

Committee of the Whole
Cedar Falls Council Chambers
October 4, 2021

The Committee of the Whole met at City Hall at 5:50 p.m. on October 4, 2021, with the following Committee persons in attendance: Mayor Robert Green and Councilmembers Frank Darrah, Susan deBuhr, Kelly Dunn, Simon Harding, Daryl Kruse, Mark Miller and Dave Sires. Staff members from all City Departments and members of the community attended in person and teleconferenced in.

Mayor Green called the meeting to order and introduced the only item on the agenda, Downtown Zoning Code – Private Parking Requirements. Mayor Green introduced Planning and Community Services Manager Karen Howard. Ms. Howard stated that the proposed private parking requirements are for new developments only and no change is required for existing development; and there is no requirement for existing properties to share their existing parking. She also noted that this discussion is not about the City-owned public parking lots or whether to build or how to fund a parking ramp. Ms. Howard provided an overview of the proposed private parking requirements in the new Downtown Zoning Code: the background and intent of the proposed private parking requirements; data from a parking study in 2018; a summary of the current parking requirements; a summary of the proposed parking requirements; the definition, goal, and examples of shared parking; a comparison between current and proposed parking requirements using two examples, a 3 story commercial building and a 3 story residential building; and the costs versus benefits of keeping high private parking requirements. Ms. Howard provided a re-cap of the presented information and stated that the proposal would be the minimum requirement; developers can choose to add more parking based on the project.

Mayor Green opened for questions from the Council. Councilmember Harding asked if sale/transfer of property, renovation of property, and damage to property/rebuilding cause the new code to apply; Ms. Howard stated that sale/transfer of a property would not by itself trigger the new requirements. The requirements only apply if a new building was proposed, the use changed to a use that requires more parking, a renovation was proposed that expanded the square footage of the building, or if damage to structure was more than 50% of its value and the owner proposed to rebuild.

Councilmember deBuhr stated shared parking is an infringement on the owner and asked if it has been challenged in court. Ms. Howard stated not that she is aware of. Councilmember deBuhr asked for the numbers from the parking study for private lot utilization both day and night; Ms. Howard did not have the data at hand but stated that she believed that the slide showing the evening peak time on a Friday was the highest count.

Councilmember Sires asked how shared time is decided and about how shared parking would work during the pandemic with elevated work-from-home numbers; Ms. Howard stated the property owner determines the time(s) for shared parking, and work-from-home numbers would be speculation at this time.

Mayor Green opened for comments and questions from the public. T.J. Frein, 1319 Austin Way, asked who is liable during shared time; who enforces shared parking; how does this account for turnover in downtown residential area(s); can the 12 shared hours be split up; he stated the City should be making more effort towards agreements similar to the one with Viking Pump. City Attorney Rogers stated for a moving violation the motorist is liable; the owner is liable if it's proven to be due to condition of property. As an example, Ms. Howard stated that

this would be similar to the liability that Hy-Vee has for its parking lot. Mr. Rogers agreed. Ms. Howard stated the owner and/or developer will have the most insight to the best time(s) to share parking, the requirement is flexible but 8 hours must be provided during business or nighttime hours dependent on the primary use, but it can be split, and only a designated portion is shared; enforcement would be by signage. Eashaan Vajpeyi, 3831 Convair Lane, asked for definition of “business” and “nighttime” hours and where the code states that the sale/transfer doesn’t trigger this new code; he stated the language of the code is too ambiguous; he requested a new parking study due to the pandemic and work-from-home numbers. Ms. Howard stated it is standard that zoning codes are not simply triggered at sale or transfer of a property. If use changes or a renovation with expansion occurs, those would be triggers for any changes in zoning requirements to apply.

Jim Benda, 1816 Valley High Drive, asked what are parking requirements for proposed row houses, specifically visitor; is the Downtown Vision Plan intended to be a solution for parking, and how were requirements determined; were downtown character district parking requirements based on parking study or housing types from other communities with available mass transit; does the proposed code factor in downtown population data. Ms. Howard stated the proposed code does not require shared parking for row houses and street parking is available for visitors. She noted the proposed parking requirements in the zoning code are not the sole solution for parking downtown. The parking study recommended a number of solutions, but one of the parking study solutions was to “right-size” parking requirements in the zoning code. She noted that over-prescribing private parking leads to unnecessary and unused parking lots. The parking study results, observed parking counts, and discussions with community members and stakeholders were accounted for when creating proposed parking requirements. She noted that these requirements are an incremental change from current code.

