

**FLORENCE BOARD OF ADJUSTMENT
FLORENCE GOVERNMENT CENTER
COUNCIL CHAMBERS
BUSINESS MEETING
August 10, 2022
7:30 P.M.**

Mr. Duane Froelicher called the meeting to order at 7:30 P.M.

BOARD MEMBERS PRESENT

Ms. Lois Evans
Mr. Duane Froelicher
Mrs. Lila Huff
Mr. Thomas Judd
Mrs. Linda Schaffer

STAFF MEMBERS PRESENT

Mr. Todd K. Morgan, AICP, Senior Planner

LEGAL COUNSEL

Mr. Dale T. Wilson was not present at the beginning of the meeting. He arrived during the Staff presentation.

APPROVAL OF MINUTES

Mr. Froelicher stated the Board received copies of the minutes of the Florence Board of Adjustment meeting of June 8, 2022. He asked if there were any other comments or corrections. Mrs. Huff said there was a typo with her name in the minutes. Mr. Morgan replied that he would make the correction. Mrs. Huff moved to approve the minutes with that correction and Ms. Evans seconded the motion. Mr. Froelicher called for the vote and it carried unanimously.

ACTION ON REVIEWS

1. Request of Jordan Zickafoose for a Variance. The Variance is to reduce the width of the one-way driveway on the Chipotle restaurant site from 14' to 11.5' for an order pickup lane to be installed. The approximate 0.72 acre site is located at 7516 Mall Road, Florence, Kentucky and is zoned Commercial Services/Planned Development/Mall Road Overlay District (C-3/PD/MR).

Staff Member, Todd Morgan, presented the Staff Report, which included a PowerPoint presentation.

Mrs. Huff said she is familiar with the Chipotle order pickup lane in Union and it can be stacked 6 or 7 cars deep at times.

Mr. Morgan said the current Zoning Regulations do not contain drive through or order pickup lane stacking standards and that is something that's being proposed in the Zoning Update. The Zoning Update should be complete later this year or early next year.

Mrs. Schaffer asked if additional pavement and curbing was proposed to the fire hydrant. Mr. Morgan said it was. He reviewed the proposed plan and PowerPoint slides. Mrs. Huff asked if there was enough space. Mr. Morgan replied that their plan shows they meet code for a pickup lane (10' wide) and they don't meet code for a one-way bypass lane (14' wide to 11.5'). He added that a typical parking space is 9' wide. Mrs. Huff asked about fire trucks. Mr. Morgan said he sent the plans to Florence Fire and they had no comments on the proposal. That email is attached to the Staff Report.

Mr. Judd asked where the pickup window would be placed. Mr. Morgan reviewed the PowerPoint slides and showed the location of the pickup window and the three stalls that will be used as the pickup waiting area. Mr. Judd said there are 5 stalls in that area now. Mr. Morgan said they will need to confirm how many seats are in the restaurant and how many parking spaces will remain on site. Code requires one parking stall to be provided for every 2 restaurant seats. He will need to have a discussion with the Zoning Administrator to see if the pickup stalls can be included in the parking formula since they are being reserved for pickup customers. All of this will be worked out when they submit their Site Plan application for review.

Mrs. Schaffer asked how to differentiate between a pickup versus a drive through window and if the Board should care. Mr. Morgan said he would recommend that the Board condition it as a pickup window only if the application is approved. He believes a drive through window could have a lot more vehicle stacking. Mrs. Huff agreed. Customers that order ahead should have an order ready when they arrive. Mr. Froelicher agreed. He said he doesn't believe the Union store has things down yet. The Chipotle app tells you when your order is ready and can be picked up. Mrs. Huff added that the whole process should be quick because you also pay when you order.

Mr. Froelicher asked the applicant if he had any comments he would like to add. Mr. Jordan Zickafoose said he was the civil engineer for the project. He indicated that Chipotle does have traffic studies for pickup lanes and 99% of the time there are 2-3 cars in the pickup lane. He can send copies of these studies to the Board if they would like to see them.

