



Midway

PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: April 12, 2022

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment of Section 16.13.39: Off-Street Parking and Loading

ITEM: 3

Midway City is proposing an amendment to Chapter 16.13.39: Off-Street Parking and Loading. The proposed amendment would prohibit the creation of new drive-through windows in Midway.

BACKGROUND:

Midway City is proposing an amendment to the City's Municipal Code in the Land Use Chapter, Title 16. The proposed code would prohibit the creation of new drive-throughs in the city. Currently, the land use code does not contain anything that prohibits drive-throughs. It also does not contain any minimum requirements for drive-throughs. A recent application for a restaurant, that includes a drive-through window, highlighted the need to have some criteria in place to address whether drive-throughs are allowed, and if so, minimum requirements to help mitigate negative impacts and safety concerns.

At the last planning commission meeting, planning staff presented a modification to the Off-Street Parking and Loading section of the land use code that would create minimum criteria for allowing a drive-through. In that meeting, the planning commissioners discussed whether drive-throughs should even be allowed in Midway. The result from that discussion was a motion of continuance that advised staff to bring back language that prohibits new drive-throughs in Midway. The motion from that meeting was as follows:

Motion: Commissioner Garland: I make a motion that we recommend continuance of an amendment to Chapter 16.13.39: Off-Street Parking and

Loading. The proposed amendment would create requirements for commercial uses with drive-through windows. Come up with code that prohibits all businesses from having a drive thru.

Seconded: Commissioner Simons

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Wardle, Garland and Simons

Nays: Ream

Motion: Passed

In response to that, staff is proposing language that would prohibit new drive-throughs in Midway. There are several existing drive-throughs in Midway (Grand Valley Bank, Judy's Doughnuts, Ridleys Gas Station, FILL'ER UP Coffee, Keller Williams next to Lupita's), only a few of which are currently in use. If a prohibition on drive-throughs is adopted, some existing drive-throughs would become non-conforming. The proposed use and alteration of those drive-throughs would be governed by the city's non-conforming code for buildings and uses (16.26.8).

The following language (in red) is proposed to address the desire to prohibit new drive-throughs:

16.13.39 Off-Street Parking and Loading

M. Commercial Drive-throughs Prohibited

The creation of new commercial drive-throughs in Midway is prohibited in all zones. All drive-throughs that legally exist on the date this code goes into effect may continue as allowed elsewhere in this title.

We have included the previously proposed criteria for allowing drive-throughs (in blue), from the March planning commission meeting, in the event it is useful.

16.13.39 Off-Street Parking and Loading

M. Drive-through Requirements

Drive-throughs may be allowed as a conditional use in the C-2 and C-3 zones. Uses which propose drive-through service windows or devices shall provide on-site space for the stacking of vehicles waiting to reach the drive-up window or device in accordance with the following:

1. Stacking Requirements:
 - a. Food and Beverage: Minimum of five stacking spaces per service lane. Maximum of two lanes.
 - b. Banks: Minimum of three stacking spaces for each service window/ATM. Maximum of two lanes.
 - c. All other uses: Three stacking spaces for each service lane.

Maximum of two lanes.

2. Design Standards:

- a. All stacking spaces leading up to the final service window or device, including the space at the service window or device, shall count towards the required spaces. No spaces beyond the window or device will count towards the required minimum.
- b. Stacking space size requirements: Each space shall measure nine (9) feet wide by twenty (20) feet deep.
- c. If drive-through stacking lanes are proposed along the primary or secondary frontage of a property, a minimum five-foot landscape buffer shall be required to help buffer the drive-through lanes from adjacent roads.
- d. Drive-through lanes shall be arranged to avoid conflicts with site access points, pedestrian circulation paths, access to parking or loading spaces, and internal circulation routes, to the maximum extent practicable
- e. For drive-throughs on properties that abut a residential zone:
 - i. The common property line shall be fenced with a 6' solid fence or wall that meets the safety and design requirements applicable to the zone.
 - ii. There shall be a five-foot landscaped buffer between the required fence or wall and the drive-through lanes. This buffer should be planted with trees and shrubbery that will help mitigate visual and noise impacts created by the drive-through. Trees shall be appropriately sized for the location and shall be planted at an interval of no less than fifteen feet along the property line.
- f. Speaker boxes shall not be allowed, unless the following are met:
 - i. Box placement and orientation is not adjacent to a residential zone.
 - ii. Noise created by the speaker box shall not exceed 70 dBA as measured from all property lines.
 - iii. Speaker boxes shall not be used after 10:00 PM.

POSSIBLE FINDINGS:

- New commercial drive-throughs would be prohibited in all zones
- Lawfully existing drive-throughs would be considered non-conforming and would be allowed to continue as outlined elsewhere in the land use code
- Prohibiting drive-throughs may discourage certain commercial uses that rely upon the convenience of drive-throughs

ALTERNATIVE ACTIONS:

1. Recommendation of Approval. This action can be taken if the Planning Commission finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings

2. Continuance. This action can be taken if the Planning Commission would like to continue exploring potential options for the amendment.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

3. Recommendation of Denial. This action can be taken if the Planning Commission finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial