

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: February 5, 2018****CASE NUMBER**

6153

APPLICANT NAME

Interplan LLC c/o Chick-fil-A Inc.

LOCATION3244 Dauphin Street
(North side of Dauphin Street, 170'± East of Northgate Drive).**VARIANCE REQUEST****OFF-STREET PARKING VARIANCE:** To allow 30 off-street parking spaces for a 4,210 square-foot restaurant in a B-3, Community Business District.**ZONING ORDINANCE
REQUIREMENT****OFF-STREET PARKING VARIANCE:** The Zoning Ordinance requires 42 parking spaces for a 4,210 square-foot restaurant in a B-3, Community Business District.**ZONING**

B-3, Community Business District

AREA OF PROPERTY

0.76± Acre

**CITY COUNCIL
DISTRICT**

District 1

**ENGINEERING
COMMENTS**

No comments.

TRAFFIC ENGINEERING**COMMENTS**

The improvement to the drive thru is anticipated to reduce the impacts to traffic that can be observed during peak hours of the restaurant. The nearby access from Dauphin Street and the access along the service road are often impacted by the long queue. Nearby offsite parking has been observed and is utilized when the parking onsite is full or obstructed.

**URBAN FORESTRY
COMMENTS**

Property to be developed in compliance with state and local laws that pertain to tree preservation and protection on both city and private properties (State Act 2015-116 and City Code Chapters 57 and 64).

ANALYSIS

The applicant is requesting an Off-Street Parking Variance to allow 30 off-street parking spaces for a 4,210 square-foot restaurant in a B-3, Community Business District; the Zoning Ordinance requires 42 parking spaces for a 4,210 square-foot restaurant in a B-3, Community Business District.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

Variances are site-plan specific; therefore, if approved, any proposed changes to the site layout of the request at hand will require an application to the Board to amend the approved site plan prior to any construction activities.

The site has been given a **Mixed Commercial Corridor** land use designation per the recently adopted Future Land Use Plan and Map. The Future Land Use Plan and Map complements and provides additional detail to the Development Framework Maps in the Map for Mobile, adopted by the Planning Commission at its November 5, 2015 meeting. This designation acknowledges existing commercial development that is spread along Mobile's transportation corridors in a conventional strip pattern or concentrated into shorter segments of a corridor.

Over time, new development and redevelopment in Mixed Commercial Corridors is encouraged to: raise design quality; improve connectivity to surrounding neighborhoods; improve streetscapes; and, improve mobility and accessibility for all users of the corridor.

It should also be noted that the Future Land Use Plan and Map components of the Map for Mobile Plan are meant to serve as a general guide, not a detailed lot and district plan. In many cases the designation on the new Future Land Use Map may match the existing use of land, but in others the designated land use may differ from what is on the ground today. As such, the Future Land Use Plan and Map allows the Planning Commission and City Council to consider individual cases based on additional information such as the classification request, the surrounding development, the timing of the request, and the appropriateness and compatibility of the proposed use and, where applicable, the zoning classification.

The site plan illustrates renovations to an existing Chick-fil-A restaurant to include the construction of a 386 square-foot addition to the rear of the property, and an additional drive-thru lane. The building addition will increase the size of the restaurant from 3,824 square-feet to 4,210 square-feet, thus requiring 42 off-street parking spaces per Sections 64-6.A.1. and 64-6.A.6. of the Zoning Ordinance; however, the elimination of eight (8) parking spaces is proposed

to accommodate the additional drive-thru lane, effectively reducing the amount of off-street parking to 30 spaces. The applicant states doing so will eliminate the obstruction of parking and mitigate vehicle queuing in the right-of-way currently compounded by drive-thru traffic during peak business hours as justification for the request:

Our client, Chick-fil-A Inc., is proposing renovations to an existing Chick-fil-A restaurant at 3244 Dauphin Street, Mobile, AL 36606. The renovations will include an upgraded midline kitchen with building addition (approximately 400sf), brand image remodel and dual approach multi-lane order point (MLOP) at the drive-through. Chick-fil-A's current traffic is stacking up in the public right-of-way and Chick-fil-A is wanting to add a second drive-thru to mitigate the situation. Due to these proposed renovations, the existing parking would be reduced.

