

## **Responses to Variance Criteria Non-Administrative Variance – Parking Reduction**

### **Chick-Fil-A #03913 St. Lucie West FSU 1611 St. Lucie W Blvd, Port Saint Lucie, FL 34986**

The Applicant, HD PSL Realty, LLC (hereinafter the "Applicant"), is seeking site plan approval to make site improvements to the existing Chick-Fil-A fast-food restaurant located at 1611 St. Lucie W Blvd, Port Saint Lucie, FL 34986. The 1.46-acre site is located within the jurisdiction of Port St. Lucie, zoned as General Commercial (GC). The Applicant is proposing to improve the existing drive-thru area by providing a second continuous drive-thru lane for more queuing capacity, which will trigger a decrease in 8 parking spaces from the existing conditions. The changes proposed are necessary for accommodating the high demand within the drive-in area of the current conditions.

In order to make the site improvements, the Applicant is seeking a waiver from Section 158.221(C)16 of the Port St. Lucie Code of Ordinances for the required total of 67 parking spaces (1 space per 75 SF of gross floor area). The existing conditions have been approved through a parking variance, with a total of 65 spaces provided, two spaces below the required. Because the limited area and the demand for more queuing, the necessary drive thru modification will trigger the removal of 8 spaces, which will have the restaurant at 10 below the required.

Based on the foregoing, the Applicant is requesting a non-administrative variance to deviate from the minimum parking spaces as required by Section 158.221(C)16 of the land development code and respectfully submits that the criteria in Section 158.295(B) for consideration for issuance of variances are satisfied as demonstrated below:

- 1. Please explain special conditions and circumstances that 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.**

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 amount 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.

**2. Please explain if these conditions and circumstances result from actions by the applicant.**

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.

**3. Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district.**

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.

**4. Please explain how a 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.**

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.

**5. Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure.**

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.

**6. Please indicate how granting variance will be in harmony with the general intent and purpose of the chapter and that granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

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.

**7. Please indicate 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.**

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.

  
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Signature of Applicant

KRISTHIAN MORALES  
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Hand Print Name

8/1/2023  
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Date