



Mayor Robert E. Simison

City Council Members:

Luke Cavener, President
Liz Strader, Vice President
Brian Whitlock
Doug Taylor
John Overton
Anne Little Roberts

November 6, 2024

MEMORANDUM

TO: Mayor and City Council

CC: City Clerk, City Attorney

FROM: Linda Ritter, Associate Planner

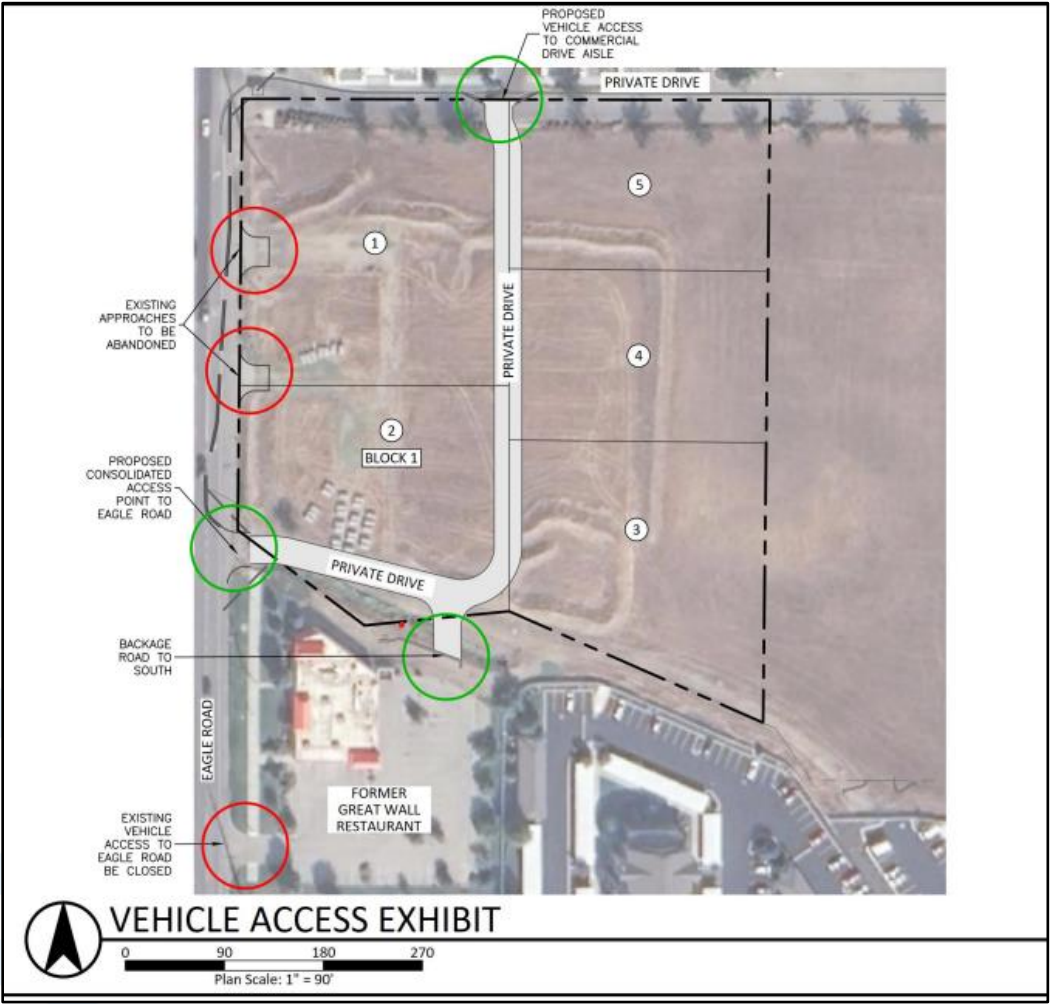
RE: Raising Cane Restaurant Drive-Through Establishment (CR-2024-0002)

History: The Planning & Zoning Commission approved a Conditional Use Permit (CUP) (H-2024-0021) for a restaurant with accessory drive-through including indoor/outdoor seating area in the C-G zoning district on September 5, 2024, as set forth in the Findings of Fact, Conclusions of Law approved September 19, 2024. The Idaho Transportation Department (ITD) stated trip generation numbers were not provided for the drive-through establishment with the application and this information is required to determine what mitigation, if any, may be required. ITD later confirmed no additional mitigation will be required with this project as a dedicated right in/right out turn lane was previously approved and installed with the Sessions Parkway Subdivision. (See pictures below)





The diagram below depicts the internal access road that has been installed (see pictures below) providing circulation and connection for the businesses and residents in this area.



