

**Cedar Falls Planning and Zoning Commission
Regular Meeting
September 8, 2021
In person and via videoconference
Cedar Falls, Iowa**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on September 8, 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: Hartley, Larson, Leeper, Lynch, Prideaux, Saul, Schrad and Sears. Holst was absent. Karen Howard, Planning & Community Services Manager, Thomas Weintraut, Planner III, Michelle Pezley, Planner III, Jaydevsinh Atodaria, Planner I and Chris Sevy, Planner I, were also present. Chair Leeper noted that it was Abby Sears' last night on the Commission and thanked her for her service.

- 1.) Chair Leeper noted the Minutes from the August 25, 2021 regular meeting are presented. Ms. Saul made a motion to approve the Minutes as presented. Ms. Lynch seconded the motion. The motion was approved unanimously with 8 ayes (Hartley, Larson, Leeper, Lynch, Prideaux, Saul, Schrad and Sears), 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 introduced the item and Mr. Weintraut provided a brief refresher regarding the item as it has come before the Commission at previous meetings. He discussed the current and proposed zoning for the area and noted that staff recommends amending the Future Land Use Map from Medium Density Residential to Community Commercial. He noted that the documents have been updated since the meeting in July to clear up inconsistencies in the plan and discussed potential land uses in the area. Mr. Weintraut displayed the updated Master Site Plan for the Thunder Ridge area and discussed the list of potential land uses as well as standards to address the appearance of buildings with multiple views. Staff is satisfied with the ways that inconsistencies have been addressed. He also pointed out that critical infrastructure and development phasing are concerns staff has had and discussed solutions that staff has offered to remedy those concerns. Staff recommends that the land use amendment be made and approval of the rezoning request subject to a Developmental Agreement that includes one of the suggested solutions to ensure Lake Ridge Drive is extended.

Wendell Lupkes, VJ Engineering, 1501 Technology Parkway, provided background history with regard to the location. He stated his issues with the extension of Lake Ridge Drive and the timing that has been recommended by staff. He stated the extension of Lake Ridge Drive is critical, but the timing of construction is at issue. He also questioned what ordinances allow for the imposition to be made. Mr. Lupkes stated the extension of Lake Ridge Drive should be handled through the subdivision process.

Mr. Leeper asked for clarification on the extension of Lake Ridge Drive and if it is considered critical infrastructure. Staff and the developer stated that they both feel it is critical and Ms. Howard reiterated the acceptable solutions and that staff just needs a recommendation from the Commission based on whether the extension of Lake Ridge Drive is critical infrastructure. Mr. Leeper then confirmed that all were in agreement that the extension of Lake Ridge Drive was critical infrastructure.

Chris Wendland, Clark, Butler, Walsh & Hamann, 315 East 5th Street, Waterloo, spoke to

support the applicant and the legal agreements made in the past and reiterated the extension of Lake Ridge Drive through the subdivision process.

Ms. Howard stated that the City had no legal counsel at the meeting to address the legal agreements and whether the characterization is accurate, but stressed that the current request at this time is rezoning action. She clarified that the developer has no rights to develop the property under the PC-2 zoning designation unless the property is rezoned. At the time of rezoning action, reasonable conditions can be applied to any rezoning actions that are related to the development of the property. At this time the Commission is being asked whether to rezone the property, not a quasi-judicial decision with regard to a platting in the future.

Ms. Saul stated that she feels that it is a reasonable request by the applicant.

Ms. Saul made a motion to approve the item with the phasing as proposed. Mr. Schrad seconded the motion.

Mr. Hartley asked for clarity on staff recommendation.

Ms. Howard state the staff recommendation was to approve with one of the three options for extending the road. Ms. Howard asked for clarification of Ms. Saul's motion.

Ms. Saul stated the recommendation was to approve the land use amendment and the rezoning not subject to the three street extension options.

Mr. Leeper asked for clarification on the future of the street.

Ms. Howard stated action was to approve a planned development zoning district with consideration of the installation of the infrastructure.

After additional discussion, the motion was to approve the rezoning and land use change based on the development phasing plan submitted by the applicant.

The motion was approved with 5 ayes (Hartley, Larson, Saul, Schrad and Sears), and 3 nays (Leeper, Lynch and Prideaux).

