



AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, JUNE 22, 2022
5:30 PM AT CEDAR FALLS COMMUNITY CENTER, 528 MAIN STREET

Call to Order and Roll Call

Approval of Minutes

1. Planning and Zoning Commission Regular Meeting Minutes of June 8, 2022

Public Comments

Old Business

2. **Rezoning – 2209 N. Union Road (RZ22-002)**
Location: Former site of the Martyr's Retreat – north of Skyview Dr. & east of N. Union Rd.
Applicant: Kel-Mar, LC (Shawn and Paula Kelly)
Previous Discussion: June 8, 2022
Recommendation: *Recommend Approval*
P&Z Action: *Conduct public hearing and make a recommendation to Council*

Commission Updates

Adjournment

Reminders:

- * July 13 and July 27 - Planning & Zoning Commission Meetings
- * July 5 and July 18 - City Council Meetings

**Cedar Falls Planning and Zoning Commission
Regular Meeting
June 8, 2022
Cedar Falls, Iowa**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on June 8, 2022 at 5:30 p.m. at the Community Center. The following Commission members were present: Crisman, Grybovych, Hartley, Holst, Larson, Leeper, Lynch, Moser and Saul. Karen Howard, Community Services Manager and Thomas Weintraut, Planner III, were also present.

- 1.) Chair Leeper noted the Minutes from the May 25, 2022 regular meeting are presented. Ms. Lynch made a motion to approve the Minutes as presented. Ms. Moser seconded the motion. The motion was approved unanimously with 9 ayes (Crisman, Grybovych, Hartley, Holst, Larson, Leeper, Lynch, Moser and Saul), and 0 nays.
- 2.) The first item of business was a rezoning request for 2209 N. Union Road. Chair Leeper introduced the item and Mr. Weintraut provided background information. He explained that this is a request to rezone approximately 9.94 acres of the Martyrs Retreat and a parcel to the south property from R-1, Residential to A-1, Agricultural, which would allow for one residence to be built on the tract of land. No further residential development would be allowed. The new zoning boundaries will then match the lot boundaries. Staff recommends that comments be gathered from the Planning and Zoning Commission and the public and a public hearing be set for the next Commission meeting on June 22.

Mr. Holst made a motion to move the item forward to public hearing. Ms. Saul seconded the motion. The motion was approved unanimously with 9 ayes (Crisman, Grybovych, Hartley, Holst, Larson, Leeper, Lynch, Moser and Saul), and 0 nays.

- 3.) The next item for consideration by the Commission was a zoning text amendment with regard to review of certain site plans in the CD-DT District. Chair Leeper introduced the item and Ms. Howard provided background information. She explained that it is currently on the table to change the zoning code to require new building in the Urban General (UG), UG2 and Storefront frontages to be reviewed by the Planning and Zoning Commission. She displayed a rendering of the Character District and the frontage destinations. Staff recommends that that Commission open the public hearing, discuss and make a recommendation to City Council on the proposed amendments.

Ms. Saul asked about the process if a residence is going to add square footage. Ms. Howard stated that this text amendment only addresses new buildings.

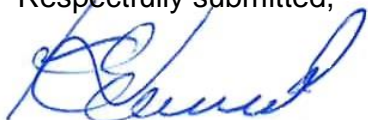
Mr. Holst clarified that this amendment addresses concerns about new construction and public input. Mr. Leeper added that this is a check and balance for significant projects in the area. Mr. Larson noted that the amendment will be revisited after a year.

Mr. Larson made a motion to approve the item. Ms. Lynch seconded the motion. The motion was approved unanimously with 9 ayes (Crisman, Grybovych, Hartley, Holst, Larson, Leeper, Lynch, Moser and Saul), and 0 nays.

4.) As there were no further comments, Ms. Lynch made a motion to adjourn. Mr. Larson seconded the motion. The motion was approved unanimously with 9 ayes (Crisman, Grybovych, Hartley, Holst, Larson, Leeper, Lynch, Moser and Saul), and 0 nays.

The meeting adjourned at 5:45 p.m.

Respectfully submitted,



Karen Howard
Community Services Manager



Joanne Goodrich
Administrative Assistant



DEPARTMENT OF COMMUNITY DEVELOPMENT

City of Cedar Falls
220 Clay Street
Cedar Falls, Iowa 50613
Phone: 319-273-8600
Fax: 319-273-8610
www.cedarfalls.com

MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: Thom Weintraut, AICP, Planner III
DATE: June 16, 2022
SUBJECT: Rezoning Request 2209 N Union Road (RZ22-002)

REQUEST: Rezone property from R-1: Residence District to A-1: Agriculture District.

PETITIONER: Kel-Mar, LC (Shawn and Paula Kelly)

LOCATION: 2209 N. Union Road

PROPOSAL

The proposal is to rezone approximately 0.98 acre portion of the property located at 2209 N Union Road, formerly the Martyrs Retreat, and 8.86 acres of a 17.86 acre parcel located adjacent to the south of 2209 N Union Road from the R-1: Residence District, to A-1: Agriculture District.

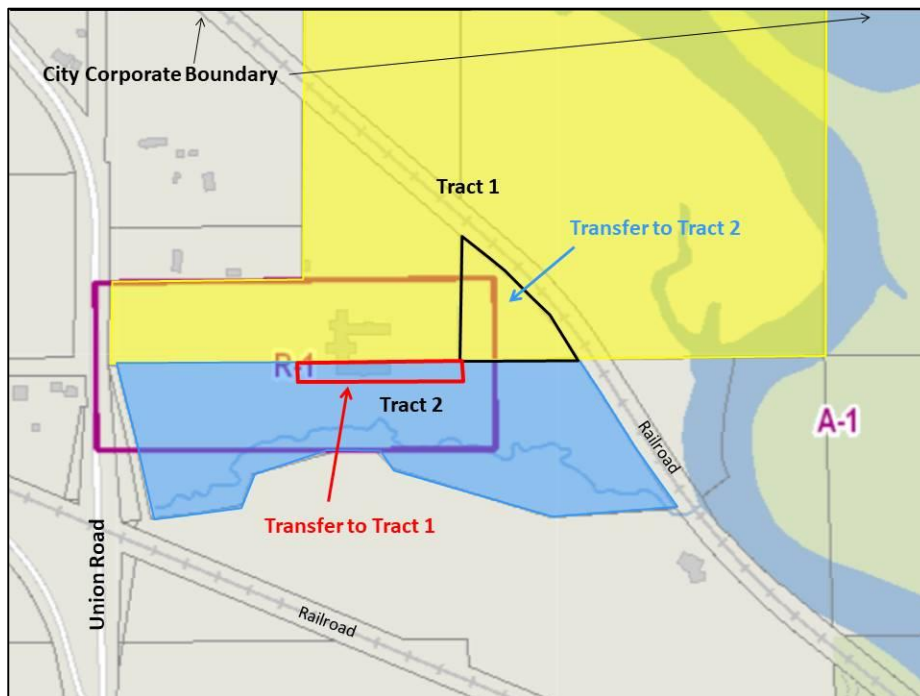
BACKGROUND

This property was established as the American Martyrs Retreat House by the Archdiocese of Dubuque in 1960. The property was annexed into Cedar Falls in 1971 at which time a 1,450' x 600' area was zoned to R-1 to accommodate the existing private institutional use, which was not permitted in an agriculture district. In 2019, the facility closed and Mr. Kelly purchased both tracts.

In February 2021, Mr. Kelly approached the City with a request rezone Tract 2 (shown in blue on the next page and attached zoning illustration) and the portion of Martyrs Retreat property, Tract 1 (outlined in black), to R-1 to create a buildable lot for the construction of a new residential structure. However, this was not possible, because in order to rezone the property to R-1, city services would have to be extended to the lot per City Code requirement. The nearest available utilities are greater than 2,000 feet to the south and the existing railroad right-of-way would make extending the utilities cost-prohibitive.

