

PLANNING COMMISSION REPORT
Regular Agenda – Public Hearing Item

PC Staff Report
02/21/2018

ITEM NO. 4B: SPECIAL USE PERMIT FOR *CLEANING (CAR WASH)*; 3900 W 6TH STREET (MKM)

SUP-17-00690: Consider a Special Use Permit for Tommy's Car Wash, on approximately 1.33 acres located at 3900 W 6th St. Submitted by Wild Pines Ventures LLC, for Lawrence Monterey Investors LLC, property owner of record.

STAFF RECOMMENDATION: Planning Staff recommends approval of a Special Use Permit for Tommy's Car Wash, a *Cleaning (Car Wash)* use, and forwarding the item to the City Commission with a recommendation of approval subject to the following conditions:

1. Provision of a site plan performance agreement.
2. Recording of a Minor Subdivision for Monterey No. 8 Addition with the Register of Deeds prior to release of SUP plans to Development Services for processing of building permits.
3. Submittal of a revised Special Use site plan with the following changes:
 - a. Revise the street trees to match the Master Street Tree Plan, if necessary.
 - b. Add the following note: "*The Board of Zoning Appeals approved a variance from the 50 ft setback required in Section 20-814 of the Subdivision Regulations to allow a reduced setback of 40 ft from W 6th Street, contingent upon the approval of the Special Use Permit.*"
 - c. Revise the site summary and parking tables as noted in this staff report.
 - d. Revise all plan sheets with the relocated ADA accessible parking space.
 - e. Correct the Lot labels and legal description to reflect the updated Minor Subdivision.

Reason for Request: *"During our meeting with planning office staff we were informed that we would need to apply for the special use permit in addition to a zoning change. At a later date we were notified that we would need to apply for a variance."*

KEY POINTS

- The property is currently zoned PCD-[Monterey Center] and is part of the Planned Development. It was separated from the Planned Development when a lot to the north and west of the subject property was rezoned from PCD to a current base zoning district, CN2.
- A rezoning request to the CN2 base zoning district was submitted for the subject property and is being processed concurrently with the SUP. The proposed use, *Cleaning (Car Wash)* is a permitted use in the CN2 District when approved with a Special Use Permit
- The applicant proposes to raze the site, which was formerly occupied by Applebee's Restaurant, and construct the car wash. The car wash will extend further to the north than the Applebee's Restaurant and will encroach into the lot to the north; therefore, the lots will be reconfigured through the Minor Subdivision process.

ASSOCIATED CASES

- Z-17-00688; Rezoning of the subject property from PCD-[Monterey Center] (Planned Commercial Development) to CN2 (Neighborhood Commercial Center) District. The rezoning application was submitted concurrently with the Special Use Permit application and will also be considered at the February Planning Commission meeting.
- B-17-00687; Variance request to allow the car wash access drive to encroach into the 50 ft setback required along W 6th Street between Monterey Way and Folks Road. The Board of Zoning Appeals approved the variance request at their February 1, 2018 meeting to allow a 40 ft setback, contingent on the approval of the Special Use Permit.
- MS-17-00692; Minor Subdivision Monterey No. 8 Addition to reconfigure the lot lines was submitted concurrently with the other applications. The Minor Subdivision will be processed administratively; however, it has been placed on the Planning Commission agenda for consideration of a variance requested from the right-of-way requirement in Section 20-830(a) of the Subdivision Regulations and, if necessary, will be placed on the City Commission agenda for acceptance of dedications of easements and/or right-of-way.

OTHER ACTION REQUIRED

- City Commission approval of rezoning request through adoption and publication of rezoning ordinance.
- City Commission approval of Special Use Permit through adoption and publication of Special Use Permit ordinance.
- Replatting the property through the Minor Subdivision process.
- Demolition permit obtained from Development Services prior to the demolition of building.
- Building permits obtained from Development Services Division prior to the commencement of development.

PLANS AND STUDIES REQUIRED

- *Traffic Study* – the City Traffic Engineer accepted the 7-Step Traffic Study and indicated the traffic did not reach the threshold which would require a full traffic study.
- *Downstream Sanitary Sewer Analysis* – The City Utility Engineer noted that, as the facility will use a water reclamation system to reduce the total volume of water discharged to the sanitary sewer system, a Downstream Sanitary Sewer Analysis is not required with this project; however, a Fixture County Spreadsheet was requested to document Code requirements.
- *Drainage Study* – The drainage letter dated 12-18-2017 meets the specified requirements and is approved.

ATTACHMENTS

Attachment A: Traffic Impact Study
Attachment B: Noise Study
Attachment C: Public Communications

PUBLIC COMMENT

- Two emails were provided in opposition to the car wash use and one email was provided from an interested party with concerns about the traffic at the intersection and with the ability of the wastewater system south of the proposed development to accommodate the car wash. These concerns are discussed later in this report.

GENERAL INFORMATION

Current Zoning and Land Use: PCD-Monterey Center (Planned Commercial Development) District [rezoning to the CN2 (Neighborhood Commercial Center) District pending; currently developed with a *Quality Restaurant*, vacant.

Surrounding Zoning and Land Use:

To the north:
CN2 (Neighborhood Commercial Center) District; Shopping center formerly a part of the Monterey Center PCD which includes *General Retail Sales, Fast Order Food, Personal Convenience Services, and Office* uses

To the east:
CN2 (Neighborhood commercial Center) District; Monterey Way right-of-way and realtor office: *financial, Insurance, Real Estate office.*

To the west:
CN2 (Neighborhood Commercial Center) District; parking area associated with the overall shopping center.

To the south:
RSO (Single-Dwelling Residential-Office) District; W 6th Street right-of-way and bank: *Financial, Insurance, Real Estate Office.* (Figure 1)

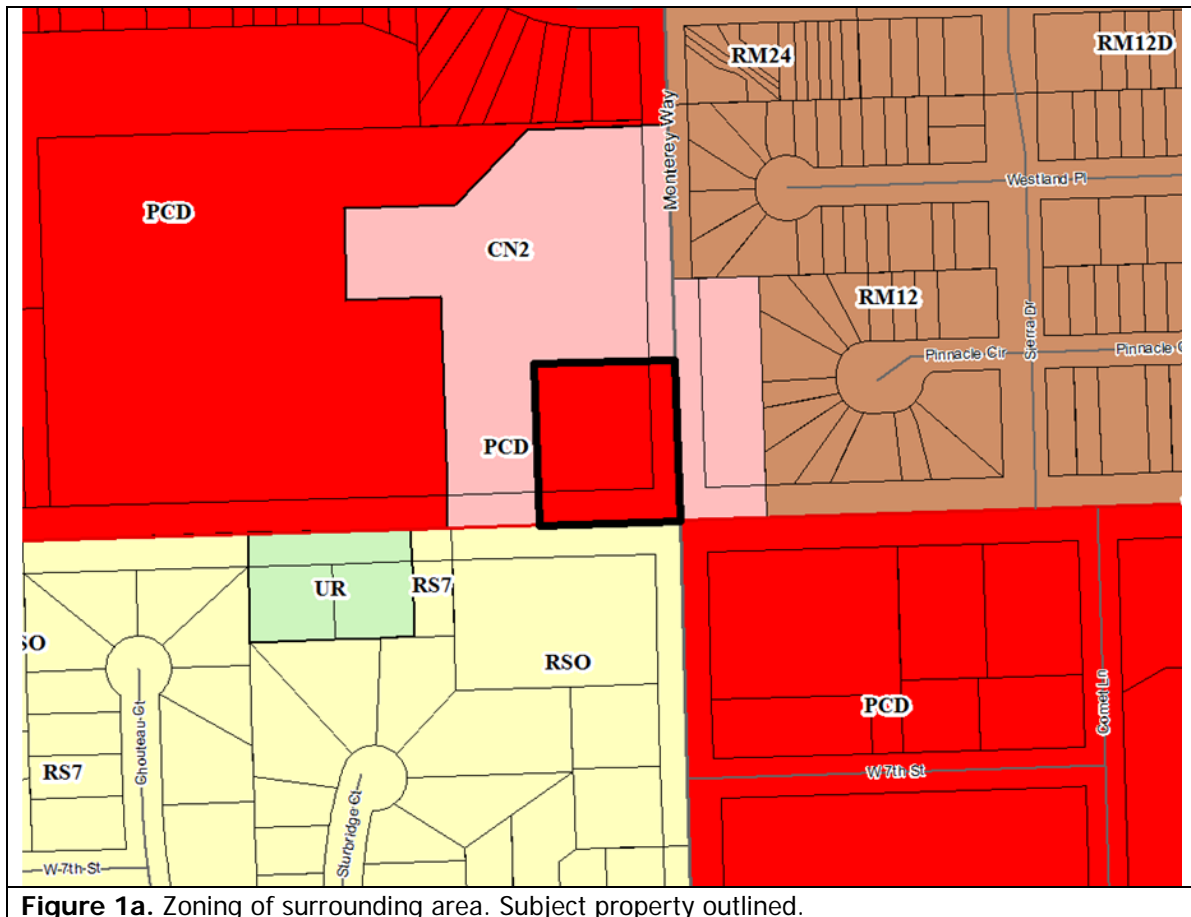


Figure 1a. Zoning of surrounding area. Subject property outlined.



Figure 1b. Land use/development of surrounding area.

SUMMARY OF SPECIAL USE

This application proposes the demolition of a 4,797 sq ft building and the construction of a 5,169 sq ft car wash and associated site improvements on the lot at 3900 W 6th Street and a portion of the lot to the north, 4000 W 6th Street. The lots are being reconfigured with a Minor Subdivision to accommodate this development.

