeper, Lynch, Prideaux, Saul and Schrad), and 0 nays.
- 2.) The first item of business was a rezoning request from R-4 to C-3 for 2128 College Street. Chair Holst introduced the item and Mr. Weintraut provided background information. He explained that the petitioner is requesting to rezone the 0.4 acre parcel from R-4, Multiple Residence and C-3, Commercial to C-3, Commercial. Mr. Weintraut explained that the Comprehensive Plan encourages mixed-use development along College Street in this location to fill in the gap between the "Upper" and "Lower" Hill with a more cohesive, walkable retail area. He noted that the site has access to public services and the street network, but noted that the multiple driveway curb cuts were inconsistent with the code requirements, so if redevelopment occurs may need to be modified. Staff recommends approval of the request.

Ms. Prideaux made a motion to approve the item. Mr. Larson seconded the motion. The motion was approved unanimously with 8 ayes (Hartley, Holst, Larson, Leeper, Lynch, Prideaux, Saul and Schrad), and 0 nays.

- 3.) The next item for consideration by the Commission was a site plan review for 416 Brandilynn Boulevard, in the HWY-1, Highway Commercial District. Chair Holst introduced the item and Mr. Sevy provided background information. He explained that the applicant is proposing a new Tidal Wave Car Wash where a car wash is currently located. He discussed the setbacks, design elements and signage and noted that generally the plan meets the code standards. At this time the item is for discussion only for input from the Commission. Mr. Sevy explained that staff just recently received an updated set of plans and that there are a few technical issues with regard to the setbacks and signage that need to be resolved so recommend continuing to the next meeting.

John Lapointe, Brightwork Real Estate, expressed his appreciation of staff's assistance and was available for any questions. The Commission had no concerns with the item. Mr. Larson asked if a recommendation could be made at this time. Ms. Howard stated that staff recommended waiting until the next meeting to give staff time to review the updated set of plans to ensure that all final technical issues had been resolved. The Commission agreed to continue the discussion at the next meeting.

- 4.) The Commission then considered subdivision code text amendments for final plat phasing. Chair Holst introduced the item and Ms. Howard provided information. She explained that the subdivision code is intended to establish minimum standards for the design, development and

improvement of subdivisions so that adequate provisions are made for public facilities and services to serve existing and future needs. It should allow growth to occur in an orderly manner, consistent with the Comprehensive Plan and to promote public health, safety and general welfare of the citizens. She explained the purpose of the preliminary plat, noting that it shows the layout of streets, blocks and lots, as well as indicating how public improvements will be extended to serve the new lots created. It identifies sensitive environmental features and how those will be protected or their loss mitigated, and shows how the new development will fit into the larger community of neighborhoods. Preliminary plats also ensure that the design will protect the interests of current and future property owners. The Code requires the owners to include the entirety of their contiguous holdings on the plat to ensure the goals are met.

Ms. Howard explained that the final plat is the next step, noting that it is the obligation of the owner/developer to design and construct all the public improvements necessary to support the proposed development. The cost of the improvements is incorporated into the price of the lots made available for sale with the final plat approval. For larger subdivisions, the land is often final platted in phases based on the pace of development, as the construction of the improvements is an upfront cost that is re-captured with the sale of the lots.

She noted that there have been complaints from residents and concerns expressed by City Council concerning final plat phasing, as there are no specific rules regarding the phasing and it has been left largely up to the developer to determine the order. In some cases critical street connections have remained unfinished and this has short term and long term costs to the community. Ms. Howard discussed the results of poorly planned subdivision phasing. She provided the example of the Ironwood connection to Greenhill and the phasing of the Prairie Winds subdivision and the added congestion it created along Erik Road because the phasing wasn't well-planned. She showed the phasing plat that was provided as an example of the issues that can create if the phasing isn't completed so the critical connections are completed earlier in the development of the subdivision. She noted that these are just a couple of examples. She also showed street patterns within the city and how the lack of street connectivity can create hidden costs to the community in the form of increased commute times, increased traffic congestion, pedestrian safety issues, increased driver frustration and speeding, increased emergency response times, inefficient routing of utilities and services.

Ms. Howard discussed the solutions, which start with establishing a standard for final plat phasing to ensure that critical infrastructure connections occur prior to less critical areas of the subdivision. The developer would be given flexibility to propose phasing that meets the pace of market demand, but the City will have the discretion to determine if the final plat phase can function as an independent development. This will ensure that no essential infrastructure improvements are being circumvented or delayed.

