



TO: Town of Oro Valley
Community & Economic Development Dept.
11000 N La Cañada Dr.
Oro Valley, AZ 85737

DATE: 12/2/2022

PROJECT: La Cañada & Naranja, NW Corner Retail/Office Development

PROJECT #: 20aza01

SUBJECT: Conditional Use Permit Request for Drive-Thru Use

Project Overview

Approximately 2.8 acres of land at the northwest corner of the intersection of La Canada Drive and Naranja Drive is proposed for development of a neighborhood-scale retail and office complex. The project is anticipated to include a mix of retail shops, offices and a roughly 2,100-SF restaurant including drive-thru service. All proposed uses are permitted by existing zoning, although the drive-thru element of the restaurant requires a Conditional Use Permit. Additionally, the vegetation within the drainage channel forming the northern and western edges of the property provides significant and meaningful screening. As such, we submit this request for approval of a CUP concurrently with the review and approval of an amendment to a 2006 grading exception condition of approval and a Conceptual Site Plan package for the overall development. Further details are provided below.

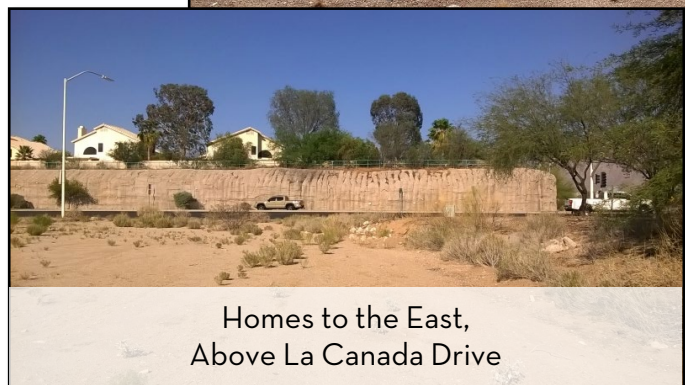
Conditional Use Permit Request

Town Code allows Town Council to approve convenience uses within 250 feet of residential areas when major barriers exist to mitigate their impacts. Major barriers include buildings, topographical features, and arterial roadways. Although the distance from the drive-thru restaurant's anticipated lease boundary to nearby residential property lines is less than 250 feet, the actual drive-thru menu board proposed on this property will still be approximately 245 feet from the nearest home to the east and separated by a four-lane arterial road and a notable difference in elevation (the homes are perched above a slope, roughly 12 to 15 feet higher than the subject property and feature rear yard block walls). The menu board will be approximately 333 feet from the nearest home to the north and approximately 393 feet from the nearest home to the west and separated not only by distance but also by the other buildings proposed within this development. With modern acoustical controls the menu board will have no impact on any nearby residences. Again, this request is to permit the proposed drive-thru restaurant's lease boundary to be within 250 feet of nearby residential property boundaries

Homes to the West,
Across the Golf Corridor



Homes to the East,
Above La Canada Drive





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even though the actual menu board will be over 250 feet away. Please refer to the site plan submitted with this letter.

To garner Town Council approval a project must demonstrate that it meets several design criteria:

- A. Noise shall not exceed the levels listed in Table 25-1.A.

✓ *Attached to this letter is an acoustical study prepared by Spendiarian & Willis Acoustics & Noise Control LLC. The study demonstrates compliance with this criterion.*

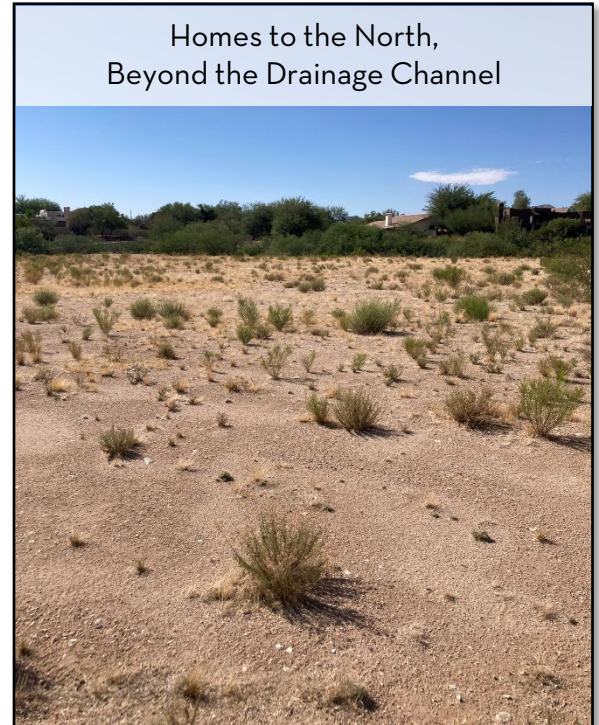
- B. Odor abatement shall be in accordance with Section 25.1.A.6.

✓ *Although the drive-thru use that is the subject of this CUP request will not create any odors, the associated restaurant (which is already permitted by zoning) will of course meet or exceed the Town's regulations regarding odor abatement as will be shown in an odor abatement plan to be submitted at the appropriate time in the permitting process.*

- C. Visibility of drive-thru uses and stacking lanes shall be mitigated in accordance with Section 25.1.B.8 and screened in accordance with Section 27.6.C.5. (Section 25.1.B.6.a.i.d).

✓ *An opaque screen constructed of masonry or functionally similar material will be installed along the drive-thru lane where it runs parallel to La Canada Drive and Naranja Drive. Landscape bufferyards will also be installed in those locations to provide additional screening and to satisfy the Town's bufferyard requirements.*

✓ *At least two of the three other buildings within the project will be built before or concurrently with the drive-thru restaurant, providing substantial screening of the drive-thru from the project's closest neighbors to the north and west.*



Homes to the North,
Beyond the Drainage Channel



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Below are the criteria for evaluating Conditional Use Permits as stated in Section 22.5 of the Oro Valley Zoning Code, along with responses to each criterion.

1. That the granting of such conditional use permit will not be materially detrimental to the public health, safety, or welfare. In arriving at this determination, the factors which shall be considered shall include the following:
 - a. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination;
 - ✓ *Of the potential nuisances listed, the proposed drive-thru use could only create noise impacts to surrounding properties. The aforementioned acoustical study analyzed existing noise levels and also modeled potential noise impacts based on the proposed drive-thru speaker location. The study concluded modern, well designed, and intentionally located drive-thru kiosks will not have an adverse effect on nearby homeowners. As mentioned elsewhere in this letter, the project will also provide odor abatement and outdoor lighting plans to prove compliance with the Town's regulations of those design elements.*
 - b. Hazard to persons and property from possible explosion, contamination, fire or flood;
 - ✓ *None.*
 - c. Unusual volume or character of traffic.
 - ✓ *Attached to this letter is a traffic impact study prepared by M Esparza Engineering LLC. The study analyzed existing traffic levels and also modeled potential traffic impacts of the proposed development based on industry-standard trip generation rates from the Institute of Transportation Engineering. Admittedly, drive-thru lanes do tend to create traffic levels above typical restaurant uses. However, most vehicular trips "generated" by a restaurant drive-thru lane are considered "pass-by" visits rather than "destination" visits, meaning that most of those cars will already have been on the roadway system anyway. For perspective, the entire proposed development is expected to generate just over one car per minute during rush-hour, whereas the surrounding roadway system can easily accommodate hundreds of vehicles per hour. The study concluded that the existing nearby roadway system can accommodate the development without causing existing levels of service to drop below acceptable levels.*



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2. That the characteristics of the proposed use are reasonably compatible with the types of use permitted in the surrounding area and sufficient mitigation measures are employed to minimize impact on adjoining properties.
- ✓ *As previously stated, the development's proposed retail/office and restaurant uses are already permitted by existing zoning. Those uses were established by the Canada Hills PAD decades ago and have proven to be compatible with the PAD's surrounding residential areas. For example, the shopping center across Naranja from the subject property, and also the shopping centers at the northwest, northeast, and southeast corners of La Canada and Lambert all have the same zoning as the subject property and have developed compatibly with surrounding areas. Two of those corners already feature drive-thru uses. The proposed drive-thru, being food service related, also comes with the potential acoustical impact associated with the menu board speaker. Even so, the noise study concluded that modern, well designed, and intentionally located drive-thru kiosks such as the one proposed on this property will not have an adverse effect on nearby homeowners.*

Typical hours of operation for a drive-thru coffee shop in Oro Valley are 4:30 AM to 8:00 PM. The operational hours of the proposed drive-thru restaurant will ultimately be determined by the restaurant itself, but certainly follow any applicable Town regulations.

