

# Talavi PAD Amendment for a Drive-Through

Case No. ZON25-13

SEC 59<sup>th</sup> Avenue and Bell Road

PAD Amendment Project Narrative



WITHEY  
MORRIS  
BAUGH

# Development Team

## Developer

Hungry Investments, Inc.  
3910 South Rural Road  
Suite 103  
Tempe, AZ 85282  
Contact: Kristian Cotta  
kristian@hungry-inc.com

## Property Owner

**Peterson and Burge, LLC**  
2255 Airway Avenue  
Kingman, AZ 85409  
johnrose@ddofoods.com

## Representative

**Adam Baugh**  
Withey Morris Baugh, PLC  
2525 E. Arizona Biltmore Circle, Suite A-212  
Phoenix, AZ 85016  
adam@wmbattorneys.com

## Architect

**DxU Architects**  
15150 N. Hayden Road  
Scottsdale, AZ 85260  
jlooker@dxuarch.com



## A. Introduction

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This application is being submitted on behalf of Hungry Investments, Inc., the proposed developer of approximately 0.53 acres located at the southeast corner of 59<sup>th</sup> Avenue and Bell Road in Glendale, Arizona, otherwise commonly known as Maricopa County Assessor's Parcel Number 200-50-200 (the "Property"). As illustrated in the Aerial Map at **Tab 1**. The Property has a General Plan land use designation of Planned Commercial. **See Tab 2, General Plan Map.** The Property is currently zoned Planned Area Development ("PAD") and is subject to the Talavi PAD. **See Tab 3, Zoning Map.** The Property features a restaurant building constructed in 1991, according to data available through the Maricopa County Assessor's Office.

## B. Request

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This application requests an amendment ("Amendment") to the Talavi PAD (the "Talavi PAD") to permit one additional convenience restaurant (drive-through pick-up) use on behalf of Hungry Investments, Inc. The Talavi PAD governs an approximately 125-acre master planned development with commercial and business park uses located at the southeast corner of 59th Ave and Bell Road ("PAD Area"). This request for an amendment to the Talavi PAD would apply only to a single parcel within the PAD located at 5825 W. Bell Road.

## C. Talavi PAD Background

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The existing Talavi PAD, originally approved by Glendale City Council in 1988 (Case ZON88-04), permitted commercial uses at the northern portion and office park uses on the southern portion of the Talavi PAD. The intention was to accommodate land uses that complement each other. Approved with the PAD were stipulations, including one stipulation that prohibited "convenience uses" in the PAD Area, which was defined by Ordinance 1512 to include gas stations, fast food restaurants, and car washes. **See Ordinance 1512 at Tab 4.**

In June 1999, updates were made to the Talavi PAD's Development Plan and Development Guidelines (Case No. 97-37). This update allowed for a single convenience restaurant (drive through).within the PAD Area in response to market conditions. That site is currently operated by Taco Bell.

In 2019, a second PAD amendment was approved to allow a drive-through via the adoption of Ordinance No. O19-59 for the property immediately to the east of the Property, which is currently operated by Tokyo Lobby. Justifications for the second drive-through restaurant include increased population growth, and subsequent market demand. According to the Planning Commission, upon their recommendation for approval, the PAD amendment was consistent with the policies and objectives of the Glendale General Plan and the second drive through would not significantly alter the character of the existing commercial development. **See Ordinance O19-59 at Tab 5.**

## D. Development Proposal

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The proposed development for the Property is a 3450-sq. ft. drive-through fast-casual restaurant, for a highly desirable tenant, with a single lane. This drive-through will be a variation of the traditional drive-through, to accommodate for the modernization of food service post-pandemic. Drive-through pick-up lane users will be those who utilize the popular method of ordering online, in turn creating efficient traffic flow. See **Tab 6, Preliminary Site Plan**.

The existing building is to be renovated to better suit the incoming tenant and accommodate for the proposed drive-through pick-up lane, including improvements to the pedestrian access to the Property and enhanced landscaping. This development will be consistent with development standards for the City of Glendale.

