CITY OF WEST DES MOINES
CITY COUNCIL MEETING COMMUNICATION

Date: August 24, 2015

ITEM: Convenience Stores and Gasoline Pump and Canopy Regulations – Amend Title 9, Zoning, Definitions and Accessory Structures city code provisions for convenience stores, fuel pump islands, and island canopies – City Initiated – AO-002789-2015

Ordinance: Approval of First Reading

FINANCIAL IMPACT: Undetermined.

BACKGROUND: Staff requests an amendment to City Code, Title 9, Zoning, to revise the definition of convenience stores and revise the standards regulating fuel pumps islands and island canopies to update them to current development standards. Staff has observed that the business model for convenience stores with fuel pumps has changed judging by the requests for larger stores and larger fuel pump canopies that have been received and by noting the number and types of variances that have been granted by the City.

Staff contacted three convenience store companies to discuss the standards of their convenience stores. Notable comments were that the minimum number of pumps they look to install is between 4 and 6 depending on whether in a rural or urban setting, that the stores are getting bigger because of the addition of on-site quick food preparation, and the canopy sizes are getting larger because of the addition of pass-by lanes and the number of pumps the canopies cover.

Plan and Zoning Commission Action:
Vote: 4-0 approval, Commissioners Andersen, Erickson, and Brown absent
Date: August 17, 2015
Motion: Adopt a resolution recommending the City Council approve the ordinance amendment.

OUTSTANDING ISSUES: There are no outstanding issues. The following items of interest are noted in the attached Plan and Zoning Commission report (see Exhibit I):

- Request
- History
- City Council Subcommittee *(Development & Planning, July 16, 2015)*
- Staff Review and Comments
  - *Definition*
  - *Maximum number of Pumps*
  - *Design Standards for Fuel Pump Island Canopies*
- Comprehensive Plan Consistency
- Noticing Information
- Staff Recommendations and Conditions of Approval

RECOMMENDATION: Based upon the preceding review and a finding of consistency with the Comprehensive Plan, the Plan and Zoning Commission recommends the City Council approve the first reading to amend City Code to regulate convenience stores and gasoline pumps and canopies, subject to the applicant meeting all City Code requirements.

Lead Staff Member: Kara Tragesser

STAFF REVIEWS:

Department Director	
Appropriations/Finance	
Legal	JBW
Agenda Acceptance	KTG

S:___Development Projects\Ordinance Amendments\Gas Pumps and Canopies\AO-002789-2015_SR_Convenience Stores_CC 1st_08-24-2015.doc

PUBLICATION(S) (if applicable)

Published In	*Des Moines Register*	
Date(s) Published	August 11, 2015	
Letter sent to surrounding property owners		N/A

SUBCOMMITTEE REVIEW (if applicable)

Committee	Development and Planning		
Date Reviewed	July 16, 2015		
Recommendation	Yes ☒	No ☐	Split ☐

ATTACHMENTS:

Exhibit I - Plan and Zoning Communication
- Attachment A - Plan and Zoning Commission Resolution
- Attachment B - Proposed Rezoning Ordinance *(now Exhibit II)*

Exhibit II - Proposed Rezoning Ordinance

EXHIBIT I

CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION

Meeting Date: August 17, 2015

Item: Convenience Stores and Gasoline Pump and Canopy Regulations – Amend Title 9, Zoning, Definitions and Accessory Structures city code provisions for convenience stores, fuel pump islands, and island canopies – City Initiated – AO-002789-2015

Request Action: Approval of an amendment to the City Code

Case Advisor: Kara Tragesser, AICP

Applicant's Request: Staff requests an amendment to City Code, Title 9, Zoning, to revise the definition of convenience stores and revise the standards regulating fuel pumps islands and island canopies to update them to current development standards.

City Council Subcommittee: This item was discussed at the July 16, 2015, Development and Planning City Council Subcommittee. The subcommittee was supportive of changes to the ordinance.

Staff Review and Comment: There are no outstanding issues. Staff has observed that the business model for convenience stores with fuel pumps has changed judging by the requests for larger stores and larger fuel pump canopies that have been received and by noting the number and types of variances that have been granted by the City.

Staff contacted three convenience store companies to discuss the standards of their convenience stores. Notable comments were that the minimum number of pumps they look to install is between 4 and 6 depending on whether in a rural or urban setting, that the stores are getting bigger because of the addition of on-site quick food preparation, and the canopy sizes are getting larger because of the addition of pass-by lanes and the number of pumps the canopies cover.

Staff notes the following:

Definition: Staff recommends that the definition for convenience stores be revised to remove the maximum square foot reference. Removing the maximum square footage will allow convenience stores to evolve and shift. The ability to meet the development standards such as minimum number of parking spaces, open space, outside display, screening, and setbacks will dictate the size of the store possible.

