



**AGENDA**  
**CITY OF CEDAR FALLS, IOWA**  
**PLANNING AND ZONING COMMISSION**  
**WEDNESDAY, JULY 25, 2018**  
**5:30 PM AT CITY HALL - COUNCIL CHAMBERS**

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1. **Call to Order and Roll Call**
2. **Approval of Minutes**
3. **Public Comments**
4. **Public Hearings**

**A. Zoning Ordinance – Central Business District Overlay Amendments**

Location: Central Business District  
Applicant: City Staff and Community Main Street  
Previous Discussion: January 24, 2018 and April 12, 2018  
*Staff Recommendation: Recommend approval*  
*P&Z Action Needed: Recommend approval and forward to City Council*

**B. Rezoning – SW Corner of Highway 58 and West Ridgeway Avenue**

Location: SW Corner of Highway 58 and W. Ridgeway Avenue  
Applicant: Midland Atlantic Development Company, LLC  
Previous Discussion: June 27 and July 11, 2018  
*Staff Recommendation: Recommend approval subject to conditions*  
*P&Z Action Needed: Recommend approval with conditions and forward to City Council*

5. **Old Business**
6. **New Business**

**A. HWY-1 Site Plan Review – Southeast Corner of Highway 58 and Viking Road**

Location: SW Corner of Highway 58 and Viking Road  
Applicant: Reed Design Architects, CGA Engineers  
Previous Discussion: None  
*Staff Recommendation: Recommend approval*  
*P&Z Action Needed: Recommend approval and forward to City Council*

**B. S-1, Shopping Center District Redevelopment Plan – 6607 University Avenue, Old Hy-Vee Building**

Location: 6607 University Avenue  
Applicant: JDavis Properties, LLC, owner; Levi Architecture

Previous Discussion: None  
*Staff Recommendation: Recommend approval*  
*P&Z Action Needed: Recommend approval and forward to City Council*

**C. Pinnacle Ridge 2nd Minor Plat – Replat of Parcels M and N**

Location: Lots 19-21 Pinnacle Ridge First  
Applicant: KBKR Investments LLC, owner; Helland Engineering  
Previous Discussion: None  
*Staff Recommendation: Recommend approval*  
*P&Z Action Needed: Recommend approval and forward to City Council*

**D. Training/Discussion: Ex-Parte Communication and Conflict of Interest**

**7. Adjournment**

Reminders:

- August 8<sup>th</sup> and August 22<sup>nd</sup> Planning & Zoning Commission Meeting
- August 6<sup>th</sup> and August 20<sup>th</sup> City Council meeting

**Cedar Falls Planning and Zoning Commission  
Regular Meeting  
July 11, 2018  
City Hall Council Chambers  
220 Clay Street, Cedar Falls, Iowa**

**MINUTES**

The Cedar Falls Planning and Zoning Commission met in regular session on Wednesday, July 11, 2018 at 5:30 p.m. in the City Hall Council Chambers, 220 Clay Street, Cedar Falls, Iowa. The following Commission members were present: Adkins, Arntson, Giarusso, Hartley, Holst, Leeper, Oberle, and Saul. Wingert was absent. Karen Howard, Planning and Community Services Manager and Shane Graham, Planner II, were also present.

- 1.) Chair Oberle noted the Minutes from the June 27, 2018 regular meeting are presented. Arntson made a motion to approve the Minutes as presented. Leeper seconded the motion. The motion was approved unanimously with 8 ayes (Adkins, Arntson, Giarusso, Hartley, Holst, Leeper, Oberle and Saul), and 0 nays.
- 2.) The first item of business was a public hearing regarding the rezoning of the southwest corner of Highway 58 and West Ridgeway Avenue. Chair Oberle introduced the item and Mr. Graham provided background information. He explained that this is a continuation of the public hearing from the June 27, 2018 Planning and Zoning meeting. It is proposed to rezone the property from A-1 to HWY-1 to allow for a 185,000 sq. ft. retail business with a 72,000 sq. ft. storage yard, as well as three additional retail storefronts totaling 55,000 sq. ft. and a fuel center. There would be two accesses from West Ridgeway Avenue and none from Highway 58 or Highway 20. Wetland area would be minimally disturbed and right-of-way would be provided. The rezoning would be in conformance with the future land use map. The applicant is in the process of completing a traffic impact study and staff would like to review the study to ensure that street and intersection improvements will be provided to support the requested upzoning from Agriculture (A-1) to Hwy-1 Commercial. Staff recommends continuing the public hearing to the next meeting. The Commission agreed to continue the discussion at the July 25 meeting.
- 3.) The next item for consideration by the Commission was a public hearing regarding a rezoning and land use map amendment for 1015-1021 West 22<sup>nd</sup> Street. Chair Oberle introduced the item and Ms. Howard provided background information. She explained that the property is located in the College Hill Overlay District and gave a brief explanation of the proposal, noting that it addresses the desire for additional parking to serve a proposed mixed-use building on College Street and will improve the streetscape on 22<sup>nd</sup> Street with a deeper setback and usable greenspace. Staff finds that the proposed amendment to the land use map will create a reasonable balance and advancement of comprehensive plan goals, as well as spur a walkable mixed-use development in the future by reserving space at the front of the lot to help meet future market demand. The proposed rezoning is consistent with the current Comprehensive Plan, as well as the College Hill Neighborhood Plan. Staff recommends approval of an amendment to the future land use map as well as a rezoning of the properties.

Dan Drendle, Slingshot Architecture, spoke on behalf of the applicant, noting his appreciation to staff for their help with the project.

Chris Wernimont, 415 ½ Washington Street, asked staff what the difference is in this proposal compared to a previous, similar proposal he made and was denied. He felt this was a kind of spot zoning.

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Dave Diebler, 1616 Campus Street, stated he is in favor of the project and would like to see it move forward. He doesn't feel there is a parking problem.

Eashaan Vajpeyi, 3831 Convair Lane, asked if staff was going to speak to the effect of the protests to the rezoning. Ms. Howard stated that the City has received a couple of protest petitions from nearby property owners, which would trigger a super majority vote from City Council if the project moves forward.

Cara Bigelow Baker, 1826 Quail Run Lane, (works at the Razor's Edge) stated concerns with spot zoning. She has no issues with promoting growth in the area, but feels that loopholes are being created that will cause issues down the road.

Matt Hardin, 801 Grand Avenue, Des Moines, attorney for the developer, stated that it is not their position that the rezoning is tied to the approval of the site plan. Their position is that if the rezoning is not approved, the extra parking to be provided would not be necessary for the approval of the site plan for the proposed mixed-use building on College Street.

Ms. Howard stated that rezoning the properties would not be considered an illegal spot zone as it would be just an extension of the C-3 District, which directly abuts these properties. If the property is rezoned to C-3, Commercial, it would allow the properties to develop according to the C-3 District within the College Hill District. She clarified that if the site plan were to fail, but the rezoning is approved, the properties would be zoned C-3, and could be developed according the standards and requirements of that zone. However, if the rezoning were to fail, the site plan as currently proposed could not be approved, since it specifically proposes tying this additional parking area to the other site, whether or not the parking is determined to be required or merely being provided. However, that would not foreclose the applicant from coming forward in the future and proposing a different mixed-use project on the College Street site that was not tied to the properties under consideration for rezoning.

Ms. Oberle asked about Mr. Wernimont's question regarding not being allowed to take down housing to create a parking lot. She stated that she also was not familiar with the particular circumstances Mr. Wernimont mentioned, which may have been in a residential zone. Ms. Howard noted that this project would be different due to the commercial zoning proposed and the proposal to setback the parking area to allow for usable green space and pedestrian amenities and also potential for a future mixed-use building at the front of the lot. Staff would not recommend approval of a parking area that filled the entire property.

The Commission agreed that request is not spot zoning, but an extension of a zone already in place.

Mr. Leeper made a motion to approve the land use map amendment. Mr. Hartley seconded the motion. The Commission discussed how the proposal was consistent with the Comprehensive Plan to expand and support additional mixed-use development in the area. The motion was approved unanimously with 8 ayes (Adkins, Arntson, Giarusso, Hartley, Holst, Leeper, Oberle and Saul), and 0 nays.

Mr. Hartley then made a motion to approve the rezoning. Mr. Arntson seconded the motion. The motion was approved unanimously with 8 ayes (Adkins, Arntson, Giarusso, Hartley, Holst, Leeper, Oberle and Saul), and 0 nays.

- 4.) The Commission then considered a College Hill Site Plan Review for 2119 College Street and 1015-1021 West 22<sup>nd</sup> Street. Ms. Oberle introduced the item and Ms. Howard provided background information. She explained that a 5-story, mixed-use building is proposed at 2119

College Street, 925 W. 22<sup>nd</sup> Street and 1003 W. 22<sup>nd</sup> Street. It will include two retail storefront spaces, 83 residential units on upper floors, and 65 on-site parking spaces, as well as 29 off-site spaces. She discussed in some detail the principles of statutory interpretation to help explain how staff made their determination that upper floor uses are considered secondary uses in a mixed use storefront commercial building and therefore parking is not required. The alternative interpretations offered by others would render the specific standards in the College Hill Overlay District without meaning, which is counter to rules of statutory interpretation. Secondly, specific statutory language ordinarily trumps conflicting general language, so the specific provisions adopted for the College Hill Overlay are more specific to the situation than the general definitions section of the ordinance, which doesn't have a definition of secondary. Thirdly, staff looked to the legislative intent and history to provide some clarity to the language. Reviewing files of the review and approval process when the ordinance amendments were made adopting these specific standards in the College Hill Overlay in 2005, staff discovered that there was an early draft of the amendments that included parking requirements, but at a later meeting the code amendments were modified to specifically take out the requirement for parking for secondary upper floor uses. It is clear that the Planning and Zoning Commission and City Council at that time very intentionally amended the code to delete the parking requirements. It was not an oversight or merely ambiguous language so should not be trumped by general language in the zoning code.

Mr. Holst stated that he understands staff's position, but noted his discomfort and that he is struggling with the intent and feels there is ambiguity. Ms. Howard stated that past history indicates that the intent is not to require parking based on what the code says currently. Ms. Saul asked what principal means in the code. Ms. Howard explained that the Code lists the "principal permitted uses" for each zoning district in the code and that is what is being referenced here. Ms. Saul disagreed with the idea of the principal use being considered as commercial use when a larger portion of the building is for a residential use. She noted that she also feels there is ambiguity. Ms. Giarusso also struggles with the definition of the primary use and feels that the primary use would be the majority of the building.

The item was opened up to the public. Matt Hardin, attorney for the applicant, stated that the code states that the principal use is commercial and requires no parking, so the parking code is met. He feels that they have been trying to accommodate the concerns of the commission and neighbors regarding parking and believes the requirements are met. As for the intent of the code, he believes that references to mixed-use buildings are referring to commercial use on the first floor as the primary use and residential use on the upper floors as secondary. He believes the main use of the building will be by the commercial customers.

Brian Sires, 1939 College Street, stated that the argument is over the principal use of the building. He feels that the majority of the building is residential and that is how it will be viewed. He noted that a prior city attorney sent a letter to the City Council stating that the City's interpretation was wrong on the previous case brought before the Commission, which was similar to this proposal.

Eashaan Vajpeyi, 8381 Convair Lane, feels that staff's explanation is confusing and feels that it is a slippery slope. He gave a definition of principal, which was main use, which is chief in size or importance. He pointed out that no one knows what the retail uses in the building will be, therefore no one knows how much traffic or business it will create, but there is 5.75 times more residential square footage than commercial, which he feels makes the primary use residential. Mr. Vajpeyi referenced the letter from former city attorney, Gary Jones.

Lisa Sevcik, 1421 Clay Street, stated that she agrees with Mr. Sires and Mr. Vajpeyi and feels that parking is very important, not just for the tenants but others trying to access the buildings. She gave examples of other cities she has visited with parking issues that Cedar Falls could

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avoid by providing adequate parking.

Dan Drendel spoke to the comments that had been made. He stated that they meet with the city first to get a clear definition of the code before they create a design. He also referred to the State Street buildings that were allowed under the code.

Wes Owen, 504 W. 22<sup>nd</sup> Street, stated that he built a duplex on Olive Street and was required to park 100% of his building and wants to know why this is different.

Cara Bigelow Baker, 1826 Quail Run Lane, stated that the prior building at 923 W. 23<sup>rd</sup> Street has tenants that are now parking in city lots overnight and the problem has not been resolved. She noted that a parking study was requested and does not believe that has been done. She also researched and found that 76% of students have UNI parking permits, which shows that they do have vehicles. She stated that there is nowhere for cars to park and a new building will create more parking problems.

Dave Diebler, feels that people just don't want to see more development and believes that more growth is needed.

Mr. Hardin believes that the issue comes down to a legal question, and the code says that parking is not required. The developer has provided 94 parking stalls anyway to help with any parking issues. Based on their research, the developer believes there is a market for this kind of development.

Mr. Leeper noted that he agrees with parts of each side of the argument, but he leans toward the Comprehensive Plan. He feels that density is a good thing and that the zoning code should be re-evaluated in future to help achieve the goals. For this case he believes the Commission needs to follow the code and he believes the project satisfies the code requirements.

Mr. Arntson also agrees with different aspects of each side of the arguments, but feels this is a good spot to start the redevelopment of the area. He doesn't believe that the requirement was ever meant to be zero parking required. He feels that the same standards need to be used for every project. He likes the project and feels that density is a good thing, but feels that there need to be clear and uniform rules that apply for everyone.

Ms. Saul noted concerns with the use of the area that was rezoned for a parking lot, as it was also stated that they may not have to put in a parking lot and could do something different with the space. Mr. Holst believes the principal use is residential and parking should be required. She agreed with Mr. Holst regarding the principal use and feels that the parking is an issue.

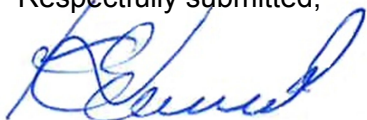
Mr. Arntson feels that this is a better plan than the last presented in that it provides more parking.

Mr. Leeper made a motion to approve. Mr. Hartley seconded the motion. The motion failed on a tie vote, with 4 ayes (Arntson, Hartley, Leeper, Oberle), and 4 nays (Adkins, Giarusso, Holst and Saul). (Please note that Ms. Oberle's vote was not registered on the voting machine but she stated that she did vote aye.)

- 5.) As there were no further comments, Mr. Hartley made a motion to adjourn. Mr. Holst seconded the motion. The motion was approved unanimously with 8 ayes (Adkins, Arntson, Giarusso, Hartley, Holst, Leeper, Oberle and Saul), and 0 nays.

The meeting adjourned at 7:30 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Karen Howard".

Karen Howard  
Community Services Manager

A handwritten signature in blue ink, appearing to read "Joanne Goodrich".

Joanne Goodrich  
Administrative Clerk







DEPARTMENT OF COMMUNITY DEVELOPMENT

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

MEMORANDUM

Planning & Community Services Division

**TO:** Planning & Zoning Commission  
**FROM:** Iris Lehmann, Planner I  
**DATE:** July 19, 2018  
**SUBJECT:** Revision to Section 29-168: Central Business District Overlay Zoning  
Revision to Section 29-2: Definitions.

**Introduction and Background:**

The Central Business District Overlay provides guidance for building, site design standards, maintenance, and development within the district. City Staff has been working with Community Main Street (CMS) to clarify the review process and provide more objectivity to the design criteria of this section; specifically for new development and redevelopment. Establishing more objective standards in the overlay code will help both City Staff and the Planning & Zoning Commission be consistent in their reviews as well as create a vision of how the downtown should grow. Developers will also benefit by having a clear set of standards to follow. The proposed changes outline best practices of storefront design; many of which City Staff and CMS have already been holding developers accountable for but have never been clearly outlined in the code. The proposed code amendments aim to continue and strengthen the high level of development in the downtown.

A brief introduction of this effort was presented to the Planning and Zoning Commission at their regular January 24th, 2018 meeting. Based on initial feedback, language was drafted and presented to the Planning and Zoning Commission on their regular April 12th, 2018 meeting. Using the Commission’s discussion on the drafted code, City Staff continued to work with CMS to refine the amendments to Section 29-168: Central Business District Overlay Zoning. City Staff presented the potential code changes to downtown stakeholders at a meeting hosted by CMS on June 26, 2018.

**Summary of Proposed Amendments:**

Section 29-2: Definitions:

- Adding a definition for “façade” and “storefront”. Adding the definitions of these two terms, which are heavily used in the amendments to Section 29-168, ensures that there will be no confusion on their meaning.

Section 29-168: Central Business District Overlay Zoning:

- Existing residential buildings with up to seven units are exempted from the Planning & Zoning and City Council review process. Currently the overlay exempts only single

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unit homes in the district from the review process. With this amendment there are 9 other properties (7 duplexes, 1 four unit conversion, and 1 five-unit conversion) that would become exempt. All of these properties are on the outer edge of the overlay district. Staff, Community Main Street, and the stakeholders present at the July 25th, 2018 meeting agreed that it was unnecessary to make these individuals go through the Planning & Zoning Commission and City Council review process if they wished to make an improvement to their property. Any new residential dwellings proposed within the district will still be required to go through the review process.

- Allowing smaller front yard setbacks for new construction and improvements. Many older buildings in the district are already closer to the street than the current code allows, creating a more urban and walkable environment. To keep this character throughout the district it is being proposed that all new commercial buildings in any zoning district within the overlay will be built to the front and corner of lots with a minimum front setback of 0 and a maximum front setback of 10 feet. For residential buildings the minimum front yard setback is decreased from 25 feet to 10 feet. This will allow for more flexibility for development and allow smaller lots to be better utilized. For commercial buildings this change also encourages parking to be placed behind a building to further promote walkability in the district.
- Adding building composition regulations. The proposed language of this section considers how a new building is physically composed. These proposed amendments are what City Staff and CMS have already been holding developers accountable for but have never been clearly outlined in the code. In order for the code to more objective it was agreed to include language specific to these best practices of building composition. These amendments include:
  - The use of vertical breaks or bays in order to break up long building walls. This can be done in multiple ways, including the grouping of windows or breaks in the wall plane.
  - Standards that will require or encourage elements that provide visual interest and emphasize the storefront.
  - Implementing a 14-foot minimum first floor commercial floor height. This is a best practice that has been shown to not only make commercial spaces more competitive but also protect and encourage a variety of commercial uses being able to utilize a space.
- Adding window and transparency requirements. These changes promote transparent windows at the pedestrian level of a storefront to invite views into the interior of the store. This is a common best practice that is necessary for a pedestrian-friendly shopping environment.
- Specifying types and percentages of materials permitted on the exterior of buildings. The goal of this section is to promote higher quality materials in the downtown, specifically: brick, stone, or terracotta. However the proposed code still promotes architectural variation by allowing up to 35% of a building's exterior to be other materials, for example architectural metal, cement board, and architectural CMU. Following best practices, the code also encourages the use of certain types of materials on specific locations on a building.
- Specifying the types of colors permitted in the district. The proposed code amendment provides a certain measure of objectivity to the review of color on buildings in the district. The proposed code would allow for earth and neutral colors to

be used on building facades. However language was included to allow other colors, e.g. bright colors, neon, etc., to be on a building but only as accents. This section does not apply to signage. It is a general best practice for a business logo or marketing colors to be primarily displayed in the signage of a building and not on the building itself.

- Adding building entry regulations. This section looks to codify best practices for entries that ensure building entries are safe, accessible, and pedestrian friendly. These amendments include that a building is accessible from the primary street, access to residential units is easily accessible and visible, longer buildings have multiple entrances, the main entrance is level with the sidewalk, and that the main entrance to a building is prominent in its design.
- Outlining the types of signs permitted in the overlay district. The current code requires anyone looking for signage requirements to refer to various other sections of the code. Putting all the signage requirements for this district in one place was one of the goals of this proposed ordinance amendment. Most additions in this section are collected from the other applicable code sections. However, there are three new proposed additions to this section of the code:
  - Allowing for “blade signs”, smaller projecting signs, to be closer to the sidewalk as they are purely meant for pedestrians.
  - Limiting the amount of window signs and film to keep windows transparent to further encourage a pedestrian friendly shopping environment
  - Decrease the allowable percentage of wall signage from 33% to 10%. This decrease in allowable wall percentage is more than what other communities allow for wall signage in downtown areas. This is consistent with what is currently in the downtown district.

### **Recommendation:**

Staff recommends approval of the attached amendments to Section 29-2: Definitions and Section 29-168, Central Business District Overlay Zoning. Changes are noted in red font. Added language is underlined. Strike-through notation indicates language to be deleted.

If you have any questions or need additional information, please feel free to contact this office.

xc: Stephanie Sheetz, Community Development Director  
Karen Howard, Planning & Community Services Manager



Sec. 29-168. - CBD, Central business district overlay zoning district.

- (a) *Purpose and intent* . The purpose of the CBD, central business district overlay zoning district (hereinafter the "overlay district") is to provide guidance for future development in the specified area and to encourage continued successful business development in the downtown Cedar Falls area, ~~particularly in the Main Street Parkade retail and service business area extending from First Street to Sixth Street. However, the overlay district may be extended over other nearby downtown areas.~~ The overlay district is intended to allow land uses and to encourage appropriate building design standards in a manner that complements and strengthens the downtown retail and service business sector. Originally developed as a compact, multi-functional, walkable environment, the overlay is intended to support pedestrian access and use. The provisions of this section shall apply in addition to any other zoning district regulations and requirements in which the land may be classified. In case of conflict, the more specific standard shall apply.
- (b) *Boundaries*. The CBD, ~~commercial central~~ business district overlay ~~zoning district~~ boundaries are generally outlined in the image below. The legal description and official zoning map of the overlay legally described on Attachment A to this ordinance (said attachment is not set out at length herein, but is on file in the office of the city clerk).

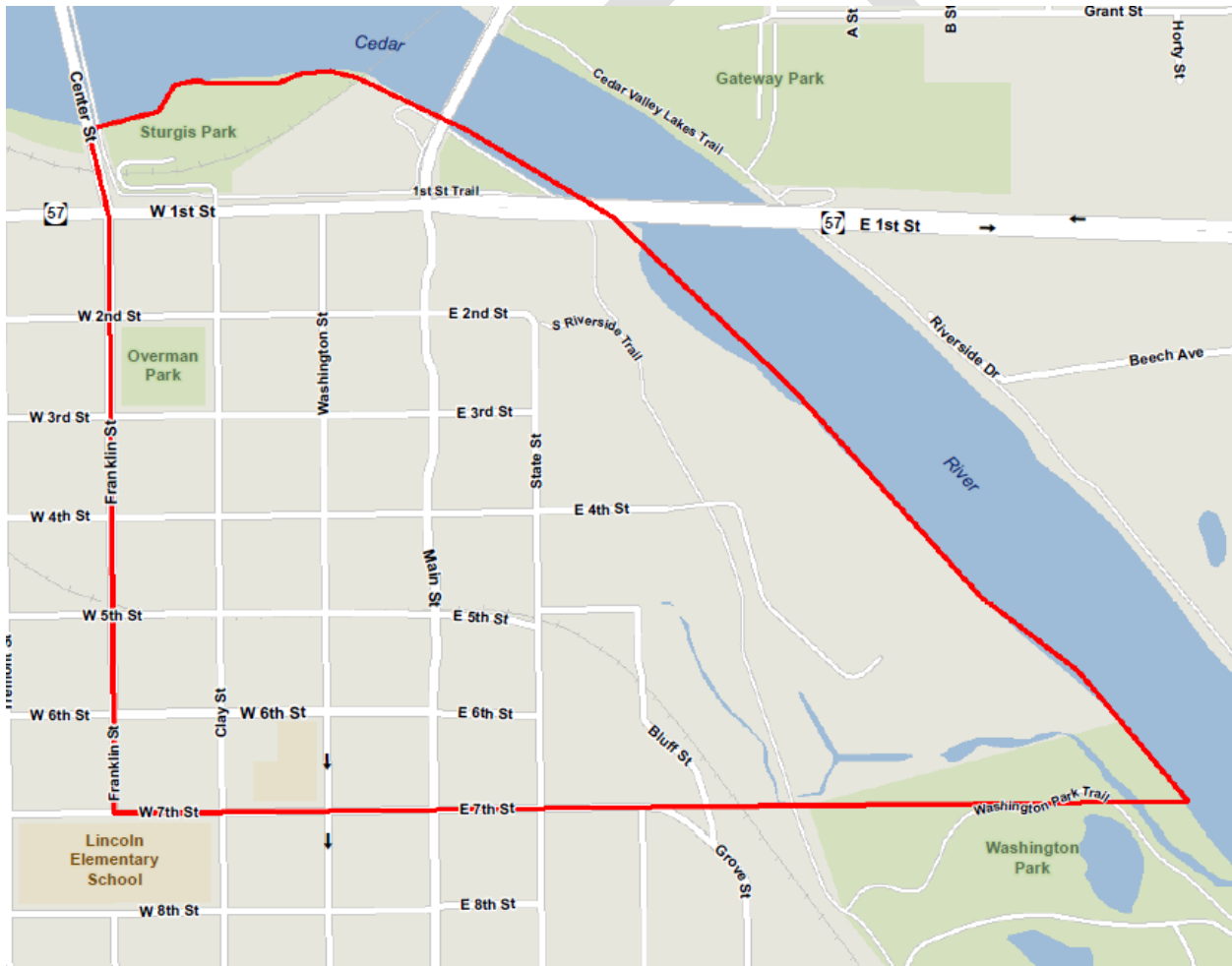


Figure 1 – CBD boundary map

~~(c) Definition.~~

~~"Substantial improvement" includes any new building construction within the overlay district or any renovation of an existing structure that involves any modification of the exterior appearance of the structure by virtue of adding or removing exterior windows or doors or altering the color or exterior materials of existing walls. All facade improvements, changes, alterations, modifications or replacement of existing facade materials will be considered a substantial improvement. Included in this definition are any new, modified or replacement awning structures or similar material extensions over the public sidewalk area. A substantial improvement also includes any increase or decrease in existing building height and/or alteration of the existing roof pitch or appearance. Routine repair or replacement of existing roof materials that do not materially change the appearance, shape or configuration of the existing roof will not be considered a "substantial improvement". Any new freestanding sign, projecting wall sign, or monumental sign, or an increase in size or height of any existing freestanding sign, projecting wall sign, or monumental sign, shall be considered a substantial improvement. Owner-occupied detached single family residences will not be subject to these regulations.~~

~~(cd) Permitted uses.~~

- (1) Allowable uses within the overlay district include typical commercial, professional office and service oriented businesses, uses or facilities, including hotels and lodging facilities, all such uses currently allowed in the C-1 commercial, C-2 commercial and C-3 commercial districts unless herein limited. If the underlying zoning district is more restrictive than the C-3 commercial district, then only those uses permitted in the more restrictive district shall be allowed.
- (2) Residential uses are allowable subject to planning and zoning commission and city council review and approval. No residential use may be established on the ground floor of any ~~building store front or shop front located~~ within the ~~Main Street Parkade retail and service~~ commercial area ~~bounded by extending from~~ First Street south to Sixth Street ~~from Washington Street east to State Street, and also extending at least one-half block in depth on any side street perpendicular to said Main Street Parkade area.~~ Residential uses are encouraged to be established in upper levels of downtown commercial ~~buildings~~ facilities.

~~(de) Conditional uses.~~ Where some question arises whether a particular commercial use is appropriate within the overlay district, the use may be allowed subject to planning and zoning commission and city council review and approval, provided that the proposed use conforms to the prevailing character of the downtown area and provided that the use will not necessitate the use of outdoor storage areas. In addition, such uses must not generate excessive amounts of noise, odor, vibrations or fumes, or ~~generate excessive amounts of~~ truck traffic. If the underlying zoning district is more restrictive than the C-3 commercial district, allowable conditional uses will be those generally compatible with the more restrictive standards of the underlying zoning district. Examples of uses that may be allowed subject to approval of a conditional use permit are:

- (1) Auto repair shop.
- (2) Printing or publishing facility.
- (3) Limited manufacturing activity that is directly related to the operation of a retail business conducted on the premises.
- (4) Plumbing and heating shop.
- (5) Sign painting shop.
- (6) Appliance repair shop.
- (7) Home supply business.

~~(ef) Prohibited uses.~~ In all cases the following uses will not be allowed within the overlay district either as permitted or conditional uses:

- (1) Lumber yards.
- (2) Used or new auto sales lots and displays.

- (3) Auto body shop.
- (4) Storage warehouse or business.
- (5) Mini-storage warehouse.
- (6) Sheet metal shop.
- (7) Outdoor storage yard.

(fg) *Site plan review.* Any proposed substantially improved or new building structure or development, including proposed residential facilities, must submit a detailed site plan and building plans for review and approval by the planning and zoning commission and the city council. Applicants are encouraged, but not required, to consult with Community Main Street's Design Guidelines and Design Committee as a design resource. Elements to be considered in this review process are proposed use, proposed building improvements or new structural elements, with particular attention to exterior building design elements, parking provision (see section 29-177 parking regulations if any), and how the proposed improvement or development will complement existing nearby uses and building design elements. ~~In the case of emergency repairs needed as the result of unanticipated building or facade damages due to events such as fire, vandalism, or weather related damages, site plan review will not be required, provided that the needed repairs do not alter the appearance of the structure prior to the event causing the unanticipated damages. Owner-occupied detached single-family dwellings will be exempt from this provision.~~

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

The following shall be exempt from site plan review:

- (1) Existing detached single-unit and multi-unit dwellings containing less than seven units; not including mixed use buildings.
- (2) Routine repair or replacement of existing roof materials, awnings, or other minor facade elements that do not materially change the appearance, shape or configuration of the existing building will not be considered a "substantial improvement".
- (3) Emergency repairs needed as the result of unanticipated building or facade damages due to events such as fire, vandalism, or weather related damages, provided that the needed repairs do not alter the appearance of the structure prior to the event causing the unanticipated damages.

(g) *Parking:* On-site parking in the downtown area will not be required for principal permitted commercial, professional office or service business uses or facilities. Any proposed residential use established within the overlay district must conform to the parking regulations described in section 29-177.

(h) Front Setbacks.

- (1) New commercial and mixed-use buildings shall be placed to the front and corner of lots, and set back a minimum of 0 feet and maximum of 10 feet from any street side lot line.
- (2) New residential or expansions of residential buildings shall be setback a minimum of 10 feet.

