

Staff Report

CAR WASHES & CONVENIENCE STORES IN CVCN DISTRICTS

August 26, 2008

A request was submitted by Chuck Winkleblack for the Council to consider the issue of car washes in the Convenience Commercial Node (CVCN) district at Stange and Bloomington. Specifically, he stated his assumption that when the four uses were approved by the Council for this CVCN district, that each use was allowed independently as a matter of right. In order to move ahead with the site plan approval for a proposed car wash on one of the four platted lots, he is requesting a text amendment to the Municipal Code that will allow a car wash independent of an associated convenience store and without Special Use Permit approval. The Council considered Mr. Winkleblack's comments and asked staff to report back on this issue.

Currently, Table 29.807(2) of the Municipal Code states that vehicle service facilities are not allowed in the CVCN zone "except convenience stores in combination with gasoline service and car wash, by Special Use Permit." The Special Use Permit requires approval from the Zoning Board of Adjustment.

The Council will recall that the issue of allowable uses in the zone was based upon consideration of proposed exception criteria regarding the location of CVCN districts. Under the previous language in the LUPP, a CVCN district could not be located closer than two (2) miles from an existing commercial zone or village. The exception criteria was intended to identify uses that had not located in the village, could not now locate in the village, and would therefore not undermine the viability of the village if a CVCN district was to be located closer than the two (2) mile separation limit.

The language Mr. Winkleblack originally proposed for the LUPP did not identify specific uses that could be considered under the exception criteria, and the proposed amendments were not approved by Council. During follow-up discussion, however, the Council considered whether the exception criteria would be more acceptable if the list of allowable uses in the CVCN district were pared down to a select few. **During that discussion, grocery stores and convenience stores were initially proposed, but as a last minute effort to make the proposal acceptable to all Council members, medical centers and car washes were also added to the list of uses. However, there was no discussion regarding the standards that pertained to those uses, and no proposal to amend the zoning code to exempt those uses from the standards that apply generally to all CVCN zones.**

The question now is whether the standards pertaining to one of those approved uses (grocery stores, medical offices and clinics, convenience stores, and car washes) should be different for CVCN districts abutting a village than for a CVCN district two (2) miles

away from a village. The answer to that question may be found in examining the “purpose” statements of both the village and the CVCN districts.

The “purpose” statement for villages in Section 29.1201 states that, “The Village Residential District is intended to allow for integration of uses and design with greater potential for social and physical interaction through a “village” concept. One of the Village Residential Development Principles in that same section is to “Provide building design standards that **promote pedestrian mobility over vehicular mobility**” (emphasis added).

The “purpose” statement for the CVCN district in Section 29.807 states, in part, that the Convenience Commercial Node “encourages the provision of **small-scale** retail and service uses **for nearby residents**. Uses are **restricted in size, scale**, materials, and use to promote a local and compatible orientation with, and to limit adverse impacts on, nearby residential areas. Development is **intended to be pedestrian-oriented** and also accommodate vehicular travel associated with conventional suburban residential subdivision design” (emphasis added). The purpose statement goes on to state that the CVCN Zone is to:

- (a) Promote clustered and convenient commercial land uses adjacent to residential areas
- (b) Provide for **convenience to meet localized neighborhood needs**
- (c) **Integrate commercial land uses aesthetically and physically** with adjacent residential subdivisions
- (d) **Accommodate the vehicular mobility** associated with conventional residential development **while maintaining pedestrian connectivity**
- (e) **Promote higher design**, building materials, landscaping standards, signage, lighting, and screening
- (f) Maximize Floor Area Ratios
- (g) Promote shared parking.

The purpose statement for both districts emphasize pedestrian movement and a pedestrian scale of buildings, as well as a higher level of building design to both respect pedestrian scale and relate to abutting residential development.

The current language in the code pertaining to car washes in the CVCN district allows car washes only in combination with a convenience store. The reason this restriction was included in the code may be a matter for discussion, but a quick review of car washes within the City reveals that the only stand-alone multi-bay car washes in the city are located in Highway Oriented Commercial (HOC) districts. These include the car wash on Clark Avenue just south of the railroad tracks, the car wash on Beedle Drive just south of Lincoln Way, and the car wash on Crystal Drive lying east of South Duff. There was also a stand-alone car wash on South Duff near Southeast 3rd Street, but that has since closed. All other car washes in the City are associated with a convenience store and all of these are single bay automatic tunnels (some are connected to the buildings and some are stand-alone buildings on the same site as the convenience store).

Although there is nothing in the code that specifically mandates a car wash to be on the same site as the convenience store in order to be *in combination with* a convenience store, there are common operational features associated with the two uses. First, car washes are often associated with the sale of fuel, at which point the customer is given opportunity to purchase a reduced price car wash at the fuel pump. Secondly, the car wash entrance is typically incorporated into the traffic pattern of the convenience store site. Thirdly, the convenience store provides on-site management to both the store and the car wash, whereas stand-alone car washes typically have no on-site management.

