

COUNCIL ACTION FORM

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

BACKGROUND:

This item was reviewed by the City Council at its September 23, 2008 meeting, at which time a complete report was provided to Council identifying the options considered during the Planning & Zoning Commission proceedings. As the City Council gave final review to those options, it was determined that a car wash in the CVCN district should be limited to no more than five (5) bays in order to be consistent with the small-scale nature of development intended for the CVCN district. The Council therefore postponed action to allow staff to revise the language in the ordinance to include this limitation. Accordingly, a revised ordinance is attached that includes the following changes:

**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 sales service and car wash (but only if integrated with a convenience store) and car washes, all by Special Use Permit.	SP	ZBA
. . .			

**Table 29.807(3)
 Convenience Commercial Node (CVCN) Zone Development Standards**

DEVELOPMENT STANDARDS	CVCN ZONE
. . .	
<u>Maximum Size of Car Wash</u>	<u>Up to 5 washing bays (depending on SUP allowance) including both automatic wash tunnels and hand wash bays</u>
. . .	

The above change would allow a car wash separate 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 approval of amendments that would allow car washes independent of convenience stores. Their recommendation did not include a limit on the number of car wash bays, but City Attorney Doug Marek determined that a change limiting the number of car wash bays to five (5) did not have to go back for Planning & Zoning Commission review because it was within the scope of the alternatives considered by the Commission.

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, with a maximum limit to five wash bays,**

This option is reflected in the attached draft ordinance.

- 2. 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-bay car wash currently proposed, and would also allow expansion of the car wash in the future.

- 3. Refer this item back to staff for additional information or revisions.**

MANAGER’S RECOMMENDED ACTION:

Alternative 1 reflects the direction of the Council to staff at its September 23, 2008 meeting. 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, and by limiting the number of car wash bays allowed in the CVCN district to no more than five.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REVISION TO SUBSECTION 29.807(2) AND 29.807(3) THEREOF, FOR THE PURPOSE OF ALLOWING CAR WASHES WITH UP TO FIVE (5) BAYS INDEPENDENT OF CONVENIENCE STORES IN CONVENIENCE COMMERCIAL NODE DISTRICTS BY SPECIAL USE PERMIT; 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) and 29.807(3) as follows:

“(2) **Permitted Uses.** The uses permitted in the CVCN Zone are set forth in Table 29.807(2) below:

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

USE CATEGORY	STATUS	APPROVAL REQUIRED	APPROVAL AUTHORITY
RESIDENTIAL USES			
Group Living	N	--	--
Household Living	N	--	--
Short-term Lodgings	N	--	--
OFFICE USES	Y	SDP Minor	Staff
TRADE USES			
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	--	--
INDUSTRIAL USES	N	--	--
INSTITUTIONAL USES			
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	--	--
TRANSPORTATION, COMMUNICATIONS AND UTILITY USES			
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	--	--
MISCELLANEOUS USES			

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 if integrated 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

(3) **Zone Development Standards.** The zone development standards for the CVCN Zone are set forth in Table 29.807(3) below:

**Table 29.807(3)
Convenience Commercial Node (CVCN) Zone Development Standards**

DEVELOPMENT STANDARDS	CVCN ZONE
Maximum Building Square Feet, Single Building Maximum Building Area for a CVCN Commercial Center	25,000 sf, except for a grocery store, which shall be a maximum of 35,000 sf 100,000 sf
Minimum Lot Frontage	60 ft.
Minimum Setbacks for Buildings and Vehicle Paving: Front Lot Line Side Lot Line Rear Lot Line Lot Line Abutting a Residentially Zoned Lot	20 ft, except for a fuel canopy, which shall maintain a 10 ft setback measured from the front edge of the canopy 5ft 10 ft 20 ft
Landscaping in Setbacks Abutting an Residentially Zoned Lot	20ft @ L3. See Section 29.403(1)© and Section 29.807(7)
Minimum Landscaping	See Section 29.403 and Section 29.807(7)
Minimum Landscaping for Parking Lots	Parking lot screening and landscaping shall be required pursuant to Section 29.403(4).
Architectural Standards	See Section 29.807(4)
Maximum Building Coverage	45%
Maximum Size of Gasoline Service	Fueling points to serve not more than 8 vehicles at once
Maximum Size of Car Wash	Up to 5 washing bays (depending on SUP allowance) including both automatic wash tunnels and hand wash bays
Minimum Landscaped Area	25%
Maximum Height	See Section 29.807(4)(b)
Parking Allowed Between Buildings and Streets	N, except on arterial street
Drive-Through Facilities Permitted	N, except separated a minimum of 80-ft from any Residentially Zoned Lot. See Section 29.1303
Outdoor Display Permitted	Yes. See Section 29.405
Outdoor Storage Permitted	No
Trucks and Equipment Permitted	No
Joint Use Parking	Permitted under terms in 29.406 (17)

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
00988

Ann H. Campbell, Mayor

October 10, 2008

Honorable Mayor and Council
515 Clark Ave
Ames, IA 50010

Dear Mayor and Council,

I have not seen the agenda yet so I don't have an agenda item number; however I did want this request to get into your council packet.

I would respectfully request that you suspend the rules and take action on all three readings regarding the car wash text amendment in the CVCN. Since it was tabled for clarification at the last council meeting to allow for another modification related to size, no action was taken.

My client will be before the planning and zoning commission on Wednesday the 15th of October for a special use permit and then on to the zoning board of adjustment on the 22nd. Those boards will hopefully pass the special use permit at those meetings. Even if they do pass and the special use permit is granted my client will not be able to start construction until council passes the text amendment on 3rd reading. That would not be until the middle of November. If however council suspends the rules and completes the text amendment my client can start construction on October 23rd.

This time of year three or four weeks of construction time can mean an awful lot to a construction schedule and the cost of construction. My client's contractor has estimated that by losing a month it could cost him as much as \$50,000 more in construction costs associated with heating and protecting the concrete and masonry work.

I think we have all spent a lot of time and energy on this issue and are anxious to put it to rest. I am hopeful that you will agree to suspend the rules and pass the text amendment on all three readings so that my client can begin construction of his new car wash facility.

Respectfully submitted,

Chuck Winkleblack