(ih) *Building design review.* All substantially improved or new building structures within the overlay district shall be reviewed by the planning and zoning commission and the city council for architectural compatibility with surrounding structures. Paramount into this review will ~~include be~~ consideration of building materials, exterior building materials on all sides, coloration of materials, building height, roof line, size and location of windows and doors, roof mounted appurtenances, and facades. For the

purposes of this section, when a building is located on a corner lot the primary street shall be the north-south street, with other streets being considered secondary. In addition to consideration of typical physical structural improvements to structures, review is also required of any wall painting, mural wall signs or painted artwork or other similar applications to exterior walls. The purpose of review of said exterior wall paintings or drawings is to ensure that said applications are consistent with the prevailing standards and character of the downtown area. The following design elements will be reviewed:

- (1) *Proportion:* The relationship of width and height of the front elevations of adjacent buildings shall be considered in the construction or alteration of a building. An effort should be made to generally align horizontal elements along a street frontage, such as cornice lines, windows, awnings and canopies. The relationship of width and height of windows and doors of adjacent buildings shall be considered in the construction or alteration of a building. Particular attention must be given to the scale of street level doors, walls and windows. Large expanses of blank walls spaces at the street level are to be discouraged. Elements such as windows, doors, columns, pilasters, and changes in materials, artwork, or other architectural details that provide visual interest must be distributed across the façade in a manner consistent with the overall design of the building.
- (2) *Roof shape, pitch and direction:* The similarity or compatibility of the shape, pitch and direction of roofs in the immediate area shall be considered in the construction or alteration of a building. Routine repair and maintenance or replacement of existing roof materials will not be subject to review provided that the existing roof line and configuration is not altered during the course of said repairs or maintenance.
- (3) *Pattern:* Alternating solid surfaces and openings (wall surface versus doors and windows) in the front facade, sides and rear of a building create a rhythm observable to viewers. This pattern of solid surfaces and openings shall be considered in the construction or alteration of a building.

(4) Building Composition (See Figure 2):

(i) To create visual interest and visually break up long building walls, facades on buildings greater than 50 feet in length shall be divided vertically into bays. Façade bays shall be a minimum of 20 feet wide and a maximum 40 feet wide. The bays shall be distinctive but tied visually together by a rhythm of repeating vertical elements, such as window groupings, pilasters, window bays, balconies, changes in building materials and textures, and/or by varying the wall plane of the façade.

(ii) To avoid flat, continuous, and overly long upper floor facades, the maximum length of a wall plane of the façade is 60 feet. Articulation between continuous upper floor façade sections shall be accomplished by recessing the façade 2 feet minimum for a distance of at least 10 feet. This recessed section would count as a façade bay per paragraph (i), even if the width is less than 20 feet.

(iii) Storefronts in mixed-use buildings shall be distinguished from the upper floors by a horizontal element, such as a cornice, band board, or soldier course to create a distinctive base to the building.

(iv) For all mixed-use and commercial buildings, the minimum ground floor, floor-to-structural ceiling height is 14 feet.



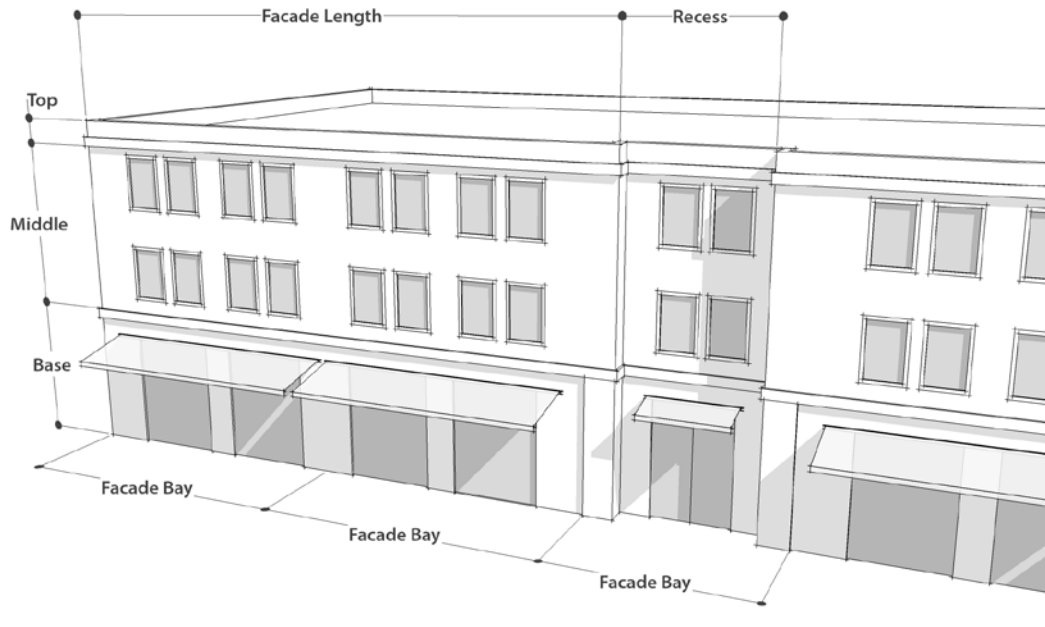


Figure 2 – Building composition example

(5) Windows and Transparency: The size, proportion, and type of windows need to be compatible with existing neighboring buildings. For storefronts, the following standards shall apply:

(i) 70% of the storefront area between 2 and 10 feet in height above the adjacent ground level shall consist of clear and transparent storefront windows and doors that allow views into the interior of the store. The bottom of storefront windows shall be no more than 2 feet above the adjacent ground level, except along sloping sites, where this standard shall be met to the extent possible so that views into the interior of the store are maximized and blank walls are avoided. Exceptions may be allowed for buildings on corner lots where window coverage should be concentrated at the corner, but may be reduced along the secondary street façade, and for repurposing of buildings not originally designed as storefront buildings (e.g. re-use of an industrial or institutional building).

(ii) Transom windows are encouraged above storefront display windows. Residential window types, reflective (mirrored), or colored glass are not allowed for storefronts.

(iii) Glazing should be clear and highly transparent to maximize views into the store. Low-E or tinted glazing will reduce transparency, so is discouraged for storefront windows, but if used, the glass chosen should have a high visible light transmittance and low reflectivity.

(iv) Reducing or removing existing storefront windows is discouraged and will require Planning & Zoning Commission and City Council approval.

(64) Materials and texture: The similarity or compatibility of existing materials and texture on the exterior walls and roofs of the buildings in the immediate area shall be considered in the construction or alteration of a building. A building or alteration will be considered compatible if the materials and texture used are appropriate in the context of other buildings in the immediate area.

Street-facing facades shall be comprised of at least 50% brick, stone, or terra cotta. Side and rear walls shall be comprised of at least 25% brick, stone, or terra cotta. These high quality materials should be concentrated on the base of the building.

The following materials may be used in limited amounts:

(i) Fiber Cement, Aluminum, Metal, Preformed Panels, Painted Wood, or anything similar – Up to 35 percent of any one siding material may be used on the street-facing façade and up to 40 percent of any other sides. These materials are not generally allowed for storefronts. Fiber cement board should be high quality and smooth-faced. Metal shall be heavy gauge and non-reflective. Durability and maintenance of the metal shall be carefully considered if used in high use areas.

(ii) Concrete and Precast Concrete- This includes site-poured or preformed concrete items. Use is limited to architectural elements such as window hoods, cornices, columns, capitals, etc. Architectural CMU may be used in combination with other materials such as brick, stone or terra cotta. Except for burnished/polished or glazed units, CMU is not generally allowed on the storefront level, however, architectural CMU, such as split-face, ground-face, and rock-face, may be used as an accent material on the storefront level.

(iii) EFIS may only be used for architectural detailing above the ground floor

(iv) In the case of an unenclosed rear or roof deck, stained wood is permitted.

(75) Color: The similarity or compatibility of existing colors of exterior walls and roofs of buildings in the area shall be considered in the construction or alteration of a building. Buildings in the downtown utilize earth and neutral tones; however, other colors can highlight the building's architectural features and are acceptable as accents. Accents generally include trim areas and comprise up to 15% of the façade. Painting unpainted brick or stone is discouraged.

(86) Architectural features: Architectural features including but not limited to cornices, entablatures, doors, windows, shutters, fanlights and other elements prevailing in the area shall be considered in the construction or alteration of a building. It is not intended that the details of existing buildings be duplicated precisely, but those features shall ~~be~~ be suggestive of the extent, nature and scale of details that would be appropriate on new buildings or associated with building alterations.

(9) Building Entries: This section applies to new mixed use and commercial buildings.

(i) Primary entries to ground floor building space and to common lobbies accessing upper floor building space shall be located along street-facing facades. For buildings with more than one street-facing façade, entries along facades facing primary streets are preferred. Building entries along rear and side facades or from parking garages may not serve as principal building entries. Buildings with more than three street-facing facades shall have building entries on at least two street-facing sides.

(ii) For buildings that contain residential dwelling units, there must be at least one main entrance on the street-facing façade or façade facing a prominent residential courtyard that provides pedestrian access to dwelling units within the building. Access to dwelling units must not be solely through a parking garage or from a rear or side entrance.

(ii) For storefronts with frontage of 100 feet or more, a visible entryway shall be provided a minimum of every 50 feet.

(iii) Entryways into a storefront will be at grade with the fronting sidewalks.

(iv) Entryways shall be designed to be a prominent feature of the building. The use of architectural features such as awnings, canopies, and recessed entries are encouraged.

(107) Exterior mural wall drawings, painted artwork, exterior painting: These elements shall be reviewed to consider the scale, context, coloration and appropriateness of the proposal in relation to nearby facades and also in relation to the prevailing character of the downtown area. Exterior painting of detached single ~~family-unit~~ and two-~~family-unit~~ residential structures within the district shall be exempt from this provision. Other multi-~~family-unit~~ dwelling structures will be subject to this review.

- (ii) ~~Signage . Typical business signage shall be permitted without mandatory site plan review by the planning and zoning commission and city council, unless said review is mandated by ordinance requirements.~~ All signage shall conform to requirements of the Cedar Falls sign regulations outlined in the Zoning Ordinance Section 29-202, except as provided for below:
- (1) Freestanding signs:
    - (i) When located adjacent to any street other than First Street, shall not exceed 15 feet in height and 40 square feet in surface area.
    - (ii) When located adjacent to First Street, shall not exceed 25 feet in height and 60 square feet in surface area.
    - (iii) One freestanding or monument sign shall be allowed per lot provided all components are entirely on private property. In the case of a double frontage lot, a second sign may be considered.
    - (2iv) Monumental signs: Shall not exceed 8 feet in height and 40 square feet in surface area.
  - (2) Projecting signs: One projecting sign per business is permitted on the primary façade. Signs which are permitted to encroach over or upon public rights-of-way shall meet the following standards and clearance height:
    - (i) Vehicular ways: 14 feet clear above the vehicular way, unless public services necessitate higher clearance.
    - (ii) Pedestrian ways: 10 feet clear above the pedestrian way. For blade signs and awnings, the minimum clearance height shall be 8 feet.
    - (iii) Blade signs are limited to an area of 4 square feet and a projection of 2.5 feet from an exterior wall.
    - (iv) All projecting signs, excluding blade signs, shall project no further than half the width of the sidewalk that the storefront is located on or 5 feet, whichever is less.
    - (v) All projecting signs, excluding blade signs, shall be no larger in size than 1 square foot for each linear foot of the side of the building to which the sign is attached, not to exceed 40 square feet per sign face.
    - (vi) Corner projecting signs are those that are visible from two or more intersecting streets, and shall be allowed as long as they do not exceed 40 square feet per sign face.
  - (3) Window Signs and film: Permanent or adhered window signage and film shall not exceed 25% of glazing of the first 15 vertical feet of wall area and shall not be placed in a manner that prevents views into a storefront.
  - (4) Wall Signs: Wall signs shall not exceed 10% of the total wall area, and in no case shall exceed 10% of the area of the storefront. Wall signs on storefronts shall not extend beyond or above an existing sign band or extend over or detract from the architectural features of the building facade, such as cornices, pilasters, transoms, window trim, and similar.
  - (5) Billboards: Prohibited
  - (6) Roof signs: Prohibited
  - (7) Illuminated signs: Illuminated signs are permitted. External illumination should be provided by a continuous light source directed onto the sign. The use of internally lit signs (back-lit plastic) is acceptable for monument and freestanding signs. The use of internally lit wall and projecting signs (back-lit plastic) are permitted when the background is opaque at night.
- (jk) *Removal or demolition of building structures.* Removal or demolition of structures within the overlay district is allowable, subject to securing a demolition permit with the city inspection services division. If no immediate building reconstruction plans are proposed within 30 days following building removal or demolition, the site shall be filled and graded to a topographic elevation equal to or level with

surrounding adjacent property natural grade levels. All drainage shall be directed away from existing buildings. Within 30 days of final grading of the site or at the earliest opportunity during the growing season conducive to plant germination, the site shall be seeded with grass. Reasonable efforts shall be taken by the property owner to ensure proper germination of the vegetation and the property owner must maintain the property in accordance with city ordinances.

l) Exceptions: The Planning and Zoning Commission and City Council may approve deviations from the standards if there are characteristics of the site or building that makes it difficult or infeasible to meet the requirements outlined in this section, such as buildings located on a corner lot, sloping sites, reuse of an existing building that was not originally designed as a storefront building, or other similar situation. To be granted an exception the applicant must provide:

(1) A detailed explanation of why the specific standard cannot be met;

(2) The proposed building is uniquely designed to fit the characteristics of the site and the surrounding neighborhood, is consistent with the purpose and intent of the CBD, Central Business District Overlay, and will not detract from or be injurious to other properties in the vicinity.

(3) The Planning and Zoning Commission or City Council may require an alternative design solution that is consistent with the intent of the standard being modified.

(Ord. No. 2477, § 1, 5-10-04; Ord. No. 2853, §§ 1—3, 9-8-15)

DRAFT

## Sec. 29-2. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied."

*Access drive* means a driveway or easement allowing access to a lot not having frontage upon a street.

*Accessory use or structure* means a use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure. Said accessory structures are customarily used for storage or parking purposes. No residential dwelling unit or business or commercial office may be established within an accessory structure.

*Administrator* means the federal insurance administrator, to whom the secretary has delegated the administration of the program.

*Alley* means a public way, other than a street, 20 feet or less in width, affording a secondary means of access to abutting property.

*Apartment hotel* means a building containing both dwelling units and rooming units, used primarily for permanent occupancy.

*Assessed value* means the assessed value for general property tax purposes of a property as established by the Assessor of Black Hawk County, Iowa.

*Base Flood* means the flood having a one percent (1%) chance of being equaled or exceeded in any given year (See 100-year (1%) flood). This is the regulatory standard also referred to as the "100-year flood". The base flood is the national standard used by the National Flood Insurance Program (NFIP) and all Federal Agencies for the purpose of requiring the purchase of flood insurance and regulating new development. Base Flood Elevations (BFEs) are typically shown on the Flood Insurance Rate Maps (FIRMs).

*Basement* means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Any basement situated with less than one-half of its height below grade shall be counted as a story for the purpose of height regulations. A basement having more than one-half of its height below grade is not included in computing the number of stories for the purpose of height measurement. Also see "Lowest floor."

*Bed and breakfast enterprises is synonymous with lodging house or guest lodging and* means any building or portion thereof containing not more than five guest rooms for which compensation is received for short-term overnight lodging.

*Bed and breakfast inn is synonymous with hotel, and* means a lodging establishment containing six or more guest rooms.

*Boardinghouse* means a building other than a hotel or other overnight lodging facility where, for compensation, lodging and meals are provided by the building owners or managers for resident boarders with meals for all resident boarders provided in a central kitchen facility within said building. Residents within said boardinghouse facility shall be accommodated with weekly, monthly, or yearly tenant agreements or leases.

*Building* means all residential housing, cabins, factories, warehouses, storage sheds and other walled or roofed structures constructed for occupancy by people or animals or for storage of materials.

*Building, height of* means the vertical distance from grade to the highest point of any roof ridge.

*Building line* means a line on a plat of official record indicating the minimum distance of open space that must be maintained between the property line and any structure on the lot.

*Building setback (see Yard)* means the minimum required area of unobstructed open space on a lot measured from the property line.

*Carport* means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. A carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements in this chapter.

*Channel* means a natural or artificial watercourse having definite banks and beds with visible evidence of flow or occurrence of water.

*Clinic* means a building used by physicians or dentists, osteopaths, chiropractors and allied professions for outpatient care of persons requiring such professional service.

*Day nursery or nursery school* means any private agency, institution, establishment or place which provides supplemental parental care or educational work, other than lodging overnight, to more than 12 children.

*Development* means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

*Driveway, commercial* means an improved area that is designed and intended to provide vehicular ingress and egress from a public street or public alley to and across a private property. It provides access to facilities on the private property including parking lots, garages, warehouses or business sites. Commercial driveways may cross property lines to access multiple businesses when specifically permitted by the city.

*Driveway, hard surface* means a paved area, as defined in article VI, of chapter 23, of this Code. It does not include gravel or granular surface materials.

*Driveway, residential* means an improved area that is designed and intended or used to provide vehicular ingress and egress from a public street or public alley to and across a private property. Driveways shall be entirely paved with a hard surface material. Driveways may provide off-street parking for dwellings and access to garages, parking areas and parking lots, when these facilities are specifically permitted. See section 29-179 for additional regulations.

*Dwelling* means any building or portion thereof which is designed or used exclusively for residential purposes, but not including a tent, cabin or travel trailer.

*Dwelling, condominium* means a multiple dwelling whereby the fee title to each dwelling unit is held independently of the others.

*Dwelling, multiple* means a residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.

*Dwelling, row* means any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot, and separated from one another by an approved wall.

*Dwelling, single-family* means a detached residence designed for or occupied by one family only.

*Dwelling, single-family bi-attached* means a dwelling designed for or occupied by one family only which is erected on a separate lot and is joined to another such residence on one side only by a wall located on the lot line and which has yards on the remaining sides.

*Dwelling, two-family* means a residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

*Dwelling unit* means a room or group of rooms which is arranged, designed or used as living quarters for the occupancy of one family, containing bathroom or kitchen facilities.

*Elevating* means raising a structure or property by fill or other means to or above the minimum flood protection level.

*Encroachment limits* means a set of lines which delineate the boundaries of the floodway established in the floodplains as the designated width of channel and overbank areas through which the regulatory flood must pass.

*Façade means the entire exterior wall of a building along a street, includes all stories.*

*Factory-built home park* means a parcel or contiguous parcels of land divided into two or more factory-built housing lots for rent or sale.

*Factory-built housing* means any structure, designed for residential use, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. Factory-built housing includes mobile homes, manufactured homes and modular homes and also includes park trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

*Factory-built structure* means any structure which is, wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation, on a building site.

*Fair market value* means the dollar amount a person would be willing but not obligated to accept, and a buyer would be willing but not compelled to pay, for an item of sale. It is an estimate of what is a fair, economic, just and equitable value under normal local market conditions. In appropriate circumstances this may be the assessed value of the property.

*Family* means one or more persons occupying a single dwelling unit, provided that, unless all members are related by blood, marriage or adoption, no such family shall contain over four persons.

*Family day care home* means an occupied residence in which a person provides supplemental parental care or educational work, other than lodging overnight, to more than six but not more than 12 children.

*Flood* means a temporary rise in the channel flow or stage, resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source, that results in water overflowing and inundating normally dry lands adjacent to the channel.

*Flood elevation* means the elevation flood-waters would reach at a particular site during the occurrence of a specific flood. For instance, the "100-year flood" or the "100-year (1%) flood" is that flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year. The "500-year flood" or the "500-year (0.2%) flood" is that flood, the magnitude of which has a two-tenths of one percent (0.2%) chance of being equaled or exceeded in any given year.

*Flood insurance rate map (FIRM)* means the official map prepared as part of, but published separately from, the flood insurance study, which delineates both the flood hazard areas and the risk premium zones applicable to the community.

*Flood insurance study* means a study initiated, funded or published by the Federal Insurance Administration and approved by the Federal Emergency Management Agency (FEMA), for the purpose of evaluating in detail the existence and severity of flood hazards, providing the city with the necessary information for adopting a floodplain management program, and establishing actuarial flood insurance rates.

*Floodplain* means any land susceptible to being inundated by water as a result of a flood.

*Floodplain buildable area* means that portion of the lot remaining after the minimum yard area requirements (i.e., setbacks) of this chapter have been met, and shall not include that portion of the property within the 500-year floodplain.

*Flood profile* means a graph or a longitudinal profile showing the relationship of the water surface elevation of a flood event to a location along a stream or river.

*Floodproofing* means a combination of structural provisions, changes or adjustments incorporated in the design or construction and alteration of individual buildings, structures or properties, including utilities, water treatment and sanitary facilities, which will reduce or eliminate flood damages.

*Floodway* means the channel of a river or stream and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge floodwaters or flood flows associated with

the regulatory flood, so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.

*Floodway fringe* means the land adjacent to a body of water between the floodway and the outer (landward) limits of the special flood hazard area, as defined by the regulatory flood as delineated on the official floodplain zoning map.

*Floor area ratio* means the gross floor area of all buildings on a lot, divided by the lot area on which the buildings are located.

*Garage, private* means an enclosed structure intended for the parking of the private motor vehicle of the families resident upon the premises.

*Gasoline filling station* means any building or premises used for:

- (1) The retail sale of liquefied petroleum products for the propulsion of motor vehicles, including sale of such products as kerosene, fuel oil, package naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories and other items customarily associated with the sale of such products;
- (2) The rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing and polishing of motor vehicles, as incidental to other services rendered; and
- (3) The making of repairs to motor vehicles, except those of a major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring and frame repairs, major overhauling of engines requiring the removal of the engine cylinder head or crankcase pan, repairs to radiators requiring the removal thereof, or complete recapping or retreading of tires.

*Group home* means a community-based residential home which is licensed as a residential care facility or an intermediate care facility for the mentally retarded under I.C.A. ch. 135C or as a child foster care facility under I.C.A. ch. 237 to provide room and board, personal care, habilitation services and supervision in a family environment exclusively for handicapped persons, as defined in section 3602(f) of the Fair Housing Amendments Act, and any necessary support personnel. However, group home does not mean an individual foster care family home licensed under I.C.A. ch. 237.

*Guest room* means a room that is intended, arranged or designed to be occupied by no more than three guests, but in which no mechanical provision is made for cooking, heating or cooling of food or beverages.

*Habitable space for flood protection purposes* means any floor or level, including a basement, which is suitable for human habitation. It excludes a garage, a detached accessory structure, or an area for housing electrical, plumbing, heating, ventilating and other utility systems underneath a structure elevated to comply with flood protection requirements.

*Historic structure* means a structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register.
- (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic places in states with historic preservation programs which has been approved by the Secretary of Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. By an approved state program as determined by the Secretary of Interior or



2. Directly by the Secretary of Interior in states without approved programs.

*Home occupation* means a secondary use carried on entirely within the residence where there is no evidence of such occupation being conducted on the premises by virtue of outside storage, displays, noise, odors, electrical disturbances or traffic generation, with no more than one nonresident assistant and where not more than one-half of the floor area of any one floor is devoted to such use. Only one nameplate shall be allowed.

*Hotel* means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boardinghouse or roominghouse.

*Junkyard* means any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building, and not including automobile, tractor or machinery wrecking and used parts yards and the processing of used, discarded or salvaged materials as part of manufacturing operations, and not including contractors' storage yards.

*Kennel* means any premises on which four or more dogs or four or more cats, six months old or older, are kept. The term shall not include a veterinary hospital.

*Landscape area* means that area of private property maintained as open or "green" space, not subject to vehicular traffic, which consists of living landscape material.

*Lot* means a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area to provide such yards and other open space as are required in this chapter. No portion of an established floodway area lying within a lot or any access drive through a property shall be used in computing the number of dwelling units to be constructed. Such lot shall have frontage on a public street or private street and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; and
- (4) A parcel of land described by metes and bounds;

provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

*Lot, corner* means a lot abutting upon two or more streets at their intersection.

*Lot depth* means the mean horizontal distance between the front and rear lot lines.

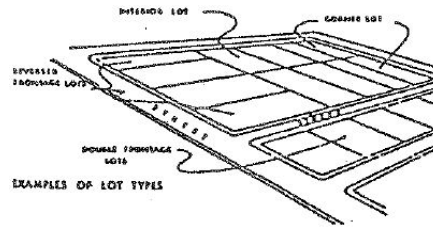
*Lot, double frontage* means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

*Lot, interior* means a lot other than a corner lot.

*Lot lines* means the lines bounding a lot.

*Lot of record* means a lot which is a part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

*Lot, reversed frontage* means a corner lot, the side street line of which is substantially a continuation



of the front line of the first platted lot to its rear.

;p0; *Lot width* means the width of a lot measured at the building line and at right angles to its depth.

*Lowest floor* means the floor of the lowest enclosed area in a building, including a basement, except when all the following criteria are met:

- (1) The enclosed area is designed to flood to equalize hydrostatic pressure during floods, with walls or openings that satisfy the floodway fringe performance standard pertaining to new and substantially improved structures;
- (2) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage;
- (3) Machinery and service facilities (e.g., hot water heater, furnace and electrical service) contained in the enclosed area are located at least one foot above the 500-year (0.2%) flood level; and
- (4) The enclosed area is not a basement.

In cases where the lowest enclosed area satisfies the criteria of subsections (1), (2), (3) and (4) of this definition, the lowest floor is the floor of the next highest enclosed area that does not satisfy such criteria.

*Main body* means that portion of a dwelling encompassed by the exterior walls as originally assembled or built. When a dwelling is irregularly shaped, the main body shall be construed as that portion of the structure occupying the majority of geometric bulk.

*Manufactured home* means a factory-built single-family structure, which is manufactured or constructed under the authority of 42 USC section 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and is taxed as a site-built dwelling. Manufactured homes shall be considered the same as any site-built single-family detached dwelling.

*Mini-storage warehouses* means a building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual compartmentalized stalls or lockers for the storage of customers' goods or wares.

*Mobile home* means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways, and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in the state. A mobile home is factory-built housing built on a chassis. A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. However, certain mobile homes may be classified as manufactured homes. Nothing in this chapter shall be construed as permitting a mobile home in other than an approved mobile home park, unless such mobile home is classified as a manufactured home.

*Mobile home accessory building or structure* means any awning, cabana, ramada, storage structure or carport, fence, windbreak or porch established for the use of the occupants of the mobile home on a mobile home space.

*Mobile home space* means a designated portion of the mobile home park designed for the accommodation of one mobile home and for its accessory buildings or structures for the exclusive use of the occupant.

*Modular home* means factory-built housing certified as meeting the Iowa State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

*New construction (new buildings, new mobile home parks)* means those structures or development for which the start of construction commenced on or after February 1, 1985.

*Nursing or convalescent home* means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent or physically disabled or injured persons, not including insane and other mental cases, inebriates or contagious cases.

*Obstruction* means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any watercourse or floodplain area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry material or structure downstream to the damage of other properties.

*Official floodplain zoning map* means the maps on file with the city that indicate those portions of land known as the floodway, floodway fringe and general floodplain, which are subject to the regulations of this chapter.

*One hundred (100) year flood* means a flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every one hundred (100) years.

*Parking area* means that portion of a parcel of land that is improved and designated or commonly used for the parking of one or more motor vehicles.

*Parking lot* means an area improved and designated or commonly used for the parking of three or more motor vehicles.

*Parking space, also Parking stall* means an area measuring at least nine feet wide and 19 feet long for all commercial, institutional, or manufacturing uses or eight feet wide and 18 feet long for residential uses only, connected to a public street or alley by a driveway not less than ten feet wide, and so arranged as to permit ingress and egress of motor vehicles without moving any other vehicle parked adjacent to the parking space.

*Permanent storage* means the volume of water which is stored upstream from a dam or in an impoundment up to the level of the principal outlet works of the structure, usually expressed in acre-feet.

*Porch, unenclosed* means a roofed projection which has no more than 50 percent of each outside wall area enclosed by a building or siding material other than meshed screens.

*Principal use* means the main use of land or structures, as distinguished from an accessory use.

*Program* means the National Flood Insurance Program (NFIP).

*Public damages* shall consist of but not necessarily be limited to the following:

(1) Physical flood damage to:

- a. Streets.
- b. Sewers.
- c. Water mains.

- d. Other public utilities.
  - e. Public buildings.
  - f. Bridges.
  - g. Recreational trails.
- (2) Expenditures for:
- a. Emergency flood protection.
  - b. Evacuation and relief.
  - c. Rehabilitation and cleanup.
- (3) Losses due to:
- a. Interruption of utilities and transportation routes.
  - b. Interruption of commerce and employment.

*Public sewer system* means a municipally owned, operated and maintained sanitary sewer system.

*Public water supply* means a municipally owned, operated and maintained water supply.

*Reach* is a hydraulic engineering term used to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood hazard area where flood heights are primarily controlled by manmade or natural obstructions or constrictions. In an urban area, an example of a reach would be the segment of a stream or river between two consecutive bridge crossings.

*Recreational vehicle* means a vehicle built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

*Regulatory flood* means a flood, the magnitude of which has a two-tenths (0.2%) of one percent chance of being equaled or exceeded in any given year. Regulatory flood is also referred to in this chapter as the "500-year flood" and the "500-year (0.2%) flood."

*Roominghouse* means an owner-occupied or manager-occupied single dwelling unit wherein individual sleeping rooms are provided to not less than three unrelated resident tenants. Not more than one kitchen facility shall be established within said structure wherein meals may be prepared by resident tenants. Said rooming or boarding facility shall be distinctive from transient lodging facilities such as hotels, beds and breakfasts, other overnight lodging facilities or public eateries. Residents within said roominghouse facility shall be accommodated with weekly, monthly, or yearly tenant agreements or leases.

*Satellite receiving dish* means a device whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources, most often comprised of an antenna/dish, a low-noise amplifier, and a coaxial cable whose purpose is to carry the signals to a receiver.

*Site coverage ratio* means that proportion of the lot on which buildings and outdoor storage of materials and products may be placed.

*Special Exception Permit* means an authorization by the City Board of Adjustment to allow building improvements or other development when such project conforms with specified rules, regulations and/or performance standards required for said improvements or development in special areas of the City as identified by the Zoning Ordinance.

*Storefront* means the area of a façade at ground level. The square footage of the storefront will be calculated using the first 15 vertical feet of the façade, unless otherwise demonstrated by applicant.

*Story* means that portion of a building included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling or roof next above it.

*Story, half* means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four feet above the top floor level.

*Street line* means the right-of-way line of a street.

*Street, private* means any private way 20 feet or more in width which is approved by the city council after recommendation by the city planning and zoning commission.

*Street, public* means any thoroughfare or public way not less than 30 feet in width which has been dedicated to the public or deeded to the city for street purposes, and also any such public way as may be created after enactment of this chapter, provided it is 40 feet or more in width.

*Structural alterations* means any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs and maintenance.

*Structure* means anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, factories, sheds, cabins, factory-built housing, storage tanks and other similar uses. For zoning purposes anything, excluding fences, judged to be permanently affixed to the site and measuring at least 30 inches in height, as measured from natural grade, shall be considered a structure.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the fair market value of the structure before the damage occurred.

*Substantial improvement* means any improvement to a structure which satisfies either of the following criteria:

- (1) Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the fair market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:
  - a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to ensure safe living conditions; or
  - b. Any alteration to an historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
- (2) Any addition which increases the original floor area of a structure by 25 percent or more. All additions constructed after February 1, 1985, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent. The term does not, however, include either:
  - a. Any project or improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to ensure safe living conditions; or
  - b. Any alteration which will not preclude the structure's continued designation as a historic structure.

