



AGENDA

SILOAM SPRINGS BOARD OF DIRECTORS
MAY 5, 2020
BOARD MEETING / 6:30 PM

Regular Board of Directors Meeting:

Opening of Regularly Scheduled Meeting

Call to Order

Roll Call

Prayer

Pledge of Allegiance

I. Approval of Minutes

Regular Meeting of April 21, 2020

Public Input

Items from the Public not on the Agenda (public may address any City business not listed on the agenda)

II. Recognition of Retiring City Employees

III. Regularly Scheduled Items

Contract and Approvals

A. Grant Application and Grant Offer / FAA CARES Act Grant / Airport / \$30,000

B. Illinois River Watershed Partnership / Landowner Agreement / Stream Mitigation on Sager Creek at Sager's Crossing Golf Course / \$110,000 (2021)

Ordinances

C. Ordinance 20-08 / 3rd Reading / Amending City Code Chapter 102 - Zoning Code / Drive Through Regulations

Staff Reports

D. March Financials

E. 1st Quarter 2020 Board Goals Update

F. Outdoor Dining for Downtown Restaurants

G. Submitting Main Street Re-Design Project to Voters

H. Administrator's Report

IV. Directors Reports

V. Adjournment

MINUTES OF THE **VIRTUAL** REGULAR MEETING OF
THE BOARD OF DIRECTORS OF THE
CITY OF SILOAM SPRINGS, BENTON COUNTY, ARKANSAS,
HELD APRIL 21, 2020

The City of Siloam Springs, Arkansas, met in regular session at the City of Siloam Springs Administration Building on April 21, 2020.

The meeting was called to order by Mayor John Turner.

Roll Call: Sappington, Smiley, Burns, Rissler, Hunt, Carroll, Coleman – Present.

City Representatives Present: Phillip Patterson, City Administrator; via Zoom meeting: Renea Ellis, City Clerk; Ben Rhoads, Sr. City Planner; Don Clark, Community Development Director; Jay Williams, City Attorney; Steve Gorszcyk, Public Works Director; and Christina Petriches, Finance Director.

Opening prayer was led by Director Coleman.

A copy of the minutes from the Workshop held on April 7, 2020, had been previously been given to each Director. A motion was made by Smiley and seconded by Sappington to approve the minutes. Turner called for a voice vote. Motion passed unanimously.

A copy of the April 7, 2020, minutes of the regular meeting had previously been given to each Director. A motion was made by Coleman and seconded by Smiley to approve the minutes. Turner called for a voice vote. Motion passed unanimously.

Public Input: No one addressed the board.

Item A: Dedication of Utility Easements / 300 Block of S. Country Club Rd. Ben Rhoads briefed the item. A motion to approve the item was made by Smiley, seconded by Hunt. Motion passed unanimously.

Item B: Contract / Siloam Springs Airport Hangar / Diamond C Construction / \$113,688.60. Don Clark briefed the item. A motion to approve the item was made by Burns, seconded by Smiley. Motion passed unanimously.

Item C: Appointment / Benton County Solid Waste District Board / Steve Gorszcyk. Mayor Turner briefed the item and recommended the appointment of Steve Gorszcyk. A motion to approve the item was made by Smiley, seconded by Sappington. Motion passed unanimously.

Item D: Ordinance 20-08 / 2nd Reading / Amending City Code Chapter 102 - Zoning Code / Drive Through Regulations. Ben Rhoads briefed the item. Carla Wasson, 1004 S. Mt. Olive, addressed the Board stating her family's opposition to certain portions of the ordinance and offered suggestions for change. Following lengthy discussion from the Board, a motion was made by Smiley and seconded by Sappington to Amend Ordinance 20-08, removing the

provision allowing 20-year or older building to have a 10' wide drive-thru lane. Motion failed by a 3 / 4 vote, with Burns, Rissler, Coleman and Carroll voting no. A motion to place Ordinance 20-08 on its second reading, suspending the rules and reading title only, was made by Burns and seconded by Carroll. The motion passed by a simple majority vote of 4 / 3, with Sappington, Smiley, and Hunt voting no. Suspending the rules and reading by title only requires a super majority so that part of the motion failed. The ordinance was placed on its 2nd reading and read in its entirety.

