

**AGENDA**  
**PLANNING AND ZONING COMMISSION MEETING**  
**BOERNE CITY HALL**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Monday, July 7, 2025 – 6:00 p.m.**

A quorum of the Planning and Zoning Commission will be present during the meeting at: 447 N. Main St., Boerne, TX 78006

EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE: THE PLANNING AND ZONING COMMISSION MAY, AS PERMITTED BY LAW, ADJOURN INTO EXECUTIVE SESSION AT ANY TIME TO DISCUSS ANY MATTER LISTED BELOW AS AUTHORIZED BY TEXAS GOVERNMENT CODE §551.071 (CONSULTATION WITH ATTORNEY)

1. CALL TO ORDER – 6:00 PM

Pledge of Allegiance to the United States Flag

Pledge of Allegiance to the Texas Flag

(Honor the Texas flag, I pledge allegiance to thee, Texas – one state under God, one and indivisible.)

2. CONFLICTS OF INTEREST

3. PUBLIC COMMENTS: This is the opportunity for visitors and guests to address the Planning and Zoning Commission on any issue. The Planning and Zoning Commission may not discuss any presented issue, nor may any action be taken on any issue at this time. (Attorney General opinion – JC-0169)

4. CONSENT AGENDA: All items listed below within the consent agenda are considered routine by the Planning and Zoning Commission and may be enacted with one motion. There will be no separate discussion of items unless there is a Commission member or citizen request, in which event the item may be moved to the general order of business and considered in its normal sequence.

A.     [2025-296](#)           CONSIDER APPROVAL OF THE MINUTES OF THE PLANNING AND ZONING COMMISSION MEETING OF JUNE 2, 2025.

**Attachments:**     [25-0602 Official Meeting Minutes](#)

5. REGULAR AGENDA:

- A.     [2025-283](#)     PUBLIC HEARING AND CONSIDER A REQUEST FOR A SPECIAL USE PERMIT (SUP) FOR A THRIFT STORE LOCATED AT 1030 N MAIN ST.

**Attachments:**     [AIS Special Use Permit - Goodwill - 1030 N Main St](#)  
                          [Attachment 1 - Aerial](#)  
                          [Attachment 2- FLUM](#)  
                          [Attachment 3 - Zoning Map](#)  
                          [Attachment 4 - Environmental Constraints](#)  
                          [Attachment 5 - Project Narrative](#)  
                          [Attachment 6 - Fixture plan](#)  
                          [Attachment 7 - Proposed Sign Package](#)  
                          [Attachment 8 - Written Responses](#)  
                          [Attachment 9 - UDC Sec. 2-5.D.4 Special Use Permit Approval Criteria](#)

- B.     [2025-294](#)     POSTPONED: PUBLIC HEARING AND CONSIDER ON A REQUEST TO REZONE A 3.976 ACRE TRACT(S) FROM HOL-INTERIM HOLDING ZONING DISTRICT TO C3-SICO (COMMUNITY COMMERCIAL WITHIN THE SCENIC INTERSTATE CORRIDOR OVERLAY DISTRICT) LOCATED IMMEDIATELY TO THE EAST OF THE PROPERTY GENERALLY LOCATED AT 33375 INTERSTATE 10 W. (This item has been postponed. No discussion or decision will take place at this time. It will be re-advertised prior to being considered by the Commission.)

**Attachments:**     [Item 5-B PZ 7-7-25 Continuance](#)

6. DISCUSSION ITEMS:

- A.     [2025-315](#)     DRIVE-THRU REGULATIONS DISCUSSION.

**Attachments:**     [PC memo post PH- Drive Throughs](#)  
                          [Engineering-Design-Manual Drive Throughs](#)

- B.     [2025-316](#)     STAFF TRANSITION DISCUSSION.

- C.     [2025-317](#)     INTRODUCTION OF NEW PLANNING AND ZONING ADMINISTRATIVE ASSISTANT, KYLIE NETTLES.

7. COMMENTS FROM COMMISSION/LEGAL COUNSEL/STAFF - No discussion or action may take place

8. ADJOURNMENT

s/s Nathan Crane

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Administrative Officer

CERTIFICATION

I herby certify that the above notice of meeting was posted on the 3 day of July, 2025  
at 4:30 p.m.

s/s Kylie Nettles

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Secretary

**NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS**

**The City Hall Complex is wheelchair accessible. Access to the building and special parking is available at the front entrance of the building. Requests for special services must be received forty-eight (48) hours prior to the meeting time by calling the Planning and Community Development Department at 830-248-1501.**

Pursuant to Section 30.06 Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Pursuant to section 30.07 Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

**MINUTES**  
**PLANNING AND ZONING COMMISSION MEETING**  
**BOERNE CITY HALL**  
**RONALD C. BOWMAN CITY COUNCIL CHAMBERS**  
**447 North Main Street**  
**Monday, June 2, 2025 – 6:00 p.m.**

Minutes of the Planning and Zoning Commission meeting of June 2, 2025 at 6:00 p.m.

Present: 7 - Chairman Tim Bannwolf, Vice Chair Lucas Hiler, Commissioner Bill Bird, Commissioner Bob Cates, Commissioner Susan Friar, Commissioner Cody Keller, Commissioner Carlos Vecino

Staff Present: Maria Garcia, Kristy Stark, Barrett Squires, Heather Wood, Nathan Crane, Francesca "Franci" Linder, Jo-Anmarie Andrade, Jeff Carroll, Cheryl Rogers, Ryan Bass, Elizabeth "Liz" Huvalla, Jo-Anmarie Andrade

Recognized and Registered Guests: Daniel Wetzel, Keith Watson, Kurtis Graves, Brian Sticht, Calvin Schwarz, Virginia Garza, Katherine Doherty, Steve Lee, Jennifer Fields, Deanna Arellano, Eric Munoz, Sylvia Swartz, Ramiro Guerrero, Aryn Graves, Mark Santos, Celina Watson, Keith Watson, Katherine Dougherly, Leal Hernandez, Brenda Alexander, Justin Hobson, Ashley Dawson, Terrance Zollecoffer, Seremiah Dominguez, Clayton Parker, Dennis Spinelli

**1. CALL TO ORDER – 6:00 PM**

Chairman Bannwolf called the Planning and Zoning Commission to order at 6:00 p.m.

Pledge of Allegiance to the United States Flag

Pledge of Allegiance to the Texas Flag

(Honor the Texas flag, I pledge allegiance to thee, Texas – one state under God, one and indivisible.)

**2. CONFLICTS OF INTEREST**

No conflicts were declared.



### 3. OATHS OF OFFICE

- 3.A.**     [2025-239](#)     Administer oaths of office - Commissioner Bill Bird and Commissioner Cody Keller.

Elizabeth "Liz" Huvalla, Planning Development Coordinator, gave the oaths of office to reappointed Commissioner, Mr. Bill Bird and newly appointed Commissioner, Mr. Cody Keller.

### 4. ELECTIONS

Commissioner Bill Bird, and Commissioner Cody Keller, gave brief backgrounds on themselves.

Commissioner Cates made a motion, seconded by Commissioner Friar, to elect Commissioner Hiler for Vice Chair of the Planning and Zoning Commission. The motion carried by the following vote:

**Yea 7** - Chairman Bannwolf, Commissioner Bird, Commissioner Keller, Commissioner Friar, Commissioner Vecino, Commissioner Cates, Commissioner Hiler

Commissioner Hiler made a motion, seconded by Commissioner Bird, to elect Commissioner Cates for Secretary of the Planning and Zoning Commission. The motion carried by the following vote:

**Yea 7** - Chairman Bannwolf, Commissioner Bird, Commissioner Keller, Commissioner Friar, Commissioner Vecino, Commissioner Cates, Commissioner Hiler

- 4.A.**     [2025-240](#)     Consider election of vice chair and secretary.

### 5. PUBLIC COMMENTS:

Chairman Bannwolf opened public comments at 6:10 p.m.

Keith Watson spoke regarding concerns with the proposed egress point from item 7.A. that would go into their neighborhood that would cause congestion and safety concerns.

Curtis Graves spoke regarding concerns with congestion in their neighborhood, and concerns with the narrow streets.

Brian Stitch shared some of the same concerns with other neighbors from The Villas at Hampton Place and concerns with families being negatively impacted by the proposed development adjacent to their neighborhood.

Calvin Schwarz shared some of the same concerns of fellow neighbors; he would like the developer to consider other access points, not into their neighborhood.

Virgina Garza stated they already have more traffic from Lattimore opening into their neighborhood at the Hampton's. She further spoke in opposition of the other proposed access point into their neighborhood, and expressed concerns with safety of children with possible added traffic.

Katherine Doherty spoke regarding increased air pollution, potential environmental impacts, and safety concerns with increased traffic.

Steven Lee spoke regarding safety concerns with additional traffic, concerns with children playing and traffic cutting through.

Jennifer Fields, Deanna Arellano, Eric Munoz (president of the Home Owners Association), and Kathy Schwarz, all residents that live in The Villas at Hampton Place, spoke sharing some of the same concerns of their fellow neighbors and spoke in opposition of item 7.A.

Chairman Bannwolf closed public comments at 6:36 p.m.

## 7. REGULAR AGENDA:

- 7.A.**     [2025-237](#)     Public Hearing on a proposed zoning change request from a HOL-Interim Zoning District to R3-D - Duplex Residential Zoning District within the SIC - Scenic Interstate Corridor Overlay District for a 6.46 acre tract of land, located at 727A Johns Road.

At 6:36 p.m., Chairman Bannwolf prioritized item 7.A., moving it ahead of the consent agenda.

Francesca "Franci" Linder, Assistant Planning Director, presented the proposed rezoning case.

Chairman Bannwolf opened the public hearing at 6:59 p.m.

Ramero Guerrero, a representative from Boerne Independent School District (ISD), emphasized that the board of trustees holds the authority to make decisions concerning the access point to their property and that their priority is safety. He pointed out that they have not received a follow up plan from the developer regarding the proposed access point through Fabra Elementary School. He wanted to clarify that this access point is not finalized.

Aryn Graves, spoke in opposition of the proposed development.

By a show of hands, the majority of the audience was present for this proposed rezoning case.

Chairman closed the public hearing at 7:08 p.m.

Commission discussion ensued regarding the concerns raised by residents during public comments, as well as the commission's own apprehensions related to the proposed project; key issues highlighted included the adequacy of access points, potential traffic impacts, and safety considerations that could affect the adjacent subdivision. There were also concerns that approval of the zoning could lead to the development of a different project than the one currently under consideration. The commission expressed their desire to preserve the quality of life, maintaining the unique charm of Boerne, and addressing the needs and desires of the community at large.

Dennis Spenilli, property owner, spoke regarding other adjacent neighbors who are unwilling to collaborate on establishing a shared

easement that would provide an additional access point to the site. This lack of cooperation has created significant challenges for their development team, as they seek to navigate the complexities of local regulations and community expectations.

Daniel Wetzel, the project representative, addressed the potential for establishing a gated access point to the Hamptons subdivision. As for the other access point near Farbra Elementary, he emphasized that previous discussions with the school district had been preliminary and did not involve any formal proposal regarding an easement. However, he noted that there is already a 12-foot easement in place at that access point, which is grandfathered in. He discussed how they have already reduced density in their plan and would be willing to look at the possibility of making the roads private.

Overall the Commission still had concerns with the proposed access point to the Hampton's subdivision, and shared concerns that were brought up by the community.

A motion was made by Commissioner Friar, seconded by Commissioner Hiler, to deny a proposed zoning change request from a HOL-Interim Zoning District to R3-D - Duplex Residential Zoning District within the SIC - Scenic Interstate Corridor Overlay District for a 6.46-acre tract of land, located at 727A Johns Road.

The applicant requested to withdraw the item rather than have a recommendation to deny the request.

Motion and second was nullified. No further action taken and application was considered withdrawn.

#### 6. CONSENT AGENDA:

- 6.A. [2025-236](#) Consider approval of the minutes of the Planning and Zoning Commission meeting of May 5, 2025.

Item 6.A. was voted on separately, as follows:

A motion was made by Commissioner Keller, seconded by Commissioner Friar, to approve agenda item 6.A. (the minutes of the Planning and Zoning Commission meeting of May 5, 2025) with the following modification to the Special Use Permit for a drive-thru (Starbucks):

Franci Linder confirmed that if another business came in on the adjacent property, another drive-thru would **NOT** be allowed **WITHOUT ANOTHER SUP APPROVAL**.

The motion carried by the following vote:

**Yea 7** - Chairman Bannwolf, Commissioner Bird, Commissioner Keller, Commissioner Friar, Commissioner Vecino, Commissioner Cates, Commissioner Hiler

- 6.B.**     [2025-242](#)     Consider approval of Corley Farms Unit #5 Major Subdivision Final Plat generally located north of Corley Road and west of Vallerie Lane within the Extraterritorial Jurisdiction (ETJ) of the City of Boerne.

A motion was made by Commissioner Bird, seconded by Commissioner Vecino, to approve consent agenda item 6.B.

The motion carried by the following vote:

**Yea 7** - Chairman Bannwolf, Commissioner Bird, Commissioner Keller, Commissioner Friar, Commissioner Vecino, Commissioner Cates, Commissioner Hiler

#### REGULAR AGENDA:

- 7.B.**     [2025-238](#)     Public Hearing on a request for a Special Use Permit (SUP) to allow a drive-thru in the C2 - Transitional Commercial Zoning District within the SOBO - South Boerne Overlay District at Common of Menger Unit 11, Lot 11A, generally located near the northeast corner of Gallant Fox and Herff Road.

Francesca Linder, Assistant Planning Director, presented the proposed special use permit.

