

MEMORANDUM

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

TO: Salt Lake City Planning Commission
FROM: Nick Norris, Planning Director
Michaela Oktay, Deputy Planning Director
DATE: November 9, 2022
RE: Sugarhouse Drive-Through Facilities-options

Request: The planning commission initiated a petition to make modifications to the drive through regulations in the sugar house business district (CSHBD). Planning staff discussed that they would bring back an analysis of each option for the planning commission to consider which option to pursue.

Options: There are five options for the Planning Commission to consider. Each option has a variety of issues and range in degree of complexity. The options are:

- Modify existing standards to address known issues.
- Make the use a conditional use.
- Make the use a conditional use with modified standards.
- Prohibit the use in part of all of the district (Staff Recommendation).
- Make no changes.

Sugar House Drive Through Facilities

CSHBD Purpose Statement

The allowed land uses in the CSHBD zoning districts should align with the purpose of the district. The purpose statement reads:

The purpose of the CSHBD Sugar House Business District is to promote a walkable community with a transit oriented, mixed use town center that can support a twenty-four (24) hour population. The CSHBD provides for residential, commercial and office use opportunities, with incentives for high density residential land use in a manner compatible with the existing form and function of the Sugar House master plan and the Sugar House Business District.

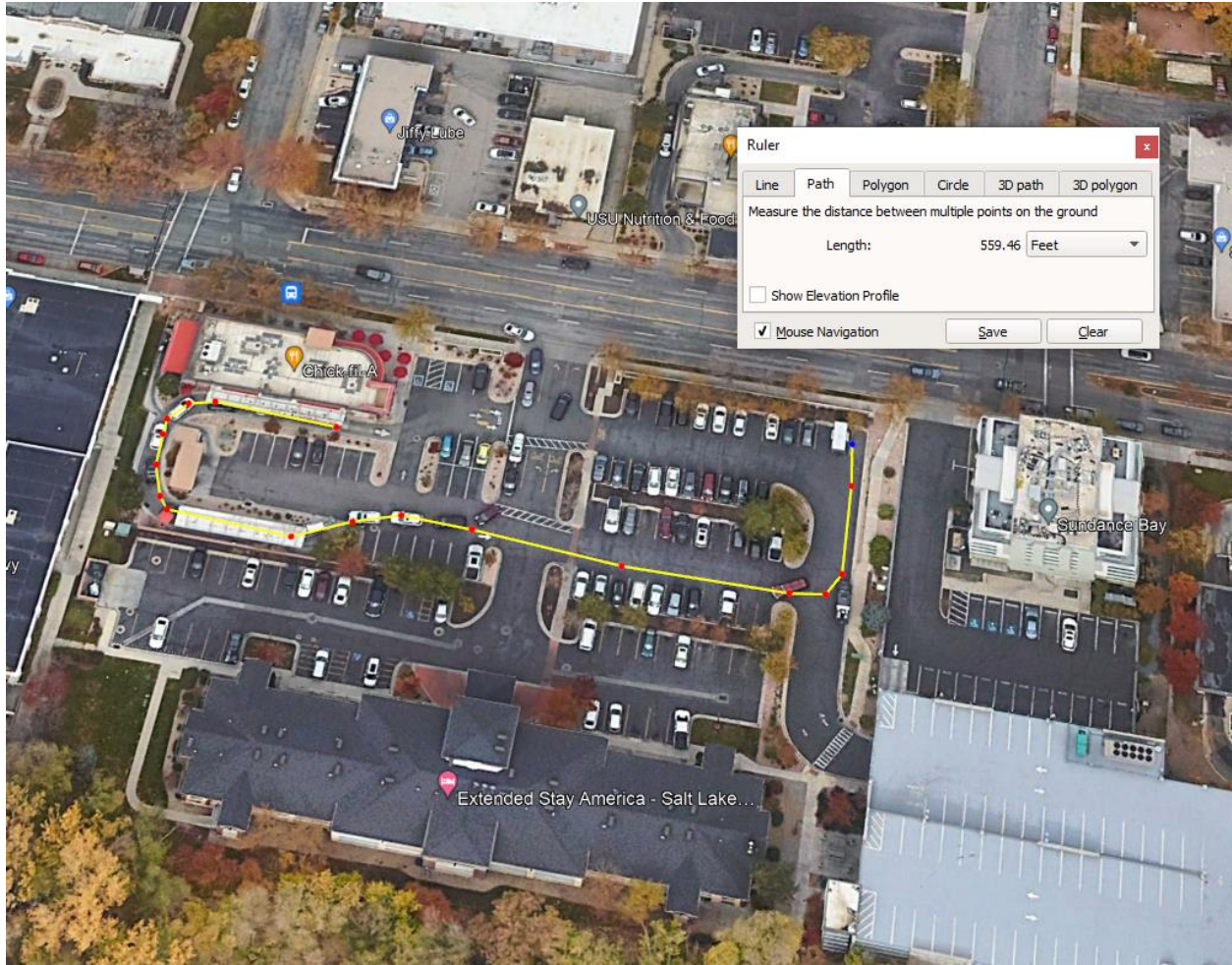
Background

The Planning Commission initiated a petition to change how drive throughs in the CSHBD zoning district are regulated in August 2022. The Commission asked that the staff come back with options for the commission to take to address the impact of drive throughs before moving forward with a proposal. This document outlines several options for the Planning Commission to consider, including a recommended option from the Planning Division. The options consider the pros and cons of each option. The primary focus was on the purpose statement of the district and whether the use furthers or detracts from the purpose statement.

The primary issue that has been identified with drive throughs is the stacking of vehicles. Stacking of vehicles is regulated by the zoning code and applies the same stacking standards to all drive throughs. The regulations do not recognize a difference between high demand drive throughs and low demand drive throughs. A high demand drive through is one that routinely exceeds the provided stacking space on the site, resulting in cars blocking public ways, including sidewalks, bike paths, and drive lanes on streets. Low demand drive throughs typically do not exceed the provided stacking space.

High demand drive throughs are typically restaurants, coffee shops, and soda shops. High volume drive throughs by their nature are primarily serving people in private vehicles. One of the key standards is the amount of space for stacking vehicles waiting to be served through the drive through. There is evidence within the business district and in other parts of the city where high volume restaurants and coffee shops with drive throughs are creating hazards for people using the sidewalk, bicycle lanes, and vehicle travel lanes. This occurs when the use of the drive through exceeds the maximum space for stacking of vehicles on their site, which results in degraded on site circulation, blocking of sidewalks by vehicles, and vehicles blocking the streets. When this happens, the use is not aligned with the purpose statement of the zoning district.

If the stacking space required increases to reduce the impact of vehicle stacking, it increases the amount of land needed for the use. The existing drive through restaurant on 2100 South and about 1200 East recently expanded their stacking length to approximately 560 feet, enough to accommodate approximately 28 vehicles. This facility still sees vehicles queuing in the street at peak times. The result is an auto-oriented development with most of the land being used for the storage and stacking of vehicles instead of other land uses. Buildings tend to cover a small percentage of the lot, which decreases taxable value and reduces taxable income for the city.



There are clear differences between drive throughs that are high demand versus low demand. Financial institutions and pharmacies for example rarely see vehicles stacking outside of the provided stacking lanes. It is worth noting that these drive throughs also make it easier for people to carry out daily tasks when they are not as mobile as others. The CSHBD already has multiple drive throughs for financial institutions and pharmacies. Maintaining those facilities could retain the ability of people with disabilities to receive equitable access in the district.

For reference, the drive through standards are attached to this document in a table format that also includes a short analysis of the standard based on the degree that it can be administered.

Staff Recommended Option: Prohibit the use in the CSHBD zoning district

This option would delete the “P” for permitted use in the land use tables. This would result in the use not being permitted. This option has several variations that could be considered. The P could be removed for restaurants and coffee shops while remaining as either a P or a C for financial institutions and retail, which tend to have lower volumes using a drive through based on the lack of complaints regarding these uses.

The benefits of this include:

- The modification is simple and only involves a few different uses in the land use tables.
- The variations can address the drive throughs that require lengthy vehicle stacking while recognizing that drive throughs that don't require lengthy stacking uses may be able to fit into the business district.
- Future drive-throughs would be prohibited.

