

MEETING DATE: February 23, 2021

ITEM NUMBER: 12.B

SECOND READING:

{{customfields.ResoOrdNumber}}

TYPE OF ITEM: General Business

PRESENTED BY:

Brien Schumacher, Planning, Brien.Schumacher@longmontcolorado.gov

SUBJECT/AGENDA TITLE:

Request to Initiate a Land Development Code Text Amendment to Allow Vehicle Fueling Stations in the MU-N (Mixed Use - Neighborhood) Zoning District

EXECUTIVE SUMMARY:

Attached is a letter from a representative for a private property owner requesting an amendment to the Land Development Code to allow vehicle fueling stations in the MU-N (mixed use - neighborhood) zoning district. Vehicle fueling stations are currently not allowed in the MU-N zoning district.

The Land Development Code permits private parties to request text amendments to the code, through a referral process to City Council. If Council chooses Option 1 and directs staff to consider this request, the proposed amendment would be referred through a review process that would include Development Review Committee (DRC) and Planning and Zoning Commission (PZ) review prior to an ordinance being introduced before City Council. Referring this request through the process does not obligate the Council to approve the amendment.

Tebo Development Company, the owner of property at the southeast corner of Highway 66 and Pace Street, is interested in subdividing their property for development and they would like to sell a parcel for development of a vehicle fueling station. Even though this property owner's request is related to one property, the amendment would apply Citywide in all areas zoned MU-N. Other owners of property zoned MU-N have expressed interest in potentially developing vehicle fueling stations if the code amendment were approved.

Relative to City Council's work plan and related goals, this request does not address or further any of the goals in the work plan.

If Council directs staff to process the requested code amendment, staff recommends that the amendments should:

- Require conditional use approval for vehicle fueling stations in the MU-N district. Conditional use review would require a neighborhood meeting prior to application submittal and a hearing with the Planning and Zoning Commission subject to appeal to

City Council. Proximity restrictions could also be added that would prohibit vehicle fueling stations on lots adjacent to residential lots or within a certain distance.

- Require that fueling stations be designed and scaled appropriately to be compatible with surrounding residential neighborhoods.

As part of a formal amendment process, staff would conduct community outreach to neighborhood groups and other interested parties for input on the proposed amendments prior to scheduling the draft amendments for review by the Planning and Zoning Commission and City Council.

COUNCIL OPTIONS:

The following options are presented for Council's consideration of the request.

1. Direct staff to process an amendment to the Land Development Code regarding fueling stations in the MU-N zoning district through the review process.
2. Do not direct staff to process an amendment to the Land Development Code regarding fueling stations in the MU-N zoning district, finding that it would not be in the interest of the City to consider the request at this time.

RECOMMENDED OPTIONS:

Staff recommends Option 2 for the following reasons:

- The proposed request does not further City Council's work plan and related goals, the Envision Longmont goals, policies, and characteristics of neighborhood centers, or the purpose of the MU-N zoning district;
- Vehicle fueling stations are allowed in four other mixed use zoning districts throughout the City; and
- Vehicle fueling stations are generally an incompatible use nearby residential neighborhoods due to the nature of the use – including adverse impacts such as hours of operation, lighting, noise, and odors.

If Council chooses Option 1 to authorize staff to process the requested code amendment to allow fueling stations in the MU-N zoning district, staff will draft the amendments to require conditional use review for vehicle fueling stations in the MU-N district and will also require that fueling stations be designed and scaled appropriately to be compatible with surrounding residential neighborhoods, unless Council directs otherwise.

FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION:

No fiscal impact is expected from this request other than staff time necessary to process the amendment if Council chooses Option 1.

BACKGROUND AND ISSUE ANALYSIS:

Following is a description from the land development code of the mixed use districts in general. There are five different mixed use districts, with MU-N districts typically smaller and more neighborhood focused.

15.03.030 - Mixed-Use Districts**A. General Purpose of Mixed-Use Districts.**

Mixed-use zoning districts are established, designed, and intended to provide a wide range of services and goods to meet household and business needs and also to accommodate and encourage a mix of residential and nonresidential uses to offer greater opportunities to live, work, and play within close proximity. More specifically, the mixed-use districts are intended to:

1. Provide areas for a full range of office, retail, and service uses;
2. Strengthen Longmont's economic base and expand employment opportunities;
3. Minimize the impacts of nonresidential uses on adjacent or nearby residential districts and uses;
4. Ensure that commercial and mixed-use development is consistent with the character areas throughout the city; and
5. Allow and encourage the development of affordable housing.

Following is the purpose statement from the land development code of the MU-N zoning district.

