



AGENDA
CITY OF CEDAR FALLS, IOWA
PLANNING AND ZONING COMMISSION MEETING
WEDNESDAY, SEPTEMBER 14, 2022
5:30 PM AT CEDAR FALLS COMMUNITY CENTER, 528 MAIN STREET

Call to Order and Roll Call

Approval of Minutes

1. Planning and Zoning Commission Regular Meeting Minutes of August 24, 2022

Public Comments

New Business

2. **Rezoning (Amendment to Zoning Agreement) –Lots 5 & 6 Midway Business Park (RZ22-003)**
Location: Midway Business Park on Greenhill Circle
Petitioner: Lucas Moore, Oak District LLC
Previous discussion: None
Recommendation: *Introduction, discussion, and set a date of public hearing*
P&Z Action: *Discussion and set a date of public hearing*

3. **Zoning Text Amendment – Petition from City Council to Amend Parking Requirements in the Downtown Character District (TA22-004)**
Location: Downtown Character District
Petitioner: City Council
Previous discussion: January 26, 2022; February 9, 2022;
Recommendation: *Make a recommendation to City Council*
P&Z Action: *Hold public hearing and make a recommendation to City Council*

Commission Updates

Adjournment

Reminders:

- * September 28 and October 12 - Planning & Zoning Commission Meetings
- * September 19 and October 3 - City Council Meetings

**Cedar Falls Planning and Zoning Commission
Regular Meeting
August 24, 2022
Cedar Falls, Iowa**

MINUTES

The Cedar Falls Planning and Zoning Commission met in regular session on August 24, 2022 at 5:30 p.m. at the Community Center. The following Commission members were present: Crisman, Grybovych, Hartley, Holst, Larson, Leeper, Lynch, Moser and Saul. Karen Howard, Community Services Manager, and Jaydevsinh Atodaria, Planner I, were also present.

- 1.) Chair Leeper noted the Minutes from the August 10, 2022 regular meeting are presented. Ms. Lynch made a motion to approve the Minutes as presented. Ms. Saul seconded the motion. The motion was approved unanimously with 9 ayes (Crisman, Grybovych, Hartley, Holst, Larson, Leeper, Lynch, Moser and Saul), and 0 nays.
- 2.) The first item of business was a zoning text amendment regarding certain site plans in the CD-DT district. Chair Leeper introduced the item and Ms. Howard provided background information and explained that this is a public hearing regarding a petition from City Council to require P&Z review of site plans that would expand the floor plan or where residential is being added, similar to language in Section 26-196C.2.b. She showed the draft of the new language being proposed per the Council's petition. Staff recommends that the Commission discuss the proposed amendments to the Zoning Code and make a recommendation to City Council.

Ms. Moser stated that she feels this is putting the Commission in an awkward position as it was sent back to them after they had agreed on this item unanimously in an effort to streamline the process. To change it would add an extra layer to the process.

Ms. Grybovich added that no planning documents are perfect and they have discussed the ability to revisit the item down the road to allow the Commission to see if changes should be made. A lot of work has gone into this document and she feels that they should move forward with what the Commission has proposed.

Mr. Hartley stated that he has wrestled with creating a process that is efficient and easy to move through, but he also likes the idea of transparency and the ability for citizens to see everything laid out for them to see what is being proposed. He asked how much comes to the Commission currently with regard to site plans throughout the City. Ms. Howard stated that there are a number of zones where site plans are not reviewed through the Commission and City Council (i.e., R-1, R-2, R-3, R-4, C-1, C-2, etc.) Typically, the zones that are reviewed are planned developments that have a master plan associated with them (i.e., RP, HWY-1, MU, and other Overlay Zones, such as the previous CBD Overlay).

Mr. Holst feels that the positive side is the consideration of public transparency and can see the merit to adding the review. He believes there is a good deal of public interest and feels that if this is what the Council would like to see he is comfortable with their recommendation. Ms. Saul stated she agrees with Mr. Holst.

Mr. Larson feels that the proposed language is a good middle ground and would support some additional oversight as long as the end goal is the intent to remove it from the equation. He doesn't believe the Commission needs to see everything that comes through and suggested that if it is amended to create more review there should be an agreement to revisit this in a year, if the process is too onerous.

Ms. Crisman stated her concern that once amended the ordinance will not be changed in the future to reduce unnecessary oversight of site plans. She doesn't feel that it has been sent back to the Commission from a concern for the public. She believes that the Commission has made every effort to make the code clear and it is P&Z's responsibility to focus on planning for the future, such as improvements to the code for College Hill and other areas that need attention rather than on minor site plan reviews. She stated that staff is very capable and excellent at reviewing site plans. The Commission had agreed previously that they were mostly just curious to see how it was working, not that there was concern or need for additional public comment. She doesn't feel that the public is worried about adding additional square footage to an existing building. She would like to move forward so the Commission can focus on other matters that need their attention. Mr. Larson agreed with the majority of these sentiments.

Mr. Holst stated that he could understand that this is a big change. He disagreed that the public doesn't care about projects like these. Mr. Larson noted that the only way that the Commission can decide on how the change will work is to make a decision and give it time to try out the process to see if there are any shortcomings that need to be taken into account.

Ms. Crisman stated that she doesn't believe that this is taking away the public's ability to provide comments. Every meeting has time set aside for public comment where they could share their thoughts and ideas.

Mr. Holst noted that people won't have a chance to comment on projects that aren't coming through Planning and Zoning. Mr. Leeper stated that the reason that the projects aren't coming through the Commission is because the rules in the code are clear so it would not be necessary. He feels that this is more of an issue of process and that the Commission spent a lot of time trying to get this right. The previous recommendation from the Commission to focus additional review only for new buildings was approved unanimously and he is wondering how long these minor changes to the code will continue to come back from the Council.

Ms. Grybovich asked what happens next in the process. Ms. Howard stated that at this time the Commission should decide to recommend for or against the proposed changes per the Council petition. If denial is recommended, it will require 2/3 of the Council to pass the ordinance. If approval is recommended a simple majority of Council will be required to pass the ordinance.

Mr. Larson made a motion to approve the proposed language changes. Ms. Saul seconded the motion. The motion was denied with 4 ayes (Hartley, Holst, Larson and Saul) and 5 nays (Crisman, Grybovich, Leeper, Lynch and Moser).

