

## CITY COUNCIL WORK SESSION

Cedar Falls Council Chambers

June 7, 2021

The City Council held a special work session at City Hall at 5:10 p.m. on June 7, 2021, with the following persons in attendance: Mayor Robert M. Green, Frank Darrah, Kelly Dunn, Simon Harding, Daryl Kruse (teleconference), Mark Miller, Dave Sires, and Susan deBuhr. Staff members attended from all City Departments. Members of the community attended the meeting and teleconferenced in.

Mayor Green introduced the only item on the agenda, Downtown Zoning Ordinance.

Mayor Green introduced Community Development Director Stephanie Sheetz.

Director Sheetz indicated this is a discussion on the Downtown Zoning draft and will feed into the decision matrix. Zoning was identified as something to revisit for the community in the 2012 Comprehensive Plan. It has been discussed in several goal setting meetings and started with the Downtown Vision Plan and project priorities; the Vision Plan was adopted in November of 2019 and now the City has a draft of the zoning code for consideration. Policies like this and regulations require revisiting and this evaluation is to consider replacing what the City has at this time for the downtown, per the Regulating Plan. Examples of past projects where concerns occurred through the review process and clarity in the ordinance could have helped include the River Place development: was it too industrial for Downtown; did it fit the character of Downtown? There was a lot of community conversation about the Hampton Inn proposal regarding its architecture and size. The proposed code speaks to these types of issues. She stated private parking amounts have been a concern, particularly in the case of reuse of upper floors where it may not be possible to provide on-site parking. This ordinance is under consideration for the study area defined in the adopted Vision Plan. A new zoning map, called the Regulating Plan, will be adopted with the new zoning regulations, which is specific to the Downtown area. Director Sheetz noted that the purpose of the work session is to answer questions and to determine if there are any changes Council would like to make to P&Z's recommended draft.

Mayor Green opened Council discussion.

Councilmember Sires asked about 1<sup>st</sup> Street C2 zoning and why it's only ½ block instead of a full block, to create more square footage for commercial development. He noted the importance of having commercial property on both sides of main thoroughfares. Planning and Community Services Manager Karen Howard referred to the map handout and explained the colored sections under the current zoning lines show the new zoning goes ¾ into the block so mixed use development could have more space but this also keeps the zoning the same on both sides of 2<sup>nd</sup> Street. The vision plan shows a transition from 1<sup>st</sup> to 2<sup>nd</sup> Streets so 2<sup>nd</sup> maintains a residential character. In summary, the proposed zoning allows both a larger area for mixed use/commercial as well as space along 2<sup>nd</sup> Street for new residential building types as a transition to residential. Councilmember Sires asked who requested the rezoning. Ms. Howard responded the Downtown Vision Plan was developed by the community participants.

Zoning proposals then follow the adopted Vision Plan. The R4 and R3 zoning districts contain a lot of single family homes. However, the current zoning would allow a higher density and wider variety of uses than what most people would like to have to transition from Downtown to Overman Park neighborhood. The public indicated a desire to preserve the neighborhoods that are there. The light blue area in the Regulating Plan represents an incremental down-zoning from the current R3 and R4. It would allow for some infill development of housing types that fit into the scale of the existing neighborhood.

Councilmember Sires asked for definition of “Neighborhood Small.” Ms. Howard responded that the discussion during the visioning process centered around the transition from downtown to the residential neighborhood. There was a desire to preserve the historic residential character. To achieve that goal, the Neighborhood Small allows a variety of housing types, but within the current scale and character of existing single-family homes.

Councilmember Kruse referenced conversations he’s had in the community and stated most people have no idea what’s going on [with regard to rezoning] and are concerned about what can be done in the future. In down-zoning, how will the City accommodate the next 50 years of growth? He noted that the needs of the Downtown area will grow; the City should have the ability to go into those areas as the existing homes become obsolete as desirable homes and become light commercial or downtown mixed-use. He expressed concern that the City seems to be putting in barriers to growth. Mr. Geoff Ferrell from Ferrell Madden responded that there are protections in the “Neighborhood Small” and “Neighborhood Medium” to maintain the residential character, but there is considerable capacity for growth in the “Urban General” and the “Storefront” areas. There is room for minor infill and minor densification in the two neighborhood areas.

Councilmember Darrah stated his understanding of the vision plan is thinking in terms of how communities are growing today and how they will grow in the future. The combination of housing opportunities in this compact area reflects how communities are growing. One of the reasons to talk about having a vision is where to go from here instead of what’s always been done. He commented regarding parking, if we build a town that allows people to walk to work, there would be a lot fewer cars in the community. When older stock gets run down, there will be options that are appropriate to rebuild in that location.

