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**September 6, 2024**

SUBJECT: Drive Throughs Zoning Study  
TO: Planning Commission  
FROM: Comprehensive and Neighborhood Planning Committee & Bill Dermody, Planning Manager

## INTRODUCTION/STUDY PURPOSE

Drive-through sales and services (drive throughs) can negatively impact walkability and active streetscapes, in contrast with [2040 Comprehensive Plan](#) goals and policies (e.g. LU-9: Promote high-quality urban design that supports pedestrian friendliness and a healthy environment, and enhances the public realm; LU-10: Activate streetscapes with active first-floor uses, street trees, public art, outdoor commercial uses and other uses that contribute to a vibrant street life). The following study analyzes drive throughs and potential code amendments to better implement the 2040 Comprehensive Plan.

## BACKGROUND

Drive-through sales and services (drive throughs) have been prominent in the United States since the late-1970s, especially in suburban settings but also in central cities like Saint Paul. They are common, though not universal, features of fast-food restaurants, coffee shops, banks, and pharmacies. In Saint Paul, about 80 of these businesses feature drive throughs, including 37 restaurants, 2 coffee shops, 33 banks, and 8 pharmacies (out of around 640 restaurants (6%), 51 coffee shops (4%), 41 banks (80%), and 17 pharmacies in the city (47%)<sup>1</sup>).

<sup>1</sup> Based on staff calculations, March-May 2022 and updated in June 2024. Coffee shops, banks, and pharmacies counted and analyzed via desktop mapping software. Restaurants estimated based on State of Minnesota licenses in St. Paul (751), minus approximately 110 that would not normally be recognized as restaurants, such as entertainment venues (Xcel Center, Fitzgerald Theater, Como Zoo), caterers, hotels/bed & breakfasts, food security service providers (Salvation Army, Battle Creek Head Start, Keystone), senior centers, hospitals, and private employer kitchens. Establishments that emphasize coffee on their website more than food were counted as coffee shops rather than restaurants.

Demand for drive throughs may be growing. In recent years, grocery stores and big-box retail (with or without ancillary pharmacy services) have begun experimenting with drive throughs in suburban locations and one could imagine that format expanding if successful. The Covid-19 pandemic prompted a surge in demand for drive throughs nationwide, especially in the 2<sup>nd</sup> quarter of 2020 but also with some lasting impact. Restaurants and coffee shop chains that formerly intentionally avoided having drive throughs, such as Chipotle and Starbucks, have incorporated them more often, especially in suburbs. Since March 2020, the City has approved site plans and/or conditional use permits for three new drive throughs (two banks and a coffee shop) and at least five drive through reconstructions or redesigns (all for fast food restaurants). The City also approved the removal of one drive through (coffee shop at Snelling/Marshall).

Problems have been observed with drive throughs, as described below, that deter implementation of City policies.

## Problems

Drive throughs can present several negative land use and transportation impacts on their surroundings, including: off-site queuing that blocks sidewalks, bike lanes, or traffic lanes; difficult pedestrian access in reaching a business (unsafe or unwelcoming); detracting from pedestrian-oriented streetscape design; pollution from vehicle exhaust; and noise. Also, more broadly, drive throughs contribute to auto-oriented lifestyles and, in turn, more vehicle miles traveled in the city. Each of these impacts is examined below.

### Off-Site Queuing

In recent history, the Starbucks coffee shop at the southeast corner of Snelling and Marshall Avenues is a prominent example of vehicles queuing off-site during peak hours and blocking vehicular, bicycle, and pedestrian travel, presenting safety issues to people entering the site or just passing by. Unsafe u-turns and left-turn movements onto Marshall Avenue (despite signage forbidding such movements) were also noted, with the safety impact magnified by the proximity to Snelling Avenue. This drive through opened in 2016 and problems were observed immediately. According to a traffic study provided to the City in 2017, the drive through's peak hour queuing extended up to 12 vehicles (approximately 240 feet), which was more than the stacking provided on-site, leading to overflow of queued cars into the public right of way. Anecdotally, longer queues than that had been observed since then. After a period of attempting to mitigate safety issues by providing traffic control personnel at peak times, the drive through was replaced in 2022 by an outdoor patio to serve dine-in customers. This drive through's queuing experience is not unique.

### **Figure 1: Starbucks at Snelling and Marshall**



Above: 2020 aerial photo of the Starbucks at Snelling and Marshall, with 14 vehicles in the queue. Zoned T2.

