



Requesting Department:
Development Services

TO: Planning and Zoning Commission

**FROM: Brett Burningham, Interim Development Services Director;
Steven Ester, Planner I**

**RE: Public Hearing and Possible Action on “Wienerschnitzel”
Conditional Use Permit (P18-0052) and Site Plan (P18-0075), a
request by Joseph Cross (Select Engineering Services) for a Conditional
Use Permit and Site Plan to allow construction of a new 831 square foot
Wienerschnitzel restaurant with a drive-thru on Lot 7 within the Heritage
Town Square Center, located approximately 750 feet south of the
southeast corner of Old Ellsworth Road and Rittenhouse Road.**

DATE: November 14, 2018

STAFF RECOMMENDATION

Staff recommends approval of “Wienerschnitzel” Conditional Use Permit (P18-0052) and Site Plan (P18-0075), subject to the Conditions of Approval outlined in this report.

PROPOSED MOTION

Move to recommend approval of “Wienerschnitzel” Conditional Use Permit (P18-0052) and Site Plan (P18-0075), subject to the Conditions of Approval outlined in this report.

RELEVANT COUNCIL GOAL



Secure Future

SUMMARY

This proposal consists of a request by Joseph Cross (Select Engineering Services) for a Conditional Use Permit and Site Plan to allow construction of a new 831 square foot Wienerschnitzel restaurant with a drive-thru on Lot 7 within the Heritage Town Square Center. This project is located approximately 750 feet south of the southeast corner of Old Ellsworth Road and Rittenhouse Road.

HISTORY

September 16, 2009:	Town Council approved the Preliminary Plat (SD09-032) and Site Plan (SP08-170) applications for the Heritage Square Commercial Development.
October 15, 2014	Town Council approved the Preliminary Plat (SD14-035) "Heritage Square" Preliminary Plat.
September 9, 2014	Town Staff approved a Site Plan Amendment (SP14-034) (Goodwill at Heritage Square).
August 31, 2016	Town Staff approved a Site Plan Amendment for the reconfiguration of an interior drive aisle (P16-0023).

DISCUSSION

This proposal consists of a request by Joseph Cross (Select Engineering Services) for a Conditional Use Permit and Site Plan to allow construction of a new 831 square foot Wienerschnitzel restaurant with a drive-thru on Lot 7 within the Heritage Town Square Center, located approximately 750 feet south of the southeast corner of Old Ellsworth Road and Rittenhouse Road.

More specifically, the request is to approve the location of the building on the pad, architectural elevations, landscaping, and parking stall locations. All other site improvements, including site access, drainage and retention, and perimeter landscaping were already approved by Town Council and constructed upon the development of the overall center.

Project Information	
Project Name	Wienerschnitzel
Site Location	S/SEC of Old Ellsworth Rd & Rittenhouse Rd
Current Zoning	C-2/PAD (General Commercial/PAD)
General Plan Designation	Commercial
Surrounding Zoning Designations:	
North	Queen Creek Crossroads TC (Town Center)
South	Salad and Go C-2/PAD (General Commercial/PAD)
East	Vacant Land C-2/PAD (General Commercial/PAD)
West	Old Ellsworth Rd, Apartment Hunters C-1 (Light Commercial)
Site Area	1.0 Acre
Parking Required	17
Parking Provided	17
Landscaping Required	15% (6,343 square feet)

Landscaping Provided	37.5% (16,372 square feet)
Building Square Footage	831
Building Height	21'-10" (allowed 48')
Lot Coverage (Allowed)	60%
Lot Coverage (Provided)	1.9%

ANALYSIS

Conditional Use Permit Review:

The subject property is zoned C-2/PAD (General Commercial/Planned Area Development), as part of the Heritage Square development. The proposed restaurant and drive-thru are considered as an “In-Vehicle Service Facility,” according to Article 6.5 of the Town Zoning Ordinance. All “In-Vehicle Service Facilities” are subject to a Conditional Use Permit review procedure.

Conditional Uses are those land uses that may be desirable in a community, but may by their nature, require special site and design considerations in order to insure that they are compatible with adjacent uses and community standards. The Planning Commission and ultimately the Town Council are charged with determining whether or not a proposed location is suitable for such uses. The purpose of the Conditional Use Permit is to have an additional tool to maintain development standards.

Conditional Use review in the Zoning Ordinance sets forth the following approval criteria for evaluating a proposed Conditional Use (as outlined in Article 3.5 of the Zoning Ordinance). Below is the criteria along with a response from the applicant:

1. The proposed Conditional Use shall be in compliance with all regulations of the applicable zoning district, the provisions of Article 5 of this Ordinance, and any applicable performance standards as set forth in Article 6 of this Ordinance.

Applicant Response: *The conditional use shall be in compliance with all regulations of the zoning district, Article 5 of this ordinance, and any applicable performance standards as set forth in Article 6 of this ordinance.*

2. The proposed Conditional Use shall conform to the character of the neighborhood, within the same zoning district, in which it is located. In making such a determination, consideration shall be given to the location, type and height of buildings or structures and the type and extent of landscaping and screening on the site.

Applicant Response: *This proposed development shall conform to all applicable development standards and substantially conform to the Heritage Square Design Guidelines, carrying out the Standards’ intentions to achieve acceptable visual content based on the general shape and design of other approved structures in*

Heritage Square. The Wienerschnitzel building does exactly as the guidelines suggest and brings moderate visual interest to the structure.

3. Adequate utilities, access roads, drainage, fire protection, and other necessary facilities shall be provided.

Applicant Response: *This development as part of Heritage Square meets these required conditions as approved by the Town, and shows them on all applicable Site and Utility plan drawings.*

4. Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

Applicant Response: *This development provides mitigation measures through signage, sufficient parking, and drive aisle/driveway locations (which address concerns related to potential hazards), while conforming with Town requirements and the approved Heritage Square development with good engineering practice.*

5. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

Applicant Response: *Wienerschnitzel maintains a reputation as a popular restaurant destination that is family and community friendly. Sufficient parking and stabilized surfaces, as well as walk up customer service, mitigate the potential for offensive or noxious odors, dust, vibration, smoke and gas.*

6. The proposed use shall not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.

Applicant Response: *This development meets the intended use of this site within the Heritage Square Center. This will be a new store meeting currently adopted building codes and providing family friendly dining. We expect the surrounding neighborhoods to appreciate the addition of Wienerschnitzel as a dining option and property values to be unaffected by its operation.*

7. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

Applicant Response: *This development conforms with the intended use of this property within the Heritage Square Center. Its development and use will not impede the orderly development of surrounding properties in any way.*

8. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

Applicant Response: *Wienerschnitzel maintains a reputation as a popular restaurant destination that is family and community friendly. Its development and use will in no way endanger the public health, safety, morals, comfort or general welfare of its surrounding community.*

9. The public interest and welfare supporting the proposed conditional use shall be sufficient to outweigh the individual interests which are adversely affected by the establishment of the proposed use.

Applicant Response: *The owner and owner's engineer agree. There is sufficient public interest and welfare.*

The proposed uses meet the above-listed approval criteria for evaluating a proposed conditional use, as outlined in Article 3.5 of the Zoning Ordinance.

In-Vehicle (“drive-through”) service facilities, including are also subject to the following Performance Standards (as outlined in Article 6.5 of the Zoning Ordinance). Below is the criteria along with a response from the applicant:

1. Pedestrian walkways should not intersect the drive-through drive aisles, but where they do, they shall have clear visibility, and they must be emphasized by enriched paving, such as products to similar to boomanite, stone, etc.

Applicant Response: *This site provides pedestrian access across the entry of the drive thru. Marked pavement, signage, and high visibility standards shall be maintained to mitigate hazards.*

2. Drive-through aisles shall have a minimum twelve foot (12') width on curves and a minimum eleven foot (11') width on straight sections.

Applicant Response: *Drive-thru has a minimum 12 foot width on curves and minimum 12 foot width on straight sections.*

3. All service areas, rest rooms, and ground-mounted and roof-mounted mechanical equipment shall be screened from view.

Applicant Response: *Mechanical equipment, service areas, and rest rooms have been screened from view.*

4. Drive-through lanes for all restaurants shall provide at least 160 total feet of stacking distance (80 feet of stacking distance between pick-up windows and order-placing speakers, and at least 80 feet of stacking distance between order-

placing speakers and the entry to the drive-through lane). Distances shall be measured along the centerline of the drive-through lane.

Applicant Response: *The drive-thru provides 80 feet of stacking distance between the entry and order-placing speakers, as well as 80 feet of stacking distance between the pick-up windows and order-placing speakers.*

5. Landscaping shall screen drive through or drive-in aisles from the public right-of-way and shall be used to minimize the visual impact of reader board signs and directional signs.

Applicant Response: *Screenwalls and landscaping are used along Ellsworth Road to screen both parked vehicles and vehicles within the drive-thru from public view.*

6. The building shall be the main element of the overall site plan and parking shall be oriented on the side or rear of the site.

Applicant Response: *The building is the main element of the overall site plan for this site, and is oriented for optimal access, parking, traffic circulation, and pedestrian access.*

7. Menu boards shall be a maximum of twenty-four (24) square feet, with a maximum height of five (5) feet, and shall not be placed adjacent to the public street.

Applicant Response: *Menu board shall be less than 24 square feet with a height less than 5 feet.*

8. Drive-through uses within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-through use must provide compatibility with surrounding uses in form, materials, colors, scale, etc. Structure plans shall have variation in depth and angle to create a variety and interest in its basic form and silhouette.

Applicant Response: *The drive-thru architecture includes a canopy that is well articulated and provides compatibility with the surrounding Heritage Square center forms, materials, and colors as shown in the Wienerschnitzel architectural elevations.*

9. Articulation of structure surface shall be encouraged through the use of opening and recesses, which create texture and shadow patterns. Structure entrances shall be well articulated and project a formal entrance through variation of architectural plane, pavement surface treatment and landscaping plaza. No drive-through aisles shall exit directly onto a public right-of-way.

Applicant Response: *Color building elevations show articulation such as openings and recesses, creating textures and shadow patterns. The drive-thru exits into the site drive aisle and parking lot, not directly onto a public right of way.*

Additionally, the proposed uses meet the above-listed Performance Standards, as outlined in Article 6.5 of the Zoning Ordinance.

General Plan Review: The 2018 General Plan Land Use Designation for this project is Commercial. The proposed project is in compliance with the General Plan.

Zoning Review: The zoning designation of the property is C-2/PAD (General Commercial). The applicant is proposing no change to the zoning. The proposed restaurant with a drive-thru is permitted in the C-2 zoning district with the approval of a Conditional Use Permit.

Engineering Review: The project has been reviewed by the Engineering and Traffic Engineering Divisions.

Site Plan Review: The Site Plan meets the Zoning Ordinance requirements for site planning and design. The Site Plan provides adequate parking and driveways for sufficient points of vehicular ingress and egress. Patrons will be able to access the site via two entrances off a driveway internal to the Heritage Square development. Once in the site, patrons can use the pick up window, or park in the designated spaces to order and eat in the outdoor seating area. No indoor seating or dining is proposed.

Building Elevation Review: The proposed building elevations are in compliance with the Town Zoning Ordinance and Design Standards. The colors and materials are consistent with the approved design guidelines for the Heritage Town Square Center. Building materials include stucco, stone veneer, superlite block, and standing seam metal roofing.

Landscape / Open Space / Fence Plan Review: The proposed landscaping and open space meets the standards set forth in the Zoning Ordinance. The applicant is proposing 37.5% open space, which exceeds the 15% minimum requirement according to the Town Zoning Ordinance.

PUBLIC COMMENTS

A Neighborhood Meeting was held on September 6, 2018 at the Queen Creek Community Chambers with no attendees.

Staff has received no public input on the project to date.

CONDITIONS OF APPROVAL

1. This project shall be developed in accordance with the plans attached to this case and all the provisions of the Zoning Ordinance applicable to this case.
2. Monument signage and building signage will be reviewed and approved under a separate permit.
3. Mechanical equipment, electrical meter and service components, and similar utility devices whether ground level, wall mounted, or roof mounted, shall be screened from view.

ATTACHMENTS

1. Aerial Photo Exhibit
2. General Plan Exhibit
3. Zoning Map Exhibit
4. Site Plan
5. Landscape Plan
6. Building Elevations

Project Name: Wienerschnitzel Aerial Exhibit

Case Numbers: P18-0052, P18-0075

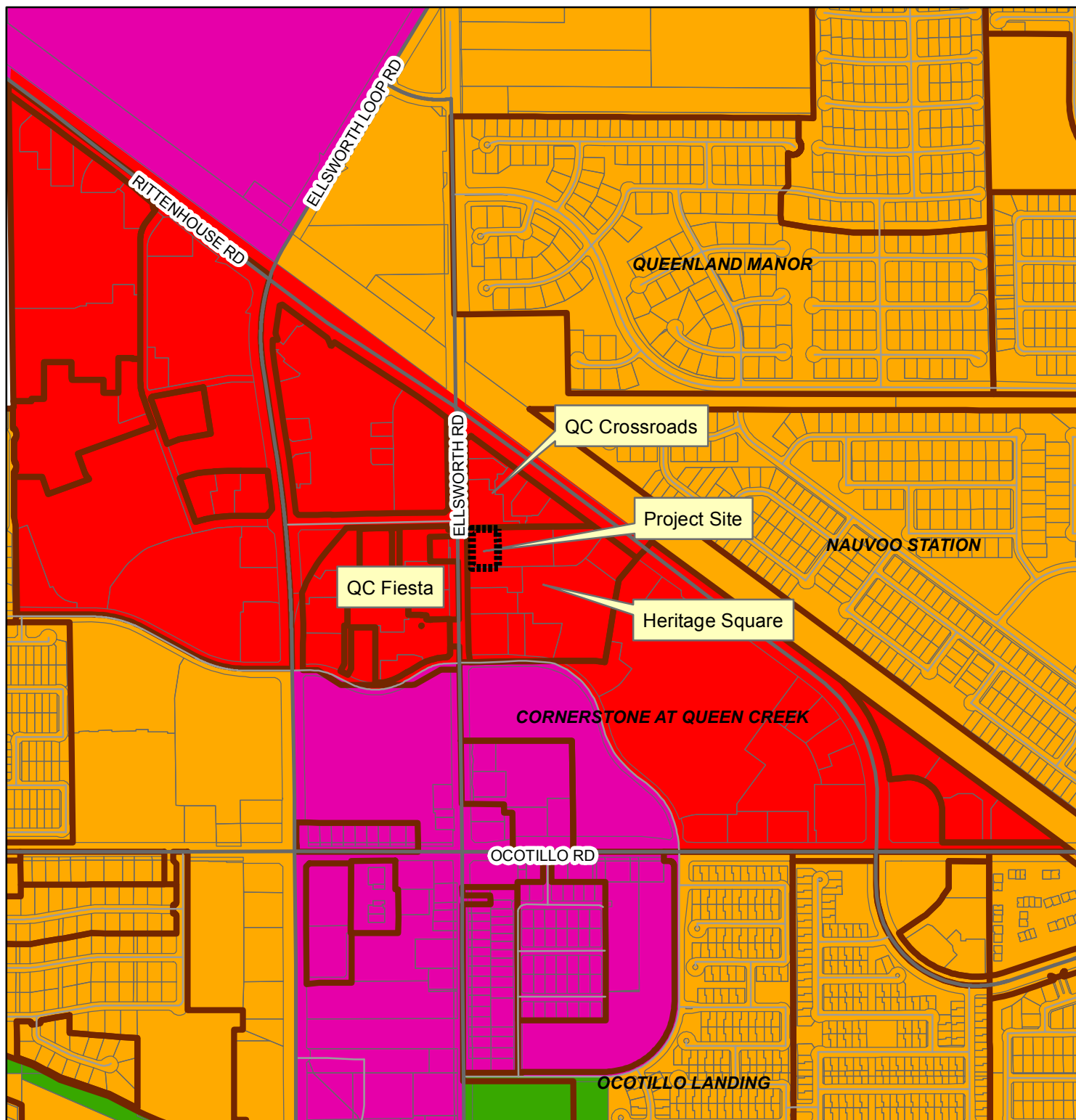
Hearing Date: November 14, 2018 (Planning Commission)



Project Name: Wienerschnitzel General Plan Exhibit

Case Numbers: P18-0052, P18-0075

Hearing Date: November 14, 2018 (Planning Commission)



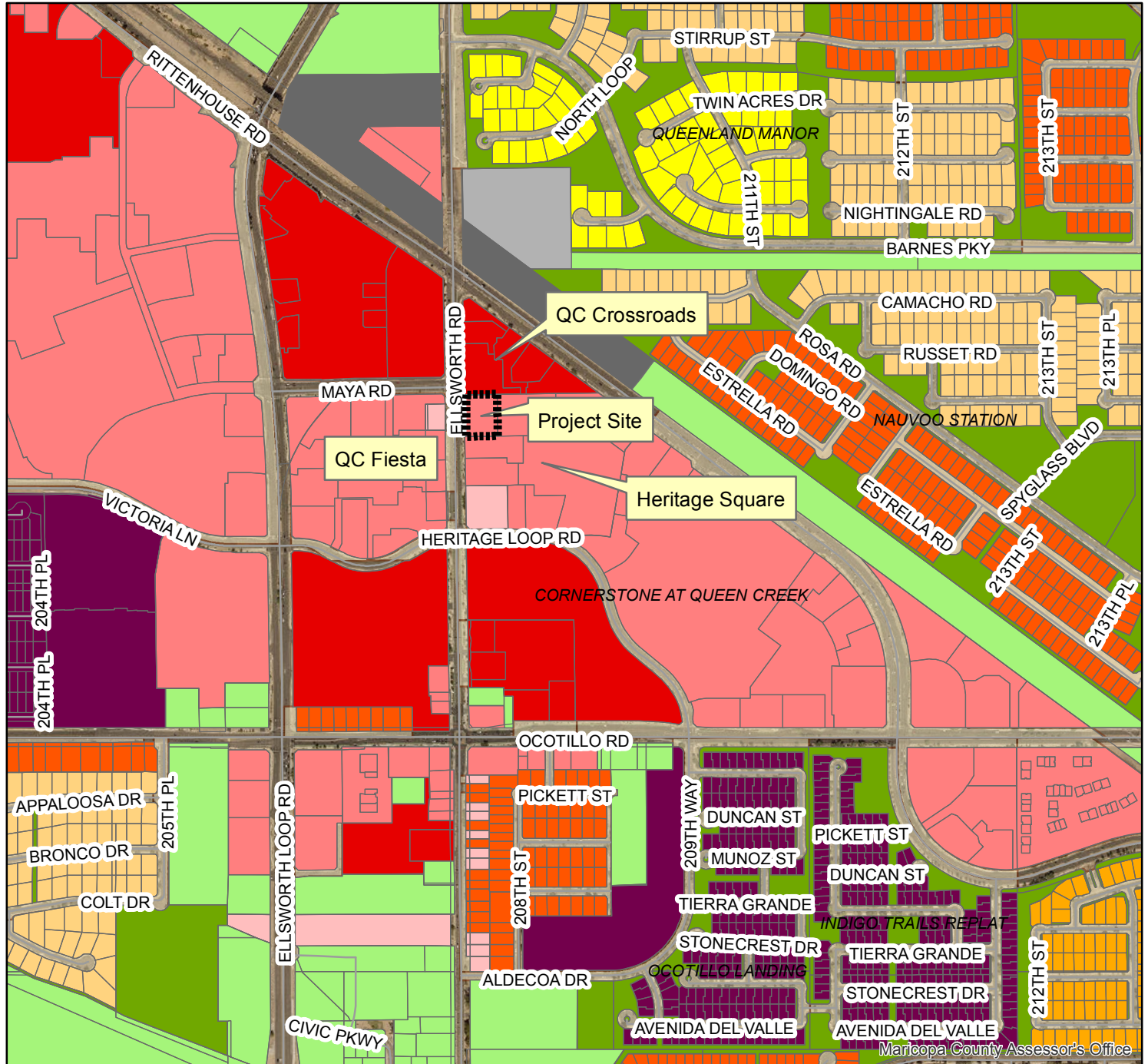
General Plan Land Use

- | | | | |
|--------------|------------|--------------------|--------------------|
| Rural | Commercial | Special District 1 | Special District 4 |
| Neighborhood | Industrial | Special District 2 | |
| Urban | Open Space | Special District 3 | |

Project Name: Wienerschnitzel Zoning Exhibit

Case Numbers: P18-0052, P18-0075

Hearing Date: November 14, 2018 (Planning Commission)



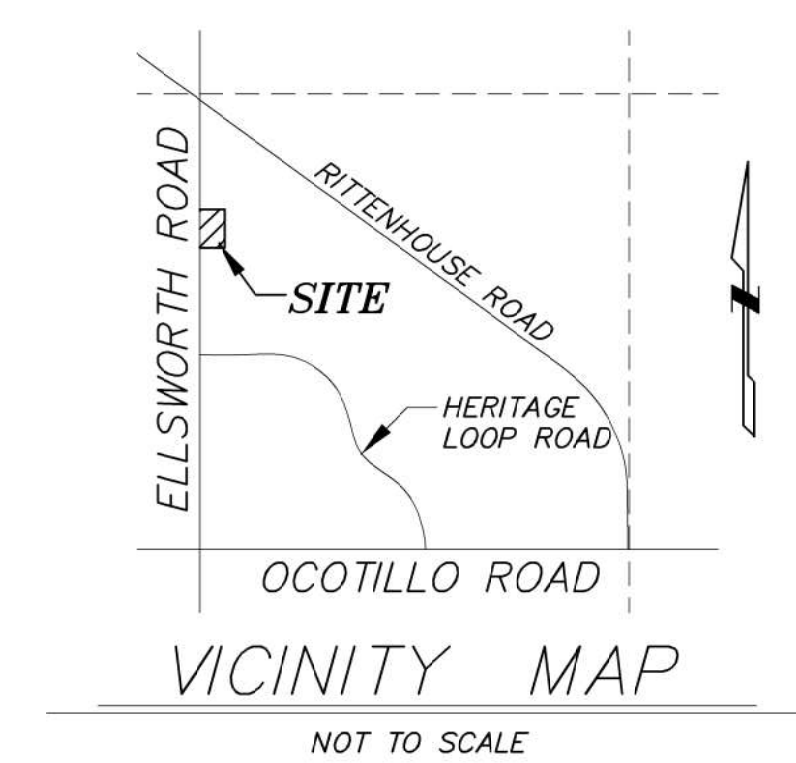
Zoning Districts

C-1 - Commercial	PQP - Public/Quasi-Public	R1-7 - Residential	R1-35 - Residential
C-2 - Commercial	RC - Recreation/Conservation	R1-8 - Residential	R1-43 - Residential
C-3 - Commercial	MDR - Residential	R1-9 - Residential	R1-54 - Residential
TC - Commercial	R1-4 - Residential	R1-12 - Residential	R1-190 - Residential
EMP A - Office/Industrial Park	R1-5 - Residential	R1-15 - Residential	PCD - Planned Community
EMP B - General Industrial	R1-6 - Residential	R1-18 - Residential	AT - Agritainment



CONCEPTUAL PLANT PALETTE

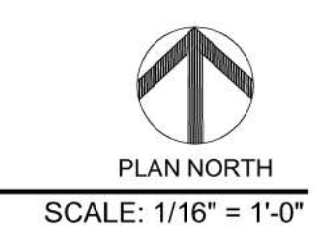
	SIZE	QNTY
TREES		
Fraxinus uhdei / Evergreen Ash	2" CALIPER	6
Parkinsonia hybrid 'Desert Museum' / Desert Museum Palo Verde	2" CALIPER	16
Prosopis chilensis / Chilean Mesquite	2" CALIPER	9
Ulmus parvifolia / Evergreen Elm	2" CALIPER	8
SHRUBS		
Ambrosia ambrosioides / Giant Bursage	5 GALLON	7
Caesalpinia gilliesii / Yellow Bird-of-Paradise	5 GALLON	20
Calliandra californica / Baja Red Fairy Duster	5 GALLON	12
Dasyliroton texanum / Giant Desert Spoon	5 GALLON	7
Encelia farinosa / Brittlebush	5 GALLON	18
Eremophila maculata 'Valentine' / Valentine Bush	5 GALLON	19
Ilex vomitoria / Yaupon Holly	3 GALLON	13
Leucophyllum candidum 'Silver Cloud' / Silver Cloud Sage	3 GALLON	13
Leucophyllum candidum 'Thunder Cloud' / Thunder Cloud Sage	5 GALLON	17
Leucophyllum frutescens 'Green Cloud' / Green Cloud Sage	3 GALLON	23
Muhlenbergia capilaris 'Regal Mist' / Regal Mist Grass	3 GALLON	26
Muhlenbergia lindheimeri 'Autumn Glow' / Autumn Glow Grass	3 GALLON	6
Ruellia peninsularis / Desert Ruellia	5 GALLON	32
Salvia leucantha / Mexican Sage	5 GALLON	6
GROUNDCOVERS		
Baileya multiradiata / Desert Marigold	1 GALLON	49
Glandularia gooddingii / Goodding Verbena	1 GALLON	7
Lantana montevidensis / Purple Trailing Lantana	1 GALLON	62
Lantana species 'New Gold' / New Gold Lantana	1 GALLON	53
Decomposed Granite - 1/2" Screened 2" depth		123 cy



LANDSCAPE DEVELOPMENT NOTES

TOTAL SITE AREA:	43,620 SF
TOTAL BUILDING AREA:	831 SF
REQUIRED LANDSCAPE AREA (15%):	6,343 SF
TOTAL LANDSCAPE AREA PROVIDED:	16,372 SF (37.5%)
REQUIRED TREES:	33 TREES
REQUIRED SHRUBS:	330 SHRUBS
PROVIDED TREES:	39 TREES
PROVIDED SHRUBS:	390 SHRUBS
ALL TREES TO BE MINIMUM 2" CALIPER SIZE AT TIME OF PLANTING, MEASURED 6" ABOVE FINISH GRADE	
ALL PLANT MATERIAL TO MEET ANA STANDARDS AT TIME OF PLANTING	

CONCEPTUAL LANDSCAPE DEVELOPMENT PLAN



SES
SELECT ENGINEERING SERVICES
1544 Woodland Park Dr., Suite 310
Taylors, Utah 84043
Phone: (801) 399-1838 Fax: (801) 399-1883
THESE PLANS ARE INSTRUMENTS OF PROFESSIONAL SERVICE AND ARE PROTECTED BY COMMON LAW, STATUTORY AND OTHER RESERVED RIGHTS INCLUDING COPYRIGHT.

DRAFTED BY: RAB
DESIGNED BY: RAB
CHECKED BY: JWC

DATE	REVISION DESCRIPTION	NO.

