

AGENDA ITEM # _____

DATE: June 17, 2015

COAC NUMBER:

**CITY OF GOODYEAR
PLANNING AND ZONING COMMISSION ACTION FORM**

SUBJECT: Use Permit to allow a Convenience Use (Popeye's Louisiana Kitchen drive-through restaurant)	STAFF PRESENTER: Christopher Flodin, Architectural Planner APPLICANT: Alex Ramon, ID 4 Studio CASE NUMBER: 15-300-00002
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RECOMMENDATION:

- A. Conduct a public hearing to consider a request for a Use Permit for a convenience use (Popeye's Louisiana Kitchen drive-through restaurant) on a 1.03-acre parcel in the Cobblestone Creek commercial center, generally located at the northwest corner of McDowell Road and Pebble Creek Parkway in the Palm Valley Planned Area Development (PAD), subject to the following stipulations:
1. Open public hearing
 2. Staff presentation
 3. Receive public comment
 4. Close public hearing
- B. Recommend approval of a request for a Use Permit in a C-2 General Commercial District for a convenience use (Popeye's Louisiana Kitchen drive-through restaurant) to be constructed on a pad within the Cobblestone Creek commercial center, generally located at the northwest corner of McDowell Road and Pebble Creek Parkway, subject to the following stipulations:
1. The development of the parcel shall be in conformance with the development plan for the Popeye's Louisiana Kitchen drive-through restaurant submitted with the Use Permit application dated June 11, 2015.
 2. Approval of the Use Permit does not constitute approval of a 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;
 3. The development shall be in substantial conformance with the Cobblestone Creek Design Guidelines established for the commercial center and approved on April 2, 2007 and revised on November 2, 2007; and,

4. The development shall comply with all applicable City codes, standards, and ordinances, and is subject to the site design and architectural requirements of the Goodyear Design Guidelines.

PURPOSE:

This Use Permit application for a convenience use (drive-through restaurant) is to facilitate the development of a Popeye's Louisiana Kitchen restaurant located at the northwest corner of McDowell Road and Pebble Creek Parkway). The new drive-through restaurant will be designed and constructed in accordance with the approved design guidelines and materials for the Cobblestone Creek Development. Staff has reviewed the request and finds that it meets the conditions and required findings for a Use Permit and satisfies the additional evaluation criteria required for convenience uses.

CURRENT POLICY:

The Zoning Ordinance defines an establishment where the primary business is the sale of food or drink for consumption from an outdoor service window or automobile service window as a "Convenience Use." A convenience use proposed in the General Commercial (C-2) zoning district is required to obtain a Use Permit, which is to be reviewed by the Planning and Zoning Commission and approved by the City Council. Convenience uses are also subject to the provisions of Article 4-2 (Uses Requiring Additional Evaluation), which requires additional assessment regarding the appropriate location and conditions of the use or operation.

Section 1-3-2 (Use Permits) of the Zoning Ordinance provides that the Planning and Zoning Commission and City Council must determine that the proposed use meets the following two 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; and 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.

Section 1-3-5 (Site Plan Requirement and Review Process) of the Zoning Ordinance states that an approved site plan is valid for one year. The site plan approval shall be invalidated if a building permit is not issued in that time period.

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.
2. Compatibility of the proposed hours of operation with adjacent residential areas.
3. Required traffic mitigation measures, if any, which may include:

- a. Additional right-of-way;
 - b. Off-site traffic mitigation measures;
 - c. Restriction of some traffic movements through signs or other measures;
 - d. Segregation of queuing lanes, vehicle access, and pedestrian circulation areas;
 - e. Cross-access easements; and,
 - f. Driveway locations.
4. Other concerns, which may place the advisability of the proposed convenience use in question.

HISTORICAL INFORMATION:

The subject property is Pad 7 in the planned Cobblestone Creek commercial center. This center is located at the northwest corner of McDowell Road and Pebble Creek Parkway and was zoned PAD (C-2) in 2005 as part of the Palm Valley Phase VIII zoning approval. Currently a partially developed site, Cobblestone Creek is planned to have a total of eight commercial pads. The developed pads include Walgreens, Taco Bell, and Firestone Auto Care.

The design guidelines for the Cobblestone Creek commercial center were administratively approved on April 2, 2007, and revisions were administratively approved on November 2, 2007. The approximate 18-acre center is proposed to be a mixed-use development that will consist of several retail shop buildings, drive-thru restaurants, and convenience uses.

