



AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, APRIL 12, 2023
5:30 PM AT CITY HALL, 220 CLAY STREET

Call to Order and Roll Call

Approval of Minutes

1. Planning and Zoning Commission Regular Meeting Minutes of March 22, 2023

Public Comments

Old Business

New Business

2. **Right-of-Way Vacation – portion of Hudson Road (VAC23-001)**
Petitioner: David A. Nicol
Previous discussion: None
Recommendation: *Approval*
P&Z Action: *Discuss and consider making a recommendation to City Council*

Commission Updates

Adjournment

Reminders:

- * April 26 and May 10 - Planning & Zoning Commission Meetings
- * April 17 and May 1 - City Council Meetings

**Cedar Falls Planning and Zoning Commission
Regular Meeting
March 22, 2023
Cedar Falls, Iowa**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on March 22, 2023 at 5:30 p.m. at City Hall. The following Commission members were present: Crisman, Grybovych, Larson, Leeper, Lynch and Moser. Hartley was absent. Karen Howard, Planning & Community Services Manager, Thomas Weintraut, Planner III, Michelle Pezley, Planner III, and Chris Sevy, Planner I were also present.

- 1.) Chair Lynch noted the Minutes from the March 8, 2023 regular meeting are presented. Ms. Crisman made a motion to approve the Minutes as presented. Ms. Grybovych seconded the motion. The motion was approved unanimously with 6 ayes (Crisman, Grybovych, Larson, Leeper, Lynch and Moser), and 0 nays.
- 2.) Chair Lynch noted that a request was made to move the third item on the agenda to the end of the agenda. Ms. Moser made a motion to approve the move of the item. Ms. Crisman seconded the motion. All voted in favor of the agenda revision.
- 3.) The first item of business was a rezoning request of land west of Cypress Avenue and north of Tomahawk Lane from A-1 to R-2 Zoning District. Chair Lynch introduced the item and Ms. Pezley provided background information. She briefly recapped the information that was shared at the last meeting, including criteria for approval. She noted that staff recommends approval of the request.

Tom Herzmann, 1122 West 10th Street, spoke as representative of the buyer of the property under contract for 1317 Tomahawk Lane. He noted concerns with the stormwater management plan, size, and density of the property. He also asked about the plan for curbs and gutters on the streets. Ms. Pezley stated that the existing streets will not change and the streets that would be proposed in the subdivision will be reviewed in the preliminary plat process. Stormwater requirements would also be reviewed at that time.

Jon Metcalf, 3421 Cypress, noted concerns with the water and the potential phasing of the project.

Mr. Leeper clarified that the current vote won't be about the water, just the zoning, but the Commission has heard the concerns about the water and will ensure that those concerns will be addressed at the next stage.

Larson made a motion to approve the item. Ms. Crisman seconded the motion. The motion was approved unanimously with 6 ayes (Crisman, Grybovych, Larson, Leeper, Lynch and Moser), and 0 nays.

- 4.) The next item for consideration by the Commission was a Zoning Text Amendment modifying the sign allowance for Civic and Institutional Uses in the Downtown Character District. Chair Lynch introduced the item and Ms. Howard provided background information. She explained that there had been a request from St. Patrick's School to replace their freestanding monument sign but current sign allowances for the Downtown Character District would not allow for the requested sign because the school is located in the Urban General Frontage District. She noted that Institutional and civic uses are different than other uses, so may need to be looked at a little differently when it comes to signage. She noted that in the Neighborhood frontages of the Downtown Character District, institutional uses are allowed signage similar to what is allowed in the R-1 Zone, where monument signs with electronic message centers are allowed. Staff recommends amending the code to allow signage for institutional and civic uses in all frontage districts of the Downtown Character District according to the standards in the R-1 District. The result would be that all institutional and civic uses in the Downtown Character District would be treated the same with regard to signage allowances.

Ms. Gryboych made a motion to approve the item. Mr. Larson seconded the motion. The motion was approved unanimously with 6 ayes (Crisman, Gryboych, Larson, Leeper, Lynch and Moser), and 0 nays.

