

CITY OF GREEN  
Planning Department Review  
PLANNING & ZONING COMMISSION

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*November 20, 2024*

**Item 24-44**

**Land Development Code Text Amendment**

(T. Weise, 1623 Place Limited)

Use Regulations: Section 157.085: Table of Allowed Uses

**PLANNING DEPARTMENT**

Applicant is presenting a text amendment to the City of Green Land Development Code Section 157.085: Table of Allowed Uses (Table 157.085-1). The purpose of this request is to amend the table to add a use in the I-1, General Industrial zoning district.

The applicant is the owner of a vacant parcel of land that is zoned I-1 that it wishes to develop. In an effort to market the property, the applicant has encountered a perceived inconsistency in the referenced Code Section as it relates to the available uses in the I-1 District. Here, it was noted that “Restaurant” use is permitted, but “Drive-through facilities” use is not permitted. Per applicant, this limits the marketing of the property to those restaurants that do not utilize a drive-through facility and is now requesting to add this as a permitted use in the I-1 District.

Per code, the “Restaurant” use is defined as “an establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state, in individual servings”. It is currently permitted in the B-1, B-4, B-5, I-1, and PD Districts and conditionally permitted in the B-2 and B-3 Districts. The “Drive-through facilities” use is defined as “an establishment that encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles”. They are permitted in the B-4, B-5, and PD Districts and conditionally permitted in the B-1 and B-3 Districts. Per this definition, a drive-through facility could be associated with a restaurant or other service as well as exist as a stand-alone entity (i.e. a use where there is no option for the customer to enter the facility to receive goods or services).

A copy of the amended Table 157.085-1 is attached for reference. Also attached is the applicant’s rationale for the inclusion of “Drive-through facilities” as a permitted use in the I-1 District.

The Planning & Zoning Commission is being asked to review the proposed text amendment and make a recommendation to City Council.

**DESIGN REVIEW BOARD**

No review required.

**ENGINEERING**

No comments requested.

**FIRE**

No comments requested.

**ZONING**

No comments requested.

## **STAFF RECOMMENDATION**

*Approval of the proposed text amendment would allow “Drive-through facilities” as a permitted use in the I-1 District. Staff would concur with the applicant’s findings that there is an inconsistency in the Table of Allowed Uses relative to how the “Restaurant/Drive-through facilities” uses are presented in the I-1 District. Drive-through facilities are commonly an integral part of a restaurant operation and the applicant believes that inclusion of them as a permitted use is needed to realistically market its property for Restaurant use, which it believes to be feasible.*

*Staff feels that the potential overall impact of the proposed text amendment should be relatively minor. Permitting this option within the I-1 District may provide industrial areas with opportunities that currently do not exist and provides a service to these types of areas where currently this option does not exist. The I-1 District also currently allows uses such as distribution facilities, truck terminals, warehouses, and light industrial as permitted uses. If adopted, the site plan review process would allow for careful consideration of impacts to the adjacent area (i.e. traffic, noise, etc.) associated with the development of any proposed use. Per code, “Retail and service commercial uses” and “Financial institutions” are not permitted in the I-1 District so the use of a drive-through would also not be permitted in conjunction with those types of facilities.*

*Staff, therefore, would recommend a favorable recommendation by the Planning & Zoning Commission to City Council for the proposed text amendment to add “Drive through facilities” as a permitted use in the I-1 District.*

*If the Planning & Zoning Commission believes that more oversight is needed, it could consider adding the use as conditionally permitted in the I-1 District, which involves the notification of contiguous property owners and a public hearing.*