

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	September 28, 2009
	Agenda Item No. 59 Roll Call No. <u>09-</u> Communication No. <u>09-693</u> Submitted by: Larry Hulse, Community Development Director	

AGENDA HEADING:

Public hearing on items regarding the Vehicle Display Lot Overlay District.

SYNOPSIS:

Exhibit “A” would amend Chapter 134 of the City Code to establish a Chapter 32 – Vehicle Display Lot Overlay District, which generally prohibits the creation of vehicle display lots or expansion of existing vehicle display lots. Exhibit “B” would rezone properties fronting the East 14th Street and SE 14th Street corridor within the Corporate Limit to add the “Vehicle Display Lot Overlay District” designation. On September 3, 2009 the Plan and Zoning Commission voted 10-0 to recommend approval of both ordinances. The Community Development Director requests a waiver of second and third readings of the ordinances (requires 6 votes).

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

The display or storage of merchandise for sale or rent is generally prohibited in the required front yard in all commercial and industrial districts. However, a special exception to this prohibition has been allowed for the display of vehicles for sale, rental or hire. This exemption may no longer be reasonable as applied to certain commercial corridors where a concentration of vehicle display lots crowding the street frontage exists in sharp visual contrast with the apparent setbacks observed by most other commercial uses. While other commercial uses may have a parking lot with a setback equal to that of a vehicle display lot, the typical daily use of the lots creates a fundamentally different view from the street. The most desirable parking spaces in a vehicle display lot are those fronting the street, and consequently the street frontages of vehicle display lots are typically occupied all hours of every day. The most desirable parking spaces in a parking lot are typically those parking spaces closest to the building entrances, and the parking lot is typically empty when the business is closed. When the concentration of vehicle display lots along a corridor has reached a certain level, the appearance of the corridor is fundamentally changed.

On June 2, 2008 the City Council held a workshop to discuss the site plan regulation and zoning enforcement of vehicle display lots. The City Council expressed concerns regarding the concentration of vehicle display lots along various corridors in the City and the appearance of legal non-conforming

vehicle display lots throughout the City. The Council directed staff to prepare ordinances that included, but were not limited to, the creation of an overlay district that would prohibit the creation or expansion of vehicle display lots. The Council also directed staff to identify specific commercial corridors where the concentration of vehicle display lots has reached a level that has discouraged investment and reinvestment in other uses in the area and where such concentration is detrimental to the objectives of the 2020 Community Character Plan.

Staff presented a draft of the proposed Vehicle Display Lot Overlay District and corridor analysis to the City Council on July 27, 2009. The Council directed staff to prepare final ordinances establishing a Vehicle Display Lot Overlay District and rezoning E 14th Street / SE 14th Street for their consideration.

“VDL”, Vehicle Display Lot Overlay District

Staff worked with the Regulation and Ordinance Subcommittee of the Plan and Zoning Commission to draft the proposed “VDL”, Vehicle Display Lot Overlay District (see Exhibit “A”). The ordinance would generally prohibit the creation or expansion of vehicle display lots within the district. It is expected that over time the concentration of vehicle display lots will decline through attrition and conversion to other uses, and the detrimental impact of the remaining vehicle display lots will decline as vehicle display lots are upgraded over time to the current landscaping and setback standards.

Properties could be zoned to the Vehicle Display Lot Overlay District when the City Council determines that either the concentration of vehicle display lots along a corridor has reached a level where it is discouraging, or with any increase is likely to discourage, further investment and reinvestment in other uses along the corridor; or that use of the required front yard for vehicle display is contrary to the predominant character of the corridor and would detrimentally impact that character and property values along the corridor. Properties in the “VDL” District would continue to be subject to all the zoning regulations applicable to the underlying zoning district.

No vehicle display lots shall be created or expanded and no site plans shall be approved for the creation or expansion of vehicle display lots within the VDL District unless each of the following conditions exists:

1. The vehicle display lot was a lawful use when the property was rezoned to the VDL overlay district and has not been discontinued for more than six (6) months or abandoned;
2. The redevelopment or expansion is limited to the property where the existing vehicle display lot is operated and adjoining land that was “owned of record” by the owner of the property where the existing vehicle display lot is operated as of the date the property is rezoned to the VDL overlay district; and
3. The entire vehicle display lot as so redeveloped or expanded conforms to current zoning and site plan requirements.

After review and recommendation by the Plan and Zoning Commission, the City Council can consider removal of the Vehicle Display Lot Overlay District designation from a specific parcel if it determines that the conditions above no longer exist or that the proposed use demonstrates provision of exceptional setbacks, landscaping and other site amenities that mitigate the visual impact of the vehicle display lot from the corridor.

Rezoning of E 14th Street / SE 14th Street

The 2020 Community Character Plan identifies E. 14th Street / SE 14th Street as a “gateway corridor” as it runs through a large expanse of the City. The 2020 Community Character Plan states that gateway corridors should be welcoming and distinct and should express community identity and display civic pride. Gateway corridors can be enhanced by the relationship of buildings (not parking) to the street and landscaping.

Staff analysis indicates that the highest concentration of vehicle display lots in the City limits exists along E. 14th Street / SE 14th Street. Approximately 65 of 589 (11%) of the total parcels fronting this corridor are occupied by vehicle display lots. Approximately 3,780 lineal feet of 48,921 lineal feet or 7.7% of the frontage on the west side of the corridor is occupied by vehicle display lots and approximately 6,716 lineal feet of 48,921 lineal feet or 13.7% of the frontage on the east side of the corridor is occupied by vehicle display lots.

Staff believes that the existing presence of numerous legal, non-conforming vehicle display lots with little or no landscaping along the corridor is detrimental to the objectives of the 2020 Community Character plan. Staff also believes that the concentration of vehicle display lots has reached a level where it is discouraging, or with any increase is likely to discourage, further investment and reinvestment in other uses along the corridor.

By applying the Vehicle Display Lot Overlay designation to this corridor, it is expected that the concentration of vehicle display lots will decline over time through attrition and conversion to other uses, and the detrimental impact of the remaining vehicle display lots will decline as they are upgraded to the current landscaping and setback standards. Staff believes that the proposed rezoning is in conformance with the 2020 Community Character Plan.

Staff held a public information meeting with property owners along the E 14th Street and SE 14th Street corridor on August 18, 2009 to explain the proposed district and impact of the rezoning.

PREVIOUS COUNCIL ACTION(S):

Date: September 14, 2009

Roll Call Numbers: 09-1642

Actions: Set date of public hearing on proposed text amendment to Chapter 134 to establish a new Division 32 – Vehicle Display Lot Overlay District and rezoning of properties fronting the E. 14th Street and SE 14th Street Corridor within the corporate limits of the City to add the “VDL” (Vehicle Display Lot Overlay District) designation, (9-28-09). Moved by Vlassis to adopt. Motion Carried 7-0.

Date: August 10, 2009

Roll Call Numbers: 09-1458

Actions: On extending the temporary moratorium on the creation of new, and expansion of existing vehicle display lots to September 29, 2009. (Council Communication No. 09-543) Moved by Hensley to adopt and continue the moratorium through September 29, 2009. Motion Carried 7-0.

Date: July 27, 2009

Roll Call Number: City Council Worksession

Action: Council directed staff to prepare final ordinances establishing a Vehicle Display Lot Overlay District and rezoning E 14th Street / SE 14th Street for their consideration.

Date: June 8, 2009

Roll Call Number: 09-1029

Action: Extending the temporary moratorium on the creation or expansion of vehicle display lots through August 11, 2009, pending comprehensive review of the applicable regulations and guidelines. (Council Communication No. 09-431) Moved by Vlassis to adopt and continue the moratorium through August 11, 2009. Motion Carried 7-0.

Date: March 9, 2009

Roll Call Number: 09-430

Action: Extending the temporary moratorium on the creation or expansion of vehicle display lots through June 9, 2009, pending comprehensive review of the applicable regulations and guidelines. (Council Communication No. 09-134) Moved by Vlassis to adopt and continue the moratorium through June 9, 2009. Motion Carried 7-0.

Date: November 10, 2008

Roll Call Number: 08-2010

Action: Extending the temporary moratorium on creation and expansion of Vehicle Display lots to Tuesday, March 10, 2009 pending a comprehensive review of the applicable regulations and guidelines. (Council Communication No. 08-692) Moved by Kiernan to adopt and continue the moratorium through March 10, 2009. Motion Carried 6-1.

Date: August 25, 2008

Roll Call Number: 08-1533

Action: Extending the temporary moratorium on creation and expansion of Vehicle Display lots, pending a comprehensive review of the applicable regulations and guidelines. (Council Communication No. 08-518) Moved by Meyer to adopt and continue the moratorium through November 11, 2008. Motion Carried 7-0.

Date: June 23, 2008

Roll Call Number: 08-1145

Action: Extension of temporary moratorium on creation or expansion of vehicle display lots until August 26, 2008. Moved by Vlassis to adopt. Motion Carried 7-0.

Date: June 2, 2008

Roll Call Number: City Council Worksession

Action: Presentation by staff regarding vehicle display lot enforcement and identification of proposed code changes including a vehicle display lot prohibition overlay district. Council directed staff to prepare ordinances for consideration.

Date: March 24, 2008

Roll Call Number: 08-510A

Action: Approving temporary moratorium of 92 days (through June 24, 2008) on the creation or expansion of vehicle display lots pending a comprehensive review of applicable regulations and guidelines. Moved by Meyer to adopt. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: September 3, 2009

Action: Plan and Zoning Commission voted 10-0 to recommend approval of ordinances containing the text attached hereto as Exhibits “A” and “B”.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Second and Third Considerations of the proposed ordinances unless waived by the City Council.

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