The commission discussed concerns with the uncertainty surrounding the timeline for developing the property to the east and the associated opening of the cul de sac in that direction. Additionally, they discussed traffic issues related to another Starbucks location in town and raised inquiries about the traffic studies that have been conducted, as well as those planned for the future, and questioned the traffic codes presented in the peak hour generation form. The commission expressed their desire to be meticulous in assessing all facets of proposed developments and their potential impacts on the town and its residents.

The developer, Justin Hobson, along with project engineer Mark Santos, presented to the commission on several key issues. They highlighted their plan's provision of 11 stacking spaces and 36 parking spots, which contrasts from the other Starbucks location in the area that experiences stacking issues. They indicated that traffic studies showed that much of the traffic there on Herff Road consists of vehicles already en route to other destinations, that will merely be stopping for coffee rather than generating new trips. Mark Santos noted that the city would reevaluate peak hour trips before issuing a certificate of occupancy and building permit. They also highlighted that with changing consumer behaviors, many customers place orders through an app, which allows for six designated mobile order pickup spaces, thereby streamlining operations and reducing congestion. They further noted that the proposed land use is consistent with the original master plan that included a coffee shop.

Jeff Carroll, City Engineering and Mobility Director, explained that a consultant is currently conducting a traffic study (to include one access point to the west and the driveway itself) to determine whether a deceleration lane is necessary and he discussed stacking concerns. He noted that the city will be overseeing the study and the primary objective is to prevent traffic from backing up onto Herff Road.

Chairman Bannwolf opened the public hearing at 8:50 p.m.

No comments were received from the public.

Chairman Bannwolf closed the public hearing at 8:50 p.m.

A motion was made by Commissioner Bird, seconded by Commissioner Vecino, to make a recommendation to Boerne City Council to approve a Special Use Permit (SUP) to allow a drive-thru in the C2 - Transitional Commercial Zoning District within the SOBO - South Boerne Overlay District at Common of Menger Unit 11, Lot 11A, generally located near the northeast corner of Gallant Fox and Herff Road with the following conditions:

1. The connection to either cul-de-sac to the east or west be established prior to the certificate of occupancy being issued
2. Hire a third-party consultant (selected by the City) to prepare a traffic study (paid for by the applicant), for both lots 11A +11B, to determine the need for a deceleration lane on Herff Road to the right-in-right-out access point; the traffic study would assume that the connection to the west was opened but not the connection to the east. If the study determines that there is a need for the deceleration lane it shall be constructed prior to the issuance of a certificate of occupancy.
3. Provide directional signage for individuals to access the drive-thru
4. The landscaping plan and permeable paving system must meet UDC requirements at time of development as determined by the Planning Director

The motion passed by the following vote:

**Yea 5 -** Chairman Bannwolf, Commissioner Bird, Commissioner Keller, Commissioner Friar, Commissioner Vecino

**Nay 2 -** Commissioner Cates, Commissioner Hiler

- 7.C.**     [2025-241](#)     Major Development Plat approval for Big Country #104 generally located at the southwest corner of Spencer Ranch Blvd and State Highway 46 within the Extraterritorial Jurisdiction (ETJ) of the City of Boerne.

Jo-Anmarie Andrade, City Planner II, presented the proposed plat.

Commission discussion ensued regarding traffic studies that have been done for this project and adjacent projects. They questioned if this gas station could prompt a traffic light and if other frontage commercial properties require traffic studies.

Chairman called for a ten minute recess at 9:00 p.m.

Chairman resumed the Planning and Zoning Commission meeting at 9:09 p.m.

Jeff Carroll, Director of Engineering and Mobility, spoke regarding previous traffic studies that were done for this parcel; a traffic signal was not triggered at this time. Other frontage commercial properties will require traffic studies and likely will trigger a traffic light. He also clarified that the gas station parcel was sold off from Spencer Ranch prior to the development agreement the city has with Spencer Ranch.

Tyler Smith, project engineer, confirmed that the current owner purchased the parcel from the Spencer Ranch development.

A motion was made by Commissioner Vecino, seconded by Commissioner Bird, to approve a Major Development Plat for Big Country #104 generally located at the southwest corner of Spencer Ranch Blvd and State Highway 46 within the Extraterritorial Jurisdiction (ETJ) of the City of Boerne.



The motion carried by the following vote:

**Yea 7** - Chairman Bannwolf, Commissioner Bird, Commissioner Keller, Commissioner Friar, Commissioner Vecino, Commissioner Cates, Commissioner Hiler

8. COMMENTS FROM COMMISSION/LEGAL COUNSEL/STAFF - No discussion or action may take place

- TML Land Use Essentials Conference

Nathan Crane, the Planning Director, updated the Commission on several upcoming training sessions for which the city has allocated funding.

9. ADJOURNMENT

Chairman Bannwolf adjourned the Planning and Zoning Commission at 9:24 p.m.

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Chairman

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Secretary



## AGENDA ITEM SUMMARY

<b>Agenda Date</b>	July 7, 2025
<b>Requested Action</b>	Public hearing and consider a request for a special use permit (SUP) for a thrift store located at 1030 N Main St.
<b>Contact Person</b>	Jo-Anmarie Andrade, Planner II (830) 816-2040, <a href="mailto:jandrade@boerne-tx.gov">jandrade@boerne-tx.gov</a>
<b>Background Information</b>	<p><b>BACKGROUND:</b></p> <p>The property is located at 1030 N. Main Street and is part of the Live Oak Shopping Center. It is owned by Espada Real Estate, and the applicant is Lori Jones of Goodwill Industries.</p> <p>The property is designated Auto-Oriented Commercial on the Future Land Use Map.</p> <p>The property is located within the city limits, zoned C2 – Transitional Commercial, and falls within the Entrance Corridor Overlay District.</p> <p>The Entrance Corridor Overlay District, as detailed in UDC Chapter 3, Section 3.17, establishes additional design and development standards to preserve the economic function of Boerne’s primary entrance corridors, including Main Street.</p> <p>Thrift stores (no outside storage/donation bin) are permitted in the C2 Zoning District subject to review and approval of a Special Use Permit (SUP) (UDC Sec. 3.7).</p> <p>A Boerne Neighborhood Discussion (BND) was held on June 17, 2025, to gather input on the proposed Special Use Permit for Goodwill at 1030 N. Main Street. Fifteen members of the public attended. The applicant and property owner presented plans for site improvements, job creation, and workforce development. Concerns were raised by local nonprofit thrift stores about potential impacts to donations and revenue.</p> <p>In response, Goodwill emphasized its nonprofit mission, regional training programs, and community partnerships. They also expressed willingness to participate in quarterly meetings with local thrift store</p>

	<p>operators, support salvage operations through vendor networks, and explore digital literacy and transportation assistance programs tailored to Boerne’s needs.</p> <p>The applicant indicated they would consider community feedback as part of potential project adjustments.</p> <p><b>REQUEST:</b></p> <ol style="list-style-type: none"> <li>1. The applicant is requesting a Special Use Permit (SUP) to allow a thrift store (Goodwill) in the existing Live Oak Shopping Center.</li> <li>2. The proposed Goodwill store would occupy a vacant commercial space that is approximately 16,570 square feet within the center.</li> <li>3. The proposed use includes the sale of secondhand goods and the collection of donated items. All donation activities would take place indoors during business hours. No outdoor donation bins are proposed.</li> <li>4. The hours of operation are 10:00 AM – 8:00 PM seven days a week.</li> <li>5. The applicant has indicated the creation of approximately 20 new jobs associated with this location.</li> <li>6. Proposed site improvements include installation of a new glass storefront system, enhanced landscaping, dark sky compliant lighting and signage, removal of overgrown vegetation, and tree maintenance along the rear property line. According to the application, these improvements will be completed by the property owner, Espada Real Estate.</li> </ol> <p><b>ANALYSIS:</b></p> <p>The Planning and Zoning Commission must determine whether the proposed use meets the requirements of Section 2.5.D.4 of the UDC prior to making a recommendation on the Special Use Permit. The applicant bears the responsibility of demonstrating compliance. Below is a summary of staff analysis:</p> <p><u><i>Compatibility and Consistency with Comprehensive Master Plan</i></u></p> <ul style="list-style-type: none"> <li>• The subject property is designated as Transition Commercial on the Land Use Map of the General Plan. The proposed use is allowed in this district subject to a special use permit. The existing C2 zoning is consistent with the General Plan.</li> <li>• The property is an existing commercial suite within the Live Oak Shopping Center, aligning with the area’s intended retail and service-based development pattern.</li> </ul>
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	<ul style="list-style-type: none"> <li>• The Boerne Comprehensive Master Plan emphasizes infill development, which this project aligns with by repurposing an existing vacant space.</li> </ul> <p><u>Compatibility with Zoning District, and UDC</u></p> <ul style="list-style-type: none"> <li>• The subject site is located within the Live Oak Shopping Center, which includes a mix of retail, personal service, and dining establishments, such as salons, a restaurant, and insurance offices. The proposed thrift store use is consistent with these surrounding commercial tenants in terms of scale, intensity, and hours of operation.</li> <li>• The proposed use will not substantially change the look or character of the existing building or adversely affect the character of the surrounding area. There will be no outdoor storage, or ongoing outdoor activity. The general character of the use will be similar to that of other retail uses.</li> </ul> <p><u>Evaluation of Design, Configuration, and Operation</u></p> <ul style="list-style-type: none"> <li>• The project does not propose structural changes beyond facade improvements and interior renovations.</li> <li>• Deliveries and product movement would take place at the rear of the building. A designated interior production area would be used for item processing and pricing. The applicant has indicated that procedures such as signage, surveillance, and staff oversight will be implemented to discourage off-hours donations.</li> <li>• The applicant's proposed operations are limited to indoor retail sales and donation intake. The use is intended to operate entirely within the enclosed building, with donated items sorted and processed on-site. Store procedures are designed to discourage after-hours drop-offs and outdoor storage.</li> <li>• Donation intake will occur entirely within the building. Donors will enter through a designated internal drop-off area located at the front left of the store, separate from the main retail entrance. Items will be received by staff, then sorted, graded, and processed at designated stations in the rear of the building. No outdoor donation bins are proposed, and all donation handling will occur during regular business hours to minimize noise and traffic impacts. Deliveries and store logistics will be managed at the rear loading dock, which is enclosed by a concrete fence and screened from adjacent properties.</li> </ul> <p><u>Access, Circulation, and Parking</u></p> <ul style="list-style-type: none"> <li>• Site access to the site is through five existing access drives; two located at N. Main Street, one at N. School Street, and two at</li> </ul>
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	<p>Fabra Street which are expected to accommodate the traffic demand. No changes to access drives or circulation patterns are proposed.</p> <ul style="list-style-type: none"> <li>• A Peak Hour Traffic (PHT) Generation Worksheet was submitted, showing 206 PM peak-hour trips at 3 driveways, which does not exceed the threshold requiring a Traffic Impact Analysis (TIA).</li> <li>• Based on the UDC requirement of 1 parking space per 175 square feet for shopping centers, the proposed use requires a total of 95 parking spaces. The existing shopping center provides 199 shared parking spaces, which is sufficient to accommodate the proposed use.</li> </ul> <p><u>Environmental Considerations</u></p> <ul style="list-style-type: none"> <li>• The proposed development does not include new impervious surface expansion, meaning no significant stormwater impact is anticipated.</li> <li>• The applicant has submitted lighting and signage details indicating compliance with applicable Dark Sky regulations and UDC signage requirements. All proposed exterior lighting is limited to a maximum 3000K color temperature and is shielded.</li> <li>• A landscape plan is not required. The property owner has indicated a landscape cleanup and tree canopy maintenance will be performed to improve visibility and site appearance.</li> </ul> <p><u>Utilities</u></p> <ul style="list-style-type: none"> <li>• The site includes existing utility connections, and the proposed use will not significantly increase water or sewer demand. There is existing capacity to serve the proposed use.</li> </ul> <p><b>FINDINGS:</b></p> <ul style="list-style-type: none"> <li>• The proposed SUP is consistent with the Comprehensive Master Plan.</li> <li>• The proposed SUP is compatible with existing uses and the future land use plan.</li> <li>• The proposed SUP is consistent with the approval criteria listed Section 2.5.D of the UDC.</li> </ul> <p><b>RECOMMENDATION:</b></p> <p>The Planning and Zoning Commission should hold a public hearing and determine if the request meets the requirements of UDC Section 2-5.D Special Use Permits. If the Commission chooses to recommend approval, staff recommends the inclusion of the following conditions:</p> <ol style="list-style-type: none"> <li>1. The proposed use shall conform to the narrative and floor plan date stamped June 23, 2025.</li> </ol>
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	<p>2. In accordance with UDC Sec, 2-5.D.8.a.iii, the Special Use Permit shall expire within two years from the date of approval if no physical improvements are made, and a certificate of occupancy is not issued.</p> <p>3. No outdoor storage or other outside activities of any kind will be permitted on site. This includes bins for donations or storage of donated items and congregating before, after, or during business hours.</p> <p><b>MOTIONS FOR CONSIDERATION:</b></p> <p>The following motions are provided to assist the Commission’s decision.</p> <p>I move that the Planning and Zoning Commission recommend <b>APPROVAL</b> of the request for a Special Use Permit to allow a thrift store in the C2 zoning district and Entrance Corridor Overlay District located at 1030 N Main St subject to the three stipulations recommended by staff.</p> <p>OR</p> <p>I move that the Planning and Zoning Commission recommend <b>DENIAL</b> a Special Use Permit based on the following findings: (The Commission will need to state the reasons for denial, referencing the criteria in Section 2-5.D of the UDC.)</p>
<b>Strategic Alignment</b>	<p>C1 – Offering quality customer experiences.</p> <p>C3 – Collaborating with community partners to enhance quality of life.</p> <p>F3 – Maintaining a balanced and diversified economy.</p>
<b>Financial Considerations</b>	N/A
<b>Citizen Input/Board Review</b>	<p>A BND meeting for this request was held on June 17, 2025. Text message notifications were sent to neighbors in a geo-targeted area surrounding the project. 15 members of the public attended the meeting. The applicant and property owner presented plans for site improvements, job creation, and workforce development. Concerns were raised by local nonprofit thrift stores about potential impacts to donations and revenue.</p> <p>In response, Goodwill emphasized its nonprofit mission, regional training programs, and community partnerships. They also expressed willingness to participate in quarterly meetings with local thrift store operators, support salvage operations through vendor networks, and</p>

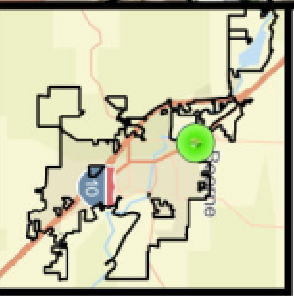
	explore digital literacy and transportation assistance programs tailored to Boerne's needs.
<b>Legal Review</b>	This action is needed to meet statutory requirements.
<b>Alternative Options</b>	The Commission must approve, approve with conditions, extend the review, or disapprove the plat. Each condition or reason for denial must be directly related to requirements of city regulations and may not be arbitrary.
<b>Supporting Documents</b>	Attachment 1 – Aerial Map Attachment 2 – Future Land Use Map Attachment 3 – Zoning Map Attachment 4 – Environmental Constraints Attachment 5 – Project Narrative Attachment 6 – Fixture Plan Attachment 7 – Proposed Sign Package Attachment 8 – Written Responses Attachment 9 – UDC Sec. 2-5.D.4 Special Use Permit Approval Criteria

**SUBJECT PROPERTY**  
 1030 N Main St.

**FUTURE LAND USE**

**Legend**

-  SUBJECT PROPERTY
-  Parcels
-  road\_centerline







SUBJECT PROPERTY  
1030 N Main St.

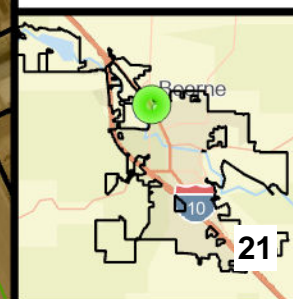
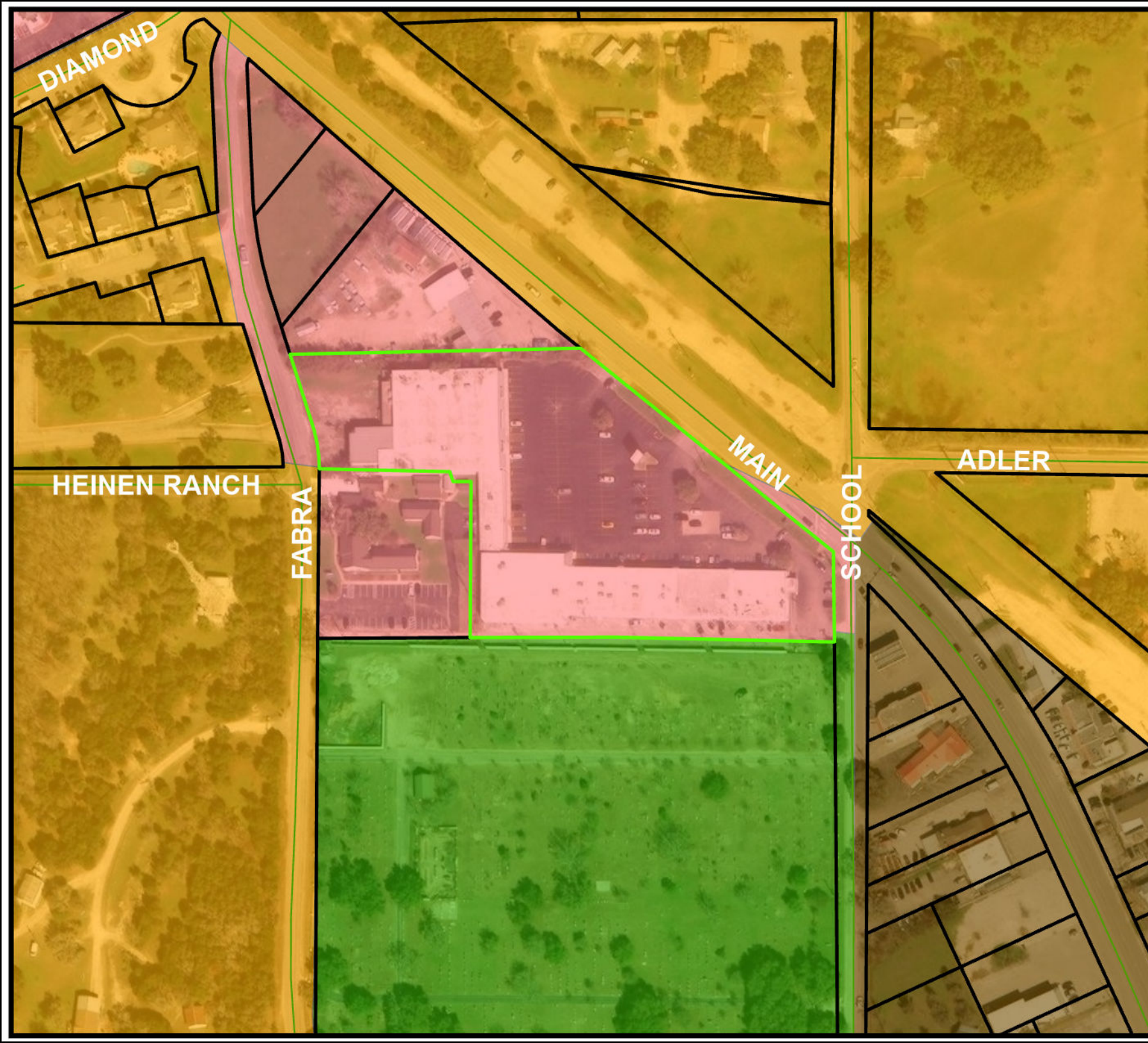
FUTURE LAND USE

### Legend

- SUBJECT PROPERTY
- Parcels
- road\_centerline

### Future Land Use

- Auto-Oriented Commercial
- Downtown
- Parks and Open Space
- Transitional Residential







**SUBJECT PROPERTY**  
 1030 N Main St.

**ZONING**

**Legend**

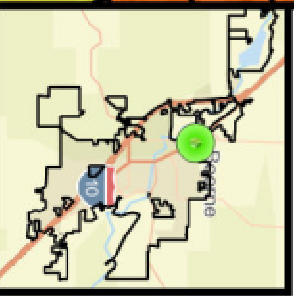
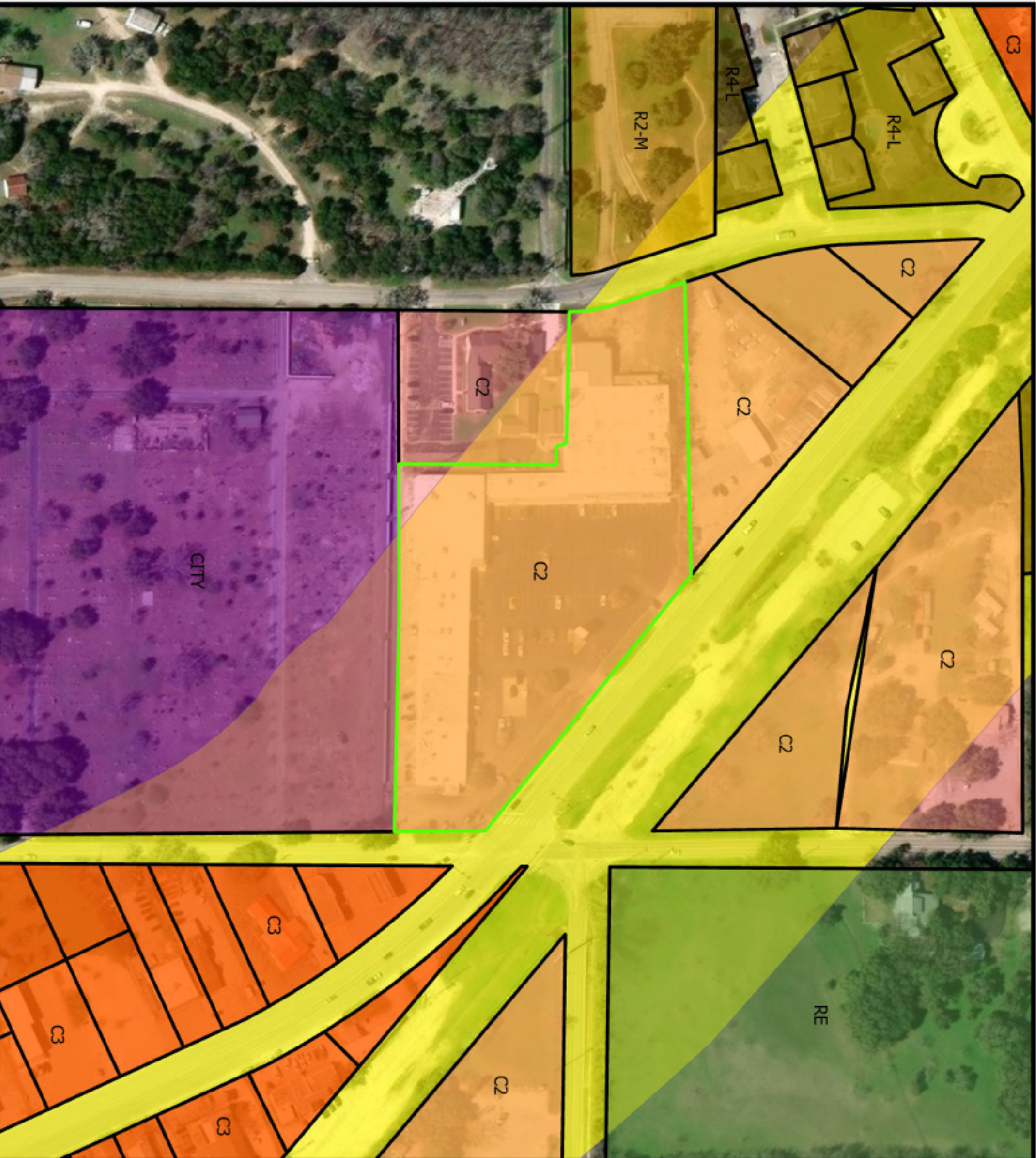
-  SUBJECT PROPERTY
-  Parcels

**Zoning**

-  C2
-  C3
-  CITY
-  R2-M
-  R4-L
-  RE

**Overlay Districts**











-  Entrance Corridor

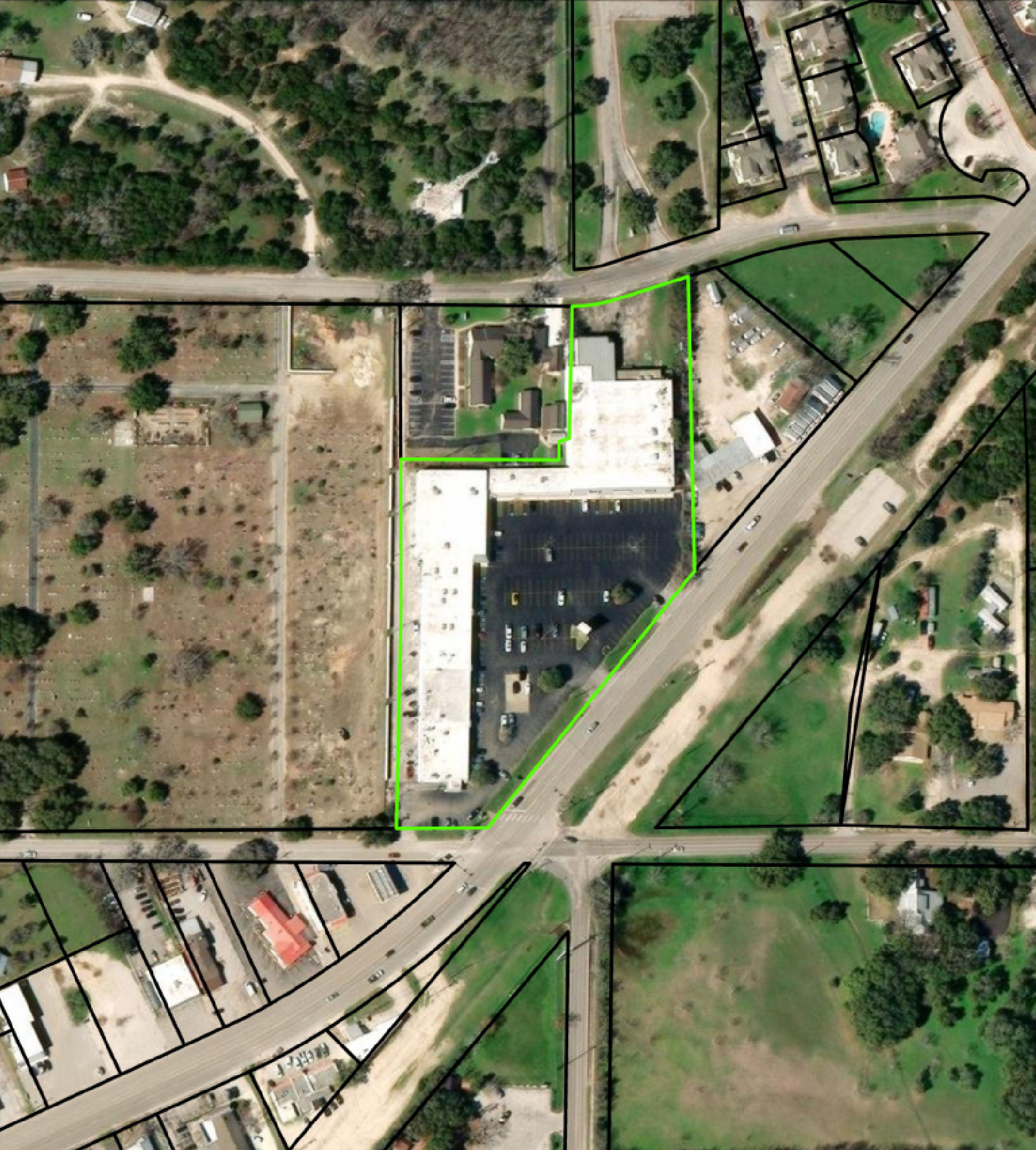
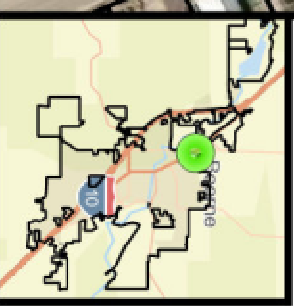


**SUBJECT PROPERTY**  
 1030 N Main St.

**ENVIRONMENTAL  
 CONSTRAINTS**

**Legend**

-  SUBJECT PROPERTY
-  Parcels
-  SARA Floodplain
-  SARA Floodway
-  DPZ 1
-  DPZ 2
-  DPZ 1
-  Camp Bulls 5mi
-  Lower Glenrose Buffer
-  Lower Glenrose Boundary



## **SPECIAL USE PERMIT: PROJECT NARRATIVE**

1030 N. Main Street, Boerne, Texas 78006

This project outlines the establishment of a Goodwill Industries Retail Store and Donation Center at 1030 N. Main Street, Boerne, Texas 78006. Owned and managed by Espada Real Estate, the Retail Center will host Goodwill as a tenant. The SUP specifies the operation of a thrift store with no external donations within this center of the Boerne entry corridor.

Goodwill Industries excels at providing a high-quality product at a great value. With twenty-four stores in our territory, we have established best practices for managing the generous donations we receive from the community. Our detailed process ensures that gently used items are quickly and carefully processed and priced to offer excellent value to our shoppers. In addition, Goodwill Industries is committed to providing exceptional benefits and support to our employees. Each employee is provided full benefits and is assigned a Life Skills Counselor who offers guidance, behavioral and mental health support throughout their personal and professional journeys.

1. **Land use designation:** In accordance with the Boerne Land Use Classifications, Espada Real Estate will comply with city code requirements by reviewing traffic volumes at this center and provide improvements. There are significant opportunities to enhance the entry corridor while maintaining the small-town charm and Hill Country aesthetic. The design will incorporate the existing stonework and muted colors to ensure a seamless blend with the surrounding environment.
2. **Site and Building Design:** The Live Oak Center will transform a vacant space into a vibrant new retail area, featuring a 7,500sf retail store and a dedicated donation acceptance area. Built in the 1970's, Espada Real Estate plans to update this shopping center to better serve the community and enhance its appeal.
3. **Ingress/Egress:** Espada Real Estate plans to maintain the current ingress and egress to the property, ensuring smooth access for visitors. Should any changes be required, they will collaborate closely with the city to implement necessary adjustments.
4. **Vehicular circulation:** Espada Real Estate will adhere to code requirements for emergency vehicle access and lanes. Deliveries will be scheduled during business hours and will only occur at the back of the property.
5. **Pedestrian/Alternate vehicle considerations:** Espada Real Estate will work closely with the city to address pedestrian/alternate vehicle considerations for the center.
6. **Traffic volume:** Espada Real Estate will collaborate with the city of Boerne to assess traffic volumes and the character of the center. Based on these assessments, any necessary modifications will be implemented to enhance the area.

**GOODWILL HELPS CHANGE LIVES THROUGH THE POWER OF WORK.**

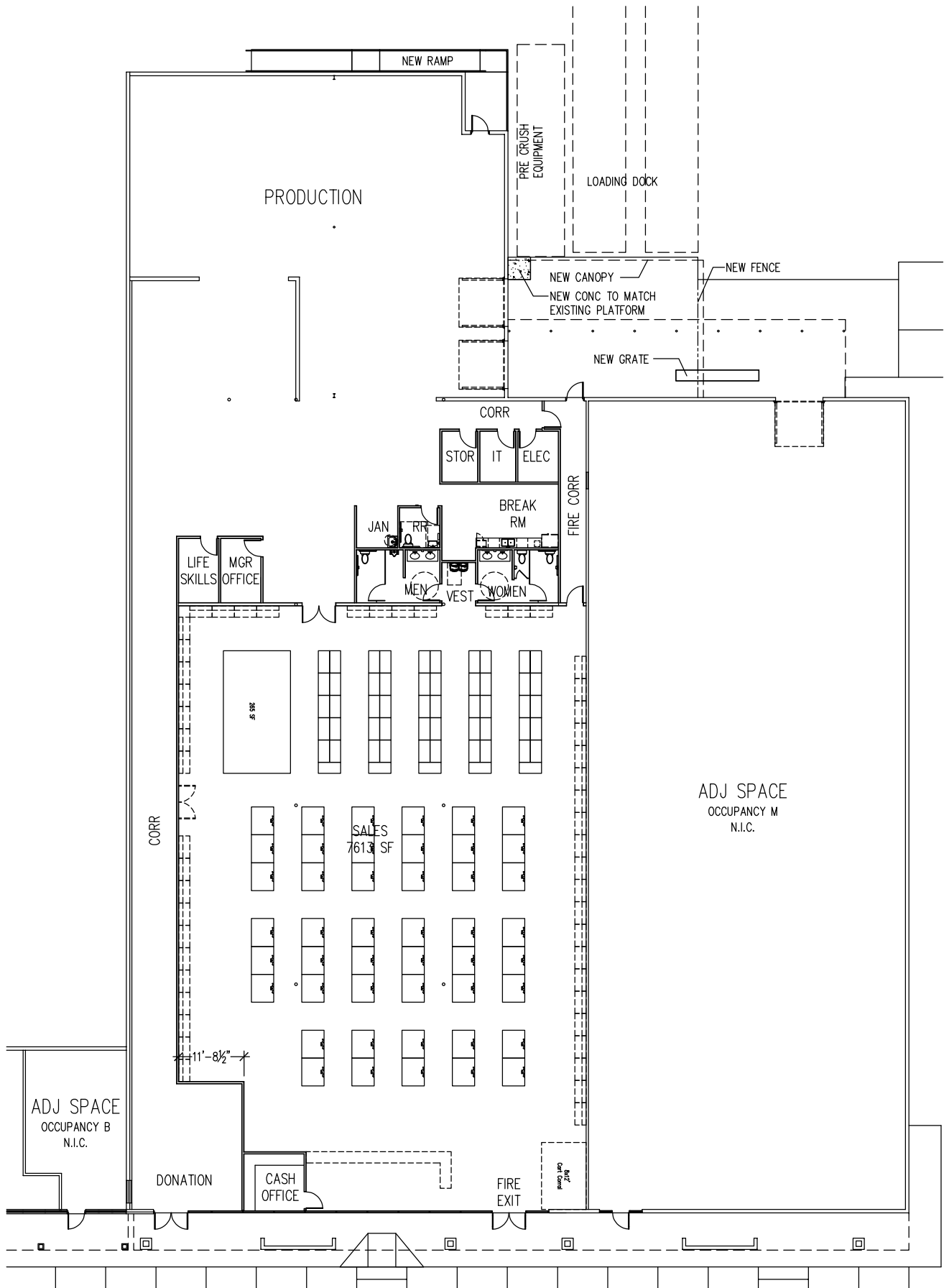
406 W. Commerce • San Antonio, TX 78207-3102 • 210-924-8581 • 800.483.9455 • [goodwillsa.org](http://goodwillsa.org)



7. **Off-street parking and loading:** The retail center site will be able to accommodate parking for customers and donor drop-off without requiring off-street parking. The dock area is designed to accommodate both deliveries and pick-ups, ensuring that all logistical operations are managed on-site, at the rear of the site with no impact on customers.
8. **Public service impact:** This Goodwill Retail store will create over (20) new jobs in the community. Our operation will utilize local utilities and waste management. As an organization, we actively participate in local events and organizations such as the Roy Maas Youth Alternatives and Lemonade Days. We have also collaborated with Boerne ISD to identify and offer support and training programs. We will continue to work with Boerne leaders to understand and address the needs of the community. Through these partnerships, we aim to create good paying job opportunities, provide training and support local initiatives.
9. **Screening/Buffering:** Espada Real Estate will provide a fenced area at the rear of the property. They will remove all exterior overgrown weeds and brush surrounding the property and the tree canopies will be raised to enhance visibility and safety.
10. **Proposed outdoor activities/storage:** The store will operate 10:00am-8:00pm, seven days a week. All products will be stored in the production area, eliminating the need for outside storage. We will have a front entry drop-off door for managing donations, which will be attended to ensure we greet our donors as they arrive inside the space and collect their donations promptly.
11. **Hours of operation:** This Retail Store will operate from 10:00am-8:00pm, seven days a week. All pickups and deliveries will occur during business hours.
12. **Exterior lighting:** Espada Real Estate maintains all exterior lighting and is installing energy efficient LED lighting to the center. The exterior signage for Goodwill will adhere to code requirements on illumination. We will be in compliance with all Dark Sky Requirements.
13. **Noise, smoke, odor, dust, vibration or illumination:** All retail operations will take place inside the building, with deliveries and pickups being the only exterior operations, scheduled during business hours. These logistic and retail operations will not create undue noise, odor, dust, vibration or illumination issues.
14. **Additional information:**
  - a. Off-hours donations will be managed through various measures swiftly and efficiently. Our methods include escalating from signage, video surveillance, through adjusted hours, physical barriers and providing additional management support.
  - b. As environmental advocates, we emphasize the importance of reusing and recycling gently used items. Our goal is to reduce landfill waste and provide valuable products to the community.

**GOODWILL HELPS CHANGE LIVES THROUGH THE POWER OF WORK.**

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# GOODWILL STORE BOERNE, TX

LIVE OAK SHOPPING CENTER

MARCH 4, 2025

0 1' 5' 10' 20' 40'  
 SCALE: 1/16" = 1'-0"

**Frausto  
 Designs**  
 8600 WURZBACH ROAD  
 SUITE 504  
 SAN ANTONIO, TX 78240  
 210-262-1365

## **SPECIAL USE PERMIT: FIXTURE PLAN CLARIFICATIONS**

1030 N. Main Street, Boerne, Texas 78006

This document provides clarification for fixture plans of a Goodwill Industries Retail Store and Donation Center at 1030 N. Main Street, Boerne, Texas 78006. Owned and managed by Espada Real Estate, the Retail Center will host Goodwill as a tenant. The SUP specifies the operation of a thrift store within this center of the Boerne entry corridor.

1. **Loading docks and dock area:** Our retail locations typically use two loading docks: one for incoming products and one for rotating unsold items to our outlet store. The activity in the dock area is comprised of pallets of donations moving in and out.
2. **Production area:** The production area is where we sort and grade the gently used items that are donated. There are designated areas identified to grade and price those donations. Tables, signage, computers and tagging equipment are maintained for each area so that our team members can efficiently review and price items to go out onto the sales floor.
3. **Life Skills Office:** Each employee of Goodwill Industries is assigned a Life Skills Counselor to provide support as needed. This office provides a private meeting space for them to discuss opportunities for the employee. Our Life Skills Counselors are equipped to support them in a variety of areas to include but not limited to leadership training, family emergencies, mental and physical health issues and job support.
4. **Area of 265sf on sales floor:** This is an approximate area of space that we designate for large furniture items. To clarify, it is not an enclosed space, but the rectangle is drawn to delineate where the larger items will go.

**GOODWILL HELPS CHANGE LIVES THROUGH THE POWER OF WORK.**

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AETNA SIGN CO.



GOODWILL

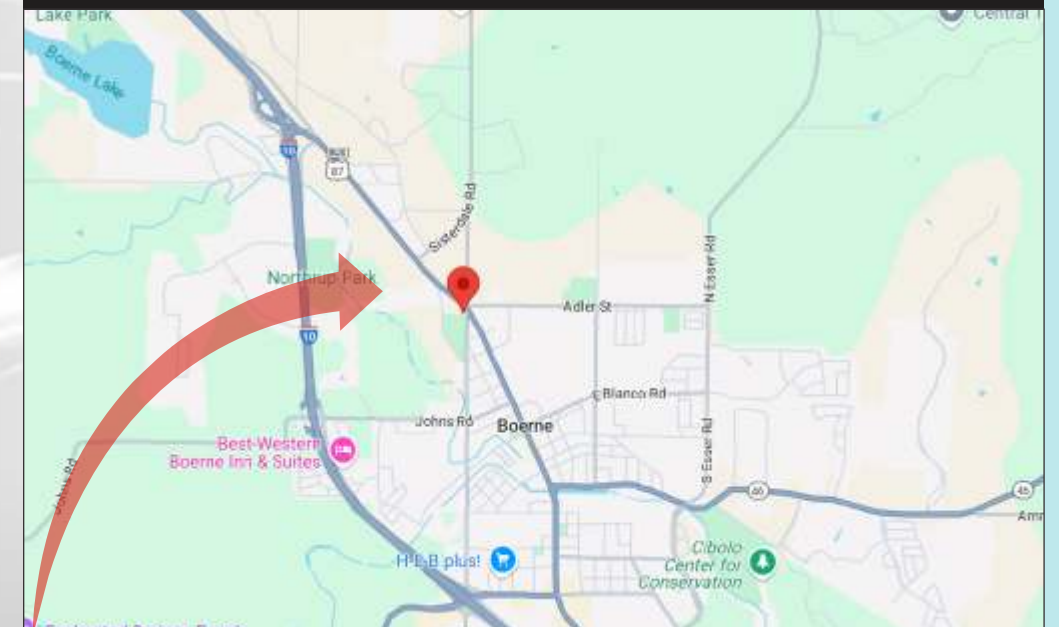
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SAN ANTONIO, TX 78217  
PH: 210.826.2800

WWW.AETNASIGN.COM

Goodwill - Boerne

1000 N. Main St. #1030  
Boerne, TX  
78006

LOCATION MAP



OVER 95 YEARS OF SIGNING THE BEST NAMES IN BUSINESS





CLIENT:	Goodwill _ Boerne	DRWG#:	8240.2	CITY:	Boerne, Texas	DESIGNER:	B. Davis
ADDRESS:	1000 N. Main St. #1030	SALES REP:	Jeanette	DATE:	03-03-25	CLIENT APPROVAL:	
COMPUTER FILE:	art\drwg\goodwill\8240_Goodwill Boerne	TSC#18370	Unpublished Work. Aetna Sign Group, LTD. All rights reserved. This is an original drawing created by Aetna Sign Group, LTD. It is submitted for your personal use; however, it shall at all times remain the property of Aetna Sign Group, LTD. It may be used in connection with the project being planned for you by Aetna Sign Group, LTD., but not otherwise. © 2023 Aetna Sign Group, LTD.				
REVISION HISTORY:							



A

120 SQ. FT TOTAL ALLOWED

COLORS USED

3M 3630-167 BRIGHT BLUE  
BLACK

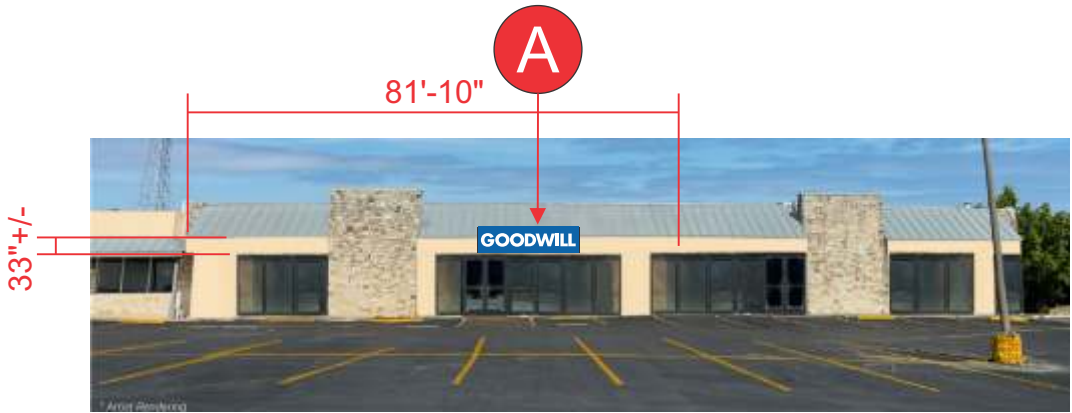
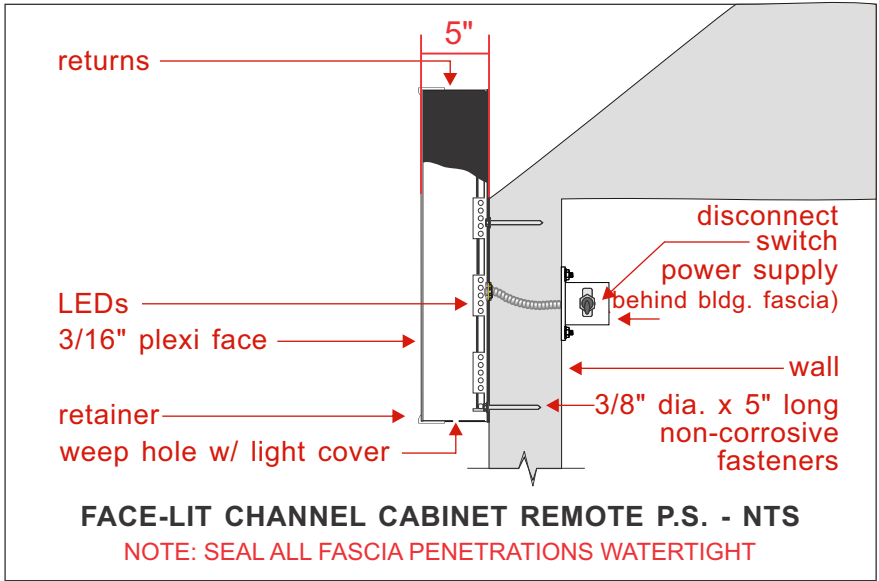


S/F ILLUMINATED CABINET

SCALE: 3/8" = 1'-0"

76.5 SQ. FT.

ONE (1) REQUIRED - MFG. & INSTALL  
ALUM FABRICATED S/F CABINET  
5" RETURNS & 2" RETAINER - BLACK  
WHITE LEXAN FACE W/ 3M VINYL APPLIED  
INTERNALLY ILLUMINATED W/ WHITE LED'S  
MOUNTED FLUSH TO FASCIA  
LIGHTING NTE 3000K



PROPOSED

SCALE: 1/32" = 1'-0"



CLIENT:	Goodwill _ Boerne	DRWG#:	8240.3	CITY:	Boerne, Texas	DESIGNER:	B. Davis
ADDRESS:	1000 N. Main St. #1030	SALES REP:	Jeanette	DATE:	03-03-25	CLIENT APPROVAL:	
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REVISION HISTORY:							

B

120 SQ. FT TOTAL ALLOWED

COLORS USED	
<span style="color: blue;">■</span>	3M 3630-167 BRIGHT BLUE
<span style="color: black;">■</span>	BLACK

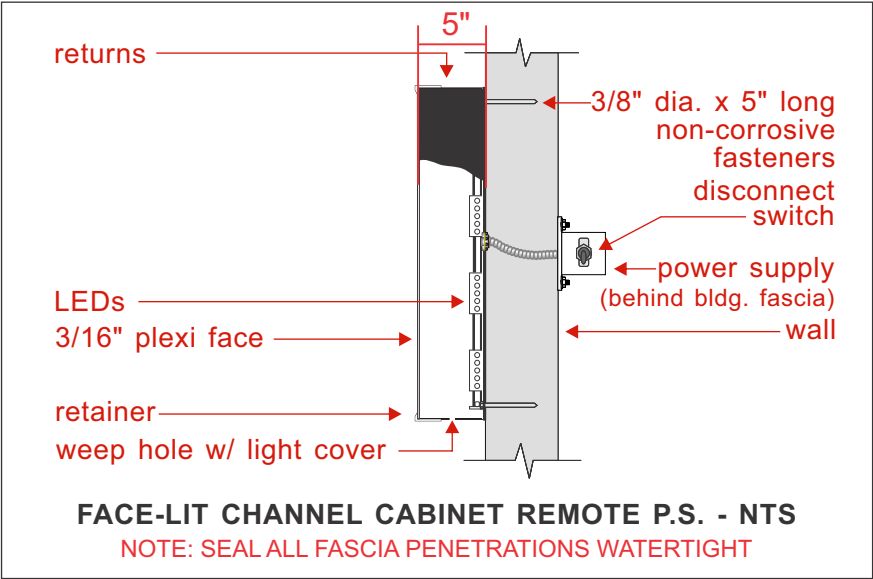


**S/F ILLUMINATED CABINET**

SCALE: 3/4" = 1'-0"

ONE (1) REQUIRED - MFG. & INSTALL  
ALUM FABRICATED S/F CABINET  
5" RETURNS & 2" RETAINER - BLACK  
WHITE LEXAN FACE W/ 3M VINYL APPLIED  
INTERNALLY ILLUMINATED W/ WHITE LED'S  
MOUNTED FLUSH TO FASCIA  
LIGHTING NTE 3000K

18.9 SQ. FT.



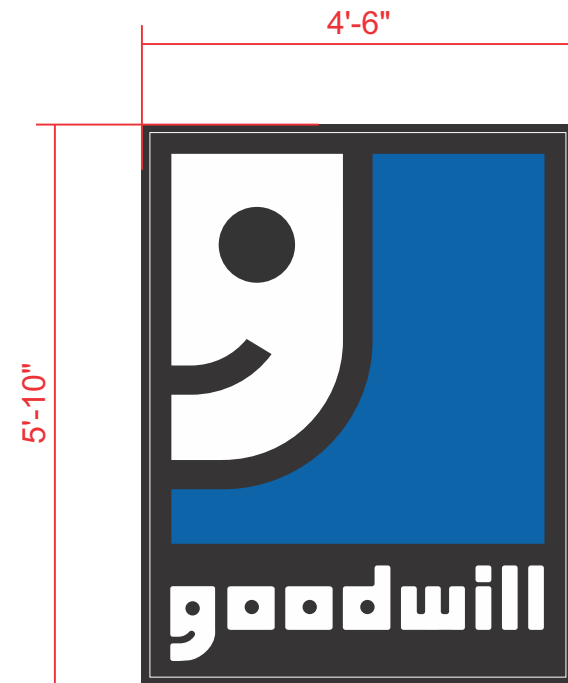
PROPOSED

SCALE: 1/32" = 1'-0"

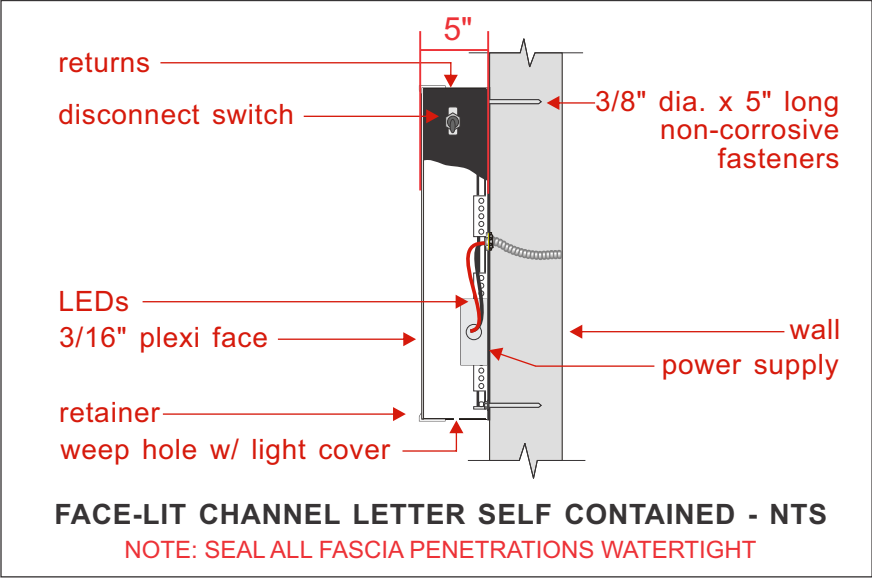


CLIENT:	Goodwill _ Boerne	DRWG#:	8240.4	CITY:	Boerne, Texas	DESIGNER:	B. Davis
ADDRESS:	1000 N. Main St. #1030	SALES REP:	Jeanette	DATE:	03-03-25	CLIENT APPROVAL:	
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REVISION HISTORY:							

C



COLORS USED	
<span style="color: blue;">■</span>	3M 3630-167 BRIGHT BLUE
<span style="color: black;">■</span>	BLACK



**FLEX FACES**

SCALE: 1/2" = 1'-0"

ONE (1) REQUIRED - MFG. & INSTALL  
ALUM. FABRICATED S/F CABINET  
5" RETURNS & 1" RETAINER - BLACK  
WHITE LEXAN FACE W/ 3M VINYL APPLIED  
INTERNALLY ILLUMINATED W/ WHITE LED'S  
SELF-CONTAINED POWER SUPPLIES  
**LIGHTING NTE 3000K**

26.3 SQ. FT.



2438 FREEDOM DRIVE + SAN ANTONIO, TX 78217 + PH: 210.826.2800  
FAX: 210.477.2323 + WWW.AETNASIGN.COM + FOLLOW US ON

CLIENT:	Goodwill _ Boerne	DRWG#:	8240.5	CITY:	Boerne, Texas	DESIGNER:	B. Davis
ADDRESS:	1000 N. Main St. #1030	SALES REP:	Jeanette	DATE:	03-03-25	CLIENT APPROVAL:	
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REVISION HISTORY:							

C



**PROPOSED**

SCALE: 1/32" = 1'-0"

D

ALL DIMS ARE APPROXIMATE - FIELD SURVEY REQUIRED

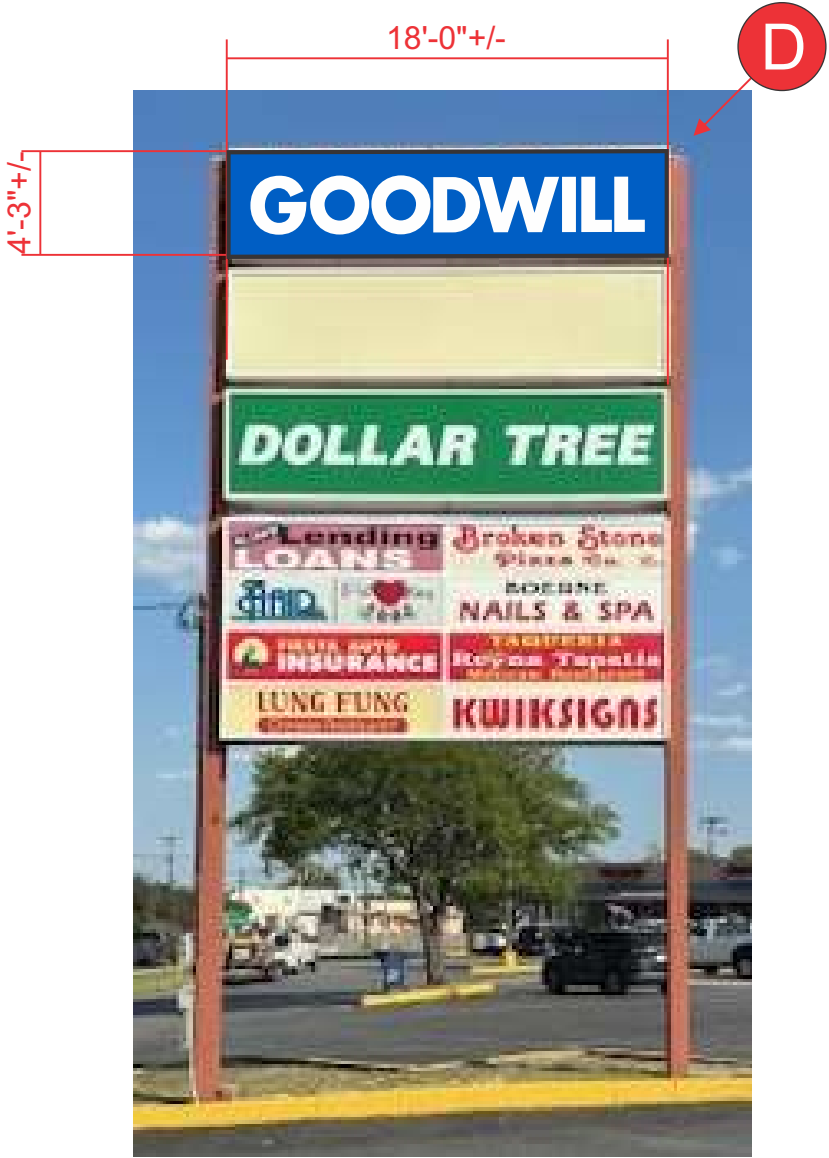
COLORS USED	
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<span style="color: black;">■</span>	BLACK



**FLEX FACES**

SCALE: 1/2" = 1'-0"

REMOVE & DISCARD EXISTING "LIVE OAK SHOPPING CENTER" FACES  
TWO (2) REQUIRED - MFG. & INSTALL  
WHITE FLEX FACES W/ 3M VINYL APPLIED



PROPOSED

SCALE: 1/8" = 1'-0"



CLIENT:	Goodwill _ Boerne	DRWG#:	8240.6	CITY:	Boerne, Texas	DESIGNER:	B. Davis
ADDRESS:	1000 N. Main St. #1030	SALES REP:	Jeanette	DATE:	03-03-25	CLIENT APPROVAL:	
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120 SQ. FT TOTAL ALLOWED

ALL DIMS ARE APPROXIMATE - FIELD SURVEY REQUIRED

COLORS USED

- 3M 3630-167 BRIGHT BLUE
- BLACK

26'-0" +/-



EXISTING

SCALE: 3/32" = 1'-0"



PROPOSED

SCALE: 3/32" = 1'-0"



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FAX: 210.477.2323 + WWW.AETNASIGN.COM + FOLLOW US ON 

CLIENT:	Goodwill _ Boerne	DRWG#:	8240.7	CITY:	Boerne, Texas	DESIGNER:	B. Davis
ADDRESS:	1000 N. Main St. #1030	SALES REP:	Jeanette	DATE:	03-03-25	CLIENT APPROVAL:	
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REVISION HISTORY:	TSC#18370						

CASE: 2025-003

PZ – July 7, 2025

Please return this notice whether or not you plan to attend the hearing. For further information, please call 830-248-1501 or email [planning@boerne-tx.gov](mailto:planning@boerne-tx.gov).

Name: \_\_\_\_\_

Address: \_\_\_\_\_

☐ Favor

☒ Oppose

Reason: There is already a thrift shop / donation center across the  
street. The traffic is a mess especially on Saturdays.  
We do not need another similar business nearby adding to the  
already horrendous traffic at that intersection. My camera  
records 300 plus vehicles daily just on the cut-off.

**INTEGRITY • COLLABORATION • RESPECT • SERVICE • EXCELLENCE**

Planning Department: 447 N. Main St. | Boerne, TX 78006

Phone: 830 -248-1501

Email: [jandrade@boerne-tx.gov](mailto:jandrade@boerne-tx.gov)



**a request for a Special U**  
**Main St.**

**dwill**

**CASE: 2025-003**

**PZ – July 7, 2025**

**r not you plan to attend the hea**  
**48-1501 or email [planning@bc](mailto:planning@bc)**



---

**From:** voice [REDACTED]  
**Sent:** Friday, June 27, 2025 9:22 PM  
**To:** P&ZCommissioners <[PZCommissioners@ci.boerne.tx.us](mailto:PZCommissioners@ci.boerne.tx.us)>  
**Subject:** Bucee's and Goodwill hearings on July 7th

**Please - DO NOT MOVE FORWARD WITH APPROVING THESE TWO PROPOSED BUSINESS REQUESTS!**

1. An article appeared today on MySA.com with Chris Shadrock informing the public of Bucee's request for development approval of just under 4 acres of land adjacent to their existing development. Just because Bucee's hasn't anticipated the need for the almost 4 additional acres for an expanded parking area they now want approved, doesn't mean they should be allowed to be approved! You can't convince me they have been sitting on their land purchase for over 10 years with no idea they would have a shortage of parking for customers???? Ridiculous! Why would this land pop up for use so suddenly, if there isn't some "behind the scenes" monetary incentives causing this request to even come up for consideration? It was purchased from TXDOT???

Bucee's needs to make the land use they presently have approval for work for them - NOT WITH PURCHASING/UTILIZING ADDITIONAL LAND!! TAXPAYERS HAVE HAD ENOUGH! Please do not approve this, we do not need any further concrete, asphalt and contaminated runoff from this land, nor do we need any more traffic congestion and thoroughfares there. Bucee's can live with their underestimated needs or just move on up or down the road.

2. Goodwill - to open a Goodwill store in our town, no matter where it might be located, will impact ALL of our existing Thrift Shops in Boerne. Boerne's thrift shops are VERY well established and provide highly consistent, beneficial support and relief to many causes and

agencies in Boerne. (I donate to the local stores, not Goodwill, no matter what!) Goodwill is looking out only for high salaries for their top management and employees positions, and will not be involved with supporting our community or local thrift stores. Also, even though people donate within their local community to Goodwill, Goodwill sometimes transports donated items to other stores that are running low on inventory. Kerrville has a store that Boerne residents can use. Furthermore, their pricing tiers for selling donated items is quite out of the norm for a "used" merchandise store. Used items are priced fairly close to the retail price for items in a regular retail store.

Please deny their request.

Thank you,

Lu Rae M. Baggs



70 NE Loop 410, Suite 725  
San Antonio, Texas 78216  
(210) 402-0800

July 2, 2025

City of Boerne Texas  
Planning and Zoning Commission  
Attn: Members of the Planning and Zoning Commission  
447 N. Main Street  
Boerne, Texas 78006

***RE: Goodwill – Letter of Recommendation***

Dear Honorable Members of the Planning and Zoning Commission:

I am the Owner of the Fairview Shopping Center in Leon Springs, and I've been a Boerne area resident for 45 years. My wife and I both graduated from Boerne High School many years ago. We are essentially life-long residents of Boerne, and we care deeply about our community.

I have had the pleasure of serving as a landlord of Goodwill Industries of San Antonio for approximately two (2) years. Goodwill operates a Donation Station in Suite 103 of our shopping center, and I'm pleased to report that our decision to enter into a lease with this company was a very good one.

Goodwill performs a very valuable role in our community, providing an honorable, reliable and reputable means of contributing unwanted, but still valuable, goods for conversion into various forms of public assistance. They are highly regarded in our community, and I am routinely thanked for providing this opportunity in our center.

The Donation Station is operated in a very professional manner, always kept in a well-presented, clean and orderly manner. Management has always been very responsive and responsible as a valued tenant in our center. They work well with other tenants in the center, and we've had no complaints or issues from their neighbors or co-tenants.

Finally, I can say with confidence that we highly value our relationship, and we would renew this tenant for another term. I would recommend Goodwill as a member of the Boerne community.

Best regards,

William T. Ellis  
Manager, Boerne Fairview Partners, LLC  
President, Sirell Properties

#### **D. SPECIAL USE PERMITS**

##### **1. Purpose and Applicability**

A Special Use Permit (SUP) allows for certain uses that are not permitted in a particular base zoning category by right, but which may be permitted under certain circumstances and application of certain conditions. SUPs require individual, discretionary review of location, design, configuration and operation in order to demonstrate compatibility with neighboring uses, adequate mitigation or resolution of negative impact, consistency with the Comprehensive Master Plan, and adequate offsets of any disproportionate burden upon the public infrastructure systems of the City.

##### **2. Special Use Permits**

An owner of real property, or that owner's authorized representative, may initiate a SUP for that property by filing an application with the Planning Department. The SUP request may, upon owner's discretion, be included as a part of an overall zoning or rezoning application, provided that all of the requirements of this Chapter are met. SUPs will be processed and considered in accordance with the procedures described in Section 2.6.

### 3. Pre-Application Meeting

The owner or owner's authorized representative shall meet with the Planning Director or designated staff prior to submittal of the SUP application. At this pre-submittal meeting, the owner will present a preliminary, non-binding plan (conceptual or sketch plan) to the Planning Director, for discussion purposes only. The official will provide the owner or owner's authorized representative with a checklist of submittal requirements for the SUP application, including impact mitigation factors that should be addressed. The particular requirements for impact mitigation will depend on the special use being proposed, the scale of the project, and the location of the property in question. Staff may make recommendations for the presented plan based on similar projects submitted for consideration by the Commission.

#### a. Application Contents

- i. General Content Required for All Zoning Applications
- ii. The SUP application shall be organized into the sections defined for all zoning applications. Project Checklist, provided at the pre-application meeting, shall be included
- iii. Letter of Justification  
The applicant shall include in the SUP Application, in accordance with the SUP Application Checklist, a Letter of Justification that describes the proposed project. The letter should be a summary of application content, and should include, at a minimum:
  - (a) Project owner and/or developer
  - (b) Project description
  - (c) Benefits of the proposed project to neighboring properties and to the community at large
  - (d) Description of consistency with the Comprehensive Master Plan
  - (e) Description of consistency with the other Comprehensive Master Plans of the City, including thoroughfares, utilities, parks and economic development
  - (f) Measures taken to ensure compatibility of the proposed project with surrounding (existing) uses

#### b. Development Impact

- i. Each SUP application shall also include information indicating how potential impacts of the requested special use will be addressed, according to the particular land use district in which the property is located, in order to promote the character, intent and right of use of neighboring properties. These potential impacts will be identified during the pre-submittal meeting and provided as a part of the checklist of application requirements and will be included in the application. For more information, see the SUP Application Checklist.
- ii. The potential impacts of special use projects on neighboring properties will be selected from the list of factors below and identified on the submittal checklist that the applicant receives from the City at the pre-submittal conference. It is the property owner's responsibility to demonstrate adequate treatment of these issues either through design or operation of the proposed special use. Council reserves the right to accept, reject, or require modification to any measures proposed in the application.
  - (a) Community safety;
  - (b) Traffic;
  - (c) Parking;
  - (d) Loading;

- (e) Driveways;
- (f) Building setbacks;
- (g) Access and curb cuts;
- (h) Development density (may include footprint, height, people dwelling onsite, or other factors);
- (i) Hours of operation;
- (j) Property values;
- (k) Viewshed protection;
- (l) Impervious cover;
- (m) Noise;
- (n) Light;
- (o) Vibration;
- (p) Hazardous or flammable materials;
- (q) Special solid waste disposal requirements;
- (r) Discharge/water contamination; and
- (s) Other

c. Application copies

The application package shall be submitted digitally. A paper copy of the document will also be required when certified documents are included. The application check list will indicate the number of paper copies required.

4. Criteria for Approval

- a. Planning and Zoning Commission may recommend, and City Council may approve the application for a Special Use Permit if:
  - i. the proposed special use is determined to comply with the intent of all applicable requirements of the Code and with adopted plans and policies of the City;
  - ii. the application demonstrates mitigation of potential impacts; and
  - iii. the following general criteria are met:
    - (a) The use complies with the purpose and intent of the zoning classification of the property, as well as any applicable supplemental regulations as required by Council.
    - (b) The use is consistent with the Comprehensive Master Plan.
    - (c) The establishment, maintenance, or operation of the proposed use shall not endanger or be detrimental to the public health, safety, morals, comfort, or general welfare of the community.
    - (d) The use shall have no more adverse effects on health, safety, or comfort of persons living or working in neighboring properties or shall be no more injurious to neighboring properties than would any other use generally permitted under the same categorical zoning designation.
    - (e) The use will not result in traffic volumes or circulation patterns that negatively affect streets and intersections likely to be used by traffic to and from the proposed development without approved mitigation of impact;
    - (f) The proposed use shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.
    - (g) The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted therein.
    - (h) The use will not create detrimental operational impacts, through hours of operation, management of traffic, servicing and loading operations, and any on-site operations associated with the ongoing functions of the use on the site, on neighboring properties.
    - (i) The use will not create detrimental health and safety impacts, such as noise, emissions, or vibrations, through functions within the proposed site.
    - (j) The use will not create detrimental impacts on the potential for future development of neighboring properties; and
    - (k) The public interest and welfare supporting the use shall be sufficient to outweigh the individual interests that are adversely affected by the establishment of the proposed use.

5. Public Hearings and Decisions

a. The Planning and Zoning Commission and the City Council shall hear applications for Special Use Permits.

b. Public hearings shall be held for applications for Special Use Permits.

c. Notice of Public Hearings  
Notice required for a public hearing before the Planning and Zoning Commission or the City Council shall be in accordance with the requirements for public notice established by this Chapter.

d. Hearing and Recommendation by the Planning and Zoning Commission  
The Planning and Zoning Commission shall hold a public hearing on the Special Use Permit application at the next meeting following notification requirements as stated in this Code. After the public hearing, the Commission shall recommend to approve, approve with conditions, approve in part, deny or deny in part the application. Where the Commission fails to render its decision at the required public hearing, the decision shall be deemed to have been rendered as a recommendation for denial of the applicant, unless the applicant has agreed in writing or on the record to an extension of time.

e. Negative Recommendation of Planning and Zoning Commission

If the Planning and Zoning Commission recommends denial of a Special Use Permit application, the permit application shall require approval by a super majority vote by City Council.

f. Hearing and Action by City Council

City Council shall hold a public hearing on the Special Use Permit application within forty-five (45) days of the Planning and Zoning Commission's action on the application. After the public hearing, Council shall act to approve, approve with conditions, approve in part, deny or deny in part the application, within forty-five (45) days of the council hearing, or the next scheduled meeting in which public notice can be made. In taking action, the City Council shall consider the criteria for approving a Special Use Permit. Where Council fails to render its decision within the period specified by this subsection, or fails to hold the required public hearing within forty-five (45) days from the date of the decision of the Planning and Zoning Commission, the decision shall be deemed to have been rendered in denial of the applicant, unless the applicant has agreed in writing or on the record to an extension of time. When a decision is rendered in denial of the applicant because of the failure of Council to meet or render a decision as hereinabove provided, the Planning Director shall give public notice of said decision within ten (10) days of expiration of the forty-five (45) days following the council hearing.

g. Requirements for Approval by Three-fourths Vote

The affirmative vote of three-fourths of the members of the City Council is required for approval of a proposed Special Use Permit if:

- i. The proposed Special Use is protested in writing by the owners of at least 20% of the area of land that is either included in the proposed zoning classification or at least twenty percent (20%) of the area of land immediately adjoining the area included in the proposed zoning classification and extending 200 feet from that area. In computing the percentage of land area, the area of streets and alleys shall not be included in the computation.
- ii. Written protests must be received by the City Manager no later than 12:00 p.m. of the previous business day prior to the posted date and time for the zoning hearing on the city council's agenda.

- iii. If the written protests appear to be at least twenty percent (20%) of either the area of the lots or land covered by the proposed change or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred (200) feet there from, the applicant shall be entitled to, but is not required to, request a continuance if all members of the City Council are not present.

#### 6. Subsequent Applications

##### a. When an application has been withdrawn

An application for a SUP may be withdrawn at any time. If the application has been advertised in compliance with State Law, an application requesting substantially the same use on all or part of the same described land shall not be reconsidered within three months of withdrawal.

##### b. When an application has been denied

In the event that the City Council denies an application for a Special Use Permit, a similar application shall not be refiled within one year from the date of the denial, unless the Planning and Zoning Commission, upon petition by the applicant, determines that significant physical, economic or land use changes have taken place within the immediate vicinity, or a significant zoning regulation text change has been adopted, or when the reapplication is for a different use than the original request. The applicant shall submit a statement in detail setting out those changes which he or she deems significant and upon which he or she relies for refiled the application.

#### 7. Scope of Approval

- a. Once a SUP has been granted, the approved use may only be enlarged, extended, increased in intensity or relocated under the conditions of a major or minor amendment, unless, in approving the initial application for a SUP the City specifically established an alternative procedure for future expansion or enlargement. The provisions for nonconforming uses and vested rights do not supersede this requirement, unless the specially permitted use is no longer a use permitted by right or as a special use in the assigned zoning category.
- b. The terms of approval shall be set by City Council. Special Use Permits are granted to the property, and not to the landowner. Therefore, the Permit shall be transferable upon sale.

#### 8. Expiration of Approval of Special Use Permits

- a. A Special Use Permit shall automatically lapse and become null and void if:
  - i. the applicant fails to satisfy any condition that was imposed as part of the approval of the SUP or that was made under the terms of any development agreement, within the time limits established for satisfaction of such condition or term;
  - ii. the applicant fails to submit a subsequent development application required by the Code within the time so required. If no time limit for satisfaction of conditions is specified in the decision on the development application, the time shall be presumed to be one year from the date the decision was made;
  - iii. the Special Use involves physical improvements that have not been substantially initiated within one (1) year of the date of approval or authorization approval of the SUP;
  - iv. after starting construction, the construction is discontinued for a period of one (1) year or more; or
  - v. No physical improvements are made, and a Certificate of Occupancy is not issued for the Special Use within two (2) years of the date of approval or authorization.
- b. Effect of Expiration



- i. No Certificate of Occupancy shall be issued after approval lapses unless the approval or authorization is renewed.
  - ii. No physical improvements shall be made after approval lapses unless the approval or authorization is renewed.
  - iii. Upon the expiration of a SUP, all previously approved permits for the same land also shall expire on the expiration date if (1) the expired permit is subordinate to such previously approved permits and (2) the filing of an application for or approval of the expired permit was required to avoid expiration for the previously approved permit or permits. Thereafter, a new application for each permit deemed expired under this Section must be approved subject to regulations in effect at the time the new application is accepted for filing.
- c. Renewal after lapse

The City Council may renew its approval of a SUP for which approval has lapsed, provided that no more than one (1) year has elapsed since the date of expiration of the original approval or, in the case of discontinuance of work, since the date of discontinuance. Renewal shall require formal action, but it shall not require public notice or hearings. Renewal shall have the same effect as the original approval. If no renewal is granted with the one-year period allowed for renewals, the original approval shall be void and no further effect. Occupancy Permits shall be automatically renewed coincidentally with and for the same time periods and limitations as prescribed for SUP renewals.

#### 9. Minor SUP Amendments

A SUP amendment is a request for any enlargement, expansion, increases in intensity, relocation, or modification of any condition of a previously approved and currently valid SUP. Amendments shall be processed as follows: shifts in on-site location and changes in size, shape, intensity, or configuration of less than 5 percent, or a 5 percent or less increase in either impervious surface or floor area over what was originally approved, may be authorized by the Planning Director, provided that such minor changes comply with the following criteria:

- i. No previous minor modification has been granted pursuant to this section;
- ii. There will be no detrimental impact on any adjacent property caused by significant change in the appearance or use of the property or any other contributing factor;
- iii. Nothing in the currently valid SUP precludes or otherwise limits such expansion or enlargement; and
- iv. The proposal conforms to all applicable requirements of Title XV and is in keeping with the spirit and intent of the Comprehensive Master Plan.

#### 10. Major SUP Amendments

All amendments, other than those amendments provided for in this Section, shall be considered major SUP amendments and shall require approval in the same manner and under the same procedures as are applicable to the issuance of the original SUP approval.



**PLANNING, PERMITTING, AND CODE  
DEPARTMENTS**

**MEMORANDUM**

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**DATE:** July 7, 2025

**TO:** Planning and Zoning Commission

**FROM:** Tyler Cain  
Planner II

**THROUGH:** Nathan Crane  
Planning Director

**SUBJECT:** Agenda Item 5.B Public Hearing and Rezoning Request – 33375 Interstate 10 W

The applicant is requesting that this item be continued to a future meeting. Therefore, no Commission discussion or action will take place. The item will be brought forward for a public hearing at a future Commission meeting.



City Hall Annex, 25 West 4th Street, Suite 1300  
Saint Paul, MN 55102

Tel: 651-266-6565

**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.

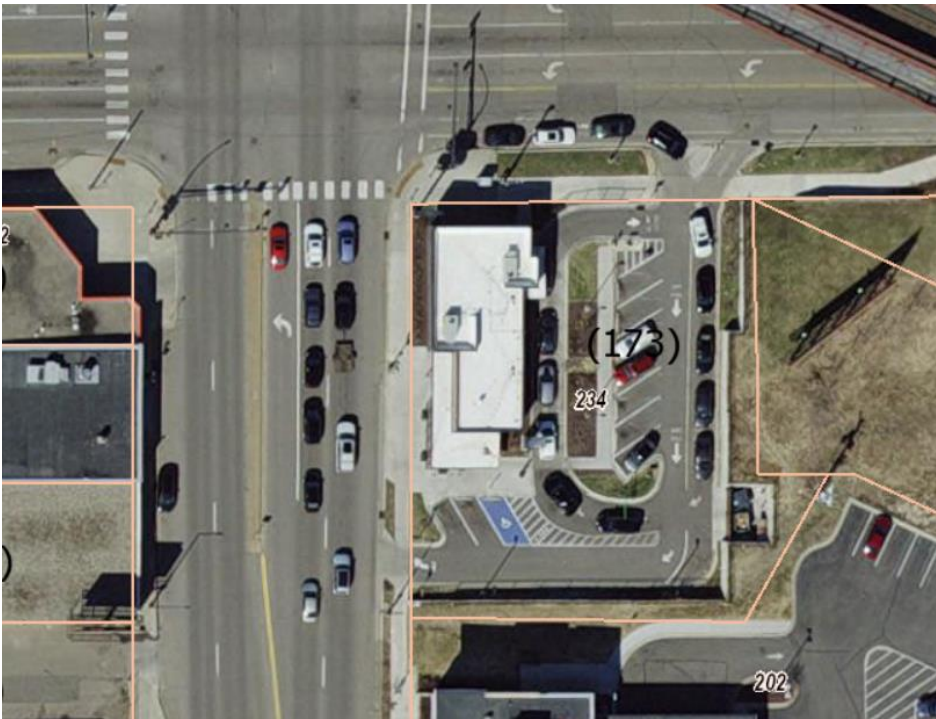
## Problems

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.

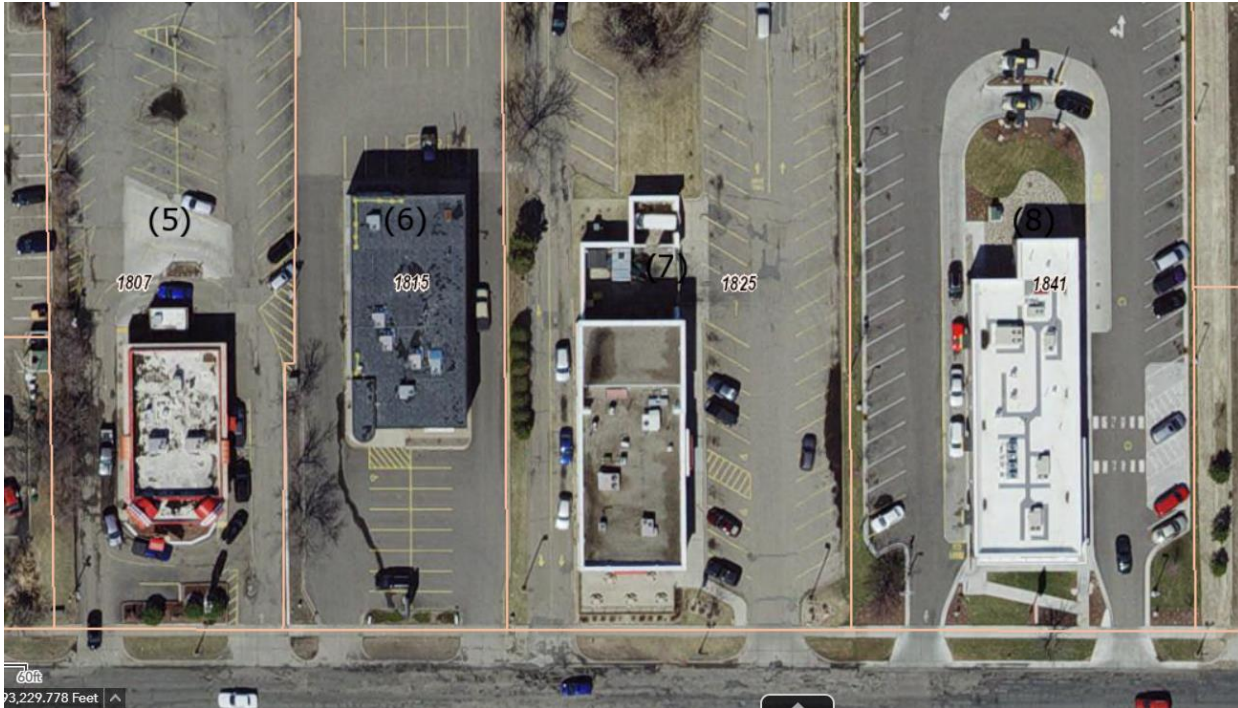
The Zoning Code currently requires that: “Stacking spaces shall be provided for each drive-through lane. Banks, credit unions, and fast-food restaurants shall provide a minimum of four (4) stacking spaces per drive-through lane. Stacking spaces for all other uses shall be determined by the zoning administrator.”

### 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**

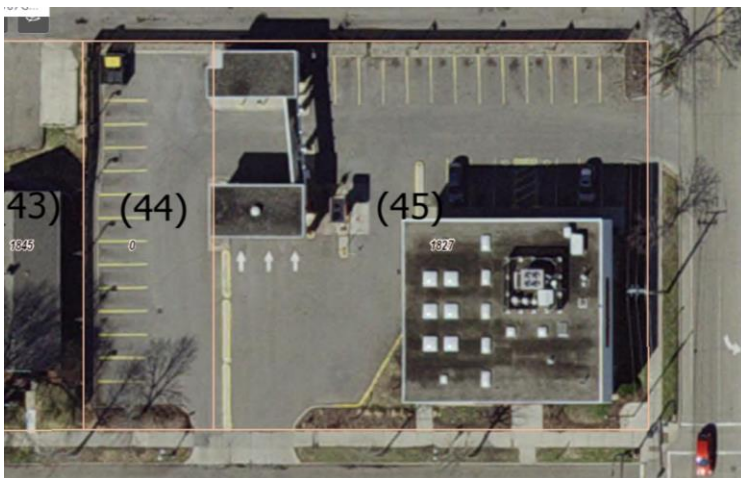


Above: The drive through at 1807 Suburban Ave (leftmost business) requires pedestrians to cross the lanes to access the building, while those two and three lots to the east at 1825 and 1841 Suburban Ave do not. Also, generally, with eight curb cuts in a 470' stretch, this is an example of a non-pedestrian-oriented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

### Non-Pedestrian-Oriented Streetscape

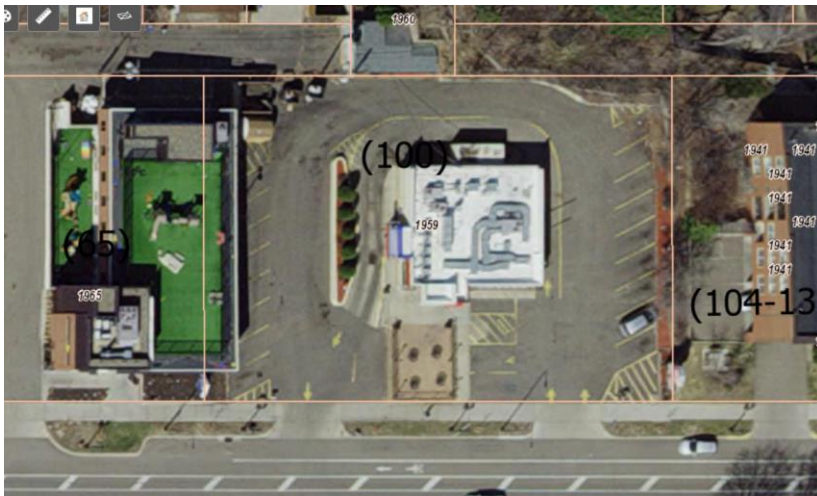
Sites with drive throughs can have several features that detract from a pedestrian-oriented streetscape, including larger expanses of asphalt to accommodate the additional vehicle circulation, smaller buildings along street frontages (compared to larger buildings that would provide a better sense of 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**



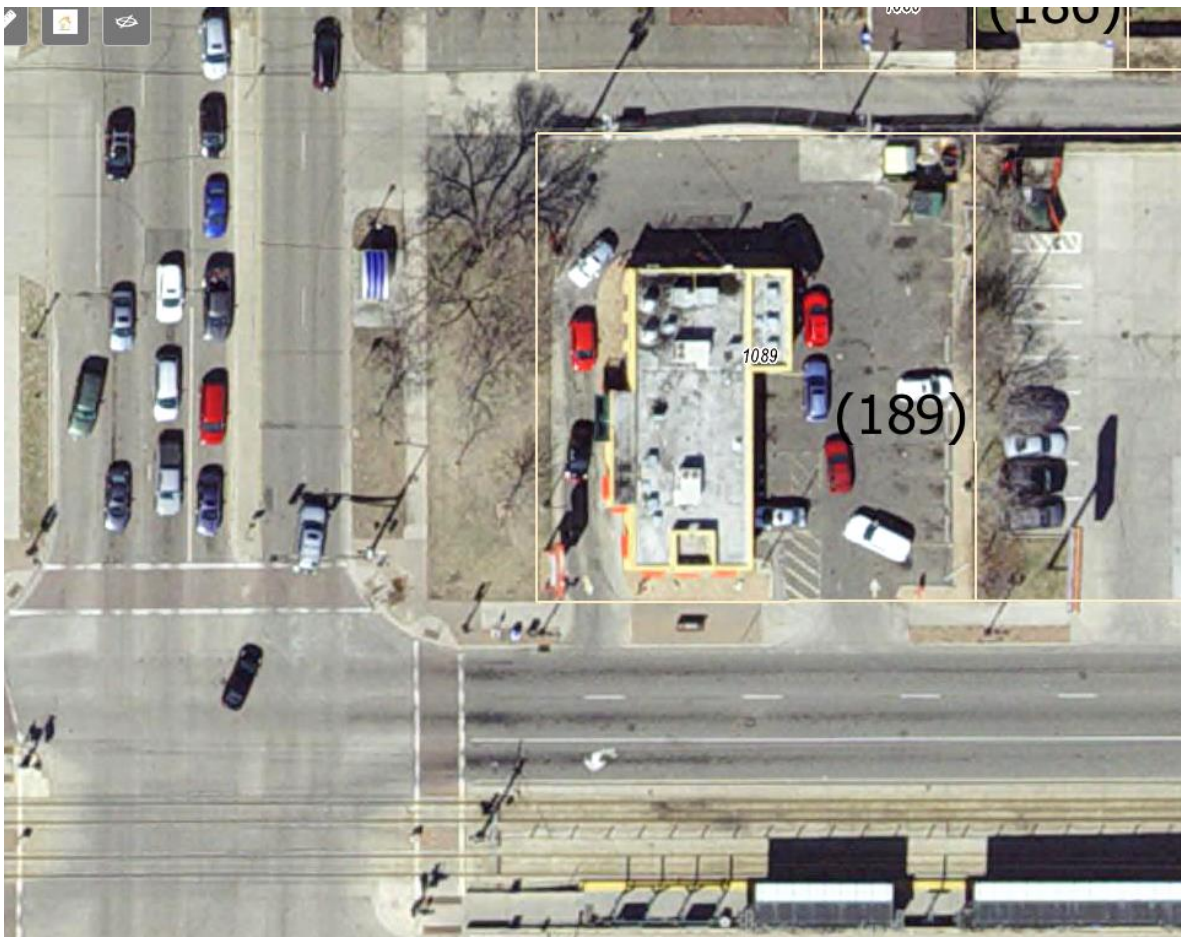
Above: The bank site at 1827 Grand Ave includes a substantial amount of additional pavement to accommodate its drive through operations, beyond what is needed for bank parking. Zoned T2.

**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.

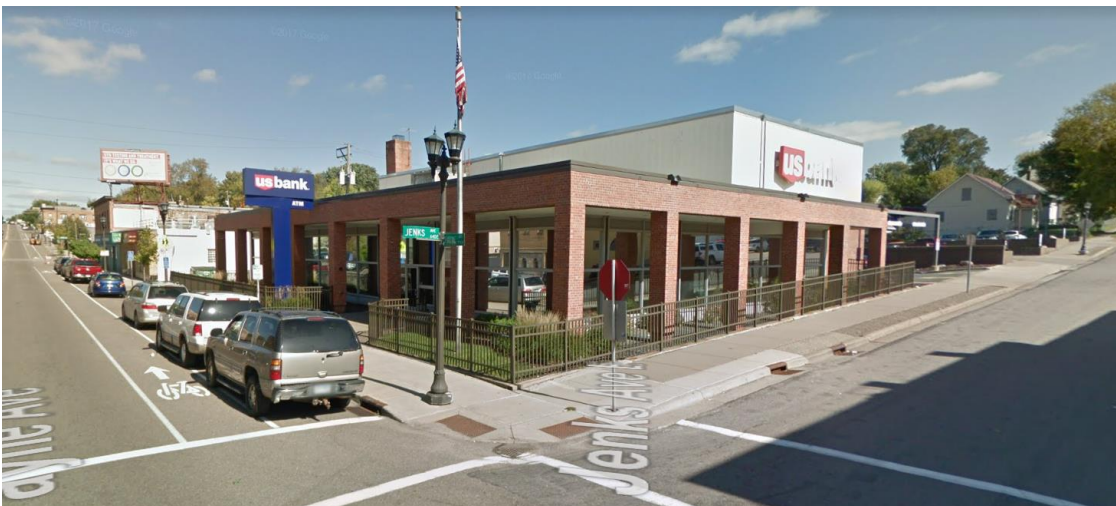
Most existing drive throughs, including the examples highlighted in the “Problems” section above, are largely inconsistent with these policies. However, there are real-world examples that are fully or mostly consistent with the Comp Plan policies, including those below. These examples show that drive 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).

5. The Intersection Sight Distance Table below provides the clear distances:

**Table 2-5: Intersection Sight Distances**

Street Classification	INTERSECTION SIGHT DISTANCE (MEASURED IN FEET ALONG THE CENTERLINE OF INTERSECTING STREET)
Local	335
Collector	445
Arterial	500

## 2.12 - INTERNAL SITE CIRCULATION REQUIREMENTS

All internal site circulation shall be designed and constructed in a way that preserves the health, safety, and welfare of the Public, as determined by the Director of Engineering & Mobility. This applies to all private and public infrastructure intended for the movement of pedestrians and all types of vehicles (including, but not limited to, cars, trucks, buses, trains, golf carts, bicycles, scooters, etc.).

### 2.12.1 -DRIVE-THRU FACILITIES AND STACKING SPACE

1. A drive-thru lane shall be a separate lane from the circulation routes and aisles necessary for ingress to or egress from the property or access to any off-street parking spaces.
2. Drive-thru restaurants and businesses shall be designed so that traffic queued up to use the business shall not block a fire lane, block required parking spaces, interfere with traffic circulation for other businesses, block a driveway entrance to the shopping center, nor back up into a public street.
3. All business uses containing an automobile drive-thru type ordering or service facility, whether manned or unmanned, shall provide automobile stack space in conjunction with the drive-in facility.
4. Required stack spaces shall not be on any street rights-of-way or alley, any necessary maneuvering area for parking spaces within the general traffic circulation pattern of a parking lot, or in a designated fire lane.
5. Stack space may be situated in a straight alignment or in a curved pattern with functional radii, which shall be measured along the centerline from the point of entry or the beginning of a drive-thru lane, to the center of the farthest service window area.
6. Drive-thru lanes shall be oriented to the ordering and pick-up or service area.
7. All stack space requirements shall be in addition to all parking spaces and loading requirements.
8. Off-street stacking spaces shall be a minimum of 10 feet by 20 feet in size and may not impede on- or off- site traffic movements or movements into or out of off-street parking spaces.

9. Off-street stacking spaces shall be provided as indicated in the following table:

Activity Type	Minimum Spaces	Measured From
Bank Teller Lane	4	Teller or Window
Automated Teller Machine (ATM)	3	Teller or Window
Restaurant drive-thru	6	At or before order station
Restaurant drive-thru	4	between order station and pick-up window
Restaurant drive-thru	1	after last transaction window
Auto service facility stalls; vehicle repair and body shop stalls	2	entrance to stall
Car wash stall, self-service	3 per drying area and/or vacuum island	entrance to wash bay
Car wash stall, automatic	traffic queuing and circulation study, see note 13 below	
Gasoline pump island	2	pump island
Daycares and School (public or private)	traffic queuing and circulation study, see note 14 below	
Other	Determined by City Engineer	

10. The Director of Engineering & Mobility may increase the amount of stacking spaces required on site based on the proposed development use. Proposed retail uses and drive-thru with historically high traffic volumes may have additional requirements to prevent congestion and backing up on the adjacent thoroughfare.
11. If the drive-thru has two (2) transaction windows, the required stacking distance between the order box and pick-up window shall be split between each of the windows.
12. An escape lane, with minimum of ten (10) foot width, shall be provided for any use containing a drive-thru facility. Escape lane shall provide access around the drive-thru facility.



13. All development requests and/or specific use permit requests for an automatic car wash shall include, at a minimum, a traffic circulation and queuing study. This study shall state the rate at which the car wash tunnel can process cars (per lane and total) and the rate at which the pay station can process cars (per lane and total), the smaller of which shall be the constraining service rate for the facility. The stacking spaces will be determined by a queuing analysis. The design of the site and the circulation plan shall ensure that car wash traffic does not back up onto any public street. The study shall provide two circulation plans that show how cars will enter, circulate, and leave the site (including the use of any detailing or vacuum stations). One circulation plan will be created for normal operations and another circulation plan will be created for peak operations when vehicles begin to stack up in a fire lane. The traffic circulation study shall include a statement that the owner and/or operator of the car wash agrees to operate the facility in accordance with the approved circulation plans. The circulation plans must be approved by the Director of Engineering & Mobility before the development request or the specific use permit can be approved.
14. All development requests and/or specific use permit requests for a daycare, Montessori school, private school, charter school, or public school shall include, at a minimum, a traffic circulation and queuing study. This study shall include the estimated maximum peak hour trip generation of the facility, the planned circulation of inbound and outbound traffic during drop-off and pick-up operations, and the estimated length of the queue of cars waiting to pick up students. The design of the site and the circulation plan shall ensure that school traffic does not back up onto any public street. The traffic circulation study shall include a statement that the owner and/or operator of the daycare or school agrees to operate the facility in accordance with the approved circulation plan. The circulation plan must be approved by the Director of Engineering & Mobility before the development request, or the specific use permit can be approved.

## 2.12.2 - THROAT LENGTH

1. Driveway length is important for safe and efficient traffic operation on the site and the adjacent roadway. The driveway throat needs to be of sufficient length so that the vehicles may enter, exit, and circulate on the site without interference with each other or with through traffic on the adjacent roadway.
2. Throat length shall be designed in accordance with the anticipated storage length for entering and existing vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. Traffic volumes for the Peak Hour trips (PHT) should be assigned to the applicable driveways and the highest lane volume should be accommodated. In the absence of adequate traffic volumes and trip generation data, the minimum throat length, as measured from the ROW/property line to the first conflict or intersection with a parking aisle, shall not be less than the following table:

Minimum Driveway Throat Lengths	
Land Use	Minimum Throat Length (feet)
Shopping Centers > 200,000 GLA Or Non-residential developments > 400 PHT per driveway	200' or as required by TIA
Non-residential developments between 200 and 400 PHT per driveway	75' or as required by TIA
Non-residential developments less than 200 PHT per driveway Or Other driveways	40'
Gated Residential (Private)	See EDM section 2.9 & UDC section 7.5

3. The throat length may be reduced to no less than twenty (20) feet measured from the outside of the right-of-way by the City Manager by administrative exception if both the following items are met; driveways with less than 50 Peak Hour trips (PHT) and not located on an Arterial or Collector Roads.