

**CITY OF INDEPENDENCE
PUBLIC HEARING MINUTES
TUESDAY, JANUARY 10, 2023 AT 5:00 P.M.
COUNCIL CHAMBERS & VIA ZOOM**

Vice Mayor Grendel called the Public Hearing to order at 5:05 p.m. Present were Council Members John DiGeronimo, Tom Narduzzi, Anthony Togliatti, Jim Trakas, Dale Veverka, and Chris Walchanowicz. Also in attendance were Mayor Gregory P. Kurtz, Law Director Gregory J. O'Brien, Building Official Michael Gero, and Economic Development Director Jessica Hyser.

ORDINANCE 2022-167 AN ORDINANCE AMENDING SECTION 1181.06 –
SCHEDULE OF REQUIRED OFF-STREET PARKING OF THE
CODIFIED ORDINANCES OF THE CITY OF
INDEPENDENCE RELATING TO OFF-STREET PARKING
AND LOADING REQUIREMENTS

Vice Mayor Grendel said good evening everyone and welcome to the January 10th Public Hearing that has been scheduled for 5:00 p.m. today.

The purpose of this Public Hearing is to discuss Ordinance 2022-167 which was introduced at the December Council meeting. It's an ordinance amending Section 1181.06 of the Independence Codified Ordinances, Schedule of Required Off-Street Parking of the Codified Ordinances of the City of Independence Relating to Off-Street Parking and Loading Requirements.

Now there was a Planning Commission meeting held last Tuesday in which the panel discussed this legislation. Mike Gero was kind enough to give us a presentation on his thought process with regard to other communities and what they have in relation to what we are proposing here, and it was a 4-0 recommendation from the Planning Commission that City Council would adopt this legislation this evening.

So, I think without further ado, Michael do you want to give a presentation similar to what was given last month.

Building Official Gero said thank you Vice Mayor. Back in October we presented to Council a change to the ordinance requiring the size of the parking stalls which Council passed, and that time we presented it and it was the first step in looking at some of our parking codes that had been outdated. Our parking ordinance was established in 1962, and really hadn't been updated since then at all. There was a slight modification in 1976.

What I did was, I went over and took parking codes from approximately 13 cities, 13 municipalities in northern Ohio to see what they had as their requirements and how those compared to our requirements. Some of those municipalities were still on the old model codes. Some had updated them, but there was no rhyme or reason as far as anybody's specific requirements.

So, I reviewed them and took a cross-section and looked at the areas that made sense for Independence to consider modifying, and there were four areas that I determined that should be considered. The first one being places of worship. We are currently at one space for every four seats at a place of worship, and the recommendation is to go to one space for every three seats. That would increase the parking requirement for places of worship; however, it seems that society has changed a little bit, and we just don't see large families going to worship in groups that you would have four people in one vehicle. Most of the people going to worship are singles or couples in a vehicle. So, the parking would be more parking rather than we require.

The second would be retail stores and service establishments. We are currently at one space for 125 square feet. After reviewing some of the other municipalities, I am making the recommendation of one space per 200 square feet to use as a guide when someone is presenting something to the City, they could use these numbers for planning their project.

The next place would be eating places, bars and taverns. We are currently at one space per 50 square feet, and increasing that to one space per 65 square feet.

The last section would be professional administrative office buildings, and we are at five spaces per 1,000. The recommendation would be to go to four spaces per 1,000 square feet. There have been two projects in the last couple of years that we did make a modification; or I should say that Planning Commission granted a modification or variance to the parking requirement for office buildings.

The changes in the ordinance, this is not a final set in stone change to an ordinance. I don't foresee it lasting another 60 years, but I think these modifications should be put in place, and then we evaluate it and as time goes on, see how the projects are coming in. Of course, we are still going to get variance requests to the Planning Commission. This is not going to eliminate variance requests at all, but at least this will give someone who is planning a project a little better idea as far as how they need to figure parking into their project.

Vice Mayor Grendel said thank you Michael. Anybody on Council with questions for our Building Official?

Councilperson Trakas said thanks Mike. Thanks for your research on it. With respect to our updates, have we been getting complaints, walk me through the public interest of why we are doing this and why we need to be better outside of what other communities do? Why would this be better?

Building Official Gero said the best practice is that if you have been receiving a lot of variance requests on a particular issue, that you look at your code and determine whether or not there needs to be an adjustment made, and that is kind of where we were at with our parking requirements.

Councilperson Trakas asked so we had people asking to increase the size of the parking spaces, is that correct?

Building Official Gero said yes we did.

Councilperson Trakas asked they couldn't do that on their own, they had to come for a variance?

