



**AGENDA  
CITY OF CEDAR FALLS, IOWA  
PLANNING AND ZONING COMMISSION MEETING  
WEDNESDAY, MARCH 22, 2023  
5:30 PM AT CITY HALL, 220 CLAY STREET**

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**Call to Order and Roll Call**

**Approval of Minutes**

1. Planning and Zoning Commission Regular Meeting Minutes of March 8, 2023

**Public Comments**

**Old Business**

2. **Rezoning from A-1 to R-2 – 14.43 acres of land west of Cypress Avenue and north of Tomahawk Lane (RZ22-004)**  
**Petitioner:** Jim Sands Construction LLC  
**Previous discussion:** March 8, 2023  
**Recommendation:** *Approval*  
**P&Z Action:** *Hold public hearing and make a recommendation to City Council*
3. **Rezoning from A-1 to R-1 – 3.07 acres of land west of Hudson Road along Ashworth Drive (RZ23-001)**  
**Petitioner:** David and Tamara Nicol and City of Cedar Falls  
**Previous discussion:** March 8, 2023  
**Recommendation:** *Approval*  
**P&Z Action:** *Hold public hearing and make a recommendation to City Council*
4. **Zoning Text Amendment – Modify sign allowance for Civic and Institutional Uses in the Downtown Character District (TA23-001)**  
**Petitioner:** City of Cedar Falls  
**Previous discussion:** March 8, 2023  
**Recommendation:** *Approval*  
**P&Z Action:** *Hold public hearing and make a recommendation to City Council*

**New Business**

5. **Minor Plat – Gateway Business Park Minor Plat of Lot 2 (MP23-001)**  
**Petitioner:** MT Tanks (Martin L. Rouse)  
**Previous discussion:** None  
**Recommendation:** *Introduction and discussion*  
**P&Z Action:** *Discuss and consider making a recommendation to City Council*

**Commission Updates**

**Adjournment**

Reminders:

- \* April 12 and April 26 - Planning & Zoning Commission Meetings
- \* April 3 and April 17- City Council Meetings

**Cedar Falls Planning and Zoning Commission  
Regular Meeting  
March 8, 2023  
Cedar Falls, Iowa**

**MINUTES**

The Cedar Falls Planning and Zoning Commission met in regular session on March 8, 2023 at 5:30 p.m. at City Hall. The following Commission members were present: Crisman, Grybovych, Hartley, Larson, Leeper and Lynch. Moser was absent. Karen Howard, Planning & Community Services Manager, Thomas Weintraut, Planner III, Michelle Pezley, Planner III, Chris Sevy, Planner I, Matt Tolan, Civil Engineer II, were also present.

- 1.) Chair Lynch noted the Minutes from the February 8, 2023 regular meeting are presented. Mr. Hartley made a motion to approve the Minutes as presented. Ms. Crisman seconded the motion. The motion was approved unanimously with 6 ayes (Crisman, Grybovych, Hartley, Larson, Leeper and Lynch), and 0 nays.
  
- 2.) The first item of business was a zoning text amendment regarding expanding the list of potential conditional uses of defunct institutional buildings. Chair Lynch introduced the item and Mr. Sevy provided background information. He noted that this item was presented at the February 8th meeting and gave a recap of what was discussed. He discussed the current uses that are eligible for consideration in a defunct building. He also covered the pros and cons of repurposing a church for the different uses. The proposed text amendment would state *“Personal service uses limited to salons, shoe repair, tailoring services, therapy-based services, and photographic studios.”* Staff recommends caution when allowing the possibility of retail services in residential neighborhoods until this conditional use is more tested in the community and therefore recommends disapproval of the amendment.

Chad Welsh, petitioner (6701 Strayer Road), stated that he feels that projects should be on a case-by-case basis to allow for more potential projects.

Stephen Jordan, real estate agent for the petitioner, (2510 Cottage Row Road), stated his support and said that he has spoke to many people in the community and that by and large the community is in favor of it.

Mr. Hartley stated his support for being more open to repurposing old buildings and using available space when possible.

Ms. Grybovych asked how the original list of provisions was developed. Mr. Sevy explained that it was considered in the context of how church properties are used, considering uses that would have similar characteristics, and what has been done with them in other communities. Conditional uses are a newer concept to Cedar Falls and the goal was to be conservative with the list of uses while still allowing a reasonable avenue for adaptive reuse. He displayed some of the currently eligible uses.

Mr. Larson feels that the simple change in language is adding something explicitly that has a similar impact and nature of business to the other ones on the list. He agreed with Mr. Hartley in his support.

Ms. Crisman stated that she believes that repurposing a building is, if possible, always the best choice when considering the environmental impact and cost of resources, so is supportive to a broader list of possible uses.

Ms. Grybovych noted concern with adding such specific uses as opposed to making a broader category.

Mr. Larson made a motion to approve the item. Ms. Crisman seconded the motion. The motion was approved with 5 ayes (Crisman, Hartley, Larson, Leeper and Lynch), and 1 nay (Grybovych).

- 3.) The next item for consideration by the Commission was a rezoning from A-1 to R-2 for 14.08 acres of land west of Cypress Avenue and north of Tomahawk Lane. Chair Lynch introduced the item and Ms. Pezley provided background information. She explained the rezoning would allow the development of residential lots of similar size to the surrounding lots. The property owner proposes to rezone the portion of the land that is known to be serviced for sewer at this time. She explained the criteria staff looks at when considering rezonings and noted that the R-2 zoning is appropriate according to the Comprehensive and Future Land Use Plans. She discussed the current access to public services and adequate street network. Staff recommends gathering comments from the Planning and Zoning Commission and the public, and to set a public hearing for the next Planning and Zoning Commission meeting on March 22, 2023.

Dan Arends, VJ Engineering, (3714 Center Street), explained that they are currently working with staff on a final design of a subdivision for the property.

Scott, Bonorden, 1021 Rocklyn Street, stated concerns with stormwater management and wants to ensure that it is designed correctly.

John Metcalf, 3421 Cypress, also stated concerns with stormwater management and spoke to current issues they have in the area.

Matthew Tolan, Civil Engineer II, discussed options for stormwater management that engineering has been working on with the petitioner, which will be addressed with the subdivision plat.

Ms. Pezley noted an email that was received after the packet was published for the Commission to review, which was handed out at the meeting.

Mr. Larson made a motion to set a public hearing for the next meeting. Ms. Crisman seconded the motion. The motion was approved unanimously with 6 ayes (Crisman, Grybovych, Hartley, Larson, Leeper and Lynch), and 0 nays.

- 4.) The next item of business was a rezoning from A-1 to R-1 for 3.07 acres of land west of Hudson Road along Ashworth Drive. Chair Lynch introduced the item and Mr. Weintraut provided background information. The proposal is to rezone the property to allow for residential development. He explained that staff recommends gathering comments from the Planning and Zoning Commission and the public and set a public hearing for the next Planning and Zoning Commission meeting on March 22, 2023.

Adam Daters, CGA Engineers introduced himself as the representative for the petitioner and made himself available for questions.

Mr. Leeper made a motion to set a public hearing for the next meeting. Ms. Crisman seconded the motion. The motion was approved unanimously with 6 ayes (Crisman, Grybovych, Hartley, Larson, Leeper and Lynch), and 0 nays.

- 5.) The next item for consideration by the Commission was a zoning text amendment to modify 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 St. Patrick's School has asked to replace the existing monument sign. She stated that new freestanding signs are not allowed in the Urban General and Storefront frontages. 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. Staff wants to discuss a solution that would allow signage for institutional uses in all frontage districts of the Downtown Character District according to the standards in the R-1 District, also making it clear that EMCs are allowed. 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. Staff recommends gathering comments from the Planning and Zoning Commission and the public and set a public hearing for the next Planning and Zoning Commission meeting on March 22, 2023.

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

- 6.) The next item for consideration by the Commission was the final plat for the West Viking Road Industrial Park, Phase VI. Chair Lynch introduced the item and Ms. Pezley provided background information. She explained that the final plat is located at the southwest corner of Technology Parkway and Innovation Drive and includes only one lot. She discussed the criteria for the final plat and provided information on the previous phases of the plat. Staff recommends approval of the plat as it is consistent with the preliminary plat. The Planning and Zoning Commission has the option of gathering any comments from the Planning and Zoning Commission and the public and continue the discussion at the next meeting, or to make a recommendation to City Council with the following conditions:

- 1) Any comments or directions specified by the Planning & Zoning Commission.
- 2) Conformance to all city staff recommendations and technical requirements.
- 3) The 30-foot temporary grading easement along Innovation Drive will be recorded with the recording of the deed to the new owner.

Mr. Leeper made a motion to move the item forward to City Council. Ms. Larson seconded the motion. The motion was approved unanimously with 6 ayes (Crisman, Grybovych, Hartley, Larson, Leeper and Lynch), and 0 nays.

- 7.) The next item for business was a site plan review for a triplex on Pinnacle Ridge First Addition, Lot 1. Chair Lynch introduced the item and Mr. Larson recused himself from the item due to a conflict of interest because he is the developer. Mr. Larson left the meeting. Mr. Sevy provided background information, explaining that the applicant is proposing a tri-plex at the southwest corner of Faithway Drive and Prairie Dock Road. He displayed a rendering of the property showing the layout of the landscaping as well as a drawing of the proposed design. Staff would like to see more variation in the design than what is proposed but the current proposal technically meets requirements. The proposed design has been reviewed by the Pinnacle Prairie Review Board and they have given their approval of the design. Staff recommends approval of the site plan subject to any comments or direction by the Commission, conformance with all staff recommendations and technical comments, and construction of the proposed development must commence one year following City Council approval.

Adam Daters, CGA Engineers, is representing the applicant and made himself available for any questions.

Mr. Hartley stated that he feels that it fits in with well with the character of the neighborhood.

Ms. Crisman noted that she would love to see more creativity in the design but understands that the design is consistent with other attached units in the area.

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

- 8.) As there were no further comments, Mr. Leeper made a motion to adjourn. Ms. Crisman seconded the motion. The motion was approved unanimously with 5 ayes (Crisman, Grybovych, Hartley, Leeper and Lynch), and 0 nays.

