

Memorandum

To: Planning Commission Members
From: Development Department
CC: Honorable Members of City Council, Clerk of Council, City Departments
Date: December 11, 2009
Re: Staff Report for Wedgewood Pizza - Special Use Permit

Item #1 – Wedgewood Pizza – Special Use Permit

(PID#200911130056)

Application: Special Use Permit
Location: 3057 Turnberry Court
Applicant: **David Puckett**
Zoning: C-2 (Retail Commercial)
Use: Restaurant

Relevant Code Section(s):

- 1135.09(b)(12) Special Use Permits

Project Summary:

The applicant is requesting approval of a Special Use Permit to install a drive-thru pick-up window on the south side of the existing retail center located at 3057 Turnberry Court. This will be the future location of a Wedgewood Pizza, which will occupy the south 3,600 square feet of the retail center. The business will operate from 11AM to 11PM, seven days a week. The window will be only for picking up orders, with no new orders being taken at the window.

The existing sidewalk along the south side of the building will be modified in order to provide motorists access to the proposed window. The window will be flush with the building edge and will have the same design as the existing drive-thru window on the north side of the building (formerly Starbucks). The drive-thru aisle will be capable of holding four (4) stacked cars. An existing lighting fixture is located above the proposed location of the pick-up window that will provide adequate lighting for the window, drive aisle, and sidewalk.

The applicant is also proposing to change the traffic circulation on the site, by making the drive-aisle on the south side of the structure one-way, from west to east towards Turnberry Court. The existing pavement markings will be changed to mark the new one-way direction and signs will be posted to further direct traffic in the proper direction.

Review of Standards and Requirements:

The Planning Commission is responsible for reviewing Special Use Permit requests and recommending approval, approval with modifications or denial to City Council based on findings of compliance with the standards and requirements of this Code (*see relevant code sections*) and subject to the conditions established by the Planning Commission to ensure compliance with the letter and intent of this Code. The following is the Development Department's evaluation based on code standards and requirements.

1. *The proposed use shall be in harmony with the existing or intended character of the district and nearby affected districts and shall not change the essential character of the districts;*

Standard Met: The proposed drive-thru will be installed in a retail center which already has a drive-thru window located on the north side of the structure, and will not change the character of the district. Many of the surrounding businesses either have a drive-thru window or are motorist-oriented, such as Frisch's Big Boy and the Sonoco station on Broadway.

2. *The proposed use shall not adversely affect the use of adjacent property;*

Standard Met: The site is bordered on the north, east, and south by vacant land, all zoned commercial. Broadway borders the site on the west, with Frisch's Big Boy on the opposite side of Broadway from the applicant's property. The proposed use will not adversely affect the use of these properties.

3. *The proposed use shall not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood;*

Standard Met: The proposed drive-thru will not affect the health, safety, morals, or welfare of persons residing or working in the neighborhood.

4. *The proposed use shall be served adequately by public facilities and services such as, but not limited to, roads, police and fire protection, storm water facilities, water, sanitary sewer, and school;*

Standard Met: The proposed use will be adequately serviced by all public facilities and services.

5. *The proposed use shall not impose a traffic impact upon the public right-of-way significantly different from that anticipated from permitted uses of the district;*

Standard Met: The proposed use will not impose a greater impact on the right-of-way than other uses permitted in the district. The site currently has one drive-thru window, which does not negatively impact the right-of-way and staff does not feel that the proposed additional window will create a negative impact.

6. *The proposed use shall be in accord with the general and specific objectives, and the purpose and intent of this Zoning Code and the Land Use Plan and any other plans and ordinances of the City;*

Standard Met: The proposed use is in accordance with the objectives and intent of the Zoning Code.

7. *The proposed use complies with the applicable specific provisions and standards of this Code;*

Standard Met: The proposed use complies with provisions of the Zoning Code.

8. *The proposed use shall be found to meet the definition and intent of a use specifically listed as a special use in the district in which it is proposed to be located.*

Standard Met: The proposed pick-up window will be located on property zoned C-2, in which drive-thru windows are permitted with a Special Use Permit.

9. *A completed application indicating the Specific Special Use permit activity intended by the applicant shall be submitted to the Department of Development by the Council approved submittal dates.*

Standard Met: The applicant submitted a complete application to the Development Department by the approved submittal date.

10. *Loudspeakers shall be located and designed, with volume and hours of operation controlled, in a manner to minimize noise impacts on nearby residential uses.*

Standard Met: No speaker system will be installed for the window. The window will be only for picking up orders, with no new orders being taken at the window.

11. *Lanes required for vehicle access to and waiting for use of a drive thru facility shall be designed to have sufficient length to accommodate the peak number of vehicles projected to use the facility at any one time, to provide escape/abort lanes for vehicles desiring to leave the stacked lanes or to avoid disabled vehicles, and to minimize impacts on other use of other required parking or drives or on the use of abutting streets and hazards to pedestrians.*

Standard Met: The proposed drive-thru aisle will be capable of holding four (4) cars at a time and allows for a separate drive aisle to be maintained to the south, between the drive-thru aisle and the parking spaces to the south for those needing to drive around cars in the drive-thru aisle.

12. *The applicant shall so design the site plan or otherwise provide assurances as to reduce the impacts of lighting, litter, noise, and exhaust resulting from the facility, especially impacts on nearby residential uses.*

Standard Met: The proposed project will not change the lighting on the site, nor will it increase the amount of noise, litter, or exhaust coming from the site. The nearest residential property is approximately 250 feet to the southeast of the proposed location of the pick-up window and will not be affected by the window.

Recommendation(s):

After review and consideration, the Development Department recommends that Planning Commission make a recommendation of approval to City Council for this Special Use Permit as submitted.