



# City Council Drive-thru Text Amendments

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# Process Recap

- Project initiated - early 2022 at the direction of City Council
- Staff presented/discussed proposed amendments through various platforms
- Feedback throughout considered and alternatives presented



**6** Public Meetings

**Attendance – 180 residents and development industry representatives**



**8** Focus/Small Group Discussions



**4** City Council Study Sessions

**13 Letters of Opposition  
70 Letters in Support**



**3** P&Z Study Sessions



## Goals

**Address common negative impacts on the surrounding community, including visual, lighting, traffic, odor, and noise impacts**

- 1) Improve the City's built environment and enhance the image of the City using development design standards;
- 2) Improve public safety and minimize traffic concerns related circulation, stacking and parking and pedestrian circulation around drive-thrus; and
- 3) Minimize impacts on residential properties proximate to drive-thru facilities





# Stakeholder Feedback - Summary

- Feedback from development community:
  - Council approval would be costly, time consuming, and arbitrary
  - City's goals could be accomplished through design standards
  - Proposed amendments not in-line with other jurisdictions relaxing regulations
- Feedback from residents:
  - Council should consider limiting the number of drive-thrus to address onsite congestion and encourage more out of car shopping
  - Plenty of QSR options already available
  - Desire for higher-quality development





# Proposed Amendments







# Summary of Proposed Amendments

- Modify the **process** for some zoning districts to:
  - Align requirements and allowed locations with other jurisdictions
  - Better align with the intent of the zoning districts and General Plan
  - Increase public engagement opportunities
- Create different **definitions**
  - Drive-thru Facilities, Pick-up Window Facilities, and Drive-up ATM/Teller Window
  - Allow for the creation of unique land use requirements and development standards
- Modify **design/development standards**:
  - Require an **Onsite Circulation and Stacking Study**
  - Address externalities – **Noise Attenuation**

**No ban or limits on the number and concentration of drive-thrus**



# Proposed Amendments Land Use Districts and Processes

## Proposed Modifications:

- Drive-thrus to require a CUP
  - Neighborhood Commercial (formerly SUP)
  - Planned Employment Park
  - Light Industrial
  - General Industrial
  - Heavy Industrial (formerly SUP)
- Waiver of the Drive-Thru Laws



# Proposed Amendments Definitions

**Definition for Drive-thru Facilities - modified**

**Definition for Pick-up Window Facilities and Drive-up ATM/teller Window added**

*To address the difference in the uses and potential impacts*





# Proposed Amendments

## Vehicular Circulation and Stacking

### Retain Current Standards - Drive-thru Facility:

- Distance between Drive-thru window and order-placing box
- Distance between Order-placing box and the entry to a drive-thru lane

### New Requirements:

- Drive-thru Facility & Pick-up Window Facility - 50' between the drive-thru lane entry and the street access or cross-access drive aisle
- Pick-up Window Facility - 100' between pick-up window lane entry and the pick-up window
- ATM/Teller Window Facility- 40' between entry to queuing lane to ATM/Teller Window

Requirements may be **modified through Site Plan Review** if demonstrated appropriate through an **Onsite Circulation and Stacking Study**



# Proposed Amendments

## Onsite Circulation and Stacking Study

### New Requirement - Drive-thru Facility:

- Description of onsite operations:
  - Business hours of operation
  - Method by which a customer order is placed
  - Peak demand hours
  - The time required to serve a typical customer
  - How noise/sound from external operations will be attenuated from neighboring properties
- Description of onsite traffic activity
  - Arrival rates
  - Anticipated vehicular stacking required
  - Onsite circulation plan
  - Mitigation plan showing that stacking will not block internal drives or back up into streets



# Proposed Amendments

## Setback from Residential Uses and Properties

### New Requirement:

- Require a 100' setback from a residential use or zoning district to the drive-thru or pick-up lane
- Could be decreased if the applicant demonstrates that the drive-thru noise level at the property line will not exceed 60 dB (level of a normal conversation)
- If the ambient noise level exceeds 60 dB, the noise study will demonstrate that the drive thru will not increase the existing level.

*Ambient levels in residential areas typically 45-55 dB depending on the time of day*

*Decibel level of freeway auto traffic is approximately 60-80 dB*





# Proposed Amendments

## Drive-thru Screening

### Retain Current Standards:

- If the drive-thru lane is adjacent to an arterial street:
  - Screen with a 40" high screen wall

### Proposed Modifications:

- Provide additional trees and shrubs with the wall; or
- Provide an architecturally integrated awning, canopy, or trellis system with landscaping



# Proposed Amendments

## Employee Screening and Protection

### New Requirement:

- When employees take orders outside:
  - Provide an architecturally integrated shade structure along where employees take orders
  - Provide a raised pedestrian path



## Staff Recommendation

Adopt an Ordinance - Amendments to Chapters 5, 6, 7, 8, 31, 58, 86, and 87 of Title 11, Zoning Ordinance, of the Mesa City Code, pertaining to Drive-thru Facilities, Pick-up Window Facilities, and Drive-up ATM/Teller Windows

A "yes" vote is for approval of the ordinance as modified after the P&Z Board meeting and as recommended by City Staff





Thank you  
Questions?





