

NOTICE OF THE MEETING OF THE PLAN COMMISSION

The meeting of the Plan Commission is scheduled for
February 18, 2021 beginning at 7:00 p.m.

A copy of the agenda for this meeting is attached hereto and
can be found at www.tinleypark.org.

NOTICE - MEETING MODIFICATION DUE TO COVID-19

Pursuant to Governor Pritzker's Executive Order 2020-07, Executive Order 2020-10, Executive Order 2020-18, Executive Order 2020-32, Executive Order 2020-33, Executive Order 2020-39, and Executive Order 2020-44, which collectively suspends the Illinois Open Meetings Act requirements regarding in-person attendance by members of a public body during the duration of the Gubernatorial Disaster Proclamation, issued on June 26, 2020, the Commission members may be participating in the meeting through teleconference.

Pursuant to Governor's Executive Order No. 2020-63 and CDC guidelines, no more than 50 people or 50% of the maximum capacity will be allowed in the Council Chambers at any one time, so long as attendees comply with social distancing guidelines. Anyone in excess of maximum limit will be asked to wait in another room with live audio feed to the meeting until the agenda item for which the person or persons would like to speak on is being discussed or until the open floor for public comments.

Meetings are open to the public, but members of the public may continue to submit their public comments or requests to speak telephonically in advance of the meeting to clerksoffice@tinleypark.org or place requests in the Drop Box at the Village Hall by noon on February 18, 2021 . Please note, written comments will not be read aloud during the meeting. A copy of the Village's Temporary Public Participation Rules & Procedures is attached to this Notice.

Kristin A. Thirion
Clerk
Village of Tinley Park

**VILLAGE OF TINLEY PARK
TEMPORARY PUBLIC PARTICIPATION RULES & PROCEDURES**

As stated in Gubernatorial Executive Order 2020-07 issued on March 16, 2020 and Gubernatorial Executive Order 2020-10 issued on March 20, 2020, both extended by Gubernatorial Executive Order 2020-18 issued on April 1, 2020, all public gatherings of more than ten people are prohibited. In-person public participation is not defined as an essential activity.

The Mayor of Tinley Park is issuing the following rules for all Village Board and other public meetings in order to promote social distancing as required by the aforementioned Executive Orders and the requirements of the Open Meetings Act:

Written Comments

After publication of the agenda, email comments to clerksoffice@tinleypark.org. When providing written comments to be included as public participation at a public meeting, clearly identify the following in the subject line:

- The date of the meeting;
- The type of meeting for the written comments (e.g. Village Board meeting, Zoning Board of Appeals meeting, Plan Commission meeting, etc.);
- Name and any other identifying information the participant wishes to convey to the public body;
- The category of public participation (e.g., Receive Comments from the Public, Agenda Items, etc.);
- For specific Agenda Items, identify and include the specific agenda item number;
- The entire content of the comments will be subject to public release. The Village of Tinley Park is under no obligation to redact any information.

The contents of all comments will be provided to the relevant public body for their review. **Written comments will not be read aloud during the meeting. If you wish to publicly address the public body, you may request to participate via teleconference as described below.**

Comments must be submitted by 12:00 pm on the day of the meeting. However, it is strongly recommended that comments be emailed not less than twenty-four (24) hours prior to the meeting so the appropriate Board members, Commissioners, Board members, and Committee members have sufficient time to review the comments prior to the meeting.

Live Public Participation During Meeting

After publication of the agenda, those wishing to participate in a live telephone call option at a public meeting must register by 12:00 pm on the day of the meeting. A Village representative will call the participant at the relevant portion of the meeting and the participant will be allowed to participate telephonically at the meeting. To participate in a live telephone call during the meeting, a request shall be submitted by email to clerksoffice@tinleypark.org. The following information must be included the subject line:

- The date of the meeting;
- The type of meeting for the written comments (e.g. Village Board meeting, Zoning Board of Appeals meeting, Plan Commission meeting, etc.);
- Name and any other identifying information the participant wishes to convey to the public body;
- The category of public participation (e.g., Receive Comments from the Public, Agenda Items, etc.); and
- For specific Agenda Items, identify and include the specific agenda item number.

