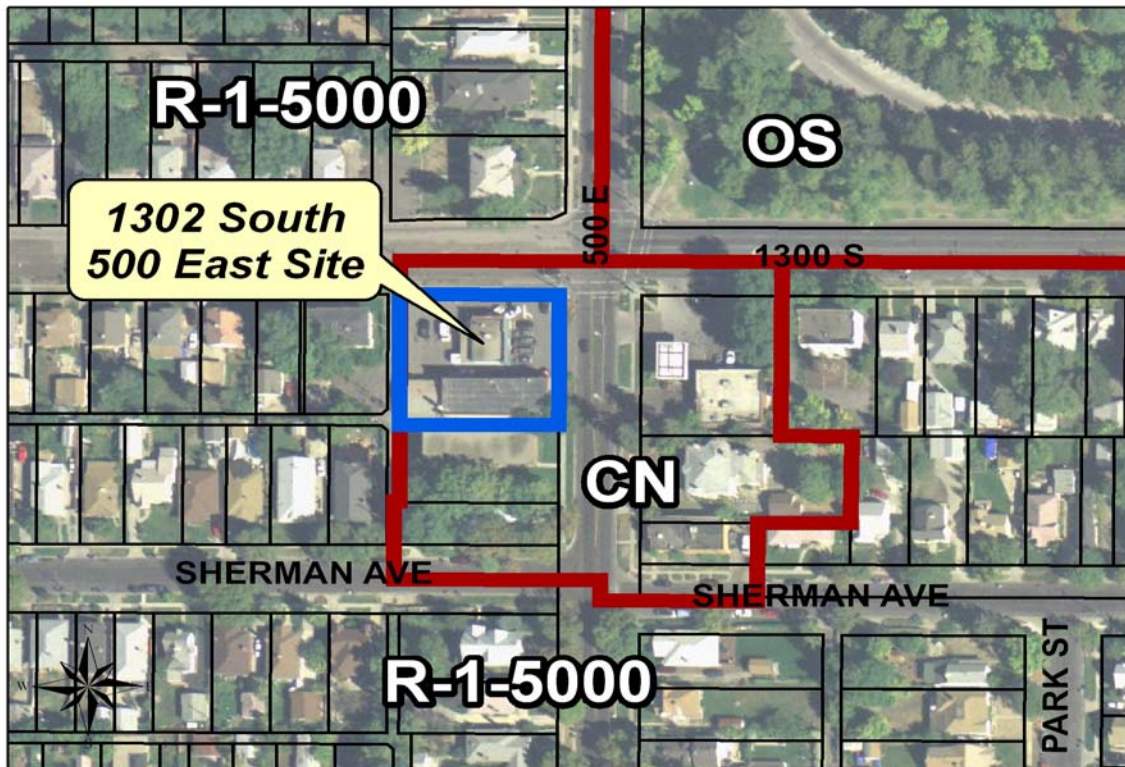


DATE: February 28, 2007
TO: Salt Lake City Planning Commission
FROM: Marilyn Lewis, Principal Planner
RE: Planning Commission Hearing for Petition 410-06-40
Conditional Use in the CN (Neighborhood Commercial) Zoning District

ACTION:
The Planning Commission must make a determination as to whether or not approve this conditional use request to allow a drive-through for an existing commercial structure.

CASE NUMBER: 410 -06-40
COUNCIL DISTRICT: District 5
APPLICANT: Mr. James Watts
STATUS OF APPLICANT: Holds a lease on the existing commercial site.
PROJECT LOCATION: 1302 South 500 East Street



PROJECT/PROPERTY SIZE: 16-07-495-027-0000 located on a 0.39 acre parcel.

SURROUNDING ZONING DISTRICTS:

North R-1/5000 (single-family)
South CN (Neighborhood Commercial)
East CN (Neighborhood Commercial)
West R-1/5000 (single-family)

SURROUNDING LAND USES:

North Single-family residences
South Apartment Building
East Convenience Store
West Multi-family residences

REQUESTED ACTION:

Petition 410-06-40 is a request by Mr. James Watts for conditional use approval of a conditional use to allow a drive-through for an existing commercial site.

PROPOSED USE(S):

The proposed use is a drive-through facility for a coffee shop (retail goods establishment).

APPLICABLE LAND USE REGULATIONS:

Section: 21A.26.040 CN Neighborhood Commercial District

The CN neighborhood commercial district is intended to provide for small scale district uses that can be located within residential neighborhoods without having significant impact upon residential uses.

Section: 21A.26.080 Table of Permitted And Conditional Uses For Commercial Districts – Retail goods establishments are a permitted use, and retail goods establishments with drive-through facilities are allowed as conditional uses within the neighborhood commercial zoning district.

MASTER PLAN SPECIFICATIONS:

The Central City Community Master Plan Future Land Use Map identifies the subject property for neighborhood commercial uses.

SUBJECT PROPERTY HISTORY:

The site has been used commercially since 1957 when there was a gasoline service station and a variety of other commercial uses. The 0.39 (with certified addresses of 1302 S. 500 East and 1314 South 500 East) acre parcel and all of the structures are owned by Robert Hogle. The applicant has a five year lease agreement with the property owner.

