



AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION
WEDNESDAY, AUGUST 22, 2018
5:30 PM AT CITY HALL - COUNCIL CHAMBERS

1. **Call to Order and Roll Call**

2. **Approval of Minutes**

3. **Public Comments**

4. **Public Hearing**

A. Rezoning – A-1, Agricultural to R-1, Residential at the north end of Lakeshore Drive

Location: 20.8 acre property at the north end of Lakeshore Drive

Applicant: Larry Hill, owner; Wingert Development, CGA, Inc. Engineer

Previous Discussion: None

Staff Recommendation: Introduction and discussion

P&Z Action Needed: Provide direction, comments and continue the discussion at the September 12, 2018 P&Z meeting

5. **Adjournment**

Reminders:

- September 12th and September 26nd Planning & Zoning Commission Meeting
- September 4th and September 17th City Council Meeting

**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.

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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

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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.

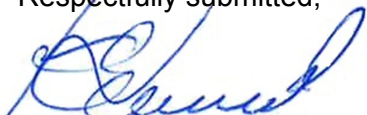
- 7.) The Commission was then provided information regarding Ex-Parte Communication and Conflict of Interest. Sturch noted that several members of the Board of Adjustment were also present at the meeting to hear the presentation. Kristine Stone, Attorney at Ahlers & Cooney Law Office, came forward to 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



DEPARTMENT OF COMMUNITY DEVELOPMENT

City of Cedar Falls
220 Clay Street
Cedar Falls, Iowa 50613
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MEMORANDUM

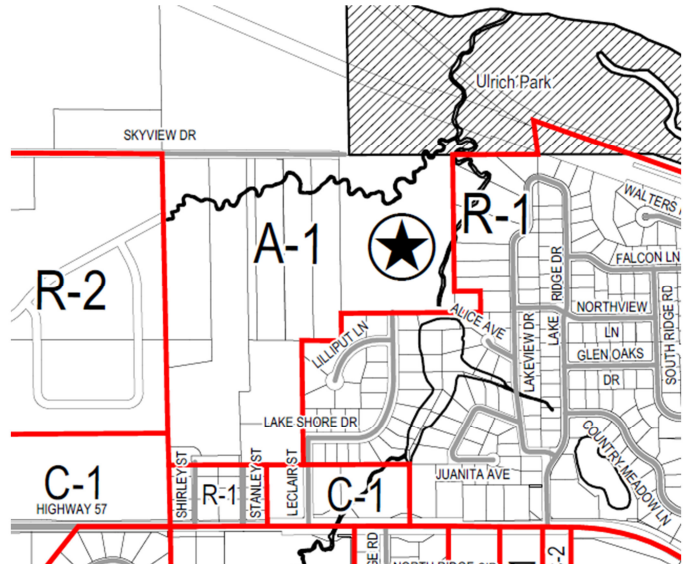
Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: David Sturch, Planner III
DATE: August 15, 2018
SUBJECT: Rezoning Request – Park Ridge Estates

REQUEST: Rezone property from A-1, Agricultural to R-1, Single Family Residential
PETITIONER: Larry Hill, Owner; Wingert Development, CGA, Inc., Engineer
LOCATION: 20.8 acre parcel at the north end of Lakeshore Drive

PROPOSAL

The applicants have submitted a request to rezone 20.8 acres of land off the north end of Lakeshore Drive from A-1, Agricultural to R-1, Residential as shown on the location map. The rezoning will allow development of single family homes similar to the adjacent subdivisions of the Lakewood Estates, Lakewood Hills and the Ridges 7th developments.



BACKGROUND

This property has been zoned as agricultural since adoption of the Zoning Ordinance in 1970. The land is surrounded by R-1, Single Unit Residential zoning on the south and east sides. The current owner is interested in selling this land for future development. There is a current buyer with an offer to purchase the land with the condition to rezone the land for future residential development. The rezoning of this property must be carefully considered by evaluating the characteristics of the land and surrounding properties. This staff report will outline a number of these elements in order to have a firm understanding of the future use of this property.

