



VARIANCE STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 3

Public Hearing Date: March 10, 2022

Case No. and Project Name: VAR-21-86-1 Chick-Fil-A Property

Owner: Chick-Fil-A Inc.

Applicant: Frank Gawdun

Requested Action: Variance to Planned Unit Development (PUD) Ordinance #2017-22 Section C.1 to allow for a proposed accessory structure (Meal Delivery Canopy) to be located 42-feet 6-inches from the right-of-way of U.S. Highway 27, in lieu of 50-feet.

Case Manager: Emily W. Johnson, Senior Planner

Subject Property Information

Size: 1.38 +/- acres

Location: 644 U.S. Highway 27, in the Clermont area of unincorporated Lake County

Alternate Key No.: 3864027

Future Land Use: Cagan Crossings

Current Zoning District: Planned Unit Development (PUD) – Ordinance #2017-22

Flood Zone: "X"

Joint Planning Area (JPA) / ISBA: N/A

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Cagan Crossings	PUD	Commercial	Restaurant use, adjacent to Cagan Valley Way
South	Cagan Crossings	PUD	Commercial	Fast-Food Restaurant and Medical Service uses
East	Cagan Crossings	PUD	Commercial	Retail use, adjacent to Cagan View Road
West	Cagan Crossings	PUD	Community Facility	Library use, adjacent to U.S. Highway 27

Summary of Request.

The subject property, identified as Alternate Key Number 3864027, contains 1.38 +/- acres, is zoned Planned Unit Development (PUD) in accordance with Ordinance #2017-22, and is designated with a Cagan Crossings Future Land Use Category (FLUC) by the 2030 Comprehensive Plan. Generally, the subject property is located southeast of the U.S. Highway 27 / Cagan Valley Way intersection, in the unincorporated Clermont area of Lake County. The subject property is currently developed with an existing Chick-Fil-A fast-food restaurant.

The Applicant has requested a variance to Planned Unit Development (PUD) Ordinance #2017-22 Section C.1 to allow for a proposed accessory structure (Meal Delivery Canopy) to be located 42-feet 6-inches from the right-of-way of U.S. Highway 27, in lieu of 50-feet. The proposed structure is depicted on the plot plan (Attachment "A").

The Lake County Department of Public Works reviewed the variance application and did not indicate any comments or opposition to the request.

Staff Analysis.

LDR Section 14.15.02 states that variances will be granted when the person subject to a Land Development Regulation demonstrates that the purpose of the Land Development Regulation will be or has been achieved by other means, and when application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness.

1. The purpose of the Land Development Regulation will be or has been achieved by other means.

The intent of the code, PUD Ordinance #2017-22 Section C.1, is to ensure that new development along U.S. Highway 27 maintains a uniform setback from the highway right-of-way, which provides a safe distance from the roadway and allows for safe passage of vehicles and pedestrians.

To show that the intent of the code will be or has been achieved by other means, the Applicant provided the following statement, *"The Meal Delivery Canopy is a free-standing structure constructed using a moment framing system with caisson footings, this construction method allows for the canopy to be open on (3) sides and placed close to the existing exterior building, only the overhang of the roof structure will extend into the existing building setback line. The canopy framing can be enclosed and finished with the same finished of the adjacent wall, the canopy roof structure is a slim-line design with a 12" h. fascia, finished with powder-coat painted finish. The construction of this canopy will not require any existing landscaping or mature trees to be relocate[d] or removed, the end product will visually look as if the canopy was part of the original designed restaurant building."*

