



## PLANNING COMMISSION REPORT

CASE: RAISING CANE'S GENERAL PLAN AMENDMENT AND REZONING APPLICATION  
CASE #: GPA21-09 / ZON21-10  
MEETING DATE: 10/07/2021  
FROM: Joseline Castaneda, Planner, Planning,  
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### **SUBJECT**

**RAISING CANE'S CHICKEN FINGERS GENERAL PLAN AMENDMENT GPA21-09 AND REZONING APPLICATION ZON21-10:** A request by Nordean Moussalem, on behalf of PM Design Group, Inc., representing Phoenix Restaurant Properties LLC, for a Minor General Plan amendment from OFC (Office) to GC (General Commercial) and to rezone approximately 0.47 acres of land from C-O (Commercial Office) zoning district to C-1 (Neighborhood Commercial) to allow for a drive-thru restaurant. This site is located west of the southwest corner of 59th Avenue and Thunderbird Road and is in the Sahuaro District. Staff Contact: Joseline Castaneda, Planner, (623) 930-2823, jcastaneda@glendaleaz.com

### **REQUEST**

1. Minor General Plan amendment from OFC (Office) to GC (General Commercial)
2. Rezone approximately 0.47 acres of land from C-O (Commercial Office) zoning district to C-1 (Neighborhood Commercial)

### **APPLICANT/OWNER**

Nordean Moussalem / Phoenix Restaurant Properties LLC

### **REQUIRED ACTION**

The Planning Commission must conduct a public hearing and determine if this request is in the best long-term interest of this neighborhood and consistent with the General Plan.

### **SUMMARY**

The proposal is for a minor general plan amendment and rezone to allow for the development of a 3,267 square foot dual drive-thru restaurant building. All three parcels on the site are designed Office in the General Plan, which does not allow for the proposed use; however, the proposed designation of General Commercial allows this use. Two of the parcels are partially zoned C-O, which do not permit the proposed use, but the C-1 district does allow for the use, which is subject to approval of a Conditional Use Permit.

The proposal is for a minor general plan amendment and rezone to allow for development of land uses permitted in the C-1 zoning district. The applicant intents is to

develop a 3,267 square foot dual drive-thru restaurant building.

### **BACKGROUND INFORMATION**

General Plan Designation:

The property is designated as OFC (Office).

Zoning:

The current zoning is C-O (Commercial Office) and C-1 (Neighborhood Commercial).

Property Location and Size:

The subject property comprises of 3 parcels totaling 0.97 acres and is located west of the southwest corner of 59th Avenue and Thunderbird Road.

Adjacent Uses and Zoning:

- Across the street to the north is a Chick-fil-A restaurant zoned C-2 (General Commercial).
- The property to the south and east is a Tutor Time day care center zoned C-1 (Neighborhood Commercial).
- West is a medical clinic and a canal zoned C-O (Commercial Office) and A-1 (Agricultural).

History:

The property was annexed into Glendale on November 14, 1967 (Annexation Number 43). In 1984, zoning case (Z-84-75) rezoned 13.4 acres from C-1 PUD to C-O PUD and two of the parcels were partially rezoned. This property, which includes all three parcels for this project, was developed in 1983 into the existing Village Inn Pancake House. Rezoning case (Z-92-04) amended the stipulations of approval for a Master Plan for new developments established in the 1984 zoning case. This case was only applicable to the properties on the southeast corner of 59th Avenue and Thunderbird Road, which includes the two partially rezoned parcels.

Project Details:

The proposal is for a minor general plan amendment and rezone to allow for the development of a drive-thru restaurant. The property consists of three (3) parcels and is currently is a developed property with a restaurant building. The minor general plan amendment is from Office to General Commercial to all 3 parcels and rezone is from C-O to C-1 for 2 of the parcels. The project will include a 3,267 square foot dual drive-thru restaurant building.