*Temporary storage* means a volume of water which may be stored upstream from a dam or in an impoundment above the level of the principal outlet works, usually expressed in acre-feet.

*Travel trailer* means a towed recreational vehicle ranging from ten to 35 feet in length and a maximum of eight feet in width.

*Wind energy conversion system* means a device or assemblage of devices which directly or indirectly converts wind energy to usable thermal, mechanical or electrical energy.

# Item 4.A.

*Variance* means a grant of relief by a community from the terms of the zoning ordinance.

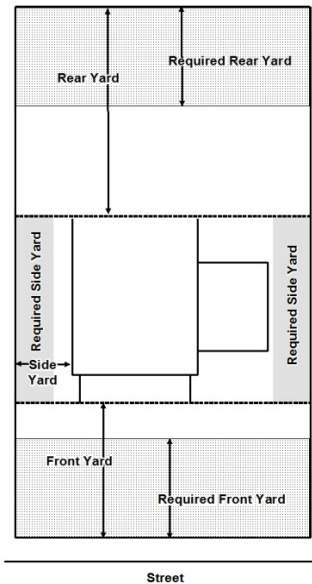
*Violation* means the failure of a structure, property, property use or other development to be fully compliant with City regulations.

*Yard* means an open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from 30 inches above the general ground level of the graded lot upward. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.

*Yard, front* means a yard extending across the full width of the lot and measured between the front lot line and the building.

*Yard, rear* means a yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On both corner lots and interior lots, the rear yard is the opposite end of the lot from the front yard.

*Yard, required* means that portion of the front yard, side yard and rear yard as established by the setback requirements of the zoning district or of this chapter. It must be maintained in open, unobstructed space as measured from the property line to the required setback line except for allowable yard encroachments as outlined in section 29-83. If the building structure is located at the required setback line, then the setback distance shall be measured from the property line to the foundation of the structure. Refer to Figure 1.



**Figure 1**

*Yard, side* means a yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building.

(Ord. No. 2750, § 1, 7-11-11; Ord. No. 2837, § 1, 3-2-15; Ord. No. 2847, § 1, 7-20-15)

**Cross reference**— Definitions and rules of construction generally, § 1-2.



DEPARTMENT OF COMMUNITY DEVELOPMENT

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

MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: Shane Graham, Planner II
DATE: July 19, 2018
SUBJECT: Rezoning request at the southwest corner of Highway 58 and West Ridgeway Avenue

REQUEST: Rezone property from A-1, Agricultural District to HWY-1, Highway Commercial District

PETITIONER: Midland Atlantic Development Company, LLC, Buyer; Bayer Becker, Engineer

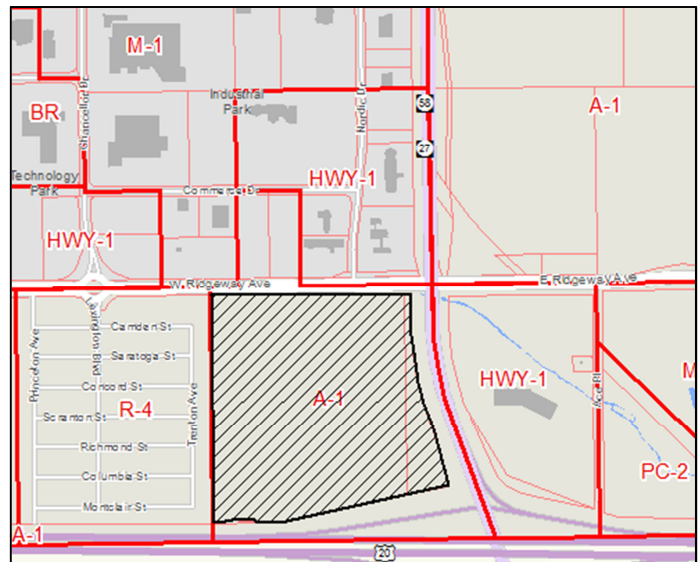
LOCATION: Southwest corner of Highway 58 and West Ridgeway Avenue

PROPOSAL

The applicant has submitted a request to rezone 49.52 acres of land at the southwest corner of Highway 58 and W Ridgeway Avenue from the A-1 Agricultural District to the HWY-1, Highway Commercial District as shown on the map to the right. The rezoning will allow for a retail commercial development on the property, consisting of one large retail store along with several other retail uses. Several additional outlots on the site will also be available for future commercial development.

BACKGROUND

This property has been zoned as agricultural since adoption of the Zoning Ordinance in 1970. The property is surrounded by a mobile home park to the west, a recreational vehicle sales establishment to the east (across Highway 58), and a convenience store, hotel and two residential acreages to the north. The applicant has an agreement to purchase the property from the current owner, and plans to develop the site with retail commercial uses. The rezoning of this property must be carefully considered by evaluating the characteristics of the land and surrounding properties. This staff report will outline a number



# Item 4.B.

of these elements in order to have a firm understanding of the future use of this property.

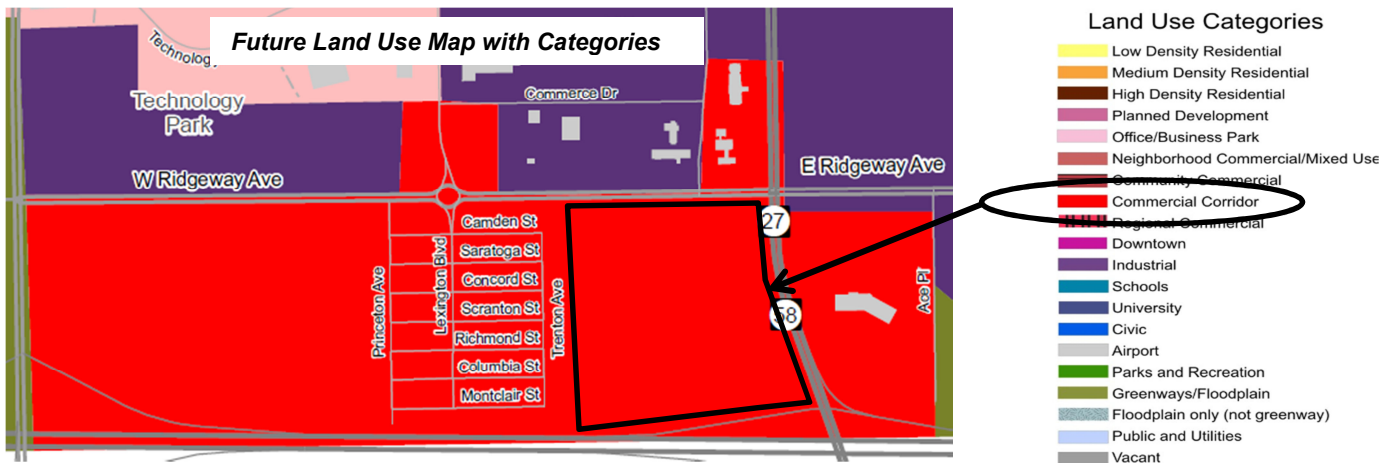
## ANALYSIS

The purpose of the A-1, Agricultural Zoning District is to act as a “holding zone” for future development when municipal services (sanitary sewer, water, roads) are accessible to the site. When these services are available, the development of the land is threefold, beginning with the rezoning of the land, platting and construction.

Zoning considerations for undeveloped properties normally involve evaluation of three main criteria:

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

*The Future Land Use Map identifies this and a majority of the surrounding properties as Commercial Corridor. Characteristics of the Commercial Corridor designation include auto-oriented, primarily retail/service/office commercial and high density residential areas that serve surrounding neighborhoods as well as citywide customers. These developments typically contain small scale retail and personal services as well as community uses such as major grocery stores and office buildings. Commercial Corridor uses are typically located along major transportation corridors, and pedestrian traffic should be encouraged.*



- 2) Is the property readily accessible to public water and sanitary sewer service?  
As part of the technical review of this proposal, Cedar Falls Utilities personnel have no major concerns with the proposed HWY-1 rezoning request. A 12” sanitary sewer main is located along the north property line along W. Ridgeway Avenue, and a 12” water main is located along the north side of W Ridgeway Avenue (see map to the right). This 12” water main will also need to be looped throughout this site





in order to provide adequate fire protection. Other utilities such as electric, gas and communication can be extended to the site.

3) Does the property have adequate roadway access?

*The property currently has one farm access driveway off W Ridgeway Avenue. Although this property has frontage along both Highway 58 and US Highway 20, no access will be allowed from those frontages. The overall development plan shows two new accesses to the site: one across from Nordic Drive, and one across from a shared drive that serves two residential dwellings along the north side of W Ridgeway Avenue. A traffic study is currently being completed by the applicant as part of this development to determine the suitability of these particular access points and the improvements necessary at the access points to serve the land uses proposed for this site. This study will provide an analysis of the entrance designs in relation to the proximity of Highway 58, and will provide an analysis for the potential of a roundabout or other appropriate traffic control measures at the westernmost entrance to the property. **The traffic study will also show how the additional traffic generated by the proposed development will affect traffic patterns and circulation on adjacent roadways, which will also be key in determining the type of intersections and roadway improvements that will be necessary to serve this development without causing traffic circulation problems and congestion for other development in the corridor. The traffic study has not yet been submitted, but it has been initially indicated to staff by the developer that the access across from Nordic Drive will be restricted to right-in/right-out only and that a roundabout may be the best option for the main access to the west. However, more detailed information regarding these accesses will be forthcoming when the traffic study is submitted. To move forward with the rezoning, a conditional zoning agreement will be necessary to ensure appropriate infrastructure improvements are completed to warrant the requested upzoning that will allow the proposed commercial development. It should be noted that any improvements necessary to provide for safe traffic control and circulation at these driveway access points will be at the expense of the developer, since they will be driven solely by needs or impacts generated by this development.***

*In addition to adequate roadway access, another transportation component that should be analyzed when considering a rezoning, particularly when changing the use of land from an agricultural use to a commercial use, include pedestrian accommodations. Whenever a new development is proposed, City Code requires the developer to install a sidewalk along the entire street frontage of the property. On this particular property, there is no sidewalk currently located along W Ridgeway Avenue. However, there is a recreational trail located along the north side of W. Ridgeway Avenue at Nordic Drive, and along the south side of W Ridgeway Avenue east of Highway 58. Adding this sidewalk section in front of this development will connect the two trail networks, which in turn benefits the community as a whole. There may be some challenges to installing the sidewalk along the entire street frontage, as there is a drainage way located near W Ridgeway Avenue. It is the responsibility of the developer to determine how best to provide a sidewalk in this location. City staff will work with the developer if an alternative location or design is necessary due to site conditions. The location and design of the sidewalk will be reviewed during site plan review.*

## Item 4.B.

### Other Zoning Considerations:

Additional features of this property include a waterway along the front of the property along W Ridgeway Avenue. This waterway is not in a special flood hazard area, however it is designated as a wetland. Development cannot occur within this area unless there are mitigation practices in place. As you can see from their overall development plan, the only wetland areas that would be disturbed would be the two entrance drives to the property. This area amounts to approximately 1/3 of an acre, and according to the applicant, this area would be mitigated through a wetland bank credit. These areas would have appropriately sized culverts or piping installed underneath the road to allow the water to maintain its current flow. **It should be noted that the exact extent of the encroachment into the wetland area will not be precisely known until the roadway improvements are designed. Mitigation requirements and the type of permit needed will be determined based on the extent of disturbance.**

Also, the development plan shows approximately 11 acres along the south and east ends of the property as being reserved for future highway right-of-way. The Iowa Department of Transportation conducted a Highway 58 Corridor Study several years ago, which shows a layout of a new interchange at US Highway 20 and Highway 58. The applicant utilized the DOT model to leave this area open on their property for this potential future interchange. By designating this area as open space for future right-of-way, that leaves approximately 39 acres available for development. When a more detailed site plan is submitted for review and approval this area will need to be delineated and reserved for future interchange improvements.

### Proposed Zoning:

The purpose of the HWY-1 district is to promote and facilitate comprehensively planned commercial developments which are harmoniously located adjacent to major transportation corridors and interchanges. It is further the purpose of these regulations to encourage high standards of building architecture and site planning, which will foster commercial development that maximizes pedestrian convenience, comfort and pleasure.

A Highway Commercial District is a commercial project containing general service facilities on larger tracts of land intended to serve the traveling public or for the establishment of regional commercial service centers. Said districts can be established adjacent to state or interstate highway corridors at sites best suited to serve the traveling public.

Another commercial zoning district could have been considered for this site (PC-2, Planned Commercial District), however, the HWY-1 District was established and intended for planned commercial developments located along major transportation corridors and interchanges. With this property being located adjacent to the interchange of Highway 20 and Highway 58, as well as being located along a major transportation corridor in W Ridgeway Avenue, staff believes this to be the most appropriate zoning district to classify this property.

### Public Notice:

A notice of public hearing was published in the *Waterloo-Cedar Falls Courier* on Wednesday, June 20, 2018. Also, a notice to the adjoining property owners was sent on June 19, 2018 inviting them to the public hearing.

**Zoning Conditions for Consideration:**

At the Planning & Zoning Commission meeting held on July 11, 2018, staff recommended that the discussion be continued to allow staff time to analyze any potential conditions that may be warranted as part of the zoning approval, given that the traffic study had not yet been submitted for review. The traffic study recommendations will inform the improvements necessary to warrant the upzoning from agricultural zoning to commercial zoning. Since the traffic study has not been submitted, detailed recommended conditions will not be available at this time, however a general condition can be included that references any needed improvements that the study recommends. In addition to a condition regarding traffic improvements, staff would propose several other conditions as noted below:

1. All street, intersection, and traffic control improvements necessary to provide for safe and efficient traffic control and circulation to serve the long term needs of the subject development at full build out without causing undue traffic circulation and congestion problems for other development in the corridor must be constructed and accepted by the City prior to issuance of an occupancy permit and shall be at the expense of the developer.
2. The area shown as “*Future R/W (right of way)*” on the concept site plan shall remain as open space and shall not be developed with any structures, fences, buildings, hard surfacing, driveways or sidewalks.
3. If and when the property to the west ever redevelops, a cross-access drive shall be constructed by the property owner at their expense within the 30-foot wide cross-access easement, at the direction of the City.
4. A 5-foot wide sidewalk shall be installed along the entire street frontage along W Ridgeway Avenue.
5. Sidewalks shall be installed throughout the interior of the development site to provide pedestrian connections/accommodations to each of the commercial buildings/properties within the development.

**STAFF RECOMMENDATION**

The Community Development Department recommends approval of the request to rezone this property from A-1 Agricultural District to HWY-1 Highway Commercial District, subject to the 5 conditions indicated above.

**PLANNING & ZONING COMMISSION**

Introduction Chair Oberle introduced the item and Mr. Graham provided background  
6/27/2018 information. He explained that it is proposed to rezone the 50 acre property from A-1, Agricultural to HWY-1, Highway Commercial to allow for retail commercial development, including a large retail store, as well as smaller retail outlets. Staff would like to gather any comments from the public or planning commission at this time to bring forward at the next meeting.

Mr. Holst asked about the plan to mitigate the wetland area. Ms. Chimento with Midland Atlantic noted that it will be mitigated through a wetland bank credit. Mr. Arntson asked about the timing of the traffic study and the next piece in the process. Mr. Graham stated that the traffic study would be done and reviewed by the time the site plan comes to the Commission. Ms. Giarusso asked about the interchange at the corner of Ridgeway and Highway 58. Mr. Graham stated that

## Item 4.B.

the stoplights would probably be removed and off ramps added. Mr. Leeper asked the applicant to keep in mind that this is a gateway to the community and to be conscious of that in their design.

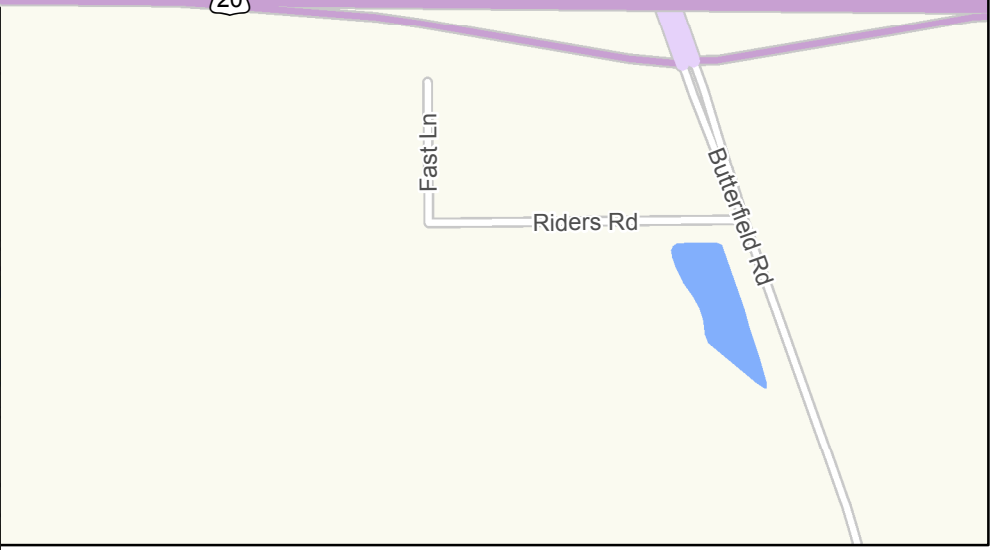
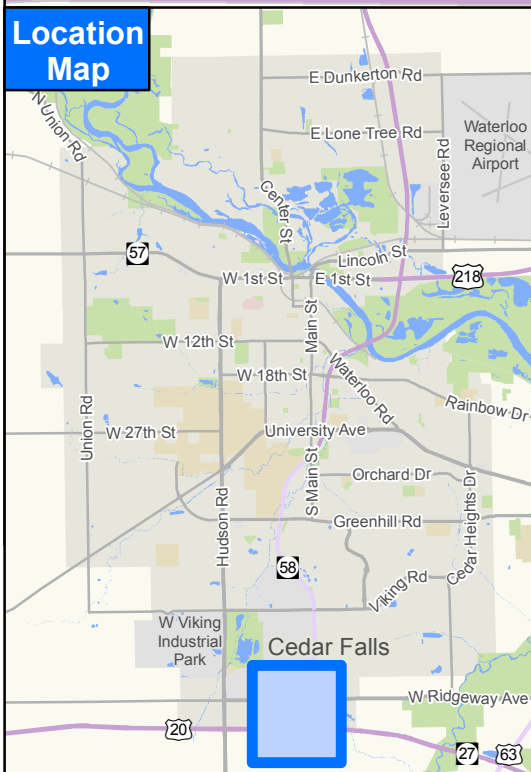
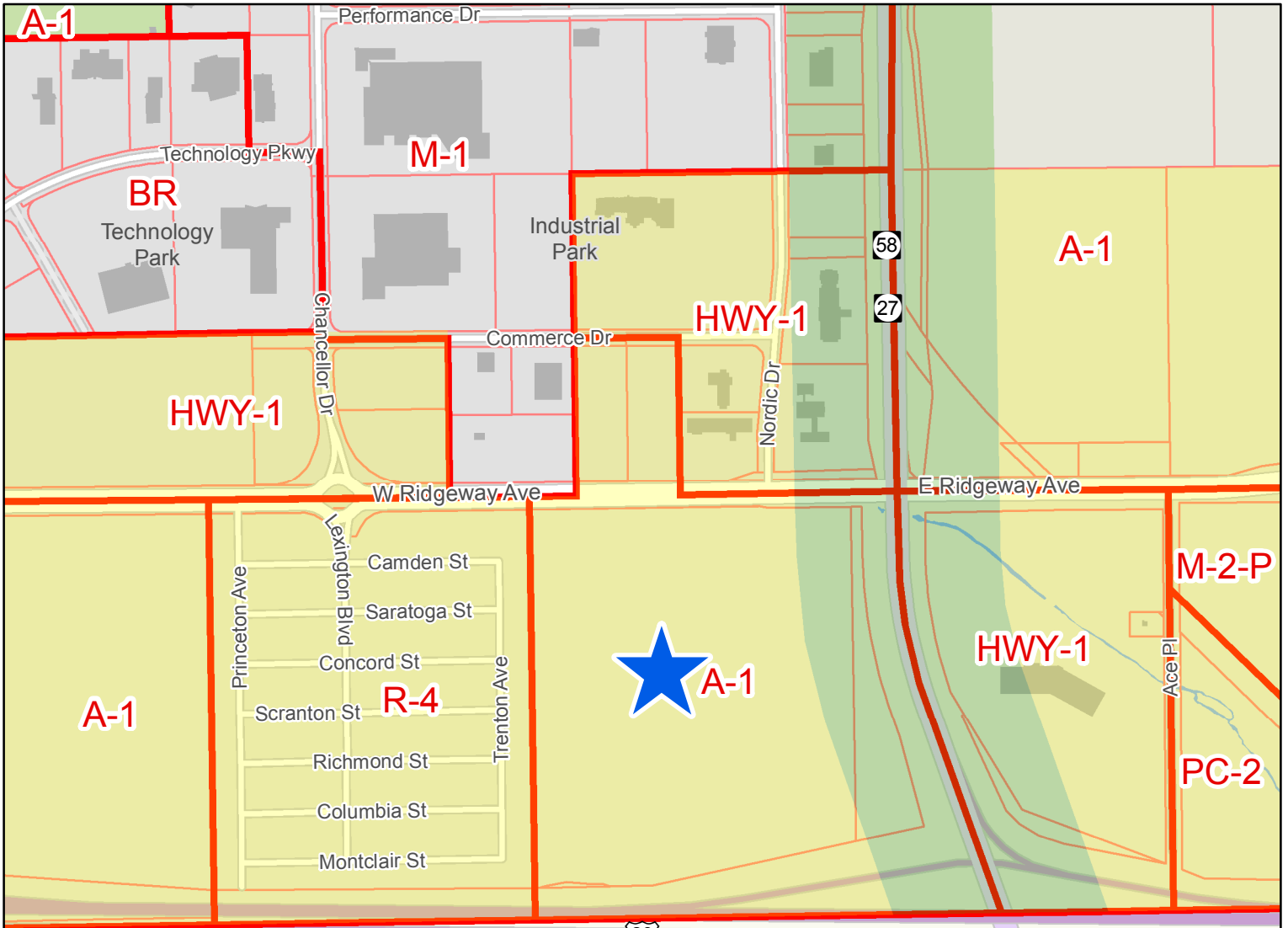
Public Hearing and Discussion 7/11/2018

Chair Oberle introduced the item and Mr. Graham provided information about the request. Mr. Graham indicated that the applicant is in the process of completing a traffic impact study and staff would like to review the study before approval. Staff recommends continuing the public hearing to the next meeting. The Commission agreed to continue the discussion at the July 25 meeting.

Attachments: Location map  
Rezoning Plat  
Overall Development Concept Plan

# Cedar Falls Planning & Zoning Commission July 25, 2018

**Item 4.B.**



Rezoning of Property from A-1  
Agricultural to HWY-1 Highway Commercial -  
Midland Atlantic Development Company, LLC



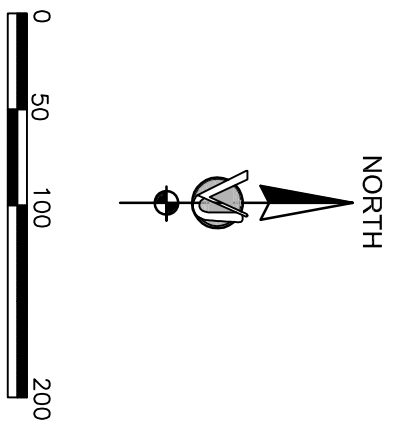
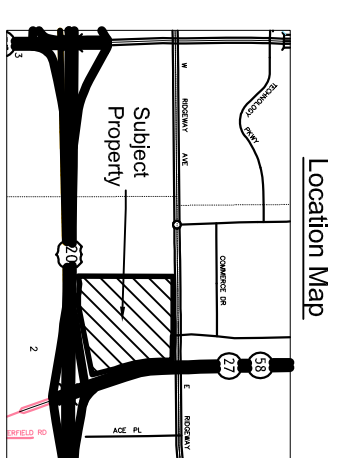
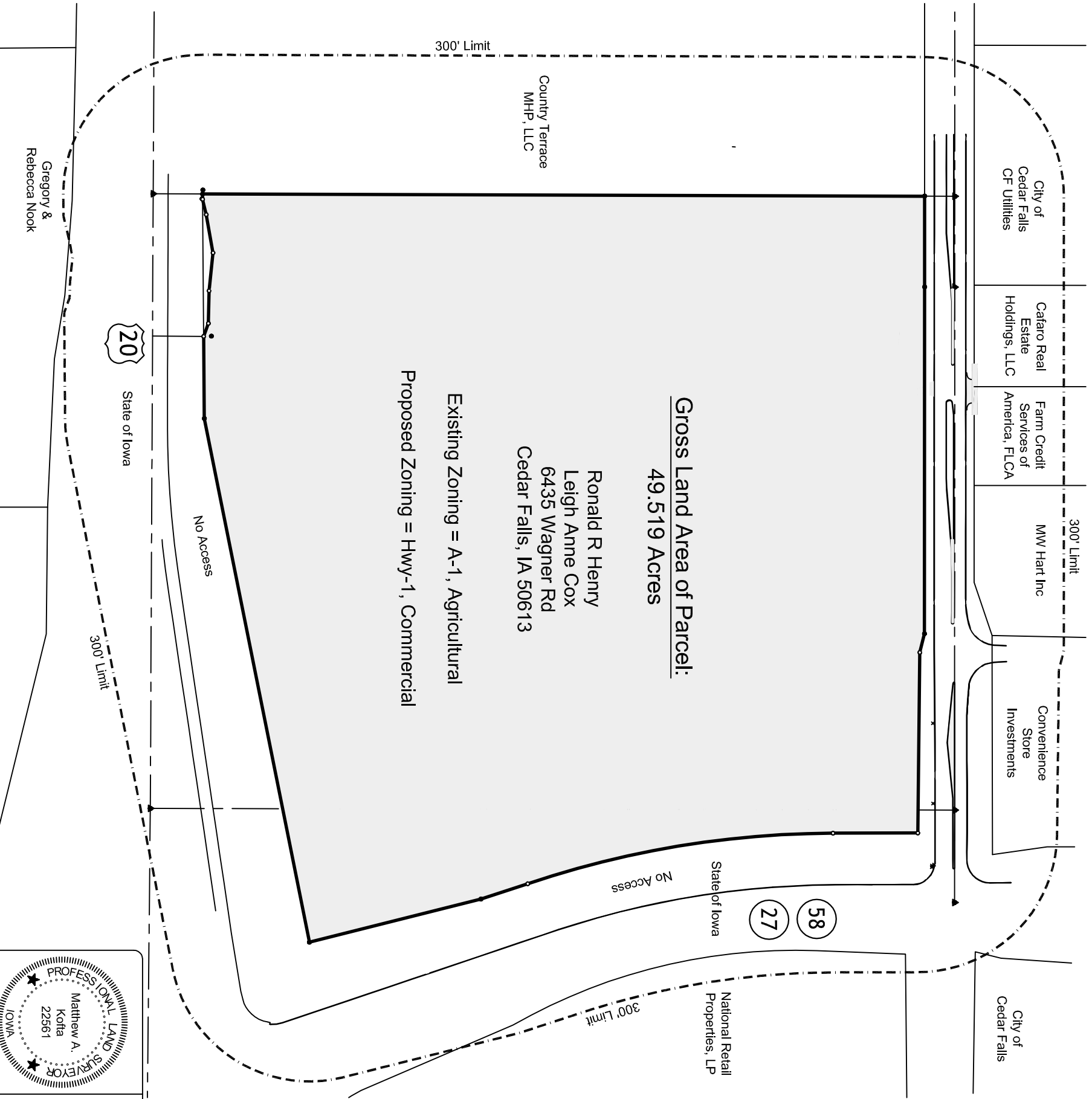
# Item 4.B.

## REZONING PLAT

Part of the East 1/2, NW Frl. 1/4 &  
Part of the West 1/2, NE Frl. 1/4  
Section 2-T88N-R14W  
Cedar Falls, Iowa

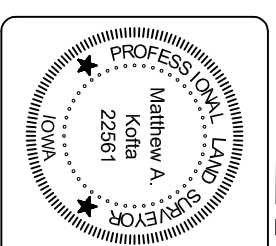
Legal Description (File No. 2013-2118):  
All that part of the East 1/2 of the Northwest Fractional Quarter of Section 2, Township 88 North, Range 14 West of the 5th P.M., Black Hawk County, Iowa, lying Northerly of Highway No. 20 described in 539 LD 76 and 571 LD 973, except those parts conveyed for public highway in 113 LD 199 and 539 LD 85, and also except that part thereof conveyed to the City of Cedar Falls, Iowa, in Doc. No. 2011-00009788.

AND  
All that part of the West 1/2 of the Northeast Fractional Quarter of Section 2, Township 88 North, Range 14 West of the 5th P.M., Black Hawk County, Iowa, lying Northerly and Westerly of Highway No. 20 described in 539 LD 76 and lying Westerly and Southerly of the public highway described in 569 LD 205 and 539 LD 85.



**Zoning Note:**  
The subject property is zoned A-1 Agricultural per the Black Hawk County GIS Website.

**Floodplain Note:**  
The subject property is located in Zone X unshaded per FEMA FIRMI Panel 19013C0279F & 19013C0277F with an effective date of 7/18/2011.



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.

**Matthew A. Kofa, P.L.S.**  
License number 22561  
My license renewal date is December 31, 2018  
Pages or sheets covered by this seal: \_\_\_\_\_

Date \_\_\_\_\_

page #	1
scale	1" = 250'
drawn by	WJL
date	5-18-2018
revisions	
date	



VJ Engineering  
1501 Technology Parkway  
Cedar Falls, IA 50613  
319-266-5829

**Rezoning Plat**  
Henry Property  
Cedar Falls, Iowa  
**188053**





**PROJECT SUMMARY:**

EXISTING ZONING: A-1  
 PROPOSED ZONING: HWY-1

GROSS SITE ACREAGE: 50.31 AC.  
 AREA RESERVED FOR FUTURE R/W: ±10.96 AC.  
 NET DEVELOPABLE AREA: ±39.35 AC.

TOTAL OPEN SPACE: 11.94 AC (30.34%)

GROSS LEASABLE AREA: 240,000 S.F.  
 RETAIL GROSS LEASABLE AREA (GLA): 185,000 S.F.  
 JUNIOR ANCHORS (JA) - BUILDINGS A, B, C - GLA: 55,000 S.F.

