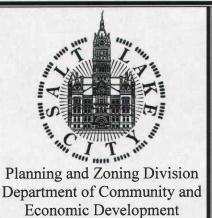
PLANNING COMMISSION STAFF REPORT

Red Moose Roasting and Coffee

Drive up window Conditional Use PLNPCM2008-0003

1693 South 900 East

March 25, 2009



Applicant: Rob Karas and Teresa Nelson

<u>Staff:</u> Nick Norris 535-6173 nick.norris@slcgov.com

Tax ID: 16-17-181-005

Current Zone: CN
Neighborhood Commercial
Master Plan Designation:
Central Community Master Plan:
Neighborhood Commercial
Council District: Five,
represented by council member
Jill Remington Love

Lot Size:

13,500 square feet

Current Use: Vacant building.

Applicable Land Use Regulations:

- 21A.26.020
- 21A.54

Notification

- Notice mailed on February 24, 2009
- Sign posted on March 1, 2009
- Agenda posted on the Planning Division and Utah Public Meeting Notice websites February 24, 2009

Attachments:

- A. Site Plan
- B. Photographs
- C. Citizen Input
- D. Additional Applicant Information
- E. 1/4 mile Radius Map

Request

The applicant is request conditional use approval to install a drive up window for a restaurant type of land use located on the subject property. The restaurant use is a permitted use in the CN Neighborhood Commercial zoning district. However, a drive up window requires a conditional use. The Planning Commission has the final authority on conditional uses.

Staff Recommendation

Based on the findings listed in the staff report, it is the Planning Staff's opinion that overall the project generally meets the applicable standards and therefore, recommends the Planning Commission approve, with the following conditions:

- 1. That the applicant reduce the width of the drive approaches as recommended by the Transportation Division;
- 2. That a direct pedestrian path between the public sidewalk and the primary entrance to the building be included;
- 3. That a landscaping buffer that complies with Zoning Ordinance section 21A.48.070 be installed adjacent to the fence along the east property line.
- 4. That the applicants install a sign on their property line directing motorists to turn off their engines while waiting in line at the drive thru.

VICINITY MAP



Background

Project Description

The subject property has historically been used as a retail/restaurant. The applicants are in the process of opening a coffee shop in the building, which is currently vacant. As part of their business operation, the applicant is proposing to install a drive up window on the south side of the building.

The subject property is approximately 0.31 acres (13,500 square feet) in size. The applicants are proposing to utilize the existing building. The subject property currently has four vehicular access points: two along 900 East and two along 1700 South. The applicants propose no planned changes to the access points. The sidewalks and curb ramps along 900 East are currently being reconstructed by the City. The curb ramp at the northeast corner of 900 East and 1700 South is currently a high back curb that is not ADA compliant. As part of the 900 East improvements, a curb ramp will be installed so that the crosswalk is ADA accessible. The proposed use is similar to the previous use and therefore no additional parking is required. The proposed drive up window will not require the removal of any existing parking. There is no pedestrian walkway connecting the primary entrance of the building to the sidewalk

Comments

Public Comments

A public open house was held on January 29, 2009. An open house was held because the subject property is located on the boundary of two community councils: East Central and Sugar House. Approximately five people attended the open house. Staff received several comments from the public as a response to the public notice for the open house. The written comments are attached to this staff report (Attachment C). The comments were generally in support of the coffee shop, but opposed to the drive thru. Those that were opposed to the drive thru cited existing traffic issues on 1700 South and 900 East, maintaining the pedestrian friendly environment that exists in the area, idling cars and their impact on air quality, the potential conflicts with pedestrians at the driveways, particularly to school children walking to and from school, the stacking of vehicles waiting in line at the drive thru and other similar concerns.

City Department Comments

The comments received from pertinent City Departments / Divisions are below. The Planning Division has not received comments from the applicable City Departments / Divisions that cannot reasonably be fulfilled or that warrant denial of the petition.

