



**AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, DECEMBER 28, 2022
5:30 PM AT CITY HALL, 220 CLAY STREET**

Call to Order and Roll Call

Approval of Minutes

1. Planning and Zoning Commission Regular Meeting Minutes of December 14, 2022

Public Comments

Old Business

2. **Preliminary Plat – Hidden Pines (PP21-006)**
Location: Southeast of the intersection of Greenhill Road and Cedar Heights Drive
Petitioner: Stephen Clabby, Owner; Kyle Larson, LGC, Developer; Fehr Graham, Engineers
Previous discussion: December 14, 2022
Recommendation: *Approval*
P&Z Action: *Discuss and make a recommendation to City Council*

New Business

- 3. Nominations for Commission Chair and Vice Chair for 2023**

Commission Updates

Adjournment

Reminders:

- * January 11 and January 25 - Planning & Zoning Commission Meetings
- * January 3 and January 17 (note these are Tuesday meetings)- City Council Meetings

**Cedar Falls Planning and Zoning Commission
Regular Meeting
December 14, 2022
Cedar Falls, Iowa**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on December 14, 2022 at 5:30 p.m. at the Community Center. The following Commission members were present: Crisman, Grybovych, Larson, Leeper (joined later in the meeting by phone), Lynch and Moser. Hartley was absent. Karen Howard, Community Services Manager, Shane Graham, Economic Development Coordinator, Michelle Pezley, Planner III and Chris Sevy, Planner I were also present.

- 1.) Acting Chair Lynch noted the Minutes from the November 22, 2022 regular meeting are presented. Ms. Crisman made a motion to approve the Minutes as presented. Ms. Grybovych seconded the motion. The motion was approved unanimously with 5 ayes (Crisman, Grybovych, Larson, Lynch and Moser), and 0 nays.

- 2.) The first item of business was a public hearing for a new zoning agreement in Midway Business Park. Acting Chair Lynch introduced the item and Mr. Sevy provided background information. He explained that the property sits east of Cedar Heights Drive and north of Greenhill Road and Lots 5 and 6 are not properly zoned for an assisted living facility. The new zoning agreement would remove the zoning restriction by rezoning the lots to R-4 and would also allow for a correction to the legal description. Staff recommends approval of the rezoning and the new zoning agreement.

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

- 3.) The next item for consideration by the Commission was a public hearing regarding a rezoning of Lots 1-4 in the Midway 2nd Addition. Acting Chair Lynch introduced the item and Mr. Sevy provided background information. He explained that the previous rezoning to R-4 with an associated zoning agreement was intended to encompass a larger area that included the Lovejoy cul-de-sac. However, the legal description in the previous zoning action years ago has an error, so the properties need to be rezoned with the correct legal description. Since these four lots are at the end of a cul-de-sac that does not connect to the Midway Business Park and have already been developed with single family homes, the City is proposing to rezone these lots to R-1, so the zoning is consistent with the rest of the residential neighborhood.

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

- 4.) The Commission then considered the Southwest Cedar Falls Urban Renewal Plan. Acting Chair Lynch introduced the item and Mr. Graham provided background information. He indicated that the City is looking to establish a new urban renewal area on land that has not yet been developed adjacent to the existing industrial park. He showed a map of the proposed boundaries and indicated that the future use of the property would be for industrial uses as an expansion area of the current industrial park. He discussed the state code requirements and conformance with the Comprehensive Plan. He showed the future land use map and explained the different designations for each area. He indicated that specific goals outlined in the Comprehensive Plan include expanding and enhancing the commercial and industrial

base, supporting new businesses through innovative economic development programs, repairing aging infrastructure, and expanding technology infrastructure to attract business and industry, to name a few. He indicated that within the Comprehensive Plan is also found a Future Land Use Map, which includes both current and proposed uses within the city. More specifically for the area of the city where the proposed Southwest Cedar Falls Urban Renewal Plan is being proposed, the Future Land Use Map designates this area for Industrial uses.

Mr. Graham also discussed the objectives for the new Urban Renewal Plan, which includes:

- a) stimulate private investment in new commercial and industrial development.
- b) plan and provide for sufficient land for commercial or industrial development.
- c) provide for installation of public infrastructure.
- d) use of various governmental incentives to provide a marketable and attractive investment climate.
- e) achieve a well-balanced economy.
- f) develop a sound economic base.

Staff finds that, based on the goals and designated future land uses listed in the Comprehensive Plan, the proposed objectives and activities of the proposed Southwest Cedar Falls Urban Renewal Plan are in conformance with the general plan for the development of the municipality as a whole. Staff recommends that the Commission find that the proposed Southwest Cedar Falls Urban Renewal Plan is in conformity with the general plan for the development of the municipality as a whole.

Mr. Larsen made a motion recommending that the proposed Southwest Cedar Falls Urban Renewal Plan is in conformance with the general plan for the development of the municipality as a whole. Ms. Crisman seconded the motion. The motion was approved unanimously with 5 ayes (Larsen, Crisman, Grybovych, Lynch and Moser), and 0 nays.

- 5.) The next item for consideration by the Commission was a site plan review for a tri-plex on Lot 4 of the Hanna Park Commercial Addition. Mr. Leeper joined the meeting at this time by phone. Mr. Larson recused himself from this item and the one following. Acting Chair Lynch introduced the item and Ms. Pezley provided background information. She explained that the applicant is proposing a new tri-plex at the corner of Valley High Drive and Cedar Heights Drive. The parcel is within the C-1 Commercial District and residential uses are allowed if reviewed by the Planning and Zoning Commission and approved by City Council. One condition is that the future land use map is supportive of the proposed residential uses. The land use map was amended in November 2021 to allow for medium density residential use in this area. Each unit will consist of three bedrooms, two bathrooms and a three-car garage and each driveway will be off Valley High Drive. The subject lot is in the 500-year floodplain. Development is allowed on lots of record within the 500-year floodplain as long as it meets the floodplain regulations and is properly elevated one foot above the 500 year floodplain. Ms. Pezley discussed the setback, parking, landscaping, lighting and stormwater requirements, noting that all are met. She provided renderings of the proposed tri-plex design and stated that staff recommends approval of the project subject to comments or direction specified by the Commission, conformance with all staff recommendations and technical comments, and the stipulation that construction of the proposed residential development must commence within one year of City Council approval, with an option for a one-year extension.

Ms. Crisman asked Ms. Pezley to discuss the stormwater management issues. Ms. Pezley explained that any stormwater that leaves the parcel has to meet two-year release rate for existing development for a 100-year storm event. These criteria were reviewed by the Engineering division. Larry Kuzman, Clapsaddle Garber Associates, explained that he is not aware of any stormwater issues the neighbors are having so he cannot comment on what

issues there may be. He explained the current flow pattern with the uncontrolled run-off and discussed how with development the run-off will be controlled and directed toward the creek.

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

- 6.) The Commission then discussed the preliminary plat for Hidden Pines. Acting Chair Lynch introduced the item and Ms. Pezley provided background information. She explained that a preliminary plat is proposed near the intersection of Greenhill Road and Cedar Heights Drive. She explained that the parcel is within the R-2 zoning district and consists of 43 residential lots. The developer plans to complete the project in two phases starting in the spring. She discussed the street extensions and noted that the City of Waterloo sent a letter stating they have no objections with those extensions and with the stormwater management as proposed. She spoke about stormwater management, public sanitary sewer, wetlands and open space, as well as critical infrastructure and traffic calming provided. Staff recommends gathering comments from the Commission and the public and to continue the discussion to the next Planning and Zoning meeting.

Nate Kass, Fehr Graham Engineering and Environmental came forward to express his availability for comments and questions. Ms. Moser asked what the wetland mitigation entails. Mr. Kass explained that it would be specific native vegetation that will be graded very flat such that it will retain some runoff. It will be placed very strategically near the northern stormwater basin. Ms. Crisman asked if there are any plans to take care of and maintain the space if there are future issues. He stated that any issues will be addressed.

Pat Burke, 1406 Asbury Lane, stated concerns with the stormwater and future placement of different kinds of buildings near his home on the property south of the proposed subdivision. Ms. Howard stated that nothing has been proposed on that property at this time other than the extension of the sewer line within an easement to Huntington Road, so she doesn't want to speculate what may be developed in the future. She indicated that any proposal would need approval by the Planning and Zoning Commission and City Council and the neighboring property owners would be notified, so there would be opportunity for neighbors to provide input. He asked about potential consequences of the stormwater runoff plan.

Dan Murphy, 1438 Asbury Lane, Waterloo, stated concerns with stormwater runoff and potential traffic issues. Mr. Kass explained that the runoff should be less and that even if there were some kind of system failure it will run to a planned overflow route. He explained that City ordinances were followed and the Engineering division approved of the plans.

Charles Camarata, 4050 Matthew Drive, Waterloo, stated he believes that there is a wetland and didn't understand what qualifies an area as a wetland. Mr. Kass explained the criteria that would have to be met to be considered a wetland. Mr. Camarata also stated concerns with parking and traffic in that area.

Anthony Smith, 4816 Luke Street, Waterloo, stated concerns with home values, water runoff and traffic.

Pat Burke came forward again to discuss traffic issues. Mr. Kass spoke about the traffic study and how the decisions were made with regard to how the traffic will flow. Mr. Burke asked about the process for this item's approval.

Mr. Smith asked if the traffic study was done before or after the roundabout was finished and expressed his thoughts on how traffic would move. He also commented again regarding one of the retention ponds. Mr. Kass addressed the comments made.

Mr. Murphy asked if Waterloo has been notified of the project. Ms. Pezley stated that they have been involved and have no objections.

Mr. Camarata came forward regarding the traffic again. Mr. Burke added comments regarding traffic as well.

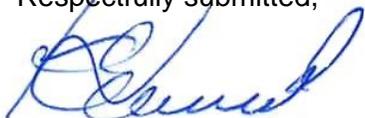
Ms. Crisman asked for clarification on how the city handles issues with traffic in terms of change of the speed limit or speed bumps. Ms. Howard stated that staff can provide additional information at the next meeting regarding the traffic analysis. She indicated that Engineering staff will be present to address questions as well. Ms. Crisman also asked if some historical information could be provided about how the space has been handled in the past. Ms. Moser also asked for assurance from the engineering division regarding the stormwater management improvements.

Ms. Crisman asked what the relationship with the Waterloo Planning and Zoning Commission has been in the past. Ms. Howard explained that the applicant was asked to reach out to the City of Waterloo to get their permission to extend the streets and direct stormwater overflow into the Waterloo storm sewer. The City of Waterloo provided a letter indicating their agreement with the plat as proposed. Ms. Grybovich asked if it is customary for the developer to have a meeting with the residents. Ms. Howard stated that it is encouraged for the developer to have a good neighbor meeting, but it is optional. The item was continued to the next meeting.

- 7.) Ms. Howard discussed the Downtown Character District Project updates and the process and review times. She also asked the Commission for suggestions on any additional training resources that they would be interested in.
- 8.) As there were no further comments, Ms. Moser made a motion to adjourn. Ms. Crisman seconded the motion. The motion was approved unanimously with 5 ayes (Crisman, Grybovich, Leeper, Lynch and Moser), and 0 nays.

The meeting adjourned at 6:51 p.m.

Respectfully submitted,



Karen Howard
Community Services Manager



Joanne Goodrich
Administrative Assistant



DEPARTMENT OF COMMUNITY DEVELOPMENT

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MEMORANDUM Planning & Community Services Division

TO: Planning Commission
FROM: Michelle Pezley, Planner III
Matthew Tolan, EI, Civil Engineer II
DATE: December 28, 2022
SUBJECT: Hidden Pines Subdivision (PP21-006)

REQUEST: Request to approved Preliminary Plat for Hidden Pines

PETITIONERS: Stephen Clabby, property owner; Kyle Larson, developer; Fehr Graham, Project Engineers

LOCATION: South of Greenhill Road, East of Cedar Heights Road and abutting the eastern City Limits

PROJECT #: PP21-006 Preliminary Plat for Hidden Pines

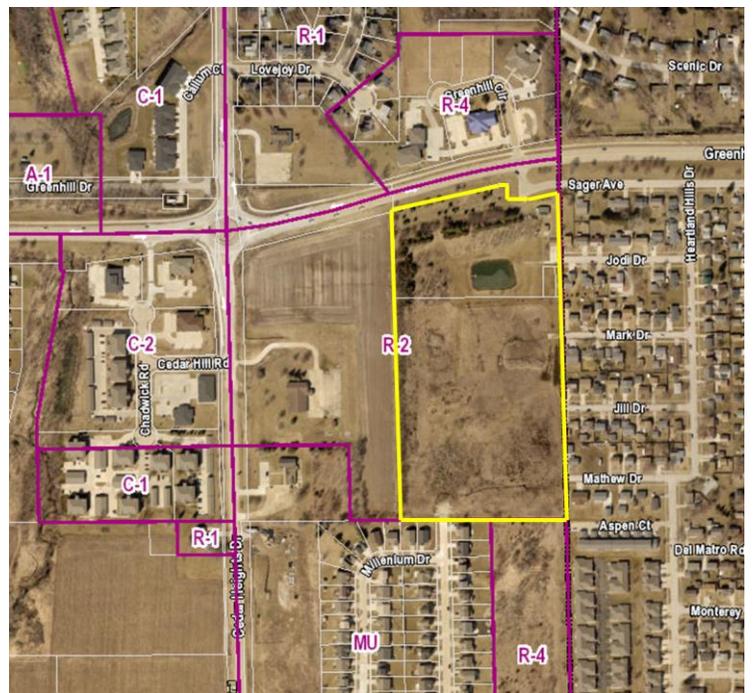
PROPOSAL

The applicant submitted a preliminary plat application to subdivide two lots into 43 residential lots, six tracts, and one outlot within two phases.

The property is located south of Greenhill Road and Sager Ave; east of Cedar Heights Drive, and north of the Luke Road dead end, and west of the Waterloo city limits.

BACKGROUND:

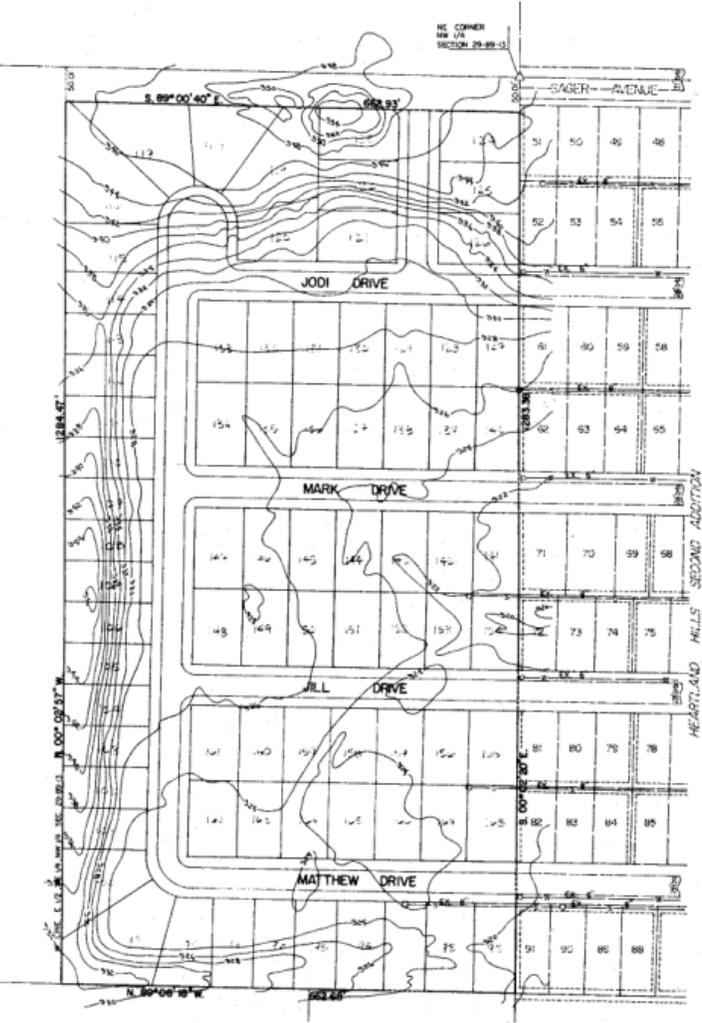
In 1982, the property owner proposed Heartland Hills Phase 3 subdivision as shown on the next page. Phases 1 and 2 were developed within the City of Waterloo and the property owner wished to continue the development with all the



streets connecting to Waterloo. The main concern with the proposal was that there was no street connection to any Cedar Falls streets or surrounding properties.

In 1999, the City reviewed a minor plat for the property to divide the property into two lots. During the review, the City of Cedar Falls and the City of Waterloo were concerned with the southern parcel because it was cut off from any Cedar Falls services. The minor plat was never approved.

The property owner returned with Heartland Hills Phase 3 in 2001 and again in 2014 with similar subdivision design as the first review. Each time, the property owner provided street connections to each of the Waterloo streets but did not propose a street connection to Cedar Falls. The City was consistent in their review of these proposals, noting that street connections would be necessary in order for the City to provide services to the lots.



In past proposals, the property owner designed the subdivision to have the sewer extended from the City of Waterloo. In 2001, Waterloo determined that they did not have the sewer capacity in that part of town to service the subdivision. When Luke Street was developed in Huntington Ridge Second Addition in 2005, the sewer connection was not designed in a way that could be extended to the subject property. To resolve this issue with the current submittal, the applicant proposes to extend the sanitary sewer from Huntington Road through an easement on the vacant property to the south.

ANALYSIS

Coordination between Jurisdictions

The proposed plat indicates that the streets will connect to streets in Waterloo and stormwater overflow will drain to Waterloo storm sewers. The applicant provided a letter from the City of Waterloo that Waterloo was acceptable of the utility and street connections (See attached). Waterloo has no objections to the development as presented.

Lot Configurations:

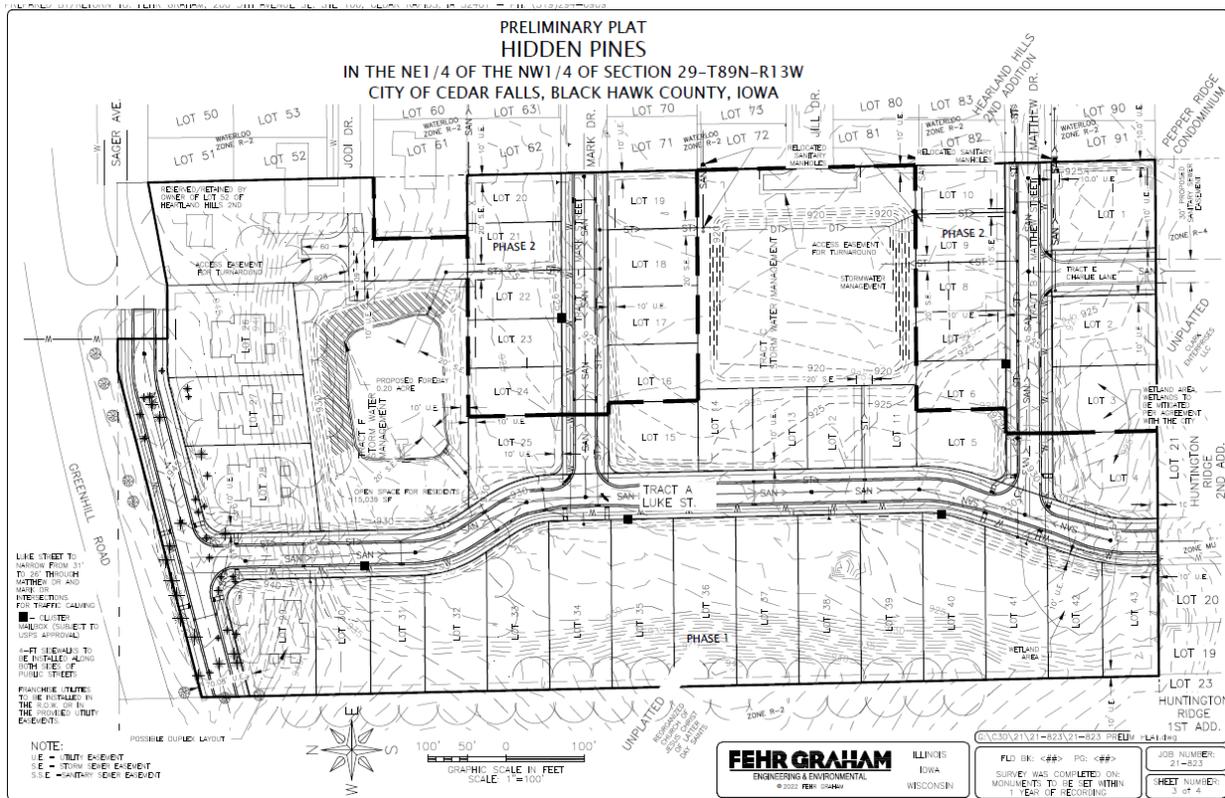
The applicant proposes 43 lots, six tracts, and one outlot. Tracts F and C are intended for stormwater detention and the remaining four tracts are for street rights-of-way. The

outlot is proposed to be combined with the residential property to the east. The subdivision is within the R-2 Zoning District. The subdivision consists of lots that range from 7,244-19,834 square feet. The applicant also proposes mostly single family lots with a few lots large enough to contain duplexes as the market allows/demands.

