




## CITY COUNCIL TRANSMITTAL

  
Lisa Shaffer (Jun 21, 2023 11:43 MDT)

Lisa Shaffer, Chief Administrative Officer

**Date Received:** 06/21/2023

**Date sent to Council:** 06/21/2023

**TO:** Salt Lake City Council  
Darin Mano, Chair

**DATE:** June 20, 2023

**FROM:** Blake Thomas, Director, Department of Community & Neighborhoods



**SUBJECT:** PLNPCM2023-00026, Sugar House Drive-Through Text Amendment

**STAFF CONTACT:** Andy Hulka, Principal Planner  
[andy.hulka@slcgov.com](mailto:andy.hulka@slcgov.com) or 801-535-6608

**DOCUMENT TYPE:** Ordinance

**RECOMMENDATION:** That the City Council adopt the changes to the zoning ordinance related to drive-through uses within the Sugar House Business District, as recommended by the Planning Commission.

**BUDGET IMPACT:** None

**BACKGROUND/DISCUSSION:** The Salt Lake City Planning Commission initiated a petition to amend the zoning ordinance to prohibit new drive-through uses in the Sugar House Business District ([CSHBD1](#) & [CSHBD2](#)). Drive-through facilities for financial institutions, restaurants, retail goods and retail service establishments are currently permitted uses in the Sugar House Business District. The proposed text amendment would prohibit new drive-through facilities in the district by removing the permitted use designations for all drive-through facilities under CSHBD1 and CSHBD2 in the Table of Permitted and Conditional Uses for Commercial Districts ([21A.33.030](#)). The amendment would also clarify that drive-through facilities are only permitted when specifically listed as permitted in the land use tables.

The proposed amendment is generally focused on aligning the land use tables with the stated purpose of the CSHBD Sugar House Business District “*to promote a walkable community with a transit oriented, mixed use town center that can support a twenty-four (24) hour population.*” The proposal is also intended to align with city goals related to reducing automobile dependency, improving air quality, and supporting the local economy. The amendment will not affect the ability of existing businesses with drive-through facilities to continue their normal operations.

The Planning Commission considered the request at an April 26, 2023 public hearing and voted to send a positive recommendation to the City Council based on staff’s proposed zoning ordinance text.

## **PUBLIC PROCESS:**

**Community Council Notice:** A notice of application was sent to the Sugar House Community Council and Sugar House Chamber of Commerce on February 17, 2023, per City Code Chapter 2.60 with a link to the online open house webpage. The recognized organizations were given 45 days to respond with any concerns or to request staff to meet with them and discuss the proposed zoning amendment. Staff attended the Sugar House Community Council’s Land Use and Zoning Committee Meeting on March 20, 2023. The 45-day public engagement period ended on April 3, 2023.

**Public Open House:** An online open house was held from February 17, 2023, to April 3, 2023. Staff received comments from five Sugar House residents in favor of the proposal and one comment from a nearby business owner opposed to the proposal. The Sugar House Community Council sent a letter supporting restrictions on restaurant drive-throughs but opposing restrictions on bank and pharmacy drive-throughs. This letter has been included as an exhibit. The Key Considerations section of the staff report discusses the issues and concerns that were raised by the public.

**Planning Commission Meeting:** The Planning Commission held a public hearing on April 26, 2023. The Planning Commission provided a positive recommendation to City Council on the proposed amendment.

## **Planning Commission (PC) Records**

- a) [PC Agenda of August 24, 2022](#) (Petition Initiation – Click to Access)
- b) [PC Minutes of August 24, 2022](#) (Petition Initiation – Click to Access)
- c) [PC Agenda of November 9, 2022](#) (Briefing – Click to Access)
- d) [PC Minutes of November 9, 2022](#) (Briefing – Click to Access)
- e) [PC Agenda of April 26, 2023](#) (Public Hearing – Click to Access)
- f) [PC Minutes of April 26, 2023](#) (Public Hearing – Click to Access)
- g) [Planning Commission Staff Report of April 26, 2023](#) (Click to Access Report)