An ordinance entitled: An Ordinance Amending Chapter 102 (Zoning Code) of the Siloam Springs Municipal Code with Respect to Drive Through Aisles; was read in its entirety by Phillip Patterson on its second reading.

Item E: Resolution 22-20 / Establishing Powers of City Administrator due to the Declared Pandemic Emergency. Phillip Patterson briefed the item. Following comments from the board, a motion to approve Resolution 22-20 was made by Smiley, seconded by Hunt. Motion passed unanimously.

Item F: Resolution 23-20 / Resolution of Intent to Obtain Funding / Arkansas Natural Resources Commission / Water Treatment Plan Improvements. Steve Gorszcyk briefed the item. Following brief questions from the board, a motion to approve Resolution 23-20 was made by Burns and seconded by Carroll. Motion passed unanimously.

Item L: Administrator's Report. Patterson reported the City's March sales tax was up 11.6% for the month and 11.9% compared to last year; County sales tax was up 6.7% for the month and 13.8% compared to last year; stated Coffee with the Board was cancelled for May 2nd; reminded everyone of the upcoming election dates to fill board seats that would be expiring at the end of the year including the mayor, announced the Transfer Station is now open on a part-time basis on Tuesdays and Thursdays from 8 AM to 1 PM, and on Saturdays from 9 AM to Noon; that the 3% fee for paying utility bills with a credit card has been suspended through June 11th; stated that staff are working on plans for re-opening of the library on a part-time basis, the animal shelter, and re-instituting curbside recycling pick-up; and gave an update on budget cuts related to the Covid 19 crisis and the City's intentions to mitigate lost revenue and for phasing back in.

Directors Reports: Carroll said he was encouraged by citizens during this time; was proud to be a part of this community and was excited for what is in store. Smiley pointed out that books were still available for download from the City's website under the Library; asked everyone to wear masks in public; and pointed out that the 392 pinwheels in front of the police department represented 392 children who were the victims of abuse. Coleman stated he appreciated city staff; asked that his board pay be reduced by ½ for the next six months; and said he was praying for an end to this as soon as possible. Hunt thanked staff for their work on Ordinance 20-08; said she appreciated hard decisions that were being made and the fact that reserves had not been dipped in to. Burns applauded Coleman's request, but said he would be taking ½ of his board salary and putting it back into local small businesses; how much it appeared that city amenities were appreciated during this time; asked staff to look into a temporary entertainment district as restaurants were phased by in in the historic district to allow for beer and wine to be served on

outside of the brick and mortar buildings and for the allowance of additional outside seating for the restaurants downtown; and asked everyone to follow guidelines as we phase in. Sappington thanked Patterson for his work during this time; stated the governor had provided good guidelines to get out of this; thanked school employees and other volunteers for all they were doing; and reminded everyone to show grace to others during this scary time. Rissler thanked city staff for all they were doing during this time; stated her family continues to pray for all during this situation; and that she is available to help in any way she can.

With no further business, a Motion to adjourn was made by Rissler and seconded by Carroll.

A voice vote was called. Motion passed unanimously.

Meeting adjourned.

APPROVED:

ATTEST:

Renea Ellis, City Clerk

John Mark Turner, Mayor

{seal}



STAFF REPORT

To: Phillip Patterson, City Administrator
From: Don Clark, Community Development Director
Date: April 28, 2020
Re: Grant Application and Grant Offer/ FAA CARES Act Grant / Airport / \$30,000

Recommendation: Approve submittal of FAA Grant Application for \$30,000.

Background:

As announced by the Secretary of Transportation on April 14, 2020, Siloam Springs Municipal Airport is eligible for funds under the CARES Act (Coronavirus Aid, Relief, and Economic Security Act, Public Law 116-136). These funds will assist airports due to the COVID-19 public health emergency. The CARES Act funds may be used for airport operational expenses, such as payroll, contractual services (mowing, janitorial), utilities, purchasing (supplies, parts, fuel) or payment of debt service, etc. The funding will be reimbursable for any expense incurred after January 20, 2020. There is no sunset on eligible reimbursements. The grant will simply be closed once the grant amount is reached.