REQUIRED RETAIL PARKING: 832.5 (4.5 SPACES/1000 S.F. GLA)  
 PROPOSED RETAIL PARKING: 841 SPACES  
 TYPICAL PARKING DIMENSIONS - RETAIL: 10' X 20'

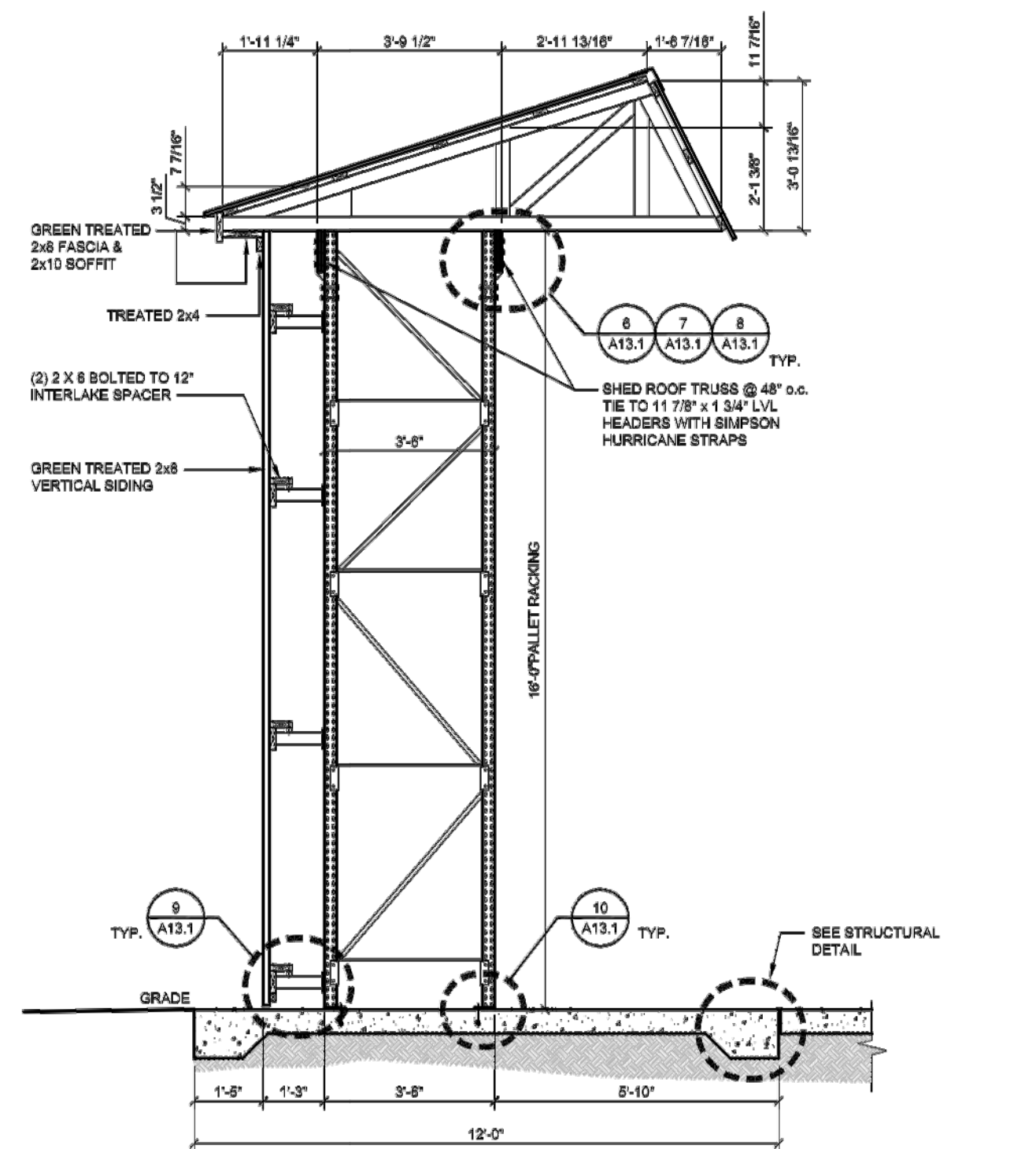
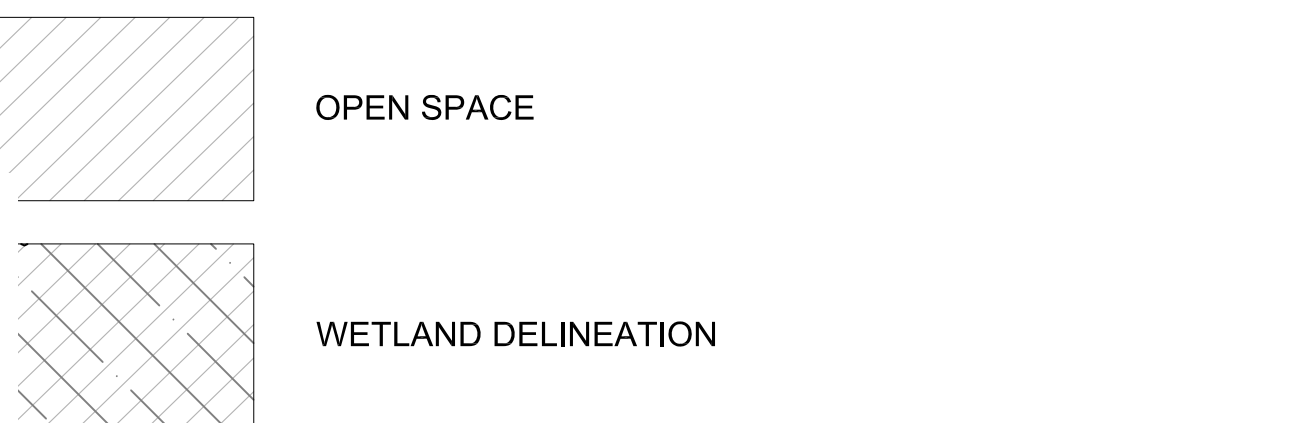
REQUIRED JA PARKING: 247.5 SPACES (4.5 SPACES/ 1000 S.F. GLA)  
 PROPOSED JA PARKING: 247 SPACES  
 TYPICAL PARKING DIMENSIONS - JA: 9' X 19' (COMPACT 8' X 19')

TOTAL PROPOSED SITE PARKING: 1,088 SPACES (4.5 SPACES/ 1000 S.F. GLA)

**NOTES:**

1. DUE TO LOCATION OF STORMWATER MANAGEMENT BASIN, SAFETY MEASURES SUCH AS GRATES AROUND OUTLETS SHALL BE PROVIDED
2. SITE PLAN SUBMISSION SHALL INCLUDE LANDSCAPING OF STORMWATER MANAGEMENT BASINS TO ENHANCE AESTHETICS
3. HIGHWAY 58 RECONFIGURATION PROVIDED BY IOWA DEPARTMENT OF TRANSPORTATION FOR ROADWAYS AND CONSTRUCTION LIMITS HAS BEEN INCORPORATED INTO DESIGN
4. 30' CROSS-ACCESS EASEMENT SHALL BE PROVIDED NORTH OF BUILDING A TO PROVIDE ACCESS FOR FUTURE DEVELOPMENT TO THE WEST
5. VEHICLE PATH SHOWN FOR SERVICE AREA BEHIND RETAIL IS FOR WB-67 VEHICLE. FIRE APPARATUS VEHICLE CAN BE SHOWN IF NEEDED
6. VEHICULAR ACCESS TO THIS SITE WILL BE LIMITED TO THE PROPOSED ACCESS DRIVES OFF OF RIDGEWAY AVENUE AS SHOWN. EXACT WIDTH AND CONFIGURATION SHALL BE BASED ON TRAFFIC IMPACT STUDY
7. 12" LOOPED WATER MAIN SHALL BE PROVIDED AROUND LARGE RETAIL BUILDING AND BUILDING A, B AND C FOR ADEQUATE FIRE COVERAGE
8. PRIOR TO ANY DISTURBANCE OF THE EXISTING WETLAND AREAS, ALL APPROVALS AND PERMITS FROM ARMY CORP OF ENGINEERS, IOWA DEPARTMENT OF NATURAL RESOURCES AND CITY OF CEDAR FALLS SHALL BE IN PLACE

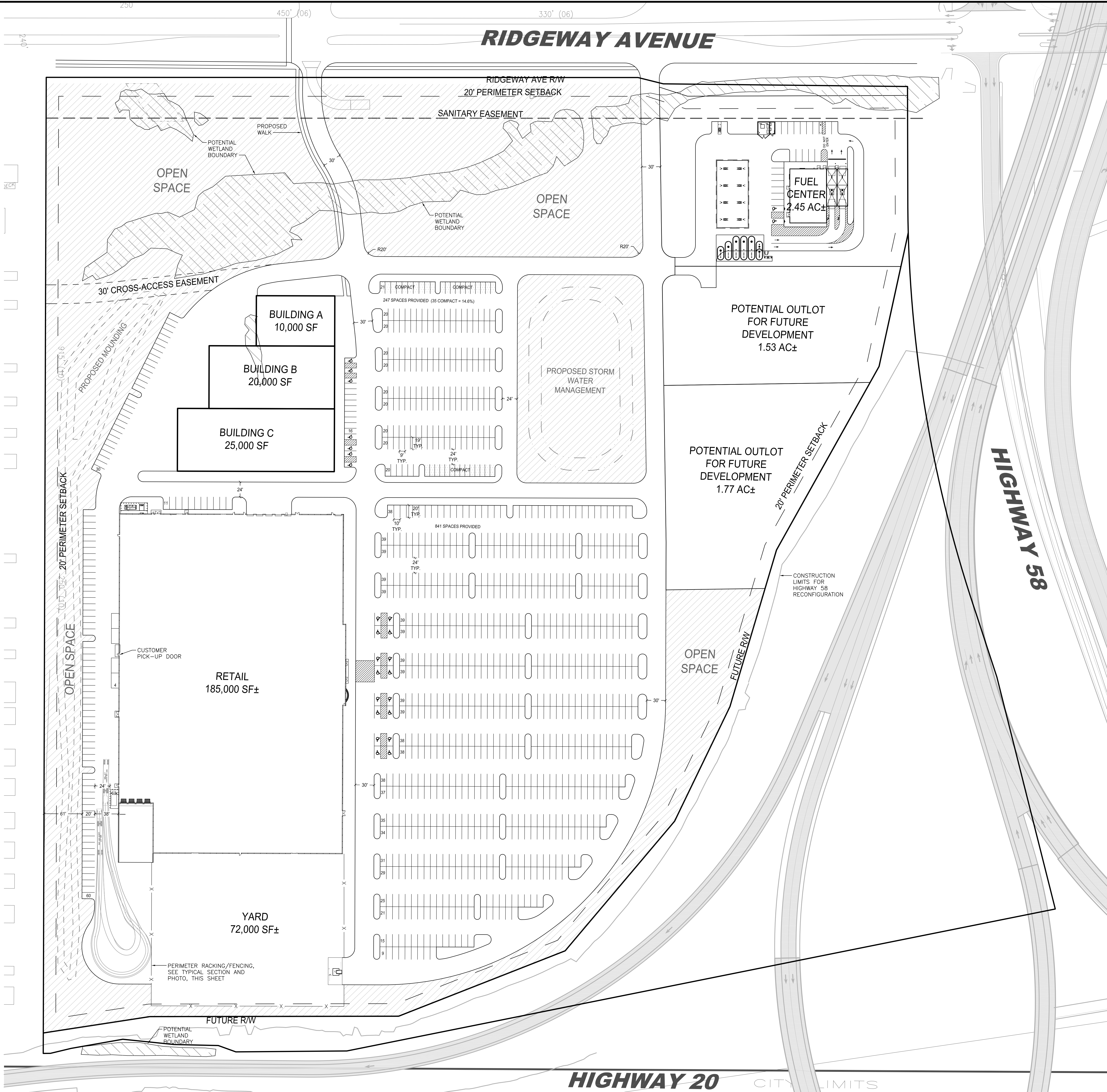
**LEGEND:**



TYPICAL SECTION OF PERIMETER YARD RACKING/FENCING  
 NOT TO SCALE



PHOTO OF PERIMETER RACKING/FENCING TAKEN FROM INSIDE YARD



Basis of Bearing:  
 State Plane NAD27 North  
 60  
 SCALE: 1" = 60'

Item	Date	Drawn	Checked
1	05-14-18	AJB	RLG

PRELIMINARY

**HENRY PROPERTY**

BLACK HAWK COUNTY  
 CEDAR FALLS, IOWA

PRELIMINARY CONCEPT SITE PLAN

Reason: CH 42444 - 513.538.8620

Drawn by:	IS PL
Checked by:	SAL
Issue Date:	5-18
Sheet:	





DEPARTMENT OF COMMUNITY DEVELOPMENT
REZONING APPLICATION

City of Cedar Falls
220 Clay Street
Cedar Falls, Iowa 50613

Property's Address: \_\_\_\_\_

Parcel #: 8814-02-126-005 and 8814-02-201-004

City: Cedar Falls State: Iowa ZIP: 50613

Applicant's Name: Midland Atlantic Development Company, LLC

Applicant's Mailing Address (if other): 8044 Montgomery Road, Ste 370

City: Cincinnati State: Ohio ZIP: 45244

Applicant's Email: nchimento@midlandatlantic.com Daytime Phone #: 513-967-7658

Existing Zoning: A-1 Present Use: Agriculture

Proposed Zoning: HWY-1 Proposed Use: Retail

A COMPLETE SUBMITTAL INCLUDES A PAPER AND AN ELECTRONIC COPY OF:

- X Completed application
X \$500 nonrefundable fee
X Names and addresses of property owners within 300 ft of the requested area (Word or Excel)
X Legal description of property, for use in public notices (Word)
X Letter explaining reason for request and details about future uses (Word)
[ ] Traffic Study, if applicable (In Process)
X Plat scaled to at least 100 feet per inch (PDF 11x17)
X Map elements: north arrow, etc.
X Identified real-estate for which zoning is requested
X Legal description of property
X All public streets and highways within 300 ft of the requested area's boundaries
X All lands, platted or un-platted within 300 ft of the requested areas boundaries
X Requested and current zoning district
[ ] Any other items specific to the zoning district being requested which may include the following:
X Comprehensive Development Site Plan
[ ] Traffic Generation Analysis (In Process)
[ ] Developmental Procedures Agreement

To the best of my knowledge the foregoing and attached statements are true and correct, I sign this completed application with the intent of having my property rezoned.

Applicant/Property Owner's Signature: \_\_\_\_\_ Date: 5/18/18

## **Item 4.B.**

### **REQUEST FOR REZONING**

We do hereby respectfully make application and petition the City Council to amend the zoning map as hereinafter requested, and in support of this application, the following is a letter explaining the reason for such request.

The property is in acreage, and is not therefore a part of a recorded plat. The property sought to be rezoned is two parcels identified with Parcel Identification Numbers of 8814-02-126-005 and 8814-02-201-004. The properties are located at the NWC of Highway 20 and Hudson Road and South of Ridgeway Ave. The property is sought to be rezoned by Midland Atlantic Development Company, LLC for use as a large format retail store(s) and other related commercial use. It is desired and requested that the foregoing described property be rezoned from Agriculture 1 (A-1) zoning to Highway 1 (HWY 1) commercial Zoning. It is anticipated that the property will be used for retail use in the following general configuration: approximately 185,000 square foot large format retail store along with integrated outdoor sales of approximately 60,000 square foot plus approximately 55,000 square feet for addition retail uses. We anticipate that Outparcel 1 will be utilized as a gas and carwash building and the outparcels labeled as Outparcels 2 and 3 would be planned for restaurant locations or other retail uses. We believe that the change requested is necessary for the preservation and enjoyment of substantial property rights, and will not be detrimental to the public welfare, nor the property of other persons located in the vicinity thereof.



DEPARTMENT OF COMMUNITY DEVELOPMENT

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

MEMORANDUM

Planning & Community Services Division

TO: Planning and Zoning Commission
FROM: David Sturch, Planner III
DATE: July 18, 2018
SUBJECT: Highway 1 District Site Plan Review – Raising Cane’s

REQUEST: Request to approve a Highway-1 District Site Plan for a new restaurant on Viking Plaza Drive

PETITIONER: Reed Design Architects; CGA Engineering

LOCATION: East Viking Plaza Lot 1. West end of Viking Plaza Drive

PROPOSAL

It is proposed to establish a 3,300 square foot restaurant at the southeast corner of Viking Road and Highway 58. This lot is located at the west end of Viking Plaza Drive on the north side of the road.

BACKGROUND

The “Target” retail commercial development area (East Viking Plaza Addition) was established in early 2008. The plat established the main development areas for the Target store and other retail stores (Scheels, Michaels, etc.). Several “out-lots” were established near Viking Road with the original plat. Recent developments in these outlots includes the Culvers restaurant and strip mall at the east end of Viking Plaza Drive. Lot 1 is the western-most out-lot in front of (north of) Target, on the south side of Viking Road. Viking Plaza Drive is the only access into this lot.

ANALYSIS

The property is zoned HWY-1, Highway Commercial District. The HWY-1 District permits a wide range of commercial uses generally intended to serve the travelling public or a large population service base. The Viking Road area has developed into a commercial corridor since 1998.

The developer submitted a site plan for a new restaurant on Lot 1 of the East Viking Plaza Addition. The Planning and Community Services Division have the following comments regarding the proposed development site plan:

- 1) Proposed Use: The restaurant is a permitted use in the HWY-1 District. Use permitted.

## Item 6.A.

- 2) Setbacks: The setbacks apply to the building, parking lot and signage. The HWY-1 District requires a 20-foot setback around the perimeter of the "district" and 20 feet along the public streets. Since the perimeter of this lot is on the west side and public streets are along the north and south, the 20-foot setback applies to this property. There are no internal setbacks along the east lot line. The site plan depicts parking lot setback along the north lot line is 28 feet; 31 feet from the west lot line; 20 feet from the south lot line and 10 feet from the east lot line.

The proposed building is situated approximately 100 feet from the north lot line; 91 feet from the west lot line; 132 feet from the south lot line and 94 feet from the east lot line. The plan does not include a freestanding sign. The proposed restaurant will utilize some signage space on the existing tenant sign for the entire development. **Setbacks satisfied.**

- 3) Parking: The parking requirement must be calculated for the restaurant building. A standard fast food restaurant requires 1 parking stall for every 100 square feet of gross floor area, plus one additional parking stall for every two employees. The drive-up window on the east side of the building requires five stacking spaces. The proposed restaurant is approximately 3,300 square feet in area for a total of 33 parking stalls. The site plan illustrates the installation of 64 parking stalls including three handicap stalls, which exceeds the minimum requirement. Parking stall dimensions are provided (9' x 21') with driveway aisle widths are 24 feet. **Parking requirement satisfied.**

- 4) Open Space: The property is in the HWY-1 commercial district. The entire property is also located in the highway corridor and greenbelt (HGC) overlay zoning district. The overlay will dictate the open space and landscaping requirements for this project. The HGC requires a 25% of the total lot area be reserved in open green space. In this case the lot contains approximately 1.67 acres of land (72,745 ft<sup>2</sup>) which yields to 18,186 square feet of open space. The site plan identifies approximately 18,406 ft<sup>2</sup> of open space or 25% of the lot. **Open green space satisfied.**

- 5) Landscaping: The HGC requires landscape plantings at the rate of 0.03 points per square foot of the total development site ( $0.03 \times 72,745 \text{ ft}^2$ ) = **2,182 basic site landscaping points**. These points can be made up with any combination of trees, conifers and shrubbery and distributed throughout the site, parking areas and along the street. To calculate the number of "street trees", the formula is 0.75 points per linear foot of street frontage. In this case, the property has 184 feet of street frontage along Viking Road, 200 feet along Highway 58 and 260 feet along Viking Plaza Drive. This equates to 644 feet of street frontage or eight (8) street trees at 80 points each. In addition to these points, landscaping must also be provided to satisfy "parking lot landscaping." The **parking area** landscaping requirement is one tree for every 15 parking stalls or 2,500 square feet of hard surface parking area. If the one tree for every 15 stalls ratio is applied, the total tree planting for this parking lot would be  $64/15$  stalls = **4 trees**.

A landscaping plan has been submitted for this project which includes a combination of trees, conifers, and bushes for a total of **2,895 points**. There are street trees identified on the site plan along all roadways and internal trees adjacent to the parking stalls in order to provide shade and visual relief. Additional trees and shrubs are identified around the building and drive-up lane. **Landscaping requirement satisfied.**

- 6) Sidewalks: Sidewalks are identified along the street frontage and to the proposed building. There will be a sidewalk connection from Viking Plaza Drive to the west side of the building. Internal sidewalks are identified around the front and west side of the building.
- 7) Building Design: The HWY-1 District requires a design review for new buildings and building expansions. The intent of the HWY-1 District is to ensure that all buildings are architecturally compatible to other surrounding structures within the HWY-1 District. Therefore, the only guidance for design review comes from other building elements in the HWY-1 District as opposed to a list of design guidelines. The analysis below describes the design of the proposed retail center and how it relates to its surrounding structures in the district:

- a) ***Proportion:*** *The relationship between the width and height of the front elevations of adjacent buildings shall be considered in the construction or alteration of a building; the relationship of width to height of windows and doors of adjacent buildings shall be considered in the construction or alteration of a building.*

The scale and height of this restaurant is in harmony with the other out buildings on Viking Plaza Drive and Brandilynn Boulevard. These buildings are single story restaurants and strip malls. The “big box” retail structures are typically taller in height yet still remain as single story buildings.

The design of the building includes windows on the front (north) and west side of the building. These are the customer seating areas of the restaurant and the drive-up windows are on the east side of the building. There are no windows on the south side due to the kitchen and employee space inside the building.

The building is located in the middle of the lot, similar to the other retail/restaurants in the outlots.

- b) ***Roof shape, pitch, and direction:*** *The similarity or compatibility of the shape, pitch, and direction of roofs in the immediate area shall be considered in the construction or alteration of a building.*

The roof line of the proposed restaurant is flat with intermittent horizontal lines for each section of the building. The proposed restaurant has a parapet wall across the front of the building and around the east and west sides of the building. There are other buildings in the HWY-1 District that have “complete” parapet walls and ones with partial parapet walls. It has been the past practice for similar buildings of this scope that the roof top mechanical units be screened in some fashion. This type of roof design is similar to other buildings in the surrounding HWY-1 District.

- c) ***Pattern:*** *Alternating solids and openings (wall to windows and doors) in the front facade and sides and rear of a building create a rhythm observable to viewers. This pattern of solids and openings shall be considered in the construction or alteration of a building.*

A pattern of exterior materials and color is found on all sides of the proposed building. Windows are located on the north and west side of the building for the customer seating areas. The plan shows a large glass overhead window between the inside dining area

## Item 6.A.

and the outdoor patio. There are two drive-up windows on the east side. A brick wainscot is included on all sides with the brick pattern covering the northeast and south east corner of the building. The entries on the north and west side and drive-up windows are off set from the rest of the facade and painted with a different color from the rest of the building. There is a brick soldier course paving band and a stucco band across the top of the windows to create a pattern around the building. Again, this is a common design for the other buildings in this HWY-1 District.

- d) **Materials and texture:** *The similarity or compatibility of existing materials and textures on the exterior walls and roofs of buildings in the immediate area shall be considered in the construction or alteration of a building. A building or alteration shall be considered compatible if the materials and texture used are appropriate in the context of other buildings in the immediate area.*

The primary materials used on the building are stucco, brick and steel. As previously mentioned, there is a brick wainscot around the building topped with a cast stone ledge. Additional brick materials cover the north wall east of the front door and the back employee entry. The top of the façade will be capped with a metal trim. Steel awnings will cover the front and side door, windows and drive-up lane.

- e) **Color:** *The similarity or compatibility of existing colors of exterior walls and roofs of buildings in the area shall be considered in the construction or alteration of a building.*

The color of the proposed restaurant includes white, gray, tan and brown. Portions of the building include exposed steel for the trim and canopies. The colors used in this proposed retail center are found on the other buildings in this HWY-1 district.

- f) **Architectural features:** *Architectural features, including but not limited to, cornices, entablatures, doors, windows, shutters, and fanlights, prevailing in the immediate area, shall be considered in the construction or alteration of a building. It is not intended that the details of existing buildings be duplicated precisely, but those features should be regarded as suggestive of the extent, nature, and scale of details that would be appropriate on new buildings or alterations.*

Architectural features include control joints in the stucco with banding to provide a visual relief on the facade. Additional elements include exposed metal awnings, decorative lights, stone sills provide a nice design in the building. The depth of each facade includes protruding front and side entrances with a mixture of color and materials.

The Raising Cane's restaurant creates their brand in the design of the building, as do other chain restaurants. The design for the proposed building is similar in color, materials, proportion/scale and features with other commercial buildings in this HWY-1 commercial district. **Overall, the proposed restaurant represents a fairly attractive building that is compatible to the other commercial building in the HWY-1 District.**

- 8) **Trash Dumpsters:** There is a trash enclosure located at the southwest corner of the property. A dumpster enclosure plan was submitted that includes an 8' brick wall to match the materials on the building with metal panels for gates. There will be a hot and cold water



service inside the trash enclosure for cleaning purposes. **Dumpster enclosure plan is acceptable.**

- 9) Storm Water Management: A storm water management plan will be reviewed by City Engineering Division staff. An area wide stormwater detention basin is located behind the Scheels building. The storm water runoff will be collected on the site and transferred to the area wide detention basin.
- 10) Lighting Plan: While not required by the HWY-1 District requirements, a general lighting plan has been submitted and appears to be satisfactory. The lighting plan includes 4 double headed led fixtures off each corner of the building mounted on a 20-foot tall square pole. **The lighting plan is acceptable.**
- 11) Signage: The HWY-1 District permits wall signs to cover 20% of the surface area of any one wall space. However, no more than two wall faces can be utilized for signage in the HWY-1 District. Freestanding signs are to be reviewed on a case by case basis by the Commission and City Council. It is the intent of the HWY-1 District to limit the size, height and number of on-premise free-standing signage. The maximum allowable sign height of any free standing sign is 40 feet. No single use is allowed more than one 40 foot sign. The maximum allowable square footage for all free standing signs combined is 250 sq. ft. It is recommended, though not required, that signs located in the yard nearest the adjacent roadway be limited to a maximum height of 25 feet above the surface of the roadway or 40 feet, whichever is less.

A signage plan is included on the design of the building. Wall signage is identified on the north and west side of the building. The restaurant will utilize the existing multi-tenant sign at the entrance into the development and along Highway 58. There will be no freestanding sign on this site. **Signage plan satisfied.**

TECHNICAL COMMENTS

City technical staff, including Cedar Falls Utilities (CFU) personnel, have few comments on the proposed item. All basic utility services are available to the site. The developer is required to provide all utility services to the building and must coordinate those improvements with CFU personnel.

STAFF RECOMMENDATION

The Community Development Department recommends approval of the Raising Cane’s restaurant site plan subject to the following conditions:

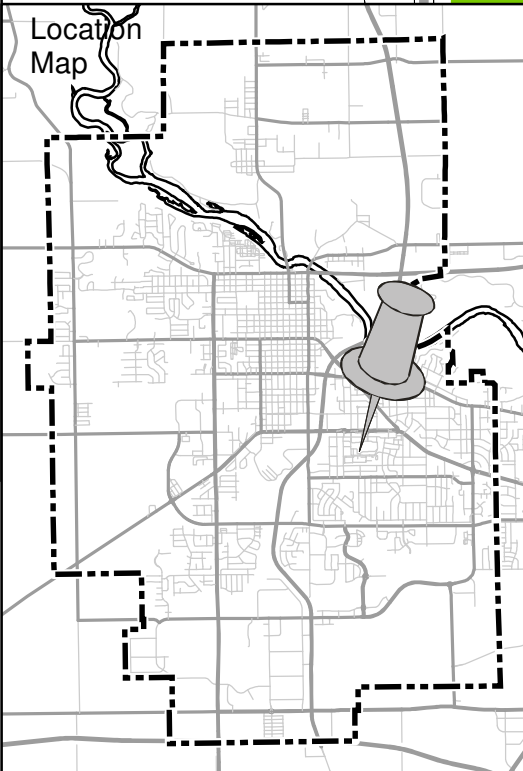
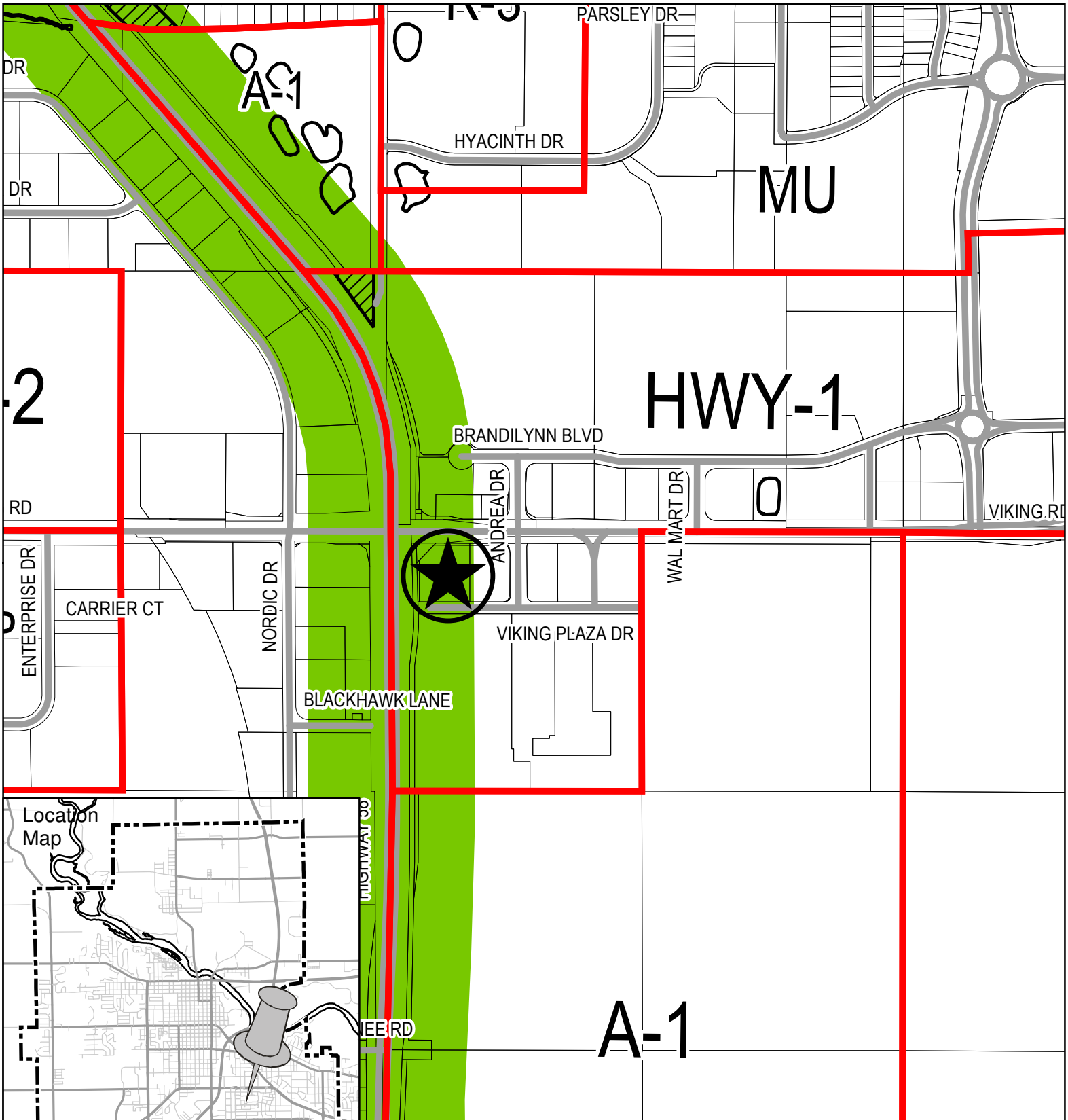
- 1) Conformance with the technical comments identified in the staff report.
- 2) Any additional comments or direction specified by the Planning and Zoning Commission.

PLANNING & ZONING COMMISSION SUMMARY

Vote  
7/25/2018

- Attachments:
- Location Map
  - Site Plan
  - Landscaping and Dumpster Plan
  - Building Design





HWY -1 Site Plan Review for  
Raising Cane's Restaurant

ERD SCHEME 1



Front View

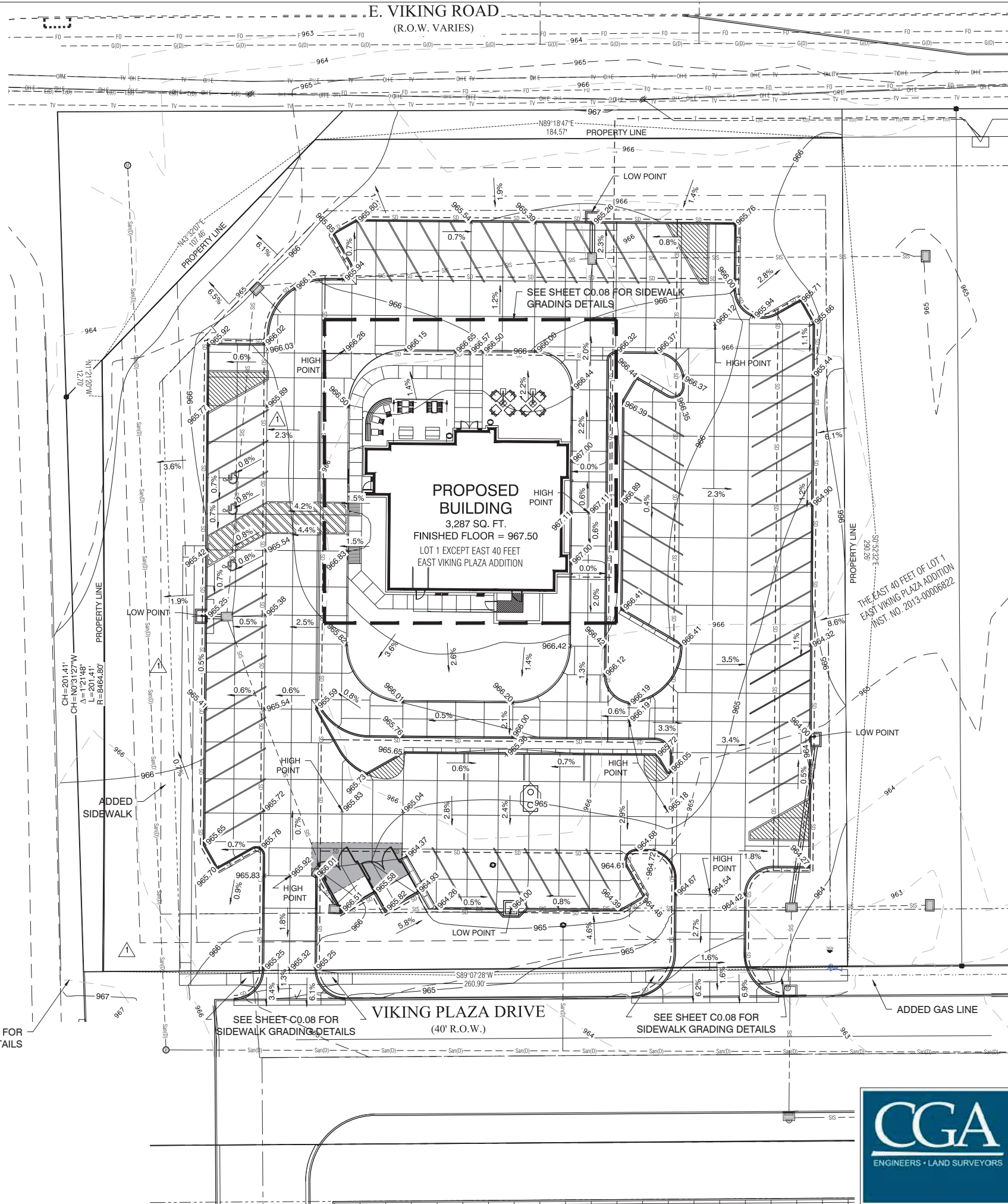
(PROTOTYPE 1)



SEE SHEET C0.08 FOR SIDEWALK GRADING DETAILS



GRAPHIC SCALE



Item 6.A.

Store: **RAISING CANE'S**  
**OUTLOT 1**  
**Viking Plaza Dr.**  
**Cedar Falls, IA 50613**  
**Prototype 1 ERD**  
**Store SHV 12**

Professional of Record: DARYL ALBERTSON

DATE: 06-08-2018

Designer's Information:



Prototype Issue Date:

Date Issued: June 8th, 2018

**FOR PERMIT**

Revisions:

Rev	Date	Description
1	7/13/2018	ADDENDUM #1

Sheet Title:  
**GRADING COORDINATION**  
**SITE PLAN**

June 8th, 2018

Project Number:

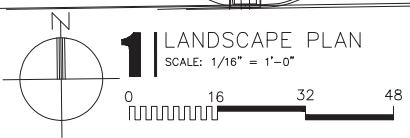
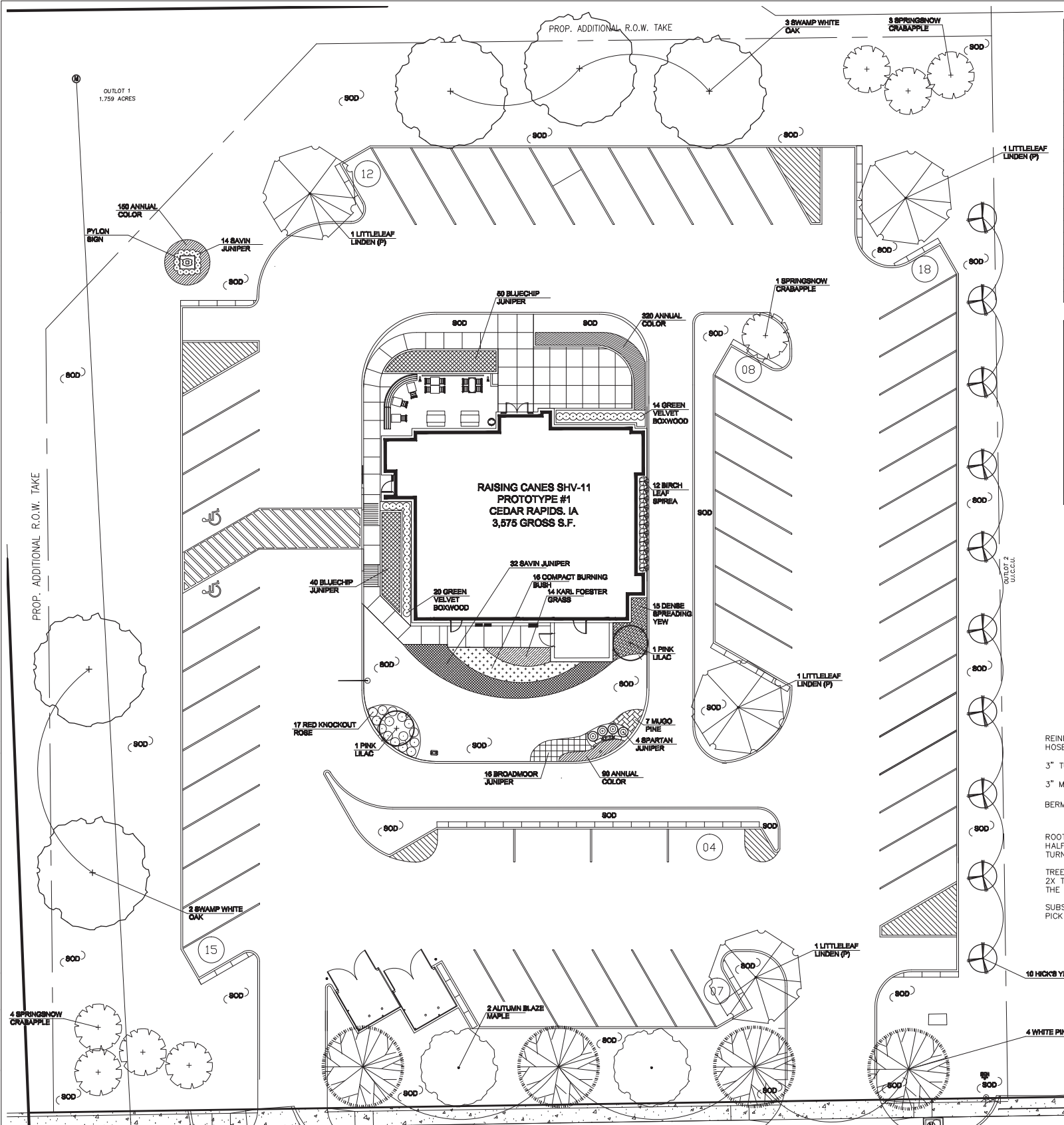
Drawn By:

Sheet Number:



**C0.04**

Plotted By: Faernono Sheet Set: K10 Layout: D-Size Layout May 27, 2018 08:03:19pm C:\Documents and Settings\Faernono\Desktop\CAD 2016-17\RC SHV-11 Cedar Falls IA L1.0 05-27-2018 RC SHV-11 Cedar Falls IA Landscape plan 2.dwg



Plant Schedule RC# SHV-11 Cedar Falls IA 50613 . 05/27/2018							
Qty	Common Name	Botanical Name	Size	Planting	Remarks	Ea.	Points
5	Swamp White Oak	Quercus bicolor	2"	as shown	Full, container grown	80	400 Provided
8	Spring Snow Crabapple	Malus x 'Spring Snow'	1.5" x 8' ht	as shown	Full, container grown	30	240
4	White Pine	Pinus strobus	6' ht +	as shown	Full, container grown	80	320
10	Hick's Yew	Taxus x media 'Hicksii'	5'	as shown	Full, container grown	40	400
2	Red Maple 'Autumn Blaze'	Acer x freemanii 'Jeffsred'	2"	as shown	Full, container grown	80	160
							1120 Provided
Development Points (2% of Site Area)							1101 Required
4	Littleleaf Linden	Tilia cordata	2"	as shown	Full, container grown		
2	Pink Lilac	Syringa vulgaris	1"	as shown	Tree form, Full, container grown		
4	Spartan Juniper	Juniperus sabina	5'	as shown	Full, container grown		
12	Birchleaf Spirea	Spiraea betulifolia 'Tor'	24" ht @ 20" o.c.	as shown	Full, container grown		
16	Broadmoor Juniper	Juniperus sabina 'Broadmoor'	5 gal @ 22" o.c.	as shown	Full, container grown		
16	Compact Burning Bush	Euonymus alatus compactus	5 gal @ 20" o.c.	as shown	Full, container grown		
15	Dense Spreading Yew	Taxus x media 'Densiformis'	5 gal @ 20" o.c.	as shown	Full, container grown		
7	Dwarf Mugo Pine	Pinus mugo	5 gal @ 20" o.c.	as shown	Full, container grown		
34	Green Velvet Boxwood	Buxus 'Green Velvet'	5 gal @ 20" o.c.	as shown	Full, container grown		
14	Karl Foerster Grass	Calamagrostis x acutiflora 'Karl Foerster'	5 gal @ 20" o.c.	as shown	Full, container grown		
17	Knockout Rose Red	Rosa spp. Red Knockout	5 gal @ 20" o.c.	as shown	Full, container grown		
46	Savin Juniper	Juniperus sabina	5 gal @ 22" o.c.	as shown	Full, container grown		
90	Bluechip Juniper	Juniperus horizontalis 'Blue Chip'	1 gal @ 20" o.c.	as shown	Full, container grown		
560	Annual Color	Seasonal choice	4" pot @ 8" o.c.	as shown	Full, container grown		

I hereby certify that the portion of this technical submission described below was prepared by me or under my direct supervision and responsible charge. I am a duly registered architect under the laws of the state of Iowa.

Printed or typed name \_\_\_\_\_ Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

Pages or sheets covered by this seal: XXXX

XXXX

XXXX

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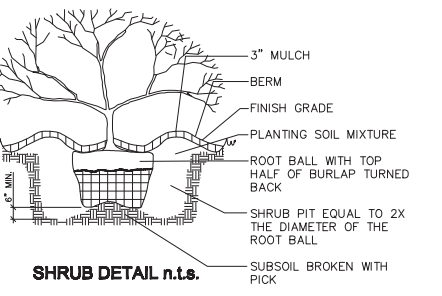
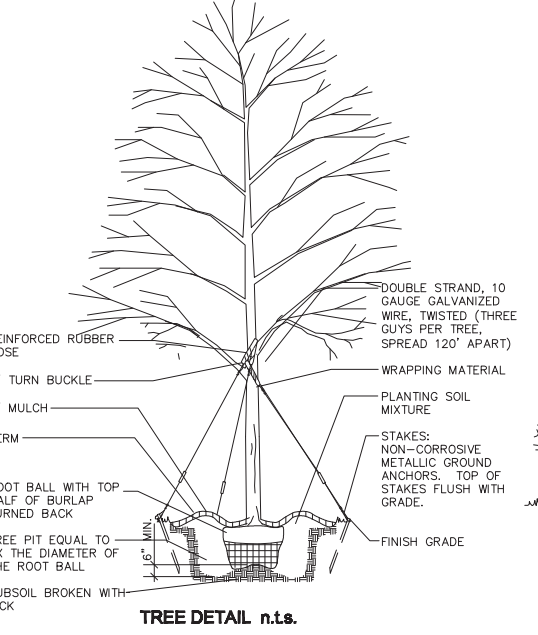
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LANDSCAPE CALCULATIONS 5/27/2018  
RC SHV-11 Cedar Falls IA 50613

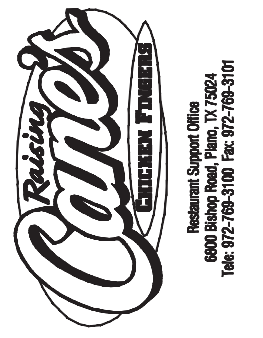
1. Landscaping Open Area	S.F.	
A. Development Area:	55,062.00	(not including setbacks)
B. Landscape Open Area:	5,506.20	(10% Required)
C. Landscape Open Area Provided:	29,168.00	(53%)

2. Landscape Site Points	S.F.	Pts.
A. Development Area:	55,062.00	1,101.24
B. Parking Area:	52	Parking Spaces
(parking spaces / 15)	4	Trees Required
C. Street Points:	505	Feet
Hwy 58 + Viking Plaza Dr.	379	Pts.



- LANDSCAPE NOTES:
1. INSTALL 4" MIN. TOP SOIL TO ALL SOD AND SEED AREAS. CONTRACTOR IS RESPONSIBLE FOR FINE GRADING OF SOD AND SEED AREAS. REMOVE STONES, STICKS, AND DEBRIS LARGER THAN 1".
  2. ALL SHRUB AREAS, UNLESS SPECIFIED AS OTHER, TO BE BED MULCHED WITH 3" DEPTH OF PARTIALLY DECOMPOSED HARDWOOD MULCH OVER WEED BARRIER.
  3. PLANTING SOIL SHALL CONSIST OF 50% SELECT LOAMY TOPSOIL, 25% PEAT MOSS, 25% PIT RUN SAND.
  4. GUARANTEE ALL WORK FOR A PERIOD OF ONE YEAR BEGINNING AT THE DATE OF ACCEPTANCE. MAKE ALL REPLACEMENTS PROMPTLY AS PER DIRECTION OF OWNER.
  5. MATERIAL SHALL COMPLY WITH THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, AMERICAN ASSOCIATION OF NURSERYMEN.
  6. WATER AND MAINTAIN ALL PLANT MATERIALS, SEED AND SOD UNTIL INITIAL ACCEPTANCE.
  7. REPAIR AT NO COST TO OWNER ALL DAMAGE TO PROPERTY RESULTING FROM LANDSCAPE WORK.
  8. CALL 811 TO NOTIFY UTILITY COMPANY FOR LOCATING ALL UNDERGROUND UTILITIES. AVOID DAMAGE TO UTILITIES DURING THE COURSE OF THE WORK. REPAIR ANY DAMAGE TO UTILITIES, SITE STRUCTURES, ETC., RESULTING FROM LANDSCAPE CONSTRUCTION.
  9. COORDINATE INSTALLATION WITH WORK OF OTHER SECTIONS.
  10. STAKING AND BUYING OF TREES PER NATIONAL NURSERYMAN STANDARDS.
  11. SWEEP AND WASH ALL PAVED SURFACES AND REMOVE ALL DEBRIS RESULTING FROM LANDSCAPE OPERATIONS.
  12. FIELD VERIFY SOD LIMITS PRIOR TO INSTALLATION.
  13. UNDERGROUND IRRIGATION SYSTEM PLANS DESIGNED BY A LICENSED IRRIGATOR WILL BE SUBMITTED WITH THE BUILDING PERMIT APPLICATION.
  14. CONTRACTOR SHALL PROVIDE A MINIMUM 2% SLOPE AWAY FROM ALL STRUCTURES.



Store: **RAISING CANES OUTLOT 1**  
**Viking Plaza Dr.**  
**Cedar Falls, IA 50613**  
**Prototype 1 ERD**  
**Store SHV 11**

Professional of Record: **TRENTON L. REED**

Designer's Information: DATE: **06-08-2018**



Prototype Issue Date: \_\_\_\_\_ Date Issued: **June 08, 2018**

**FOR PERMIT**

Revisions:


Sheet Title: **Planting Plan**

Date: **June 08, 2018**

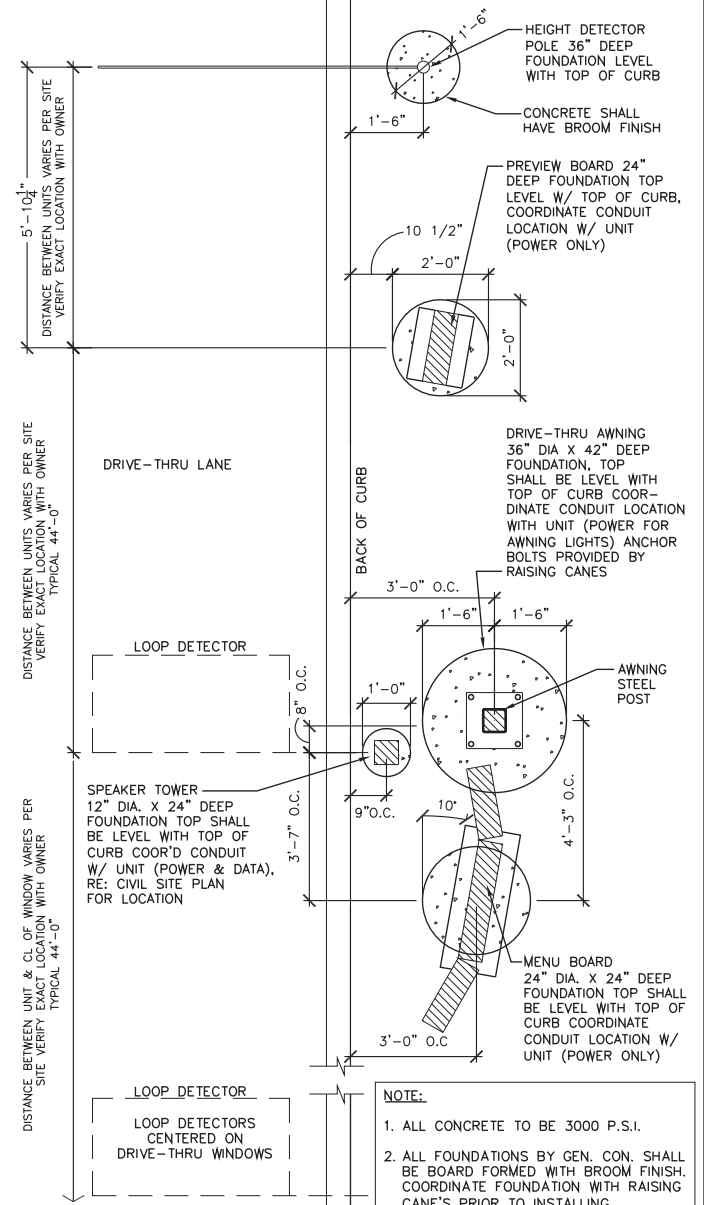
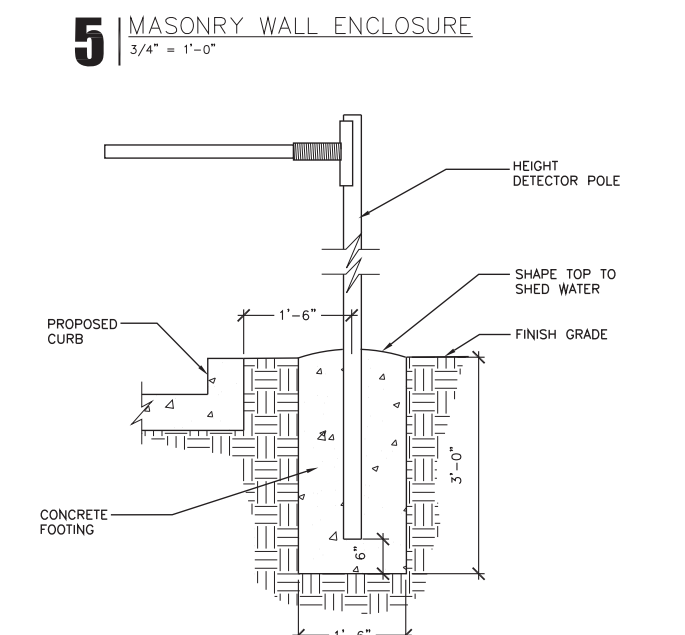
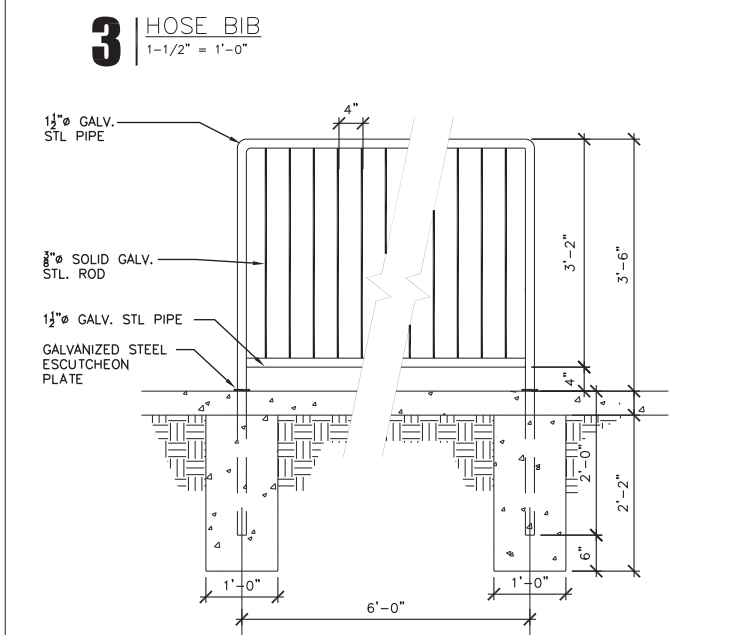
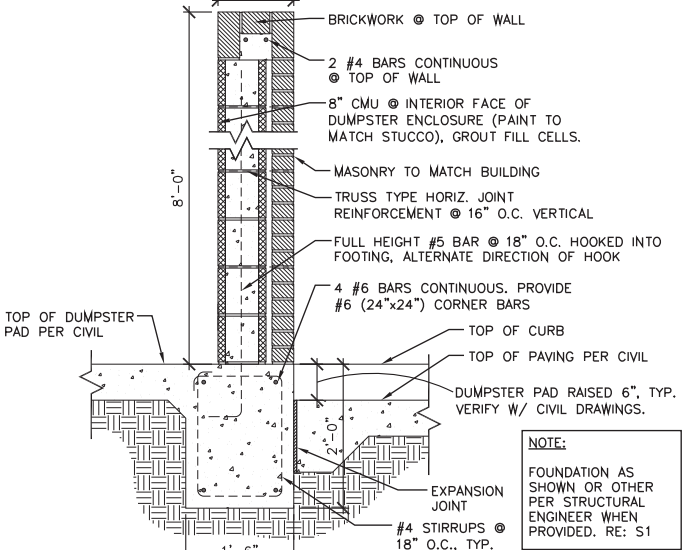
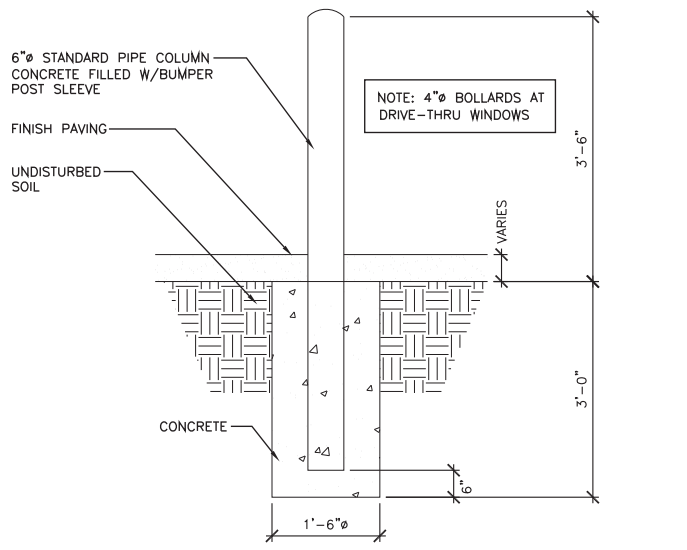
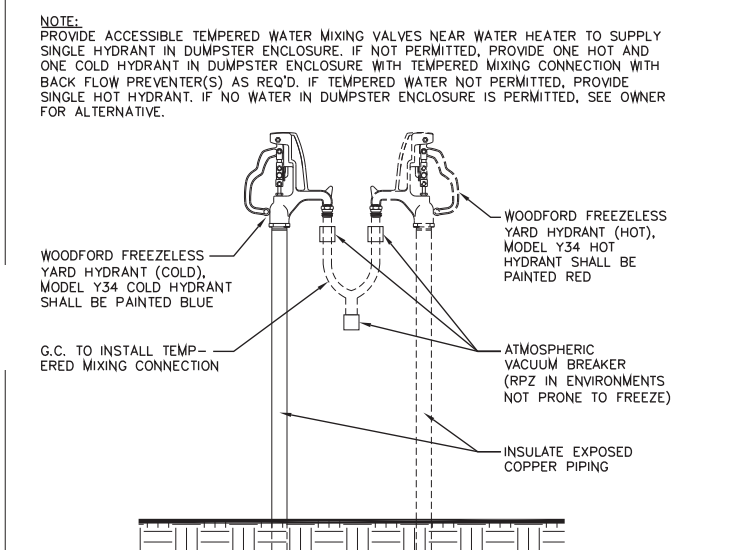
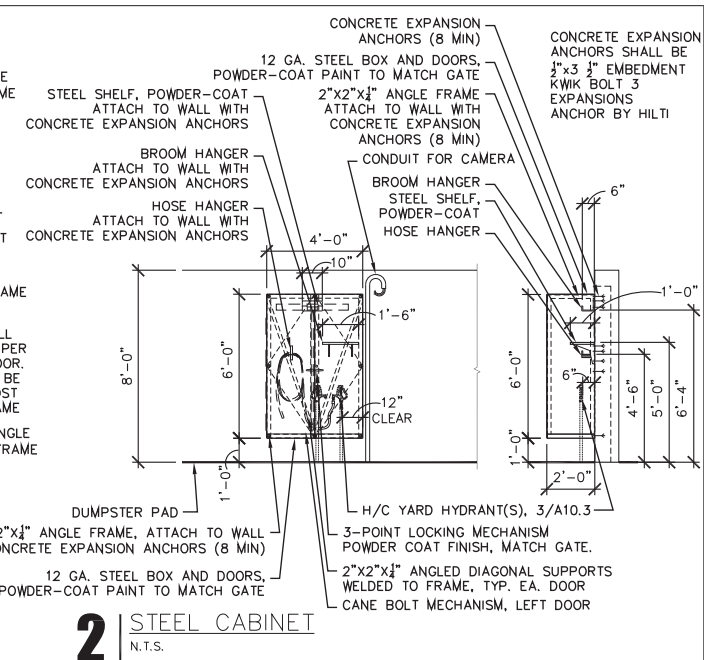
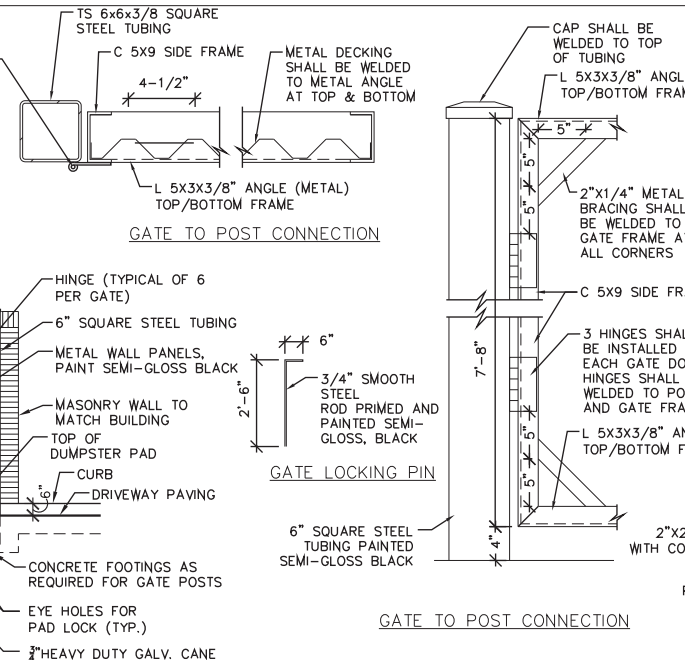
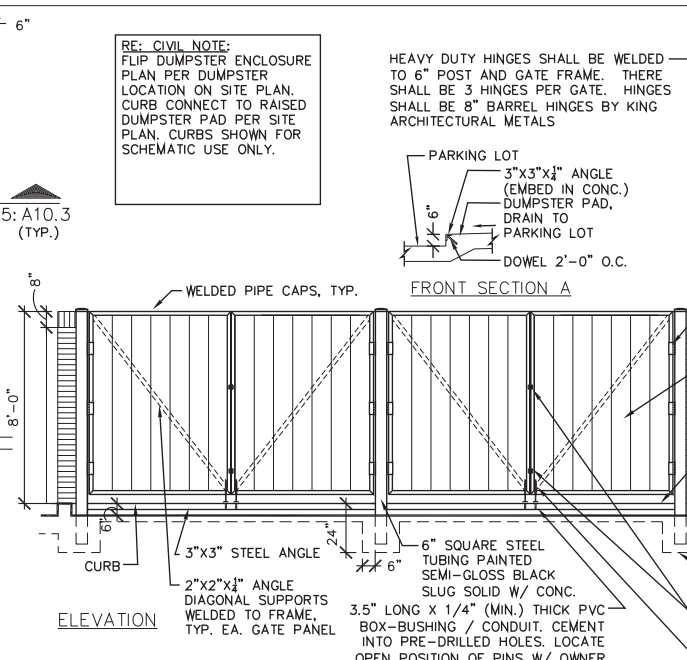
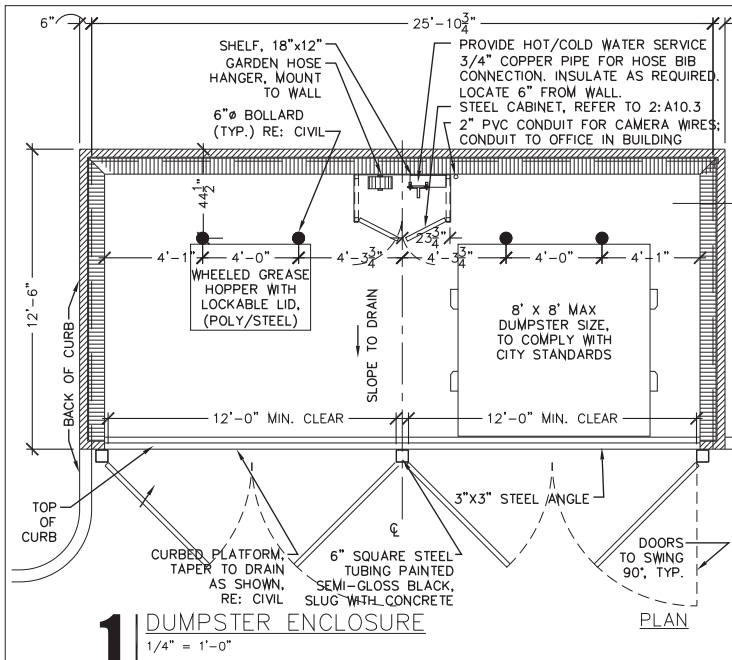
Project Number: \_\_\_\_\_

