

In the matter of the decision of the City)
Planning Commission to approve a special)
permit to allow a drive through window for)
an existing restaurant on 0.34+ developed)
acre in the General Commercial (C-2) zone)
located at 1420 29th Street)

NOTICE OF DECISION
AND
FINDINGS OF FACT

Based upon documentary and oral evidence presented at its regular public hearing on November 12, 1987, the City Planning Commission indicated an intent to approve the above entitlement based upon findings of fact and conditions due December 3, 1987.

Conditions - Special Permit

1. The applicant shall remove one proposed 60 degree parking stall located adjacent to 29th Street.
2. An eight ft. high decorative sound wall shall be located along a portion of the south property line adjacent to the existing apartment located to the south of the subject site. Elevations and building materials for the eight ft. high sound wall shall be submitted to the Planning Director for review and approval.
3. A planter strip with a 6" x 6" concrete curbing shall be located along the inside of the proposed sound wall to provide screening of the proposed wall. The four dimensions of this planter shall be subject to the review and approval of Traffic Engineering with regard to the minimum drive through lane width prior to the issuance of a building permit.
4. The applicant shall install a barrier along the stacking lane to prevent cars from parking on lots 12 and 13. This barrier shall be constructed to the satisfaction of the Planning Director.
5. The existing trash enclosure shall be enclosed and shall comply with the following requirements:
 - (a) the walls of the trash enclosure structure shall be constructed of solid masonry material with decorative exterior surface finish compatible to the main structure(s). Split face concrete block finish with integral color is recommended;
 - (b) the trash enclosure structure shall have decorative solid heavy gauge metal gates and be designed with cane bolts to secure the gates when in the open position;
 - (c) the trash enclosure shall be designed to allow walk-in access by tenants without having to open the main enclosure gates;
 - (d) the trash enclosure walls shall be a minimum six ft. in height; and
 - (e) a concrete apron shall be constructed either in front of the trash enclosure facility or at the point of dumpster pick-up by the waste removal truck. The minimum dimension of the concrete apron for a single two cubic yard shall be:

- o width - 10 ft. or width of enclosure facility
- o length - 20 ft.

Larger trash enclosure facilities shall require a larger concrete apron, subject to the approval of the City Building Inspection Division Building Technicians (Plan Checkers). Paving material shall consist of five inch aggregate base rock and six inch portland cement paving. The enclosures shall be adequate in capacity, number and distribution to serve the development. Location and placement of bin shall be reviewed and approved by Solid Waste Division. Maintenance of the trash enclosure shall be the responsibility of the property owner.

6. The applicant shall relocate the proposed speaker box to allow increased stacking distance between the speaker box and alley to the satisfaction of Traffic Engineering. The location of the speaker box shall allow adequate area for the proposed 10 ft. high sound wall to be located adjacent to the speaker box.

Findings of Fact

1. The project is based upon sound principles of land use in that the proposed drive through is compatible with surrounding land uses.
2. The project, as conditioned, will not be injurious to the public health, safety or welfare, or result in the creation of a nuisance in that:
 - (a) the noise mitigation measures proposed are adequate to mitigate noise impacts on adjacent residential development;
 - (b) additional drive through traffic would not create a problem to surrounding land uses; and
 - (c) the design and location of the drive through lane will provide adequate stacking distance.
3. The proposed project is consistent with the City's Interim Discretionary Land Use Policy in that the site is designated for commercial use by the 1980 Central City Plan and the proposed drive through conforms with the plan designation.

Approved by the City Planning Commission
on December 3, 1987 for the November 12,
1987 City Planning Commission Meeting.

CHAIRPERSON