



COUNCIL STAFF REPORT

CITY COUNCIL of SALT LAKE CITY

TO: City Council Members

FROM: Nick Tarbet
Policy Analyst

DATE: July 9, 2019

**RE: Text Amendment: Allow Restaurants with Drive-Through
Facilities in the TSA-MUEC T Zoning District
PLNPCM2018-00575**

Item Schedule:

Briefing: July 9, 2019

Set Date: July 9, 2019

Public Hearing: Aug 27, 2019

Potential Action: Sep 3, 2019

ISSUE AT-A-GLANCE

The Council will be briefed about an ordinance that would allow drive through windows for restaurants as a conditional use in the TSA-MUEC-T zoning district (Transit Station Area Mixed-Use Economic Center Transitional). This zoning district is generally around the North Temple/Redwood Road intersection (*see vicinity map below*). Other TSA zoning districts would not be impacted by this proposed text amendment

The table of permitted and conditional uses for Transit Station Area Districts in Section 21A.33.035 *Salt Lake City Code*, would be amended to add "Restaurant with drive-through facility" as a conditional use. Currently, drive-throughs are only allowed for financial institutions in the TSA-MUEC-T district.

The applicant owns a former service station located on the southeast corner of North Temple and Redwood Road. They are pursuing this text amendment because they claim it is not large enough to develop a more urban mid-rise mixed-use development. They state several financial institutions with drive through windows (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.

The Planning Commission forwarded a positive recommendation to the City Council regarding the proposed rezoning.

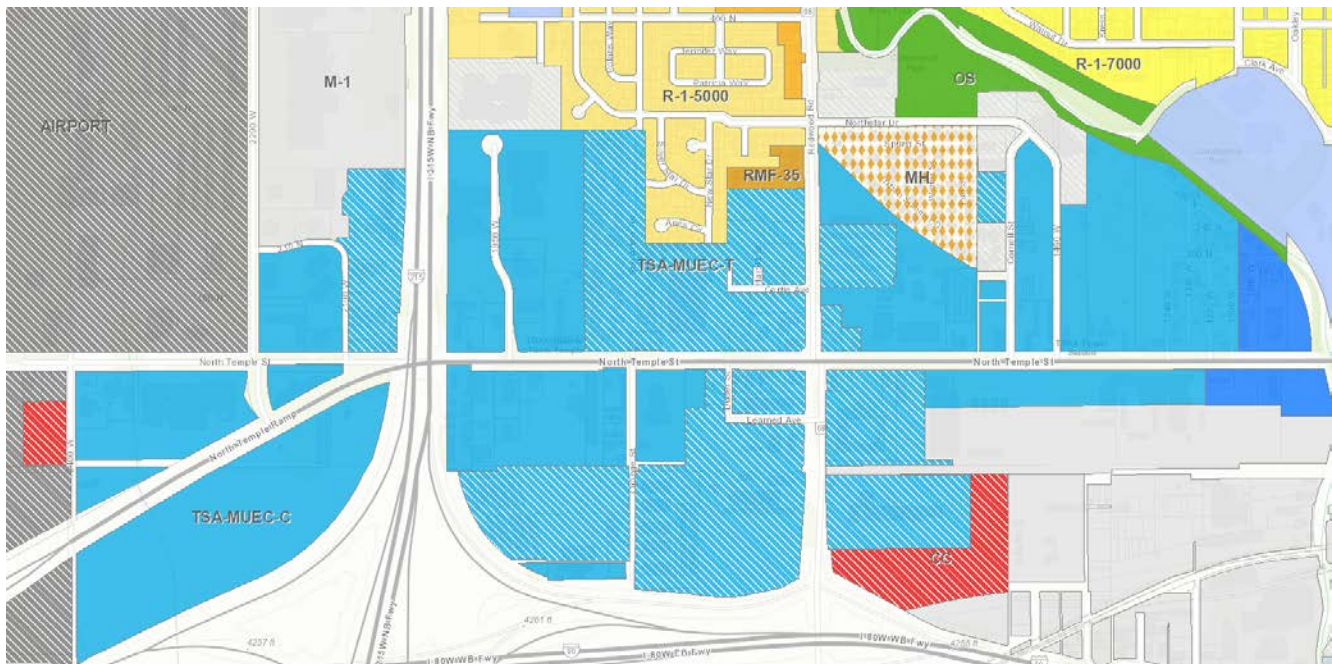


POLICY QUESTIONS

1. The TSA zone TSA zoning districts are designed to be primarily transit oriented. However, drive-throughs are currently permitted in this zoning district for Financial Institutions.
 - ***Does the Council support allowing drive-throughs as a conditional use for restaurants in the TSA-MUEC-T zoning district?***
 - ***Does the Council feel a restaurant drive through and financial institution drive through have similar impacts?***
 - ***Does the Council feel the conditional use process will be able to sufficiently address potential impacts?***
2. The applicant indicated the text amendment is needed to develop the property.
 - ***Typically drive-throughs of any kind are discouraged in zones that aim to promote walkability. Would improving the possibility of redeveloping this vacant property be great enough that the Council would support allowing drive-throughs in the zoning district? See page 3, item 1, for more on this concept.***

Vicinity Map

TSA MUEC-T – shown in light blue hashed



ADDITIONAL INFORMATION

Purpose statements (Planning Commission Staff report, pages 2-32)

TSA-MUEC-T purpose statement

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.

TSA Transition Areas purpose statement

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.

Pages 3-7 of the Planning Commission staff report identify five key issues. A short description of each issue and the finding is provided below for reference. Please see the Planning Commission staff report for full analysis.

