

This still leave the CN zone vulnerable to unreasonable nuisance from a drive through facility. It would be more reasonable to change the amendment to read:

E. Any use permitted by right listed above, which includes drive-through or drive-in facilities. Drive-through facilities shall be subject to Article 4, "Supplementary Regulations", Section 4.108, "Standards for Drive- Through Facilities.

When a drive through is paired with a bank, pharmacy, dry cleaner these standards would reasonably protect the nearby residents from nuisance. The hours of operation would typically be later, and the traffic counts would typically be much lower. The overall lighting, noise, fumes and odors would be much lower for these types of uses.

However when pairing a drive through with another use on review such as a restaurant or fueling station. It compounds and exacerbates the nuisance to nearby residents. These uses typically have longer operation hours, and much higher traffic counts. The overall lighting, noise, fumes and odors would already have to be limited due to the intensity of the use next to a resident. It would be unreasonable to mitigate the increased nuisance that would be added by a drive through. While a fueling station with a drive through would be appropriate in some settings, it would never be appropriate in a CN setting.

The planning commission has approved at least three plans in CN zoning that have a fueling station, restaurant, and drive through all in one facility. These plans go against the core intent of the CN zone which provides the opportunity to locate limited retail and service uses in a manner convenient to and yet not disruptive to established residential neighborhoods. Limited being the key word. The range of permitted uses is limited to those that are generally patronized on a frequent basis by neighborhood residents. When adding a drive through to these types of facilities it creates something that instead of servicing the neighborhood, draws more on the commuters that would typically be passing by a neighborhood.