## **EXHIBITS:**

- 1) Project Chronology
- 2) Notice of City Council Public Hearing
- 3) Sugar House Community Council Letter (Submitted after publishing of staff report)

# LEGISLATIVE DRAFT

## SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2023

(Amending the text of various sections of Title 21A of the *Salt Lake City Code* pertaining to drive-through uses in the Sugar House Business District)

An ordinance amending the text of various sections of Title 21A of the *Salt Lake City Code* pertaining to drive-through uses in the Sugar House Business District pursuant to Petition No. PLNPCM2023-00026.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on April 26, 2023 to consider a petition initiated by the Planning Commission (Petition No. PLNPCM2023-00026) to amend Sections 21A.33.030 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) and Section 21A.40.060 (Zoning: Accessory Uses, Buildings and Structures: Drive-Through Facility Regulations) of the *Salt Lake City Code* to prohibit new drive-through uses in the Sugar House Business District (CSHBD1 & CSHBD2) and to clarify that drive-through facilities are only permitted when specifically listed as permitted in the land use tables; and

WHEREAS, at its April 26, 2023 meeting, the Planning Commission voted in favor of transmitting a positive recommendation to the Salt Lake City Council (“City Council”) on said petition; and

WHEREAS, after a public hearing on this matter, the City Council has determined 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.33.030. That Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) shall be, and hereby is amended to remove the

# LEGISLATIVE DRAFT

27 permitted use designation corresponding to the column in that table pertaining to “CSHBD” and  
 28 the row in that table pertaining to “Financial institution with drive-through facility” use, which  
 29 row shall read and appear as follows:

| Use   | Permitted And Conditional Uses By District |                |                |                |                    |                |     |
|---|--|----------------|----------------|----------------|--------------------|----------------|-----|
|   | CN   | CB             | CS1            | CC             | CSHBD <sup>1</sup> | CG             | SNB |
| Financial institution with drive-through facility |  | P <sup>9</sup> | P <sup>9</sup> | P <sup>9</sup> | P <sup>9</sup>     | P <sup>9</sup> |     |

30

31 SECTION 2. Amending the Text of *Salt Lake City Code* Section 21A.33.030. That  
 32 Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted  
 33 and Conditional Uses for Commercial Districts) shall be, and hereby is amended to remove the  
 34 permitted use designation corresponding to the column in that table pertaining to “CSHBD” and  
 35 the row in that table pertaining to “Restaurant with drive-through facility” use, which row shall  
 36 read and appear as follows:

| Use                                    | Permitted And Conditional Uses By District |                |                |                |                    |                |     |
|--|--|----------------|----------------|----------------|--------------------|----------------|-----|
|  | CN   | CB             | CS1            | CC             | CSHBD <sup>1</sup> | CG             | SNB |
| Restaurant with drive-through facility |  | P <sup>9</sup> | P <sup>9</sup> | P <sup>9</sup> | P <sup>9</sup>     | P <sup>9</sup> |     |

37

38 SECTION 3. Amending the Text of *Salt Lake City Code* Section 21A.33.030. That  
 39 Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted  
 40 and Conditional Uses for Commercial Districts) shall be, and hereby is amended to remove the  
 41 permitted use designation corresponding to the column in that table pertaining to “CSHBD” and  
 42 the row in that table pertaining to “Retail goods establishment” use, which rows shall read and  
 43 appear as follows:

| Use | Permitted And Conditional Uses By District |    |     |    |                    |    |     |
|-----|--|----|-----|----|--------------------|----|-----|
|     | CN   | CB | CS1 | CC | CSHBD <sup>1</sup> | CG | SNB |
|     |  |    |     |    |                    |    |     |

# LEGISLATIVE DRAFT

|  |   |                |                |                |                |                |   |
|--|---|----------------|----------------|----------------|----------------|----------------|---|
| Retail goods establishment                           | P | P              | P              | P              | P              | P              | P |
| Plant and garden shop with outdoor retail sales area | P | P              | P              | P              | P              | P              | P |
| With drive-through facility                          |   | P <sup>9</sup> | P <sup>9</sup> | P <sup>9</sup> | P <sup>9</sup> | P <sup>9</sup> |   |

44

45           SECTION 4. Amending the Text of *Salt Lake City Code* Section 21A.33.030. That

46   Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted

47   and Conditional Uses for Commercial Districts) shall be, and hereby is amended to remove the

48   permitted use designation corresponding to the column in that table pertaining to “CSHBD” and

49   the row in that table pertaining to “Retail service establishment” use, which rows shall read and

50   appear as follows:

| Use                          | Permitted And Conditional Uses By District |                |                |                |                    |                |     |
|------------------------------|--|----------------|----------------|----------------|--------------------|----------------|-----|
|                              | CN   | CB             | CS1            | CC             | CSHBD <sup>1</sup> | CG             | SNB |
| Retail service establishment | P  | P              | P              | P              | P                  | P              | P   |
| Furniture repair shop        | C  | P              | P              | P              | P                  | P              |     |
| With drive-through facility  |  | P <sup>9</sup> | P <sup>9</sup> | P <sup>9</sup> | P <sup>9</sup>     | P <sup>9</sup> |     |

51

52           SECTION 5. Amending the Text of *Salt Lake City Code* Subsection 21A.40.060.B.2.

53   That Subsection 21A.40.060.B.2 of the *Salt Lake City Code* (Zoning: Accessory Uses, Buildings

54   and Structures: Drive-Through Facility Regulations) shall be, and hereby is amended as follows:

55       2. Drive-through facilities may be authorized as accessory uses to permitted uses or

56       ~~conditional uses as~~ when listed on the tables of permitted and conditional uses set forth in

57       part III of this title, specific district regulations for residential, commercial,

58       manufacturing, downtown, gateway, and special purpose districts when developed in

59       accordance with the standards of this section.

60

61           SECTION 6. Effective Date. This Ordinance shall become effective on the date of its

62   first publication.

63

LEGISLATIVE DRAFT

Passed by the City Council of Salt Lake City, Utah, this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

\_\_\_\_\_  
CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER  
(SEAL)

Bill No. \_\_\_\_\_ of 2023.

Published: \_\_\_\_\_.

Ordinance amending text regulating drive throughs in Sugar House (legislative)

SALT LAKE CITY ORDINANCE

No. \_\_\_\_\_ of 2023

(Amending the text of various sections of Title 21A of the *Salt Lake City Code* pertaining to drive-through uses in the Sugar House Business District)

An ordinance amending the text of various sections of Title 21A of the *Salt Lake City Code* pertaining to drive-through uses in the Sugar House Business District pursuant to Petition No. PLNPCM2023-00026.

WHEREAS, the Salt Lake City Planning Commission (“Planning Commission”) held a public hearing on April 26, 2023 to consider a petition initiated by the Planning Commission (Petition No. PLNPCM2023-00026) to amend Sections 21A.33.030 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) and Section 21A.40.060 (Zoning: Accessory Uses, Buildings and Structures: Drive-Through Facility Regulations) of the *Salt Lake City Code* to prohibit new drive-through uses in the Sugar House Business District (CSHBD1 & CSHBD2) and to clarify that drive-through facilities are only permitted when specifically listed as permitted in the land use tables; and

WHEREAS, at its April 26, 2023 meeting, the Planning Commission voted in favor of transmitting a positive recommendation to the Salt Lake City Council (“City Council”) on said petition; and

WHEREAS, after a public hearing on this matter, the City Council has determined 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.33.030. That Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) shall be, and hereby is amended to remove the

permitted use designation corresponding to the column in that table pertaining to “CSHBD” and the row in that table pertaining to “Financial institution with drive-through facility” use, which row shall read and appear as follows:

| Use   | Permitted And Conditional Uses By District |                |                |                |                    |                |     |
|---|--|----------------|----------------|----------------|--------------------|----------------|-----|
|   | CN   | CB             | CS1            | CC             | CSHBD <sup>1</sup> | CG             | SNB |
| Financial institution with drive-through facility |  | P <sup>9</sup> | P <sup>9</sup> | P <sup>9</sup> |                    | P <sup>9</sup> |     |

