

AGENDA ITEM #: _____

DATE: June 12, 2019

CAR #: 2019-6686



P&Z COMMISSION ACTION REPORT

SUBJECT: Sonic Drive-Through Use Permit

CASE NUMBER: 19-300-00003

STAFF PRESENTER: Katie Wilken, Planning Manager

APPLICANT: Stephanie Rowe, Reece & Rowe Architects, on behalf of Sonic

Summary: Use permit for a convenience use (drive-through restaurant) located at Centerra Crossings (southwest corner of Estrella Parkway and Van Buren Street).

Recommendation:

1. Conduct a public hearing to consider a request for a use permit for a convenience use (drive-through restaurant) on a 1.2-acre parcel within the Centerra Crossings Planned Area Development (PAD) located at the southeast corner of Estrella Parkway and Van Buren Street.
 - a. Open public hearing
 - b. Staff presentation
 - c. Applicant presentation (10 minutes)
 - d. Receive public comment (3 minutes per speaker)
 - e. Close public hearing
2. Recommend approval of a request for a use permit for a convenience use (drive-through restaurant) to be constructed within the Centerra Crossings PAD located at southeast corner of Estrella Parkway and Van Buren Street, subject to the following stipulations:
 1. 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 including, but not limited to, architecture, landscaping, grading and drainage, lighting, infrastructure, parking, access and circulation will be reviewed to ensure conformance with required standards;
 2. The property shall be developed in general conformance with the conceptual site plan, dated February 11, 2019 and conceptual building elevations dated February 11, 2019, submitted as part of this use permit and as attached hereto, except as may be modified to ensure conformance with required standards;

3. All signage shall require separate review and approval, and shall comply with the Centerra Crossings PAD Comprehensive Sign Program. 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 parcel is a part of the Centerra Crossings PAD. The center consists of 31.65 acres designated for commercial and multi-family use located at the southeast corner of Estrella Parkway and Van Buren Street. The Centerra Crossings PAD was approved by the City Council on September 26, 2011, with the adoption of Ordinance No. 11-1248.

Staff Analysis

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 or a PAD based on 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 require an additional assessment regarding the appropriate location and conditions of the use or operation.

Details of the Request:

The applicant is requesting approval of a use permit to facilitate the development of a Sonic drive-through restaurant on property zoned Planned Area Development (PAD). The subject property consists of an undeveloped 1.2-acre parcel located within the Centerra Crossings PAD.

The proposed 1,539 square-foot restaurant building includes a drive-through window component but no interior dining. An 840 square-foot outdoor dining patio is proposed as well as two parking/dining canopies that allow for dining in vehicles. The parking/dining canopies are 1,320 and 1,500 square feet.

As noted on the preliminary site plan, the configuration of the drive-through lane provides for two queuing lanes with a menu board and speaker box at each. As configured, the lanes should accommodate up to 7 or 8 vehicles each prior to the pick-up window. The menu boards/speakers will be placed at the east side of the building.

Vehicular access to the parcel will be provided from internal drives within the center. All of these drives are existing. No direct access is provided to Estrella Parkway or Van Buren Street. A total of 16 parking spaces are required for this drive-through restaurant. The conceptual site plan shows that 27 parking spaces will be provided.

The restaurant and drive-through window are proposed to be open from 6:00 am to midnight Sunday through Thursday and from 6:00 am to 2:00 am on Friday and Saturday.

The proposed building incorporates a corporate design desired by the applicant for branding purposes. The building also incorporates materials and colors from the approved design palette for the Centerra Crossings PAD.

Evaluation Criteria:

The Zoning Ordinance, Section 1-3-2 (Use Permits), provides 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.*

A multi-family subdivision is located to the east of this site, across an internal drive. The narrative has been revised to address the mitigation measures for possible noise and light nuisances to these neighbors. The narrative states, "Headlights will not be an issue because the existing multi-family development to the east already has a solid fence across from our east exit. Their first fence (that shows on the site plan) is a view fence, but they have a second solid fence directly beyond that. The only windows in that development which face toward the Sonic are small and high windows. They appear to be bath or closet windows. Regarding noise from the order box, Sonic uses modern directional speaker technology to limit the spread of ordering noise, and the order points are located 110' from the neighboring property with landscaping and fences between. The nearest residential developments to the proposed use are Canyon Trails and Cottonflower, with the closest residential dwelling located approximately 1,000 feet to the west, across Cotton Lane and the future Loop 303 corridor. As such, given this distance, the proposed use permit will not be materially detrimental to any persons residing in the surrounding vicinity or to any neighborhoods".

2. *The proposed use is reasonably compatible with uses permitted in the surrounding area.* The requested use permit is proposed in a commercial center intended for such uses as restaurants and retail businesses. The proposed use will be surrounded on three sides by other commercial uses once the Centerra Crossings PAD is built-out. Additionally, as previously mentioned, the multi-family uses are across an internal drive and behind a wall. Therefore, the proposed use is reasonably compatible with surrounding uses.

The Zoning Ordinance, Section 4-2-2 (Convenience Uses), 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 site is configured to align with the existing parking areas and drive aisles within the center. All of the proposed improvements associated with this convenience use will be adequately contained within the existing development pad.

2. *Compatibility of the proposed hours of operation with adjacent residential areas.*

The proposed convenience use is located within a commercial center intended for such similar uses. As such, no restrictions on the intended hours of the use are proposed.

3. *Required traffic mitigation measures, if any.*

The traffic study for the site was reviewed and approved by the Engineering Department. No additional traffic mitigation measures are required or necessary.

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

Staff finds no other concerns with the project. To date, no one from the public has expressed opposition to the proposed convenience use.

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 by this development.

Phoenix Goodyear Airport:

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

Fire Response:

The fire station response analysis is provided below:

Nearest Goodyear Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles
#184/181	2.63	1.31	2.63	1.31

2nd nearest Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles
#185	11.57	5.79	11.57	5.79

Police Response:

The property is located within an existing patrol beat and the current level of service within this beat can accommodate the development of the property.

Solid Waste:

Solid waste service will be provided by a private company as bulk trash containers will be utilized.

Streets/Transportation:

The proposed drive-through restaurant will not adversely impact any public street given the location of the restaurant within the overall commercial center.

Water/Wastewater:

Water and wastewater service will be provided by the city of Goodyear.

Public Participation:

In accordance with the City's Citizen Review Ordinance, a written notice was mailed to all property owners within 500 feet of the subject parcel. To date, staff has not received any inquiries as a result of this written notice.

A neighborhood meeting was held on April 29, 2019. One resident attended this meeting. He liked the plan and had no objections.

Staff Analysis:

Notice for the public hearings before the Planning and Zoning Commission and City Council included a postcard mailed to the owners of property within 500 feet of the subject property; a legal notice published in the Arizona Republic; and a notice of public hearing sign posted on the property. To date, staff has not received any public inquiries on this request.

Attachments

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