Kevin Harberts, 1715 Whispering Pines Circle, asked if future population projections are included in the plan, without projections how can the consultant determine how many people will walk to downtown; he requested a survey of the downtown to track number of bedrooms, commercial square footage, and occupancy. Ms. Howard stated the proposed code anticipates that new developments will require new things, including parking, but can’t predict how quickly development might occur.

Councilmember deBuhr asked if restaurant occupancy limits are accounted for in the requirements. Ms. Howard stated first floor commercial use has no required parking; however, she cautioned that if a new requirement were added for restaurants based on occupancy, then if, for example, a retail shop moved out and a restaurant moved in, then additional parking would be required, since restaurants typically generate higher parking demand than a retail shop. She stated the best way to avoid unnecessary, under-utilized private parking lots is to focus efforts on a shared public parking system, as has been in place since 2004, when the Central Business District Overlay was adopted that exempted commercial uses from having to build private off-street parking.

Kyle Dehmlow, 2113 Vera Way, asked about businesses open more than 12 hours requiring shared parking and how that affects shared time(s); shared parking requirements for second/third story commercial use and a trend away from single-story commercial use towards multi-level. Ms. Howard stated for multi-level commercial space, there is no parking requirement for the first floor and the requirement for upper level(s) would be dependent on the amount of square footage proposed for the use. If less than 5,000 square feet on upper floors, then it would also be exempt from providing parking.

Councilmember Miller asked if there is a move away from first-floor commercial space; Ms. Howard responded no, first-floor commercial space is desired in Downtown. Mayor Green asked about shared parking time(s). Ms. Howard responded new developments would potentially require some shared parking for upper floor uses and the owner would have to proposed shared time(s), most likely when their parking demand is lowest. Julie Shimek, 104 Main Street, stated the focus should be on the revenue to Downtown instead of the cost of parking.

Mayor Green closed public comment and re-opened to Council discussion. Councilmember Kruse requested a definition of "business hours" and stated 600' is too far for shared parking; Ms. Howard stated the goal with zoning regulations is to create a balance between providing some flexibility versus establishing very strict, prescriptive standards. With the shared parking requirements, the City is trying to provide flexibility to owners to determine what times works best for their development within the bounds of the requirements. Councilmember Kruse stated the concept of remote shared parking is misguided. Councilmember deBuhr asked about using whole numbers instead of percentages to calculate space requirements instead of shared parking; Ms. Howard stated parking is calculated in ratio then rounded. Councilmember Sires stated shared parking is taking of private property and proposed requirements are unfair. Councilmember Harding stated that it is really matter of what kind of Downtown is envisioned for Cedar Falls; shared parking seems a possible creative solution to some of the concerns expressed. Councilmember Miller agreed and requested an additional parking conversation about public parking, while moving the proposed code forward, which was focused on development and parking on private lots. He made a motion to move forward with the 2nd consideration at the October 18th Council meeting. Councilmember Darrah seconded. Councilmember Kruse asked to discuss a parking ramp as it is part of the Vision Plan; he moved to amend the motion to include 1 space per bedroom with shared spaces not more than 600' away; Mayor Green stated that is not the motion on the floor. Councilmember Harding asked if additional parking discussions are planned. Councilmember Miller moved to amend the motion to add a Committee of the Whole meeting prior to the formal Council meeting on October 18th to discuss public parking; Councilmember Harding seconded. Councilmember Dunn requested businesses/citizens bring alternative solutions to the October 18th Committee of the Whole meeting. The Mayor called for a vote on the amendment to add a Committee of the Whole for public parking discussion on October 18th, 2021; aye: 5, nay: 2; motion carried. Mayor called for a vote on the motion to have the 2nd reading of the proposed zoning code at the October 18th, 2021 Council meeting; aye: 4, nay: 3; motion carried.

There being no further discussion, Mayor Green adjourned the meeting at 7:14 p.m.

Minutes by Katie Terhune, Administrative Assistant