The above features may provide some benefit to allowing car washes only in combination with a convenience store, but the current code does not specifically mandate these features. The only thing that can specifically be determined under the current code, is that both businesses must be operated simultaneously, and it is also reasonable to conclude that they be at least contiguous to each other to coordinate “combination” of operations.

What is not ensured under current standards is that a car wash – particularly a larger stand-alone car wash - is in line with the purposes of both the CVCN district and the village with which the CVCN district may be associated. A five (5) or eight (8) bay car wash, for example, may not be perceived as a “small scale facility serving primarily nearby residents,” especially since single-bay car washes throughout the city currently serve areas far greater than a CVCN district is intended to serve. Currently, the largest car washes in the city include the six (6) bay car wash located on Beedle Drive, and the ten (10) bay car wash on Clark Avenue, indicating that multi-bay car washes typically serve a larger regional market within a more intensely commercial zoning district.

The Staff is offering the following five options for the City Council to consider in regards to the issue raised by Mr. Winkleblack:

- a. Amend the Code to eliminate reference to car washes being “in combination with” a convenience store, thereby allowing both uses to occur independent of each other in the CVCN district.**

This option would allow the five (5) bay car wash currently proposed by Mr. Winkleblack’s client to proceed without plans for, or development of, a convenience store on the abutting site. In addition, there would be no codified limit on the number of additional bays that might be added in the future. (At the Development Review Committee meeting where this car wash was reviewed, the applicant indicated that he might wish to expand the car wash in the future. The applicant’s site would easily accommodate expansion because the boundaries of this 1.4-acre site extend well beyond the currently proposed building and pavement area on the site).

- b. Amend the Code to require that car washes be located on the same site as the convenience store.**

This option would more firmly define the meaning of a car wash being "in combination with" a convenience store, and would likely place the car wash and convenience store under the same ownership and management. This option may require that the two lots intended for a car wash and convenience store in the Stange/Bloomington CVCN district be combined into one lot.

c. Amend the Code to impose a limit on the number of car wash bays permitted in a CVCN district.

This option would provide better assurance that a stand-alone car wash is scaled more to the demands of nearby residents than the regional market, and may therefore minimize regional traffic being drawn into the area. The Council will have to determine the appropriate number of bays under this option. It appears that the greatest number of bays in a current car wash in the City abutting a residential zone is three bays on Crystal Drive.

d. Amend the Code to require that car washes be located on the same site as the convenience store and impose a limit on the number of car wash bays permitted in a CVCN district (a combination of options "b" and "c").

Under this option, unless the two lots currently intended for the car wash and convenience store are combined, there would be one extra lot that could be used for another approved use.

e. Maintain the existing language of the code.

This option would not allow the car wash to be permitted or operated until a convenience store is also approved and operating on an abutting site. It would allow the five (5) bay car wash currently proposed, and would also allow expansion of the car wash in the future.

It should be emphasized that, under each of the above options, staff believes that the special use permit and development standards should still apply to car washes. Because noise, hours of operation, etc., could impact the surrounding neighborhood, staff would suggest that regardless of which option is ultimately approved by the Council, a Special Use Permit should still be required from the Zoning Board of Adjustment to address these types of impacts.

8/08/08 PKTS.

August 8, 2008

Honorable Mayor and Council
515 Clark Ave.
Ames, IA 50010

Dear Mayor and Council,

I would like the council to consider revisiting or clarifying the CVCN ordinance regarding car washes. After platting the 12th Addition at Northridge and going through all of the deliberation to get the zoning changed an issue has come up. The staff believes that the underlying codes states that a car wash can NOT be in the CVCN district by itself. I don't believe that this was the intention of the council and certainly was not the intention of the developers.

A car wash is a permitted use in the CCN zone, HOC zone, PRC zone, CCR zone and is even a permitted use in the Village. It is prohibited in the NC and CVCN zones for some reason unless it is in conjunction with a convenience store.

My goal would be for council to either change the text to allow a car wash in the CVCN zone. The reason this was not brought up during all of the deliberation for Northridge Heights is that I was under the assumption that when the council spelled out the 4 specific uses for this area, that these uses were allowed. That is why we platted 4 separate lots for the 4 specific uses. Now the buyer of the car wash land can not get a building permit to build the car wash because we do not have a convenience store operator willing to start at this time.

The future owner has submitted all of the necessary paperwork (including the special use permit) to city staff for review. I met with the planning staff and assistant city manager Kindred earlier this week and writing a letter to council was one of the options that was discussed to try to get this issue resolved.

I do think this change should be made for all CVCN zones and not just this particular project.

I appreciate your consideration

Sincerely,

Chuck Winkleblack