



TOWN OF
QUEEN CREEK
ARIZONA

6.A

TO: PLANNING AND ZONING COMMISSION

THROUGH: BRETT BURNINGHAM, DEVELOPMENT SERVICES DIRECTOR

FROM: ERIK SWANSON, PLANNING ADMINISTRATOR, MALLORY RESS, PLANNER II

RE: PUBLIC HEARING AND POSSIBLE ACTION ON CASE P22-0237 RILI B&RSQUO;S TACO SHOP CONDITIONAL USE PERMIT, A REQUEST FROM BRYAN LEDBETTER, TRIPLE B6, LLC, FOR A CONDITIONAL USE PERMIT (CUP) TO ALLOW FOR THE OPERATION OF A 24-HOUR DRIVE-THRU RESTAURANT LOCATED WITHIN 300FT OF A RESIDENTIAL ZONING DISTRICT, LOCATED WITHIN HERITAGE SQUARE COMMERCIAL CENTER, EAST OF THE NORTHEAST CORNER OF ELLSWORTH HERITAGE LOOP ROADS.

DATE: January 11, 2023

Suggested Action:

Move to recommend approval of P22-0237 Rili B's Conditional Use Permit, subject to the Conditions of Approval included in this report.

Planning Commission Recommendation:

Staff recommends approval of case P22-0237 Rili B's Taco Shop Conditional Use Permit, subject to the Conditions of Approval included in this report.

Summary:

This proposal consists of a request for a CUP for the operation of a 24-hour drive-thru restaurant located within 300ft of a residential zoning district, within Heritage Square commercial center, located east of the northeast corner of Ellsworth and Heritage Loop roads. The drive-thru restaurant is a 2,290 sq. ft. portion of a single building, of which a separate non-drive-thru restaurant (1,625 sq. ft.) comprises the remainder of the building. The site plan was approved administratively by Staff on February 10, 2022.

History:

May 17, 2000: Town Council approved the Emperor Estates at Heritage Town Center PAD (Ord. 181-00), establishing, among other things, a 19.6 acre C-2 parcel, parcel C of which the subject parcel is a part of.

October 5, 2005: Town Council approved an amendment to the Emperor Estates at Heritage Town Center PAD, amending certain zoning stipulations established under Ord. 181-00 (Ord. 334-06).

September 16, 2009 Town Council approved the Heritage Square Site Plan and Preliminary Plat (Cases SP08-170/SD09-032).

February 10, 2022 Staff administratively approved the Rili B's and Pizza & Wings Site Plan, requiring the approval of a CUP prior to the operation of the Rili B's drive-thru between the hours of 10PM and 6AM. (Case P21 -0183)

Project Information:

Project Name: Rili B’s Taco Shop CUP (P22-0237)
Site Location: East of the NEC of S Ellsworth and E Heritage Loop roads
Current Zoning: C-2 PAD (General Commercial)
General Plan Designation: Commercial
Surrounding Zoning Designations:
North- Heritage Square/parking (C-2)
South- Encantada Apartments (MDR)
East- Heritage Square/vacant (C-2)
West- Heritage Square/Sodalicious (C-2)
Acreage: 0.97 acres
Building Area (Rili B’s Taco Shop): 2,290 sq.ft.
Lot Coverage (Total):
32% provided
85% max allowed
Open Space/Landscaping:
22.9% provided
15% required
Parking:
Required- 29 spaces
Provided- 30 spaces incl. 2 accessible

Discussion:

The proposed project is for Rili B’s Taco Shop, a 24-hour drive-thru restaurant. The project is located on approximately 0.97 acres in the Heritage Square commercial center, east of the northeast corner of Ellsworth and Heritage Loop roads. The project site is zoned C-2 (General Commercial) and the drive-thru restaurant is a by-right use, when not operated between the hours of 10pm and 6am. The 2,290 sq. ft. taco shop building is currently under construction, along with the attached pizza and wings restaurant building that is approximately 1,625 sq.ft. and not the subject of this conditional use permit application. The site plan for this project, which remains unchanged under the CUP request, was approved administratively under case P21-0183.