Councilmember Harding stated the old, historic houses should be preserved, they add to the overall character of the community. If Cedar Falls grows, the Council can change the zoning. He states his understanding of form-based zoning is that it contains standards that are more clear and specific to what developers can do. If they comply with the standards and check all the boxes, the project is approved. He asked if they are denied, what are the checks and balances? Ms. Elizabeth Garvin from Community ReCode confirmed his understanding; an applicant works their way through the regulations and if they check all the boxes, the development should be approved. If they are denied and feel that an error was made in denying their application, they can appeal to the Board of Adjustment under Iowa law.

Councilmember Darrah questioned how this will impact the role of Planning and Zoning Commission (P&Z). Ms. Howard responded there are many zones in the City where projects don't get reviewed through P&Z for site plan review; the role of the Commission is the bigger picture items such as rezoning property. For example, if the City determines in the future that it would be a good idea to change the zoning of an area from "Neighborhood Small" to "Urban General" that would go before P&Z and Council to determine consistency with the community's vision. Howard noted that all rezoning and subdivision reviews go through P&Z. P&Z and Council currently review site plans in only a few districts including several overlay districts.

Mayor Green commented on the term "convenient for developers"; with a process that is clear and well laid-out, it's not to make it more convenient but to give them a greater sense of confidence in approval, since the approval standards and process are less subjective. If denied, there would be an appointed or elected role to review it.

Councilmember deBuhr questioned the difference in area between the larger College Hill and smaller Downtown zoning overlays. Director Sheetz stated that the larger study area for College Hill is being looked at to see if it is a good fit for form-based zoning. Mayor questioned if this is due to grid structure. Director Sheetz responded it is more due to the current zoning. A lot of the Downtown is R3 and R4; the northern area of the College Hill study has more R1 and R2 districts. Councilmember deBuhr requested a written list of examples of the zoning problems which require revamping to see exactly what the problems are. She questioned what problems are there, that we need to really focus on. Ms. Mary Madden from Ferrell Madden responded the area around Overman Park is predominately zoned R4 and C2, and neighborhood residents were unaware of this zoning. The concern is that a lot of uses are allowed in R4 that many people are unaware of and there are very few standards at all, which is a concern to current residents for new construction. The consultants started hearing residents requesting a nearby, close, walking neighborhood. The goal then is policies and regulations that respect the existing context but provide clear development standards. She noted that Downtown is different from the rest of Cedar Falls, and people wanted to enhance the uniqueness of Downtown. There are a lot of other places in the City that can accommodate broader commercial development; to create the compact, walk-able mixed use area, trying to think more affirmatively about what the City would like to see the development be like and not regulate by use and very broad parameters. How can the City encourage/require the type of development the citizens indicated they'd like to see? The proposed zoning moves away from subjectivity and provides measureable standards. Councilmember deBuhr asked Director Sheetz if residents don't know their zoning because it was changed after their developments were completed. Director Sheetz responded that it's hard to say; she estimated the last City-wide rezoning was in the early 1970s. She stated she cannot recall a City-initiated rezoning of properties in the Downtown study area offhand.

Councilmember Miller stated that he doesn't think most people know what their zoning is. He requested clarity on the decision matrix regarding the west side of Overman Park and allowing existing businesses to stay conforming in a property residential in character. Ms. Howard responded that P&Z had conversations regarding a number of

older homes converted to retail or offices; there was a concern with making them non-conforming with the new zoning. P&Z discussed specific language to include with the code, to keep existing businesses conforming; this allows them to continue and expand, but any new use must meet what's specified under the new code. Councilmember deBuhr confirmed that everything existing will stay and be conforming. Mayor Green questioned if the "Neighborhood Small" would potentially expand beyond this area. Ms. Howard stated it could but the City would want community feedback on areas outside the study area; are there areas the City wants to allow to transform and areas the City wants to preserve?

Councilmember Harding asked if there is a way to be creative in the "Neighborhood Small" to have a business apply for an exception for alternative uses, similar to the ordinance recently adopted for re-use of churches. Ms. Howard responded under the current draft, only existing businesses in that area would be allowed to continue. A change to the draft would be needed to allow more possibility for new businesses. She also noted that the City does have a generous home occupation ordinance that allows people to operate businesses out of their homes. Councilmember Harding asked if there was a way to allow for broader possibilities. Ms. Howard responded yes, but noted the vision plan intentionally concentrates commercial activity in the Downtown core because if it spreads too far, the economist consultant stated it may dilute the commercial market and could harm the Downtown core. Ms. Madden elaborated further that the market specialist indicated the further businesses are spread out, the walkability goes down; she noted that businesses get a lot of synergy from what they're next to. There is a lot of land area in the study area designated for small businesses. The current R3 and R4 permit some office use, but not retail. The study tried to strike a balance. The study focuses concentration of mixed use within a couple blocks of Main Street, with a wider variety of residential options close to the Downtown core.