Drawn By: **CCC / FJS 05/29/2018**

Sheet Number: \_\_\_\_\_

**L1.0**

**Item 6.A.**



-52-



Store: **RAISING CANE'S**  
**OUTLOT 1**  
**Viking Plaza Dr.**  
**Cedar Falls, IA 50613**  
**Prototype 1 ERD**  
**Store SHV 11**

Professional of Record:

Designer's Information:



Prototype Issue Date: -  
Date Issued: June 8th, 2018

**FOR PERMIT**

Revisions:


Sheet Title:  
**ARCHITECTURAL**  
**SITE DETAILS**

Date: June 8th, 2018  
Project Number: -  
Drawn By: -

Sheet Number:

**A0.01**

**1** FRONT ELEVATION  
3/16" = 1'-0"



**2** SIDE ENTRY ELEVATION  
1/8" = 1'-0"  
-53-



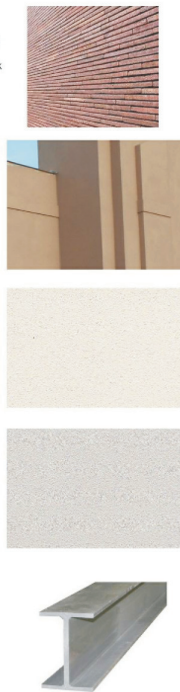
**3** REAR ELEVATION  
3/16" = 1'-0"



**4** DRIVE THRU ELEVATION  
3/16" = 1'-0"



- ① **Material 1**  
Balden Roman Brick  
Medium Range, Iron Spot (Smooth)  
3-5/8" x 1-5/8" x 21-5/8"  
Horizontal Joints: Weathered Struck  
Vertical Joints: Flush  
Mortar Color: Laticrete 27 "Hemp"
- ② **Material 2**  
Stucco  
Dryvit Honey Twist  
Applied Over Portland  
Cement Stucco
- ③ **Material 3**  
Stucco  
Dryvit Oyster Shell  
Applied Over Portland  
Cement Stucco
- ④ **Material 4**  
Stucco  
Dryvit Mountain Fog  
Applied Over Portland  
Cement Stucco
- ⑤ **Material 5**  
Steel Fabrications  
Canopies and Trim  
Raw Steel Sandblasted with  
Clear-Coat Finish



**5** MATERIAL LEGEND  
1 1/2" = 1'-0"



Prototype Issue Date: 10/19/2017

Store:  
**Raising Cane's**  
Address, City, State ZIP  
Prototype 1  
Store #OPT. 2

Designer's Information:  
**CSRS**  
IMAGINE SHAPE DELIVER  
6767 Perkins Road Suite 200 Baton Rouge, LA 70808  
Telephone: 225 769-0546 Fax: 225 767-0060  
www.csronline.com

Set Control Information: (ARCH use only)  
Initial Setup Date:  
CSRS Project Manager: Author

**FOR REVIEW**

Professional of Record:

Sheet Revisions: (sheet specific per Designer)

#	Date	Description

Sheet Title:  
**EXTERIOR ELEVATION**

Project Number:  
Drawn By:  
Sheet Number:

**Item 6.A.**

**A4.0**







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: David Sturch, Planner III
DATE: July 18, 2018
SUBJECT: Redevelopment of 6607 University Avenue

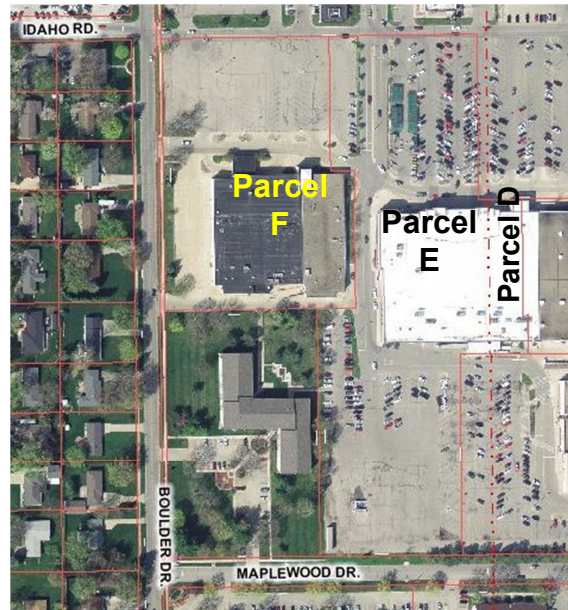
REQUEST: S-I, Shopping Center District Site and Facade Plan Review
PETITIONER: JDavis Properties LLC, owner; Levi Architecture
LOCATION: 6607 University Avenue

PROPOSAL:

JDavis Properties, LLC is completing the final build out for the remaining portion of the old Hy-Vee building on University Avenue. This includes three tenant spaces in approximately 16,000 ft² of commercial space.

BACKGROUND:

College Square Mall Development LLC (GK Development) owned the College Square Mall (including the Hy-Vee properties) from 2004-2014. In 2013, GK Development created three lots through a minor subdivision plat: Parcels D, E & F. Parcel D is Hy-Vee Wine and Spirits, Parcel E is the existing Hy-Vee grocery store, and Parcel F is the former Hy-Vee store where Slumberland furniture is located. The current owner purchased the property in the winter of 2016 for the development of the building on Parcel F.



This property is S-1, Shopping Center District, similar to the Mall property. The purpose of this district is to provide for the development of shopping centers. A mandatory site plan review before the Planning and Zoning

## Item 6.B.

Commission and City Council is required for all new developments in the district. Elements under review include new building construction, vehicular access rerouting, significant parking changes and general design and orientation changes. (Section 29-148(5)(a))

In the winter of 2016, a redevelopment agreement was approved between the previous owner, the existing owner and the City. This agreement covered all existing Easements, Covenants and Restrictions (ECR) from the 2013 Minor Plat and the redevelopment of the old Hy-Vee building on Parcel F including the building remodel, signage, maintenance of common areas, building encroachment upon utility easement and development schedules.

### TECHNICAL COMMENTS:

Following are technical comments for the current plan:

- Building Use & Parking

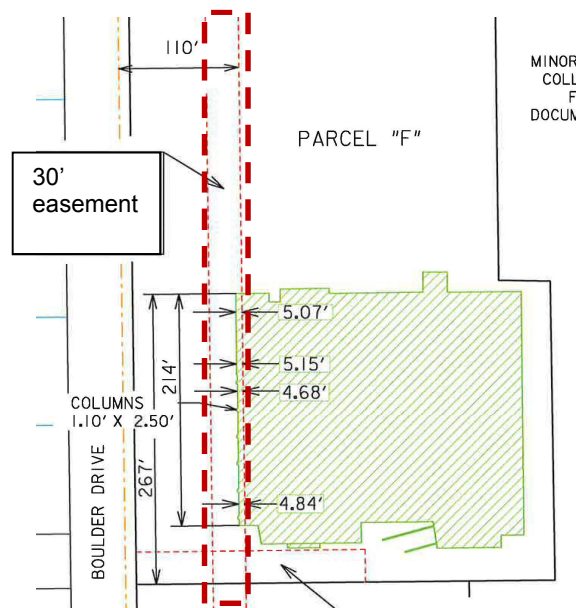
The building, according to the Black Hawk County Assessor, the building is 59,763 square feet. The following is a parking breakdown for each tenant space in the building.

Square Footage*	Use*	Employees*	Required	Provided
43,442	Furniture store	15	73	
5,320	Restaurant	10	40	
11,001	Retail stores	NA	50	
<b>59,763</b>			<b>163</b>	<b>189</b>

The parking plan for this development will change slightly along the west side of the building. Currently there are two rows of parking on each side of a center aisle. The only change for this project includes a three stall dumpster at the south end of the parking stalls along Boulder and a single stall dumpster in the middle of the west stalls. Otherwise, the parking plan for the entire development satisfies Ordinance requirements.

- Easements

A 30' easement is located along the west side of Parcel F. The picture to the right is an excerpt of Exhibit D in the Developmental Procedures Agreement. The building encroaches on this easement approximately five feet. A 54" storm sewer and a 15" sanitary sewer are within this easement. The storm sewer was built in 1956. The easement was recorded in May 1966. The Black Hawk County Assessor's



information indicates the old Hy-Vee building was built in 1969. The City has very few building permit details for this area. It is difficult to obtain much more information on what may have occurred and why the building encroaches five feet into the easement. The building is very close to the storm sewer line, likely within a few feet or less. At some point, maintenance and repair of the line will be needed. The easement provides for such occasions, protecting this public interest. Typically hard surfaces, landscaping and the like can be found over easements and would be the owner's expense to address if the City impacts it in a utility repair. Should the City need to make repairs to the line, every effort will be made to avoid the building.

The aforementioned Redevelopment Agreement approved in the winter of 2016 included the following easement encroachment elements:

1. The footprint of the existing building shall not be expanded to the west.
2. Improvements, if any, made upon the easement area shall not disturb the City sanitary and storm sewer or other utilities positioned or to be positioned underground through the easement area.
3. If required by then-applicable City ordinances or other City requirements, detailed plans for any such improvements shall be presented to and approved by the City before the improvements are constructed.
4. Such improvements shall not change the ground elevation without City approval.

It should be noted that the applicant provided video of the existing sanitary and storm sewer lines along the west side of the building. City staff is evaluating the videos and condition of the sewer pipes. At the end of the staff report is a letter from the property owner listing a number of conditions as it pertains to this project. In the event that the sewer is in need of repair, these repairs and will be at the cost of the owner along with loss or replacement of any building improvements. A new agreement to cover these conditions will be submitted in conjunction with this site plan for City Council approval.

#### STAFF ANALYSIS

Encouraging re-use of the old Hy-Vee building is a high priority for the City. Vacant or underutilized property detracts from other development in the area and is a general drain on the vitality of a shopping center. This review is occurring to ensure zoning and all other applicable City requirements are met for a project that will be a welcome addition to the College Square shopping center.

This project includes the buildout of three tenant suites in the western 1/3 of the building. Suite A is an internal tenant with frontage on the north side of the building. Suite B is situated at the northwest corner of the building and Suite C is at the southwest corner of the building. Retail stores will occupy Suite A and C and the owner is looking for a restaurant for Suite B.

## Item 6.B.

The building improvements include new storefronts on the north and west side of the building. In order to gain access into the west side, an elevated sidewalk and ramp is proposed. The elevated sidewalk and ramp will be constructed on a retaining wall abutting the end of the parking stalls. The sidewalk and ramp will be placed at the top of the retaining wall to cover a porous back fill and subdrain. There will be no footings in this elevated sidewalk and ramp that could interfere with the underground utilities and sewer line. The only building expansion into the easement includes a covered canopy for the storefront near the southwest corner of the building. This canopy will be designed with support posts beyond the easement area and can be removed if necessary.

The design for Suite A includes new windows and entrance across the storefront. The lower portion of the facade will be covered with simulated wood composite panels covered with a standing seam metal



roof/canopy. Wall signage will be placed above the canopy with additional transom windows above the entry. Suite B off the northwest corner of the building is currently a solid wall with no openings. The proposed design includes a new entry on the north side with a possible outdoor seating area. The design of the entry will be distinguished from the rest of the facade with metal panels in a complementary color and signage above the doorway. Windows will be added off the side of the front entry and continue around the west side of the building topped with awnings for shade. A possible idea includes a glass overhead door to open in warmer months that connects the interior seating area to the outdoor patio. Corner columns and a wainscot will be painted to match the color of the front entry. Additional signage is added off the corner of the building. Finally, Suite C is a retail space off the southwest corner of the building. This facade includes a painted band over the side entry. Again, the design of the entry will stand out from the rest of the facade with an added parapet wall over the doorway. The painted columns will be added on both sides of the doorway topped with an awning and signage. As previously mentioned, a metal canopy extends off the west side of the building for drop off donations. This awning is over the easement and the supporting posts are on the outside edge of the easement. In case of repairs to the utilities in this easement, the metal canopy is designed to be removed from the building.

The remaining improvements to this property are covered in the 2016 redevelopment agreement. A provision of this agreement covers the parking lot improvements on the north side of the building that includes new island improvements and landscaping. The agreement reflects that the north separator island between the frontage road and parking lot was installed as a part of the University Avenue Reconstruction Project (by the City). The remaining divider island at the northeast corner of the parking lot and

north parking lot island will be installed by the owner by the end of 2018 as part of the existing agreement. The driveway and south parking lot islands and landscaping were installed as part of the Slumberland project.

All basic utility services are available to the property. The property owner/contractor is responsible to extend all utility services to the building. These utility extensions will be reviewed by CFU personnel as part of the building plan review.

STAFF RECOMMENDATION:

The Community Development Department recommends approval of the redevelopment plan for the west side of the building at 6607 University Avenue subject to the following conditions:

- 1) The owner will enter into an agreement with the City on the maintenance of these sewer lines. This agreement will include the removal and replacement of the ramps, sidewalks, canopy, etc. in the event that sewer repair/replacement is necessary. The owner shall assume all cost for the removal and replacement of these building improvements including any damage to the building. It is important that any sewer repairs/replacements are completed in an expedited and timely manner.
- 2) Any repairs to the sanitary/storm sewers may result in a loss of business operations due to the removal of the access ramps/sidewalks on the west side. The City will not be responsible for any claims for loss of business during repairs within the utility easement. The owner will be responsible for providing temporary access provisions in such a case, which may be possible to achieve through the interior of the building.
- 3) Submittal of an acceptable plan for canopy removal if needed during any work within the utility easement.
- 4) Completion of the island and landscaping improvements in the north parking lot per the existing redevelopment agreement.
- 5) Conformance with the technical comments identified in the staff report.
- 6) Any additional comments or direction specified by the Planning and Zoning Commission.

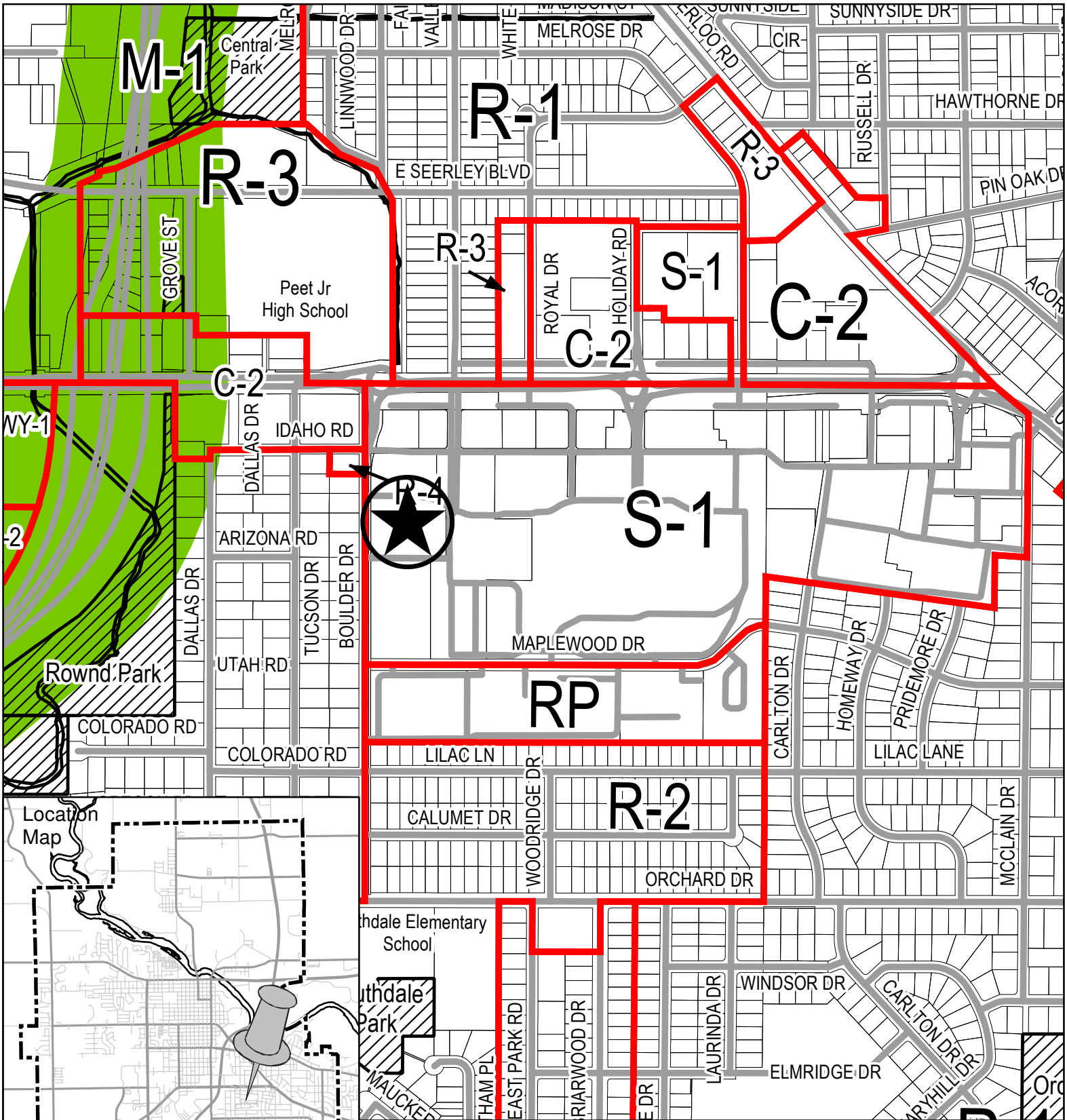
PLANNING & ZONING COMMISSION SUMMARY

Vote

7/25/2018

Attachments:   Location Map  
                  Owner Letter  
                  Site Plan  
                  Facade Plans  
                  Utility Easement Plat  
                  Parking Lot Plan





Location Map

CEDAR



FALLS-61-

Iowa

Redevelopment Plan for the Old Hy-Vee store at 6607 University Avenue

## Item 6.B.

Jamie Castle  
Building Official

Cedar Falls Building Department  
220 Clay Street  
Cedar Falls, IA 50613

July 9, 2018

RE: 6607 University Avenue Interior Shell Package  
Cedar Falls, IA 50613

Ms. Castle,

Thank you for facilitating a meeting with various departments and inspectors from the City of Cedar Falls, Levi Architecture, Fehr-Graham and Huff Contracting regarding the site development within the existing utility easement on the west side of 6607 University Avenue. To recap, the current plan is to develop the remaining unoccupied area of the west end of the building. This opportunity requires egress from the building out the west side and over the existing utility easement. Previous city officials and I had a developmental agreement that this type of work would be allowed as long as the building footprint was not increased over the easement. The current design is for sidewalks and ramps (without frost-depth foundations) to be constructed for ingress/egress purposes. A canopy is also designed to reach from the building to beyond the easement. This canopy would be removable in the event the city needed to access the easement with heavy equipment.

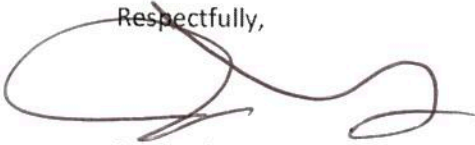
Per the meeting a subsequent follow-up email from David Sturch, Planner III, the following requested items are acknowledged and will be provided:

1. The existing storm water and sanitary lines within the easement will be located and recorded with a camera to verify the current integrity of each pipe. Videos are available via DropBox (link to emailed) and appear to be in adequate repair.
2. The owner agrees any removal and/or replacement of the ramps, sidewalks, canopy, etc. in the event that sewer repair/replacement is necessary will be at the cost of the owner. The owner shall assume all cost for the removal and replacement of these building improvements including any damage to the building. It is important that any sewer repairs/replacements by the City are completed in an expedited and timely manner.
3. Any repairs to the sanitary/storm sewers may result in a loss of business operations due to the removal of the access ramps/sidewalks on the west side. Temporary access provisions may be achieved inside the building. The City will not be held liable for any business losses during any removal, replacement or repairs.
4. Final plans and details have already been submitted to the City for final review.
5. The 10'-0" utility easement along the west property line shall be added to the final plans. All other easements, including an existing gas main along the east side of Boulder Drive will be added to the final plans for review.

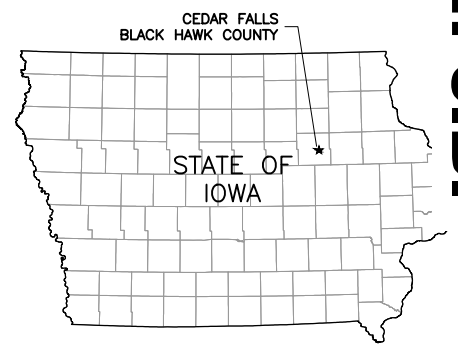


Thank you again for reviewing the project and helping get this finalized to expedite the approval process. Time is critical and your help has been invaluable. We look forward to continuing a productive and cooperative relationship with the City.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jon Davis', with a large, sweeping flourish extending to the right.

Jon Davis  
J Davis Properties LLC



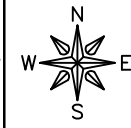
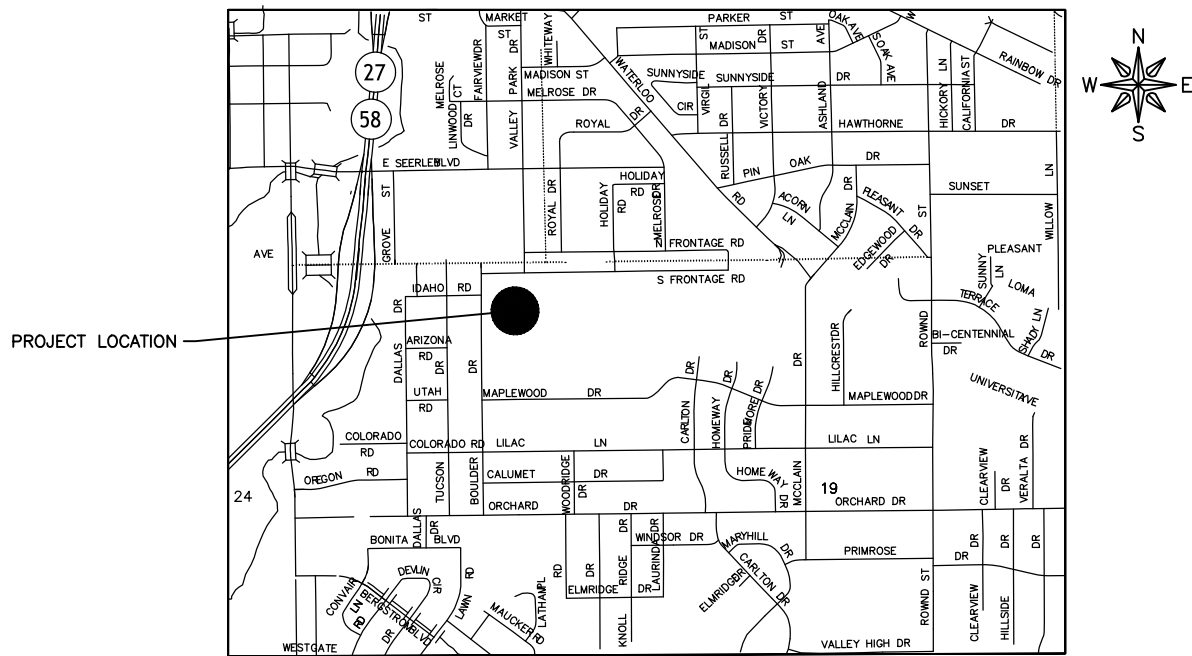
# SLUMBERLAND SITE IMPROVEMENTS - WEST FRONTAGE

## FOR JDAVIS PROPERTIES LLC

### CEDAR FALLS, IOWA

17-012  
BLACK HAWK COUNTY  
7/12/2018

SHEET INDEX		
NUMBER OF SHEETS	SHEET NUMBER	SHEET DESCRIPTION
1	A.01	TITLE SHEET
1	A.02	LEGEND
1	A.03	EXISTING SITE & REMOVALS
2	B.01-B.02	TYPICAL CROSS SECTIONS
1	C.01	ESTIMATED QUANTITIES, GENERAL NOTES, SUPPLEMENTAL SPECS
1	D.01	SITE DEVELOPMENT PLAN
3	D.02-D.04	GRADING & UTILITIES PLAN
1	U.01	DETAILS
11	-	TOTAL SHEETS IN PLAN SET



-64-

OWNER/DEV	JDAVIS PROPERTIES LLC
ADDRESS	6607 UNIVERSITY AVENUE
	CEDAR FALLS, IOWA 50613
P#	(319) 235-0155

UTILITY INFO - CITY OF CEDAR FALLS	
UTILITY TYPE	COMMON NAME
SANITARY & STORM SEWER	CITY OF CEDAR FALLS
ELECTRIC	CEDAR FALLS UTILITIES
TELEPHONE	MEDIACOM, CENTURY LINK, CEDAR FALLS UTILITIES
GAS	CEDAR FALLS UTILITIES
CABLE	MEDIACOM, CEDAR FALLS UTILITIES
WATER	CEDAR FALLS UTILITIES

(CONTRACTOR TO BE RESPONSIBLE FOR ANY ADJUSTMENTS TO BE MADE.)

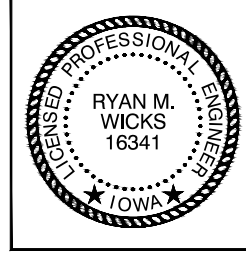


ILLINOIS IOWA WISCONSIN

MANCHESTER, IOWA  
1919 210TH STREET  
MANCHESTER, IA 52057  
P# (563) 927-2060  
F# (563) 927-3603

The 2018 Version of the Urban Standard Specifications for Public Improvements, also known as SUDAS (2018), plus Fehr Graham Supplemental Specifications and Special Provisions shall apply to construction work on this project.

CHECK

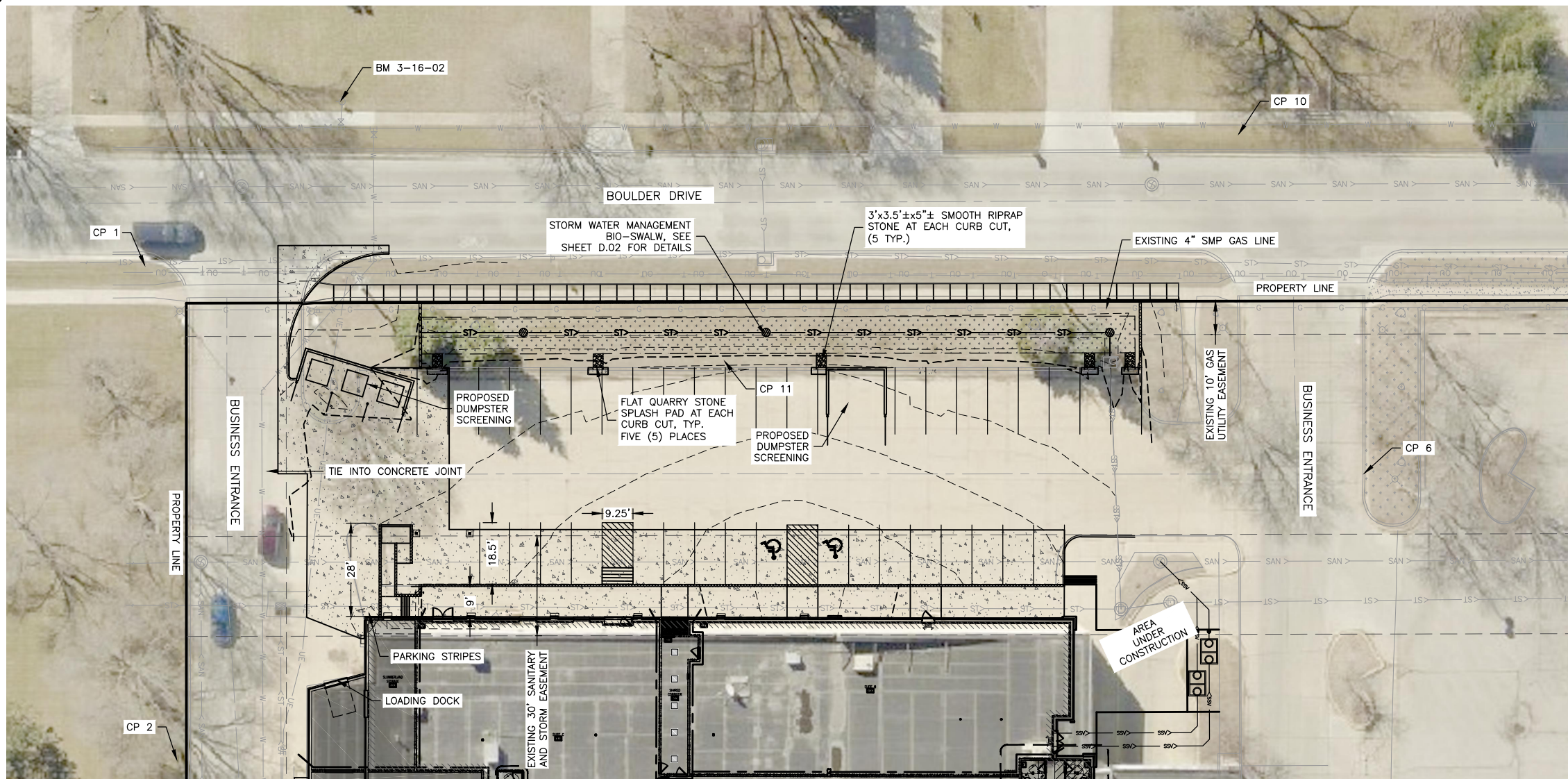


I hereby certify that this engineering document was prepared by me or under my direct personal supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.

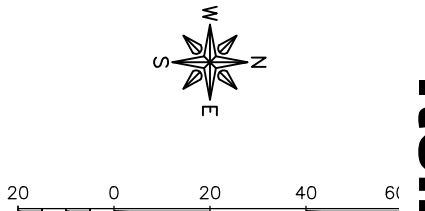
\_\_\_\_\_  
Ryan M. Wicks, P.E. Date

License Number 16341  
My license renewal date is December 31, 2019.  
Pages or sheets covered by this seal: All

ORIGINAL SET FOR PROJECT: 17-012		DATE CREATED: 7/12/2018
REVISIONS		
REV. NO.	DESCRIPTION	DATE



SURVEY CONTROL				
NO.	NORTHING	EASTING	ELEVATION	DESCRIPTION
CP1	8849234.99	15449188.09	878.25	N4RB ALUMINUM CAP
CP2	8849247.57	15449418.78	882.65	CUT "X"
CP6	8849600.83	15449251.96	879.75	CUT "X"
CP10	8849563.55	15449150.00	876.89	N4RB ALUMINUM CAP
CP11	8849408.97	15449217.64	881.09	N4RB ALUMINUM CAP
BM 3-16-02	8849294.13	15449138.89	880.35	CUT "X" ON BOLT BETWEEN E & L OF MUELLER ON FIRE HYDRANT



**Item 6.B.**

**FEHR GRAHAM**  
ENGINEERING & ENVIRONMENTAL

ILLINOIS  
IOWA  
WISCONSIN

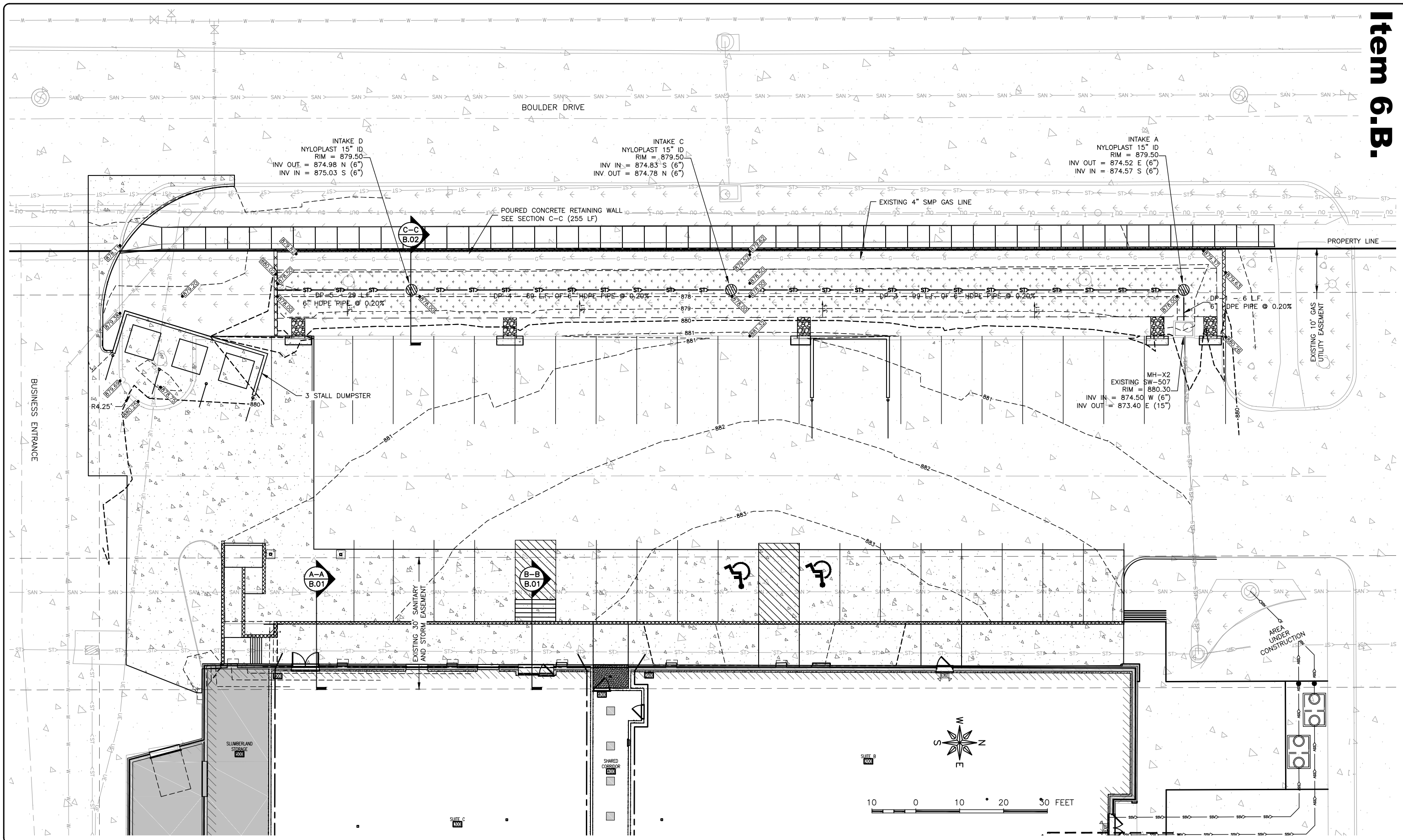
OWNER/DEVELOPER:  
JDAVIS PROPERTIES LLC  
6607 UNIVERSITY AVENUE  
CEDAR FALLS IA 50613

PROJECT AND LOCATION:  
SLUMBERLAND SITE IMPROVEMENTS  
- WEST FRONTAGE  
CEDAR FALLS, IOWA

DRAWN BY: AFC  
APPROVED BY: RMW  
DATE: 7/12/2018  
SCALE: AS NOTED

REVISIONS		
REV. NO.	DESCRIPTION	DATE

DRAWING:  
SITE DEVELOPMENT PLAN  
SET TYPE: CHECK  
G:\CD\17-012 Slumberland West Frontage\Plans\17-012 WFrontage-PLAN SHEETS.dwg, D.01



-66-

**FEHR GRAHAM**  
ENGINEERING & ENVIRONMENTAL

ILLINOIS  
IOWA  
WISCONSIN

OWNER/DEVELOPER:  
JDAVIS PROPERTIES LLC  
6607 UNIVERSITY AVENUE  
CEDAR FALLS IA 50613

PROJECT AND LOCATION:  
SLUMBERLAND SITE IMPROVEMENTS  
- WEST FRONTAGE  
CEDAR FALLS, IOWA

DRAWN BY: AFC  
APPROVED BY: RMW  
DATE: 7/12/2018  
SCALE: AS NOTED

REVISIONS		
REV. NO.	DESCRIPTION	DATE

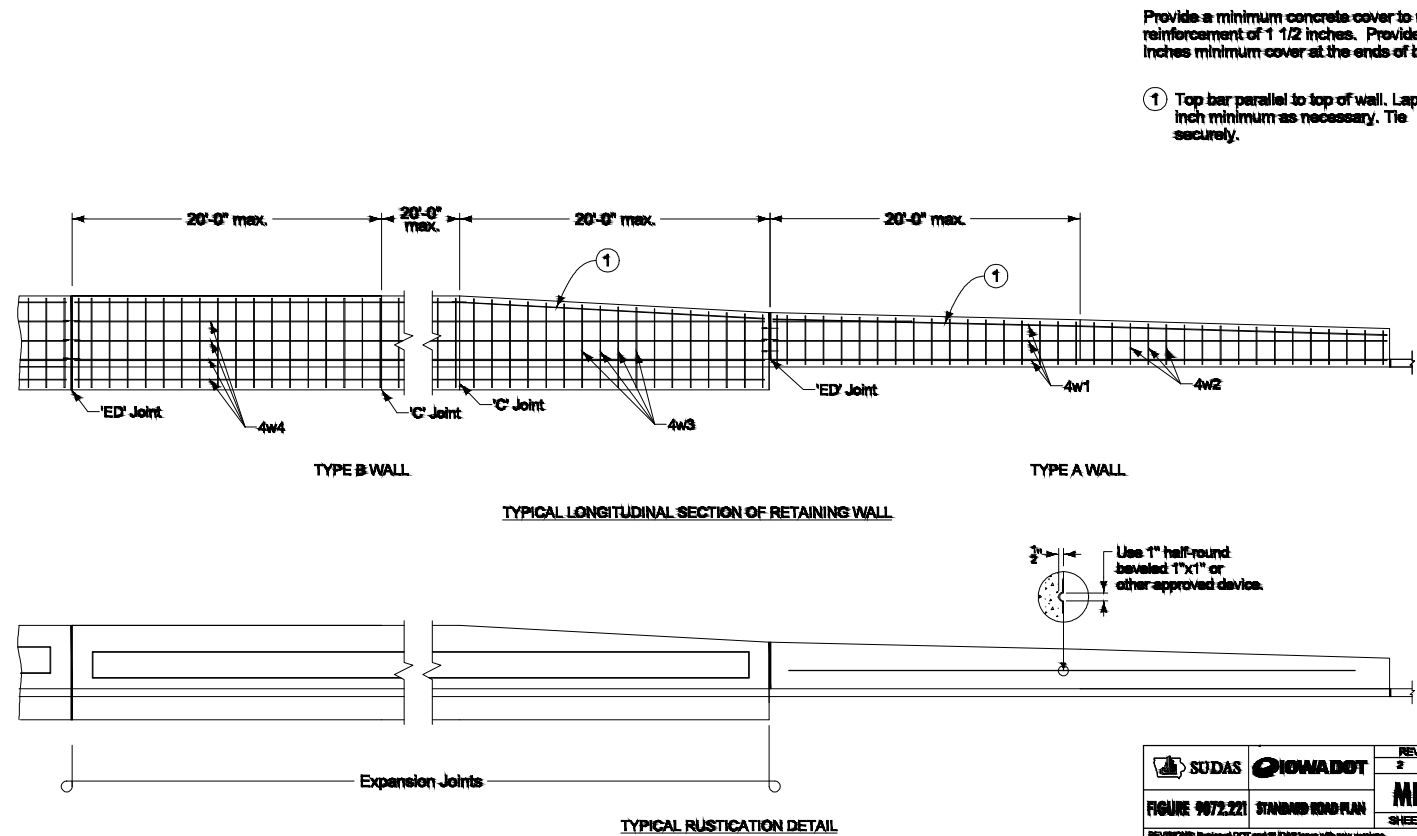
DRAWING:  
GRADING AND UTILITIES PLAN

SET TYPE: CHECK

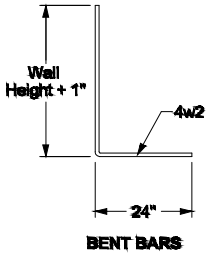
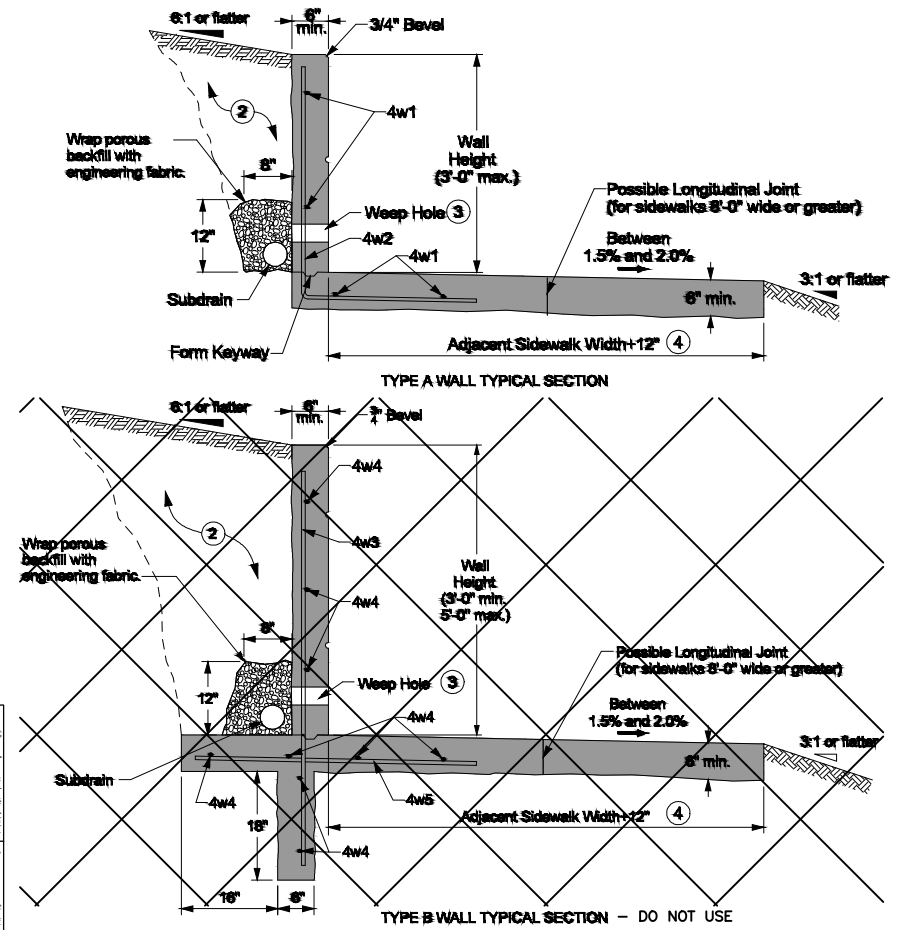
G:\CD\17-012 Slumberland West Frontage\Plans\17-012 WFrontage-PLAN SHEETS.dwg, D.02

JOB NUMBER:  
17-012

SHEET NUMBER:  
D.02



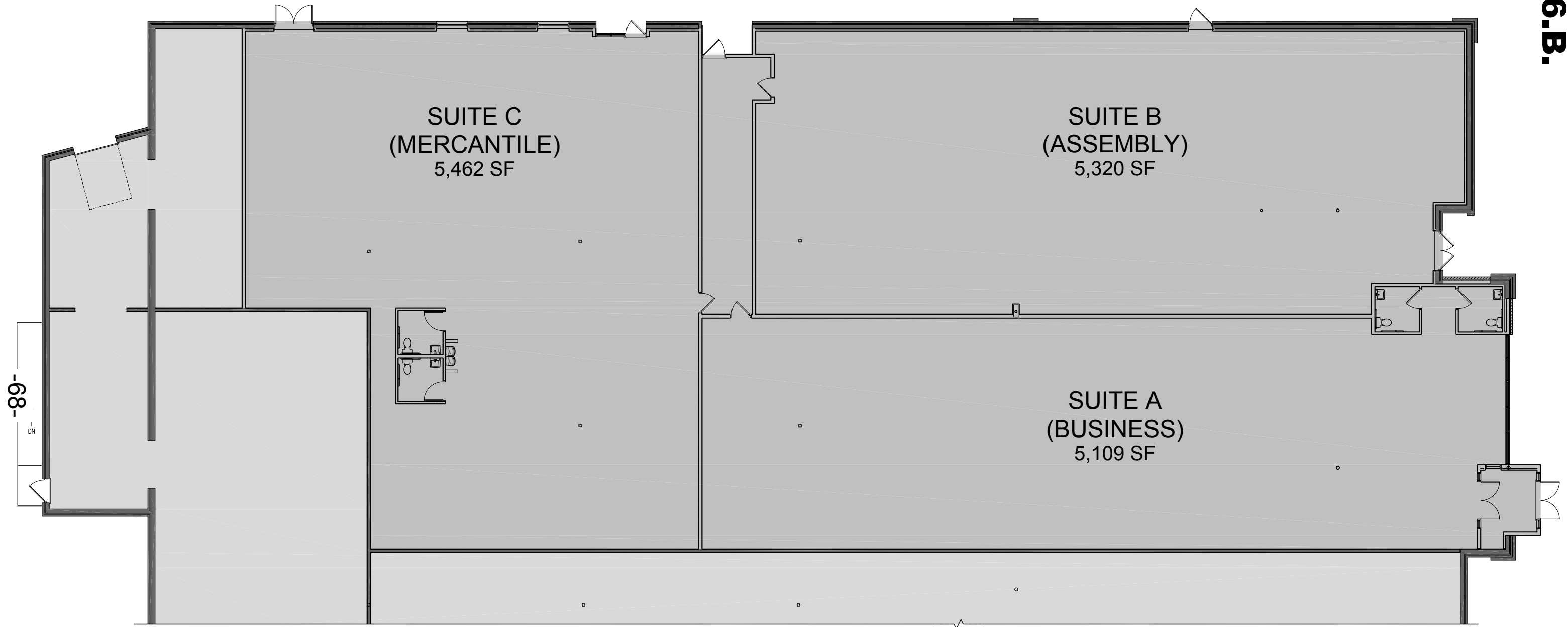
SUDAS	IOWADOT	REVISION	2	10-20-15
		FIGURE 9072.221	STANDARD PLAN	MI-221
		SHEET 1 OF 2		
REVISIONS: Repeat DOT and IOWADOT logos with new markings.				
		Paul D. Wiegand	Brian Smith	
		SUDAS DIRECTOR	DESIGN METHODS ENGINEER	
<b>COMBINED RETAINING WALL - SIDEWALK</b>				



REINFORCING BAR LIST					
Wall Type	Mark	Size	Shape	Length	Spacing
Type A	4w1	4	—	Variable	18"
	4w2	4	L	Variable	14"
	4w3	4	—	Wall Height + 18"	14"
Type B	4w4	4	—	Variable	15"
	4w5	4	—	3'-10"	14"

SUDAS	IOWADOT	REVISION	2	10-20-15
		FIGURE 9072.221	STANDARD PLAN	MI-221
		SHEET 2 OF 2		
REVISIONS: Repeat DOT and IOWADOT logos with new markings.				
		Paul D. Wiegand	Brian Smith	
		SUDAS DIRECTOR	DESIGN METHODS ENGINEER	
<b>COMBINED RETAINING WALL - SIDEWALK</b>				

REVISIONS		
REV. NO.	DESCRIPTION	DATE



# 6607 University Ave Redevelopment

University Avenue | Cedar Falls

 FLOOR PLAN  
16,321 SF

# 6607 University Ave Redevelopment

University Avenue | Cedar Falls



PERSPECTIVE VIEW  
(WITH FUTURE TENANT)

Item 6.B.

# 6607 University Ave Redevelopment

University Avenue | Cedar Falls

Item 6.B.

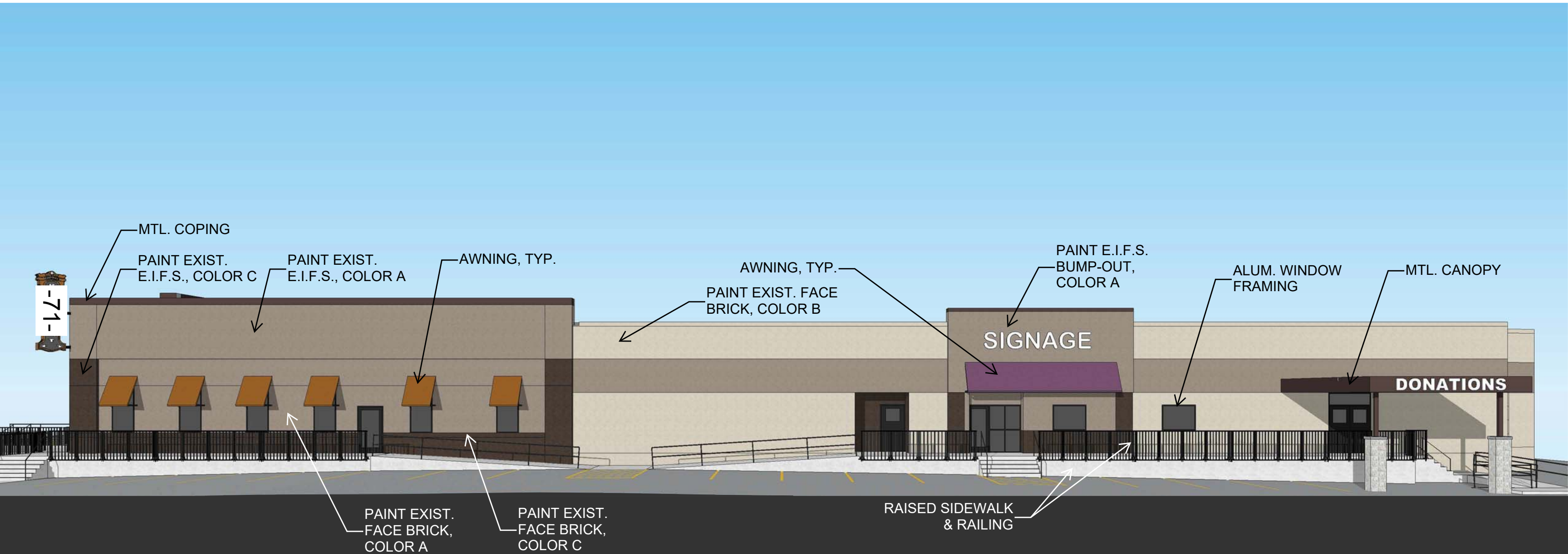


NORTH ELEVATION



# 6607 University Ave Redevelopment

University Avenue | Cedar Falls



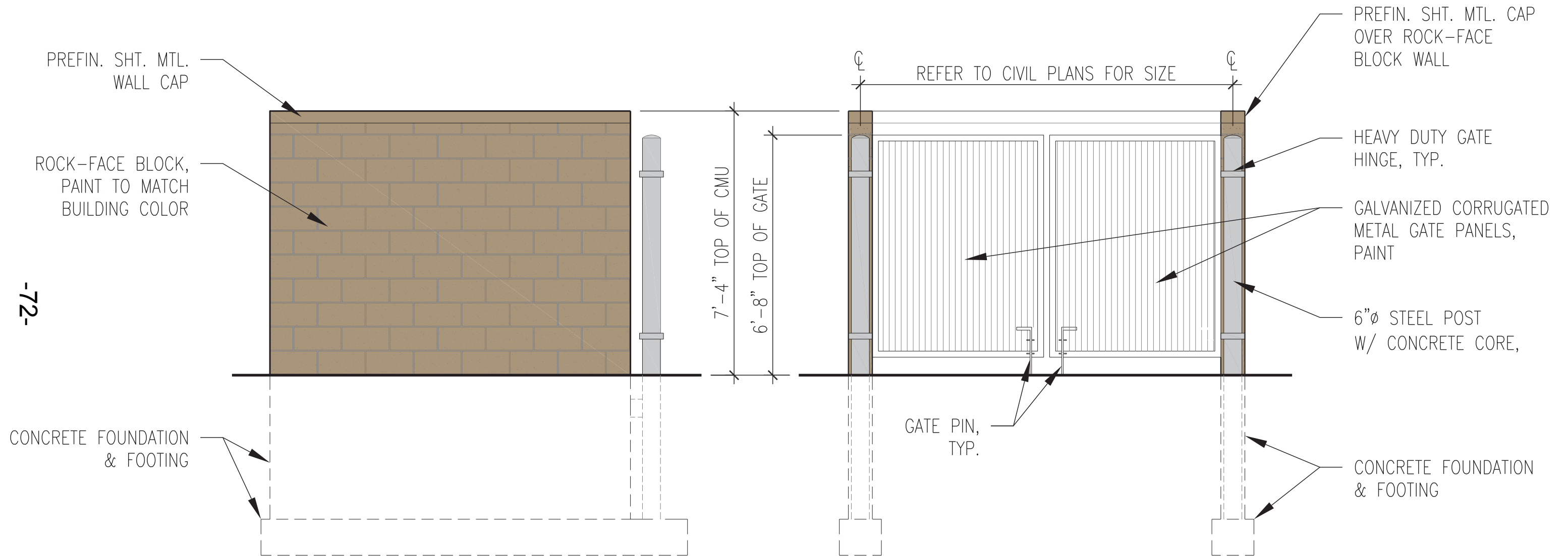
WEST ELEVATION

Item 6.B.

# 6607 University Ave Redevelopment

University Avenue | Cedar Falls

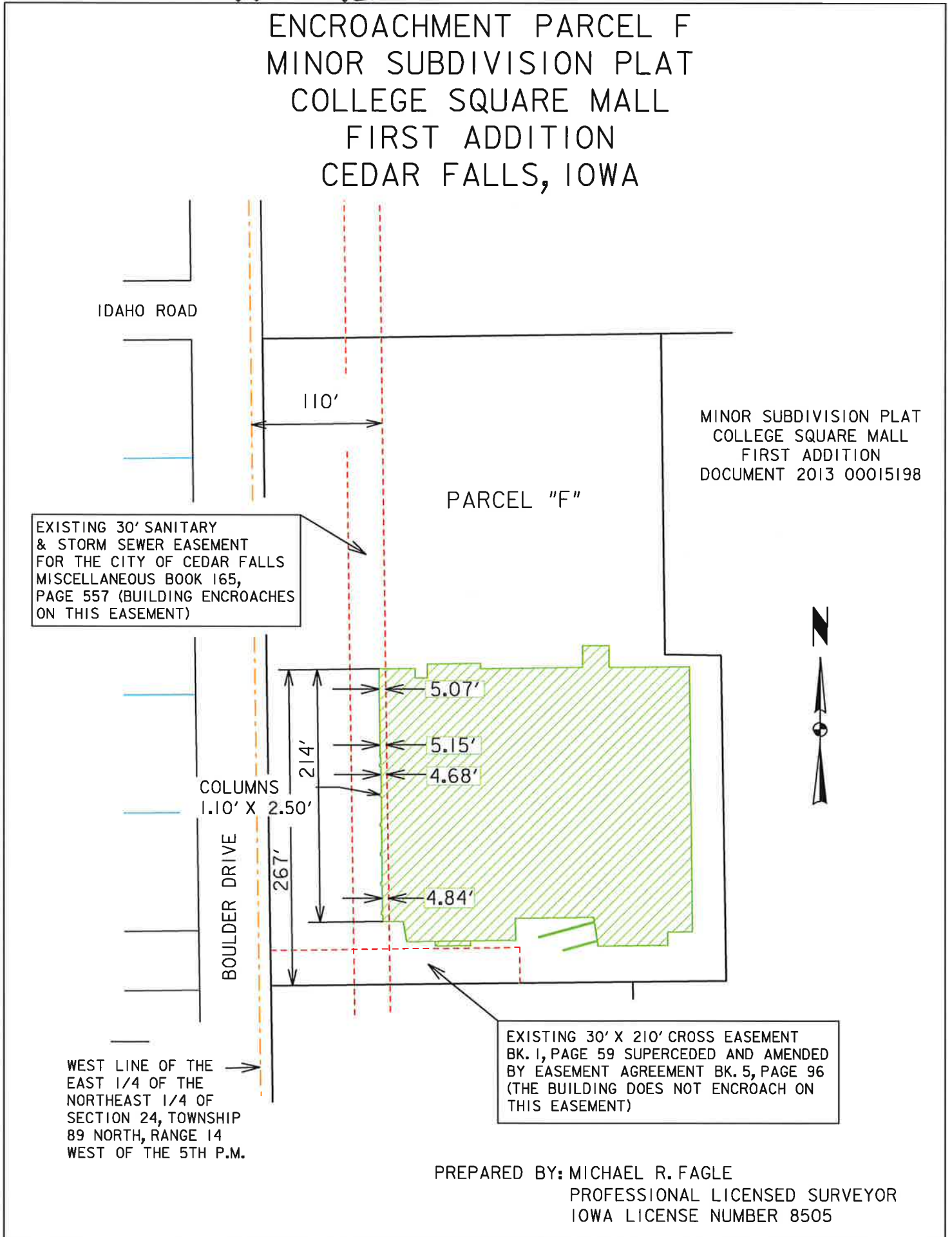
Item 6.B.



# EXHIBIT "D"

Item 6.B.

## ENCROACHMENT PARCEL F MINOR SUBDIVISION PLAT COLLEGE SQUARE MALL FIRST ADDITION CEDAR FALLS, IOWA



EXISTING 30' SANITARY & STORM SEWER EASEMENT FOR THE CITY OF CEDAR FALLS MISCELLANEOUS BOOK 165, PAGE 557 (BUILDING ENCROACHES ON THIS EASEMENT)

MINOR SUBDIVISION PLAT  
COLLEGE SQUARE MALL  
FIRST ADDITION  
DOCUMENT 2013 00015198

PARCEL "F"

COLUMNS  
1.10' X 2.50'

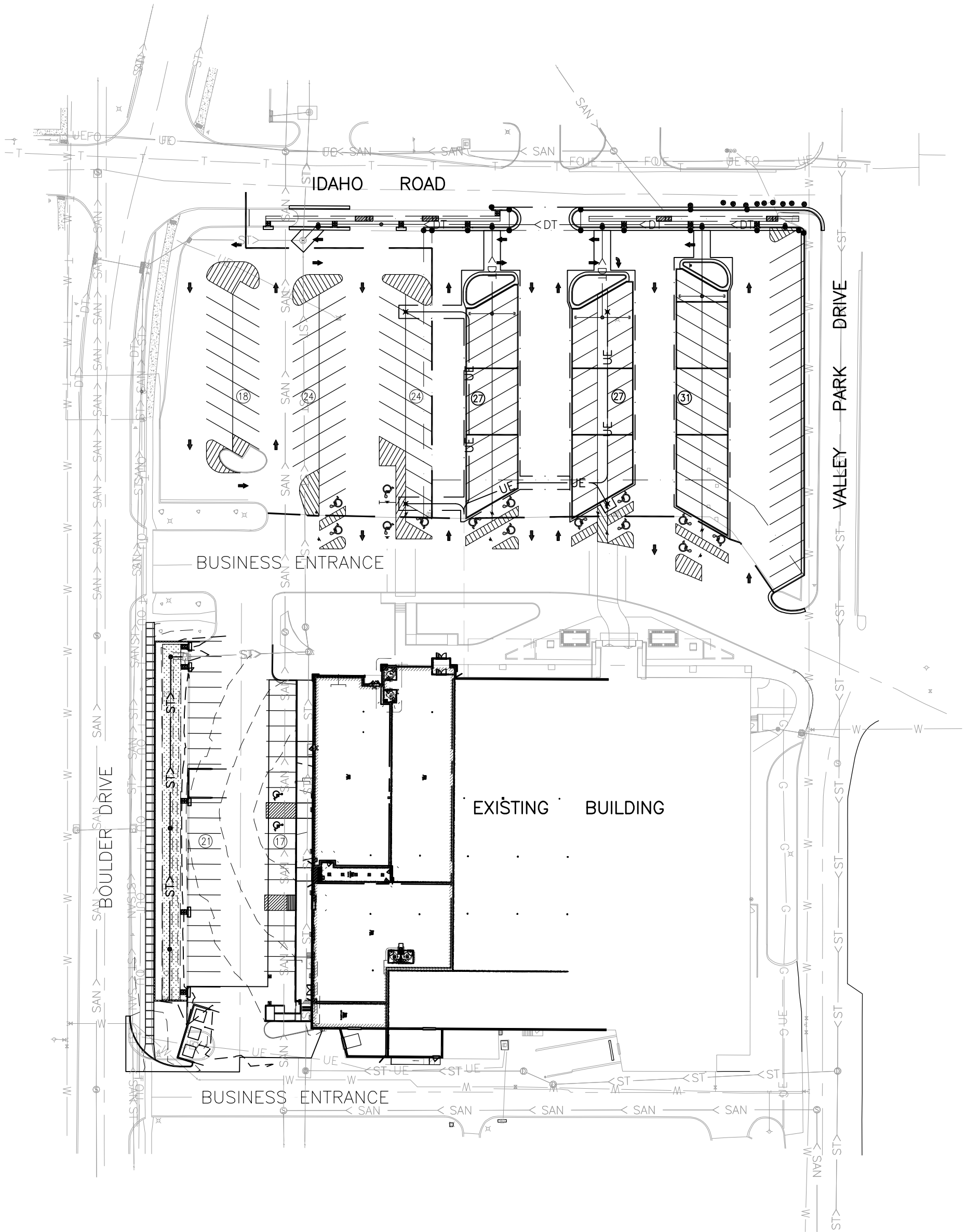
BOULDER DRIVE

WEST LINE OF THE  
EAST 1/4 OF THE  
NORTHEAST 1/4 OF  
SECTION 24, TOWNSHIP  
89 NORTH, RANGE 14  
WEST OF THE 5TH P.M.