The next steps would be consideration of street connectivity standards that would provide multiple street stubs to subdivision boundaries to allow continuation of the street pattern on adjacent properties. Limiting block lengths, enforcing existing restrictions on cul-de-sacs and establishing standards for intersection spacing along major roadways would also be considered. Consideration of requirements for temporary construction access to reduce construction traffic on existing streets would also be made. Code amendments to establish these standards will be brought forward for discussion at a future Commission meeting.

Ms. Howard discussed staff research of other cities and how they phase their final plats. A number of the cities require phasing plans as part of the submittal process, and four of the communities address critical infrastructure through separate development agreements. However, she noted that the development agreement process can be lengthy and that it may not be necessary for every subdivision.

She noted that at the last meeting, the Commission requested language to formalize the practice of requiring a phasing plan at the time of preliminary plat. Staff agrees that codification of the practice would provide clarity to the review process, so have drafted an amendment for consideration.

Ms. Howard stated that staff is bringing the proposed amendments to address issues currently being experienced. The proposed language is drafted to ensure that each subdivision will be reviewed on its own merits and all unique circumstances can be considered. It will serve as a quality control reminder for all parties to review the plat with an eye toward ensuring that critical connections are prioritized in the phasing process. Providing clear direction in the code helps to ensure that rules are fairly and consistently applied over time. Requiring one development phase prior to a less critical phase will not necessarily mean additional cost to the developer and provided an example. The provision will ensure that a subdivision is not platted in a manner that leaves out one small segment of critical infrastructure that will then be unlikely to be completed unless by the City at taxpayer expense. Ms. Howard provided the proposed amendment to the Code. Staff recommends that the Commission discuss and make a recommendation to City Council.

Mr. Holst asked for clarification on what is being considered. Ms. Howard explained that at this time two new paragraphs are proposed; one requiring a the phasing plan at the time of preliminary plat submittal; and another paragraph that codifies review of a proposed final phasing as stated in the staff report. She explained the second paragraph purpose and what would be considered when a final plat is proposed. Mr. Larson questioned verbiage in the second paragraph being discussed, and asked if it means that a phase would need to stand on its own. Ms. Howard confirmed that was the case and gave further information. Mr. Larson asked how this new segment would have helped with Prairie Winds and Prairie West had it been in place at that time. Ms. Howard noted the original phasing plan for Prairie Winds that showed phase V that included the Ashworth connection to Aldrich Elementary School. However, an alternative phasing was allowed that split that phase at the request of the developer. This phase V did not include the critical connection of Ashworth to Arbors Drive. If the amendment had been in place, the issue of the critical street connection may have been considered more carefully.

Mr. Holst noted that requiring a phasing plan should help but only if they want to vary from the plan. Howard noted that this would help in those situations that alternate needs are present at the final plat phase and allows more flexibility for developer to request alternate phasing to be considered at that point and P&Z and Council can consider. Mr. Larson asked how much fluctuation there can be from a preliminary plat to a final plat without having to resubmit and approve the preliminary plat. Ms. Howard stated that the preliminary plat has to be in substantial compliance with preliminary plat, including the street pattern and layout of the lots. Saul asked a question about how this would have applied in Prairie Winds. Howard explained how it might have helped to have that discussion at P&Z and Council. A phasing plan hasn't always been a requirement in the past, but this Code update would ensure that staff and Council have a chance to review all the aspects being considered.

Howard also noted that the City Council will be the ultimate decision maker in the process. Mr. Larson asked what measures are in place to enforce the timing of phase completion. Ms. Howard stated that each project will be considered on its own merits at that time. The developer is making decisions based on their specific project timelines, so it will help to have the phases laid out appropriately, but it will be on a case-by-case basis. She noted the more clear and objective standards we have in the code the more clear the process is for everyone. Mr. Holst noted the benefits of having the opportunity to consider the phasing to prevent connectivity problems. Mr. Larson expressed some additional concerns. Howard noted that there is nothing in this proposal to force a developer to build a road in an area that is not yet

platted or being considered for development. Ms. Saul asked about whether this would prevent development. Prideaux clarified her understanding. Mr. Larson asked other questions about street connectivity. Howard clarified that his concerns were related to general street connectivity and is different than the issue being considered with this paragraph. Mr. Larson agreed that including additional tools in the toolbox is a good thing. He then asked a question about the specific language in the second paragraph about a development standing on its own. Howard clarified what that clause means. She gave an example of making sure stormwater management is handled so that it doesn't affect other properties around them. She noted that the phase has to have the infrastructure necessary to support the homes in that phase and allows the neighborhood to function properly, including storm water management, sewer and water connections, and streets.