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ANALYSIS

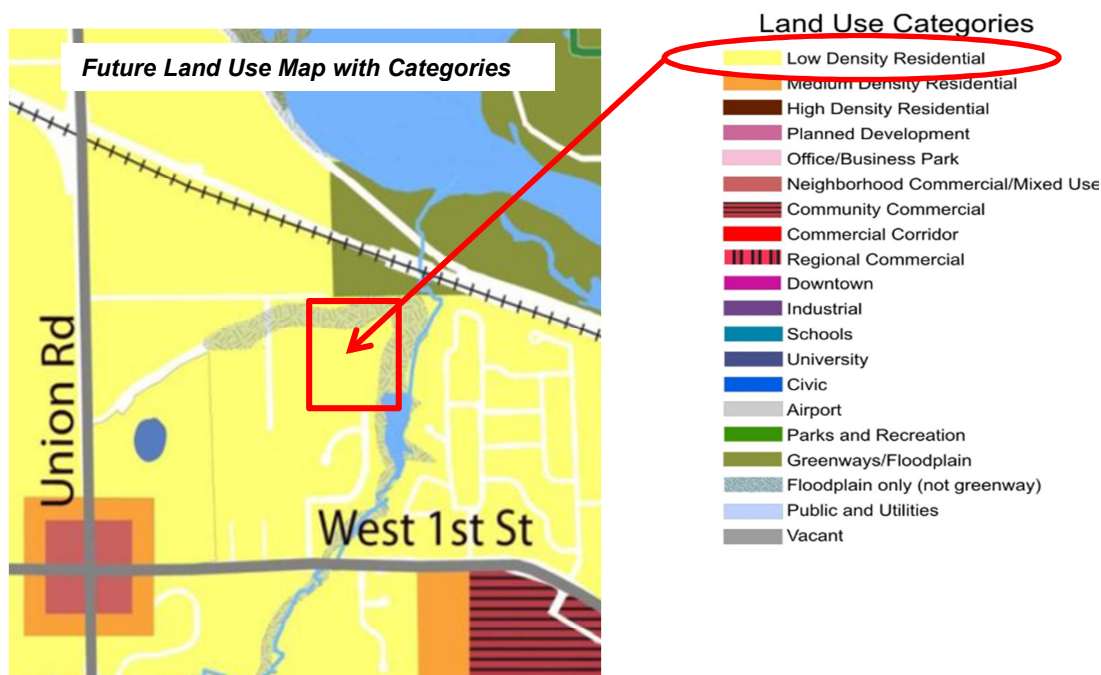
The purpose of the A-1, agricultural zoning district is to act as a “holding zone” for future development when municipal services (sanitary sewer, water, roads) are accessible to the site. When these services are available, the development of the land is threefold, beginning with the rezoning of the land, platting and construction.

As previously mentioned, this 20-acre property is surrounded by residential development on the west, south and east. The west side includes A-1, agricultural large lot residential homes with access onto Skyview Drive and Union Road. The south and east are residential subdivisions in the R-1, residential zoning district. The north side of the property is city owned Ulrich Park. Additional features of the property include steep slopes on the east and north which is part of the floodplain district. There are approximately 9 acres of land located in the aforementioned floodplain district. This leaves approximately 12 acres for development that is out of the floodplain and steep slopes area. The zoning ordinance allows the platting of land in the floodplain as long as the building area and no more than 25% of the lot area is in the floodplain. This basically allows the back yard area to be situated in the floodplain and in this case the ravine along the east and north side of the property.

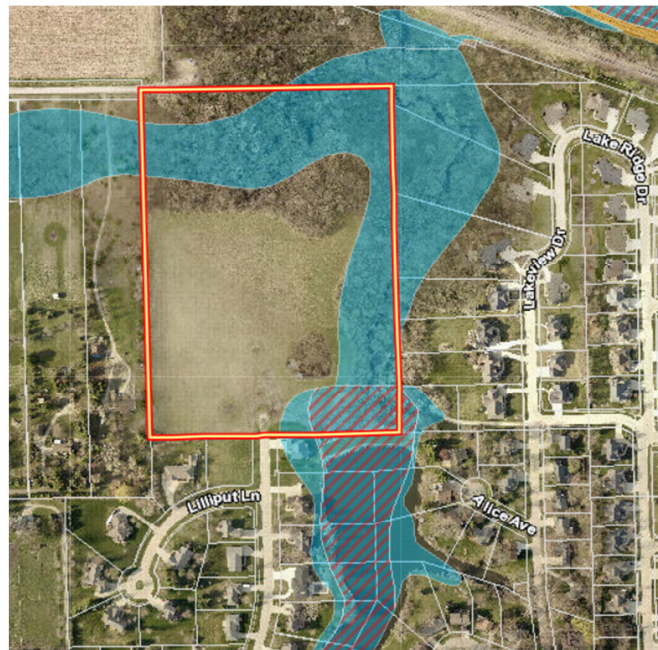
Zoning considerations normally involve evaluation of three main criteria:

- 1) Is the rezoning request consistent with the Future Land Use Map and the Comprehensive Plan?

The Future Land Use Map identifies this and the surrounding properties as Low Density Residential and Greenways/Floodplain. Low density residential emphasizes single family detached development. Typical densities range from 1 to 4 units per acre. These developments, as well as any development in the city will be provided with full municipal services. Residential growth centers are identified along W. 1st Street and Union Road. In order to develop the land to the west of this proposed site, the necessary infrastructure (i.e. sanitary sewer) will need to be extended through the north end of this site from the east end of Skyview Drive. From this point, the sanitary sewer will follow the ravine along the south side of Skyview Drive to service the area along Union Road. The intended use of the developable area of the property is less than 1 unit per acre.



The next land use category is floodplain. This property includes steep slopes, drainage ways and wooded areas on the east and north edge of the property which is part of the floodplain district. There are approximately 9 acres of land located in the aforementioned floodplain district. This leaves approximately 12 acres for development that is out of the floodplain and steep slopes area. These environmentally sensitive areas must be maintained to avoid flooding, erosion and other adverse impacts to this and the surrounding properties, which is a principle goal of the Comprehensive Plan.



These environmentally sensitive areas will be reviewed as part of the platting process. The developer submitted an environmental report and grading plan for stormwater control with the preliminary plat. As the plats are developed and the lots are identified, the floodplain area along the north and east edge of the property must be preserved in open space. The zoning ordinance allows the platting of land in the floodplain as long as the building area and no more than 25% of the lot area is in the floodplain. This basically allows the back yard area to be situated in the floodplain and in this case the ravine along the east and north side of the property. The intent in this case is to create “outlots” in the floodplain to be sold to the owner of the adjoining lot. The developer’s plan to leave this sensitive area in its current natural state and avoid the existing wooded areas next to the slope and in the ravine.

2) Is the property readily accessible to sanitary sewer service?

Yes, sanitary sewer is readily available to the site. This sewer is located off the north end of Lakeshore Drive approximately 200 feet into the petitioner’s property. This sewer line is located in the Lakeshore Drive right of way. At this point, a sewer manhole changes the route of the sewer line by heading east to the lift station near the southeast corner of the property. Sanitary sewer will extend from the aforementioned manhole in the Lakeshore Drive right of way to the end of the street to service the proposed lots in the subdivision. Typically, the sanitary sewer must be extended to the limits of the plat, per City’s subdivision ordinance in order to accommodate the future growth in the northwest portion of Cedar Falls. The petitioner’s engineer provided a preliminary sanitary sewer study to identify a future location of the sewer extension to the limits of the property (plat). It was determined that due to the steep slopes, floodplain and soil conditions, a sanitary sewer is not feasible through the north end of the Lakeshore Drive extension or along the easterly property line. The proposed development of this property will utilize the existing lift station at the southeast corner of the property.

The intent for future sanitary sewer is to extend the existing sewer line along the Cedar River to a new lift station in Ulrich Park, which is located adjacent to the north side of the property. A future sewer line will extend through the north edge of the petitioner’s property for sewer service to the northwest portion of Cedar Falls.

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3) Does the property have adequate roadway access?

The property currently has access off the north end of Lakeshore Drive. The International Fire Code allows up to 30 dwelling units in a residential development on a single access road or public street. Since the west half of Lakewood Hills and the Lakewood Estates subdivision includes 30 residential dwellings, a secondary access to this site is needed. Multiple access roads are needed to ensure that if one road is blocked, the other road will provide access to the site. This secondary access could be provided with a street that continues through this property and connecting into the east end of Skyview Drive. This would require a structure or bridge to cross the floodplain and ravine along the north end of the property. An exception to this rule is that the single access road may be provided for more than 30 residential dwellings, these dwellings must be equipped with an approved automatic sprinkler system in accordance with the International Fire Code.

