



JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATTHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

# MEMORANDUM

September 5, 2019

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To: Planning Commission  
 From: Community Development Department  
 Subject: Dutch Bros. Coffee Restaurant Conditional Use for Drive-up Window and Extended Business Hours. 7856 S, 700 East Street [Community #3, Sandy Woods]

CUP-06-19-5673  
CN Zone  
0.85 Acres

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PROPERTY CASE HISTORY	
Case Number	Case Summary
SPR-91-06 CUP-91-06	Site Plan Review for the "Super Wash" Car Wash facility, including a 6 foot high concrete block wall on the west and south sides of the property and extended business hours to 12:00 Midnight. Approved in March 7, 1991.

*Public Notice: In addition to the posting of the meeting agenda, this project was noticed for this meeting to property owners within 500 feet of the subject property, by U.S. Mail delivery.*

### DESCRIPTION OF REQUEST

The applicant, Ms. Kerry Rohrmeier, PhD, AICP, representing Tectonic Design Group, and Main & Main Capitol Group, is requesting that the Planning Commission review and approve a Conditional Use Application for a new Dutch Bros. Coffee Restaurant with a Drive-up Window and Extended Business Hours from 5:00 A.M. to 11:00 P.M., seven days a week, which also requires Site Plan Review. An associated staff report addresses the Site Plan Review application. The Planning Commission is the land use approval body for this action, as designated in the Sandy City Development Code.

### BACKGROUND

The property parcel, which now hosts a self-service car wash facility, is being sold to the developers of the proposed coffee restaurant. The existing car wash building will be demolished and the site re-developed with the new drive-up window coffee restaurant; an 824 square foot permanent building to supply the coffee and other drinks out through the drive-up window and a walk-up window (no customers will be served inside the building).

### NEIGHBORHOOD MEETING

A neighborhood meeting was held for the Conditional Use on this project on July 31, 2019. Only the abutting business property owners to the north attended the meeting, who expressed that they were excited to have the new business in the area. (See the neighborhood meeting summary attached)

### CONDITIONAL USE ANALYSIS

**Conditional Use consideration for Restaurant, Drive-up Window in the CN Zoning District and Extended Business Hours within 250 feet of Residential Zoning.**

Under the Sandy City Development Code, the Planning Commission, through the Conditional Use process, can: **approve** Conditional Uses if no mitigation of reasonably anticipated detrimental impacts is necessary; **approve** Conditional Uses, subject to reasonable conditions designed to mitigate or eliminate reasonably anticipated detrimental impacts; or **deny** Conditional Uses, if it is determined that reasonably anticipated detrimental impacts cannot be adequately mitigated. The burden of mitigating these impacts or effects is the responsibility of the applicant and not of the municipality or adjacent property owners (Section 15A-33-04).

**Compliance with Section 15A-33-04 Conditional Use Permit:**

In order to achieve compliance with the standards set forth herein, the City may impose conditions that address these standards:

1. Size, configuration and location of the site and the proposed site plan layout.

*The layout is properly designed and located. The site is adequately sized for the proposed new building.*

2. Proposed site ingress and egress to existing and proposed roads and streets.

*The ingress and egress to and from the site will be adequate for use by this facility.*

3. The adequacy, provision, relocation or protection of public facilities and amenities, including roads and street, culinary water, secondary water, sanitary sewer, storm drainage, public safety and fire protections, and other utilities.

*All of these public facilities either presently exist at the site and are functioning, or are proposed to be improved and expanded by the proposed site improvements. These public facilities will not be detrimentally impacted by the proposed Conditional Use of the property.*

4. Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas.

*Adequate vehicle parking will be provided by the proposed parking on the site, as per the Sandy City Development Code.*

5. Site circulation patterns for vehicular, pedestrian and other traffic.

*Site circulation will be sufficient for the use as designed on the site plan and as per the prior experience of the owners of the restaurant chain.*

6. Mass, size, number, location, design, exterior features, materials, and colors of buildings, structures and other facilities.

*The building design, materials, and colors meet the zoning requirements and the Sandy City Architectural Design regulations, and staff has reviewed the design and has recommended approval by the Planning Commission as part of the site plan review.*

7. The location and design of all site features, including proposed signage, lighting, and refuse collection.

*This standard will be met. Site signage is not included in this review, but must be by separate application.*

8. The provision of useable open space, public features, and recreational amenities.

*This standard is not applicable.*

9. Fencing, screening and landscape treatments, and other features designed to increase the attractiveness and safety of the site and protect adjoining owners from noise, visual and other impacts.

*The site landscaping will be installed as part of this site plan approval as shown on the attached plans. This standard will be met.*

10. Measures directed at minimizing or eliminating possible nuisance factors including, but not limited to noise, vibrations, smoke, dust, dirt, debris, plant materials, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.

*This facility will be subject to the noise limits imposed by the County Health Department. There will not be any unusual vibration, smoke, dust, and debris or plant materials nuisance factors after development of the building and site. Noise impact from the extended business hours of 5:00 A.M. to 11:00 P.M. will not create a nuisance because although the site abuts residential zoning, there are no residential uses adjacent to the parcel, as the nearest single family dwelling is east of 700 E. Street.*

11. Measures designed to protect the natural features of the site, including wetlands and drainage ways, ground water protection, soils, wildlife and plant life.

*This standard is not generally applicable.*

12. The regulation of operating hours for activities affecting normal schedules and functions;

*The applicants are requesting extended business hours by one hour in the morning and two hours in the evening. The prior use car wash was granted extended business hours by two hours in the evening, and that situation has been in place for nearly 30 years without complaint. The applicant's business model, and the company's prior experience in other markets dictates these business hours as being generally profitable. Once the business opens and operates for a while, the business hours may be reduced at the discretion of the operator, if this location experiences*

*a different demand for service. Since there are no residential uses adjacent to the parcel, the extension of one hour in the morning and one hour in the evening, should not cause any problems.*

13. Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval.

*The conditional use will be reviewable upon legitimate complaint, and any new impacts arising can then be addressed by the Planning Commission, through the imposition of additional mitigating measures.*

14. Measures to ensure compliance with all conditions and requirements of approval including but not limited to bonds, letters of credit, improvement agreements, the agreements to conditions, road maintenance funds, and restrictive covenants.

*Measures to ensure compliance will be enforced by the Sandy City staff through normal plan review finalization and upon citizen complaint or staff observance of non-compliance and will be adequate to mitigate potential violations of approval conditions.*

15. Such other conditions determined reasonable and necessary by the City to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this Code.

*To mitigate any potential negative impacts to the City and the neighborhood, staff suggest the conditions listed at the bottom of this report, 1 to 3.*

#### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission **grant** the Conditional Use requests to allow “Restaurant, Drive-up Window” land use and “Extended Business Hours” to 5:00 A.M. to 11:00P.M., based on the staff report, the **staff findings 1 to 15** in the above analysis of the Conditional Use Standards and the **three additional findings listed below and subject to the following three conditions:**

#### **FINDINGS:**

- A. That the various City Departments and Divisions, including the City Engineer and the Transportation Engineer, have preliminarily approved the proposed related site plan.
- B. That the proposed site planning and infrastructure improvements, building design, will provide substantial mitigation of reasonably anticipated detrimental impacts of the drive-up window and its related vehicle queuing development upon the surrounding businesses and the extended business hours of operation.
- C. That the proposed “Restaurant, Drive-up Window” land use request and the “Extended Business Hours” have been reviewed by staff considering the 15 standards contained in the Sandy City Development Code, 15A-33-04, Conditional Use Process, and appropriate and

adequate mitigation measures will be implemented or will be imposed as deemed necessary to minimize impacts to the surrounding business community, subject to the following conditions.

