



JAMES SORENSEN
COMMUNITY DEVELOPMENT
DIRECTOR

KURT BRADBURN
MAYOR

MATTHEW HUISH
CHIEF ADMINISTRATIVE OFFICER

MEMORANDUM

August 15, 2019

To: Planning Commission
 From: Community Development Department
 Subject: Panera Bread Restaurant Conditional Use for CUP-06-19-5580
 "Restaurant, Drive-up Window." CBD Zone
 Approximately 10200 South and State Street 0.50 Acres
 [South Towne, Community #9]

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.

PROPERTY CASE HISTORY	
Case Number	Case Summary
SPR-95-01	Site Plan Review for the original shopping center project for the Target Store and other shops totally 28.6 acres and 316,000 square feet of building. Approved in March 1995.

DESCRIPTION OF REQUEST

The applicant, Mr. John Lee, representing ST Mall Owners, LLC and Panera Bread, is requesting that the Planning Commission review and approve a commercial site plan for a new Panera Bread Restaurant with a Drive-up Window, which also requires Conditional Use review. An associated staff report addresses the Site Plan Review application for the restaurant site. The Planning Commission is the land use approval body for this action, as designated in the Sandy City Development Code.

BACKGROUND

The property is currently part of a large property parcel that contains most of the parking spaces for the shopping center anchor tenant Target store and the other commercial shops to the south, including Barnes and Noble. The property owner, ST Mall Owners, LLC, is proposing to create a one-half acre "Pad Site" in the southeast corner of the existing parking lot as the site for this new restaurant. The existing parking lot improvements in this area will be modified and the access driveway that currently connects to the main entrance road for the shopping center (10200 South) will be shifted to the west and reconstructed to accommodate the pad site layout. Because the property is zoned CBD, the site plan must be approved by the Planning Commission. The CBD zone also triggers a requirement that the proposed building be reviewed by the Sandy City Architectural Design Review Committee. The entire area around this site is

zoned CBD. The Jordan and Salt Lake Canal property abuts the site on the east, which abuts State Street in this area.

NEIGHBORHOOD MEETING

A Neighborhood meeting was not held for the Conditional Use on this project, because there is no residential development or population in this immediate area, and no community coordinator has been appointed for this community.

CONDITIONAL USE ANALYSIS

Conditional Use consideration for Restaurant, Drive-up Window in the CBD Zoning District.

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 replacement parking on the pad site and the fact that the entire shopping center is covered by a shared parking agreement, and 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.

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 the Sandy City Architectural Design Review Committee has reviewed the design and has recommended approval by the Planning Commission.

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.

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 not requesting any extended business hours.

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 upon citizen complaint or staff observance 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, 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. Placing the drive-up window on the west side of the building, facing the existing large parking lot, and wrapping the drive-up window queuing isle around the north and west sides of the building, and away from State Street will help mitigate the detrimental impacts of the drive-up window for the restaurant.
- C. That the proposed “Restaurant, Drive-up Window” land use request has 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" 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



THE SHOPS AT SOUTH TOWN

June 25, 2019
Doug Wheelwright

Sandy City Corporation
Community Development Department
10000 Centennial Parkway
Sandy, UT 84070

Re: South Town Marketplace / Panera Bread Conditional Use Permit

Dear Mr. Wheelwright,

Please find this request for a conditional use permit for the drive thru at the proposed Panera Bread, located at 10200 South State Street at the South Town Marketplace.

- The business model of the bakery-cafe includes a drive-up window.
- The proposed store hours are:
 - 6:30am to 10pm M-Sat
 - 7am-9pm Sunday
- The zone is CBD. Chapter 15-08 lists a restaurant drive-up window as a conditional use.
- 15A-23-17 specifies that the queuing lanes should not be between the building and the street. This section has been used for the design of the building.

Other similar buildings in the zone have been approved. The closest restaurant, the Chick-fil-a to the north, also has a drive-up window, which has been a key component to their success.

