



**SLW-Chick-Fil-A (HD PSL Realty, LLC)
Variance (Parking Reduction)
P23-130**



Aerial Map

SUMMARY

Applicant's Request:	To grant a variance of a reduction in the parking requirement to allow for an improvement to the exiting queuing drive-through lane.
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Application Type:	Variance, Quasi-Judicial
Applicant / Property Owner:	HD PSL Realty, LLC
Address:	1611 NW Saint Lucie West Blvd
Location:	The property is generally located west of NW Country Club Drive, north of Saint Lucie West Blvd.
Project Planner:	Cody Sisk, Planner II

Project Description

The applicant is requesting a variance of 8 parking spaces to expand the drive-through queuing area. Section **158.073(H)(3)** of the City’s Zoning Code requires a minimum of one parking space per 75 SF of gross floor area.

Background

The existing Chick-Fil-A was granted a previous Variance for a reduction in parking in 2017. The Variance that was approved in 2017 allowed a reduction in parking by 2 spaces. The applicant is now seeking to expand the queuing lane for the drive-through lanes which will cause a loss of 8 additional parking spaces.

Review Criteria

An application for a variance is reviewed for consistency with Article XV of the Zoning Code, Sections 158.295 through 158.299. Final action on the application (approval or denial) is in the form of an Order of the Planning and Zoning Board following a quasi-judicial public hearing. A vote of approval by five (5) members of the Planning and Zoning Board is required to grant a variance.

Public Notice Requirements

Public notice was mailed to owners within 750 feet on October 26, 2023, and the file was included in the ad for the Planning & Zoning Board’s agenda.

Location and Site Information

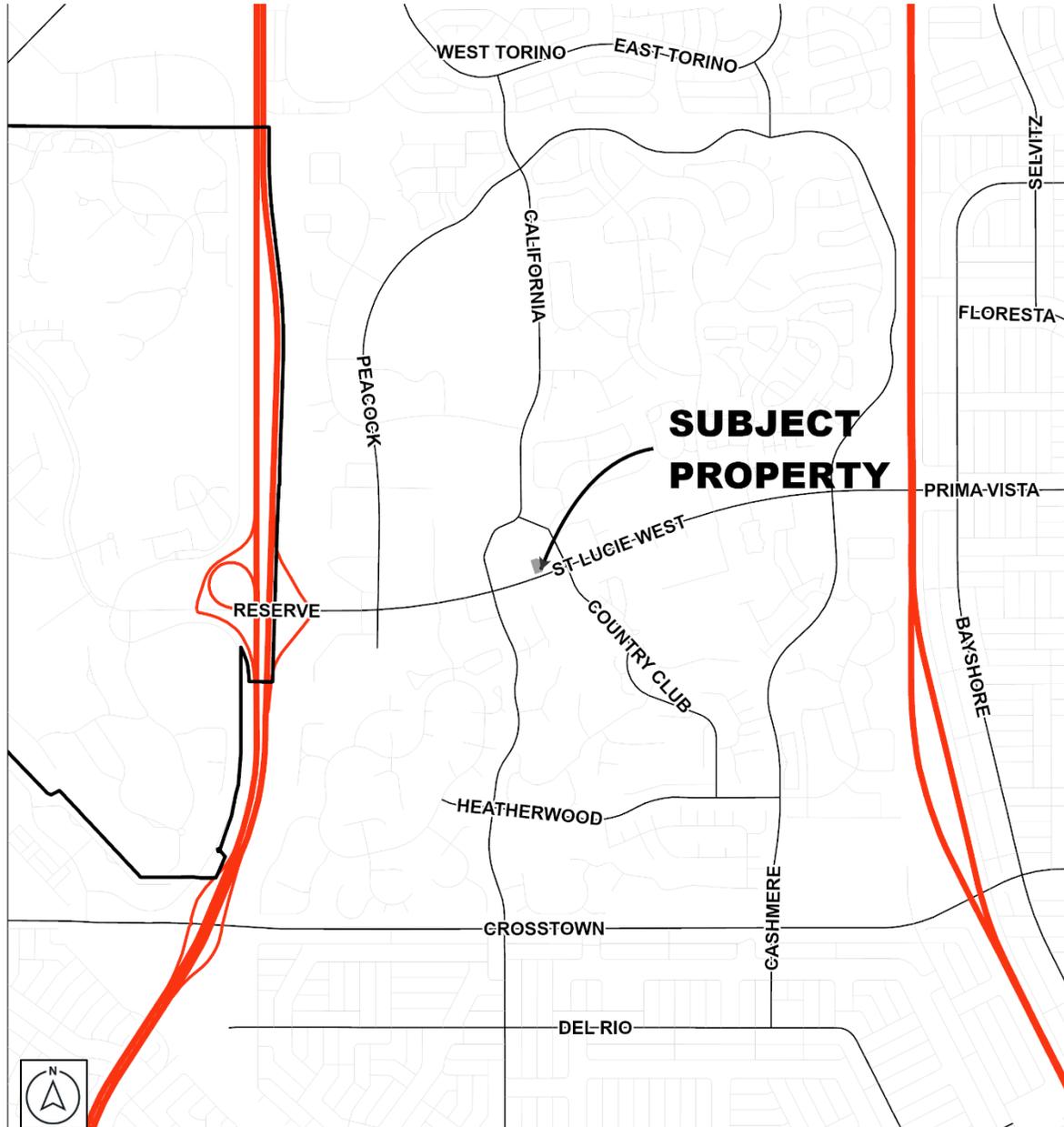
Parcel Number:	3325-704-0001-000-5
Property Size:	1.46-acres
Legal Description:	Parcel I: Lot 1, St. Lucie West Plat No. 194, According To The Map Or Plat Thereof, As Recorded In Plat Book 73, Pages 19 And 20, Of The Public Records Of St. Lucie County, Florida. Parcel II: Together With Those Certain Non-Exclusive Easements Contained In That Certain Access Easement Agreement By And Between Bank Of America, National Association And RG SLW LLC, Recorded May 24, 2018 In Official Records Book 4136, Page 1291, Of The Public Records Of St. Lucie County, Florida.
Future Land Use:	CG/I
Existing Zoning:	CG
Existing Use:	Restaurant

Surrounding Uses

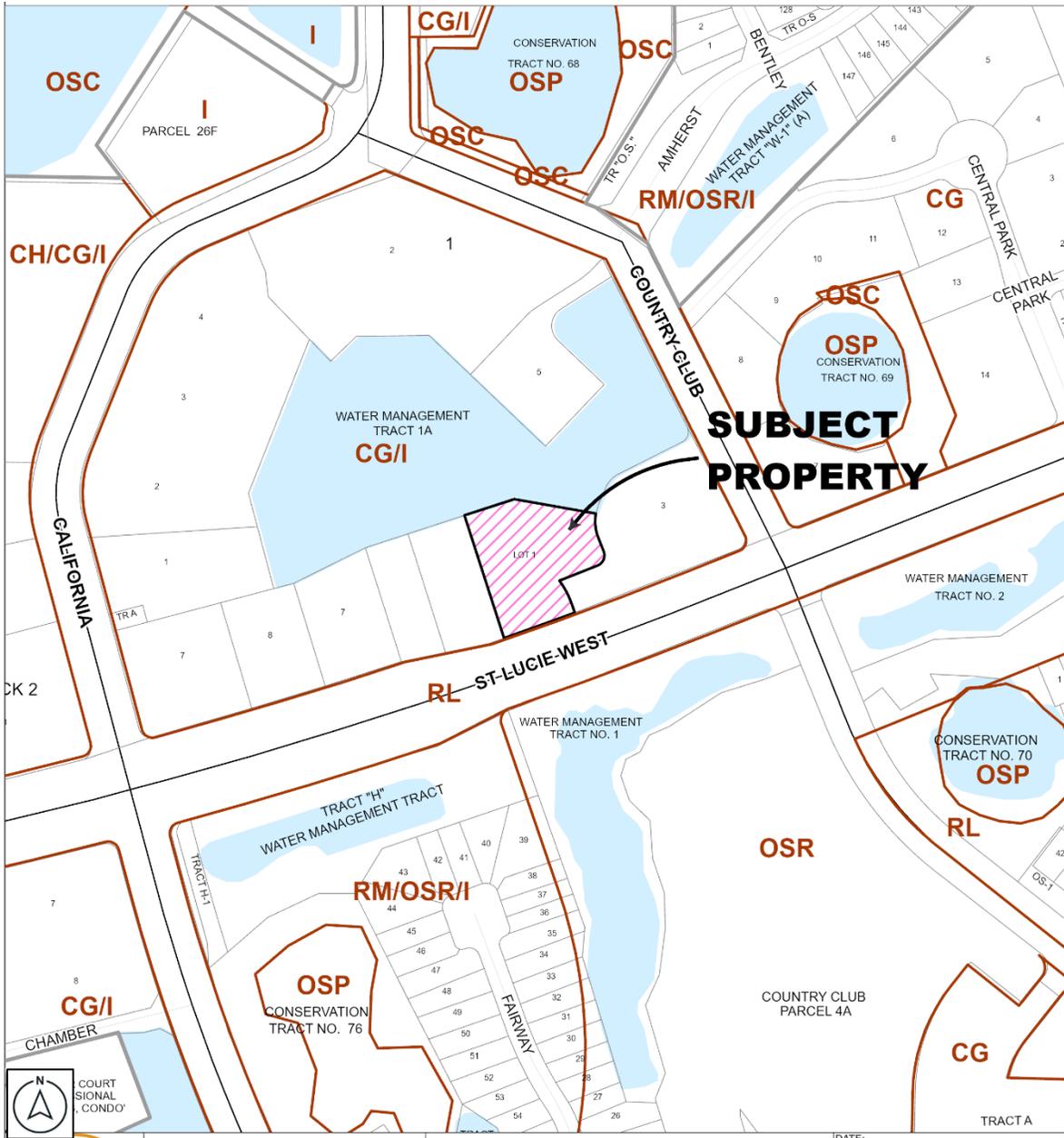
Direction	Future Land Use	Zoning	Existing Use
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North	CG/I	GU	Water Management Tract
South	OSR	OSR	Golf Course
East	CG/I	CG	Commercial Use
West	CG/I	CG	Commercial Use

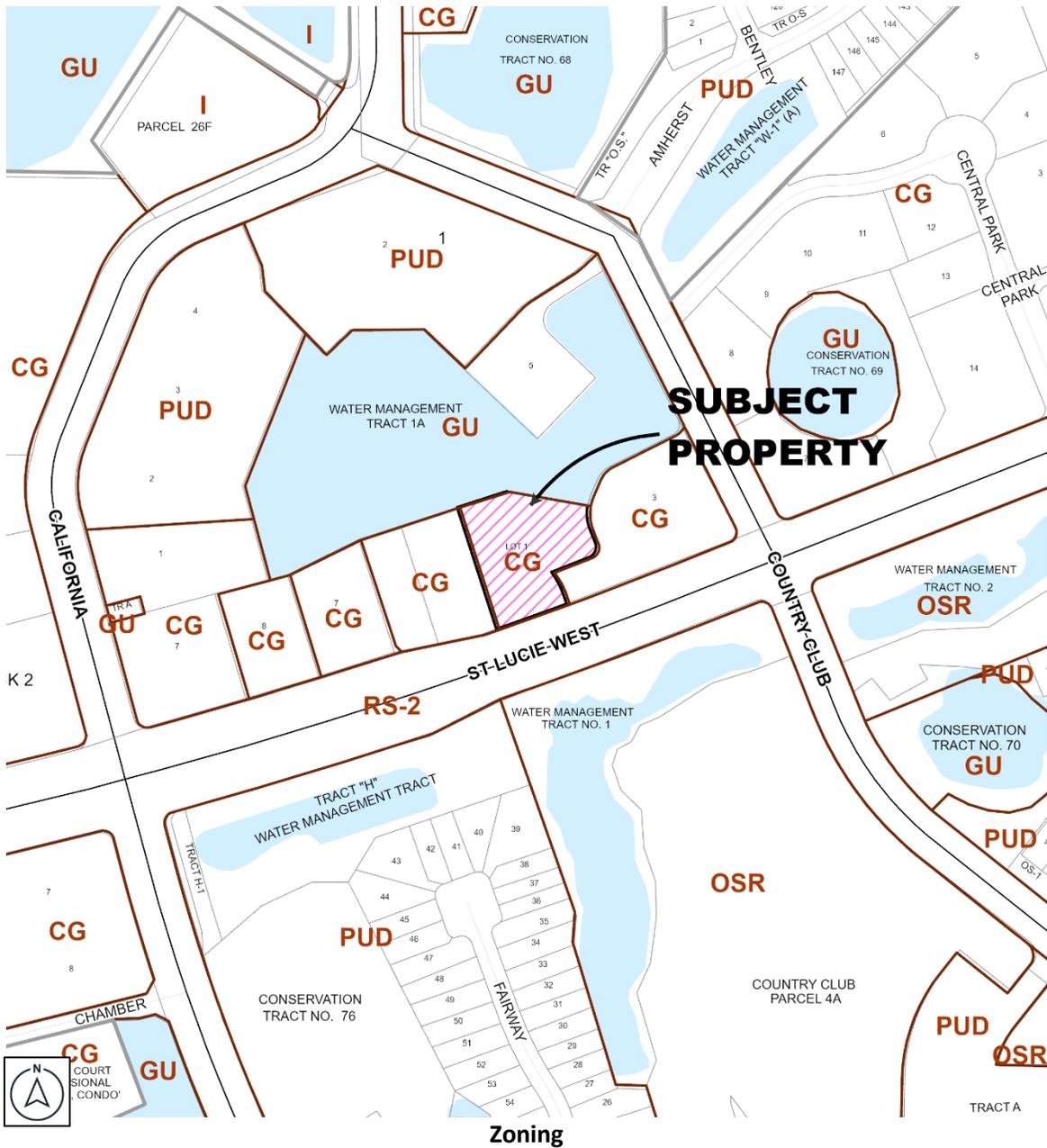
CG – General Commercial, GU – General Use, OSR – Open Space Recreational, I – Institutional, Private & Public



Location Map



Future Land Use



IMPACTS AND FINDINGS

Section 158.295 (B) of the Zoning Code establishes the duties of the Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board may authorize the variance from the provisions of the Zoning Code as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. Pursuant to Section 158.296, a variance is authorized only for height, area, and size of the structure, yard size, building setback, lot size requirements, and other applicable development regulations, excluding use. To authorize a variance, the Planning and Zoning Board should consider the criteria listed under Section 158.295 (B) (1) through (7). The applicant's response to this criterion is attached to the application. Staff's review is provided below.

See the applicant's responses that are included in the Variance application.

Compatibility with variance criteria Section 158.295 (B).

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - **Applicant's Response:** The existing site has a standard single lane drive-thru typical of older Chick-fil-A sites. Due to the popularity of the drive-thru business for existing Chick-fil-A stores and in particular due to changing customer habits since the Covid-19 pandemic, existing stores have seen a significant increase in the number of orders placed through the drive-thru operations as opposed through traditional dine-in options. The majority of the patrons enter the drive-thru queuing areas instead of utilizing the parking spaces to dine-in, as such this can result in an excessive queue triggering congested vehicular-use areas, especially with the older drive thru designs which only allow for queuing along a single lane. The proposed drive-thru improvements aim to address this specific demand by providing additional queuing spaces in the second drive-thru lane, which will provide quicker turn-around time for customer service and reduce impacts on the existing drive-aisles by removing congestion and providing a continuous flow of traffic within the drive-thru. It's important to note that Chick-fil-A operations differ from other fast-food brands by providing face-to-face attendants who are physically within the drive-thru taking orders and directing the traffic through the drive-thru lanes. In order to achieve these improvements, mainly adding the second drive-thru lane, the number of existing parking spaces will be reduced by a net total of 8 spaces.
 - **Staff Findings:** *Special conditions and circumstances do not exist, which are peculiar to the land, structure, or building involved. The lot exceeds the minimum requirement for General Commercial Zoning lot. The existing commercial site is 63,719 sq. ft. while the minimum requirement is 20,000 sq. ft.*
2. That the special conditions and circumstances do not result from any action of the applicant.
 - **Applicant's Response:** The reduction of the total number of parking spaces available on site is triggered by the proposed expansion of the drive-thru area to provide two lanes from the entrance of the queuing area to the delivery window. The intent is to address existing customer demands and trends, which are not conditions created by the Applicant. In fact, the Applicant already implements actions meant to address the existing demands on the drive-thru, such as the use of face-to-face attendants to reduce queuing times, but due to the dimensional constraints of the site, in order to make a substantial change to the drive-thru operations, additional area is required to dimensionally fit the second queuing lane in the drive-thru, which would come at the expense of parking. It is important to note

that the request is being made to address existing customer trends and not a condition created by the Applicant.

- *Staff Findings: See No. 1 above. The applicant is seeking a variance to allow for a parking reduction to accommodate an additional drive through lane.*
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district.
- *Applicant's Response: Since the Chick-fil-A operations are unique to this specific brand of fast-food restaurants, the reduction of parking for the purpose of increasing the drive-thru queuing area will not provide the development any special privileges. The intent is to ensure that the existing site functions in accordance with the intent of the code, by reducing congestion of traffic on the site. The variance would simply allow the applicant to meet the existing demands while alleviating the existing conditions' impact onto adjacent parcels and streets. The requested reduction in parking is justified by allowing the fast-food restaurant to meet the high-demand of fast-food orders within the drive-thru, which is the primary method for ordering for most Chick-fil-A customers as opposed to the more traditional dine-in options which are more reliant on on-site parking.*
 - *Staff Findings: Special privileges would be conferred upon the applicant; a parking requirement of 1 space per 75 sq. ft. of restaurant use is a regulatory standard applied to other lands and commercial structures within the CG zoning district. In addition, this site was previously granted a parking variance of 2 spaces so the site already had the parking requirement reduced. This would be a reduction or loss of 8 more spaces in addition to the 2 spaces that were already eliminated from the required parking.*
4. That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant.
- *Applicant's Response: Chick-fil-A is a clear example that while all fast-food restaurants operate the same way in theory and as understood by code, in actuality, the demands and operations of this specific restaurant differ greatly from other establishments with similar land use. Chick-fil-A operations are intended to address the drive-thru needs of its customers by providing a host of non-traditional avenues, including face-to-face attendants, which are meant to address the particular nature and unique demands for this brand. A literal interpretation of the code would not allow for the reduction in parking. As explained, due to the less popular on-site dining options for customers, the surface parking is not as used as the drive-thru, which puts the undue hardship on the applicant to address any congestion issues on site, due to the dimensional restrictions of the parcel. The intent is to address an existing concern with traffic flow through the site and the only effective way to do this is by expanding the drive-thru to two lanes, which would come at a loss of parking.*
 - *Staff Findings: Literal interpretation of the provisions of the chapter would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district or introduce unnecessary and undue hardships on the applicant. All commercial developments located in the General Commercial (CG) Zoning District are permitted to have additions provided they meet all requirements including parking requirements.*

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - Applicant's Response: The proposed improvements are designed in a manner to provide as many parking spaces as possible while also creating the necessary second lane for the drive-thru area. We have discussed several design options with city staff in order to provide as many spaces as physically possible with the available on-site area. Please refer to the provided site plans showing the proposed improvements. Short of eliminating additional existing planting area and landscape islands, the site design has been optimized to keep as much of the existing parking as possible while still addressing the queuing concerns on the existing drive-thru.
 - Staff Findings: *The property has previously approved a Variance for parking reduction. The minimum variance that will make this use possible was previously granted in 2017.*

6. That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
 - Applicant's Response: The design does not propose any changes to the existing site access or cross-access connections to adjacent parcels nor does it change the land use, thus keeping in harmony with adjacent developments and the intent of the code. The intent is to avoid a negative impact on the surrounding areas and the general public. In fact, the granting of the variance would prove to be beneficial to the surrounding developments and safety of the local area. The proposed increase in drive-thru queuing capacity will eliminate the existing issues with spilling of traffic off-site while improving the turn-around times for service. A reduction in parking will not pose any harm or concerns with the general welfare of the public. On the contrary, it will make the existing operations safer.
 - Staff Findings: *Variance approval for the parking reduction could be detrimental to the existing site. This site received a previous Variance for parking reduction and this Variance would further reduce the parking count. Under-parking this use could result in overflow parking utilizing adjacent businesses parking capacity. The applicant also provided a parking and queuing analysis for the site. The analysis indicates that the queuing spaces that exist on site can accommodate approximately 21 vehicles in the queuing area. The provided analysis statement also indicates that the maximum number of queuing spaces observed was a total 14 vehicles within the queuing area, while the average number of vehicles was 10 vehicles in the queuing area. The findings from the parking and queuing analysis show that the existing on-site conditions have more than the minimum required queuing spaces needed. Any public comment that is received will be forwarded to the Board for consideration.*

7. That there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.
 - Applicant's Response: Noted. Applicant is willing to work with staff, the Planning and Zoning Board and/or the Zoning Administrator to implement any additional improvements or safeguards to enhance the proposed improvements requested as part of this variance and to mitigate the loss of parking.
 - Staff Findings: *Acknowledged.*

PLANNING AND ZONING BOARD ACTION OPTIONS

Staff Recommendation: Staff does not support this request for an additional parking variance (8 space parking reduction) and recommends that the Planning and Zoning Board deny the request.

The Board may choose to approve, deny or table the proposed variance. If the Board finds that the variance application is consistent with the criteria as listed in Section 158.295 (B) (1) through (7) of the City code (listed above), then the Board may:

- Motion to approve
- Motion to approve with conditions

If the Board finds that the variance application is inconsistent with the criteria as listed in Section 158.295 (B) (1) through (7) of the City code, then the Board may:

- Motion to deny

Should the Board need further clarification or information from either the applicant and/or staff, the Board may:

- Motion to table or continue the hearing or review to a future meeting.

(NOTE TO APPLICANTS: Any request for a variance that is denied by the Planning and Zoning Board may be appealed to the Board of Zoning Appeals. Appeal applications are made through the City Clerk's office and must be submitted within 15 days after the Planning and Zoning Board hearing).