

**Meeting Body:** Magna Planning Commission

**Meeting Date:** July 11, 2024

**Planner:** Brian Tucker, Planning Manager

**Project Name and File Number:**  
OAM2024-001179 –

Magna Drive-Thru Amendments, including facilities on Magna Main

**Applicant(s):**

Jeff Fisher, Steve Andrews

**Project Type:**

Amend Text Ordinance

**Areas Affected:** Commercial Areas in Magna generally, properties in the Downtown Historic Mixed Use zone

**Key Findings:**

- Drive-Thru and Drive-Up Facilities can be made compatible with a traditional downtown environment if adequately designed.
- General Amendments to the code were needed for Drive-Thru and Drive-Up Facilities city wide.

**Attachments:**

1. DH Mixed Use Amendments
2. General Amendments



## SUMMARY/BACKGROUND

Steve Andrews owns two properties on Magna Main Street at 9068 and 9078 West, respectively. The 9068 West Main property is the home to We Witches. The applicant wants to make greater use of the property by adding a second building at 9078 W, using it as a coffee/breakfast shop with two residential units upstairs. The applicant is concerned that the shop may not work if a drive-thru window is not included for the coffee/breakfast shop use. The properties are zoned Downtown Historical District (DH) Mixed Use, a zone that does not allow for drive-thru and drive up facilities. The applicant has made an application to amend the ordinance to allow for drive-thru and drive up facilities. As a result of that application, Staff have created a draft ordinance for the Planning Commission and City Council to review. The proposed ordinance would allow drive-thru facilities under certain circumstances. The proposed ordinance also includes amendments to the drive-thru and drive up facilities specific use standards and the stacking standards for these facilities to better manage these uses in general.

## ISSUES TO CONSIDER/PROPOSED ORDINANCE

Drive-Thru and Drive-Up Facilities in the (DH) Mixed Use. The reason the applicants have made this application is that they want to create a drive-thru window in the (DH) Mixed Use zone. When the Downtown Historical District (DH) Mixed Use zone was adopted, drive-thru windows were excluded because the building form and architectural requirements were written to encourage a traditional look with buildings with no setback from the street and with anchor buildings on the street corners. Drive-thru windows are not typical of a historical downtown, although they do exist in those areas. The historic area does include a minimalist drive-thru window on a bank building, but that building would not comply with the now adopted DH

Mixed Use standards. The applicant is proposing a drive-thru window on the rear of the building, with the building sited to frame the corner as the ordinance requires. If the applicant can comply with the building form and architectural requirements, could a drive-thru window be a reasonable request in the historic downtown area?

Staff suggest that if a drive-thru is to work in this area it should:

- Typically, be located on the rear façade of the building,
- Not have direct access to Main Street for either the entrance or the exit,
- Have access from a side street or a public alley,
- Have no stacking/queuing that obstructs traffic on a public street,
- Be able to use the alley for access but should not block the alley for use by others, and
- Not be a nuisance to neighboring residential uses.

In an effort to ensure that any ordinance allowing drive-thru windows would not conflict with the goals of the DH Mixed Use zone, Staff have taken on the task of drafting the proposed ordinance. The policy decision allowing or disallowing drive-thru windows is a policy decision for the Council, Staff are merely attempting to provide a set of standards that could make drive-thru windows work in the downtown historic district context.

The proposed ordinance would amend the Mixed-Use Zone Schedule of Permitted Uses to allow drive-thru and drive-up facilities as a permitted use subject to the specific use standards in Section 19.42.170 and the Vehicle Stacking Standards in Section 19.48.100 of Magna Code. In addition to these standards, a drive through window must:

1. Have no drive-thru window, order/menu board, or other aspect of the drive-thru or drive-up transaction on a street facing side of a building,
2. Have no direct access to main street for either the entrance or exit,
3. Make use of a side street or alley for the entrance and exit, and
4. Not block a public alley with stacking/queuing customer vehicles. The ally may be used for access but may not be counted toward the required stacking/queuing spaces.

The Planning Commission may allow for variations to the stacking and capacity standards in Sections 19.48.100 of Magna's code due to site constraints. If a variation is permitted, the drive-thru or drive-up facility must be designed to ensure that adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lots.

Amendments applicable to all Drive-Thru and Drive-Up Facilities: In exploring this topic, Staff noticed that some of the adopted standards could be improved for these facilities in general. As

a result, Staff proposes the following ordinance amendments to Magna Code, Section 19.42.170, Specific Use Standards for Drive-Thru and Drive-Up Facilities, and Section 19.48.100, Vehicle Stacking Standards.

1. Section 19.42.170(D) is proposed to include a requirement that drive-up/drive-thru windows and their stacking lanes be separated from residentially zoned properties by an intervening building, a masonry wall, or by a major street. These standards would help to reduce noise, lighting, and visual impacts on residential uses.
2. Subsection 19.48.100(A) would be amended to be consistent with the definitions section and for clarity.
3. Subsection 19.48.100(A)(2) clarifies the reasons for the sixty-foot distance between a curb cut and the entrance of a stacking/queuing lane. This should also help the public to understand what this language requires of them.
4. Subsection 19.48.100(A)(3) requires stacking/queuing lanes to be designed to avoid interfering with back out lanes unless site constraints rule out any alternative.
5. Subsection 19.48.100(A)(5) requires stacking/queuing lanes to be designed to avoid conflicts with the main entrance to the establishment unless site constraints rule out any alternative.
6. Subsection 19.48.100(A)(6) strongly discourages stacking/queuing lanes between the building and the street unless site constraints rule out any alternative.
7. Subsection 19.48.100(A)(7) requires a separate escape lane when more than nine stacking/queuing spaces are provided.
8. Subsection 19.48.100(B) renames the stacking capacity subsection for clarity.

## **STAFF RECOMMENDATION 1**

### Drive-Thru and Drive-Up Facilities in the DH Mixed Use Zone:

MSD Planning Staff have created a proposed ordinance intended to allow drive-thru and drive-up facilities in the DH Mixed Use Zone. Staff finds that the proposed ordinance can be made compatible with the building form and architectural standards under the following circumstances:

1. The facility is located on the rear façade of the building,
2. The facility does not have direct access to Main Street for either the entrance or the exit, accessing the site from a side street or a public alley,
3. Stacking/queuing does not obstruct traffic on a public street,
4. Alley access does not block the alley for use by others, and

5. The facility is sited in a manner that results in no foreseeable nuisance to neighboring residential uses.

## **STAFF RECOMMENDATION 2**

### General Drive-Thru and Drive-Up Facilities Amendments:

MSD Planning Staff have created a proposed ordinance that addresses weaknesses in the regulations for Drive-Thru and Drive-Up Facilities in Magna generally. Staff finds that the amendments to Magna Code, Sections 19.42.170 and 19.48.100:

1. Reduce noise, lighting, and visual impacts on abutting residential uses,
2. Clarify standards that were not given a clear context in the existing code,
3. Establishes more substantial requirements for the design of stacking/queuing lanes,
4. Allow variations to the design standards when site constraints do not allow for strict compliance.

Therefore, the Planning Staff recommend that the Magna Planning Commission recommend approval of the attached ordinance to the Magna Council.

**Attachment 1:**

**Proposed Ordinance Allowing Drive-Thru and Drive-Up Facilities in the DH Mixed Use Zone**

**19.36.030 - Schedule of Permitted Uses.**

- A. Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Title.
- B. Special Conditions. Any special conditions related to a specific use are in Chapter 19.42 Specific Use Standards.
- C. Procedure for Multiple Uses (Combination of Uses). If a development proposal involves a combination of uses other than accessory uses as identified in Table 19.36.030, the more restrictive provisions of this Title shall apply. For example, if a portion of a development is subject to Conditional Use ("C") approval and the other portion is subject only to Permitted Use ("P") review, the entire development shall be reviewed and approved by the Conditional Use process.
- D. Abbreviations. The abbreviations used in the schedule mean:
  1. P = Permitted Use. This use is allowed in the zone but may be subject to additional restrictions and approval processes as provided in this Title.
  2. C = Conditional Use. This use is conditional because of the unique characteristics or potential impacts on the municipality, surrounding neighbors, or adjacent uses, incompatibility in some areas of the zone, or compatibility only if special provisions or conditions are required to mitigate the detrimental impacts of the use. The Planning Commission is the land use authority for uses with this designation.
  3. X = Prohibited Use. This use is prohibited in this zone. Any use not specifically identified in Table 19.36.030 is prohibited in this zone.