SECTION 2. Amending the Text of *Salt Lake City Code* Section 21A.33.030. That Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) shall be, and hereby is amended to remove the permitted use designation corresponding to the column in that table pertaining to “CSHBD” and the row in that table pertaining to “Restaurant with drive-through facility” use, which row shall read and appear as follows:

| Use                                    | Permitted And Conditional Uses By District |                |                |                |                    |                |     |
|--|--|----------------|----------------|----------------|--------------------|----------------|-----|
|  | CN   | CB             | CS1            | CC             | CSHBD <sup>1</sup> | CG             | SNB |
| Restaurant with drive-through facility |  | P <sup>9</sup> | P <sup>9</sup> | P <sup>9</sup> |                    | P <sup>9</sup> |     |

SECTION 3. Amending the Text of *Salt Lake City Code* Section 21A.33.030. That Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) shall be, and hereby is amended to remove the permitted use designation corresponding to the column in that table pertaining to “CSHBD” and the row in that table pertaining to “Retail goods establishment” use, which rows shall read and appear as follows:

| Use | Permitted And Conditional Uses By District |    |     |    |                    |    |     |
|-----|--|----|-----|----|--------------------|----|-----|
|     | CN   | CB | CS1 | CC | CSHBD <sup>1</sup> | CG | SNB |



|  |   |                |                |                |   |                |   |
|--|---|----------------|----------------|----------------|---|----------------|---|
| Retail goods establishment                           | P | P              | P              | P              | P | P              | P |
| Plant and garden shop with outdoor retail sales area | P | P              | P              | P              | P | P              | P |
| With drive-through facility                          |   | P <sup>9</sup> | P <sup>9</sup> | P <sup>9</sup> |   | P <sup>9</sup> |   |

SECTION 4. Amending the Text of *Salt Lake City Code* Section 21A.33.030. That Section 21A.33.030 of the *Salt Lake City Code* (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) shall be, and hereby is amended to remove the permitted use designation corresponding to the column in that table pertaining to “CSHBD” and the row in that table pertaining to “Retail service establishment” use, which rows shall read and appear as follows:

| Use                          | Permitted And Conditional Uses By District |                |                |                |                    |                |     |
|------------------------------|--|----------------|----------------|----------------|--------------------|----------------|-----|
|                              | CN   | CB             | CS1            | CC             | CSHBD <sup>1</sup> | CG             | SNB |
| Retail service establishment | P  | P              | P              | P              | P                  | P              | P   |
| Furniture repair shop        | C  | P              | P              | P              | P                  | P              |     |
| With drive-through facility  |  | P <sup>9</sup> | P <sup>9</sup> | P <sup>9</sup> |                    | P <sup>9</sup> |     |

SECTION 5. Amending the Text of *Salt Lake City Code* Subsection 21A.40.060.B.2. That Subsection 21A.40.060.B.2 of the *Salt Lake City Code* (Zoning: Accessory Uses, Buildings and Structures: Drive-Through Facility Regulations) shall be, and hereby is amended as follows:

2. Drive-through facilities may be authorized when listed on the tables of permitted and conditional uses set forth in part III of this title, specific district regulations for residential, commercial, manufacturing, downtown, gateway, and special purpose districts when developed in accordance with the standards of this section.

SECTION 6. 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 \_\_\_\_\_, 2023.

\_\_\_\_\_  
CHAIRPERSON

ATTEST AND COUNTERSIGN:

\_\_\_\_\_  
CITY RECORDER

Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

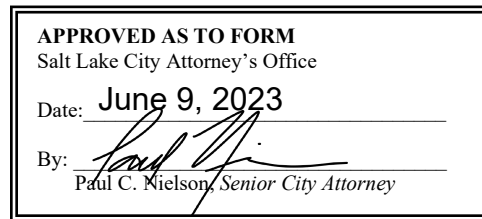
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER  
(SEAL)

Bill No. \_\_\_\_\_ of 2023.

