



Agenda

Planning, Programming & Zoning Commission

Regular Meeting – April 11, 2023 – 4:00 P.M.

Harold E. Getty Council Chambers, City Hall, and via Zoom

General Rules for Public Participation

1. The presentation order for all new or old business agenda items shall be as follows: a) Staff report, b) Applicant's presentation, c) Opinions of interested citizens, d) Applicant's rebuttal, e) Commission discussion.
2. Interested citizens may address any item on the agenda by stepping to the podium. After recognition by the chair, the individuals state their name, address and group affiliation (if applicable) and speak clearly into the microphone.
3. Interested citizens may speak one (1) time per item. Please limit your comments to approximately five (5) minutes. Although generally discouraged, at the discretion of the Chair, interested citizens may be allowed to speak more than once per item.
4. The "Oral Presentations" section of the agenda is an opportunity to address items not on the agenda. An individual may speak to one (1) non-agenda issue per meeting for a maximum of approximately ten (10) minutes. Official action cannot be taken by the Commission at that time; however the topic may be placed on a future agenda or referred to the appropriate department.
5. Keep comments germane and refrain from personal, impertinent or slanderous remarks and repetitious information.
6. All comments and requests for information shall be directed towards the chair, and not towards individuals in the audience. All comments shall be in keeping with proper and courteous conduct.
7. If handouts are to be provided, you are encouraged to deliver them to the Planning and Zoning Department at least 24 hours prior to the meeting to be distributed to Commission members. If not possible to be pre-delivered, you are encouraged to bring ten (10) sets of all handouts for Commission and staff. A minimum of **one (1)** copy of **any** handout (including original pictures) must be retained by staff for the official record of the request.

The chair shall take whatever action is necessary to ensure that these rules are observed and the meeting proceeds in an orderly fashion.

I. Approval of the April 11, 2023 Agenda

II. Approval of the Minutes of the Regular Meeting on March 14, 2023

III. Financial Report: February 2022

IV. Oral Presentations

V. New Business

A. Plats

1. Request by CJ's Construction on behalf of Hope M. Anderson for the Final Plat of Paradise Estates 1st Addition, a 64-lot residential subdivision in the "R-1" One and Two Family Residence District located adjacent to 5643 Kimball Avenue.

B. Vacates

1. Request by Nihad Masic to vacate approximately 1,428 square feet of city owned alley right-of-way in the "M-1" Light Industrial District located southeast of 312 Kothe Street.

C. Encroachment Agreement

1. Request by 3-Stooges for an encroachment agreement to allow for the placement of a private storm sewer connection in the public right-of-way of Martin Road in the "M-2,P" Planned Industrial District located in front of 1370 Martin Road.

*** Next regular meeting of the Planning, Programming & Zoning Commission will be held on May 9, 2023*

D. Other – Historical Nominations

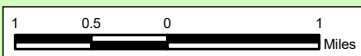
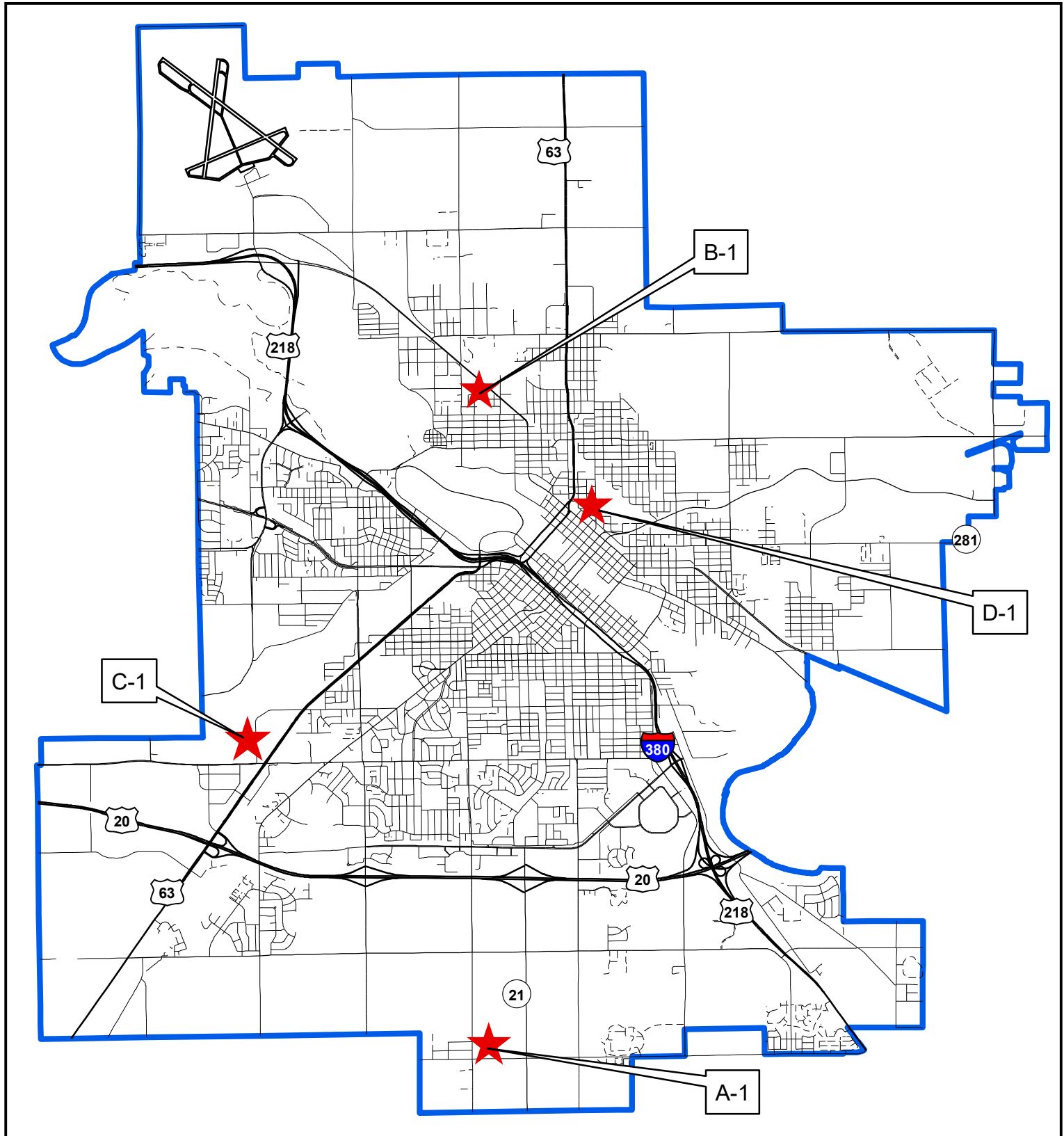
1. Request by Habitat for Humanity to nominate 415 Walnut Street (former Walnut Baptist Church) as a Locally Designated Landmark.

VI. Discussion

1. Commission review of potential areas of the Zoning Ordinance to consider amendment.

VII. Adjournment

Planning, Programming and Zoning Commission
April 11, 2023



Agenda Map

MINUTES
CITY OF WATERLOO, IOWA
PLANNING, PROGRAMMING, AND ZONING COMMISSION
REGULAR MEETING - 4:00 P.M. MARCH 14, 2023

The regular meeting of the Waterloo Planning, Programming, and Zoning Commission was called to order by Chairperson Wilber at 4:00 p.m. via zoom and in person in the Harold E. Getty Council Chambers at Waterloo City Hall.

Members present were: Patrisha Serfling, Brandon Schoborg, Ali Parrish, and Phillip Shirk.

Members present electronically were: Janelle Ewing.

Members absent were: Virginia Wilber, Cody Leistikow, and Steve Trost. Note-Representative from Human Rights is currently a vacate position.

Others present were: Lexi Blank, Adrienne Miller, Tim Andera, John Dornoff, and Seth Hyberger – Planning Department; Dennis Gentz – City Engineer; Rick Wilberding – Waterloo WaterWorks; Rob Nichols – City Council Liaison and 15 citizens.

Others present electronically: Dave Boesen – City Council Liaison and 2 citizens.

- I. Election of a temporary Chairperson for the March 14, 2023 Meeting.

It was moved by Serfling and seconded by Schoborg to nominate Phillip Shirk as temporary Chairperson. Motion carried unanimously.

- II. Approval of the Agenda

It was moved by Serfling and seconded by Schoborg to approve the amended agenda combining items A-4, B-1 and B-2. Motion carried unanimously.

- III. Approval of the Minutes from the regular meeting on February 14, 2023.

It was moved by Serfling and seconded by Schoborg to approve the minutes of the February 14, 2023 meeting. Motion carried unanimously.

- IV. Financial Report January 2023.

Dornoff reviewed the financial report.

It was moved by Parrish and seconded by Schoborg to receive and place the financial report on file. Motion carried unanimously.

- V. Oral Presentations

There were no oral presentations.

- VI. New Business

A. Hearings – Site Plan Amendments

1. Request by Magnum Trucking for a Site Plan Amendment to construct a new 14,000 square-foot industrial building along with a 14,000 square foot expansion in the “M-2,P” Planned Industrial District located northeast of 2510 Leverssee Road on Warp Drive.

It was moved by Parrish and seconded by Serfling to receive and place on file the statement of verification at 4:07 p.m. Motion carried unanimously, and Shirk declared the hearing open.

Dornoff read the staff report recommending approval of the request subject to the following condition: that the final site plan meets all applicable city codes, regulations, etc., including, but, not limited to, parking, landscaping, screening, drainage, etc.

Adam Daters, CGA Engineers, stated he was available to answer any questions.

It was moved by Schoborg, seconded by Serfling, to close the public hearing. Motion carried unanimously. The hearing was closed at 4:13 p.m.

It was moved by Serfling, seconded by Parrish, to recommend approval of the request by Magnum Trucking for a Site Plan Amendment to construct a new 14,000 square-foot industrial building along with a 14,000 square foot expansion in the “M-2,P” Planned Industrial District located northeast of 2510 Leversee Road on Warp Drive subject to the following condition: that the final site plan meets all applicable city codes, regulations, etc., including, but, not limited to, parking, landscaping, screening, drainage, etc. Motion carried 4-0-1 (Schoborg abstained).

2. Request by Tony Fischels for a Site Plan Amendment to construct a new 50,400 square foot office/warehouse building in the “M-2,P” Planned Industrial District located at the southeast corner of Leversee Road and Hyper Drive.

It was moved by Schoborg and seconded by Parrish to receive and place on file the statement of verification at 4:15 p.m. Motion carried unanimously, and Shirk declared the hearing open.

Dornoff read the staff report recommending approval of the request subject to the following conditions: that the final site plan meets all applicable city codes, regulations, etc. including, but, not limited to, parking, landscaping, screening, drainage, etc.

Adam Daters, CGA Engineers, stated he was available to answer questions.

Tony Fischels, PO Box 203 Waterloo, stated he was available to answer questions.

Parrish asked what the building was to be used for and if there going to be any issues if the airport expanded, to which Fischels stated it was speculative, and Dornoff stated that any future expansion of the airport was taken into consideration when developing this industrial park.

It was moved by Parrish, seconded by Schoborg, to close the public hearing. Motion carried unanimously. The hearing was closed at 4:19 p.m.

It was moved by Serfling, seconded by Parrish, to recommend approval of the request by Tony Fischels for a Site Plan Amendment to construct a new 50,400 square foot office/warehouse building in the “M-2,P” Planned Industrial District located at the southeast corner of Leversee Road and Hyper Drive with the following conditions: that the final site plan meets all applicable city codes, regulations, etc. including, but, not limited to, parking, landscaping, screening, drainage, etc. Motion carried unanimously.

3. Request by Levi Architecture (on behalf of Starbucks) for a Site Plan Amendment to construct approximately 2200 square foot coffee shop in the “S-1” Shopping Center District located north of 115 East Ridgeway Avenue.

It was moved by Parrish and seconded by Schoborg to receive and place on file the statement of verification at 4:21 p.m. Motion carried unanimously, and Shirk declared the hearing open.

Dornoff read the staff report recommending approval of the request subject to the following condition: that the final site plan meets all applicable city codes, regulations, etc. including, but, not limited to, parking, landscaping, screening, drainage, etc.

Julie Smith, representing MercyOne, and asked to speak by Ryan Meyer COO of MercyOne Northeast Iowa, who stated that the property line is close to the front of the MercyOne Medical Center, and because of the lack of room, will have to construct a new drop off location for patients that will be close to the lot line and close to the Starbucks lot line which will create a safety concern for the medical center, especially for patients coming off of Paratransit and others being dropped off. MercyOne is requesting that Starbucks shift its plans for the building to the south.

Corey Lorenzen, representing the developer on the project, stated that they reached out to MercyOne on November 23rd as potential owners and told them of their site plan, including the drive-thru. He also stated that there was a call between himself and Matt Humple, Director of Facilities for MercyOne on November 28th, with follow-up emails on November 29th with a follow-up conference call on November 29th with Lorenzen, Humple, and Meyers where the issues were discussed including the possibility shift the site to the south but they were not willing to offer compensation for land that MercyOne had already sold. Lorenzen stated that they did not hear from MercyOne until December 22nd, when MercyOne demanded that the building be moved to the south and that they be given an access easement but were not willing to compensate the developer, to which the developer estimated the cost would be \$60,000 and MercyOne was notified that the developer was going to proceed with the site plan and the phone call was terminated abruptly. Lorenzen called and emailed Humple apologizing that the phone call went sideways but he received no response back. He also noted that MercyOne had every right to protect that area when the land was sold but did not and just collected the money.

Parrish asked where all the access points would be and what would be done with the little notch near the current drop-off, to which Dornoff showed the plat that showed where the individual access points would be, and Lorenzen stated that it would be a grassy area. Parrish also noted that she goes to that facility and is surprised that MercyOne sold what they did since it will affect their parking and if they still have parking behind the building, to which Lorenzen stated yes.

Parrish asked where the north property line for Kwik Star is, to which Dornoff showed it on the plat image.

Barbara Henning, 138 Sidehill Drive, feels the area is too congested and asked if there is a plan for the entire development, including the new apartment building, to which Dornoff noted the apartment building is almost completed but is located along Acadia Street. Henning stated she is also concerned about safety.

Smith stated that she was told by the COO that there was going to be a patient drive-thru on the south side of their property, and they just didn't want more traffic on the other side of their property, so were requesting the drive-thru be shifted further south.

Serfling asked about the drainage, to which Dornoff responded that it will be taken care of and that they will have a detention pond.

It was moved by Schoborg, seconded by Serfling, to close the public hearing. Motion carried unanimously. The hearing was closed at 4:41 p.m.

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It was moved by Serfling, seconded by Schoborg, to recommend approval of the request by Levi Architecture (on behalf of Starbucks) for a Site Plan Amendment to construct approximately 2200 square foot coffee shop in the “S-1” Shopping Center District located north of 115 East Ridgeway Avenue. with the following condition: 1that the final site plan meets all applicable city codes, regulations, etc. including, but, not limited to, parking, landscaping, screening, drainage, etc. Motion carried 3-1-1 (Parrish voted Nay, Shirk Abstained).

4. Request by Parks Property Management, LLC (on behalf of Pella Windows & Doors) for a Site Plan Amendment to construct a new 23,755 square foot commercial building in the “B-P” Business Park District located south of 4041 Hurst Drive.

It was moved by Parrish and seconded by Schoborg to receive and place on file the statement of verification at 4:45 p.m. Motion carried unanimously, and Shirk declared the hearing open.

Blank read the staff report recommending approval of the request subject to the following conditions: 1) that the final site plan meets all applicable city codes, regulations, etc. including, but, not limited to, parking, landscaping, screening, drainage, etc.

Wendell Lupkes, VJ Engineering, noted that the plan shows everything but the sidewalk and the trail but was waiting to see if there was a comment before presenting an updated plan.

Parrish asked where the sidewalk and trail would go to which Dornoff responded on the south side of the roads.

Parrish also asked if they were moving from their current location off of Sergeant Road, to which Schoborg responded that they will be.

It was moved by Schoborg, seconded by Serfling, to close the public hearing. Motion carried unanimously. The hearing was closed at 4:54 p.m.

It was moved by Schoborg, seconded by Serfling, to recommend approval of the request by Parks Property Management, LLC (on behalf of Pella Windows & Doors) for a Site Plan Amendment to construct a new 23,755 square foot commercial building in the “B-P” Business Park District located south of 4041 Hurst Drive with the following condition: that the final site plan meets all applicable city codes, regulations, etc. including, but, not limited to, parking, landscaping, screening, drainage, etc. Motion carried unanimously.

B. Plats

1. Request by Hurst Holdings, Inc. for the Preliminary Plat of Tower Park No. 7, a six-lot commercial subdivision located in the “B-P” Business Park District and “C-P” Planned Commercial District located south of 4041 Hurst Drive.

Blank read the staff report recommending approval of the request with the following condition: the plat has all accurate required information prior to the Preliminary Plat being sent to the City Council.

This item was discussed with item A-4.

It was moved by Schoborg and seconded by Serfling to recommend approval the request by Hurst Holdings, Inc. for the Preliminary Plat of Tower Park No. 7, a six-lot commercial subdivision located in the “B-P” Business Park District and “C-P” Planned Commercial District located south of 4041

Hurst Drive with the following condition: the plat has all accurate required information prior to the Preliminary Plat being sent to the City Council. Motion carried unanimously.

2. Request by Hurst Holdings, Inc. for the Final Plat of Tower Park No. 7, a six-lot commercial subdivision located in the “B-P” Business Park District and “C-P” Planned Commercial District located south of 4041 Hurst Drive.

Blank read the staff report recommending approval of the request with the following conditions: 1) that the plat has all accurate required information prior to the Final Plat being sent to the City Council; and 2) that sidewalk be installed on the south side of Tower Park Drive and a trail on the south side of Fisher Drive.

This request was discussed with A-4.

It was moved by Schoborg and seconded by Serfling to recommend approval the request by Hurst Holdings, Inc. for the Final Plat of Tower Park No. 7, a six-lot commercial subdivision located in the “B-P” Business Park District and “C-P” Planned Commercial District located south of 4041 Hurst Drive with the following conditions: 1) that the plat has all accurate required information prior to the Final Plat being sent to the City Council; and 2) that sidewalk be installed on the south side of Tower Park Drive and a trail on the south side of Fisher Drive . Motion carried unanimously.

3. Request by City of Waterloo for the Final Plat of North Crossing 3rd Addition, a 3-lot commercial and residential subdivision in the “R-4, R-P” Planned Residence District located north of 501 Lakeside Street.

Dornoff read the staff report recommending approval of the request noting that it had previously been recommended for approval by the Commission, but since one year had passed before it was approved to go to the City Council, it needed to come back to the Commission.

There were no comments on this request.

It was moved by Serfling and seconded by Parrish to recommend approval the request by City of Waterloo for the Final Plat of North Crossing 3rd Addition, a 3-lot commercial and residential subdivision in the “R-4, R-P” Planned Residence District located north of 501 Lakeside Street. Motion carried unanimously.

4. Request by CJ’s Construction on behalf of Hope M. Anderson for the Final Plat of Paradise Estates 1st Addition, a 64-lot residential subdivision in the “R-1” One and Two Family Residence District located adjacent to 5643 Kimball Avenue.

Hyberger read the staff report recommending approval of the request with the following condition: That the plat is updated and additional documents are submitted as required by staff before the request is reviewed by the City Council. The minor potential changes and information needed will not impact the design and layout as shown; just potential changing the size of some drainage easements.

Lisa Burch, YTT Design, stated she was available to answer any questions.

Parrish asked if there were any drawings of the proposed houses and how big they were going to be, and if those would come back to the commission to which Dornoff responded they would not since it is not a planned district, and Schoborg said they would be a minimum of 1300 square feet per the deed of dedication.

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Parrish asked how wide the streets would be, to which Burch responded that Paradise would be 31 feet wide and the other streets would be 28 feet wide.

Parrish asked what the lot widths would be, to which Burch responded that they were above the requirements for the “R-1” District but would be between 75 and 85 feet wide.

Parrish also noted that the Deed of Dedication says that it will create a Neighborhood Association and asked if that was supposed to be a homeowners association and if it should be changed, to which Dornoff responded that they were talking about a homeowners association.

Mike Henning, 138 Sidehill Drive, noted that the staff report read by Hyberger was different from the one that was sent to Henning, to which Hyberger noted that there had been updates to the staff report. Henning also asked if there would still be sidewalks required on all street frontages and asked why there would not be a sidewalk required along Kimball Avenue and is concerned that there would not be a sidewalk along Kimball Avenue since we are supposed to have a Complete Streets program, and it will be less safe for kids walking to school and noted that there is a sidewalk along the length of the school and there are 1700 cars a day on that street. It was later determined that the approved Preliminary Plat and proposed deed of dedication require sidewalks on all street frontages, which would include Kimball.

Henning also wanted to know if the Trail along Kimball on the INRCOG master plan was taken out and stated it should be combined with the sidewalk, to which Dornoff noted that the plan has not been adopted by the City of Waterloo yet.

Henning asked about the Deed of Dedication, noting that when the staff report was written, it was not turned in yet, but now it has and asked when it would be available to the public, to which Dornoff responded that the Deed will get reviewed by the Engineering and Planning Departments before it will go to the City Council, and the deed was available for public review.

Henning did thank Hyberger for putting information in about the school bus access in the staff report.

Henning asked when the Black Hawk County Soil & Waterloo Conservation Commission will get the drainage report to which Burch noted that they see the drainage plan as part of the regular review process, but the report does allow the developer to determine the width of the drainage easements that will be needed. Burch also noted that they have to have a plan for soil erosion which is standard for any construction project.

Andera stated that the staff talked to the developer on March 13th and requested a sidewalk along Kimball Avenue from Paradise Boulevard to connect with the school’s sidewalk. As noted above, it was later determined that a sidewalk is required along all of the frontages along Kimball.

Burch noted that the developer did agree to have a sidewalk on Kimball Avenue south of Paradise Boulevard, and the school district will extend their sidewalk to meet the developer’s portion, and there will be a bus connection, but it has not been determined yet where. Burch also noted that there would be a sidewalk from a future phase of the project to connect to the back of the school as well.

Parrish asked about the connection to Lichty Boulevard that is shown in the preliminary plat, to which Burch responded that it would be in the next phase and that there would be a sidewalk along Kimball to connect the school from there also. Burch noted that they have a preliminary design for the second phase but not a final one.

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Parrish asked if there would be sidewalks throughout the development, to which Burch stated yes there would be, and on both sides of the street.

Schoborg asked if there was currently a crosswalk across Kimball Avenue, to which Dornoff responded yes, there is with push button activated lights.

Parrish asked about stormwater detention, to which Burch responded that there is two large storm water basins in the development.

Burch also noted they are working with the Iowa Department of Transportation for access to Iowa Highway 21 for the future phase.

Parrish asked how many homes with all phases, to which Burch responded that she was not sure of the exact number but around 200.

Schoborg asked why there would not be permanent access to Kimball Avenue from Moonlight Drive to which Burch responded that it was due to not wanting two accesses so close together, and discouraging cut through traffic when the future phase connects with Highway 21.

Monique Walters, 5404 Kimball Avenue, asked if what is included in the final plat is the only part of the project being developed, to which Dornoff responded correct Walters further asked when the 8 acres plot would be developed, to which Dornoff responded that staff currently has no information on that. Walters also asked if future phases would have to come back to the Commission and City Council, to which Dornoff responded yes.

Barbara Henning, 138 Sidehill Drive, asked Parrish if she was asking how much the homes would be from the lot lines, to which Parrish answered she was asking how the homes would be laid out on the property overall, and Henning asked how far away from lot line would the homes be to which Dornoff responded that the standard side yard setback in the "R-1" One and Two Family Residence District is 10% of the lot width or a maximum of 10 feet so with lots between 75 and 85 feet the setbacks will be between 7.5 and 8.5 feet. Henning stated her neighborhood is used to having large lots and bigger setbacks.

Wendell Lupkes, VG Engineering, asked if the developer has to provide Bonds and other financial guarantees to which Gentz responded that when the final plat is submitted to the City Council, it is required to have a Contract & Petition Waiver, which guarantees the construction of the improvements and if they don't the city can assess them but that has not happened in the 43 years he has been with the City.

Serfling asked when the Preliminary Plat went through, to which Dornoff responded in 2018.

Amy Anderson, 110 West Orange Road, stated that they are concerned about water pressure to which Dornoff noted that WaterWorks has been studying the water situation in the area, and Wilberding responded that they have an engineer on contract working on it right now and are looking at a lot of options for the area.

It was moved by Parrish and seconded by Schoborg to table the request CJ's Construction on behalf of Hope M. Anderson for the Final Plat of Paradise Estates 1st Addition, a 64-lot residential subdivision in the "R-1" One and Two Family Residence District located adjacent to 5643 Kimball Avenue. Motion carried unanimously.

C. Street Naming

1. Request by the City of Waterloo to rename West San Marnan Drive from West 4th Street to Ansborough Avenue to Van Miller Way.

Dornoff read the staff report recommending approval of the request.

Parrish asked if there were concerns about renaming only a portion of the street, to which Shirk responded that it feels like a different road west of Ansborough, and he did not see an issue with it.

It was moved by Parrish and seconded by Serfling to recommend approval the request the City of Waterloo to rename West San Marnan Drive from West 4th Street to Ansborough Avenue to Van Miller Way. Motion carried unanimously.

VII. Discussion

The next meeting of the Planning, Programming, and Zoning Commission will be on April 11, 2023.

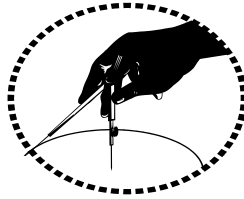
VIII. Adjournment

It was moved by Parrish and seconded by Serfling to adjourn the meeting at 5:35pm. Motion carried unanimously.

Respectfully submitted,



John Dornoff,
Planner II



TECH NOTES
CITY OF WATERLOO TECHNICAL REVIEW COMMITTEE
April 4, 2023

The meeting of the City of Waterloo Technical Review Committee was called to order at 1:30 p.m. via Zoom.

The following attended the meeting electronically: Aric Schroeder, Lexi Blank, and Seth Hyberger – Planning; JD Van Dyke – Fire Department; Greg Alhelm – Building Department; Jaime Knutson – Engineering Department; Brian Johnson – Waterloo Waterworks; David Kline – MidAmerican; Matt Vlasak – Traffic

A. Plats

- 1. Request by CJ's Construction on behalf of Hope M. Anderson for the Final Plat of Paradise Estates 1st Addition, a 64-lot residential subdivision in the "R-1" One and Two Family Residence District located adjacent to 5643 Kimball Avenue.**

Hyberger read the staff report recommending approval of the request with the following condition: that the final plat is updated with all required information prior to the plat being sent to the City Council.

Knutson stated they are still waiting on the drainage report.

Hyberger noted updates to the Deed of Dedication are still needed.

B. Vacates

- 1. Request by Nihad Masic to vacate approximately 1,470 square feet of city owned alley right-of-way in the "M-1" Light Industrial District located southeast of 312 Kothe Street.**

Blank read the staff report recommending approval of the request with the following condition: that an easement may be retained for the overhead electric line within the vacate area.

Knutson stated the updated plan should be in compliance with the code and if it is built as shown on the plan, it will be approved by the Engineering Department. The existing gravel drive and other gravel areas not shown on the site plan will need to be removed when the new parking areas are constructed.

Schroeder noted concerns with the storm water area splitting the lot because that will close access to each lot. The applicant may want a connection between the two lots.

Kline stated he has not been in contact with anyone about the relocation of the electric line at this time.

Schroeder noted a condition of approval needs to be added to remove the gravel driveway and other gravel areas not shown on the site plan.

C. Encroachment Agreement

- 1. Request by 3-Stooges for an encroachment agreement to allow for the placement of a private storm sewer connection in the public right-of-way of Martin Road in the "M-2,P" Planned Industrial District located in front of 1370 Martin Road.**

Hyberger read the staff report recommending approval of the request.

There were no comments on this request.

D. Other – Historical Nominations

1. **Request by Habitat for Humanity to nominate 415 Walnut Street (former Walnut Baptist Church) as a Locally Designated Landmark.**

Blank read the staff report recommending approval of the request.

There were no comments on this request.

Discussion

1. **Commission review of potential areas of the Zoning Ordinance to consider amendment.**

Schroeder explained this will be a general discussion about the Zoning Ordinance among the Commission.

A handwritten signature in black ink that reads "Lexi Blank". The signature is written in a cursive, flowing style.

Lexi Blank,
Planner I

REQUEST:	Request by CJ's Construction, Inc. on behalf of Hope M. Anderson for the 64-lot final plat of Paradise Estates First Addition, zoned "R-1" One and Two Family Residence District, and located north of 5643 Kimball Avenue.
APPLICANT(S):	CJ's Construction, Inc. 2915 Dubuque Street NE, Iowa City, IA, 52240.
SURVEYOR:	Scott Survey Inc., PO Box 315, Center Pointe, IA 52213-0315
GENERAL DESCRIPTION:	This request would create 64 lots for the development of one or two family dwellings with lot sizes ranging from 14,057 SF to 21,787 SF, located north of 5643 Kimball Avenue.
IMPACT ON NEIGHBORHOOD:	The request for the final plat would not appear to have a negative impact upon the surrounding area. It would appear that the proposed residential development would blend in well with the surrounding neighborhood which consists of single family homes, agricultural land, and Orange Elementary School. The average lot size within a 250 feet buffer of the project area for existing residential lots is (0.62 acres). The average lot size for the 64 lots for the final plat is (0.39 acres). Most lots will range in size from (0.25 acres) to (0.5 acres).
VEHICULAR & PEDESTRIAN TRAFFIC:	<p>The proposed area to be platted for Paradise Estates First Addition would have minimal impact to surrounding pedestrian and vehicular traffic conditions in the area. The proposed development would be served by Kimball Avenue which consists of 6.5" (PCC) Portland Cement Concrete on a 6" granular base with a 4.5" (ACC) Asphalt Cement Concrete overlay for a total of 11" of pavement. Kimball Avenue has an average annual daily traffic count of 1,730 vehicles.</p> <p>The development shall also be served by local roads which include Paradise Boulevard, Moonlight Drive, and Wall Street. A temporary road access to Kimball Avenue will be provided at the west end of the Moonlight Drive cul-de-sac in between lots 64 and Lot 41. This will ensure that Paradise Estates First Addition will have two points of entry and exit from the subdivision until it is built out with future phases that will provide permanent secondary access.</p> <p>A discussion occurred with the developer to have the School District purchase a lot for a bus lane. One route is to have a bus lane to the north that crosses lot seven onto Paradise Boulevard. The second route is to have a bus lane that crosses south of lot 19 to Wall Street. The bus lane would be screened with trees and include a sidewalk. Sidewalk will also be required along all street frontages for the development, including Kimball Avenue.</p>

TRAIL PLAN:	The Shaulis Road trail is approximately 2,500 feet to the north of the proposed plat area and will not be connected to the proposed plat area at this time.
ZONING HISTORY FOR SITE AND IMMEDIATE VICINITY:	<p>The proposed plat area is currently zoned “R-1” One and Two Family Residence District. It was rezoned from “A-1” Agricultural District with the passage of Ordinance 5448 on April 9, 2018. The Surrounding land uses and their zoning designations are as follows:</p> <p>North, South, and East – Agricultural land and Orange Elementary School, zoned “R-1” One and Two Family Residential District.</p> <p>West – Single family homes and Agricultural Land, zoned “R-1” One and Two Family Residence District and “A-1” Agricultural District.</p>
BUFFERS REQUIRED/ NEEDED:	The request would not require any buffering by ordinance standards.
DRAINAGE:	The Engineering Department has noted that drainage easements have are not labeled on the final plat. The drainage easements will need to be added to the final plat before it is forwarded on to the City Council. A final drainage report has not been submitted, which is needed to verify the width of the drainage easements.
DEVELOPMENT HISTORY:	The surrounding area consists predominantly of agricultural land and single family homes. The Orange Neighborhood was established more than 100 years ago. The majority of the homes there were constructed in the 1960’s and 1970’s with some homes being built recently. Orange Elementary was constructed in 2012.
FLOODPLAIN:	The 64 lots identified in the final plat area are not located within the 100-year floodplain as indicated by the Federal Insurance Administration's Flood Insurance Rate Map, Community Number 19013C0311F, dated July 18, 2011.
PUBLIC/OPEN SPACES/SCHOOLS	Orange Elementary is directly adjacent to the proposed plat area, which includes a playground area for recreational use. There are no additional schools in the immediate area.
UTILITIES: WATER, SANITARY SEWER, STORM SEWER.	There is an existing 8” sanitary sewer main, 12” water main, and a 15” storm sewer located underneath Kimball Avenue. There is a 30’ sanitary sewer easement noted on the Final Plat to the south of lots 41-52 and to the north of lots 29-40. This sanitary sewer easement extends to northeast and connects with Lot D. All utilities will be extended to serve the development.

RELATIONSHIP TO
COMPREHENSIVE
LAND USE PLAN:

The Future Land Use Map designates the plat area as Agricultural-Residential Potential. The proposed plat is therefor in accordance with this designation.

STAFF ANALYSIS –
ZONING ORDINANCE:

The average lot size for the 64 lots that are proposed to be plated is (0.39 acres). Most lots will range in size from (0.25 acres) to (0.5 acres). The plat area is also adjacent to Orange Elementary School which will give parents the option of walking or biking their children to school. The area is also adequately served transportation wise by Kimball Avenue.

The proposed development will also meet the setback and lot size requirements for the “R-1” One and Two Family Residence District.

Waterloo Water Works is aware of the water pressure issue in Orange Township. The reason behind the disparity is that Raymond, Orange Township, and Eagle Center are all on one pressure zone. Orange Township has the highest elevation and that is why they have the lowest water pressure in the system at around 40 psi. Eagle Center is located at a lower elevation one mile south of Orange Township, but they get around 60 psi. Clauson Engineering is working with Water Works to find a solution to address the issue, but they also noted that adding additional homes to Paradise Estates will have no impact on Orange Township’s water pressure.

STAFF ANALYSIS –
SUBDIVISION
ORDINANCE:

Staff believes that the new residential development will be compatible with and have a positive impact upon the surrounding neighborhood. The lot dimensions exceed the requirements of the zoning ordinance, and corner lots are designed to observe minimum front yard setbacks.

Section 4.3 of the subdivision ordinance notes local street design should be laid out to minimize through traffic designs, and shall be extended to the boundary lines of abutting properties, unless desirable for the coordination and layout of the most advantageous development. Other design criteria of the block layout include roadway widths, and intersections.

The Final Plat includes the following items: a) legal description, b) property lines and dimensions, c) date, north arrow, and scale, d) easements, e) size of individual lots, and f) right-of-way widths. A deed of dedication has been submitted, but still needs some additional updating. A drainage report still needs to be submitted, which could impact the width of the drainage easements.



Picture 1: Looking at area to be platted



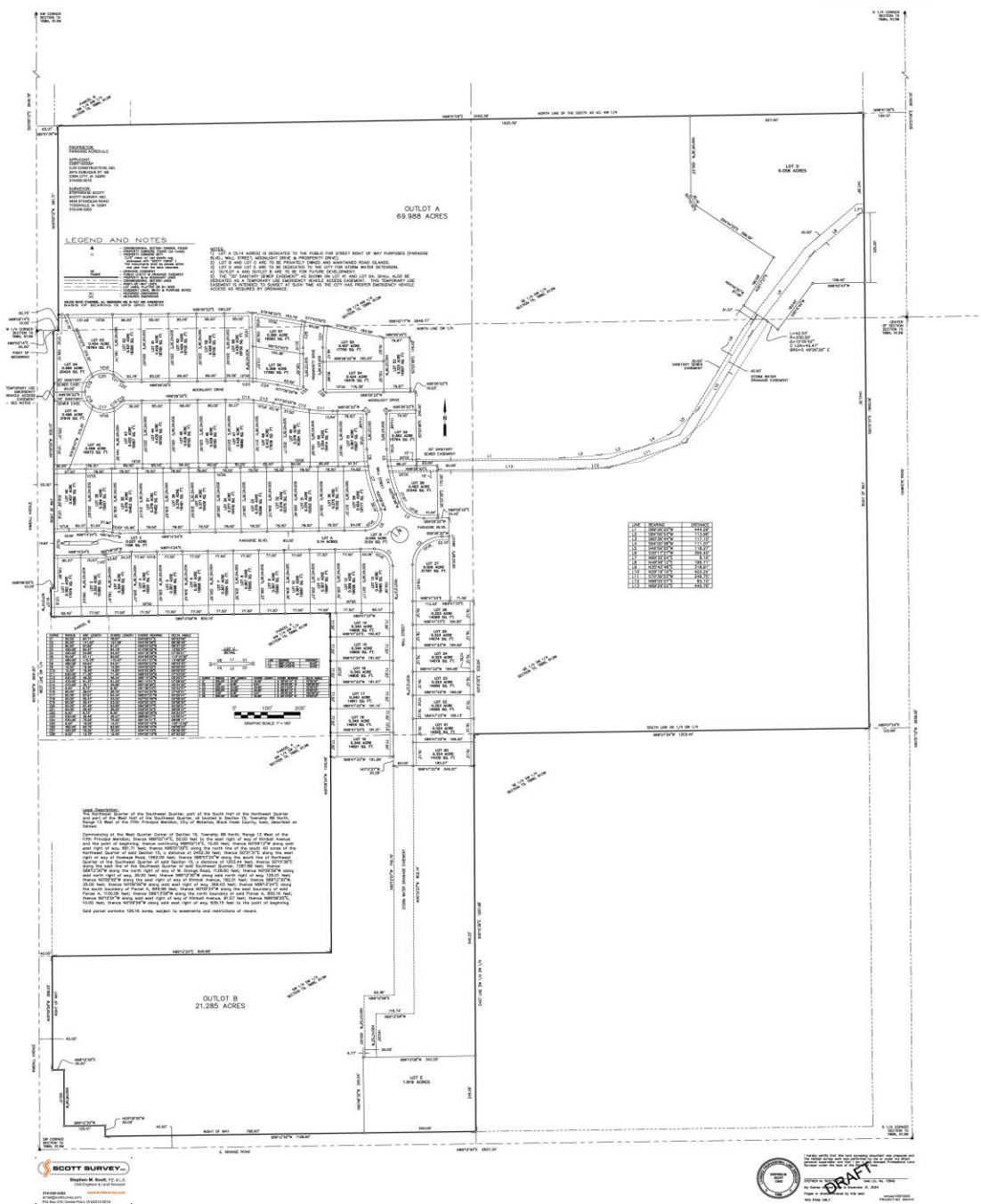
Picture 2: Orange School



Picture 3: Existing homes in area.



Picture 4: Area of future expansion along Iowa Highway 21.



**STAFF
RECOMMENDATION:**

Therefore, staff recommends that the request for the Final Plat of the Paradise Estates First Addition be approved for the following reasons:

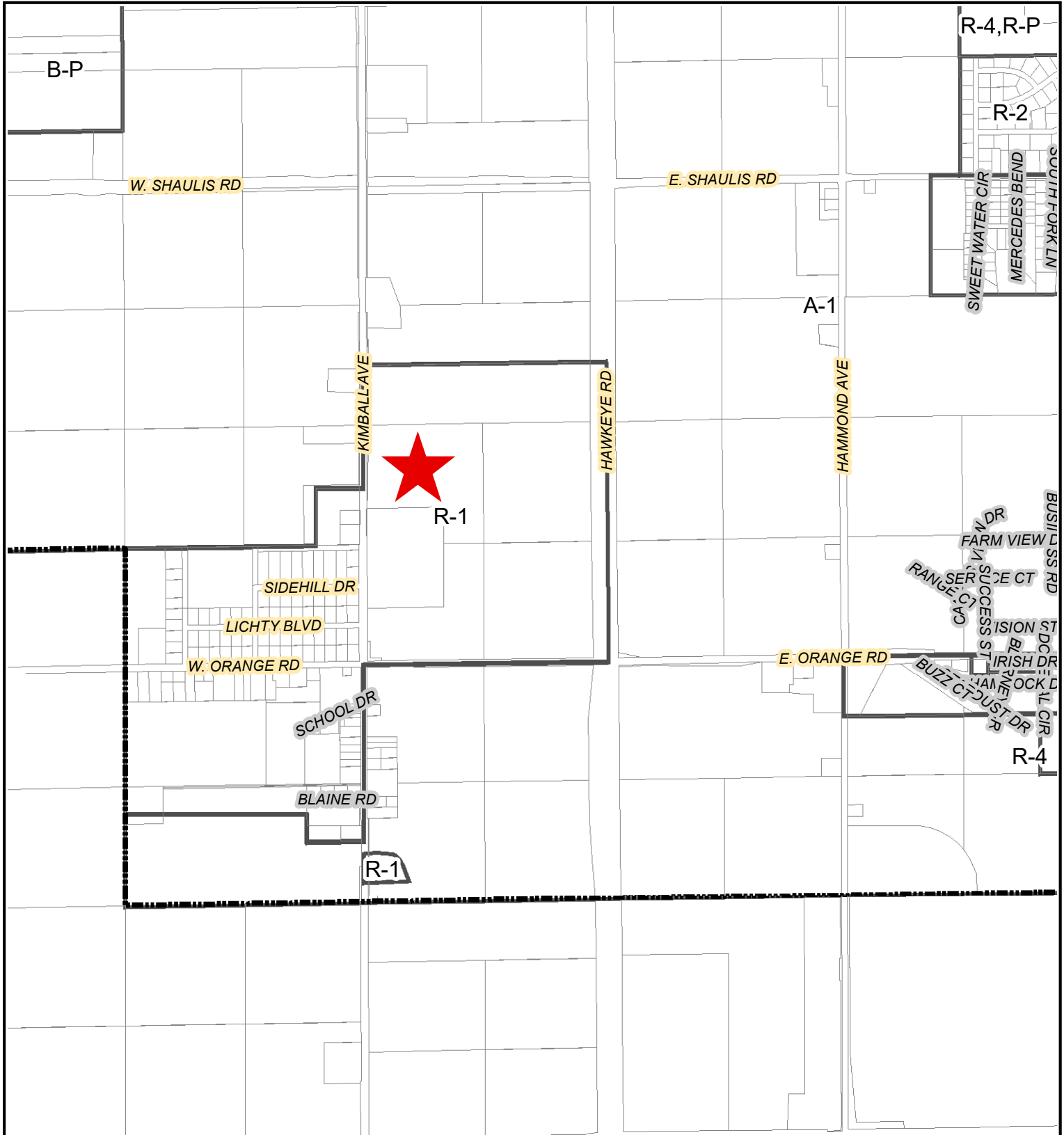
1. The request would not appear to have a negative impact on the surrounding area.
2. The request does not appear to have a negative impact on pedestrian and traffic conditions within the surrounding area.
3. The request is in conformance with the Comprehensive Plan and Future Land Use Map.
4. The proposed development would work to create new residential lots around Orange Elementary School encouraging homeownership, potential saving to Waterloo Public Schools with less students bused, and new students and houses in Waterloo.

And subject to the following conditions:

1. That the final plat is updated with all required information prior to the plat being sent to the City Council.

City of Waterloo Planning, Programming and Zoning Commission

April 11, 2023



800 400 0 800
Feet



**Final Plat
Paradise Estates
CJ's Construction**

City of Waterloo Planning, Programming and Zoning Commission
April 11, 2023



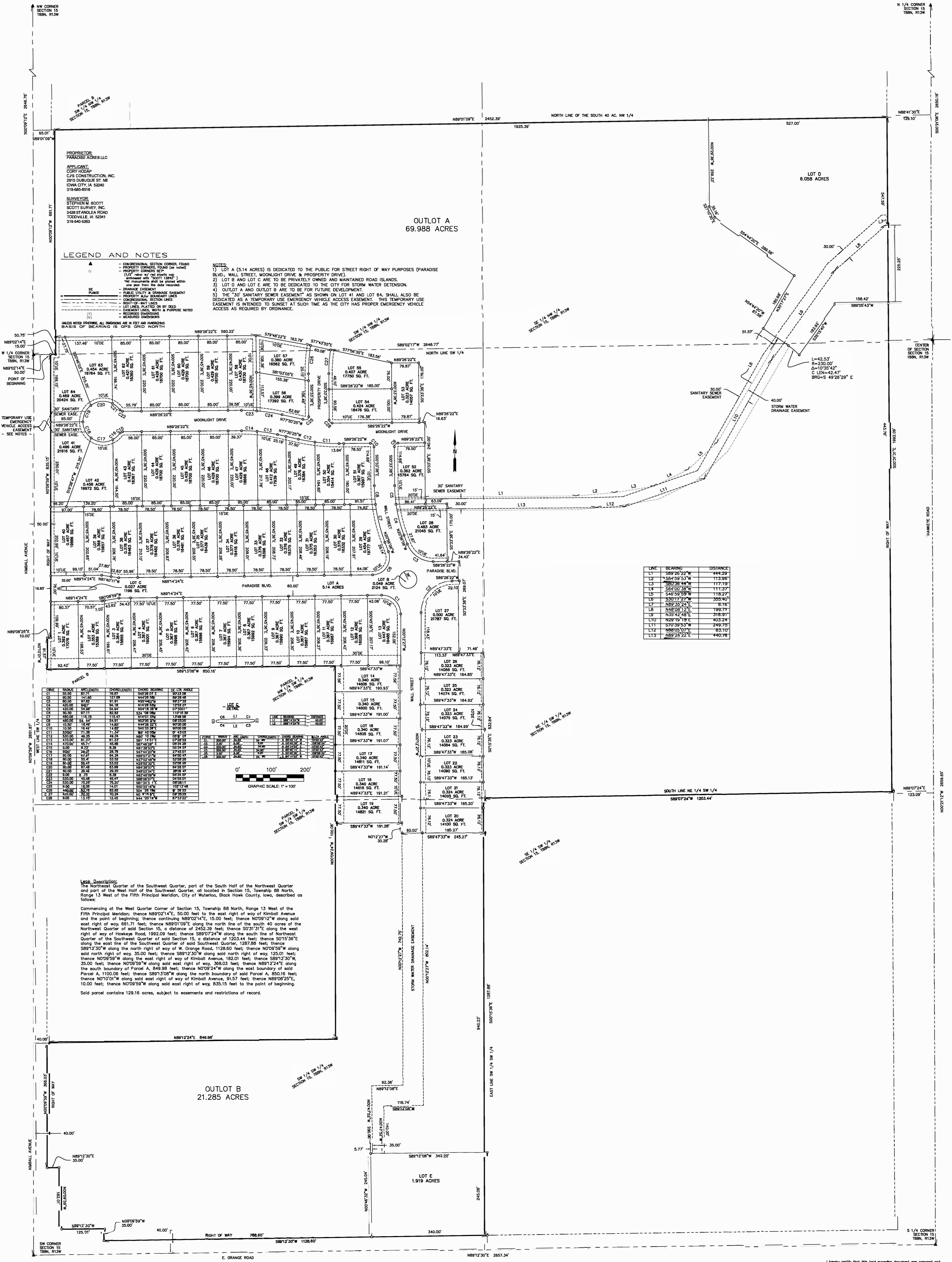
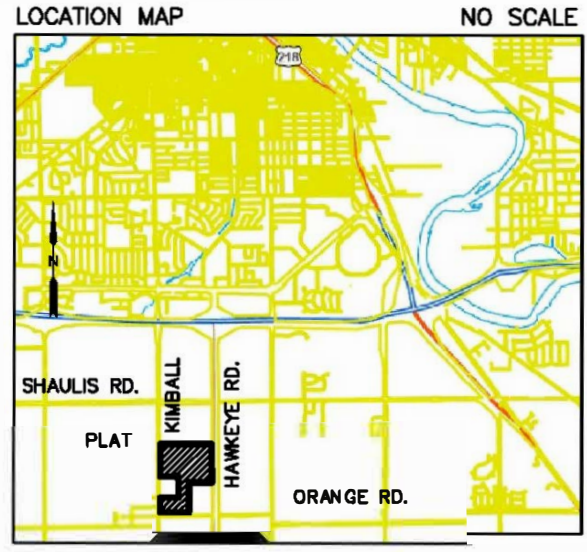
750 375 0 750
Feet



Final Plat
Paradise Estates
CJ's Construction

Index Legend
Location: Section 15, Township 88 North, Range 13 West
W 1/2 SW 1/4 & SW 1/4 NW 1/4
Requestor: Paradise Acres LLC
Propriator: Paradise Acres LLC
Surveyor: Stephen M. Scott, P.L.S.
Company: Scott Survey, Inc.
Return To: P.O. Box 315
Center Point, Iowa 52213
email@scotsurvey.com 1 (319) 540-5263

FINAL PLAT
PARADISE ESTATES FIRST ADDITION
IN THE CITY OF WATERLOO, BLACK HAWK COUNTY, IOWA



LEGEND AND NOTES

- 1) LOT A (5.14 ACRES) IS DEDICATED TO THE PUBLIC FOR STREET RIGHT OF WAY PURPOSES (PARADISE BLVD., WALL STREET, MOONLIGHT DRIVE & PROPERTY DRIVE).
- 2) LOT B AND LOT C ARE TO BE PRIVATELY OWNED AND MAINTAINED ROAD ISLANDS.
- 3) LOT D AND LOT E ARE TO BE DEDICATED TO THE CITY FOR STORM WATER DETENTION.
- 4) OUTLOT A AND OUTLOT B ARE TO BE FOR FUTURE DEVELOPMENT.
- 5) THE "30' SANITARY SEWER EASEMENT" AS SHOWN ON LOT 41 AND LOT 64, SHALL ALSO BE DEDICATED AS A TEMPORARY USE EMERGENCY VEHICLE ACCESS EASEMENT. THIS TEMPORARY USE EASEMENT IS INTENDED TO SUNSET AT SUCH TIME AS THE CITY HAS PROPER EMERGENCY VEHICLE ACCESS AS REQUIRED BY ORDINANCE.