The drive-thru lane itself will be screened by landscaping and low walls as required by Town regulations. More significantly, at least two of the proposed office buildings within the project will be constructed before or concurrently with the proposed drive-thru restaurant per OVZCR Section 25.1.B.6.a.iv, providing substantial screening of the drive-thru from the project's closest neighbors to the north and west.





3. That the proposed use is consistent with the goals and policies of the general plan.

✓ *This neighborhood-scale development supports a number of General Plan goals and policies. For example:*

- 3.4.D. – The people of Oro Valley strive for a community with a wide range of services, amenities, shopping and dining opportunities and housing types that meet the needs of current and future residents.
 - *This project will help Oro Valley to be a community with a wide range of services, amenities, shopping, and dining opportunities that meet the needs of current and future residents.*
- 3.6.CC.6. – Promote the creation of unique community gathering places that are inviting, walkable, attractive and vibrant and offer commercial, entertainment or cultural activity.
 - *This project will be an inviting, walkable, and attractive commercial gathering place right across the street from the Oro Valley Library. The drive-thru facility itself is obviously not pedestrian-oriented. However, it is a necessary component of a modern coffee shop, and a modern coffee shop clearly helps create an inviting, walkable, and attractive commercial gathering place by being pedestrian friendly with outdoor seating opportunities.*
- 3.6.CC.8. – Foster development of complete neighborhoods with easy access to transportation and employment options, and commercial areas that offer amenities and services for residents' daily needs.
 - *This infill project will help complete the original Canada Hills PAD vision of fostering complete neighborhoods with easy access to commercial areas offering amenities and services for residents' daily needs. Multi-use paths exist along Lambert and La Canada. Sidewalks will be extended into and throughout the proposed project from that existing pedestrian circulation system, providing nearby residents easy access to the proposed restaurant.*
- 5.5.LU.5. – Provide diverse land uses that meet the Town's overall needs and effectively transition in scale and density adjacent to neighborhoods.
 - *As part of the overall Canada Hills PAD, this commercial property has been situated at the intersection of two arterial roadways, and already features open space areas along its northern and western edges to soften the transition from commercial to residential land use.*
- 5.5.LU.6. – Maintain the small-town, neighborly character and improve the design and safety of the built environment.
 - *This neighborhood-scale infill development helps maintain OV's neighborly character by adding a coffee shop, which is a very popular type of establishment that will be a convenient amenity for many nearby residents to access safely by foot, bicycle, or automobile.*



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- 5.5.LU.8. – Encourage the development of master planned communities which include suitable residential and commercial uses.
 - *Responsible development of this small commercial property continues to fulfil the original vision of the Canada Hills PAD, which is a mixed-use master plan encompassing over a square mile of Oro Valley.*
 - 5.7.DG.1. – Continue to identify additional revenue sources that may provide supplemental revenues to ensure that infrastructure and services are maintained.
 - *The developer will fund their fair share of any new infrastructure is required to offset the impacts of this development.*
 - 5.8.I.10. – Foster opportunities for walking, biking, and mass transit to places where people live, work, shop, and play.
 - *This development's central, infill location is extremely accessible by pedestrians and bicyclists. In fact, multi-use paths already exist along the property's eastern and southern roadway frontages.*
4. That the hours of operation of the proposed use will not adversely impact neighboring properties.
- ✓ *The hours of operation will not adversely impact neighboring properties. The operational hours of the proposed drive-thru restaurant will ultimately be determined by the restaurant itself, but certainly follow any applicable Town regulations.*

The proposed drive-thru use will not have an adverse impact on nearby homeowners or on public infrastructure. Rather, it will add to Oro Valley's growing choice of conveniently located eateries.

We appreciate your consideration of these requests. We look forward to working with you to change this long-blighted property into an asset and amenity for the nearby community. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Oland", is written over the printed name.

Paul Oland