



AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, JUNE 08, 2022
5:30 PM AT CEDAR FALLS COMMUNITY CENTER, 528 MAIN STREET

Call to Order and Roll Call

Approval of Minutes

1. Planning and Zoning Commission Regular Meeting Minutes of May 25, 2022

Public Comments

New Business

2. **Rezoning – 2209 N. Union Road (RZ22-002)**
Location: Former site of the Martyr's Retreat – north of Skyview Dr. & east of N. Union Rd.
Applicant: Kel-Mar, LC (Shawn and Paula Kelly)
Previous Discussion: None
Recommendation: *Introduction, discussion, and set date of public hearing*
P&Z Action: *Discussion and set date of public hearing*

Old Business

3. **Zoning Text Amendment – P&Z review of certain site plans in the CD-DT (TA22-003)**
Location: Downtown Character District
Petitioner: City Council
Previous discussion: March 23, 2022
Recommendation: *Make a recommendation to City Council*
P&Z Action: *Hold public hearing and make a recommendation to City Council*

Commission Updates

Adjournment

Reminders:

- * June 22 and July 13 - Planning & Zoning Commission Meetings
- * June 20 and July 5 - City Council Meetings

**Cedar Falls Planning and Zoning Commission
Regular Meeting
May 25, 2022
Cedar Falls, Iowa**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on May 25, 2022 at 5:30 p.m. at the Community Center. The following Commission members were present: Crisman, Grybovych, Hartley, Larson, Leeper, Lynch, Moser and Saul. Holst was absent. Karen Howard, Community Services Manager and Michelle Pezley, Planner III, were also present.

- 1.) Chair Leeper noted the Minutes from the May 11, 2022 regular meeting are presented. Ms. Lynch made a motion to approve the Minutes as presented. Ms. Grybovych seconded the motion. The motion was approved unanimously with 8 ayes (Crisman, Grybovych, Hartley, Larson, Leeper, Lynch, Moser and Saul), and 0 nays.

- 2.) The first item of business was the final plat for West Viking Road Industrial Park Phase V. Chair Leeper introduced the item and Ms. Pezley provided background information. She explained that the property is located east of Union Road and south of West Viking Road and west of the existing Industrial Park. Community meetings were held during each stage of the planning process for the plat. Ms. Pezley mentioned an email requesting that a provision be added to the Deed of Dedication that any trees that die be replaced and noted that staff has no objection to the request. She discussed the consistency between the preliminary and final plats with regard to stormwater, street connections, as well as lots and outlots. Staff recommends approval of the item with any comments or direction specified by the Commission and conformance to all city staff recommendations and technical comments.

Michael Hager, 6830 Viking Road, spoke about the email sent regarding the replacement of trees. He thanked the City for their work and discussed the provision he would like added to the Deed of Dedication.

Ms. Moser made a motion to approve the item with the update to the Deed of Dedication. Ms. Crisman seconded the motion. The motion was approved unanimously with 8 ayes (Crisman, Grybovych, Hartley, Larson, Leeper, Lynch, Moser and Saul), and 0 nays.

- 3.) The next item for consideration by the Commission was minor changes to the Preliminary Plat for West Fork Crossing. Chair Leeper introduced the item and Ms. Pezley provided background information. She explained that West Fork Crossing is located northwest of the new location of the high school, north of W. 22nd Street and east of Union Road. She discussed the proposed changes from the applicant which include shifting Wild Horse Drive south and Broomfield Drive north. This will allow lots to be drawn to a more uniform size and change the size and shape of the stormwater basins. It also adds one lot to the 1st Addition. She provided renderings of the previously approved plat and the proposed revisions and explained that all proposed changes meet city standards. She noted that other than the changes proposed the preliminary plat will remain the same as previously approved. Staff recommends approval noting the conditions from the original plat that still apply: the applicant shall provide a temporary construction access road to 27th Street for the construction of the Third Addition, they shall provide a street connection to 27th Street prior to the development of the Fourth Addition, construction traffic must be routed to Union Road and W. 27th Street for all phases (rather than through existing neighborhoods), and cost-share on the Union Road trail, equivalent to the cost of a 5-foot sidewalk in this location to be paid at final plat.

Mr. Leeper commented that there should be thought given to the traffic from the High School and how it will work long term.

Ms. Saul made a motion to approve the item. Mr. Larson seconded the motion. The motion was approved unanimously with 8 ayes (Crisman, Grybovych, Hartley, Larson, Leeper, Lynch, Moser and Saul), and 0 nays.

- 4.) The Commission then considered Zoning Text Amendment and review of certain site plans in the Downtown Character District (CD-DT). Chair Leeper introduced the item and Ms. Howard provided background information with regard to previously discussed potential options for the review of site plans. She discussed the larger changes that are proposed and showed a rendering of the frontage designations within the downtown area. She displayed the clarified/updated code language being proposed and explained what those changes mean. Staff recommends that the Commission discuss the draft text amendment, provide direction, and consider setting a date of public hearing for the June 8 meeting.

Ms. Saul commented that the code changes proposed reflect what the Commission discussed and asked for. There was brief discussion with regard to different aspects of the changes.

A public hearing at was set for the City Council meeting on June 8, 2022.

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

The meeting adjourned at 5:56 p.m.

Respectfully submitted,



Karen Howard
Community Services Manager



Joanne Goodrich
Administrative Assistant



DEPARTMENT OF COMMUNITY DEVELOPMENT

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

MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: Thom Weintraut, AICP, Planner III
DATE: June 1, 2022
SUBJECT: Rezoning Request 2209 N Union Road (RZ22-002)

