



**AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, MAY 13, 2020
5:30 PM AT CEDAR FALLS CITY HALL**

To protect against the spread of the COVID-19, the meeting will be held via Videoconference. The public may access/participate in the meeting in the following ways:

- a) By dialing the phone number +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 and when prompted, enter the meeting ID (access code) 890 0159 8327.
- b) iPhone one-tap: +19292056099,,89001598327# or +13017158592,,89001598327#
- c) Join via smartphone or computer using this link: <https://us02web.zoom.us/j/89001598327>.
- d) View the live stream on Channel 15 YouTube using this link: <https://youtu.be/ceyB7ggkpWI> view only).
- e) Watch on Cedar Falls Cable Channel 15 (view only).

To request to speak when allowed on the agenda, participants must click "Raise Hand" if connected by smartphone or computer, or press *9 if connected by telephone. All participants will be muted by the presiding officer when not actually speaking.

Call to Order and Roll Call

Approval of Minutes

- 1. Planning and Zoning Commission Minutes of April 22, 2020.

Public Comments

Old Business

- 2. **Preliminary Plat Amendment – The Arbors Fourth, Fifth and Sixth Additions**
Location: West of Arbors Drive within The Arbors Subdivision
Applicant: Midwest Development Co. - Developer; CGA – Civil Engineer
Previous discussion: April 22, 2020
Recommendation: *Recommend Approval*
P&Z Action: *Discuss and make a recommendation to City Council*

New Business

- 3. **Rezoning from R-1 and A-1 to RP, Planned Residential – West Fork Development**
Location: Approx. 177 acres of property north of W. 27th Street and east of Union Road
Applicant: Echo Development/Brent Dahlstrom - Developer; ISG – Civil Engineer
Previous discussion: None
Recommendation: *Introduction and Discussion*
P&Z Action: *Discuss and set a public hearing*

Commission Updates

Adjournment

Reminders:

- * May 27 and June 10 Planning & Zoning Commission Meetings
- * May 18 and June 1 City Council Meetings

**Cedar Falls Planning and Zoning Commission
Regular Meeting
April 22, 2020
Held via videoconference**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on Wednesday, April 22, 2020 at 5:30 p.m. via videoconference due to precautions necessary due to COVID-19 pandemic. The following Commission members were present: Adkins, Hartley, Holst, Larson, Leeper, Lynch, Prideaux and Saul. Karen Howard, Community Services Manager, Shane Graham, Economic Development Coordinator and Jaydevsinh Atodaria, Planner I, were also present.

- 1.) Chair Holst noted the Minutes from the April 8, 2020 regular meeting are presented. Mr. Hartley made a motion to approve the Minutes as presented. Mr. Larson seconded the motion. The motion was approved unanimously with 8 ayes (Adkins, Hartley, Holst, Larson, Leeper, Lynch, Prideaux and Saul), and 0 nays.

- 2.) The first item of business was a preliminary plat amendment for the Arbors Fourth, Fifth and Sixth Additions. Chair Holst introduced the item and Mr. Graham provided background information. He explained that the plat is located west of Arbors Drive and north of Viking Road and the new Aldrich Elementary School and provided information regarding the original preliminary plat approved in 2014. He explained revisions made in 2018 with regard to the locations of the plats and discussed the newly proposed revisions, which include creating a public trail and stormwater management easement, creation of additional smaller size lots for zero lot line dwellings, removal of a cul-de-sac in order to provide for an additional street connection to serve future development to the west and necessary street redesign. He provided renderings of the proposed duplexes and their designs. At this time, the item is being brought to the Commission for discussion and public comments, noting that staff is comfortable with a decision tonight if the Commission prefers to do that.

Kevin Fittro, Skogman Homes\Midwest Development, provided the perspective of the developers on the proposed changes. The phasing will be changed to accommodate the school and he explained that the timing will be dependent on the sales. He stated that the building types were changed based on market demand. The intention is to blend the duplexes into the single-family homes in the neighborhood, and noted that the street extension to the west was requested by the City.

Amy Rube, 2932 Timber Cove, stated that when they first built their home they believed that there would only be single-family homes and stated her concerns with the home values. She also asked about the phases and when they will begin and whether these will be owner occupied or rental units. Mr. Fittro stated that they don't have a specific time yet, but as the sixth addition his best guess would be based on each addition taking roughly a year to a year and a half and there would be three additions before that one. He stated that he doesn't believe that the duplexes will affect the home values. Ms. Rube asked if a clause can be added that would not allow rentals. Mr. Fittro stated that they would have to speak to their attorney as they would not be able to tell a single-family homeowner that they could not rent, so it may not be an option with the duplexes.

Ms. Prideaux asked about the projected population and price range for the future housing needs in the community and asked if the Comprehensive Plan had any information. Ms. Howard stated that staff can look into that information. Mr. Larson asked what makes the decision on whether or not a vote needs to go through two meetings as opposed to one. Ms.

Howard stated that the decision is up to the Commission. Typically there are two meetings to allow the public to get more information and have discussion.

Mr. Leeper stated that it seems that homeowners seem to be unclear on what is allowed in certain zoning districts when they purchase their homes. He asked if there is anything that can be done to help homeowners understand what is possible with the zoning codes. Ms. Howard provided clarification on the zoning and plan development. Mr. Larson suggested getting information to realtors with regard to zoning and potential development so they can pass that information on to potential buyers.

Mr. Larson made a motion to defer the item to the next meeting. Ms. Adkins seconded the motion. The motion was approved unanimously with 8 ayes (Adkins, Hartley, Holst, Larson, Leeper, Lynch, Prideaux and Saul), and 0 nays.

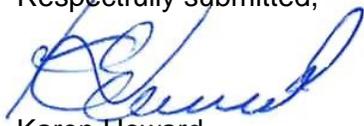
- 3.) The next item for consideration by the Commission was a street right-of-way vacation along Prairie Parkway. Chair Holst and Ms. Lynch stated that they each had a conflict of interest and would be abstaining from the item. Vice-Chair Leeper introduced the item and Mr. Atodaria provided background information. He explained that the location is at the southwest corner of the intersection of Prairie View Road and Prairie Parkway and the property to the west is owned by Western Home Communities. Western Homes has requested the partial street ROW vacation with the intention of then purchasing the vacated property along the road, which would be combined with their existing property to the west. Acquisition of the ROW would allow them to place an entranceway sign for the development in a location more visible to Prairie Parkway. Atodaria noted that due to the design of the roadway with the curve and the roundabout there is excess ROW not needed by the City, except that an 30-foot wide easement would be established along the eastern edge of the vacated area to protect utilities that are located in this area. The approximate vacation area is 21,995 sq. ft. In addition, a 10 ft. utility easement will need to be established along Prairie View Road. At this time, the item is being presented for discussion and comments and the Commission can approve at this time or move to the next meeting. Staff recommends approval with the condition that easements be established as noted in the staff report.

Ms. Prideaux made a motion to approve the item. Ms. Adkins seconded the motion. The motion was approved with 6 ayes (Adkins, Hartley, Larson, Leeper, Prideaux and Saul), 2 abstentions (Lynch and Holst) and 0 nays.

- 4.) As there were no further comments, Ms. Saul made a motion to adjourn. Mr. Larson seconded the motion. The motion was approved unanimously with 8 ayes (Adkins, Hartley, Holst, Larson, Leeper, Lynch, Prideaux and Saul), and 0 nays.

The meeting adjourned at 6:24 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
Phone: 319-273-8600
Fax: 319-273-8610
www.cedarfalls.com

MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: Shane Graham, Economic Development Coordinator
DATE: May 7, 2020
SUBJECT: The Arbors Preliminary Plat Amendment

REQUEST: Request to approve an amendment to The Arbors Preliminary Plat
PETITIONER: Midwest Development Co., Owner; CGA Engineering, Engineer
LOCATION: The property is located north of Viking Road and west of Arbors Drive

PROPOSAL

The Arbors subdivision has been active in single family residential development for the past few years. In total, there are six (6) phases of development. The first three phases have been approved and are located on the east half of the subdivision. The remaining three phases will continue at the northwest corner and proceed to the southwest corner of the plat.

The developer has decided to increase the density of this subdivision by adding 39 additional lots to accommodate two-unit dwellings along the western and southern edge of the subdivision. Another important change included in this plat is a second street connection to the west that is planned in the Arbors Sixth Addition. Therefore, a change in the RP zoning plan for the Arbors to increase the overall number of lots from 204 to 243 with new street alignments are being considered by the Planning and Zoning Commission.

BACKGROUND

In April 2014 the City Council approved rezoning this property from A-1 Agricultural to RP Planned Residential District, as well as approving a Preliminary Plat for this subdivision (82.5 total acres). The RP District plan and Preliminary Plat showed a future build-out for up to 204 one- and two-family dwellings in six "phases". Arbors First Addition was approved by the City Council in April 2015 and included 30 residential lots. The Arbors Second Addition was approved by the City Council in September 2016 included 30 residential lots. The third addition was approved by the City Council in November 2017 includes 33 residential lots. The first three phases of this subdivision occupy the eastern one-half of the 82 acres. These three phases are developed according to the approved preliminary plat.

After the first three phases of development was underway, the developer submitted a revised plat to the Planning and Zoning Commission in the spring of 2018. The phasing plan for the Fourth, Fifth and Sixth was adjusted to continue with the development in the northwest corner and proceed to the southwest corner of the subdivision. This phasing plan was shifted to accommodate the change in the street connections to the adjacent property. According to the original preliminary plat, a street connection (Woodbury Drive) was identified to access the property to the north of this plat. At that time, the Planning and Zoning Commission and City Council determined that a street connection was no longer needed due to the future development of a playground along the north side of the Fourth Addition. Additionally, the western street connection was shifted to the south from Maple Grove Drive to Autumn Woods Drive. This provides one street connection to the western edge of the subdivision.

STAFF ANALYSIS

Midwest Development Co. continues with the development of the Fourth, Fifth and Sixth addition of The Arbors subdivision. The development will continue in a counterclockwise direction with the Fourth addition at the northwest corner of the subdivision. The developer’s engineer submitted construction plans for the Fourth Addition and will present the final plat to the Planning and Zoning Commission in the coming months.

Recently, the developer requested a change in the number of lots that were originally approved in the preliminary plat. They intend to construct several duplex units along the western and southern edge of the subdivision. This increased the original number of lots from 204 to 239 or 39 lots. The following table shows the number of lots in the final three phases of this subdivision.

Phase	No. of Single Unit Lots	No. of Duplex lots	Total Lots	Original No. of Lots
Fourth	43	10	53	45
Fifth	32	16	48	36
Sixth	23	26	49	31
Total	98	52	150	112

The creation of these additional lots formalizes the ownership of the land under each duplex dwelling. From the start of the original preliminary plat, the developer intended to construct one- and two-family dwellings. During the first three phases of this subdivision, there were only single-family dwellings constructed. Now the developer has identified where they intend to construct the two-family dwellings along the western and southern edge of the subdivision. The proposed density of this subdivision with the additional duplex dwellings will increase from 2.48 dwellings per acre to 2.96 dwellings per acre. This is a modest increase that is still considered low density residential.

Along with this density change a new street layout is proposed for the Sixth Addition. The original preliminary plat showed Timber Cove Drive curving to the north with a short cul-de-sac in the southwest corner of the subdivision. This essentially cut off the access for a future street to the west. City staff has been working with the developer to come up with an alternate plan that will allow additional lots as well as a street connection to the west. The developer reviewed this option and presented the revised plat with a new street layout by eliminating the curve and cul-de-sac by extending Timber Cove Drive to the westerly edge of the subdivision. This will create two street connections to the western edge of the plat for future development.

Additionally, a pedestrian connection in the Fourth Addition is identified between Lots 1 to 4 to accommodate a sidewalk connection from Arbor Ridge Road to the future playground on the north side of the subdivision.

At the Planning & Zoning Commission meeting on April 15th, a Commission member questioned if there were housing need projections for different housing types and values housing within the Comprehensive Plan. Staff reviewed the Comprehensive Plan and found that there isn't any specific information regarding the valuation of homes. However, it does indicate that over a 20-year period (2010-2030), there will be a need for 3,778 housing units, or 189 units per year. Of these units, approximately 70% will be single family detached units, 10% will be single family attached townhomes or duplexes, and 20% will be multi-family. These estimates follow similarly to data found between 2000 and 2010.

When looking at the entire Arbors Subdivision (1st through 6th Additions), there are shown a total of 192 single family units and 26 duplex units. This equates to a percentage of 13.5% duplex units within the entire subdivision, which is close to the percentage of duplex units as indicated in the Comprehensive Plan.