Due to our status as a “Local” Airport in the FAA National Plan of Integrated Airport Systems (NPIAS), we are eligible for \$30,000 in grant funds from the FAA to aid in our Airport operational expenses this year. This grant requires no local match. The grant assurances will be the same as those we adhere to for our FAA development grants. The grant funding will also be drawn down in a similar fashion to other FAA grants we receive for project related developments.

Once the grant application is executed and submitted to FAA, we will receive a digital Grant Offer from FAA. The grant offer will require signatures from both the Mayor and City Attorney. Once the grant offer is executed by the City, the FAA will provide the funds in an account for the City to draw on. The grant will be closed once all the funds have been drawn.

Fiscal Impact: The City will receive \$30,000 in grant funding.

Attachments: None



STAFF REPORT

TO: Phillip Patterson, City Administrator
FROM: Don Clark, Community Development Director
DATE: April 27, 2020
RE: Illinois River Watershed Partnership / Landowner Agreement / Community Development / Stream Mitigation on Sager Creek / \$110,000 (2021)

Recommendation: Approve of the cost-sharing landowner agreement contract with the Illinois River Watershed Partnership for stream mitigation on Sager Creek, not to exceed \$110,000.00.

Background: On February 4, 2020, a presentation from the Illinois River Watershed Partnership (IRWP) took place in a workshop to present a potential project for streambank restoration of a section of Sager Creek. The goal of this project is to complete a restoration which will decrease sediment and nutrient loading in Sager Creek through reconstruction and implementing best management practices for water quality in the headwaters of Sager Creek at Box Spring. Part of the plan is as follows:

- Reconstructing and stabilizing eroded banks with stone and wood structures.
- Installing, expanding, or improving the riparian buffer on 4,410 linear feet of perennial and ephemeral streams at the Course at Sager's Crossing. Work will begin immediately below the overpass at Cheri Whitlock and extend to the southernmost property line of the Course at Sager's Crossing.
- Constructing approximately 9 acres of additional floodplain and upland prairie to filter pollutants and create valuable wildlife habitat.

The golf course (Course at Sager's Crossing, LLC) (has agreed to maintain the project area for the total lifespan of the project (15 years), after IRWP's initial establishment period has ended. Per the agreement, the City agrees to provide a match of the total cost of this project in either in-kind contribution or financial payment. The City's financial obligation shall be one third of all project costs but shall not exceed \$110,000.

IRWP will enter into a contract with Natural State Streams to survey, design, and construct all restoration projects. IRWP will oversee all aspects of project to ensure that is constructed in accordance with construction documents. The majority of construction will be completed over a 2 - 3 month period in late Summer, early Fall 2020. The Course will commit labor and equipment to material staging and post-construction clean up as schedules allow. Any labor or equipment contributed by Course will count toward the City cost-share. IRWP commits to completing the project in 2020 and will monitor and maintain the project for one (1) year. After this one (1) year period, IRWP will submit an accounting of all project costs and in-kind contributions, along with an invoice for the City's portion of the project

Fiscal Impact: The total fiscal impact will not exceed \$110,000.00, and such expense will be included in the 2021 budget.

Attachments: None



STAFF REPORT

TO: Phillip Patterson, City Administrator
FROM: Ben Rhoads, AICP, Senior Planner *BR*
Cc: Don Clark, Community Development Director
DATE: March 31, 2020
RE: Ordinance 20-08 / Amending Chapter 102 - Zoning Code / Drive Through Regulations

Recommendation: Place Ordinance No. 20-08 on its ___ (2nd or 3rd) reading, suspending the rules and reading by title only.

Background: The City desires to amend Chapter 102 (Zoning Code) pertaining to drive through aisle regulations. These regulations are updated from the ones presented to the Board of Directors on October 15, 2019 in ordinance 19-25. The reasoning behind the requested changes are outlined in the attached Planning Commission memorandum. The Planning Commission reviewed the code change at the March 10, 2020 regular meeting. There was one comment from the public with regards to the provision to reduce the aisle width by 2 feet for buildings that are older than 20 years. The comment was in opposition if this provision. The Commission voted in favor by a 6-1 vote for the proposed change.

Fiscal Impact: Staff is not aware of any fiscal impact at this time.