## E. Justification

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Located near the intersection of two arterial streets, 59<sup>th</sup> Avenue and Bell Road, the surrounding commercial area has developed in a manner that is consistent with the request. As shown by surrounding development patterns and recent amendments to the PAD, the need for drive-through style restaurants in this area has increased. The intention behind this application is to accommodate for increased drive-through demand and leverage the convenience of the Property's location.

Since the PAD's adoption in 1988, the area has grown respondent to market trends and changes have been made nearly regularly to the Talavi PAD document. The original PAD's limitation on drive-throughs is an outdated assumption that convenience uses would lead to the degradation of the Talavi development and would in turn negatively impact property owners. Presently, there are many existing drive-through uses along Bell Road in the immediate vicinity, shown in **Tab 7, Drive-Through Vicinity Map**. Considering the success of the neighboring development immediately to the east and recognizing the recent closure of the Applicant's previous restaurant tenant, it is reasonable to allow other properties within the Talavi PAD to pursue similar opportunities for success, in a manner that is consistent with the surrounding development.

The Project is consistent with the intent of the Planned Area Development as described in Section 35.2.901 of the Unified Development Code:

1. Encourage creative and effective use of land and circulation systems to accommodate changes in land development technologies.  
**Response:** The Project incorporates a new land use element to revitalize the vacant Property, specifically the drive-through pick-up lane, to increase efficiency and leverage the Property's proximity to Bell Road and 59<sup>th</sup> Avenue.
3. Encourage innovative development or redevelopment concepts for all land use types to provide a greater variety and intensity of uses.  
**Response:** The proposed adaptive reuse of the Property will utilize the existing structure with the addition of the new drive-through pick up lane to provide a diverse dining option and employment opportunity within the Talavi PAD.
4. Provide a process which relates the urban design and scale of the project to the unique characteristics of the site.

**Response:** The Project seeks to retain the existing scale of the existing structure while providing enhanced urban design that has been thoughtfully designed to complement the Property and the larger Talavi PAD. Through the redevelopment process, the Property is planned to receive refreshed landscaping and an updated exterior, with elevations to be provided at a later date.

5. Require the nature and intensity of development to be supported by adequate utilities, transportation, drainage, and common open spaces to serve the development and to minimize impact on existing or future adjacent development.

**Response:** The Project will be supported by utilities, transportation, drainage and open space already available to the Property and is expected to have minimal impact on existing development. In turn, the Project will reactive the vacant Property, providing new tax revenue to the City of Glendale.

6. Encourage development that is consistent with the policies and the guidelines established in any specific plan and the General Plan.

**Response:** The Project is consistent with the policies established by Envision Glendale 2040, including the following:

Policy CRR-3.2 The City shall promote reuse and intensification of industrial and / or vacant commercial properties.

Policy CRR-3.5 The City shall prepare strategies to attract redevelopment of employment- generating uses along the Grand Avenue corridor, Bell Road corridor, and 59th Avenue corridor.