The parking formula is based on one (1) space per 100sf of floor area. Based on the existing square footage of 3,824sf and the additional square footage of 386sf, the total building square footage is 4,210sf. Based on a total building square footage of 4,210sf, forty-two (42) parking spaces are required. There are thirty-nine (39) existing parking spaces and 30 parking spaces are proposed for a loss of 9 spaces. Therefore, on behalf of our client, Chick-fil-A, Inc., we would like to request a Parking Variance to proceed with the proposed site plan included with the request.

This site is the subject of an Administrative Planned Unit Development (PUD) from 2001 allowing shared access between multiple building sites. Revisions to the Administrative PUD resulting from the proposed site improvements are currently under review.

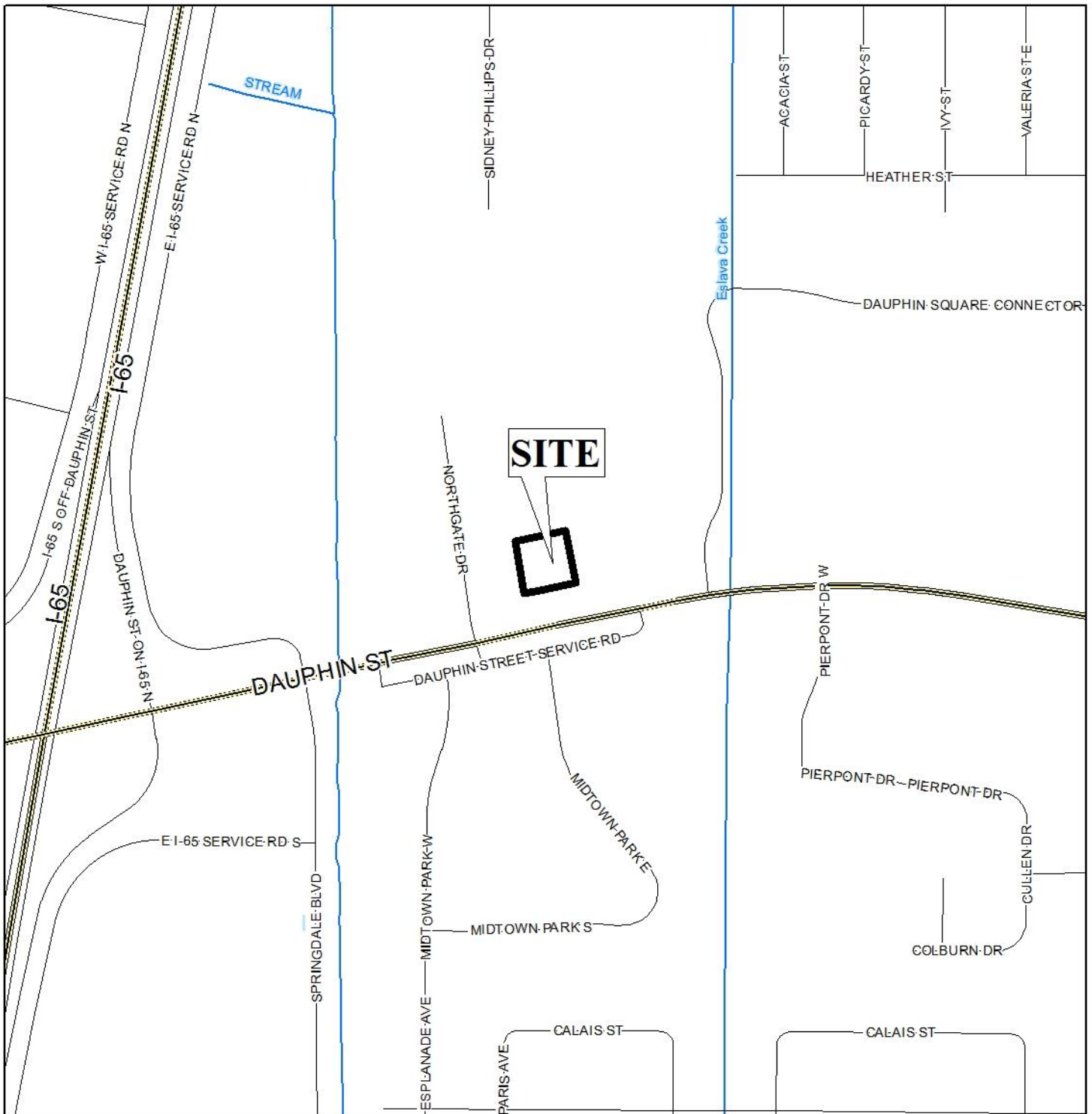
In addition to the building addition, the additional drive-thru lane, and removal of eight (8) parking spaces, the site plan also illustrates an additional drive-thru menu board and the displacement of two (2) van accessible parking spaces to the Southwest corner of the parking lot. No other changes are proposed, and the site will continue to meet the minimum site requirements as approved by the previous Administrative PUD. Adequate drive-thru queuing will also be maintained. It should be noted, however, that the second drive-thru menu board is subject to signage standards of the Zoning Ordinance, a permit for which will be required from the Planning and Zoning Department.