Pursuant to Section 6.5.B., In-Vehicle Service Facilities, of the Town’s Zoning Ordinance, a CUP is required for drive-thru restaurants that operate any time between the hours of 10 pm and 6 am when located within 300-feet from residentially zoned property that is currently used for residential purposes. If particular site circumstances exist, such as separation of the drive-thru restaurant from the residential use by an arterial street, then a CUP is not required despite the location of the restaurant within 300 -feet of the residential use. However, the proposed project does not satisfy any exceptions and therefore requires a CUP to operate a 24-hour drive-thru restaurant.

Approximately 185ft from the south building entrance of the drive-thru restaurant are the Encantada Apartments located in an MDR (Medium Density Residential) zoning district. The drive-thru lane and ordering menu board are 226ft from the property line of the Encantada Apartments and 267ft from the Encantada apartment buildings. The site has been designed to locate the drive-thru lane and menu board/speaker box at the north side of the building, thereby using the building as a physical structure to create a separation between vehicles at the drive-thru and the Apartments. South of the project site is Heritage Loop Rd, which creates additional separation between the drive-thru restaurant and the Apartments. The drive-thru pick-up window is located at the west side of the building, adjacent to the existing Sodalicious drive-thru building, within Heritage Square commercial center. Additionally, to shield headlights within the site from the nearby apartments and Heritage Loop Rd., a low screen wall to match the commercial center’s screen wall will be constructed at the south end of the site. To ensure compatibility with the residential area, Staff is recommending a one-year timing condition on the Use Permit.

Public Participation:

A neighborhood meeting was held on December 13, 2022. No members of the public were in

attendance. To date, staff has received no comments related to the project.

Analysis:

Conditional Use Permit (CUP) Review: The proposed use of the drive-thru lane between the hours of 10pm and 6am within 300ft of a residentially zoned property currently used for residential purposes requires the processing of a Conditional Use Permit according to Section 6.5.B of the Zoning Ordinance. The Zoning Ordinance lists nine criteria for evaluating a proposed Conditional Use Permit. The criteria were established to ensure that the use does not negatively impact the surrounding community by examining sufficient infrastructure, access, potentially offensive operations that can impact the general welfare of the community, and that orderly development of the adjacent area is not impacted. The proposed CUP satisfies the requirements.

General Plan Review: The current General Plan designation for this property is Commercial. The request is in conformance with the property's General Plan Land Use designation.

Zoning Review: This property is zoned C-2 (General Commercial). A drive-thru restaurant is permitted in the C-2 zoning district by -right. The use of the drive-thru between the hours of 10pm and 6am requires a conditional use permit as it is within 300ft of a residentially zoned property used for residential purposes.

Adequate Public Facilities: In accordance with Article 5.1 (Adequate Public Facilities) provision of the Zoning Ordinance, the applicant has provided information regarding the project's potential impact on public facilities. Staff's review of those reports indicates that adequate public facilities will be provided by the project.

Signage: Proposed signage will be reviewed and approved as part of a separate Sign Permit application.

Conditions of Approval:

1. This project shall be developed in accordance with the plans attached to case P22-0237 and all the provisions of the Zoning Ordinance applicable to these cases.
2. The Conditional Use Permit shall be valid for a period of one year from issuance. After which time, the applicant or owner shall be required to apply for an extension of the Conditional Use Permit.
3. The Conditional Use Permit is assigned to the specific user, Rili B's Taco Shop, in the event that a new user with differing business operations desires to operate the drive-thru between the hours of 10pm and 6am, a new Conditional Use Permit may be required.

Attachment(s):

1. [Aerial Exhibit](#)
2. [Zoning Exhibit](#)
3. [Site Plan](#)
4. [Project Narrative](#)

Project Name: Rili B's Taco Shop Conditional Use Permit
Case Number: P22-0237
Hearing Date: January 11, 2023 (Planning Commission)
February 1, 2023 (Town Council)