Maximum number of Pumps: In discussions with the convenience store companies it was mentioned that the smallest business model was a convenience store with four pumps. The Regional Commercial and the Support Commercial districts are more auto-oriented districts and are better suited for a larger number of pumps. Staff recommends the following:

	RC	CMC	NC	CVC	SC	VJC	VJHB
Maximum number of fuel pumps allowed per site	~~10~~ 12	6	~~3~~ 6	~~4~~ 6	~~10~~ 12	~~3~~ 4	~~3~~ 4

Design Standards for Fuel Pump Island Canopies: Staff recommends changing the regulation of fuel pump canopies from regulating maximum size to establishing performance or design standards to address the mass and bulk of the canopies. The size of the canopy can vary based upon the arrangement of pumps, whether in one row or in a double row, whether there is a pass-by lane between the service area for each pump, and how wide the service area for each pump is. Rather than try to regulate these canopies for size, Staff feels it's more appropriate to regulate the form of the canopy to promote an appealing structure that is consistent with the principal structure and addresses the aesthetics of the mass of the structure. Staff recommends that all pump island canopy supports shall be trimmed in brick, stone, or split face masonry consistent with the majority of material used for the primary structure with the materials extending

up the entire height of the support column, that pump island canopies 100 linear feet long or greater be designed to provide visual interest and break the straight line appearance of the length of the canopy by utilizing changes in massing and materials; and that the color of the canopy will be consistent with the color of the materials used to construct the primary structure. The color should not be consistent with the signage colors unless considered part of the signage allowance for the primary structure as noted elsewhere in this Title.

Comprehensive Plan Consistency: The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

Noticing Information: On August 11, 2015, notice of the August 17, 2015, Plan and Zoning Commission and August 24, 2015 City Council public hearings for this project was published in the *Des Moines Register*.

Staff Recommendation and Conditions of Approval: Staff recommends the Plan & Zoning Commission approve a resolution recommending to the City Council approval of the ordinance amendment.

Attachments:

Attachment A – Proposed Resolution

Exhibit A – Proposed Ordinance

RESOLUTION NO. PZC–15-061

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE AN ORDINANCE TO AMEND TITLE 9 (ZONING), DEFINITIONS AND ACCESSORY STRUCTURES CITY CODE PROVISIONS FOR CONVENIENCE STORES, FUEL PUMP ISLANDS, AND ISLAND CANOPIES

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, and Title 10, Chapter 1 et seq, of the West Des Moines Municipal Code, staff requests an amendment to Title 9 (Zoning), Chapter 2 (Zoning Rules And Definitions) to revise the definition for Convenience Stores and to amend Title 9 (Zoning), Chapter 14, (Accessory Structures) Section 9 (Fuel Pump Islands and Island Canopies) to revised the regulations of the maximum number of pumps, setbacks, and Design Standards for Fuel Pump Island Canopies;

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which is made a part of this record and herein incorporated by reference;

WHEREAS, this Commission held a duly-noticed hearing to consider the application for an amendment to ordinance;

WHEREAS, this Commission did consider the application for an amendment to ordinance;

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings for approval in the staff report or as amended orally at the Plan and Zoning Commission public hearing are adopted.

SECTION 2. The AMENDMENT TO ORDINANCE (AO-002789-2015) is recommended to the City Council for approval, as stated in the staff report or as amended in the attached Exhibit A.

PASSED AND ADOPTED on August 17, 2015.

Chris Costa, Chairperson
Plan and Zoning Commission

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on August 17, 2015 by the following vote:

AYES: Costa, Crowley, Hatfield, Southworth
NAYS: -0-
ABSTENTIONS: -0-
ABSENT: Andersen, Brown, Erickson

ATTEST:

Recording Secretary

S:___Development Projects\Ordinance Amendments\Gas Pumps and Canopies\AO-002789-2015_SR_Convenience Stores_08-17-2015.doc

EXHIBIT II

Prepared by: KTragesser, West Des Moines Development Services, PO Box 65320, West Des Moines, IA 50265, 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265-0320

ORDINANCE NO.

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA, 2014, TITLE 9 (ZONING), CHAPTER 2 (ZONING RULES AND DEFINITIONS) AND CHAPTER 14 (ACCESSORY STRUCTURES), SECTION 9 (FUEL PUMP ISLANDS AND ISLAND CANOPIES) TO AMEND THE DEFINITION FOR CONVENIENCE STORES AND TO REVISE REGULATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

Section 1. Amendment. Title 9: Zoning, Chapter 2: Zoning Rules and Definitions, is hereby amended to replace the definition of CONVENIENCE STORES with the following:

CONVENIENCE STORES: a retail establishment that offers for sale convenience goods such as prepackaged food products, limited on-site prepared food or fresh food, beer and alcohol, tobacco, periodicals, and miscellaneous household goods and automobile accessories. Convenience stores may have extended hours. Convenience stores may or may not sell automobile fuel. Convenience stores as defined here do not include any type of automobile repair or parts sales and are not considered to be grocery stores.

