



Council Communication

Office of the City Manager

Date	May 19, 2008
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Agenda Item No.	45
Roll Call No.	<u>08-</u>
Communication No.	<u>08-305</u>
Submitted by: Larry Hulse, Community Development Director	

AGENDA HEADING:

Third reading of text amendments to the Zoning Ordinance and the Site Plan Ordinance; establishing design guidelines for review of gas station and convenience store site development by the Plan and Zoning (P &Z) Commission.

SYNOPSIS:

Recommend approval of the third reading of text amendments to the Zoning and Site Plan Ordinances regarding design guidelines for review of gas station and convenience store site development. On May 5, 2008 the City Council approved second reading of the ordinance. The council also requested information on a number of related issues. The issues and staff responses are contained in the Additional Information section of this report.

FISCAL IMPACT:

Amount: Indeterminate. Assessed values on new projects may increase due to a higher quality of design.

Funding Source: General fund property tax revenue.

ADDITIONAL INFORMATION:

On May 5, the City Council asked the following questions:

1) Notification and Neighborhood input process.

Staff will advise any applicant for convenience stores or gas stations to hold a neighborhood meeting at least two weeks prior to the anticipated P&Z hearing date at pre-application meetings. Consistent with all P&Z site plan reviews, staff will mail notices to property owners within 250' of the subject property and to the applicable neighborhood association contact 10 days prior to the Plan and Zoning Commission meeting. The Plan and Zoning Commission will hold a public hearing and consider public comments. If the applicant fails to hold a neighborhood meeting within a timely manner, the item will likely be continued by the Plan and Zoning Commission. A simple majority of the quorum of the Plan and Zoning Commission is necessary to approve or deny a site plan request. The applicant may appeal in whole or in part any determination made by the Plan and Zoning Commission regarding the site plan to the City Council by filing written notification with the City Clerk within 30 days after the Commission ruling.

2) Removal of abandoned canopies.

Pursuant to Section 134-1296[g][2] of the City Code, canopies for gas pump islands and financial institutions are permitted in the required front yard. If a convenience store/ gas station or financial institution with a canopy in the required front yard is converted to another use at anytime; or the use as a convenience store/gas station or financial institution ceases for a period of one year, the City may require the canopy to be removed from the required front yard on the basis that the use as a convenience store/gas station or financial institution has been abandoned and that the canopy is no longer permitted in the required front yard. Staff will improve enforcement of this code provision and will research whether a reduction of the 1-year period in the future is reasonable and legally permissible.

3) Imposing a time frame for signage changes when a store changes names.

Pursuant to Section 134-1276[j][1] “obsolete” signs are prohibited in all zoning districts. “Obsolete signs” are signs that advertise an activity, business, product or service no longer conducted on the premises on which the sign is located. This provision of the ordinance is not self-enforcing. The City would have to cite the property owner for failure to remove the obsolete sign. If the property owner does not remedy the citation by (remove or replace the sign), the City would have to file action with the District Court requesting an order that the sign be removed / replaced.

4) Size of stores in residential neighborhoods.

The proposed ordinance attempts to address the size of stores in residential neighborhoods by requiring site plan review by the Plan and Zoning Commission for all convenience stores/gas stations; requiring additional open space; and specifying architectural and lighting standards.

The City’s “C-1” Neighborhood Retail Commercial districts are intended to provide for the convenience shopping of persons in neighborhood residential areas and for general uses and activities of a retail and personal service character. Gas stations in “C-1” districts permit no more than 6 vehicles to be fueled at a time (maximum of 3 pumps). However, gas stations in “C-1” districts along the following corridors permit no more than 8 vehicles to be fueled at one time (maximum 4 pumps):

- Army Post Road and East Army Post Road from Fleur Drive to Indianola Road
- Douglas Avenue from the west city boundary to MLK, Jr. Parkway
- Euclid Avenue from MLK, Jr. Parkway to Hubbell Avenue
- Hickman Road from west city boundary to 56th Street
- Hubbell Avenue from Euclid Avenue northeast to the city boundary
- MLK, Jr. Parkway from Ingersoll Avenue to Euclid Avenue
- Merle Hay Road from Hickman Road to the north city boundary
- East University Avenue from East 14th Street to the east city boundary
- Second Avenue from Euclid Avenue to the north city boundary
- Southeast and East 14th Streets
- 63rd Street from the south city limits to Hickman Road.

The City’s “C-2” General Retail and Highway-Oriented Commercial districts are intended to provide for major retail shopping areas, other than shopping centers in C-4 districts, outside of the downtown area. This district includes much of the strip commercial property existing along the major city streets and highways. There is no limit on the number of vehicles that may be fueled at a time in the “C-2” district.

5) Size and types of signs/canopies.

The amount of signage allowed on a property is determined by the total lineal feet of lot frontage and the lineal feet of building frontage on a public street. A maximum of 24 square feet of the total building signage earned may be placed on each fascia that faces a public street.

6) Removal of underground storage tanks.

Underground storage tanks are regulated by the Iowa Department of Natural Resources (IDNR). According to the Iowa DNR staff, an underground tank must be removed if any of the following occur: the owner fails to maintain the system; there is a leak in the tank; the owner fails to maintain insurance on the tanks; operations cease on the property for a period of one-year. In most situations other than a leaking tank, the property owner has 60 days to remedy or remove the tank.

PREVIOUS COUNCIL ACTION(S):

Date: May 5, 2008

Roll Call Number: 08-807 and 08-808

Action: (A) [Chapter 82](#), (Site Plan Ordinance)-design guidelines. Moved by Coleman that this ordinance be considered and given second vote for passage; refer to the City Manager to report at the May 19 Council meeting regarding: 1) Notification and Neighborhood input process. 2) Removal of abandoned canopies. 3) Imposing a time frame for signage changes when a store changes names. 4) Size of stores in residential neighborhoods. 5) Size and types of signs/canopies. 6) Removal of underground storage tanks. Motion Carried 6-1.

(B) [Chapter 134](#), (Zoning Ordinance)-zoning and site plan review. ([Council Communication No. 08-250](#)) Moved by Coleman that this ordinance be considered and given second vote for passage; refer to the City Manager to report at the May 19 Council meeting regarding: 1) Notification and Neighborhood input process. 2) Removal of abandoned canopies. 3) Imposing a time frame for signage changes when a store changes names. 4) Size of stores in residential neighborhoods. 5) Size and types of signs/canopies. 6) Removal of underground storage tanks. Motion Carried 6-1.

Date: March 24, 2008

Roll Call Number: 08-518 through 08-520

Action: [On](#) amendments to Des Moines Municipal Code Chapter 82 (Site Plan Ordinance) regarding site plan design guidelines for gas stations and convenience stores and Chapter 134 (Zoning Ordinance) regarding zoning and site plan review regulations for gas stations and convenience stores. Moved by Kiernan to refer to City Manager to place this item on a workshop agenda for discussion and to have second consideration of the ordinances after that workshop. Motion Carried 7-0.

- (A) [First](#) consideration of ordinance amending Chapter 82. Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 7-0.
- (B) [First](#) consideration of ordinance amending Chapter 134. Moved by Kiernan that this ordinance be considered and given first vote for passage. Motion Carried 7-0.

Date: March 10, 2008

Roll Call Number: 08-387

Action: On amendments to Des Moines Municipal Code Chapter 82 (Site Plan Ordinance) regarding site plan design guidelines for gas stations and convenience stores and Chapter 134 (Zoning Ordinance) regarding zoning and site plan review regulations for gas stations and convenience stores, (3-24-08). Moved by Hensley to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: April 17, 2008

Roll Call Number: N/A

Action: Plan and Zoning Commission recommended approval of the revised ordinance by a vote of 7-4.

Date: February 21, 2008

Roll Call Number: N/A

Action: Plan and Zoning Commission recommended approval of the initial ordinance by a vote of 12-0.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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