Each lot is at least 60 feet wide as measured from the front setback for a single-family residence and 70 feet wide for a duplex. Minimum principal building setbacks within the R-2 Zoning District are as follows: 25-foot front yard, 30-foot rear yard, and a side yard of 10% of the lot width. All 43 of the proposed buildable lots meet these standards. As required by the subdivision code, the corner lots are at least 80 feet wide measured at the front setback line. All corner lots meets this requirement.

Phasing of Development and Critical Connections:

Per the recent amendment to the subdivision code, the applicant is required to submit a phasing plan that shows the order of development with an emphasis on ensuring the timely connection of streets and other infrastructure within the development. The phasing plan shall ensure that critical street routes are completed first.



The applicant proposes to develop Hidden Pines in two phases. The critical street route is continuing Luke Street north to connect with Sager Avenue. Sager Avenue will be extended to the west property boundary to facilitate future development. The stormwater detention facilities are also part of the of the critical infrastructure of the subdivision and are needed to serve all the lots proposed in Phase 1. Phase 1 includes 26 lots, both stormwater detention basins, and construction of Luke Street to Sager Ave and extending Sager Ave. to the west property boundary. Small stubs of Mark and Matthew Streets will be constructed in Phase 1 coinciding with the included corner lots.

Phase 2 includes lots facing Mark Drive and Matthew Drive for a total of 17 lots and the small stub for Charlie Street, which will provide a connection to the vacant property to the south so that it can be developed in the future. This street stub aligns with the sanitary sewer that will be extended through the undeveloped property to the south. The applicant plans to start construction of the infrastructure in the spring for Phase 1 and by the end of the summer, start of Phase 2, depending on the market for new lots.

In the second phase, Matthew and Mark Drives will connect to streets with the same name in Waterloo. The City of Waterloo reviewed the connections and overall proposal and have no objections to the connections.

Traffic Calming:

The applicant also was asked to provide traffic calming elements to their design along Luke Street. To slow down traffic the applicant proposes reducing the street width from 31 feet to 26 feet along Luke Street at the intersections with Mark and Matthew Drives.

Stormwater Management:

The applicant proposes two tracts to be used for stormwater management areas: The existing pond in Tract F, and Tract C. Both stormwater facilities are needed for the development of phase 1. The stormwater from each lot will be connected to one of the stormwater basins to maintain the existing two-year storm event stormwater flow of the property in a surface drain/to pipes connected to the basins. The existing pond is proposed to overflow to the basin in Tract C for the 100-year stormwater event. The overflow from Tract C stormwater basin will connect to the City of Waterloo's existing inlet east of the site on Matthew Drive.

According to the draft deed of dedication, the property owner will deed the stormwater management areas to the homeowners' association to maintain as well as dedicate easements to the City. The City Engineer's office has reviewed the revised stormwater report and finds it acceptable.

Sanitary Sewer:

Sanitary sewer is available upon extension through an easement across the undeveloped property to the south. The applicant indicated during a meeting with staff that the adjoining property owner to the south has agreed to an easement through their property for the sewer extension. The sewer will align with the proposed Charlie Street, which will provide an opportunity for development of the property to the south. Preliminary concept drawings of the sewer extension have been submitted for Engineering Division review. The applicant has demonstrated that the sewer extension is feasible. A draft of the off-site easement has been submitted but will need to be revised to include the City of Cedar Falls as a benefited party. (condition added)

Wetlands:

The environmental report shows that there are wetlands on the property. The wetlands are delineated on the plat. The applicant reached out to the United States Army Corps of Engineers (USACE). They determined that the wetlands were not jurisdictional wetlands and do not require any additional review from USACE.

Under Section 20-6(d), the City requires that all wetlands, jurisdictional and non-

jurisdictional wetlands to be mitigated or be left as is. The applicant proposes to mitigate the wetlands to a 0.4 to 1 ratio. The onsite mitigation will include planting wetland species around the northern detention pond. The additional plantings will also increase the water quality of the detention pond. The mitigation plan must be included in the construction drawings for staff review prior to planting. (condition added)

Parks and Trails:

The Comprehensive Plan includes an analysis regarding the community needs for parkland including geographic distribution. The analysis is designed to be general to provide flexibility and encourage creative design in providing park space. The planning standard is to have residents within a fourth to one half mile from a park. The applicant showed that Hidden Pines is within a half mile from Miriam's Park in Waterloo. The applicant proposes part of the Tract F to be used as open space for the homeowner's association to determine the best use of the space.

Process:

Approval of a preliminary plat will allow the developer to proceed with the construction and installation of all required public infrastructure such as streets, sewers, and other utilities for the Phase 1 of Hidden Pines. Final platting must follow the phasing plan as attached to the intent as feasible. 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, grading, etc.) are approved by the City Engineering Division and the infrastructure built and accepted by the City or a performance bond established. Staff notes that the draft off-site easement for extension of the sanitary sewer from Huntington Road will need to be revised to include the City as party to the easement, since the sanitary sewer is intended to be public and maintained by the City once accepted by the City. The City will not accept the sewer until an easement is recorded in its favor. Staff will work with the applicant to make the necessary changes to the easement agreement with the property owner to the south.

TECHNICAL COMMENTS

Cedar Falls Utilities (CFU) has reviewed the preliminary plat for the Hidden Pines Development. Water, electric, gas, and communications utility services are available in accordance with the service policies of CFU. The developer is responsible for the construction of a properly sized water system from the existing 12" water mains at the north end of Luke St and at the northwest corner of Greenhill Road and Greenhill Circle. Included in the installation are valves, fire hydrants, and water service stubs for the new lots. Water main sizing and fire hydrant and valve placement locations will need to be modified. This will be done as a part of the construction plan review. The developer will need to make refundable investments for the installation of the electric and gas utilities to and throughout the addition. For a ten-year period after the installation, CFU will refund a portion of the refundable investments based upon the number of new service connections to the electric and gas distribution systems. There is no interest paid on the refundable investments and the total refunds will not exceed the original investment amounts.

A revised plat is in the packet. Staff will review the final corrections before forwarding to City Council.

Neighbor Notice:

A courtesy notice to nearby property owners was mailed on December 7, 2022. The City received three written comments (see attached). Oral comments at the meeting are summarized in the meeting minutes on the next page.

Planning and Zoning Commission Meeting:

The Planning and Zoning Commission requested additional information about the traffic analysis, historical information about the area (what happened with the wetlands, filling, etc.), and further explanation of the stormwater management proposed.

With regard to the traffic analysis and stormwater management, it is our understanding that the applicant's engineer will be prepared to address these issues in more detail at the meeting. City Engineering staff will also attend the meeting to answer any questions regarding their review of the traffic analysis and stormwater management.

Regarding history of the site, the background section in the report above provides a history of past efforts to develop the site. Staff does not have information about past grading and filling activity on the site. The applicant may be prepared to provide additional information on the ground disturbance conducted on the property in the past. It is in the applicant's best interest to know the existing conditions of the site, so they can prepare accurate construction drawings for installation of the infrastructure. The City Engineering staff will review and approve the construction drawings and then inspect the site during and after the infrastructure is completed to ensure it is up to City standards before accepting it. In addition, prior to approval of the final plat the developer is required to sign a maintenance and repair agreement to ensure that the stormwater facilities are maintained in proper working order over time.

RECOMMENDATION

City staff has reviewed the preliminary plat for Hidden Pines (PP21-006) and recommends approval with the following stipulations:

1. The applicant shall provide an easement for the off-site sanitary sewer extension prior to or with submittal of the construction drawings. The easement agreement shall include the City of Cedar Falls as a benefited party and must be reviewed and approved by the City Council prior to recording.
2. The applicant shall provide the wetland mitigation planting plan with the construction drawings, which shall be reviewed and approved by the City prior to planting.
3. Any comments or direction specified by the Planning & Zoning Commission.
4. Conform to all city staff recommendations and technical requirements.

PLANNING AND ZONING

Discussion 12/14/22	The Commission then discussed the preliminary plat for Hidden Pines. Acting Chair Lynch introduced the item and Ms. Pezley provided background information. She explained that a preliminary plat is proposed near the intersection of Greenhill Road and Cedar Heights Drive. She explained that the parcel is within the R-2 Zoning District and consists of 43 residential lots.
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The developer plans to complete the project in two phases starting in the spring. She discussed the street extensions and noted that the City of Waterloo has no objections with the street extensions into Waterloo. She spoke about stormwater management, public sanitary sewer, wetlands, open space, critical infrastructure, and traffic calming provided. Staff recommends gathering comments from the Commission and the public and to continue the discussion to the next Planning and Zoning meeting.

Nate Kass, Fehr Graham Engineering and Environmental came forward to express his availability for comments and questions. Ms. Moser asked about the wetland mitigation details. Mr. Kass explained that it would be specific native vegetation that will be graded very flat such that it will retain some runoff. New plants will be placed very strategically around the pond. Ms. Crisman asked if there are any plans to take care of and maintain the space if there are future issues. He stated that issues will be addressed.

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Anthony Smith, 4816 Luke Street, Cedar Falls, stated concerns with home values, water runoff, and traffic.