- 3.) The next item for consideration by the Commission was a College Hill Neighborhood Overlay design review for a new duplex at 1224 W. 20th Street. Chair Leeper introduced the item and Mr. Atodaria provided background information. He explained that the site is in the R-3, Multiple Residence Zoning District and the College Hill Neighborhood Overlay zoning district. The proposal is to add a new duplex (4-bedroom, 2-bath/unit) after demolishing the existing single-family unit and detached structure on the property at 1224 W. 20th Street. All minimum zoning requirements, including lot width, lot area, on-site parking, landscaping points, building design etc., are all met. Mr. Atodaria noted that the proposed two-unit dwelling is configured in a way that the garage sites closer to the street while the main entrance of the units are recessed. He also mentioned that the street facing façade will be layered with stacked stone and the building design also includes roof-dormers as an architectural feature of the building. Mr. Atodaria also explained additional criteria of the overlay district, noting that the proposal is unique in character with building a garage fronting the street with the main house entry being recessed

in comparison to other buildings in the neighborhood. He also mentioned that the best practice is to have garages recessed or have garages accessed through an alley. However, the proposal is unique and appropriate for the site, considering existing site constraints including floodway area on the south side of the lot, natural vegetation, and no accessible alleyway. He also noted that staff recommends that the mature trees on the site and in the public ROW be preserved to the extent possible and the applicant has agreed. Staff recommends approval subject to any comments or direction by the Commission and conformance to all city staff recommendations and technical requirements.

Russ Campbell, 1934 Campus Street, commented that tandem parking is not a good concept, as students park two cars on street. He suggested asking city council to create a rule about requiring independently accessible parking spaces. Mr. Campbell noted that this is a general comment.

Mr. Campbell also noted that a few years back that two curb-cuts were discouraged, and the proposal could have been possible if the approach is reduced to single approach. Mr. Atodaria noted that limiting curb-cut per property is always a good idea as it increases opportunity for on-street parking and reduces paving. However, staff did discuss the same with the applicant and in order to save the mature trees, a decision to have two curb cuts was made. Mr. Campbell mentioned that what he meant was reducing each driveway width to single car wide approach, thereby not impacting any tree removal but creating narrower curb-cuts.

Ms. Lynch noted this is a vast improvement from what is currently on-site and made a motion to approve the plan subject to staff's recommendation. Mr. Larson seconded the motion.

Ms. Crisman made a comment thanking the staff for the preservation of neighborhood aspect. She looks forward to seeing updated the College Hill Overlay Zoning District to see how we will be able to preserve historical houses as well as work on how we can nicely blend the newer development within existing historic character of the neighborhood. She also asked staff if the current code allows any additional dwellings in the back of this lot. Ms. Howard stated that it would be something like a flag lot which would require the lot to be subdivided. Without further analysis she did not know if it would be possible for this property.

Mr. Leeper asked if there are any suggestions that we can propose to the developer to reduce the width of the driveways at the curb. Mr. Holst mentioned that the problem is to get required off-street parking spaces with 2 spaces in the garage and 2 spaces tandem behind the garage. If the width is reduced at the curb cut there would not be enough room for a person to park two cars on the driveway, as the setback is only 25 feet (which is about a car's length).

The motion was approved unanimously with 9 ayes (Crisman, Grybovych, Hartley, Holst, Larson, Leeper, Lynch, Moser and Saul), and 0 nays.

- 4.) As there were no further comments, Ms. Lynch made a motion to adjourn. Moser seconded the motion. The motion was approved unanimously with 9 ayes (Crisman, Grybovych, Hartley, Holst, Larson, Leeper, Lynch, Moser and Saul), and 0 nays.

The meeting adjourned at 6:05 p.m.

Respectfully submitted,


Karen Howard
Community Services Manager


Joanne Goodrich
Administrative Assistant



DEPARTMENT OF COMMUNITY DEVELOPMENT

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MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission
FROM: Thom Weintraut, AICP, Planner III
DATE: September 7, 2022
SUBJECT: Rezoning Amendment – Midway Business Park

REQUEST: Rezoning Amendment on Lots 5 & 6 of Midway Business Park
PETITIONER: Lucas Moore, Oak District LLC
LOCATION: Lots 5 & 6 Midway Business Park: Greenhill Circle

PROPOSAL

The applicant submitted a request to amend the zoning restriction placed on Lots 5 and 6 of the Midway Business Park subdivision. This restriction only allows for the construction of professional service office buildings and the applicant wished to establish a nursing home/senior assisted living facility on said lots.

BACKGROUND

The zoning designation on this property changed from R-1, Residential to R-4, Multifamily Residential in January of 1995. The R-1 district was part of the Midway subdivision that included the residential homes on Lovejoy Drive, Valley High Drive and Cardinal Court east of Cedar Heights Drive. Due to its location along the Greenhill Road, an arterial street, and the potential for commercial and professional office development, an upzoning from R-1 to R-4 on this portion of the property was recommended. At that time, due to concerns expressed by nearby residents, the petitioner agreed to limit the uses in this R-4 district to only professional office development through a zoning agreement. It should be noted that the R-4, Residential district permits a wide range of uses including one and two unit dwellings, multifamily dwellings, nursing homes and hospitals. In addition, commercial entities such as funeral homes, hotels/motels and professional service offices are permitted. Since the zoning agreement is part of the zoning of these properties, any proposal to vary from the agreement requires a rezoning action.

The zoning change in January 1995 was followed by the approval of the Midway Second Addition for the creation of four residential lots at the east end of Lovejoy Drive. This plat proposed a cul-de-sac which eliminated the through traffic into the R-1 zoning district. The

approval of the plat eased some concerns brought from nearby residential property owners that were opposed to a potential increase in traffic and parking from the R-4 district. Finally, in the summer of 2003, the Midway Business Park subdivision was approved for nine (9) new lots off of Greenhill Road with a short cul-de-sac (Greenhill Circle) to serve these lots. When the property was platted, included in the Deed of Dedication (DoD) was a restriction of professional office uses, echoing the zoning restrictions. In 2003, The First Security Bank developed Lot 1 located at the intersection of Greenhill Circle and Greenhill Road. In 2015, the Community Foundation of Northeast Iowa built their new office on Lots 2 and 3 west of the bank at the end of Greenhill Circle.

In 2018, at zoning change approved by Council for Lots 7 & 8 to amend the previous zoning agreement to allow an assisted living facility on these two lots. The new living facility, Oak District opened in 2020. In addition to the zoning agreement amendment, the DoD was amended to remove the office use restrictions on all the lots.

With the success of the initial facility, Oak District, the applicant would like to amend the zoning agreement to allow a second facility on Lots 5 & 6. If this request is approved, only two lots will remain undeveloped.

ANALYSIS

To the north, the property abuts a City-owned lot that is used as a stormwater detention basin, to the east is the Oak District assisted living facility, to the south is First Security State Bank and to the west is an undeveloped lot currently owned by First Security State Bank.

This request is unlike a typical rezoning request because the initial request restricted the usage of these two lots to professional office uses. The proposal is to amend the zoning agreement to allow a use that is generally permitted in the R-4 district. All basic utility accommodations serve the property including sanitary sewer and a water main to each lot. The developer would utilize one connection and the other service connections will need to be abandoned at the developers cost. Vehicular access to the property is from Greenhill Circle.

The two lots in question are 1.09 acres in area. The site plan submitted mirrors the previous development showing a 9,813 square foot building with 16 units and 11 parking spaces to serve the staff and visitors, as most residents are unable to drive.

Based on the proposed development of Lots 5 and 6 in the Midway Business Park addition, staff supports this request for an amendment to the zoning agreement. The proposed use, assisted living, is allowed in the R-4 zoning district. Reviewing the case history of this zoning agreement and subsequent platting of the property, staff finds that this change to the zoning agreement will be compatible with the surrounding neighborhood. The two story building is similar in height to nearby homes and subject to similar building setbacks. Use of the property for supportive housing is consistent with the intended purpose of the zone. The traffic to the subject properties will not affect the surrounding residential properties because the only access to these lots is from Greenhill Circle via Greenhill Road.

The zoning agreement approved in 1994 and revised in 2018 will need to be revised to accommodate the proposed senior assisted living facility.

A notice was mailed to the adjoining property owners on September 6, 2022 regarding this zoning district amendment.

STAFF RECOMMENDATION

The Department of Planning and Community Services recommends approval of the R-4 zoning district amendment to allow a senior assisted living facility on Lots 5 & 6 of the Midway Business Park Addition subject to the following conditions:

1. Gather any comments from the Planning and Zoning Commission and public.
2. Submit a revised Zoning Agreement.

PLANNING & ZONING COMMISSION

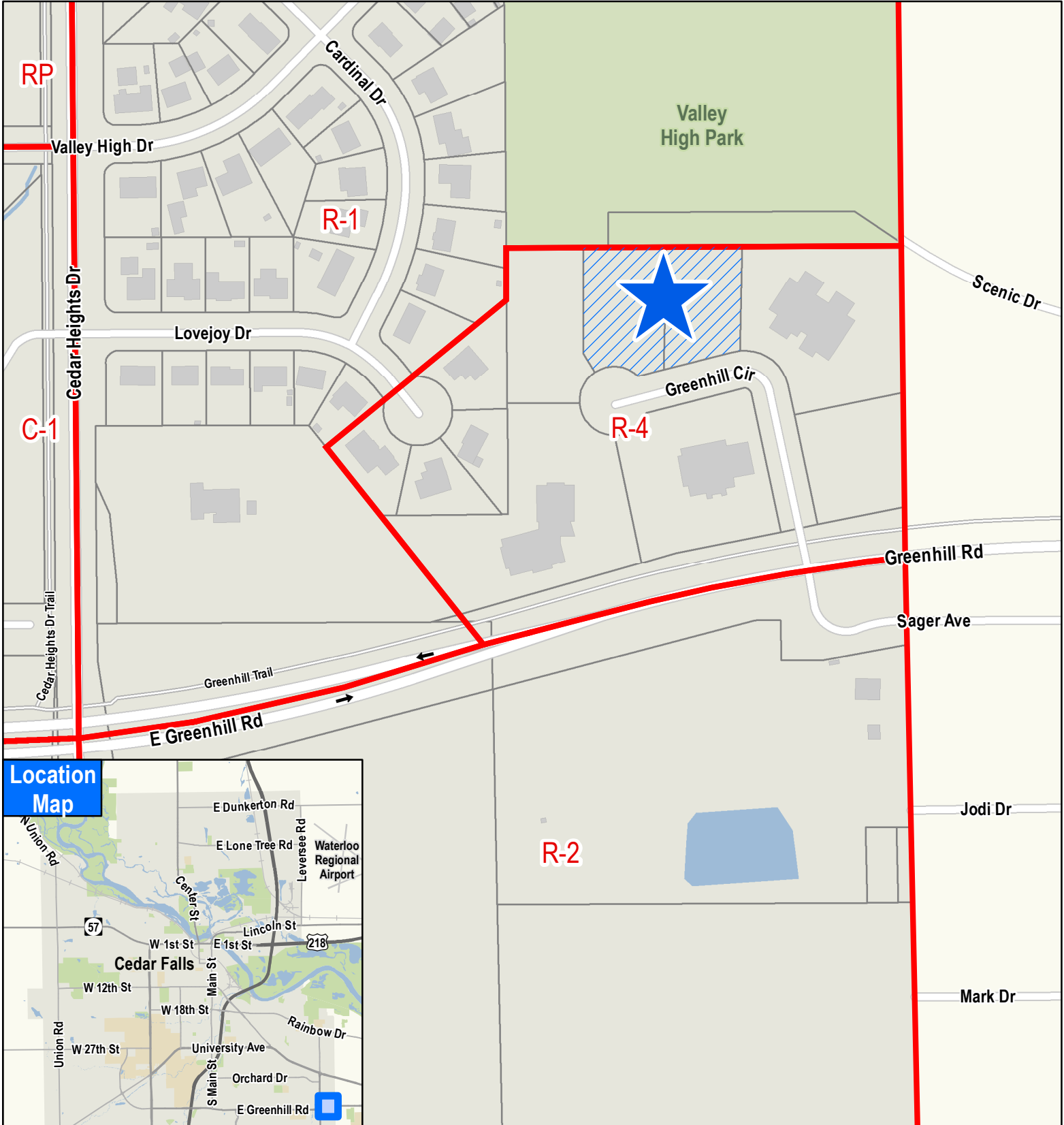
Introduction

9/14/2022

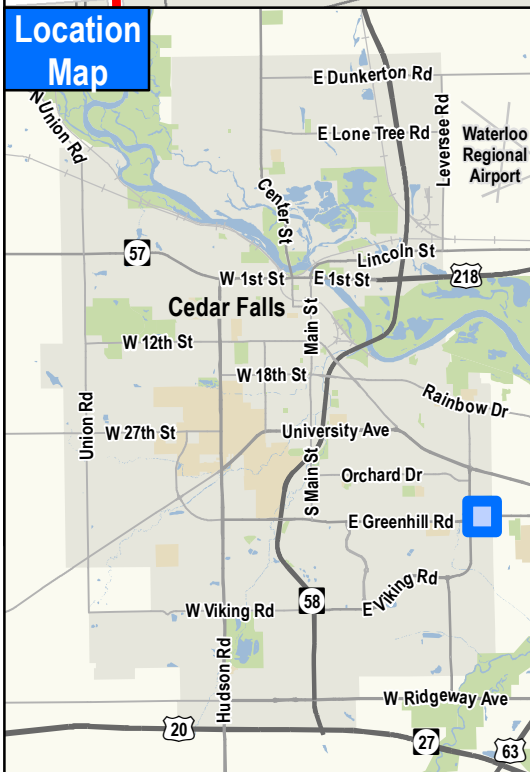
Attachments: Location map
 Rezoning Plat
 Request Letter
 Site Plan
 Original Zoning Agreement

Cedar Falls Planning and Zoning Commission September 14, 2022

Item 2.



Location Map



Midway Business Park Lots 5 & 6 Zoning Amendment (RZ 22-003)

FINAL PLAT MIDWAY BUSINESS PARK CEDAR FALLS, IOWA

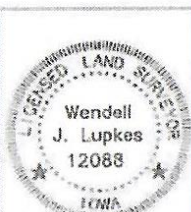
OWNER / DEVELOPER
FIRST SECURITY STATE BANK
3118 GREENHILL ROAD
CEDAR FALLS, IA 50613

NOTES:
1) THE EAST LINE OF THE SOUTHWEST QUARTER IS ASSUMED TO BEAR N 0°42'21" E (A RECORD BEARING)
2) THE UNADJUSTED ERROR OF CLOSURE IS BETTER THAN 1:10,000
3) ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

CURVE	LENGTH	RADIUS	CHORD	CHORD BRG
C1	14.95	10.50	13.72	N51°23'02"W
C2	68.44	55.00	64.11	N55°20'25"E
C3	44.83	55.00	43.60	S69°39'36"E
C4	41.58	55.00	40.80	S29°38'58"E
C5	55.37	55.00	53.06	S29°50'52"W
C6	71.89	55.00	66.80	N83°52'01"W
C7	13.76	70.50	13.74	S82°13'37"W
C8	65.12	70.50	62.83	N65°43'15"W
C9	35.28	70.50	34.92	N24°55'23"W

FEATURE LEGEND

- 5/8" CAPPED REBAR SET
- PROPERTY CORNER FOUND
- ▲ SECTION CORNER FOUND
- 100.00 DIMENSION OF SURVEY
- (100.00) DIMENSION OF RECORD
- Gas— EXISTING GAS
- Stm— EXISTING STORM SEWER
- San— EXISTING SANITARY SEWER
- Tel— EXISTING TELEPHONE
- Wat— EXISTING WATER
- EXISTING LIGHT POLE
- EXISTING UTILITY POLE
- EXISTING MANHOLE
- EXISTING FIRE HYDRANT
- EXISTING TREE



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

WENDELL J. LUPKES, L.S. DATE

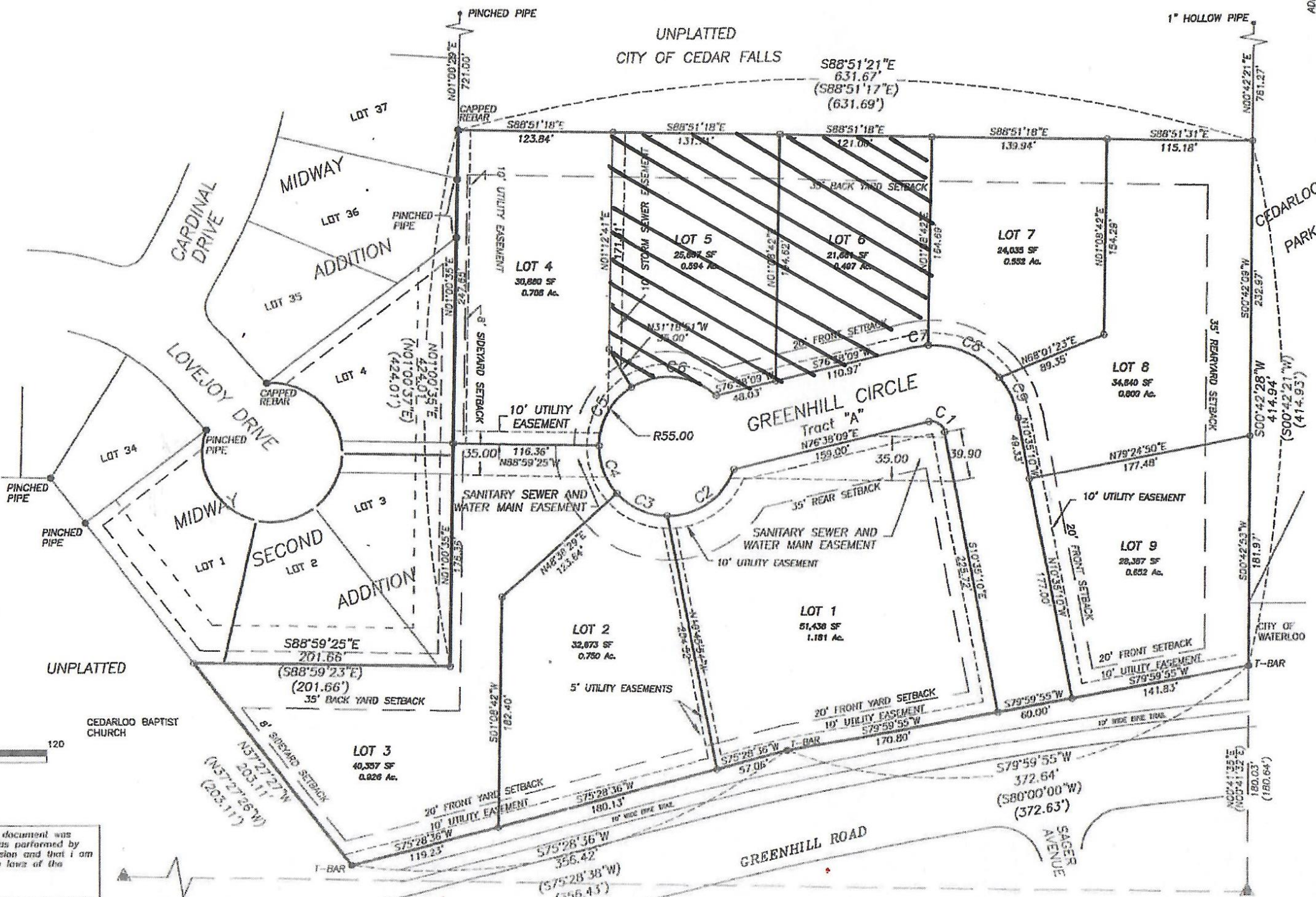
License number 12088
My license renewal date is December 31, 2004
Pages or sheets covered by this seal:

SW COR SE1/4, SW1/4
SEC. 20-89-13
"X" CUT ON CONC.

LEGAL DESCRIPTION

That part of the Southwest Quarter (SW ¼) of Section Twenty (20), Township Eighty-nine (89) North, Range Thirteen (13) West of the Fifth Principal Meridian, in the City of Cedar Falls, Black Hawk County, Iowa, described as follows:

Commencing at the Southeast corner of said Southwest Quarter (SW ¼); thence N 0°41'32" E 180.64 feet to the Point of Beginning at the intersection of the East line of said SW ¼ and the Northernly right of way of Greenhill Road; thence S 80°00'00" W along said right of way 372.63 feet; thence S 75°28'38" W along said right of way 356.43 feet; thence N 37°27'26" W 203.11 feet; thence S 88°59'23" E 201.66 feet; thence N 1°00'37" E 424.01 feet to a point on the East line of Midway Addition which point is 595.00 feet North of the South line of said SW ¼; thence S 88°51'17" E 631.69 feet to a point on the East line of said SW ¼ which point is 595.00 feet North of the South line of said SW ¼; thence S0°42'21" W along the East line of said SW ¼ 414.93 feet to the Point of Beginning, containing 7.492 acres more or less, and is subject to easements and restrictions of record.



DATE	1-26-04	BOOK	
DRAWN BY	W. J. Lupkes	NAME	
REVIEWED BY		NAME	
APPROVED BY		NAME	
van winkle-jacob engineering, inc. 1501 technology parkway cedar falls, iowa - 319-266-5829			
MIDWAY BUSINESS PARK, FINAL PLAT CEDAR FALLS, IOWA			
02889			

I would like to amend the zoning to lots 5 and 6 in the Midway Business park to allow for another assisted living building. We would be adding a much-needed service to Cedar Falls. Our current location has been a great success and a positive impact in the midway business park.

Luke Moore

**ASSISTED LIVING FACILITY
OAK DISTRICT ASSISTED LIVING
GREENHILL CIRCLE
CEDAR FALLS, IOWA**

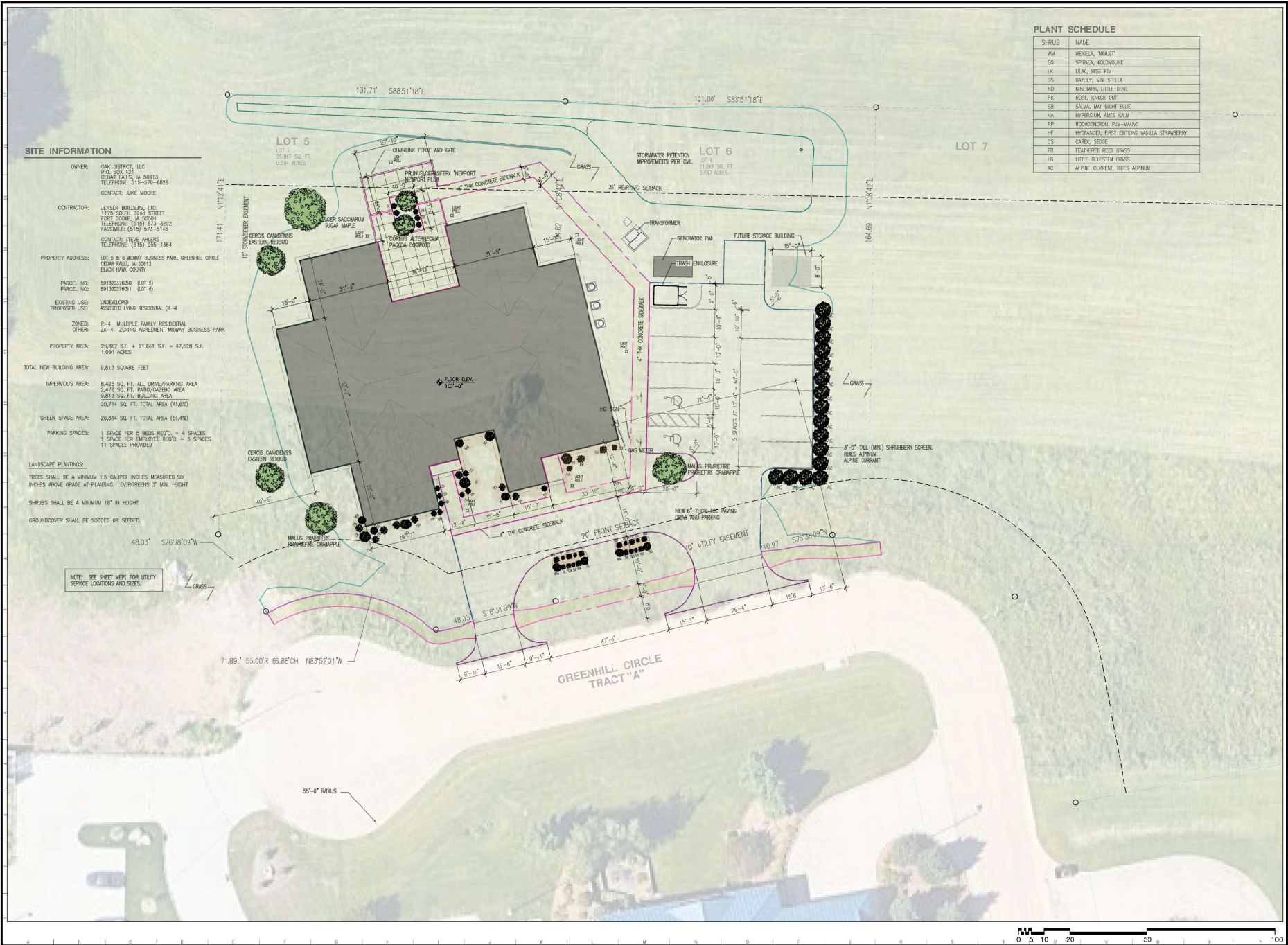
DATE	DESCRIPTION
12-3-2021	PRELIMINARY
3-3-2022	PERMIT SET