Lastly, there is an earthen dam located adjacent to the southeast corner of the property for the Lakewood Hill pond. Future development near this dam must be restricted in order to maintain access and the integrity of the structure.

As part of the technical review of this proposal, Cedar Falls Utilities personnel, have no concerns with the proposed rezoning request. All utility services are located in the adjacent residential subdivisions and will be extended into this property as part of the platting process.

The rezoning of this property would allow for the continued development of residential lots. A notice was mailed to the adjoining property owners on August 15, 2018 regarding this rezoning request.

STAFF RECOMMENDATION

The introduction of the Park Ridge Estates Preliminary Plat will occur at the August 22, 2018 Commission meeting for future approval subject to the following conditions:

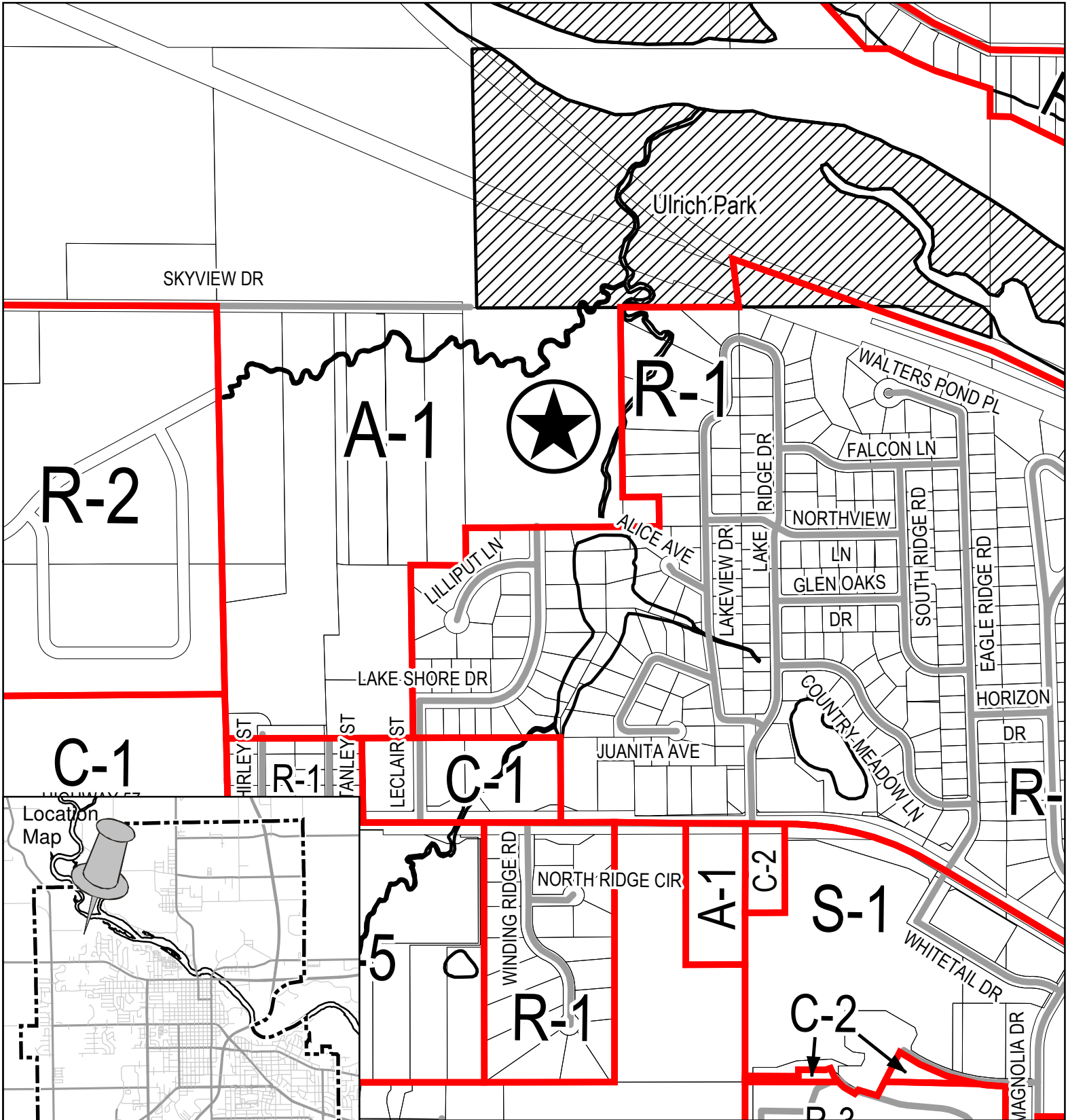
1. Conformance with all City staff recommendations.
2. Gather any comments from the Planning and Zoning Commission and public.