NOTES:
1) LOT A (5.14 ACRES) IS DEDICATED TO THE PUBLIC FOR STREET RIGHT OF WAY PURPOSES (PARADISE BLVD., WALL STREET, MOONLIGHT DRIVE & PROPERTY DRIVE).

LINE	BEARING	DISTANCE
L1	S89°20'22"E	113.96'
L2	S84°59'53"W	113.96'
L3	S80°38'44"W	117.10'
L4	S64°00'08"W	111.37'
L5	S46°59'59"W	118.27'
L6	S30°17'27"W	355.40'
L7	N89°55'24"E	8.16'
L8	N48°08'12"E	199.77'
L9	N35°42'48"E	318.91'
L10	N29°19'19"E	403.24'
L11	S70°38'53"W	249.75'
L12	N80°03'07"E	251.10'
L13	N89°20'22"E	440.78'

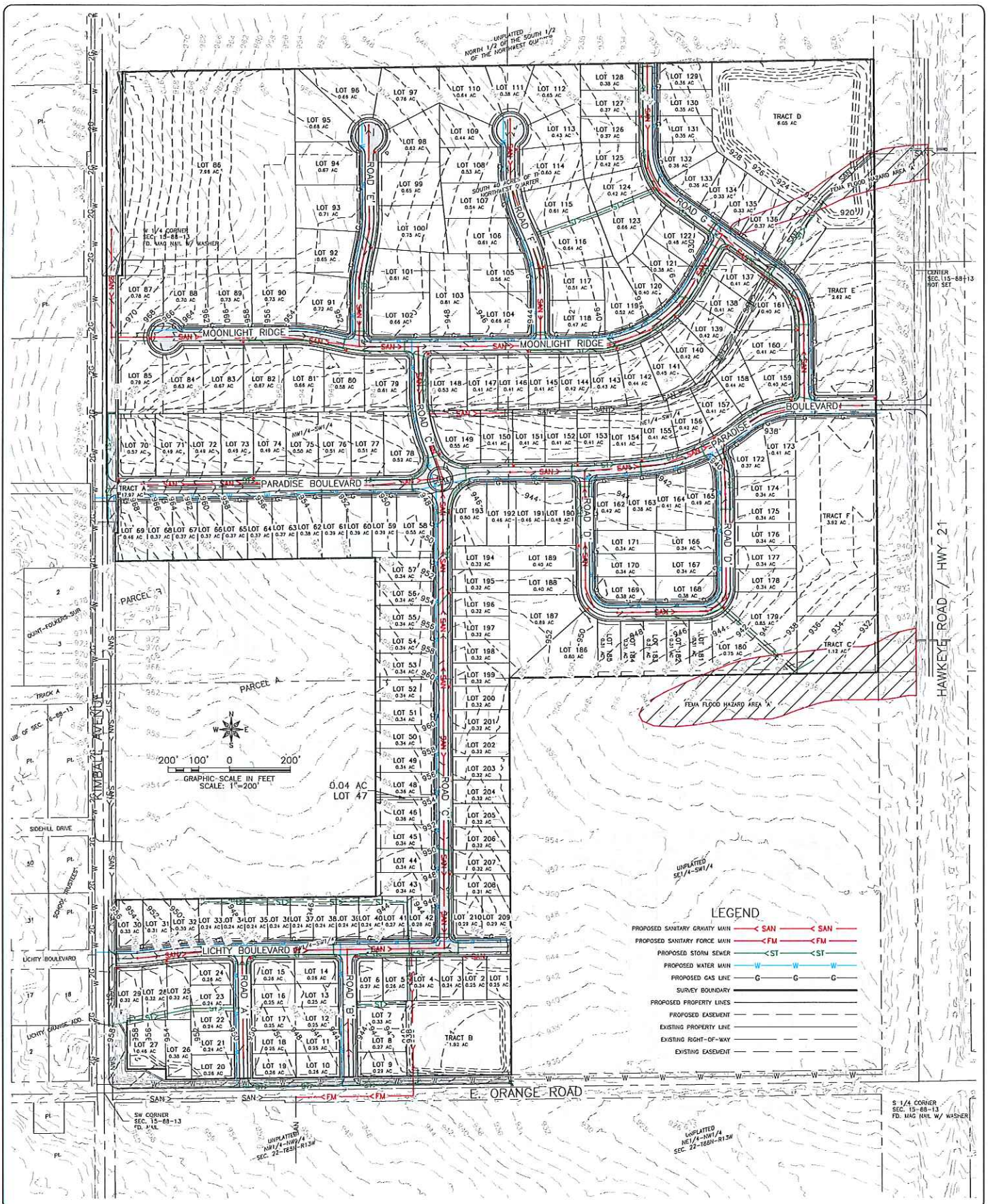
Legal Description:

The Northeast Quarter of the Southwest Quarter, part of the South Half of the Northwest Quarter and part of the West Half of the Southwest Quarter, all located in Section 15, Township 88 North, Range 13 West of the Fifth Principal Meridian, City of Waterloo, Black Hawk County, Iowa, described as follows:
Commencing at the West Quarter Corner of Section 15, Township 88 North, Range 13 West of the Fifth Principal Meridian; thence N89°02'14"E, 50.00 feet to the east right of way of Kimball Avenue and the point of beginning; thence continuing N89°02'14"E, 15.00 feet; thence N70°12'12"W along said east right of way, 651.71 feet; thence N89°01'08"E along the north line of the south 40 acres of the Northwest Quarter of said Section 15, a distance of 2452.39 feet; thence S0°31'31"E along the west right of way of Hawkeye Road, 1992.09 feet; thence S89°07'24"W along the south line of Northwest Quarter of the Southwest Quarter of said Section 15, a distance of 1203.44 feet; thence S0°15'36"E along the east line of the Southwest Quarter of said Southwest Quarter, 1287.85 feet; thence S89°12'30"W along the north right of way of M. Orange Road, 1128.60 feet; thence N0°09'59"W along said north right of way, 35.00 feet; thence S89°12'30"W along said north right of way, 125.01 feet; thence N0°09'59"W along the east right of way of Kimball Avenue, 152.01 feet; thence S89°12'30"W, 35.00 feet; thence N0°09'59"W along said east right of way, 358.03 feet; thence N89°12'24"E along the south boundary of Parcel A, 849.58 feet; thence N0°09'24"W along the east boundary of said Parcel A, 1100.06 feet; thence S89°13'08"W along the north boundary of said Parcel A, 550.16 feet; thence N0°10'01"W along said east right of way of Kimball Avenue, 91.57 feet; thence N89°08'25"E, 10.00 feet; thence N0°09'59"W along said east right of way, 835.15 feet to the point of beginning.
Said parcel contains 129.16 acres, subject to easements and restrictions of record.

SCOTT SURVEY, INC.
Stephen M. Scott, P.L.S.
Chief Engineer & Land Surveyor
319-540-5263
email@scotsurvey.com
P.O. Box 315, Center Point, IA 52213-0315



I hereby certify that this land surveying document was prepared and the required survey work was performed by the or under my direct personal supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Iowa.
THIS PAGE ONLY
revised 08/07/2023
PROJECT NO. 241016



FEHR GRAHAM
ENGINEERING & ENVIRONMENTAL
© 2017 FEHR GRAHAM

ILLINOIS
IOWA
WISCONSIN

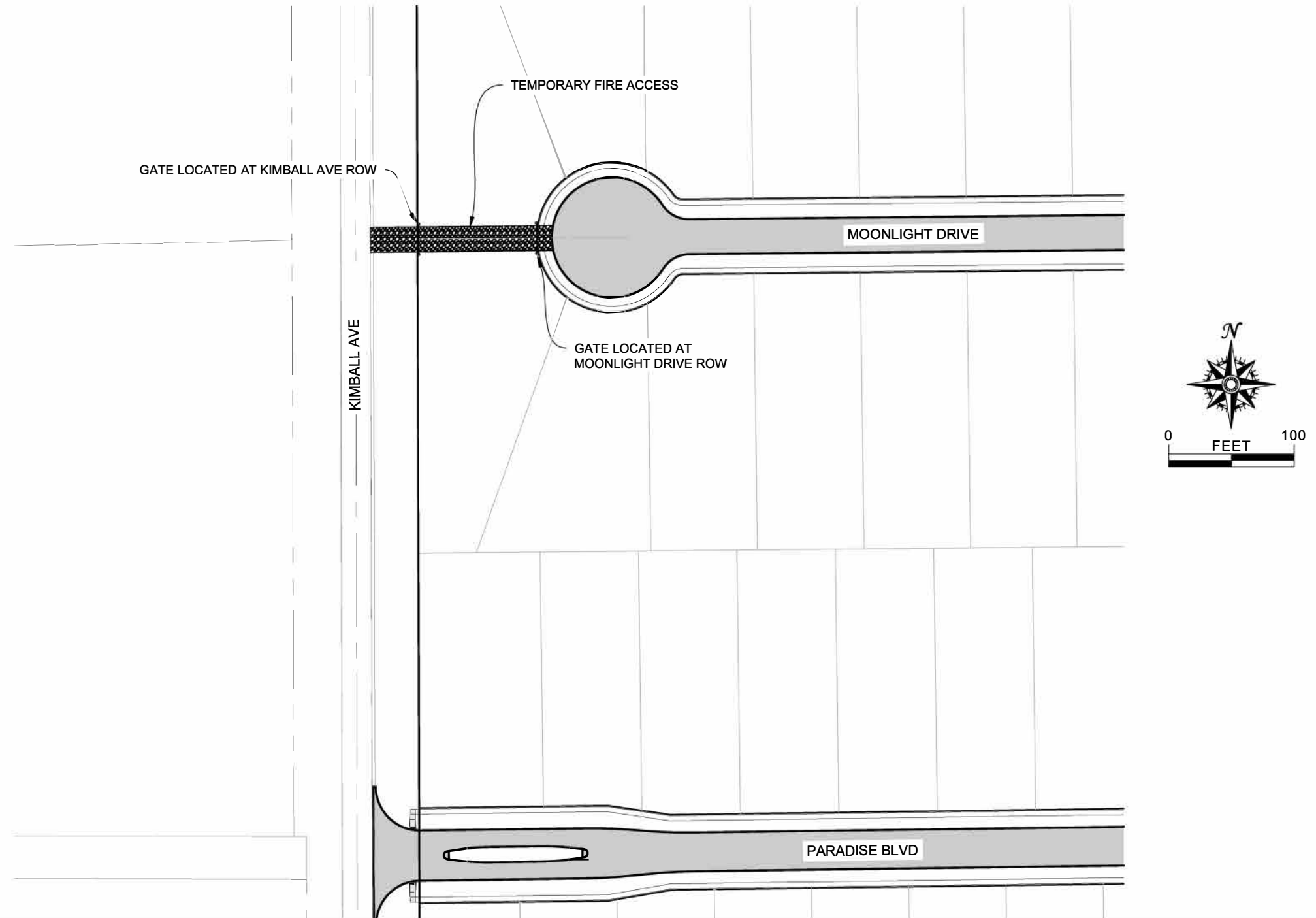
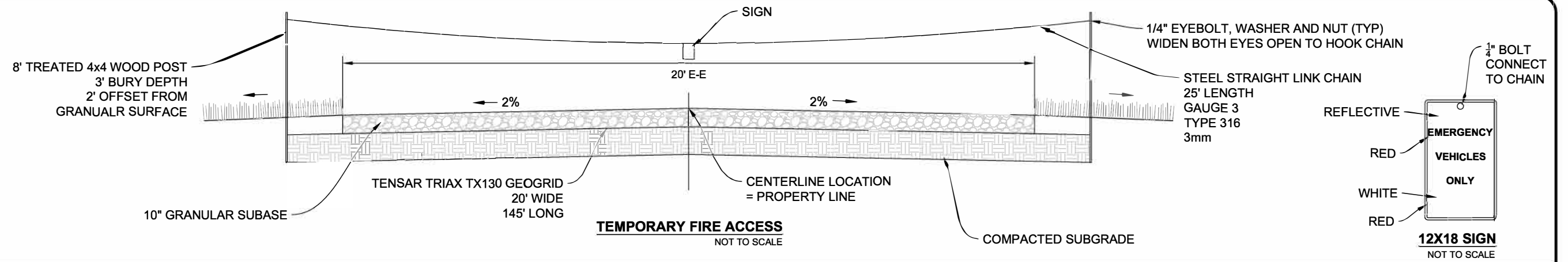
NO.	REVISION DESCRIPTION	DATE
1	SECOND SUBMITTAL	1/18/18

PROJECT:
PRELIMINARY PLAT
FOR
PARADISE ESTATES ADDITION
TO THE CITY OF WATERLOO, BLACK HAWK COUNTY, IOWA

DRAWING:
OVERALL PLAT
VIEW
SET TYPE: SUBMIT

JOB NUMBER:
17-511
SHEET NUMBER:
PP.1.1

PLOT DATE: 3/14/18 C:\30\17-511\17-511 Preliminary Plat.dwg, PP.1



Prepared by: _____

DEED OF DEDICATION
OF
PARADISE ESTATES FIRST ADDITION
WATERLOO, BLACK HAWK COUNTY, IOWA

KNOW ALL MEN BY THESE PRESENTS:

That CJ's Construction, Inc., an Iowa corporation, with its principal office in Iowa City, Iowa, being desirous of setting out and platting into lots and streets the land described in the attached Certificate of Survey by Stephen M. Scott, a licensed land surveyor, dated the __ day of _____

2023, do by these presents designate and set apart the aforesaid premises as a subdivision of the City of Waterloo, Iowa, the same to be known as:

PARADISE ESTATES FIRST ADDITION
WATERLOO, BLACK HAWK COUNTY, IOWA,

all of which is with the free consent and the desire of the undersigned and the undersigned do hereby designate and set apart for public use the streets and avenues as shown upon the attached plat.

EASEMENTS

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

RESTRICTIONS

Be it also known that the undersigned do hereby covenant and agree for themselves and their successors and assigns that each and all of the residential lots in said subdivision be and the same are hereby made subject to the following restrictions upon their use and occupancy as fully and effectively to all intents and purposes as if the same were contained and set forth in each deed of conveyance or mortgage that the undersigned or their successors in interest may hereinafter make for any of said lots and that such restrictions shall run with the land and with each individual lot thereof for the length of time and

in all particulars hereinafter stated, to-wit:

1. Any dwelling that shall be erected on any lot shall have a minimum setback from the front of the lot line of 30 feet as indicated on the plat.

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

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

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

5. CJ's Construction, Inc. or any other lot owner shall construct only one family dwellings on the lots in this First Addition subdivision.

6. No single family dwelling shall be constructed, permitted or occupied on any lot herein having square footage floor space, designed, intended and constructed for living quarters, which space shall not include cellars, attics, garages, breezeways, porches, stoops, and other such non-living areas, of less than the following requirements:

A. 1,300 square feet for single story houses.

B. Any split level house, one and one-half story house, or house of two stories must have total minimum square footage of at least 1,300 square feet.

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

8. The owner of each lot, vacant or improved, shall keep his lot or lots free of weeds and debris. Further, the owner and/or occupant of each lot shall jointly and severally be responsible to keep in good order or to maintain the area between the curblin and the property line abutting his property including keeping said area free of holes, pitfalls, stumps of trees, fences, brick, stone, cement or other monument-type mail boxes, stakes, post or rods to which a metal, plastic or similar receptacle designed to hold newspapers are affixed, retaining walls, landscaping brick, block, stone, timber or other similar material, or any other similar obstructions.

9. No obnoxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

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

11. No dwelling on any lot in said Addition shall be occupied until it meets City of Waterloo requirements for occupancy.

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

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

14. No dog compound, enclosure, shelter, storage outbuilding, playhouse, or wood pile for firewood shall be constructed, used or maintained within ten feet of any lot line nor shall they exceed eight feet in height on any of said lots. All outbuilding exteriors shall be approved by the developer in writing prior to start of construction. After completion of all houses in the plat, approval of outbuilding exteriors not previously approved by the developer shall be approved by the Association.

15. A perpetual easement is reserved along the lot lines of said lots as shown by the recorded plat for storm water drainage and utility installation and maintenance. There shall be no buildings, large plantings or other obstructions upon or under the property covered by these easements, so that access is available for any equipment and/or persons necessary for the construction, reconstruction or maintenance of said utilities and/or drainage ways. Fences would be allowed if homeowner accepts responsibility for removal and reconstruction, fence cannot obstruct storm water drainage flows.

16. No radio station or short-wave operators of any kind shall operate from any lot which shall cause interference with audio or visual reception upon any other lot. Antennas are permitted if attached to the structure and do not extend more than eight feet above the peak of the home. All other antennas, satellite TV dishes in excess of 24 inches in diameter, poles for radios, and windmills are prohibited.

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

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

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

20. Each person or entity who is a record owner of a fee or undivided fee interest in any lot shall be a member of the Association to be known as Paradise Estates Neighborhood Association. This shall not be construed to include persons or entities who hold an interest merely as security for the performance of an obligation. There shall be a maximum of one vote per lot or residence, in the event the residence takes up more than one lot, and each lot owner shall be a member of the Neighborhood Association. Membership shall be appurtenant to and may not be separated from ownership of any lot; ownership of such lot shall be the sole qualification of membership.

The purpose of the Paradise Estates Neighborhood Association shall be to maintain the common areas, green spaces and Lot B & Lot C, Paradise Estates First Addition, including but not limited to the signage to be developed, and such other activities as set forth in the Articles of Incorporation and Bylaws of the Association. Such ownership and maintenance shall include, but not be limited to, mowing, watering, including upkeep of any underground sprinkler system, and maintenance of common areas. Initially, the developer, CJ's Construction, Inc. shall perform the actual construction duties to establish the common areas, green spaces, entrance and surrounding access area as to their lots. The homeowner's responsibility for these areas shall begin when the developer, CJ's Construction, Inc. notifies the Neighborhood Association that they are turning over the responsibility of those areas to the Neighborhood Association.

The annual dues for the Association shall initially be set at \$50 per year per lot or residence, if a residence encompasses more than one lot, beginning January, 2024. The Association shall have the ability and authority to adjust annual dues as it deems appropriate to carry out the maintenance duties described above. The developer, CJ's Construction, Inc. shall have no responsibility for annual association dues. Developer further grants to the City of Waterloo, Iowa, the ability to assess all lots in the Paradise Estates Neighborhood Association for the cost of maintaining the storm water detention basins in the event said Association fails to provide said maintenance acceptable to the City of Waterloo, Iowa.

21. No building or structure shall be erected or placed on any lot in this subdivision until the building plans, and plot plan, showing all buildings, fences, patios, and pools, and showing the location thereof, and side yard distances, rear yard distances, front yard distances, driveways, and walkways, and type of construction have been approved in writing as to conformity and harmony of external design and quality workmanship and materials with existing structures in the subdivision by CJ's Construction, Inc. After completion of all houses in the plat, approval of any additional plans not previously approved by the developer shall be approved by the Association.

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

23. The undersigned and all persons and corporations hereafter requiring any right, title or interest in any of the lots in said subdivision shall be taken and held to have agreed and covenanted with the owners of all other lots in this subdivision and with the respective successors and assigns of all of the rest of such other lots to conform to and observe all of the foregoing covenants, restrictions and stipulations as to the construction of building thereon for a period of twenty-one (21) years from the date of filing of said plat and this deed of dedication for record. Within the period of twenty-one (21) years

and in accordance with Iowa Code Chapter 614.24 and 614.25 (2021 Code of Iowa) or their successor provisions, these covenants, restrictions and stipulations shall be automatically extended for an additional period of twenty-one (21) years upon compliance with Chapter 614.24 and Chapter 614.25 of the 2021 Code of Iowa. In the event an extension of the covenants, restrictions and stipulations is not filed within the period of twenty-one (21) years or successive 21-year period, then the covenants, restrictions and stipulations contained herein shall terminate at the end of the existing period of twenty-one (21) years.

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

25. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that three dogs and/or cats maximum, or other household pets are allowed and then only if they are not kept, bred or maintained for any commercial purposes. Such animals shall be kept under control so as not to constitute a public nuisance and must be kept in compliance with applicable zoning laws and regulations of the City of Waterloo, Black Hawk County, Iowa.

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

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

28. The developer, CJ's Construction, Inc. agrees:

- A. That it shall with respect to the streets shown on the attached plat, _____ be brought to City grade and will be twenty-eight (28) feet, back of curb to back of curb; all said streets with approved hard surface pavement in accordance with City of Waterloo, Standard Specifications.
- B. That sanitary sewer, together with the necessary manholes and sewer service lines to all lots in the plat, will be provided.
- C. That underground utilities, as required by the Subdivision Ordinance of the City of Waterloo, Iowa, shall be installed.
- D. That the city water will be provided to all lots as required by the City of Waterloo, Iowa Water Works.
- E. That municipal fire hydrants will be provided as required by the Waterloo Public Safety Department.
- F. That handicap ramps will be provided as required by law and as required by the City of Waterloo, Iowa details and specifications.