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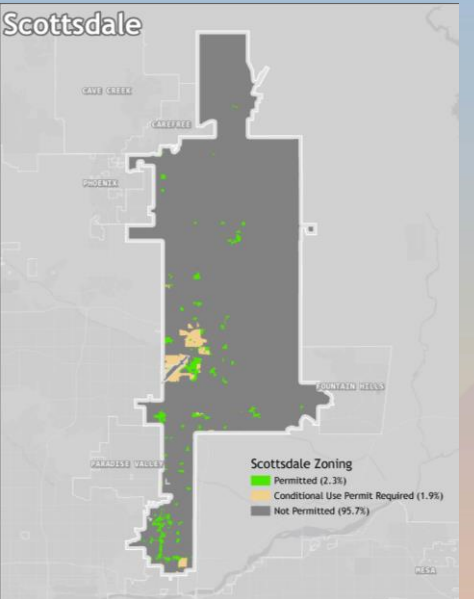
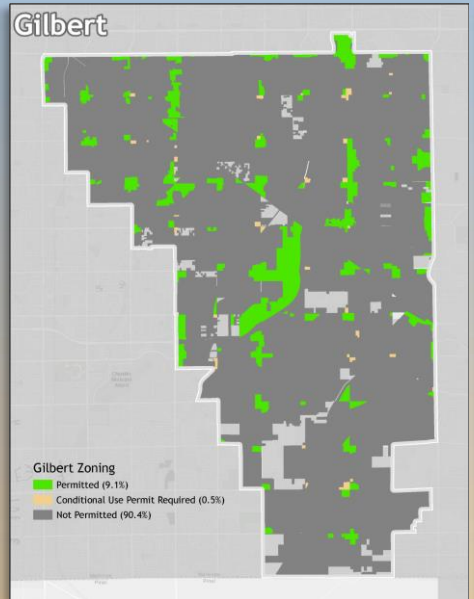
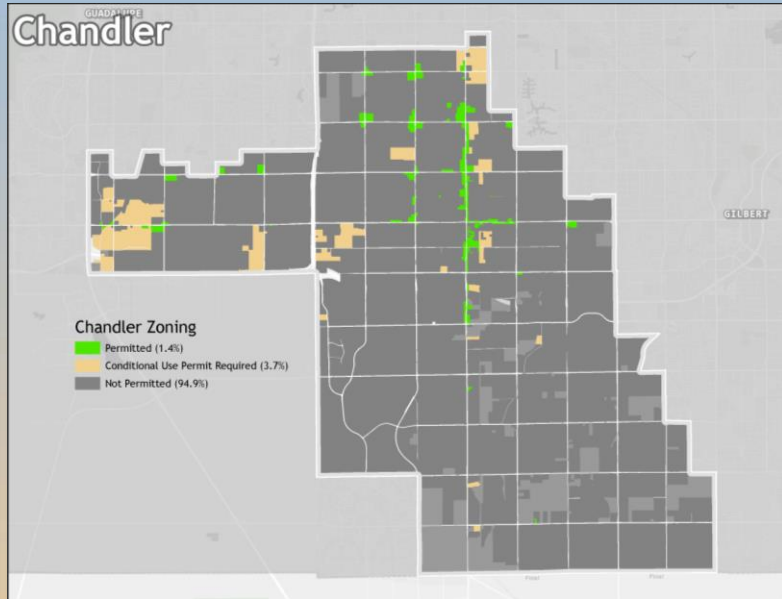
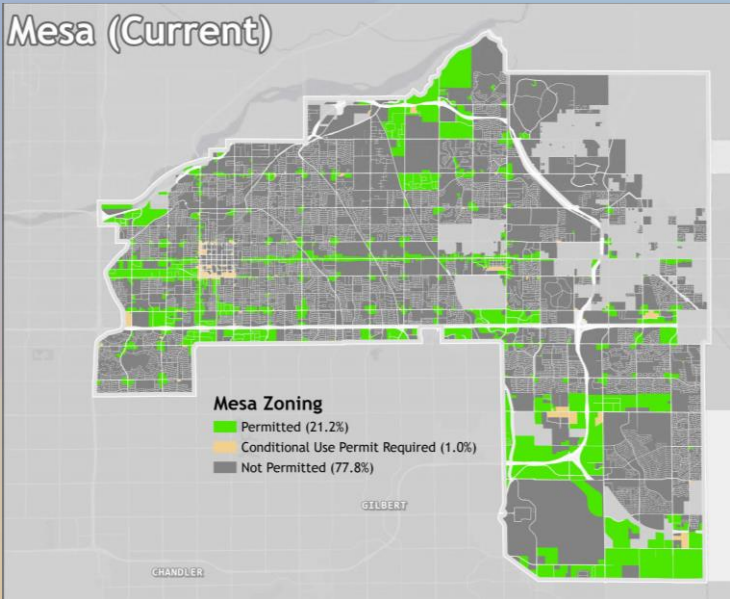
# Alignment with City Council's Strategic Priorities