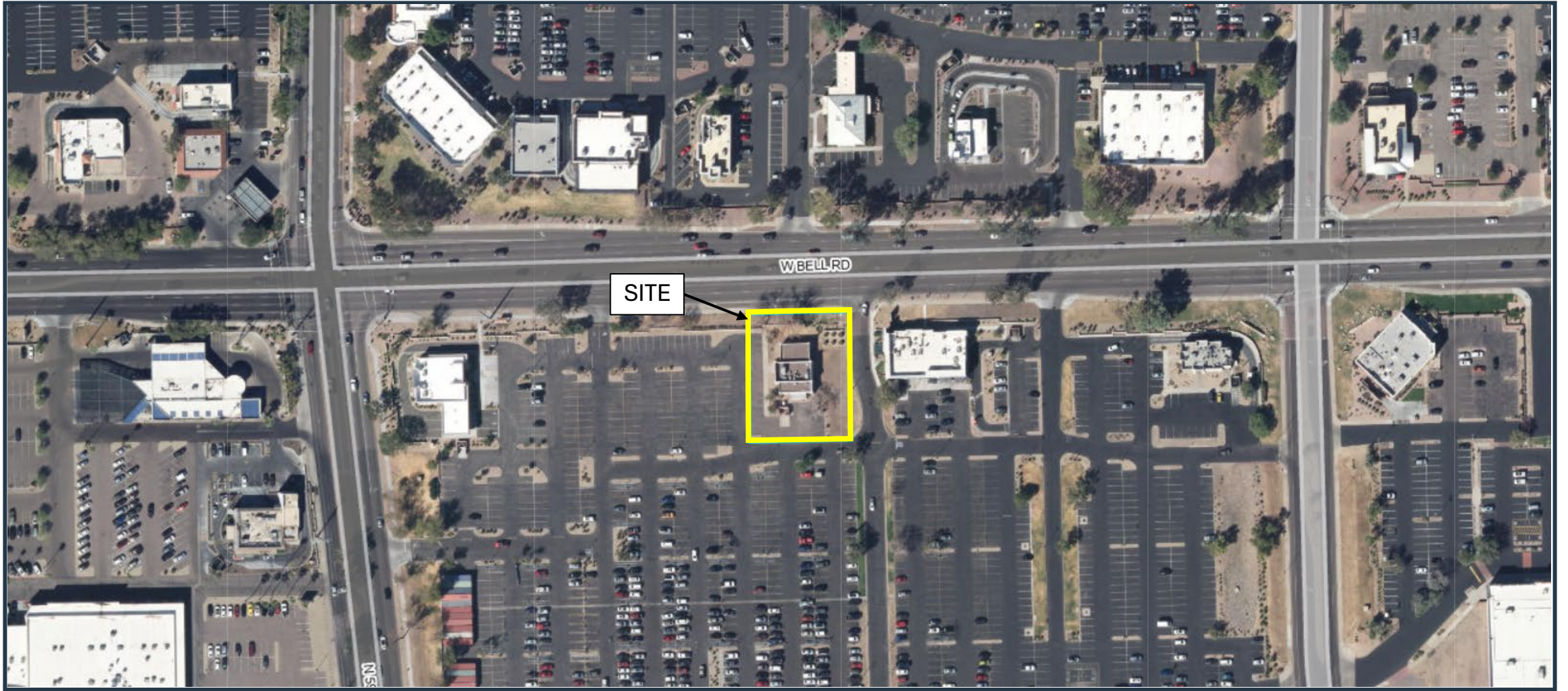
Policy C-5.3 The City shall promote and support timely and appropriate development adjacent to major transportation corridors.

## F. Summary

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As contemplated by previous amendments to the PAD, a periodic evaluation of the PAD is necessary to ensure that the project's overall goals and the City of Glendale's needs are met. Consistent with the general plan's land use goals for the area, specifically for planned commercial designations to 'provide community connectivity and convenience,' amending the PAD to allow an additional convenience restaurant (drive-through pick-up) use within the PAD area is appropriate given the context and will help Talavi provide a hub of commercial support uses to the growing community that surrounds it.

**Tab 1**



## Site Aerial Map



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<https://www.wmbattorneys.com/>



**Tab 2**



# General Plan Map



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**Tab 3**



# Zoning Map



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**Tab 4**

ORDINANCE NO. 1512 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING APPENDIX A, THE ZONING CODE OF THE CITY OF GLENDALE RELATING TO CONVENIENCE USE PERMIT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That Appendix A, Article III, Section 5, Definitions, is hereby amended by deleting the definition for "drive-in restaurant" and adding the following definition for "convenience use":

Convenience Use. Convenience uses are retail commercial buildings, under 7,500 square feet which have relatively high traffic generation compared to other commercial uses. A use is designated as a "convenience use" if the method of operation includes one or more of the following characteristics:

- (a) Retail gasoline is sold.
- (b) The primary business is the sale of food or drink for consumption, either on or off premise; over a counter, or from an outdoor service window or automobile service window. Of the food or drink sold, at least twenty percent (20%) is in disposable, carry out containers, or edible containers. Delicatessens are excluded.
- (c) Restaurants where forty percent (40%) or more of the total floor area is for food preparation.
- (d) Stores less than 7,500 square feet where food and drink is sold primarily for consumption off premises.
- (e) Car washes (self-service and/or automated), drive-through liquor stores, drive-through laundry/dry cleaners, and drive-through video stores.
- (f) The Planning Director makes a determination that a use is a "convenience use" by virtue of being similar to retail businesses with characteristics close to those described in items (a), (b), (c) or (d) above.