PLANNING & ZONING COMMISSION

Introduction

8/22/2018

Attachments: Location map
 Rezoning Plat
 Neighbor letter



Rezoning Request A-1, Agricultural to R-1, Residential

May 5, 2018

RE: Property Rezoning
20 Acre Parcel – North end of Lakeshore Drive

Department of Community Development
220 Clay Street
Cedar Falls, Iowa 50613

Attention: David Sturch Planner III

I live at 105 Lilliput Lane which is adjacent to the south side of the proposed rezoning of 20 acres from agricultural to residential. Just over half of that property is hayfield and the remaining portion contains a stream of water flowing west to east where it joins another stream of water flowing south to north after a dam that creates a lake. The combined streams flow under a railroad bridge and then dump into the Cedar River.

Around both streams are woods and that land is low land prone to seasonal wetness, as is the NE corner of the hayfield. I hope that rezoning the entire parcel of 20 acres to residential does not open up the future possibility of construction of residential or any other type of construction. A more proper use might be to incorporate that land into Ulrich Park which is adjacent to the wetlands area on the north.

The fence on the north end of the hayfield is a very good boundary dividing the stream and woodlands from what can be judged acceptable for construction. As mentioned earlier, there is an area of the hayfield at the NE corner that is seasonally wet. The balance of the woodlands property is certainly not suitable for construction.

I hope you consider this information in the rezoning request. I would not like to have left open the possibility of future development on the unsuitable portions of the 20 acre tract of land.