- Proposed Text Amendments Align
  - Placemaking
  - Building communities that are safe, healthy, welcoming, and economically vibrant





# Additional Research





# Jurisdictional Comparison

Jurisdiction	Zoning Area by right (%)	Zoning Area with a Conditional Use Permit (%)	Existing Drive-thru per capita (10,000)	Existing Drive-thru per acre (100 acres)
Mesa	21.2%	1.0%	5.07	2.14
Gilbert	9.1%	0.5%	4.50	2.11
Chandler	1.4%	3.7%	6.55	3.28
Scottsdale	2.3%	1.9%	3.17	0.48



# Proposed Amendments

## Onsite Circulation and Stacking Study

### New Requirement

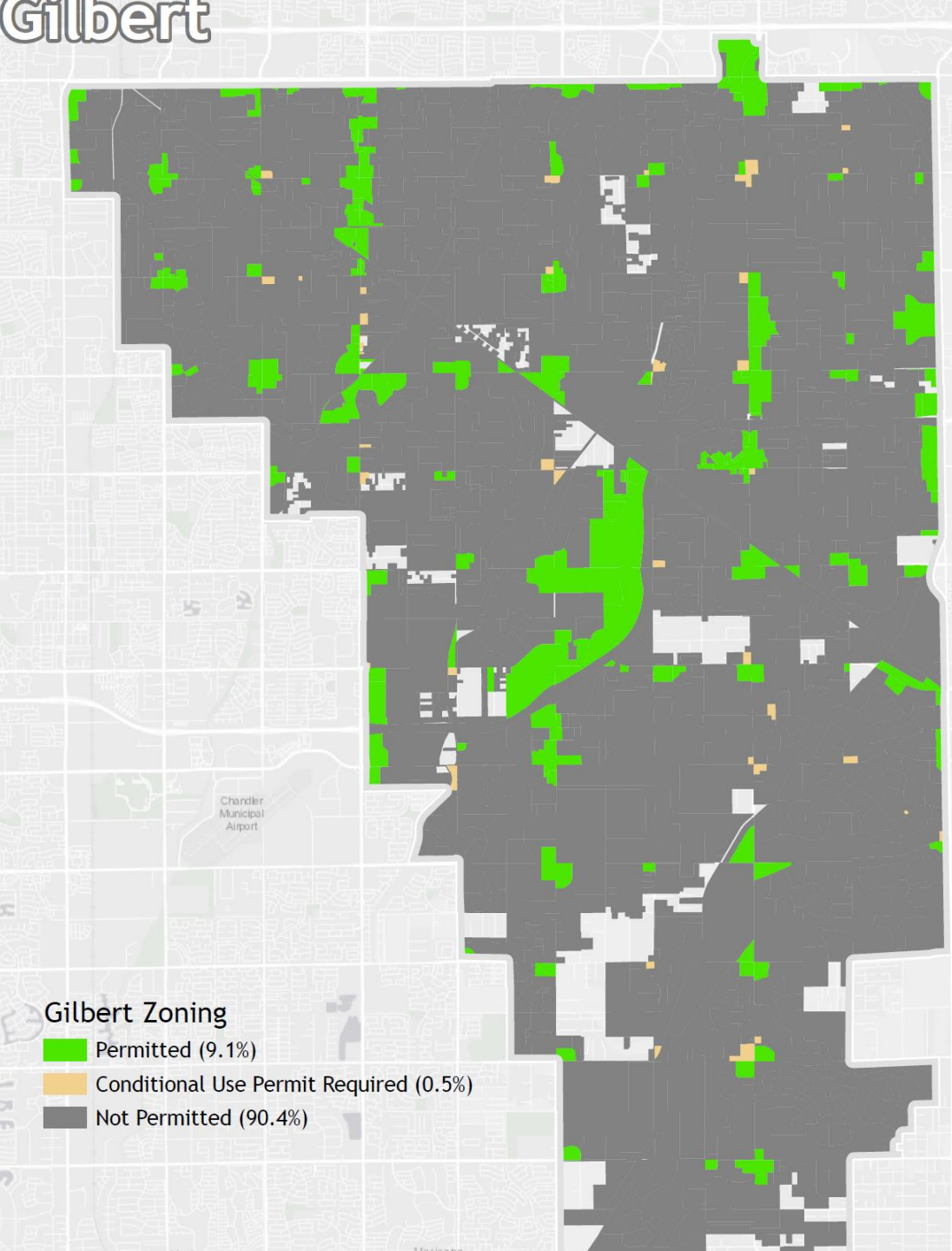
- Ensure unique situations on properties are considered while ensuring a base standard for all drive-thrus
- Ensure that circulation impacts and hazards for pedestrians or vehicles are mitigated
- Consider cumulative impacts





