

**AGENDA  
CITY OF CEDAR FALLS, IOWA  
PLANNING AND ZONING COMMISSION MEETING  
WEDNESDAY, AUGUST 24, 2022  
5:30 PM AT CEDAR FALLS COMMUNITY CENTER, 528 MAIN STREET**

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**Call to Order and Roll Call**

**Approval of Minutes**

1. Planning and Zoning Commission Regular Meeting Minutes of August 10, 2022

**Public Comments**

**Old Business**

2. **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, May 25, June 8, August 10  
**Recommendation:** *Public hearing on amendments requested by City Council*  
**P&Z Action:** *Public hearing and make a recommendation on proposed amendments*

**New Business**

3. **College Hill Neighborhood Overlay Design Review – New duplex, 1224 W. 20th St. (DR22-001)**  
**Location:** 1224 W. 20th Street  
**Petitioner:** Aaron Carolan, property owner; Carolan Builders  
**Previous discussion:** None  
**Recommendation:** *Approval*  
**P&Z Action:** *Discuss and consider making a recommendation to City Council*

**Commission Updates**

**Adjournment**

Reminders:

- \* September 14 and September 28 - Planning & Zoning Commission Meetings
- \* September 6 and September 19 - City Council Meetings

**Cedar Falls Planning and Zoning Commission  
Regular Meeting  
August 10, 2022  
Cedar Falls, Iowa**

**MINUTES**

The Cedar Falls Planning and Zoning Commission met in regular session on August 10, 2022 at 5:30 p.m. at the Community Center. The following Commission members were present: Crisman, Grybovych, Hartley, Holst, Leeper, Lynch, Moser and Saul. Larson was absent. Karen Howard, Community Services Manager was also present.

- 1.) Chair Leeper noted the Minutes from the July 27, 2022 regular meeting are presented. Ms. Lynch made a motion to approve the Minutes as presented. Ms. Moser seconded the motion. The motion was approved unanimously with 8 ayes (Crisman, Grybovych, Hartley, Holst, Leeper, Lynch, Moser and Saul), and 0 nays.
  
- 2.) The first item of business was a zoning text amendment for reviewing certain site plans in the CD-DT zoning district. Chair Leeper introduced the item and Ms. Howard provided background information. She explained that in March the Commission considered various options for amending the code to have site plans reviewed at the Planning and Zoning meeting and approved by Council. Direction was given that the Commission is interested in reviewing site plans for new buildings in the Urban General and Urban General 2 and Storefront Frontages. In May staff brought forward draft language for Commission approval and a public hearing was held on June 8. City Council set a public hearing date for July 18 and Council approved a motion to refer the ordinance back to the Commission to consider amending the zoning ordinance “to include review of any site plan that would expand the floor plan or where residential is being added, similar to language in Section 26-196C.2.b.” Staff recommends that the Commission discuss and provide direction to staff regarding the petition from City council.

Mr. Leeper asked what has changed since the last time the Commission voted unanimously on the item. Ms. Howard stated that she doesn't believe anything has changed. Council just felt that they would like to see further review by the Commission and Council. Mr. Holst stated that he would be okay with the added review if that's what Council wants.

Ms. Crisman disagreed stating that the code is written the way it is makes requirements clear. The Commission spending more time reviewing more things is not a good use of time as there are many projects that will be held up. Ms. Saul agreed with Mr. Holst.

Mr. Leeper stated that he has heard comments in the field that the process has been too complex and takes too long. People want to know specifically and clearly what can and can't be done. If the review process takes too much time it costs developers a lot of extra money.

Ms. Saul stated that she doesn't believe that parking issues have been fully addressed. Ms. Crisman felt that the code spells out what the parking expectations are so any added review is just adding a step. The review would not be needed if the code is followed.

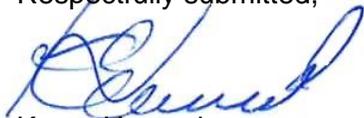
Mr. Holst asked what Council specifically needs from the Commission. Ms. Howard stated that the Commission would need to vote on their petition for the changes. Staff would prepare an ordinance amendment per council direction, set a public hearing and the Commission could vote yes or no to the changes. If the Commission votes yes, Council would need majority vote for approval. If the Commission votes no, it would trigger a council supermajority vote on amendment. Staff will need to draft out what City Council is requesting for a vote by the

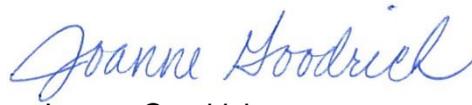
Commission. Public hearing is scheduled for the August 24, 2022 Planning and Zoning Commission meeting.

- 3.) 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, Holst, Leeper, Lynch, Moser and Saul), and 0 nays.

The meeting adjourned at 5:52 p.m.

Respectfully submitted,

  
Karen Howard  
Community Services Manager

  
Joanne Goodrich  
Administrative Assistant



## DEPARTMENT OF COMMUNITY DEVELOPMENT

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### MEMORANDUM

#### *Planning & Community Services Division*

**TO:** Planning and Zoning Commission  
**FROM:** Karen Howard, AICP, Planning & Community Services Manager  
**DATE:** August 19, 2022  
**SUBJECT:** Petition from City Council to amend the Downtown Character District (TA22-003)

On July 18<sup>th</sup>, 2022, the City Council held a public hearing on an ordinance to amend the Downtown Character District zoning regulations recommended unanimously by the Planning and Zoning Commission at your June 8<sup>th</sup> meeting. In effect, this ordinance would require site plans for new buildings proposed in the Urban General, Urban General 2, and Storefront frontages to be reviewed by the Planning and Zoning Commission and approved by the City Council.

After the close of the public hearing the City Council discussed the proposed ordinance and a motion passed to refer the ordinance back to the Planning and Zoning Commission with a petition for additional amendments to the zoning ordinance “to include review of any site plan that would expand the floor plan or where residential is being added, similar to language in Section 26-196, C.2.b.” The minutes of this discussion are listed below. The staff report that was forwarded to City Council, the specific amendments recommended by the Commission, and a copy of the proposed ordinance are attached as background. The video recording of the July 18<sup>th</sup> meeting is also available at <https://www.cedarfalls.com/852/Public-Meeting-Agendas-With-Video>. The hearing for this item is item 8 on the agenda.

#### **Minutes from the July 18<sup>th</sup> City Council meeting:**

It was moved by deBuhr and seconded by Harding that an ordinance, amending Chapter 26, Zoning, of the Code of Ordinances relative to Planning & Zoning Commission review of site plans in the Downtown Character District (CD-DT), be passed upon its first consideration. Following questions by Councilmembers Harding and Kruse, and responses by City Attorney Rogers and Planning & Community Services Manager Howard, it was moved by Kruse and seconded by Sires to petition the Planning & Zoning Commission to include review of any site plan that would expand the floor plan or where residential is being added, similar to language in Section 26-196, C.2.b. Following comments and questions by Councilmembers deBuhr, Kruse, Dunn, Harding and Sires, and responses by Howard, it was moved by Harding to call the question on the original motion. Motion failed 3-4, with deBuhr, Kruse, Ganfield and Sires voting Nay. Following comments by Mayor Green, and questions and comments by Councilmembers deBuhr, Kruse, Harding, Dunn and Schultz, the Mayor put the question on the motion to petition

the Planning & Zoning Commission. Motion carried 4-3, with Dunn, Schultz and Harding voting Nay.

### **Direction from Planning and Zoning Commission**

At the Commission's August 10, 2022 meeting, the Commission discussed the petition from the City Council and directed staff to prepare draft language for consideration at a public hearing on August 24, 2022.

**RECOMMENDATION:** Staff recommends that the Commission hold the public hearing and make a recommendation to City Council on their petition to amend the review process for development in the Downtown Character District as noted in the attached red-lined draft.

#### Attachments:

- Red-lined draft of the most recent proposed changes to the zoning code per the petition from City Council.
- Staff Report regarding 1<sup>st</sup> petition from the City Council for amendments to the site plan review process.

### **Planning and Zoning Commission Meeting minutes**

Introduce new  
petition from City  
Council  
8/10/2022

The first item of business was a zoning text amendment for reviewing certain site plans in the CD-DT zoning district. Chair Leeper introduced the item and Ms. Howard provided background information. She explained that in March the Commission considered various options for amending the code to have site plans reviewed at the Planning and Zoning meeting and approved by Council. Direction was given that the Commission is interested in reviewing site plans for new buildings in the Urban General and Urban General 2 and Storefront Frontages. In May staff brought forward draft language for Commission approval and a public hearing was held on June 8. City Council set a public hearing date for July 18 and Council approved a motion to refer the ordinance back to the Commission to consider amending the zoning ordinance "to include review of any site plan that would expand the floor plan or where residential is being added, similar to language in Section 26-196C.2.b." Staff recommends that the Commission discuss and provide direction to staff regarding the petition from City council.

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Ms. Crisman disagreed stating that the code is written the way it is makes requirements clear. The Commission spending more time reviewing more things is not a good use of time as there are many projects that will be held up. Ms. Saul agreed with Mr. Holst.

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addressed. Ms. Crisman felt that the code spells out what the parking expectations are so any added review is just adding a step. The review would not be needed if the code is followed.

Mr. Holst asked what Council specifically needs from the Commission. Ms. Howard stated that the Commission would need to vote on their petition for the changes. Staff would prepare an ordinance amendment per council direction, set a public hearing and the Commission could vote yes or no to the changes. If the Commission votes yes, Council would need majority vote for approval. If the Commission votes no, it would trigger a council supermajority vote on amendment. Staff will need to draft out what City Council is requesting for a vote by the Commission. Public hearing is scheduled for the August 24, 2022 Planning and Zoning Commission meeting.

Note that in the red-lined version of the proposed code amendments, 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. The highlighted section is the language that was recently amended per City Council's petition for further revisions forwarded after the public hearing at City Council on July 18, 2022.

**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 Section 26-36 through Section 26-39. Applications shall be administratively reviewed and approved, except for the following:~~
  - a. Site plans for new buildings on property designated as Urban General, Urban General 2, or Storefront on an adopted Regulating Plan.
  - b. Any plan for expanding the gross floor area of an existing building on property designated as Urban General, Urban General 2, or Storefront on an adopted Regulating Plan.
  - c. Any plan for one or more additional dwelling units within an existing building on property designated as Urban General, Urban General 2, or Storefront on an adopted Regulating Plan.
- 3. With regard to any of the exceptions listed in subparagraphs a., b., and c., above, 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.~~

<b>Permit or Adjustment</b>	<b>Additional Review Requirements</b>
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 30<sup>th</sup> 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 payment of the 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 Code ~~chapter~~.
- (2) To be approved, an application shall be fully consistent with the standards of this ~~chapter~~ Code 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 paragraph (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 Code, 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 residential dwelling project development;
- 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 this Code ~~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 the applicable permit(s) for the proposed development ~~a building permit has~~ have 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. For good cause, an extension not to exceed one year may be granted by the Zoning Administrator. Requests for an extension must be in writing stating the reasons for such request.

**(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.



## DEPARTMENT OF COMMUNITY DEVELOPMENT

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### MEMORANDUM

#### *Planning & Community Services Division*

**TO:** Mayor Robert M. Green and City Council  
**FROM:** Karen Howard, AICP, Planning & Community Services Manager  
**DATE:** July 8, 2022  
**SUBJECT:** Petition from City Council to amend the Downtown Character District (TA22-003)

The City Council 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 initial 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 directed staff to bring back proposed code amendments according to the 3<sup>rd</sup> option below (highlighted) and noted that they would also like to be updated on site plans that are under review in the Downtown Character District on a monthly basis.

Options Considered by the Planning and Zoning Commission:

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 based on the Commission's direction, with an additional step to the approval process as advised by the City Attorney. 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 the other zoning districts (e.g. MU, HWY-1, MPC 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.

In summary, the effect of these changes will be to require site plans for new buildings proposed in the Urban General, Urban General 2, and Storefront frontages in the Downtown Character District to be reviewed by the Planning and Zoning Commission and approved by City Council.

The proposed changes to the code language were introduced and discussed at the May 25<sup>th</sup> Commission meeting. The Commission agreed that what was proposed was consistent with their direction to staff with the additional change recommended by the City Attorney and various other minor adjustments to the language for clarification and consistency. The Commission set a public hearing on the proposed amendments for their June 8<sup>th</sup> meeting.

**RECOMMENDATION:** Following the public hearing on June 8<sup>th</sup>, on a vote of 9-0, the Planning and Zoning Commission recommended approval of the attached amendments to the zoning ordinance and forward the proposed ordinance to the City Council for consideration.

Attachments:

- Ordinance with the proposed changes to the zoning code
- Red-lined draft of the proposed changes to the zoning code
- P&Z Decision Matrix from April 2021
- Minutes from P&Z discussions attached on the following pages

PLANNING & ZONING COMMISSION MINUTES

Introduction  
03/23/22

The Commission then considered a zoning text amendment to add a requirement for Planning and Zoning review of site plans in the CD-DT. Chair Leeper introduced the item and Ms. Howard provided background information. She explained that some commission members were not on the commission when the new code was discussed, so she will be providing some background information again. She explained that there was concern and frustration with the fact that it seemed as though a great deal of projects had to come through the commission for approval. The idea behind the new code was to create more clear and objective standards in the code, making less reason to have an extra review by the Commission. She discussed the role of the Commission, which includes planning for the future growth of the city, making recommendations on legislative matters related to planning and zoning (amendments to the zoning code, changes to zoning map, etc.) and making recommendations on subdivision of land, including street extensions and proposals for parks. Review of site plans was not one of the official listed duties and was added to the code later for certain newer zoning and overlay districts.

Ms. Howard discussed potential options which include:

1. Maintain the code as currently adopted
2. Maintain as currently adopted, but staff provides monthly report to the Commission on site plans under review.
3. Require new buildings in the UG, UG2 and Storefront frontages to be reviewed and approved by Planning and Zoning.
4. Require all new buildings in the Downtown Character District to be reviewed and approved by Planning and Zoning
5. Require all site plans to be reviewed by Planning and Zoning and approved by City Council as was previously done in the CBD Overlay.

Mr. Larson feels that one of the primary objectives of the new zoning ordinance was to provide a clear set of rules and make it easier for developers and to potentially remove an often unnecessary step for the process. He suggested trying out option two to make sure there is some kind of a review.

Ms. Crisman also likes the second option and stated that she feels a bit discouraged by how many things have been coming back from council that the commission has put so much work into. She's not sure that adding another thing for approval is a great idea if things that have been worked so hard on are going to come back again. She likes the idea of staying in the loop and checking in on the work already done.

Mr. Holst feels that the new zoning process is a lot more efficient and less subjective so it is easier to check things through. The only thing that will be unfortunate to lose is the chance for public input. He also said that Planning and Zoning is a check for staff.

Mr. Leeper agreed with the comments from the Commission and stated that it is a tough place to be. He likes the second option and asked if there is a mechanism that would allow the planning and zoning commission to pull an item in for approval.

Mr. Hartley feels that it would be nice to have an overview for projects, maybe in the form of a monthly report so that the Commission can decide if they should take a closer look. His concern isn't just with the Commission not being able to see what is going to happen, but to give the public a chance to comment as well.

Ms. Howard stated that there needs to be a clear path created to deciding on whether a project needs to be considered by the Commission. After further conversation, the

general direction from the Commission to go with a mixture of options two and three.

Review of  
proposed  
amendments  
5/25/2022

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 in the Downtown Character District. She discussed the proposed code language and showed a rendering of the frontage designations within the downtown area where P&Z and Council review of site plans would be required if these changes are adopted. She displayed the clarified/updated code language being proposed and explained what those changes mean and asked if there were any questions. Staff recommended 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 was set for the Commission meeting on June 8, 2022.

Public hearing and  
Vote  
6/8/2022

The next item for consideration by the Commission was a zoning text amendment with regard to review of certain site plans in the CD-DT District. Chair Leeper introduced the item and Ms. Howard provided background information. She explained that it is currently on the table to change the zoning code to require new buildings in the Urban General (UG), Urban General 2 (UG2) and Storefront frontages to be reviewed by the Planning and Zoning Commission. She displayed a rendering of the Character District and the frontage destinations where the proposed amendments would apply. She offered to answer any questions about the proposed code changes and recommended that that Commission open the public hearing, discuss and make a recommendation to City Council on the proposed amendments.

Ms. Saul asked about the process if a residence is going to add square footage. Ms. Howard stated that this text amendment only addresses new buildings.

Mr. Holst clarified that this amendment addresses concerns about new construction and public input. Mr. Leeper added that this is a check and balance for significant projects in the area. Mr. Larson noted that the amendment could be revisited after a year to see if it is still necessary.

Mr. Larson made a motion to approve the item. Ms. Lynch seconded the motion. The motion was approved unanimously with 9 ayes (Crisman, Grybovych, Hartley, Holst, Larson, Leeper, Lynch, Moser and Saul), and 0 nays.



The subject property is located within the R-3, Multiple Residence Zoning districts (Section 26-166) and the College Hill Neighborhood Overlay Zoning District (Section 26-181). The Overlay Zoning District intends to develop business districts and residential districts in an orderly manner and one that complements the University of Northern Iowa campus and promotes community vitality and safety. As per code, new construction within the district is termed as a substantial improvement. A substantial improvement requires review and approval by the Planning and Zoning Commission and the City Council. The criterion listed in the Overlay requires that the following be considered in this design review: architectural compatibility; neighborhood character; building materials; façade details; parking; open space/landscaping requirements; and other provisions as applicable in the code.

The subject property has been equipped with a 4-bedroom single-unit dwelling unit (approx. 1,787 sq.ft.) built in 1947. A two-stall detached garage (approx. 528 sq.ft.) was added in 1968. As per the applicant, the existing house on the subject property was not well maintained by the previous owner and is in a dilapidated condition. Also as per the applicant's assessment, the house is in a beyond reasonable economical repair state. The petitioner/owner of the property at 1224 W 20<sup>th</sup> Street is intending to demolish the existing house and garage and replace it with a new duplex with attached garages. As per code, the following analysis has been done to review the proposal.

### ANALYSIS

#### Lot width/area:

A two-family dwelling is permitted in an R-3 residential zoning district that has a lot width of not less than 70 feet and a lot area of 8,000 square feet. The property at 1224 W. 20<sup>th</sup> Street is 100 feet wide with a total lot area of 13,500 square feet. The lot width and lot area satisfy the minimum requirements within an R-3 zoning district for a two-family dwelling unit.

#### On-site parking:

As per code, the minimum on-site parking required for a two-unit dwelling is two stalls per dwelling unit plus one additional stall for each bedroom. It is proposed that each unit will occupy four bedrooms for a total of eight bedrooms. With this in mind, a total of four (4) parking stalls per unit are required. In response, the applicant proposed four (4) parking stalls per unit with two (2) stalls in the attached two-stall garage and two (2) stalls tandem on the double-wide driveway for each unit to accommodate required on-site parking for the proposed two-unit dwelling. The parking arrangement satisfies the ordinance requirement for this two-family residential dwelling. Both the driveways will be about 18 feet wide and paved in concrete. A 14-foot grass strip of land will separate the two driveways in the front yard.

#### Landscaping:

As per code, all newly constructed single-unit dwellings, two-unit dwellings, or multiple dwellings in residential districts shall provide on-site landscaping within the required yard areas of the property at the rate of 0.04 points per square foot of the total lot area of the site under consideration for the proposed residential development. Staff encouraged the owner to preserve the mature trees on the site and the right-of-way trees in the parkway to the extent possible, since they contribute to the walkability of the neighborhood and help to reduce utility costs for the abutting residents.

In response, the applicant has submitted a landscaping plan that delineates the location of both existing and proposed plantings. The subject property has a lot area of 13,500 square feet and

therefore it requires 540 landscaping points (13,500\* 0.04). The proposed landscaping points are 1100 points, which include the existing six (6) 18-foot tall conifers and five (5) overstory trees. The applicant is proposing to remove an existing dead pine tree, an overstory tree in the right-of-way area, and some existing shrubs in front of the existing house to build the proposed new two-unit dwelling. The removal of these existing shrubs and trees is excluded from the proposed landscaping points. Proposed landscaping requirements are met as per code.

Building Design:

- **Building Entrances:**  
As per the proposal, the main building entries of the duplex are oriented toward and visible from W. 20<sup>th</sup> Street. The building design is configured in a way that the garage sits closer to the street while the main entrance of the unit is through a covered stoop which is recessed. This is a different design than generally found in the neighborhood. The front façade of the building fronting the street is enhanced with a stacked stone façade.
- **Building Scale:**  
The existing house is a one-story single-family unit with a façade front of approximately 54 feet fronting W. 20<sup>th</sup> Street. Other houses around the proposed site include a mix of one-story homes and two-story homes. As per code, the street-facing walls greater than 50 feet in length shall be articulated with bays, projects, or alternating recesses. The proposed new two-unit dwelling will be two-story high and has a façade front of approximately 58 feet, which is almost similar to the existing house. The façade is articulated with a recessed entrance of the units and the design of the unit also includes architectural elements like roof dormers. The main facade fronting W. 20<sup>th</sup> Street is also enhanced by the use of stacked stone, and straight edge shakes on the roof dormer. Staff finds that the proposed variation will align with the character of buildings in immediate surroundings.
- **Building Materials:**  
For multiple dwellings, street-facing facades shall be comprised of at least 30 percent brick, stone, or similar materials. The proposed design does have the main story of the building layered with stacked stone on the street-facing façade and the roof dormers on the second story are layered with straight edge shakes, which are contrasting to vinyl lap siding used on other areas of the front façade. All other façades of the building will be vinyl lap siding. Vinyl siding is a common material on other homes in the neighborhood, along with brick and wood siding. Staff finds that the building materials and the variation



FRONT ELEVATION

of materials on the façade will enhance the quality in the neighborhood.

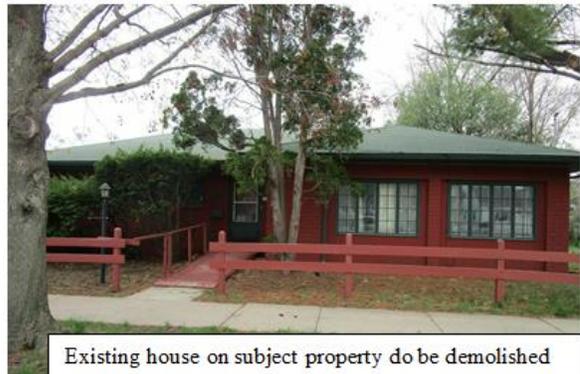
- Architectural compatibility with surrounding buildings:  
The majority of houses in the neighborhood represent colonial bungalow-style architecture with a mix of attached and detached garages (See below pictures of existing dwelling units in the neighborhood for reference). The garages on these properties are either in the line with the main house façade or are recessed.



The proposed two-unit dwelling has some contrasting architectural nature, as the attached garages front the street, while the main house entrance is recessed, which makes this unique. (See similar house built by the same builder in a different location in the College Hill neighborhood Overlay zoning district and existing house on the property that will be demolished for reference below)



Proposed two-unit dwelling (similar to this)



Existing house on subject property do be demolished

Staff notes that the best practice is to have garages recessed or have garages accessed through an alley, thereby preserving the pedestrian character of the neighborhood and enhancing the livability of the neighborhood. However, staff finds that the proposed site has a couple of unique site constraints including having no alley, and a floodway area south of the lot, which make it more challenging to provide parking that is recessed behind the home. Staff discussed a couple of alternatives with the applicant, each with positives and negatives. Given the constraints of the site and the fact there is quite a variation in architectural styles and designs in the neighborhood, staff finds the proposed design acceptable.