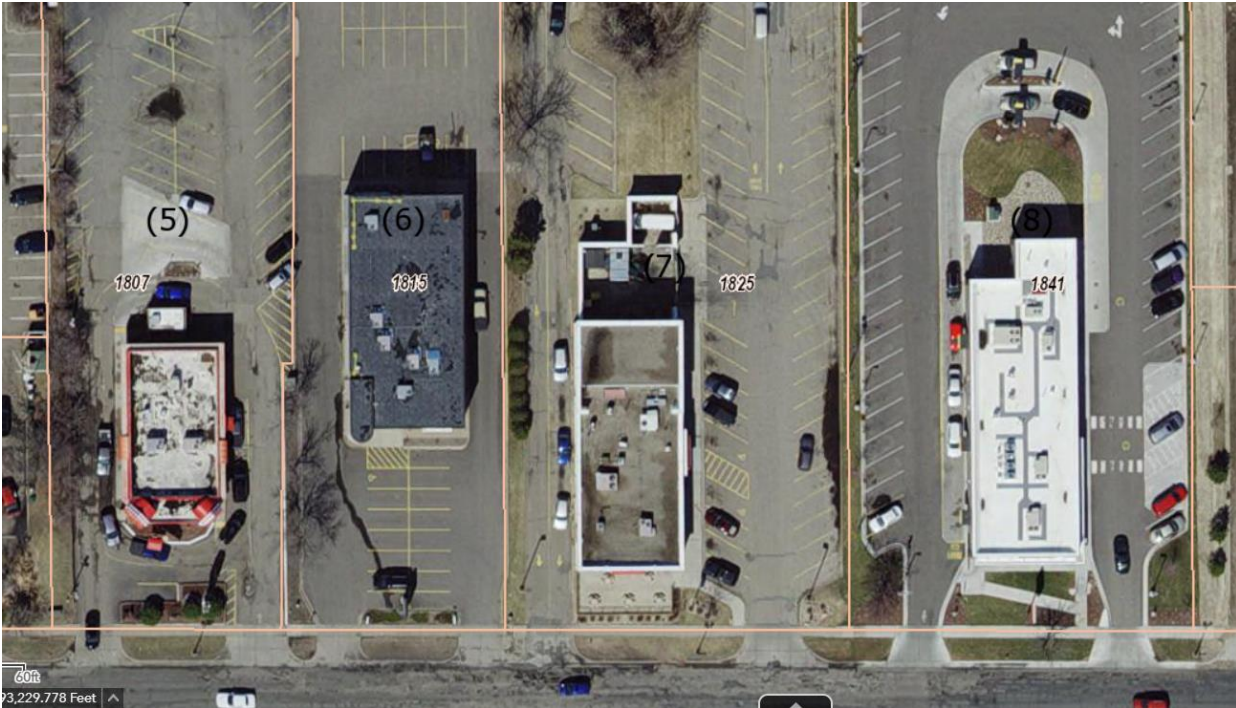
The Institute of Transportation Engineers (ITE) does not provide queuing length recommendations, but rather provides guidance for engineers to conduct their own analyses. Thus, there are not universally referenced professional standards for drive through queuing, but there have been many queuing studies completed. Those completed in urban settings are most relevant to this zoning study. [2010 and 2012 counts from the Twin Cities area](#) found maximum queues of 8 vehicles at banks, 10 vehicles at car washes, 16 vehicles at coffee shops, 13 vehicles at fast-food restaurants, and 5 vehicles at pharmacies. A [2022 study of coffee shops and kiosks in Northern California](#) found a maximum queue of 14 vehicles. A [2021 study of coffee shops in Northern California](#) found a maximum queue of 15 vehicles. A [2021 study of several Chick-Fil-A fast-food restaurants near Los Angeles](#) found a maximum queue of 26 vehicles. A 2019 study of a coffee kiosk in Flagstaff, Arizona found a maximum queue of 26 vehicles (surprisingly on Wednesday afternoon; notably near a college campus). A [2015 study of a coffee shop in Seattle](#) found a maximum queue of 13 vehicles (although, notably, the study did not include a Friday morning). A [2014 study of a fast-food restaurant near Washington D.C.](#) found a maximum queue of 14 vehicles.

The Zoning Code currently requires that: “Stacking spaces shall be provided for each drive-through lane. Banks, credit unions, and fast-food restaurants shall provide a minimum of four (4) stacking spaces per drive-through lane. Stacking spaces for all other uses shall be determined by the zoning administrator.”

### Unsafe Pedestrian Access

Drive throughs can be unsafe to pedestrians accessing the business for several reasons, including the concentration of vehicular turning movements at peak times, multiple crossing points with pedestrians, and driver distraction when they are engaging in other activities. Plus, the amount of space and attention dedicated to a drive through signals that the motor vehicle is the priority transportation mode at this location, which can degrade travel safety for other modes. Safety can be an issue anywhere pedestrians cross vehicular access and circulation aisles, including in the drive through lanes themselves. Site designs that require pedestrians to cross drive through lanes to access businesses are especially unsafe and unwelcoming.

