AGENDA ITEM 1

BOARD OF ADJUSTMENT

AGENDA REQUEST

TO: Honorable Chairman and Members of the Okaloosa County Board of Adjustment

THROUGH: Elliot Kampert, Director

FROM: Randy Woodruff, AICP, Planning Manager

SUBJECT: 440853-BOA-2019, Variance Request

AGENDA DATE: April 10, 2019

APPLICANT(S): CPH, Inc., on behalf of Chick-fil-A INC

OWNER(S): CHICK-FIL-A INC (LEASEE)

LOCATION: 743 Beal Parkway North, Fort Walton Beach, FL

PARCEL INFORMATION:

- Property Appraiser’s Parcel ID Number(s): 03-2S-24-0000-0205-0010
- Property contains 1.33 acres more or less
- BCC District: (4) Commissioner: Trey Goodwin
- BOA District: (4) Currently Vacant
- Future Land Use Map Designation: Commercial
- Zoning District: General Commercial (C-3)
- Current Use: Chick-Fil-A Restaurant
- See attached GIS analysis for additional information

SURROUNDING LAND USES:

- North: Commercial Business
- South: Lewis Street
- East: Mixon Plaza - Commercial Business
- West: Beal Parkway

REQUESTED VARIANCE: The applicant is requesting relief from the following Sections of the Okaloosa County Land Development Code:
A) Section 6.05.021.1 Front Perimeter Landscape Areas on Beal Parkway from ten (10) feet to 5.72 feet.

B) Section 6.05.021.1 Front Perimeter Landscape Areas on Lewis Street from ten (10) to 1.22 feet.

C) Section 6.05.021.2(a) Tree Count on Beal Parkway from ten (10) trees to seven (7) trees.

D) Section 6.05.021.2(a) Tree Count on Lewis Street from eleven (11) trees to three (3) trees.

E) Section 6.04.06.7 Parking Space Standards for 90 degree parking from 9’ x 20’ to 9’ to 18’; of which 18 spaces will need a variance.

F) Section 6.04.06.7 Parking Space Standards for 60 degree parking from 9’ x 22.3’ to 9’ x 20.1’; of which 31 spaces will need a variance.

STAFF ANALYSIS:

- The property is a metes and bounds parcel which is not part of a recorded subdivision.
- The property is an L shaped parcel.
- The applicants are proposing to expand an existing 4,220 square feet (SF) fast food restaurant by 652 SF for a proposed building of 4,872 SF. In addition, there are site improvements proposed to expand the existing single-thru drive-thru to dual drive-thru ordering lanes and additional parking to assist with the overall traffic flow of the site and the adjacent Mixon Plaza Shopping Center.
- The requested expansion will require demolition of an existing retail building and redevelopment of a portion of the adjacent parcel.
- As shown on the Aerial Photo (Attachment B) the subject property is within the Mixon Plaza Shopping Center.

FINDINGS:

In order to authorize any variance the Board of Adjustment must and shall make findings based upon the following criteria and standards.

Section 11.02.09.3(a) “That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to the other lands, structures or buildings in the same zoning district”.

Recommendation Finding: No peculiar circumstances exist on the subject parcel. The existing Chick-Fil-A restaurant has been operating at said location since 2003. The applicant seeks to expand the existing building and add an additional drive-thru lane to accommodate additional business.
Section 11.02.09.3(b) “That the special conditions and circumstances do not result from the actions of the applicant.”

Recommendation Finding: Pursuant to the application letter received, the circumstances do result from the actions of the applicant. The applicant seeks to increase the number of customers it can serve by expanding the existing building and adding an additional drive-thru lane. The applicant is proposing to expand the existing 4,220 SF fast food restaurant by 652 SF for a proposed building of 4,872 SF. In addition, the applicant is proposing to add an additional drive-thru ordering lane. The subject property is not big enough to accommodate the requested site improvements.

Section 11.02.09.3(c) “That granting the variance requested will not confer on the applicant any special privilege that is denied by the Land Development Code to other lands, buildings or structures in the same zoning district.”

Recommendation Finding: Pursuant to Section 6.05.021.1 Front Perimeter Landscape Areas; Section 6.05.021.2(a) Tree Count; Section 6.04.06.7 Parking Space Standards for 90 degree parking; and Section 6.04.06.7 Parking Space Standards for 60 degree parking; the aforementioned code requirements apply to all new commercial development in Okaloosa County; therefore granting the variances would confer a special privilege as all new structures in the General Commercial (C-3) zoning district must comply with the aforementioned sections of the Okaloosa County Land Development Code.

Section 11.02.09.3(d) “That literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.”

Recommendation Finding: The literal interpretation of the provisions of the Land Development Code would not deprive the applicant of rights commonly enjoyed by other properties; the undue hardship presented in this request is self-imposed. The existing Chick-Fil-A restaurant has been operating at said location since 2003. The applicant seeks to increase profits by expanding the existing building and adding an additional drive-thru lane. There are many restaurants with dual lane drive-thrus throughout the county. The difference being, these properties did not request similar variances because the sites were of such size to accommodate this type of development.

Section 11.02.09.3(e) “That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.”

Recommendation Finding: The requested variances are the minimum variances that will accommodate the applicants proposed additions.
Section 11.02.09.3(f) “That the grant of the variance will be in harmony with the general intent and purpose of the Land Development Code, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.”

Recommendation Finding: The requested variances are not in harmony with the general intent and purpose of the Land Development Code. The existing development includes a single-lane drive-thru due to the existing size of the subject property. Both the proposed building expansion and drive-thru lane addition would not have met code when the original building was submitted for review back in 2002. Such variances could potentially be injurious to the area involved or otherwise detrimental to the public welfare due to increased traffic along both Beal Parkway, Lewis Street, and on and through the subject property. Lastly, the applicant has noted that said variances would improve traffic flow and relieve congestion along Beal Parkway. However, the additional drive-thru lane will only add to the number of vehicles frequenting the restaurant which in turn will only further compound the traffic flow along both Beal Parkway, Lewis Street and through the Mixon Shopping Plaza.

STAFF RECOMMENDATION: Based on the analysis and recommendation findings presented herein, staff recommends that the Board of Adjustment not approve the requested variances allowing for the proposed building expansion and drive-thru addition.

PUBLIC COMMENT/OPPOSITION: None to date.

ATTACHMENTS:

A – Location Map
B – Aerial Photo
C – Existing Land Use Map
D—Future Land Use & Zoning Map
E – Application
F – Survey
G – Site Plan
OKALOOSA COUNTY
DEPARTMENT OF GROWTH MANAGEMENT
APPLICATION FOR VARIANCE
Revised August, 2005

Applicant name: CPH on behalf of Chick-fil-A

Applicant is: Property owner ___ Authorized agent* X ___
*Attach verification

Applicant address: 1031-C West 23rd Street, Panama City, FL 32405

Applicant telephone: 850-563-1490 FAX ____________

Name of property owner if different than applicant: Mixon Plaza, LLC

Address of property involved: 743 Beal Pkwy NW
Fort Walton Beach, FL 32547

Property ID Number: 03-2S-24-0000-0205-0010

Land use information: FLUM category Commercial
Zoning district C-3 (General Commercial District)

Size of property: _______ acres OR _______ sq. ft. Original 0.97 AC, Additional 0.36 = 1.33 AC

Variance request:

1. Specific section of the Land Development Code from which the variance is requested
   A and E) 6.05.021 Perimeter Requirements, Section 1 Front Perimeter Landscape Areas
   B) 6.04.06 Parking Lots, Section 7 Parking Space Standards
   C) 6.04.06 Parking Lots, Section 7 Parking Space Standards
   D and F) 6.05.021 Perimeter Requirements and 6.05.022 Parking Lot Landscaping

2. Describe exactly what the variance is for. SEE VARIANCES A to F
   A) Reduce buffer on Beal Parkway from 10' (required) to 5.72' (proposed) — providing 90.56 LF of 19.52' buffer, 62.17 LF of 5.72' buffer and 72.93 LF of 10' buffer
   B) 90 degree parking from 9'x 20' (required) to 9'x 18' (proposed) — 18 spaces will need variance, 2 spaces are designed per code and 17 spaces have a 2' overhang available.
   C) 60 degree parking from 9'x 22.3' (required) to 9 x 20.1' (proposed) — 31 spaces will need variance and 4 spaces have a 2.2' overhang available.
   D) Landscape — reduce requirement of street trees on Beal Parkway — 9.4 trees required, 50% shade; proposed 4 understory and 3 shade trees.

Standards of review: Describe in as much detail as possible how the variance request meets each of the following standards. Attach additional sheets if necessary.

E) Reduce buffer on Lewis Street from 10' (required) to 1.22' (proposed) for a distance of 217.63 LF.
F) Landscape — reduce requirement of street trees on Lewis Street — 10.3 trees required, 50% shade; proposed 3 understory trees.
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.

The Chick-fil-A building is an existing restaurant on the property adjacent to the Mixon Plaza Shopping Center. The redevelopment of the Chick-fil-A will incorporate a portion of the existing shopping center to allow for an expansion in the building, parking lot, drive-aisles and drive-thru. The proposed site changes and requested variances will improve the overall site traffic flow and parking on the existing lot.

The decrease in the buffer along Beal and Lewis prevents the required street trees being planted, but a landscape island is being created to save existing Oaks along Lewis St.

2. That the special conditions and circumstances do not result from the actions of the applicant.

The existing size of the parcels and layout of the buildings, shopping center and parking lot limit the ability to provide all requested updates to code. The variances requested are necessary to improve the overall site.

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Land Development Code to other lands, buildings, or structures in the same zoning district.

Since this is an existing building and the site is already developed, the variances requested do not confer any special privilege to the applicant. The applicant is working to comply with the majority of the Land Development Code. The requested variances allow for some deviations to code to make overall site improvements, improvements in safety and a benefit to the neighborhood.

4. That literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant.

Literal interpretation of the code would prevent site improvements from being completed. The proposed improvements and variances will benefit the area and other properties within the zoning district by improving access to the property and overall appearance of the site. The adjustment to the site and parking lot area will improve the traffic flow in the shopping center and Chick-fil-A and will relieve congestion that currently exists along Beal Parkway due to the current configuration of the Chick-fil-A drive thru and shopping center parking.
5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Since this is an existing building and site layout, the variances requested are the minimal number required to improve the overall site layout and traffic pattern within the existing parcels.

6. That the grant of the variance will be in harmony with the general intent and purpose of the Land Development Code, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Since this is an existing parcel, the benefit of approving the variances will outweigh any benefit of leaving the parcel and existing buildings as is. The redevelopment will improve overall traffic flow within the shopping plaza, relieve congestion along Beal Parkway and increase the size of the existing restaurant to keep with demand of the public. The site improvements to the landscaping and sidewalks will improve access to the property and overall appearance of the site.

Certification: I do hereby certify and affirm that the information represented in this application is true and correct to the best of my knowledge. I also give my permission for county staff to enter upon the property involved at any reasonable time for purposes of inspections or posting of notices.

Jason Toole, PE (CPH, Inc.)
Applicant typed or printed name

[Signature]
Applicant signature

3/7/2019
Date

Corporate officer

Corporate seal
OWNER'S AFFIDAVIT DESIGNATING REPRESENTATION FOR:

STATE OF FLORIDA
COUNTY OF BAY

Before me this day personally appeared STEVEN E. MIXON of Mixon Plaza LLC, who as owner of the property, authorizes CPH, Inc. (the "Engineer") on behalf of Chick-fil-A (the "Applicant"), to serve as Mixon Plaza LLC's authorized agent for the purpose of seeking all requisite permits and approvals related to the proposed redevelopment of a Chick-fil-A at Parcel Numbers: 03-2S-24-0000-0205-0010 and portion of 03-2S-24-0000-0205-0000; 743 and 745 Beal Pkwy N, Fort Walton Beach, FL 32547 (Okaloosa County).

Respectfully,
Mixon Plaza LLC

By: ________________________________

STATE OF
COUNTY OF

The foregoing instrument was acknowledged before me this 5th day of March, 2016, by STEVEN E. MIXON, who is personally known to me or produced FL DL H350-785-54-376-0 as identification.

Print Name: Kelley Unsicker
Notary Public, State of Florida
My commission expires: 11/10/2020
OWNER'S AFFIDAVIT DESIGNATING REPRESENTATION FOR:

STATE OF Georgia
COUNTY OF Coweta

Before me this day personally appeared Joseph Latimer of Chick-fil-A (the "Applicant"), who authorizes CPH, Inc. (the "Engineer"), to serve as the authorized agent for the purpose of seeking all requisite permits and approvals related to the proposed site and building redevelopment of the Chick-fil-A restaurant at Parcel Numbers: 03-2S-24-0000-0205-0010 and portion of 03-2S-24-0000-0205-0000; 743 and 745 Beal Pkwy N, Fort Walton Beach, FL 32547 (Okaloosa County).

Respectfully,

Chick-fil-A

By: ____________________________

STATE OF Georgia
COUNTY OF Coweta

The foregoing instrument was acknowledged before me this 10 day of December, 2018, by Joseph Latimer, who is personally known to me or produced _____________________________ as identification.

Print Name: Michelle Gilbert
Notary Public, State of Georgia
My commission expires: 11/09/2021