

CITY OF TEMPE DEVELOPMENT REVIEW COMMISSION

Meeting Date: 01/12/2021 Agenda Item: 4

<u>ACTION</u>: Request a Use Permit to allow a restaurant with a drive-through in the GID zoning district and a Development Plan Review for a new 3,751 square-foot building for **WHATABURGER TEMPE**, located at 1800 West Elliot Road. The applicant is Sustainability Engineering Group.

FISCAL IMPACT: There is no fiscal impact on City funds.

RECOMMENDATION: Approve, subject to conditions

BACKGROUND INFORMATION: WHATABURGER TEMPE (PL200246) is proposing a new 3,751 square-foot building with a drive-through. The request includes the following:

ZUP200056Use Permit to allow a restaurant with a drive-through in the GID zoning districtDPR200124Development Plan Review including site plan, building elevations, and landscape plan



Existing Property Owner Applicant Zoning District Site area Total Building Area Lot Coverage Building Height Building Setbacks

Landscape area Vehicle Parking Bicycle Parking

ATTACHMENTS: Development Project File

STAFF CONTACT(S): Robbie Aaron, Planner II (480) 350-8096

Department Director: Chad Weaver, Community Development Director Legal review by: N/A Prepared by: Robbie Aaron, Planner II Reviewed by: Suparna Dasgupta, Principal Planner 2001 DAVID W SCHMID TRUST/ETAL Jason Sanks, Sustainability Engineering Group GID 1.64 acres 3,751 s.f. 5.2% (50% maximum allowed) 21' (35' maximum allowed) 28' parking front, 60' side, 27' street side parking, 60' rear (20' parking), 0, 20' parking,0' min.) 37% (10% minimum required) 50 spaces (50 min. required, 63 max allowed) 4 spaces (4 min. required)

COMMENTS:

This site is located between at the intersection of Elliot Road and Harl Drive just west of Priest Drive within the Southwest Overlay District. The project site is currently occupied by a retail store; to the west is a restaurant with drive-through, to the north is an industrial use, to the east and south are commercial uses.

This request includes the following:

- 1. Use Permit to allow a restaurant with a drive-thru in the GID zoning district
- 2. Development Plan Review including a site plan, building elevations and landscape plan for a new 3,751 square-foot building.

The applicant is requesting the Development Review Commission take action on the items listed above.

SITE PLAN REVIEW

This project went through the site plan review process a total of two times; one preliminary (09/02/2020) and one formal (11/04/2020). Planning staff conducted an additional review which was not routed through the site plan review process. The majority of comments for this project were requests such as correcting errors and design recommendations. There are no outstanding comments that need to be addressed for this project.

PUBLIC INPUT

- Neighborhood meeting not required
- No public comments have been received as of the writing of this report

PROJECT ANALYSIS

USE PERMIT

The proposed use requires a use permit, to operate a restaurant with a drive through within the GID zoning district. The drive-through is for a restaurant and sufficient queueing is provided.

Section 6-308 E Approval criteria for Use Permit (*in italics*):

and multiple pedestrian entrances.

- Any significant increase in vehicular or pedestrian traffic. No unusual traffic volumes or characteristics are anticipated. The adjacent arterials are sufficient to handle all traffic demands commonly associated with a restaurant with a drive-thru use. The site also provides for adequate queueing
- 2. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat or glare at a level exceeding that of ambient conditions.

This project will provide no detrimental impacts on public health, safety, or welfare. The applicant indicated that The design and location of the restaurant building places it further away from the street view and creates a buffer between the streets and the drive-through lanes. In addition, the existing landscape is being refreshed and provides buffering from street and parking areas. No smoke, dust, vibration or odor issues are anticipated for this use.

3. Contribution to the deterioration of the neighborhood or to the downgrading of property values, the proposed use is not in conflict with the goals objectives or policies for rehabilitation, redevelopment or conservation as set forth in the city's adopted plans or General Plan.

The approval of the proposed project will advance the goals and objectives of, and is consistent with, the policies of the General Plan and any other applicable City plan and/or policies.

4. Compatibility with existing surrounding structures and uses.

This project is a typical restaurant with a drive-through. The use and operation is consistent with other commercial development in the surrounding area and is proposed within an existing commercial site.

5. Adequate control of disruptive behavior both inside and outside the premises which may create a nuisance to the surrounding area or general public.

The manner of conduct and the building for the proposed use will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general, and that the use will be in full conformity to any conditions, requirement or standards prescribed therefore by this code.

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DEVELOPMENT PLAN REVIEW

Site Plan

The proposed restaurant building and drive-through will be located at the west portion of the site, while the parking will be located on the east and north portions of the site. The main entrance to the building is on the east side of the building, setback approximately 95 feet from Harl Avenue. Pedestrians will be able to access the site from both Harl Avenue and Elliot Road.

Building Elevations

The building elevations consist of a combination of brick and painted metal with earth tone colors which complement the existing finish of the surrounding commercial and industrial buildings. Corporate accent colors are used on the canopies which provide shade for the glazing on the south portion of the building where the dining area is located.

Landscape Plan

Approximately 26,400 s.f. of landscape area will be provided on the site. The planting material palate consists of 3 species of trees, 2 species of ground coverage, and 5 shrubs/accents species, top-dressed with ³/₄" decomposed granite, 2 inches deep, matching existing site color. Seven street frontage trees are required and provided along Elliot Road, while thirteen street frontage trees are required and fourteen are provided along Harl Avenue. The new parking spaces require 1 tree in each landscape island. The landscape area consists of no water intensive landscaping.

Section 6-306 D Approval criteria for Development Plan Review (in italics):

- Placement, form, and articulation of buildings and structures provide variety in the streetscape; The proposed building is unique in aesthetic design, size, and shape through the use of varied materials, colors, and articulation of the building elevations. The design provides variety in the streetscape.
- 2. Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort;

A canopy on the building will provide shade on both drive-through windows as well as all other windows on the building. A recessed area will provide shade to the building entrance. Shade trees will be provided along the drive-through, the street frontage, in the landscape buffer and in the islands adjacent to the parking stalls.

3. Materials are of a superior quality, providing detail appropriate with their location and function while complementing the surroundings;

The applicant indicates that materials boards are provided indicating detail and colors associated with the building.

- 4. Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings; The design of the building takes queues from the building design standards, ensuring compatibility not only with the standards but also with the surrounding area. Roof-top mechanical equipment is screened from public view.
- 5. Large building masses are sufficiently articulated so as to relieve monotony and create a sense of movement, resulting in a well-defined base and top, featuring an enhanced pedestrian experience at and near street level; The building articulation and massing draws and creates movement not only for vehicular traffic but also pedestrians.

6. Building facades provide architectural detail and interest overall with visibility at street level (in particular, special treatment of windows, entries and walkways with particular attention to proportionality, scale, materials, rhythm, etc.) while responding to varying climatic and contextual conditions;

The building form, colors and materials compliment the existing buildings in the area and have good visibility and access. The building tops out at 21 feet and rises above the natural tree canopy adding an additional layer of interest.

7. Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage;

The applicant indicates that pedestrian and ADA connections from Elliot Road and Harl Avenue are provided to the restaurant and in instances where the pedestrian pathway crosses the drive aisles, appropriate marking and striping will be provided. Two ADA parking spaces are provided on the east side of the building near the main entrance.

8. Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation, and with surrounding residential uses;

Existing access from Elliot Road, which includes an already existing deceleration lane, and Harl Avenue will be maintained to allow access to the site. This access point will bring traffic to the restaurant minimizing the need for vehicles to access the site through the adjacent commercial parking areas. All driveways are already developed, and the demolition of the existing retail building will provide space for new parking and drive aisles.

- 9. Plans appropriately integrate Crime Prevention Through Environmental Design principles such as territoriality, natural surveillance, access control, activity support, and maintenance; The applicant indicates that the new uses have visibility for employee's to scan the exterior of the buildings. Lighting will be sufficient both in the parking area and on the building to provide improved safety during night time operations.
- 10. Landscape accents and provides delineation from parking, buildings, driveways and pathways; The applicant indicates that the plant palette will incorporate low water plant material and the existing landscape will be refreshed with new trees and bushes to provide appropriate screening and buffering. In addition, a new 3 ft. high screening wall, consisting of decorative CMU materials with colors consistent with the main building design, will be built along the east and south property lines adjacent to S. Harl Avenue and W. Elliot Road.
- 11. Signs have design, scale, proportion, location and color compatible with the design, colors, orientation and materials of the building or site on which they are located; and The applicant indicates that the signs are proposed in accordance with City codes and amended as required by City staff.
- 12. Lighting is compatible with the proposed building(s) and adjoining buildings and uses, and does not create negative effects. The applicant indicates that lighting will be shielded and directed away from surrounding areas and meet code requirements.

REASONS FOR APPROVAL:

- 1. The project will meet the development standards required under the Zoning and Development Code.
- 2. The proposed project meets the approval criteria for a Use Permit and Development Plan Review.

Based on the information provided and the above analysis, staff recommends approval of the requested Use Permit and Development Plan Review. This request meets the required criteria and will conform to the conditions.

USE PERMIT CONDITIONS OF APPROVAL:

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

1. This Use Permit is valid only after a Building Permit has been obtained, the required inspections have been completed and a Final Inspection has been passed.

2. The Use Permit is valid for the plans as submitted within this application. Any additions or modifications may be submitted for review during the building plan check process.

DEVELOPMENT PLAN REVIEW CONDITIONS OF APPROVAL: (Non-standard conditions are identified in bold)

EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.

General

1. Except as modified by conditions, development shall be in substantial conformance with the site plan and building elevations dated 12/08/2020 and landscape plan dated 12/08/2020. Minor modifications may be reviewed through the plan check process of construction documents; major modifications will require submittal of a Development Plan Review.

Site Plan

- 2. Provide service yard and mechanical (cooling tower/generator) yard walls that are at least 8'-0" tall as measured from adjacent grade or are at least the height of the equipment being enclosed, whichever is greater. Verify height of equipment and mounting base to ensure that wall height is adequate to fully screen the equipment.
- 3. Provide gates of steel vertical picket, steel mesh, steel panel or similar construction. Where a gate has a screen function and is completely opaque, provide vision portals for visual surveillance. Provide gates of height that match that of the adjacent enclosure walls. Review gate hardware with Building Safety and Fire staff and design gate to resolve lock and emergency ingress/egress features that may be required.
- 4. Provide upgraded paving at each driveway consisting of integral colored unit paving / integral colored and stamped concrete / alternative material/detail. Extend this paving in the driveway from the right-of-way line to 20'-0" on site and from curb to curb at the drive edges. From sidewalk to right-of-way line, extend concrete paving to match sidewalk.
- 5. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings.
- 6. Place exterior, freestanding reduced pressure and double check backflow assemblies in pre-manufactured, pre-finished, lockable cages (one assembly per cage). If backflow prevention or similar device is for a 3" or greater water line, delete cage and provide a masonry or concrete screen wall following the requirements of Standard Detail T-214.

Floor Plans

- 7. Public Restroom Security:
 - a. Single user restroom door hardware:
 - 1) Provide a key bypass on the exterior side

Building Elevations

 The materials and colors are approved as presented: Primary Building - Brick - Acme Utility - Park Avenue Secondary Building - Metal Panel - Kingspan Matrix MX 1.0 Aluminum 0.05 - Champagne Gold Building Accent - Brick - Acme Economy - Doeskin Storefront System - Oldcastle - FG-3000 - PPG Duranar XL Silver Glazing - Opaque fritted glass - Viracon - V948 Vision Glass - Viracon - Vue1-30 Gradient Fritted Glass - Viracon - Vue1-30 with Frit Screen #2387 Sun Shade Canopy - Whataburger Orange Other - Paint - Sherwin Williams - SW6277 Special Gray Paint - Sherwin Williams - SW9093 Nearly Brown Provide primary building colors and materials with a light reflectance value of 75 percent or less.

- 9. If provided, roof access shall be from the interior of the building. Do not expose roof access to public view.
- 10. Conceal roof drainage system within the interior of the building.
- 11. Incorporate lighting, address signs, and incidental equipment attachments (alarm klaxons, security cameras, etc.) where exposed into the design of the building elevations. Exposed conduit, piping, or related materials is not permitted.
- 12. Locate the electrical service entrance section (S.E.S.) inside the building or inside a secure yard that is concealed from public view.

Lighting

- 13. This project shall follow requirements of ZDC Part 4, Chapter 8, Lighting, unless otherwise conditioned.
- 14. Illuminate building entrances from dusk to dawn to assist with visual surveillance at these locations

Landscape

- 15. Arterial street trees shall be a minimum of 36" box specimens and a minimum of 1 ½" caliper trunk.
- 16. Provide a minimum of one (1) tree with a minimum caliper of one and one-half (1 ½) inches in each landscape island.

17. Irrigation notes:

- a. Provide dedicated landscape water meter.
- b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½" feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½". Provide details of water distribution system.
- c. Locate valve controller in a vandal resistant housing.
- d. Hardwire power source to controller (a receptacle connection is not allowed).
- e. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.
- f. Repair existing irrigation system (on site or in the adjacent public rights-of-way) where damaged by work of this project. Provide temporary irrigation to existing landscape (on site or in these frontages) for period of time that irrigation system is out of repair. Design irrigation so existing plants are irrigated as part of the reconfigured system at the conclusion of this construction.
- 18. Include requirement to de-compact soil in planting areas on site and in public right of way and remove construction debris from planting areas prior to landscape installation.
- 19. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2" uniform thickness. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.

Building Address

- 20. Verify property address and submit a PDF copy of the site plan with unit floor plans for permanent addressing to <u>permitcenter@tempe.gov</u> prior to submittal of construction documents.
- 21. Provide address sign(s) on the building elevation facing the street to which the property is identified.
 - a. Conform to the following for building address signs:
 - 1) Provide street number only, not the street name
 - 2) Compose of 12" high, individual mount, metal reverse pan channel characters.
 - 3) Self-illuminated or dedicated light source.
 - 4) On multi-story buildings, locate no higher than the second level.
 - 5) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
 - 6) Do not affix numbers or letters to elevation that might be mistaken for the address.

b. Utility meters shall utilize a minimum 1" number height in accordance with the applicable electrical code and utility company standards.

CODE/ORDINANCE REQUIREMENTS:

THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.

USE PERMIT:

- The Use Permit is valid for Whataburger Tempe and may be transferable to successors in interest through an administrative review with the Community Development Director, or designee.
- The use permit approval shall be void if the use is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the use permit is granted or within the time stipulated by the decision-making body.
- The decision-making body, upon finding that the applicant has not taken corrective actions to resolve issues related to the permit/approval and that a continuation of the permit/approval is not in the interest of the public health, safety and general welfare, can revoke the permit/approval after providing written notice of its intentions to the holder of the permit.
- Any intensification or expansion of use shall require a new Use Permit.

SITE PLAN REVIEW: Verify all comments by all departments on each Preliminary Site Plan Review. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Division will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.

DEADLINE: Development plan approval shall be void if the development is not commenced or if an application for a building permit has not been submitted, whichever is applicable, within twelve (12) months after the approval is granted or within the time stipulated by the decision-making body. The period of approval is extended upon the time review limitations set forth for building permit applications, pursuant to Tempe Building Safety Administrative Code, Section 8-104.15. An expiration of the building permit application will result in expiration of the development plan.

STANDARD DETAILS:

- Access to Tempe Supplement to the M.A.G. Uniform Standard Details and Specifications for Public Works Construction, at this link: <u>http://www.tempe.gov/city-hall/public-works/engineering/standards-details</u> or purchase book from the Public Works Engineering Division.
- Access to refuse enclosure details DS116 and DS118 and all other Development Services forms at this link: <u>http://www.tempe.gov/city-hall/community-development/building-safety/applications-forms</u>. The enclosure details are under Civil Engineering & Right of Way.

BASIS OF BUILDING HEIGHT: Measure height of buildings from top of curb at a point adjacent to the center of the front property line.

WATER CONSERVATION: Under an agreement between the City of Tempe and the State of Arizona, Water Conservation Reports are required for landscape and domestic water use for the non-residential components of this project. Have the landscape architect and mechanical engineer prepare reports and submit them with the construction drawings during the building plan check process. Report example is contained in Office Procedure Directive # 59. Refer to this link: http://www.tempe.gov/home/showdocument?id=5327. Contact the Public Works Department, Water Conservation Division with questions regarding the purpose or content of the water conservation reports.

HISTORIC PRESERVATION: State and federal laws apply to the discovery of features or artifacts during site excavation (typically, the discovery of human or associated funerary remains). Contact the Historic Preservation Officer with general questions. Where a discovery is made, contact the Arizona State Historical Museum for removal and repatriation of the items.

POLICE DEPARTMENT SECURITY REQUIREMENTS:

- Refer to Tempe City Code Section 26-70 Security Plans.
- Design building entrance(s) to maximize visual surveillance of vicinity. Limit height of walls or landscape materials, and design columns or corners to discourage ambush.
- Maintain distances of 20'-0" or greater between a pedestrian path of travel and any hidden area to allow for increased reaction time and safety.
- Follow the design guidelines listed under appendix A of the Zoning and Development Code. In particular, reference the CPTED principal listed under A-II Building Design Guidelines (C) as it relates to the location of pedestrian environments and places of concealment.
- Provide a security vision panel at service and exit doors (except to rarely accessed equipment rooms) with a 3" wide high strength plastic or laminated glass window, located between 43" and 66" from the bottom edge of the door.

TRAFFIC ENGINEERING:

- Provide 8'-0" wide public sidewalk along arterial roadways, or as required by Traffic Engineering Design Criteria and Standard Details.
- Construct driveways in public right of way in conformance with Standard Detail T-320. Alternatively, the installation of driveways with return type curbs as indicated, similar to Standard Detail T-319, requires permission of Public Works, Traffic Engineering.
- Correctly indicate clear vision triangles at both driveways on the site and landscape plans. Identify speed limits for adjacent streets at the site frontages. Begin sight triangle in driveways at point 15'-0" in back of face of curb. Consult Intersection Sight Distance memo, available from Traffic Engineering if needed www.tempe.gov/index.aspx?page=801. Do not locate site furnishings, screen walls or other visual obstructions over 2'-0" tall (except canopy trees are allowed) within each clear vision triangle.

FIRE:

- Clearly define the fire lanes. Ensure that there is at least a 20'-0" horizontal width, and a 14'-0" vertical clearance from the fire lane surface to the underside of tree canopies or overhead structures. Layout and details of fire lanes are subject to Fire Department approval.
- Provide a fire command room(s) on the ground floor of the building(s). Verify size and location with Fire Department.

CIVIL ENGINEERING:

- An Encroachment Permit or License Agreement must be obtained from the City for any projections into the right of way or crossing of a public utility easement, prior to submittal of construction documents for building permit.
- Maintain a minimum clear distance of twenty-four (24) feet between the sidewalk level and any overhead structure.
- Coordinate site layout with Utility provider(s) to provide adequate access easement(s).
- Clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.
- Verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or foundation design.
- 100-year onsite retention required for this property, coordinate design with requirements of the Engineering Department.

SOLID WASTE SERVICES:

• Enclosure indicated on site plan is exclusively for refuse.

PARKING SPACES:

- Verify conformance of accessible vehicle parking to the Americans with Disabilities Act and the Code of Federal Regulations Implementing the Act. Refer to Building Safety ADA Accessible Parking Spaces Marking/Signage on Private Development details.
- At parking areas, provide demarcated accessible aisle for disabled parking.
- Distribute bike parking areas nearest to main entrance(s). Provide parking loop/rack per standard detail T-578. Provide 2'-0" by 6'-0" individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance between bike spaces and adjacent walkway to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.

ZONING AND DEVELOPMENT CODE:

 Specific requirements of the Zoning and Development Code (ZDC) are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through <u>www.tempe.gov/zoning</u> or purchase from Community Development.

LIGHTING:

- Design site security light in accordance with requirements of ZDC Part 4 Chapter 8 (Lighting) and ZDC Appendix E (Photometric Plan).
- Indicate the location of all exterior light fixtures on the site, landscape and photometric plans. Avoid conflicts between lights and trees or other site features in order to maintain illumination levels for exterior lighting.

LANDSCAPE:

- Trees shall be planted a minimum of 16'-0" from any existing or proposed public utility lines. The tree planting separation requirements may be reduced to no less than 8'-0" from utility lines upon the installation of a linear root barrier. Per Detail T-460, the root barrier shall be a continuous material, a minimum of 0.08" thick, installed to a minimum depth of 4'-0" below grade. The root barrier shall extend 6'-0" on either side of the tree parallel to the utility line for a minimum length of 12'-0". Final approval is subject to determination by the Public Works, Water Utilities Division.
- Prepare an existing plant inventory for the site and adjacent street frontages. The inventory may be prepared by the
 Landscape Architect or a plant salvage specialist. Note original locations and species of native and "protected"
 trees and other plants on site. Move, preserve in place, or demolish native or "protected" trees and plants per State
 of Arizona Agricultural Department standards. File Notice of Intent to Clear Land with the Agricultural Department.
 Notice of Intent to Clear Land form is available at https://agriculture.az.gov/plantsproduce/native-plants. Follow the
 link to "applications to move a native plant" to "notice of intent to clear land".

SIGNS: Separate plan review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Refer to <u>www.tempe.gov/signs</u>.

DUST CONTROL: Any operation capable of generating dust, include, but not limited to, land clearing, earth moving, excavating, construction, demolition and other similar operations, that disturbs 0.10 acres (4,356 square feet) or more shall require a dust control permit from the Maricopa County Air Quality Department (MCAQD). Contact MCAQD at http://www.maricopa.gov/aq/.

HISTORY & FACTS:

May 3, 2006 Building elevation modifications, site plan and refuse modifications, and landscape restoration was approved by the City of Tempe Design Review Board

May 30, 1995 Certificate of Occupancy granted for commercial building located at 1800 W Elliot Road

ZONING AND DEVELOPMENT CODE REFERENCE:

Section 6-306, Development Plan Review Section 6-308, Use Permit

Tempe. DEVELOPMENT PROJECT FILE for WHATABURGER TEMPE (PL200246)

- 1-13. Site Context (Location Map, Aerial, Site Photos)
- 14-19. Applicant's Letter of Explanation
- 20-23. Site Design (Site Plan, Landscape Plan, Shadow Study, Preliminary Utility Plan, and Preliminary Grading & Drainage Plan)
- 24-35. Building Design (Blackline Elevations, Color Elevations, Street Elevations & Rendering, and Material Samples)
- 36-37. Supplemental Information
 - Refuse Plan
 - Photometric Plan

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S

WHATABURGER TEMPE



Planned Commercial Center Neighborhood (PCC-1)

Planned Commercial Center General (PCC-2)



WHATABURGER TEMPE





Aerial Map



10/1/2020

Whataburger Tempe Site Context Photos









Site Context Photos

Facing North



Facing South



Facing East



Facing West



ATTACHMENT 5

Α



Site Context Photos

Facing North Facing East



Facing West





Site Context Photos

Facing North



Facing South



Facing East



Facing West



ATTACHMENT 7

С



Site Context Photos

Facing North



Facing South



Facing East



Facing West



D



NWC – W. Elliot Rd. & S. Harl Ave. Ave. Site Context Photos

Facing North



Facing South



Facing East



Facing West



ATTACHMENT 9

Ε



Site Context Photos

Facing North



Facing South



Facing East



Facing West



ATTACHMENT 10

F



Site Context Photos

Facing North



Facing South



Facing East



Facing West



ATTACHMENT 11

G



NWC – W. Elliot Rd. & S. Harl Ave. Ave. Site Context Photos

Facing North



Facing South



Facing East



Facing West



ATTACHMENT 12

Η



NWC – W. Elliot Rd. & S. Harl Ave. Ave. Site Context Photos

Facing North



Facing South



Facing East



Facing West





Whataburger Tempe

Major Development Plan Review & Use Permit Application

"Letter of Explanation"



<u>Request</u>: Major Development Plan Review & Use Permit Request for a proposed Fast-Food Restaurant with 2-lane drive-through, Located at the NWC of W. Elliot Road & S. Harl Avenue

Submitted: October 20, 2020

DEVELOPMENT TEAM

<u>Owner</u>

2001 David W Schmid Trust 440 W. First Street, Suite 201 Tustin, CA 92780

Developer

Whatabrands Real Estate <u>Contact</u>: Clint Saavedra 300 Concord Plaza Drive San Antonio, TX 78216 Phone: (210) 476-6181 Email: csaavedra@wbhq.com

Civil Engineer & Planning

Sustainability Engineering Group (SEG) <u>Contact</u>: Jason Sanks 8280 E. Gelding Drive, Ste. 101 Scottsdale, AZ 85260 Phone: (602) 326-0581 Email: jason@azseg.com

Landscape Architect

Harrington Planning + Design <u>Contact</u>: Jason Harrington 1921 S. Alma School Road, Suite 204 Mesa, AZ 85210 Phone: (480) 250-0116 Email: jason@harringtonplanningdesign.com

Architect

Castles Design Group P.C. <u>Contact</u>: Alexander Fazzino 3801 Kirby Drive, Suite 600 Houston, TX 77098 Phone: (713) 664-7974 ext. 1305 Email: castlesdesigngroup.com

Electrical Engineer

Wright Engineering <u>Contact</u>: Cal Cluff 165 E. Chilton Dr. Chandler, AZ 85225 Phone: (480) 497-5829 Email: ccluff@wrightengineering.us



I. Introduction

Sustainability Engineering Group ("SEG") is filing a Major Development Plan Review & Use Permit application for the proposed redevelopment of approximately 1.64 acres of property (APN 301-41-134D), located at the northwest corner of W. Elliot Road and S. Harl Avenue (the "Restaurant"). The scope of this project includes the redevelopment of an existing 20,146 SF building into a new 3,751 SF fast food facility with 2-lane drive through. Please refer to the exhibit, **Context Photos with Aerial Map**, for location and contextual reference.

The Site Plan details the layout of the fast-food restaurant, double drive-through queuing lanes, parking area and circulation to the adjacent commercial land uses and roadways. The existing building was once a furniture store and is 20,146 SF in size. This building will be razed as part of this project's redevelopment. After careful evaluation, it was found that the existing building could not be reasonably re-purposed for a Whataburger restaurant with drive through.

II. Existing Conditions and Existing Zoning

The Property is zoned GID with Southwest Tempe Overlay and is surrounded by other commercial and industrial land uses as indicated in the below Table A:

| Direction | Existing Land Use | Existing Zoning |
|-----------|--|-------------------------|
| North | Coca-Cola Bottling & Distribution Facility | GID w/ SW Tempe Overlay |
| East | Days Inn Hotel | GID w/ SW Tempe Overlay |
| South | Cobblestone Carwash | GID w/ SW Tempe Overlay |
| West | Wendy's Fast-Food Restaurant/Urgent Care | GID w/ SW Tempe Overlay |

Table A

The Property's perimeter along S. Harl Avenue and W. Elliot Road is already landscape and contains several utility easements along the south and east property lines. The easements and landscaping will be preserved and maintained.

III. Development Plan and Use Permit Context

Section 3-301 – Office/Industrial (GID) District establishes the permitted uses and base development standards while the Southwest Tempe Overlay establishes the opportunity for specific development standards to be met that would normally be restricted through the base GID zoning. Since the lot is already zoned GID within the Southwest Tempe Overlay, a rezone application is not necessary to allow a restaurant use, however, a Use Permit will be required for a restaurant with drive through lanes.

This Letter of Explanation includes several attachments that illustrate the proposed site layout, landscaping, grading and drainage, and building design. Nearly all of the proposed development is occurring on lot with minimal improvements necessary at the property lines with the exception of some paving and landscaping refreshing and one sidewalk connection to S. Harl Avenue. These changes will continue to abide by the current GID standards with no deviations as shown below:

| Standard | GID w/ SWTOD | Proposed Whataburger | | | |
|----------------------|--------------|----------------------|--|--|--|
| Building/Lot | | | | | |
| Min. Landscape Area: | 10% | 33% | | | |
| Max Building Height: | 35 ft. | 21 ft. | | | |

| Setbacks | | |
|--------------|---|--------------------------|
| Front: | 25 ft. | ± 95 ft. (S. Harl Ave.) |
| Side: | O ft. | ± 60.35 ft. |
| Street Side: | 25 ft. | ± 65 ft. (W. Elliot Rd.) |
| Rear: | O ft. | ± 60 ft. |
| Parking | | |
| Vehicle: | 50 Spaces (1 space/75 sf indoor + 1 space/300 sf of outdoor excluding first 300 SF) | 50 Spaces |
| Bicycle: | 1-space/1,000 sf | 4 Spaces |

The existing drainage channel along W. Elliot Road will be preserved with this development (see **Grading and Drainage Plan**).

Unique to Whataburger and other higher volume fast food restaurants is their double drive through lane design. This new restaurant proposes a double drive through queuing lane to efficiently handle customer vehicles for food orders, preparation time, payments/pick up, and queuing. Please note that the dual drive through lanes extend through to the pick-up window for lane one. An order processor will process payments via tablet and provide orders directly to customers in lane two during peak times. The building elevations and floor plan help to illustrate the location of the drive through payment and pick up windows (see **Building Elevations & Floor Plan**). The City of Tempe does not specify a minimum requirement for drive through lane queuing length, however, code requires that the Drive-Through lanes be oriented away from street frontage. As such, the design for the fast-food facility places the drive-through lanes behind the restaurant building minimizing the drive-through activity from Harl Ave and Elliot Road.

IV. Use Permit Justification

A. Pedestrian Pathways/Vehicle Circulation

A total of two (2) pedestrian walkways are designed to connect from the restaurant building to the public sidewalk. There is an existing bus stop with shelter abutting the W. Elliot right turn lane where a sidewalk connection will be newly built to provide direct access that will connect the from the public sidewalk and bus stop station to the restaurant's building entrance. The second pedestrian connection will connect the restaurant to the public sidewalk along S. Harl Avenue. Where the pedestrian walkway crosses the drive aisles, appropriate marking and striping will be provided.

The reduced size of the restaurant building will utilize the lot's extra space to create a more aesthetic and conducive pattern of vehicle circulation that will create a circular pattern of vehicle access and travel. The driveway entry from W. Elliot Road features an existing deceleration right turn lane that provides immediate access into the Whataburger lot. With the demolition of the existing retail building, this will create more space along the east and south portions of the lot that will provide opportunity for new parking and drive aisle space.

The shared drive aisle on the west side of the lot will be preserved and the existing west parking area will be converted into space for the two drive-through lanes. This new orientation and relocation of parking will enable the drive through lanes to be located behind the restaurant and properly buffered from both Elliot Road and Harl Avenue while creating a full circulation pattern of vehicle traffic flow.

B. Design and Nuisance Control

The building design is intended to conform with the surrounding industrial and commercial theme. The design and location of the restaurant building places it further away from the



street view and creates a buffer between the streets and the drive-through lanes. Existing landscape is being preserved and provides buffering from street and parking areas. The proposed drive-through facility is designed with a diverse set of building materials that will help to reduce unnecessary reflection while accommodating a color palette that will be consistent with the surrounding commercial theme and minimize any "out of place" colors.

C. Conformance and Contribution to the General Plan

The Tempe General Plan designates this area as "Industrial" due to its close proximity to the I-10 Freeway. The goal of the General Plan is to create and expand central hubs specific to the needs of the City. The Industrial Land Use Element creates and area of diverse land use for commercial, employment and industrial development while maintaining an appropriate design to reduce external nuisances like noise and heavy vehicle and truck circulation. Being that the area is considered a hub of commercial and industrial activity and with its vicinity to the I-10, the proposed restaurant serves as a necessary use for food service.

The addition of the restaurant, within this specific industrial/commercial area, further implement the goals of the General Plan by consolidating land uses that are similar to each other to create a "hub" of consistent pattern and layout. Sustainable development prioritizes the ability to utilize unused lots within the City while maintaining consistency with surrounding land uses, which is a benefitting factor with this proposed development. By utilizing the existing lot, the development of the restaurant ensures consistent development within an area that calls for this exact theme and development.

D. Compatibility with Existing Land Uses

The proposed Restaurant is located within the Southwest Tempe Overlay District ("SWTOD") and is surrounded by similar zoning and commercial land uses. Building height and size is consistent with the other surrounding building design and utilizes the lot for its intended zoning and land use. Similar to other surrounding fast-food facilities, the proposed Restaurant is designed with the drive-through lanes away from the main arterials and minimize drive-through activity from the street view.

E. Control of Disruptive Behavior

The Restaurant is not expected to create disruptive behavior within the area. Unlike fast food facilities with single drive-through lanes, this facility's 2-lane drive-through design will minimize the potential for long queues that often create congestion and extend into arterial traffic. The Restaurant's initiative to provide an order processor during peak hours, will further help to process orders and payments faster and keep the flow of drive-through vehicles moving so as not to create vehicle build up. In addition to the benefits of the 2-lane drive-through, landscape screening will be provided along the drive through lanes to help buffer drive-through activity from the neighboring lots.

IV. Landscape and Screening

Landscape already exists on the lot and currently provides screening along the street perimeter. The existing landscape will be refreshed with additional trees and bushes to ensure proper buffering and screening. Only 6 of the existing perimeter trees will be removed. In addition to the perimeter landscape improvements, new landscape will be added along the drive-through lane to provide screening, as required by Tempe Code. All landscape will be comprised of the low-water maintenance to ensure proper xeriscape and water conservation. For a list of exact planting materials, please see the Landscape Plan.

As required by Tempe Screening requirements, a new 3 ft. high screening wall will be built along the east and south property lines adjacent to S. Harl Avenue and W. Elliot Road. The



screening wall will consist of decorative CMU materials with colors consistent with the main building design.

V. Conclusion

The new Whataburger Tempe location will provide a logical and useful re-use of the former furniture store site and meets all of Tempe's zoning codes and design detail requirements. Our team looks forward to receiving Staff comments and advisement on the project.







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ARIZONA BLUESTAKE CENTER CALL TWO WORKING DAYS

1.800.782.5348



ON: Z./SHARD/PROECTS/WHATABURGER/TEMPE - ELLOT & HIGHMAY 10 - 200514/11 C40 (SEC)/11.3 CD'S(CD 200514-C3.00.DMCSMED BY: TADAMON.MOHAMMED DATE.











■ Castles Design Group ■ WHATABURGER RESTAURANT NEQ ELLIOT RD AND IH 10, TEMPE AZ

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