
ZONING CODE TEXT AMENDMENT

<i>Initiator:</i>	Council Member Bender
<i>Introduction Date:</i>	February 9, 2018
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<i>Specific Site:</i>	Citywide
<i>Ward:</i>	Citywide
<i>Neighborhood:</i>	Citywide
<i>Intent:</i>	To amend regulations for drive-through facilities.

APPLICABLE SECTIONS OF THE ZONING CODE

- Chapter 520, Introductory Provisions
- Chapter 530, Site Plan Review
- Chapter 548, Commercial Districts
- Chapter 549, Downtown Districts
- Chapter 550, Industrial Districts
- Chapter 551, Overlay Districts

The following chapters were also introduced:

- Chapter 521, Zoning Districts and Maps Generally
- Chapter 531, Nonconforming Uses and Structures
- Chapter 541, Off-Street Parking and Loading
- Chapter 543, On-Premise Signs

However, staff is not recommending changes to these chapters as part of this amendment and is therefore recommending returning them to the author.

BACKGROUND

Currently, drive-through facilities are already banned in 17 of the 23 primary zoning districts and are only allowed in six districts:

- C2 Neighborhood Corridor Commercial District
- C3S Community Shopping Center District
- C4 General Commercial District
- B4C Downtown Commercial District
- I1 Light Industrial District
- I2 Medium Industrial District

Where the PO Pedestrian Oriented Overlay District or WB West Broadway Overlay District are present, drive-through facilities are not allowed. In terms of design standards, the only performance standards currently in the zoning code that are specific to drive-through facilities relate to stacking spaces and minimum lot area and minimum lot width. There are also specific provisions within the West Broadway Overlay District that allow for drive-throughs where accessory to financial institutions and drug stores, provided the building is at least two stories and the drive-through is not visible from West Broadway.

Fast food restaurants in new buildings are only permitted in limited commercial and industrial areas of the city. The zoning code requires that a new fast food establishment be part of an area of at least six 660 feet of continuous industrial, C2, C3S, or C4 zoning fronting along the same side of the street as the fast food restaurant, without interruption by a residence, office residence, C1, C3A, or PO Pedestrian Oriented Overlay District.

The maps found in the attachments to this report show the zoning districts in Minneapolis that currently allow new drive-through facilities, not including any limitations for fast food locations, as specified in the commercial or industrial district regulations.

ANALYSIS

What is the reason for the amendment and what public purpose will be served?

The amendment would expand the prohibition of new drive-through facilities to all zoning districts citywide and add clarity to the existing definition of “drive-through facility.”

Existing drive-through facilities would be able to continue to operate, provided that they do not discontinue operation for more than a year and therefore retain nonconforming rights. Recent development projects that have included modifying existing drive-throughs through a change of a legal nonconforming use application include 8th Street Apartments at 813 Portland Ave S (PLAN7615) and the Wells Fargo at 1501 W Lake St (BZZ-7463).

The amendment would expand upon the current trajectory of limiting the areas of the City where new drive-throughs are allowed, which has most recently been achieved through the expansion of the PO Pedestrian Oriented Overlay District. Prohibiting drive-throughs in all areas of the city will carry out existing adopted policy and goals related to land use, transportation, and the environment. The amendment would also achieve consistency with policies found in the *Minneapolis 2040* comprehensive plan, which will have a legal effective date later in 2019 and includes a policy that new drive-throughs shall be prohibited.

Prohibiting the establishment of new drive-through facilities would help to discourage a built environment that is associated with the following negative impacts to the public:

- Vehicle emissions and air pollution resulting from trip generation and idling vehicles
- Excess paved areas to accommodate vehicle waiting, queuing, and maneuvering. (Note: drive-throughs are subject to minimum stacking space and lane dimension requirements in Chapter 541, Off-Street Parking and Loading, Section 541.390).
- More curb cuts, leading to more conflict points between vehicles and pedestrians, as well as the potential for vehicles blocking sidewalks
- Litter, noise, and light impacts
- Auto-oriented site and building design

How is the amendment consistent with the purpose of the zoning district(s) or ordinance chapter(s) being amended?

The definition of a drive-through facility is being amended in Chapter 520, Introductory Provisions, to add the clarification that drive-up automated teller machines are included in the definition of a drive-through facility. In addition, the amended definition states that that customers may use off-street parking spaces to wait for purchased goods to be loaded into their cars, or to drop-off secondhand goods, without these spaces being considered a drive-through facility. These specifications would assist in the administration of the zoning ordinance.

Drive-through facilities are subject to the site and building design standards found in Chapter 530, Site Plan Review. The proposed amendment ensures that proposed expansions of, or alterations to, existing, legal nonconforming drive-through facilities would be subject to these design standards.

The amendment strikes references to 12,000 square-foot minimum lot area and 100-foot lot width requirement for new drive-throughs in the commercial, downtown, and industrial districts, as new facilities would no longer be allowed. These chapters would also be amended to prohibit new drive-throughs in the zoning districts in which they are still allowed.

Finally, Chapter 551, Overlay Districts, would be revised to eliminate references to drive-throughs since there would be no primary zoning district that allows new drive-throughs with the proposed amendment.

Are there consequences in denying this amendment?

If this amendment is denied, new drive-throughs will continue to be allowed in any zoning district that currently allows drive-throughs, which includes three commercial districts, one downtown district, and two industrial districts, not including any areas that are also located in a PO Pedestrian Oriented Overlay District. In the past five years, the City Planning Commission has reviewed between one and three projects per year which included a new drive-through facility, not including changes or expansions of existing legally nonconforming drive-throughs. The businesses requesting new drive-throughs are typically drug stores, banks, and food establishments. Gas stations and car washes are not included in the current or proposed definition of a “drive-through facility” and would not be affected by the proposed amendment.

What adverse effects may result with the adoption of this amendment?

Staff has received comments from members of the public who are concerned with how the amendment may affect individuals with limited mobility and who rely on drive-throughs for banking, drug store, and food services. The amendment would not require businesses to remove their drive-through facilities that are already in operation, and people would be able to continue to access these establishments. In addition, the amendment clarifies that business would be able to deliver goods to people waiting in their cars in off-street parking areas.

The adoption of the proposed amendment would not fully prevent property owners from altering, reconstructing, or expanding existing drive-through facilities; while new drive-throughs would be prohibited, any facilities that are lawfully in existence on the effective date of this ordinance and have not discontinued use for a continuous

period of more than one year would retain nonconforming rights to operate, subject to the criteria in Section 531.40 of the zoning code. Requests to expand or alter legally nonconforming drive-through facilities would be reviewed by the City Planning Commission and would be subject to the applicable findings in Section 531.50 of the zoning code.

How does the amendment relate to other City ordinances?

The amendment should not impact other City ordinances. However, some of the negative impacts associated with drive-through facilities include air pollution, noise, and litter. Current ordinances restrict gasoline-fueled motor vehicles from idling more than three (3) consecutive minutes in any one-hour period, or up to 15 minutes in any one-hour period to maintain comfort for paying passengers for the purpose of protecting the public health and the environment by reducing vehicular emissions and conserving fuel (Title 3, Air Pollution and Environmental Protection, Chapter 58, Idling, Sections 58.110 and 58.120). Prohibiting new drive-through facilities would help to reduce the occurrence of idling passenger vehicles, as consistent with the purpose of this City ordinance. In addition, prohibiting new drive-through facilities could assist with the administration of a business licensing ordinance which states that all licensees shall remove any litter and debris within 100 feet of their premises on a daily basis (Title 13, Licenses and Business Regulations, Chapter 259, In General, Section 259.125).

What factors are influencing the timing of the proposed amendment? Why?

The proposal to further limit drive-throughs in Minneapolis was originally introduced in 2016 in response to multiple proposals that included new drive-throughs. The PO Pedestrian Oriented Overlay District, which prohibits drive-throughs, was expanded to cover a portion of the city in the Hennepin Ave, Lyndale Ave S, Lagoon Ave, and Lake Street area, but a citywide ban on new drive-throughs was not completed at that time. In late 2018, the City Council approved a zoning code text amendment workplan that included an examination of the City’s regulations related to drive-through facilities.

While a prohibition on new drive-through facilities can be supported using existing comprehensive plan policies, pending policies provide an even more explicit basis for adopting such a regulation. In 2018, a draft version of the *Minneapolis 2040* comprehensive plan was passed by the Minneapolis City Council, which includes policy language that calls for prohibiting the establishment of new drive-throughs and gas stations. The comprehensive plan is expected to be adopted later in 2019.

A text amendment that specifically addresses drive-through regulations is timely given the number of proposals for new drive-through facilities that have been considered by the City Planning Commission in the last few years and the undesirable impacts these uses have. Said impacts include noise, extended idling, proliferation of curb cuts, conflicts with pedestrians, and traffic generation. Recent projects that have included new drive-through facilities are as follows:

2013

- Liquor Store, 1851 Central Ave NE ([BZZ-5898](#)). CPC approved.
- Retail development (Bank of America), 2700 Hennepin Ave ([BZZ-5908](#)). CPC approved.
- Walgreens, 621 West Broadway ([BZZ-6266](#)). CPC approved.

2014

- Walgreens, 3101 E Lake St ([BZZ-6760](#)). CPC approved.
- Walgreens, 2600 Central Ave NE ([BZZ-6383](#)). CPC approved.

2015

- US Bank, 333 East Hennepin Avenue ([BZZ-7358](#)). CPC approved.

2016

- Walgreens, 2650 Hennepin Ave ([BZZ-7581](#)). CPC approved.
- Calhoun Village Shopping Center, 3200 W Lake Street ([BZZ-7716](#)). CPC approved, not constructed.
- White Castle, 608 Central Avenue NE ([BZZ-7791](#)). CPC approved.

2017

- Starbucks, 4700 Cedar Avenue ([BZZ-7986](#)). CPC approved.

2018

- Starbucks and Dominos, 4155 Hiawatha Ave NE ([PLAN6592](#)). CPC approved, not constructed.

Of the projects noted above, only the Walgreens drive-through at 2650 Hennepin Avenue has become non-conforming due to the extension of the Pedestrian Oriented Overlay district.

In 2017, the Planning Commission Committee of the Whole reviewed four options for amending drive-through regulations in Minneapolis as presented by staff: 1) ban all new drive-throughs citywide; 2) further restrict the zoning districts in which drive-through facilities are allowed; 3) allow drive-through facilities only if they are on the ground floor of a larger mixed-use development with a minimum development intensity and/or floor area ratio and 4) develop more restrictive design standards for drive-through facilities where they are currently allowed, including limits on the number or total width of the facility. Draft text was not presented at that time for any of the options, however, the Committee was supportive of the option to ban new drive-throughs citywide. On May 16, 2019, the Planning Commission Committee of the Whole again expressed support for the option to ban drive-through facilities on a citywide basis.

How does the amendment compare to practices in other cities?

Staff has reviewed ordinances in a number of peer cities, including Portland, Seattle, Denver, St. Paul, Cleveland, Austin, Miami, San Francisco, Boston, and Madison. In general, other similar communities allow drive-throughs only in a limited number of commercial and/or industrial districts, and prohibit them in most residential, pedestrian-oriented, or transit-oriented designated areas. St. Paul allows drive-throughs as a permitted or conditional use in in all but one commercial district (“BC community business [converted] district”), all industrial districts, and in a single traditional neighborhood district (T2 traditional neighborhood district), which is intended for pedestrian- and transit-oriented development. The St. Paul ordinance requires drive-throughs to be located to the side or rear of buildings and a minimum of 60 feet from residentially-zoned property. Other design and stacking requirements apply, with more restrictive conditions applying to drive-throughs in the T2 district. Portland requires new drive-through facilities to serve customers arriving as pedestrians or by bicycle. Portland is the only peer city example that limits drive-throughs beyond Minneapolis’ existing ordinance, as it restricts all new drive-through facilities to a single commercial district (CE Commercial Employment) that allows auto-oriented uses.

Staff has also identified examples of Canadian cities banning drive-through fast food restaurants on a full or partial basis.¹ However, the City of Minneapolis would likely be the first American city of its size to ban new drive-throughs of any type on a citywide basis. The maps found in the attachments to this report show the zoning

¹ Nykiforuk, C., Campbell, E., Macridis, S., McKennitt, D., Atkey, K., Raine, K. (2018). *Adoption and diffusion of zoning bylaws banning fast food drive-through services across Canadian municipalities*. US National Library of Medicine, National Institutes of Public Health, BMC Public Health, 2018, volume 18. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5769538/>

districts in Minneapolis that currently allow new drive-through facilities, not including any limitations for fast food locations, as specified in the commercial or industrial districts.

How will this amendment implement the comprehensive plan?

The amendment will implement the following applicable policies of *The Minneapolis Plan for Sustainable Growth*:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

- 1.1.1 Ensure that the City's zoning code is consistent with *The Minneapolis Plan* and provides clear, understandable guidance that can readily be administered.
- 1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use Policy 1.7: Limit new and expanded auto-oriented uses in the city so impacts on the form and character of commercial areas and neighborhoods can be minimized.

- 1.7.1 Discourage new and expanded high traffic, auto-oriented uses in neighborhood commercial nodes.

Land Use Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

- 1.9.3 Discourage uses that diminish the transit and pedestrian oriented character of Community Corridors, such as automobile services and drive-through facilities.