ACCESS:

The site has two existing 40' drive entrances from 1300 South Street and one existing 50' drive entrance from 500 East Street. The vehicular access to the site will continue to be from 1300 South Street and 500 East Street.

PROJECT DESCRIPTION:

The applicant wishes to add a drive-through window to the rear (south) façade of the existing commercial structure.

COMMENTS, ANALYSIS AND FINDINGS:

COMMENTS

Included in this report are responses and comments from the Liberty Wells and Central City communities, as well as the pertinent City Departments and Divisions.

a. Open House

The site is located in the overlap area between the Central City and the Liberty Wells Community Councils. Therefore, the Planning Division held an Open House on February 9, 2007 to obtain public input on this conditional use. Four residents attended the open house and they are opposed to allowing the drive-through. Their main concern is the potential for congestion at the intersection. Those comments are included in Exhibit 2.

b. Permits Office

The Permits Office reviewed the request and provided the following comments: This proposed change of use from a consignment retail shop to a Bada Bean Coffee Shop with a drive-through window was reviewed at a Development Review Team meeting held on June 27, 2006. The preliminary zoning review included the following issues:

1. Provide parking calculations. This is necessary to verify that the required number of parking stalls are maintained on the site and are not lost due to the new drive-thru.
2. Transportation Division approval required for all parking and traffic-related issues.
3. Engineering Division approval required for all public way improvement issues.

c. Public Utilities

- Public Utilities received and reviewed the petition and offer the following comments;
- The existing sewer, water and storm drain systems will remain in place and continue to provide service to the new coffee shop.

- A sanitary sewer grease interceptor may be required if food preparation is performed on site.
- The developer will be required to complete a PU-1 form and return it to their office to determine if a grease interceptor will be required. The form is available at their office. If the grease interceptor is required then a site utility plan must be submitted to our office for approval.

d. Police

The information was submitted to the Police Department for comment. No response was received from the Police Department.

e. Engineering

The information was submitted to the Engineering Department for comment. No response was received from the Engineering Department.

f. Fire

The Fire Department reviewed the project and has no objections to this proposal.

g. Zoning Enforcement

Zoning Enforcement reviewed the project and determined that the requested drive-through window for the restaurant will not have an impact on services provided by Housing and Zoning Enforcement.

h. Transportation Division

The Transportation Division review comments and recommendations are as follows: The preliminary parking and circulation layout presented (11/13/06) along with the drive up window proposal showing five car stacking, two lanes (3&2 cars) each and indicated minimum dimension needed for approval.

The review status is that the site was retail and is to remain retail with no change of status. The DRT review comments requested a full site plan showing existing parking and existing use etc. with parking calculations etc., in order to show that there are no conflicts to available parking or intensification with this proposal. Transportation reviewed the parking tabulation and determined that there was sufficient parking provided.

ANALYSIS AND FINDINGS

The Planning Commission must make a determination on whether or not the Conditional Use for the drive-through meets the criteria listed in the zoning ordinance as stated below.

21.54.080 Standards for Conditional Uses.

- A. The proposed development is one of the conditional uses specifically listed in this Title.**

Discussion: In the CN (neighborhood commercial) zoning district a retail goods establishment with a drive-through facility is permissible only through the conditional use process.

Finding: The applicant has applied for a conditional use approval to construct a drive-through to the existing commercial structure.

B. The proposed development is in harmony with the general purposes and intent of this Title and is compatible with and implements the planning goals and objectives of the City, including applicable City master plans.

Discussion: The Futures Commission Report identifies the need to nurture and encourage small businesses and entrepreneurship. The Central City Community Master Plan designation of Neighborhood Commercial provides for small-scale commercial uses that can be located with residential uses without having significant impacts on them. The Central City Community Future Land Use Map shows the area of the subject site as being included in the Neighborhood Commercial area.

Finding: The Central City Community Master Plan identifies land in the southwest and southeast quadrants of the 1300 South and 500 East Street intersection for neighborhood commercial usage. The future land use map also identifies this area for commercial use. By co-locating small commercial business in established commercial business zoning districts, the potential for expansion into nearby residential areas can be avoided. This petition is in keeping with that intent, and is compatible with the planning goals and objectives of the City.

C. Streets or other means of access to the proposed development are suitable and adequate to carry anticipated traffic and will not materially degrade the service level on the adjacent streets.

Discussion: The site was originally a gasoline service station, with three existing curb cut entrances. There will be no entrances added or removed. The Transportation Division has reviewed the project and did not identify any increased impacts on 1300 South Street or 500 East Street, due to the proposed drive-through.

Finding: Therefore, the proposed drive-through will not materially degrade the service level on 1300 South Street or 500 East Street.

D. The internal circulation system of the proposed development is properly designed.

Discussion: The plan shows no conflict with on-site circulation. The existing site plan shows 21 parking spaces and 1 accessible parking space. Revision to the

parking layout, to accommodate the drive-through shows 16 regular parking spaces and 1 accessible parking space.