The primary concern with this is that it makes existing drive throughs non-conforming uses. When non-conforming uses remain in high demand, they tend to stay in place and do not change over to other uses. Existing drive throughs that are not currently in high demand can turn over into drive throughs with higher demands, such as a bank being converted to a restaurant or coffee shop. This has happened in several locations in the city and created stacking issues. This could be addressed by adding a standard to address change of use from one drive through to another types of use with a drive through, such as prohibiting a drive through for a financial institution being converted to a drive through for a restaurant or coffee shop. This would likely require creating a separate stacking standard for low demand drive throughs and high demand drive throughs.

Other Options

Option 1: Modify existing standards to address known issues.

Under this option, the Planning Division would analyze the known impacts created by drive throughs in the CSHBD zoning district and determine how the current standards could be modified to reduce impacts.

The benefits of this approach include:

- Only one section of code is modified
- Known issues are relatively easy to identify and update
- Subjective regulations related to drive throughs can be modified to be objective and measurable to produce more consistent outcomes and improve predictability.
- Low volume drive throughs (financial institutions, pharmacies) could have different standards for stacking distances than high volume drive -throughs (restaurants and coffee shops).

The primary concern with making these changes is that it would likely impact all drive through facilities in the city. This greatly expands the scope of the work in terms of outreach and engagement. It is highly unlikely to be able to update the stacking requirements to address high demand restaurants that block portions of public streets. This is evident by the example used earlier of a restaurant reconfiguring their entrances and drive aisles to stack more vehicles on site and still blocking the streets.

This approach may not align with the purpose statement of the CSHBD zoning district or the Sugar House Community Plan policies for the Sugar House Central Business District.

Option 2: Allow the use as a conditional use.

This option would include modifying the land use tables by changing the “P” for permitted to a “C” for conditional. This would require conditional use approval for any future drive through. This option may include a variation that include making high volume drive throughs conditional and low volume drive throughs as permitted.

The benefits of this approach include:

- The modification is simple and requires minimal staff work.
- It retains a potential use for property owners.
- It allows the Planning Commission to modify proposed site plans to address detrimental impacts.

The main issue with the conditional use option is that it does not change the nature of the use as an auto-oriented development. A development that goes through the conditional use process could potentially lead to more land being devoted to vehicle stacking to mitigate a negative impact, as discussed under option 1. This creates a further separation from the purpose statement and creates similar issues as what is identified.

Option 3: Allow the use as a conditional use with modified standards.

This option essentially combines both options 1 and 2. It has the same benefits, but also the same concerns.

Staff Recommendation: staff does not recommend this approach because it does not result in the use aligning with the purpose statement of the zoning district.

Option 4: No changes.

This option would leave regulations as is. This is counter to the purpose of the district. Evidence exists within the district that the current regulations create impacts that are detrimental to the district. However, there are clear differences between high demand drive throughs and low demand drive throughs. The challenge is trying to figure out if a future use will be in high demand or low demand. For example, some restaurant drive throughs do not create the same impacts as others. Regardless, the current stacking standards are inefficient for high demand drive throughs.

Staff recommendation: staff does not recommend taking this approach.

Drive Through Standards

	Standard	Comment
B.1	These regulations shall apply to all new drive-through facilities, any rebuild or replacement of an existing structure containing a drive-through facility or modification to an existing building that includes altering the location of an existing drive-through window, expands the floor area by twenty five percent (25%) or more of the gross floor area or one thousand (1,000) square feet, whichever is less and/or the parking requirement increases as required by this title. The complete replacement of a building containing a nonconforming drive-through is subject to chapter 21A.38 , "Nonconforming Uses And Noncomplying Structures", of this title.	Could be improved by addressing changing from one type to another type of drive through. (i.e. financial institution to restaurant or coffee shop)
D1	These standards ensure that there is adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lots.	
D1a	a. Gasoline Pumps: A minimum of thirty-six feet (36') of stacking lane is required between a curb cut and the nearest gasoline pump;	This could be improved with a diagram.
D.1(b)(1)	Primary Facilities: A minimum of one hundred twenty feet (120') for a single stacking lane or sixty feet (60') per lane when there is more than one stacking lane, is required for all other drive-through facilities. A stacking lane is measured back to the point of service or final service window. Stacking lanes do not have to be linear.	As demonstrated by high-volume drive throughs, this is not enough to prevent vehicles from queuing into the street. Consider separate standard for low volume uses (financial institutions)
D.1(b)(2)	Accessory Facilities: A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations;	No changes needed
D.1(c)	Stacking lanes must be designed so that they do not interfere with parking and vehicle circulation;	Need to clarify. Stacking lanes shall not block parking stalls, drive aisles, or driveways and cannot extend into a street.
D.1(d)	Stacking Lanes Identified: All stacking lanes must be clearly identified, through the use of means such as striping, landscaping, and signs.	No changes needed.