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.
- While the overall intent of the TSA zoning is to move the land use from auto to pedestrian orientation, there have been some consequences regarding the ongoing allowance of non-conforming uses as it relates to drive-through windows.
- 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.
- This raises the question whether 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 TSAMUEC-T (*the zone the application is requesting to allow drive throughs for Restaurants*).

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.

- This subcategory is less urban than other TSA subcategories because it is 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.

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

The final recommendation from the Planning Commission was to allow drive-through windows for restaurants as a conditional use with additional location criteria that 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.

This section of the Planning Commission staff reports includes a discussion about allowing Drive-Through Windows as Permitted vs. Conditional Use

- By state law, the conditional use must be granted unless impacts may not be mitigated.
 - The conditions listed in the conditional use process focus on impacts, not design.
 - The conditional use process is not a substitute or opportunity for design review beyond mitigation of impacts.
- 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.

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

- The TSA-MUEC-T zoning district has the following design control: setbacks, building materials, active uses, entries, façade articulation and ground floor glass (*see pages 5-6 of PC staff report for details*).
- As noted above, the Planning Commission recommended criteria that 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.

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 (adopted August 10, 2010.), generally near the North Temple/Redwood Road intersection.
- The Plan specifically states the following in relation to area presently mapped as TSA-MUEC-T:

“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.

Text Amendment Standards

Attachment C of the Planning Commission staff report outlines the standards that should be considered as the Council reviews this proposal. *An outline of the analysis is summarized below, please see the Planning Commission staff report for full details.*

Standard	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	<ul style="list-style-type: none">Financial institutions are already allowed to have drive-through windows in the TSAMUEC- 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.The North Temple Boulevard Plan acknowledges the ongoing automobile orientation of the Redwood Road/North Temp 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	<ul style="list-style-type: none">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>Allowing for drive-through windows in this limited area will acknowledge “all modes of travel”.
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards	Not Applicable	<ul style="list-style-type: none">The TSA-MUEC-T is in the Airport overlay.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.
4. The extent to which a proposed text amendment	Complies	<ul style="list-style-type: none">Best planning practices would encourage that zoning standards in the

implements best current, professional practices of urban planning and design		<p>base zone be aligned with the purpose statement of that zone and of adopted master planning documents.</p> <ul style="list-style-type: none"> • 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.
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CITY COUNCIL TRANSMITTAL


Patrick Leary, Chief of Staff

Date Received: 4/18/2019
Date sent to Council: 4/18/2019

TO: Salt Lake City Council
Charlie Luke, Chair

DATE: 4/18/2019

FROM: Jennifer McGrath, Interim Director Department of Community & Neighborhoods



SUBJECT: PLNPCM2018-00575 Text Amendment to Allow Restaurants with Drive-Through Facilities in the TSA-MUEC T Zoning District

STAFF CONTACT: Doug Dansie, Senior Planner doug.dansie@slcgov.com 801 535-6182

DOCUMENT TYPE: Ordinance

RECOMMENDATION: That the City Council adopt the ordinance to amend the text of the TSA-MUEC-T Transit Station Area Mixed-Use Economic Center Transitional to allow drive-through facilities for restaurants as a conditional use with additional criteria.

BUDGET IMPACT: None

BACKGROUND/DISCUSSION: Lorrie Hendricks, representing BIKE LLC, requested 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.

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 properties now and in the future.

Drive-through windows for restaurants are presently not allowed in the TSA-MUEC-T district (however drive-through windows for financial institutions are allowed). The Planning Commission considered continuing to not allow drive-through windows for restaurants; allowing drive-through windows for restaurants as a permitted use; allowing as a conditional use; allowing as a permitted use with additional conditions affecting the location of the drive-through window

and access driveways; and allowing as a conditional use with additional location criteria for drive-through windows and access driveways. The Planning Commission recommended amending the text of the TSA-MUEC-T zoning district to allow drive-through windows for restaurants as a conditional use with additional location criteria that 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. This recommendation was based on the belief that drive-through windows may be a benefit to this particular location in the TSA zone, as long as it is located in areas that do not negatively impact general pedestrian activity of the TSA zone and that the impacts of the drive-through are managed as part of the conditional use process.

PUBLIC PROCESS:

- Notice of petition and request for review was sent to all registered community groups on September 7, 2018.
- A Planning Division Open House was held on October 18, 2018.
- The Planning Commission held a public hearing on December 12, 2018, and voted to forward a recommendation to amend the TSA-MUEC-T text to allow drive-through windows as a conditional use with additional criteria. One public comment in opposition was provided at the hearing.

Detailed comments can be found in the Planning Commission Staff Report (Attachment D).

EXHIBITS:

- 1) Project Chronology
- 2) Notice of City Council Hearing
- 3) Planning Commission – December 12, 2018 Public Hearing
 - a) Hearing Notice
 - b) Staff Report
 - c) Agenda and Minutes
- 4) Original Petition
- 5) Mailing List

LEGISLATIVE DRAFT

SALT LAKE CITY ORDINANCE

No. _____ of 2019

(Amending the Table of Permitted and Conditional Uses
for Transit Station Area Districts in Section 21A.33.035
to add “Restaurant with drive-through facility” as a land use)

An ordinance amending the Table of Permitted and Conditional Uses for Transit Station Area Districts in Section 21A.33.035 to allow “Restaurant, with drive-through facility” as use pursuant to Petition No. PLNPCM2018-00575.

WHEREAS, on August 13, 2018, Lorrie Hendricks, representing BIKE LLC, requested to amend the land use table in Section 21A.33.035 (Table of Permitted and Conditional Uses for Transit Station Area Districts) to add “Restaurant, with drive-through facility” as a land use pursuant to Petition No. PLNPCM2018-00575; and

WHEREAS, at its December 12, 2018 hearing, the Salt Lake City Planning Commission voted in favor of forwarding a positive recommendation to the Salt Lake City Council on said application; and

WHEREAS, the Salt Lake City Council finds, after holding a public hearing on this matter, that adopting this ordinance is in the city’s best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the Text of Salt Lake City Code Section 21A.33.035. That Section 21A.33.035 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Transit Station Area Districts) shall be amended as follows:

LEGISLATIVE DRAFT

- a. Adding a new use category “Restaurant, with drive-through facility.” That a new use category titled, “Restaurant, with drive-through facility” to the Table of Permitted and Conditional Uses for Transit Station Area Districts, which use category shall be inserted into that table in alphabetical order and shall read and appear in that table as follows:

	TSA-UC		TSA-UN		TSA-MUEC		TSA-SP	
	Core	Transition	Core	Transition	Core	Transition	Core	Transition
<u>Restaurants with drive-through facility</u> ¹³						<u>C</u> ¹⁴		

- b. Adding new qualifying provisions. That two new qualifying provision shall be added to the list of qualifying provisions to the Table of Permitted and Conditional Uses for Transit Station Area Districts, which shall be added in numerical order and shall read as follows:

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.

14. Subject to conformance with the provisions in section 21A.40.060 for drive-through use regulations.

LEGISLATIVE DRAFT

SECTION 2. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2019.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER
(SEAL)

Bill No. _____ of 2019.

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: _____

By: _____
Allison Parks, Assistant City Attorney

SALT LAKE CITY ORDINANCE

No. _____ of 2019

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- a. Adding a new use category “Restaurant, with drive-through facility.” That a new use category titled, “Restaurant, with drive-through facility” to the Table of Permitted and Conditional Uses for Transit Station Area Districts, which use category shall be inserted into that table in alphabetical order and shall read and appear in that table as follows:

	TSA-UC		TSA-UN		TSA-MUEC		TSA-SP	
	Core	Transition	Core	Transition	Core	Transition	Core	Transition
Restaurants with drive-through facility ¹³						C ¹⁴		

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14. Subject to conformance with the provisions in section 21A.40.060 for drive-through use regulations.

SECTION 2. Effective Date. This ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah, this _____ day of _____, 2019.

CHAIRPERSON

ATTEST AND COUNTERSIGN:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER
(SEAL)

Bill No. _____ of 2019.

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: April 2, 2019

By: [Signature]
Allison Parks, Assistant City Attorney

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 - c) AGENDA AND MINUTES
4. ORIGINAL PETITION
5. MAILING LIST

1. CHRONOLOGY

PROJECT CHRONOLOGY

Petition: PLNPCM2018-00575

July 18, 2018	Lorrie Hendricks, representing BIKE LLC, submitted a request 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.
Sept. 7, 2018	Petition PLNPCM2018-00575 assigned to Doug Dansie, Senior Planner, for staff analysis and processing.
Sept. 7, 2018	Notices sent to community organizations.
Oct. 18, 2018	Petition presented at the Planning Division Open House.
Dec. 1, 2018	Planning Commission hearing notice published in newspaper and posted on City and State websites.
Dec. 12, 2018	Planning Commission reviewed the petition and conducted a public hearing. The Commission then voted to send a positive recommendation to the City Council to allow restaurants with drive-through facilities as a conditional use in the TSA-MUEC-T zoning district with further restrictions on the location of the window and drive-way locations.
January 3, 2019	Draft ordinance provided to Attorney's Office.
January 9, 2019	Planning Commission minutes ratified.

2. NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition PLNPCM2018-00575 TSA Zoning Text Amendment - Restaurants with Drive-Through Windows- A 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.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME: 7:00 p.m.

PLACE: Room 315
City & County Building
451 South State Street
Salt Lake City, Utah

If you have any questions relating to this proposal or would like to review the file, please call Doug Dansie at 801-535-6182 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at doug.dansie@slcgov.com.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the City Council Office at council.comments@slcgov.com, 801-535-7600, or relay service 711.

3. PLANNING COMMISSION

A. Original Notice and Postmark

June 29, 2018

4770 S. 5600 W.
WEST VALLEY CITY, UTAH 84118
FED.TAX I.D.# 87-0217663
801-204-6910

Deseret News

Utah
Media
Group

The Salt Lake Tribune

PROOF OF PUBLICATION CUSTOMER'S COPY

CUSTOMER NAME AND ADDRESS

PLANNING DIVISION,

PO BOX 145480

SALT LAKE CITY UT 84114

ACCOUNT NUMBER

9001394298

DATE

12/3/2018

ACCOUNT NAME

PLANNING DIVISION,

TELEPHONE

8015357759

ORDER # / INVOICE NUMBER

0001234443 /

PUBLICATION SCHEDULE

START 12/01/2018 END 12/01/2018

CUSTOMER REFERENCE NUMBER

Planning Commission Meeting December 12, 2018

CAPTION

Notice of Public Hearing On Wednesday, December 12, 2018, the Salt Lake City Planning

SIZE

49 LINES

2 COLUMN(S)

TIMES

2

TOTAL COST

127.50

Notice of Public Hearing

On Wednesday, December 12, 2018, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations to the City Council regarding the following petitions:

1. **TSA Zoning Amendment** - A 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 for a restaurant with drive-through facility. 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 the North Temple (Jordan River to 2200 West), but the text amendment would apply citywide to all TSA-MUEC-T zoned property (Staff Contact: Doug Dansie at 801 535-6182 or doug.dansie@slcgov.com). Case number **PLNFCM2018-00575**.

