



Staff Report

PLANNING DIVISION
COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Doug Dansie, 801-535-6182 or doug.dansie@slcgov.com

Date: December 12, 2018

Re: PLNPCM2018-00575 TSA Zoning Text Amendment - Restaurants with Drive-Through Windows

Zoning Text Amendment

PROPERTY ADDRESS: All properties located in the TSA-MUEC-T Zoning District

PARCEL ID: Multiple

MASTER PLAN: North Temple Boulevard Plan

ZONING DISTRICT: TSA-MUEC-T Transit Station Area–Mixed Use Employment Center-Transitional Zoning District

REQUEST: By Lorrie Hendricks, representing BIKE LLC, to amend the text of the TSA-MUEC-T (Transit Station Area Mixed Use Employment Center Transitional) zoning to allow drive-through food/coffee facilities. The proposed amendment would affect Section 21A.33 of the zoning ordinance. Related provisions of 21A-Zoning may also be amended as part of this petition.

The TSA-MUEC-T zoning district is primarily mapped along North Temple (near the Redwood Road/North Temple intersection), but the text amendment would apply citywide to all TSA-MUEC-T zoned property now or in future zoned properties.

RECOMMENDATION: Based on the analysis and findings of this report, it is the opinion of staff that the proposed text amendment to the TSA-MUEC-T Transit Station Area–Mixed Use Employment Center-Transitional Zoning District meets the standards of approval. Staff recommends that the Planning Commission forward a favorable recommendation to the City Council for petition PLNPCM2018-00575 to add Restaurants with Drive-Through windows to the TSA-MUEC-T Transit Station Area–Mixed Use Employment Center-Transitional Zoning District. This would amend the land use table to include restaurants with drive-through windows as a permitted use and include a footnote regarding related design issues.

ATTACHMENTS:

- A. Proposed Ordinance
- B. Map Showing all TSA-MUEC-T Transit Station Area–Mixed Use Employment Center-Transitional Zoning District zoned properties
- C. Analysis of Factors
- D. Public Process
- E. Department Comments
- F. Applicant Information and Potential Development Site Plan
- G. Conditional Use Standards

TSA ZONING BACKGROUND: This is a request from Lorrie Hendricks, representing BIKE LLC, to amend the text of the TSA-MUEC-T (Transit Station Area Mixed Use Employment Center Transitional) zoning to allow drive-through food/coffee facilities. The proposal would amend the land use chart.

The TSA-MUEC moniker stands for Transit Station Area Mixed Use Economic Center. It is further divided into a C core, which is generally located near the actual Light Rail Transit stop, and T transitional areas, which is generally located further away from the Light Rail Transit stops than the C Core. The proposed changes would affect only the T Transitional portions of the TSA-MUEC, not the C Core. While there are other TSA zoning districts in the City, the only TSA-MUEC mapped is on the North Temple corridor. It generally stretches from the Jordan River to 2200 West. The T Transitional category is further focused on the North Temple/Redwood Road intersection. The district is predominantly commercial development and serves as the western gateway into downtown. Most of the properties in the general area are already developed, but many will redevelop in the near future including highly visible sites such as north of the Sutherlands (which is in the TSA-MUEC-T subcategory) and surrounding the Cornell and 1950 West stations (which is within the TSA-MUEC-C subcategory, which is not affected by this petition).

A map of the area is included in Attachment B

The purpose of the TSA Transit Station Area zoning, and all of its subcategories, is to encourage a more pedestrian and transit oriented land use pattern. This is a significant change for the historical development patterns of North Temple and 400 South (where most TSA zoning is mapped) which are (or were) federal highways dominated by auto oriented uses such as gas stations, fast food and strip shopping centers.

The TSA-MUEC-T zone is a T Transitional Area (not C Core) and of the station type; Mixed-Use-Employment-Center

Purpose Statement: The purpose of the TSA Transit Station Area District is to provide an environment for efficient and attractive transit and pedestrian oriented commercial, residential and mixed use development around transit stations. Redevelopment, infill development and increased development on underutilized parcels should include uses that allow them to function as part of a walkable, mixed use district. Existing uses that are complementary to the district, and economically and physically viable, should be integrated into the form and function of a compact, mixed use pedestrian oriented neighborhood. Each transit station is categorized into a station type. These typologies are used to establish appropriate zoning regulations for similar station areas. Each station area will typically have two (2) subsections: the core area and the transition area. Due to the nature of the area around specific stations, the restrictions of overlay zoning districts, and the neighborhood vision, not all station areas are required to have a core area and a transition area.