Some concern was indicated by the public at the previous Planning & Zoning Commission meeting about the proposed zero lot line dwelling units, and what impacts they may have on the neighborhood. In order to maintain the residential character and quality of the neighborhood, staff recommends that the development agreement, which was approved when the property was rezoned to RP Planned Residential District in 2014, be amended to include some additional stipulations regarding the zero lot line dwellings, as listed below:

1. A variation in siding color between each adjacent two-unit dwelling;
2. At least two different building models will be used, including a one-story and two-story model;
3. A variation in design elements between each adjacent two-unit dwelling, such as doorway designs, sidelight windows, entranceway canopies, pilasters, pediments, brick and stone accents, raised entry cornices, trim colors, and similar;
4. Front yard paving shall be minimized to the extent feasible to provide adequate space for front yard landscaping and a safe public sidewalk environment;
5. The driveway width as measured at the streetside lot line shall not exceed 18 feet;
6. Garages shall not exceed 22 feet in width; and
7. Minimum driveway spacing from the intersection of a collector street or arterial street shall be 75 feet.

Based on the proposed stipulations regarding the development of the zero lot line dwellings within the subdivision, staff believes that these units will maintain the residential character and quality of the neighborhood.

TECHNICAL COMMENTS

City technical staff, including Cedar Falls Utilities (CFU) personnel, noted that the 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 developer will need to make the necessary accommodations for temporary a turnaround at the west end of Autumn Woods Drive in the Fifth Addition and Timber Cove Drive and Timber Creek Circle in the Sixth Addition. This subdivision includes a four-foot public sidewalk across a

lot frontages.

The subdivision will route the stormwater through the back of the lots to the northwest corner of the Fourth Addition the empty into Tract A, a stormwater management area. This Tract is the fourth detention basin for the entire Arbors development. The plan is to convey the stormwater through a series of easements and storm sewers. The Fourth Addition will be graded to flow the storm water to the northwest corner of the subdivision and the Fifth and Sixth Additions will be graded to flow to the east into the existing basins found in the First and Second Addition. A stormwater maintenance and repair agreement has been submitted to the City for the management of these areawide stormwater basins.

STAFF RECOMMENDATION

The Community Development Department has reviewed this amended preliminary plat and recommends approval.

PLANNING & ZONING COMMISSION

Discussion 04/22/2020 Chair Holst introduced the item and Mr. Graham provided background information. He explained that the plat is located west of Arbors Drive and north of Viking Road and the new Aldrich Elementary School and provided information regarding the original preliminary plat approved in 2014. He explained revisions made in 2018 with regard to the locations of the plats and discussed the newly proposed revisions, which includes creating a public easement, creation of additional smaller size lots for duplexes, removal of a cul-de-sac and necessary street redesign. He provided renderings of the proposed duplexes and their designs. At this time, the item is being brought to the Commission for discussion and public comments, noting that staff is comfortable with a decision tonight if the Commission prefers to do that.

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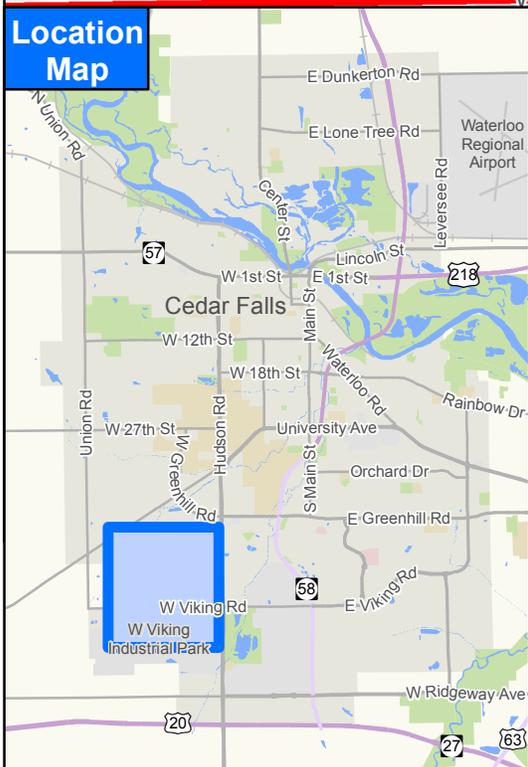
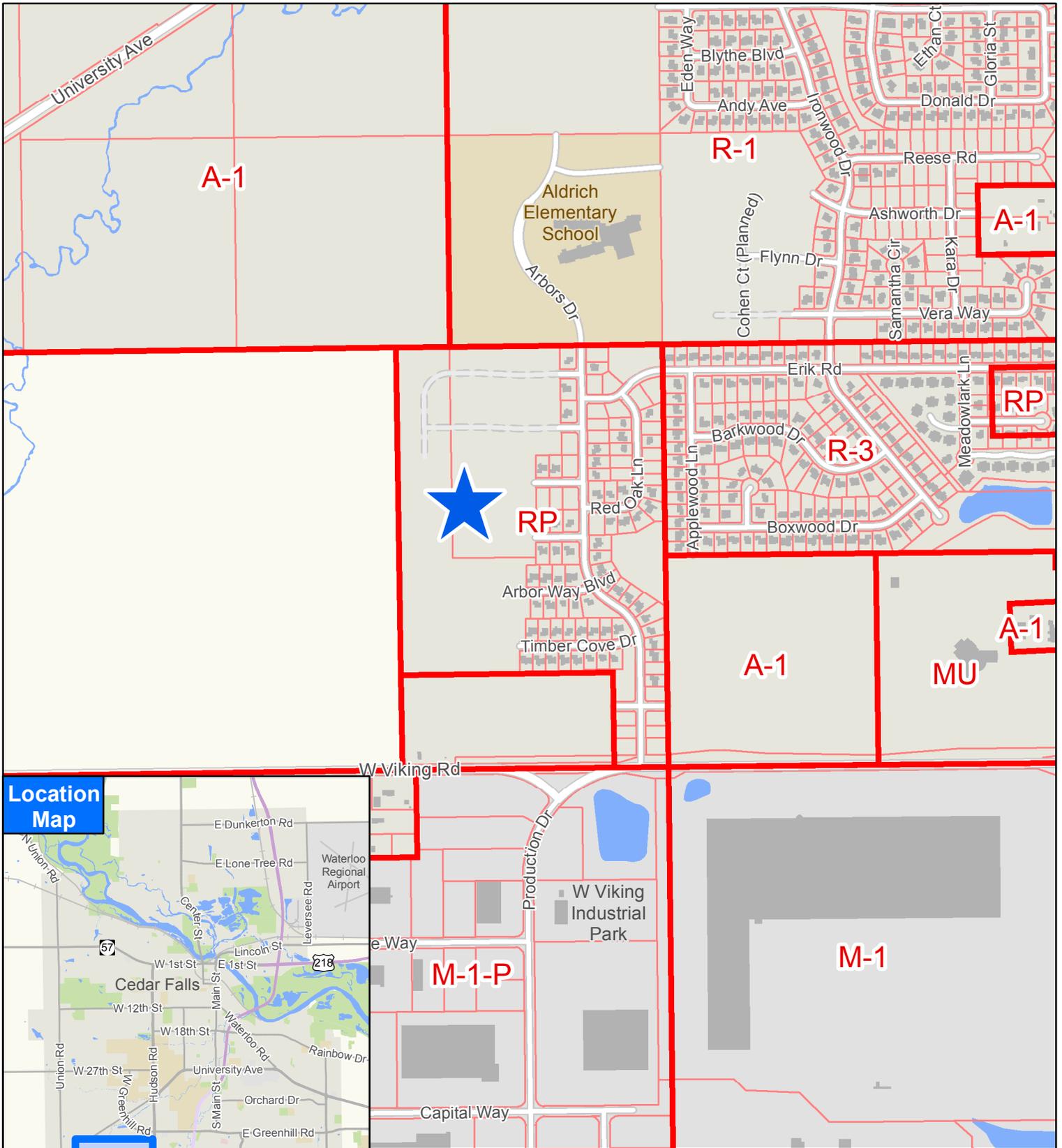
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This item will be brought back and discussed at the next Planning & Zoning Commission meeting.

Vote
05/13/2020

Cedar Falls Planning & Zoning Commission May 13, 2020

Item No. 2.



THE ARBORS FOURTH, FIFTH, AND SIXTH ADDITION PRELIMINARY PLAT

CEDAR FALLS, IA
MARCH 2020

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

THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 AND PARCEL "B" ALL IN SECTION 27, TOWNSHIP 89 NORTH, RANGE 14 WEST OF THE 5TH P.M., CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 89 NORTH, RANGE 14 WEST OF THE 5TH P.M. AND PARCEL "B" RECORDED IN INSTRUMENT #2014-13132 IN THE OFFICE OF THE RECORDER, BLACK HAWK COUNTY, IOWA, EXCEPT THE ARBORS FIRST ADDITION RECORDED IN INSTRUMENT #2015-19403, THE ARBORS SECOND ADDITION RECORDED IN INSTRUMENT #2017-6104, AND THE ARBORS THIRD ADDITION RECORDED IN INSTRUMENT #2018-10409 ALL RECORDED IN THE OFFICE OF THE RECORDER, BLACK HAWK COUNTY, IOWA, CONTAINING 41.84 ACRES. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

OWNERS OF RECORD

MIDWEST DEVELOPMENT CO.
411 FIRST AVENUE SE
CEDAR RAPIDS, IA

FLOOD ZONE

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

SETBACK DATA

FRONT YARD = 25 FT
REAR YARD = 30 FT
SIDE YARD* = 5 FT. (*EXCEPT AS NOTED)

*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 #22634
- PARCEL OR LOT CORNER MONUMENT FOUND AS NOTED ON PLAN
- SET 1/2" x 30" REBAR w/ORANGE PLASTIC ID CAP #22634
- () RECORDED AS

SURVEYOR AND ENGINEER

MARC C. HOODJER, P.L.S.
DARYL ALBERSTON, P.E.
CLAPSADDLE-GARBER ASSOCIATES
P.O. BOX 754 - 16 E. MAIN STREET
MARSHALLTOWN, IOWA 50158
(641)752-6701

ZONING INFORMATION:

RP (UNLESS NOTED OTHERWISE)

SURVEY REQUESTED BY:

MIDWEST DEVELOPMENT CO.
411 FIRST AVENUE SE
CEDAR RAPIDS, IA

RESTRICTIONS

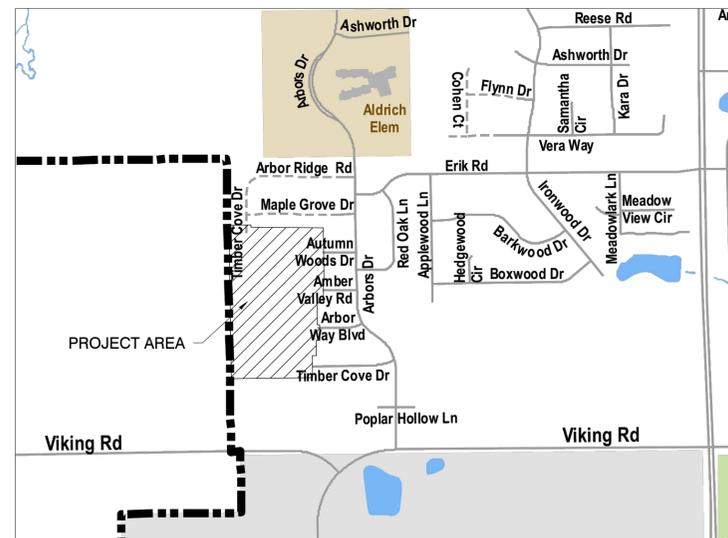
(SEE DEED OF DEDICATION)

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

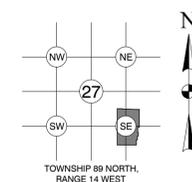


VICINITY MAP
NOT TO SCALE

TRACTS

- A. - STORM WATER MANAGEMENT
- B. - STREET RIGHT OF WAY

PHASE	LOTS	TRACT
4	53	"A" & "B"
5	48	"A" & "B"
6	49	"B"
TOTAL	150	



I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.

Signature

Date

Daryl D. Albertson, PE
Iowa License Number 20477
My license renewal date is December 31, 2020

Pages or sheets covered by this seal: _____

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.