Building Permits: (Timothy Burke) This Initial Building Code Review is based upon the Site Plan (1-11x17 sheet) dated 12/11/08:

- 1. All existing exterior accessibility elements shall be verified they are in acceptable condition. All accessibility elements related to any new work will be required.
- 2. The accessible parking space needs to be revised to be van accessible (11 ft. wide x 20 ft. long) <u>plus</u> an access aisle (5 ft. wide x 20 ft. long). The access aisle shall adjoin the accessible route to the building's main (accessible) entrance.

Zoning Review (Alan Hardman):

- 1. Transportation approval required for new parking lot layout and drive-thru stacking.
- 2. Engineering approval required for compliance with 900 East street reconstruction project.
- 3. Provide dumpster enclosure location and screening per 21A.48.120.
- 4. Building code approval required.

Transportation: (Barry Walsh) The divisions of transportation review comments and recommendations are for approval per compliance with city ordnances as follows:

The site plan needs to show the required five car stacking for the proposed drive thru. Per my redline PDF sketch the driveways need to be relocated and defined to comply with the city code 21A.04.060 b2 to be 50 feet away from the intersection. There is a current city project 102126 to repair and replace curb and gutter, driveways, etc. (sheet RD-11 & Rd-12) along 900 East roadway that presents an opportune time to make these revisions. The sketch proposes an additional two parking stalls to the site as well as added landscaping.

Engineering: (Craig Smith) There are no public way issues, therefore, our department has no comment. However, if the width of the drive approaches are required as part of the conditional use approval, then a public way permit is required.

Public Utilities: (Justin Stoker) Public Utilities has reviewed the proposal and has no objection to the proposed Drive-Thru.

Fire: (Ted Itchon) No issues.

Project Review

The proposed project was reviewed at a Development Review Team meeting on October 23, 2008. The DRT notes that the initial proposal was for a separate drive thru kiosk. The City Department Comments are updates to the DRT comments and apply to the current proposal. All of the City Department comments and requirements must be adhered to if the proposal is approved by the Planning Commission. Due to the nature of the proposal, the applicant was not required to attend a presubmittal meeting with the Planning Division. An internal project review meeting was held on January 29, 2009. Staff review primarily focused on the required process, however, several key issues were identified:

- Whether or not the property had enough room to meet the minimum stacking requirements for drive up windows,
- Whether or not there was enough of a screen to block light from the headlights of vehicles,
- Whether or not a loudspeaker or remote menu board would be used,
- What the internal circulation pattern and the impact on pedestrians and on the public right of ways, and
- That the site plan lacks a direct pedestrian access from the sidewalk to the building entrance.

The applicant indicated that a solid barrier wood fence exists along the east property line that would block the vehicle headlights from shining directly into the adjacent properties. No loudspeaker or remote menu board will be used. The customers would order directly at the drive up window. There is approximately 96 feet of stacking room on the property. This is sufficient space to accommodate up to five vehicles. The Transportation Division reviewed the proposal and did not indicate that there were any issues with the proposed use changing the level of service of 900 East or 1700 South. No on street parking is allowed adjacent to the subject property. The proposed site plan does not indicate a direct pedestrian path from the sidewalk to the primary entrance of the building.

The subject property is located within the Central Community Planning Area. The Future Land Use map in the Central Community Master Plan identifies the property as Neighborhood Commercial. The underlying zoning is consistent with this designation. According to the plan, this designation provides for small scale commercial uses that can be located within residential neighborhoods without having significant impact upon residential uses. Types of uses that are consistent with this designation include, but are not limited to, small businesses such as retail sales and service, small offices and locally owned businesses. Three of the parcels located on the corners of the intersection of 900 East and 1700 South are identified as Neighborhood Commercial. The parcel on the northwest corner is occupied by a large grocery store that is designated as Community Commercial. The two parcels on the south corners of the intersection are within the geographical area of the Sugar House Master Plan.

Analysis and Findings

Options

The Planning Commission has the option of approving, approving with conditions, denying, or continuing the petition. The Planning Division recommendation is stated on the cover page of this report. The Planning Commission can reference staff findings and adopt a motion agreeing with staff's recommendation. The Planning may also adopt additional conditions of approval if they are related to a specific conditional use standard and the purpose of the condition is to mitigate a negative impact related to the proposal. If the petition is approved, the applicant can submit appropriate documentation to obtain all necessary building permits. The building permits would not be issued until after the 30 day appeal period expires.

The Planning Commission, if evidence is presented to warrant it, can find that the proposal will create an impact that cannot be reasonably mitigated and deny the petition. If the Planning Commission denies the petition, any aggrieved party may appeal the Planning Commission decision within 30 days of the Record of Decision.

If the Planning Commission determines that they do not have enough information to make a decision, then they can provide the applicant and/or staff with specific direction on what information is missing and continue the matter until such information can be gathered and presented.

Findings

21A.54.080 B. Specific Standards: A conditional use permit shall be approved unless the evidence presented shows that one (1) or more of the standards set forth in this subsection cannot be met. The Planning Commission, or, in the case of administrative conditional uses, the Planning Director or the Director's designee, may request additional information as may be reasonably needed to determine whether the standards of this subsection can be met.

- 1. Master Plan and Zoning Ordinance Compliance: The proposed conditional use shall be:
 - a. Consistent with any policy set forth in the City-Wide, Community, and Small Area Master plan and future land use map applicable to the site where the conditional use will be located, and
 - b. Allowed by the zone where the conditional use will be located or by another applicable provision of this title.

Finding: The proposed use is consistent with the Future Land Use Map of the Central Community Master Plan and associated policies. The proposed use is allowed as a conditional use in the CN Neighborhood Commercial zoning district. The proposal complies with this standard.

- 2. Use Compatibility: The proposed conditional use shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the Planning Commission shall consider:
 - a. Whether the street or other means of access to the site where the proposed conditional use will be located will provide access to the site without materially degrading the service level on such street or any adjacent street;
 - b. Whether the type of use and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use, based on:

- i. Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets;
- ii. Parking area locations and size, and whether parking plans are likely to encourage street side parking for the proposed use which will adversely impact the reasonable use of adjacent property;
- iii. Hours of peak traffic to the proposed use and whether such traffic will unreasonably impair the use and enjoyment of adjacent property; and
- iv. Hours of operation of the proposed use as compared with the hours of activity/operation of other nearby uses and whether the use, during hours of operation, will be likely to create noise, light, or other nuisances that unreasonably impair the use and enjoyment of adjacent property;
- c. Whether the internal circulation system of any development associated with the proposed use will be designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic;
- d. Whether existing or proposed utility and public services will be adequate to support the proposed use at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;
- e. e. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries, and mechanical equipment resulting from the proposed use; and f. Whether detrimental concentration of existing non-conforming or conditional uses substantially similar to the use proposed is likely to occur, based on an inventory of uses within one-quarter (1/4) mile of the exterior boundary of the subject property.

Finding: The Transportation Division has reviewed the proposed use and is recommending that the drive approaches be reduced in size in order to mitigate the impacts of ingress and egress on 900 East and 1700 South. Reducing the drive approaches will allow for additional landscaping as well as an increase of off street parking. No pedestrian path is indicated on the site plan. Public Utilities has reviewed the proposal and found the existing utilities to be adequate. While there is a six foot high solid wood fence along the east property line, the area in front of the fence is not landscaped. Adding landscaping to this area could reasonably mitigate the impact of glare and noise caused by the drive thru. If a pedestrian path connecting the sidewalk to the primary entrance and landscaping is added along the east property line, the proposal would comply with this standard.

- **3. Design Compatibility:** The proposed conditional use shall be compatible with the character of the area where the use will be located with respect to:
 - a. Site design and location of parking lots, access ways, and delivery areas;
 - b. Whether the proposed use, or development associated with the use, will result in loss of privacy, objectionable views of large parking or storage areas; or views or sounds of loading and unloading areas; and
 - c. Intensity, size, and scale of development associated with the use as compared to development and uses in the surrounding area.
 - d. If a proposed conditional use will result in new construction or substantial remodeling of a commercial or mixed-used development, the design of the premises where the use will be located shall conform to the conditional building and site design review standards set forth in Chapter

21A.59 of this title.

Finding: The proposed use would be compatible with the character of the surrounding area provided landscaping is added along the east property line south of the building and a pedestrian path is provided. The proposed use complies with all zoning requirements related to drive thru windows. The proposed use complies with the Central Community Master Plan. Therefore, the proposed use complies with this standard.

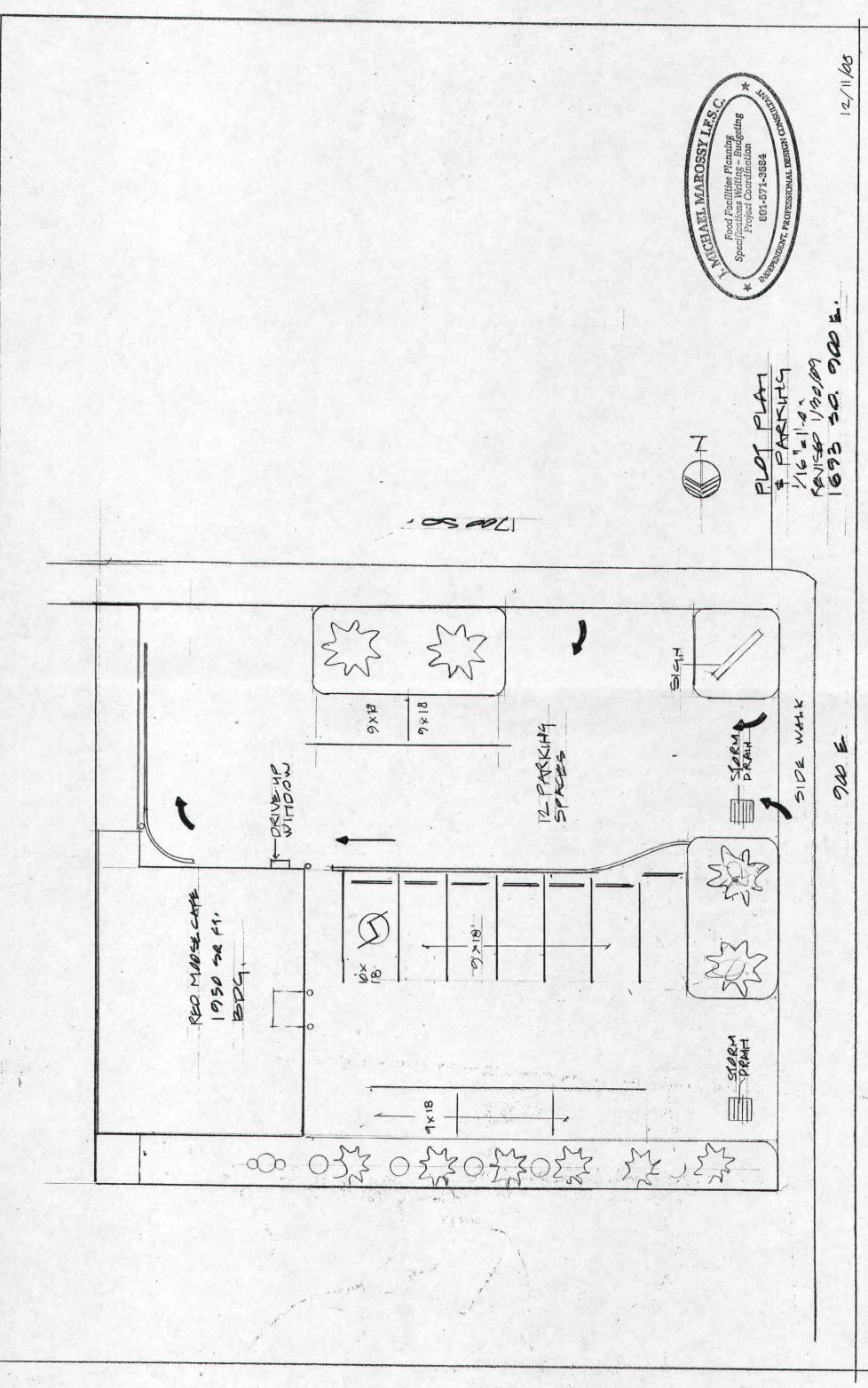
- **4. Detriment to Persons or Property:** The proposed conditional use shall not, under the circumstances of the particular case and any conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious to property and improvements in the community, existing surrounding uses, buildings, and structures. The proposed use shall:
 - a. Not emit any known pollutant into the ground or air that will detrimentally affect the subject property or any adjacent property;
 - b. Not encroach on any river or stream, or direct runoff into a river or stream;
 - c. Not introduce any hazard or potential for damage to an adjacent property that cannot be mitigated;
 - d. Be consistent with the type of existing uses surrounding the subject property; and
 - e. Improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