**Figure 2: Drive through uses along Suburban Avenue**

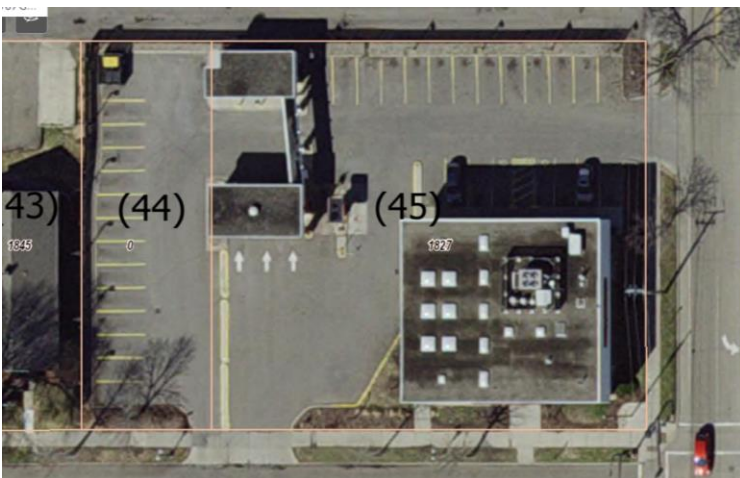


Above: The drive through at 1807 Suburban Ave (leftmost business) requires pedestrians to cross the lanes to access the building, while those two and three lots to the east at 1825 and 1841 Suburban Ave do not. Also, generally, with eight curb cuts in a 470' stretch, this is an example of a non-pedestrian-oriented streetscape. Zoned T2.

### Non-Pedestrian-Oriented Streetscape

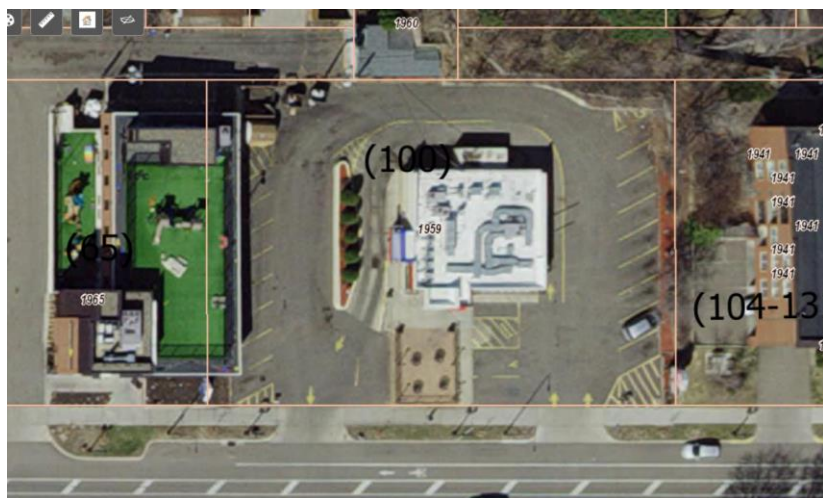
Sites with drive throughs can have several features that detract from a pedestrian-oriented streetscape, including larger expanses of asphalt to accommodate the additional vehicle circulation, smaller buildings along street frontages (compared to larger buildings that would provide a better sense of enclosure), buildings set back farther from the street to allow more space for vehicle stacking, and additional curb cuts to accommodate the drive through circulation patterns (e.g. an “in” driveway and an exit driveway).

**Figure 3: Bank site on Grand Avenue**



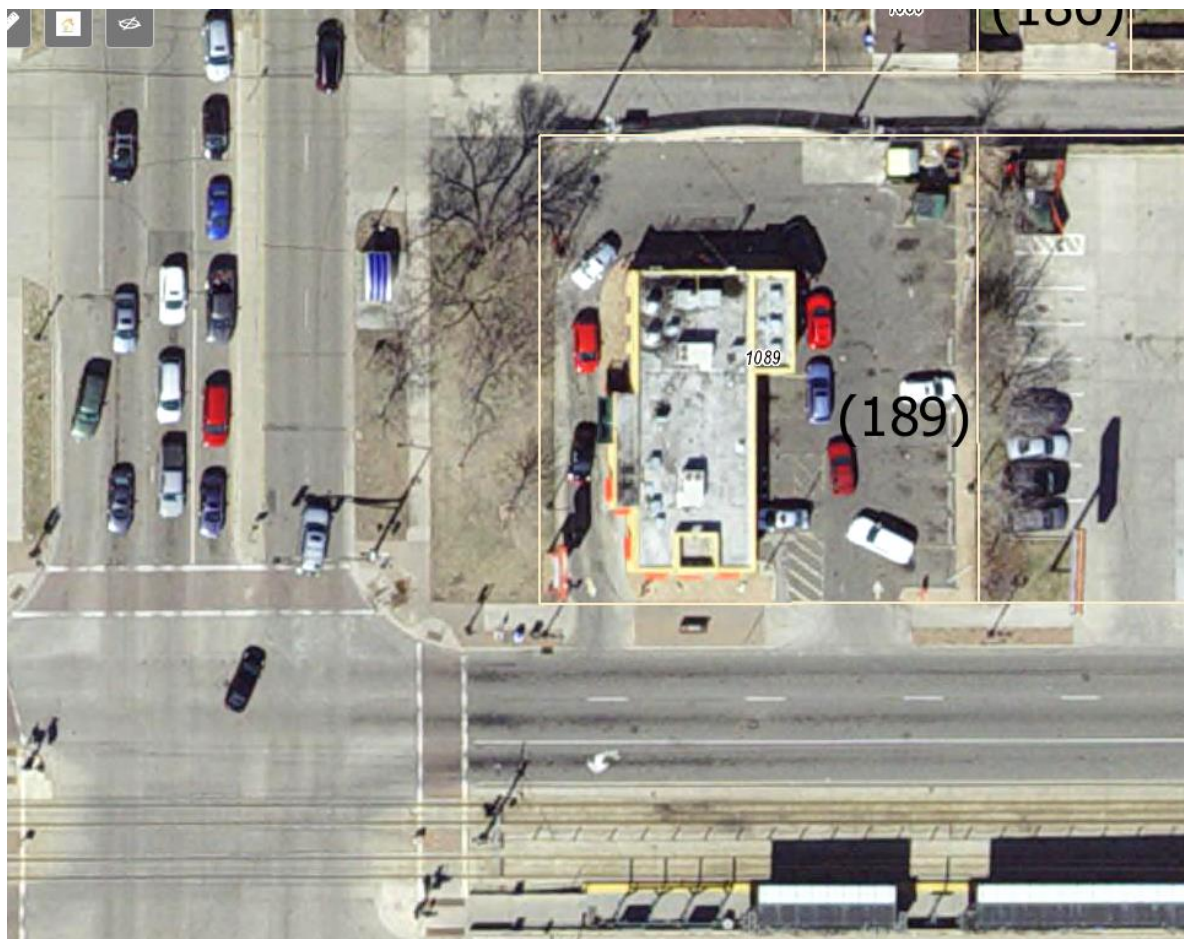
Above: The bank site at 1827 Grand Ave includes a substantial amount of additional pavement to accommodate its drive through operations, beyond what is needed for bank parking. Zoned T2.