Signature

Date

Marc C. Hoodjer, PLS
Iowa License Number 22634
My License Renewal Date is December 31, 2018

Pages or sheets covered by this seal: _____

NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

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

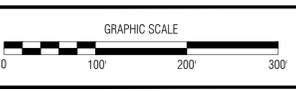
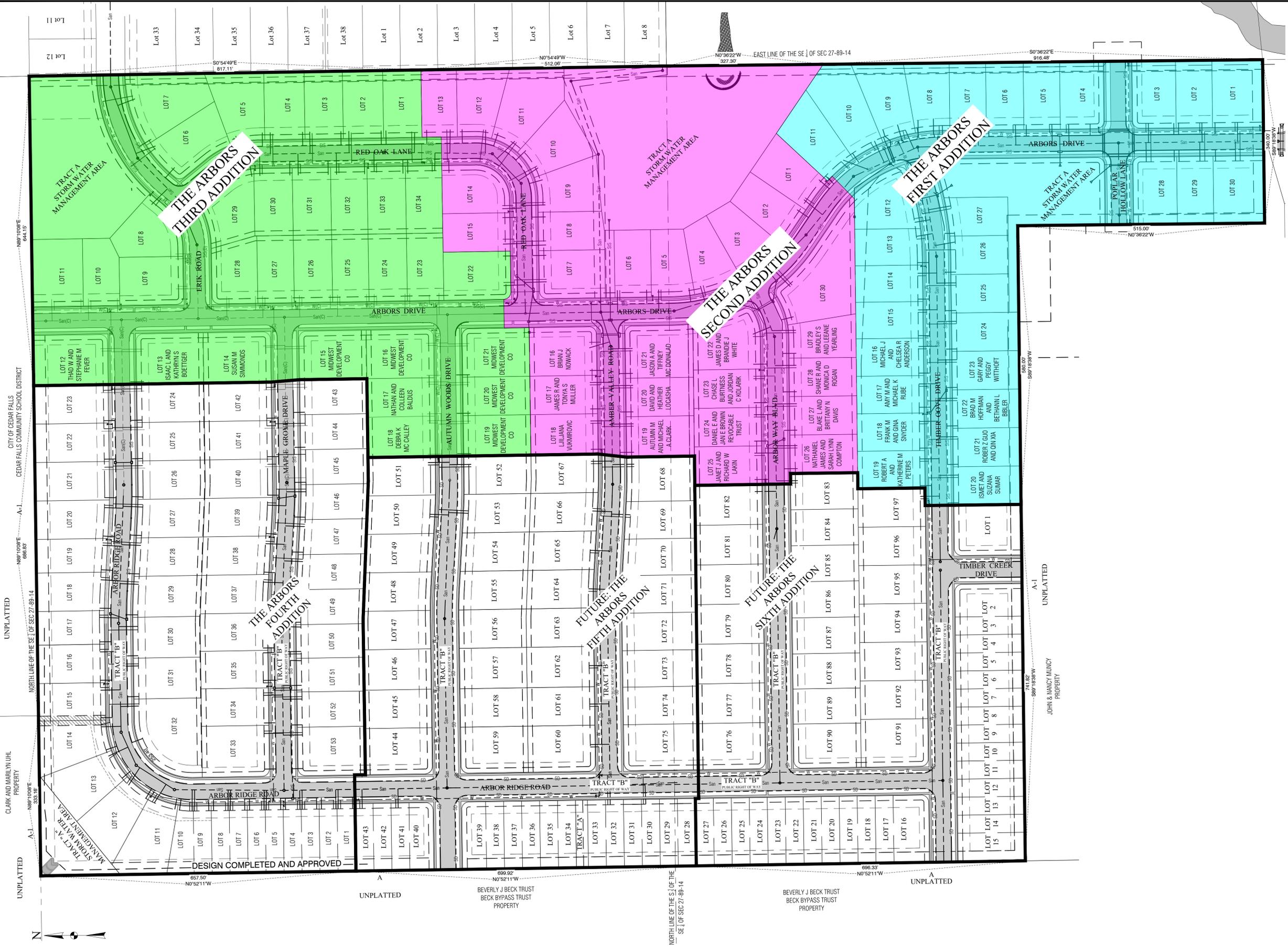
DESIGNED: NCB DATE: 11-26-2019
DRAWN: SJC DATE: 03-04-2020
CHECKED: MCH DATE: 03-09-2020
APPROVED: _____ DATE: _____

THE ARBORS ADDITION
CEDAR FALLS, IOWA

PRELIMINARY PLAT

PROJECT NO.
5622
SHEET NO.
1 OF 5

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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 319-399-0250
www.cgaconsultants.com

DESIGNED: NCB DATE: 03-09-2019
DRAWN: SJC DATE: 03-04-2020
CHECKED: MCH DATE: 01-16-2020
APPROVED: DATE:

THE ARBORS ADDITION

CEDAR FALLS, IOWA

PRELIMINARY PLAT

PROJECT NO. 5622
SHEET NO. 2 OF 5

LOT FRONTAGE AT BUILDING SETBACK FOR IRREGULAR SHAPED LOTS

LOT NUMBER	CHORD DISTANCE (FT.) AT 30' SETBACK
4TH ADDITION - LOT 9	37.50
4TH ADDITION - LOT 10	37.50
4TH ADDITION - LOT 11	72.69
4TH ADDITION - LOT 12	72.99
4TH ADDITION - LOT 13	75.99
4TH ADDITION - LOT 14	76.00



SEE SHEET 4 OF 5

FUTURE: THE ARBORS FIFTH ADDITION

FUTURE: THE ARBORS SIXTH ADDITION



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

CGA Clapsaddle-Garber Associates, Inc.
 5106 Nordic Drive
 Cedar Falls, Iowa 50613
 Ph 319-266-6258
 www.cgarcs.com

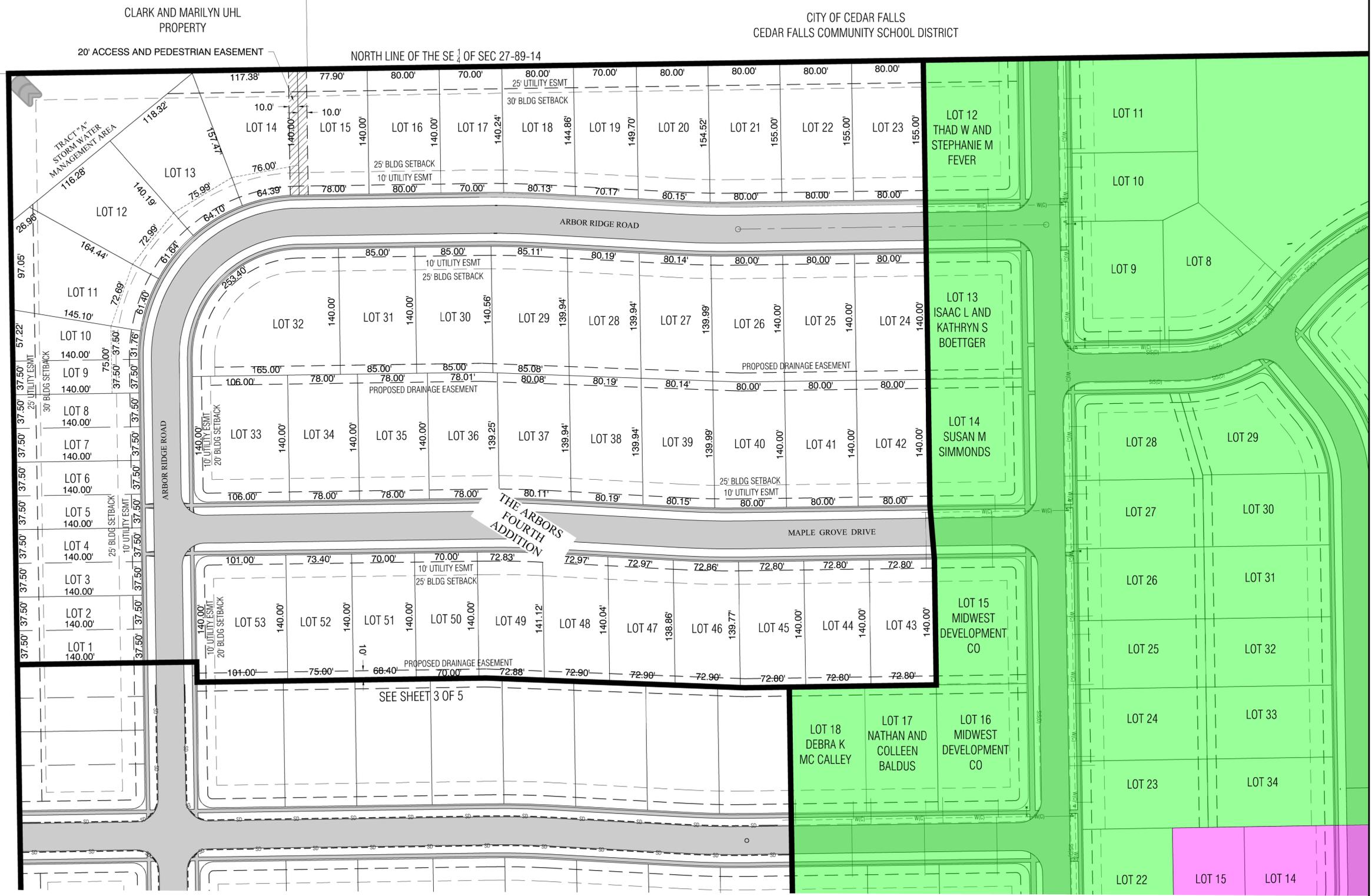
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 APPROVED: _____ DATE: _____

THE ARBORS ADDITION
 CEDAR FALLS, IOWA

PRELIMINARY PLAT

PROJECT NO. 5622
 SHEET NO. 3 of 5

J:\5622\dwg\Survey\Preliminary Plat\5622 Preliminary Plat.dwg - Sheet 4 of 5 - 03-09-20 - 11:23am - sjc325



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

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

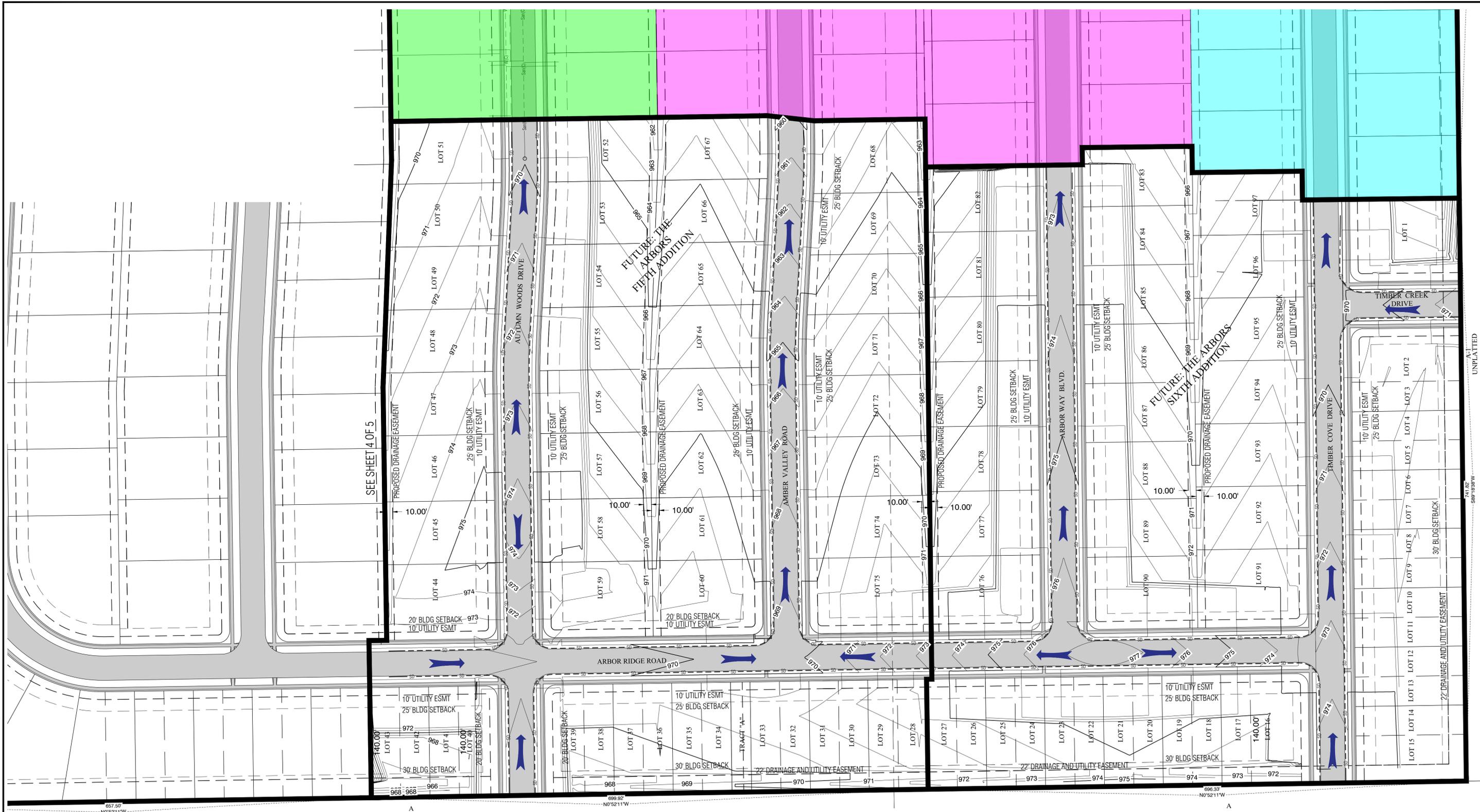
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 APPROVED: _____ DATE: _____

