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# MEMO

**To:** Mayor and City Council

**From:** Kelly Diekmann, Planning & Housing Director

**Date:** May 9, 2023

**Subject:** Request for Text Amendment to Allow Paving of Non-conforming Parking Areas.

**Background:**

The owner of 2803 West Street would like to pave front yard and rear yard areas of the property that currently consists of unimproved rock parking. The owner submitted a letter in early April to City Council regarding the matter. The area the owner desires to pave is used for approximately three parking stalls, which are accessed directly from Hyland Avenue by tenants of the apartment at that location.

Under the current regulations, the owner would be required to address site development standards in Chapter 29 regarding compliant parking, landscaping, access and other zoning standards if they were to pave any area on the site. However, the site is severely deficient and nonconforming in many regards to zoning standards and as a result the addition of paving is not permissible. Currently, the paving of non-conforming parking spaces is prohibited because it would create a new nonconformity.

Paving non-compliant parking areas is often an issue with older rental properties across the City. In many cases an owner will want to improve the parking surface from unpaved to paved in areas where meeting site development standards is challenging due to the older pre-existing nature of the parking. This often occurs in areas that are smaller or unique in the amount of available space. This can also mean that the number of dimensionally compliant paved spaces allows for less parking than informally occurs within an unpaved non-conforming area. The number of parking spaces relates to both the City's Zoning Ordinance as well as the Rental Code.

**Options:**

Option 1: Allow for existing non-conforming parking areas to be paved, regardless of compliance with development standards.

This option would prioritize paving parking areas over other standards by allowing for paving whether it can meet all standards of code for paved parking areas.

Option 2: Create an exception process for case by case consideration of paving along with compliance with other zoning standards.

This option would allow for the Zoning Board of Adjustment to consider case by case review of individual circumstances with a goal of balancing new paving with other practical site improvements.

Option 3: Take no action and maintain current requirements.

**Staff Comments:**

Pursuing either Option 1 or Option 2 should be referred to a future agenda for discussion and more precise direction before initiating a text amendment. Additionally, addressing this issue could require community input and require prioritization within the Planning Division work plan.

If the City Council believes that discussing the matter on a future agenda is appropriate, staff will bring back a report on the site development issues involved with these types of requests and examples of other sites. Generally, staff believes improving non-conforming parking areas can be beneficial to improving conditions on multi-family properties. However, staff also has reservations about literally cementing nonconformities with new paving.

**Attachment A – Letter to Council**

**TO:** Mayor Haila and Ames City Council Members

**From:** David Blakeley, Joel Paulson

**Date:** April 10, 2023

**Subject:** Parking at 2803 West Street

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Dear Mayor and Council,

We are writing to you today in regard to parking at 2803 West Street. We have been renovating the property and are close to completing it. We would like to pave with concrete the parking areas and walk ways around the property. It has been gravel for many years.

City planning staff have told us that space can not be paved and that there is no path to path to appeal or request a permit to complete the paving without a formal council directive.

We would ask the Council to request staff to add an agenda item to consider a request to pave this area. The weather is clearing up and we would like to move ahead soon.