

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> January 24, 2011
	<b>Agenda Item No.</b> 32 <b>Roll Call No.</b> <u>11-0110</u> <b>Communication No.</b> <u>11-056</u> <b>Submitted by:</b> Phil Delafield, Community Development Department Director

**AGENDA HEADING:**

Resolution initiating an amendment to the Zoning Ordinance to prohibit gas stations in the “C-3” Central Business District Commercial District and “C-3A” Central Business District Support Commercial District and establishing a temporary moratorium on new gas stations in such districts.

**SYNOPSIS:**

There currently are no gas stations in the "C-3" and the "C-3A" districts that encompass the entire downtown core. A convenience store business proposes to establish a new gas station and convenience store in the downtown area which is zoned "C-3A". Gas stations may no longer be an appropriate use in the downtown core. It is recommended that the Community Development Department and Plan and Zoning Commission be directed to immediately proceed with consideration of an amendment to the Zoning Ordinance to no longer allow gas stations and other businesses engaged in the retail sale of fuels for motor vehicles to locate in the “C-3” and “C-3A” districts. It is further recommended that a temporary moratorium be placed on the approval of site plans and permits for the construction or development of new gas stations in the "C-3" and "C-3A" districts to prevent such development from occurring until the Plan and Zoning Commission and the City Council have an opportunity to consider such proposal.

**FISCAL IMPACT: NONE**

Amount: N/A

Funding Source: N/A

**ADDITIONAL INFORMATION:**

The “C-3” and the “C-3A” districts encompass the entire downtown core and many fringe areas of the core. While no existing gas stations or businesses engaged in the retail sale of fuels for motor vehicles are found within the “C-3 and “C-3A” districts currently, development has now been proposed that is incompatible with, or may impede redevelopment opportunities in or near the downtown core and the Western Gateway Redevelopment area. Incompatible, predominantly auto-oriented uses such as gas stations by the very nature of their function do not preserve or enhance the existing traditional urban development pattern that is prevalent in downtown Des Moines. Further, such uses threaten to jeopardize the extensive investment the City and many private landowners and businesses have made throughout downtown, including the Western Gateway Redevelopment area, which has now transitioned from the city’s former “Auto Row” to a dynamic, modern urban neighborhood and extension of the core

business district.

On March 10, 2008, by Roll Call 08-432, City Council adopted the downtown comprehensive plan titled “What’s Next Downtown”. Encouraging appropriately scaled development consisting of high quality materials, mixing uses on single sites and adding to the building and population densities are listed as several of the crucial conventions of the ‘District Planning and Design Guidelines’ section of the plan. New development that caters predominantly to the motor vehicle, like gas stations, rarely exhibits the urban design qualities as described in the adopted plan.

Therefore, a temporary moratorium on the approval of site plans and permits for the construction or development of gas stations and other businesses engaged in the retail sale of fuels for motor vehicles in the “C-3” and “C-3A” Districts is proposed.

Any party may, by written application to the City Clerk, request relief from the effect of this moratorium to avoid unnecessary hardship. The application shall identify the basis for the applicant’s contention that the moratorium is causing unnecessary hardship. The application shall be presented for consideration by the City Council at the first regularly scheduled Council meeting more than ten days following the date such application is filed with the City Clerk. If the City Council determines that the application of this moratorium is causing the applicant unnecessary hardship, the City Council shall allow such relief from this moratorium as is necessary to remedy such hardship.

City-initiated consideration of a proposal to amend the Zoning Ordinance to no longer allow gas stations and other businesses engaged in the retail sale of fuel in the “C-3 and “C-3A” districts is a logical step needed to prevent similar uses found contrary to the development pattern of downtown from locating in or immediately near the downtown core.

Gas stations and fuel retail sales businesses serve a valid purpose in modern day life and are necessary conveniences in urban metropolitan areas. This proposed amendment to the Zoning Ordinance is not intended to discourage the existence of gas station and fuel retail sales businesses in the community, but rather to steer developers of such businesses to find suitable locations that protect the best interest of the community and investment by the City. Staff will work closely with developers proposing fuel sales businesses in the subject zoning districts to find alternate and opportune locations.

**PREVIOUS COUNCIL ACTION(S): NONE**

**BOARD/COMMISSION ACTION(S): NONE**

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

Public hearing and consideration of a text amendment to the Zoning Ordinance necessary to prohibit gas stations and other businesses engaged in the retail sale of fuels for motor vehicles to locate in the “C-3” and “C-3A” districts.

For more information on this and other agenda items, please call the City Clerk’s Office at 515-283-4209 or visit the Clerk’s Office on the second floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk’s Office on Thursday afternoon preceding Monday’s Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk’s Office or sending their request via email to [cityclerk@dmgov.org](mailto:cityclerk@dmgov.org).