

**Cedar Falls Planning and Zoning Commission
Regular Meeting
July 25, 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, July 25, 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, Oberle and Saul. Arntson, Leeper and Wingert were absent. Karen Howard, Planning & Community Services Manager, David Sturch, Planner III, and Iris Lehmann, Planner I, were also present.

- 1.) Chair Oberle noted the Minutes from the July 11, 2018 regular meeting are presented. Ms. Giarusso made a motion to approve the Minutes as presented. Mr. Hartley seconded the motion. The motion was approved unanimously with 6 ayes (Adkins, Giarusso, Hartley, Holst, Oberle and Saul), and 0 nays.
- 2.) The first item of business was a continuation of a public hearing regarding amendments to the Central Business District Overlay in the Zoning Ordinance. Chair Oberle introduced the item and Ms. Lehmann provided background information. She gave a brief explanation of the Central Business District Overlay, its boundaries and its review process. The goal of the amendments is to clarify the design review process and create more clear and objective standards in the code. The idea is to create consistency in reviews, a clear vision of the kind of development staff and the Commission would like to see downtown, and to ensure that developers and the public know what to expect from projects as they come forward.

Ms. Lehmann discussed the background of the need for the amendments. She explained that the code is too subjective and unclear regarding what the role of Community Main Street (CMS) should be. There have been multiple meetings with CMS to review design standards and the direction they would like to go with the codes. Discussion of possible revisions has taken place and CMS has updated their Design Guidelines. Staff has used their input and drafted standards related to the best practices used in the CMS Design Guidelines.

Proposed changes include storefront design, but do not cover building height or parking requirements. Ms. Lehmann provided information regarding past procedure, which started with CMS Design Committee review of submittals and providing a recommendation. The proposal was then submitted to the City, staff would review and create a report and the item would be presented to the Planning and Zoning Commission and City Council. The proposed procedure would not require CMS Design Committee review of the proposal, but they could provide any comments or concerns during the review process.

Ms. Lehmann discussed each of the proposed changes to the Ordinance and the differences they would make. Items in the proposed changes include: applicability, setbacks, building composition, definitions, windows and transparency, materials and texture, color examples, building entry, signage, and exceptions. Ms. Lehman provided examples of what the changes would mean for building in the future.

Mr. Holst noted concern with the building composition section requirement of a 2 ft. x 10 ft. minimum setback every 60 feet. He feels it isn't consistent with a typical downtown and may not be necessary. Ms. Howard explained that it is aimed to break up larger buildings with long building walls, not typical on older mainstreet buildings, which could be proposed in the future.

Ms. Saul asked about the composition materials and whether brick look-alike panels are allowed. Ms. Howard stated that there has been debate about the thin brick versus full wythe brick. Both the installation and the aesthetics are different for these materials. Thin brick is typically installed in panels, which are adhered to a concrete wall, while full brick is installed by a mason. She noted that this is something that is up for discussion and the Commission will need to decide if they want to have hard set rules or leave it open as a possibility for review on an individual basis based on the quality of the proposal. Mr. Holst suggested language be added that would allow the Commission to approve the thin brick panels if deemed appropriate. There was a brief discussion between Commissioners regarding the thin brick.

There was further discussion regarding the requirement for a minimum 2-foot recess in the wall plane to break up long building walls. Concern was expressed that a 2-foot recess may be more than is necessary. The Commission felt that a compromise from two feet to a one foot minimum recess would be appropriate for subparagraph 4(ii).

The Commission discussed the thin brick again and decided to leave it as a case-by-case basis to give the Commission a chance to review the materials and the process to ensure quality.

Mr. Holst made a motion to approve the item with the amendment to subparagraph 4(ii). Ms. Saul seconded the motion. The motion was approved unanimously with 6 ayes (Adkins, Giarusso, Hartley, Holst, Oberle and Saul), and 0 nays.