PROJECT NO:	21-000
DRAWN BY:	BOP
CHECKED BY:	
COPYRIGHT:	© JENSEN BUILDERS, LTD.
SHEET TITLE:	

SITE PLAN

A - 101.1

SHEET ? OF ?



COPY

ZONING AGREEMENT

This Agreement is made and entered into this 3th day of December, 1994, by and between R & N Investments, an Iowa Partnership, hereinafter called R & N Investments and the City of Cedar Falls, Iowa, hereinafter called City.

WHEREAS, R & N Investments is requesting a change in zoning for real estate described as follows:

Part of the Southeast Quarter of the Southwest Quarter of Section 20, Township 89 North, Range 13 West of the 5th P.M. in Cedar Falls, Black Hawk County, Iowa, described as follows: Beginning 180 feet north of the Southeast corner of said Southwest Quarter; thence North $0^{\circ}16'57''$ West 415 feet along the East line of said Southwest Quarter; thence North $89^{\circ}50'$ West along a line parallel to the South line of said Southwest Quarter to the East line of Midway Addition, in the City of Cedar Falls, Black Hawk County, Iowa; thence South $0^{\circ}0'20''$ West to the most Southeasterly corner of Lot 36 in of said Midway Addition; thence South $51^{\circ}36'20''$ West to the most Southerly corner of said Midway Addition; thence South $38^{\circ}23'40''$ East 357.72 feet to the South Quarter; thence North $19^{\circ}30'$ East a distance of 730 feet to the point of beginning.

from the R-1, Residential Zoning District to the R-4, Residential Zoning District, and

WHEREAS, Iowa Code Section 414.5 provides that a City Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this Section or any adjournment of the hearing, and

WHEREAS, the City Council has determined that the additional conditions hereinafter provided are necessary to warrant a rezoning of the above described real estate.

NOW, THEREFORE, it is hereby agreed by and between the above named parties that the following conditions are hereby imposed on R & N Investments and the real estate described as follows in addition to the existing regulations governing all real estate included in the R-4, Residential Zoning District. Said conditions are as follows:

1. That a cul-de-sac street will be installed at the east end of Lovejoy Drive where single family residential lots will be established.

- 2. That the remaining property subject to rezoning east of the Lovejoy Drive cul-de-sac area will be developed solely with professional service office buildings.
- 3. That prior to the establishment of any uses on the property other than single family residences or professional service office buildings a separate rezoning request shall be submitted to the City for consideration in the normal fashion.

The foregoing conditions shall apply to the above described real estate and shall run with the land.

CITY OF CEDAR FALLS, IOWA



A. Miller Roskamp, Property Owner

By: 

Ed Stachovic, Mayor

ATTEST:



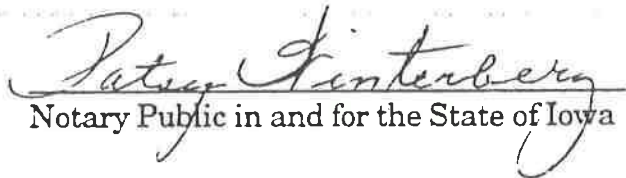
David M. Nordyke, Property Owner



Gary L. Hesse, City Clerk

STATE OF IOWA)
(ss:
BLACK HAWK COUNTY)

On this 8th day of December, 1994, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared A. Miller Roskamp and David M. Nordyke, to me personally known, who, being by me duly sworn, did say they are the partners of R & N Investments, a partnership, and that the instrument was signed on behalf of the partnership by authority of the partners and the partners acknowledged the execution of the instrument to be the voluntary act and deed of the partnership by it and by the partners voluntarily executed.


Notary Public in and for the State of Iowa



DEPARTMENT OF COMMUNITY DEVELOPMENT

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

MEMORANDUM

Planning & Community Services Division

TO: Planning & Zoning Commission

FROM: Karen Howard, AICP, Planning & Community Services Manager

DATE: September 14, 2022

SUBJECT: Petition from City Council to Amend parking requirements in the Downtown Character District (TA22-004)

At their Committee meeting on August 15, 2022, the City Council directed staff to forward to the Planning and Zoning Commission a petition to eliminate the mandatory requirements for shared parking from the zoning code that currently apply in the Downtown Character District. The motion was made for this petition after a previous Council Committee discussion about the time and location standards for shared parking. It was decided that given the continued concerns about the shared parking requirements that the best course of action would be to eliminate these requirements from the zoning ordinance but continue to allow and even encourage voluntary agreements between property owners to share parking. In addition, a motion was made to increase the required parking for multi-unit dwellings from 0.75 spaces per bedroom to one parking space per bedroom.

Background

The Downtown Character District regulations were adopted by City Council on November 1, 2021. These new zoning regulations are intended to implement the *Imagine Downtown! Vision Plan* adopted in November of 2019. The vision plan was the result of public workshops, a week-long community design charrette, and other public outreach events that took place in 2019, where community members, including downtown merchants, property owners, residents, and other stakeholders were invited to share their feedback and ideas for the future of Downtown and surrounding neighborhoods.

The second phase of the project was to draft zoning regulations to encourage future development that is consistent with the adopted Vision. The draft code was presented to the public in February, 2021. The Commission considered the new code at four special work sessions and held 3 public hearings to consider public comments and suggestions for changes to the code. The Commission discussed all proposed changes to the draft and made decisions on each one before forwarding a final draft to the City Council for consideration in May 2021. The Planning & Zoning Commission's recommended draft was reviewed at three City Council Committee of the Whole meetings and two work sessions before a public hearing was scheduled. The draft was debated at three separate readings before being adopted on November 1, 2021.

