

Appendix: Implementation Analysis

This appendix builds upon the main memo’s analysis to explain how the proposed amendments would be implemented with regard to either phasing out or continuing drive through uses, in order to inform the Planning Commission’s deliberations.

Phasing Out of Drive Throughs

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 75 drive throughs (not counting the Capitol Area) are estimated to be nonconforming. The proposed Zoning Code amendments could make an additional 12 of them nonconforming, including 8 fast-food restaurants and 4 banks. Specifically, one bank drive through 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 banks on the West Side and two restaurants in the North End would become nonconforming because of the lack of a direct pedestrian connection, and six restaurants (five in Southeast and one in Dayton’s Bluff) would become nonconforming because of the zoning (three of which would also become nonconforming because of a lack of stacking space). As noted above, these nonconforming drive throughs could continue operating in their current situations. A few examples of drive throughs that could become nonconforming through this zoning study are shown below.

Figure A-1: 1672 Rice Street



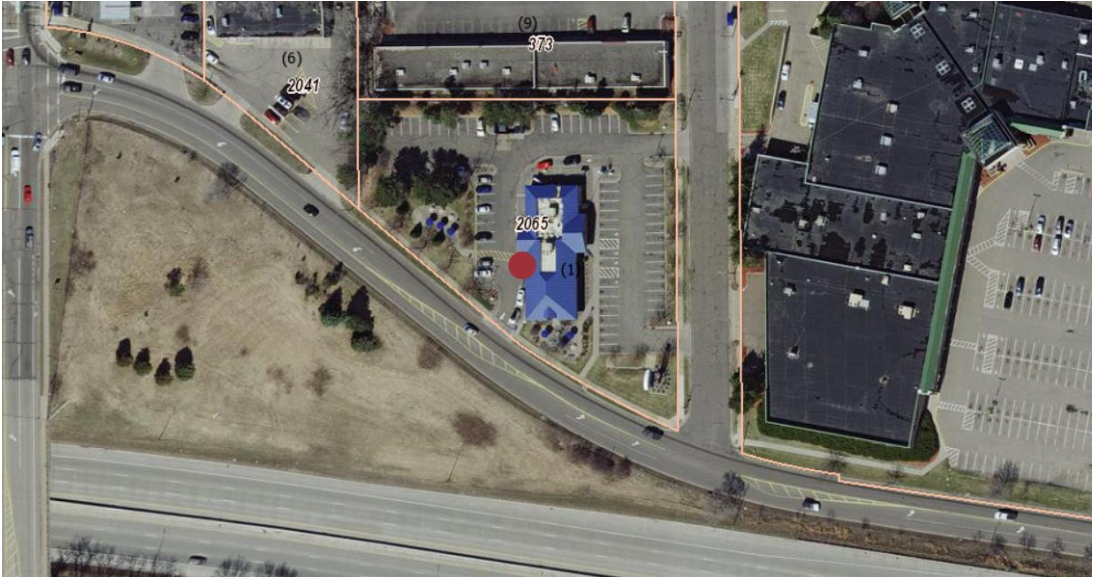
Above: The restaurant at 1672 Rice Street (southeast corner with Larpenteur Avenue) would become nonconforming because of the lack of direct pedestrian access without crossing a drive aisle. The site is zoned B3.

Figure A-2: 1960 Suburban Avenue



Above: The restaurant drive through at 1960 Suburban Avenue would become nonconforming because it is zoned T2 and because it provides on-site queuing for only 11 vehicles.

Figure A-3: 1672 Rice Street



Above: The restaurant drive through at 2065 Old Hudson Road would become nonconforming for two reasons: it's zoned T2, which would no longer permit fast-food drive throughs, and has queuing space for less than 12 vehicles. Notably, it is also adjacent to a planned Gold Line Bus Rapid Transit station.