The meeting adjourned at 6:10 p.m.

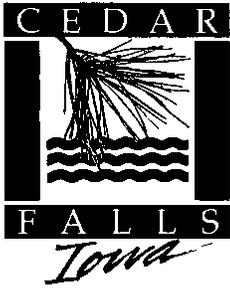
Respectfully submitted,



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
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MEMORANDUM

Planning & Community Services Division

TO: Planning and Zoning Commission
FROM: Michelle Pezley, AICP, Planner III
DATE: March 8, 2023 (postponed from February 22, 2023) Amended March 22, 2023
SUBJECT: Rezoning Request – Sands Property, North Cedar

REQUEST: Rezone the southern 14.43 acres of the Sands property from A-1 Agricultural District to R-2 Residence District
PETITIONER: Jim Sands Construction LLC
LOCATION: located north of Black Hawk Park Addition and west of Cypress Avenue

PROPOSAL

The applicant requests to rezone 14.43 acres of land that is located north of Black Hawk Park Addition from A-1 Agricultural District to R-2 Residence District. The rezoning will allow the development of residential lots of similar size to the surrounding residential lots. The property owner proposes to rezone the portion of the land that is known to be able to be serviced for sewer at this time. This will allow the development of part of the subdivision while the applicant works to make sure that the northern 2/3s of the property is able to be supported by sewer.

BACKGROUND

The parcel has been within the A-1 Agricultural District since the parcel was annexed into the City in 1971 and is being used for agricultural uses. The land to the south and west of the property is zoned



R-2 and developed as residential lots and the land to the north and east are within the A-1 Agricultural District and being used for Agricultural uses.

The current owner recently purchased this property with the intent of developing residential lots. 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 to have a firm understanding of the future use of this property.

On March 2, 2023, the applicant asked for an additional 10 feet of land to the north to be included in the rezoning. This changed the original proposal from 14.18 acres to 14.43 acres. Revised zoning map is included in the packet.

### ANALYSIS

The applicant requests the properties to be rezoned to the R-2 District. Rezoning considerations involve the evaluation of three main criteria:

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

*The rezoning request is consistent with the Comprehensive Plan or Future Designations.*

The purpose of A-1 Agricultural District is to act as a "holding zone" in areas of the city that are undeveloped and not served by essential municipal services (i.e., sanitary sewer, water, roadways) but where future growth and development is anticipated according to the Comprehensive Plan. The purpose of R-2 Residential Zoning District is to provide opportunities for low density, detached and attached residential development in areas that are served by essential municipal services.

The current land use map is designated as low density residential (yellow) and Parks and Rec (green).

The property owner has indicated to the City that he is agreeable to adding a neighborhood park within the development. A neighborhood park is typically 1-3 acres depending of the size of the neighborhood the park is serving. Park land or private neighborhood open space will be evaluated with the preliminary plat.



In conclusion, staff finds that the proposal is consistent with Future Land Use Map of the Comprehensive Plan.

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

Yes, all utilities are readily available to the site. Sanitary sewer is available to the portion of the property that is being requested for rezoning to R-2. The northern 2/3 of the property would have to be served from the north and is currently not readily available. Staff anticipates that if the rezoning is approved, the applicant will move forward with a preliminary plat that would maintain the northern portion as an outlot for future development. Once a plan for extension of sewer to this portion is determined, a rezoning and further platting of the outlot would be required. Therefore, the property owner requests to rezone the southern 14.43 acres of the parcel that will be considered the first phase of the development. This portion of the property can be serviced with sanitary sewer from the connections available at the dead ends of Hiawatha Road and Pocahontas Road.

3) *Does the property have adequate roadway access?*

The property owner has not demonstrated that the entire property has adequate roadway access; therefore, the property owner has chosen to rezone a portion of the property. The 14.43 acres has adequate roadway access from Hiawatha Road and Pocahontas Road which connects to Lone Tree Road. Similar to extension of the sanitary sewer, future rezoning and platting of the northern 2/3 of the property could occur in the future when an adequate roadway network has been determined.

NOTICES

A notice was mailed to property owners within 300 feet of the part of the lot that is under consideration on February 14, 2023, regarding this rezoning request. Due to the weather cancelation, a second notice was mailed on February 28, 2023.

Notice of the Planning and Zoning Commission Public Hearing was published in the Waterloo-Cedar Falls Courier on March 14, 2023.

STAFF RECOMMENDATION

Staff recommends approval of RZ22-004, a request to rezone approximately 14.43 acre portion of the Jim Sands Construction LLC property from A-1 Agricultural District to R-2 Residence District.

PLANNING & ZONING COMMISSION

3/8/23  
Introduction      The next item for consideration by the Commission was a rezoning from A-1 to R-2 for 14.43 acres of land west of Cypress Avenue and north of Tomahawk Lane. Chair Lynch introduced the item and Ms. Pezley provided background information. She explained the rezoning would allow the development of residential lots of similar size to the surrounding lots. The property owner proposes to rezone the portion of the land that is known to be serviced for sewer at this time. She explained the criteria staff looks at when considering rezonings and noted that the R-2 zoning is appropriate according to the Comprehensive and Future Land Use Plans. She discussed the current access to public services and adequate street network. Staff recommends gathering comments from the Planning and Zoning Commission and the public, and to set a public hearing for the next Planning and Zoning Commission meeting on March 22, 2023.

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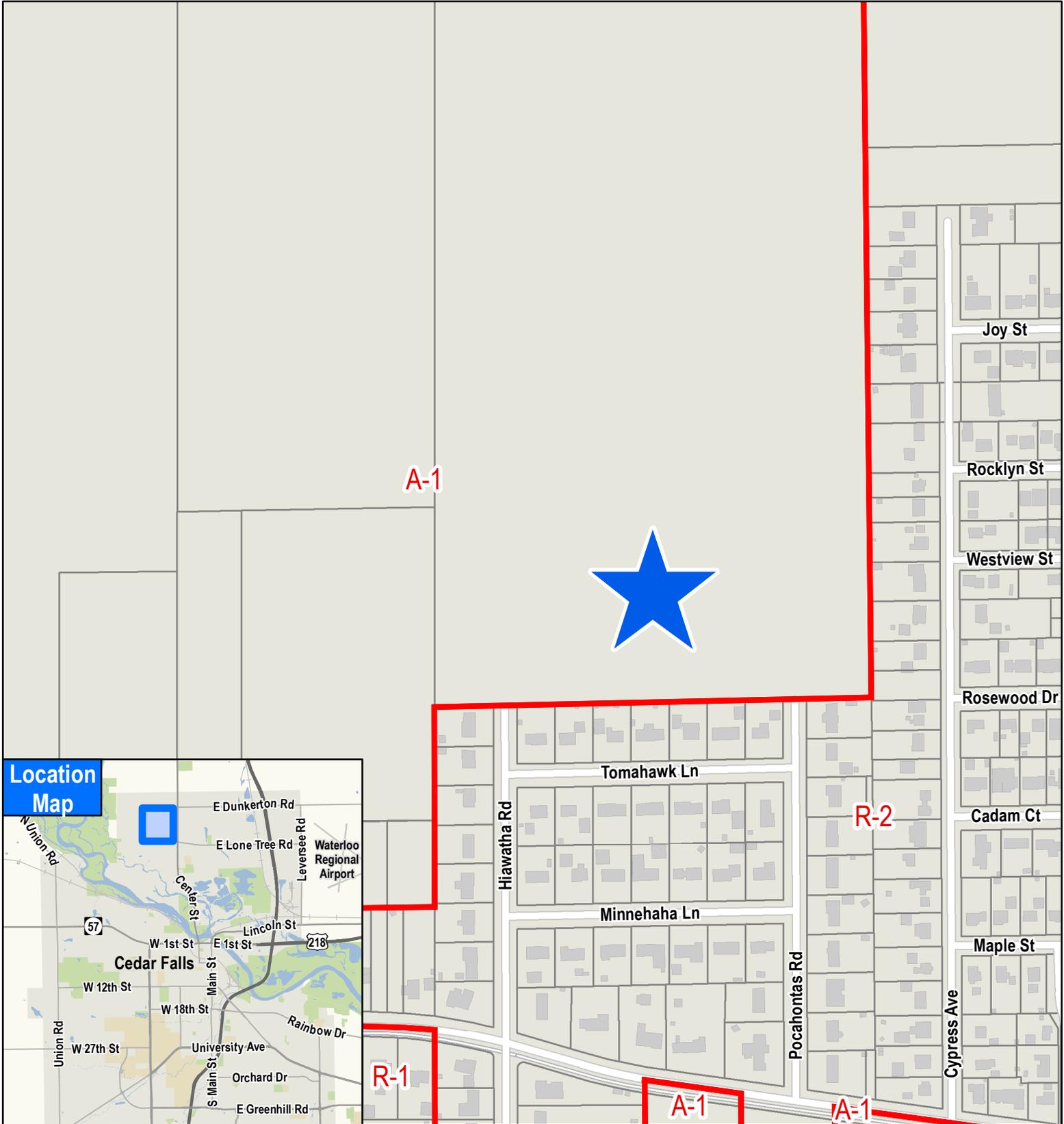
Mr. Larson made a motion to set a public hearing for the next meeting. Ms. Crisman seconded the motion. The motion was approved unanimously with 6 ayes (Crisman, Grybovych, Hartley, Larson, Leeper and Lynch), and 0 nays.

Public  
Hearing  
3/22/23

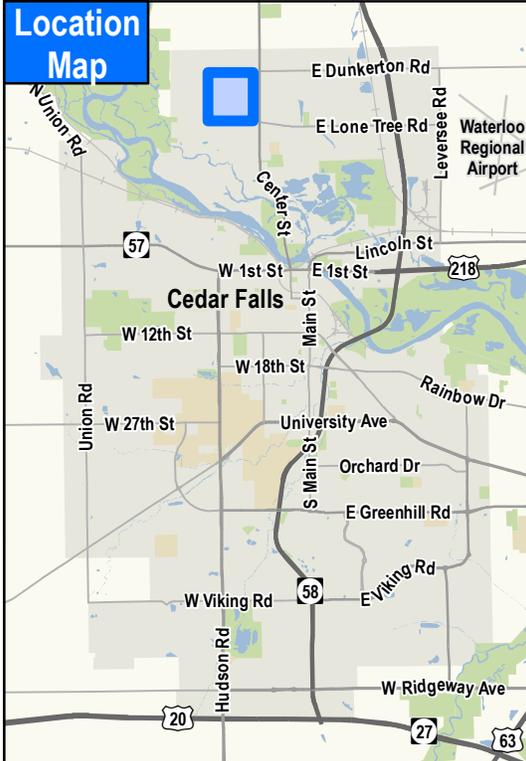
# Cedar Falls Planning and Zoning Commission

## March 8, 2023

Item 2.