Section 2. Amendment. Title 9 (Zoning), Chapter 14 (Accessory Structures), Section 9 (Fuel Pump Islands and Island Canopies) is hereby amended by adding the text in bold lettering and deleting the text in strikethrough lettering:

A. Fuel Pumps And Canopies Related To Ultimate Right-Of-Way Setbacks: ~~The following matrix shows the minimum setbacks required along the ultimate right of way, and the maximum square foot area for fuel pump island canopies related to the number of fuel pumps at the site.~~ **All fuel pump island canopies shall be setback a minimum of fifty (50) feet from the ultimate right(s)-of-way line as measured to the extreme edge of the canopy.** Canopies need ~~only~~ to meet the normal side yard and rear yard setbacks for its respective zoning district as set elsewhere in this Title under Setback and Bulk Density Regulations[2]. **Fuel pump canopies in existence prior to this ordinance will not be made non-conforming by this ordinance.** ~~(See Table #1)Table #1 – Canopies Size And Ultimate Right-Of-Way Setbacks Related To Total Number Of Site Fuel Pumps~~

~~Table #1 – Canopies Size And Ultimate Right-Of-Way Setbacks Related to Total Number of Site Fuel Pumps~~

~~Number of fuel pumps on site~~	~~1~~	~~2~~	~~3~~	~~4~~	~~5~~	~~6~~	~~7~~	~~8~~	~~9~~	~~10~~
~~Maximum square feet allowed for fuel pump island canopies~~	~~500~~	~~1,000~~	~~1,500~~	~~2,000~~	~~2,500~~	~~3,000~~	~~3,500~~	~~4,000~~	~~4,500~~	~~5,000~~
~~Minimum setbacks for fuel pump island canopies~~	~~25~~	~~25~~	~~25~~	~~35~~	~~35~~	~~35~~	~~50~~	~~50~~	~~50~~	~~50~~

~~Note: A "fuel pump" can supply fuel to no more than 2 vehicles at the same time.~~

B. Height: No fuel pump island canopies shall exceed a maximum height of twenty feet (20'), however, all fuel pump island canopies must provide a minimum clearance of fourteen feet (14') to accommodate the overhead clearance required for emergency vehicles.

C. Signage: Any signage displayed on a fuel pump island or fuel pump island canopy is subject to the requirements of the West Des Moines Sign Ordinance.

D. Lighting: All light fixtures attached to a fuel pump island canopy must be recessed into the canopy with flush-mounted lenses and designed to illuminate downward to eliminate glare and spillover lighting beyond the property line.

E. ~~Canopies Area And~~ Fuel Pumps: The following ~~matrix~~ **table shows** ~~represents the maximum square foot area for fuel pump island canopies, and~~ the maximum number of fuel pumps allowed per site by zoning district.

	RC	CMC	NC	CVC	SC	VJC	VJHB
~~Maximum square feet of fuel pump island canopies~~	~~5,000~~	~~3,000~~	~~1,500~~	~~2,000~~	~~5,000~~	~~1,500~~	~~1,500~~
Maximum number of fuel pumps allowed per site	~~10~~ **12**	6	~~3~~ **6**	~~4~~ **6**	~~10~~ **12**	~~3~~ **4**	~~3~~ **4**

Note: A "fuel pump" can supply fuel to not more than 2 vehicles at the same time.

RC	Regional Commercial District	CMC	Community Commercial District
NC	Neighborhood Commercial District	CVC	Convenience Commercial District
SC	Support Commercial District	VJC	Valley Junction Commercial District
VJHB	Valley Junction Historic Business District		

F. Design Standards for Fuel Pump Island Canopies: The intent of the following design standards is to promote an appealing structure that is architecturally consistent with the principal structure, provides visual interest, and balances the mass of the canopy between the elements of the structure such as the canopy and the support structure. For all fuel pump canopies the following design elements must be present:

a. All pump island canopy supports shall be trimmed in brick, stone, or split face masonry consistent with the majority of material used for the primary structure. The brick, stone, or split face masonry materials shall extend up the entire height of the support column.

b. Pump island canopies 100 linear feet long or greater shall be designed to provide visual interest and break the straight line appearance of the length of the canopy by utilizing changes in massing and materials.

c. The color of the canopy shall be consistent with the color of the materials used to construct the primary structure. The color shall not be consistent with the signage colors unless considered part of the signage allowance for the primary structure as noted elsewhere in this Title.

Section 3. Repealer. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 4. Savings Clause. If any section, provision, sentence, clause, phrase or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

Section 5. Violations and Penalties. Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

Section 6. Other Remedies. In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

Section 7. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

Passed by the City Council on the _____ day of _____, 2015, and approved this _____ day of _____, 2015.

_____
Steven K. Gaer, Mayor

ATTEST:

_____
Ryan T Jacobson, City Clerk

The foregoing Ordinance No. _____ was adopted by the Council for the City of West Des Moines, Iowa, on _____, 2015, and was published in the Des Moines Register on _____, 2015.

_____
Ryan T. Jacobson, City Clerk