- 5.) The next item for consideration by the Commission was Minor Plat approval for Gateway Business Park Minor Plat of Lot 2. Chair Lynch introduced the item and Mr. Sevy provided background information. He explained that the applicant is requesting a minor subdivision of Lot 2 of the Gateway Business Park, dividing it into two lots so that each business can reside on a separate lot and the lots can be sold separately. Staff has reviewed the plat and finds that it complies with all requirements and recommends approval.

Dan Keagle, representing the applicant MT Tanks noted that he is available for any questions.

Mr. Larson made a motion to approve the item. Ms. Moser seconded the motion. The motion was approved unanimously with 6 ayes (Crisman, Gryboych, Larson, Leeper, Lynch and Moser), and 0 nays.

- 6.) The next item for consideration by the Commission was a rezoning request for 3.07 acres of land west of Hudson Road along Ashworth Drive from A-1 to R-1 Zoning District. Chair Lynch introduced the item and Mr. Larson recused himself from the item. Mr. Weintraut provided background information, explaining that the property is located on Hudson Road near the intersection with Ashworth Drive. The City purchased land from the applicant to build an extension of Ashworth Drive. The petitioner would like to rezone the property that will abut this new street extension to allow for residential development. The area purchased by the City for the road is also included in the rezoning. Mr. Weintraut discussed how the petition fits in to the Future Land Use Map and Comprehensive Plan and notes that all services are available for residential development. Staff recommends approval of the rezoning.

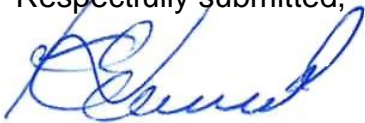
Ms. Grybovych asked about an email that was shared regarding roads not being extended and who would be responsible for development of the roads. Ms. Howard explained that the City is constructing the road as it is a priority to make the needed connection over to Aldrich Elementary School. Property owners on both sides of the street will benefit from the road extension as it will allow additional development to occur on both properties.

Ms. Crisman made a motion to approve the item. Ms. Moser seconded the motion. The motion was approved unanimously with 5 ayes (Crisman, Grybovych, Leeper, Lynch and Moser), 1 abstention (Larson) and 0 nays.

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

The meeting adjourned at 5:50 p.m.

Respectfully submitted,



Karen Howard
Community Services Manager



Joanne Goodrich
Administrative Assistant



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MEMORANDUM
Planning & Community Services Division

TO: Planning and Zoning Commission
FROM: Thom Weintraut, AICP, Planner III
DATE: April 12, 2023
SUBJECT: Right-of-Way Vacation Request – Hudson Road

REQUEST: Street Right-of-Way (ROW) Vacation for a portion of Hudson Road (VAC23-001)

PETITIONER: David A. Nicol

LOCATION: 1,728 sq. ft. of public right-of-way located on the west side of Hudson Road approximately 200 feet north of the intersection of Hudson Road and Ashworth Drive.