Access Road Entering the Development Complex North of Copper Canary



Access Road Behind Raising Cane



Access Road Leading to Copper Canary Site

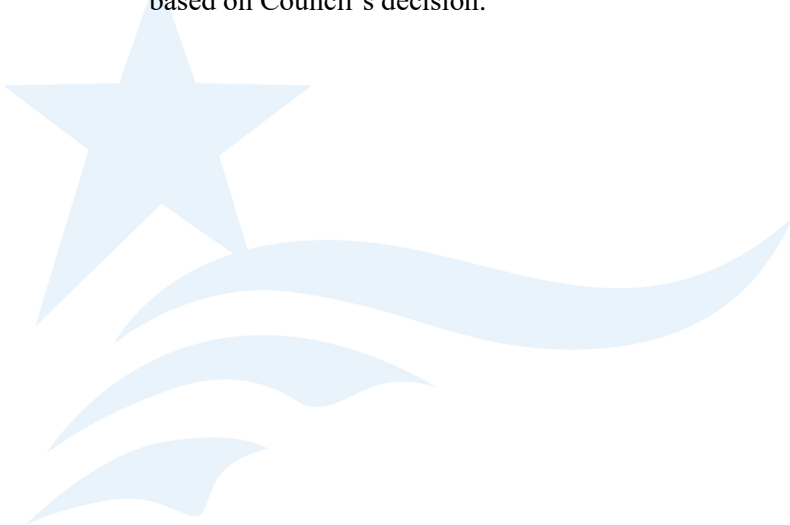


Unified Development Code: Per Specific Use Standards (UDC 11-4-3):

