

AGENDA ITEM #: _____

DATE: October 26, 2020

CAR #: 2020-7072



COUNCIL ACTION REPORT

SUBJECT: Approve the Federico's at PebbleCreek Use Permit request for convenience use (drive-through restaurant) on property zoned C-2 (General Commercial)

STAFF PRESENTER(S): Christian M. Williams, Planner

OTHER PRESENTER(S):

Summary: Request for a use permit for a convenience use (drive-through restaurant) on a .895-acre property zoned C-2 (General Commercial) located north of the northeast corner of PebbleCreek Parkway and Harvard Street.

Recommendation:

1. Conduct a public hearing to consider a request for a use permit for a convenience use (drive-through restaurant) on a .895-acre property zoned C-2 (General Commercial) located north of the northeast corner of PebbleCreek Parkway and Harvard Street.
 - a. Open Public Hearing
 - b. Staff Presentation
 - c. Receive Public Comment
 - d. Close Public Hearing
2. Approve request for a use permit for a convenience use (drive-through) on a .895-acre property zoned C-2 (General Commercial) located north of the northeast corner of Pebblecreek Parkway and Harvard Street, subject to the following stipulations:
 - a. 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;
 - b. No Signage is approved as part of this use permit.
 - c. Deliveries from semi-trucks are prohibited from the hours of 10:00 p.m. to 6:00 a.m. in accordance with Ordinance 04-898.

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 all 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. Any areas that will be maintained by the city are constructed by the developer and then conveyed to the city two years after construction.

Background and Previous Actions

The subject property is located north of the northeast corner of PebbleCreek Parkway and Harvard Street. The C-2 (General Commercial) zoning was approved on February 19, 2004 with the adoption of Ordinance No. 04-898. The C-2 General Commercial land use designation establishes convenience use (drive-through) as a use that requires approval of a use permit.

Staff Analysis

Current Policy:

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:

The applicant intends to develop a building with a drive-through restaurant and a retail building shell on the subject property and has submitted the subject application for use permit.

The subject property consists of .895 acres within an existing commercial center. The site does not contain commercial buildings but does contain minimum parking, landscaping and drive isle improvements.

The proposed 4,000 square-foot retail building will include space for the drive-through restaurant as well as space for a future C-2 user. The restaurant hours of operation will be from 6 a.m. to 12 a.m., local time, however, there are no restrictions on the hours of operation. Deliveries from semi-trucks are prohibited from the hours of 10:00 p.m. to 6:00 a.m. in accordance with Ordinance 04-898, which rezoned the property. Site improvements will include re-painting and adding more parking spaces, drive-through construction, preservation of existing utility lines and additional landscaping.

The preliminary site plan shows the provision of 48 parking spaces (23 required).

Conceptual building elevations included with the use permit application convey the architectural design intended for the building. The proposed building height is 17 feet, not counting the screen wall, which is under the 56-foot maximum building height established for the C-2 (General Commercial) zoning district.

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 use permit is proposed on property intended for the development of commercial uses. Given the drive-through restaurants operational characteristics and site design as described, the use permit will not be materially detrimental to those persons working or shopping within the area, to the neighborhood or public welfare.

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

The area surrounding the property intended for the use permit includes a mix of commercial uses, retail and office uses. The existing and proposed commercial uses within the area are of like intensity and operation to the proposed use permit, and should therefore be compatible.

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 permit, 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 permit, airport operations will not be adversely impacted by this development.

3. *Demands for public services that will be generated by the uses permitted in the proposed zoning district.*

Fire Response:

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
Fire Station #185	2.50	1.25	2.60	1.30	Fire Station #184/181	7.00	3.50	7.10	3.55

Police Response:

The property development is located within an existing police patrol beat and the current level of service within the 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 subject property will have access to PebbleCreek Parkway via multiple driveways into the commercial center.

Water/Wastewater:

The subject property will be served by Liberty Utilities for water and wastewater.

4. General public concerns.

Public Comment and Planning and Zoning Commission Meeting:

An alternative citizen review process was conducted for this proposal due to the city of Goodyear Emergency Declaration in Response to Coronavirus and notice of the application was provided to property owners within 500 feet of the property at least 35 calendar days prior to public hearing to provide ample opportunity for input prior to noticing the public hearing itself. To date, no objections or inquiries were received as a result of this notification.

A public notice that this rezoning request would be considered and reviewed at a public hearing to be held before the Planning and Zoning Commission on October 14, 2020 appeared in the Arizona Republic Southwest Valley Edition September 25, 2020. Postcards were mailed to adjoining owners on August 28 to advertise the October 14, 2020 Planning and Zoning Commission Meeting.

A public hearing was held before the Planning and Zoning Commission on October 14, 2020 to consider the rezoning of the property to the Planned Area Development and the Commission voted (6-0) to recommend approval of the proposed rezoning.

Attachments

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