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

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

LOCATION: 2209 N. Union Road

PROPOSAL

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

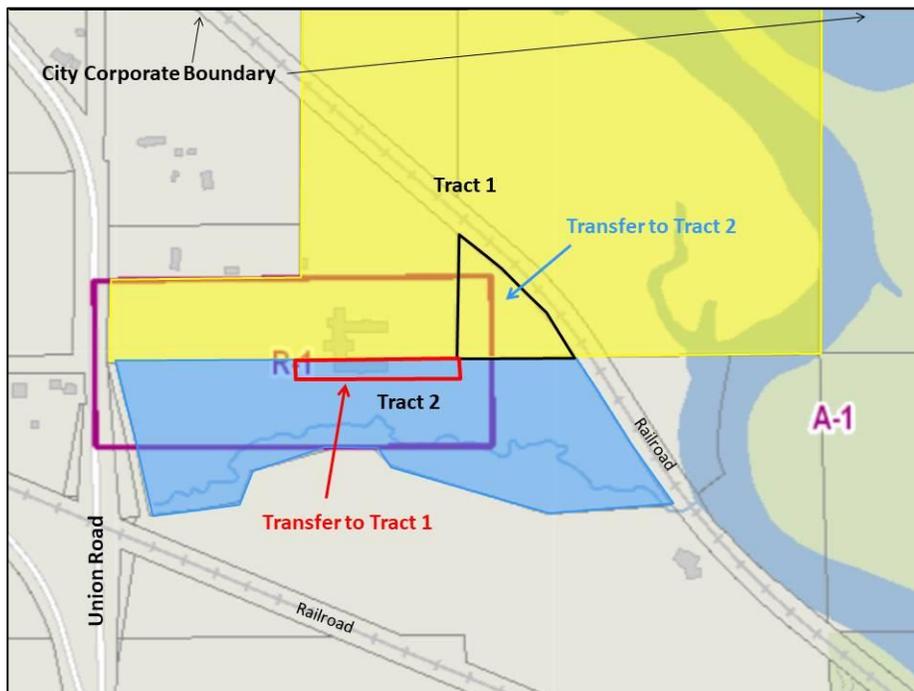
BACKGROUND

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

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

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

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



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

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

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

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

ANALYSIS

CURRENT ZONING

R-1 Residence District and A-1 Agriculture District

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

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

PROPOSED ZONING

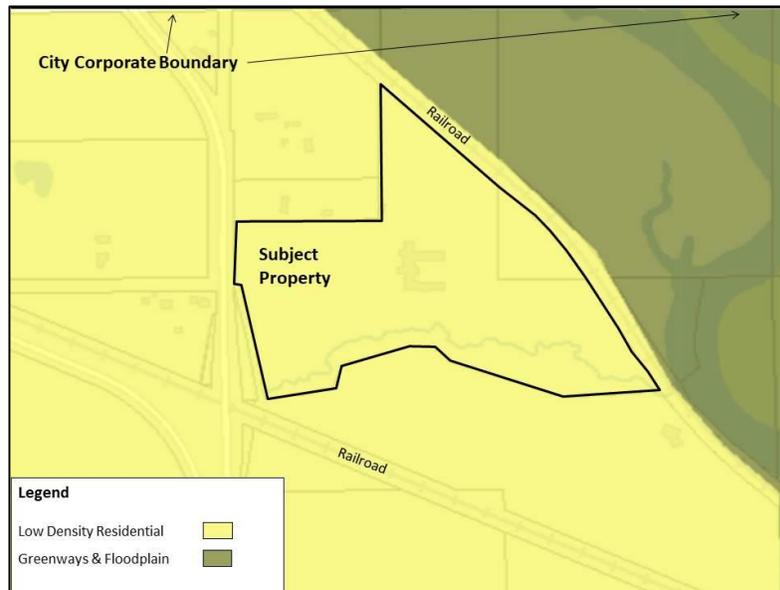
The request is to downzone approximately 0.98 acre of land at 2209 N Union Road and 8.86 acres on the adjacent tract to the south from the R-1 Residence zoning district to A-1 Agriculture. The requested change will place those portions of the reconfigured parcel that do not have adequate services available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

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

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

COMPLIANCE WITH THE COMPREHENSIVE PLAN

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



ACCESS TO PUBLIC SERVICES

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

ACCESS TO ADEQUATE STREET NETWORK

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

PUBLIC NOTICE

City staff mailed letters to the surrounding property owners notifying them of the rezoning request. Once the date of public hearing is set, notice will be published in the Courier.

TECHNICAL COMMENTS

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

STAFF RECOMMENDATION

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

PLANNING & ZONING COMMISSION

Introduction

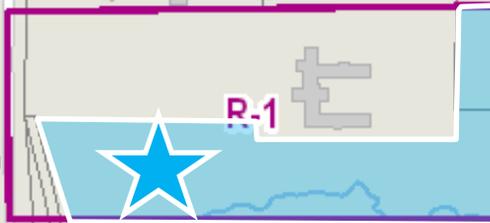
6/8/2022

Attachments: Location Map
 Rezoning Plat
 Zoning Illustration
 Letter of Request
 Notice to Property Owners

Cedar Falls Planning & Zoning Commission June 8, 2022

Item 2.

Corporate Limits



A-1

R-2



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

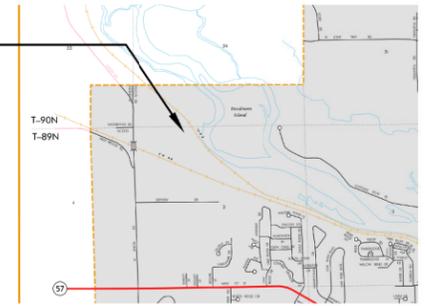
Rezoning Plat

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

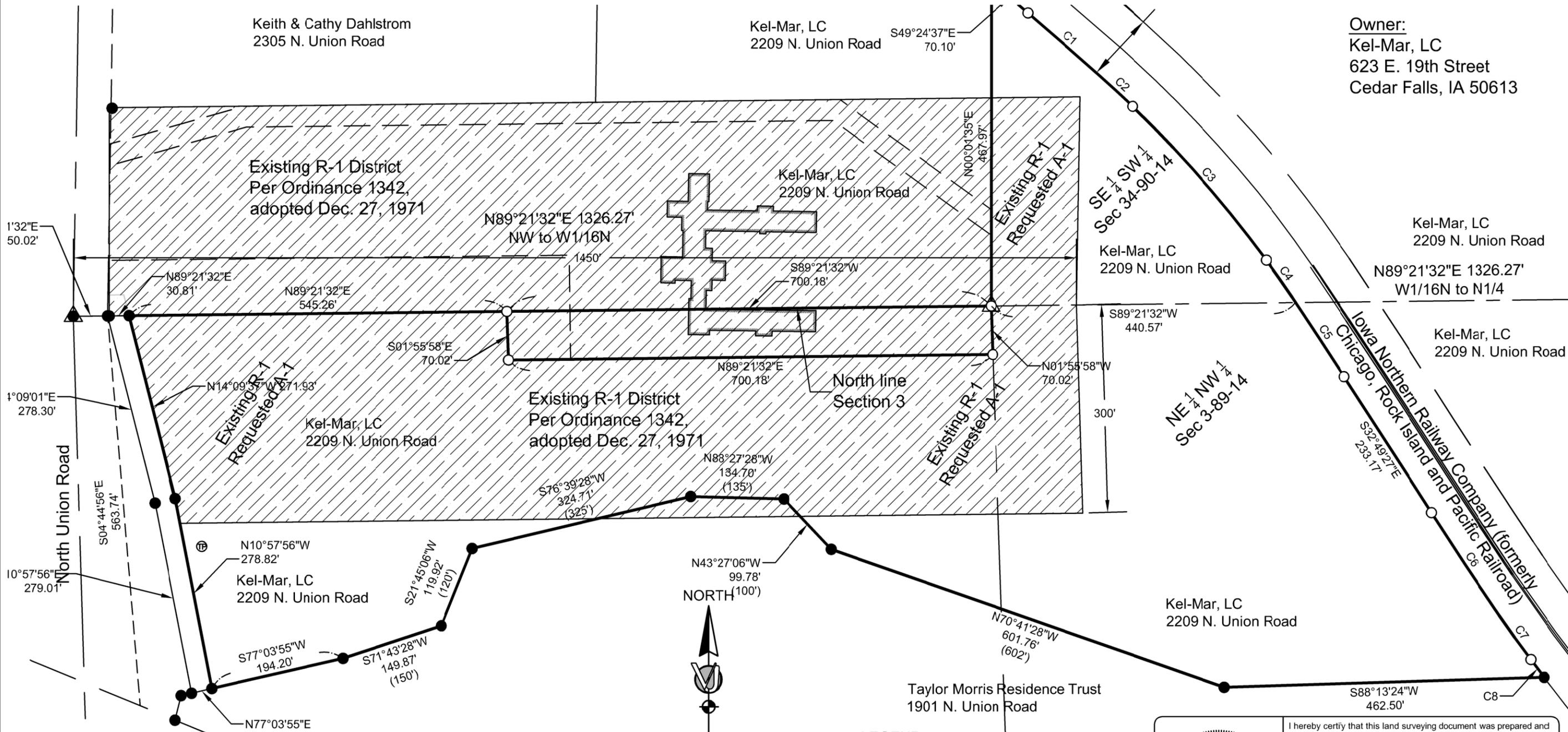
Legal Description of land to be rezoned from R-1 to A-1:

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

Rezone Request



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

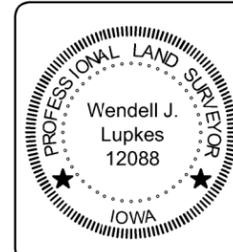


- Notes:**
- 1.) All dimensions are in US Survey feet and decimals thereof.
 - 2.) Proprietor: Kel-Mar, LC, 623 E. 19th Street, Cedar Falls, IA



LEGEND

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



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

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

Item 2.	date
scale	1"=150'
drawn by	WJL
date	5/9/2022
revisions	
VJ Engineering 1501 Technology Parkway Cedar Falls, Iowa - 319-266-5829	
R-1 Rezoning Request Kel Mar LC 2209 N Union Road 218002	10



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

engineering – surveying

May 10, 2022

To: Cedar Falls Planning Commission

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

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

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

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

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

Thank you for your careful consideration.

Respectfully,

Dan Arends, P.E.
VJ Engineering

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

City Corporate Boundary

Item 2.

Tract 1

Transfer to Tract 2

R1

Tract 2

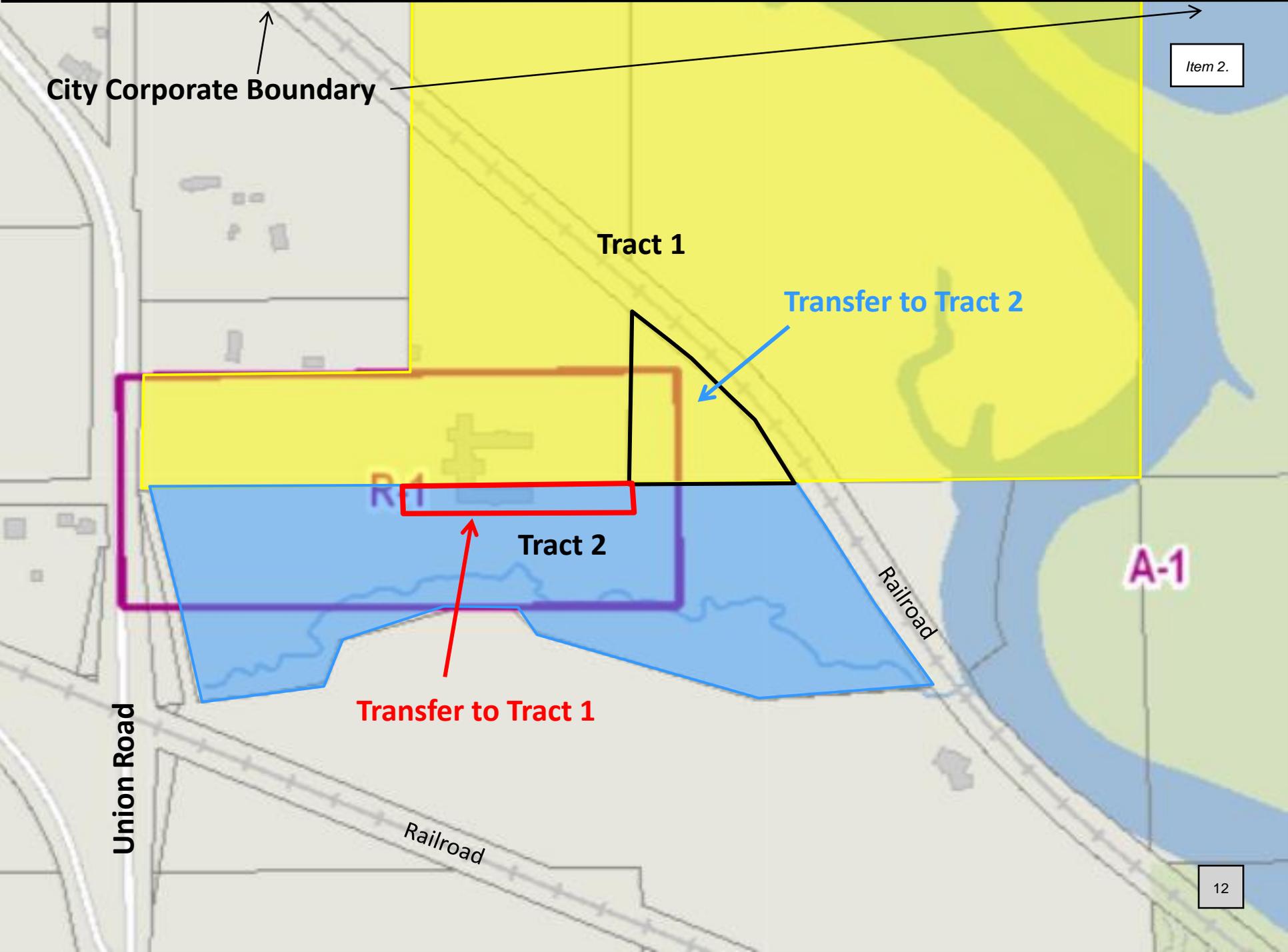
A-1

Railroad

Transfer to Tract 1

Union Road

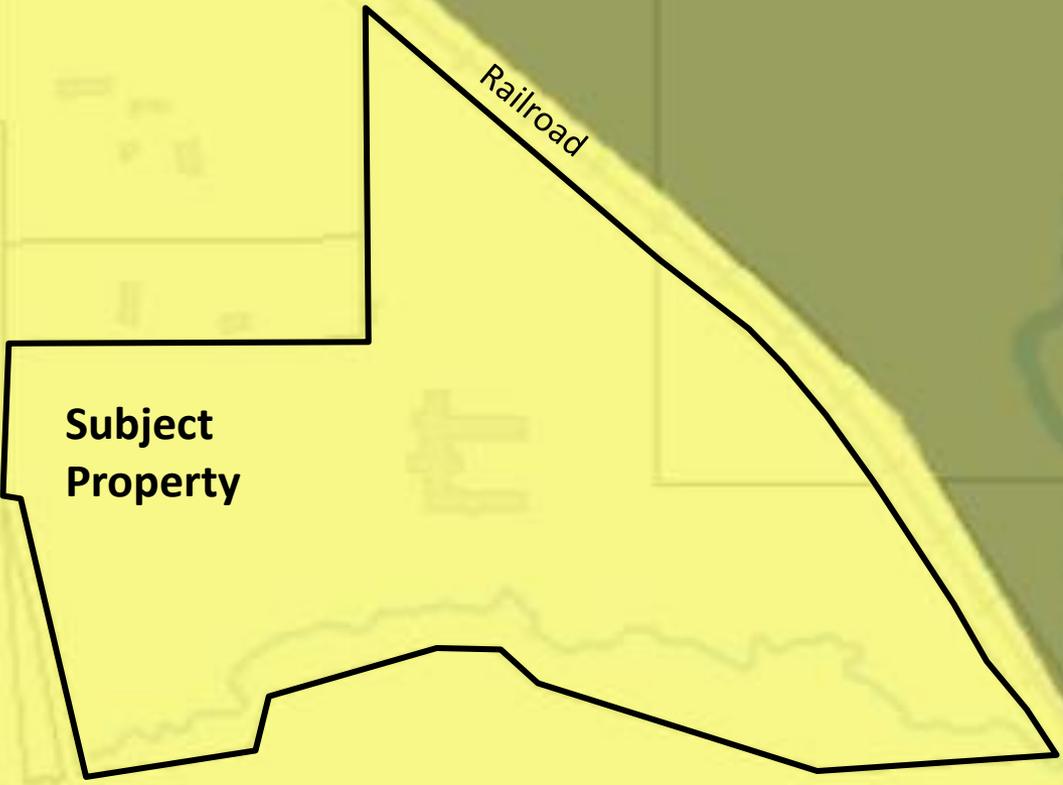
Railroad



City Corporate Boundary



Item 2.



Subject Property

Railroad

Railroad

Legend

Low Density Residential



Greenways & Floodplain





DEPARTMENT OF COMMUNITY DEVELOPMENT

PLANNING & COMMUNITY SERVICES
 220 CLAY STREET
 PH: 319-273-8606
 FAX: 319-273-8610

INSPECTION SERVICES
 220 CLAY STREET
 PH: 319-268-5161
 FAX: 319-268-5197

RECREATION & COMMUNITY PROGRAMS
 110 E. 13TH STREET
 PH: 319-273-8636
 FAX: 319-273-8656

**VISITORS & TOURISM/
 CULTURAL PROGRAMS**
 6510 HUDSON ROAD
 PH: 319-268-4266
 FAX: 319-277-9707

June 1, 2022

RE: Rezoning Request
 9.84 acres of property located adjacent to the south of 2209 N Union Road, the former Martyrs Retreat Property.

Dear Area Resident/Property Owner:

I wish to notify you that the City of Cedar Falls Planning and Zoning office has received a request to rezone approximately 9.84 acres of property located adjacent to the south of 2209 N Union Road, the former Martyrs Retreat Property from R-1 Residence District to A-1 Agriculture District.

This rezoning request will be introduced for initial discussion at the Cedar Falls Planning and Zoning Commission meeting **on Wednesday, June 8, 2022 at 5:30 p.m. at the Cedar Falls Community Center (528 Main Street)**. Also, a public hearing for this rezoning is potentially to take place on June 22, 2022. A meeting agenda will be available on the city website by the end of the day on June 3, 2022. At this time the rezoning will be introduced to the Commission and will be open for any discussion. Written comments may be filed with said Commission at any time prior to the time of the meeting by forwarding such comments to Thomas.Weintraut@cedarfalls.com and oral comments will be heard at said meeting. A copy of the staff report and attachments will be online by the end of the day on June 3rd, 2022 at www.cedarfalls.com/ccvideo.