Finding: The proposed drive thru will produce a situation where cars will be stacked, idling, when waiting in line at the drive thru window. To address this, the applicants could install a sign that instructs motorists to shut off their engine while waiting. Otherwise, the proposed conditional use complies with this standard.

5. Compliance with Other Applicable Regulations: The proposed conditional use and any associated development shall comply with any other applicable code or ordinance requirement.

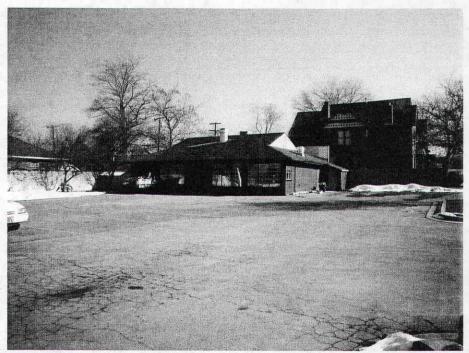
Finding: The proposed drive thru window requires certain building permits. All building permit requirements must be complied with. The ongoing use of the property shall comply with all applicable ordinance requirements, including trash collection, delivery hours, snow removal from the public sidewalks, landscape maintenance, etc. in order to comply with this standard.

Attachment A Site Plan

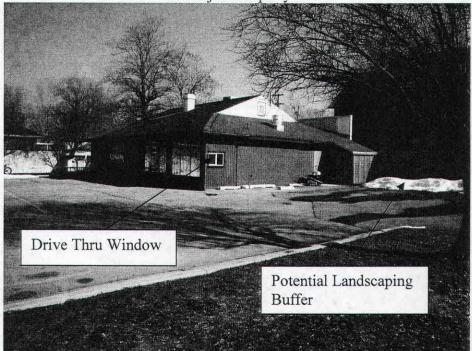


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Attachment B Photographs



Subject Property



Drive Thru Location

Attachment C Citizen Input

From: Charlene [creativesolu.ctt@gmail.com]
Sent: Wednesday, March 11, 2009 11:56 AM

To: Norris, Nick

Cc: Council Comments

Subject: RED MOOSE ROASTING

Regarding the application for a "drive up" window. I have come to the conclusion that in light of our critical air quality, and the increasing number of "red" days ---- all applications for drive up windows should be denied.

Further, I suggest that drive-up windows should be closed on yellow and red air quality alert days. Recently on a very bad red alert day, I noticed from 8 to 10 vehicles idling at drive up windows I passed by. If you are not allowed to idle as you pick up children from school ---- why allow drive up windows at all?

