



**AGENDA  
CITY OF CEDAR FALLS, IOWA  
PLANNING AND ZONING COMMISSION MEETING  
WEDNESDAY, AUGUST 28, 2019  
5:30 PM AT CITY HALL**

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**Call to Order and Roll Call**

**Approval of Minutes**

1. Planning and Zoning Commission Minutes of August 14, 2019.

**Public Comments**

**Public Hearing**

2. **Land Use Map Amendment – West Fork Crossing**  
**Location:** 119 acres between Union Road and Waterbury Drive  
**Applicant:** West Fork Crossing, ISG Engineering  
**Previous discussion:** None  
**Recommendation:** *Recommend approval*  
**P&Z Action:** *Review and make recommendation to City Council*
  
3. **Rezoning from A-1 to R-1 – West Fork Crossing**  
**Location:** 119 acres between Union Road and Waterbury Drive  
**Applicant:** West Fork Crossing, ISG Engineering  
**Previous discussion:** None  
**Recommendation:** *Recommend approval*  
**P&Z Action:** *Review and make recommendation to City Council*

**Old Business**

**New Business**

4. **311 Main Street – Pump Haus Facade Review**  
**Location:** 311 Main Street  
**Applicant:** B.J.'s Holdings  
**Previous discussion:** None  
**Recommendation:** *Recommend denial of the requested change to the storefront windows and approval with conditions of the request for an awning that projects over the public right-of-way*  
**P&Z Action:** *Review and make recommendation to City Council*
  
5. **Panther West Preliminary Plat**  
**Location:** 40 acre property north of Aldrich Elementary School  
**Applicant:** Panther Farms, LLC  
**Previous discussion:** None  
**Recommendation:** *Review and continue discussion.*  
**P&Z Action:** *Provide direction and comments*

**Commission Updates**

**Adjournment**

Reminders:

- \* September 11th and September 25th Planning & Zoning Commission Meetings
- \* September 3rd and September 16th City Council Meetings

**Cedar Falls Planning and Zoning Commission  
Regular Meeting  
August 14, 2019  
City Hall Council Chambers  
220 Clay Street, Cedar Falls, Iowa**

**MINUTES**

The Cedar Falls Planning and Zoning Commission met in regular session on Wednesday, August 14, 2019 at 5:30 p.m. in the City Hall Council Chambers, 220 Clay Street, Cedar Falls, Iowa. The following Commission members were present: Adkins, Hartley, Larson, Prideaux and Saul. Holst, Leeper and Wingert were absent. Karen Howard, Community Services Manager and David Sturch, Planner III, were also present.

- 1.) Chair Holst noted the Minutes from the July 24, 2019 regular meeting are presented. Ms. Prideaux made a motion to approve the Minutes as presented. Ms. Adkins seconded the motion. The motion was approved unanimously with 5 ayes (Adkins, Hartley, Larson, Prideaux and Saul), and 0 nays.
- 2.) The first item of business was a façade review for 311 Main Street. The item was withdrawn.
- 3.) The next item for consideration by the Commission was a College Hill Neighborhood Site Plan Review for 1809 College Street. Acting Chair Saul introduced the item and Ms. Howard provided background information. She explained that it is proposed to build a small house on an infill lot at 1809 College Street. She discussed the setback and parking requirements, noting that all have been met. She also displayed renderings of the proposed design and features, as well as landscaping requirements. Staff recommends approval of the item.

Mr. Larson stated that he feels the project would be a nice addition to the area.

Ms. Prideaux made a motion to approve the Minutes as presented. Mr. Larson seconded the motion. The motion was approved unanimously with 5 ayes (Adkins, Hartley, Larson, Prideaux and Saul), and 0 nays.

- 4.) The Commission then considered a downtown façade review for new signage at 100 E. 2<sup>nd</sup> Street, Suite 103. Acting Chair Saul introduced the item and Ms. Howard provided background information. She explained that a projecting sign is being proposed at the property and discussed the requirements for such signs. As all requirements are met, staff recommends approval.

Mr. Hartley made a motion to approve. Ms. Adkins seconded the motion. The motion was approved unanimously with 5 ayes (Adkins, Hartley, Larson, Prideaux and Saul), and 0 nays.

- 5.) The next item of business was the Prairie Winds 4<sup>th</sup> Addition Final Plat. Acting Chair Saul introduced the item and Mr. Sturch provided background information. He explained that the plat is off Hudson Road north of the Meadows subdivision and is located in the R-1 Zoning District on the east side of Ironwood Drive. He noted when the previous additions were platted and how they progressed, and stated that the 4<sup>th</sup> Addition contains 16.6 acres with 42 lots that will contain single family dwellings. He provided renderings of the stormwater plan and noted that the stormwater will be routed to flow along the rear lot lines into the existing basins and storm sewers. As the plat is consistent with the subdivision code and its corresponding preliminary plat, staff recommends approval.

Mr. Larson made a motion to approve. Mr. Hartley seconded the motion. The motion was approved unanimously with 5 ayes (Adkins, Hartley, Larson, Prideaux and Saul), and 0 nays.

- 6.) The next item for consideration by the Commission was the Pheasant Hollow 7<sup>th</sup> Addition Preliminary Plat. Acting Chair Saul introduced the item and Mr. Sturch provided background information. He explained that the property is along the east end of Apollo Street north of Pheasant Drive, with 14.2 acres that include 18 lots for single family units. He displayed a rendering of the stormwater plan explaining the drainage routes and noting that all requirements are met. The proposed plat is consistent with the RP zoning district and meets all standards of the City's subdivision code. Staff recommends approval of the item with any comments or direction from the Commission, submittal of details on where the required cluster of mailboxes will be placed and the addition of an added drainage swale and drainage easement to the plat.

Willis Roberts, 4018 Wynnewood Drive, expressed his concern with the tree line to the west of the property and for property owners on the east end of Fieldstone. He noted that his questions had been answered.

Bruce Newendorp, 211 Sandahlwood Circle, asked if the west side tree line would be affected. Steve Trosky, CGA Engineers, stated that he can't guarantee that no trees will be removed, but the intent is to keep as many trees as possible.

Ms. Prideaux stated that she felt the project should move forward. Mr. Larson asked if there has previously been a preliminary plat on this tract. Mr. Sturch noted that this was part of the RP concept plan when it was rezoned in 2003 and that it has always been set aside for another cul-de-sac or connection for additional lots.

Ms. Prideaux made a motion to approve. Mr. Larson seconded the motion. The motion was approved unanimously with 5 ayes (Adkins, Hartley, Holst, Larson, Leeper, Prideaux, Saul and Wingert), and 0 nays.

- 7.) The Commission then considered a land use map amendment to West Fork Crossing. Acting Chair Saul introduced the item and Mr. Sturch provided background information. He noted that staff would like to present this item for introduction and discussion at this time. He explained that the property is 119 acres off Union Road and north of 27<sup>th</sup> Street in the A-1 Zoning District. He displayed the current land use map and discussed the characteristics of the land use categories that could be used in the area. He also showed a rendering of the 2012 Cedar Falls Comprehensive Plan and existing floodplain, and the proposed future land use map that includes reduction of greenways/floodplain, creation of areas for open space and parkland, opportunity for a neighborhood park, etc. Staff would like to gather comments from the Commission and the public and schedule a public hearing for the August 28<sup>th</sup> Planning and Zoning Commission meeting.

Tim Verheyen from ISG commented that he feels that it would make sense to keep the entire area as R-1 and move all the higher density to the south. He also wanted clarity on the flexibility of the greenway and floodplain areas in the development.

Mike Goyen, 1712 Union Road, stated that there has been more water coming across the properties going to the north and he stated concern with the potential increase of water.

Ms. Saul clarified that the Commission is simply discussing amending the land use map as proposed. Ms. Prideaux asked how we are analyzing the water flow in the stormwater management. Mr. Sturch stated that will be addressed in the platting process.

Ms. Saul asked about the street design that was mentioned in public comments. Ms. Howard stated that those things will all be considered when they submit the subdivision plat. As there was no further discussion, the item was continued to the next meeting.

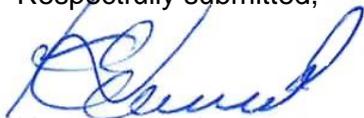
- 8.) The next item of business was a rezoning request for West Fork Crossing from A-1, Agricultural to R-1, Residential. Acting Chair Saul introduced the item and Mr. Sturch provided background information. He explained that it is proposed to rezone the property discussed in the last item from Agricultural to Residential and discussed the criteria for rezoning. He explained that the Commission will need to approve the Land Use Amendment before a rezoning request can be approved. Mr. Sturch also provided information regarding sanitary sewer availability and public utilities, displaying a rendering of what is currently in place. He discussed adequate roadway access, noting that the existing arterial roadways support the proposed developments and that it is important not to be isolated from other existing and future developments. Traffic volumes will also need to be monitored for future improvements to W. 27<sup>th</sup> Street and Union Road. At this time staff is just looking for comments from the Commission and the item will be revisited at the next meeting.

Ms. Prideaux asked about the projected population growth in the next several years. Ms. Saul stated she was interested in the traffic flow and how it will work with a new school coming, as well as the potential water issues.

- 9.) As there were no further comments, Mr. Hartley made a motion to adjourn. Mr. Larson seconded the motion. The motion was approved unanimously with 5 ayes (Adkins, Hartley, Larson, Prideaux and Saul), and 0 nays.

The meeting adjourned at 6:12 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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 Fax: 319-273-8610  
 www.cedarfalls.com

### MEMORANDUM

#### *Planning & Community Services Division*

**TO:** Planning and Zoning Commission  
**FROM:** David Sturch, Planner III  
**DATE:** August 21, 2019  
**SUBJECT:** Land Use Map Amendment

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**REQUEST:** Land Use Map Amendment from Neighborhood Commercial/Mixed and Greenways and Floodplain to Low Density Residential (Case #LU19-002)

**PETITIONER:** West Fork Crossing, ISG Engineering

**LOCATION:** 1700-2000 Block of Union Road

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#### PROPOSAL

Land use map amendment from Neighborhood Commercial/Mixed use and Greenways and Floodplain to Low Density Residential for the West Fork Crossing development on portions of 119 acres of land along Union Road. The land use map amendment and rezoning will allow the development of a new residential subdivision. 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?*
2. *Is the property readily accessible to sanitary sewer service?*
3. *Does the property have adequate roadway access?*

This staff report will focus on the first criteria, an amendment to the Future Land Use Map and Comprehensive Plan.

#### BACKGROUND

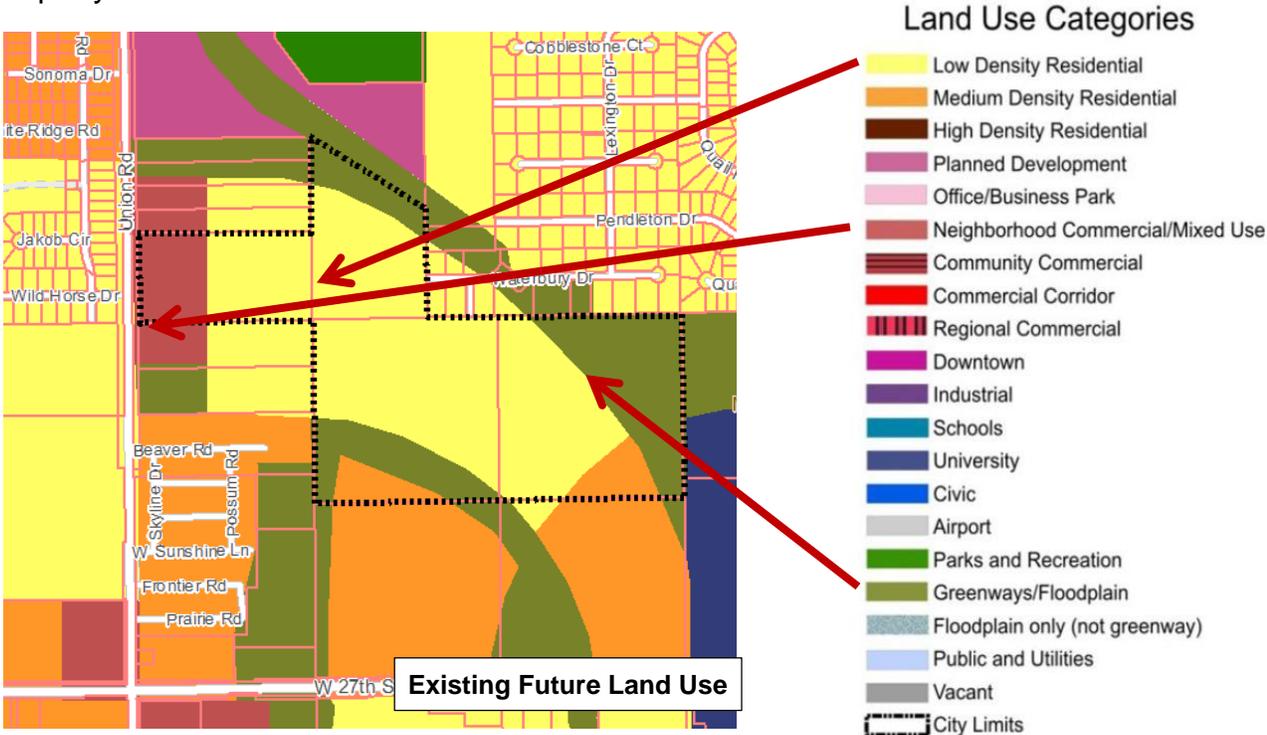
This property has been zoned as agricultural since adoption of the Zoning Ordinance in 1970. The Future Land Use Map was adopted in the spring of 2012 as a part of the Cedar Falls Comprehensive Plan. The current land use is greenways/floodplain, neighborhood commercial/mixed use and low density residential. Prior to the adoption of the Comprehensive Plan in 2012, the majority of the property was designated as low density residential.

The University Branch of Dry Run Creek runs along the north edge of the property which encompasses the special flood hazard area (SFHA) or general floodplain. The greenway designation shown on the future land use map was intended to reflect the extent of the flood hazard area including a green buffer. This buffer serves an important function for natural stormwater drainage and mitigates flood risk. As part of the platting process, storm water detention will be collected throughout the subdivision and released into Dry Run Creek. The adjoining development to the northwest (New Aldaya site for The Terraces) created a storm water detention plan that utilizes Dry Run Creek to channel the detained stormwater down the creek and eventually into the area wide detention basin located north of the UNI Dome. As this section of property develops, a continued storm water management plan will be formalized to further control the stormwater in this area of the city.

**ANALYSIS**

As stated in the Comprehensive Plan, land use is the central element of the Plan because it establishes the overall physical configuration of the city, including the mix and location of uses and community systems (utilities).

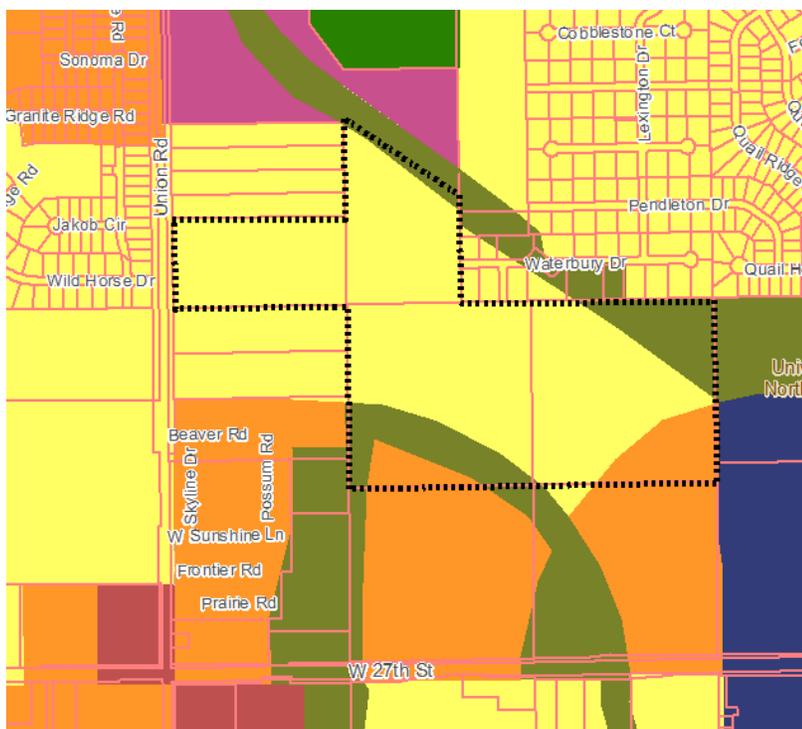
This 119-acre property is surrounded by residential development on the northeast with large lot acreages on the west. A manufactured home neighborhood is located southwest of the site and the future Cedar Falls High School is to the southeast. The University of Northern Iowa owns the property to the east.



Generally speaking, the future land use for this area is low density residential. However, there is a section of land along the east side of Union Road that shows a neighborhood commercial/mixed use designation and a strip of greenways/floodplain along the University Branch of Dry Run Creek. Therefore, the land use analysis is the first step in the rezoning and development process.

The neighborhood commercial/mixed use category is identified in the Comprehensive Plan as low impact commercial with residential in the upper floors located on major streets, or in this case, Union Road. There are other neighborhood commercial land use areas at major intersections to the north and south of this site. Staff feels that maintaining this commercial land use at major intersections is more appropriate, since zoning too much land for commercial development, particularly in areas on the edge of the community in lower density areas, dilutes the market and reduces the viability of all of the nearby commercial areas as they compete against one another for market share. Therefore, staff recommends changing this commercial designation to low density residential.

The greenways/floodplain category is reserved for passive open spaces and environmentally sensitive areas for floodplain and stormwater management. A drainageway flows through the north side of the site in a northwesterly to southeasterly direction. The floodplain boundary buffers this drainage way but only encompasses a portion of the area depicted on the future land use map and amending the greenways/floodplain land use to low density residential reflects a more accurate depiction of the future growth in



### Land Use Categories

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Planned Development
- Office/Business Park
- Neighborhood Commercial/Mixed Use
- Community Commercial
- Commercial Corridor
- Regional Commercial
- Downtown
- Industrial
- Schools
- University
- Civic
- Airport
- Parks and Recreation
- Greenways/Floodplain
- Floodplain only (not greenway)
- Public and Utilities
- Vacant
- City Limits

this area.

The land use amendment corresponds to the proposed rezoning from A-1, agriculture to R-1, residence district. The intent is to develop the 119 acres into single family residential lots with stormwater detention basins and floodplain buffers. One important feature of the stormwater management plan is to account for the additional stormwater that is received into this site from surrounding developments to the west and north. That stormwater, coupled with the stormwater generated on the site will be confined into detention basins and new storm sewers and released at a controlled rate into the existing drainageway. The proposed map above reflects the location of the greenways/floodplain. These areas provide a good opportunity to place the detention basins along the University Branch of Dry Run Creek to the north and within the drainage way near the southwest corner of the site. This particular drainage way represents the flow from the southwest corner of the site easterly to W. 27<sup>th</sup> Street. The Comprehensive Plan states as an

essential component to the quality of life in Cedar Falls, park services should be offered within a comfortable walking distance (typically  $\frac{1}{4}$  to  $\frac{1}{2}$  mile) from homes in the neighborhood. The design of this southern basin should consider elements like open space, natural areas and greenbelts that create a “parklike” setting for the residents of the neighborhood.

Additional elements to this development include trails and sidewalks within and adjacent to the development. The Comprehensive Plan shows east/west and north/south trails near the University Branch of Dry Run Creek corridor. This corridor is part of the floodplain district and portions of this area have been developed with detention basins and buffers through the existing and planned subdivisions. Future trail locations are important in this development in order to provide the connections from the planned Union Road trail to the west, the W. 12<sup>th</sup> Street trail and Robinson-Dresser Sports Complex to the north and the W. 27<sup>th</sup> Street trail to the south as well as connections to the east into the proposed high school site on W. 27<sup>th</sup> Street.

The Comprehensive Plan provides a summary of the Western Growth Area of Cedar Falls. This portion of the city extends westerly from Hudson Road to the city limits and from W. 1<sup>st</sup> Street to Viking Road. The section of land between W. 12<sup>th</sup> and W. 27<sup>th</sup> Street near the Union Road corridor shows this concept described below with staff comments in underlined, red text:

- A system of greenways following the University Branch of Dry Run Creek. This corridor shall be preserved as open space, floodplain, storm water drainage, wildlife habitats and natural amenity for the nearby residents. This section of the University Branch of Dry Run Creek shall be maintained as described.
- Street connections that provide connections throughout residential neighborhoods and adjoining street arterials (W. 12<sup>th</sup> and Union) and collectors (W. 27<sup>th</sup>) and move traffic more efficiently. As this project runs through the development process, the preliminary plat should provide a well-connected street pattern within the new neighborhood and to the existing neighborhoods and the surrounding streets and future important destinations, such as the new high school.
- Extending Greenhill Road to the northwest, intersecting with University Avenue, W. 27<sup>th</sup> Street and Union Road. Greenhill Road terminates at W. 27<sup>th</sup> Street east of this property. Therefore, Greenhill Road will not extend through this site.
- Extending Erik Road with a westerly extension and turning north to eventually connect into W. 12<sup>th</sup> Street and Birdsall Park. The extension of Erik Road or other similarly situated street is a long term concept that may eventually extend to the north and into this site. A north/south connection is planned with the future development of this site that will provide a future connection into the recently approved Terraces at West Glen.
- A system of modified cul-de-sac or looping streets to maintain connectivity while providing a low-traffic street for the residents. This street layout includes pedestrian/bike connections through a greenway system with multiple street entrances to each neighborhood to serve the “local” traffic and minimize the “cut-through” traffic. The concept of modified cul-de-sac and looping streets illustrated in the plan is an unusual concept that may not be realistic, but the principal of creating a pattern of well-connected streets is a well-documented best practice. When the preliminary plat is presented to staff and the Planning and Zoning Commission, a street network of modest size blocks and a

well-connected pattern that will help to distribute the traffic and not overburden any street should be carefully considered throughout the site and adjoining neighborhoods. This will provide an opportunity to create pedestrian/bike connections off the planned Union Road Trail to the existing W. 27<sup>th</sup> Street bike lanes and future extensions to the east into the proposed school site and the UNI campus.

Based on the factors stated in this report, staff finds that it is appropriate to amend the future land use map to allow reasonable development of the property while still preserving and protecting the floodplain and natural drainage ways. The proposed amendment would maintain the location of the current greenway/floodplain and add the designation of “Low Density Residential to the rest of the property. The other details noted in the Plan regarding good neighborhood design, such as adequate parks and open space and a well-connected street pattern should be incorporated into future subdivision plats.

A notice was mailed to the adjoining property owners on August 23, 2019 regarding this request. A public notice was published in the *Waterloo Courier* on, Wednesday, August 21, 2019.

### STAFF RECOMMENDATION

The Community Development Department recommends approval of an amendment to the Future Land Use Map from Greenways/Floodplain and Neighborhood Commercial to Low Density Residential subject to the following conditions:

1. Conformance with all City staff recommendations.
2. Comments from the Planning and Zoning Commission.

### PLANNING & ZONING COMMISSION

Introduction  
8/14/19

The Planning and Zoning Commission considered a land use map amendment for the West Fork Crossing development in the 1800 block of Union Road. Acting Chair Saul introduced the item and Mr. Sturch provided background information. He explained that the property is 119 acres off Union Road and north of 27<sup>th</sup> Street in the A-1 Zoning District. He displayed the current land use map from the 2012 Cedar Falls Comprehensive Plan and discussed the characteristics of the land use categories. The proposed land use map amendment includes a reduction of the greenways and floodplain areas that follows more closely to the actual flood zone where these areas can be used for open space and parkland. Other amendments include changing the neighborhood commercial area along Union Road to low density residential. Staff would like to gather comments from the Commission and the public and schedule a public hearing for the August 28<sup>th</sup> Planning and Zoning Commission meeting.

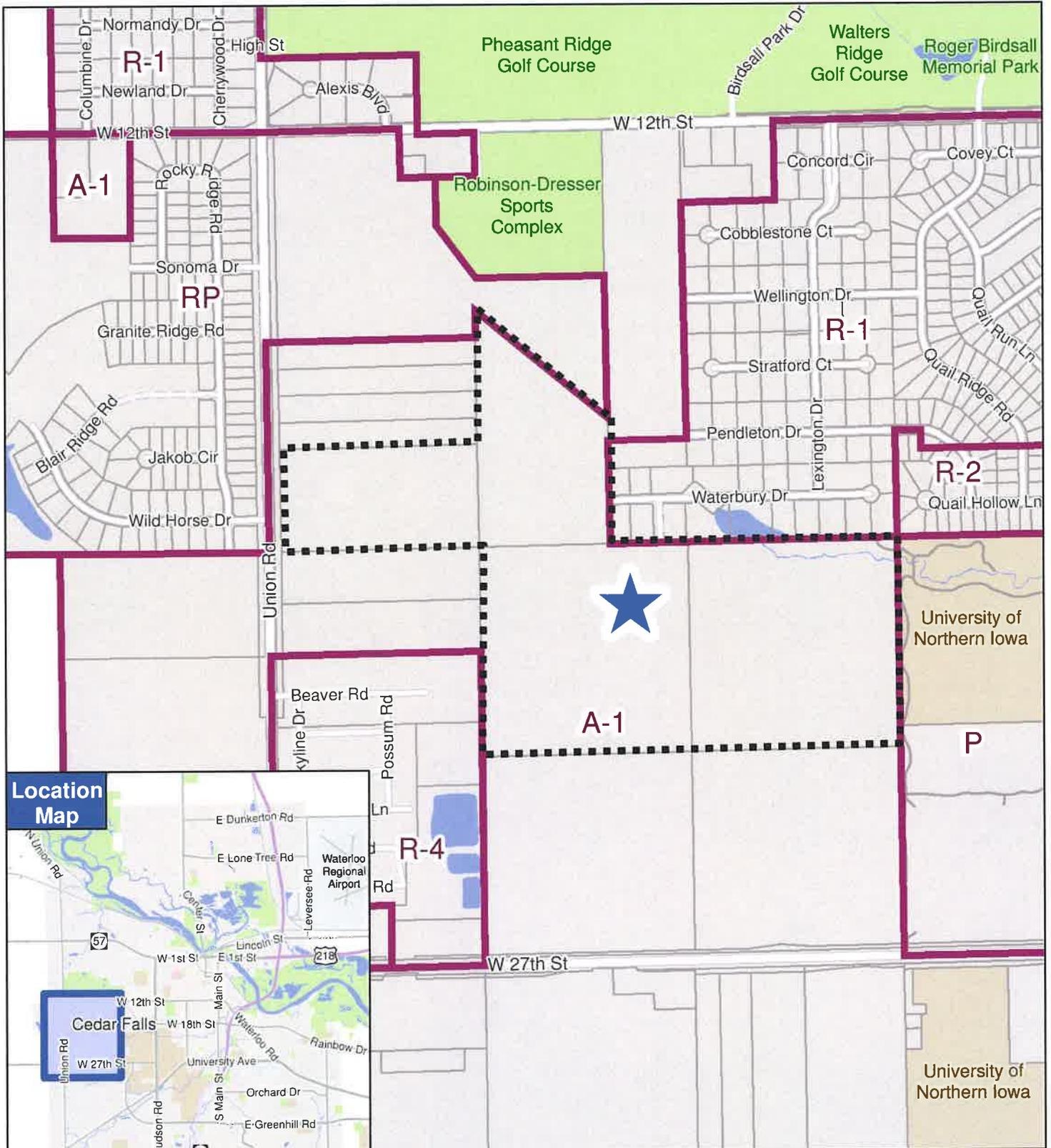
The developer’s engineer, Tim Verheyen feels that it makes sense to keep the entire area as R-1, low density and retain the higher density to the south. He also commented on the floodplain and greenway areas of the development. A neighboring property owner at 1712 Union Road, Mr. Mike Goyen has some concerns about the existing storm water running across his property.

The Commission will discuss the amendment to the land use map. There were some questions by the commissioners. Ms. Prideaux asked how we are analyzing the water flow in the stormwater management and Ms. Saul asked about the street design that was mentioned in public comments. Ms. Howard stated that those things will all be considered when they submit the subdivision plat. As there was no further discussion, the item was continued to the next meeting.

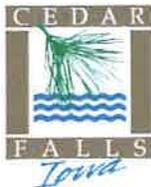
# Cedar Falls Planning and Zoning Commission

## August 28, 2019

Item 2.