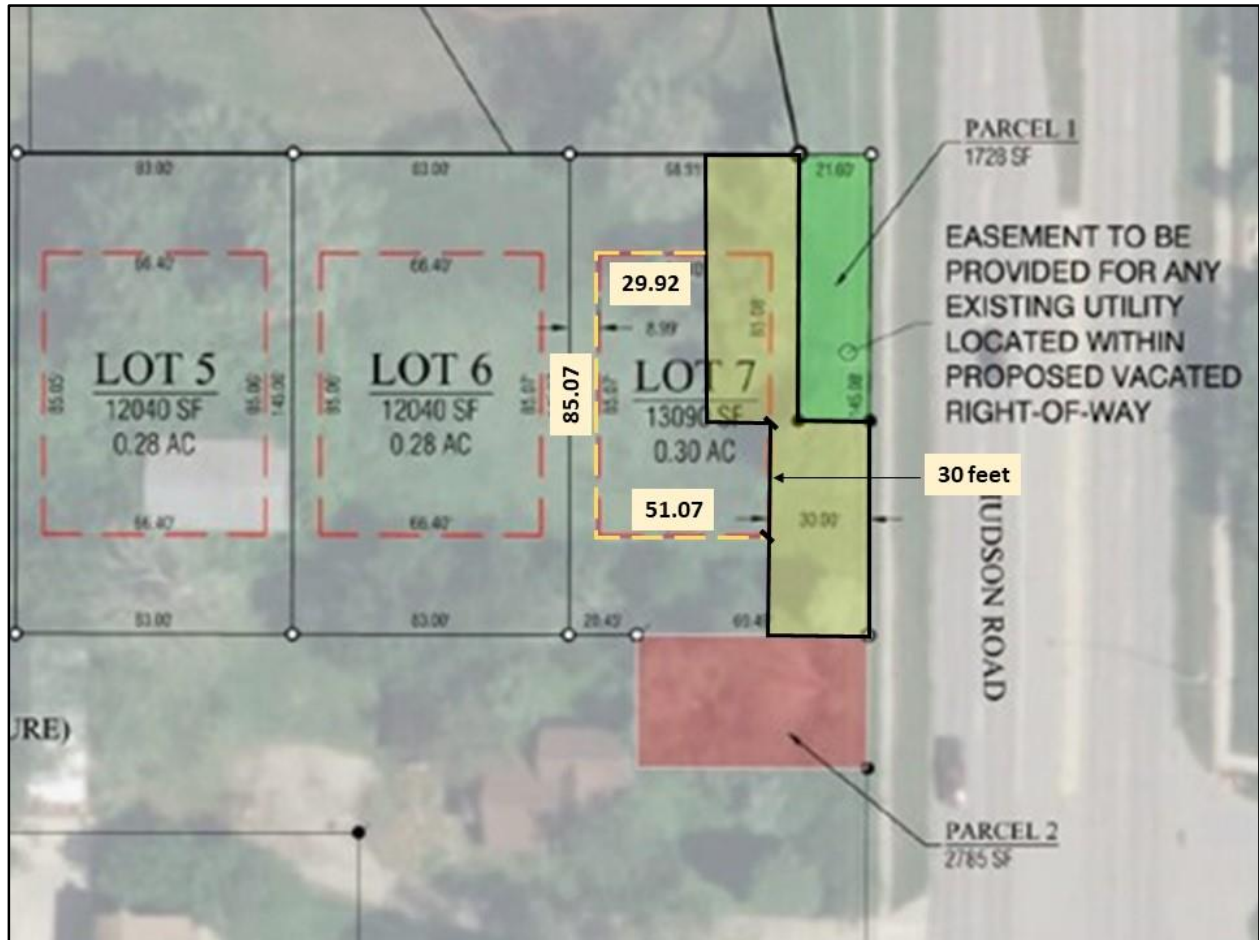
PROPOSAL

David A. Nicol has requested a vacation of 1,728 sq. ft. (parcel 1) of the public right-of-way located on the west side of Hudson Road approximately 200 feet north of the Ashworth Drive intersection (see attached ROW exhibit). As you are aware, Mr. Nicol is in the process of rezoning the property adjacent to Hudson Road and Ashworth Drive, extended, to R-1, Residence District. If the rezoning is approved, he intends to submit a preliminary and final plat for the property. The proposed vacation will allow for a more typical rectangular home lot along the eastern edge of the property. In addition, the City would like to obtain an additional 2785 sq. ft. (parcel 2) of right-of-way for the construction of the Ashworth Drive extension. Mr. Nicol will provide the additional right-of-way at the time of final platting of his subdivision.

