

Board of Adjustment

Staff Report

CASE NUMBER: BA17-038 - (PLN2017-00341)
LOCATION/ADDRESS: 4200 block of S. Power Road (east side)
COUNCIL DISTRICT: District 6
STAFF PLANNER: Kim Steadman
OWNER: GBSP, LLC
APPLICANT: Zoning Strategies – Jenifer Corey
REQUEST: Requesting a Special Use Permit (SUP) to allow for a carwash in the LC-AF-PAD District.

SUMMARY OF APPLICANT'S REQUEST

The applicant requests a Special Use Permit (SUP) for a proposed carwash along Power Road, within Gateway Norte which is a Group Commercial/Industrial development.

STAFF RECOMMENDATION

Staff recommends **approval** of case **BA17-038** with the following conditions:

1. Compliance with the site plan, narrative and landscape plan submitted, except as modified by the conditions below;
2. Compliance with all requirements and conditions of approval for zoning case Z16-059;
3. Compliance with all requirements and conditions of approval for Design Review case DR17-003;
4. Compliance with Zoning Ordinance including standards for specific uses and activities, Sec 11-31-7: Automobile/Vehicle Washing.

SITE CONTEXT

CASE SITE: Vacant- zoned LC-AF-PAD
NORTH: Existing commercial -zoned LC-AF-PAD
EAST: Existing RV storage – zoned LI-AF-PAD
SOUTH: Vacant – zoned LC-AF-PAD
WEST: (Across Power Rd) Existing agricultural use (Town of Gilbert) – zoned LI

STAFF ANALYSIS

This Special Use Permit is being requested to allow development of a carwash. Cars entering from Power Road will queue along the east property line, move through the carwash, which is near the south property line, then circulate into the aisles of vacuum stalls before returning to Power Road. A commercial building to the north, and an RV storage lot to the east share the Power Road access with the carwash.

Approval of a Special Use Permit can only be granted if the approving body determines that the proposed development has met the SUP requirements of Section 11-70-5 of the Zoning Ordinance. In addition, Section 11-31-7 of the Zoning Ordinance applies specific development standards to car washes. The Project Narrative establishes that the site complies with these standards. Through staff review, we have found that:

1. The proposal will advance implementation of the General Plan;
2. The location, size, design, and operating characteristics are consistent with this commercial/industrial center;
3. The proposed development and use of this property as a carwash will not be injurious or detrimental to

surrounding properties; and,

4. There are adequate public facilities and infrastructure to serve the project.
5. The proposed development meets the standards for Location, Setbacks, Queuing Area, Landscaping, Litter and Noise.
6. The applicant has also provided a Plan of Operation and a Good Neighbor Policy as required.

FINDINGS:

1. The proposed carwash is allowed in the Limited Commercial (LC) zoning district with the approval of a Special Use Permit.
2. The proposed car wash is compatible with adjacent developments, and can be complimentary to existing surrounding uses.
3. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.
4. The proposed expansion of the commercial/industrial center to include carwash, with the recommended conditions of approval, will not be injurious or detrimental to the adjacent or surrounding properties in the area.
5. The vacuum system is in a separate enclosure and meets the sound attenuation design requirements for less than 55 decibels of sound reading level at the property line.
6. The project site exceeds the minimum 10% landscape design standard required for car washes.

ORDINANCE REQUIREMENTS:

Zoning Ordinance, Sec 11-70-5: Special Use Permit

E. **Required Findings.** A SUP shall only be granted if the approving body determines that the project as submitted or modified conforms to all of the following criteria. If it is determined that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established in the record.

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;
2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and with any other applicable City plan or policies;
3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and
4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

Zoning Ordinance, Sec 11-31-7: Automobile/Vehicle Washing

Automobile Washing, as described in [Section 11-86-4](#), shall be located, developed, and operated in compliance with the land use regulations in [Article 2](#) and the following standards:

- A. **Location.** Automobile/Vehicle Washing, as a primary use, is only allowed on sites with at least one frontage on an arterial street.
- B. **Setbacks.** No building or structure shall be located within 20 feet of any interior lot line abutting a residential zoning district.
- C. **Drive-up Aisles and Required Queuing Area.** Drive-up aisles shall be at least 11 feet wide; if adjacent to a street, they shall be screened as specified in [Section 11-30-9\(E\)](#), Drive-through Windows and Automated Car Washes. The drive-up aisle shall provide queuing space, with no encroachment into required landscape areas or building setbacks, for at

minimum:

1. 4 vehicles per pull-through rack for each automatic wash bay.
 2. 3 vehicles per bay for self-serve, coin-operated and/or hand wash facilities.
- D. **Landscaping.** Automobile/Vehicle Washing, as a primary use, in addition to perimeter, parking lot and foundation base landscaping requirements, landscaping shall comprise a minimum of 10 percent of the site area.
- E. **Litter.** One permanent, non-combustible trash receptacle per wash bay is required.
- F. **Noise.** Sound attenuating measures shall be incorporated into the building design and construction to absorb noise such that the sound level readings at the street and at interior property lines are no more than 55 decibels. Mechanical equipment for centralized vacuum equipment shall be housed in an enclosed room.
- G. **Additional Special Use Permit Criteria.** When a [Special Use Permit](#) is required by [Article 2](#), each of the following items shall be included in the evaluation:
1. The number of automobile related activities within 600-feet of an intersection of arterial streets shall not exceed 2, including automobile/vehicle washing, automobile service stations, automobile sales or rental lots, or automobile/vehicle repair.
 2. Proposed locations within “-U” designated areas shall be oriented with canopies and fuel dispensing equipment away from the street, either to the side or to the rear of a building.
 3. Compliance with all development standards for the applicable zoning district, including compliance with all requirements for automobile related services located in all mixed districts and “-U” designated districts.
 4. The use is found to be in compliance with the [General Plan](#), applicable Sub-area plans and other recognized development plans or policies, and will be compatible with surrounding uses;
 5. Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use shall adequately provide paved parking and on-site circulation in a manner that minimizes impacts on adjacent sites; and existing or proposed improvements to the site shall minimize dust, fugitive light, glare, noise, offensive smells and traffic impacts on neighboring residential sites.
 6. A finding that a plan of operation has been submitted, which includes, but is not limited to, acceptable evidence of compliance with all zoning, building, and fire safety regulations.
 7. A finding that a “good neighbor policy” in narrative form has been submitted, which includes, but is not limited to, descriptions of acceptable measures to ensure ongoing compatibility with adjacent uses. Such policies shall include, but are not limited to, the name of the facility; complaint response procedures, including investigation, remedial action, and follow-up; and litter control measures.
 8. Evidence that acceptable documentation is present demonstrating that the building or site proposed for the use is in, or will be brought into, substantial conformance with all current City development standards, including, but not limited to, landscaping, parking, screen walls, signage, and design guidelines.