Attachments:

Staff Report Memorandum to Planning Commission
Attachment "A" to Planning Commission Memorandum
Attachment "B" Citizen Comments
Ordinance No. 20-08



PLANNING COMMISSION STAFF REPORT

TO: Planning Commission
FROM: Ben Rhoads, AICP, Senior Planner *BR*
Cc: Don Clark, Community Development Director
DATE: February 24, 2020
RE: Amending Zoning Code for Drive Through Aisles

Recommendation: Approval of the Code change.

Background: In late August 2019, staff was asked to investigate a potential change to the City's Zoning Code with respect to drive through aisles. Upon investigation of the Code, it was determined that this aspect of commercial development is essentially unregulated. The need to address this lapse came to light when reviewing a recently denied variance for a side green space buffer for the Taco Jake's restaurant located at 403 U.S. Hwy. 412 W. A subsequent variance application was filed by the applicant to allow for narrower lane surface, however this application was ultimately withdrawn by the applicant on September 12, 2019 due to the applicant wishing to wait for a staff proposed ordinance which directly addresses the aisle width, potentially rendering the variance moot.

After review and recommendation of approval by the Planning Commission, the Code amendment, ordinance 19-25, was presented to the Board of Directors on October 15, 2019, it passed its first reading. On November 5, 2019, City staff recalled the ordinance in order to allow staff to address use regulations related to drive through uses *before* addressing the siting and design regulations. This was the result of extensive public comment at the November 5th meeting comprising concerns on the use impacts on abutting residential land uses.

City staff called a special-called meeting of the Planning Commission on November 18, 2019 to specifically consider a new ordinance to approve Code amendments related to requiring drive through uses to obtain a special use development permit when these uses are on lots which abut (touch) an 'R' zone district. This is changing the drive through use from a use by right, to one requiring special review. The Planning Commission recommended to approve the Code change at the Nov. 18th meeting. This ordinance was ultimately adopted by the Board of Directors on January 7, 2020, going into effect 30 days after its publication in the local paper, approximately February 12.

The City staff is presently prepared to present a revised version of the original ordinance addressing drive through the siting and design. The key issue with the establishment of a drive through service at the said restaurant is that the building is positioned in such a manner as to create a limited area for a new drive aisle and greenspace at the southwestern corner of the building. Upon close inspection of the zoning definitions in Chapter 102-1, there are no definitions specifically for a drive through aisle, although there is one for a driveway. Staff has determined that it is problematic to apply the driveway Code standards to a drive aisle for a drive through because the definition of a driveway is not the same

as for a drive through aisle. Therefore, the minimum 15' one-way driveway width is interpreted as being improper in the case. It should be noted that staff's opinion on this matter has evolved upon further examination and interpretation of the precise definitions within the Zoning Code; this is specifically why staff is presenting the proposed ordinance to clarify this somewhat murky regulatory area.

In the fall of 2019, City staff reviewed Codes from various US cities to arrive at a general framework from which to build new regulations. The regulations include a general definition of what a drive-thru or drive through means; and standards for the drive surface treatment; width; stacking distance; interactions with the street; lane markings; landscaping; parking; pick-up and order windows; and hours of operation. Drilling down into these proposed regulations, some areas to highlight include that the minimum drive width is 12 feet, however a lesser drive width is permissible in cases where there are buildings over 20 years old that are 18 feet or less to the side property line. This provision is critical to prevent the issues encountered with the said restaurant. Staff believes this provision will open older commercial buildings to a potential conversion to a drive through service. Stacking distance is also a key provision. When newer restaurants are opened, the communitywide excitement is evidenced by the number of vehicles using the drive through aisle for orders. There have been two cases where traffic stacked out into the main line of traffic on Hwy. 412, resulting in traffic disturbances to the general free flow. The stacking distance provision aims to require a certain area of aisle space to wrap around the building to reduce this condition. Lastly, landscaping, pick-up windows, and hours of operation changes were made to attempt to mitigate some undesirable aspects, such as visual and noise impacts on neighboring dwellings.