Published: \_\_\_\_\_.

Ordinance amending text regulating drive throughs in Sugar House (final)



## **1. PROJECT CHRONOLOGY**

# Project Chronology

**Petition:** PLNPCM2023-00026

|                   |  |
|-------------------|--|
| August 24, 2022   | Planning Commission voted to initiate the petition.  |
| January 26, 2023  | Petition assigned to Andy Hulka, Principal Planner.  |
| February 17, 2023 | Petition posted to the Planning Division's Online Open House webpage (Public comment period ended April 3, 2023).                |
| February 17, 2023 | Notice emailed to the Sugar House Community Council and Sugar House Chamber of Commerce.   |
| March 1, 2023     | Property owners and tenants within the CSHBD1 and CSHBD2 boundaries were mailed an early notification of the proposal.           |
| March 20, 2023    | Staff presented the proposed changes to the Sugar House Community Council's Land Use and Zoning Committee.                       |
| April 14, 2023    | Planning Commission agenda posted on City and State websites.  |
| April 26, 2023    | Planning Commission meeting and public hearing. The Commission voted 10-1 to send a positive recommendation to the City Council. |
| June 9, 2023      | Signed ordinance received from City Attorney's Office.   |

## **2. NOTICE OF CITY COUNCIL HEARING**

## NOTICE OF CITY COUNCIL HEARING

The Salt Lake City Council is considering Petition **PLNPCM2023-00026** – The Salt Lake City Planning Commission initiated a petition to amend the zoning ordinance to prohibit new drive-through uses in the Sugar House Business District (CSHBD1 & CSHBD2). Drive-through facilities for financial institutions, restaurants, retail goods and retail service establishments are currently permitted uses in the Sugar House Business District. The proposed text amendment would prohibit new drive-through facilities in the district by removing the permitted use designations for all drive-through facilities under CSHBD1 and CSHBD2 in the Table of Permitted and Conditional Uses for Commercial Districts (21A.33.030). The amendment would also clarify that drive-through facilities are only permitted when specifically listed as permitted in the land use tables. (Staff Contact: Andy Hulka at 801-535-6608 or [andy.hulka@slcgov.com](mailto:andy.hulka@slcgov.com)).

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

**DATE:**

**TIME:** 7:00 pm

**PLACE:** Electronic and in-person options.  
451 South State Street, Room 326, Salt Lake City, Utah

**\*\* This meeting will be held via electronic means, while also providing for an in-person opportunity to attend or participate in the hearing at the City and County Building, located at 451 South State Street, Room 326, Salt Lake City, Utah. For more information, including WebEx connection information, please visit [www.slc.gov/council/virtual-meetings](http://www.slc.gov/council/virtual-meetings). Comments may also be provided by calling the 24-Hour comment line at (801) 535-7654 or sending an email to [council.comments@slcgov.com](mailto:council.comments@slcgov.com). All comments received through any source are shared with the Council and added to the public record.**

If you have any questions relating to this proposal or would like to review the file, please call Andy Hulka at 801-535-6608 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, or via e-mail at [andy.hulka@slcgov.com](mailto:andy.hulka@slcgov.com). The application details can be accessed at <https://citizenportal.slcgov.com/>, by selecting the “Planning” tab and entering the petition number PLNPCM2023-00026.

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](mailto:council.comments@slcgov.com), (801)535-7600, or relay service 711.

### **3. SUGAR HOUSE COMMUNITY COUNCIL LETTER**



April 19, 2023

TO: Salt Lake City Planning Commission

FROM: Judi Short, First Vice Chair and Land Use Chair  
Sugar House Community Council

RE: Sugar House Drive-Through Facilities

This is a difficult issue, one we have talked about for some years. We learned in the pandemic that these served a very useful purpose. Banks and Pharmacies are particularly useful, especially if someone has trouble walking, or wants to be protected from exposure to germs, they can stay in their car. At the same time, those that are for a restaurant are more problematic.

What if we allowed them as a permitted use in CSHBD1 & 2 for Pharmacies and Banks. Don't make others conditional uses because that creates problems. Unless you say that a condition of the facility has a queueing space of 15 cars and no part of the queue is on a public street or blocks anyone's access from their home or another business.

To me, a walkable, transit oriented purpose statement is an oxymoron. Walk or drive, take your pick? If someone's driving (in a long queue) blocks the driving of the regular guy driving up the street, does it comply or not. We could ask that they have a minimum queue of 5, and more than that have to wait in a parking lot to be determined and the restaurant has to supply the manpower to deliver food to the people waiting in the parking lot.

A restaurant could have a drive up space, like Hires has on 700 East. People can get off the street, and wait for their food to be delivered. They can eat in their car, or then take it home. So a restaurant needing this extra space would have to have a queue of 5 and then a waiting area of 10 more where people could order and wait in their car. By the time someone builds one of these, technology will be fixed so that when there are 15 in the queue (5 in their car, 10 waiting in the parking lot somewhere) a big sign at the curb flashes and says "This restaurant is full up, come back later" until someone drives away.



## COMMENTS DRIVE THROUGHS IN SHBD

From: **Wade Olsen** <[wolsen@deesinc.com](mailto:wolsen@deesinc.com)>

Date: Wed, Mar 15, 2023 at 11:43 AM

Subject: Drive-Through Zoning Text Amendment

To: [minnesotaute76@gmail.com](mailto:minnesotaute76@gmail.com) <[minnesotaute76@gmail.com](mailto:minnesotaute76@gmail.com)>, [sugarhousechamber@gmail.com](mailto:sugarhousechamber@gmail.com) <[sugarhousechamber@gmail.com](mailto:sugarhousechamber@gmail.com)>

Brandon, Erika and Landon,

After review of the proposed text amendment, Dee's disagrees with staff's recommendations to prohibit future drive-through uses.

Dee's has been doing business in Sugar House for many years. From my grandfather's restaurants to our new offices on Wilmington Avenue, Dee's is glad to be associated with other businesses that currently call Sugar House their trade area. Over the years, Sugar House has been built and rebuilt, but among other contributors, Interstate 80 and the I-15 connection, make Sugar House become one of the most sought-after neighborhoods in the city. Dee's supports better public transit and has pushed for the S-Line expansion, however, Sugar House is attractive to many due to easy vehicular freeway access. Sugar House attracts employers, locals and world visitors due to shopping, hospitality, recreation and restaurants. While the CSHBD Purpose Statement says, "the purpose of the CSHBD Sugar House Business District is to provide a walkable community with a transit orient, mixed use town center that can support a twenty-four (24) hour population," residents and visitors to Sugar House are still overwhelmingly dependent on vehicular use.

Staff's Memorandum, dated November 9, 2022 has good insights and Dee's agrees with the majority of the content, however, Dee's provides the following for consideration and discussion:

- Keeping drive-throughs and the CSHBD Purpose Statement are not wholly opposing views.
- In the absence of drive-through options, businesses will look to drive-up or quick-serve options. These options increase the parking requirements for the area and can cause issues similar to stacking.
- COVID showed the need for businesses to have alternate sales options.
- The stacking for Sugar House Chick-fil-a is not indicative of most drive-throughs. A single data point should not lead to an, "all or nothing" policy that is difficult to reverse in the future.
- As land prices increase, drive-throughs tend to disappear. Prohibiting drive-throughs is an artificial market change that may lead to unintended consequences.
- If drive-throughs are prohibited, tax revenue may be delayed in perpetuity for the current drive-through parcels. The current locations will become more valuable, postponing natural redevelopment.

While not the easiest process, drive-through operators, city officials, developers and residents can create new and upgraded requirements for new high and low demand drive-through sites. Dee's encourages the Sugar House Chamber and the Sugar House Community Council to oppose staff recommendations and keep drive-through options available.

Thank you,

Wade Olsen  
President, Dee's, Inc.



