

ITEM # 27  
DATE 09/23/08

## COUNCIL ACTION FORM

**SUBJECT: ZONING ORDINANCE TEXT AMENDMENT TO ALLOW CAR WASHES INDEPENDENT OF CONVENIENCE STORES IN CONVENIENCE COMMERCIAL NODE DISTRICTS**

### **BACKGROUND:**

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 the intersection of Stange and Bloomington Roads. 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. This became an issue when a client of his wished to purchase and develop one of the lots for a car wash when there were no plans for an associated convenience store. In order to move ahead with the site plan approval for the proposed car wash on one of the four platted lots, he requested a text amendment to the Municipal Code that would 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.

The staff reported back to the Council on August 26, 2008. A report was prepared for that meeting providing pertinent background material. Also, pertinent to this issue is language on pages 56 – 57 of the Land Use Policy Plan pertaining to Convenience Commercial Nodes, which states, in part:

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

After a staff presentation of the report, the Council deliberated on the options included in the staff report. The discussion focused primarily on whether a multi-bay car wash operated separate from a convenience store was consistent with the intent and purpose of the CVCN district. Some Council members commented that the purpose of the CVCN was for small scale development, and that a single-bay car wash associated with a convenience store was the model envisioned when the standards were adopted. Other Council members expressed that a stand-alone car wash was assumed when the code amendments that potentially allowed a car wash in the Stange/Bloomington CVCN district were being considered, and reasoned that the number of bays was not limited in the text recently approved. Accordingly, by a vote of 4 to 2, the Council approved

option "a", which directed staff to amend the Code to eliminate reference to car washes being "in combination with" a convenience store, thereby allowing both a car wash and a convenience store to occur independent of each other in the CVCN district. To implement the changes directed by Council, the following text amendment would be required to Table 29.807(2).

**CURRENT ORDINANCE**

**Table 29.807(2)**

**Convenience Commercial Node (CVCN) Zone Uses**

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
. . .			
Vehicle Service Facilities	N except convenience stores in combination with gasoline service and car wash, by Special Use Permit.	SP	ZBA

**PROPOSED ORDINANCE**

**Table 29.807(2)**

**Convenience Commercial Node (CVCN) Zone Uses**

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
. . .			
Vehicle Service Facilities	N except gasoline sales (but only in combination with a convenience store) and car washes, both by Special Use Permit.	SP	ZBA

The above change would allow a car wash separately from a convenience store but would retain the requirement that gasoline sales only be allowed with a convenience store. The change would also retain the requirement for a Special Use Permit. It should be noted that these changes would be applicable in any Convenience Commercial Node, not just the existing node at the intersection of Stange and Bloomington Roads.

**Recommendation of the Planning & Zoning Commission.** At its meeting of September 17, 2008, with a vote of 5-1, the Planning and Zoning Commission recommended Alternative 1. There was one comment from the public during the public input period. Chuck Winkleblack, 105 South 16<sup>th</sup> Street, described the process that brought us to this point. After the City Council approved four uses for the CVCN at Bloomington and Stange Roads and after four lots were platted at that location, his assumption was that each of the uses were implicitly approved. He has a developer who wants to move forward with a car wash but there is no developer yet who wishes to operate a convenience store.

One Commissioner voted against the recommendation of Alternative 1. He expressed support for Alternative 4, which is to require car washes to not only be processed in combination with a convenience store, but also to be located on the same lot, and to limit the number of bays allowed for a car wash.

### **ALTERNATIVES:**

The City Council can approve any of the alternatives identified in the Council Action Form dated August 26, 2008, as follows:

- 1. 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 is the option referred to staff by the City Council. 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 when 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).

- 2. 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.

- 3. 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.

4. **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.

5. **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.

#### **MANAGER’S RECOMMENDED ACTION:**

The proposed alternatives vary in their impact on development within a Convenience Commercial Node. Alternative 1 has no impact on the design criteria or development standards of the CVCN. It only changes the procedural requirements for the review and approval of a car wash if it wishes to develop independently of a convenience store. The amendment still requires a car wash and gas station/convenience store to be reviewed by the Planning and Zoning Commission and a Special Use Permit approved by the Zoning Board of Adjustment. It also retains the requirement that gasoline sales can occur only with a convenience store (prohibiting a Cenex-type unmanned gas station).