- 1. Core Area: The purpose of the core area is to provide areas for comparatively intense land development with a mix of land uses incorporating the principles of sustainable, transit oriented development and to enhance the area closest to a transit station as a lively, people oriented place. The core area may mix ground floor retail, office, commercial and residential space in order to activate the public realm.*
- 2. Transition Area: The purpose of the transition area is to provide areas for a moderate level of land development intensity that incorporates the principles of sustainable transit oriented development. The transition area is intended to provide an important support base to the core area and transit ridership as well as buffer surrounding neighborhoods from the intensity of the core area. These areas reinforce the viability of the core area and provide opportunities for a range of housing types at different densities. Transition areas typically serve the surrounding neighborhood and include a broad range of building forms that house a mix of compatible land uses. Commercial uses may include*

office, retail, restaurant and other commercial land uses that are necessary to create mixed use neighborhoods.

Station Area Types: A station area typology is the use of characteristics, such as building types, mix of land use, transit service and street network to create generalizations about an area that can be used to define a common vision for development of a transit station area. Each typology recognizes the important difference among places and destinations and takes into account the local context of a station and its surroundings. Refer to the official Salt Lake City zoning map to determine the zoning of the land within each station area.

3. Mixed Use Employment Center Station (TSA-MUEC): A mixed use employment station is an area with a high concentration of jobs that attract people from the entire region. Buildings are often large scale in nature and may have large footprints. Land uses that support the employment centers such as retail sales and service and restaurants are located throughout the station area and should occupy ground floor space in multi-story buildings oriented to the pedestrian and transit user. A mix of housing types and sizes are appropriate to provide employees with the choice to live close to where they work. Building types should trend toward more flexible building types over time. Connectivity for all modes of travel is important due to the limited street network.

Currently, the area shown on the map in Attachment B is the only area zoned TSA-MUEC-T; however any text changes would apply to any future zoned properties.

PROPOSED ZONING TEXT AMENDMENT

The specific impetus for this text change was driven by the petitioners ownership of a former service station located on the southeast corner of the intersection of North Temple and Redwood Road. The adjacent land use to the south and east is a Ramada Inn hotel. The other corners of the intersection consist of a chain restaurant to the west, convenience store to the north and service station to the northwest. Land uses in the extended area include a hardware store, fast food, trucking facilities and state offices. The petitioners have requested a zoning change because, through their marketing of the site, they claim that it is not large enough to develop a more urban mid-rise mixed-use development. They state that several financial institutions with drive through windows (which are a permitted use) have looked at the site but found it too small, yet drive through restaurants (such as coffee shops – which are not permitted) were interested.

KEY CONSIDERATIONS:

The issues listed below has been identified through the analysis of the project as well as submitted public comment.

1. Drive Through Windows as Part of Transit Oriented Areas of the City in General

The TSA zoning districts are by definition, transit oriented rather than auto oriented. They are mostly mapped along corridors that were formerly highways with significant automobile orientation.

DISCUSSION:

While the overall intent to move the land use from auto to pedestrian orientation in the overall TSA classification of zoning districts has not changed, there have been some consequences regarding the ongoing allowance of non-conforming uses as it relates to drive-through windows. For example: A new apartment building is being constructed on 400 South and 400 East that partially includes the location of a former drive-through

restaurant. Because the new tenant wanted a drive-through window, the former fast food building is being preserved and built around in order to retain the non-conforming drive-through window. Other non-conforming drive-through restaurants along 400 South have remodeled or rebuilt retaining their non-conforming drive-through status. Ideally these sites would have transitioned to urban development as intended; however there is an argument to be made that a blanket prohibition of drive-through facilities in TSA zones entrenches the value of non-conforming drive-throughs, altering the market level where it is economically viable to rebuild as a more urban use. A rare commodity become more valuable. Which raises the question as to if allowing drive-throughs on a limited, design controlled basis, would facilitate redevelopment to an urban form faster, if there are urban opportunities for drive-through windows (such as the former bank at Trolley Corners) or if maintaining an aggressive approach to eliminating drive-through windows on transit corridors remains the best planning action.

Drive-through windows for financial institutions are presently allowed in the TSA-MUEC-T (Mixed-Use Economic Center Transitional) and TSA-SP-T (Special Purpose Transitional) zoning districts. The TSA-SP-T is generally mapped along North Temple at 1000 West, south of the Fairpark.

The petition and draft provided in this staff report proposes adding the ability to have a drive-through window for a restaurant only in the Mixed-Use Economic Center Transitional subcategory of the TSA zoning, where drive-through financial institutions are already allowed. The draft also proposes new design criteria in the land use chart footnote. (Attachment A)

2. Drive-Through Windows as Part of specific TSA-MUEC-T Subcategory

The TSA MUEC-T zoning district is presently only mapped at the Redwood Road/North Temple intersection. Redwood Road is a state highway and major north/south thoroughfare and key I-80 off-ramp.

DISCUSSION: This subcategory is less urban than other TSA subcategories because it is along a transit corridor, but not AT the transit station. It involves the furthest distance of walking to reach a transit station than any other category. The subcategory already allows drive-through windows for financial institution (banks); whereas none of the other subcategories do, except Special Purpose Transitional. This petition calls for only changing this subcategory to allow restaurants with drive-through windows and not the entire TSA zoning districts in general.

3. Drive-Through Windows as Permitted vs. Conditional Use.

There are two options to amend the land use chart to allow drive-through windows for restaurants; permitted use or conditional use. The difference is that the conditional use generally requires a greater level of scrutiny and Planning Commissions approval. However, by State law, a conditional use must be granted unless impacts may not be mitigated. The conditions listed in the conditional use process focus on impacts, not design. Therefore the conditional use process is not a substitute or opportunity for design review beyond mitigation of impacts

DISCUSSION: Allowing drive-through windows as a conditional use would allow additional scrutiny, but with sufficient design controls built into the zoning district, a conditional use would not necessarily provide a better product. Drive-through windows

for financial institutions are already allowed as a permitted use in the TSA-MUEC-T zone/subcategory.

As a point of reference, the standards for conditional use are included in Attachment G.

The following is a brief summary of the pros and cons of permitted vs. conditional:

Allow as a Permitted use

Pro:

- There are design standards in the TSA zoning that insure urban development
- A footnote may be added to the land use table to further define design criteria
- Drive-through windows for financial institutions are already allowed
- The “Transitional’ area of TSA MUEC is NOT located adjacent to LRT station and remains more auto oriented
- Conditional use is effectively “permitted” if all impacts can be mitigated

Con:

- The City generally is moving towards a more urban development pattern in all TSA zoning districts and a conditional use application would provide greater review (although for compatibility reasons only, NOT inherently for design reasons)
- Drive-through windows for restaurants generally see more traffic than drive-through financial institutions
- The TSA-MUEC –T area is highly visible

Allow as a Conditional use

Pro:

- Conditional use provides a formal level of review
- It provides the Planning Commission with input if there is an issue to be mitigated (However the Conditional Use Planning Commission review is NOT intended or authorized to be a de facto Design Review process)

Con:

- Additional review slows the development process
- Design criteria built into the zoning district minimize the need for another layer of review

The draft ordinance provided by Staff lists drive-through as permitted use with a footnote for specific design limitations. (Attachment A)

4. Design Standards in TSA-MUEC-T Transit Station Area zones

The TSA-MUEC-T zoning district has the following design controls:

Setbacks

There is a minimum setback of five 5 feet for at least fifty 50 percent of any building on North Temple. There is a fifteen 15 foot maximum setback requirement on North Temple.

At least fifty 50 percent of the building must be within five 5 feet of the front property line on other streets (Redwood Road).

No parking is allowed between the street-facing building line and any front or corner side property line. Surface parking lots are required to be located behind the principal building or to the side of a principal building.

