



City Council Drive-thru Text Amendments

Mary Kopaskie-Brown, Planning Director
Rachel Nettles, Assistant Planning Director
September 28, 2023



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



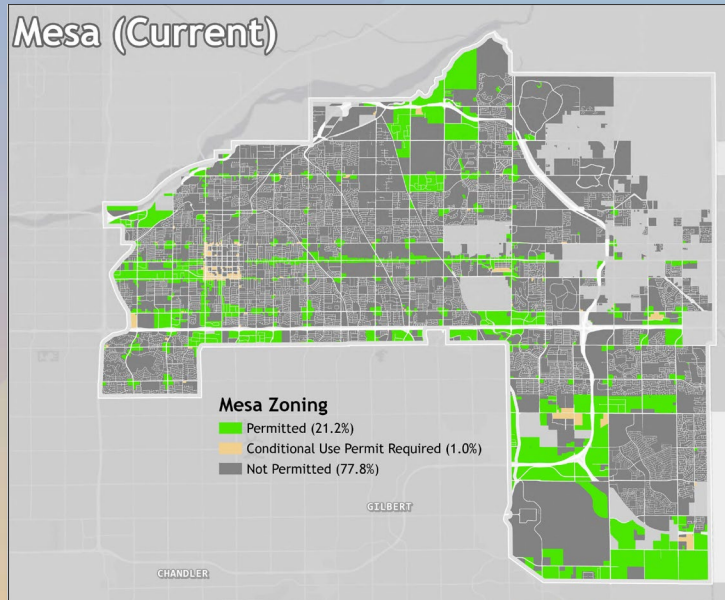
Alignment with City Council's Strategic Priorities

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

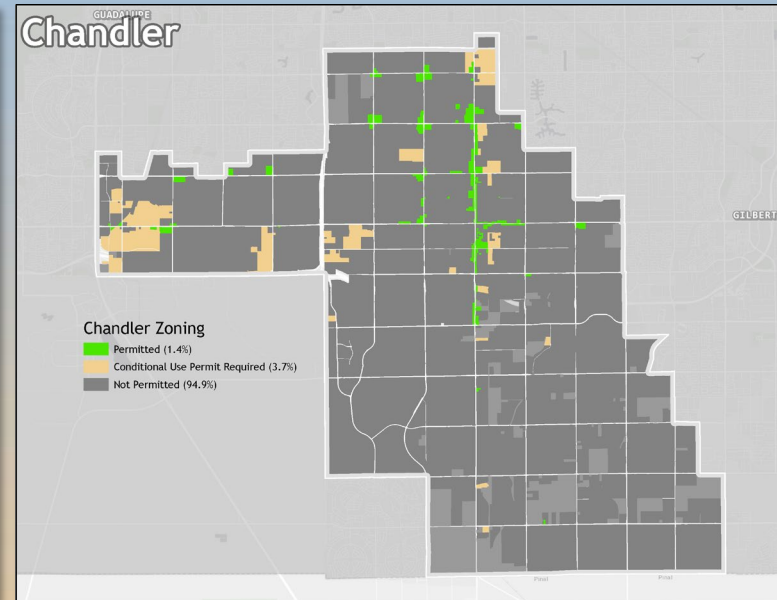


Additional Research

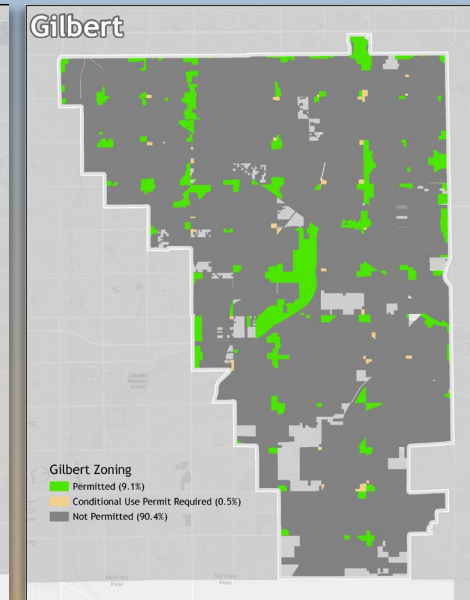
Mesa (Current)



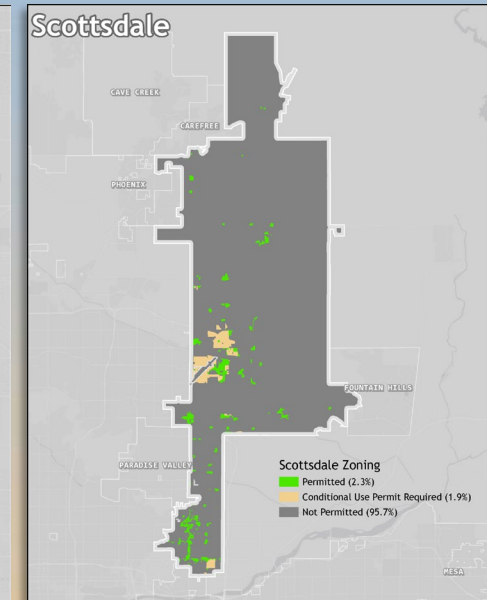
Chandler



Gilbert



Scottsdale





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





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



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



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:

- 100' between the drive-thru window and order-placing box
- 40' between the 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
 - The 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

Onsite Circulation and Stacking Study

Staff Recommendation based on the Planning and Zoning Board Concerns

- Require the Onsite Circulation and Stacking Study **ONLY** when the applicant is requesting to deviate from the minimum development standards in Section 11-31-19(D)
- Ensures that unique situations on properties are considered while ensuring a base standard for all drive-thrus
- Requiring the Study for projects that request deviations ensures that circulation impacts and hazards for pedestrians or vehicles are mitigated.