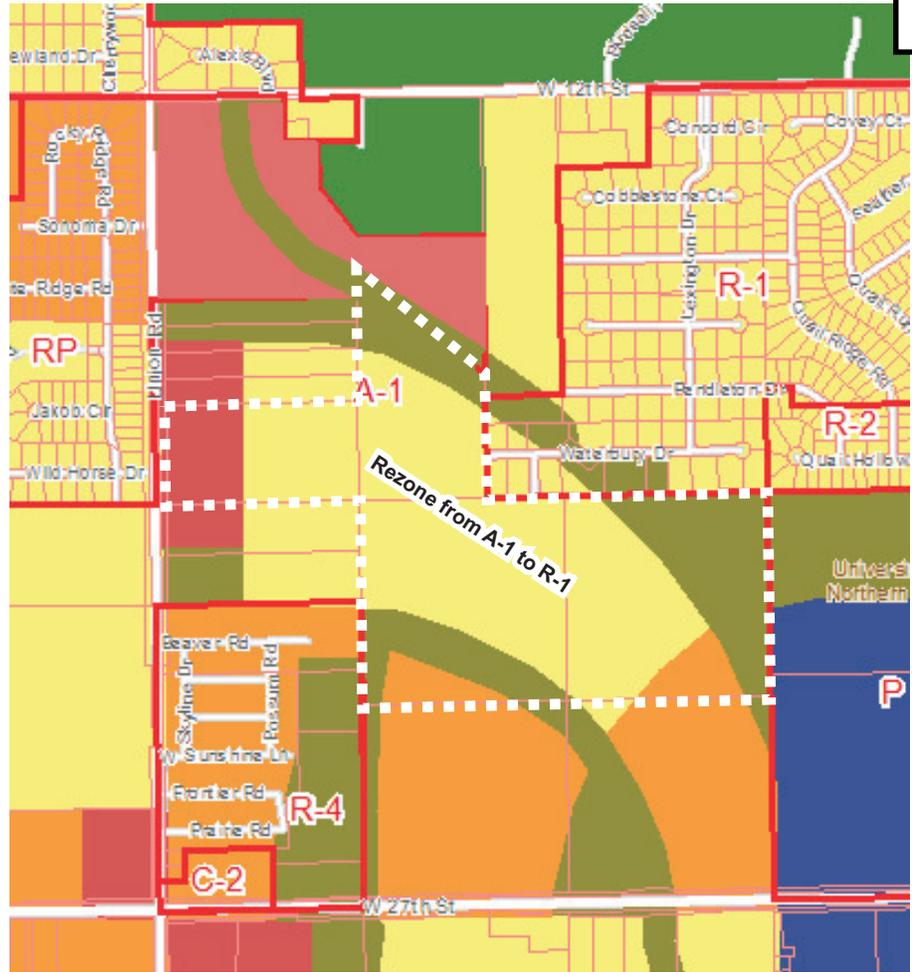


### Location Map

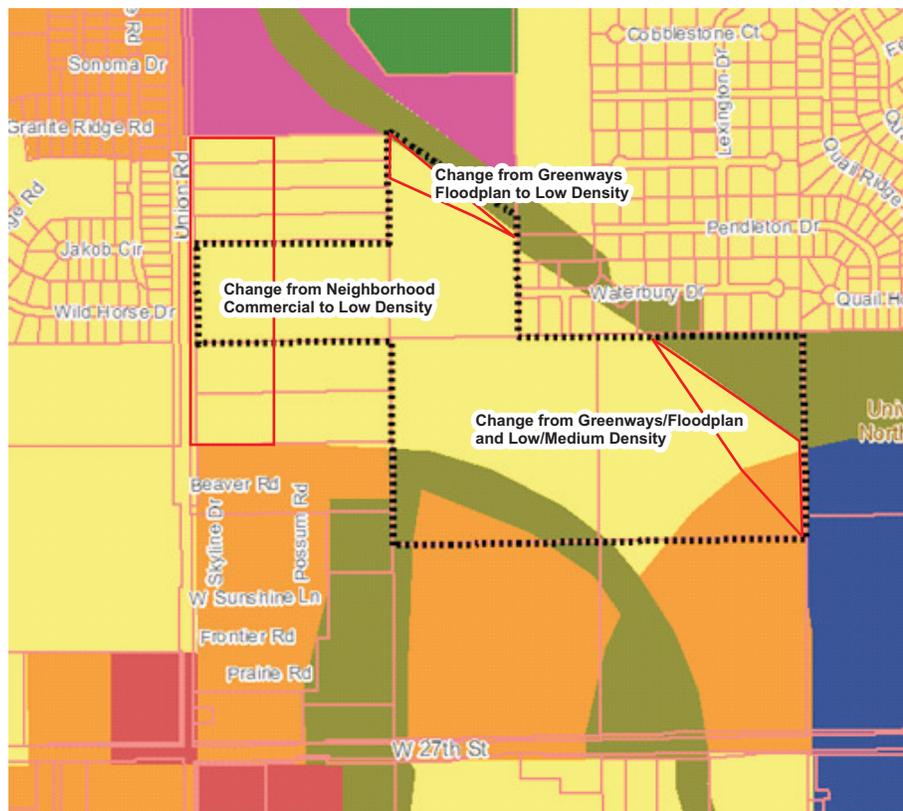


Future Land Use Map Amendment

Existing Land Use



Proposed Land Use





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 and Zoning Commission
FROM: David Sturch, Planner III
DATE: August 21, 2019
SUBJECT: Rezoning Request

REQUEST: Rezone property from A-1, Agricultural to R-1, Residential District (Case #RZ19-002)
PETITIONER: West Fork Crossing, ISG Engineering
LOCATION: 119 acre parcel between Union Road and Waterbury Drive

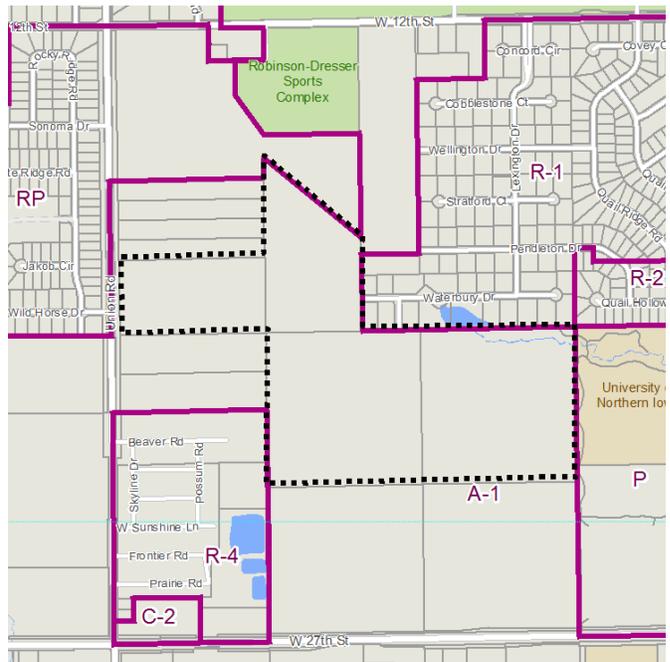
PROPOSAL

The petitioner has submitted a request to rezone 119 acres of land between Union Road and Waterbury Drive from A-1, Agricultural to R-1, Residential District. The rezoning will allow the development of a neighborhood of primarily single-unit homes.

BACKGROUND

This property has been zoned as agricultural since adoption of the Zoning Ordinance in 1970. The land is surrounded by an R-1 residential district and a P, public district on the east; an R-4, residential district to the southwest; and an R-P, planned residence district to the west and north. The current owner recently purchased this property with the intent of developing single family dwellings. 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.



## ANALYSIS

The purpose of the A-1, agricultural zoning district is to act as a “holding zone” for future development until 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.

This 119-acre property is surrounded by residential development on the west, southwest and northeast. The University of Northern Iowa owns property to the east along with the future high school site to the southeast. The northern edge of the property is bounded by the western reach of the University branch of Dry Run Creek. This portion of the property is located in the 100-year floodplain that runs along Dry Run Creek to the northeast corner of the site. With the exception of the floodplain, there are no other sensitive areas within the area proposed for rezoning.

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 current land use map is designated as low density residential, commercial/mixed use and greenways/floodplain. A proposed amendment outlined in a separate staff report, if approved, would remove the commercial/mixed use designation and reduce the greenways/floodplain area to align more closely with the current floodplain and drainage pattern. These areas would be designated on the future land use map as low density residential. The greenways/floodplain will serve as buffers for storm water management and detention. These areas also provide an opportunity, through thoughtful subdivision design, to create open spaces, natural areas, and neighborhood park space to serve the residents of this and surrounding developments.

As part of the platting process, a stormwater management system will be designed to accept the stormwater runoff from the west and north. The stormwater will be directed toward multiple detention basins on the site and released at a controlled rate into the floodplain. The stormwater management system must be designed so that it will not adversely affect the current and future residents surrounding and within this development. Details of the stormwater management plan will be reviewed during the platting process to ensure that it meets all Code requirements.

If the Planning and Zoning Commission agrees to the land use map amendment, as described in a separate staff report under Case #LU19-002, the proposed rezoning of this property can continue.

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

Yes, sanitary sewer is readily available to the site. This sewer is located through the northern boundary of the property within the aforementioned floodplain and drainage way of Dry Run Creek. This sanitary sewer is located in the Cherrywood Interceptor Sewer District which includes a sewer tapping fee as part of the development. The sewer tapping fee is \$294.63 per acre of development. This fee is paid by the developer at the time of final platting. This sewer will accommodate the proposed 119 acre development.

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

The property currently has access from Union Road and Waterbury Drive. Future connections to the north through the NewAldaya development, to the east and to the south

onto W. 27<sup>th</sup> Street will accommodate the movement of traffic into and out of this site. A well-connected network of local streets within any future subdivision will be essential to help distribute traffic and create efficient routes for neighborhood residents. These street connections will be important for general traffic circulation and connections between neighborhoods and future neighborhoods. For example, while there may be no development planned for the property to the east of this site, at some point in the future there may be reasons to provide a connection to PE Center Drive. Similarly, several connections to the property to the south will provide access to W. 27<sup>th</sup> Street as this area develops over time.

The annual average daily traffic for Union Road is approximately 3,000 vehicles per day. Depending on the circumstances and corridor constraints, a rural two-lane roadway could handle capacities up to 1,700 vehicles per hour during peak times. The rezoning of this property will allow the development of single family dwellings within 119 acres. More than likely, the development will be in phases starting off of Union Road and moving in an easterly direction. The proposed development will generate traffic when the lots are sold and construction with single family dwellings. At the onset of development, this traffic will utilize the internal roads and access Union Road. As development continues easterly, connections will be made with the existing subdivisions to provide alternative routes for the residents in the area. As developments move forward, City staff will continue to monitor traffic volumes along Union Road and when warranted, make improvements to Union Road as necessary.

As part of the technical review of this proposal, Cedar Falls Utilities personnel, have no concerns with the proposed rezoning request. Water, electric, gas, and communication utilities are all available to this site from Union Road and Cross Creek Drive in the Lexington Heights subdivision. There is a water connection fee for this property based on the street lineal footage of Union Road. This connection fee is part of the cost of the original water main installations on Union Road. The sewer service serving this area is subject to the Cherrywood Interceptor Sewer District tapping fee of \$294.63 per acre which was established by the City Council several years ago. All utility services will be extended into this property as part of the platting process.

A notice was mailed to the adjoining property owners on August 22, 2019 regarding this request. A public notice was published in the *Waterloo Courier* on, Wednesday, August 21, 2019.

### PLANNING AND ZONING COMMISSION REQUESTS FOR ADDITIONAL INFORMATION

This item was introduced to the Planning and Zoning Commission on August 14, 2019. The Commission members wanted additional information to address the following issues:

- Projected population growth. The western portion of Cedar Falls has a large amount of undeveloped land along the Union Road corridor, especially the area between W. 12<sup>th</sup> Street and University Avenue. Staff relies on the Cedar Falls Comprehensive Plan to dictate the future growth of the city. The future land use in this area is mostly comprised of low to medium density residential. The proposed rezoning will accommodate low density residential development within the 119 acres. Low density is defined as 1 to 6 units per acre depending on the size of the lots and medium density is 6-12 units per acre. Based on the Census data, the average household size throughout Cedar Falls is 2.93 people per dwelling unit.

In order to gain a perspective on the similar developments in the city, a typical downtown city block is approximately 2 acres in area. For a low density development, this may yield 8-10 units in total or 4-5 units per acre. The recent New Aldaya planned development at the corner of Union Road and W. 12<sup>th</sup> Street includes approximately 140 units in 42 acres or 3 units per acre.

The change in population over the last two Census counts in 2000 and 2010 are summarized in the following table:

Year	Population	Decade	Percent Change
2000	36,145	1990-2000	5.4%
2010	39,260	2000-2010	8.6%
2018 Estimate	41,048	2000-2018	4.5%

Cedar Falls typically grows at a 0.5-1.0% per year in population. This population is distributed around the entire town with higher averages in the undeveloped portions of the city in western and southern Cedar Falls. It should be noted that the student population at the University of Northern Iowa is included in the population count for Cedar Falls. Since 2010, there has been an average of 240 dwelling units constructed in Cedar Falls. Of these dwelling units, 125 have been single family detached units with the remaining 115 units as condos, townhomes, and multi-family dwellings.

In summary, the current growth rate of residential units constructed in any given year will accommodate the average growth rate (population) between 2000 and 2018 of 0.6%.

- Projected traffic growth. The existing street network is designed to accommodate the current and future increase in traffic. As western and southern Cedar Falls continues to grow, these areas will have similar traffic patterns and vehicle counts as the rest of the developed portions of the city. In order to disperse and circulate the traffic, city streets must be carefully planned with connections to adjacent neighborhoods and developments. This will accommodate the traffic flow into and out of the neighborhoods to the adjacent collector and arterial street network. A planned high school is located adjacent to the southeast corner of the proposed rezoning. Aligning streets so they can be extended along the north and west edge of the school site will be important to neighborhood traffic circulation for the residents of this development and adjacent subdivisions to get to the new school without having to drive out to the arterial streets to get to school. These westerly connections will also accommodate any future growth into the UNI property to the west of their athletic fields and facilities. Additional stub streets to the west and south will help disperse traffic with other connections to the nearby arterial streets. This will also allow some of the larger properties along Union Road to redevelop.

Traffic calming techniques, such as traffic circles or roundabouts can be used to slow traffic through this area. For an efficient delivery of public services, the planned street network should be made up of block lengths that generally do not exceed 600 feet in length. This will create a well-connected street pattern that will distribute the traffic throughout the neighborhood and avoid congestion on just one or two streets. In addition, a well-connected street network will provide for efficient delivery of public services, including must accommodate the garbage collection, snow removal and emergency response.

Other modes of transportation include bike and pedestrian accommodations. Public sidewalks will be included as a part of the subdivision platting process. Future trail locations within this development are important in order to provide the connections from the planned Union Road trail to the west, the W. 12<sup>th</sup> Street trail and Robinson-Dresser Sports Complex to the north and the W. 27<sup>th</sup> Street trail to the south as well as connections to the east into the proposed high school site on W. 27<sup>th</sup> Street.

- **Stormwater Management.** The proposed development must be designed to the natural topography and drainage of the area. The stormwater management areas can be designed as neighborhood amenities to help meet the open space needs and trail connections to serve this new neighborhood. The Comprehensive Plan illustrates the drainage ways as greenways so will need to be taken into account with the design of the plat.

The Comprehensive Plan includes an analysis regarding the community needs for park land including geographic distribution. Since this will be a new area for residential growth, there will be a need for neighborhood park space.

In summary, the upzoning of the land from agriculture to residential zoning causes a need for neighborhood infrastructure that ensures the health and welfare of future residents, which includes parks and trails, as well as streets, stormwater management facilities, sewer and water lines. All of these elements should be considered when this land is proposed for subdivision.

#### STAFF RECOMMENDATION

The Community Development Department recommends approval of the rezoning from A-1, Agriculture to R-1, Low Density Residential, subject to the following conditions:

1. Conformance with all Comprehensive Plan and staff recommendations.
2. Comments from the Planning and Zoning Commission.

#### PLANNING & ZONING COMMISSION

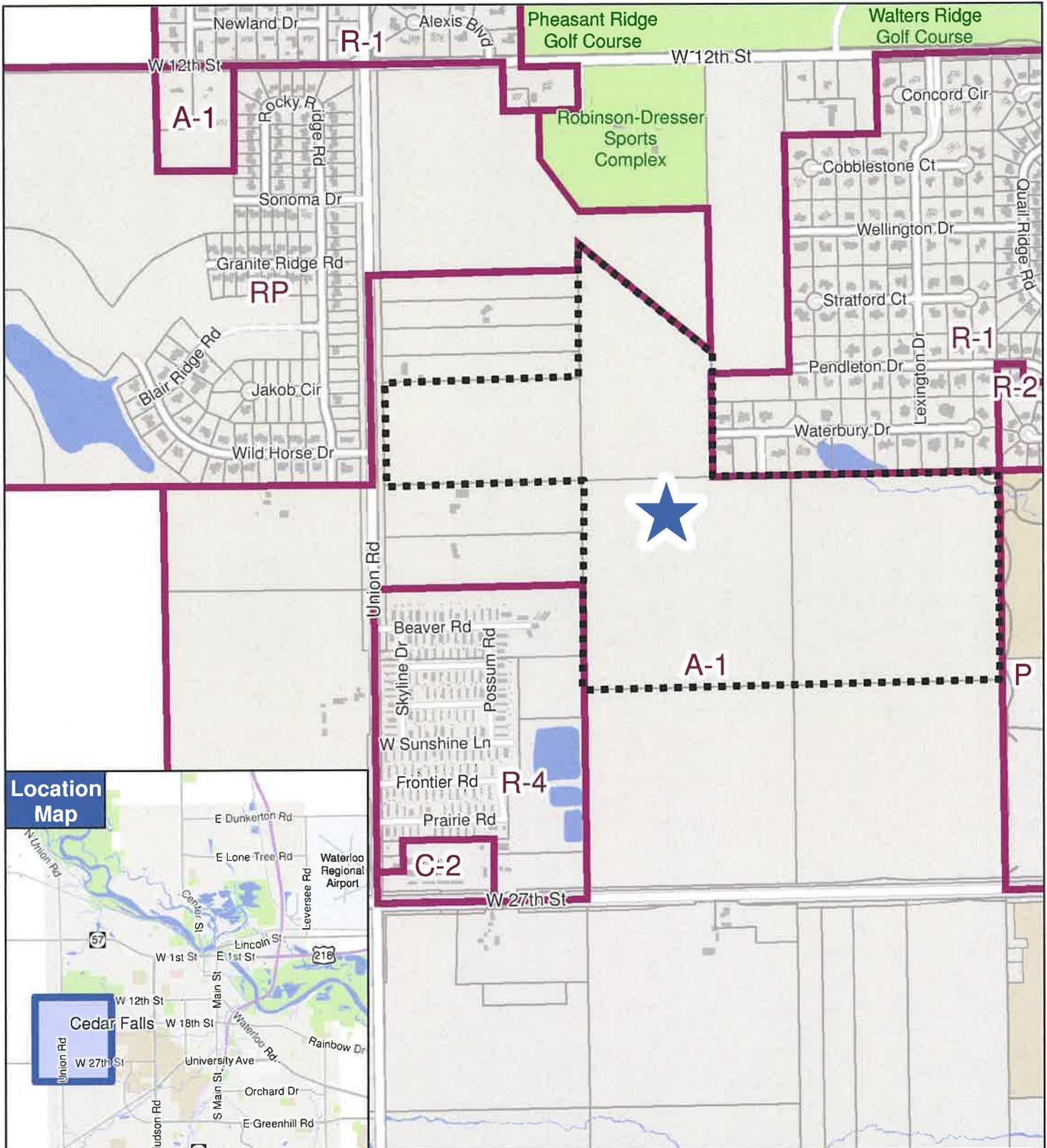
Introduction  
8/14/19

The Planning and Zoning Commission considered a rezoning request for the West Fork Crossing development in the 1800 block of Union Road. Acting Chair Saul introduced the item and Mr. Sturch provided background information. The request is to rezone 119 acres of land from A-1, agricultural to R-1, residential. He summarized the criteria for rezoning. He explained that the Commission will need to approve the Land Use Amendment before a rezoning request can be approved. Mr. Sturch also provided information regarding sanitary sewer availability and public utilities. Finally, he discussed adequate roadway access, noting that the existing arterial roadways support the proposed developments and that it is important not to be isolated from other existing and future developments. Traffic volumes will also need to be monitored for future improvements to W. 27<sup>th</sup> Street and Union Road. Staff would like to gather comments from the Commission and the public and schedule a public hearing for the August 28<sup>th</sup> Planning and Zoning Commission meeting.

Ms. Prideaux asked about the projected population growth in the next several years. Ms. Saul stated she was interested in the traffic flow and how it will work with a new school coming, as well as the potential stormwater management issues.

# Cedar Falls Planning and Zoning Commission August 28, 2019

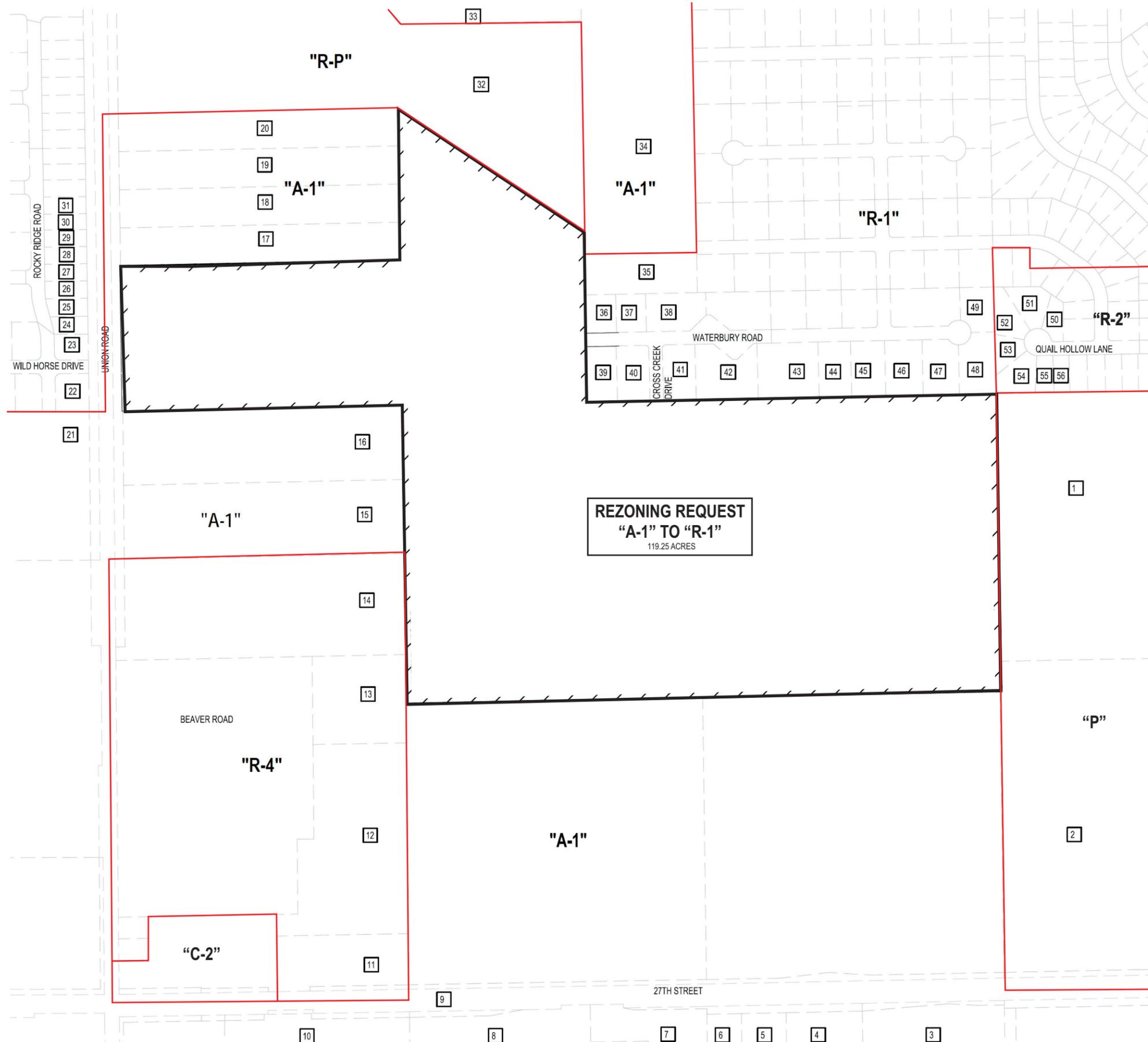
Item 3.



## Location Map



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



# "OWNERS LISTING" FOR "REZONING REQUEST" "A-1" TO "R-1"

## LEGAL DESCRIPTION

Commencing at the Southeast (SE) corner of the West Half of the Southeast Quarter (W1/2 SE1/4) of said Section 15; thence along the East line of said West Half of the Southeast Quarter (W1/2 SE1/4) North 00° 08' 50" West for a distance of 1326.32 feet to the North line of the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4), the Point of Beginning; thence continuing along said East line, North 00° 08' 50" West for a distance of 1326.18 feet to the North line of said Southeast Quarter (SE1/4); thence along said North line, South 89° 46' 03" West for a distance of 1815.80 feet to the Southwest (SW) corner of Lexington Heights 5<sup>th</sup> Addition, Cedar Falls, Iowa; thence continuing along said North line, North 87° 41' 43" West for a distance of 17.43 feet to the East line of Lot 2, Robinson's Minor Plat; thence along said East line North 00° 02' 29" West for a distance of 796.84 feet; thence North 50° 48' 28" West for a distance of 1057.37 feet; thence South 01° 17' 24" West for a distance of 145.38 feet to Northeast (NE) corner of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of said Section 15 being a westerly line of said Lot 2; thence along said westerly line, South 00° 09' 03" East for a distance of 675.40 feet to a point 648 feet distant northerly from the East/West Quarter line; thence along the line 648 feet distant northerly from the East/West Quarter line, South 89° 44' 19" West for a distance of 1254.18 feet to a point on the easterly right of way line of Union Road; thence along said right of way line, South 00° 00' 10" East for a distance of 648.01 feet to the North line of the Southwest Quarter of said Section 15; thence along said North line, North 89° 44' 19" East for a distance of 1255.85 feet to the West line of the East Half of the Southwest Quarter (E1/2 SW1/4) of said Section 15 per Robinson's Minor Plat; thence along said West line, South 00° 00' 22" East for a distance of 1326.46 feet to the South line of the North Half of the Southwest Quarter (N1/2 SW1/4) of said Section 15; thence along said South line, North 89° 46' 52" East a distance of 1337.37 feet to the West line of said Southeast Quarter (SE1/4); thence along the South line of the North Half of said Southeast Quarter (N1/2 SE1/4), North 89° 45' 30" East a distance of 1318.98 feet to the Point of Beginning.

## NAMES OF ALL PROPERTY OWNERS WITHIN 300 FEET OF REZONING

REFER TO SPREADSHEET INFORMATION FOR ADDRESSES AND OWNER INFORMATION

- |                                   |   |
|-----------------------------------|---|
| 1. State of Iowa Board of Regents | 31. Midwest Development Co                      |
| 2. State of Iowa Board of Regents | 32. Money Pit LLC                               |
| 3. Rasmusson CO                   | 33. City of Cedar Falls CSD                     |
| 4. Rasmusson, Donald R            | 34. Paulsen, Gloria & Howard                    |
| 5. Rasmusson, Jack P Trust        | 35. BNKD Inc                                    |
| 6. Rasmusson Company              | 36. Poppens, Scott & Muriel                     |
| 7. Brunscheon, Keaghan & Anthony  | 37. Page, Brian & Elizabeth                     |
| 8. Morris, Daniel & Juli          | 38. Range, Devin                                |
| 9. City of Cedar Falls            | 39. Holahan, Christopher                        |
| 10. Damgaard, Thomas & Paula      | 40. Holahan, Brooke                             |
| 11. Sires, David & Joy            | 41. Estep, Tara & Mark                          |
| 12. Sires, David                  | 42. Timm, Steven & Julie                        |
| 13. Sires, Joy                    | 43. Schuerman Construction Inc                  |
| 14. Sires, David & Lisa           | 44. Mason, Benjamin & Carmen                    |
| 15. Rath, Elizabeth & Richard     | 45. Hurst, Emil & Jennifer                      |
| 16. Tressler, Kenneth & Lorraine  | 46. Bradley, Donald & Carol                     |
| 17. Goyen, Michael & Denise       | 47. Olsen, Christopher & Leah                   |
| 18. Bonsall, Gale                 | 48. Gerdes, Benjamin & Elizabeth                |
| 19. Girsch, Michael               | 49. Fereday, Christopher & Megan                |
| 20. Girsch, Sue                   | 50. Zaugg, Ryan & Nancy                         |
| 21. Picklum, Warren & Neysa       | 51. Prideaux, Leslie & Stephen                  |
| 22. Pitz, Steven & Nancy          | 52. Phillips, Shawn & Kathy                     |
| 23. Barnhart, Thomas & Chelsea    | 53. Becker, Stacie                              |
| 24. Midwest Development Co        | 54. Carpenter, Kelly & Kristin                  |
| 25. Midwest Development Co        | 55. Surmedi, Murali & Velamasetti, Sarojinikala |
| 26. Hernandez, Kevin & Gina       | 56. Lauver, Nicholas & Meyer, Nicole            |
| 27. Midwest Development Co        |   |
| 28. Midwest Development Co        |   |
| 29. Spaude, Christopher & Ashley  |   |
| 30. Bartelt, Robert & Katie       |   |





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:** Iris Lehmann, AICP, Planner II  
**DATE:** August 22, 2019  
**SUBJECT:** Façade review of property in the Central Business District Overlay

**REQUEST:** Request to approve a Central Business District Overlay Site Plan for new facade treatments at 311 Main Street

**PETITIONER:** Owner: B.J.'s Holdings

**LOCATION:** 311 Main Street

**PROJECT #:** DR19-005

PROPOSAL

The owner of Pump Haus, 311 Main Street, is requesting a site plan review to replace the existing storefront windows with two glass garage doors and install a 20' by 10' retractable awning over a recently approved sidewalk café; see the attached supplemental materials for the sidewalk café layout. The property is located in the Central Business District Overlay. See current and proposed facade images below (please note that the provided image of the proposed façade does not show the sidewalk café or the retractable awning).



