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MEMO

To: Mayor and City Council

From: Kelly Diekmann, Planning & Housing Director

Date: March 25, 2024

Subject: Request for Accommodation for Kiwanis Trailer at 803 & 919 E. Lincoln Way

Background:

On February 13, representatives from Ames Kiwanis sent an email to City Council requesting accommodation of a semi-trailer used for paper recycling that does not meet zoning ordinance requirements. The request was in response to discussion with City staff about resolving setback and paving requirements. City Council requested more information from staff about the issue as a referral request.

On November 22, 2023, Planning and Housing Department staff received a Special Use Permit (SUP) request for 919 E. Lincoln Way. Overflow Thrift Store applied to have a retail store larger than 3,000 square feet in the General Industrial (GI) Zoning District, which requires approval by the Zoning Board of Adjustment via an SUP. As a part of the review process, staff found that the site at 919 was out of compliance with the Zoning Ordinance in two areas related to paving and setback requirements:

1. A gravel driveway and parking area had been placed across the property line of 919 and on the property directly to the west, 803 E. Lincoln Way. An additional gravel parking area was added on the north part of 803 Lincoln Way unrelated to Kiwanis.
2. A semitruck trailer was placed across the property line. The trailer is parked at that location almost permanently.

Based on aerial photos, both gravel parking areas were added to the properties between from 2017 and 2019.

After reviewing site plan records, staff also determined that the gravel driveway and parking areas had been added to the properties without the benefit of review for any permits by the City of Ames. **Placing of rock and creating maneuvering or storage areas is subject to City review as development, which in most cases must be paved.** Storage areas are also subject to setback requirements (12-foot side yard in GI) A Site Development Plan is required for any development in excess of 150 square feet (Sec. 29.1502(2)(b)(iii)).

Staff discussed the violation with Overflow Thrift during their Special Use Permit process and sent a letter to the owner of 803 E. Lincoln Way. The owner of 803 then contacted Ames Golden K Kiwanis Club, which operates the trailer on the gravel straddling the property line. Staff spoke with both representatives of Kiwanis and the property owner of 803 explaining the requirement for paving parking lots and driveways.

Kiwanis uses the trailer to collect paper, which it then takes to be recycled. (GI allows for recycling.) Revenue generated from the paper collection is used to support a variety of charities.

The gravel parking area used by Kiwanis was placed on both properties so that a semitruck could drive onto 803, then park and unload the trailer, then drive off onto 919.

Staff met several times with Kiwanis representatives. Kiwanis then attempted to find another location for the trailer, as they determined that paving the parking area would cost more than they were willing to spend. Kiwanis spoke with both Overflow and with Ames Resource Recovery but could not come to an agreement about relocating the trailer.

Note that the Kiwanis trailer is not related to the gravel parking on the north side of 803 E Lincoln Way, which will be handled separately for code compliance.

Zoning Compliance Options

The property at 803 E Lincoln Way has three issues, two of which pertain to Kiwanis:

1. (Kiwanis) A use (recycling collection) that crosses a property line (the use is allowed in GI). The setbacks are 12 feet for storage areas.

2. (Kiwanis) A gravel parking and maneuvering area was created on the east side of the property. This issue also pertains to the Overflow property, as the gravel was dumped on both lots creating an issue for both sites.
3. (Non-Kiwanis) A gravel parking lot on the north side of the property that was created without a site plan.

Staff has identified several ways to address the issues and comply with current zoning requirements with no changes to regulations:

1. Kiwanis can move the trailer 12 feet away from the side property line, remove the gravel on the east side of the property and on the Overflow property, and apply for a Minor Site Development Plan that complies with the Zoning Ordinance (this will involve a concrete or asphalt parking area to access the trailer).
2. For the north gravel parking lot, the property owner (not Kiwanis) can remove the gravel and apply for a Minor Site Development Plan that complies with the Zoning Ordinance for new paving or remove and keep as greenspace.
3. Kiwanis can find another location for the paper collection trailer where it can be accessed from a paved maneuvering area. This will still involve the cleanup of the gravel that was dumped on the site without a site plan.
 - a. Members of Kiwanis talked to Resource Recovery staff about relocating the trailer to City property along E 2nd Street, but it there was no decision or agreement to locate it on City property.
 - b. Relocate the trailer to the Overflow property. Kiwanis discussed with Overflow the possibility of moving their trailer wholly onto that property (919), but talks broke down and no formal plan was agreed upon. However, Overflow did send a letter of support in February for Kiwanis. There are options for locating the trailer at Overflow with minor changes to the site and the clean up of the gravel, if Overflow want to allow the trailer on site.
 - c. Relocate the trailer to another non-City property that complies with the regulations.

Staff Comments:

Kiwanis would like to remain at its present location as many people are by now familiar with the current setup and are concerned about moving. If they could move the trailer solely onto Overflow's property this would be a sound solution bet as there is natural tie-in between recycling and dropping off donation goods and site is improved. Also, the trailer would not be moving far, and the move would cause the

least amount of confusion. This arrangement though is subject to Overflow agreeing and having it meet zoning requirements.

If City Council wants to consider any changes to Zoning standards to accommodate the Kiwanis request, this item should be placed on future agenda for discussion. The two core issues of setbacks and paving apply broadly across the City, it is not readily obvious what type of adjustment would be appropriate for the situation. Potentially a change in outdoor storage requirements with a ZBA approval for encroachment as a minor exception would be an appropriate text amendment.

If no changes are anticipated by Council and the item is not placed upon a future agenda, Kiwanis and the property owners would continue to work with staff to become Code compliant with zoning standards.

Attachment A
Map