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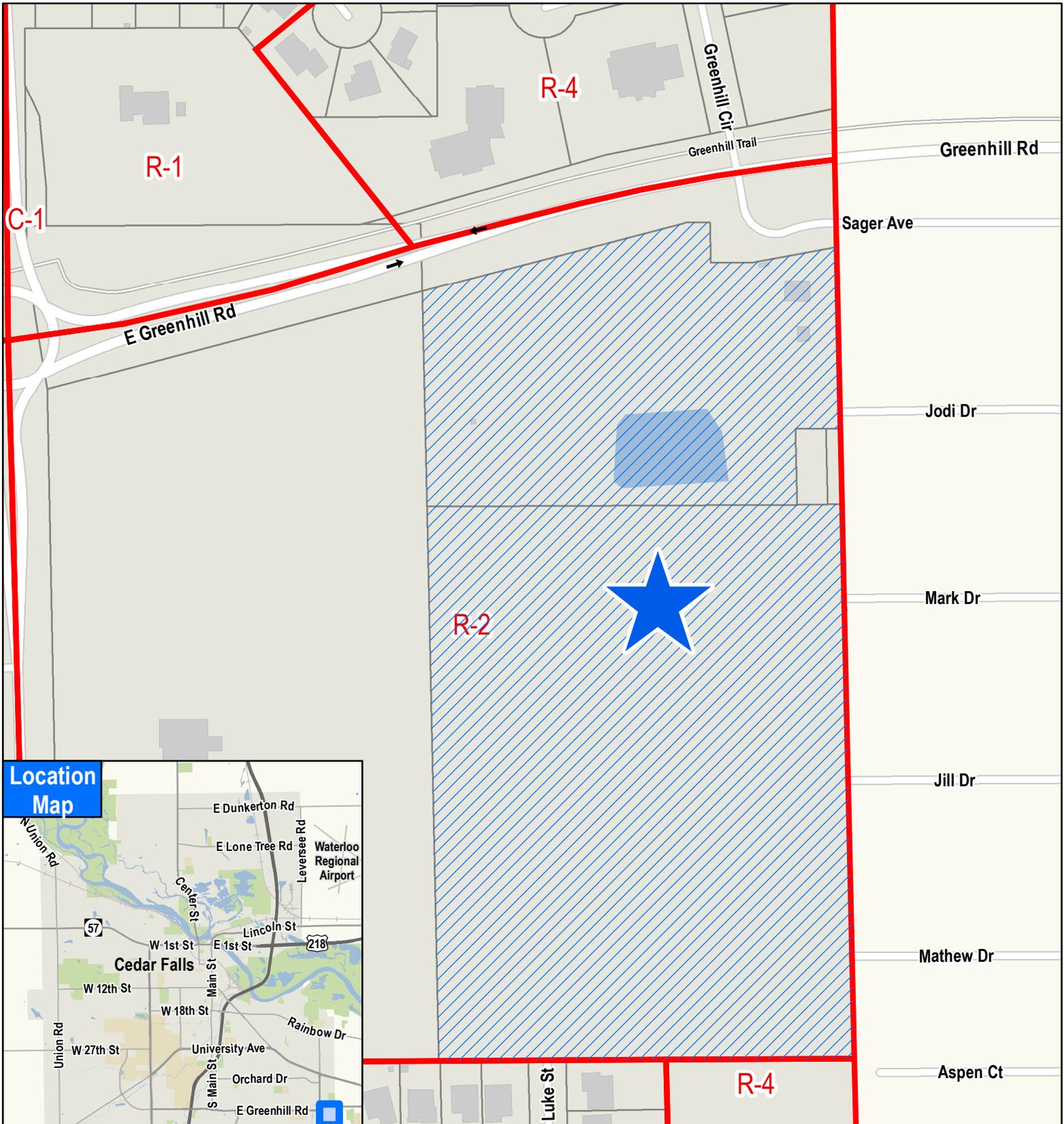
Mr. Camarata came forward regarding the traffic again. Mr. Burke added comments regarding traffic as well.

Ms. Crisman asked for clarification on how the city handles issues with traffic in terms of changes to the speed limit or speed bumps. Ms. Howard stated that questions can be posed to the Engineering Division and they can bring forward answers at the next meeting. Ms. Crisman also asked if some historical information could be provided about how the space has been handled by the DNR in the past. Ms. Moser also asked for assurance from the engineering division with regard to the water improvements.

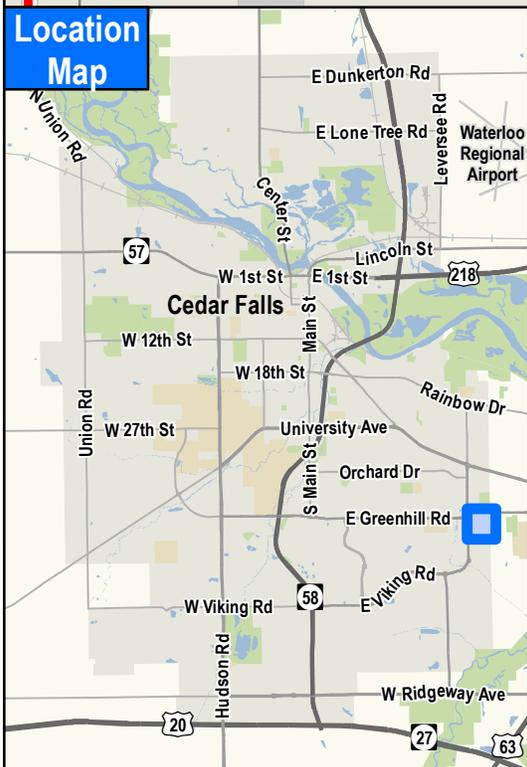
Ms. Crisman asked what the relationship with the Waterloo Planning and Zoning Commission has been in the past. Ms. Howard explained that the applicant is asked to reach out to Waterloo and provide the City of Cedar Falls that Waterloo was okay with the proposal. Ms. Grybovich asked if it is customary for the developer to have a meeting with the residents. Ms. Howard stated that it is encouraged for the developer to have a good neighbor meeting, but it is optional. The item was continued to the next meeting.

Cedar Falls Planning and Zoning Commission December 14, 2022

Item 2.



Location Map



Hidden Pines Subdivision Preliminary Plat (PP21-006)

FOR RECORDER'S USE ONLY

RECORDER'S INDEX
COUNTY: BLACK HAWK
SECTION: 29-T89N-R13W
QUARTER SECTION: NE1/4-NW1/4
CITY: CEDAR FALLS
SUBDIVISION: HEARTLAND HILLS THIRD ADDITION
BLOCK: N/A
LOT(S): 1-50, LOTS A-D
PROPRIETOR: STEPHEN A. AND DEON R. CLABBY
REQUESTED BY: STEPHEN A. CLABBY

PRELIMINARY PLAT HIDDEN PINES

PART OF THE NE1/4 OF THE NW1/4 OF SECTION 29-T89N-R13W CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA

LEGAL DESCRIPTION

NOTE: THIS SUBDIVISION IS A DIVISION OF PART OF WARRANTY DEED RECORDED IN BOOK 671, PAGE 670, AND OF A QUIT CLAIM DEED RECORDED WITH RECORDING INSTRUMENT #2018-00016074 BOTH ON FILE IN THE BLACK HAWK COUNTY RECORDER'S OFFICE, WATERLOO, IOWA.

HIDDEN PINES, PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 89 NORTH, RANGE 13 WEST OF THE 5TH P.M., CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER-QUARTER SECTION;

THENCE SOUTH 01°17'41" EAST (ASSUMED BEARING), 40.00 FEET ALONG THE EAST LINE OF SAID QUARTER-QUARTER SECTION TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 01°17'41" EAST, 289.66 FEET ALONG SAID EAST LINE;

THENCE SOUTH 89°44'18" WEST, 79.00 FEET;

THENCE SOUTH 01°17'41" EAST, 120.09 FEET;

THENCE NORTH 89°44'18" EAST, 79.00 FEET TO SAID EAST LINE;

THENCE SOUTH 01°17'41" EAST, 883.15 FEET ALONG SAID EAST LINE TO THE SOUTH LINE OF SAID QUARTER-QUARTER SECTION;

THENCE SOUTH 89°34'33" WEST, 662.67 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF THE EAST HALF OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER;

THENCE NORTH 01°17'23" WEST, 1228.80 FEET ALONG SAID WEST LINE TO THE SOUTH RIGHT-OF-WAY LINE OF GREENHILL ROAD;

THENCE NORTH 75°34'50" EAST, 432.90 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE;

THENCE SOUTH 00°20'22" EAST, 64.00 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE;

THENCE NORTH 89°44'23" EAST, 68.10 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE;

THENCE NORTH 79°28'27" EAST, 134.69 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING;

CONTAINING 19.298 ACRES, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

BASIS OF BEARING IS NAD83, IOWA STATE PLANE NORTH ZONE.

LOW OPENINGS

LOT 1	921.2	LOT 26	930.0
LOT 2	926.6	LOT 27	930.0
LOT 3	929.1	LOT 28	930.0
LOT 4	930.3	LOT 29	937.4
LOT 5	923.0	LOT 30	933.8
LOT 6	923.0	LOT 31	932.1
LOT 7	923.0	LOT 32	931.4
LOT 8	923.0	LOT 33	930.5
LOT 9	923.0	LOT 34	929.6
LOT 10	923.0	LOT 35	928.6
LOT 11	923.0	LOT 36	927.9
LOT 12	923.0	LOT 37	927.2
LOT 13	923.0	LOT 38	926.2
LOT 14	923.0	LOT 39	926.2
LOT 15	923.0	LOT 40	928.2
LOT 16	923.0	LOT 41	930.5
LOT 17	923.0	LOT 42	931.6
LOT 18	923.0	LOT 43	929.7
LOT 19	923.0		
LOT 20	930.0		
LOT 21	930.0		
LOT 22	930.0		
LOT 23	930.0		
LOT 24	930.0		
LOT 25	930.0		

Curve Table

NUMBER	ARC LENGTH	RADIUS	CHORD DIRECTION	CHORD LENGTH
C1	54.00'	30.00'	S 52°51'54" E	47.00'
C2	78.20'	160.00'	S 19°20'55" E	77.43'
C3	47.51'	100.00'	N 19°44'20" W	47.07'
C4	57.33'	170.00'	S 08°22'14" W	57.06'
C5	77.56'	230.00'	S 08°22'14" W	77.19'
C6	57.33'	170.00'	S 08°22'14" W	57.06'
C7	75.40'	230.00'	N 08°38'25" E	75.06'
C8	89.53'	160.00'	N 17°19'13" W	88.37'
C9	55.95'	100.00'	N 17°19'21" W	55.22'
C10	40.25'	30.00'	N 37°08'28" E	37.30'
C11	13.65'	120.00'	N 78°50'22" E	946.46'
C12	18.77'	15.00'	S 53°53'05" W	17.57'
C13	28.35'	15.00'	S 36°06'55" E	24.32'
C14	23.83'	15.00'	S 44°13'27" W	21.40'
C15	23.29'	15.00'	S 45°46'33" E	21.02'
C16	11.31'	160.00'	S 03°19'22" E	11.30'
C17	78.20'	160.00'	S 19°20'55" E	77.43'
C18	47.51'	100.00'	S 19°44'20" E	47.07'
C19	8.44'	100.00'	S 03°42'30" E	8.44'
C20	3.44'	170.00'	S 00°42'33" E	3.44'
C22	31.50'	230.00'	S 14°06'28" W	31.47'
C23	46.06'	230.00'	S 04°26'50" W	45.98'
C24	13.65'	120.00'	S 78°50'22" W	13.64'
C25	16.00'	120.00'	N 85°55'09" E	15.99'

NOTES:

Owner: Stephen Clabby and Deon Clabby
4046 Jodi Drive
Waterloo, Iowa 50701

Preparer: Nathan P. Kass, PE, PLS
Professional Engineer and Land Surveyor
Fehr Graham Engineering & Environmental
200 5th Ave SE, Suite 100
Cedar Rapids, Iowa 52401
319.294.6909

Developer: Kyle Larson
LGC Group
PO Box 277
Cedar Falls, Iowa 50613
319.266.6609

Zoning:
Existing: R-2 – Residence District (1 & 2 Unit Residential)
Proposed: R-2 – Residence District

Setbacks:
R-2: Front Yard=25 ft, Rear Yard=30 ft, Side Yard=10% of lot width

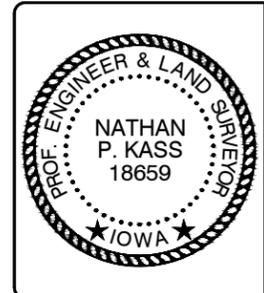
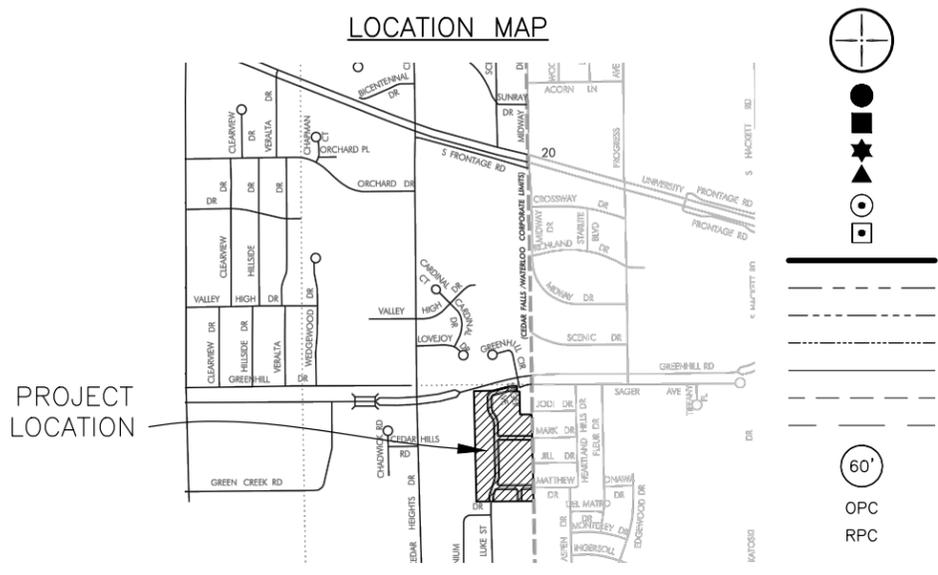
Line Table		
NUMBER	BEARING	DISTANCE
L1	N 33°21'02" W	42.38'
L2	S 18°01'52" W	83.87'
L3	N 01°17'23" W	26.18'
L4	N 01°17'23" W	27.08'
L5	N 33°21'02" W	30.17'
L6	S 33°21'02" E	7.54'
L7	S 33°21'02" E	42.38'
L8	S 18°01'52" W	28.52'
L9	S 18°01'52" W	84.33'
L10	S 18°01'52" W	41.66'
L11	N 18°01'52" E	42.70'
L12	N 18°01'52" E	94.79'
L13	N 18°01'52" E	17.02'
L14	S 01°17'23" E	85.60'
L15	S 33°21'02" E	30.17'
L16	N 33°21'02" W	19.74'

Flood Plain/Floodway: not in regulatory flood plain or floodway (Zone X)

LEGEND

- SECTION CORNER AS DESCRIBED
- FOUND 1/2"Ø REBAR
- FOUND 1/2"Ø REBAR W/YPC #12086
- FOUND "T" BAR
- FOUND 1" PINCHED IRON PIPE
- SET 1/2"Ø REBAR W/RPC #18659
- CALCULATED POSITION
- SURVEY BOUNDARY
- SECTION LINE
- 1/4 SECTION LINE
- 1/4-1/4 SECTION LINE
- EXISTING PROPERTY LINE
- PROPOSED EASEMENT
- PROPOSED SETBACK LINE
- RIGHT-OF-WAY WIDTH
- ORANGE PLASTIC CAP
- RED PLASTIC CAP

- TRACT A = 92739 SQ. FT./ 2.129 AC.
- TRACT B = 25489 SQ. FT./ 0.585 AC
- TRACT C = 78842 SQ. FT./ 1.810 AC.
- TRACT D = 23290 SQ. FT./ 0.535 AC.
- TRACT E = 8006 SQ. FT./ 0.184 AC.
- TRACT F = 65664 SQ. FT./ 1.507 AC.



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa. The unadjusted error of closure does not exceed 1:10,000 for the subdivision boundary and does not exceed 1:5,000 for any individual lot.

PRELIMINARY

Nathan P. Kass, PE, PLS _____ Date _____
License Number: 18659
My license renewal date is December 31, 2023.
Sheets covered by this seal: SHEETS 1 THROUGH 4

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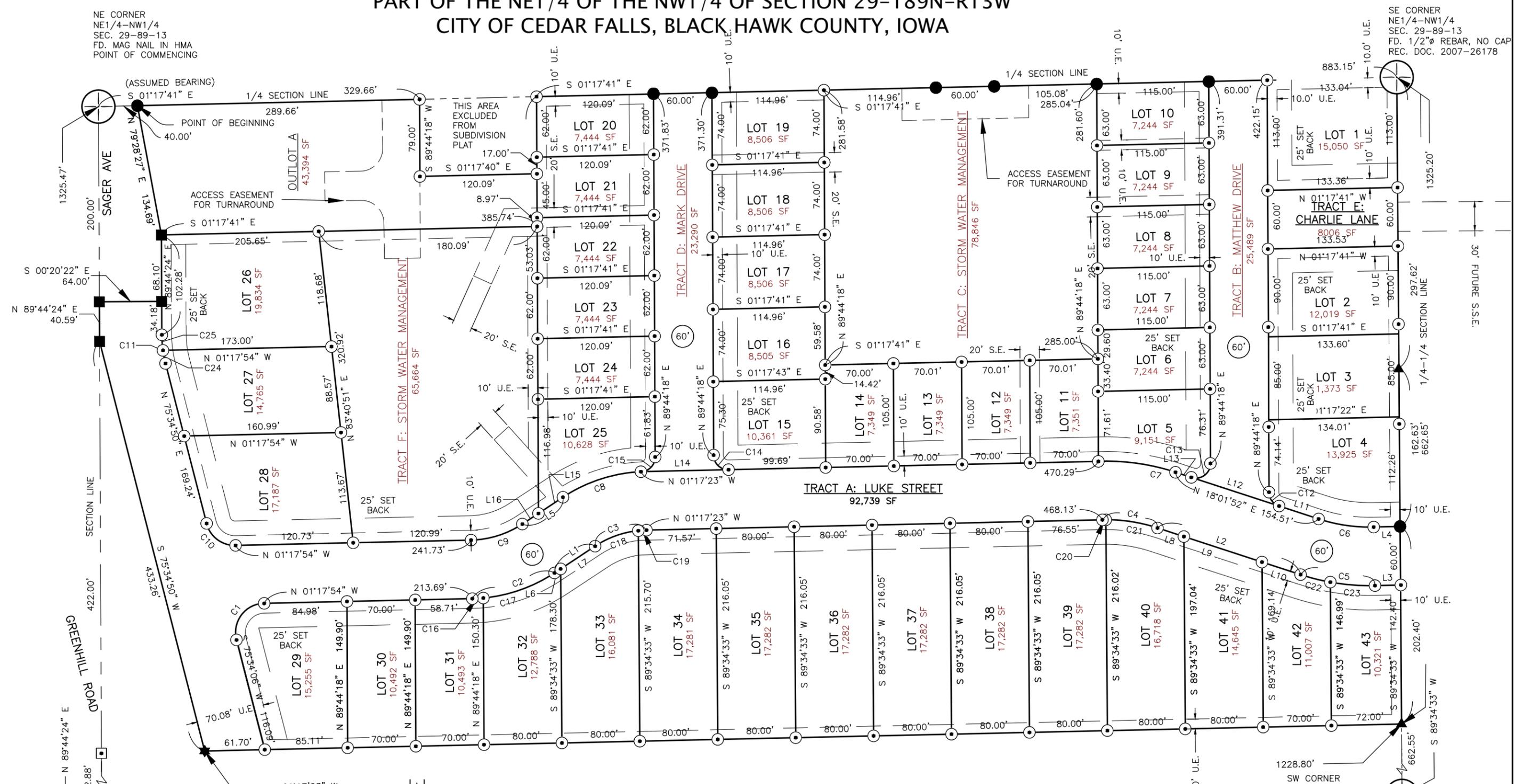
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SURVEY WAS COMPLETED ON:

JOB NUMBER:
21-823

SHEET NUMBER:
1 of 4

PRELIMINARY PLAT HIDDEN PINES PART OF THE NE1/4 OF THE NW1/4 OF SECTION 29-T89N-R13W CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA



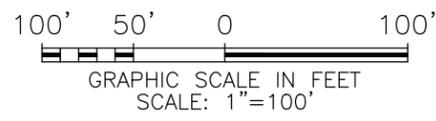
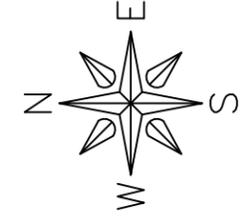
NE CORNER
NE1/4-NW1/4
SEC. 29-89-13
FD. MAG NAIL IN HMA
POINT OF COMMENCING

SE CORNER
NE1/4-NW1/4
SEC. 29-89-13
FD. 1/2"Ø REBAR, NO CAP
REC. DOC. 2007-26178

NW CORNER
NE1/4-NW1/4
SEC. 29-89-13
FD. CUT "X" IN PCC
REC. DOC. 2007-25370

SW CORNER
NE1/4-NW1/4
SEC. 29-89-13
FD. MAG NAIL IN PCC
REC. DOC. 2007-26178

NOTE:
U.E. = UTILITY EASEMENT
S.E. = STORM SEWER EASEMENT
S.S.E. = SANITARY SEWER EASEMENT



SEE SHEET 1 FOR TRACT AREA INFORMATION
AND LEGEND INFORMATION

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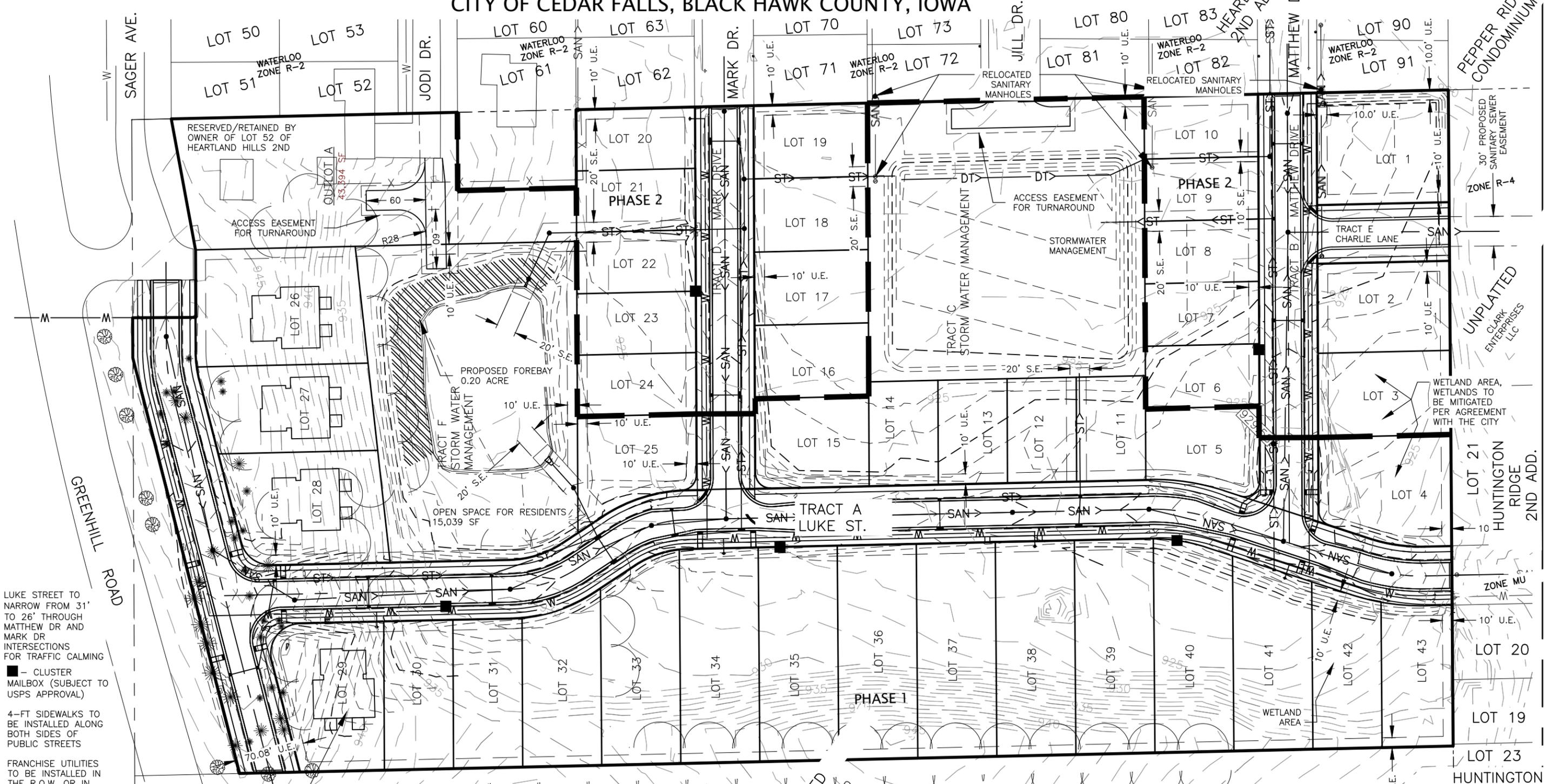
SURVEY WAS COMPLETED ON:
MONUMENTS TO BE SET WITHIN
1 YEAR OF RECORDING

JOB NUMBER:
21-823

SHEET NUMBER:
2 of 4

PRELIMINARY PLAT HIDDEN PINES

IN THE NE1/4 OF THE NW1/4 OF SECTION 29-T89N-R13W
CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA



LUKE STREET TO NARROW FROM 31' TO 26' THROUGH MATTHEW DR AND MARK DR INTERSECTIONS FOR TRAFFIC CALMING

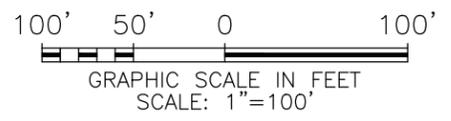
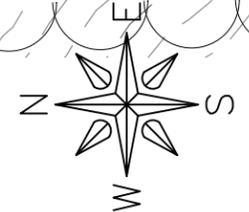
■ - CLUSTER MAILBOX (SUBJECT TO USPS APPROVAL)

4-FT SIDEWALKS TO BE INSTALLED ALONG BOTH SIDES OF PUBLIC STREETS

FRANCHISE UTILITIES TO BE INSTALLED IN THE R.O.W. OR IN THE PROVIDED UTILITY EASEMENTS.

NOTE:
 U.E. = UTILITY EASEMENT
 S.E. = STORM SEWER EASEMENT
 S.S.E. = SANITARY SEWER EASEMENT

POSSIBLE DUPLEX LAYOUT



UNPLATTED
 REORGANIZED
 CHURCH OF
 JESUS CHRIST
 OF LATTER
 DAY SAINTS

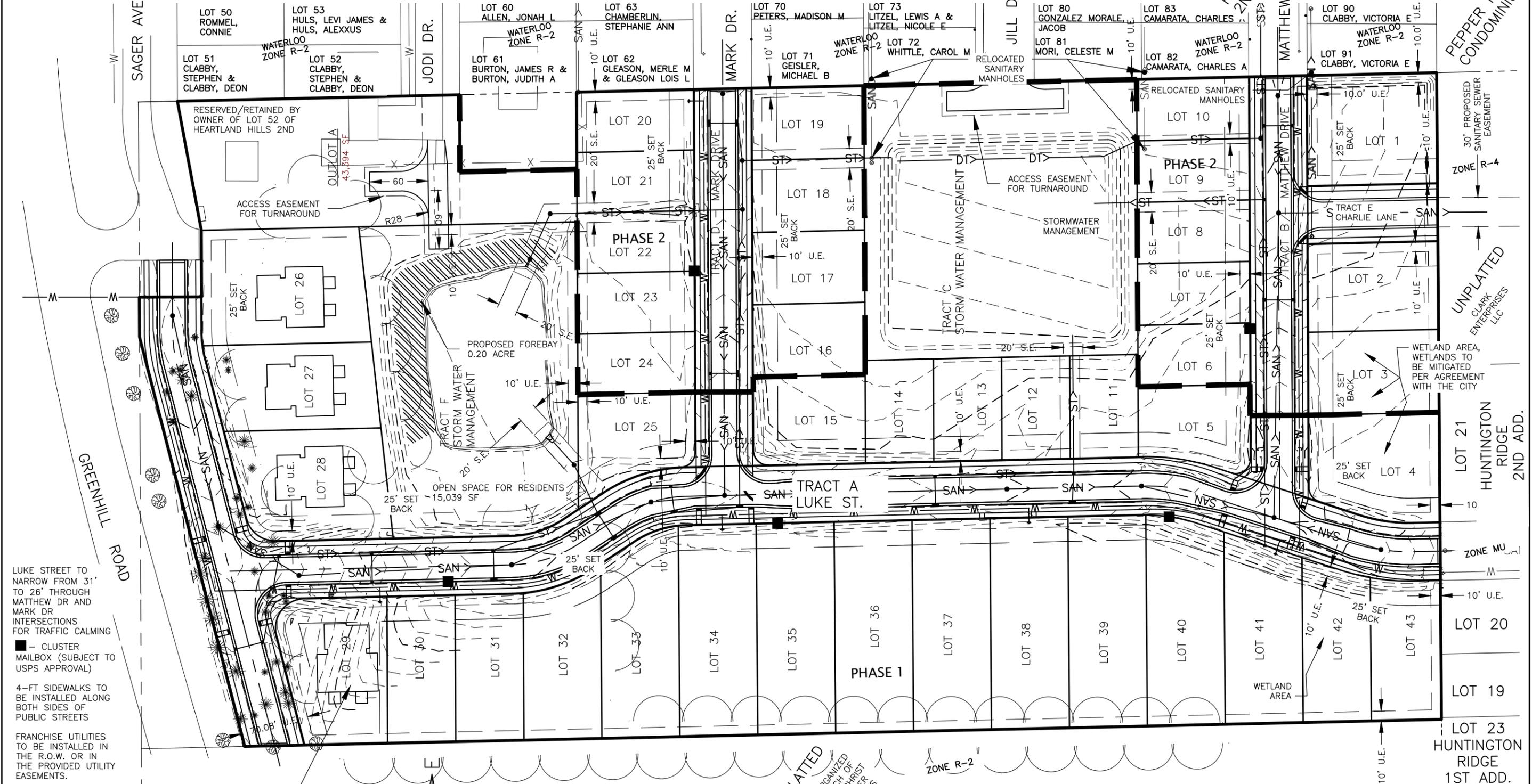
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FLD BK: <##> PG: <##>	JOB NUMBER: 21-823
SURVEY WAS COMPLETED ON: MONUMENTS TO BE SET WITHIN 1 YEAR OF RECORDING	SHEET NUMBER 3 of 4

PRELIMINARY PLAT HIDDEN PINES

IN THE NE1/4 OF THE NW1/4 OF SECTION 29-T89N-R13W
CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA



LUKE STREET TO NARROW FROM 31' TO 26' THROUGH MATTHEW DR AND MARK DR INTERSECTIONS FOR TRAFFIC CALMING

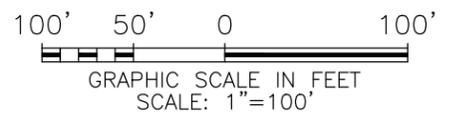
■ - CLUSTER MAILBOX (SUBJECT TO USPS APPROVAL)

4-FT SIDEWALKS TO BE INSTALLED ALONG BOTH SIDES OF PUBLIC STREETS

FRANCHISE UTILITIES TO BE INSTALLED IN THE R.O.W. OR IN THE PROVIDED UTILITY EASEMENTS.