In January, 2022, the City Council petitioned the Planning and Zoning to consider eliminating the shared parking requirements in the code. Council expressed several concerns about the shared parking requirements, including concerns about requiring property owners to make their private property available for public use and about how the shared spaces will be managed and monitored over time. A majority of the City Council felt that the potential downsides outweighed the potential benefits of this requirement and

requested the Commission consider eliminating the shared parking requirements from the zoning code. They noted that property owners would still have the option to voluntarily share their parking with other users or the public. The Commission considered this request at a public hearing on February 9 and on a 3-4 vote disapproved the Council's petition.

At that same time the City Council also petitioned the Planning and Zoning Commission to consider increasing the parking requirement for multi-unit dwellings from 0.5 spaces per bedroom to 1 space per bedroom. Based on the recommendations of the parking study conducted by WGI in late 2018, along with stakeholder interviews during the Visioning process, the consultants drafting the Downtown Character District Code (Ferrell Madden), included a reduction in the parking requirements for residential within mixed-use and multi-unit buildings from 1 space per bedroom to 0.5 spaces per bedroom (along with 0.25 spaces per bedroom for shared parking).

A majority of the City Council expressed concerns about lowering the parking requirements for residential uses in multi-unit and mixed-use buildings downtown and petitioned the Commission to consider re-establishing the previous requirement of one parking space per bedroom.

At a public hearing on February 9th, a motion to approve the Council's petition failed for a lack of a second to the motion, and therefore was considered disapproved by the Planning and Zoning Commission.

As an alternative, the Planning and Zoning Commission on a separate motion recommended, on a 4-3 vote, approval of an amendment to City Code Section 26-196, Character District Parking to increase the parking requirement for residential uses in mixed-use and multi-unit buildings to 0.75 spaces per bedroom, but not less than 1 space per unit.

(Note: For your convenience, the minutes from the Planning and Zoning Commission meetings are attached below).

Based on the Planning and Zoning Commission's recommendations, the City Council approved the ordinance amendment to increase the parking requirement for residential uses in mixed-use and multi-unit buildings to 0.75 spaces per bedroom, but not less than one parking space per unit. After a public hearing and three readings, the amendment was adopted on April 4, 2022.

RECOMMENDATION: Staff recommends that the Commission discuss each of the Council's specific requests as stated below and set September 28 as the date of public hearing for formal consideration:

1. Eliminate the shared parking requirements from the Zoning Code.
2. Increase the required parking for residential uses in mixed-use and multi-unit buildings to 1 space per bedroom.

PLANNING & ZONING COMMISSION MINUTES FROM COUNCIL'S PREVIOUS PETITION

**Discussion
1/26/2022**

The first item of business was a zoning text amendment to amend CD-DT to eliminate shared parking requirements. Chair Leeper introduced the item and Ms. Howard provided background information. She explained that City Council has petitioned the Commission to consider amending the parking requirements in the Downtown Character District by deleting the requirements for shared parking and to increase the minimum parking requirement for multi-unit residential development to one space per bedroom and ensuring that there is at least one parking space per unit.

Ms. Howard provided a summary of the Downtown Visioning and Code update project for the new Planning and Zoning Commissioners who were not on the Commission during the public review process for the project. She displayed a rendering of the boundary of the Downtown Character District and discussed the previous zoning within the boundaries. She detailed the public review process that had taken place at the Planning and Zoning Commission before the Commission made their recommendation to the City Council in May of last year. Ms. Howard briefly described the two types of parking in the Central Business District, public and private. She discussed each and explained that the current issue is whether there should be parking requirements on private property in the downtown area. She explained why cities are moving away from focusing on zoning requirements for parking and more toward public shared parking solutions. She described the distinction between short-term and long-term parking needs, reasons why cities rely on public parking, particularly for short-term customer parking, and the unintended consequences of high parking requirements. Ms. Howard discussed the parking study that was done in 2018 and how those results affected the zoning standards proposed in the new zoning code. She noted that while other public parking options were being discussed to address downtown parking needs, such as construction of a public parking ramp, she explained that the focus of this meeting is on the zoning code, and discussed the previous private parking requirements as well as the new code requirements. She also discussed the definition of shared parking. Staff recommends discussion of Council's request to eliminate shared parking requirements in the zoning Code and to increase the residential parking requirement back to one space per bedroom for new mixed-use and multi-unit buildings. It is recommended to set a public hearing date for February 9.

Mr. Larson made a motion to schedule a public hearing for February 9 for both items on the agenda. Ms. Lynch seconded the motion.

Mr. Holst asked about existing conditions for parking and how this will affect properties that are already established and previous requirements were met. Ms. Howard explained that it would only affect owners who are looking to make a change.

Mr. Larson asked for clarification on what would trigger new development as to when the shared parking requirement would be applicable. Ms. Howard stated that the only shared parking requirement is for new multi-family units, or for new upper floor commercial space that is greater than 5,000 square feet.

Mr. Larson asked how it will be decided what area of a parking lot is shared parking. Ms. Howard explained how the numbers are figured and how the spaces would be specified as available to the public. It was again clarified that these rules would not apply to existing properties.

Mr. Leeper asked for an example of how parking would be if requirements were increased to one space per bedroom. Ms. Howard gave River Place as an example and

presented the results from the parking study, which showed the percentage that was unused.

Ms. Grybovych asked about examples of how this has worked for other cities that have proposed lower parking requirements. Ms. Howard discussed findings from other communities and how they compare to Cedar Falls.

Ms. Crisman asked for clarification on whether private parking was just in lots or if it would include private garages. Ms. Howard stated that shared parking would only apply to new multi-unit or mixed use buildings. Depending on how the parking is provided, it could be inside the building or be in surface lots. The owner would choose the best location for the shared parking spaces and would sign it for the hours it is available to the public.

Mr. Holst stated that he feels that going back to the way things were would cause the situation to digress and not allow for growth. It was recommended that documents and information from the previous studies, presentations and meetings be forwarded to the newest Commission members to give them some background on the information shared.

The motion to set a public hearing date for February 9th was approved unanimously with 9 ayes (Crisman, Grybovych, Hartley, Holst, Larson, Leeper, Lynch, Moser and Saul), and 0 nays.

