

# PLANNING & DEVELOPMENT SERVICES REPORT

## CONDITIONAL USE PERMIT

**PZ-23-00166-02**

**DATE:** March 5, 2024  
**MEETING DATE:** March 27, 2024  
**REPORT BY:** Bethan Heng

### **REQUEST:**

PZ-23-00166-02; A Conditional Use Permit request from Courtney and Logan Talley, for a Café/Restaurant at 1000 E Butler Avenue Suites 111A & 111B (APN 104-07-005Y), within the Light Industrial (LI) zone. This application proposes to develop a 2,428 sq. ft. café area on a 2.62-acre site.

### **STAFF RECOMMENDATION:**

Staff believes that the proposed Conditional Use Permit (CUP) request is in substantial conformance with the required findings and recommends the Planning and Zoning Commission approve PZ-23-00166-02, subject to the following conditions:

1. The development of the site shall substantially conform to the plans as presented with the Conditional Use Permit application.

### **PRESENT LAND USE:**

Single Speed Coffee Lab currently occupies Suite 111A of an existing multi-tenant building located at 1000 E Butler Avenue as a coffee roastery. A coffee roastery is considered a Light Industrial – General use, which is permitted in the Light Industrial (LI) zone.

### **PROPOSED LAND USE:**

The applicant is proposing to move the customer-related operations into Suite 111B, which includes a café seating area, a retail display area, and a small kitchen prep area for preparation of coffee beverages. Suite 111A will be for storage, dishwashing, and coffee roasting. Restaurant and Café land uses require a Conditional Use Permit (CUP) in the Light Industrial (LI) zone.

### **NEIGHBORHOOD DEVELOPMENT:**

North: BNSF, LI zone  
South: Rio De Flag Business Park, LI-O zone  
East: Industrial Warehouse (Vacant), LI zone  
West: Industrial Warehouse, LI zone

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### **STAFF REVIEW:**

#### **I. Project Information**

##### **A. Background**

Section 10-40.30.050.B of the Flagstaff Zoning Code, Industrial Zone – Allowed Uses, identifies Restaurant or Café as an allowed land use in the Light Industrial (LI) Zone subject to the approval of a Conditional Use Permit (CUP) by the Planning Commission. Section 10-80.20 of the Flagstaff Zoning Code defines “Restaurant or Café” by the following definition: “An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics: 1) customers, normally provided with an individual menu, are served their foods

and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; 2) a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.”

The applicant for this CUP has been operating the coffee roasting operation and storage in Suite 111A of the multi-tenant building at 1000 E Butler Avenue. In order to operate as a Café and allow for customer-oriented operations in the newly acquired Suite 111B, they are requesting a CUP for a Café use in both Suite 111A and Suite 111B.

The subject property is approximately 2.62 acres, and Suites 111A and 111B total 2,428 sq. ft. of the site. This multi-tenant building is situated along E Butler Avenue, is located across from the Rio de Flag Business Park, and is a quarter mile away from Aspen Place at Sawmill. This location is also within a quarter mile from bus stops to NAIPTA Mountain Line’s Route 2 and Route 7. The subject property is not within an Activity Center or Pedestrian Shed as depicted in the Regional Plan. There is no Resource Protection Overlay over this subject property.

***I. Required Findings***

The Planning Commission may approve the Conditional Use Permit only after making the following five findings:

***A. Finding #1:***

The conditional use is consistent with the objectives of the Zoning Code and the purpose of the Zone in which the site is located.

“The Light Industrial (LI) zone applies to areas of the City appropriate for clean and quiet industries in proximity to commercial development, including manufacturing, warehousing, and related uses with limited and screened exterior storage. The LI zone establishes a transitional area between commercial and heavy industrial areas; while at the same time it is applied to areas of the City as a freestanding industrial zone.” (Flagstaff Zoning Code 10-40.30.050)

The LI zone allows Café uses with the granting of a Conditional Use Permit (CUP). The primary reason for the CUP is to protect the uses that are allowed by right which may be incompatible with the use needing a CUP. The current use of a Coffee Roastery is permitted outright as General Light Industrial use. The conditionally permitted Café use and supplementary retail area is complementary to the main Light Industrial use.

***B. Finding #2***

That granting the conditional use will not be detrimental to the public health, safety, or welfare.

1. Property damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination;
2. Hazard to persons or property from possible explosion, contamination, fire or flood; and
3. Impact on surrounding areas arising from unusual volume or character of traffic.

The requested CUP for the proposed Café use will not be introducing potential hazards to the public health, safety, or welfare. The nature of the Café use will mainly be for the preparation of coffee beverages, customer seating, and a small retail area for the coffee roaster. The required number of parking spaces for a Café use is also being met, and is still meeting the parking demands despite the changing intensity of the use on the subject site.

If the proposed project is developed in accordance with City codes, standards, and requirements, the project should not be detrimental to the public health, safety, or welfare.