If you have any comments or questions regarding this matter, please feel free to contact this office at (319) 273-8600. Thank you for your consideration.

Sincerely,

Thomas A. Weintraut, Jr.
 Planner III

Attachment: Rezoning Plat



DEPARTMENT OF COMMUNITY DEVELOPMENT

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

MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: Karen Howard, AICP, Planning & Community Services Manager
DATE: June 1, 2022
SUBJECT: Petition from City Council to amend the Downtown Character District (TA22-003)

The City Council has directed staff to forward to the Planning and Zoning Commission their request for additional amendments to the recently adopted Downtown Character District code. They request that the Planning and Zoning Commission reconsider their previous recommendation to have all site plans reviewed and approved administratively by staff without additional Planning and Zoning Commission review.

Background

The Downtown Character District regulations were adopted by City Council on November 1, 2021. These new zoning regulations are intended to implement the *Imagine Downtown! Vision Plan* adopted in November of 2019. The second phase of the project was to draft zoning regulations to encourage future development that is consistent with the adopted Vision. The draft code was presented to the public in February, 2021. The Commission considered the new code at four special work sessions and held 3 public hearings to consider public comments and suggestions for changes to the code. The Commission discussed all proposed changes to the draft and made decisions on each one before forwarding a final draft to the City Council for consideration in May 2021. The Planning & Zoning Commission's recommended draft was reviewed at five City Council Committee of the Whole/ Work Session before a public hearing was scheduled. The draft was discussed at three separate readings before being adopted on November 1, 2021.

Council Petition: Re-establish Planning and Zoning Commission review of site plans for development in the Downtown Character District.

During the review of the new code, the Planning and Zoning Commission discussed the pros and cons of continuing the practice of P&Z review of all site plans for development in the downtown. After discussion, the Commission decided to keep the new code as proposed without additional Planning and Zoning Commission Review. The following pros and cons are excerpted from the decision matrix, which was the tool used to carefully consider all requests for changes to the draft code (see item #8 in the attached decision matrix from April 2021).

Issue: Include a design review process/role for P&Z

Pros:

- Provides for more public scrutiny of development projects in the downtown area.
- Provides additional reassurance that a project will be consistent with the vision for downtown.

Cons:

- One of the goals of the Downtown Zoning Code update was to streamline the development review process and move toward by-right approvals for those projects that meet a set of objective form-based standards. The benefits of this approach are to a) provide a greater level of predictability for property owners, developers, and neighbors; b) move away from the time and expense of negotiating individual projects in the Downtown district, particularly if it requires project redesign or additional legal fees; and c) remove the subjectivity of the public review process, where individual opinions can cause projects that otherwise meet the standards to be redesigned adding cost to the project.
- From a fairness and equity standpoint, [review at P&Z] can also give undue influence to particularly persuasive or well-connected applicants or to those who may simply want to prevent development from occurring.
- The purpose of establishing the staff Zoning Review Committee is to ensure that development projects meet the adopted standards, but also to assist applicants in their understanding of the intent of the provisions of the code, so they can achieve a more cohesive design, so in essence will serve as an administrative design review.

Staff notes that site plans in previous zoning districts that surrounded the Central Business District Overlay (R-3, R-4, C-2, C-1, etc.) did not require Planning and Zoning Commission and City Council review and approval. It was only within the Central Business District Overlay where all improvements to existing buildings and all new buildings proposed were subject to P&Z and Council review.

At the Commission's March 23, 2022 meeting staff forwarded the petition from the City Council for discussion. The Commission discussed the following non-exhaustive list of potential options for discussion ranging from least P&Z oversight to full review by P&Z and Council. At that meeting the Commission requested that staff bring back a proposed code amendment according to the 3rd option below and would also like to be updated on site plans that are under review in the Downtown Character District on a monthly basis.

1. Maintain the currently adopted process for site plan review – administrative review by staff. If a proposed project meets the code requirements it will be approved. If it does not, it will be denied.
2. Maintain the currently adopted process for site plan review, but for an initial period of time (one year? two years?) have staff provide a monthly report to the Commission on

the site plans under administrative review in the Downtown Character District, so that the Commission can monitor, ask questions, discuss concerns, and if necessary initiate code amendments if problems arise. This would also provide an opportunity for staff to note any code provisions that may not be working as intended and to suggest solutions.

3. Require new buildings in the Urban General, Urban General 2, and Storefront frontages to be reviewed by P&Z to confirm staff administrative review decisions.
4. Require all new buildings in the Downtown Character District to be reviewed by P&Z to confirm staff administrative decisions, including in the Neighborhood frontages.
5. Require all site plans (including all new buildings, all changes to existing buildings, projecting signs, site changes) to be reviewed by P&Z and approved by City Council (as was previously done in the CBD Overlay).

Staff drafted the attached amendments to the zoning code for the Commission's consideration. The strike-through notation indicates language to be deleted. Underlined text is new language added. All other language is unchanged and is included to provide context for the changes proposed. Staff consulted with the City Attorney and he advised that if there is a desire to have Planning and Zoning Commission review certain site plans, that it would be best to establish a process that is similar to other zoning districts where the Commission is a recommending body to the City Council and the final decisions are made by the City Council. This would add an additional step to what is noted in option 3 above, which proposes that the Commission would be the decision-making body and additional review and approval by Council would not be needed.

RECOMMENDATION: Staff recommends that the Commission hold a public hearing on this matter and make a recommendation to the City Council.

Attachments:

- Draft changes to the zoning ordinance
- Decision Matrix from April 2021

Amend Section 26-191C., Applicability, as follows:

C. Applicability and Development Review

1. Where an adopted Regulating Plan is shown on the zoning map, these Character District standards immediately apply at the parcel level.
2. ~~The process for developing or redeveloping within a Character District is delineated in Section 26-36 through Section 26-39. All applications for development or redevelopment within a Character District shall be reviewed and approved according to the procedures set forth in Sections 26-36 through Section 26-39. Applications shall be administratively reviewed and approved, except for site plans for new buildings on property designated as Urban General, Urban General 2, or Storefront on an adopted Regulating Plan. For new buildings on property designated as Urban General, Urban General 2, or Storefront on an adopted Regulating Plan, the Zoning Administrator, in consultation with the Zoning Review Committee and Technical Review Committee, shall prepare and forward a report along with the site plan and supporting documents to the Planning and Zoning Commission and City Council for review and approval according to procedures set forth in Section 26-36(d), Review and Decision-making.~~

Amend Section 26-36 and 26-37, as follows:

Sec. 26-36. ~~Administrative Determination~~ Site Plan Review, Proportionate Compliance Determinations, and Minor Adjustments

(a) **APPLICABILITY GENERAL APPLICATION REQUIREMENTS**

~~The Zoning Administrator shall review and decide upon applications for the following administrative reviews and code adjustments in consultation with the Zoning Review Committee(ZRC) and/or the staff Technical Review Committee, as applicable. Some of these processes have additional review and approval requirements; a cross-reference to those requirements is provided in the right column.~~

Permit or Adjustment	Additional Review Requirements
Site Plan	Section 26-37.D
Proportionate Compliance	n/a
Minor Adjustment	Section 26-39.E

Applications and submittal materials required for site plan review, proportionate compliance determinations, and minor adjustments under this Chapter shall be submitted on forms and in such numbers as required by the City. The applicable filing fee shall be paid at the time the application is filed. Additional fees may be required for re-submittals. Fees are determined by resolution of the City Council.

(b) **APPLICATION COMPLETENESS REVIEW**

- (1) Applications shall not be processed until all fees and materials have been submitted and are deemed ~~sufficient~~ complete in form and content such that recommendations, as required, and a decision may be made on the application by the Zoning

Administrator, or other decision-making body, as specified in this chapter. The Zoning Administrator shall determine application ~~sufficiency~~ completeness.

- (2) If an application is deemed ~~insufficient~~ incomplete, the Zoning Administrator shall inform the applicant of the specific submittal requirements that have not been met. The Zoning Administrator may provide notice in writing, electronically, or in conversation with the applicant.
- (3) If an application is deemed ~~insufficient~~ incomplete, the applicant must resolve and resubmit the materials required to complete the application within 30 days of the date informed of the insufficiency of the application.
 - a. An ~~insufficient~~ incomplete application that has not been revised to meet the completeness requirements shall expire on the 30th day. An expired application shall be returned to the applicant along with any original documents submitted in support of the application.
 - b. The City, at its discretion, may retain the application fee paid. Once an application has expired, the application must be resubmitted in full, including application fee.

(c) REVIEW, REFERRAL, AND RECOMMENDATION

- (1) Upon submission of an application, the Zoning Administrator shall review the application and accompanying documentation to determine whether the information included in the application is sufficient to evaluate the application against the approval criteria of the procedure or permit requested.
- (2) The Zoning Administrator may refer any application to the Zoning Review Committee (ZRC) or Technical Review Committee (TRC) for review and recommendation.