**Figure 4: Drive through use on Ford Parkway**



Above: 1959 Ford Pkwy is designed with additional pavement and a larger front yard setback to accommodate drive through vehicles. Zoned T2.

**Figures 5 & 6: Drive through use on University Avenue**



Above and below: The frontage of the fast-food restaurant at 1089 University Ave W dedicates about 33 linear feet to the building, 16 feet to perimeter landscaping (not including the parkway right-of-way west of the lot), and 62 feet to driveways and parking. It is adjacent to a light rail station. Zoned T2.



### Pollution/ Vehicle Miles Traveled

Drive throughs contribute directly to air pollution via vehicle idling that occurs as customers await service. According to the U.S. Department of Energy and the U.S. Environmental Protection Agency, a small sedan burns about 1/6 gallon of gas per hour and each gallon emits about 8.9 kg of carbon dioxide. So, a drive through serving about 200 small, gasoline-powered sedans per day with each waiting an average of six minutes would result in about 30 kg of carbon dioxide emissions per day. At a social cost of about \$51/ton of carbon emissions (per the interim estimate of the [Interagency Working Group on Social Cost of Greenhouse Gases, US Government, 2021](#)), such a drive through scenario would have a social cost of about \$615/year for idling. For a fast-food restaurant or coffee shop, these estimates are plausible based on recent transportation analyses submitted to the City during site plan reviews, although they only address the impacts of certain emissions (carbon dioxide, methane and nitrous oxide). Elsewhere, [a 2008 Texas study](#) estimated that closure of a fast-food restaurant's drive through would result in up to a 67% reduction in nitrous oxide emissions. However, the assumption with any pollution attribution to a drive through is that the idling is replaced with stop in/pick up of goods and that other emissions are not impacted, including that there is not a resulting increase in vehicle miles traveled via delivery services. Recent growth in the use of delivery services casts some doubt on that assumption.

The more significant pollution impact of drive throughs may be indirect: they contribute to more auto-oriented design and lifestyles. That is, negative impacts of drive throughs on pedestrian-oriented streetscapes and density of destinations push people to [own more cars](#) and [drive more](#), which in turn have a much greater – and self-perpetuating – emissions impact than the drive throughs' direct impact.

### Noise

Noise from drive through speakers can negatively impact residential neighbors, particularly when the speakers are close to the property line or the business is open late at night. This issue has not been observed at most drive throughs in Saint Paul. But a fast-food drive through at 565 Snelling Avenue North, whose speaker box is about 65 feet from the nearest residential property line, has generated several noise complaints in recent years. Zoning Code standards for drive throughs include that "(s)peaker box sounds from the drive-through lane shall not be plainly audible so as to unreasonably disturb the peace and quiet of abutting residential property"; although the Zoning Code does not specify a decibel level, Legislative Code Chapter 293 (Noise Regulations) limits noise levels from commercial uses at residential property to 65 dBA during the day and 55

dBA between 10 p.m. and 7 a.m. The drive through at 565 Snelling was inspected and found to be in compliance with the Noise Regulations in August 2013.

