

ORDINANCE NO. 14,767 _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, amended by Ordinance No. 13,878 passed November 6, 2000, and Ordinance No. 14,018 passed November 19, 2001, and Ordinance No. 14,081 passed May 6, 2002, and Ordinance No. 14,326 passed March 22, 2004, and Ordinance No. 14,455 passed May 23, 2005, by amending Sections 82-208 and 82-209 and by adding and enacting a new Section 82-214.8, thereof, relating to gas station/convenience store site plan design guidelines.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, amended by Ordinance No. 13,878 passed November 6, 2000, and Ordinance No. 14,018 passed November 19, 2001, and Ordinance No. 14,081 passed May 6, 2002, and Ordinance No. 14,326 passed March 22, 2004, and Ordinance No. 14,455 passed May 23, 2005, amending Sections 82-208 and 82-209 and by adding and enacting a new Section 82-214.8, thereof, relating to gas station/convenience store site plan design guidelines, as follows:

Sec. 82-208. Determination for property subject to administrative approval.

- (a) *Generally.* Application for site plan approval shall be considered and determined in accordance with the procedures in this section, except for the following types of improvements which shall instead be subject to section 82-209:
- (1) Improvements to property in the NPC neighborhood pedestrian commercial district.

- (2) Improvements which include an extension of parking into an adjoining residential district under the authority of section 134-1377(f)(8).
 - (3) Improvements to property used as a vehicle display lot.
 - (4) Improvements to property used for multiple family, boardinghouse or roominghouse use.
 - (5) Improvements to property in the D-R downtown riverfront district or C-3B central business mixed use district.
 - (6) Improvements to property used as a gas station, with or without a convenience store.
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Sec. 82-209. Determination for property not subject to administrative approval.

- (a) Applications for site plan approval shall be considered and determined in accordance with the procedures in this section for the following types of improvements:
 - (1) Improvements to property in the NPC neighborhood pedestrian commercial district.
 - (2) Improvements which include an extension of parking into an adjoining residential district under the authority of section 134-1377(f)(8).
 - (3) Improvements to property used as a vehicle display lot.
 - (4) Improvements to property used for multiple family, boardinghouse or roominghouse use.
 - (5) Improvements to property in the D-R downtown riverfront district or C-3B central business mixed use district.
 - (6) Improvements to property used as a gas station, with or without a convenience store.
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Sec. 82-214.8. Gas Station/Convenience Store Site Plan Design Guidelines.

Any site plan application which includes property used as a gas station or convenience store shall be approved by the plan and zoning commission if the proposed site plan conforms with the design regulations in section 82-213 and the following additional design guidelines, unless the commission determines that the construction and use of the site will have a significant detrimental impact on the use and enjoyment of adjoining residential uses:

1. *Site Design.*

- A. The optimal layout of any individual site requires an in-depth understanding of local context and a thorough site analysis. The components of a gas station and convenience store to be considered in site design include, but are not limited to:
- (i) Primary structure/retail sales building/single or multiple tenant;
 - (ii) Pump island, canopy structure, and lighting;
 - (iii) Refuse, service and storage area;
 - (iv) Circulation systems and parking;
 - (v) Service bays;
 - (vi) Ancillary uses such as car washes, drive through uses, ATMs and telephones.
- B. Maximum size of site should not exceed two (2) acres without a rezoning to a PUD Planned Unit Development pursuant to Chapter 134, Division 13 of the Municipal Code of the City of Des Moines and site review under a Conceptual Plan approved by the Plan and Zoning Commission and City Council.
- C. Minimum open space should be 20 percent (20%) of the site or 1,000 square feet per vehicle fueling location, whichever is greater.
- D. All development proposals should show evidence of coordination with the site plan as well as arrangement of buildings and planning elements of neighboring properties by:
- (i) Responding to local development patterns and the streetscape by use of consistent building setbacks, orientation and relationship of structures to the street and linkages to pedestrian facilities;
 - (ii) Seeking shared-access with adjoining commercial uses where feasible to minimize curb cuts and enhance pedestrian and vehicular circulation;
 - (iii) Minimizing cross traffic conflicts within parking areas.
- E. The site plan shall mitigate the negative impacts from site activities on adjoining uses as follows:
- (i) Service areas, storage areas and refuse enclosures should be oriented away from public view and screened from adjacent sites;
 - (ii) Drive-through windows, menu boards and associated stacking lanes should be oriented away from residential areas or screened from public view;
 - (iii) Auto repair bay openings and car-wash openings should be oriented away from residential uses;
 - (iv) Lighting should be non-invasive to adjoining residential use.
- F. The site plan shall provide identifiable pedestrian access from adjoining public pedestrian routes through the site to

the primary building and from accessory functions within the site. This can be accomplished by use of special paving colors or textures and appropriately scaled lighting.

