

Memorandum

To: Planning Commission Members
From: The Development Department
CC: Honorable Members of City Council, Clerk of Council, City Departments
Date: June 29, 2012
Re: Staff Report for McDonald's – Special Use Permit (Outdoor Seating)

Item #2 – McDonald's – Special Use Permit (Outdoor Seating) (PID# 201205290024)

Application: Special Use Permit
Location: 3370 Broadway
Applicant: **Cynthia Nolde, GPD Group**
Zoning: C-2
Use: Restaurant

Relevant Code Section(s):

- 1135.09 (b) (12) Special Use Permits

Project Summary:

The applicant is proposing to install an outdoor seating area for the McDonald's located at 3370 Broadway, at the corner of Broadway and Parlin Drive. The seating area will be located on the north side of the restaurant, fronting Parlin Drive and will be approximately 400 square feet in area. A 32" decorative fence will border the seating area and a landscape bed will be located between the fencing and the curb to create separation from the drive aisle. Four table and chair sets are proposed to be located in the seating area, with planters to add visual interest. Tables and chairs will have aluminum frames with a bronze finish with weathered wood inserts. Fencing will have a matching bronze finish.

Code Analysis:

Per Section 1135.09, the Planning Commission is responsible for reviewing Special Use Permit requests and recommending approval, approval with modifications or denial to City Council based on findings of compliance with the standards and requirements of this Code (*see relevant code sections*) and subject to the conditions established by the Planning Commission to ensure compliance with the letter and intent of this Code. The following is the Development Department's evaluation based on code standards and requirements.

1. *The proposed use shall be in harmony with the existing or intended character of the district and nearby affected districts and shall not change the essential character of the districts;*

Standard is Met: The proposed outdoor seating area will not, in the opinion of staff, change the character of the district or that of nearby districts. The site is bordered by multi-family residential to the east, and commercial to the north west and south.

2. *The proposed use shall not adversely affect the use of adjacent property;*

Standard is Met: The proposed outdoor seating area will not affect the use of adjacent property. The site is well screened from the adjacent residential area to the east and materials do not indicate that speakers will be utilized in the seating area.

3. *The proposed use shall not adversely affect the health, safety, morals, or welfare of persons residing or working in the neighborhood;*

Standard is Met: The proposed outdoor seating area will not adversely affect the health, safety, morals, or welfare of persons working in the neighborhood. A residential district is located approximately 80 feet from the proposed outdoor seating area, to the east; however the applicant has not indicated that speakers or additional lighting will be installed within the seating area that could potentially impact the residential area. Furthermore, the site is already screened from the residential area with fencing and supplemental landscaping.

4. *The proposed use shall be served adequately by public facilities and services such as, but not limited to, roads, police and fire protection, storm water facilities, water, sanitary sewer, and school;*

Standard is Met: The proposed outdoor seating area will not place any further demand on public services.

5. *The proposed use shall not impose a traffic impact upon the public right-of-way significantly different from that anticipated from permitted uses of the district;*

Standard is Met: The outdoor seating area will not impact the public right-of-way.

6. *The proposed use shall be in accord with the general and specific objectives, and the purpose and intent of this Zoning Code and the Land Use Plan and any other plans and ordinances of the City;*

Standard is Met: The use is in accordance with the intent of all applicable code requirements and ordinances of the City.

7. *The proposed use complies with the applicable specific provisions and standards of this Code;*

Standard is Met: The use is in accordance with the intent of all applicable code requirements.

8. *The proposed use shall be found to meet the definition and intent of a use specifically listed as a special use in the district in which it is proposed to be located;*

Standard is Met: The site is located in the C-2 district, in which outdoor seating associated with eating and drinking establishments is permitted with a Special Use Permit.

9. *A completed application indicating the Specific Special Use permit activity intended by the applicant shall be submitted to the Department of Development by the Council approved submittal dates;*

Standard is Met: The applicant properly submitted a completed application.

Recommendation(s):

After review and consideration, the Development Department recommends Planning Commission make a recommendation of approval to City Council for the Special Use Permit with the following stipulation:

1. The applicant shall work with the Urban Forester to determine appropriate landscaping between the fencing and the drive aisle.