

AGENDA ITEM #: \_\_\_\_\_

DATE: July 13, 2020

CAR #: 2020-6988



## CITY COUNCIL ACTION REPORT

**SUBJECT:** Use Permit for a Drive-through Restaurant on Pad 1 of the Aldi Grocery Store Site

**STAFF PRESENTER(S):** Katie Wilken, Planning Manager

**OTHER PRESENTER(S):** Jake Palmer, Accelerated Development Services

**Summary:** A Use Permit request for a convenience use (drive-through restaurant) within the C-2, General Commercial Zoning District, located at the southeast corner of Estrella Parkway and Roosevelt Street, south of Interstate 10.

### **Recommendation:**

1. Conduct a public hearing to consider a Use Permit request for a convenience use (drive-through restaurant) within the C-2, General Commercial Zoning District.
  - a. Open the Public Hearing
  - b. Staff Presentation
  - c. Applicant Presentation (10 minutes)
  - d. Receive Public Comment (3 minutes)
  - e. Close the Public Hearing
2. Approve a Use Permit request for a convenience use (drive-through restaurant) within the C-2, General Commercial Zoning District, subject to the following stipulations:
  1. Approval of the Use Permit does not constitute approval of the conceptual site plan. All future development will be subject to site plan review and approval by city staff, at which time all elements of site development will be reviewed, including, but not limited to, architecture, landscaping, grading and drainage, lighting, infrastructure, parking, access and circulation;
  2. The proposed drive-through window shown on the conceptual site plan shall remain and be constructed on the west side of the proposed building. The traffic patterns and drive-through lane shall be in substantial conformance with the conceptual site plan submitted with the Use Permit application; and,
  3. All signage shall require separate review and approval, and shall comply with Article 7 of the City of Goodyear Zoning Ordinance. No signage is approved as part of this Use Permit.

**Fiscal Impact:** Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the city. The development is responsible for construction of infrastructure necessary to serve the site and will generate one-time revenue for the city through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development.

## Background and Previous Actions

The subject property was part of an approximately 3-acre rezoning from the Preliminary Planned Area Development (PAD) Zoning District to the General Commercial (C-2) Zoning District approved by the City Council on April 23, 2018, with the adoption of Ordinance No. 2018-1384. The new Aldi Grocery Store is currently under construction on the southern 2-plus acres of the rezoned property.

## Staff Analysis

The applicant is requesting a use permit to allow a drive-through use on a pad currently being constructed along with the Aldi Grocery Store. The Zoning Ordinance evaluation criteria and analysis is provided below:

Section 1-3-2 (Use Permits) of the Zoning Ordinance requires that the Planning and Zoning Commission and City Council must determine that the proposed use meets the following findings prior to granting a Use Permit:

1. *The Use Permit will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare;*

If granted, the Use Permit to develop a drive-through restaurant will enhance an already developing commercial area and will provide an additional restaurant option for residents and workers in the area.

2. *The proposed use is reasonably compatible with uses permitted in the surrounding area. This section further states that should a Use Permit not be established within two years, then that Use Permit approval shall become null and void;*

The drive-through will be located within a developing commercial area and is compatible with surrounding commercial and high-density residential development.

Section 4-2-2 (Convenience Uses) of the Zoning Ordinance provides the following additional evaluation criteria for convenience uses regarding their potential impact on traffic congestion, the neighborhood in general, and their appropriateness for the site:

1. *Adequacy of the parcel size and configuration to provide for proper access and internal circulation.*

The .686-acre pad site is of sufficient size and configuration to align with the approved access, traffic circulation, and parking for the Aldi Grocery Store currently under construction.

2. *Compatibility of the proposed hours of operation with adjacent residential areas.*  
Due to the location of the facility, no restrictions on hours of operation are recommended.

3. *Required traffic mitigation measures, if any.*  
No traffic mitigation measures are required or necessary. The Traffic Impact Analysis for the site was approved by the Engineering Department.

4. *Other concerns, which may place the advisability of the proposed convenience use in question.*

Staff finds no other concerns with the project.

**Fire Department:**

Emergency response times and distances are provided below:

Nearest Goodyear Fire Station	Shortest path		Longest path		2nd Nearest Goodyear Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles		Mins	Miles	Mins	Miles
#185	5.24	2.62	6.36	3.18	#184/181	5.42	2.71	5.55	2.77

**Public Participation:**

An alternative citizen review process was conducted for this use permit request. Property owners within 500 feet of the subject property were sent a postcard notification that the city had received the request, and that public hearings on the request had been scheduled before the Planning and Zoning Commission on July 1, 2020, and before the City Council on July 13, 2020.

The postcard informed the property owners that any comments or concerns could be sent to staff or the applicant, and that additional information regarding the request could be found on the city website. To date, staff has not received any comments as a result of the postcard. In addition to the postcard, a legal notice was published in the Arizona Republic Southwest Valley Edition, and a notice of public hearings sign was posted on the property. To date, staff has not received any comments as a result of the additional notifications.

**Planning and Zoning Commission:**

At its meeting on July 1, 2020, the Planning and Zoning Commission conducted a public hearing regarding the Use Permit request. Following a presentation by staff, the Commission voted 6 to 0 to recommend approval of the Use Permit, subject to the stipulations in the Commission staff report. No member of the public commented on the request.

## **Recommendation**

Staff, based on the information set forth herein, finds that the Use Permit request is compatible with the existing land uses within the area and will not be a detriment to surrounding properties or persons. The drive-through restaurant is proposed on a parcel zoned for commercial use, adjacent to other commercially zoned parcels.

## **Attachments**

1. Aerial Photo
2. Project Narrative
3. Conceptual Site Plan
4. Conceptual Elevations
5. Perspective