



PLANNING & ZONING COMMISSION

STAFF REPORT

Meeting Date: 5/15/2025

Agenda Item(s): 3C

TO: Planning and Zoning Commission
THROUGH: Chris M. Jacques, AICP, Planning Director
FROM: Michelle Navarro, Planner
SUBJECT: Someburros: Conditional Use Permit (CU25-01)
South of southwest corner of Yearling Road and Lake Pleasant Parkway

PROPOSAL

The applicant is requesting a Conditional Use Permit to allow a new drive-through restaurant located south of the southwest corner of Yearling Road and Lake Pleasant Parkway.

APPLICATION INFORMATION

Case Numbers	Conditional Use Permit (CU25-01)
Applicant	John Barclay of Upward Architects, on behalf of Someburros
Request(s)	Approval of a Conditional Use Permit (CUP) for the operation of a new drive-through restaurant within an existing commercial center.

LOCATION AND CONTEXT

SUBJECT SITE

The applicant seeks to develop a drive-through restaurant with outdoor seating on Pad G, which is an approximately 1-acre vacant parcel within the commercial center. The site is situated south of the southwest corner of Yearling Road and Lake Pleasant Parkway, as further detailed in **Exhibits 2 and 3**.

Contextually, the subject site is located within the "Shops at Lake Pleasant" subarea of the larger Lake Pleasant Towne Center commercial development. The previously approved Site Plan for the Shops at Lake Pleasant (SP21-17) portion of Lake Pleasant Towne Center included multiple buildings with a range of uses, including drive-through restaurants and multi-tenant retail shops. Under that original Site Plan, the subject site was initially designated as a retail shops building. The current Conditional Use Permit request and companion Site Plan Amendment currently under review seeks to modify the prior Site Plan approval by replacing the retail shops with the subject drive-through restaurant proposal.

CONTEXT:

To the north of the subject site are additional portions of Lake Pleasant Towne Center. Beyond that lies Yearling Road, followed by Plaza Del Lago office complex. Immediately east of the subject site is Lake Pleasant Parkway, followed by an undeveloped parcel that was recently auctioned by the Arizona State Land Department which is zoned Suburban Ranch 43 (SR-43). Southeast, of the subject site is Lake Pleasant Crossing commercial center which is anchored by Fry's Marketplace and Lowe's. The southern and western boundaries of the subject site are bordered by the broader Lake Pleasant Towne Center

commercial center. The commercial center includes a mix of uses, such as restaurants, retail stores, preschools, personal services, and automotive services.

APPLICANT'S PROPOSAL

The applicant is requesting to operate a Someburros restaurant, which is a fast casual restaurant with a drive through component. As illustrated in the Conceptual Site Plan, the drive-through restaurant is approximately 3,500 square feet, with approximately 400 square feet of outdoor dining area, and one drive-through lane (**Exhibit 4**). Access to the proposed Someburros is provided via an internal access drive which connects to both Yearling Road and Lake Pleasant Parkway. Specific operational details of the proposed project are provided in the Applicant's project narrative (**Exhibit 5**).

The Conditional Use Permit (CUP) request is accompanied by a Site Plan application. Both the Conditional Use Permit and the Site Plan are reviewed concurrently to ensure that any layout issues and operational characteristics necessary to fully evaluate the requisite Conditional Use Permit are identified. The Site Plan focuses on the physical layout of the proposed development, including the building's appearance, walls, landscaping, and parking. The CUP establishes the operational characteristics necessary for permitting the use at the subject site, such as hours of operation, vehicular access points, and screening. The companion Site Plan application (SP21-17A.1) will remain subject to further refinement as necessary to demonstrate compliance with the applicable standards as the development process advances.

DEVELOPMENT INFORMATION:

<u>Existing Use:</u>	Vacant lot
<u>Proposed Use:</u>	Drive-through Restaurant
<u>Development Site:</u>	Approximately 1.15 acres
<u>Building Size:</u>	Approximately 4,000 Square Feet
<u>Required Parking:</u>	17
<u>Provided Parking:</u>	24
<u>Estimated Hours of Operation:</u>	Daily 10:30 a.m. to 9:00 p.m.

STAFF ANALYSIS

ZONING HISTORY AND PROPERTY DEVELOPMENT:

The property was annexed into the City through Ordinance 89-34, on November 14th, 1989. The site was subsequently rezoned from Suburban Ranch 43 (SR-43) to a commercial Planned Area Development (PAD) called Lake Pleasant Towne Center on December 16, 2003. The subject site was part of a larger state land purchase by Vestar, LPST, LLC from the Arizona State Land Department in December 2020.

APPLICABILITY:

The site is located within the Lake Pleasant Towne Center Planned Area Development (PAD) Zoning District. This particular Planned Area Development refers to the Intermediate Commercial (C-2) Zoning District for the list of permitted uses. C-2 identifies that a restaurant with a drive-through facility is permitted with the issuance of a Conditional Use Permit (CUP) when within 200 feet of a residentially zoned district. The use would also be subject to special limitations as outlined in Section 21-505.B.2 of the Zoning Ordinance. The fact that the subject site is within 200 feet of the residential zoned district across Lake Pleasant Parkway is what has created the need for the subject Conditional Use Permit.

CONDITIONAL USE PERMIT:

The purpose of a Conditional Use Permit is to ensure that the physical and operating characteristics inherent with the land use have been sufficiently resolved or mitigated, thereby optimizing compatibility with the surrounding area. This is to ensure that the use is not injurious to the health, safety, and general welfare of the community.

Within the C-2 Zoning District, a drive-through restaurant that requires a Conditional Use Permit must operate in compliance with the review criteria and special limitations set forth in the Peoria Zoning Ordinance. Staff has reviewed for compliance with the Zoning Ordinance and conducted an overall examination of the project characteristics. Staff's findings are summarized below the applicable review criteria:

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.
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 Zoning Administrator 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.

Limitations on Uses:

Section 21-505.B.2 of the Peoria Zoning Ordinance sets the following limitations on restaurants with a Drive-through Facility. These limitations are enumerated with staff's response in italics below each requirement.

1. All drive-through lanes, menu boards, speaker box, and other related elements shall be located at least 50 feet from any residentially zoned property or use. Speakers at a drive-through shall not be audible from residentially zoned property. Sound shall be mitigated through the use of sound attenuation walls, landscaping, or other measures.

As is customary with establishing zoning districts, zoning boundary lines are placed within the centerline of any adjacent street, which in this case is Lake Pleasant Parkway (Exhibit 3). Therefore, the proposed drive-through lane, menu boards, speaker box and all related appurtenances are at least 50-feet away from the residential zoned property and this criteria is met.

2. The drive-through lane shall be separated from parking areas and driving lanes by a minimum 5-foot-wide landscaping island or other alternative as approved by the Planning Manager.

This criterion has been met as shown on the Conceptual Site Plan , Exhibit 4.

3. Drive-through canopies and other appurtenances shall be architecturally compatible with the principal building.

City staff will ensure that the drive-through canopy and other appurtenances is architecturally compatible with the principal building, as part of the required Site Plan and Building Plan review.

4. Through the Conditional Use Permit (CUP) process, the conditions considered for imposition by the Planning and Zoning Commission may include, but are not limited to, a restriction on operating hours, additional screening, relocation of the drive-through, modification of the minimum drive-through stacking requirements, noise and visual mitigation, and other measures appropriate to the relevant circumstances.

The applicant is aware the Planning and Zoning Commission may impose additional restrictions such as those listed above and has worked with staff to ensure mitigation of potential concerns. Based on the proposed hours of operation, design measures, drive-through placement, menu board orientation, and the extended queuing capacity, staff recommends that no additional restrictions are necessary.

OPERATIONAL CHARACTERISTICS

Access and Queuing

According to the Conceptual Site Plan (**Exhibit 4**), access to Pad G (the subject site) will be provided via an internal access drive that connects to both Yearling Road and Lake Pleasant Parkway, which provides adequate access to the site.

To address queuing capacity and ensure smooth traffic flow, a drive-through queue analysis was conducted to determine the appropriate lane length for the proposed restaurant (**Exhibit 7**). The analysis found that the minimum queue requirements set by the City of Peoria Zoning Ordinance would not provide sufficient storage. In response to these findings, the applicant increased the queue capacity of the drive-through lane from the required minimum of 160 linear feet to 240 linear feet. Furthermore, the lane's orientation and arrangement of adjacent parking spaces allows for an additional 100 linear feet of queuing space, providing extra capacity during peak drive-through times.

Lake Pleasant Parkway serves as an important view corridor and signature roadway within Peoria, featuring enhanced streetscape design elements. As part of its design requirements, the corridor incorporates enhanced wall treatments, landscaping, and hardscape patterns—including an underlying “waterway” or “wave” element in the wall design. During the development review process, staff ensured that the proposed project integrates design measures that align with these requirements while minimizing the visual prominence of the drive-through lane. Landscaping features and screening walls help mitigate off-site visual impacts, as illustrated in **Exhibit 4** of the staff report.

Parking

The parking requirements for the subject site is reviewed against the operational needs of the proposed drive-through restaurant and the context of the overall center. For the proposed drive-through restaurant, the parking calculation from the Peoria Zoning Ordinance mandates that a minimum of seventeen (17) parking spaces. The proposal includes (24) parking spaces, which exceeds the minimum requirements (**Exhibit 4**).

CONTINUING JURISDICTION

The purpose of the Conditional Use Permit requirement for a drive-through restaurant is to ensure compatibility with the surrounding area. The proposed establishment will be developed in accordance with the special limitations in Section 21-505.B.2 of the Peoria Zoning Ordinance.

If any issues arise regarding the operation of the business, Section 21-321.I of the 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.
 - a. Notice and a public hearing shall be provided in the same manner as for Conditional Use Permit applications.

COMMUNITY INVOLVEMENT

Public Noticing:

The application was properly noticed pursuant to Section 21-315 of the City of 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, Staff has not received written opposition or support.

KEY FINDINGS

1. The proposal meets the Conditional Use Permit standards and applicable special limitations within the City of 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.

RECOMMENDATION

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

Approve the applicant's request for a Conditional Use Permit under Case CU25-01, subject to the attached Exhibit 1 Conditions of Approval.

STAFF CONTACT

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