If the participant provides an email address, they will receive a confirmation email that their request has been logged. If the participant provides an email address and does not receive a confirmation email, they may call (708) 444-5000 during regular business hours to confirm the application was received.

Upon successful registration, the participant's name will be placed on an internal Village list. On the date and during relevant portion of the meeting, the participant will be called by a Village representative. The Village representative will call the provided telephone number and allow the phone to ring not more than four (4) times. If the call is not answered within those four (4) rings, the call will be terminated and the Village representative will call the next participant on the list.

The public comment should be presented in a manner as if the participant is in attendance at the meeting. At the start of the call, the participant should provide their name and any other information the participant wishes to convey. For comments regarding Agenda Items, identify and include the specific agenda item number. The participant should try to address all comments to the public body as a whole and not to any member thereof. Repetitive comments are discouraged. The total comment time for any single participant is three (3) minutes. Further time up to an additional three (3) minutes may be granted by motion. A participant may not give his or her allotted minutes to another participant to increase that person's allotted time.



AGENDA FOR REGULAR MEETING VILLAGE OF TINLEY PARK PLAN COMMISSION

**February 18, 2021 – 7:00 P.M.
Council Chambers
Village Hall – 16250 S. Oak Park Avenue**

Regular Meeting Called to Order

Roll Call Taken

Communications

Approval of Minutes: Minutes of the February 4, 2021 Regular Meeting

ITEM #1 WORKSHOP– TEXT AMENDMENT – PICKUP WINDOW IN THE NEIGHBORHOOD FLEX DISTRICTS

Consider recommending that the Village Board approve the proposed text amendment to allow a pickup window in the Neighborhood Flex Legacy Districts. The proposed text amendments will define a Pickup Window to distinguish it from a Drive-thru or Drive-in Establishment and allow a pickup window as a Special Use for restaurant uses in the Neighborhood Flex Districts. The pick-up window will be limited to pre-orders only; no on-site ordering will be allowed.

Good of the Order

Receive Comments from the Public

Adjourn Meeting



**MINUTES OF THE REGULAR MEETING OF THE
PLAN COMMISSION, VILLAGE OF TINLEY PARK,
COOK AND WILL COUNTIES, ILLINOIS**

February 4, 2021

The meeting of the Plan Commission, Village of Tinley Park, Illinois, was held in the Council Chambers located in the Village Hall of Tinley Park, 16250 Oak Park Avenue, Tinley Park, IL on February 4, 2021.

CALL TO ORDER – PLAN COMMISSION CHAIRMAN GRAY called to order the Regular Meeting of the Plan Commission for February 4, 2021 at 7:00 p.m.

CHAIRMAN GRAY stated the meeting was being held remotely and conducted pursuant to Governor Pritzker's disaster proclamation and Public Act 101-0640, which amends requirements of the Open Meetings Act due to the COVID-19 Pandemic. The Open Meeting Act (OMA) requires public bodies to allow for public comment, therefore, the meeting would include public comment via the established protocol. Even if members of the public do not provide comment, participants are advised that people may be listening who do not provide comment, and those persons are not required to identify themselves.

The meeting was being held remotely consistent with Governor Pritzker's ;Executive Order 2020-07, Executive Order 2020-10, Executive Order 2020-18, Executive Order 2020-32, Executive Order 2020-33, Executive Order 2020-39, and Executive Order 2020-44, which collectively suspends the Illinois Open Meetings Act requirements regarding in-person attendance by members of a public body during the duration of the Gubernatorial Disaster Proclamation, issued on June 26, 2020, the members of the Plan Commission will be participating in the meeting through teleconference.