- G. A Portland cement concrete sidewalk and a hard surfaced driveway approach shall be installed during or immediately after the construction of a residential dwelling on a lot in the subdivision, but before issuance of an Occupancy Permit from the City of Waterloo, Iowa, or only sidewalk construction within five (5) years of the transfer of said lot from the developer to a purchaser, whichever is earlier. Said sidewalk shall be constructed across the full length of all street frontages of the lot, and extend to match the end of existing sidewalk(s) on adjoining lots where sidewalk exists. Said sidewalk shall also be required to be constructed across all street frontages of two (2) or more adjoining lots, or portions thereof, when any owner has acquired said two (2) or more adjoining lots, or portions thereof, upon construction upon one (1) or more lots, or portions thereof, all as required by the City of Waterloo, Iowa. Construction of handicap access ramps at the intersections shall be the responsibility of the developer or adjacent property owner. In the event that the City is required to construct the sidewalk as permitted by subparagraph (I), a lien or liens may only be imposed against the lot or lots which require city construction and no others in the subdivision.
- H. That the work improvements called for herein shall be in accordance with the specifications of the City of Waterloo, Iowa, and performed under the supervision of a professional engineer licensed in the State of Iowa. In the event that the developer, CJ's Construction, Inc., its grantees and assigns fail to complete the work and improvements called for herein within one (1) year from the date of the acceptance of said final plat by each developer by the City of Waterloo, Iowa, the City may then make the improvements and assess the costs of the same to the lots owned and platted by the developer. The undersigned, for themselves, their successors, grantees and assigns, waive all statutory requirements of notice of time and place of hearing and agree that the City may install said improvements and assess the total costs thereof against the respective lots.
- I. That the City may perform said work, levy the cost thereof as assessments, and the undersigned agree that said assessments so levied shall be a lien on the respective lots with the same force and effect as though all legal provisions pertaining to the levy of such special assessments have been observed, and further authorize the City Clerk to certify such assessments to the County Auditor as assessments to be paid in installments as provided by law.

29. The developer, CJ's Construction, Inc., states:

- A. That this plat and development shall comply with the R-1 Residential Zoning District Classification Regulations.

30. Notwithstanding anything contained in the Deed of Dedication to the contrary, any assessment made under the Deed of Dedication shall not be a lien against any property described herein unless and until the City of Waterloo records with the Black Hawk County Recorder a "Notice of

Assessment Lien" which notice shall describe the property against which the lien attaches in the amount of said lien.

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

32. Developers hereby dedicate to the City of Waterloo, Iowa, access to the storm water detention basin for the purpose of inspection and enforcement of any city code or ordinance provisions governing the maintenance of the storm water detention basin, designated as Lot D & Lot E, Paradise Estates First Addition.

SIGNED and DATED this _____ day of _____, 2023.

CJ'S CONSTRUCTION, INC.

By

_____, President

STATE OF IOWA

) ss.

COUNTY OF _____

This instrument was acknowledged before me on, 2023, by _____ as President of
CJ's Construction, Inc.

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CITY OF WATERLOO PLANNING AND ZONING COMMISSION

REQUEST FOR PLATTING (FINAL)

1. APPLICATION INFORMATION:

- a. Applicant's Name – Business name if applicable (please print): CJ's Construction, Inc.
 Address: 2915 Dubuque St NE Phone: 319-631-3149
 City: Iowa City State: IA Zip: 52240 Email: Cjs_construction@yahoo.com
- b. Status of Applicant: (a) Owner (b) Other X (CHECK ONE): If other explain: under contract with land owner to close after plat approval.
- c. Property Owner's Name if different than above (please print): Hope M. Anderson
 Address: 100 Anderson Dr Phone: 319-429-1957
 City: Waterloo State: IA Zip: 50701

2. PREPARER INFORMATION (licensed land surveyor):

- a. Preparer's Business Name (please print): Scott Survey, Inc.
 Primary Preparer's Name: Stephen M. Scott, P.L.S.
 Phone: 319-540-5263 E-mail: email@scottsurvey.com

3. PROPERTY INFORMATION:

- a. Name of Plat: PARADISE ESTATES FIRST ADDITION
- b. General Location of Property: Kimball Ave
- c. Area of Proposed Plat: 129.17
- d. Area of Proposed Plat to be dedicated/conveyed to the City: 13.117 acres
- e. Value of area to be dedicated/conveyed to the City:
- f. Zoning District(s): R-1

4. OTHER DOCUMENTATION:

- a. Date of Preliminary Plat Approval: P&Z 03/26/2018 City Council 5/14/2018
- b. Six (6) copies of the Final Plat which are in conformance with Section 11-3-3 of the Subdivision Ord. (also submit a digital copy of the plat in PDF format)
- c. Three (3) copies of Deed of Dedication (must be original signatures)
- d. Three (3) copies of all Contract, Petition and Waiver forms (must be original signatures)
- e. Three (3) copies of Certificate of Survey (must be original signatures)

5. PUBLIC IMPROVEMENTS

- a. Costs for any public improvements: X Estimate Actual

	Total Cost
Storm Sewer	\$ <u>507,266.00</u>
Sanitary Sewer	\$ <u>383,796.40</u>
Paving	\$ <u>793,948.00</u>
Land Dedicated	\$ <u>0</u>
TOTAL	\$ <u>1,685,010.40</u>

The Request Fee of **\$215 + \$10 per lot** (payable to the City of Waterloo) is required. **This fee is non-refundable.** Under no condition shall said sum or any part thereof be refunded for failure of said request to be approved. Any major change in any of the information given will require that the request go back through the process, with a new Request Fee. The undersigned certify under oath and penalty of perjury that all information on this request and submitted along with it is true and correct. All information will be used by the Waterloo Planning, Programming, and Zoning Commission and the Waterloo City Council in making their decision. The undersigned authorize City Zoning Officials to enter the property in question in regards to the request

DocuSigned by: 3/2/2023

Signature of Applicant Date Signature of Owner Date

B279044F6838457...

REQUEST:	Request by Nihad Masic to vacate approximately 1,428 square feet of city owned right-of-way in the “M-1” Light Industrial District located southeast of 312 Kothe Avenue.
APPLICANT(S):	Nihad Masic, 312 Kothe, Avenue Waterloo, IA 50703
GENERAL DESCRIPTION:	The applicant is requesting to vacate a 1,428 square feet of city owned alley right-of-way.
IMPACT ON NEIGHBORHOOD & SURROUNDING LAND USE:	The request to vacate city owned right-of-way could give an additional 1,428 square feet of land for the auto sales business to park vehicles on the property. The alley right-of-way is not needed for road purposes and has been used by the applicant to store vehicles in the past.
VEHICULAR & PEDESTRIAN TRAFFIC CONDITIONS:	The request would not appear to have a negative impact upon pedestrian conditions in the area. There are no sidewalks along Kothe Avenue and it is a dead-end street.
RELATIONSHIP TO RECREATIONAL TRAIL PLAN and COMPLETE STREETS POLICY.	The nearest trail is the Donald Street Trail which is located 3,500 feet to the north.
ZONING HISTORY FOR SITE AND IMMEDIATE VICINITY:	<p>The area in question is zoned “M-1” Light Industrial District, and has been zoned as such since the adoption of the Ordinance No. 2479 in 1969. Surrounding land uses and their zoning are as follows:</p> <p>North – Broadway Street and Industrial Development zoned “M-1” Light Industrial District.</p> <p>South –Residential Development zoned “R-2” One and Two Family Residence District and “M-1” Light Industrial District.</p> <p>East – Commercial and Industrial Development zoned “R-2” One and Two Family Residence District and “M-1” Light Industrial District.</p> <p>West – Commercial, Industrial, and Residential Development zoned “M-1” Light Industrial District.</p>
BUFFERS REQUIRED/ NEEDED:	The request would not require any buffering by ordinance standards.
DRAINAGE:	The proposed vacate would not appear to have a negative impact on drainage.
DEVELOPMENT HISTORY:	The adjacent surrounding residential properties were primarily developed between the 1910’s and the 1930’s. The commercial development in the area occurred between the 1940’s and 2000’s.
FLOODPLAIN:	No portion of the lot in question is located within a Special Flood Hazard Area, as indicated by the Federal Insurance Administration's Flood Insurance Rate Map, Community Number 190025 and Panel Number 0188F, dated July 18, 2011.

**PUBLIC /OPEN
SPACES/ SCHOOLS:**

Lincoln Elementary is located 3,000 feet to the west. George Washington Carver Academy is located 2,200 feet to the northeast and East High School is located 1.5 miles to the southeast. The nearest open space is the Hoing-Rice Softball Center which is located 1,750 feet to the west.

**UTILITIES: WATER,
SANITARY SEWER,
STORM SEWER, ETC.**

The vacate area appears to contain an overhead electric line. There is an 8" sewer main underneath Kothe Avenue and a 6" water main on the west side of Kothe Avenue. A utility easement may need to be retained.

**RELATIONSHIP TO
COMPREHENSIVE
LAND USE PLAN:**

The Future Land Use Map designates the area as Industrial. The request would be in conformance with the Comprehensive Plan and Future Land Use Map for this area.

**STAFF ANALYSIS –
ZONING ORDINANCE:**

The applicant is requesting to vacate 1,428 square feet of city owned right-of-way southeast of 312 Kothe Avenue. The alley is approximately 16' x 100'. The applicant plans to use the lot to the southeast of 312 Kothe and the vacate area as vehicle storage for the dealership use.

A site plan and landscape plan has been submitted for the site.

The property owner to the west of the vacate area has expressed interest in their portion of the alley and the site plan has been updated to reflect this.

The applicant was unanimously denied a request to vacate the area to the north of 312 Kothe Street by the Planning, Programming, and Zoning Commission on July 13, 2021 due to unresolved issues with the Building Department, Engineering Department, Planning Department, and Code Enforcement.

The applicant was granted a 2 year variance to the hard surfacing requirement by the Board of Adjustment at their regular meeting on September 28, 2021 for the area to the north and the lot to the south of 3312 Kothe.

The applicant will have to address drainage concerns that were identified with a previously submitted drainage plan to the Engineering Department when the area is hard surfaced within the next five to six months. The Engineering Department's concerns have been addressed for now.

The Building Department and Fire Department have signed off on the building and it is in compliance with the code.

**TECHNICAL REVIEW
COMMITTEE:**

Knutson noted the site should be in compliance with the code if it is built as shown on the plan. The existing gravel driveway and other gravel areas not shown on the site plan will need to be removed. Schroeder expressed concerns with the lack of access between the two sites because of the storm water location.

**STAFF ANALYSIS –
SUBDIVISION
ORDINANCE:**

There would be no platting required in relation to the request.



Picture 1: Looking north at the alley to be vacated and the garage of the neighboring property.



Picture 2: Looking to the east of the alley.



Picture 3: Applicants property to the west of the vacate area.

STAFF

RECOMMENDATION:

Therefore, staff recommends that the request by Nihad Masic to vacate approximately 1,428 square feet of city owned right-of-way in the "M-1" Light Industrial District located southeast of 312 Kothe Avenue, be approved for the following reasons:

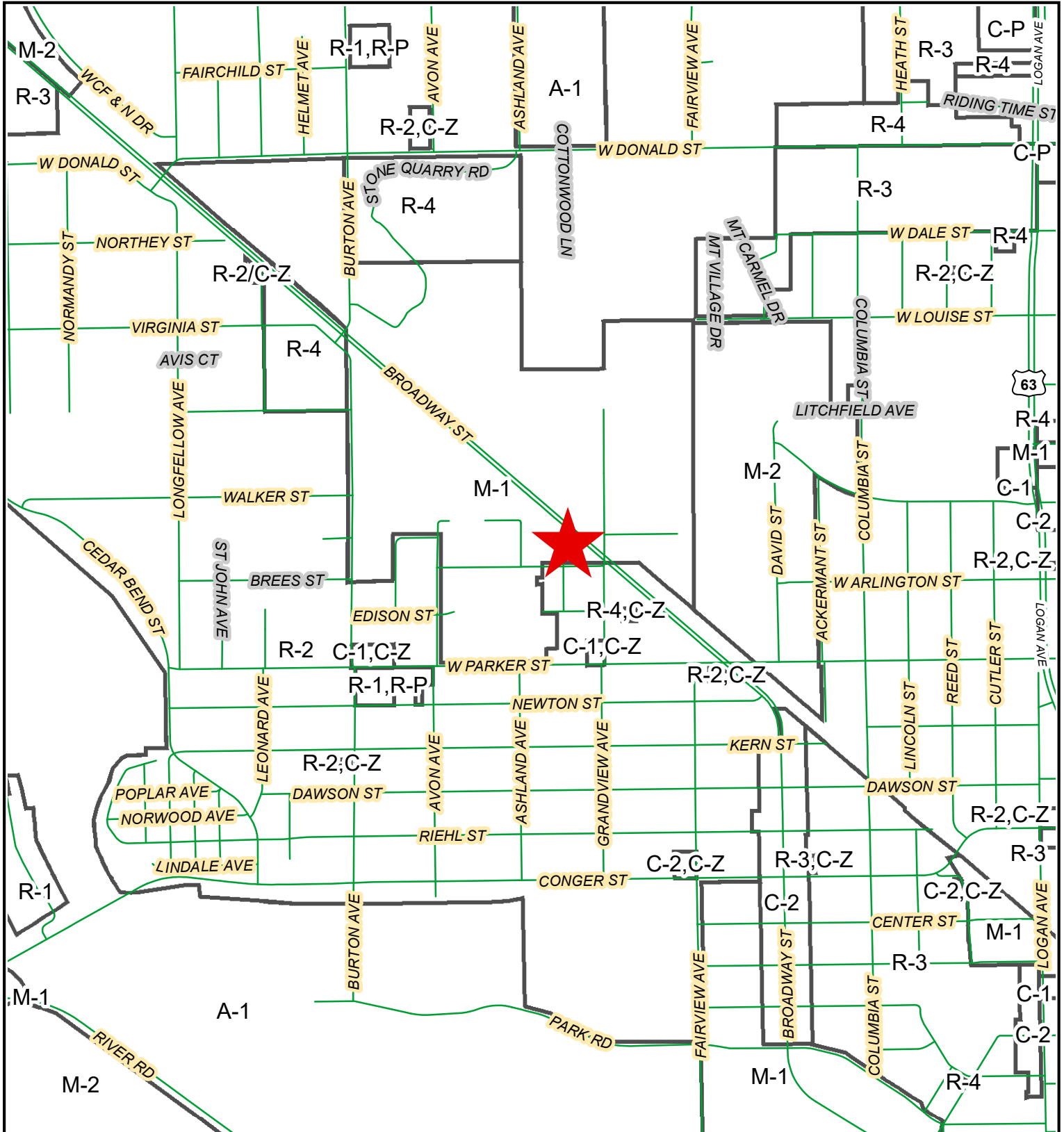
1. The request would not appear to have a negative impact on traffic conditions, as the alley is not needed for right-of-way purposes.
2. The request is in conformance with the future land use map.

Subject to the following condition(s):

1. That an easement may be retained for the overhead electric line within the vacate area.
2. That the gravel driveway and other gravel areas not shown in the site plan be removed.

City of Waterloo Planning, Programming and Zoning Commission

April 11, 2023

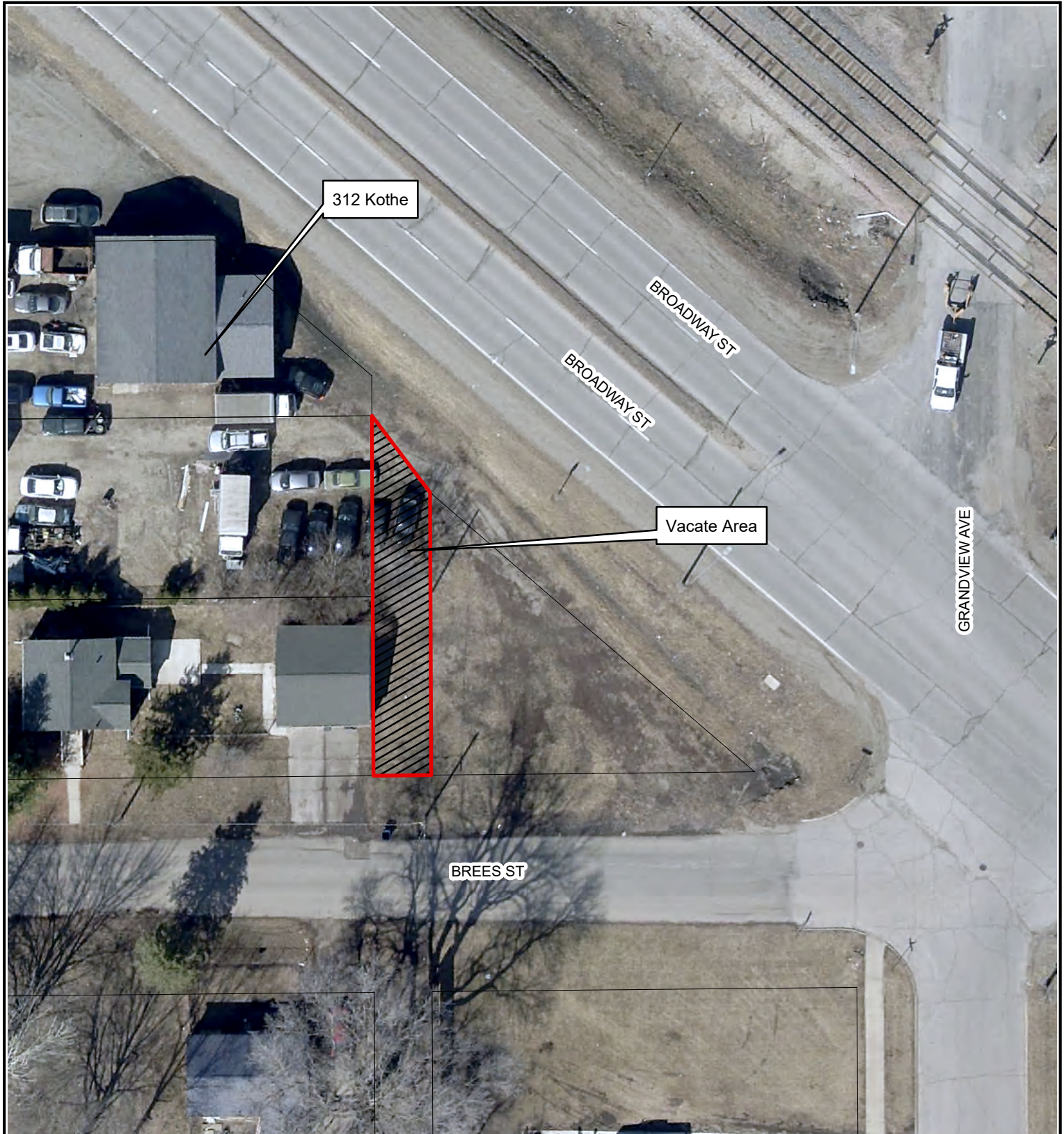


1,000 500 0 1,000 Feet

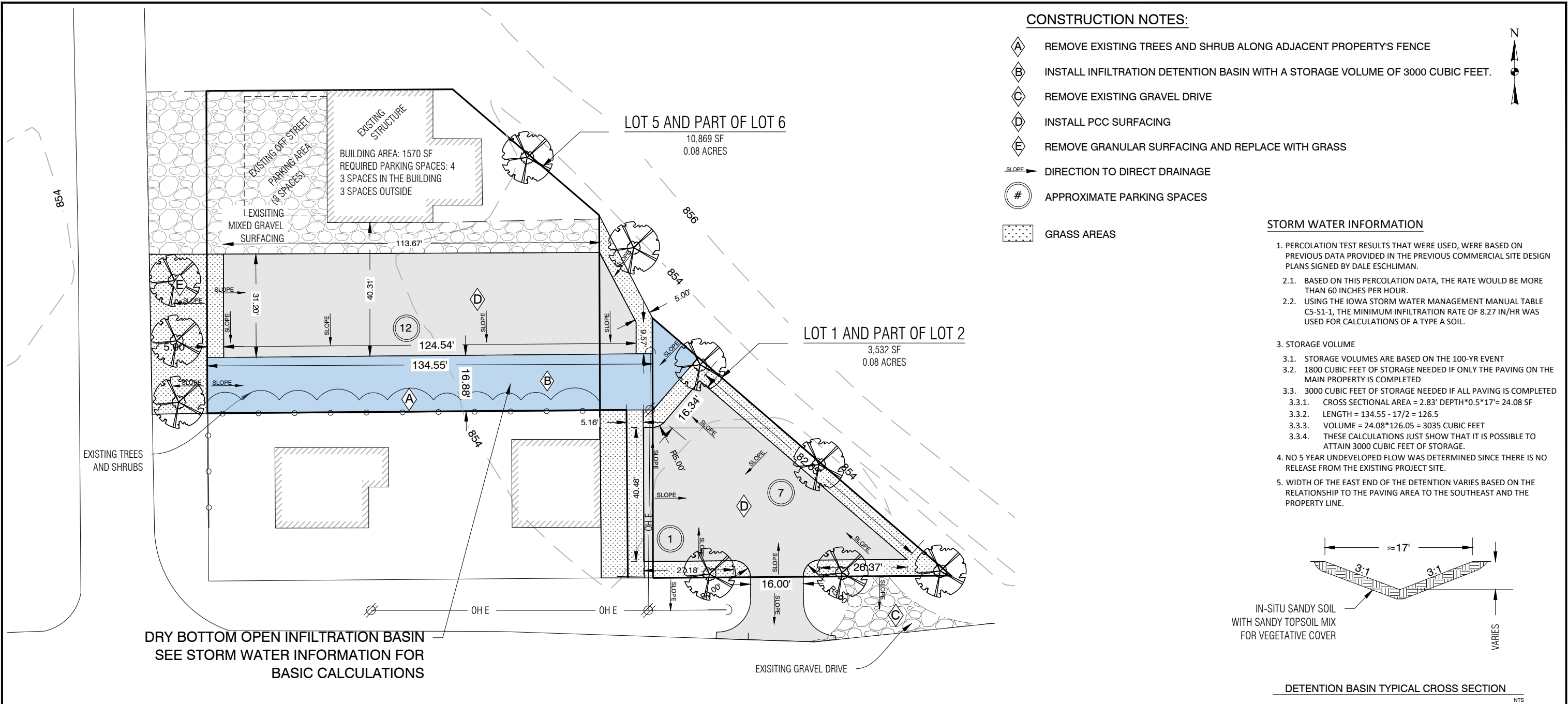


**Southeast of 312 Kothe
ROW Vacate
Nihad Masic**

City of Waterloo Planning, Programming and Zoning Commission
April 11, 2023



Southeast of 312 Kothe
Alley Vacate
Nihad Masic



CURRENT ZONING and GENERAL REQUIREMENTS for "M-1" LIGHT INDUSTRIAL DISTRICT

USE	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT AREA PER FAMILY	MINIMUM FRONT YARD	MINIMUM SIDE YARD	MINIMUM REAR YARD	MAXIMUM HEIGHT AND LOT COVERAGE
OTHER PERMITTED USES	NO MINIMUM			25 FEET	SAME AS "R-4" EXCEPT ABUTTING TO ANY "R" DISTRICT IN WHICH CASE NOT LESS THAN 25 FEET	25 FEET	NO BUILDING SHALL EXCEED 4 STORIES OR 48 FEET IN HEIGHT

ZONING COMPLIANCE SUMMARY

CRITERION	REQUIRED/PERMITTED	PROPOSED/EXISTING
Current Zoning District	"M-1" LIGHT INDUSTRIAL DISTRICT	
PRINCIPAL USE	ANY USE PERMITTED IN "M-1" AND "C-3" EXCEPT ALCOHOL SALES	AUTO BODY REPAIR AND MECHANICAL REPAIR AND SALES
OUTDOOR STORAGE	ANY OUTSIDE STORAGE SHALL BE EFFECTIVELY SCREENED ON EACH SIDE FACING A RESIDENTIAL OR COMMERCIAL DISTRICT AND EACH SIDE FACING A PUBLIC STREET BY A SOLID FENCE, WALL, OR SENSELY PLANTED COMPACT HEDGE NOT LESS THAN 6 FEET OR MORE THAN 8 FEET IN HEIGHT	CURRENTLY NO OUTSIDE STORAGE EXISTS
OFF STREET PARKING	1 SPACE PER 500 SF OF STRUCTURE AREA	3 SPACES IN THE EXISTING SHOP AREA AND 3 OUTSIDE ON THE WEST SIDE OF THE STRUCTURE
SETBACKS	SEE TABLE	N/A - NO NEW STRUCTURE

