



PUBLIC HEARING REPORT

Subject: Text amendment to permit drive thru restaurants with associated regulations in the Highway Commercial zone.

From: Lori Bickford, Planning Manager/Planner

Date: July 25, 2023

By-law: Town of Sackville Zoning By-law, By-law No. 244

Applicant: 734163 NB Drive

Location: Amendment applies to all Highway Commercial zoned properties at exit 504 and exit 506

Municipal Plan Policies

The following residential policies of Town of Sackville Municipal Plan, By-law No. 243 apply to this application:

3.2.2.1 It is a policy that the area as indicated on the “Town of Sackville Future Land Use Map” is designated as “Highway Commercial” to provide additional land for new or expansions of existing commercial development where land is not available within the Downtown Business District and to direct Commercial development aimed at the traveling public.

3.2.2.2 It is a policy that Highway Commercial areas shall be controlled by standards set out in the Zoning By-law which shall include setbacks, lot coverage and height and provision of heritage lights similar to those already existing in this area.

8.3.2.2 It is a policy that Council shall continue to work toward integrating the adopted sustainability plan, Sustainable Sackville, in to the day-to-day operations of the Town.

Zoning Regulation

Drive thrus have been excluded from the definition of restaurants since 2001 and are not a permitted use in any zone in Sackville.

The applicant is proposing to amend the By-law to add drive thru restaurants as a permitted use in the Highway Commercial Zone.

Internal Consultation & External Consultation

The Director of Engineering & Public Works, CAO, Sackville Fire & Rescue Fire Chief and Director of Community & Corporate Services has been contacted regarding the proposed text amendment. The CAO and Fire chief had no additional comments to offer on the proposed by-law amendment.

The Director of Engineering & Public Works suggested the integration of traffic impact studies to assist in the proper evaluation of proposed development in the Highway Commercial area including such items as site access (driveways), turning lanes for access streets or traffic signal requirements and sight distances.

Director of Community and Corporate Services commented that they have few plans to reduce idling in the community. The municipality has the most impact with controlling their own fleet and operations which they have adopted idling policies for the Town-owned vehicles and are taking steps to electrify their fleet and equipment as budget and resources permit.

Discussion

A Highway Development Area was created at Exit 504 (Main Street exit) in Sackville in 1994. The original developments in this area were done through development agreements which including McDonalds, Esso, Irving and Tim Hortons and the former Wendy's now Burger King. The McDonald's/Esso and Tim Horton's/Wendy's(Burger King) sites both included drive thru restaurants as part of their development agreement. It should be noted that the original Highway Commercial zoning regulations did not include minimum design requirements for drive thru restaurants. When the Zoning By-law was reviewed in 2001 drive thru restaurants were removed from the definition of restaurants due to traffic and congestion issues occurring around the Highway Commercial Area. During the 2001 review the By-law also modified zoning at the second TransCanada Highway Exit 506 (Cattail Ridge Exit) in Town to zone these properties Highway Commercial as well. During subsequent By-law reviews, the Town has continued to not permit drive thru restaurants due to concerns of traffic congestion and increased emissions generated through vehicles idling in drive thrus.

Since the initial drive thru developments occurred in Town, a number of modifications have occurred which have improved the traffic flow/congestion issues which have occurred around the original businesses with drive thrus. These changes include the addition of traffic lights at the intersection of Main Street and Mallard Street and the addition of a third lane on Mallard street for left hand turns into Tim Horton's drive thru. As well, McDonald's and Esso modified their site to separate the two businesses on the property leading to improved traffic flow and drive thru queuing on their site. Additional design standards/regulations are proposed to further address the traffic issues associated with drive thrus, including queuing minimums, minimum sizes, defining drive thru lanes, separation of drive thrus lanes from site traffic, identifying pedestrian movement around drive thrus and incorporating queuing/traffic studies. In reviewing the areas zoned for Highway Commercial, to ensure traffic patterns/flow and proper entrances to properties are considered, traffic impact study requirements are proposed as part of this amendment. All these requirements form the minimum requirements which need to be met

before a drive thru could be approved either in redevelopment projects, or new developments being proposed. See attached Draft By-law No. 244-P for the full regulations included.

The sustainability plan is intended to direct Sackville towards a sustainable future. The sustainability principle is a recognition of taking a balanced approach to the three main pillars: economic, social and environmental components of the community. The sustainability plan recognized that the Town was interested in reducing emissions through reduction in vehicle idling. The Town feels they can have the most impact on idling through their own fleet and operations. The Town has undertaken a number of initiatives in their day-to-day operations to reduce emissions such as policies to reduce municipal vehicle idling, selection of energy efficient/electric municipal vehicles, changing to LED street lighting and LEED certified buildings, etc. The Town is actively incorporating electric vehicle charging stations for electric vehicles in Town (1 is already in place at the Visitor Information Centre in the Highway Commercial area and 4 additional will be coming online in the next couple of months).

The Municipal Plan has policy which states that the Highway Commercial areas are aimed at the traveling public (motorists) and the properties are required to be large enough to accommodate vehicles. Businesses that choose to locate in the Highway Commercial area, do so to take economic advantage of both the local and traveling public along with quick easy access to the TransCanada. There is an expectation among the public, especially motorists, that they can obtain drive thru restaurant services in highway commercial areas.

Public Consultation

Public notices were published on the Town's website as well as the Plan360-Southeast Regional Service Commission website seeking public comments on the proposed text amendment and setting the date, time and place for the public hearing.

Town staff has also provided notification of the proposed amendment on Town social media pages, posted on the civic centre sign board and included it within in the Town newsletter.

To date Staff have not received any written comments on the proposed amendments.

Council Action

The *Community Planning Act* requires that Council hold a Public Hearing to provide the public the opportunity to speak for or against a proposal. Public Hearing notification requirements under the *Act* have been fulfilled.

BY-LAW NO. 244-P
A BY-LAW TO AMEND BY-LAW NO. 244
TOWN OF SACKVILLE ZONING BY-LAW

The Council of Tantramar under the authority vested in it by Section 53 and in accordance with Section 59 of the *Community Planning Act*, SNB 2017, c.19 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 RESTAURANT to Section 1.1 Definitions of Part1: Title and Definitions as follows:

“DRIVE THRU RESTAURANT, means an access route adjacent to an establishment that is designed for vehicles to travel and enable customers to order and obtain food and/or beverage services while in their vehicle.”

2. By-law No 244 is further amended by ADDING to Part 6: Highway Commercial Zone: HC, 6.1 Uses a) Permitted uses, the following:

“xi) Drive Thru Restaurant”

3. By-law No 244 is further amended by ADDING to Part 6: Highway Commercial Zone: HC, 6.1 Uses, as follows:

“e) Any drive thru restaurant 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. Eleven (11) 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 lane exits shall ensure clear visibility for vehicles exiting the site
- v) When the entrance to the main building requires crossing of the queuing lane by pedestrians, a pedestrian crossing that is distinguished from the queuing lane by either a change in paving materials, colour, texture or height must be provided.
- vi) A queuing/traffic study shall be required where:
 - a. The expected number of drive-thru vehicle trips will exceed 40 vehicles per hour during peak hour periods, or
 - b. Less than the minimum required queuing spaces are provided.

4. Further, By-law No 244 is amended by ADDING to Part 6: Highway Commercial Zone: HC as follows:

6.3 Traffic Impact Study

“a) Any development or redevelopment identified in the following trip generation table shall provide a traffic impact study prepared by a Professional Traffic Engineer, by and at the cost of the developer:

Land Use type	Estimated Development-Generation trips
Fast-food restaurant or coffee shop	275 m2 (3,000 ft2)
Destination retail	557 m2 (6,000 ft2)
Gas station or convenience market	Seven fueling positions

b) All other land use types anticipated to generate more than 100 additional peak hour trips as calculated by a Professional Traffic Engineer using the most recent edition of the Institute of Transportation Engineers Trip Generation Manual will be subject to a traffic impact study, by and at the cost of the developer, before the issuance of a development permit, and the developer shall be required to implement the recommendations of the study.

Read a first time this _____ day of _____, 2023.

Read a second time this _____ day of _____, 2023.

Read a third time and passed this _____ day of _____, 2023.

Mayor

Clerk