**Table 19.36.030. Uses.**

<b>Use Categories</b>	<b>DH</b>	<b>NMU</b>	<b>CMU</b>
Residential Uses: <sup>E</sup>			
Accessory Dwelling Unit, Detached or Internal	X	P	X
Dwelling, Multiple Family	P	X	P
Dwelling, Single Family	X	P	X
Dwelling, Single Family Attached	X	P	P
Dwelling, Three- and Four-Family	P	P	P
Dwelling, Two-Family (Duplex)	P	P	X
Educational Facility with Residential Accommodation	X	X	P
Retail and Service:			
Bank, Credit Union, or Other Financial Institution	P	P	P
Car and Light Truck Wash	X	X	P
Child or Adult Care Facility	P	P	P
Laundry Cleaning, Automatic Self-Help	P	P	P

Laundry Cleaning Drop-Off	P	P	P
Liquor and/or Wine Store	X	X	P
Mobile Store	P	X	P
Personal Care Services	P	P	P
Personal Instruction Services	P	P	P
Post Office	P	P	P
Reception Hall, Reception Center	P	X	P
Retail Sales	P	P	P
Retail Shops or Galleries where Primary Product is Produced On-Site	C	C	C
Self-Service Gas Station, with or without Convenience Store	X	X	P
Shopping Center	X	X	C
Food and Drink:			
Bars and Clubs	P	X	P
Breweries and Distilleries, with or without restaurant	P	X	P
Food Truck, Mobile Restaurant, Food Cart	P	X	P
Restaurant, Fast Food	P	P	P
Restaurant, Sit Down with or without Alcohol	P	P	P
Lodging:			
Bed and Breakfast	P	P	P
Hotel/Motel	P	X	P
Office:			
Offices – General, Professional, and Trade Services	P	P	P
Recreational:			
Commercial Recreation and Entertainment, Indoor	P	X	P
Outdoor Recreation, Small Scale	X	X	P
Theatres and Concert Halls (Indoor)	P	X	P
Industrial Uses:			
Light or Heavy Industry or Manufacturing	X	X	X
Institutional Uses:			
Animal Hospital or Clinic	C	X	C
Church, Synagogue, Mosque, Temple, Cathedral, or other religious buildings	P	P	P
Community Garden	P	P	P
Educational Facility	P	P	P
Public or Quasi-Public Use	P	P	P
Public Park	P	P	P
Specialty:			
Medical, Urgent Care, and Dental Clinic	P	X	P
Mortuary or Funeral Home	P	X	P
Park and Ride	X	X	P
Parking Lot (not associated with other use)	X	X	X
Accessory Uses:			
Accessory Buildings, Garages, Carports, and Structures subject to this Title	P	P	P
Drive-Thru and Drive-Up Facilities, subject to Subsection 19.42.170. <sup>F</sup>	P	P	P
Home Occupations, subject to Chapter 19.42.	P	P	P
Sidewalk Displays and Sidewalk Cafes	C	C	C
Nonconforming Uses:			

Pre-Existing Lot	P	P	P
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**E. Residential Uses:**

1. In the DH and CMU Mixed Use Zones, residential uses are limited as follows.
  - a. Units above a business: Residential dwelling units on the second story or above are permitted.
  - b. Units behind a business: Residential dwelling units on the first story that are separated from the front lot line by a non-residential use in the same story are permitted.
  - c. Units attached to a business on a multiple frontage lot: In no case may first-story dwelling units face onto a front lot line.
2. In the NMU Zone, any new development shall include a mix of residential and non-residential uses. These uses may be mixed horizontally or vertically.

**F. In addition to the specific use standards for Drive-Thru and Drive Up Facilities in Subsection 19.42.170, said facilities in the Downtown Historic District (DH) Mixed Use zone are subject to the following additional standards:**

1. No drive-thru window, order/menu board, or other aspect of the drive-thru or drive-up transaction may be conducted on a street facing side of a building,
2. No entrance or exit for a drive-thru or drive up facility may directly access Main Street. All access must occur from a side street, and
3. A public alley may be used to access stacking lanes. The alley may not be blocked by the stacking of vehicles and the alley may not count as stacking spaces for the purposes of meeting required stacking capacity.
4. The Planning Commission may allow for variations to the stacking lane and capacity requirements in Section 19.48.100 of this code when it finds that site constraints due to lot width or area make compliance impossible. The approved drive-thru or drive up facility must be designed to ensure that adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lots.