Since the original ordinance was withdrawn by staff on November 5, 2019, staff made the following amendments to shore-up the Code for potential negative impacts associated with drive through uses abutting residential properties. These amendments include:

- Updated "drive-thru", to "drive through" to be more consistent with other code references.
- Under (9) Hours of Operation, increased the distance from the order window to a residential structure from 100 to 200 feet.
- Added (10) Screening. Which states that drive throughs that do require a special use permit shall construct a solid screen along the abutting residential property lines. The screen needs to obscure light trespass generated by the drive through use.

The Code change was shared with a local engineer and restaurant owner and no objections were raised at the meeting. A later revised version was shared with the same individuals through the technical review process of a related special use permit for the said restaurant. Staff believes the proposed regulations are harmonious with the other regulations found in the zoning code and they will not commonly trigger additional variance requests.

Finally, there is a pending special use permit application for the said restaurant that will be reviewed under these proposed regulations based on the pending ordinance doctrine. Staff is confident that these regulations will be acceptable to the City due to their successful first reading on October 15, 2019 and that the proposed changes further addresses the public concerns raised at the November 5, 2019 meeting.

Fiscal Impact: None anticipated at this time.

Attachments:

- Attachment "A" – Redacted Code Document
- Attachment "B" – Proposed Ordinance
- Attachment "C" – Community Comments

Attachment "A"

Chapter 102 of the City Code ("Zoning") is hereby amended as follows (added terms are underlined; deleted terms are ~~struck through~~):

Sec. 102-1. Definitions.

Drive through or drive-thru shall mean a vehicular lane(s) or aisle(s) provided to serve a drive through retail or service use including the required drive through stacking area, area in front of the order and pick-up windows, and the exit lane(s) or aisle(s) to a public street. A drive through lane shall not be considered a driveway unless it also functions as a driveway as defined by this Code.

Sec. 102-77.1. Drive through lane design standards.

(1) *Surface.* The surface shall be paved with asphalt, concrete, or impervious paving, meeting load standards as determined by the Administrator.

(2) *Width.* Drive through aisles shall be a minimum of 12 feet wide, however, if another driveway abuts the drive through aisle, the width may be reduced to 10 feet. The minimum interior curve radius for a drive through aisle shall be 10 feet. The drive through aisle shall be no more than 15 feet wide, unless the drive aisle is used as part of an established driveway or parking lane. The lane aisle width is measured along the drive surface from the front of the curb to the building or opposite curb. If there is no curb, the width measurement is from the center of each dividing stripe or other form of demarcation. For existing buildings that are 20 years or older and are 18 feet or less from the side property line and the drive through aisle is adjacent to the same side property line, the drive through aisle width may be reduced to a minimum of 10 feet wide if the pick-up window does not protrude more than one foot into the drive lane.

(3) *Stacking Distance.* Drive-up windows shall provide at least 100 feet of stacking space for each facility, as measured from the service distribution window or unit to the entry point into the drive through lane from the parking lot or street right-of-way. Non-food and/or non-beverage businesses may reduce the stacking space to a minimum of 60 feet. No stacking space may occupy any portion of a public right-of-way.

(4) *Intersection with the street.* Each drive through entrance and exit, when accessing a public right-of-way, shall be subject to the driveway spacing standards in Section 102-78 of this Code. Exceptions may be granted by the designated approving authority if meeting the spacing standards are impossible and the drive through is located where it is most nearly consistent with the spacing requirements, or when drive-thru pull-out spaces are provided.

(5) *Lane markings and demarcation.* Each entrance to an aisle and the direction of traffic flow shall be clearly designated by signs and pavement markings. Pedestrian walkways that intersect the drive through aisles shall be clearly visible and delineated by textured and painted paving.

(6) *Landscaping.* For drive through aisles that abut a green space buffer of six feet wide or greater, shrubs measuring to a minimum three feet tall shall be planted at a rate of one shrub for every three linear feet abutting the drive through aisle. Shrubs are to be of a variety designated by the landscaping code and shall be planted on the green space strip that is opposite to the pick-up window, building, or terminating

service unit, if no-pick up window exists. This requirement shall take precedence over any other shrub landscaping required for this designated area.

(7) *Parking.* The provision of drive through service facilities shall not justify a reduction in the number of required off-street parking spaces for the accompanying use.

(8) *Pick-up and Order Windows.* Drive through windows shall be prohibited on the street frontage side of a building. When a building is located on a corner lot, drive through windows shall be prohibited on the side facing the larger or more heavily traveled street.

(9) *Hours of Operation.* Facilities utilizing an electronic speaker system and located on a site within 200 feet of any residential property (measured from the order window or station to the outer wall of the nearest residential structure), hours of operation for the drive-up/drive-through service shall be limited from 7:00 a.m. to 10:00 p.m. daily. If the use is located greater than 200 feet from a residential use, or does not use an electronic speaker system, then there are no restrictions on the hours of operation.

(10) *Screening.* Drive through uses requiring a special use permit shall construct a solid screen along abutting property lines with a residential 'R' district. Solid screening is to be constructed of opaque, material which obscures light trespass to the residential property from vehicles utilizing the drive through use.

###

Attachment "A"

Chapter 102 of the City Code ("Zoning") is hereby amended as follows (added terms are underlined; deleted terms are ~~struck through~~):

Sec. 102-1. Definitions.

Drive through or drive-thru shall mean a vehicular lane(s) or aisle(s) provided to serve a drive through retail or service use including the required drive through stacking area, area in front of the order and pick-up windows, and the exit lane(s) or aisle(s) to a public street. A drive through lane shall not be considered a driveway unless it also functions as a driveway as defined by this Code.

Sec. 102-77.1. Drive through lane design standards.

(1) *Surface.* The surface shall be paved with asphalt, concrete, or impervious paving, meeting load standards as determined by the Administrator.

(2) *Width.* Drive through aisles shall be a minimum of 12 feet wide, however, if another driveway abuts the drive through aisle, the width may be reduced to 10 feet. The minimum interior curve radius for a drive through aisle shall be 10 feet. The drive through aisle shall be no more than 15 feet wide, unless the drive aisle is used as part of an established driveway or parking lane. The lane aisle width is measured along the drive surface from the front of the curb to the building or opposite curb. If there is no curb, the width measurement is from the center of each dividing stripe or other form of demarcation. For existing buildings that are 20 years or older and are 18 feet or less from the side property line and the drive through aisle is adjacent to the same side property line, the drive through aisle width may be reduced to a minimum of 10 feet wide if the pick-up window does not protrude more than one foot into the drive lane.

(3) *Stacking Distance.* Drive-up windows shall provide at least 100 feet of stacking space for each facility, as measured from the service distribution window or unit to the entry point into the drive through lane from the parking lot or street right-of-way. Non-food and/or non-beverage businesses may reduce the stacking space to a minimum of 60 feet. No stacking space may occupy any portion of a public right-of-way.

(4) *Intersection with the street.* Each drive through entrance and exit, when accessing a public right-of-way, shall be subject to the driveway spacing standards in Section 102-78 of this Code. Exceptions may be granted by the designated approving authority if meeting the spacing standards are impossible and the drive through is located where it is most nearly consistent with the spacing requirements, or when drive-thru pull-out spaces are provided.

(5) *Lane markings and demarcation.* Each entrance to an aisle and the direction of traffic flow shall be clearly designated by signs and pavement markings. Pedestrian walkways that intersect the drive through aisles shall be clearly visible and delineated by textured and painted paving.

(6) *Landscaping.* For drive through aisles that abut a green space buffer of six feet wide or greater, shrubs measuring to a minimum three feet tall shall be planted at a rate of one shrub for every three linear feet abutting the drive through aisle. Shrubs are to be of a variety designated by the landscaping code and shall be planted on the green space strip that is opposite to the pick-up window, building, or terminating

service unit, if no-pick up window exists. This requirement shall take precedence over any other shrub landscaping required for this designated area.

(7) *Parking.* The provision of drive through service facilities shall not justify a reduction in the number of required off-street parking spaces for the accompanying use.

(8) *Pick-up and Order Windows.* Drive through windows shall be prohibited on the street frontage side of a building. When a building is located on a corner lot, drive through windows shall be prohibited on the side facing the larger or more heavily traveled street.

(9) *Hours of Operation.* Facilities utilizing an electronic speaker system and located on a site within 200 feet of any residential property (measured from the order window or station to the outer wall of the nearest residential structure), hours of operation for the drive-up/drive-through service shall be limited from 7:00 a.m. to 10:00 p.m. daily. If the use is located greater than 200 feet from a residential use, or does not use an electronic speaker system, then there are no restrictions on the hours of operation.