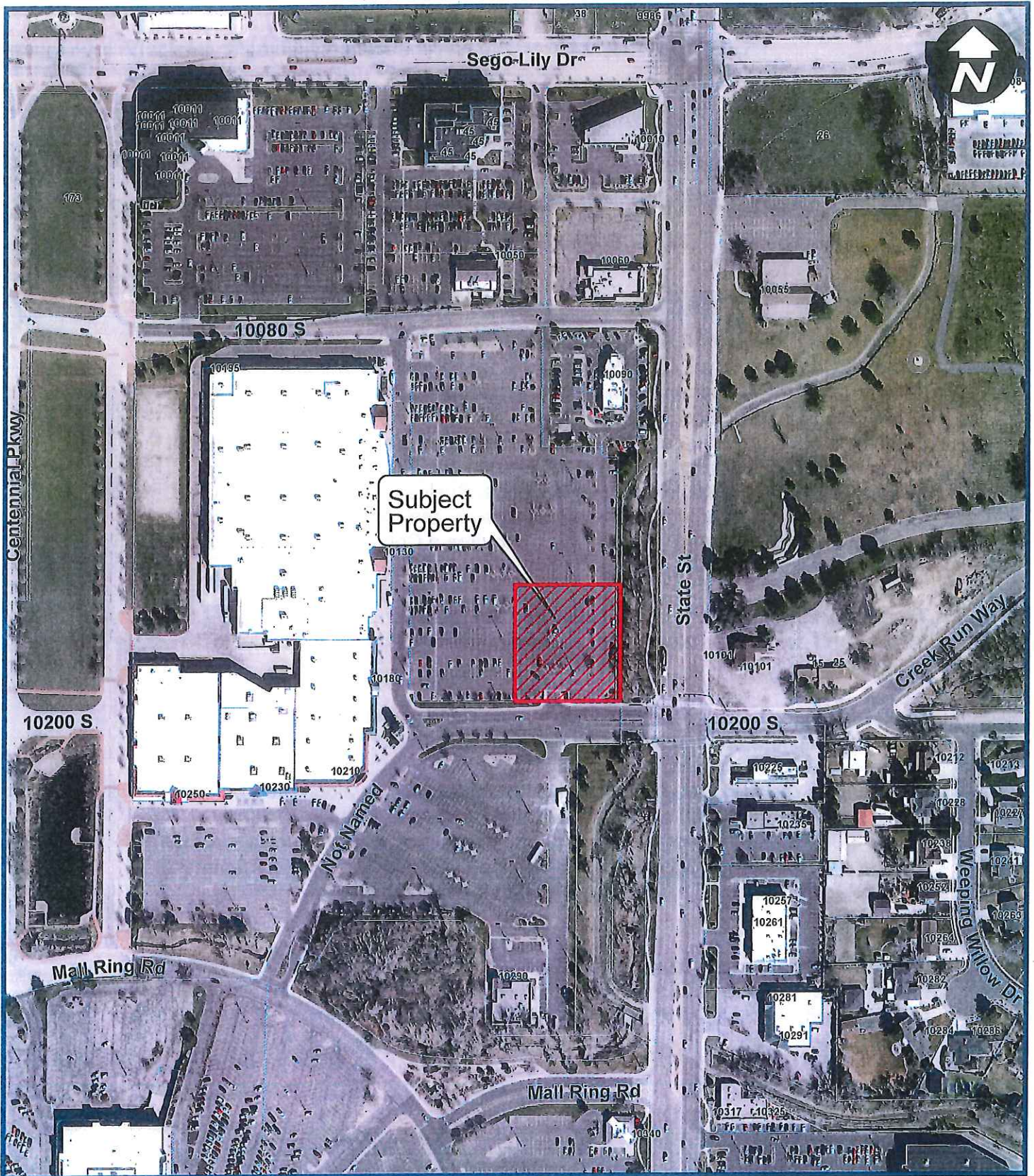
Please feel free to contact me with any questions regarding our application.

Sincerely,



John Lee
Operations Manager
The Shops At South Town
ST Mall Owners, LLC

- General Development Application



SPR-06-19-5679
Panera Bread
10200 S. and State St.

PRODUCED BY CLAIRE HAGUE
THE COMMUNITY DEVELOPMENT DEPARTMENT