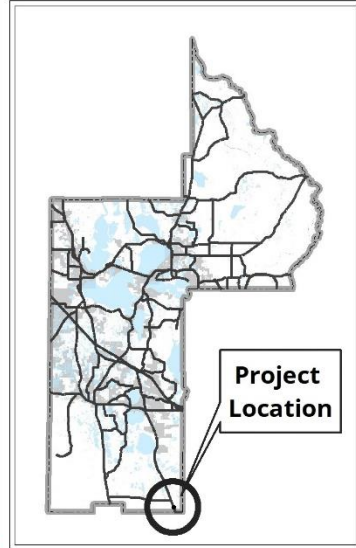
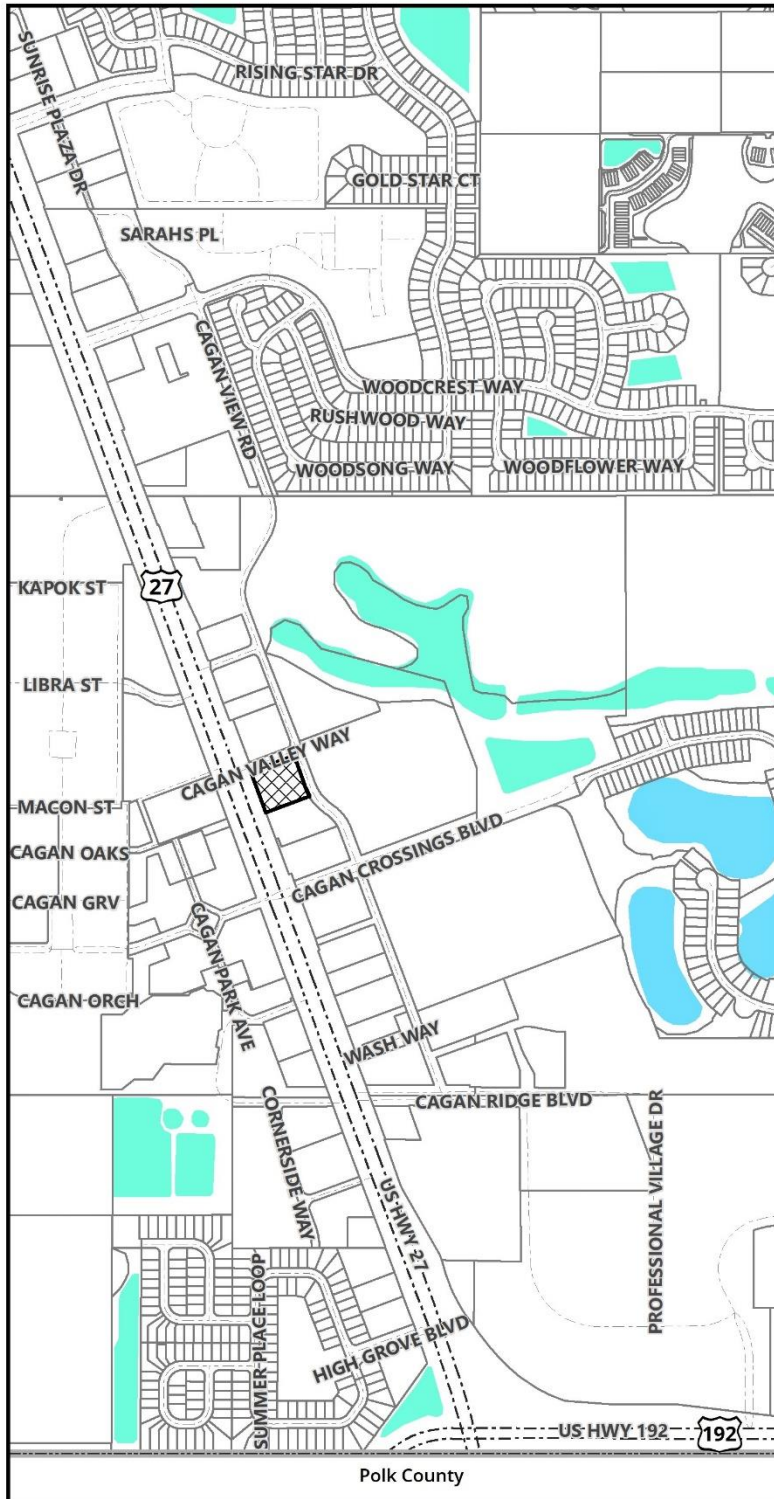
2. The application of a Land Development Regulation would create a substantial hardship or would violate principles of fairness. For purposes of this Section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance. For purposes of this Section, "principles of fairness" are violated when the literal application of a Land Development Regulation affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the Land Development Regulation.

To show substantial hardship, the Applicant provided the following statement, *"This is an existing site which has been designed per the Lake County Land Use Standards and Chick-Fil-A standards which were typical at that time. Current Chick-Fil-A standards require a site to be designed in such a manor [sic] as to provide a healthier work environment for their Team Members that are required to work outdoors during peak hours of operation. This new design standard adopted by Chick-Fil-A Corp. includes construction of a Meal Delivery Canopy at the pick-up window location and a Face-to-Face Order Point Canopy at or near the menu boards located in the drive thru lane. The main purpose of these canopies is to protect the employees working outdoors from the harsh weather conditions. In other stores where canopies are provided, at the Order Point Canopy up to six (6) Team Members can work a longer shift, take orders from several cars at a time including payment all in one step, the process is duplicated at the Meal Delivery Canopy as two (2) more employees*

deliver the orders to the waiting cars, this process at the other sites has also helped reduce traffic congestion and extended wait times. Team Members are now required to work at all Chick-Fil-A sites outdoors in an effort to help mitigate traffic issues for their sites as well as the adjacent neighboring sites which in turn helps provide safety for the community. These canopies are essential in providing relief from the harsh weather conditions.

