

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: July 11, 2011
	Agenda Item No. 49 Roll Call No. <u>11-1236</u> Communication No. <u>11-449</u> Submitted by: Phillip Delafield, Community Development Director

AGENDA HEADING:

Extension of the temporary moratorium on new gas stations in the C-3 and C-3A zoning districts until October 11, 2011.

SYNOPSIS:

Community Development and Legal staff are working to prepare ordinances for consideration by the Plan and Zoning Commission and City Council. Staff recommends that the temporary moratorium be extended to at least October 11, 2011 in order to accommodate code drafting, public information meetings, public hearing by P&Z, and public hearing and at least first reading by the City Council.

FISCAL IMPACT: NONE

Amount: N/A

Funding Source: N/A

ADDITIONAL INFORMATION:

After a comprehensive review of the “What’s Next Downtown” plan, Staff believes that c-stores and other auto-dominant uses should be allowed in the downtown. However, the location of auto-dominant uses and design of all uses within the downtown should be regulated based upon the vision of the “What’s Next Downtown Plan” that was adopted by the City Council on March 10, 2008.

A preliminary summary of proposed regulations includes the following:

- Continue to allow c-stores w/ fuel sales in C-3 and C-3A districts.
- Eliminate the following uses in C-3 and C-3A districts:
 - Lumberyards and building material sales yards
 - Manufacturing, packaging and storage of dairy products
 - Trailer, boat, and farm implement establishments for display, hire, rental and sales
 - Drive in theaters
 - Monument sales yards
 - Motels, motor hotels, and tourist courts

- Auction businesses
 - Sign painting shops
 - Mobile Home Parks
 - Adult entertainment businesses
- Create a Downtown Overlay District as follows:
 - District boundaries of I-235 on north, MLK on west, SE14 on east, Raccoon and DM Rivers on the south.
 - P&Z review of all site plans within the district. Appeals any decision by P&Z may be made by the applicant to City Council.
 - Establish Design Guidelines for the Downtown Overlay District as follows:
 - Prohibit c-stores and other auto-dominant uses (fast food drive-thru facilities, etc.) from fronting gas canopies, drive-up lanes and parking along any “pedestrian corridor” as designated in the “What’s Next Downtown” plan.
 - Prohibit auto-dominant uses and limit other uses from having vehicular access drives from any “pedestrian corridor”.
 - Prohibit stand-alone auto-dominant uses within the overlay district. Such uses must be part of a commercial center with unified design.
 - Require sites greater than 2 acres to be submitted as a Planned Unit Development.
 - Require parking ramps to include ground floor retail or be designed for conversion to ground floor retail.
 - Limit the number of fuel pumps/vehicles that can be fueled at one time to 4 – 6 pumps (8-12 vehicles).
 - Require buildings to be a minimum 3-stories or 36’ whichever is less and utilize building massing identified in “What’s Next Downtown Plan” for guidance when reviewing requests to vary from the guideline.
 - Require 70% of block to be fronted by a building along a principal street.
 - Require 70% of building frontage to be within 1-foot of the front lot line.
 - Require C-3 landscape standards for entire area.
 - Require use of black archetype light poles and fixtures.

- Prohibit outside storage.

Community Development and Legal staff are working to prepare the above regulations for consideration by the Plan and Zoning Commission and City Council. The following schedule is proposed:

July & August 2011	Complete draft of the ordinance(s)
August 30, 2011	Public information meeting in City Council Chambers at 5 pm & 7 pm
September 15, 2011	Plan and Zoning Commission public hearing at 6 pm
September 26, 2011	City Council sets date of public hearing for October 10, 2011
October 10, 2011	City Council holds public hearing and first reading of the ordinance
October 24, 2011	City Council 2 nd reading of ordinance (unless waived)
November 7, 2011	City Council 3 rd reading of ordinance (unless waived)

PREVIOUS COUNCIL ACTION(S):

Date: April 11, 2011

Roll Call Number: 11-0625

Action: Hearing on Zoning Text Amendments to Chapter 134-982 “C3-A” (Central Business Support Commercial) and Chapter 134-1017 “C-3” (Central Business) regulations to prohibit gas stations and fuel retail sales businesses and to continue hearing and extend the moratorium until July 11, 2011 at 5:00 PM. (Council Communication No. 11-203) **Moved by Hensley to adopt. Motion Carried 6-1.**

Date: March 14, 2011

Roll Call Number: 11-0466

Action: Hearing on Zoning Text Amendments to Chapter 134-982 “C3-A” (Central Business Support Commercial) and Chapter 134-1017 “C-3” (Central Business) regulations to prohibit gas stations and fuel retail sales businesses. **Moved by Hensley to continue the hearing to April 11, 2011 at 5:00 PM; refer to the City Manager to conduct a comprehensive review and to make a recommendation regarding the appropriate uses in C-3 and C-3A districts. Motion Carried 7-0.**

Date: February 28, 2011

Roll Call Number: 11-0308

Action: Set date of hearing on Zoning Text Amendments to Chapter 134-982 “C3-A” (Central Business Support Commercial) and Chapter 134-1017 “C-3” (Central Business) regulations to prohibit gas stations and fuel retail sales businesses, (3-14-11). **Moved by Coleman to adopt. Motion Carried 7-0.**

Date: January 24, 2011

Roll Call Number: 11-0110

Action: Amendment to the zoning ordinance prohibiting gas stations in “C-3” and “C-3A” districts and establishing a temporary moratorium on new gas stations in these districts until April 12, 2011. (Council Communication No. 11-056) **Moved by Hensley to adopt. Motion Carried 7-0.**

BOARD/COMMISSION ACTION(S): NONE

Board: Plan and Zoning Commission

Date: February 17, 2011

Resolution Number: 10-2011-5.01

Action: Members voted 10-1 in support of a motion to recommend APPROVAL of Zoning Text Amendments to Chapter 134-982 "C-3A" Central Business District Support Commercial Regulations and Chapter 134-1017 "C-3" Central Business District Regulations to prohibit gas stations and fuel retail sales businesses as permitted uses in those districts.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:

Set and hold public hearings and ordinance readings as proposed.

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