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May 13, 2021

Zoning Adjustment Hearing Officer

Re: ZA-227-21, 2816 N. 7<sup>th</sup> Avenue (Raising Cane's drive-through restaurant)

On behalf of the Willo Neighborhood Association Governing Board (WNA), I am writing to inform you that the WNA unanimously voted to OPPOSE application ZA- 227-21 at its May 13, 2021 regular meeting. We are opposed to the application for a Raising Cane's drive-through restaurant at the site of the Duke's Photography building at 2816 N. 7<sup>th</sup> Avenue due to the traffic impacts, the project's failure to meet the requirements for the variances and use permits requested, and other concerns as set forth below:

- Seventh Avenue functions as one of Phoenix's major commuter traffic arterials in and out of downtown Phoenix, carrying heavy traffic volumes at all times of the day, but especially during morning and evening rush hours. It also serves as a primary feeder street for traffic entering and exiting Interstate 10 through Central Phoenix. As a result, 7<sup>th</sup> Avenue has been designed to keep traffic moving with reversible lanes to assist in efficiently moving large volumes of traffic into downtown Phoenix during the morning commute, and out of downtown during the evening commute. Placing a high-volume, two-lane drive-through restaurant on 7<sup>th</sup> Ave. at its busy intersection with Thomas Rd. will negate the efficient flow of traffic on 7<sup>th</sup> Ave. when queues of cars form to gain access to the restaurant. This poses an especially dangerous situation for drivers attempting to turn into the restaurant from the reversible "suicide" lane during rush hour times. Willo and other neighborhoods adjacent to 7<sup>th</sup> Avenue are already burdened by cut-through drivers speeding through our residential areas to avoid traffic on 7<sup>th</sup> Avenue and a Raising Cane's restaurant on the corner of 7<sup>th</sup> Avenue and Thomas Rd. will only compound this problem.
- The Applicant is seeking 5 types of relief from the current zoning restrictions on the property:
  1. Use permit to allow outdoor dining as an accessory use to a restaurant (Raising Cane's). Use permit required. Duke Photography, which currently occupies the site at 2816 N. 7<sup>th</sup> Ave., is a photographic studio that conducts business by appointment and almost exclusively indoors. Its posted business hours are Tuesday – Friday from 10am – 4pm and Saturdays by appointment only. Replacing Duke Photography's low-volume business with a high-volume Raising Cane's drive-through restaurant with outdoor dining that is open from 9:00 am to midnight or 1:00 am will significantly increase noise, odors, glare, etc. above ambient conditions, resulting in adverse impacts to adjacent and nearby properties. Thus, this application does not meet the conditions for a use permit for outdoor dining.



2. Use permit to allow a drive-through facility accessory to a restaurant (Raising Cane's) within 300 feet from a residential zoning district. Use permit required. The current long-time occupant of this site, Duke Photography, is a low-volume business with cars entering and parking for the duration of a photography session or to pick up proofs, photos, etc. Raising Cane's proposes to replace this low-volume commercial use with a high-volume, two-lane drive-through restaurant. Raising Cane's representatives stated in a meeting with Willo neighbors that their goal is to move drive-through customers through at 2-minute intervals. This represents a massive increase in vehicular and pedestrian traffic, emission of odors (exhaust and fried food smells), dust, gas fumes, noise, smoke, heat, glare, etc. all at levels exceeding ambient conditions, resulting in adverse impacts to adjacent and nearby properties. Thus, the Applicant has not met the conditions for a use permit for a drive-through facility accessory to a restaurant.
3. Variance to reduce the required street side landscape setback (7<sup>th</sup> Avenue) to 12-foot average and 12-foot minimum. 25-foot average and 20-foot minimum for up to 50% of structures required. There are no special circumstances or conditions that apply to this property. It is a rectangularly-shaped lot similar to many others along 7<sup>th</sup> Avenue. A commercial business has existed successfully at the site for over 50 years. Thus, the shape and size of the lot are not a barrier to commercial enterprise and do not interfere with the property owner's enjoyment of property rights. The Applicant's self-imposed condition of needing to reduce setbacks to accommodate its business can easily be remedied by finding a location that is more suitable for its drive-through restaurant. The reduction of setbacks along 7<sup>th</sup> Avenue will be materially detrimental to the area by reducing the landscaping buffer between pedestrians and the restaurant, thus making the area less walkable.
4. Variance to allow 0-foot landscape not adjacent to a street (west). Minimum 10-foot landscape setback required. As previously stated, there are no special circumstances or conditions that apply to this property. It is a rectangularly-shaped lot similar to many others along 7<sup>th</sup> Avenue. A commercial business has existed successfully at the site for more than 50 years. Thus, the shape and size of the lot are not a barrier to commercial enterprise and do not interfere with the property owner's enjoyment of property rights. The Applicant's self-imposed condition of needing to reduce setbacks to provide a larger footprint for its business can easily be remedied by finding a location that is more suitable for its drive-through restaurant. The reduction of setbacks to the west will be materially detrimental to the area by pushing the footprint of the proposed high-volume drive-through restaurant up against the residential properties in the Encanto Manor neighborhood immediately adjacent to the west.
5. Variance to allow a 6-foot landscape not adjacent to a street (south). Minimum 10-foot landscape setback required. Once again, there are no special circumstances or conditions that apply to this property that justify a variance. It is a rectangularly-shaped lot similar to many others along 7<sup>th</sup> Avenue. A commercial business has existed successfully at the site for more than 50 years. Thus, the shape and size of the lot are not a barrier to commercial

enterprise and do not interfere with the property owner's enjoyment of property rights. The Applicant's self-imposed condition of needing to reduce setbacks to provide a larger footprint for its business can easily be remedied by finding a location that is more suitable for its drive-through restaurant. The reduction of setbacks to the south will be materially detrimental to the adjacent church by reducing the landscaping buffer between it and the proposed high-volume, drive-through restaurant.

In addition to the adverse impacts outlined above, the WNA is concerned that granting Raising Cane's application would set a bad precedent for the area of 7<sup>th</sup> Avenue from McDowell to Thomas Rds. and could lead to a snowball effect of inappropriate uses adjacent to Willo and other nearby neighborhoods. Two other requests for drive-through restaurants in our area have been denied within the past few years when similar concerns regarding traffic impacts were raised (ZA-394-17-4, 2932 North 7<sup>th</sup> Avenue - Cargo Joe Coffee and ZA-55-17-4, 7<sup>th</sup> Street and Palm Lane - Black Rock Coffee). Additionally, the use permit for a drive-through/walk-up Dutch Bros. coffee kiosk at Central and Camelback was revoked due to the drive-through queues impeding traffic on Camelback Rd., blocking access to other businesses, alleys and streets. We are concerned a similar situation could occur on 7<sup>th</sup> Ave. and Thomas Rd. if this application were to be granted.

For the above reasons, the Willo Neighborhood Association respectfully requests that you DENY application ZA-227-21.

Sincerely,



Dr. Robert Cannon, President

Willo Neighborhood Association

cc: Kate Gallego, Mayor of Phoenix  
Laura Pastor, Councilwoman, District 4  
Alan Stephenson, Planning Director  
Tricia Gomes, Zoning Administrator