In March 2021, staff set up a meeting to discuss possible options that would allow the owner to achieve their goal of building one house on the property. At that meeting, staff suggested

exploring the possibility for reconfiguring the existing parcel lines with plats of survey. Research by Mr. Kelly's surveyor identified two existing lots of record, which could be reconfigured to allow a house to be built in the desired location overlooking the Cedar River. This reconfiguration of the lots of record involve two plats of survey: a transfer of the portion of Tract 1 outlined in black to Tract 2; and the transfer of the portion of Tract 2 outlined in red, which contains the existing Martyrs Retreat building, to Tract 1. The condition for a plat of survey is that no new building lots can be created nor can the transfer area constitute more than 25 percent of a parcel after the transfer takes place. Staff also recommended rezoning the portion of the property not associated with the Martyrs Retreat building from R-1 Residential to A-1, Agricultural District, both to acknowledge the lack of city services and so that zoning boundaries coincide with the new parcel lines created with the plats of survey. In other words, the proposed rezoning will clean up the split zoning on these tracts.



In February 2022, VJ Engineering, Mr. Kelly's surveyor, requested further discussion about the next steps for the rezoning. Staff recommended completing a plat of Survey for Parcel 'E' to define the area involved in the request to rezone from R-1 to A-1. As part of the approval of the plats of survey for the property, staff recommended Tract 2 share access from N. Union Road with the Martyrs Retreat property and a note be added to the plats of survey stating no building permits can be issued for the transfer areas unless merged with the receiving parcels. Cedar Falls Utilities requested utility easements be dedicated for electric and communication services and that all existing utility easements be maintained. Staff also recommended a meeting with Mr. Kelly to discuss the future use of the Martyrs Retreat property.

On April 18, 2022, the applicant's surveyor submitted a plat of survey for Tract 2 and a survey showing the location of easements for both utilities and access.

On May 9th 2022, staff met with Mr. Kelly and his daughter to finalize the documentation needed for the rezoning and to discuss future options for the Martyrs Retreat property. The owners do not have any immediate plans for re-use of the Martyrs Retreat building, but the recent zoning code amendment that allows consideration of requests for alternative uses of

defunct institutional buildings will provide more flexibility for an appropriate adaptive re-use of the building with Board of Adjustment approval of a conditional use permit. In the meantime, the owner has acknowledged that any re-use of the building must be approved by the City according to City Code requirements and that the property will not be used for residential purposes.

ANALYSIS

CURRENT ZONING

R-1 Residence District and A-1 Agriculture District

The R-1 Residence District allows one and two unit dwellings and a limited number of other uses, including private institutional or community recreation centers; however, all subdivision of property in the R-1 Residence District requires the installation of public sewer and water.

The purpose of the A-1 Agriculture District is to act as a “holding zone” in areas of the city that are undeveloped and not served by essential municipal services.

PROPOSED ZONING

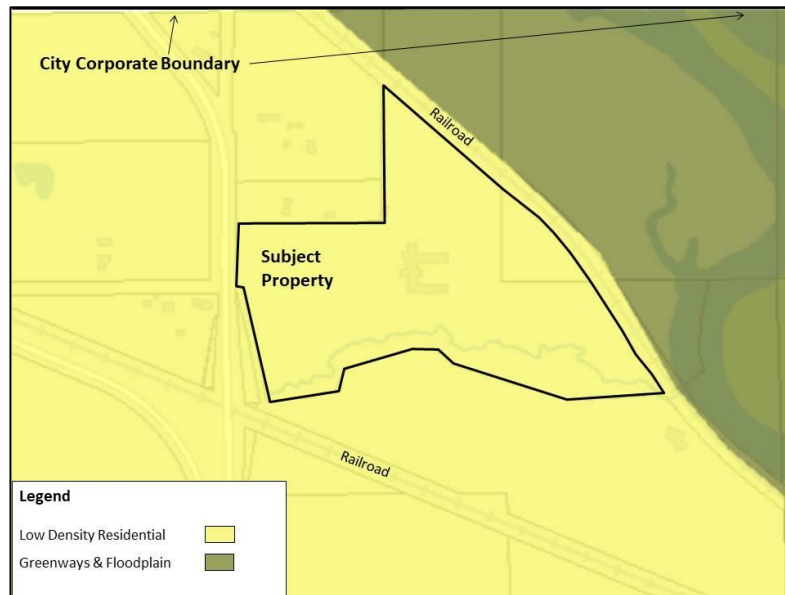
The request is to downzone approximately 0.98 acre of land at 2209 N Union Road and 8.86 acres on the adjacent tract to the south from the R-1 Residence zoning district to A-1 Agriculture. The requested change will place those portions of the reconfigured parcel that do not have adequate services available back into the “holding zone” and clean up the split zoning on the parcel. The remaining R-1 zoned area where the Martyrs Retreat building is located will remain zoned R-1 to allow the potential for an adaptive reuse of the building under the R-1 standards.