Public Hearings 2/9/2022

The first item of business was a public hearing on a Zoning Text Amendment to eliminate shared parking requirements in the Downtown Character District. Chair Leeper introduced the item and Ms. Howard provided background information on the petition from Council.

Ms. Howard displayed the location of the Downtown Character District and noted that the details of the ordinance had been presented at the last meeting. She noted that if there were any questions about the current regulations in the Downtown Character District, the slides from the last meeting were available for viewing.

Eashaan Vajpeyi, 3831 Convair Lane, indicated that he was a spokesperson for a group of owners of property downtown. He feels there needs to be more specificity in the shared parking requirements to exempt certain businesses or to specify which businesses can afford to share their parking and which cannot. He gave the example of restaurants and how due to their hours they would not be able to shared their parking. He noted examples of potential issues and possible solutions.

Mr. Holst asked for clarification on the current requirements for shared parking. Ms. Howard clarified that the shared parking requirements only apply to new buildings with residential uses and upper floor commercial. There is no shared parking requirement for existing businesses or for ground floor commercial, including restaurants. Mr. Holst stated that parking has been a big concern for him throughout this project. However, he feels that a lot of time has been spent on review of this new code and that we should try things the way they are now set up before changing it.

Mr. Larson agreed and feels a great deal of work, research and math considered in coming up with the numbers. Those can be changed without scrapping the whole code

that everyone has put so much work into. He feels that trying it the way it is and adjusting as needed is the best plan. He believes that a great deal of time and effort has gone into the current code and it would be arbitrary to change the position on the numbers that were considered so seriously before.

Mr. Leeper stated that he doesn't feel that the shared parking requirement is very significant. He likes the idea of making the effort to fix the problem, but feels the shared parking is only meant to be a very small part of the overall approach to parking, so would be open to deleting it. Mr. Holst stated that he feels the need to forge ahead and at least give it a try to see how it works. The idea behind it is beneficial to the overall health of downtown and a lot of time and work has been put into researching all the information that was used to create the code.

Ms. Saul stated that she feels that if a developer wants to build downtown and is a good steward they will voluntarily do the sharing. She doesn't believe forcing the issue is necessary. She agreed with concerns about enforcement.

Mr. Hartley stated that he believes that some additional definition should be added, particularly with regard to underground and outdoor parking lots.

Ms. Saul made a motion to eliminate shared parking requirements. Ms. Grybovych seconded the motion. The motion was denied with 3 ayes (Grybovych, Leeper and Saul), and 4 nays (Crisman, Hartley, Holst and Larson).

Mr. Leeper asked if this can be brought back for consideration down the road to see how it is working. Ms. Howard stated that it can.

The next item for public hearing was a zoning text amendment to CD-DT to increase parking requirements for residential uses in multi-unit and mixed-use buildings. Chair Leeper introduced the item and Ms. Howard stated that the request from City Council is to consider increasing the parking requirement for residential uses in mixed-use or multi-unit buildings to one space per bedroom.

When asked, Ms. Howard noted that the Commission may discuss and vote to forward any alternative proposals for changes to the parking requirements by a separate motion.

Eashaan Vajpeyi asked for clarification on the requirements on the parking ratios. He discussed a map that was brought up that shows Halloween weekend in 2018 showing one surface residential parking lot that is only 52% full. He asked if anyone checked how occupied the building was. He feels that the accuracy of the numbers would need to include the building occupancy at the time to show the real parking ratio. He feels that there should be at least a minimum one spot per bedroom as he believes that more people have cars than are being counted. He feels that the ratio of spots and occupancy is very important.

Daryl Kruse, 2725 Minnetonka Drive, spoke regarding the parking study noting that, of the residents that live downtown, 35% do not have an assigned parking spot. Most park on the street or in a parking lot, consuming spots for customers. He also stated that the seating capacity for all the bars and restaurants downtown is very close to 4,000. If they are half full and everyone comes two per car, there are 1,000 cars that need to park. The parking study shows approximately 680 parking spots on the street. If new buildings are built without one spot per bedroom, parking will be very limited. He also had an issue with the difference in parking requirements for rentals from downtown and the rest of the town. He feels that one spot per bedroom should be the minimum.

Mr. Holst asked for clarification regarding the parking for studio apartments. Ms. Howard stated that a studio apartment would be considered one bedroom and would currently require 0.5 spots per resident and 0.25 for shared parking.

Ms. Saul made a motion to change the code to one parking space per residential unit. Mr. Larson seconded the motion.

Mr. Hartley said that changing the code to require at least one space per unit is a good idea, but the reality is that no one knows what the “magic” number regarding how many spaces per bedroom is until this is put into practice.

Mr. Leeper feels that requiring additional parking is a hindrance to development downtown and the environment that is attracting people downtown. People don't come downtown for the parking. He asked for clarification on the parking study that was done and Ms. Howard stated that parking was counted different days and different times of day to get a feel for the overall parking situation. Mr. Leeper stated that this seems to be a good case study. Ms. Saul interjected that shared parking is also being required. Mr. Holst stated that that small of a change isn't going to have that big of an impact either way.

Mr. Larson withdrew his second to the motion that was made to increase parking to one space per residential unit. The motion was removed from the table.

There was further discussion regarding an alternate motion. Mr. Holst stated that he feels that if the requirement is increased to one space, it would also include the shared parking requirement. He noted that he is not in favor of increasing to 1 space per bedroom and then have the additional 0.25 space in shared parking requirement, which would make it higher than it was before the new code was adopted. Mr. Larson noted that a lot of time was spent on the numbers and feels that it was well researched. This is just referring to new development and isn't going to affect a great amount of parking.

Saul made a motion to increase the parking requirement for residential in multi-unit and mixed-use buildings to 0.75 per bedroom, but no less than one space per dwelling unit. Mr. Holst seconded the motion.

Mr. Larson stated that this is substantially over-parked compared to the current condition and reiterated that he feels that a great deal of objective thought, meetings and research went into the current requirement. Ms. Crisman agreed.

Ms. Saul feels that the increase is a good compromise as consultants are making these kinds of recommendations all over the country, but Cedar Falls may not be like all those other locations.

The motion was approved with 4 ayes (Hartley, Holst, Leeper and Saul), and 3 nays (Crisman, Grybovych and Larson)