## Health

Drive throughs discourage active transportation and encourage driving, with [corresponding negative impacts on people's health](#). Also, it has been noted that fast-food drive throughs often serve less healthy food.

## Other Cities

Most cities allow drive throughs in at least some zoning districts. Minneapolis, as a notable exception, banned new drive throughs citywide in 2019. Portland, Oregon only allows them in one zoning district and other cities often ban them in certain commercial districts that are more pedestrian- or transit-oriented. The following table shows minimum queue lengths and other drive through regulations in several comparison cities' zoning codes.

**Figure 7: Drive through regulations in select comparison cities**

	<u>Min. Distance from Residential</u>	<u>Min. Distance from Intersection</u>	<u>Min. Queuing Distance</u>				<u>Other</u>
			<u>Bank</u>	<u>Pharmacy</u>	<u>Fast-Food</u>	<u>Coffee</u>	
<b>Cleveland</b>	0, but if abutting residential then must close 9:30 p.m. to 6 a.m.	-	5 vehicles	5 vehicles	7 vehicles	7 vehicles	Min. lot size 12,000 square feet
<b>Denver</b>	85' if open 11pm-5:30am	-	Whatever is needed to avoid backing up onto public streets				Not permitted within ¼ mile of a rail station platform
<b>Kansas City</b>	50'	-	80' to first point of services (including menu board)				
<b>Miami</b>	-	-	4 vehicles				
<b>Nashville</b>	-	-	5 vehicles per lane	4 vehicles	5 vehicles	5 vehicles	
<b>Phoenix</b>	-	-	150' for first lane, 100' for add'l	100'	150' per pickup window	100'	Revoked permits in 2019 for a coffee shop's queuing repeatedly spilling into adjacent street

<b>Portland, OR</b>	25'	50'	150' or 80' per lane if multiple lanes				Only permitted in one zoning district
<b>Seattle</b>	-	-	3 to 8 vehicles (depending on context)	Requires a study			Not permitted in pedestrian overlays; also, only permitted in two zoning districts; queue of 10 to 20 for car washes
<b>Saint Paul</b>	60'	60'	4 vehicles	Not specified	Not specified	4 vehicles	Limits # of lanes in T2 district (3 for banks, 1 for others)

## PUBLIC TESTIMONY

Six people spoke at the Planning Commission’s public hearing on June 7, 2024 and 17 emails or letters were provided. Additionally, prior to the hearing staff spoke informally with eight district councils (only two of whom provided written comments), the Business Review Council, the Mayor’s Advisory Committee on Aging, and the Mayor’s Advisory Committee for People with Disabilities; although not all their discussion points are summarized here, ideas and positions of clear consensus from each group are included. The proposal on the table at the public hearing included reducing the districts which would permit the drive through use, prohibiting drive throughs near major transit stations, increasing the required stacking spaces for drive throughs, and requiring a direct pedestrian connection to the building that does not cross drive aisles. It also introduced a definition and standards for a “walk-up service window” and deleted “coffee kiosk” from the code. Below are the major points raised via public testimony, organized per questions asked by the Planning Commission in the public notice.

### Should Saint Paul just prohibit new drive throughs? What are positive and negative aspects of drive throughs?

One speaker as well as written comments from the Fort Road Federation board, the Sustain Saint Paul advocacy group, and nine residents recommend a full prohibition of new drive throughs. Reasons stated include that drive throughs inhibit trip chaining for pedestrians, which is a strategic advantage for Saint Paul businesses; they encourage more driving rather than planning for pedestrians; they harm the environment through air pollution and the need for more pavement; they degrade pedestrian, bicyclist, and vehicle safety near the sites; they are inefficient land uses compared to more dense housing or commercial alternatives; they increase litter; they often cater to national chains at the expense of local character; and they negatively impact public health by encouraging less non-motorized movement and, in the case of fast food, encouraging the consumption of often unhealthy food.



Other commenters oppose prohibiting drive throughs, including five speakers and five written comments. Positive aspects of drive throughs noted include that they are popular and convenient services for customers (especially during harsh weather and for those with disabilities or small children), helpful to business development, and provide safety and convenience for employees, especially at late hours or when staffing is limited.

The Highland District Council, which supports updated regulations but opposes a full prohibition on drive throughs, heard opposition to a recently proposed drive through near Randolph/Hamline due to traffic congestion already present. However, the HDC has heard positive reactions to a Starbucks drive through constructed at Sibley Plaza, which in addition to providing a valued product and community gathering space is designed with plenty of on-site stacking space and has its building and patio located near the street.

### When are curbside delivery options a good alternative for drive throughs?

Only one commenter addressed this question directly, saying that it is an option for pharmacies in lieu of drive throughs. Indirectly addressing this question, commenters noted other alternatives to drive throughs: prescriptions and food can be delivered, most banking can now be done online, and many stores allow customers with debit cards to get cash back. And of course, customers can usually enter the building to conduct business.