The applicant presents excess drive-thru queuing and its inherent circulation and traffic issues with respect to parking and right-of-way congestion as a hardship on which the Board must base their decision. While such an issue arguably pertains to the economic conditions of the site (i.e. facilitating additional drive-thru traffic economically benefits the restaurant), it may also be regarded as a legitimate safety concern for public cross-traffic disrupted by excess queuing, and a concern for pedestrian safety endangered by congested circulation on the site. Considering the site shares access with adjacent building sites, on which excess parking spaces can be utilized by the subject site, approval of the request may be reasonable to mitigate these concerns.

Due to the previous Administrative PUD, Staff has determined that the issue of reduced parking can be addressed by the new Administrative PUD request. As such, the Off-Street Parking Variance request will not be required.

RECOMMENDATION: Staff recommends to the Board that the applicant be allowed to Withdraw the Off-Street Parking Variance request as it is not required since the issue of reduced off-street parking can be addressed by the Administrative Planned Unit Development request currently under review.

LOCATOR MAP



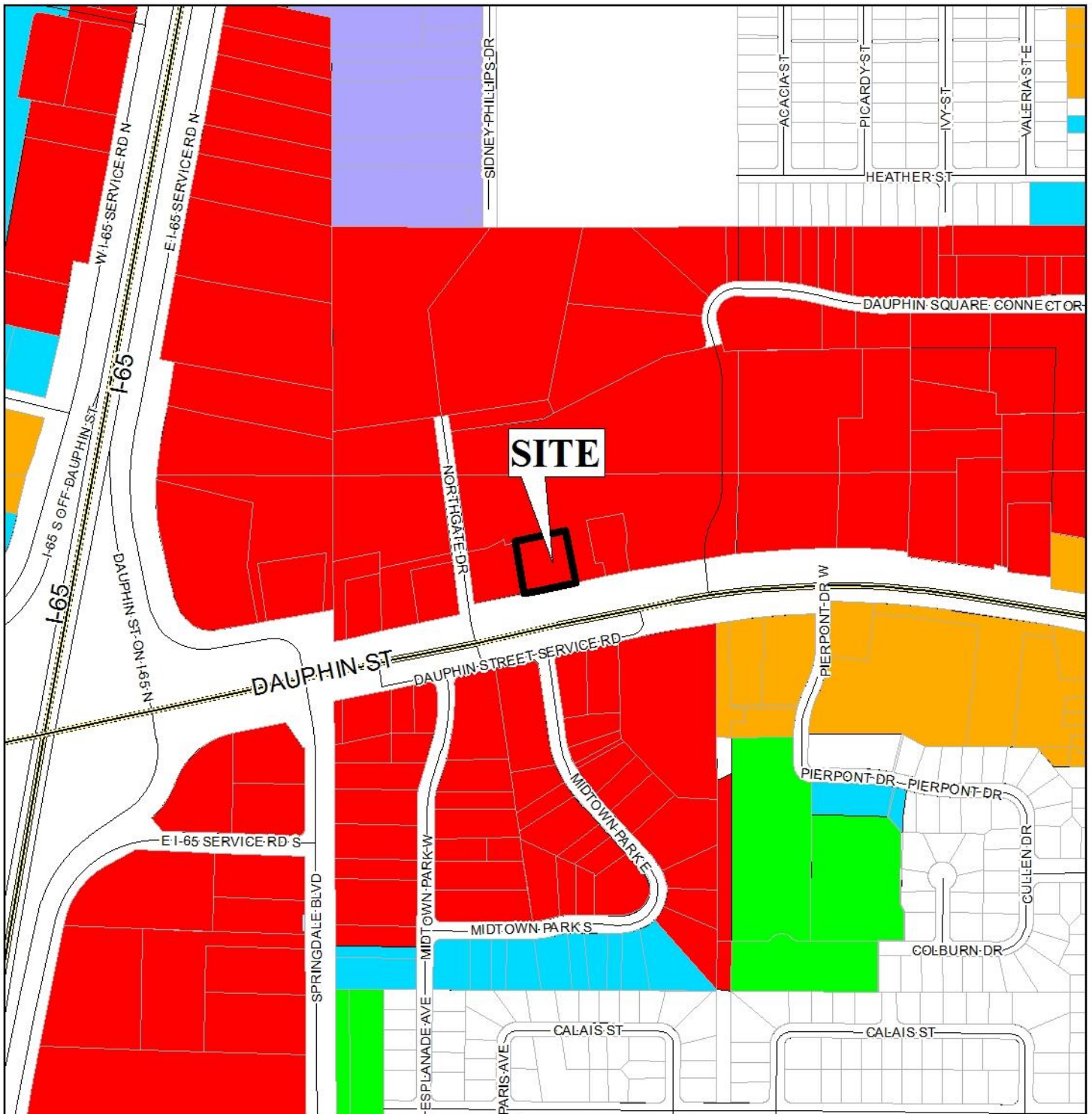
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REQUEST Parking Variance



