ACTION: Request for a Development Plan Review consisting of a new drive thru restaurant building for CULVERS RESTAURANT located at 630 East Southern Avenue. The applicant is Evergreen Devco.

FISCAL IMPACT: There is no fiscal impact on City funds.

RECOMMENDATION: Staff recommends approval

BACKGROUND INFORMATION: CULVERS RESTAURANT (PL130335) is a new restaurant building with drive-thru proposed on a site bound by Huntington Drive to the north, McAllister Drive to the west and Southern Avenue to the south. The restaurant is on a vacant Lot 3 of the commercial center located at the northwest corner of Rural Road and Southern Avenue; across from the Tempe Library Complex. An O’Reilly Auto Parts Store was recently constructed on the west adjacent site. Cross access easements existing between this site and neighboring properties to accommodate vehicular access across the entire commercial center. The Culver’s Restaurant is the first of two phases in this development proposal.

The request includes the following:

DPR13324 Development Plan Review including site plan, building elevations, and landscape plan

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Verus RS, LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Lessee</td>
<td>Culver’s Franchise- John and Cheryl Foertsch owners</td>
</tr>
<tr>
<td>Applicant</td>
<td>Cameron Miller, Evergreen Devco</td>
</tr>
<tr>
<td>Current Zoning District</td>
<td>PCC-1, Planned Commercial Center Distract</td>
</tr>
<tr>
<td>Gross/Net site area</td>
<td>+/-1.54 ac. overall, +/-1.1/18 ac. lessee (Pad B) area</td>
</tr>
<tr>
<td>Building area</td>
<td>+/-4,523 sf. interior, 480 s.f. patio</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>12.27 % (50 % maximum allowed)</td>
</tr>
<tr>
<td>Building Height</td>
<td>+/-24.00 ft. (35’ maximum allowed)</td>
</tr>
<tr>
<td>Building Setbacks</td>
<td>0, 0, 14, 30 ft. minimum per previous plan of development</td>
</tr>
<tr>
<td>Landscape Coverage</td>
<td>20.8 % (15 % minimum allowed)</td>
</tr>
<tr>
<td>Vehicle Parking</td>
<td>65 spaces Pad B (65 minimum required)</td>
</tr>
<tr>
<td>Bicycle Parking</td>
<td>4 spaces (4 minimum required)</td>
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</tbody>
</table>

ATTACHMENTS: Development Project File

STAFF CONTACT: Sherri Lesser, Senior Planner (480-350-8486)
COMMENTS:
This site is located at the northeast corner of McAllister Ave and Southern Avenue. This property is the remaining vacant lot within the Mervyn’s Shopping Center Phase I and II. The site plan reference a future retail phase for the site with future lot lines splitting the lot. Any future subdivisions of the lot will require a Final Subdivision Plat for the Center to create a separate lot for Pad B. Associated with this agreement would be cross access and cross drainage agreements between the created lots of the subdivision, and Code, covenants and Restrictions that would govern landscape maintenance and similar common elements shared by the Pad B and the rest of the commercial plaza.

This request includes a Development Plan Review for the development of PAD B site plan, building elevations, drive thru, outdoor patio, including a new refuse enclosure, landscaping, lighting and vacant PAD left for future building. The building area will be 4500 s.f. which includes a 460 s.f. of outdoor patio area. The applicant is requesting that the Development Review Commission take action on the site plan, building elevations and landscape plan; no further planning entitlements are required.

Public Input
No neighborhood meeting required.