THE ARBORS ADDITION
 CEDAR FALLS, IOWA

PRELIMINARY PLAT

PROJECT NO. 5622
 SHEET NO. 4 of 5

J:\5622\dwg\Survey\Preliminary Plat\5622 Preliminary Plat Contours.dwg - Sheet 5 of 5 - 03-09-20 - 11:26am - sjc25



SEE SHEET 4 OF 5

FUTURE: THE ARBORS FIFTH ADDITION

FUTURE: THE ARBORS SIXTH ADDITION



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

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 DRAWN: SJC DATE: 03-04-2020
 CHECKED: MCH DATE: 03-09-2020
 APPROVED: _____ DATE: _____

THE ARBORS ADDITION

CEDAR FALLS, IOWA

PRELIMINARY PLAT

PROJECT NO. 5622
 SHEET NO. 5 of 5

GRADING NOTES
 THE EXTENT OF TOPOGRAPHIC CHANGES SHALL CONSIST OF TRACT "A" STORMWATER MANAGEMENT, TRACT "B" ROADWAY GRADING, LOT GRADING, AND SWALE GRADING THROUGHOUT LOTS.

UNPLATTED

UNPLATTED

UNPLATTED

Prepared by: Richard R. Morris, 620 Lafayette Street, Ste. 300, PO Box 178, Waterloo, IA 50704 (319) 234-1766

DEED OF DEDICATION
OF
THE ARBORS FOURTH ADDITION
IN THE CITY OF CEDAR FALLS, BLACK HAWK COUNTY, IOWA

KNOW ALL MEN BY THESE PRESENTS:

That Midwest Development Co., an Iowa corporation, with its principal office in Cedar Rapids, Iowa, being desirous of setting out and platting into lots and streets the land described in the attached Certificate of Survey by _____, a professional land surveyor, dated the ____ day of _____, 20__, 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:

THE ARBORS FOURTH ADDITION
IN THE 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 streets and avenues as shown upon the attached plat.

EASEMENTS

The undersigned do hereby grant and convey to the City of Cedar Falls, its successors and assigns, and to any private corporation, firm or person furnishing utilities for the transmission and/or distribution of water, sanitary sewer, storm sewer, drain tile, surface drainage, 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, 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" and no building structures, fence structures, landscaping structures, private gardens or any other possible obstruction can be built in or over said drainage easements. Owner and/or contractors working on the real estate 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.

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, other than a corner lot, shall have a minimum setback from the front of the lot line of 25 feet as indicated on the plat. For any dwelling that shall be erected on a corner lot, the short lot frontage length shall be considered the lot frontage and have a setback of 25 feet, while the long lot frontage length shall be considered the side frontage and have a setback of 20 feet. No building shall be erected nearer to an interior sideline than 5 feet nor shall the combined interior sideyard distances for each lot be less than 10 feet.

2. Although lots in said Addition may be split or divided in any fashion to provide for more lot area when added to an adjoining lot, no dwelling shall be built or maintained on any partial lot unless said partial lot is combined with an adjoining lot or partial lot so that the resulting lot has no less frontage than the smallest lot as indicated on the plat.

3. No buildings or structure not attached to the original structure shall be constructed upon any lot or combination of lots in this subdivision, with the exception of a gazebo which has been approved in accordance with Paragraph 21 hereof. Sheds may be permitted but only if size, design, and materials are approved in writing by the developer. After completion of all houses in the plat, approval for a shed not previously approved by the developer shall be approved by the Association.

4. No trailer, basement, tent, shack, garage or barn erected in said Addition shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted on any lot in said Addition.

5. Midwest Development Co. shall construct only one-and two-family dwellings on the lots in this subdivision. One-unit bi-attached dwellings (two-family dwellings) may be constructed on Lots 1 through 10 in this subdivision. One-family dwellings shall be constructed on Lots 11 through 53.

6. No single family dwelling shall be constructed, permitted or occupied on any lot herein having 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. 1,200 square feet for single story houses.
- B. 1,200 square feet for split level houses.
- C. 1,300 square feet for two-story houses.

- D. Each single family residence shall have a minimum of a two-car attached garage with a minimum of 400 square feet.

7. No one-unit bi-attached dwellings (two-family condominiums) shall be constructed, permitted or occupied on any lot herein having square footage floor space, designed, intended and constructed for living quarters, which space shall not include cellars, attics, garages, breeze ways, porches, stoops, and other such non-living areas, of less than 1,300 square feet per side; two-car attached garages with minimum of 400 square feet. The center line and the dividing wall of the one-unit bi-attached dwelling built on a lot as set forth herein shall be built on the center line of the lot in question. Each owner of a bi-attached dwelling in one-unit bi-attached dwellings (two-family condominiums) property shall be bound and governed by the following requirements:

- A. Each owner shall be solely responsible for the maintenance, repair of the center or common wall (hereinafter "dividing wall") constructed between the two units, including fireproof sheetrock, and adjacent structure on the property owned by that owner, including the roof, foundation and sidewalls, on that owner's side of the dead air space in the dividing wall in accordance with the accepted construction methods and in compliance with all applicable building codes and ordinances, including but not limited to the fire code requirements of the City of Cedar Falls. Each owner shall be responsible for one-half of any required maintenance or repair of the common foundation wall, common area of the dividing wall and common area of the roof, and all such maintenance and repair shall be done in a workmanlike fashion. Neither owner shall make any modification to or allow deterioration of, the walls, foundations, roof or building on that owner's side of the dividing wall, which would create a fire hazard or diminish the fireproofing or structural integrity of the one-unit bi-attached dwelling as a whole.
- B. If either owner fails or refuses to perform its duties as set forth in this Paragraph 7 of the Deed of Dedication, the other party, may, upon thirty (30) days' written notice, undertake to perform that maintenance or repair at that owner's own expense and shall have a right of reimbursement from the other owner for the reasonable cost of that maintenance or repair which may be enforced by the owner in incurring the expense as allowed under Iowa law, through legal action, in which event the defaulting owner shall be liable for all related reasonable attorney's fees and court costs.
- C. Any dispute concerning the interpretation or enforcement of this Paragraph 7 in the Deed of Dedication concerning the enforcement of the provisions of one-unit bi-attached dwellings shall be submitted for mediation upon the written request of either owner. If the owners cannot otherwise agree on a mediator, each owner shall nominate one mediator and the name of the mediator to conduct the mediation shall be drawn by lot. The cost of mediation shall be assessed one-half to each owner.
- D. In the event of damages to the one-unit bi-attached dwelling, each party shall be required to repair, rebuild his or her half of the one-unit bi-attached dwelling within a reasonable period of time, unless within thirty (30) days of the occurrence of the damages, both owners agree in writing not to repair or rebuild.

The provisions of this paragraph of the Deed of Dedication shall run with the land upon which the one-unit bi-attached dwelling is located and shall be binding on all subsequent owners of the individual one-unit bi-attached dwelling on said lots.

8. The owner of each lot, vacant or improved, shall keep his lot or lots free of weeds and debris. Further, 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 his property including keeping said area free of holes, pitfalls, stumps of trees, fences, brick, stone, cement or other monument-type mail boxes, stakes, post 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. Owner 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 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.

10. All approaches and driveways in said Addition shall be paved with concrete.

11. No dwelling on any lot in said Addition shall be occupied until the exterior is completed and finished and the interior substantially completed and finished.

12. No old or used buildings shall be moved upon any of the lots in said Addition for any purpose.

13. All electrical distribution lines and service entrances, all telephone lines and services therefor, all cable TV/fiber optic cable and service therefor, and all other utilities of whatever kind or nature shall be installed underground on all lots in said Addition.

14. No dog compound, enclosure, shelter, storage outbuilding, playhouse, or wood pile for firewood shall be constructed, used or maintained within ten feet of any lot line nor shall they exceed eight feet in height on any of said lots. All outbuilding exteriors shall be approved by the developer in writing prior to start of construction.

15. A perpetual easement is reserved along the lot lines of said lots as shown by the recorded plat for storm water drainage and utility installation and maintenance. There shall be no fences, buildings, large plantings or other obstructions upon or under the property covered by these easements, so that access is available for any equipment and/or persons necessary for the construction, reconstruction or maintenance of said utilities and/or drainage ways.

16. 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. Antennas are permitted if attached to the structure and do not extend more than eight feet above the peak of the home. All other antennas, satellite TV dishes in excess of 24 inches in diameter, poles for radios, and windmills are prohibited.

17. No motor home or recreational vehicle, trailer of any kind, whether camping, boat, house, utility or otherwise, shall be parked or kept for more than a 48 hour period on any street, driveway or on the lot in said Addition. Any such vehicle must be stored inside the garage.

18. No bus, semi-tractor, trailer or truck of any kind, except what is commonly described as a "pickup truck", shall be kept or parked on any lot or street in said Addition; provided, however, that this prohibition shall not apply to such vehicles driven in said Addition in pursuit of and in conducting their usual business.

19. No shrubs or trees shall be planted so as to infringe upon adjoining property lines based on maximum expected growth and shall be maintained so as not to infringe.

20. Each person or entity who is a record owner of a fee or undivided fee interest in any lot shall be a member of the Association to be known as The Arbors Neighborhood 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 Neighborhood Association. Membership shall be appurtenant to and may not be separated from ownership of any lot; ownership of such lot shall be the sole qualification of membership.

The purpose of The Arbors Neighborhood Association shall be to maintain the common areas and green spaces of the entire development, including but not limited to the multiple Tract A's marked as storm water management areas and signage to be developed, and such other activities as set forth in the Articles of Incorporation and Bylaws of the Association. Such ownership and maintenance shall include, but not be limited to, mowing, watering, including upkeep of any underground sprinkler system, and maintenance of common areas. Initially, the developer, Midwest Development Co. shall perform the actual construction duties to establish the common areas, green spaces, entrance and surrounding access area as to their lots. The homeowner's responsibility for these areas shall begin when the developer, Midwest Development Co. notifies the Neighborhood Association that they are turning over the responsibility of those areas to the Neighborhood Association.

Developers hereby grant to the City of Cedar Falls, Iowa, a twenty (20) foot access easement to the multiple Tract A's for the purpose of inspection and enforcement of any city code or ordinance provisions governing the maintenance of the storm water management areas designated as Tract A. No fences, detached buildings, equipment, parking, vegetation (scrubs, trees and bushes) or any other form of obstruction shall be allowed in said access easement.

Developers and Cedar Falls Community School District have entered in an agreement governing the management and maintenance of Tract A Storm Water Management Area 1.42 acres as set forth in the Plat of this subdivision. That agreement shall govern the responsibilities of the Developer and when transferred, The Arbors Neighborhood Association, as well as the Cedar Falls Community School District, with respect to the management and maintenance of Tract A Storm Water Management Area 1.42 Acres.

The annual dues for the Association shall initially be set at \$100.00 per lot per year beginning January 1, 2020. The Association shall have the ability and authority to adjust annual dues as it deems appropriate to carry out the maintenance duties described above. The developer, Midwest Development Co. shall have no responsibility for annual association dues.

21. No building or structure shall be erected or placed on any lot in this subdivision until the building plans, and plot plan, showing all buildings, fences, 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 external design and quality workmanship and materials with existing structures in the subdivision by Midwest Development Co.

22. All of the provisions hereof shall be enforceable by appropriate legal proceedings by any present or future owner of the legal or equitable title to any lot in said subdivision. Invalidation of any one or more of the within restrictions by judgment or decree of court shall not be regarded as affecting the validity of any of the other provisions hereof, nor shall any judicial determination with respect to any of the restrictive provisions hereof be regarded as affecting the validity or sufficiency of this instrument as a deed of dedication of said plat, all of which such other provisions shall remain in full force and effect.

