

**Cedar Falls Planning and Zoning Commission  
Regular Meeting  
June 26, 2019  
City Hall Council Chambers  
220 Clay Street, Cedar Falls, Iowa**

**MINUTES**

The Cedar Falls Planning and Zoning Commission met in regular session on Wednesday, June 26, 2019 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, Holst, Larson, Leeper, Saul and Wingert. Hartley and Prideaux were absent. Karen Howard and Community Services Manager, David Sturch, Planner III were also present.

- 1.) Chair Holst noted the Minutes from the June 12, 2019 regular meeting are presented. Ms. Saul made a motion to approve the Minutes as presented. Ms. Giarusso seconded the motion. The motion was approved unanimously with 7 ayes (Adkins, Giarusso, Holst, Larson, Leeper, Saul and Wingert), and 0 nays.
  
- 2.) The first item of business was the Cherrywood Acres Minor Subdivision Plat. Chair Holst introduced the item and Mr. Sturch provided background information. He explained that the item was discussed at the previous meeting and summarized some of the details that were covered at that time. He noted that the property is in the R-1 Zoning District and provided lot and setback requirements, utility needs (water, electric, gas & sanitary sewer), and grading information. He discussed the potential for future lot splits and noted that there appears to be only one instance where it might be possible to split the lot and meet all other zoning requirements and in that case they would have to pave a new street segment, so is unlikely. He also noted that new driveways would not be allowed along Union Road, which is an arterial street, so there would not be opportunities to split lots where the only frontage for a new lot would be Union Road. He summarized other State and City codes and guidelines used in the decision making process. Ms. Howard addressed the question of why certain areas have to meet specific design standards and in this subdivision there are no design standards. She noted that the Pinnacle Prairie development was mentioned. That area is zoned MU, where conditions must be met to comply with the master plan, but in the R-1 District, there are not specific design standards that apply. Mr. Sturch noted that notifications were sent out to property owners in a broad area of the surrounding subdivision. Staff recommends approval with the following recommendations:
  1. Conformance to all city staff recommendations and technical requirements
  2. Extension of water main across the north side of the property, within 10-ft. easement and add a new hydrant east of the existing driveway
  3. The existing home must be connected to the new water main
  4. Any comments or direction from the Planning and Zoning Commission.

Chair Holst asked if any of the Commission members have been approached and need to disclose any conversations. Mr. Wingert stated that he was not at the last meeting and had a conversation with Mr. Runyan about what he wanted to do for the plan on the house.

Tony Runyan, 4114 High Street, (applicant) stated that he is trying to build a home for his family and that he meets all ordinances and codes and has met all the technical comments.

Chad Schoneman, 4307 Cherrywood, stated that he believes that character criteria still applies as it did in other subdivisions. He noted that he did not see a Statement of Character in the

information provided. He asked about the private covenant agreement and stated that it is still active. He asked if staff would consider requesting the Commission or Council require a Statement of Character be added to Lot 11, and if not, why? While he understands why they want to build in that location, he doesn't feel it fits.

Mr. Sturch explained that the Deed of Dedication does outline the developer's wishes of how they want to set up a subdivision, but it is up to each individual subdivision/developer to decide how they would like it set up. Ms. Howard added that the City does not enforce private covenants as they are a private matter, as they are not related to City requirements.

Susie Sigworth, 1028 Cherrywood Drive, is concerned that a new house that would block their view to the north. She stated that there are lots large enough to split and does not want to see that happen, and feels that if one person is allowed to split their lot it will become an issue.

Mark Sigworth, 1028 Cherrywood Drive, asked Mr. Sturch to bring up the slide that shows water drainage and asked how the water is supposed to get around a new house and drain to Union Road. The grade along Union Road would force the water to the northeast corner of the lot. He also stated that he doesn't believe the house will fit with the character of the area.

Del Carpenter, 1005 Cherrywood Drive, stated his support for Mr. Runyan and his project. He feels that the neighborhood is known for being welcoming and encouraging and would like to keep him in the neighborhood.

Kirk Anderson, 919 Cherrywood Drive, asked that assurance is provided that whatever tile that is disturbed will be replaced or fixed by the City.

Carol Hansaker, 1120 Cherrywood Drive, doesn't believe it fits in with the neighborhood. She feels that the placement of the home will be too close to Union Road and the noise from the traffic can be a concern for the resident living there.

Mr. Runyan came forward again and stated that he has had neighbors contact him in support of the project but they are concerned with the backlash from neighbors. He also doesn't feel that his home would be considered "tiny" and believes it will bring property values up.

Mr. Leeper asked whether it was staff's opinion that the character of the development clause doesn't really apply here. Mr. Sturch explained that the character is tied into the idea of the intent of the development, so if there are additional factors that the Commission would like to add into the Deed of Dedication those are things the Commission may add as long as they meet the R-1 Zoning standards and are consistent with the plat requirements. Ms. Howard advised that the Commission is free to discuss the character of the development but they need to state clearly why a specific condition should be imposed on these particular lots versus other lots and if they vote to deny the project, they need to articulate their reasons why it doesn't meet the standards and what it is about the character that warrants a vote for denial.

Mr. Wingert asked about a comment made about the Commission's opportunity to change covenants and wanted clarification as to whether they can change such an agreement. Ms. Howard stated that the private covenants are a private agreement between the developer and the current homeowners and the Commission cannot change them. He also asked if the covenants automatically reinstate at the time of expiration. Mr. Sturch stated that the neighborhood would have to apply for a reinstatement. Ms. Howard noted that the homeowners should consult their private attorneys as this is a private matter.