The site is encumbered with a 100 ft wide Westar Easement, a 20 ft Southern Star Easement and a 75 ft wide building setback from a gas line measured from the centerline of Monterey Way (35 ft on the subject property). Figure 2 illustrates these site constraints.

26.456 Section 20-1306(a), of the Development Code provides the following information on the review procedures for a Special Use:

"The process entails a public review and evaluation of the use's operating characteristic and site development features and is intended to ensure that proposed Special Uses will not have a significant adverse impact on surrounding uses or on the community at large."

SITE PLAN REVIEW

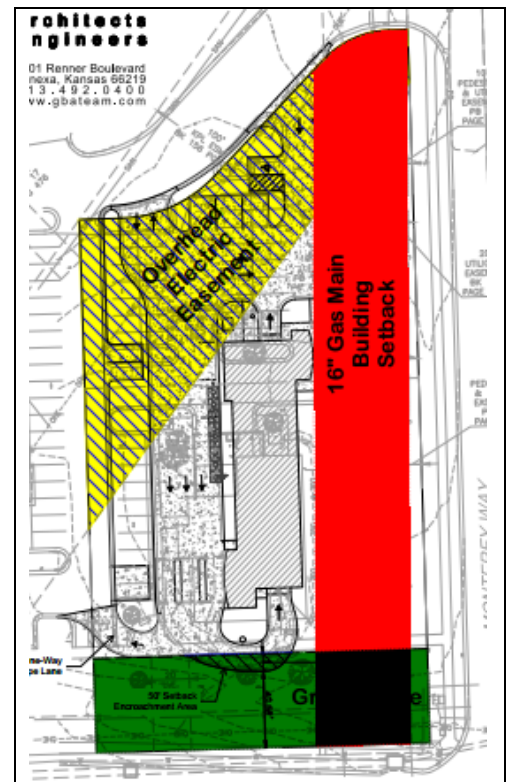


Figure 2. Easements and building setbacks on the property.

The site plan submitted with a Special Use Permit application is required to meet the site plan requirements in Section 20-1305(f) of the Development Code. Site plans are grouped into ‘minor’, ‘standard’, and ‘major’ classifications based on the degree of development being proposed. This classification determines the degree of compliance with City Codes that is required. While the Code does not provide this distinction for Special Use Permits, it is reasonable to extend these classifications to determine the degree of compliance that is required for various projects. The Tommy’s Car Wash project involves the razing of the site; therefore, this project fits the criteria for a Major Development Project and would be processed with a major site plan. (Section 20-1305(b), Development Code). A ‘major’ site plan requires full compliance with the Development Code, and all other City Codes.

Review and Decision-Making Criteria (20-1306(i), Development Code)

1. WHETHER THE PROPOSED USE COMPLIES WITH ALL APPLICABLE PROVISIONS OF THIS DEVELOPMENT CODE

Applicant’s Response:

“Yes, we believe so.”

The following is a review of the property for compliance with the Development Code and the Commercial Design Standards.

SITE SUMMARY	Existing	Proposed	Change
Land Use:	<i>Quality Restaurant</i>	<i>Cleaning (Car Wash)</i>	Change in use
Land Area:	57,840 sq ft	57,840 sq ft	---
Building Area:	4,797 sq ft	5,169 sq ft	+ 372 sq ft
Pavement Area:	26,587 sq ft	22,747 sq ft	- 3,840 sq ft
Impervious Area:	31,384 sq ft (54.3%)	27,916 sq ft (48.3%)	- 3,468 sq ft
Pervious Area	26,456 sq ft	29,924 sq ft	+ 3,468 sq ft

CN2 District Density and Dimensional Standards		
STANDARD	REQUIRED	PROVIDED
Lot Area	20,000 sq ft	57,840 sq ft
Lot Width	100 ft	177.50 ft on 6 th Street; 378.84 on Monterey Way
Maximum Impervious Lot Coverage	80%	48.3%
Front Setback	20 ft	~75 ft
W 6 th Street Gateway Setback	50 ft	40 ft (per BZA Variance)
Exterior Side Setback	20 ft	~ 60 ft
Interior Side Setback	0	~ 60 ft
Maximum Height	45 ft	28 ft

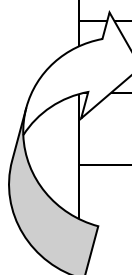
The site and development is compliant with the density and dimensional standards of the CN2 District.

PARKING

Per the Off-Street Parking Schedule C (Section 20-904 of the Development Code), a *Cleaning (Car Wash)* use requires 2 parking spaces plus the stacking spaces per Section 20-911 (4 spaces at each entrance). There is one entrance for the car wash, which will be served by two access drives.