1136 East Wilmington Avenue, Suite 200  
Salt Lake City, Utah 84106

## Drive-Throughs

This amendment would require developers to get a variance to have a drive-through in CSHBD1 and CSHBD2. We do want banks in the neighborhood, and they seem to require drive-through service these days. But there are good and bad places for these facilities, and good and bad ways to organize them. So I agree that it should not be a permitted use in CSHBD1 and CSHBD2. David Alkire [dhalkire@gmail.com](mailto:dhalkire@gmail.com)

**Lynn Schwarz**

8:21 AM (7  
hours ago)

to andy.hulka, bcc: me

I strongly support the this zoning change. Drive-throughs should not be permitted for restaurants and fast food establishments. However, I think there is a use for drive-throughs for banks and pharmacies, as their detrimental effects tend to be as great and can be mitigated. If proper stacking arrangements can be mandated, effects from these uses can be mitigated as their wait times tend to be substantially less than food-based uses. We have seen the traffic problems caused by drive-through use by food-based uses in several cases in our area. These continue even with many solutions that have been tried. Along with traffic issues are air pollution problems. Salt Lake City has anti-idling rules that are routinely violated by cars waiting for fast food orders. A car can be idling for 20 minutes or more during busy times and this is not just one car, but all of them in the queue. Also, it seems antithetical to Salt Lake City's push for a less car-centric city to have zoning uses that encourage car use. Some concerns have been raised that during health emergencies like Covid, ad hoc drive through arrangements kept many places in business and prohibiting them would have been a death knell for them. This can be addressed by a provision that during a declared health emergency, non-permanent drive-through arrangements could be allowed for the duration of the emergency.

### **Drive throughs:**

The city's proposal to prohibit drive throughs in Sugar House Business District 1) does not solve the existing problem and 2) creates new problems. It doesn't solve the existing problem because all existing drive throughs are grandfathered and will still exist and it causes a new problem because drive throughs are wanted and are well-used by the community. The vast majority of drive through businesses, such as pharmacies and banks, have never had their stacking backup into nearby streets. The solution in this case is not government intervention, but just a discussion with the people who manage the few most popular drive through businesses. Knowing their business, the management of these companies can find simple solutions to use their parking and stacking space more efficiently with online instructions, online ordering, a light board, an app, etc. There wouldn't be a problem of cars piling into the street if our community was not enjoying the drive through service as currently provided. We don't want to see drive through service come to an end, as it is very convenient for those who are elderly or disabled. Prohibiting drive throughs would also reduce future business possibilities in our neighborhood. Emily Mlsn

### **A few thoughts**

- CSHBD1 is Urban Center Context in the Offstreet Parking Ordinance with reduced OSP requirements. It's meant to be less car-centric. If you are comfortable having a different recommendation for CSHBD1 and CSHBD2 (don't know if you are), then an outright ban at least in CSHBD1 makes a lot of sense. Zion Bank and Chick-Fil-A would become existing nonconforming—maybe others that I'm not recalling (don't know how you feel about that either).
- If you don't like Conditional Use as a check on developers (I get it), then I think there's a great argument for an outright ban in both areas. CSHBD1+2 is a very small, very dense area—there's plenty of room in other parts of

Sugar House for drive-throughs that can serve people who want/need that option. Once again, this would create some existing nonconforming.

- A poorly designed/managed drive-through at a bank or pharmacy can create the same negative consequences as a poorly designed/managed restaurant drive-through.
- Ban in both keeps it simple and fits the characteristics of this small, dense area.

David H Ailshire



**Rebecca Davis**

Sun, Apr 16, 6:03 PM (4 days ago)

to me

Judi, regarding the Text Amendment for drive-through uses in Sugar House, I agree that drive-throughs at fast food restaurants can cause problems, but to eliminate drive-throughs at pharmacies, banks and coffee shops seems like overkill to me, unless they cause traffic congestion on city streets like the Chick-Fil A drive-through. Having drive-through options at banks and pharmacies during the COVID pandemic was extremely helpful and continues to be helpful not that the pandemic has ended.