

ATTACHMENT C – STAFF ANALYSIS OF DRIVE-THROUGH WINDOW

STAFF PERSON: Mariah Gleason
BOARD OF SUPERVISORS: May 6, 2020

Staff analysis of this special exception request to locate a drive-through window adjacent to a public street was conducted pursuant to the following application provisions and evaluation criteria contained in County Code §18-5.1(a):

5 SUPPLEMENTARY REGULATIONS 5.1 SUPPLEMENTARY REGULATIONS

The following supplementary regulations apply to referenced uses in all districts whether or not such uses are permitted by right or by special use permit. These supplementary regulations are in addition to all other requirements of this chapter, the Code, and all other applicable laws. Unless a waiver or modification is expressly prohibited, any requirement of section 5 may be modified or waived in an individual case, as provided herein:

- a. The Commission may modify or waive any such requirement upon a finding that such requirement would not forward the purposes of this chapter or otherwise serve the public health, safety, or welfare or that a modified regulation would satisfy the purposes of this chapter to at least an equivalent degree as the specified requirement; and upon making any finding expressly required for the modification or waiver of a specific requirement; except that, in no case, shall such action constitute a modification or waiver of any applicable general regulation set forth in [section 4](#) or any district regulation. In granting a modification or waiver, the commission may impose conditions as it deems necessary to protect the public health, safety, or welfare.

STAFF ANALYSIS

Description of Proposal:

The applicant is requesting a special exception from County Code §18-5.1.60(a), which prohibits the location of a drive-through window adjacent to a public street, to allow for the proposed drive-through window to be constructed and to operate in a location as shown in the Drive-Through Window Exhibit (Attachment B).

Specifically, the applicant is proposing to locate the drive-through window adjacent to Hunters Way, which is a public street located on the subject parcel's eastern boundary. The stacking lane for the drive-through window will be located adjacent to State Route 250. In reviewing this request, staff considered compliance with the regulations of the Zoning Ordinance (see breakout section below), the intent of the requirement to be waived, and impacts to the Entrance Corridor.

When the drive-through regulations were adopted in March 2016, the intent of the requirement to locate drive-through windows to the side or rear of buildings was to separate vehicular flow within drive-throughs away from streets in order to minimize driver confusion and/or conflicts related to opposing traffic flows (and headlights). Staff found that the intent of this requirement is largely mitigated by the area's topography. Development on the subject property is separated from the adjacent public streets by steeply sloped hillsides, with public rights-of-way being located below development. These hillsides have also resulted in large development setbacks. The requested drive-through window location, adjacent to Hunters Way, will be separated from the public street right-of-way by approximately 55 feet horizontally (75 feet as measured from the travel way) and approximately 16-18 feet vertically. Staff finds that the distance and grade separation between the proposed drive-through window and the public right-of-way satisfies the original intent of this ordinance requirement.

Pursuant to County Code §18-5.1.60(b), the applicant is proposing to screen the drive-through window and turn lane by planting a double staggered row of large shade trees and evergreen shrubs. Staff finds that this screening will work to mitigate possible visual impacts of the drive-through infrastructure on the Entrance Corridor.

Architecture Review Board (ARB), Engineering, and Zoning staff reviewers have reviewed this special exception request and have no objections.

Compliance with Zoning Ordinance:

Per County Code §18-5.1(a), the Commission may grant a modification or waiver if it finds that the modification or waiver satisfies at least one of the following:

“requirement would not forward the purposes of this chapter or otherwise serve the public health, safety, or welfare”

Staff was not able to make this finding. However, waiving this requirement is not expected to negatively impact public health, safety, or welfare.

“a modified regulation would satisfy the purposes of this chapter to at least an equivalent degree as the specified requirement”

Due to the unique shape of the site and its nature as a corner lot, the subject property abuts public streets on many of its sides. To the south, the property abuts US 250 (Richmond Road), which is an arterial route and an Entrance Corridor in this location. Along the northeastern property boundary, the site abuts Hunters Way. Hunters Way functions as an internal public street, providing access to parcels located further within the commercial/industrial business cluster. As such, US 250 is considered the primary fronting street for the subject property.

Staff found that the proposed location of the drive-through window adjacent to Hunters Way serves to relegate this aspect to the side of the building from the perspective of the primary fronting street, US 250. Also, the proposed placement of the drive-through window and stacking lane will not obstruct pedestrian pathways within the site. In addition, adequate separation between the drive-through window and Hunters Way will be provided here by the proposed vegetative screening and area hillsides and grading.

Therefore, staff finds that the proposed drive-through window location satisfies the purposes of this chapter to an equivalent degree.

Except “that, in no case, shall such action constitute a modification or waiver of any applicable general regulation set forth in [Section 4](#) or any district regulation”

This waiver to this requirement was not found to constitute a modification or waiver of any district regulation or requirement in Section 4. This evaluation criterion is satisfied.

RECOMMENDATION:

With regards to the findings contained herein, inclusive of the criteria to be considered per County Code §18-5.1(a), staff recommends approval of the applicant’s request to locate a drive-through window adjacent to Hunters Way with the following condition:

1. The drive-through window shall be located within the general area shown on the exhibit entitled “2300 Hunter’s Way: For Illustrative Purposes Only” prepared by Shimp Engineering and dated December 20, 2019.