

AGENDA ITEM #: _____

DATE: January 4, 2021

CAR #: 2020-7109A



CITY COUNCIL ACTION REPORT

SUBJECT: Use Permit for a drive-through restaurant (Bosa Donuts at Parkway Village)

CASE NUMBER: 20-300-00006

STAFF PRESENTER(S): Alex Lestinsky, Senior Planner

APPLICANT: Gary Johnson, Archicon Architecture

Summary: Use Permit to allow a convenience use (drive-through restaurant) on a vacant parcel, located within Parkway Village at the southwest corner of Estrella Parkway and Roosevelt Street.

Recommendation:

Approve a request for a convenience use (drive-through restaurant), subject to the following stipulations:

1. Approval of the use permit does not constitute approval of the 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 conceptual site plan submitted with the use permit application; and,
3. All signage shall require separate review and approval, and shall comply with the Parkway Village Sign Package. 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 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.
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Background and Previous Actions

The subject property is part of the Parkway Village commercial center which is zoned General Commercial (C-2). The Planning and Zoning Commission recommended approval (5-1) on December 2, 2020. On December 14, 2020, the City Council held the public hearing for this item. The vote was tabled until the January 2, 2021 Council meeting.

Staff Analysis

The applicant is requesting a use permit to allow a drive-through use on a vacant pad within Parkway Village. The Zoning Ordinance evaluation criteria and analysis is provided below:

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 to 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 surrounding retail center includes office, hotel, and retails space that may benefit from additional restaurant/drive-through options. The closest residential development is Canyon Trails to the west.

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;*

The drive-through is located within a developed commercial center and is compatible with surrounding uses.

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.*

The drive-through was designed on the commercial pad in order to turn the pickup window and queuing lane away from the centers' internal traffic route. The site is configured to align with the existing parking and traffic circulation of the center.

2. *Compatibility of the proposed hours of operation with adjacent residential areas.*
Due to the location of the facility, no restrictions on hours of operation are recommended.

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

No traffic mitigation measures are required or necessary. The Traffic Impact Analysis for the site was approved by the Engineering Department.

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

Staff finds no other concerns with the project.

Public Participation:

An alternative citizen review process was held for this application. Property owners within 500 feet of the subject property were sent a postcard notification that the city received the application and that any comments can be sent to staff or the applicant. To date, staff has not received any comments regarding the application.

Notice for the public hearings before the Planning and Zoning Commission and City Council included a postcard mailed to the owners of the property and HOAs within 500 feet of the subject property; a legal notice published in the Arizona Republic; and a notice of public hearings sign posted on the property. To date, staff has not received any objections to this request. On December 2, 2020, the Planning and Zoning Commission held a public hearing for the item. One man spoke in opposition of the request on behalf of the Property Owner's Association, stating concerns regarding the traffic impact within the center. The architect had spoken with the gentleman and both had agreed to discuss the project further together and determine potential solutions.

On December 14, 2020, the City Council opened the public hearing for this request. The same gentleman attended the Council meeting and expressed the same concerns regarding the traffic impacts to the center. The Council closed the public hearing and tabled the vote to the January 4, 2021 Council meeting so that the applicant and Property Owner's Association could have additional time to address the associations concerns. An update will be provided at the Council meeting.

Fire Department:

The fire station response analysis is provided below:

Nearest Goodyear Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles
#184/181	5.29	2.14	5.45	2.23

2nd nearest Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles
#185	6.30	2.65	6.38	2.69

RECOMMENDATION:

Staff finds that the use permit request is compatible with the existing 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, adjacent to other commercially zoned parcels. The Planning and Zoning Commission recommended approval (5-1) on December 2, 2020.

Attachments

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