### Location Map



**Rezoning from A-1 to R-1  
N of Black Hawk Park Add.  
(RZ22-004)**

# Rezoning Plat

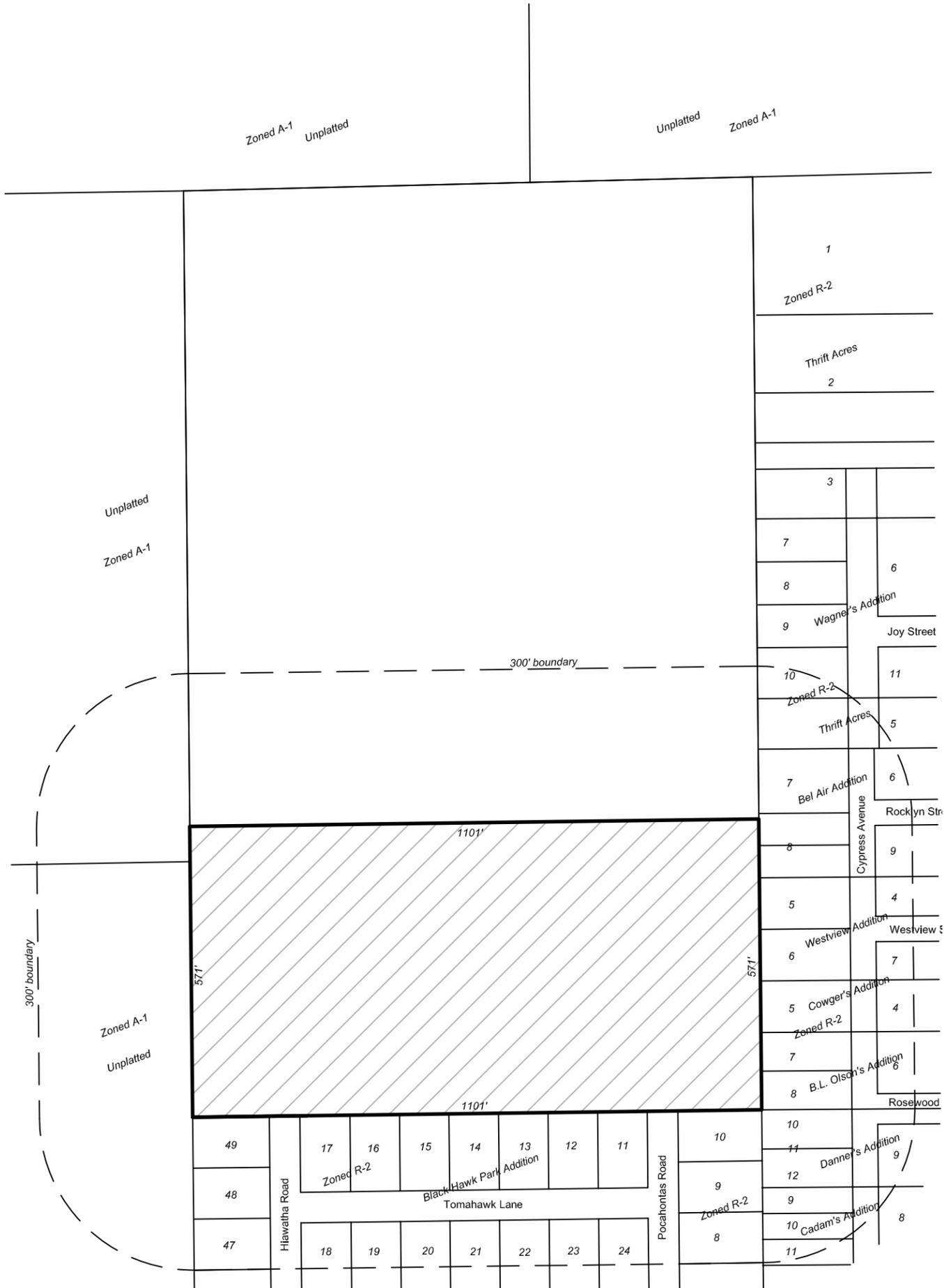
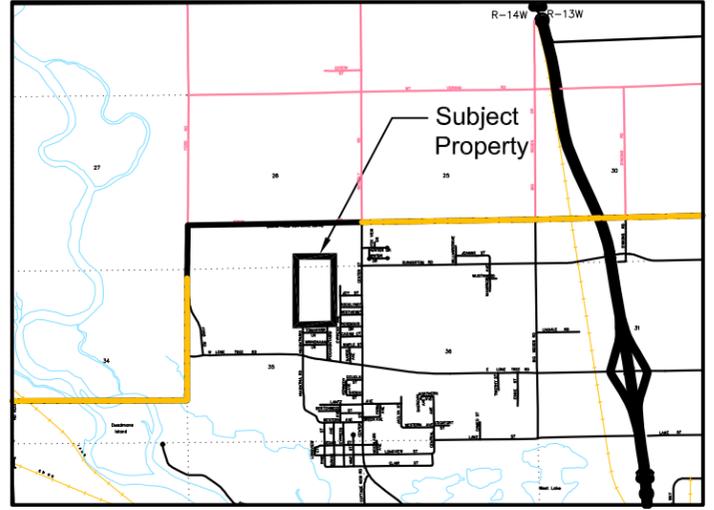
Part of the NE 1/4, Section 35-T90N-R14W  
 Black Hawk County  
 Cedar Falls, Iowa

**Legal Description:**

The South 571 feet of the North 1,830 feet of the West 66 and 2/3 acres of the East Three-Quarters of the Northeast Quarter of Section 35, Township 90 North, Range 14 West of the 5th P.M., Black Hawk County, Iowa. Subject to easements, restrictions, covenants, ordinances, and limited access provisions of record.

**Notes:**

Current Zoning: A - Agriculture  
 Requested Zoning: R-2 - Residential  
 Proprietor: Jim Sands Construction, LLC  
 Rezoning Requested by: Jim Sands



228111

Rezoning Plat  
 Pt of the NE1/4 Sec 35-90-14



VJ Engineering  
 1501 Technology Parkway  
 Cedar Falls, Iowa - 319-266-5829

scale	1"=250'	3-2-23
drawn by	SJL	
date	1-18-23	
revisions		date

## Michelle Pezley

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**From:** Michelle Pezley  
**Sent:** Tuesday, March 7, 2023 11:17 AM  
**To:** 'Gary Ihnen'  
**Subject:** RE: Rezoning Request by Jim Sands LLC

Hi Lorraine,

The City received your comments regarding the rezoning request by Jim Sands Construction LLC. Your email will be given to the Planning and Zoning Commission for the meeting tomorrow.

Sincerely,

Michelle

*Michelle Pezley, AICP*  
 Planner III  
 City of Cedar Falls

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**From:** Gary Ihnen <gihnen@cfu.net>  
**Sent:** Tuesday, March 7, 2023 8:11 AM  
**To:** Michelle Pezley <Michelle.Pezley@cedarfalls.com>  
**Subject:** Rezoning Request by Jim Sands LLC

**CAUTION:** This email originated outside the City of Cedar Falls email system.  
 Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Members of the Cedar Falls Planning and Zoning Committee:

As a long time resident of Cedar Falls and the North Cedar neighborhood I would like to express my concerns regarding Mr. Sands request to rezone land adjacent to my home. To be honest I would have preferred that this parcel of ground was off the radar of any developer and the city planners as a whole. But no such luck. I hope as members of this Committee and residents of Cedar Falls you take the time to note my concerns.

First is the issue of run-off from this area. As you know it can be a problem during the spring or times of heavy rain. Now add several hundred buildings and accompanying streets and that issue becomes even more problematic. Collection ponds can only do so much and many of them just become weed filled holes. How is this problem going to be addressed PRIOR to Mr. Sands developing the area?

Second is traffic access to this area. On average most families have at least 2 cars. If 50 additional homes are added to our neighborhood that is an additional 100 cars traveling on Pocahontas and Hiawatha Roads. Multiply that by 2 times a day, add in delivery, mail and other traffic. Can these two streets handle that kind of wear and tear? How will that impact those living on these streets? Will the city be requiring Mr. Sands to provide east/west access from Center Street?

Third is environmental impact. Including light pollution, loss of habitat for wildlife and noise. One of the best things about our neighborhood is it gets dark at night. We see many new birds migrating through or settling into our area. Deer and other wild life make this area their home. It is a quiet neighborhood. How will additional homes affect this?

Please take the time to investigate and consider these concerns prior to rezoning this land. Thank you for your time as well.

Respectfully,  
Lorraine Ihnen  
1301 Tomahawk Lane  
Cedar Falls



## 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:** March 22, 2023  
**SUBJECT:** Rezoning Request, formerly 4919 Hudson Road (RZ20-007)

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**REQUEST:** Rezone property from A-1 Agriculture District to R-1: Residence District.  
**PETITIONER:** David Nicol; **OWNER(S):** David and Tamara Nicol, The City of Cedar Falls  
**LOCATION:** Formerly 4919 Hudson Road

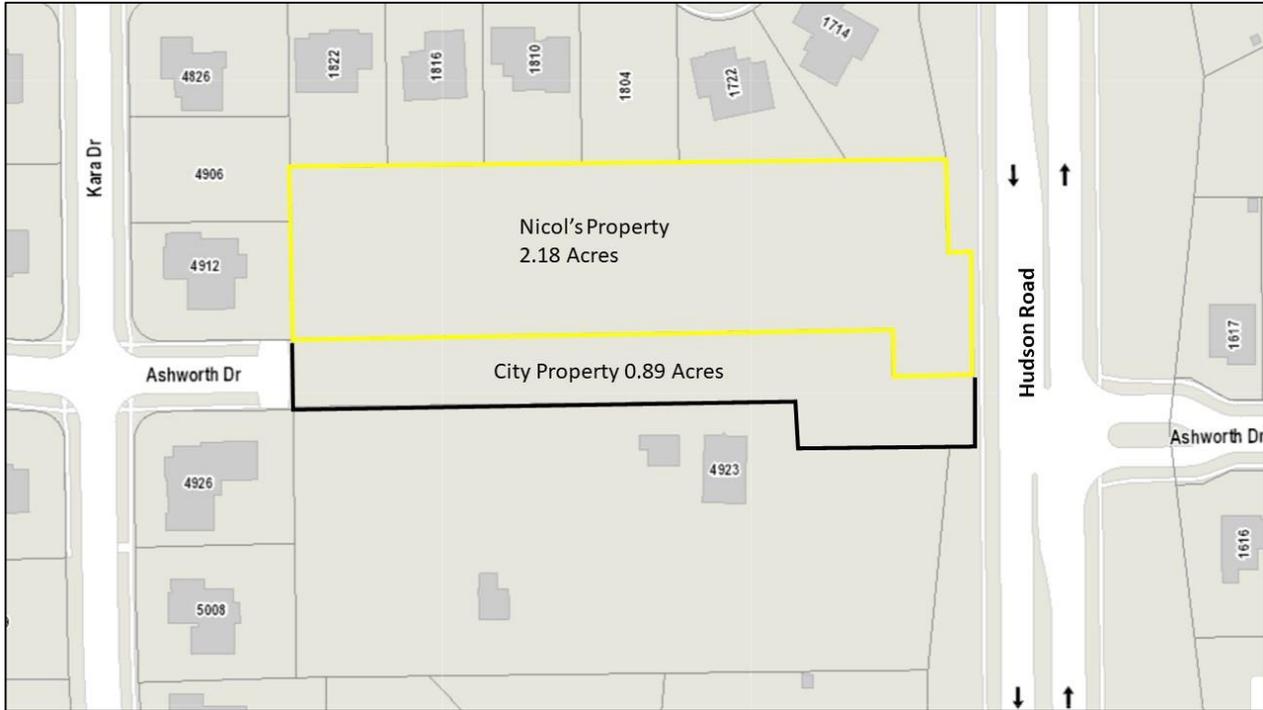
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#### PROPOSAL

The proposal is to rezone a 2.18-acre (94,960.8 SF) parcel owned by David Nichol and a 0.89-acre (38,596 SF) parcel owned by the City located at on the west side of Hudson Road across from the intersection of Hudson Road and Ashworth Drive from A-1 Agriculture District to R-1 Residence District.

#### BACKGROUND

The properties were part of a 3.07-acre farmstead that contained a house built in 1918. In April 2022, the City purchased the south 0.89-acre portion of the Nicol's property containing the house to connect Ashworth Drive in Prairie Winds 4<sup>th</sup> Addition eastward to Hudson Road. Ashworth Drive is a critical street connection in this area of the city, providing an east-west street connection from Greenhill Road through Greenhill Village to Hudson Road and from Hudson Road through the Prairie Winds Subdivision to Arbors Drive next to Aldrich Elementary School and will extend further to west as the city expands in the future. Mr. Nicol would like to rezone the property from A-1 Agriculture to the R-1 Residence District to allow the subdivision of the property into residential lots similar in size to those on the north and west sides of the parcel. Since the new street (City property) is intended for the extension of Ashworth Drive, a residential street, the right-of-way for this future street should also be rezoned to R-1 (see location on next page). The properties adjacent to the north and west side of this parcel are zoned R-1 and the parcel to the south is zoned A-1 and contains a former barn converted to a residential structure.



## ANALYSIS

### CURRENT ZONING

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. These properties along with the property to the south are surrounded by residential uses and therefore, the current agriculture zoning is not consistent with the surrounding area.

The request is to change the zoning on two parcels totaling 3.05 acres of land located along the west side of Hudson Road across from the intersection of Ashworth Drive. The property is currently not developed, but it had been the location of a residential structure which was located on the portion of the property purchased by the City for the extension of Ashworth Drive.

### PROPOSED ZONING

The R-1 Residence District Zone will allow for one and two-unit dwellings, public and parochial schools, private noncommercial recreation areas by right and houses of worship with a Planning and Zoning recommendation to City Council. The site is surrounded by residential uses and therefore the zoning change will be compatible with the surrounding area and will allow for a higher and better use of the property in an area where there are existing support services available.

### COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Future Land Use Map identifies these two parcels as low density residential with typical densities of 1 to 4 units per acre. The requested R-1 zoning is consistent with the Comprehensive Plan and the request would not require an amendment to the Future Land Use Map.

ACCESS TO PUBLIC SERVICES

The property is in a developed area of the city and has access for connection to all utilities and public services.

ACCESS TO ADEQUATE STREET NETWORK

The property fronts on Hudson Road on the east and has a stub connection on the west to Ashworth Drive. The City purchased a portion of the parcel along the south side of the property with the intent of constructing Ashworth Drive between Hudson Road to the east and Kara Drive to the west. Upon completion of the connection the property will have adequate access to the street network.

PUBLIC NOTICE

City staff mailed letters to the surrounding property owners notifying them of the rezoning request.

TECHNICAL COMMENTS

The City technical staff, including Cedar Falls Utilities, has no concerns with the proposed rezoning request.

STAFF RECOMMENDATION

The Community Development Department recommends approval of RZ22-001, a request to rezone two parcels totaling 3.05 acres (132,858 SF) property located at 4919 Hudson Road from A-1 Agriculture District to R-1 Residence District.

PLANNING & ZONING COMMISSION

Introduction 3/8/2023 Chair Lynch introduced the item and Mr. Weintraut provided background information. The proposal is to rezone the property to allow for residential development. He explained that staff recommends gathering comments from the Planning and Zoning Commission and the public and set a public hearing for the next Planning and Zoning Commission meeting on March 22, 2023.

Adam Daters, CGA Engineers introduced himself as the representative for the petitioner and made himself available for questions.

Mr. Leeper made a motion to set a public hearing for the next meeting. Ms. Crisman seconded the motion. The motion was approved unanimously with 6 ayes (Crisman, Grybovych, Hartley, Larson, Leeper and Lynch), and 0 nays.

- Attachments: Location Map  
Rezoning request letter  
Nicol Legal Description  
Nicol Rezoning Exhibit Plat  
City Legal Description  
City Rezoning Exhibit

## DEPARTMENT OF COMMUNITY DEVELOPMENT



City of Cedar Falls  
 220 Clay Street  
 Cedar Falls, Iowa 50613  
 Phone: 319-273-8606  
 Fax: 319-273-8610  
 www.cedarfalls.com

### MEMORANDUM Planning & Community Services Division

**TO:** Planning & Zoning Commission  
**FROM:** Karen Howard, AICP, Planning & Community Services Manager  
**DATE:** March 22, 2023  
**SUBJECT:** Zoning Code Text Amendment – Signs for Civic/Institutional Uses in  
 Downtown Character District (TA23-001)

#### Background

The City received an inquiry from St. Patrick Catholic Church about replacing an existing monument sign that has an electronic message center (EMC) at their school located in the Downtown Character District. St. Patrick Church and School are located in the Urban General and Urban General 2 frontage areas within the Downtown Character District. Properties designated as Urban General and Storefront frontages are subject to the sign standards in Section 26-194.L, Signage [in the Downtown Character District]. New free-standing signs are not allowed in the Urban General and Storefront and EMCs are restricted to marquee signs, as defined in the code.

The intent of the Urban General and Storefront frontages is to encourage buildings to be built close to the street so that street frontages are lined with buildings to support a pedestrian-friendly, main-street mixed-use district. A transition to pedestrian-scaled storefront signage is anticipated as infill occurs. To that end, there is an incentive in the code to encourage replacement of existing freestanding signs with other allowed types of building signage, such as wall signs and projecting signs. That being said, there are a number of civic and institutional uses in the Urban General frontage areas, including St. Patrick Church and School, the First Methodist Church, the First Presbyterian Church, and Lincoln Elementary School. Similar to other churches and schools, these properties have larger open spaces on their properties for playgrounds, gathering spaces, and parking lots and often have monument signs with an EMC. While civic and institutional buildings are exempt from certain standards in the new Character District Code, there is no specific exemption or alternative signage allowance for civic uses in these areas.

## Analysis

The intent of the Downtown Character District Code is to facilitate development that is consistent with the adopted Downtown Vision Plan. One of the major objectives of the Vision Plan is to encourage future development that helps preserve the character of the Downtown area. Churches and schools and other institutional uses are important to the character and livability of the downtown neighborhoods. Since they operate differently than commercial or residential uses, it makes sense to have different rules that apply, provided any changes are also sensitive to and complementary to other uses intended for the area.

All the institutions mentioned above are located between the Downtown core and the Neighborhood Frontage Districts. Properties located in the Neighborhood Frontages are allowed signage according to the sign standards in the R-1 Zoning District, since these areas are intended to maintain the residential character of the existing neighborhoods that surround downtown. In the R-1 Zoning District, permitted uses other than single family homes and duplexes, such as schools and churches, are allowed monument signs not to exceed 30 square feet in area and 5 feet in height. EMCs are also allowed. Given that many institutional uses will continue to have open space on their properties where monument signs could be located and many of the institutional uses both in this area and in surrounding neighborhoods have electronic messaging centers, staff finds that it would be reasonable to amend the code to allow them, in a similar manner as allowed in the Neighborhood Frontage Districts.

## Discussion of Solutions

In order to allow new monument signs and EMCs for civic and institutional uses in the Urban General and Storefront frontages in the Downtown Character District, the zoning code must be amended. Staff recommends that the following change be considered:

- *Amend paragraph 26-194L.3 by adding a new subparagraph f., as follows:*
  - f. Signs for Civic and Institutional Uses, as defined in this Chapter, are regulated according to the sign standards for the R-1 zoning district, including allowance of EMCs.