Current



Proposed

**BACKGROUND**

The petitioner proposes to replace the existing storefront windows on the façade of 311 Main Street with two glass garage doors as well as install a 20' by 10' retractable awning over a recently approved outdoor café. The property is located on the west side of the 300 block of Main Street, see image to the right.

311 Main Street was originally constructed in 1893. The last substantial improvement to the façade of this building was done in 2007 which entailed a major exterior and interior renovation. During the historic inventory of the downtown conducted in 2015 it was found that this building is noncontributing to the Cedar Falls Downtown Historic District due to the significant modifications that have been made to the façade.



This property is located within the C-3, Commercial District Zone (Section 26-172) and is also subject to the Central Business District Overlay regulations (Section 26-189). In this zone, any “substantial improvement” to an exterior façade, including removing exterior windows and the addition of new awnings, requires design review by the Planning and Zoning Commission and City Council. A substantial improvement to properties in the Central Business District Overlay is defined in Section 26-189 (f) and reads as follows:

"Substantial improvement" includes any new building construction within the overlay district or any renovation of an existing structure that involves any modification of the exterior appearance of the structure by virtue of adding or removing exterior windows or doors or altering the color or exterior materials of existing walls. All facade improvements, changes, alterations, modifications or replacement of existing facade materials will be considered a substantial improvement. Included in this definition are any new, modified or replacement awning structures or similar material extensions over the public sidewalk area. A substantial improvement also includes any increase or decrease in existing building height and/or alteration of the existing roof pitch or appearance."

**ANALYSIS**

Following is an evaluation of the proposed façade changes according to the review standards in the Central Business District Overlay Zone:

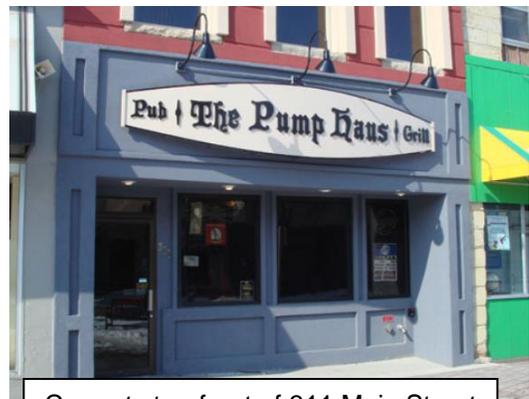
1. **Proportion**: The applicant is proposing to install a 20 foot by 10 foot retractable awning. The awning will be mounted on the building 10 feet above the sidewalk level and will extend 10 feet over the sidewalk to cover most of the sidewalk café. The edge of the sidewalk café, see attached plan, is angled to follow the street curve. At the point of full extension the awning will have a clearance of 8 feet off of the sidewalk (meeting the minimum clearance



Example of proposed awning

requirements). See sample image on the previous page. The awning adds a new horizontal element to this façade. Awnings are common in the downtown but not at this scale. It is standard practice that any projection over the public right-of-way is limited to 5 feet or half the width of the sidewalk in front of the building, whichever is less. However, this is the first time an awning has been proposed in relation to a sidewalk café. The proposed awning would be in proportion to the sidewalk café and will not extend over the remaining walkway. The purpose of an awning is to provide shade and weather protection and historically large retractable awnings were commonplace features of a storefront. Staff is of the opinion that this type of improvement could be appropriate as long as the awning is retracted or taken down when the sidewalk café is removed. In addition, to ensure public safety, any projections over the right-of-way must be reviewed and approved by the Building Official to ensure that they are mounted properly and are designed in a manner that can withstand expected wind loads. As this is the first awning of its type proposed in the district, a discussion from the Commission is warranted. **Discussion needed.**

The current façade has three large, well-proportioned storefront display windows separated by two vertical mullions that correspond to the architectural design of the paneled knee wall. The applicant is proposing to replace the windows on the storefront with two glass garage doors. See sample image of the proposed door to the right. To do this the applicant is proposing to remove the three large display windows and the two vertical mullions that currently separate the windows on the storefront and install a new vertical mullion in the center of the opening. The knee wall would remain as is. Staff understands how operable windows would be an attractive feature for a restaurant during the summer months. However, one of the most important aspects of storefront design is the large display windows. Large display windows are ideal for allowing unimpeded views into the interior of the store, which works well for all types of retail and restaurant uses. Changing out the classic storefront window configuration by replacing the display windows and mullions with modern industrial garage doors would be a substantial change that is not in keeping with the historic character of the building or district and may make this storefront space less attractive for any use other than a restaurant or bar. The proportion of the garage door openings do not fit into the existing proportions of this façade and will not align with the panels on the knee wall. There are other types of storefront operable windows that slide or swivel open, but when closed maintain the large expanse of glass typical of a storefront display window. While this storefront has been modified over time, it still includes the classic elements of traditional storefront design. Staff has encouraged the applicant to explore other options that would achieve his goals for an indoor/outdoor restaurant space but in a manner that would be more in keeping with the existing architecture of the building. **Criterion not met with the proposed garage door.**



Current storefront of 311 Main Street



Example of Proposed Garage Door

2. Roof shape, pitch and direction: As the building's roof is not being altered, **this criterion does not apply for this review.**
3. Pattern: The pattern of solid surfaces and openings needs to be considered in the alteration of a building. The applicant is proposing to remove the two vertical mullions from the storefront and add a new one in the center of the opening. Although the proposed garage door does have glass lites, the metal that surrounds the glass is substantially wider than what would be typical for window muntins, and creates much smaller openings that are not consistent with the traditional architecture of this building. This pattern is not consistent with the historical character of this building or the pattern of solid surfaces and openings of the traditional storefronts along Main Street. **Criterion not met.**
4. Building Composition: the overall structure of the building will not change; **this criterion does not apply for this review.**
5. Windows and transparencies: Although the proposed garage door does have glass lites, the many new solid breaks in the proposed garage doors make the structure less transparent than the existing design. According to the zoning code requirements, a minimum of 70 percent of the storefront area between two and ten feet in height above the adjacent ground level must consist of clear and transparent storefront windows and doors that allow views into the interior of the store. The current storefront appears to be right at the required percentage of glass. Reducing window coverage on a storefront is highly discouraged. **Criterion not met.**
6. Materials and textures: The proposed awning is made of light weight canvas. The proposed garage door is made from an aluminum stile and rail frame with full view glass. The materials proposed for both the awning and garage door, in their proposed percentage of the façade, are permitted in the district. **Criterion met.**
7. Color: The proposed awning will be grey. The aluminum of the garage door will be black. Both are neutral colors that are compatible with the existing colors of the district. **Criterion met.**
8. Architectural features: The current façade has three large, well-proportioned storefront display windows separated by two vertical mullions that correspond to the architectural design of the paneled knee wall and the traditional design and function of the building. Changing out the classic storefront window configuration by replacing the display windows and mullions with modern industrial garage doors would be a substantial change that is not in keeping with the architecture of this traditional mainstreet storefront building. Staff is not opposed to use of glass garage doors in general. They may be very attractive features if used on a commercial or manufacturing building that is being repurposed as a restaurant or store or along the side of a building that was not originally configured as a storefront. There are a number of buildings and facades in the downtown area that fit this description. However, in this particular case, the proposed garage doors do not contribute to the existing architectural features of this building and are out of character with the classic storefront buildings along Main Street. **Criterion not met.**
9. Building entries: The entry into this building is not changing; **this criterion does not apply for this review.**

10. Exterior mural wall drawings, painted artwork, exterior painting: No mural is being proposed, **this criterion does not apply for this review.**
11. Signage: No new signage is being proposed, **this criterion does not apply for this review.**

#### TECHNICAL COMMENTS

The city's technical committee reviewed the proposed garage door at 311 Main Street. Staff's concerns, reflected in the analysis section of this report, were shared with the applicant.

1. If the awning is approved, the applicant will need to coordinate with the city's Building Department to ensure that it is attached safely to the building and can handle appropriate wind loads.

#### STAFF RECOMMENDATION

The Community Development Department recommends denial of the submitted proposal to replace the storefront windows with glass garage doors on the building at 311 Main Street. Staff recommends approval of the awning with the following stipulations:

1. The applicant will need to coordinate with the city's Building Department to ensure that it is attached safely to the building and can handle appropriate wind loads.
2. The awning is retracted or taken down when the sidewalk café is removed.

#### PLANNING & ZONING COMMISSION

Discussion/Vote  
8/28/2019



*The*  
**Pump Haus**  
PUB & GRILL  
*Where great food and fun come together!*

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311 Main Street Cedar Falls, Ia 50613 • Ph: 319-277-8111 • Fax 319-277-8222 • [www.thepumphaus.com](http://www.thepumphaus.com)

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July 18, 2019

Planning & Zoning

The Pump Haus Pub & Grill is planning to replace existing front windows with new windows in a garage door that will open and close. This change has been approved by the building owner, B.J.'s Holdings owned by Bruce and Johna Petersen. The picture attached is what it will look like and specs on the door have been delivered.

This is not a façade change or structure change, it's the windows only that will change. There will be an air curtain installed under the overhang to protect from flying insects entering the building, this has been approved by the Black hawk County Health Department, email attached from Sandra Heinen with the Black Hawk County Health Department as well as the specs on the air curtain. The garage door does not go all the way to the ground there is a knee wall that stands 42" tall from ground up to protect from crawling insects and or rodents entering at ground level.

We will also be installing a retractable awning for protection from rain and sun that will be 20'x 10', this will cover our outdoor café that has been approved, picture attached.

If you have any questions please feel free to contact me at 319-404-3700.

Thank you,

G. Bruce Petersen



# 3295

## ALUMINUM FULL-VIEW DOORS

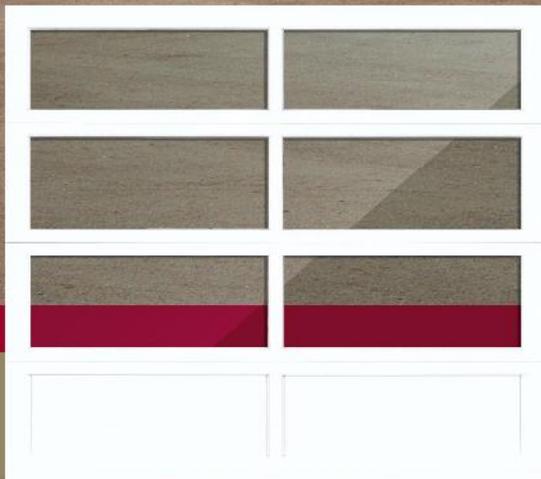
The Door to Quality.

08 36 13/CHI  
Buyline 3132

Item 4.

www.chiohd.com

C.H.I. OVERHEAD DOORS



8' x 7' 3295, white full-view sections and solid bottom

# RESILIENT. STURDY.

## SPECIFICATIONS, OPTIONAL FEATURES AND ACCESSORIES



### SECTIONS

Sections are assembled with through bolts for added strength. Top seals are available as an option.



### BOTTOM RAILS

Wide bottom rails, top rails, and end stiles create an extra-strong frame for the door.



### INSIDE RETAINERS

Glass replacement is easy using removable inside retainers.

### OPTIONAL WINDOW DESIGNS

#### 24" SECTION HEIGHT



10' Section



12' Section

**AVAILABLE IN 1/8", 1/2" INSULATED GLASS AND 1/4" TEMPERED GLASS.**



The Door to Quality.

COLOR SELECTION

WHITE

ANODIZED

**Note:** Refer to samples at your local C.H.I. distributor for exact color match.

## MODEL 3295

### SECTIONS

- Sections are 2 inches thick, and assembled with through bolts at each vertical stile location
- Available in clear anodized aluminum or a selection of stock RAL powder-coat options of 188 colors
- Section joints are tongue-and-groove
- Insulated and 1/4" tempered glass is available in some sizes (Call your distributor for quote)
- Aluminum panels can be substituted for glass panels
- Glass or aluminum panels can be easily replaced by removing an inside vinyl retainer

### TRACK

- Tracks are 2" or 3", as specified
- Available in bracket mount, clip angle mount, angel mount, 12" radius, 15" radius, high lift, vertical lift, follow roof line, or dual track low head room

### HARDWARE

- Package includes 11-gauge or 14-gauge hinges, as specified
- 2" or 3" long-stem or short-stem steel rollers with 10 ball bearings
- Heavy-duty adjustable top roller brackets

### SPRINGS

- Torsion springs are helically wound with oil-tempered wire
- All springs are individually-calibrated for each door
- All tubes are galvanized for rust resistance

FEATURES

VISIT YOUR DOOR PROFESSIONAL AT:

C.H.I. Overhead Doors are manufactured in Arthur, Illinois, USA.



### DOOR CONSTRUCTION

This model features closed-constructed aluminum extrusions, assembled with hidden through-bolts for maximum structural rigidity.

All information presented is based on the specifications and features available at the time of printing and is subject to change without notice.

27

FLIER NUMBER\_M3290-1010R6





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: Iris Lehmann, ACIP, Planner II
Matt Tolan, Civil Engineer II
DATE: August 22, 2019
SUBJECT: Panther West Preliminary Plat

REQUEST: Request to approve the Panther West Preliminary Subdivision Plat

PETITIONER: Panther Farms, LLC; Engineer: CGA, Inc.

LOCATION: The 40-acre property is located north of Aldrich Elementary School and south of the University Avenue and W Greenhill Road intersection.

PROJECT #: PP19-002

PROPOSAL

The applicant is proposing to subdivide approximately 40 acres in an R-1, Residence District with the intent to develop 98 new residential lots similar to the neighboring subdivisions of the Prairie West and Prairie Winds developments. The area being platted consists of two different parcels of land, see areas outlined in red in the map to the right.

BACKGROUND

The 40 acres under consideration were rezoned from A-1 (Agricultural) to R-1 (Residential) in February 2019. The proposed development is a continuation of the Applicant's residential Prairie West and Winds developments to the east. The proposed preliminary plat will provide for the extension of Arbors Drive, which will become another important traffic route to provide access to Aldrich Elementary School to the south and will also be critical to the overall traffic circulation for the area. It is therefore important for the proposed street layout and connections in this plat to be reviewed with heightened scrutiny.