Charlene Tims 2240 Belaire Dr. SL 84109

From: Allyson Gilmore [gilmoreallyson@gmail.com]

Sent: Wednesday, January 28, 2009 9:49 PM

To: Norris, Nick

Subject: Red moose roasting coffee drive thru

Hello Nick,

I am a resident on Blaine Ave (1735 South). I oppose the Drive Thru Window at the Red Moose Roasting coffee. My concern is that congestion of traffic on 1700 East and 900 South will cause problems. I see the coffee house on 900 South and 1100 East in the morning and traffic is backed up into the street and it is trouble some. I fear the same may happen at this location. I am also concerned for children who walk to the elementary school located at 700 East and 1700 South. It concerns me too that vehicles will be sitting and ideling which will affect the air quality during the inversion.

Thank You, Allyson

From: Michelle W [drmwyatt@yahoo.com]

Sent: Wednesday, January 28, 2009 8:09 PM

To: Norris, Nick

Subject: Re: Red Moose Roasting Drive Thru Window

Nick,

Thanks for the site plan. I have been thinking about this more since our last communication. Since the drive-thru traffic will need to exit onto 1700 South, it will all depend on the volume of cars going through there how huge of a mess it will be.

The previous business Scandia had very little car traffic, so it was never a problem. Obviously the biggest time of day for coffee traffic is morning rush hour. Regular traffic (not drive-thru) has 4 potential exits, but drive-thru customers will only have one option. Believe me, it is hard to get out of my driveway during high traffic hours, and in the morning the traffic on 1700 South going West is backed up for several blocks. Drive-thru customers will not be able to exit without waiting for the signal to change several blocks east of this corner, which is what it takes to get out onto 1700. By the time the signal changes, there will already be cars stopped at the light on 9th E and 1700 S. The whole idea of a Drive-through window is hardly viable.

I think you really need to come out and sit in the parking lot at 8am on a weekday and see what I am referring to if you have not done so already. I personally have no feelings one way or the other re: the drive-thru window traffic, because I park in the back alley and go out via Logan St. But until the City provides a safe curb for pedestrians and disabled people who constantly use this corner to go to Albertson's, they must use the flat pavement area in the Red Moose parking lot, so they are at increased danger with drive-thru traffic if it is backed up more than 2 cars.

Regards, Dr. Michelle Wyatt 925 E 1700 S 673-9484

From: "Norris, Nick" <Nick.Norris@slcgov.com>

To: Michelle W <drmwyatt@yahoo.com>

Sent: Wednesday, January 28, 2009 8:24:14 AM **Subject:** RE: Red Moose Roasting Drive Thru Window

Michelle,

I have attached a copy of the site plan that has been provided by the applicant. All of the information on the drawing is information submitted by the applicant. It is a reduced photo copy, so the scale listed will not be accurate, but it gives you an idea of what they are proposing. If you have any questions, please contact me.

Nick Norris AICP Senior Planner Salt Lake City Corp. 451 South State Street #406 PO Box 145480 Salt Lake City, UT 84111-5480 (801)-535-6173 Nick.Norris@slcgov.com

From: Michelle W [drmwyatt@yahoo.com]

Sent: Sunday, January 18, 2009 11:35 AM

To: Norris, Nick

Subject: Red Moose Roasting Drive Thru Window

Dear Nick,

Sorry I cannot attend the Open House Salt Lake City Planning meting on Thursday Jan 29th; I am sending this email instead.

I live in the second house down on 1700 from the new Red Moose Roasting and Coffee, formerly Scandia House bakery, and I have some concerns about a drive-thru window affecting traffic on this corner. If the exit from the Drive-thru had cars pulling out onto 9th East, this should not pose a problem. However, if the exit from the Drive-thru has cars exiting onto 1700 South, this will be a HUGE MESS. The traffic is already awful on this corner, and very unsafe for pedestrians as there is no Walk/Don't Walk signal and absolutely no warning when the light will turn red.