(d) REVIEW AND DECISION-MAKING

- (1) ~~The Zoning Administrator shall review the Applications~~ shall be reviewed for conformance with all applicable provisions of this chapter.
- (2) To be approved, an application shall be fully consistent with the standards of this chapter unless a minor adjustment is concurrently approved to allow specified deviation from applicable standards. An ~~administrative~~ approval may include instructions and clarifications regarding compliance with this Code, but shall not be approved with conditions that require action beyond the specific requirements of the City Code of Ordinances.
- (3) Except as specified in paragraphs (4) below, after consultation with the TRC and ZRC, as applicable, the Zoning Administrator shall approve or deny ~~the applications~~ for site plan review and minor adjustments and shall make determinations regarding proportionate compliance and provide written notification of the decision to the applicant. If an application is denied, the written notification shall include the reasons for denial. Administrative decisions are appealable pursuant to Section 26-62.
- (4) For any site plan that requires Planning and Zoning Commission and/or City Council review and approval, as set forth in this Chapter, the Zoning Administrator shall prepare a staff report and recommendation based on the approval criteria, standards, and requirements of this Chapter, the Comprehensive Plan, and any other applicable policies and regulations. The staff report and recommendation shall be forwarded to the Planning and Zoning Commission for its review and recommendation to the City Council. If the Planning and Zoning Commission recommends denial, the site plan shall not be forwarded to the City Council, unless so requested by the applicant in writing. After consideration of the staff report and the Planning and Zoning Commission's recommendation, the City Council may approve, approve with conditions, or deny the site plan. If a site plan is denied, the Planning and Zoning Commission and/or City Council, as applicable, shall state the reasons for denial.

(e) APPEAL

1. ~~Administrative determinations are appealable pursuant to Section 26-62.~~

Sec. 26-37. Site Plan

(a) APPLICABILITY

The purpose of this section is to set forth the procedures and criteria for review and approval of site plans, which shall include when referenced in this Chapter, site development plans, development plans, or similar. Site plans are technical documents that illustrate how the structure(s), layout of an area, and proposed uses meet the requirements of this chapter and any other applicable ordinances, standards, regulations, and with all previously approved plans applicable to the property.

(b) AUTHORITY

A site plan is required for:

(1) Character Districts

- a. Any application for development in a character district.
- b. All requests for structures, architectural elements or accessory structures (front porch, front yard fence) at or forward of the required building line, and accessory or temporary uses; however, for minor accessory structures not located forward of the required building line, such as sheds, fences, or decks, the site plan shall only be required to show the location of the proposed structure or addition in relation to property boundaries, required setbacks, easements, and terrain changes as more fully detailed in this Code;

(2) ~~Traditional Zone Districts~~ All other Zoning Districts

- a. Any application for a commercial, industrial, institutional, or multi-unit dwelling project;
- b. Any application for development requiring site plan review, site development plan review, development plan review, plan review, or similar review as set forth elsewhere in this chapter.

(c) APPLICATION PROCEDURES

- (1) A pre-application meeting with the Zoning Review Committee (ZRC) is required prior to the submission of a site plan application for development in a character district. Pre-application meetings are optional and encouraged for all other applications.
- (2) The applicant shall submit the site plan application to the Planning and Community Services Division. Application submittal deadlines and requirements shall be established on submittal forms available from the Planning and Community Services Division and on the City's website.

(d) DECISION CRITERIA

The site plan shall be reviewed against the following criteria:

- (1) The site plan is consistent with all applicable adopted plans and policies;
- (2) The site plan is consistent with any prior approvals, including any conditions that may have been placed on such approvals; and
- (3) The site plan conforms with all applicable requirements of the Code of Ordinances, or with all applicable requirements as modified by a ~~request for a~~ an approved minor adjustment.

(e) LIMITATION OF APPROVAL

~~Zoning Administrator approval of a site plan does not in any way imply approval by any other City department.~~

(f) EFFECT

- (1) Approved site plans shall be binding upon the property owner(s) and their successors and assigns.
- ~~(2) No permit shall be issued for any building, structure, or use that does not conform to an approved site plan.~~
- (3) No building, structure, use or other element of the approved site plan shall be modified without amending the site plan, unless it is determined by the City that such modification will not require an amended site plan.
- (4) All buildings, structures and uses shall remain in conformance with the approved site plan or be subject to enforcement action.

(g) POST-APPROVAL ACTIONS**(1) Expiration**

- a. Approved site plans shall expire one year after approval if a building permit has not been issued, or the approved use established. In the event that the documents expire due to the passage of this time period, new site plan review documents must be submitted for approval in the same manner as an original application for development review.
- b. An extension not to exceed one year may be granted by the Zoning Administrator.

(2) Modifications to Site plans

The holder of an approved site plan may request an adjustment to the document, or the conditions of approval, by submitting either an application for minor adjustment or an amended site plan, whichever is appropriate, to the Zoning Administrator. An amended site plan shall be filed and processed in accordance with the procedures specified in this Chapter for the an initial site plan submittal, or as otherwise specified in this Chapter.

PROPOSED AMENDMENTS TO THE PUBLIC REVIEW DRAFT OF THE DOWNTOWN ZONING CODE

26-193 – Building Form Standards

	Proposed Amendment	Explanatory Notes	Consultant/Staff Recommendation	P&Z Discussion (Date)	P&Z Decision
1	Requestor: Consultant/staff Change Building Form Standards (BFS) Section 193.5 Neighborhood Small Frontage B. Placement 4. Buildable Area to allow Private Open Area to be above grade for lots with less than 70 ft of depth.	Technical Fix: This better accommodates rowhouses on especially shallow lots (such as many of the lots along 2 nd Street, as shown in the Vision Plan) with their 66ft width/depth. This will make Neighborhood Small consistent with Neighborhood Medium.	Consultant/staff are in support of this amendment.	Commission directed staff to make the change.	Amendment Approved
2	Requestor: Consultant/staff Change Required Building Line (RBL) on the Downtown Regulating Plan, on the north side of W 2 nd St. from Franklin St. to the western border of the District. The RBL should be moved forward an additional 5ft, from 15ft to 10ft off the front property line.	Technical Fix: This is for consistency with the RBL to the east of Franklin (Urban General 2) and better accommodates rowhouses fronting 2 nd Street (as shown in the Vision Plan) within the shallower (66ft) depth of many of those lots. This keeps the building form and scale consistent with the Neighborhood Small designation, but allows room for both parking and for usable ground floor space within the buildings.	Consultant/staff are in support of this amendment to the Downtown Character District Regulating Plan.	Commission directed staff to make the change.	Amendment Approved
3	Requestor: Staff a) Insure consistency of terms between new proposed Section 26-140. Use-Specific Standards, Category Descriptions, and Definitions and proposed Section 26-197. Building Functions; b) Clarify language in Character District Use Table introductory paragraph concerning additional standards that apply	Technical Fix: a) Because drafting was an iterative process, additional revisions were made to Section 26-140, Use Classification, after the public review draft of Downtown Character District Code (Section 26-197) was released. This is a simple clean-up to make sure terms are internally consistent. Also to correct the Code Section number of the Use Classification to Sec. 26-140 (not 26-132). b) Make clear that additional development and performance standards apply above and beyond the broad permitted use categories.	Consultant/staff are in support of these amendments	Commission directed staff to make these changes.	Amendment Approved

<p>4</p>	<p>Requestor: Staff Correct outline format, as needed</p>	<p>Technical Fix: Some outline numbers are out of sequence and need correction</p>	<p>Consultant/staff are in support of this amendment</p>	<p>Commission directed staff to make these changes.</p>	<p>Amendment Approved</p>
<p>5</p>	<p>Requestor: Historical Society and Planning Staff Add Civic Building designations to Regulating Plan</p>	<p>Technical Fix: The Cedar Falls Woman’s Club and Cedar Falls Historical Society Victorian House Museum and Museum Buildings in Sturgis Park should be identified as Civic Buildings.</p>	<p>Consultant/staff are in support of this amendment</p>	<p>Commission directed staff to make these changes.</p>	<p>Amendment Approved</p>
<p>6</p>	<p>Requestor: Consultant/Staff Change to Section 26-140. Use-Specific Standards, Category Descriptions, and Definitions for clarity, etc.</p>	<p>Technical Fix: Clarification concerning categorization of commercial assembly uses as large or small based on size and the other classification criteria in Section 26-140(a)(3) This will help in classifying uses appropriately in different zoning districts. Examples include small commercial assembly uses, such as theaters that fit into a main street area, like the Oster Regent Theater downtown versus large commercial assembly uses, such as a large metroplex theater complex located in a suburban shopping center.</p>	<p>Consultant/staff are in support of this amendment</p>	<p>Commission directed staff to make these changes.</p>	<p>Amendment Approved</p>

<p>7</p>	<p>Requestor: P&Z Member Larson</p> <p>Change the Regulating Plan designated building frontage on west side of Overman Park from Neighborhood Small to Urban General 2 to accommodate existing businesses located in buildings along Franklin Street;</p> <p>or alternatively:</p> <p>Requestor: Tom and Dorinda Pounds They own a house on Franklin Street that was converted to office space for their business. They want assurance their business can continue, but also have maintained many of the historic residential features of the home, so it could be converted back to residential use in the future, if desired.</p> <p>They would like an approach to better accommodate existing businesses, while maintaining the residential character and scale of the area</p>	<p>As drafted, all existing businesses can remain as non-conforming uses. The new code requires no changes unless/until the owner makes a significant change to their business or building, at which time the standards identified in Section 26-38 Proportionate Compliance would apply, based on the [level/degree] of proposed change.</p> <p>The intent of the proposed limitations on new businesses in the Neighborhood frontage areas is to encourage their concentration in the core of Downtown for the synergy it creates and to stabilize and encourage reinvestment in the surrounding residential areas and preservation of the historic character of these areas.</p> <p>Options for change:</p> <p>Option 1: Change the regulating plan along west side of Franklin Street to Urban General 2.</p> <p>Pro: Insure existing business are not made non-conforming</p> <p>Con: Change in building frontage designation affects more than use; it would also change the physical scale and character of permitted new buildings, potentially incentivizing the demolition of other houses in the neighborhood. This could potential affect the historic residential character along Franklin Street. Most businesses are located within existing residential structures.</p> <p>Option 2: Language could be added to state that all existing businesses at the time of code adoption are considered conforming, so can continue and even expand, but that no new businesses are permitted in the Neighborhood frontages. This is a similar approach we took for manufacturing businesses on the far east side of the study area.</p>	<p>Consultant/staff are in support of Option 2, as it achieves the goal of keeping existing businesses conforming, but doesn't have the unintended consequences noted with Option 1.</p>	<p>Commission directed staff to make the changes per Option 2.</p>	<p>Amendment Approved Option 2.</p> <p>(Note: add a parking requirement for non-residential uses in Neighborhood Frontages).</p>
----------	---	--	--	--	--

<p>8</p>	<p>Requestor: P & Z Chair: Include a design review process/role for P&Z</p>	<p>Commission expressed concern that it is difficult to legislate good design and that some additional design guidance may be needed, at least for some projects; and this process should be conducted through a public review process at P&Z and/or Council.</p> <p>Pros: Provides for more public scrutiny of development projects in the downtown area. Provides additional reassurance that a project will be consistent with the vision for downtown.</p> <p>Cons: One of the goals of the Downtown Zoning Code update was to streamline the development review process and move toward by-right approvals for those projects that meet a set of objective form-based standards. The benefits of this approach are to a) provide a greater level of predictability for property owners, developers, and neighbors; b) move away from the time and expense of negotiating individual projects in the Downtown district, particularly if it requires project redesign or additional legal fees; and c) remove the subjectivity of the public review process, where individual opinions can cause projects that otherwise meet the standards to be redesigned adding cost to the project.</p> <p>From a fairness and equity standpoint, it can also give undue influence to particularly persuasive or well-connected applicants or to those who may simply want to prevent development from occurring.</p> <p>The purpose of establishing the staff Zoning Review Committee is to ensure that development projects meet the adopted standards, but also to assist applicants in their understanding of the intent of the provisions of the code, so they can achieve a more cohesive design, so in essence will serve as an administrative design review.</p>	<p>Consultants/staff do not recommend adopting a public design review process at this time.</p> <p>If a majority of the Commission would still like to move forward with a public design review process, the consultants and staff will continue to work to determine a workable approach.</p>	<p>Commission directed staff to keep the draft the same and not require a separate design review through P&Z and Council.</p>	<p>No change recommended</p>
----------	---	--	--	---	------------------------------

