

**CITY OF GOODYEAR  
CITY COUNCIL ACTION FORM**

<p><b>SUBJECT:</b> USE PERMIT FOR A CONVENIENCE USE “MCDONALD’S DRIVE THROUGH” AT MOUNTAIN RANCH MARKETPLACE WITHIN THE ESTRELLA PHASE ONE PLANNED AREA DEVELOPMENT (PAD) ZONING DISTRICT</p>	<p><b>STAFF PRESENTER:</b> Karen Craver, AICP Planner III</p> <p><b>APPLICANT:</b> Dan Filuk, KDF Architectural Group, on behalf of McDonald’s USA, LLC</p> <p><b>CASE NUMBER:</b> 12-300-00003</p>
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**RECOMMENDATION:**

1. Council conduct a public hearing to consider approving a Use Permit to allow a convenience use (McDonald’s Drive Through) on a 0.74 acre commercial pad within the Mountain Ranch Marketplace commercial center at the northwest corner of Estrella Parkway and Elliot Road, within the Estrella Phase One Planned Area Development (PAD) zoning district.
  - a. Open public hearing
  - b. Staff presentation
  - c. Receive public comment
  - d. Close public hearing
  
2. Council approve a Use Permit (Case No. 12-300-00003) to allow a convenience use (McDonald’s Drive Through) on a 0.74 acre commercial pad within the Mountain Ranch Marketplace commercial center at the northwest corner of Estrella Parkway and Elliot Road, within the Estrella Phase One Planned Area Development (PAD) zoning district, subject to the following stipulations:
  - a. Development and use of the site shall be in substantial conformance with the project narrative dated January 8, 2013, and the conceptual site plan and building elevations for the McDonald’s Drive Through as submitted with the Use Permit application, except as modified to comply with stipulation No. 3 below;
  - b. Approval of the Use Permit does not constitute approval of a site plan. All future development will be subject to site plan review and approval by City staff, at which time all elements of site development will be reviewed, including, but not limited to, architecture, landscaping, grading and drainage, lighting, infrastructure, parking, access and circulation;
  - c. The site plan, building elevations, and signs for the McDonald’s Drive Through shall be consistent with the approved Mountain Ranch Marketplace Master Site Plan & Elevations and the Mountain Ranch Marketplace Comprehensive Signage Package; and,

- d. The development of the McDonald's Drive Through shall provide for pedestrian and vehicular integration with the adjoining Mountain Ranch Marketplace commercial center.

**PURPOSE:**

This is a request for approval of a Use Permit to allow a convenience use (McDonald's Drive Through) on a 0.74 acre commercial pad within the Mountain Ranch Marketplace commercial center at the northwest corner of Estrella Parkway and Elliot Road, within the Estrella community. A restaurant is allowed by right pursuant to the Estrella Phase One Planned Area Development (PAD) zoning district and the underlying Mountain Ranch Marketplace C-2, General Commercial zoning district. A drive through associated with a restaurant is, however, a convenience use requiring approval of a Use Permit. Staff has determined that, subject to the recommended stipulations, this request meets the conditions and required findings for a Use Permit.

**BACKGROUND AND COMMUNITY BENEFIT:**

**Current Policy:**

The Zoning Ordinance definition of "Convenience Use" includes commercial uses in which 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. A convenience use proposed in the underlying Mountain Ranch Marketplace General Commercial (C-2) zoning district within the Estrella Phase One Planned Area Development (PAD) zoning district is required to obtain a Use Permit, as established in Section 1-3-2 of the Zoning Ordinance. The Use Permit request is to be reviewed by the Planning and Zoning Commission and approved by the City Council. Convenience uses are also subject to the provisions of Article 4-2 (Uses Requiring Additional Evaluation) of the Zoning Ordinance, which requires additional evaluation regarding the appropriate location and conditions of the use or operation.

Section 1-3-2 (Use Permits) of the Zoning Ordinance provides that the Planning and Zoning Commission and City Council must determine that the proposed use meets the following two findings prior to granting a Use Permit: 1) The Use Permit will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare; and 2) The proposed use is reasonably compatible with uses permitted in the surrounding area.

Section 4-2-2 (Convenience Uses) of the Zoning Ordinance requires evaluation of the following additional criteria for convenience uses regarding their potential impact on traffic congestion, the neighborhood in general, and their appropriateness for the site:

1. Adequacy of the parcel size and configuration to provide proper access and internal circulation.

2. Compatibility of proposed hours of operation with adjacent residential areas (hours of operation to be indicated in narrative).
3. Required traffic and access mitigation measures, if any which may include:
  - a. Additional right-of-way.
  - b. Off-site traffic mitigation measures.
  - c. Restriction of some traffic movements through signs or other measures.
  - d. Segregation of queuing lanes, vehicle access and pedestrian circulation areas.
  - e. Cross-access easements.
  - f. Driveway locations
4. Other concerns which may place the advisability of the proposed convenience use in question.

**Surrounding Properties:**

Land uses and existing zoning surrounding Mountain Ranch Marketplace, in which the convenience use is proposed, include the following:

- North: Vacant hillside land zoned Planned Area Development (PAD) and designated as Open Space on the Estrella land use plan.
- South: The Starpointe Residents Club and Aquatic Facilities zoned PAD and designated as Recreation on the Estrella land use plan.
- East: A Banner Estrella medical office building, currently under construction, zoned PAD and designated as Horizontal Mixed Use on the Estrella land use plan.
- West: The Elliot Marketplace neighborhood center zoned Planned Area Development (PAD) and designated as Commercial on the Estrella land use plan.

**Details of the Request:**

McDonald's USA, LLC, is requesting approval of a Use Permit for a convenience use to facilitate the development of a McDonald's Drive Through on a 0.74-acre development-ready commercial pad within the Mountain Ranch Marketplace commercial center at the northwest corner of Estrella Parkway and Elliot Road in the Estrella community. A conceptual site plan and conceptual building elevations for the restaurant with drive through have been submitted as part of the Use Permit application to reflect how McDonald's intends to develop the subject property. McDonald's is also requesting approval to be operational 24 hours a day, 7 days a week.

The restaurant will have an indoor dining facility that will seat approximately 68 patrons and will have a drive through designed to safely expedite service using a two-lane to one-lane concept. On-site parking will be provided with a total of 32 regular spaces and two ADA parking spaces. The sign package will include monument, directional, drive through, and building signs. The contemporary McDonald's prototype building architecture will be modified to be more in keeping with the architectural style of Mountain Ranch Marketplace, and the prototype colors and materials palette will be set aside; respecting, instead, the existing Mountain Ranch Marketplace palette. The building character will resemble the character of the existing parapet-capped Shops B area east of Safeway, including a double column trellis structure over the drive through lane.

Prior to commencement of construction, McDonald's will be required to proceed through the full Site Plan review process to ensure the development is consistent with the approved Mountain Ranch Marketplace Master Site Plan & Elevations and the Mountain Ranch Marketplace Comprehensive Signage Package, as well as the City's adopted Design Guidelines, development standards, codes, and ordinances. The proposed McDonald's Drive Through will also be required to ensure pedestrian and vehicular integration within the Mountain Ranch Marketplace commercial center, as well as with adjacent development in the Estrella community.

**Staff Analysis:**

An application for a Use Permit must demonstrate that the proposed use will not be materially detrimental to persons residing or working within the vicinity of the property, to the neighborhood, or to the public welfare, and that it will be reasonably compatible with uses permitted in the surrounding area. The burden of demonstrating that these criteria are met rests with the applicant.

Staff finds that the McDonald's Drive Through is compatible with the existing and planned land uses within the area and will not be a detriment to surrounding properties or persons. The proposed use will be on a development-ready pad within the existing Mountain Ranch Marketplace commercial center, which is surrounded by other properties zoned for and developed as commercial and recreational uses. The pad is of sufficient size and dimensions to accommodate a restaurant with drive through use. In addition, the restaurant itself is allowed by right pursuant to the Estrella Phase One PAD zoning district and the underlying Mountain Ranch Marketplace C-2, General Commercial zoning district. The Use Permit is only required for the drive through.

The conceptual site plan for the McDonald's Drive Through and the existing Mountain Ranch Marketplace commercial center provide for adequate vehicular and pedestrian access to the proposed use. Sufficient parking has already been constructed to accommodate the use and McDonald's will construct additional parking with the development of the restaurant building.

In view of the facts that the restaurant itself is allowed by right pursuant to the Estrella Phase One PAD zoning district and the underlying Mountain Ranch Marketplace C-2, General Commercial zoning district; there is nothing about the operating characteristics of the proposed drive through that would be detrimental to the surrounding properties or persons; and the subject site is surrounded by existing or planned commercial and recreational uses, it is the opinion of City staff that the request meets the findings for granting a Use Permit.

Section 4-2-2 (Convenience Uses) of the Zoning Ordinance requires evaluation of additional criteria for convenience uses regarding their potential impact on traffic congestion, the neighborhood in general, and their appropriateness for the site. The following section contains Staff's analysis and findings of this Use Permit application based upon the review criteria outlined in Section 4-2-2 of the Ordinance:

- 1. Adequacy of the parcel size and configuration to provide proper access and internal circulation.*

The site of the proposed McDonald's Drive Through is a 0.74-acre development-ready commercial pad within the 22-acre Mountain Ranch Marketplace commercial center at the northwest corner of Estrella Parkway and Elliot Road. The commercial pad is adjacent to the primary center access drive which is off of Elliot Road, and is also served by internal connections to the balance of Mountain Ranch Marketplace. The site is adequate to accommodate the proposed building, drive through lanes, and required off-street parking and landscaping. The site also benefits from cross access and parking easements which allow use of driveways and parking spaces in the center.

2. *Compatibility of proposed hours of operation with adjacent residential areas (hours of operation to be indicated in narrative).*

McDonald's is proposing to be operational 24 hours a day, 7 days a week as part of McDonald's national program to be responsive to its customers, however, the implementation of extended hours is evaluated based on local customer demand. Separation of land uses in the Estrella community, landscape buffers, and nighttime lighting restrictions should minimize any negative impacts from the proposed McDonald's Drive Through on the residential development in Estrella. The closest residential lot to the northwest is approximately 1,050 feet from the commercial pad and is separated from the pad by the existing in-line commercial center and the intervening hillside. The closest residential home to the southeast is approximately 950 feet from the commercial pad and is separated from the pad by the Estrella Parkway/Elliot Road intersection and vacant parcels on either side of the intersection that have been approved for commercial development. Neighboring residential areas appear to be reasonably separated and buffered from the proposed drive through restaurant use.

3. *Required traffic and access mitigation measures, if any which may include:*
  - a. *Additional right-of-way.*
  - b. *Off-site traffic mitigation measures.*
  - c. *Restriction of some traffic movements through signs or other measures.*
  - d. *Segregation of queuing lanes, vehicle access and pedestrian circulation areas.*
  - e. *Cross-access easements.*
  - f. *Driveway locations.*

Vehicular access to the McDonald's Drive Through will be provided via the primary Mountain Ranch Marketplace access drive which is off of Elliot Road. Access will also be provided by internal connections to the balance of the center. There is an existing deceleration lane at the access drive into the center from Elliot Road, as well as a left-turn-in median opening. Mountain Ranch Marketplace is also accessed by two drives off of Estrella Parkway and two drives off of San Gabriel Drive on the west side of the center. The other center access drives also have existing deceleration lanes, and a traffic signal was recently installed at the northernmost access off of Estrella Parkway.

The City Engineering Department is currently evaluating the McDonald's Drive Through for conformance with the Mountain Ranch Marketplace traffic study previously reviewed and approved. Engineering is also evaluating site visibility within Mountain Ranch Marketplace for customers exiting the center near the McDonald's site, and conducting traffic/pedestrian counts at the San Gabriel and Elliot Road intersection in relation to any impacts that the McDonald's may have. The results of the evaluations and possible mitigation measures, if any, should be available and will be provided by Engineering in one to two weeks. Any vehicular mitigation measures, as well as any pedestrian access mitigation measures, will continue to be evaluated during the Site Plan review process for the McDonald's Drive Through.

4. *Other concerns which may place the advisability of the proposed convenience use in question.*

McDonald's will be required to proceed through the full Site Plan review process to ensure the development is consistent with the approved Mountain Ranch Marketplace Master Site Plan and the Estrella Phase One PAD, as well as the City's adopted Design Guidelines, development standards, codes, and ordinances. The proposed McDonald's Drive Through will also be required to demonstrate pedestrian and vehicular integration with the Mountain Ranch Marketplace commercial center, as well as with adjacent development in the Estrella community, during the Site Plan Review process. Other than the additional traffic evaluations noted in item No. 3, there were no other concerns identified related to the advisability of the proposed convenience use.

The proposed restaurant with drive through will provide an additional dining establishment and an employment opportunity for the Estrella community, as well as an increase in retail sales and construction tax revenues for the City.

#### **FUNCTIONAL/DEPARTMENTAL IMPACT:**

##### **Phoenix-Goodyear Airport:**

The proposed McDonald's Drive Through will not negatively impact the operations of the Phoenix-Goodyear Airport. The project site is located outside of the vicinity of the airport.

##### **Luke Air Force Base:**

The proposed McDonald's Drive Through will not negatively impact the operations of Luke Air Force Base. The project site is located outside of the prescribed boundary for territory within the vicinity of a military airport.

##### **Fire Response:**

Mountain Ranch Marketplace is served by Fire Station No. 182 located at the northeast corner of Estrella Parkway and W. Spring Drive, approximately one-half mile south of the commercial center.

**Police Services:**

The proposed McDonald's Drive Through will be located within an existing patrol beat and the current level of service within the patrol beat can accommodate the use.

