

Staff Report

**REQUEST FROM MOTHER LODE ENTERPRISES
FOR UP TO FIVE UNRELATED PERSONS IN THE
NEIGHBORHOOD COMMERCIAL ZONE**

July 26, 2011

BACKGROUND:

David Blakeley and Joel Paulson, of Mother Lode Enterprises submitted a letter to City Council that was referred to staff on June 14, 2011. Mother Lode owns property at 2900 and 2910 West Street. The letter stated that they were in the process of renovating a single family home with five bedrooms at 2910 West Street. They further stated that the Neighborhood Commercial Zoning District (NC) only allowed up to three unrelated persons (a “family”) to occupy one dwelling unit. They requested relief from the definition of family to accommodate five unrelated persons in their rental home through some type of zoning text amendment. This would allow them to rent all five bedrooms in the home. They requested to focus the amendment on just the West University Impacted Overlay. On June 14, 2011, the City Council referred the request to staff for a background report.

“Three unrelated people” is one subcategory of the definition of “family” found in Section 29.201(62)(b). There are four other subcategories, but they are not applicable to the applicant’s intended use of the house. Modifying the definition of family only for the NC Zone could be complicated because definitions are typically not zone-specific. Furthermore, this definition of family that the City utilizes has been carefully considered and has been upheld by the Iowa Supreme Court.

Prior to requesting this text amendment, Mother Lode Enterprises submitted an application to rezone this property to Residential High Density (RH). Through that process they learned that there are two nonconformities that would be created as a result of the rezoning. One is front yard parking, the other is side setback. They have requested that staff place that rezone application on hold pending the outcome of the requested zoning text amendment.

POSSIBLE SOLUTIONS:

Option 1: Dwelling House Text Amendment. An alternative solution from modifying the definition of family could be to add “Dwelling House” to the list of permitted uses in the Neighborhood Commercial Zone. A dwelling house is defined as:

“ . . . any building in an “RM” or “RH” district consisting of no more than one dwelling unit designed for and occupied exclusively by a single family, or by not more than one more person than the number of bedrooms, up to five people . . . ”

The definition of dwelling house could be modified to include the NC zone in the list of zones in the definition. There are four NC zones in the City. One is just west of Iowa State

University, one is just north of Downtown between 6th and 7th streets, one is just west of the railroad tracks at North Dakota Avenue, and the fourth is vacant land on South 16th Street in front of the manufactured home parks.

Dwelling houses were added to the zoning code in 2003 because it was found that there was a supply of large homes mixed in with newer apartment buildings. Higher density living was becoming the norm in those areas where traditional single families were less likely to locate.

It is not yet clear what impact this change would have. Staff is not currently aware exactly how many single-dwelling-unit homes exist in the NC zoning districts nor how many bedrooms these homes contain. However, the relative land area of the NC zones is small when compared to the RM and RH zones, which make up the bulk of rental property in Ames. Furthermore, the NC zones also include commercial buildings, which would likely not be directly impacted by the requested change. **It should be noted that although this request originated because of a specific property, a text amendment for the NC zone would have effect city-wide.** One solution to this could be to limit the area to just the West University Impacted Overlay Zone, as Mother Lode has suggested.

Option 2 Change To Family Definition. The definition of family could be changed as requested by the applicant. **However, that could have implications city-wide and would likely go beyond what is needed to resolve the issue on this one site.**

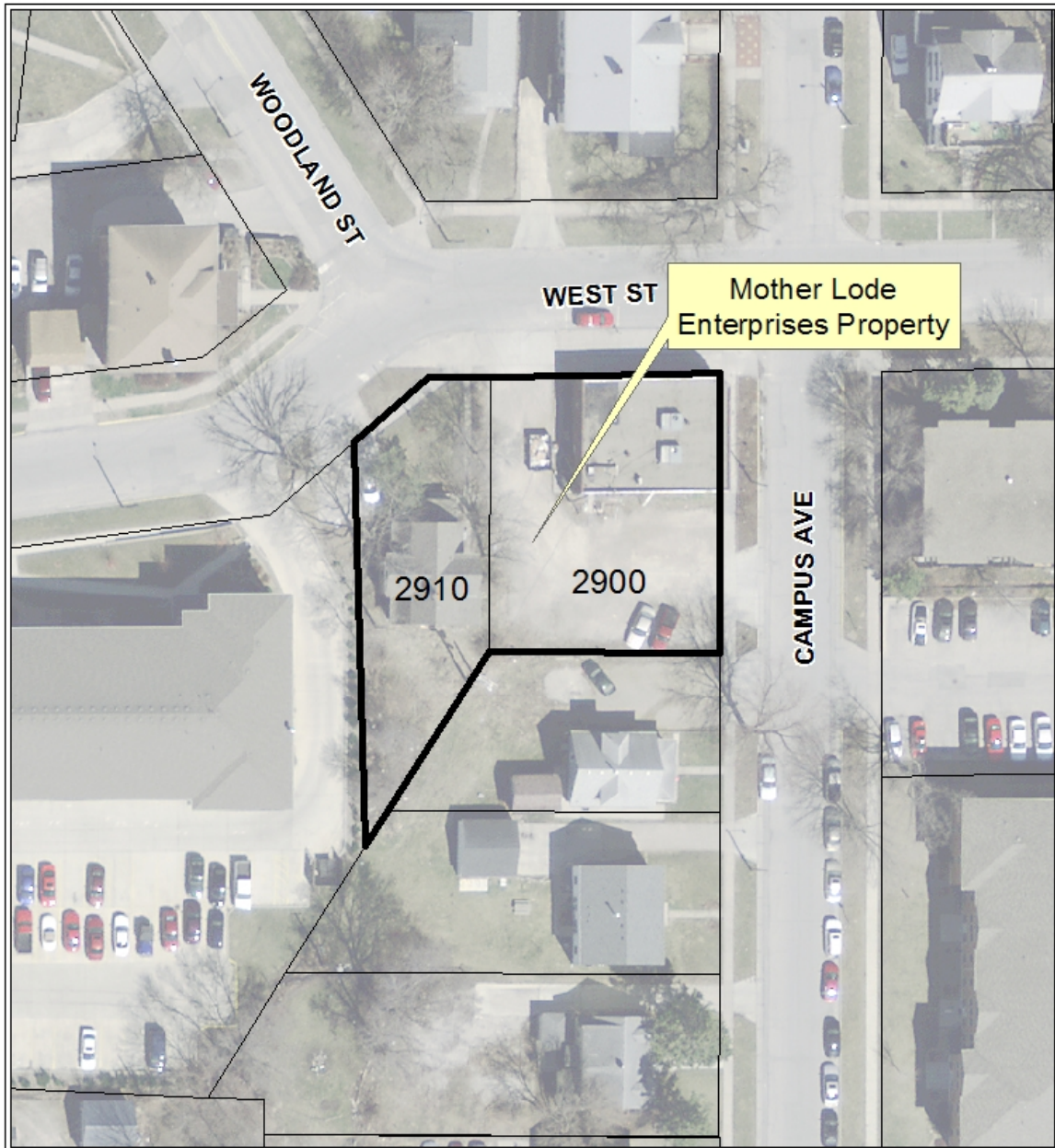
Option 3 Rezoning Property to RH. If the Council did not refer this request to start the text amendment process, Mother Lode Enterprises would likely go back to their rezoning application (which has not yet gone to Planning & Zoning Commission). The RH zone already allows the dwelling house use. This entire area is designated Residential High Density on the City's Future Land Use Map, which would support the rezone. However, the City still has the discretion to weigh the impacts of the loss of Neighborhood Commercial zoned land. There are growing trends in many communities to place retail services within walking distance of residents, which may be a viewpoint opposed to the rezone. An alternative view in support of the rezone could be based on the positive aspects of renovating and re-using existing buildings. Some of those positives may be: 1) maintaining community character and 2) renovating existing buildings is more "green" than new construction / building material demand. This option will create some non-conformities that may limit expansion opportunities.

Option 4 Granting A Variance. A variance from the Zoning Board of Adjustment to exceed the limit of number of unrelated people would be another option. **However, the likelihood of success is very low because of the strict criteria which come from the State.**

NEXT STEPS:

It should be noted that this is just an initial reaction from Planning staff. This is not a full analysis of the merits of all possible options. There may also be other options not yet identified. The Council will need to determine which of the above options, if any, it might support and refer to staff accordingly.

It should be noted that the Mr. Blakely and Mr. Paulson have submitted an application for a rezone that has been placed on hold pending the outcome of the Council's consideration of a text amendment.



Location Map
2900-2910 West St

Map Created July 20, 2011

A north arrow pointing upwards and a scale bar marked with 0, 15, 30, and 60 feet.

An inset map of a larger area with a red square and a yellow callout box labeled 'Map Area' pointing to the specific location shown in the main aerial map.