The A-1 district allows no more than one single-unit or one two-unit residential dwelling in the following circumstances:

1. as an incidental use to a permitted agriculture use, such as growing crops, grain, and limited animal production (20 acres minimum lot area) or
2. if located on a lot of record as of August 1, 1979 with a minimum lot area of three acres. The existing Tract 2 (see image above) is considered a lot of record, so it would be allowed one single-unit dwelling, as proposed by the applicant.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Future Land Use Map identifies this entire property and the properties south of the rail line as Low Density Residential. The characteristics of this designation include an emphasis on single-family residential forms and civic uses. The intent is that at build-out development is provided a full range of municipal services (see map next page). Staff finds that the proposed rezoning is consistent with the Comprehensive Plan as the long term goal is for low density residential development. At this time, however, the A-1 Zoning is appropriate to acknowledge the lack of city services.



ACCESS TO PUBLIC SERVICES

The property is located in an area of the city where public services are not currently available and it is difficult to extend water and sewer because of the railroad right-of-way. This lack of services indicates that the A-1 Agricultural District is an appropriate zoning district, because it is considered a holding zone until adequate city services are extended to allow for residential development at an urban density.

ACCESS TO ADEQUATE STREET NETWORK

The property currently has access from N. Union Road. There will be no new streets proposed to serve this area until city services are available. Therefore, the request to downzone the property from R-1 to A-1 is warranted and will keep traffic volumes low. A single private drive that shares the street access point with the Martyrs Retreat property will serve the proposed single unit dwelling. With the new zoning, no additional development can occur beyond the construction of the one residential dwelling proposed.

PUBLIC NOTICE

City staff mailed letters to the surrounding property owners notifying them of the rezoning request. A notice of Public hearing was published in the Courier on June 15, 2022

TECHNICAL COMMENTS

The City technical staff, including Cedar Falls Utilities, has no concerns with the proposed rezoning request. The two plats of survey that reconfigure the parcel lines to coincide with the proposed zoning boundaries can be approved administratively by the Zoning Administrator, per the City Subdivision Code regulations.

STAFF RECOMMENDATION

Gather any comments from the Planning and Zoning Commission and the public and set the date for public hearing for the next Planning and Zoning Commission meeting on June 22, 2022.

PLANNING & ZONING COMMISSION

Introduction 6/8/2022 Chair Leeper introduced the item and Mr. Weintraut provided background information. He explained that this is a request to rezone approximately 9.94 acres of the Martyrs Retreat and a parcel to the south property from R-1, Residential to A-1, Agricultural, which would allow for one residence to be built on the tract of land. No further residential development would be allowed. The new zoning boundaries will then match the lot boundaries. Staff recommends that comments be gathered from the Planning and Zoning Commission and the public and a public hearing be set for the next Commission meeting on June 22.

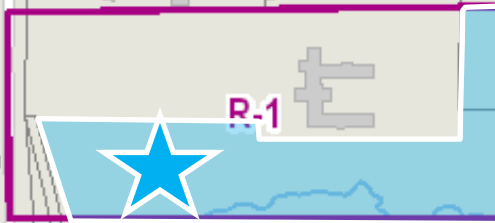
Mr. Holst made a motion to move the item forward to public hearing. Ms. Saul seconded the motion. The motion was approved unanimously with 9 ayes (Crisman, Grybovych, Hartley, Holst, Larson, Leeper, Lynch, Moser and Saul), and 0 nays.

Attachments: Location Map
Rezoning Plat
Zoning Illustration
Letter of Request
Published Public Notice

Cedar Falls Planning & Zoning Commission June 8, 2022

Item 2.