**Attachment #2:**

**General Drive-Thru and Drive Up Facilities Amendments**

**19.42.170 - Drive-Thru and Drive Up Facilities.**

- A. Purpose: The regulations of this section are intended to allow for drive-thru facilities by reducing the negative impacts they may create. These impacts include noise from idling cars and voice amplification equipment, lighting, and queued traffic interfering with on-site and off-site traffic and pedestrian flow. The specific purposes of this section are to:
  - 1. Reduce noise, lighting, and visual impacts on abutting uses, particularly residential uses;
  - 2. Promote safer and more efficient on site vehicular and pedestrian circulation; and
  - 3. Reduce conflicts between queued vehicles and traffic on adjacent streets.
- B. Applicability And Permit Requirements: These regulations shall apply to all new drive-through facilities, any rebuild or replacement of an existing structure containing a drive-thru facility or modification to an existing building that includes altering the location of an existing drive-through window, expands the floor area by twenty five percent (25%) or more of the gross floor area or one thousand square feet (1,000 sq. ft.), whichever is less and/or the parking requirement increases as required by this Title.
- C. Additional Application Materials Required: In addition to the site plan and standard application requirements, an applicant for a business with drive-thru facilities shall submit a site plan that includes: a parking and circulation plan, driveway locations, and the placement of audio equipment (if this type of equipment will be used).
- D. Adjacent To Residentially Zoned Property: Drive-up/drive-thru windows and their stacking lanes shall be separated from residentially zoned properties by an intervening building, a masonry wall in accordance with Subsection 19.50.050 (B), or by a major street.
- E. Capacity and design standards for drive-thru and drive-up facilities are found in Section 19.48.100.

**19.48.100 - Vehicle Stacking Standards.**

- A. Drive-Thru and Drive Up Facility, Stacking Lane Design Standards: These standards ensure that there is adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets, and that stacking lanes will not have nuisance impacts on abutting residential lots.
  - 1. Each stacking space shall be a minimum of twenty feet (20') in length and eight feet (8') wide along the straight portions and ten feet (10') wide along the curved segments.
  - 2. To prevent stacking lanes from blocking traffic on adjacent streets, entrances to stacking lanes shall be clearly marked and located a minimum of sixty feet (60') from the closest curb cut. Stacking lanes may not enter or exit directly into a public street.

3. Stacking lanes shall be designed so that they do not interfere with parking and vehicle circulation. Stacking lanes may not block required back out areas for adjacent drive aisles and parking spaces unless there is no other alternative for location of the building and drive-thru lane(s) on the site.
4. All stacking lanes shall be clearly delineated from traffic aisles, other stacking lanes and parking areas using striping at a minimum and curbing, landscaping, or signs where appropriate.
5. Stacking lanes may not wrap around in front of the main building entrance doors unless there is no other alternative for location of the building and drive-thru lane(s) on the site.
6. Stacking lanes are strongly discouraged between the building and the street unless there is no other alternative for location of the building and drive-thru lane(s) on the site.
7. All drive-thru queuing lanes providing greater than nine (9) spaces shall also provide a separate escape lane.

**B. Required Stacking Capacity:** These standards ensure that adequate stacking for certain land uses is provided.

1. A drive-thru automated teller machine (ATM) shall provide no fewer than two (2) stacking spaces before the teller machine.
2. A car or light truck wash shall provide no fewer than three (3) stacking spaces per lane before the wash bay entrance.
3. A laundry or dry-cleaning establishment with a drive thru window shall provide no fewer than two (2) stacking spaces per lane before the drive-up window.
4. A financial institution with teller lanes shall provide no fewer than three (3) stacking spaces per lane before the teller or drive-up window.
5. A pharmacy with a drive thru window shall provide no fewer than three (3) stacking spaces per lane before the drive-up window.
6. A restaurant with drive thru shall provide no fewer than eight (8) stacking spaces before the first drive-up window. A restaurant with more than one stacking lane shall provide no fewer than six (6) stacking spaces before the first drive-up window. Establishments where orders are placed for food or drink in a similar manner to a restaurant shall provide stacking in the same manner as a restaurant.
7. Uses having a drive thru window but not listed in this part are required to have stacking lanes and stacking spaces as determined by the Director and based on the anticipated demand for stacking spaces given existing and projected traffic and consumer patterns.
8. A stacking lane is not required for accessory facilities where vehicles do not routinely stack up while waiting for the service. Examples are window washing, air compressor, and vacuum cleaning stations.