Building Official Gero said it was a reduction in the required spaces. The parking size was passed back in October. Right now we are dealing with the number of spaces required, and our requirement would be reduced in a sense that someone would be able to better plan their parking requirement.

Vice Mayor Grendel said things have changed, like you said the 1960s, going back 60 years. So, for example, McDonald's was an example with the requirement that we have parking spaces that were required back in the late 1980s for that particular restaurant. Their model, the majority of people did go in to eat inside the restaurant, but with Covid and everything else that is going on now, the model is almost 80% of the business is drive-thru. I think more of these are probably the same thing with some of the other restaurants. You take a look at that, and to require establishments to have as many parking spaces as required before, it wasn't quite necessary.

They mentioned the church, a church now, most people that come there are just two people in the vehicles, and they are mostly larger vehicles than what they had probably before. So, I think Mike what you tried to do is tried to update it, but social changes too are considered.

Again, we are not going to take away the ability to request a variance, but in more line with what 2020 standards are opposed to 1960.

Councilperson Veverka said most of the standards have been reduced. In other words, the amount of parking spaces is less on most of these, correct? Knowing that three of the four major denominations currently in Independence do not have enough spaces based on probably even the current numbers. So, extending that and increasing that doesn't make a lot of sense to me. We have three of the four existing churches that wouldn't qualify, they would have to be grandfathered in; but yet we are setting a standard that is more difficult if any other churches want to build a building. I know we have a couple of other churches that possibly could be building in the area, and it just doesn't strike me as being a very community-friendly way of doing business. If we grandfather in existing churches, it would make it more difficult for any future church development, and to that we would also add the cost of additional parking spaces, realizing that the majority of churches they have small gatherings and small things in which they normally don't have the peak numbers. I mean the peak numbers only happen rarely. So, putting this attention to this particular area, it seems to me that it's an area that should be excluded from change.

Councilperson Togliatti asked and this would be applicable to new construction, and what sort of modifications to existing structures would trigger the enforcement of this?

Building Official Gero said so this updated code would not affect anything (inaudible) to this, except when such as McDonald's, they came in to redo their parking lot with their design

pattern. That's when something like this would come into effect. When there was a modification to be made by the owner of the property.

Councilperson Togliatti asked so what if St. Michael's were to raze the current rectory that's on the site and expand their parking lot. Would they have to meet these new requirements?

Building Official Gero said this would be the code if they would do a whole complete site redesign, yes.

Councilperson Togliatti asked and if they weren't able to meet these requirements?

Building Official Gero said they would have to request a variance.

Councilperson Togliatti asked and how would a church be different than a theater or auditorium? I guess family structure and those taking trips together are justification of one per three. We are still at one per four for theaters and auditoriums.

Building Official Gero said I don't know how they are separated, our code separates them, identifies them specifically as a place of worship.

Councilperson Togliatti asked should we not change the other one to three? Should we keep the place of worship at one to four?

Just in my personal perspective, attending numerous churches during the Covid, post-Covid, congregations are declining. People are watching services virtually, parking lots are not as full. I am just questioning the necessity of this. It's a 36% increase for churches, and I know that we have some that are potentially coming to the community and others that are potentially looking at revising their sites, and a 36% increase in parking is a 36% increase in costs associated with water runoff and water retention and environmental impact. That is my concern.

Councilperson DiGeronimo said Mike the benchmark that was done comparing to other communities, I think overall, it's a step in the right direction. I just don't know if it goes far enough. Our code is based on the 1960s, and other communities are in the 1970s, I don't know that you would want to benchmark it that way. Was there consideration of current businesses or other projects in the area? I guess you can look and say well it's a 25% increase. Is there any other way to quantify it or change it?

Building Official Gero said typically the way ordinances modify themselves is because of need or because we receive quite a few variance requests, and when that happens, we look at other communities to see what they have done, what ordinances they have put together, where they are at, what their standards are. I tried to pick the cities that, first off, had a parking code, and then had something that would compare to ours and picked out those areas. In using this, for instance, the eating places and bars, we were adjusting for one per 65 square feet; the City of Green currently has one space for 67 square feet. North Olmsted and Middleburg Heights currently had one space per 100 square feet. So, again as I said, this is something that I said is an adjustment to move forward and to see how it plays if you will and see if this is the right thing to do.

I know in office buildings, we had three in the last couple of years, we had three variances basically to this one per 1,000 square feet; for the Welty CBIZ project, the Union Savings Bank and for the potential WOIO project on Rockside Woods Blvd. So, that is something that we see happening in those areas.

Mayor Kurtz said Mike if I could ask a question. So, if we adopt this code which hasn't been changed very much since the 1960s, and we see a trend in the future as was suggested by some members of Council; we could always modify the code at any time correct?

Building Official Gero replied yes.

