



COUNCIL ACTION REPORT

AGENDA ITEM NO. _____

TO : Mayor and City Council
FROM : Community Development
SUBJECT/PROJECT NAME : Danny's Service Station
CASE NUMBER: 16-UP-97 & 17-UP-97

Agenda Item No.: 27
Meeting Date: 06/03/97
Staff Contact: Shewak/Collins
Ext.: 7826/7059

REQUEST: Use permit approval for an automated carwash and service station in C-2 (Central Business District)

LOCATION: Southwest corner of Shea Boulevard and 74th Street

APPLICANT: Beus, Gilbert & Morrill

3200 N. Central Ave, Ste 1000
Phoenix, AZ

OWNER: Brinker International
6820 LBJ Freeway
Dallas, TX

PLANNING COMMISSION RECOMMENDATION: APPROVED on the regular agenda by a vote of 6-0 subject to the attached conditions

STAFF RECOMMENDATION: Per Planning Commission

PUBLIC COMMENT: The Monterey at Mountain View II homeowners association has written a letter of support for the project. Several residents that live in the 7800 block of Cochise Road & Beryl Avenue (1/4 mile from this site) testified at the Planning Commission meeting and stated their concern regarding the change from a restaurant to a carwash.

SITE DETAILS

USE: Automated carwash, auto lube, detailing

PARCEL SIZE: +/- 2.5 acres

GROSS FLOOR AREA: 11,046 square feet

FLOOR AREA RATIO: .09

PARKING REQUIRED: 54 parking spaces

PARKING PROVIDED: 86 parking spaces

BUILDINGS: 2

HEIGHT: 32 feet

SETBACKS: 48' North, 70' East,
63' West, 70' South

SUMMARY OF REQUEST: This will allow an automated carwash and ancillary uses within a commercial service area.

GENERAL PLAN DISCUSSION:

- This request complies with the General Plan in this area.

The General Plan is a comprehensive, long range policy document that guides the ultimate physical development of Scottsdale. The Plan is an official public document that is adopted by the City Council after public hearings, citizen input and a recommendation from the Planning Commission. The Plan contains four elements: Land Use, Environmental Design, Circulation, and Public Facilities. Each element is reviewed when development applications are considered.

APPROVED

6/3/97

DATE

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Action Taken

Approved 5/1

ZONING CONTEXT:

Current Zoning: C-2, Central Business District
Surrounding Zoning: East, S-R (Service Residential), soon to be under construction
North, C-2, an existing shopping center
South and west, C-2 an existing shopping center
Southeast, R1-7 PRD (Single Family in a Planned Residential District)

Zoning History: Rezoned from R1-35 (Single Family Residential) to C-2 (Central Business District) in case 93-Z-84.

PROJECT DISCUSSION:

This site is located at the southwest corner of 74th Street and Shea Boulevard amidst a larger commercial service area. Present area land uses are restaurants, a grocery store, retail shops, and a retail and theater complex to the north. The nearest residential neighborhood is several hundred feet to the southeast. Currently, there is a building on the site that was at one time a restaurant which is now closed. The restaurant building will be removed and the site redeveloped according to the submitted site plan.

Access to the carwash will be through the existing driveways of the shopping center. There are no new curb cuts being proposed along Shea or 74th Street. The number of daily trips generated by the carwash are approximately ½ of what the existing restaurant use could generate. Parking is provided along the southern and eastern edges of the parcel.

Site uses include a staging area at the northeast corner where fueling and vacuuming occurs beneath a canopy which will be architecturally coordinated with other site buildings. The main wash facility is at the northwest corner of the site, and separated from Shea by a 7,000 square foot landscaped setting with a setback 42 feet from Shea. This building also contains oil and lube service bays on the southeast side of the building. A covered finishing and detail area is located on the southwest corner of the site. The project provides for more open space than the prior use.

USE PERMIT FINDINGS:

Staff has reviewed this case for compliance with Section 1.401 and recommends that the Planning Commission and City Council find as follows:

- A. *Granting this use permit subject to the approved conditions will not be materially detrimental to the public safety or welfare.*
1. *There will not be damage or nuisance arising from noise, smoke, odor, dust, vibration.* All noise from the washing area is contained in the main building. The existing noise levels at the intersection will be greater than noise generated on this site.
 2. *There will be no impact on surrounding areas resulting from an unusual volume or character of traffic.* Access is to and from major streets.
 3. *There are no other factors associated with this project that will be materially detrimental to the public.*

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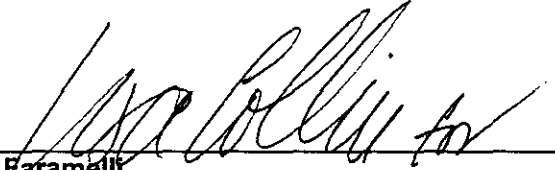
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3. *There are no other factors associated with this project that will be materially detrimental to the public.*
- B. *The characteristics of the proposed conditional uses are reasonably compatible with the types of uses permitted in the surrounding areas.*
- C. *The additional conditions relating to a service station has been satisfied for landscape requirements, architectural elements, driveways, lighting, lot area, screening, and site planning.*

COMMUNITY IMPACT:

All necessary upgrades to public infrastructure will be done by the applicant. The project is compatible with existing land use in the area.


John Faramelli
Community Development Administrator


Richard A. Bowers
City Manager

ATTACHMENTS:

- A - Conditions
- B - Additional Information
- #1 - Aerial
- #2 - Zoning Map
- #3 - Vicinity Map
- #4 - Land Use Plan
- #5 - Site Plan
- #6 - Planning Commission Minutes 5/14/97

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DATE INITIALS JJ

CONDITIONS FOR CASE 16-UP-97 & 17-UP-97

PLANNING/DEVELOPMENT

1. **CONFORMANCE TO DEVELOPMENT SUBMITTAL.** Development shall be in general conformance with the site plan and development program submitted by Butler Design Group and dated 3/31/97. These stipulations take precedence over the above referenced site plan and development program. Any proposed significant change, as determined by the Community Development Administrator, shall require approval through subsequent public hearings before the Planning Commission and City Council.
2. All automotive repairs shall be performed within the oil/lube building.
3. All service and detailing bays shall be screened by masonry walls and/or landscaping satisfactory to city staff.
4. With the Development Review Board submittal, the developer shall provide a landscape plan showing dense landscaping adjacent to the ingress and egress aisles of the car wash and the staging/fueling canopy, to decrease the views available directly up and down the car wash bay and staging area from the adjacent properties/pads and streets, to the satisfaction of city staff.
5. All site and building lighting shall be of a design which permits no glare. Canopy lighting shall be completely recessed into the canopy roof, with no part of the fixture lower than the bottom of the canopy's fascia.
6. No exterior public address or speaker system shall be permitted.
7. No exterior displays, including items for retail sale, shall be permitted on site, including within the bay areas.

CIRCULATION

1. **ACCESS RESTRICTIONS:** Before any building permit is issued for the site, the developer, at its expense, shall remove the existing driveway on the west side of the site and replace it with curb to match existing improvements. There shall be no direct site access to Shea Boulevard or 74th Street.

DRAINAGE AND FLOOD CONTROL

1. **FINISH FLOOR ELEVATIONS.** At the time of its application for Development Review Board review, the developer shall provide flood zone information to establish the basis for determining finish floor elevations per the City of Scottsdale's Revised Code.
2. **STORM WATER STORAGE.** On-site storm water storage is not required. (Storm water storage requirement has been waived in lieu of channel and culvert improvements designed and constructed per the approved master plan.)

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3. DRAINAGE REPORT. The final plan submittal shall include a drainage report which fulfills all applicable requirements of Chapter 2 of the City of Scottsdale Design Standards and Policies Manual, latest revision and the approved master drainage report.

WATER AND WASTEWATER

1. WATER AND SEWER EASEMENTS. Before any building permit for the site is issued, the developer shall dedicate to the city, in conformance with the Scottsdale Revised Code and the City of Scottsdale Design Standards and Policies Manual, latest revision, all water and sewer easements necessary to serve the site.
2. WATER AND SEWER FACILITIES CONSTRUCTION. Before letters of acceptance for maintenance of any public facilities are issued by the City, the developer shall construct and dedicate at his expense all water and sewer lines necessary to serve the development. Sewer facilities shall conform to the city Wastewater Master Plan and water facilities shall conform to the city Water System Master Plan.
3. FEES. The developer understands that constructing water and sewer facilities provided herein shall not be in lieu of any water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee which is applicable at the time building permits are granted.

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ADDITIONAL INFORMATION

PLANNING/DEVELOPMENT

1. **NATIVE PLANT PRESERVATION.** The owner shall secure a native plant permit as defined in Chapter 46, Article V of the City Code for each development site. City staff will work with the owner to designate the extent of the survey required within large areas of proposed undisturbed open space. Where excess plant material is anticipated, those plants shall be offered to the public at no cost to the owner in accordance with state law and permit procedure or may be offered for sale.
2. **ADDITIONAL LANDSCAPE AREAS:** The City Council directs the Development Review Board's attention to review additional landscape areas to break up large expanses of continuous asphalt.

ENGINEERING

1. **NO CITY COMMITMENT.** The granting of a use permit does not and shall not commit the city to the extension, construction, or development of either water or sewer facilities (including but not limited to lines, mains, boosters, and storage facilities) to, on, or near the subject property.
2. **EPA REQUIREMENTS.** Construction activities which disturb 5 or more acres shall require a permit under the National Pollutant Discharge Elimination System (NPDES). A Notice of Intent (NOI), and a Storm Water Pollution Prevention Plan (SWPPP), must be filed with the Environmental protection Agency and the City before development permits can be issued. Contact the Stormwater Hotline at (703) 821-4823 for more information.
3. **DUST CONTROL PERMIT.** Prior to the start of grading on sites 1/10 acre or larger, a Dust Control Permit (earth moving equipment permit) must be obtained from Maricopa County Division of Air Pollution Control. Call the county (507-6727) for fees and application information.
4. **CORPS OF ENGINEERS REQUIREMENTS.** A Section 404 permit from the US Army Corps of Engineers may be required for discharges of dredged or fill materials within jurisdictional washes. Contact the Phoenix Regulatory Office of the Corps of Engineers for a jurisdictional determination and further information. Written communication with the State Historic Preservation Officer may be required as part of the 404 permit process. The Clean Water Act, Section 404 Letter of Permission procedure for Scottsdale, Arizona, may expedite this procedure.
5. **RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE.** All improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development shall be constructed in full by the developer, including but not limited to washes, storm drains, drainage structures, water systems, sewer system, curb and gutters, paving, sidewalks, streetlights, street signs, and landscaping.

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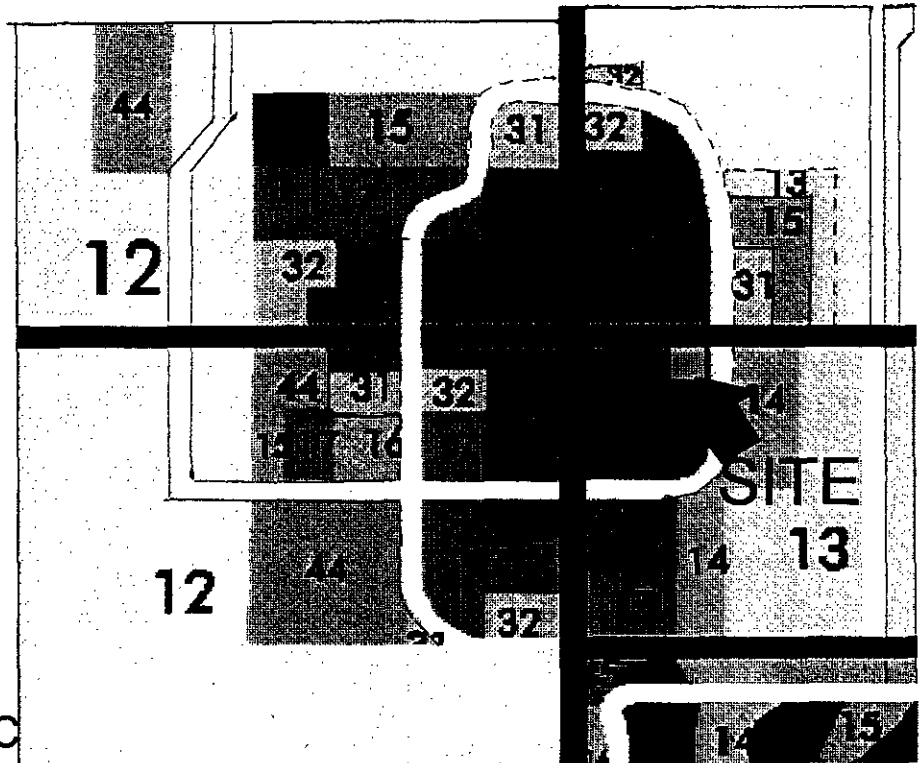
17-UP-97

16-UP-97



16-UP-97 EXISTING LAND USE PLAN 17-UP-97

SHEA BLVD



12 1/2 - 1 DU / AC

13 1 - 2 DU / AC

15 4 - 8 DU / AC

GENERAL COMMERCIAL

31 MINOR OFFICE

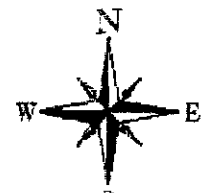
41 NATURAL OPEN SPACE

42 LIMITED USE AREA

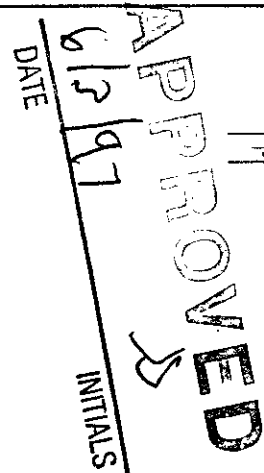
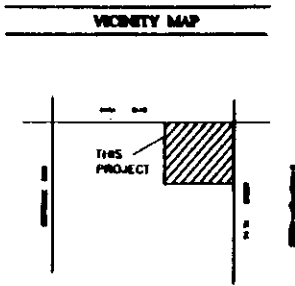
DEVELOPED OPEN SPACE

44 CULTURAL / INSTITUTIONAL

SCOTTSDALE ROAD



17-UP-97

[illegible]

DATE: 5/26/71



**5700 MELBA BLVD. & 74TH STREET
SCOTTSDALE, ARIZONA**

5458 EL. 4000. EL. 2nd fl. 600
 5459 EL. 4000. EL. 2nd fl. 600
 5460 EL. 4000. EL. 2nd fl. 600

Graphic Design Group

(CHAIRMAN HEFFERNAN CLOSED PUBLIC TESTIMONY.)

MR. PASTON MADE A MOTION TO SEND CASES 6-AB-97, 61-ZN-86#2, 4-UP-85#2, 12-UP-97 AND 14-UP-97 TO THE CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL. SECOND BY MS. DRAKE.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

- ✓ 20. 16-UP-97 (Danny's Car Wash) request by Beus, Gilbert & Morrill, applicant, Brinker & International, owner, for use permit approval for an automated carwash in C-2 (Central Business District); and
17-UP-97 use permit approval for a service station in C-2 (Central Business District) located at the southwest corner of Shea Boulevard and 74th Street.

MS. SHEWAK presented this request as per the project coordination packet. Staff is recommending approval subject to the attached stipulations.

JOHN BERRY, with Beus, Gilbert & Morrill representing the applicant, gave a brief presentation. He stated that the applicant has received a letter of approval from Fry's Food Stores who is the major tenant on the site. He also said that the applicant has received a letter of approval from the Monterey II Homeowners Association.

(CHAIRMAN HEFFERNAN OPENED PUBLIC TESTIMONY.)

CRAIG SEITZ, 7465 East Cochise, spoke in favor of this request. He stated that he is the president of the Monterey Homeowners Association and that the applicant has complied with everything that the homeowners association has asked of them.

JUDITH BLACK, 7823 East Beryl Avenue, spoke in opposition to this request. She stated that she is representing 32 of her neighbors. She said that she is concerned with depreciation in the value of the homes in the area if this carwash goes in. She also said that she is concerned with the pollution from the cars. She stated that there are two other carwashes within a four block radius of this site. She said that she is also concerned with the landscaping of the project.

MR. PASTON stated that this request is for a use permit and that the Planning Commission does not make decisions on the basis of economics.

CHAIRMAN HEFFERNAN stated that the issues of aesthetics is not under the purview of the Planning Commission but with the Development Review Board.

JULIE KENT, 7371 East Turquoise Avenue, spoke in opposition to this request.

CHAIRMAN HEFFERNAN stated that there were four cards from citizens in favor of this request but not wishing to speak and two cards from citizens in opposition of this request but not wishing to speak.

(CHAIRMAN HEFFERNAN CLOSED PUBLIC TESTIMONY.)

MR. BERRY stated that the traffic to this site will generate approximately 50 percent less than the current occupant of the site.

MS. WALKER asked for clarification on the landscaping. She asked if there had been a actual count of the existing trees or if that was conceptual.

MR. BERRY stated that he had not actually counted the trees but if it says existing then it is existing.

MS. WALKER asked how long the current landscaping had been there.

MR. BERRY stated that it had been there approximately two years.

MS. WALKER asked if the existing landscape will stay and will be cared for.

MR. BERRY stated that is correct.

MS. DRAKE MADE A MOTION TO SEND CASES 16-UP-97 AND 17-UP-97 TO THE CITY COUNCIL WITH THE RECOMMENDATION OF APPROVAL. SECOND BY MS. ARMSTRONG.

THE MOTION PASSED BY A VOTE OF SIX (6) TO ZERO (0).

**REGULAR AGENDA:
TEXT AMENDMENT**

21. 2-TA-97 Request by Earl, Curley & Lagarde, applicant to amend Ordinance No. 455 (Zoning Ordinance) to modify Article V., District Regulations, Sections 5.3030 (Land Use Standards, Office Commercial Subdistrict) and Section 5.3053 (Commercial Use Classifications, Retail Sales) within the (D) Downtown District for the purpose of allowing home furnishing stores up to 12, 000 square feet as a permitted conditional use.

MR. STABLEY presented this request as per the project coordination packet. Staff is recommending approval.

LYNNE LAGARDE, with Earl, Curley & Lagarde representing the applicant, gave a brief presentation.