



**22-0013SUP2**

**TITLE:** Conduct a Public Hearing to Consider/Discuss/Act on a Specific Use Permit Request for a Restaurant with Drive-Through (Seven Brew Coffee), Located on the Northwest Corner of U.S. Highway 380 (University Drive) and Sharon Lane

**COUNCIL GOAL:** Direction for Strategic and Economic Growth  
(1C: Provide a strong city economy by facilitating a balance between industrial, commercial, residential and open space)

**MEETING DATE:** September 27, 2022

**DEPARTMENT:** Development Services - Planning Department

**CONTACT:** Lexie Schrader, Planner I  
Caitlyn Strickland, Planning Manager  
Jennifer Arnold, AICP, Director of Planning

**APPROVAL PROCESS:** The recommendation of the Planning and Zoning Commission will be forwarded to the City Council for final action at the October 3, 2022 meeting.

**STAFF RECOMMENDATION:** Staff recommends approval of the proposed specific use permit request with the following special ordinance provision:

1. The property shall generally develop in accordance with the attached specific use permit exhibit and all applicable development requirements of the city.

**APPLICATION SUBMITTAL DATE:** July 11, 2022 (Original Application)  
August 29, 2022 (Revised Submittal)

**ITEM SUMMARY:** The applicant is proposing a specific use permit to allow a restaurant with a drive-through (Seven Brew Coffee) located on the northwest corner of U.S. Highway 380 and Sharon Lane. The property is zoned "BN" - Neighborhood Business District which requires a specific use permit for restaurants with drive-throughs to be operated on the subject property.

The applicant is also requesting a landscape setback variance along Bailey Drive. The request is to reduce the required 20' landscape buffer along the right-of-way to a 10' buffer.

**EXISTING ZONING AND LAND USES:**

Location	Zoning District (Permitted Land Uses)	Existing Land Use
Subject Property	"BN" - Neighborhood Business District (Commercial uses)	Bill Smith Cafe
North	"RS-84" - Single Family Residence District (Single family uses)	Existing single family
South	"PD" - Planned Development District (Commercial)	WinCo Foods, T-Mobile
East	"C" - Planned Center District (Commercial)	Sicily's Pizza & Pasta
West	"BG" - General Business District (Commercial Uses)	Take 5 Oil Change

**SPECIFIC USE PERMITS:** When acting on a request for a specific use permit, the following factors should be considered:

- Compatibility with adjacent and neighboring land uses in the immediate area
- Adaptability of building structures to the proposed use
- Infrastructure requirements: roads, sidewalks, access to public streets, parking, and drainage
- Elements such as screening, open space, building heights, and compatibility of existing buildings to the proposed use

Staff has evaluated the request based on the above-mentioned parameters and feels that the proposed use is appropriate for the site and should be compatible with adjacent proposed and existing land uses.

The site has frontage on a major regional highway (U.S. Highway 380) and is neighbored by existing and proposed commercial uses along the corridor of U.S. Highway 380. The majority of properties fronting onto U.S. Highway 380 in this area have commercial zoning and similar development patterns with restaurants with drive-throughs directly along the highway for maximized visibility and access. Due to direct frontage on a major highway and the concentration of similar uses in the area, staff feels that the proposed restaurant with drive-through is appropriate for the subject site and will complement surrounding development.

The site is bordered by two additional roadways (Bailey Drive and Sharon Lane) in addition to the highway frontage. Due to the existing width, Bailey Drive is considered an alley by the City's Engineering Department and is used primarily for access to the single-family residences. The proposed restaurant with drive-through is limiting access to only Sharon Lane with the frontage of the business being on U.S. Highway 380. As shown on the exhibit, the trash enclosure will be accessed from Bailey Drive, but there will be no access to the business from Bailey Drive. Other site features like required parking and drive aisles will be oriented toward U.S. Highway 380 to provide a buffer to the existing residential.

Due to the direct frontage onto a major corridor, the surrounding existing commercial uses, and the consideration to limit access to the site in order to protect the adjacent residential development, staff recommends approval of the specific use permit request.

**LANDSCAPING REQUIREMENTS:** The applicant is proposing to satisfy all landscaping requirements as specified in Section 146-135 (Landscape Requirements) of the Zoning Ordinance, with the following exception:

Per Section 146-135(f)(4)b., non-residential and multiple family parcels are required to provide a minimum 20-foot landscape buffer adjacent to public rights-of-way that are 60 feet or greater in width. When a corner lot exists, all frontages of the lot must observe the 20-foot landscape buffer requirement. Because the subject property is a corner lot located on U.S. Highway 380, a 20-foot landscape buffer is required along all frontages of this site, including U.S. 380, Sharon Lane, and Bailey Drive.

The applicant proposes to provide the minimum 20-foot landscape buffer along U.S. Highway 380 and Sharon Lane; however, they are requesting a landscape setback variance to reduce the buffer along Bailey Drive to 10-feet.

The Zoning Ordinance states that a landscape setback variance may be granted if the Planning and Zoning Commission finds that:

- Unique circumstances exist on the property that make application of specific items in this section (Sec. 146-136) unduly burdensome on the applicant;
- The variance will have no adverse impact on current or future development;
- The variance is in keeping with the spirit of the zoning regulations, and will have a minimal impact, if any, on the surrounding land uses; and
- The variance will have no adverse impact on public health, safety, and general welfare.

When considering the variance request, Staff has noted the unique configuration of the lot as well as the existing development patterns in the area. In particular, the lot is bounded on three sides by existing rights-of-way and, if not for the corner lot

configuration on U.S. Highway 380, the landscape buffer along Bailey Drive would otherwise have been permitted at a width of 10-foot.

Staff has also noted that existing developments to the east and west of the subject property are currently observing landscape buffers equal to or less than 10 feet along Bailey Drive. With these things in mind, Staff has no objections to reducing the landscape buffer along Bailey Drive from 20 feet to 10 feet and recommends approval of the request variance.

**SITE LAYOUT:** The attached exhibit provides a general layout of the proposed building as well as the associated parking and internal site circulation. The site circulation, parking, and sanitation requirements are in general conformance with the Zoning Ordinance.

#### **ACCESS/CIRCULATION:**

Adjacent Streets: Bailey Drive, Sharon Lane, Highway 380 - Major Regional Highway/Multi-Modal

Internal Circulation: Fire lanes are proposed to be constructed on site.

**OPPOSITION TO OR SUPPORT OF REQUEST:** Staff has received no letters of support and no letters of opposition to this request. This does not include emails or letters that may have been sent directly to members of the Council. As part of the Planning and Zoning Commission Public Hearings, Staff has not received any citizen comments through the online citizen portal.

#### **SUPPORTING MATERIALS:**

[Location Map and Aerial Exhibit](#)

[Letter of Intent](#)

[Proposed Specific Use Permit Exhibit](#)

[Metes and Bounds](#)

[Presentation](#)