

BOARD OF ADJUSTMENT MINUTES

**BOARD OF ADJUSTMENT
PUBLIC HEARING
THURSDAY, DECEMBER 20, 2018
9:00 AM**

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

Minutes of the Public Hearing of the BOARD OF ADJUSTMENT held at 9:00 AM on December 20, 2018, in COUNCIL CHAMBERS, CITY HALL, 201 S. CORTEZ STREET, PRESCOTT, ARIZONA.

I. CALL TO ORDER Chairman DiRienzo called the meeting to order at 9:00 a.m.

II. ATTENDANCE

MEMBERS	STAFF PRESENT
James Di Rienzo, Chairman	Matt Podracky, Assistant City Attorney
Johnnie Forquer	George Worley, Planning Manager
Paddie Braden	Kaylee Collison, Recording Secretary
Ray Everett	Bryn Stotler, Director of Community Development
Stephen Silvernale	COUNCIL PRESENT
Tony Teeters	James Lamerson, Councilman
Larry Meads	P and Z PRESENT
	George Sheats, Planning and Zoning Commission

II. PUBLIC HEARING ITEM

- CUP18-001**, Conditional Use Permit for Ocean Blue Car Wash at 3163/3165 Willow Creek Road; Applicant is Forever Partners, LLC; Owner is Lakeview Plaza, LLC. Zoning is Business General (BG); APN 106-20-497 and 498.

Presentation by George Worley on what a CUP (Conditional Use Permit) is and how the various conditions in the approval process can be evaluated; Light impact, noise impacts, and hours of operation.

- Presented zoning maps of site and nearby parcels.
- Staff report proposed reduced lighting when business is closed (25%) and using LED lighting closer to the lowest scale (3000 or lower Kelvin) which is similar to street lights.
- Hours of operation - 8am to 6 - No recommended change.

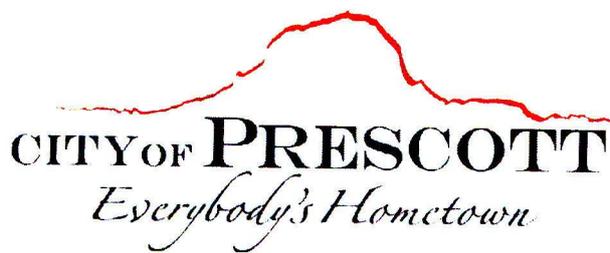
Applicant's architect John Reddell presented and stated he could respond to any questions regarding express car wash.

Board Member Silvernale: Are all sounds internal?

Applicant: Yes, except the vacuum.

Board Member Silvernale: Are there any dangerous decibels?

Applicant: No.



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Board Member Silvernale: Are there any OSHA requirements for hearing protection?

Applicant: No

Board Member Meads: The car wash recycles water in auto tunnel?

Applicant gave an explanation on how water is recycled.

Board Member Meads: How much water does the system use?

Applicant: We try and recycle all the water. We do not know the exact amount. During a normal day, how much fresh water would you use?

Applicant: (Alex Lazar – Owner – 22037 N 78th Street, Scottsdale AZ): Each wash typically uses 12-15 gallons and we recapture 5 gallons. We are part of the water savers club. I can follow up with more detailed information. We use roughly about 10 gallons per wash. We know that if someone were washing their car at home it would take 150 gallons.

Board Member Silvernale: Is there discharge into the Sewer?

Applicant: yes.

Board Member Silvernale: Do we get re-capture credit for this?

Staff: Not currently but during (plan) review we look at water allocation.

Board Member Meads: This is a sloped site. What is the elevation and how does that compare to apartment complex next door?

Applicant: Compares to commercial to the east. The final floor will be lower than the apartment complex. It will probably be 10-15 feet below the residential.

Board Member Meads: Are all light fixtures shining downward?

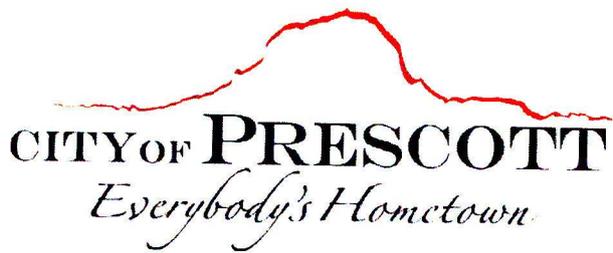
Applicant: Yes, all security lighting and the arches are shielded.