LOCATOR ZONING MAP



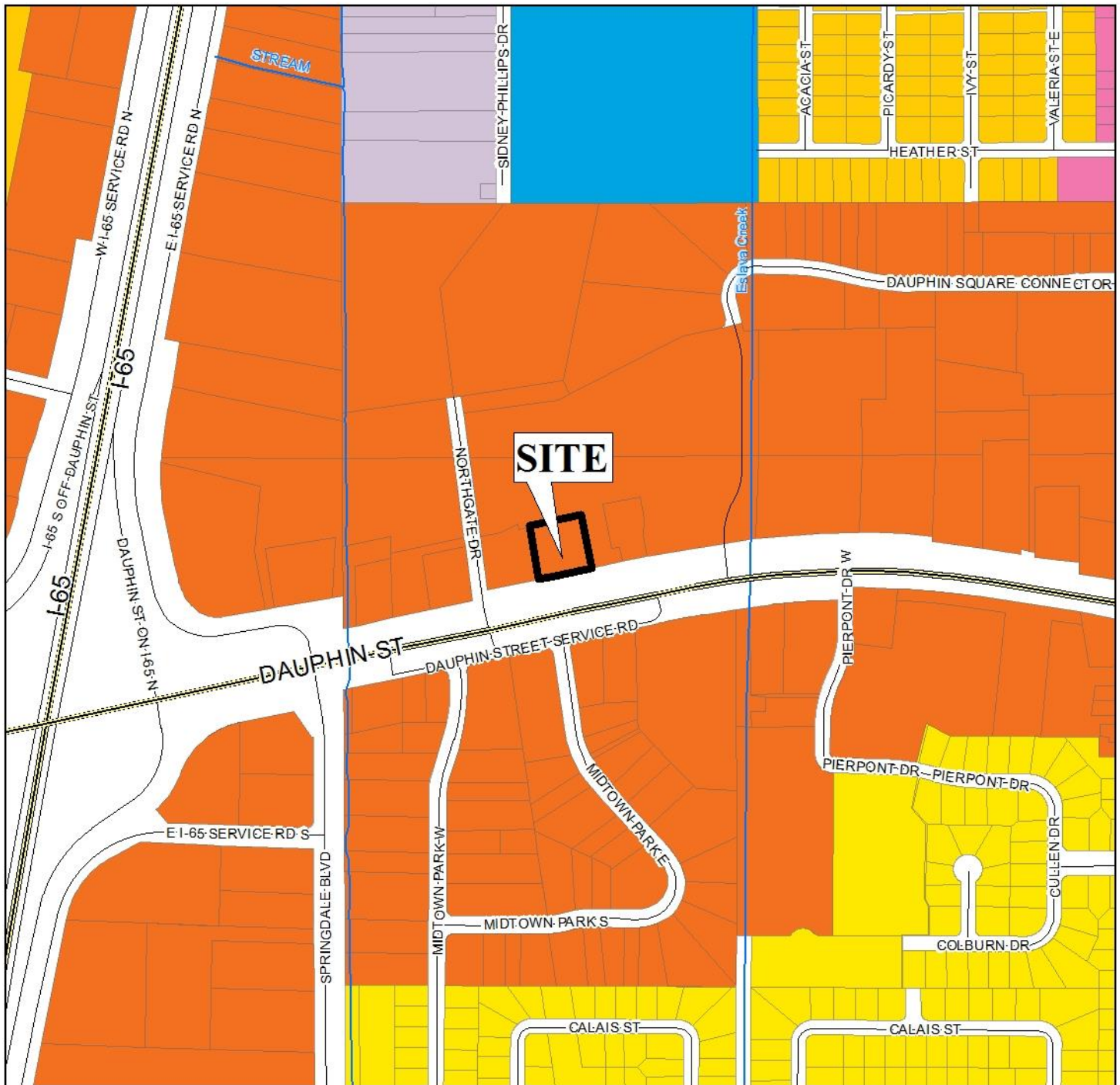
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FLUM LOCATOR MAP