PARKING TABLE (for proposed use)			
Use	Parking Requirement	Parking Required	Parking Provided
<i>Cleaning (Car Wash)</i>	2 PLUS 4 stacking spaces at each entrance	2 spaces	2 with 26 stacking spaces
ADA Accessible	1 van accessible space for parking lots with up to 20 spaces	1 van accessible space	1 van accessible space
Bicycle	None	0	0
Total		2 spaces/ with one being van accessible	3 with 1 being van accessible, and 26 stacking spaces (Figure 3)

PARKING TABLE (for Monterey Center overall)*			
Use	Parking Requirement	Parking Required	Parking Provided
<i>Food & Beverage (PCD)</i>	1 space per 200 net sq ft	36,000 net sq ft 180 spaces	195 (11 ADA) spaces
<i>Food & Beverage (PCD) expansion</i>		10,000 net sq ft 50 spaces	50 spaces
<i>Strip Mall Retail</i>		16,800 net sq ft 84 spaces	185 (3 ADA) spaces
<i>Outdoor Sale Area</i>		13,200 net sq ft 66 spaces	46 spaces
<i>Gas and Fuel Sales with Convenience Store</i>		945 net sq ft 5 spaces	13 (1 ADA) spaces
<i>Restaurant</i>		3,408 net sq ft 17 spaces	17 (1 ADA) spaces
<i>Total (with restaurant)</i>	ADA: 3% of total spaces	402 spaces 11 ADA spaces	506 with 16 ADA Spaces
<i>Cleaning (Car Wash)</i>	2 PLUS 4 stacking spaces at each entrance	2 spaces PLUS 4 stacking spaces at the entrance	67 spaces removed (including 2 ADA spaces) and 3 parking spaces (including 1 ADA space) added with this project PLUS 26 stacking spaces
Total with Car Wash replacing restaurant		387 spaces	442 spaces (with 15 ADA spaces)

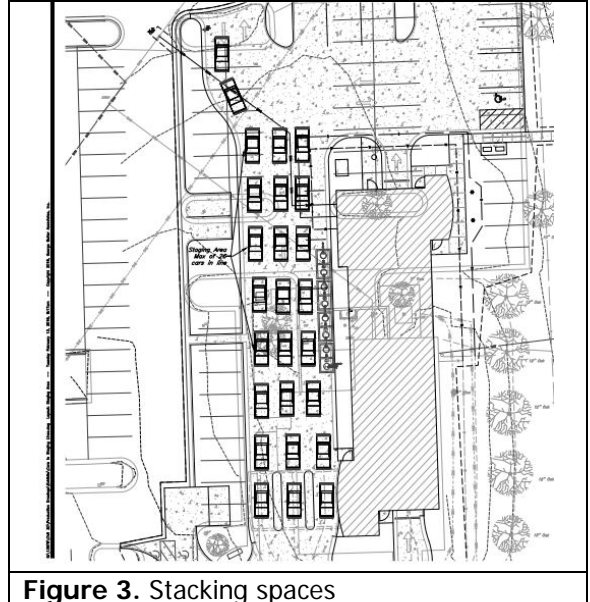


*Figures provided with SUP-12-09-10, Special Use Permit for Fast Order Food Restaurant to CN2 portion of development.

Additional stacking spaces are being provided with this car wash as it is a high speed wash and cars are expected to move through it at a quick pace. The stacked parking layout is illustrated in Figure 3. (Please note, this graphic includes parking spaces which are being demolished with this project.)

LANDSCAPING

Interior parking lot landscaping is required at a rate of 40 sq ft per parking space and plantings are required at a rate of 1 tree and 3 shrubs per 10 parking spaces. Two employee spaces are provided along the west side of the property and one ADA accessible space is provided on the east side of the property. The interior parking lot standards apply to parking lots that provide 11 or more parking spaces and are intended to break up large expanses of pavement, and to safety direct traffic within the lot. The two employee spaces are bounded on each side by large landscaped islands. The 3 vacuum bays located in the northern portion of the lot are surrounded on three sides by landscape islands. The landscaping plan sheet shows the ADA space to the north of these three vacuum bays. The ADA space has been relocated to the southeast corner of the site, nearer the building, so the landscape plan sheet should be revised to reflect this change. The vacuum bays along the east side of the property require perimeter parking lot landscaping along the east side, but is bounded on the north and the south by landscaped areas. The parking spaces are broken up by their placement throughout the site in addition to landscaping. In staff's opinion, this landscaping and separation of parking spaces meets the intent of the Interior Parking Lot Landscaping requirement.



Perimeter parking lot landscaping is intended to screen the parking lots from adjacent streets. It is required at a rate of 1 shade or ornamental tree per 25 ft of parking lot frontage in addition to one of the following (a berm, minimum of 3 ft in height; a solid masonry wall, minimum of 3 ft in height; or a continuous hedge of evergreen shrubs).

The two employee spaces are interior to the site and will not require screening; however, the vacuum bays along Monterey Way are considered parking spaces and require perimeter screening. The vacuum bay and ADA accessible parking space have approximately 130 ft of frontage along Monterey Way. Shade or Ornamental Trees are required at the rate of 1 tree per 25 ft of parking lot frontage or 6 trees. A continuous evergreen hedge, masonry wall, or berm is also required to screen the parking area. The plan provides 5 trees along this perimeter parking lot along with a continuous hedge of junipers. The number of trees required is administratively waived to permit the provision of 5 trees rather than 6 due to the constraints posed by the easements; however, they may need to be shifted to the south to keep trees out of the Weststar Easement.

Street Trees are required at a rate of 1 tree per 40 ft of street frontage. Per the Master Street Tree Plan provided with the Minor Subdivision for Monterey No. 8 Addition, 14 street trees are required along Monterey Way and 8 trees are required along W 6th Street. However, due to the site constraints created by the easements, the number of trees required has been reduced to 10 on Monterey Way, with the new trees being smaller species and located as far from the Southern Star gasline as possible.

The trees along W 6th Street must be of a smaller species to avoid conflict with the overhead power lines. Westar indicated the northern tree on Monterey Way is within their easement. The Master Street Tree Plan is being revised to meet these requirements and the street trees on the Special Use Permit plans should be adjusted to match the approved Master Street Tree Plan.

Bufferyard. A Type 1 bufferyard is required where the adjacent property has a more or less intense zoning, as identified in Section 20-1005. The property to the south is separated from the subject property by W 6th Street right-of-way, which is approximately 100 ft wide in this area. The site plan shows that trees and ornamental grasses will be planted south of the car wash. The proposed landscaping, in conjunction with the 100 ft dividing right-of-way meets the intent of the bufferyard landscaping requirement.

PARKING LOT AND ACCESS DRIVES

The parking area and access drives will be surfaced and curbed in accordance with City Standards.

SIDEWALKS

Sidewalks along Monterey Way and W 6th Street were installed with previous projects; therefore, no new sidewalks are required with this development.

LIGHTING

Exterior lighting is being proposed with this project. A photometric plan and point-by-point illumination array is provided as Sheet C-13 of the SUP plan set. The plan notes that there will be 20 ft tall pole mounted lighting and wall mounted lights at various points on the building. Per Section 20-1103 of the Development Code, the maximum light levels permitted at the property line are: 3 foot candles where the property is adjacent to, or across the street from, non-residential zoned properties (north, east, and west property lines); and 1 foot candle where the property is across the street from R Zoned properties (south property line). The light levels at the property lines are compliant with these standards. The pole mounted lights will be full cut-off fixtures and will be angled at 90° to minimize glare (Figure 4).



Figure 4a. Pole mounted light fixture

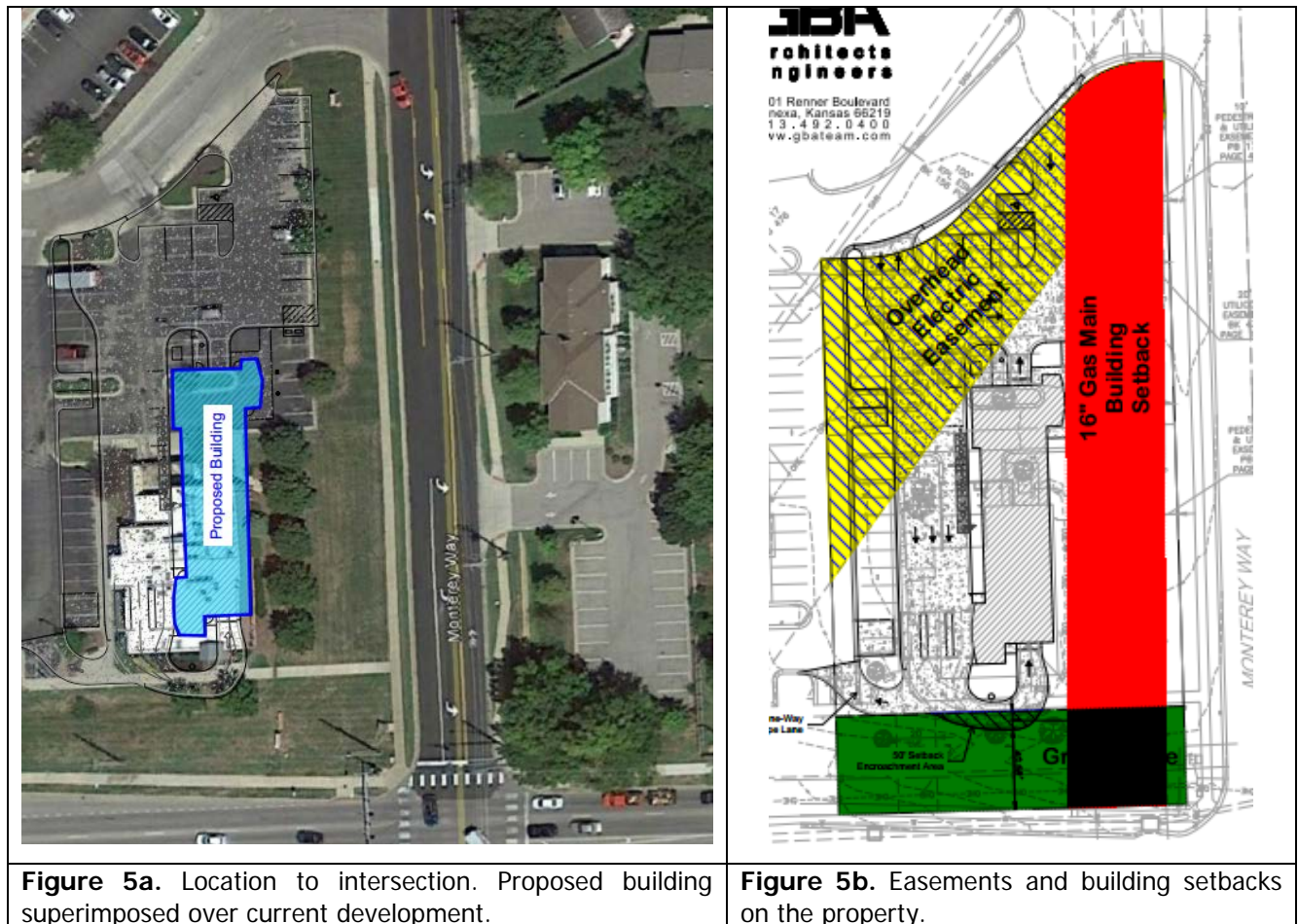


Figure 4b. Wall mounted light fixture

COMMERCIAL DESIGN STANDARDS

Standards in the City's Commercial Design Manual apply to new commercial development as well as the redevelopment of existing commercial areas. Site Design is an important element in the Manual which recommends that buildings be pulled forward to define the edges of public streets and internal private drives; and that buildings located at intersection corners be oriented in a manner that addresses both streets. It notes that buildings should be arranged to orient to the intersection streets and to frame the corner at that intersection. The proposed building is being located in approximately the same location as the existing restaurant, although it is more linear in shape. As

illustrated in Figure 5, utility easements and required building setbacks limit the location options for the building.



The Commercial Design Standards require that a minimum of 1/3 of the plantings be evergreen species. Landscaping proposed for this project, other than the required street trees, will be a mix of junipers and yews, evergreen shrubs, and ornamental grasses, which are usually maintained throughout the winter season. The Standards also recommend that driveways into a commercial center be landscaped. The site has limited frontage on the access drive but these are planted with a mixture of evergreen shrubs and grasses.

With the changes being proposed to this site, the aesthetic character of the new building is one of the principal factors for Commercial Design review. The Guidelines recommend that commercial developments have visual interest and a recognizable image as a distinct place and should have a compatible architectural context with surrounding developments and the community as a whole. Features that should be included include 'four-sided architecture', articulation so that a large dominant building mass is avoided, and roofline variation. The guidelines note that a minimum of 30% of the exterior building façade shall incorporate limestone, brick, or other natural stone, which will help provide continuity and compatibility throughout commercial centers and with the community. The applicant revised the elevations originally submitted to incorporate natural materials, as shown in Figure 6. The design of the building, with these changes, is compliant with the Commercial Design Standards as it is compatible with the nearby commercial development and creates visual interest.