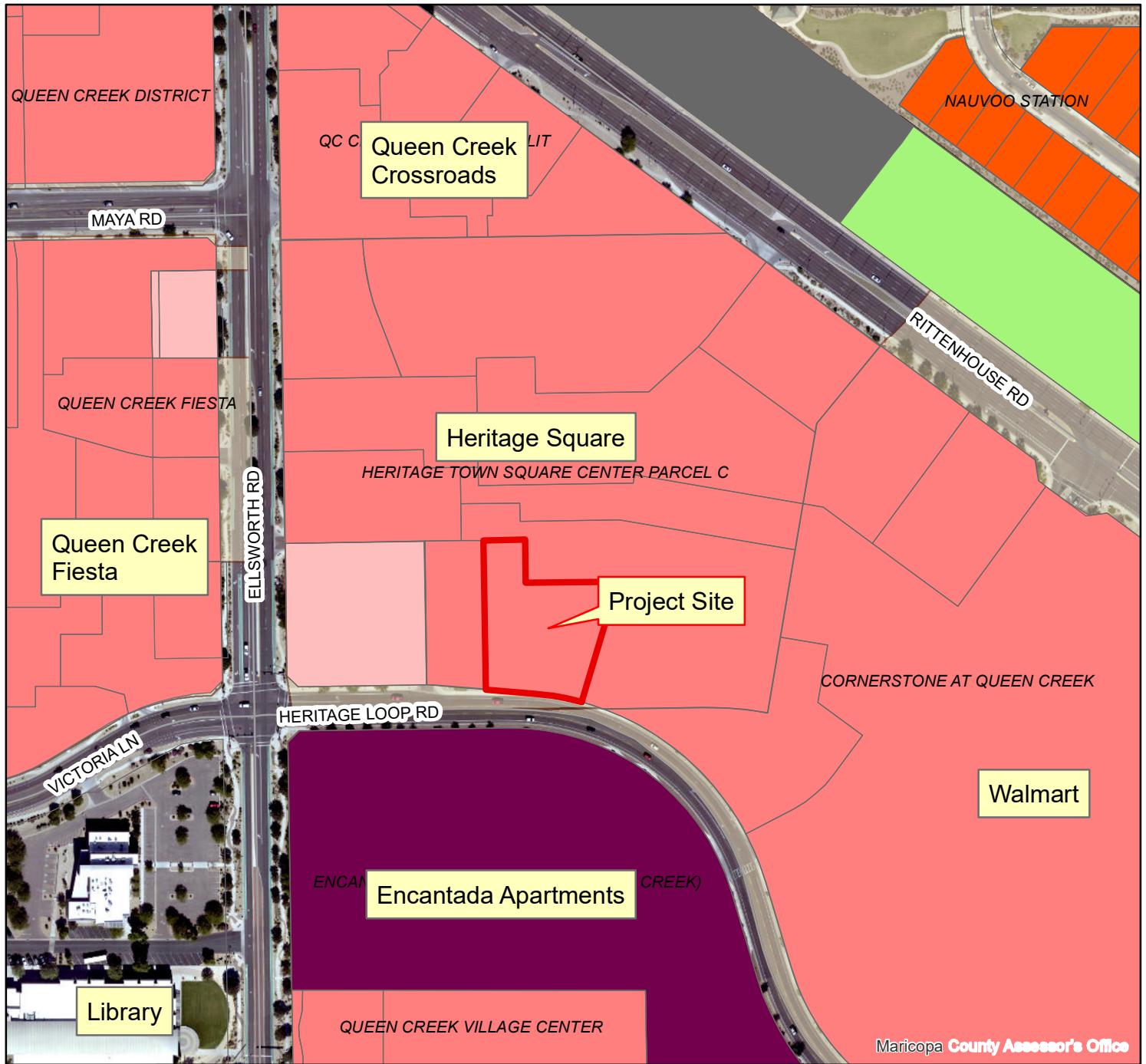


Project Name: Rili B's Taco Shop Conditional Use Permit

Case Number: P22-0237

Hearing Date: January 11, 2023 (Planning Commission)

February 1, 2023 (Town Council)



Maricopa County Assessor's Office

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

Project Narrative

For Conditional Use Permit

Drive-Thru Operation Between the Hours of 10pm & 6am

Rili B's Taco Shop

Heritage Town Square Center

20870 E. Heritage Loop Road - Queen Creek, AZ 85142

APN# 304-72-957

Description of Property:

This is a commercially zoned (C-2) property within the greater Heritage Town Square Center located off and with access from Ellsworth Road, Rittenhouse Road & Heritage Loop Road. This specific property (APN # 304-72-957) is approximately 0.97 Acres and fronts Heritage Loop Road adjoining to one of the complex entry drives. The Heritage Town Square Center includes several major commercial establishments such as Goodwill, Palette Collective, Firestone & BMO Harris Bank along with a variety of Drive-thru restaurants such as Wendy's, Wienerschnitzel, Salad and Go & Sodalicious.

The Heritage Town Square Center is directly adjacent to two other major commercial complexes found in Queen Creek - including the Queen Creek Crossroads & the Cornerstone at Queen Creek. Queen Creek Crossroads has access from both Ellsworth Road, Rittenhouse Road & via a cross-access with the Heritage Town Square Center itself; and includes establishments such as Fire House Subs, Dairy Queen, Banner Health Physical Therapy & Aqua Tots to name a few. The Cornerstone at Queen Creek has access from Rittenhouse Road, Heritage Loop Road & Ocotillo Road; and includes establishments such as a 200,000+ sq. ft. Walmart Supercenter, Bank of America, Staples, Petco, Jimmy Johns, Domino's, Denny's, Carl's Jr, Panda Express, Kneader's Bakery & Uncle Bear's Grill to name a few.

Aside from the two specifically adjacent commercial complexes described, the other surrounding properties all include similar major commercial complexes including the Queen Creek District, Queen Creek Fiesta, Queen Creek Village Center, along with the Queen Creek Library and Encantada Apartments.

In fact the closest single-family residentially zoned neighborhood to this property is the Nauvoo Station which is approximately 1,000+ feet away from the Rili B's Building and separated by several other commercial businesses, the Major Collector classified Rittenhouse Road & the Union Pacific Railway itself.

Description of Proposed Use & Mitigation of Potential Impacts:

The proposed use and Conditional Use Permit is for the permitted/ approved and currently under-construction Rili B's Taco Shop with Drive-thru. Working alongside with the Town of Queen Creek throughout the Pre-Application, Design Review & Permitting process; this approximately 2,290 sq.ft Rili B's Taco Shop seamlessly is incorporated within the Heritage Town Square Center connecting to all existing drive ways, existing drive aisles & existing parking areas. The project meets all Site Plan requirements, such as drive-thru queuing distances, new parking, screening, landscaping, colors, materials, etc.

The concept for Rili B's Taco Shops, along with other similar types of Mexican & Fast Food Restaurants found across the Valley, is to provide an option for food via **24-Hour Drive-thru**; such as the 24-Hour Jack in the Box located within the neighboring Cornerstone at Queen Creek complex.

While the initial process to design & develop this lot started more than 18 months ago, it was between the stages of our Pre-Application approval and Design Review/Site Plan approval that the Town of Queen Creek had passed into zoning the requirement for a Conditional Use Permit for all new Drive-Thru's which operate between the Hours of 10pm and 6am if located within 300-feet from a Residentially Zoned Property.

Due to the fact that the (MDR) Medium Density Residentially Zoned Encantada Apartments are across Heritage Loop Road - approximately 250-feet from the planned Rili B's Drive-thru lane entrance - this ultimately triggered the requirements for the CUP and as such became a stipulation for the Design Review/ Site Plan approval.

While the conceptual Site Plans were initially designed prior to the new Zoning requirements, there were still countless architectural site design choices made during the schematic stages & design review stages to ensure that this project would not impact other surrounding properties - including most importantly the residents of the Encantada Apartments. For example, the drive-thru lane entrance is located adjacent to the back of the Rili B's building (North property line) allowing the physical structure to create a solid separation between the vehicles entering the drive-thru and the Apartments located south of Heritage Loop Rd. Additionally, the Menu/Order Board is also located at the back of the Rili B's building to ensure the complete mitigation of any potential noise when customers order from the menu. The actual Drive-thru pick-up window was designed and located on the west side of the property facing toward the adjacent Drive-thru Sodalicious Building/Property within the same complex to similarly alleviate any potential noise when customers pick up their items from the window. Although not required, the drive-thru was designed to exceed the minimum queuing requirements for both Window to Order Menu Board and Order Menu Board to Drive-thru Entrance to guarantee that this service and business concept would never negatively impact the general vehicular & pedestrian routes at any point during the day or night within the Heritage Town Square Center and along Heritage Loop Rd. Furthermore, the site was designed and approved to maximize/ exceed all landscaping requirements at all possible areas - both for the aesthetics as well as additional and ample screening; including an abundance of trees & shrubs surrounding the drive-thru lane, all parking area and adjacent to Heritage Loop Rd. Lastly, to ensure that all efforts were taken into consideration for screening purposes towards the Encantada Apartments, the design includes the continuation of a matching low screen wall within the 30' Landscape Setback along the entire southern property length adjacent to Heritage Loop Rd.