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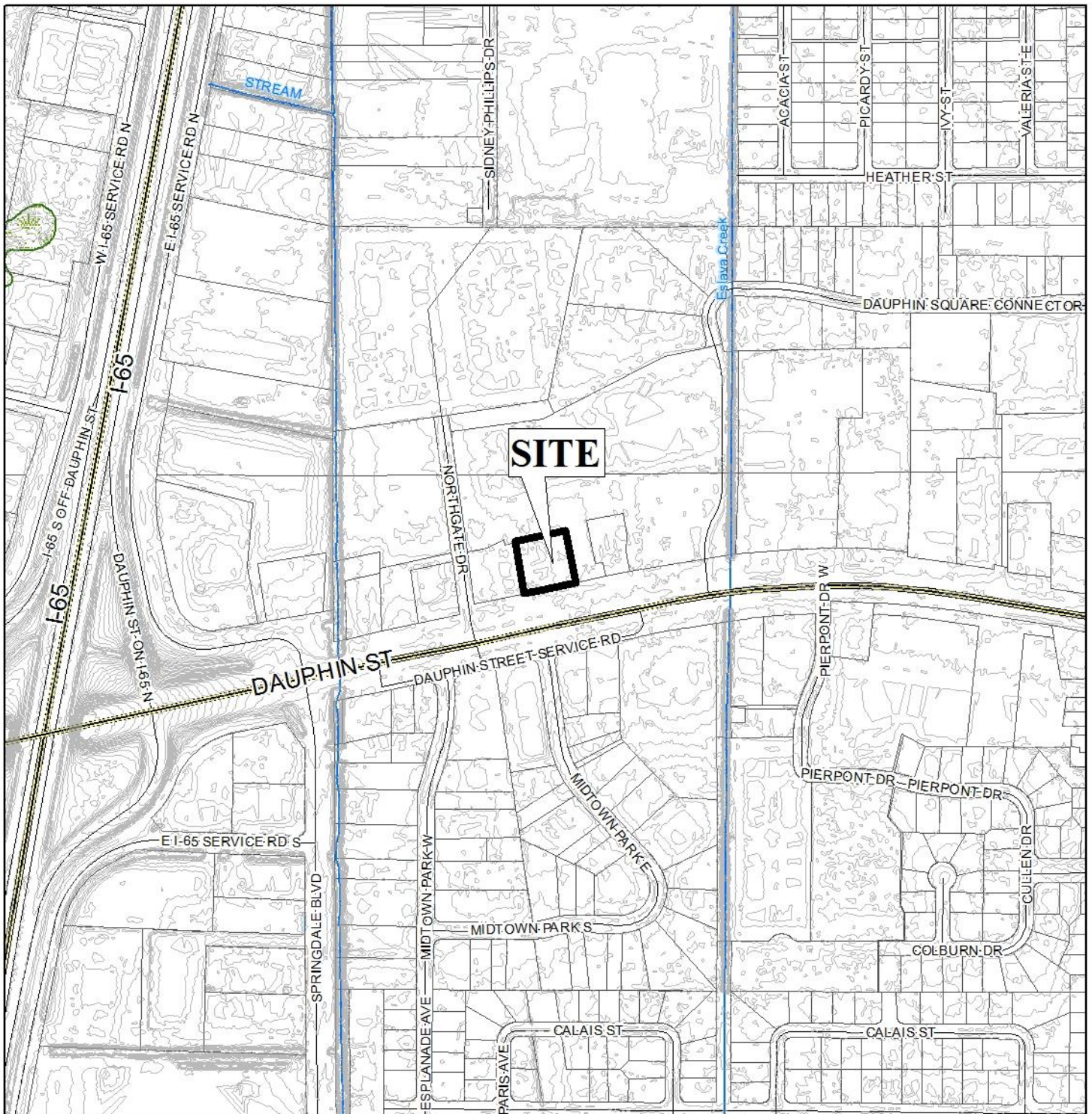
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REQUEST Parking Variance

| | | | |
|---------------------------|-----------------------------------|---------------------|--------------------|
| Low Density Residential | Neighborhood Center - Traditional | Downtown Waterfront | Parks & Open Space |
| Mixed Density Residential | Neighborhood Center - Suburban | Light Industry | Water Dependent |
| Downtown | Traditional Corridor | Heavy Industry | |
| District Center | Mixed Commercial Corridor | Institutional | |



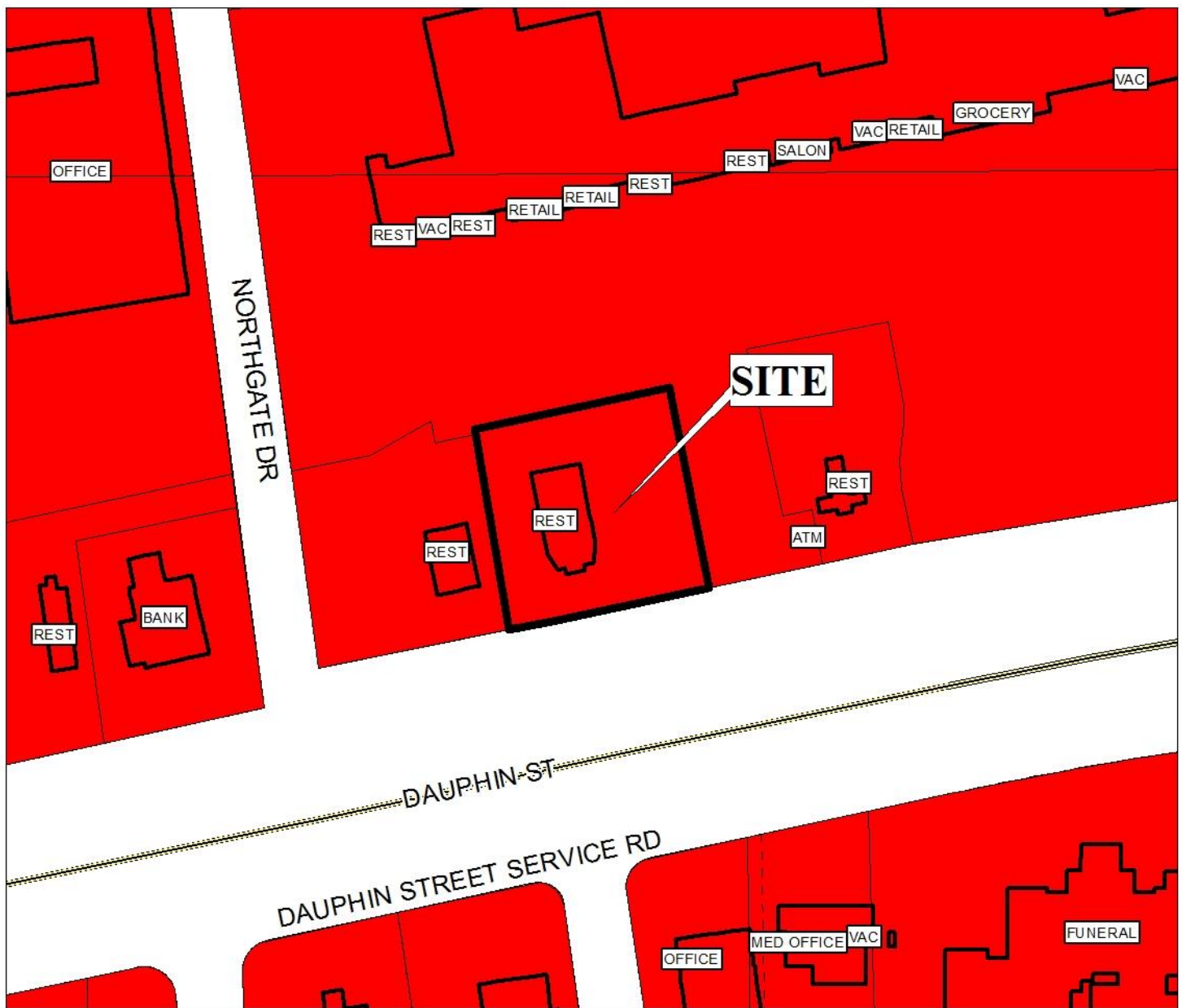
ENVIRONMENTAL LOCATOR MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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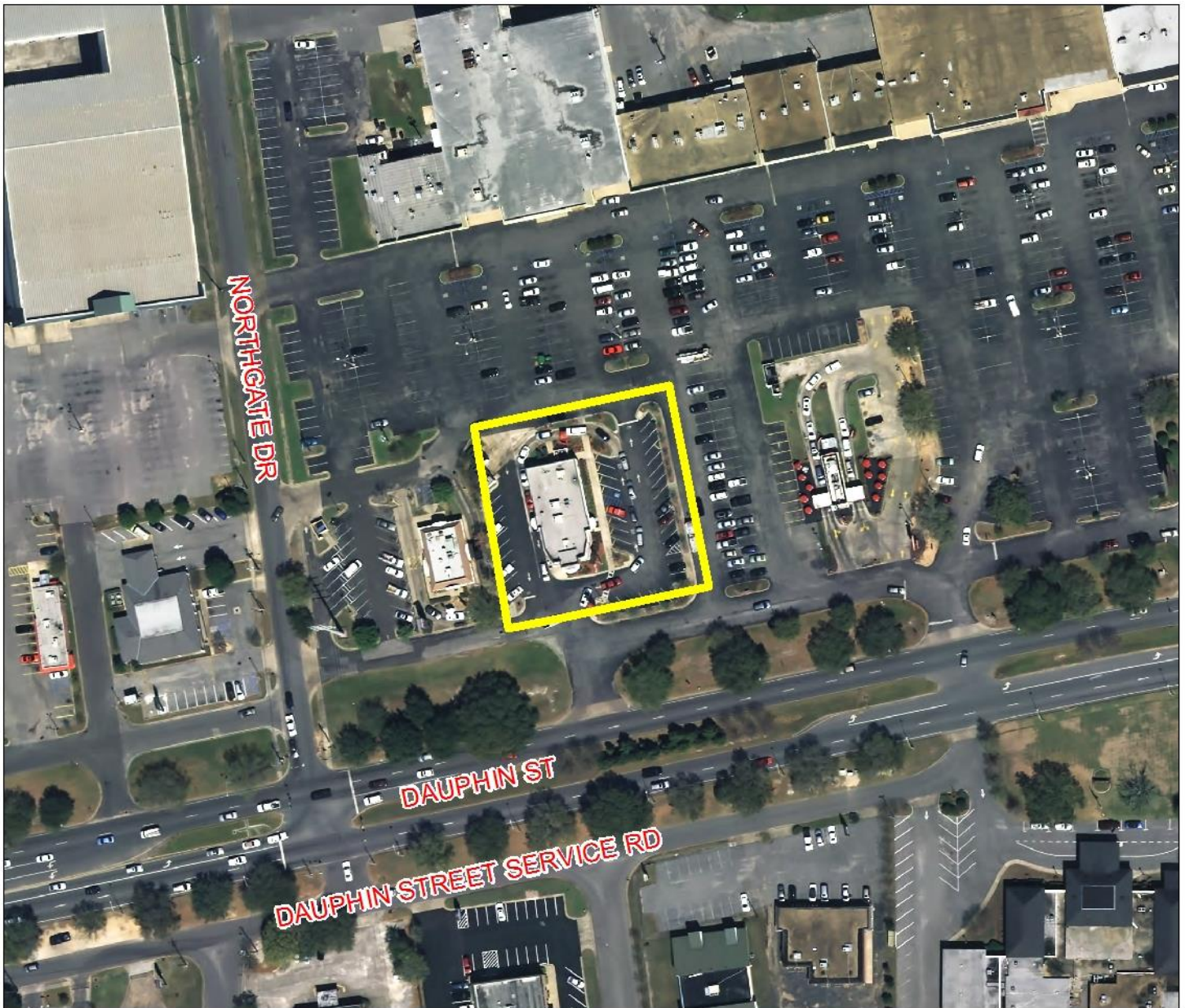
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REQUEST Parking Variance

| | | | | | | | |
|---|---|--|---|---|--|---|--|
| R-A | R-3 | T-B | B-2 | B-5 | MUN | SD-WH | T5.1 |
| R-1 | R-B | B-1 | B-3 | I-1 | OPEN | T3 | T5.2 |
| R-2 | H-B | LB-2 | B-4 | I-2 | SD | T4 | T6 |