BACKGROUND

In 1988, the right-of-way along the west side of Hudson Road was conveyed to the City as part of the plans to expand Hudson Road to four lanes. In 2022, the City purchased a 0.89 acre portion of the property, including the former residential structure, to build an extension of Ashworth Drive from Hudson Road to Ashworth Drive in Prairie Winds 4th

Addition. Mr. Nicol has provided a concept layout for the subdivision of the property into seven (7) lots. Mr. Nicol is proposing to plat lots similar in width and area to the adjoining lots in Prairie Winds 4th Addition. The proposed Lot 7 (see lot exhibit with lot layout proposal) is a corner lot and is required by Section 26-127 to have a street side yard of 30 feet as measured from the right-of-way line along Hudson Road. Because of the irregular shape of the right-of-way on Hudson Road in this location, the placement of a dwelling on Lot 7 would be difficult. As shown in the illustration below, because of the required 30' setback from Hudson Road, the buildable area of this lot is quite small, despite the fact that it is larger in area than the other lots.



ANALYSIS

In considering a right-of-way vacation, City staff analyzes several factors:

1. Is the right-of-way needed for public use?
As shown in the image above, there is a public sidewalk located along both sides of Hudson Road that provides for pedestrian and bicycle movement along the corridor. If vacated, the sidewalk along the west side of Hudson Road will still be

greater than 5 feet from the proposed lot line of the parcel. The area to be vacated is not needed for traffic, pedestrian, or bicycle movement.

2. Is the right-of-way needed for access to private property?

Vacating this portion of the right-of-way will not impact any future anticipated access to Hudson Road. Access to any new lots proposed in this area will be from Ashworth Drive, extended. No additional driveways will be allowed to Hudson Road, which is a limited access arterial street. in this area.

3. Are there any utilities within the right-of-way that will need to be retained?

CFU has a 20" water main that runs in part of that proposed vacation area. CFU is accepting of the vacation, provided a utility easement is established on the proposed vacation parcel. If the vacation is approved and land conveyed to the Nicols, an easement must be established to protect these utilities. Mr. Nicol has a request to rezone the adjacent property to R-1 and if granted, Mr. Nicol will be following up with a Preliminary and Final Plat. If the City Council approves the vacation and Mr. Nicol purchases the vacated right-of-way, it will be incorporated into the plat and an easement will be established for the water line.

TECHNICAL COMMENTS

The City's Technical Review Committee does not have any concerns or objections with the proposed right-of-way vacation, provided an easement is established to protect the public utilities along the street corridor as noted in the staff report.

STAFF RECOMMENDATION

The Community Development Department recommends approval of the proposed right-of-way vacation, subject to the following conditions:

An appropriately sized easement satisfying CFU is established along Hudson Road in the area subject to the vacation.

