

UDO UPDATES

OCTOBER 10, 2023

ITEMS FOR DISCUSSION

- PROPOSED GAS STATION POLICY UPDATE
- BHAR COMPOSITION

GAS STATION POLICY UPDATE

HISTORY

IN WINTER 2022, COUNCILORS TUCKER, BARNES, AND WOODSON REQUEST THAT STAFF LOOK INTO ADDING MORE REQUIREMENTS FOR CONVENIENCE STORES WITH GAS SALES DUE TO THEIR PROLIFERATION

CURRENT LANGUAGE

SECTION 3.2.22. CONVENIENCE STORES WITH GAS SALES.

CONVENIENCE STORES WITH GAS SALES SHALL COMPLY WITH THE STANDARDS LISTED BELOW.

A. *PERMITTED SALES.*

1. *FOOD AND BEVERAGES.* STORES MAY SELL CONVENIENCE FOOD ITEMS, INCLUDING FOOD, ALCOHOLIC AND NONALCOHOLIC BEVERAGES, SNACKS, TOBACCO PRODUCTS, ICE, AND OTHER FREQUENTLY NEEDED HOUSEHOLD ITEMS.
2. *FUEL SALES.* SALE OF GASOLINE AND DIESEL PRODUCTS IS PERMITTED.

B. *AUTOMATIC CAR WASHES.* INSTALLATION OF AUTOMATIC CAR WASHES IS PERMITTED, PROVIDED THE STRUCTURES ARE LOCATED AT LEAST 100 FEET FROM ANY RESIDENTIAL ZONING DISTRICT.

CURRENT LANGUAGE

C. *BAY OR GARAGE DOORS.* BAY OR GARAGE DOORS SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 4.2.5.

D. *PROHIBITED ACTIVITIES.* AUTO REPAIRS, EXCLUDING DRIVE-IN OIL CHANGE FACILITIES, ARE PROHIBITED.

E. *MINIMUM SETBACKS.* ALL PUMP ISLANDS OR OTHER SERVICE STRUCTURES SHALL BE LOCATED AT LEAST 15 FEET FROM ANY PROPERTY LINE OR EXISTING OR PROPOSED RIGHT-OF-WAY LINE.

CURRENT LANGUAGE

- F. *COLLOCATION OF OTHER USES.* COLLOCATION OF FAST-FOOD RESTAURANTS WITH CONVENIENCE STORES MAY BE PERMITTED SUBJECT TO THE FOLLOWING:
 - 1. HOURS OF OPERATION MAY BE LIMITED TO ENSURE COMPATIBILITY WITH ADJACENT PROPERTIES AND USES;
 - 2. ADEQUATE PARKING IS PROVIDED ONSITE FOR ALL USES;
 - 3. ADDITIONAL SCREENING AND LANDSCAPING MAY BE REQUIRED TO MINIMIZE THE IMPACT OF CO-LOCATING BUSINESSES;
 - 4. DUMPSTER, TRASH, RECYCLING, COMPACTING, AND RELATED EQUIPMENT SHALL BE LOCATED AT LEAST 100 FEET FROM ANY PROPERTY WITH A RESIDENTIAL FUTURE LAND USE PLAN OR ZONING DESIGNATION;
 - 5. DRIVE-THROUGH WINDOWS MAY BE PERMITTED, AS LIMITED HEREIN; AND
 - 6. THE NUMBER, SIZE, AND LOCATION OF PERMANENT SIGNS SHALL NOT INCREASE DUE TO THE COLLOCATION OF USES.

PROPOSED NEW LANGUAGE

G. *DISTANCE REQUIREMENTS.* AFTER JANUARY 1, 2024, ANY NEW CONVENIENCE STORE WITH GAS SALES SHALL BE A MINIMUM OF 2,000 FEET FROM ANY OTHER CURRENTLY LICENSED CONVENIENCE STORE WITH GAS SALES ON THE SAME SIDE OF THE STREET.

H. *LOCATIONS.* AFTER JANUARY 1, 2024, NEW CONVENIENCE STORES WITH GAS SALES SHALL ONLY BE PERMITTED ALONG ARTERIAL AND COLLECTOR STREETS.

PROPOSED NEW LANGUAGE

I. *LOT SIZE MINIMUM.*

1. PERMITTED USE: CONVENIENCE STORES WITH GAS SALES SHALL HAVE A MINIMUM LOT SIZE OF 1 ACRE.

2. SPECIAL EXCEPTION USE: CONVENIENCE STORES WITH GAS SALES THAT HAVE BETWEEN $\frac{1}{2}$ ACRE AND 1 ACRE SHALL BE LOCATED AS A SPECIAL EXCEPTION USE.

K. *MINIMUM PUMPS:* CONVENIENCE STORES WITH GAS SALES SHALL HAVE A MINIMUM OF 6 PUMPS.

BHAR COMPOSITION

LIBERTY CULTURAL CENTER APPOINTEE

HISTORY

- 01/09/1996: COUNCIL APPROVES ORD. 96-1, WHICH CREATES A BOARD OF HISTORIC AND ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION REQUIREMENTS.
 - ONE OF THE BOARD APPOINTEES REPRESENTS THE LIBERTY CULTURAL CENTER, INC.
- 10/9/2001: THE LIBERTY HERITAGE HISTORIC DISTRICT IS ESTABLISHED BY COUNCIL.
- 01/18/23: CCG ACCEPTS THE QUIT CLAIM DEED FOR THE LIBERTY THEATER AND THE LIBERTY CULTURAL CENTER, INC. NO LONGER EXISTS

HISTORY

- 06/12/2023: BHAR VOTES TO ASK CITY COUNCIL TO MAKE CHANGES TO THE BHAR APPOINTMENTS BY REMOVING REFERENCE TO THE LIBERTY CULTURAL CENTER APPOINTEE
- 07/03/2023: BHAR CHAIR MOLLIE SMITH SENDS A LETTER TO PLANNING AND BHAR TO RECTIFY THE ISSUE.
- 07/11/2023: COUNCIL HEARS FIRST READING REGARDING THE LIBERTY THEATRE & CULTURAL ARTS CENTER ADVISORY BOARD
- 08/16/2023: SAID SMITH LETTER IS SENT TO MAYOR, COUNCIL, CITY MANAGER, AND CITY ATTORNEY.

BHAR SUGGESTIONS FOR CHANGE

- IN MS. SMITH'S LETTER, SHE STATES THAT THE BOARD WOULD LIKE TO REPLACE THE LIBERTY HERITAGE CENTER APPOINTEE WITH A 3RD AT-LARGE POSITION OR ANOTHER HISTORIC DISTRICT RESIDENT

THE ISSUE

- PLANNING STAFF WOULD LIKE TO KNOW WHAT COUNCIL PREFERS:
 - OPTION 1: REPLACE THE LIBERTY CULTURAL CENTER MEMBER WITH A MEMBER OF THE LIBERTY THEATRE & CULTURAL ARTS CENTER ADVISORY BOARD TO SIT ON BHAR, OR
 - OPTION 2: REPLACE THE LIBERTY CULTURAL CENTER MEMBER WITH A 3RD AT-LARGE MEMBER.

QUESTIONS?