

Followup - to article on feasibility of allowing drive-thrus at exit 506

Pdf version delivered to all of Council, and to other interested parties.

Compiled by Sharon Hicks ... September 8, 2017

Introduction ...

A month ago I compiled a document of information for the Mayor and Council, pertaining to the subject of whether drive-thrus should be reinstated into the zoning bylaw, for Highway Commercial areas.

I have gathered further information since I prepared that report, and that is what I want to present at this time, for Council's consideration. This report is a followup to that first document, and its intention is the same. For the sake of brevity and time concerns, I will present this information in mostly point form, as much as possible.

--- ---

HISTORY OF THE LOCAL BAN ON DRIVE-THRUS

Since I prepared the first document (Aug 4, 2017), the following information has come to my attention:

- **in 2001 when this 'ban' was first instituted, it was mainly a reaction to the traffic congestion at Exit 504**, which had resulted from poor planning, **more so than the issue of emissions** from idling engines.
- The council at that time was **looking for ways to prevent that same congestion situation from occurring elsewhere**.
- The moratorium on drive-thrus was initiated to give them time to study the issue and come up with ideas on how to prevent the same problems from occurring elsewhere, and to find ways to **mitigate some of the issues which had developed at exit 504**.

The main point of this is that **the 2001 change to Bylaw 244, which removed the designation of drive-thrus from the description of the word 'restaurant', was intended to be a TEMPORARY MEASURE**. It was **NEVER INTENDED TO BE A LONG-TERM SOLUTION**.

Over the past 16 years, that fact seems to have become 'lost'.

CURRENT STATUS OF THE DRIVE-THRU ISSUE ...

At the **TC meeting on Aug 14, 2017**, Mayor Higham indicated that **IF** a proposal for a new drive-thru was brought to Council, then it "**could**" be entertained (ie: the bylaw '**might**' be amended at that time), but said there is no such proposal before them at this time. In other words, **since there is no current proposal, there is no need to re-examine the bylaw**.

- As mentioned in the previous report, there were **already 2 businesses who stated they would not even consider a location where drive-thrus are not permitted**. They know the time and expense which would be involved in trying to have a zoning bylaw amended, or for an exception to be made. They do not want to waste their time or resources on that.
- **There is now a third interested party** who *might* consider locating in the Exit 506 area, since they recognize **the high value of visibility from the highway**. But, like the first two companies had stated, they would require a drive-thru, and would not want the hassle of time and expense involved in trying to have the bylaw changed or an exception made. The general consensus among these businesses seems to be: "**no drive-thrus, no deal**".
- **So therefore the ban needs to be lifted in order to attract such business ventures in the first place**.

REPORTS FROM PLANNING COMMISSION:

I have recently acquired copies of **two reports from last year (2016)**, prepared by the **Southeast Planning Review and Adjustment Committee**, and presented by **Lori Bickford**. Both reports dealt with the topic of **whether drive-thrus should be reinstated back into the Highway Commercial zones**.

- Their **first report** (June 22, 2016) was delivered to Council **prior to the vote**, and it **clearly stated that they supported drive-thrus** (see *bottom of page 2 of that report*), with the provision that **each applicant would have to meet very specific requirements in order to qualify for a drive-thru**. The amendment draft which was attached included a list of such requirements, and these could have been tailored further by Council if they so chose. The wording provided a **great degree of control**, to prevent any possible misuse.

- The **second report** (Aug 8, 2016) was compiled a month **after the vote**, and **stated, for one thing, that it appeared the recommendations of the first report may have been misinterpreted by Council, which in turn might have influenced their vote (see page 3 of that report)**. Once again, they made it very clear that **drive-thrus were an asset**, not a liability, to our future economic development, and **included various research results** concerning such things as engine emissions, etc, which **pointed out that drive-thrus do not have any greater effect on emissions than vehicles stopped at a traffic light or a stop sign, or driving around a parking lot looking for a place to park.**

The suggestion was also made in the second report (**page 3 of that report**) that **since Council may have misunderstood the intent of the first report, that fact alone would be reason enough to have the question raised again with the Commission**, presumably with a second vote by Council on the same issue, without the need for further information or a wait period.

- **That suggestion appears to have been overlooked by Council**, and instead the ruling remained that one year would have to pass before the same issue could be raised again.
- **It has now been well over a year since this second report was received by Council, and still there is reluctance to reconsider this issue.**
- **This is an opportunity for our current Council to "do the right thing"**, rectify the oversights of the past 16 years, and amend zoning bylaw 244 to reinstate drive-thrus in the Highway Commercial zones, in order to attract further development at Exit 506 especially.

WHAT ARE OTHER LOCALITIES DOING ABOUT DRIVE-THRUS?

First, I have been unable to locate any other municipalities in NB, or in other provinces either, who have such a ban against drive-thrus. If Council is aware of any, it would be appreciated if you could share that information.

Much in-depth research has been done by **numerous other towns and cities across the country** (and in the US as well). The **general consensus** is that it is better to **REGULATE** drive-thrus, rather than to **BAN** them.

*One example can be found here: [<http://www.canada.com/vancouver/news/story.html?id=c0f3b387-305d-4e5c-942c-0280ac252237>, June 22, **2008**]*

The **province of Ontario** actually states that it **DOES NOT SUPPORT** a total ban on drive-thrus anywhere in the **province**. I have not found any parallel information from the **NB government** on this issue.

However, there are **numerous reports available**, where **individual localities in our province have done their own studies**, and created **workable guidelines for the establishment and management of restaurants with drive-thru windows**. Some of the specifics include:

- **restrict drive-thrus to specific areas**, with one of the main intentions being to keep them away from certain higher-traffic areas, while allowing them in other appropriately zoned areas.
- lot size requirements
- number of spaces required in the entry and exit queue lines
- restaurants must offer inside seating in order to have a drive-thru window
- minimum setback requirements
- requirements for queue lanes delineation, for visual separation from traffic lanes
- safety requirements for foot-traffic into and out of the restaurant
- and more

CONCERNS ABOUT ENGINE EMISSIONS:

In addition to the results cited by the Planning Commission in their report of August 8, 2016, which pointed out the relatively minimal overall impact of cars idling at drive-thrus, there are many research reports '*out there*', on the same topic.

One such study **measured emissions at four different Tim Horton's restaurants in the same area (in Sarnia ON)**, three with drive-thrus and one without. [<http://www.theobserver.ca/ArticleDisplay.aspx?e=1083664>, Saturday, June 21, 2008]

What they discovered was that **cars making use of the drive-thrus actually produced lower levels of emissions than those who parked their cars and went inside** the restaurant. The reason cited was that the **wait time at the drive-thru windows was so short**, compared with **driving around the parking lot** to get to a spot to park before going into the restaurant, and then having to restart the engine when you return to the vehicle.

While the environmental impact studies concur that gasoline engines in general **DO** contribute to greenhouse gases in the atmosphere, the **numerous studies almost unanimously conclude that idling engines in a drive-thru 'in general' have less impact on the environment than engines idling at traffic lights, or driving around town, or driving into and out of a parking lot at a restaurant.**

Also, **comparisons have been made between vehicle engine emissions and those of various machines such as lawnmowers, chainsaws, snow blowers, especially those which utilize 2-stroke (2-cycle) gasoline engines.** These engines are very inefficient and produce incomplete combustion of the fuel, which results in higher levels of toxic emissions into the atmosphere, since they also burn oil. When measured, the **emissions of the machines in question were found to have a far greater negative effect** on levels of greenhouse gasses, as compared with modern cars.

One reason cited for the lower emissions from vehicles in drive-thrus is the fact that wait times are generally not very long. Reports from Tim Horton's head office tells us the **average wait-time at their drive-thru windows is 2.5 - 3.5 minutes.**

To test this last statement, at our **local Tim Horton's** recently, I timed a single vehicle in the queue, with 7 vehicles ahead of it. I measured how long it took that one vehicle to proceed from the start of the queue, to when it pulled away from the pickup window. That was a total of **3 minutes 15 seconds**, which is well within the range quoted in their report. Since there was a steady stream of customers using the drive-thru at that time, this example seems to be an **accurate representation of the efficiency of drive-thru staff and procedures** to make sure customers on wheels are processed in a timely fashion.

EXAMPLES OF SPECIFIC DEMOGRAPHICS WHICH BENEFIT FROM DRIVE-THRUS:

- PEOPLE WITH DISABILITIES

One aspect I did not even touch on before is the topic of people with disabilities. I have noticed this topic mentioned numerous times in various studies and reports I've accessed online, and **they all say basically the same thing** - that if we disallow drive-thrus, we are making it more difficult for those with mobility issues to do what the rest of us take for granted - to pick up a quick coffee or snack on their way to work, or elsewhere. The time it requires them to park their vehicle, transfer to a wheelchair or scooter, make their way into the restaurant and back out again, and then transfer back to their vehicle and stow their mobility device, puts them at a huge disadvantage, and it effectively **excludes them from something the rest of us take for granted** every day.

This could be especially pertinent if there was a drive-thru pharmacy, or a drive-thru bank, which could conceivably decide to locate to the Exit 506 area, as they have in other nearby localities.

- PARENTS WITH BABIES OR SMALL CHILDREN

When travelling with young children in car seats, it is much simpler, and safer too in many instances, for such parents to pick up their coffee etc at a drive-thru, rather than go through the rigmarole of extracting children from car-seats for just a quick dash into a restaurant, and then having to re-settle them in their car seats just a short time later. Being able to have access to a conveniently-located drive-thru certainly makes these parents' lives much easier.

- SENIORS

Like people of any age with disabilities, many seniors have various degrees of mobility issues. If they are just wanting to pick up a coffee or a quick snack, it is often easier for them to use a drive-thru. This would be **especially true in winter**, when there is an increased risk of falling on the ice. Sackville is striving to become more "senior-friendly", and allowing more drive-thrus would be a good step in that direction.

- **WOMEN TRAVELLING ALONE**

I have come across numerous references to this '**perceived**' **safety issue** for some women travelling on their own, **particularly at night and during inclement weather**. While it is sad that some women feel this perceived threat to their personal safety, the fact is that in this day and age they can be justified in those feelings. Drive-thrus allow them the '*safety net*' of being able to remain in their vehicles, with the doors locked, while still being able to obtain a quick beverage or snack.

THE FUTURE OF DRIVE-THRUS

In addition to the growing number of drive-thru restaurants and coffee shops, numerous other businesses are taking advantage of this modern trend. While it is hard for many people to accept this shift in shopping habits, it definitely appears to be the '*way of the future*', and we can either get on board with it and embrace what it has to offer and reap the benefits in increased business and employment and taxes for our Town, or we can ignore it and be left behind.

Just across the border in Amherst, in addition to the multitude of restaurant and coffee-shop drive-thrus, there is a drive-thru Toronto Dominion bank, a drive-thru Pharmasave drugstore, and probably even more that I'm not personally aware of. Even in Moncton the new modern liquor store on Mountain Rd has a drive-thru. I have seen examples online, in other areas, of drive-thru post offices, voting polls, viewing at funeral parlours, and more. So it seems the sky is the limit for this particular shopping format.

REGULATIONS FOR DRIVE-THRUS

There are many examples online of guidelines for drive-thrus to follow, in various towns and cities across the country. I have collected a few from different locations in NB, and from other areas in Canada.

In general, they all have **specific requirements** for the queue lanes, such as minimum number of spaces for entry and for exit, space length and width, and other related configuration details. Most will also stipulate that the restaurant **must offer inside seating** in order to have a drive-thru window. As well, there can be regulations regarding **location, noise levels, setbacks**, and other design measures.

It should be a simple matter to compile a reasonable [**fair, yet strict**] set of '**minimum specifications for drive-thrus**', and **each application will have to meet these standards** in order to be allowed to incorporate a drive-thru. If the requirements can't be met by the applicant, then no drive-thru would be allowed, even if the area is zoned appropriately to allow drive-thrus.

Council would have the security of knowing that **each and every application would be reviewed** by them, and that would provide a very high level of protection from any unwarranted uses. On the reverse side, **companies who wanted to open a drive-thru would be assured their application would be fairly assessed using a consistent set of standards**.

A set of guidelines was actually introduced in the **Planning Commission report dated Jun 22, 2016**, in the ByLaw Draft which was included at the end of their report (page 3 of that report). I have repeated it here, for clarity.

THE BYLAW - AS IT STANDS NOW:

The existing regulation is ZONING BYLAW 244, and it is dated Jan 11, 2016.

In the text of the Bylaw, the only reference to not allowing drive-thrus is found in the description section, at the very beginning of the document:

1.1 Definitions

"RESTAURANT, means a building where food is prepared and served for public consumption within the building or as takeout **but does not include a drive-thru restaurant;**"

Then in part 6, which details **Highway Commercial** Zoning uses, section 6.1 outlines the various types of businesses which may locate within the zone. Restaurants are included, but according to the description in section 1.1, they may not include a drive-thru facility.

6.1 Uses

a) **Permitted Uses** - Any land, building or structure may be used for the purposes of, and for no other purpose, one or more of the following main uses:

- i) Automotive service station
- ii) Automotive sales agencies and related activities
- iii) Retail and service shops
- iv) Places of amusement, assembly and recreation
- v) Convenience store
- vi) Restaurants**
- vii) Tourist accommodations and related facilities
- viii) Shopping centre
- ix) Existing residential
- x) Day care centres

--- ---

The following is taken from Planning Commission report presented to Council, Jun 22, 2016, prior to voting on the issue.

"By-law No 244-A DRAFT

A By-law to Amend By-law No 244 The Town of Sackville Zoning By-law

The Council of the Town of Sackville under the authority vested in it by Section 34 and in accordance with Section 68 of the Community Planning Act, amends By-law No. 244, the Town of Sackville Zoning By-law and enacts as follows:

1. By-law No 244 is amended by ADDING the definition of DRIVE THRU to Section 1.1 Definitions of Part 1: Title and Definitions as follows:

"DRIVE THRU, means an access route adjacent to an establishment that is designed for vehicles to travel and enable customers to order and obtain provide food and/or beverage services to customers while in from their vehicle." [sic]
2. Further, By-law N 212 is amended by ADDING to Part 6: Highway Commercial Zone: HC, 6.1 Uses a) Permitted uses, the following:
"xi) Drive thru"
3. Further, By-law No 2132 is amended by **ADDING to part 6: Highway Commercial Zone: HC, 6.1 Uses**, as follows:
"e) **Any drive thru shall incorporate the following design standards:**
 - i) Businesses providing drive thru services shall provide the minimum stacking for vehicle queuing on the property of the establishment as follows:
 - a. Ten (10) inbound queuing spaces for vehicles approaching the order board
 - b. Two (2) outbound queuing spaces on the exit side of the pick-up window
 - ii) Queuing spaces shall be a minimum of 6.5 metres in length and 3 metres in width.
 - iii) Queuing lanes shall be clearly defined by raised curbs, landscaping or other traffic devices to ensure traffic separation between drive thru lanes and general on-site traffic areas such as but not limited to parking lots, laneways and accesses.
 - iv) Queuing lanes exits shall ensure clear visibility for vehicles exiting the site.

If the bylaw amendment had been approved, this list of specifications for drive-thrus could have been tailored as Council saw fit, to alleviate any concerns on the part of individuals as to how it would be applied. The safeguards would have been built in. **This can still happen.**

--- ---

PLANNING STAGE ...

The **Exit 506 Committee** was started by a group of landowners and business owners in that area, and they were instrumental in bringing this issue to Council's attention. **Any decision made by Council with regard to planning recommendations will have a direct impact on how they are able to develop their properties for future use.**

Now that the RFP for the Exit 506 Study has gone out to tender, the **Exit 506 Committee is looking forward to consulting with the firm that wins the contract**, to offer their insights and ideas for the future development of this business area.

Local input should be essential for such a study, particularly if a consulting firm from outside our own area is awarded the tender, as has happened frequently over the past number of years. **Local voices would be the most well-versed in the interests and needs of our own community.** In addition, I will gladly make available to anyone concerned all of the information and documents I have collected and compiled regarding this issue.

SUMMARY

- In **June 2016**, the **Southeast Regional Planning Committee** presented a study to Council, in preparation for their vote on whether to amend Zoning Bylaw 244 and reintroduce drive-thrus to the allowed uses for Highway Commercial areas. In that study **they clearly stated they were in favour of drive-thrus**, and **provided a list of specifications** which applicants would have to meet in order to qualify for a drive-thru.
 - o **Council voted against the amendment.**
- In **August 2016**, the **Southeast Regional Planning Committee** presented a **second report** to Council, as a followup to the vote on the bylaw amendment issue. **In the second report they clearly stated they thought that Council may have misinterpreted the content of the first report**, which might have adversely affected their vote. It was also made clear that **the matter could therefore be taken before the Planning Committee again to be re-opened**, with no further information, and presumably Council could have taken a second vote on the same issue.
 - o **Council instead told the individuals involved that they would have to wait for a full year before the issue could be raised again.**
- There is **no other locality in our province that has such a ban in place**, or anywhere else in the country that I can find any record of. Other localities have done **many studies on this issue**, and they report that **instead of banning drive-thrus it is more advantageous to regulate them.**
 - o There are numerous **examples of drive-thru regulations** which other localities have established, which our Town could use as a model to design our own list of requirements which would have to be met by any company applying to include a drive-thru in their proposed establishment.
- The ban on drive-thrus in Sackville, which was set in place in 2001, was **never meant to be a long-term** solution. It **was intended to be a short-term measure** to allow time to do such a study as is now being tendered for Exit 506, and determine how best to promote further development in our Highway Commercial areas without resulting in the congestion and traffic issues which have developed at the other end of town.
 - o That original intent was somehow 'lost' over the years, and subsequent councils have simply maintained what they inherited from previous councils.
 - o The ban has remained in place despite attempts by the business community to have it changed.
- Our current ban is effectively acting as a **barrier to future development.**
 - o Most **franchise restaurants** will not even consider expanding into an area with such a ban on drive-thrus, because they know how much time and money would be involved in attempting to have the bylaw changed or to allow a variance. They do not want that hassle, and so they will go elsewhere instead.
- **It is now time for our present Council to do the right thing for the benefit of our town's future Economic Development, and to rectify that 16 year oversight.**

Again, thank you for your time and indulgence.

Respectfully submitted

Sharon Hicks / on behalf of Exit 506 Committee