Where "convenience uses" are structurally attached as part of a larger center (at least 50,000 square feet), then those convenience uses are not subject to a use permit.

SECTION 2. That Appendix A, Article XIV, Section 42(c), Use Nos. 72, 74, 141 and 146 are hereby amended to read as follows:

- (72) Gas stations, subject to use permit in accordance with article XXIV.I.
- (74) Groceries, retail sales, convenience use subject to use permit in accordance with Article XXIV.I.

(141) Restaurants, convenience use subject to use permit in accordance with Article XXIV.I.

(146) Service stations, subject to use permit in accordance with article XXIV.I.

SECTION 3. That Appendix A, Article XV, Section 47(c), Use Nos. 36.1, 37, 58 and 76 are hereby amended to read as follows:

(36.1) Car wash, automatic; subject to use permit in accordance with Article XXIV.I.

(37) Car wash, hand subject to use permit in accordance with Article XXIV.I.

(76) Garages, public; convenience use subject to use permit in accordance with Article XXIV.I.

SECTION 4. That Appendix A, Article XVI, Section 52, Use No. 24 is hereby amended to read as follows:

(24) Car wash, automatic; subject to use permit in accordance with Article XXIV.I.

SECTION 5. That Appendix A, Article XXIV.I., General Sales, is hereby amended by deleting it in its entirety and adding a new Article XXIV.I. to read as follows:

Article XXIV.I. Use Permit for Convenience Uses

SEC. 80.1. Intent.

The intent of this Article is to allow the City Council to evaluate, on an individual basis, proposed "convenience uses" and their potential impact on traffic congestion, the neighborhood in general and their appropriateness for the site.

SEC. 80.2. Use Permit Required.

When a use conforms to the definition of "convenience use" as contained in Appendix A, Article III, Section 5, such use shall not be permitted without a use permit granted by the City Council.

The use permit request may be denied if, in the judgment of the City Council, the findings question the prudence of the proposal. Stipulations designed to mitigate potential problems may be attached to any approval.

SEC. 80.3. Site Plan Details Required.

When an application is made for a use permit for a convenience use, accompanying the application must be a site plan, drawn at an appropriate scale by a registered civil engineer which includes the following:

- (a) Size and location of the parcel.
- (b) Location, size, area, and orientation of all structures including any gas pumps and canopies.
- (c) Property lines.
- (d) Existing and future right-of-way lines.
- (e) Existing and proposed curb cuts.
- (f) Location of any drive-through windows and queuing lanes.
- (g) On-site vehicular and pedestrian circulation plan.
- (h) All parking spaces.
- (i) Proposed hours of operation.
- (j) Within 300 feet of the site show the following:
  - (1) Access from streets to business and vice versa.
  - (2) Existing land use.
  - (3) Driveways.
  - (4) Existing street system with roadways, curbs, gutters, medians, turn lanes and sidewalks.
  - (5) Circulation pattern.
  - (6) Description and location of traffic lights and signs.

SEC. 80.4. Project Evaluation.

Prior to being considered by the Planning and Zoning Commission and the City Council, the Community Development Group and the Engineering Department will review and evaluate the proposed convenience use site plan. Community Development's report to the Planning Commission and City Council will include but not be limited to findings on the following:

- (a) Is the parcel size large enough and properly configured to provide for proper access and internal circulation?
- (b) Will the proposed hours of operation be compatible with adjacent residential areas?
- (c) What traffic and access mitigation measures are required?
  - (1) Additional right-of-way.