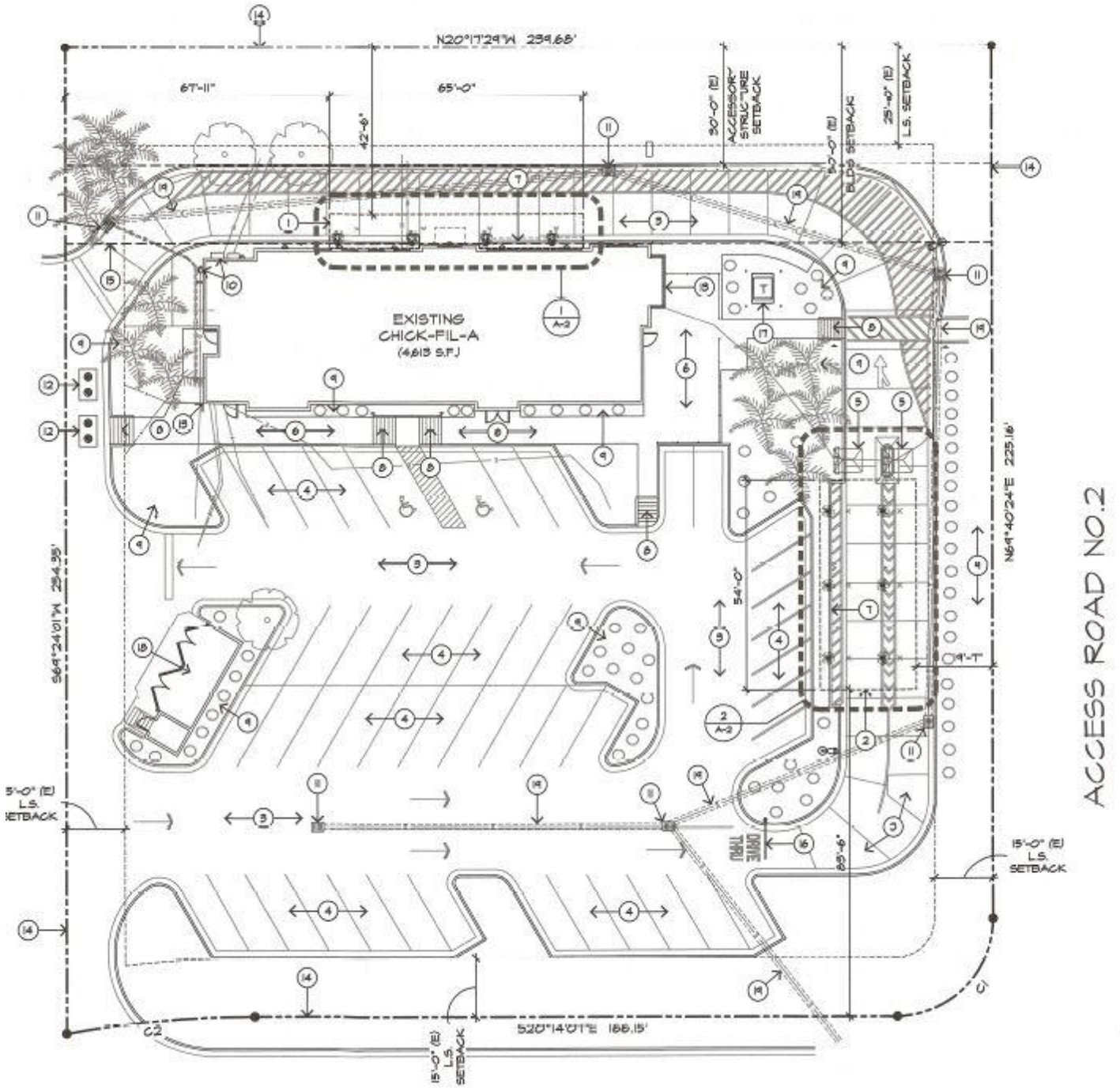
The specific code requirement in the adopted Ordinance [#2017-22 Section C(1)] requires a 50'-0" setback along Highway 27 which would not allow the Meal Delivery canopy to encroach into the setback, the Meal Delivery Canopy is an essential piece to help this operation in achieving a quicker delivery time which can help reduce traffic back-ups."