# Planning and Zoning Public Hearing Concerns

- 1) Proposed updates to Chapters 6 and 7 to require a Council Use Permit (CUP) in the NC, PEP, LI, GI, and HI zoning districts
- 2) Proposed Section 11-31-18(C) Onsite Circulation and Stacking Study
- 3) Proposed Section 11-31-18(E)(2) – 100 Foot Separation from Residential Property
- 4) Legal Waiver



# Land Use Requirements

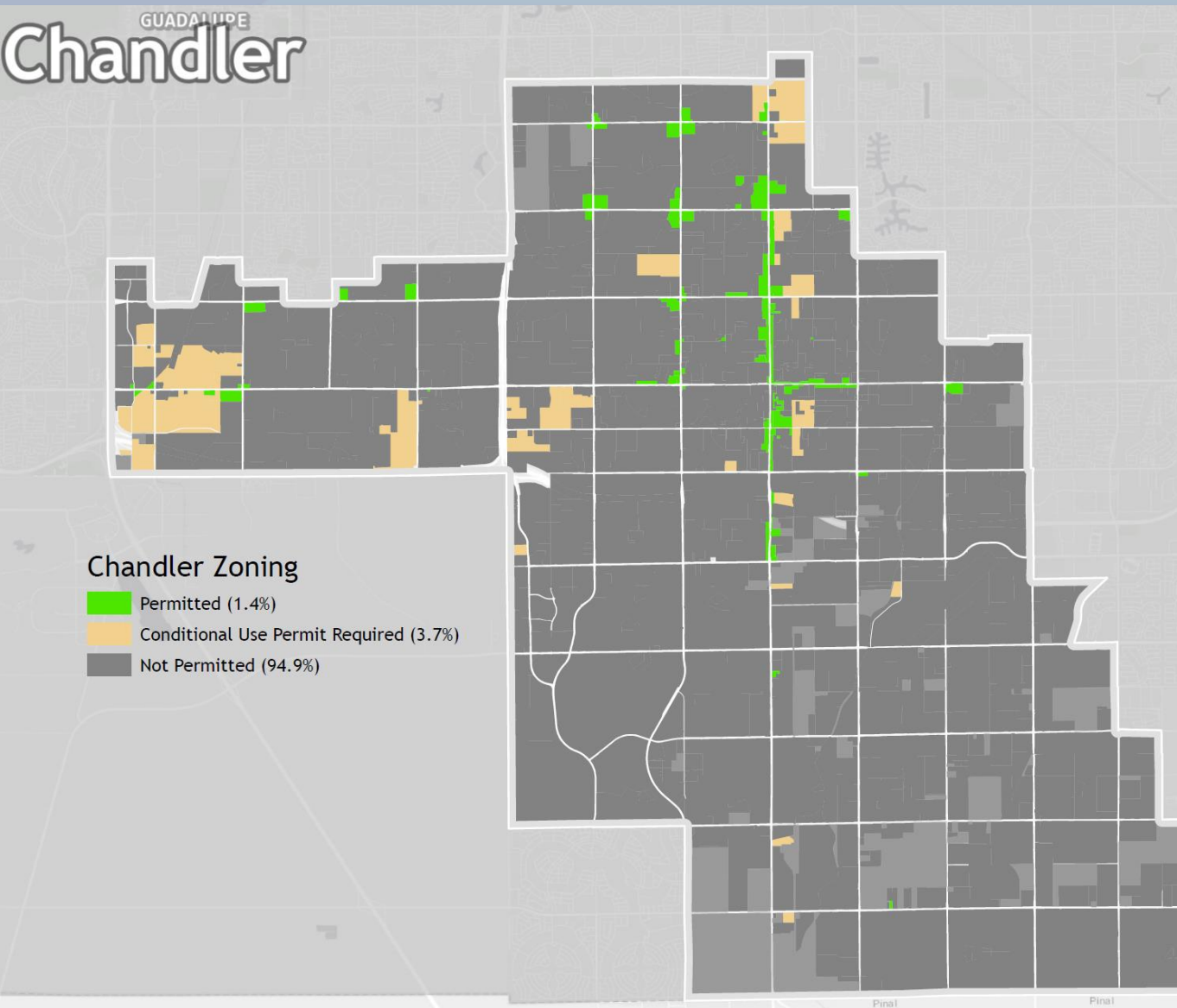
Permitted (9.1%):

- Community Commercial
- Shopping Center
- General Commercial
- Regional Commercial
- Heritage Village Center (if existing)

Conditional Use Permit Required (0.5%):

- Neighborhood Commercial District
  - If hours of operation are between 11pm and 6am

# Land Use Requirements



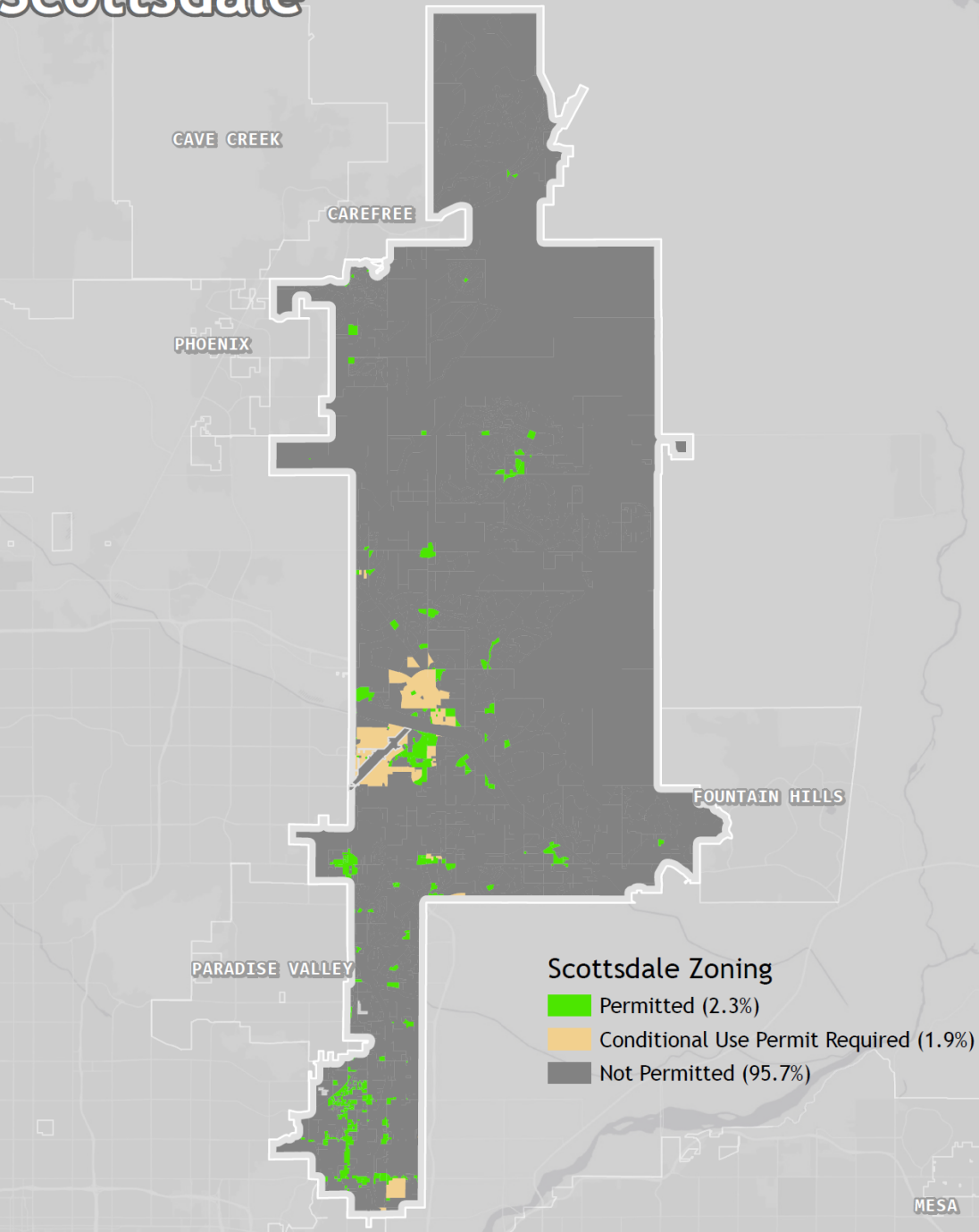
Permitted (1.4%):

- Neighborhood Commercial
- Community Commercial
- Regional Commercial

Conditional Use Permit  
Required (3.7%):

- Planned Industrial
- General Industrial





## Land Use Requirements

### Permitted (2.3%):

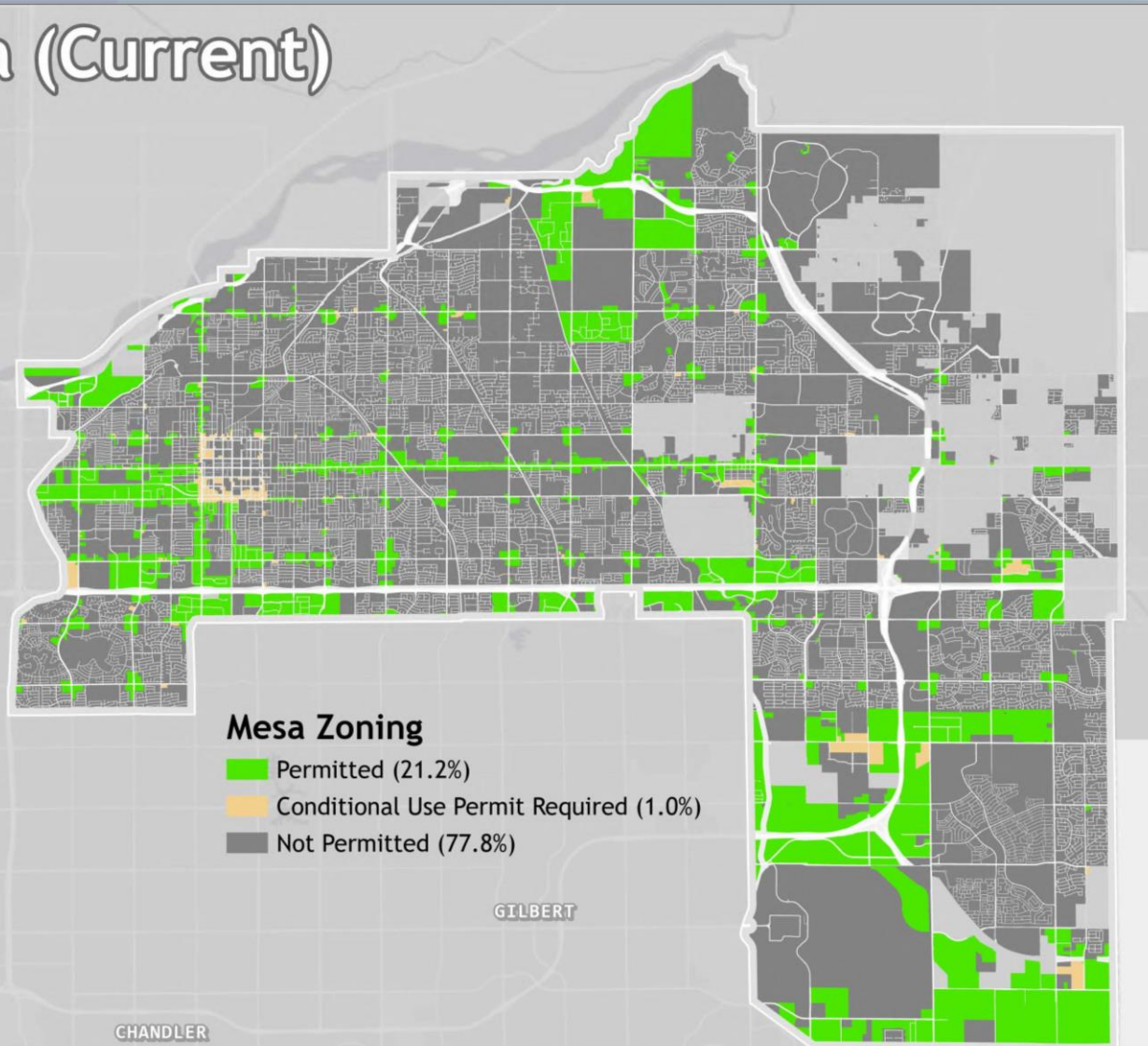
- Neighborhood Commercial
- Central Business
- Regional Shopping Center
- Highway Commercial
- Planned Neighborhood Center
- Planned Community Center
- Planned Regional Center

### Conditional Use Permit Required (1.9%):

- Planned Airpark Core
- Industrial Park

# Land Use Requirements

## Mesa (Current)



Permitted (21.2%):

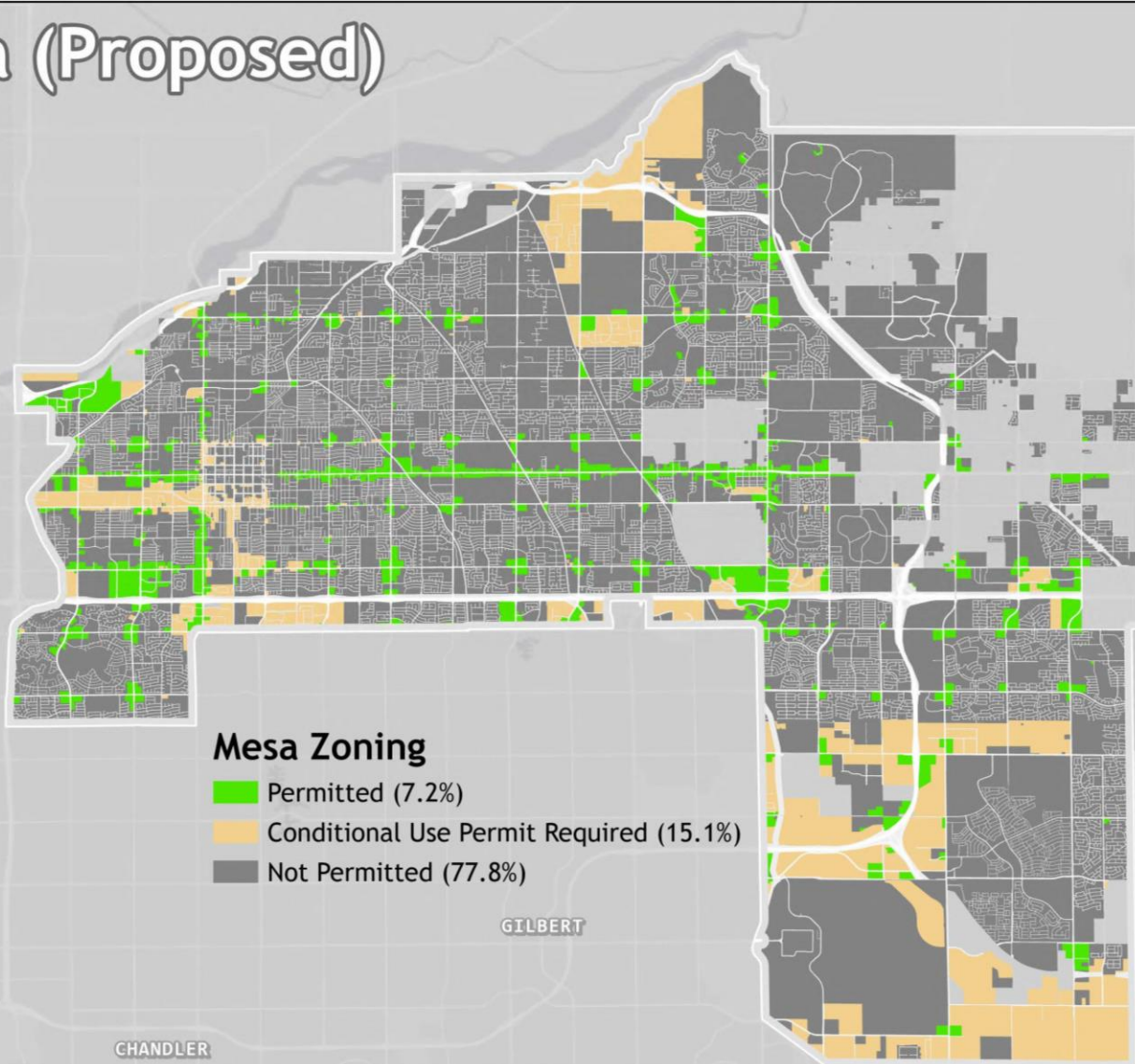
- Limited Commercial
- General Commercial
- Planned Employment Park
- Light Industrial
- General Industrial

Conditional Use Permit Required (1%):

- CUP
  - Downtown Business 1
- SUP
  - Neighborhood Commercial
  - Heavy Industrial
  - Downtown Business 2
  - Mixed Use

# Land Use Requirements

## Mesa (Proposed)



Permitted (7.2%):

- Limited Commercial
- General Commercial

Conditional Use Permit Required (15.1%):

- CUP
  - Downtown Business 1
  - Neighborhood Commercial
  - Planned Employment Park
  - Light Industrial
  - General Industrial
  - Heavy Industrial
- SUP
  - Downtown Business 2
  - Mixed Use





# Comments and Questions from the Public





# Comments & Questions Response

**Desire for the 100-ft setback from residential to be modified with the provision of a sound study:**

- Section modified - based on stakeholder input
- Decibel level added

**Desire for On-site Circulation and Stacking Study to address off-site impacts:**

- Mitigation plan required to address how stacking will not overflow in internal drives as well as public/private streets



# Comments & Questions Response

## Desire for the amendments to allow for deviations from the development standards:

- The MZO contains several processes which allow for deviations from development standards
  - Development Incentive Permit (DIP) Chapter 72
  - Substantial Conformance Improvement Permit (SCIP) Chapter 73
  - Planned Area Development Overlay (PAD) Chapter 22
  - Bonus Intensity Zone Overlay (BIZ) Chapter 21
  - Variance Chapter 80
- Specific language is not provided in each section addressing specific uses





# Comments & Questions Response

## Existing pad sites would not be able to development under the proposed standards:

- The MZO has in place several processes which addresses hard to develop parcels which allows for deviations to development standards
  - **Substantial Conformance Improvement Permit (SCIP)** - Allows develop sites which are non-conforming to expand/change uses without having to bring non-conforming conditions up to standards
  - **Development Incentive Improvement Permit (DIP)** - Allows deviations for by-passed parcels that may have a hard time meeting development standards
  - **Planned Area Development (PAD) & Bonus Intensity Zone (BIZ)** - Modifications for innovative alternatives



# Comments & Questions Response

The proposed amendments will make existing facilities a non-conforming use and unable to redevelop if burned down:

- If a **conforming use**, the proposed changes do not make any use non-conforming
- If the use is **currently non-conforming**, Chapter 36 of the MZO addresses non-conforming sites, buildings, and uses
  - Allows non-conforming sites, damaged or partially destroyed, to be built back to existing condition