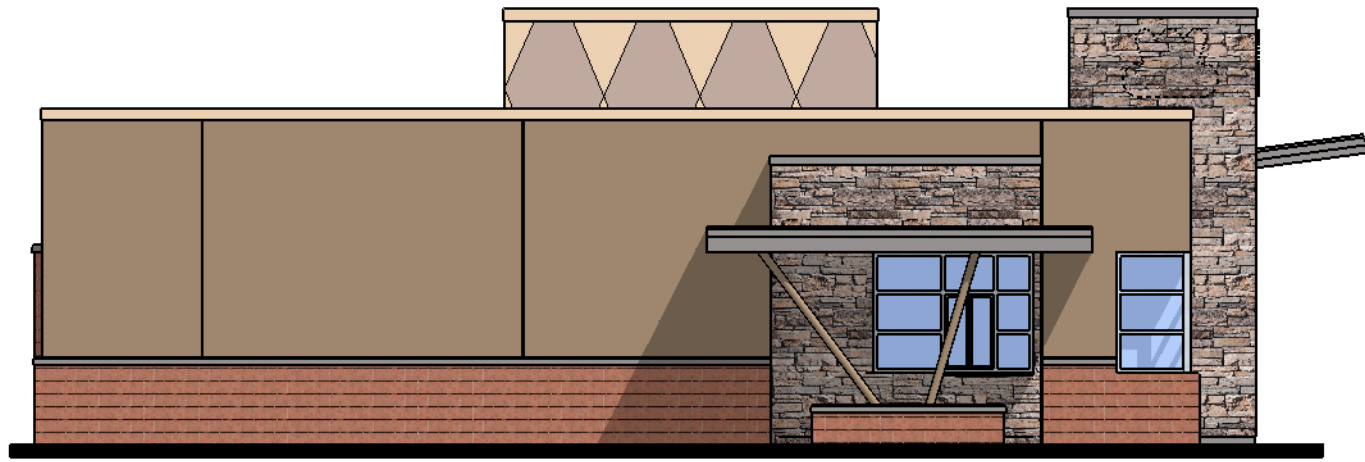
CONCEPTUAL LANDSCAPE PLAN

3/21/2016
WIENERSCHNITZEL
21405 S ELLSWORTH ROAD
QUEEN CREEK, ARIZONA 85142

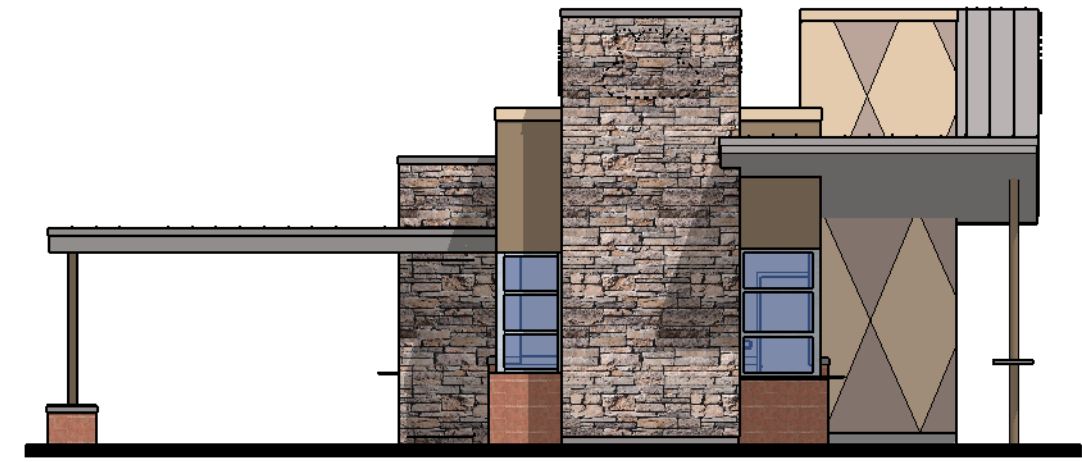
Robert A. Beckstrand
REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT
45563
ROBERT A. BECKSTRAND
ARIZONA U.S.A.

PROJECT NO. _____

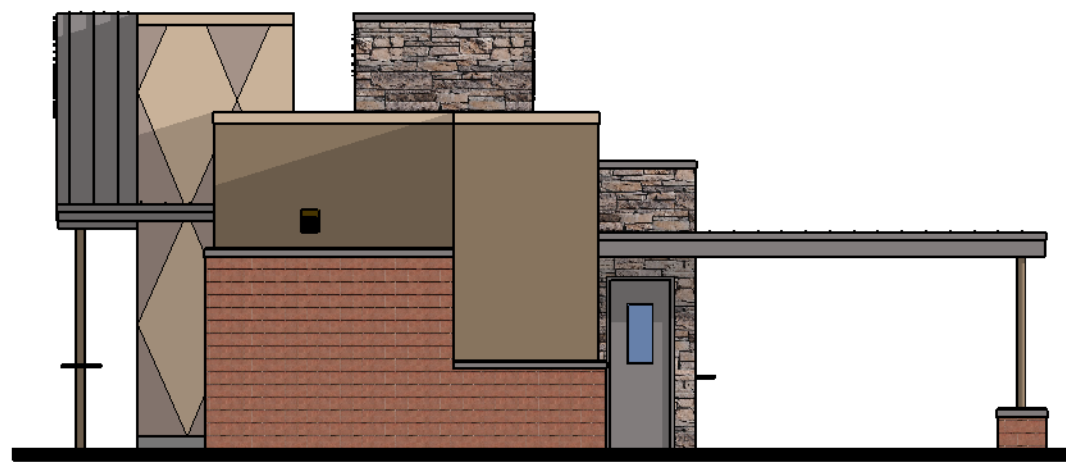
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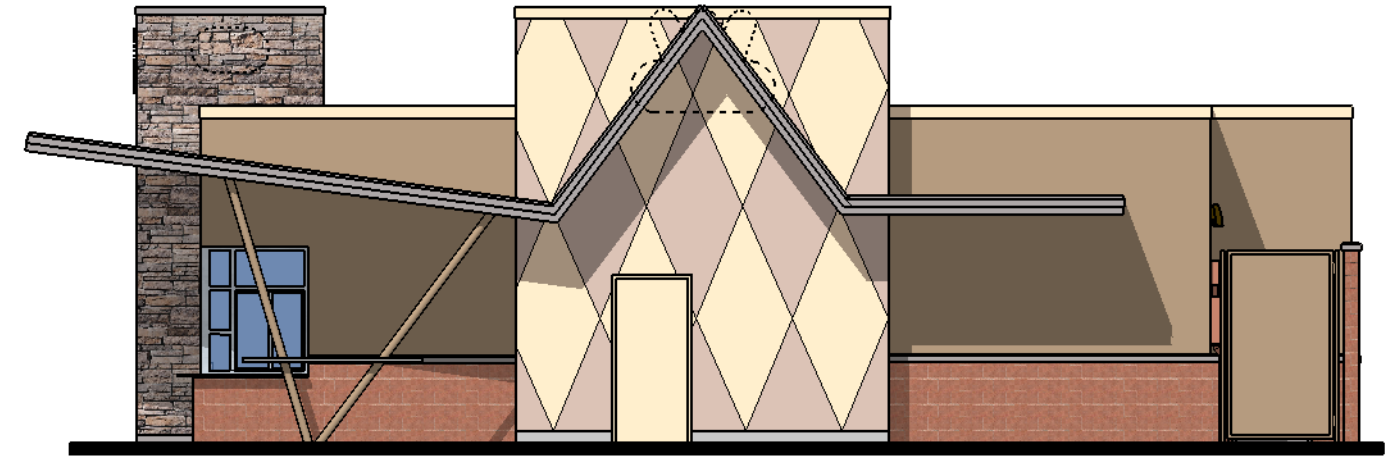
Left Elevation



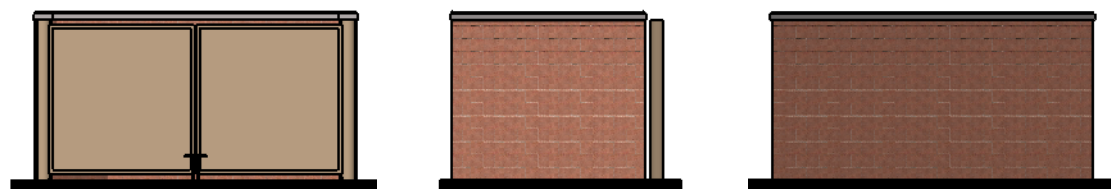
Front Elevation



Rear Elevation



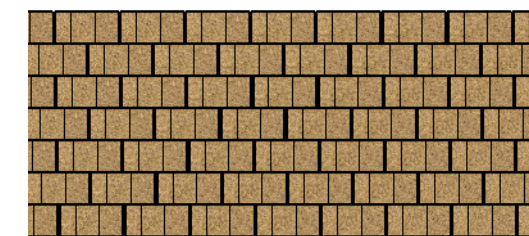
Right Elevation



Trash Enclosure



Site Wall



Retaining wall