In staff's conversations with committees and boards before the hearing, some people noted that curbside delivery can require additional staff (which may be impractical), makes employees go outdoors in poor weather, and requires convenient parking to be reserved for it. Others noted that for fast-food it can operate similarly to drive throughs, which often have customers pull ahead into parking spaces anyway.

### How should drive throughs be regulated differently for different uses like pharmacies, banks, fast-food restaurants, or coffee shops? How should they be regulated the same?

Most formal comments to reference this question advocate for the prohibition of all types of new drive throughs – essentially saying they should all be treated the same. The Highland District Council supports the proposal to prohibit fast-food and coffee shop drive throughs in the T2 district while allowing bank and pharmacy drive throughs in T2; they do not advocate regulating them differently in other districts. Informally, the Advisory Committee on Aging found consensus in permitting new/expanded drive throughs for pharmacies and banks because of the public health and safety benefits of allowing sick individuals to access medicine without entering the premises or allowing bank customers in vehicles to conduct more secure cash transactions, while noting that most problems observed with drive throughs have come from fast-food restaurants or coffee shops (on which their opinions were split).

### Are there any potential unintended consequences to consider from full prohibition or tighter regulation of drive throughs?

Commenters said that prohibiting drive throughs could push business out of the city, cause people to drive further to locations with drive throughs, stifle service innovations that accompany drive through expansions, and cause businesses without drive throughs to close earlier than they would otherwise need to with the staffing efficiencies and staff safety that drive throughs provide.

## Other comments

The Union Park District Council suggested this additional standard for drive throughs: “Service must be provided either via interior access or via walk-up service window throughout the same hours as customers are served by drive-through lanes.”

The Highland District Council suggested conditionally permitting drive throughs in most zoning districts that allow the associated business uses, in order to allow case-by-case evaluation.

One commenter suggested not restricting drive throughs in the B4 district but that the downtown should have the flexibility to evolve to remain vital and relevant.

One commenter suggests that the proposed stacking requirements were overly burdensome, with a minimum of 8 stacking spaces being more reasonable for fast-food restaurants and coffee shops.

## ANALYSIS

Public comments highlight the impacts of drive throughs in light of sometimes competing policies in the 2040 Saint Paul Comprehensive Plan, namely those that encourage pedestrian-friendly design and reduction of vehicle use vs. those that promote economic growth, including the following excerpts:

- Policy LU-6. Foster equitable and sustainable economic growth by:
  - facilitating business creation, attraction, retention and expansion;
  - supporting family-sustaining jobs and enhancing workers’ skills to excel at those jobs;
  - growing Saint Paul’s tax base in order to maintain and expand City services, amenities and infrastructure;
- Policy LU-8. Ensure that zoning and infrastructure support environmentally and economically efficient, resilient land use development.
- Policy LU-9. Promote high-quality urban design that supports pedestrian friendliness and a healthy environment, and enhances the public realm.
- Policy LU-14. Reduce the amount of land devoted to off-street parking in order to use land more efficiently, accommodate increases in density on valuable urban land, and promote the use of transit and other non-car mobility modes.
- Policy LU-18. Support facilities outside public rights-of-way to support pedestrian and bicycling activity, such as sidewalk access to building entrances, adequate lighting, trails and bicycle parking/storage.
- Policy T-21. Reduce vehicle miles traveled (VMT) by 40% by 2040 by improving transportation options beyond single-occupant vehicles.
- Policy T-22. Shift mode share towards walking, biking, public transit, carpooling, ridesharing and carsharing in order to reduce the need for car ownership.

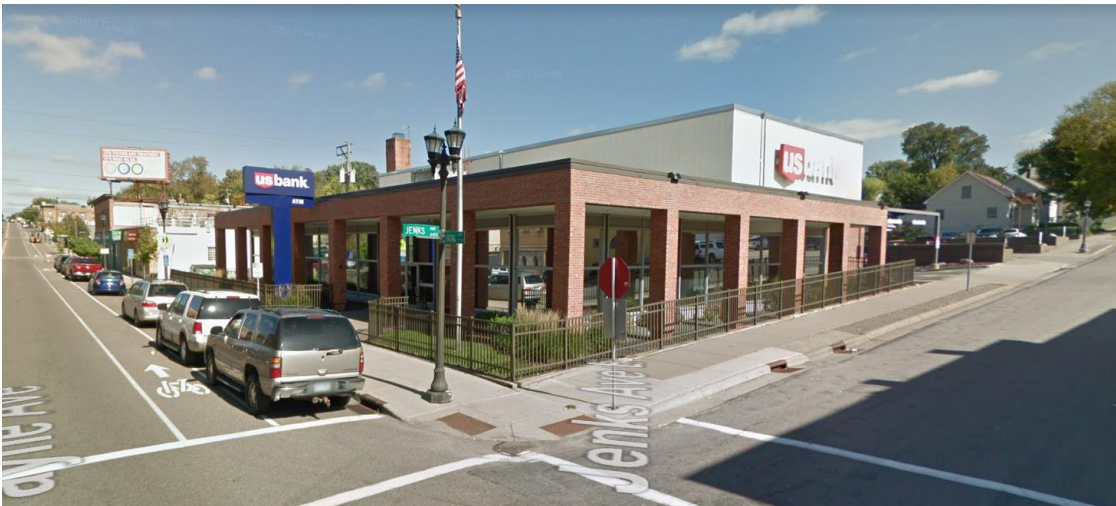
Most existing drive throughs, including the examples highlighted in the “Problems” section above, are largely inconsistent with these policies. However, there are real-world examples that are fully or mostly consistent with the Comp Plan policies, including those below. These examples show that drive throughs can be designed to work with pedestrian-friendly and transit-oriented design elements.

### **Figure 8: Bremer Bank with drive through on Snelling Avenue**



Above: 423 Snelling Avenue South is a mixed-use project that contains a bank with a drive through whose vehicular stacking is fully contained within an indoor parking structure; Zoned T3; the drive through was a legal nonconforming use (as part of a standalone single-story bank) that received a permit from Planning Commission to change its layout in conjunction with the site's redevelopment to a multi-story building.

**Figure 9: US Bank with drive through on Payne Avenue**



Above: The bank at 1000 Payne Avenue has its building close to the street with five lanes of drive through service behind it. Zoned B2.

**Figure 10: Starbucks with drive through on West 7<sup>th</sup> Street**



*Above: The coffee shop at 2525 West 7<sup>th</sup> Street has its building and patio close to the street with a drive through lane behind and to the side of it. There is plenty of stacking space and it is part of a larger shopping center. Zoned B2.*

When it comes to economic development goals such as facilitating business creation and expansion, supporting jobs, and expanding tax base, or to providing goods and services that support residential density to be added to our city in the coming decades, it is important to recognize that:

- most new pharmacies and banks are built with drive throughs, even in Saint Paul-style urban settings;
- much of the forecasted denser residential development in Saint Paul is anticipated to happen in downtown (zoned B4 and B5), on larger parcels along University Avenue’s south side (mostly zoned T3 and T4), at The Heights (zoned T1M, T3M, and ITM) and along major streets in various parts of the city (zoning districts often include T2 or B2); and
- if goods and services to support residential density are not provided nearby, it could induce more transportation (including by car) to reach those destinations.

## COMPREHENSIVE & NEIGHBORHOOD PLANNING COMMITTEE

A staff recommendation was presented to the Committee on August 28, 2024. Upon discussion, the Committee made two adjustments to the staff recommendation: (1) expanded the prohibition of fast-food and coffee shop drive throughs from T2 to all zoning districts; and (2) added a requirement for walk-up or interior service to be provided during the same hours as the drive through operates. Below is an overview of the Committee’s recommendation. The full set of recommended code amendments is contained in the attached draft Planning Commission resolution.

- **Prohibit fast-food and coffee shop drive throughs in all zoning districts.** Our local experience shows that drive throughs associated with these food and beverage uses have more negative impacts on pedestrian-oriented development than those associated with banks or pharmacies (see “Problems” and “Public Testimony” sections above). Drive throughs associated with other uses like pharmacies or banks have less dominant negative impacts, are more necessary for safety (or perceived safety), and can more effectively be incorporated into pedestrian- and transit-oriented development.
- **Require walk-up customers to be served during the same hours the drive through is open.** Such service could be via the inside of the building, a walk-up kiosk (such as an ATM), or a walk-up service window; the walk-up service cannot be provided via the drive-through window.