23. The undersigned and all persons and corporations hereafter requiring any right, title or interest in any of the lots in said subdivision shall be taken and held to have agreed and covenanted with the owners of all other lots in this subdivision 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 twenty-one (21) years from the date of filing of said plat and this deed of dedication for record. Within the period of twenty-one (21) years and in accordance with Iowa Code Chapter 614.24 and 614.25 (2019 Code of Iowa) or their successor provisions, these covenants, restrictions and stipulations shall be automatically extended for an additional period of twenty-one (21) years upon compliance with Chapter 614.24 and Chapter 614.25 of the 2019 Code of Iowa. In the event an extension of the covenants, restrictions and stipulations is not filed within the period of twenty-one (21) years or successive 21-year period, then the covenants, restrictions and stipulations contained herein shall terminate at the end of the existing period of twenty-one (21) years.

24. If the parties hereto or any of them or their heirs or assigns shall violate or attempt to violate any of the covenants or restrictions herein, it shall be lawful for any other person or persons owning property in said Addition to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions and for the purpose of preventing such acts or to recover damages for such violation, or both, and for costs and reasonable attorney's fees as determined by the Court and not the statute.

25. 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.

26. Upon the sale of a lot, owner shall take responsibility for any erosion control issues, certifications and/or requirements of the Iowa Department of Natural Resources.

27. All buildings erected on any lot in said Addition shall be constructed in accordance with the Building, Plumbing and Electrical Codes of the City of Cedar Falls, Iowa.

PUBLIC IMPROVEMENTS REQUIRED BY PLAT

The undersigned do hereby dedicate and set apart to the public and for the public's use all streets shown and laid out on the attached plat, subject to the easements set forth herein, and do further agree as follows:

- A. Midwest Development Co. shall with respect to the streets shown on the attached plat, Tract A Ridge Road, Tract A, Timber Cove Drive, and Tract A Maple Grove Drive, will be brought to City grade and will be thirty-one (31) feet, back of curb to back of curb; all said streets with approved hard surface pavement in accordance with City of Cedar Falls, Standard Specifications.
- B. That sanitary sewer, together with the necessary manholes and sewer service lines to all lots in the plat, will be provided.
- C. That underground utilities, as required by the Subdivision Ordinance of the City of Cedar Falls, Iowa, shall be installed.
- D. That the city water will be provided to all lots as required by the Cedar Falls Municipal utilities.
- E. That municipal fire hydrants will be provided as required by the Cedar Falls Public Safety Department.
- F. That storm sewer will be provided as specified by the City Engineer.
- G. That handicap ramps will be provided as required by law.
- H. That as to the other lots, a four (4) foot wide concrete sidewalk four (4) inches thick and a concrete surface or hard surface entrance will be installed during or immediately after the construction of the residence on any particular lot, or within five (5) 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 length of the lot and on corner lots also, across the parking and full length of the lot. In the event that the City is required to construct the sidewalk as permitted by subparagraph J, a lien or liens may only be imposed against the lot or lots which require city construction and no others in the subdivision.
- I. That the work improvements called for 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, Midwest Development Co., its grantees and assigns fail to complete the work and improvements called for herein within one (1) year from the date of the acceptance of said final plat by each developer by the City of Cedar Falls, Iowa, the City may then make the improvements and assess the costs of the same to the lots owned and platted by the developer. 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.

- J. 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.
- K. 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.

28. The developer, Midwest Development Co., states:

- A. That this plat and development shall comply with the R-P Planned Residential Zoning District Classification Regulations.

29. Notwithstanding anything contained in the Deed of Dedication to the contrary, any assessment made under the Deed of Dedication shall not be a lien against any property described herein unless and until the City of Cedar Falls records with the Black Hawk County Recorder a "Notice of Assessment Lien" which notice shall describe the property against which the lien attaches in the amount of said lien.

30. All subsequent owners of lots in the subdivision shall be obligated to meet any requirements imposed by the Commissioners of the Black Hawk County Conservation District or any other governmental agency, by the authority of Chapter 161A, Code of Iowa, pertaining to soil erosion control plans for certain land distributing activities. This covenant shall be perpetual and not be governed by the provisions of Paragraph 23 of this Deed of Dedication.

SIGNED and DATED this _____ day of _____, 2020.

MIDWEST DEVELOPMENT CO.

By _____
Kevin Fittro, Vice President

STATE OF IOWA)
) ss
COUNTY OF BLACK HAWK)

This instrument was acknowledged before me on _____, 2020, by Kevin Fittro as Vice President of Midwest Development Co.

Notary Public in and for the State of Iowa

To Arbors Neighbor,

I wanted to reach out in regards to the P and Z meeting and questions we received in regards to the update of our plat for the 4th through 6th additions. We understand any time changes are made there is a sense of unknown and therefore concerns over any effect these changes may have on your property. We understand that for all of our neighbors in every price range that their home is the biggest investment that will be made. When we develop a community that consists of multiple styles of homes and price ranges, we understand that the single most important factor is curb appeal. Factors like makeup of households with differing family sizes, style of homes available, and the overall appearance of the homes and pride shown are critical to a neighborhoods success. We can control some of that with development and building practices and the other is on our owners as neighbors and hopefully protected through the covenants. Understanding this, we have always made decisions that keep trends up to date, yards completed with landscape for full sod, and exterior siding and stone amenities when budgets allow. Doing this gives a neighborhood the best opportunity to maintain housing values.

The makeup of a large plat can be difficult to predict. Our neighborhoods are always comprised of multiple price points for houses. The only change may be doing so with a single family one unit or doing so with single family two unit homes. Knowing this change may happen from time to time we find it most important to group things as best as possible and provide subtle transitions from one addition to another. One way is distancing the new product away from current owners. This provides like housing around, and the mixed housing would be further into the plat where all buyers understand what that addition is expected to be when purchasing.

Current market conditions are calling for a need in housing from \$250,000 to \$280,000. This is the range we are looking to assist with duplex units. This price range actually makes up 25% of our buyers. This is a very important price range. If you look in the community, homes ranging \$250,000 to \$450,000 and even higher exist together in neighborhoods throughout Cedar Falls and Iowa. We have proven our vision of the condos and single family can exist together in communities. Quail Ridge is a great example of this as we see great success of resale every year.

Closing I would like to make sure that all know that our company's goal is to continue its success in our area in developing neighborhoods that support continued sales of homes even after we are done building. We will do this through strong elevations, completed yards, with nice landscaping. As you know we don't let any home have the same color siding next door to each other. We are constantly looking to utilize new trends in exteriors from craftsman style with tapered columns and stone, to farm house with board and batten or shake, and most recently contemporary looks. This will continue in the 4th, 5th, and 6th additions. I would also ask you to remember we both develop and build. So just as you are concerned about selling your home, we are concerned about selling both the condos and single family around in that addition. We will have lots priced in the \$50s if not higher and move in ready homes available. If we have 5 move in ready homes with an average price of \$325,000 and at least 10 lots at \$50000 we have \$2.1 million dollars invested in homes or lots looking for buyers. Creating an addition that does not appeal to the highest number of community members is not beneficial to us either. We are with you each day sharing the risk till the last home is sold.

A rental restriction was posed as an acceptable protection in the p and z meeting. I do not foresee this happening. The city of Cedar Falls has a very restrictive rental application process. We as a builder are looking to sell as owner occupied and not to investors.

I hope this answers or eases your concerns, but if you would like to discuss anything further please let me know.

Kevin Fittro
VP of Skogman Homes/Midwest Development

January 10, 2020

Mr. David Sturch
City of Cedar Falls
220 Clay Street
Cedar Falls, IA 50613



RE: The Arbors Preliminary Plat
Cedar Falls, IA
CGA PN: 5622

Dear Mr. Sturch,

The Arbors is a housing development in Cedar Falls. Currently three additions of the development have been approved. The developer seeks to change the density of the remaining land through a Preliminary Plat amendment.

Excluding the existing platted lots, the current Preliminary Plat includes 111 total lots on the remaining portion of the development. Midwest Development, LLC seeks to amend the Preliminary Plat to include 194 lots. This increase is mostly due to the change of approximately 16 single family homes into 16 townhouse units. Other changes from the original Preliminary Plat include a reduction in frontage for single family homes.

A storm water plan an environmental study are currently on file.

Attached to this Cover letter are:

- Updated Preliminary Plat map
- Updated Homeowner Association documents
- Application
- List of Neighbors
- Legal Description

Thank you for your assistance and consideration on this project. We hope you and the Planning & Zoning Commission will look favorably upon this amendment.

Best Regards,

Nick Brewer
Project Engineer
CGA Engineers



DEPARTMENT OF COMMUNITY DEVELOPMENT

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

MEMORANDUM
Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: Karen Howard, AICP, Planning & Community Services Manager
DATE: May 7, 2020
SUBJECT: Rezoning Request #RZ20-001 – Approximately 177 acres east of Union Road and north of W. 27th Street (West Fork Crossing Development)

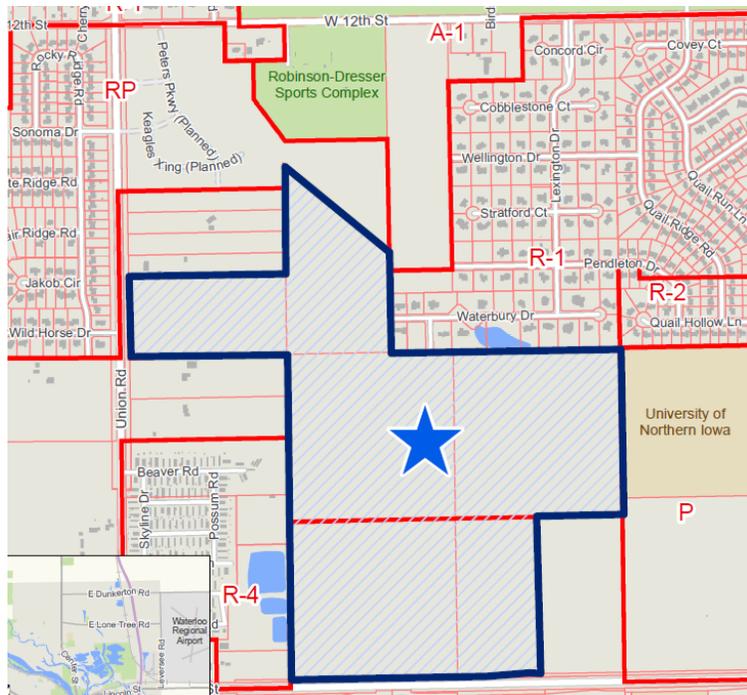
REQUEST: Rezone approximately 120 acres of property from R-1 Residence District to RP Planned Residence District; and approximately 57 acres of property from A1 Agricultural District to RP Planned Residence District (Case #RZ20-001)
PETITIONER: Echo Development/Brent Dahlstrom, ISG Engineering
LOCATION: 177 acres of property east of Union Road and north of W. 27th Street

PROPOSAL

The petitioner has submitted a request to rezone approximately 177 acres of land located east of Union Road and north of W. 27th Street to RP Planned Residence District to allow the area to develop according to an RP Master Plan with single-unit detached homes on a variety of lots sizes and associated neighborhood infrastructure and amenities.

BACKGROUND

The northern 120 acres of the subject property was rezoned from A1 Agricultural to R-1 Residence District in October 2019. The intent at the time was to allow for development of a traditional single family subdivision



according to the R-1 zoning standards. However, in developing plans for future development of the southern 57 acres of land currently zoned A-1, the developer indicated a desire to allow a variety of single family lot sizes to serve a broader market and to create flexibility to create an efficient layout of the future neighborhood in response to the topography and drainage patterns of the land. The requested RP Planned Residence District provides the flexibility the developer desires, so they are requesting to rezone the entirety of the area to RP and have submitted a draft RP Master Plan for consideration.

The subject property is bordered by an R-1 single family subdivision (Lexington Heights) and an RP District (NewAldaya development) to the north and a manufactured home development, zoned R-4, located to the west. Undeveloped land owned by UNI and the site of the new Cedar Falls High School is located along the eastern boundary of the subject property. West 27th Street extends along the southern boundary of the property with undeveloped farmland to the south. 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.

The rezoning of this property must be carefully considered by evaluating the characteristics of the land, the infrastructure needed to serve the future neighborhood, and how the new development would be integrated and connected to the surrounding areas of the community.

ANALYSIS

Current Zoning

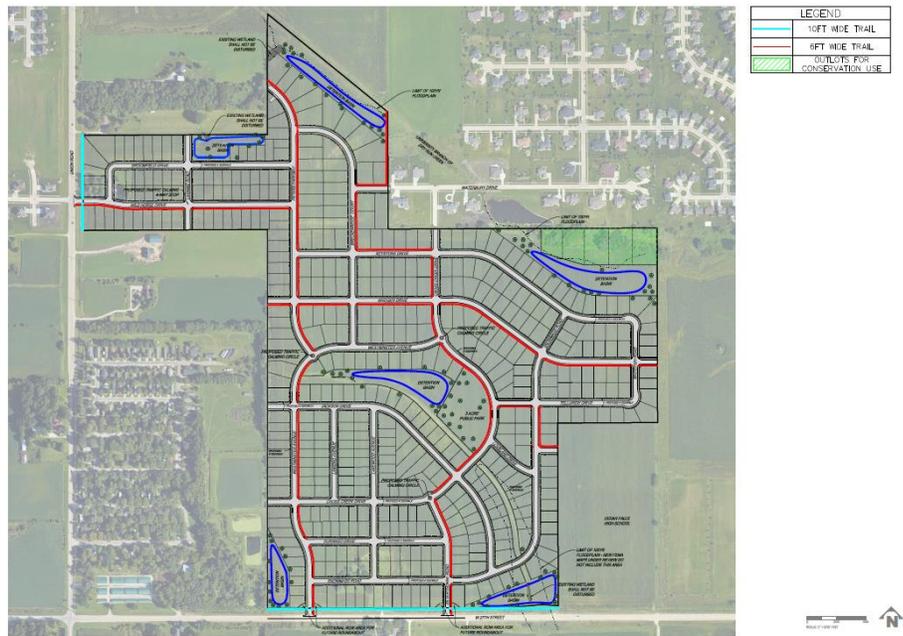
The purpose of the A-1, Agricultural Zoning District serves as a “holding zone” for future urban development until municipal services (sanitary sewer, water, roads) are accessible to the site. When these services are available, requests for rezoning can be considered according to the City’s Comprehensive Plan and Future Land Use Map. The R-1 Residence District provides for development of low density residential neighborhoods consisting largely of one- and two-unit dwellings.

Proposed Zoning

The RP Planned Residence District is intended to provide for orderly planned growth of residential development on larger tracts of land. The zone allows for flexibility in residential building types, setback standards, and building height, but requires minimum lot sizes equivalent to what is required in the R-4 Residence District. For detached single-unit dwellings the minimum lot size is 6000 square feet. To ensure that the area is developed in an orderly manner, provides for efficient traffic circulation between neighborhoods, and includes the necessary infrastructure to meet the needs of the future residents, a master plan must be submitted with the rezoning, which is adopted through a developmental agreement. The developer has submitted a master site plan and a development phasing plan, which are attached to this report. The features of the master plan and phasing plan and how they fit with the characteristics of the site are described in more detail in the following paragraphs.

Land Use, Development Density, and Dimensional Standards

The proposed development consists of single-unit detached dwellings located on a range of lots sizes from 6000 square feet to around 1/2 acre, with about half the lots in the low end of the range and about half in the mid to high end of the range. The resulting residential density proposed for the entire development is approximately 3 units per acre, which falls into the low density range according to the City's Comprehensive Plan. To create a compatible mix and spacing between dwelling



units and to provide for safe vehicular and pedestrian movement, staff recommends the following minimum standards be adopted as part of the master plan and development agreement. These standards are consistent with the standards of the R-4 Zoning District:

1. Min. lot area – 6000 square feet
2. Min. lot width – 60 feet
3. Min. front yard setback – 20 feet
4. Min. side yard setback – 10% of lot width
5. Min. rear yard setback – 30 feet
6. On corner and double fronting lots – min. 20 foot setback along all street frontages
7. Double fronting lots located along Union Road and W. 27th Street – min. lot depth of 150 feet.
8. Corner lot driveway locations shall be a minimum of 20' from the intersection of local streets and a minimum of 75' from the intersection of Union Rd or W. 27th according the SUDAS standards.
9. No direct driveway access to Union Road or W. 27th Street.
10. Maximum building height: 2-1/2 stories above grade as measured at the front building line and not to exceed 35 feet above grade at any point around the perimeter of the building.

Phasing of the Development

The most important aspect of the phasing plan is to ensure that the major east-west and north-south connections develop first to provide good traffic circulation so that not any one street becomes over-burdened with traffic for an extended period of time. The goal is to avoid situations like what is occurring near Aldrich Elementary School where the only travel route to the school is via Erik Road while other critical street connections that could provide alternative travel routes have been delayed while other phases of the development have proceeded first. For the West Fork Crossings development, these important first connections include:

- The east-west connection between Union Road and Waterbury Drive;
- The north-south connection to W. 27th via Peters Parkway and Westminster Avenue;
- The north-south connection from Waterbury Drive and Cross Creek Drive to W. 27th and Cedar Falls High School via multiple intervening streets, which will allow local residents

from West Fork and Lexington Heights to travel to the high school without having a much longer route via 12th Street, Union Road or Hudson Road to the school access points along W. 27th Street. Staff notes that the local neighborhood connection to the school property will be near the northwest corner of the school site, but the exact location will need to be coordinated with the school district. This connection will also provide an option for students to walk or ride their bike to school, which would not be very feasible if this local connection to the school site was not provided.

The developer has proposed a phasing plan with seven “work areas” identified (see attached phasing map). Each of these work areas should include no more than two final plat phases and would proceed in the order indicated. The developer has indicated that construction of around 40 houses per final plat phase is typical, so for example areas # 3 and #4 should each be platted in one phase. The 1st final plat must include the street connection to Union Road, so that construction traffic can be routed from Union Road rather than through the Lexington Heights neighborhood. Staff notes that the portion of the property south of the central east-west greenway must be served by a sewer connection from the south due to the topography. This is likely the reason that the 3rd work area is proposed in the southeast corner. It is anticipated that the school district will extend the sewer from south of W. 27th Street to the school site. The West Fork developer would then pick it up from there and extend it to serve the new development (see more information about the sewer connection below). It is important that the development includes a continuous north-south connection to W. 27th in a timely manner to provide adequate traffic circulation. To that end staff recommends that there be a condition in the development agreement that at least one continuous street connection from work area #2 to W. 27th be constructed within one year of the high school opening. It is anticipated that the new high school will open in fall of 2023.

Street and Trail Connectivity

It is best practice to design neighborhoods with a compact pattern of blocks with intersecting streets every 300 to 600 feet. Excessively long blocks, cul-de-sacs and dead end streets have hidden long term costs to the community, including increased emergency vehicle response times, increased travel times to work or school, increased traffic congestion, and disincentives to walk or bike to neighborhood destinations, particularly for children. The master plan for West Fork Crossings illustrates the intended pattern of streets and blocks that form a modified grid. Staff finds that the proposed plan provides good connectivity throughout the development and stubs the streets to the property boundary so that a similar street network can continue in adjacent properties. While some of the blocks exceed 600 feet in length, the general pattern is well designed and responds to the topography and environmental features of the site.

The master plan also illustrates proposed trail connections. These include a network of wide sidewalks to encourage walking and biking and 10-foot wide trails along both Union Road and W. 27th Street. Note that there is a trail extension proposed north along the edge of the development that will connect to the NewAldaya property to the north. When this portion of the NewAldaya property is developed, the trail can be connected to the Robinson Dresser Sports Complex, thus creating a direct route for walking and biking from the West Fork neighborhood and from the new high school to the sports complex. The Union Road Trail is scheduled for construction this summer, so instead of the developer building a typical residential sidewalk along this frontage, they will be expected to pay the City an amount equivalent to the cost of a typical residential sidewalk and the City will pay the oversize cost and construct the trail. This

arrangement will be included in the development agreement.

Traffic calming techniques, such as short blocks with intersecting streets and traffic circles at key intersections, can be effective. The submitted master plan identifies locations where traffic circles will be installed to slow traffic.

Topography and Environmental Features

Most of the subject property is currently farmed. The topographic map to the right illustrates the slope of the land, the drainage patterns, and three small wetlands. The University Branch of Dry Run Creek extends along the northern boundary of the property and creates a natural buffer between the proposed development and the Lexington Heights neighborhood to the north. The developer has agreed to sell the small area of land located north of Dry Run Creek to the abutting property owners along Waterbury Drive. When the property is subdivided these lots can be created and conveyed to these neighbors. A conservation easement should be established over these lots to prevent inappropriate development activity. The developer hired an environmental scientist to delineate the wetland areas and resulting report was submitted to the US Army Corps of Engineers, who have determined these wetland areas to be non-jurisdictional. However, it is the policy of the City to preserve all wetland areas to the extent possible. The developer has indicated that they do not plan to disturb the wetlands. This may prove difficult for the one located along the southern border of the site because a stormwater detention facility is planned in this area. A plan for mitigating any wetland lost due to development activity will be required at the time of platting.



Stormwater Management

As part of a future 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. The submitted master plan illustrates six different areas where detention basins will be established. These correspond with the existing drainage patterns and topography. 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. Details of the stormwater management plan will be reviewed during the platting process to ensure that it meets all Code requirements.

Parkland and Greenspace

The Comprehensive Plan includes an analysis regarding the community needs for parkland including geographic distribution. Since this will be a new area for residential growth, there will be a need for neighborhood park space. With nearly 500 homes planned for this area and according to census data an average of 2.93 persons per dwelling unit, there is an estimated need for about 3 acres of parkland. According to the submitted master plan, a 3 acre park is planned within the central greenway that extends along the natural drainage way from the western boundary to the southeast corner of the site. The proposed parkland is centrally located and will be within ¼ to ½ mile walking distance for most neighborhood residents. Staff reviewed the proposed neighborhood park with the Parks and Recreation Commission at their February 13 meeting. They voiced their support for the park and commented positively regarding the size of the park and its accessibility and visibility with significant frontage along Cross Creek Drive. Dedication of the park to the City would occur after development of working area #4, which also includes additional open space along the natural drainage way and stormwater detention basin. The proposed park and greenway is consistent with the greenway and open space designation on the City’s Future Land Use Map.

Zoning considerations involve evaluation of three main criteria:

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

When the northern portion of the property was rezoned in 2019, the Future Land Use Map was amended to eliminate a portion of the neighborhood commercial designation on the far western edge of the property along Union Road and to more closely align the Greenways/Floodplain designation with the topography, drainage patterns and floodplain. The amended map is shown at right. The map now indicates that low to medium density residential development is appropriate on the subject property. 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 the new neighborhood.



While the proposed master plan does not create separate, distinct areas of low density residential development and medium density residential development, overall the density of the area will fall within the low density range of less than 4 dwelling units per acre with a range of low to medium density lot sizes from a minimum of 6000 square feet to larger lots of ½ acre. Only single-unit detached dwellings are proposed. As shown on the master plan, in general the smaller sized lots are clustered in the northwest extension of the property near Union Road and in

the southern portion of the property south of the greenway and proposed park. Staff believes that the proposed master plan is generally consistent with the intent of the Future Land Use Map.

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

Sanitary sewer is available to the northern portion of the site. This sewer is located along the northern boundary of the property within the floodplain 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. The portion of the development located generally south of the central greenway can only be served by extending the sewer from south of W. 27th Street. City Staff have encouraged the developer to partner with the school district on extending the sewer via the most cost effective route, which would help reduce costs for both parties. Regardless, the developer will have to pay for the extension of the sewer to serve the development by partnering with the school to construct it or through payment of a tapping fee. If they choose the latter and if the high school develops prior to development of the southern portion of the West Fork neighborhood, the school district will construct the sewer to their property and stub it to the boundary of their property. A new sewer district will be created and a sewer tapping fee established accordingly. The developer of West Fork will pay this fee at the time of final plat.

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 and can be extended along W. 27th Street to serve the property from the south. 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. All utility services will be extended into this property as part of the platting process.

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

As stated above, the property has good access to area streets and if developed in an orderly fashion according to the proposed phasing plan, internal street connections will help to distribute local traffic to neighborhood destinations, such as the new high school, while access along multiple routes to abutting collector and arterial streets will provide circulation to destinations in the larger community. The property has frontage along Union Road to the west and can be accessed from the east via Waterbury Drive and Cross Creek Drive. These connections to the Lexington Heights neighborhood will be important to provide travel routes between the two neighborhoods. The residents in Lexington Heights will benefit equally as they will have new travel routes to destinations west and south. For example, travel distance for residents of the West Fork and Lexington Heights neighborhoods to the new high school will be much shorter, making it possible for more students to walk or bike to school. The property is bounded by W. 27th Street along its southern edge. Two street connections are planned along this corridor, which will help to distribute local traffic to this major street corridor.

