From: Planning Commission

To: City Council

Re: Ordinance O-6-24: City-wide Prohibition on New Drive-through Windows

Findings and Recommendation

SUMMARY

Pursuant to Section 21.32 the City Council has referred Ordinance O-6-24, which is a proposed text amendment to the zoning code, to the Planning Commission for the Commission's review and recommendation. Following its public hearing on the matter at its July 11, 2024 meeting, the Commission herein formulates a recommendation for the City Council.

This legislation would remove "Drive-through facility" as a permitted use from the City's zoning ordinance along with the standards associated with the use. References to "drive-in window", "drive-through window", and "drive-through service" in the standards for several related uses would also be struck. Though not explicit in the legislation, existing Drive-through facilities operating legally within the city today would be permitted to continue as non-conforming uses. The legislation also includes a definition for "Drive-through facility.

The Commission herein provides the relevant portions of the staff report. The report is informative as to the background and current situation.

Staff report introduction

”Drive-through facilities are a characteristic land use in lower density suburban commercial corridors where the automobile is the primary means of transport—i.e. auto-centric or auto- dependent corridors. In these areas, it is generally the case that each site or land use is separately designed to accommodate its own vehicular access and parking, while the roadway's design tends to evolve to accommodate vehicles at the expense of other options such as walking, biking and transit. Some drive-through facilities fit into these contexts, at least for a while, until that is, these corridors become congested and fail or transition to more walkable urban streets. Drive-through facilities prioritize their customer convenience over other values, and can provide it to such a degree that sometimes customers can access a variety of commercial services without ever stepping outside their cars.

"However, the urban form that takes shape when auto-centric convenience is prioritized over more walkable forms of city design ultimately adversely impacts public safety and quality of life, contributing to congestion, delay, and the practical exclusion of those without cars. The City of Annapolis is seeking to guide a transition toward more walkable forms of city design and economic development in areas that are now auto-centric such as Upper West Street and in planned mixed use centers along Forest Drive. The City has good models of urban form to guide this transition. Some drive-through facilities may very much fit into the City's fabric through the decades ahead, while others may not. Presently there is a regulatory process for their review and not every drive-through that is proposed is approved.

"The fact that drive-through facilities exist in various forms in the city speaks to the variety of social and economic benefits they offer. These benefits were evident during the COVID-19 public health emergency in which the need to social distance and provide contactless retail transactions elevated the value of drive-through facilities. Moreover, many of the population groups who were most at risk during the COVID-19 pandemic, are the same vulnerable populations who benefit from drive-through facilities under more normal circumstances: persons aged 65 and older, persons with disabilities, and persons with chronic medical conditions. Generally, drive-through facilities provide a convenient means for accessing commercial services for customers. They are highly profitable and efficient operations, particularly for fast food restaurants. They require fewer staff to operate, less customer service, and less area to maintain and supervise. For

many fast-food restaurant ventures, located in auto-centric areas, drive-through facilities are central to their economic model.

Current Regulations

"Drive-through facilities vary widely in appearance, business type, and intensity of use. For example, a fast food drive-through is very different from a pharmacy drive-through and even among fast food restaurants with drive-through facilities there are significant differences. The city today has 34 drive-through facilities, which include fast food restaurants, banks, pharmacies, dry cleaners, a funeral home, and numerous automotive services such as car washes and oil change shops. These businesses are concentrated, not surprisingly, along the city's highest volume and most auto-centric corridors, namely Forest Drive and West Street.

"The path to opening a drive-through facility in the city is highly regulated. In addition to the city's own development regulations, the Anne Arundel County Department of Public Works reviews the traffic impacts associated with drive-through facilities on Forest Drive, and MDOT/SHA does the same for drive-through facilities on West Street (MD 450) and other State-owned roadways within the city. In the last ten years, the city has seen four new construction drive-through facilities permitted, but none in the last five years.

"The City's zoning ordinance allows for drive-through facilities within nine different zoning districts but only as an accessory use to primary uses that are themselves either permitted and subject to standards or permitted by special exception and subject to standards. Moreover, when the drive-through facility is an accessory use to a primary use permitted by special exception, the drive-through facility must also be permitted by special exception.

"Map 1 (attached) shows the zoning districts where drive through facilities are permitted by zoning. These districts are concentrated in Upper West Street and along Forest Drive but are also located in lesser auto-centric places such as Eastport. Currently however zoning prevents drive-through facilities in the vast majority of the city.

"Map 2 (attached) shows that the 34 drive-through facilities in Annapolis are predominantly situated along major roadways

“Current standards require an applicant to prepare a traffic impact study, and any impacts identified must be mitigated. Another standard requires applicants to “not negatively impact pedestrian circulation” which generally places a responsibility on the applicant to exceed basic streetscape standards to ensure pedestrian safety and convenience. In addition, most new drive-through facilities are part of developments of a scale that trigger Major Site Design Review which requires a public hearing and Planning Commission approval as part of the permitting process.

“In short, the combination of use and design standards and community process in the city’s zoning ordinance and review protocols by other agencies provides multiple mechanisms for preventing drive-through facilities that pose adverse impacts that cannot be sufficiently mitigated. The specific current question before the Commission is whether to recommend to the Council that it ban any new drive-through facilities outright. The broader land use policy question for the Commission is more forward looking—do drive-through facilities have a place in our highly traveled corridors as we evolve those corridors into more walkable urban corridors?

Staff Recommendations

“Drive-through facilities currently serve a commercial purpose and they are part of corridors that are transitioning into more walkable environments. To the extent that more drive throughs are created, the transition may be slowed and possibly prevented. For now, the city has yet to create the streetscape standards, traffic planning criteria, or protocols to best guide truly walkable and less automobile-oriented development along its major corridors where drive- through facilities have historically proliferated. Where the city has created these types of standards-- Downtown, Inner West Street, Eastport, for example– drive-through facilities no longer make any practical economic sense as a land use.

“Given the above, the Department believes that this matter is optimally addressed in the context of urban design and small area planning involving property owners and community residents. That is not to suggest that the proposed ordinance does not have merit for the here and now. We think the Commission might want to consider recommending an amendment to the current legislation by focusing not on a complete ban of the use but rather on the places where future drive-through facilities would be most detrimental to the city’s goal of creating more walkable mixed use community development. For example, along those major corridors, where drive-

through facilities have historically concentrated, we anticipate that "Planned Developments" will be the primary mechanism for infill redevelopment creating mixed use walkable centers.

"While Planned Developments provide developers certain design and use flexibility including higher densities in exchange for creating higher quality environments, we do not think drive-through facilities generally support the goals of Planned Developments where the pedestrian experience can be substantially enhanced. So, eliminating drive-through facilities, as a permitted use from Planned Developments, seems to us to be a step in the right direction. This is especially the case for high intensity fast food drive-through facilities. These require site design characterized by long or double wide drive-through and overflow stacking lanes and driveway access points to the main street through spaces where pedestrians otherwise would walk. This type of intense drive-through development turns sites into near complete automobile zones.

"Based on the above analysis, the staff did not recommend approval of the proposed O-6-24 in its current form. Rather than banning the use outright within the city, a more proactive and strategic legislation would remove drive-through facilities as a permitted use from Planned Developments where there is a greater opportunity to create more walkable places, and where today there is a greater likelihood of a drive-through facility being proposed. We think this more limited intervention, in combination with the strict standards governing drive- through facilities which are already in place, moves land use policy in a direction consistent with the city's comprehensive planning, until such time as the city can do more detailed corridor- specific small area planning.

Commission Findings and Recommendations

After discussion and public hearing on July 18, 2024 , the Commission observed that only banks are pharmacies really serve the elderly community and other vulnerable populations. (Nobody spoke for the convenience of restaurant drive throughs.) Several of these bank and pharmacy drive through facilities are currently available in the City and

many more are available in the County. Hence, the populations that need a bank or pharmacy drive through will not be deprived of access.

The Commission also found that drive through facilities are an inefficient land use and are likely to become obsolete in the future. It was also found that drive throughs are not compatible with and are unsafe for pedestrians and bicyclists.

Most importantly, drive throughs are inconsistent with the Comprehensive Plan, which strongly suggests a more walkable shopping experience.

The Council may consider an exception for planned developments, which are subject to planning commission review, but it should be noted that design standards are not yet in place. Also, planning commission decisions may be inconsistent. Finally, while staff might hope that planned developments will become the common development along the main corridors, that is not at all a certainty nor, perhaps, even a probability. However, prohibiting new drive throughs might be an incentive to combine properties and thereby apply for a planned development.

Hence the commission, by a vote of 3 to 1 voted to recommend APPROVAL of this legislation.

_____ Robert H. Waldman, Chair

_____ Diane Butler

_____ Quentin Cummings

_____ Alex Pline

_____ Stephen Reilly

_____ Thomas Sfakiyunadis

_____ Date

Attachments:

- Map of zoning districts where drive-through facilities are currently permitted
- Map of drive through facilities currently located within the city
- Map of vehicle crashes, 2015-2021
- Site images of existing drive-through facilities within the City

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