
REQUEST	Text amendment to 1) modify the definition of drive-in restaurants and 2) add new regulations that would permit drive-through service lanes/windows as an accessory use to small restaurants having under 50 indoor seats, when they are part of interconnected buildings, or larger buildings on the site, located in a planned retail development, and have been approved as part of a conditional rezoning process.
SUMMARY OF PETITION	The petitioner proposes to change the definition of “drive-in restaurants” and to add new regulations to permit drive-through service lanes/windows for small restaurants in zoning districts where drive-through facilities are not currently permitted (B-1 and NS).
STAFF RECOMMENDATION	Staff recommends DENIAL of this text amendment in its current form.
Petitioner	Crescent Resources, LLC
Agent/Representative	Walter Fields/Susan Cannon
Community Meeting	Not required.

PLANNING STAFF REVIEW

- **Current Regulations and Policies**
 - “Drive-in restaurants” are defined in the Zoning Ordinance as:
“An establishment designed, in whole or in part, to accommodate the consumption of food and/or beverages in motor vehicles on the premises of such establishment, or a restaurant with a drive-in service window and/or outdoor service window having indoor seating accommodation for fewer than 50 patrons.”
 - There are two types of restaurants with drive-through service lanes/windows that are permitted in the Zoning Ordinance that are relevant to this discussion:
 - Principal use:
Restaurants with under 50 indoor seats: A restaurant with fewer than 50 indoor seats that has drive-through service lanes/windows is considered to be a principal use which is permitted in the B-2, UMUD, NS, PED, MX-2, MX-3, CC, I-1 and I-2 zoning districts, and prohibited in B-1 and NS districts.
 - Accessory use:
Restaurants with over 50 indoor seats: A restaurant with more than 50 indoor seats that has drive-through service lanes/windows is allowed in the UMUD, NS, PED, MX-2, MX-3, Inst., RE-1, RE-2, O-1, O-2, O-3, B-1, B-2, BP, CC, I-1 and I-2 zoning districts. In this case, the drive-through service is considered to be an accessory use to the restaurant.
 - The *General Development Policies (GDP)* set forth design guidelines for drive-through service lanes/windows. These guidelines emphasize providing safe pedestrian crossings and circulation, and allow staff to review rezoning requests for drive-through service lanes/windows on a case-by-case basis. In addition, the *GDP* guidelines limit the number of independent free-standing tenant buildings that can have drive-through lanes/windows to one in Neighborhood Size Centers. None are permitted in Convenience Size Centers.
- **Proposed Text Amendment Details**
 - The petitioner proposes to expand the definition of a “drive-in restaurant”, to allow restaurants with fewer than 50 indoor seats to have drive-through service lanes/windows in the B-1, and NS zoning district. The proposed change to the definition is underlined below.
“An establishment designed, in whole or part, to accommodate the consumption of food and/or beverages in motor vehicles on the premises of such establishment, or a restaurant with a drive-in service window and/or outdoor service window having indoor seating accommodation for fewer than 50 patrons, except as provided for in Section 12.413.”

- The proposed text amendment would permit a drive-through service window as an accessory to a restaurant with fewer than 50 indoor seats, in the B-1 and NS zoning districts with the following limited conditions:
 - The restaurant must be part of a planned retail development, and located in an interconnected tenant building, or part of the larger buildings on the site, such as an end cap location.
 - The restaurant must be internally accessed, without direct vehicular connection to any public street that is not internal to the site.
 - The allowance for a drive through service window and its location must be or have been part of a conditional rezoning process.
 - The restaurant must have at least 25 indoor seats or a combination of outdoor and indoor seating that equals at least 35 seats. In no case can there be fewer than 15 indoor seats.
 - No more than two such drive-through windows are permitted on any site that is approved for less than 130,000 square feet of total floor area.
 - **Public Plans and Policies**
 - The *General Development Policies (GDP)* set forth design guidelines for drive-through service lanes/windows. These guidelines emphasize providing safe pedestrian crossings and circulation, and allow staff to review rezoning requests for drive-through service lanes/windows on a case-by-case basis.
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PUBLIC INFRASTRUCTURE (see full department reports online)

- **CDOT:** No comments received.
 - **Charlotte Fire Department:** No issues.
 - **CATS:** No comments received.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Storm Water:** No issues.
 - **LUESA:** No issues.
 - **SITE DESIGN:**
 - The text amendment will result in more cars idling, which impacts air quality, and increases ground level temperatures.
 - The text amendment will have an impact on the traffic flow in retail centers, and may compromise pedestrian circulation and mobility.
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OUTSTANDING ISSUES.

1. Staff does not support this text amendment, including the proposed definition change, because it would significantly increase the number of businesses that could have drive-through services in Neighborhood Size Centers and Convenience Size Centers.

The *GDP's* provide policy guidance that only one (1) independent free-standing single tenant building should be allowed to have drive-through services in a Neighborhood Size Center (up to 130,000 square feet), and none at all should be permitted in Convenience Size Centers (up to 70,000 square feet). This text amendment would allow additional drive-through windows for small restaurants located on "interconnected tenant buildings" or in "larger buildings" on the site. This is in addition to the drive-throughs that are permitted as an accessory to the principal use including restaurants with over 50 indoor seats, banks, pharmacies, and dry-cleaners.

The net result would be that the number of potential businesses that would be allowed to have a drive-through service in Neighborhood Size Centers would increase from one (1) to three (3). Likewise, for Convenience Size Centers, the number would increase from zero to two (2) businesses with drive-through services.

2. Staff does not support this text amendment because the B-1 and NS zoning districts were designed to provide services for nearby residents and to be pedestrian friendly, not auto-oriented. Drive-through windows increase the numbers of vehicles idling while waiting in line to purchase food and beverages, producing harmful emissions from the exhaust, which negatively impacts surrounding air quality, and adding to air pollution.
3. Staff is concerned that this text amendment has the potential of introducing additional increase pedestrian/vehicular conflicts into small size centers, and decreasing pedestrian safety.

Attachments Online at www.rezoning.org

Application Form
Fire Department Review
LUESA Review
CMPD Review
Storm Water Review

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