

DISCUSSION

2023-0082 Drive Through Uses Ordinance Amendment Discussion

(Giffels-Webster memo dated February 13, 2023 and PC-CC Draft Minutes from January 30, 2023 had been placed on file and by reference became a part of the record thereof.)

Chairperson Brnabic introduced the ordinance amendment discussion for drive-through uses.

Ms. Roediger apologized for her inability to attend the recent Joint City Council-Planning Commission meeting. She noted discussion at the Joint Meeting centered on various ordinance amendments that the Planning Commission wanted to work on at a more rapid pace and included what she would call the learning lessons from the Biggby drive-through that came before the Commission approximately one year ago. She explained that the issues that came out of that site plan review included the aesthetics of what the building looked like as the building was one of the shipping container-type of buildings, site circulation as that project was proposed in a Meijer outlot that did not have a great deal of circulation on the property, and the amount of traffic that was generated from these drive-throughs. She stated that in speaking with the City's consultant Giffels-Webster and working with them, they have developed what they think are some pretty easy tweaks to the drive-through ordinance. She added that all drive-throughs in the community are discretionary conditional uses through the Planning Commission, and commented that this is fairly unique as in many communities they are permitted by right as the trend for developments is fast casual convenience. She stated that because of the concerns that they have had it is a conditional use here; and ways were explored to beef up the language to address these concerns.

She explained that the first thing added was a condition that the structure has to be larger than 2,000 square feet, which prohibits the micro buildings that do not have any indoor component. She noted that if they are a part of a multi-tenant building, that would work just fine; and if they are on an outlot free-standing building, they must be on a permanent foundation and compatible with the neighboring development in the area. She stated that this would prevent the transient shipping container type of facilities that the Commission did not care for.

She stated that they also got away from drive-through windows because of the trends of mobile pickup and online ordering, the way people get their takeout is different than it was four years ago. She stated that they have clarified the difference between drive-through facilities and drive-through windows and where they can be located. She commented that in terms of stacking lanes, the trend is having a service lane instead of having a window to order. She mentioned Chick-Fil-A noting that they do not have a window to order and customers order from people with iPads in different stations. She commented that it was discussed to have ten stacking spaces per delivery. She noted that they increased the landscape buffer, and pointed out that the current ordinance

required a Landscape Buffer B, and the proposal increases it to a Landscape Buffer D which requires a wall and landscape additional to the wall. She pointed out that Landscape Buffer B does not even require a solid wall. She commented that while it was established that solid walls are not wanted in residential neighborhoods, in the case of a drive-through abutting residential a solid wall is wanted.

She noted that a requirement been added that there must be uses inside of the building and clarification that there has to be a separation of the drive-through lane from the general circulation of the site through landscape islands. She mentioned that the best example is a Starbucks in Auburn Hills at University and Squirrel that has a landscape island separating the drive-through lane from the general circulation lane which demarcates circulation and avoids conflicts. She mentioned that the current ordinance had a 16-foot stacking space for a vehicle, while with larger F150s and other vehicles this is not an accurate representation of the length of vehicles. She added that in looking at other communities, 20 feet is more of the industry standard at this point and the proposed language increases it to that length. She stated that the drive-through regulations have been modernized, recognizing that it is still a conditional use and there are still industry trends. She stated that society is telling that this is what people want and it is still a convenience. She commented that she does not think drive-throughs will be going away. She stated that obviously there are some concerns regarding the Chick-Fil-A type of drive-throughs and commented that this is the reason why the City has conditional uses. She stated that it is difficulty to quantify as Chick-Fil-A may be very popular today, and other restaurants have had popularity. She noted that in terms of drive-throughs, having the conditional use allows the Planning Commission and City Council the flexibility to evaluate them on a case-by-case basis; and also gives the flexibility with the additional requirements to address traffic, noise, aesthetics and other impacts.

She stated that tonight the Commission was being given the language and if it feels comfortable with it a public hearing would be scheduled for next month. She noted that changes could still be made to the proposed language and asked if the Commissioners had any thoughts or tweaks to the language.

Chairperson Brnabic stated that she did not have any problem with the proposed language that was presented for amending the ordinance.

Mr. Struzik stated that he was on the other side of the Biggby decision, noting that once they modified the building he thought it did not look bad. He commented that they are butting up against consumer trends that everyone wants a drive-through, but at the same time he feels that they have received a significant amount of feedback from the community both about the intensity and also relative to drive-through only facilities. He stated that personally he wants to see more connected, walkable and bikeable communities, but at the same time consumer trends and property rights are at the front of his mind. He commented that he worries that the City might be putting itself in a position where they might see buildings that technically meet the requirements that are bigger than they might have been and the lobbies are closed because there simply isn't enough staffing or financial incentive to keep the lobby open. He

stated that he is seeing it across metro Detroit and gave the example of a Taco Bell in Clawson that still has not reopened their lobby since before the pandemic.

He commented he worries that the City will run into issues like that where people will technically comply. He also commented that perhaps the city is not a drive-through community, and values the ability to walk or drive to a place and sit down and have a meal or coffee. He stated that he is not advocating either completely for or against this.

Ms. Roediger stated that the industry trends are moving to drive-through only facilities; however, by making it a requirement, they will have to meet it. She commented that she does not know how to establish what the Planning Commission is willing to do.

Mr. Struzik questioned whether the intention is that they have to have a dining room or a lobby area, and if there is any recourse if there is a lobby area but it is closed.

Ms. Roediger stated that perhaps the language could be tweaked to note a lobby that needs to be open to the public or a dining area. She mentioned that there are real issues about staffing and who knows how that will be in the future.

Mr. Struzik commented that there is a Chinese restaurant in the city where they have a dining area but it is sectioned off and cannot be used.

Ms. Roediger noted that there is a difference between a drive-through restaurant and a carry-out restaurant. She pointed out that there are a number of restaurants with zero dining, however the issue that they have typically seen is with traffic, idling, and circulation.

Mr. Struzik stated that if the intention is that they have to have a dining area open, it may have to be written into the language; however, if the intention is drive-through only, he would require that they also have a walk-up capability.

Ms. Roediger commented that the intent is to get away from the 100 percent drive-through and they must have an indoor component. She stated that they could get creative.

Ms. Neubauer stated that they could have an example where only restrooms were open to the public. She commented that there is only so much the commission can do and demand. If the goal is to get away from porta potties in the middle of parking lots, this is the way to do it. She stated that there are only so many limitations they can make on a property owner because they do not want to get into a position where there is the issue of a legal taking because the government is telling a property owner what they have to do. She stated that she thinks the way it was written is pretty good and there is only so much they can control.

Ms. Roediger stated that they struggled on how to define things. She commented that the approach is to get to the root of the issue and identify the

concerns and determine how to address them, as this is why it was narrowed down to the aesthetic, the traffic, and circulation as the main concerns. She commented that they are still conditional uses and there is flexibility on a site by site basis.

Mr. Struzik stated that he does not have the same concerns as other folks, but sees how this could address the concerns that have been brought up.

Mr. Dettloff questioned whether the language was modeled after anything.

Ms. Roediger responded that this is ground breaking.

Chairperson Brnabic noted that there have been some emails received that were not necessarily directly on this proposed amendment from a couple of residents that wanted to see a more thorough work session to look at further amendments to the Ordinance in regard to additional considerations. The emails brought up Chick-Fil-A and drive-through proposals that are excessive with vehicle volumes that are disproportionate to the business establishment and the overall site location size. She stated that they would like to see stacking limits addressed and drive-throughs that have adjacent properties for the health and welfare of the residents that are close to those. She noted that comments were that they wanted to limit the number of drive-throughs per block. She stated that the comments wanted to see some further thought and investigation put into the drive-throughs. She listed the names of the commenters as Melanie Martin and Gretchen Komarzec.

Ms. Roediger stated that while these came in later in the day they were discussed, and noted that approximately 95 percent of commercial properties back up to residential. She added that when discussing drive-throughs it also includes places such as Walgreens and Huntington Bank. She stated that the conditional use really gives the flexibility on a case-by-case site basis. She noted that limiting the number is also accomplished by doing spacing requirements. She stated that they want to get to the root of what the issue is, and staff felt that this was step one; and the Master Plan work later this year could get to some of the deeper issues on trends and construction moving forward through better design guidelines. She commented that there are different things that can be done through regulations to get to the root of the issue.

Chairperson Brnabic asked the Commissioners if they would give a nod to moving forward toward a public hearing.

The Commissioners concurred with moving forward toward a public hearing.

Discussed