Holst requested a motion. Ms. Prideaux made a motion to approve the item. Ms. Lynch seconded the motion. Mr. Holst expressed the reasons for his support of these amendments. Ms. Saul stated that she feels this will help the overall process, but doesn't want to see it hinder projects. She stated that she thinks we have a pretty good understanding now so should be helpful in the process of review.

The motion was approved unanimously with 8 ayes (Hartley, Holst, Larson, Leeper, Lynch, Prideaux, Saul and Schrad), and 0 nays.

Mr. Larson asked about the timeline for the street connectivity standards. Ms. Howard stated they can't guarantee a specific timeline for those amendments. The next large code amendment project that will be considered is the proposed downtown code update to implement the vision plan. It is unlikely that the connectivity standards could be considered before then.

- 5.) The next item of business was a zoning code text amendment regarding adaptive re-use of institutional buildings. Chair Holst introduced the item and Mr. Sevy provided background information. He explained that a recent inquiry regarding an empty church and the options for reusing the building was brought to staff. Currently, the options include sitting vacant, selling to another church, converting the use to a public or parochial school or tear down the building and subdivide it into residential lots. However, many alternative uses which may be considered to be appropriate are currently prohibited by Code. Research was done to get information on how other communities handle the re-use of these buildings and it was decided that a conditional use permitting process would be the most appropriate process to consider these requests. There are critical issues to consider, such as compatibility with residential neighborhoods, nuisance issues such as noise and traffic, allowance of neighborhood input and additional conditions depending on the proposed use and characteristics of the site. Appropriate alternative uses to qualify for consideration include hospitality-oriented uses, conversion to a multi-family unit dwelling, community services, specialized educational facilities or professional offices. He noted that according to Iowa Code the Board of Adjustment is the appropriate body to hear these requests, which was confirmed by the City Attorney.

Mr. Sevy also discussed factors to consider in the neighborhood context. Each case should be considered on its own merits, because every location is different. Considerations must be given to hours of operation, noise and traffic, number of patrons, frequency of activity, required site updates for compatibility or compliance, historical or cultural value of the site, allowed signage and neighborhood concerns. He discussed the Code language in some detail and noted some examples from other cities with regard to conditional use standards and processes. Staff recommends approval of the item.

Ms. Saul made a motion to approve the item. Mr. Leeper seconded the motion. Mr. Holst

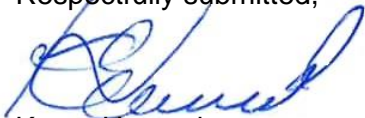
stated that he likes that the proposal brings the requests before the Board of Adjustment for approval and that he likes the way the process is structured and that each case is considered on its own merits and is not precedent setting. Ms. Saul noted that she likes the idea offering these options for these types of processes and ensuring that it fits into the neighborhood. Mr. Holst also stated that he likes that the neighborhood concerns are taken into account. Mr. Larson asked what the staff review process is like for this type of case. Mr. Sevy outlined that process and noted it would be similar to how other land use cases are handled. Howard described the Board of Adjustment meeting process and their particular purview.

The motion was approved unanimously with 8 ayes (Hartley, Holst, Larson, Leeper, Lynch, Prideaux, Saul and Schrad), and 0 nays.

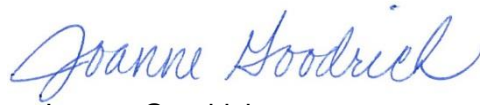
- 6.) Howard provided updates to the Commission. As there were no further comments, Ms. Lynch made a motion to adjourn. Mr. Hartley seconded the motion. The motion was approved unanimously with 8 ayes (Hartley, Holst, Larson, Leeper, Lynch, Prideaux, Saul and Schrad), and 0 nays.

The meeting adjourned at 7:03 p.m.

Respectfully submitted,



Karen Howard
Community Services Manager



Joanne Goodrich
Administrative Assistant