Above the Ashes (retail 1500 sqft)	5
Bada Bean Coffee Shop (retail 1347sqft)	4
<u>Door and Window (retail 1000 sqft)</u>	<u>3</u>
Total Spaces Required by use	12

Existing Spaces	21
<u>Eliminated for drive-through</u>	<u>- 5</u>
Remainder	16
Total Spaces Provided on plan	16

There will be no changes made to site access. The existing driveways will not be disturbed. The applicant proposes to have an 18' wide drive-through adjacent to the existing buildings, in order to disturb only a small portion of the existing overall site and its interior circulation.

Finding: Of the 21 existing parking spaces, 5 will be eliminated to provide stacking and circulation for the drive-through facility. The required 50' stacking distance from the back of the curb of the entrance on 1300 South Street is shown on the plan, as well as how vehicles will be directed through the site. Five vehicles are able to stack in the 18' wide drive aisles for the drive-through window. Vehicles are allowed to double stack. The Transportation Division reviewed the parking tabulation and determined that there will be sufficient parking on the site. Their comments are included in Exhibit 1.

E. Existing or proposed utility services are adequate for the proposed development and are designed in a manner that will not have an adverse impact on adjacent land uses or resources.

Discussion: Public Utilities found that all of the existing water, sanitary sewer and drainage facilities are adequate to service the existing use, as well as the proposed drive-through facility.

Finding: The proposed facilities will be required to meet all City standards. Public Utilities had no further issues with the site.

F. Appropriate buffering is provided to protect adjacent land uses from light, noise and visual impacts.

Discussion: The subject project is a commercial use on a commercial site. There is no change of use or intensification to the site associated with this conditional use request.

Finding: Since there is no change of use or intensification. Therefore, no additional buffering is required for this site.

G. Architecture and building materials are consistent with the development and compatible with the adjacent neighborhood.

Discussion: There will be no changes to the existing commercial structures with the exception of the drive-through window. There are photos of the building in Exhibit 5.

Finding: The proposed project is a small-scale commercial use that occupies an existing commercial structure. The applicant will cut the drive-up window into the rear façade of the existing structure. Therefore the use is compatible and consistent with the development pattern of the adjacent neighborhood.

H. Landscaping is appropriate for the scale of the development.

Discussion: The proposal does not alter the existing site. Striping of the parking lot may change to clearly show the drive-through stacking area and parking spaces. The site does not show any existing landscaping other than what is provided in the adjacent park strips. Photographs of the site are included in Exhibit 5.

Finding: The subject project is a commercial use on an urban commercial site. There is no change of use or intensification to the site associated with this conditional use request. Since there is no change of use or intensification associated with this request. The existing level of landscaping is appropriate for the site.

I. The proposed development preserves historical architectural and environmental features of the property.

Discussion: The existing adjacent structures are not listed as a historical resource, nor are they located within an historic district. There are no environmental features regulated on this site.

Finding: The existing adjacent structures are not located in a designated historic district or designated as an individual landmark site. The site does not contain any specific historic or environmental features that will require preservation or mitigation.

J. Operating and delivery hours are compatible with adjacent land uses.

Discussion: The main hours of operation of the restaurant will be from 6:00 am to 10:00 pm, daily. Deliveries to the site will occur during the main hours of operation.

Finding: The operating and delivery hours are similar to the other businesses in the area. Deliveries to the site will occur during the normal hours of operation.

- K. The proposed conditional use or, in the case of a planned development, the permitted and conditional uses contained therein, are compatible with the neighborhood surrounding the proposed development and will not have a material net cumulative adverse impact on the neighborhood or the City as a whole.**

Discussion: The proposed conditional use request is to locate a drive-through on an existing commercially zoned site.

Finding: The proposed drive-through for the existing commercial structure, is compatible with its surroundings, as well as the existing land use zone, and does not create any cumulative adverse impacts for the neighborhood or the City.

- L. The proposed development complies with all other applicable codes and ordinances.**

Discussion: This project is in an existing commercially zoned district, on an existing commercial site. Comments have been received from the various departments and divisions they are included in Exhibit 1. Some will need to be addressed prior to the issuance of any new building permits.

Finding: All pertinent City codes must be met prior to the issuance of a building permit.

RECOMMENDATION:

Based on the Findings of fact, Staff recommends that the Planning Commission approve this Conditional Use request with the following conditions:

Conditions of Approval

1. Standard permit plan review process is required for compliances with Fire, Engineering, Public Utilities and Transportation.

Marilynn Lewis, Principal Planner
Planning Division

Attachments:

- Exhibit 1 – Comments from City Departments
- Exhibit 2 – Open House and Community Comments
- Exhibit 3 – Copy of Lease Agreement
- Exhibit 4 – Proposed Site Plan
- Exhibit 5 – Photos of the Site

Exhibit 1

Comments from City Departments

Exhibit 2

Open House and Community Comments

Exhibit 3

Copy of Lease Agreement

Exhibit 4

Proposed Site Plan

Exhibit 5

Photos of the Site