

For September 13, 2010 Planning Board Meeting

To: Planning Board
Mark Boyer, Chair

From: Jennifer Paquet
Town Planner

Re: Zoning for Drive-through windows and related uses

Attached are draft proposed changes to the Zoning Ordinance, for your consideration, to address drive-through windows and the related uses such as fast food, pharmacy, banks, and ATM's. Some additional definitions are also provided for clarification, and are not proposed for regulation or inclusion into the Use Table at this time. There are also proposed changes to address minimum parking spaces required for a restaurant (example: parking at Dan's Place).

The proposed criteria for a Special Use Permit for uses with a drive-through window are for site design standards pertaining to circulation, visual and noise buffers, streetscape, and trash.

The Town should consider whether drive-through restaurants will be allowed in Town, and if so, in what zoning districts. For instance, the Towns of Narragansett and Charlestown strictly prohibit food and beverage drive-through establishments. Narragansett goes further and prohibits fast-food establishments altogether. The Planning Board can suggest if and where fast food establishments would be allowed in Town.

After consideration, if the Board is ready to give an advisory opinion to the Town Council, the following draft motion is offered:

Motion to recommend to the Town Council the proposed changes to the Zoning Ordinance to address drive-through window uses and fast-food and restaurant uses and parking, based on the following findings of fact:

1. The proposed amendments are consistent with the Comprehensive Plan, specifically the following Goals, Policies, and Implementation items:
 - a. Circulation Goals 2 and 3
 - b. Economic Development Goals 1, 2, and 3
 - c. Land Use Goals 1, 4, and 5, and Policy Items 2, 4, 5, and 24.
2. The proposed amendments recognize and consider each of the following applicable purposes of zoning:
 - a. Protect the public health, safety, and general welfare of the Town of West Greenwich
 - b. Provide for the control, protection, and/or abatement of air, water, groundwater, noise pollution, soil erosion and sedimentation.
 - c. Providing for the protection of the natural, historic, cultural, and scenic character of the Town of West Greenwich.
 - d. Promoting a high level of quality in design in the development of private and public facilities
 - e. Promoting implementation of the Comprehensive Plan

Proposed amendments to the Zoning Ordinance addressing
Drive-thru uses and fast food establishments

Definitions Add:

Drive-in Facility/ Drive-through Facility. An establishment that encourages or permits customers to receive a service, obtain a product, or be entertained while in an automobile on the premises. (examples: movies, car wash, fast food, bank, pharmacy)

Drive-through window. An opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or service to patrons who remain in their vehicles. (PA)

Drive-through restaurant. Any business which has a drive-up window through which customers purchase food and/or beverages without leaving their vehicles, for consumption off-site.

Drive-in food establishment. Any business which serves food or beverages to customers at an exterior walk-up order and take-out window, or while the customer waits to be served in a motor vehicle parked in a parking lot, where the customer generally consumes the food on the premises. Such establishments are seasonal and there is generally no indoor seating. (ex., A&W, Hank's Dairy Bar, ice cream stands, fish and chips stands, etc.)

Restaurant. An establishment engaged in serving and preparing food and beverages for patrons seated at a table or counter, usually served by a waiter or waitress, and consumed on the premises.

Food Take-out service as an accessory use to a restaurant. A component of a restaurant establishment where the customer can call in or otherwise place a food order and pick it up to consume off the premises. The food is picked up and paid for inside the building, and generally there are designated short term parking spaces for patrons utilizing such service. (me) (Chinese, Chili's, pizza places)

Restaurant, fast food. An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Such food and beverages are served in disposable containers and selected by patrons from a menu board displaying a limited number of prepared, specialized items for consumption either on or off the premises, where all or a substantial portion of the sales is by standup service at a counter, drive-through window service, or drive-in service. Also known as a "Quick Service Restaurant." Such use, however, shall not include bakeries, delicatessens or such similar types of retail establishments selling pizza, grinders and/or submarine sandwiches.

Roadside stand. Any land or structure used for the sale of seasonal goods. The term "seasonal" as it pertains to roadside stand operations (and the issuance of temporary activity permits in accordance with the provisions of section **), shall be applicable to items harvested and/or sold on a seasonal basis, and consist of goods such as, but not limited to, Christmas trees, pumpkins, summer vegetables and produce, fresh seafood, ice cream, and potted Easter plants (lilies, hyacinth, tulips). (modified from Prince William County, VA)

Additional Special Use Performance Standards/ Supplemental Regulations

Article 1, Section 7 C 2. (3)

(i) Criteria for the issuance of a Special Use Permit for uses with a drive-through window

Drive-through windows, whether for accessory or principal uses, shall be permitted as a Special Use Permit, and shall be designed to conform with the following requirements, in addition to all other applicable requirements of the Zoning Ordinance and Land Development and Subdivision Regulations:

(shall be permitted by SUP when and only when all of the following requirements are also met:)

1. The minimum lot area for a single-use building with a drive-through window shall be no less than 1 acre (43,560 square feet), with a minimum street frontage of not less than 200 feet. The lot shall meet the minimum land suitable for development requirements of the Land Development and Subdivision Regulations. This lot area requirement shall be exclusive of any other buildings, uses, or units on the parcel.
2. A drive-through business window, service area, or vehicle stacking lane shall not be located within a required front, side or rear yard setback area. Where such a window or service area abuts a residential Zoning district or residential land use, the window, service area, or vehicular stacking lane shall be set back at least 50 (100?) feet from the adjacent property boundary (our buffer requirement is for a 100 foot vegetated buffer between commercial and residential.)
3. A drive-through window or menu board shall not be located on the front of any building, nor on the side of a building which faces a public street. Menu boards or other informational boards shall face away from public rights-of-way.
4. Stacking Spaces. Stacking spaces shall be designed so as not to interfere with points of access to or from streets, and shall be separate from any entranceways. Location of stacking spaces shall not interfere with entry to or exit from parking spaces. Each stacking space will be a minimum of ten feet by 18 feet. All drive-through uses shall provide stacking spaces for a sufficient number of automobiles for each drive-up window and/or ATM machine as follows:
 - a) A minimum of 10 stacking spaces shall be required for a menu board or order station for a fast-food restaurant, plus a minimum of 3 stacking spaces between the order station and the pick-up window [delete if drive-through windows will be prohibited for fast-food establishments in all zoning districts]
 - b) A minimum of 5 stacking spaces shall be required for each drive-through window or ATM machine for a bank or financial institution.
 - c) A minimum of 4 stacking spaces shall be required for each drive-through window for a pharmacy.
5. Drive-through lanes shall be delineated from traffic lanes and parking areas with striping, curbing, landscaping, and/or the use of alternative paving material. Where pedestrians will intersect with a drive-up lane, crosswalks shall be provided with striping and /or alternative paving material.

Proposed amendments to the Zoning Ordinance addressing
Drive-thru uses and fast food establishments

6. Plans for an establishment with a drive-through window shall provide that on-premises vehicular service or waiting areas will not cause conflict or otherwise interfere with moving traffic on an adjacent public street, on- or off- premises pedestrian movement and safety, or emergency access.
7. A by-pass lane shall be provided adjacent to the drive-through lane, with a minimum width of 10 feet.
8. The distance between curb cuts serving the same lot or adjacent lots shall be no less than forty (40) feet.
9. Driveway curbcut. The distance between a street intersection and a curb cut shall be a minimum of 150 feet.
10. Noise Abatement. No loud speakers shall be permitted. No outside audio devices shall be permitted within 300 feet of a residential use. Plans shall include provisions for noise buffers to adjacent properties. No speaker board shall be allowed. A two-way speaker or phone may be used at the window.
11. Lighting. Lighting fixtures used to illuminate drive-through windows shall be no higher than 14 feet above the ground. At the close of business, all lighting shall be limited to that necessary for security.
12. Drive-through lanes shall be buffered against adjacent land uses.
13. Refuse and Trash Facilities. There shall be a sufficient number of trash receptacles installed on site for customer use. [A restaurant with a drive-through or with window service shall be responsible for collecting litter within five hundred (500) feet of the premises resulting from its sale at least daily and more frequently if necessary to prevent unsightly conditions cause by litter (Smithfield). (can we legally do this, what about the poor kid that is going to get stuck doing this?—however, this really is a serious problem, except people tend to throw it out after they finish eating, which is farther away than 500 feet- look at Plain Meeting House Road)]
14. A drive-through window shall be used for a pharmacy only for the sale of prescription items, and for a bank or financial institution only for financial transactions.
15. No Grandfather Rights. The special use permit shall only be valid as long as the property is used as a bank, financial institution, or pharmacy. The granting of the special use permit shall not give the property any grandfathered rights for the drive-through window if the use is changed. This allowance shall cease immediately upon the discontinuance of the use by the bank, financial institution, or pharmacy. [this section is added to prevent restaurants from moving into a structure with a previously permitted drive-though window for a different use, in the case that the Town decides to prohibit drive-through windows for a fast-food use.]

Proposed amendments to the Zoning Ordinance addressing
Drive-thru uses and fast food establishments

Use	RFR-2	RFR-1	OS/Public	NB	HB	Exit 7 SMD	I-A	I-B	Corporate District
5812 Fast Food Establishment	X	X	X	X	X	P	X	X	X
5813 Drive-through restaurant	X	X	X	X	X	S	X	X	X
6081 Drive-through window or ATM as accessory to bank or financial institution	X	X	X	X	S	S	S	S	S
5911 Drive-through window as accessory use to a pharmacy	X	X	X	X	S	S	S	S	S
5814 Drive-in food establishment	X	X	X	P	P	X	P	P	X

Amend Article V Off-street Parking
Section 1 Off-Street Parking Facilities as follows:

A. 3. Restaurant, Theater, Church or other place of public assembly- One (1) parking space for every ~~four-two~~ (42) seats or for every ~~four-two~~ (42) persons of capacity, plus one (1) space per each employee in the maximum shift. (A maximum of 20% of the required parking spaces may be provided on pervious or stabilized grassed areas which are not part of the minimum required landscaping or buffer setbacks.)