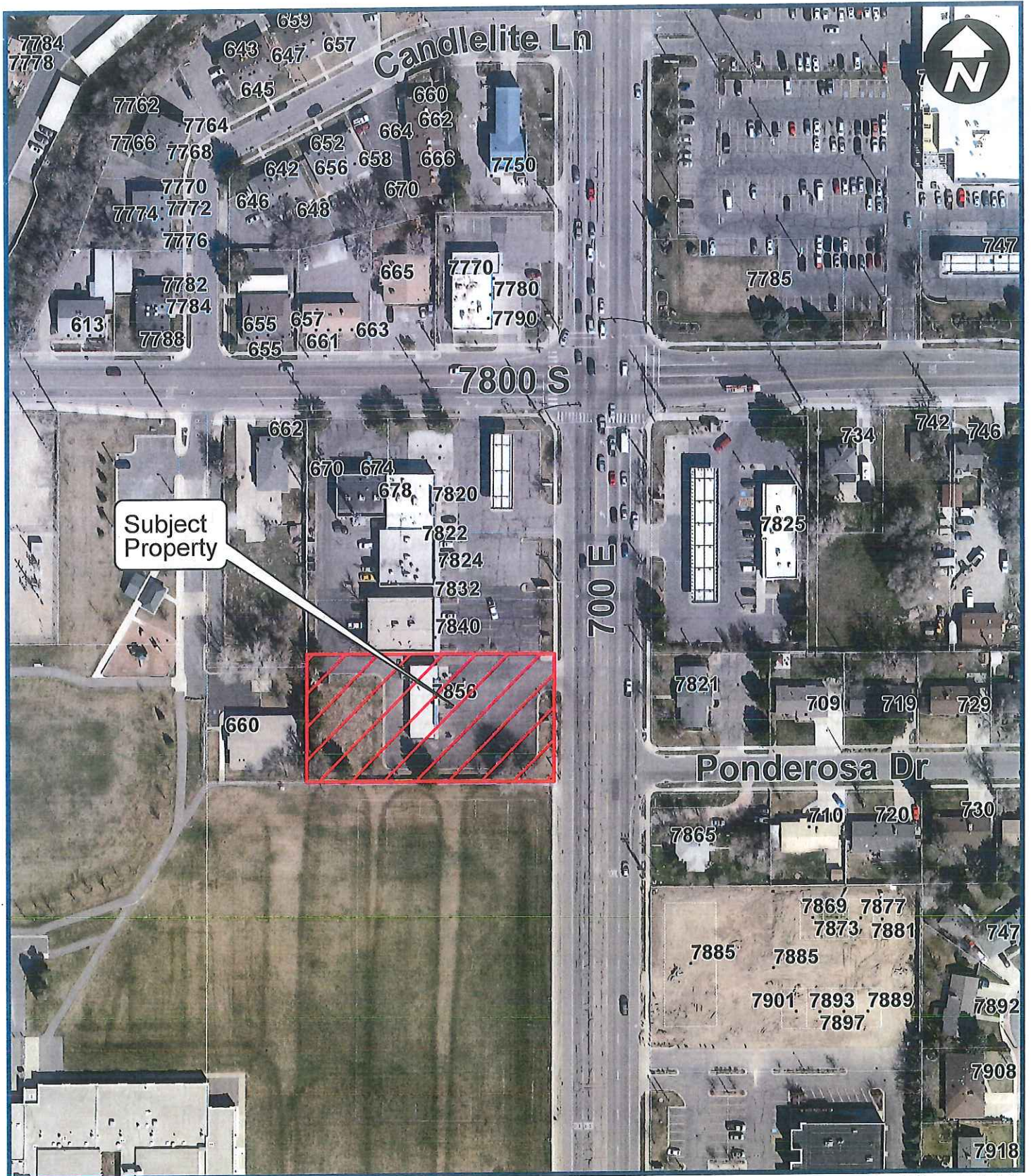
**CONDITIONS OF APPROVAL:**

1. That the applicant proceed through final site plan approval with staff as required by the Sandy City Development Code.
2. That the Conditional Use Permit for “Restaurant, Drive-up Window” and “Extended Business Hours within 250 feet of Residential Zoning” be reviewed upon future legitimate citizen complaint or staff observation of non-compliance with conditions.
3. That the applicant be responsible to meet all provisions of the Sandy City Development Code and all conditions of approval that are included in this report and as may be imposed by the Planning Commission to mitigate the reasonably anticipated detrimental effects of the proposed use.

Planner:

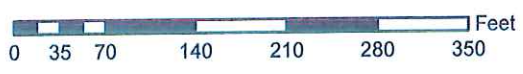
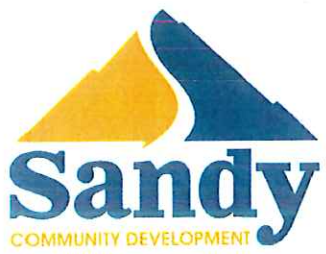
Reviewed by:

Douglas L. Wheelwright  
Development Services Manager



Subject Property

**SPR-06-19-5672/CUP-06-19-5673**  
**Dutch Bros Coffee**  
**7856 S 700 E**



PRODUCED BY WADE SANNER  
THE COMMUNITY DEVELOPMENT DEPARTMENT



June 12, 2019

City of Sandy  
Community Development Department  
10000 Centennial Parkway  
Sandy, Utah 84070

**RE: Dutch Bros Conditional Use Permit and Site Plan Review**

To Whom It May Concern:

Tectonics Design Group, on behalf of Main & Main Capital Group, is pleased to submit an application for Conditional Use Permit and Site Plan Review for redevelopment of 7856 South 700 East in Sandy, Utah (APN 22-31-227-015-0000). We are proposing Utah's first Dutch Bros Coffee - a privately held drive through chain that serves specialty coffee drinks, smoothies, teas, and signature freezes. Dutch Bros franchises are locally owned and operated, and owners have a personal investment in the communities they serve and contribute a portion of all sales to local causes and organizations.

This project is well suited for its Neighborhood Commercial zoning designation so no land use or rezoning is needed. Our development plan is to demolish the carwash and construct an 824 square foot building with walk up customer service windows and two drive through lanes. The parcel has matured landscaping and solid masonry perimeter fencing that we plan to maintain for adjacency to residentially zoned property. These neighbors are not typical residences but instead used by Union Middle School (more specifically soccer fields) to the south and a former seminary building at the rear. Both neighboring buildings will be sited farther than 100 lineal feet from the proposed new building per code requirement. Additional landscaping, Low Impact Design features, improved drainage, and shielded exterior lighting will be constructed with this project. Signage text will change but the size will not change given our planned reuse of the existing monument footings and base.

Project access and trip generation was discussed when we attended a Development Review Meeting with Sandy City staff in March 2019. Site circulation is designed around the existing driveway onto UDOT 7800 East. This location currently provides and will continue to offer legal access by way of agreements and easements that are in place with parcels to the north. We have also included a Traffic Impact Study prepared by A-Trans consultants in May 2019 which analyzes future project conditions. Of the 1,600 average daily trips generated (270 morning and 68 evening Peak Hour Trips) as much as 95 percent will be passby vehicular traffic.

Following planning and permitting with Sandy City we are aiming for construction completion in a single phase with anticipated completion by Summer 2020. Once operational this Dutch Bros establishment will be open seven days per week between 5:00 am and 11:00 pm and will be staffed by shifts of two or more employees as determined by local customer demand.

We are excited to bring the first Utah Dutch Bros to Sandy! Your time spent reviewing our Conditional Use Permit and Site Plan Review application package is very much appreciated. Enclosed with this letter is a site plan and checklist, grading and drainage plan, utility plan (most of which is existing), landscape plan, and architectural floorplan and elevations. Please feel free to contact me with any additional questions at (510) 993-4034, or by email at [kerry@tdg-inc.com](mailto:kerry@tdg-inc.com).

Sincerely,

A handwritten signature in blue ink that reads "Kerry D. Rohrmeier". The signature is fluid and cursive, with a long horizontal flourish at the end.