PROJECT ANALYSIS

DEVELOPMENT PLAN REVIEW
The new 4500 square foot building is oriented in a north to south configuration perpendicular to Southern Ave frontage. The building elevations have stucco wall finish with a stone veneer at base of building, full height on building entrance and accenting the pilasters around the building with full height application at corners and a truncated height on remainder. A metal canopy supported by stone veneered columns will shade the outdoor patio area. A feature within the patio is an outdoor fireplace. The parapet has varying heights and depths at the building entrance and drive thru service area. The top of the building is accented with an ornate cornice feature. The color scheme is earth tone shades; main body lightest shade of brown with a darker brown accent applied to cornice and pilasters. Staff supports the building design with recommendations on material and color changes that will tie the building design with remainder of the center. The stone veneer is out of context with other masonry materials found on the surrounding buildings. Staff recommends using a flashed or striated brick in place of the stone veneer. Additionally, the applicant should consider a lighter shade of dark brown trim color to complement the lighter color scheme of the whole center.

Section 6-306 D Approval criteria for Development Plan Review
1. Placement, form, and articulation of buildings and structures provide variety in the streetscape; the new building is oriented to the street with varying building forms to enhance visual character.

2. Building design and orientation, together with landscape, combine to mitigate heat gain/retention while providing shade for energy conservation and human comfort; the building entrances are shaded from northern and west sun exposure. There is minimal glazing on the south exposure. The outdoor patio will be covered by a shade structure.

3. Materials are quality, providing detail appropriate with their location and function while complementing the surroundings; staff modification to a masonry brick material will complement to the surrounding aesthetic.

4. Buildings, structures, and landscape elements are appropriately scaled, relative to the site and surroundings; the building scale fits the site.

5. Large building masses are sufficiently articulated so as to relieve monotony and create a sense of movement, resulting in a well-defined base and top, featuring an enhanced pedestrian experience at and near street level; the building has been designed for visual prominence at the entrance and drive thru via offsets in the building foot print. The elevation features a defined base and top created by the depth of the veneer application over stucco and the decorative cornice element.

6. Building facades provide architectural detail and interest overall with visibility at street level (in particular, special treatment of windows, entries and walkways with particular attention to proportionality, scale, materials, rhythm, etc.) while responding to varying climatic and contextual conditions: the building exterior has varying offsets in the height of the
parapets and the plane of the building façade to enhance the visual interest of the building. The combination of textures and materials to be used in earth tone colors is complementary to the surroundings with minor modifications.

7. *Plans take into account pleasant and convenient access to multi-modal transportation options and support the potential for transit patronage;* the building is situated on the site relatively close to the street front promoting easier access for transit passengers.

8. *Vehicular circulation is designed to minimize conflicts with pedestrian access and circulation;* the building entrance and outdoor patio are located on the opposite sides of building from the drive thru lane; this site configuration will help to minimize potential conflicts between pedestrians and vehicles while maneuvering on site.

9. *Plans appropriately integrate Crime Prevention through Environmental Design principles such as territoriality, natural Surveillance, access control, activity support, and maintenance;* the site design will allow patrons and employees of the restaurant unobstructed views of the parking area and street to provide greater opportunity for natural surveillance of site enhancing security.

10. *Landscape accents and provides delineation from parking, buildings, driveways and pathways;* Zoning and Development Code provisions for street frontage and parking areas are incorporated in landscape plan. The landscape plan is designed to provide canopy trees in areas where the tree serves as a visual separation buffer; especially on the north and east sides of the building on the perimeter of drive aisle. These trees also provide the dual benefit of providing shading for the drive aisle and pick-up windows located on the east with greatest to exposure to sun.

11. *Lighting will be compatible with the proposed building and adjoining building and uses, and will not create negative effects.* The new building will provide minimum illumination lighting levels per ZDC ordinance requirement.

**Conclusion**
Based on the information provided and the above analysis, staff recommends approval of the requested Development Plan Review. This request meets the required criteria and will conform to the conditions.

**REASONS FOR APPROVAL:**
1. The project meets the intent of the General Plan elements.
2. The project meets the development standards required by the Zoning and Development Code.
3. The proposed project meets the approval criteria for a Development Plan Review.

**CONDITIONS OF APPROVAL:**
*EACH NUMBERED ITEM IS A CONDITION OF APPROVAL. THE DECISION-MAKING BODY MAY MODIFY, DELETE OR ADD TO THESE CONDITIONS.*

**DPR130324**
**CONDITIONS OF APPROVAL**

**Site Plan**
1. Utility equipment boxes for this development shall be finished in a neutral color (subject to utility provider approval) that compliments the coloring of the buildings.

2. Continue site perimeter wall to the west along the north property line.

**Floor Plans**
3. Public Restroom Security:
   a. Lights in restrooms:
      1) Provide 50% night lights
      2) Activate by automatic sensors, key or remote control mechanism
   b. Single user restroom door hardware:
      3) Provide a key bypass on the exterior side
Building Elevations
4. Provide materials and colors are per the following:
   Modify stone to a brick veneer- color to be reviewed and approved in planning plan check process.
   Paint Colors –
   Body color- DEC739, Golden Gate (Beige)
   2nd Body Color- DEC 6110- Warm Hearth (Tan)
   Modify Cornice Trim Color and Steel Awning- to a lighter contrast brown shade color to be reviewed and approved in planning plan check process.
   Provide main colors and materials with a light reflectance value of 75 percent or less.

5. For roof access provide internal ladder access fully screened at parapet.

6. Minimize visible, external features, such as overflows, and where needed design these to enhance the architecture of the building.

Lighting
7. This project shall follow requirements of ZDC Part 4, Chapter 8, Lighting, for entire site and building unless otherwise conditioned.

Landscape
8. The plant palette is approved as proposed and specified on the landscape plan. Any additions or modifications may be submitted for review during building plan check process. Provide canopy trees in landscape islands per ZDC minimum requirements.

9. Irrigation notes:
   a. Provide dedicated landscape water meter.
   b. Provide pipe distribution system of buried rigid (polyvinylchloride), not flexible (polyethylene). Use of schedule 40 PVC mainline and class 315 PVC ½” feeder line is acceptable. Class 200 PVC feeder line may be used for sizes greater than ½”. Provide details of water distribution system.
   c. Locate valve controller in a vandal resistant housing.
   d. Hardwire power source to controller (a receptacle connection is not allowed).
   e. Controller valve wire conduit may be exposed if the controller remains in the mechanical yard.

10. Top dress planting areas with a rock or decomposed granite application. Provide rock or decomposed granite of 2” uniform thickness. Provide pre-emergence weed control application and do not underlay rock or decomposed granite application with plastic.

Signage
11. Provide address sign(s) on the building elevation facing the street to which the property is identified.
   a. Conform to the following for building address signs:
      1) Provide Street number only, not the street name
      2) Compose of 12” high (standard for commercial), individual mount, metal reverse pan channel characters.
      3) Self-illuminated or dedicated light source.
      4) Coordinate address signs with trees, vines, or other landscaping, to avoid any potential visual obstruction.
      5) Do not affix number or letter to elevation that might be mistaken for the address.
   b. Utility meters shall utilize a minimum 1” number height in accordance with the applicable electrical code and utility company standards.

CODE/ORDINANCE REQUIREMENTS:
THE BULLETED ITEMS REFER TO EXISTING CODE OR ORDINANCES THAT PLANNING STAFF OBSERVES ARE PERTINENT TO THIS CASE. THE BULLET ITEMS ARE INCLUDED TO ALERT THE DESIGN TEAM AND ASSIST IN OBTAINING A BUILDING PERMIT AND ARE NOT AN EXHAUSTIVE LIST.
Specific requirements of the Zoning and Development Code (ZDC) are not listed as a condition of approval, but will apply to any application. To avoid unnecessary review time and reduce the potential for multiple plan check submittals, become familiar with the ZDC. Access the ZDC through www.tempe.gov/zoning or purchase from Community Development.

SITE PLAN REVIEW: Verify all comments by the Public Works Department, Community Development Department, and Fire Department given on the Preliminary Site Plan Review. If questions arise related to specific comments, they should be directed to the appropriate department, and any necessary modifications coordinated with all concerned parties, prior to application for building permit. Construction Documents submitted to the Building Safety Division will be reviewed by planning staff to ensure consistency with this Design Review approval prior to issuance of building permits.