- (2) Off-site traffic mitigation measures.
- (3) Restriction of some traffic movements through signs or other measures.
- (4) Segregation of queuing lanes, vehicle access and pedestrian circulation areas.
- (5) Cross-access easements.
- (6) Driveway locations.

(d) Are there other concerns which may place the advisability of the proposed convenience use in question?


SEC. 80.5. Legal Existing Uses.

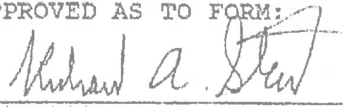
Any convenience use predating Article XXIV.I that proposes a change of sufficient magnitude to warrant a review according to Article XXIX.I, Section 102.2 of the Zoning Ordinance must first obtain a use permit, as required by Article XXIV.I.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 22nd day of September, 1987.

ATTEST:

  
MAYOR

  
City Clerk (SEAL)

APPROVED AS TO FORM:  
  
City Attorney

REVIEWED BY:  
  
City Manager

**Tab 5**

ORDINANCE NO. O19-59

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, REZONING PROPERTY LOCATED WEST OF THE SOUTHWEST CORNER OF 57<sup>TH</sup> AVENUE AND BELL ROAD (5795 WEST BELL ROAD) FROM PAD (PLANNED AREA DEVELOPMENT) EXISTING ZONING TO PAD FOR A DEVELOPMENT PLAN ENTITLED "TALAVI DRIVE THRU PAD," AMENDING THE ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE; AND ORDERING THAT A CERTIFIED COPY OF THE ORDINANCE BE RECORDED.

WHEREAS, the City of Glendale Planning Commission held a public hearing on May 16, 2019, in zoning case ZON19-04 in the manner prescribed by law for the purpose of rezoning property located west of the southwest corner of 57<sup>th</sup> Avenue and Bell Road (5795 West Bell Road) from PAD (Planned Area Development) to PAD (Planned Area Development); and

WHEREAS, due and proper notice of such public hearing was given in the time, form, substance and manner provided by law, including publication of such notice in *The Glendale Star* on April 25, 2019; and

WHEREAS, the City has considered the individual property rights and personal liberties of the residents of the city before adopting this zoning ordinance; and

WHEREAS, the City of Glendale Planning Commission recommended to the mayor and the council the zoning of property as described above and the mayor and the council desire to accept such recommendation and rezone the property described on Exhibit A to PAD (Planned Area Development) in accordance with the development plan currently on file with the planning division as of the date of this ordinance.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That a parcel of land in Glendale, Maricopa County, Arizona located west of the southwest corner of 57<sup>th</sup> Avenue and Bell Road (5795 West Bell Road) and more accurately described in Exhibit A to this ordinance, is conditionally rezoned from PAD (Planned Area Development) to PAD (Planned Area Development).

SECTION 2. That the rezoning provided for is conditioned and subject to the following:

1. Development shall be in substantial conformance with the development plan and narrative, dated April 4, 2019.
2. A Design Review is required for all new development on the subject parcel.

SECTION 3. The City of Glendale Zoning Map is amended by this ordinance to reflect the change in districts referred to and the property described in Section 1 above.

SECTION 4. This ordinance becomes effective at the time and in the manner prescribed by law.

SECTION 5. The City Clerk is instructed and authorized to forward a certified copy of this ordinance for recording to the Maricopa County Recorder's Office.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 25<sup>th</sup> day of June, 2019.

\_\_\_\_\_  
Mayor Jerry P. Weiers

ATTEST:

\_\_\_\_\_  
Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael D. Bailey, City Attorney

