

ITEM #:	<u>30</u>
DATE:	<u>10-08-24</u>
DEPT:	<u>P&H</u>

COUNCIL ACTION FORM

**SUBJECT: ZONING TEXT AMENDMENT TO ALLOW SOCIAL SERVICE PROVIDERS
IN THE SINGLE-FAMILY CONSERVATION OVERLAY (O-SFC) ZONING
DISTRICT**

BACKGROUND:

On July 9, 2024, the City Council chose to consider a request by Matt Mitchell, Founder and Board Member of the Ames Romero House (see Attachment A – Request to Council). The request was to initiate a zoning text amendment to the Single Family Conservation Overlay District (O-SFC) to allow for establishment of new social services uses. Adoption of the amendment would allow Social Service Providers to locate in the O-SFC, with the approval of a Special Use Permit by the Zoning Board of Adjustment (ZBA). Approval of a Special Use Permit would be on a case-by-case basis (see explanation of Special Use Permits under Proposed Text Amendment section).

Although the text amendment request does not approve any specific property for a social service use, the request by Ames Romero House is principally for the purpose of allowing the Romero House to operate at 702 Clark Avenue (orange house), inside the boundaries of the O-SFC, upon receiving a Special Use Permit. Ames Romero House is presently located at 709 Clark Avenue (yellow house) and its status as a residential or social service use will be reevaluated pending the outcome of the text amendment request.

Upon review of the Romero House’s current activities and the planned use of 702 Clark, staff indicated to the applicant that their operations were not typical household living use, including the definition of a “Family” for occupancy limits, and that they would be classified as a “Social Service Provider,” which is not permitted in the O-SFC. This prompted the request (Attachment A) by the Romero House for a zoning text amendment to allow “Social Service Providers” as a use in the O-SFC.

ZONING:

The base zone for the area of the community with the O-SFC Overlay zone is “RM” (Residential Medium Density). (Attachment B-Zoning Map). This zone includes the area generally between 7th Street and 11th Street, and between Duff Avenue and Grand Avenue. Note that the O-SFC Overlay overrides uses and standards where specified of the base RM zone.

It is important to note that the O-SFC was established in the 1990s in response to the erosion of the neighborhood’s one- and two-family housing, primarily through multi-family conversions and other uses, such as social service providers. The purpose statement of the Overlay, which provides an overview of intent for the area, is quoted below and the full regulations are attached. The intent is to limit intensification of uses in the area and for design compatibility with traditional homes.

(1) Purpose. The Single-Family Conservation Overlay (O-SFC) Zone is intended to conserve the existing single-family residential character of areas identified as O-SFC adjacent to the downtown. The O-SFC is intended to protect single-family neighborhoods while guiding the transition to higher density

and compatibility with the surrounding uses where intensification is permitted. The O-SFC is meant to help maintain the general quality and appearance of the neighborhoods; promote a more cohesive look to the neighborhoods; recognize the neighborhood characteristics as a major part of the City's identity and positive image; promote local design qualities; stabilize and improve property values; reduce conflicts between new construction and existing homes; and allow a limited amount of increased housing densities.

Use Limitations of O-SFC

Although the area has a base zone of Residential Medium (RM) reflecting its general density of buildings, the O-SFC restricts uses and applies design requirements in support of primarily one- and two-family homes. Allowed uses include the following:

- Dwelling – Single Family.
- Dwelling – Two Family.
- Bed & Breakfast Establishment; and,
- Vacation Lodging (essentially AirBnB rental properties).
- *Apartments, subject to Council approval of a Major Site Development Plan and overall unit limitations

The existing four social service providers in this area, such as YSS, are considered “legal nonconforming uses” because they were established prior to the current zoning limitations. **At this time, staff is aware of two YSS operated social service facilities in the neighborhood per the YSS website, Food at First, and the Good Neighbor office at, or near the corner of Clark Avenue and 6th Street.** These existing facilities are considered nonconforming uses as they predate the current restrictions. **Staff is aware that there are, at least, two other nontraditional residential uses that are operated as rental properties or group living uses that are not social service providers.**

Social Service Provider Use Definition

A “Social Service Provider” is a broad category of use and defined in the Municipal Code, as follows:

“Table 29.501(4)-5 Institutional Use Categories of the Municipal Code:

Social Service Provider uses (SSPs) are primarily engaged in providing on-site counseling, meals, or shelter beds for free or significantly below market rates. Uses that provide food on-site as an Accessory Use are not included if the service is provided fewer than 3 days a week. For example, a church that provides a free or low-cost meal once a week would not be classified as an SSP use.”

From this definition, the use is more akin to a commercial use or shelter use than traditional household living uses. Because of this, the use is permitted in many commercial zoning districts of the city and in some higher density residential zoning districts by special use permit. The use is not allowed to be established in lower density residential areas where it does not already exist. The attached Addendum lists all zoning districts that allow for the Social Service Use in some fashion.

Establishing a social service use will be subject to meeting zoning requirements, such as parking requirements. Note that Social Service is not a defined use within Parking Standard of the zoning ordinance thus the parking standards for the use will be determined on case-by-case basis after considering the proposed operations. For example, the recently approved Bridge Home homeless shelter included multiple parking rates related to the different uses included with the operations based upon employees, gathering spaces, and overnight sheltering rooms.

PUBLIC INPUT:

Because this is a proposed text amendment and not a rezoning request, the Municipal Code does not require all property owners within 300 feet to be notified by mail of the pending action. Therefore, at the time of initiation of text amendment, staff noted to the City Council that notification would be provided to the neighborhood. Staff first notified the President of the Old Town Neighborhood Association of the request prior to the September 4th Planning and Zoning Commission meeting with the assumption that our message would be transmitted by the President to neighborhood residents. Unfortunately, this was not the case and, as a result, very few residents attended the P&Z Commission meeting to provide input regarding this request. Therefore, subsequent to the P&Z meeting, staff decided to send a postcard to all property owners informing them that the pending request would be coming before the City Council on October 8th.

As of October 2nd, staff has heard a handful of comments from residents and written comments have been sent to the Council. From a very small sample size of comments to staff, the majority expressed concern about the proposal. **Concerns expressed to staff about allowing for non-residential uses in the area relate to impacts to affordable housing, desirability to young homebuyers, the balance of the neighborhood uses while maintaining its residential character, and the operation of social service uses and changes in character of the area in general with more people entering and occupying the neighborhood for non-residential purposes.**

Even those who expressed concerns about the proposed text amendment are supportive of social service providers locating in the city. **They are concerned, however, that because their neighborhood is located the closest to other desired services and the homes in their neighborhood are very affordable, the concentration of these conversions to non-single family houses will continue to increase. They hope that social service providers will locate in other zoning districts throughout the community, as opposed to changing the zoning restrictions to allow additional facilities in the Old Town neighborhood.**

One suggestion provided by residents is to limit the concentration of or establish a minimum separation requirement between properties occupied by social service providers in the neighborhood.

PLANNING AND ZONING COMMISSION:

Issues were raised at the Planning and Zoning Commission meeting on September 4, 2024, by two people in attendance that live in the O-SFC overlay zone. **Kate Gregory spoke to the Commission and has spoken with staff since the meeting. She believes that the proposed change to the zoning does not acknowledge any intent to protect single-family neighborhoods. She believes that making a text amendment, the City should consider the ratio of social service providers to families in the community, the proximity or adjacency of multiple providers in a single block or limited area, and the cumulative impact of multiple providers on the health and maintenance of the community. She questioned why the Council would take up a singular request for changes to one neighborhood. She expressed concerns that the amendment as currently drafted, allowed entire blocks of existing homes to be converted for social service use, thereby defeating the original intention of the O-SFC overlay to protect single family neighborhoods.**

Another resident of the area, Julie Kruse, also spoke to the Commission. She supported Ms.

Gregory's comments and expressed concerned about the concentration of social service providers in the neighborhood. She questioned whether the Special Use Permit (SUP) criteria would really address the issues of the neighborhood or the use since they are generic. She suggested a need to have a list specifically geared toward social service providers since the criteria used for determining the granting of a SUP are too general and insufficient in evaluating the request by the Zoning Board of Adjustment. Ms. Kruse also emphasized that the proposed Zoning Code amendment will result in the loss of affordable housing in the areas with more social service providers converting existing homes.

Both Ms. Gregory and Ms. Kruse emphasized to the Commission that there are people in the neighborhood who no longer feel comfortable walking in the neighborhood and that safety has become a concern with the change of tone in the area. Parents are no longer allowing their children to walk in the neighborhood to the library or downtown unless accompanied by an adult. They feel this is partially related to the loss of the residential fabric of a neighborhood with different uses and more transient visitors to the neighborhood. **They expressed that their neighborhood already had multiple social service uses and that the uses should be more distributed and should be considered in areas that already allow for it rather than changing O-SFC.**

The Planning Commission discussed the item and heard the comments of the two residents and the applicant. The Commission had to clarify that the proposal was for only a text amendment and not to approve the Romero House for a specific site. The Commission discussed need for the use in the community, the intent of the O-SFC, and how the criteria of the special use permit process apply. The Commission voted 4-2 to recommend support for the proposed text amendment to allow social service providers by approval of a special use permit.

PROPOSED ZONING TEXT AMENDMENT:

The Romero House was authorized by the City Council to request a zoning text amendment to establish a social service use by Special Use Permit within the O -SFC. The proposed text amendment language is simple in terms of modifying the list of permitted uses to allow Social Service Provider by Special Use Permit. No other standards or criteria for the Special Use Permit are proposed with the change. See Attachment F draft ordinance language.

A Special Use Permit is a process that allows for case-by-case consideration of a unique use or site to determine if a proposed use is permissible. This differs from a "by-right" or permitted use category where no discretion applies to the consideration of the use. Property owner notification for all properties within 200 feet of a site is required prior to the ZBA review of a specific application. **Before a Special Use Permit can be approved, the Zoning Board of Adjustment (ZBA) must determine that the proposed use meets the general standards (see Attachment H – Special Use Permit Requirements and Criteria).** The Board's action shall be based on stated findings of fact related to the criteria.

The benefit of a Special Use Permit is a disclosure of operations and configuration of a site for a use to determine within the boundaries of the criteria if the use is compatible. The Special Use Permit alone does not preclude uses or create separation requirements. Consideration of the area can relate to the general conditions of the area for the proposed use, but the overall review will be focused on the specific site that is the subject application before the ZBA.

Although not included with the proposal, some Special Uses do include additional criteria established by the City Council that are applied to a project, in addition to the general criteria. These types of uses are part of Article XIII of the Zoning Ordinance and can include design

requirements or other site requirements.

CONCENTRATION OR SEPARATION CRITERIA:

It should be noted that at the time the City Council allowed the requested text amendment to be initiated, staff identified to the City Council that concentration or separation criteria could be considered for a use of this type. However, depending on the method of limiting concentration, doing so would likely limit the 702 Clark site that is the Romero House's interest from consideration since it abuts an existing Social Service Provider use of Youth and Shelter Services (YSS).

Following the discussions at the P&Z Commission meeting and neighborhood inquires, staff has looked at separation and concentration issues of uses. The City does utilize distance requirements for some uses where over concentration could impact the character of an area, for example a Family Homes for disabled individuals and supervised transitional living has a 500-foot separation in residential zoning districts. In some ways 500 feet is not a large distance as it is about 1 to 1 ½ block radius. The O-SFC is approximately 1500 feet north to south from 7th street to 11th and 2600 feet from Grand to Duff. Even accounting for existing facilities, a 500-foot separation would permit many facilities within the O-SFC, especially to the western and northern half of the district.

Staff did not identify a specific recommended zoning practice for separation, but did see examples of separation requirements for other community, often substantially more than 500 feet. Concentration percentages are also not specific recommended practices. However, this issue was investigated extensively during the rental concentration discussions five years ago. At that time the consensus was neighborhoods can change in ownership and long tenure residency when rental properties exceed 25-40 percent of neighborhood. At that time the City did not include Old Town because it was already above 40% non-ownership housing and had considered establishing a limit of 25% for other neighborhoods of the City. Ultimately this approach was abandoned due to changes in state law.

Based on the input received by neighborhood residents subsequent to the P&Z Commission meeting, City Council could elect to add additional standards to the request despite its initiation of the request in July without requiring specific or additional standards. A multitude of options would exist to add standards, and a precise language could be created once Council priorities are known about the issue. For example, Staff has contemplated a unique option to add language limiting the proposed use to only properties abutting commercial zoning with approval of special use permit. This would limit options to properties that are located primarily along 7th Street because the south side of 7th is zoned Neighborhood Commercial. Sixteen lots would be eligible, including the Romero House property at 702 Clark. Three of the 16 lots are already social service providers. This approach does not directly address concentration or separation, but does limit the potential spread of the uses into all areas of the neighborhood.

AMES PLAN 2040:

For the City of Ames, the decision to create, change, or delete zoning district standards or the mapped areas of the city are reviewed within the context of the comprehensive plan (Ames Plan 2040) and the general standard of the public interest. Plan 2040 addresses multiple policy issues related to change and growth within the community, including housing needs and neighborhood character. The Plan includes general principles/goals that are then refined by policies/objectives. Zoning decisions, such as the proposed text amendment, are considered more detailed implementation steps of the concepts of the

comprehensive plan. The addendum includes discussion of the most relevant sections of the Plan and the Land Use Designation of RN-1-Traditional Neighborhood that applies to the area of the O-SFC.

