

City Council Agenda Memo

From: Ryan Miller, City Planner

City Council Meeting: March 26, 2024 / April 16, 2024

Subject: Ordinance 24-008: Amendment to Chapter 94, Article IV, Division 1, pertaining to Section 94-133 related to the elimination of drive-thru services for permitted special uses in the Business B-2A Office District.

Person(s) Responsible: Mike Struck, Community Development Director

Summary:

The City of Brookings is proposing amendments to the City's zoning ordinances located in Chapter 94, Article IV, Division 1, pertaining to Sec. 94-133 related to the elimination of drive-thru services for permitted special uses in the Business B-2A Office District.

Background:

A recent rezone of property to Business B-2A drew concern from neighbors, the Planning Commission and City Council in relation to some uses and drive thru uses in close proximity to residential districts. The rezone passed, but discussion resulted in a desire to amend the B-2A in relation to drive-thru uses.

Item Details:

The Business B-2A Office District is intended to be a buffer district between more intense business uses and residential uses. The types of uses intended for the B-2A District include limited services and sales intended to serve the office and residential district during business hours, as opposed to early morning and evening sales and services seen in general business districts with higher intensity uses.

Coffee shops are a permitted special use in the B-2A District with the only condition being a limitation in the size of the coffee shop to 1,000 square feet. All permitted, permitted special, or conditional permitted uses within commercial districts may have drive-thru components. There are currently no restrictions to drive-thru uses other than stacking requirements for the drive-thru lane. If a coffee shop were to locate in a B-2A District, they would currently be entitled to a drive-thru, which often times serves customers at early morning and evening hours as opposed to standard workday hours.

The Planning Commission discussed options for addressing this issue at the February meeting. Staff presented options for amending the permitted special uses or conditional uses. Staff is proposing to eliminate drive-thru services for the permitted special uses in the B-2A District which include service stores, hair salons, personal health services and

coffee houses. Those uses are most associated with general commercial services which have the potential of adding drive-thru service outside of the standard work day hours. The permitted uses of offices, funeral homes/mortuaries and broadcast stations/studios are not likely to pursue drive-thru uses. Conditional uses in the B-2A district would be subject to site plan reviews by the Planning Commission and City Council, which add a level of protection for reviewing a potential drive-thru. Specifically, financial services shall locate any drive-up service window device in such a manner as to minimize its impact on adjacent properties.

Staff discussed the potential for moving permitted special uses to conditional uses or adding conditional uses specific to drive-thru lanes, but prefer to regulate the uses via permitted special uses. Staff would like to begin reviewing conditional uses overall in order to determine the appropriateness of conditional uses and their standards for approval. There are also concerns about the feasibility of monitoring and enforcing conditions placed on conditional uses, which is part of the overall desire to review conditional uses overall. Because of this, staff does not desire at this time to pursue a conditional use option for drive-thrus in the B-2A District.

Legal Consideration:

None.

Strategic Plan Consideration:

Economic Growth – the zoning amendment will help future businesses in the B-2A District achieve greater compatibility with surrounding residential areas.

Financial Consideration:

None.

Options and Recommendation:

The City Council has the following options:

1. Approve as presented
2. Amend
3. Deny
4. Move item to a study session
5. Discuss / take no action / table

Staff recommends approval.

The Planning Commission voted 8-0 to recommend approval.

Supporting Documentation:

Ordinance

Ordinance - marked

Hearing Notice – City Council

Hearing Notice – Planning Commission

Planning Commission Minutes