Mayor Kurtz said and if there is a request before the Planning Commission, the City, seeking a development; they at that point, if they don't meet the code, they could request a variance.

Building Official Gero replied sure.

Mayor Kurtz said so if there is relief, it would give the City an extra step to check or double check the project, is that fair to say or is it just part of our process?

Building Official Gero said it's part of the process.

Mayor Kurtz asked so there is a relief mechanism if someone needs something and it's justifiable.

Councilperson Togliatti said right, and that's the process that we currently use, and it's currently in effect.

Mayor Kurtz said so by modifying this, we are still in the same position; whoever comes before the City is still in the same position to be able to seek a variance if it's recommended or suggested by our professionals and ultimately it can be adopted that way.

Councilperson Togliatti said and the municipalities that we have identified and benchmarked ourselves against, did we check with them and see the number of variances that they issued and how these are working for them?

Building Official Gero said I have not.

Vice Mayor Grendel asked any other questions for Mike?

I know that the one that concerns me a little bit is the one for the place of worship because the trend there is going in the opposite direction. Of course, we haven't had a new place of worship in town for such a long time.

Mayor Kurtz said and anyone could still request a variance. We still have the mechanism.

Vice Mayor Grendel said I don't see that as a deterrent as far as if someone would bring a proposal, and we would still have the same kind, the size of the facility, the services they have, other things that would go into it. So, I know that the restaurants and some of the others, our requirement was way more stringent than it should have been. Like I say, we have no experience with a place of worship, but the other one, when it comes to the bank; Mike eluded to the new bank that opened up there on Rockside, and as far as eating places too, having experience with that too.

Again, I think it can update our code, and again as Mike mentioned, we can see after a year or two, we will see if we have gone far enough or if there's still something that needs to be looked at. We can then look at it at that time.

Councilperson Veverka said I have no problem with reduction. The idea that we make it easier for certain businesses that have less parking spaces, but it strikes me as being backwards to tighten up for churches. My thought would be, I would propose that we amend this piece of legislation and just leave the churches alone. That would be my recommendation, is removing it, and if there's a need or an opportunity for change that's necessary, then as the Mayor said, we have the opportunity to revisit it if it appears that it is inadequate.

Mayor Kurtz said we would be able to do it under this scenario, if it passes too though.

Councilperson Veverka said understood, but it doesn't make sense to me to tighten it up.

Mayor Kurtz said that's why Council has to vote.

Vice Mayor Grendel asked do we do a motion now?

Councilperson Narduzzi said Dave, before we make that motion, I am just sitting here and trying to think in my mind, we are blessed in the center of town that we have all the churches based in that area. So, on certain holidays, I am going to say Christmas and Easter, the churches are overflowing. Lucky enough, we have overflow parking. They can park across the street. They can park in the City lot; so there are ample spaces. With a new church on Rockside Road, where are they going to go? If they don't have enough parking spaces, not just for the average everyday Sunday, but on special events, where are they going to park? Are you going to have them parking on 21? That's going to be a safety nightmare.

So, look at it like that. If we are going to force them to have more parking spaces for overflow for Christmas, Easter, the big holidays; they should have to put in more space to be able to park. If they want to squeeze in there, let them squeeze in there; but the spots should be there because they don't have overflow parking. So, it's something to consider. If you want to put safety in front of that, and they can always come for variances. It's the bottom line, but they have to have enough parking spaces for those big days when there's going to be a lot of people.

Councilperson Togliatti said well we have situations like that currently. The Cavs facility has their press day, they run shuttle busses.

Councilperson Narduzzi asked do you think a church is going to run shuttle busses Anthony? Come on.

Councilperson Togliatti said the Cornerstone of Hope has large events, they run shuttle busses to parking lots. Rockside Church has been on Rockside Road for over a decade, and I am not aware of an incident with their parking causing a problem ever. Are you aware Chief?

Councilperson Narduzzi said there again (inaudible).

Resident Christine Novak had a question regarding the parking space sizes.

Mayor Kurtz said that the parking space size had been taken care of in October.

Councilperson Togliatti asked and were the churches notified of this Public Hearing?

The Clerk said she published the Public Hearing Notice in the paper, on the City's website, and posted it.

Vice Mayor Grendel said this of course pertains to new projects.

Mayor Kurtz said that's right. Existing are grandfathered, so it wouldn't apply.

Vice Mayor Grendel asked any other questions? There were none.

Vice Mayor Grendel said I will entertain a motion to adjourn the Public Hearing.

**Moved by Veverka, seconded by Trakas, to close the Public Hearing of January 10, 2023.
Council polled: 7 yes/0 no; motion carried.**

There being no further business, the public hearing was adjourned at 5:30 p.m.