Land Use Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

- 1.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.

Land Use Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.

- 1.11.3 Discourage new or expanded uses that diminish the transit and pedestrian character of Neighborhood Commercial Nodes, such as some automobile services and drive-through facilities.

Land Use Policy 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character.

- 1.12.4 Discourage uses that diminish the transit and pedestrian character of Activity Centers, such as automobile services, surface parking lots, and drive-through facilities.

Land Use Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

- 1.13.3 Discourage uses that diminish the transit and pedestrian character of areas around transit stations, such as automobile services, surface parking lots, and drive-through facilities.

Transportation Policy 2.2: Support successful streets and communities by balancing the needs of all modes of transportation with land use policy.

- 2.2.3 Promote street and sidewalk design that balances handling traffic flow with pedestrian orientation and principles of traditional urban form.

Transportation Policy 2.6: Manage the role and impact of automobiles in a multi-modal transportation system.

Environment Policy 6.2: Protect and enhance air quality and reduce greenhouse gas emissions.

- 6.2.7 Promote the development of sustainable site and building standards.

Environment Policy 6.3: Encourage sustainable design practices in the planning, construction and operations of new developments, large additions and building renovations.

- 6.3.10 Promote climate sensitive site and building design practices.

Environment Policy 6.11: Take measures to reduce noise pollution at point and non-point sources.

- 6.11.1 Work with other governmental units, owners and developers to identify and implement ways to buffer and reduce noise originating from businesses, industries, railroads and rail corridors, freeways and highways, and airports.

This amendment would carry out multiple, interconnected policies and goals cited in *The Minneapolis Plan for Sustainable Growth*. These include land use policies which call for minimizing pedestrian and vehicular conflict and limiting new drive-through facilities and other uses that diminish the transit and pedestrian oriented character of designated land use features – namely Community Corridors, Commercial Corridors, Neighborhood Commercial Nodes, and Activity Centers – and transit station areas. If the amendment is adopted, drive-throughs would not be allowed as part of any new development. This would eliminate a type of use that, by definition, encourages vehicular traffic and increases the potential for conflict between vehicles and pedestrians.

Likewise, the comprehensive plan’s transportation policies support land use policies and the promotion of traditional urban form to manage the impact of automobiles in a multi-modal transportation system. The plan’s environmental policies also support measures which reduce noise pollution, protect air quality, and reduce greenhouse gas emissions. The amendment would eliminate a use that is associated with negative impacts such as vehicular emissions and noise pollution.

The draft version of *Minneapolis 2040*, which is currently under review by the Metropolitan Council and which will have a legal effective date later in 2019, includes policy language under the section entitled *Pedestrian-Oriented Building and Site Design* that states the following: “Prohibit the establishment of new drive-throughs and gas stations.” The proposed amendment would be directly supported by this policy in the new comprehensive plan.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt staff findings to amend Title 20 of the Minneapolis Code of Ordinances, as follows, and further recommends that Chapters 521, 531, 541, and 543 be returned to the author:

A. Text amendment.

Recommended motion: **Approve** the text amendment to amend regulations for drive-through facilities.

Chapter 520 related to the Zoning Code: *Introductory Provisions*

Chapter 530 related to the Zoning Code: *Site Plan Review*

Chapter 548 related to the Zoning Code: *Commercial Districts*

Chapter 549 related to the Zoning Code: *Downtown Districts*

Chapter 550 related to the Zoning Code: *Industrial Districts*

Chapter 551 related to the Zoning Code: *Overlay Districts*

ATTACHMENTS

1. Map 1: Drive-Throughs Allowed by Zoning District²
2. Map 2: Drive-Throughs Allowed (Single Color)
3. Ordinance amending Chapter 520 related to the Zoning Code: Introductory Provisions
4. Ordinance amending Chapter 530 related to the Zoning Code: Site Plan Review
5. Ordinance amending Chapter 548 related to the Zoning Code: Commercial Districts
6. Ordinance amending Chapter 549 related to the Zoning Code: Downtown Districts
7. Ordinance amending Chapter 550 related to the Zoning Code: Industrial Districts
8. Ordinance amending Chapter 551 related to the Zoning Code: Overlay Districts

² Both maps show the geographic locations of the zoning districts that currently allow drive-through facilities and which are not also located in a PO Pedestrian Oriented Overlay District, which prohibits drive-throughs. The map does not account for the additional limiting criteria that must be met to allow for drive-through fast food restaurants in a commercial or industrial district.