- Neighborhood Character:  
The College Hill neighborhood area is one of the City’s oldest and most densely populated neighborhoods and being near the University of Northern Iowa, the preservation of neighborhood character (including uniformity of building size, scale, bulk, varying appearances, etc.) are of primary concerns regardless of the nature of the

proposed building use. The proposed two-unit dwelling is similar in terms of size and scale comparison to other dwelling units in the immediate neighborhood. However, a two-unit dwelling with front loaded garages is unique as it lacks a residential presence along W. 20<sup>th</sup> Street. Staff finds that this unique appearance of a two-unit dwelling with front-loaded garages and recessed main entries of the unit is not the best practice. Existing site constraints including having no alley access, or with floodway area located south of property restricting development and consideration of retaining more green space over a hard-surface paving area, limit development flexibility. The staff finds that the proposal is unique and would be acceptable for this unique site setting.

### TECHNICAL COMMENTS

Notification of this case was sent to adjacent property owners within 200 feet on August 15<sup>th</sup>, 2022. Water, electric, gas, and communication utility services are available per the service policies of CFU. There is an existing water service entering the existing house on the northeast corner of the building. If it is not reused, it will be required to be abandoned at the water main according to the CFU Water Service Policy. Gas is also available along W 20<sup>th</sup> St. All existing utilities are required to be disconnected and abandoned before the demolition of the existing structure.

Staff notes that the applicant will have to apply for a demolition permit, building permit, floodplain development permit, and elevation certificate to execute the proposal on site. Once construction is complete, a final elevation certificate is required verifying that the home is built to the required elevation above the floodplain. Staff also notes that the applicant must contact the Public Works department prior to removal of the tree located in the City right-of-way.

### STAFF RECOMMENDATION

The Community Development Department has reviewed the proposed design review application for building a new duplex at 1224 W. 20<sup>th</sup> Street and recommends approval, subject to the following conditions:

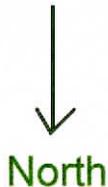
1. Any comments or direction specified by the Planning and Zoning Commission
2. Conformance with all City staff recommendations and technical requirements

#### Attachments:

Proposed Site Plan  
 Landscaping Plan  
 Building Elevations  
 Letter of Intent



100' Lot line



# Plot plan 1224 W 20 th.

Grass lawn

Grass lawn

63' Rear yard

135' Lot line

135' Lot line

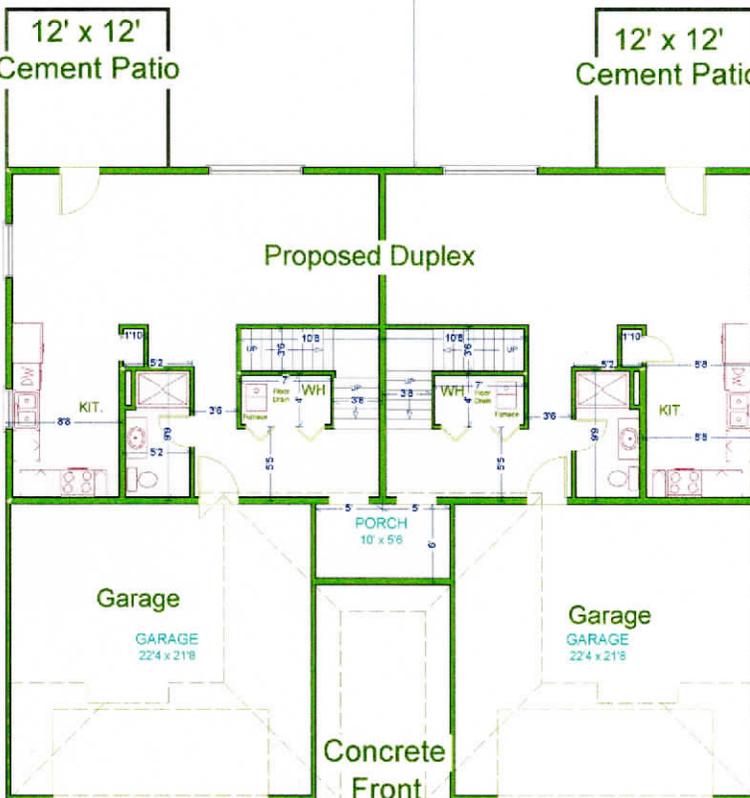
12' x 12'  
Cement Patio

12' x 12'  
Cement Patio

34' Side yard

Proposed Duplex

10' side yard



Grass lawn

Grass lawn

Concrete Front PORCH  
10' x 56'