BUILDING ELEVATIONS
All mechanical equipment shall be fully screened on all elevation sides above a horizontal plane per Section 4-405.

STANDARD DETAILS:

Access to refuse enclosure details an all other Building Safety forms at this link: www.tempe.gov/index.aspx?page=1033. The enclosure details are under Civil Engineering & Right of Way.

SECURITY REQUIREMENTS
Design building entrance(s) to maximize visual surveillance of vicinity. Limit height of walls or landscape materials, and design columns or corners to discourage to opportunity for ambush opportunity. Maintain distances of 20’-0” or greater between a pedestrian path of travel and any hidden area to allow for increased reaction time and safety.

Follow the design guidelines listed under appendix A of the Zoning and Development Code. In particular, reference the CPTED principal listed under A-II Building Design Guidelines (C) as it relates to the location of pedestrian environments and places of concealment.

Provide a security vision panel at service and exit doors (except to rarely accessed equipment rooms) with a 3” wide high strength plastic or laminated glass window, located between 43” and 66” from the bottom edge of the door.

ENGINEERING:
Clearly indicate property lines, the dimensional relation of the buildings to the property lines and the separation of the buildings from each other.

Verify location of any easements, or property restrictions, to ensure no conflict exists with the site layout or foundation design.

REFUSE:
Contact Public Works Sanitation Division to verify that vehicle maneuvering and access to the enclosure is adequate.

PARKING SPACES:

At parking areas, provide demarcated accessible aisle for disabled parking.

Distribute bike parking areas nearest to main entrance(s). Provide parking loop/rack per standard detail T-578. Provide 2’-0” by 6’-0” individual bicycle parking spaces. One loop may be used to separate two bike parking spaces. Provide clearance
between bike spaces and adjacent walkway to allow bike maneuvering in and out of space without interfering with pedestrians, landscape materials or vehicles nearby.

LIGHTING:
Design site security light in accordance with requirements of ZDC Part 4 Chapter 8 (Lighting) and ZDC Appendix E (Photometric Plan).

Indicate the location of all exterior light fixtures on the site, landscape and photometric plans. Avoid conflicts between lights and trees or other site features in order to maintain illumination levels for exterior lighting.

SIGNS:
Separate Development Plan Review process is required for signs in accordance with requirements of ZDC Part 4 Chapter 9 (Signs). Obtain sign permit for identification signs. Directional signs (if proposed) may not require a sign permit, depending on size. Directional signs are subject to review by planning staff during plan check process.

HISTORY & FACTS:

1957-1964 The property was annexed into the City of Tempe as agricultural land, eventually subdivided and zoned for commercial uses.

January 8, 1970 City Council approved a zoning map amendment for 10.8 acres from C-1 to PSC-1 and a Final Plan of Development for Unit 1 of Grants Shopping Center at the North West corner of Rural and Southern.

July 12, 1973 City Council approved an Amended Final Plan of Development for Grants Plaza. The western portion of the lot was developed as parking.

Nov. 17, 1977 City Council approved an Amended Final Plan of Development for Mervyns at Grants Plaza.

July 29, 1999 City Council approved a Final Subdivision Plat for Southern Plaza for 2 lots and an Amended General and Final Plan of Development for Southern Plaza at 800 E Southern Avenue and a variance to reduce the required side yard setback between two existing buildings from 40’ to 0’ in the PCC-1 Zoning district.

August 19, 2010 The property had a lot line adjustment for Southern Plaza for two properties. The western lot has remained vacant since annexation into the City.

ZONING AND DEVELOPMENT CODE REFERENCE:
Section 6-306, Development Plan Review
DEVELOPMENT PROJECT FILE
for
CULVER’S RESTAURANT

ATTACHMENTS:

1. Location Map
2. Aerial / Photo(s)
3.-5. Letter of Explanation
6 Site Plan
7 Floor Plan
8 Building Elevation
9 Colored Elevation
10 Landscape Plan
11 G & D Plan
12 Material and Color Board
Location Map

ATTACHMENT 1
LETTER OF EXPLANATION

CULVER'S RESTAURANT at 620 East Southern in Southern Plaza

The proposed project is for a new Culver’s Restaurant located between a new O’Reilly Auto Parts store and an existing 99 Cent retail store at Southern Plaza Lot 3.

Culver’s is a quick-serve restaurant franchise serving fresh, made to order dinners, sandwiches, salads, and a premium ice cream known as frozen custard. The proposed size of the restaurant is 4,523 square feet, with an indoor seating capacity of approximately 100 guests. This location will also utilize an outdoor patio to seat additional guests and will include an outdoor fireplace for added ambiance and comfort. The patio will be enclosed with a decorative gate and will have a open steel trellis for shade effect. The restaurant will have a drive-thru consistent with this type of quick-serve establishment. Additionally, integral to the Culver’s operation is the Order Waiting Area, which follows the drive-thru pay window; it provides flexibility to process larger orders without restricting the drive-thru flow and reducing the cuing prior to ordering.

The site is a portion of an existing development. The parcel for the proposed site will include 51,412 sf. The site is currently vacant. The existing zoning for the site is PCC-1. The use is consistent with uses approved under this zoning.

The total number of proposed parking spaces for this lot is 65. The required number of spaces is 62 based on 1 per 75 s.f.

The site will include an accessible (ADA) pedestrian connection to the existing Southern Avenue sidewalks. This access will also allow for safe bicycle entry separate from the vehicular drives. The site circulation layout has been integrated with the O’Reilly Auto Parts and the 99 cent store vehicular routes. The site shares an access agreement with the O’Reilly to exit on to both Southern Avenue and McCallister Ave. This access agreement also accounts for the anticipated refuse and fire truck routes. These routes have been reviewed by both Solid Waste and Fire department staff.

All site utilities will be provided underground including the storm drainage.
The site will provide adequate lighting for pedestrian and vehicular traffic. The building accent lighting will provide supplemental lighting to the walkways surrounding the building. The site lighting package provided will complement the lighting scheme provided as part of the O’Reilly Auto Parts.

The Site is adjacent to existing Public transportation route which will provide ease of access for Tempe residents that may consider it a destination location.

The building color pallet, materials, and elevations reflect that used on the adjacent O’Reilly property to the west. Elements of the building architecture that are necessary to maintain corporate identity and facilitate its success have also been incorporated, i.e. Awnings, Blue Accent and Light fixtures. The elevations have distributed the building massing evenly and the primary focal elements have been elevated and articulated for interest and character. The sculpted parapet tops define the building elevation height termination. The low windows and awnings typical to Culver’s also create a visual appeal. The patio trellis area adds a lower mass to create interest and excitement. The primary entry has a defined visual differentiation while offering ample shading.

Landscaping within the site has been designed to blend with the existing landscaping provided by O’reililly and used throughout the center and meets all City of Tempe design standards.

Background of the Culver’s Operator

John and Cheryl Foertsch have resided in Tempe since 1996. John is very familiar with the Culver’s brand, as he currently operates one of the most successful Culver’s out of 17 locations in the state of Arizona. He opened in March, 2011 in Casa Grande. Building on an already very successful restaurant concept, John also brings over 40 years of experience in the industry to this location. John and Cheryl are very excited to be able to operate a small business in the community where they reside.

Background of Culver’s Frozen Custard

Culver’s was born in Sauk City, Wisconsin, the dream of George & Ruth and Craig & Lea Culver. The Culver family literally grew up in the restaurant business, having operated family restaurants for well over three decades. After bussing dishes and waiting on guests throughout his teenage and college years, Craig Culver spent four years managing restaurants for the nation’s largest fast food company.

On July 18, 1984, the Culvers re-opened a former drive-in root beer stand and began building their ideas about quality, freshness and friendliness into a new kind of quick service restaurant. Christened “Culver’s®,” the restaurant introduced the new tastes of frozen custard and
ButterBurgers to first-time guests. By serving good, fresh-made food at a good value, they kept guests coming back, again and again.