NOTE:
U.E. = UTILITY EASEMENT
S.E. = STORM SEWER EASEMENT
S.S.E. = SANITARY SEWER EASEMENT

POSSIBLE DUPLEX LAYOUT



UNPLATTED
REORGANIZED
CHURCH OF
JESUS CHRIST
OF LATTER
DAY SAINTS

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SURVEY WAS COMPLETED ON: MONUMENTS TO BE SET WITHIN 1 YEAR OF RECORDING	
JOB NUMBER: 21-823	SHEET NUMBER: 4 of 4

DEED OF DEDICATION
OF
PRELIMINARY PLAT
OF
HIDDEN PINES
PART OF THE NE ¼ OF THE NW ¼ OF
SECTION 29-T89N-R13W
CITY OF CEDAR FALLS,
BLACK HAWK COUNTY, IOWA

KNOW ALL MEN BY THESE PRESENTS:

That LG Companies, 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 Nathan P. Kass, a Professional Engineer and Licensed Land Surveyor, dated _____ day of _____, 2022, 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:

HIDDEN PINES
PART OF THE NE ¼ OF THE NW ¼ OF
SECTION 29-T89N-R13W
CITY OF CEDAR FALLS,
BLACK HAWK COUNTY, 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. Such easements shall be deemed to run with the land and shall be binding upon the undersigned and the undersigned’s successors and assigns. No building structures, landscaping structures, private gardens or any other possible obstruction can be placed in the easements.

Any and all drainage easements will be required to follow the “Stormwater Management Plan by Fehr Graham dated September 19, 2022” 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 undersigned do hereby grant and convey to the City of Cedar Falls, its successors and assigns, access to the Public Access Easement shown on Outlot "A", Tract "C", and Tract "F".

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, side, and rear of the lot lines 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-2 Zoning.

2. No single family dwelling shall be constructed, permitted or occupied on Lots 1-26 or 31-44 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. 1,300 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.

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. Condominiums may be constructed on Lots 1-43.

5. The owner(s) of each lot, vacant or improved, shall keep his/her lot or lots free of weeds and debris.

6. 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.

7. All approaches and driveways in said subdivision shall be paved with concrete.

8. 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, 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. Location of the clustered mailboxes shall be reviewed and approved by the City of Cedar Falls, Iowa.

9. 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.

10. 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.

11. 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.

12. 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.

13. All buildings erected on any lot in said subdivision shall be constructed in accordance with all applicable statutes, ordinances, codes, rules, regulations and standards of the City of Cedar Falls, Iowa.

14. 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.

15. 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.

16. 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 City is required to construct the sidewalk, a lien or liens

may only be imposed against the lot or lots which require city construction and no others in the subdivision.

17. 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 LG Companies, LLC.

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

19. The contractor or owner of any lot shall verify the depth of the sanitary sewer service line serving said lot to ensure 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.

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 Hidden Pines Homeowners Association. This shall not be construed to include persons or entities who 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.

The purpose of Hidden Pines Homeowners Association shall be to own and maintain the common area and green spaces of the development, the retention pond(s) 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 be limited to, common neighborhood monument-type mailboxes, mowing, watering, including upkeep of any underground sprinkler system, snow removal of common areas, maintenance of the retention pond(s) water retention/detention area(s). Initially, the Developer, LG Companies, 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 \$_____ per lot per year beginning in _____, 2022. The Developer, LG Companies, 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 Owner and/or occupant of each Lot shall jointly and severally be responsible to keep in good order or to maintain the area between the curblineline and the property line abutting

their property including keeping said area free of holes, pitfalls, stumps of trees, fences, brick, stone, cement, stakes, posts or rods to which a metal, plastic or similar receptacle designed to hold newspapers are affixed, private irrigation or sprinkler systems, retaining walls, landscaping brick, block, stone, timber or other similar material, or any other similar obstructions.

23. Tracts "A", "B", "D" and "E" are dedicated hereto to the City of Cedar Falls, Iowa for street purposes.

23. Outlot A shall be conveyed to the owner of adjoining real estate to the east of Lot 26.

24. Tracts "C and "F" will be used for stormwater management and are non-buildable and designed to meet SUDAS and the City of Cedar Falls Standards and Specifications. Said Outlots will be vegetated with native plantings or maintained as mowed lawn for recreation space.

25. Tract "F" will also be used for public access.

PUBLIC IMPROVEMENTS REQUIRED

1. The Street(s) shown on the attached plat, will be brought to City grade and that the street will be sixty (60) 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. All buildings erected on any lot in said subdivision shall be constructed in accordance with all applicable statutes, ordinances, codes, rules, regulations and standards of the City of Cedar Falls.

9. 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, LG Companies, 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.

10. 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.

11. The Developer shall construct and install all required public improvements within the subdivision plat, to conform with approved construction plans which meet the specifications of the City of Cedar Falls, Iowa. Such required public improvements shall meet the following requirements:

- A. Shall be constructed and installed in a good and workmanlike manner;
- B. Shall be free of defects in workmanship or materials;
- C. Shall be free of any conditions that could result in structural or other failure of said improvements;
- D. Shall be constructed and installed in accordance with the design standards and technical standards established for such public improvements by the City and by Cedar Falls Utilities;
- E. Shall be constructed and installed in strict compliance with the minimum acceptable specifications for the construction of public improvements set forth in the Cedar Falls Code of Ordinances, including without limitation, Chapter 24, Subdivisions, and as such specifications shall be recommended for approval by the City Engineer from time to time, and approved by the city council.
- F. Shall otherwise be constructed in accordance with all applicable statutes, ordinances, codes, rules, regulations and standards.

12. The Developer’s construction plans are now on file in the Office of the City Engineer.

SIGNED and DATED this _____ day of _____, 2022

LG Companies, LLC

Kyle Larson, Manager

STATE OF IOWA, BLACK HAWK COUNTY: ss

On this ____ day of _____, 201__, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Kyle Larson, Manager of LG Companies, LLC, to me known as the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed on behalf of LG Companies, LLC.

Notary Public in and for the State of Iowa

Prepared By: Eric W. Johnson, P.O. Box 178, Waterloo, IA 50704-0178 (319)234-1766

After Recording Return To: Eric W. Johnson, P.O. Box 178, Waterloo, IA 50704-0178

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is entered into by and between Clark Enterprises, LLC ("Clark") and LG Companies, LLC ("LG").

WHEREAS, Clark is the owner of real estate legally described as:

See attached Exhibit "A" ("Clark Property").

WHEREAS, LG Companies is purchasing the real estate legally described as:

See attached Exhibit "B" ("LG Property").

WHEREAS, Clark wishes to grant an easement on Clark Property to LG Property for sanitary sewer from Huntington Road to LG Property.

NOW THEREFORE IT IS HEREBY AGREED by and between the parties as follows:

1. **Grant of Easement.** Clark hereby grants LG Property an easement for a sanitary sewer line that is located on Clark Property that serves LG Property. Said area being more particularly shown on attached Exhibit "C" ("Easement Premises").

2. **Use of Easement Premises.** Exclusive use of the Easement Premises is not hereby granted. Clark expressly reserves the right for themselves and others to use the Easement Premises for any use which does not unreasonably interfere with LG's use of the Easement Premises. Clark agrees not to construct any permanent structures on Easement Premises, other than concrete/asphalt drives or parking.

3. **Construction and Maintenance.** LG shall solely be responsible for the cost of constructing and maintaining said sanitary sewer, including restoring the Easement Premises to its condition prior to the construction or maintenance. Notwithstanding the above provision, either party causing damage to Easement Premises through negligence on the part of that party themselves or others for them or their behalf shall be wholly responsible for any such damage resulting from any such negligence.

4. **Indemnification.** LG agrees to defend, protect, indemnify and hold harmless Clark from and against all claims, demands, liens, costs, losses, expenses and liabilities of any kind, including attorney's fees, arising out of or resulting from or related to LG's use of the Easement Premises.

5. **Running of Benefit and Burdens.** All the provisions of this Agreement, including the benefits and burdens, run with the land and are binding on and inure to the benefit of the heirs, assigns, and successors of the parties.

6. **Miscellaneous.**

(a) This Agreement shall be constructed, construed, and enforced in accordance with the laws of the State of Iowa.

(b) This Agreement sets forth the entire understanding of the parties and no terms, conditions, or warranties other than those contained herein and no amendments thereto shall be valid unless made in writing and signed by the parties hereto.

(c) The prevailing party in any legal action brought to enforce this Agreement shall be entitled to reasonable attorney fees and costs.

LG Companies, LLC

Clark Enterprises, LLC

By: Kyle Larson
Its: Manager

By: Adam Clark
Its: Manager

State of Iowa)

County of _____)ss

This record was acknowledged before me on this ____ day of _____, 2021, by Kyle Larson, as Manager of LG Companies, LLC.