5' entry

18' wide drive

18' wide drive

25' Front Setback

Grass lawn

100' Lot line

5' x 100' City sidewalk

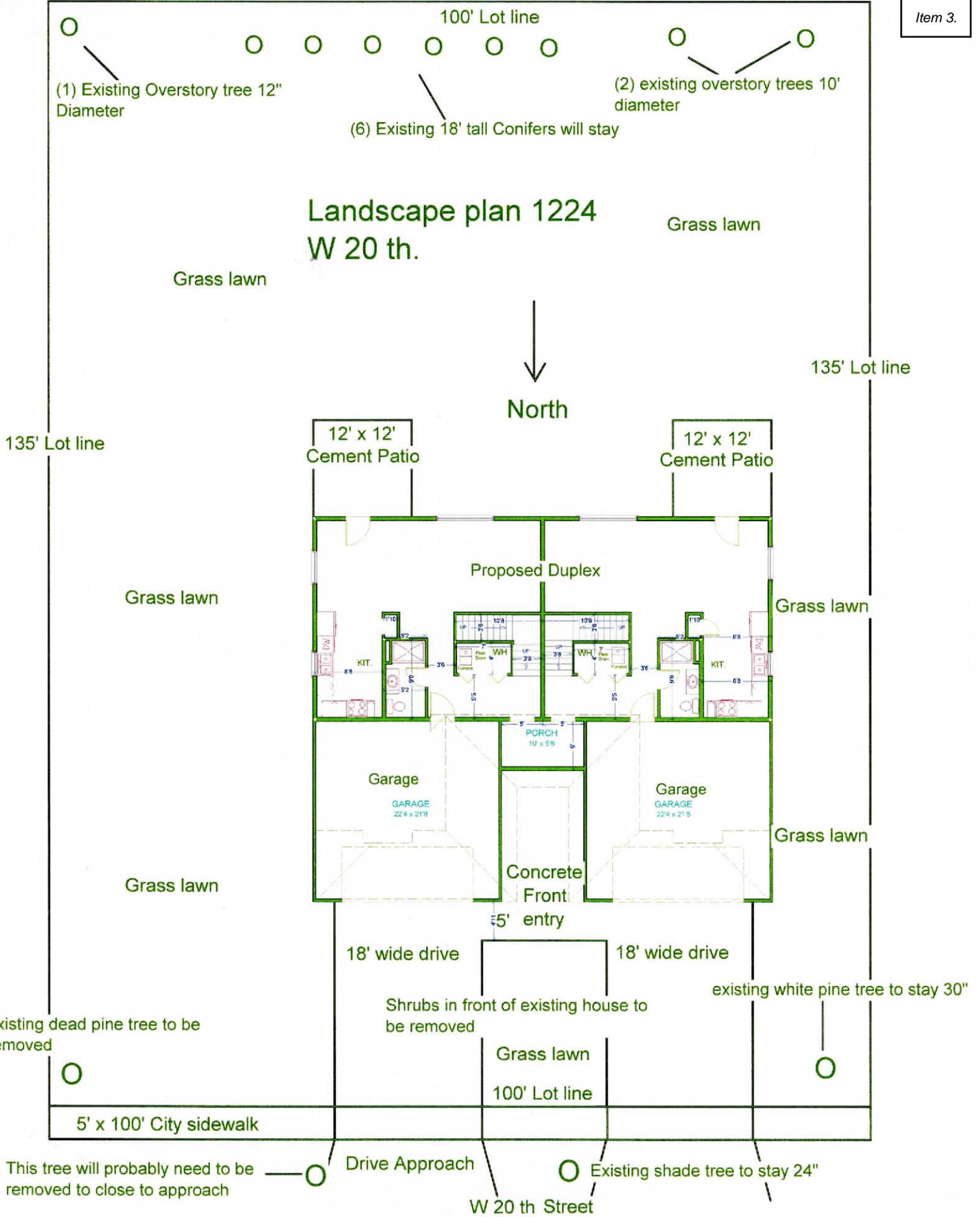
Drive Approach

Drive Approach

W 20 th Street

LIVING AREA  
12883 sq. ft.

# Landscape plan 1224 W 20 th.



CUSTOMER:

1224 WEST 20TH  
CEDAR FALLS, IOWA

START DATE:  
06-30-2022

REVISIONS:

DRAWING TYPE  
FRONT & REAR  
ELEVATIONS

THESE PLANS ARE INTENDED BY BUILDERS SELECT FOR USE BY BUILDERS WHO ARE ACKNOWLEDGEABLE AND EXPERIENCED IN NORMAL CONSTRUCTION STANDARDS, STATE AND LOCAL CODES AND PRACTICES. BUILDERS SELECT IS NOT A LICENSED ARCHITECT. BUILDERS SELECT SPECIFICALLY DISCLAIMS ANY WARRANTIES HEREIN AND ASSUMES NO RESPONSIBILITY FOR ANY ERRORS HEREIN OR FOR IMPROPER CONSTRUCTION BY THE USER OF THESE PLANS.