DISCUSSION:

Surrounding Properties:

Existing and proposed land uses surrounding the site include the following:

- **North** – Undeveloped commercial property within **Cobblestone Creek Development**
- **South** – Developed commercial property within **Cobblestone Creek Development**
- **East** – Developed commercial property within **Estrella Falls Marketplace**.
- **West** – Developed residential property within **Palm Valley Phase IIX**.

Details of the Request:

The applicant is requesting approval of a Use Permit to facilitate the development of a Popeye's Louisiana Kitchen drive-through restaurant. The subject property consists of 1.03 acres located at the northwest corner of McDowell Road and Pebble Creek Parkway

A conceptual site plan and building elevations for the new drive-through restaurant have been submitted as part of this Use Permit application. The restaurant will contain 2,979 square feet of interior floor area. It will include indoor seating in addition to the proposed drive-through component.

The basic configuration of the drive-through lane will include a single queuing lane with a menu board and speaker box. The drive-through lane will start on the west side of the building, wrap around the south side where the pick-up window will be located, and then exit around the east side of the building.

Stacking space for approximately 9 vehicles will be provided from the pick-up window.

A total of 34 parking spaces are required by the Zoning Ordinance for this drive-through restaurant. The development plan shows 34 parking spaces of which two are accessible within the confines of Pad 7.

Staff Analysis:

An application for a Use Permit must demonstrate that the proposed use will not be materially detrimental to persons residing or working within the vicinity of the property, to the neighborhood, or to the public welfare, and that it will be reasonably compatible with uses permitted in the surrounding area. The burden of demonstrating that these criteria are met rests with the applicant. Convenience uses are also required to meet specific evaluation criteria as set forth in the Zoning Ordinance.

Staff finds that the proposed use will be compatible with the existing uses within the area and will not be a detriment to surrounding properties or persons. The nearest residential dwelling is located approximately 400 feet from the drive-through restaurant, which will provide an adequate separation between these uses.

The development plan provides for adequate drive-through lane access and vehicle stacking. Stacked cars will not obstruct any public street given the configuration of the restaurant and length of the drive-through lane.

The approval of a Use Permit does not constitute approval of a site plan. The proposed drive-through restaurant will proceed through the site plan review process to ensure the new building meets the City's adopted Design Guidelines, development standards, codes, and ordinances.

As outlined above, staff finds this Use Permit application for a convenience use to allow the development of a Popeye's Louisiana Kitchen drive-through restaurant meets the conditions and required findings for a Use Permit and satisfies the additional evaluation criteria required for convenience uses as contained within the Zoning Ordinance.

DEPARTMENT/FUNCTIONAL IMPACTS:

Luke Air Force Base:

The subject property is located within the vicinity of a military airport. Given the location of the property and the commercial nature of the proposed use, base operations will not be adversely impacted.

Phoenix-Goodyear Airport:

The subject property is located within the Phoenix-Goodyear Traffic Pattern Airspace. However, given the location of the property and the commercial nature of the proposed use, airport operations will not be adversely impacted.

Fire Response Time:

Fire Station No. 185, at Pebble Creek Parkway and Clubhouse Drive, located approximately 1.5 miles from the subject property.

Solid Waste:

Solid waste collection for the proposed assisted living development will be provided by private solid waste contract services.

Stormwater:

All project stormwater runoff will be contained on the site. The required on-site retention volume will be provided for the 100-year, 6-hour storm event through a combination of surface retention and underground storage piping, tanks and/or chambers within the project.

Streets/Transportation:

All public streets adjacent to the subject property are improved. No additional improvements are required as a result of this Use Permit.

Water/Wastewater/Reclaimed Water:

The subject project is located within the service area of Liberty Utilities who will provide water and sewer services to the development project. Existing water and sewer infrastructure exists within Pebble Creek Parkway adjacent to the property.

PREVIOUS ACTION AND DISCUSSION:

Citizen Review Notification:

In accordance with the City's Citizen Review Ordinance, a neighborhood meeting was held on Tuesday, May 26, 2015. Notices for the meeting were distributed to property owners within 500 feet of the subject property, public notice was provided in the newspaper, and a sign was posted on the property. To date, no comments or inquiries have been received by staff in response to this notification.

Planning and Zoning Commission Meeting:

Public notice for the Planning and Zoning Commission meeting included an advertisement placed in the Arizona Republic; a notice letter mailed to surrounding property owners within 500 feet of the subject property; and a sign posted on the subject property. To date, no comments or inquiries have been received by staff in response to this notification.

ATTACHMENTS:

1. Aerial Photo Exhibit
2. Conceptual Site Plan
3. Conceptual Building Elevations