**RECOMMENDATION:** Staff recommends approval of the proposed code amendment.

## PLANNING & ZONING COMMISSION MINUTES

### **Discussion 2/8/2023**

The next item for consideration by the Commission was a zoning text amendment to modify 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 St. Patrick's School has asked to replace the existing monument sign. She stated that new freestanding signs are not allowed in the Urban General and Storefront frontages. 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. Staff wants to discuss a solution that would allow signage for institutional uses in all frontage districts of the Downtown Character District according to the standards in the R-1 District, also making it clear that EMCs are allowed. 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. Staff recommends gathering comments from the Planning and Zoning Commission and the public and set a public hearing for the next Planning and Zoning Commission meeting on March 22, 2023.

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



## 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 and Zoning Commission  
**FROM:** Chris Sevy, Planner I  
 Ben Claypool, PhD, PE, Principal Engineer  
**DATE:** March 22, 2023  
**SUBJECT:** Gateway Business Park Lot 2 Minor Subdivision Plat

---

**REQUEST:** Request to approve the Gateway Business Park Lot 2 Minor Subdivision Plat (Case # MP23-001)

**PETITIONER:** Martin Rouse (Owner); Jon Biederman, Fehr Graham (Engineer)

**LOCATION:** 1526 and 1625 W Ridgeway Avenue

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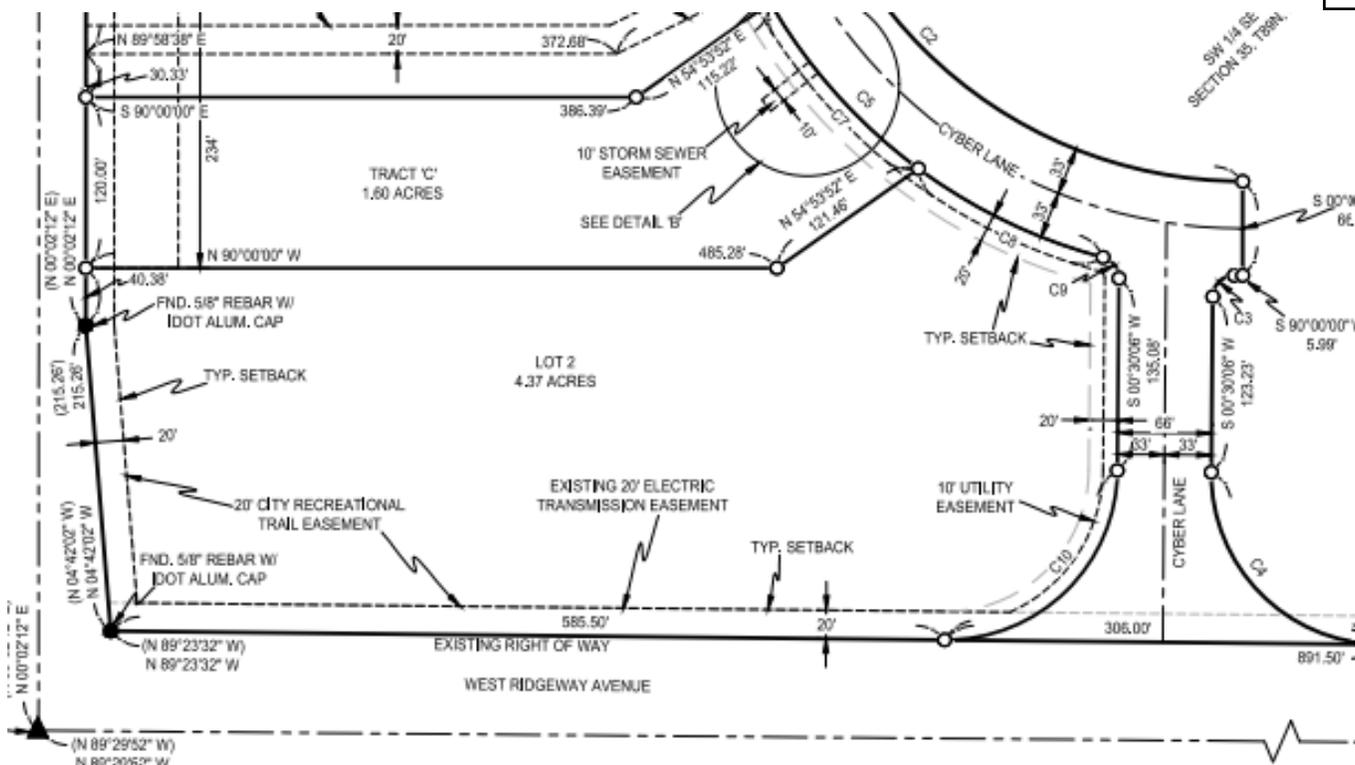
#### PROPOSAL

The current property owner of the Panther Travel Center and the Dairy Queen (1525 and 1625 W Ridgeway Avenue, respectively) proposes to divide the property into two commercial lots which have already been developed. This will enable the owner to sell one or both lots (and the businesses established thereon) separately. This subdivision includes the carry-over and establishment of easements for the accommodation of access, utilities, and signage. A minor plat is required to split the original single lot into two lots. The subject parcel is within the HWY-1 Highway Commercial Zoning District.

#### BACKGROUND

The subject parcel (Lot 2) is part of the Gateway Business Park subdivision which was created in 2018. Development on the site currently includes a Dairy Queen at 1625 W Ridgeway and the Panther Travel Center at 1525 W Ridgeway which includes a fuel station, restaurant, auto repair shop, and convenient store. Both completed construction in 2020.

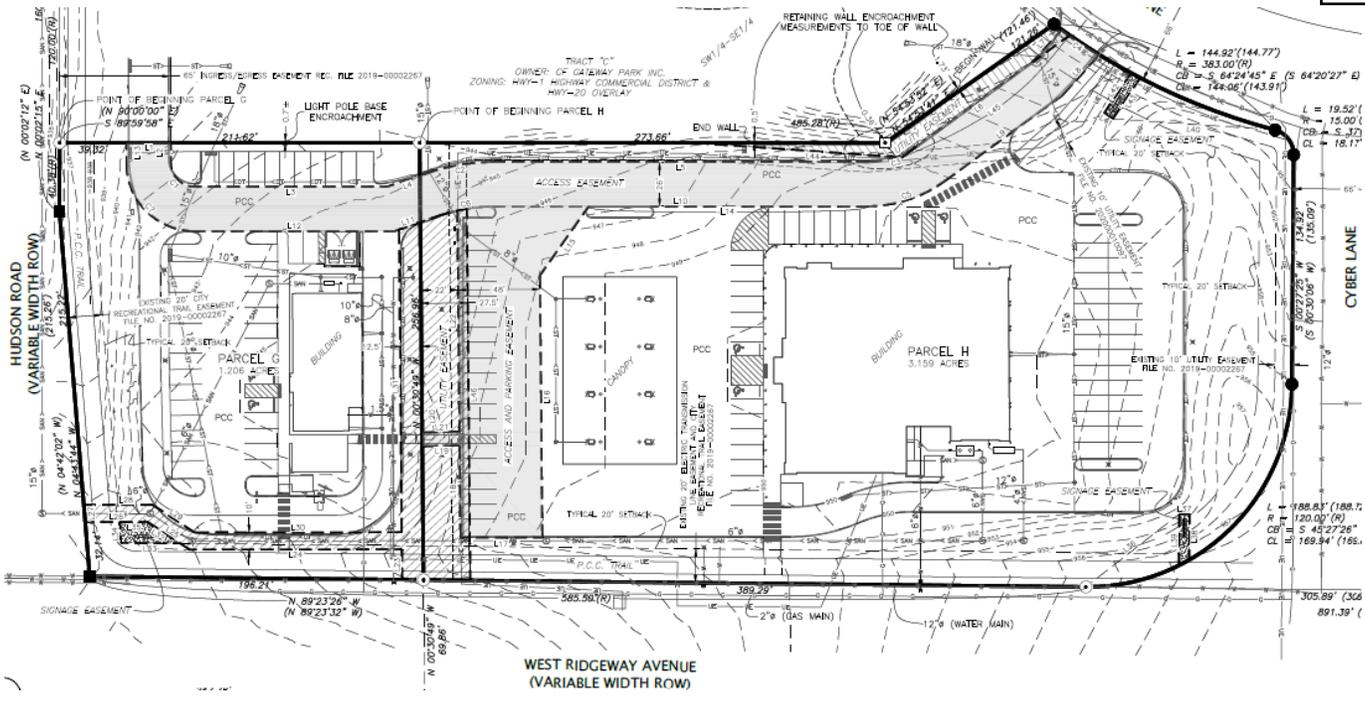
Below is an image of the current lot as shown on the final plat.



**ANALYSIS**

1525 and 1625 W Ridgeway Avenue is located in the HWY-1 Highway Commercial Zoning District. Currently the lot measures approx. 4.37 acres. With the proposal of a minor plat, this lot will be divided into Parcel G (1.2 acres approx.) and Parcel H (3.16 acres approx.). The existing buildings and site improvements will remain. Lot 2 currently has access from two points; one from Hudson Road through Gateway Business Park Lot 1 (Holiday Inn & Suites) and the other from Cyber Lane which connects to Ridgeway Avenue. There will be a shared access agreement for both access points. As such, the minor plat shows a shared access easement to allow ingress/egress to the newly created parcels.

The minor plat, shown below, graphically depicts the lot split and building locations. The HWY-1 Highway Commercial Zoning District requires a minimum 20-foot landscaped setback around the perimeter of the district. This minor plat subdivision will not affect compliance with that requirement or any other stipulations of the approved site plan. There are also no conflicts along the newly-shared lot line as side setbacks are not defined in the HWY-1 District but a landscaped setback of 12.5 feet on the west side of the new lot line and 22 feet on the east side of the new lot line is provided. This landscaped area was previously established in site plan review and construction, but would now be protected by a proposed utility easement on the minor plat. All applicable easements and platted setbacks from the previous plat are being carried over which includes a public trail easement along the Hudson and Ridgeway frontages.



The two newly created parcels G and H both meet zoning ordinance requirements.