Map of Subject Property



Attachment "A" – Plot Plan

U.S. HIGHWAY NO. 27



**Final Development Order
VAR-21-86-1
Chick-Fil-A Property**

A VARIANCE OF THE LAKE COUNTY BOARD OF ADJUSTMENT AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Frank Gawdun (the “Applicant”), on behalf of Chick-Fil-A Inc., (the “Owner”), requested a variance to Planned Unit Development (PUD) Ordinance #2017-22 Section C.1 to allow for a proposed accessory structure (Meal Delivery Canopy) to be located 42-feet 6-inches from the right-of-way of U.S. Highway 27, in lieu of 50-feet; and

WHEREAS, the subject property consists of 1.38 +/- acres and is located at 644 U.S. Highway 27, in the Clermont area of unincorporated Lake County, in Section 35, Township 24, Range 26, having Alternate Key Number 3864027, and more particularly described in Exhibit “A” – Legal Description; and

WHEREAS, after giving notice of a hearing on a petition for a variance to the Lake County Land Development Regulations, including notice that the request for a variance would be presented to the Board of Adjustment of Lake County, Florida, on March 10, 2022; and

WHEREAS, the Board of Adjustment reviewed the petition, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

WHEREAS, on March 10, 2022, the Lake County Board of Adjustment approved the variance for the above property.

NOW THEREFORE, BE IT ORDAINED by the Board of Adjustment of Lake County, Florida, that:

- Section 1. Terms:** The County Manager or designee shall amend the Official Zoning Map to reflect the approval of VAR-21-86-1, to allow for a proposed accessory structure (Meal Delivery Canopy) to be located 42-feet 6-inches from the right-of-way of U.S. Highway 27, in lieu of 50-feet.
- Section 2. Severability:** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Ordinance.

[Remainder of Page Left Intentionally Blank]

Section 3. Effective Date. This Ordinance will become effective as provided by law.

ENACTED this 10th day of March, 2022.

EFFECTIVE March 10, 2022.

**BOARD OF ADJUSTMENT
LAKE COUNTY, FLORIDA**

Bea Meeks, Vice Chairman

State of Florida

County of Lake

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 10th day of March, 2022, by Bea Meeks, as Vice Chairman of the Lake County Board of Adjustment.

Personally Known OR Produced Identification

Type of Identification Produced _____

Notary Signature

(SEAL)

EXHIBIT "A" – LEGAL DESCRIPTION

THAT CERTAIN PIECE, PARCEL, OR TRACT OF LAND, LYING, BEING AND SITUATE IN LAKE COUNTY, FLORIDA; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

That part of Section 35, Township 24 South, Range 26 East, Lake County, Florida described as follows:

Commence at the Northwest corner of the Northeast $\frac{1}{4}$ of Section 35, Township 24 South, Range 26 East, and Run N89° 42' 18" E along the North line of said Northeast $\frac{1}{4}$ for a distance of 616.52 feet to the Westerly right-of-way line of U.S. Highway No. 27; thence S20° 35' 59" E along said Westerly right-of-way line, 1642.46 feet; thence N69° 24' 01" E, 212.00 feet to the Easterly right-of-way line of said U.S. Highway No. 27; then run S20° 35' 59" E along said Easterly right-of-way line for a distance of 50.00 feet to the Point of Beginning; thence run N69° 24' 01" E for a distance of 225.00 feet to the Point of Curvature of a curve concave Southwesterly having a radius of 25.00 feet and a chord bearing of S65° 35' 59" E thence run Southeasterly along the arc of said curve through a central angle of 90° 00' 00" for an arc distance of 39.27 feet to the Point of Tangency; thence run S20° 35' 59" E for a distance of 166.26 feet, to the Point of Curvature of a curve concave Northeasterly having a radius of 275.00 feet and a chord bearing of S25° 42' 14" E; thence run Southeasterly along the arc of said curve through a central angle of 10° 12' 30" for an arc distance of 49.00 feet to the Point of Non Tangency; then run S69° 24' 01" W for a distance of 254.35 feet to the Easterly right-of-way line of said U.S. Highway 27; thence run N20° 35' 59" W along said Easterly right-of way for a distance of 240.00 feet to the Point of Beginning.

[OUTPARCEL A-CFA]