



BOARD OF ADJUSTMENT AGENDA

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, APRIL 21, 2011
9:00 AM**

**COUNCIL CHAMBERS
201 S. CORTEZ STREET
PRESCOTT, ARIZONA
(928) 777-1207**

The following agenda will be considered by the BOARD OF ADJUSTMENT at its PUBLIC HEARING to be held at 9:00 AM on APRIL 21, 2011, in COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET, PRESCOTT, ARIZONA. Notice of this meeting is given pursuant to Arizona Revised Statutes, Section 38-431.02.

I. CALL TO ORDER

II. ATTENDANCE

Members

Mike Klein, Chairman
Duane Famas, Vice Chairman
Johnnie Forquer
Tom Kayn

Greg Lazzell
Dick Rosa
George Wiant

III. REGULAR AGENDA

- 1. Approve the minutes** of the March 17, 2011 public hearing.
- 2. CUP11-004, 202 S. Montezuma Street.** APN: 109-02-046A totaling ± 0.25 acre. Zoning is Downtown Business (DTB). LDC Sections 2.3 and 9.3. Request to amend Conditional Use Permit CUP09-006 to allow all food items to be sold from cart, to approve a shade structure, and increase hours of operation until 2:00 a.m. Owner is Montezuma Goodwin, LLC. Applicant/agent is Diane Rosito. Community Planner is Ryan Smith (928) 777-1209.
- 3. CUP11-005, 909 E. Gurley Street.** APN: 110-02-073 and totaling ± 0.34 acre. Zoning is Business General (BG). LDC Sections 2.3 and 9.3. Request a conditional use permit for a new car wash facility. Owner is Eiland Investments. Applicant/agent is Derek Gates. Community Planner, Ruth Hennings (928) 777-13139.

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 777-1272 OR 777-1100 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

IV. REVIEW ITEMS

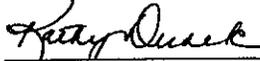
None.

V. SUMMARY OF CURRENT OR RECENT EVENTS

VI. ADJOURNMENT

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Prescott City Hall and on the City's website on April 15, 2011 at 4:00 PM in accordance with the statement filed with the City Clerk's Office.



Kathy Dudek, Administrative Assistant
Community Development Department

BOARD OF ADJUSTMENT
PUBLIC HEARING
MARCH 17, 2011
PRESCOTT, ARIZONA

MINUTES OF THE PUBLIC HEARING OF THE BOARD OF ADJUSTMENT held on MARCH 17, 2011 in COUNCIL CHAMBERS, CITY HALL, located at 201 S. Cortez Street, Prescott, Arizona.

I. CALL TO ORDER

Chairman Fuchs called the public hearing to order at 9:00 a.m. The Pledge of Allegiance was recited followed by a moment of silence.

II. ATTENDANCE

MEMBERS PRESENT

Cal Fuchs, Chairman
Duane Famas, Vice Chairman
Johnnie Forquer
Tom Kayn
Mike Klein
George Wiant

OTHERS PRESENT

George Worley, Planning Manager
Matt Podracky, Senior Assistant City Attorney
Mike Bacon, Community Planner
Ruth Hennings, Community Planner
Cherri Letner, Recording Secretary
(Kathy Dudek, Administrative Assistant
transcription in absentia)

MEMBERS ABSENT

Dick Rosa

COUNCIL PRESENT

Marlin Kuykendall, Mayor
Steve Blair, Councilman & Council Liaison
Jim Lamerson, Councilman

III. REGULAR AGENDA

1. **Approve the minutes** of the January 20, 2011 public hearing.

Mr. Wiant, **MOTION: to approve the minutes** of the January 20, 2011 public hearing. Ms. Forquer, 2nd. **Vote: 5-0-1** (abstention due to absence: Kayn).

2. **CUP11-001, 828 Gail Gardner Way.** APN: 115-08-019E, totaling 7.88 acres. Zoning is Business Regional (BR). LDC Sections 2.3 and 9.3. Request a conditional use permit for a Recreational Vehicle Storage facility with a Mini-Storage component. Owner is Ted Lamb. Applicant/Agent is Larry Strole. Community Planner, Ryan Smith.

Mr. Smith reviewed the staff report and indicated:

- in the BR zoning district, a conditional use permit is required for a RV storage and mini storage operation;
- the rear accessory buildings in disrepair will be demolished and the parking lot

- will be resurfaced;
- the primary access will be from Gail Gardner Way;
- the applicant/agent is working with the Fire Department to secure a secondary access off Westridge Drive;
- the storage units may not always be used by the RV owners;
- the storage spaces may be rented to the general public;
- the criteria for the requested CUP has been met;
- the storage units will be 10' x 15';
- a minimal impact will occur with the hours of operation ending at 6:00 p.m.;
- external impacts to protect the surrounding residential area will include screening and landscaping features to meet the *Land Development Code (LDC)* requirements;
- no additional infrastructure is required;
- the request is consistent with the General Plan;
- no neighborhood comments were received after the legal noticing;
- the property was previously granted a CUP for an auto dealership;
- there is an existing monument sign granted via a variance that is grandfathered at 48 square feet (24 square feet would be the maximum signage allowed under current code);
- because the auto dealership no longer exists, lighting must be reduced to a minimum of 25% in the evening;
- staff has requested three additional conditions:
 - a) residential protection with landscaping placed along the north property line to minimize external visual impacts,
 - b) landscaping to be placed outside the security fence; and,
 - c) residential screening standards per *LDC* Section 6.5.

Board members queried and commented on:

- any request for off-street signage at Westridge (Mr. Smith: no);
- connectivity to other street(s) (Mr. Smith: connection occurs at Forest Trails at Iron Ridge Road);
- having an ability to control traffic at the secondary access (Mr. Mastin: Westridge connects to Sierry Peaks and both are public streets);
- has a traffic analysis study been conducted (Mr. Mastin: no, it is not necessary);
- the existing sign (Mr. Smith: as a granted variance, it runs with the land);
- landscaping requirement of one tree for every 25 square feet with no surface dirt permitted on the parking lot which must paved); and,
- the residential protection standards (Mr. Smith: the masonry wall along the north property line will have screening and vegetation for the residences).

Mr. Larry Strole, Lamb Auto Group, 828 Gail Gardner Way, stepped to the podium and answered Board members' questions about the site plan and operation as follows:

- security on the north side of the property will have a six foot masonry wall;
- the remaining perimeter will have a gray metal cyclone fence;
- renters will have access to enter with a key;
- the fire department will have keys to both accesses;
- the facility will have an on-site, live-in resident 24 hours, 7 days per week (24/7);
- lighting at night has been in place since the auto dealership started in 1966;
- it [the lighting] can be adjusted to what this Board recommends in terms of time and brightness;
- the office hours will be from 8:30 a.m. until 5:00 p.m.;

- key access [for RV or storage rentals] will permit ingress/egress 24/7, seven days per week;
- moving some existing lighting fixtures is being considered;
- access after hours of operation via a code will signal the resident to allow ingress/egress, although no transportation of goods will be allowed;
- "for sale" signs will not be permitted;
- the existing sign is being remade at 48 square feet by A & B Sign Company; and,
- the facility will contain a dump [for fecal matter] and a washer.

When asked by Chairman Fuchs if anyone from the public wanted to speak, no one came forward to do so.

After discussion about the conditions to be added to the CUP, the motion was made and then amended. The following motion was voted upon:

Mr. Wiant, **MOTION to approve CUP11-001**, request for a Recreational Vehicle (RV) parking facility and a Mini-Storage operation with the following six conditions of approval:

- 1) Residential protection screening standards, as described in Section 6.13 of the *Land Development Code (LDC)*, shall be applied along the north property line to minimize external visual impacts to adjacent residents;
- 2) In all other areas, landscaping shall be placed outside of the proposed security fence;
- 3) Landscaping shall be in conformance with *LDC* Section 6.5;
- 4) A secondary access for fire suppression proposes shall be available on Westridge Drive;
- 5) Lighting shall be in compliance with parking lot lighting with a reduction to 25% of the parking lot lighting standards after 10:00 p.m.; and,
- 6) Hours of public access, ingress/egress, shall be from 6:00 a.m. to 10:00 p.m. daily.

Mr. Klein, 2nd. **Vote: 6-0.**

2. **CUP11-002, 620 Miller Valley Road.** APN: 113-07-028A, totaling 0.49 acre. Zoning is Business General (BG). *LDC* Sections 2.3 and 9.3. Request a conditional use permit for a Pawn Shop. Owner is Miler Valley Realty, LLC. Applicant/Agent is Thomas Weisenburger. Community Planner, Mike Bacon.

Mr. Bacon reviewed the staff report and indicated:

- the applicant is requesting a CUP for a pawn shop;
- the building was previously occupied by a plumbing store;
- the parking is adequate and shares the parking lot with other businesses;
- the business operation totals 1400 square feet, divided into retail and storage;
- there are no impacts to the neighboring businesses and parcels; and,
- another pawn shop at the corner of Fair Street and Miller Valley Road received a CUP in 2009.

Board members queried and commented on:

- the address is reversed on the site plan shown;
- what conditions were placed on the other pawn shop (Mr. Bacon was not aware of conditions);
- is outside storage permitted (Mr. Bacon: yes, as a nonconforming use, with limits);

- and,
- is there assigned parking (Mr. Bacon: the parking lot total has been looked at by staff).

Chairman Fuchs asked the applicant to step to the podium. Mr. Tom Weisenburger, 620 Miller Valley Road answered the Board's queries:

- the monument sign is roughly 4' x 8' [with lettering] on both sides;
- the sign is set back 10' from the sidewalk, then there is an additional 5' to the building; and,
- he has plans for displaying goods such as tools in front of the store, and the tools would be set back 12' from the sidewalk.

Mr. Worley noted that displays cannot be placed on the sidewalks or the parking area. The applicant of the 2009 pawn shop CUP was given approval that stipulated the display of a very small area, with goods taken inside the store when the pawn shop is not open for business.

When asked by Chairman Fuchs, no one from the public spoke.

Mr. Wiant, **MOTION: to approve CUP 11-002, 620 Miller Valley Road**, subject to being in conformance with the City of Prescott Code. Mr. Kayn, 2nd. **Vote: 6-0.**

3. **CUP11-003, 909 E. Gurley Street.** APN: 110-02-073, totaling 0.34 acre. Zoning is Business General (BG). *LDC* Sections 2.3 and 9.3. Request a conditional use permit for a Car Wash facility. Owner is Eiland Investments. Applicant/Agent is Derek Gates. Community Planner, Ruth Hennings.

Ms. Hennings reviewed the staff report and indicated:

- the applicant is requesting a car wash, and a conditional use permit (CUP) is required;
- the adjacent area contains a mix of single-family homes and apartments;
- the existing gas station/convenience store will be demolished;
- the proposal includes one automatic wash bay, three self-service wash bays, and three vacuum stations;
- one vacuum station, shown on the site plan, is currently located along the south property line and will be surrounded on three sides to mitigate noise;
- no written comments have been received after the legal noticing occurred;
- only one person attended the area meeting;
- potential noise impacts to the residential, adjacent property exist;
- under adopted *Land Development Code (LDC)* amendments, sound mitigation requirements are in effect;
- staff is not offering a recommendation;
- should the Board recommend CUP 11-003 approval, staff is asking for conditions to be added, including:
 - a) Site development must be in substantial compliance with the site plan;
 - b) Limitation of hours of operation for the automatic wash bay;
 - c) Sound abatement systems must be installed as proposed by the applicant;
 - d) The vacuum station along the south property line must be enclosed by walls on three sides to mitigate noise impacts;
 - e) Enhanced landscaping at the rear of the property, compatible with the standards listed in the *Land Development Code*, Section 6.13.4.C.2,

- with 80% screening; and,
- the applicant is present and will address potential noise abatement.

Mr. Derek Gates, applicant, 850 Hattie Greene, Flagstaff, AZ 86001, answered the Board's queries and comments:

- do the vacuum stations have a roof over them (Mr. Gates: no, but they could be installed); and,
- the 24/7 hours of operation (Mr. Gates: it does not apply to the automatic bay, only the self-service bays).

Queries and comments by the Board to staff and applicant included:

- concern with the width of the alley and the turning radius (Mr. Mastin: this is not a problem);
- concern with the stacking space;
- the segment of the automatic bay hours (Ms. Hennings: the applicant is open to the Board's proposal. Staff is suggesting hours be limited. Keeping the automatic bay open 24 hours and adding doors to mitigate noise is a possible solution);
- the size vehicle the operation can accommodate (the question was answered by a representative of Ryko Mfg. Co, identified by Ms. Hennings as Mr. Bill Crouse, 4014 East Broadway, Phoenix, [no street address given on the attendance sign-in roster]: the automatic bay will accommodate a full-size vehicle as well as an SUV, the automatic bay will not accommodate a recreational vehicle, and clearance bars will be installed);
- what size are the self-service bays (approximately 15' x 16', and at 15' in height, a recreational vehicle under that size could be washed in the bays);
- limitation of operating hours (Mr. Gates: the owner would like to operate his business at the hours specified and would be willing to consider a sound abatement package on the equipment that would reduce noise up to five decibels. The optimum hours would be until 8:00 p.m. as a pass-thru dryer operation. At an optimal operation, a driver would pass through the dryer in approximately 1 ½ minutes. At 8:00 p.m., the operation could go to a closed door operation with the dryers becoming a fast operation);
- the sound level at 87.2 decibels could sound like a jet engine, at 120 decibels hearing loss could occur;
- will there be a pre-wash employee (Mr. Gates: no); and,
- an unwillingness to subject neighbors to the possibility of cars being washed at 2:00 a.m. (Mr. Gates: 6 a.m. to 10:00 p.m. would be acceptable).

Ms. Hennings stated that staff would like to see as many noise abatements as possible. Complaints about the noise during daytime hours at another car wash that was granted a CUP, are still occurring.

Mr. Klein, **MOTION: to approve CUP 11-003**, with the following six conditions of approval:

- 1) Site development must be in substantial, complete compliance with the site plan;
- 2) Limitation of hours of operation for the automatic wash bay will be from 6:00 a.m. until 10:00 p.m.;
- 3) Sound abatement systems must be installed as proposed by the applicant;
- 4) Vacuum station along the south property line must be enclosed by walls on three sides to mitigate noise impacts;
- 5) Enhanced landscaping at the rear of the property, compatible with the

standards listed in the *Land Development Code*, Section 6.13.4.C.2, with 80% screening; and,

- 6) Vacuums will be installed, moving the automatic bay 5' forward from the back alley.

Mr. Wiant, 2nd. **Vote: 3-3, motion fails to carry.** (concurring members: Forquer, Klein and Wiant; dissenting members: Famas, Fuchs and Kayn).

IV. REVIEW ITEMS

1. **CUP09-008 Mountain Oak School, 1455 Willow Creek Road.** Request a two-year extension (BOA approved 2-18-10).

Mr. Smith reviewed the request and noted:

- the request for a two-year extension is due to the school' difficulty in getting out of its current lease;
- the Land Development Code allows for a 12-month completion of the approval; and,
- it is not uncommon for an applicant to request an extension with a specific time of extension.

Mr. Wiant, **MOTION: to extend CUP09-008** for a two-year period (expiring on March 17, 2013). Mr. Kayn, 2nd. **Vote: 6-0.**

V. SUMMARY OF CURRENT OR RECENT EVENTS

Vice Chairman Famas thanked Chairman Fuchs for his years of service to the Board of Adjustment. Mr. Kayn stated that Chairman Fuchs, who has been on the Board for nine years, has added dimension to the public hearings; and, he shares a common sense of humor. The other members of the Board thanked Chairman Fuchs and wished him well.

Chairman Fuchs thanked his fellow Board members and proffered that he has enjoyed being of service to the City of Prescott, working with city staff who do a fine job, and City Council.

VI. ADJOURNMENT

Chairman Fuchs adjourned the public hearing at 11:09 a.m.

E. Calvin Fuchs, Chairman



Kathy Dudek, Administrative Assistant
Community Development Department
(transcription in absentia)

CUP11-004 CONDITIONAL USE PERMIT
AMENDMENT to CUP09-006
202 S. Montezuma Street

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
 BOARD OF ADJUSTMENT MEETING FOR April 21, 2011

STAFF REPORT

TO: City of Prescott Board of Adjustment (BOA)

FROM: Tom Guice, Community Development Director
 George Worley, Planning Manager *GW*
 Ryan Smith, Community Planner *RS*

DATE: April 14, 2011

APPLICATION: CUP11-004	ZONING: Downtown Business District (DTB)
APN: 109-02-046A	AREA: 0.25 acres
Owner: Brad Christensen 3599 Lee Circle Prescott, AZ 86301	Agent: Diane Rosito 202 S. Montezuma St. Prescott, AZ 86301

REQUEST:

An amendment to an existing Conditional Use Permit, CUP09-006, which has been approved to allow for a mobile hotdog cart. The applicant wishes to amend the original CUP to allow for all food types. The site plan proposes the cart to be under a 10x10 canopy. Operating hours are proposed to be until 2am as opposed to current operating hours until 10pm.

PAST COUNCIL ACTIONS, BOA ACTIONS and BACKGROUND:

Council granted a Special Use Permit, SP09-003, to allow for Automotive Service as a primary use in the DTB (as required in the LDC table 2.3). Due to the structure and parking lot design, the applicant was unable to provide required landscaping on the property. The Council allowed required landscaping to be in the planters located in the sidewalk right-of-way (ROW). The SUP will not extend beyond September 8, 2014 unless extended by Council.

On February 18, 2010, the BOA approved CUP09-006 to allow a hotdog cart as an accessory use. The CUP is tied to the SUP in that an accessory use is not permitted unless there is a primary use. The application specifically requested a "hotdog stand". Conditions contained in the original CUP Staff Report and in the LDC include:

- Limiting food for sale to hotdogs and hotdog related items.
- Limiting the cart size to 40 square feet.
- The cart must be self sufficient in it's operational context.
- Menus/signs must be an integral part of the cart.
- The cart umbrella is limited to 6 feet in size.

