



PLANNING AND ZONING COMMISSION STAFF REPORT

Date **June 1, 2023**

To **Planning and Zoning Commission**

From **Sarah Dircks, AICP**
Planner

Subject **Casa Dorada Reception Hall Conditional Use Permit**

PROPOSAL

The applicant is requesting a Conditional Use Permit (CUP) to allow a reception hall at 8520 W. Peoria Avenue, Unit #112, within Time Square Shopping Center.

APPLICATION INFORMATION

Case Numbers Conditional Use Permit (CU22-09)

Applicant Daniel Uriante, of Casa Dorada, on behalf of Peoria 85 Property LLC

Request(s) Approval of a Conditional Use Permit (CUP) to operate a reception hall, within an existing commercial center.

LOCATION AND CONTEXT

SUBJECT SITE

The proposed reception hall would locate within existing vacant tenant suites within the Time Square Shopping Center, located at 8520 W. Peoria Avenue, as shown in more detail in **Exhibit 2 and Exhibit 3**.

CONTEXT

Contextually, Time Square Shopping Center (the Center) is a multi-tenant commercial building located at the northwest corner of the signalized intersection of Peoria Avenue (arterial roadway), and 85th Avenue. **(Exhibit 3)** Access to the Center is gained along Peoria Avenue and 85th Avenue.

The property is surrounded by commercial properties to the north and east, and multi-family residential and mixed-use developments to the south and west.

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The Center contains one 16,300 square foot multi-tenant commercial building with a shared parking area in front. Mike's Drive-through liquor store and convenience is located in the far east portion of the building and currently occupies the largest storefront. Other businesses within the Center include restaurants, personal services, professional offices, and vacant retail and office space.

APPLICANT'S PROPOSAL

The applicant is requesting a Conditional Use Permit to operate a reception hall within the existing multi-tenant commercial building. As identified within the Applicant's Project Narrative, the Casa Dorada Reception Hall would hold events Fridays and Saturdays nights between 7:00 p.m. – 12:00 a.m., with office hours an hour before and after the event, and week days by appointment only.

There are no exterior changes to the building as illustrated in **Exhibit 5, Floor Plan**. The proposed reception hall will encompass three (3) tenant suites: Unit 111, 112, and 113. The combined suite, totaling 4,700 square feet is referred to as Unit #112. The reception hall will occupy a floor area of 4,230 square feet. Business within the Center utilizes a common parking area in front of the building, shared by its various tenants. Refer to Staff Analysis for further discussion on parking.

DEVELOPMENT INFORMATION

<u>Existing Use:</u>	Commercial vacant building suite
<u>Proposed Use:</u>	Reception Hall
<u>Property Size:</u>	1.3 acres for entire site
<u>Existing Multi-Tenant Building Size:</u>	16,300 square feet
<u>Reception Hall Space:</u>	4,700 square feet
<u>Anticipated Guest Count:</u>	80
<u>Office Hours:</u>	Monday – Thursday (by appointment) 10:00 a.m. – 4:00pm Friday - Sunday 6:00 p.m. – 1:00 a.m.
<u>Reception Hall Hours of Operation:</u>	Fridays – Sunday 7:00 pm – 12:00 am

ANALYSIS

ZONING

The property was annexed into the City from Maricopa County on April 14, 1970 through *Ordinance 91*. The land was subsequently rezoned from Multi-Family Residential (RM-1) to the current zoning designation of Central Commercial District (C-3) on June 26, 1984 through *Ordinance 84-64*, and has remained C-3 zoning since that time.

BACKGROUND

The Time Square Shopping Center (the Center) was approved in 1987 under Site Plan case PZ87-09 as a 16,333 square foot, single-story, multi-tenant commercial building with an 86 stall joint-use parking area (**Exhibit 4**).

On April 18, 2013, the Planning and Zoning Commission approved a Conditional Use Permit (CU12-0017) for Peoria Banquet Hall to operate within the Center. The Peoria Banquet Hall encompassed approximately 4,700 square feet at the northwest corner of the Center, with a 28-table layout and projected guest capacity of approximately 200 people. The banquet hall hours of operation were daily from 9:00 a.m. - 12:00 a.m. The Conditional Use Permit for the Peoria Banquet Hall expired on the property eighteen (18) months after the Peoria Banquet Hall ceased operations. Consequently, a new Conditional Use Permit must be obtained prior to restarting operations or establishing of a new reception hall at this location.

CONDITIONAL USE PERMIT

Within the C-3 Zoning District, a *Reception Hall* is permitted, subject to the issuance of a Conditional Use Permit and operating in conformance with the stated special limitations within the Peoria Zoning Ordinance as further discussed below. The purpose of the Conditional Use Permit requirement is to ensure compatibility with the surrounding area, and that the use is not injurious to the health, safety, and general welfare of the community.

REVIEW CRITERIA

Section 21-321 of the Peoria Zoning Ordinance outlines the applicable criteria for evaluating Conditional Use Permits. The Planning and Community Development Department shall review applications and make a recommendation for approval or denial to the Planning and Zoning Commission based on the following criteria:

1. Whether the use is designated as a permitted Conditional Use within the zoning district in which the property is located.
2. Whether the use meets the locational and development standards provisions, as applicable for the Conditional Use Permit, for the zoning district in which the property is located.
3. Whether the use is consistent with the goals, policies, and intent of the General Plan and any adopted Specific Plan applicable to the site where the proposed use is located.

