

STAFF MEMO

DATE OF CITY COUNCIL MEETING: May 10, 2021 / AGENDA ITEM NO. 13

To: Mayor and City Council
From: Travis Parker, Department Director (303-987-7908)
Subject: **Zoning Regulations for Gas Stations**

SUMMARY STATEMENT: City Council has requested regulatory changes for gas stations city-wide. Planning Commission has recommended changes to the existing zoning ordinance.

BACKGROUND INFORMATION: Colfax Avenue has allowed for auto-oriented uses throughout its history. Zoning since the incorporation of the City has permitted gas stations and convenience stores along Colfax and other commercially zoned areas. The new zoning code in 2012 continued this permission, though Transit areas were created that contain site design rules that limit the ability to build auto-oriented land uses like gas stations.

During 2020 City staff received a number of applications and pre-applications for new gas stations and convenience stores along Colfax Avenue, especially around the intersections of Colfax & Simms and Colfax & Kipling. In areas that are zoned with a Transit context those applications have not been able to proceed, however in those areas with an Urban or Suburban context the zoning allows for sites to be designed with street-facing parking and gas pumps. Currently there are five convenience stores or gas stations in the development process: one under construction, two in site plan review, two in pre-planning. The three projects under construction or in site plan review will continue regardless of zoning changes. The projects in pre-planning would not be able to continue if zoning rules are changed before a formal application is submitted

On January 4, 2021, City Council held a study session to discuss the possibility of additional regulations on gas station and convenience store uses on Colfax Avenue. At that meeting City Council provided staff guidance on the problem to be addressed and as well as potential solutions. Council also expressed a desire to move forward quickly on a potential solution.

City Council's direction included the following:

1. Changes should be made city-wide and not just apply to Colfax Avenue

2. Council would like a quick surgical change to gas station permissions, while convenience store regulations will likely need a longer process with additional research and discussion.
3. New gas station regulations should use some combination of special use permit and/or distance requirement.

Planning Commission considered the issues at a February 3 study session and at a February 24 public hearing and recommended that a special use permit be required.

BUDGETARY IMPACTS: N/A

STAFF RECOMMENDATION: Based on Council and Commission guidance, staff has created the following options for Council consideration.

- Option A makes fueling stations a limited use with administrative review.
- Option B makes fueling stations a special use permit reviewed by Planning Commission.

Option A (Limited Use)

17.4.3.1.M Fueling Station:

Where identified as a limited use, a fueling station shall be subject to the following:

1. The fueling station meets all of the site design requirements of 17.7.6.3.B and all other requirements of the zone district;
2. A canopy is provided to shield the fueling islands and fueling operations from precipitation;
3. A fueling station may not be located within 1000 feet of another fueling station unless;
 - a. The primary fuel type provided at the two stations is different (i.e. gasoline, natural gas, electric), or
 - b. Any station within 1000 feet is on the opposite side of a median divided arterial road.

Option B (Special Use Permit)

17.4.3.1.M Fueling Station:

Where identified as a special use, a fueling station shall be subject to the following:

1. The fueling station meets all of the site design requirements of 17.7.6.3.B and all other requirements of the zone district;

2. A canopy is provided to shield the fueling islands and fueling operations from precipitation;
3. The fueling station may not be located within 1000 feet of another fueling station unless:
 - a. The primary fuel type provided at the two stations is different (i.e. gasoline, natural gas, electric), or
 - b. Traffic conditions, such as a raised median, prevent clear and simple access to a station on the opposite side of the road;

ALTERNATIVES: The City Council may choose either option listed above, may choose to make no changes, or may amend the options above.

PUBLIC OUTREACH: This hearing was advertised using the normal methods.

NEXT STEPS: N/A

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney