



**DUNAY
MISKEL
BACKMAN** LLP

Gary Dunay
Bonnie Miskel
Scott Backman
Eric Coffman

Hope Calhoun
Dwayne Dickerson
Ele Zachariades
Matthew H. Scott

Christina Bilenki
Lauren G. Odum
Nicole Jaeger
Rachael Bond Palmer

Chick-Fil-A
2250 N. Federal Highway
Major Administrative Adjustment

Paul S Wellens Revocable Trust and David Wellens Revocable Trust (collectively referred to as “Petitioner”) is the owner of the +/- 0.88 acre parcel located at 2250 N. Federal Highway, which is generally located on the east side of N. Federal Highway approximately one hundred thirty five feet (135’) south of NE 23rd street (“Property”) in the City of Pompano Beach (“City”). The Property has a future land use designation of Commercial and is zoned B-3, General Business. The Property is currently developed with a +/- 3,876 square foot building that has been operating as a Chick-Fil-A restaurant (“Chick-Fil-A”) since 2010. The existing Chick-Fil-A is accessed through a shared 2-way drive aisle with the parcel to the south. Customers can park in any of the twenty nine (29) parking spaces located on the north side of the shared drive-aisle, within the Property, or can utilize the single drive-thru lane to order and collect their food. When the Property was initially developed, Chick-Fil-A did not experience the same level of demand and success that is seen today. As such, many of the efficiencies that are considered when developing a new store were not accounted for when the Property was initially developed. For example, Chick-Fil-A is now known for their drive-thru speed averaging under one (1) minute from the time a customer places their order to pick-up, utilizing a double drive-thru system with two (2) lanes for ordering. Stacking is often provided to accommodate thirty (30) or more vehicles at a given time without impacting adjacent drive-aisles. In contrast, the site was developed with single drive-thru lane that does not adequately meet the demands of this Chick-Fil-A location. As a result, vehicles attempting to utilize the drive-thru service have been overflowing into the shared drive aisle and obstructing circulation through the parking areas and to the businesses located on the parcel to the south. In an effort to improve the circulation and alleviate the stacking issue, Petitioner is proposing to reconfigure the drive-thru to add a second lane for ordering, thereby allowing more cars to be stacked in the drive-thru and out of the drive-aisles. However, the reconfiguration of the existing parking and circulation areas to accommodate a second drive-thru lane will result in the loss of four (4) parking spaces. As a result, where the existing Chick-Fil-A requires twenty-nine (29) parking spaces, only twenty five (25) will be provided. In order to address the parking deficiency, Petitioner is respectfully requesting a major administrative adjustment as follows:

Major Administrative Adjustment to allow a fourteen percent (14%) reduction in parking from twenty nine (29) parking spaces to twenty five (25) parking spaces.

In support of the major administrative adjustment, petitioner will demonstrate compliance with the criteria in Section 155.2421.E.I.A. of the City’s Zoning Code (“Code”) as follows: (a) achieves the intent of the subject standard to the same or a higher degree than the subject standard; (b) is consistent with the comprehensive plan and advances the goals of this Code to the same or a higher degree than the subject standard; (c) imposes no greater impacts on adjacent lands than would occur through compliance with

the specific requirements of this Code; and (d) provides one or more of the public benefits to an extent sufficient to compensate for the requested modification standards (x. other benefits approved by the P&Z).

(a) Achieves the intent of the subject standard to the same or a higher degree than the subject standard.

The administrative adjustment achieves the intent of the subject standard to the same or higher degree. The intent of Section 155.5102. *Off-Street Parking and Loading* is, in part, is to provide for adequate off-street parking while allowing the flexibility needed to accommodate alternative solutions. As noted above, Petitioner is requesting an administrative adjustment to reduce the parking spaces required for the Chick-Fil-A by four (4) spaces in order to alleviate an ongoing issue with vehicles utilizing the drive-thru service stacking into the shared drive aisle and preventing vehicles from adequately accessing the parking and circulation areas for the businesses to the south. More specifically, the existing Chick-Fil-A is accessed through a shared 2-way drive aisle with the parcel to the south. Customers can park in any of the twenty nine (29) parking spaces located on the north side of the shared drive-aisle, within the Property, or can utilize the single drive-thru lane to order and collect their food. When the Property was initially developed, Chick-Fil-A did not experience the same level of demand and success that is seen today. As such, many of the efficiencies that are considered when developing a new store were not accounted for when the Property was initially developed. For example, Chick-Fil-A is now known for their drive-thru speed averaging under one (1) minute from the time a customer places their order to pick-up, utilizing a double drive-thru system with two (2) lanes for ordering. Stacking is often provided to accommodate thirty (30) or more vehicles at a given time without impacting adjacent drive-aisles. In contrast, the site was developed with single drive-thru lane that does not adequately meet the demands of this Chick-Fil-A location. As a result, vehicles attempting to utilize the drive-thru service have been overflowing into the shared drive aisle and obstructing circulation through the parking areas and to the businesses located on the parcel to the south. In an effort to improve the circulation and alleviate the stacking issue, Petitioner is proposing to reconfigure the drive-thru to add a second lane for ordering, thereby allowing more cars to be stacked in the drive-thru and out of the drive-aisles. However, the reconfiguration of the existing parking and circulation areas to accommodate a second drive-thru lane will result in the loss of four (4) parking spaces. As a result, where the existing Chick-Fil-A requires twenty-nine (29) parking spaces, only twenty five (25) will be provided. Although Petitioner is requesting a reduction of four (4) parking spaces from Code requirements, they have contracted with a nearby parcel owner in order to secure twelve (12) parking spaces off-site for employees to park. As such, Chick-Fil-A employees will not be utilizing the parking spaces on the Property, thereby decreasing demand for these spaces. The remaining twenty five (25) spaces will remain available to customers and is expected to adequately meet the demand for this restaurant. As such, the administrative adjustment achieves the intent of the subject standards.

(b) Is consistent with the comprehensive plan and advances the goals of this Code to the same or a higher degree than the subject standard.

The administrative adjustment is consistent with the comprehensive plan. The Property has a future land use designation of commercial which allows for a variety of business uses, including restaurants. The

administrative adjustment will allow for the existing commercial use to improve operations on the Property and reduce current impacts to adjacent parcels. The administrative adjustment further the goals, policies and objectives of the Comprehensive Plan as follows:

- Policy 01.04.02 – *The City shall amend its land development regulations to reduce parking requirements for commercial uses along major corridors where it can be shown that pedestrian and transit amenities are provided, shared parking is provided, or sufficient public parking is nearby.* The Property is located along a major corridor (N. Federal Highway) with public transit stops in the immediate vicinity. The Petitioner has also entered into a private agreement with a nearby property owner which allows twelve (12) parking spaces to be used offsite for their employees so that the twenty five (25) parking spaces on site can be used exclusively by customers.
- Policy 01.07.05 – *Through ongoing updates to the land development regulations revise the existing off-street parking provisions of the Code considering, shared parking, parking space size, compact spaces, parking rates by uses, etc.* As noted above, Petitioner has also entered into a private agreement with a nearby property owner which allows twelve (12) parking spaces to be used offsite for their employees so that the twenty five (25) parking spaces on site can be used exclusively by customers.
- Policy 01.07.09 – *Through ongoing updates to the land development regulations revise parking codes and design criteria to include incentives for mass transit use and other transportation alternatives that don't require parking spaces.* The Property is located along a major corridor (N. Federal Highway) with public transit stops in the immediate vicinity.
- Policy 01.07.10 – *Through ongoing updates to the land development regulations revised parking codes to allow for parking space credit for onsite accommodations for transportation options that do not require parking.* Petitioner has provided bike racks for alternative transportation to the Property. In addition, the Property is located in close proximity to the public transit system.

In addition, the administrative adjustment advances the goals of the Code to the same or higher degree than the subject standard. The B-3, general business, district is intended to accommodate a diverse range of moderate-intensity retail, service, office, recreation/entertainment, visitor accommodation, and institutional uses that serve the residents and businesses in the community at large (including restaurant uses). The Property is developed with a restaurant use that meets this intent of the B-3 zoning district. Further, the purposes of Section 155.5102. *Off-Street Parking and Loading* is, in part, to provide for adequate off-street parking while allowing the flexibility needed to accommodate alternative solutions. The administrative adjustment allows for an alternative solution to address the parking deficiency from the strict Code requirements while addressing a much needed improvement based on the demands of this particular restaurant use.

(c) Imposes no greater impacts on adjacent lands than would occur through compliance with the specific requirements of this Code.

The proposed Administrative Adjustment imposes no greater impacts on adjacent lands. In contrast, it will allow for the reconfiguration of the drive-thru area in order to alleviate current issues associated with

the overflow of vehicles utilizing the drive-thru service into the stacking lanes. While employees currently work to move vehicles as quickly as they can through the drive-thru area, with multiple people taking orders at car windows well outside of the drive-thru area if needed, the additional drive-thru lane will allow for greater stacking within the service area, preventing the overflow of vehicles into the shared drive-aisle that commonly occurs today. Chick-Fil-A employees will still be present to take orders for multiple customers at a time in order to ensure customers experience the drive-thru efficiencies they've come to expect. While the reconfiguration results in the loss of four (4) parking spaces, it will not impact a greater impact on adjacent parcels as Chick-Fil-A sees the majority of its business through the drive-thru service. The twenty five (25) spaces provided is anticipated to be sufficient to serve the needs of its customers. Further, while the parking requirements noted in the City's Code factor in parking for employees, Petitioner contracts with a nearby property owner in order to allow to utilize twelve (12) parking spaces offsite for employees. As such, employees will not utilize the parking spaces provided on site and they will be reserved for customers only. This ensures there will be adequate parking on the Property for customers so that there are no impacts to adjacent lands, while alleviating an existing impact to the parcel to the south.

(d) Provides one or more of the public benefits to an extent sufficient to compensate for the requested modification standards (x. other benefits approved by the P&Z).

The existing Chick-Fil-A restaurant has been developed in accordance with the plans and permits approved for the Property over ten (10) years ago. Although unforeseen at the time, Chick-Fil-A has become so successful over the years that the demand for their food has sky-rocketed. While some patrons choose to be seated inside the restaurant to enjoy their food, the majority of Chick-Fil-A customers decide to use the drive-thru service. Over the year, Chick-Fil-A has created unparalleled efficiencies in their drive-thru service, with customers obtaining their food, on average, less than one (1) minute after ordering. These efficiencies allow Chick-Fil-A to move vehicles through their drive-thru areas at a high rate of speed. Unfortunately, the older locations, such as the restaurant operating on the Property, have not been designed to meet the current needs and efficiencies. This has resulted in vehicles to overflow from the drive-thru lanes into the drive aisle that is shared with the parcel immediately south of the Property, creating issues for customers attempting to reach the businesses to the south. Petitioner has been working closely with City staff in order to create a solution that addresses the existing issues and concerns from neighboring property owners, while ensuring additional problems will not be created. By adding a second drive-thru lane, vehicles that are currently stacked into the shared drive aisle can be accommodated in a separate drive-thru lane on the Property. While the reconfiguration results in the loss of four (4) parking spaces, Petitioner has worked to ensure adequate parking will remain on-site for customers by contracting with a nearby property owner for employee parking.

While the Chick-Fil-A restaurant has been developed in accordance with development standards in effect at the time of the approval, and any approved site plans and permits, Petitioner understands the concerns raised by the adjacent owner, and is working to be a good neighbor and alleviate an issue that was not anticipated at the time of approval. Petitioner has recognized the concerns of the neighboring businesses and has been working closely with City staff in order to develop a plan to address these concerns. Although the resulting plan will reduce parking by four (4) spaces, it will ultimately be a major benefit, not just to Chick-Fil-A, but to the neighboring property owner and businesses that are currently experiencing

negative impacts from the high demands of the drive-thru service. As such, the administrative adjustment will provide a major benefit to other businesses and its customers that will sufficiently compensate for the reduction in four (4) parking spaces.