A live stream of the electronic meeting was broadcast from Village Hall pursuant to Governor's Executive Order No. 2020-63 and CDC guidelines with no more than 25 people or 50% of the maximum capacity allowed in the Council Chambers at any one time, so long as attendees complied with social distancing guidelines. CHAIRMAN GRAY confirmed Commissioners and Staff were able to communicate. CHAIRMAN GRAY reminded Commissioners to wait until addressed and keep phones muted when not speaking so as to have effective and clear conduct of Plan Commission business.

Secretary Congreve called the roll.

Present and responding to roll call were the following:

Chairman Garrett Gray (Participated electronically)
Eduardo Mani (Participated electronically)
Angela Gatto (Participated electronically)
Kehla West (Participated electronically)
James Gaskill
Mary Aitchison (Participated electronically)
Frank Loscuito (Participated electronically)

Absent Plan Commissioners:

Lucas Engel
Steven Vick

Village Officials and Staff:

Dan Ritter, Senior Planner
Kathy Congreve, Commission Secretary

Guests:

Patricia Reed, Applicant – Kids Station Inc.
Marie Manny, Property Owner – 7777 159th St.

COMMUNICATIONS

Dan Ritter, Senior Planner noted that Barb Bennett retired and that Kathy Congreve will be filling in as Commission Secretary.

APPROVAL OF MINUTES

Minutes of the January 21, 2021 Regular Meeting of the Plan Commission were presented for approval. A motion was made by COMMISSIONER AITCHISON, seconded by COMMISSIONER GASKILL to approve the minutes as presented.

COMMISSIONER GRAY asked for a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

TO: VILLAGE OF TINLEY PARK PRESIDENT AND BOARD OF TRUSTEES

FROM: VILLAGE OF TINLEY PARK PLAN COMMISSION

SUBJECT: MINUTES OF THE NOVEMBER 19, 2020 REGULAR MEETING

ITEM #1: WORKSHOP/PUBLIC HEARING:
Kids Station Inc., 7777 159th Street – Special Use Permit for a Childcare Center

Consider recommending that the Village Board grant Patricia Reed, on behalf of Kids Station Inc. (tenant/lessee), for approval of a Special Use Permit for a childcare center at 7777 159th Street in the B-3 (General Business and Commercial) zoning district. The daycare is proposed to occupy 2,200 SF of space previously occupied by another daycare and with an outdoor play area at the rear of the building.

Present Plan Commissioners: Chairman Garrett Gray (Participated electronically)
Eduardo Mani (Participated electronically)
Angela Gatto (Participated electronically)
Kehla West (Participated electronically)
James Gaskill
Mary Aitchison (Participated electronically)
Frank Loscuito (Participated electronically)

Absent Plan Commissioners: Lucas Engel
Steven Vick

Village Officials and Staff: Dan Ritter, Senior Planner
Kathy Congreve, Commission Secretary

Guests: Patricia Reed, Applicant – Kids Station Inc.
Marie Manny, Property Owner – 7777 159th St.

CHAIRMAN GRAY stated that we will start with the workshop portion of this item. Dan Ritter, Senior Planner gave a presentation of the Staff Report as outlined in the meeting packet. He noted that the Staff Report has been distributed to the Plan Commission, the Applicant and is posted on the website in its entirety. The staff report is attached to these minutes and made a part of the meeting record.

CHAIRMAN GRAY asked for comments from each Commissioner. The only comments were from Commissioner Loscuito stating that he's glad that the space is being filed by another day care and that it seems that they have a lot already in order for it. Commissioner West added that she agrees as long the issues with the parking lot are being addressed. CHAIRMAN GRAY agreed.

CHAIRMAN GRAY asked if the Petitioner(s) have anything to add before proceeding to the public hearing. Patricia Reed had nothing to add. Marie Manny stated that she was excited to have another day care in there.

CHAIRMAN GRAY asked for a motion to open the public hearing.

A Motion was made by COMMISSIONER MANI, seconded by COMMISSIONER GATTO to open the public hearing for Kids Station Inc.

CHAIRMAN GRAY asked for a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

CHAIRMAN GRAY noted he had confirmation of the legal notice for this public hearing being published in the local newspaper as required by state law.

Dan Ritter, Senior Planner, summarized the Standards for Special Use as submitted in the Staff Report. CHAIRMAN GRAY asked for comments from each Commissioner; there were none.

CHAIRMAN GRAY asked if the Petitioner(s) have anything to add; there were no comments.

CHAIRMAN GRAY asked if there was anyone from the public wishing to comment; there were none.

There was no further communication on this matter.

A Motion was made by COMMISSIONER LOSCUITO, seconded by COMMISSIONER GASKILL to close the public hearing on Kids Station Inc.

CHAIRMAN GRAY asked for a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried.

A Motion was made by COMMISSIONER WEST, seconded by COMMISSIONER LOSCUITO to recommend that the Village Board grant the Petitioner, Patricia Reed, on behalf of Kid's Station Inc. (tenant/lessee), a Special Use Permit for a child care center on the property located at 7777 159th Street in the B-3 (General Business & Commercial) zoning district, in accordance with the plans submitted and adopt Findings of Fact as proposed by the Village Staff in the February 4, 2021 Staff Report, subject to the following condition:

1. Parking lot asphalt shall be repaired and restriped with 3 accessible parking stalls required by the Illinois Accessibility Code by June 30, 2021.

AYE: COMMISSIONERS MANI, GATTO, WEST, GASKILL, AITCHISON, LOSCUITO, and CHAIRMAN GRAY.

NAY: None.

CHAIRMAN GRAY declared the Motion approved by roll call.

This item will go to the Village Board for approval on Tuesday, February 16, 2021

GOOD OF THE ORDER – Dan Ritter presented the following:

1. Thank you to Barb Bennett for her years of service and happy retirement.
2. Asked for RSVPs to Friday's email announcement of meetings by the following Monday so that staff can plan for the meeting and set script.
3. The Village published for an Associate Planner opening; hoping to have someone on board by April or May.
4. Conference commissioner training is budgeted. State and national APA typically have a commissioner training day and it would be expected they allow for virtual attendance again this year in some way. That may make it easier to attend since they tend to be weekday conferences. Please email staff if interested so they can notify you of the dates.
5. The Springfield Hall (Cardinal Fitness) development has a new owner; they plan to subdivide and lease to multiple tenants. Excited to see it start filing up.
6. The Boulevard is moving along and looking at a spring opening.
7. Avocado Theory is aiming to finish their project in March or April.
8. The Brixmor project is moving forward; they plan to have entire shell complete by May 1st.
9. The Covid testing site on Duvan Drive is open and operational.
10. There are two temporary Covid testing sites that received Village Board approval for a temporary use; one open now on 185th Street (Hematogenix) and one opening on 159th Street (Rocket Testing.)
11. The next meeting is scheduled for February 18th.

COMMENTS FROM THE PUBLIC: There were none

A Motion was made by COMMISSIONER AITCHISON, seconded by COMMISSIONER GASKILL to adjourn the February 4, 2021 Plan Commission meeting.

COMMISSIONER GRAY asked for a voice vote asking if any were opposed to the motion; hearing none, he declared the motion carried and adjourned the meeting at 7:35 P.M.

DRAFT

Text Amendment-Pickup Window in Neighborhood Flex Districts

Petitioner

Village of Tinley Park

Approvals Sought

Text Amendments to
Sections II.B. (Definitions)
and Section XII.3.A. Table
3.A.2. (Legacy Code,
Special Uses)

Project Planner

Paula J. Wallrich, AICP
Planning Manager



Example of a Pickup Window for pre-orders

EXECUTIVE SUMMARY

Consider recommending that the Village Board approve text amendments to allow a Pickup Window in the Neighborhood Flex Legacy Districts. The proposed text amendments will define a Pickup Window to distinguish it from a Drive-thru or Drive-in Establishment and allow a pickup window as a Special Use for restaurant uses in the Neighborhood Flex Districts. The pickup window will be limited to pre-orders (phone-in and on-line) only; no on-site ordering will be allowed.

Durbin's Restaurant (17265 Oak Park Avenue) is expanding its business and has leased a small space at the north end of the multi-tenant building located at the northwest corner of Oak Park Avenue and 183rd Street. This will be a scaled down version of their current establishment in the Downtown Core and will be used primarily for picking up pre-orders. Durbin's is seeking a pickup window to facilitate quick and easy distribution of these food orders.

Drive-through establishments are specifically prohibited in the Legacy Districts due to their negative impact on walkability. As with most urban areas, the goal is to create a pedestrian friendly environment that is not focused on vehicular convenience. Therefore, it is important to make a distinction between drive-thru uses which require drive up lanes with adequate vehicular stacking and a pickup window used for preorders only. The proposed text amendments provide a definition for a pickup window and conditions for allowing a pickup window as a Special Use for restaurant uses.

BACKGROUND

Text amendments are necessary to keep the Zoning Ordinance current with new uses, implement new policies, and ensure that the Zoning Ordinance furthers its purpose of promoting the health, safety, and general welfare of the public. When analyzing a text amendment, staff must be cautious to be as comprehensive in their analysis as possible and not propose amendments that pertain to only one particular circumstance. This can lead to disproportionate regulation and potential conflicts in other areas of the code. However, as market and economic conditions of a community change it is necessary to evaluate the zoning ordinance to ensure it is meeting the needs and vision of the community. The recent COVID crisis has significantly impacted the restaurant community. Those businesses that quickly adapted to delivery or pickup services were able to successfully weather the in-door dining prohibitions. Restaurants with drive-thru services witnessed significant growth and, in most cases, have survived better than those restaurants without drive-thru windows/lanes. As vaccines continue to predict the world's ability to return to more normal business practices, restaurants have found benefit in providing alternate opportunities to in-door dining including improved delivery services and increased food pickup options.

Village staff has received several short-term temporary requests for such things as curbside pickup parking areas, but requests have also been received for permanent drive-thru and pick-up window additions. In September, approval was granted for Chipotle that included a pickup window at a location previously operating as a drive-thru for a bank. The pickup concept is relatively new for Chipotle, but has been successful in their other locations due to the added convenience for customers and employees. Chipotle's concept is built on customization of their entrees and thus a traditional drive-thru concept was not appropriate for them due to longer ordering and preparation times. Since there is limited stacking room at their proposed site, approval was granted for pickup only despite drive-thru uses being a permitted use in this zoning district (B-3).

COVID, along with the introduction of mobile ordering and delivery services, has accelerated the number of convenient options available for restaurant customers. Restaurant specific apps as well as apps like DoorDash or Grubhub make it easier to get food for pickup and delivery. As businesses adjust to this new demand, pickup windows are becoming a permanent addition for streamlining the delivery of phone orders.

Fast Casual is the most popular type of restaurant embracing the pickup window. According to market research from the QSR and Insula Research an estimated 50 to 70% of their revenue is generated from the drive-thru window. Advanced ordering and pickup windows alleviate wait times in the drive-thru and improve the flow of customers. Some restaurants are even building stores with 2-3 windows and allocating a section of these windows exclusively for pickup orders. Some fast-food restaurants even plan to keep and expand pandemic innovations, including "contactless" locations that limit all personal interactions between customers and staff. According to recent articles mobile ordering has become a key deciding factor for where customers shop and order their food.

Durbin's is a successful restaurant with six locations including one in downtown Tinley Park. While most of the customers dine-in (during non-COVID times) they also operate a strong catering and carry out business. Durbin's recently leased a small space (2,000 sq. ft.) at the northwest corner of Oak Park Avenue and 183rd Street (18250 Oak Park Avenue) that will focus on their on-line and phone carryout orders. They requested staff to investigate options to operate a pickup window for phone and on-line orders since they are prohibited in the Legacy District. The Village Zoning Ordinance does not distinguish a pickup window from a drive-thru window. Drive-thru establishments are prohibited in the Legacy Districts as is typical of downtown areas that have a pedestrian-friendly focus. Therefore, staff is proposing a new definition for a pickup window that is distinct from a drive-thru window as well as provide for pickup windows in the Neighborhood Flex Legacy District as a Special Use for restaurant uses.

H-1 District (16800-17500 Oak Park Avenue)



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Street where the commercial center was zoned B-1 (Ace Hardware and Gas Station). At the south end of the Legacy Area both the southwest and northwest corners of the intersection of 183rd Street and Oak Park Avenue were previously zoned B-3; the northeast corner was zoned B-1 (part of the Eagles Nest PUD). The southeast corner included an unincorporated Parcel (Dendrinos) surrounded by Single-Family Residential (R-1) zoning which reflected the existing landuses at that time.

With the adoption of the Legacy Code, several of the parcels in what is now zoned the NF District, lost their ability to have drive-thru facilities. This was part of the overall vision as outlined in the Legacy Plan (adopted 2009) which served as the guide for the Legacy Code. The Plan emphasized the need to maintain a pedestrian friendly downtown that concentrated density in the downtown core and transitioned to residential uses to the north and south. As part of the overall vision of the Legacy Plan, the prohibition of drive thru facilities was defensible for all of the Legacy Districts in an effort to promote walkability between the residential and commercial districts—a common planning policy for urban areas.

The north and south points of the study area became the Neighborhood Flex districts with the adoption of the Legacy Code in 2011. For the north end of the planning area the Legacy Plan highlighted the 167th Street and Oak Park Avenue intersection, particularly the southeast corner, stating the redevelopment of the parcels should *“include a building with minimal setback on 167th and Oak Park Avenue that create a street wall, minimal curb cuts and prioritize pedestrian entrances.”* (This parcel was zoned B-1 at that time and is immediately adjacent to single-family homes.) The opposite corner (southwest) reflected the bank with its drive-up lanes on the south side of the building. (It was zoned B-3 at that time). The Plan recommended that future planning for this intersection should include commercial on all four corners. Upon redevelopment it encouraged moving buildings closer to the roadways with vehicular access pushed to the rear of the lots. It is important to note that the Legacy District ends at that intersection and does not include parcels on the north side of 167th Street.



Transformation to a neighborhood retail center to anchor the north end of the Legacy Area

For the south end of the planning area the Legacy Plan included a roundabout at the intersection of Oak Park Avenue and 183rd Street. This was a significant planning component of the Plan and represented what was termed the



“Gateway District” intended to create a dramatic southern gateway at 183rd Street and Oak Park Avenue that connected the Downtown Core to the Village’s entertainment and tourism district. Due to this configuration, buildings were pushed close to the roadway and reflected the curvature of the roundabout. This conceptual design supported the pedestrian orientation of the Plan as well as the prohibition of drive-thru facilities. However, in 2016 the Village Board removed the roundabout from the plans. The right-of-way (ROW) and some of the improvements (sidewalks) still reflect the roundabout plans at the northwest and northeast corners, but the intersection will not be developed with a roundabout (see below).



DISCUSSION

Since the adoption of the Legacy Code in 2011, staff has worked through certain issues common to new Code. Until a new code is ‘tested’ through its application for land use requests, it is impossible to know how it may impact development/redevelopment decisions. Code development typically goes through adjustments and revisions as it is implemented. There have been several amendments to the Legacy Code; some significant and some merely correcting scrivener errors or unintentional results. Variations have been granted and interpretations have been made. Yet with every decision staff continues to seek guidance from the Legacy Plan.

The Legacy Plan is based on ten principles that together provide a three-prong approach to guiding development in the Legacy area: 1) Preservation; 2) Economic Development; and 3) Infrastructure/Urban Design. As important as some of the Plan’s guiding principles related to preservation and urban design are “transition from commercial use to residential uses outside of the downtown core, encourage building mass to peak at the downtown core and create a walkable downtown where pedestrians come first”; other principles emphasize the need to “build a strong economic future for downtown Tinley Park”. Arguably pedestrian oriented design supports the prohibition of drive thru lanes that increase the number of curb cuts along the street face and increase vehicular traffic. However, the plan specifically highlights commercial uses at the north and south ends of the Legacy area that serve as a transition and entry to the Legacy District. To remain competitive and support the economics of the Legacy area, these transition

areas must respond to the commercial environment as it changes with market demand and spending habits. It is these transition areas that staff believes provide an opportunity to revisit the absolute prohibition of drive-thru facilities. The Neighborhood Flex District is intended to serve as a transition from prototypical commercial configurations to the more residential and pedestrian orientation of the other Legacy Districts and therefore warrants further analysis of the drive-thru prohibition.

As a transition area, staff is recommending a step down from the traditional drive-thru facility to a pickup window only. A drive-thru facility requires adequate stacking for vehicles accessing ordering and pick up windows. This necessarily results in increased setbacks from the ROW which is contrary to some of the basic tenets of the districts that limits front yard setbacks and brings buildings closer to the ROW to build a pedestrian-friendly 'street wall'. A pickup window which does not allow for on-site ordering, is restricted to only servicing customers who have pre-ordered and are instructed to pick up their food item at a specific time, decreases the amount of stacking required and the time a vehicle is waiting in line. This results in a shorter access lane and thereby can allow for decreased front yard setbacks from the ROW.

Staff has analyzed properties in the NF district and has found a few properties that could take advantage of a pickup window opportunity. These are highlighted below. It will be important that the Village analyzes any request for a pickup window on a case-by-case basis to ensure that the pedestrian experience is not compromised. Consideration will need to be given to not create new curb cuts that may impact pedestrian ways, or alter the streetscape in a negative manner. Therefore, staff is recommending any request for a pickup window be approved as a Special Use and that a condition of the Special Use be limited to those properties with existing curb cuts; creation of new curb cuts will be prohibited. Additionally, pickup windows shall be located on rear and side facades only and for restaurant uses only. No signage for menu boards will be allowed; this will discourage any attempts at on-site ordering. Through the Special Use process, conditions related to the specific applicant and business can be imposed to ensure minimal negative impacts on the overall district.

The properties highlighted below only reflect those properties that have existing curb cuts and therefore would be eligible for a pickup window. A closer examination of the individual properties reveals much less opportunity due to the existing nature of the various landuses and lot configuration.





Additionally, it will be important to define a pickup window to distinguish it from a drive-in establishment or drive-in restaurant where the definition establishes the drive-in nature of the establishment as its principal or primary part of the business as defined below:

Drive-in Establishment - A Drive-In Establishment is a business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle (e.g. restaurants, cleaners, banks, theaters, etc.).

Drive-in Restaurant: A Drive-In Restaurant is an establishment whose primary business is serving food to the public normally for consumption outside the confines of the principal permitted building, or in vehicles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided inside for patrons.

Staff recommends adding a new definition for a Drive-thru Window and a Pickup Window as follows:

Drive-thru Window: A window that provides exterior access for a business to distribute product or provide a service to a patron. The window is accessed by a drive-thru vehicular lane that may or may not include signage for placing orders of product or services sold by the business.

Pickup Window: A window that provides exterior access for a business to distribute product or provide a service to a patron that has been previously ordered; on-site ordering of product or requests for service are not permitted.

RECOMMENDATION

Staff recommends the Commission consider amending the Legacy Code to include definitions for a Drive-thru Window and a Pickup Window and create a Special Use for a pickup window for restaurant uses in the Neighborhood Flex District that have existing curb cuts. Pickup Windows will be limited to side and rear facades only; menu board signage is prohibited.

Following a workshop, staff recommends the Public Hearing be continued to the March 4, 2021 Plan Commission meeting.