**TECHNICAL COMMENTS**

Cedar Falls Utilities (CFU) has reviewed the Minor Plat for 1625-1525 W Ridgeway Ave. Water, electric, gas, and communication utility services are available in accordance with the service policies of CFU

The property is located outside the floodplain overlay district.

To allow one to clearly look at the site context, access points to the plat, and to ensure that any created parcels meet zoning setback requirements, our minor plat process requires the site context elements to be shown (buildings, pavement, contours, etc.). For the sake of legibility, the applicant provided an extra sheet to the proposed Gateway Business Park Lot 2 Minor Subdivision Plat with only the final plat elements shown. The recorded document will contain both sheets to provide context and the clear legal details of the plat.

A courtesy mailing was sent to the neighboring property owners on March 15, 2023

**STAFF RECOMMENDATION**

The introduction of this Minor plat is for discussion and public comment purposes. The Community Development Department has reviewed the proposed Minor case #MP21-001, and recommends approval with the following stipulations:

- 1. Any comments or direction specified by the Planning and Zoning Commission.
- 2. Conformance with all city staff recommendations and technical requirements.

If the Planning and Zoning Commission finds that there are no issues meriting further discussion, staff recommends making a recommendation to the Council.

PLANNING & ZONING COMMISSION

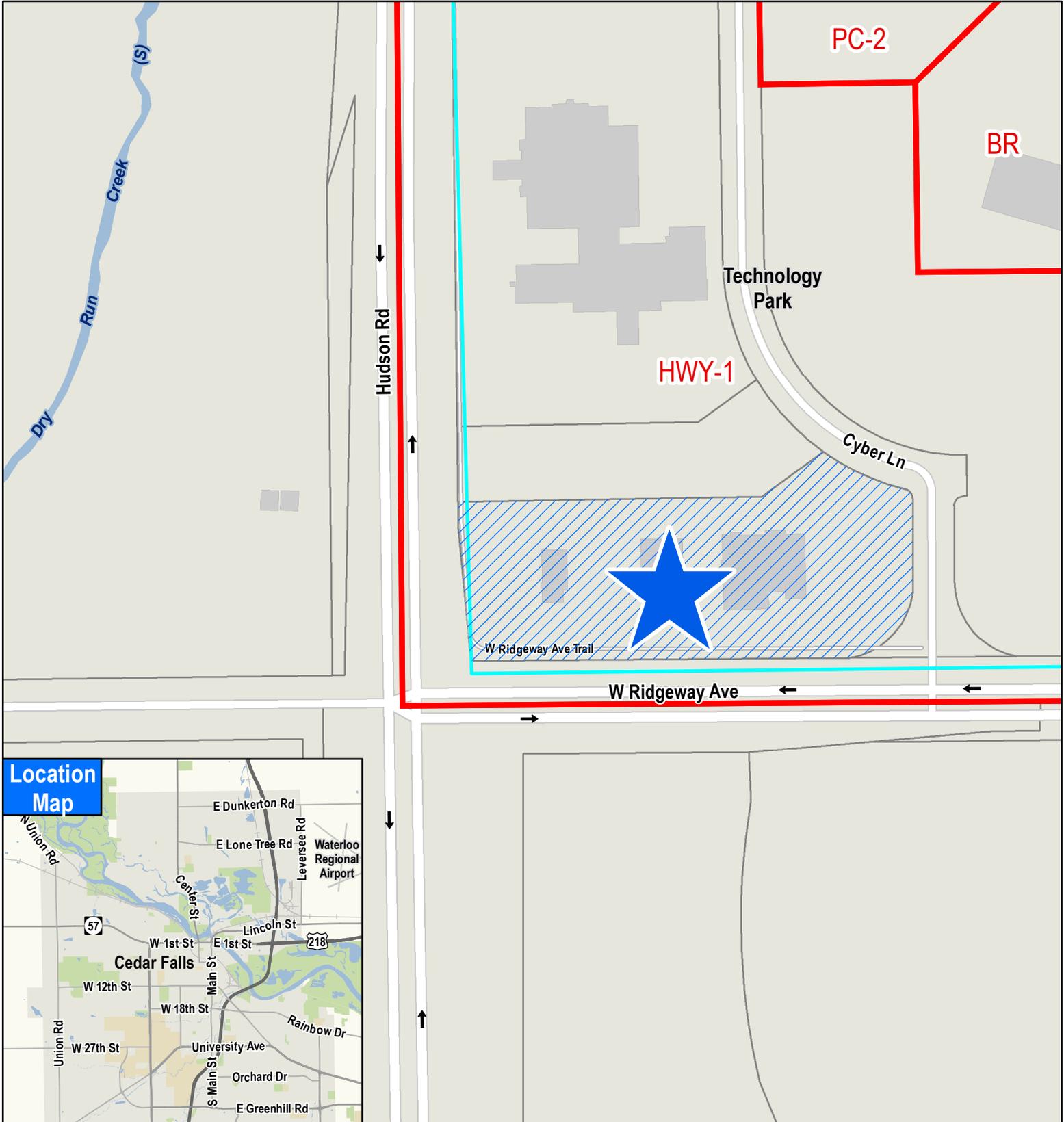
Discussion  
3/22/2023

Attachments: Location Map  
Proposed Plat

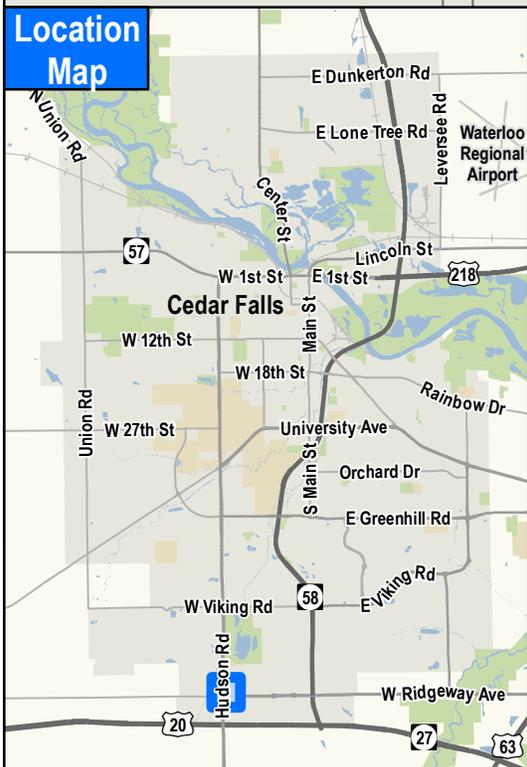
# Cedar Falls Planning and Zoning Commission

## March 22, 2023

Item 5.



### Location Map



**Gateway Business Park Lot 2**  
**Minor Subdivision Plat**  
**1525 & 1625 W. Ridgeway Ave**

RECORDER'S INDEX
COUNTY: BLACK HAWK
SECTION: 35-T89N-R14W
QUARTER SECTION: SW1/4-SE1/4
CITY: CEDAR FALLS
SUBDIVISION: GATEWAY BUSINESS PARK AT CEDAR FALLS 1
BLOCK: N/A
LOT(S): MINOR SUBDIVISION OF LOT 2 (PARCELS "G" & "H")
PROPRIETOR: MT TANKS, LLC
REQUESTED BY: MARTIN L. ROUSE (MANAGING PARTNER)



FOR RECORDER'S USE ONLY

PREPARED BY/RETURN TO: FEHR GRAHAM, 128 S. VINE STREET, WEST UNION, IA 52175 - PH: 563.422.5131

## PLAT OF SURVEY

# GATEWAY BUSINESS PARK LOT 2 MINOR SUBDIVISION PLAT

### A REPLAT OF LOT 2 OF GATEWAY BUSINESS PARK AT CEDAR FALLS 1, IN THE CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA

NOTE: THIS IS A MINOR SUBDIVISION PLAT OF LOT 2 OF GATEWAY BUSINESS PARK AT CEDAR FALLS 1 IN THE CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA, AS SHOWN ON THE FINAL PLAT RECORDED IN FILE 2019-00002267. CURRENT OWNERSHIP OF SAID LOT 2 IS SHOWN IN A WARRANTY DEED RECORDED SEPTEMBER 17, 2019, AS FILE NUMBER 2020-00005033. BOTH DOCUMENTS ARE ON FILE IN THE BLACK HAWK COUNTY RECORDER'S OFFICE, WATERLOO, IOWA. FOR THIS MINOR SUBDIVISION PLAT, THE BLACK HAWK COUNTY AUDITOR HAS DESIGNATED THESE PARCELS AS "PARCEL G" AND "PARCEL H".

**SURVEY DESCRIPTIONS:**

PARCEL G

PARCEL G IN LOT 2 OF GATEWAY BUSINESS PARK AT CEDAR FALLS 1 IN THE CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2;  
 THENCE SOUTH 89°59'58" EAST, 211.62 FEET ALONG THE NORTHERLY LINE OF SAID LOT 2;  
 THENCE SOUTH 00°30'49" WEST, 256.96 FEET TO THE SOUTH LINE OF SAID LOT 2;  
 THENCE NORTH 89°23'26" WEST, 196.21 FEET ALONG THE SOUTH LINE OF SAID LOT 2 TO THE SOUTHWEST CORNER THEREOF;  
 THENCE NORTH 04°43'44" WEST, 215.22 FEET;  
 THENCE NORTH 00°02'15" EAST, 40.38 FEET, BOTH ALONG THE WESTERLY LINE OF SAID LOT 2 TO THE POINT OF BEGINNING;  
 CONTAINING 1.206 ACRES, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

