

AGENDA ITEM # _____

DATE: April 13, 2015

COAC NUMBER: 15-5575

**CITY OF GOODYEAR
CITY COUNCIL ACTION FORM**

**SUBJECT: USE PERMIT FOR A
CONVENIENCE USE “TACO BELL
DRIVE THROUGH” AT MOUNTAIN
RANCH MARKETPLACE WITHIN THE
ESTRELLA PHASE ONE PLANNED
AREA DEVELOPMENT (PAD) ZONING
DISTRICT**

STAFF PRESENTER: Karen Craver, AICP
Planner III

APPLICANT: Jeff Looker,
Looker & Cappello Architects

CASE NUMBER: 14-300-00006

RECOMMENDATION:

Approve a request for a Use Permit to allow a convenience use (Taco Bell Drive Through) at Mountain Ranch Marketplace, located 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:

1. Development and use of the site shall be in substantial conformance with the project narrative dated February 12, 2015, and the conceptual site plan and building elevations for the Taco Bell Drive Through, as submitted with the Use Permit application;
2. 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;
3. The site plan, building elevations, and signs for the Taco Bell Drive Through shall be consistent with the approved Mountain Ranch Marketplace Master Site Plan & Elevations and the Mountain Ranch Marketplace Comprehensive Signage Package; and,
4. The development of the Taco Bell Drive Through shall provide for pedestrian and vehicular integration with the adjoining Mountain Ranch Marketplace commercial center.

PURPOSE:

The Use Permit is being requested to allow a convenience use (Taco Bell Drive Through) on a 0.57 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 & 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.

Historical Information:

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 9,200 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. The Use Permit for the McDonald's drive through developed on a commercial pad fronting Elliot Road was approved by City Council on February 25, 2013.

Community Benefit:

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.

DISCUSSION:

Background:

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: The Banner Estrella medical office building 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:

A Use Permit for a convenience use is being requested to facilitate the development of a Taco Bell Drive Through on a 0.57-acre 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 Taco Bell intends to develop the subject property. Taco Bell is also requesting approval to be operational 7 a.m. to midnight, Monday through Sunday.

The 2,496 square foot restaurant will have an indoor dining facility that will seat approximately 50 patrons and will have a single-lane drive through. On-site parking will be provided with a total of 28 standard spaces and two ADA parking spaces. The sign package, to be submitted separately, will include monument, directional, drive through, and building signs. The contemporary Taco Bell 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 commercial pad buildings, including a double column trellis structure over the drive through lane.

Prior to commencement of construction, Taco Bell will be required to proceed through the full Site Plan review process to ensure development of the restaurant 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. Taco Bell 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 and Findings:

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 Taco Bell 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 commercial pad within the 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 a drive through. 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 Taco Bell Drive Through and the existing Mountain Ranch Marketplace commercial center provides for adequate vehicular and pedestrian access to the proposed use. Taco Bell will provide parking per the City Zoning Ordinance on its leased parcel, and additional parking constructed with the initial development of the commercial center is available through the utilization of a cross access agreement.

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; that there is nothing about the operating characteristics of the proposed drive through that would be detrimental to the surrounding properties or persons; and that the commercial center 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 Taco Bell Drive Through is a .57-acre 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 on the west side of the primary center access drive off of Elliot Road, and is also served by internal connections to the balance of Mountain Ranch Marketplace.

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

Taco Bell is requesting approval to be operational from 7 a.m. to midnight, Monday through Sunday. Separation of land uses in the Estrella community, landscape buffers, and night-time lighting restrictions should minimize any negative impacts from the proposed Taco Bell 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.

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 Taco Bell Drive Through will be provided via the primary Mountain Ranch Marketplace access drive off of Elliot Road. Access will also be provided by internal connections with the balance of 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. Additional vehicular mitigation measures, as well as pedestrian access mitigation measures, will be evaluated during the Site Plan review process.

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

Taco Bell 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 Taco Bell 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.

Departmental Impacts:

Mountain Ranch Marketplace is served by Goodyear 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. The center is also within an existing Goodyear Police patrol beat and the current level of service within the patrol beat can accommodate the Taco Bell drive through.

Other City departments and outside agencies should not be negatively affected by the Taco Bell drive through.

PREVIOUS ACTIONS AND DISCUSSION:

Citizen Review Meeting:

In accordance with the City's Citizen Review Process, on Wednesday, February 25, 2015, City staff conducted a Neighborhood Meeting at the Starpointe Residents Club. In addition to the postcards that were mailed to the owners of property within 500 feet of Mountain Ranch Marketplace on February 5, 2015, and the legal ad that appeared in the Arizona Republic on February 6, 2015, the City also asked the Estrella Community Association to notify residents via an email blast sent out to members of the community.

Approximately fourteen members of the community attended the meeting which was conducted in an open house format. Representatives from the Taco Bell franchisee, Kitchell Development (the Mountain Ranch Marketplace developer), Newland Communities, and Looker & Cappello 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. Two members of the City Council also attended and answered questions from the community.

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 Taco Bell 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 Taco Bell wants to be a member of their community.

Planning and Zoning Commission Meeting:

The Planning and Zoning Commission considered Taco Bell's request for a Use Permit at their meeting on March 18, 2015. Notice for the public hearing included a postcard mailed to the owners of property within 500 feet of Mountain Ranch Marketplace on February 19, 2015; a legal notice published in the Arizona Republic on February 27, 2015; and a notice of public hearings sign posted on the property on March 2, 2015.

After a presentation by City staff, and then a presentation by the architect for Taco Bell, the Planning and Zoning Commission had no questions, and no one from the public was present for the hearing on the Use Permit for the Taco Bell drive through. The Commission unanimously, by a vote of 7 to 0, then voted to recommend that the City Council approve the Use Permit.

Public Contact with City Staff:

To date, City staff has received 14 emails from members of the Estrella community who do not want a Taco Bell restaurant at Mountain Ranch Marketplace. Their emails did not address the requested Use Permit for the drive through. Staff has also received 7 emails from members of the Estrella community who do want a Taco Bell restaurant at Mountain Ranch Marketplace. Their emails cited Taco Bell as a place for community students to get together and to work, but did not address the requested Use Permit for the drive through.

FISCAL IMPACT:

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

ATTACHMENTS:

1. Project Narrative dated February 12, 2015
2. Context Site Plan
3. Aerial Photo
4. Conceptual Site Plan
5. Conceptual Building Elevations