- 3.) The next item for consideration by the Commission was the continuation of a public hearing regarding the rezoning of the southwest corner of Highway 58 and West Ridgeway Avenue. Chair Oberle introduced the item and Ms. Howard provided background information. She explained that the rezoning is intended to facilitate redevelopment of the site from agricultural use to a large mixed commercial development. On the future land use map, the property is shown as part of the commercial corridor; therefore the rezoning would be consistent with the comprehensive plan. She noted that utilities are available to the site. Staff was waiting for the traffic impact study to provide an analysis of traffic flow in the area. The study was submitted recently, but staff has not had enough time for adequate review. Any improvements recommended could be conditions in the rezoning request. Staff feels that this development would be a valuable improvement to the community and recommends approval with conditions. Ms. Howard displayed renderings of potentially needed traffic improvements and additional conditions that include right-of-way, cross access easements and sidewalks.

Ms. Saul asked whether applying conditions is a common practice. Ms. Howard explained that the conditions are placed at the rezoning time because that is the time the City is deciding whether rezoning is appropriate. State law allows conditional zoning agreements.

Mr. Holst made a motion to approve with the staff recommended conditions provided to the Commission. Ms. Giarusso seconded the motion. The motion was approved unanimously with 6 ayes (Adkins, Giarusso, Hartley, Holst, Oberle and Saul), and 0 nays.

- 4.) The Commission then considered a HWY-1 District site plan review at the southeast corner of Highway 58 and Viking Road. Chair Oberle introduced the item and Mr. Sturch provided background information. He explained that a Raising Cane's restaurant is proposed on Lot 1 in front of the Target store in the Viking Plaza subdivision. He showed renderings of the site plan, building design, design materials and signage. Staff recommends approval with the stipulation that the project is in conformance with the technical comments identified in the staff report.

Ms. Saul made a motion to approve. Ms. Adkins seconded the motion. The motion was

approved unanimously with 6 ayes (Adkins, Giarusso, Hartley, Holst, Oberle and Saul), and 0 nays.

- 5.) The next item of business was an S-1, Shopping Center District Redevelopment Plan for 6607 University Avenue, the site of the Old Hy-Vee building. Chair Oberle introduced the item and Mr. Sturch provided background information. He gave a brief history of the development and explained that the proposed project is a façade improvement and provided renderings of the proposed changes to the building. He also showed the utility easement and sidewalk cross section. Mr. Sturch noted that a Developmental Agreement would be required to ensure that any future disturbance and reconstruction due to utility work will be at the expense of the owner. Staff recommends approval with stipulations.

The developer thanked Staff and the Commission for their cooperation and help on the project.

Mr. Hartley made a motion to approve. Ms. Adkins seconded the motion. The motion was approved unanimously with 6 ayes (Adkins, Giarusso, Hartley, Holst, Oberle and Saul), and 0 nays.

- 6.) The next item for consideration by the Commission was the Pinnacle Ridge 2nd Minor Plat replat of Parcels M and N. Chair Oberle introduced the matter and Mr. Sturch provided background information. He explained that a previously approved project had approved three lots being split into two larger lots and they would now like to change back to the original three lots. Staff recommended approval of the project.

Mr. Holst made a motion to approve. Mr. Hartley seconded the motion. The motion was approved unanimously with 6 ayes (Adkins, Giarusso, Hartley, Holst, Oberle and Saul), and 0 nays.

- 7.) The Commission was then provided information regarding Ex-Parte Communication and Conflict of Interest. Sturch noted that several members of the Board of Adjustment were also present at the meeting to hear the presentation. Kristine Stone, Attorney at Ahlers & Cooney Law Office, came forward to discuss the roles of the Commission, conflicts of interest, ex parte communication and cases of note. She explained that power is not vested in individual Commission members, but in the Commission as a body. She also identified the powers and duties that the City has given the Commission.

Ms. Stone explained that conflict of interest is defined in common law, state law and city policies and discussed the definitions in each case. She then discussed ex parte communications, providing definitions and rules. She explained quasi-judicial proceedings and provided examples. She then provided examples of cases where ex parte issues were addressed and their outcomes.

- 8.) As there were no further comments, Mr. Hartley made a motion to adjourn. Mr. Holst seconded the motion. The motion was approved unanimously with 6 ayes (Adkins, Giarusso, Hartley, Holst, Oberle and Saul), and 0 nays.

The meeting adjourned at 7:20 p.m.

Respectfully submitted,


Karen Howard
Community Services Manager


Joanne Goodrich
Administrative Clerk