My house is on the North side of 1700 South, and through my front window I can see that many pedestrians as well as disabled people travel (by scooter/motorized wheelchair) to and from Albertson's constantly all day. It is a mystery to me why the City has chosen to repair minimal discrepencies in the sidewalk (resulting in \$1300 damage to my sprinkler system that they refused to pay, not to mention the \$480 I had to pay them for the sidewalk that didn't even need repair), but the City has also failed to put in a disabled curb on this corner or a safe crossing signal for the stoplight. A Drive Thru window with cars pulling out onto 1700 South would increase already heavy traffic, and pose an increased safety risk to pedestrians—which is already excessively dangerous on this corner. I believe there are plans to upgrade the curbs on all of 900 East, and construction is already underway just North of the new Red Moose location. Adding in the traffic and safety concerns from this pending construction, in ADDITION to drive-thru window traffic, would be unacceptable to the neighborhood.

Please feel free to contact me anytime by email or phone.

Regards,

Michelle T. Wyatt, MD 925 E 1700 S Salt Lake City, UT 84105 (801) 673-9484

From: jgirten@comcast.net

Sent: Thursday, January 29, 2009 9:04 PM

To: Norris, Nick

Subject: Red Moose Application

Hi Nick,

Really glad to have the opportunity to email you as we could not attend the planning session.

We live at 943 East Blaine Ave - just around the corner. As an avid coffee drinker I eagerly await the arrival of Red Moose Coffee at this new location. However I don't want to permit the drive through window. I think the corner is wrong for a drive through. This corner location across from Albertson's makes this a pedestrian area. Also I am sure you know there are bus stops located on 3 of the 4 corners of the intersections. I leave for work at 6:30 am but I believe we have a crossing guard to help the little ones on their way to Hawthorne. We regularly walk to the grocery and see many of our neighbors there. I would like to keep the pedestrian nature of the corner and keep the area free of backed up, idling auto's. Instead keep the driveways clear, promote quick service and encourage people to get out of their cars.

On that note - previous owner or tenant did a horrible job of clearing snow and ice off of the sidewalks. Can you encourage the new owner/tenant to keep the walkways safe? They paid to have the parking lot plowed but totally ignored the sidewalks.

Thanks

Mike Roberson and Jenny Girten

From: VHylton@lecg.com

Sent: Friday, January 16, 2009 10:09 AM

To: Norris, Nick; dmgib@xmission.com; jondewey@msn.com; tom@thomasfoxproperties.com

Subject: PLNPCM2009-00003 - Red Moose Roasting

Petition PLNPCM2009-00003 Red Moose Roasting and Coffee Drive Thru Window Conditional Use located at 1693 South 900 East.

Red Moose Roasting and Coffee, applicant, has submitted an application for a conditional use for a drive thru window on the building located at 1693 South 900 East. The previous use of the property was as a restaurant/retail establishment (Scandia House). The applicants are in the process of moving a new business (coffee shop) into the building. The property is zoned CN Neighborhood Commercial. The proposed use is a permitted use in the CN zone, however, a drive thru window requires a conditional use.

Nick - would this conditional use run with the property or just with this user? Is there a site/building plan showing the location of the window and stacking lanes for cars? If so, would you forward a copy? How does this change impact the number of on-site parking stalls and overall parking ratio? Do the neighbors have to sign off on this conditional use?

Thanks,

Virginia Hylton

Petition PLNPCM2009-00003

Submitting Public Comment

Public Comment can be submitted in a number of ways. Written comment is accepted throughout the process and up to the point of the City Council decision. Public Comment is taken during the open house by filling out the form below and leaving it with the City representative who is conducting the open house. Written comment can be submitted through email, direct mail, or by dropping off comments in person. To submit email comments, please submit comments to Nick Norris at nick.norris@slcgov.com To submit comments through mail please send them to:

Salt Lake City Planning Division Attn: Nick Norris 451 South State Street Room 406 PO Box 145480 Salt Lake City, UT 84114-5480

Or you can drop off comments in person to the Planning Division at the above address. You can also contact the assigned planner, Nick Norris, at 535-6173 to speak to him about the proposal.