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING AERIAL

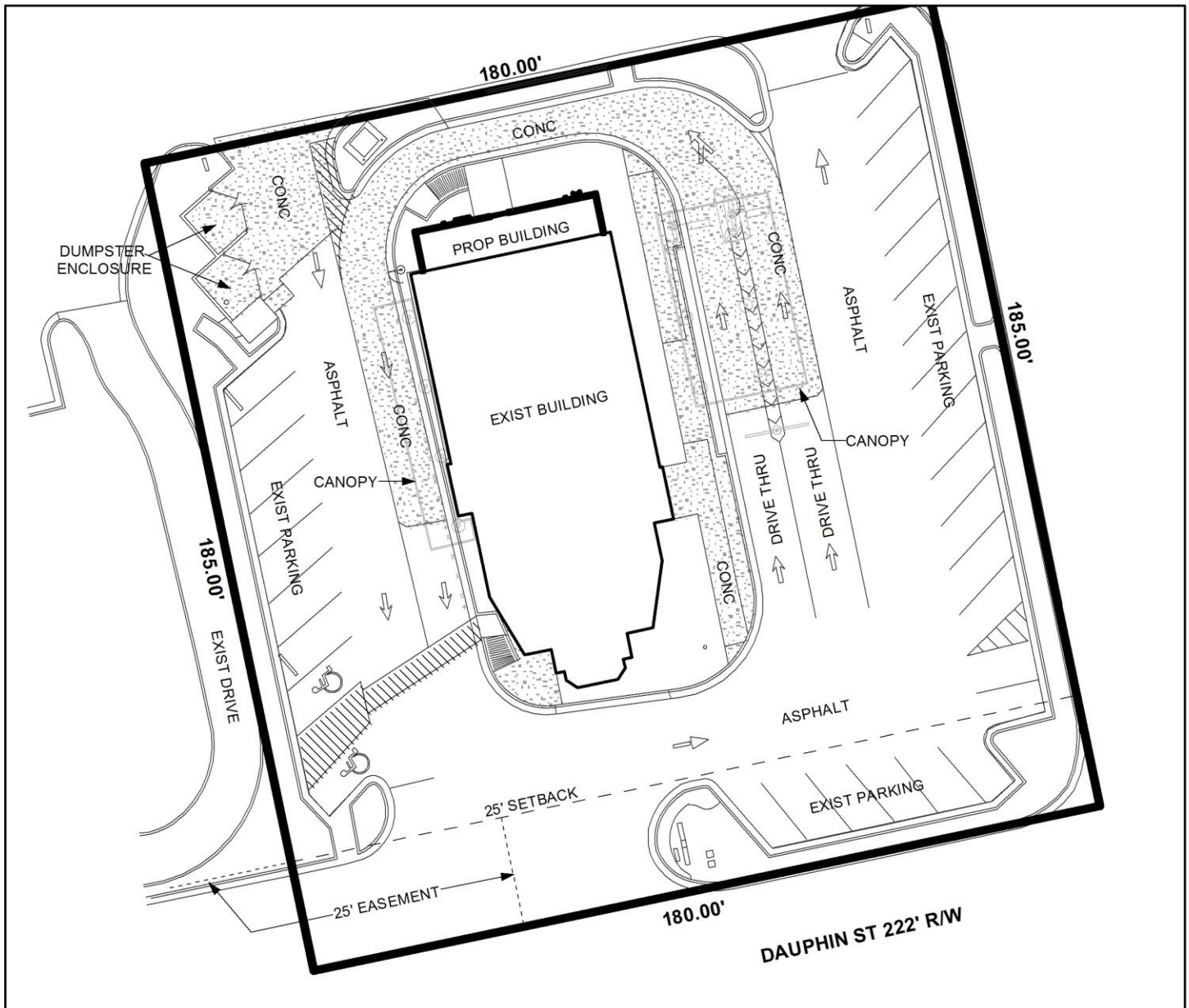


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SITE PLAN



The site plan illustrates restaurant, parking, drive-thru, setback, and easements.

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