

Staff Report**CONVENIENCE COMMERCIAL NODE (CVCN) AMENDMENTS****January 26, 2010**Background:

On January 12, 2010 the City Council referred the attached letters from Chuck Winkleblack and Bart Clark requesting changes to the Convenience Commercial Node zoning regulations as they relate to canopies, maximum number of pump stations, and signage. Rather than refer these requests directly to the City staff for a recommendation, it is believed that it would be more efficient for the Council to first review the purpose, history, and regulations regarding this unique commercial zone and hear the specific problems that these regulations are causing developers who hope to build in this zone. With this information as background, the Council will be in a better position to direct the staff how to proceed with this issue.

There are several different types of commercial zoning districts in the City of Ames, each with specific goals and objectives. The general commercial needs of the City are primarily accommodated in the HOC (Highway Oriented Commercial) zoning district. This is the largest and most widespread commercial district, and the most intense in terms of the range and scale of uses it allows. It accommodates every type of retail use with little to no regulation for scale or aesthetics except for limited landscaping of parking lots and the screening of dumpsters and mechanical equipment. The lack of scale, aesthetic or design control is perhaps less important in the HOC zones because they are typically located away from the more sensitive zones such as single family residential. Separation is commonly achieved by a hierarchical or step-down zoning approach. For example, an HOC zone is commonly separated from single family homes by an intervening multifamily or mixed use zone.

The City has other types of commercial zones with more narrowly defined purposes that required the adoption of standards that help to achieve those purposes. This is certainly the case with the Convenience Commercial Node (CVCN) district reflected in the Zoning Ordinance. The concept of the CVCN was developed between 2003 and 2005 as a means of allowing in residential neighborhoods small-scale retail and service uses in locations convenient to nearby residents. It was further intended for local residents to accomplish multiple tasks with just one trip, with pathway connections to the adjoining suburban developments accommodating pedestrian access to the node.

Because the CVCN zone was to be located *within* residential neighborhoods, step-down zoning could not be relied upon to mitigate the impacts of commercial development on the neighborhoods. To overcome this problem, the use, scale and design requirements of the CVCN District were developed to promote compatibility *between* the commercial node and the surrounding residential area. The design standards of the zone are meant to ensure that buildings reflect the massing, materials, and visual qualities of adjacent residential development. For example, the standards address the types of siding materials, window proportions and roof forms. They also regulate the amount, type, and illumination of signage in the district.

In terms of scale, buildings were intentionally kept small. A limit of 25,000 square feet was initially determined to be appropriate. This was later increased to 35,000 square feet. The issue of scale extended to gasoline service. There was considerable discussion and input on this issue during the initial drafting of the regulations. Originally, the proposed standards allowed up to 12 pump stations. However, after the public input process, the City Council reduced the number of allowed pump stations to 8, which is the current standard.

Attachment “A” outlines all applicable codes and policies pertaining to the CVCN district, including statements of intent. These regulations and policies were the work of an advisory committee made up of representatives from the development community, designers, Ames Smart Growth Alliance, and neighborhood associations. In addition, the Planning and Zoning Commission twice reviewed the proposed standards of the advisory committee and held two additional public meetings.

The Convenience Commercial Node zoning provisions permits some uses by right (retail sales and service, entertainment, restaurants, offices) and prohibits others (wholesale trade, automobile sales and services). Because gasoline sales and car washes are frequently needed at convenient locations, but have potential for greater impacts on residential areas than the permitted uses, they are allowed only if identified impacts can be mitigated. The process for identifying and mitigating impacts for these two uses is through a special use permit granted by the Zoning Board of Adjustment. (see the criteria for special use permit decisions in Attachment “A”).

The uses allowed in the CVCN district are of a limited scope, but even more limited in the CVCN at Stange and Bloomington. Uses in this district are limited to grocery stores, medical centers, car washes, and convenience stores (the latter two requiring special use permits). These use restrictions were imposed as part of a recent amendment to the Land Use Policy Plan (LUPP) to facilitate a CVCN district in this location. Until recently, the LUPP imposed a two mile separation between CVCN districts and other commercial districts and villages. This separation ensured that Convenience Commercial Nodes were located in neighborhoods only where other commercial services were not otherwise available to nearby residents. It also ensured that commercial encroachment into neighborhoods would be minimized.

Because the Stange/Bloomington location is within one-third of a mile of Somerset Village, it did not comply with this separation standard. The Council therefore responded to a request to amend the LUPP to allow a CVCN within one-half of a mile of a village, but only for the four uses described above, and only if the uses are not otherwise provided in the nearby village.

Another recent amendment request was to expand the number of allowed bays for a carwash from one bay to five bays, and to clarify that the car wash did not have to be associated with a convenience store. This change allowed the stand-alone car wash now situated at the Stange/Bloomington CVCN site. The car wash was built under the provisions of a special use permit approved by the Zoning Board of Adjustment. This process was viewed as an effective means of ensuring neighborhood compatibility. In this case, the conditions the ZBA imposed on the car wash ultimately provided the

needed remedy to a neighbor living behind the car wash who complained after the car wash first opened that he could hear the car wash buzzers from his home. The special use permit provisions provided opportunity for the City to approach the car wash owner about this issue. The owner took immediate action to remedy the situation.