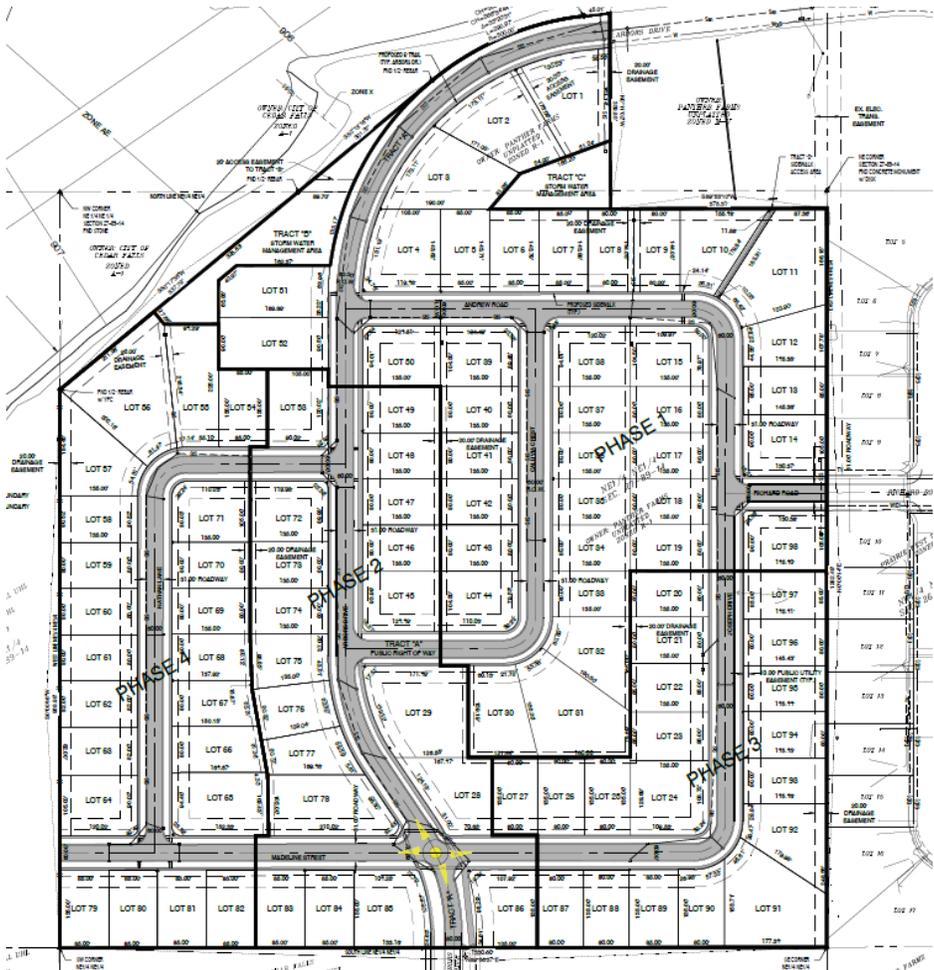
**ANALYSIS**

**Lot configuration:** The property under consideration is zoned R-1, Residential District. The applicant is proposing to create 98 new residential lots on 40 acres of land. The minimum lot size in the R-1 District is 9,000 square feet. Minimum principal building setbacks are as follows: 30-foot front yard, 30-foot rear yard, and a side yard of 10% of the lot width. All 98 of the proposed buildable lots meet these standards. The minimum required setbacks are shown on the plat and echoed in the Deed of Dedication. The plat also includes four tracts intended for infrastructure to support the subdivision. Tract A is the street right-of-way, Tract B and C are intended for stormwater management, and Tract D is intended for a sidewalk connection to and from the West Village development.

**Phasing of Development:** The applicant is proposing four phases for the development of this preliminary plat: Phase 1 consisting of 38 lots, Phase 2 consisting of 19 lots, Phase 3 consisting of 19 lots, and Phase 4 consisting of 22 lots. The proposed phasing plan, see image below, coordinates the development of buildable lots with the installation of streets, provision of utilities, and public services to ensure that growth occurs in an orderly manner. Since the extension of Arbors Drive is essential for overall neighborhood traffic circulation, the first phases of development should provide for the extension of this street. The first phase includes the extension of Arbors Drive from the West Village preliminary plat, located northeast of the proposed Panther West subdivision. The first phase includes the extension of Arbors Drive from the West Village preliminary plat, located northeast of the proposed Panther West subdivision. It also provides for the extension of Richard Road to Arbors Drive, which will create additional travel routes for those living in the Prairie West and Prairie Winds subdivisions to the east. The second phase of development will extend Arbors Drive to the southern boundary of the platted area to connect with the McMahon subdivision, which is where Aldrich Elementary School is located. Staff has reviewed and recommends approval of the proposed phasing plan.

**Streets and Traffic**

**Circulation:** The proposed street rights-of-way are designated on the preliminary plat as Tract A. All streets will have a 60-foot right-of-way and a 31-foot pavement width to meet current City standards. The proposed streets will provide access to the 98 proposed residential lots and contribute to the connectivity of the overall street network in the area through extension to the



Excerpt from the Panther West Preliminary Plat

adjacent properties. Tract A includes an extension of Arbors Drive and Richard Road. The installation of these streets will create another travel route for area residents to Aldrich Elementary School to the south and will help to relieve traffic congestion on Erik Road, which is currently the only street connection for those traveling to the school from the north or east. To ensure adequate neighborhood traffic circulation is provided to this development, to the school and other area destinations, the Arbors Drive and Ironwood Drive connection to W. Greenhill Road (through the approved West Village Preliminary Plat) must be installed prior to or concurrently with any development of this proposed plat. This process will be monitored and enforced through the final platting process.

It should be noted that Arbors Drive has an 80-foot right-of-way on the adjacent development to the south to accommodate the additional width necessary for the boulevard section near the school. The applicant proposes to transition the right-of-way width back to 60 feet at the intersection of Arbors Drive and Madeline Street. Careful design of this intersection is needed not only because of the transition to a narrower right-of-way width, but also because this intersection is not at right angles, which makes visibility around corners more difficult for drivers. To address the visibility issues and also to help slow traffic to and from the school, the applicant is proposing a traffic circle at this location. In general, staff finds that this is a good solution. City engineering staff is reviewing the proposed intersection design and will advise the developer's engineer regarding any modifications that are necessary to ensure the safe functioning of this intersection. Staff will advise the Commission at the next meeting of any necessary modifications to the preliminary plat to accommodate this intersection design. Final details of the design will be reviewed and approved with the construction drawings prior to final plat approval for this phase of development.

**Stormwater Management:** Tracts B and C on the preliminary plat are for Stormwater Management. Stormwater easements are proposed throughout the preliminary plat to direct storm water run-off to the two detention basins that connect to the regional detention basin north of this property. These basins are designed to ensure that the water run-off from the new development is properly managed. City engineering staff is reviewing the Applicant's stormwater report. Any modifications needed to the report or the preliminary plat must be completed prior to the Planning and Zoning Commission's approval of this plat. After the preliminary plat is approved by both the Commission and City Council, but prior to construction of the infrastructure, the City's engineering staff will review the stormwater calculations again to make sure everything is properly located, graded, and sized. None of the area of the preliminary plat falls within the flood plain.

**Pedestrian Connection:** Tract D on the preliminary plat is reserved for a sidewalk connection to the future West Village development. The developer will construct a sidewalk through this tract to provide an additional pedestrian route for West Village residents to the public sidewalk network in the Panther West subdivision. This connection will enhance walkability between these two future neighborhoods and the school. A public access easement will need to be added to this tract and the maintenance responsibilities must be outlined in the deed of dedication.

**Process:** Approval of a preliminary plat would allow the developer to proceed with the construction and installation of all required public infrastructure such as streets, sewers, and other utilities. Final platting must follow the phasing plan outlined above. No lot sales or new home construction can begin until a final plat is approved by the City Council. A final plat cannot be approved until infrastructure construction plans (streets, utilities, etc.) are approved by the

City Engineering Division.

Basic platting documents have been submitted including the Deed of Dedication, Auditor approval of the subdivision plat name, platting fee, Certificate of Survey, environmental report/soil survey, and a drainage/grading plan. The attorney's title opinion must be submitted for the final plat. These documents must be reviewed and approved prior to final plat approval.

### TECHNICAL COMMENTS

City technical staff, including Cedar Falls Utilities (CFU) personnel, noted that water, gas, and communication services are available to the site. The developer will be responsible for extending the utility services to the proposed development. The easements identified on the plat satisfy CFU requirements. The placement of water hydrants will be reviewed when the construction plans are completed. The following technical comments remain:

1. Any changes needed from the engineering department related to the stormwater report.
2. Any changes needed from the engineering department related to the proposed traffic circle.
3. Turning movement diagrams are needed for the proposed traffic circle.
4. Adjust the 10' trail along Lot 86 to run parallel with the lot line instead of the street alignment.
5. Add a drainage easement on the west side of lot 79.
6. Add a public access easement to Tract D and address responsibility for maintenance to the deed of dedication.
7. Add language at the end of item #18 of the Deed of Dedication to read as follows: "The location of the clustered mailboxes shall be approved by the City of Cedar Falls".
8. Change note #2 in the Deed of Dedication to "Contractor shall confirm the location of the cluster mailbox with the City of Cedar Falls prior to installation".
9. Show proposed locations of the cluster mailboxes on the preliminary plat.
10. Show the property owners within 200 feet of the plat.
11. Provide details on where the driveways will be placed on lots 86, 85, 78, 51, 48, 28, and 18. Staff has concerns with how these driveways may relate to the sidewalk crossings on these lots or the adjacent traffic circle.
12. Update title of Preliminary Plat for consistency between documents (ex. Certificate of Survey notes "Prairie West II", Auditor's approval of plat name is "Panther Farms",...)

A courtesy notice to adjoining property owners for this Preliminary Plat was mailed on August 21, 2019.

### STAFF RECOMMENDATION

The proposed Panther West Preliminary Plat is consistent with the development intent of this area and serves as an intermediate step in the development of this site. Staff recommends gathering any comments from the Planning and Zoning Commission and the public and then continuing the discussion of the proposed subdivision plat at the next Planning and Zoning Commission meeting on September 11, 2019. Approval will be subject to the resolution of the technical comments listed above.

### PLANNING & ZONING COMMISSION

Preliminary  
Discussion  
8/28/2019

Attachments: Panther West Preliminary Plat; Deed of Dedication

# PRELIMINARY PLAT PANTHER WEST CEDAR FALLS, IOWA

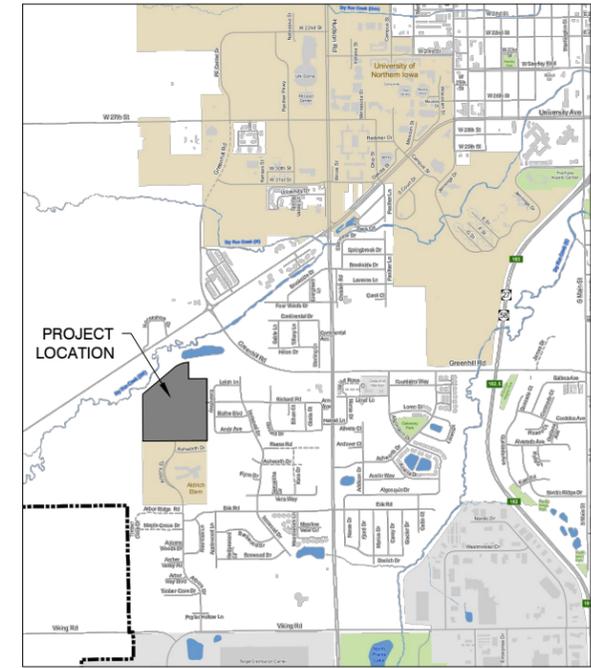
## LEGEND

EXISTING	PROPOSED	
		EVERGREEN TREE
		DECIDUOUS TREE
		SHRUBS (BUSHES)
		TREE LINE
		SIGN (TYPE AS NOTED)
		FENCE
		SILT FENCE
		CONTOUR LINE
		WATERLINE
		WATER VALVE
		FIRE HYDRANT
		SANITARY SEWER LINE
		STORM SEWER LINE
		MANHOLE
		CLEANOUT
		INTAKE
		BEEHIVE INTAKE
		GAS LINE
		GAS VALVE
		OVERHEAD ELECTRICAL LINE
		BURIED ELECTRICAL LINE
		POWER POLE
		STREET LIGHT
		ELECTRICAL BOX/TRANSFORMER
		TELEPHONE LINE
		TELEPHONE PEDESTAL

## LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 27 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 22, ALL IN TOWNSHIP 89 NORTH, RANGE 14 WEST OF THE 5th P.M., CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE, S89°56'37"W 1330.50' ALONG THE SOUTH LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27 TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 27; THENCE, N0°00'46"E 968.98' ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE, N50°17'38"E 537.79'; THENCE, N50°13'16"E 301.37'; THENCE, NORTHEASTERLY 290.97' ALONG THE ARC OF A 500.00' RADIUS CURVE, CONCAVE SOUTHEASTERLY, HAVING A CHORD BEARING OF N66°54'44"E AND A CHORD DISTANCE OF 286.88'; THENCE, N83°35'00"E 45.01'; THENCE, S0°11'02"E 339.85'; THENCE, N89°53'10"E 375.31' TO A POINT ON THE EAST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE, S0°00'14"W 1282.49' ALONG SAID EAST LINE TO THE POINT OF BEGINNING, CONTAINING 40.62 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.



VICINITY MAP  
NOT TO SCALE

## OWNERS OF RECORD

PANTHER FARMS LLC  
PO BOX 128  
CEDAR FALLS, IOWA 50613

## FLOOD ZONE

(ZONE AE & X)  
PANEL # 19013C0276F  
EFFECTIVE DATE: JULY 18, 2011

## SETBACK DATA

FRONT YARD = 30 FT  
REAR YARD = 30 FT  
SIDE YARD\* = 10% LOT WIDTH (AT 30' SETBACK)

\*LOTS MAY BE SPLIT OR DIVIDED TO PROVIDE FOR MORE LOT AREA BY BEING ADDED TO AN ADJOINING LOT. SIDE YARD SETBACKS SHALL BE BASED ON OWNERSHIP/PROPERTY LINES RATHER THAN PLATTED LOT LINES.

## SURVEY LEGEND

- ▲ GOVERNMENT CORNER MONUMENT FOUND
- △ GOVERNMENT CORNER MONUMENT SET
- 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
- PARCEL OR LOT CORNER MONUMENT FOUND AS NOTED ON PLAN
- SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
- ( ) RECORDED AS

## SURVEYOR AND ENGINEER

TRAVIS R. STEWART, P.L.S.  
ADAM DATERS, P.E.  
CLAPSADDLE-GARBER ASSOCIATES  
P.O. BOX 754 - 16 E. MAIN STREET  
MARSHALLTOWN, IOWA 50158  
(641)752-6701

## ZONING INFORMATION:

CURRENT: R1 (RESIDENTIAL)

## SURVEY REQUESTED BY:

PANTHER FARMS LLC  
604 CLAY STREET  
CEDAR FALLS, IOWA 50613

## CLOSURE:

- ALL SUBDIVISION BOUNDARIES ARE WITHIN THE 1:10,000 ERROR OF CLOSURE REQUIREMENT
- ALL LOTS ARE WITHIN THE 1:5000 ERROR OF CLOSURE REQUIREMENT.