On July 15, 2010 the BOA denied CUP10-001 requesting an amendment of CUP09-006 for additional food items, a 10x10 canopy, extended hours until 2am, the use of a BBQ, numerous tables, chairs, umbrellas and accessory soda coolers. The Board discussion included the outdoor seating arrangement, extended hours and LDC violations. A motion to approve the amendment resulted in 3 votes in favor. A 4 vote majority was needed to pass a BOA action, therefore, the motion was not approved. The LDC has no mandatory waiting period before the applicant may reapply.

CONDITIONAL USE REVIEW CRITERIA:

Conditional uses require special consideration regarding the effect on surrounding properties and the use in relation to the objectives of the ordinance. A conditional use permit may be granted only when the Board of Adjustment finds the proposal meets the certain general criteria as described in Section 9.3.5 of the LDC:

- A. Effect on the environment:** The area is zoned DTB which allows for mobile food vending subject to the conditions of a CUP. The impact of an additional accessory structure by itself is minimal. The use does not create a nuisance that may arise from noise, smoke, odor, dust vibration or illumination. However, the BOA may wish to consider the expanded service area under the canopy in it's determination.
- B. Compatible with surrounding area:** The canopy is near an intersection where there is considerable traffic, however, it does not constitute a sight triangle problem. The canopy is a single story structure, 100 square feet in area and approximately 12 feet in height. There are no floodways or easements that interfere with the structure. The Historic Preservation Committee indicated approval of the canopy last year.
- C. External impacts minimized:** The canopy is approximately 6' away from the front and corner side property line and will meet current setback requirements. However, the canopy will increase visual impact. The LDC prohibits encroachment into parking and maneuvering areas. Also, hotdog cart lighting and signage not integral to the cart are prohibited.
- D. Infrastructure impacts minimized:** The infrastructure needs are minimal. However, the applicant had applied for a building permit to install an electrical outlet at the cart location presumably to light the canopy.
- E. Consistent with General Plan and Code:** The request is consistent with the General Plan.
- F. Parcel size:** The subject property is adequately sized for this use.
- G. Site Plan:** The site plan shows the canopy located on the northeast corner of the property. Adequate parking for the business is available.

NEIGHBORHOOD COMMENTS:

Staff has sent mailings to the owners of record within 300' of the property, posted the property, published notices in the local paper and hand distributed notices to local businesses. No written comments have been received as of this writing, however, while hand distributing notices, several (4) positive comments were provided.

STAFF FINDINGS AND RECOMMENDATIONS:

The LDC section 2.5.13 addresses mobile food vendors with no limitation on the types of food sold or hours of operation. The original CUP resulted in hotdog sales only because a hotdog stand was specifically indicated in the application.

To: City of Prescott Board of Adjustments

At this time, we would respectfully request the following amendment to CUP #09-006

- 1) To designate hot dog cart as a mobile food cart with the ability to sell any food items that are approved by the health department.
- 2) To place a 10' x 10' shade structure in the northeast corner of the parking lot at Eco 3 Oil Change for sun protection to food server(s) and customers.
- 3) To allow mobile food cart to operate until 2 am (current time is 10 pm)

Having a food source right around the courthouse plaza after most restaurants have closed, would be a benefit to all and would enhance the downtown experience.

This request would be compatible with the surrounding area and would have no effect on emergency services, access to this property, parking or any health and safety issues.

Your consideration on this matter is greatly appreciated.

Sincerely,

Diane Rosito
Eco 3 Oil Change

RECEIVED

MAR 15 2011

CITY OF PRESCOTT
COMMUNITY DEVELOPMENT

CUP11-005

CONDITIONAL USE PERMIT

AGENDA # 3

Car Wash Facility at 909 E. Gurley Street

COMMUNITY DEVELOPMENT – PLANNING AND ZONING DIVISION
BOARD OF ADJUSTMENT MEETING FOR April 21, 2011

STAFF REPORT

TO: City of Prescott Board of Adjustment (BOA)

FROM: Tom Guice, Community Development Director *TG*
George Worley, Planning Manager *GW*
Ruth Hennings, Community Planner *RH*

DATE: April 14, 2011

ZONING: Business General (BG)

LOCATION: 909 E. Gurley Street

APN: 110-02-073

AREA: 0.34 acres

Owner: Eiland Investments
PO Box 3040
Cottonwood, AZ 86326

Agent: Derek Gates
850 Hattie Greene
Flagstaff, AZ 86001

REQUEST: A Conditional Use Permit to allow for a car wash facility to operate in a Business General zoning district. There is currently a service station operating at this location. Plans include removal of the existing service station to include all tanks, remediation of soil, and construction of the new carwash facility.

PAST BOARD OF ADJUSTMENT ACTIONS: The Board denied a previous request for a Conditional Use Permit for a car wash facility at this property on March 17, 2011. The applicant made significant changes to the project to mitigate the noise and traffic concerns discussed in the previous hearing, and has submitted a revised application for consideration by the Board.

CONDITIONAL USE REVIEW CRITERIA: Conditional uses are uses that are generally compatible or can be made compatible with other uses in the underlying zoning district. The Board of Adjustment may approve an application for a conditional use where it reasonably determines that there will be no significant negative impact upon residents or other owners of surrounding property or upon the public. The Board of Adjustment shall consider the following criteria in its review and approval shall be contingent upon compliance with the site plan and any conditions of approval:

- 1) **Effect on the environment:** The area is zoned Business General which allows for a car wash facility subject to conditions in the CUP. The potential impacts based on proposed operation characteristics include noise, lighting, and traffic.
- 2) **Compatible with surrounding area:** The business is located on E. Gurley St., within the Business General zoning district. The area to the south of the property is zoned Multi-Family Medium and Multi-Family High. Other businesses operate nearby along E. Gurley St. The current use is a service station and a car wash facility is also in the automotive service industry. The car wash building is 100' by 40' and includes one automatic wash bay and three self service wash bays. Three periphery vacuum stations are shown on the site plan. All vacuum units will be enclosed by walls on three sides and overhead. The business proposes to be in operation from 6:00am to 10:00pm.
- 3) **External impacts minimized:** The car wash facility proposes to incorporate a sound abatement system, including walls surrounding the vacuum stations, closed doors on the automatic wash bay, and dense landscaping in the rear of the property adjacent to the residential property. A minimum 10' setback from the alley is proposed.
- 4) **Infrastructure impacts minimized:** The use may require a water service agreement depending on a forthcoming water demand analysis. The applicant is proposing a water reclamation system. The owner is required to pave the adjacent alley. No other infrastructure impacts are anticipated.
- 5) **Consistent with General Plan and Code:** The Business General district is a moderate-intensity business district, and is frequently located adjacent to residential districts. Adequate buffering and screening between dissimilar uses is necessary.
- 6) **Parcel size:** Car wash lots and facilities vary greatly in size within the City, depending on the number of wash bays.
- 7) **Site Plan:** The site plan shows the wash bays located parallel to the alley, with traffic entering from a single entrance off of Gurley. All traffic will exit using the alley. Parking and landscaping are shown to current Land Development Code standards. Adequate stacking spaces are shown on the site plan.

