

Legislation Details (With Text)

File #:	2017-472	Version:	1	Name:	
Type:	Ordinance	Status:		Public Hearing	
File created:	11/16/2017	In control:		City Council Special Meeting	
On agenda:	11/29/2017	Final action:			
Title:	Zone Ordinance Amendment (ZOA) No. 17-002 - Amendment to Section No. 9.96.140 (Carwashes) of the Municipal Code to Eliminate the Separation Requirements for Carwashes				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Attachment No. 1 - Ordinance Amending Section 9.96.140 - Carwashes.pdf, 2. Attachment No. 2 - Public Hearing Notice				

Date	Ver.	Action By	Action	Result
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City Council

MEETING DATE: 11/29/2017

TITLE:

Zone Ordinance Amendment (ZOA) No. 17-002 - Amendment to Section No. 9.96.140 (Carwashes) of the Municipal Code to Eliminate the Separation Requirements for Carwashes

FROM:

Charles P. McClendon, City Manager
Eric S. Vail, City Attorney

RECOMMENDATION:

That the City Council amend Section No. 9.96.140 (Carwashes) of the Municipal Code to eliminate the separation requirements for carwashes.

BACKGROUND:

Findings:

Zone Ordinance Amendment No. 17-002 is consistent with the intent of the Zoning Code and the General Plan. This ordinance amendment eliminates separation requirements for carwashes but keeps in place other development standards applicable to carwashes to determine that the public welfare is protected. This amendment promotes the orderly development of the City by eliminating arbitrary separation requirements and relying on case-by-case determinations as to a carwash's compatibility with surrounding uses.

Background:

Section 9.96.140 (Carwashes) of the Municipal Code contains development standards for carwashes and requires a conditional use permit for any new carwash in the City. This section requires any proposed carwash to be conditioned to address security concerns, noise, health, safety and public welfare. In addition, this Section includes locational restrictions. Specifically, this section requires the following:

- "a. The minimum distance between any two carwashes shall be two thousand five hundred feet;
- b. The minimum distance between a carwash and a residential zone, religious institution, school, public park, or public gathering place shall be five hundred feet;"

Those separation requirements can only be waived if the Planning Commission or City Council "finds that the proposed use together with the proposed improvements on and off-site are properly designed to minimize impacts of noise, view, glare and traffic patterns; that there is an exhibited need for a carwash as proposed in the area and for the convenience of area residents; that there is not a proliferation of carwashes in the area; and that the use would not conflict with the purposes of any specific plan or general plan for the area."

The City Council recently heard an appeal of a Planning Commission denial of a conditional use permit for a carwash that did not meet these separation requirements because the Planning Commission determined it was not able to make the required findings to waive the separation requirements based on evidence in the record. During the appeal hearing, the City Council directed that a zone ordinance amendment be processed to eliminate these separation requirements.

The Planning Commission considered the proposed amendments on Section 9.96.140 on November 15, 2017 and unanimously recommended that the Council not adopt these amendments.

DISCUSSION:

Analysis:

The separation requirements for carwashes were added to the Municipal Code to address the possible overconcentration of carwashes in the City and to ensure that carwashes were not sited to closely to residential and other sensitive uses. Today, carwashes are ubiquitous and in high demand given that most households have multiple cars and restrictions that have been placed on washing vehicles at personal residences (drought restrictions, water quality restrictions, etc.). Furthermore, it is appropriate to concentrate carwashes in high-traffic corridors. Existing carwashes in the City located within 2,500 feet of each other demonstrate that there is market demand for carwashes and that carwashes in close proximity to each other can be successful.

In addition, the 500-foot separation requirement between carwashes and residential zones, religious institutions, schools, public parks, or public gathering places is an unnecessary limitation on the siting of carwashes. Section No. 9.96.140 requires that any carwash be appropriately conditioned to mitigate negative impacts to surrounding uses. Arbitrary separation requirements do not necessarily ensure no negative impacts, and do not take into account existing, site-specific conditions that are much more important in terms of evaluating the compatibility of a carwash with surrounding uses.

Therefore, the existing separation requirements are unnecessary to protect the public welfare and are an undue, arbitrary limitation on the development of these high-demand businesses in the City.

Nonetheless, several Planning Commissioners were concerned about the impact to existing carwashes that would occur if the 2,500 ft. separation requirement was eliminated. In addition, the Planning Commissioners were concerned about noise impacts to residential and other noise sensitive uses from locating carwashes too closely to those uses due to the volume of the air dryers. Due to these concerns, the Commission recommended the Council not adopt this ordinance.

Environmental Analysis:

Zone Ordinance Amendment No. 17-002 is exempt from review under CEQA per CEQA Guideline Section 15061(b)(3) as it can be seen with certainty that the proposed elimination of the separation requirements will not result in significant environmental impacts. Carwashes will still be subject to conditions and requirements that ensure they do not negatively impact the surrounding community, and any new carwash will undergo its own environmental review through the conditional use permit process.

Public Notification:

A public hearing notice was published in the Desert Sun newspaper in accordance with State law.

FISCAL IMPACT:

None

ATTACHMENTS:

Attachment No. 1: Proposed Ordinance
Attachment No. 2: Public Hearing Notice