J:\23-DS-0021\00ps3 - Exhibits\12 Koth Drive - 1 Basin.dwg - Plan - 1 Basin - 04-05-23 - 1:47pm - kloosmann



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE

CGA Clapsaddle-Garber Associates, Inc.
5106 Nordic Drive
Cedar Falls, Iowa 50613
Ph 319-298-0258
www.cgaconsultants.com

DESIGNED: ###	DATE: ###
DRAWN: ###	DATE: ###
CHECKED: ###	DATE: ###
APPROVED: ###	DATE: ###

312 KOTHE AVENUE
WATERLOO, IOWA

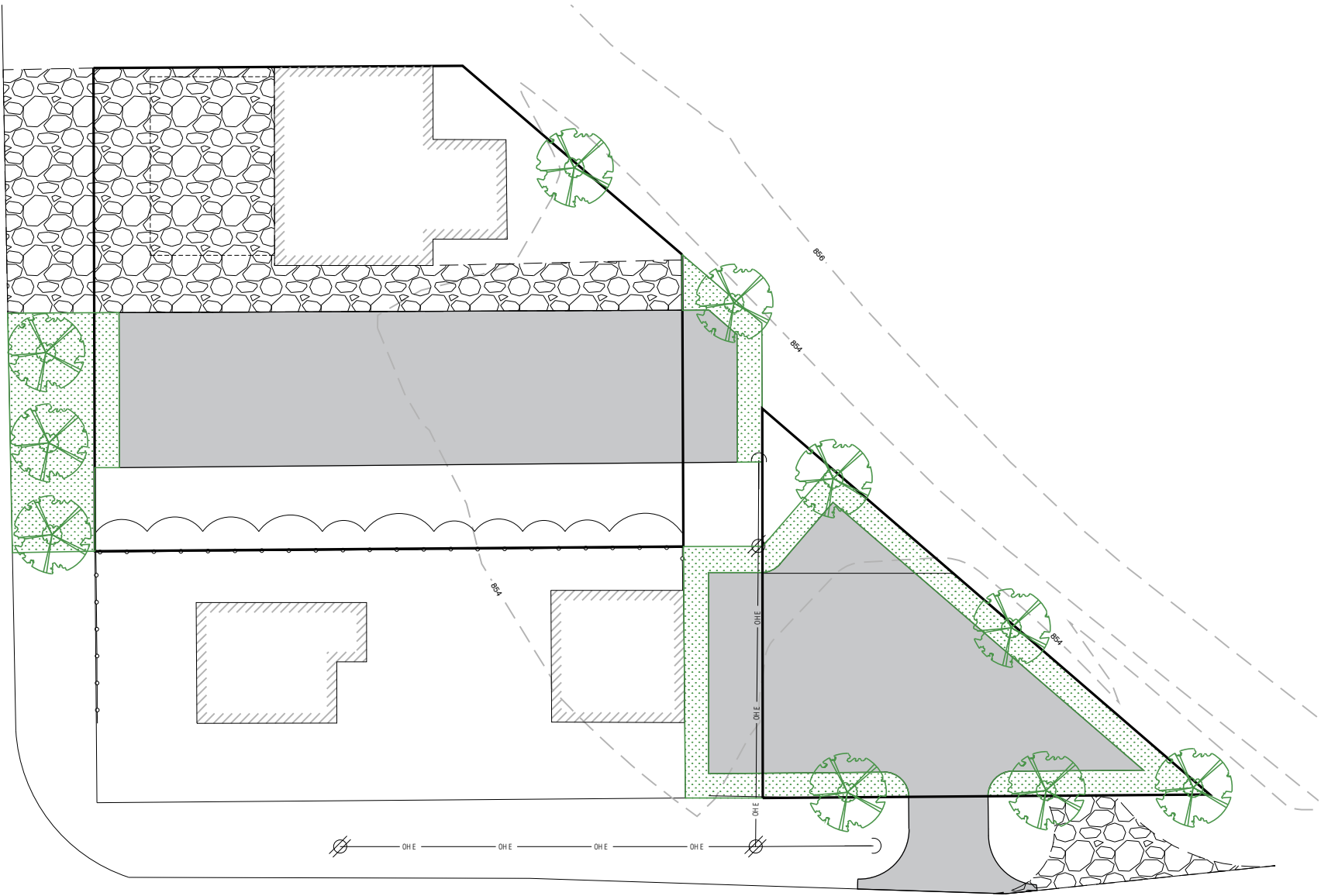
KOTHE SITE PLAN

PROJECT NO. 23-DS-0021
SHEET NO. EX.01



LANDSCAPE NOTES:

1. PLANT AND TREE TYPE TO BE SELECTED BY THE OWNER BASED ON CITY OF WATERLOO FORESTER APPROVAL
2. QUANTITIES OBTAIN POINTS ARE FOR INFORMATION ONLY; DIFFERENT CONFIGURATIONS CAN BE INSTALLED PROVIDED IT MEETS THE REQUIRED POINT REQUIREMENTS FOR THE CITY OF WATERLOO.
3. SHREDDED HARDWOOD BARK MULCH SHALL BE PLACED AROUND ALL TREES AND IN ALL PLANTING BEDS TO A DEPTH OF 3". WALNUT PRODUCTS ARE PROHIBITED.
4. KIND, SIZE AND QUALITY OF PLANT MATERIAL SHALL CONFORM TO AMERICAN STANDARD FOR NURSERY STOCK, ANSI 260-2004, OR MOST RECENT EDITION.
5. ALL PLANT MATERIAL SHALL BE NURSERY GROWN, SOUND, HEALTHY, VIGOROUS AND FREE FROM INSECTS, DISEASE AND INJURIES, WITH HABIT OF GROWTH THAT IS NORMAL FOR THE SPECIES. SIZES SHALL BE EQUAL TO OR EXCEEDING SIZES INDICATED ON THE POINTS SCHEDULE. THE CONTRACTOR SHALL SUPPLY PLANTS/TREES IN QUANTITY AS SHOWN ON DRAWINGS.
6. TAKE OR PLACE ALL PLANTS/TREES IN FIELD AS INDICATED ON THE DRAWINGS OR AS DIRECTED BY THE OWNER FOR APPROVAL PRIOR TO PLANTING.
7. ALL DISTURBED AREAS NOT OTHERWISE COVERED BY BUILDING, PAVEMENT, AND LANDSCAPE BEDS SHALL BE SEEDED WITH TYPE 1 LAWN MIXTURE AS APPROVED BY THE OWNER.



LANDSCAPE POINTS SCHEDULE

DESCRIPTION	POINTS/UNIT	PR. STREET	PR. SITE
OVERSTORY TREES			
4 INCH CALIPER OR GREATER	100		
3 INCH CALIPER OR GREATER	90		
2 INCH CALIPER OR GREATER	80	10	7
TREES WITH CALIPER OF MORE THAN 4 INCHES	25		
UNDERSTORY TREES			
2 INCH CALIPER OR GREATER	40		
1.5 IN CALIPER OR GREATER	30		
1 INCH CALIPER OR GREATER	20		
SHRUBS			
5 GALLON OR GREATER	10		
2 GALLON OR GREATER	5		
CONIFERS			
10 FT HEIGHT OR GREATER	100		
8 FT HEIGHT OR GREATER	90		
6 FT HEIGHT OR GREATER	80		
5 FT HEIGHT OR GREATER	40		
4 FT HEIGHT OR GREATER	30		
3 FT HEIGHT OR GREATER	20		
TOTAL POINTS		800	560
COMBINED TOTAL POINTS			
REQUIRED STREET (1.5 POINTS PER LF) 500 LF		750	
REQUIRED LANDSCAPING (.04 PTS PER SF VEHICULAR USE) 7,119 SF			285



NO.	REVISION	BY	DATE	NO.	REVISION	BY	DATE



Clapsaddle-Garber Associates, Inc.
Toll Free (800) 542-7981
www.cgaconsultants.com

DESIGNED: ###	DATE: ###
DRAWN: ###	DATE: ###
CHECKED: ###	DATE: ###
APPROVED: ###	DATE: ###

312 KOTHE AVE
WATERLOO, IOWA

LANDSCAPE PLAN

PROJECT NO.
23-DS-0021
SHEET NO.
EX.02

City of Waterloo Planning & Zoning Department
715 Mulberry Street, Waterloo, Iowa 50703
(319) 291-4366

- ☒ Offer to Vacate and Purchase City Right-of-Way
☐ Request to Vacate Easement, Vacate Sidewalk, or Encroachment Agreement
☐ Sale of City-Owned Property

Applicant: Nihad Masic

Address: 312 Kothie

Phone No.: 319.529.8172

Email: nihad_masic@yahoo.com

General Description of Property to Vacated (i.e.- alley between A St. & B St., South of C St.):

SE of 312 Kothie St

Legal description of area to be conveyed, vacated, or encroached:

1. A non-refundable filing fee(s) shall be made as follows (checks payable to City of Waterloo):
- Right-of-way vacation – One Hundred Seventy Five Dollar (\$175.00) Filing Fee
 - Easement or sidewalk vacation – Seventy Five Dollar (\$75.00) Filing Fee
 - Encroachment – One Hundred Dollar (\$100.00) Filing Fee
 - Sale of city-owned property not required to be vacated – No Fee
 - Any request not meeting the Sale of Property Policy – One Hundred Dollar (\$100.00) Fee
2. Offer Price*[Note: If the offer price meets the Sale of Property Policy (see attached), the request will not be required to be reviewed by the Building & Grounds Committee.]

- Asking price (see attached Sale of Property Policy for how calculated):
- Deductions
 - May decrease price by 50% for area located within an easement:
 - May decrease price for the City tax that will be collected on the land within 5 yrs (8 yrs inside of the CURA):
 - Costs (surveying & misc., demolition, remove of curbs, etc):

\$ 1398.08

\$ 699.04

Asking price – Deductions = Value of Property:

\$ 699.04

Offer Price for Entire Area:

700.00

Note: The above information is a summary of the Sale of Property Policy (see attached). All requests to vacate and purchase City right-of-way must be accompanied by a signed "Intent to Vacate" form for each abutting property to the area to be vacated. Any request that fails to meet the Sale of Property Policy shall not be forwarded to the Building and Grounds Committee or City Council. Any such applicant shall need to request review to Building and Grounds through a City Council member.

3. Publication and Recording Fees*: At the time a buyer(s) has been selected, all publication costs and recording fees must be paid by the applicant. Applicant shall be responsible for collecting from other buyers.
4. Easement*: The following easement shall be retained:
MidAmerican ~~High Voltage~~ Electric Line
overhead
5. Other: Please provide a site plan and/or aerial photo of the area to be vacated if the request involves additional construction as the reason for the request.

Nihad Masic
Applicant

3, 30, 23
Date

*Not required for easement vacates sidewalk vacates or Encroachment Agreements

INTENT TO VACATE

City of Waterloo
Planning and Zoning
715 Mulberry Street
Waterloo, IA 50703

We the undersigned, as adjoining property owners of right-of-way requested to be vacated and generally described as (address or general location): SE of 312 Kottke Ave, waive any further right to receive mailed notice of the public hearing and have no objection to the right-of-way being vacated and have been offered the opportunity to buy a portion of the right of way.

We wish to make the following known (check which applies):

☒ We/I wish to purchase from the City the one-half of the right-of-way that adjoins our/my property (sign and date below and complete items 1-3).

☐ We/I wish to purchase from the City the entire portion of the right-of-way that adjoins our/my property. This is contingent upon the property owner opposite ours/mine choosing not to purchase their/his or her half (sign and date below and complete items 1-3).

☐ We/I do not wish to purchase from the City any portion of the right-of-way (sign and date below and leave items 1-3 blank).

Alyssa Roney
Signature of adjoining property owner

3/30/23
Date

122 Brees St, Waterloo
Address

319-230-5168
Phone

alyssa_roney@yahoo.com
Email

1. **Offer Price** [Note: If the offer price meets the Sale of Property Policy (see attached) the request will not be required to be reviewed by the Building & Grounds Committee.]

- Asking price (see attached Sale of Property Policy for how calculated):

\$ 544.00

- Deductions

- May decrease price by 50% for area located within an easement:

\$ 272.00

- May decrease price for the City tax that will be collected on the land within 5 yrs (8 yrs inside of the CURA):

- Costs (surveying & misc., demolition, remove of curbs, etc):

\$ 272.00

Asking price – Deductions = Value of Property:

Offer Price for Portion of Alley You Intend to Purchase:

\$ 272.00

2. **Transfer of Ownership:** In what name(s), company or corporation shall the property be assigned to? (Give special attention to spelling as these names will be verified and transposed as submitted onto the deed.)

Alyssa Roney

3. **Deed:** At the time of the buyer's final payment, the sellers shall convey the premises to the buyers by quitclaim deed. Please indicate the legal form you wish to be transferred in (i.e., as tenants-in-common, joint tenancy with full rights of survivorship, or as individual ownership.)

individual ownership

REQUEST:	Request by 3-Stooges for an Encroachment Agreement to allow for the placement of a private storm sewer connection on the public right-of-way of Martin Road in the “M-2-P” Planned Industrial District, located in front of 1370 Martin Road.
APPLICANT(S):	3 Stooges LLC, PO Box 208, Waterloo, IA 50704
GENERAL DESCRIPTION:	Request by 3-Stooges LLC for an Encroachment Agreement to allow for the placement of a private storm sewer connection in the public right-of-way of Martin Road.
IMPACT ON NEIGHBORHOOD & SURROUNDING LAND USE:	The request for an Encroachment Agreement will not have a negative impact on the surrounding neighborhood.
VEHICULAR & PEDESTRIAN TRAFFIC CONDITIONS:	The request for an Encroachment Agreement would not appear to have a negative impact on vehicular traffic in the area as the Encroachment Area will not impact the use of the area for City right-of-way. There are no sidewalks along Martin Road.
RELATIONSHIP TO RECREATIONAL TRAIL PLAN and COMPLETE STREETS POLICY.	The nearest trail is the Sergeant Road Trail, which is located 840 feet to the west. The area is industrial and does not contain any sidewalks.
ZONING HISTORY FOR SITE AND IMMEDIATE VICINITY:	<p>The site is zoned “M-2,P” Planned Industrial District and has been zoned as such since the adoption of the Zoning Ordinance 4690 on May 3, 2004, when it was rezoned from “U-1” Unclassified District. Neighboring land uses and zoning:</p> <p>North and South– Industrial, Zoned “M-2,P” Planned Industrial District.</p> <p>West – Industrial and Agricultural, Zoned “M-2,P” Planned Industrial District, “A-1” Agricultural District and “B-P” Planned Business District.</p> <p>East – Industrial, Zoned “M-1” Light Industrial District.</p>
BUFFERS REQUIRED/ NEEDED:	The request would not require any buffering by ordinance standards.
DRAINAGE:	The proposed Encroachment Area would not appear to have a negative impact on drainage, as the purpose of the encroachment is to improve the drainage for the area.
DEVELOPMENT HISTORY:	Industrial properties were developed in the area between 1980 and 2022.

FLOODPLAIN:	This area is located in the 100-year flood plain or special flood hazard area as indicated by the Flood Insurance Rate Map No. 1900025 0282F. All buildings placed on the site will need to be elevated to one foot above the base flood elevation to come into compliance with the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP).
PUBLIC /OPEN SPACES/ SCHOOLS:	There are no schools in the immediate vicinity.
UTILITIES: WATER, SANITARY SEWER, STORM SEWER, ETC.	There is an 8" sanitary sewer main, 16" water main, and a 20" storm water main along Martin Road. The 6" private storm sewer will be placed within the city's public right-of-way.
RELATIONSHIP TO COMPREHENSIVE LAND-USE PLAN:	The Future Land Use Map designates the area as <i>Industrial</i> , and this request would be in compliance with the Future Land Use Map and Comprehensive Plan.



Picture 1: Approximate area of encroachment agreement.



Picture 2: Looking northwest toward the existing buildings.



Picture 3: Existing Buildings

STAFF ANALYSIS –
ZONING
ORDINANCE:

The applicant is requesting an Encroachment Agreement in order to place a private 6” storm sewer in the public right-of-way.

The applicant worked with the engineering department to determine how much right-of-way the city can have an encroachment area and maintain existing utilities.

There are no sidewalks along Martin Road due to it being an industrial area that contains no residential properties.

STAFF ANALYSIS –
SUBDIVISION
ORDINANCE:

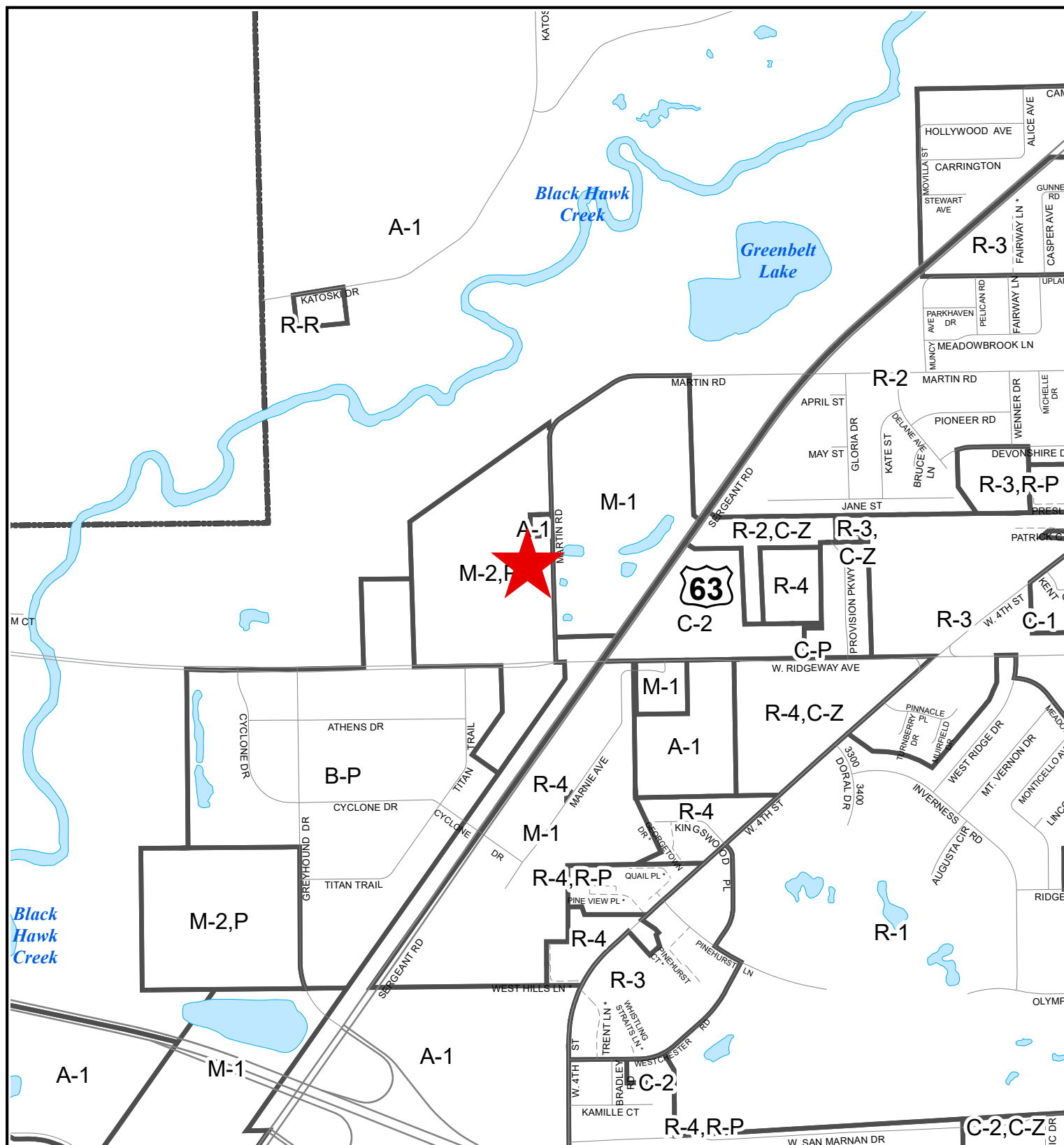
The applicant is not looking to subdivide the property at this time.

STAFF
RECOMMENDATION:

Therefore, staff recommends the Request by 3-Stooges for an Encroachment Agreement to allow for the placement of a private storm sewer connection on the public right-of-way of Martin Road, located in front of 1370 Martin Road in the “M-2-P” Planned Industrial District be approved for the following reasons:

1. The request would not appear to have a negative impact on the surrounding area.
2. The request would not appear to have a negative impact on vehicular or pedestrian traffic in the area.
3. The Encroachment area does not impact the use of the area for right-of-way purposes.