PLANNING & ZONING COMMISSION

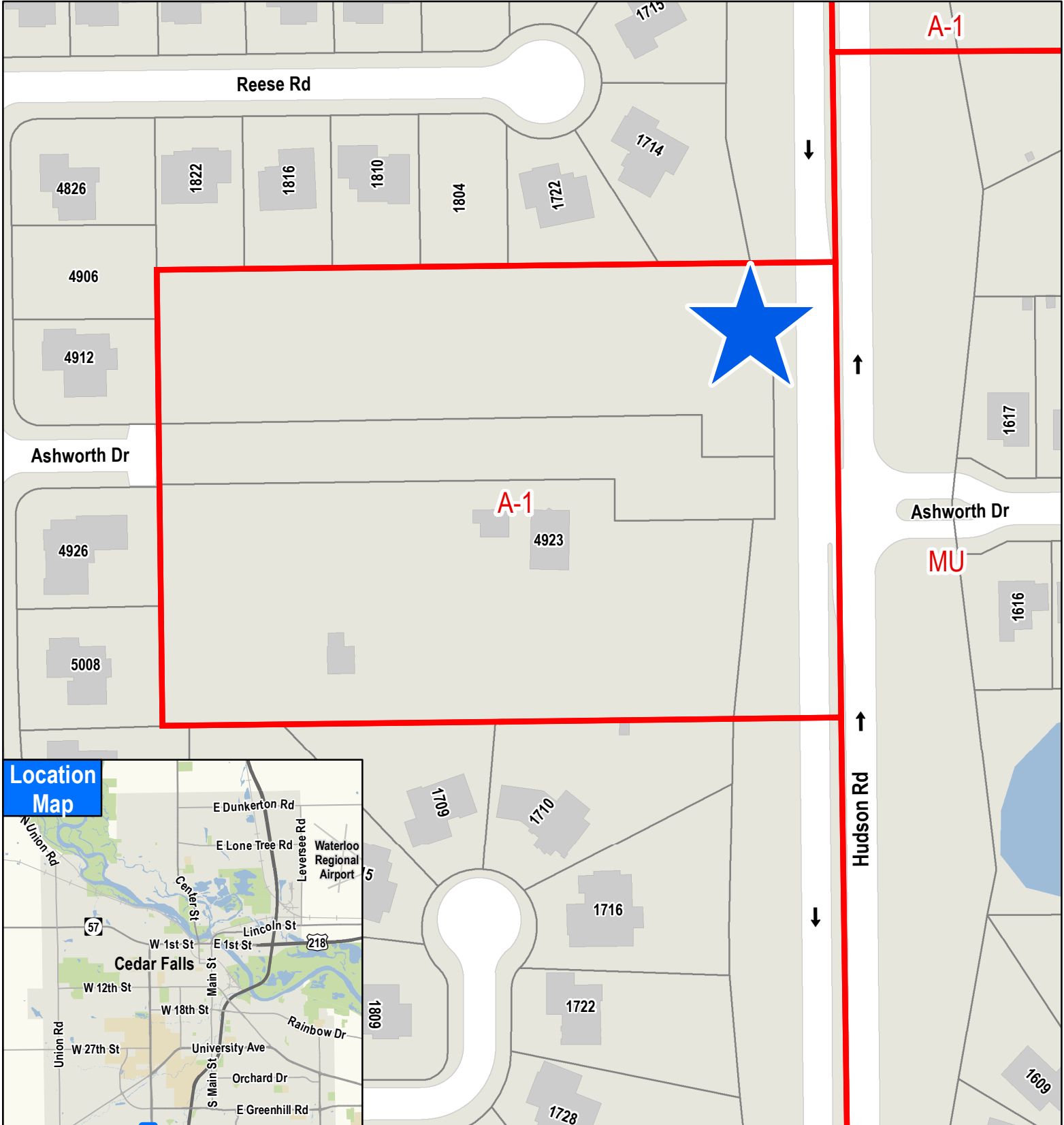
Discussion
4/12/2023

Attachments: Location Map
Right of Way Vacation Exhibit

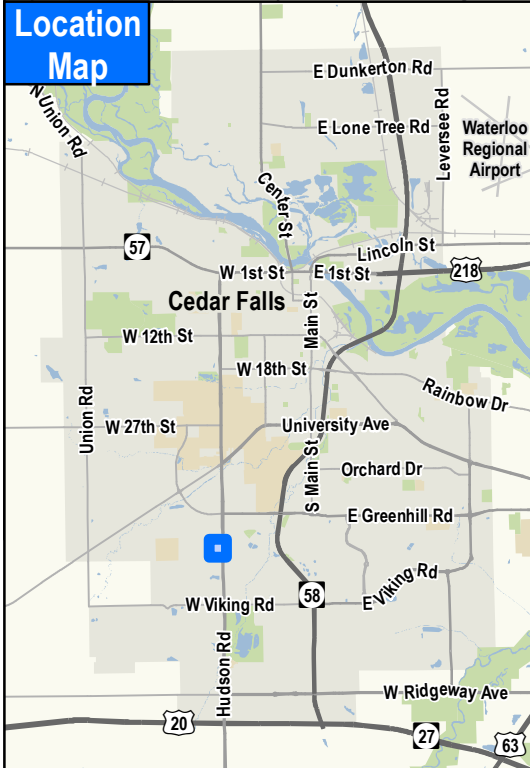
Cedar Falls Planning and Zoning Commission