Since adoption of the CVCN district, three projects have been approved under existing standards, including Fareway, the car wash, and a medical center (currently under construction). Each of these projects were built under current standards and without variances. Casey's was the first project for which variances were sought. The project included a request for four separate variances in conjunction with its special use permit. The application was withdrawn before the ZBA took final action on the proposal. Casey's has instead requested an amendment to the standards before moving forward with its site plan and special use permit request.

The changes now being requested pertain to:

- (a) the elimination of the requirements for a special use permit for car washes and convenience stores,
- (b) exempting gas station canopies from CVCN design standards,
- (c) allowing increased building signage, and
- (d) increasing the number of gas pumping stations from 8 to 12.

Attachment "A"

APPLICABLE CODES AND POLICIES

Pertinent sections of the Land Use Policy Plan (LUPP) and the Ames *Municipal Code* pertaining to the CVCN district are quoted as follows: (underlined text is added emphasis)

- LUPP, Pg. 57, 2nd paragraph.

The Convenience Commercial Node consists of “neighborhood scale” commercial land uses appropriate for and accommodating to surrounding residential land uses. Higher standards apply to ensure that the land use relationship between the commercial activity and the adjacent residential land uses will be compatible. These standards include such items as building placement, signage, lighting, landscaping, screening, and building materials.

- LUPP, Pg. 57, 3rd paragraph.

Uses within a Convenience Commercial Node should be commercial activities that are most compatible with residential land uses, serving convenience and localized neighborhood needs.

- Section 29.807 in the Ames *Municipal Code* sets forth development standards for the Convenience Commercial Node zoning district.
- Section 29.807(1) states the purpose of the CVCN, as follows:

The Convenience Commercial Node (CVCN) Zone is intended for strategically located nodes on major or minor thoroughfares within or near conventionally designed suburban residential neighborhoods. This zone 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. Vehicle access and parking areas are strictly regulated to promote compatibility with the character of surrounding residential development and the intended pedestrian orientation of uses. The Convenience Commercial Node (CCN) Zone is intended for areas of special sensitivity in order to avoid detrimental public and environmental impact by new land uses and 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

...

- Table 29.807(3) sets the maximum size for gasoline service as “fueling points to serve not more than 8 vehicles at once.”
- Section 29.807(4)(a) states that “buildings shall be compatible with adjacent residential buildings and with each other through similarities in scale, proportion, form, architectural detailing, color and texture.”
- Table 29.807(3) sets the maximum size for gasoline service as “fueling points to serve not more than 8 vehicles at once.”
- Section 29.807(4)(e) provides standards for roof design, stating that “in order to minimize the visual difference between commercial and residential uses, look similar to nearby single-family residential dwellings, and give emphasis to architectural elements that will help divide the mass of a large building into smaller, identifiable pieces, all buildings shall incorporate one or more of the following groups of roof forms:
 - (i) Roof elements commonly found on unattached or attached single-family dwellings, such as pitched roofs equal to or steeper than 6:12, gables, dormers, or cupolas. These residential roof elements shall also have a durable high-quality surface, such as architectural shingles, standing seam metal or tile.
 - (ii) Variations in roof forms and also variation in height of roof elements.
 - (iii) Flat roofs, but only if concealed by parapets, sloped roof forms or other architecturally integrated features and also variation in height of these roof elements.
 - (iv) Roof forms that correspond to and bring attention to elements and functions such as entrances, arcades, porches, building corners, and/or focal points.
- Section 29.201(21) defines building as “any structure having a roof supported by columns or walls for shelter, support or enclosure of persons, animals or chattels.”

- Section 29.807(12)(c)(i) states that a “wall sign shall be no larger than sixteen square feet, except that a wall sign may be up to thirty-two square feet in size if it is affixed to a building on a lot that abuts an arterial street, and the wall sign faces the arterial street.”

As stated above, a special use permit is required for some uses in the CVCN district including car washes and gasoline sales and service. The special use permit is reviewed and approved by the Zoning Board of Adjustment. The criteria for that decision are the *General Standards* and *Commercial Zone Standards* of Section 29.1503(4), as follows:

General Standards. The Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use in its proposed location will:

- (i) Be harmonious with and in accordance with the general principles and proposals of the Land Use Policy Plan of the City.*
- (ii) Be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing and intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed.*
- (iii) Not be hazardous or disturbing to existing or future uses in the same general vicinity.*
- (iv) Be served adequately by essential public facilities and services such as highways, streets, police, fire protection, drainage structures, refuse disposal, water and sewage facilities, and/or schools.*
- (v) Not create excessive additional requirements at public cost for public facilities or services.*
- (vi) Not involve uses, activities, processes, materials, and equipment or conditions of operation that will be detrimental to any person, property, or general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.*
- (vii) Be consistent with the intent and purpose of the Zone in which it is proposed to locate such use.*

Commercial Standards. The Zoning Board of Adjustment shall review each application for the purpose of determining that each proposed use located in a commercial zone meets the following standards as well as those set forth in Section 29.1503(4)(a) above and, in addition, shall find adequate evidence that each use in its proposed location will:

- (i) *Be compatible with the potential commercial development and use of property planned to occur in area;*
- (ii) *Represent the sufficiently desirable need for the entire community that the loss of commercial land is justifiable in relation to the benefit;*

This criterion is not applicable in this instance. There is no loss of commercial land that needs to be justified.

- (iii) *And be consistent with all other applicable standards in the zone.*