

AGENDA ITEM #: _____
DATE: September 23, 2019
CAR #: 2019-6762



CITY COUNCIL ACTION REPORT

SUBJECT: Use Permit for a convenience use (KFC drive-through restaurant)

CASE NUMBER: 19-350-00006

STAFF PRESENTER: Katie Wilken, Planning Manager

APPLICANT: Juan Salamanca, Texas Land Engineers, Inc.

Summary: Use permit to allow a convenience use (KFC drive-through restaurant) on property zoned PAD (Planned Area Development)/ Commercial. The 1.02-acre property is located at the northeast corner of Cotton Lane and Yuma Street within the Canyon Trails Towne Center Planned Area Development (PAD).

Recommendation:

1. Conduct a public hearing to consider a request for a use permit for a convenience use (drive-through restaurant) for Kentucky Fried Chicken on a 1.02-acre parcel located within the Canyon Trails Towne Center Planned Area Development (PAD) located at the northeast corner of Cotton Lane and Yuma Street.
 - 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 for a convenience use (drive-through restaurant) to be constructed within the Canyon Trails Towne Center PAD located at the northeast corner of Cotton Lane and Yuma Road, 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 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 north side of the proposed building. The traffic patterns

and drive through lane shall be in substantial conformance with the preliminary site plan submitted with the use permit, a copy of which is attached hereto;

3. There shall be no direct vehicular access to the restaurant from Cotton Lane or Yuma Road; and,
4. All signage shall require separate review and approval, and shall comply with the Canyon Trails Towne Center 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 Canyon Trails Towne Center PAD. The center consists of approximately 90 acres designated for commercial use located at the northeast corner of Cotton Lane and Yuma Road. The Canyon Trails Towne Center PAD was approved by the City Council on May 16, 2005, with the adoption of Ordinance No. 05-942.

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 Kentucky Fried Chicken drive-through restaurant on property zoned Planned Area Development (PAD). The subject property consists of an undeveloped 1.02-acre parcel located within the Canyon Trails Towne Center PAD.

The proposed 2,202 square-foot restaurant building includes a drive-through window component with seating for 30 people for interior dining. An architectural integrated canopy will be located above and over the pick-up window.

As noted on the preliminary site plan, the configuration of the drive-through lane provides for a queuing lane with a menu board and speaker box. As configured, the lane should accommodate up to 11 vehicles prior to the pick-up window. The menu board/speaker 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 Cotton Lane or Yuma Road. A total of 23 parking spaces are required for this drive-through restaurant. The conceptual site plan shows that 53 parking spaces will be provided west of the site. These parking spaces already exist as part of the larger shopping center and legal access to the parking spaces by patrons of the restaurant will be confirmed prior to site plan approval.

Because this use is located within a commercial center that provides for the proposed uses, no restrictions are being imposed on the intended hours of operation. Nonetheless, the restaurant and drive-through window are proposed to be open from 10:00 am to 10:00 pm Sunday through Thursday and from 10:00 am to 11:00 pm 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 Canyon Trails Towne Center 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.*

The site is located internally to the regional shopping center, away from existing residential neighborhoods. There are no light nuisances that will be created to existing neighbors.

Regarding noise from the order box, Kentucky Fried Chicken uses modern directional speaker technology to limit the spread of ordering noise, and the order points are located over a quarter mile from the neighboring property to the east with landscaping and fences between. 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 neighborhood.

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 four sides by other commercial uses once the Canyon Trails Towne Center PAD is built-out.
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 overall 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 concerns with 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	10.2	5.1	10.2	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.

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.

At the Planning and Zoning Commission meeting, staff provided a presentation and the applicant was available for questions. No members of the public spoke regarding the project. The Planning and Zoning Commission recommended approval by unanimous (6-0) vote.

RECOMMENDATION:

Staff finds that the proposed convenience use is compatible with the existing and planned 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, within a commercial center intended for such uses. These commercial uses will be similar in nature and are considered reasonably compatible with each other.

As outlined above, staff finds that the subject request meets the conditions and required findings for a use permit, and satisfies the additional evaluation criteria required for convenience uses as established in the Zoning Ordinance.

Attachments

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