Alternatives 2, 3, and 4 have impacts beyond the procedural. They impose new design criteria on car wash development. Alternative 2 requires that car washes be on the same lot as the convenience store (the current code does not require that—only that car washes and convenience stores be reviewed at the same time). Alternative 3 places limitations on the size (and, hence, its impact on the neighborhood) similar to the limitations restricting the number of fueling spaces for the gas station in the CVCN. Alternative 4 is the combination of Alternatives 2 and 3.

These alternatives were presented to the City Council at its August 26 meeting. The Council directed staff to prepare a text amendment consistent with Alternative 1. These alternatives were presented to the Planning and Zoning Commission at its September 17 meeting. The Commission’s recommendation is to adopt Alternative 1.

Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative 1 by dropping the requirement that car washes be considered “in combination with” a convenience store. It retains the requirement that car washes and gasoline sales obtain a Special Use Permit. It also retains the requirement that gasoline sales are allowed but only as an adjunct to a convenience store.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REVISION TO SUBSECTION 29.807(2) THEREOF, FOR THE PURPOSE OF ALLOWING CAR WASHES INDEPENDENT OF CONVENIENCE STORES IN CONVENIENCE COMMERCIAL NODE DISTRICTS ; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY; AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ENACTED**, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by revision to Subsection 29.807(2)as follows:

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**Table 29.807(2)  
Convenience Commercial Node (CVCN) Zone Uses**

<b>USE CATEGORY</b>	<b>STATUS</b>	<b>APPROVAL REQUIRED</b>	<b>APPROVAL AUTHORITY</b>
<b>RESIDENTIAL USES</b>			
Group Living	N	--	--
Household Living	N	--	--
Short-term Lodgings	N	--	--
<b>OFFICE USES</b>	Y	SDP Minor	Staff
<b>TRADE USES</b>			
Retail Sales and Services – General	Y (except Kennels, Crematories)	SDP Minor	Staff
Retail Trade – Automotive, etc.	N	--	--
Entertainment, Restaurant and Recreation Trade	Y	SDP Minor	Staff
Wholesale Trade	N	--	--
<b>INDUSTRIAL USES</b>	N	--	--
<b>INSTITUTIONAL USES</b>			
College and Universities	N	--	--
Community Facilities	Y (except Crematories)	SDP Minor	Staff
Social Service Providers	Y	SDP Minor	Staff
Medical Centers	N	--	--
Religious Institutions	N	--	--
Schools	N	--	--
<b>TRANSPORTATION, COMMUNICATIONS AND UTILITY USES</b>			
Passenger Terminals	N	--	--
Basic Utilities	Y	SDP Minor	Staff
Commercial Parking	N	--	--
Parks and Open Areas	N	--	--
Personal Wireless Communication Facilities	Y	SP	ZBA
Radio and TV Broadcast Facilities	N	--	--
Rail Line and Utility Corridors	N	--	--

Railroad Yards	N	--	--
<b>MISCELLANEOUS USES</b>			
Commercial Outdoor Recreation	N	--	--
Child Day Care Facilities	Y	SP/SDP Minor	ZBA/Staff
Detention Facilities	N	--	--
Major Event Entertainment	N	--	--
Vehicle Service Facilities	N, except gasoline sales (but only in combination with a convenience store) and car washes, both by Special Use Permit.	SP	ZBA

Y = Yes: permitted as indicated by required approval  
N = No: prohibited  
CC = City Council  
SP = Special Use Permit: See Section 29.1503  
SDP Major = Site Development Plan Major: See Section 29.1502(4)  
ZBA = Zoning Board of Adjustment

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable by a penalty of \$500 for a first violation and \$750 for each repeat violation.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane R. Voss, City Clerk  
00985

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Ann H. Campbell, Mayor