2. *Architecture.*

- A. The following architectural guidelines encourage creative response to local and regional context and contribute to the aesthetic identity of the community.
- B. Building design should consider the unique qualities and character of the surrounding area and be consistent with the city's 2020 Character Area Plans. Where character is not defined by 2020 Community Character Plan, building design should be of a high quality with primary use of durable materials such as masonry, block, or stone.
- C. A facility occupying a pad or portion of a building within a larger commercial center should be designed to reflect the design elements of that center.
- D. Drive-through elements should be integrated into the building rather than appear to be applied or "stuck-on" to the building.
- E. All sides of a building should express consistent architectural detail and character, with a primary use of durable materials such as brick, masonry block, or in special instances a predominant material found in the surrounding commercial area. Columns should be designed to minimize visual impact.
- F. Walls, pump island canopies and other outdoor covered areas should be compatible with the building, using similar material, color and detailing.
- G. To encourage visually interesting roofs, variations in the roof line and treatments such as extended eaves and parapet walls with cornice treatments are encouraged.
- H. Perceived height and bulk should be reduced by dividing the building mass into smaller-scaled components. Examples of treatments that could be used to avoid excessive bulk and height include:
 - (i) Low-scale planters and site walls.
 - (ii) Wainscot treatment.
 - (iii) Clearly pronounced eaves or cornices.
 - (iv) Subtle changes in material color and texture.
 - (v) Variation in roof forms.
 - (vi) Covered pedestrian frontages and recessed entries.
 - (vii) Deeply set windows with mullions.
- I. Canopies:
 - (i) Integration of materials on canopies that are similar or compatible to those used on the building or site walls is desirable (e.g., wrap the canopy columns with

brick that matches the building). Multiple canopies or canopies that express differing masses are encouraged.

(ii) Canopy height should not be less than 13'- 9" as measured from the finished grade to the lowest point on the canopy fascia. The overall height of canopies should not exceed 18'.

J. All display items for sale, excluding seasonal items (i.e., sand, salt, pop, firewood) should be located within the main building. All outdoor display of seasonal items shall be identified on the site plan and be located outside of any required setbacks. No display of seasonal items should exceed 5' in height.

3. *Landscape Design.*

A. Landscaping is integral to the overall design concept and should be carefully planned to enhance the overall appearance and function of the site.

B. Landscape buffers with screen fencing should mask the site from adjacent residential uses. Plantings that exceed the minimum Des Moines Landscaping Standards may be required.

C. Dense landscaping or architectural treatments should be provided to screen unattractive views and features such as storage areas, trash enclosures, utility cabinets and other similar elements.

D. A site design for projects located at a street intersection should provide special landscape treatments, including by way of example perennial plant beds, site walls, native grasses, decorative sign foundations and housing.

E. Proper maintenance and timely replacement of plant material is required and will be enforced based on the approved site plan.

F. Monument signs are encouraged and are required when the site adjoins a residential district.

4. *Lighting.*

A. Lighting of gas stations and convenience stores should enhance safety and provide light levels appropriate to the visual task with minimal glare, light trespass and excess site brightness. Lighting should not be a nuisance or a hazard.

B. Direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 footcandles for residential, 2.0 footcandles for commercial). The site plan must contain illuminance models showing light levels throughout the site.

- C. Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy. Generally, lights shall not be mounted on the top or sides (fascias) of the canopy and internally illuminated/entirely translucent canopies should be prohibited. However, accent lighting on the sides (fascias) of the canopy may be permitted.
- D. Parking Lot and Site Lighting:
 - (i) All luminaries should be of full cut-off design, aimed downward and away from the property line;
 - (ii) Maximum pole heights should not exceed 20'.
- F. Building-Mounted Lighting:
 - (i) All luminaries should be a full cut-off design and aimed downward.
 - (ii) All luminaries should be recessed or shielded so the light source is not directly visible from the property line.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Michael F. Kelley, Assistant City Attorney

Mayor T.M. Franklin Cownie,

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 08-898), passed by the City Council of said City at a meeting held May 19, 2008 signed by the Mayor on May 19, 2008 and published as provided by law in the Business Record on June 2, 2008. Authorized by Publication Order No. 6085.

Diane Rauh, City Clerk

