

ITEM #:	53
DATE:	07-14-26
DEPT:	P&H

COUNCIL ACTION FORM

SUBJECT: ZONING TEXT AMENDMENT TO CONVENIENCE GENERAL COMMERCIAL DISTRICT (CGS) STANDARDS TO REQUIRE A SPECIAL USE PERMIT FOR CONVENIENCE STORE FUELING STATIONS WITH NO LIMITATIONS ON THE NUMBER OF FUELING POSITIONS

BACKGROUND:

At the June 9 City Council meeting, the City Council reviewed a request from Kwik Star to allow for more than 10 fueling positions with a planned new store. in CGS zoning. City Council reviewed options and approved allowing Kwik Star to proceed with a zoning text amendment that eliminates the maximum number of fueling positions, but requires Special Use Permit for approval of any size of Convenience Store with Vehicle Service Facilities (Gas Stations)

Kwik Star plans to construct a new Convenience Store and Gas Station at the corner of George Washington Carver Avenue and Cameron School Road. To facilitate that project, Kwik Star desires an amendment to exceed 10 vehicle fueling positions, as the company believes it adds to the convenience of its customer base who may complete additional shopping activities within the convenience store, as the store includes groceries and convenience items.

The CGS standards were adopted in the early 2000s. The CGS zoning district aims to accommodate commercial uses in close proximity to residential neighborhoods in small commercial clusters. In the CGS zone, Vehicle Service Facilities are only permitted when incorporated with Convenience Store uses. Vehicle Service Facilities include Gas Stations as listed in 29.501(4)-7, which most closely relates to Gasoline Service as indicated in Section 29.810(3).

The CGS standards currently restrict Vehicle Service Facilities as a Convenience store with Gasoline Service to no more than 10 fueling positions, (five dual-sided fuel pumps). The limitation on fueling points was originally intended to ensure that Convenience Store uses in CGS did not produce large-scale sized convenience store developments that resembled highway scale facilities or even truck stop-style uses. To date, the only convenience store built in the CGS zone under the CGS standards has been Casey's at the corner of Bloomington Road and Stange Road.

Staff reviewed the recent new convenience store sites Kwik Star has constructed in Ames. Each has been approved administratively with 10 fueling points for 20 vehicles. Two of the recent sites were in the Highway Oriented-Commercial (HOC) zoning district (one at South Grand Avenue and Southeast 16th Street, and one at Dayton Avenue and Southeast 16th Street) and a third was in the Community Commercial Residential (CCR) zone at South Dakota and Mortensen.

Both of these zoning districts have no particular limitations on fueling stations. In addition, the Dayton Avenue location includes truck fueling positions. Staff also reviewed other convenience store brands such as Casey's, Maverik and Mega Saver, across the community, which typically have anywhere from 5-10 fueling points (pumps) depending on location. The most typical configuration is well under 10 fueling points.

Following the City Council's June 9 direction, Kwik Star was permitted to propose an option that via a Special Use Permit a vehicle service station could be approved with no limit on fueling positions. As proposed, all fueling stations in CGS will require approval of a special use permit regardless of the number of fueling positions. The Special Use Permit process allows for case-by-case evaluation of site design and compatibility by the Zoning Board of Adjustment. This text amendment only applies to CGS and not other zoning districts in the City.

PROPOSED CHANGES:

The proposal amends the development standards table for CGS in Section 29.810(3), editing the reference to 'Maximum Size of Gasoline Service' by removing the reference to it entirely. It also edits Section 29.810(2) by requiring Vehicle Service Facilities with a convenience store to obtain a Special Use Permit with a Site Plan, thereby changing the approval process from the current requirement of a Minor Site Development Plan (administrative) to a Zoning Board of Adjustment approval process for all size of fueling stations (See Attachment A- Proposed Zoning Code Amendments).

The change will trade a more in-depth review through the Zoning Board of Adjustment approval in exchange for eliminating the maximum fueling points standard. The review for a Special Use Permit will allow staff and the Zoning Board of Adjustment to review Convenience Store proposals to make sure the associated plans are harmonious with their surroundings and nearby neighborhoods as intended with CGS zoning that is typically located in close proximity to residential.