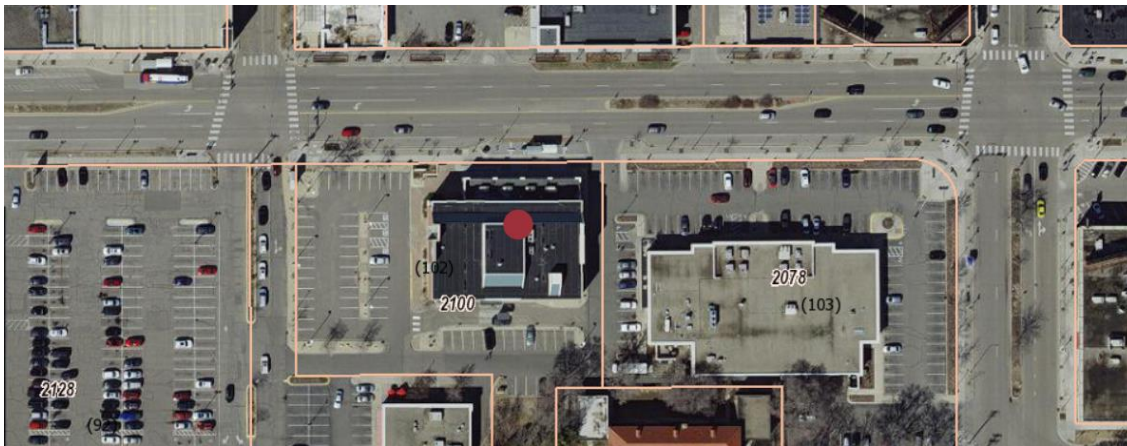
Figures A-4 and A-5: 1940 Suburban Avenue





Above: The fast-food drive through at 1940 Suburban Avenue is part of a grouping of fast-food restaurants near Interstate 94. It would become nonconforming because it is zoned T2.

Figures A-6 and A-7: 2100 Ford Parkway

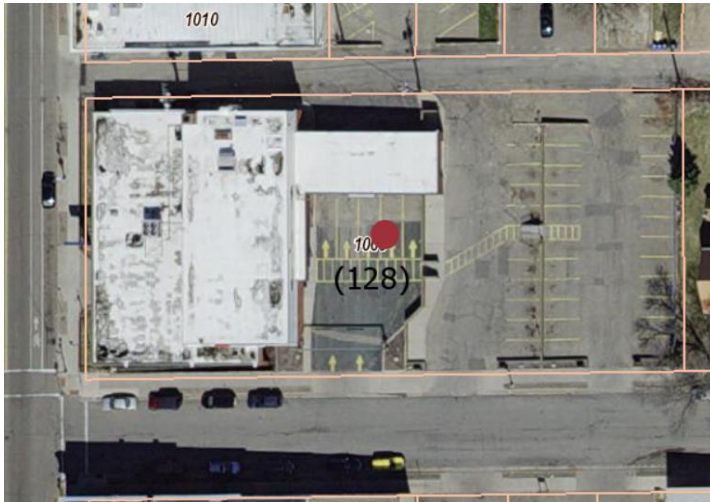


Above: The bank at 2100 Ford Parkway is part of a multitenant building and has its drive through lanes located behind the building, accessed via parking lots with shared access agreements. It would lose its conformity because an arterial bus rapid transit station is immediately in front of the building. It is zoned T2.

Conforming Drive Throughs That Would Remain Conforming

Six drive throughs in Saint Paul (not counting the Capitol Area) would appear to remain conforming if the proposed amendments were enacted, including five banks and a coffee shop. Examination of these sites can inform whether the proposed amendments encourage what the City truly desires to see, or if revisions to the amendments are desirable.