Jerald D. Bernard
105 Lilliput Lane
Cedar Falls, IA 50613

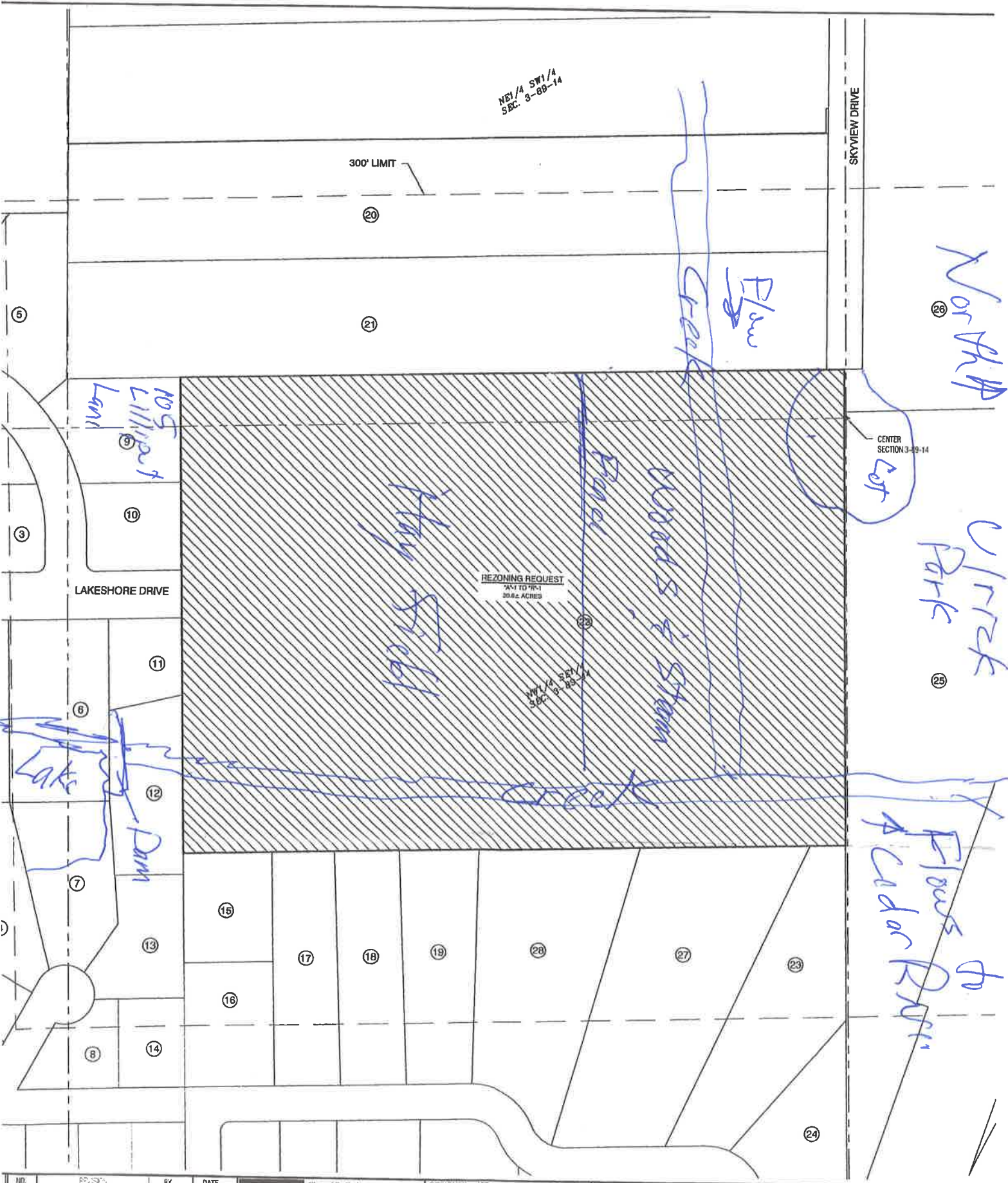


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MAY 07 2018

COMMUNITY DEVELOPMENT
DEPARTMENT

Item 4.A.



NO.	REVISION	BY	DATE

CGA Cripps-Garber Associates, Inc. 10 East Main Street Marshalltown, Iowa 50108 PH 641-752-0701 www.cgaonline.com	DESIGNED: <i>ACD</i>	DATE: 4-7-2018
	DRAWN: <i>CAO</i>	DATE: 4-7-2018
	CHECKED: <i>ACD</i>	DATE: 4-7-2018
	APPROVED: <i>EXT</i>	DATE: 4-7-2018

WINGERT DEVELOPMENT CEDAR FALLS, IOWA

Item 4.A.



DEPARTMENT OF COMMUNITY DEVELOPMENT

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Phone: 319-273-8600 Fax: 319-273-8610*

*Engineering Division ♦ Inspection Services Division
Phone: 319-268-5161 Fax: 319-268-5197*

*Water Reclamation Division
Phone: 319-273-8633 Fax: 319-268-5566*

May 3, 2018

RE: Property Rezoning
20 Acre Parcel – North end of Lakeshore Drive

Dear Area Resident/Property Owner:

I wish to notify you that the City of Cedar Falls Planning and Zoning office has received a request to rezone the property located at the north end of Lakeshore Drive from A-1, agricultural to R-1, residential district. Attached is a copy of the zoning plat for your convenience.

The Cedar Falls Planning and Zoning Commission will introduce this rezoning request on **Wednesday, May 9, 2018. At that time, the Commission will discuss the request and consider any public comments. Then a Public Hearing on this request will be scheduled for Wednesday, May 23, 2018. Both meetings will be at 5:30 p.m. in the City Hall Council Chambers, 220 Clay Street, Cedar Falls, Iowa.**

Interested persons are welcome to attend the meeting. Written comments may be also submitted to this department. If they are received before the meeting, staff will share them with the Commission members so that they have an opportunity to review those comments. A copy of the staff report and attachments will be on-line by the end of the day on May 4th at www.cedarfalls.com/ccvideo.

If you have any comments or questions regarding this matter, please feel free to contact this office at (319) 273-8600. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "David Sturch".

David Sturch
Planner III

Attachment: Rezoning Plat