City of Waterloo Planning, Programming and Zoning Commission
April 11, 2023



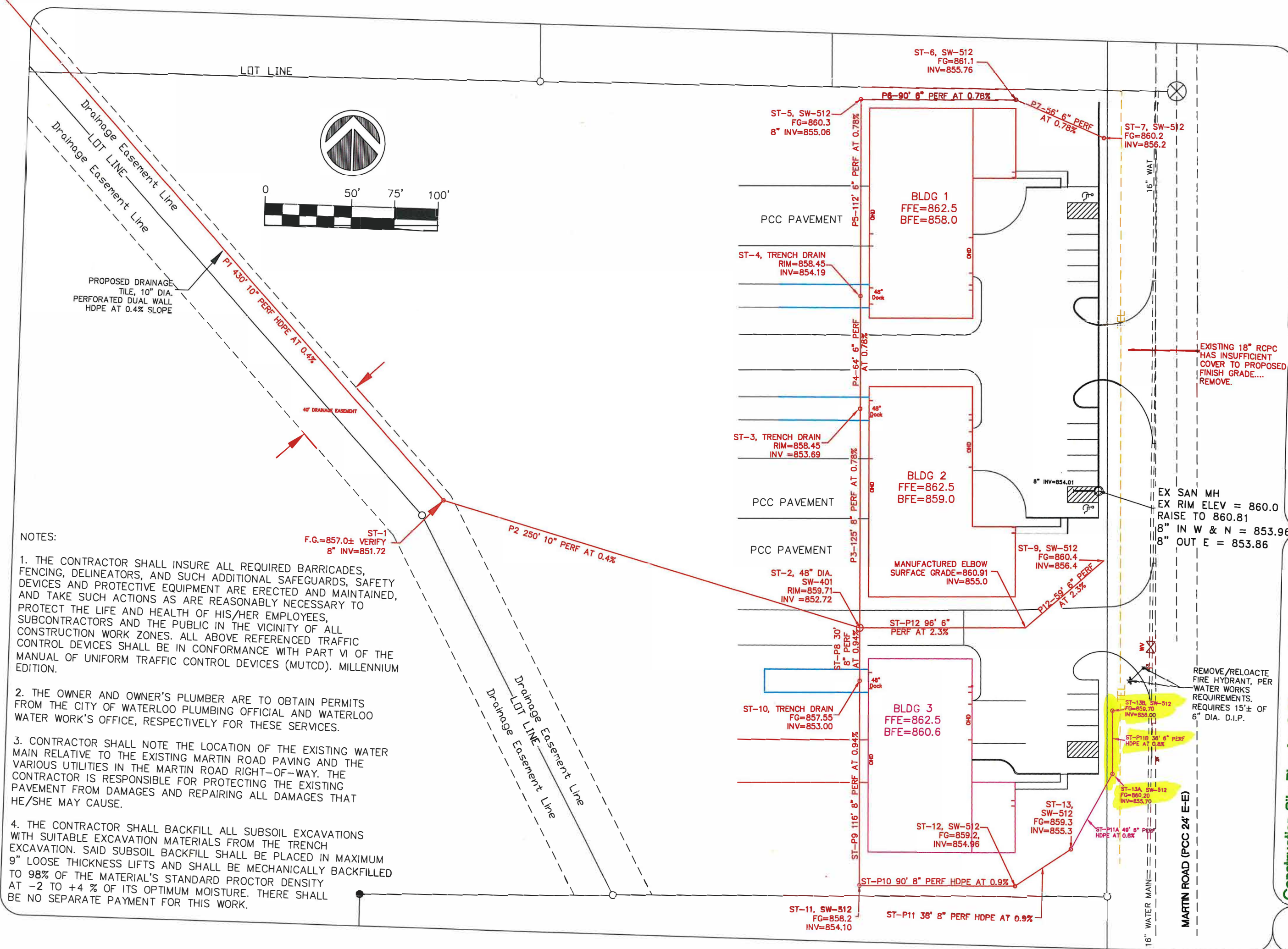
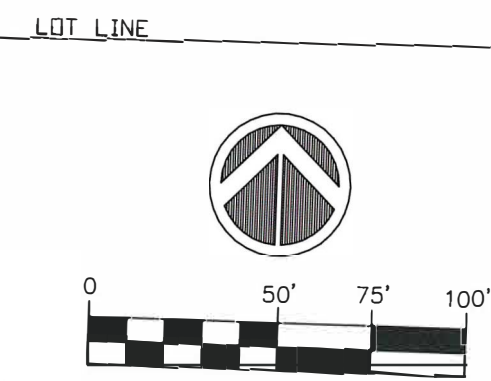
**In front of 1350 Martin Road
Encroachment Agreement
3 Stooges, LLC**

City of Waterloo Planning, Programming and Zoning Commission
April 11, 2023



In Front of 1350 Martin Road
Encroachment Agreement
3 Stooges, LLC

- NOTES:
1. THE CONTRACTOR SHALL INSURE ALL REQUIRED BARRICADES, FENCING, DELINEATORS, AND SUCH ADDITIONAL SAFEGUARDS, SAFETY DEVICES AND PROTECTIVE EQUIPMENT ARE ERECTED AND MAINTAINED, AND TAKE SUCH ACTIONS AS ARE REASONABLY NECESSARY TO PROTECT THE LIFE AND HEALTH OF HIS/HER EMPLOYEES, SUBCONTRACTORS AND THE PUBLIC IN THE VICINITY OF ALL CONSTRUCTION WORK ZONES. ALL ABOVE REFERENCED TRAFFIC CONTROL DEVICES SHALL BE IN CONFORMANCE WITH PART VI OF THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD). MILLENNIUM EDITION.
 2. THE OWNER AND OWNER'S PLUMBER ARE TO OBTAIN PERMITS FROM THE CITY OF WATERLOO PLUMBING OFFICIAL AND WATERLOO WATER WORKS OFFICE, RESPECTIVELY FOR THESE SERVICES.
 3. CONTRACTOR SHALL NOTE THE LOCATION OF THE EXISTING WATER MAIN RELATIVE TO THE EXISTING MARTIN ROAD PAVING AND THE VARIOUS UTILITIES IN THE MARTIN ROAD RIGHT-OF-WAY. THE CONTRACTOR IS RESPONSIBLE FOR PROTECTING THE EXISTING PAVEMENT FROM DAMAGES AND REPAIRING ALL DAMAGES THAT HE/SHE MAY CAUSE.
 4. THE CONTRACTOR SHALL BACKFILL ALL SUBSOIL EXCAVATIONS WITH SUITABLE EXCAVATION MATERIALS FROM THE TRENCH EXCAVATION. SAID SUBSOIL BACKFILL SHALL BE PLACED IN MAXIMUM 9" LOOSE THICKNESS LIFTS AND SHALL BE MECHANICALLY BACKFILLED TO 98% OF THE MATERIAL'S STANDARD PROCTOR DENSITY AT -2 TO +4 % OF ITS OPTIMUM MOISTURE. THERE SHALL BE NO SEPARATE PAYMENT FOR THIS WORK.



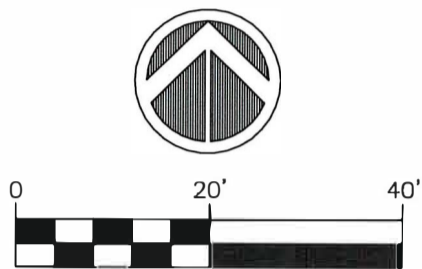
**Construction Site Plan for 3 Stoooges, LLC
Storm Sewer, Sanitary and Water Plan
Lot 2, Brock Third Addition, Except the North 150'
Waterloo, Iowa**

REVISIONS

NO.	DATE	BY	CHK'D	DATE	DESCRIPTION
1.	03-22-22			11/22/21	corrected pipe labels for P8 thru P12 and pipe sizes for renamed Bldg 3 FFE to B92.5. Added
2.	03-02-23				Renamed Bldg 3 FFE to B92.5. Added

Sim P11A and P11B

Wayne Claassen Engineering and Surveying, Inc.
P.O. Box 808
2705 University Avenue
Waterloo, Iowa 50701
Phone: (319) 235-6294

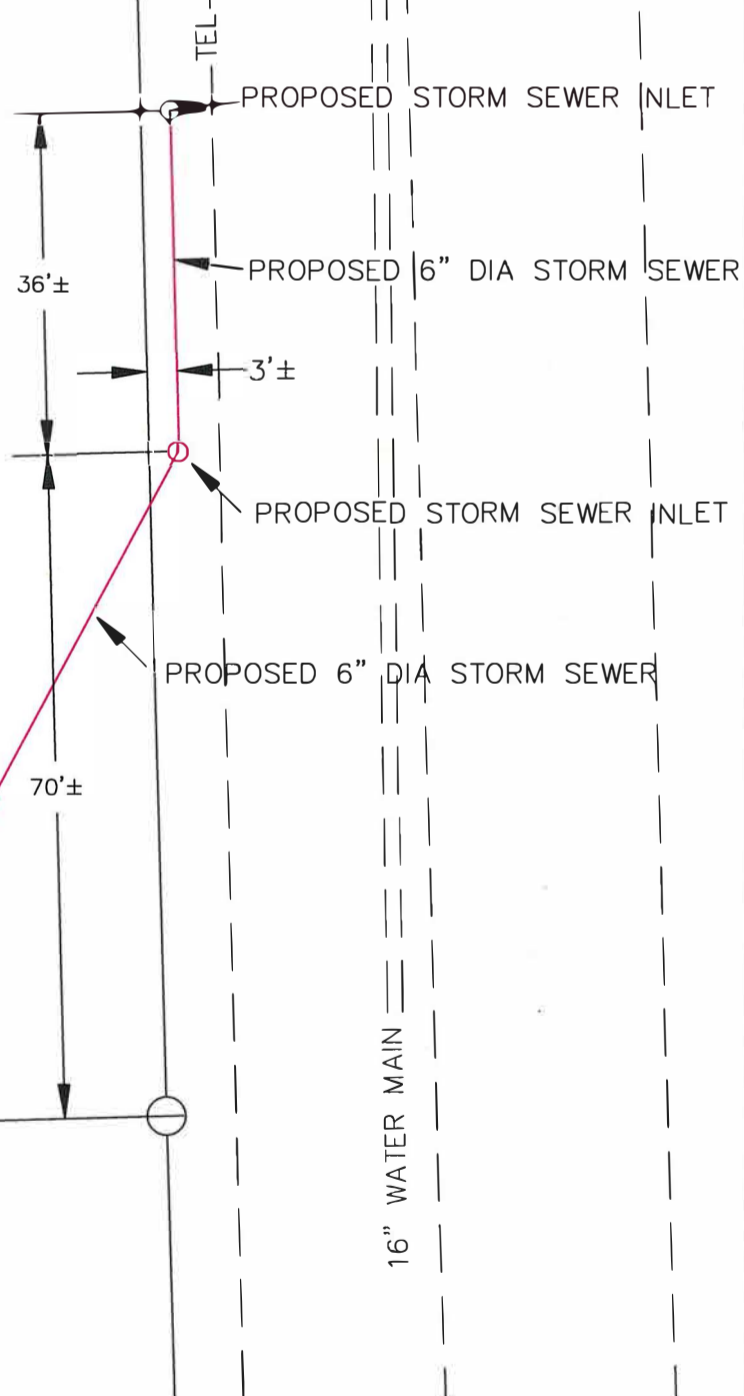


PROPOSED
BLDG 3
FFE=862.5
BFE=860.6

EAST LINE, LOT 2, BROCK 3rd ADDITION

MARTIN ROAD

SOUTH LINE, LOT 2, BROCK 3rd ADDITION



sheet
4A

3 Stooges, LLC
Storm Sewer Encroachment Into Martin Rd R/W Plan
Lot 2, Brock Third Addition, Except the North 150'
Waterloo, Iowa

BK.	PG.	DR.	DATE
FILE NO.	CK'D	WJC	DATE
DATE PLOTTED:	03.06.23	FILENAME:	3stoogesmartind.dwg
REVISIONS			
1.	03-22-22	corrected pipe labels for P8 thru P12 and pipe sizes for renamed pipes P8 thru P11	
2.	03-02-23	Raised Bldg 3 FFE to 862.5, Added Strm P11A and P11B	
3.			

CES

Wayne Claassen Engineering and Surveying, Inc.

2705 University Avenue
Phone: (319) 235-6294

Waterloo, Iowa 50701

City of Waterloo Planning & Zoning Department
715 Mulberry Street, Waterloo, Iowa 50703
(319) 291-4366

- ☐ Offer to Vacate and Purchase City Right-of-Way
☒ Request to Vacate Easement, Vacate Sidewalk, or Encroachment Agreement
☐ Sale of City-Owned Property

Applicant (Business Name if Applicable): 3 Stoges LLC

Address: P.O. Box 203 Waterloo, IA 50704 Phone No.: 319-415-8870

Email: Tony.Fischel@gmail.com

General Description of Property to Vacated (i.e.- alley between A St. & B St., South of C St.):

1370 Martin rd N. East side of property
Legal description of area to be conveyed, vacated, or encroached:

1. **A non-refundable filing fee(s)** shall be made as follows (checks payable to City of Waterloo):
 - Right-of-way vacation – One Hundred Seventy Five Dollar (\$175.00) Filing Fee
 - Easement or sidewalk vacation – Seventy Five Dollar (\$75.00) Filing Fee
 - Encroachment – One Hundred Dollar (\$100.00) Filing Fee
 - Sale of city-owned property not required to be vacated – No Fee
 - Any request not meeting the Sale of Property Policy – One Hundred Dollar (\$100.00) Fee
2. **Offer Price***[Note: If the offer price meets the Sale of Property Policy (see attached) the request will not be required to be reviewed by the Building & Grounds Committee.]

- Asking price (see attached Sale of Property Policy for how calculated): _____
- Deductions
 - May decrease price by 50% for area located within an easement: _____
 - May decrease price for the City tax that will be collected on the land within 5 yrs (8 yrs inside of the CURA): _____
 - Costs (surveying & misc., demolition, remove of curbs, etc): _____


Asking price – Deductions = Value of Property: _____

Offer Price for Entire Area: _____

Note: The above information is a summary of the Sale of Property Policy (see attached). All requests to vacate and purchase City right-of-way must be accompanied by a signed "Intent to Vacate" form for each abutting property to the area to be vacated. Any request that fails to meet the Sale of Property Policy shall not be forwarded to the Building and Grounds Committee or City Council. Any such applicant shall need to request review to Building and Grounds through a City Council member.

3. **Publication and Recording Fees*:** At the time a buyer(s) has been selected, all publication costs and recording fees must be paid by the applicant. Applicant shall be responsible for collecting from other buyers.
4. **Easement*:** The following easement shall be retained:

5. **Other:** Please provide a site plan and/or aerial photo of the area to be vacated if the request involves additional construction as the reason for the request.

 Tony Fischel 3-22-23
Applicant Print Name Date

*Not required for easement vacates sidewalk vacates or Encroachment Agreements

REQUEST:	Request by Iowa Heartland Habitat for Humanity to declare 415 Walnut Street (former Walnut Street Baptist Church) a Locally Designated Historic Landmark.
APPLICANT:	Iowa Heartland Habitat for Humanity, 803 W 5 th Street, Waterloo, Iowa 50702
GENERAL DESCRIPTION:	The applicant is requesting that 415 Walnut Street be declared a Locally Designated Historic Landmark.
IMPACT ON NEIGHBORHOOD & SURROUNDING LAND USE:	It would appear that the request would not have a negative impact on the area. The designation would add the building as a local historic landmark, which could help developers acquire state historic tax credits for redevelopment.
VEHICULAR & PEDESTRIAN TRAFFIC CONDITIONS:	The designation would not appear to have an impact on traffic conditions.
RELATIONSHIP TO RECREATIONAL TRAIL PLAN AND COMPLETE STREETS POLICY:	The area does have an extensive sidewalk system. There are no trails in the nearby vicinity.
ZONING HISTORY FOR SITE AND IMMEDIATE VICINITY:	<p>The site is zoned “C-2” Commercial District and has been zoned as such since the adoption of the Zoning Ordinance in 1969. Other surrounding land uses and their zoning are as follows:</p> <p>North – Harvest Vineyard Church zoned “C-2” Commercial District and Boys and Girls Club zoned “R-3” Multiple Residence District.</p> <p>South – First Presbyterian Church and residences zoned “C-2” Commercial District.</p> <p>East – Commercial uses and Renaissance Park Apartments zoned “C-2” Commercial District.</p> <p>West – Commercial uses zoned “C-2” Commercial District and “R-3” Multiple Residence District.</p>
DEVELOPMENT HISTORY:	The surrounding commercial uses were built between 1879 and 1980, and the surrounding residential uses were built between 1901 and 1904.
BUFFERS/ SCREENING REQUIRED:	No buffering would be required as a part of the request.
DRAINAGE:	The request would not appear to have a negative impact upon drainage in the surrounding area as the building has existed since 1906.

FLOODPLAIN:	The property in question is located within Zone X (protected by Levee) as indicated by the Federal Insurance Administration's Flood Insurance Rate Map, Community Number 190025 and Panel Number 0189F, dated July 18, 2011.
PUBLIC /OPEN SPACES/ SCHOOLS:	<p>Cunningham School of Excellence is located 0.75 miles to the northeast, George Washington Carver Academy is 1.3 miles to the north, and East High School is 0.25 miles to the east.</p> <p>Lincoln Park is located approximately 650 feet to the southwest of the site.</p>
UTILITIES: WATER, SANITARY SEWER, STORM SEWER, ETC.	The project is served by existing utilities.
RELATIONSHIP TO COMPREHENSIVE LAND USE PLAN:	The Future Land Use Map designates this area as Mixed Residential: Low, Medium, High Density Residential; Professional Offices; Neighborhood Commercial, and the proposed development would be in conformance with that designation. Also, the area in question is located within the Primary Growth Area.
STAFF ANALYSIS – ZONING ORDINANCE:	<p>The applicant is requesting to locally designate the property at 415 Walnut Street. This will allow the property to be eligible for State Historic Tax Credits for the buildings rehabilitation. The 415 Walnut Collective is a group working to come up with a plan to rehabilitate and reuse this building to meet the community's needs. The structure is part of the Walnut Neighborhood, with has seen extensive efforts of rehabilitation from Habitat for Humanity and JSA Development in the recent years.</p> <p>Once a property is a Locally Designated Landmark the property will be subject to the City of Waterloo Historic Preservation design review to ensure that the property keeps its historic character.</p> <p>The Walnut Street Baptist Church was built in 1908 and was listed on the National Register of Historic Places in 2000. The structure sits on a triangle-shaped lot and the building takes a similar shape of the lot. The building has a very complex and unique design with many asymmetrical features. The stained glass windows are an important feature of the former church.</p> <p>The City of Waterloo Historic Preservation Commission voted 7-0 at their March 21, 2023 meeting to recommend approval of the request.</p>
TECHNICAL REVIEW COMMITTEE:	The Technical Review Committee had no questions or concerns in relation to this request.

STAFF ANALYSIS –
SUBDIVISION
ORDINANCE:

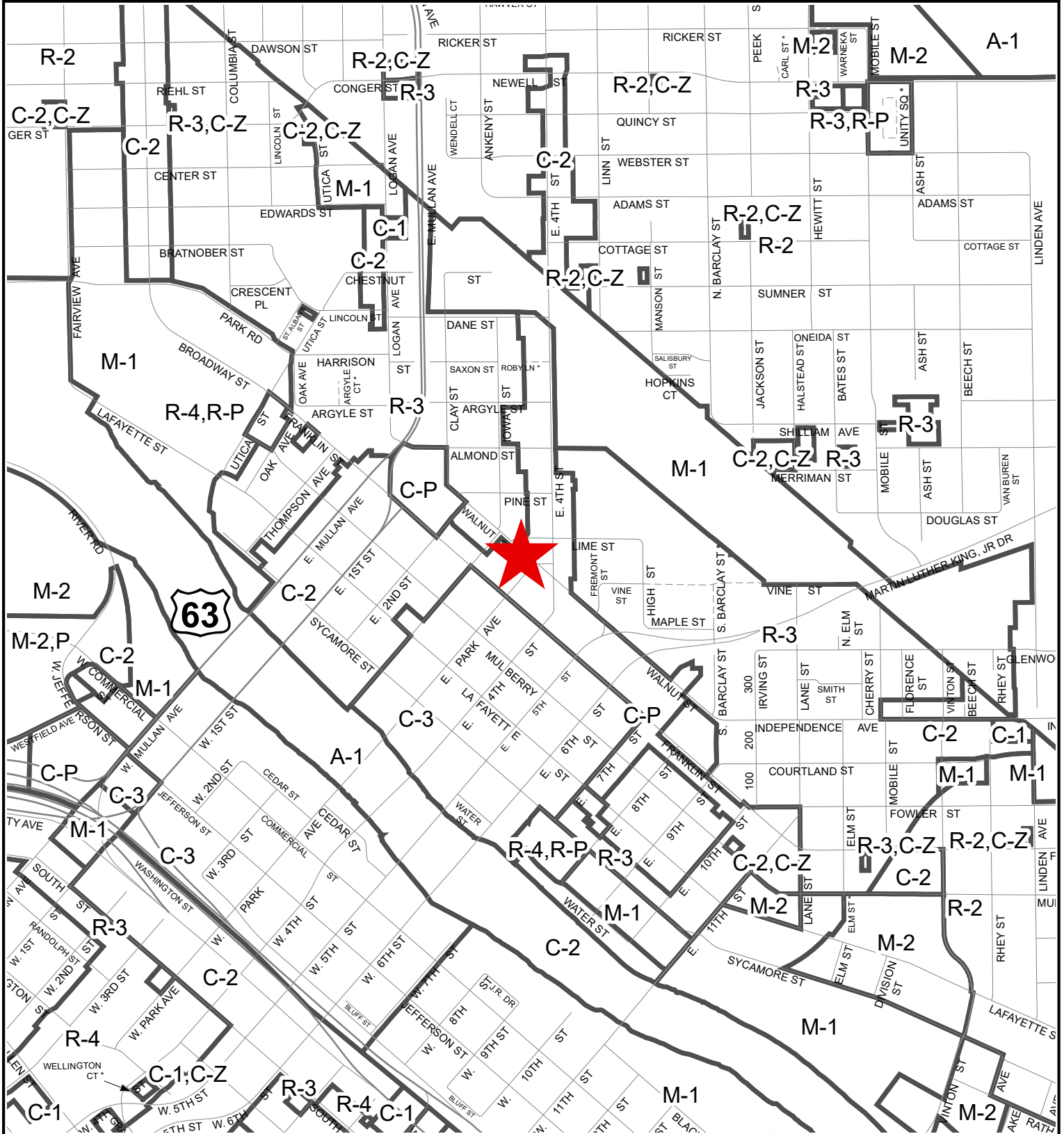
There is no platting required as a part of this request.

STAFF
RECOMMENDATION:

Therefore, staff recommends that the request by Iowa Heartland Habitat for Humanity to declare 415 Walnut Street (former Walnut Street Baptist Church) a Locally Designated Historic Landmark be approved for the following reasons:

1. The proposed designation would help preserve a historic building and return it to its historic character.
2. It will support the continued economic growth in the Downtown and Walnut neighborhood areas.
3. The rehabilitation of the building will bring more economic opportunities to the Walnut Neighborhood and surrounding area.

City of Waterloo Planning, Programming and Zoning Commission
April 11, 2023

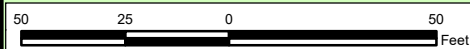


415 Walnut Historic Nomination Habitat For Humanity

City of Waterloo Planning, Programming and Zoning Commission
April 11, 2023



415 Walnut
Historic Nomination
Habitat for Humanity



Iowa Site Inventory Form

State Historic Preservation Office

(January 2016)

State Inventory Number: 07-09085 ☐ New ☒ Supplemental

9-Digit SHPO Review & Compliance (R&C) Number: _____

☐ Non-extant Year: _____

Read the Iowa Site Inventory Form Instructions carefully, to ensure accuracy and completeness before completing this form. The instructions are available on our website.

• Property Name

A) Historic name: Walnut Street Baptist Church

B) Other names: Faith Temple Baptist Church

• Location

A) Street address: 415 Walnut Street

B) City or town: Waterlo (☐ Vicinity) County: Black Hawk

C) Legal description:

Rural: Township Name: _____ Township No.: _____ Range No.: _____ Section: _____ Qtr: _____ of Qtr: _____

Urban: Subdivision: N.O. Munger's Block(s): 79 Lot(s): L1-2, W 20' L3-6

• Classification

A) Property category: *Check only one*

- ☒ Building(s)
☐ District
☐ Site
☐ Structure
☐ Object

B) Number of resources (within property):

If eligible property, enter number of:

Contributing Noncontributing

<u>1</u>	Buildings	—
—	Sites	—
—	Structures	—
—	Objects	—

<u>1</u>	Total	<u>0</u>
----------	--------------	----------

If non-eligible property, enter number of:

—	Buildings
—	Sites
—	Structures
—	Objects

—	Total
---	--------------

C) For properties listed in the National Register:

National Register status: ☒ Listed ☐ De-listed ☐ NHL ☐ NPS DOE

D) For properties within a historic district:

- ☒ Property contributes to a National Register or local certified historic district.
☐ Property contributes to a potential historic district, based on professional historic/architectural survey and evaluation.
☐ Property *does not* contribute to the historic district in which it is located.

Historic district name: Walnut Street Historic District Historic district site inventory number: _____

E) Name of related project report or multiple property study, if applicable:

MPD title

Historical Architectural Data Base #

• Function or Use *Enter categories (codes and terms) from the Iowa Site Inventory Form Instructions*

A) Historic functions

06A01 RELIGION/Church

B) Current functions

70 VACANT/NOT IN USE

• Description *Enter categories (codes and terms) from the Iowa Site Inventory Form Instructions*

A) Architectural classification

07 LATE 19TH & EARLY 20TH CENTURY AMERICAN

B) Materials

Foundation (visible exterior): 03 BRICK

Walls (visible exterior): 03 BRICK

Roof: 08A ASPHALT/Shingle

Other: _____

C) Narrative description ☒ SEE CONTINUATION SHEETS, WHICH MUST BE COMPLETED

• **Statement of Significance**

A) Applicable National Register Criteria: *Mark your opinion of eligibility after applying relevant National Register criteria*

Criterion A: Property is associated with significant events. ☒ Yes ☐ No ☐ More research recommended
Criterion B: Property is associated with the lives of significant persons. ☐ Yes ☒ No ☐ More research recommended
Criterion C: Property has distinctive architectural characteristics. ☒ Yes ☐ No ☐ More research recommended
Criterion D: Property yields significant information in archaeology/history. ☐ Yes ☒ No ☐ More research recommended

B) Special criteria considerations: *Mark any special considerations; leave blank if none*

☐ A: Owned by a religious institution or used for religious purposes. ☐ E: A reconstructed building, object, or structure.
☐ B: Removed from its original location. ☐ F: A commemorative property.
☐ C: A birthplace or grave. ☐ G: Property less than 50 years of age or
☐ D: A cemetery achieved significance within the past 50 years.