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4. Whether the use is consistent with documentation and recommendations provided by reviewing City Departments.
5. Whether the use complies with all applicable City Codes, standards, and guidelines governing such use.
6. Whether the use will be materially detrimental to the health, safety, or general welfare of persons residing or working in the vicinity of the property, to the neighborhood, or to the public welfare; or if the use will unreasonably interfere with the use and enjoyment of nearby properties. Consideration shall include, but not be limited to the following factors:
 - a. Damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination;
 - b. Impact on surrounding areas resulting from an unusual volume or character of traffic;
 - c. Ingress and egress to the property and proposed structures;
 - d. Pedestrian and vehicular circulation with particular reference to fire protection;
 - e. Parking and loading; and
 - f. Impact on public services, including schools, utilities, and recreation.
7. The Planning Manager shall not approve or recommend approval of any Conditional Use Permit unless the Department has received a Waiver of Proposition 207 from the Owner(s) of the property that is the subject of the Conditional Use Permit or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City's General Plan and zoning goals and regulations.

CONTINUING JURISDICTION

If any issues arise regarding the operation of the business, Section 21-321.I of the Peoria Zoning Ordinance provides the Planning Manager with continuing jurisdiction over all Conditional Use Permits. This means that the Planning Manager may recommend to the Planning and Zoning Commission that a permit may be revoked, modified, or suspended should any of the following occur:

1. The permit was obtained by fraud or misrepresentation;
2. The use authorized by the permit has been exercised in violation of the conditions of its approval;
3. A change in circumstances consisting of any of the following has occurred:
 - a. Impacts from the approved conditional use to neighboring properties.
 - b. Changes in aesthetic or environmental impacts such as noise, odors, or pollution.
4. The use authorized by the permit has been exercised in a manner that is detrimental to the public health, safety, or welfare of the community or in a manner that constitutes a nuisance to neighboring property owners, adjacent neighborhoods, or the City.

OPERATIONAL SPECIFICATIONS AND LIMITATIONS

The subject reception hall, Casa Dorada Reception Hall, is seeking to lease the similar sized 4,700 square feet space at the northwest corner of the building. Whereas capacity for the previous reception hall was about 200 people, the proposed 11-table Casa Dorada reception hall would only have a guest capacity of approximately 80 people. The reception hall could hold events two evenings within hours of operation Fridays through Sunday from 6:00 p.m. - 12:00 a.m., and office hours an hour before and after an event and Monday through Thursday from 10:00 a.m. 4:00 p.m. by appointment. As detailed in the Project Narrative, **Exhibit 6**, the reception hall will have four (4) staff members, including a security guard during events.

SPECIAL LIMITATIONS

Section 21-505.C.4 of the Peoria Zoning Ordinance identifies special limitations for a *Reception Hall*. Note: Staff responses to those special limitations as they apply to the subject site are identified in *italics*:

1. Maximum building height shall be thirty (30) feet or two (2) stories, whichever is greater.

The reception hall will be operated within an existing single-story building. The existing building does not exceed twenty-eight (28) feet. Exterior modifications to the building are not contemplated. As such, the proposal meets this criteria.

2. Outdoor events between the hours of 10:00 p.m. and 7:00 a.m. shall require a temporary use permit.

Based on the Applicant's Project Narrative, the reception hall will only hold indoor events. (Exhibit 6) Therefore, this requirement is met.

PARKING STUDY

At the time of Site Plan approval, the Center was designed to provide 86 parking stalls, with sixty-four (64) public parking stalls and twenty-two (22) employee parking spaces behind the building. In order to provide a drive aisle behind the building, sixteen (16) employee-parking stalls were eliminated. Six (6) parking stalls were removed from the parking aisles in front of the Center around 2013 in-lieu of a pick-up window on the east side of the building and additional vehicle queue on the east and south of the property. Subsequently, striping for the remaining six (6) employee parking stalls faded and are no longer visible within the existing parking layout. As such, the Center existing parking area currently provides fifty-eight (58) parking stalls (**Exhibit 7 – Figure 2**).

Based on the City of Peoria's standard method for calculating parking for each specific use, the Center's joint use parking area is deficient in parking. In accordance with Section 21-825.B. 4.b of the Peoria Zoning Ordinance, a parking reduction can be considered for joint use parking areas when sufficient justification is provided by a Registered Professional Traffic Engineer. In this instance, a Parking Study was prepared in accordance with the City's requirements by Greenlight Traffic Engineering to evaluate the actual parking demand of the Center based on time of day (**Exhibit 7**).

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Through use of site-specific data collection, it was determined that the current peak parking demand of the center is fifteen (15) spaces at the center (**See Section 6 of Exhibit 7**). Based on industry standards, the Applicant's Traffic Engineer anticipates a parking demand of thirty-one (31) parking spaces for the reception hall. The study concluded that the combined existing and proposed use of the Center would therefore require forty-six (46) parking stalls while events are being held within the reception hall and other uses within the Center are still open. Furthermore, the six (6) unstriped employee parking stalls could be added back to the site increasing the provided parking count to sixty-four (64) spaces. City staff has reviewed these findings and recommends re-striping of the six additional spaces to further improve access to parking on this site prior to the commencement of operations, which is reflected in the Conditions of Approval.

COMMUNITY INVOLVEMENT

Public Noticing

The application was properly noticed pursuant to Section 21-315 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOAs within one (1) mile, posting of a sign on the site, and placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

Support / Opposition

At the time of this writing, no correspondence has been received in support or opposition to this request.

KEY FINDINGS

1. The proposal meets the Conditional Use Permit standards and applicable special limitations within the Peoria Zoning Ordinance.
2. When operated in accordance with the recommended conditions of approval, the use is not expected to have an impact on adjacent properties.
3. On behalf of the owner, the applicant has submitted a signed and notarized Proposition 207 waiver, which will be recorded with the conditions outlined below.

PROPOSITION 207

The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement, which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver.

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission take the following action:

Approve the applicant's request for a Conditional Use Permit under Case CU22-09, to Conditions of Approval identified within Exhibit 1.

STAFF CONTACT

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