Corporate Limits



A-1

R-1

R-2



Location
Map



**2209 N Union Road
R-1 to A-1**

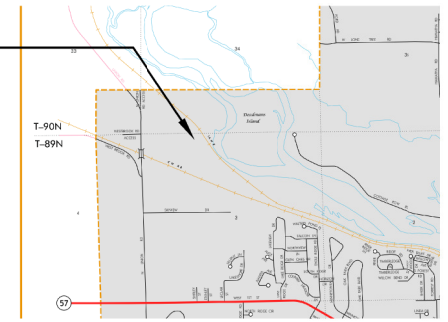
Rezoning Plat

R-1, Residential to A-1, Agricultural
 Kel-Mar, LC, 2209 N. Union Road

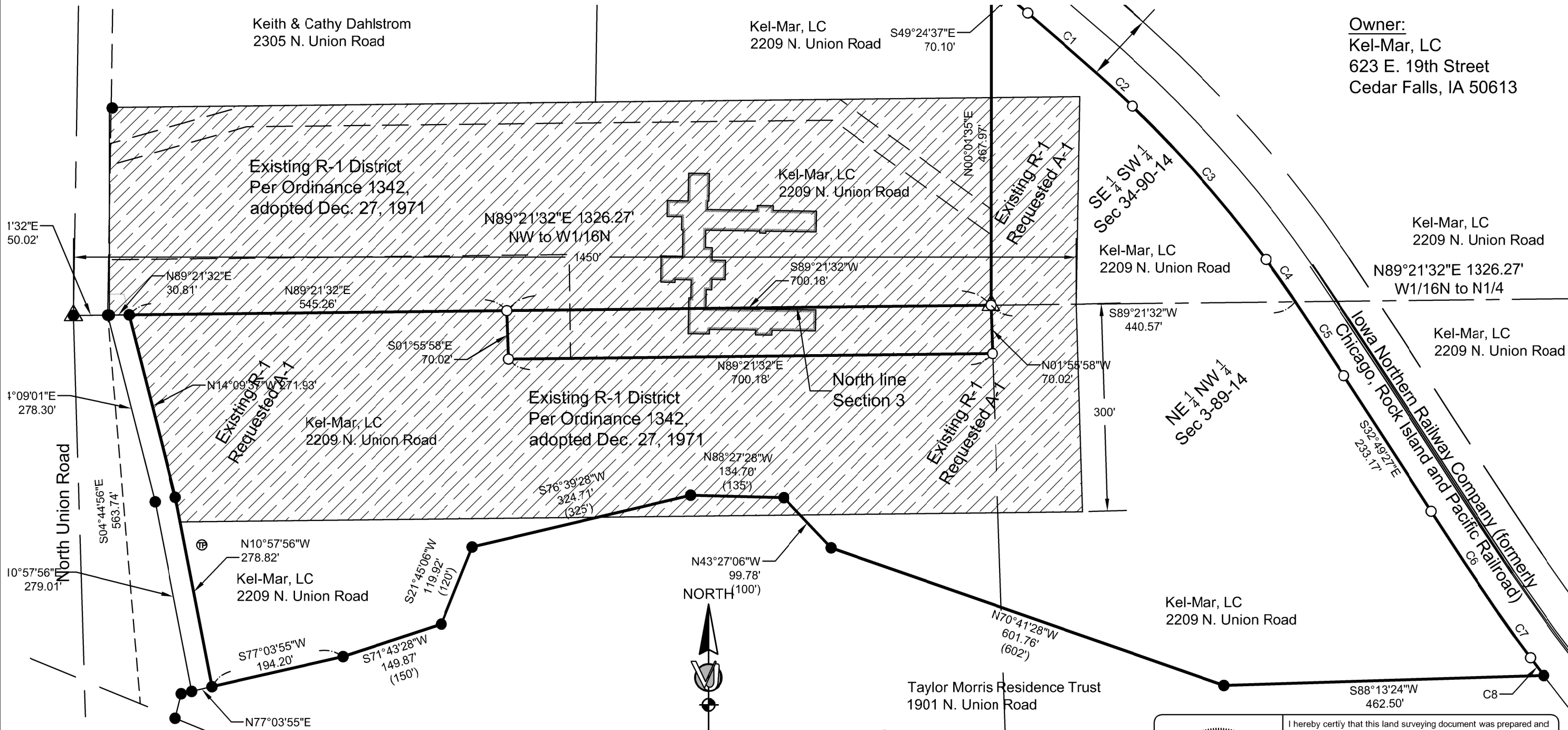
Legal Description of land to be rezoned from R-1 to A-1:

The West 1450.0 feet of the North 300.0 feet of the Northwest Quarter (NW $\frac{1}{4}$) of Section Three (3), Township Eighty-nine (89) North, Range Fourteen (14) West of the Fifth (5th) Principal Meridian, except the North 70 feet of the East 700 feet of the Northwest Fractional Quarter of the Northwest Fractional Quarter of said Section 3, and that part of West 1450.0 feet of the South 300.0 feet of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-four (34), Township Ninety (90) North, Range Fourteen (14) West of the Fifth (5th) Principal Meridian, Black Hawk County, Iowa, lying within the Southeast Quarter of said Southwest Quarter except that parcel of land recorded on File 2018-00018291 in the office of the Black Hawk County Recorder .

Rezone Request



Owner:
 Kel-Mar, LC
 623 E. 19th Street
 Cedar Falls, IA 50613

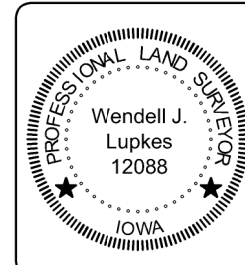


- Notes:**
- 1.) All dimensions are in US Survey feet and decimals thereof.
 - 2.) Proprietor: Kel-Mar, LC, 623 E. 19th Street, Cedar Falls, IA



LEGEND

- EXISTING R-1 ZONING
- REQUESTED A-1 ZONING



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

WENDELL J. LUPKES, P.L.S. DATE _____
 License number 12088
 My license renewal date is December 31, 2022
 Pages or sheets covered by this seal: _____

Item 2.	date
revisions	
scale	1"=150'
drawn by	WJL
date	5/9/2022
VJ Engineering 1501 Technology Parkway Cedar Falls, Iowa - 319-266-5829	
R-1 Rezoning Request Kel Mar LC 2209 N Union Road 218002	



vj engineering
1501 technology pkwy, suite 100
cedar falls, iowa 50613
ph: (319) 266-5829 fax: (319) 266-5160

engineering – surveying

May 10, 2022

To: Cedar Falls Planning Commission

Re: Proposed A-1, Agricultural District – former American Martyrs Retreat property

The American Martyrs Retreat property was zoned primarily R-1 (approximately 20 acres) by Ordinance 1342, adopted December 27, 1971, with the balance of the property remaining zoned A-1. The majority of the R-1 zoning within Section 3-89-14 (1450' x 300') is not essential for the use of the retreat house. The entire area of this property that lies within Section 3 is an existing lot-of-record, with its creation dating back to 1955.

The desires of the new owners to build a single-family residence can be accomplished by using the existing lot-of-record, the part of the former American Martyrs Retreat lying within Section 3, along with a triangular portion of the Southeast Quarter of the Southwest Quarter of Section 34-90-14, to create a parcel that complies with Cedar Falls' ordinances for a residence on a lot-of-record.

The staff asked that in conjunction with the recommendation of the Plats of Surveys for Parcels "E" and "F" on the lot-of-record to allow for a single-family residence, that the previously submitted rezoning request for additional R-1 area be revised so the R-1 area not required for the former American Martyrs Retreat be rezoned back to A-1, Agricultural.

When asked by staff for the intended use of the retreat house the owners stated *"Since we have purchased the property, we have wanted to bring life back into the existing building while allowing it to continue to serve the community. We have been in talks with the Cedar Falls Bible Conference group about using the property as overflow for their mission. Any decisions will revolve around being good stewards of the land."*

Thank you for your careful consideration.

Respectfully,

Dan Arends, P.E.
VJ Engineering

Prepared for: Kel-Mar, LC, 619 E. 19th Street, Cedar Falls, Iowa 50613

City Corporate Boundary

Item 2.

