

Staff Report

**REQUEST FOR ACCOMMODATION FOR KIWANIS TRAILER AT 803 & 919 E. LINCOLN WAY**

April 9, 2024

**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 for an existing site upon which the organization parks the trailer for newspaper recycling drop off. City Council referred the item to staff for a memo, and on March 26, 2024, directed that the item be placed on an agenda for discussion.**

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. Based on aerial photos, both gravel parking areas were added to the properties between from 2017 and 2019. The gravel parking on the north side of 803 E Lincoln Way, which is unrelated to the Kiwanis trailer, will be handled separately for code compliance.
2. A semi-truck trailer was placed across the property line. The trailer is parked at that location almost permanently.

**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 violations with Overflow Thrift during its 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 zoning 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 semi-truck 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 the group 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; however, before discussions concluded, Kiwanis sent the email to the City Council on February 13.

### **ZONING COMPLIANCE:**

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 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.

### **OPTIONS:**

Staff has identified and discussed options with Kiwanis representatives regarding 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 it and keep as green space.
3. Kiwanis can find another location for the paper collection trailer where it can be accessed from a paved maneuvering area. If the trailer moves, the sites will still require cleanup of the gravel that was dumped on the site to comply with zoning standards. Alternative locations could include:

- a. Members of Kiwanis talked to Resource Recovery staff about relocating the trailer to City property along E. 2nd Street, but there was no decision or agreement to locate it on City property due to lack of space on a paved area and other operation questions.
- b. Relocate the trailer to the Overflow property. There are options for locating the trailer at Overflow with minor changes to the property and the cleanup of the gravel, if Overflow wants to allow the trailer on site. Overflow indicated to staff last week that they are still open to Kiwanis using their site but have not finalized any agreement for doing so.
- c. Relocate the trailer to another non-City property that complies with the regulations.

### **OPTIONS:**

**As described above, there are choices within the control of Kiwanis to continue the newspaper recycling operation and comply with zoning standards. However, the Kiwanis request to Council revolves around accommodating the paper donation use without conformance to all zoning standards.**

**It should be noted that the City Council cannot directly approve the specific site's present conditions. At this time no specific permit exists for relief from zoning for outdoor storage or exceptions to standards that the Zoning Board of Adjustment could review and approve. This type of situation does not fit the criteria to obtain a variance, either. The City Council, if it desires, may only choose to alter the broader zoning regulations related to the issue that could then facilitate their interests.**

If City Council is interested in adjusting zoning regulations, there is no obvious, small change to the Zoning Ordinance that would resolve the issues. **The primary two issues are core development standards, paved maneuvering areas and setbacks, and while they can be changed, they would have broader implications.** The recent direction to create the 20% rule for zoning flexibility would not address this issue either.

**Staff believes the only text amendment option available would be to create an "Exception" permitting process for outdoor storage uses for review by the Zoning Board of Adjustment. This would allow ZBA to consider site specific details and the proposed use to determine if it would be compatible with the surroundings.**

### **STAFF COMMENTS:**

Kiwanis would like to remain at its present location as many people are familiar with the current setup and the group is concerned that moving the trailer will disrupt operations. Moving the trailer completely onto Overflow's property might be the best solution as there is a natural tie-in between recycling and dropping off donation goods, and site is improved. Also, the trailer would not be moving far, causing minimal confusion. This arrangement, though, is subject to the agreement of Overflow and having that site meet zoning requirements.

**The two core issues of setbacks and paving apply broadly across the City, and it is not readily obvious what type of adjustment would be appropriate to accommodate Kiwanis. The City**

**currently does have limited setback exceptions (for instance, related to accessory structures to residential uses). These exceptions, however, do not allow uses to cross property lines. Commercial properties, however, are not generally understood to have accessory structures; all structures on a commercial property are considered primary.**

**The requirement that parking lots and driveways be paved is common in city zoning regulations. Unpaved parking areas produce dust, gravel and dirt can be carried out into the public street through rain or regular use. Carving out exceptions to paved parking may risk undermining that requirement. In limited cases, storage of outdoor materials is allowed on gravel, such as pallets containing construction materials, however setbacks and other site standards still apply to the outdoor storage.**

**Potentially, a change in outdoor storage requirements through a ZBA approval for encroachment as a minor exception would be an effective text amendment resolution. Staff does not believe other types of changes would be warranted at this time.**

**ATTACHMENT(S):**

[Attachment A.pdf](#)