2. **D-1 Self-Storage Zoning Text Amendment** - A request by Bruce Bingham, representing 324 State Street LLC, to amend the text of the D-1 (Central Business District) zoning district to allow self-storage 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 D-1 zoning district is generally mapped between South Temple to 600 South and 200 East to 200 West Streets, but the text amendment would apply citywide to all D-1 zoned property. (Staff Contact: Doug Dansie at 801 535-6182 or doug.dansie@slcgov.com). Case number **PLNFCM2018-00645**.

The public hearing will begin at 5:30 p.m. in room 326 of the City County Building, 451 South State Street, Salt Lake City, UT.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711.
1234443 UPAXLP

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF **Notice of Public Hearing On Wednesday, December 12, 2018, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations FOR PLANNING DIVISION**, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINITELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 12/01/2018 End 12/01/2018

DATE 12/3/2018

SIGNATURE

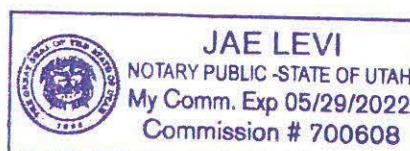
Loraine Gudmundson

STATE OF UTAH)

COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 1ST DAY OF DECEMBER IN THE YEAR 2018

BY LORRAINE GUDMUNDSON.



Jae Levi

NOTARY PUBLIC SIGNATURE

3. PLANNING COMMISSION
B. Staff Report
July 11, 2018



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 within 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

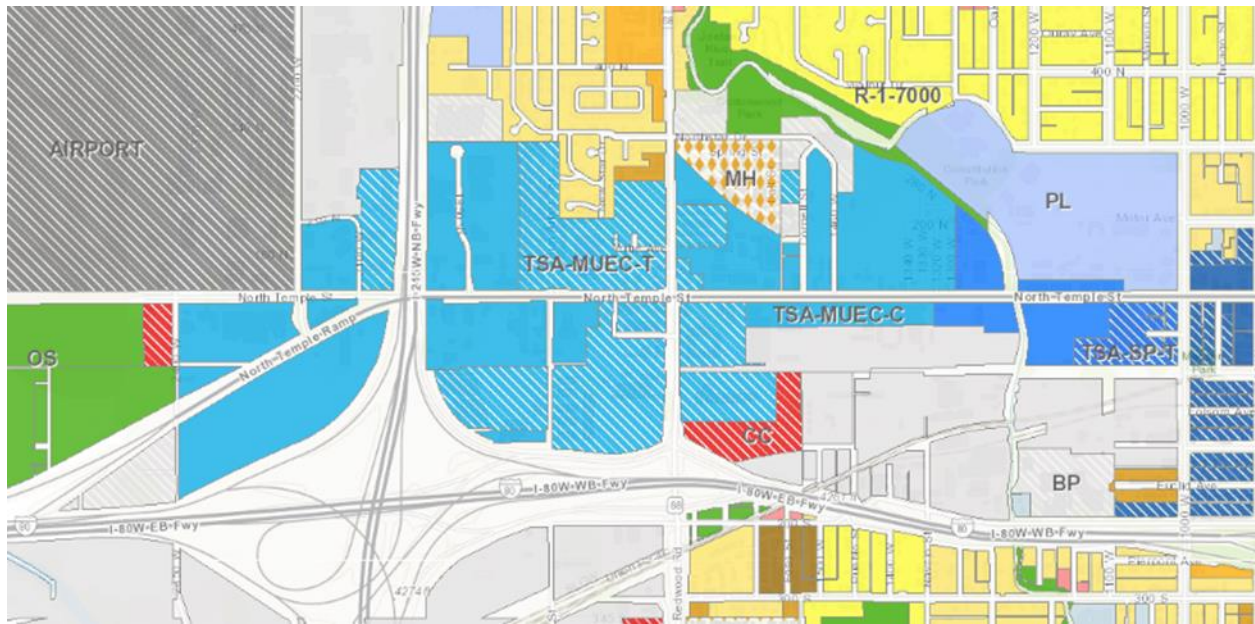
Use	Permitted And Conditional Uses By District							
	TSA-UC		TSA-UN		TSA-MUEC		TSA-SP	
	Core	Transition	Core	Transition	Core	Transition	Core	Transition
Accessory use, except those that are specifically regulated elsewhere in this title	P	P	P	P	P	P	P	P
Financial institution	P	P	P	P	P	P	P	P
Financial 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.

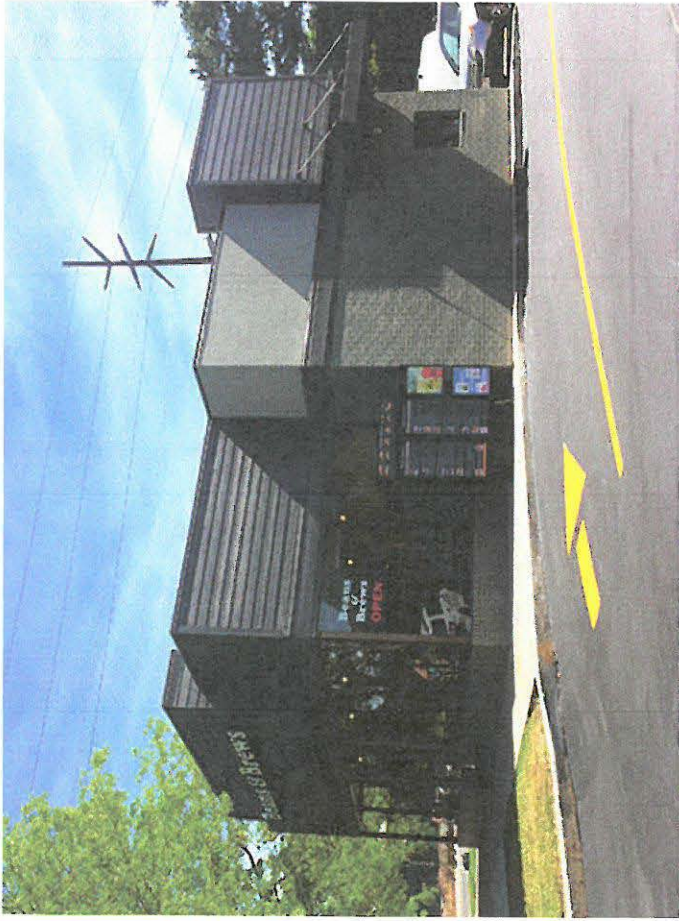
Proposed use of the property being rezoned