(10) *Screening.* Drive through uses requiring a special use permit shall construct a solid screen along abutting property lines with a residential 'R' district. Solid screening is to be constructed of opaque, material which obscures light trespass to the residential property from vehicles utilizing the drive through use.

###

Attachment "B" - Citizen Comments

From: wasson@cox-internet.com
To: [Ben Rhoads](#)
Subject: _EXTERNAL_Ordinance Amending Chapter 102 (Zoning Code) of with Respect to Drive Through Aisles
Date: Friday, February 28, 2020 3:22:27 PM

Ben,

I oppose the following provision in the proposed ordinance:

“For existing buildings that are 20 years or older and are 18 feet or less from the side property line and the drive through aisle is adjacent to the same side property line, the drive through aisle width may be reduced to a minimum of 10 feet wide if the pick-up window does not protrude more than one foot into the drive lane.”

First, this provision is irrational and unfair. There is no reason to treat property owners with buildings 20 years old or more differently than property owners with a building less than 20 years old, assuming they all fall within the same zoning and use categories. It violates the federal and state constitutions.

Second, safety, rather than revenue, should be of paramount importance. The staff memo regarding the proposed ordinance states:

“ This provision is critical to prevent the issues encountered with the aforementioned restaurant [Taco Jake’s]. Staff believes this provision will open up commercial buildings that could be converted to restaurants.”

This begs the question whether increasing the number of buildings that could be retrofitted to accommodate a drive thru use is desirable if the result is to permit drive-thru businesses that are unsafe. People avoid situations where they feel unsafe, whether in a vehicle or afoot. The size and shape of a lot, as well as the presence and placement of existing structures on the lot, are factors that determine whether a drive thru use would be safe and convenient.

In addition to removing the provision cited above, an ordinance requiring a special use permit for drive thru businesses on lots or parcels containing existing structures should be sent to the Planning Commission.

Thank you for your consideration.

Carla Wasson, Attorney at Law
P.O. Box 1188
Siloam Springs, AR 72761
(479) 238-1800

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ORDINANCE NO. 20 - 08

AN ORDINANCE AMENDING CHAPTER 102 (ZONING CODE) OF THE SILOAM SPRINGS MUNICIPAL CODE WITH RESPECT TO DRIVE THROUGH AISLES.

Whereas, there are presently no specific provisions for drive through aisles in the Siloam Springs Municipal Code; and

Whereas, the absence of said provisions causes certain practical difficulties in site design, development, and accessibility for businesses utilizing them; and

Whereas, City staff has observed Code issues complicating development permit administration with respect to drive through aisles due to the lack of guidance and uniform standards; and

Whereas, based upon feedback received and the review of practices in other cities, staff believes the proposed changes simplify the development process and increase the efficiency of site plan reviews and approvals; and

Whereas, a public hearing on the proposed changes was held on the 10th day of March 2020, before the City of Siloam Springs Planning Commission, after proper notice required by law; and

Whereas, after receiving comments from staff and the public, and due consideration of the proposed revisions, a motion recommending approval of the zoning code amendments was passed by the Planning Commission; and

Whereas, the following amendments to the zoning code use code are hereby found to be in the best interests of public safety, and of the City's aesthetic appearance, and of the orderly growth and economic well-being of the City; **Now Therefore:**

Be It Enacted, by the Board of Directors of the City of Siloam Springs, as follows:

Section 1. Amendment. Article I, Chapter 102 of the Siloam Springs Municipal Code is hereby amended by the addition of the following definition to Section 102-1:

Drive-through or Drive-thru shall mean a vehicular lane(s) or aisle(s) provided to serve a drive-thru retail or service use including the required drive-through stacking area, area in front of the order and pick-up windows, and the exit lane(s) or aisle(s) to a public street. A drive-through lane shall not be considered a driveway unless it also functions as a driveway as defined by this Code.

Section 2. Amendment. Article V, Chapter 102, of the Siloam Springs Municipal Code is hereby amended by the addition of the following provision:

Sec. 102-77.1. Drive through lane design standards.