DRAWN BY:  
Janean



FRONT ELEVATION



REAR ELEVATION

*"Serving the Cedar Valley  
with Quality Building Materials"*  
2120 Main Street  
Cedar Falls, IA  
319-266-2668

CUSTOMER:

1224 WEST 20TH  
CEDAR FALLS, IOWA

START DATE:  
06-30-2022

REVISIONS:

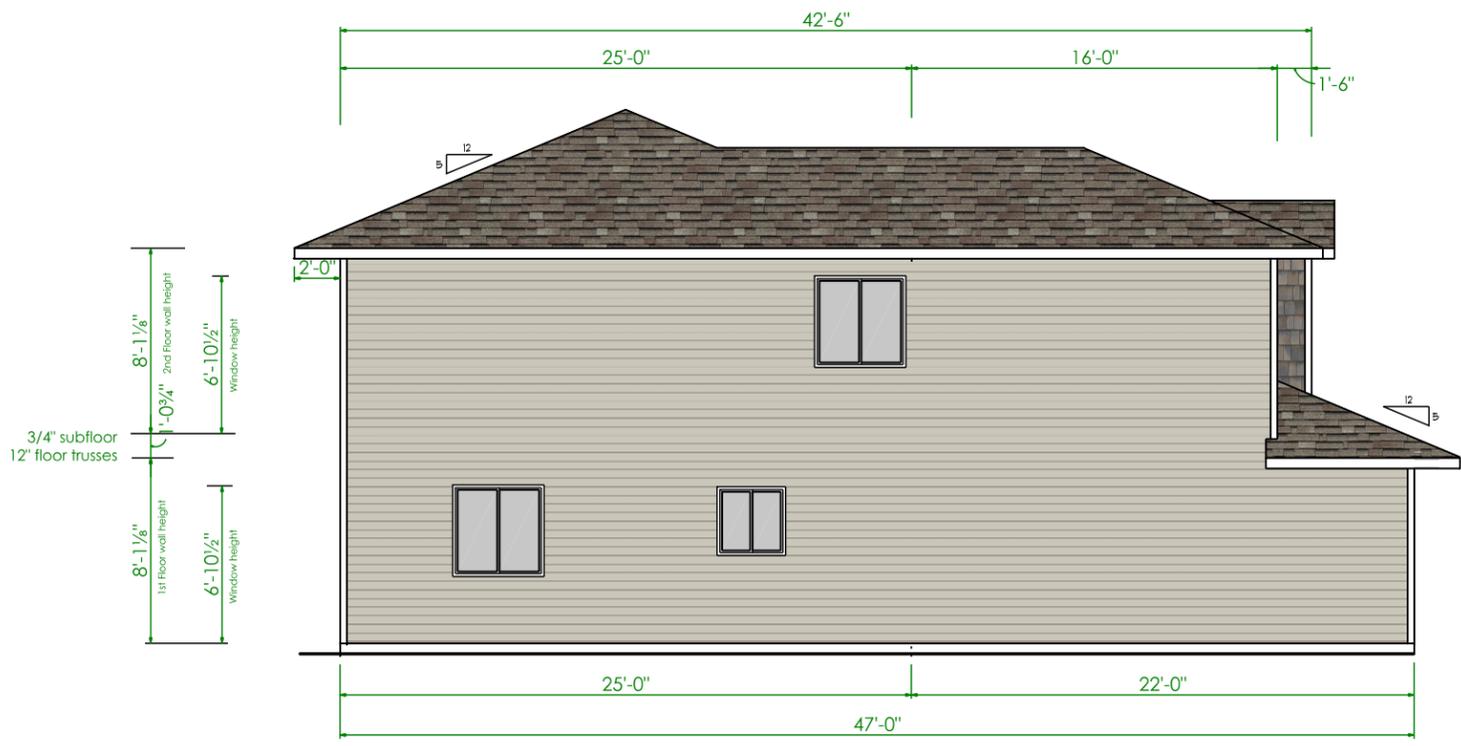
DRAWING TYPE  
RIGHT & LEFT  
ELEVATIONS

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OF THESE PLANS.

DRAWN BY:  
Janean



RIGHT ELEVATION



LEFT ELEVATION



Carolan Builders  
 Aaron Carolan  
 5232 Metz Road  
 Cedar Falls IA 50613

319-415-5810 (cell)  
 Carolanbuilders95@gmail.com

**Letter of Intent for property at 1224 W 20 th. Street**

My intentions are to remove existing house and garage and replace with brand new Energy Efficient side by side duplex with attached garages.

Existing house was not maintained by previous owner, and in such is dilapidated Beyond reasonable economical repair.

Each side/ address of the new duplex will have separate utilities: Water, Electrical, Garbage.

The new building overall height to peak of roof will be 24' 6"

The new structure will be built at the elevation as to have the lowest level( main floor) 1' above the 500 year base flood elevation. I have had prior communications about this with Thomas A. Weintraut from the city.

My name is Aaron Carolan I am the current owner and will be the builder of the new Duplex, I have been in the residential building trade for 31 years, I have owned and Operated my own residential building business for 27 years.

**Owners within 200' from proposed project:**

Tom & William Ogle 1226 W 20 th.  
 Cedar Heights Baptist Church 2016 Campus St.  
 Russell Campbell 1934 Campus St.  
 Bryce Steiert 2001 Merner  
 Nicholas Balk 2009 Merner  
 Christopherson Rentals LLC 2015 Merner  
 State of Iowa  
 Austin Ryan 1233 W 20 th.  
 Melvin Reimer 1215 W 20 th.  
 Suzanne Riehl 1939 Merner