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



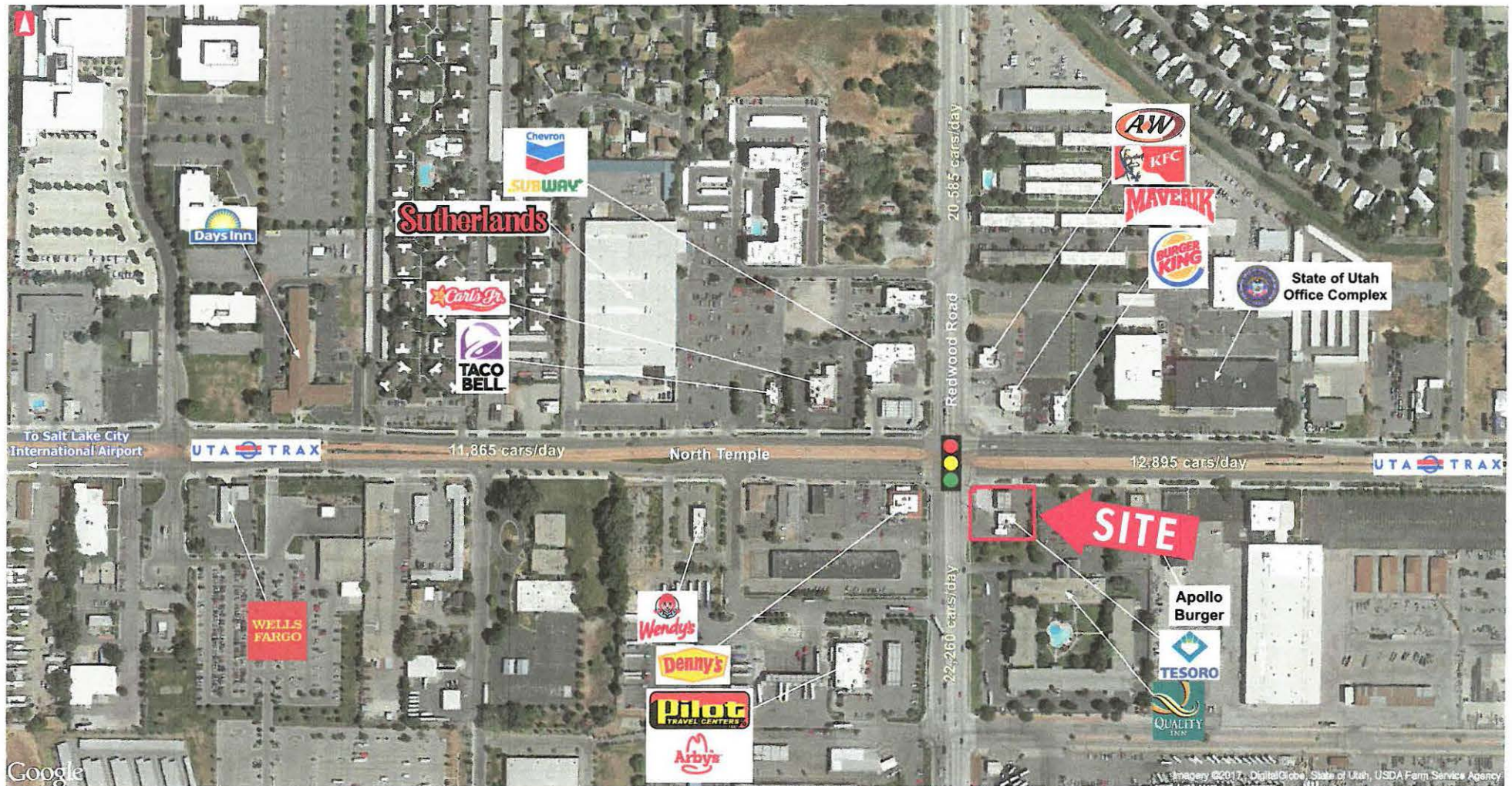
Our parking lot. Semi's squatting for overnight parking



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

1699 WEST NORTH TEMPLE

SALT LAKE CITY • UTAH • 84116





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').

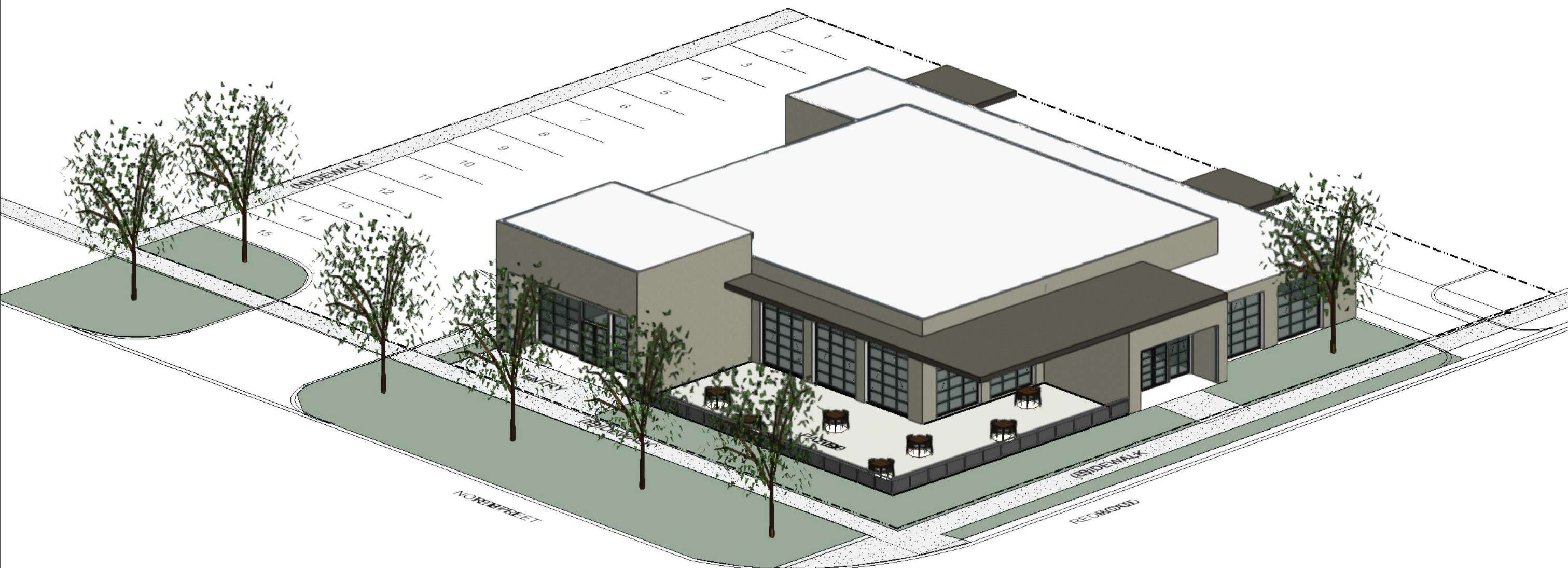
5. Buffer Yard: All lots abutting residential property shall conform to the buffer yard requirements of chapter 21A.48 of this title.

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)

3. PLANNING COMMISSION

C. Agenda/Minutes

July 11, 2018

SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA

In Room 326 of the City & County Building

December 12, 2018, at 5:30 p.m.

(The order of the items may change at the Commission's discretion)

FIELD TRIP - The field trip is scheduled to leave at 4:00 p.m.

DINNER - Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m. in Room 126 of the City and County Building. During the dinner break, the Planning Commission may receive training on city planning related topics, including the role and function of the Planning Commission.

1. **OPMA Training** – A representative from the City Attorney's office will conduct a training on the Open and Public Meeting Act.

PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM IN ROOM 326

APPROVAL OF MINUTES FOR NOVEMBER 28, 2018

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

PUBLIC HEARINGS

1. **Broadway Apartments Conditional Building and Site Design** - Lance Howell and Studio PBA Architects, representing property owner Cottonwood Marq On 2nd, LLC, are requesting Conditional Building and Site Design approval to accommodate additional height for a new 256-unit apartment building located at approximately 336 E. 200 South zoned R-MU: Residential-Mixed Use. The tallest point of the proposed building will be approximately 98'6" measured to the top of the rooftop amenity rooms. Buildings in the R-MU zoning district are permitted up to 75' tall outright, and up to 125' with Conditional Building and Site Design approval. The site is located in Council District 4, represented by Derek Kitchen. (Staff contact: Lauren Parisi at (801) 535-7226 or lauren.parisi@slcgov.com). **Case number PLNPCM2018-00390**
2. **TSA Zoning Amendment** - A 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 for a restaurant with drive-through facility. 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 the North Temple (Jordan River to 2200 West), but the text amendment would apply citywide to all TSA-MUEC-T zoned property (Staff Contact: Doug Dansie at 801 535-6182 or doug.dansie@slcgov.com). **Case number PLNPCM2018-00575**
3. **D-1 Self-Storage Zoning Text Amendment** - A request by Bruce Bingham, representing 324 State Street LLC, to amend the text of the D-1 (Central Business District) zoning district to allow self-storage 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 D-1 zoning district is generally mapped between South Temple to 600 South and 200 East to 200 West Streets, but the text amendment would apply citywide to all D-1 zoned property. (Staff Contact: Doug Dansie at 801 535-6182 or doug.dansie@slcgov.com). **Case number PNPCM2018-00645**

WORK SESSIONS

1. **Sugar House Business District Design Standards Briefing** - The Planning Division is considering amendments to the CSHBD zone that would apply additional design standards from Chapter 21A.37 "Design Standards" on development in the zone. Currently, smaller scale developments below a certain size threshold in the CSHBD zone have few design standards that they must comply with. The amendments would apply minimum design standards to both smaller scale and larger scale development. Larger scale development would still be subject to the Conditional Building and Site Design Review process. The CSHBD zone is generally mapped between 900 East to 1300 East and 1950 South and I-80. The zone is located in Council District 7, represented by Amy Fowler. Because this is a briefing and not a public hearing, Planning Staff is soliciting initial feedback from the Planning Commission and a decision will not be made regarding the proposed amendments at this meeting. (Staff contact: Daniel Echeverria at 801-535-7165 or daniel.echeverria@slcgov.com) **Case number PLNPCM2017-00773**
2. **RMF-30: Low Density Multi-Family Residential Zoning Standards Briefing** – The Planning Division is considering amendments to the RMF-30: Low Density Multi-Family Residential zoning district. The intent of the proposed amendments is to implement the recently adopted Growing SLC: A Five-Year Housing Plan (2017-2021) and remove zoning barriers to creating new housing. Because this is a work session and not a public hearing, Planning Staff is soliciting initial feedback from the Planning Commission and a decision will not be made regarding the proposed amendments at this meeting. (Staff Contact - Lauren Parisi at 801-535-7226 or lauren.parisi@slcgov.com) **Case number PLNPCM2018-00065**

The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information, Visit the Planning Division's website at www.slcgov.com/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived, and may be viewed at www.slctv.com. The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711.