# Comments & Questions Response

## How many more CUPs would Council see with proposed amendments?

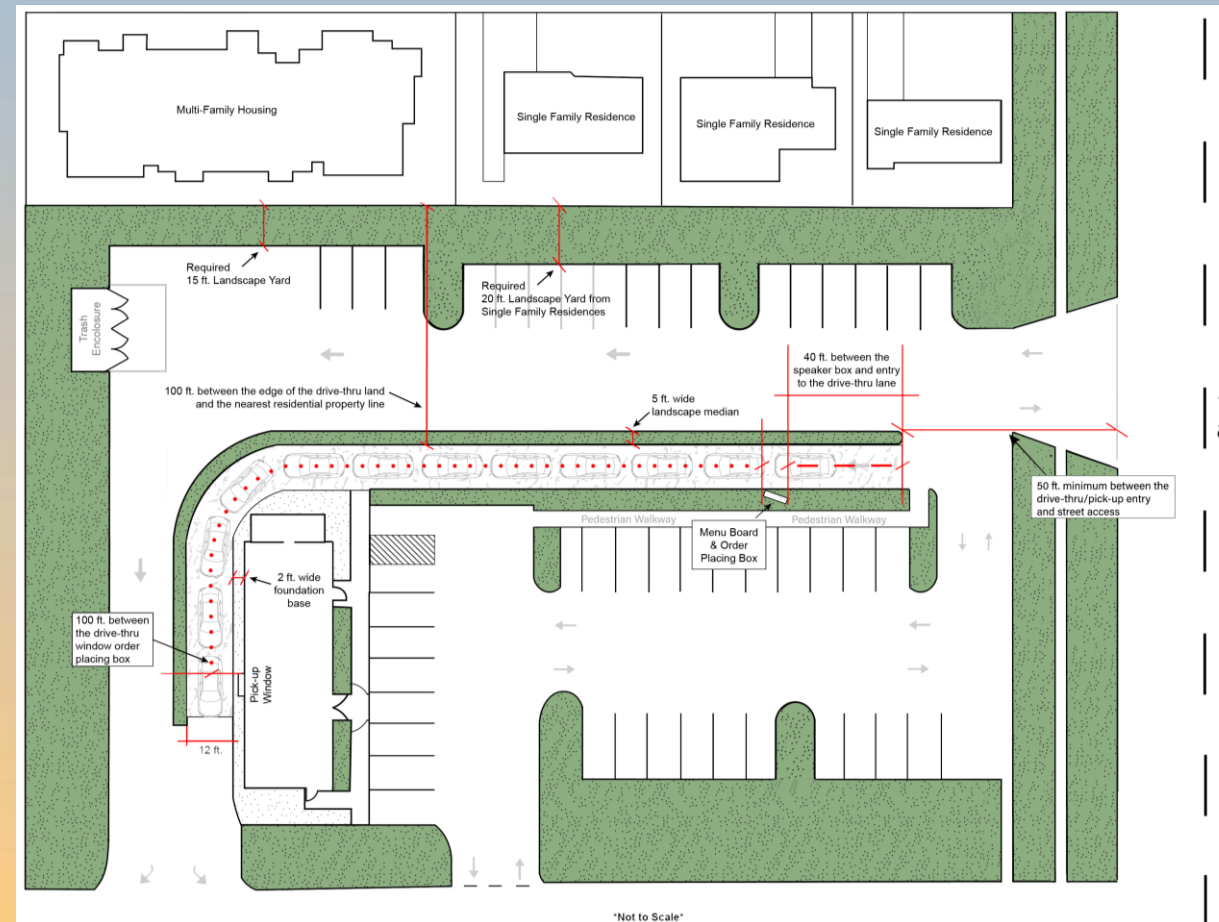
- Submittals from January 2021 to June 2023 (30 months)
  - Total of 71 drive thru cases processed
  - 12 projects went to City Council for approval
  - Proposed Text Amendments - 5 additional projects would have had to go to Council for a CUP





# Proposed Amendments

## Example of a Stacking Diagram





# Proposed Amendments

## Definitions

**Drive-thru Facilities.** Establishments providing, goods, food, or beverage through a window to patrons remaining in an automobile, where an order menu board is present, and orders are placed on site via an order menu box or via an employee taking orders from patrons remaining in an automobile.

**Pick-up Window Facilities.** Establishments providing goods, food, or beverage through a window to patrons remaining in an automobile, where orders are placed by patrons before reaching the establishment, and where no order menu board, order menu box, or employee taking orders from patrons remaining in an automobile are present. An establishment with parking spaces designated for pick up orders are not included in this definition.

**Drive-up Atm/teller Window.** Banking and financial institutions that provide a driveway approach for motor vehicles to serve patrons remaining in their vehicles. May be a stand-alone automated teller or attached to a building or structure.