Board Member Meads: I would like to see 2700 Kelvin LED lights. Would summer hours stay open until 7pm?

Applicant will return back with any new information on changes to hours.

Board Member Meads: Any submittals pending for the adjacent lots to the east? Staff: Not aware of anything immediately.

David Hendricks, 915 Northwood Loop, Prescott : CUP has an impact on if this can be built on this site. As a car wash owner down the road, I'm asking (BOA) to deny the



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CUP. Mr. Hendricks read a statement against the project. Mr. Hendricks expressed that he believes this is not a "best use" purpose for this site and expressed concern about creating too many of the same business uses in the project area. He stated that the City of Prescott should not allow a developer to put a competing business adjacent to existing business. BOA should not be convinced to "bend the rules" for this site. There are other sites that are a good fit for another car wash that doesn't need a CUP. Mr. Hendricks requested BOA forward to P and Z and City Council a request to review existing business practices to support local small businesses.

Chairman Di Rienzo: Some concerns are very good. However, developer looking at City code how this area is zoned, it allows for a car wash in this area – with CUP. The BOA can only look at planning and zoning regulations and the codes. I understand your concerns as a business competitor, but you need to understand that the developer has a right to apply against this code as it's already written. The BOA only looks at that. We can't suggest to the City that we need to have competitive issues talked about. We only look at the code, what's available to build in this zone and decide yes or no.

Mr. Hendricks: I'm asking you to deny the permit so the car wash cannot be built. There are seven car washes already in Prescott and have already felt the pressure from previous Ocean Blue Development. I don't mind competition, but I find it difficult to understand that a board would make an exception and give an outside competitor an unfair advantage. I'm asking you to look at the impact. The code says "negative impact" to be considered.

Chairman Di Rienzo: We understand your concerns and all businesses' concerns in the Prescott area. But what right does a developer have to say it's in the code, I want to make the application and build what is already approved? There are two sides the BOA needs to consider that make sure it is fair to all parties. Not just those who are already here. We are driven by the code.

Mr. Hendricks: Appearance of conflict of interest with applicant and their position as co-chair on Planning and Zoning commission. I'm sure this is unintentional. Asking the planning and zoning to get with the builder and find a different use.

Tom Vanhuizen: 2351 N. Medora Dr., Prescott AZ – The noise issues are a concern. Has decibel testing been done? Vacuuming system is noisy. Nothing has been said about blower guns, they are 110 decibels.

Chairman Di Rienzo: BOA is always concerned about neighbors and how noise, light and times of operation affect the neighbors. If I were a neighbor, I would have the same concern. We have not asked the architect or developer about decibel testing. That may be something we want to look at. Also maximum operation level and what are the noise levels.

Tony Norkus: 1982 Promontory St, Prescott – Does Prescott need another car wash? Maybe? In that location, probably not. What is really needed and what don't we have? Embry Riddle is ranked high and growing. There are no restaurants, bakeries, etc. We need businesses that can offer higher paying jobs and need to serve more people and

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students in this area. Mr. Norkus gave an example of a volleyball complex with restaurant.

Chairman Di Rienzo: We take your concerns seriously. We cannot deny an application that is legal as far as the code goes.

Mr. Norkus: Nobody comes to Prescott to get their car washed.

Board Member Silvernale: Were you prepared to talk to the developer and offer a different idea? We cannot deny property rights to the property owner. Why would he deny the offer unless he has another offer from a different party.

Board Member Meads: Can the car wash operate below freezing?

Applicant: We are using heaters in the floor we can operate.

Mr. Reddell: We prep everything so we can operate below freezing but there is a point where operation is not practical.

Chairman Di Rienzo: Has a decibel study been done with maximum use, on the edge of property facing multi family or single family?

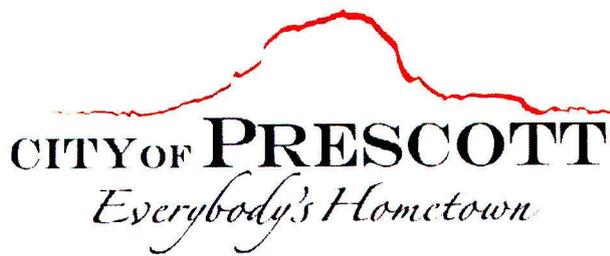
Mr. Reddell: We did one acoustical engineering 8 to 10 years ago and found the blowers register a decibel of 65 at the edge of the property with it (blower) outside the structure. This blower is inside the building.