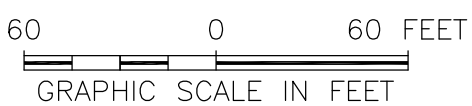
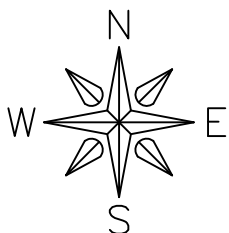
EXISTING 30' X 210' CROSS EASEMENT  
BK. 1, PAGE 59 SUPERCEDED AND AMENDED  
BY EASEMENT AGREEMENT BK. 5, PAGE 96  
(THE BUILDING DOES NOT ENCROACH ON  
THIS EASEMENT)

PREPARED BY: MICHAEL R. FAGLE  
PROFESSIONAL LICENSED SURVEYOR  
IOWA LICENSE NUMBER 8505

# Item 6.B.



SITE PARKING PLAN  
TOTAL STALLS = 189



6/29/18

**FEHR GRAHAM**  
ENGINEERING & ENVIRONMENTAL

ILLINOIS  
IOWA  
WISCONSIN



**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:** David Sturch, Planner III  
**DATE:** July 18, 2018  
**SUBJECT:** Pinnacle Ridge 2nd Minor Plat

**REQUEST:** Review and approve the Pinnacle Ridge 2<sup>nd</sup> Minor Plat.

**PETITIONER:** KBKR Investments, LLC, Owners; Helland Engineering and Surveying, Surveyor

**LOCATION:** Southwest Corner of Green Creek Road and Prairie Dock Road

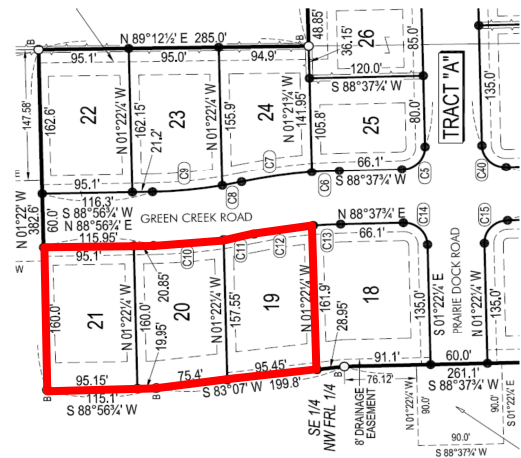
**PROPOSAL**

It is proposed divide parcels M and N of the Pinnacle Ridge Minor Plat into three residential lots.

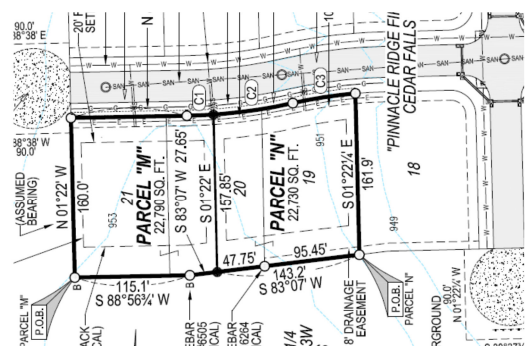
**BACKGROUND**

The Final Plat for Pinnacle Ridge First was approved by the City Council on February 6, 2017. This plat includes a mixture of single unit homes (Lots 3-45) along with townhomes (Lots 1-2) and professional/commercial uses (Lot 46). The plat identifies the building setbacks drawn on each lot. These setbacks satisfy the MU district standards of 20 feet, front yard and 30 feet rear yard. The side yard setbacks are 10 feet on each side. All utility easements run along the front and back lot line. There are no side lot utility easements on the lots in question.

Last February, the Planning and Zoning Commission approved the Pinnacle Ridge Minor Plat that merged Lots 19, 20 and 21 into two residential lots. The purpose was to create two larger lots for two new residential homes. Once the plat was approved by the City Council on March 5, 2018, the plat was recorded and finalized. Eventually the sale of these two new lots



Pinnacle Ridge First



Pinnacle Ridge Minor Plat

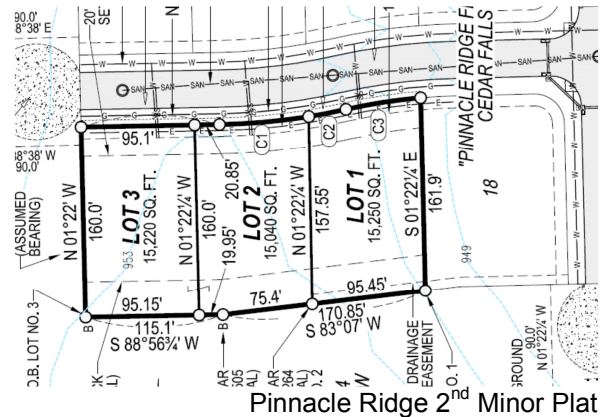
## Item 6.C.

never reached a final agreement, therefore the developer wants to go back to their original three lot configuration at the time of original platting.

### ANALYSIS

The property is currently zoned MU, mixed use residential. This subdivision has activity with the construction of several homes along Green Creek Road and Wild Flower Lane. This reconfiguration of the originally platted lots conforms to all zoning requirements. Once the Pinnacle Ridge Minor Plat was recorded last spring, the only way to revert back to their original layout is to replat Parcels M and N. Therefore, a review of the new Pinnacle Ridge 2<sup>nd</sup> Minor Plat, replat of parcels M and N is necessary by the Planning and Zoning Commission and City Council.

The replat consists of the following: Lot 1 is the east 95.45 feet of Parcel N. Lot 2 is the west 47.75 feet of Parcel N and the east 47.6 feet of Parcel M. Lot 3 is the west 95.13 feet of Parcel M. The three new lots are approximately 95 feet wide. A deed of dedication for this minor plat has been submitted. There is an 8-foot drainage easement along the south lot line of Lot 1. This drainage easement cannot be encumbered with any structure, fence or landscaping. This restriction has been placed in the deed of dedication.



This property is not located in the 100 year floodplain district. All submittal requirements have been met. A courtesy notice has been sent to property owners within 200 feet of this plat.

### TECHNICAL COMMENTS

City technical staff, including Cedar Falls Utilities (CFU) personnel provided some comments for this submittal. Water, electric, gas, and communications utility services are available in accordance with the service policies of CFU. The three original lots already have the necessary utility services stubbed into them.

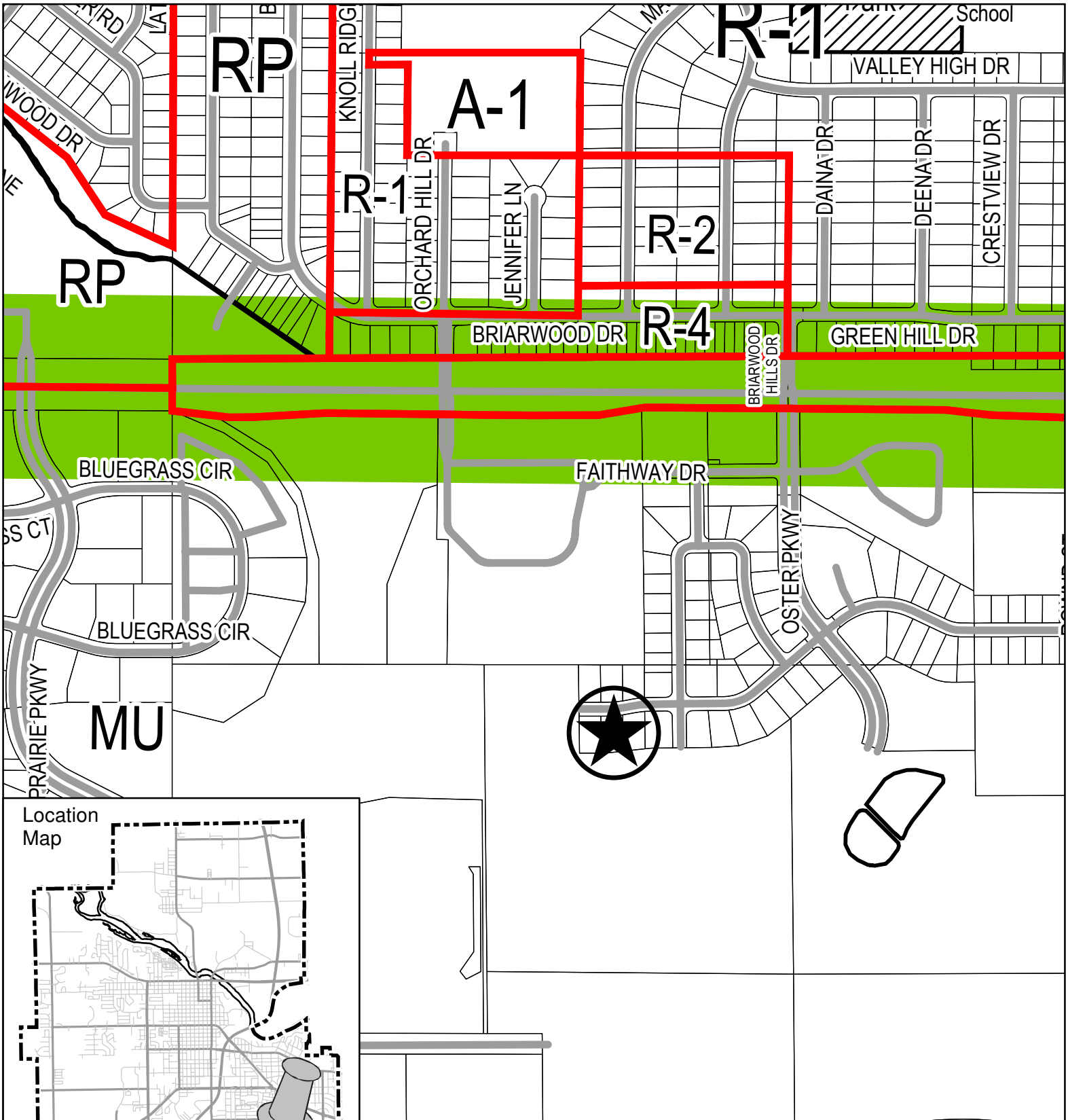
### STAFF RECOMMENDATION

The Community Development Department recommends approval of the Pinnacle Ridge 2<sup>nd</sup> Minor Plat.

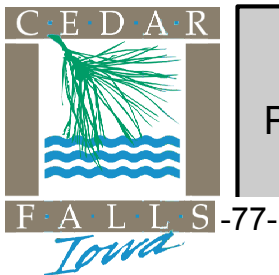
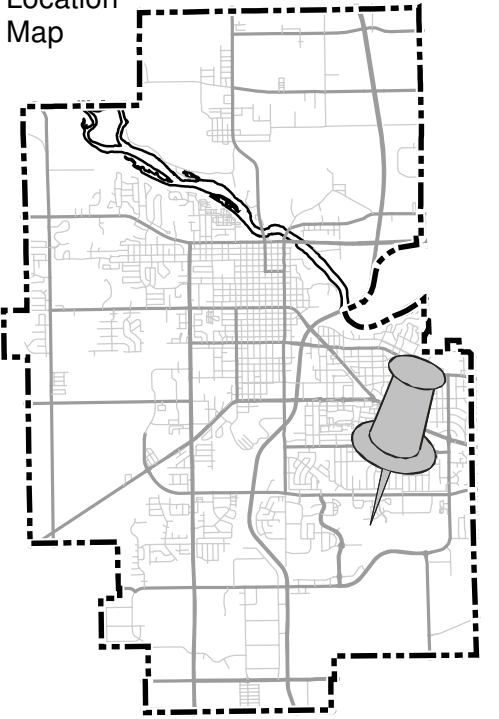
### PLANNING & ZONING COMMISSION

Discussion/Vote  
7/25/2018

July 25, 2018



Location Map



Pinnacle Ridge 2nd Minor Plat

# Item 6.C.

Reserved for County Recorder's use.

### INDEX LEGEND

General Description: Parcels M & N, Pinnacle Ridge 2nd Minor Subdivision Plat, Cedar Falls  
 Surveyor: Jeffrey P. Helland  
 Surveying Company/ Return to: Helland Engineering & Surveying, Ltd.  
 1107 Technology Parkway  
 Cedar Falls, Iowa 50613-6955  
 319-266-0161  
 Survey Requested By: Robert L. Smith, Jr.  
 Proprietor: KBKR Investments LLC

This Plat or Subdivision has been reviewed by (City/County).

### SEE SHEET 2 FOR DESCRIPTIONS OF LOTS NO.S 1, 2 & 3, NOTES & VICINITY MAP

CURRENT ZONING: MU - MIXED USE RESIDENTIAL (PROPERTY & ADJOINERS)  
 SOIL TYPE: 83B - KENYON LOAM

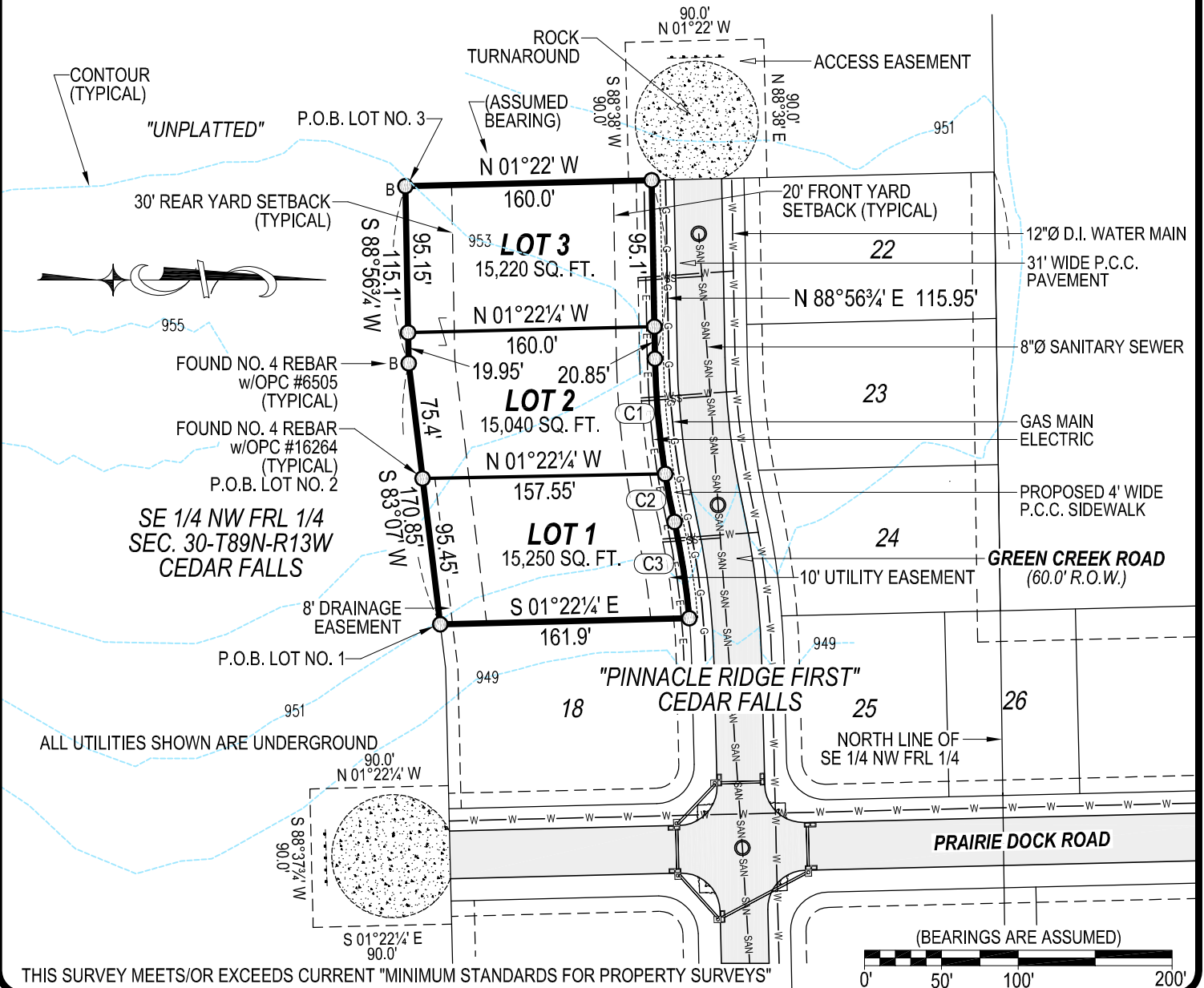
PROPOSED IMPROVEMENTS: 4' P.C.C. SIDEWALK, DRIVEWAYS AND SINGLE FAMILY HOMES

Signature of (City/County) \_\_\_\_\_ Date \_\_\_\_\_  
 Ordinance Administrator

**THIS PLAT OF SURVEY SHALL SUPERCEDE PLAT OF SURVEY RECORDED IN NUMBER 2018-14912**

### CURVE TABLE

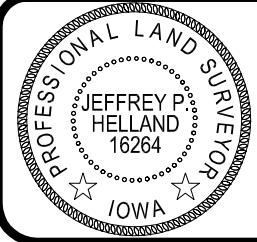
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	530.0'	74.37'	74.3'	N 84°55 $\frac{3}{4}$ ' E	8°02 $\frac{1}{4}$ '
C2	530.0'	32.60'	32.6'	N 79°08 $\frac{3}{4}$ ' E	3°31 $\frac{1}{2}$ '
C3	470.0'	63.42'	63.35'	N 81°14 $\frac{3}{4}$ ' E	7°43 $\frac{3}{4}$ '



**HES** HELLAND ENGINEERING & SURVEYING, LTD.  
 1107 Technology Parkway  
 Cedar Falls, Iowa 50613-6955  
 (319)-266-0161

**SHEET 1 OF 2**

● SET NO. 4 REBAR X 24" LONG w/ORANGE PLASTIC CAP #16264 (00) RECORDED AS FILE NAME: 14-262-MINOR PLAT-REPLAT.DWG  
 SCALE: 1" = 100' PROJECT #14-262 DRAWN BY: JPH  
 OPC PLASTIC CAP (O=ORANGE, R=RED, Y=YELLOW)



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Professional Land Surveyor under the laws of the State of Iowa.  
 Jeffrey P. Helland  
 License Number 16264  
 My license renewal date is December 31, 2019.  
 All pages or sheets are covered by this seal except:

PLAT OF SURVEY OF  
**"PINNACLE RIDGE 2nd MINOR SUBDIVISION PLAT"**  
 REPLAT OF PARCELS "M" AND "N"  
**"PINNACLE RIDGE MINOR SUBDIVISION PLAT"**  
 CEDAR FALLS, BLACK HAWK COUNTY, IOWA FOR  
 KBKR INVESTMENTS LLC



**THIS PLAT REPRESENTS A SURVEY OF LOT 1 "PINNACLE RIDGE 2nd MINOR SUBDIVISION PLAT"**

That part of Parcel "N" per "Pinnacle Ridge Minor Plat" recorded in Number 2018-14912 in the Office of the Black Hawk County Recorders Office, City of Cedar Falls, Black Hawk County, Iowa, described as follows:

Beginning at the Southeast corner of said Parcel "N", being the Southeast corner of Lot No. 19 in "Pinnacle Ridge First", being a found 1/2" rebar with license #16264;  
 thence along the South line of said Parcel "N" South 83°07' West 95.45 feet to the Southwest corner of said Lot No. 19, point being a found 1/2" rebar with license #16264;  
 thence along the West line of said Lot No. 19 North 01°22'¼' West a distance of 157.55 feet to the Northwest corner of said Lot No. 19, point being a found 1/2" rebar with license #16264;  
 thence along the North line of said Lot No. 19 Easterly 32.6 feet along a curve concave Northerly having a radius of 530.0 feet, a central angle of 3°31'½' and a long chord of North 79°08'¾' East 32.6 feet to a found 1/2" rebar with license #16264;  
 thence along the North line of said Lot No. 19 Easterly 63.42 feet along a curve concave Southerly having a radius of 470.0 feet, a central angle of 7°43'¾' and a long chord of North 81°14'¾' East 63.35 feet to the Northeast corner of said Lot No. 19, point being a found 1/2" rebar with license #16264;

thence along the East line of said Lot No. 19 South 01°22'¼' East a distance of 161.9 feet to the point of beginning.

Containing 15,250 sq. ft.  
 Subject to restrictions, easements, covenants, ordinances, and limited access provisions of record and not of record.  
 Note: The West line of Lot No. 21 in said "Pinnacle Ridge First" is assumed to bear North 01°22' West for this description.

**THIS PLAT REPRESENTS A SURVEY OF LOT 2 "PINNACLE RIDGE 2nd MINOR SUBDIVISION PLAT"**

That part of Parcel "N" and Parcel "M" per "Pinnacle Ridge Minor Plat" recorded in Number 2018-14912 in the Office of the Black Hawk County Recorders Office, City of Cedar Falls, Black Hawk County, Iowa, described as follows:

Beginning at the Southeast corner of Lot No. 20 in "Pinnacle Ridge First", being a found 1/2" rebar with license #16264;  
 thence along the South line of said Parcel "N" and Parcel "M" South 83°07' West 75.4 feet to a found 1/2" rebar with license #16264;  
 thence along the South line of said Parcel "N" and Parcel "M" South 88°56'¾' West a distance of 19.95 feet to the Southwest corner of said Lot No. 20, point being a found 1/2" rebar with license #16264;  
 thence along the West line of said Lot No. 20 North 01°22'¼' West a distance of 160.0 feet to the Northwest corner of said Lot No. 20, point being a found 1/2" rebar with license #16264;  
 thence along the North line of said Lot No. 20 North 88°56'¾' East a distance of 20.85 feet to found 1/2" rebar with license #16264;  
 thence along the North line of said Lot No. 20 Easterly 74.37 feet along a curve concave Northerly having a radius of 530.0 feet, a central angle of 8°02'¼' and a long chord of North 84°55'¾' East 74.3 feet to the Northeast corner of said Lot No. 20, point being a found 1/2" rebar with license #16264;  
 thence along the East line of said Lot No. 20 South 01°22'¼' East a distance of 157.55 feet to the point of beginning.

Containing 15,040 sq. ft.  
 Subject to restrictions, easements, covenants, ordinances, and limited access provisions of record and not of record.  
 Note: The West line of Lot No. 21 in said "Pinnacle Ridge First" is assumed to bear North 01°22' West for this description.

**THIS PLAT REPRESENTS A SURVEY OF LOT 3 "PINNACLE RIDGE 2nd MINOR SUBDIVISION PLAT"**

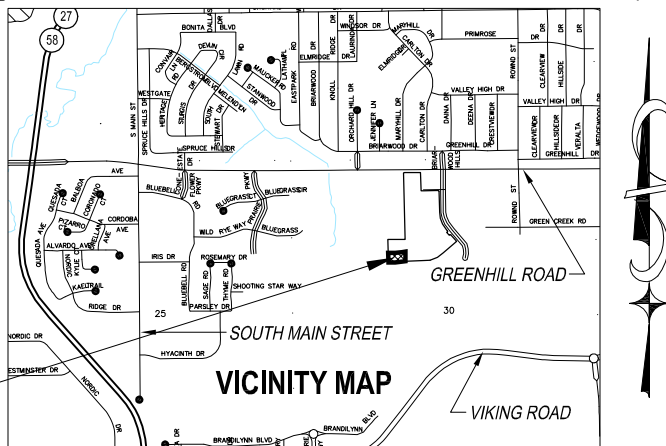
That part of Parcel "M" per "Pinnacle Ridge Minor Plat" recorded in Number 2018-14912 in the Office of the Black Hawk County Recorders Office, City of Cedar Falls, Black Hawk County, Iowa, described as follows:

Beginning at the Southwest corner of Lot No. 21 in "Pinnacle Ridge First", being a found 1/2" rebar with license #6505;  
 thence along the West line of said Parcel "M" also being the West line of said Lot No. 21 North 01°22' West a distance of 160.0 feet to the Northwest corner of said Lot No. 21, point being a found 1/2" rebar with license #16264;  
 thence along the North line of said Lot No. 21 North 88°56'¾' East a distance of 95.1 feet to found 1/2" rebar with license #16264;  
 thence along the East line of said Lot No. 21 South 01°22'¼' East a distance of 160.0 feet to the Southeast corner of said Lot No. 21, point being a found 1/2" rebar with license #16264;  
 thence along the South line of said Lot No. 21 South 88°56'¾' West a distance of 95.15 feet to the point of beginning. Containing 15,220 sq. ft.

Subject to restrictions, easements, covenants, ordinances, and limited access provisions of record and not of record.  
 Note: The West line of Lot No. 21 in said "Pinnacle Ridge First" is assumed to bear North 01°22' West for this description.

Dates of Survey: 10/14/2016 & 01/23/2018

UNADJUSTED ERROR OF CLOSURE:  
 BOUNDARY: LESS THAN 1 IN 10,000  
 LOTS: LESS THAN 1 IN 5,000  
 AREA OF ADDITION:  
 1.04 ACRES  
 FLOOD PLAIN:  
 NOT IN FLOOD PLAIN (UNSHADED ZONE X)  
 FIRM 19013C0281F, JULY 18, 2011



**"PINNACLE RIDGE 2nd MINOR SUBDIVISION"**



**HELLAND ENGINEERING & SURVEYING, LTD.**  
 1107 Technology Parkway  
 Cedar Falls, Iowa 50613-6955  
 (319)-266-0161

**SHEET 2 OF 2**

● SET NO. 4 REBAR X 24" LONG w/ORANGE PLASTIC CAP #16264 (00) RECORDED AS FILE NAME: 14-262-MINOR PLAT-REPLAT.DWG  
 SCALE: N/A PROJECT #14-262 DRAWN BY: JPH  
 OPC PLASTIC CAP (O=ORANGE, R=RED, Y=YELLOW)

**PLAT OF SURVEY OF "PINNACLE RIDGE 2nd MINOR SUBDIVISION PLAT" REPLAT OF PARCELS "M" AND "N" "PINNACLE RIDGE MINOR SUBDIVISION PLAT" CEDAR FALLS, BLACK HAWK COUNTY, IOWA FOR KBKR INVESTMENTS LLC**

## Item 6.C.

OWNER'S STATEMENT OF RESTRICTIONS  
FOR  
PINNACLE RIDGE 2<sup>ND</sup> MINOR SUBDIVISION PLAT,  
A REPLAT OF PARCELS "M" AND "N"  
"PINNACLE RIDGE MINOR SUBDIVISION PLAT"  
CEDAR FALLS, BLACK HAWK COUNTY, IOWA

KNOW ALL MEN BY THESE PRESENTS:

That KBKR Investments, LLC, an Iowa limited liability company, with its principal office in Cedar Falls, Iowa, is the owner of the following legally described real estate:

Parcels "M" and "N" in "Pinnacle Ridge Minor Subdivision Plat", City of Cedar Falls, Black Hawk County, Iowa,

and being desirous of selling and dividing said real estate into three separate lots upon approval of this Pinnacle Ridge 2<sup>nd</sup> Minor Subdivision Plat, by the City of Cedar Falls, does hereby submit the following statement of proposed easements and restrictions:

### EASEMENTS

The undersigned do hereby grant and convey to the City of Cedar Falls, Iowa, its successors and assigns, and to any private corporation, firm or person furnishing utilities for the transmission and/or distribution of water, sanitary sewer, gas, electricity, communication service or cable television, perpetual easements for the erection, laying building and maintenance of said services over, across, on and/or under the property as shown on the attached minor plat.

All recorded easements affecting the property prior to this platting shall be recognized as continuing in effect and service and shall not be considered rescinded by this platting.

### RESTRICTIONS

1. All lots in shall be governed by the zoning ordinances of the City of Cedar Falls, Black Hawk County, Iowa, and all buildings thereon shall meet the minimum restrictions of said zoning ordinances.
2. No further subdivisions of the property will be allowed unless the subdivision of the property is approved by the City of Cedar Falls, Iowa.
3. Setbacks for the property are more particularly shown on the Minor Plat.
4. Landscaping, fences, and driveways are permitted in the easement areas located on the Minor Plat, but if any work by the City was required in the said easement areas, the expense of removing and replacing whatever was existing in said easement area would be the

expense of the owner of the Lot. Notwithstanding the above, no building, fence, landscaping and private garden structure(s) or any obstruction can be built in or over said drainage easements.

5. No individual mailboxes are allowed in this subdivision; a cluster-style mailbox system, approved by the United States Postal Service, shall be installed by the developer.

SIGNED and DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2018

KBKR Investments, LLC

\_\_\_\_\_  
By: Kevin Harberts  
Its: Manager

STATE OF IOWA, BLACK HAWK COUNTY: ss

On this \_\_\_\_ day of \_\_\_\_\_, 2018, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Kevin Harberts, Manager of KBKR Investments, LLC, to me known as the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed on behalf of KBKR Investments, LLC.

\_\_\_\_\_  
Notary Public in and for the State of Iowa