PUBLIC WORK / ENGINEER'S COMMENTS: The site plan shows all vehicles exiting directly to the alley from wash bays, and Public Works/Engineering will require the applicant to design and construct the alley fronting the property to City Standards. The alley improvements shall be designed by a licensed engineer and constructed by a licensed engineering contractor. A water demand analysis is required to determine if a water service agreement will be needed.

NEIGHBORHOOD COMMENTS: Several phone inquiries have been received from other car wash owners in the City, with questions regarding the specific location and other operation characteristics. One anonymous letter was received noting that there are already several other car washes in the area, and cited concerns regarding noise and traffic.

STAFF RECOMMENDATION: The Land Development Code allows for this use under the CUP process. Staff recommends approval with conditions of CUP11-005.

SUGGESTED MOTION:

Move To Approve with Conditions CUP11-005. The following conditions may be considered:

1. Site development must be in substantial compliance with the site plan dated April 14, 2011.
2. Hours for the overall operation of the business shall be 6:00am to 10:00pm.
3. Sound abatement systems must be installed as proposed by the applicant. Automatic wash bay will have doors closed during the Dryer Cycle.
4. Periphery vacuum station must be enclosed by walls on three sides and overhead to mitigate noise impacts.
5. Enhanced landscaping is required at the rear of the property, compatible with the standards listed in Land Development Code Section 6.13.4.C2, 80 Percent Screening.

Attachments:

- 1) Applicant Narrative
- 2) Sound Study Information
- 3) Zoning Map
- 4) Aerial Map
- 5) Site Plan
- 6) Landscaping Plan
- 7) Letter of Opposition

March 18, 2011

Eiland Investments
POB 3040
Cottonwood, AZ
86326

City of Prescott
Community Development Dept.
201 S. Cortez
Prescott, AZ 86302

**909 E. Gurley St.
Gas Station Removal/
Carwash Improvement**

The following is an outline of issues and response to the concerns captured at the Board review meeting on March 17th. We appreciate your input and we feel that the car wash design we have come up with after listening to your constituents concerns will rival any in the country in terms of efficiency, sound initiatives and water conservation. The equipment we propose for this facility is state-of-the-art in sound abatement, conservation and ease of operation. Sound studies will be provided at the next Board Review meeting.

Issues

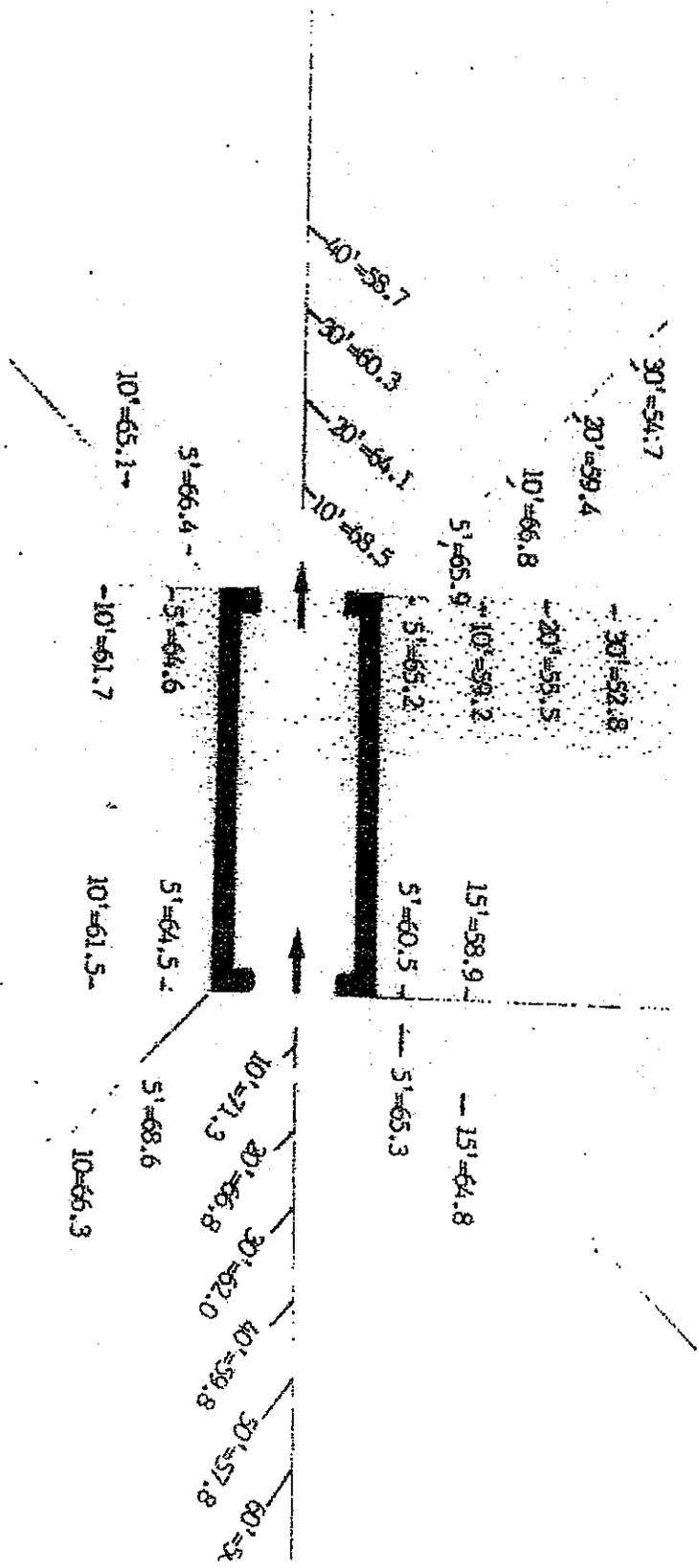
- * Hours of Operation
- * Alley access
- * Auto Bay sound levels
- * Vacuum station sound levels
- * Water conservation
- * Landscape/Sound initiatives

