

Plan Commission
Meeting of May 6, 2024
Agenda #3, Legistar 81965

Requiring a drive-thru to be completely under a building (including stacking) does severely limit where a drive-thru can be located. But this is what was promised when drive-thrus were allowed in Traditional Shopping Street Districts.

Historically, drive-thrus were not allowed in TSS. In 2017 the ordinance was amended to allow drive-thrus if (1) located under the building in which it is located and (2) the building has commercial or residential uses along the primary street frontage. The intent was the whole drive-thru operation* be hidden from the street.

*The definition of a drive-thru (a vehicle access sales and service window) includes the drive. As said in a 2015 staff report: "By definition, a vehicle access sales and service window includes the service window(s), ordering position(s), and the lane providing ingress and egress."

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A question was asked of the Zoning Administrator at the Plan Commission meeting recommending approval of the change: "On the primary street the intent is that you not really be able to see it, am I understanding that correctly?" The Zoning Administrator replied "you are." Cargo Coffee was provided as an example of what would be allowed if drive-thrus were allowed in TSS (the entire operation is in the parking structure and only a glimpse of the window can be seen from the street). Only two drive-thrus have been approved in TSS since the ordinance change was adopted: a bank drive-thru in the underground parking area; and a drive-thru in a remodeled credit union building on Williamson.

As the staff report for that meeting explained:

However, the Plan Commission should carefully discuss whether it is in the public interest to add this [drive-thru] as a conditional use in the TSS District (parts of Williamson Street, Atwood Avenue, Old University Avenue, South Park Street, Monroe Street, etc.) On the one hand, it would open up possibilities to fill first floor commercial spaces with businesses such as banks and certain restaurants that are heavily reliant on drive-thru service for their customers, and it limits the possibilities for VASSW's to areas under the buildings and hidden from the street in the TSS District. On the other hand, when the TSS District was created, the Plan Commission at the time determined that such facilities should not be allowed at all in this district, where the intent was to strongly support walking, biking, and transit as means of access and movement through these areas. Also, zoning lots in TSS are often shallower in width and depth than zoning lots in other districts that allow VASSW's. Usage of under-building area for VASSW's tends to consume large portions of the available floor plate for vehicle maneuvering, staging and queuing, which could result in a significant reduction of available floor area for the more desirable commercial/service/retail uses and apartment lobby space.

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Should drive-thrus be allowed in Traditional Shopping Streets? TSS includes Atwood, Williamson, Regent, Monroe (5 blocks near camp Randall, and about 3 blocks near Wingra Park), S Park (From W Washington to Emerson), and University (near Campus Drive). With the changes proposed in Legistar 81965, drive-thrus in TSS will be treated the same as drive-thru's in, for example, CC-T or CC – queuing, and perhaps ordering positions, would not need to be under the building.

The proposed ordinance could easily be changed to keep existing practice for TSS districts.

1. Delete 28.104(8)(c) in section 16. As proposed, this reads: "Drive-through windows shall be located fully under an occupiable conditioned story."
 - If long line(s) of queued vehicles are visible, there does not seem to be any point in hiding just the window.
2. Proposed section 28.151(a) and (b) in section 17 could remain as is (other than using "drive-through"): "(a) In CC-T, RMX, TE, DC, and UMX Districts, drive-through windows shall be located to the side of, rear of, or under buildings, and shall not be located between the principal structure and a public street. (b) In the TSS District, drive-through windows shall be located under the building in which it is located, and the building shall have commercial or residential uses along the primary street frontage."
3. Modify section 19, the definition of Drive-Through Window, by deleting the bolded portion. "A facility consisting of a driveway and window, opening, canopy or other facility used for serving patrons in automobiles or on bicycles **and the driveway immediately adjacent to it** and which may be associated with principal uses such as restaurants, banks, drugstores or coffee shops. Car washes are not drive-through windows."
 - A driveway is already part of the definition, so "the driveway immediately adjacent to it" is not needed if the window is not required to be located fully under an occupiable conditioned story.

Respectfully Submitted,
Linda Lehnertz