**CITIZEN PARTICIPATION TO DATE:**

Applicant's Citizen Participation Process:

On August 27, 2021, the applicant mailed notification letters to adjacent property owners and interested parties. The applicant did not receive any response regarding the request. Planning did not receive any response regarding the request. The applicant's Citizen Participation Final Report is attached.

Planning Commission Public Hearing:

A Notice of Public Hearing was published in The Glendale Star on September 16, 2021. Notification postcards of the public hearing were mailed to adjacent property owners and

interested parties on September 17, 2021. The property was posted on September 13, 2021.

### **STAFF FINDINGS AND ANALYSIS**

Required General Plan Findings:

A. Amendments to the General Plan of the City of Glendale shall be approved only if:

1. The amendment is consistent with the policies and objectives of the rest of the General Plan; and
2. The proposed amendment furthers the public health, safety and general welfare of the citizens of Glendale.

B. If the amendment is to the Land Use Map, an additional finding must be made that the proposed change will be compatible with other land uses, existing or planned, in the vicinity.

Required Zoning Findings:

Amendment to the zoning ordinance and official zoning map of the City of Glendale shall be approved only if:

A. The amendment is consistent with the policies and objectives of the Glendale General Plan;

B. The proposed amendment furthers the public health, safety and general welfare of the citizens of Glendale; and

C. If the amendment is to the official Zoning Map, the proposed change will include any conditions necessary to mitigate any adverse impacts on businesses, persons, or properties adjacent to the requested amendment.

D. A finding is made that there are adequate school facilities, if the amendment is to the official Zoning Map, and if Section 3.812 (Adequate school facilities) is applicable.

Staff Findings:

- The proposed amendment is consistent with the policies and objectives of the General Plan. The proposed amendment meets several of the policies and goals established in the General Plan.
- The proposed amendment furthers the public health, safety and general welfare of the citizens of Glendale. The proposed development will allow an additional eatery option, appropriate circulation, and provide employment opportunities that benefits the citizens of Glendale.

Staff Analysis:

- The proposed request to amend the land use designation from Office to General Commercial is appropriate for the site and is generally compatible with the surrounding land use designations identified on the General Plan Map.
- The C-1 zoning district would allow for a convenience use, subject to a Conditional Use Permit, as this use is not permitted in the C-O zoning district.
- The rezone will make it consistent with the zoning of the adjacent parcels and allow for a cohesive development.

- The proposed General Plan Amendment is consistent with several of the Goals and Policies depicted within the Envision Glendale 2040 such as the following:
- Goal LU (Land Use): Development is guided by sound growth management.
  - Policy LU-1.1 - The City shall ensure that sufficient infrastructure is in place for desired land uses.
    - The developed site supports the proposed commercial use as minimal site improvements were required.
- Goal HPD-6 (Historic Preservation and Design Element) - The City supports adaptive reuse of structures.
  - Policy HPD-6.4 – The City shall ensure new uses are compatible with existing sites and structures.
    - The proposed use of the site and main building is consistent with the previous restaurant use.
- Goal NPR-1 (Neighborhood Preservation and Revitalization Element) – Glendale retains a sense of community through preserving and enhancing the character, identity, and quality of its diverse neighborhoods.
  - Policy NPR1.7 – The City shall implement site specific and neighborhood-scaled development strategies that incorporate cultural heritage and arts.
    - The development will implement site design that will incorporate material and art specific to the surrounding community.
- All applicable city departments have reviewed the application and recommend approval.

### **RECOMMENDATION**

Should the Commission choose to move forward with a recommendation for approval of General Plan Amendment GPA21-09 and Rezoning Application ZON21-10, staff suggests the following stipulation:

Development shall be in substantial conformance with the narrative dated September 19, 2021.

### **PROPOSED MOTION**

Move to recommend approval of GPA21-09 and ZON21-10, subject to the stipulation contained in the staff report.

### **Attachments**

Narrative  
 Citizen Participation Final Report  
 Prop 207 Waiver  
 Vicinity General Plan Map - GPA  
 Vicinity Zoning Map - ZON  
 Aerial Photograph - GPA  
 Aerial Photograph - ZON  
 Presentation