Councilmember Kruse asked about townhomes and duplexes going in to "Neighborhood Small"; are rentals being encouraged in this area? Ms. Madden responded R4 currently would allow extensive rentals. However, she noted that a townhouse is a building form and zoning does not typically dictate renter versus owner. The Code would allow owner-occupied row houses and townhouses. This is not trying to regulate owner versus rental.

Councilmember deBuhr asked when density is increased, how does it impact crime statistics? Ms. Howard responded she doesn't know if there is a correlation. There won't be a huge [density] increase over what's there now. In the "Neighborhood Small" density may go down from what is currently allowed. The new zoning is an incremental change. Mr. Ferrell responded that the building form standards are careful about creating and fostering buildings focused on the street; one of the most effective forms of crime prevention is eyes on the street. These are building types that foster safe, walkable streets.

Councilmember Kruse asked about parking requirements. Parking determines how many bedrooms and what sort of structure is built. His concern is overflow parking in the neighborhoods and residents who can't park in front of their homes. Ms. Howard showed slides regarding current and proposed parking regulations. She noted that the

Code is trying to respond to the actual demand for parking and not create a lot of “spill-over” parking. The intent is to respond to the overall parking need for a project. We should consider if we are we wasting land downtown by requiring too much parking. The parking study indicated that may be the case for residential. Howard also noted there is a new parking requirement for upper floor commercial that isn’t required currently. Councilmember Kruse stated the addition of retail and storefronts and the employees in those establishments to customers and clients creates a delicate balance. He stated 95% of people have cars and Cedar Falls draws visitors from out of town which fills the streets. He stated he doesn’t agree there’s enough parking.

Director Sheetz asked for further consideration of any questions, comments, or additional analysis for the decision matrix. Councilmember deBuhr requested study into row houses and increased density relating to crime. Councilmember Sires would like to see 1<sup>st</sup> Street be full depth for commercial. Mayor Green stated this is addressed in proposed amendment 9 in the decision matrix handout and after consideration, no change was recommended by P&Z. If there is a consensus from Council to consider it will be entertained. Councilmember Miller stated that the public directed this vision plan and showed they want the neighborhood to stay this way. Councilmember Harding stated that keeping the character of the street is the proposed intent and he agrees with the proposal. Councilmember Miller stated contractors want full depth but residents want  $\frac{3}{4}$ . Residents came to the meetings and stated they wanted neighborhoods to stay like that, and that’s what guided the consultant to come up with this. Mr. Ferrell spoke about conversations from the neighbors led them to stop at  $\frac{3}{4}$  to preserve the value of those houses. Careful transitions are an important part of the code. Councilmember Kruse stated in the future homes, building plans, become obsolete. There has to be acceptance that a neighborhood will change. Mr. Ferrell stated that current towns that are successful are setting standards for infill that is in context with the traditional walkable neighborhoods. Traditional neighborhoods are starting to be renewed as people move back in and the trends are back to walkable communities as opposed to sprawl. Councilmember Kruse asked if the City doubles in size will the Downtown double as well? He feels must be room for expansion. He stated the best use of streets next to Downtown may be something other than residential. Ms. Howard states that zoning can be changed over time. Zoning is not supposed to be set in stone; as the City changes so does zoning.

Councilmember Kruse expressed concern about no vinyl siding on a new structure. Good quality vinyl siding can last many years with good maintenance. It’s a good product to use; there are cheaper versions; it’s recyclable. He requested consideration of the material going forward for new construction. Councilmember Miller states this was discussed in the decision matrix, proposed amendment 10. Certain uses are permitted in existing buildings but not new buildings. Councilmember Harding stated vinyl siding is difficult to recycle and is not eco-friendly. Councilmember Miller stated vinyl siding is not in character with Downtown. There are certain requirements for certain areas.

Director Sheetz asked for consensus on the item to study density and impact on crime. There was no consensus. Director Sheetz asked for consensus on the item to extend

1<sup>st</sup> Street to full depth at commercial zoning. There was no consensus. Director Sheetz asked for consensus on the item writing a detailed analysis of current zoning issues that brought forth this proposal. There was no consensus. Director Sheetz asked for consensus on the item of parking. Mayor sees a consensus and requests additional review with the decision matrix. Director Sheetz asked for a consensus on the item of vinyl siding. There was no consensus. Director Sheetz asked if there are any other items to have on the decision matrix. Mayor noted that he sees none.

There being no further discussion, Mayor Green adjourned the meeting at 6:14 p.m.

Minutes by Katie Terhune, Administrative Assistant