Please provide comment below:

(name and contact information is optional)

Roland Colmore

All Blain Are 84105

Concerns for the Dire The window:

- Increased traffic often backs into streets (new intersection)

- Hazard to star school kids very the busy intersection

- More idling cars (air pollution increased) right

- Like to see More promotion of walkask community.

and

Attachment D
Additional Applicant Information

Please describe your project: DPIJE through Window on South Sde of curpent building Structure

List the primary street accesses to this property: All PPIVE through access will enter from 1700 for and 900 East 900 East

If applicable, what is the anticipated operating/delivery hours associated with the proposed use? 100 pm - 2.00 pm

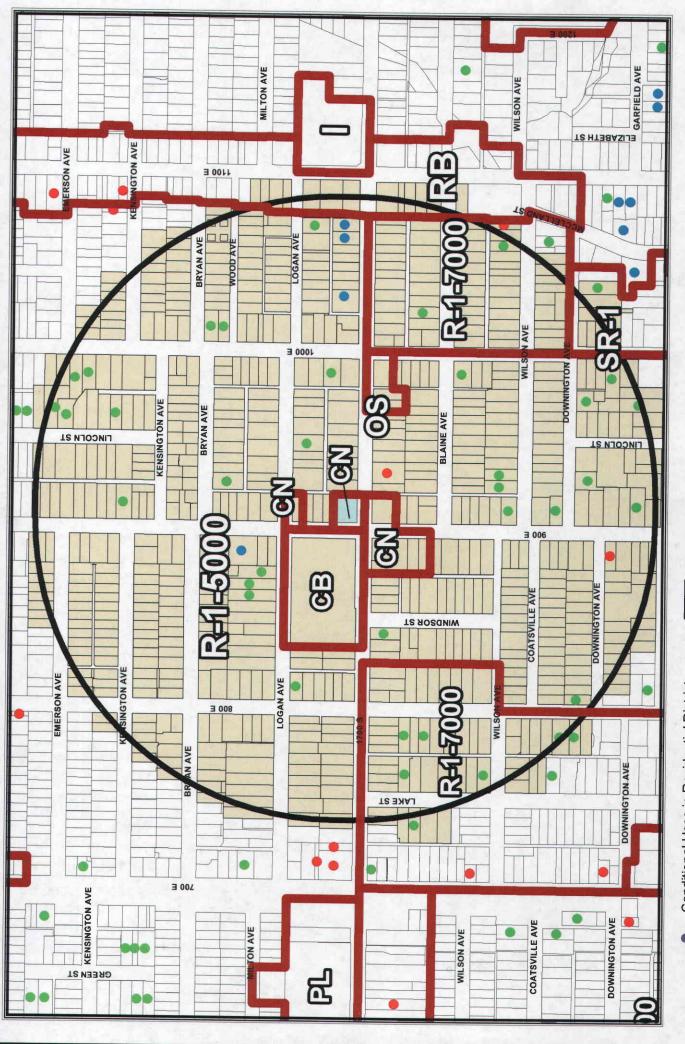
(West and South apedivided by 1700 South + 900 East)
What are the land uses adjacent to the property (abutting and across-the-street properties)?
Dipectly West - Albretson's Dipetly East - Residential house (Fence Dividing)
Dipectly North Residential house (Fence dividing properties) Dipectly South Commercial property
Have you discussed the project with nearby property owners? If so, what responses have you received?
YOS: We have discussed it with the neighbors dipectly North of
the property And also the business owners directly south of the
property
If applicable, list the primary exterior construction materials you will use as part of this project.
The only construction needed was to paint the lot as tap as the
lines - dipectly property

How many parking stalls will be provided as part of the project? No papking stalls with be needed - However we will have 5 spaces based on single line stacking

How many employees do you expect to have on-site during the highest shift?

Where applicable, how many seats will be provided as part of the conditional use? NA

What is the gross floor area of the proposed building? NA



- Conditional Uses in Residential Districts
- 3-4 Dwelling Units NonConforming Uses
 - Multi-Family NonConforming Uses
- Commercial/Office NonConforming Uses

Subject Properties

1320 Foot Buffer around the Subject Property

Darrole that Intercont the 1990 East D. K.



Parcels that Intersect the 1320 Foot Buffer around the Subject Property