Culver’s was born in a small town and small town old-fashioned values are an important part of the Culver’s culture. We believe Culver’s has been successful because we’ve met and exceeded people’s expectations. Today, we have grown to be America's largest frozen custard establishment—one restaurant, one guest, one ButterBurger at a time.

Culver’s was founded on commitment to provide quality food, great service and clean restaurants for each of our guests to enjoy. Our goal is to make Culver’s the destination point for friends and family to enjoy their meals and their time spent with us. Our loyal guests keep coming back because Culver’s is a place they feel welcomed and taken care of. It is a place to share special occasions and make special memories. Culver’s is much more than just a great place to eat; it’s a place where friends meet.

With over 400 restaurants across the United States, Culver’s has been a cornerstone of every community we belong to. Offering percentage of sales to charities, schools, and non-profit organizations we have become leaders among the restaurant business and will continue to as we grow. Culver’s currently has locations operating in Scottsdale, Chandler, Mesa, Phoenix, Peoria, and Surprise.

Being locally owned and operated, Culver’s holds itself to high standards and expectations. We hire and train employees from the surrounding neighborhoods and focus on growing them to become leaders within the community.

End of Letter of Explanation

Respectfully

Scott Puente
Project Manager
CONDITIONS AND APPLICABLE CODES.

SITE BEFORE BIDDING. CONTRACTORS ARE REQUIRED TO KNOW ALL OBSERVABLE OR CLARIFICATIONS WHICH ARE DESIRED. CONTRACTORS SHALL ALSO VISIT THE APPLICABLE CODES AND TO INFORM THE OWNERS/ARCHITECTS OF ANY QUESTIONS.

IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO CONFORM TO ALL CONDITIONS MAY REQUIRE SIGNIFICANT CHANGES TO THESE DOCUMENTS.

ARE NO UNUSUAL SOIL CONDITIONS OR WIND LOADS. THE FAILURE OF THIS INCLUDING FEDERAL A.D.A. REQUIREMENTS. THIS SET ASSUMES THAT THERE READ TO INCORPORATE ALL APPLICABLE FEDERAL, STATE, AND LOCAL CODES OF CONSTRUCTION SPECIFICATIONS TO BE SUPPLIED BY OWNER. THEY MUST BE FOR THE PROJECT AND ARE INTENDED TO BE USED IN CONJUNCTION WITH A SET THIS SET OF DRAWINGS AND DOCUMENTS IS INTENDED AS A SET OF GUIDELINES.
P1 - EIFS INTEGRAL (DEC739, LRV 51)
'GOLDEN GATE' - DUNN EDWARDS

P2 - EIFS INTEGRAL (DE6110, LRV32)
'WARM HEARTH' - DUNN EDWARDS

P3 - EIFS INTEGRAL (DE6091, LRV 11)
'RED HOOK' - DUNN EDWARDS

P4 - METAL ROOFING - COLOR TO MATCH AWNINGS

P5 - STEEL PAINTED (DE6091, LRV 11)
'RED HOOK' - DUNN EDWARDS

P6 - STEEL/CMU PAINTED (DEC739, LRV 51)
'GOLDEN GATE' - DUNN EDWARDS

ST-1 SIMULATED STONE VENEER
CULTURED STONE - COUNTRY LEDGESTONE
'MOJAVE' (OR EQUAL)

ST-2 STONE SILL OR CAP TO MATCH ST-1

F1 - FABRIC AWNINGS: SUNBRELLA
COLOR: 4617 'ROYAL BLUE'

M1 - ALUMINIUM STOREFRONT FRAME
W/ CLEAR GLAZING (CLEAR ANODIZED)

CULVER'S
NWC RURAL RD & SOUTHERN AVE
TEMPE, ARIZONA

COLOR BOARD
ISSUED DATE: 12-11-13