

AGENDA ITEM #: \_\_\_\_\_

DATE: January 25, 2021

CAR #: 2021-7155



## CITY COUNCIL ACTION REPORT

**SUBJECT:** Use Permit for a drive-through restaurant - Someburros at Hudson Commons

**CASE NUMBER:** 20-300-00007

**STAFF PRESENTER(S):** Karen Craver, AICP, Principal Planner

**APPLICANT:** Danielle Torres, Vertical Design Studios

**Summary:** A Use Permit request for a convenience use (drive-through restaurant) in the C-2, General Commercial Zoning District, within the Hudson Commons PAD at the 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) within the C-2, General Commercial Zoning District.
  - a. Open the public hearing
  - b. Staff presentation
  - c. Applicant presentation (10 minutes)
  - d. Receive public comment (3 minutes)
  - e. Close the public hearing
2. Approve a Use Permit request for a convenience use (drive-through restaurant) within the C-2, General Commercial Zoning District, 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 south 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 Article 7 of the City of Goodyear Zoning Ordinance. 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. 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 within the portion of the Hudson Commons Planned Area Development (PAD) with underlying C-2, General Commercial zoning. The Hudson Commons PAD was approved by the City Council on January 11, 2016, with the adoption of Ordinance No. 16-1326. Culver's Restaurant, which opened within the last year, is located immediately north of the Someburros site within the C-2, General Commercial portion of Hudson Commons.

## Staff Analysis

The applicant is requesting a Use Permit to allow a drive-through use on a vacant pad within the Hudson Commons Planned Area Development (PAD). The required Zoning Ordinance analysis and evaluation criteria is provided below:

Section 1-3-2 (Use Permits) of the Zoning Ordinance requires that the Planning and Zoning Commission and City Council must determine that the proposed use meets the following analysis and evaluation criteria 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 Hudson Commons PAD was approved with a mix of uses, including hotels, retail, and single and multi-family residential, and is developing as such. The proposed drive-through restaurant will not be detrimental to the other uses in the PAD.

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 the Use Permit approval shall become null and void;*

The drive-through restaurant will be located within the Hudson Commons PAD which currently includes another restaurant with a drive-through, and a developing single-story

multi-family rental complex. This drive-through restaurant will be compatible with the existing and planned commercial and residential uses within the Hudson Commons PAD.

Section 4-2-2 (Convenience Uses) of the Zoning Ordinance requires that the following additional criteria for convenience uses be evaluated 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.*

Development of the pad, which meets the minimum parcel size requirement, was designed to provide site access from the internal Hudson Commons PAD drive aisles and to allow cross-access circulation to adjacent parcels within the PAD.

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

The proposed hours of operation are 10:30 a.m. to 9 p.m. Due to the restaurant location, 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 drive-through restaurant 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 drive-through restaurant.

#### **Fire Response:**

The subject property will be served by Fire Station No. 184/181 located at 16161 West Yuma Road, or by Fire Station No. 185 at PebbleCreek Parkway and Clubhouse Drive.

Nearest Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles
#184/181	2.81	1.41	4.37	2.19

2nd nearest Fire Station	Shortest path		Longest path	
	Mins	Miles	Mins	Miles
Station #185	6.21	3.10	6.46	3.23

#### **Police Response:**

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

#### **Public Participation:**

The alternative citizen review process was conducted for this application. Owners of properties within 500 feet of the subject property were sent a postcard notifying them that the city had received the application, that additional information regarding the application could be found on the city website, and that staff or the applicant could be contacted with any comments or concerns regarding the application. To date, neither staff or the applicant have been contacted.

When the public hearings on the application were scheduled before the Planning and Zoning Commission on January 13, 2021, and before the City Council on January 25, 2021, a second postcard was sent to the property owners; a legal notice with the hearing dates was published in the Arizona Republic Southwest Valley Edition on December 26, 2020; and a notice of public hearings sign was posted on the property. To date, neither staff or the applicant have received any comments as a result of the additional notifications.

### **Planning and Zoning Commission:**

At its meeting on January 13, 2021, the Planning and Zoning Commission conducted a public hearing regarding the Use Permit request. Following a presentation by staff, the Commission voted 6 to 0 to recommend approval of the Use Permit, subject to the stipulations in the Commission staff report. No member of the public commented on the request.

### **Recommendation**

Staff, based on the information set forth herein, 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.

### **Attachments**

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