



CONDITIONAL USE PERMIT

REPORT TO THE PLANNING AND ZONING COMMISSION

1 **Case:** **FS16-375**
2
3 **Project Name:** Wendy's at Surprise Gateway
4
5 **Council District:** 1
6
7 **Meeting Date:** **January 5, 2017**
8
9 **Planner:** Robert H. Kuhfuss, AICP
10
11

12 **Owner:** Bell Road and Loop 303, LLP
13
14 **Applicant:** James Day of James Day & Associates on behalf of JMJ, LLC
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16 **Request:** Conditional Use Permit for a convenience food restaurant in the PAD
17 zoning district (Surprise Farms)
18
19 **Site Location:** South side of Bell Road, west of Loop 303
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21 **Site Size:** 0.87 gross acres (approx.)
22
23 **Density:** N/A
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25 **General Plan Conformance:** The proposal is consistent with the Surprise General Plan 2035
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27 **Support/Opposition:** None known
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29 **Staff Recommendation:** Staff recommends the Commission **approve** the proposed
30 Conditional Use Permit, subject to stipulations 'a'- 'e'.

31 **Project Description:**

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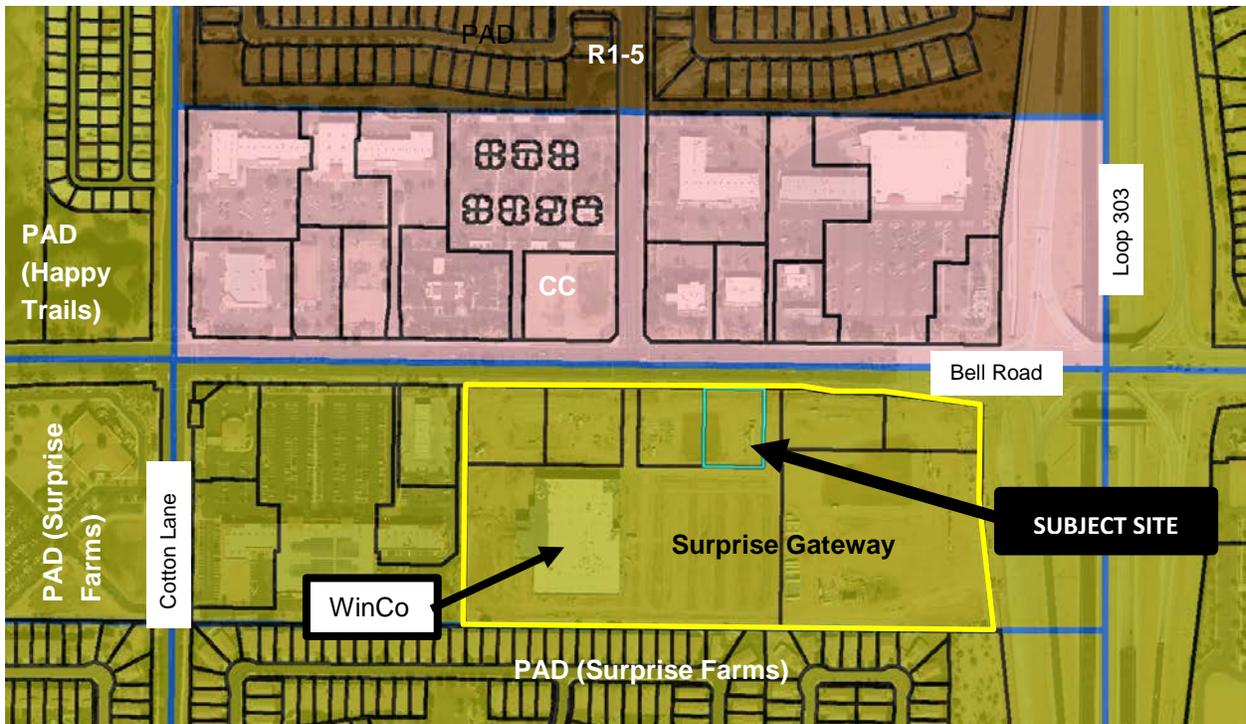
33 James Day of James Day & Associates on behalf of JMJ, LLC seeks approval of a Conditional Use
 34 Permit (CUP) to allow a convenience food restaurant in the Surprise Gateway portion of the
 35 Surprise Farms PAD. The proposed restaurant will be sited on a currently vacant pad located
 36 adjacent to Bell Road and to the north of the WinCo center parking lot. Site improvements will
 37 include a 2,714 square foot restaurant building, a drive-through lane, on-site parking, landscaping,
 38 signage and supporting infrastructure.

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40 **Existing Zoning:**

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42 The following map and associated chart depict the existing zoning of the subject site and its
 43 surrounds.



44

CC	CC	CC
PAD (Commercial)	PAD (Commercial)	PAD (Commercial)
PAD (Commercial)	PAD (Commercial)	PAD (Commercial)

45 **Background:**

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47 **March 27, 1995:** The City Council approved the original Surprise Farms / Villages at Surprise South
48 PAD under case PAD95-003.

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50 **October 8, 2013:** The Planning and Zoning Commission approved a Major Site Plan for WinCo
51 under case FS13-289. Said site plan included reference to future conceptual development on the
52 subject property.

53

54 **April 24, 2015:** Staff approved a Minor Amendment to the WinCo site plan under case FS15-090.
55 Changes under this amendment were primarily centered about landscape and hardscape
56 enhancements.

57

58 **July 21, 2016:** The subject request was discussed at a regularly scheduled Concept Review meeting
59 under case CR16-292.

60

61 **August 30, 2016:** The applicant filed a request for a Conditional Use Permit under case FS16-375,
62 the subject case.

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64 **October 3, 2016:** The applicant held a Citizen Outreach meeting.

65

66 **Citizen Outreach:**

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68 As noted above, the applicant held a Citizen Review meeting on October 3, 2016, which generated
69 no input. The site was also posted and advertised in accordance with the SUDC.

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71 **Analysis and Discussion:**

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73 The Surprise Farms / Villages at Surprise South PAD was approved under Title 17 and references the
74 C-2 uses listed under Title 17 as permitted uses. "Convenience food restaurants" are listed as a
75 Conditional Use in C-2, but requires an analysis of any proposed Conditional Use to be based on
76 certain criteria. Section 17.36.050 of Title 17 states:

77

78 *"No conditional use permit shall be given for a use that is not listed in this title as a*
79 *conditional use or is not deemed by the commission as equivalent to a listed conditional use*
80 *in the particular district in which it is proposed to be located. The commission shall consider*
81 *the effect of the proposed use upon the health, safety and general welfare of occupants of*
82 *surrounding land, existing and anticipated traffic conditions including parking facilities on*
83 *adjacent streets and land, and the effect of the proposed use on the General Plan. The*
84 *commission may grant the application by motion, imposing such conditions and safeguards*
85 *as it deems necessary, or it may deny the application."*

86 The subject property is located within a currently vacant pad site to the north of the WinCo center
87 parking lot. Access to the site will be via two (2) driveway cuts located along the east/west interior
88 drive aisle. Vehicles entering the site will either park in the lot located to the south of the
89 restaurant building, or will circulate in a counter-clockwise fashion through a drive-through lane
90 located between the building and a retention area located along Bell Road. A 3'-8" masonry wall
91 will screen the drive-through lane from Bell Road.

92
93 Pedestrian access will occur via a concrete sidewalk that will connect to the existing city walk at Bell
94 Road near the northeast corner of the site. This sidewalk will traverse the site from east to west
95 providing access to the front of the restaurant building and will extend to the west property line
96 where future development will continue the connection. The sidewalk will also parallel the eastern
97 and southern boundaries of the site and connect to existing pedestrian paths already established
98 on the WinCo site. Staff notes that traffic control signs will be established where the pedestrian
99 path crosses the drive-through lane in two (2) locations.

100
101 Parking will consist of a total of 23 standard and two (2) accessible spaces, which meets the
102 requirements of the PAD. A single fully screened trash enclosure accommodating two (2) trash bins
103 will be located at the western end of the site. Future vehicular connectivity to the west may be
104 accommodated through the removal of a portion of the extruded curb located at the west property
105 line.

106
107 The site will be well-landscaped using plant species consistent with the WinCo center.

108
109 Architecturally, the building does not necessarily "match" the WinCo center; however, the applicant
110 has attempted to reference certain architectural features found in the existing building stock such
111 as the steel window awnings, and EIFS finishes, while creating a visually interesting building with a
112 unique character. Staff is comfortable with allowing these deviations from the existing
113 development. Of interest, are the "blades", one of which will extend through the roof of the
114 building into the restaurant's dining area. Faux stone matching that used on the WinCo center will
115 be applied to the aforementioned drive-through screen wall further referencing the WinCo center.

116
117 Signage will consist of wall signs located on all four building elevations. Freestanding signs will
118 consist of a small directional sign in addition to preview board and menu board serving the drive-
119 through lanes. An insert will also be placed in the large pylon sign located near the Loop 303
120 frontage.

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129 **Utility and Services Table:**

Electric:	APS
Water:	EPCOR
Wastewater:	Surprise
Refuse:	TBD
Natural Gas:	SWG
Irrigation:	N/A
Schools:	Dysart USD #89

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131 **Conformance with Adopted Plans:**

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133 **Surprise General Plan 2035:** The Surprise General Plan 2035 shows the subject property as lying
134 within the Neighborhood Character Area, which supports convenience uses such as that proposed.
135 The subject property also lies within the Transit Oriented Development Sub Area. Although the
136 proposed CUP does little to enhance the goals and policies of the Sub Area, the proposed CUP does
137 not conflict with those goals and policies.

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139 **Reviewing Agencies:**

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141 The subject request was routed to the standard city reviewing agencies, in addition to Luke Air
142 Force Base, Maricopa Water District, and Arizona Department of Transportation who indicate no
143 objections to the requests.

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145 **Summary:**

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147 Staff believes the proposed Conditional Use Permit is consistent with the manner and intent of the
148 Surprise Gateway portion of the Surprise Farms PAD. The site is well designed and well-buffered
149 from Bell Road, and will improve the visual interest of the area through creative architecture.

150

151 **Findings:**

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- 153 • The proposed Conditional Use Permit is consistent with the Surprise General Plan 2035.
- 154 • The proposed Conditional Use Permit is consistent with the Surprise Farms PAD.
- 155 • The proposed Conditional Use Permit demonstrates compliance with the criteria set forth in
156 Section 17.36.050 of Title 17, which was included by reference into the underlying PAD.
- 157 • The reviewing agencies have indicated no objections to the request.

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163 **Recommendation:**

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165 Based on the findings noted above, staff recommends the Commission approve the Conditional Use
166 Permit proposed under case **FS16-375**, subject to stipulations ‘a’ through ‘e’ as outlined below:

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168 a. Development and use of the site shall be consistent with the Site Plan entitled “Wendy’s
169 Loop 303 and West Bell Rd” consisting of one (1) full size sheet, prepared by James Day &
170 Associates Architecture and stamped received November 10, 2016.

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172 b. Landscaping of the site shall be consistent with the Landscape Plan entitled “Wendy’s Loop
173 303 and West Bell Rd” consisting of one (1) full size sheet, prepared by James Day &
174 Associates Architecture and stamped December 2, 2016.

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176 c. Elevations shall be consistent with the Elevations entitled “Wendy’s Loop 303 and West Bell
177 Rd” consisting of one (1) full size sheet, prepared by James Day & Associates Architecture
178 and stamped received November 10, 2016.

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180 d. Signage shall be consistent with the Sign Package entitled “Wendy’s SWC of Loop 303 and
181 West Bell Rd” consisting of eleven (11) sheets, prepared by Royal Sign Company and
182 stamped received November 10, 2016.

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184 e. Non-compliance with the stipulations of approval of this case will be treated as a violation in
185 accordance with the provisions of Article XIV of the Surprise Unified Development Code.

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187 However, should the Commission wish to deny the request, the Commission should make its own
188 findings and base its decision on those alternative findings.

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190 **Attachments:**

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192 01 – FS16-375 Vicinity Map (1 page)

193 02 – FS16-375 Case Map (1 page)

194 03 – FS16-375 Site Plan (1 page)

195 04 – FS16-375 Landscape Plan (1 page)

196 05 – FS16-375 Elevations, B&W (1 page)

197 06 – FS16-375 Elevations, Color (1 page)

198 07 – FS16-375 Sign Package (11 pages)

199 08 – Luke AFB Comments (1 page)