SALT LAKE CITY PLANNING COMMISSION MEETING
City & County Building
451 South State Street, Room 326, Salt Lake City, Utah
Wednesday, December 12, 2018

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:42:37 PM](#). Audio recordings of the Planning Commission meetings are retained for a period of time.

Present for the Planning Commission meeting were: Chairperson Maurine Bachman; Commissioners Amy Barry, Adrienne Bell, Weston Clark, Carolyn Hoskins, Matt Lyon, Andres Paredes, Clark Ruttinger, and Brenda Scheer. Vice Chairperson Sara Urquhart was excused.

Planning Staff members present at the meeting were Molly Robinson, Planning Manager; Paul Nielson, Attorney; Lauren Parisi, Principal Planner; Doug Dansie, Senior Planner; Daniel Echeverria, Senior Planner and Marlene Rankins, Administrative Secretary.

Field Trip

A field trip was held prior to the work session. Planning Commissioners present were: Maurine Bachman, Adrienne Bell, Weston Clark, Clark Ruttinger and Brenda Scheer. Staff members in attendance were Molly Robinson, Eric Daems, Lauren Parisi and Doug Dansie.

- **TSA Zoning Amendment** – Staff summarized petition.
Q: Where will this apply?
A: Only here. Would affect transitional MUEC areas.

[6:59:32 PM](#)

TSA Zoning Amendment - A 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 for a restaurant with drive-through facility. 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 the North Temple (Jordan River to 2200 West), but the text amendment would apply citywide to all TSA-MUEC-T zoned property (Staff Contact: Doug Dansie at 801 535-6182 or doug.dansie@slcgov.com). **Case number PLNPCM2018-00575**

Doug Dansie, Senior Planner, reviewed the petition as outlined in the Staff Report (located in the case file). He stated Staff recommended that the Planning Commission forward a positive recommendation to the City Council including a footnote in the table listing additional conditions.

Lori Hendricks, representative of BIKE LLC and Terese Walton, Real Estate representative, further reviewed the petition and were available for any questions and suggestions.

PUBLIC HEARING [7:12:09 PM](#)

Chairperson Bachman opened the Public Hearing;

Judi Short, Sugar House Community Council Representative – Stated she is opposed to the text amendment.

Seeing no one else wished to speak, Chairperson Bachman closed the public hearing.

The Commission, Staff and Applicant discussed the following:

- Clarification as to why bank drive-throughs were allowed, and others were not
- Why MUEC-T zone was chosen rather than other TSA sub-zones
- Whether bank drive-throughs are allowed on 400 South as well as portions of North Temple
- If drive-throughs were allowed; Whether the conditional use process is better than the permitted use process within this zoning classification
- Additional conditions listed in the proposed table modification

The Commission made the following comments:

- Question whether traffic flow is impacted by putting drive-throughs on busy streets
- Desire to eliminate as many places where people idle in their cars as possible
- A drive-through at this location design may be an appropriate addition to the streetscape

MOTION [7:35:17 PM](#)

Commissioner Lyon stated, based on the information in the staff report, the information presented, and the input received during the public hearing, I move that the Planning Commission forward a positive recommendation to the City Council regarding petition PLNPCM2018-00575 with the following modifications:

- The change be listed as conditional instead of permitted

Commissioner Scheer seconded the motion. Commissioners Scheer, Barry, Hoskins, Bell, Lyon, Ruttinger, and Paredes voted “Aye”. Commissioner Clark voted “Nay”. The motion passed 7-1.

The meeting adjourned at [9:25:33 PM](#)

4. ORIGINAL PETITION
Petition PLNPCM2018-00163



Zoning Amendment

SALT LAKE CITY PLANNING

☒ Amend the text of the Zoning Ordinance ☐ Amend the Zoning Map

OFFICE USE ONLY

Received By:

Date Received:

Project #:

Name or Section/s of Zoning Amendment:

7/18/18

P/NPCM 2018-00575

Drive-thru in TSA

PLEASE PROVIDE THE FOLLOWING INFORMATION

Address of Subject Property (or Area):

1699 West North Temple

Name of Applicant:

Lorrie Hendricks for BIKE LLC

Phone:

Address of Applicant:

E-mail of Applicant:

Cell/Fax:

Applicant's Interest in Subject Property:

☒ Owner

☐ Contractor

☐ Architect

☒ Other:

agent for owner

Name of Property Owner (if different from applicant):

BIKE LLC

E-mail of Property Owner:

same

Phone:

same

Please note that additional information may be required by the project planner to ensure adequate information is provided for staff analysis. All information required for staff analysis will be copied and made public, including professional architectural or engineering drawings, for the purposes of public review by any interested party.

AVAILABLE CONSULTATION

If you have any questions regarding the requirements of this application, please contact Salt Lake City Planning Counter at (801) 535-7700 prior to submitting the application.

REQUIRED FEE

- Filing fee of \$1,011 plus \$121 per acre in excess of one acre,
- Text amendments will be charged \$100 for newspaper notice.
- Plus additional fee for mailed public notices.

