

# Sonic Succeeds... Sort Of

*Sonic Restaurant Acquires Zoning Change for Drive-in, But Drive-through Fast Food Still Out of Luck*

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Fort Collins Sonic franchise owner, David Beard, has been granted the first step towards his quest to build another drive-in restaurant in Fort Collins, with a council-approved zoning change. Now the owner faces a new fight over design standards, as the city remains restrictive in allowing auto-related uses in much of Fort Collins' zoning.

Fort Collins is a sizeable town for most. But when David Beard and son, Scott, began looking for a location for a second franchise, suddenly Fort Collins seemed

rather small. With most zoning within the city prohibiting drive-in and drive-through restaurants, the Beards were unable to find an affordable, available site. In November, the Beards requested the city change the zoning in Neighborhood Commercial Districts (NCD) to allow drive-in restaurants, giving them more locations throughout Fort Collins to choose from.

Under city code, restaurants are divided into three types: standard, fast food, and drive-in, which include drive-through. Within the city, drive-in and drive-through are only allowed in commercial zoning, mainly along

College Avenue, and, when located in a convenience shopping center, within an Employment Park District.

For the Beards, redeveloping a site along College Avenue was not cost-effective. They began to look at Neighborhood Commercial Districts, which are scattered throughout Fort Collins and are intended as mixed-use, commercial core areas that meet the demands of consumers for frequently needed goods and services. Even within the nineteen neighborhood districts, nine are completely filled and only three or four have ideal locations for his business, said Scott Beard. In

the last year and a half, according to city planner Ted Shepard, the last two drive-through restaurants he has worked with have been redevelopment sites on College Avenue.

The Beards felt the purpose of the NCDs fit well with their fast food restaurant, which generally provides indoor and outdoor seating, as well as drive-in service. Beard also reasons that allowing these neighborhood districts to have drive-in and drive-through fast food in their commercial areas would actually cut down on the amount of traffic on College Avenue and other

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busy streets. Scott Beard estimates that as many as 95% of his drive-in customers turn off their cars as they wait to be served, rather than leaving their engines running as they may at banks and other drive-throughs. Beard adds that the original purpose of City Plan, to reduce the amount of vehicles by promoting alternate modes of transportation and these neighborhood areas, has done little to discourage people from hopping in their cars when they want a burger from their favorite fast food restaurant across town.

The Planning and Zoning Board agreed when the Beards went before them to request a change in zoning to allow drive-in restaurants in neighborhood commercial districts. On November 18, they voted 4 to 2 in favor of allowing the change to the code. Board member Jerry Gavaldon commented at the meeting, "we need to quit bashing the automobile. It's a tool and its not going away."

Council upheld the decision at their December 21 council meeting, but stated

that the approval was subject to design standards. These standards will be set by the P&Z Board in January and go before council for their first reading on February 1.

While the Beards have the zoning changes they wanted, they fear the design standards may be another hurdle to jump. The problem hinges on a requirement that the drive-in restaurant must have an indoor dining room. The Beards, while planning indoor seating at their location under contract at Timberline and Horsetooth roads, want to retain the option to forego indoor seating at other areas. They feel their outdoor seating and drive-in service would be sufficient. Shepard argues that a restaurant with no indoor seating would not match the purpose of a neighborhood commercial district.

Originally, the Beards had planned to petition the city to allow drive-through fast food in neighborhood commercial districts as well. They quickly rejected the idea feeling it would only increase city staff's resistance. Sonic is the only fast food restaurant that comes to mind, that still uses a drive-in format, said Shepard.