Cynthia Marroquin: 1094 Pine Country Court, Prescott – I understand the developer wants to use his land but why are we giving another car wash an advantage? We don't want the car washes to go out of business. We don't want an eyesore. There would be a better set up in Williamson Valley or 89A. Willow Creek has a stellar reputation and hires local students. What benefit is it to the community to have a car wash so close? This is not the right choice for this area, for this town at this time.

Chairman Di Rienzo, BOA sits on the fence. We look at community concerns, city progress, developer concerns and rights. We need to look at both and we do look at your concerns.

Mackey VanHuizen: 2351 N. Medore Lane, Prescott : Co-owner of Richie's Car Wash on Sheldon. Within a 5 mile radius there are five car washes. Ocean Blue has had a negative effect on existing business. By allowing another one, there will be others put out of business. It is disappointing that there is not a use of the code to help businesses and find a better use for this site. The site is already chaotic. Pulling in cars will add to chaos. Car count needs to be looked at.

Board Member Silvernale: I frequent your car wash, however when we talk about placing a business, don't you want it in a high traffic area? From the commuter side and City side? If we had no other car wash on Willow Creek, would we all be here today?



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Ms. VanHuizen: Already traffic is congested at the site. Yes I would still be there.

Ronnie DeBenedatta, 715 Ashwood Lane: What I am fearful of is I drive by this every day. Everybody would agree we need other stuff in that area. I wouldn't put a business next to a car wash. If a restaurant is going to go there, they won't be able to sit outside. I realize this needs a development. A car wash will prevent other businesses from moving in there.

Ms. Van Huizen: If you want to get noise impact information, go to Walmart and listen to their current site.

Mr. Van Huizen: I ask that you request more studies be done on noise and water and traffic.

Ken Mabarak, 122 N. Cortez: (Developer of this project). I understand the passion from competitors. Dutch Bros. went there because it is busy. You don't want a car wash on a side street. I am very familiar with this area. I understand not wanting competition and that maybe this is not the best use. This property is zoned for car wash, and there are other areas where it is not permitted even with a CUP. It's not tweaking zoning, not my volunteerism (planning commission), that this is about. This is one of the last signalized vacant areas in our community. I would like a restaurant here. We are all for it. We still have 450K square feet of land. Thirty-one years ago when apartments were built, the driveway was always meant to be used and entered via Center street. It won't be long until the driveway will need to change (near McDonalds and CVS). This was always planned to be a shopping center. We don't determine who is going to go here. We thought the market would respond differently. We were hoping for a restaurant. The mall has sold twice. Prescott is not on the radar of a lot of national retailers. We are proud that we have brought three national retailers to the community. Traffic will continue to be an issue and need to be addressed in the future. We like the car wash, understand the cautions and we have been working on this for almost a year. We have CC&Rs (covenants, conditions and restrictions) and our standards are high. There will be no (blow up) clowns with air. We rejected five different plans. We will be looking at sound very carefully and lighting. We have other uses looking at the parcel on the east side. We're very concerned with landscaping. There will be intense landscaping along Center St. and Willow Creek Road which helps shield from sight and sound. People know what the market can support.

Board Member Meads: What size is the water pipe entering?

Mr. Reddell: It is stubbed to the property. 6 or 8 inch piping.

Board Member Silvernale: So any other location would need a CUP?

Staff: Code allows car washes in industrial (zoned) areas. In any commercial area it would need a CUP. All other car washes in Prescott are in commercially zoned areas.

Board Member Silvernale: Are we tweaking the zoning code?

Staff: CUP are appropriate subject to conditions. We look at making it less injurious to neighboring properties. Are we giving unfair advantage?

Staff: That's a subjective interpretation.

Board Member Meads: We appreciate the remarks and some of them are beyond the purview of the BOA.

Board Member Meads moved to approve the Conditional Use Permit: **CUP18-001, Conditional Use Permit for Ocean Blue Car Wash at 3163/3165 Willow Creek Road**, with the following conditions.

1. Reduce sight lighting level after close of business to 25% of operational levels
2. Light color temperature be at or at below 3000 Kelvin, not less than 2700 Kelvin.

The motion was second by Board Member Silvernale and unanimously approved by the Board of Adjustment.

III. ADJOURNMENT

Chairman Di Rienzo adjourned the meeting at 10:40 a.m.


Michelle Chavez, Recorder


James Di Rienzo, Chairman