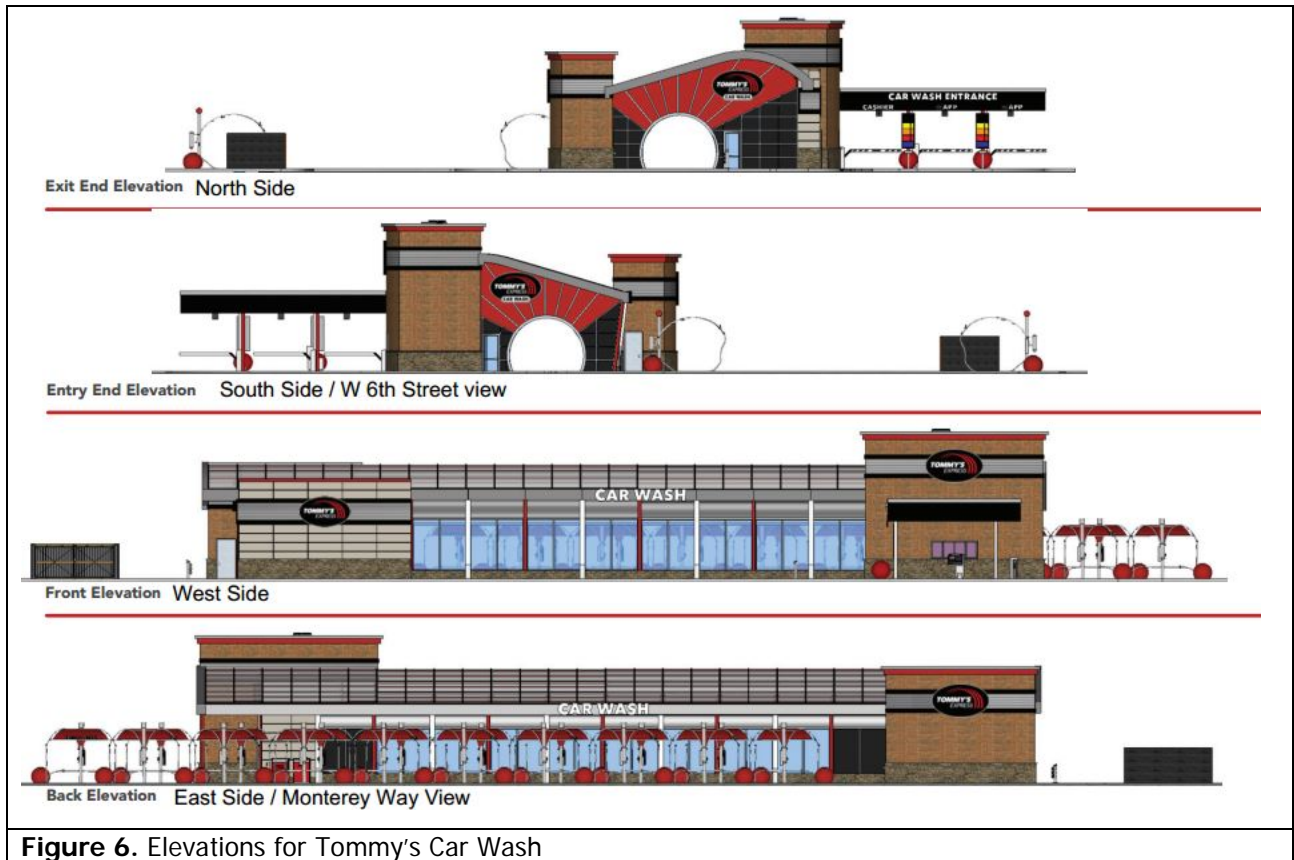


Figure 6. Elevations for Tommy's Car Wash

Staff Finding – This use complies with the applicable provisions of the Development Code as an allowed use in the CN2 District subject to a Special Use Permit, as conditioned.

2. WHETHER THE PROPOSED USE IS COMPATIBLE WITH ADJACENT USES IN TERMS OF SCALE, SITE DESIGN, AND OPERATING CHARACTERISTICS, INCLUDING HOURS OF OPERATION, TRAFFIC GENERATION, LIGHTING, NOISE, ODOR, DUST AND OTHER EXTERNAL IMPACTS

Applicant's Response:

"Yes, we believe so."

A car wash could have negative impacts on nearby residential uses, as they would generate noise and could have late hours. The subject property is separated from residential uses in the area by commercial or office uses and should not have a negative impact on them. (Figure 7) The applicant provided a noise study that was conducted for a similar car wash earlier this year. The results show that, at the loudest point the noise level is approximately 86 decibels. The study advised that employees in this area, the blower room, wear noise protection. The study showed that the sound level measured 5 ft outside the car wash is 74 decibels and is 66 decibels 20 ft from the car wash. The subject car wash is located more than 20 ft

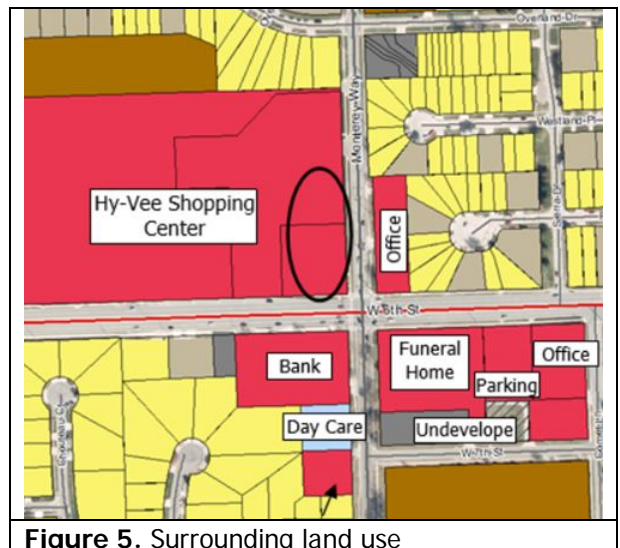


Figure 5. Surrounding land use

from any property line so, based on this study, the noise level at the property line should be between 66 and 64 decibels. The study noted that the ambient noise level at this location was 64 decibels.

