

MINUTES OF THE CITY OF AMES PLANNING AND ZONING COMMISSION

AMES, IOWA

DECEMBER 6, 2023

The Regular Meeting of the Planning and Zoning Commission was called to order by Chairperson Mike Sullivan at 7:00 p.m. on December 6, 2023 in the Council Chambers at 515 Clark Avenue. Commission Members present were Julie Winter, Mike Clayton, Mike Sullivan, Matthew Voss and Jim Blickensdorf.

APPROVAL OF THE AGENDA

Moved by Clayton, seconded by Winter, to approve the Agenda for the meeting of December 6, 2023. Vote on Motion: 5-0. Motion passed.

APPROVAL OF THE MINUTES OF THE OCTOBER 18, 2023 MEETING

Moved by Voss, seconded by Blickensdorf, to approve the Minutes of the October 18, 2023 meeting. Vote on Motion: 5-0. Motion passed.

PUBLIC FORUM

Chairperson Sullivan opened the public forum and closed it when no one came forward to speak.

ZONING TEXT AMENDMENT ON ACCESSORY DWELLING UNITS (ADU) STANDARDS

Planner Eloise Sahlstrom presented the staff report. She summarized staff had presented a preview of the proposed ADU standards to the Commission earlier in the year and then met with City Council providing them with the summation of public input from the public outreach efforts. Council directed staff to proceed with preparing the draft ordinances for the standards; Ms. Sahlstrom summarized the standards.

Ms. Sahlstrom stated staff met with the Historic Preservation Commission (HPC) and discussed new construction requirements and design criteria for new ADUs in the Historic District. They met again and discussed the review process for alterations of contributing garages. The proposed amendments were discussed at length and HPC voted to approve the modifications with an exception of adding new language for alterations of non-contributing garages to an ADU when they are located on a property with a contributing structure would require HPC approval with a Certificate of Appropriateness. Ms. Sahlstrom said staff does not support the new requirement and will return to HPC to verify their direction on the language.

Ms. Sahlstrom concluded saying staff recommends approval and as ADUs are not currently allowed in Ames, they would introduce a new type of housing to the City. Most single-family properties that are not restricted by private covenants should be able to take advantage of the new standards, although, it will be difficult for properties that have a one car garage and/or a small rear yard to meet the requirements.

Julie Winter asked if ADUs would have to be registered as a rental and if the units would be subject to the rental cap that was introduced in certain neighborhoods. Ms. Sahlstrom clarified an ADU does not have to be registered as a rental unless it is intended to be rented; if it is intended for family members to live in, it would not have to be registered. Only one rental can be on a property and the occupancy cap does apply. Planning Director Kelly Diekmann clarified there is not a cap on the number of rentals; there is a cap on increasing the number of bedrooms in homes to increase the maximum occupancy for the near campus neighborhoods.

Mike Sullivan addressed the occupancy provision “properties owned by an LLC or other non-natural person entity will not qualify as owner-occupied” and asked about when a person has a home in an LLC but also occupies the home. Ms. Sahlstrom said an LLC would not be considered eligible for the owner-occupied provisions and would not be able to build or rent an ADU. Mr. Sullivan asked what the reasoning was behind the clause. Director Diekmann explained the intent is for the owner to reside on-site and for natural people to be the owner, not corporations or absentee people through a shell of some type, and the clause is the only legitimate and consistent way for staff to administer that expectation. Mr. Sullivan asked if a living trust would be included in the “other non-natural person entity” definition. Mr. Diekmann confirmed a trust would be included and would not qualify as an owner.

Matthew Voss addressed the requirement of an additional parking space which cannot be in front or behind another required space for the principal structure. He stated it makes sense for rental ADUs; but for ADUs that are additional habitable space for families, he asked if there would be flexibility to modify the language for the requirement to only apply to rentals. Director Diekmann said there are limitations to treating rentals differently than owner-occupied dwellings, and he was not sure if the change suggested by Mr. Voss would be allowed; he suggested the Commission could recommend Council to consider it. Mr. Diekmann added it was the intention of staff that whenever an ADU was built, for it to be able to be rented, which means all the conditions on the site should meet the rental code from the start. It would be problematic to allow an ADU to be built without having the space needed for it to be a rental.

Jim Blickensdorf asked if an ADU built as a pool house would need the additional parking space. Mr. Diekmann replied that a pool house would not be allowed to be an ADU unless it had the parking space. He explained that an accessory building that is a pool house can have a bathroom, and it is the only type of accessory building that can have a bathroom unless it is a fully compliant ADU. A pool house itself would not trigger a parking space.

Moved by Clayton, seconded by Winter, to recommend that the City Council approve the draft text amendments to Chapter 29 and Chapter 31, included as Attachment ‘A’ & Attachment ‘B’, implementing accessory dwelling units (ADUs).

Vote on Motion: 5-0. Motion passed.

ZONING TEXT AMENDMENT ON VEHICLE PARKING AND STORAGE STANDARDS

Planner Amelia Schoeneman presented the staff report. She stated the proposed changes

stem from the recently adopted Property Maintenance Code which has some overlap with the Zoning standards for vehicle storage and parking requirements. City Council directed staff to amend the two chapters for consistency.

Ms. Schoeneman stated the changes are not substantial as far as how the code will be administered, rather, the changes will help clarify the code. She said the definition of "vehicle" has been defined; the difference between parking and storage of vehicles has been clarified with parking meaning under 72 hours and storage meaning over 72 hours; and required parking spaces for different zoning districts has been explained. She said the two main changes are regarding junked vehicle storage and recreational vehicles. The current ordinance states junked vehicles (inoperable or unregistered vehicles) are not allowed to be stored for more than 30 days. The updated code specifies that no more than one junked vehicle may be stored for no more than 30 days and it must be covered if it is in the front yard. The change to recreational vehicles now allows for one recreational vehicle to be parked for no more than 72 hours in a required parking space, as well as allowing one recreational vehicle to be stored in the side or rear yard of a property on an approved surface. Ms. Schoeneman continued by saying trash receptacles are no longer required to be screened for residential properties; and several definitions were added and clarified.

Julie Winter asked if recreational vehicles stored in rear or side yards could go right up against property lines. Ms. Schoeneman confirmed they could go right up to a property line along with the paving. Director Diekmann added there is no setback for paving in residential zones.

Mike Sullivan addressed the 30 days cumulative per calendar year for junked vehicles and asked what the intent was and how it would be enforced. Ms. Schoeneman said the intent was so a vehicle could not be removed from a site and then just put right back or moved to a different area of the site. Mr. Diekmann added that a junked vehicle is allowed to be stored inside a garage indefinitely.

Mr. Blickensdorf questioned Table 4 of the staff report and the 72 hour limit to parking of regular vehicles on driveways. Ms. Schoeneman said the intent is not to regulate how long a car can be parked on a driveway; the restrictions are addressing commercial zoning districts and there are no proposed changes to storage of regular vehicles. Mr. Diekmann added that one cannot park a car indefinitely on a driveway in a required parking space as that would become storage at some point. There is no change to the current zoning language, but it might be enforced differently now because of the nuisance code change. Mr. Blickensdorf said the way he interprets Table 4, a vehicle is not permitted except as part of approved outdoor storage. Mr. Diekmann said in a commercial zone, there can be outdoor storage of a vehicle, but on a residential property, outdoor storage of a vehicle is not allowed.

Ms. Winter and Mr. Blickensdorf raised concern about the restriction of parking a car on a driveway of a residence for no more than 3 days. Mr. Blickensdorf said he finds it perfectly reasonable to regulate storage of a vehicle in a public right of way, but unreasonable to

regulate it on private property. Mr. Sullivan agreed that the 72 hour limit needs to be looked at as many people in Ames park cars on their driveways.

Discussion was held about storing junked vehicles.

Ms. Winter stated the Zoning and Property Maintenance codes should say the same thing so there are not discrepancies. Ms. Schoeneman said there is a cross reference in Chapter 30.

Moved by Winter, seconded by Blickensdorf, to recommend that the City Council adopt the Public Nuisance "Property Maintenance" related amendments to the Zoning Ordinance with modification of considering the exemption of parking an operable vehicle on a driveway beyond 72 hours. Vote on Motion: 5-0. Motion passed.

ZONING TEXT AMENDMENT FOR ACCESS ROAD PAVING WAIVER FOR PRAIRIE VIEW INDUSTRIAL CENTER

Planning Director Kelly Diekmann presented the staff report. He stated the paving waiver is a specific request by Alliant Energy, but staff believes it has broader implications and supports it for all zoning districts across the City. Staff is proposing Basic Utility uses (e.g., a water tower, a substation, a pump station) that rarely have traffic allow for flexibility of the paving requirements at the discretion of the Planning Director. Mr. Diekmann said City Council is interested in looking at where flexibility can be added to the Zoning Ordinance and this is an example of giving the discretion to staff to make the decision. The Commission will be seeing more items referred to staff in the next year with a broader discussion of what options staff could use to exercise discretion.

Mike Clayton stated he used Google Earth to look at the water towers and substations in Ames and noticed the majority do not have paved access roads; Alternative #1 made sense to him.

Matthew Voss asked if the waiver would allow the driveways to be dirt or grass. Mr. Diekmann said they would not be dirt, and staff would have to accept an alternative surface which would need to be able to support a fire truck.

Moved by Voss, seconded by Clayton, to recommend that City Council amend the standards in Section 29.406(11) of the Municipal Code by adding language that developers of sites with Basic Utility uses or other similar uses on sites within all Zones across the City can request a reduction in paving of maneuvering areas subject to Planning & Housing Director discretion. Vote on Motion: 5-0. Motion Passed.

COMMISSION COMMENTS

Ms. Winter asked if there were any items for the next meeting. Mr. Diekmann said it is unlikely there will be a meeting on December 20.

STAFF COMMENTS

Mr. Diekmann said City Council is concerned about how flexibility can be incorporated into different zoning standards across the City, and he will be writing a report about the options. Council is also interested in substantially rewriting the Zoning Code. At the December 12 Council meeting, they will be looking at a request to consider tax abatement for new residential construction.

ADJOURNMENT

Moved by to adjourn at 8:19 p.m.

Michael Sullivan, Chairperson

Eileen Carter, Recording Secretary