The City has contracted with a traffic engineer to conduct a traffic study for the area based on the proposed development of West Fork Crossings and anticipated traffic generated by

the new high school. The traffic study will provide information necessary to determine if additional right-of-way is needed along W. 27th Street for street improvements and how the intersections should be designed to manage the traffic flows. The developer has illustrated the right-of-way necessary for roundabouts at the two southern intersections proposed along W. 27th Street in case the traffic study indicates roundabouts are the most appropriate intersection design.

While there may be no development planned for the UNI 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 north and to the west will provide access to the surrounding areas and allow for additional development if the larger lots along Union Road were ever to be subdivided or if the manufactured home development were ever to be redeveloped.

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. 12th Street trail and Robinson-Dresser Sports Complex to the north and the W. 27th Street trail to the south as well as connections to the east into the proposed high school site on W. 27th Street.

Summary

In summary, the upzoning of the land from A1 Agricultural District and R-1 Residence District to RP Planned Residential causes a need for neighborhood infrastructure that ensures the health and welfare of future residents, which includes parks and trails, a well-connected network of streets, stormwater management facilities, sewer and water lines. Staff finds that the master plan submitted by the developer provides for all these important elements, is designed to respond to the natural topography of the site, and is consistent with the Comprehensive Plan and Future Land Use Map. Staff recommends that the City enter into a development agreement with the petitioner to ensure that the development proceeds according to the submitted master plan.

A notice was mailed to the adjoining property owners on May 7, 2020 regarding this request.

STAFF RECOMMENDATION

The Community Development Department recommends discussion and public comment related to the proposed rezoning from A-1, Agriculture and R-1 Residence to RP Planned Residence District and recommends setting a public hearing for the next Commission meeting.

PLANNING & ZONING COMMISSION

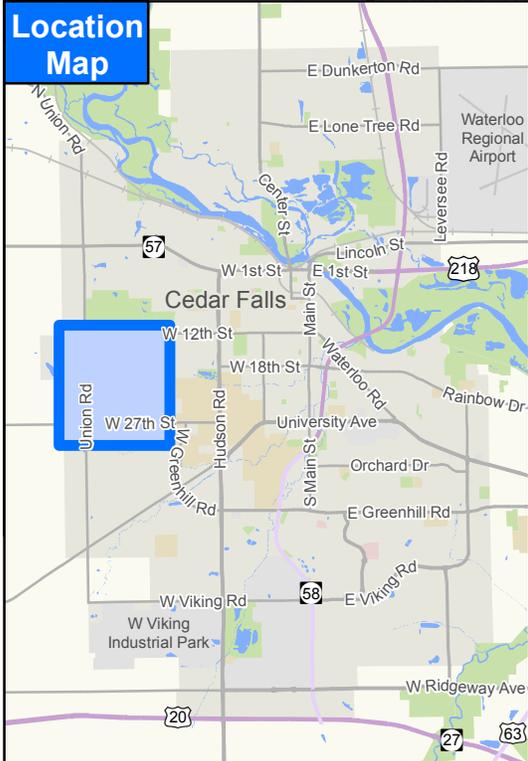
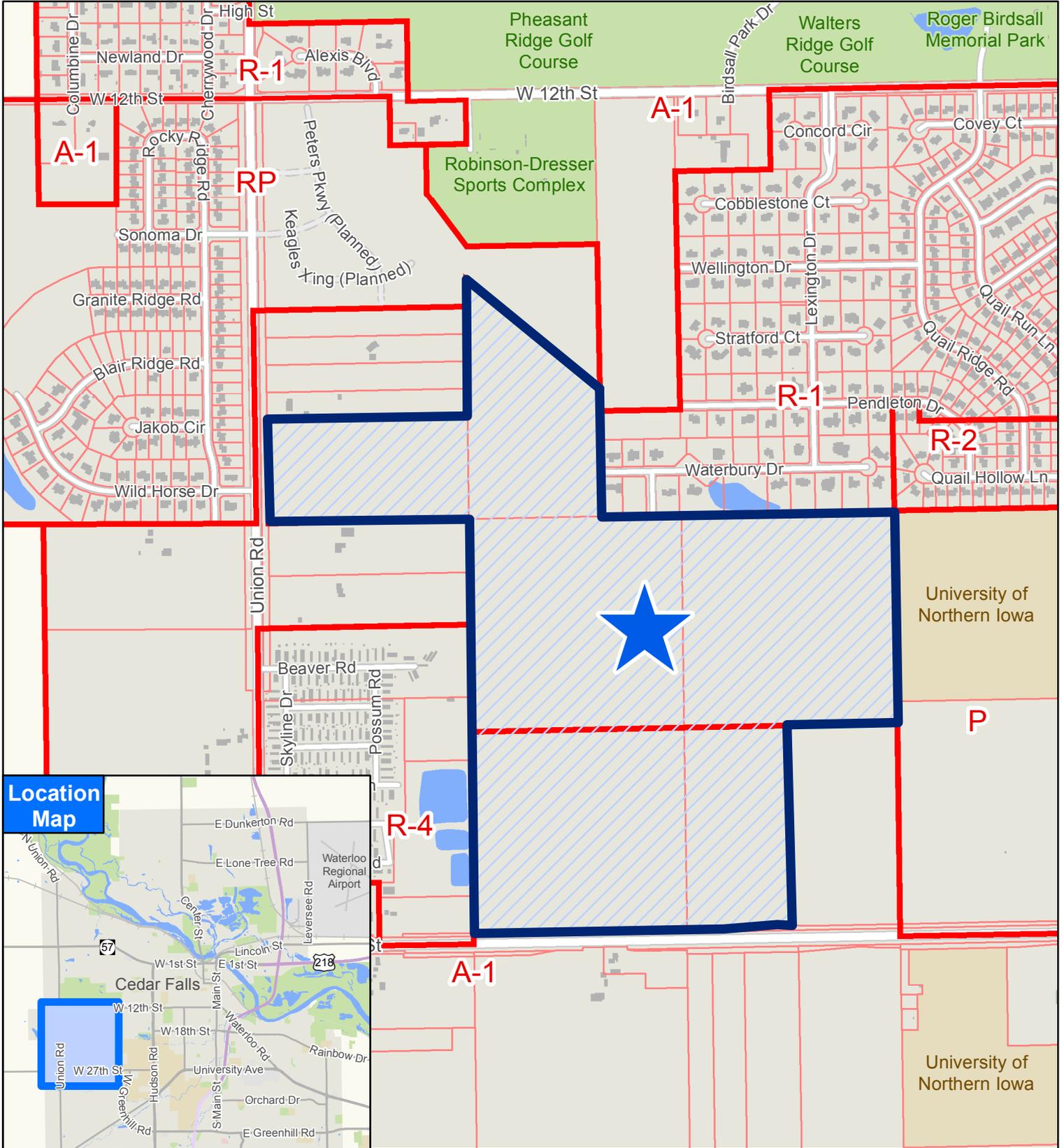
Introduction
5/13/20

Public Hearing
5/27/20

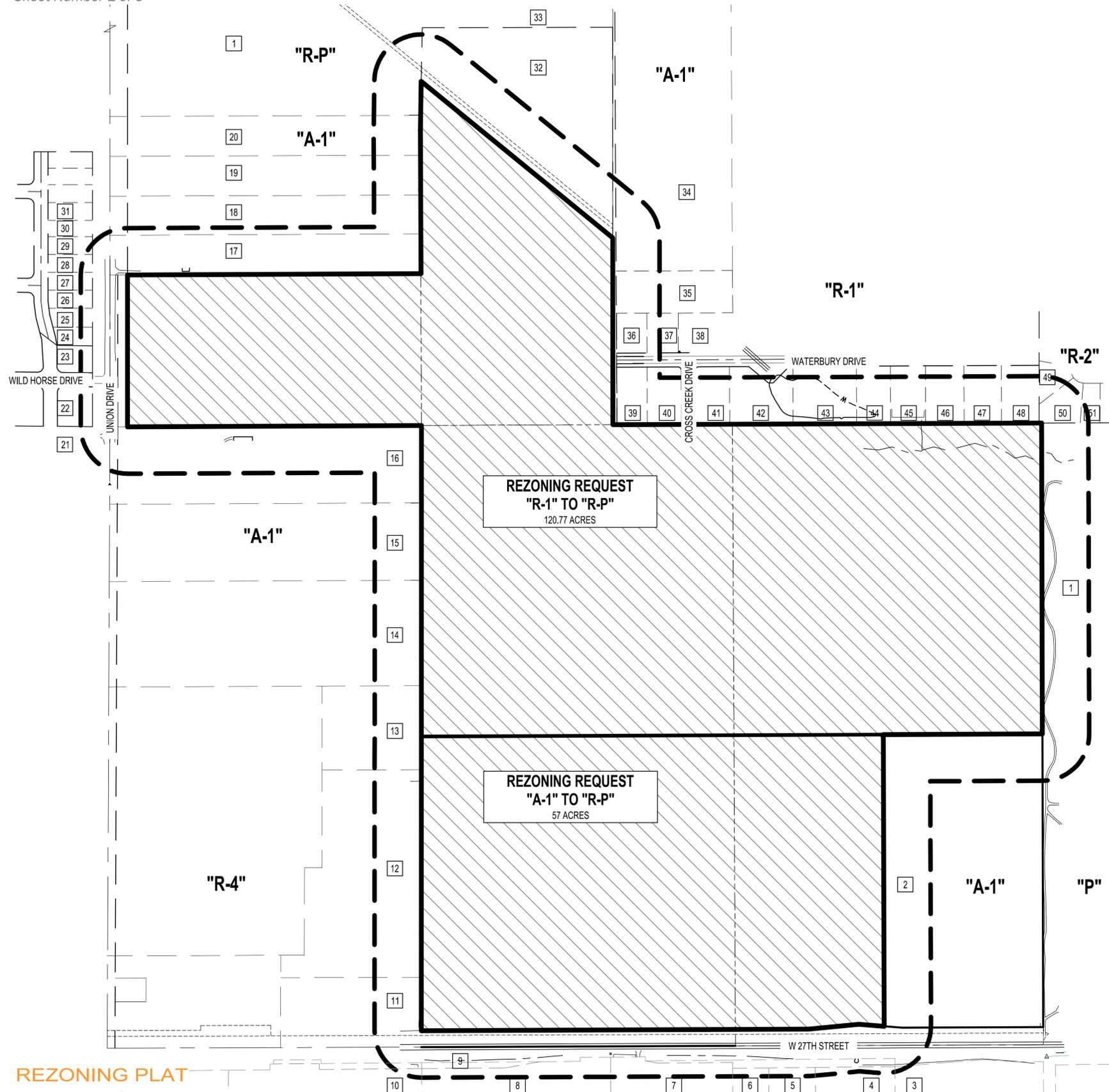
Cedar Falls Planning & Zoning Commission

May 13, 2020

Item No. 3.



Rezoning of Property from A-1 Agricultural and R-1 Residential to RP Planned Residential



"OWNERS LISTING" FOR "REZONING REQUEST" "A-1 & R-1" TO "R-P"

LEGAL DESCRIPTION

The West Half of the Southeast Quarter (W1/2 SE1/4) and the East Half of the Southwest Quarter (E1/2 SW1/4) of Section 15, Township 89 North, Range 14 West of the 5th P.M., Black Hawk County, Iowa except the South 50 feet thereof conveyed for public highway in 115 LD 533 and except that part conveyed to the City of Cedar Falls, Iowa in 571 LD 821

AND

Lot No. 2 in Robinson's Plat of part of the Northwest Quarter of Section 15, Township 89 North, Range 14 West of 5th P.M., City of Cedar Falls, Black Hawk County, Iowa, Owner's Dedication filed July 29, 1992 in 302 Misc. 305

AND

The South 648 feet of the Southwest Quarter of the Northwest Quarter (SW1/4 NW1/4) of Section 15, Township 89 North, Range 14 West of the 5th P.M., Black Hawk County, Iowa, except that part conveyed to the City of Cedar Falls for Union Road right of way in 547 LD 656

EXCEPT

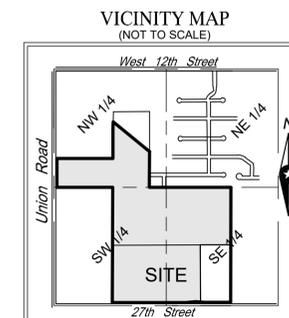
Parcel A in Lot 2 of Robinson's Minor Plat of part of the Northwest Quarter (NW1/4) of Section 15, Township 89 North, Range 14 West of 5th P.M., City of Cedar Falls, Black Hawk County, Iowa as shown on a plat of survey file no. 2019-00015839

and

Parcel B in the Southwest Quarter of the Southeast Quarter (SW1/4 SE1/4) of Section 15, Township 89 North, Range 14 West of 5th P.M., City of Cedar Falls, Black Hawk County, Iowa as shown on a plat of survey file no. 2019-00007423.