Kerry Rohrmeier, PhD AICP  
Senior Planner

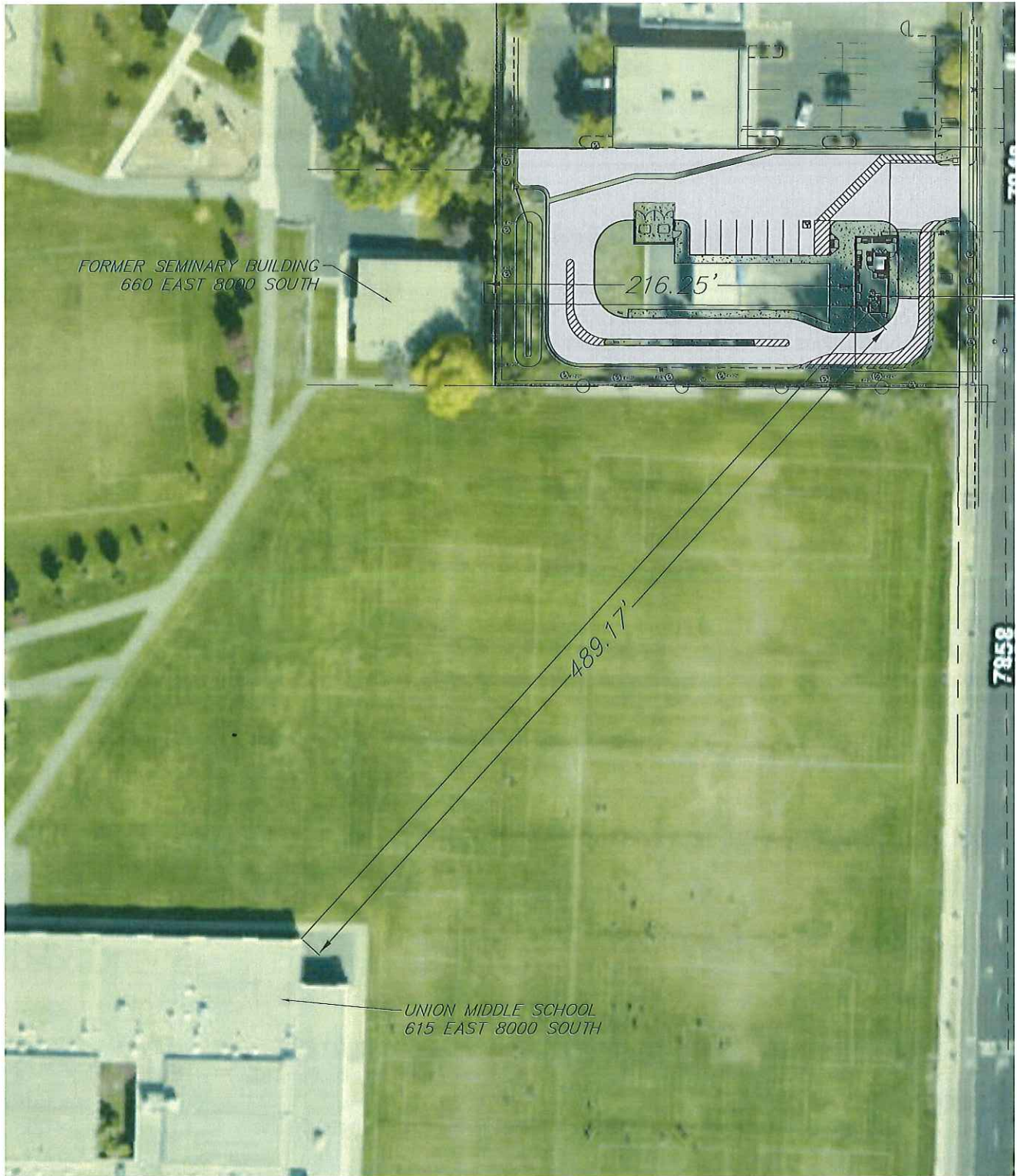


DRAWN: CSO

DATE: 5/24/19

DESCRIPTION: CONDITIONAL USE EXHIBIT RESIDENTIAL ADJACENCY

SUBMITTAL: EX-1



PROJECT/CLIENT:

**DBR SANDY**  
7856 700 E, SANDY, UT 84070

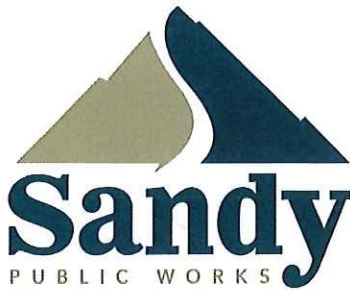
**CITY OF SANDY**  
COMMUNITY DEVELOPMENT

JOB #: 19048

**TECTONICS**  
DESIGN GROUP

730 Sandhill Road, Suite 250, Reno, NV 89521  
www.tectonicsdesigngroup.com

tel 775-824-9988  
fax 775-824-9986



# DEPARTMENT OF PUBLIC WORKS

Kurt Bradburn  
Mayor

Matthew Huish  
Chief Administrative Officer

Michael Gladbach, P.E.  
Director

## READY-FOR-PLANNING-COMMISSION MEMORANDUM

**Date:** June 25, 2019

**To:** Doug Wheelwright, Development Services Manager

**From:** Ryan C. Kump, P.E., City Engineer  
Britney Ward, P.E., City Transportation Engineer  
David J. Poulsen, Development Engineering Coordinator

*Ryan C. Kump*  
*Britney Ward*  
*David J. Poulsen*

**Project Name:** Dutch Bros. No: UT0301

**Plan Case Number:** SPR-06-19-005672

**Project Address:** 7856 South 700 East Street

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A review of the above-mentioned project has been made. Following is a list of comments from the Public Works Department:

1. THE PRELIMINARY SITE PLAN AND OTHER DOCUMENTS SUBMITTED BY THE DEVELOPER ARE GENERALLY ADEQUATE at this stage of the project with regard to Public Works Department concerns. A number of items will be required prior to final approval, including items mentioned in the drawing redlines, the "Plan Case Comments," and the "City Engineer Requirements" letter, but these items are not required as part of this preliminary submittal.
2. THE PUBLIC WORKS DEPARTMENT RECOMMENDS THAT THE PLANNING COMMISSION DECLARE THAT PLANNING COMMISSION PRELIMINARY SITE PLAN REVIEW IS COMPLETE, and that final project documents be prepared by the developer for review by city staff members.
3. PRIOR TO FINAL APPROVAL BY THE PUBLIC WORKS DEPARTMENT, the developer is required to complete all items mentioned in the drawing redlines, the "Plan Case Comments," and the "City Engineer Requirements" letter.

DRAWN:

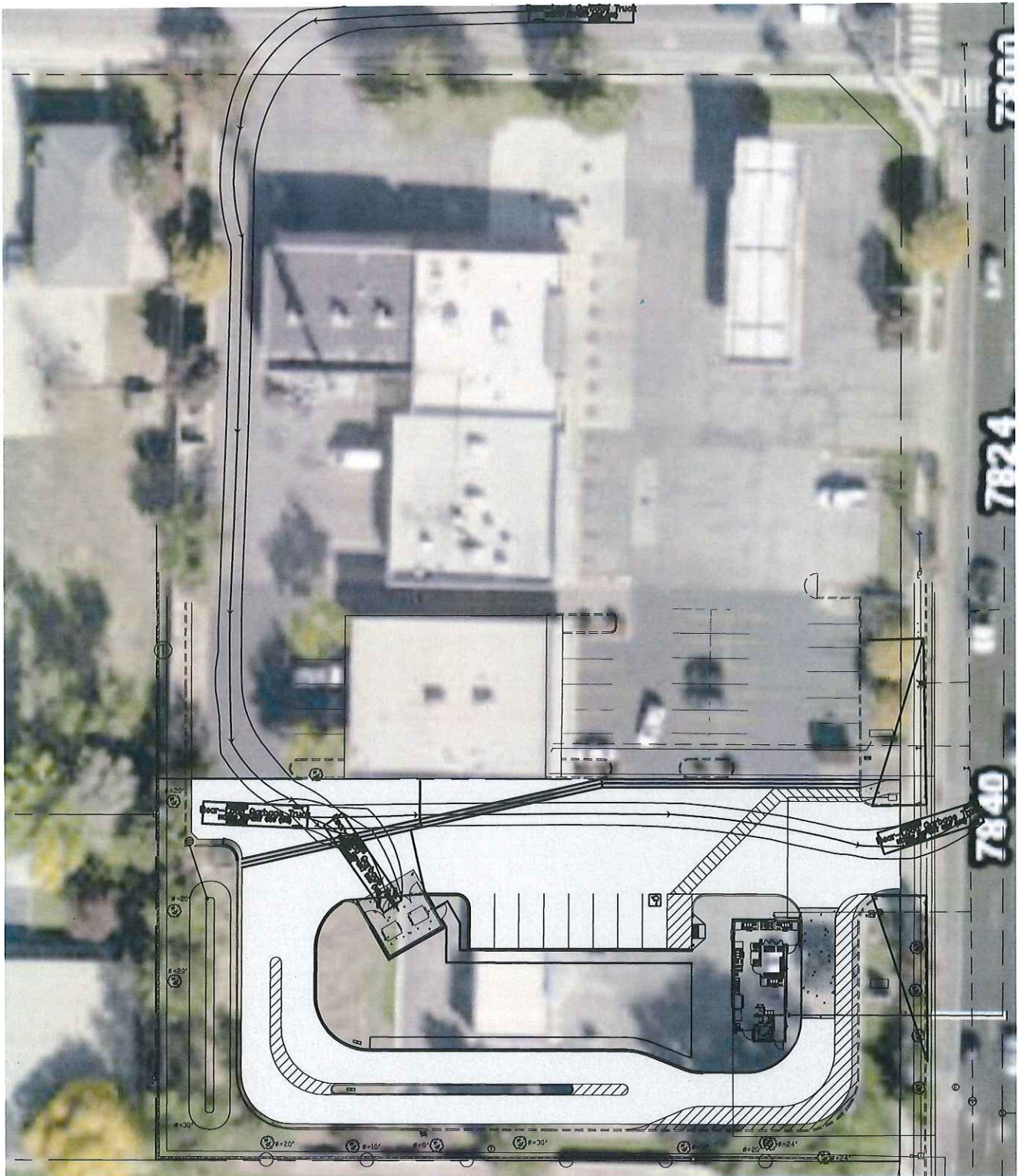
CSO

DATE:

8/15/19

DESCRIPTION: SOLID WASTE ACCESS

SUBMITTAL: DUMPSTER EX-1



PROJECT/CLIENT:

JOB #: 19048

**DBR SANDY**  
 7856 700 E, SANDY, UT 84070

**CITY OF SANDY**  
 PUBLIC UTILITIES

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**DESIGN GROUP**

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# SANDY CITY COMMUNITY DEVELOPMENT

JAMES SORENSEN  
COMMUNITY DEVELOPMENT  
DIRECTOR

KURT BRADBURN  
MAYOR

MATHEW HUISH  
CHIEF ADMINISTRATIVE OFFICER

## Neighborhood Meeting Summary – Community #3 Sandy Woods

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**Date:** 7/31/2019

**Location:** City Hall / East Conference room

**Community #/Name:** #3 Sandy Woods

**Community Coordinator:** Vacant

**Project Name:** Dutch Brothers coffee drive-thru

**Number of Attendees:** 7

**Applicants:** Dutch Brothers

**Number of Invitees:** 45

**Length of Meeting:** 40 min

**Notice Radius:** 500 ft.

**Project Description:** Tear down of current car wash structure and redevelop the entire property into a drive-thru Coffee restaurant. Building would be 824 square feet and only occupied by employees. ( up to 4) All coffee and any limited food would be sold out of the drive-thru window, to customers waiting in their cars in the drive-thru queue. This will be the first Dutch Brothers Coffee location in Utah.

### **Community Comments:**

1. Neighboring business owners are excited for the new development. Hoping it will bring more customers to the plaza.
2. Exiting driveway on 700 East
  - a. Left turns allowed or restricted.
3. There were no further comments of concerns.

Neighborhood Meeting – Community #3 Sign-In Sheet  
(7/31/2019)

	Name	Email	Cell Phone Number
1	Kerry Rohmeyer	kerry@tdy-inc.com	510-993-4034
2	Sharon Meinor	sharon@comcast.net	801-556-6900
3	Jeff Meinor	jk1mei@msn.com	801-803-0234
4	Caitlin Meinor	caitlme@comcast.net	801-672-6422
5	Jose Gerna	atrans@comcast.net	801-949-0348
6	Melissa Alford	malford@comcast.net	801-696-8866
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