B. Mixed-Use Neighborhood (MU-N).**1. Purpose.**

The purpose of the MU-N district is to provide a pedestrian-friendly mix of attached residential and smaller moderate-scale nonresidential uses and activities to serve the residents of surrounding neighborhoods with minimal impact to those neighborhoods. The MU-N district is intended to provide easy access to public amenities or complementary uses and activities such as schools, parks, open space, and public transit and may serve as a transition between established single-family neighborhoods and more intensive corridors, activity centers, or employment areas.

Below is a link to the current zoning map for reference. The MU-N zoning districts are shown in a light red color on the map – a legend is in the lower right corner.

<https://www.longmontcolorado.gov/home/showpublisheddocument?id=24760>

Vehicle fueling stations are currently allowed all mixed use districts except the MU-N district. In the MU-D (mixed use – downtown) district, vehicle fueling stations are a conditional use. In other mixed use districts, conditional use review is required whenever a vehicle fueling station is nearby (within 250 feet) of a residential use or zoning district, school, or day care center. Following are additional land development code use regulations for vehicle fueling stations:

15.04.030.D.27. Vehicle Fueling Station.

Vehicle fueling stations shall comply with the following standards:

a. Location and Minimum Separation.

- i. In the MU-D zoning district, vehicle fueling stations, except for electric vehicle charging stations, shall not be located on a lot adjacent to Main Street.
- ii. Such uses, except for electric vehicle charging stations, located within 250 feet of any school, day care center, residential use or residential zoning district shall require conditional use approval under subsection 15.02.060.C.

b. Storage and Accessory Sales of Materials and Equipment.

- i. No outdoor displays of vehicle equipment, including tires, shall be allowed.
- ii. Storage of unlicensed, inoperable, or junked vehicles is prohibited.
- iii. Long-term storage of vehicles for more than 30 days shall be prohibited.

c. Fuel Pump Location.

- i. Fuel pumps, excluding electric vehicle charging stations, shall be located at least 30 feet from all property lines.
- ii. Fuel pumps shall be oriented away from adjacent residential uses.
- iii. All tanks containing fuel, oil, waste oils and greases, or similar substance shall be placed underground at least 30 feet from any property line, and vented, according to Colorado State health and safety requirements.

d. Fuel Pump Canopy. A canopy over the fuel pumps may be erected provided the following conditions are met:

- i. The height of the canopy from the ground to the underside of the canopy shall not exceed 16 feet.
- ii. The canopy structure shall not be enclosed.
- iii. The canopy shall use the same architectural and design treatment, including roof forms, materials and colors, as the principal building.
- iv. All lighting on the underside of the canopy shall be recessed. A maximum of 25 percent of each canopy facade area visible from a public street may be illuminated. Each side of a fuel pump canopy shall be considered a separate facade area.

e. Repair Work.

- i. All permitted repair work, vehicle washing, lubrication, and installation of parts and accessories shall be performed within an enclosed structure.
- ii. All dismantled vehicles, parts, and repair supplies shall be stored within an enclosed building or totally screened from view by a solid fence. All vehicles awaiting repair or

service shall be stored on-site in approved parking spaces and not on a public right-of-way.

When the land development code was updated in 2018, the zoning districts were updated to be consistent with the Envision Longmont plan adopted in 2016. During the code update, the code consultant, with input from neighborhood groups recommended that fueling stations not be included in the MU-N zoning district. Many of the areas now zoned MU-N were previously zoned C (commercial). Under the previous zoning, vehicle fueling stations were allowed in the C zoning district but were subject to distance separation requirements. There are several locations in the existing MU-N districts where there are existing vehicle fueling stations that were considered legal non-conforming uses under the previous C zoning and continue to be legal non-conforming uses under the MU-N zoning. The applicant's letter includes a map showing existing vehicle fueling station locations with MU-N districts.

The 2016 Envision Longmont comprehensive plan update and 2018 Land Development Code update created a series of mixed use districts that were intended to provide opportunities for integrated mixed use developments that minimized impacts of nonresidential uses on adjacent or nearby residential districts and uses. In particular, the Neighborhood Center land use designation and corresponding MU-N zoning district are intended to provide a pedestrian-friendly mix of attached residential and smaller moderate-scale nonresidential uses and activities to serve the residents of surrounding neighborhoods with minimal impact to those neighborhoods.

This proposed request to add vehicle fueling stations in neighborhood based mixed use centers does not further City Council's work plan and related goals, the Envision Longmont goals, policies, and characteristics of neighborhood centers, or the purpose of the MU-N zoning district. Vehicle fueling stations are generally an incompatible use nearby residential neighborhoods due to the nature of the use – including adverse impacts such as hours of operation, lighting, noise, and odors.

ATTACHMENTS:

Letter from the applicant