## NOTE:

ALL BEARINGS ARE THE RESULT OF G.P.S. OBSERVATIONS USING NAD83 IOWA STATE PLAN NORTH ZONE

## MAILBOX NOTES:

1. CLUSTER MAILBOX UNITS SHALL COMPLY WITH ALL USPS STANDARDS & SPECIFICATIONS.
2. CONTRACTOR SHALL CONFIRM WITH USPS PRIOR TO INSTALLATION
3. ALL CLUSTER MAILBOXES SHALL BE PLACED IN THE R.O.W.

J:\5722.dwg\Survey\Preliminary Plat\Wim Roundabout\5722 - Preliminary Plat Sheet 1 and 2 of 5 with roundabout.dwg - Sheet 1 of 5 - 07-25-19 - 1:55pm - KMNS2

DATE PREPARED: JULY 23, 2019

NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

**CGA** Clapsaddle-Garber Associates, Inc.  
5106 Nordic Drive  
Cedar Falls, Iowa 50613  
Ph 319-268-0258  
www.cgaconsultants.com

DESIGNED: B.J.G. DATE: 05-23-2019  
DRAWN: S.J.C. DATE: 06-24-2019  
CHECKED: ACD DATE:    
APPROVED: IRS DATE:  

**PANTHER WEST**  
CEDAR FALLS, IOWA

PRELIMINARY PLAT

PROJECT NO.  
5722  
SHEET NO.  
1 OF 5

# PRELIMINARY PLAT - PANTHER WEST CEDAR FALLS, IOWA



- TRACTS**
- A - STREET RIGHT OF WAY
  - B - STORM WATER MANAGEMENT
  - C - STORM WATER MANAGEMENT
  - D - SIDEWALK ACCESS AREA

PHASE	LOTS	TRACT
1	38	"A", "B", "C", & "D"
2	19	
3	19	
4	22	
<b>TOTAL</b>	<b>98</b>	

**LOT FRONTAGE AT BUILDING SETBACK FOR IRREGULAR SHAPED LOTS**

LOT NUMBER	CHORD DISTANCE (FT.)
10	75.69
11	85.33
12	75.00
30	88.88
31	75.00
32	75.34
55	75.23
56	82.08
57	75.00
77	87.47
91	76.91
92	75.09

SEE SHEET 3 OF 5 FOR EXISTING AND PROPOSED CONTOUR DATA.  
DATE PREPARED: JULY 23, 2019

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NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

**CGA** Clapsaddle-Garber Associates, Inc.  
5106 Nordic Drive  
Cedar Falls, Iowa 50613  
Ph 319-266-0256  
www.cgaconsultants.com

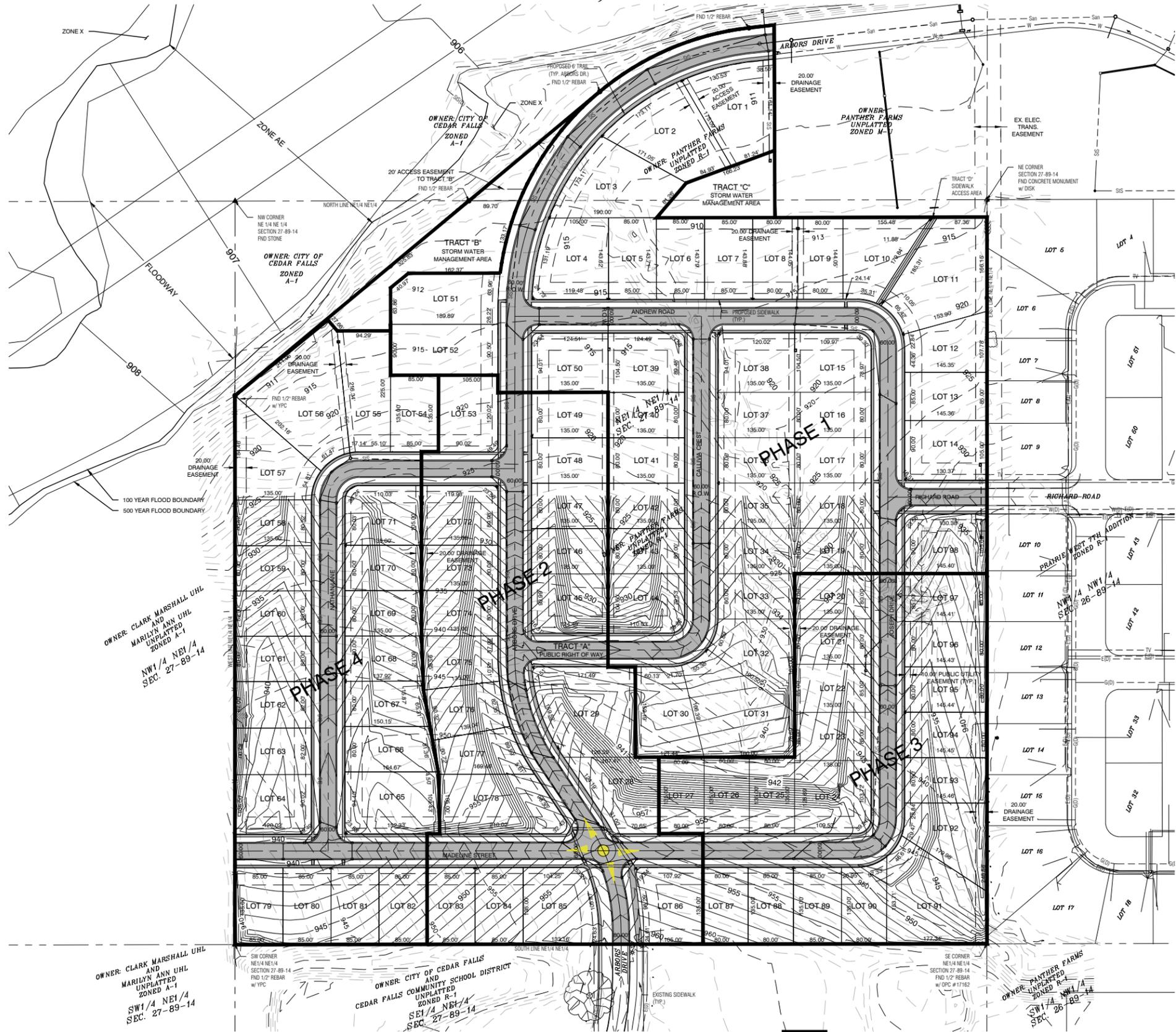
DESIGNED: BIG DATE: 05-23-2019  
DRAWN: SJC DATE: 06-24-2019  
CHECKED: ACD DATE:   
APPROVED: IRS DATE:   
34

## PANTHER WEST CEDAR FALLS, IOWA

## PRELIMINARY PLAT

PROJECT NO. 5722  
SHEET NO. 2 OF 5

# PRELIMINARY PLAT - PANTHER WEST CEDAR FALLS, IOWA



**GRADING NOTES**  
 THE EXTENT OF TOPOGRAPHIC CHANGES SHALL CONSIST OF TRACT "A" ROADWAY GRADING, LOT GRADING, TRACT "B" STORM WATER MANAGEMENT EXCAVATION, TRACT "C" STORM WATER MANAGEMENT EXCAVATION, AND SWALE GRADING THROUGHOUT LOTS.

OWNER: CLARK MARSHALL UHL  
 AND  
 MARIJYN ANN UHL  
 UNPLATTED  
 ZONED A-1  
 NW1/4 NE1/4  
 SEC. 27-89-14

OWNER: CLARK MARSHALL UHL  
 AND  
 MARIJYN ANN UHL  
 UNPLATTED  
 ZONED A-1  
 SW1/4 NE1/4  
 SEC. 27-89-14

OWNER: CITY OF CEDAR FALLS  
 AND  
 CEDAR FALLS COMMUNITY SCHOOL DISTRICT  
 UNPLATTED  
 ZONED R-1  
 SE1/4 NE1/4  
 SEC. 27-89-14

OWNER: PANTHER FARMS  
 UNPLATTED  
 ZONED R-1  
 SW1/4 NW1/4  
 SEC. 26-89-14

DATE PREPARED: JULY 23, 2019



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

**CGA**  
 Clapsaddle-Garber Associates, Inc.  
 5106 Nordic Drive  
 Cedar Falls, Iowa 50613  
 Ph 319-266-0256  
 www.cgaconsultants.com

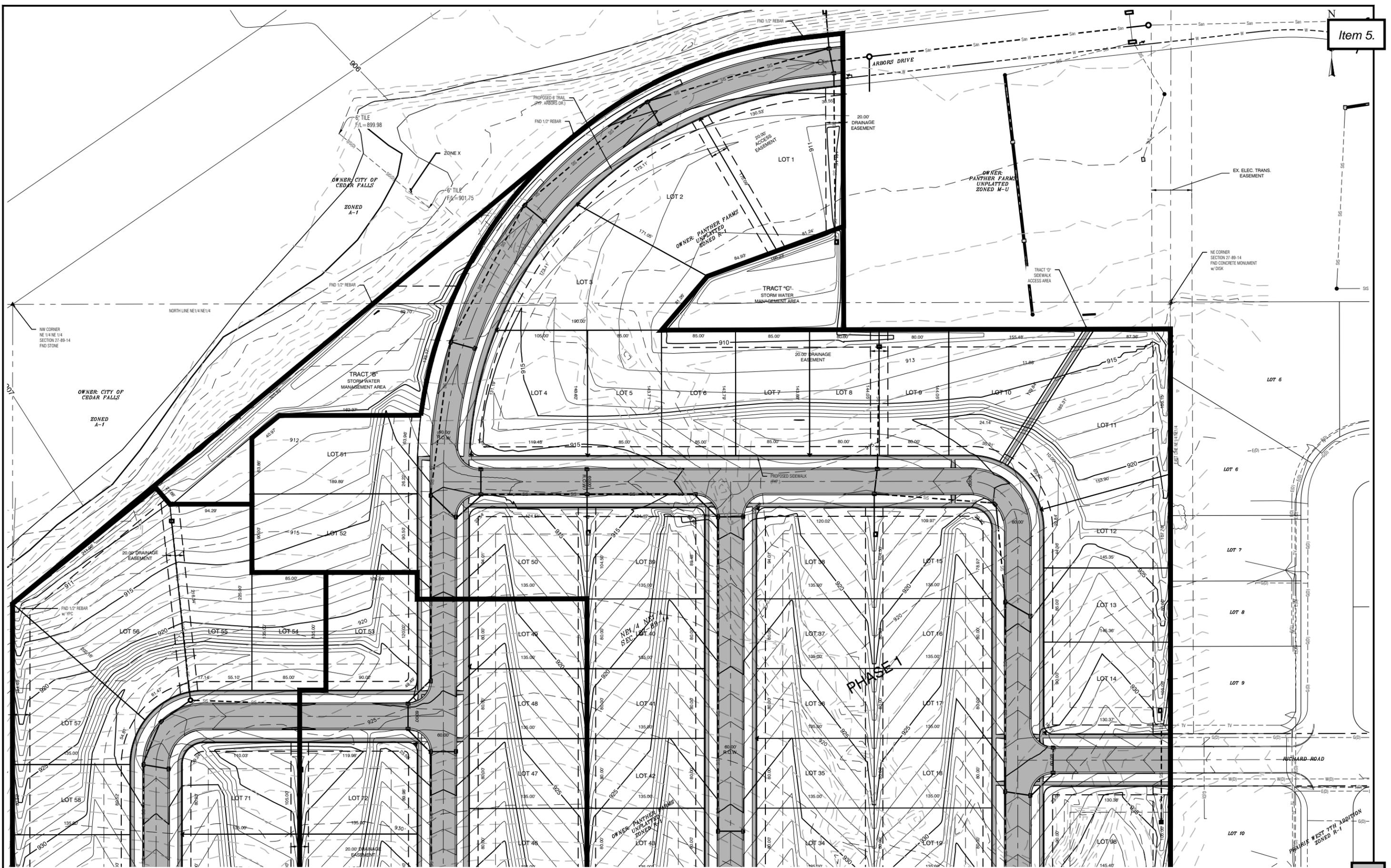
DESIGNED: B.J.G. DATE: 05-23-2019  
 DRAWN: S.J.C. DATE: 06-24-2019  
 CHECKED: A.C.D. DATE:              
 APPROVED: I.R.S. DATE:            

**35**  
**PANTHER WEST**  
 CEDAR FALLS, IOWA

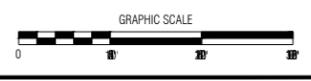
**PRELIMINARY PLAT**

PROJECT NO.  
5722  
 SHEET NO.  
3 OF 5

Item 5.