Mr. Holst noted his struggle with the decision due to the character and lot sizes. Ms. Adkins agreed with Mr. Holst's statement.

Ms. Saul looked at the properties and noted that in terms of line of sight and view, she saw other properties in the neighborhood that have detached double garages that impede views, so didn't see how this would be different.

Mr. Larson stated that any water issues can be addressed and maintained and doesn't feel there is a problem. While he did have concern with the width of the building, there doesn't appear to be anything that would impede the development that would allow the Commission to intervene. He also noted that he drove by and saw how dense the trees are in the area and didn't feel it would be a sore thumb.

Mr. Wingert stated that the owner has personal property rights and felt that the way he was treated by the other neighbors was uncalled for.

Mr. Holst noted that while he does understand the things that may seem to be undesirable, he also does not feel that there is a lot of opportunity to subdivide further lots in the area.

Mr. Leeper made a motion to approve the plat as presented. Mr. Larson seconded the motion. The motion was approved with 5 ayes (Holst, Larson, Leeper, Saul and Wingert), and 2 nays (Adkins and Giarusso).

- 3.) The next item for consideration by the Commission was the Western Home Communities Ninth Addition Final Plat. Chair Holst stated he had a conflict of interest and would need to abstain from the matter. Acting Chair Leeper introduced the item and Mr. Sturch provided background information. He explained that the property is located at the southwest corner of Prairie View Road and Prairie Parkway and will be future development of the condos and villas that are currently there. He explained that future phases will come to the Commission for Outlot A and options will be kept open for possible street access. He discussed issues with easement vacation and relocation of a recreational trail behind the Blain's and Walmart development. Staff recommends approval of the plat and easement vacation with conformance to all City staff recommendations and requirements as well as any comments or direction from the Commission.

Ms. Saul made a motion to approve. Ms. Giarusso seconded the motion. The motion was approved unanimously with 6 ayes (Adkins, Giarusso, Larson, Leeper, Saul and Wingert), 1 abstention (Holst) and 0 nays.

- 4.) The Commission then considered The Terraces at West Glen preliminary plat. Chair Holst introduced the item and Mr. Sturch provided background information. He explained that this is a 42 acre property at the corner of Union Road and 12<sup>th</sup> Street that NewAldaya proposes to develop The Terraces as a 55+ community. He provided renderings displaying the tracts and outlots in the plat, street connections, as well as the recreation trail. He also explained how stormwater drainage would be managed and described the floodplain boundaries and how the developer has applied to FEMA for a map amendment to better reflect the actual conditions on the ground in this location. At this time, staff is only gathering comments for continued discussion at the next Planning and Zoning Commission meeting.

Mr. Wingert stated that he will be abstaining from the item.

Thomas Paulsen, 3218 W. 12<sup>th</sup> Street, asked what NewAldaya is going to do with the property in the meantime as there are weeds and the waterway is an issue. He stated that he would like to see the waterway fixed first. He also asked about the ownership of the plat.

Melissa Tierney, NewAldaya Lifescapes, stated that NewAldaya owns the land and that the

LLC may not be updated in the website yet. In terms of the waterway, they will be addressing the waterway feature as they want it to be an attractive feature for the community and they want it to work properly. She discussed their plan for the development and management of the property.

John Biederman, Civil Engineer for Fehr Graham, noted that permitting is in the works for improving the waterway.

Carmen Mason, 3108 Waterbury Drive, would like to have a meeting explaining how the water will be drained during the building process and how it will end up. She noted that she was not able to make it to the previous meetings offered by the developer.

Mr. Holst asked about the scale of the building on the corner of Union Road and 12<sup>th</sup> Street and whether there has been any pushback from the neighbors. Dan Keagle, Peters Construction, stated that there was a neighborhood meeting and it was addressed. Preliminary modifications have been made to the building to pull back the scale and lower the three-story portion to a two-story structure.

Ms. Giarusso is happy to see the discussion about the stormwater runoff and noted concerned with what happens if it doesn't work out the way it is intended. She asked what remedies would be available. Mr. Sturch stated that it is designed to maintain or improve the issues.

Mr. Leeper asked about the inflow of the water. Mr. Biederman explained proposed water flow improvements and answered further questions from the Commission.

The discussion on this item will continue to the next P&Z Commission meeting.

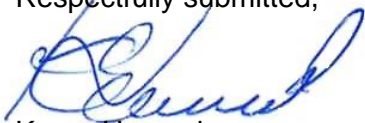
- 5.) The next item of business was the Chrisbo Subdivision preliminary plat. Chair Holst introduced the item and Mr. Sturch provided background information. He explained that the plat is at the corner of Nordic and Commerce Drives owned by the owners of the Hilton Garden Inn at that site. It is proposed to split the 12-acre parcel into four separate commercial lots. No public improvements are involved. Staff recommends approval with conformance to all City staff recommendations and requirements as well as any comments from the Commission.

Ms. Saul made a motion to approve. Ms. Adkins seconded the motion. The motion was approved unanimously with 7 ayes (Adkins, Giarusso, Hartley, Holst, Larson, Leeper, Prideaux, Saul and Wingert), and 0 nays.

- 6.) As there were no further comments, Mr. Leeper made a motion to adjourn. Mr. Wingert seconded the motion. The motion was approved unanimously with 7 ayes (Adkins, Giarusso, Holst, Larson, Leeper, Saul and Wingert), and 0 nays.

The meeting adjourned at 7:05 p.m.

Respectfully submitted,

  
Karen Howard  
Community Services Manager

  
Joanne Goodrich  
Administrative Clerk