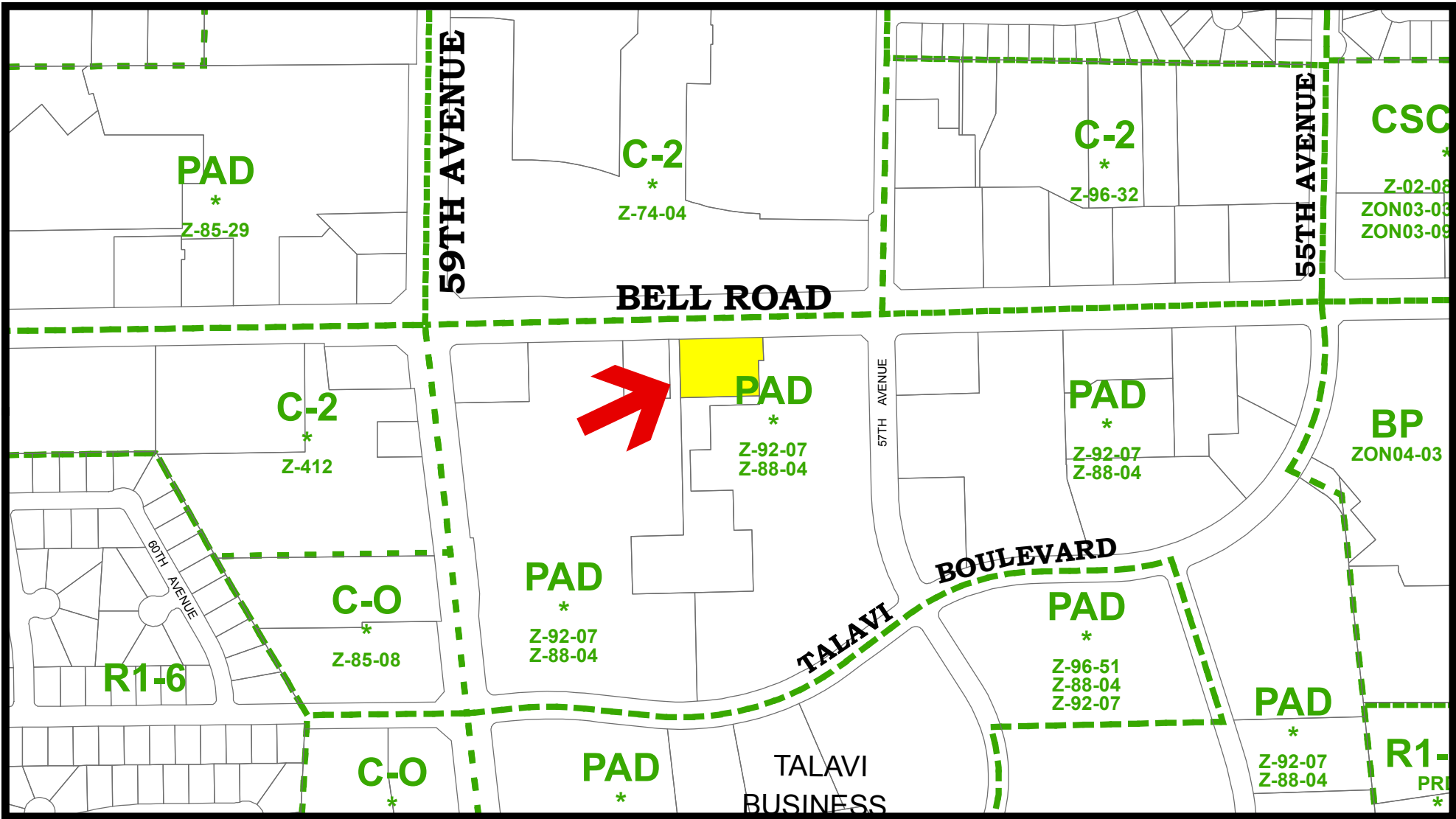
REVIEWED BY:

\_\_\_\_\_  
Kevin R. Phelps, City Manager

**EXHIBIT A**

Legal Description:

LOT 1-D, ACCORDING TO BOOK 338 OF MAPS, PAGE 5, RECORDS OF MARICOPA COUNTY, ARIZONA.



**TALAVI DRIVE-THRU  
REZONING  
(ZON19-04)**



**REQUEST**

**AMENDMENT TO TALAVI PAD (PLANNED AREA DEVELOPMENT) TO ALLOW AN ADDITIONAL DRIVE-THRU USE.**

**LOCATION**

**5795 W. BELL ROAD**

**Tab 6**



**Tab 7**



## Drive-Through Uses in the Vicinity