Resolution

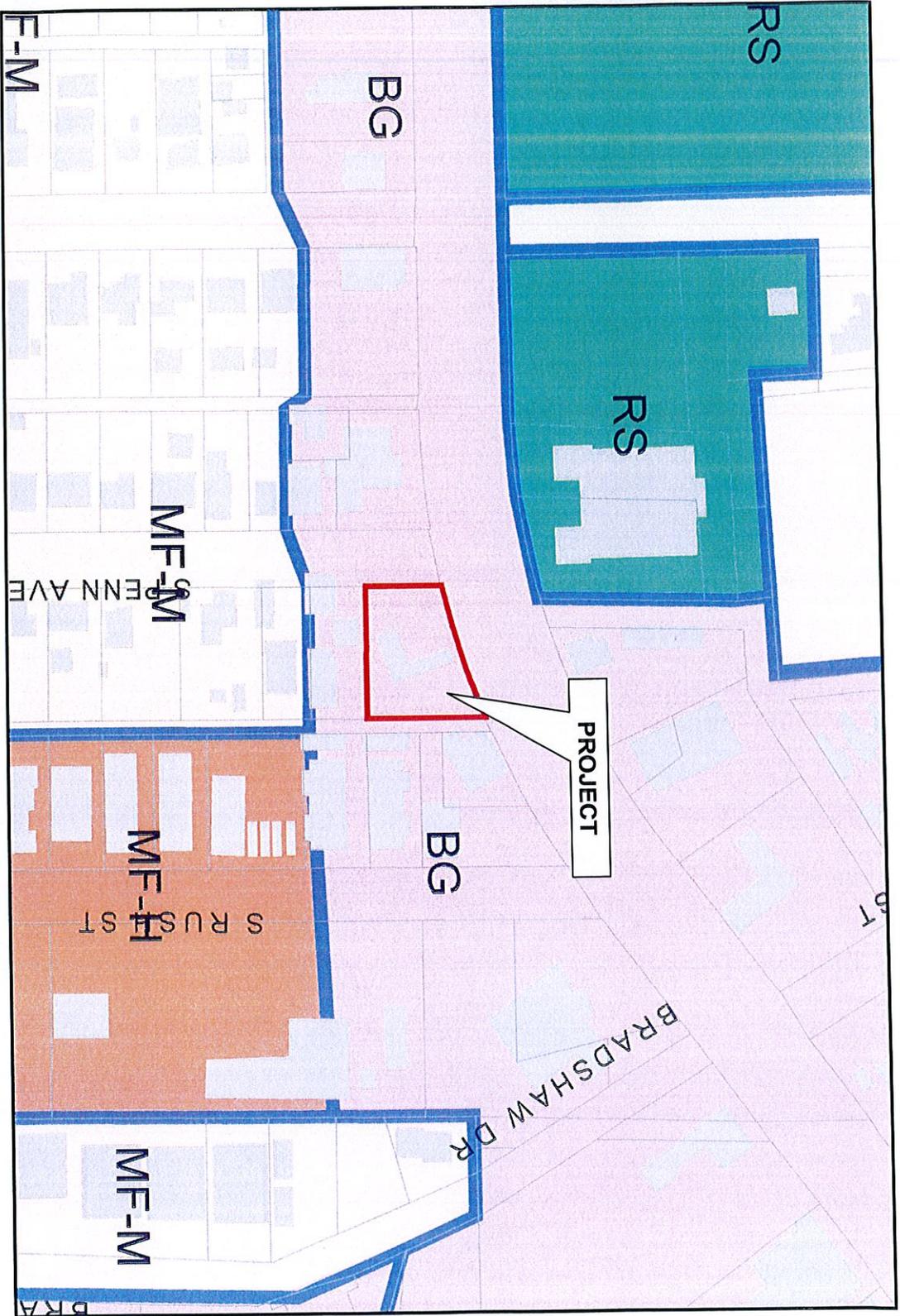
- * Operational hours 6am to 10pm
- * Set building foot print back an additional 5' feet to a 10' setback along alley
- * On board dryers with closed bay doors throughout the complete wash cycle
- * Central and Enclosed VAC system that operates from the equipment room
- * Reverse Osmosis reclamation system
- * Density of foliage in a prescribed strategy per Land Development Code 6.13.

We hope that the Board will also consider the concern of the business owners of the community as well. We are working diligently to adapt to economic challenges and derive a positive use of this property versus another abandoned gas station. This project will provide construction work for a number of businesses in the Prescott community and continue to provide jobs for the staff currently employed. Ultimately we believe this project through this process will provide a facility that the City can be proud of and also be viable for the property owner.

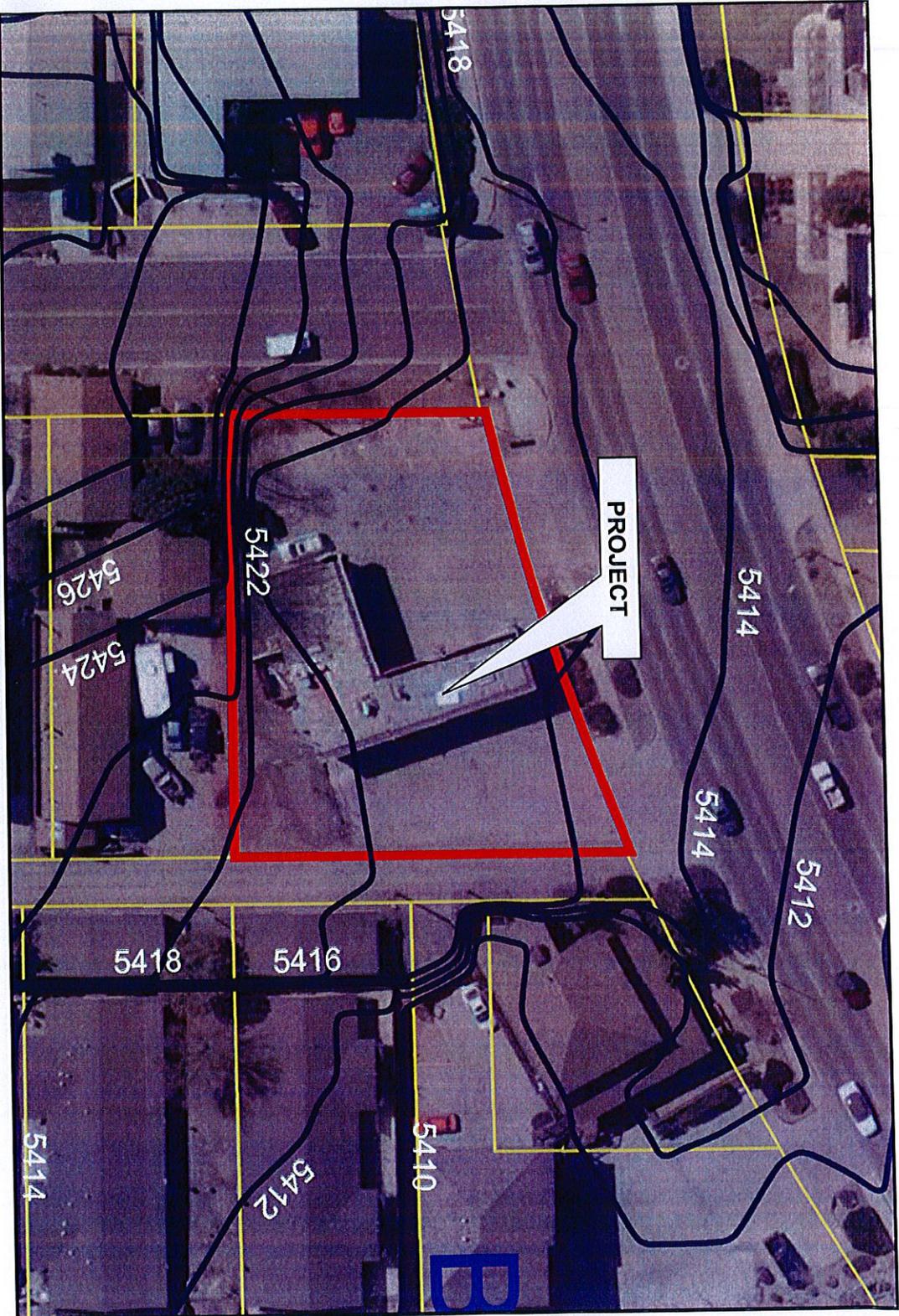
FIGURE 2: Sound Study Taken At Car Wash At Highway 18 and Pine Knot In Big Bear Lake, Ca. Noise Levels Are Indicated As Equivalent Sound Level (Leq) Taken During Dryer Cycle. Noise Levels Recorded With Both Bi-fold Door Seals Closed.



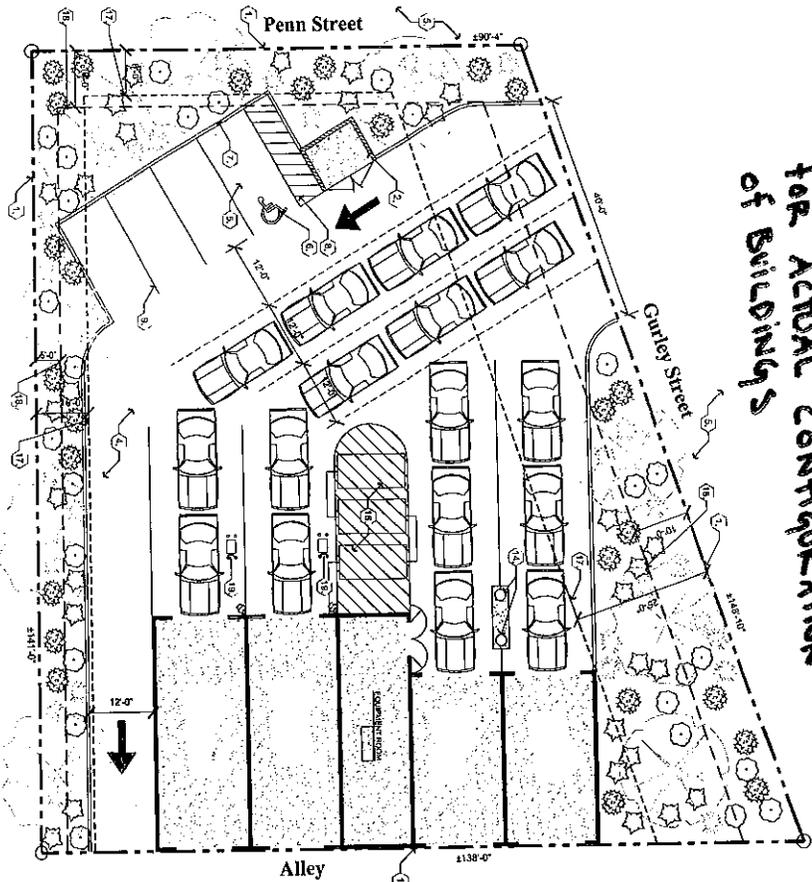
ZONING MAP



AERIAL MAP

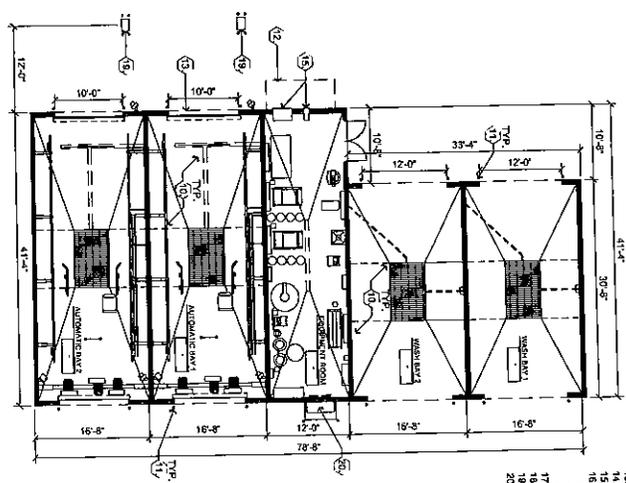


NOTE: see site plan for actual configuration of buildings



AI Concept Site Plan - Option 1

SCALE: 1" = 10'