Mr. Judd said he is concerned because there isn't a lot of maneuverability in the back of the site. He said what happens if three cars are in the lane and car 3 has an order that is complete and cars 1 and 2 have orders that are not complete. Mr. Zickafoose said customers that don't have an order ready will be directed to one of the three parking spaces and an employee will bring their order out to them.

Mr. Froelicher asked Mrs. Huff for her experience with the Chipotle app. He asked if the app tells you when your order is ready. She said the app provides you that information and no money was exchanged at the Union store. You simply give them your name and they hand you your order.

Mrs. Schaffer asked how many seats are located in the restaurant? Mr. Zickafoose said there are 64 interior seats so 32 parking stalls would be required. Mr. Morgan said the submitted plan shows 36 stalls with the 3 customer waiting stalls. He asked Mr. Zickafoose if an additional stall is being added near Mall Road because the submitted plan is not consistent with the 12/4/03 Site Plan. Mr. Zickafoose said his plan might be off.

Mr. Froelicher asked if anybody had additional questions or if somebody wanted to make a motion. He asked if there were any suggested conditions. Mr. Morgan replied the language in Mr. Hunt's email should be considered. He also heard a Board member mention that a condition should be considered which would limit the window to a pickup window only. Mrs. Huff asked if Chipotle would have to notify anyone of such a change. Mr. Morgan said they will have to comply with all conditions as long as they are utilizing the Variance approval. Mr. Froelicher said the application clearly states that the proposed use is a pickup window for online orders. Mr. Morgan recommended the Board should reinforce the use is a pickup window only if they feel strongly about it. Mr. Judd and Mrs. Schaffer said they liked the idea of adding that condition. Mr. Froelicher said a Chipotle isn't suited for a drive through. Mr. Morgan said the Board should look beyond the site being a Chipotle because the Variance approval would run with the land.

Mrs. Schaffer asked what was excessive stacking? Mr. Morgan said that Mr. Hunt defined that in his email. Mrs. Huff added this is already a congested parking lot. Mr. Froelicher said people shouldn't get in line until the app tells them that their order is ready. Mrs. Schaffer said she hopes the City wouldn't shut the window down after one violation. Mr. Morgan said he believes the City would work with Chipotle.

Mrs. Huff asked the applicant if he knows how many orders the typical Chipotle is getting in a day. Mr. Zickafoose said he didn't have that information. Mrs. Schaffer asked if he brought the Traffic Study with him. Mr. Zickafoose said he didn't but he could get it to them. In summary, there are 3 cars or less in a pickup lane 99% of the time. There can be more in the lunch and dinner peaks. He wasn't sure what dates the Study was done.

Mr. Judd asked what happens if they use Mr. Hunt's recommended condition and stacking becomes a problem. Mr. Morgan said the City of Florence Zoning Enforcement officers would cite them and give them an opportunity to fix the problems. They would ultimately need to shut the window down if the issue(s) cannot be fixed.

Mrs. Huff made a motion to approve the request with the following conditions:

1. The restaurant can have a pickup window only, not a drive through.
2. Excessive pickup window stacking shall not cause an unsafe environment for patrons. Excessive stacking means that driveway aisles are blocked, vehicles are trapped in parking stalls, fire lanes are blocked, etc. The restaurant shall lose the right to use the pickup window until modifications can be made to alleviate the above-mentioned concerns.

Ms. Evans seconded the motion.

Mr. Froelicher called for the vote and it carried unanimously.

OTHER

No other business was discussed.

ADJOURNMENT

Mrs. Schaffer made a motion to adjourn the meeting and Ms. Evans seconded the motion. Mr. Froelicher called for the vote and the meeting was adjourned by unanimous consent at 8:10 P.M.

APPROVED

Mr. Duane Froelicher

ATTEST:

Todd K. Morgan, AICP
Senior Planner