(1) *Surface.* The surface shall be paved with asphalt, concrete, or impervious paving, meeting load standards as determined by the Administrator.

(2) *Width.* Drive through aisles shall be a minimum of 12 feet wide, however, if another driveway abuts the drive through aisle, the width may be reduced to 10 feet. The minimum interior curve radius for a drive through aisle shall be 10 feet. The drive through aisle shall be no more than 15 feet wide, unless the drive aisle is used as part of an established driveway or parking lane. The lane aisle width is measured along the drive surface from the front of the curb to the building or opposite curb. If there is no curb, the width measurement is from the center of each dividing stripe or other form of demarcation. For existing buildings that are 20 years or older and are ~~18 feet or less~~ than 18 feet from the side property line and the drive through aisle is adjacent to the same side property line, the drive through aisle width may be reduced to a minimum of 10 feet wide if the pick-up window does not protrude more than one foot into the drive lane.

(3) *Stacking Distance.* Drive-up windows shall provide at least 100 feet of stacking space for each facility, as measured from the service distribution window or unit to the entry point into the drive through lane from the parking lot or street right-of-way. Non-food and/or non-beverage businesses may reduce the stacking space to a minimum of 60 feet. No stacking space may occupy any portion of a public right-of-way.

(4) *Intersection with the street.* Each drive through entrance and exit, when accessing a public right-of-way, shall be subject to the driveway spacing standards in Section 102-78 of this Code. Exceptions may be granted by the designated approving authority if meeting the spacing standards are impossible and the drive through is located where it is most nearly consistent with the spacing requirements, or when drive-thru pull-out spaces are provided.

(5) *Lane markings and demarcation.* Each entrance to an aisle and the direction of traffic flow shall be clearly designated by signs and pavement markings. Pedestrian walkways that intersect the drive through aisles shall be clearly visible and delineated by textured and painted paving.

(6) *Landscaping.* ~~For drive-Drive~~ Drive through aisles ~~that abut~~ abutting a green space buffer ~~of six feet wide or greater, as required by the commercial and industrial zoning standards in sections 102-50.1 through 102-56 of this Code, shall include~~ shrubs measuring to a minimum three feet tall ~~shall be~~ planted at a rate of one shrub for every three linear feet abutting the drive through aisle. Shrubs are to be of a variety designated by the landscaping code and shall be planted on the green space strip that is opposite to the pick-up window, building, or terminating service unit, if no-pick up window exists. This requirement shall take precedence over any other shrub landscaping required for this designated area.

(7) *Parking*. The provision of drive through service facilities shall not justify a reduction in the number of required off-street parking spaces for the accompanying use.

(8) *Pick-up and Order Windows*. Drive through windows shall be prohibited on the street frontage side of a building. When a building is located on a corner lot, drive through windows shall be prohibited on the side facing the larger or more heavily traveled street.

(9) *Hours of Operation*. Facilities utilizing an electronic speaker system and located on a site within 200 feet of any residential property (measured from the order window or station to the outer wall of the nearest residential structure), hours of operation for the drive-up/drive-through service shall be limited from 7:00 a.m. to 10:00 p.m. daily. If the use is located greater than 200 feet from a residential use, or does not use an electronic speaker system, then there are no restrictions on the hours of operation.

(10) *Screening*. Drive through uses requiring a special use permit shall construct a solid screen along abutting property lines with a residential 'R' district. Solid screening is to be constructed of opaque, material which obscures light trespass to the residential property from vehicles utilizing the drive through use.

(Those sections of Chapter 102 not specifically referenced herein remain unchanged and are omitted for brevity.)

Section 3. Administrative corrections. The city attorney is hereby authorized to make grammatical and stylistic corrections to this ordinance that do not affect the substance of any rule.

Section 4. Repealer and severability. Prior Ordinances in conflict with the provisions enacted herein are repealed to the extent of the conflict. If any provision of a section of this Ordinance or the application thereof to any person or circumstances is held invalid by a court of competent jurisdiction, the invalidity does not affect the provisions or applications of the section or related sections which can be given effect without the invalid provision or application, and to this end the provisions are severable.

Ordained and Enacted this ____ day of _____ 2020.

Attest:

Approved:

Renea Ellis, City Clerk

John Mark Turner, Mayor

(SEAL)