

COMMISSION ACTION FORM

SUBJECT: AMENDMENT TO SECTION 29.1503(4)(B) REGARDING WEIGHT OF TRUCKS SERVING SPECIAL USE PERMIT USES IN RESIDENTIAL ZONES

BACKGROUND:

On July 9, 2013, the City Council referred to staff a memo describing the issue with truck weight limits for Special Use Permitted uses in residential zones. That referral allowed staff to come forward with this proposed text amendment.

Ames Municipal Code, Section 29.1503(4)(b) describes the criteria that Special Use Permits must meet in order to be approved by the Zoning Board of Adjustment. Included is the following:

- (iii) Not generate truck trips by trucks over 26,000 g.v.w (gross vehicular weight) to and from site except for waste collection vehicles and moving vans.

Ames Community Pre-school Center recently received a Special Use Permit to operate at the former Willson-Beardshear School at E. 9th Street and Carroll Avenue. Their weekly food delivery is from a small semi-tractor that exceeds this 26,000 pound maximum weight limit. Approval was given for the SUP but it was noted that the truck currently used to make weekly food deliveries could not be used. The food vendor would need to serve the pre-school with a smaller vehicle or a text amendment would need to be approved by the City Council to meet the needs Ames Community Pre-school.

CONSIDERATIONS:

The purpose of the Ames Zoning Ordinance is to promote the health, safety and general welfare of the City by, among other things, regulating and restricting the location, size and uses of buildings. The Zoning Ordinance provides procedures and criteria to allow certain specified (but usually more intense) uses in residential zones while maintaining "sound provisions for the protection of the health, safety, convenience and general welfare."

Within residential zoning districts, a number of uses are allowed by Special Use Permit that may include some type of service delivery vehicle. These include:

1. Group Living
2. Colleges and Universities
3. Child Day Care Facilities
4. Religious Institutions
5. Schools
6. Social Service Providers

- 7. Funeral Facilities
- 8. Hospices

- 9. Assisted Living
- 10. Nursing Homes

In order to address the current request, it is a simple matter to add “food delivery vehicles” to the list of vehicles that are exempted 26,000 pound weight limit. Like waste collection vehicles, food delivery vehicles provided a needed service, providing deliveries on a more or less regular schedule along a regular route. The use of smaller semi-trailers or larger straight trucks is more widespread than previously. Larger trucks usually mean more infrequent deliveries. In this instance, ACPC receives deliveries just once a week.

Food delivery trucks are similar in operation to the already exempted waste collection vehicles. Both provide a needed ancillary service to businesses and other uses. Both provide their services on a more-or-less regular schedule and along a more-or-less fixed route. And both services are operated by a third party vendor outside the direct control of the business that receives their services.

PROPOSED AMENDMENT:

A text amendment has been prepared for consideration by the Planning and Zoning Commission and the City Council. If approved, the text amendment would exempt food delivery vehicles from the weight requirement as one of the criteria for consideration of a Special Use Permit in a residential zone by the Zoning Board of Adjustment. In addition, the word ‘pounds’ would be inserted after ‘26,000’ for clarity. Section 29.1503(4)(b)(iii) would be replaced with the following language.

(iii) Not generate truck trips by trucks over 26,000 pounds g.v.w (gross vehicular weight) to and from site except for food delivery vehicles, waste collection vehicles and moving vans.

ALTERNATIVES:

- 1. The Planning and Zoning Commission can recommend that the City Council approve the proposed draft amendment language to exempt food delivery vehicles from the weight limit for Special Use Permits in residential zones.
- 2. The Planning and Zoning Commission can recommend that the City Council approve the proposed draft amendment language regarding the weight of trucks with modifications.
- 3. The Planning and Zoning Commission can recommend that the City Council not adopt the proposed text amendments.
- 4. The Planning and Zoning Commission can refer this issue back to staff for further information.

RECOMMENDED ACTION:

This amendment, although written in response to one particular approved Special Use Permit, would apply to any future Special Use Permit applications in a residential zoning district. Residential zoning includes a variety of low, medium, and high density zoning districts throughout the City. However, the limited impact of introducing food delivery trucks over 26,000 pounds is not anticipated to impact the quality of life of residents near these Special Permit uses.

Staff therefore recommends that the Commission act in accordance with Alternative 1, which is to recommend that the City approve the proposed draft amendment language to exempt food delivery vehicles from the weight limit for Special Use Permits in residential zones.

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