	Standard	Comment
D.2(a)	Only one driveway providing vehicular access to and from the drive-through window or service area shall be provided from any street;	This may need to be evaluated to determine if it creates more impacts than having a direct exit for the drive-through by using an exit only driveway.
D.2(b)	The driveway providing access to the service windows shall be at least fifty feet (50') from the back of the curb of an intersecting street measured to the centerline of the proposed driveway;	May also want to include egress. Fifty feet may not be enough separation.
D.2(c)	Internal traffic circulation patterns on the lot shall be adequate to keep traffic from backing into a street or blocking access to any required parking spaces located on the lot;	Repetitive with D.1(c)
D.2.(d)	A traffic study addressing both on-site and off-site traffic and circulation impacts may be required as part of a permit application for a drive-through facility.	This should be updated to relate to known volume of other uses operated by the same chain or similar uses in the region that create traffic and/or safety issues to be clear on the factors that trigger a study. However, there needs to be some direction on what to do if there is an impact, such as requiring longer stacking lanes. Just saying you need a study, with no real direction on what to do if there impacts, is too subjective. This should say that if the needed stacking creates impacts, the use can be denied.
D.3	Noise emitted from drive-through service windows and related features (such as remote ordering equipment at outdoor menu boards at fast food restaurants) shall not exceed the levels as established by the Salt Lake Valley Health Department. Noise generating equipment includes, but is not limited to, items such as speakers, mechanical car washes, vacuum cleaners, and exterior air compressors.	No changes
D.4	Air Quality: Drive-through facilities shall post Idle Free signs pursuant to title 12, chapter 12.58 of this Code.	A policy question should be answered regarding the pollution from idling cars and the length of a stacking lane and whether the use should be allowed or prohibited. It is likely impossible to enforce idling vehicles through zoning, so there should be strong consideration of prohibiting the use in districts

Standard		Comment
		where walkability is part of the purpose of the zoning district.
D.5(a)	Direct pedestrian entry through the front of the building shall be provided from public streets and sidewalks to the building entrance. Crossing driveways, stacking lanes or parking areas shall be avoided.	Avoided should be changed to prohibited.
D.5(b)	Well articulated pedestrian routes and zones shall be provided on the site, linking building entrances and parking areas.	“Well articulated” needs to be better defined with specific regulations on how to do that or the standard deleted. It is too subjective.
D.5(c)	Decorative paving, or similar material, complemented by landscaping, shall be used where appropriate to delineate these linkages.	This is somewhat subjective and should be improved. (b) and (c) could be consolidated and be made more specific.
E	Findings Required For Approval: The approval of a drive- through facility shall require that the review authority first make all of the following findings:	Findings like these are difficult for permitted uses. Instead, there should be specific standards that address these findings and the findings themselves removed. If these findings are necessary, all drive throughs should be conditional use so that the findings can be addressed through a defined process.
E.1	The proposed location of the drive-through facility will not result in adverse impacts upon the vicinity after giving consideration to a litter cleanup plan, the hours of operation, noise and light generation, traffic circulation, and the site plan;	This finding is essentially the same as a conditional use standard, but as written would apply to permitted uses as well. This creates too subjective of an interpretation.
E.2	The proposed parking and circulation plan will provide adequate area for safe stacking and maneuvering of vehicles, and the site design will provide adequate buffering of the use from adjoining land uses;	This should be reflective in a standard with stacking and circulation or a standard for a conditional use, but it doesn't work well with a permitted use because it is too subjective.
E.3	When a drive-through use adjoins any residentially used or residentially zoned property, a minimum six foot (6') high masonry wall or solid fence shall be erected and maintained along such property line;	No changes needed.
	The site plan meets the accessibility standards required in this section.	This is already required in the zoning code and is not necessary.