AI Concept Site Plan - Option 1

SCALE: 1/8" = 1'-0"



DESCRIPTIVE KEY NOTES:

1. PROPERTY LINE
2. EXISTING ROADWAY
3. PROVIDE ASPHALTIC PAVEMENT OVER COMPACTED A.B.C. REFER TO CIVIL FOR THE A.D.A. ACCESSIBLE PARKING AREA SHALL NOT EXCEED 2%.
4. PROVIDE A.D.A. APPROVED SYMBOL OF ACCESSIBILITY
5. PROVIDE A.D.A. APPROVED SYMBOL OF ACCESSIBILITY
6. PROVIDE A.D.A. APPROVED SYMBOL OF ACCESSIBILITY
7. REQUIREMENTS
8. PROVIDE 4" WIDE WHITE PAINTED STRIPES AT UNLOADING AREA IN ACCORDANCE WITH REQUIREMENTS.
9. PROVIDE 4" WIDE WHITE PAINTED STRIPES TYPICAL AT 7'-0" O.C. EACH WAY OVER CONCRETE FLOOR.
10. PROVIDE 5" CONCRETE SLAB WITH FIBERESH AND REBAR INTO CONCRETE FOOTING. TYPICAL AT EACH ROLL-UP DOOR.
11. PROTECTIVE STEEL BOLLS AND EMBEDDED 2x4 BELOW GRADE 8 AS INDICATED FOR ROOF DRAINAGE ABOVE.
12. LINE OF ROOF CANOPY ABOVE. REFER TO STRUCTURAL PLANS.
13. VACUUMS
14. VACUUMS
15. VACUUMS
16. PROVIDE 1" DIA. POLYETHYLENE GLYCOL (PEG) TANKS FOR SEWAGE SYSTEM WITH LEACH FIELD FOR GREY WATER ONLY IN ACCORDANCE WITH REQUIREMENTS OF YAVAPAI COUNTY HEALTH DEPARTMENT.
17. BELT AND RACK
18. LANDSCAPE SETBACK
19. CAR WASH PAVEMENT
20. ELECTRICAL SERVICE ENTRANCE SECTION

AI

DESIGNED BY
GIBSON
WALKER
ARCHITECTS

AS NOTED
BY
W.A.K.

DRAWING: CONCEPT SITE PLAN OPTION 1

PROJECT: IMPROVEMENTS FOR:
GURLEY STREET CARWASH
PRESCOTT, ARIZONA

W. Alan Kenson & Associates, P.C.

P 928-443-5812 P.O. Box 11593
F 928-443-5815 Prescott, AZ 86304

email: waka@cablenet.net
www.kenson-associates.com

ARCHITECTURE & PLANNING

REVISIONS

NO.	DATE	DESCRIPTION

NOT TO SCALE

4/5/2011



COMMUNITY DEVELOPMENT
City of Prescott, Arizona

Date Received: 4/7/11
Time Received: 11:30 am pm
Received by: VL

TO: Prescott City Council Members
FROM: Concerned Prescott Citizens
RE: Gurley Street Car Wash

THANK YOU! Prescott City Council for denying the Conditional Use Permit for another Loud, Noisy, Traffic Nuisance Car Wash in Prescott. Our neighborhoods DO NOT need another noisy Car Wash, especially a 24 hour wash. There are already three Car Washes within 1 mile of this proposed Car Wash Site.

Having cars backed out to Gurley and excessive traffic on the very narrow alley is ridiculous. Moving building back a few feet does not solve traffic problem on narrow alley and creates less stacking room at entrance of Car Wash. On a busy day, there could be a line of parked cars in the right lane of Gurley Street and stacked cars blocking the corner of S. Penn Street. Other Car Washes have a lot more stacking room or main entrance is on a less traveled side street. On a busy day, many of these local automatic cars washes have 10+ cars stacked in line waiting to get in wash. If this were to happen at proposed site, there would be 5+ cars stopped in right lane or stuck in center divider lane. Drivers would be blocking traffic trying to get across street because they were there first. Has anybody in the planning department thought about this?

The blowers at any Car Wash are noisy. When a manufacture claims that they are not noisy-BEWARE! We have taken the time to inspect all Car Washes in the Tri-City area-they all have noisy blowers. This property is in a small bowl, surrounded by homes, a two story building at the exit of Car Wash and a two story building at the S. Penn Street corner. The echo factor for the surrounding area is going to be very unpleasant. Owner said they would "close doors" and this would solve problem. We talked to numerous Car Wash Operators. Their statement was that it is not very safe having running cars inside an enclosed building and customers would not like being enclosed inside a Car Wash. Concerns of exhaust poisoning, equipment failure and not being able to exit are a big concern. Other Car Washes have one door closed during cold weather when car is being washed. Both doors shut after car has exited and stay shut until next car arrives. This prevents any freezing. When weather is good, both doors stay open.

We felt like owner, equipment manufacture representative, and city planner were telling the Council what they wanted to hear not the real truth of what is going to happen if this project is approved.

Planning representative also stated that the city still gets complaints about noisy Car Washes in town. WHY do we want to make this mistake again!

Hopefully we do not have to go through this neighborhood Car Wash approval process again. We live in a community like this to get away from all the big city noise, air, and light pollution. Please stick to your guns and do not allow anymore Car Washes in the city of Prescott and its neighborhoods.

Please take the time to visit big, busy, noisy Car Washes in the Tri City area on a busy day. Listen and watch. Don't just do a drive by. Another Car Wash in Prescott has NO value to the community or its residents.

Signed

City residents of Prescott

Thank You!