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NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

**CGA** Clapsaddle-Garber Associates, Inc.  
 Toll Free (800) 543-7961  
 www.cgaconsultants.com

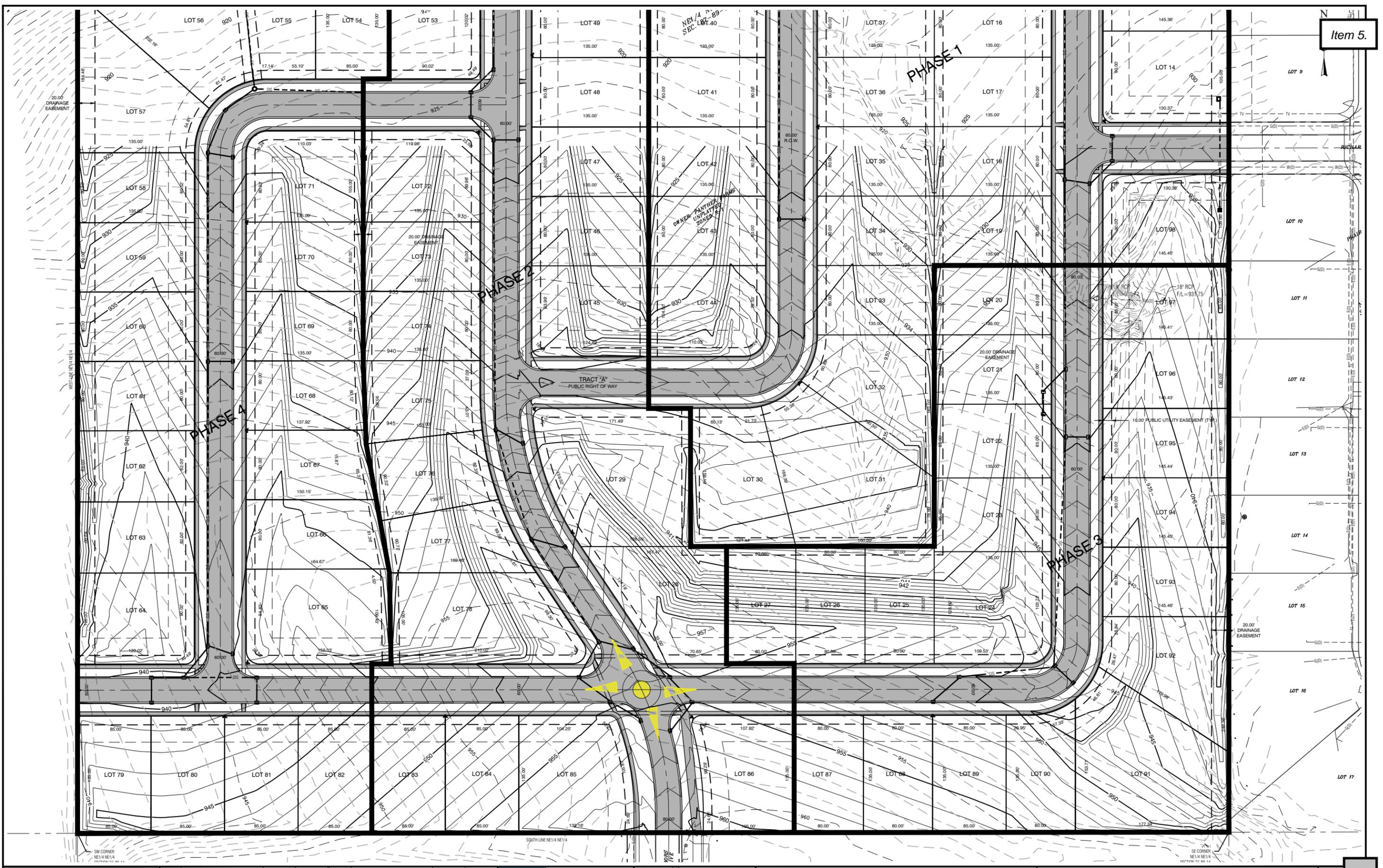
DESIGNED: BJG DATE: 5/23/19  
 DRAWN: KMN DATE: 7/23/19  
 CHECKED: --- DATE: ---  
 APPROVED: --- DATE: ---

# PANTHER WEST

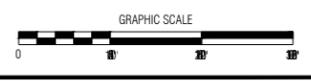
CEDAR FALLS, IOWA

**PRELIMINARY PLAT**

PROJECT: 5722  
 SHEET NO: 36  
 4 OF 5



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NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

**CGA** Clapsaddle-Garber Associates, Inc.  
 Toll Free (800) 542-7961  
 www.cgaconsultants.com

DESIGNED: B.J.G. DATE: 5/23/19  
 DRAWN: K.M.N. DATE: 7/23/19  
 CHECKED: DATE:   
 APPROVED: DATE:   
 10/15/19

**PANTHER WEST**  
 CEDAR FALLS, IOWA

**PRELIMINARY PLAT**

DEED OF DEDICATION  
O F  
PANTHER WEST  
CEDAR FALLS, IOWA

KNOW ALL MEN BY THESE PRESENTS:

That Panther Farms LLC, an Iowa limited liability company, with its principal office in Cedar Falls, Iowa; being desirous of setting out and platting into lots and streets the land described in the attached Certificate of Survey by Travis E. Stewart, a Professional Engineer and Licensed Land Surveyor, dated the \_\_\_\_ day of \_\_\_\_\_, 2019, do by these presents designate and set apart the aforesaid premises as a subdivision of the City of Cedar Falls, Iowa the same to be known as:

PANTHER WEST  
CEDAR FALLS, IOWA

all of which is with the free consent and the desire of the undersigned and the undersigned do hereby designate and set apart for public use the street(s) as shown upon the attached plat.

EASEMENTS

The undersigned do hereby grant and convey to the City of Cedar Falls, Iowa, its successors and assigns, and to any private corporation, firm or person furnishing utilities for the transmission and/or distribution of water, sanitary sewer, gas, electricity, communication service or cable television, perpetual easements for the erection, laying building and maintenance of said services over, across, on and/or under the property as shown on the attached plat. No building structures, fence structures, landscaping structures, private gardens or any other possible obstruction can be built on or over said easements.

RESTRICTIONS

Be it also known that the undersigned do hereby covenant and agree for themselves and their successors and assigns that each and all of the residential lots in said subdivision be and the same are hereby made subject to the following restrictions upon their use and occupancy as fully and effectively to all intents and purposes as if the same were contained and set forth in each deed of conveyance or mortgage that the undersigned or their successors in interest may hereinafter make for any of said lots and that such restrictions shall run with the land and with each individual lot thereof for the length of time and in all particulars hereinafter stated, to-wit:

1. Any dwelling that shall be erected on any lot shall have a minimum setback from the front of the lot line as indicated on attached Final Plat. The minimum set back from each side lot line is 10% of the lot width measured along the front of the lot or seven (7) feet whichever is greater. All minimum setbacks will be required to meet or exceed R-1 Zoning.

2. No single family dwelling shall be constructed, permitted or occupied on any lot herein having a square footage floor space, designed, intended, and constructed for living quarters, which space shall not include cellars, attics, garages, breezeways, porches, stoops, and other such non-living areas, of less than the following requirements:

A. 1,450 square feet for the main base of a single story, split-level or split-foyer houses.

- B. 1,000 square feet on the first floor for story and one-half houses, or two story houses. With a total for all floors not less than 1,650 square feet excluding the basement level.
- C. Only single family structures will be allowed in Panther West.
3. Each single family residence shall have a minimum of a two stall attached garage with a minimum of 525 square feet with a maximum of a three stall garage with a maximum of 1,600 square feet.
4. The owner(s) of each lot, vacant or improved, shall keep his/hers lot or lots free of weeds and debris.
5. No obnoxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
6. All approaches and driveways in said subdivision shall be paved with concrete.
7. No old or used buildings shall be moved upon any of the lots in said subdivision for any purpose. Any auxiliary buildings or sheds must be built of the same or similar materials of the residential structure on the lot and have the same roof pitch and design as said residential structure.
8. No radio station or short-wave operators of any kind shall operate from any lot which shall cause interference with audio or visual reception upon any other lot. No exterior radio antenna shall be erected or maintained in or on the property. No satellite TV antenna or "Dish" may be maintained, constructed or erected on any lot unless it is constructed in the rear yard and at least twenty feet from any property line and is shielded from the public view by shrubbery and landscaping. No dish larger than 24" will be allowed.
9. No dwelling on any lot of said subdivision shall be occupied until the exterior is completed and finished and the interior substantially completed and finished.
10. No bus, semi-tractor, RV, fifth-wheel camper, trailer or truck of any kind except what is commonly described as a "pick-up truck" shall be kept or parked on any lot or street in said subdivision for a period not to exceed twenty-four hours, after which said vehicle can not return to said subdivision for a period of five days, provided, however, that this prohibition shall not apply to such vehicles driven in said subdivision in pursuit of and in conducting their usual business. All buildings erected on any lot in said subdivision shall be constructed in accordance with the Building, Plumbing, and Electrical Codes of the City of Cedar Falls, Iowa.
11. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that two dogs or cats maximum, or other household pets are allowed and then only if they are not kept, bred or maintained for any commercial purposes, such animals shall be kept under control so as not to constitute a public nuisance and must be kept in compliance with applicable zoning laws and regulations of the City of Cedar Falls, Black Hawk County, Iowa. Dog runs or dog kennels of any kind are prohibited.
12. Any and all fencing constructed on said lots shall have a minimum set back of one foot from any property line. Construction of any privacy fencing must have the support posts on the interior side of the fencing.
13. The Tracts shall be used as follows:
- A. Tract A shall be conveyed to the City of Cedar Falls, Iowa for road purposes.

B. Tracts "B" and "C" to be used for storm water management.

C. Tract D shall be used for a sidewalk access area to be constructed by Panther Farms, LLC within \_\_\_\_ years after the date the plat is filed in the office of the recorder of Black Hawk County, and that the sidewalk be across the full width of Tract D. In the event that the City is required to construct the sidewalk, a lien or liens may only be imposed against Tract D. A bike/pedestrian trail shall be installed along the east side of Arbors Drive where indicated on the plat by the owner of said lot during or immediately after the construction of the residence on any particular lot, or within five years after the date the plat is filed in the office of the recorder of Black Hawk County, whichever is sooner. In the event that the owner does not construct said trail in said timeframe, the City may construct the trail and impose a lien against the lot.

14. A four foot wide P.C.C. sidewalk four inches thick will be installed by the owner of said lot during or immediately after the construction of the residence on any particular lot, or within five years after the date the plat is filed in the office of the recorder of Black Hawk County, whichever is sooner and that the sidewalk be across the full width of the lot and on corner lots also. In the event that the owner does not construct said sidewalk in said timeframe, the City may construct the sidewalk and impose a lien against the lot.

15. No building or structure shall be erected, placed or altered on any lot in this subdivision until the building plans, and plot plan, showing all buildings, patios, and pools, and showing the location thereof, and side yard distances, rear yard distances, front yard distances, driveways, and walkways, and type of construction have been approved in writing as to conformity and harmony of the external design and quality workmanship and materials with existing structures in the subdivision by a representative of Panther Farms, LLC.

16. Factory-built housing or modular homes will not be allowed. Panelized homes may be allowed, but must meet the requirements of Panther Farms, LLC, as stated in the previous restriction.

17. The contractor or owner of any lot shall verify the depth of the sanitary sewer service line serving said lot to insure minimum drainage will be met prior to any footing or foundation work being completed. All sump pump lines must be buried and attached to the subdrain along the back of the P.C.C. curbed street. No sump lines will be allowed to dump directly onto the ground surface.

18. Owner of each lot shall comply with all requirements of the US Post Office for mail receptacles. All mailboxes shall be clustered or grouped for the units as shown on the Plat, and shall be placed between the curb line and the property line abutting the lots. The area around said mailboxes shall be kept free and clear by the owner of the lots on which said mailboxes are located.

19. Lots 4, 28, 29, 45, 50, 53, 72, 78, 85 & 86 shall not have driveway access off Arbors Drive.

20. Each person or entity who is record owner of a fee or undivided fee interest in any lot shall be a member of the Homeowners Association to be known as Panther West Homeowners Association. This shall not be construed to include persons or entities whom hold an interest merely as security for the performance of an obligation. There shall be one vote per lot and each lot owner shall be a member of the Homeowners Association. Membership shall be appurtenant to and may be not separated from ownership of any lot; ownership of such lot shall be the sole qualification of membership.

21. Any and all drainage easements will be required to follow the "Stormwater Management Plan" and no building structures, fence structures, landscaping structures, private gardens or any other possible obstruction can be built in and over said drainage easements. All lot owners and/or contractors working on said lots will be responsible to maintain said easements to be free and clear of any physical obstruction(s) thus allowing the

conveyance of overland storm water runoff as intended per "Stormwater Management Plan" on record with the City of Cedar Falls Engineer's Office.

The purpose of Panther West Homeowners Association shall be to own and maintain the common area and green spaces of the development, including but not limited to Tracts "B", "C" and "D") and surrounding access (whether located in said subdivision or serving said subdivision but located outside thereof) and such other activities set forth in the Articles of Incorporation and Bylaws of the Association. Such ownership and maintenance shall include, but not limited to, common neighborhood monument-type mailboxes, fill, mowing, watering, include upkeep of any underground sprinkler system, snow removal of common areas, maintenance of the retention pond(s) water retention/detention area(s) including water quality issues set forth by the City of Cedar Falls in the Maintenance and Repair Agreement for Panther West. Initially, the Developer, Panther Farms, LLC, shall perform the actual construction duties to establish the common area, green spaces, entrance, pond and surrounding access area.

The annual dues for the Association shall initially be set at \$100.00 per lot per year beginning in \_\_\_\_\_. The Developer, Panther Farms, LLC, shall be exempt from any dues expense. The Association shall have the ability and authority to adjust annual dues as it deems appropriate to carry out the maintenance duties as described above.

22. The undersigned and all persons and entities hereafter acquiring any right, title, or interest in any of the Lots in said Development shall be taken and held to have agreed and covenanted with the owners of all other Lots in this Development and with the respective successors and assigns of all of the rest of such other Lots to conform to and observe all of the foregoing covenants, restrictions, and stipulations as to the construction of building thereon, for a period of 21 years from the date of filing of said plat, and this deed of dedication for record. Within the period of 21 years and in accordance with Iowa Code § 614.24 and § 614.25 or their successor provisions, these covenants, restrictions, and stipulations may be extended for an additional period of 21 years upon compliance with § 614.24 and § 614.25 of the Code of Iowa. In the event an extension of the covenants, restrictions, and stipulations is not filed within the period of 21 years or successive 21-year periods, then the covenants, restrictions, and stipulations contained herein shall terminate at the end of the existing period of 21 years.

## IMPROVEMENTS

1. The Street(s) shown on the attached plat, and referred to as Tract "A", will be brought to City grade and that the street will be thirty-one (31) feet, back of curb to back of curb, with approved hard surface pavement in accordance with the City of Cedar Falls, Standard Specifications unless otherwise specified as per approved construction plans.

2. Sanitary sewer, together with the necessary manholes and sewer service lines to all lots in the plat will be provided.

3. That underground utilities, as required by the Subdivision Ordinance of the City of Cedar Falls, Iowa, shall be installed.

4. That city water will be provided to all lots as required by the Cedar Falls Municipal utilities..

5. That municipal fire hydrant(s) will be provided as required by the Cedar Falls Public Safety

Department.

6. That Storm sewer will be provided as specified by the City Engineer.

7. That handicap ramps will be provided as required by law.

8. That the work improvements called herein shall be in accordance with the specifications of the City of Cedar Falls, Iowa, and performed under the supervision of the City Engineer. In the event that the developer, Panther Farms, LLC, it grantees and assigns fail to complete said work and improvements called for within one (1) year from the date of the acceptance of said final plat by the City of Cedar Falls, Iowa, the City may then make improvements and assess the costs of the same to the respective lots. The undersigned, for themselves, their successors, grantees and assigns, waive all statutory requirements of notice of time and place of hearing and agree that the City may install said improvements and assess the total costs thereof against the respective lots.

9. That the City may perform said work, levy the cost thereof as assessments, and the undersigned agree that said assessments so levied shall be a lien on the respective lots with the same force and effect as though all legal provisions pertaining to the levy of such special assessments have been observed, and further authorize the City Clerk to certify such assessments to the County Auditor as assessments to be paid in installments as provided by law.

SIGNED and DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_

Panther Farms, LLC

By: Brent Dahlstrom  
Its: Manager

STATE OF IOWA, BLACK HAWK COUNTY: ss

This record was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 2019, by Brent Dahlstrom, as Manager of Panther Farms, LLC.

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