PARCEL H

PARCEL H IN LOT 2 OF GATEWAY BUSINESS PARK AT CEDAR FALLS 1 IN THE CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2;  
 THENCE SOUTH 89°59'58" EAST, 211.62 FEET ALONG THE NORTHERLY LINE OF SAID LOT 2 TO THE POINT OF BEGINNING;  
 THENCE CONTINUING SOUTH 89°59'58" EAST, 273.66 FEET;  
 THENCE NORTH 54°53'41" EAST, 121.26 FEET, BOTH ALONG SAID NORTHERLY LINE OF LOT 2 TO THE NORTHEASTERLY CORNER THEREOF AND WESTERLY RIGHT-OF-WAY LINE OF CYBER LANE;  
 THENCE SOUTHEASTERLY 144.92 FEET ALONG A 383.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE NORTHEASTERLY, (SAID CURVE HAVING A LONG CHORD OF SOUTH 64°24'45" EAST, 144.06 FEET) TO A POINT OF CONCAVE CURVE;  
 THENCE SOUTHEASTERLY 19.52 FEET ALONG A 15.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, (SAID CURVE HAVING A LONG CHORD OF SOUTH 37°07'56" EAST, 18.17 FEET);  
 THENCE SOUTH 00°27'25" WEST, 134.92 FEET;  
 THENCE SOUTHWESTERLY 188.83 FEET ALONG A 120.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, (SAID CURVE HAVING A LONG CHORD OF SOUTH 45°27'26" WEST, 169.94 FEET) ALL ALONG THE EASTERLY LINE OF SAID LOT 2 AND THE WESTERLY RIGHT-OF-WAY LINE OF SAID CYBER LANE TO THE SOUTHERLY LINE OF SAID LOT 2 AND THE NORTHERLY RIGHT-OF-WAY LINE OF WEST RIDGEWAY AVENUE;  
 THENCE NORTH 89°23'26" WEST, 389.29 FEET ALONG SAID SOUTH LINE AND SAID NORTHERLY RIGHT-OF-WAY LINE;  
 THENCE NORTH 00°30'49" WEST, 256.96 FEET TO THE POINT OF BEGINNING;  
 CONTAINING 3.159 ACRES, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

BASIS OF BEARING IS NAD83, IOWA REGIONAL COORDINATE SYSTEM ZONE 5 (WATERLOO), U.S. SURVEY FOOT, GEOID 2018.

**LEGEND**

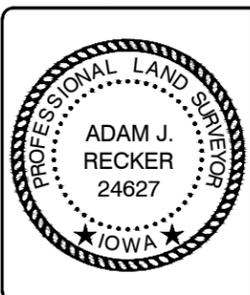
- SECTION CORNER AS DESCRIBED
- FOUND 5/8"Ø REBAR W/OPC #17565
- FOUND 5/8"Ø REBAR W/ALUMINUM CAP (IDOT)
- SET 1/2"Ø REBAR W/RPC #24627
- CALCULATED POSITION
- SET CUT "X" ON TOP OF CURB
- SURVEY BOUNDARY
- (R) PREVIOUSLY RECORDED AS
- OPC ORANGE PLASTIC CAP
- RPC RED PLASTIC CAP
- S SANITARY MANHOLE
- SS SANITARY SEWER
- G GAS MAIN
- ST STORM SEWER
- DT DRAIN TILE
- W WATER PIPE
- UE UNDERGROUND ELECTRIC
- FH FIRE HYDRANT
- X WATER VALVE WITH BOX
- CS CURB STOP W/CURB BOX
- SM STORM MANHOLE
- CB CATCH BASIN
- SI STORM SEWER INLET
- R RCCP OR RCP EQRS (RCAP) END SECTION
- 600 CONTOUR LINE
- SIGN (PYLON)
- FP FLAGPOLE
- B BOLLARD
- LP LIGHT POLE (SINGLE FIXTURE)
- AE ACCESS EASEMENT
- UE UTILITY EASEMENT

Curve Table				
NUMBER	ARC LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
C1	21.99'	14.00'	S 45°01'00" E	19.80'
C2	41.83'	126.00'	N 80°28'20" E	41.64'
C3	32.76'	52.00'	N 71°55'59" E	32.22'
C4	26.29'	383.00'	S 56°23'15" E	26.28'
C5	49.15'	78.00'	S 71°55'59" W	48.34'
C6	33.20'	100.00'	S 80°28'20" W	33.05'
C7	62.83'	40.00'	N 45°01'00" W	56.57'

REVISIONS		
REV.	DESCRIPTION	DATE
#1	TECH REVIEW UPDATES FROM 2/15/23	3/9/23
#2	ADDED 20' SETBACK LINES	3/16/23

Line Table		
NUMBER	BEARING	DISTANCE
L1	N 89°51'57" E	26.00'
L2	S 00°01'00" E	12.01'
L3	N 89°59'00" E	113.25'
L4	N 70°57'39" E	23.38'
L5	N 89°59'00" E	218.82'
L6	N 53°52'57" E	82.54'
L7	N 42°02'12" E	25.69'
L8	S 42°02'12" W	32.24'
L9	S 53°52'57" W	85.24'
L10	S 89°59'00" W	218.82'
L11	S 70°57'39" W	27.73'
L12	S 89°59'00" W	117.60'
L13	N 00°01'00" W	11.96'
L14	S 89°59'00" W	163.64'
L15	S 35°11'21" W	49.63'
L16	S 00°30'49" E	154.03'
L17	S 89°59'00" W	48.00'
L18	N 00°30'49" W	54.15'
L19	S 88°32'00" W	22.00'
L20	N 00°30'49" W	8.00'
L21	N 88°32'00" E	22.00'
L22	N 00°30'49" W	130.10'
L23	N 00°30'49" W	17.83'

Line Table		
NUMBER	BEARING	DISTANCE
L24	S 89°59'00" W	124.90'
L25	N 56°39'03" W	29.49'
L26	S 89°59'00" W	36.66'
L27	N 04°43'44" W	10.03'
L28	N 89°59'00" E	40.48'
L29	S 56°39'03" E	29.49'
L30	N 89°59'00" E	121.82'
L31	N 00°30'49" W	178.00'
L32	S 56°39'03" E	22.94'
L33	N 89°23'26" W	34.74'
L34	N 04°43'44" W	12.14'
L35	N 89°31'25" E	16.58'
L36	N 51°58'49" E	69.78'
L37	S 89°39'38" E	6.00'
L38	S 00°20'22" W	27.05'
L39	S 00°20'22" W	30.31'
L40	N 86°04'14" W	95.67'
L41	N 56°03'51" W	6.00'
L42	N 33°56'09" E	28.36'
L43	N 33°56'09" E	28.99'
L44	N 85°58'52" W	123.12'
L45	N 53°52'57" E	121.85'
L46	N 00°30'49" W	218.52'



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.

DRAFT

Adam J. Recker, P.L.S. \_\_\_\_\_ Date \_\_\_\_\_  
 License Number: 24627  
 My license renewal date is December 31, 2023.  
 Sheets covered by this seal: SHEETS 1 THROUGH 3



ILLINOIS  
IOWA  
WISCONSIN

G:\C3D\23\23-077\23-077 Plat.dwg

FLD BK: WU-PJM-2 PG: 88

JOB NUMBER:  
23-077

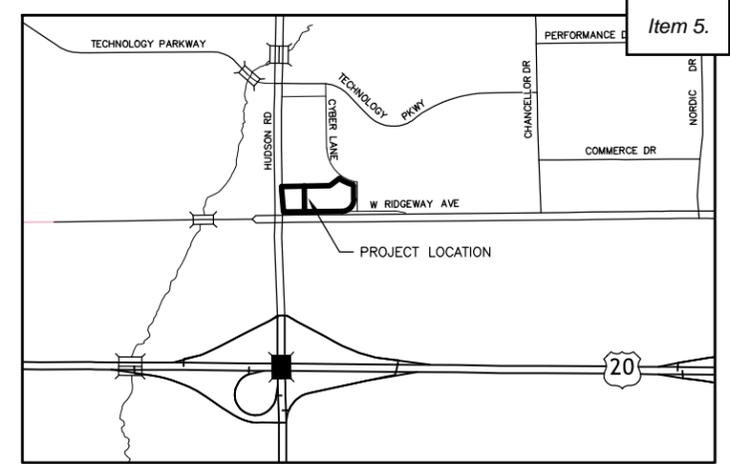
SURVEY WAS COMPLETED ON:  
JANUARY 27, 2023

SHEET NUMBER:  
1 of 3

# PLAT OF SURVEY

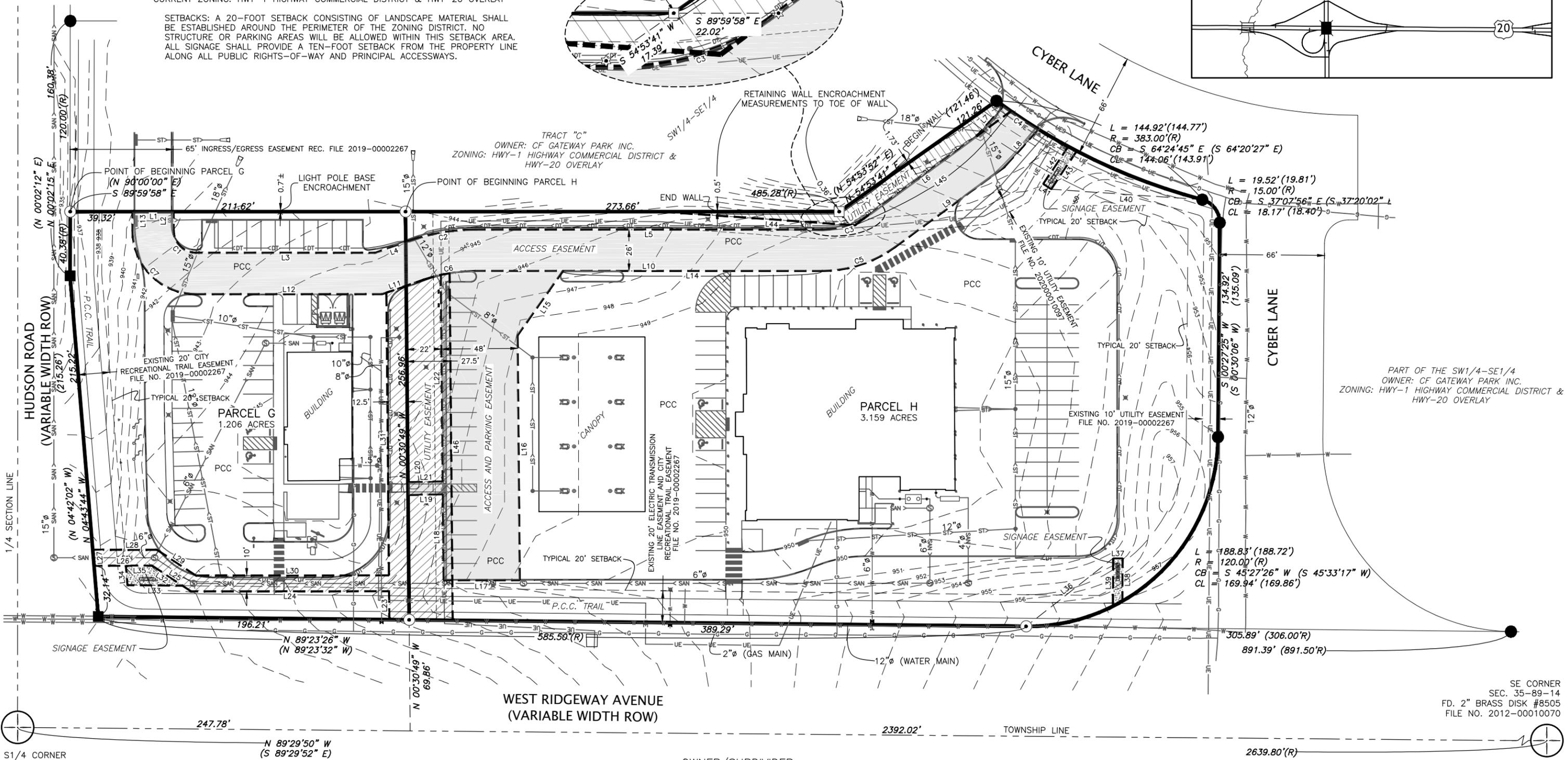
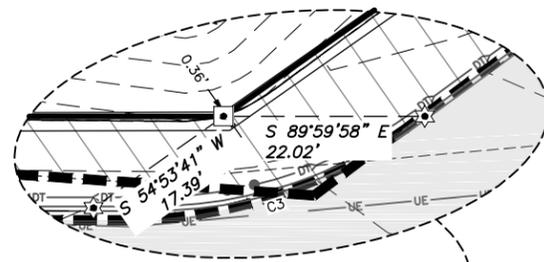
## GATEWAY BUSINESS PARK LOT 2 MINOR SUBDIVISION PLAT

### A REPLAT OF LOT 2 OF GATEWAY BUSINESS PARK AT CEDAR FALLS 1, IN THE CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA

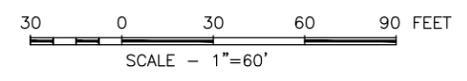


CURRENT ZONING: HWY-1 HIGHWAY COMMERCIAL DISTRICT & HWY-20 OVERLAY

SETBACKS: A 20-FOOT SETBACK CONSISTING OF LANDSCAPE MATERIAL SHALL BE ESTABLISHED AROUND THE PERIMETER OF THE ZONING DISTRICT. NO STRUCTURE OR PARKING AREAS WILL BE ALLOWED WITHIN THIS SETBACK AREA. ALL SIGNAGE SHALL PROVIDE A TEN-FOOT SETBACK FROM THE PROPERTY LINE ALONG ALL PUBLIC RIGHTS-OF-WAY AND PRINCIPAL ACCESSWAYS.



S1/4 CORNER  
SEC. 35-89-14  
FD. 2" BRASS DISK #8505  
FILE NO. 2012-00010068



OWNER/SUBDIVIDER:  
MT TANKS  
MARTIN L. ROUSE (MANAGING PARTNER)  
902 13TH STREET  
GRUNDY CENTER, IA 50638

SURVEYOR:  
FEHR GRAHAM  
ADAM RECKER  
221 EAST MAIN STREET, SUITE 301  
MANCHESTER, IA 52057

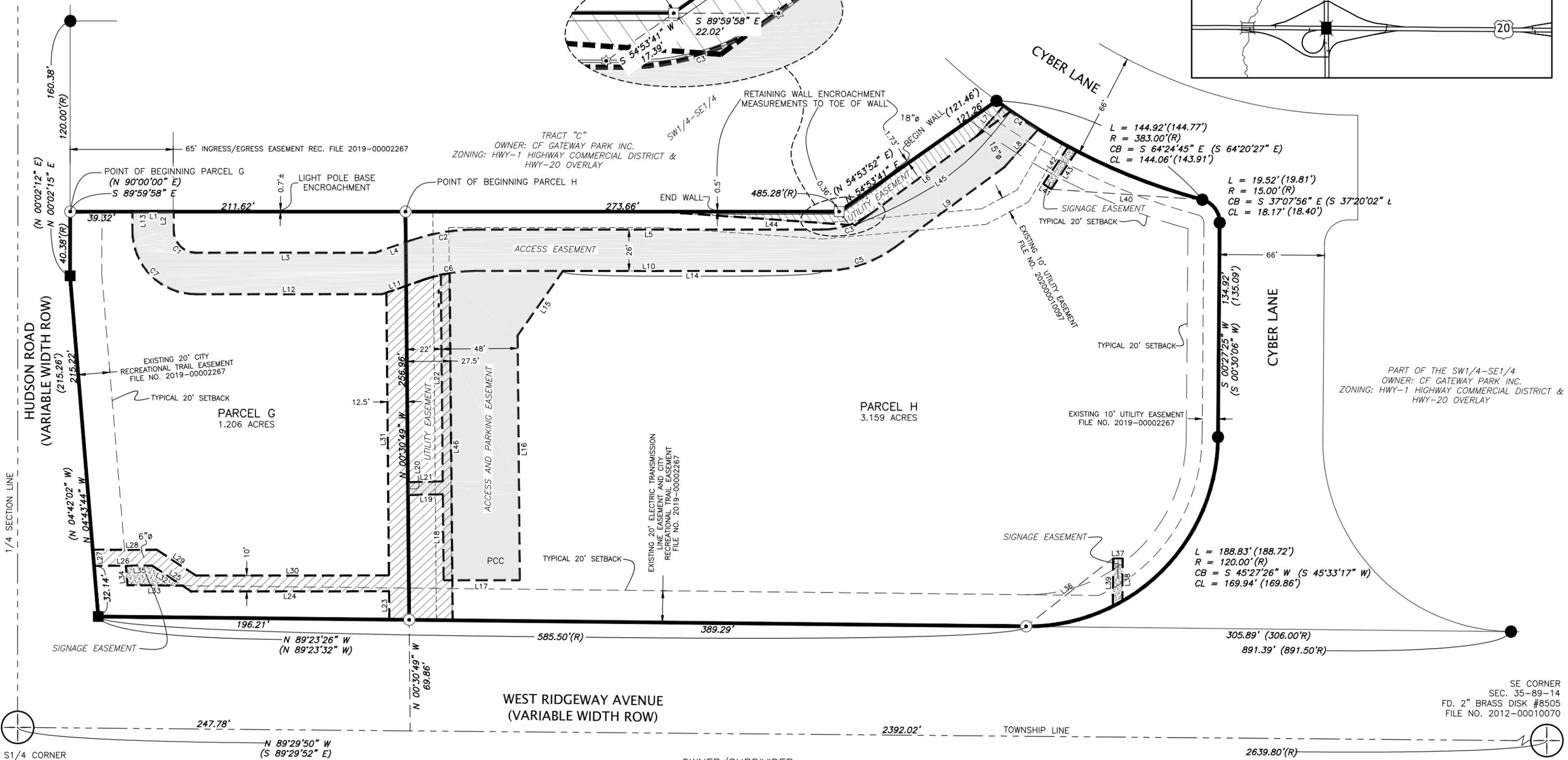
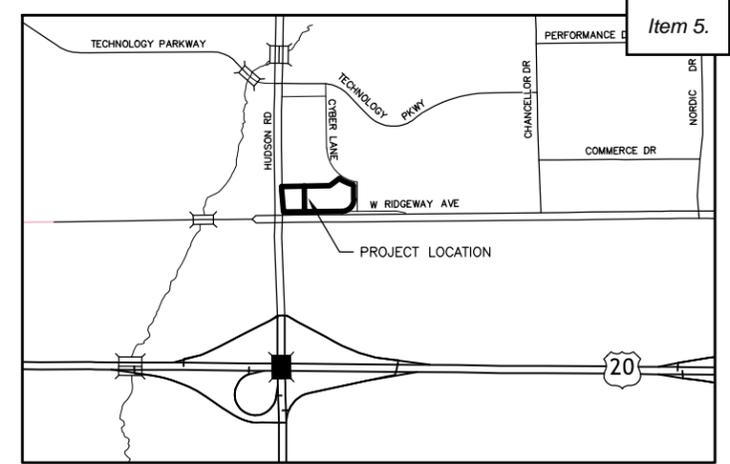
**FEHR GRAHAM**  
ENGINEERING & ENVIRONMENTAL  
© 2023 FEHR GRAHAM

ILLINOIS  
IOWA  
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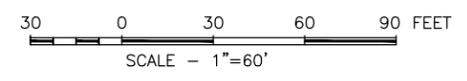
JOB NUMBER:  
23-**26**  
SHEET NO.:  
2 of 3

SE CORNER  
SEC. 35-89-14  
FD. 2" BRASS DISK #8505  
FILE NO. 2012-00010070

**PLAT OF SURVEY**  
**GATEWAY BUSINESS PARK LOT 2 MINOR SUBDIVISION PLAT**  
 A REPLAT OF LOT 2 OF GATEWAY BUSINESS PARK AT CEDAR FALLS 1, IN THE CITY  
 OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA



S1/4 CORNER  
 SEC. 35-89-14  
 FD. 2" BRASS DISK #8505  
 FILE NO. 2012-00010068



**OWNER/SUBDIVIDER:**  
 MT TANKS  
 MARTIN L. ROUSE (MANAGING PARTNER)  
 902 13TH STREET  
 GRUNDY CENTER, IA 50638

**SURVEYOR:**  
 FEHR GRAHAM  
 ADAM RECKER  
 221 EAST MAIN STREET, SUITE 301  
 MANCHESTER, IA 52057

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JOB NUMBER:  
 23-**27**  
 SHEET NO.:  
 3 of 3

SE CORNER  
 SEC. 35-89-14  
 FD. 2" BRASS DISK #8505  
 FILE NO. 2012-00010070