Building Materials

Other than windows and doors, a minimum amount of the ground floor façade wall area of any street facing facade shall be clad in durable materials according to section [21A.37.060](#), Table [21A.37.060](#). Durable materials include stone, brick, masonry, textured or patterned concrete, and fiber cement board. Other materials may be used for the remainder of the ground floor facade adjacent to a street. Other materials proposed to satisfy the durable requirement may be approved at the discretion of the planning director if it is found that the proposed material is durable and is appropriate for the ground floor of a structure. Use of Exterior Insulation and Finishing System (EIFS) or traditional stucco is not allowed as a building material on the ground floor of street facing building facades. Use of EIFS and stucco is allowed for up to ten 10 percent of the upper level street facing facades.

Active Uses

When facing North Temple Boulevard, the ground floor use area required by Chapter 21A.37 of this title shall be built to accommodate an allowed commercial, institutional, or public use. Live/work uses qualify as a commercial use for this subsection; with some exceptions.

Entries, Façade Articulation and Ground Floor Glass

Design controls in TSA also include:

- Glass requirement of sixty 60 percent of the ground floor of each street frontage.
- An entry required every forty 40 feet.
- A limit on the length of any blank portion of a wall to fifteen 15 feet.
- A limit on the length of structures to two hundred 200 feet which will encourage additional articulation as large projects will need to be broken up into multiple structures.

DISCUSSION: This list of design standards is not a complete listing, but provides an overall summary of the types of design controls that already exist in the TSA zoning districts. The potential ordinance change outlined in Attachment A includes a specific prohibition of drive-through windows located on the front or corner side facade and automobile staking with in the front or corner side yard, in order to insure any drive through is not the dominant architectural feature of the design.

The petitioner requested the text change because of their ownership of a specific parcel. The text change is NOT being processed in terms of that specific property because it will affect all parcels; however the petitioner did offer a conceptual design as to how a drive through could be accommodated on their parcel while still maintaining an urban environment. Their drawings are in Attachment F; Potential Development Site Plan.

5. Master Plan Considerations

These proposed changes will affect the TSA-MUEC-T zoning district and subcategory. This zone is presently mapped in the area covered by the North Temple Boulevard Plan, which was adopted August 10, 2010.

The North Temple Boulevard Plan has specific recommendations for each of the transit stations along the corridor. The area that is generally zoned TSA-MUEC-T generally lies between these stations. The Plan specifically states the following in relation to area presently mapped as TSA-MUEC-T and the site owned by the petitioners: *“The North Temple and Redwood Road intersection will consist of double left turn lanes in all directions, two vehicle travel lanes and right hand turn lanes in all directions. The design of this intersection is subject to approval from the Utah Department of Transportation,*

which is requiring the double turn lanes to remain. Due to the extra turn lanes, there is not enough space through the intersection to install the full width landscaping strip and multi-use path.”

The plan acknowledges the heavy auto use will remain near the North Temple/Redwood Road intersection.

NEXT STEPS:

The Planning Commission’s recommendation for these proposed zoning text amendments will be forwarded on to the City Council for their action.

The City Council is the decision-making body for zoning text amendments.

ATTACHMENT A: PROPOSED ORDINANCE

21A.33.035: TABLE OF PERMITTED AND CONDITIONAL USES FOR TRANSIT STATION AREA DISTRICTS: (Abbreviated)