Tract 1

Transfer to Tract 2

R1

Tract 2

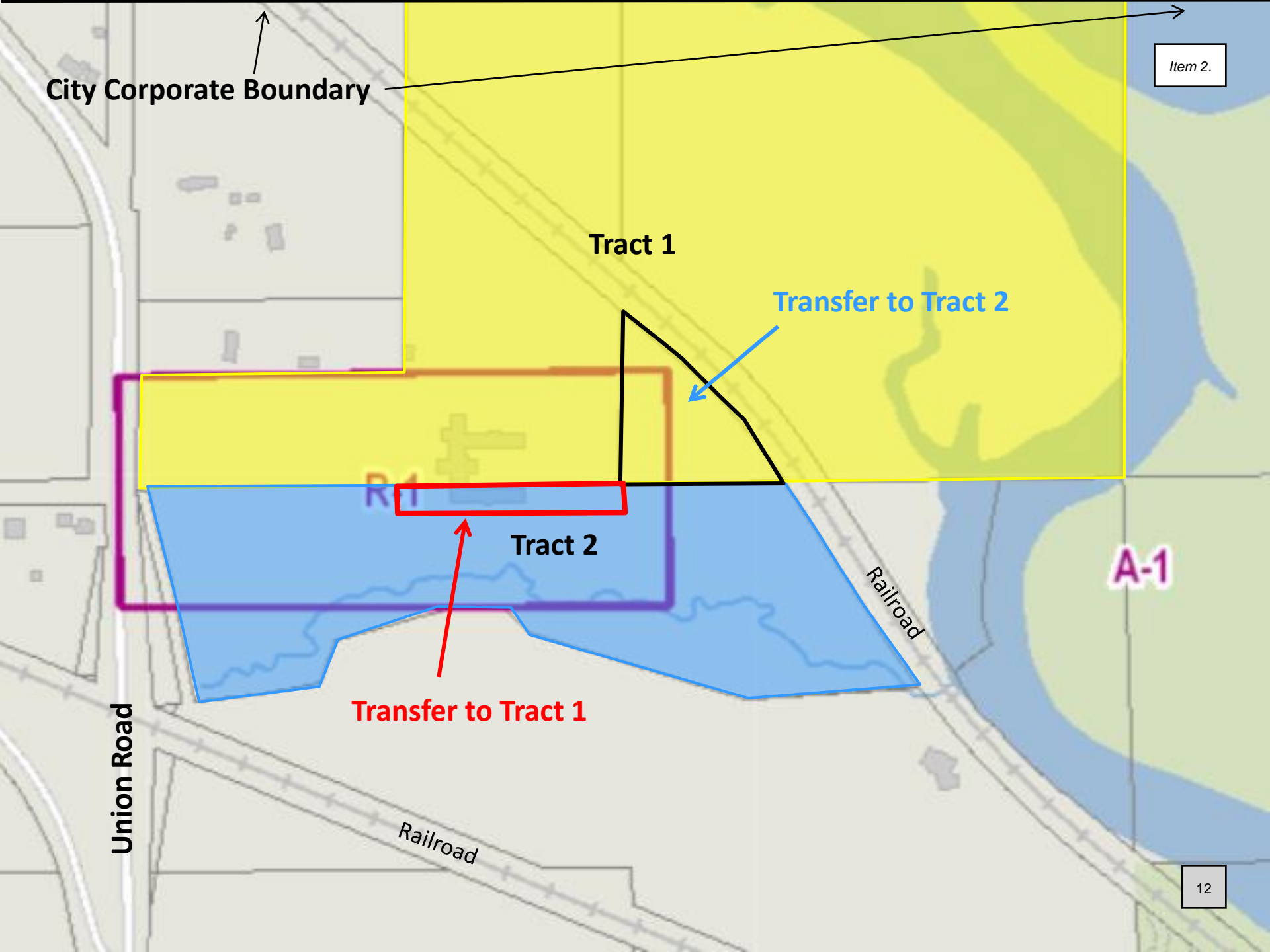
A-1

Railroad

Transfer to Tract 1

Union Road

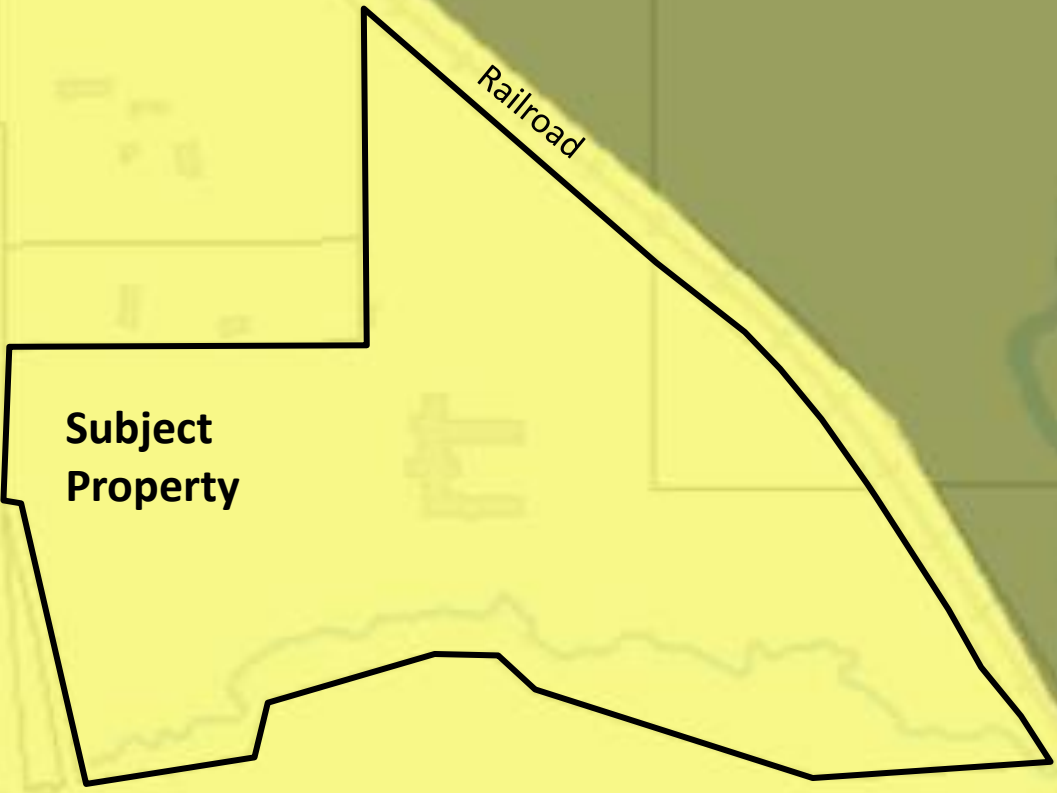
Railroad



City Corporate Boundary



Item 2.



Subject Property

Railroad

Railroad

Legend

Low Density Residential



Greenways & Floodplain



PUBLIC NOTICE

To Whom It May Concern:

NOTICE IS HEREBY GIVEN that Shawn and Paula Kelly have petitioned the Cedar Falls Planning and Zoning Commission to rezone 9.84 acres of real estate generally located at 2209 N. Union Road from R-1, Residential District to A-1, Agriculture District. The property is described as:

The West 1450.0 feet of the North 300.0 feet of the Northwest Quarter (NW $\frac{1}{4}$) of Section Three (3), Township Eighty-nine (89) North, Range Fourteen (14) West of the Fifth (5TH) Principal Meridian, except the North 70 feet of the East 700 feet of the Northwest Fractional Quarter of said Section 3, and that part of West 1450.0 feet of the South 300.0 feet of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty-four (34) Township Ninety (90) North, Range Fourteen (14) West of the Fifth (5th) Principal Meridian, Black Hawk County, Iowa, lying within the Southeast Quarter of said Southwest Quarter except that parcel of Land recorded on File 2018-00018291 in the office of the Black Hawk County Recorder.

A public hearing will be held on said petition at 5:30 p.m. on the 22nd day of June, 2022. Directions on how to participate in the meeting will be included in the meeting agenda which is available by 17th June 2022 on the city website at www.cedarfalls.com. At this time said Commission shall hear comments regarding the matter as presented in the petition. Written comments may be filed with said Commission at any time prior to the time of the public hearing by forwarding such comments to Thomas.Weintraut@cedarfalls.com and oral comments will be heard at said public hearing.

Said petition is on file with the Secretary of said Commission in the office of the Planning and Community Services Manager of Cedar Falls, Iowa.

Brad Leeper, Chair
Planning and Zoning Commission

Please publish once: Wednesday, June 15, 2022