NAMES OF ALL PROPERTY OWNERS WITHIN 300 FEET OF REZONING

- | | | |
|-----------------------------------|----------------------------------|---|
| 1. STATE OF IOWA BOARD OF REGENTS | 21. PICKLUM, WARREN & NEYSA | 41. ESTEP, TARA & MARK |
| 2. STATE OF IOWA BOARD OF REGENTS | 22. PITZ, STEVEN & NANCY | 42. TIMM, STEVEN & JULIE |
| 3. RASMUSSEN CO | 23. BARNHART, THOMAS & CHELSEA | 43. SCHUERMAN CONSTRUCTION INC |
| 4. RASMUSSEN, DONALD R | 24. MIDWEST DEVELOPMENT CO | 44. MASON, BENJAMIN & CARMEN |
| 5. RASMUSSEN, JACK P TRUST | 25. MIDWEST DEVELOPMENT CO | 45. HURST, EMIL & JENNIFER |
| 6. RASMUSSEN COMPANY | 26. HERNANDEZ, KEVIN & GINA | 46. BRADLEY, DONALD & CAROL |
| 7. BRUNSCHON, KEAGHAN & ANTHONY | 27. MIDWEST DEVELOPMENT CO | 47. OLSEN, CHRISTOPHER & LEAH |
| 8. MORRIS, DANIEL & JULI | 28. MIDWEST DEVELOPMENT CO | 48. GERDES, BENJAMIN & ELIZABETH |
| 9. CITY OF CEDAR FALLS | 29. SPAUDE, CHRISTOPHER & ASHLEY | 49. BECKER, STACIE |
| 10. DAMGAARD, THOMAS & PAULA | 30. BARTELT, ROBERT & KALE | 50. CARPENTER, KELLY & KRISTEN |
| 11. SIRES, DAVID & JOY | 31. MIDWEST DEVELOPMENT CO | 51. SURNEDI, MURALI & VELAMASETTI, SAROJINIKALA |
| 12. SIRES, DAVID | 32. TERRACES AT WESTGLEN | |
| 13. SIRES, JOY | 33. CITY OF CEDAR FALLS CSD | |
| 14. SIRES, DAVID & LISA | 34. PAULSEN, GLORIA & HOWARD | |
| 15. RATH, ELIZABETH & RICHARD | 35. BNKD INC | |
| 16. TRESSLER, KENNETH & LORRAINE | 36. POPPENS, SCOTT & MURIEL | |
| 17. GOYEN, MICHAEL & DENISE | 37. PAGE, BRIAN & ELIZABETH | |
| 18. BONSALE, GALE | 38. RANGE, DEVIN | |
| 19. GIRSCH, MICHAEL | 39. HOLAHAN, CHRISTOPHER | |
| 20. GIRSCH, SUE | 40. HOLAHAN, BROOKE | |



SEC. 15, TWP. 89, RGE. 14
Black Hawk County, Iowa

0 250 500
SCALE: 1" = 250 FEET



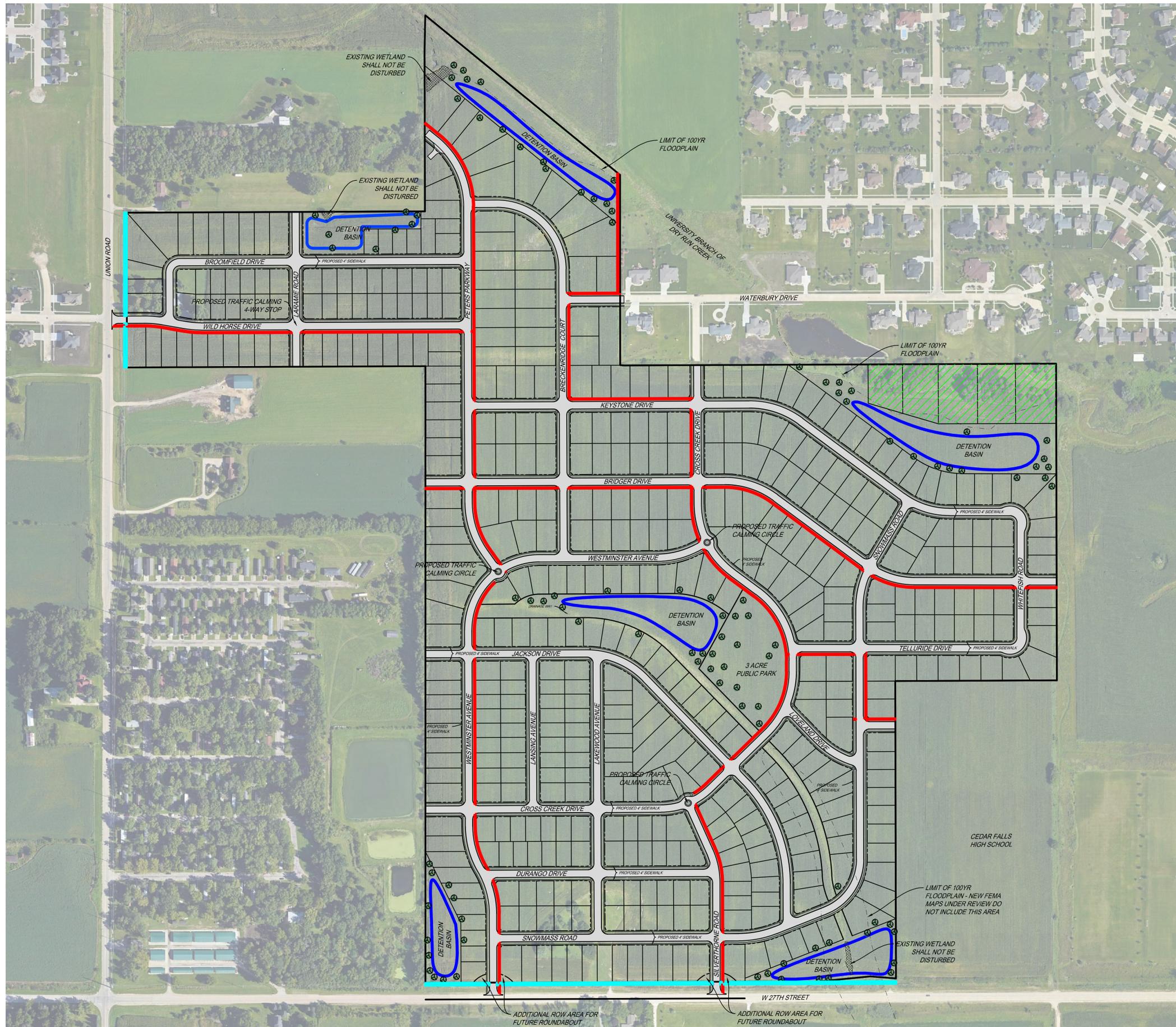
REZONING PLAT



Architecture + Engineering + Environmental + Planning

WEST FORK CROSSING
CEDAR FALLS, IOWA - 04/29/2020
ISG PROJECT NO. 19-22603

ISGInc.com



LEGEND	
	10FT WIDE TRAIL
	6FT WIDE TRAIL
	OUTLOTS FOR CONSERVATION USE

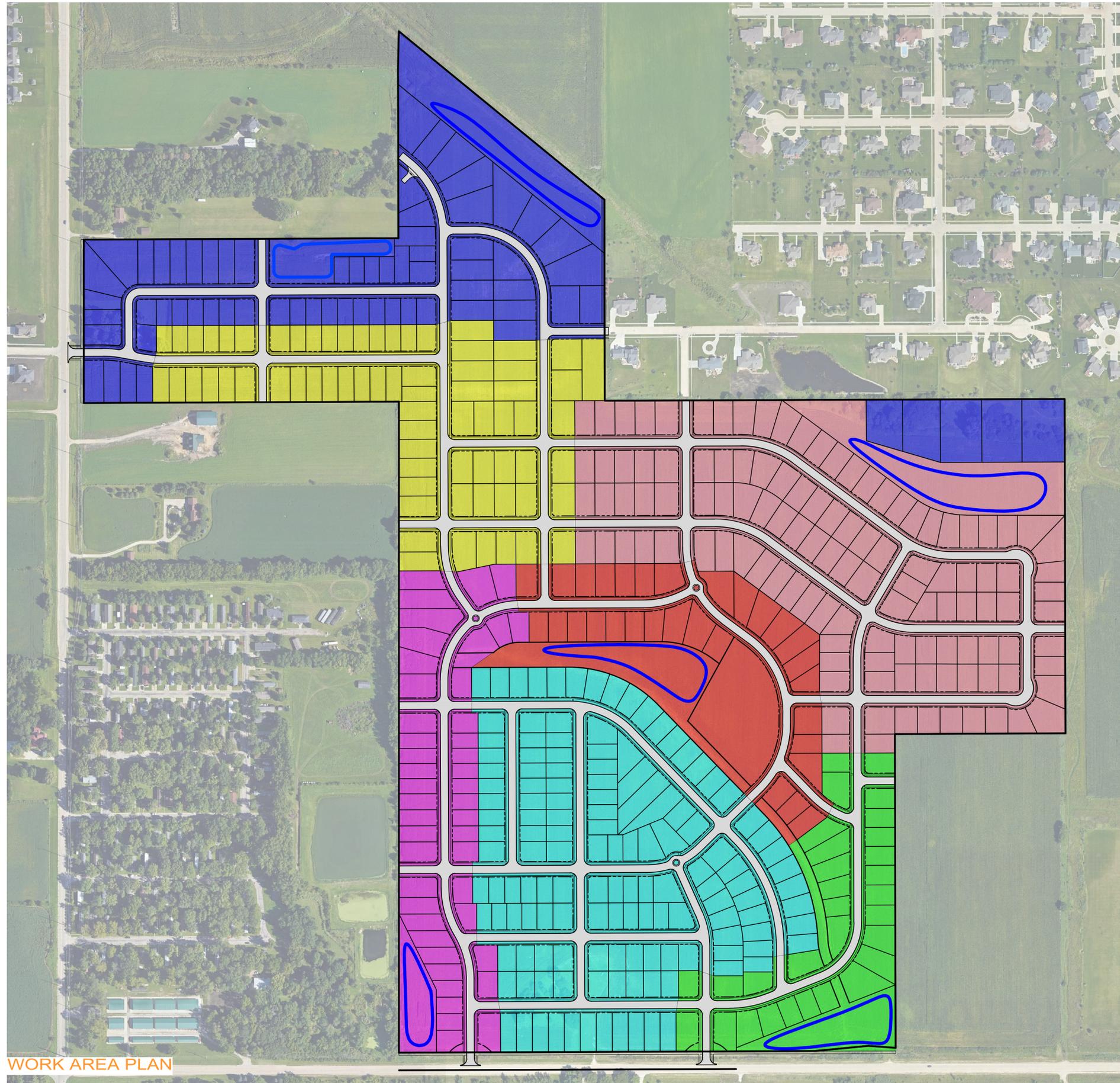
MASTER PLAN



Architecture + Engineering + Environmental + Planning

WEST FORK CROSSING
CEDAR FALLS, IOWA - 04/29/2020
ISG PROJECT NO. 19-22603





WORK AREA LEGEND	
COLOR	WORK AREA
	AREA 1
	AREA 2
	AREA 3
	AREA 4
	AREA 5
	AREA 6
	AREA 7

* WORK AREA PLAN IS PREPARED FOR POTENTIAL PHASING OPPORTUNITIES WITHIN WEST FORK CROSSING. THE PROPOSED WORK AREAS ARE NUMBERED BASED ON SEQUENCE OF TIMING FOR EACH AREA. EACH AREA WILL BE COMPLETED PRIOR TO COMMENCING WORK WITHIN THE NEXT NUMBERED AREA. WORK WITHIN AREAS 6 AND 7 WILL NOT COMMENCE UNTIL AREA 5 IS COMPLETED. THE SEQUENCE OF WORK WITHIN AREAS 6 AND 7 COULD INTERCHANGED DUE TO THE NEEDS OF THE CITY. ALL WORK AREAS WILL BE BUILT OUT BASED ON THE MARKET FACTORS.

WORK AREA PLAN