April 12, 2023

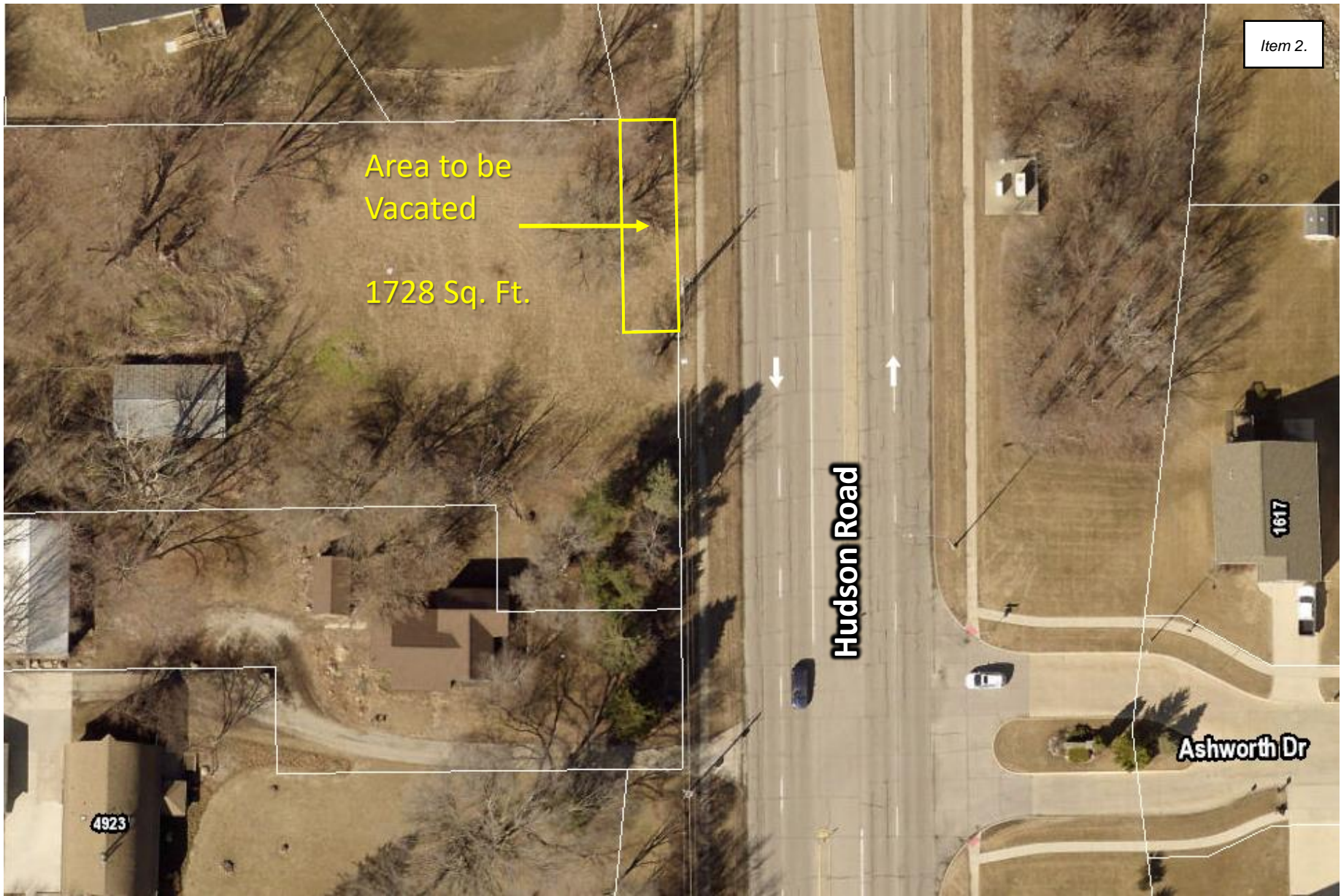
Item 2.



Location Map



Nicol Right-of-Way Vacation (VAC23-001) Hudson Road



Hudson Road Right-of-Way Vacation