C) Areas of significance

Enter categories from instructions

ARCHITECTURE

NEED

E) Significant dates

Construction date

1908 ☐ check if circa or estimated date

Other dates, including renovations

G) Cultural affiliation

Complete if Criterion D is marked above

D) Period(s) of significance

1908

ca.1935

F) Significant person

Complete if Criterion B is marked above

H) Architect/Builder

Architect

Shockley, Clinton P.

Builder/contractor

I) Narrative statement of significance ☒ *SEE CONTINUATION SHEETS, WHICH MUST BE COMPLETED*

• **Bibliography** ☒ *See continuation sheets for the list research sources used in preparing this form*

• **Geographic Data** ☐ *Optional UTM references* ☐ *See continuation sheet for additional UTM or comments*

Zone	Easting	Northing	NAD	Zone	Easting	Northing	NAD
1				2			
3				4			

• **Form Preparation**

Name and Title: Alexa McDowell, Architectural Historian Date: 02/23/2023

Organization/firm: A.KAY Consulting. E-mail: akaymcd@hotmail.com

Street address: 526 40th Street. Telephone: 515-491-5432.

City or Town: Des Moines State: IA Zip code: 50312

• **ADDITIONAL DOCUMENTATION** *Submit the following items with the completed form*

A) For all properties, attach the following, as specified in the Iowa Site Inventory Form Instructions:

1. **Map** of property's location within the community.
2. **Glossy color 4x6 photos labeled** on back with property/building name, address, date taken, view shown, and unique photo number.
3. **Photo key showing each photo number on a map and/or floor plan, using arrows next to each photo number to indicate the location and directional view of each photograph.**
4. **Site plan** of buildings/structures on site, identifying boundaries, public roads, and building/structure footprints.

B) For State Historic Tax Credit Part 1 Applications, historic districts and farmsteads, and barns:

See lists of special requirements and attachments in the Iowa Site Inventory Form Instructions.

State Historic Preservation Office (SHPO) Use Only Below This Line

The SHPO has reviewed the Site Inventory and concurs with above survey opinion on National Register eligibility:

☐ Yes ☐ No ☐ More research recommended
☐ This is a locally designated property or part of a locally designated district.

Comments: _____

SHPO authorized signature: _____

Date: _____

Iowa Site Inventory Form
State Historic Preservation Office
Continuation Sheet

Site Number: 07-09085
Related District Number:

Page 1

Walnut Street Baptist Church

Black Hawk

Name of Property

County

415 Walnut Street

Waterloo

Address

City

Property Description

Walnut Street Baptist Church, designed by Clinton P. Shockley, was placed in service in 1908 to house a large and prestigious Baptist congregation. As stated in the National Register nomination, "the building exhibits the influence of a combination of contemporary architectural styles and trends of the early 20th century including the English Arts and Crafts movement and the Chicago School with minor indications of the academic tradition of the Beaux-Arts" (Eckhardt, 2000). The church is constructed of dark brown brick with contrasting stone trim. The generally triangular plan is tightly constrained by its triangular lot; that constraint resulted in a highly complex, asymmetrically arranged two story building that dictates the arrangement of the interior spaces. The building has a full basement.

Exterior

Walnut Street Baptist Church is a brick church of unusual shape and size. The building is generally triangular in shape, a form created by the large-scale additive masses concentrated on the west and the tapering of the footprint until terminated at the ca.1935 addition's "flat iron" form on the east. The church's exterior is asymmetrical in every aspect, a design character that is evident in the roof line and by examination of individual elevations.

As described in the 2000 nomination, "The design of this complex building is held together with a variety of architectural devices and motifs. The first is the use of a stringcourse above the windows of the partly raised basement, complemented by the cornice at the top of the second floor. The repeated use of motifs such as a pediment with side extensions containing an oculus and other repeated devices such as heavy window cornices and spandrels help unify the design as well. The windows are an important organizing device. They are treated in pairs or groups and are joined between the two upper stories with spandrels reminiscent of those of Louis Sullivan and the Chicago School. They have similar cornices and sills and are aligned on all stories. This keeps the complicated facades looking neat and organized, and unifies the diverse facades. The building is topped with a cornice with a few breaks for gables of different kinds. The roof is as complex as the shape of the building. The tall, narrow tower is not located over an entrance or over the auditorium, but rather over the entrance vestibule to the auditorium. It clearly identifies this unusual building as a church and serves the purpose of any church tower: to identify the church as a church and to help locate it from a distance." (Eckhardt, 2000).

The primary entrance to the church is located at the southwest corner. The entrance is situated in a two-story pavilion-like form that houses entrances on the ground floor. The pavilion roof line features a broken pediment on both the south and west elevations with the upper story dominated by paired windows with heavy stone lintels. The ground floor entrances (on the south and the west) are recessed in a segmental arched opening. The opening features a stone molding with a keystone. Each opening is reached by-way-of three poured concrete steps that extend the full width of the opening. The door openings have a wood frame that houses double-leaf, wood doors with original hardware. The doors are surmounted by a multi-light transom.

A secondary entrance is located near the east end of the south elevation, adjacent to the ca.1935 addition. The entrance provides access to offices at that end of the church and to a wide corridor connecting to the auditorium

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and other parts of the building. The design character of the secondary entrance is similar to that of the primary entrances, including a stone lintel over a segmental arched, recessed entrance.

In contrast to more traditional church forms where a tower or towers is commonly located in a dominate position at the front of the church building and adjacent to or flanking the primary entrance, the church tower of Walnut Street Baptist is asymmetrically located and lacks a clear association with any specific feature of the church, be it on the exterior or the interior. The tower plays with the generally asymmetrical building plan and the layering of complex forms. The square tower is located near, but not adjacent to the primary entrances. The base of the tower is integrated with the south elevation; it is not an independent form until it springs from the second-story roof. From that point to its pyramidal roof, the tower rises some 25-feet above the height of the tallest roof line. On each elevation, the tower features a grouping of five slender rectangular columns at the belfry. Each grouping is located in an opening with a stone lintel featuring a label molding. The tower's roof is marked by broken pediments like those that appear on the primary entrance pavilion and elsewhere. A simple copper obelisk is located at the roof peak (originally terminated with a cross).

Also setting this church's exterior character apart from designs of more traditional church buildings is the lack of a dominant character for the auditorium – its location is not discernible from the exterior. The education wing, on the other hand, is easily identified by the round forms seen on the northwest and north elevations.

The complexity of the church's form and the abundant and highly varied use of unusual ornamentation makes a thorough and understandably written description of the building exterior difficult. The building should be understood and appreciated for its exceptionally well-designed sense of additive mass, interplay of geometric asymmetrically arranged forms, elegant expression of contrasting details, and intricate placement of glazed openings – in all these ways, the Walnut Street Baptist Church is exceptional. The church exterior retains a high level of historic integrity with design and materials intact and in generally very good condition.

Interior

The church interior has more than 30,000-square feet of floor space, including a finished basement. On the interior, the composition of the generally triangular form is better understood as a series of geometric forms, the shape and scale of which create the overall triangular footprint. At the heart of the triangular footprint is the rectangular auditorium with a four-sided sanctuary at its east end. All other spaces flow from this one, each space occupying a clearly understood geometric form: two large education spaces on the north and northwest are circular in form; the primary entrance vestibule and upper lobby is rectangular; and the ca.1935 addition is nearly square. This series of interconnected shapes is discernible at all floor levels.

The rectangular auditorium is oriented with its length running north-to-south, allowing for the interconnection of education spaces on both the west and the north and accommodating the dais and choir loft on the east. The auditorium is characterized by its soaring volume, raked wood floor, undulating balcony, and richness of millwork and art glass windows. The auditorium retains approximately half of the original pews, arranged in curving rows.

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The second floor of the west Sunday school wing is similarly arranged with pew seating nearest the auditorium and divided classroom spaces along the outer wall. Different from the first-floor space, the upper lacks a solid wall separating the spaces and the floor is not raked. The front space is characterized by its open volume, the ceiling springing from a ring of columns to a center, octagonal grille with pie shaped sub-divisions glazed with leaded art glass. The floor is wood, currently carpeted. The rear space is divided into five sections by knee-walls extending from the ring of columns to the outer walls. The openings between column and wall retain sliding wood doors used to separate the classrooms. The windows in the upper education wing more closely mirror the pattern established in the auditorium than those on the lower level, but again minimize the use of color.

A one-story semicircular education wing on the north has folding doors (wood with art glass) opening into the auditorium. A wood sliding door system divides the space in half. The room retains wood floors, plaster walls and ceiling, and abundant millwork. The windows, which are arranged in groups of three, have double-hung wood sash with a 9-over-9 configuration; all glass is clear.

Along the southwest side of the sanctuary and connecting all of the parts of the church is a broad corridor, which leads from the front entrance at the southwest corner through to the offices in the southeast corner. This corridor exists on all floors giving the large church efficient traffic flow between the different parts of the church and the entrances.

The southeastern point of the triangle houses the offices. The second entrance for the building is in this section on the southwest facade. The entrance and windows of this part are configured slightly differently, but with stylistic similarities to the rest of the building. This area was expanded in ca.1935 to provide additional office and choir storage spaces. It retains patterned tile or wood floors and abundant millwork.

The basement houses a large dining-assembly room separated by bifold doors, a large kitchen, restrooms, the boiler room, and storage. The spaces are characterized by the use of basic finishes or lack thereof. The dining-assembly space has painted walls, patterned 9x9" tile flooring, and 12x12" fiberboard ceiling tiles.

The interior of the Walnut Street Baptist Church retains a high level of historic integrity. It retains all character defining features including the interplay of geometric forms in establishing the floor plans of 1st and 2nd floor as well as the hierarchy of those spaces. Although water infiltration has caused areas of plaster failure, the majority of plaster finishes remain intact with abundant millwork, decorative elements, and art glass windows retained.

Integrity Discussion

The Walnut Street Baptist Church retains a generally high level of historic integrity with deterioration due to vacancy standing as the most significant breach of integrity, specifically to integrity of materials.

The resource has not been moved, resulting in a high level of historic integrity specific to location.

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Walnut Street Baptist Church

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The church is located in a residential neighborhood that, while it has evolved over the period subsequent to the 1908 completion, remains largely intact with a strong sense of residential character retained. Specifically, residential buildings dominate the property types represented, roadways remain without significant alteration, and a tree canopy remains intact. As a result, historic integrity as it relates to setting is very good.

The resource retains its historic association with the residential neighborhood that existed from the time the original wood-frame church was constructed, through the period in which the original congregation relocated to another part of Waterloo. As a result, integrity of association is high.

Regarding integrity of design and materials on the exterior, Walnut Street Baptist Church retains a high level of historic integrity. The building retains its original, unique, and highly complex form with the sole addition (ca.1935) considered part of the historic fabric. Further, the resource retains its original windows which come in a range of styles; the art glass windows of the sanctuary and adjacent spaces are of particular significance in that they contribute significantly to the stylistic character of the building and point to the value placed on their contributions to the church's visual character. Original, wood-frame, double-hung, multi-light windows found in secondary spaces are also retained, though most are now boarded. The building exterior also retains its complex roof line, dark brick cladding with stone details, and its asymmetrically placed tower that soars above the building's tallest roof height. Original entrances including stylistic elements, doors, and transoms are likewise retained. Historic integrity of design and materials on the exterior is only diminished by deterioration wrought by vacancy and an insufficient level of maintenance over the period of that vacancy. Specifically, the building exterior requires repointing, some masonry repair, roof replacement and window rehabilitation.

Regarding integrity of design and materials on the interior, the church retains a high level of historic integrity. The church retains its original floor plan (with ca.1935 alterations) including the integrated relationship that defines a church building of the Akron Plan type. Walnut Street Baptist presents an exceptional example of the Akron Plan, with Sunday school spaces adjoining the auditorium on the west at two levels and on the north at ground level. These spaces retain their original folding doors which were opened and closed as the content of the church service dictated. Additionally, retention of the art glass windows (as noted of the exterior) is a significant design and material element with a particular role in the historic character of the interior. Retention of abundant millwork, tile floors, wood floors, original wood doors with art glass, church pews, curving balcony, dais with baptismal font and choir loft all contribute to a high level of historic integrity specific to design and materials. Like the exterior, vacancy and insufficient maintenance has wrought damage to materials, specifically plaster.

Retention of a sound structure, exterior finish materials, and interior design elements account for a high degree of historic integrity as it relates to workmanship.

Finally, the Walnut Street Baptist Church retains the significant features and stylistic character as designed. As a result, a sense of time and place is retained resulting in a high level of integrity of feeling.

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Statement of Significance

The Walnut Street Baptist Church is both individually listed on the National Register of Historic Places (2000) and counted a contributing resource to the 2019 “Walnut Street Historic District”. The resource is individually significant under Criterion C as an “example of the early modern style with Arts and Crafts elements” with a period of significance limited to its 1908 placed-in-service date (Eckhardt, 2000). The district nomination goes further in addressing the church building’s significance by establishing the resource’s place under Criterion A in association with the history of community planning and development, specifically as it relates to the evolution of the residential neighborhood in which the church is located. In association with that contextual association, the period of significance for the historic district extends from 1868 through 1965 (Dieber, 2019). The extended period of significance is relevant to the Walnut Street Baptist Church because the period then embraces the ca.1935 addition made to the building as well as the years leading up to changes that occurred in the neighborhood around racial injustice and unrest in Waterloo and, events that occurred in the area surrounding the Walnut Street Baptist Church. For those reasons, the period of significance for the resource should be considered 1868-1965 with the significant date being 1908.

Although not addressed in either the individual nomination or the district nomination, the church’s historic association with the history of civil rights demands additional consideration. The 2020 Multiple Property Documentation Form, “Twentieth Century African American Civil Rights-related Resources in Iowa” provides a foundation for expanding the case for significance of the Walnut Street Baptist Church. That document, which examines the topic in the period from 1833-1974, notes that the “Second Revolution in Iowa, 1964-1976” was one of particular importance in that it marked the years following passage of the Civil Rights NEED and embraces the year in which Martin Luther King was assassinated. This period had broad and significant impacts in communities across the state, none more than in Waterloo. The author notes, however, that civil rights violations did not automatically end in 1976 and encourages expanding the investigation of post-1976 civil rights advocacy (Loughlin, 2020). As an anchor of the residential neighborhood and pulpit for leaders in the city’s Black community, with additional research and contextual development the resource could provide a means of enhancing our understanding of the racial struggles that occurred in this community, specifically in the period of the late 1970s. The 2014 honors project completed by Waterloo native Theresa E. Shirey provides the underpinning to expanding a case for significance into the 1970s, during which time the church was the center of “black flight” and middle-class decline illustrated in the surrounding neighborhood. The present document is not the place to undertake such work, but the work should certainly be done.

Historical Background

The Walnut Street Baptist Church was originally home to Free Will Baptists, which constructed a small wood-frame church on this site in 1896 and incorporated it as the Walnut Street Baptist Church. By 1907, the congregation had outgrown their church building and plans were made to construct a larger church. With \$30,000 in hand, the congregation sought out the Waterloo architect Clinton Shockley to design their new church. The plan called for a 30,000 square foot building costing some \$60,000. Construction was underway in 1907 and the building was placed in service in 1908. The 1,719-pipe organ was installed in 1920.

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The congregation remained on Walnut Street through the 1960s. In 1971, a new church building was constructed; the new church is known as Walnut Ridge Baptist. The Walnut Street church was sold to Bold Mission, Inc. in 1978 and the church became known as the Faith Temple Baptist Church, holding its first service on Sunday, June 4 of that year. The congregation was led by Pastor Dr. Eugene H. Williams with Deacons, Harold Rogers, Willie Young, Edward Polk, Norris Sisk, Dallas Pulley; Ministers, Rev. Melvin L. Grimes, Rev. Orchard M. Dzonga, and Trustees, A.C. Allen, Mary Berdell, Mannita Hudson, Richard Washington, F.W. Wayland.

Faith Temple Baptist moved from the building in 2010 due to deteriorating conditions. The building was purchased by Iowa Heartland Habitat for Humanity, as a member of the Walnut Development Coalition, in 2018.

As noted, the building was designed by Waterloo architect Clinton Phillip Shockley. Formally trained at the Armour Institute of Technology, Shockley gained experience with others informally known as the "Chicago School of Architecture." He opened his office in Waterloo in 1906. Along with Howard Burr and Mortimer Cleveland, Shockley was one of the best-qualified architects in Waterloo, each with important commissions to their credit (Eckhardt, 2000).

Iowa Site Inventory Form
State Historic Preservation Office
Continuation Sheet

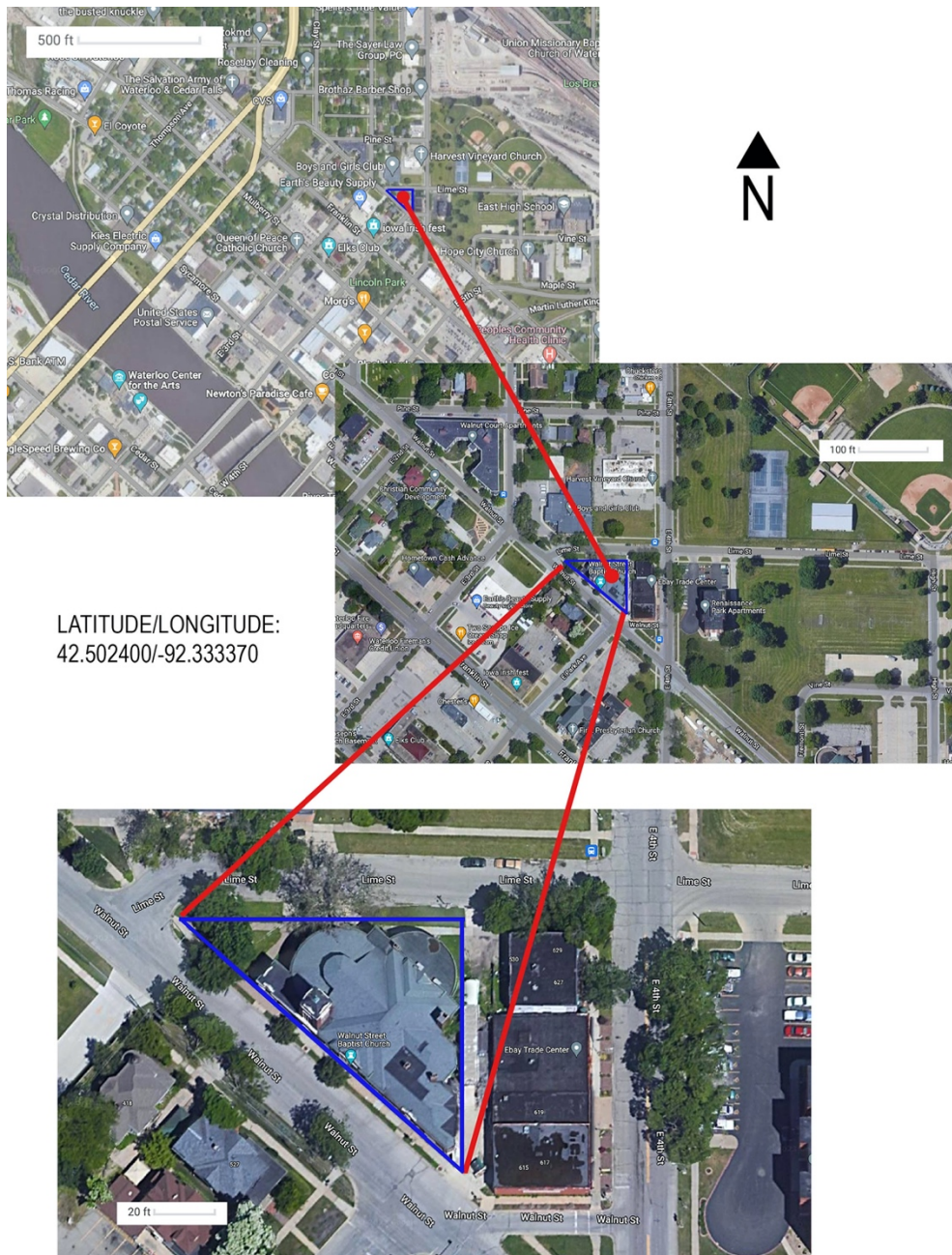
Site Number: 07-09085
Related District Number:

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Walnut Street Baptist Church
Name of Property
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Black Hawk
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Waterlo
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Figure 02. Locator Map – 2023



(Source: Base maps, <https://www.maps.google.com>. Retrieved 12/15/2022.)

Iowa Site Inventory Form
State Historic Preservation Office
Continuation Sheet

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Related District Number:

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Walnut Street Baptist Church
Name of Property
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County
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Figure 04. Walnut Street Historic District Boundary Map – 2019



(Source: "Walnut Street Historic District," National Register of Historic Places Nomination, 2019.)

A dotted line marks the district boundary with the location of the Walnut Street Baptist Church is indicated with a red X.

Iowa Site Inventory Form
State Historic Preservation Office
Continuation Sheet

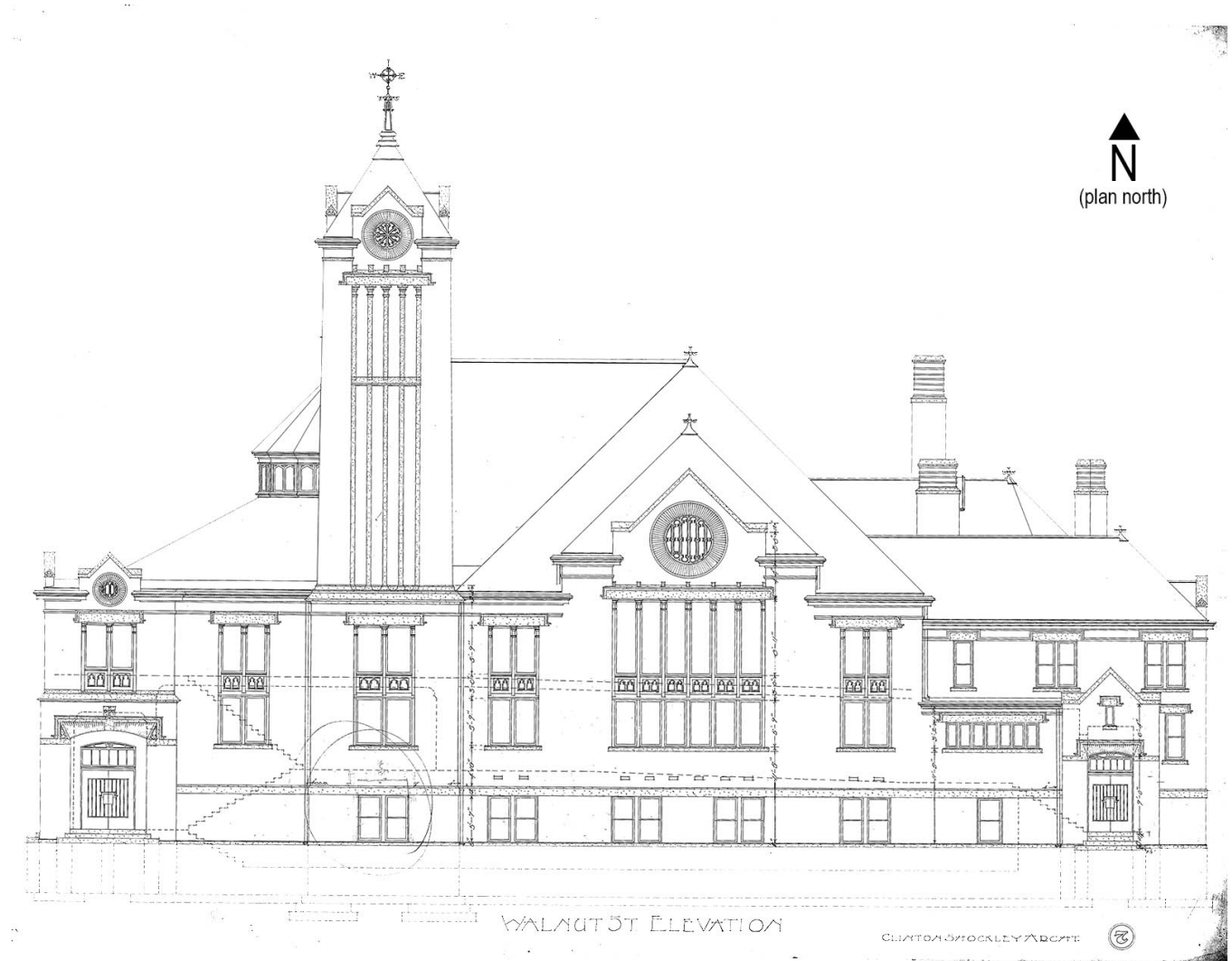
Site Number: 07-09085
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Figure 08. Original Drawings – South Elevation – 1907



(Source: Original drawing set in possession of the current owner.)

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Walnut Street Baptist Church
Name of Property
415 Walnut Street
Address

Black Hawk
County
Waterloo
City

Figure 09. Original Drawings – East Elevation – 1907



(Source: Original drawing set in possession of the current owner.)

Iowa Site Inventory Form
State Historic Preservation Office
Continuation Sheet

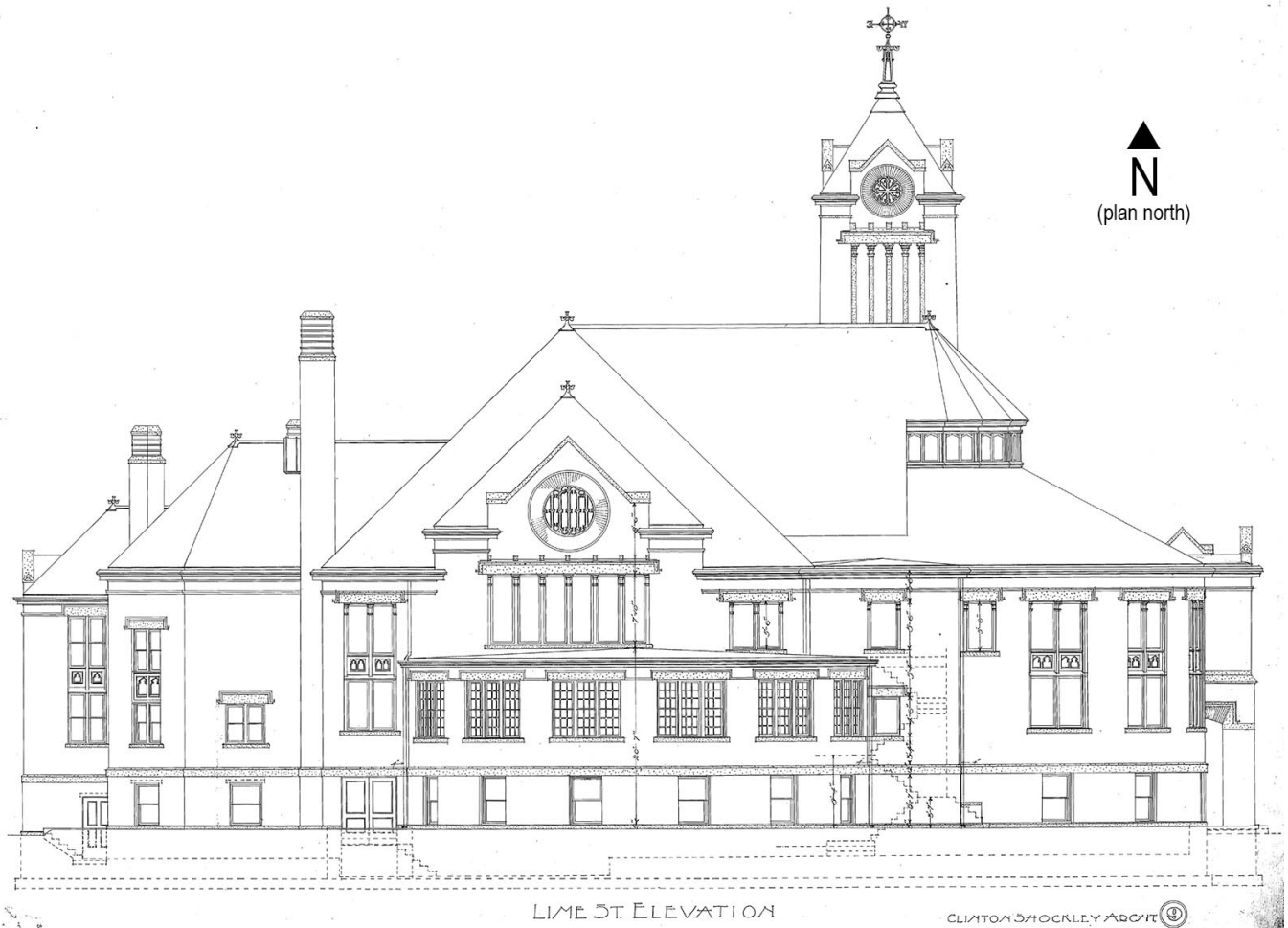
Site Number: 07-09085
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Walnut Street Baptist Church
Name of Property
415 Walnut Street
Address

Black Hawk
County
Waterloo
City

Figure 10. Original Drawings – North Elevation – 1907



(Source: Original drawing set in possession of the current owner.)

Iowa Site Inventory Form
State Historic Preservation Office
Continuation Sheet

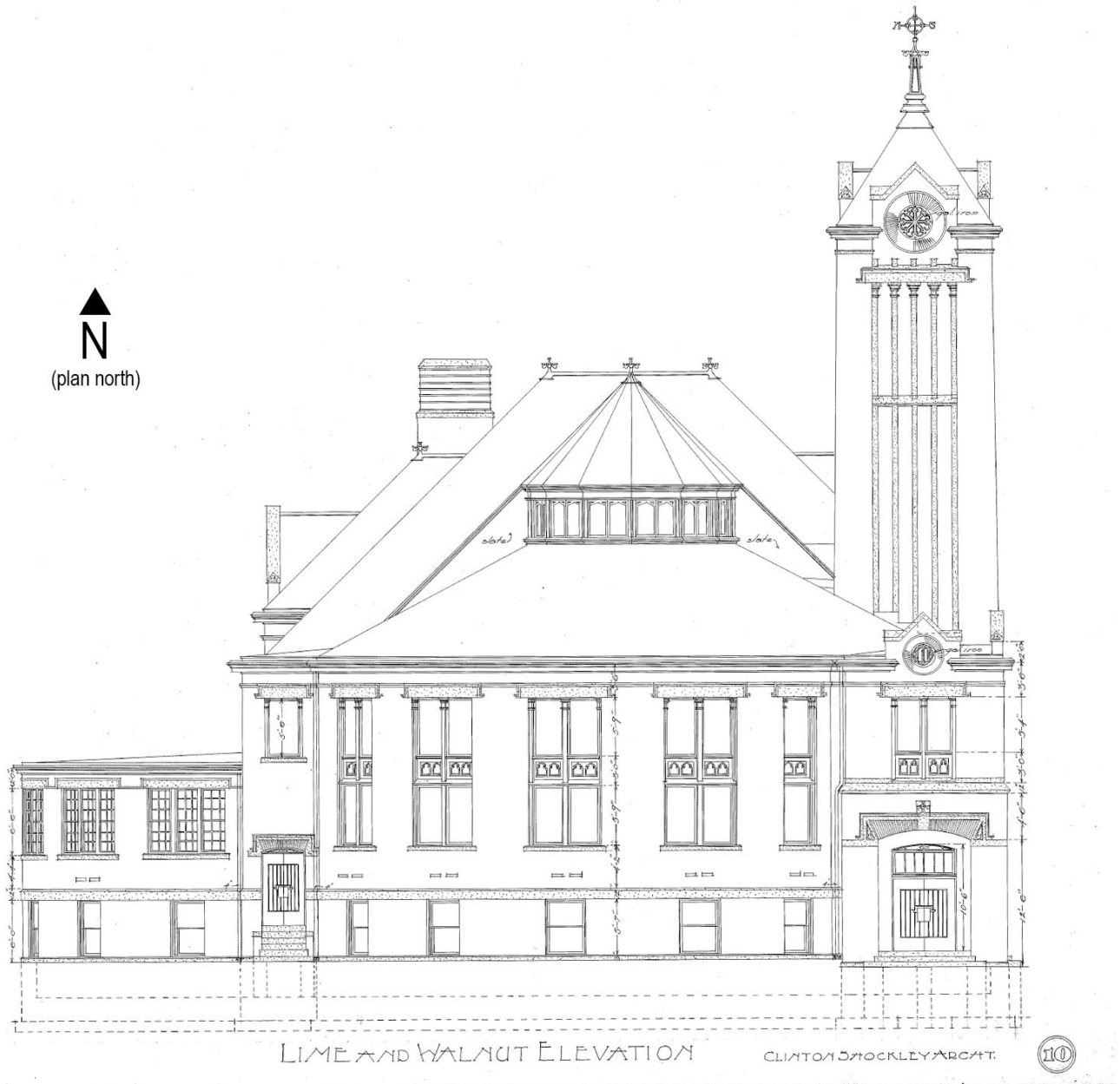
Site Number: 07-09085
Related District Number:

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Walnut Street Baptist Church
Name of Property
415 Walnut Street
Address

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County
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City

Figure 11. Original Drawings – West Elevation – 1907



(Source: Original drawing set in possession of the current owner.)

Iowa Site Inventory Form
State Historic Preservation Office
Continuation Sheet

Site Number: 07-09085
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Walnut Street Baptist Church

Black Hawk

Name of Property

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415 Walnut Street

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Address

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Figure 17. Historic Image – 1911 (postmark)



(Source: A.KAY Consulting Postcard Collection.)

In this view looking northeasterly from across Walnut Streets near its intersection with Lime Street we have a good view of the south elevation prior to the later addition on the east end of the elevation.

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415 Walnut Street

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Figure 18. Historic Image – 1915 (postmark)



(Source: A.KAY Consulting Postcard Collection.)

In this view looking easterly from the intersection of Lime and Walnut Streets we understand both the church building and the character of its setting.

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Walnut Street Baptist Church

Black Hawk

Name of Property

County

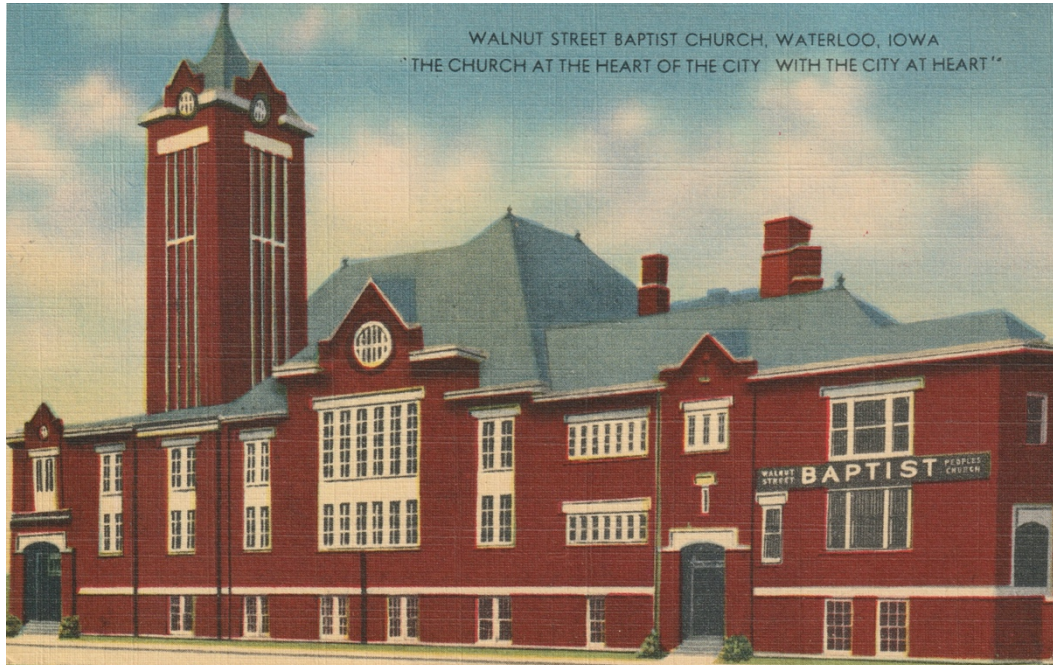
415 Walnut Street

Waterloo

Address

City

Figure 19. Historic Image – ca.1940



(Source: A.KAY Consulting Postcard Collection.)

By ca.1940 the small addition to the church building had been constructed; it is documented in this postcard image, its location at right marked by the sign.

Iowa Site Inventory Form
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Walnut Street Baptist Church

Black Hawk

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County

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04. EXTERIOR: View of the primary entrance (SW corner) and the Walnut Street elevation, looking SE



Walnut Street Baptist Church – 415 Walnut Street – Black Hawk County – Waterloo – IA

PART 1: Photographs (11/11/2022)

01. SITE VIEW: Looking SE along Walnut Street from west of the Lime Street intersection



02. SITE VIEW: View looking NW along Walnut Street from just east of the E. Park Avenue intersection



Walnut Street Baptist Church – 415 Walnut Street – Black Hawk County – Waterloo – IA

PART 1: Photographs (11/11/2022)

03. SITE VIEW: Looking SE across Lime Street



04. EXTERIOR: View of the primary entrance (SW corner) and the Walnut Street elevation, looking SE



PART 1: Photographs (11/11/2022)

05. EXTERIOR: View of the SE corner (ca.1935 addition), looking NW along Walnut Street elevation



06. EXTERIOR: View looking SW from Lime Street showing the education wing and east elevation



**United States Department of the Interior
National Park Service**

**NATIONAL REGISTER OF HISTORIC PLACES
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Walnut Street Baptist Church
Black Hawk County, Iowa

Historic Photo, ca. 1908

Published in "Dedication of the Second Building for the Walnut Street Baptist Church, Waterloo, Iowa, October 11-18, 1908," published in the Fiftieth Anniversary of the Present Building, Walnut Street Baptist Church, Waterloo, Iowa," 1958.



**SECOND BUILDING WALNUT STREET BAPTIST CHURCH, ERECTED 1908
CLINTON SHOCKLEY, ARCHITECT CHARLES WASSON, BUILDER**

**United States Department of the Interior
National Park Service**

**NATIONAL REGISTER OF HISTORIC PLACES
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Walnut Street Baptist Church
Blackhawk County, Iowa

STATEMENT OF SIGNIFICANCE, Criteria C

Summary Statement

The Waterloo, Iowa architect, Clinton Phillip Shockley, designed Walnut Street Baptist Church, in 1908. It is an example of the early modern style with Arts and Crafts elements. The church was identified as a Key historic structure in a survey of the proposed Walnut Street Historic District.

Significance and Historical Contexts

Introduction:

The Walnut Street Baptist Church was originally home to Faith Baptist congregation, which constructed it as their second church on this site in 1908. When Faith Baptist congregation constructed a new church at the edge of town in 1971, they sold their Walnut Street church to Bold Mission Inc., another Baptist congregation, which named their church Faith Temple Baptist Church. The church falls within a proposed historic district determined after an historical and architectural survey of the northern portion of Waterloo in 1992.¹ It was determined individually eligible for nomination to the national Register at the time, but a district nomination has not yet been prepared. The proposed historic district, which adjoins downtown Waterloo, is presently in poor condition, but the current restoration of Walnut Street Baptist church will help in the rehabilitation of the whole neighborhood.

Clinton Phillip Shockley, Architect:

Waterloo architect Clinton Phillip Shockley, designer of Walnut Street Baptist Church, received formal training at the Armour Institute of Technology and gained experience with others informally known as the "Chicago School of Architecture." He opened his office in Waterloo in 1906. He and Mortimer Cleveland were by far the best-qualified architects in Waterloo and were able to obtain the important commissions that formerly went to out-of-state architects. Walnut Street Baptist church was certainly an important commission. Other work by Shockley in Waterloo include the Roman Catholic hospital in Waterloo where he served as consulting architect, First Presbyterian Church, the Elks' Building, the Insurance Building, Hansen's Overland Automobile building (now a TV station), and the Waterloo, Cedar Falls & Northern

¹ Rebecca Conard and Jan Nash, "Walnut Street Historic District, Waterloo, Iowa, A National Register of Historic Places Evaluation," Submitted to Waterloo Historic Preservation Commission by PHR Associates, 1992.

**United States Department of the Interior
National Park Service**

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**Walnut Street Baptist Church
Blackhawk County, Iowa**

Terminal and Office Building. Shockley, together with Cleveland, designed the Iowa Pavilion at the 1915 Panama-Pacific Exposition in San Francisco.²

The complex design and the style of the Walnut Street Baptist Church make it unique. It does not look like Shockley's other church designs such as his Gothic Revival First Presbyterian Church only a block away. Rather than the usual symmetrical basilica church, This triangular form (certainly influenced, if not required, by the shape of the lot) allowed the architect to explore form and function, and find a new way to serve the ritual and activities of the church. Contrasting with the complex form, the church has an orderly and calm appearance in spite of its corners and contrasting shapes. The turn of the century (20th) American idea that form should follow function first expounded by Louis Sullivan, freed Shockley from too literal an interpretation of style. In spite of its unusual form, the church exhibits the early modern desire for function combined with the Arts and Crafts striving for simplicity.

The Church does not fit comfortably into an architectural style category. Architectural historians surveying Waterloo architecture in the past have placed it in the Prairie School category for lack of any other category.³ But it does not exhibit the characteristics of the Prairie Style outlined by Wilson or Berry.⁴ Rather, it is a unique mixture of styles which embodies not only the conservative and quiet aspects of the Arts and Crafts aesthetic, but mixes in other competing architectural styles from the early 20th century. The use of classical pediments and oculi, for instance, reflects the influence of the Beaux-Arts style. The top of the tower with its gables and pyramidal roof is another Beaux-arts feature. The Beaux-arts approach uses the entire history of architecture as a source book. The abstract geometric stained glass windows are one element, which seems to have been influenced by the Prairie School in their color and design. The spandrels between the windows of the first and second floor follow similar treatments developed by the Chicago School for commercial buildings, those of Louis Sullivan specifically. The description of the Walnut Street Baptist Church as being in the "Old English Style", presumably referring to the Arts and Crafts Style, gives us an important clue to its architectural sources and helps explain its builder's intention. This style description was published in the dedication Program and in the newspaper description of the church. It probably came from the building committee or the architect himself.⁵

² Wesley I. Shank, *Iowa's Historic Architects, A biographical Dictionary*, (Iowa City: University of Iowa Press, 1998), pp. 148-149; and Barbara Bevin Long. Long, Barbara Bevin, "Waterloo, Factory City of Iowa – Survey of Architecture and History," prepared for the City of Waterloo, Iowa by Midwest Research of Des Moines, 1986.

³ Long and Conard.

⁴ Richard Guy Wilson and Sidney K. Robinson, *The Prairie School in Iowa*, (Ames: Iowa State University Press, 1977); and H. Allen Brooks, *The Prairie School, Frank Lloyd Wright and his Midwest contemporaries*, (Toronto: University of Toronto Press).

⁵ "Description of New Sanctuary" (Over photo – "New Walnut Baptist Church to be Dedicated Sunday."), *Waterloo Semi-Weekly*, Friday, October 9, 1908, and "Fiftieth Anniversary of the Present Building, Walnut Street Baptist Church, Waterloo, Iowa, October 5-10, 1958, booklet.

**United States Department of the Interior
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**Walnut Street Baptist Church
Blackhawk County, Iowa**

Complicating the "what style is it" question is that this building is a church, and it looks like a church. Ecclesiastical architecture has its own iconography and its own history of style. Gothic is the usual style for churches with some Romanesque Revival and Classical styles thrown in. Walnut Street church does not reflect those styles. Neither does it look like any churches by Prairie School architects with the exception of St. Paul's Methodist Church in Cedar Rapids, Iowa. St Paul's, 1910-1914, was originally designed by Louis Sullivan, but his design was never completed, and the project was taken over by Elmsley. The two churches have some similar elements, but Sullivan could not have influenced Shockley. Rather, Shockley's church might have influenced Sullivan, since its design was earlier by several years. Other churches by Prairie School architects are completely different in design from Walnut Street Baptist Church. William Steele's First Congregational Church in Sioux City, 1918, is stripped-down Byzantine. Methodist Episcopal Church in Evanston Illinois, 1915, is a modernized gothic. Marshalltown Church of Christ is an A-frame with a cross gable roof.⁶

The Arts and Crafts Style was really not a style. Originating in England, it was popular in the United States in the early 20th century. While a modern movement, it looked to the past and to nature for inspiration. It sought simplicity and honesty in architecture. It is usually thought to be a major esthetic source for the Prairie Style, Stickley, and the Bungalow Style,⁷ but it was not restricted to those American developments alone. There are several examples of Arts and Crafts style buildings in Iowa, which reveal more direct English influence in the state. The Grey House at Four Mounds Estate outside Dubuque is an example of a Baillie Scott (or Voysey) inspired house. Another example, more appropriate for comparison in that it is a church, is Trinity (First) Presbyterian Church in Indianola, designed by Proudfoot and Bird of Des Moines in 1900.

First Presbyterian Church, like Walnut Street Church, abandons the usual Gothic, Romanesque or Classical styles. Although the two churches are not at all alike, they both incorporate the Arts and Crafts spirit and aesthetic. Trinity Church reflects English models more closely than does Walnut Street Church. Its stepped gables and mock arrow slits are examples of the Arts and Crafts Movement's love of things Medieval and add humor as well as an "Old English" aura. The interior reveals a new working out of the auditorium church plan combined with a thoughtful planning for the needs of those attending services such as traffic patterns, cloakrooms, and etc. as well as providing effective ritual space. The interior color scheme of golds, mauves, and greens and the abstracted floral designs of the windows are in keeping with the Arts and Crafts Esthetic. Another small church by Proudfoot and Bird, St. Paul's Episcopal Church in Harlan, Iowa, 1898, represents an example of the English Gothic Revival style associated with the Arts and Crafts Movement in England.

⁶ See Wilson and Brooks for photos illustrating these comparisons.

⁷ Wilson, p. 6.

**City of Waterloo
Historic Preservation
Application for
Local Historic Designation of a Building or District**

This form is if you wish to have your building or a district to become a locally designated landmark.

To be completed by applicant:

Date of Application:

Feb. 28, 2023

Address of Property:

415 Walnut Street

Current Use of Property:

Vacant

Property Owner's Name – Business if Applicable:

Ali Parrish, Iowa Heartland Habitat for

Address: 303 W. 5th Street

City: Waterloo

Humanity

Phone: 319-235-9946

Fax: _____

Email: aparrish@webuildhabitat.org

Applicant's Name (if different than above):

Address: _____

City: _____

Phone: _____

Fax: _____

Email: _____

Contact Person:

Alexa McDowell, A.KAY Consulting

Address: 526 40th St.

City: Des Moines

Phone: 515-431-5432

Fax: _____

Email: akaymcd@hotmail.com

Please check if any of the following exhibits are included in your application:



Photographs

☐ Elevation Drawings

☐ Sample of Material

☒ Other

orig. National Register nomination

A State of Iowa Site Inventory Form will need to be included with the application.

Applicant Signature

Date



Owner Signature

2/27/23
Date