Legend: C = Conditional P = Permitted

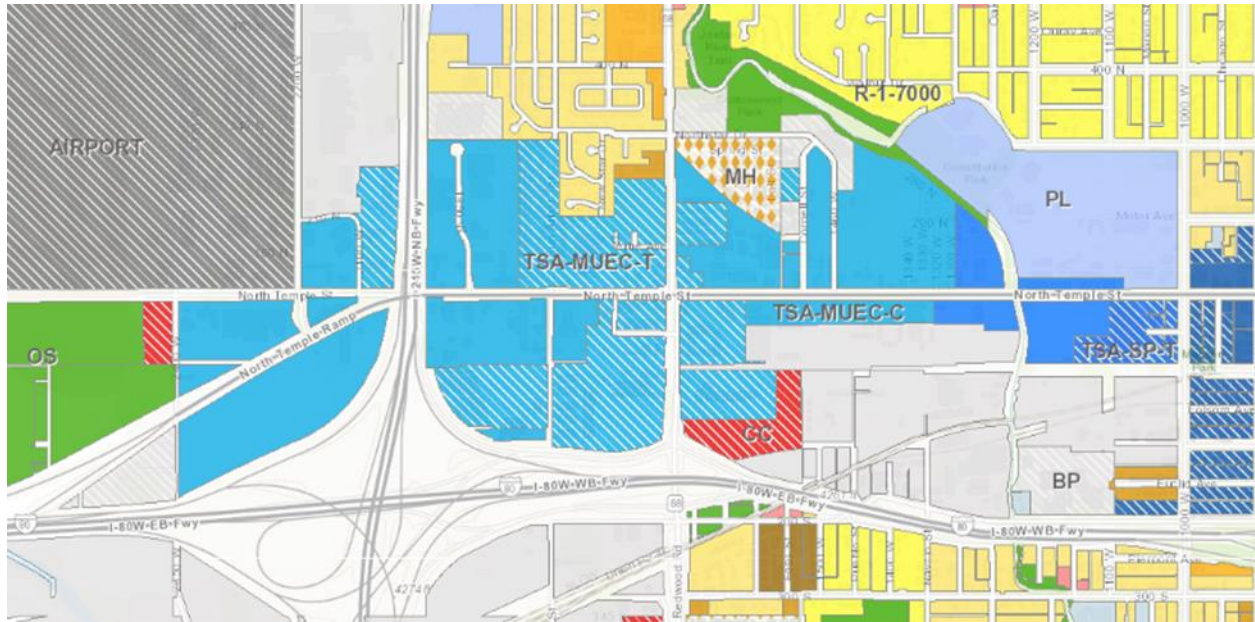
Use	Permitted And Conditional Uses By District							
	TSA-UC		TSA-UN		TSA-MUEC		TSA-SP	
	Cor e	Transiti on	Cor e	Transiti on	Cor e	Transiti on	Cor e	Transiti on
Accessory use, except those that are specifically regulated elsewhere in this title	P	P	P	P	P	P	P	P
Financial institution	P	P	P	P	P	P	P	P
Financial institution with drive-through facility						P		P
Research facility (medical)	P	P	P	P	P	P	P	P
Restaurant	P	P	P	P	P	P	P	P
<u>Restaurant with drive-through facility</u> ¹³						<u>P</u>		
Retail goods	P	P	P	P	P	P	P	P

establishment								
Plant and garden shop with outdoor retail sales area	P	P	P	P	P	P	P	P
With drive-through facility								
Zoological park							C	C

Qualifying provisions for specific land uses:

1. Subject to Salt Lake Valley Health Department approval.
2. A community correctional facility is considered an institutional use and any such facility located within an airport noise overlay zone is subject to the land use and sound attenuation standards for institutional uses of the applicable airport overlay zone within chapter 21A.34 of this title.
3. No large group home shall be located within 800 feet of another group home.
4. No small group home shall be located within 800 feet of another group home.
5. No large residential support shall be located within 800 feet of another residential support.
6. No small residential support shall be located within 800 feet of another residential support.
7. Surface parking lots as a principal use located on a lot that has frontage on a public street are prohibited.
8. Prohibited within 1,000 feet of a single- or two-family zoning district.
9. Subject to conformance to the provisions in subsection [21A.02.050B](#) of this title for utility regulations.
10. Subject to section [21A.36.130](#) of this title.
11. Allowed only within legal conforming single-family, duplex, and multi-family dwellings and subject to section [21A.36.030](#) of this title.
12. Subject to section [21A.36.110](#) of this title.
13. *Drive-through windows are prohibited on any public street facing façade and automobile stacking is prohibited between public street facing façades and the adjacent public right-of-way.*

ATTACHMENT B: Map of TSA-MUEC-T Zoned Properties



The TSA zone is in light and dark blue (not blue grey indicated with PL)

The TSA-MUEC is light blue

The TSA-MUEC-T is light blue hashed

ATTACHMENT C: ANALYSIS OF FACTORS

As per Section 21A.50.050, a decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the City Council and is not controlled by any one standard. In making a decision concerning a proposed text amendment, the City Council should consider the following:

Factor	Finding	Rationale
1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the City as stated through its various adopted planning documents;	Complies	Financial institutions are already allowed to have drive-through windows in the TSA-MUEC-T zoning district. The addition of allowing restaurants with drive-through windows limited to this subcategory of TSA zoning will not detract from the overall desire to move North Temple toward more transit orientation, but will acknowledge the need for some auto-oriented uses at the North Temple/Redwood intersection. This is consistent with the purposes, goals and policies of the City because, as noted elsewhere in this report, the North Temple Boulevard Plan acknowledges the ongoing automobile orientation of the Redwood Road/North Temple intersection (where the TSA-MUEC-T zone is mapped)
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;	Complies	<p>The purpose statement in the Zoning Ordinance for the TSA-MUEC-T district states: <i>Building types should trend toward more flexible building types over time. Connectivity for all modes of travel is important due to the limited street network.</i></p> <p>Allowing for drive-through windows in this limited area will acknowledge “all-modes of travel”.</p>
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;	Complies	<p>The only overlay that generally intersects with the TSA-MUEC-T is the Airport overlay.</p> <p>The Zoning Ordinance states that when there is a conflict between the base zoning district and those of the overlay district, the overlay district will control.</p>
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.	Complies	Best planning practices would encourage that zoning standards in the base zone be aligned with the purpose statement of that zone and of adopted master planning documents. In this instance; the nuances of the adopted North Temple Boulevard Plan acknowledges that the area where this specific subsection of TSA zoning is mapped is more automobile oriented than other areas of TSA zoning and drive-throughs for financial institutions are already allowed in the existing zoning subcategory.

ATTACHMENT D: PUBLIC PROCESS AND COMMENTS

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project:

Community Councils: Notice of this application and a letter soliciting input was sent to all recognized Community Organizations on September 7, 2018. No formal response was received; however, the Sugar House Community Council discussed the petition at their land use meeting.

Open House: An open house was held on October 18, 2018. Staff discussed the proposed text amendments with several in attendance. The conversations with staff were generally in support of the addition of restaurants with drive troughs to the TSA zone.

Notice of the public hearing for the proposal included:

Public hearing notice published in the newspaper on November 29, 2018

Public hearing notice posted on November 29, 2018

Public notice posted on City and State websites and Planning Division list serve: November 29, 2018

Public Input:

As of the writing of this staff report, no further comments were received.

ATTACHMENT E: DEPARTMENT REVIEW COMMENTS

Input was requested from all pertinent City divisions and departments.

Building Services: Gregory Mikolash

Building Services finds no issues with this proposed text amendment

Engineering: Scott Weiler

No objections

Fire: Edward Itchon

No Comment

Transportation: Michael Barry

There are no objections from Transportation

**ATTACHMENT F: Applicant Information and
Potential Development Site Plan**

Zoning Amendment
SUBMITTAL REQUIREMENTS
Project Description:

The purpose for the amendment

In this robust market, our building remains vacant. Not only vacant but it is a target for the homeless and vandals. It has been a hardship to keep up repairs caused by break-ins, homeless sheltering and vandalism. As it is today, this is not a safe area. We ask for your help. The purpose of this amendment is to accommodate market directive. A year ago, in our initial efforts to market our vacant building, we met with Ana Valdermoros, Associate Planner. We were energized by her suggestions and overall vision of a walkable, interactive neighborhood. We fashioned an aggressive leasing plan and targeted tenants based on her coaching and the list of comprehensive TSA MUEC Zoning options. However, it didn't take long to realize the market was dictating a different direction. All the interest in our property, and every offer to lease came from national companies with businesses that weren't on our Zone list. These businesses desire the valuable North Temple corridor that serves the growing needs of the airport infrastructure. We continued and continue to make every effort to seek out tenants within our list of zoning options with no success except from a local Smoke Shop. However, their credit was so poor this prospect was not viable. We respectfully ask the text of the **TSA-MUEC-T** Zoning Ordinance for our property, **1699 W. North Temple**, be amended to include **drive-through food/coffee facilities**. By adjusting the zoning to allow for a drive through food or coffee vendor we are confident we will be able to lease our property which will also aid in making this location safer for the surrounding community.

Proposed use of the property being rezoned

As mentioned above we have been approached several times to accommodate national tenant requests for a drive through food location or coffee shop. These national tenants have done extensive research to determine the most desirable locations for their businesses to thrive. We expect the proposed use of the property will be one of the above-mentioned businesses.

Reasons why the current zoning may not be appropriate for the area

The current zoning options are comprehensive, allowing for a wide range of businesses, but surprisingly, over the span of a year we haven't received any attention, responses or offers from any businesses on the list, with the exception of the Smoke Shop. Offers we are receiving come from fast food drive through operators and drive through coffee businesses. These uses are not currently allowed in this zone. It seems this location is a vital part of the support corridor between downtown Salt Lake and the rapidly growing airport and supporting infrastructure resulting in these businesses desiring this location.

We have approximately 40 properties here in Utah, and in over 20 years, this is the first time we have appealed for a Zone Amendment. We are here because we have exhausted all other options. We ask that you please consider the adaption of the proposed text amendment to the zoning.



Beans and Brews was interested in our location but zoning doesn't allow a drive-through



Our parking issue



Our on-going homeless clean up



One week after a clean up. A door was destroyed to gain access



Our parking lot. Semi's squatting for overnight parking

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CG - General Commercial Zone

Minimum Lot Size:

- 1. Minimum Lot Area: Ten thousand (10,000) square feet.
- 2. Minimum Lot Width: Sixty feet (60').
- 3. Existing Lots: Lots legally existing prior to April 12, 1995, shall be considered legal conforming lots.

D. Minimum Yard Requirements:

- 1. Front Yard: Ten feet (10').
- 2. Corner Side Yard: Ten feet (10').
- 3. Interior Side Yard: None required.
- 4. Rear Yard: Ten feet (10').

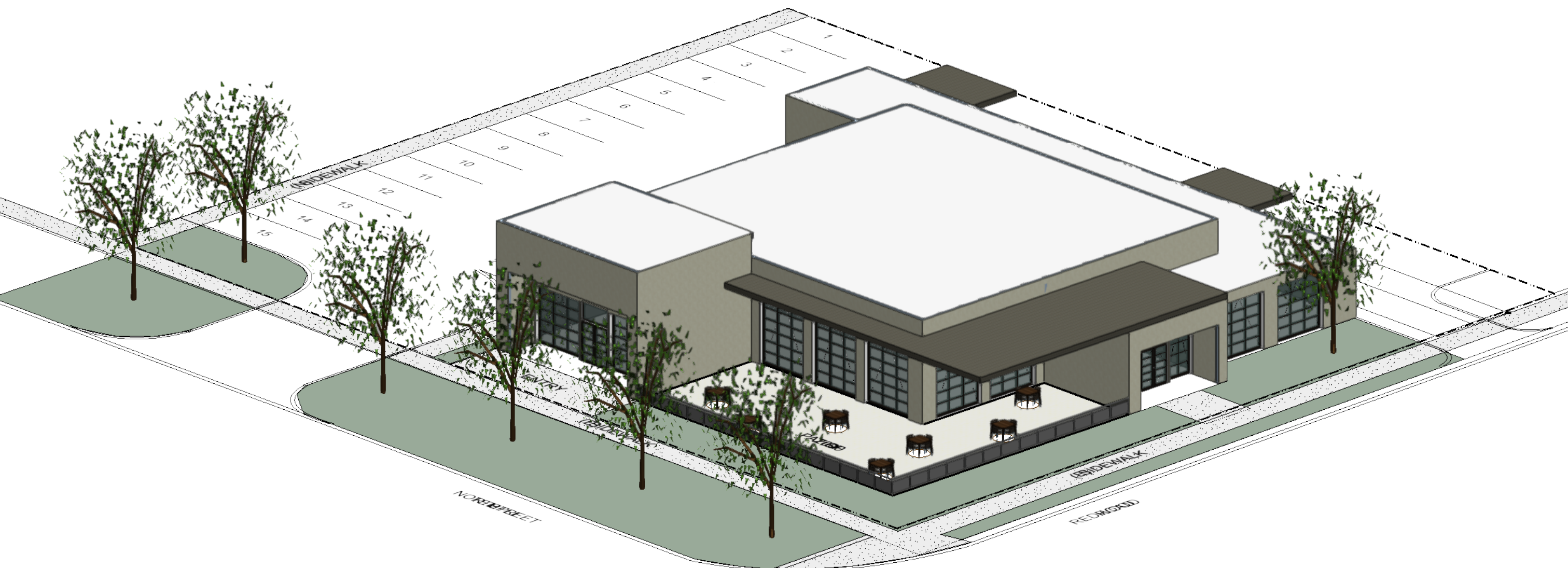
5. Buffer Yard: All lots abutting residential property shall conform to the buffer yard requirements of chapter 21A.48 of this title.

E. Landscape Yard Requirements: A landscape yard of ten feet (10') shall be required on all front or corner side yards, conforming to the requirements of section 21A.48.090 of this title.

F. Maximum Height: No building shall exceed sixty feet (60'). Buildings higher than sixty feet (60') may be allowed in accordance with the provisions of subsections F1 and F3 of this section.

Parking requirement

2 stalls per 1000 sf
10,000SF = 20 STALLS REQUIRED (1 ACCESSIBLE)





3 REDWOOD ROAD ELEVATION
Scale: 1/16" = 1'-0"



2 NORTH TEMPLE ELEVATION
Scale: 1/16" = 1'-0"



1 CORNER STREET VIEW
Scale: 3/16" = 1'-0"

ATTACHMENT G: Standards for Conditional Uses

21A.54.080: STANDARDS FOR CONDITIONAL USES:

A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards set forth in this section. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use shall be denied.

- A. Approval Standards: A conditional use shall be approved unless the planning commission, or in the case of administrative conditional uses, the planning director or designee, concludes that the following standards cannot be met:
 - 1. The use complies with applicable provisions of this title;
 - 2. The use is compatible, or with conditions of approval can be made compatible, with surrounding uses;
 - 3. The use is consistent with applicable adopted city planning policies, documents, and master plans; and
 - 4. The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions.
- B. Detrimental Effects Determination: In analyzing the anticipated detrimental effects of a proposed use, the planning commission, or in the case of administrative conditional uses, the planning director or designee, shall determine compliance with each of the following:
 - 1. This title specifically authorizes the use where it is located;
 - 2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps;
 - 3. The use is well suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area;
 - 4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered;
 - 5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows;
 - 6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and pedestrian traffic;
 - 7. The site is designed to enable access and circulation for pedestrian and bicycles;
 - 8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street;
 - 9. The location and design of off street parking complies with applicable standards of this code;
 - 10. Utility capacity is sufficient to support the use at normal service levels;
 - 11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts;
 - 12. The use meets city sustainability plans, does not significantly impact the quality of surrounding air and water, encroach into a river or stream, or introduce any hazard or environmental damage to any adjacent property, including cigarette smoke;
 - 13. The hours of operation and delivery of the use are compatible with surrounding uses;
 - 14. Signs and lighting are compatible with, and do not negatively impact surrounding uses; and
 - 15. The proposed use does not undermine preservation of historic resources and structures.
- C. Conditions Imposed: The planning commission, or in the case of administrative conditional uses, the planning director or the director's designee, may impose on a conditional use any

conditions necessary to address the foregoing factors which may include, but are not limited to:

1. Conditions on the scope of the use; its character, location, hours and methods of operation, architecture, signage, construction, landscaping, access, loading and parking, sanitation, drainage and utilities, fencing and screening, and setbacks; and
2. Conditions needed to mitigate any natural hazards; assure public safety; address environmental impacts; and mitigate dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, and radiation.

D. Denial Of Conditional Use: A proposed conditional use shall be denied if:

1. The proposed use is unlawful; or
2. The reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated as proposed in the conditional use application or by the imposition of reasonable conditions to achieve compliance with applicable standards set forth in this section.

E. Notice Of Decision: The planning commission, or in the case of administrative conditional uses, the planning director or designee, shall provide written notice of the decision, including all conditions imposed, to the applicant and local community council within ten (10) days of the final action. If the conditional use is approved, this notice shall be recorded against the property by the city recorder. (Ord. 14-12, 2012)