

ITEM NO. 4A REZONING FROM CN2 & PCD TO CN2; 3900 W 6TH ST (MKM)

Z-17-00688: Consider a request to rezone approximately 1.33 acres located at 3900 W 6th St from CN2 (Neighborhood Commercial Center) District & PCD (Planned Commercial Development-Monterey Center) District to CN2 (Neighborhood Commercial Center) District. Submitted by Wild Pines Ventures LLC, for Lawrence Monterey Investors LLC, property owner of record.

ITEM NO. 4B SPECIAL USE PERMIT; 3900 W 6TH ST (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.

MISC NO. 1 VARIANCE; 3900 W 6TH ST (MKM)

Minor Subdivision/Replat, MS-17-00692, for Monterey No. 8 Addition, variance request per Section 20-808(c)(5) of the Subdivision Regulations to allow reduced right-of-way for 3900 W. 6th Street. Submitted by George Butler Associates, LLC, for Lawrence Monterey Investors, LLC, property owners of record.

STAFF PRESENTATION

Ms. Mary Miller presented items 4A, 4B & Misc 1 together.

APPLICANT PRESENTATION

Mr. Austin Davis, Wild Pine Ventures, was present for questions.

Mr. Matt Gough, Barber Emerson, said the applicant reached out to the Monterey Neighborhood Association President but he did not want to have a neighborhood meeting. Mr. Gough stated the request met all the Golden Factors.

PUBLIC HEARING

Mr. Roger Mason read a letter from Mr. Steve Choikhit, Commercial Ventures, who was unable to attend the meeting. The letter was in favor of the project. Mr. Choikhit felt the use would be a nice compliment to the rest of the center and would bring in additional business for the current tenants. Mr. Choikhit felt the southeast corner was segregated so that traffic patterns would not adversely affect other portions of the development or create problems for residential residents in the area.

COMMISSION DISCUSSION

Commissioner Carpenter asked about the hours of operation.

Mr. Davis said the franchise hours would be 7:00am-9:00pm with four employees.

Commissioner Willey said that a new noise study was provided after letters were received from the public.

Mr. Davis said the newer equipment had a lower noise decimal.

Commissioner Willey asked if the neighbors were aware of the new noise study.

Mr. Davis said yes, he provided the neighborhood association with the new information.

Commissioner Willey inquired about vacuum noise.

Mr. Chris Michael said the new plastic technology would reduce the noise.

Commissioner Sands asked why the area to the north was zoned CN2.

Ms. Miller said the current zoning was PCD. She said there was a thin strip zoned CN2 to allow commercial uses not allowed in PCD.

Mr. McCullough said the CN2 zoning was to allow the Little Caesars drive-thru window several years ago.

Commissioner Kelly asked about the recourse if the noise level was not what was promised.

Mr. McCullough said a Special Use Permit had more recourse with enforcement measures than a rezoning. He said there were several other new car washes in Lawrence near residential areas.

Commissioner Culver asked why the car wash required a Special Use Permit.

Mr. McCullough said a car wash use in the CN2 zoning district may or may not be compatible so it requires a Special Use Permit.

Commissioner Willey said they received a communication regarding sanitary sewer versus runoff.

A gentleman who did not state his name but identified himself as the project engineer said the downstream residents would see less impact because of the increased greenspace on the site. He said he worked with staff regarding the sanitary sewer calculations.

ACTION TAKEN on 4A

Motioned by Commissioner Sands, seconded by Commissioner Weaver, to approve the request to rezone, Z-17-00688, approximately 1.33 acres from CN2 and PCD-[Monterey Center] (Planned Commercial Development) District to CN2 (Neighborhood Commercial Center) District, located at 3900 W 6th St, and forwarding it to the City Commission with a recommendation for approval based on the findings of fact found in the body of the staff report

Unanimously approved 9-0.

ACTION TAKEN on 4B

Motioned by Commissioner Sands, seconded by Commissioner Willey, to approve the Special Use Permit, SUP-17-00690, for Tommy's Car Wash, a *Cleaning (Car Wash)* use, located at 3900 W 6th St, 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.

Commissioner Kelly said he lived ½ mile from this location. He said he was not as concerned about the car wash blower as he was about the outside vacuums. He hoped he and his neighbors would not have to hear the outside vacuums.

Unanimously approved 9-0.

ACTION TAKEN on Misc 1

Motioned by Commissioner Sands, seconded by Commissioner Culver, to approve the variance requested for Minor Subdivision, MS-17-00692, to reduce the right-of-way width required in Section 20-810(a)(5) for W 6th Street, a Principal Arterial Street, from 150 ft to 100 ft; to allow the right-of-way width on the subject side of the centerline to remain at 50 ft rather than the 75 ft required by the Subdivision Design Standards.

Unanimously approved 9-0.

DRAFT