The subject property is surrounded on the north and west by various retail uses and parking area for the Monterey commercial development. It is bounded on the east by Monterey Way and a Board of Realtors office. A bank is located to the south across W 6th Street. The lighting used will be similar to that used throughout the commercial center and should not result in off-site glare or light trespass.

The proposed use is an auto-oriented commercial use in the southeast corner of the Hy-Vee Shopping Center which should be compatible with the development as another auto-oriented commercial use, a convenience store with gas sales, is located on the southwest corner of the development. The operating hours, approximately 14 hours a day, should be similar to that of the adjacent commercial development. The property has frontage on a Principal Arterial and a Collector Street, and is not expected to generate much more traffic than the restaurant which it is replacing. The site has been designed to limit negative impacts to adjacent properties through landscaping and appropriate lighting.

CONCERNS RAISED IN PUBLIC COMMENT

Staff received an email from a member of the public asking for information on the possible impacts the car wash would have on the sanitary sewer system and the traffic at the intersection. The applicant provided the City Utility Engineer with information on the water reclamation system which reduced the water usage and discharge level. The Engineer requested the water usage and discharge information be provided in the form of a fixture count spreadsheet to document Code requirements.

The City Traffic Engineer reviewed the 7-step Traffic Impact Study which indicated that the proposed use would generate between 64 to 86 total trips during the PM peak hour, depending on the method used to estimate trip generation (ITE, (Institute of Transportation Engineers Trip Generation Manual) or the facility operational capacity). The property as a restaurant was expected to generate a total of 59 total trips in the PM peak hour. Therefore the maximum expected increase in trips during the PM peak hour is 27. This amount of additional traffic did not meet the threshold level to require a full traffic impact study (an increase of more than 100 trips in the peak hour) and the City Transportation Engineer indicated that the new development will have negligible impacts on the existing road network.

Staff Finding – The use should be compatible with surrounding land uses as it is located in an area with commercial and office land uses. The car wash will utilize a water reclamation system to reduce their water demand and discharge level to minimize their impact on the City Utility System. The maximum increase in traffic expected with this project is expected to be an additional 27 vehicles during a peak hour, which is not expected to impact the existing road network. The car wash use is compatible with other uses in the area and is expected to have little impact to the surrounding area.

3. WHETHER THE PROPOSED USE WILL CAUSE SUBSTANTIAL DIMINUTION IN VALUE OF OTHER PROPERTY IN THE NEIGHBORHOOD IN WHICH IT IS TO BE LOCATED

Applicant's Response:

"No, we believe that it will be a complementary business that will increase the value of real property, and provide an economic benefit to all nearby businesses."

The proposed development is in compliance with the standards of the Development Code, with the variance granted from the 50 ft setback along W 6th Street to allow a reduction to 40 ft for the access drive. The project is designed in compliance with the Commercial Design Standards and there are no elements of the site plan which would lead staff to assume there would be a reduction in the property values of nearby properties.

Staff Finding – There is no evidence to support a finding that the proposed use would cause a diminution of other property values in the area.

4. WHETHER PUBLIC SAFETY, TRANSPORTATION AND UTILITY FACILITIES AND SERVICES WILL BE AVAILABLE TO SERVE THE SUBJECT PROPERTY WHILE MAINTAINING SUFFICIENT LEVELS OF SERVICE FOR EXISTING DEVELOPMENT

Staff Finding – This project is redeveloping an established commercial property. The Public Safety, transportation and utility facilities in the area are adequate to continue service to the subject property.

5. WHETHER ADEQUATE ASSURANCES OF CONTINUING MAINTENANCE HAVE BEEN PROVIDED

Staff Finding – The site plan will function as the enforcement document to assure that the maintenance and use of the property is consistent with the approval.

6. WHETHER THE USE WILL CAUSE SIGNIFICANT ADVERSE IMPACTS ON THE NATURAL ENVIRONMENT

Applicant's Response:

"We do not believe so. We are also able to increase the landscaped area with our use, above what is currently in place. Tommy's Express also uses a water reclamation system that allows us to use less water per car than your typical express car wash."

The property and the surrounding area is fully developed. The facility will utilize a 'water re-use' feature to limit the car wash's demand on City utilities. The proposed use should not adversely impact the natural environment.

Staff Finding – The proposed use should not adversely impact the natural environment.

7. WHETHER IT IS APPROPRIATE TO PLACE A TIME LIMIT ON THE PERIOD OF TIME THE PROPOSED USE IS TO BE ALLOWED BY SPECIAL USE PERMIT AND, IF SO, WHAT THAT TIME PERIOD SHOULD BE

Staff Finding – Time limits are established on Special Use Permits to permit a periodic review to determine if the use remains compliant with the area. This area is fully developed and the Special Use Permit would allow the development of one specific additional use, a car wash, in the commercial center. The use should maintain its compatibility with the surrounding area and a time limit is not necessary.

CONCLUSION

Based on the findings in this report, and as conditioned, staff recommends approval of the proposed Special Use Permit.