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
- Modifications to the base standards - evidence from a sound study to demonstrate that noise can be mitigated through other treatments



Proposed Amendments

Setback from Residential Uses and Properties

Staff Recommendation based on the Planning and Zoning Board Concerns

- The distance 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 decibel levels in residential areas is typically 45-55 dB depending on the time of day

Decibel level of freeway auto traffic is approximately 60 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



Comments and Questions from the Public





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





Comments & Questions Response

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

- Section revised- mitigation plan required to address how stacking will not overflow in internal drives as well as public/private streets
- Section modified - only require when deviating from standards

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

- Section modified - based on stakeholder input



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 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



Thank you
Questions?



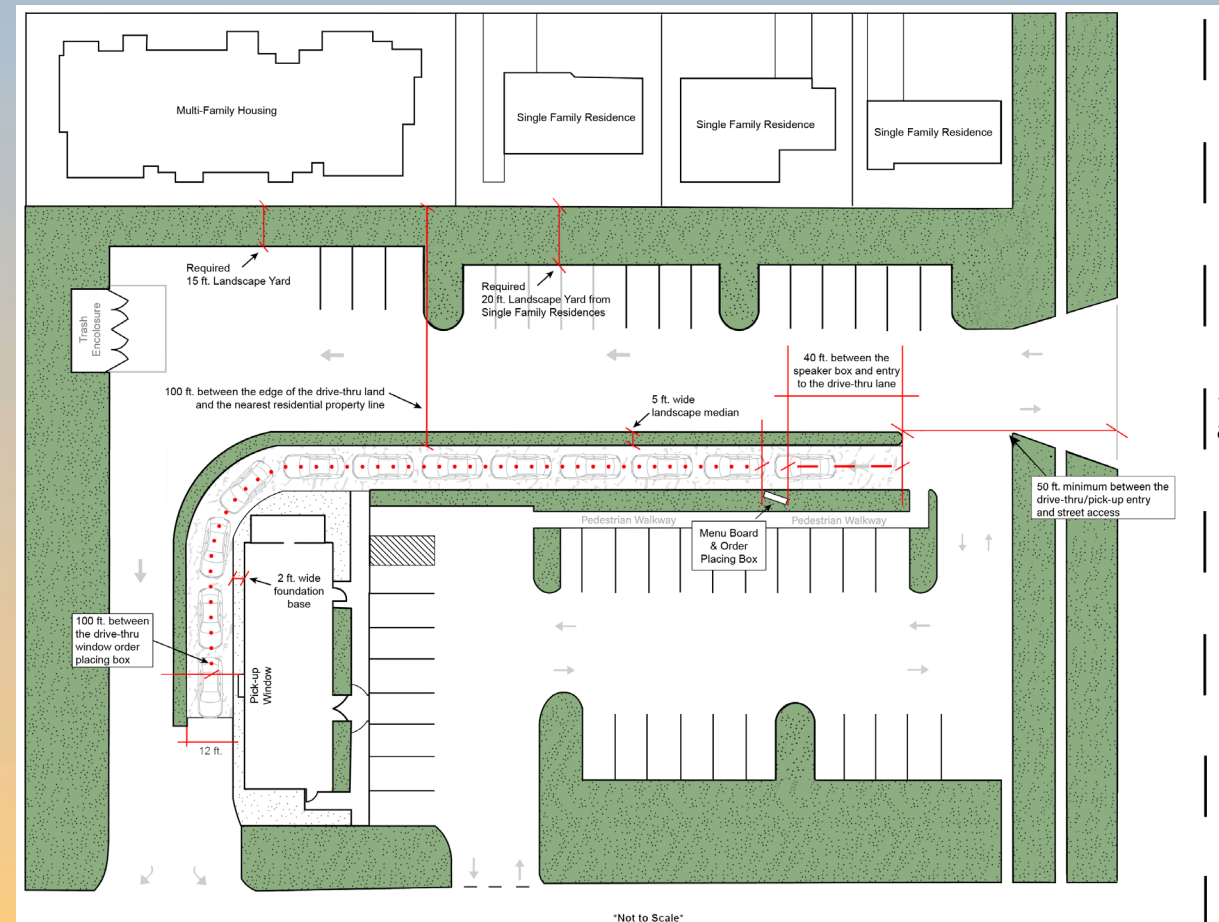


mesa·az



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.