- **Eliminate drive throughs as a permitted use in the B4 Central Business District and B5 Central Business-Service District.** In Policy LU-24, which applies to the downtown area (both zoning districts B4 and B5), the Comprehensive Plan calls for prioritizing public and private infrastructure investments that improve the public realm to encourage street-level pedestrian activity; continuing to allow drive throughs downtown would run counter to this policy. The B4 Central Business District was created in 1975 with accommodation of vehicular traffic as a primary concern. In modern times, accommodation of pedestrian traffic has become a much greater concern in downtown. Elimination from B4 is supported by Zoning Code Section 66.444, which states that uses in B4 shall not require frequent vehicular movements across sidewalks. It also says uses in B4 must not create objectionable influences, shall encourage through their character the concentration of similar businesses in continuous retail frontage to mutual benefit of consumers and uses, and shall not impede the normal and orderly development and improvement of surrounding uses. The B5 Central Business-Service District is intended to provide some uses that “involve objectionable influences” such as noise or truck traffic, but the code is silent on frequent vehicular movements across sidewalks in B5; the Comp Plan’s direction to encourage street-level pedestrian activity stands as a policy reason to eliminate drive throughs in B5, especially given the block patterns in downtown that would necessarily present conflicts between drive through traffic and pedestrian movement that cannot be well mitigated through design.
- **Eliminate drive throughs as a conditional use in the OS Office-Service District and B1 Local Business District.** These districts are intended for fine-grained development that is not appropriate for drive throughs.
- **Add drive throughs as a conditional use in the T3 and T4 zoning districts, with a standard that requires a minimum building height of four stories and size of 40,000 square feet.** These changes collectively would allow businesses with drive throughs to potentially be incorporated into denser transit-oriented development in places like the south side of University Avenue or The Heights where much residential development is anticipated in the coming decades.
- **Prohibit drive throughs or their access points within 300 feet of a major transit station,** i.e. light rail transit, bus rapid transit, arterial bus rapid transit, or streetcar. This will ensure that space closer to transit stations is reserved for denser development that is less dependent on vehicles and takes better advantage of the transit proximity.
- **Require additional stacking for drive throughs.** Drive through analyses in Saint Paul and elsewhere have found that stacking needs are typically greater than required by our Zoning Code. Drive through stacking that backs into roadways presents safety issues to pedestrians, bicyclists, and other motorists. Clear requirements for drive-through stacking at coffee shops and pharmacies – currently just left to the Zoning Administrator – would be helpful for all parties. Unlike current code, it is recommended that minimum stacking may be accommodated in the aggregate through multiple drive-through lanes, rather than a minimum per lane. Establishing requirements for food and beverage drive throughs, even if those uses are not permitted, will be helpful in evaluating and administering any future nonconforming use permits for these uses.
- **Require direct pedestrian access to businesses with drive throughs that does not require pedestrians to cross drive-through lanes or other vehicular circulation.** Comprehensive Plan Policy LU-9 calls for promoting high-quality urban design that supports pedestrian friendliness and a healthy environment, and enhances the public realm. An amendment to allow pedestrians to directly access a business without crossing drive through lanes (or other on-site traffic) would further the implementation of Policy LU-9.
- **Increase the separation distance of drive through lanes from residential properties.** An increase in the minimum separation distance from residential properties from 60 feet to 120 feet would

reduce the negative impacts of drive throughs such as noise or pollution that are most acutely experienced by immediate neighbors. With a larger separation requirement, it should be stipulated that it only applies to the same side of the street – or at least arterial streets – and does not apply to mixed use developments that intentionally incorporate the use alongside residential uses.

- **Delete “coffee kiosk” from the Zoning Code.** Any coffee shop that operates like a coffee kiosk is covered by the drive through regulations. There are no standards and conditions that apply specifically to coffee kiosks, so the separate definition is unnecessary.

Also, it is recommended to introduce a definition and standards for “walk-up service window” (as an accessory use) to ensure that these uses provide safe pedestrian access from adjacent sidewalks.

## IMPLEMENTATION NOTES

Existing drive throughs that were established legally but become nonconforming due to code amendments via this zoning study will be “legal nonconforming”. Per Legislative Code Chapter 62, legal nonconforming drive throughs may continue operating unless they discontinue for a period of more than one year. Also, they generally may be altered so long as the use is not expanded (in any district where the use is no longer permitted) and any dimensional nonconformity is not increased (unless approved by the Planning Commission through a nonconforming use permit).

Estimating the impact of Zoning Code amendments on individual sites’ conformity requires making nonbinding judgment calls on several issues, especially regarding how to measure separation distances. Since no Zoning Administrator decisions are being made through this study, none of the following estimates are binding on any individual properties. Rather, these estimates are provided to allow order-of-magnitude understanding of potential impact on businesses.

Currently, 58 of the city’s 76 drive throughs (not counting the Capitol Area) are estimated to be nonconforming. The recommended Zoning Code amendments could make an additional 17 of them nonconforming, including 9 fast-food restaurants, 1 coffee shop, and 7 banks. Specifically, two bank drive throughs in downtown would become non-conforming because of the zoning, one bank drive through in Highland Park would become non-conforming because of proximity to an arterial bus rapid transit station, two bank drive throughs on the West Side and two restaurant drive throughs in the North End would become nonconforming because of the lack of a direct pedestrian connection, two bank drive throughs would become nonconforming because of less than 120 feet of separation of drive through lanes from a residential use, and one coffee shop drive through (in Highland Park) and six restaurant drive throughs (five in Southeast and one in Dayton’s Bluff) would become nonconforming because they are food and beverage uses (three of which would also become nonconforming because of a lack of stacking space). As noted above, all legal nonconforming drive throughs could continue operating in their current situations.

One bank drive through (in Union Park) is currently nonconforming due to its T3 zoning but would become conforming under the recommended amendments because it is part of a larger structure that satisfies the minimum building size standards.

## COMMITTEE RECOMMENDATION

The Comprehensive and Neighborhood Planning Committee recommends the Planning Commission approve the attached resolution to recommend zoning code amendments regarding drive-through sales and services.

## ATTACHMENTS

1. Draft Planning Commission resolution
2. Drive throughs in Saint Paul (spreadsheet)
3. Map of existing drive throughs in Saint Paul

Please also see the video, [written testimony](#), and [approved minutes](#) from the June 7, 2024 Planning Commission public hearing on the Planning Commission's webpage: [www.stpaul.gov/planningcommission](http://www.stpaul.gov/planningcommission).