Figures A-8 and A-9: 1000 Payne Avenue



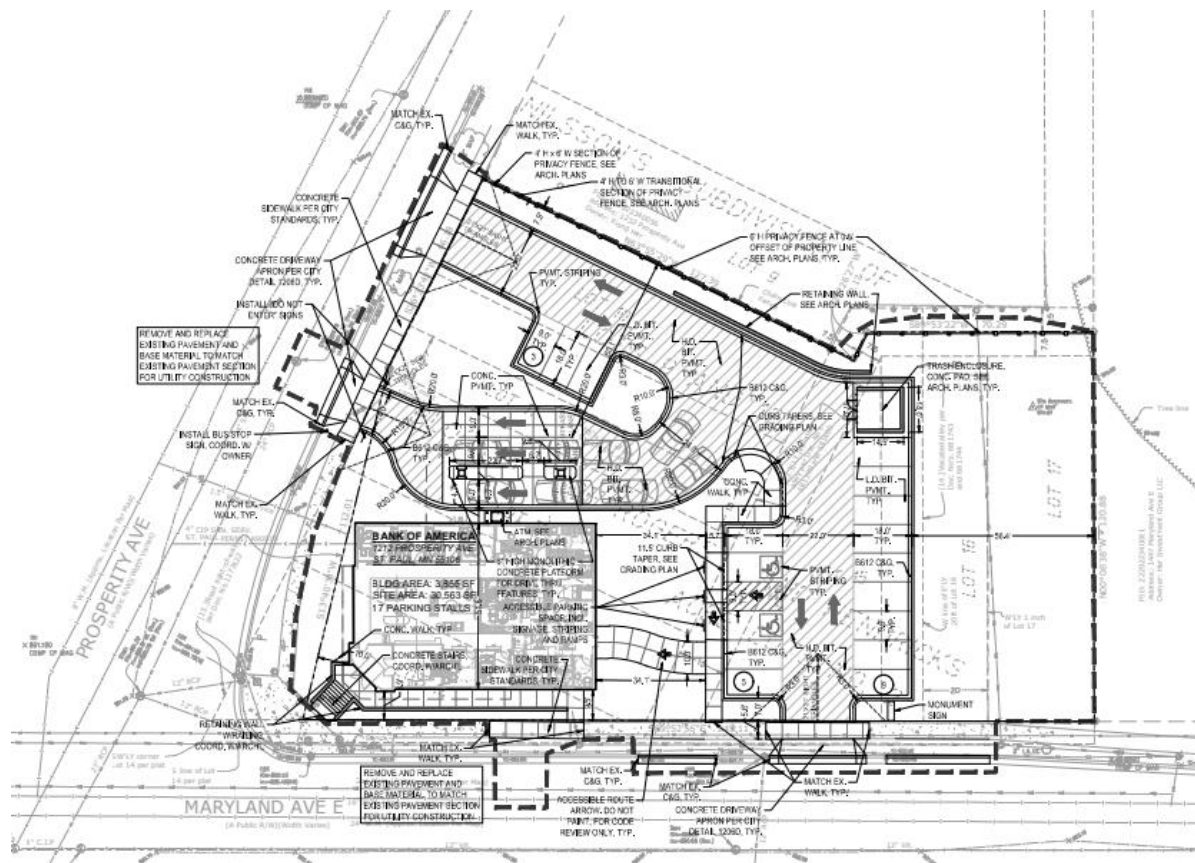
Above: The bank at 1000 Payne Avenue has its building close to the streets with five lanes of drive through service behind it. It is zoned B2.

Figures A-10 and A-11: 2171 University Avenue



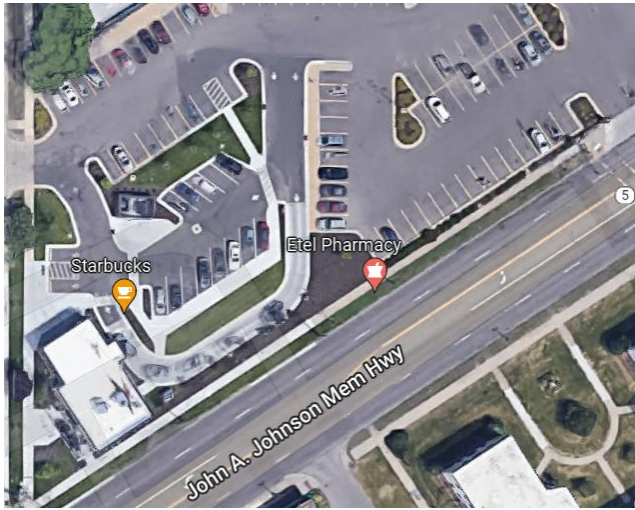
Above: The bank at 144 11th Street East is zoned B5. Vehicles enter the drive through via 11th Street and exit via Jackson Street, across the off-street bike path.

Figure A-14: 1212 Prosperity Avenue



Above: The planned bank at 1212 Prosperity Avenue (northeast corner with Maryland Ave) received conditional use permit approval in 2020. It barely provides a 60-foot separation of drive through lanes from residential properties. Even though the minimum stacking for banks is proposed to increase from four vehicles to six, it is proposed to be aggregate stacking rather than per-lane; therefore, the required stacking would encroach no closer to the adjacent residential uses than under existing regulations. It is zoned T2.

Figures A-15 and A-16: 2525 7th Street West



Above: The coffee shop drive through at 2525 7th Street West received conditional use permit approval in 2019. It has on-site stacking for 13 vehicles, plus substantially more on the adjacent lot to the east, with which it has shared access agreements. It is zoned B2.