Notary Public

State of _____)

County of _____)ss

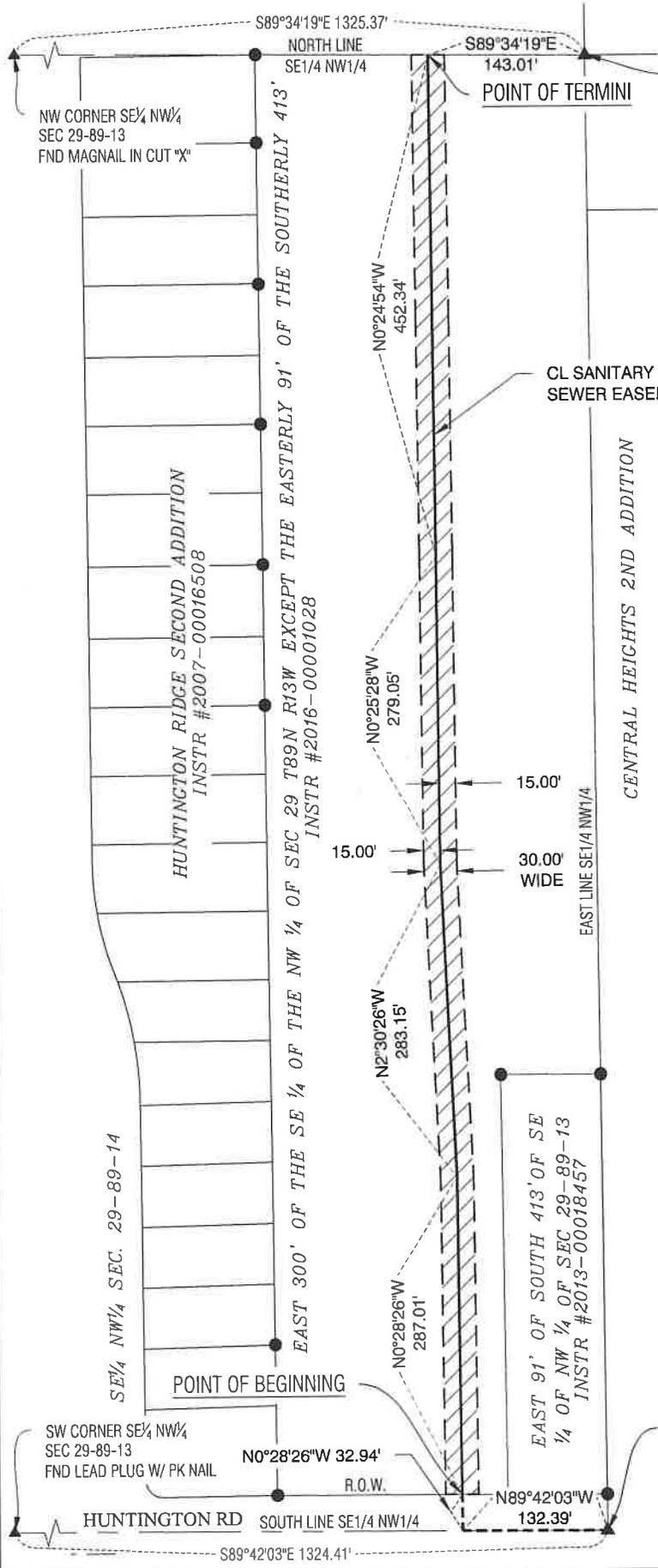
This record was acknowledged before me on this ____ day of _____, 2021, by Adam Clark, as Manager of Clark Enterprises, LLC.

Notary Public

PERMANENT SANITARY SEWER EASEMENT

Item 2.

INDEX LEGEND	
LOCATION:	BLACK HAWK COUNTY, CEDAR FALLS, IOWA
PROPRIETOR:	CLARK ENTERPRISES LLC
SURVEY REQUESTED BY:	KYLE LARSON
FIELD WORK COMPLETED:	4/1/2016
SURVEY PREPARED BY:	CLAPSADDLE-GARBER ASSOCIATES, INC,
RESPOND TO:	TRAVIS STEWART
	16 EAST MAIN STREET, P.O. BOX 754, MARSHALLTOWN, IOWA 50158 PHONE 319-266-0258 TSTEWART@CGACONSULTANTS.COM



NE CORNER SE 1/4 NW 1/4 SEC 29-89-13
FND 1/2" IRON PIN

DESCRIPTION

A 30.00' WIDE SANITARY SEWER EASEMENT, 15.00' ON BOTH SIDES OF DESCRIBED CENTERLINE, LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 89 NORTH, RANGE 13 WEST OF THE 5th P.M., BLACK HAWK COUNTY, CEDAR FALLS, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE CENTER OF SECTION 29, TOWNSHIP 89 NORTH, RANGE 13 WEST; THENCE, N89°42'03"W 132.39' ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4; THENCE N0°28'26"W 32.94' TO THE POINT OF BEGINNING, A POINT ON THE NORTH RIGHT OF WAY LINE OF HUNTINGTON ROAD, THENCE N0°28'26"W 287.01'; THENCE N2°30'26"W 283.15', THENCE N0°25'28"W 279.05'; THENCE N0°24'54"W 452.34' TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 29; CONTAINING 39047 SQ FT/ 0.90 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS, IF ANY.

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
- SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #17162
- () RECORDED AS

NOTE:
ALL BEARINGS ARE THE RESULT OF G.P.S. OBSERVATIONS.

CENTER OF SEC 29-89-13
FND MAGNAIL
POINT OF COMMENCEMENT

**SANITARY SEWER EASEMENT
BLACK HAWK COUNTY**



Clapsaddle-Garber Associates, Inc
5106 Nordic Drive
Cedar Falls, Iowa 50613
Ph 319-266-0258
www.cgaconsultants.com

DRAWN	KNW	SHEET NO.	1 OF 1
DATE	5-13-21	PROJ	29

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

Travis R. Stewart, PLS _____ date _____
Iowa License Number 17162
My License Renewal Date is December 31, 2021
Pages or sheets covered by this seal: THIS SHEET





CITY OF WATERLOO, IOWA

Item 2.

ENGINEERING DEPARTMENT

715 Mulberry St. • Waterloo, IA 50703 • Phone (319) 291-4312 • Fax (319) 291-4262
Email: city.engineer@waterloo-ia.org
JAMIE KNUTSON, PE • City Engineer

July 18, 2022

Mayor
QUENTIN
HART

COUNCIL
MEMBERS
.....

MARGARET
KLEIN
Ward 1

JONATHAN
GRIEDER
Ward 2

PATRICK
MORRISSEY
Ward 3

JEROME
AMOS, JR.
Ward 4

RAY
FEUSS
Ward 5

SHARON
JUON
At-Large

DAVE
BOESEN
At-Large

Nathan Kass
Fehr Graham
200 5th Avenue SE
Suite 100
Cedar Rapids, IA 52401

**RE: STREET AND INFRASTRUCTURE CONNECTIONS FROM
HIDDEN PINES SUBDIVISION**

Dear Nathan:

The Engineering Department has reviewed the preliminary plat for street and utility connections to the City of Waterloo. The Engineering Department has no objection with the proposed preliminary plat as attached to this letter.

The Engineering Department has reviewed the stormwater management report dated 06/13/2022 and agree with the findings.

The City of Waterloo reserves the right to review and comment on the final construction plans as they relate to the street and utility connections prior to construction beginning.

Sincerely,

Jamie Knutson, PE
City Engineer

Cc: Dennis Gentz, Assistant City Engineer
Matt Schindel, Associate Engineer

Michelle Pezley

From: Pat Burke <patburke28@yahoo.com>
Sent: Wednesday, December 14, 2022 2:15 PM
To: Michelle Pezley
Subject: Photos









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

Sent from my iPhone

Dear Planning and Zoning Commission;

I live at 4054 Jill Drive. There is standing water on the tract that will be for stormwater. Last summer when it rained, the water was there for a couple of months.

I hope that the developer moves the water away from my house.

Respectfully yours,



Carol Whittle

RECEIVED

DEC 12 2022

COMMUNITY DEVELOPMENT
DEPARTMENT

Anthony Smith

3rd try at developing this land since 2008 what has changed now.

- 1st time they filled in a nice pond at the top of the hill on Luke Street and all the water then moved to the east the trucks trying to access the area where the pond used to be kept getting stuck even though they tried to fill it in with dirt and rock if you look at the overhead map of the city you can see this. The DNR did come out after, and I thought that they said it couldn't be built on.
- 2nd time they tried to build they came in and cut all the trees down along the top of Luke Street. Then we were told that in order to make the two areas connect they would have to tear out the road and some of the yards all the way down to the Millennium cross street in order to redo the road because it was too steep. Is this still the plan?

Zoning Questions

- Is the city going to annex the entire Huntington addition into the Cedar Falls school district because if this new neighborhood is built all the new homes would be Cedar Falls schools and the Huntington neighborhood is Waterloo schools because the school district map runs across the top of Luke street East/West if not this will have a negative effect on our home values and resale values when you can just go up the road and buy a new home in that school district.

Construction Traffic

- The reason this neighborhood has had good luck at keeping home prices up and selling homes quickly is because of the neighborhood. It is a very quiet and secluded neighborhood that doesn't see a lot of traffic and people can walk the neighborhood and not have to worry about the traffic. If you connect the new neighborhood to it, it will become nonstop traffic of all the new people from the new neighborhood and all the existing homes in the other neighborhoods to the east and north using this to get out to Cedar Heights. It is already hard enough some days to get out of Luke Street with all the traffic coming over the hill from Huntington. Especially when the city must be called numerous times or people take it upon themselves to clean the ditches so you can see the cars coming over the hill. Where is the construction traffic going to be coming and going from, we finally have access back to Cedar Heights and it's the last thing wanted is all the truck going in and out of the Huntington addition.
- If this is going to be built why not just connect it off of Cedar Heights by the church where there is already a partial street heading that direction or why not cut thru Clabbys land to the north and enter and exit off of Greenhill by Sager since it is his land that he is trying to sell it and build on it.

2008/Economy

- I would like to know how many people on this board remember 2008? I do the economy fell and if you lived in the Huntington ridge addition at the time you remember. I was one of the first houses built on the Luke Street side and we had just moved in to our new house and a day later the builder went under and at the time the neighborhood had numerous houses that were sitting empty and or half built some were just basements in the ground and its stayed like this for a while because all the contractors were still trying to get paid for all there work. It came to a

RECEIVED

DEC 14 2022

COMMUNITY DEVELOPMENT DEPARTMENT

Hidden Pines PPE 106
rec @ PE meeting

point were all the contractors were given the homes just so they could recoup some of their money and I had over \$40,000 in leans against my home because people weren't paid because the company went broke. Supposedly (look at that shady business and tell me they went broke.) It was all over the WCF courier at the time because of the situation the neighborhood was in.

- Do you really think it's a good time to take a chance and repeat history the way the current economy is going how many less homes are being sold compared to last year because of this economy the home sales have slowed down and the mortgage rates have gone up where people are waiting to buy. Do we really want to take a chance and build a new neighborhood in this economy and see it get started and not completed because they can't be sold and were sitting here again with empty homes and bring all the home values in the area down. I've been through that before and so have a lot of other people in the Huntington Ridge area and I would like not to see it again.