Plan 2040 does not directly address issues related to needs of social service providers as it is a niche use within the overall planning of the City of Ames. However, Plan 2040 does emphasize maintaining neighborhood qualities and to balance this interest when considering proposed changes, such as the proposed new use allowance. Since social service uses are allowed within the City in other zoning districts, the question before the City Council is whether the O-SFC should become an additional area where such a use could be sited. Plan 2040 does not directly address this issue and consideration of its general policies are needed as part the review of the proposal.

NOTIFICATION:

As a zoning text amendment of general applicability, there is no direct property owner notice requirement prior to review of the amendment by Council. Published notice did occur within the Ames Tribune as required by law. As mentioned previously, City staff notified the Old Town Neighborhood Association Board of the proposed amendment prior to the Planning and Zoning Commission meeting. A Board member, from the Old Town Neighborhood Association, sent questions to staff about the nature of the request/use, standards for the use, and the mix of other uses existing in the area related to concentration and separation of non-residential uses. After the P&Z meeting the Staff sent a postcard to all property owners within the O-SFC. The postcard provided background information, notification of the public hearing to be held at the City Council meeting on October 8th, a map of the boundaries of the Single- Family Conservation Overlay District, a link to more information on the City of Ames website, and the contact information to reach a Planner with questions concerning the proposed zoning text amendment. As noted earlier, staff has received calls and emails from residents of the area regarding the proposal text amendment.

If the text amendment is approved, any future Special Use Permit application will have notice prior to a ZBA public hearing sent to all property owners within 200 feet and a posted sign on site.

ALTERNATIVES:

1. Approve the first reading of a text amendment to Article 11 and the Allowable Uses in the “O-SFC” (Single Family Conservation Overlay District) to allow Social Service Providers with a Special Use Permit.
2. Approve on first reading the request to allow for Social Service Providers by approval of Special Use Permit within O-SFC for lots that abut a commercially zoned lot.
3. Direct staff to modify the language of the text amendment, such as adding a separation/concentration requirement, definition changes, special standards, or modified special use permit criteria; and return for first reading at a future meeting.
4. Deny the proposed text amendment.
5. Direct staff to provide specific additional information before taking final action on the request.

CITY MANAGER'S RECOMMENDED ACTION:

Amending the zoning regulations to allow “Social Service Providers” as a use in the O-SFC, through approval of a Special Use Permit, would not apply exclusively to the Romero House property at 702 Clark. It would also apply to other Social Service Providers in the O-SFC, or may choose to locate on any other property, within the O-SFC, in the future. It also would allow for potential changes to the existing facilities in the neighborhood.

Staff believes the that the first consideration for this request is if in general the use could be compatible within the existing neighborhood conditions since it applies to one specific area of the City and the concept of a social service use is already allowed within other zoning districts. Secondly, the consideration of whether the permitting process with a SUP for a site-specific evaluation process is an appropriate technique to address future concerns about such uses.

When this request was first presented, the Council authorized the Romero House to move ahead with the process to request a zoning text amendment without any stipulations regarding separation or concentration requirements, as was offered as a possibility by the staff. Relying on the focused direction by the City Council and lack of neighborhood input, the staff recommended approval by the Planning and Zoning Commission of the Romario House's request to add social service uses to the list of allowable uses in the Single-Family Conservation Overlay District (O-SFC) with a Special Use Permit approval process. Since the Commission meeting, neighborhood residents have provided a number of persuasive arguments that warrant further consideration of this request.

If after reviewing all the information presented in the Council Action Form and input received by the neighborhood residents, the City Council believes that O-SFC should be amended to allow social service uses to be added to this zone subject to receipt of a Special Use Permit, then Alternative #1 should be approved.

If, however, the City Council determines that it desires to accommodate some amount of new social service uses in the O-SFC and, at the same time, have additional safeguards for the overall single-family residential character of the neighborhood (the original intent of this Overlay), the City Council should support Alternatives #2 or #3. If one of these alternatives are supported, no final action should be taken at this meeting. Rather, the City Council should give direction to staff whether an approach involving concentration, separation, or proximity to commercial lots is preferred. The staff will then return to the Council in the future for final approval of a text amendment.

ATTACHMENT(S):

[ZTA O-SFC Social Service Providers.PDF](#)

[Addendum](#)

[Attachment A.pdf Letter](#)

[Attachment B.pdf Zoning Map](#)

[Attachment C.pdf](#)

[Attachment D.pdf](#)

[Attachment E.pdf](#)

[Attachment F.pdf](#)

[Attachment G.pdf](#)

[Attachment H.pdf](#)

Attachment I.pdf