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City Council

Approval of an Ordinance Amending Olympia Municipal Code Related to Commercial Districts to Allow Drive Throughs in Mixed Use Developments Along Downtown Entry Corridors (via Portions of Plum Street)

Agenda Date: 4/9/2024
Agenda Item Number: 6.B
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Type: ordinance **Version:** 1 **Status:** Not Approved

Title

Approval of an Ordinance Amending Olympia Municipal Code Related to Commercial Districts to Allow Drive Throughs in Mixed Use Developments Along Downtown Entry Corridors (via Portions of Plum Street)

Recommended Action

Committee Recommendation:

The Land Use and Environment Committee recommends moving to approve on first reading, and forward to second reading, an Ordinance amending OMC 18.06 - Commercial Districts to allow drive throughs in mixed use developments along Downtown Entry Corridors (via portions of Plum Street).

City Manager Recommendation:

Move to approve on first reading and forward to second reading an Ordinance amending OMC 18.06 - Commercial Districts to allow drive throughs in mixed use developments along Downtown Entry Corridors (via portions of Plum Street).

Report

Issue:

Whether to approve an Ordinance amending OMC 18.06 - Commercial Districts to allow drive throughs in mixed use developments along Downtown Entry Corridors (via portions of Plum Street).

Staff Contact:

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Presenter(s):

Casey Schaufler, Associate Planner, Community Planning & Development

Background and Analysis:

The City of Olympia received an application on September 29, 2023, from Thomas Architecture Studios proposing a text amendment to Chapter 18.06 of the Olympia Municipal Code (OMC). This

application seeks to amend OMC Chapter 18.06 to allow drive-through businesses in mixed-use multifamily developments with ground floor commercial space. As originally proposed, the requested change would apply only to a geographic area that is limited to properties abutting Plum Street between Union Avenue and 5th Avenue SE. Affected properties under this proposal are located entirely within the Downtown Business (DB) zoning district.

Existing OMC prohibits drive-through and drive-in uses as a primary or accessory use (exception: drive-through banks are a conditional use) in the DB zoning district. Existing drive-in and drive-through restaurants permitted before January 1, 1994, are conforming uses. A "drive-in" restaurant is one where all or a significant portion of the consumption takes place or is designed to take place with the patrons remaining in their vehicles while on the premises. A "drive-through" restaurant is one which has one or more drive-through lanes for ordering and dispensing of food and beverages to patrons remaining in their vehicles, for consumption off the premises.

The requested text amendment would allow drive-through and drive-in uses within the newly specified area as a conditional use. Additionally, the requested text amendment specifies that new drive-through and drive-ins must be secondary to the commercial use and not be located along a lot frontage (between the building and the street).

Planning staff within Community Planning & Development prepared alternative draft language that attempted to meet the intent of the applicant's requested amendment within the framework of Olympia Municipal Code and existing definitions. As part of this review, staff's alternative draft language removed "drive-ins" from consideration. Staff concluded that a drive-in would likely require a Comprehensive Plan Amendment in addition to the text amendment.

Staff recommended approval with amendments to text based on the following:

- Any new drive-throughs proposed will be subject to review under the current Olympia Municipal Code (Commercial District and Design Review Chapters) and the Engineering Design and Development Standards (EDDS), which stipulate access points, location, number, queueing, and drive-through operations.
- The EDDS do not allow direct access onto an arterial such as Plum Street unless a traffic impact analysis determines that access from a lower street classification is not possible.
- The text amendment alternative includes language minimizing crossings of pedestrian and cycling routes, along with drive-through lane safety measures.
- It will not allow drive-throughs lanes placed along lot frontages.
- The text amendment is proposed for a street designated as a "downtown entry" in the Comprehensive Plan and Municipal Code, which is more vehicle-oriented in nature than a pedestrian oriented street.
- The Comprehensive Plan explicitly limits drive-throughs to the area of Plum Street near the I-5 interchange.
- The original prohibition on drive-throughs and drive-ins passed in 1995 pre-dates the City's design review chapters which have since implemented requirements for pedestrian and bicycle safety; redevelopment would increase conformance with those commercial and design standards.

Planning Commission

A public hearing was conducted by the Planning Commission on January 8, 2024. As part of their deliberations, Planning Commissioners asked clarifying questions of staff. Planning staff

subsequently provided written responses (attachment 4) to the Commission's questions at the following meeting on January 22, 2024.

Some Planning Commissioners expressed concern regarding increased traffic crossings over pedestrian and bicycle paths. Of particular concern was the bike corridor along 7th Avenue. The applicant had requested that the eligible area for allowed drive-throughs be on Plum Street from 5th Avenue on the north to Union Avenue on the south. In consideration of the bike corridor, the Planning Commission amended the staff proposed alternative text to reduce the proposed drive-through eligible area to 8th Avenue and Union along Plum Street.

Another amendment made to the staff proposed alternative was to require a minimum of two-stories of residential units above the commercial space where a new drive-through commercial use is proposed. The Planning Commissioners reasoned that this was necessary to ensure full utilization of redeveloped sites.

The Planning Commissioners voted 5-2 in favor of recommending the staff alternative text, as further amended by the Planning Commission. Those Commissioners voting against the recommendation expressed concern over pedestrian and bicyclist safety related to a vehicle-oriented drive-through use. Additionally, a Commissioner voting against the recommendation also indicated opposition based on the perceived incongruity of a drive-through use paired with requirements for multi-family residential units.

Land Use and Environment Committee

The Planning Commission's recommendation was presented to the Land Environment Committee on February 21, 2024. Members of the committee asked a range of technical clarifying questions. This included the difference between a conditional use permit and a "standard" permit, the relationship between street type requirements under the downtown design chapter to the underlying zoning, and other development standards.

The Land Use and Environment Committee voted 2-1 in favor of accepting the Planning Commission's recommendation but modifying the recommendation to retain the originally requested eligible area of Plum Street from 5th Avenue to Union Avenue.

Climate Analysis:

The text amendment application is a non-project proposal that will not affect greenhouse gas emissions directly, as revisions would continue to allow development as well as critical area protections as contemplated in both the Comprehensive Plan and Olympia Municipal Code. Site specific proposals will be required to meet relevant standards in Olympia Municipal Code at the time of application. Any newly proposed drive-throughs would require additional housing units in a downtown entry corridor that is otherwise lacking housing options. Any new residential units would have access to identified public transit options and walkability to the downtown core. The area affected by the proposed amendment is predominantly office space and associated parking (predominantly asphalt parking lots). Redevelopment of properties within this area would likely reduce asphalt parking coverage and better utilize urban space for residential and mixed uses without loss of additional green spaces. Redevelopment of these properties would further be required to meet pedestrian amenity and landscaping standards to include minimum tree density.

Equity Analysis:

This proposal primarily affects those community members and corporations who own commercial properties, in some cases multiple properties. The proposed amendments are unlikely to have meaningful impact on improving issues related to equity.

Neighborhood/Community Interests (if known):

The proposal has been routed to Recognized Neighborhood Associations, adjacent jurisdictions, Tribes, state agencies, and other governmental entities. The written comments received through the Public Hearing on January 8, 2024, as well as those comments received after, are included in Attachment 2. At the public hearing four people provided testimony. Two individuals spoke in favor on behalf of the applicant, one person from the public at large testified in favor, and one person from the public at large testified in opposition.

Financial Impact:

Text code amendment applications reviews are funded through fees assessed per OMC Chapter 4.40 - Land Use Application Review Fees.

Options:

1. Approve the attached ordinance amending OMC 18.06 - Commercial Districts to allow drive throughs in mixed use developments along Downtown Entry Corridors.
2. Approve the attached ordinance amending OMC 18.06 - Commercial Districts to allow drive throughs in mixed use developments along Downtown Entry Corridors, with specific modifications.
3. Do not adopt amendments to OMC 18.06 - Commercial Districts to allow drive throughs in mixed use developments along Downtown Entry Corridors.

Attachments:

Ordinance
Written Public Comments
OPC Recommendation Letter
Staff Q&A Document with Maps