

Appendix B, Zoning Regulations Ordinance Amendment

Request:

- Amend Code of Ordinances to allow for Drive Through restaurants with an SUP, Specific Use Permit in the central core area of the Old Town Overlay District

Applicant:

Johnathan Phelps
Craftmasters, LLC

Item for approval:

Text Amendment (Case22-124)

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The proposed change would add the following text to Section 100-115 (a); OT, old town overlay district, Use allowed with a specific use permit:

“Restaurant or cafeteria (drive through type) [Central core area only] *[A restaurant or cafeteria (drive-through type) is an establishment principally for the sale and consumption of food which has window service allowing customers to pick up food for off-site consumption; this use may also serve food for consumption on site within the restaurant or for carry-out for off-site consumption, and may or may not have on-site dining facilities].*

The following restrictions shall apply to any SUP for a "Restaurant or cafeteria (drive through type)" use within the Old Town central core area:

- a. The site must be located east of the Union Pacific railroad tracks that run through the area defined as the Old Town Overlay District; and
- b. A new SUP must be applied for with each change of occupancy, land use, and/or Certificate of Occupancy request; and
- c. If the SUP request is denied at any future event specified in (b) above, the site shall be modified to remove or restrict the use of any previously existing drive through; and
- d. A Traffic Impact Analysis shall be required with each SUP request for a drive-through to be reviewed and approved by the City's Traffic Engineer; and
- e. A commercial site plan showing the placement of the customer ordering windows or ordering devices with adequate stacking of no less than 5 spaces from the customer ordering location, unless otherwise approved by City Council, will be required with each change of occupancy.”

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Staff Recommendation

Staff recommends approval of an ordinance for the text amended based on the following :

Conditions imposed on the SUP process will ensure that future proposals are not allowed or developed contrary to the visions of Old Town as well as the goals of the Comprehensive Plan;

SUP Conditions provide added enhancements and protections for Old Town not found in other areas of the current Code of Ordinances; and

Proposal will not prohibit the enforcement of applicable Old Town Design Standards and/or Masonry Requirements.