

**Cedar Falls Planning and Zoning Commission
Regular Meeting
August 11, 2021
In person and via videoconference
Cedar Falls, Iowa**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on August 11, 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, Saul and Schrad. Karen Howard, Community Services Manager, and Michelle Pezley, Planner III, Jaydevsinh Atodaria, Planner I, were also present.

- 1.) Chair Leeper noted the Minutes from the July 28, 2021 regular meeting are presented. Ms. Lynch made a motion to approve the Minutes as presented. Mr. Holst seconded the motion. The motion was approved unanimously with 6 ayes (Holst, Larson, Leeper, Lynch, Saul, and Schrad), 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 stated that the item is being deferred by request of the applicant.
- 3.) The next item for consideration by the Commission was a minor plat for property at 2520 and 2522 Hiawatha Road. Chair Leeper introduced the item and Mr. Atodaria provided background information. He explained that the applicant would like to divide the parcel into two lots. He explained that there is currently a two-unit dwelling on the lot and they would like to divide the parcel for two single-unit bi-attached dwellings. Staff recommends approval of the minor plat with adherence to any comments or directions from the Planning and Zoning Commission and conformance with all city staff recommendations and technical requirements.

Randy Hashman, 2607 Hiawatha Road, asked for clarification on what will be on the property. Mr. Atodaria explained that the two units will be attached by one common wall. Mr. Hashman asked if they will be selling the property as condos, as he noticed the width is not very wide on each side. Ms. Howard stated that each unit will be on its own lot so that each lot could be sold separately.

Mr. Holst stated that he feels that the project is straightforward and made a motion to approve the item. Ms. Saul seconded the motion. The motion was approved unanimously with 6 ayes (Holst, Larson, Leeper, Lynch, Saul, and Schrad), and 0 nays.

- 4.) 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 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.

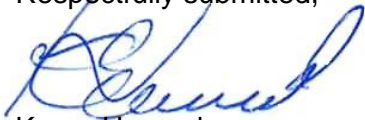
The public hearing was set for the next meeting.

- 5.) Ms. Howard noted that staff are required to wear masks in City Hall again, given the increase in COVID cases in Black Hawk County. The public is not required, but is encouraged to wear masks.

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

The meeting adjourned at 6:28 p.m.

Respectfully submitted,



Karen Howard
Community Services Manager



Joanne Goodrich
Administrative Assistant