<p>9</p>	<p>Requestor: Kevin Harberts (owns two residential properties along 2nd Street).</p> <p>Change the Regulating Plan so that the General Urban frontage designation goes from the 1st Street frontage to 2nd Street frontage</p> <p>The requestor would like the option to create larger through lots for commercial uses that extend the full depth of the block from 1st to 2nd Street.</p>	<p>The regulating plan designations between 1st and 2nd Street are already set up to provide more lot depth for Urban General along 1st Street to accommodate the larger footprint of many commercial buildings, leaving a shallower depth for the neighborhood frontage designation along 2nd Street, which can accommodate smaller footprint residential building types, such as rowhouses.</p> <p>Pros and Cons of making this change:</p> <p>Pro: Uniform building form standards for the entire parcel (with considerably more buildable area)</p> <p>Con: This would undermine the scale transition from the higher intensity, mixed-use 1st Street down to the less intense Overman Park neighborhood to the south.</p> <p>The code provides considerable flexibility for parcels with more than one frontage designation to shift the frontage designation to accommodate specific needs of the development. However, it is important for the buildings along both sides of 2nd Street to relate to one another, rather than having residential buildings facing the backs of 1st Street businesses. The regulating plan designations ensure buildings of similar scale and character along both sides of a street.</p>	<p>Consultant/staff are <u>not</u> in support of this amendment.</p> <p>The regulating plan already establishes Urban General deeper into the block (from north to south) and leaves a rather shallow area along 2nd Street that will accommodate residential building forms, such as townhomes, as shown in the <i>Imagine Downtown! Vision Plan</i>.</p>	<p>Commission directed staff to keep the regulating plan the same. No change recommended.</p>	<p>No change recommended</p>
----------	--	--	---	---	------------------------------

<p>10</p>	<p>Requestor: Planning & Zoning Commission and questions from several members of the public.</p> <p>Consider the inclusion of vinyl siding as an approved wall material in Neighborhood Frontages</p>	<p>There is concern that prohibiting vinyl siding in the Neighborhood Frontages could be cost prohibitive and encourage disinvestment in existing residential properties.</p> <p>The intent of the proposed prohibition was to promote more durable and environmentally sustainable building materials. (The issue is not one of aesthetics).</p> <p>Pro: Reduce the up-front cost of building construction and maintenance</p> <p>Con: Higher long-term costs for maintenance and upkeep; concerns related to durability and fire-resistance; environmental impacts of PVC, i.e. produces toxic smoke when it burns and melts at a fairly low temperature; damaged or melted siding often ends up in the landfill and is not biodegradable. While it is possible to recycle it, there are often issues of contamination from dirt, nails, and mixed-in aluminum flashing. In contrast, wood, brick or stone have a life cycle of more than 100 years. The life span of vinyl is 15 to 20 years before it becomes brittle from ultraviolet light and is easily damaged.</p> <p>If change to the ordinance is desired, following are some options:</p> <ol style="list-style-type: none"> 1. Maintain the prohibition of vinyl siding for new construction. 2. Permit the use of vinyl siding to replace or repair existing vinyl siding. 3. Permit use of vinyl siding that meets higher minimum standards for quality, maintenance, and durability, based on industry standards to replace or cover over other types of siding on existing single family dwellings. 4. Delete the prohibition on vinyl siding from the code altogether, so it would be allowed on all existing and new buildings in the Neighborhood Frontages. 	<p>Consultant/staff are particularly concerned about the long term consequences of allowing vinyl siding related to the noted environmental concerns, so recommend prohibiting vinyl siding for new construction.</p> <p>With regard to the second bullet point, the current draft already allows replacement of like material with like material for maintenance purposes. Consultant/staff would be in support of adding some additional language to make sure this is clear.</p> <p>Consultant/staff are <u>not</u> supportive of allowing vinyl siding to replace existing environmentally sustainable building materials, such as wood, stone, or brick. We feel that the long term costs outweigh the short term savings.</p> <p>Consultant/staff strongly recommend against listing vinyl siding as a generally allowed building material.</p>	<p>Commission directed staff to move forward with making changes consistent with 1, 2, and 3, but did not support option 4.</p> <p>Bullet points 1 and 2 were supported unanimously. Bullet point 3 was supported by a majority.</p> <p>With regard to bullet 1, the Commission requests that the language be clarified to indicate that for additions to existing buildings that have vinyl siding that vinyl siding can be used for the addition. We will need to discuss how to fit that into the trigger chart.</p> <p>Bullet point 4 was rejected by a majority.</p>	<p>Amendments Approved according to bullet points 1, 2, and 3. Majority of the Commission does not support 4.</p>
-----------	---	--	---	---	---

<p>11</p>	<p>Requestor: Jesse Lizer, Emergent Architects</p> <p>Permit the use of higher quality foam products for architectural detailing</p>	<p>There is concern that the prohibition of “all other foam-based products” in Sec. 26-194.C.5. would limit options for restoration of historic buildings. That was never the intent of this prohibition, but rather to limit the use of flimsy, easily damaged building materials, particularly at the street level. Potential change:</p> <ul style="list-style-type: none"> • Delete “all other foam-based products” from the prohibited list and add a new item to the secondary materials list in Sec. 26-194.C.4. as follows: “Durable foam-based products, such as Fypon, may be used for architectural detailing.” 	<p>Consultant/staff are in support of this amendment,</p>	<p>Commission directed staff to make this change.</p>	<p>Amendment Approved</p>
<p>12</p>	<p>Requestor: Staff</p> <p>Provide more direction for ADUs</p>	<p>Concern that there is insufficient enforceability of owner-occupancy requirement following the development of an ADU. Consider including a requirement for an affidavit/legal agreement with the City in Sec. 26-193.1.G (p.24) to be filed and recorded, so that it is clear to future owners or prospective buyers that the dwelling is not considered a duplex, so that the limits on size and occupancy for ADUs continue to be enforceable over time.</p> <p>The allowance for ADUs is intended to make home ownership more affordable and encourage investment and reinvestment that will help stabilize existing older neighborhoods surrounding downtown.</p>	<p>Consultant/staff are in support of this amendment.</p>	<p>Commission directed staff to make this change.</p>	<p>Amendment Approved</p>

13	<p>Requestor: Staff</p> <p>Prohibit conversion of existing single unit dwellings into duplexes or multi-unit dwellings.</p>	<p>The new code opens up the possibility for new types of housing, but in a manner that ensures that new housing fits into the context of the neighborhood with quality design and a logical configuration of the dwelling units. However, the new standards and allowances are not intended to encourage existing single unit dwellings to be chopped up into additional units in a manner that reduces the functionality and livability of the dwelling and makes it less desirable for those seeking a long term rental opportunity or homeownership. As is often experienced in college towns this is a common practice to provide short term rentals for college students by converting living rooms, dining rooms, and other spaces to maximize the number of bedrooms. While providing rental housing for students is important, this particular practice often creates units that are not very conducive to long term renters and cannot be easily or cost-effectively adapted or converted back to the original condition in response to market fluctuations, such as a drop in enrollment.</p> <p>Staff notes that making this change will keep the new code consistent with the City's current conversion prohibition in the R1 and R2 Districts.</p>	Staff is in support of this change.	Commission directed staff to make this change.	Amendment approved.
----	---	--	-------------------------------------	--	---------------------

Item 3.