- 3.) The next item for consideration by the Commission was a rezoning request for property located at 515 and 523 W. 2nd Street. Chair Leeper introduced the item and Ms. Howard provided background information. She explained that the item was presented to the Commission at the previous two meetings and the hearing was continued to the current meeting at the applicant's request to allow the developer to prepare materials for the meeting. The applicant brought an exhibit with him to the meeting, which was handed out to the Commission. Ms. Howard noted that since staff did not have the materials prior to the meeting, they have not been reviewed by staff. She noted that the item on the agenda is to rezone the property from R-4, Residential to C-2, Commercial and is not for consideration of a specific site plan. Criteria for approval would include consistency with the Comprehensive Plan. She noted that the request is not consistent with the adopted Downtown Vision Plan and is counter to the rezoning to Downtown Character District recommended by the Commission and currently under consideration at City Council. Ms. Howard discussed the zoning being proposed at City Council. Staff recommends denial of the rezoning as the request is inconsistent with the Comprehensive Plan, specifically the recently adopted *Imagine Downtown Vision Plan*.

Jim Benda, 1816 Valley High Drive, spoke on behalf of the applicant and discussed plans that were provided just before the meeting. He stated that he would understand if the item should

need to be moved to the next meeting to allow staff and the Commission to review the documents. He also described what was shown on the document he handed out.

Mr. Schrad noted that rezoning the property to C-2 would not necessarily mean that a Wendy's would be built on the site. Anything allowed in the C-2 zone would be permitted.

Mr. Larson asked what consideration has been given for projects like this one based on the new zoning ordinance. Mr. Benda stated that they are trying to create a buffer between residential and commercial. Mr. Larson stated mixed feelings regarding the project.

Mr. Leeper noted that he is not against a Wendy's, but that the request to rezone the properties along 2nd Street was not consistent with the community's adopted vision. He noted that the fact that this particular suburban model of a Wendy's does not fit perhaps is an indicator that a different model should be considered in this location.

Ms. Prideaux indicated similar concerns about the rezoning.

Ms. Saul made a motion to approve the item. Mr. Schrad seconded the motion. The motion was denied with 4 ayes (Hartley, Larson, Saul and Schrad), and 4 nays (Leeper, Lynch, Prideaux and Sears).

- 4.) The Commission then considered a land use amendment and rezoning request for property at the northwest corner of the intersection of Cedar Heights Drive and Valley High Drive. Chair Leeper introduced the item and Mr. Larson recused himself from the discussion and vote. Mr. Sevy explained that the request is to rezone the property from C-1, Commercial to RP, Planned Residential to allow for six, 12-plex multi-unit dwellings and to amend the future land use map. The item is being brought before the Commission for a public hearing. Staff finds that the amount of commercial and office use indicated on the land use map may be excessive given the lower traffic volume and more attractive locations for such development in other areas of the City. Additional residential development will also create more demand for nearby retail and commercial services. Staff feels that it would be appropriate to change the Future Land Use Map from Office/Business Park to Medium Density Residential.

Mr. Sevy discussed the rezoning criteria, which includes consistency with the Future Land Use Map, utilities that are readily available to the site and access to Cedar Heights and Valley High Drives. All criteria are met. He discussed neighborhood concerns and how each will be addressed. He also noted that concessions have been made since the signing of petitions in May of 2020, and that the petition may not accurately represent the current sentiment of all who signed it over a year ago. Mr. Sevy provided reasons why staff feels this zoning change would be a better fit in this area and the conditions of the rezoning. He provided a rendering of the developer's plans to address line of sight issues as well as plans to manage stormwater. Staff recommends approval of the amendment of the Future Land Use Map and the rezoning of the property RP, according to the master plan submitted.

Dan Levi, Levi Architecture, 1009 Technology Parkway, stated that issues that were brought forward fourteen months ago have been addressed. He provided information about the developer and their standards for the development. He also explained that these will not be apartments or rentals, but will be condos that are owner-occupied, and addressed sight line and stormwater concerns.

Richard Pint, 2629 Orchard Drive, Apt. 2, spoke regarding the need for higher quality housing.

Brian Page, 3325 Waterbury Drive, spoke as a real estate broker to the need for affordable high quality housing in Cedar Falls. He noted that there is a lack of high quality options for this

price range in the community. He feels the project could only improve the community.

Steve Umthun, 4102 Legacy Lane, Unit 4, thanked the Commission for their work. He asked if there would be a chance for input with regard to the site plan at a later date. Mr. Leeper clarified that there would.

John Lane, 3909 Legacy Lane, stated that Mr. Sevy did a phenomenal job and that he answered most of the questions he's had. He asked if he would be dealing with LGC or Heartland Development if there are problems. Mr. Sevy clarified that Heartland Development is the seller of the property and LGC is the applicant for the project and will be the builder. Mr. Lane also stated that he believes that the majority of people who signed the petition have changed their minds and are in support of the project, but he wants assurances that if the project is not done as promised he knows who is legally responsible.

Juble Sloan, HOA president of the Valley High Condo association, stated that he is happy with the work the developer has done to accommodate neighbors and he is in support of the project.

Ms. Saul made a motion to approve the item. Ms. Lynch seconded the motion. The motion was approved with 7 ayes (Hartley, Leeper, Lynch, Prideaux, Saul, Schrad and Sears), and 0 nays and 1 abstention (Larson).

- 5.) The next item of business was a Central Business District Overlay Design Review for 215 Main Street. Chair Leeper introduced the item and Ms. Pezley provided background information. She explained that the applicant is proposing a black fabric awning be placed above the entrance. As all criteria are met, staff recommends approval.

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

- 6.) The next item for consideration by the Commission was a minor plat for Lots 18, 19 and 20 of Sands Addition. Chair Leeper introduced the item and Mr. Sevy provided background information. He explained that the property owner of 4224, 4232 and 4302 James Drive, proposes to re-subdivide the three parcels into two larger parcels. All easement requirements are met and staff recommends approval of the plat.

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

- 7.) The Commission then considered a rezoning request for property at 5424 University Avenue. Chair Leeper introduced the item and Mr. Atodaria provided background information. He explained that the property is on University Avenue next to Happy Hippo Car Wash. The applicant would like to rezone the property from R-1, Residential and C-2, Commercial to C-2, Commercial to remove split zoning and expand the commercial use of the property. While criteria for the project are met, there are concerns with the adjacent drainage way and loss of a visual buffer. Staff recommends the existing vegetation be maintained to the extent possible and plant additional screening to create a visual buffer between the commercial use and the adjacent single family home. Parking lot screening requirements will also need to be added. Mr. Atodaria explained that there were technical comments from staff that need to be addressed by the applicant. CFU notes that gas service, three-phase electrical and communication fiber lines in the new construction area will have to be relocated at the owner's expense. Stormwater improvements should also be done as per the city standard to avoid any

nuisance issues. The legal description of the entire lot needs to be corrected and the zoning exhibit should be updated accordingly. The applicant is working to submit the revised site plan with setbacks, landscaping information and incorporate staff's comments.

Mr. Atodaria noted that staff has received an updated plan from the applicant that addresses the stormwater issues Engineering staff recommended. Staff recommends setting a date of public hearing for September 22 to consider the request. He also noted that he received a call from a neighbor who had complaints regarding the noise that is made at the property as well as concerns about stormwater drainage.

Chris Cummings, Turnkey Associates, 3015 Greyhound Drive, Waterloo, presented information for the applicant regarding the proposed expansion of the commercial use and explained how they would address the screening and drainage.

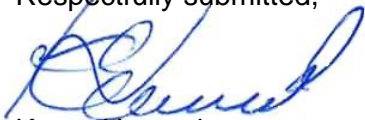
Tom Morris, 2015 Terrace Drive neighbor, stated that he would request that the trees between his property and the location not be removed. Mr. Cummings stated that the trees actually belong to the Happy Hippo Car Wash and are not part of this property, so there would be no removal of the trees on the other property with this project.

Ms. Lynch made a motion to set the public hearing date. Ms. Sears seconded the motion. The motion was approved unanimously with 8 ayes (Hartley, Larson, Leeper, Lynch, Prideaux, Saul, Schrad and Sears), and 0 nays.

- 8.) 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, Larson, Leeper, Lynch, Prideaux, Saul, Schrad and Sears), and 0 nays.

The meeting adjourned at 7:17 p.m.

Respectfully submitted,



Karen Howard
Community Services Manager



Joanne Goodrich
Administrative Assistant