**Streets/Access:**

The most direct vehicular access to the McDonald's Drive Through commercial pad will be via the Elliot Road entrance drive into Mountain Ranch Marketplace. The commercial pad may also be accessed internally from other areas of the Mountain Ranch Marketplace parking lot.

**PREVIOUS ACTIONS AND DISCUSSION:**

**Mountain Ranch Marketplace Approval:**

On April 4, 2008, City Staff approved the Mountain Ranch Marketplace master site plan for the development of an approximately 165,000-square foot commercial center on 22 acres at the northwest corner of Estrella Parkway and Elliot Road within the Estrella community. The approved site plan provided for a mix of in-line development and pad development to include approximately 140,000 square feet of retail space and 25,000 square feet of restaurant space. To date, the approximately 50,000-square foot Safeway grocery store has been built, along with approximately 41,000 square feet of additional in-line retail space including an approximately 10,000-square foot educational facility and approximately 5,300 square feet of restaurant space.

A Chase Bank with drive through tellers and a Walgreens with a drive through pharmacy have been developed on two commercial pads fronting on Estrella Parkway. The drive through lanes for the bank were approved by right, pursuant to the underlying C-2, General Commercial zoning district, as part of the master site plan for the center. The Use Permit for the Walgreens drive through pharmacy was approved by City Council on August 25, 2008, and the site plan was approved by Staff on October 29, 2010.

Currently, a Use Permit is being requested for a convenience use (McDonald's Drive Through) on a development-ready commercial pad adjacent to the Elliot Road access drive into Mountain Ranch Marketplace.

**Citizen Review Meeting:**

In accordance with the City's Citizen Review Process, on Monday, December 17, 2012, City staff conducted a Citizen Review meeting at the Starpointe Residents Club. Approximately three dozen members of the community attended the meeting which was conducted in an open house format. Representatives from McDonald's, Mellon & Sons (the operators of several McDonald's franchises in the Valley), Kitchell Development (the Mountain Ranch Marketplace developer), Newland Communities, KDF Architectural Group, and Butler Architects spent approximately two hours at the meeting discussing the proposal, reviewing site plans and elevation drawings, and answering questions asked by the community. City staff also answered questions from the community regarding the approval process for the Use Permit and the Site Plan that will follow.

There were some residents in favor of the proposed use and some opposed. The majority of the comments made by the community were negative opinions regarding McDonald's and were

accompanied by requests for other uses, such as, Trader Joe's, restaurants similar to the Verrado Grille, and mom & pop operations, rather than chain restaurants. The project representatives were very courteous and did their best to assure the community that McDonald's wants to be a member of their community. The representatives discussed their healthy menu items, as well as efforts made to lessen the impact on the community. Discussions were held about locating trash receptacles beyond the immediate restaurant parcel, such as through-out the commercial center and even locating receptacles at trail heads and other recreational areas in the community. A discussion was also held about donating some proceeds to support the efforts of the community group that picks up trash throughout Estrella.

### **Planning and Zoning Commission Meeting:**

The Planning and Zoning Commission considered the request for a Use Permit for the drive through at its meeting on January 16, 2013. The Commission requested and received confirmation from Staff that a restaurant is a Permitted Use in the C-2, General Commercial zoning district and that restaurants were identified on the Mountain Ranch Marketplace master site plan as a permitted use. The Commission also discussed McDonald's request for approval of 24/7 operations. Dan Filuk, McDonald's representative, indicated that this is a standard request made in every jurisdiction in which McDonald's locates, but that implementation is based upon whether the hours are warranted by the center and community in which the restaurant is located.

Three (3) Estrella residents spoke in opposition to the McDonald's, voicing their opinions that Estrella does not need the commercialization of McDonald's, that the restaurant will destroy the resort lifestyle of Estrella, and questioned the need for another McDonald's on Estrella Parkway. The three (3) residents also cited their concerns regarding vehicular and pedestrian access to the restaurant, incompatibility with surrounding land uses, and the possibility of loitering and robberies. One Estrella resident stated that she had no objection to the McDonald's and that she believed in free enterprise and that all restaurants should be allowed.

Since there were objections voiced at the Planning and Zoning Commission meeting, a second public hearing will be held by the City Council. Notice of the City Council meeting was published, notices were mailed to surrounding property owners, and the site was posted.

### **FISCAL IMPACT:**

The City of Goodyear will receive construction sales tax and retail sales tax from the McDonald's Drive Through. No additional fiscal impact is anticipated from this project.

### **ATTACHMENTS:**

1. Project Narrative dated January 8, 2013
2. Aerial Photo
3. Conceptual Site Plan
4. Conceptual Building Elevations