The applicant has included a request to consolidate and suspend the rules to complete the second and third readings of the ordinance. The applicant desires to proceed as soon as possible with a Special Use Permit application for its project on GW Carver. The request is attached.

PLANNING & ZONING COMMISSION RECOMMENDATION:

At the July 1 Planning & Zoning Commission meeting the Commission reviewed the proposed text amendment. Staff explained the text amendment request and details of the amendment. The applicant spoke to the Commission followed by discussion by the Planning & Zoning Commission. The applicant indicated that the Special Use Permit process was acceptable if that what was needed to exceed the current limitation.

The Commission discussion focused on the need for the text amendments and specifically why a special use permit process was necessary for all types of fueling stations. They also discussed CGS zoning compared to other commercial zones and the location and probability of fueling stations in other parts of the City.

A possible alternative was discussed to maintain the staff level site plan review for Convenience Store proposals with up to five fueling points, and only requiring ZBA review of a Special Use Permit for projects considering more than five fueling points. Staff noted that planned Kwik Star site at GW Carver has a Master Plan and few residential compatibility issues but that other future locations could have fueling stations as well. Staff prefers a uniform approval process for all Convenience Store proposals in CGS.

Staff also described that potentially a Master Plan-identified use could be an option over a Special Use Permit, but staff had not crafted such an option based upon Council's direction from June 9. Ultimately, the Planning & Zoning Commission voted 5-0 to recommend that City Council adopt requirements for all Convenience Store uses within CGS to receive approval of a Site Plan with a Special Use Permit, as proposed.

ALTERNATIVES:

1. Approve first reading of a text amendment revising the Convenience General Service "CGS" Standards in Section 29.810(2) and (3) as proposed in Attachment A, to require a Special Use Permit for all fueling stations.
2. Approve first reading of a text amendment revising the Convenience General Service "CGS" Standards in Section 29.810(2) and (3) as proposed in Attachment A to require a Special Use Permit for all fueling stations, **and suspend the rules to approve on second and third readings and adopt the text amendment (applicant's request).**
3. Direct staff to modify the proposed text amendment revising the Convenience General Service "CGS" Standards in Section 29.810(2)(3) with modified standards that do not require a Special Use Permit for Master Plan approved fueling stations and return on July 28 for first reading of the ordinance.
4. Approve revisions to the Convenience General Service "CGS" Standards in Section 29.810(2)(3) with modified language.
5. Do not amend the Convenience General Service "CGS" Standards in Section 29.810(2) (3).

CITY MANAGER'S RECOMMENDED ACTION:

Staff believes the proposed change allows for review of the compatibility of Convenience Stores in this zone relative to surrounding neighborhood conditions and to ensure harmoniousness of the proposed development with its surroundings. Among the other regular elements of site design, this review includes fueling points and their associated layout and function. Staff believes the tradeoff of eliminating the maximum fueling point standard in 29.810(3) and requiring review of a Convenience Store site plan at the Zoning Board of Adjustment meets the intent of the CGS zone.

Currently there are two vacant sites zoned CGS: the first is on GW Carver and the second is on Hyde Avenue within the Hayden's Preserve development. Staff believes additional CGS zoning is likely to be applied to the west of the City along Lincoln Way and County Line Road and potentially in the long term within the south growth area of the City along Hwy 69 and 2650th Street. All of these locations will have somewhat close proximity to planned or existing

residential uses. Staff believes that a public hearing review process is appropriate for fueling stations.

Per the Planning and Zoning Commission discussion, other options could be approved compared to the Special Use Permit that potentially address design compatibility, such as referencing to Master Plans with subsequent staff approval. However, the Special Use Permits process as proposed accomplishes the public interest of a public hearing for review and approval with the Zoning Board of Adjustment utilizing existing criteria within the Zoning Ordinance. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, as described above.

The staff historically has left it up to the City Council to decide whether or not to suspend the rules and approve on three reading, which is the applicant's desire.

ATTACHMENT(S):

[Attachment A- Draft ZTA amending CGS standards.pdf](#)
[Request to Waive 2nd and 3rd Reading.pdf](#)