**C. Finding #3**

The characteristics of the conditional use as proposed, and as it may be conditioned, are reasonably compatible with the types of uses permitted in the surrounding area. The Conditional Use Permit shall be issued only when the Planning Commission finds that the applicant has considered and adequately addressed the following to ensure that the proposed use will be compatible with the surrounding area (Flagstaff Zoning Code 10-20.40.050.E.3):

- Access, traffic, and pedestrian, bicycle and vehicular circulation;
- Adequacy of site and open space provisions, including resource protection standards, where applicable;
- Noise, light, visual and other pollutants;
- Proposed style and siting of structure(s), and relationship to the surrounding neighborhood;
- Landscaping and screening provisions, including additional landscaping in excess of otherwise applicable minimum requirements;
- Impact on public utilities;
- Signage and outdoor lighting;
- Dedication and development of streets adjoining the property; and
- Impacts on historical, prehistoric or natural resources.

**1. *Access and Traffic; Pedestrian, Bicycle and Vehicular Circulation***

Access to the site is provided from E Butler Avenue. The proposed use is not anticipated to have a large impact on traffic circulation, and a Traffic Impact Analysis is not required for this project. Pedestrian access from E Butler Avenue is available with the sidewalk along E Butler Avenue, which also has a bike path alongside the main road. Four bicycle parking spaces are also proposed on site. The subject property is also within a quarter mile from bus stops that service NAIPTA Mountain Line's Route 2 and Route 7.

The central driveway of the site complies with current Engineering Standards for site access, and the required number of parking spaces on site are being met. With the 10% reduction for being within a quarter mile of a transit stop, the total required number of parking spaces for the site is 74. After the placement of the landscaping planter boxes in two of the parking spots, there will be 77 parking spaces provided on site. With the change of use and change of intensity on the site, parking requirements are being met.

**2. *Adequacy of Site/Open Space/Resource Provisions***

Not applicable.

**3. *Noise, Light, Visual and Other Pollutants***

It is not anticipated that the proposed uses for the site will create any noise, visual, or other pollutants into the area. The site is well maintained.

**4. *Style and Siting of Structure(s), and Relationship to Surrounding Neighborhood***

With Conditional Use Permit (CUP) requests, Architectural Design features as found in Section 10-50.20 apply to the maximum extent feasible. The applicant is proposing building façade improvements to meet the required implementation of Architectural Design Standards, to the maximum extent feasible. Since this is an existing building, the applicant is proposing to add a new awning structure over the entrances of Suites 111A and 111B. The awning is supported by a concrete foundation, steel columns, and covering of rusticated corrugated metal roofing. This awning was approved in September 2023, with Building Permit BP-23-01380. The façade improvements match existing architectural style, colors, and materials of the existing multi-tenant building.

**5. Landscaping and Screening**

With Conditional Use Permit (CUP) requests, Landscaping Standards as found in Section 10-50.60 apply to the maximum extent feasible. The subject property has some existing landscaping in the front of the property along Butler Avenue as a landscaping buffer. Since the CUP request is for two suites, and not for the entirety of the property, the applicant is proposing to place landscaping planter boxes in two parking spots fronting Suites 111A and 111B as landscaping improvements to what is existing on site.

**6. Impact on Public Utilities**

The site is connected to existing City sewer and water services. No new off-site improvements are required.

**7. Signage and Outdoor Lighting**

The applicant will submit an application for outdoor signage for City review. All exterior lighting will be required to comply with the City of Flagstaff's strict outdoor lighting requirements which support and maintain our designation as an International Dark Sky City. All outdoor lighting fixtures must be fully or partially shielded; no unshielded fixtures are allowed.

**8. Dedication and Development of Streets**

No dedication or development of public streets is required.

**9. Impacts on Resources**

This site is not currently listed on any state or federal historic registry, nor does the site have any other historical significance. The site is not located within the Resource Protection Overlay Zone.

**II. Citizen Participation**

The applicant notified nearby property owners within 300 feet of the subject site of this application via mailer and held an in-person neighborhood meeting on Monday, March 18, 2024, at 4:30 p.m. The meeting was held at the subject property. Notice of the Planning and Zoning Commission meeting was provided by placing an ad in the Daily Sun, posting notices on the property, and mailing a notice to all property owners within 300 feet of the site excluding rights-of-way.

As of the date of this report, staff has received no comments from the public.

**III. Recommendation**

In accordance with the findings presented in this report, staff recommends that the request for the CUP be granted by the Planning and Zoning Commission with the requirements included in Conditional Use Permit No. PZ-23-00166-02 and as follows:

1. The development of the site shall substantially conform to the plans as presented with the Conditional Use Permit application.

**IV. Attachments**

The draft documents have been prepared in accordance with the staff recommendation and do not indicate the Commission's final decision. These documents will be updated after the public hearing on this case to reflect the Commission's decision.

- Draft Conditional Use Permit No. PZ-23-00166-02
- Draft Notice of Decision
- Draft Prop 207 Waiver
- Conditional Use Permit Application

- Narrative
- Vicinity Map
- Site Plan
- Floor Plans
- Elevations and Landscaping Plan