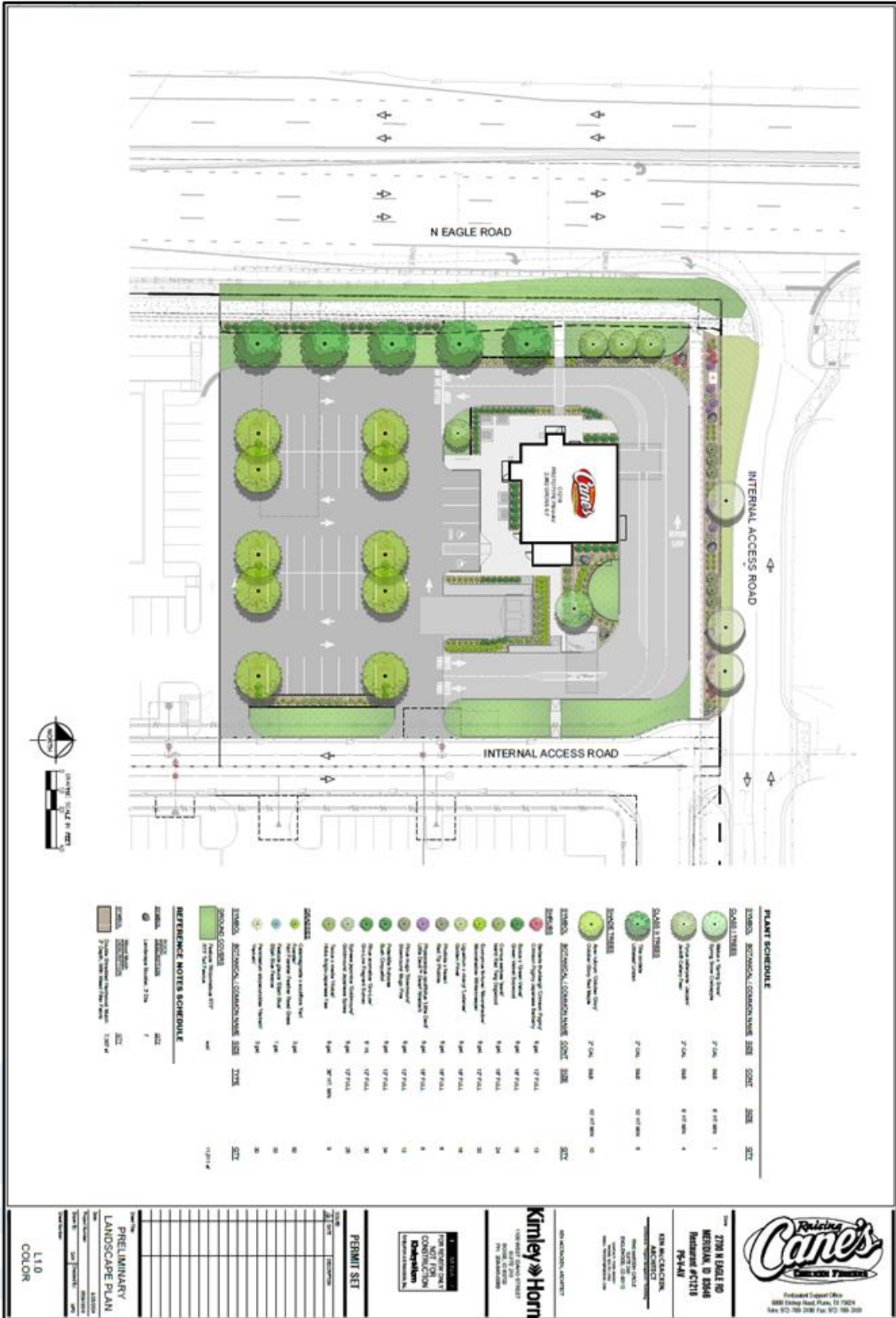
- A. A drive-through establishment shall be an accessory use where the drive-through facility (including stacking lanes, speaker and/or order area, pick up windows, and exit lanes) is:
1. Not within three hundred three hundred (300) feet of another drive-through facility, a residential district, or an existing residence: or
 2. Separated by an arterial street from any other drive-through facility, residential district or existing residence; or
 3. Not within the O-T zoning district.
- Otherwise a conditional use permit is required.
- B. All establishments providing drive-through service shall identify the stacking lane, menu and speaker location (if applicable), and window location on the certificate of zoning compliance or the conditional use permit. Speakers are prohibited in the O-T zoning district.
- C. A site plan shall be submitted that demonstrates safe pedestrian and vehicular access and circulation on the site and between adjacent properties. At a minimum the plan shall demonstrate compliance with the following standards:
1. Stacking lanes shall have sufficient capacity to prevent obstruction of driveways, drive aisles, and the public right-of-way by patrons.
 2. The stacking lane shall be a separate lane from the circulation lanes needed for access and parking, except stacking lanes may provide access to designated employee parking.
 3. The stacking lane shall not be located within ten (10) feet of any residential district or existing residence.
 4. Any stacking lane greater than one hundred 100 feet in length shall provide for an escape lane.
 5. The site should be designed so that the drive-through is visible from a public street for surveillance purposes.
- D. The applicant shall provide a six-foot sight obscuring fence where a stacking lane or window location adjoins a residential district or an existing residence.

Both Commission and Staff found that the applicant met the requirements for a drive-through establishment specific use standards set forth in UDC 11-4-3-11.

The Design Review and Certificate of Zoning Compliance (A-2024) has been reviewed awaiting approval based on Council's decision.



Site Plan/Landscape Plan



2701 N EAGLE RD
MERRILL WI 53450
P-4441

Kimley-Horn
INCORPORATED
1001 WEST WISCONSIN STREET
MILWAUKEE, WI 53233
TEL: 414.381.2000
WWW.KIMLEY-HORN.COM

PERMIT SET
DATE: 12/15/14
SCALE: AS SHOWN
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]

PRELIMINARY LANDSCAPE PLAN
L10
COLOR

The property in which the proposed drive-through establishment is requesting a CUP for a drive-through that is within 300 feet of another drive-through has a development agreement that allows certain things to happen on this site as part of the Sessions Parkway Subdivision. Sessions Park Subdivision was approved with anticipated uses such as a drive-through. Therefore, this property is well into the entitlement process.

There were no written comments received for this application; however, several people spoke in opposition of the proposed drive-through establishment stating it would create safety issues along Eagle Road. The applicant stated during high use hours they will have the employees with the tablets walking, moving traffic along very quickly and efficiently. The proposal has multiple drive-through lanes open to help speed up the ordering process. The applicant also stated, if needed Raising Cain does employ off-duty officers who are used for traffic control, although they do not anticipate that with this location. But, yes, they do try and move everyone through efficiently and keep things from being clogged.

Request: The Applicant has submitted a request for City Council review of the Commission’s decision in this matter and reconsider the approval.

Attachments:



