

AGENDA ITEM #: _____
DATE: September 23, 2019
CAR #: 2019-6767



CITY COUNCIL ACTION REPORT

SUBJECT: Use Permit for modifications to an existing convenience use (Chick-fil-A drive-through restaurant)

CASE NUMBER: 19-350-00002

STAFF PRESENTER: Steve Careccia, Planner III

APPLICANT: Logon Vogt, Merrick & Company, on behalf of Chick-fil-A

Summary: Use permit to allow building and site modifications to an existing convenience use (Chick-fil-A drive-through restaurant) on property zoned PAD (Planned Area Development)/Mixed Use Commercial. The 1.3-acre property is located at the southwest corner of Dysart Road and McDowell Road within the Palm Valley Cornerstone commercial center.

Recommendation:

1. Conduct a public hearing to consider a request for a use permit to allow building and site modifications to an existing convenience use (Chick-fil-A drive-through restaurant) on property zoned PAD (Planned Area Development)/Mixed Use Commercial.
 - a. Open public hearing
 - b. Staff presentation
 - c. Applicant presentation
 - d. Receive public comment
 - e. Close public hearing
2. Approve a request for a use permit to allow building and site modifications to an existing convenience use (Chick-fil-A drive-through restaurant) on property zoned PAD (Planned Area Development)/Mixed Use Commercial, 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 preliminary site plan and conceptual building elevations dated August 9, 2019 submitted as part of

this use permit and as attached hereto, except as may be modified to ensure conformance with required standards and the requirements set forth herein;

3. Prior to the issuance of any construction permit being issued for any work on the site, a traffic analysis of sufficient detail to analyze the existing site visibility, existing and peak hour traffic counts through the north-south driveway located adjacent to the property on the west side, and the peak-hour queuing through the drive-through lanes, shall be submitted to the Engineering Department. Such report, which is subject to approval by the City Engineer or his/her designee, shall be prepared and stamped by a licensed civil engineer and shall include recommendations for on-site and off-site improvements that may be needed to provide for safe pedestrian access from the off-site parking lots within the commercial center into the property. Owner shall construct and install all on-site improvements and traffic control devices recommended in the traffic study, as approved by the City Engineer or his/her designee, which improvements shall be completed prior to the issuance of any certificate of occupancy or any certificate of completion; and,
4. If the City Engineer or his/her designee determines that additional measures, including additional on-site and/or off-site improvements that may be needed for the safety of vehicular and pedestrian traffic within the commercial center, including the property and/or are required for the safety of pedestrians accessing the site, Owner shall be responsible for providing any additional studies upon request of the City Engineer or his/her designee and shall be responsible for constructing and/or installing all additional measures recommended by such studies.

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 Palm Valley Cornerstone commercial center, which includes the subject property, is located within Phase I of the Palm Valley PAD. The original zoning for Palm Valley Phase I was approved in 1989. Palm Valley Cornerstone was expanded as part of a rezoning from PAD/High Density Residential to PAD/Mixed Use Commercial approved by the City Council on May 29, 2001 with the adoption of Ordinance No. 01-759.

Site plans for Palm Valley Cornerstone were approved on January 3, 2002, and August 12, 2004. A site plan for the subject Chick-fil-A drive-through restaurant was approved on March 7, 2003.

Staff Analysis

Current Policy:

The development of a convenience use (i.e. drive-through restaurant) in a commercial zoning district requires approval of a use permit. Major modifications proposed to an existing convenience use also require use permit approval. A use permit requires review by the Planning and Zoning Commission and approval by the City Council through the public hearing process.

Details of the Request:

Development surrounding the subject property includes:

- North – Existing commercial development within Palm Valley Cornerstone
- South – Existing commercial development within Palm Valley Cornerstone
- East – Dysart Road and existing commercial development within the city of Avondale
- West – Existing commercial development within Palm Valley Cornerstone

The subject property is currently developed with an existing drive-through restaurant (Chick-fil-A). The request is for a use permit to allow modifications to the existing drive-through restaurant. Modifications to the subject property include:

- reconfiguring the single drive-through lane to a double lane
- removal of 12 parking spaces to provide room for the additional lane
- addition of shade canopies over the drive-through lane
- interior remodeling and building expansion (± 550 square feet)
- relocation of trash enclosure
- addition of new landscaping along Dysart Road

The property owner has indicated that vehicular traffic utilizing the drive-through is high. To provide additional capacity, an additional drive-through lane is proposed. Shade canopies over the drive-through lane and pick-up area are also proposed. The canopies are intended to provide increased customer and employee comfort while waiting in the drive-through lanes.

The existing restaurant requires 46 parking spaces. Upon completion of the site modifications, 39 parking spaces will be provided on the subject property. As such, the restaurant will need seven parking spaces from the center to meet its parking requirement. Within the Palm Valley Cornerstone commercial center, 2,951 parking spaces were required by city ordinance and 3,095 spaces were constructed. As such, a surplus of 144 spaces is available through shared parking agreements established for the center. It is anticipated that customer overflow parking will occur in the parking area to the west of the subject property. Prior to issuance of any construction permit for work on the cite, the property owner shall be responsible for providing a traffic study that provides recommendations for the safety of vehicular traffic within the commercial center and the safety of pedestrian accessing the property from off-site parking lots and for completing all recommended measures prior to issuance of certificate of occupancy and/or certificate of completion.

Other than the building addition to increase work space and storage, no significant changes to the

building elevations are proposed. The new addition will utilize the colors and materials of the main building, which are in conformance with the approved color and materials palette for Palm Valley Cornerstone.

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 activity 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.*

The restaurant subject to this use permit has been in operation for several years, and has proved not to be a detriment to the surrounding area. The proposed modifications will not change the nature of the use, as the use will remain a drive-through restaurant. Rather, the proposed modifications are intended to improve traffic circulation and operational efficiency for the use. Finally, the proposed removal of the 12 parking spaces will not significantly impact the surrounding area as a large surplus of parking spaces exists in the Palm Valley Cornerstone center.

2. *The proposed use is reasonably compatible with uses permitted in the surrounding area.*

The area surrounding the subject property is zoned for commercial use, and is considered a major commercial corridor within the city. Development in the area has occurred in conformance with this commercial zoning, and contains a multitude of commercial businesses. The existing restaurant use is considered compatible with these surrounding uses, and they have all existed together for several years without any identifiable issues. As such, the proposed modifications to the drive-through restaurant are not anticipated to have any adverse effects on this established compatibility.

Public and Departmental Impacts:

Phoenix Goodyear Airport:

The subject property is located within the traffic pattern airspace of the Phoenix Goodyear Airport. Given the commercial nature of the development, no impacts to the airport are anticipated with this use permit.

Luke Air Force Base:

The subject property is located in proximity to Luke AFB. Given the commercial nature of the development, no impacts to Luke AFB are anticipated with this use permit.

Fire Department:

The proposed use permit does not impact Fire Department response times. Emergency response times and distances are provided below:

Nearest Fire Station	Shortest path		Longest path		2nd Nearest Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles		Mins	Miles	Mins	Miles
#183	4.95	2.47	4.95	2.47	#185	10.09	5.05	10.09	5.05

Police Department:

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

Solid Waste/Recycling:

The proposed use permit does not change the provision of solid waste/recycling services for the subject property.

Water/Wastewater:

Water and wastewater services will be provided by Liberty Utilities.

Streets/Transportation:

The proposed use permit does not change the transportation network. All streets adjacent to the subject property are fully improved.

Public Participation:

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

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 inquiries as a result of this notice.

The Planning and Zoning Commission held a public hearing on this item on September 11, 2019. At the meeting, staff provided a presentation and the applicant was available for questions. Vice Chair Barnes asked if there will be a canopy over the drive-through lanes, and if it will be the same design as the existing canopy. Staff clarified that there will be a canopy and that it will be designed to match the building design. No members of the public spoke regarding the project. Commissioner Ellsworth noted the amount of traffic at the site, and Vice Chair Barnes asked if there is an existing crosswalk. Staff stated that a traffic study will be provided that will determine if any improvements are needed for pedestrian and vehicular-safety purposes. The Planning and Zoning Commission recommended approval by unanimous (6-0) vote.

Staff Findings:

As outlined above, staff finds that the subject request meets the conditions and required findings for a use permit. Staff recommends approval of the use permit to allow building and site modifications to an existing convenience use (Chick-fil-A drive-through restaurant), subject to the stipulations specified in this staff report.

Attachments

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