SIGNATURE

If applicable, a notarized statement of consent authorizing applicant to act as an agent will be required.

Signature of Owner or Agent:

Date:

7/2/2018

SUBMITTAL REQUIREMENTS

Staff Review

1. Project Description (please attach additional sheets.)

- ☐ ☒ A statement declaring the purpose for the amendment.
- ☐ ☒ A description of the proposed use of the property being rezoned.
- ☐ ☒ List the reasons why the present zoning may not be appropriate for the area.
- ☐ ☐ Is the request amending the Zoning Map?
If so, please list the parcel numbers to be changed.
- ☐ ☒ Is the request amending the text of the Zoning Ordinance?
If so, please include language and the reference to the Zoning Ordinance to be changed.

WHERE TO FILE THE COMPLETE APPLICATION

Mailing Address: Planning Counter
PO Box 145471
Salt Lake City, UT 84114

In Person: Planning Counter
451 South State Street, Room 215
Telephone: (801) 535-7700

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

 DA I acknowledge that Salt Lake City requires the items above to be submitted before my application can be processed. I understand that Planning will not accept my application unless all of the following items are included in the submittal package.

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



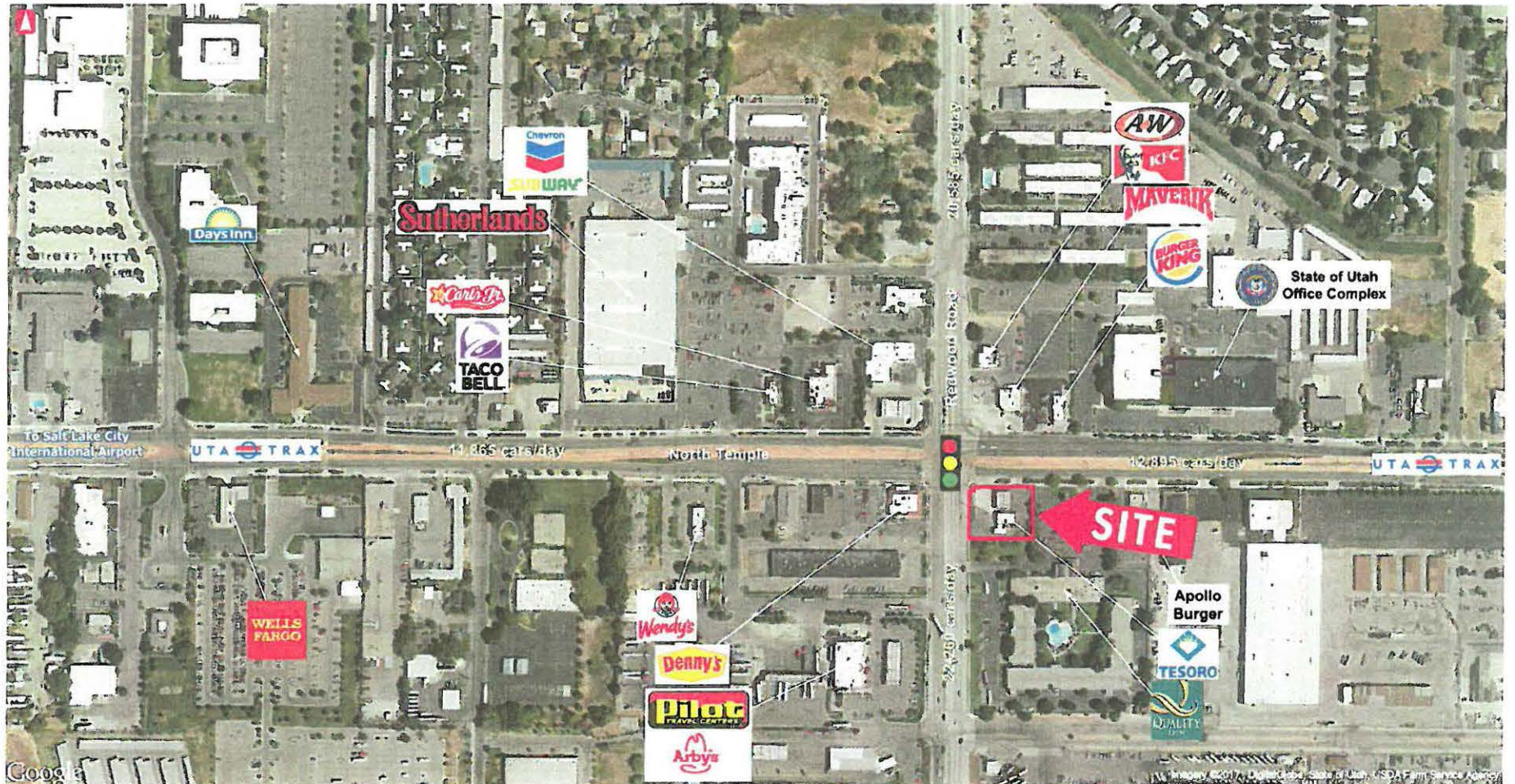
Our parking lot. Semi's squatting for overnight parking



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

1699 WEST NORTH TEMPLE

SALT LAKE CITY • UTAH • 84116



5. MAILING LABELS

Name	Address1	Address2
HENDRICKS, LORI BIKE LLC	1400 S FOOTHILL DRIVE SUITE 34	SALT LAKE CITY, UT 84108
SHORT, JUDI	862 HARRISON AVENUE	SALT LAKE CITY, UT 84104-2223
DANSIE, DOUG	POBOX145480	SALT LAKE CITY, UT 84114-5480